

**SUBMISSION OF THE GREEK COUNCIL FOR REFUGEES**

**TO THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE**

**concerning the groups of cases of M.S.S. v. Greece (Application No. 30696/09) and Rahimi v. Greece (8687/08)**

**July 2023**

**1475th meeting (September 2023) (DH)**

The Greek Council for Refugees ([GCR](#)) is a Non-Governmental Organization, founded in 1989, that specializes in the provision of legal assistance and social support to persons in need of international protection in Greece. GCR *inter alia* has consultative status in the UN Economic and Social Council (ECOSOC) since 2001 and participates in the Greek National Commission for Human Rights (GNCHR) since 1999. During previous years, GCR has communicated to the Committee of Ministers of the Council of Europe a series of selected issues, within the framework of the execution of the ECtHR judgment M.S.S. v. Belgium and Greece (appl. no. 30696/09) according to Art. 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

Though significant progress has been made since the 2011 M.S.S. Judgment, gaps, challenges and concerning practices that continue hindering (the full) realisation of applicant's rights persist in the Greek reception and asylum systems. These range from reported pushback practices, which have been overwhelmingly documented, particularly in recent years (from 2020 onwards), by a series of UN, EU and national bodies and institutions, as well as civil society and the media, to ongoing and serious obstacles to accessing the asylum procedure, reception conditions that remain unfit for purpose, and overuse, frequently with a degree of arbitrariness, of administrative detention.

Pursuant to Art 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, with the present submission, GCR would like to provide to the Committee of Minister information and analysis on selected issues regarding the legal framework currently in force and the situation that asylum applicants face in practice, with a view to assisting the latter in its evaluation of the execution of the M.S.S. group and Rahimi judgment.

The submission also takes note of the [communication](#) submitted to the Committee of Ministers by the Greek government on 20 June 2023. On this point, as a preliminary remark, GCR wishes to point out that the communication includes a series of inaccuracies, such as, for instance, the ongoing operation of the ESTIA accommodation program for asylum seekers and their families,<sup>1</sup> which was terminated in December

**GREEK COUNCIL FOR REFUGEES – SPECIAL CONSULTATIVE STATUS WITH THE UN (ECOSOC)**

**25 SOLOMOU STR. - EXARHIA, 106 82 ATHENS, GREECE**

**TEL: +30 210 38 00 990    FAX: +30 210 38 03 774    WEBSITE : [www.gcr.gr](http://www.gcr.gr)    EMAIL: [gcr1@gcr.gr](mailto:gcr1@gcr.gr)**

**Certified with ISO 9001 : 2015 No. 20001210004322 by TUV Austria**

2022, 10 months after its termination was announced by the Ministry of Migration and Asylum (henceforth “MoMA”).<sup>2</sup>

## **A. As regards the asylum procedures**

GCR acknowledges both the strain placed on Greece’s asylum system by the large volume of applications submitted in the years that followed what has been termed the 2015 “Refugee Crisis”, and the significant progress that has been achieved since the 2011 M.S.S. Ruling in establishing an asylum system, albeit notes with concern that this progress has been halted and even reversed by legislative initiatives introduced since 2019, such as L. 4636/2019, which, as *inter alia* noted by UNHCR, “*introduce[d] stringent procedural requirements and formalities which an asylum-seeker should not reasonably be expected to fulfil*”<sup>3</sup>.

That being said, a series of challenges with respect to asylum procedures, including the ability of applicants to access these procedures, remain cause for concern, particularly in view of the significantly diminished number of asylum applications observed since 2020.<sup>4</sup>

### **A.1. Access to asylum**

#### ***A.1.1. Informal Forced Returns***

Since March 2020, an increasing number of incidents of informal forced returns (henceforth “pushbacks”) at Greece’s land and sea borders have routinely and consistently been reported and documented – including in the context of unrelated investigations<sup>5</sup>– by competent UN, EU and national bodies, as well as by civil society organisations and the media.<sup>6</sup> Indeed, the systematic nature of such reports and allegations, which have continued raising concerns in 2023 as well,<sup>7</sup> led the UN Special Rapporteur on the human rights of migrants to pronounce, in April 2022, that “[i]n Greece, pushbacks at land and sea borders have become *de facto* general policy”.<sup>8</sup>

In December 2021, 32 applications regarding pushback incidents from the regions of Evros, Crete, Kos, Kalymnos, Lesvos and Samos, or from the sea, before the alleged victims had reached an island, were communicated to the Greek Government by the European Court of Human Rights (ECtHR).<sup>9</sup> Between March 2022 and April 2023, the ECtHR also granted *interim measures* (Rule 39), ordering the Greek authorities not to remove the applicants from the territory and to provide them with food, water and proper medical care, in a total of 24 cases supported by GCR, concerning 506 persons wishing to apply for asylum in Greece, most of who complain having been pushed back from Greece to Türkiye even on multiple occasions.<sup>10</sup>

Notwithstanding all other concerns raised by these reported practices, their frequency and consistency can amount, in practice, to a systematic denial of access to asylum to people seeking international protection in Greece. A number of relevant cases have also been brought before the Greek authorities,

yet an effective investigation has yet to take place, and no known case has been examined by the Greek judiciary beyond the preliminary stage.<sup>11</sup>

#### *A.1.2. Access to asylum on the mainland*

By contrast to what is stated in the Greek government's communication with respect to the possibility to register an asylum application through the internet,<sup>12</sup> the online system established, to which the government refers, has resulted in hindering and even obstructing access to asylum on the Greek mainland.

Since September 2022, persons wishing to apply for asylum from the Greek mainland are only able to do so after first booking an appointment for the full registration of their application in one of two registration facilities, one near Athens (Malakasa), and one near Thessaloniki (Diavata), through said online platform. However, since its operationalisation, the online platform has been frequently unavailable/not functioning and, when functional, it has been observed that appointments for the full registration of an application are often granted many months later. This has resulted in applicants being unable to access asylum procedures for prolonged periods of time, during which they do not enjoy any of the rights granted to them by their status as applicants, including access to reception or protection from (arbitrary) detention.<sup>13</sup> This is the case even when applicants manage to book an appointment through the online platform, given that pending the full registration of their claim, the MoMA does not recognise their status as applicants.

In at least 8 Administrative Court Decisions, in cases supported by the GCR in 2023, the competent Courts have ruled that this practice is illegal, yet instead of reviewing the practice, the Greek authorities filled a request for the first such Court Decision to be revoked. The application for revocation was rejected as inadmissible by the Court. A petition for violation of EU law on the same issue has been filed by the GCR since December 2022 (CHAP(2022)03534), and is pending before the European Commission.<sup>14</sup>

Since May 2023 to the time of this submission, the aforementioned online platform does not operate and, as such, there is no access to the asylum procedure from the mainland.<sup>15</sup> Access to the asylum procedure for persons detained in Pre-Removal Detention Facilities (PRDFs) also remains a matter of concern.<sup>16</sup>

#### *A.1.3. Subsequent asylum applications*

Since September 2021, Greece has introduced a EUR 100 fee per applicant for the lodging of every subsequent asylum application following the first (subsequent application). In the case of families, the EUR 100 fee applies separately for each family member, irrespective of age.<sup>17</sup>

As noted by the Greek Ombudsman, *“connecting the submission of a fee with the submission of a subsequent application for international protection undermines the right to seek asylum [...]. A fee, and in fact [a fee] amounting to € 100, constitutes the submission of a subsequent application almost prohibitive*

for a population that is in a vulnerable financial situation, as is the case with asylum applicants and contravenes articles 40-42 of Directive 2013/32/EU".<sup>18</sup> An Application for Annulment of the relevant JMD has been filed by GCR and RSA before the Council of State and is still pending.<sup>19</sup>

Since 22 August 2022, persons wishing to submit a subsequent asylum application also have to first book an appointment through an online platform, encountering similar challenges and delays with those described in section A.1.2. These delays have in some cases reached even 8 months.<sup>20</sup> Between May 2023 and up until the beginning of July 2023 the specific platform was also not operational.

## **A.2. Asylum Procedures**

### **A.2.1. First instance**

In what regards processing times, while recalling the concerns addressed in section A.1.1., GCR acknowledges the reduction of pending asylum applications, which have decreased by close to 50% at first instance between January 2022 and May 2023,<sup>21</sup> as a welcome development, albeit notes that this decrease needs to also be examined in connection to the access issues discussed in section A.1.2.

Nevertheless, GCR wishes to point out that at the end of 2022, almost 1 in 4 pending applications had been pending for over 12 months. Specifically, out of the total number of 17,249 applications pending at the end of 2022, 10,781 (62.50%) had been pending for under 6 months, 2,334 (13.53%) had been pending for over 6 months and 4,134 (23.74%) had been pending for over 12 months.<sup>22</sup>

That being said, pursuant to [Joint Ministerial Decision \(JMD\) 42799/2021](#),<sup>23</sup> since September 2021, a core challenge with respect to the quality of the asylum procedure remains the arbitrary implementation of the 'safe third country' concept in the case of Türkiye, which is systematically used for the examination of asylum applications submitted by applicants from Afghanistan, Bangladesh, Pakistan, Somalia and Syria. Applicants from these nationalities have continued receiving negative decisions on admissibility grounds – which are identical in nature, thus highlighting a failure to ensure an individualized assessment of each claim– despite, amongst others, provisions of article 38 (4) [Directive 2013/32/EU](#) not being met since March 2020, due to the well-known suspension of readmissions from the side of Türkiye.<sup>24</sup> As a consequence, applicants rejected on these grounds remain in a prolonged state of legal limbo, which *inter alia* results in their exclusion from reception conditions and in severe obstacles in accessing dignified living conditions and securing means of subsistence, including as food.<sup>25</sup>

In 2022, the Asylum Service issued 3,601 negative admissibility decisions, of which 3,445 concerned Türkiye as a 'safe third country'.<sup>26</sup>

On 7 October 2021, GCR and Refugee Support Aegean (RSA) filed a judicial review before the Greek Council of State for the annulment of JMD 42799/2021,<sup>27</sup> which was examined before the Plenary of the Council of State on 11 March 2022. On 3 February 2023, the Plenary of the Council of State decided to

postpone the final judgment and to formulate preliminary questions to the Court of Justice of the European Union.<sup>28</sup>

#### *A.2.2. Second instance*

Most appeals are rejected at second instance, including on the basis of Türkiye's designation as a 'safe third country'.<sup>29</sup> A total of 2,709 inadmissibility decisions on this basis were issued by the Appeals Committees in 2022,<sup>30</sup> with similar results for applicants to those described in the previous sub-section.

Out of the total in merit second instance decisions issued in 2022 (8,939), 7.4% resulted in the granting of refugee protection, 4.4% resulted in the granting of subsidiary protection and 88.19% resulted in a negative decision.

That being said, GCR notes with concern the high number of appeals rejected as 'manifestly unfounded' on procedural grounds, without an examination on the substance. In 2022, the Appeals Committees dismissed 1,790 appeals due to failure of the appellants to appear in person before the Committee or to submit a timely certificate of residence in a reception facility, even though in either case failure of the appellants is often attributed to the authorities.<sup>31</sup> Another 1,096 appeals were dismissed in 2022 on grounds of late submission.<sup>32</sup>

On this point, GCR wishes to recall UNHCR's comments on the "*stringent procedural requirements and formalities*" introduced already since 2019, with L. 4636/2019, "*which an asylum-seeker should not reasonably be expected to fulfil*".<sup>33</sup>

#### *A.2.3. Legal assistance*

While welcoming the relative increase of cases in which free legal assistance is provided by the state, GCR notes that, particularly in view of the ongoing application of the 'safe third country concept' in cases where there are no reasonable prospects of readmission –as also highlighted in a preliminary reference to the Court of Justice of the European Union (CJEU) by the Greek Council of State<sup>34</sup>– and the high number of second instance rejections, there remains significant room for improvement in this field as well.

In 2022, less than 50% of appellants received legal assistance under the free legal aid scheme. Specifically, out of the 16,830 appeals lodged against first instance decisions in 2022, legal assistance was provided in 7,925 (47.08%) cases. Furthermore, obstacles in accessing free legal aid continued to be reported, *inter alia*, as a consequence of the digitalisation of the procedure and the fictitious service of negative first instance decisions.<sup>35</sup>

Meanwhile, there is still no state-funded free legal aid at first instance, nor does the law establish an obligation to provide it.

## **B. As regards living conditions for asylum seekers (reception conditions)**

GCR notes the significant progress achieved with respect to conditions of overcrowding prevalent during previous years and, indeed, to the extent GCR is aware, the lack of overcrowding in facilities of the Reception system in 2023. However, GCR wishes to stress that precisely in light of this development, ongoing and new challenges with respect to Reception need to be examined in conjunction with the exponentially reduced number of arrivals since 2020, which compared to previous years paint the picture of a situation that can be expected to be significantly more manageable,<sup>36</sup> including in conjunction with the issues discussed in section A.1.1.

### **B.1. Accommodation**

As a preliminary remark, GCR notes that following the termination of the “ESTIA” accommodation program for asylum seekers and their families in December 2022, with the exception of shelters dedicated to the accommodation of unaccompanied minors, the Greek Reception system is exclusively modeled on camp-based accommodation, both on the islands and the mainland.

#### *B.1.1. Reception conditions*

In what regards the **islands**, prevailing conditions in the new Closed-Controlled Access Centers (CCACs), which include barbed-wired fences, extensive security controls, disproportionate surveillance measures,<sup>37</sup> and disproportionate limitations to residents’ freedom of movement,<sup>38</sup> which in some cases have included arbitrary detention practices that were deemed illegal by competent Courts Decisions,<sup>39</sup> have, as noted by the EU Ombudsman,<sup>40</sup> resulted in creating an environment “*reminiscent of detention facilities*” that resembles a reception environment only in name.

This is compounded by the fact that, pursuant to art. 40 [L. 4939/2022](#), a ‘restriction of freedom of movement’ for a period of up to 25 days –which is frequently exhausted– is automatically and indiscriminately imposed on persons undergoing reception and identification procedures, in practice amounting to their *de facto* detention in the premises of the CCAC, without consideration of legal safeguards vis-à-vis applicants of international protection, including applicants with special reception needs.<sup>41</sup> Of particular concern remains the situation in the Megala Therma facility on Lesbos, where new arrivals have been frequently detained for days and even weeks, in conditions that may exceed the threshold of inhumane treatment, before undergoing any type of form reception procedures.<sup>42</sup>

On this point, it is worth recalling that in January 2023, the European Commission decided to open [infringement procedures](#) against Greece, amongst others, on account of incorrect transposition of certain provisions of [Directive 2013/33/EU](#) (Reception Directive), including, as reported,<sup>43</sup> those pertaining to the detention of asylum applicants.

Challenges related to the safety and quality of the accommodation provided, including poor conditions and/or uninhabitable housing units (containers), insufficient availability of electricity, hot water, heating or cooling, as well as concerns with regards to hygiene and the safety of women,<sup>44</sup> have continued being reported in 2023 as well.<sup>45</sup>

In any case, in July 2022, ongoing concerns vis-à-vis condition 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, in a Decision issued following an own-initiative inquiry.<sup>46</sup> As noted by the EU Ombudsman in the same Decision, “[i]t 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.”<sup>47</sup>

In what concerns the **mainland**, the lack of sufficiently available public data, particularly since March 2022, when the International Organization for Migration (IOM) stopped issuing relevant monthly updates,<sup>48</sup> in conjunction with the limited capacity of independent actors to conduct regular field monitoring visits, make it challenging to maintain effective oversight over mainland camps. Nevertheless, 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.<sup>49</sup>

During their stay, residents are also subject to measures limiting their ability to freely enter/exit the camp,<sup>50</sup> albeit to the extent GCR can be aware, these are not uniformly applied in practice and at least in some cases at all, though implementation of these measures may relate to the degree of operationalization of available electronic entry/exit systems.<sup>51</sup> Unsanitary conditions, including rodents and sewage, have also continued to be observed.<sup>52</sup>

In May 2023, 31 Refugee Education Coordinators (RECs) working in the camps issued a joint statement,<sup>53</sup> expressing their “*intense agony*” over the transformation of all refugee hosting facilities into closed controlled centers. In the letter, the RECs flag the “*extremely damaging*” impact of these conditions on children and their families, stressing that this “*model of massing, confinement and separation in these facilities*”, *inter alia* “*creates insurmountable obstacles [...] in children’s access to education, [...and] creates a suffocating living environment [...] with a series of intense psychopathological consequences*”.

#### *B.1.2. Provision of material aid and health services*

Access to medical and mental health support have continued being a cause of concern, with shortages in sufficient professionals being reported particularly on the **islands**.<sup>54</sup> For instance, throughout 2022 the CCAC of Kos did not have a permanent doctor,<sup>55</sup> while the situation was similar in the Samos CCAC in March 2022,<sup>56</sup> more than a year since its operationalization. In May 2023, it was also reported that the CCAC of Lesbos did not have a psychologist on site.<sup>57</sup>

Challenges in accessing medical and mental health professionals, mostly related to difficulties and delays in accessing available professionals, have also been expressed on several occasions by beneficiaries of GCR's services residing in **mainland** camps, including by the survivors of the 14 June shipwreck off the Coast of Pylos.<sup>58</sup>

In **both** cases, the situation is further compounded by the isolated nature of all camps (islands and mainland),<sup>59</sup> 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.<sup>60</sup>

In any case, particularly on the islands, ongoing challenges with the provision of medical and mental health support, need to also be examined in conjunction with the significant negative impact that prevalent conditions have on residents' state of mental health, as in the past two years, following the operationalization of the CCACs, alarming levels of anxiety, depression, and even suicidal tendencies have been identified amongst the resident population,<sup>61</sup> with some applicants describing prevalent conditions as a form of "*mental punishment*"<sup>62</sup> and as "*hell*"<sup>63</sup>.

Complaints over the quality of **food** provided in the camps (islands and mainland), which residents have to frequently cook again to be able to eat, as well as shortages in specific food products, such as baby milk, have also continued being reported in 2022 and 2023.<sup>64</sup>

### *B.1.3. Cash assistance*

A total of 5,120 applicants received CASH assistance in May 2023, based on the data published by the MoMA.<sup>65</sup> This amounts to less than a third of applicants, whose asylum applications were pending at first and second instance during the same month (19,311).<sup>66</sup>

Reasons for this discrepancy include fast registration and processing times on the islands, which in some cases have led to situations where applicants are rejected before they have had the opportunity to access the CASH support, as well as the requirement for applicants to reside in the Reception system to be eligible for CASH support, which was introduced by the MoMA in 2021.<sup>67</sup> Following the termination of "ESTIA", the latter virtually amounts to residing in the CCACs and camps.

On this point, GCR wishes to highlight that, in May 2023, 40% (7,744) of applicants whose asylum applications were pending at first and second instance were not residing in facilities of the Greek Reception System.<sup>68</sup> In GCR's experience, this can be attributed to a significant extent to the deterring impact of the current camp-based model of reception. For instance, during 2022, roughly 1 in 2 applicants reaching GCR to be supported in accessing Greece's Reception system ended up looking for alternatives



–which can frequently entail protection risks– on their own, instead of being accommodated in a camp. Amongst the reasons quoted were fear due to past traumatic experiences in Greece’s camps, including gender-based violence which remains a cause of concern to this day, as well as the isolated nature of the camps and undignified or prison-like conditions.<sup>69</sup>

#### *B.1.4. Lack of suitable accommodation arrangements for vulnerable applicants*

As already mentioned the “ESTIA” accommodation program for asylum seekers and their families was terminated in December 2022. To be noted, the decision to terminate ESTIA follows similar decisions to close down more suitable types of reception-based accommodation, such as PIKPA and Kara Tepe sites in Lesbos and PIKPA Leros, in 2020 and 2021.<sup>70</sup>

The cumulative result of these decisions and particularly the decision to terminate “ESTIA” have severely undermined Greece’s ability to guarantee special reception conditions for applicants falling under article 21 [Directive 2013/33/EU](#). The termination of “ESTIA” also led to a marked deterioration in the state of mental health of applicants –including children– who were forced to move to camps, due to conditions in their new accommodation environment. It lastly, also added further obstacles to integration, given that it practically reversed integration efforts that had been carried out by many of the program’s former residents.<sup>71</sup>

### **C. As regards reception and protection of unaccompanied minors**

GCR wishes to acknowledge the significant progress that has been achieved in recent years with respect to the reception and protection of unaccompanied minors (henceforth “UAM”) in Greece, particularly following the launching of the National Emergency Response Mechanism (NERM), which operates under the MoMA, in April 2021, and the legislative abolition of ‘protective custody’ (i.e. detention) in 2020.

Though instances of UAM in ‘protective custody’ have continued being observed in 2022, GCR also wishes to welcome the decrease in the time it takes for UAM to be placed to suitable accommodation for their age, which despite a small increase in 2022 compared to 2021, remained short at the end of 2022.<sup>72</sup>

Nevertheless, GCR also wishes to stress that despite the availability of a legal framework since 2018 and the introduction of a new framework in July 2022, Greece still lacks a functioning guardianship system and as a result there are still no state-appointed guardians for UAM.

Furthermore, ongoing challenges with respect to the proper and timely identification of UAM, including due to lack of specialized staff, the non-uniform application of age assessment procedures throughout the territory, and the lack of legal guardians, persist, and have continued resulting in cases of UAM being registered as adults.<sup>73</sup> In 2022, the Fundamental Rights Officer (FRO) of Frontex issued an Opinion regarding the engagement of Frontex staff in the screening and registration of UAM in Greece,<sup>74</sup>

underlining that “Frontex should refrain from conducting any screenings of unaccompanied minors below the age of 15 without the presence of a legal guardian”.

In parallel, and amongst others, the ongoing lack of pathways for UAM to regularise their stay outside the scope of the asylum procedure continues leaving UAM not entitled to international protection, including due to ongoing application of the ‘safe third country’ concept in the case of Türkiye, exposed to risks of exploitation and abuse.<sup>75</sup> Challenges with respect to living conditions for UAM in island facilities have also continued being reported,<sup>76</sup> albeit to a lesser degree compared to previous years.

Lastly, given that estimates on UAM residing in precarious conditions, including homelessness, have stopped being published, the extent to which Greece’s capacity is sufficient to ensure the dignified accommodation of UAM in dedicated places suitable for their age needs to be further checked, particularly given the large number of unique housing requests for UAM received by the NERM between April 2021 and July 2023 (5,650), which was more than double the number of available accommodation places for UAM in July 2023 (2,472).<sup>77</sup>

#### **D. As regards Detention of Asylum Seekers:**

**General:** The total number of third country nationals, including asylum seekers in detention remains constantly high. A total number of 18,966 third-country nationals has been detained in Pre-Removal Detention Facilities (PRDFs) during 2022, a number significantly increased compared to the previous year (12,020 third country nationals in 2021). At the end of 2022, there were 2,715 persons in administrative detention, including 1,344 asylum seekers. Out of those, 2,500 were detained in pre-removal facilities, while hundreds detainees remained in police stations and other inadequate police facilities (316 persons at the end of 2022). When assessing detention conditions the duration of the detention measure applied should be taken into consideration. Out of the total number of persons detained in PRDFs at the end of more that 1 out of 4 detainees (28%) were detained for a period exceeding the 6 months.<sup>78</sup>

**Detention conditions:** Overall detention conditions in pre-removal detention facilities (PRDFs) remain substandard, despite some good practices, which have been adopted in some pre-removal detention facilities (such as allowing detainees to use their mobile phones). Major concerns include a carceral, prison-like design, the lack of sufficient hygiene and non-food items, including clothes and shoes, clean mattresses and clean blankets, the lack of recreational activities, and overcrowding persisting in some facilities.

To this regards it is illustrative that at the end of 2021 the Council of the EU has recommended to the Greek Authorities to “ensure that material detention conditions and the detention regime, particularly in Tavros, Amygdaleza and Kos, always comply with the fundamental rights standards and reflects the nature of the deprivation of liberty, by ensuring sufficient time outside the cell, adequate furniture and hygienic

conditions, the possibility to access open-air space and by providing for recreational activities”.<sup>79</sup> However, this has not been followed by the action of the Greek Authorities to improve detention conditions.

In addition to shortcoming with regards to material detention conditions, lack of essential services also occurs in all PRDFs. As the Ombudsman has found *“the lack of interpretation is an essential issue for all PRDFs, as it has an impact on all rights provided to detainees.”*<sup>80</sup>

Official statistics demonstrate that the situation with regards to the provision of medical services has not improved in 2022 and that pre-removal centres continue to face a substantial medical staff shortage. No doctor was present in Tavros, Xanthi, and Kos PRDFs. Only one doctor was present in Amigdaleza, one in Corinth and one in Paranesti PRDFs, with a detention population of 866,897 and 349 persons respectively at the end of 2022.<sup>81</sup>

Category	Amygdaleza	Tavros	Corinth	Paranesti	Xanthi	Kos	Fylakio
Doctors	1	0	1	1	0	0	1
Psychiatrists	0	0	0	0	0	0	0
Nurses	1	1	2	3	1	2	1
Interpreters	3	0	1	1	0	0	0
Psychologists	2	1	1	0	1	1	1
Social workers	1	0	1	0	1	0	1
Health visitors	1	1	1	0	0	0	0
Administrators	0	0	1	0	1	0	1

Source: Information provided by the Directorate of the Hellenic Police, 8 March 2023 | AIDA. 2022 update on Greece, p. 216.

As has been well documented, police stations and other police facilities which continue to be used for prolonged detention of hundreds of persons, by their nature are not suitable for detention exceeding 24 hours, continue to fall short of basic standards. The Greek Ombudsman in the 2022 Annual Special Report for the Returns of third country nationals reaffirms their stance that police stations’ detention facilities should not be used for administrative detention: *“police stations are not places suitable for the detention of persons awaiting the execution of an administrative measure. By their very nature, these are spaces intended to receive people for very short periods of time”*.<sup>82</sup>

**Detention of minors and age assessment procedures during detention:** Without underestimating the fact that protective custody of unaccompanied minors (UAM) has been abolished by L. 4760/2020 entered into force on 11 December 2020, a total number of 515 unaccompanied children were kept in PRDCs countrywide during 2022.<sup>83</sup> UAMs wrongfully registered by the Police as adults remain detained until the

[GREEK COUNCIL FOR REFUGEES – SPECIAL CONSULTATIVE STATUS WITH THE UN \(ECOSOC\)](#)

25 SOLOMOU STR. - EXARHIA, 106 82 ATHENS, GREECE

TEL: +30 210 38 00 990 FAX: +30 210 38 03 774 WEBSITE : [www.gcr.gr](http://www.gcr.gr) EMAIL: [gcr1@gcr.gr](mailto:gcr1@gcr.gr)

Certified with ISO 9001 : 2015 No. 20001210004322 by TUV Austria

completion of the age assessment procedure, contrary to the best interest of the child and the presumption of minor age which should be applied while the age assessment procedure according to the explicit provision of the Greek legislation. For example, in a recent case supported by GCR in 2023 an unaccompanied minor who had wrongfully registered by the police as an adult remained for more than 2 ½ months in a Police Station and in a PRDF, before being identified as a minor on the basis of the age assessment procedure that followed. The minor remained in detention for the whole period of the age assessment procedure, despite the fact that according to the law he should be treated as a minor during said procedure, and contrary to the best interest of the child principle.

---

<sup>1</sup> Hellenic Republic, Communication/Updated Action Plan concerning the execution of the judgments of MSS v. Greece (30696/09) and Rahimi v. Greece (8687/08) groups of cases in response to the decision of the Committee of Ministers adopted at its 1383rd meeting (September 2020), 20 June 2023, available at: [https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22DH-DD\(2023\)740E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22DH-DD(2023)740E%22%5D%7D), para. 12.

<sup>2</sup> Ministry of Migration and Asylum (henceforth “MoMA”), ‘ESTIA II to be completed in 2022’, 22 February 2022, available in Greek at: <https://bit.ly/3iGewf1>.

<sup>3</sup> UNHCR, *UNHCR Comments on the Draft Law “Improvement of Migration Legislation, amendment of provisions of Laws 4636/2019 (A’ 169), 4375/2016 (A’ 51), 4251/2014 (A’ 80) and other Provisions”*, February 2020, available at: <https://www.refworld.org/pdfid/5ee3590e4.pdf>, p.2. For more, amongst others, see UNHCR, *UNHCR Comments on the Draft Law Improvement of Migration Legislation, amendment of provisions of Laws 4636/2019 (A’ 169), 4375/2016 (A’ 51), 4251/2014 (A’ 80) and other Provisions”*, April 2020, available at: <https://www.refworld.org/pdfid/5ee359cb4.pdf> and GCR, “GCR’s comments on the draft law amending asylum legislation”, 27 April 2020, available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/1434-gcr-s-comments-on-the-draft-law-amending-asylum-legislation>.

<sup>4</sup> In 2020, new asylum applications recorded a close to 50% drop compared to 2019 (from 77,234 to 40,473). A further 30% drop was recorded in 2021 compared to 2020 (from 40,473 to 28,275) and though a relevant increase was recorded in 2022 (37,341 applications), the overall number of applications submitted since 2020 has remained significantly lower than those submitted in the first years that followed the aforementioned ‘Crisis’. For reference, 51,034 asylum applications were submitted in 2016, 58,623 in 2017, 66,915 in 2018 and 77,234 in 2019. See MoMA, Consolidated Reports – Overview: International Protection, Appendix A, May 2023, available at: [https://migration.gov.gr/wp-content/uploads/2023/07/Report\\_A\\_May-2023\\_International-Protection\\_Appendix-A\\_NEW.pdf](https://migration.gov.gr/wp-content/uploads/2023/07/Report_A_May-2023_International-Protection_Appendix-A_NEW.pdf), table 8a.

<sup>5</sup> OLAF, Final Report on Frontex (CASE No OC/2021/0451/A1), 2021, available at: <https://fragdenstaat.de/dokumente/233972-olaf-final-report-on-frontex/>.

<sup>6</sup> Indicatively, during 2020-2021, UNHCR alone recorded 539 pushback incidents at Greece’s land and sea borders (also referred to as ‘driftbacks’), involving at least 17,000 people. UNHCR, Submission by the Office of the United Nations High Commissioner for Refugees in the case of S.A.A. and Others v. Greece (No. 22146/21) before the European Court of Human Rights, July 2022, available at: <https://www.refworld.org/pdfid/62f39cb44.pdf>, para. 2.2.2. For more, amongst many others, also see NCHR, Recording Mechanism of Incidents of Informal Forced Returns: Interim Report, January 2023, available at:

[https://www.nchr.gr/images/pdf/nea\\_epikairothta/deltia\\_tupou/2023/Interim\\_Report\\_echanism\\_en.pdf](https://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/2023/Interim_Report_echanism_en.pdf); UNHCR, “UNHCR warns of increasing violence and human rights violations at European borders”, 21 February 2022, available at: <https://www.unhcr.org/news/news-releases/news-comment-unhcr-warns-increasing-violence-and-human-rights-violations> and “UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers”, 21 August 2020, available at: <https://www.unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html>; Frontex, Fundamental Rights Officer Annual Report 2021, June 2022, 7, 14, 39, available at: [https://frontex.europa.eu/assets/Images\\_News/2022/FRO\\_Report\\_2021.pdf](https://frontex.europa.eu/assets/Images_News/2022/FRO_Report_2021.pdf); IOM, ‘IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey’, 11 June 2020, available at: <https://www.iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey>; CED, Concluding observations on the report submitted by Greece, CED/C/GRC/CO/1, 12 April 2022, paras 28-31, available at: <https://digitallibrary.un.org/record/3987990>; CRC, ‘Experts of the Committee on the Rights of the Child Ask Greece about Roma Children and Push Backs of Refugees at the Border’, 4 May 2022, available at: <https://www.ohchr.org/en/press-releases/2022/05/experts-committee-rights-child-ask-greece-about-roma-children-and-push-backs>; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Greece, A/HRC/49/5, 6 January 2022, paras 130.96, 130.202, 130.204, 130.209, 130.214, 130.215, 130.216, 130.223, 130.226, available at: <https://digitallibrary.un.org/record/3956537>; WGAD, Report of visit to Greece, A/HRC/45/16/Add.1, 29 July 2020, paras 87-88, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc4516add1-visit-greece-report-working-group-arbitrary-detention>; UN Special Rapporteur on human rights defenders, ‘Statement on preliminary observations and recommendations following official visit to Greece’, 22 June 2022, available at: <https://srdefenders.org/statement-on-preliminary-observations-and-recommendations-following-official-visit-to-greece/>; Council of Europe Commissioner for Human Rights, ‘Greek authorities should investigate allegations of pushbacks and ill-treatment of migrants, ensure an enabling environment for NGOs and improve reception conditions’, 12 May 2021, available at: <https://www.coe.int/en/web/commissioner/-/greek-authorities-should-investigate-allegations-of-pushbacks-and-ill-treatment-of-migrants-ensure-an-enabling-environment-for-ngos-and-improve-recept>; CPT, ‘Council of Europe’s anti-torture Committee calls on Greece to reform its immigration detention system and stop pushbacks’, 19 November 2020, available at: <https://bit.ly/39FChmQ>.

<sup>7</sup> For instance, The New York Times, “Greece Says It Doesn’t Ditch Migrants at Sea. It Was Caught in the Act”, 19 May 2023, available at: <https://www.nytimes.com/2023/05/19/world/europe/greece-migrants-abandoned.html>.

<sup>8</sup> Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, Human rights violations at international borders: trends, prevention and accountability, 26 April 2022 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/328/57/PDF/G2232857.pdf?OpenElement>, para.32.

<sup>9</sup> AIDA Report on Greece, 2021 Update, May 2022, available at: [https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-GR\\_2021update.pdf](https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-GR_2021update.pdf), p.33.

<sup>10</sup> Greek Council for Refugees, Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks- Updated on the 19th of April 2023, <https://www.gcr.gr/en/news/press-releases-announcements/item/1984-information-note>. For more, also see GCR, *At Europe’s Borders: Between Impunity and Criminalization*, 2 March 2023, available at: [https://www.gcr.gr/media/k2/attachments/GCR\\_Pushback\\_Criminalization\\_Report.pdf](https://www.gcr.gr/media/k2/attachments/GCR_Pushback_Criminalization_Report.pdf)

<sup>11</sup> See GCR *et al.*, “Intervention of 28 organisations to competent Prosecutors on the pushback incident published by the New York Times”, 27 July 2023, available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/2169-intervention-of-28-organisations-to-competent-prosecutors-on-the-pushback-incident-published-by-the-new-york-times>; RSA *et al.*, “No monitoring of fundamental rights violations in Greece without independent and effective mechanisms”, 21 June 2023, available at: <https://rsaegan.org/en/investigating-institutions/>, and GCR & HLHR, Joint letter by GCR & HLHR on irregular

**GREEK COUNCIL FOR REFUGEES – SPECIAL CONSULTATIVE STATUS WITH THE UN (ECOSOC)**

25 SOLOMOU STR. - EXARHIA, 106 82 ATHENS, GREECE

TEL: +30 210 38 00 990 FAX: +30 210 38 03 774 WEBSITE : [www.gcr.gr](http://www.gcr.gr) EMAIL: [gcr1@gcr.gr](mailto:gcr1@gcr.gr)

Certified with ISO 9001 : 2015 No. 20001210004322 by TUV Austria

forced returns (pushbacks), criminalisation and the Rule of Law in Greece, 17 March 2023, available at: [https://www.gcr.gr/media/k2/attachments/GCR\\_HLHR\\_letter\\_final.pdf](https://www.gcr.gr/media/k2/attachments/GCR_HLHR_letter_final.pdf). Between early 2020 and February 2022, UNHCR formally submitted 59 pushback cases and addressed 17 official letters to the Greek authorities, requesting for their investigation, yet received no concrete information on any of these cases in the (3) replies provided by the Greek authorities. As reported by UNHCR, criminal complaints were also submitted by defending lawyers to the Public Prosecutor for 209 cases, yet judicial investigations were only initiated in 12 cases, the outcome of which remains unknown. UNHCR, *Submission by the Office of the United Nations High Commissioner for Refugees in the case of S.A.A. and Others v. Greece (No. 22146/21) before the European Court of Human Rights*, available at: <https://www.refworld.org/pdfid/62f39cb44.pdf>, para. 2.2.8.

<sup>12</sup> Hellenic Republic, 20 June 2023, *op.cit.*, para. 16.

<sup>13</sup> For more, *inter alia* see GCR, Oxfam & Save the Children, *Greece: Bimonthly Bulletin on Refugees and Migrants*, October 2022, available at:

[https://www.gcr.gr/media/k2/attachments/GCR\\_OXFAM\\_STC\\_Advocacy\\_Update\\_October\\_2022.pdf](https://www.gcr.gr/media/k2/attachments/GCR_OXFAM_STC_Advocacy_Update_October_2022.pdf), pp. 9-10 and AIDA Report on Greece, 2022 Update, June 2023, available at: [https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR\\_2022-Update.pdf?fbclid=IwAR3wGtKYGiBQLQVQzmKyGje4IUkKwAMdsAGXn5vKwK8BII2JrAuNErWiuxmk](https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR_2022-Update.pdf?fbclid=IwAR3wGtKYGiBQLQVQzmKyGje4IUkKwAMdsAGXn5vKwK8BII2JrAuNErWiuxmk), pp. 19-20, 53-54.

<sup>14</sup> GCR, “Administrative courts: The detention of asylum seekers pending full registration, to whom the Ministry of Immigration & Asylum does not recognize the status of applicant, is illegal”, 21 March 2023, available at: <https://gcr.gr/en/news/press-releases-announcements/item/2121-detention-of-asylum-seekers-whose-status-as-an-applicant-is-not-recognized-by-the-department-of-immigration-asylum-is-again-illegal>.

<sup>15</sup> GCR, Updates from the Field: May 2023, 26 June 2023, available at: [https://us17.campaign-archive.com/?e=\[UNIQID\]&u=a17b49d83fa56777a0be12c83&id=059ee5a596](https://us17.campaign-archive.com/?e=[UNIQID]&u=a17b49d83fa56777a0be12c83&id=059ee5a596)

<sup>16</sup> AIDA, June 2023, *op.cit.*, pp. 54-55

<sup>17</sup> Art. 89 L. 4636/2019 [currently art. 94 (10)L. 4939/2022], as amended by art. 23 L. 4825/2021, in conjunction with art. 2 [Joint Ministerial Decision 472687/2021](#).

<sup>18</sup> Greek Ombudsman, *Comments and observations on the draft law on the “Reformation of deportation and return procedures for third country nationals, attracting investors and digital nomads, issues of residence permits and procedures for granting international protection, provisions of the Ministry of Migration and Asylum and the Ministry of Citizen Protection and other urgent provisions”*, 30 August 2021, available (Greek) at: <https://www.synigoros.gr/el/category/allodapoi-ithageneia-astiki-katastasi/post/parathrhseis-toy-synhgoroy-toy-polith-gia-to-sxedio-nomoy-me-antikeimeno-thn-anamorfwsh-diadikasiwn-apelasewn-kai-epistروفwn-politwn-tritwn-xwrwn>, p.11.

<sup>19</sup> AIDA Report on Greece, 2022 Update, [https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR\\_2022-Update.pdf?fbclid=IwAR3wGtKYGiBQLQVQzmKyGje4IUkKwAMdsAGXn5vKwK8BII2JrAuNErWiuxmk](https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR_2022-Update.pdf?fbclid=IwAR3wGtKYGiBQLQVQzmKyGje4IUkKwAMdsAGXn5vKwK8BII2JrAuNErWiuxmk)

<sup>20</sup> GCR- Oxfam- Save the Children, *Bimonthly Bulletin on Refugees and Migrants*, Greece, October 2022, p.10, [https://www.gcr.gr/media/k2/attachments/GCR\\_OXFAM\\_STC\\_Advocacy\\_Update\\_October\\_2022.pdf](https://www.gcr.gr/media/k2/attachments/GCR_OXFAM_STC_Advocacy_Update_October_2022.pdf)

<sup>21</sup> From 30,103 in January 2022 to 16,154 in May 2023. MoMA, May 2023, *op.cit.*, table 11a.

<sup>22</sup> AIDA, June 2023, *op.cit.*, p.20.

<sup>23</sup> As amended by [JMD 485868/2021](#) and [JMD 734214/2022](#).

<sup>24</sup> For more, see AIDA, June 2023, *op.cit.*, pp. 126-136.

<sup>25</sup> For more on challenges regarding access to food, including for rejected applicants, see Intersos Hellas, HIAS Greece & GCR, *Being Hungry in Europe: an analysis of the food insecurity experienced by refugees, asylum seekers, migrants and undocumented people in Greece*, May 2023, available at: [https://www.gcr.gr/media/k2/attachments/Report-Being-Hungry-in-Europe\\_3.pdf](https://www.gcr.gr/media/k2/attachments/Report-Being-Hungry-in-Europe_3.pdf).

**GREEK COUNCIL FOR REFUGEES – SPECIAL CONSULTATIVE STATUS WITH THE UN (ECOSOC)**

25 SOLOMOU STR. - EXARHIA, 106 82 ATHENS, GREECE

TEL: +30 210 38 00 990 FAX: +30 210 38 03 774 WEBSITE : [www.gcr.gr](http://www.gcr.gr) EMAIL: [gcr1@gcr.gr](mailto:gcr1@gcr.gr)

Certified with ISO 9001 : 2015 No. 20001210004322 by TUV Austria

<sup>26</sup> RSA, *The Greek asylum procedure in figures in 2022: Analysis of main trends in refugee protection*, 28 March 2023, available at: <https://rsaeean.org/en/greek-asylum-statistics-2022/#footnote-8>.

<sup>27</sup> On 4 March 2022, requests for the continuation of the hearing were filed before the Council of State for the annulment of the subsequent JMD, 458568/2021.

<sup>28</sup> See AIDA, June 2023, *op.cit.*, pp. 132-133; RSA, “Greek Council of State: Preliminary questions regarding Turkey as a safe third country”, 6 February 2023, available at: <https://rsaeean.org/en/greek-council-of-state-turkey-as-a-safe-third-country/>.

<sup>29</sup> For more, see AIDA, June 2023, *op.cit.*, pp. 136-138.

<sup>30</sup> RSA, 28 March 2023, *op.cit.*

<sup>31</sup> For more, see AIDA, June 2023, *op.cit.*, pp. 20, 66-67.

<sup>32</sup> RSA, 28 March 2023, *op.cit.*

<sup>33</sup> UNHCR, February 2020, *op.cit.*, p.2.

<sup>34</sup> See RSA, “Key points of the Greek Council of State ruling on the “safe third country” concept”, 17 February 2023, available at: <https://rsaeean.org/en/key-points-tourkey-safe-third-country/>, para. 41.

<sup>35</sup> AIDA Report on Greece, 2022 Update, p.20, [https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR\\_2022-Update.pdf?fbclid=IwAR3wGtKYGiBQLVQZmKyGje4IUKwAMdsaGXn5vKwK8BII2JrAuNErWiuxmk](https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR_2022-Update.pdf?fbclid=IwAR3wGtKYGiBQLVQZmKyGje4IUKwAMdsaGXn5vKwK8BII2JrAuNErWiuxmk)

<sup>36</sup> From the start of 2020 up to the end of 2022, a total of 43,663 were recorded by land and sea. This amount to roughly 62% of the number of arrivals recorded only in 2019 (74,613). Source: [UNHCR](#).

<sup>37</sup> For instance, in November 2021, close to two months following the operationalisation of the Samos CCAC, the analogy between resident applicants and security personnel was 1:7 (50 police and security personnel present on a 24-hour basis for a total of 364 applicants residing in the CCAC). Meanwhile, a doctor was only present in the facility during morning hours. GCR, ‘The new Closed Controlled Facility in Samos: An isolated ‘modern prison’?’, November 2021, available in Greek at: <https://www.gcr.gr/el/ekdoseis-media/reports/item/1839-i-nea-kleisti-elegxomeni-domi-samou-mia-apomonomeni-sygxroni-fylaki>.

<sup>38</sup> Pursuant to [General Regulation for the Operation of Closed Controlled Access Centers](#), 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”. Also see RSA, *What is happening today in the refugee structures on the Aegean islands: Serious problems in the EU-funded structures*, May 2023, available at: <https://rsaeean.org/wp-content/uploads/2023/05/ccac-aegean-islands-greece.pdf>, p. 8

<sup>39</sup> GCR, “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 (CCF Samos)”, 20 December 2021, available at: <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-ccf-samos>.

<sup>40</sup> 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, available at: <https://www.ombudsman.europa.eu/en/case/en/62000>, para. 48.

<sup>41</sup> For more, see amongst others AIDA, *op.cit.*, pp. 20, 40-43, 45, 50, 165-166, 208; RSA, *Registration of asylum applications in the new mainland RIC in Greece*, February 2023, available at: [https://rsaeean.org/wp-content/uploads/2023/02/RSA\\_Registration\\_RIC\\_Mainland\\_EN.pdf](https://rsaeean.org/wp-content/uploads/2023/02/RSA_Registration_RIC_Mainland_EN.pdf), pp. 9-11.

**GREEK COUNCIL FOR REFUGEES – SPECIAL CONSULTATIVE STATUS WITH THE UN (ECOSOC)**

**25 SOLOMOU STR. - EXARHIA, 106 82 ATHENS, GREECE**

**TEL: +30 210 38 00 990    FAX: +30 210 38 03 774    WEBSITE : [www.gcr.gr](http://www.gcr.gr)    EMAIL: [gcr1@gcr.gr](mailto:gcr1@gcr.gr)**

**Certified with ISO 9001 : 2015 No. 20001210004322 by TUV Austria**

<sup>42</sup> For more, see MsF, “Greece: MSF concerned about pushbacks, arbitrary detention, and violence towards migrants”, May 2023, available at: <https://www.doctorswithoutborders.ca/greece-msf-concerned-about-pushbacks-arbitrary-detention-and-violence-towards-migrants/>; AIDA, *op.cit.*, pp. , 41 , 48-49, 178-179 208.

<sup>43</sup> RSA, February 2023, *op.cit.*, p. 9 and EfSyn, “Greece in a position of defense on issues regarding refugees” («Απολογούμενη η Ελλάδα για ζητήματα προσφύγων»), 1 February 2023, available (Greek) at: [https://www.efsyn.gr/ellada/dikaiomata/376712\\_apologoymeni-gia-zitimata-prosfygon-i-ellada](https://www.efsyn.gr/ellada/dikaiomata/376712_apologoymeni-gia-zitimata-prosfygon-i-ellada).

<sup>44</sup> The lack of sufficient safe space for women has been raised particularly in the cases of Lesbos, where an increase in incidents of gender-based violence (GBV) for which the survivors do not wish to follow through and open a case was flagged by field-based organisations in late March 2023. An increase in scabies cases was also reported in the Lesbos CCAC in the same month, while in June, it was reported by field-based actors that residents of the CCAC had created a patrolling unit to escort women to WASH facilities during the night, due to the lack of lighting (including due to damage) during the night, which creates a feeling of unsafety to the women. Information provided during the 27 March 2023 and 1 June 2023 Interagency Consultation Forums operating under UNHCR in Lesbos.

<sup>45</sup> For instance, see RSA, *What is happening today in the refugee structures on the Aegean islands: Serious problems in the EU-funded structures*, May 2023, available at: <https://rsaagean.org/wp-content/uploads/2023/05/ccac-aegean-islands-greece.pdf>, pp. 11, 20, 24, 31.

<sup>46</sup> 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, available at: <https://www.ombudsman.europa.eu/en/case/en/62000>.

<sup>47</sup> *Ibid*, para. 48.

<sup>48</sup> Up to March 2022, IOM had been issuing detailed data and statistics regarding the mainland camps, under a program aimed at Supporting the Greek Authorities in Managing the National Reception System for Asylum Seekers and Vulnerable Migrants (SMS). The relevant monthly factsheets can be accessed on IOM’s website at: <https://greece.iom.int/sms-factsheets>.

<sup>49</sup> AIDA, June 2023, *op.cit.*, p. 163.

<sup>50</sup> Article 13 (1) of the [General Regulation on the Operation of Temporary Reception Facilities and Temporary Accommodation Facilities for third-country nationals or stateless persons, operated by the Reception and Identification Service](#) stipulates that “[t]hird country nationals or stateless persons residing in the Facilities [...] have the right to enter and leave the Facility during the hours specified in the internal regulation and move freely in pre-designated areas in order not to hinder the proper functioning of the Facility”.

<sup>51</sup> Based on discussions carried out by GCR during May 2023 with residents and the administration of Ritsona camp, including in the context of a field visit on 24 May.

<sup>52</sup> As per GCR’s observations during visits of Malakasa and Ritsona mainland camps, in June and May 2023, respectively.

<sup>53</sup> For the full letter (Greek) see EfSyn, “RECs: The educational integration of refugee children does not fit in closed centres”, 11 May 2023, available at: [https://www.efsyn.gr/ellada/dikaiomata/389293\\_sep-h-ekpaideytiki-entaxiton-prosfygopoylon-den-hora-se-kleista-kentra](https://www.efsyn.gr/ellada/dikaiomata/389293_sep-h-ekpaideytiki-entaxiton-prosfygopoylon-den-hora-se-kleista-kentra).

<sup>54</sup> Shortage of sufficient and sufficiently trained professionals is also amongst the reasons for ongoing challenges identified with respect to the effective identification of applicants falling under article 21 [Directive 2013/33/EU](#), including victims of torture (VoT), resulting in frequent non-compliance with special reception needs and special procedural guarantees. For more, see Equal Rights Beyond Borders, HIAS Greece & Refugee Support Aegean, *The state of the border procedure on the Greek islands*, September 2022, available at: <https://rsaagean.org/en/border-procedure-greek-islands/>; Fenix, “The Athens Administrative Court orders the Greek authorities to refrain from any action involving the forced departure of a Syrian family of 8 members from Greece”, 23 June 2022, available at: <https://www.fenixaid.org/articles/the-athens-administrative-court-orders-the-greek-authorities-to-refrain-from->

**GREEK COUNCIL FOR REFUGEES – SPECIAL CONSULTATIVE STATUS WITH THE UN (ECOSOC)**

**25 SOLOMOU STR. - EXARHIA, 106 82 ATHENS, GREECE**

**TEL: +30 210 38 00 990 FAX: +30 210 38 03 774 WEBSITE : [www.gcr.gr](http://www.gcr.gr) EMAIL: [gcr1@gcr.gr](mailto:gcr1@gcr.gr)**

**Certified with ISO 9001 : 2015 No. 20001210004322 by TUV Austria**



[any-action-involving-the-forced-departure-of-a-syrian-family-of-8-members-from-greece](#) and *Unrecognised vulnerability: Greece's systematic failure to identify and certify Victims of Torture*, April 2023, available at: <https://reliefweb.int/report/greece/unrecognised-vulnerability-greeces-systematic-failure-identify-and-certify-victims-torture-enel>; AIDA, June 2023, *op.cit.*, pp. 21, 86, 96, 108-109.

<sup>55</sup> AIDA, June 2023, *op.cit.*, p. 109

<sup>56</sup> GCR & Oxfam, *Lesbos Bulletin: Update on Lesbos and the Aegean Islands, by the Greek Council for Refugees & Oxfam*, 7 March 2022, available at: [https://www.gcr.gr/media/k2/attachments/20220224\\_Lesbos\\_Bulletin.pdf](https://www.gcr.gr/media/k2/attachments/20220224_Lesbos_Bulletin.pdf), p. 5.

<sup>57</sup> Information provided by field-based actors during the National Protection Working Group (NPWG) of 16 May 2023. The NPWG operates under UNHCR in Greece and is *inter alia* meant as a forum where actors, including from international organisations and the civil society, but also competent state services and representatives of the EU (Commission), engage in regular exchanges of information regarding the situation in the field throughout Greece. For more, see RSA, May 2023, *op.cit.*, pp. 21-22, 30-31, 39, 46-47.

<sup>58</sup> As further reported, on 10 July 2023, the Malakasa mainland camp had 2 psychologists, none of whom were present in the facility on the specific day, to tend to the needs of 400 residents, amongst whom also the survivors of the 14 June shipwreck. EfSyn, "Miguel Urban: "Pylos was not a tragedy but a murder due to conscious negligence", 10 July 2023, available (Greek) at: [https://www.efsyn.gr/ellada/dikaiomata/396988\\_migkel-oyrmpan-i-pylos-den-itan-tragodia-alla-dolofonia-exaitias](https://www.efsyn.gr/ellada/dikaiomata/396988_migkel-oyrmpan-i-pylos-den-itan-tragodia-alla-dolofonia-exaitias).

<sup>59</sup> On the islands, the operating CCACs of Samos, Kos and Leros are located at 7km, 15km and 6km, respectively, from the nearest city, while the relevant facilities constructed on Lesbos and Chios are respectively located at 30km and 11km away from the nearest city. In what regards the mainland, distances between camps and cities range from 2km to more than 30km. AIDA, *op.cit.*, p. 40, 169.

<sup>60</sup> Also see AIDA, June 2023, *op.cit.*, pp. 54, 163, 169-170.

<sup>61</sup> MsF, "Closed centres for refugees on Greek islands exacerbate psychological trauma", 30 November 2022, available at: <https://www.msf.org/closed-centres-refugees-greek-islands-exacerbate-psychological-trauma>. Also see Joint Statement by 22 NGOs, "One year since Greece opened new "prison-like" refugee camps, 22 NGOs call for a more humane approach", 20 September 2022, available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/2040-one-year-since-greece-opened-new-prison-like-refugee-camps-22-ngos-call-for-a-more-humane-approach>.

<sup>62</sup> MsF, "Closed centres for refugees on Greek islands exacerbate psychological trauma", 30 November 2022, available at: <https://www.msf.org/closed-centres-refugees-greek-islands-exacerbate-psychological-trauma>.

<sup>63</sup> Popaganda, "Whoever thinks that the closed structure in Samos is good, let them come and live with us for a month", 20 December 2021, available (Greek) at: <https://popaganda.gr/stories/opios-theori-oti-ine-kali-i-klisti-domi-sti-samo-as-erthi-enan-mina-na-zisi-mazi-mas/>.

<sup>64</sup> Amongst others, AIDA, June 2023, *op.cit.*, p. 171; Intersos Hellas, HIAS Greece & GCR, *Being Hungry in Europe: an analysis of the food insecurity experienced by refugees, asylum seekers, migrants and undocumented people in Greece*, May 2023, available at: [https://www.gcr.gr/media/k2/attachments/Report-Being-Hungry-in-Europe\\_3.pdf](https://www.gcr.gr/media/k2/attachments/Report-Being-Hungry-in-Europe_3.pdf), pp. 19 and 24.

<sup>65</sup> MoMA, "Financial assistance to applicants for international protection" programme: May 2023 factsheet, available (Greek) at: <https://migration.gov.gr/wp-content/uploads/2023/07/Cash-Factsheet-May-2023-PDF.pdf>

<sup>66</sup> MoMA, May 2023, *op.cit.*, Table 11a.

<sup>67</sup> AIDA, June 2023, *op.cit.*, pp. 149-150.

<sup>68</sup> Namely, as per the MoMA's data, in May 2023, there were 19,311 asylum applications pending at both instances, yet during the same month, only 11,567 applicants residing in facilities of the Reception system. MoMA, May 2023, *op.cit.*, tables 4 and 11a.

**GREEK COUNCIL FOR REFUGEES – SPECIAL CONSULTATIVE STATUS WITH THE UN (ECOSOC)**

**25 SOLOMOU STR. - EXARHIA, 106 82 ATHENS, GREECE**

**TEL: +30 210 38 00 990    FAX: +30 210 38 03 774    WEBSITE : [www.gcr.gr](http://www.gcr.gr)    EMAIL: [gcr1@gcr.gr](mailto:gcr1@gcr.gr)**

**Certified with ISO 9001 : 2015 No. 20001210004322 by TUV Austria**

<sup>69</sup> AIDA, June 2023, *op.cit.*, p. 160, 179-181.

<sup>70</sup> Also see AIDA, June 2023, *op.cit.*, 166-167.

<sup>71</sup> For more, AIDA, *op.cit.*, pp. 161-164; RSA, *A Step backwards for protection and integration: On the termination of the ESTIA II housing programme for asylum applicants*, 22 December 2022, available at: <https://bit.ly/43vr3Y5>; GCR, “Evictions, homelessness and a setback to integration” («Εξώσεις, αστεγία και πτωχούρισμα στην ένταξη») [Press Release], 30 November 2022, available (Greek) at: <https://bit.ly/3oBev2B>; FENIX, Closure of ESTIA II: thousands of extremely vulnerable asylum seekers to be left without humane and adequate accommodation and proper care, 31 October 2022, available at: <https://bit.ly/43nPgzo>

<sup>72</sup> On average 6.5 days for the placement of UAM in a suitable facilities and specifically: 13.77 days on average for UAM residing in island facilities, 7.64 days on average for UAM residing under conditions of *de facto* detention (includes UAM residing in the reception facility of Evros and those under ‘protective custody’), and 2.25 days for UAM specifically in ‘protective custody’. Data provided by the Special Secretary for the Protection of Unaccompanied Minors on 16 February 2023. See Aida, June 2023, *op.cit.*, p. 195.

<sup>73</sup> *Inter alia* see GCR & Save the Children International, *Without papers, there’s no life: Legal barriers in access to protection for unaccompanied children in Greece*, 27 July 2023, available at: <https://www.gcr.gr/en/ekdoseis-media/reports/item/2168-without-papers-there-s-no-life-legal-barriers-in-access-to-protection-for-unaccompanied-children-in-greece>, p.7; GCR & Oxfam, 7 March 2022, *op.cit.*, p. 5.

<sup>74</sup> Frontex, *The Fundamental Rights Officer: Annual Report 2022*, 6 July 2023, available at: [https://frontex.europa.eu/assets/fundamental/FRO\\_annual\\_report\\_2022.pdf](https://frontex.europa.eu/assets/fundamental/FRO_annual_report_2022.pdf), p.17.

<sup>75</sup> GCR & Save the Children International, 27 July 2023, *op.cit.* pp. 3, 7-8.

<sup>76</sup> For instance, on 1 June 2023, field based actors expressed concern about the fact that UAM in the CCAC of Lesvos are not isolated from the adult population. Information shared during the 1 June 2023 Inter-Agency Consultation Forum of Lesvos, which operates under UNHCR. Earlier, in 2022, the UN Child Rights Committee (CRC) had raised serious concerns, among others, regarding the detention of children for identification purposes, inappropriate age determination procedures, and the precarious living conditions in the island facilities. See UN Committee on the Rights of the Child, Concluding observations on the combined fourth to sixth reports of Greece, 28 June 2022, available at: <https://digitallibrary.un.org/record/3978634>; and UN Human Rights Office of the High Commissioner, Press release ‘UN Child Rights Committee issues findings on Cambodia, Canada, Chile, Croatia, Cuba, Cyprus, Djibouti, Greece, Iceland, Kiribati, Somalia and Zambia’, 9 June 2022, available at: <https://www.ohchr.org/en/press-releases/2022/06/un-child-rights-committee-issues-findings-cambodia-canada-chile-croatia-cuba>.

<sup>77</sup> For the relevant data see MoMA, *Situation Update: Unaccompanied Minors (UAM) in Greece*, 1 July 2023, available at: [https://migration.gov.gr/wp-content/uploads/2023/07/SSPUAM\\_Statistics\\_2023\\_07\\_01.pdf](https://migration.gov.gr/wp-content/uploads/2023/07/SSPUAM_Statistics_2023_07_01.pdf).

<sup>78</sup> AIDA, June 2023, *op.cit.*, p.22.

<sup>79</sup> Council of the European Union, *Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of Greece on the application of the Schengen acquis in the field of return*, 10 November 2021, available at: <https://data.consilium.europa.eu/doc/document/ST-13662-2021-INIT/en/pdf>, para. 9.

<sup>80</sup> Greek Ombudsman, *Special Report on Returns of third country nationals in 2022*, June 2023, available (Greek) at: <https://www.synigoros.gr/el/category/synhgoros-toy-polith/post/eidikh-ek8esh-or-epistrofes-allodapwn-2022>, p. 27.

<sup>81</sup> AIDA, June 2023, *op.cit.*, p. 22.

<sup>82</sup> Greek Ombudsman, June 2023, *op.cit.*, p. 27.

<sup>83</sup> Information provided by the Directorate of the Hellenic Police on 2 February 2023.

GREEK COUNCIL FOR REFUGEES – SPECIAL CONSULTATIVE STATUS WITH THE UN (ECOSOC)

25 SOLOMOU STR. - EXARHIA, 106 82 ATHENS, GREECE

TEL: +30 210 38 00 990 FAX: +30 210 38 03 774 WEBSITE : [www.gcr.gr](http://www.gcr.gr) EMAIL: [gcr1@gcr.gr](mailto:gcr1@gcr.gr)

Certified with ISO 9001 : 2015 No. 20001210004322 by TUV Austria