

**JOINT SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW
REGARDING THE SITUATION OF REFUGEES AND ASYLUM SEEKERS
IN GREECE**

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INTRODUCTION

1. The present submission provides information on the implementation of selected recommendations of the 2nd Universal Periodic Review (UPR) cycle relating to the treatment of asylum-seekers and refugees in Greece. During the last UPR in 2016, Greece accepted 28 recommendations specifically relating to the rights of asylum seekers and refugees and supported calls to prevent the violation of the principle of non-refoulement, to improve living conditions, to limit the use of detention and to increase support for unaccompanied children. Despite this, the situation in Greece five years later remains critical and the human rights of asylum seekers and refugees have, in some cases, arguably worsened. The EU-Turkey Joint Statement of March 2016 has placed a significant burden on the Greek asylum and reception system. Every year since 2017 (excluding 2020 as a result of the COVID-19 pandemic and intensifying push-backs, as discussed below), arrivals have increased dramatically, resulting in significantly overcrowded facilities on the islands due to the imposition of a geographical restriction¹. This has resulted in reception conditions on the islands that are inadequate and as the European Court of Human Rights (ECtHR) has found, in some instances amounted to inhuman and degrading treatment. The poor conditions on the islands, as well as those in the camps of the mainland, were further exacerbated during the COVID-19 pandemic. Of further concern is the ‘International Protection Act’ (IPA), which entered into force on 1 January 2020. The IPA, as well as its amendments in May 2020, introduced significant reforms that eroded the rights of asylum seekers and refugees in Greece².

¹ 2016: 173,450 sea arrivals and 3,784 land arrivals; 2017: 29,718 sea arrivals and 6,592 land arrivals; 2018: 32,494 sea arrivals and 18,014 land arrivals, 2019: 59,726 sea arrivals and 14,887 land arrivals. Data available at <https://data2.unhcr.org/en/situations/mediterranean/location/5179> (accessed on 12 March 2021).

² Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2019 update, June 2020, available at <https://asylumineurope.org/reports/country/greece/> (accessed on 12 March 2021), p. 5.

PUSH-BACKS IN THE AEGEAN AND ON THE LAND BORDER WITH TURKEY

Recommendations: 134.130, 134.132, 134.134, 137.21

2. As demonstrated in numerous reports, the non-refoulement principle has been violated in a significant number of well-documented push-back incidents having taken place since 2017 up to present. The reports are based mostly on testimonies of victims who described their experience of being pushed-back from Greece to Turkey either in the Evros region or in the Aegean Sea. During the push-back operations, victims have been subject to unlawful detention, violence and other forms of inhuman and degrading treatment. The frequency and repeated nature of the testimonies that came to the attention of our organizations, constitutes evidence of the practice of pushbacks being used extensively, despite the denial by the responsible public bodies and authorities³. The testimonies substantiate a continuous and uninterrupted use of the illegal practice of push-backs. They also reveal an even more alarming array of practices and patterns, which need further investigation. According to the victims, the persons involved in implementing the practice of push-backs speak Greek, as well as other languages, while reportedly wearing either police or military clothing⁴.

3. In February 2018, the Greek Council for Refugees (GCR) published its first report providing testimonies of victims of push-backs that took place in Evros region during 2017⁵. In December 2018, GCR, the Association for the Social Support of Youth (ARSIS) and HumanRights360 published a report, which contained 39 testimonies⁶. Similar incidents have also been registered by Human Rights Watch, in a report issued during the same period⁷. Victims alleged that they had had their personal belongings, including mobile phones, confiscated by the guards who had escorted them to the river and supervised the pushbacks. In 2020, there has been a notable increase in collective expulsions in the Aegean Sea by

³ Refugee Support Aegean, *Official reactions and positions on push backs: a timeline*, 29 December 2020, available at <https://rsaegean.org/en/official-reactions-and-positions-on-push-backs-a-timeline/> (accessed on 12 March 2021).

⁴ See also European Parliament, *Pushbacks at the EU's external borders*, March 2021, available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689368/EPRS_BRI\(2021\)689368_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689368/EPRS_BRI(2021)689368_EN.pdf) (accessed on 12 March 2021), p. 5 : “The final report on fundamental rights and legal aspects of operations in the Aegean Sea, prepared by a Frontex Management Board working group on 1 March, cannot confirm beyond any reasonable doubt the Agency’s wrongdoing during its operations, as it found no indication of injuries, missing persons or deceased in the context of the incidents investigated.”.

⁵ Greek Council for Refugees, *Reports and testimony of systematic pushbacks in Evros*, 20 February 2018, available at <https://www.gcr.gr/en/ekdoseis-media/reports/reports/item/790-reports-of-systematic-pushbacks-in-the-evros-region> (accessed on 12 March 2021). See also a video released by the Greek Council for Refugees and Spanish Commission for Refugees on 20 March 2019 regarding the push-back of a pregnant Iranian asylum seeker available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1067-gcr-and-cear-publish-a-joint-video-documenting-the-harsh-reality-of-pushbacks-which-refugees-face-in-evros> (accessed on 12 March 2021).

⁶ GCR, Arsis and HumanRights360, *The new normality: Continuous push-backs of third country nationals on the Evros river*, December 2018, available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1028-the-new-normality-continuous-push-backs-of-third-country-nationals-on-the-evros-river> (accessed on 12 March 2021). See also HumanRights360, *The European and National Asylum Policy at the land borders of Evros*, 18 February 2021, available at <https://www.humanrights360.org/the-european-and-national-asylum-policy-at-the-land-borders-of-evros/> and *Defending human rights in times of border militarization*, 19 October 2020, available at <https://www.humanrights360.org/defending-human-rights-in-times-of-border-militarization/> (accessed on 12 March 2021).

⁷ Human Rights Watch, *Greece: Violent Pushbacks at Turkey Border*, 18 December 2018, available at <https://www.hrw.org/news/2018/12/18/greece-violent-pushbacks-turkey-border> (accessed on 12 March 2021).

Greece, as well as persistent allegations of deterrence tactics by Greek authorities such as manoeuvres at the sea aiming to push refugee boats back, returning of persons at sea who have reached Greek territorial waters, return by sea of persons who have disembarked on Greek shores and thereafter been towed back to sea⁸. In December 2020, Refugee Support Aegean (RSA) and PRO ASYL published a non-exhaustive compilation reporting push-backs and other violations of human rights at the Greek-Turkish sea borders since March 2020⁹. The timeline reproduces material made publicly available by media and civil society organisations regarding 40 push-back incidents. The Legal Centre Lesvos (LCL) has further been in contact with over fifty survivors of seventeen collective expulsions, and is representing some of them in legal proceedings¹⁰.

4. In December 2020, the Black Book of Pushbacks, a 1.500-page report that documents the violence suffered by over 12.000 people at the EU's external borders released by the Confederation of the European United Left / Nordic Green Left (the group for left-wing MEPs in the European Parliament) included an extended report, numerous statements and allegations regarding pushbacks in Greece. These included some 59 push backs at Evros since 2019 onwards¹¹. In February 2021, ARSIS, GCR, Hellenic League for Human Rights, HIAS Greece, HumanRights360 and RSA responded to the call for data on the report of the UN Special Rapporteur on the Human Rights of Migrants with a joint statement on push back practices reporting their concerns about the phenomenon which is growing at an alarming rate since March 2020¹². The six organizations also stress that Greece has never conducted an effective investigation regarding the numerous allegations, reports, testimonies and criminal complaints on illegal push-backs, neither at the level of the judicial system nor at the level of independent authorities or mechanisms. The persistent allegations of push-backs have been also decried by UN, European and national human rights monitoring bodies (UN CAT, UN Working Group on Arbitrary Detention, UNHCR, IOM, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe, Commissioner for Human Rights of the Council of Europe and the Greek National

⁸ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, pp. 33-36.

⁹ Refugee Support Aegean, *Push backs and violations of human rights at sea: a timeline*, 29 December 2020, available at <https://rsaegean.org/en/push-backs-and-violations-of-human-rights-at-sea-a-timeline/> and *Official reactions and positions on push backs: a timeline*, 29 December 2020, available at <https://rsaegean.org/en/official-reactions-and-positions-on-push-backs-a-timeline/> (accessed on 12 March 2021).

¹⁰ Eight collective expulsions from March to June 2020 and nine between July 2020 and December 2020 were documented by LCL in the Aegean. LCL identified that there is a consistent modus operandi of collective expulsions in the Aegean, which evidences both the widespread and systematic nature of push-backs. See Legal Centre Lesvos Report, *Crimes Against Humanity in the Aegean*, 1 February 2021, available at <http://legalcentrelesvos.org/wp-content/uploads/2021/02/Collective-Expulsions-in-the-Aegean-LCL-01.02.2021-1.pdf> (accessed on 12 March 2021).

¹¹ Border Violence Monitoring Network (BVMN), *The Black Book of Pushbacks - Volumes I & II*, 18 December 2020, available at <https://www.guengl.eu/issues/publications/black-book-of-pushbacks-volumes-i-ii/> (accessed on 12 March 2021).

¹² Joint Statement on push backs practises in Greece, 1 February 2021, available at <https://www.gcr.gr/en/ekdoseis-media/reports/gcr-reports-to-international-bodies/item/1613-joint-statement-on-push-backs-practices-in-greece> (accessed on 12 March 2021).

Commission on Human Rights)¹³.

RECEPTION CONDITIONS

Recommendations: 134.1, 134.129, 134.130, 134.131, 134.139, 134.142, 134.143, 134.144, 134.145, 134.147, 134.148, 134.149, 134.150

5. The shortcomings of the reception system have become increasingly apparent since summer 2015. The number of reception places had increased until 2019 but started decreasing in 2020 (especially accommodation in apartments and hotels, which could be considered as dignified accommodation as a result of a political decision that accommodation of refugees should be taking place in camps), while destitution and homelessness still affect an increasing number of asylum seekers and refugees. The latter, within one month after protection status is granted are subjected to forced exits from accommodation provided to asylum seekers and deprived of access to food support and cash assistance, though as far as our organizations are aware this has not been consistently applied amid the COVID-19 pandemic, leading also to a constant state of uncertainty¹⁴. In December 2020, 74 civil society organizations denounced that around 11.000 beneficiaries of international organizations were notified amidst pandemic that they were going to face forced exits from apartments for vulnerable people (ESTIA), hotel rooms under the temporary shelter and protection program (FILOXENIA), accommodation in camps on the islands and on the mainland¹⁵. At the same time, accommodation needs of asylum-seekers are not covered. For instance, during 2019, 950 requests from homeless or under precarious living conditions asylum seekers on the mainland were sent from the Directorate for the Protection of Asylum Seekers to the Reception and Identification Service, for a place in an open accommodation facility on the mainland. Only 55 applicants were finally offered an accommodation place in a facility

¹³ See some of the most recent: UN Committee Against Torture, *Concluding Observations on the seventh periodic report of Greece*, 3 September 2019, CAT/C/GRC/CO/7; Working Group on Arbitrary Detention, Human Rights Council forty-fifth session, *Report of the visit to Greece*, 29 July 2020, available at <https://undocs.org/A/HRC/45/16/add.1>; UNHCR, *UNHCR concerned with 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>; Council of Europe, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020*, paras 53-60 “The practice of pushbacks across the Turkish border and at sea”, available at <https://rm.coe.int/1680a06a86>; Council of Europe, Commissioner for Human Rights, *Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece*, 3 March 2020, available at <https://www.coe.int/en/web/commissioner/-/urgent-action-is-needed-to-address-humanitarian-and-protection-needs-of-people-trapped-between-turkey-and-greece>; 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>; GNCHR, *Statement with regards the alleged practices of push-backs, 7 July 2020*, available at http://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Dilosi%20EEDA_Anaferomenes%20praktikes%20epanaprothison.pdf (in Greek) (accessed on 12 March 2021).

¹⁴ See Refugee Support Aegean, *Recognised but unprotected: The situation of refugees in Victoria Square*, 3 August 2020, available at <https://rsaegean.org/en/recognised-but-unprotected-the-situation-of-refugees-in-victoria-square/> (accessed on 12 March 2021).

¹⁵ Joint Press Release of 74 organizations, *Refugees in Greece: Risk of homelessness and destitution for thousands during winter*, 22 December 2020, available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1582-refugees-in-greece-risk-of-homelessness-and-destitution-for-thousands-during-winter> (accessed on 12 March 2021).

(5.7%)¹⁶.

6. Regarding reception conditions on the islands, the indiscriminate imposition of the measure of the geographical restriction since the launch of the EU-Turkey Statement has led to the significant overcrowding of the reception facilities, which especially during the second half of 2019 and the first two months of 2020 reached explosive levels¹⁷. Since then, the spread of the COVID-19 pandemic in Greece and Europe, which also coincides with the exponential increase in reported pushback practices from Greece to Turkey, led to an exponential decrease of irregular arrivals and, in turn, a decrease in the number of persons accommodated in island Reception and Identification Centres (RIC) where, nevertheless, conditions remain substandard. As of 11 March 2021, the total number of persons remaining on the Greek islands was 14.628 out of which 5.406 remaining in the four RIC facilities with a total capacity of 3.338 accommodation places and 6.757 in the temporary camp in Mavrovouni, Lesvos, with a capacity of 10.000 places¹⁸. Food and water supply are insufficient, sanitation is poor and security is highly problematic¹⁹. A number of fatal events have also been reported²⁰. For instance, in August 2019, a 15-year-old unaccompanied child was killed and two others were injured in the safe zone of the RIC of Moria. In September 2019, a five-year old boy from Afghanistan was run over by a truck, while playing inside a cardboard box outside the RIC of Lesvos. In the same month, a woman was killed while a large fire broke out in Moria RIC, Lesvos. In December 2019, a 27-year-old Afghan woman, mother of three was killed in a fire, which started at the container where she lived with her husband and children, at the Kara Tepe accommodation site on Lesvos. On March 2020, a 6 year-old child was killed also by a fire that broke out in Moria RIC. Following a number of recommendations to the Greek authorities regarding the living conditions on the islands issued in previous years²¹, similar recommendations had been addressed in 2019 inter alia by the Council of Europe Commissioner for Human Rights²², UNHCR²³ and UNICEF²⁴. However and despite these repeated calls to address the increasingly desperate situation of

¹⁶ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, p. 150.

¹⁷ For instance, by the end of February 2020, there were 38.399 applicants in the five island RICs, which at the time had a nominal capacity of 6.178 accommodation places.

¹⁸ General Secretariat for Information and Communication, *National Situational Picture Regarding the Islands at Eastern Aegean Sea (11/03/2021)*, 12 March 2021, available at <https://infocrisis.gov.gr/refugee-migration/?lang=en> (accessed on 12 March 2021).

¹⁹ See also testimonies of residents in: GCR & Oxfam, *Lesbos Bulletin*, 15 February 2021, available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1620-gcr-oxfam-bulletin-february-2021>, pp.6-7 (accessed on 12 March 2021).

²⁰ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, pp. 157-158.

²¹ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2017 update, March 2018, available at <https://asylumineurope.org/reports/country/greece/> (accessed on 12 March 2021), pp. 131-133.

²² Council of Europe Commissioner for Human Rights, *Greece must urgently transfer asylum seekers from the Aegean islands and improve living conditions in reception facilities*, 31 October 2019, available at <https://www.coe.int/en/web/commissioner/-/greece-must-urgently-transfer-asylum-seekers-from-the-aegean-islands-and-improve-living-conditions-in-reception-facilities> (accessed on 12 March 2021).

²³ UNHCR, *Greece must act to end dangerous overcrowding in island reception centres, EU support crucial*, 1 October 2019, available at <https://www.unhcr.org/news/briefing/2019/10/5d930c194/greece-must-act-end-dangerous-overcrowding-island-reception-centres-eu.html> (accessed on 12 March 2021).

²⁴ UNICEF, *More than 1,100 unaccompanied refugee and migrant children in Greece need urgent shelter and protection*, 29 August 2019, available at <https://www.unicef.org/press-releases/more-1100-unaccompanied-refugee-and-migrant-children-greece-need-urgent-shelter-and> (accessed on 12 March 2021).

refugees and the increasing number of Courts' decisions²⁵ dealing with the situation on the islands, the situation remains dangerous and persons there are exposed to significant protection risks. It is worth mentioning that following the fire²⁶ in Moria, which destroyed the RIC, people were transferred in an even worse and more dangerous camp on top of a former firing range without taking the necessary steps to guarantee they would not be exposed to toxic lead²⁷.

7. Since the outbreak of COVID-19, civil society organizations have urged the Greek Authorities to urgently evacuate the camps on the islands because they suffer from severe overcrowding and lack of adequate sanitary facilities²⁸. Such conditions are overcrowded and unhygienic, putting residents at risk of communicable disease and making it all but impossible to follow public health guidance around prevention of COVID-19. Basic prevention mechanisms, such as social distancing and the wearing of masks cannot or are not implemented. Applicants who belong to the risk group and are particularly vulnerable to severe COVID-19 incidents, such as the sick and elderly, were not evacuated even when the pandemic had already caused all of Greece to lockdown. The European Court of Human Rights ordered evacuation in several cases and in January communicated five cases that will be heard on the merits²⁹. The RICs of Samos and Chios are currently several times over capacity, and many residents are living in informal areas around the official camps. Residents of island RICs must frequently queue in close proximity to each other for food, medical assistance, and washing. In such conditions, regular handwashing and social distancing are

²⁵ For instance, in three cases of vulnerable applicants living on the Greek islands under a geographical restriction, supported by Equal Rights Beyond Borders, the European Court of Human Rights ordered the Greek authorities to provide reception conditions in line with article 3 of the ECHR. These include the case of a pregnant woman and persons with medical conditions during the Covid-19 pandemic (available at <https://equal-rights.org/en/litigation/european-court-of-human-rights/>, accessed on 12 March 2021). See also Refugee Support Aegean, *Evacuation of overcrowded island camps a legal imperative*, 21 April 2020, available at <https://rsaegean.org/en/evacuation-of-overcrowded-island-camps-a-legal-imperative/> and *European Court of Human Rights orders Greece to safeguard asylum seekers' life and limb on Lesbos*, 24 September 2020, available at <https://rsaegean.org/en/european-court-of-human-rights-orders-greece-to-safeguard-asylum-seekers-life-and-limb-on-lesvos/> (accessed on 12 March 2021) - *E.I. v. Greece* App No 16080/20, *M.A. v. Greece* App No 18179/20 and *S.A. and O.A. v. Greece*, App No 40124/20. See also Legal Centre Lesbos, *Greek government instructed by European Court of Human Rights to guarantee rights of 3 LCL clients: An indictment of Reception conditions in Lesbos*, 17 March 2021, available at: <http://legalcentresvos.org/2021/03/17/greek-government-instructed-by-european-court-of-human-rights-to-guarantee-rights-of-3-lcl-clients-an-indictment-of-reception-conditions-in-lesvos/> (accessed on 12 March 2021).

²⁶ Joint statement of 48 NGOs regarding the fire at the Registration and Identification Centre at Moria, available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1499-joint-statement-of-31-ngos-regarding-moria-refugee-camp-fire> (accessed on 12 March 2021).

²⁷ *Conditions in 'Moria 2.0' camp are abysmal, say GCR and Oxfam*, 21 October 2020, available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1549-conditions-in-moria-2-0-camp-are-abysmal-say-gcr-and-oxfam> and *Update on the EU response in Lesbos, by the Greek Council for Refugees & Oxfam*, 3 December 2020, available at https://www.gcr.gr/media/k2/attachments/20201208_-_bulletin_en.pdf (accessed on 12 March 2021). See also Human Rights Watch, *Greece: Lead Poisoning Concerns in New Migrant Camp*, 8 December 2020, available at <https://www.hrw.org/news/2020/12/08/greece-lead-poisoning-concerns-new-migrant-camp> and *Greece: Migrant Camp Lead Contamination Inadequate Government Response; Lack of Transparency Put Health at Risk*, 27 January 2021, available at <https://www.hrw.org/news/2021/01/27/greece-migrant-camp-lead-contamination> (accessed on 12 March 2021).

²⁸ *Protect the most vulnerable to ensure protection for everyone! - Open letter of 121 organizations*, 25 March 2020, available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1412-protect-the-most-vulnerable-to-ensure-protection-for-everyone-open-letter-of-121-organizations> (accessed on 12 March 2021).

²⁹ Press Release of Equal Rights Beyond Borders and HIAS, *European Court of Human Rights Examines Living Conditions in 4 EU Hotspots: Chios, Kos & Lesbos*, 20 January 2021, available at <https://equal-rights.org/en/news/press-release-european-court-of-human-rights-examines-living-conditions-in-4-eu-hotspots/> (accessed on 12 March 2021).

impossible”³⁰.

8. Regarding reception conditions on the mainland, in 2016, in order to address the needs of persons remaining in Greece after the imposition of border restrictions along the so-called Western Balkan route, 30 temporary camps were created in order to increase accommodation capacity, which are still in use. Our organizations wish to stress that camps are not per se suitable for long-term accommodation as “*camps can have significant negative impacts over the longer term for all concerned. Living in camps can engender dependency and weaken the ability of refugees to manage their own lives, which perpetuates the trauma of displacement and creates barriers to solutions, whatever form they take. In some contexts, camps may increase critical protection risks, including sexual and gender-based violence (SGBV) and child protection concerns.*”³¹. Though conditions in some camps have improved since they were first established in 2016, conditions largely remain poor and below standards, as overcrowding, lack of or insufficient provision of services, violence and lack of security are consistently reported across the country³². Furthermore, since the majority of the camps are located outside urban areas away from services and access to public transport, they generate a feeling of exclusion and isolation among the residents. The remoteness of some sites from cities has also been noted as one of the difficulties the applicants face in order to access the labour market and as a notable obstacle to self-reliance, integration and co-existence³³. Regarding measures taken with regards to the COVID-19 pandemic, our organizations express the same concerns as for the islands.

9. Finally, our organizations express their concerns regarding the announcements of the Greek government to transform the camps into “controlled” accommodation centres, with “entry-exit control systems”. The announced closed centres on the islands, and the reported plans on the construction of new camps in the rest of Greece have been met with significant opposition and critique by local communities and authorities, which have on several occasions stressed the negative impact of camps, as opposed to humane conditions in apartments and/or other spaces within the societal fabric, inter alia arguing in favour of the expansion of the ESTIA accommodation scheme. Law 4686/2020, voted in May 2020,

³⁰ Lancet-Migration, Carruthers E., Veizis A., Kondilis E., Orcutt M., *Situational brief: asylum seekers, refugees & migrants in Greece during COVID-19*, 27 May 2020, available at https://1bec58c3-8dcb-46b0-bb2a-fd4addf0b29a.filesusr.com/ugd/188e74_4009784bdd8a4f2fabbbe4a01a538b6e.pdf (accessed on 12 March 2021).

³¹ See UNHCR, *Policy on Alternatives to Camps*, 22 July 2014, UNHCR/HCP/2014/9, available at <https://www.refworld.org/docid/5423ded84.html>, (accessed on 12 March 2021), p. 4.

³² Eric Reidy, *Two different hells: Mainland offers little respite for refugees in Greece*, The New Humanitarian, 5 December 2019, available at <https://www.thenewhumanitarian.org/news-feature/2019/12/5/refugee-mainland-Greece> (accessed on 12 March 2021) and Kathimerini, *Struggle for survival at Skaramangas refugee camp*, 16 April 2019, available at <https://www.ekathimerini.com/society/239576/struggle-for-survival-at-skaramangas-refugee-camp/> (accessed on 12 March 2021). See also Recommendations by the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the execution of judgments by the European Court of Human Rights (ECtHR) in the cases of M.S.S. v. Belgium and Greece (Application No. 30696/09, Grand Chamber judgment of 21 January 2011) and of Rahimi v. Greece (Application No. 8687/08, Chamber judgment of 05 April 2011), available at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168094938c>, (accessed on 12 March 2021), p.4: “some continue to be below standards provided under EU and national law, especially for long-term living. The main gaps relate to the remote and isolated location, the type of shelter (most housing units are in ISO boxes), lack of security, and limitations in access to social services, especially for persons with specific needs and children. These living conditions coupled with a lack of clarity on future prospects over sustainable livelihood, have a detrimental impact on mental wellbeing”.

³³ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2019 update, p. 156.

introduced a new type of facility named as “Island Closed Controlled Facilities”. Reception and identification centres, closed temporary reception facilities, pre-removal detention facilities and separate areas for the accommodation of vulnerable persons may operate in distinct areas of such facilities³⁴. The law does not specify the legal regime of persons who will remain in these facilities, neither provides further information, such as on which grounds asylum seekers will be placed in such facilities, the possibility of and procedures for entry and exit, general conditions, the maximum period of stay and whether and under which conditions legal representatives and other actors will have access to these facilities.

³⁴ Article 30 par. 4 of Law 4686/2020.

ASYLUM PROCEDURE

Recommendations: 134.128, 134.131, 134.133, 134.137, 134.141, 134.145

10. Limited access to the asylum procedure in the mainland remains a systemic and longstanding problem of the Greek asylum system³⁵. Access to asylum on the mainland continues to be problematic mainly due to difficulties in accessing the Skype-based appointment system in place for registration, which has limited capacity and availability for interpretation. Throughout the time when access to the asylum procedure remains practically impossible, there is complete lack of access to other rights (health care, accommodation, access to the labour market etc.). On many occasions during the previous period, GCR has found third-country nationals, including persons belonging to vulnerable groups, detained on the basis of a removal order issued due to ‘lack of legal documentation’, who argued that, despite multiple efforts, they did not manage to gain access to the asylum procedure through Skype. It is worth mentioning that in March 2020, the Greek Authorities issued an Emergency Legislative Order which suspended access to the asylum procedure for persons entering irregularly in the country during March 2020 and thus access to asylum was barred by law for newly arrived potential applicants during March 2020³⁶.

11. Furthermore, our organizations would like to stress the long delays in the asylum procedure. Despite the large number of first instance decisions issued during the period that the Asylum Service had suspended the reception of the public due to COVID-19 measures from March to May 2020, the average processing time at first instance was reported at about 10.3 months in 2019, compared to 8.5 months in 2018³⁷. Out of the total number of 87.461 applications that were pending at the end of 2019, the personal interview had not yet taken place in 71.396 (81.6%) cases. Out of these 71.396 pending applications, in the majority of cases (67% or 47.877 applications) the interview has been scheduled for the second semester of 2020 and even far beyond 2020, with some applicants having their interview scheduled for 2024³⁸. On the other hand, IPA has generalized the application of the fast track border procedure to all applicants arriving on the Greek Eastern Aegean Islands, by abolishing the exception of applicants identified as vulnerable from said fast track procedure, as was provided by the previous legislation³⁹. Within the framework of the fast-track border procedure, since mid-2016, the same template decision is issued to dismiss claims of Syrians applicants as inadmissible on the basis that Turkey is a safe third country for them. Accordingly, negative first instance decisions qualifying Turkey as a safe third country for Syrians are not only identical and repetitive – failing to provide an individualised assessment

³⁵ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2019 update, pp. 49-50.

³⁶ See Refugee Support Aegean, *Analysis: Rights denied during Greek asylum procedure suspension*, April 2020, available at <https://rsaegean.org/en/analysis-rights-denied-during-greek-asylum-procedure-suspension/> (accessed on 12 March 2021). As stated by UNHCR “neither the 1951 Convention Relating to the Status of Refugees nor EU refugee law provides any legal basis for the suspension of the reception of asylum applications” UNHCR, *UNHCR statement on the situation at the Turkey-EU border*, 2 March 2020, available at <https://www.unhcr.org/news/press/2020/3/5e5d08ad4/unhcr-statement-situation-turkey-eu-border.html> (accessed on 12 March 2021).

³⁷ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, pp. 54-55.

³⁸ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, pp. 54-55.

³⁹ Article 90(3) Law 4636/2019; see also Article 60(4) Law 4375/2016.

– but also out-dated insofar as they do not take into account developments after that period⁴⁰. Second instance decisions issued by the Independent Appeals Committees for Syrian applicants systematically uphold the first instance inadmissibility decision, if no vulnerability/reasons for referring the case for humanitarian status is identified. Thus, the risk of chain-refoulement remains high.

12. The non-effectiveness of legal remedies against a second instance negative decision (application for annulment and application for suspension of the second instance decision) is also a matter of concern for our organizations, as such remedies are severely undermined by a number of practical and legal obstacles intensified by IPA. Inter alia, IPA foresees the possibility of a ‘fictitious service’ of the second instance decision, which entails the risk for deadlines for judicial review to expire without the appellant having been actually informed about the issuance of the decision. In addition, it reduced the deadline for submitting a remedy against a second instance negative decision from 60 to 30 day since the notification of the decision and provides that legal remedies can be solely submitted before the Administrative Court of First Instance of Athens or Thessaloniki, which may render them not accessible for applicants located in other areas. Moreover, these remedies can only be filled by a lawyer but no free legal aid scheme is available, while neither of them has an automatic suspensive effect thus exposing the applicant at risk of removal even in case of an ‘arguable claim’. In addition, the Administrative Court can only examine the legality of the decision and not the merits of the case, while the overall procedure is reported lengthy.

13. Finally, our organizations would like to express their concerns regarding the lack of legal assistance within the asylum procedure. No state-funded free legal aid is provided at first instance, nor is there an obligation to provide it in law. Free legal assistance is only provided by a number of civil society organisations, which have the capacity to support only a limited number of cases taking into consideration the high number of applicants and their needs throughout the whole asylum procedure (registration of the application, first and second instance, judicial review). A state-funded legal aid scheme in the appeal procedure (second instance) on the basis of a list managed by the Asylum Service operates since September 2017. Despite this welcome development, the capacity of this scheme remains limited and does not fulfil Greece’s obligation to provide free legal assistance at the appeals stage. For instance, in 2019 and 2020 almost 2 out of 3 appellants did not benefit from free legal assistance⁴¹. In addition, in some regions there is no lawyer operating under the free legal aid scheme or the lawyers registered with the scheme are not enough to address the needs⁴².

DETENTION

Recommendations: 134.125, 134.133, 134.148, 134.149, 136.24, 137.21

⁴⁰ GCR & Oxfam, *Lesbos Bulletin*, 15 February 2021, available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1620-gcr-oxfam-bulletin-february-2021> (accessed on 12 March 2021).

⁴¹ Out of a total of 15.378 appeals lodged in 2019, only 5.152 (33%) asylum seekers received free legal assistance under the state-funded legal aid scheme in appeals (Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, pp. 68-70). See also DH-DD(2020)571, Communication from Greece concerning the groups of cases of M.S.S. v. Greece (Application No. 30696/09) and Rahimi v. Greece (8687/08), 26 June 2020, p. 6 -according to these data, out of the total number of Appeals lodged in 2019 and by the end of May 2020 (19.502) a number of 6.760 applicants have been benefited by the free legal aid scheme in Appeals (34%).

⁴² Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, pp. 68-70.

14. Since the launch of the EU-Turkey Statement, the number of asylum seekers placed in administrative detention has been increasing significantly every year (2016: 4.072 detainees, 2017: 9.534 detainees, 2018: 18.204 detainees, 2019: 23.348 detainees⁴³). By mid-December 2020, 2.447 people were detained in the pre-removal detention centres: 877 in Corinth, 541 in Amygdaleza, 380 in Kos and 359 in Paranesti. The total number of third-country nationals against whom a detention decision has been issued during 2020 was 27.515, out of which 10.130 were asylum seekers. The total number of persons detained at the end of 2020 was 3.271 (11.5% rise compared to 2019). Of these, 863 persons (26.3 %) were detained in police stations. Furthermore, at the end of 2019, 195 unaccompanied children were in detention (“protective custody”) across the country and during the first ten months of 2020, an average of 225 were administratively detained per month⁴⁴. Police stations and other police facilities continued to be widely used in 2019 and 2020 for detaining third country nationals, including asylum seekers. Despite the fact that the ECtHR has found a violation of Article 3 ECHR “on the nature of police stations per se, which are places designed to accommodate people for a short time only”⁴⁵, detention in police stations is applied for prolonged periods, exceeding month(s) in many cases.

15. No individual assessment procedure prior to the imposition of detention is in place and detention continues to apply indiscriminately, including against vulnerable applicants – families with children, persons suffering from mental health problems, victims of torture etc.-, while no alternatives to detention are examined or applied in practice. A practice of automatic, upon arrival, detention of certain categories of asylum seekers is reported on Lesbos, Kos and to a certain extent on Leros island, while as far as GCR is aware, on Kos, since late January 2020, all newcomers, with the sole exception of registered unaccompanied children, are now detained upon arrival. Applicants on the islands whose asylum application is rejected at second instance under the fast-track border procedure are immediately detained upon notification of the second-instance negative decision without any examination of less coercive alternative measures⁴⁶. This practice fundamentally goes against recommendations accepted by Greece, supporting the limitation of the use of detention of asylum seekers, refugees and stateless persons. Adding to this, following recommendation accepted by Greece, it fell short in working for the amelioration of the situation of migrants. Particularly, as stressed in the previous recommendations, taking into account the complete negligence of the refugees’ situations, with regard to access to and the quality of the asylum procedure.

16. In addition, IPA introduced three problematic amendments relating to the detention of asylum seekers⁴⁷: 1) the possibility of detaining asylum seekers on the basis of an extensive list of grounds justifying detention⁴⁸, 2) the extension of the maximum time limits for the

⁴³ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, 2018 update, 2017 update and 2016 update, available at <https://asylumineurope.org/reports/country/greece/>.

⁴⁴ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2020 update, forthcoming and EKKA. *Situation Update: Unaccompanied Children in Greece, 31 December 2020*, available at

http://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2020/EKKA%20Dashboard_20201231.pdf (accessed on 12 March 2021).

⁴⁵ ECtHR, *S.Z. v. Greece*, application No 66702/13, 21 June 2018, para 40.

⁴⁶ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report: Greece*, 2019 update, p. 180.

⁴⁷ UNHCR, *UNHCR urges Greece to Strengthen Safeguards in Draft Asylum Law*, 24 October 2019, available at <https://www.unhcr.org/gr/en/13170-unhcr-urges-greece-to-strengthen-safeguards-in-draft-asylum-law.html> (accessed on 12 March 2021).

⁴⁸ Article 46 (2) IPA.

detention of asylum seekers⁴⁹ and 3) the abolition of the safeguard to impose the detention of an asylum seeker only upon a prior recommendation of the Asylum Service⁵⁰. Furthermore, no measures have been taken with regard to the decongestion of detention facilities and the reduction of the number of detainees during the COVID-19 outbreak. In addition, the proportionality/necessity of the detention measures has not been re-examined, despite the suspension of the returns to a number of countries of origin or destination and the suspension of returns to Turkey under the EU-Turkey Statement since March 2020⁵¹.

17. Detention takes place without respect for the right of asylum-seekers to be informed of the reason for their detention in written language they understand⁵². While some detention centres (Amygdaleza, Corinth, Xanthi, Paranesti, Kos) have adopted good practice in allowing people to use their mobile phones, others such as Tavros and all police stations prohibit the use of mobile phones⁵³. Conditions in pre-removal detention facilities vary to a great extent and in many cases fail to meet standards⁵⁴. Major concerns include a prison-like design, 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 facilities⁵⁵. Migrants continue to be held in detention centres composed of large barred cells crammed with beds, with poor lighting and ventilation, dilapidated and broken toilets and washrooms, insufficient personal hygiene products and cleaning materials, inadequate food and no access to outdoor daily exercise⁵⁶. Even the most basic health-care needs of detained persons are not being met⁵⁷. By mid December 2020 the total number of medical staff of the Health Units Societe Anonyme (SA), which provides medical services in all of Greece's detention centres was 8 doctors, 2 psychiatrists, 24 nurses and 3 health visitors. On average, there was one available doctor for 305.9 people⁵⁸. At the same time, only 12 translators were available for all centres⁵⁹. These are all examples of the conditions of the refugees/asylum seekers that illustrate how previous recommendations accepted by Greece have not been adhered to.

⁴⁹ Article 46 (5) IPA increases the maximum time limit for the detention of asylum seekers to 18 months and additionally provides that the period of detention on the basis of return or deportation procedures is not calculated in the total time of detention, and thus the total detention period of a third country national within the migration context may reach 36 months (18 months while the asylum procedure + 18 months in view of removal).

⁵⁰ Article 46(4) IPA .

⁵¹ See to this regard: Letter sent by the Greek Ombudsman on 20 March 2020 by which the Ombudsman recommend to the authorities inter alia to take measures for the decongestion of detention facilities amid the Covid 19 outbreak, 30 March 2020, available (in Greek) at <https://www.synigoros.gr/resources/20200320-epistoli-stp.pdf> (accessed on 12 March 2021).

⁵²GCR and Oxfam, Diminished, Derogated, Denied, 2 July 2020, available at <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621011/bp-diminished-derogated-denied-greece-refugees-020720-en.pdf> (accessed on 12 March 2021).

⁵³ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2019 update, p. 200.

⁵⁴Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2019 update, p. 196. This is not in line with the accepted recommendations: 134.78, 134.148 , 134.149, 134.133 & 137.21.

⁵⁵Council of Europe, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)*, March 2020, available at <https://rm.coe.int/1680a06a86> (accessed on 12 March 2021).

⁵⁶ *Ibid.*

⁵⁷ In particular, this goes against accepted recommendation 134.148.

⁵⁸ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2020 update, forthcoming.

⁵⁹ *Ibid.*

PROTECTION OF UNACCOMPANIED AND SEPARATED CHILDREN

Recommendations: 134.2, 134.3, 134.11 - 134.19 134.139, 134.142, 134.145, 134.146, 134.147, 134.151, 134.152, 134.153, 134.154, 136.26

18. Our organizations welcome the establishment of a Special Secretariat for the Protection of UASC under the Ministry of Migration and Asylum, which took place in February 2020, as well as the scheme established on 12 May 2020 regarding the relocation of unaccompanied

children⁶⁰. However, the procedure is not harmonized and until 10 March 2021, only 674 children had been transferred to other EU member states from Greece out of the 1.600 initially announced⁶¹. In addition, Greece has not taken steps to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, despite its commitment to do so in response to 2nd UPR cycle recommendations⁶².

19. Age assessment in the context of reception is of pivotal significance since age is the determining factor as to which procedure will be followed by the reception authorities regarding representation, accommodation, detention, and the need for international protection upon referral to the competent Asylum Office or return⁶³. The non-identification of unaccompanied and separated children (UASC) upon arrival due to significant delays on the islands has considerable implications on the level of rights and protection afforded to them⁶⁴. In addition, UASC continue to be systematically registered as adults during the registration and identification procedures, despite their statements to the contrary and in disregard for the principle of presumption of minority⁶⁵. Moreover, even though a new joint ministerial decision for the age assessment procedure has been passed in August 2020, still many issues have been observed as regards its implementation. In addition, despite the welcome development of a new legal framework on guardianship in 2018, its provisions have still not been implemented to date⁶⁶. It is worth mentioning that the provisions of previous legislation

⁶⁰ The scheme would be implemented based on workflows agreed to by all involved parties, namely: EASO, the European Commission, the Greek Ministry for Migration and Asylum, IOM, UNICEF, UNHCR, EU Agency for Fundamental Rights (FRA) and the participating EU+ Member States. The plan was the completion of the relocation of 1,600 UAMs from Greece to participating EU+ Member States (See EASO, *EASO facilitating relocation of Unaccompanied Minors from Greece*, 13 May 2020, available at <https://www.easo.europa.eu/news-events/easo-facilitating-relocation-unaccompanied-minors-greece> (accessed on 12 March 2021).

⁶¹ IOM, *Voluntary scheme for the relocation from greece to other European countries*, 13 May 2020, available at <https://greece.iom.int/sites/default/files/210310.pdf> (accessed on 12 March 2021).

⁶² Recommendations 134.2 and 134.3.

⁶³ Rosa Luxemburg Foundation, *Children Cast Adrift: Exclusion and exploitation of unaccompanied minors (UAMs) in Greece (2019)*, available at https://rosalux.gr/sites/default/files/publications/national_greece_en_final_1211web.pdf (accessed on 12 March 2021), p. 21.

⁶⁴ For instance, in 2019, the average time between arrival of persons and the medical/psychosocial examination/vulnerability assessment on the Aegean islands ranged from 1 to 8 months, with the time elapsing depending on the availability of qualified staff. Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2019 update, p. 107.

⁶⁵ Between August 2020 and March 2021, Fenix – Humanitarian Legal Aid interviewed 24 unaccompanied children who had not been registered as minors and 22 stated that they mentioned they were underage during their registration. Fenix also interviewed 21 children regarding their age assessment procedure conducted at different stages of the asylum procedure. 11 of them answered that the session lasted 10 minutes or less and 4 answered that it lasted 15 minutes or less (the remaining 6 did not provide an answer to that question). 5 children were referred to the age assessment procedure ten months after their arrival and none of them was provided with a reasoned decision in accordance to JMD 1982/2016 and JMD 9889/13-08-2020. Fenix notes that the first registration of new arrivals presents many obstacles for the identification of unaccompanied minors arriving in Lesbos: Guardians are usually not appointed as provided by the relevant national legislation and as a result the best interest of the minors cannot be considered as guaranteed. Finally the procedure is not audio recorded and as such there is no proof of the third-country national's statements during their registration.

⁶⁶ Law 4554/2018 (articles 13 to 32) on Guardianship of unaccompanied children passed in July 2018. According to its provisions, the State, with the support of the National Center for Social Solidarity (NCSS), shall bear the responsibility for such minors and a Supervisory Board for the Guardianship of Unaccompanied Minors is to be established. A Register of Professional Guardians shall also be kept at NCSS.

were also left inapplicable and the relevant services were never put in place⁶⁷. As a result, specifically for the year 2020 any kind of guardianship service has not been provided throughout Greece⁶⁸.

20. It is of high importance to underline that from 2016 until January 2020 the recognition percentage of UASC is extremely low, a fact that creates concerns as regards the quality of the decisions and the respect of the principle of the best interest of the child and of procedural guarantees⁶⁹. The Asylum Service since January 2020 has stopped publicizing statistics as regards the percentages of asylum decisions, so there are no data available especially for UASC. Furthermore, there are massive delays in the registration on the mainland, especially in the Regional Asylum Offices of Piraeus (Bangladeshi minors wait more than six months for an appointment) and of Alimos⁷⁰.

21. During the previous years, the Greek Government had not taken sufficient action to address the recommendations from the previous cycle in relation to the reception conditions of unaccompanied minors, especially children living in inhumane conditions in the hotspots⁷¹. Numerous cases have been brought before the European Court of Human Rights (ECtHR) and a collective complaint brought before the European Committee of Social Rights (ECSR) by ICJ and ECRE, with the support of GCR is pending. In response to the latter, the ECSC exceptionally decided to indicate immediate measures to Greece to protect the rights of migrant children and to prevent serious and irreparable injury or harm to the children concerned, including damage to their physical and mental health, and to their safety, by *inter alia* removing them from detention and from RICs at the borders⁷².

22. Because of a persisting lack of appropriate reception accommodation for unaccompanied children, the average waiting period for the placement of unaccompanied minors residing in and/or outside of reception centres to suitable accommodation places for UASC in 2019 was

⁶⁷ Rosa Luxemburg Foundation, *Children Cast Adrift: Exclusion and exploitation of unaccompanied minors (UAMs) in Greece* (2019), available at https://rosalux.gr/sites/default/files/publications/national_greece_en_final_1211web.pdf (accessed on 12 March 2021), p. 28-31.

⁶⁸ On 23 December 2020 an agreement between National Center for Social Solidarity (NCSS) and a Greek NGO for the provision of representatives/guardians was established for a transitional period of 8 months, with the aim to cover a number of UAMs across Greece.

⁶⁹ Data available at <https://migration.gov.gr/en/statistika/> (accessed on 12 March 2021). In 2016 the percentage of negative decisions was 73%, in 2017 72,6%, in 2018 61,9%, in 2019 52,5% and in January 70,6%.

⁷⁰ Greek Council for Refugees, Asylum Information Database (AIDA), *Country report : Greece*, 2019 update, p. 124. According to the findings of the Network for Children's Rights following the COVID-19 pandemic the average time for a registration in the RAO of Alimos is up to 5 months. The delays in the registration of Pakistani UASC were still massive (up to 6 months) until the second half of 2020, but a timely registration has been observed since then in the RAO of Athens.

⁷¹ See for instance: Recommendation 134.142 and Recommendation 134.145.

⁷² European Committee of Social Rights, Decision on admissibility and on immediate measures in the case International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece, Complaint No. 173/2018, 23 May 2019, available at <https://hudoc.esc.coe.int/eng#%7B%22fulltext%22:%5B%22cc-173-2018-dadmissandimmed-en%22%5D,%22ESCDcIdentifier%22:%5B%22cc-173-2018-dadmissandimmed-en%22%5D%7D> (accessed on 12 March 2021). In December 2019, in a case supported by GCR, the ECtHR granted interim measures to five unaccompanied teenagers, asylum seekers, who had been living for many months in the Reception and Identification Centre (RIC) and in the "jungle" of Samos. The interim measures indicated to the Greek authorities their timely transfer to a centre for unaccompanied minors and to ensure that their reception conditions are compatible with Article 3 of the ECHR (prohibition of torture and inhuman and degrading treatment) and the applicants' particular status (Press release available at <https://www.gcr.gr/en/news/press-releases-announcements/item/1352-the-european-court-of-human-rights-provides-interim-measures-to-unaccompanied-minors-living-in-the-ric-and-the-jungle-of-samos-island>, accessed on 12 March 2021).

6.6 months⁷³. As of 31 May 2020, of 4.898 unaccompanied and separated children, only 2.130 were placed in a long term or emergency accommodation facility for unaccompanied children, with 956 unaccompanied children living in insecure housing conditions⁷⁴. At the end of February 2021 the situation had improved as 1.807 children were accommodated in long-term accommodation (apartments and shelters) and 973 in temporary accommodation (hotels and safe zones). However, 164 children were still living in open temporary accommodation facilities while 917 had been reported as living in informal/insecure housing conditions such as living temporarily in apartments with others, living in squats, being homeless and moving frequently between different types of accommodation⁷⁵.

23. The Greek government has previously publicly committed to addressing the on-going use of detention of UASC, including in the last review⁷⁶. Despite a welcome legislative amendment in 2020 providing that UASC will not be detained “*under protective custody*”⁷⁷ for the sole reason that they are deprived of safe or known residence⁷⁸, the Greek legislation allows detention and children continue to be held in detention. The UN Working Group on Arbitrary Detention noted with disapproval in its report from July 2020 that unaccompanied children continue to be held in facilities for prolonged periods, of more than two months, in conditions similar to criminal detention. Children are often held in dark cells and with adults, which is a risk to their safety and entirely inappropriate⁷⁹. On 30 April 2020, according to data from Greece’s National Centre for Social Solidarity (EKKA), 276 UASC were being detained under the police protective custody regime, while awaiting placement in shelter’. As of 31 May 2020, 206 UASC were detained in police stations or pre-removal centres under the pretext of “protective custody”. On 28 February 2021, despite the legislative amendment noted above, 46 children were still detained under “protective custody”⁸⁰.

⁷³ Asylum Information Database, *Special reception needs of vulnerable groups*, 30 November 2020, available at <https://asylumineurope.org/reports/country/greece/reception-conditions/special-reception-needs-vulnerable-groups/> (accessed on 12 March 2021).

⁷⁴ Greek Council for Refugees, *Submission of the Greek Council for Refugees to the Committee of Ministers of the Council of Europe concerning the groups of cases M.S.S. v. Greece (Application No.30696/09) and Rahimi v. Greece (8697/08)*, 2020 available at https://www.gcr.gr/media/k2/attachments/SUBMISSION_OF_THE_GREEK_COUNCIL_FOR_REFUGEES_2020.pdf, p. 16 (accessed on 12 March 2021).

⁷⁵ Data available at http://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2021/EKKA%20Dashboard_20200228.pdf (accessed on 12 March 2021).

⁷⁶ See for instance Recommendation 126.26

⁷⁷ The Greek government was convicted for this practice several times by the ECtHR. See for instance decision of 13/06/2019, App No 14165/16 – Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia. Several cases are pending, *inter alia* Communication of 09/10/2020, App No 51980/19 – M.Y. et al v. Greece and 5 other requests.

⁷⁸ Article 43 of Law 4760/2020.

⁷⁹ Working Group on Arbitrary Detention, Human Rights Council forty-fifth session, *Report of the visit to Greece*, 29 July 2020, available at <https://undocs.org/A/HRC/45/16/add.1>, par. 67 (accessed on 12 March 2021).

⁸⁰ Data available at http://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2021/EKKA%20Dashboard_20200228.pdf (accessed on 12 March 2021).

RECOMMENDATIONS

24. Our organizations call on the government of Greece to implement the following regarding the situation of refugees and asylum-seekers present on Greek territories:

General Recommendations

1. Ensure that asylum-seekers and refugees are treated in accordance with the international obligations of Greece in respect of human rights;
 2. Ensure that the legislative and policy response to increased arrivals is consistent with international human rights and refugee law, particularly the principle of non-refoulement;
 3. Introduce and implement policies and measures facilitating integration into the Greek society.
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Push-backs

1. Immediately halt the practice of push-backs and set up an independent, transparent and cross-border monitoring mechanism for fundamental rights violations;
2. Conduct prompt, impartial and effective investigations into all such cases that have come to light and ensure the effective prosecution and punishment of those responsible;
3. Ensure the safe and legal return to Greece of those illegally deported;
4. Ratify Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Reception conditions

1. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
2. Ensure asylum seekers' and refugees' unhindered access to social rights and benefits;
3. End the policy of the geographical restriction of asylum seekers on the islands and ensure that they are promptly transferred to dignified reception conditions in mainland Greece;
4. Ensure dignified accommodation for asylum seekers and recognized refugees, including by increasing the current accommodation capacity.

Asylum procedure

1. Provide immediate and unhindered physical access to the Regional Asylum Offices for registration of asylum applications;
2. Guarantee access to free legal aid since registration of asylum applications, during first and second instance and before the Administrative Courts;
3. Ensure decisions on asylum applications, both on admissibility and on merits, contain individualised reasoning in fact and law, with reference to the personal circumstances of the applicants.

Detention

1. Limit the use and duration of administrative detention;
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2. Ensure that the implementation of administrative detention is subject to an individual assessment and justification of its grounds and duration, taking into account whether this is appropriate and necessary and whether alternatives to detention can be implemented;
3. Take into account the existence of appropriate detention facilities and the ability to guarantee decent conditions when imposing and reviewing detention orders, and in the absence of adequate conditions, refrain from imposing detention;
4. Halt the use of police stations as detention places for third country nationals;
5. Provide administrative detainees with information, access to counselling and legal aid.

Protection of unaccompanied and separated children

1. Establish efficient identification procedure and ensure that age assessment is carried out in a prompt and child-friendly manner and in compliance with the applicable legal framework as soon UASC arrive in Greece;
 2. Take immediate action to implement Law on Guardianship;
 3. Take measures to improve reception conditions by increasing accommodation capacity in appropriate shelters;
 4. Abolish detention of children in law and in practice;
 5. Ensure that procedural guarantees are followed in asylum procedure and that the principle of the best interest of the child is applied;
 6. Ratify the Optional Protocol to the Convention on the Rights of the Child.
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