

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES



Contact: Zoe Bryanston-Cross
Tel: 03.90.21.59.62

Date: 20/08/2024

DH-DD(2024)934

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1507th meeting (September 2024) (DH)

Item reference: Action Plan (20/08/2024)

Communication from Greece concerning the group of cases of M.S.S. v. Greece (Application No. 30696/09)

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1507^e réunion (septembre 2024) (DH)

Référence du point : Plan d'action (20/08/2024)

Communication de la Grèce concernant le groupe d'affaires M.S.S. c. Grèce (requête n° 30696/09) (**anglais uniquement**)

DGI

20 AOUT 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Communication/Updated Action Plan MSS (application number 30696/09) group of cases v. Greece

Case description

1. These cases concern the violation of Article 3 of the Convention on account of the applicants' (asylum seekers or irregular migrants that entered Greece before the end of 2016) conditions of detention¹ in various detention facilities² in Greece and in some cases the living conditions of asylum seekers³ in the same period. Some of these cases also concern the lack of an effective remedy against expulsion, due to deficiencies in the asylum procedures⁴ (violation of Article 13, taken in conjunction with Article 3).

2. In some recent cases the Court found a violation of Article 3 of the Convention because of the living conditions of third country nationals⁵ (some of them pregnant women at the material time⁶ and some others having been provided delayed medical care⁷) in the Samos, Kos, Chios, Lesbos (Moria) Reception and Identification Centres and Idomeni Camp in the period 2016-2020 and the lack of an effective remedy to complain thereof⁸ (violation of Article 13 in conjunction with Article 3).

3. Lastly, two recent cases⁹ concern the violation of Article 3 of the Convention on account of the applicants' conditions of detention¹⁰ in 2019 for almost 2 months in police stations, which by their very nature are designed to receive people for short periods of time.

4. Similar Article 5§2 issues regarding provision of information in a language the applicant understood about the reasons for her detention¹¹ are dealt with in a

¹ Such as overcrowding, lack of bed/mattress, insufficient ventilation, lack of regular access to toilets or sanitary facilities, lack of outdoor exercise, etc.

² Such as police stations, premises of authorities in charge of immigration or third country nationals, border posts or the special holding facility at the Athens International Airport

³ Resulting from the authorities' inaction in respect of the situation in which the applicants found themselves: living on the street, without access to sanitary facilities and without means of providing for their essential needs

⁴ Notably lack of thorough and timely examination of the merits of asylum applications, and the risks incurred in case of expulsion to countries of origin.

⁵ D.S v. Greece, A.R. and Others v. Greece

⁶ A.D. v. Greece, M.L and M.B v. Greece.

⁷ H.A. and Others, E.F.. A.I. and Others v. Greece and case W.A.grouped in A.R. and Others.

⁸ H.A. and Others, E.F., D.S v. Greece

⁹ Muhammad v. Greece, Bayram and Astoiani v. Greece.

¹⁰ Lack of fresh air and outdoor exercise.

¹¹ A.R. v. Greece.

separate group of cases(*M.D.* group), which also concerns immigration detention issues under Article 5.

Status of execution

Individual measures

5. It is recalled that the individual measures in all cases of this group have been closed, save for the following new cases, for which the payment of the just satisfaction awarded, as well as the applicants' situation are exhibited in details in the list below

Application	Case	Judgment of Final on	Payment of JS	Other measures
A.D.	55363/19	4/04/2023	The payment of the just satisfaction awarded (total amount of 6.000 euro in respect of non-pecuniary damage, as well as cost and expenses) was made on time ¹² and the deadline for the applicant to complain has expired.	the applicant's accommodation needs were addressed, as she was transferred to a guest house and soon after to the mainland (§§ 3, 25 of the judgment)
H.A. and Others	4892/18	3/06/2023	the payment of the different amounts of JS awarded as non-pecuniary damage (total amount of 115.000 euro) and as costs and expenses (total amount of 2.000 euro) as regards those applicants (23 in total) for whom the application was considered admissible were duly placed at the applicants' disposal (our letter no 3318/A2226/15-9-2023) and the deadline for the applicants to complain has expired.	All applicants had left the Moria RIC well before the judgment was issued, see Court's Annex to the judgment
E.F.	16127/20	5/10/2023	The payment of the just satisfaction awarded (10.000 euro in respect of non-pecuniary damage) was duly placed at the applicants' disposal (our letter no 40/A2367/5-2-2024) and the deadline for the applicant to complain has expired.	The applicant started receiving therapy in 24 June 2020 (§§ 12, 32 of the judgment)
M.L	8386/20	3/11/2023	The payment of the just satisfaction awarded (5.000 euro in respect of non-pecuniary damage and 1.000 euro for costs and expenses) was duly placed at the applicant's disposal (our letter no 103-44176/A22313/6-8-2024)	On 15 April 2020 the applicant was moved to a guesthouse in Samos and in July 2020 she was transferred to the mainland (firstly to a hotel and subsequently to an accommodation structure, § 3 of the judgment)
M.B	8389/20	3/11/2023	The payment of the just satisfaction awarded (5.000 euro in respect of non-pecuniary damage and 1.000 euro for costs and expenses) was duly placed at the applicants' disposal (our letter no 103-4244/A2318/9-8-	On 20 March 2020 the applicant was moved to a guesthouse on the island of Samos and on 1 April 2020 she was included in a housing programme and transferred to an apartment on the

¹² Our letter no 103 2944/A2296/21-8-2023.

			2024)	mainland (§ 3 of the judgment).
D.S.	2080/19	0/11/2023	The payment of the just satisfaction awarded (10.000 euro in respect of non-pecuniary damage) was duly placed at the applicants' disposal (letter of 1192/A2283/7-3-2024) and the deadline for the applicant to complain has expired.	On 17 April 2019 the applicant was moved to an apartment in Samos (§ 14 of the judgment)
A.I. and Others	13958/16	8/01/2024	The payment of the just satisfaction awarded (4.000 euro for each applicant in respect of non-pecuniary damage) was duly placed at the applicants' disposal (letter of 2012/A1944/23-4-2024) and the deadline for the applicants to complain has expired.	In December 2016 the applicants left Greece (§ 5 of the judgment). It is recalled that the applicants' complaints regarding their living conditions following their return to Greece in 2018 were rejected as inadmissible (§ 44 of the judgment)
MUHAMMAD	14606/20	5/04/2024	The payment of the just satisfaction awarded (1.400 euro in respect of non-pecuniary damage and 250 euro for costs and expenses) was duly placed at the applicant's disposal (our letter no 103-4188/A2601/6-8-2024)	The applicant was released on 24/09/2019, see Court's Annex to the judgment
A.R. and Others	59841/19	8/04/2024	The payment of the just satisfaction awarded in respect of non-pecuniary damage to each applicant (8.500 euro in total, see Court's annex to the judgment) was duly placed at the applicants' disposal (our letter no 103-4177/A2287+/6-8-2024)	The applicants were placed in an independent living facility (A.R. on 28/11/2019, § 8 of the judgment, M.A. on 21/12/2020, § 9 of the judgment). The applicant W.A. left Samos RIC on 15/7/2020 (§ 11 of the judgment)
BAYRAM and ASTOIANI	31030/19	6/05/2024	The payment of the just satisfaction awarded (1.400 euro in respect of non-pecuniary damage and 250 euro for costs and expenses for each applicant) was placed at the applicants disposal on 8/8/2024	The applicants were released on 9/02/2019 and 24/06/2019 respectively, see Court's Annex to the judgment

6. In view of the above-mentioned, the Government is of the opinion that the damage sustained by the applicants has been redressed and no further individual measures are necessary.

General measures

Introductory remarks

7. The competent authorities indicate that Greece has been called upon in recent years to address the shortcomings in its system of international protection, as these were also highlighted in the M.S.S. group of cases. In this vein, the codification and streamlining of the relevant legislation, coupled with the upgrading of information and communication technology systems have substantially contributed to the reinforcement of all actions that the Ministry of Migration and Asylum is tasked with. A typical example of the important steps that the Government has taken are the developments regarding reception and

protection of unaccompanied minors, as this has already been acknowledged by the Committee¹³. The better cooperation and communication with other EU member-states has also contributed considerably.

8. A multifaceted reform of the country's asylum system has taken place, based on the Hellenic Action Plan for Asylum and Migration Management, which has been developed in recent years, in cooperation with a number of actors, including the European Commission and UNHCR. Indeed, significant developments in the reception and identification of Third Country Nationals (TCNs), as well as in the examination of applications for international protection have taken place, rendering, to the Government's opinion, the shortcomings identified by the Court not only in M.S.S. case, but also in more recent judgments¹⁴, as outdated. Having said that, however, the authorities stress that their struggle to address possible existing flaws and new challenges is ongoing.

Committee's last examination

9. It is recalled that at its last examination of the above-mentioned group of cases (1475th meeting, September 2023), the Committee of Ministers adopted a decision¹⁵, by which they

(a) decided to close their supervision as regards the issue of reception, protection and detention of unaccompanied minors (the Rahimi case) and adopted Final Resolution [CM/ResDH\(2023\)259](#);

(b) welcomed the information provided by the authorities, as well as the latter's sustained efforts in different fields examined under the present group of cases (asylum procedures, living conditions of asylum seekers, detention conditions of migrants);

(c) requested an overall assessment of the way of examination of asylum applications, as well as the effectiveness of the available remedies through which asylum seekers can challenge eventual shortcomings thereof;

(d) invited the authorities to provide information on the measures taken and the progress achieved in the above-mentioned fields;

¹³ [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2023\)1475/H46-15E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2023)1475/H46-15E)

¹⁴ E.g. A.D. v. Greece, H.A. and Others v. Greece, M.K. v. Greece etc

¹⁵ [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2023\)1475/H46-15E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2023)1475/H46-15E)

(e) invited the authorities to provide statistical data showing the situation throughout the years, accompanied by a detailed analysis on the results achieved in all of the above aspects.

10. In reply to the Committee's requests, the Greek Government would like to submit the following information:

A) Asylum procedures

11. In the field of the international protection procedure, emphasis was placed on quality throughout the process of examination of applications, including the drafting of the relevant decisions. The above-mentioned developments and in particular the digitalisation initiatives, which continued throughout 2023, enhanced the efficiency and quality of asylum processes and led to the reduction of the time needed for the examination of applications both at first instance and on appeal and the improvement of the quality of interviews, notwithstanding the fact that pressure persisted¹⁶. In particular:

Operation

12. All TCNs entering the country without legal formalities, upon arrest by the competent police or coast-guard authority, either near the border or on the mainland, are directed to Reception and Identification Centres (RICs) and Closed Controlled Access Centres (CCFs), where they are subjected to reception and identification procedures (see below). Initial applications for international protection are lodged in RICs and CCACs and are fully registered at the Reception and Identification Service (RIS).

13. As regards manpower acting in the competent Asylum Services, the following numbers are provided (as per June 2023): 867 persons are employed¹⁷ in the Asylum Service and 61 persons in the Appeals Authority; 569 persons are working at RIS, 82 at the General Direction for Migration and 15 at General Secretariat for Vulnerable People. Recruitment procedures are ongoing.

Registration

¹⁶ Greece received the third-highest number of applications per capita across EU+ countries in 2023 https://euaa.europa.eu/sites/default/files/publications/2024-06/2024_Asylum_Report_EN.pdf, p. 71. **The level of pressure from asylum applications in Greece was the highest in 4 years, *ibid* p. 73.**

¹⁷ Civil servants, private law employees of indefinite and definite period (under contract).

14. In order to ensure effective access to the asylum procedure, a special electronic platform is available on the website of the Ministry of Immigration and Asylum, which is used to booking appointments for the full recording of applications for international protection, with multilingual (12 languages) guidance on how to complete the information requested. It is noted that full registration of asylum applications takes place at Malakasa and Diavata RICs on the mainland, by means of an electronically scheduled appointment. Moreover, in order to facilitate access and provision of comprehensive service to asylum seekers belonging to vulnerable groups, two new offices were established in 2024 (Autonomous Asylum Units of Athens and Thessaloniki), where new skilled staff has been employed.

15. The number and time-range of the available appointments are constantly adjusted according to the existing resources, with the operational support of the European Union Asylum Agency (EUAA)¹⁸ and depends on the given registration point. According to available data from the Asylum Information System, in the period 2022-2023, a total of 65,308 appointments for initial registrations (of asylum applications) and 13,268 appointments for registration of subsequent applications were made via the electronic platform.

Examination and recognition rate

16. In the period 1/1/2023-30/4/2024, 85,341 initial and 8,376 subsequent asylum requests were managed and 89,211 first instance decisions were issued. The recognition rate was 46% (38,251 decisions awarding refugee status and 704 decisions awarding subsidiary protection)¹⁹.

During the same period the Appeals authority, which is composed by judges²⁰, delivered 17,783 decisions (855 decisions awarding refugee status and 268 decisions awarding subsidiary protection, recognition rate 1%).

17. The authorities indicate that according to publicly available data of the Ministry of Migration and Asylum, from 2016 until 30/4/2024 Greece has

¹⁸ In the framework of the Operational Plan 2022-2024

¹⁹ It is noted that in 2023 Greece was the fourth from the top countries in EU issuing the most positive and negative first instance decisions per capita, Ibid EUAA, p. 74

²⁰ Nominated by the Commissioner General of the General Commission of the Ordinary Administrative Courts (full members), and supported by assistant *rapporteurs*, see the Regulation of the Operation of the Appeals Authority, Government Gazette B 4852/4-11-2020.

recognized 137.523 TNCs as refugees and 23.212 as international protection beneficiaries.

18. As far as the reduction of pending applications is concerned, it is noted that within the last year, a significant decrease of 58% was achieved (on 1/1/2023, the number of pending cases was 4.921, while on 1/1/2024, there were 2.845 pending cases). In an effort to provide a more concrete picture of the efficiency of the Greek Asylum Service, the following 5-year statistical data is presented:

FIRST INSTANCE

YEAR	REQUESTS	DECISIONS	REQUESTS/DECISIONS RATIO	PENDING REQUESTS
2019	77.228	49.969	65:100	123.515
2020	40.471	80.198	198:100	76.335
2021	28.272	71.363	252:100	34.856
2022	37.337	59.112	158:100	17.395
2023	64.212	52.314	81:100	29.885
Total 2019-2023	247.520	312.956	126:100	

SECOND INSTANCE (ON APPEAL)

YEAR	REQUESTS	DECISIONS	REQUESTS/DECISIONS RATIO	PENDING REQUESTS
2019	15.456	14.580	94:100	14.610
2020	13.071	24.952	191:100	3.553
2021	17.531	15.948	91:100	5.258
2022	16.862	17.337	103:100	4.921
2023	10.973	13.086	119:100	2.845
Total 2019-2023	73.893	85.903	116:100	

19. The above tables show that although the Asylum Service was called upon to deal with significantly high number of requests, delivering decisions has constantly been much higher than requests lodged.

Processing time

20. Currently the average time to complete the examination of an asylum application *both at first and second instance* is approximately 3 months. In particular,

Average time to issue a first instance decision	
PLACE	AVERAGE TIME (in days)
(30-04-2023 to 30-04-2024) Inland	40
(30-04-2023 to 30-04-2024) Islands	43
Average time to issue a decision on appeal	
PLACE	AVERAGE TIME (in days)
(30-04-2023 to 30-04-2024) Inland	60
(30-04-2023 to 30-04-2024) Islands	65

21. The above scores demonstrate a significant improvement, in comparison to previous years: e.g. in 2019 the average time to issue a decision was 100 days for the first instance and 176 days on appeal (decrease of 46%). It is highlighted that until the notification of the decision on an appeal (before the Appeals Authority), *all measures of expulsion, readmission or return of the applicant are suspended*²¹.

Legal assistance

22. All asylum seekers in Greece have the right to free legal assistance at the appeal stage²², upon request. The Asylum Service disposes a sufficient number of legal representatives and the assignment of cases to them is carried out immediately upon submission of a relevant request. In the period 1/1/2023-31/12/2023, 5.915 cases have been allocated to legal representatives included in the Lawyers' Registry that has been established in the Asylum Service, number that corresponds to 6.973 beneficiaries. 92 lawyers were enrolled in the above

²¹ Exceptions to the rule are provided in article 110 par. 1 of Law 4939/2022.

²² Common Ministerial Decision no 788502/2023 (B'42)

Registry in May 2024, distributed in the different regional services. Moreover, **all demands for legal assistance were met** and actually in a prompt manner.

Quality checks

23. As regards the evaluation of the way in which asylum applications are examined, the Asylum Service, through the Procedures and Training Department, monitors the uniform implementation of standard operating procedures (SOPs) and has developed standards, repositories, tools, as well as quality feedback reports, in cooperation with EUAA. In addition, it implements procedures for continuous quality assessment of interviews for international protection and first instance decisions. It is lastly mentioned that training programmes are constantly carried out²³.

24. The Government highlights that the above two levels of examination of an asylum request, at appeals level vested also with the guarantees afforded to the judiciary (since, as highlighted above, the appeals against first instance decisions are decided by judges) and the way they function, constitute strong safeguards against a potential arbitrary removal. In any case, in addition to the information presented above and in an effort to provide a more complete picture of the possibilities that asylum seekers have to challenge the decisions rendered in their cases, the following further guarantees are presented:

Judicial review

25. Applicants for international protection may lodge an application for annulment (*αίτηση ακύρωσης*) of a second instance decision of the Appeals Committees before the (locally) competent Administrative Court of First Instance within 30 days from the notification of the decision. Following the lodging of the application for annulment, an application for suspension/interim order can be filed. A decision should be issued within 15 days from the lodging of the application. An application requesting provision of a lawyer by the State and not to pay the fees required for filing applications of annulment and the application of suspension (legal aid) may be submitted before the competent Administrative Court of First Instance.

Subsequent application

²³ E.g. <https://migration.gov.gr/en/diimero-pilotiko-seminario-gia-ta-meli-ton-anexartiton-epitropon-prosfygon>

26. If a TCN has received a final decision rejecting his/her application for international protection and does not wish to take his/her case to court, or missed the deadline for submitting an application of judicial review or withdrew from a previous application, he/she can apply again for asylum, by lodging a subsequent application, if certain conditions are met²⁴. By lodging a subsequent application a TCN will be given a receipt that proves that such an application was filed, and will be protected from deportation until the admissibility of the application is examined. If the Asylum Service rejects the subsequent application, an appeal before the [Appeals Authority](#) may be submitted within five (5) days. Free legal support can be granted upon request.

27. The Government believes that the data provided above demonstrate that the way of examination of asylum applications in Greece has advanced throughout the last years to a level that an easily accessible, reliable and absolutely effective system functions, providing unhindered, prompt and very detailed examination of an asylum request at multiple levels. Moreover, remedies challenging negative decisions, vested with automatic suspensive effect²⁵, are put in place. Therefore, no structural deficiencies appear and a serious examination, in line with strictly defined criteria, is conducted. It is clear that effective guarantees exist to protect any TCN against arbitrary removal directly or indirectly back to his/her country of origin.

B) Living conditions

28. It is recalled that the Idomeni make-shift camp was evacuated in May 2016; the Moria RIC was burnt down and evacuated in September 2020; Samos RIC closed and Samos CCAC (see below) was inaugurated in September 2021, where the residents were transferred. Kos RIC was also converted into a CCAC in 2021 and Chios RIC was converted in 2022.

29. Being fully aligned with its obligations arising from EU and international law, Greece provides the necessary material reception conditions for all TNCs or stateless persons entering the country without the legal formalities and submitting

²⁴ E.g. new and substantial elements have arisen after examining the initial application or there are elements that existed before but could not be invoked during the assessment of the previous asylum application; the first decision on the asylum application was issued and the deadline to appeal against it was missed etc.

²⁵ Under the conditions discussed above.

an application for international protection. This is achieved through the establishment of new and modern Regional Services [Reception and Identification Centres (RICs), Closed Controlled Access Centres (CCACs), located close to the border and on the mainland, and Control Access Facilities for Temporary Accommodation of Asylum Seekers of Northern and Southern Greece (CAFTAAS-«Δομέζ»)], where all necessary services are provided. The material reception conditions of applicants of international protection are regulated by Law 4939/2022, which fully incorporates, inter alia, the EU Directive on the reception requirements for applicants for international protection (2013/33/EU). General Regulations for the Operation of the Regional Offices of the Reception and Identification Service (RIS) lay down more specific details concerning the operation and the provision of material reception conditions to applicants for international protection²⁶.

30. In particular, the reception and identification procedures of TCNs include the following stages: (a) Information²⁷, (b) Initial inclusion to procedures, (c) Data Registration and Medical Screening, (d) Referral to International Protection Procedure and (e) Further procedures and transfer²⁸. The above are carried out at specially designated Units²⁹ within the structures, in a language TCNs understand, in a simplified and comprehensible manner. Procedures regarding application for international protection are performed with the help of an **interpreter, free of charge.**

31. During their accommodation, asylum seekers have access to decent living conditions, to free of charge services of primary medical care and psychosocial support, including to public health units³⁰. Cleaning and food services are provided daily. Accommodation needs are met in consideration of the special

²⁶ In particular, the General Regulations for the Operation of Closed Controlled Accommodation Facilities (CCFs) concerning the operation of the CECs, was updated in December 2023 (Government Gazette B' 7533/31.12.2023). For the operation of the RICs and the CCACs, the General Regulation on the Operation of Reception and Identification Centres (Government Gazette B' 2219/10.06.2019) and the General Regulation on the Operation of Temporary Reception Facilities and Temporary Accommodation Facilities of Third Country Nationals or Stateless Persons apply.

²⁷ In a language they understand, on their rights and obligations

²⁸ Regarding TCNs who do not wish to be granted international protection or who are transferred to other Regional Units.

²⁹ Five distinct Units are designated in each structure for those purposes: Administrative, Nationality Identification and Verification, Medical Screening and Psychosocial Support, Information Provision, External Security and Safety.

³⁰ Through the provision of temporary security number (ΠΑΑΥΠΑ).

cultural features of the beneficiaries, in respect of the principles of family unity and best interest of the child. External Security and Safety Unit that operates in all of the Regional Services, in cooperation with the Directors, ensure the safe and proper functioning of the structures, by intervening immediately and dealing with any incident or problem that may occur.

32. In order to materialise the above, the Ministry of Migration and Asylum co-finances technical projects and actions for the recruitment and training of the necessary personnel in cooperation with the European Union, international organisations and civil society.

33. In June 2024 the number of TCNs in CCACs in the islands was as follows:

Kos: 1.288 (capacity³¹ 2.356), Lesbos: 1.409 (capacity 3.659), Samos: 2.269 (capacity 2.040), Chios: 567 (capacity 1.014) and Leros: 1.004 (capacity 1.780), TOTAL: 6.577. On the same month, 2.148 TCNs were transferred from the islands to inland³².

34. A detailed document prepared by the Directorate of RICs and CCACs of the Ministry of Migration and Asylum, providing extended information of each structure's description, as well as the available facilities, amenities and personnel therein is attached as **ANNEX 1** (in Greek). By way of example, the Government provides a brief presentation of Samos CCAC:

35. Its area measures 250.000sqm and its maximum availability is 3.650 places (960 places in Pre-Removal Centre). In June 2024, 2.269 people were accommodated there.

Electric supplies are covered by 2 medium-voltage substations and three generators, sewage disposal takes place by 2 wastewater treatment plants (biological treatment), water supplies include 4 different tanks, total capacity for drinking potable water 1.125 mc; additional 3 liters per person are provided each day; a distinct tank is designated for fire-fighting purposes; for the same purpose there are 132 fire-nests.

36. Accommodation areas are divided in sectors,

Sector A avails 238 shelters (οικίσκοι), each consisting of two rooms, a small kitchen (electric cooker and fridge) and a sanitary facility (that includes toilet,

³¹ The net capacity in each CCAC is provided, that is the nominal capacity minus possible PROKEKA availability, **see ANNEX 3**.

³² https://migration.gov.gr/wp-content/uploads/2024/07/Report_A_June-2024_International-Protection_Appendix-A_NEW.pdf, p. 1-2.

douche, washbasin); they have six beds and cupboards, autonomous heating/air conditioning, hot water throughout the day (solar heater). Two shelters are designated to accommodate people with disabilities.

Sector B avails

- section *for single-parent families* with 2 buildings (24 rooms each, 5 beds in each room, 20 communal toilets, 14 common showers, 5 cupboards, air conditioning), 1 shelter for people with disabilities and 2 common spaces for laundry and kitchen
- section for unaccompanied minors with 2 buildings as above (25 rooms each, 4 beds in each etc), 1 shelter for people with disabilities, 6 common WCs and 2 communal areas for laundry and kitchen
- 2 sections for controlled hospitality (total 5 buildings similar to the ones described in sector A).

37. There are also 2 sectors for quarantine purposes (7 shelters, capacity of 56 beds) and for new arrivals (29 shelters, capacity of 174 beds); 3 more shelters are designated for providing formal education (currently one is operative) and 8 for informal education (currently NGO METADRASI is providing Greek, English and mathematics lessons and Eurorelief sewing activities in 2 of them). 1 shelter is used as information hall and another one by lawyers providing legal services.

38. The following entertaining areas are available: *women's friendly space* where recreational activities take place, refreshment bar created by NGO MoTG, where table games are available, football field (where tournaments take place) and children's playground.

39. Meal distribution takes place 3 times each day, at 3 different designated areas and is provided by a catering company. Special care is taken *for the alimentation of pregnant women, infants* and people in special medical needs. Meals can also be prepared by TCNs themselves at the electric cookers/common kitchen that are in shelter areas.

40. A medical unit, an x-ray laboratory, a COVID clinic, 4 shelters for doctors and 4 infirmary shelters are operating within Samos CCAC. In addition, there is an area designated for psychosocial support and in particular 1 shelter (with 3 distinct areas) for personal meetings.

41. Interpretation (incl. from distance) and translation services are available at all stages of reception and identification procedures.

42. The Government indicates that in its Report following its ad hoc visit to Greece, which took place from 21 November to 1 December 2023, CPT, although critical about certain issues, noted that «... *the CCACs on the Aegean Islands have the potential to offer better living conditions for migrants and asylum seekers for periods of up to a few months*»³³. Moreover, the Government notes that this visit took place at a time when challenges were extremely demanding. As noted by CPT « *In the months from August to October 2023, the number of new arrivals on the islands increased significantly from previous years, with a peak of 11 650 arrivals in September....* »³⁴. However, the authorities, expressed their commitment to take additional steps to ensure that, even in periods of increased arrivals, mechanisms and procedures are in place which allow the reception of foreign nationals while protecting their human rights³⁵. Indeed, the Government continuously acts by taking additional measures in order to meet new challenges that emerge, as demonstrated by the statistical data on the numbers of TCNs accommodated in the islands in recent months³⁶.

43. In addition to the abovementioned, it is noted that **24 Accommodation Facilities (Domes, CAFTAAS)** that are open structures, located in the mainland, offer temporary accommodation to TCNs or stateless individuals who have applied for international protection within the territory of Greece. They also host the family members of applicants, minors- whether unaccompanied or not- as well as vulnerable individuals.

44. As already indicated, Domes offer a stable living environment that meets TCNs' essential material, social and educational needs. Residents live freely without restrictions in the facilities but are obliged to follow the regulations of operation that ensure peaceful and efficient living conditions. Moreover, Domes provide a variety of services to residents, such as food, personal hygiene items, clothing, medical services and psychological support, information on rights and

³³ CPT/Inf (2024) 21, p. 4. The Government indicates, however, that many of the concerns raised in that report (e.g. fencing of CCACs, allegations about ill-treatment and safeguards against it, allegations about Informal forcible removals at borders etc) are out of scope of the examination of the MSS group of cases.

(p. 34). At the same time, it is indicated that many of the concerns raised in that report (e.g. allegations about ill-treatment and safeguards against it, allegations about Informal forcible removals at borders etc) are out of scope of the examination of the MSS group of cases.

³⁴ CPT/Inf (2024) 21, p. 7. The Government notes that the islands of Kos, Samos and Lesbos experienced the higher spike in arrivals in the said period.

³⁵ Ibid, p. 34.

³⁶ Ibid footnote 32.

obligations, Greek language classes etc. By way of example, the availability /number of residents in the 12 available CAFTAAS in Northern Greece in the years 2020-2024, as well as the available material conditions, are described in **Annex 2** (in Greek).

45. Lastly it is noted that the programme ESTIA 21 has been terminated³⁷.

Conditions of detention

46. The total number of detainees in the seven Pre-removal Centres which are operational, with separate reference to asylum seekers, is presented in the table below:

PRE-REMOVAL CENTRE	Maximum CAPACITY	Number of detainees 30.6.2023/of whom asylum seekers	Number of detainees 30.06.2024/ of whom asylum seekers
AMYGDALAZA	1.100	919/214	647/259
TAVROS	200	102/26	179/30
KORINTHOS	1.344	653/424	493/307
DRAMA	310	294/126	303/137
XANTHI	210	178/76	216/90
ORESTIADA	232	153/-	43/4
KOS ³⁸	440	30/7	26/6
Total	3.836	2.329/866	1.902/833

47. As regards medical care, including psychosocial and consultative support services that are provided in pre-removal centres, the following data are presented:

PRE-REMOVAL CENTRE	Personnel
AMYGDALAZA	2 nursers, 1 psychologist, 2 social workers, 2 interpreters, 2 health visitors
TAVROS	1 doctor, 3 nursers, 1 psychologist, 1 social worker, 1 interpreter, 1 health visitor, 1 administrative assistant
KORINTHOS	doctor, 2 nursers, 1 psychologist, 1 interpreter, 2 health visitors, 1 administrative assistant
DRAMA	3 nursers, 1 psychologist, 1 administrative assistant
XANTHI	1 doctor, 2 nursers, 1 social worker, 1 interpreter, 1 administrative assistant
ORESTIADA	1 doctor, 1 nurser, 1 psychologist, 1 social worker, 1 interpreter, 1 administrative assistant

³⁷ The Government notes that it was by mistake indicated in our previous Communication that the programme ESTIA 21 was ongoing in 2023. Nevertheless, the needs met in the context of the above programme have been and are addressed through the abovementioned avenues.

³⁸ PROKEKA of KOS has been transferred to CCAC that function on the same island.

48. Procedures for hiring additional staff are ongoing for Tavros, Korinthos, Drama, Xanthi and Orestiada Pre-Removal Centres. Cases of TCNs who cannot be treated by the medical staff of the Detention Centre are referred for hospitalisation or examination to a hospital on duty or another appropriate medical institution.

49. In order to ensure the proper implementation of Directive 2008/115/EC "On Returns", clear instructions have been given and efforts are constantly ongoing to ensure that TCNs subject to return procedures are not detained in police detention premises, but are taken as soon as possible to the Pre-Removal Detention Centres, after their identification and the issuing of the necessary decisions. It is recalled that according to national legislation detention is imposed for the time strictly necessary for the completion of the removal procedure with a maximum period of six (6) months, which may be extended for a further twelve (12) months. In 2024 about 30% of deportation/return decisions for detainees in Pre-Removal Centres were extended beyond 6 months.

50. Moreover, with the purpose of being able to systematically provide free legal assistance to TCNs subject to return procedures (legal advice and interpretation assistance in order to challenge their deportation order), the competent authorities have opted the implementation of a Free Legal Assistance Programme, similar to the Programme adopted by the Asylum Service for applicants for international protection. For this purpose they plan to propose for inclusion and funding under the Asylum, Migration and Integration Fund of the sub-projects «access to free legal assistance to third country nationals subject to a return procedure», with a budget of (1.080.000,00) €, and «linguistic assistance to third-country nationals subject to a return procedure», both of which shall extend eligibility of expenditure until 31-12-2029.

Conclusion

The authorities note that the Geneva Convention, the provisions of which are implemented by the provisions of Law No. 4939/2022, is based on the fundamental premise that only those who fall within the definition of the refugee shall be afforded international protection. Those falling outside the scope of the

above definition have to be returned to their country of origin or to a safe country of transit. This distinction is essential and lies at the heart of the system of international protection system, which is based on the effective implementation of the above distinction. The current Greek legal framework and its implementation, as described above, on one hand puts an end to abuses and deliberate delays in the procedures, that undermine their efficiency and on the other hand provides a fully protective mechanism for those who really need protection, guaranteeing a single, integrated, simplified and coherent procedure of reception, identification and access to international protection.