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

Communication from NGOs (I have Rights, Mobile Info Team, Equal Legal Aid) (01/08/2024) concerning the M.S.S. group of cases v. Greece (Application No. 30696/09) (appendices in Greek are available at the Secretariat upon request).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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

Communication d'ONG (I have Rights, Mobile Info Team, Equal Legal Aid) (01/08/2024) relative au groupe d'affaires M.S.S. c. Grèce (requête n° 30696/09) (des annexes en grec sont disponibles auprès du Secrétariat sur demande) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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01 AOUT 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

1st August 2024

By Email Only:

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COMMUNICATION

In accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements by I Have Rights, Mobile Info Team and Equal Legal Aid regarding the execution of *M.S.S. v. Belgium and Greece* and *Rahimi v. Greece*



I Have Rights (IHR) is a non-profit refugee law clinic on Samos. Since beginning operation in March 2022, IHR has provided legal counselling and representation to over 820 asylum seekers and provided legal information to around 1,500 people through their information hotline. IHR closely monitors and documents human rights violations against asylum seekers on Samos, and in particular has published various reports on the Samos Closed Controlled Access Centre (CCAC).¹ IHR engages in advocacy and strategic litigation, including with stakeholders at the Council of Europe, EU and UN.² IHR is a member of the Border Violence Monitoring Network (BVMN).³

Mobile Info Team (MIT) is a non-profit organisation based in Thessaloniki that provides information and assistance to people throughout all stages of asylum and related procedures across Greece. Beginning operations in 2016, MIT has provided vital information to up to 9,000 individuals per year through hotlines available in six languages. Its legal team offers in-depth support in a wide range of legal matters, including issues related to integration and the Dublin Regulation. Additionally, MIT advocates for changes to the asylum system in Greece by engaging with stakeholders at a European Union and international level. Based on its work in Greece, MIT has published numerous reports on the lack of access to asylum,⁴ immigration detention centres⁵ as well as on the situation of asylum seekers and beneficiaries of international protection with regard to living conditions, integration, and risk of destitution.⁶ MIT is a member of the BVMN.

Equal Legal Aid (ELA) is a non-profit organisation based in Thessaloniki providing pro bono legal assistance and representation to asylum seekers during their asylum procedures in northern Greece. Since beginning its operation in September 2020, ELA has provided individual legal support and representation to 1,297 people. Representation is provided at all stages of the asylum procedure, including on appeal and before administrative Courts⁷. To tackle the challenges linked to the isolation of applicants in remote facilities, ELA also manages a hotline, through which 1,338 people have received guidance on asylum procedures since January 2022.

¹ See for example: I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre - The De Facto Detention of Asylum Seekers on Samos. Available at: <https://ihaverights.eu/de-facto-detention-in-the-ccac/>; I Have Rights. 2023. "They are killing minds"- Life in the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/they-are-killing-minds/>

² See for example: I Have Rights and BVMN. 2023. Third Party Intervention to the European Court of Human Rights in *A.B. v Greece and D.G. v Greece*. Available at: <https://ihaverights.eu/third-party-intervention-to-the-european-court-of-human-rights/>; I Have Rights and the Border Violence Monitoring Network. 2023. Policy Brief to MEPs on evidence of Aegean pushbacks. Available at: <https://ihaverights.eu/policy-brief-on-new-evidence-of-aegean-pushbacks/>; I Have Rights and the Human Rights Legal Project. 2023. GREVIO evaluation report on the implementation of the Council of Europe convention on preventing and combating violence against women and domestic violence. Available at: <https://rm.coe.int/joint-report-of-i-have-rights-and-the-human-rights-legal-project-ngos/1680aaa214>; I Have Rights and the International Rescue Committee. 2023. Contribution to EU Ombudsman Consultation: Samos Closed Controlled Access Centre breaks EU human rights standards. Available at: <https://ihaverights.eu/samos-closed-controlled-access-centre-breaks-eu-asylum-standards/>; I Have Rise and Still I Rise. 2022. Greece's Compliance with the Convention on the Rights of the Child Additional Submissions Report for the 90th Session of the Committee on the Rights of Child. Available at: https://www.stillirisengo.org/site/assets/files/1290/final_uncrc_sir_and_ihr_additional_submission.pdf

³ The Border Violence Monitoring Network (BVMN) is a network of non-governmental organisations situated along the Balkan and Greek migration route, whose purpose is to monitor, document and litigate human rights violations at European borders.

⁴ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric/>; Mobile Info Team. 2021. Lives on Hold: Access to asylum on mainland Greece, Crete and Rhodes. Available at: <https://www.mobileinfoteam.org/livesonhold/>; Mobile Info Team. 2022. Blocked from the system. Voices of people excluded from the asylum system on mainland Greece, Crete and Rhodes. Available at: <https://www.mobileinfoteam.org/blockedfromthesystem/>; Mobile Info Team. 2022. Control and Containment: Changes in access to asylum on mainland Greece, Crete and Rhodes. Available at: <https://www.mobileinfoteam.org/control/>

⁵ Mobile Info Team. 2023. "Prison for Papers": Last Resort Measures Used as Standard Procedure. Available at: www.mobileinfoteam.org/detention

⁶ Mobile Info Team. 2021. The living conditions of applicants and beneficiaries of International Protection. Available at: <https://www.mobileinfoteam.org/accommodation-report>

⁷ Since 2021, ELA's lawyers lodged 104 appeals before the Appeals Committees, submitted 96 requests for annulment and 73 requests for provisional measures. More information is available online: <https://www.equallegalaid.org/activity-reports/>.

Introduction

To assist the Committee of Ministers supervision of the implementation of the *M.S.S. v. Belgium and Greece* and *Rahimi v. Greece* cases, we present evidence on access to asylum procedures and legal assistance, living conditions of asylum seekers, safeguards for vulnerable individuals, and the conditions of detention facilities. Our evidence is obtained through our work providing legal aid to asylum seekers, refugees and migrants in Greece.

1. Asylum procedures

a) Length of asylum procedures

The authorities remain systemically noncompliant with deadlines in Greek law for the registration of both first instance and subsequent asylum applications.⁸ Statistics published by the Government show that at the end of December 2023 there were over 32,000 pending asylum applications at both first and second instance.⁹ As a consequence of waiting for registration, applicants are undocumented and unable to access their legal right to full material reception conditions and healthcare.¹⁰

(1) Samos

As noted in our previous Rule 9.2 submission, vulnerability assessments in the asylum procedure are inadequate on Samos.¹¹ For over two years, the Closed Controlled Access Center (CCAC) has not had a permanent state doctor to undertake vulnerability assessments.¹² Instead, vulnerability assessments are reliant on an *ad hoc* volunteer doctor and a single psychologist.¹³ For example, in 2023, I Have Rights (IHR) analysed the client data of 53 survivors of trafficking between March 2022 and June 2023 and determined that only 13% were identified during vulnerability assessments.¹⁴

(2) Mainland

Delays in processing asylum claims are routine due to several factors. In 2024, interruptions to interpretation services have exacerbated existing delays in the processing of asylum claims.¹⁵ During times of high arrivals the authorities have struggled to conduct timely registrations in the mainland Reception and Identification Centres (RICs), particularly Malakasa: an analysis of data collected by Forge for Humanity, Mobile Info Team (MIT) and Refugee Legal Support (RLS), evidenced that of 124 people

⁸ Article 69(1-2), Article 88, Greek Law 4939/2022 (Gov Gazette A 111/10.06.2022).

⁹ Hellenic Republic Ministry of Migration and Asylum (HRMoMA). 2024. Reply to the Greek Parliament. Available at: <https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12507130.pdf>.

¹⁰ Access to services is permitted after the registration of their application, according to Articles 1(c), 59(1), and 73(1), Greek Law 4939/2022; Articles 2(c) and 9(1), 2013/32/EU; Articles 2(b) and 17(1), 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>.

¹¹ Article 21, Directive 2013/33/EU.

¹² Article 41(d), Article 77 International Protection Act, Greek Law 4939/2022.

¹³ International Rescue Committee and I Have Rights. 2023. Contribution to the European Ombudsman's strategic inquiry into how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece. Available at:

https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman_Submission_IRC_IHR_Jan-2023_final.pdf; I Have Rights. 2023. I Have Rights' Second Communication to the UN Special Rapporteur on Trafficking in Persons regarding Greece's Failures towards Survivors of Trafficking accommodated in the Closed Controlled Access Center of Samos, Greece. Available at: <https://ihaverights.eu/wp-content/uploads/2024/05/Trafficking-Letter.docx.pdf>.

¹⁴ I Have Rights. 2023. Unidentified, unrecognised and denied support Survivors of human trafficking in the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/wp-content/uploads/2023/09/Unidentified-unrecognised-and-denied-support-survivors-of-human-trafficking-in-the-Samos-Closed-Controlled-Access-Centre.pdf>.

¹⁵ Mobile Info Team, Equal Legal Aid, Refugee Legal Support, Avocats Sans Frontières, I Have Rights, and Legal Centre Lesbos. 2024. Lack of interpretation services lengthens existing delays to access asylum and leaves people without protection. Available at: <https://www.mobileinfoteam.org/statement-lack-interpretation>.

surveyed who requested an appointment at Malakasa RIC via the online platform between July 2022 and May 2023, 11% waited for more than five months to attend their appointment; in some cases, people waited more than five months to attend an appointment.¹⁶

b) Access to the online system for registration of asylum applications

As highlighted in our previous Rule 9.2 submission, asylum seekers continue to report facing difficulties in accessing the online platform for requesting registration appointments for first instance asylum claims on the website of the Ministry of Migration and Asylum (MoMA).¹⁷ In 2023, MIT and RLS conducted interviews in which 69% of respondents referred to frequent crashing of the online platform or reported being informed by the system that there were no appointments available.¹⁸ Although less frequent than during 2023, technical issues with the online platform continue to be witnessed by MIT, indicating that these issues are yet to be entirely resolved almost two years after the platform was launched.¹⁹ Reports from Equal Legal Aid (ELA)²⁰ and MIT²¹ further highlight that the digitalisation of the Greek asylum system has created additional barriers for those who are not digitally literate or who cannot afford to purchase mobile data.

c) Lack of interpretation services in asylum procedures

In our previous Rule 9.2 submission, we highlighted the suspension of interpretation services between the MoMA and the European Union Asylum Agency (EUAA) in March 2023 for provision of services in island facilities²² and reduced interpretation provision on the mainland from October 2022.²³ On 14th May 2024, the main provider of interpretation services to both the Asylum Service and Reception and Identification Service (RIS), Metadrasi, announced the suspension of its services, reporting that it had not received funds from the Ministry for a continuous period of nine months.²⁴ As a result, asylum interviews were indefinitely postponed or cancelled,²⁵ and appeals and subsequent applications were halted, leaving many people in a legal limbo without access to basic protection services.²⁶ Metadrasi has reported

¹⁶ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

¹⁷ Joint Submission by I Have Rights and Mobile Info Team to the Committee of Ministers of the Council of Europe in the cases of *M.S.S. v. Belgium and Greece & Rahimi v. Greece*. 2023. Available at: <https://www.mobileinfoteam.org/mss-submission>.

¹⁸ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

¹⁹ Mobile Info Team. 2022. New Asylum Seeker Registration Procedure begins today and is already at capacity. Available at: <http://bit.ly/3WVXXPA>.

²⁰ Equal Legal Aid. 2022. Digitalisation of the Greek asylum procedure: a way into the future, or a barrier to human rights?. Available at: <https://www.equallegalaid.org/wp-content/uploads/2022/10/ELA-Final-Report-2.pdf>.

²¹ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

²² George Pagoudis. 2023. 'Είδος υπό εξαφάνιση οι διερμηνείς στις προσφυγικές δομές του Β. Αιγαίου'. *efsyn*. Available at: https://www.efsyn.gr/ellada/koinonia/386468_eidos-ypo-exafanisi-oi-diermineis-stis-prosfygikes-domes-toy-b-aigaioy.

²³ 902.gr. 2023. Να αποκατασταθεί άμεσα η υπηρεσία ασύλου. 902.gr. Available at: <https://www.902.gr/eidisi/koinonia/331861/na-apokatastathei-amesa-i-vpiresia-asyloy>

²⁴ Metadrasi. 2024. Facebook post. Available at: https://www.facebook.com/photo/?fbid=792859512946094&set=a.461882352710480&_rdc=1&_rdr.

²⁵ Mobile Info Team, Equal Legal Aid, Refugee Legal Support, Avocats Sans Frontières, I Have Rights, and Legal Centre Lesvos. 2024. Lack of interpretation services lengthens existing delays to access asylum and leaves people without protection. Available at: <https://www.mobileinfoteam.org/statement-lack-interpretation>.

²⁶ *Ibid*.

non-payment by the Ministry on several occasions during 2023 and 2024.²⁷ Asylum procedures are further delayed by staff shortages and technical issues affecting the entire asylum system.²⁸

2. Lack of access to legal assistance by asylum seekers

Article 34 of the Greek Lawyers Code guarantees unrestricted access to public facilities for lawyers upon presentation of their professional ID.²⁹ Following persistent restrictions on the ability of lawyers to enter camps and CCACs, a December 2022 opinion of the Bar Association of Athens clarified that lawyers are permitted free access to facilities accommodating refugees and asylum seekers without prior notification of camp management.³⁰ The Bar Association also clarified that authorities must additionally ensure that persons undergoing reception and identification procedures are able to maintain contact with CSOs which may provide legal or social assistance to them.³¹ In practice, these obligations are not respected.

a) Restrictions on lawyers to enter facilities

(1) Samos

The RIS requested that lawyers from IHR, Avocats Sans Frontières France and Human Rights Legal Project provide prior notice to enter the CCAC and require accompaniment by security staff during their visit.³² In a joint complaint made to the Greek Ombudsman, the organisations highlighted the isolated location, the infrequency of buses and strict curfew, hindered access to legal support for people seeking asylum.³³ The Greek Ombudsman determined that the RIS' practice was overly restrictive and not in line with the Lawyers Code,³⁴ and that given the short deadlines involved in the asylum procedure, it is important that the RIS exercise flexibility. Referring to the accompaniment of lawyers by security staff during their visit to the CCAC, the Ombudsman remarked that all privacy and confidentiality guarantees must be safeguarded.³⁵

(2) Mainland

According to research conducted in 2023 by MIT and RLS, 100% of respondents reported a lack of access to information, translation or legal support while undergoing reception and identification procedures within

²⁷ METAdrasi. 2024. Οκτώ μήνες μη καταβολής των οφειλομένων στη METAδραση για την παροχή διερμηνείας στους προσφυγικούς καταυλισμούς και τις διαδικασίες ασύλου. Available at: <https://shorturl.at/KinXX>; METAdrasi. 2023. Αναγκαστική μείωση της διερμηνείας στα Κέντρα παραμονής μεταναστών και προσφύγων και στις διαδικασίες ασύλου: Πολύμηνη καθυστέρηση καταβολής των οφειλόμενων από το Υπουργείο Μετανάστευσης και Ασύλου. Available at: <https://shorturl.at/tRKnJ>; Moira Lavelle. 2024. 'Lost for Words: Lack of interpreters puts asylum seekers' lives on hold in Greece'. Solomon. Available at: <https://wearesolomon.com/mag/format/feature/lost-for-words-lack-of-interpreters-puts-asylum-seekers-lives-on-hold-in-greece/>.

²⁸ The Greek Ombudsman. 2024. The Challenge of Migratory Flows and Refugee Protection - Reception Conditions and Procedures. Available at: <https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/ek8esh-or>; 902.gr. 2023. 'Na αποκατασταθεί άμεσα η υπηρεσία ασύλου'. Available at: <https://www.902.gr/eidisi/koinonia/331861/na-apokatastathei-amesa-i-ypiresia-asyloy>; efsyn.gr. 2023. '«Πάμε κι όπου βγει...» για αξιολόγηση-εργασιακά στο υπ. Μετανάστευσης'. Available at: https://www.efsyn.gr/ellada/dikaiomata/385043_pame-ki-opou-bgei-gia-axiologisi-ergasiaka-sto-yp-metanasteysis.

²⁹ Article 34, Greek Law 4194/2013, Lawyers Code.

³⁰ Bar Association of Athens. 2022. Legal Opinion File No 185. See Annex 1. Bar Association of Athens, Legal Opinion on Access of Lawyers.

³¹ Article 44(g), Greek law 4939/2022.

³² Avocats Sans Frontieres France, I Have Rights and Human Rights Legal Project. 2023. Greek Ombudsman finds that the CCAC is unlawfully restricting access to lawyers. Available at: <https://ihaverights.eu/ccac-unlawfully-restricting-access-to-lawyers/#:~:text=The%20Greek%20Ombudsman%20found%20that%20current%20practices%20insisted,entry%20book%20are%20sufficient%20conditions%20for%20their%20entry>.

³³ *Ibid.*

³⁴ Article 34(2), Greek Law 4194/2013, Lawyers Code.

³⁵ *Ibid.*

the mainland RICs.³⁶ Consequently, this impacted their ability to navigate the asylum procedure, understand the conditions of their *de facto* detention, or access legal assistance.³⁷ The same research highlighted the case of a Greek lawyer that was denied access to Diavata RIC by security staff, despite presenting at the facility with two clients who orally expressed authorisation for the lawyer to represent them; in this case, the lawyer had previously contacted the RIC authorities to request entry, but did not receive a response.³⁸

b) Access to legal assistance during reception and identification procedures

As per Greek law, persons undergoing reception and identification procedures are subject to a restriction of liberty for an initial period of 5 days, which may be extended to a total of 25 days by decision of the Director of the RIC.³⁹ The decision to extend the restriction of liberty must be issued within 5 days after entry to the RIC⁴⁰ and people whose liberty is restricted must be informed of their right to appeal the decision,⁴¹ in a simple and accessible manner and in a language they can understand or are reasonably expected to understand.⁴² In practice, the authorities do not comply with the law.

(1) Samos: Access to legal assistance for people in *de facto* detention

All newly arrived asylum seekers are by default and without individual assessment *de facto* detained to the CCAC.⁴³ During their detention they are deprived of legal assistance.⁴⁴ As a result of the exit ban, asylum seekers are unable to seek legal assistance from actors located in the town of Vathy, which is located 8 km from the facility. Yet, legal actors on Samos observed that orders of ‘restriction of freedom’ are consistently issued *after* detention has already begun, and not upon their entry as provided by Article 40(a) of Law 4939/2022.⁴⁵ This blanket detention measure remains subject to ongoing infringement proceedings by the EU.⁴⁶

I Have Rights understands that upon arrival every asylum seeker's phones are confiscated by the Hellenic Police when they are escorted to the Samos CCAC.⁴⁷ People are forced to write the passcode to their phone on a sticky note when handing their phones over. Phones are only returned to people days later when they are permitted to collect them from an administrative container within the CCAC. It is unclear which legal

³⁶ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ Article 40, Greek Law 4939/2022.

⁴⁰ *Ibid.*

⁴¹ Article 40(b), Greek Law 4939/2022.

⁴² Article 39, Greek Law 4939/2022.

⁴³ Avocats Sans Frontieres France et al. Joint Statement. 2023. Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos. Available at: <https://reliefweb.int/report/greece/unlawful-detention-and-worsening-conditions-over-4000-asylum-seekers-unlawfully-detained-samos-and-lesvos>.

⁴⁴ Greek Council for Refugees and Oxfam International. 2022. Inquiry on Fundamental Rights in the EU-funded Migration Facilities on the Greek Islands Case OI/3/2022/MHZ. Available at: https://www.gcr.gr/media/k2/attachments/CONSULTATION_REPLY_202201225_20230131_180325.pdf.

⁴⁵ *Ibid.*

⁴⁶ Infringement procedure INFR(2022)2156, for its incompatibility with the EU Reception Conditions Directive 2013/33/EU. See January Infringement Packet, available at: https://ec.europa.eu/commission/presscorner/detail/en/inf_23_142;

Dimitris Aggelidis. 2023. ‘Απολογούμενη για ζητήματα προσφύγων η Ελλάδα’. *efsyn*. Available at: https://www.efsyn.gr/ellada/dikaionomata/376712_apologoymeni-gia-zitimata-prosfygon-i-ellada.

⁴⁷ I Have Rights et al. 2023. Joint Statement – Unlawful Detention and Worsening Conditions: Over 4000 Asylum Seekers Unlawfully Detained on Samos and Lesbos Available at: https://ihaverights.eu/over_4000_asylum_seekers_unlawfully_detained_on_samos_and_lesvos/

procedure -and legal basis, if any- is used for phones to be taken as, like with the systemic practice of pushbacks, the police have denied the existence of this practice.⁴⁸

Between 1 July 2023 and 31 August 2023, over 4,000 people arrived on Samos. During this period, IHR research found that people were unlawfully held up to one month in the CCAC without issuance of written documentation providing for their detention.⁴⁹ 252 clients of IHR entered the CCAC between 26 June 2023 and 27 April 2024. In 109 cases, people who entered between 23 August and 29 December had to wait 25 days or over before the issuance of the exit ban. In over 70 of these, the waiting time was over 40 days and around two months in over 25 cases.⁵⁰

In September 2023, new arrivals were held in a further sub-section of the ‘temporary accommodation zone’ without access to medical care.⁵¹ Mobile phones were taken from every newly arrived person and withheld for up to two weeks, depriving individuals of the opportunity to speak with legal actors on the phone or over text. Therefore, applicants were detained for periods without a written order, in a subsection of the CCAC without access to basic services and without access to their phones to contact lawyers.

(2) Mainland: Access to legal assistance in reception facilities

Between June and December 2021, ELA carried out a survey on access to legal aid for asylum seekers in reception facilities in Northern Greece.⁵² While 95% of respondents considered that access to legal aid is essential, necessary or useful during their asylum procedure, 42% of respondents reported not having access to legal assistance during their asylum procedure. When respondents had access to legal assistance, 49% of them reported that they only once met with a lawyer or advocate. Of those that did not receive legal assistance during their asylum procedure, 66% explained that they could not find a lawyer.⁵³

c) Access to legal aid to challenge negative decisions

(1) State-funded legal aid after a first instance rejection decision

Despite efforts to increase the number of lawyers on the national registry, the number remains insufficient to meet the needs. Furthermore, the submitting organisations have observed patterns of malpractice that significantly hinder the exercise of the right to legal aid. Foremost, applicants report that they are often not in contact with the lawyer appointed to their case. Further, applicants are often not clearly informed that an application for legal aid through the Greek registry has been made on their behalf. In several instances, lawyers from ELA found that a registry lawyer was appointed in their place by the asylum office. Upon

⁴⁸ See Annex 7 for the response from the Police in Samos when asked which legal basis is used for the removal of asylum seekers’ phones upon arrival to the island.

⁴⁹ Avocats Sans Frontieres France et al. Joint Statement. 2023. Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos. Available at: <https://reliefweb.int/report/greece/unlawful-detention-and-worsening-conditions-over-4000-asylum-seekers-unlawfully-detained-samos-and-lesvos>.

⁵⁰ See also: Refugee Support Aegean et al. Joint Statement. 2024. Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre. Available at: <https://rsaegean.org/en/joint-statement-samos-ccac/>.

⁵¹ Avocats Sans Frontieres France et al. Joint Statement. 2023. Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos. Available at: <https://reliefweb.int/report/greece/unlawful-detention-and-worsening-conditions-over-4000-asylum-seekers-unlawfully-detained-samos-and-lesvos>.

⁵² The anonymous 10-question survey was translated into 10 languages. Equal Legal Aid. 2022. Access to legal aid for people on the move. Available at: https://www.equallegalaid.org/wp-content/uploads/2022/01/Rapport_EN_access-legal-aid-on-the-move.pdf.

⁵³ This is also confirmed by the Danish Refugee Council who between July and November 2022 conducted a needs assessment survey. The 19 legal aid organisations that participated highlighted legal aid gaps in several areas. This included judicial representation in asylum cases and GBV cases, as well as legal support in the safeguarding of social rights and family reunification. Danish Refugee Council. 2023. Legal Aid Actors Survey.

collection of rejection decisions, applicants were asked to complete forms that were neither translated nor explained to them. At this point, and without sufficient information, applicants had requested that a state-funded registry lawyer be appointed in lieu of their lawyer of choice, despite contrary and explicit instructions in their asylum office files, including a valid power of attorney. Lawyers were not informed by the Asylum Service or the newly appointed registry lawyer of this change, thus preventing them from reclaiming the case.

(2) State-funded legal aid during the judicial review of the case by administrative Courts

Asylum seekers are not automatically entitled to free legal aid. Foreign nationals are only eligible for state legal aid and exemptions from legal costs if they fulfil the eligibility criteria.⁵⁴ For legal aid for judicial review by Administrative Courts, foreign nationals must apply at the secretariat of the competent Administrative Court of First Instance - i.e. the Administrative Court of first instance of Athens or Thessaloniki. This is regardless of whether applicants are held in a remote accommodation centre hundreds of kilometres away. An applicant is required to submit an application in Greek and provide documents demonstrating their inability to bear the costs of annulment proceedings.⁵⁵

Should an applicant ultimately be entitled to legal aid, they are not permitted to select their own legal counsel. Lawyers are appointed by court order from a general list of lawyers paid for by the State for handling administrative cases. The lack of interpretation services for free legal aid programmes often precludes clients from communicating with their lawyers in a language they understand. In this context, access to legal aid to challenge negative decisions is limited.⁵⁶

d) Effectiveness of remedies for asylum seekers

(1) Effectiveness of remedies against *de facto* detention orders

The authorities on Samos seek to justify and circumvent the obligations and safeguards of detention by labelling the blanket detention of new arrivals as a “restriction of freedom”.⁵⁷ This is done by the issuance of a two-stage order, first for five days and then by a further automatically issued 20 day extension order. As noted above, these orders are issued after the start of the period of detention.⁵⁸ Thus, the failure to provide such a written order prevents asylum seekers from challenging the administrative detention procedures. Between September and December 2023, IHR intervened before the RIS in the cases of 170 *de facto* detained people. To date, IHR has not received a written response from the RIS in any of these cases.

(2) Effectiveness of remedies after a first instance rejection decision: quasi-judicial appeals ⁵⁹

⁵⁴ Article 76(3), Greek Law 4939/2022.

⁵⁵ In the 12-month period preceding the present submission, 50 requests for legal aid were submitted to the courts by Equal Legal Aid, for applicants meeting the eligibility criteria. Of these, 18% were rejected, which resulted in asylum seekers being deprived of representation and the opportunity to submit a request before the competent court.

⁵⁶ Over the past 14 months, there has been a notable increase in the number of requests for pro bono representation in asylum cases. These requests now constitute the majority of requests for legal assistance received by the organisation’s hotline and referral forms. A total of 229 requests for pro bono representation on appeal represents 28% of all requests made. Due to a lack of financial and human resources, our organisation was only able to provide representation on appeal for 26 of these cases, representing 14% of the total requests for representation on appeal.

⁵⁷ Article 40, Greek Law 4939/2022.

⁵⁸ Ellen Allde. 2023. “Sanctioned ignorance” and the detention of people seeking asylum in the EU-funded CCAC on Samos. Available at: <https://ihaverights.eu/wp-content/uploads/2023/11/RL-Paper-%E2%80%98Sanctioned-ignorance.pdf>.

⁵⁹ Athina Kalogridi. 2023. ‘Who really gets a second chance in Greece’. Equal Legal Aid. Available at: <https://www.equallegalaid.org/qui-a-une-veritable-seconde-chance-en-grece/>.

Procedural requirements at the Appeals Authority such the reduction of deadlines for lodging certain appeals, the removal of their suspensive effect, and the obligation to be represented by a lawyer for the appeal to be admissible⁶⁰, have made access to the appeals procedure challenging.

Each member of the 21 Committees must examine 25 to 30 cases per month and issue a decision within 10 to 30 days, depending on the procedure followed in each case.⁶¹ The Appeal Committee only hears cases in Athens. On the eve of the hearing, asylum applicants not residing in camps must make the long and costly journey to appear in person before the Appeal Committee, as required by law.⁶² If they cannot afford to travel to Athens, they must find a lawyer to represent them, which is costly. If they do not comply with this obligation, their appeal is rejected as "manifestly unfounded".

The procedure before the Committee is predominantly written and based solely on the information and documents already in the applicant's file.⁶³ Their participation in the hearing is no more than a name on the list of enrolled cases, where they wait to be called and present their asylum card to prove their presence. Applicants are only heard in exceptional cases, under the limited conditions laid down by law.⁶⁴ Where an applicant exceptionally appears before the Appeals Committee, no interpretation is available. If an applicant has the financial means to hire a lawyer to represent them during the examination, the lawyer may be allowed to speak and briefly present their client's case.

(3) Effectiveness of remedies after a second instance rejection decision: judicial reviews

Access to justice following a second instance rejection decision remains a significant challenge. The high costs associated with judicial proceedings represent a significant barrier.⁶⁵ Furthermore, ELA has observed that delays in the processing of cases by the competent courts in Athens and Thessaloniki are considerable. In particular, the examination of requests for interim measure, which are intended to be an emergency procedure, at the Athens Administrative Court is delayed, with an average of three to six months elapsing between submission and a decision. This leaves applicants in a legal limbo, undocumented, and without access to reception conditions while the request for judicial review is pending.

3. Living conditions of asylum seekers

a) Overcrowding

(1) Samos

The CCAC was designed to accommodate 2,040 people yet in December 2023, 3,890 were held in the CCAC. In a context of facing public criticism for severe overcrowding in the facility, in September 2023 the authorities increased the official capacity of the CCAC to 3,650.⁶⁶ This was done without any

⁶⁰ Article 98, Greek Law 4939/2022.

⁶¹ i.e. normal or accelerated procedure, inadmissible application, applicant in detention, Article 100(7), Article 106, Greek Law 4939/2022.

⁶² Article 83(3), Greek Law 4939/2022.

⁶³ Prior to a 2016 recast, applicants were able to present their request orally before the Appeals Committee recast, Greek Law 4375/2016.

⁶⁴ Article 102(3-4), Greek Law 4939/2022.

⁶⁵ Indicative list of legal representation fees during judicial reviews before the Greek administrative Courts: submission of a provisional measures request €50.00; submission of an annulment requests €150.00. Additional fees to the Bar associations (without VAT): pleading before the Court during the hearing €203.00; submission of a memo €85.00€; submission of a provisional measures request €85.00€; submission of an annulment request €117.00€. Cost of the bailiff notification: €43.40 (mandatory). Average cost of a notarized power of attorney: €60.00€.

⁶⁶ Refugee Support Aegean et al. Joint Statement. 2024. Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/wp-content/uploads/2024/01/Joint-Statement-Samos.pdf>.

justification and without further beds, rooms or facilities being provided to accommodate people.⁶⁷ In 2023, the Greek Ombudsman received several complaints regarding overcrowding and the mistreatment of asylum seekers on Samos.⁶⁸ This includes a complaint brought by I Have Rights that concerned a group of men who were forced to sleep outside on beds or in a makeshift shelter in the outside area of the CCAC in November and December 2023.⁶⁹ It is therefore generally suspected that the capacity was increased on paper only.

To date, people in the CCAC remain required to sleep in spaces such as kitchens and classrooms, without beds, mattresses, proper bathrooms, or privacy.⁷⁰ In February 2024, 600-700 people were living in common areas such as the restaurant and administrative buildings.⁷¹ For example, one of IHR's clients reported that "pregnant women, children, and the elderly sleep on the floor, and the privacy of families is not taken into account, as men, women, and children from different families sleep in one large room".⁷²

To reduce the CCAC population, the administration implemented an unlawful practice of lifting applicants' geographical restriction under the condition that the applicants resign from their rights to receive any type of material reception conditions.⁷³ IHR's clients reported waiving their rights due to unbearable living conditions in the CCAC. After their transfer and the removal of reception conditions, many were unable to support themselves. An IHR client reported, "I don't have any medicine. I split the pill in half. So that the medicine is enough for me for another Friday".

In addition, the authorities do not inform applicants of the legal consequences of their resignation, and applicants are often unable to receive a date for their asylum interview due to absence of an official address and thus, incapacity to establish jurisdiction between Regional Asylum Offices (RAOs).⁷⁴ As a result, they even consider returning to the CCAC due to the extreme difficulty of living outside of it with no support: "I hate the camp, but I think about it because in a week, if I don't get a job, my situation will become difficult".

Following a joint complaint led by IHR, the Greek Ombudsman raised questions with the RIS as to the legality of this practice which is directly contrary to the legal framework set by Directive 2013/33/EU and Law No. 4939/2022 which obliges the state to provide access to medical care and to basic means that secure a decent standard of living.⁷⁵

(2) Mainland

⁶⁷ Greek National Commission for Human Rights. 2024. Επιτόπια επίσκεψη ΕΕΔΑ στη Σάμο: Μη σύμφωνες με τα βασικά πρότυπα οι συνθήκες υποδοχής στην ΚΕΔ Σάμου. Available at: https://nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Ekthesi_Samos_2024.pdf.

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

⁶⁹ See Annex 8 for photos of the makeshift shelter and men forced to sleep outside in the Samos CCAC in December 2023.

⁷⁰ *Ibid.*; Refugee Support Aegean et al. Joint Statement. 2024. Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/wp-content/uploads/2024/01/Joint-Statement-Samos.pdf>.

⁷¹ Greek National Commission for Human Rights. 2024. Επιτόπια επίσκεψη ΕΕΔΑ στη Σάμο: Μη σύμφωνες με τα βασικά πρότυπα οι συνθήκες υποδοχής στην ΚΕΔ Σάμου. P. 5 Available at: https://nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Ekthesi_Samos_2024.pdf.

⁷² Border Violence Monitoring Network. 2024. Illegal Pushbacks and Border Violence Reports: Monthly Report October 2023. Available at: <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-October-2023.pdf>.

⁷³ Greek National Commission for Human Rights. 2024. Επιτόπια επίσκεψη ΕΕΔΑ στη Σάμο: Μη σύμφωνες με τα βασικά πρότυπα οι συνθήκες υποδοχής στην ΚΕΔ Σάμου. Available at: https://nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Ekthesi_Samos_2024.pdf; I Have Rights, Avocats Sans Frontières France and Medecins Sans Frontières. 2024. Report before the Greek Ombudsman. See Annex 2. Report for Issues of Legality of material reception conditions waiver.

⁷⁴ I Have Rights, Avocats Sans Frontières France and Medecins Sans Frontières. 2024. Report before the Greek Ombudsman. See Annex 2. Report for Issues of Legality of material reception conditions waiver.

⁷⁵ The Greek Ombudsman. 2024. Issues of legality regarding the waiver of material reception conditions. See Annex 3. The Greek Ombudsman response to Report on Issues of Legality of material reception conditions waiver.

Reports published by RSA, Pro-ASYL, GCR, MIT and RLS in 2024 and 2023 document the substandard conditions in mainland camps and the widespread isolation of residents from support and basic services.⁷⁶ In October 2023, the overcrowded mainland accommodation structures revealed persistent failures in Greece's reception system.⁷⁷ Overcrowding in containers was also documented by MIT and RLS based on research conducted with camp residents during the first half of 2024 (see Annex 5).⁷⁸ For example, a 22 year-old man from Iraq reported overcrowded conditions in his container at Malakasa RIC: "*We are eight people in one container. The container has one room and one bathroom. So there are four people sitting in one room - there is no privacy*".⁷⁹

b) ESTIA 21 programme

In the Greek Government's submission dated 8 August 2023, they reported that the ESTIA 21 programme was operational.⁸⁰ This is despite the accommodation of asylum seekers ceasing on 31/12/2022⁸¹ with all project partners fulfilling their obligations by that time.⁸²

According to the MoMA, no one was accommodated in ESTIA facilities during 2023, aligning with the expiration of the relevant legal act.⁸³ In response to a request for information sent by IHR to the MoMA on 18.04.2024, the Officer of the RIS replied:

*The implementation of the "ESTIA 2021" housing program started on 01.01.2021 and completed on 15.04.2022. The implementation of the "ESTIA 2022" housing program started on 16.04.2022 and completed on 31.12.2022.*⁸⁴

Thus, the ESTIA programme was concluded in 2022, which stands in direct contradiction with the claims made by the Greek Government to the Committee of Ministers.

c) Conditions in the Camps: lack of access to basic services, concerning standard of hygiene

⁷⁶ Refugee Support Aegean. 2024. Refugee camps in mainland Greece. Available at <https://rsaegean.org/en/refugee-camps-in-mainland-greece/>; Refugee Support Aegean and PRO-ASYL. 2023. The state of the Greek asylum system, twelve years since M.S.S. Available at: <https://bit.ly/3FOm1MF>. See also: Greek Council for Refugees. 2023. ECRE Greece Country Report: Conditions in Reception Facilities. Available at: <https://bit.ly/3StZwnQ>; GCR. 2023. ECRE Greece Country Report: Types of Accommodation. Available at: <https://bit.ly/3MtW4FM>; GCR et al. 2022. Do the human right thing: Raising our Voice for Refugee Rights. Available at: <https://bit.ly/3Mu5PDP>; Mobile Info Team and Refugee Legal Support. 2024. Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland: <https://www.mobileinfoteam.org/voices-from-the-camps>

⁷⁷ Ella Dodd and Gemma Bird. 2023. Overcrowded camps at Europe's borders. Available at: <https://bit.ly/4668SJ>

⁷⁸ Mobile Info Team and Refugee Legal Support. 2024. Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland: <https://www.mobileinfoteam.org/voices-from-the-camps>

⁷⁹ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>

⁸⁰ Council of Europe. 2023. DH-DD(2023)1003. Para 5. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ac56c3.

⁸¹ Joint Ministerial Decision (Gov Gazette B 2731/02.06.2022). Δράση «ESTIA 2022 - Στεγαστικό πρόγραμμα για αιτούντες διεθνή προστασία». Available at: https://www.kodiko.gr/nomologia/download_fek?f=fek/2022/b/fek_b_2731_2022.pdf&t=b523f09afb9852a652bd9f69acf90cc; Secretary General of Migration Policy. 04.09.2023. Ένταξη της Πράξης «ΕΣΤΙΑ 2022: Στεγαστικό πρόγραμμα για αιτούντες διεθνή προστασία» με Κωδικό ΟΠΣ 6000140 και ένταξη στο Πρόγραμμα «Πρόγραμμα Ελλάδας - Ταμείο Ασύλου, Μετανάστευσης και Ένταξης 2021-2027». Available at: <https://tamey.gov.gr/wp-content/uploads/2023/09/6%CE%953846%CE%9C%CE%94%CE%A8%CE%9F-%CE%96%CE%97%CE%9F.pdf>.

⁸² Secretary General of Migration Policy. 21.12.2022. Πρόσκληση με τίτλο «ΕΣΤΙΑ 2022 Στεγαστικό πρόγραμμα για αιτούντες διεθνή προστασία» για την υποβολή προτάσεων στο πρόγραμμα Πρόγραμμα Ελλάδας - Ταμείο Ασύλου, Μετανάστευσης και Ένταξης. Available at: <https://tamey.gov.gr/wp-content/uploads/2023/06/65%CE%99%CE%9F46%CE%9C%CE%94%CE%A8%CE%9F69%CE%9E-%CE%95%CE%A3%CE%A4%CE%99%CE%91.pdf>.

⁸³ HRMoMA. 2023. Report A July 2023. Available at: https://migration.gov.gr/wp-content/uploads/2023/09/Report_A_July-2023_International-Protection_Appendix-A_NEW.pdf.

⁸⁴ Unofficial translation. HRMoMA, email, 14 June 2024. See Annex 4. FOI response regarding ESTIA.

(1) Samos: Limited access to water, shortage in hygiene items and lack of laundry facilities

Minimum standards of hygiene are not met in the CCAC. There is highly limited access to water, a complete lack of laundry services and a shortage of basic hygiene and cleaning items. Since the opening of the CCAC, people held there have been without access to reliable running water with availability only for limited hours a day.⁸⁵ As a result, people are unable to flush toilets throughout the day, showering and maintaining sufficient hygiene is challenging and are without access to laundry services in the facility. This has resulted in an ongoing scabies, flea and bed bug infestation and rapid spread of preventable skin infections.⁸⁶

Similar findings were found in the 2024 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Report, “The sanitary facilities [...] were in a dreadful state and in need of repair. Not surprisingly, it was not possible to maintain personal hygiene and the delegation came across outbreaks of scabies and bed bugs in all CCACs”.⁸⁷

(2) Mainland

According to the MoMA, the Diavata RIC provides for a “safe, controlled access facility, with upgraded living conditions for its residents”.⁸⁸ Nonetheless, MIT’s 2023 research found that 37% of respondents were not provided with enough basic necessary items, including personal hygiene items, during their *de facto* detention within the RICs of Malakasa and Diavata.⁸⁹ In addition, unhygienic conditions within both facilities were mentioned by 21% of respondents, including reports of extremely dirty conditions and mould on mattresses. Respondents reported that they were moved into dirty containers with food remains from previous residents (see Annex 5).⁹⁰ Furthermore, people arriving in mainland camps are not provided with basic items, such as blankets and lining.⁹¹ Specifically, in 2024 a woman from Somalia residing in Ritsona camp reported to MIT and RLS that: “[w]hen we arrived [in the camp], it was very cold. It was raining. We didn’t have blankets, bedsheets, or anything. Other Somalis had to provide us with that”.⁹²

d) Conditions in camps: insufficient water and food supply

(1) Samos

In Samos, people are only provided with 1.5l of drinking water per day.⁹³ The food is insufficient in quantity and quality, leading to gastrointestinal problems such as diarrhoea, constipation and

⁸⁵ Lydia Emmanouilidou. 2023. ‘This is inexcusable’: What’s behind deteriorating conditions in Greek island asylum camps?. The New Humanitarian. Available at: <https://www.thenewhumanitarian.org/news-feature/2023/12/04/inexcusable-whats-behind-deteriorating-conditions-greek-island-asylum-camps>; Refugee Support Aegean et al. Joint Statement. 2024. Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre. P. 3. Available at: <https://ihaverights.eu/wp-content/uploads/2024/01/Joint-Statement-Samos.pdf>.

⁸⁶ Border Violence Monitoring Network. 2024. Illegal Pushbacks and Border Violence Reports: Monthly Report October 2023. Available at: <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-October-2023.pdf>; Refugee Support Aegean et al. Joint Statement. 2024. Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/wp-content/uploads/2024/01/Joint-Statement-Samos.pdf>.

⁸⁷ Council of Europe. 2024. Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023. Para 126. Available at: <https://rm.coe.int/1680b0e4e1>.

⁸⁸ HRMoMA, Available at: <https://migration.gov.gr/en/ris/perifereiakes-monades/domes/k-y-t-diavaton/>.

⁸⁹ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

⁹⁰ *Ibid.*

⁹¹ Mobile Info Team and Refugee Legal Support. 2024. Report on camps’ conditions, to be issued.

⁹² *Ibid.*

⁹³ Border Violence Monitoring Network. 2024. Illegal Pushbacks and Border Violence Reports: Monthly Report May 2024. P. 17. Available at: <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-May-2024.pdf>.

haemorrhoids.⁹⁴ People in the CCAC described the distribution of food as “humiliating”. People are made to stand in queues for up to three hours in the sweltering heat to receive food.⁹⁵ Additionally, IHR’s clients report that distribution sometimes ends before everyone receives food.⁹⁶

The 2024 CPT Report describes the “totally chaotic and undignified way in which food was distributed at distribution points each day” and highlights that, as a result “some persons in a vulnerable situation, such as single mothers with infants, did not fight to get their daily ration (meaning that they did not receive food)”.⁹⁷

(2) Mainland

Research by MIT and RLS in 2024 on mainland camp conditions found that most interviewees across nine refugee camps were forced to rely on food provided by camp authorities due to the low level of cash assistance provided by the state.⁹⁸ However, there were recurring reports that pre-packaged meals provided to camp residents were lacking in variety, taste and nutritional value.⁹⁹ 76% of respondents reported strong dissatisfaction with the food.¹⁰⁰ Lack of access to food and water for residents who are not entitled to material reception conditions in mainland camps (e.g. due to receiving a rejection on their asylum claim or being deemed inadmissible) is also a major concern. A young woman from Somalia living in Ritsona camp who had received an asylum rejection reported:

*If [the camp administration] does not give me water, then I just ask other refugees if they can, and share it with them. If not possible, I also drink tap water - even though I’ve been told that it’s dirty. That will cause harm to my health, but I have no other option.*¹⁰¹

e) Conditions in camps: insufficient medical and psychosocial care

Access to healthcare and psychosocial support is denied to asylum seekers both on Samos and on the mainland, despite legal obligations under Greek and European Law to provide such services to persons undergoing reception and identification procedures.¹⁰²

(1) Samos

Asylum seekers on Samos are often survivors of trauma, placing them at significant risk of re-traumatisation and conditions which may exacerbate or deteriorate their mental health as a result of the prison-like conditions and the security infrastructure.¹⁰³ As presented in BVMN’s Internal Violence Report 2023, 45% of testimonies from people held in the Samos CCAC reported that they were denied health care

⁹⁴ Refugee Support Aegean et al. Joint Statement. 2024. Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre. P. 4. Available at: <https://ihaverights.eu/wp-content/uploads/2024/01/Joint-Statement-Samos.pdf>.

⁹⁵ Just Action. 2024. Instagram post. Available at: https://www.instagram.com/p/C9PI7JZ15TV/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==.

⁹⁶ Border Violence Monitoring Network. 2024. Illegal Pushbacks and Border Violence Reports: Monthly Report October 2023. P. 11. Available at: <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-October-2023.pdf>.

⁹⁷ Council of Europe. 2024. Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023. Para 129. Available at: <https://rm.coe.int/1680b0e4e1>.

⁹⁸ Mobile Info Team and Refugee Legal Support. 2024. Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland: <https://www.mobileinfoteam.org/voices-from-the-camps>

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Article 41, Greek Law 4939/2022; Article 19 and Article 21, Reception Conditions Directive 2013/33/EU; Article 24, Asylum Procedures Directive 2013/32/EU.

¹⁰³ Medecins Sans Frontieres. 2022. Closed centres for refugees on Greek islands exacerbate psychological trauma. Available at: <https://www.msf.org/closed-centres-refugees-greek-islands-exacerbate-psychological-trauma>.

or received insufficient attention by state medical actors.¹⁰⁴ Additionally, emergency care provided by MSF has been curtailed and at times restricted.¹⁰⁵ According to BVMN, 27% of testimonies from the Samos CCAC explicitly mentioned the lack of psychological support in the facility.¹⁰⁶ One state appointed psychologist is responsible for conducting the vulnerability assessments of newly arrived people in addition to providing mental health support for the CCAC population.¹⁰⁷

(2) Mainland

Research on camps undertaken by MIT and RLS in 2024, evidenced that 72% of 30 interview respondents reported that they did not have their basic health care needs met by medical teams operating inside camps, while 60% reported issues accessing healthcare outside mainland camps, for instance in hospitals.¹⁰⁸ Regarding access to psychosocial support, 33% of respondents specified that they attempted to access such support inside mainland camps but were not able to access it.¹⁰⁹ The mental health conditions of people seeking asylum were further deteriorated by extended stays in undignified conditions in camps.¹¹⁰ Out of 19 respondents interviewed by MIT and RLS in 2023, only one person was seen by a psychologist during reception and identification procedures carried out in the mainland RICs of Diavata and Malakasa.¹¹¹

4. Shortcomings in the reception and living conditions of vulnerable individuals

Despite information published by the MoMA,¹¹² and the legal provisions of Article 44(d) of Law No. 49393/2022, the submitting organisations report that vulnerable persons are left unidentified and thus not provided with special support services.

a) Vulnerability Assessments

(1) Samos

In the Samos CCAC, vulnerability assessments are not conducted during the detention period of newly arrived asylum seekers, leaving pregnant women, unaccompanied minors, people with medical conditions or SGBV survivors without the proper care they need and are legally entitled to.¹¹³ This is particularly concerning due to the large number of vulnerable people in the Samos CCAC. Of I Have Right's clients, at least 44% fit in one or more categories of vulnerability.

This concern is reflected in the 2024 CPT Report "The delegation was concerned that no proper assessment of special needs and vulnerabilities...was being carried out upon arrival at the CCACs visited. The current admission process does not address the individual circumstances of newly arrived persons, and

¹⁰⁴ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

¹⁰⁵ *Ibid.*

¹⁰⁶ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

¹⁰⁷ Refugee Support Aegean et al. Joint Statement. 2024. Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre. P. 4. Available at: <https://ihaverights.eu/wp-content/uploads/2024/01/Joint-Statement-Samos.pdf>. See also RSA who reported on significant shortages in psychosocial support for minors: RSA also reported on significant shortages in psychosocial support for minors

¹⁰⁸ Mobile Info Team and Refugee Legal Support. 2024. Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland: <https://www.mobileinfoteam.org/voices-from-the-camps>

¹⁰⁹ Mobile Info Team and Refugee Legal Support. 2024. Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland: <https://www.mobileinfoteam.org/voices-from-the-camps>

¹¹⁰ People interviewed had been living on average more than 7 months in camps, See *Ibid.*

¹¹¹ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

¹¹² HRMoMA. Procedures of Reception and Identification. Available at: <https://bit.ly/3FHRUeB>.

¹¹³ Refugee Support Aegean et al. Joint Statement. 2024. Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre. P. 2. Available at: <https://ihaverights.eu/wp-content/uploads/2024/01/Joint-Statement-Samos.pdf>.

especially those with special needs and vulnerabilities, such as: unaccompanied and separated children, families with small children and notably single mothers with children, pregnant women or persons with serious health conditions, as well as survivors of torture or other forms of ill-treatment, trafficking in human beings or sexual and gender-based violence. It appears that far too little is being done by the Greek authorities to identify such persons.”¹¹⁴

(2) Mainland

Greek law provides that healthcare units in mainland camps must carry out vulnerability assessments.¹¹⁵ In practice, however, the staff at mainland camps are not able to record a vulnerability or change the vulnerability status of a resident where this has previously been done by authorities in a RIC or CCAC. Thus, if vulnerability is not properly assessed during reception and identification procedures, it cannot be subsequently recorded by camp authorities and applicants cannot update their Foreigner’s Health Card or their case file in the asylum system database.

MIT and RLS’s 2023 research showed that all interviewed people who underwent screening in a RIC without being represented by a lawyer were inadequately informed of their right to specialised support due to a vulnerability. 71% of respondents said that they were not asked if they had a vulnerability.¹¹⁶ As a result, vulnerabilities without obvious physical indicators were more likely to go undetected.¹¹⁷

The lack of a uniform vulnerability procedure has also been raised by lawyers, effectively leading to a two-tier system where applicants who are represented by a lawyer receive preferential treatment.¹¹⁸ In two cases, one concerning a single pregnant woman with a child, and another case of a single mother with mental health challenges, where both were represented by a lawyer, this resulted in the prioritisation of their case. Their registration happened either on the same day as entry to the RIC or the following day, and the applicant was released immediately following registration.¹¹⁹

b) Provisions for vulnerable people

(1) Samos

In 2023 and 2024, the European Court of Human Rights granted Interim Measures in three cases concerning the inhuman and degrading treatment of vulnerable applicants in the Samos CCAC.¹²⁰ For example, in the case of *H.T. and M.T v. Greece*, the applicants, a highly vulnerable single mother and newborn baby, were *de facto* detained in inhuman and degrading conditions. They were forced to share a bunk bed with an unrelated adult male. The mother was made to wear the same clothes she went into labour in for several weeks. Additionally, they did not receive any medical treatment and relied on others to collect food on their behalf due to fears for their safety in the food queues where fights are frequent.

In 2023, IHR published a report on the neglectful treatment of survivors of human trafficking in the CCAC.¹²¹ As Samos is a significant point of first entry to the EU, the CCAC is at a key site for the

¹¹⁴ Council of Europe. 2024. Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023. Para 138. Available at: <https://rm.coe.int/1680b0e4e1>

¹¹⁵ Article 5(2)(a), MD 23/13532/2020, Available at: <https://www.kodiko.gr/nomothesia/document/681974/yp.-apofasi-23-13532-2020>.

¹¹⁶ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ App No. 2368/24 granted 05.02.2024, App No. 34712/23 granted 19.09.2023 and App No. 2868/24 granted 05.02.2024.

¹²¹ I Have Rights. 2023. Unidentified, unrecognised and denied support: survivors of human trafficking in the Samos Closed Controlled Access Centre. Available here: <https://ihaverights.eu/survivors-of-human-trafficking-in-the-samos-closed-controlled-access-centre/>.

identification of survivors of trafficking. Amongst IHR's clients, 13% are survivors of human trafficking. If IHR's client statistics are representative of the wider Samos population, then approximately **285** of the 2,170 asylum seekers who entered in 2022 and **981** of the 7,000 who entered in 2023 were potential survivors of trafficking.

IHR's research found that 0% of survivors were identified during their first police screenings or during their registration interview, with only 13% identified in their vulnerability assessments and 29% in their asylum interviews.¹²² This is despite 100% of the survivors presenting clear indicators of their trafficking experience (for example being pregnant from sexual violence, sexually transmitted infections and genital injury from rape). Furthermore, identification is futile where survivors are not able to access their rights that flow from identification, most notably the right to psychological, physical and social recovery. IHR's research found that none of the survivors were granted a reflection and recovery period, provided adequate or appropriate support and/or accommodation, or were formally recognised.

(2) Mainland

At the end of December 2023, there were 1,986 people living in Greece's 27 mainland reception facilities whom the authorities deemed to be entitled to special reception conditions.¹²³ Research conducted during 2024 by MIT and RLS on conditions in mainland refugee camps administered by the RIS found that eight people reported having a vulnerability, however, that their needs were not properly catered to during their stay in a camp.¹²⁴ The lack of a uniform and timely vulnerability assessment in combination with chronic understaffing is widespread in mainland structures, leading to the inability to provide dignified reception conditions.¹²⁵ Moreover, aside from addressing issues of physical mobility by providing ramps in some accommodation containers, many vulnerabilities are not adequately catered for in mainland camps, for example survivors of trafficking, gender-based violence and torture, who reside in facilities without psychosocial staff due to shortages of EODY (Hellenic National Public Health Organization) staff in conjunction with the remoteness of camps and lack of transportation.¹²⁶

For instance, the Serres camp hosts a large proportion of vulnerable asylum seekers who are in need of special reception conditions.¹²⁷ Despite being hailed as a 'model' camp,¹²⁸ living conditions in Serres are described as undignified, with reports of medicine shortages, broken or absent heating in accommodation, and the lack of interpreters during medical visits.¹²⁹ The Greek Ombudsperson noted numerous deficiencies following a visit to the Serres facility in December 2023.¹³⁰

People with special support needs - including victims of torture, human trafficking, pregnant women, single mothers and persons suffering from serious mental illness - are held in the same conditions as the

¹²² *Ibid.*

¹²³ Hellenic Republic Ministry of Migration and Asylum (HRMoMA). 2024. Reply to the Greek Parliament. Available at: <https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12516309.pdf>

¹²⁴ Mobile Info Team and Refugee Legal Support. 2024. Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland: <https://www.mobileinfoteam.org/voices-from-the-camps>

¹²⁵ Greek Council for Refugees et al. Joint Press Release. 2023. Reception of asylum seekers in Greece: the demand for humane conditions remains. Available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/2216-reception-of-asylum-seekers-in-greece-the-demand-for-humane-conditions-remains>.

¹²⁶ Mobile Info Team and Refugee Legal Support. 2024. Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland: <https://www.mobileinfoteam.org/voices-from-the-camps>

¹²⁷ Hellenic Republic Ministry of Migration and Asylum (HRMoMA). 2024. Reply to the Greek Parliament. Available at: <https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12516309.pdf>

¹²⁸ XinhuaNet. 2017. Feature: At Greece's model refugee camp, Yazidis dream of better future, pray for those left behind. Available at: http://www.xinhuanet.com/english/2017-06/17/c_136372074.htm

¹²⁹ *Ibid.*

¹³⁰ The Greek Ombudsman. 2024. The Challenge of Migratory Flows and Refugee Protection - Reception Conditions and Procedures. Available at: <https://www.synigoros.gr/en/category/default/post/ek8esh-or>.

general camp population, leaving them without special support.¹³¹ MIT's 2023 findings show that people with special support needs remain subjected to the same lengthy waiting times for appointments and are not provided with transportation to access the RICs.¹³² In one case reported by an NGO social worker, a single father with a child suffering from cancer was unable to travel for registration to a RIC due to the child's medical condition.¹³³ In another case, a man from Sudan who is a survivor of torture was apprehended by the Hellenic Police and subsequently detained, after he presented at the Malakasa RIC facility for registration without an appointment receipt.¹³⁴ At the time of his arrival in Greece, there was no possibility to request an appointment for registration at a mainland RIC due to the upgrade of the Asylum Service computer.¹³⁵

In practice, the lack of effective and timely identification of vulnerable persons, leads to deprivation of suitable accommodation for their special needs. A respondent with a mental health condition reported to MIT/RLS that the authorities placed him in a container at Malakasa RIC with people with whom he could not communicate and consequently felt lonely and isolated, and that they refused to carry out his request to be moved to another container.¹³⁶ A vulnerable respondent from Afghanistan reported:

*The weather was really cold at the beginning, and they told us that we had to stay up to 25 days in Malakasa. [...] It was a very insecure place for me, I never felt safe. If I stayed there without any support or my lawyer, I would have suffered every day. My mental health issues would have worsened, and I would have thought: 'This is the end of it'.*¹³⁷

According to research in 2023, all respondents with children who were detained at a RIC for screening and registration reported being held in inadequate facilities for accommodating families, particularly with regard to a lack of safe and age-appropriate spaces for their children to play.¹³⁸

In 2023 and 2024, the European Court of Human Rights granted interim measures in two cases represented by ELA, concerning the inhuman and degrading treatment of vulnerable applicants due to the lack of adequate reception conditions. in mainland Greece¹³⁹ In the case of *A.A.H. and Others v. Greece*, the applicants, a family of asylum-seekers, including eight minor children, with multiple vulnerabilities and specific health needs, were left without assistance to meet their basic needs (food and medical care) while facing imminent expulsion from the Controlled Temporary Accommodation Centre of Alexandreia. In the case of *S.S. v. Greece*, the vulnerable applicant was evicted from the Filippiada Controlled Temporary Accommodation Centre and left destitute and homeless, without access to food and medical care, while suffering from serious health problems with the risk of irreversible and potentially life-threatening consequences for his health.

5. Conditions of detention

According to statistics requested by RSA, at the end of 2023 there were 2,303 people administratively detained in Greece - and a total of 49 staff deployed across six Pre-Removal Detention Centres (PRDCs)

¹³¹ Mobile Info Team and Refugee Legal Support. 2024. Voices from the Camps: Living Conditions and Access to Services in Refugee Camps on the Greek Mainland: <https://www.mobileinfoteam.org/voices-from-the-camps>

¹³² Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>

¹³³ *Ibid.*

¹³⁴ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>

¹³⁵ *Ibid.* See also above under section "Lack of interpretation services in asylum procedures".

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ App No. 38776/23 granted 31.10.2023 and App No. 15612/24 granted 20.06.2024.

throughout the territory, including both administrative staff and interpreters.¹⁴⁰ This amounts to approximately six staff members for each pre-removal centre, which are frequently overcrowded and without permanent medical staff on site.¹⁴¹

An online database launched by MIT, BVMN and Border Criminologies in 2024 documents 90 first-hand testimonies reporting 120 human rights violations inside 56 detention sites in Greece, including pre-removal facilities, closed camps, police stations and border guard stations.¹⁴² Testimonies gathered between 2020 and 2024 attest to people being detained for extended periods in degrading conditions such as insect-infested cells and limited access to hot water, sufficient food, and medical care, within prison-like facilities and overcrowded police stations.¹⁴³

a) *De facto* detention

(1) Samos CCAC

Further to the blanket detention of new arrivals in the CCAC on Samos, confinement to the facility is additionally constituted by its isolated location and dehumanising infrastructure. The CCAC is located in a remote location 8 km from the town of Vathy. The facility itself is surrounded by NATO-grade barbed wire (considered in the 2024 CPT Report to be “excessive and unnecessary, and should be removed”)¹⁴⁴ fencing and multiple watchtowers.¹⁴⁵ Around-the-clock surveillance is carried out by Hellenic police, the private security company G4S, and CCTV using ‘smart’ AI software.¹⁴⁶ The sections of the CCAC are separated by internal fencing and checkpoints, forcing people to undergo multiple, daily bodily searches.¹⁴⁷ The European Ombudsman described the infrastructure and surveillance of the CCAC as not creating a “physical environment conducive to wellbeing and are, rather, reminiscent of detention facilities”.¹⁴⁸ Obstructive measures within the CCAC restate the sense of detention, such as waiting several hours in various queues for access to basic services.¹⁴⁹ This includes the weekly census and waiting to enter and exit the facility through the airport-style checkpoint. Above, IHR has noted the failure to provide consistent access to water, laundry services, medical care, and the queues for food up to 7 hours.

According to BVMN, 45% of people that were detained in the Samos CCAC reported being subjected to physical violence.¹⁵⁰ Respondents reported that the men inflicting violence were wearing “black masks” covering their faces.¹⁵¹ Reportedly, they put on gloves before starting to beat people, with one respondent

¹⁴⁰ Refugee Support Aegean Policy Note. 2024. Immigration detention in 2023. Available at: <https://rsaegean.org/en/immigration-detention-in-greece-in-2023/#:~:text=Resort%20to%20immigration%20detention,2022%20and%2021%20C044%20in%202021.>

¹⁴¹ Mobile Info Team. 2023. “Prison for Papers” Last Resort Measures Used as Standard Procedure. Available at: <https://www.mobileinfoteam.org/detention.>

¹⁴² Detention Landscapes. Available at: <https://detentionlandscapes.uwazi.io/>

¹⁴³ *Ibid.*

¹⁴⁴ Council of Europe. 2024. Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023. Para 66. Available at: <https://rm.coe.int/1680b0e4e1>

¹⁴⁵ Greek Council for Refugees and Oxfam International. 2022. Inquiry on Fundamental Rights in the EU-funded Migration Facilities on the Greek Islands Case OI/3/2022/MHZ. Available at: https://www.gcr.gr/media/k2/attachments/CONSULTATION_REPLY_202201225_20230131_180325.pdf.

¹⁴⁶ Hellenic Republic Ministry of Migration and Asylum. Available at: <https://migration.gov.gr/en/ked-samoy-kleisti-elegchomeni-domi-samoy/>.

¹⁴⁷ I Have Rights. 2023. “They are killing minds”- Life in the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/they-are-killing-minds/>.

¹⁴⁸ European Ombudsman. 2023. Decision in strategic inquiry OI/3/2022/MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece. Para 48. Available at: <https://www.ombudsman.europa.eu/en/decision/en/170792>.

¹⁴⁹ Ellen Alde. 2023. ‘Sanctioned ignorance’ and the detention of people seeking asylum in the EU-funded CCAC on Samos. Available at: <https://ihaverights.eu/wp-content/uploads/2023/11/RI-Paper-%E2%80%98Sanctioned-ignorance.pdf>

¹⁵⁰ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

¹⁵¹ *Ibid.*

further explaining: “I didn’t have bruises, just pain because they wore gloves on their hands”.¹⁵² All respondents with experience of violence in the quarantine zone described a similar practice: they were called outside their rooms to be counted several times a day (including at night), where they were told to stand in line, after which they would be called back inside the container, one by one, to be beaten by a group of three men.¹⁵³

*One was standing outside the room on the aisle, and two were inside the room. I was the second one who entered the room. I was pushed inside. The one outside the room kicked me inside. He pushed me and held me here [the respondent shows his neck/lower part of the back of his head] to push me inside. He pushed me by the neck and kicked me inside. When they called me inside, they started punching me [...] beat me, slap me and told me to sit down in the room until they finished with the others. It lasted for some minutes, I don’t know exactly how long. They hit me on the sides, the head.*¹⁵⁴

(2) Mainland: RICs of Diavata and Malakasa

All respondents in MIT/RLS’s 2023 research reported that they were not provided deprivation of liberty orders in a language they could understand.¹⁵⁵ In addition, they were not informed of their right to appeal the deprivation of liberty. Further, BVMN testimonies from people who had been administratively detained report incidents of being forced to sign legal documents without a translator.¹⁵⁶ On the length of the *de facto* detention in the two mainland RICs of Malakasa and Diavata, MIT/RLS’s research found that 50% of respondents were detained for more than two weeks and in one case the respondent was unlawfully detained for 28 days in Malakasa RIC.¹⁵⁷ In addition to the unlawful implementation of restriction of movement orders in RICs, respondents detailed the profound psychological impact of the deprivation of liberty during reception and identification procedures.

MIT/RLS research indicated that applicants are detained in pre-removal facilities and police stations on the mainland on the grounds of staying illegally in Greek territory, even in cases where they have shown proof of an appointment booking at a RIC.¹⁵⁸ This is contrary to EU¹⁵⁹ and Greek law¹⁶⁰ which provides that third country nationals who have expressed their wish to apply for international protection should be recognised as applicants and therefore benefit from protection and reception conditions. The arbitrary arrest and detention of applicants with registration appointments was also raised by GCR, particularly while the online platform was suspended between May and August 2023.¹⁶¹ At least eight Greek Administrative

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

¹⁵⁶ Border Violence Monitoring Network. 2023. Illegal Pushbacks and Border Violence Reports: Balkan Region April 2023. Available at: <https://borderviolence.eu/app/uploads/Copy-of-Monthly-Report-April-1.pdf>.

¹⁵⁷ *Ibid.*

¹⁵⁸ Mobile Info Team. 2023. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum. Available at: <https://www.mobileinfoteam.org/ric>.

¹⁵⁹ Recital 27 and Article 2(b), Directive 2013/32/EU.

¹⁶⁰ Article 69, Greek Law 4939/2022.

¹⁶¹ Greek Council for Refugees. 2023. Updates from the field. Available at: [https://us10.campaign-archive.com/?e=\[UNIQID\]&u=7346a646b420e94f44f69445d&id=77b8e42982](https://us10.campaign-archive.com/?e=[UNIQID]&u=7346a646b420e94f44f69445d&id=77b8e42982).

Court Decisions have ruled on the illegality of this practice,¹⁶² yet the authorities continue to not comply with these rulings.¹⁶³ Rather, the authorities have requested withdrawal of the first of the judgments.¹⁶⁴

(3) Mainland Pre-Removal Detention Centres (PRDCs)

Similarly to MIT's 2023 research on detention conditions,¹⁶⁵ and as mentioned in our previous Rule 9.2 submission, a recent BVMN report evidences the systematic and routine use of physical violence against people across Greek immigration detention centres.¹⁶⁶ 60% of testimonies collected by BVMN field partners during 2023 referred to the use of physical violence, with trends across PRDCs including the use of isolation to conceal acts of abuse and the use of Electric Discharge Weapons.¹⁶⁷ In March 2024, charges of torture and complicity to torture were brought against four law enforcement officers at Amygdaleza PRDC.¹⁶⁸

According to BVMN, 25% of respondents¹⁶⁹ across Greece reported first hand experiences of being strip searched in detention facilities or witnessing such incidents, a practice amounting to inhuman and degrading treatment.¹⁷⁰ Additionally, 51% of people interviewed report facing and/or witnessing verbal abuse at least once throughout their apprehension and detention, while 16% of respondents report threats of violence or even death. Similar findings are shown in a research conducted by BVMN in 2022 and 2023¹⁷¹ and in historic and recent CPT reports.¹⁷²

Overcrowding was raised by 40% of respondents to BVMN's research detained in mainland PRDCs with frequent reports of being forced to share beds with others, or sleep on the floor.¹⁷³ Specifically, the mattresses in Paranesti and Amygdaleza PRDCs were often described as thin, uncomfortable and dirty.¹⁷⁴ Overcrowded conditions and dilapidated containers (see Annex 6) were coupled with limited access to

¹⁶² Greek Council for Refugees. 2023. Administrative courts: The detention of asylum seekers pending full registration, to whom the Ministry of Immigration & Asylum does not recognize the status of applicant, is illegal. Available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/2121-detention-of-asylum-seekers-whose-status-as-an-applicant-is-not-recognized-by-the-department-of-immigration-asylum-is-again-illegal>.

¹⁶³ Refugee Support Aegean and PRO-ASYL. 2023. 'The state of the Greek asylum system, twelve years since M.S.S.' RSA & Stiftung PRO ASYL Submission to the Committee of Ministers of the Council of Europe in the cases of M.S.S. v. Belgium and Greece & Rahimi v. Greece. Available at: https://rsaagean.org/wp-content/uploads/2023/07/RSA_PRO-ASYL_MSS_2023_Submission.pdf.

¹⁶⁴ Refugee Support Aegean, HIAS Greece, Greek Council for Refugees. 2023. Greek Asylum Case Law Report, Issue 1/2023. Available at: <https://rsaagean.org/en/greek-asylum-case-law-report-issue1-2023/>.

¹⁶⁵ Mobile Info Team. 2023. "Prison for Papers" Last Resort Measures Used as Standard Procedure. Available at: <https://www.mobileinfoteam.org/detention>.

¹⁶⁶ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

¹⁶⁷ *Ibid.*

¹⁶⁸ Efsyn.gr. 2024. 'Για βασανιστήρια κατά μεταναστών συνελήφθησαν 4 συννοριοφύλακες'. Available at: https://www.efsyn.gr/ellada/dikaionomata/426136_gia-basanistiria-kata-metanaston-synelifthisan-4-synoriofylakes.

¹⁶⁹ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

¹⁷⁰ *Iwanczuk v. Poland* [2001] ECHR (App. No. 25196/94) para 59; UNCHR 'Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment' (2016) UN Doc A/HRC/31/57, para 23.

¹⁷¹ Border Violence Monitoring Network. 2023. Dark Rooms, Degrading Treatment and Denial: The Use of Violence in Greece's Pre-Removal Detention Centres. Available at: <http://www.borderviolence.eu/detention-violence-greece>.

¹⁷² CPT. 2020. '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'. Available at: <https://rm.coe.int/1680a06a86>.

CPT. 2024. Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023'. Available at: <https://rm.coe.int/1680b0e4e1>.

¹⁷³ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

¹⁷⁴ *Ibid.*

outdoor spaces, with detainees in Corinth PRDC reporting being allowed out of their confined spaces for as little as four hours a day.¹⁷⁵

Sanitation facilities were reported as unclean and often broken.¹⁷⁶ Shower facilities were also reported to be insufficient in Amygdaleza PRDC: “...out of 10 [showers] you could find only one good shower. [...] So everyone had to be in a line”.¹⁷⁷ Detainees report having to buy items such as toilet paper, towels and hygiene products from a truck coming a few times a week. 81% of people reported being served inadequate food, which was described as “inedible” or “expired”.¹⁷⁸ Furthermore, 45% of respondents across Greece mentioned either the quantity or quality of water as a concern, most notably in Corinth PRDC, Amygdaleza PRDC and Samos CCAC.

A large number of people reported fundamental lack of access to healthcare, including 67% of interviewed people being detained in Amygdaleza or Corinth PRDC, the two largest detention facilities that accommodate the most detained persons in Greece (950 and 655 detained persons respectively at the end of April 2023).¹⁷⁹ At the end of April 2023, neither Amygdaleza, Corinth nor Xanthi had a single doctor present in the centres.¹⁸⁰ Individuals reported the worsening of symptoms for people with long term conditions, including cases with kidney and heart conditions, and the denial of medical care following incidents of abuse by the authorities.¹⁸¹ The widespread restriction of access to healthcare has also been raised by civil society,¹⁸² the Greek Ombudsman¹⁸³ and the CPT.¹⁸⁴

Likewise, access to psychosocial support is extremely limited in mainland PRDCs despite frequent reports of people in severe psychological distress, incidents of self-harm and suicide attempts.¹⁸⁵ In March 2024, MIT published a statement following messages from dozens of people detained at the Corinth PRDC who reported on their severely deteriorating mental health and suicidal thoughts, resulting from facing continuous incarceration over several months and the lack of information on the duration of their detention.¹⁸⁶ MIT’s research found that individuals in Corinth experienced the longest periods of time in detention, with an average of seven months and with reports of people held for beyond 18 months.¹⁸⁷

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

¹⁷⁹ Refugee Support Aegean and PRO-ASYL. 2023. ‘The state of the Greek asylum system, twelve years since M.S.S.’ RSA & Stiftung PRO ASYL Submission to the Committee of Ministers of the Council of Europe in the cases of M.S.S. v. Belgium and Greece & Rahimi v. Greece. Available at: https://rsaagean.org/wp-content/uploads/2023/07/RSA_PRO-ASYL_MSS_2023_Submission.pdf.

¹⁸⁰ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

¹⁸¹ Also reported in 2020; See Border Violence Monitoring Network. 2023. Dark Rooms, Degrading Treatment and Denial: The Use of Violence in Greece’s Pre-Removal Detention Centres. Available at: <http://www.borderviolence.eu/detention-violence-greece>.

¹⁸² Mobile Info Team. 2023. “Prison for papers” Last Resort Measures as Standard Procedure, Researching Pre-Removal Detention Centres on Mainland Greece. Available at: <http://www.mobileinfoteam.org/detention>. See also I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre - The De Facto Detention of Asylum Seekers on Samos. Available at: https://ihaverights.eu/de_facto_detention_in_the_ccac/.

¹⁸³ The Greek Ombudsman. 2021. ‘Return of Third Country Nationals’ Special Report 2021. Available at: <https://www.theioi.org/ioi-news/current-news/greek-ombudsman-publishes-special-report-on-returns-of-third-country-nationals>.

¹⁸⁴ CPT. 2024. Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023’. Available at: <https://rm.coe.int/1680b0e4e1>.

¹⁸⁵ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

¹⁸⁶ Mobile Info Team. 2024. Statement: “When and how will I get out of here?” Deteriorating mental health of detainees at Corinth detention centre. Available at: <https://www.mobileinfoteam.org/corinth-mental-health?rq=corinth>.

¹⁸⁷ Mobile Info Team. 2023. “Prison for Papers” Last Resort Measures Used as Standard Procedure. Available at: <https://www.mobileinfoteam.org/detention>.

As well as incidents of deaths and suicides reported in the Corinth PRDC,¹⁸⁸ protests have been reported, including hunger strikes, often repressed with the use of force from law enforcement officers.¹⁸⁹ In May 2024, MIT received numerous enquiries of people detained at the Amygdaleza PRDC who reported a hunger strike to denounce their inhuman treatment.¹⁹⁰ Overall, the reports of violence, inadequate living conditions and restricted access to medical care and basic services, have a detrimental impact on the physical and psychological state of detained persons and amount to inhumane and degrading treatment in breach of Article 3 ECHR.¹⁹¹

Conclusions and Recommendations

M.S.S. v. Belgium and Greece has been pending implementation for 13 years. Yet, as highlighted by the submitting organisations, serious problems continue to persist, affecting a large number of vulnerable people. The submitting organisations recommend:

- The Committee should examine the cases on an annual basis.

1. Regarding access to asylum:

- The Committee should request Greece to detail the specific measures it has introduced or aims to introduce in order to grant efficient access to the asylum procedure on the mainland within the deadlines set out in EU and domestic law.
- The Committee should request Greece increase staffing of the Greek Asylum Service and cease employing staff on short-term contracts.
- The Committee should request Greece to detail the specific measures it has introduced or aims to introduce to ensure sufficient interpretation services during asylum proceedings.

2. Regarding the lack of access to legal aid and representation during asylum proceedings:

- The Committee should urge Greece to ensure unhindered and sufficient access to legal information and assistance for asylum seekers hosted in Greek reception facilities, in accordance with EU law.
- The Committee should request Greece to ensure Greek lawyers have unlimited access to state facilities where asylum seekers are hosted.

¹⁸⁸ Already in 2013 one year after the opening of the facility three detainee deaths as a result of medical neglect were documented, including an Afghan man with cancer who was detained at Corinth for four months without treatment for his condition; See Infomobile. 2013. 'Second Afghan refugee dies in Corinth detention centre'. Available at: <http://infomobile.w2eu.net/2013/11/10/second-afghan-refugee-dies-in-corinth-detention-centre/>. In 2013, a person detained at Corinth committed suicide by jumping from the roof of a building in the facility; See FIDH, Migreurop and EMHRN. 2014. 'FRONTEX' Between Greece and Turkey: At the border of Denial. Available at: http://migreurop.org/IMG/pdf/rapport_en_web-2.pdf. In 2021, a Kurdish asylum seeker committed suicide having been detained at Corinth for 16 months; See Marion MacGregor. 2021. 'Protests over Kurdish migrant's death in Greek detention camp'. Available at: <https://www.infomigrants.net/en/post/31169/protests-over-kurdish-migrants-death-in-greek-detention-camp>.

¹⁸⁹ Infomobile. 2012. 'Hunger Strike in Corinth Detention Centre - Riot Police and tear gas...'. Available at: <http://web.archive.org/web/20220120064138/http://infomobile.w2eu.net/2012/11/18/hunger-strike-in-corinth-detention-centre-riot-police-and-tear-gas/>. The latest, reported in March 2024 by Efsyn and Solidarity with Migrants, highlighted the ongoing poor living conditions and reports of abusive treatment by detention staff; See Efsyn.gr. 2024. 'Κραυγή αγωνίας από τους Αιγύπτιους ναυαγούς κρατούμενους της Κορίνθου'. Available at: https://www.efsyn.gr/ellada/dikaiomata/423914_kraygi-agonias-apo-toys-aigyptioys-nayagoys-kratoymenoys-tis-korinthoy and Facebook. Solidarity with Migrants social media post. Available at: <https://www.facebook.com/solidaritymigrants/posts/pfbid02Dq2r3hAuu4M78h4VrZdEJFFcuDEk37nmJ9C7J3R4YuWMpei cykHHU32FybcK7p6fL>.

¹⁹⁰ X. Mobile Info Team (@mobileinfoteam) social media post. Available at: <https://x.com/mobileinfoteam/status/1791382099917668657>.

¹⁹¹ Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>.

- The Committee should request Greece to detail the specific measures it has introduced or aims to introduce in order for asylum seekers to access legal aid and representation and the effectiveness of remedies after a first or second instance rejection decision.

3. Regarding the living conditions of asylum seekers in Greece:

- The Committee should request Greece to repeal Article 40(a) of the Asylum Code and end the regime of *de facto* detention in CCACs and RICs.
- The Committee should request Greece to provide a detailed account of the measures it has introduced or aims to introduce to address the issue of substandard conditions in state facilities hosting asylum seekers in Greece as well as to alleviate the extreme and widespread isolation of residents.
- The Committee should urge Greece to ensure sufficient access to food, water and hygiene items to asylum seekers residing in state facilities.
- The Committee should urge Greece to ensure sufficient access to adequate medical and psychosocial care to asylum seekers in state facilities.
- The Committee should urge Greece to restore alternatives to camp accommodation, *inter alia* by exploring how to mobilise community resources.
- The Committee should urge Greece to take immediate action to respond to the homelessness crisis of asylum seekers and refugees in Greece.

4. Regarding the reception and living conditions of vulnerable asylum seekers:

- The Committee should urge Greece to ensure that vulnerability assessments are carried out prior to applicants for international protection having their personal interview.
- The Committee should urge Greece to provide sufficient and timely documentation for asylum seekers recognized as vulnerable to receive adequate care and reception conditions.
- The Committee should urge Greece to employ sufficient doctors and psychologists in RICs for vulnerable persons to be identified and for asylum seekers to have access to treatment.

5. Regarding Detention Conditions:

- The Committee should urge Greece to ensure a proportionate and justified use of detention, under appropriate legal basis.
- The Committee should urge Greece to ensure that the deprivation of liberty of asylum seekers and migrants is used as a measure of last resort, in accordance with EU and domestic law.
- The Committee should request Greece to report on the measures taken, or the measures that will be taken to urgently improve access to health care, interpretation services and the unsanitary conditions in PRDCs.

DGI

01 AOUT 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Executive Summary

a. Asylum procedures

I. Length of asylum procedures

The authorities remain systemically noncompliant with deadlines in Greek law for the registration of both first instance and subsequent asylum applications. This leaves people undocumented and unable to access their rights to full material reception conditions and healthcare.

II. Access to the online system for registration of asylum applications

Asylum seekers continue to report difficulties in accessing the online platform for requesting registration appointments for first instance asylum claims on the website of the Ministry of Migration and Asylum (MoMA).

b. Lack of access to legal assistance by asylum seekers

In both mainland RICs and the Samos CCAC the authorities impose disproportionate restrictions on lawyers' access, hindering the ability of asylum seekers to access legal assistance.

I. Access to legal assistance during reception and identification procedures

Persons undergoing reception and identification procedures remain *de facto* detained. This hinders asylum seekers' ability to access legal assistance during reception and identification procedures.

II. Access to legal aid to challenge negative decisions

Deficiencies remain in state-funded legal aid both after first instance negative decisions and during judicial review by Administrative Courts. Common practices such as the lack of information and high requirements in order to be eligible for free legal aid hinder the exercise of the right to legal aid. In this context, access to legal aid to challenge negative decisions is limited.

III. Effectiveness of remedies for asylum seekers

Legal avenues to challenge *de facto* detention orders, first instance rejection decisions, and second instance rejection decisions present serious challenges to the right to an effective remedy. *De facto* detention orders for "restriction of freedom" are issued after the start of the period of detention. The lack of a written order prevents asylum seekers from bringing a challenge against their administrative detention. Procedural requirements at the Appeals Authority, such as the reduction of deadlines for lodging certain appeals, the removal of their suspensive effect, and the obligation to be represented by a lawyer for the appeal to be admissible, have made access to the appeals procedure particularly difficult. Lastly, access to justice following a second instance rejection decision remains a significant challenge, due to high costs and significant delays in the processing of cases.

c. Living conditions of asylum seekers

I. Overcrowding

Overcrowding and poor conditions remains an issue. The Samos CCAC's official capacity is routinely exceeded, leaving asylum seekers held in degrading conditions. In this context, a new unlawful practice of the authorities emerged where applicants were asked to waive their rights to reception conditions to be

transferred from the Samos CCAC. Mainland camps are also in operation with substandard conditions and without basic services.

II. ESTIA 21 programme

In the Greek Government's Rule 9.1 submission dated 8 August 2023, they reported that the ESTIA 21 programme was operational. This is despite the ESTIA 21 programme concluding in 2022.

III. Conditions in the Camps: lack of access to basic services, concerning standard of hygiene

Minimum standards of hygiene are not met in the Samos CCAC and RICs. There is highly limited access to water, a complete lack of laundry services and a shortage of basic hygiene and cleaning items.

IV. Conditions in camps: insufficient water and food supply

There are serious shortages of water and food across reception facilities.

V. Conditions in camps: insufficient medical and psychosocial care

Asylum seekers continue to have highly restricted access to healthcare and psychosocial support. Basic healthcare needs are rarely met, and the lack of psychological support is reported in both island and mainland camps, causing the deterioration of the mental health condition of people seeking asylum.

d. Shortcomings in the reception and living conditions of vulnerable individuals

I. Vulnerability Assessments

Vulnerability assessments are not conducted during the detention period of newly arrived asylum seekers. Vulnerability is not properly assessed during reception and identification procedures, and as a result persons are not granted the specialised support to which they are entitled.

II. Provisions for vulnerable people

Vulnerable individuals continue to not be provided with essential services across reception facilities.

e. Reception, protection and detention of unaccompanied minors

Accommodation facilities both on Samos and on the mainland remain unsuitable for children.

f. Conditions of detention

I. De facto detention

The lawfulness of the detention of asylum seekers, as well as on the conditions under which they are being detained is of serious concern. The authorities do not comply with legal frameworks set by EU and Greek law on the fact of detention, its length and the provision of information to the individuals concerned. The lack of healthcare and psychosocial support in detention facilities on the mainland are of serious concern.

Recommendations

M.S.S. v. Belgium and Greece has been pending implementation for 13 years. Yet, as highlighted by the submitting organisations, serious problems continue to persist, affecting a large number of vulnerable people. The submitting organisations recommend:

- The Committee should examine the cases on an annual basis.

1. Regarding access to asylum:

- The Committee should request Greece to detail the specific measures it has introduced or aims to introduce in order to grant efficient access to the asylum procedure on the mainland within the deadlines set out in EU and domestic law.
- The Committee should request Greece increase staffing of the Greek Asylum Service and cease employing staff on short-term contracts.
- The Committee should request Greece to detail the specific measures it has introduced or aims to introduce to ensure sufficient interpretation services during asylum proceedings.

2. Regarding the lack of access to legal aid and representation during asylum proceedings:

- The Committee should urge Greece to ensure unhindered and sufficient access to legal information and assistance for asylum seekers hosted in Greek reception facilities, in accordance with EU law.
- The Committee should request Greece to ensure Greek lawyers have unlimited access to state facilities where asylum seekers are hosted.
- The Committee should request Greece to detail the specific measures it has introduced or aims to introduce in order for asylum seekers to access legal aid and representation and the effectiveness of remedies after a first or second instance rejection decision.

3. Regarding the living conditions of asylum seekers in Greece:

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- The Committee should request Greece to report on the measures taken, or the measures that will be taken to urgently improve access to health care, interpretation services and the unsanitary conditions in PRDCs.