

1531st meeting, 10-12 June 2025 (DH)

H46-20 M.S.S. and H.A. and Others groups v. Greece (Applications Nos. 30696/09, 4892/18)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1531/H46-20

Decisions

The Deputies

1. recalling that the *M.S.S.* group of cases concerns the degrading treatment of asylum seekers/irregular migrants on account of their conditions of detention, their living conditions, and the lack of an effective remedy against expulsion, due to deficiencies in asylum procedures; and that the *H.A. and Others* group concerns the lack of an effective remedy to complain about living conditions and delayed medical care;

As regards individual measures:

2. noted with satisfaction that no further individual measures are required in any of the pending cases, following the payment of just satisfaction and the further measures reported in each case;

As regarding general measures:

3. welcomed the consultations which took place in April 2025 between the Secretariat and the Greek authorities and encouraged the authorities to continue their cooperation with the Secretariat to ensure the prompt, full and effective execution of the present cases;

Asylum procedures

4. noted with satisfaction the authorities' sustained efforts to enhance the national asylum system and the significant progress achieved throughout the years concerning the length and accessibility of asylum proceedings as well as the increase of recognition rates, legal assistance and interpretation available; whilst noting that some difficulties remain as underlined by civil society, considered that it can be reasonably concluded, on the basis of the measures adopted, that similar violations will be prevented in the future, and decided to close the supervision of this issue;

Living conditions of asylum seekers

5. noted with interest the sustained efforts of the authorities to improve the living conditions of asylum seekers including the establishment of multiple reception facilities and the fact that no overcrowding is currently reported therein;

6. strongly encouraged nevertheless the authorities to submit further information on the measures taken to address the concerns raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and civil society, including about the quality of the services provided in the new reception facilities, and general information on accommodation, material aid and health and welfare services provided to all asylum seekers; requested also concrete information on the overall system of protection and reception conditions for vulnerable individuals, demonstrating whether and to what extent the shortcomings identified by the Court have been addressed and the authorities' plan of action in this regard;

Conditions of detention

7. noted with interest the authorities' sustained efforts to improve migrant detention conditions and to ensure that pre-removal detention centres have adequate capacity;
8. urged the authorities to take further general measures to address the concerns raised about detention conditions in pre-removal detention centres; reiterated also their invitation to the authorities to provide comprehensive statistical information about the number of individuals detained in police establishments as well as the average length of their detention, while urging them to assess the need for further measures to ensure that any detention in police establishments, designed to accommodate people for a short time only, remains exceptional, strictly time-limited and complies with Convention standards;

Effective remedy to complain about living conditions including medical assistance

9. noted the information about the establishment of the Fundamental Rights Officer as a complaint mechanism; underlining that this mechanism does not appear to constitute an effective domestic remedy in particular given the absence of examples demonstrating that it can issue legally binding and enforceable decisions capable of remedying complaints within reasonably short time-limits, encouraged the authorities to engage into consultations with the Secretariat on this issue, while stressing the need for the development of an effective remedy for these complaints as required under the Convention;
10. considering the significant progress achieved so far in relation to asylum procedures, coupled with the fact that the factual and legal background of the issue of living conditions has considerably changed since the material time of the facts of *M.S.S.* case, decided to close the supervision of this case by adopting Final Resolution CM/ResDH(2025)132, while continuing to supervise the outstanding measures relating to reception and living conditions, including medical care, under *A.R. and Others* and conditions of detention under the *Muhammad* case; decided to resume consideration of these groups, together with the *H.A. and Others* group, at one of their DH meetings in 2026.