



HELLENIC REPUBLIC
MINISTRY OF CITIZEN PROTECTION
HELLENIC POLICE HEADQUARTERS
SECURITY BRANCH
**INTERNATIONAL POLICE
COOPERATION DIVISION**

Athens, 28 April 2025

BACKGROUND NOTE

RE: "Memorandum on migration and border control, following the Council of Europe Commissioner for Human Rights visit to Greece (3-7.2.2025)"

In reply to the document referenced above regarding the Memorandum of the Council of Europe Commissioner for Human Rights Mr. Michael O'Flaherty and as part of the Hellenic Police's ongoing commitment to the protection of human rights and dignity, please find below the following:

- (I) a brief overview of the general actions and policies undertaken by the Hellenic Police and
- (II) comments on specific paragraphs of the Memorandum submitted by the Council of Europe Commissioner for Human Rights.

Part I: General Actions and Policies

1. In line with their policy of defending and promoting human rights, the Hellenic Police have adopted and are implementing a series of actions and measures, as summarized below:

a. In our country, human rights are guaranteed through a set of constitutional, criminal and procedural provisions, demonstrating the sense of justice inherent to the Greek society. The Hellenic Police, an undeniably effective institution operating on high standards, address issues of lawlessness and crime by enforcing the Greek law, while at the same time respecting human rights. In this regard, the recommendations of international organizations, the case law of the European Court for Human Rights and the comments made by UN Committees are duly considered. The relevant actions are implemented with

conviction, a sense of responsibility and full respect for the specificities of each individual, as dictated by the principles of impartiality and ethics.

b. Furthermore, the Hellenic Police prioritize fostering a climate, mindset and culture of respect for human rights among their personnel, free from any form of racial, ethnic or other discrimination and in line with the Greek Constitution, as well as the national and international law. In this vein, any complaint or information about misconduct by police personnel (while either on- or off-duty) pertaining to violations of citizens' rights, concealment of unlawful conduct by citizens and, generally, illegal acts or omissions, is thoroughly investigated with due care and the relevant legislation is strictly enforced.

c. Against this background, police officers address with particular care and as a priority the fight against gender violence, the protection of vulnerable social groups (including Roma and foreign nationals who have illegally entered our country), and the free exercise of their rights.

d. In any event, rational behavior and integrity standards, as well as the Code of Conduct for police officers feature prominently in the training and further training of police officers in matters relating to the protection of human rights, the treatment of detainees, the response to incidents of racism and xenophobia and the implementation of the prescribed rules of behavior, adapted, depending on the circumstances, to police tactics and practice. In this spirit, modules on these specific topics have been included in the books taught at the Police Academy, while the personnel of the Hellenic Police participate in seminars and training sessions on related topics, with a view to promoting and further strengthening a human rights culture in both young and experienced police officers.

e. The Hellenic Police Headquarters issued a circular order (CO No. 7100/25/14-δ', dated 08/11/2014) to all Hellenic Police Services providing clear guidance on addressing racism, xenophobia and discrimination in police action. The document recalls, *inter alia*, a previous circular order (CO No. 7100/26/5-ε', dated 04/08/2004), according to which, in instances where it is necessary to identify a member of the vulnerable Roma group, the Hellenic Police personnel must use exclusively the international term "Rom" (Roma or Gypsy), instead of other derogatory terms, such as "Athinganos".

2. Moreover, as far as incidents of human rights violations and accountability are concerned, it is to be noted that:

a. In the context of the expressed will of the political and natural leadership for zero tolerance in matters of human rights violations, orders have been issued and transmitted to all involved police services, reminding the Hellenic police personnel of the main provisions relating to the obligation to protect citizens' life and rights and respect human dignity, the prohibition of discrimination, torture and any form of inhuman or degrading treatment or punishment, and the overall behavior of police officers towards citizens, underlining that these fundamental principles are a matter of primary importance for the Hellenic Police Headquarters.

b. In cases where allegations arise over violation of these principles and values, the Administration undertakes appropriate action for their investigation by launching an administrative inquiry, as provided for in the disciplinary law in place (Presidential Decree 120/2008, as amended and in force). In the event that the allegations are found to be substantiated, strict disciplinary sanctions are imposed on those found responsible, in order to avoid any sense of impunity among the perpetrators. To ensure impartiality, the administrative inquiries are assigned to commissioned officers who have no administrative dependence with the services, or the police officers involved. The Greek Ombudsman, which is an Independent Administrative Authority, is immediately informed about the cases in question, in its capacity as the National Mechanism for the Investigation of Incidents of Arbitrariness, as provided for in Section D (Articles 56 et seq.) of Law 4443/2016, which took effect on 9 July 2016. If the Ombudsman deems it necessary, it may oversee the progress of an administrative inquiry and decide upon its completeness or, otherwise, conduct its own investigation. In the latter case, the relevant disciplinary bodies are obligated to suspend the adjudication decision until the Ombudsman has concluded its investigation.

It is noteworthy that Ombudsman's role has been further reinforced under Article 188 of Law 4662/2020. By analogous application of the relevant provisions of the disciplinary law for police officers, the independent authority is now empowered to summon witnesses to appear before it, examine persons

under oath, carry out on-the-spot inspections and order expert opinions. Furthermore, those concerned are obligated to provide testimony and oral or written explanations before the Ombudsman.

In addition, the Hellenic Police services have been clearly instructed that, in cases of allegations of abuse or ill-treatment by police officers, the relevant investigation must: a) be thorough, exhaustive and in-depth and include all reasonable steps to collect the necessary evidence about the incident, b) be actual and active, so that it leads to the identification and punishment of the perpetrators, c) offer all necessary guarantees as regards the institutional independence of the investigator from those investigated, d) be reasonably prompt and e) provide a conclusive answer regarding the origin of injuries or the causes of death, following a substantiated and expeditious forensic or medical opinion-examination, to the extent possible. Moreover, in cases involving allegations of reprehensible actions by police officers with a possible racist motive, the investigation must meet all the aforementioned criteria and the presence of such a motive is primarily established when: a) the alleged perpetrators have confessed to having had such a motive, b) the victims and witnesses have indicated the presence of such a motive, c) there are indications of the presence of such a motive on the basis of evidence accepted by the law, and d) the victims identify themselves as belonging or do belong to religious, ideological or social groups that are minorities or characterized by diversity.

c. Finally, the disciplinary law applicable to police officers was modernized and reformed through Presidential Decree 61/2024 [Official Government Gazette of the Hellenic Republic, Volume A', Issue No. 174, of 6.11.2024 (GG A' 174) on "Amendments to provisions of Presidential Decree 120/2008 "Disciplinary Law for Police Officers" (GG A' 182)"". The new disciplinary law revolves around the following axes: the removal from active duty of those police officers who have committed serious criminal or disciplinary offenses, a more effective handling of corruption incidents, the streamlining of bureaucratic procedures and a more expeditious administration of criminal justice.

Part II: Remarks on the Memorandum

Regarding the specific points and comments expressed in the Commissioner's Memorandum, please find below our response (by paragraph order):

Paragraphs 9-14 of the Memorandum

The Hellenic Police uphold human rights through action and cooperation with national independent institutions, as well as highly respected international and European organizations.

The operational action of the Hellenic Police is based on the lawful prevention of illegal border crossings while migrants are still in Turkish territory and have not yet reached Greece. There is no systematic practice or operational planning of informal returns ('pushbacks') of third country nationals from Greece to Türkiye across the borders.

In this regard, clear orders and instructions have been issued to all relevant Hellenic Police services and continuous training is provided to the Hellenic Police personnel responsible for border protection either by expert police personnel or by the personnel of other entities, such as the UN High Commissioner for Refugees and the Fundamental Rights Officer of the Ministry of Migration and Asylum. The training programme encompasses a range of topics related to respect for human rights and the dignity of all newly arriving migrants, placing special emphasis on the right to apply for international protection and access to legal remedies.

Furthermore, the relevant Hellenic Police services, building on the strict disciplinary law and their extensive collaboration with Frontex, have an effective oversight of the actions of border authorities and investigate all incidents that come to their knowledge.

However, the absence of sanctions is not, *per se*, evidence of impunity; rather, it is a clear indication of the inaccuracy and frivolity of the accusations.

Paragraph 11 of the Memorandum

In the spirit of strengthening the protection of vulnerable groups and respect for human dignity, with regard to paragraph 11, it is pointed out that, Article

41 of Law 3907/2011, as amended by Article 4 of Law 4531/2018 (GG A' 62), stipulates that domestic violence victims who are not in possession of documents for their legal stay in our country are protected from deportation and have the right to apply for a residence permit for humanitarian reasons (Article 44 of Law 3386/2005, as amended and in force).

For the proper implementation of the law and with a view to ensuring the effective and substantial **protection of foreign nationals who are victims of domestic violence**, a relevant order has been issued by the Hellenic Police Headquarters.

Paragraph 12 of the Memorandum

Greece's conviction by the European Court for Human Rights on the A.R.E. vs. Greece case (application No. 15783/21) with the judgment issued on 07/01/2025 is the first of its kind to address operational actions on Greece's land borders. However, the Court's finding that "there were strong indications to suggest that there had existed, at the time of the events alleged, a systematic practice of summary returns from the Greek islands to Türkiye" does not provide any evidence nor can it be the sole basis for the suspension of Frontex's operations in Greece.

Given that the said judgment is not yet definitive, a decision is being awaited on the submission or not of an application for the referral of the case to the Court's Grand Chamber, as per Article 43, par. 1 of the European Convention for Human Rights, so that the Court's finding on strong indications of a "systematic practice of summary returns to Türkiye" be revoked, the authority of the Greek border protection services be restored and the legal details of the status of border protection be clarified.

Paragraph 18 of the Memorandum

The recurrent deficiencies mentioned by the Greek Ombudsman in the conduct of disciplinary investigations are not due to a lack of willingness or competence on the part of the police. In contrast, they are entirely reliant on the cooperation of the complainants (for taking statements from witnesses) or on the prompt

submission of complaints (for the timely collection and securing of evidence, etc.).

It is important to note that there is close collaboration with the Ombudsman. This is stressed on every occasion and is evident in the disciplinary investigation process, given that the findings of the disciplinary investigation are not finalized until the independent authority submits its comments. Moreover, these comments are duly considered when planning operational actions, as indicated by the Ombudsman in its more recent comments.

Paragraph 24 of the Memorandum

In light of the Commissioner's comments that Frontex's Joint Operations in Greece are continuing despite the Fundamental Rights Officer's (FRO) negative opinion and recommendation for their termination or suspension, on the basis of allegations of systematic illegal returns ('pushbacks') at the borders and related fundamental rights violations, it is pointed out that the uninterrupted implementation of these actions is due to a series of initiatives undertaken by the Hellenic Police, in cooperation with the Agency, aiming at the continuous monitoring and strengthening of the protection of fundamental rights through Frontex's National Contact Point (Border Protection Division / Hellenic Police Headquarters). In this regard:

i. The implementation of the **Frontex-Greece Action Plan for the Protection of Fundamental Rights at the Borders** was successfully completed. Born out of the cooperation between the Ministry of Migration and Asylum and the Hellenic Coast Guard, this Action Plan aimed at monitoring the implementation of actions for the improvement of infrastructure and other initiatives, placing emphasis on training actions as well as on establishing channels of cooperation with the Agency and other national bodies for better protection of fundamental rights in border management. The Action Plan was successfully completed during the 103rd Frontex Management Board meeting (22-23.01.2025), with Greece making a significant effort to present the tangible progress it had made in the protection of fundamental rights to ensure the

smooth conduct of Joint Operations and maintain an open channel of communication and cooperation with the FRO.

ii. Furthermore, there is regular cooperation between the Agency and the Hellenic Police in managing reports by Frontex's personnel (Serious Incident Reports/SIRs) and complaints by migrants about alleged violations of fundamental rights in cases with possible involvement of the Hellenic Police. This cooperation aims at providing Frontex with clarifications regarding national border legislation and the relevant practices followed by police personnel responsible for border control and surveillance. **In 2024, under the revised Regulation (EU) 2019/1896 on the European Border and Coast Guard, the Border Protection Division / Hellenic Police Headquarters dealt with six (6) Serious Incident Reports (SIRs) about allegations of fundamental rights violations at the land borders. However, no complaints were received in relation to these incidents.**

iii. In addition to the foregoing, the Border Protection Division / Hellenic Police Headquarters, in cooperation with the relevant regional services, facilitates the smooth conduct of on-site visits by Frontex's Fundamental Rights Observers (FROMs) in the operational field. This is achieved by preparing clarifying orders and transmitting the reports with the relevant findings to the co-competent bodies. FROMs are responsible for monitoring the compliance of FRONTEX's operational actions with the safeguards for the protection of fundamental rights. Their presence enhances our cooperation with the Agency and helps optimize the relevant operational actions and infrastructure. Furthermore, in support of the legality of the national operational action, it should be stressed that, **from 2022 (when they officially commenced operations) through 2024, FROs conducted approximately sixty-six (-66-) visits to Joint Operations at Greece's land and sea borders, with the majority of them, specifically twenty-six (-26-), in 2024 alone, marking the highest number of visits within the Single Schengen Area. It should be noted that, in 2024, a total of eight (-8-) visits were conducted at the land borders, of which five (-5-) were in the Evros region.**

iv. Finally, Frontex officers are encouraged to increase their involvement in border control and surveillance operations, as well as in operations for the

detection and rescue of migrants in the area surrounding the Evros River. This is to ensure the external monitoring of fundamental rights throughout operations.

Paragraphs 33-35 of the Memorandum

In light of the Commissioner's comments that, in Greece, migrant rights defenders operate in a challenging environment, it should be noted that, in recent years, the Hellenic Police have dealt with similar complaints, which have occasionally reached the level of international and EU institutions, about the alleged disproportionate and uncritical criminal prosecution of individuals working in the humanitarian sector and on issues related to migrant management.

In certain situations, particularly in times of crisis, when national structures are confronted with a multitude of procedures and needs, humanitarian aid becomes necessary and is a tangible demonstration of solidarity. In this context, and given the rise in migratory flows in Greece, a significant number of Non-Governmental Organizations (NGOs) have begun to operate in order to help the migrant population.

However, the relevant law enforcement authorities of the EU Member States are investigating information and intelligence concerning the role of certain members of NGOs active in the field of migration, especially as regards organized actions that facilitate illegal immigration, with the aim of lodging asylum claims, secondary movements within the Schengen area or providing migrants access to the local labor market.

It is pointed out that each case is examined on an individual basis, and no prosecution is envisaged for those providing humanitarian assistance, as the latter is not a criminal offence. Any legal action against NGO members is based on facts established either by complaints or information. In this context, certain members of NGOs may be subject to prosecution, always in line with the applicable legislation, for involvement in illicit activities and cooperation with migrant smuggling networks.

Comments by the Ministry of Migration and Asylum of Hellenic Republic on the “Memorandum on migration and border control”, by Michael O’Flaherty, the Council of Europe Commissioner for Human Rights, following his visit to Greece from 03 to 07 February 2025

General Comment

Greece proceeded in 2022 to the establishment of the **Special Committee for Fundamental Rights Compliance**, by article 50 of L. 4960/2022, and the institution of the **Fundamental Rights Officer** (FRO) at the Ministry of Migration and Asylum, by article 49 of the same, as a proof of the country's commitment to fully respect and promote fundamental rights and to comply with all relevant obligations as provided for, in national, EU and international legislation. Greece, is the only Member State in the EU that has created the institution of the Fundamental Rights Officer at a national level, set aside those who act at an international level and specifically under the auspices of FRONTEX, EUROPOL and EUAA.

The functionality, independence, and reliability of the FRO’s role are considered key factors for the effective fulfillment of his mission. One of the FRO’s main duties is to collect and proceed to the preliminary assessment of complaints about alleged violations of fundamental rights of third-country nationals. These violations are related to actions and/or omissions of public authorities and may be identified during entry into the country, reception and procedures for granting international protection. Following their preliminary assessment, complaints, when deemed as admissible, are transferred to the National Transparency Authority or to the competent bodies. The FRO is then kept constantly informed of their progress and informs respectively the complainants.

For this purpose, a Fundamental Rights **Complaints Mechanism** was established and has been fully operational since the 26th of September 2023, providing the opportunity for third-country nationals to fill in and submit standardized complaint forms, available in Greek and English, while upholding the confidentiality and personal data protection guarantees. To be considered as admissible, a submitted complaint, after having met the standard external and formal requirements, must be sufficiently clear, relevant, complete and well-founded.

With regards to the complaints received so far, one hundred and forty-eight (148) complaints have been submitted in total, most of them concerning reception conditions. Out of them, fifteen (15) have been found admissible and transferred to competent authorities for further examination. The rest of them could not be further elaborated as they either lacked essential formal elements, or did not

relate, in general, to the scope of the responsibilities of the FRO. Thirteen (13) of the above-mentioned have set out issues of reception conditions in Reception and Identification Centers (RICs), Closed Controlled Access Centers (CCACs) and accommodation facilities, whereas two (2) out of them concerned procedural matters arisen while applying for international protection.

The introductory web page of the Complaints Mechanism appears on the official website of the Ministry of Migration and Asylum and of the jointly competent in this view Ministries, so that the third-country national concerned can be informed about the existence of the Complaints Mechanism through other websites as well, such as those of the Ministry of Citizen Protection or of Maritime Affairs and Insular Policy, the Hellenic Coast Guard and the Hellenic Police. Further dissemination of the use of the Complaints Mechanism was achieved through various FRO's field visits where there were communications with third-country nationals and several stakeholders.

Additionally, in the context of highlighting the transparency and accountability of the institution and on the occasion of the ending of year 2024 and the completion of more than one year since launching the Complaints Mechanism, an information brochure was prepared in printed and digital form, that contains detailed qualitative and quantitative data on the operation of the Complaints Mechanism for the reference period from 26/09/2023 up until 31/12/2024. The brochure also provides for a short introduction to the institutions of the Fundamental Rights Office and of the Special Committee for Fundamental Rights Compliance. A press release was issued on 10 January 2025 and posted on the Ministry's website with all necessary information on the Mechanism.

In addition, within the area of its responsibility, the FRO has carried out several **field visits** to islands and mainland regions within the Greek territory. During these visits, the FRO liaises with relevant stakeholders **to monitor compliance with fundamental rights and to provide updates, advice and assistance**. He holds meetings with key stakeholders (police, port authorities, etc.) and is granted access to all areas of the facilities, including UAM safe zones, medical units and hygiene facilities, in order to gain a full understanding of the situation, challenges and needs. This enables him to assess the compliance of policies with fundamental rights. The field visits also allow him to introduce his role, answer questions about the Complaints Mechanism and gather feedback on ways to improve its effectiveness.

Another essential area of activity of the FRO is the conduct of regular **trainings on the protection of fundamental rights** for officers of the Hellenic Police and Hellenic Coast Guard, as well as for other frontline personnel in border areas. Specifically, the FRO has already conducted trainings for officers of the Police Directorates of Orestiada, Alexandroupolis and Rodopi, for officers of the

Pre-Removal Detention Centers of Xanthi and Drama (October 2024) and for officers of the General Regional Police Directorate of the North Aegean in Lesvos (January 2025), Chios (February 2025) and Samos (March 2025). At the same time, he has provided similar trainings for the personnel of the Hellenic Police and the Coast Guard, as well as for other personnel working in CCACs. In particular, such trainings have been conducted so far at Samos CCAC (February 2025), Leros CCAC (February 2025), Kos CCAC (February 2025), Lesvos CCAC (March 2025), Chios CCAC (March 2025), at the Reception and Identification Center (RIC) of Fylakio in Evros (April 2025), as well as in Nicosia, Cyprus for the personnel of the Cyprus Police (April 2025).

Regarding the reception conditions of unaccompanied minors at the entry points, the following should be noted:

Upon arrival, when a person is identified as an unaccompanied or separated minor, he or she is transferred to a designated area within the Reception and Identification Centre or Closed Controlled Access Center, which is separate from the area where adults are accommodated. In addition to the general services provided by law by the Reception and Identification Service at the entry points, funding is secured annually to provide further specialized child protection services in these safe areas through the deployment of child protection teams with presence 24 hours a day, every day. From 2024 up to today, the provision of these services is contracted to international agencies and local NGOs with proven experience. Such projects are funded either by the Ministry of Migration and Asylum or the EU or by the donations of member and partner states of the EU as an act of solidarity.

These safe areas operate according to child protection standards and adhere to operating regulations, an approved plan defining the number of staff, specialties and shifts as well as 24/7 staff availability. Further, access to health care is ensured through the Medical Check-up and Psychosocial Support Clinic within the Closed Control Access Centers or Reception and Identification Centers, as well as access to the nearest public hospital whenever needed. Educational and recreational activities, communication services (with free telephone calls and controlled internet access) are provided, minors are informed and counselled, and accompanied to services outside the Centers, mainly to health facilities (1 accompanying person per 5 children). In addition, legal assistance and interpretation services are provided, and, in support of the Reception and Identification Service, food, hygiene items, bedding, clothing, shoes and other non-food items are provided.

Noteworthy that the entire planning for the minors' stay at the entry points, including the provision of services and material and general reception conditions, and their concomitant placement in long-term accommodation facilities, had been based on the

statistical data of the last four years. However, since August 2024, there has been a progressively significant increase in the population of unaccompanied minors, with arrivals now exceeding the number of places in the long-term accommodation facilities. The above-mentioned population increase has put significant pressure on the first reception system and has further impacted on the availability of services that children can receive, but also on the accommodation system for unaccompanied children. The limited availability of accommodation places has deemed imperative to set prioritization criteria based on the available places in accommodation facilities for the specific age group and gender, and on vulnerability, e.g. young age, gender/orientation, illness/disability, or other care needs.

As a contingency plan to decongest safe areas that are affected by increased arrivals such as the one in Samos, coordinated actions have been taken, with weekly transfers of children both to accommodation facilities for unaccompanied minors and to facilities of the Reception and Identification Services and the operation of two safe zones in the Controlled Temporary Accommodation Facilities for Asylum Seekers in the region of Central Macedonia (Vagiohori and Alexandria). These safe zones constitute temporary accommodation areas for unaccompanied minors, and their operation is supported further by local NGOs with enhanced services and 24/7 presence of caretakers. Thus, while for a period the safe area of Samos accommodated up to 500 children, currently it accommodates a total of 190 children, i.e. below its intended capacity of 200 children.

Additional Comments

Para 12.

At the time of the Commissioner's visit to Greece, nearly 50 applications containing allegations of summary returns had been communicated to the Greek government by the ECHR. In a judgment delivered on 7 January 2025 in the case of A.R.E. v. Greece, the Court stated that there were strong indications to suggest that there had existed, at the time of the events alleged, a systematic practice of 'pushbacks' of third-country nationals by the Greek authorities, from the Evros region to Türkiye. The Court considered that the Government had not successfully refuted the evidence in question by providing a satisfactory and convincing alternative explanation. As regards the maritime borders, the Court also found, in a separate decision, that there were strong indications to suggest that there had existed, at the time of the events alleged, a systematic practice of summary returns from the Greek islands to Türkiye.

In accordance with Article 42 of the European Convention on Human Rights, judgments of Chambers become final only as defined in Article 44, paragraph 2. As clearly outlined therein, a Chamber's judgment becomes final only if:

- (a) the parties declare they will not request referral to the Grand Chamber;
- (b) three months have passed since the date of the judgment and no referral request has been submitted; or
- (c) a referral request under Article 43 is rejected by the Grand Chamber panel.

As Greek Republic requested that the case be referred to the Grand Chamber, according to Art. 43 par.1 of the ECHR, the judgment in *A.R.E. v. Greece*, is not final under Article 44(2)(b).

Therefore, until the judgment becomes final under Article 44(2), it does not have binding force under Article 46 of the Convention and may still be reviewed and potentially reversed or clarified by the Grand Chamber.

Para.14.

While during the visit the Commissioner did not specifically focus on the detention and reception conditions of asylum seekers and migrants, relevant information and updates were shared with him by multiple stakeholders about the situation of unaccompanied children being held for prolonged periods in de facto detention in inadequate and overcrowded facilities, particularly in Samos, and about increased numbers of people arriving in Rhodes and Crete and unable to receive dignified assistance there, due to the lack of reception facilities.

It is important to underline that Law 4939/2022, which transposes Directive 2013/33/EU on reception conditions into the national legal order, provides a comprehensive framework ensuring dignified reception conditions for all applicants for international protection, including vulnerable persons such as unaccompanied minors (see arts 62 and 63 and 64 of the Law 4939/2022). The new Closed-Controlled Access centres on the islands (Samos, Kos, Leros) offer improved living conditions, enhanced security, and separate areas (safe zones) for vulnerable persons, such as unaccompanied minors. In cases of overcrowding, the General Secretariat for Vulnerable Persons in cooperation with the Reception and Identification Service, transfers unaccompanied children to appropriate reception facilities in the mainland as soon as possible.

It is a fact that in the past ten years, Greece has been one of the most affected Member States when it comes to irregular arrivals of third country nationals at its land and sea borders, which created significant challenges for Greece and put its national migration management and reception system under considerable strain.

The surge in mixed migration and refugee flows has challenged the Greek framework on asylum, migration and external borders management. Located on the frontline, Greece is disproportionately burdened. Greece is in year 2025 still

particularly affected by the mixed movements across Europe, experiencing very high numbers of migrant arrivals.

Over recent years, Greece has developed a very good and functional national reception system. By scaling up its authorities' capacity, Greece has addressed issues of overcrowding and sub-standard reception conditions in mainland and island centres. Reception and international protection procedures have been streamlined and accelerated. In fact, in 2022 a codification of the refugee law has taken place and in particular the Law 4939/22 "ratifying the Code on reception, international protection of third-country nationals and stateless persons, and temporary protection in cases of mass influx of displaced persons, came in force in 10 June 2022" (Asylum Code) was adopted. Protection of the most vulnerable persons has been improved, as well as the legislative framework which was put in place for unaccompanied minors. In particular, articles 63-67 of the Asylum Code contain provisions for minors. It shall be as well noted that in Greece there is a specific competent authority for the protection of unaccompanied children, which is the General Secretariat for Vulnerable Persons and Institutional Protection. It was established within the Ministry of Migration and Asylum (MoMA) in June 2023, as a successor to the Special Secretariat for the Protection of Unaccompanied Children, initially established in February 2020. It designs and develops an effective protection framework for all vulnerable groups of the refugee and migrant population in the country, and is concerned with the protection of unaccompanied children via: a. the implementation of a National Strategy for the Protection of Unaccompanied Minors in Greece , b. the provision of housing and the supervision of the operation of accommodation facilities for unaccompanied children, c. the guardianship, the institutional protection of their rights and the safeguarding of their best interests, and the, d. the enhancement of their social integration and well-being promotion.

Para.33.

In response to allegations of '*cumbersome administrative procedures*' for NGOs assisting asylum seekers, the national legal framework has adopted appropriate provisions to ensure that civil society organizations can access reception facilities and effectively provide support to those in need. With regard to access by visitors to the Reception and Identification Centers (article 27 JMD 1/7433/2019 GG B' 2219/10.06.2019), the Closed Controlled Access Centers (article 7 Decision no 553695 GG B' 7533/31.12.2023), and the Controlled Reception Sites on the mainland (article 14 MD 23/13532 GG B' 5272/30.11.2020), it should be noted that specific provisions are included in the General Regulations governing the operation of these facilities.

In general, for the entry of visitors, professionals, and volunteers into official accommodation sites — with the exception of staff from organizations that

cooperate with the Ministry and are registered in the Registry of Greek and Foreign NGOs authorized to provide services at these facilities — an application must be submitted, which is then subject to approval by the Reception and Identification Service following consultation with the facility's Director. The Director has the authority to determine the specific conditions of access, such as the duration of the visit, visiting hours, and other relevant parameters.

Lawyers and legal advisors are granted access to all centers without the above formalities. They are only required to notify the facility's Director; no further approval is necessary. The access of lawyers to the sites cannot be hindered and may only be limited for reasons related to public order. In all cases, third-country nationals are not deprived of their right to legal representation and support.

For the entry of journalists and media representatives, a formal application and subsequent approval by the Reception and Identification Service are required, following consultation with the Service's Director. The application must specify the purpose of the visit.

All visitors and professionals must present their identity documents at the entrance, sign the visitors' log (where their personal details are recorded), and carry an identification card indicating the institution they represent, as well as their own identity details. A weekly visit schedule may be organized by the facility's Director, if necessary. Access may be restricted only when objectively necessary and solely for reasons concerning the security of the asylum seekers within the facilities. In cases where entry is denied, visitors have the right to seek recourse through the remedies provided by Public Administrative Law.

Finally, the Code of Laws no 4939/2022 (GG A' 111/10.06.2022) on Reception, International Protection, and Temporary Protection contains specific provisions regarding the legal representation of asylum seekers. Notably, Article 72 guarantees the right of all asylum seekers to consult a lawyer or legal advisor on matters related to their application. It also ensures their right to receive legal information regarding the asylum procedure, either through their legal representatives or NGOs operating at the sites. Additionally, Article 78 establishes the Registry of Greek and Foreign NGOs, outlining the terms and conditions required for registration.



ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΕΙΣΑΓΓΕΛΕΑΣ
ΤΟΥ ΑΡΕΙΟΥ ΠΑΓΟΥ

Athens, 29th April 2025

Subject: Comments on the Memorandum on migration of the Council of Europe Commissioner for Human Rights, following his visit to Greece, 3-7.2.2025

In reference to the Memorandum of the Council of Europe Commissioner for Human Rights Mr. Michael O' Flaherty on migration and border control, kindly note the following.

Greek prosecutors play a crucial role in ensuring effective accountability for human rights violations at borders. Under no circumstances do they proceed to dismiss the complaints without collecting crucial evidence, as stated in the aforementioned Memorandum, which does not name, as in our opinion should, the "interlocutors", who reported "reluctance of prosecutors to conduct effective investigations".

With regard to the issues of illegal returns (pushbacks), from the year 2020 to February 2024, there were sixty-seven (67) "pushback" case files, seventeen (17) of which were pending for criminal investigation (until February 2024) and fifty (50) were filed / archived, based on the data submitted by the competent Prosecution Offices and the Internal Affairs Directorate of the Hellenic Police. And, although, the ECtHR with the Judgement A.R.E. (it is noted that the applicant's brother was already in Greece and had applied for asylum) v. Greece of 7.1.2025 (Application No. 15783/21) found that there was a violation of Article 13, in conjunction with Articles 2 and 3 of the Convention, however, the ECtHR with the Judgement G.R.J. v. Greece of 7.1.2025 (Application No. 15067/21) declared the application

inadmissible, in accordance with Article 35 para. 4. These judgements of the Court concerned a "systematic practice of pushbacks" from Greece to Turkey, a practice (systematic), which the ECtHR disputes, as it can be deduced from the above.

Finally, in cases where there are suspicions of breach of duty by the civil servants/employees of the country, mainly out of excessive zeal and with the scope to prevent members of terrorist organizations from entering European territory, with further self-evident risks, all such behaviors are reviewed by the competent authorities of the country for disciplinary and criminal liability (initiation of case files), as mentioned above.

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