

30/10/2025

EUROPEAN SOCIAL CHARTER

Comments submitted by the **International Commission of Jurists (ICJ) and the European Council for Refugees and Exiles (ECRE)** on the

Follow-up Report to
Collective Complaint No. 173/2018 International Commission
of Jurists (ICJ) and the European Council for Refugees and
Exiles (ECRE) v. Greece
submitted by

THE GOVERNMENT OF GREECE

Comments registered by the Secretariat on
30 October 2025

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Jurists (ICJ) and the European Council for Refugees and
Exiles (ECRE) on the

Follow-up Report to Collective Complaint No. 173/2018 ICJ and ECRE v.
Greece, submitted by the Government of Greece

and on the

Comments submitted by the Greek National Commission for Human Rights
(GNCHR)

30 October 2025

International Commission of Jurists (ICJ)

The ICJ is a non-governmental organization working to advance understanding and respect for Rule of Law as well as the protection of human rights throughout the world. It was set up in 1952 and has its headquarters in Geneva, Switzerland. It is made up of some 60 eminent jurists representing different justice systems throughout the world and has 90 national sections and affiliated justice organizations.

European Council for Refugees and Exiles (ECRE)

The European Council on Refugees and Exiles (ECRE) is an international alliance of 128 NGOs across Europe working together to protect and advance the rights of refugees, asylum seekers and displaced persons. Their mission is to promote the establishment of fair and humane European asylum policies and practices in accordance with international human rights law. ECRE engages in legal research, litigation advice and training concerning the application and interpretation of EU law, and relevant international human rights instruments, including the European Social Charter and its Revised version.

Executive summary

The ICJ and ECRE lodged the [Collective complaint 173/2018 ICJ and ECRE v. Greece](#) to the European Committee on Social Rights (ECSR) on 30 November 2018. In 2021, The Committee published its decision on the merits, finding violations of several provisions of the European Social Charter, notably Articles 31§1 and 2, 17§1, 7§10, 17§2, 11§§1 and 3.

At the invitation of the Council of Europe Collective's Complaints Division, the ICJ and ECRE submit the following comments on the current situation of migrant children in Greece in order to assist to the ECSR in its follow-up review of this case. The Greek Council for Refugees (GCR) was consulted in preparing these comments.

Despite some positive legislative amendments adopted since 2021, Greece continues to fall short of its obligations under the Revised European Social Charter (ESC) with respect to migrant and refugee children. Persistent deficits concern: (i) substandard and unsafe reception conditions on the islands and inadequate long-term accommodation on the mainland; (ii) continued use of detention—both de jure and de facto—contrary to the best interests of the child, and therefore arbitrarily; and (iii) age-assessment practices that depart from European and international human rights law and standards (including under a 2025 Joint Ministerial Decision prioritising medical tests, curtailing appeal deadlines, and introducing a presumption of majority). These ongoing shortcomings are consistent with recent findings by the European Court of Human Rights (ECtHR), the Council of Europe Commissioner for Human Rights, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The Committee should therefore urge Greece to adopt time-bound compliance measures and request a concrete remedial plan with clear milestones.

I. Reception conditions

In its 26 January 2021 decision on the merits (published 12 July 2021), the ECSR found Greece in violation of Articles 31§§1–2, 17§1, 11§§1 & 3 of the ESC regarding children's housing and health, Article 17§2 on education for children on the islands, and Article 31§2 for the lack of shelter for unaccompanied minors (UAMs) on the mainland.

Despite national legislation providing for an entitlement for all asylum applicants and all children—whether they have lodged an application or not—to adequate reception conditions, serious shortcomings persist in both access to and the quality of those conditions.¹ On first arrival, children are typically channelled through Reception and Identification Centres (RICs) on the islands and subsequently, in many cases, to Closed Controlled Access Centres (CCACs). A new issue has emerged with the re-opening of safe zones within Controlled Access Facility for Temporary Accommodation of Asylum Seekers (CAFTAAS)—particularly in northern Greece—by the Ministry of Migration and Asylum.²

Inadequate conditions of reception for child asylum applicants

Accompanied and unaccompanied children continue to be hosted in dire and unacceptable living conditions. Local and international civil society organisations have documented limited sanitation and poor hygiene, overcrowding, mould and pest presence,³ as well as poor quality or insufficient food, including instances of malnutrition. Overcrowding and the lack of protective, child-appropriate shelters are repeatedly linked to incidents of violence, abuse, trafficking and exploitation.⁴

¹ Article 37(1), 62(3), Asylum Code.

² Ministry of Migration and Asylum, [Υπογραφή Μνημονίου Συνεργασίας Ελλάδας – Ελβετίας μεταξύ του Υπουργού Μετανάστευσης και Ασύλου Θάνου Πλεύρη και του Ελβετού Αναπληρωτή Υπουργού για θέματα Μετανάστευσης Vincenzo Mascioli, για την ενίσχυση των διαδικασιών επιστροφών και την προστασία των ευάλωτων](#), 13 October 2025, website (accessed on 29 October 2025).

³ Legal Centre Lesvos, [Lesvos Situation Report: Quarterly Developments and Updates, October-December 2024](#), February 2025; Amnesty International, ASF, HRLP, I Have Rights, Samos Volunteers, [Letter to the European Commissioner for Internal Affairs and Migration](#), February 2025; Refugee Support Aegean, [Refugee Facilities on the Aegean islands](#), 10 December 2024.

⁴ Save the Children, [Child migrant and refugee arrivals in Greece double in 2024, as children report alarming camp conditions](#), December 2024; GCR, Save the Children, ["It does not feel like real life": Children's everyday life in Greek refugee camps](#), 2024; MSF reports six cases of child malnutrition at asylum centre on Greek island of Samos, 7 April 2025.

The European Court of Human Rights (ECtHR) has recently found Article 3 violations in cases concerning unaccompanied minors in RICs, citing severe overcrowding, lack of access to medical and sanitary facilities, cramped and inadequate conditions, lack of educational and recreational activities, insufficient psychological and general support, exposure to physical and sexual violence and incidents of unauthorised adults' entering "safe zones".⁵ Multiple additional applications have been communicated to the ECtHR over the last two years concerning living conditions for families and accompanied children.⁶

Assessments by independent Council of Europe bodies concur on this assessment. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (ad hoc visit in late 2023; report public 12 July 2024) described the Athens Airport Special Holding Facility as "totally unsuitable" for children and recorded extremely poor conditions for children in Kos and Samos CCACs, including prolonged confinement and defective sanitary access that can reach the threshold of inhuman and degrading treatment.⁷

Homelessness

A lack of shelter for unaccompanied minors persists on the mainland, resulting sometimes in homelessness and delays in identification and access to rights, such as to food and shelter, to a guardian, to education and medical aid. Many children are forced to live in precarious conditions, including on the streets or in informal settlements.⁸ These risks are exacerbated by delays and shortcomings in identification of unaccompanied minors and of vulnerability identification on arrival. As a result, unaccompanied minors continue to be lodged in accommodation alongside unrelated adults and are denied timely appointment of a guardian, access to schooling, access to age-appropriate legal aid, and referral to the Asylum Offices for Vulnerable Applicants for their claims.⁹

The ECtHR recognised these failings in *A.I. and others v. Greece* (19 June 2025), finding that delays in accommodating the applicants were caused by shortcomings in registration and age assessment procedures, and leaving the applicants to fend for themselves for extended periods in conditions incompatible with their age and dignity, often relying on strangers and NGOs.¹⁰ The Court has likewise found Article 3 and Article 8 violations where unaccompanied minors were wrongly registered as adults and therefore placed in inappropriate accommodation.¹¹ Chronic shortages of specialised medical staff have also been cited as a crucial factor leading to misidentification of unaccompanied minors (UAMs) upon arrival and their subsequent placement with adults.¹² Further, the shortages of resources and capacity of medical staff has affected general access to healthcare services, thereby denying migrants the right to healthcare across many facilities.¹³ Civil society organisations reported that a lack of interpreters and cultural mediators in both public healthcare facilities and camp facilities resulted in all demographic of asylum seekers' exclusion from effective medical care and serious risks and impacts to their physical and mental health.¹⁴

Homelessness is also common where child applicants and their families are granted international protection and are then given only 30 days to vacate their accommodation.¹⁵ For unaccompanied minors, this time limit runs from the moment they reach the age of majority.¹⁶ In parallel, the grant or rejection of international protection status further affect children's welfare as it triggers suspension of cash assistance

⁵ ECtHR, *M.Y. and others v. Greece*, App No. 51980/19, 19 June 2025, §§15, 19; ECtHR, *M.A. and others v. Greece*, App No. 1519/20, 3 October 2024, §12.

⁶ *M.K. and others v. Greece*, ECtHR, Application No. 42416/23, lodged 11 December 2023; *M.A. v. Greece*, ECtHR, Application No. 38043/21, lodged 29 July 2021; *W.B. and others v. Greece*, ECtHR, Application No. 36142/23, lodged 3 October 2023; *Z.H. and S.T.H. v. Greece*, ECtHR, Application No. 34712/23, lodged 19 September 2023.

⁷ Council of Europe, CPT [Report to the Greek Government on the visit to Greece from 20 November to 1 December 2023](#), CPT/Inf (2024) 21, 12 July 2024. Findings on Athens Airport Special Holding Facility, Kos and Samos CCACs.

⁸ INTERSOS, [Greece: More than 2000 minors alone, INTERSOS offers them protection](#), 13 December 2023.

⁹ AIDA, [Update on 2024: Country Report Greece](#); Special reception needs of vulnerable groups, September 2025.

¹⁰ *A.I. and others v. Greece*, ECtHR, Application No. 11588/20, 19 June 2025, §8.

¹¹ *T.K. v. Greece*, Application no. 16112/20, 18 January 2024; *T.S. and M.S. v. Greece*, App No. 15008/19, 3 October 2024.

¹² AIDA, [Update on 2024: Country Report Greece](#); Special reception needs of vulnerable groups, September 2025.

¹³ AIDA, [Update on 2024: Country Report Greece](#); Reception Conditions; Healthcare, September 2025

¹⁴ Mobile Info Team, [Voices from the camps: Living conditions and access to services in refugee camps on the Greek mainland](#), 18 July 2024; InfoMigrants, [Greek NGO warns staff lacking in migrant centers](#), 9 September 2024.

¹⁵ Article 109 Asylum Code.

¹⁶ AIDA, [Update on 2024: Country Report Greece](#), Access and forms of reception conditions, September 2025.

and food aid, creating protection gaps precisely when continuity of support is most needed for integration or safe onward housing.¹⁷

ECRE and the ICJ consider that the persistence of substandard reception conditions on the islands, the continued lack of appropriate shelter for unaccompanied children on the mainland, and recurrent barriers to health care and schooling amount to ongoing non-compliance with Articles 31§§1-2, 11, and 17§2 of the Revised ESC, as already identified by the ECSR. The interveners therefore request the Committee to urge Greece to adopt a time-bound remedial plan ensuring immediate transfer of all children from RICs and CCACs into child-appropriate accommodation; guaranteed swift guardian appointment and school enrolment within fixed deadlines as well as effective access to primary healthcare. These measures are necessary to bring practice into conformity with the Charter and to prevent further, foreseeable harm to migrant children.

II. Detention of migrant children

In its decision of 26 January 2021, the ECSR held unanimously that there was a violation of Article 17§1 of the Charter due to: (...)

- *the detention of unaccompanied migrant children under the “protective custody” scheme.*

Notwithstanding the formal abolition of detention of migrant children under protective custody in police stations in 2020,¹⁸ migrant and refugee children continue to be detained in Greece.

In accordance with national legislation, detention during registration for international protection may only be imposed on children following an individual assessment and as a measure of last resort if it is proven that alternative and less restrictive measures cannot be applied.¹⁹ According to the Asylum Code, children can be held in RICs or CCACs during the examination of their asylum application for a maximum period of twenty-five days.²⁰ However, during a country visit in February 2025, the Council of Europe Commissioner for Human Rights observed that these safeguards are often disregarded in practice,²¹ with detention applied indiscriminately and without proper assessment of necessity, proportionality, or the best interests of the child, in contravention of both national legislation and Greece’s obligations under the UN Convention on the Rights of the Child (CRC).

Conditions of detention

International monitoring bodies and civil society organizations consistently report that detention of unaccompanied migrant children in Greece takes place in inadequate conditions across various types of facilities. These include police and border guard stations, pre-removal detention centres (PROKEKA), and CCACs.²² In 2023, the CPT reported cases of children held in the Athens Airport Special Holding Facility and at the Neo Cheimonio Police and Border Guard Station, in violation of the Asylum Code and child-protection standards.²³ The Greek Ombudsman and the Greek Council for Refugees (GCR) have similarly pointed out that pre-removal centres are unsuitable for children, noting the absence of dedicated facilities, such as playgrounds, and inadequate access to services.²⁴

The Athens Administrative Court of First Instance has found detention to be unlawful where a child had been held for six months under adult detention conditions at the Amygdaleza pre-removal centre. While

¹⁷ GCR, Save the Children, *“It does not feel like real life”: Children’s everyday life in Greek refugee camps*, 2024.

¹⁸ Article 43 Law 4760/2020; AIDA, GCR, ECRE, [Update on 2024: Country Report Greece](#), September 2025; pp. 224-225.

¹⁹ Article 52(2) Law 4939/2022.

²⁰ Article 40 Law 4939/2022.

²¹ Global Detention Project, [Greece: Growing Pressure to End Pushbacks and Prevent Abuses in Migrant Detention Sites](#), May 2025, website (accessed on 22 September 2025); Council of Europe Commissioner for Human Rights, Memorandum on migration and border control, following the Commissioner’s visit to Greece from 3 to 7 February 2025. See further, Council of Europe Commissioner for Human Rights, [Externalised asylum and migration policies and human rights law](#), 4 September 2025.

²² See e.g. AIDA, GCR, ECRE, [Update on 2024: Country Report Greece, September 2025](#).

²³ CPT, [Report to the Greek Government on the visit to Greece from 20 November to 1 December 2023](#), July 2024, pp. 16-20.

²⁴ The Greek Ombudsman, [Return of Third country Nationals: Special Report 2024](#), p. 49-50; GCR, [No right to asylum and living in appalling conditions: GCR visit to Pre-departure Detention Center in Amygdaleza for those recently arrived in Gavdos from Libya](#), 30 July 2025, website (accessed on 22 September 2025).

individual situations vary, the Athens Administrative Court points to a systemic practice of accommodating children in facilities designed for adults that are inherently incompatible with the best interests and developmental needs of children.²⁵

The length of detention

Unaccompanied refugee children are also confined within so-called “Safe Zones” in RICs and in CCACs.²⁶ The creation of CCACs on certain Aegean Islands – Lesbos, Kos, Samos – was intended to replace RICs and to limit the stay of unaccompanied minors in the “Safe Zones” to the minimum possible period of time.²⁷ While Article 52(2) of Law 4939/2022 sets a 25-day limit for stay during reception and identification,²⁸ in practice unaccompanied migrant children are often not released after the completion of the reception and identification procedures, and remain confined at entry points, CCACs or RICs well beyond the maximum time limits provided by law.²⁹ These prolonged restrictions amount to de facto detention without legal basis, a practice repeatedly declared unlawful by the Greek courts, including the Athens Administrative Court of First Instance,³⁰ the Syros Administrative Court of First Instance,³¹ and the Rhodes Court of First Instance.³²

De facto detention

In February 2025 following a country visit to Greece, the COE Commissioner for Human Rights confirmed that unaccompanied children remain de facto detained in overcrowded and inadequate facilities in Samos, and increasingly also in Rhodes and Crete.³³ Similarly, the CPT documented that children in Kos and Samos CCACs were accommodated together with unrelated adults, without proper identification or allocation to child-appropriate areas.³⁴ The CPT further stressed that excessive security measures, including barbed-wire fencing, rendered these centres unsuitable for children and amounted to detention.³⁵ Restriction of movement within these closed control access centers amounts to detention under international human rights standards, as children are not permitted to exit the premises. In “Safe Zones,” unaccompanied minors are only allowed two hours of “free time” per day in designated parts of the centre.³⁶ The Athens Administrative Court has repeatedly recognised the unlawfulness of these practices, most recently in its judgment of 21 November 2024.³⁷

Upcoming legislation

The legal and policy framework in Greece raises further concerns in light of the draft reform of return procedures for third-country nationals which envisages detention of children with their families for up to 24 months.³⁸ Statements by the Minister of Migration and Asylum referring to “return or imprisonment” have reinforced concerns that migrant children may be increasingly detained rather than protected.³⁹ Such

²⁵ Athens Administrative Court of First Instance, [Decision AP713/2024](#), 23 April 2024.

²⁶ Efsyn, [At the mercy of God, approximately 900 unaccompanied refugee children in the structures of the islands](#), 15 November 2024; Legal Centre Lesbos, [Lesvos Situation Report: Quarterly Developments and Updates, October-December 2024](#), February 2025.

²⁷ Article 22(4) Joint Ministerial Decision 23/13532/2020 – General Regulation for the Operation of Temporary Reception and Accommodation Facilities for third countries nationals or stateless persons, operating under the care of the Reception and Identification Service.

²⁸ Article 52(2) Law 4939/2022.

²⁹ Global Detention Project, [Greece: Growing Pressure to End Pushbacks and Prevent Abuses in Migrant Detention Sites](#), May 2025, website (accessed on 22 September 2025).

³⁰ Athens Administrative Court of First Instance, [Decision No. AP539/2025](#), 31 March 2025; Athens Administrative Court of First Instance, [Decision No. AP538/2025](#), 31 March 2025.

³¹ Syros Administrative Court of First Instance, [Decision AP7/2025](#), 23 April 2024.

³² Rhodes Administrative Court of First Instance, [Decision No. AP16/2025](#), 5 March 2025.

³³ Council of Europe Commissioner for Human Rights, [Memorandum on migration and border control, following the Commissioner's visit to Greece from 3 to 7 February 2025](#), para. 14.

³⁴ CPT, [Report to the Greek Government on the visit to Greece from 20 November to 1 December 2023](#), July 2024, pp. 33.

³⁵ CPT, [Report to the Greek Government on the visit to Greece from 20 November to 1 December 2023](#), July 2024, pp. 33.

³⁶ I Have Rights, [The EU-funded closed controlled access centre – The de facto detention of people seeking protection on Samos](#), 23rd, February 2023.

³⁷ Refugee Support Aegean, [Greek Court rules detention of unregistered refugees in RIC Malakasa unlawful](#), 21 November 2024, website (accessed on 22 September 2025).

³⁸ GCR, Save the Children, [Children on the move in Greece: May-August 2025](#), 2025; Asylum and Immigration Consultation, [Ολοκλήρωση της δημόσιας διαβούλευσης επί του σχεδίου νόμου του Υπουργείου Μετανάστευσης και Ασύλου με τίτλο: «Αναμόρφωση πλαισίου και διαδικασιών επιστροφών πολιτών τρίτων χωρών – Λοιπές ρυθμίσεις του Υπουργείου Μετανάστευσης και Ασύλου»](#), website (accessed on 22 September 2025).

³⁹ Efsyn, [Ρατσιστικό σόου μετά τον νόμο Πλεύρη](#), 22 July 2025, website (accessed on 22 September 2025).

measures run counter to international law and standards requiring that children must not be detained, and that any restriction on liberty must be strictly necessary, proportionate, and used only as a measure of last resort, assessed individually and subject to prompt judicial review.⁴⁰

ECRE and the ICJ consider that the continued resort to detention of migrant and refugee children (or detention-like restrictions) as a substitute for reception, including prolonged confinement in CCACs and RICs “safe zones,” placement with unrelated adults, and routine use of adult-oriented facilities, violates the Charter’s guarantees and the best-interests principle. In particular, these practices are incompatible with Articles 7§10, 16, 17§1, and 31§2 of the European Social Charter, and they undermine effective access to Articles 11 (health) and 17§2 (education). The pattern identified by the ECSR in 2021 persists notwithstanding legislative changes, placing Greece in continuing non-compliance with the Committee’s findings.

III. Age assessment

The ECSR unanimously found Greece in violation of Articles 17§1 and 31§2 of the Revised European Social Charter due to:

- *the lack of an effective guardianship system for unaccompanied and separated migrant children;*
- *the inappropriate accommodation of unaccompanied migrant children on the islands; and*
- *the lack of shelters to unaccompanied children on the mainland*

Persistent problems in practice

Age assessment and misidentification of children as adults remain recurrent problems. The ECtHR has found violations where minors were accommodated with adults⁴¹ and where delays in accessing age assessment led to non-age-appropriate accommodation and delayed access to a guardian and the asylum procedure.⁴² Civil-society reports and national case-law show that such delays expose children to poor living conditions, lack of schooling and medical and psychological support, and heightened risks of violence, exploitation, drug-related circuits and sexual and gender-based violence (SGBV).⁴³

2025 Joint Ministerial Decision (JMD) — key changes

On 22 August 2025, the Greek government announced a Joint Ministerial Decision reforming the age assessment procedure.⁴⁴ Its core features include: (i) all stages to occur cumulatively and on the same day, with priority given to medical examinations (including X-rays) over other methods; (ii) reduction of appeal deadline from 15 to five days, without suspensive effect; (iii) a presumption of majority upon refusal to undergo medical testing; and (iv) exclusion of NGOs from initiating referrals, limiting eligibility to public authorities.

European and international standards

The JMD diverges from the EU *acquis* and international child-rights standards in both structure and safeguards. Under the Asylum Procedures Regulation (APR) (applicable from June 2026) age assessment must be multidisciplinary and holistic, with medical examinations used only as a measure of last resort where doubt persists after non-medical enquiries, and with child-specific procedural guarantees throughout (Article 25 APR).⁴⁵ The currently applicable Asylum Procedures Directive (APD) likewise

⁴⁰ *Popov v. France*, ECtHR, Applications No. 39472/07 & 39474/07, 19 Jan 2012, § 119; *Kanagaratnam v. Belgium*, Application No. 15297/09, 13 December 2011, §§ 94-95; *A.B. and Others v. France*, 2016, § 123 - 124; *M.H. and Others v. Croatia*, 2021, § 237; *M.H. and S.B. v. Hungary*, 2024, § 76; and *E.H., R.B., S.B. and Z.B. v. Belgium*, Comm. No. 55/2018, Views adopted 2022, CRC/C/89/D/55/2018.

⁴¹ *T.K. v. Greece*, ECtHR, Application No. 16112/20, 18 January 2024.

⁴² *M.Y. and others v. Greece*, ECtHR, Application No. 51980/19, 19 June 2025, § 15.

⁴³ Rhodes Administrative Court of First Instance, Decision No. AP16/2025, 5 March 2025; INTERSOS, [Greece: More than 2000 minors alone, INTERSOS offers them protection](#), 13 December 2023.

⁴⁴ [Greek Government, Ministry of Migration and Asylum, Joint Ministerial Decision, 22 August 2025](#).

⁴⁵ Regulation 2024/1248 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, 14 May 2024.

permits medical examinations only where doubt remains after initial indications and statements, and subject to guarantees, including the child’s informed consent and respect for dignity.⁴⁶

By prescribing a same-day, cumulative procedure and giving primacy to medical tests, the JMD inverts this hierarchy and risks making invasive techniques the default starting point rather than the exception. Moreover, the reduction of the appeal deadline for an age-assessment decision to five days and removal of suspensive effect⁴⁷ mean that an adverse decision can be operationalised immediately while an appeal is pending, contrary to the protective logic of the APR/APD framework.

Beyond the EU legal framework, the UN Committee on the Rights of the Child consistently emphasises the principle of the best interests of the child, the benefit of the doubt, and a presumption of minority throughout the process in order to ensure compliance with State obligations under the Convention on the Rights of the child.⁴⁸ Automatic or quasi-automatic declarations of adulthood for refusing medical testing are incompatible with these principles (Articles 3 and 12 CRC).⁴⁹ Medical-imaging based methods (e.g., wrist, teeth or clavicle X-rays) are widely considered to produce limited accuracy⁵⁰ and their use gives rise to potential ethical breaches, and the Council of Europe Commissioner for Human Rights has described medical-only approaches as “ethically dubious and inadequate” for determining age.⁵¹ Further, the UN Human Rights Committee has clarified that the presumption of minority must also apply where a child initially provides information suggesting adulthood and subsequently requests an age assessment.⁵² In short, the JMD departs from the prevailing European model—multidisciplinary first, medical last—and weakens the safeguards that EU and international law and standards require.⁵³

Practical consequences for children

In practice, the JMD creates a high risk of irreparable harm for children whose age is disputed. The five-day appeal period, coupled with the absence of automatic suspensive effect, means that an initial majority finding can be operationalised immediately. This means that the child may be registered and accommodated as an adult, moved to adult facilities or housed with unrelated adults, and excluded from guardianship, specialised case-management and child-specific services.⁵⁴ Once mis-registered, it becomes substantially harder to prove minority, particularly because the JMD excludes NGOs from initiating referrals—removing the actors who typically identify and document such cases. Local NGOs have expressed concern that these recent policy changes further undermine protection for some of the most vulnerable individuals in the asylum system.⁵⁵

During this period, access to formal education, primary healthcare and psychosocial support is frequently delayed or denied, while exposure to violence, exploitation, and SGBV increases in mixed-adult settings. The rule that refusal of medical testing triggers a presumption of majority further penalises children who, for legitimate cultural, religious, medical or trauma-related reasons, frequently decline the medical exams or invasive procedures. This approach conflicts with the child-rights obligation to seek non-invasive, reliable alternatives and to avoid coercive effects.

Finally, although authorities claim to apply a presumption of minority, it appears limited to those already registered as minors, leaving out precisely those most at risk—children wrongly registered as adults at the

⁴⁶ Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast), 26 June 2013.

⁴⁷ JMD 147627/2025 (Gov. Gazette B’ 4581/22.08.2025).

⁴⁸ *Darboe and Camara v. Italy*, ECtHR, Application No. 5797/17, §§ 139, 159; *J.A.B. v. Spain*, CRC Committee, Communication No. 22/2017, 21 May 2019, para. 13.6.; *C.O.C. v. Spain*, CRC Committee, Communication No. 63/2018, 29 January 2021, para. 8.16.; *A.L. v. Spain*, CRC Committee, Communication No. 16/2017, 31 May 2019, para. 12.8.

⁴⁹ *J.A.B. v. Spain*, CRC Committee, Communication No. 22/2017, 21 May 2019, para. 13.9.

⁵⁰ EUAA, *Practical Guide on Age Assessment*, 2018, § 34.

⁵¹ Council of Europe Commissioner for Human Rights, [Realising the right to family reunification of refugees in Europe](#), February 2017, § 8.

⁵² *O.Y.K.A. v. Greece*, Human Rights Committee, Communication No. 2770/2016, 7 November 2017, para. 8.11.

⁵³ For detailed information on the inaccuracy of different medical methods, see [Annex 11 - Compilation of Expert Medical Opinions and Positions on the Use of Medical Examinations for the Age Assessment of Non-National Children](#), in the Third-Party Intervention by ECRE, ICJ, AIRE Centre and Dutch Council for Refugees in the case of *Darboe and Camara v. Italy* before the ECtHR.

⁵⁴ AIDA *Update on 2024: Country Report: Greece*, September 2025, pp. 141–142.

⁵⁵ GCR, Save the Children, [Children on the Move in Greece, May-August 2025](#).

outset, including those who declared adulthood under misinformation or pressure⁵⁶. The cumulative effect is a systemic protection gap at the very moment when safeguards should be strongest.

ECRE and the ICJ consider that the current age-assessment framework—especially as modified by the 2025 JMD—perpetuates and in some cases exacerbates the violations already identified by the ECSR under Articles 17§1 and 31§2 and undermines effective enjoyment of Articles 11 (health) and 17§2 (education). The interveners therefore request the Committee to urge Greece to amend or withdraw the JMD to restore a multidisciplinary-first, medical-last approach, reinstate a suspensive appeal period to no less than 15 days, remove any presumption of majority upon refusal, and re-enable NGO referrals/participation, while guaranteeing a presumption of minority and age-appropriate placement with guardianship from day one in all age-disputed cases regardless the initial declaration of age of the person concerned.

⁵⁶ Council of Europe, [*Age assessment for children in migration - A guide for policy makers, 2019.*](#)