

Executive Summary

A. Introduction

I Have Rights (IHR) and Mobile Info Team's (MIT) submission presents direct evidence obtained through their daily work with asylum seekers, refugees and migrants from two locations in Greece to assist the CM in supervising the implementation of the *M.S.S. v. Belgium and Greece* and *Rahimi v. Greece* cases. They provide evidence of the adequacy of mechanisms currently available in Greece for redressing the violations in question, by commenting on: i) the Greek Government's Communication to the CM dated 20 June 2023 and ii) other key areas relevant to the cases. The submission highlights the living conditions of asylum seekers in Greece - specifically in the Samos Closed Control Access Centre (CCAC) - the lack of access to asylum procedures, and the conditions of detention facilities on mainland Greece.

B. Summary of Submission

a. Living Conditions of Asylum Seekers

i. Reception and Identification Procedures and the CCACs

The Government's communication describes the 25-day regime of restriction of movement applied to third country nationals (TCNs) upon arrival to the CCAC for reception and identification procedures. IHR provides evidence that this is an unlawful regime of *de facto* detention that systematically violates asylum seekers' rights under Article 5. IHR maintains that the CCAC does not offer safe living conditions as asserted by the Greek Government, and are especially inappropriate for vulnerable groups, for example survivors of human trafficking and unaccompanied children.

ii. Accommodation Facilities (Δομές) and the ESTIA Programme

The Government claims that after reception and identification procedures are concluded, applicants for international protection will be transferred to accommodation facilities that offer "*a stable living environment*" which "*meets essential material, social and educational needs*". Our submission disputes that these basic provisions are met, and raises alarm at the Government's claim in paragraph 12 that the ESTIA programme "*is running*" and provides "*decent living*" considering that the ESTIA programme was closed by the Government, last year. The inclusion of clearly erroneous and outdated information in the Government's communication to the CM suggests at best a lack of rigour and at worst a lack of respect for the procedures of the CM.

b. Asylum Procedures

The Government describes the Greek international protection procedure as "*unrestricted and free of charge*". IHR and MIT provide evidence of the structural deficiencies that persist throughout the asylum system that severely restrict access to international protection, including the critical lack of doctors and interpreters available in the Samos CCAC, resulting in inadequate vulnerability assessments and indefinite delays for asylum interviews. Further, MIT details two significant policy changes resulting in virtually non-existent access to asylum procedures on mainland Greece throughout 2022 and continuing into 2023, with ongoing issues caused by the dysfunctional online platform system for registering asylum claims, which remains out of order at time of submitting. Additional evidence is provided pertaining to the lack of capacity of the Greek Asylum Service, delays on issuance of asylum seeker cards and concerns regarding the 100 euro fee for subsequent applications.

c. Conditions of Detention

The Government claims that “*clear instructions*” are provided to the competent Ministries to transfer TCNs “*as soon as possible*” to Pre-Removal Detention Centres (PRDCs) as opposed to police detention facilities. Our submission presents evidence that police stations are in fact routinely used to detain TCNs for extended periods of time on the Greek mainland, in substandard conditions, and often prior to their transfer to a PRDC for a further detention period. Additionally, we counter the Greek Government’s claim at paragraph 21 that PRDCs are closed facilities that “*meet adequate standards for long-term detention*”. We highlight that the Government makes this claim without the provision of any supporting evidence and proceed to present extensive evidence which directly disputes their statement.

d. Reception and protection of Unaccompanied Children (UACs)

The Government comments that UACs are accommodated in “*designated areas in CCACs or RICs, separately from adults and have access to age-appropriate activities and care*”. IHR raises concerns and provides evidence regarding the unsuitability of CCACs for accommodation of children for any period of time, given the inhuman living conditions, systemic deficiencies in the age and vulnerability assessment procedures, lack of access to asylum, a lawyer or to basic services.

C. Summary of additional information on Destitution and Pushbacks

IHR and MIT additionally provide information pertaining to the second violation found in *M.S.S* referring to the circumstances which rendered the applicant homeless and destitute. Our submission discusses the systematic challenges applicants for international protection face in accessing housing, amplified by the closure of the ESTIA programme and evictions in December 2022.

Lastly, as member organisations of the Border Violence Monitoring Network (BVMN), IHR and MIT present evidence that asserts that the risk of return that the Court found in *M.S.S* persists; pushbacks that are systematically carried out from Greece to Turkey, amounting to a serious breach of the right to seek asylum and of the prohibition of *refoulement*.

D. Conclusions and Recommendations

Despite *M.S.S. v. Belgium and Greece* pending implementation for 12 years, serious problems persist affecting a large number of vulnerable people. The submitting organisations recommend, *inter alia*:

- The Committee examines the cases on an annual basis.
- 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 urge Greece to ensure that vulnerability assessments are carried out prior to applicants for international protection having their personal interview.
- 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.