



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF T.A. AND OTHERS v. GREECE

(Applications nos. 15293/20 and 3 others – see appended list)

JUDGMENT

STRASBOURG

3 October 2024

This judgment is final but it may be subject to editorial revision.

In the case of T.A. and Others v. Greece,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Stéphanie Mourou-Vikström, *President*,

Lado Chanturia,

Kateřina Šimáčková, *judges*,

and Sophie Piquet, *Acting Deputy Section Registrar*,

Having regard to:

the applications against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by the applicants listed in the appended table, (“the applicants”), on the dates indicated therein;

the decisions not to have the applicants’ names disclosed and the decisions to give priority (Rule 41 of the Rules of Court) to the applications;

the decisions adopted between 27 March and 7 April 2020 to indicate interim measures to the respondent Government under Rule 39 of the Rules of Court and to order the Greek authorities to transfer the applicants or to guarantee them accommodation with reception conditions compatible with Article 3 of the Convention and the applicants’ age, and to provide them adequate healthcare and assistance compatible with their state of health;

the decision to give notice of the complaints under Articles 3 and 8 of the Convention to the Greek Government (“the Government”) represented by the delegates of their Agent, Mr. K. Georghiadis, counsellor at the Council of the State, Ms. A. Dimitrakopoulou, Ms. O. Patsopoulou and Ms. S. Trekli, senior advisors at the Council of the State, and Ms. I. Kotsoni, legal representative at the Council of the State;

the observations submitted by the respondent Government and the observations in reply submitted by the applicants represented by Ms. J. Fleischer, a lawyer practising in Berlin;

Having deliberated in private on 12 September 2024,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The present case concerns the living conditions and assistance in the reception and identification centre on Samos (Samos RIC) for the applicants, who were unaccompanied minors arriving to Greece in 2019 and seeking asylum.

THE COURT'S ASSESSMENT

I. JOINDER OF THE APPLICATIONS

2. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

3. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

4. The general principles concerning the living conditions of asylum-seekers were previously summarised in *M.S.S. v. Belgium and Greece* [GC] (no. 30696/09, §§ 251-53, ECHR 2011) and *Khlaifia and Others v. Italy* [GC] (no. 16483/12, §§ 158-61, 15 December 2016) and in respect the special conditions of minors in *Tarakhel v. Switzerland* [GC] (no. 29217/12, § 99, ECHR 2014 (extracts)).

5. The applicants in the present case stayed in Samos RIC for the various periods between September 2019 and May 2020.

6. The applicants in their submissions alleged that the Greek authorities had failed to ensure to them – as unaccompanied minors – the adequate living conditions and assistance in the Samos RIC. The Government in their observations highlighted that in 2019 Greece was facing an international migration crisis challenging the ability of the authorities to deal with the exceptional number of incoming migrants. In their opinion the applicants in the present case had been timely identified as unaccompanied minors, accepted to the asylum procedure and provided with the living conditions to the best of the authorities ability and within a reasonable time-frame pre-determined by the material conditions in the RIC.]

7. According to reputable international and domestic sources the situation in the RIC during this period was characterised by severe overcrowding, lack of access to medical and sanitary facilities, insufficient food supply, lack of security and high crime rates (see the material cited in *A.D. v. Greece* (Committee), no. 55363/19, §§ 14-20, 04 April 2023). The situation for unaccompanied minors in the RIC had been equally grave. According to the submissions of 9 August 2019 by the United Nations High Commissioner for Refugees to the European Committee of Social Rights (complaint no. 173/2018) supported by numerous reputable reports the conditions for the unaccompanied minors in Samos RIC had been dire. The majority of minors had resided with adults in makeshift shelters, while the conditions in the “safe zone” designed to house the minors had been equally patently inadequate and characterised by overcrowding, sleeping in shifts, lack of sanitary facilities and incidents of unauthorised adults’ entry to the safe zone.

8. In the case *T.A. v. Greece*, no. 15293/20 the applicant was placed in the safe zone of the RIC on 30 March 2020, that is after an indication of an interim measure by the Court on 27 March 2020 and almost two months after the authorities recognised him as a minor on 7 February 2020. The Court finds of no relevance the applicant's request to be placed back in makeshift shelter "to be with his friends", since the conditions in the safe zone were comparable to the rest of the Samos RIC and there is no evidence that the applicant was placed in the conditions appropriate for an unaccompanied minor prior to 30 April 2020, that is the date of his transfer to an NGO-managed facility on Samos and three months after him being recognised as an unaccompanied minor seeking asylum.

9. In the case *M.R. v. Greece*, no. 15459/20 the applicant was offered a place in the safe zone of the RIC on 30 March 2020, that is after an indication of an interim measure by the Court on 30 March 2020 and more than five months after the authorities registered him as a minor upon his arrival on 8 November 2019. The Court finds of no relevance the applicant's refusal to be placed in the safe zone, since the conditions in it were comparable to the rest of Samos RIC and there is no evidence that he was placed in the conditions appropriate for an unaccompanied minor prior to 15 May 2020, that is the date of his transfer to a facility in Penteli, Attica and almost seven months after him being recognised as an unaccompanied minor seeking asylum.

10. In the case *J.H. and H.B. v. Greece*, no. 15713/20 the applicants were placed in the safe zone of the RIC shortly after being registered as minors upon their arrival on 4 September 2019. The Court notes that the conditions in the safe zone were comparable to the rest of the Samos RIC and there is no evidence that they were placed in the conditions appropriate for unaccompanied minors prior to 21 May 2020, that is the date of their transfer to a facility for unaccompanied minors in Athens and almost nine months after them being recognised as unaccompanied minors seeking asylum.

11. In the case *N.A. v. Greece*, no. 15775/20 the applicant was offered a place in the safe zone of the RIC on 14 April 2020, that is after an indication of an interim measure by the Court on 7 April 2020 and more than seven months after the authorities registered him as a minor upon his arrival on 26 September 2019. The Court finds of no relevance whether the applicant was in fact placed in the safe zone, since the conditions in it were comparable to the rest of the Samos RIC and there is no evidence that he was placed in the conditions appropriate for an unaccompanied minor prior to 21 May 2020, that is the date of his transfer to a facility in Aspropyrgos, Attica and eight months after him being recognised as an unaccompanied minor seeking asylum.

12. In all of the above cases the applicants, who were unaccompanied minors seeking asylum at the relevant time, found themselves in Samos RIC – be it with the general population or in the safe zone for minors – in the

conditions incompatible with the Convention standards for any individual, let alone for extremely vulnerable minors.

13. There has accordingly been a violation of Article 3 of the Convention in the applicants' cases.

III. OTHER COMPLAINTS

14. The applicants also complained under Article 8 of the Convention. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no.47848/08, § 156, ECHR 2014).

Therefore, the measures previously indicated to the Government of Greece under Rule 39 cease to have any basis.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. The applicants claimed 10,000 euros (EUR) in respect of non-pecuniary damage.

16. The Government contested these claims.

17. The Court, having regard to the nature of the violations of the applicants' rights and acting on equitable basis, awards each of the applicants EUR 5,000 in respect of non-pecuniary damage plus any tax that may be chargeable.

18. The applicants made no claim in respect of costs and expenses and, therefore, the Court makes no award in this regard.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the complaint under Article 3 of the Convention concerning the applicants' living conditions and assistance provided to them as unaccompanied minors seeking asylum admissible;
3. *Holds* that there has been a violation of Article 3 of the Convention;
4. *Holds* that there is no need to examine the admissibility and merits of the complaint under Article 8 of the Convention;
5. *Holds*

- (a) that the respondent State is to pay each applicant 5,000 euros (EUR) within three months, plus any tax that may be chargeable, in respect of non-pecuniary damage;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

6. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 3 October 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Sophie Piquet
Acting Deputy Registrar

Stéphanie Mourou-Vikström
President

APPENDIX

List of cases:

No.	App.no. Case name Lodged on	Relevant information
1.	15293/20 T.A. 27/03/2020	<p>On 29/10/2019 the applicant, a Syrian national born in 2004, arrived to Samos RIC at the age of 15.</p> <p>Initially registered as an adult according to his own statement.</p> <p>On 07/02/2020 recognized as a minor after producing his original birth certificate.</p> <p>On 31/03/2020 placed in the safe zone for minors, but refused due to the conditions in that zone.</p> <p>On 30/04/2020 transferred to an NGO managed facility for unaccompanied minors on Samos.</p> <p>On 04/06/2020 transferred to a facility for unaccompanied minors in Athens.</p>
2.	15459/20 M.R. 30/03/2020	<p>On 08/11/2019 the applicant, a Syrian national born in 2003, arrived to Samos RIC at the age of 16.</p> <p>Initially registered as an unaccompanied minor.</p> <p>On 06/04/2020 formally placed in the safe zone for minors, but refused due to the conditions in that zone.</p> <p>On 15/05/2020 transferred to a facility in Penteli, Attica.</p>
3.	15713/20 J.B. H.B. 02/04/2020	<p>On 04/09/2019 the applicants, Afghan nationals born in 2002 and 2004 respectively, arrived to Samos RIC at the age of 17 and 15.</p> <p>Initially registered as unaccompanied minors and placed in the safe zone for minors.</p> <p>On 21/05/2020 transferred to a facility for unaccompanied minors in Athens.</p> <p>Transfer delayed by two weeks due to J.H.'s treatment against scabies.</p>
4.	15775/20 N.A. 03/04/2020	<p>On 26/09/2019 the applicant, an Afghan national born in 2005, arrived to Samos RIC at the age of 14.</p> <p>Initially registered as an unaccompanied minor.</p> <p>On 14/04/2020 placed in the safe zone for minors.</p> <p>On 21/05/2020 transferred to a facility in Aspropyrgos, Attica.</p>