



**AMNESTY INTERNATIONAL'S SUBMISSION TO THE
COMMITTEE OF MINISTERS IN THE M.S.S. AND
RAHIMI GROUPS OF CASES V. GREECE
(APPLICATIONS NO. 30696/09 AND NO. 8687/08)**

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INTRODUCTION

This briefing is submitted in accordance with Rule 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, adopted by the Committee of Ministers on 10 May 2006, in advance of the 1383rd meeting (September 2020) (DH) of the Ministers' Deputies on the execution of judgments.

In light of Greece's obligations under the European Convention on Human Rights, as well as other provisions of international human rights and refugee law, Amnesty International seeks to assist the Committee of Ministers in its evaluation of the general measures that the government of Greece has taken to date to comply with the judgements in the *M.S.S.* and *Rahimi* groups of cases in respect of Greece (Applications no. 30696/09 and no. 8687/08).

Amnesty International wishes to share with the Committee of Ministers the following concerns regarding the general measures required to prevent other similar violations in the future:¹

1. Living conditions of asylum-seekers in reception and identification facilities on the Aegean islands and challenges in relation to access to healthcare;
2. Reduction of substantive and procedural safeguards for asylum-seekers in international protection procedures in Greece, as a result of the reforms of asylum and migration law in Greece in November 2019 and May 2020;
3. Challenges faced by minors including the substandard and unsafe living conditions they experience in the reception facilities on the Aegean islands, and the placement of unaccompanied minors in so-called 'protective custody';
4. Detrimental reforms in asylum-related detention and arbitrary detention in the context of the temporary suspension of asylum in Greece.

Amnesty International has been monitoring the implementation of the *M.S.S. v. Belgium and Greece* judgment from the outset and has communicated its findings and concerns to the Committee of Ministers in respect of Greece through other Rule 9 (2) submissions in 2017,² 2016,³ 2015⁴ as well as in 2013, when the organization made a joint submission with the International Commission of Jurists (ICJ) and the European Council on Refugees and Exiles (ECRE).⁵

1. LIVING CONDITIONS OF ASYLUM-SEEKERS IN RECEPTION AND IDENTIFICATION FACILITIES ON THE AEGEAN ISLANDS AND CHALLENGES IN RELATION TO ACCESS TO HEALTHCARE

In its last assessment of the execution of the *M.S.S.* and *Rahimi* groups of cases in respect of Greece, at its 1348th meeting in June 2019,⁶ the Committee of Ministers called on the Greek authorities "to continue and step up their efforts" to improve living conditions of asylum seekers,

¹ The Grand Chamber's indication of individual measures for its execution was made "without prejudice to the general measures required to prevent other similar violations in the future", *M.S.S. v. Belgium and Greece* [GC], Application No. 30696/09, Judgment of 21 January 2011, para. 400.

² Committee of Ministers, 1288 meeting (June 2017) (DH) Communication from a NGO (Amnesty International) (20/02/2017) in the case of *M.S.S. v. Belgium and Greece* (Application No. 30696/09) and reply from Greece (03/03/2017) at: [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2017\)307E%22%5D%2C%22DH-DD\(2017\)307E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2017)307E%22%5D%2C%22DH-DD(2017)307E%22%5D%7D)

³ Committee of Ministers, 1265 meeting (20-22 September 2016) (DH) Communication from a NGO (Amnesty International) (19/05/2016) in the case of *M.S.S. against Greece* (Application No. 30696/09), at: [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2016\)454E%22%5D%2C%22DH-DD\(2016\)454E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2016)454E%22%5D%2C%22DH-DD(2016)454E%22%5D%7D).

⁴ Committee of Ministers, 1243 meeting (8-10 December 2015) (DH) Communication from a NGO (Amnesty International) ((27/11/2015) in the *M.S.S.* group of cases against Greece (Application No. 30696/09), at: [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2015\)1337E%22%5D%2C%22DH-DD\(2015\)1337E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2015)1337E%22%5D%2C%22DH-DD(2015)1337E%22%5D%7D).

⁵ Committee of Ministers, 1164 DH meeting (5-7 March 2013) Communication from NGOs (Amnesty International, The International Commission of Jurists (ICJ) and the European Council on Refugees and Exiles (ECRE)) (18 and 22/02/13) and reply of the Greek authorities (27/02/13) in the case of *M.S.S. against Belgium and Greece* Application No. 30696/09), at: [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2013\)224E%22%5D%2C%22DH-DD\(2013\)224E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2013)224E%22%5D%2C%22DH-DD(2013)224E%22%5D%7D)

⁶ Committee of Ministers, Supervision of the execution of the European Court's judgments, *M.S.S. and Rahimi groups v. Greece* (No. 30696/09), 1348th meeting, 4-6 June 2019 (DH)

noting “the concerns expressed by the Council of Europe Commissioner for Human Rights and NGOs” in this respect. The Committee also called on Greece to “implement the recommendations of the Council of Europe Commissioner for Human Rights on the need to further enhance the provision of healthcare services to asylum seekers and irregular migrants in detention”.

In their June 2020 response, the Greek authorities presented information on the number of structures (flats, hotels and open structures) providing accommodation for asylum-seekers and the number of accommodated persons; other services provided; and information on the provision of health care.⁷

Living conditions in camps on the Aegean islands: Despite the Greek authorities’ claim that action was taken between 2019 and May 2020 “to ensure to the extent possible that unaccompanied minors and asylum seekers would be accommodated in dignified conditions, adapted to their needs”,⁸ accommodation facilities in Greece during the period referenced, and specifically on the Aegean islands, have reached an all-time high in terms of overcrowding, with dramatic implications for the residents’ quality of life.⁹ Amnesty International’s findings, also drawn from the direct observation of conditions on Samos and Lesbos following a research mission in February 2020, clearly indicate that greater efforts are needed to improve living conditions and achieve the urgent decongestion of facilities on the Aegean islands.

While the capacity of reception facilities on the islands has been consistently and substantially exceeded across the reference period,¹⁰ the overcrowding level was exceptionally high around February 2020, when the total refugee population reached over 42,000 people, with over 19,500 people in the Reception and Identification Centre (RIC) of Moria (Lesvos) and over 7,300 people in the RIC of Vathi (Samos), against a maximum official capacity of only 2,840 and 648 people respectively.¹¹ This meant that at that point in time, Moria RIC hosted a population more than six times and Vathi RIC more than eleven times their official capacity. While some decongestion can be observed from April 2020,¹² as of 20 July 2020 facilities on the islands maintained a critical level of overcrowding, with over 14,000 people in Moria and almost 5,500 in Vathi.¹³ People in camps continued to face unsanitary conditions, lack of proper medical care as well as violence, including based on gender. Between 8 to 16 February 2020, a team of Amnesty International researchers documented abysmal living conditions in the informal areas of the RICs on Lesbos and Samos, while gathering the testimonies of asylum-seekers, refugees and migrants residing there. At the time of the visit, around 19,500 people in Moria and 7,300 in Vathi were exposed to substandard conditions and attendant physical insecurity.¹⁴ Amnesty International publicly conveyed its regret that the organization’s researchers were not granted access to the formal premises of the RICs, despite its representatives having followed the required protocol.¹⁵ The researchers met with several asylum-seeking families and individual asylum-seekers. Among those were vulnerable individuals, including a baby with severe asthma, a woman in advanced pregnancy and unaccompanied minors (see the dedicated section below).

⁷ Communication from Greece concerning the groups of cases of M.S.S. v. Greece (Application No. 30696/09) and Rahimi v. Greece (8687/08), Action plan (25/06/2020), 26 June 2020, 1383rd meeting (29 September-1 October 2020), at: <https://bit.ly/30CxxWd>.

⁸ Ibid.

⁹ See Amnesty International, Europe and Central Asia, 2019 Annual Report, Greece, at: <https://bit.ly/2ONQvnu>. In October 2019, the Council of Europe (CoE), Commissioner for Human Rights called on Greece to urgently transfer people from the islands and improve their living conditions. See Council of Europe, Commissioner for Human Rights, Greece must urgently transfer asylum-seekers from the Aegean islands and improve living conditions in reception facilities, 31 October 2019, <https://bit.ly/3jqnFYm>.

¹⁰ Amnesty International denounced the situation on the islands in 2019/20: <https://www.amnesty.org/en/latest/news/2019/03/greece-message-for-european-leaders-beamed-onto-acropolis-on-anniversary-of-eu-turkey-deal/> (Mar 2019); <https://www.amnesty.org/en/latest/news/2019/09/greece-fire-in-moria-camp-highlights-bject-failure-of-government-and-eu-to-protect-refugees/>; (Sept 2019) <https://www.amnesty.org/en/documents/eur25/1599/2019/en/> (December 2019); <https://www.amnesty.org/en/get-involved/take-action/greece-refugees-coronavirus-covid-19/> (Mar 2020); <https://www.amnesty.org/en/latest/news/2020/04/greece-with-camps-on-fire-transfer-of-vulnerable-asylum-seekers-to-mainland-must-urgently-resume/> (Apr 2020).

¹¹ National Situational Picture Regarding the Islands at Eastern Aegean Sea (09/02/2020), <https://bit.ly/39nSWXa>.

¹² See for instance, National Situational Picture Regarding the Islands at Eastern Aegean Sea (15/04/2020), <https://bit.ly/2E8KVtQ>. Also: DW, Greece transfers hundreds of migrants to mainland, 4 May 2020, <https://www.dw.com/en/greece-transfers-hundreds-of-migrants-to-mainland/av-53331414>.

¹³ National Situational Picture Regarding the Islands at Eastern Aegean Sea (20/07/2020), <https://bit.ly/3fSyMXJ>.

¹⁴ National Situational Picture Regarding the Islands at Eastern Aegean Sea (09/02/2020), <https://bit.ly/39nSWXa>.

¹⁵ Amnesty International’s research mission to Greece: preliminary remarks and meeting with the minister for Immigration and asylum of the Hellenic republic, 17 Feb 2020, at: <https://www.amnesty.org/download/Documents/EUR2518242020ENGLISH.PDF>.

In both camps, Amnesty International researchers observed profoundly inadequate living conditions. All the interviewees lived in makeshift shelters or tents that exposed the residents to the winter conditions. Often, residents had to build the shelters themselves. Their shelters had no heating, and residents resorted to makeshift wood or coal burners to warm up and heat water. Most of the dwellings had no electricity. The two informal areas of the RICs visited by Amnesty International researchers had zones overflowing with garbage, exacerbating the already unsanitary and unhygienic conditions. The common toilets and showers were also insufficient for the number of residents of the informal camps, and in some cases too remote to be reached quickly and safely, especially at night.

People interviewed by the organisation's researchers described a bleak picture of their everyday lives, including long lines and hours of waiting for food or to see the camp's doctor/s; obstacles in accessing healthcare due to the seriously insufficient number of medical staff in the RICs and/or because they did not have a social security number (see below section on access to healthcare); pervasive fear due to the tensions, sometimes resulting in violence, between different groups; fear of gender-based violence; and the impact that the insecure and unsafe conditions had upon the mental and physical health of very young children. All the families interviewed said that none of their children were able to access formal education. Many of the young children also had signs of skin diseases linked to the unhygienic conditions. Residents in both camps complained about the quality of the food provided by the RIC services, which many said was undercooked and needed to be recooked in order to be edible.

In late February-early March 2020, several attacks took place against refugees, journalists, NGO workers, activists and members of organizations on Chios, Lesbos and Kos.¹⁶

Creation of 'closed facilities' for the reception of asylum-seekers: In 2019, Greek authorities proposed 'closed controlled' facilities with an entry/exit system as a solution to the problems observed in 'open facilities' operated on the Aegean islands.¹⁷ The plans were consolidated in May 2020 with Law no. 4686/2020.¹⁸ From the outset, Amnesty International expressed serious concerns about the proposal.¹⁹ In May, the law specified that these facilities would be devised as multi-purpose centres, with areas dedicated to reception and identification services, closed structures for temporary protection and pre-return detention facilities ("PROKEKA"). In November 2019, the Council of Europe (CoE) Commissioner for Human Rights requested clarification about the Government's plans to replace open camps with facilities marked by a more generalized restriction of asylum seekers' movements, inquiring about which safeguards would be in place to ensure compliance with human rights standards.²⁰ At the time, the Government explained that closed structures were to operate in parallel with existing camps.²¹ It has since become clear that the Government intends to wholly substitute camps with closed facilities, but it remains unclear how it intends to ensure that the accommodation capacity of these facilities will be sufficient, or how semi-closed facilities can be reconciled with the rights, under international and European law, to liberty and freedom of movement for people seeking safety.²² The choice to implement this reception system appears particularly inadvisable during the Covid-19 emergency.²³

¹⁶ Fires were set in Lesbos in an NGO community centre and a UNHCR transit shelter and in Chios in a warehouse run by volunteers. The attacks occurred in the context of tensions in the local population reacting to announcements that new closed centres would be opened on the islands and Turkey's announcement that it would open its borders, which prompted thousands of potential asylum-seekers and migrants to travel to the land border with Greece ('detention conditions', below). Amnesty International, Europe: Caught in a political game: Asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe's failures, April 2020: <https://bit.ly/3itHVbr>.

¹⁷ Asylum in Europe (ECRE/AIDA): Condition in reception facilities (Greece), information by the Greek Council for Refugees: <https://bit.ly/30ES1Op>.

¹⁸ Law 4686/2020 "Improvement of immigration legislation, amendment of 4636/2019 (AD 169), 4375/2016 (AD 51), 4251/2014 (AD 80) and other provisions, Article 30.4, At: <https://www.forin.gr/laws/law/3869/n-4686-2020#>.

¹⁹ <https://twitter.com/AmnestyEU/status/1197180538223771648> and The Guardian (November 2019), <https://bit.ly/30zI4Si>.

²⁰ <https://rm.coe.int/letter-to-the-greek-minister-of-citizen-protection-and-the-alternate-m/168098efe3>.

²¹ <https://rm.coe.int/reply-of-greek-minister-of-citizen-s-protection-en/1680990be7>.

²² On 3 August 2020, it was announced that EU AMIF Funding amounting to 130 million EUR was approved to support the construction of 'closed centres' in Samos, Leros and Kos. See: <https://migration.gov.gr/egkrithike-chrimatodotisi/> and <https://www.statewatch.org/news/2020/august/greece-eu-to-provide-130-million-for-detention-centres-on-aegean-islands/>.

²³ For details see: Amnesty International, Greece: Worrying legal developments for asylum-seekers and NGOs, May 2020, <https://bit.ly/3fS9XLA>.

Access to health care and medicines in the public system: Amnesty International acknowledges the difficulties Greek authorities face in coping with increased arrivals, however serious issues exist in the Greek institutional and legal framework on access to healthcare and medicines for asylum-seekers and migrants. Such obstacles to access cannot be justified by the possible lack of resources or inability to adequately care for large numbers of people.

Since July 2019, refugees, asylum-seekers and migrant children faced additional obstacles in accessing public healthcare services, as a result of the government's policy choices. Until July 2019, individuals belonging to these groups were required to have a Social Security Number ("AMKA") to access healthcare in the public health system. While administrative barriers in accessing AMKA were already being widely reported,²⁴ in July 2019 the Minister of Labour exacerbated these barriers by withdrawing the circular that regulated how AMKA was to be granted to non-Greek nationals, and failed to provide an alternative procedure for asylum-seekers and migrant children, including unaccompanied children. This was despite Article 33 of Law 4368/2016,²⁵ which explicitly grants free access to the public health system services to members of "vulnerable social groups", including refugees, asylum-seekers from the day they expressed their intention to submit an asylum and minors irrespective of their legal status. Without AMKA, they also faced difficulties in accessing other services, such as seeking employment and social assistance. Amnesty International documented cases involving two asylum-seekers with HIV, who could not obtain AMKA and risked being unable to continue accessing care.²⁶

The issue fell into a legal vacuum until November 2019, when the new asylum law (discussed below), attempted to address the problem, regulating the access to public healthcare for asylum-seekers through an alternative 'Temporary number for insurance and healthcare for third-country nationals' (so-called P.A.A.Y.P.A). The system however left significant gaps: P.A.A.Y.P.A numbers are provided with the issuance (or renewal) of asylum cards, so that only asylum seekers who have completed the registration of their claims are eligible. This has caused a serious rollback from the standards of the 2016 Law. The 2019 law also excludes other categories.²⁷ The P.A.A.Y.P.A system remained non-operational until April 2020.²⁸ The failure to implement the system had potentially serious consequences on individuals, especially as the possibility to claim asylum, and hence have access to P.A.A.Y.P.A, has been curtailed in March-May 2020, as the Asylum Service suspended its activities due to Covid-19, including the registration of claims.²⁹

Covid-19 response plans and their impact on living conditions: On 21 March 2020, Greece imposed a lockdown to tackle the Covid-19 pandemic, including through severe restrictions on the movement of asylum-seekers living in camps across Greece and in the Aegean islands.³⁰ These included restrictions on internal movements, while movements outside the facilities were allowed only from 07:00h to 21:00h, with limits on the maximum number of people allowed out per hour.³¹ Since March, such measures have been renewed repeatedly. As of early July,³² these measures only affected RICs on the islands and some facilities on mainland, but on 18 July they were imposed

²⁴ Ibid. Also: Greek Council for Refugees: <https://bit.ly/2BqyPeE> (October 2017); MSF: <https://bit.ly/3jvzMTW> (June 2019). Solidarity Now, 'Issues in the issuance of AMKA', <https://bit.ly/30zmoFP> (November 2016); <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6121252/> (August 2018).

²⁵ See: <https://ec.europa.eu/migrant-integration/librarydoc/law-4368/2016-article-33-on-free-access-to-health-care-services>

²⁶ Amnesty International, Resuscitation required: The Greek health system after a decade of austerity, April 2020, p.37-38, <https://bit.ly/2ONBaTW>; Amnesty international, "Greece must immediately ensure that asylum-seekers, unaccompanied children and children of irregular migrants have free access to the public health system", 14 October 2019, at: <https://bit.ly/2Dc9d69>.

²⁷ These include asylum-seekers who had their asylum claim rejected and whose appeal against the negative decision would not halt a possible return and children of irregular migrants. In January 2020, Amnesty International launched a campaign urging that the issue of securing a social security number be regulated in line with Greece's international human rights obligations: Urgent Action, Grant asylum-seekers and migrant children healthcare, 17 January 2020, at: <https://bit.ly/32lmsFS>; and Urgent Action update of 12 February 2020, at: <https://bit.ly/2WQVN6b>.

²⁸ It was not until January 2020 that the Greek authorities issued a Joint Ministerial Decision to grant a 'temporary number for insurance and health-care' to asylum-seekers and only on 1 April 2020 that the Ministerial Decision began to be implemented. See: Joint Ministerial Decision 717/2020, Government Official Gazette 199/B/31-1-2020, at: <https://bit.ly/20PwNal> and Granting of Temporary Insurance and HealthCare number of Third-Country National, Statement of 1 April 2020, available at: <https://bit.ly/2PrgUba>.

²⁹ The suspension of activities was also due to the 1-month temporary suspension of asylum between 1 March and 1 April 2020, discussed below. See also: Amnesty International, Resuscitation required: The Greek health system after a decade of austerity, above in full, p.37-38.

³⁰ Communication by the Greek Minister for Immigration and Asylum, 23 March 2020, <https://bit.ly/30A5FIH>; 4 July 2020: <https://bit.ly/2XpdNVy>.

³¹ See for instance: <https://www.infomigrants.net/en/post/25818/greece-extends-migrant-camp-lockdown-again-amid-criticism>.

³² For instance the decision to extend the measures until 5 July 2020, of 20 June 2020: <https://bit.ly/2XrWz9K>.

on all reception facilities across Greece until 2 August.³³ On 31 July, a new decision was adopted extending such lockdown measures until 31 August 2020.³⁴ The repeated extensions occurred at a time when Covid-19 restrictions were gradually lifted nationwide.³⁵ National and international NGOs, including Amnesty International, denounced these restrictions in a joint statement of 17 July 2020, warning that “*discrimination does not provide protection against Covid-19*”.³⁶

Amnesty International recommends that the Committee of Ministers requests the following clarifications from Greece:

- What safeguards are the Greek authorities considering implementing to ensure that all procedures related to the proposed ‘closed-controlled’ centres comply with European and international standards on the right to liberty and the right to freedom of movement of asylum seekers and migrants?
- What steps have been taken to investigate acts of violence against refugees, journalists, NGO workers and others?
- What are the Greek authorities’ plans to ensure that access to healthcare in the public system is guaranteed in compliance with Article 33 of Law 4368/2016?
- What measures have been taken to ensure the protection of people living in camps on the mainland and islands during the COVID-19 pandemic?

Amnesty International urges the Committee of Ministers to strongly recommend Greece to:

- Take urgent steps to improve the living conditions of people in facilities across Greece, particularly those on the overcrowded facilities on the Greek islands, including by: increasing efforts to transfer them to safer accommodation on mainland Greece; improving the quality of water, sanitation and hygiene services in islands facilities; and stepping up efforts to protect residents’ safety.
- Withdraw the decision to extend movement restrictions in all reception facilities across Greece as a measure to control the spread of Covid-19 and ensure that restrictions on movement implemented in response to Covid-19 are applied in a manner consistent with international human rights law and standards.

2. REDUCTION OF SUBSTANTIVE AND PROCEDURAL SAFEGUARDS FOR ASYLUM-SEEKERS IN INTERNATIONAL PROTECTION PROCEDURES IN GREECE AS A RESULT OF THE REFORM OF ASYLUM AND MIGRATION LAW IN NOVEMBER 2019 AND MAY 2020

In its assessment of Greek asylum procedures the Committee of Ministers, in its June 2019 decision on the execution of the judgments under consideration, “*welcomed the ongoing efforts made by the Greek authorities [...] to improve the national asylum system*”, but noted that the increased arrivals “*could adversely affect the functioning of the asylum system and is the reason for the significant increase in the average time taken to register and process asylum applications, and the deficiencies of the asylum appeal procedure which have been reported by the Greek Ombudsman and expert NGOs*”. Amnesty International provides below an analysis of how recent legislative changes in asylum and migration law in Greece could cause a serious degradation of the protection afforded to asylum seekers and migrants under European and international law instruments binding upon Greece.

In November 2019, Greece adopted a new comprehensive legislative package in the area of asylum: the “International Protection Act” (hereinafter ‘IPA’), law no. 4636/2019. In May 2020, a new law (no. 4686/2020) significantly amended various provisions of the IPA as well as other legal provisions in the area of irregular migration and returns.

The adoption of the IPA introduced significant changes to asylum procedures, the rights and obligations of asylum seekers, reception and detention, as well as economic, social and cultural

³³ <https://migration.gov.gr/paralasi-metron-periorismoy-kykloforias-sta-k-y-t-kai-tis-domes-tis-choras-2/>

³⁴ See announcement on the Greek Migration Ministry’s Twitter page: <https://twitter.com/migrationgovgr/status/1289213727485485058>

³⁵ See: <https://www.hrw.org/news/2020/05/12/lockdown-should-not-discriminate-against-migrants-refugees> and <https://bit.ly/3ON7IZ6>.

³⁶ Amnesty International, Organizations in Greece, national and international health bodies warn: discrimination does not protect from covid-19, joint letter of 17 July 2020: <https://bit.ly/2EbZEnX>. See also: <https://www.amnesty.org/en/documents/eur01/2511/2020/en/>.

rights.³⁷ The law took effect in January 2020. Amnesty International publicly criticized the Government's failure to effectively consult with civil society ahead of the vote, making a detailed submission on the human rights implications of the reforms.³⁸ The organisation's concerns focussed on the reduced safeguards across asylum procedures; the de-listing of post-traumatic stress disorder sufferers from the category of 'vulnerable asylum seekers'; and the proposal to develop 'safe third countries' list. Concerns raised by other NGOs also included the removal of the provision exempting those 'with special procedural needs' from accelerated and border procedures.³⁹ UNHCR also raised concerns on the IPA.⁴⁰

Furthermore, the IPA introduced amendments that negatively affected individual rights in asylum appeals, including the removal of automatic suspensive effect in appeals where asylum applications were rejected as manifestly ill-founded or not assessed on the merits. The new composition of the Asylum Appeals Committee was also problematic, specifically the removal of the requirement for a UNHCR-appointed officer to be involved, in favour of a panel comprised exclusively of three Administrative Courts judges. The law introduced the exceptional use of a single-judge appeal procedure (Article 11.6.7(d)). Alarming, the IPA also allows members of the police or the Greek army to conduct admissibility interviews, seriously compromising the impartiality of the asylum procedure.⁴¹

Amnesty International also notes that, according to the 2019 AIDA (ECRE) report on Greece, under the IPA "*an appeal against a first instance decision [...] should be submitted in a written form (in Greek) and mention the 'specific grounds' of the appeal. Otherwise, the appeal is rejected as inadmissible without any in-merits examination*". In addition, "*Given the fact that said requisites can only be fulfilled with the assistance of a lawyer, and the significant shortcoming in the provision of free legal assistance under the free legal aid scheme, appeals procedures are practically non-accessible for the vast majority of applicants*".⁴² This should also be read in light of the woefully scarce availability of legal-aid lawyers in practice.⁴³

The IPA also extended the maximum detention period from 45 to 50 days (also applied to orders extending the initial period of detention). These changes are especially problematic as pre-removal and asylum detention is counted separately for the purposes of calculating the maximum detention period,⁴⁴ with the result that asylum seekers risk detention for protracted periods of time and with ineffective remedies,⁴⁵ in clear violation of international standards whereby asylum seekers should not, as a rule, be detained. The above issues are also dealt with in detail in Amnesty International's October 2019 submission on the proposed changes to the Greek law on international protection, which also explains how the IPA affects asylum-seekers' economic and social rights in terms of education, housing, reception conditions and access to work.⁴⁶

The second core reform of asylum and migration law in Greece was announced in the midst of the Covid-19 crisis, on 10 April 2020 (Law no. 4686/2020),⁴⁷ with a proposal to address five main areas, including the acceleration of asylum procedures and the establishment of, and rules of

³⁷ See Amnesty International October 2019 submission, p.9-10 on 'Access to health, labour market and education' <https://bit.ly/30Bx06X>.

³⁸ See Amnesty International, 'Amnesty International Submission on the proposed changes to the Greek Law on International Protection', October 2019 at: <https://bit.ly/30Bx06X>

³⁹ See: Refugee Support Aegean, Comments on the IPA, October 2019, <https://rsaagean.org/en/rsa-comments-on-the-international-protection-bill/>

⁴⁰ <https://www.unhcr.org/gr/en/13170-unhcr-urges-greece-to-strengthen-safeguards-in-draft-asylum-law.html>

⁴¹ For the whole paragraph see Amnesty International October 2019 submission, p.5-7, at: <https://bit.ly/30Bx06X>.

⁴² ECRE, AIDA Report on Greece, 2019 update, p.20: https://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2019update.pdf

⁴³ Ibid. p.101-102: "*As regards the second instance, as of 31 December 2019, there were in total 5 lawyers registered in the register of lawyers, under the state-funded legal aid scheme*", assisting "*rejected applicants at the appeal stage under the fast-track border procedure on the five islands of Eastern Aegean and Rhodes*". Also "*[...] as of 31 December 2019, 9 lawyers were appointed on the islands in order to provide free legal aid on the second instance. Given the number of the lawyers appointed under the state funded legal aid scheme and the number of persons who are in need of legal assistance, the provision of free legal aid for appellants under the fast track border procedure remains limited, if not available*"

⁴⁴ Amnesty International, 'Submission on the proposed changes to the Greek Law on International Protection', above in full, p.7.

⁴⁵ ECRE, AIDA Report on Greece, 2019, pp. 200-201.

⁴⁶ Amnesty International, 'Submission on the proposed changes to the Greek Law on International Protection', 24 October 2019, above in full, p.9.

⁴⁷ Law no. 4686/2020 "Improvement of immigration legislation, amendment of provisions of Laws 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions". Also: RSA, Comments on the Reform of the International Protection Act, April 2020 <https://bit.ly/2X6wtZL>.

operation for, the new ‘closed centres’. Amnesty International criticised the new rules,⁴⁸ noting that they would make the use of detention systematic in return procedures. The rules now provide that ‘less coercive alternatives’ to detention can only be applied where the competent police authority determines the absence of certain factors (such as the risk that the returnee absconds, hampers the preparation of the return or poses risks for national security), wholly inverting the logic at the basis of EU standards (Article 15 of the Returns Directive) which clearly stipulates the detention should not be used as a rule in return procedures.⁴⁹

Amnesty International also criticised the decision to allow the more extensive use of detention during Covid-19, maintaining that during this public health crisis, the use of detention solely for migration-related purposes cannot generally be considered a necessary or proportionate restriction on the right to liberty. The rules make detention similarly systematic for asylum seekers (except unaccompanied minors) whose appeal is rejected and who cannot be returned to their country of origin.⁵⁰

The new law lowers the safeguards for those considered “vulnerable” for the purposes of asylum procedures, reception and assistance, with the removal of the provision on the prioritized examination of their cases. The law also repealed Article 67 of law no 4375/2016 on protection on ‘humanitarian grounds’, through which rejected asylum applications could be referred by the Appeals Authority for a one year renewable permit of residence, in defined circumstances, if they were considered to be facing specific risks.⁵¹ Finally, the new law expands the possibility to use the single-judge procedure when examining all appeals filed, among other cases, by the thousands of asylum-seekers residing on the Aegean islands, placing the examination of a significant proportion of appeals under a procedure that, under the law,⁵² is meant to be used as an exception, and is likely to significantly reduce the safeguards for the applicants.

Amnesty International recommends that the Committee of Ministers requests the following clarifications from Greece:

- What steps have the Greek authorities taken to address the issues affecting access to legal assistance and representation of asylum-seekers in Greece, particularly those at the appeal stage?

Amnesty International urges the Committee of Ministers to strongly recommend Greece to:

- Ensure the provision of adequate procedural safeguards to people seeking asylum, in line with European and international standards, particularly with reference to those in border and accelerated procedures, and to those in appeals procedures.

3. CHALLENGES FACED BY MINORS, INCLUDING THE SUBSTANDARD AND UNSAFE LIVING CONDITIONS THEY EXPERIENCE IN THE RECEPTION FACILITIES IN THE AEGEAN ISLANDS, AND THE PLACEMENT OF UNACCOMPANIED MINORS IN SO-CALLED ‘PROTECTIVE CUSTODY’

The Committee of Ministers, in its last assessment of the execution of the *M.S.S.* and *Rahimi* groups of cases, called on Greece to proceed with the prompt implementation of Law 4554/32018 on guardianship, but expressed concerns “*about the inadequate number of suitable places available in accommodation facilities for minors and the significant number of minors placed in ‘protective custody’ or in reception centres at the borders*”. The Committee urged Greece to intensify efforts to increase accommodation capacity suitable for unaccompanied minors and end the practice of detaining unaccompanied minors and transferring them without delay to a (semi)-open facility

⁴⁸ Amnesty International, ‘Greece: worrying legal developments for asylum-seekers and NGOs’, 4 May 2020, at: <https://bit.ly/3g14hiG>.

⁴⁹ EU Directive no. 115/2008, Article 15 “1. Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process [...]”.

⁵⁰ Article 20 (2) of the Bill amending article 92 of law 4636/2019

⁵¹ In the absence of this tool, Appeals’ Committees are only left with the possibility to grant the individual a ‘certificate of non-return for humanitarian reasons’ under Article 104 para. 4 of the IPA. For the whole para. see Amnesty International’s submission: <https://bit.ly/3g14hiG>.

⁵² Article 116 para. 7 of the 2019 IPA and p.4 of Amnesty International’s submission for more details: <https://bit.ly/3g14hiG>.

specialized for juveniles.⁵³ In their June 2020 response, the Greek authorities presented information on the number of accommodation facilities available for unaccompanied minors; the progress in the implementation of the 2018 Law on guardianship; updates on the number of unaccompanied minors in protective custody; plans for the relocation of 1,600 unaccompanied minors to other EU member states; and the appointment of a Special Secretary for the Protection of Unaccompanied Minors.⁵⁴

Amnesty International remains concerned about the dire living conditions in which many minors, including unaccompanied ones, live in the overcrowded RICs on the Aegean islands; the continuing placement of unaccompanied minors in protective custody in various police stations and immigration facilities around Greece;⁵⁵ and failure to proceed with changes in asylum legislation that would enhance procedural safeguards and end the administrative detention of minors. During the past 18 months, the situation of refugee and migrant children, including unaccompanied children, has deteriorated sharply. Between 2019-2020, five children, two of whom were unaccompanied,⁵⁶ died in Moria RIC, while the NGO Médecins Sans Frontières has reported that many children in camps suffered mental health issues.⁵⁷ During their visit to Moria in February 2020, Amnesty International researchers spoke with unaccompanied male minors who lived in makeshift shelters in the informal areas of the camp. The children spoke about the lack of warm clothing, the difficulties in being assessed as minors (despite providing relevant documentation) and the very difficult living conditions. Since April, the organization documented extensively the case of a vulnerable unaccompanied minor exposed for many months to dire conditions in Vathi RIC. His acceptance by a special shelter for minors took more than six months since his initial referral from EKKA (the body responsible for coordinating referrals of unaccompanied minors to shelters).

Amnesty International acknowledges the increase in the number of places in long-term shelters (1519 at the end of June 2020) and flats (184 places), but draws the Committee's attention to the fact that these numbers remain seriously insufficient to address current needs.⁵⁸ Specifically, at the end of June 2020 there were an estimated 4,684 unaccompanied minors in Greece.⁵⁹ Out of those, 211 were in 'protective custody' in police stations and detention facilities⁶⁰ and 957 were in insecure/informal living arrangements.⁶¹

It should be noted that in several cases, the European Court of Human Rights (ECtHR) indicated interim measures and ordered Greece to release unaccompanied minors from detention and transfer them to suitable accommodation. Also, in February 2019, in the case of *H.A. and others v Greece*, the Court found lengthy "protective custody" of minors in unsuitable conditions to be degrading treatment under the European Convention on Human Rights and a violation of the applicants' rights to liberty and security.⁶²

Furthermore, following the filing of a collective complaint under the European Social Charter, in May the European Committee of Social Rights requested that the Greek government take immediate measures to protect migrant children including by ensuring "*the use of alternatives to detention of migrant children, and to ensure in particular that unaccompanied children in police stations, pre-*

⁵³ See: [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22CM/Del/Dec\(2019\)1348/H46-9E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22CM/Del/Dec(2019)1348/H46-9E%22%5D%7D)

⁵⁴ Greek Action Plan (25/06/2020) cited above in full (CoE 1383rd meeting (29 September-1 October 2020) (DH)), <https://bit.ly/2WJkph9>.

⁵⁵ See among others: Human Rights Watch, June 2020: <https://www.hrw.org/news/2020/06/23/detention-unaccompanied-children-greece>.

⁵⁶ Keep Talking Greece, 8 April 2020, 16-year old Afghan boy stabbed to death in Moria camp, At: <https://bit.ly/30yivMF>. See also: <https://www.theguardian.com/world/2020/mar/16/child-killed-in-lesbos-refugee-camp-fire>. UNHCR shocked by death of Afghan boy on Lesbos; urges transfers of unaccompanied children to safe shelters, <https://bit.ly/3kd0cKD>; Afghan boy aged 5 killed by truck near Moria migrant camp, <https://bit.ly/2Po2CYv>; Baby dies in Moria migrant camp, MSF reveals, <https://bit.ly/2PppNSp>; Large fire in Moria, 6-year-old girl dies, <https://bit.ly/3Ovepuo>; Moria: Minor refugee dead after clash (in Greek), <https://bit.ly/3iamta0>.

⁵⁷ See <https://www.msf.org/deliberate-neglect-greek-and-eu-authorities-towards-those-trapped-islands?component=image-272646>

⁵⁸ Situation Update: Unaccompanied Children (UAC) in Greece (30 June 2020), <https://bit.ly/2WJXiX>.

⁵⁹ Ibid.

⁶⁰ The Greek section of Amnesty International's visited the pre-removal centre of Amygdaleza on 10 December 2019, when 82 unaccompanied minors were being held under protective custody.

⁶¹ Ibid.

⁶² ECtHR, *H.A. and others v. Greece*, no. 19951/2016, 28 February 2019; *Sh.D. and Others v. Greece and Others*, no. 14165/16, 13 June 2019.

*removal centres and Reception and Identification Centres are provided with immediate access to age-appropriate shelters”.*⁶³

Amnesty International also remains concerned that amendments introduced in asylum legislation at the end of 2019 failed to end the administrative detention of unaccompanied minors. Under Article 48 para. 2 of Law 4636/2019, unaccompanied minors can be held in exceptional circumstances for a maximum period of 25 days, which can be extended for a maximum of 20 days. However, in a positive development, an amendment introduced by Law 4686/2020 under Article 60, in May 2020, repealed the provision for the 20-day extension. Concerns also exist over the failure to remove certain categories of unaccompanied minors from having their claims examined under accelerated procedures through the recent amendments introduced in the asylum legislation by Law 4686/2020.⁶⁴

Amnesty International recommends that the Committee of Ministers requests the following clarifications from Greece:

- What are the Greek government's detailed plans to “*end the practice of detaining unaccompanied minors and transfer them without delay to a (semi-) open establishment specialised for juveniles*”, as per the June 2019 decision of the Committee of Ministers in the groups of cases under consideration?⁶⁵
- To what extent have the relevant immediate measures indicated by the European Committee of Social Rights in Complaint No. 173/2018, discussed above, been implemented?

Amnesty International urges the Committee of Ministers to strongly recommend Greece to:

- End the detention of minors both in law and in practice, including the detention of children in police stations and other facilities under “protective” custody.
- Significantly increase the space available for unaccompanied children in long-term shelters and flats, to meet their actual needs.
- Improve safeguards for unaccompanied children in asylum procedures, including by removing the possibility for the accelerated processing of their claims.

4. DETRIMENTAL REFORMS IN ASYLUM-RELATED DETENTION AND ARBITRARY DETENTION IN THE CONTEXT OF THE TEMPORARY SUSPENSION OF ASYLUM IN GREECE (1 MARCH 2020 – 1 APRIL 2020)

The Committee of Ministers' June 2019 assessment of the case under consideration had, among other things, “*expressed serious concern at the fact that a number of other immigration facilities and police stations seem to be below Convention standards, and that the detention of unaccompanied minors persists*”. The Committee of Ministers invited the authorities to implement the CPT's recommendations “*and to improve the conditions in immigration detention facilities, including by providing adequate health-care services*”.⁶⁶

As noted above, after the May 2020 legislative reform, detention of asylum-seekers whose appeals are rejected and of people in return procedures risks becoming systematic.⁶⁷ Further to these developments, Amnesty International wishes to draw the Committee's attention to the arbitrary detention of people who entered Greece during the temporary suspension of asylum of 1 March 2020.⁶⁸

⁶³ Council of Europe, European Committee of Social Rights, Decision on admissibility and on immediate measures, International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece, Complaint No. 173/2018, 23 May 2019.

⁶⁴ For the para see: Amnesty International, Greece: worrying legal developments for asylum-seekers and NGOs, above.

⁶⁵ Committee of Ministers, Supervision of the execution of the European Court's judgments, M.S.S. and Rahimi groups v. Greece (No. 30696/09), 1348th meeting, 4-6 June 2019 (DH),

⁶⁶ [https://hudoc.exec.coe.int/eng#f1%22EXECIdentifier%22:f1%22CM/Del/Dec\(2019\)1348/H46-9E%221](https://hudoc.exec.coe.int/eng#f1%22EXECIdentifier%22:f1%22CM/Del/Dec(2019)1348/H46-9E%221)

⁶⁷ On this see also: <http://eumigrationlawblog.eu/all-but-last-resort-the-last-reform-of-detention-of-asylum-seekers-in-greece/>.

⁶⁸ See Amnesty International, Europe: Caught in a political game, above in full. The use of arbitrary detention was also documented in cases involving people pushed back at the land border in the Evros region, p.7-8.

In the aftermath of Turkey's unilateral declaration on 27 February 2020 that its borders with Europe would open, Amnesty International released a briefing on the human rights abuses against people crossing into Greece via land and sea.⁶⁹

On 2 March, Greece adopted an 'Act of Legislative Content' that temporarily suspended the registration of asylum claims for a month for people entering irregularly from 1 March.⁷⁰ On 13 March, the Greek Asylum Service also suspended its operation due to the Covid-19 pandemic.⁷¹ In this context, Amnesty International documented several cases of detention of potential asylum-seekers across the Aegean islands, in substandard conditions and without effective access to legal support.

With the temporary suspension of asylum, new arrivals on the Greek islands were no longer transferred to official reception facilities. As a result, in **Lesvos**,⁷² for at least 10 days, around 510 new arrivals (including around 210 children, some of whom unaccompanied) were held on the 'Rodos' navy ship, docked in Mytilene, and in the port area. People on the 'Rodos' were unable to claim asylum and were treated as irregular entrants and detained pending a return decision to their countries of origin.⁷³ Living conditions on the ship were deeply inadequate, with insufficient hygienic facilities and inadequate medical care, despite the presence of people with disabilities or health issues, including a girl in need of dialysis.⁷⁴ NGOs providing legal assistance faced obstacles accessing those on the ship.⁷⁵

In other areas of Lesvos, new arrivals were held on the beaches of **Skala Sikaminias** (42 people), **Korakas** (28 people), in a building in **Eftalou** (24 people), without registration, in unclear legal circumstances and in deeply inadequate conditions.⁷⁶

In the island of **Kos**, at least 220 new arrivals, including many children, were held in the port area, some in a building normally used as a waiting area, and some in tents and thus exposed to harsh weather conditions. As of 18 March, all of them had been moved to a building used for customs controls. Pregnant women, children and people with disabilities were among those arrivals. A Syrian woman in the group told Amnesty International that medical assistance was inadequate, and that people's phones were confiscated. She stated that she suffered from kidney stones, and alleged that during her stay the police had mistreated her, including by kicking her and forcing her to stand up from the floor and sit on a chair when she was too fatigued to do so.⁷⁷

Amnesty International documented similar situations in **Leros**, (where 250 people were held in the yard of the coastguard and then in the port area, in inadequate conditions), and **Samos**, (where 93 persons were held in a coastguard facility in Vathy). An NGO lawyer in **Chios**, where 254 people were held in the port area, reported difficulties in trying to access those detained.⁷⁸

From 13-17 March the **European Committee for the Prevention of Torture (CPT)** conducted a rapid reaction visit to Greece to assess the treatment of those arrived since 1 March, visiting the camp of Malakasa, where many of those on the 'Rodos' had been transferred, and the 93 held in Samos.⁷⁹ The CPT has so far not published its findings from the visit.

⁶⁹ Amnesty International, Europe: Caught in a political game, April 2020, cited above in full.

⁷⁰ Act of legislative content on the 'Suspension of the submission of asylum applications', 2 March 2020. The act ceased to apply on 1 April 2020.

⁷¹ See <http://asylo.gov.gr/wp-content/uploads/2020/03/Announcement-Suspension-of-Services-to-the-Public-English.pdf>. The asylum service reopened on 18 May 2020: <http://asylo.gov.gr/en/?p=5335>.

⁷² For the whole section (details, sources and dates) see: Amnesty International, Europe: Caught in a political game, p. 13-14.

⁷³ Decisions were issued in cases of pregnant women and new mothers, older people, people with disabilities, children and people in other vulnerable situations. For details and sources see: Amnesty International, Europe: Caught in a political game, p. 13-14, as above.

⁷⁴ Ibid. Reference to phone interviews with members of the legal NGO HIAS on 10, 16 and 18 March 2020 and subsequent written exchanges.

⁷⁵ Details and sources at: Caught in a political game p. 14. Also: Legal Centre Lesvos, 'No man's land for Europe's undesirables', 13 March 2020.

⁷⁶ In Skala Sikaminias and Korakas people were left without any shelter or access to washing facilities. As of 17 March, those in these groups had been delivered a 3-day detention decision in view of a repatriation decision. See: Caught in a political game p. 14.

⁷⁷ More details at: Caught in a political game p. 14.

⁷⁸ For the whole section see: Caught in a political game p. 14-15. As of 20 March, most new arrivals held on the Aegean and other islands up to that point were moved to detention facilities on mainland. See: Aegean boat report of 20 March at: <https://www.facebook.com/AegeanBoatReport/>.

⁷⁹ <https://www.coe.int/en/web/cpt/-/anti-torture-committee-undertakes-rapid-reaction-visit-to-greece-to-examine-treatment-of-migrants>

Amnesty International recommends that the Committee of Ministers requests the following clarifications from Greece:

- What steps have been taken to investigate the human rights violations against people on the move in February-March 2020, including the arbitrary detention of asylum-seekers and migrants during Greece's temporary suspension of asylum?
- Did people falling under the temporary suspension of asylum have access to international protection procedures?

Amnesty International urges the Committee of Ministers to strongly recommend Greece to:

- Conduct prompt, impartial and effective investigations into the allegations of mistreatment of asylum-seekers and migrants in detention, such as those raised in the context of detention in the port facilities of Kos during the suspension of asylum.
- Publish the report by the CoE CPT following its rapid reaction visit of March 2020, shortly after it is communicated to the Greek authorities.

CONCLUSIONS AND RECOMMENDATIONS

Amnesty International remains deeply concerned that asylum-seekers continue to face significant risks in Greece, both with regard to the material reception conditions that prevail across the facilities on the Aegean islands, particularly for unaccompanied minors and other people in vulnerable situations. This, and the significant deficiencies in the procedural safeguards afforded to applicants throughout international protections procedures, as a result of recent legislative changes, clearly show that the shortcomings identified by the Court in the judgments under examination have not been addressed in a meaningful or effective manner. Significant obstacles to asylum-seekers' enjoyment of economic and social rights also remain, for instance in terms of access to healthcare for those who are not able to register their claims. The supervision of the execution of this group of cases under enhanced procedure, and a strong decision and resolve from the Committee of Ministers to address these issues, are required to put an end to the continuous failures and ongoing violations against asylum-seekers, refugees and migrants.

RECOMMENDATIONS

Amnesty International considers that to avoid similar violations as those found by the Court in *M.S.S. and Rahimi groups v. Greece*, the following measures, indicated under each chapter above, should be taken by Greece:

1. On living conditions of asylum-seekers in reception and identification facilities on the Aegean islands and challenges in relation to access to healthcare

- Taking urgent steps to improve the living conditions of people in facilities across Greece, particularly those on the overcrowded facilities on the Greek islands, including by: increasing efforts to transfer them to safer accommodation on mainland Greece; improving the quality of water, sanitation and hygiene services in islands facilities; and stepping up efforts to protect residents' safety.
- Withdrawing the decision to extend movement restrictions in all reception facilities across Greece as a measure to control the spread of Covid-19 and ensure that restrictions on movement implemented in response to Covid-19 are applied in a manner consistent with international human rights law and standards.

2. On reduction of substantive and procedural safeguards for asylum-seekers in international protection procedures in Greece as a result of the reform of asylum and migration law in November 2019 and May 2020

- Ensuring the provision of adequate procedural safeguards to people seeking asylum, in line with European and international standards, particularly with reference to those in border and accelerated procedures, and to those in appeals procedures.

3. On the challenges faced by minors, including the substandard and unsafe living conditions they experience in the reception facilities in the Aegean islands, and the placement of unaccompanied minors in so-called ‘protective custody’

- Ending the detention of minors both in law and in practice, including the detention of children in police stations and other facilities under “protective” custody.
- Significantly increasing the space available for unaccompanied children in long-term shelters and flats, to meet their actual needs.
- Improving safeguards for unaccompanied children in asylum procedures, including by removing the possibility for the accelerated processing of their claims.

4. On the detrimental reforms in asylum-related detention and arbitrary detention in the context of the temporary suspension of asylum in Greece (1 March 2020 – 1 April 2020)

- Conducting prompt, impartial and effective investigations into the allegations of mistreatment of asylum-seekers and migrants in detention, such as those raised in the context of detention in the port facilities of Kos during the suspension of asylum.
- Publishing the report by the CoE CPT following its rapid reaction visit of March 2020, shortly after it is communicated to the Greek authorities.

AMNESTY INTERNATIONAL RECOMMENDS THAT THE COMMITTEE OF MINISTERS REQUESTS THE FOLLOWING CLARIFICATIONS FROM GREECE:

- What safeguards are the Greek authorities considering implementing to ensure that all procedures related to the proposed ‘closed-controlled’ centres comply with European and international standards on the right to liberty and the right to freedom of movement of asylum seekers and migrants?
- What steps have been taken to investigate acts of violence against refugees, journalists, NGO workers and others?
- What are the Greek authorities’ plans to ensure that access to healthcare in the public system is guaranteed in compliance with Article 33 of Law 4368/2016?
- What measures have been taken to ensure the protection of asylum-seekers living in camps on the mainland and islands during the COVID-19 pandemic?
- What steps have the Greek authorities taken to address the issues affecting access to legal assistance and representation of asylum-seekers in Greece, particularly those at the appeal stage?
- What are the Greek government’s detailed plans to “*end the practice of detaining unaccompanied minors and transfer them without delay to a (semi-) open establishment specialised for juveniles*”, as per the June 2019 decision of the Committee of Ministers in the groups of cases under consideration?⁸⁰
- To what extent have the relevant immediate measures indicated by the European Committee of Social Rights in Complaint No. 173/2018, discussed above, been implemented?
- What steps have been taken to investigate the human rights violations against people on the move in February-March 2020, including the arbitrary detention of asylum-seekers and migrants during Greece’s temporary suspension of asylum?
- Did people falling under the temporary suspension of asylum have access to international protection procedures?

⁸⁰ Committee of Ministers, Supervision of the execution of the European Court’s judgments, M.S.S. and Rahimi groups v. Greece (No. 30696/09), 1348th meeting, 4-6 June 2019 (DH),

ANNEX: ADDITIONAL PUBLICATIONS BY AMNESTY INTERNATIONAL ON THE SITUATION OF MIGRANTS AND THE ASYLUM SYSTEM IN GREECE

- Research briefing - Amnesty International, Europe: Caught in a political game: Asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe's failures, April 2020, at: <https://www.amnesty.org/en/documents/eur01/2077/2020/en/>
- Report - Amnesty International, Resuscitation required: The Greek health system after a decade of austerity, April 2020, at: <https://www.amnesty.org/en/documents/eur25/2176/2020/en/>
- Public statement – Amnesty International, Greece: Amnesty International submission on the proposed changes to the Greek law on international protection, October 2019, at: <https://www.amnesty.org/en/documents/eur25/1280/2019/en/>
- Public statement – Amnesty International, Greece: Worrying legal developments for asylum-seekers and NGOs, May 2020, at: <https://www.amnesty.org/en/documents/eur25/2259/2020/en/>
- Report – Amnesty International, Policing the pandemic: Human Rights violations in the enforcement of Covid-19 measures in Europe, June 2020, at: <https://www.amnesty.org/en/documents/eur01/2511/2020/en/>
- Amnesty International, Submission to the United Nations Special Rapporteur on adequate housing: Covid-19 and the right to housing, July 2020, at: <https://www.amnesty.org/en/documents/ior40/2626/2020/en/>

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