



Border Violence
Monitoring Network



JOINT STATEMENT:

Addressing the Committee of Ministers' last examination of the Greek asylum system under the *M.S.S. and H.A. and Others v. Greece* groups of cases

July 2025

Between 10 and 12 June 2025, the Council of Europe's (CoE) Committee of Ministers (CM) met to review and assess the implementation of the European Court of Human Rights' (ECtHR) judgements on the *M.S.S. and H.A. and Others v. Greece* groups of cases. The CM examined the current state of the Greek asylum system, the living conditions of asylum seekers in Greece and their access to effective complaint mechanisms and healthcare provision, as well as the conditions of detention of asylum seekers and undocumented migrants. Several non-governmental organisations (NGOs), including the undersigned, submitted communications to the CM highlighting persistent deficiencies in Greece's implementation of the rulings, requiring continued and enhanced supervision.

◆ Supervision to continue over living and detention conditions, and the continued lack of effective remedy

We appreciate the Committee's decision to continue monitoring asylum seekers' living conditions in Greece. In particular, and reflecting inputs from several NGOs, we note its concerns about the quality of services in Closed Controlled Access Centres (CCACs), their restrictive nature, and its request for more information from Greek authorities on accommodation, material aid, and healthcare access. We also welcome the Committee's call for concrete updates on measures to address the needs of people with vulnerabilities, mainly on the islands.

The Committee also considered NGO and human rights monitoring reports demonstrating the systemic nature of poor conditions in pre-removal detention centres (PRDCs) and police stations. Reflecting several of our recommendations in that regard, the Committee urged the authorities to take additional measures to improve conditions in PRDCs. It also invited the authorities to provide statistical data on the number of third country nationals (TCNs) detained on administrative grounds in police facilities and the length of detention periods in such facilities, and to ensure that conditions therein comply with legal standards. Having reaffirmed the concerning nature of detention conditions, we look forward to a clear response from the authorities as to how they intend to meaningfully address these long-standing issues.

Finally, to ensure access to an effective remedy, we commend the Committee for urging the Greek authorities to establish an alternative to the Fundamental Rights Officer, whose independence is questionable and who lacks the power to issue legally binding decisions.



◆ On the decision of the CM to close the supervision of asylum procedures

We regret, however, the Committee's decision to close supervision of the M.S.S. case regarding asylum procedures. Despite reforms by the Greek authorities, most issues raised during the last supervision in September 2023 - including delays and barriers in accessing asylum procedures, obstacles to legal assistance, superficial examination of claims, and the lack of effective remedies to challenge these shortcomings - remain unresolved, and in many cases, are worsening.

1. Delays during asylum procedures

The Secretariat relies on the Greek government's statistics to show "significant progress" in addressing asylum delays. However, important factors were overlooked. While pending first-instance asylum applications have decreased overall, procedures for over 20% have been ongoing for more than 6 months, and over a year for almost 10%, as highlighted by GCR. This reflects daily reports received by MIT, ELA and IHR from people enduring delays of over a year for decisions. Therefore, while average processing times may have improved, this alone does not demonstrate real progress, as many still wait excessively long for interviews, subsequent application appointments, and decisions.

Furthermore, civil society highlighted the suspension of interpretation services in May 2024 and the subsequent major disruptions in the provision of interpretation - still ongoing - due to unpaid commitments from the Ministry of Migration and Asylum to the previous provider, METAdrasi. This continues to cause widespread postponements of interviews and registrations in RICs and CCACs. Though Greek authorities claim the EUAA provides 500 interpretation hours per month to address this, it is insufficient to prevent delays and remains only a **temporary fix with no long-term solution yet in place**.

2. Barriers in accessing asylum procedures

Regarding access to asylum procedures, the Committee relies on the Greek authorities' claims about the creation of a dedicated registration authority, the possibility for applicants to book an appointment for registration both online and in person "in some RICs", appeals examined by judges with suspensive effect, and free legal aid at the appeal stage. Greek authorities describe the online registration platform as "fully operational", adding that when unavailable, TCNs can request appointments in person at Malakasa and Diavata RICs.

a) Procedural and technical delays

Yet, neither provide **real access to asylum procedures**. Frequent technical problems render the platform often unusable and only partially functional to meet its objectives - which the Greek authorities are making appear anecdotal. At the time of writing, the online platform for registration has been out of operation for approximately a month in the Malakasa RIC due to a backlog in registrations, and was also inoperable at Diavata for around two weeks recently. This can be linked to the rise in arrivals over the past two months in the islands of Crete and Gavdos, which shows the systemic unpreparedness of the Greek authorities despite years of episodic similar events.

Critically, booking an appointment online is not considered as expressing intent to apply for asylum, and so does not grant asylum seeker status or related rights. It rather delays those entitlements to the time of registration at the actual appointment, in opposition to EU and Greek law.¹

In addition, EU and Greek law require registration within three days of such expression.² In practice, delays are routine. For example, in January 2025, ELA, IHR and MIT recorded average waits of 15-20 days before an appointment in Diavata. This leaves people without access to reception conditions and at risk of detention in police stations and PRDCs while awaiting registration, a practice routinely reported on by civil society organisations, and ruled unlawful by Greek courts.

Greek authorities' claim that people can request registration appointments in person if the platform fails ignores the reality. Both RICs are remote (7 km from Thessaloniki; 42 km from Athens), requiring self-funded travel to request an appointment for registration. Furthermore, technical failures often stem from registration backlogs, making it unlikely staff can have the capacity to process all requests on-site. This proposed solution merely deflects attention without addressing systemic barriers.

Finally, we express our dismay that the Committee did not address the ***de facto detention of asylum seekers*** in RICs and CCACs during registration, and the systematic unlawful extension of the applicable 25-day maximum time-limit, despite it being raised in most NGO submissions. At the same time, the Committee focused on challenges faced by persons once on the Greek territory, without addressing the systematic practice of pushbacks and its fundamental impact on access to asylum.³

b) Superficial examination of asylum claims through the arbitrary use of the “safe third country” concept

As clarified in the CM's notes, the M.S.S. case concerns the “lack of thorough and timely examination of the merits of asylum applications, and the risks incurred in case of expulsion to countries of origin”. We are concerned that, aside from mentioning NGOs' reports on Greece's arbitrary use of the “safe third country” concept, the CM did not consider this issue in its assessment of Greek asylum procedures.

Civil society has repeatedly highlighted that applying this concept in Greece breaches the right of access to asylum by preventing the examination of claims on their merits. This omission is even more striking given recent developments: in February 2025, the Greek Council of State annulled Turkey's designation as a “safe third country”, only for the government to reinstate it via a new Joint Ministerial Decision in April. These reversals underscore the illegal and controversial nature of the concept. The Committee has thus missed an opportunity to further investigate a measure that undermines asylum rights and risks expanding across Europe in the coming years.

c) Lack of effective remedies: issues on the effectiveness and accessibility of appeals procedures

Concerns over the effectiveness and accessibility of appeal procedures were raised in several of the NGO submissions to the CM. While free legal aid is theoretically available, and appeals are examined by

¹ Articles 2(b) and 17(1) Directive 2013/33/EU; Articles 1(c), 59(1) and 69(8) Law 4939/2022 provide that a person expressing intent to apply for asylum is an asylum seeker entitled to reception conditions.

² Article 6(1) Directive 2013/32/EU; Article 69(2) Law 4939/2022.

³ As evidenced by the recent *A.R.E. v. Greece* ECtHR's judgement and the rejection of the Greek State's request to refer the case to the Court's Wide Composition on the 1st of July.

judges, appeal proceedings generally take place in writing. Oral hearings are only required, according to Greek law, in certain instances. RSA and PRO ASYL found, however, that such hearings are routinely refused, even in cases where they would have been justified and legally required, such as where there were clear first-instance procedural flaws.⁴ This thus goes against the fundamental right to an effective remedy and fair trial.

In addition, the supposed availability of free legal aid should also have been treated cautiously. Payment delays from the Greek State to Registry Lawyers led bar associations to abstain from duties from November 2024 to January 2025, leaving appellants without support. Furthermore, missed deadlines remain high, with 1,526 appeals rejected in 2024 due to late submissions – which could partly be linked, among other factors, to the authorities' unlawful practice of notifying first-instance decisions by email, in violation of national law and Greek Courts' case law.

Furthermore, the Committee's claim that second-instance decisions can be further reviewed with free legal aid is misleading. As GCR explains, legal aid at this stage is nearly impossible to obtain as applications must be written in Greek and are assessed on "manifest admissibility" grounds.

d) Unstable access to asylum

Finally, access to asylum in Greece has been subject to unlawful suspensions. In March 2020, an emergency legislative decree suspended applications, leading to disastrous consequences, including blanket detention in undignified conditions - which the CPT found as amounting to inhuman and degrading treatment - and deportation orders. These actions were widely documented and condemned by civil society actors, including within the framework of Rule 9.2 submissions by Amnesty International, RSA and Stiftung PRO ASYL, GCR, Equal Rights Beyond Borders and HIAS. Yet, in July 2025, the Greek government decided again to suspend the submission of asylum applications for arrivals from North Africa for a period of three months, as well as to detain all new arrivals pending deportation. More than 70 civil society organisations condemned this decision as unlawful and warned against the predictable consequences of its implementation. With no proper reception facilities in Crete despite years of local requests, and appalling conditions in informal temporary structures, further human rights violations are inevitable and already evident. This underscores the Greek authorities' systemic unpreparedness and lack of political will to uphold even minimum human rights standards for people on the move.

Therefore, the decision of the CM to close the supervision of the M.S.S. case on asylum procedures marks the loss of a critical mechanism of oversight into a **defective and dehumanising system**, at a time when the right of access to asylum is facing steady political erosion. **The risk of fundamental rights breaches and violations of EU and international law is alarmingly high.**

⁴ Article 102(1) of the Greek Asylum Code (Law 4939/2022) provides that "Proceedings before the Independent Appeals Committee shall normally be conducted in writing, and appeals shall be heard on the basis of the information contained in the file." However, paragraph 3 of the same article adds that an oral hearing must be conducted when: "a) the appeal challenges a decision to revoke international protection status; b) questions or doubts arise as to the completeness of the interview conducted in the first stage of examination; and c) the appellant relies on substantial new evidence relating to substantial subsequent claims."