



Input by civil society organisations to the Asylum Report 2024

Dear Colleagues,

The production of the *Asylum Report 2024* is currently underway. The annual [Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2023 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (**'Part B' of the form**).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2024 by **Thursday, 30 November 2023**.*





Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

Part A:

- ✓ New developments and improvements in 2023 and new or remaining challenges;
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- ✓ Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

Part B:

- ✓ New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

PART A: Contributions by topic

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

From January to April 2023 174 people have been reported to the partners of the PRAB project (Protection of Rights at the Borders) as victims of pushbacks but complete information on pushbacks via land and sea are missing, as border areas and border operations continue to be off limits for civil society organisations. 54% of them reported being subjected to physical abuse and/or assault when trying to enter the country from the Turkish border. In April 2023, the Greek Prime Minister stated "We don't do pushbacks. But we do intercept people at sea"¹. During the same period, the Minister of Migration and Asylum stated that the Greek police prevented 260,000 people from entering Evros². A video, verified and published by The New York Times, shows a group of refugees from Somalia, Eritrea, and Ethiopia, including children and a six-month-old baby, being driven in

¹ <https://www.primeminister.gr/en/2023/04/13/31684>

² <https://migration.gov.gr/en/mitarakis-o-frachtis-tha-oloklirothei-syzitame-idi-gia-tin-epomeni-epektasi-toy-ston-evros/>; <https://ecre.org/greece-lack-of-protection-for-survivors-of-modern-slavery-among-asylum-seekers-migration-minister-denies-allegations-of-pushbacks-but-admits-interception-amid-ongoing-crack-down-on/>.





an unmarked white van to a remote spot on Lesbos Island, before being forced into an inflatable boat by men wearing balaclavas. The dinghy then transfers them to a Hellenic coast guard vessel which proceeds to abandon them on a raft in the middle of the Aegean Sea. They are left adrift before being picked up by the Turkish coast guard. The expulsion depicted in the video does not take place at sea, or even in disputed waters, but on land inside EU territory, which the asylum seekers had safely reached. The video confirms what NGOs, media, and people on the move have reported about the situation in Greece for years: violations of international law is recurrent and people - in search of safety - are systematically being pushed back. The European Commissioner for Migration and Home Affairs, Ylva Johansson, reacted on twitter³ to the incident demanding an effective investigation. She clarified in EU Politico Playbook that she has no reason to doubt the footage, which appears not merely a pushback but an effective deportation, calling once again on the Greek authorities to set up an effective independent border monitoring mechanism – recognising that this continues lacking in Greece today. The border crossing between Greece and North Macedonia continues being used mainly by people from Syria, Pakistan, and Afghanistan. Many of them reported moving onwards due to poor conditions and the lack of legal status in Türkiye and Greece.

Pushbacks from Greece to Türkiye continue to happen on a regular basis. In January 2023, the Recording Mechanism of Informal Returns operating under the Greek National Commission for Human Rights, issued its first Interim Report. The Recording Mechanism has recorded a number of 50 incidences of informal returns occurred between April 2020 and October 2022. Based on the 50 incidents recorded for the years 2020 - 2022, the number of victims in these incidents amounts to a minimum of 2,157 persons. The interim report notes that according to testimonies, it appears that informal forced returns are distinguished by a recurring organized operational framework. The mode of implementation of informal forced returns (modus operandi) presents an image of a staged approach: detection stage, detention or restriction of freedom of movement stage, physical removal stage. Further testimonies mention both persons in uniform and persons in civilian clothes as having been involved in these operations⁴. Victims often complain that returns are informal (no paper trail is released) and violent. Between January 2022 and mid-April 2023, PRAB partners reported on more than 900 refugees, including many children, from Syria, Türkiye, Afghanistan, and Iraq, who entered Greece from the Evros region seeking international protection. In approximately half of these cases, the Greek authorities were able to provide locations and access to the procedures provided by law. For the rest of the cases, the Greek authorities either did not reply or responded that they had not been able to locate them. In some of these cases, refugees from Syria and Türkiye reported that they were informally and forcibly returned to Türkiye, without being given the opportunity to

³ (21) Ylva Johansson on Twitter: "1/3 One year ago I met with the Greek Government @govgr to discuss border management and I made clear that there is no place for illegal deportations. Last Friday, 19 May, The New York Times @nytimes presented a report on an alleged illegal deportation, in April..." / Twitter

⁴ For more information see:

https://nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/2023/Interim_Report_Mechanism_en.pdf





submit an asylum application⁵. Greece's disregard of dignified and legal border procedures continues to be flagrant, reportedly also in Frontex eyes⁶.

On 14 June 2023, a tragic shipwreck in the Mediterranean took place off the coast of Pylos, in Greece. While 104 passengers were rescued, over 80 bodies were recovered. Hundreds continue to be missing. In the second part of August, the largest wildfire recorded on EU territory occurred, with the authorities recovering 18 bodies (including two children) who were alleged as persons trying to reach Greece⁷. The authorities further arrested several individuals after they had streamed on social media their initiatives to "protect the area" from third-country nationals, whom they held responsible for attempting arson.

The highly disputed mechanism under the Ministry of Migration and Asylum (Fundamental Rights Officer (FRO) and Special Commission on Fundamental Rights Compliance within the Ministry of Migration and Asylum), established in July 2022 is not yet operational as the required ministerial decision describing the tasks of the FRO and the Special Commission have not been issued. Upon receipt of the drafts of the ministerial decision for consultation, the Greek National Commission for Human Rights has re-stated that the mechanism does not comply with the independence and effectiveness requirements. The draft ministerial decisions provide the possibility for the FRO to freely select the personnel of his office from the staff of the Hellenic Police and Greek Coast Guard, i.e., the same administrative authorities that may be under scrutiny. An additional admissibility examination of complaints submitted by the FRO is added, without setting any criteria, before these complaints are transmitted to the National Transparency Authority or other competent Authorities for further investigation⁸.

The need for effective investigations, including discussing the case with the witnesses of possible wrongdoing by border and coast guards, has also been a call after the Pylos shipwreck⁹. International organisations and institutions, including the Commissioner for Human Rights of the Council of Europe¹⁰ and the LIBE Committee in the European Parliament¹¹ urged Greece to carry out a full and effective investigation into the

⁵ <https://www.gcr.gr/el/news/press-releases-announcements/item/1984-information-note>. Note that between January 2023 – April 2023, the European Court of Human Rights has granted Interim Measures in at least 3 cases of newly arrived persons at the Greek-Turkish border of Evros, who requested to be granted with humanitarian assistance and access to asylum. In March 2023, the European Court of Human Rights communicated two new cases on alleged pushbacks at the Greek-Turkish borders (Application No 35090/22 and 38444/22 and Application no 10063/22 and 11762/22). These should be added to the 8 cases/32 applications which has been communicated in December 2021 and they are pending before the Court.

⁶ <https://www.nytimes.com/2023/02/14/world/europe/eu-greece-border-abuses.html>

⁷ <https://www.nytimes.com/2023/10/01/world/europe/greece-migrants-wildfire.html> ;

<https://www.aljazeera.com/news/2023/8/22/greek-forest-fire-kills-18-suspected-asylum-seekers-in-dadia>

⁸ https://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/2023/___423.pdf

⁹ <https://www.amnesty.org/en/latest/news/2023/06/greece-catastrophic-pylos-shipwreck-highlights-desperate-need-for-safe-and-legal-routes-to-europe/>

¹⁰ Pylos shipwreck: the Greek authorities must ensure that effective investigations are conducted (<https://www.coe.int/en/web/commissioner/-/pylos-shipwreck-the-greek-authorities-must-ensure-that-effective-investigations-are-conducted>)

¹¹ https://multimedia.europarl.europa.eu/en/video/exchange-of-views-on-the-migrant-boat-shipwreck-off-the-coast-of-greece-extracts_1243537





circumstances of the shipwreck. While a preliminary investigation of potential liability of the Coast Guard was initiated by the Naval Court, today – up to three months after the shipwreck – survivors have not been called to testify on the circumstance of the shipwreck that is under investigation or to provide any evidence. Allegations by survivors that the assistance they had called for was provided with delay, and that the Greek Coast Guard attempted to tow the boat to the Italian Search and Rescue (SAR), which resulted in the boat effectively sinking, remained unconsidered. Following in-action by the government, 40 survivors of the Pylos shipwreck have filed a criminal complaint before the Naval court to demand an immediate, thorough and reliable investigation and the attribution of criminal responsibility of the acts and omissions to the Greek authorities¹². In November 2023 the Greek Ombudsman announced that it will proceed with the officio examination of the facts and of the circumstances of the shipwreck given the clear denials of the Head of Coast Guard to order the disciplinary examination of the case¹³.

Six Rule-39 Interim Measures were requested and granted by the ECHR between June and September 2023. All cases address third country nationals who were pushed back from Greece to Türkiye. The first two concern two Afghan families, of which one (according to the other applicants) were deported from Türkiye to Afghanistan. The third was submitted on behalf of 36 Syrian, Iraq, Turkish and Palestinian applicants, among whom three have been reported as missing/drowning in the Evros river. The fourth concerns a recognised refugee in Greece, who entered from Türkiye to Greece, and he has been repeatedly pushed back by the Greek police officer, even after showing a copy of his passport, residence permit (in Greece). The applicant state that he was abandoned on the islet in the Evros River, after his latest pushback, and that he swam back to Turkey. The fifth considers nine Afghan applications (including five unaccompanied minors, including one of only nine years old) who remained in a forest area near the Evros region for five days. Unfortunately, they went missing while the decision of the Court was pending and there is no news or indication about the circumstances under which they disappeared. Finally, the last application was also initiated for people stuck at a forest area in the Evros region, in this case 27 applications of whom 19 Syrians and 8 Iraqis, of which 12 minors. The applicants, according to their testimony, were violently pushed back to Türkiye during the night.

2. Access to information and legal assistance (including counselling and representation)

¹² <https://rsaegean.org/en/pylos-shipwreck-criminal-complaint/>

¹³ See, to for the press release of the Ombudsman at:

<https://www.synigoros.gr/el/category/default/post/deltio-typoy-or-o-synhgoros-toy-polith-ereyna-to-nayagio-ths-pyloy> and CoE Commissioner for Human Rights, Greece: the Ombudsman institution opening an independent investigation into the Pylos shipwreck is a welcome step, at:

<https://www.coe.int/en/web/commissioner/-/greece-the-ombudsman-institution-opening-an-independent-investigation-into-the-pylos-shipwreck-is-a-welcome-step>





3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)





4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)





9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

11. Issues of statelessness in the context of asylum (including identification and registration)

12. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

13. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

14. Return of former applicants for international protection





15. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

16. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

17. National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

18. Other important developments in 2023

The Fundamental Rights Complaints Mechanism of the Ministry of Migration and Asylum started operating. The complaint form and the contact details are available at the site of the Ministry (<https://migration.gov.gr/en/fro-complaints/>)

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2023

Protecting Rights at Borders, What we do in the shadows, May 2023, https://pro.drc.ngo/media/3h1d5s5r/vi-prab-report_-what-we-do-in-the-shadows_-jan-to-april-2023.pdf

Protecting Rights at Borderes, Surprisingly Surprised, September 2023, https://pro.drc.ngo/media/zprpb3cq/prab-report-may-to-august-2023-_final.pdf

2. If not available online, please share your publications with us at: Asylum.Report@euaa.europa.eu





3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

	Title of publication	Name of author	Publisher	Date
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4				
5				

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