

## SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES



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Date: 23/02/2016

**DH-DD(2016)182**

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Meeting: 1250 meeting (8-10 March 2016) (DH)

Item reference: Communication from the authorities (09/02/2016)  
concerning the case of M.S.S. against Greece (Application  
No. 30696/09)

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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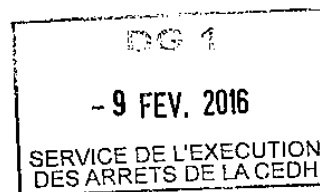
Réunion : 1250 réunion (8-10 mars 2016) (DH)

Référence du point : Communication des autorités concernant l'affaire  
M.S.S. contre Grèce (requête n° 30696/09)  
(**anglais uniquement**).

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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HELLENIC REPUBLIC  
MINISTRY OF LABOUR,  
SOCIAL INSURANCE  
AND SOCIAL SOLIDARITY  
GENERAL SECRETARIAT  
OF WELFARE  
DIRECTORATE GENERAL  
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SOLIDARITY  
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Athens, 9 December 2015  
Ref no: D 23/ 55144/4018

To: Office of the Deputy Minister  
of Migration Policy  
27, Stadiou str. Athens  
PC 101 83

Ministry of Foreign Affairs  
Special Legal Service  
Section of EU Law  
Zalokosta 10, 10671, Athens  
Attention of Mrs. Michelogiannaki

Subject: The execution of the *M.S.S. v Greece* and *Rahimi v. Greece* group of cases-  
Answer to the Amnesty International Report to the Committee of Ministers of the  
Council of Europe

Ref: The document (ref no 6702/267/AS1170) of the Permanent Representation of  
Greece to the Council of Europe

Following the above documents which forwarded the remarks by the NGO "Amnesty  
International" addressed to the Committee of Ministers of the Council of Europe,  
please find below the remarks of our services for the preparation of a joint response  
document.

The points 1,2 and 5 of the document submitted by Amnesty International do not relate to the points examined in the session (1243), where the conditions concerning the reception of asylum seekers and unaccompanied children are examined.

For points 3 and 4, you may refer to the information material provided in October 2015 and, in addition, we would like to point out the following about the questions that have been raised:

1. According to the most up-to- date figures provided by the competent managing body for housing applications submitted by asylum seekers (National Centre of Social Solidarity), the waiting list for entering a facility is currently reduced to zero for all categories of applicants (adults, families and unaccompanied minors).

Therefore, both the asylum seekers and unaccompanied minors do not remain at First Reception Centers or at detention centers, as their transfer to the facilities takes place immediately after they are registered and their asylum application is submitted.

2. Despite the gap in the European financing, after the completion of the management period 2008-2013 of the European Refugee Fund and until the start of the new financing period by the new Asylum, Migration and Integration Fund, the Ministry of Labor, Social Security and Social Solidarity has taken the required steps to guarantee the smooth functioning of reception facilities for asylum seekers and unaccompanied minors through funding from national resources.

3. The places of reception facilities for unaccompanied minors amount to 402, which is the largest capacity ever achieved for this group of applicants. It should be also noted that these facilities meet the standards to cover the needs of unaccompanied minors on the basis of age and gender.

The Head of the Direction

(Signed)

VAGIA TSAKAIRA

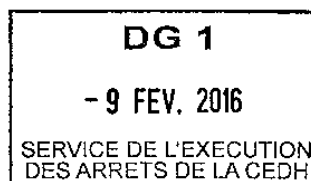
Internal distribution:

- Deputy Minister of Labour, Social Insurance and Social Solidarity, Mrs Th. Fotiou
- Office of the Secretary General of Welfare
- Office of the General Director of Welfare
- Directorate of Social perception and Solidarity (2)

Enforcement of the decision MSS v. Belgium and Greece (application no. 30696/09)

Date of the Ruling: Jan 21 2011- Remarks of Amnesty International

Document dated 27/11/2015 of Amnesty International (ref B1 718)



In relation to the above mentioned document of Amnesty International, and concerning issues that relate to the execution of the decision MSS v. Belgium and Greece (application no. 30696/09, decision of the European Court of Human Rights dated 21.1.2011) we inform you on the following<sup>1</sup>:

1. Reception capacity in relation to asylum seekers and vulnerable groups

Based on the most up to date data of the National Centre of Social Solidarity, which is the competent managing body for housing requests of by asylum seekers, the waiting list for the entry into a facility over the current period is reduced to zero for all categories of applicants (adults, families and unaccompanied minors). In particular, concerning unaccompanied minors, the average waiting time for satisfying a housing request and being referred to the facility is 2,03 days, while for the completion of the accommodation in the facility the time needed is approximately 7,68 days. It is noted that the above period of time is necessary for the completion of the necessary relevant procedural arrangements (adoption of a decision, carrying out of medical checkups, accompanying of the minor to the facility).

Therefore, asylum seekers as well as unaccompanied minors do not remain in the First Reception Centres and detention centres, as their transfer to the facilities takes place immediately after their registration and the submission of the asylum request.<sup>2</sup> The number of places of the reception facilities for unaccompanied minors amount to 402, which is the largest capacity ever achieved concerning this group.

Please find below a table with the capacity of reception facilities for asylum seekers and unaccompanied minors for the current period and per financing source.

	Implementing body	Target group	BEDS
Financing source : Public Investments Programme			
1	Non Profit civil partnership (NPCP) "Apostoli" (Athens)	Unaccompanied minors	20
2	Legal entity governed by private law "Hellenic Red Cross" (Agria Volou)	Unaccompanied minors	48
3	Charitable organisation – Society for the Care of Minors (Athens)	Unaccompanied minors	17
4	(NPCP) ARSIS – Association for the Social Support of Youth	Families of International	48

<sup>1</sup> On the basis of the (attached) document dated 9.12.2015 ref no D 23/55144/4018 of the Section of protection of Vulnerable Groups, Refugees- Asylum seekers, Directorate of Social Perception and Solidarity, Ministry of Labor, Social Insurance and Social Solidarity.

<sup>2</sup> The aforementioned categories of people may only be detained exceptionally, in accordance with the national legislation, see below.

	(Athens)	protection applicants	
5	(NPCP) ARSIS – Association for the Social Support of Youth (Makrinitsa Volou)	Unaccompanied minors	30
6	(NPCP) ARSIS – Association for the Social Support of Youth (Oraiokasto Thessaloniki)	Unaccompanied minors	30
7	(NPCP) ARSIS – Association for the Social Support of Youth (Alexandroupoli)	Unaccompanied minors (up to 14 years old)	22
8	(NPCP) ARSIS – Association for the Social Support of Youth (apartments in Athens, Volos, Thessaloniki)	International protection applicants	31
9	(NPCP) "Nostos" Organization for Social Integration	Families of International protection applicants	70
10	Non profit organization PRAKSIS (apartments in Athens, Thessaloniki, Lesvos)	International protection applicants	120
11	(NPCP) "Iliachtida" (apartments in Lesvos)	International protection applicants	10
12	Legal entity governed by private law "Hellenic Red Cross" (Lavrio Attica)	International protection applicants	286
13	Municipality of Thessaloniki	Families of asylum seekers	28
14	Non profit organization PRAKSIS ( THISSEIO)		24
15	Legal entity governed by private law. Youth and Lifelong Learning Foundation (Ageioi Anargyroi –Athens )	Single families of International protection applicants- Unaccompanied minors (female)	70
16	Legal entity governed by private law .Youth and Lifelong Learning Foundation (Anogeia Crete)	Unaccompanied minors	25
Financing source :European Economic Area			
17	(NPCP) "Nostos" Organization for Social Integration - (NPCP) "IASIS" (Moschato- Athens)	International protection seekers- Unaccompanied minors	102
18	Non profit organization PRAKSIS- Legal person	International protection seekers-	100

	governed by private law "Hellenic Red Cross" (Athens and Patra)	Unaccompanied minors	
19	Legal entity governed by private law "Doctors of the World" (Athens)	International protection applicants	70

It should be noted that the competent authorities, having predicted the forthcoming financing gap in the European funding, on the completion of the management period 2008- 2013 of the European Refugee Fund and until the start of the new financing period from the new Asylum, Migration and Integration Fund, have undertaken the appropriate actions to ensure the smooth functioning of the reception facilities for asylum seekers and unaccompanied minors, through national funding despite the extremely difficult economic situation of the country.

In relation to the living conditions, the services provided in the reception facilities include the entire range of the services needed for meeting the needs of the persons hosted. In addition to accommodation and meeting the living needs, the facilities provide counselling services, psycho-social assistance, and legal support, while most of the facilities offer Greek language courses. Furthermore, it is noted that, by the end of the year, the Minimum Standards for the Operation of the open reception facilities will have been issued, in the form of a Joint Ministerial Decision that will establish a single framework of rules and requirements aiming to provide for the effective functioning of the facilities and ensuring the services provided. It should be noted that while the recast Directive 2013/33/EU on reception conditions has not been transposed yet into national legislation, however its standards have been taken into consideration in the preparation of the Minimum Standards of the reception facilities.

Presidential Decree 220/2007 provides for **free healthcare services to be ensured** for all asylum seekers regardless of whether they are hosted in the reception facilities or not. The difficulties referred to in the letter by Amnesty International, which relate to the access to health care, attributed to the procedure of approval to be provided by the committees responsible for the provision of such services, relate to provisions of national legislation which apply also to all Greek citizens, without any discrimination.

Also, the difficulties eventually faced by the asylum seekers relating to their access to the labour market are mainly due to the economic crisis which the country experiences and to the absence of available employment opportunities. This situation is also reflected in the very high unemployment rate in Greece.

**Legislation provides also for the access to the public education system.** Moreover, all the facilities that host unaccompanied minors provide Greek language courses or supplementary teaching programmes in order to enable their integration to the educational system, while the provision of social services within the reception facilities ensure the enrolment of minors into the public educational system.

Finally, it should be noted that the country, in view of the unprecedented increase of arrivals of refugees and migrants after the spring of 2015, and after having identified the need for meeting the increased housing needs for the new arrivals and for people belonging to vulnerable groups (including unaccompanied minors) as well as for

those applying for international protection, proceeded immediately to the setting up of temporary host centres of total capacity of 720 places.

In parallel, as a requirement for the functioning of the system of urgent relocation, we have proceeded to the implementation of a plan for the establishment of 20.000 reception places in the form of provision of rented accommodation, hotel vouchers and host families, with the support of the UNHCR. These places will be available within the next weeks.

Moreover, our country is working in the direction of establishing 30.000 places, in addition to the above mentioned 20.000 places, in the immediate future.

## **II. Age determination of unaccompanied minors**

The identification of unaccompanied minors takes place in the context of procedures of First Reception services by appropriately qualified personnel of the First Reception Service or of the Hellenic Police authorities, as well as in the context of procedures for granting international protection by appropriately qualified personnel of the Asylum Service.

In the event of justified doubt as to the age of an applicant, an age assessment procedure takes place in the framework of the First Reception Service, in accordance with article 6 of ministerial decision 92490/2013.

A corresponding procedure is provided by article 11 of the presidential decree 113/2013 in the event of doubt concerning the age of an applicant during the procedure of granting international protection by the Asylum Service. A draft ministerial decision has already been elaborated that will be signed by the jointly responsible Ministries of Health and Interior and Administrative Reconstruction, which provides for the age assessment, establishing a procedure similar to the procedure applied in the context of the First Reception Service. Our intention is to extend such procedures in cases where the need for age assessment arises during the procedures before the Hellenic Police Authorities, so that we can have a unified legislative framework.

## **III. Detention**

In relation to the detention of asylum seekers, it should be noted that detention according to the applicable national legislation, may take place only on an exceptional basis under the conditions provided for in article 12 of the presidential decree 113/2013 (which is in the final stage of being revised and it is expected to be replaced by a new legislative text within the next weeks). On the basis of the above mentioned provisions of the presidential decree 113/2013, unaccompanied asylum seeking minors may be detained, only until their safe referral to the reception facilities<sup>3</sup> and only as a last resort.

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<sup>3</sup> As stated above waiting time for being placed in the reception facilities is almost nil; as a consequence, the above persons are detained only for a very short period of time.