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Communication from the government of Greece in the case of M.S.S. against Belgium and Greece (Application No. 30696/09) - additional information.

Information made available under Rule 8.2.a 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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Référence du point : 1144e réunion DH (juin 2012)

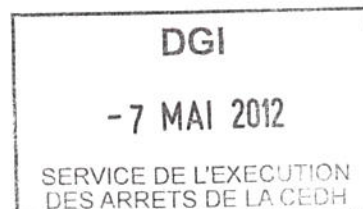
Communication du gouvernement de la Grèce dans l'affaire M.S.S. contre Belgique et Grèce (Requête n° 30696/09) - informations complémentaires (**anglais uniquement**).

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

* In the application of Article 21.b of the rules of procedure of the Committee of Ministers, it is understood that distribution of documents at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers (CM/Del/Dec(2001)772/1.4). / Dans le cadre de l'application de l'article 21.b du Règlement intérieur du Comité des Ministres, il est entendu que la distribution de documents à la demande d'un représentant se fait sous la seule responsabilité dudit représentant, sans préjuger de la position juridique ou politique du Comité des Ministres CM/Del/Dec(2001)772/1.4).



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Athens, 2 May 2012
Reg. Nr 57764/554819

Mrs Geneviève Mayer
Head of the Department for the
execution of judgements of the
European Court of Human Rights
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F-67075 Strasbourg Cedex

Application No: 30696/09

M.S.S v. Greece

Dear Madam,

With reference to the execution of the judgment of the Court on the above application I would like to inform you about the implementation of the measures contained in the action plan submitted by the Government. The state of play of the Action Plan is according to the competent authorities as follows:

- a) **As regards the reform of the asylum procedure and establishment of three new services.**

On 1st March 2012 took place the inauguration by the Greek Government of the three new asylum services mentioned in the Action Plan, which aspire to improve

refugee protection, that is the Asylum Service, the Initial Reception Service and the Appeals Authority.

The Asylum Service will afford protection to all those in need by deciding on the submitted cases of asylum seekers. Maria Stavropoulou, director of the Service, appealed to interested civil servants to join the Asylum Service and to international and European organizations and NGOs to support the relevant effort.

Panagiotis Nikas, director of the Initial Reception Service announced the construction of the first screening centres in Evros region, which are going to be managed in cooperation with The European Asylum Support Office (EASO) and FRONTEX. In these centres specialized personnel will register those arriving irregularly; If they submit an application for international protection their application will be examined in two weeks time while vulnerable persons will be located and treated accordingly; those who are not entitled to protection will be detained for return.

Lambrini Kolleta , director of the Appeals Authority underlined the importance of the Authority in the new asylum mechanism.

The inauguration was welcomed by the UN Refugee Agency, while the UNCR's Regional Representative for South Europe declared the UNCR's full support to the effort that aims at the improvement of the current asylum system.

In the period from November 2010 until now the following developments took place:

- The international protection recognition rate, which in previous years was approximately 1%, has reached in 2011 an average of 12,35%.
- A Country of Origin Information Database has been set up in cooperation with UNHCR. All asylum officers and the Appeal Committees have access to that Database.
- Training of all staff involved is carried out in cooperation with UNHCR.
- Interpretation is provided through interpreters from the pool of specialized NGOs. The Tele/Video Conference Interpretation System is being used.
- An information leaflet for asylum applicants in 14 languages has been produced, in cooperation with UNHCR.
- Information on the asylum procedure in Greek, English, French and Arabic is available at the Citizen's Protection Ministry website.
- Ten (10) Appeal Committees have been established. The initial five (5) Committees are comprised by a civil servant as President, a member appointed by UNHCR and a member appointed by the National Committee for Human Rights and are operational since February 18th, 2011.
- Three (3) Committees are deciding on the pending appeals which have been submitted before 22 November 2010. A number of 1.031 appellants had been invited for examination until September 16th, 2011.
 - Two (2) Committees are deciding on the pending appeals which have been submitted after 22 November 2010. A number of 757 appellants had been invited for examination until September 16th, 2011.

Additionally, five (5) more Appeal Committees were established during September 2011.

- The pending appeals have been cleared resulting in a decreased number of active cases (38.100) which is expected to decrease further.

b) As regards the establishment of centers for the reception, identification and screening of illegal immigrants.

- An Initial Reception Service, with civil personnel, has been established. The Director of the Service has been appointed. The process for the staffing of the Service is currently carried out by transfers of civil servants from other Ministries.
- The building to host the Service in Athens has been refurbished.
- The legislation regarding the organization and operation of the Service including its Internal Regulation and Service Flowchart, has been completed.
- The new Service has already taken up its tasks regarding the establishment of new first reception centres.
- The technical requirements for the First Reception Centres and for pre-return detention centres have been completed by a working group of the Ministry of Citizen Protection and the EASO Asylum Support Teams.

21/09/2011

c) Improvement of facilities in reception centers for asylum seekers and vulnerable groups-Improvement of the existing and establishment of new detention centers.

- An area of app. 20.000 sq. meters, neighboring the existing facility in Fylakio (Kyprinos, Evros), has been acquired. The site will be used for the construction of a reception/detention facility with capacity of 400 persons
- Legal procedures are under way for the establishment of a Multi-Purpose Centre in Evros where the local First Reception Service, Asylum Service, Frontex, Police Authorities and Border Guard shall be accommodated.
- A new detention facility with capacity for 87 persons is being constructed at Ferres (total budget of 2,5 million €, co-funded under the 2009-2010 External Border Fund (EBF) program).
 - Refurbishment and repairs (mainly in the plumbing and sewage system) have taken place in existing facilities in Evros (Fylakio D.C, Orestiada Border Police Station (B.P.S), Didimotiho B.P.S.). An additional amount of 844,538 € is available for further refurbishment and repairs in Fylakio and the B.P.S. of Soufli and Tychero. The procurement procedure is in its final phase and works are expected to start shortly. Construction works will be concluded within 4 months.
- Smaller amounts for construction works in Metaxades and N. Vyssa B.P.S. (64,000 €) and for Orestiada B.P.S. (70,000 €) have also been secured under the E.B.F. program.

- The contract for cleaning services has been extended to include daily cleaning of the wards and the latrines on a daily basis (since October 2011).
- At least one (1) ward is reserved for females and one (1) ward for unaccompanied minors in Fylakio D.C. Ferres B.P.S. is reserved for females. In Fylakio D.C where women are detained the presence of female police officers is secured in all shifts.
- Accommodation capacity for unaccompanied minors and asylum seekers is sustained and increased with co-funding by the ERF.
- Funding for the operation of 7 shelters and 14 autonomous apartments has been continued.
- The set up of 3 new shelters and 3 autonomous apartments is also funded (Total budget under the Emergency 2010 ERF program: 2,185,985 €, Beneficiaries: 615).
- Asylum seekers have benefited from rent subsidy over a period of 4 months (Total budget under the Emergency 2010 ERF program: 568,000 €)
- Standard Operating Procedures are developed for shelters accommodating asylum seekers and unaccompanied minors, in cooperation with UNHCR.
- Support was provided to service providers to introduce set standards and regularly monitor reception conditions (Budget under the Emergency 2010 ERF program: 204,985 €).

d) As regards the provision of services

- Medical and psychological support services are being offered by the Health District and the Greek Centre for Disease Control and Prevention (under the supervision of the Ministry of Health) and with co-funding from the European Refugee Fund (ERF). Currently, four (4) doctors, six (6) nurses, one (1) psychologist, two (2) social workers, five (5) interpreters, one (1) administrator and two (2) drivers are deployed in Evros D.C. and B.P.C.
- During August and September 2011, the provision of medical and psychosocial support was covered by the organisation Doctors without Borders, under a memorandum of understanding which the organization has signed with the Ministry of Health and the Ministry of Citizen's Protection. The same organization has been covering the provision of non food items (eg. more than 10,000 sleeping bags and 14,000 hygiene kits have been distributed).
- Legal aid to asylum applicants is provided by the Greek Council of Refugees' Teams in Evros region (Action co-funded by E.R.F. 2010).
- The set up of a referrals/coordination unit in the National Center for Social Solidarity (supervised by the Ministry of Health) is being implemented and financed under the State budget.
- Medical and psychosocial services have been provided by deployed medical units (NGOs and KEELPNO) to vulnerable populations (mainly asylum seekers).

- More than 15,000 beneficiaries have been recorded in Athens, Thessaloniki, Northern Aegean, Patra and Igoumenitsa, until June 2011 (Co-funded under the Emergency 2010 ERF).
- Vulnerable groups (families with young children, persons with disabilities, patients with chronic conditions, elderly) are detained for the shortest period possible only until their registration is completed. To avoid overcrowding aliens from countries where their return is unlikely are in priority released.
- A new policy aiming to accelerate the process of minors' identification at arrival and to ensure that they are efficiently cared, has been introduced in Fylakio D.C, since the summer of 2011, by the NGO Arsis.
- The Memorandum of Cooperation between the European Economic Area (E.O.A) and Greece is planned to be signed.
- The funding (20.873.417 euro) will be used, especially, for the coverage of immediate needs of vulnerable groups and unaccompanied minors, accommodation, voluntary returns.
- Juvenile immigrants are beneficiaries of a Legal Aid Program implemented by the General Secretariat for Youth in cooperation with the Bar Association of Athens.

e) As regards the improvement of forced/voluntary return policies.

- The Voluntary Returns Program has been managed by the Greek Police in cooperation with I.O.M.

- Voluntary Returns (including reintegration measures): Annual Program 2009, total budget 1.750.000 €, Returned citizens: 1.100 persons (200 persons above expectations). Annual Program 2010, total budget 5.000.000 €, estimated number 2.200 persons to be returned until June 2012
- An Agency was established for the Management of European and Development Programs (EBF and Return Fund).

On 8 March 2012 the Justice and Home Affairs Council of the European Union held a meeting in which was discussed the state of play of the Action Plan on the asylum and migration submitted by the Greek Government on 15 September 2010, which is almost identical to the Action Plan submitted to the Committee of Ministers.

In the press release of 8 March 2012 is stated:

“The Council discussed the implementation of Greece's national action plan on asylum reform and migration management on the basis of a state of play presented by the Greek minister, the Commission, the European asylum support office (EASO) and the European border management agency (Frontex).

The Council noted that progress had been made in a number of areas including the return of illegally staying third country nationals, an increase in the number of examined asylum cases and a decrease of the backlog of pending cases as well as structural reforms as regards the creation of a National Coordination Centre and staffing for the Hellenic Coast Guard. Ministers noted, however, that further progress needs to be made in all areas covered by the action plan.

Member states underlined their readiness to continue to support Greece in implementing the action plan and highlighted that cooperation with third countries of origin and transit, particularly in the area of return policy, must be improved. One of the key countries is Turkey.

Ministers asked the Council preparatory bodies to follow-up on the discussion and to continue monitoring the situation as it evolves.

This was the sixth time that the implementation of the Greek Action plan to reform the national asylum and immigration system was on the Council's agenda, most recently in October 2011.

The key components of the Action Plan comprise:

- Reform of asylum procedures and creation of a new asylum service;*
- Establishment of screening centres (KEI IY) for the reception, identification and screening of third country nationals upon illegal entry or upon detection in Greece;*
- Improvement of facilities in reception centres for asylum applicants/vulnerable groups and minors;*
- Provision of services such as funding of legal aid and the provision of psychological and social services;*

■ Improvement of available and creation of new detention centres

Greece has experienced difficulties respecting the European minimum standards for receiving asylum applicants and examining their applications. This is linked to particular migratory pressure, particularly coming from Turkey. In 2011, over 61,000 illegal migrants have been detected on the Greek-Turkish border.

With a view to supporting the reform of the Greek asylum system, the Commission is providing financial support and coordinates contributions from member states. Practical assistance is also provided by EASO, in particular through the deployment in Greece of asylum support teams. Frontex activities in Greece directed to combating illegal immigration include Joint Operation Poseidon Land which replaced the earlier RABIT operation in March 2011 and in which virtually all member states participate”.

On 19 April 2012 Greece and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) signed a Memorandum of Cooperation aimed at better confronting cross-border crime and more efficient surveillance of the EU's external borders.

It is self-evident that Greece faces a disproportionate pressure in its national asylum system. Improvements can only be achieved through the adoption of concrete measures of genuine and effective solidarity and fair burden-sharing between EU Member States.

The abovementioned implementation measures indicate a constant improvement of asylum and migration management in Greece. However the continuing influx of immigrants at a rate of three hundred per day add a significant burden on management for the Greek administration.

Yours faithfully,

The Agent of the Hellenic Republic



FOKION P. GEORGAKOPOULOS