

(English version)

**Priority question for written answer P-001468/24
to the Commission
Erik Marquardt (Verts/ALE)
(1 August 2024)**

Subject: Serious human rights violations in Greek detention centres and general impunity for violations at the EU's external borders

Amnesty International has reported ⁽¹⁾ serious rights violations at the EU-funded Samos reception centre, while the European Union Agency for Fundamental Rights (FRA) alleges ⁽²⁾ a general lack of consequences from documented rights violations around the EU's external borders. This paints a picture of discrimination and lawlessness rather than the promised dignity and security. Under the recently adopted Pact on Migration and Asylum ⁽³⁾, Member States are required to adapt to the new systems in place while the Commission is supposed to assist and monitor them.

1. Do the prevailing conditions, such as detention or deprivation of liberty of both asylum seekers and returnees, comply with new standards set by the pact or are changes in legislation and practice required to implement the rules and if so, what specifically needs to be done by Greece?
2. Do the systems in place in Greek reception centres on the Aegean islands apply vulnerability checks and age-assessment procedures as envisaged under the new pact and if not, what steps are missing from the system?
3. Are Member States' fundamental rights monitoring mechanisms in line with the expectations of the pact and, if so, in which specific Member States are the mechanisms sufficient?

Submitted: 1.8.2024

**Answer given by Ms Johansson on behalf of the European Commission
(13 November 2024)**

Following the adoption by the European Parliament and Council, the Pact on Migration and Asylum ⁽¹⁾ entered into force on 11 June 2024 and will enter into application after two years.

Under the Pact, Member States, including Greece, will have to ensure that the detention of applicants for international protection and of third-country nationals or stateless persons who do not have the right to remain, is only used for the reasons provided in the applicable provisions, where it is necessary, on the basis of an individual assessment, and where less coercive measures are not possible. Detention must be subject to judicial scrutiny ⁽²⁾.

Member States, including Greece, will need to review and adapt existing practices and standard operating procedures to ensure early identification and follow-up of applicants with special reception needs in line with Directive (EU) 2024/1346 ⁽³⁾. They will also have to review and adjust their legal framework and standard operating procedures for age assessment ⁽⁴⁾.

The European Union Agency for Asylum guidance on age assessment of 2018 ⁽⁵⁾ can provide useful elements to develop such procedures.

The Pact also requires Member States to establish independent mechanisms to monitor compliance with fundamental rights for the screening and border procedures.

While there are existing national practices, the regulations ⁽⁶⁾ provide for upgraded, uniform rules for all Member States. Existing monitoring mechanisms may need to be amended accordingly.

The Commission is committed to monitoring this implementation phase and assisting the Member States as necessary.

¹ <https://www.amnesty.org/en/latest/news/2024/07/greece-unlawful-detention-on-samos-must-not-become-the-blueprint-for-the-eu-migration-pact/>.

² <https://fra.europa.eu/en/publication/2024/guidance-investigating-alleged-ill-treatment-borders>.

³ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.

⁽¹⁾ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en

⁽²⁾ Article 10, Directive 2024/1346 of the European Parliament and of The Council of 14 May 2024 laying down standards for the reception of applicants for international protection (recast).

⁽³⁾ OJ L, 2024/1346, 22.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1346/oj>

⁽⁴⁾ An obligation for a multidisciplinary approach to age assessment is introduced to minimise the use of intrusive medical examinations which are only to be used if the first multidisciplinary assessment is inconclusive, Article 25, Asylum Procedure Regulation.

⁽⁵⁾ <https://euaa.europa.eu/sites/default/files/easo-practical-guide-on-age-assessment-v3-2018.pdf>

⁽⁶⁾ In particular the Screening Regulation (Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817) and the Asylum Procedures Regulation (REGULATION (EU) 2024/1348 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU).