



ASSEDEL

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Policy Paper

Greece's Non-Compliance with International Refugee Law: Systematic Pushbacks and Legal Violations

Introduction

Greece's response to migration and asylum has raised serious concerns within the European human rights framework. Despite its legal obligations under the **1951 Refugee Convention**, the **European Convention on Human Rights (ECHR)**, and **EU asylum regulations**, Greece continues to engage in **systematic pushbacks** of asylum seekers. These actions violate the principle of **non-refoulement**, which prohibits returning individuals to countries where they may face persecution or inhumane treatment.

Over the past decade, Greece has become one of the primary entry points for refugees and migrants attempting to reach Europe. The country has faced significant pressure due to the **influx of asylum seekers from conflict zones such as Syria, Afghanistan, Iraq, and Somalia**. While managing migration is a complex challenge, the Greek government's response has increasingly relied on **deterrence rather than legal compliance**, raising significant **human rights and legal concerns**. Reports from **UNHCR, Amnesty International, and the Council of Europe Commissioner for Human Rights** have documented a systematic pattern of **illegal expulsions, excessive use of force, and failure to provide due asylum processes**.

The **2024 report by the Council of Europe Commissioner for Human Rights** highlights the **systematic and widespread** nature of pushbacks by Greek authorities,¹ calling for urgent reforms to ensure compliance with human rights law. It criticizes the Greek government for failing to stop illegal expulsions, investigate allegations of border violence against asylum seekers, and hold those responsible accountable. However, while the report brings attention to serious concerns, it lacks sufficient justification in key areas. Much of its evidence comes from

¹ <https://www.coe.int/en/web/commissioner/-/greece-the-commissioner-calls-for-accountability-for-human-rights-violations-committed-at-the-borders-and-intensified-efforts-to-honour-the-human-rights-of-roma>

testimonies and NGO reports, without enough independent verification or official documentation to prove that pushbacks are a **deliberate state policy** rather than isolated incidents.

This report also examines the **legal framework governing refugee returns**, analyzes Greece's current border practices based on recent data, and evaluates why pushbacks persist despite repeated international condemnation. However, it does not fully consider **Greece's complex role as an EU frontline state**, nor does it provide a thorough assessment of the **involvement of Frontex** and the **EU's failure to enforce its own asylum policies**. By focusing primarily on Greek authorities, the report **misses the broader structural factors driving these practices**, including the lack of a unified European response to migration challenges. Additionally, while it criticizes the **absence of accountability**, it fails to propose concrete, enforceable solutions that balance border security with human rights obligations.

Ultimately, while the report is important in drawing attention to pushback practices, it would be more effective with **stronger empirical evidence, a more nuanced understanding of EU migration dynamics, and practical policy recommendations** that address the root causes rather than just the symptoms of the problem.

Legal Framework: When Can a Country Return Refugees?

International refugee law provides clear limitations on when and how a country can return or deport asylum seekers. These conditions ensure that states uphold fundamental human rights and protect refugees from persecution.

A country may deport an asylum seeker only if their application has been individually reviewed and rejected following a fair legal process. The asylum seeker must be given a full and fair hearing, have access to legal representation, and be granted the right to appeal the decision. The return must not violate the non-refoulement principle, meaning the asylum seeker cannot be sent to a country where they face risk of torture or ill treatment. The principle of evaluating each asylum case individually is a key requirement in the asylum process. It ensures that every claim is assessed based on its own facts, rather than applying broad policies that lead to collective expulsions. Every asylum seeker has the right to a fair and thorough review of their situation, where their personal circumstances are carefully considered before a decision is made. This process is crucial for protecting due process rights and meeting international legal obligations under Article 3 of the ECHR and Article 33 of the Refugee Convention.

At the same time, international refugee law does allow for the expulsion of certain individuals under specific circumstances. According to Articles 32 and 33(2) of the Refugee Convention, a state may deport a refugee if they pose a serious threat to national security or have committed a serious crime. Even in such cases, the individual **cannot** be returned to a country where they would face persecution, torture, or inhumane treatment. Any decision to expel a refugee must be based on clear legal evidence and must go through proper judicial oversight.

In some instances, if a refugee's home country has undergone significant political or security improvements, their need for protection may no longer be necessary. However, repatriation must always be **voluntary** or **supervised by international organizations** to ensure safety. The conditions in the country of origin must be carefully assessed to confirm stability before any return takes place.

Under the Safe Third Country Principle, an asylum seeker may be transferred to another country where they could have applied for protection, provided the country has a functioning asylum system, the individual's rights will be protected, and they will not be subjected to degrading treatment. Greece has attempted to justify returning migrants to Türkiye under the EU-Turkey Agreement (2016), though this approach remains legally disputed.

A state may deny protection to an asylum seeker if they deliberately obstruct the legal process, such as by providing false information, destroying identification documents, or refusing to cooperate with asylum authorities. However, the burden of proof lies with the state, and failure to cooperate does not justify illegal deportations or collective expulsions.

Considering those legal requirements, Greece has been accused of violating asylum protections through the systematic use of pushbacks, collective expulsions, and inhumane treatment of migrants at its borders.

Findings from UNHCR on Greece's Pushbacks (2023-2024)

Recent reports from the United Nations Refugee Agency (UNHCR) provide evidence of ongoing violations. As of early 2024, Greece hosts approximately 161,419 refugees and asylum seekers, with the majority coming from Afghanistan, Syria, Pakistan, and Iraq. In 2023, over 17,000 asylum seekers were forcibly expelled from Greece in documented pushback incidents.²

The Evros region and Aegean Sea remain hotspots for pushbacks, where migrants are intercepted and returned to Turkey without a chance to claim asylum. Eyewitness accounts describe violent treatment by Greek border forces, including beatings, destruction of belongings, and forced expulsion. Many asylum seekers were abandoned at sea in overcrowded boats, increasing risks of death. The European Court of Human Rights (ECtHR) has issued multiple rulings against Greece, yet the government has failed to comply with its obligations. Vulnerable individuals, including children and victims of trafficking, have been expelled without due process.

Greece has denied allegations of illegal pushbacks, arguing that border security measures are necessary to prevent irregular migration. The government maintains that some asylum seekers do not meet the criteria for protection and that pushback claims are exaggerated, suggesting that many migrants may have never entered Greek territory. However, these justifications are inconsistent with international human rights obligations, which require Greece to process all asylum claims fairly, regardless of how individuals arrive at its borders. ***One clear example of Greece's failure to uphold international law is the case of T.E. and Others v. Greece (Application No. 25010/23 by ASSEDEL)***, involving **52 asylum seekers** who fled persecution and sought refuge in Greece. The **European Court of Human Rights (ECHR)** intervened by issuing an interim measure under **Rule 39**, ordering Greek authorities **not to deport them and to provide basic humanitarian aid, including food, water, and medical care.**

Despite this legally binding ruling, reports suggest that Greek authorities failed to fully comply, leaving the asylum seekers in harsh and uncertain conditions. This case is not an isolated incident but rather part of a broader pattern of **Greece ignoring its legal obligations**, particularly those outlined in **Article 3 of the ECHR, which prohibits inhumane treatment**,

² <https://www.unhcr.org/europe/sites/europe/files/2024-10/bi-annual-fact-sheet-2024-09-greece.pdf>

and Article 33 of the 1951 Refugee Convention, which bans the forced return of individuals to dangerous conditions.

Greece's refusal to implement these rulings raises serious concerns about **the lack of accountability in its asylum and border policies**. While the European Court continues to issue decisions against Greece for similar violations, **the absence of strong enforcement mechanisms within the EU leaves asylum seekers vulnerable**. Without immediate action, cases like **T.E. and Others v. Greece** will only further expose the widening gap between international legal commitments and the reality on the ground.

The Role of Frontex: Complicity in Greece's Pushbacks

Frontex, the European Border and Coast Guard Agency, was created to support EU member states in securing their external borders while ensuring compliance with fundamental rights. However, mounting evidence suggests that the agency has strayed far from this mission. Investigations by the EU's Anti-Fraud Office (OLAF) and independent watchdogs have exposed Frontex's direct involvement in illegal border practices, including facilitating and covering up pushbacks carried out by Greek authorities.

Despite multiple rulings by the European Court of Human Rights (ECHR) condemning Greece's border policies, Frontex has continued to operate in the country, effectively endorsing and enabling these unlawful practices. Reports from investigative journalists and whistleblowers reveal an agency that has not only failed to prevent rights violations but has also played an active role in their execution.

Lack of Oversight and Transparency

Frontex has been accused of turning a blind eye to illegal expulsions, providing logistical support to Greek authorities conducting pushbacks, and suppressing internal reports that document human rights abuses. Instead of upholding the EU's legal and humanitarian commitments, the agency has become a key player in the systematic mistreatment of migrants at Europe's borders. The Council of Europe Commissioner for Human Rights has urged EU institutions to conduct independent investigations into Frontex's activities in Greece and to reevaluate its role in border enforcement.

Legal and Political Implications

The complicity of Frontex raises serious legal and ethical questions for the European Union. If its own border agency is allowed to act with impunity, the EU's credibility in defending fundamental rights is at risk. Allowing Frontex to continue unchecked sets a dangerous precedent, potentially normalizing violent and unlawful border enforcement across Europe.

Despite mounting allegations, Frontex remains operational due to strong political backing from EU leaders, who prioritize border control over human rights. This raises an important question: If Frontex acts outside the law, who is responsible for holding it accountable? *ASSEDEL's report*³ ***calls for a temporary suspension of Frontex's operations in Greece until compliance with international law is ensured***. If Frontex is not held accountable and meaningful reforms do not take place, the EU's commitment to human rights

³ <https://assedel.org/greeces-systematic-pushbacks-and-human-rights-violations-at-the-borders/>

will be hard to trust. Instead of adhering to legal and humanitarian principles, Europe's approach to migration risks shifting toward deterrence through systemic abuse.

Humanitarian crisis worsening in camps -Migrants are trapped in inhumane conditions

The situation in Greek refugee camps has reached a **critical** point, highlighting an escalating **humanitarian crisis**. Thousands of migrants and asylum seekers endure **severe living conditions** that threaten their safety and well-being. Many are confined to **overcrowded facilities**, far exceeding their intended capacity, forcing families into makeshift shelters **ill-equipped to withstand extreme weather conditions**. Despite Greece's **legal obligations** to provide humane treatment to those seeking refuge, the **reality on the ground paints a starkly different picture**.

A **notorious example** is the **Moria camp on Lesbos**, which, before burning down in 2020, housed **over 20,000 people** in a facility originally built for **3,000**, leading to **dire sanitation, food shortages, and insufficient medical care**⁴. Even after its closure, its replacement, **Kara Tepe**, continues to struggle with **similar overcrowding and lack of resources**. On **Samos island**, conditions remain equally deplorable⁵, with reports from **Doctors Without Borders (MSF)** and **Amnesty International** documenting **contaminated drinking water, inadequate medical assistance, and insufficient food supplies**.

Beyond the islands, refugee **camps along the Evros region** face additional challenges, with reports of asylum seekers **being detained in makeshift holding areas** near the Turkish border, often **denied access to legal aid and facing violent pushbacks**. Access to **basic healthcare remains dangerously limited**, leaving many refugees without treatment for **chronic illnesses or injuries sustained during their treacherous journeys**.

Despite international condemnation and Greece's obligations under **EU and international law**, these inhumane conditions persist, raising **serious concerns about systemic neglect and violations of fundamental rights**.

Unsanitary conditions further exacerbate the plight of residents. The lack of clean water and proper sanitation creates unhealthy living environments, increasing the risk of disease outbreaks among populations already enduring considerable hardships. Moreover, asylum seekers often find themselves caught in prolonged periods of waiting for decisions regarding their status, leading to bureaucratic limbo that can trigger serious mental health issues such as trauma and despair.

Although Greece has received substantial EU funding to improve refugee accommodations, mismanagement and a lack of political will have only made conditions worse instead of better. Human rights groups continue to call on Greek authorities to take meaningful action, but so far, the response has been inadequate. This crisis is urgent for several reasons. First, it's a clear violation of international human rights laws—Greece has a legal obligation to provide humane

⁴ https://www.theguardian.com/world/2024/dec/23/greece-refugee-children-emergency-arrivals-2024-protection?utm_source=chatgpt.com

⁵ <https://apnews.com/article/greece-turkey-migrants-smugglers-2446de761710fd5e6eb580276137085d>

⁶ <https://www.amnesty.org/en/latest/campaigns/2024/07/people-seeking-asylum-detained-in-samos-camp-in-greece/>

conditions for asylum seekers, yet the reality on the ground contradicts both the Geneva Convention and EU asylum regulations. On top of that, refugee camps that were meant to be temporary shelters have effectively become long-term detention centers, stripping people of not just comfort, but dignity. Instead of finding safety and stability, they are trapped in a daily fight for basic survival.

The conditions in Greece's migrant camps have reached a critical level, revealing a humanitarian crisis that goes against the core principles of the European Union. Despite receiving financial support and making commitments to improve the situation, authorities have not provided even the most basic necessities for asylum seekers. Thousands of people remain stuck in overcrowded, unsanitary, and unsafe facilities, struggling to meet their daily needs. One of the most severe challenges is the lack of space, with people forced to live in confined areas without privacy, making everyday life extremely difficult. Access to essentials such as clean water, proper sanitation, and waste disposal is severely limited or nonexistent, leading to health risks and worsening conditions.

Beyond the physical hardships, the psychological impact on asylum seekers is equally concerning. Prolonged stays in these poor conditions make it harder for individuals to rebuild their lives and integrate into society, even after receiving official permission to remain. Many have already suffered trauma before reaching Greece, and the lack of adequate support only deepens their distress. If Greece continues to neglect its responsibility toward refugees, other European countries may adopt similar approaches, reducing protection for asylum seekers across the region. Authorities must take immediate steps to address the crisis, with stronger oversight and support from the European Commission. Without swift action, these camps will stand as a symbol of Europe's failure to protect basic human rights and dignity.

Healthcare is another critical failure. Many migrants, including children and the elderly, are left to suffer from untreated illnesses and injuries because medical care is either delayed or completely unavailable. On top of that, extreme weather makes the lives of the refugees even more challenging—freezing winters and scorching summers become unbearable when there's no proper shelter to protect them. But beyond the physical hardships, the biggest source of suffering is the uncertainty. With asylum applications stuck in endless bureaucratic delays, people are left in limbo, waiting months or even years without knowing what their future holds. Instead of offering protection, the system traps them in a cycle of despair. Greek authorities, under the justification of border control and security, continue to neglect their responsibility, despite clear rulings from the European Court of Human Rights demanding change.

Without immediate reforms, this crisis will only get worse. Right now, the EU's promises of humanitarian aid and legal protection feel empty, as thousands remain stuck in conditions that rob them not just of their rights, but of their hope. This is not just a failure of policy—it is a failure of humanity, and it cannot be ignored any longer.

Lack of political will to stop violations -The EU refuses to take decisive action

Clear evidence of human rights violations exists, yet the EU's reluctance to take decisive action remains a major obstacle to change. Instead of holding member states accountable, EU institutions have repeatedly prioritized political convenience, choosing strict border control over the protection of fundamental rights. This approach has allowed abuses to remain unchecked, as leaders focus on short-term security measures rather than addressing the deeper

humanitarian crisis. By failing to enforce existing legal protections, the EU is not only leaving migrants vulnerable to further harm but also weakening its own credibility. Turning a blind eye to violations sets a dangerous precedent, normalizing impunity and eroding the very legal and ethical foundations the Union was built on. When political expediency outweighs justice, the principles of human dignity and rights become casualties of inaction.

Conclusion

The ongoing pushbacks, Frontex's complicity, the worsening conditions in refugee camps, and the EU's failure to act all point to a systemic collapse in the protection of migrants' rights. Greece continues to violate international law with impunity, ignoring binding obligations under the European Convention on Human Rights and multiple rulings from the European Court of Human Rights. Forced expulsions, inhumane detention conditions, and reports of physical abuse against asylum seekers expose a deliberate disregard for the principles of asylum and non-refoulement.

Frontex's role in these violations raises serious concerns about the integrity of EU border enforcement. As an agency responsible for securing borders while upholding fundamental rights, its continued operations in Greece—despite direct involvement in pushbacks—highlight a troubling failure of accountability. Without urgent reform, Frontex may become a vehicle for endorsing unlawful border practices across Europe, setting a precedent that undermines the EU's human rights commitments. The dire conditions in refugee camps further expose the failure of both Greek authorities and the EU to provide safe and dignified shelter for asylum seekers. Overcrowding, poor sanitation, lack of medical care, and prolonged legal limbo not only violate international standards but also cause lasting physical and psychological harm. The EU's reluctance to address these conditions weakens its credibility as a defender of justice and human rights. This crisis reflects a broader failure within the EU, where political priorities have shifted toward border security at the expense of human dignity. By allowing these violations to go unpunished, the EU fosters a culture of impunity that threatens the future of asylum policies across Europe. If Greece's defiance of ECHR rulings and the normalization of pushbacks continue unchecked, the very foundations of Europe's human rights framework will be at risk.

Addressing these violations requires more than statements of concern—it demands concrete action. Independent investigations, the suspension of Frontex operations in Greece, enforcement of ECHR rulings, and immediate improvements in asylum conditions must be prioritized. If the EU is to uphold its role as a champion of human rights, it must move beyond passive condemnation and take real steps toward accountability, reform, and justice.