

Joint Submission of the International Commission of Jurists (ICJ) and of the Greek Council for Refugees (GCR) to the United Nations Special Rapporteur on the human rights of migrants report on ending immigration detention of children and seeking adequate reception and care for them

15 May 2020

The International Commission of Jurists (ICJ) and the Greek Council for Refugees (GCR) welcome the opportunity to present this submission to the United Nations Special Rapporteur on the human rights of migrants, Felipe Gonzales Morales, pursuant to his call for inputs on his next thematic report. The organizations hope that this contribution will be helpful to the Special Rapporteur in preparation of his forthcoming report on ending immigration detention of children and seeking adequate reception and care for them, which is expected to be submitted to the 75th session of the General Assembly.

The submission will mainly respond to Question 4 raised in the call for submissions: Challenges and/or obstacles in the development and/or implementation of non-custodial alternatives to immigration detention of children and their families, and it will in particular be focusing on the situation in Greece. For more details of the submission please check [here](#).

The ICJ and European Council for Refugees and Exiles (ECRE), supported by GCR, have submitted a collective complaint to the European Committee on Social Rights in 2018, [ICJ and ECRE v Greece \(173/2018\)](#), concerning the situation of migrant children in Greece, which covers, among other issues, the detention of migrant children. The Committee has since [ruled on immediate measures](#) against Greece in May 2019, to protect the rights of migrant children given the serious concerns about the gravity and urgency of their situation. The Committee's decision required the government to immediately provide migrant children with appropriate shelter, food, water, education and medical care; to remove unaccompanied migrant children from detention and from Reception and Identification Centers (RICs) at the borders, place them in suitable accommodation for their age and appoint effective guardians.¹ Greece has failed to implement the decision of the Committee and migrant children remain in detention in Greece. The Committee's prescription regarding provision of food, water, education, appropriate shelter and health care have neither been fully implemented. Additional challenges now arise from the Covid-19 crisis.

This joint submission focuses mainly on the challenges in the development and implementation of non-custodial alternatives to immigration detention of children and their families in Greece as well as the current Covid-19 pandemic and measures taken in that context by Greece that impact detention of migrant children.

1. Obstacles and challenges to the development and implementation of non-custodial alternatives to immigration detention of children and their families in Greece

Greek law does not prohibit the detention of migrant children.² That is contrary to the Convention on the Rights of the Child as Greece has an obligation, particularly under the CRC, generally to desist from the immigration detention of children.³ Despite this general prohibition, migrant children are routinely and increasingly being detained in Greece.⁴ The resort to detention of migrant children has been a consistent practice in Greece for many years and stems, in significant part, from the severe shortcomings in the child protection system in Greece and from the severe accommodation shortage across the country.⁵ The detention of unaccompanied migrant children may be prolonged for periods exceeding several weeks or even months, pending their transfer to accommodation.⁶

As repeatedly found by national and international monitoring bodies, detention of unaccompanied migrant children takes place in inadequate conditions in Greece, in police stations, which by their nature are not suitable for detention exceeding 24 hours,⁷ and in pre-removal detention facilities.⁸ According to the official statistics issued by the National Center for Social Solidarity, under the supervision of the Greek Ministry of Labour and Social Affairs, as of 30 April 2020, 276 unaccompanied children remained in detention.⁹

1.1 “Protective custody”

The aforementioned law PD 141/1991¹⁰ (Article 118), refers to the possibility for an unaccompanied child to be placed under protective custody.¹¹ Detention on the ground of ‘protective custody’ is not subject to a maximum time limit,¹² which as noted by the European Court of Human Rights (ECtHR) in *H.A. and others v. Greece*, “can lead to arbitrary situations of prolonged child detention in violation of domestic law and, in particular, of Article 5 ECHR and Article 3 of the Convention on the Rights of the Child.”¹³

Article 3 of the Convention provides that in all actions concerning by public authorities, the “best interests of the child shall be a primary consideration.” Despite the fact that detention, according to national legislation,¹⁴ should be imposed on the basis of an individual assessment and as a measure of last resort, particularly in the case of children, no “best interests” determination procedure is provided by Greek law and thus no assessment of the best interests of the child takes place before or during detention, in contravention of national legislation and international law, including the Convention on the Rights of the Child.¹⁵ Furthermore, as there is no legislation prescribing a procedure for assessing migrant children’s ages in detention, detained unaccompanied migrant children are in practice deprived of any age assessment guarantees.¹⁶ These shortcomings with regard to the age assessment procedure result in a number of children being wrongfully identified and registered as adults, and placed in detention together with adults.¹⁷

Whilst in protective custody, unaccompanied migrant children are typically held with unrelated adults,¹⁸ including of the opposite sex,¹⁹ deprived of access to outdoor facilities, recreational or educational activities, interpreters, legal assistance or child-friendly information.²⁰ These conditions are contrary to international standards²¹ and in direct violation of domestic legislation,²² which provides that unaccompanied migrant children should not be detained with adult detainees, should have access to recreational activities and be appointed a legal representative as a matter of priority.²³ In police stations and pre-removal centres, unaccompanied migrant children have been found to be held in overcrowded cells.²⁴

1.2 Detention upon arrival, pending transfer and pending removal

Children are also regularly detained upon arrival,²⁵ pending transfer²⁶ and pending removal.²⁷ In October 2018, the average period of detention of unaccompanied migrant children in Northern Greece was reported to be between 30 days and three months.²⁸ Throughout 2019, average periods of detention of unaccompanied migrant children in the Pre-Removal Detention Center of Orestiada, in Northern Greece, pending their placement in a shelter, was 6 months.²⁹ In April 2020, about 85 unaccompanied children were held in detention (“protective custody”) in the pre-removal centre of Amygdaleza, among them a 14-year-old unaccompanied girl from Syria, for an average period of about three months.³⁰

Such detention of children is in violation of international law. Under both EU law and international law,³¹ even for adult detainees, administrative detention is, with few exceptions, generally prohibited.³² To detain them further while their claims are being resolved would be arbitrary in the absence of particular reasons specific to the individual, such as an individualized likelihood of absconding, a danger of crimes against others or a risk of acts against national security.³³ The decision must consider relevant factors case by case and not be based on a mandatory rule for a broad category; must take into account less invasive means of achieving the same ends, such as reporting obligations, sureties or other conditions to prevent absconding; and must be subject to periodic re-evaluation and judicial review.³⁴

Under both EU and international law, pre-removal detention is only justified where there is a realistic prospect of removal within a reasonable time.³⁵ When there are no such realistic prospects, including due to border closures or travel restrictions imposed in response to COVID-19, there is no legal basis for detention.

The ICJ and GCR request the UN Special Rapporteur on the rights of migrants to take account of these serious and systematic shortcomings of the Greek system that lead to children being deprived of their liberty and hinder effective development and implementation of non-custodial measures as alternatives to immigration detention of children.

2. Specific obstacles and challenges raised within the Covid-19 pandemic and measures taken: Restrictions on freedom of movement and deprivation of liberty

In the week of 1 April, the Ritsona camp was sealed off after 20 persons from the camp tested positive for the Covid-19 virus.³⁶ On 5 April, the Malakasa camp was put on lockdown after a man tested Covid-19 positive in the camp.³⁷ On 11 April, the Koutsochero camp was similarly sealed off, after it arose that a member of the local Roma community, who had been found Covid-19 positive, had “come to contact” with the camp’s population.³⁸ Lastly, on 16 April, the Kranidi accommodation site (Galaxias hotel) was preventively sealed off, reportedly after an employee of the local hospital was tested positive to Covid. Following the random identification of a Covid-positive pregnant asylum seeker a few days later, and the subsequent testing of the hotel’s 471 hosted population, an additional 149 asylum seekers tested positive to Covid-19.³⁹ There are also a number of children with their families and unaccompanied minors in the camps that have been put on lockdown.⁴⁰ Preventive measures included effective lockdowns of the island camps and in Moria, only 100 people per hour are permitted to leave.⁴¹

Forced lockdowns of whole reception centers effectively turn open reception centres into closed centers, depriving asylum seekers of their liberty. Under the ECHR, a deprivation of liberty must be: justified for a specific purpose defined in Article 5.1, be ordered in accordance with a procedure prescribed by law, and not be arbitrary. Under both EU and international law, deprivation of liberty or restriction on freedom of movement must comply with other human rights guarantees, such as: the conditions of detention respecting human dignity or never putting the health of individuals at risk. Under article 9 of the ICCPR, as well as in international refugee law in regards to asylum seekers, the State must show that the detention was reasonable, necessary and proportionate in the circumstances of the individual case, in order to establish that detention is not arbitrary.

As specified by the Human Rights Committee,⁴² detention in the course of proceedings for the control of

immigration in order not to be arbitrary must be justified as reasonable, necessary and proportionate in the light of the circumstances and reassessed as it extends in time.⁴³ Children should not be detained for immigration purposes at all under international law.⁴⁴

Furthermore, the severely overcrowded, unsanitary and unsafe conditions prevailing in these centres, amid the pandemic, prevent asylum seekers from complying with hygiene rules and standards (e.g. “social distancing”), thus actively increasing the risks to their health amid the pandemic.

Imposing detention on the reception centers can exacerbate the health situation of those accommodated there. Prisoners and those in detention in Greece, as elsewhere around the world face real risk of infection and lack of access to appropriate healthcare measures as a result of their detention.⁴⁵

Especially in this situation, ensuring that non-custodial measures and alternatives to detention are available to children, coupled with effective access to health care and if needed isolation and other health-related measures, is necessary for Greece for to comply with its international legal obligations regarding the prohibition of immigration detention of children and the right to highest attainable standard of health.

The ICJ and GCR recommend that the UN Special Rapporteur on the rights of migrants take particular account of the obstacles to development and implementing non-custodial measures in the framework of Covid-19 measures and unlawful resort to further immigration detention of children.

¹ International Commission of Jurists (ICJ), [Greece: European Committee on Social Rights decision on « immediate measures » for migrant children requires urgent action](#), 4 June 2019. See the full complaint: European Committee for Social Rights of the Council of Europe, [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No.173/2018, 21 December 2018.

² Detention of unaccompanied migrant children is purported to take place on the basis of European Union provisions regulating detention in view of return (L. 3907/2011 transposing the Return Directive, 2008/115/EC), the detention of asylum seekers (L. 4636/2019 transposing Art. 8 of the recast Reception Directive 2013/33/EC) or on the ground of “protective custody” (Art. 118 P.D. 141/1991).

³ The Committee on the Rights of the Child has made it clear that detention of children for the purposes of immigration control is never in their best interests and is not justifiable. Children should never be criminalized or subject to punitive measures because of their or their parent’s migration status; the detention of a child for these reasons constitutes a violation of the rights of the child. [Joint general comment No. 4 \(2017\) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 \(2017\) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return](#), UN Doc. CMW/C/GC/4-CRC/C/GC/23, (2017), para 5; CRC Report of the 2012 Day of General Discussion - The Rights of all children in the context of international migration, (2012), [Report of the 2012 Day of General Discussion- The Rights of all children in the context of international migration](#), (2012). See also Article 37(b) CRC, permitting detention of children as a measure of last resort. It was confirmed by the Joint General Comment 4 and 23 of the Committee on the Rights of the Child and the Committee on Migrant Workers that is not applicable in immigration proceedings as unauthorized entry or stay in a country should not constitute a criminal offence and cannot have the same consequences as a criminal offence, para 10.

⁴ Greek Ombudsman, *Annual Report 2019*, March 2020, available in Greek at: <https://www.synigoros.gr/resources/ee2019-p00-plires-keimeno.pdf>, p.55.

⁵ Inter alia, see UN Committee Against Torture, Concluding Observations on the seventh periodic report of Greece, 3 September [Concluding Observations on the seventh periodic report of Greece](#), CAT/C/GRC/CO/7, (2019, CAT/C/GRC/CO/7, available at: <https://bit.ly/2wKiqPm>, para.), para. 22. Indicatively, as of 31 March 2020 there were a total of 1,435 places designated for the long-term accommodation of unaccompanied children (shelters and SILs), marking an increase of just 425 places in a period of 9 months, since June 2019. An additional 568 places were designated for short-term accommodation (safe zones and emergency hotels), marking a decrease of 284 places in the same period. This amounts to a staggering gap of 3,249 places, on account of which the majority (2,698) of the officially estimated 5,252 unaccompanied children were living in overcrowded and unsafe Reception and Identification Centers, which are currently in lockdown, and in precarious conditions, such as homelessness. Meanwhile, 331 unaccompanied children were in detention/‘protective custody’, marking one of the highest numbers of children in detention since March 2016. National Center for Social Solidarity, *Situation update: Unaccompanied Children (UAC) in Greece*, 31 March 2020, available at: <https://bit.ly/3cjdzUH>.

⁶ For instance, in October 2019, out of 200 unaccompanied children in detention (“protective custody”) in Pre-Removal Detention Centres and police facilities, 137 had been detained for periods of 30 days. Arsis, “Press Release: The ECHR grants interim measures putting an end to the detention of unaccompanied minors in police stations,” 10 October 2019, available at: <http://www.arsis.gr/en/press-release-the-echr-grants-interim-measures-putting-an-end-to-the-detention-of-unaccompanied-minors-in-police-stations/>; Arsis, “PRESS RELEASE – ARSIS: Detention of a large number of unaccompanied minors in the Amygdaleza Pre-Removal Detention Centre, under unacceptable conditions and for long

periods,” 26 August 2019, available at: <http://www.arsis.gr/en/arsis-detention-of-a-large-number-of-unaccompanied-minors-in-the-amygdaleza-pre-removal-detention-centre-under-unacceptable-conditions-and-for-long-periods/>.

⁷ See: Council of Europe - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Immigration detention*, March 2017, CPT/Inf(2017)3, <https://rm.coe.int/16806fbf12>, p.(2017), p.3., available at: <https://rm.coe.int/16806fbf12>; UN Human Rights Council, Report of the Special Rapporteur on the human rights of migrants on his mission to Greece, 24 April 2017, A/HRC/35/25/Add.2, <http://www.refworld.org/docid/593a8b8e4.html>, paras. 101-102; Greek Ombudsman, “The Ombudsman found unacceptable detention conditions at detention places in Northern Greece”, 31 June 2017, <https://www.synigoros.gr/resources/20170731-dt-asynodeutoi-b-ellada.pdf> (in Greek).

⁸ Indicatively, in a 2019 visit to Greece, specifically to the Omonia Police Station, a delegation of the CPT identified “three unaccompanied minors, including a 14-year-old boy, who were being held under “protective custody”. The minors had been placed in the cell together with unrelated adult men for periods between one and five days, reportedly for their own “protection” [...] at the time of the visit, no more unaccompanied minors were being accepted [...] at Amygdaleza pre-removal centre as the section for unaccompanied minors was operating at full capacity.” See Council of Europe, Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 9 April 2019*, April CPT/Inf (2020, CPT/Inf) 15, (2020) 15, available at: <https://rm.coe.int/16809e2058>

⁹ National Center for Social Solidarity, *Situation Update: Unaccompanied Children (UAC) in Greece*, 30 April 2020, available at: <https://bit.ly/2WwIXtS>

¹⁰ The Decree is part of Greek national legislation and governs police officers, and their duties.

¹¹ Greek President Decree (PD) 141/1991 (Article 118) Protective custody Art. 118 (1) “Persons who, due to their age or their mental health situation, are dangerous to public order or expose themselves to danger are placed in protective custody”. No time limit is provided, as protective custody is imposed until the person is handed over to a relative. Minors, “who have deliberately or involuntarily, disappeared” are explicitly mentioned by said provision as persons who can be placed under protective custody. In case that the measure is imposed, a report by the police is sent to the Public Prosecutor.

¹² Article 118, PD 141/1991.

¹³ EDAL, 2019. *ECTHR - H.A. and others v. Greece: Greece violated Convention by placing unaccompanied minors in protective custody in police stations*, 28 February 2019, available at: <https://www.asylumdatabase.eu/en/content/ecthr-ha-and-others-v-greece-greece-violated-convention-placing-unaccompanied-minors>.

¹⁸ For instance, in a case concerning 2 unaccompanied girls, supported before the ECtHR by GCR in 2019, the minors concerned had been transferred to the detention facility for adult women of the General Police Directorate of Attica Aliens Division (Petrou Ralli), where they remained in detention, under completely inappropriate and dangerous, for their health and age, conditions. The Court granted interim measures, by ordering the Greek authorities to transfer the minors to a shelter for unaccompanied minors. See GCR, 28 March 2019. *The European Court of Human Rights grants interim measures in favour of two detained unaccompanied girls*, 28 March 2019, available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/1069-the-european-court-of-human-rights-grants-interim-measures-in-favour-of-two-detained-unaccompanied-girls>.

¹⁹ Greek Ombudsman, *Migration flows and refugee protection: Administrative challenges and human rights*, April 2017, p.75; UNHCR, *Recommendations for Greece in 2017*, February 2017, available at: <http://www.unhcr.org/58d8e8e64.pdf>.

²⁰ UN Human Rights Council, Thirty-fifth session, Report of the Special Rapporteur on the human rights of migrants on his mission to Greece, A/HRC/35/25/Add.2, (2017), paras 101-102, 24 April 2017, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/098/41/PDF/G1709841.pdf?OpenElement>; GCR, *Borderline of Despair: First-line reception of asylum seekers at the Greek borders*, 25 May 2018, available at <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>; RSA, *European Court of Human Rights asks Greece to transfer two unaccompanied boys detained in police station to suitable shelter*, 6 November 2019, available at: <https://rsaeean.org/en/european-court-of-human-rights-asks-greece-to-transfer-two-unaccompanied-boys-detained-in-police-station-to-suitable-shelter/>; Equal Rights Beyond Borders, *European Court of Human Rights: Minor is to be released immediately from “protective custody”*, 29 October 2019, available at: <https://www.equal-rights.org/post/european-court-of-human-rights-minor-is-to-be-released-immediately-from-protective-custody>.

²¹ See Article 9 of the ICCPR, International Covenant on Civil and Political Rights; UN Human Rights Committee, *General Comment No. 35 on Article 9 (Liberty and security of person)*, CCPR/C/GC/35, 2014; Article 5 ECHR European Convention on Human Rights; Article 37(c) of the Convention on the Rights of the Child.

²² Article 48(2), L. 4636/2019.

²³ Article 16 (1) L. 4554/2018, [L. 4554/2018 on the regulatory framework for the guardianship of unaccompanied minors](https://www.gcr.gr/en/news/press-releases-announcements/item/1069-the-european-court-of-human-rights-grants-interim-measures-in-favour-of-two-detained-unaccompanied-girls) (here after L. 4554/2018), which entered into force on 1 March 2020.

²⁴ For periods of time which, as observed by the Ombudsman for Children’s Rights in March 2020, can reach up to even 3 months.,; CNN Greece, “. 2020. *Increase in the number of reception places for unaccompanied refugees announced by Mitarakis*”, 9 March 2020, available in Greek at: <https://www.cnn.gr/news/politiki/story/210539/ayxisi-ton-theseon-filoxenias-gia-ta-asynodeyta-prosfygopoyla-anakoinose-omitarakis>

²⁵ On the basis of Art. 39 L. 4636/2019, newly arrived persons, including unaccompanied migrant children, are subject to a five-day “restriction of freedom within the premises of the centre” which can be further extended by an additional 20 days, up to a maximum of 25 days from the time of entry into the centre, if reception and identification procedures have not been completed. Restriction of freedom within the RIC, in fact, amounts to detention since there is no possibility to exit the centre, and rather there is an obligation to remain in it. The measure provided by Article 39 is a de facto detention measure, even if it is not classified as such under Greek law. AIDA, *Country Report on Greece*, 2017, op. cit., *Update*, (2018), p. 27, <https://www.asylumineurope.org/reports/country/greece>.

²⁶ Due to the chronic lack of accommodation facilities for children, detention of unaccompanied children is systematically imposed in police stations and pre-removal facilities or in Reception and Identification Centers, until they can be transferred to suitable shelters. For instance in the Fylakio RIC, despite the legal limit of 25 days detention, unaccompanied migrant children are not released after the completion of the reception and identification procedure. On the contrary, they remain detained, usually for a significant period, under the authority of the reception identification service or under the pretext of “protective custody”, until they can be transferred to accommodation shelters for children. See: AIDA, *Country Report on Greece, update 2019*; Council of Europe, Committee for the Prevention of Torture, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment*

or Punishment (CPT) from 10 to 19 April 2018, CPT/Inf (2019) 4, 19 February 2019, CPT/Inf (2019) 4, <https://rm.coe.int/1680930c9a>, para. 122., available at <https://rm.coe.int/1680930c9a>.

²⁷ Children are also in practice detained for prolonged periods of time in pre-removal detention facilities. For example, at the end of 2017 the average period of detention of unaccompanied migrant children in Amygdaleza pre-removal detention center in Athens, pending their placement in a shelter, has been reported between two weeks and two months. See: ARSIS, *Annual Report 2017*, p. 7, available in Greek at <http://arsis.gr/wp-content/uploads/%CE%95%CE%A4%CE%97%CE%A3%CE%99%CE%91-%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97-%CE%9A%CE%A1%CE%91%CE%A4%CE%97%CE%A3%CE%97-2017.pdf> (in Greek), p. 7

²⁸ ARSIS, 2018. *The practice of protective custody of unaccompanied minors and the notion of the protection of minor*, 31 October 2018., <http://www.arsis.gr/deltio-typoy-i-praktiki-tis-prostateytikis-fylaxis-asynodeyton-anilikon-kai-i-ennoia/> (in Greek)).

³⁰ AIDA, *Report on Greece, update 2019, forthcoming*; Arsis, 2020. Ασυνόδευτοι ανήλικοι – κρατούμενοι, εγκλωβισμένοι εν μέσω της πανδημίας του κορονοϊού, στο ΠΡΟ.ΚΕ.ΚΑ Αμυγδαλέζας, 27 April 2020, <https://www.arsis.gr/deltio-typoy-asynodeytoi-aniliko/> (in Greek).

³¹ Article 5 ECHR, Article 9 ICCPR. Deprivation of liberty, aside from that resulting from criminal convictions, may only be imposed as a measure of last resort following an individual assessment of each case, if other less coercive alternative measures cannot be applied effectively. “All forms of detention must have a clear legal basis in national law and procedures and must not be arbitrary, unnecessary or disproportionate.

³² Asylum seekers who unlawfully enter a State party’s territory may be detained for a brief initial period in order to document their entry, record their claims and determine their identity if it is in doubt. To detain them further while their claims are being resolved would be arbitrary in the absence of particular reasons specific to the individual, such as an individualized likelihood of absconding, a danger of crimes against others or a risk of acts against national security. The decision must consider relevant factors case by case and not be based on a mandatory rule for a broad category; must take into account less invasive means of achieving the same ends, such as reporting obligations, sureties or other conditions to prevent absconding; and must be subject to periodic re-evaluation and judicial review. See: CCPR, 1069/2002, *Bakhtiyari v. Australia*, paras. 9.2–9.3. *Bakhtiyari v. Australia*, UN Human Rights Committee, Communication No. 1069/2002, views of 29 October 2003, UN Doc. CCPR/C/79/D/1069/2002, paras. 9.2–9.3.

³³ CCPR, 1551/2007, *Tarlue v. Canada*, paras. 3.3 and 7.6; 1051/2002, *Ahani v. Canada*, para. 10.2. *Tarlue v. Canada*, UN Human Rights Committee, Communication No.1551/2007, views of 27 March 2009, UN Doc. CCPR/C/95/D/1551/2007, paras. 3.3 and 7.6; *Ahani v. Canada*, UN Human Rights Committee, Communication No. 1051/2002, views of 29 March 2004, UN Doc. CCPR/C/80/D/1051/2002, para. 10.2.

³⁵ European Parliament and Council of the European Union (2008), Return Directive, Article 15 (4); CJEU (2009), C-357/09, *Kadzoev (Huchbarov)*, C-357/09, CJEU, Judgment 30 November 2009, paras. 65-66; ECtHR (2019), *Al Husin v. Bosnia and Herzegovina (No. 2)*, ECtHR, Application No. 10112/16, Judgment 25 June 2019. See also ECtHR (2009), *Mikolenko v. Estonia*, ECtHR, Application No. 10664/05, Judgment 8 October 2009.

³⁶ See Al Jazeera, *Greece quarantines camps as 20 refugees test positive for COVID-19*, <https://www.aljazeera.com/news/2020/04/woman-greece-refugee-test-positive-coronavirus-20040111738369.html>; IOM. 2020. *IOM Raises Concern Over Increasing COVID-19 Cases Recorded in Greece Mainland Refugee and Migration Camp*, <https://www.iom.int/news/iom-raises-concern-over-increasing-covid-19-cases-recorded-greece-mainland-refugee-and-migrant>.

³⁷ See See EURACTIV. 2020. *Greece quarantines second migrant camps after COVID-19 case confirmed*. <https://www.euractiv.com/section/justice-home-affairs/news/greece-quarantines-second-migrant-camp-after-covid-19-case-confirmed/>

³⁸ Amna, *Under quarantine the site at Koutsouchero as well*, 11 April 2020, available in Greek at: <https://www.amna.gr/home/videos/448995/Se-karantina-kai-domi-prosfugon-sti-Larisa>

³⁹ Tanea, *Kranidi under quarantine – curfew between 8am and 8pm*, 21 April 2020, available in Greek at: <https://www.tanea.gr/2020/04/21/greece/se-ekseliksi-oi-diloseis-xardalia-gia-ti-domi-prosfygon-sto-kranidi/>.

⁴⁰ As of March 2020, the number of children in the relevant sites/camps was as follows: *Ritsona*: 1,266 (approx. 45% of the camp’s population), *Malakasa*: 661 (approx. 37% of the camp’s population), *Koutsouchero*: 554 (approx. 36% of the camp’s population). Source: IOM, *Supporting the Greek Authorities in Managing the National Reception System for Asylum Seekers and Vulnerable Migrants (SMS)* Factsheets, March 2020, available at: https://greece.iom.int/sites/default/files/FINAL-March.compressed_0.pdf

⁴¹ See HRW, *Greece: Nearly 2,000 New Arrivals Detained in Overcrowded, Mainland Camps, 2020*.

<https://www.hrw.org/news/2020/03/31/greece-nearly-2000-new-arrivals-detained-overcrowded-mainland-camps>

⁴² CCPR, General comment No. 35, Article 9 (Liberty and security of person)), *op.cit.*

⁴³ CCPR, 560/1993, *A. v. Australia*, paras. 9.3–9.4; 794/1998, *Jalloh v. Netherlands*, para. 8.2; 1557/2007, *Nystrom v. Australia*, paras. 7.2–7.3. *A. v. Australia*, UN Human Rights Committee, Communication No. 560/1993, views of 3 April 1997, UN Doc. CCPR/C/59/D/560/1993, paras. 9.3–9.4; *Jalloh v. Netherlands*, UN Human Rights Committee, Communication No. 794/1998, views of 26 March 2002, UN Doc. CCPR/C/74/D/794/1998, para. 8.2; *Nystrom v. Australia*, UN Human Rights Committee, Communication No. 1557/2007, views of 28 July 2011, UN Doc. CCPR/C/102/D/1557/2007, paras. 7.2–7.3.

⁴⁴ See international standards referred to in endnote 3.