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Safe Third Countries and Safe Countries of Origin: Safety Assessment and Implementation for Refugees Seeking Protection in Greece[1]

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Abstract

The concepts of safe third country and safe country of origin are widely used by the Member States of the European Union to limit their obligations towards refugees under international law. Greece has designated Türkiye, Albania and North Macedonia as safe third countries and has designated sixteen countries as safe countries of origin. This article examines the safety assessment regarding third countries and countries of origin and their application in the Greek asylum system. It is based on international and European law, the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights paired with desktop research on human rights situations in the designated safe countries. It further explores the implications of these mechanisms for refugee protection. The study raises concerns about the access to a fair and effective asylum procedure and most importantly about the respect of the principle of non-refoulement. Many are left in limbo, neither receiving protection in Greece nor being effectively readmitted to the designated safe third country. Many are forced to return to countries designated as safe, possibly without protection and in fear of persecution/re-persecution and ill-treatment upon return. This situation places the former in a precarious legal and social position, undermining fundamental rights such as access to asylum, healthcare, housing and employment. The latter are also placed in a position that could entail serious consequences for their rights and a real and concrete risk of treatment in violation of the 1951 Convention Relating to the Status of Refugees, the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union and the international human rights instruments.

Key Words:

Safe third country; safe country of origin; Greece; refugees; human rights

1 Introduction

By committing to international treaties, including those relating to human rights law, States have assumed additional responsibilities and obligations to safeguard certain

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rights both for citizens and non-citizens within their territory and under their jurisdiction (Hirsch, 2017: 51). However, in order to be released from those responsibilities and obligations, developed States have increasingly adopted strategies to restrict access to asylum. Among others, they use externalization approaches and measures for migration management (Osso, 2023: 278, Feller, 2006: 510, 528), disclaiming responsibility for those in need of international protection (Moreno-Lax, 2015: 664). It is thus argued that the recognition of refugees depends, in practice, not only on the legal definition of "refugee" but, mainly, on the institutional mechanisms applied for the status determination (Costello, Nalule & Ozkul, 2020).

Safe third country mechanisms emerged in individual European States' practices (Denmark, Switzerland, Belgium, and Germany) since the mid-1980s and in the 1990s (Moreno-Lax, 2015, Costello, 2016). Then, they spread quickly in other continents (Hurwitz, 2009). These concepts were politically endorsed at European Union (EU) level by the Council Resolutions of 30 November 1992 (London Resolutions), before being adopted by the first legally binding supranational text regulating their application, i.e. the Council Directive 2005/85/EC of 1 Dec 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

The Member States of the European Union (EU) tend to use the safe country concepts as part of the policies to shift the responsibility for the protection of refugees to countries outside the EU. In this context, some countries are considered *a priori* safe and their nationals not in need of international protection (safe countries of origin). It is also assumed that asylum seekers could have been granted or can be granted protection in a third (i.e non-EU) country and should therefore not obtain protection in the EU country where they apply for asylum (safe third countries). Both concepts seem to be used with a view to reduce the granting of protection within the EU (ECRE, 2024: 93).

It is worth noting that the 1951 Convention relating to the Status of Refugees (Refugee Convention) "neither expressly authorizes nor prohibits reliance on protection elsewhere policies" (Foster, 2007: 237). The main question that arises, therefore, is whether and under what conditions a Member State, that is a party to the Refugee Convention and to international human rights instruments, can legitimately rely on the safe country concepts and transfer a refugee to a safe third country or to a safe country of origin.

According to the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (APD), safe third country refers to a country that can be considered safe for applicants who are not nationals of that third country, when all the following criteria are met: In that third country, (a) their life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion, (b) there is no serious harm as defined in Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), (c) the principle of *non-refoulement* in accordance with the Geneva Convention is respected, (d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected and (e) there is a possibility to request refugee status and,

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if found to be a refugee, to receive protection in accordance with the Geneva Convention (Art. 38 para. 1 APD).

It is also assessed whether the applicants have a connection to this third country based on which it would be reasonable for them to return there (Art. 38 para. 2 subpara. (a) APD). In addition, it is examined whether the country can be considered safe taking into consideration the particular circumstances of the applicants (Art. 38 para. 2 subpara. (c) APD). Under this concept, applications for international protection can be rejected as "inadmissible" without being examined on the merits, i.e. the competent authorities do not examine and assess the fear of persecution that refugees face in their country of origin. Instead, they examine whether a third country is a safe country for them. As Goodwin-Gill & McAdam (2007) highlight, States have attempted to justify this practice based on the migration versus protection argument. By virtue of this argument an asylum-seeker who is genuinely fleeing persecution will seek protection in the first safe country he or she enters, while any secondary movement will be for the sole purpose of migration (Lambert, 2012).

A country is considered a safe country of origin for its nationals and the stateless persons who were formerly habitually residents there, if, based on the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU. Additionally, it must be demonstrated that there is no occurrence of torture or inhuman or degrading treatment or punishment, nor any threat arising from indiscriminate violence in situations of international or internal armed conflict (Annex I and recital 42 APD). It should be noted that the concept of safe country of origin is the only safe country concept for which an examination of the substance of the application is made.

The concept of a safe country of origin raises a presumption of safety for countries of origin designated as safe by Member States. This designation is based on the assumption that there is generally and consistently no risk of persecution or mistreatment, and that individuals can seek and obtain effective protection in these countries. Consequently, it is the applicants who bear the burden of rebutting the presumption of safety and the burden of proof that a country cannot be considered as a safe country of origin (Art. 36 para. 1 APD). According to the jurisprudence of the Court of Justice of the European Union (CJEU), the applicants must submit overriding reasons relating to their individual situation in order to rebut the "*presumption of adequate protection in the country of origin*" (CJEU, Judgment of 4/10/2024, CV v. Ministerstvo vnitra České republiky, Odbor azylové a migrační politiky, No. C-406/22, para. 47; CJEU, Judgment of 25/7/2018, A v. Migrationsverket**,** C-404/17, para. 25). In cases of non-submission of serious reasons, the application may be rejected as (manifestly) unfounded (Art. 32 para 2 APD).

The Pact of Migration and Asylum, which was adopted in May 2024 (European Commission, 2024), after eight years of negotiations, seems to endorse and further develop these practices in the broader context of externalisation policies (Cassarino & Marin, 2022, Roßkopf, 2024). The reform of the Common European Asylum System (CEAS), agreed upon by the European Parliament and the Council, aims not only to limit the entry of third-country nationals to the EU, but also to expand the definitions of the safe third country and safe country of origin. In addition, it accelerates asylum procedures for applicants arriving from safe countries and requires that these applicants remain close to

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the external borders, thus, facilitating their removal from the European territory to countries considered safe.

Furthermore, the Pact offers the possibility of establishing a common EU list of safe third countries and safe countries of origin in addition to national lists. Such policies result in the restriction of access to fundamental rights and safeguards (ECRE, 2015). At the same time, the solidarity mechanism depends on quasi-permanent negotiations among Member States and focuses on returns to third countries rather than responsibility sharing for refugee protection. In the context of the Pact, the notion of safe third country has taken on a pivotal role to the CEAS reform. Its definition has been broadened, while standards have been lowered, allowing States to more easily dismiss asylum claims without conducting an examination of the merits (RSA, 2024, p. 20). The expansion of the safe third country concept is clearly reflected in Art. 57, 59 and 60 of the 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 (APR).

According to the APR, a third country can be considered safe if it provides "effective protection" as set out in Art. 59(d) in conjunction with Art. 57 of the APR, instead of "protection in accordance with the Geneva Convention" as set out in Art. 38 para. 1 subpara. (e) of the APD. Furthermore, a country can be designated as a safe third country both at Union and national level "with exceptions for specific parts of its territory or clearly identifiable categories of persons" (Art. 59 para. 2 APR). Compared to the APD, the APR provides for the possibility of applying the safe third country concept "in relation to a specific applicant where the country has not been designated as safe third country at Union or national level" if the safety criteria set out in Article 59 para. 1 APR are met for this applicant (Art. 59 para. 4 subpara. (b) APR). Another provision introduced by the APR that broadens the definition of a safe third country is the presumption of a country's safety on the sole basis of agreement between the Union and a third country. Under this provision, it is sufficient for a third country to provide assurances that "migrants admitted under that agreement will be protected in accordance with the relevant international standards and in full respect of the principle of non-refoulement" (Art. 59 para. 7 APR). In addition, Art. 60 of the APR allows the designation of third countries as safe at EU level through an EU list of designated safe countries in parallel with national lists.

Like the case of safe third countries, the APR introduces new provisions aimed at broadening the application of the safe country of origin concept. In particular, it is provided for that "[t]he designation of a third country as a safe country of origin both at [EU] and national level may be made with exceptions for specific parts of its territory or clearly identifiable categories of persons" (Art. 61 para. 2 and recital 80 APR). Another explicit attempt to extend the application of the safe country of origin concept is the possibility of establishing EU lists of safe countries of origin alongside the Member States' national lists (Art. 62 para. 1 APR). Under APR, the accelerated procedure, also applied in safe countries of origin cases, is rendered mandatory (Art. 42 para. 1 APR), unlike APD which is optional. It should be also pointed out that there is a serious overlap between the concept of safe country of origin and the case of applicants who are nationals or, in the case of stateless persons, former habitual residents of a third country "for which the proportion of decisions […] is, according to the latest available yearly Union-wide average Eurostat data, 20 % or lower" (Art. 42 para.1 subpara. (j) APR).

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This paper is part of the ongoing PhD research "Safe Third Countries, Safe Countries of Origin and the Risks for Refugees Seeking Protection in Greece". The aim of this research is to examine the consequences of the implementation of the safe third country and safe country of origin mechanisms by the Greek authorities on the rights of refugees. The risks that application of these safe country concepts entails for those refugees who remain in Greece without protection and access to rights are also examined. In this framework, the research examines secondary sources and the views of professionals on the field of refugee protection and refugees themselves regarding (a) the risks that refugees would face if forcibly returned to their countries of origin or to third countries considered as safe, (b) the risks faced by refugees whose applications are rejected under the safe third country and safe country of origin mechanisms, but who are not returned there and remain in Greece and, (c) the risks faced by refugees who try to avoid being subject to these mechanisms, either before or after their arrival in Greece.

The present paper examines the EU legislative standards regarding the safe third country and safe country of origin concepts, the jurisprudence of the European Court of Human Rights (ECHR) and the CJEU, and the implementation of the safe country concepts in the Greek asylum system. It also reviews the human rights situation in the countries designated as safe by Greece, with a view to present the possible violations of refugees' rights in case of return.

2 Safety Assessment Regarding Third Countries and Countries of Origin

When the practice of safe countries of origin emerged in Europe, 35 years ago, Professor Goodwin-Gill stressed that international standards and rules of transparency must govern the status determination procedure. More precisely, he pointed out that country of origin information (COI) is of paramount importance, while the standards for gathering and verifying such information constitute a key to risk assessment. He concluded that "[a]fter all, there's no lack of information", as media, non-governmental organizations, the United Nations working groups and rapporteurs, as well as governments themselves conduct their own research based on reliable information (Goodwin-Gill, 1992: 249).

Today, it is the duty of States to seek all relevant generally available information on the situation in third countries and countries of origin they consider safe. As the ECHR has held, "[g]eneral deficiencies well documented in authoritative reports, notably of the UNHCR, Council of Europe and EU bodies are in principle considered to have been known" by States deciding on applications for international protection (ECHR, Judgment of 21/11/2019, Ilias and Ahmed v. Hungary [GC], No. 47287/15, para. 141; Judgment of 15/9/2022, O.M. and D.S. v. Ukraine, No. 18603/12, para. 84. See also *mutatis mutandis,* Judgment of 21/1/2011, M.S.S. v. Belgium and Greece [GC], No. 30696/09, paras. 346-350; Judgment of 23/3/2016, F.G. v. Sweden [GC], No. 43611/11 paras. 125-127).

The APD explicitly states that decisions on applications for international protection are taken after an appropriate examination (Art. 10 para. 3 APD). To that end, Member States shall ensure, inter alia, that decisions are based on "*precise and up-to-date information*". Furthermore, they must be

> "obtained from various sources, such as EASO and UNHCR and relevant international human rights organisations, as to the general situation prevailing in the countries of origin of applicants

> and, where necessary, in countries through which they have transited" (Art. 10 para. 3 subpara. (b) and recital 48 APD).

This unconditional obligation for Member States to base their assessment on accurate and up-to-date information on the general situation in the "safe" countries is also confirmed by the case law of the ECHR and the CJEU, to be analyzed below.

Member States must also provide asylum seekers with access to the information used to make decisions regarding their applications for international protection (Art. 12 para. 1 subpara. (d) APD). For applicants whose applications are assessed under the safe third country concept, access to the information considered and taken into account by the examining authorities is crucial for them to exercise their right to an effective remedy. This access allows them to challenge both the application of the safe third country concept – on the grounds that a country is not safe in their particular circumstances – and the existence of a connection between them and that country (Art. 38 para. 2, subpara. (c) APD).

2.1 The Meaning of Up-to-Date Information and Reliable Sources

According to the APD, Member States should conduct regular reviews of the situation in safe countries based on "up-to-date information" to "ensure the correct application of the safe country concepts" (Recital 48 and Art. 10 para. 3 subpara (b) APD).

Regarding safe third countries, according to the case law of the CJEU, Article 38 para. 2 subpara (b) of the APD requires Member States to adopt in national law "rules on the methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant" (CJEU, Judgment of 14/5/2020, FMS and Others v. Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság and Országos Idegenrendészeti Főigazgatóság [GC]; Joined cases Nos. C-924/19 PPU and C-925/19 PPU, para. 158; Judgment of 19/3/2020, LH v. Bevándorlási és Menekültügyi Hivata, No. C-564/18, paras. 48 and 49). According to the ECHR, such methodology should include, an "up-to-date assessment, notably, of the accessibility and functioning of the receiving country's asylum system and the safeguards it affords in practice" (ECHR, Ilias and Ahmed, para. 141).

Regarding safe countries of origin, "[i]t has long been recognized that the assessment of the presumed safe situation in a country of origin should be based on a wide range of sources of information" (Vogelaar, 2021: 107). Member States should assess the level of protection against persecution or ill-treatment based on

> "(a) the relevant laws and regulations provisions of the country and the manner of their application; (b) the observance of the rights and freedoms provided for in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention; (c) the respect of the *non-refoulement* principle according to the Geneva Convention; and (d) the provision of a system of effective remedies against the violation of these rights and freedoms" (Annex I APD).

This is because the "designation of a third country as a safe country of origin […] cannot establish an absolute guarantee of safety for nationals of that country" (Recital 42 APD). Similarly, such an assessment must be based on "up-to-date information" (Recitals 39, 48 and Art. 10, para. 3 subpara. (b) APD). The CJEU ruled in its judgment C-756/21 that

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Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

the determining authorities must obtain, inter alia, "up-to-date information concerning all the relevant facts as regards the general situation prevailing in the country of origin of an applicant for asylum and international protection" (CJEU, Judgment of 29/6/23, X v International Protection Appeals Tribunal and Others (Attentat au Pakistan), No. C-756/21, para. 61).

For the assessment of safety, information on third countries and countries of origin must not only be up-to-date but must be also obtained from reliable sources. EU law provides that Member States, to ensure the correct application of the safe country concepts, should consider and rely on reliable sources "including in particular information from other Member States, EASO, UNHCR, the Council of Europe and other relevant international organisations" (Recitals 48, 39, Art. 10, para. 3 subpara. (b) and Art. 37 para. 3 APD). According to the ECHR, to evaluate a country's safety, due consideration must be given to the wide range of reports from various sources and the consistency of the nature of the information reported (ECHR, Judgment of 6/6/2013, Mohammed v. Austria, No. 2283/12, paras. 97-102; Judgment of 5/12/2013, Sharifi v. Austria, No. 60104/08, para. 34; M.S.S., paras. 347-348; F.G., para. 117).

The CJEU, based on Article 35 of the 1951 Refugee Convention, has highlighted the reliability and significance of the reports of the United Nations High Commissioner for Refugees (UNHCR) (CJEU, Judgment of 16/1/2024, WS v. Intervyuirasht organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet, No. C-621/21, para. 38; Judgment of 12/1/2023, P.I. v. Migracijos departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos, No. C-280/21, para. 27). Nevertheless, apart from the reports, "notably of the UNHCR, Council of Europe and EU bodies" it has been also acknowledged the "importance to the information contained in recent reports from independent international human rights protection associations [...] or governmental sources" demonstrating the situation in a particular country (ECHR, Judgment of 28/2/2008, Saadi v. Italy [GC], 37201/06, para.131; Judgment of 15/11/1996, Chahal v. The United Kingdom [GC], No. 22414/93, paras. 99-100; Judgment of 26/4/2005, Muslim v. Turkey, No. 53566/99, para. 67; Judgment of Said v. The Netherlands, No. 2345/02, para. 54; Judgment of 20/2/2007, Al-Moayad v. Germany, No. 35865/03, paras. 65-66).

2.2 The Accession to International Treaties and the Role of Diplomatic Assurances

According to the CJEU, the fact that a Member State of the EU or a third country has ratified international conventions "cannot result in the application of a conclusive presumption that the State observes those conventions" (CJEU, Judgment of 21/12/2011, N.S. v. United Kingdom and M.E. v. Ireland [GC], Joined Cases Nos. C-411-10 and C-493/10, para. 103). Similarly, the ECHR observes that

> "the existence of domestic laws and accession to international treaties guaranteeing respect for fundamental rights in principle are not in themselves sufficient to ensure adequate protection against the risk of ill-treatment where [...] reliable sources have reported practices resorted to or tolerated by the authorities which are manifestly contrary to the principles of the Convention" (ECHR, Saadi, para. 147).

It has been also affirmed that the expelling State cannot merely assume that the asylum seeker will be treated in accordance with the standards of the European Convention on Human Rights in the receiving third country; on the contrary, it must first verify how the

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Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

authorities of that country apply its asylum legislation in practice (ECHR, M.S.S., para. 359; Ilias and Ahmed, para. 141).

Concerning diplomatic assurances provided by third countries, according to the ECHR, they "are not in themselves sufficient to ensure adequate protection against the risk of ill-treatment". Therefore, it is necessary to assess whether these assurances offer sufficient protection against ill-treatment in practice (ECHR, Judgement of 17/1/2012, Othman (Abu Qatada) v. The United Kingdom, No. 8139/09, para. 187). The "quality of assurances" should be also examined with regard, inter alia, to the following factors: "whether the assurances are specific or are general and vague", "who has given the assurances and whether that person can bind the receiving State", "the length and strength of bilateral relations between the sending and receiving States", "whether compliance with the assurances can be objectively verified through diplomatic or other monitoring mechanisms", "whether there is an effective system of protection against torture in the receiving State", "whether it is willing to investigate allegations of torture and to punish those responsible", "whether the applicant has previously been ill-treated in the receiving State" and "whether the reliability of the assurances has been examined by the domestic courts of the sending/Contracting State" (ECHR, Othman, para. 189).

2.3 Individual Assessment Regarding Safe Third Countries and Countries of Origin

Decisions on the admissibility or not of an application of international protection based on the safe third country concept and on the returns to safe third countries should be implemented and regulated in accordance with higher safeguards and standards. A rigorous scrutiny of claims alleging possible violations of Convention rights, and thorough assessment on the conditions in the safe third country concerned is required, as these cases involve third countries not bound by the EU *acquis* and relevant standards on examination and judicial mechanisms. This is confirmed by the established case law of the ECHR, which requires a thorough assessment of whether there are substantial grounds for believing that an applicant, if expelled, would be in danger of being subjected to torture or inhuman or degrading treatment or punishment in violation of Article 3 of the European Convention on Human Rights (ECHR, Chahal, para. 96; M.K. and Others, para. 179). This assessment involves a rigorous examination by the relevant domestic authorities and, subsequently, by the Court, of the conditions in the receiving country in light of Article 3 standards of the Convention (ECHR, Ilias and Ahmed, para. 127; Judgement of 4/2/2005, Mamatkulov and Askarov v. Turkey [GC], Nos. 46827/99 and 46951/99, para. 67).

The Strasbourg Court has clarified that in case of non-examination of applications for international protection on the merits, as in the case of the safe third countries, the primary concern is whether the individuals will have access to a fair and adequate asylum procedure in the receiving third country protecting them from refoulement. This approach is based on the assumption that it is the duty of the third country to examine the asylum application on the merits (ECHR, Judgment of 23/7/2020, M.K. and Others v. Poland, Nos. 40503/17, 42902/17 and 43643/1723, paras. 172-173). In addition, the expelling State, seeking to transfer an applicant to a third country, should also evaluate any alleged risk of treatment contravening Art. 3 that arises, for instance, from detention conditions or the general living situation of asylum seekers in the receiving third country (ECHR, Ilias and Ahmed, para. 131). If it is found that the existing guarantees in this regard are inadequate, Art. 3 of the European Convention on Human Rights imposes an obligation

Quarterly on Refugee Problems, 2025, Vol. 64, Issue 1, 22-54
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Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

not to return the asylum seeker to the third country in question (ECHR, Ilias and Ahmed, para. 134; M.K. and Others, para. 173).

The ECHR, also, places great importance to the existence of effective guarantees against arbitrary *refoulement* of asylum seekers. Hence, in cases of expulsion it should be examined whether there are effective guarantees to protect applicants from being arbitrarily returned, either directly or indirectly, to the country from which they have fled without proper examination of their cases (ECHR, Ilias and Ahmed, para. 133; Judgment of 23/7/2020, M.K. and Others, para. 167; M.S.S., para. 286; Müslim, paras. 72-76). This is since "the expulsion of an alien by a Contracting State may give rise to an issue under Article 3" of the European Convention on Human Rights. In such cases, States are obliged not to return the applicants to the countries concerned (ECHR, M.K. and Others, para. 168; Saadi, paras. 124-125; F.G., paras. 110-111, Ilias and Ahmed, para. 126; Judgment of 7/7/1989, Soering v. The United Kingdom, No. 14038/88, paras. 90-91; Judgment of 30/10/1991, Vilvarajah and Others v. The United Kingdom, Nos. 13163/87; 13164/87; 13165/87; 13447/87; 13448/87, para. 103; Judgment of 11/7/2000, Jabari v. Turkey, No. 40035/98, para. 38; Judgment of 11/1/2007, Salah Sheekh v. The Netherlands, No. 1948/04, para. 135; Judgment of 29/4/97, H.L.R. v. France [GC], No. 24573/94, para. 34). Since protection against the treatment prohibited by Article 3 is absolute, there can be no derogation from that rule (ECHR, Saadi, para. 138).

Regarding safe countries of origin, it is stressed that declaring by law a country as safe "does not relieve the extraditing State from conducting an individual risk assessment" (ECHR, Judgment of 7/12/2017, D.L. v. Austria, No. 34999/16, para. 59, CJEU, Opinion of Advocate General of 30/5/2024, CV v. Ministerstvo vnitra České republiky, Odbor azylové a migrační politiky, C-406-22, para. 53). As a general rule, when an application for asylum is examined under the safe country of origin concept, it is the responsibility of the persons seeking international protection in a Contracting State to promptly submit their application for asylum, accompanied by supporting arguments. They also have to establish that there are substantial grounds for believing that, if returned to their country of origin, they would be exposed to a real and specific risk of being subjected to treatment prohibited by Art. 3 of the European Convention on Human Rights (ECHR, M.K. and Others, para. 170; F.G. para. 125; Judgment of 27/10/2020, M.A. v. Belgium, No. 19656/18, para. 81). On the other hand, it becomes the Government's responsibility to dispel any doubts if the applicant provides such evidence (ECHR, M.A., para. 79). Hence, "if a Contracting State is made aware of facts relating to a specific individual that could expose him to a risk of ill-treatment" upon return to the country in question, the obligations of the States under Art. 2 and 3 of the Convention require the authorities to assess that risk on their own motion. This is particularly important when the national authorities have been made aware that the asylum seeker may belong to a group that is systematically subjected to ill-treatment, and there is credible evidence both of the existence of such ill-treatment and of the individual's membership of that group (ECHR, M.A., para. 81.; F.G., para. 127).

The assessment of the risk on the State's own motion is also required in cases of asylum claims which are based on a widely recognized general risk, especially when information about that risk can be readily obtained from numerous sources (ECHR, F.G., para. 126). It has been also established that since the asylum-seekers often find themselves in particularly vulnerable circumstances, they must be given the benefit of the doubt when evaluating the credibility of their claims and any supporting documents, considering both

Quarterly on Refugee Problems, 2025, Vol.64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

the general situation in the country of origin and the personal circumstances (ECHR, M.K. and Others, para. 170; Vilvarajah and Others, para. 108; M.A., para. 81; F.G., para. 127). Concerning the assessment of the general situation in the country under examination, the national authorities have full access to information. For this reason, it is the States which bear the burden having to establish ex officio the general situation in the country in question (ECHR, M.A., para. 82).

3 Implementation of Safe Country Concepts in the Greek Asylum System

Law no. 4939/2022 "Ratification of a Code of reception, international protection of third-country nationals and stateless persons and temporary protection in cases of mass influx of displaced persons" (Greek Asylum Code) provides for the possibility of establishing a list of safe third countries through a Joint Ministerial Decision (JMD) (Art. 91 para. 3 Greek Asylum Code). In June 2021, the first national list was introduced, designating Türkiye as a safe third country for asylum seekers from Syria, Afghanistan, Somalia, Pakistan and Bangladesh without providing any legal reasoning [JMD 42799/2021 "Designation of third countries as safe and establishment of national list pursuant to Art. 86 L. 4636/2019 (A΄ 169)"]. On the very same year, December 2021, Albania and North Macedonia were included in the list of safe third countries for all applicants for international protection who enter Greek territory from its borders with these two countries [JMD 458568/15.12.2021, "Amendment of no 42799/03.06.2021 Joint Ministerial Decision of the Minister of Foreign Affairs and the Minister of Migration and Asylum "Designation of third countries as safe and establishment of national list pursuant to Art. 86 L. 4636/2019 (A΄ 169)"]. Subsequently, the national list of safe third countries was renewed in December 2022 [JMD 734214/2022 "Designation of third countries as safe and establishment of national list pursuant to Art. 91 of Law No. 4939/2022 (A' 111)"].

At the time of writing, Greece still considers Türkiye, Albania and North Macedonia as safe third countries for the applicants of international protection [JMD 538595/12.12.2023, "Designation of third countries as safe and establishment of national list pursuant to Art. 91 of L. 4939/2022 (A' 111)"]. It is worth noting that two out of the five nationalities for which Türkiye is considered as a safe third country are among those with the highest recognition rate of international protection: Afghanistan (1st instance: 86% / 2nd instance: 32%) and Syria (1st instance: 64% and 2nd instance: 10%) (Ministry of Migration and Asylum, Report A, 2023).

The Greek Asylum Code also provides for the possibility of establishing a national list of safe countries of origin through JMD (Art. 92 para. 5 Greek Asylum Code). The first list of safe countries of origin was published in December 2019 (JMD 1302/20.12.2019, "Establishment of national list of countries of origin designated as safe pursuant to Art. 87 para. 5 L. 4636/2019") designating 12 countries as safe countries of origin. These countries were the following: Albania, Algeria, Armenia, Gambia, Georgia, Ghana, India, Morocco, Senegal, Togo, Tunisia and Ukraine. This list was extended in January 2021, including Pakistan and Bangladesh [JMD 778/2021, "Establishment of national list of countries of origin designated as safe pursuant to Art. 87 para. 5 L. 4636/2019 (A΄ 169)"]. In February 2022, Benin, Egypt and Nepal were also considered as safe countries of origin [JMD 78391/2022, "Establishment of national list of countries of origin designated as safe pursuant to Art. 87 para. 5 L. 4636/2019 (A΄ 169)"]. In November 2022, the national

Quarterly on Refugee Problems, 2025, Vol. 64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

list of safe countries of origin was renewed. Ukraine was removed from the list [JMD 708368/24939/2022 "Establishment of national list of countries of origin designated as safe pursuant to Article 92 para. 5 L. 4939/2022 (A΄ 111)"]. At the time of writing the following 16 countries are considered to be safe: Albania, Algeria, Armenia, Gambia, Georgia, Ghana, India, Morocco, Bangladesh, Pakistan, Benin, Senegal, Togo, Tunisia, Egypt and Nepal [JMD 527235/2023 "Establishment of national list of countries of origin designated as safe pursuant to Art. 92 para. 5 L. 4939/2022 (A΄ 111)"]. The way the Greek authorities implement the safe country concepts is described below.

3.1 Rejection of Asylum Application on the Safe Third Country Ground

The systematic application of the safe third country concept by the Greek authorities has led to the rejection of a large number of applications for international protection as inadmissible. This is predominantly the case for third country nationals entering Greece via Türkiye. According to the statistics provided by the Ministry of Migration and Asylum on June 10, 2024, in response to a parliamentary question, during 2023, 3,360 first instance inadmissibility decisions were issued concerning nationals from Syria, Afghanistan, Somalia, Bangladesh and Pakistan who entered via Tuŕkiye (Syria: 1,460, Afghanistan: 730, Somalia: 848, Pakistan: 242, Bangladesh: 51, Palestine: 29), while 61 applications of third country nationals who entered Greece via North Macedonia (India: 32, Nepal: 15, Cuba: 8, Albania: 2, Tuŕkiye: 2, Kosovo: 2) and 23 via Albania (Egypt: 8, Nepal: 4, Bangladesh: 3, Iran: 3, Kosovo: 2, Syria: 1, Morocco:,1, Pakistan: 1, Algeria: 1) were dismissed at first instance as inadmissible on the basis of the safe third country concept (Asylum Service, Reply to parliamentary question, 2024). At second instance, during 2023, the Appeals Committees issued 1,319 inadmissibility decisions on the basis of the safe third country concept, of which 1,237 decisions concerned Tuŕkiye, 57 North Macedonia and 25 Albania (Greek Ministry of Migration and Asylum, 2023). Following the rejection of the initial applications as inadmissible, 994 subsequent applications were lodged throughout 2023, almost exclusively by nationals originating from Afghanistan, Pakistan, Syria, Somalia, Bangladesh for whom Türkiye is considered a safe third country (Asylum Service, Reply to parliamentary question, 2024).

A large majority of Syrians, Afghans, Somalis, Pakistanis and Bangladeshis who entered Greece via Tuŕkiye have their applications rejected as inadmissible and are ordered to return to the latter, despite the suspension of readmissions since March 2020 and the clear lack of such prospect (European Commission, 2023: 53). The legality of the national list designating Türkiye as safe third country (JMD 42799/2021, as amended by JMD 458568/15.12.2021) and of the application of the safe third country concept vis-à-vis Türkiye was challenged before the Greek Council of State. The Plenary of the Court referred questions to the CJEU for a preliminary ruling

> "with regard to the influence on the legality of the national list of the fact that, for a long period of time (over 20 months), Turkey refuses the readmission of applicants for international protection and it does not appear that the possibility of changing this position in the foreseeable future has been explored" (Greek Council of State, Judgment of 3/2/23, No. 177/2023).

Specifically, the Luxembourg Court has been requested to clarify whether under Art. 38 of the APD, read in light of Art. 18 of the EU Charter of Fundamental Rights on the right to asylum, the assessment of possibility of readmission should be made: upon: (i) designation of a third country as generally safe; (ii) rejection of the individual asylum application; or (iii) execution of the decision of return to the third country.

Quarterly on Refugee Problems, 2025, Vol.64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

The CJEU ruled that

> "where it is established that the third country designated as generally safe by a Member State does not in fact admit or readmit the applicants for international protection concerned, that Member State cannot reject their applications for international protection as inadmissible" (CJEU, Judgment of 4/10/2024, Somateio 'Elliniko Symvoulio gia tous Prosfyges' and others v. Ypourgos Exoterikon, Ypourgos Metanastefsis kai Asylou. No. C-134/23, para. 55).

However, it clarified that

> "Article 38 of Directive 2013/32, read in the light of Article 18 of the Charter, must be interpreted as not precluding legislation of a Member State classifying a third country as generally safe for certain categories of applicants for international protection where, despite the legal obligation to which it is subject, that third country has generally suspended the admission or readmission of those applicants to its territory and there is no foreseeable prospect of a change in that position" (para. 56).

However, despite the CJEU ruling, which is binding on the Greek authorities, at the time of writing applications for international protection are still being rejected on the basis of the safe third country concept (GCR, 2024).

3.2 Rejection of Asylum Applications and Revocation of Protection Status on the Safe Country of Origin Ground

The concept of safe country of origin constitutes the main ground for rejecting, as manifestly unfounded, the applications for international protection of nationals/stateless persons coming from the above-mentioned 16 countries designated as safe countries of origin in the Greek legislation. It is also a ground for dismissal of applications for renewal of residence permits from recognised refugees in Greece. In 2023, a total of 5,164 manifestly unfounded decisions were issued by the Asylum Service at first instance. The majority of these rejection decisions (i.e.: 5,128) concerned applicants whose applications were examined under the safe country of origin concept (Pakistan: 1,631, Egypt: 1,050, Bangladesh: 522, Albania: 503, India: 485, Georgia: 404, Nepal: 202, Morocco: 122, Ghana: 58, Gambia: 41, Algeria: 25, Armenia: 35, Senegal: 26, Togo: 16, Tunisia: 8) (Asylum Service, Reply to parliamentary question, 2024). At second instance, the Appeals Committees issued 3,442 manifestly unfounded decisions on the safe country of origin ground (Greek Ministry of Migration and Asylum, 2023).

Beneficiaries of international protection, originating from countries considered as safe, also have their status revoked after many years of legal residence in Greece, merely because their countries are included in the relevant national list. It is noteworthy that two parallel systems are in operation for beneficiaries of international protection in Greece. For those who applied for international protection before 7 June 2013, the competent examining authority (including for the renewal of residence permits and the revocation of international protection status) is the Headquarters of the Hellenic Police of the Ministry of Civil Protection. For those who applied for international protection after that date, the competent authority is the Asylum Service of the Ministry of Migration and Asylum. Unlike the Asylum Service, the Headquarters of the Hellenic Police, in violation of the right to a prior hearing and the right to an effective remedy, does not allow beneficiaries of international protection to present their claims relating to their individual circumstances in order to rebut the presumption of adequate protection in the country of origin.

Quarterly on Refugee Problems, 2025, Vol. 64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

Rejection decisions rely only on the national lists of safe countries of origin without individualized assessment (AIDA, 2024, p. 254). Moreover, although both the Asylum Service and the Headquarters of the Hellenic Police are subject to the same legal framework regarding the obligation to provide free legal aid at second instance, beneficiaries of international protection under the jurisdiction of the Headquarters of the Hellenic Police are excluded from this right. In particular, the Register of Lawyers which has been established to provide free legal aid to asylum seekers at second instance in Greece is subject to the Asylum Service of the Ministry of Migration and Asylum. Hence, only the asylum seekers for whom the competent authority is the Asylum Service benefit from the right to free legal aid. Contrarily, there is no such Register at the Headquarters of the Hellenic Police. No free legal aid, is therefore, provided to them to challenge the safe country of origin concept in relation to their individual circumstances, in breach of the right to an effective remedy enshrined in international, EU and national law.

3.3 Lack of Safety Assessment in Safe-Country Lists and Individual Decisions

According to Art. 91 para. 3 of the Greek Asylum Code, the following information is considered for the adoption of the JMDs designating third countries as safe third countries and establishing national lists: domestic legislative regime of the third countries, bilateral or multilateral transnational agreements or agreements between the third countries and the European Union, as well as the internal practice in these countries. The information must be "up-to-date and come from credible sources of information" (Art. 91 para. 3 Greek Asylum Code). In particular, from official national and foreign diplomatic sources, the European Union Agency for Asylum (EUAA), the legislation of other Member States in relation to the concept of safe third countries, the Council of Europe and the United Nations High Commissioner for Refugees (UNHCR). The same applies to the safe countries of origin. Specifically, the designation of countries of origin as safe and the establishment of national lists through JMDs must also be based on "up-to-date" information, obtained from "credible sources", in particular from those listed above (Art. 92 para. 5 Greek Asylum Code).

However, all JMDs so far fail to provide any legal reasoning as to why and on the basis of which information the countries designated as safe third countries and safe countries of origin are considered as such, in violation of Art. 12 para. 1 subpara. (d) of the APD pursuant to which the applicants must have access to the information taken into consideration for the purpose of taking a decision on their application. They do not contain any information whatsoever but only refer to unpublished Opinions of the Head of the Asylum Service, which in turn refer to unpublished annexes. Such annexes include country information notes of the Asylum Service's Procedures and Training Service. Nevertheless, neither the Opinions nor the annexes make any assessment of the countries' information, which is necessary to reach an informed conclusion that the designated safe third countries and safe countries of origin meet the safety criteria as set out in the APD. Furthermore, the applicants for international protection are denied access to this information and ultimately to their right to an effective remedy.

In addition, most of the rejection decisions under both concepts are identical and are not based on up-to-date information. In the case of Tuŕkiye, the decisions refer to outdated diplomatic assurances provided in 2016 for Syrian nationals. It is noteworthy that the first instance decisions rejecting the applications of Afghans, Somalis, Bangladeshis and Pakistanis as inadmissible are based, inter alia, on the above-mentioned diplomatic

Quarterly on Refugee Problems, 2025, Vol.64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

assurances, which are not only outdated but, most importantly, concern only Syrian nationals (AIDA, 2025: 161-164; RSA, 2024: 3, 26). Consequently, the applications of international protection are rejected without a rigorous and thorough assessment of the conditions in the countries considered as safe and without individualized assessment by the administrative authorities.

4 Human Rights Situation in the Countries Considered as Safe by Greece

Apart from the non-compliance with international and European standards, the implementation of safe country concepts in the Greek asylum system should also be examined regarding substantial safeguards in third countries and countries of origin considered as safe. Below are discussed the results of desk research of 195 sources (available in the Annex) published in 2023 until September 2024 by international organisations (i.e. European Union, Council of Europe, United Nations), the USA government, and non-governmental organisations, such as Amnesty International, Human Rights Watch, Freedom House, Refugee Support Aegean, European Council on Refugees and Exiles, International Rescue Committee and others. 34 sources were studied regarding safe third countries and 161 regarding safe countries of origin. The violations of human rights presented in this chapter are those which appear in most of the reports. They have been divided into three different categories regarding safe third countries (access to asylum, restrictions on freedom of movement and inadequate services regarding social rights) and two categories regarding safe countries of origin (violations of vulnerable groups' rights and violations of civil rights). All the reports are included in the Annex of this article.

4.1 Violations of Asylum-seekers' Rights in Safe Third Countries

Reported violations of persons in need of international protection in the three countries – Albania, North Macedonia and Tuŕkiye – considered as safe by Greece focus on barriers in access to asylum, restrictions on freedom of movement and inadequate services regarding social rights. Precisely, persons of concern wishing to apply for international protection in Tuŕkiye are totally denied access in many provinces. They also face severe difficulties in having their application registered in the rest of the country. In Albania, apart from reported forced returns without any access to asylum procedure, data is also alarming for those who manage to submit asylum applications. In the first eight months of 2023, only 11 first instance decisions were issued, granting subsidiary protection to nationals of Afghanistan, Iraq, and the Syrian Arab Republic. According to the reports, North Macedonia seems to generally respect the right to seek asylum. However, recognition rate remains extremely low, with two persons (one from Afghanistan and one from Morocco) being granted subsidiary protection in 2023.

Restriction to freedom of movement in Tuŕkiye include travel restrictions preventing refugees from travelling out of the provinces in which they are registered, unless they manage to obtain a special permit. In Albania, persons granted international protection are not provided with travel documents, while North Macedonia applies measures limiting freedom of movement of asylum-seekers. The latter is also reported to impose detention on children at the Reception Centre for Foreigners Gazi Baba. Regarding social rights and access to services, persons in need of international protection face significant challenges in Tuŕkiye. These challenges include homelessness or substandard housing conditions,

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Quarterly on Refugee Problems, 2025, Vol. 64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

ineffective access to formal employment and lack of children's access to education. In Albania, reported challenges focus on difficulties in accessing social care and services, while there is lack of separate facilities for unaccompanied minors. In North Macedonia, there is no provision for accommodation of unaccompanied minors. Moreover, identity documents often do not contain personal identification numbers, thus limiting access to services, including education and social welfare programs.

4.2 Human Rights Violations in Safe Countries of Origin

In the 16 countries considered as safe by Greece -Albania, Algeria, Armenia, Gambia, Georgia, Ghana, India, Morocco, Bangladesh, Pakistan, Benin, Senegal, Togo, Tunisia, Egypt and Nepal- there are serious violations of human rights according to the reports. The analysis of sources shows two main categories of such violations. The first concerns persons belonging to vulnerable groups, i.e. women, children, LGBTQ+ and persons with disabilities. The second includes violations of civil rights, mostly lack of freedom of expression, religious belief, association (combined with inacceptable working conditions) and imposition of torture. In the first category, none of the safe countries of origin is found to be totally safe for vulnerable groups. In the second category, only two countries are found to be safe regarding freedom of expression and seven regarding freedom of religious belief. Eleven countries do not respect the freedom of association, while working conditions are found to be inacceptable in all the 16 countries. Only three countries appear not to impose torture.

Table 1: Violations of women's rights in countries of origin considered as safe by Greece

Country	Rape / Domestic Violence / Sexual Harassement	Non - Criminalisation of marital rape	Female Genital Mutilation / Cutting (FGM/C)	Forced Marriage	Education	Employment	Trafficking	Prohibition / Criminalisation of Abortion
Albania	☑	☐	☐	☐	☐	☑	☑	☐
Algeria	☑	☑	☑	☐	☐	☑	☑	☐
Armenia	☑	☐	☐	☐	☑	☑	☑	☐
Bangladesh	☑	☑	☐	☑	☐	☑	☑	☐
Benin	☑	☐	☑	☐	☐	☑	☑	☐
Egypt	☑	☐	☑	☐	☐	☑	☐	☐
Gambia	☑	☑	☑	☐	☑	☑	☑	☐
Georgia	☑	☐	☐	☐	☐	☑	☐	☐
Ghana	☑	☐	☑	☐	☑	☑	☑	☐
India	☑	☑	☑	☑	☑	☑	☑	☑
Morocco	☑	☑	☐	☐	☑	☑	☐	☑
Nepal	☑	☐	☐	☑	☐	☑	☑	☐
Pakistan	☑	☐	☐	☑	☑	☑	☐	☐
Senegal	☑	☑	☑	☑	☑	☑	☐	☐
Togo	☑	☐	☐	☐	☐	☑	☑	☑
Tunisia	☑	☐	☐	☐	☐	☑	☐	☐

Precisely, the most common violations women's rights include: rape, domestic violence and severe harassment, non-criminalization of marital rape, female genital mutilation/cutting (FGM/C), forced marriage, education, employment, trafficking,

Quarterly on Refugee Problems, 2025, Vol.64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

prohibition and criminalization of abortion (indicatively: European Commission, 2024; US Department of State, 2024; Human Rights Watch, 2024; Amnesty International 2024; Freedom House, 2024; UN Human Rights Committee, India, 2024; UN Human Rights Committee, Egypt, 2023; ACCORD, Pakistan and Egypt, 2024) (**Table 1**). Among the most flagrant violations appear the non-criminalisation of marital rape in Bangladesh, when the victim (wife) is over 13 years old (EUAA, Bangladesh, 2024), and in India, when the victim is over 15 (US Department of State, India, 2024; UN Human Rights Committee, India, 2024).

Table 2: Violations of children's rights in countries of origin considered as safe by Greece

Country	Child Marriage	Trafficking	Female Genital Mutilation / Cutting (FGM/C)	Child Labor	Barriers to Education	Malnutrition
Albania	☑	☑	☐	☑	☑	☐
Algeria	☐	☑	☑	☑	☑	☐
Armenia	☐	☑	☐	☑	☑	☐
Bangladesh	☑	☑	☐	☑	☑	☑
Benin	☑	☑	☑	☑	☑	☐
Egypt	☑	☑	☑	☑	☑	☐
Gambia	☑	☑	☑	☑	☑	☐
Georgia	☐	☑	☐	☑	☑	☐
Ghana	☑	☑	☑	☑	☑	☐
India	☑	☑	☑	☑	☑	☐
Morocco	☑	☑	☐	☑	☑	☐
Nepal	☑	☑	☐	☑	☑	☑
Pakistan	☑	☑	☐	☑	☑	☐
Senegal	☑	☑	☑	☑	☑	☐
Togo	☑	☑	☐	☑	☑	☐
Tunisia	☑	☑	☐	☑	☑	☐

In all countries of origin considered as safe, children face barriers to access education. Other most common violations include: child marriage, trafficking, (FGM/C) and child labour (indicatively: UNICEF, 2023; UN Committee on the Rights of the Child, Egypt, 2024; European Commission, 2024; European Commission, Albania, 2023; EUAA, Pakistan, 2024; EUAA, Bangladesh, 2024; US Department of State, 2024; Bureau of International Labor Affairs, 2024) (**Table 2**). Additionally, malnutrition is reported in Nepal (Human Rights Watch, Nepal, 2024) and Bangladesh (EUAA, Bangladesh, 2024).

Quarterly on Refugee Problems, 2025, Vol. 64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

Table 3: Violations of LGBTQI+ persons in countries of origin considered as safe by Greece

Country	Discrimination	Criminalization
Albania	☑	☐
Algeria	☑	☑
Armenia	☑	☐
Bangladesh	☑	☑
Benin	☑	☐
Egypt	☑	☐
Gambia	☑	☑
Georgia	☑	☐
Ghana	☑	☑
India	☑	☐
Morocco	☑	☑
Nepal	☑	☐
Pakistan	☑	☐
Senegal	☑	☑
Togo	☑	☑
Tunisia	☑	☑

Discrimination against LGBTQI+ persons is prevalent in all safe countries of origin, especially regarding access to healthcare, education, justice, employment and housing, while members of this group experience different types and forms of violence (indicatively: US Department of State, 2024; Freedom House, 2024; Human Rights Watch, 2024; Amnesty International, 2024; ACCORD, Pakistan and Egypt, 2024). Being LGBTQI+ is criminalized in Algeria (Human Rights Watch, Algeria, 2024; Freedom House, Algeria, 2024; US Department of State, Algeria, 2024), Bangladesh (EUAA, 2024), Gambia (US Department of State, Gambia, 2024; Freedom House, Gambia, 2024), Ghana (UN GA, Human Rights Council, Ghana, 2024; UNHCR, Ghana, 2024; US Department of State, Ghana, 2024), Morocco (US Department of State, Morocco, 2024), Senegal (US Department of State, Senegal, 2024), Togo (US Department of State, Togo, 2024) and Tunisia (US Department of State, Tunisia, 2024) (**Table 3**).

Areas of concern for persons with disabilities in all countries include discrimination against people with disabilities regarding access to education, employment, health services, public buildings, and transportation on an equal basis with others. Only Tunisia appears to have made some progress, but still not on an equal basis.

Regarding civil rights violations in countries considered as safe by Greece, restrictions on freedom of expression are imposed in Tunisia, Morocco, Togo, Senegal, Nepal, India, Pakistan, Bangladesh, Gambia, Georgia, Egypt, Benin, Albania and Algeria. Restrictions include unjustified arrests or prosecutions, detention, imprisonment, criminal charges, violence and harassment. This treatment concerns opposition politicians, journalists,

Quarterly on Refugee Problems, 2025, Vol.64, Issue 1, 22-54
ISSN 2750-7882, Section: Research Articles
Open Access Publication, https://doi.org/10.57947/qrp.v64i1.208

human rights defenders, lawyers, activists, media outlets and other figures, and those perceived as criticizing the Government.

In Algeria, Morocco, Bangladesh, Pakistan, Egypt, India, Togo, Tunisia and Armenia, religious minorities suffer from persecution and interference. Furthermore, in Ghana, despite the fact that religious freedom is constitutionally protected, and the government largely upholds this protection, public schools feature mandatory religious education courses drawing on Christianity and Islam. Muslim students have allegedly been required to participate in Christian prayer sessions and church services in some publicly funded Christian schools. In Senegal there are reported cases of physical and sexual abuse of Daara students by some Quranic teachers.

Algeria, Armenia, Albania, Morocco, Bangladesh, Pakistan, Benin, Gambia, Georgia, Senegal and Egypt impose restriction on the formation of trade unions and prevent certain categories of persons from forming or joining trade unions. Torture, abuse, and rape by law enforcement and security officials have been reported in Bangladesh, Morocco, Pakistan, Benin, Egypt, Georgia, Ghana, India, Nepal, Senegal, Togo, Tunisia and Algeria. It is noteworthy that torture is not recognized and criminalized in India. Furthermore, Ghana, India, Bangladesh, Morocco, Pakistan and Algeria have not abolished death penalty. Enforced disappearances have been documented in India, Bangladesh, Pakistan, Egypt and Nepal. In the same countries unlawful killings have also been reported. Unlawful killings also take place, according to the reports, in Benin, Senegal and Togo.

5 Conclusions

Safe country policies adopted by the EU Member States appear aimed at minimizing their obligations towards refugees. They also entail the risk of circumventing the rights of the latter enshrined in the Refugee Convention and other international human rights instruments (Feller, 2006: 510, 528). These policies reinforce the discriminatory treatment among applicants of international protection based on their origin. This is because the laws and the procedural guarantees are not applied uniformly and equally to all applicants of international protection in breach of international and EU law. The implementation of safe country concepts in the case of Greece raises serious concerns about refugee protection and adherence to international legal obligations. Particular concerns are raised regarding access to a fair and effective asylum procedure, access to effective and durable protection and the risk of non-refoulement.

The findings of the study show that the decisions on applications for international protection of those entering Greece from countries considered as safe or originating from such countries are usually taken without a thorough assessment of the applicants' individual circumstances, the overall human rights situation in the designated safe countries and the risk applicants may face if returned there. Dismissal decisions are frequently based on outdated information and diplomatic assurances. They are also based on information to which applicants do not have access, as the Greek authorities have failed to provide public access to the data used for designating safe countries, violating refugees' right to an effective remedy. The implementation of safe country concepts in Greece, within the broader framework of the EU's asylum policies, highlights significant challenges and shortcomings. These issues undermine the importance of aligning procedures with international due process standards, the meaningful access to international protection and the refugees' rights and protection under international law.

Thus, leaving refugees in a precarious and undocumented status, without access to health care, legal residence, employment and ultimately without protection.

Up-to-date information from credible sources reveals significant and extensive human rights violations in countries deemed safe, further questioning the validity of such designations from the Greek authorities. The application of the safe country concepts in Greece in line with EU and international human rights law is essential in order not to jeopardize access to protection for persons in need of international protection. These findings, also, highlight the need to revise how safe country concepts are applied not only at national, but also at EU level. It should be reconsidered whether the concepts are consistent with human rights principles, comply with international and EU legal standards, respect international obligations, and guarantee fair treatment of all asylum seekers. A more equitable responsibility-sharing mechanism within the EU, prioritizing refugee protection over the externalisation of responsibilities, is essential to address these challenges.

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