

**GREECE'S COMPLIANCE WITH THE CHARTER OF FUNDAMENTAL
RIGHTS OF THE EUROPEAN UNION (CFR-EU) IN THE EUROPEAN
REFUGEE CRISIS 2015-2023**

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Abstrak

Penelitian ini membahas mengenai krisis pengungsi Eropa sejak tahun 2015-2023 yang menempatkan Yunani sebagai negara gerbang utama Uni Eropa, dengan lonjakan kedatangan yang sangat tinggi dan tekanan kemanusiaan yang berkelanjutan. Penelitian ini akan menganalisis bentuk kepatuhan Yunani terhadap rezim CFR-EU menggunakan kerangka Ronald B. Mitchell (Output, Outcomes, Impact) serta kategorisasi Sara McLaughlin Mitchell & Paul R. Hensel untuk mengidentifikasi kategorisasi kepatuhan. Data bersumber dari studi kepustakaan yang diambil melalui kebijakan domestik, instrumen hukum UE, serta laporan lembaga internasional yang berasal dari sumber resmi. Hasilnya menunjukkan bahwa indikator output terpenuhi melalui adopsi legislasi, program ESTIA, pendekatan hotspot, dan implementasi Kesepakatan Uni Eropa-Turki (2016); indikator outcomes dan impact hasilnya masih lemah, yang tercermin dari bukti-bukti seperti kelebihan kapasitas di kamp penampungan, maraknya praktik pushback, akses layanan dan bantuan hukum yang terbatas, serta kebijakan domestik yang memperketat prosedur suaka pasca-2019. Temuan mengarah pada bentuk kepatuhan “passive compliance” yaitu kondisi dimana suatu negara mengadopsi dan menjalankan komitmennya melalui kebijakan dan pembentukan kerangka hukum, tetapi implementasi substantif tidak konsisten dan dampaknya terbatas, sehingga muncul compliance gap antara komitmen formal dan perlindungan hak terhadap pengungsi di lapangan.

Kata kunci: CFR-EU; Yunani; Krisis pengungsi; Passive compliance;

Abstract

This research examines the European refugee crisis from 2015 to 2023, which has made Greece the primary gateway to the European Union, experiencing a significant surge in arrivals and ongoing humanitarian pressure. This study analyses Greece's compliance with the CFR-EU regime using Ronald B. Mitchell's framework (Output, Outcomes, Impact) and Sara McLaughlin Mitchell and Paul R. Hensel's categorisation to identify compliance categories. Data are sourced from literature studies, domestic policies, EU legal instruments, and reports from international

institutions, all of which are official sources. The results show that output indicators are met through the adoption of legislation, the ESTIA programme, the hotspot approach, and the implementation of the EU-Turkey Agreement (2016); while the outcomes and impact indicators are still weak, as reflected in evidence such as overcapacity in detention camps, rampant pushback practices, limited access to services and legal aid, and domestic policies that tighten asylum procedures post-2019. The findings point to a form of 'passive compliance,' a condition in which a country adopts and implements its commitments through policies and the establishment of a legal framework, but substantive implementation is inconsistent and the impact is limited, resulting in a compliance gap between formal commitments and the protection of refugee rights in the field.

Keywords: CFR-EU; Greece; Refugee crisis; Passive compliance;

INTRODUCTION

Since 2015, Europe has faced the most significant increase in forced mobility in decades. This has caused significant tension in the European region due to the large number of arrivals, especially in frontline countries such as Greece and Italy. In 2015 alone, approximately 1,000,573 refugees reached Europe via the Mediterranean Sea, with 844,176 refugees arriving in Greece. Of the 844,176 refugees who arrived in Greece, the majority came from Middle Eastern countries, with 38% (320,786) from Syria, 24% (202,602) from Afghanistan, 26% (219,485) from Iraq, and the remainder from Iran, Morocco, and Pakistan. (UNHCR, 2015).

This phenomenon raises questions about the compliance of member states with EU human rights standards, particularly in relation to the treatment of asylum seekers and refugees. Normatively, the European Union utilizes the Charter of Fundamental Rights of the European Union (CFR-EU) as a primary instrument to ensure the protection of refugees' rights. The CFR-EU is an official EU document that was legally agreed and adopted through the 2009 Lisbon Treaty, containing articles guaranteeing refugees' rights such as asylum (Article 18) and non-refoulement (Article 19) as well as other fundamental rights (dignity, child protection, fair trial) (European Union Agency for Fundamental Rights, 2009). However, despite these clear legal standards, implementation at the national level often falls short of expectations. Greece faces the dilemma of balancing its international obligations with the domestic realities of economic, social, and political pressures. This situation underscores the need to assess the extent to which Greece can effectively comply with the CFR-EU in practice.

At the regional level, the large number of refugees and asylum seekers heading to the European Union does not mean that all European countries are willing to take in refugees from the Middle East. The arrival of these refugees and asylum seekers are

viewed differently by each member of the European Union. The European Commission also enhanced its Common European Asylum System (CEAS) as recognized in the 1951 Geneva Convention for its protection of refugees. In addition, a Dublin System reform to properly distribute asylum seekers across EU nations was implemented in 2016. However, member states were unable to achieve an agreement on how to share responsibilities (Perbowani, 2022). The CEAS is a system that provides minimum common standards for the treatment of asylum seekers in EU member states (Muharjono & Vidi Marentra Efla, 2018). However, when the refugee crisis reached its peak, the mechanism for distributing responsibility among countries proved ineffective. The relocation scheme designed to move asylum seekers from Greece and Italy to other member states only achieved a small fraction of its target (European Commision, 2017b). The lack of solidarity among member states exacerbated the burden borne by Greece.

In response, Greece collaborated with international institutions, such as the UNHCR and NGOs, to launch the ESTIA programme, which provides community-based accommodation, allowing refugees and asylum seekers to avoid relying solely on emergency camps (UNHCR, 2019). Additionally, the hotspot approach later institutionalised as Closed Controlled Access Centres (CCACs), was implemented on the Aegean islands as an initial facility for registering, receiving, and processing asylum seekers (European Commision, 2017a). Furthermore, the EU-Turkey Agreement, signed in March 2016, was a significant step towards controlling migration flows. The agreement regulates the mechanism for returning asylum seekers from Greece to Turkey.

Violations of the rights of refugees and asylum seekers refer to actions or practices by state authorities that contravene legally binding obligations under international and European Union law, particularly those related to access to asylum procedures, protection against collective expulsion, and the principle of non-refoulement. In the Greek context, such violations primarily occurred through pushback practices at both sea and land borders. Pushback practices refer to informal border enforcement measures whereby refugees and asylum seekers are summarily returned without access to asylum procedures. Such practices may amount to collective expulsion and constitute violations of the principle of non-refoulement, a cornerstone of international refugee protection. Investigations conducted by international media and human rights organisations have documented forced expulsions without due legal process (Human Rights Watch, 2015).

According to data reported by the Greek Council for Refugees, UNHCR recorded 539 pushback incidents involving at least 17,000 individuals between 2020 and 2021, with potential violations of multiple rights. Between early 2020 and February 2022, UNHCR formally submitted 59 pushback cases to the Greek authorities through 17 official letters requesting investigations. In addition, in December 2021, the European Court of Human Rights (ECtHR) communicated 32 applications concerning alleged forced returns from areas such as Evros, Crete, Kos, Kalymnos, Lesvos, Samos, or at sea before individuals reached Greek territory. These developments demonstrate that pushback practices in Greece have attracted sustained international attention (Chatzigianni & Nikolopoulou, 2023).

This study examines the compliance of Greece with the EU Charter of Fundamental Rights (CFR-EU) in the context of the European refugee crisis between 2015 and 2023, where a persistent gap between formal legal commitments and practices on the ground has been widely documented. On the one hand, Greece has formally adopted policies aligned with the EU legal framework, including improvements to asylum procedures and cooperation with international organisations. On the other hand, practices on the ground continue to demonstrate serious violations of the rights of refugees and asylum seekers (AIDA & ECRE, 2023).

ANALYTICAL FRAMEWORK

In analysing Greece's level of compliance with the Charter of Fundamental Rights of the European Union (CFR-EU) during the refugee crisis, two complementary theoretical frameworks are used. First, the theory of compliance with international regimes, developed by Ronald B. Mitchell, divides the compliance evaluation process into three key indicators: output, outcomes, and impact. Although Mitchell (1994) originally developed the output–outcomes–impact framework in the context of international environmental agreements, the framework is not limited to environmental issues. Instead, it offers a general analytical tool for assessing state compliance by examining the relationship between formal legal commitments, domestic implementation processes, and their real-world effects. This issue-neutral approach makes the framework applicable to human rights regimes, where compliance similarly depends on how legal norms are translated into institutional practices and tangible protection for rights holders.

To analyze international regimes, the concept of compliance is employed to examine how a country fulfills and adheres to its commitments. Compliance is also described as an attitude whereby individuals obey established rules without coercion.

Conversely, non-compliance occurs when the behaviour of individuals or subjects does not comply with established rules. (Young, 2013). Mitchell's theory emphasises the importance of distinguishing between policy adoption, behavioural change, and the achievement of substantive goals. Output refers to the extent to which a country adopts regulations and issues legal instruments or policies that are formally in line with international obligations. Meanwhile, outcomes assess whether the adopted policies result in real behavioural change, such as increased access to health services for refugees and or accelerated asylum procedures. Impact assesses the extent to which the results achieved through these behavioural changes align with the objectives of the international regime (Mitchell, 1994).

The second framework is the categorisation of compliance proposed by Sara McLaughlin Mitchell and Paul Hensel (2007), which categorises state responses to international obligations into four forms: active compliance, passive compliance, active non-compliance, and passive non-compliance. Active compliance describes states that consciously and consistently strive to meet agreed international norms and can demonstrate their success. Passive compliance refers to states that formally adopt international obligations but achieve limited results in their implementation, usually due to capacity constraints or structural barriers. Conversely, active non-compliance reflects an explicit rejection or deliberate actions contrary to obligations. In contrast, passive non-compliance occurs when states fail to fulfill obligations due to negligence or a weak domestic capacity (McLaughlin Mitchell & Hensel, 2007).

In this research, these categories are used to categorize Greece's behavior, which formally demonstrates a commitment to EU policy but in practice often faces implementation constraints. Thus, the category of passive compliance becomes the primary focus, as it corresponds to Greece's empirical conditions. The combination of these two frameworks allows for a more comprehensive analysis. By combining the two, this study not only assesses whether Greece has issued policies in accordance with the CFR-EU, but also examines the extent to which these policies are implemented and whether the results honestly guarantee the protection of refugees' human rights as stipulated in the CFR-EU.

Thus, the analytical framework used in this study is not only a tool for descriptively assessing Greece's compliance, but also for understanding the factors that shape this pattern of compliance. This is important so that the study not only identifies gaps in compliance but also explains why these gaps occur and how they relate to the socio-political context and institutional capacity of Greece during the 2015–2023 refugee crisis.

RESEARCH METHOD

This study employs a descriptive qualitative research method to analyse social and legal phenomena related to the refugee crisis in Greece. Qualitative research is considered appropriate for examining complex issues through in-depth interpretation of secondary data and documents (Abdussamad, 2014).

The data used in this study were obtained from secondary sources, including academic literature, journal articles, official reports, relevant news sources, and official documents issued by the European Union and the Greek government. The main sources consist of reports published by international institutions such as UNHCR, AIDA, and Médecins Sans Frontières, which provide statistical data on refugee arrivals, camp conditions, and evaluations of asylum policies.

The collected data were analysed qualitatively to identify and describe Greece's compliance with the Charter of Fundamental Rights of the European Union (CFR-EU) in addressing the refugee crisis during the 2015–2023 period.

DISCUSSION & RESULT

Greece's Domestic Policy Response to Refugee Rights Based on the CFR-EU during Two Administrative Periods

As one of the European Union member states at the forefront of the influx of refugees, Greece is not only the main entry point for refugees and asylum seekers, but also part of the burden-sharing policy agreed upon at the European Union level. One of the important instruments in this policy is the emergency relocation scheme regulated by Council Decision (EU) 2015/1601. Based on this decision, 66,400 asylum seekers in Greece were allocated to be transferred to other EU member states within two years. The quota distribution formula is based on a combination of four primary indicators: population size (40%), Gross Domestic Product (GDP) (40%), the average number of asylum applications received (10%), and the unemployment rate (10%) (European Union, 2015).

In addition to internal relocation schemes, Greece also participates in resettlement programmes that transfer refugees and asylum seekers from third countries directly to EU member states. Through the EU-Turkey agreement of 18 March 2016, Greece is involved in a ‘one-for-one’ mechanism, whereby every Syrian returned from Greece to Turkey will be replaced by one Syrian transferred from Turkey to an EU member state. In this context, Greece plays a dual role as a sending country in intra-EU relocation and as a limited receiving country in the resettlement scheme.

However, the implementation of Council Decision (EU) 2015/1601 in Greece encountered several obstacles. As of September 2017, the realisation of relocation from Greece had only reached 11,966 people out of the predetermined target, while the total relocation from Greece and Italy amounted to 24,676 people. This low realisation rate was due to various factors, including the refusal of several member states to participate in the scheme, limited reception capacity, and slow administrative processes in the destination countries. Between 2015 and 2023, there were two main governing periods: the coalition government led by Alexis Tsipras of the Syriza party (2015–2019) and the government of Kyriakos Mitsotakis of the New Democracy party (2019–2023).

During Alexis Tsipras' administration, Greece faced the peak of the 2015 migration crisis, marked by a significant influx of refugees and asylum seekers. The Tsipras government tended to adopt a relatively more open and humanitarian-oriented policy towards refugees and asylum seekers. This was evident in efforts to expedite the registration process by opening reception centres on the Aegean islands, which are known as hotspots, and fostering close cooperation with international agencies, such as the UNHCR, to provide accommodation and basic services (UNHCR, 2015). However, limited domestic resources due to the economic crisis meant that policy implementation was often suboptimal. Overcrowded camps and a lack of basic facilities highlighted a serious gap between normative commitments and the reality on the ground (AIDA, 2023).

The Tsipras administration also played a role in implementing the 2016 EU–Turkey Statement, which aimed to reduce migration flows through a mechanism for returning refugees and asylum seekers from Greece to Turkey. Human rights organisations have widely criticised this policy for sacrificing the principle of refugee protection. Although the government has attempted to comply with the EU framework, its implementation has had serious consequences for the rights of refugees and asylum seekers, especially those caught up in lengthy procedures on hotspot islands (Amnesty International, 2017). Overall, this period reflected partial compliance with the CFR-EU, shaped by humanitarian intent but constrained by structural and external pressures.

Taken together, the Tsipras administration prioritised a humanitarian and protection-oriented approach that emphasised access to asylum procedures and cooperation with international organisations, whereas the Mitsotakis administration, which took office in 2019, marked a clear shift towards securitisation, deterrence, and stricter border management. The New Democracy government took a stricter, securitization-oriented but fair approach to the refugee issue. Several new policies were introduced, including revisions to asylum laws that accelerated the process of rejecting applications and expanded the scope for migrant detention. During the Kyriakos Mitsotakis era (2019–2023), a shift in policy orientation occurred, with an emphasis on speeding up procedures, strengthening border controls, and establishing new, more secure reception facilities, known as Closed Controlled Access Centres (CCACs). Legislative and administrative changes (including the implementation and amendment of Law 4636/2019 and its follow-up) were designed to speed up the registration, identification, and resolution of asylum applications in order to comply with the EU procedural framework (e.g., Asylum Procedures Directive 2013/32/EU and Reception Conditions Directive 2013/33/EU).

The Mitsotakis government has also tightened border controls by increasing maritime patrols and employing pushback practices, which have sparked widespread criticism from international institutions (Human Rights Watch, 2015). Nevertheless, both Tsipras and Mitsotakis continue to operate within the EU legal framework. In practice, however, the Mitsotakis administration has been accused of violating these provisions through forced expulsions and camp conditions deemed inconsistent with human rights standards. Although both administrations formally operated within the EU legal framework, the compliance gap between CFR-EU obligations and their implementation was greatest during the Mitsotakis administration, particularly in border management and refugee protection. This comparison shows that Greece's compliance with the CFR-EU varied across administrations and was strongly influenced by domestic political priorities.

Contents of the Main Articles of the Charter of Fundamental Rights of the European Union as an International Regime

The Charter of Fundamental Rights of the European Union (CFR-EU) is a legal instrument adopted to strengthen the protection of human rights in the European Union. This charter has been legally binding since the Treaty of Lisbon came into force in 2009. The existence of this charter reaffirms the European Union's commitment to

guaranteeing the values of democracy, equality, and the protection of fundamental rights for every individual within its jurisdiction, including refugees and asylum seekers (Official Journal of the European Communities, 2000). This charter contains six main chapters that regulate various categories of rights. The first chapter emphasises the right to human dignity, the second chapter regulates the right to freedom, the third chapter reaffirms the principle of equality, which prohibits discrimination in all forms, regardless of nationality, gender, or legal status. Furthermore, the fourth chapter focuses on solidarity, which provides protection for workers' rights, the fifth chapter ensures citizens' rights to participate in the political process. In contrast, the sixth chapter affirms the principle of justice, including the right to a fair trial and legal protection (Official Journal of the European Communities, 2000). In the context of refugees and asylum seekers, two highly relevant articles are Article 18 and Article 19. Article 18 explicitly guarantees the right to asylum, referencing the 1951 Geneva Convention and the 1967 New York Protocol. In the context of the 2015–2023 refugee crisis, this provision serves as a benchmark for assessing Greece's consistency in upholding EU legal standards.

Description of Refugees in Greece 2015–2023

The wave of refugees and asylum seekers arriving in Europe since 2015 has placed Greece in a strategic yet vulnerable position in the dynamics of the international migration crisis. As the main gateway to the European Union via the Eastern Mediterranean Sea route, Greece has received a large number of refugees and asylum seekers that is disproportionate to its infrastructure capacity. According to a UNHCR report, more than 850,000 refugees and asylum seekers arrived in Greece throughout 2015 (UNHCR, 2015). The majority of them came from Syria, Afghanistan, and Iraq, countries ravaged by armed conflict and political instability. The primary route used was by sea from Turkey to the islands in the Aegean Sea, including Lesbos, Chios, Samos, Kos, and Leros. The surge in arrivals put enormous pressure on Greece's already limited refugee reception system. The available camps quickly became overcrowded, as shown in the following table:

**Table 1: Capacity and Number of Residents in Refugee Camps
in the Greek Aegean Islands**

No.	Island	Official Capacity	Resident Capacity	Difference
1.	Chios	1,014 people	1,082 people	+6%
2.	Samos	3,650 people	3,890 people	+7%
3.	Leros	2,150 people	2,192 people	+2%
4.	Kos	2,923 people	3,360 people	+15%
5.	Lesvos	8,000 people	5,390 people	-33%

Source: Asylum Information Database (AIDA), 2023

As shown in Table 1, the number of residents in refugee camps on the Greek Aegean Islands consistently exceeded their official capacity, indicating persistent overcapacity. The table shows that four of the five main islands are over capacity, with the highest percentage occurring on the island of Kos, which is 15% over capacity. This situation places significant pressure on available accommodation facilities, resulting in poor living conditions, including limited access to clean water, inadequate sanitation, and insufficient healthcare services. Médecins Sans Frontières also reports high rates of infectious diseases, malnutrition, and mental health problems due to overcrowded camps and limited medical services (MSF, 2023). Several reports also note that the length of the asylum process contributes to increased social tensions within the camps, including the emergence of violence between groups of residents (Human Rights Watch, 2016). During his visit to the refugee camps on Samos, Lesvos, and Chios, Bill Frelick, director of refugee rights at Human Rights Watch, said, "Women and children fleeing war face violence every day and live in fear. The lack of police protection, overcrowding, and unsanitary conditions create an atmosphere of chaos and insecurity in the barbed-wire-fenced camps on the Greek islands." During its mid-2016 visit, Human Rights Watch found that all three facilities were severely overcrowded, with a significant shortage of basic shelter and dirty and unhygienic conditions. Long queues for poor-quality food, mismanagement, and a lack of information contributed to a chaotic and uncertain atmosphere (Human Rights Watch, 2016).

In 2018, conditions at the Vathy camp on Samos also deteriorated. The camp, which had a capacity for 650 people, the rehabilitation centre, and the surrounding area had to accommodate around 4,000 people, six times its planned capacity. This put everyone in crisis. New arrivals had to buy flimsy tents from local shops, which they set up on steep slopes in nearby fields. These tents provided little protection from the cold

weather, lacking basic amenities such as electricity, clean water, and toilets. There were many snakes in the area, and rats bred in the uncollected rubbish. Many toilets and bathrooms are broken, resulting in open sewage drains near residents' tents. In addition, the investigation report also highlights the practice of pushbacks or forced expulsions by Greek authorities, both at land and sea borders. This practice involves forcing refugees back to Turkey without due process, which clearly violates the principle of non-refoulement as stipulated in international law. Reports from the UNHCR show that there have been 540 incidents of pushbacks by Greece since 2020. The Greek National Commission for Human Rights also reported 50 informal incidents of pushbacks from Greece between April 2020 and October 2022 (UNHCR, 2022). By 2023, a total of 41,561 refugees and asylum seekers had arrived in Greece by sea. The majority came from Syria (31%), Afghanistan (20%), Palestine (16%), Somalia (6%), and Eritrea (4%). Women accounted for 18%, children 23%, and men 60%. In December, there was an increase in arrivals on the island, with 5,008 people arriving, compared to 4,200 in November. The number of arrivals in 2023 has increased by 226% compared to 2022 (UNHCR, 2023).

Implementation of Greece's Commitment to the CFR-EU: Output, Outcomes, and Impact

Greece's compliance with the CFR-EU in handling the refugee crisis can be analyzed through three levels: output, outcomes, and impact. These three are interrelated and provide an overview of the policies adopted, the results of implementation, and the real impact in the field. At the output level, Greece appears to be striving to align its domestic legal and policy frameworks with EU standards. Since 2015, the government has adopted various regulations. Greece has demonstrated its commitment through the adoption of various legislation and policies aimed at harmonising domestic practices with its international obligations. Under the Tsipras administration (2015-2019), there were initial efforts to present a more humanistic approach. This was demonstrated by the ESTIA programme and the cooperative relationship established with international organisations such as the UNHCR. Greece also showed a more humanistic approach at the beginning of the refugee crisis, including through Law 3709/11, which was reactivated in March 2015, stating that all refugees would be accommodated in open reception centres, while rejected migrants and asylum seekers would be given 30 days, without detention, to return to their country of origin voluntarily. Only after the 30-day deadline would rejected migrants and asylum seekers be deported to their country of origin. Through Law 4332/2015,

ratified by the Greek parliament on 9 July 2015, amending the Greek Citizenship Law (Law 4521/2014), to enable migrant children born and raised in Greece to obtain Greek citizenship (Skleparis, 2017).

The European Union and Greece also implemented an emergency relocation scheme as stipulated in Council Decisions (EU) 2015/1523 and 2015/1601, which are temporary in nature and designed to respond to the surge in refugee arrivals at the height of the 2015 migration crisis (Council Decision (EU) 2015/1601 of 22 September 2015 Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece, 2015). Initially, the scheme was scheduled to expire in September 2017, but was then technically extended to complete registered cases until March 2018. After that period ended, the European Union no longer imposed a legally binding quota-based mandatory relocation scheme. From 2018 to 2023, relocation and resettlement policies were more voluntary in nature. The European Union, through the European Commission, in collaboration with the UNHCR, operates a limited relocation programme based on agreements between member states. This mechanism does not establish annual quotas that each country, including Greece, must meet; instead, it relies on the voluntary commitment of each country to achieve its goals. However, it is flexible in nature and does not resemble the strict quota system of 2015–2017, this places a burden on Greece, a frontline country, because there are no binding rules governing the distribution of quotas for refugees arriving in the EU.

Although there are various policy outputs, an analysis of the outcomes - i.e., the behavior resulting from these policies – shows a significant gap between commitments and reality on the ground. Conditions in hotspots are a prime reflection of these problematic outcomes. Although their primary purpose is management and identification, these facilities are often overwhelmed, resulting in severe overcrowding, poor sanitation, and limited access to basic services, such as clean water, adequate food, and healthcare. The implementation of hotspots in Greece faces significant challenges, both structurally, administratively, and operationally.

Meanwhile, at the impact level, the main objectives of the CFR-EU in the context of refugee protection are to guarantee the right to asylum, uphold the principle of non-refoulement, ensure human dignity, and provide access to justice. However, in its implementation, data and reports show that Greece's efforts to protect the rights of refugees have not been optimal, and the results have not fully met the objectives and expectations of the CFR-EU. The real impact of Greece's policies shows complex consequences. Violations of the principle of non-refoulement demonstrate this. The principle of non-refoulement is contained in Article 19 of the CFR-EU, which states that

no one may be removed, expelled, or extradited to a country where there is a serious risk that they would be subjected to the death penalty, torture, or inhuman or degrading treatment or punishment. The practice of pushbacks not only violates international law but also increases the risk for refugees trapped at the border. The long-term impact is that Greece's image as an EU member state that should uphold the CFR-EU is being called into question (AIDA & ECRE, 2023).

Overall, when these three indicators are considered together, it appears that Greece's compliance with the CFR-EU emphasises formal outputs through regulation and international cooperation.

Analysis of Greece's Passive Compliance with the CFR-EU

Based on an analysis of Greece's policies and practices in dealing with refugees, it can be seen that the country's compliance with the CFR-EU is more accurately categorised as passive compliance. In the categorization of compliance proposed by Sara McLaughlin Mitchell and Paul Hensel, passive compliance refers to a situation where a country demonstrates formal compliance, but the results are suboptimal. This condition is reflected in Greece's policy patterns throughout the 2015–2023 period. In terms of regulation, Greece has adopted various EU legal instruments related to refugees, including the implementation of the Common European Asylum System (CEAS), the Establishment of Hotspots, the implementation of the 2016 EU–Turkey Statement, and the establishment of reception centres on border islands. Additionally, Greece revised its asylum law in 2019 to expedite administrative procedures. All these steps demonstrate formal compliance with the EU legal framework and the articles in the CFR-EU, particularly Articles 18 and 19.

However, this compliance is more administrative than substantive. In practice, many policies contradict those set out in the CFR-EU. For example, reports by Human Rights Watch and AIDA reveal the practice of pushbacks against refugees in the Aegean Sea, which clearly violates the principle of non-refoulement. Forensic Architecture also reports that there have been 2,000 pushback incidents on the Greek islands between 2020 and 2023, resulting in 55,445 victims of pushback incidents. Among them, 24 people were reported dead and 17 missing (Forensic Architecture, 2024). Critics also accuse the European Union of ignoring Greece's behaviour after six years of the migration crisis. Special correspondent Malcolm Brabant reports from the island of Samos (Tolis, 2021).

Figure 1. Rejection of Migrants at Sea by Greek Guards



Source: PBS News, 2021

Figure 1 illustrates reports by PBS News highlighting pushback practices conducted by the Greek coast guard in the Aegean Sea, which have raised serious concerns regarding violations of international law. Beyond the issue of pushbacks, refugees in Greece also face significant humanitarian challenges, particularly in terms of reception conditions and access to basic services. MSF reports between 2021 and 2023 show 7,904 new refugees, including men, women, children with and without companions, infants, including newborns, and the elderly. In most cases, MSF teams found people under emotional stress, exhausted, thirsty, hungry, wearing wet or fuel-smelling clothes, exposed to bad weather conditions, and often covered in burns, cuts, scratches, and bruises. MSF provided medical assistance to 135 pregnant women. On the island of Samos, Greece, 67.2% of new patients seeking mental health services said that violence was a factor in triggering their mental health problems. Between August 2021 and July 2023, MSF teams in Samos and Lesbos treated 467 survivors of sexual violence and 88 patients who had survived female genital mutilation in their home countries (MSF, 2023).

Greece's passive compliance also appears to be influenced by domestic political dynamics. During the Alexis Tsipras administration (2015–2019), although policies

were more open to refugees, economic constraints meant that many international obligations were not fully implemented. Meanwhile, during the Kyriakos Mitsotakis administration (2019–2023), the policy direction tended to be stricter, with an emphasis on national security and migration control. This approach resulted in policies that were quicker to reject asylum applications, but often neglected the protection of refugees' fundamental rights. Thus, both periods of government demonstrated a tendency towards passive compliance: regulations were adopted, but their implementation was not fully aligned with human rights principles.

From the perspective of Ronald B. Mitchell's theory of compliance, Greece's form of passive compliance can be understood as a form of compliance triggered by external factors. As a member of the European Union, Greece has little choice but to adopt policies in accordance with EU instructions. However, when these policies are implemented at the domestic level, compliance no longer arises from normative motivation, but rather from external legal and political pressure. Therefore, although Greece appears to be compliant legally, it has not substantially met the protection standards set out in the EU CFR.

Thus, this analysis confirms that Greece's compliance with the EU CFR in the 2015–2023 refugee crisis can be categorised as passive compliance. Compliance is formal, but it is not reflected in consistent implementation. This situation highlights a gap between regulation and reality, posing a significant challenge for the European Union in ensuring that human rights protection standards are consistently implemented across all member states.

CONCLUSION

The refugee crisis in Europe since 2015 has placed Greece in a highly strategic yet vulnerable position. As the main gateway to the European Union, Greece faces enormous pressure to deal with large influxes of refugees amid limited domestic economic and political capacity. This study concludes that Greece's response to the 2015–2023 refugee crisis reflects a pattern of passive compliance with the Charter of Fundamental Rights of the European Union (CFR-EU). Greece formally incorporated EU legal standards into its domestic asylum framework and continued to operate within the EU's regulatory architecture. However, the findings show that this formal compliance was not consistently matched by effective implementation, particularly in relation to non-refoulement, reception conditions, and access to asylum procedures.

The persistence of passive compliance can be explained by several interrelated factors. First, limited state capacity shaped by prolonged economic constraints and

sustained pressure as a frontline state restricted Greece's ability to fully uphold CFR-EU obligations. Second, domestic political priorities influenced the direction of refugee governance. While earlier policies emphasized humanitarian considerations, later administrations increasingly prioritized securitization and border control, which narrowed the space for rights-based protection. Third, shortcomings in EU burden-sharing mechanisms, especially the underperformance of relocation schemes, placed disproportionate responsibility on Greece and further widened the gap between legal commitments and practical outcomes.

From a theoretical perspective, these findings support compliance approaches that emphasize capacity limitations and political context as key determinants of state behavior. Greece's case demonstrates that non-compliance should not be understood solely as deliberate norm rejection, but rather as a condition shaped by structural pressures and shifting policy priorities within a multilevel governance system.

In policy terms, this study highlights the need for more effective and binding EU-level solidarity mechanisms, stronger oversight of border practices, and sustained support for reception systems in frontline states. Without addressing these underlying constraints, compliance with the CFR-EU risks remaining largely formal and reactive, particularly during periods of crisis.

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