

# GREECE THE END OF THE ROAD FOR REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

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## “IN SYRIA YOU DIE ONCE, HERE YOU DIE MANY TIMES... WE SLEEP ROUGH AND ARE SCARED OF RACIST ATTACKS”.

A Syrian asylum-seeker in Athens, Greece, speaking to Amnesty International in October 2012

Every year, tens of thousands of irregular migrants and asylum-seekers cross the Greek border in search of shelter, refuge or just a better life within the European Union. Few of them find it in Greece.

Refugees, asylum-seekers and migrants in Greece are highly exposed to a range of human rights abuses. Greece still does not have a fair and effective asylum system, and asylum-seekers face major obstacles just to register their claims. Those unable to demonstrate that they have applied for asylum face arrest and detention or deportation as it is common practice in Greece for the police to detain asylum-seekers and migrants not in possession

of valid documents. Those detained are often held in poor or inhuman conditions and can languish in detention for prolonged periods.

The shortage of places in reception facilities means that many asylum-seekers and unaccompanied children are left homeless, or forced to live in squalid accommodation. On top of that, a new threat is the dramatic increase in the number of racist attacks by members of extreme right-wing groups.



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## ARRIVING IN GREECE

The main land route into Greece and therefore into the European Union (EU) is across the Evros River from Turkey. In 2012, however, the number of migrants and asylum-seekers arriving through that route reduced significantly while summer arrivals by sea increased significantly.

By November 2012, a 10.5km fence was constructed along the part of the Greek-Turkish border where the highest numbers of entries had been recorded (on account of the border in that part being on land rather than running through the River Evros). Amnesty International believes that the fence is inconsistent with, and will lead to the violation of, the right to seek and enjoy

asylum from persecution, since it will prevent people who are seeking international protection from reaching Greece.

Many of those arriving in 2012 by sea, on islands such as Leros, Lesvos, Symi, Samos and Farmakonisi, were fleeing the conflict in Syria; among them many families with small children. Despite this, the new arrivals were – and continue to be – detained in police stations in overcrowded, often unhygienic, conditions or provided with no shelter at all.

**Cover:** Migrants from Pakistan make their way along the Egnatia motorway heading south, near Feres, after crossing the Turkish-Greek border in Evros Region, northern Greece, 25 December, 2011.

**Above left:** The remains of a rubber boat used by migrants to cross the Aegean Sea from Turkey to the Greek island of Lesvos is washed to shore, May 2010 in Lesvos, Greece.

**Above:** A military officer on the site of the border fence between Greece and Turkey, aimed at stemming irregular immigration, in the village of Kastanies, northern Greece, February 2012.

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## PUSH BACKS AND UNSAFE CROSSINGS

Some people trying to enter Greece across the River Evros told Amnesty International that they had been pushed back to Turkey by the Greek authorities.

In June 2012, a boat carrying seven Syrians was reportedly sunk by a Greek police boat. N., from Aleppo, Syria, described to Amnesty International in October 2012 how their boat reached the middle of the river, where supposedly the Greek border starts, when the Greek police arrived in a patrol boat and started pushing their inflatable dinghy back towards Turkey. Then a police officer used a knife to stab the plastic fabric of the boat, which then sank, leaving people to swim to the Turkish shore.

F., another Syrian man aged 31, said that in August, a group of 11 people from Syria, including families with children, crossed the River Evros and entered Greece. He said that they walked to a nearby village where, at around 7am the police arrested them and kept them in the courtyard of a police station along with other people, around 40 in total. At midnight, the police bussed them all back to the river and

loaded them into two boats. The police directed the boats into the middle of the river and he maintained that two armed policemen pushed everyone into the river, without life-jackets. When they made it across the river to the Turkish shore, he could only count 25 out of the group of 40 people that the police had brought to the river.

F. made a second attempt to enter Greece, this time via the islands. He shared the same boat from Turkey with C., another asylum-seeker from Syria aged 21, who explained how he fled Syria to avoid killing or being killed; "Would you kill a baby?" he asked, "I saw this happening when I was a soldier and left when they called me up again."

C. described how they arrived to the remote Greek island of Farmakonisi in the following terms: "There were 27 of us on the boat including three families, with three babies... We were taken to Farmakonisi by Turkish traffickers who threw us in the sea with nothing but our life-jackets." said C.

F. described the conditions on Farmakonisi, where there is only a military outpost: "There were 100 of us, we had to sleep on the ground without beds or even a mattress... there were no toilets." One day they decided to protest about the poor, inappropriate food and their living conditions. "We went on a hunger strike. In response, the soldiers began shooting, to scare and intimidate us. They used their rifles to shoot three times on the ground and twice in the air, two metres away from us. The babies were crying, we were scared, fearing for our lives, especially as we were coming from a war zone ourselves."



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*Far left:* A man from Algeria is detained in Fylakio detention centre, north eastern Greece. Migrants are often arbitrarily detained for months.

*Left:* Detained migrants in the border police station in Tycherio, Evros Region, Greece, 2km from the Turkish border.

nights. “Day and night here, on the ground, in the cold and rain, we are waiting patiently and then they send us away. Why do they accept only 20 people?”

The rest are sent away without papers and risk detention and deportation. This risk has increased since August 2012, when police sweep operations on irregular migrants intensified. These operations, coupled with the very limited access to asylum procedures, mean that anyone without a “pink card” (a paper proving a registered asylum claim) risks being detained and possibly deported without their asylum claim having been registered, let alone fully and fairly determined as individuals detained for immigration purposes also face numerous obstacles to applying for asylum.

There was no improvement by the time of a later Amnesty International’s visit to Petrou Ralli in October 2012. C. from Syria (see case page 4) said that he had been trying for five weeks to lodge an application, and that many people he knew had just given up trying. He, along with many others, complained that “now people come up to us, asking for up to €700 to secure a place for you, all under the nose of the 20 police officers standing by.”

## NO SAFETY WITHOUT PAPERS

Under international law, including EU law, Greece has obligations to uphold, respect, protect and fulfil the human rights of all migrants, asylum-seekers and refugees who arrive in the country, however they arrive. This means that asylum-seekers must, for example, be able to submit their application and to have access to a fair and effective procedure to determine whether or not they are entitled to international protection.

## QUEUING AT PETROU RALLI

In January 2012, Amnesty International representatives joined the scores of asylum-seekers queuing in the early hours of a Saturday morning on Petrou Ralli Avenue, outside the

Attika Aliens Police Directorate in Athens, who were hoping to have their asylum applications registered by the authorities. Men and women were sitting or lying down in the mud and rubbish, some of them had been there for two or more days. These people were queuing up as part of a weekly ritual – the chance to be one of the 20 or so applicants received by the Greek authorities each Saturday morning.

Such is the desperation in the queue that fights can break out as people jostle for a position. “Sometimes they end up in hospital”, said a man from Bangladesh.

An asylum-seeker from the Democratic Republic of the Congo described how he had already been waiting for four days and

He had to fight for his place in the queue and was injured, but succeeded in submitting his application the following morning.

## WHO SHOULD PROTECT ASYLUM-SEEKERS AND REFUGEES?

*"Everyone has the right to seek and to enjoy in other countries asylum from persecution."*

Universal Declaration of Human Rights

The Dublin Regulation, which is part of EU asylum policy, aims to determine which member state is responsible for an asylum application lodged within the EU (and in some other European countries to which the Regulation also applies). It usually requires asylum-seekers be returned to the first country they entered upon arrival in the EU. The Regulation is based on the assumption that all member states have equivalent standards of protection, which in practice is not the case.

Up until 2011, most EU member states and other countries participating in the Dublin system used to return asylum-seekers to Greece, rather than processing their claims for international protection. The fact that a large number of asylum applicants in the EU and other Dublin system participating states had entered the EU via Greece meant that very large numbers of asylum-seekers were forcibly returned to that country without having had their applications examined, which, in turn, exacerbated the already dire circumstances for asylum-seekers in Greece.

This was the background to the landmark ruling in the case of *M.S.S. v. Belgium and*

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Greece in January 2011, in which the European Court of Human Rights concluded that Greece lacked an effective asylum determination system. The findings of the European Court of Human Rights were confirmed in December 2011 by the Court of Justice of the European Union in the judgement of *N.S. and Others v. UK*.

In light of these rulings, many Dublin system participating countries have halted the return of asylum-seekers to Greece. They should continue to do so.

Despite international condemnation, Greece's progress towards establishing a fair and effective asylum system has been limited. Improvements at the appeal stage of the asylum determination procedure have been

**Two men from Eritrea who crossed into Greece irregularly earlier in the morning, by swimming across the River Evros from Turkey, July 2011. They are searching for a police station to hand themselves in and register themselves, after which they can stay in Greece for 30 days.**

reported but serious impediments to access to asylum remain as well as a major backlog of pending applications. In January 2011, a new law was adopted that promises a change to the system. It provides for the establishment of a new, civilian authority with no police involvement to receive, examine and decide on asylum applications at the initial stage. However, the Asylum Authority, as it is called, has yet to receive and process a single application as a result of the significant staff recruitment problems that it is facing.



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## PRINCIPLE OF *NON-REFOULEMENT*

Greece is obliged under international law to respect the principle of *non-refoulement*, according to which no-one should be removed to any country or territory where he or she would face a real risk of persecution or other forms of serious harm. In violation of this principle, in the past few years, several asylum-seekers in Greece have been reportedly deported without their claims having been registered, let alone fully and fairly determined.

## DETENTION FIRST, QUESTIONS LATER

Sweep operations by the police to round up people with no papers intensified in 2012. Those wishing to apply for asylum who do not manage to do so are at risk of arrest, detention and – if they also do not manage to apply for asylum while in detention – possible deportation. Detention for immigration purposes in Greece is used as a matter of course rather than, as international human rights standards require, as a last resort. Under EU law, detention may only be used after the authorities have demonstrated that it is both necessary and that less restrictive measures are insufficient.

In October 2012 a new law on asylum determination procedures gave police the

Asylum-seekers outside Attika Aliens Police Directorate on Petrou Ralli Avenue, 28 January 2012, queuing for days and nights, with limited chances of lodging their application.

discretion to extend the maximum three or six-month period that an asylum-seeker can be held to a further 12 months. The threat of being held for up to 18 months, in appalling conditions, may deter asylum-seekers from applying for international protection, particularly in view of the authorities' practice of holding people who apply for asylum while in detention for prolonged periods.

## THE STORY OF K.

Amnesty International interviewed several people queuing at Petrou Ralli. On 7 July 2012, Amnesty International representatives talked to K., an asylum-seeker of African origin who requested to remain anonymous. K. told Amnesty International that he arrived in Greece after a long and perilous journey. "I have been trying to apply for asylum for the past six months" he explained. He said that the other day, somebody threatened him with a broken bottle to make him abandon his place: "When we ask the police for protection they tell us 'fight back'."

K. called Amnesty International at the beginning of August to say that he had been arrested during a sweep operation in Athens and that he was being held at the Petrou Ralli detention facility.

He had not succeeded in registering his asylum claim as he did not manage to get to the front of the queue. As a result, he was detained as an irregular migrant. A few days later he was transferred to a detention centre somewhere in northern Greece.

K. kept on trying to apply for asylum while in detention: "the officer says 'tomorrow' every time I ask him" he told Amnesty International representatives when they saw him at the end of August and in later telephone conversations.

Finally, in October, two months after his arrest, K.'s asylum application was registered, following multiple interventions by non-governmental organizations. However, in December 2012, he was still being held in detention.

In October, many detainees at the centre went on hunger strike in protest over their detention against a backdrop of poor detention conditions and alleged ill-treatment. A riot broke out in November reportedly sparked by the tearing of a Koran by police guards.

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## CONDITIONS IN DETENTION

The conditions in various immigration detention centres and police stations where asylum-seekers and irregular migrants are held have frequently been criticized by international organizations. The European Court of Human Rights has found Greece to be violating the prohibition of inhuman or degrading treatment in several cases in recent years, relating to the conditions of detention for people held for immigration purposes.

In July and August 2012, Amnesty International visited various detention facilities in Athens, and the Komotini police academy, which was being used to hold people for immigration purposes following the sweep operations against irregular





Asylum-seekers and migrants held in the Fylakio Detention Centre, Evros Region, northern Greece, October 2010.

migrants conducted in August. In the Elliniko detention facilities, conditions amounted to inhuman and degrading treatment. In both the New and Old Elliniko detention facilities, bedding was old and dirty, toilets were filthy and detainees had access to poor quality drinking water. Those held at Old Elliniko had no access to outside exercise and no natural light reached their cells.

## DETENTION OF UNACCOMPANIED CHILDREN

Unaccompanied or separated children in Greece continue to be routinely held in detention, and for prolonged periods, until a place in a reception centre is available. The Amygdaleza immigration detention centre for unaccompanied male children was holding children in substandard conditions for up to three months in August 2012 because of the insufficient number of places in reception centres. Amnesty International visited centres in Athens and Evros where children were being detained with adults and/or were registered as adults.

### THE STORY OF H.A.

In late August 2012 Amnesty International visited the Komotini Police Academy in north-east Greece, having been told that at least one child was being held. The Director initially claimed that there were no children, but eventually acknowledged that H.A., aged 15, was detained there.

H.A. had arrived in Greece in September 2011 from Afghanistan with his mother and his younger brothers and sister. His father is seeking asylum in the Netherlands.

H.A. was arrested during a police sweep operation in August and separated from his family. When talking to Amnesty International H.A. was evidently scared and did not know how long he would have to stay in detention. He said that the toilets were dirty (though they had clearly been cleaned shortly before the delegates' visit), there was no warm water and that he was first allowed to exercise outside just the day before the organization's visit – two weeks after he arrived at the detention facility. He said that there were three other children in the same facility, although the Director insisted that this was not the case. He did, however, promise to move H.A. to an appropriate facility.

H.A. was moved to the police cells of the Iasmos detention facility in Rhodopi the same day, a facility purportedly appropriate for minors. However, according to the Greek Council of Refugees lawyer who visited him, H.A. was detained with adults and sometimes even with people facing criminal charges. The lawyer said that the police cell in which H.A. was held was very small, with no outside exercise space and with little natural light. On 7 October 2012, H.A. was transferred to a reception facility for minors in Konitsa (north-west Greece).



## RACIST ATTACKS

Since 2010, asylum-seekers, refugees and irregular migrants, as well as the unofficial mosques, shops and community centres they have developed, have been targeted in racially-motivated attacks. There was a dramatic rise in the number of attacks throughout 2012. The economic crisis and severe austerity measures have heightened xenophobic feelings in some sectors of society and played into the hands of extreme right-wing groups. Golden Dawn, a far-right political party with an aggressive anti-migrant rhetoric gained 18 seats in the Greek parliament in the June 2012 elections.

Victims are usually unwilling to report the attacks to the authorities, particularly those whose irregular migration situation renders

them vulnerable to arrest and detention themselves. This contributes to the general climate of impunity for the perpetrators of such attacks.

In November 2012, the Minister of Public Order and Citizens' Protection presented a draft presidential decree providing for the establishment of specialized police units at the Athens and Thessaloniki police directorates to tackle racially motivated crime. However, the draft decree does not include a provision that would protect victims who are in an irregular situation from arrest and deportation during the investigation and possible prosecution of alleged perpetrators.

In October 2012, the Racist Violence Recording Network published their findings

on incidents of racially motivated violence between January and September 2012. The Network found that more than half of the 87 recorded incidents were connected with extremist groups that acted in an organized and planned manner. In certain cases, the victims or witnesses reported that they recognized individuals associated with the far-right political party, Golden Dawn among the perpetrators.

On 7 September 2012, in Rafina, Golden Dawn supporters were joined by one of their members of parliament (MPs) and attacked market stalls belonging to migrants with sticks and batons. A few hours later, a similar incident took place in another city, Messolongi, again with the participation of an MP for Golden Dawn. In October 2012,



**Above left:** A racist attack on a migrant in the centre of Athens, Greece, 12 May 2011. The group wear Greek flags and carry a variety of improvised weapons.

**Above:** A racist attack on a migrant in the centre of Athens, Greece, 12 May 2011. One of the attackers carries a knife.

the Greek parliament lifted the immunity from prosecution of the two Golden Dawn MPs who participated in the events. In November 2012, a prosecutor brought charges for, among other things, unlawful violence, damage to property and violations of the law on racial discrimination, against K. Barbarousis, one of the Golden Dawn MPs, in relation to the incident at the market of Messolongi.

## NEIGHBOURHOOD ATTACKS

On 10 September 2012, at around 8.30pm two men dressed in black entered a barbershop run by a Pakistani man. "At first they verbally attacked the Greek customer who was present, asking him why he was having a haircut in a shop owned by Pakistanis", said S.I. who was present in the shop, "he reacted and the two guys stabbed him." Z.A., who worked in the shop, said, "then they started destroying the shop and throwing Molotov cocktails... one came so close to my head that part of my hair is burned." However, this was not the only incident. "We have often seen the people who attacked us that day" said S.I., "they are boys, around 18 to 20 years old, who pass by nearly every week and threaten to shut down the shop. A week before

**Below:** The blood stained clothes of a victim of a racist attack, Greece, August 2012.



© Tourpanos Leonidas

the attack they were throwing rocks and breaking the shop windows."

The police came to investigate the incident and after a brief questioning they arrested both Z.A. and S.I. because they had no documents. In October, they were both in detention, pending deportation. There were no reports of arrests of those responsible for the attacks.

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## CONCLUSION

Due to its position, Greece remains one of the main entry points for refugees, asylum-seekers and migrants seeking to enter the EU. The burden on Greece is great and, given the current economic crisis, increasingly difficult for it to deal with alone. Greece clearly needs support from the EU to carry this burden. However, this cannot excuse the impediments that deny people their rights, the xenophobic rhetoric, or the racist attacks. It is time that Greece and the EU act to put an end to the violations of the rights of asylum-seekers and migrants.

**Above:** People march through the streets of Athens, Greece, to protest against racism and in favour of immigrants' rights, December 2011.

## RECOMMENDATIONS

### To the Greek authorities:

- Implement the reforms of the Greek asylum system, and ensure unimpeded access to asylum determination procedures particularly in the Attika Aliens Police Directorate in Athens;
- Prohibit the detention of unaccompanied migrant and asylum-seeking children in law and end it in practice.
- Combat the increase in racial discrimination and related violence, including by publicly condemning all such intolerance, and by prosecuting and punishing the perpetrators of such acts.

### To European Union member states and other participating countries in the Dublin system.

- Abide by the rulings of the European Court of Human Rights and the Court of Justice of the European Union by maintaining the halt of transfers of asylum seekers back to Greece and take responsibility for those asylum seekers.
- Share responsibility for asylum seekers more equally, taking into account actual protection standards and asylum seekers' needs.

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