



## UPR Submission

Greece  
October 2010

### Overview

This submission describes breaches of Greece's international human rights obligations and commitments with regard to the treatment of asylum seekers and irregular migrants, including unaccompanied children and other vulnerable groups.

Over the last three years, Human Rights Watch has identified and tracked the development of a national crisis in refugee and migrant rights in Greece, including the near-total breakdown of its asylum procedure. Despite the Greek government's repeated pledges to reform its failed asylum system, the prospects of substantive implementation of the reform program in the foreseeable future remain dim. On September 20, 2010, Human Rights Watch called upon the UN High Commissioner for Refugees (UNHCR) to exercise its protection mandate in Greece and take over refugee status determinations from Greek authorities who have been unable to provide protection.

Human Rights Watch's November 2008 report, *Stuck in a Revolving Door: Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union* (<http://www.hrw.org/en/reports/2008/11/26/stuck-revolving-door-0>) details the blocking of access to the asylum procedure and flaws in the procedure itself, records degrading and inhuman conditions in Greek detention centers, reports on physical abuse of migrants by Greek officials, and documents summary push-backs of migrants. Human Rights Watch's December 2008 report *Left to Survive: Systematic Failure to Protect Unaccompanied Migrant Children in Greece* (<http://www.HumanRightsWatch.org/en/reports/2008/12/22/left-survive>) identified the particular vulnerabilities of children in the failed Greek asylum system, including lack of sufficient protection from exploitation and abuse.

The rights violations documented in these two reports have continued since their publication, and, in some cases, human rights protections for migrants, including asylum seekers and unaccompanied children, have worsened. In July 2009, a new Presidential Decree essentially abolished the right to lodge an appeal of a rejected asylum claim.

Greece presented an action plan to the European Commission that lays out its agenda for reforming the asylum system. An interim presidential decree was supposed to have been issued in September 2010 to address the backlog of more than 45,000 cases and to reinstate an appeals procedure for rejected asylum seekers, but still would not have addressed more fundamental reforms. However, even this measure has been delayed, as of the writing of this submission, and the asylum system remains entirely dysfunctional.

### ***Access to Asylum***

Although in theory it is possible to lodge an asylum claim in police centers across the country, in practice asylum seekers are often fearful of lodging claims in the border region and islands and in some cases Human Rights Watch found police authorities outside Athens to misinform asylum seekers about their right to lodge claims. Consequently, more than 90 percent of claims are lodged at the Petrou Ralli police station in Athens. Even there, physical access to lodge a claim is very difficult. Hundreds of people line up on the street for the once-a-week chance to file an asylum application, but only a fraction of those seeking asylum are able to lodge applications.

Obstacles to accessing the asylum system include conflicting and confusing information provided to asylum seekers. **Consequently, many asylum seekers fall out of the procedure because they do not understand that their application has been rejected and that deadlines to lodge an appeal have expired.** For example, Human Rights Watch interviewed asylum seekers to whom the authorities had given the coveted red card, the asylum-seeker card widely known to be renewable at six-month intervals, together with a paper written only in Greek that said that the asylum application had been rejected and that the person had 10 days to file an appeal. Very few applicants can read or understand Greek and in their happiness and relief to receive the red card, pay little attention to the white paper with the Greek lettering. When they go back six months later to renew their red card, it is taken away because they have failed to file an appeal.

### ***Asylum Procedures***

Greece has one of the lowest rates of granting refugee status for asylum seekers in Europe. In 2009, it granted refugee status to a mere 0.04 percent of applicants at first instance - 11 people out of almost 30,000 applicants. The low approval rate is due, at least in part, to the poor quality of asylum interviews and poor interpretation during those interviews. Human Rights Watch heard accounts from many asylum seekers who told about cursory or hostile interviews. Conditions in Petrou Ralli where interviews had been conducted were noisy, crowded, and chaotic - not conducive to maintaining confidentiality or instilling trust, but more recent refurbishments have vastly improved the setting, including the possibility of holding confidential interviews.

Presidential Decree 81/2009, issued in July 2009, abolished the right to lodge an appeal and eliminated the asylum appeals board (after it finishes the cases currently before it), retaining only strictly limited judicial review. The UN High Commissioner for Refugees said it would not participate in the new asylum procedure because it would "not sufficiently guarantee efficiency and fairness."

With virtually all asylum claims rejected in the first instance and appeals eliminated, the backlog of asylum requests and appeals has grown to more than 45,000 pending cases.

### ***Risk of Refoulement***

Human Rights Watch's 2008 report, *Stuck in a Revolving Door*, found summary forcible expulsions across the Evros River by Greek police and security forces to be routine and systematic. The Turkish General Staff reported that Greece "unlawfully deposited at our borders" nearly 12,000 third-country nationals between 2002 and 2007. Human Rights Watch confirmed the systematic nature of the summary expulsions in 41 testimonies of migrants and asylum seekers interviewed in Greece and Turkey. Many of these individuals told Human Rights Watch of multiple entries into Greece and summary expulsions back to Turkey. The accounts consistently included the following elements: 1) being held for several days to a week at a police station in a border town in dirty, overcrowded conditions, where detainees are often mistreated and sometimes beaten; 2) being trucked in groups of 50 to 100 people to the river at nightfall; and 3) being put on small boats in groups of 10 and sent across the river, after Greek police officials saw no sign of Turkish gendarmes on the other side of the river.

When forcibly returning migrants at the Evros River border, Greek police sometimes hit and kick them. A 34-year-old Turkoman from Kirkuk, who said that he made about 10 attempts to cross into Greece before succeeding, spoke about one of those episodes:

One time I crossed the river into Greece and arrived in Komotini. They put us in jail for five days and then took us to the river and pushed us back. We were 60 persons. They put us in a small river boat with a motor in groups of ten. They did it in the middle of the night. It was raining hard and the Greek police started beating us to make us move more quickly. I saw one man who tried to refuse to go on the boat, and they beat him and threw him in the river. They beat us with police clubs to get us to go on the boat.

Even with regard to formal deportations, Greece has failed to observe its international obligations on the principle of nonrefoulement. On July 30, 2009, Greek police handed over 40 Turkish citizens, among them 18 asylum seekers, including four unaccompanied children, to their Turkish counterparts under a bilateral readmission agreement from 2001. Asylum seekers (people who claim a fear of persecution if returned to their home country) must not be returned to the place of feared persecution until and unless their claims have been fully examined and rejected.

### ***Conditions of Detention***

Human Rights Watch's most recently visited two Greek migrant detention facilities in April 2010. Conditions were clearly unacceptable in both of the detention facilities of the old Ellinikon airport, in particular at the older facility, which held 55 detainees on the day of our visit, out of a total of 133 detainees held in both sites. We found what would amount to inhuman and degrading treatment, in violation of binding international law.

The majority of detainees held at the older facility were mostly deprived of natural light and kept in poorly lit cells that did not allow for any privacy. Detainees said they had only once been let into an adjacent courtyard for 15 minutes for the past two months, and were not given any access to the outside yard during the entire winter. Concerns were also raised about the poor quality of food provided at the facility, with some detainees complaining it was sometimes rotten.

Cells in the newer of the two facilities were overcrowded and dirty, and in at least one cell, detainees had to share beds. The outdoor area did not provide for any shade, and was littered with small heaps of unknown waste. Both facilities lacked medical personnel, and detainees complained that they had not been given personal hygiene items such as toothbrush and soap, and that hot water was scarce. They slept in blankets which appeared used. Some said they suffered from skin disease.

Access to asylum is not guaranteed for those in the facilities we visited. Many detainees we spoke to were unaware that they could claim asylum, particularly at the two Ellinikon facilities, where unlike Petrou Ralli, the telephones to which detainees have access do not include lists of organizations that can provide advice and assist with claims.

Despite being informed that these particular facilities were used to hold migrants pending their deportation, we found in one detention facility a migrant from Afghanistan (verified through language) and several persons who appeared to be from Somalia and Sudan, countries to which deportation is not possible, according to police officials at Petrou Ralli police station.

### ***Ill-treatment of migrants***

Human Rights Watch gathered numerous and consistent testimonies from migrants who said they were ill-treated at the hand of police or coast guard officials upon apprehension and while detained. Both children and adults reported ill-treatment, in particular by coast guards within the port premises of Patras, police officials guarding migrants in detention facilities (in particular in the Evros region), and by police officials in central Athens. Possession of a red card for asylum-seekers or other valid documentation does not necessarily protect migrants from harsh police treatment.

The Greek government pledged to create an independent agency to probe migrants' allegations of police abuse but has not followed through on its promise. As of spring 2010, consultations with the Prosecutor General's office on investigating complaints have not taken place. Human Rights Watch received reports that witnesses as well as staff working for non-governmental organizations have been intimidated after they agreed to testify against alleged perpetrators.

### ***Lack of reception structures***

Greece offers insufficient reception centers for those seeking protection. The impact is greatest on unaccompanied children and other vulnerable groups, such as families with small children, single mothers, and torture victims, who often find themselves destitute, on the streets, and at risk of exploitation. Unaccompanied children are regularly hired for agricultural and construction work. Work conditions are very poor, involving long hours, minimal pay, and numerous health hazards for children. The high numbers of destitute migrants has also caused tensions with the local population in central Athens.

### ***Recommendations***

- Respect the principle of nonrefoulement and prosecute officials involved in summary expulsions of migrants to Turkey.
- Provide access to asylum procedures at the border, in the border region, and on the islands; allow independent lawyers and nongovernmental social service providers access to detained migrants; provide resources for interpreters to assist in identifying asylum seekers in these outlying areas and in conducting asylum interviews; and allow asylum seekers to remain in these areas, if they so choose, for the duration of the asylum process, including appeals.
- Overhaul the asylum procedure to bring it into conformity with European standards; take the asylum system out of the hands of the police, train a specialized corps of asylum interviewers, interpreters, and decision-makers, and reinstitute an appeals procedure that operates with fairness and transparency.
- To avoid repeat detentions, harassment, and summary removals, ensure that non-nationals can only be deported if there exists a lawful deportation order which has been issued following full due process and the exhaustion of legal remedies, after voluntary repatriation has been offered, and if no other protection need or other legal or humanitarian basis for staying in Greece has been found. Deportations carried out on this basis must be done so in an orderly, dignified, and humane manner.
- Do not detain migrants when their deportation is not feasible. Refrain from detaining unaccompanied migrant children.
- Create sufficient numbers of appropriate reception places for persons who seek protection and prioritize access for vulnerable groups, including unaccompanied children.
- Close detention centers that do not meet international standards.
- Ensure that all unaccompanied children are correctly identified and immediately referred to adequate care arrangements that protect them from exploitation and abuse, irrespective of whether they seek asylum. All children should be represented by a guardian who ensures their best interests in all decision-making.

- Establish an independent mechanism to investigate allegations of ill-treatment by officials, ensure full protection for victims and witnesses, and hold perpetrators to account.