

Submission by Society for Threatened Peoples

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Greece

As a refugee in Greece it is almost certain to be refused asylum. The country has one of the lowest rates of granting refugee status for asylum seekers in the European Union. Only about 0.05 percent of asylum seekers are granted refugee status or other forms of protection, compared with 31 percent in the United Kingdom. Many of the refugees do not even try to apply for asylum in Greece because they have been told that everyone is rejected there.

In recent years, Greece has faced a massive increase in illegal immigration and asylum claims. Tens of thousands of irregular migrants and asylum seekers arrive in Greece each year. The vast majority is fleeing war-torn countries. The main countries of origin of asylum applicants are Iraq, Afghanistan, Palestine, Somalia and Eritrea. Most of them try to reach Greek territory through the Greek-Turkish land. Many travel by sea and often are prevented by Greek authorities from entering Greek territory by turning boats back at sea or puncturing inflatable rafts. Regardless of whether they survive or not, the passengers are left to their fate on the open sea.

Arriving in Greece after a hazardous journey, migrants end up in overcrowded detention centres without access to lawyers, interpreters or social workers and limited access to medical assistance and hygiene products. They are not informed about the length of the detention or about their future. They often get released after three months with the order to leave the country within one month, but indeed few of them leave the country and instead continue to live there illegally. Also unaccompanied children are regularly detained, mostly in very tenuous conditions and sometimes for long periods. There aren't enough reception centres especially for minors. Unaccompanied children don't receive any specialist social care.

People who need protection are not safe in Greece. The government says that it is seriously overburdened and unable to cope with the growing numbers of immigrants. In 2008, nearly 150.000 illegal immigrants were arrested in Greece. About 80 percent of the irregular migrants entering the EU in 2010 first arrived in Greece. The Greek authorities often expel asylum seekers back to Turkey, where they may be sent back to their countries of origin.

The application process is very difficult; interviews are mostly conducted in a superficial way and in absence of qualified interpreters. The government doesn't provide any shelter or other support for asylum seekers. Most of them live in destitution and have to sleep on the streets. Between June and August 2009, Greece arrested hundreds of migrants across the country. It destroyed a makeshift camp in Patras and expelled the illegal migrants from their run down housings.

The Greek government planned to create a functioning asylum system, including an independent body for assessing claims and more effective appeals procedures. It has promised to mend the asylum system and to provide help for those who are in need. Considerable reforms were expected to be introduced in 2011, but they coincided with the financial crisis and are likely to be delayed.

Detention facilities

Serious human rights violations are taking place in Greek detention facilities. The illegal migrants live there under unacceptable conditions. Mostly they are placed in warehouses that are totally overcrowded, without any cooking facilities and with a lack of adequate sanitation.

In some cases two detainees have to share one dirty mattress or sleep on the floor, without blankets. Often they are not allowed to leave the detention centres and go outside. They have to use messy bathrooms, with and disgusting smell. The places are often infested with mice and cockroaches. The detainees mostly lack of warm clothes and medical care. They receive only two meals per day, which is insufficient for them.

In the detention centres the illegal migrants face inhuman treatment and degrading treatment. They often experience or witness violence and ill-treatment by guards and police. If they try to escape, they get beaten up. The guards also use violence when they intervene in battles among the detainees. If somebody is not quiet at night, he gets punished with violence. In the detention areas, the illegal migrants don't get access to legal assistance and interpretation services. They are prevented from contacting lawyers or their relatives. The lack of legal assistance denies the detainees the opportunity to dispute their detention before a judicial authority.

Due to the length and the poor conditions in the detention centres some migrants and asylum-seekers went on hunger strike on the island of Samos in April 2010; others staged protests in Venna in February 2010. Incarceration under deplorable conditions is the wrong way to deal with the immigration situation; it must not be used as a tool to control the influx of migrants in Greece.

International obligations

The Greek government has failed to abide by its international obligations and its most basic responsibilities to protect refugees. With these practices at its borders, Greece breaches the European Convention on Human Rights, the European directives and the Geneva Convention on the protection of Refugees. The conditions in the detention centres violate international and regional human rights standards.

Greece doesn't abide its international obligation to guarantee that other measures than detentions are not possible and detention is a measure of last resort. Asylum-seekers and illegal migrants in Greece are detained on a regular basis, rather than as a last resort.

Article 5 of the ECHR (European Court of Human Rights) and Article 6 of the EU Charter of Fundamental Rights guarantee the right to liberty and security of person. Article 5(1) of the ECHR states that "no one shall be deprived of his liberty save in the following cases and in accordance with the procedure prescribed by law".

Article 18(1) of the EU Asylum Procedures Directive provides that "Member States shall not hold a person in detention for the sole reason that he/she is an applicant for asylum."

Greece is also bound by the international legal principle of “non-refoulement”, which stipulates not to return or to expel immigrants to places where they would face inhuman or degrading treatment, persecution or torture.

The Greek authorities often expel asylum seekers back to Turkey, where they may be sent back to their countries of origin. This breaches the obligation of “non-refoulement” that applies not only to direct returns to the home countries, but also to indirect returns to countries from which persons are sent back to other countries where they are exposed to threats like persecution or torture.

Greece’s abusive detention and the illegal expulsion of migrants constitute a gross violation of international law and human rights.

The Greek government should immediately overhaul its deficient asylum system, review its policy of locking up illegal migrants and asylum-seekers, including unaccompanied children. And the Greek authorities should ensure that illegal migrants and asylum-seekers in Greece have access to free legal assistance and interpreters in languages they understand, and to medical assistance.