



# GREECE

// BIMONTHLY BULLETIN ON REFUGEES AND MIGRANTS

JULY 2022



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# AT A GLANCE

- Between 15 March and 17 June 2022, the European Court of Human Rights granted 14 interim measures in a series of cases of newcomers in the Evros region, ordering the Greek authorities to rescue them and provide them with food, water and adequate medical care. However, the decisions of the Court were respected in only three of the cases, all others were pushed back to Turkey.
- The Executive Director of Frontex resigned following a report of the European Anti-Fraud Office as well as numerous reports on the complicity of Frontex in pushback operations.
- The European Parliament's LIBE Committee in its letter from 16 June called for legal actions against Greece following continuous reports of pushbacks at the Greek borders and allegations of European and international law violations by the Greek authorities.
- Criminalization of refugees and those who support them continues as part of a broader policy of deterrence. Recent acquittals by the courts of Samos, Chios and Kalamata demonstrate the unlawful criminalization and the unjustified consequences of the concomitant pre-trial detention and restrictive measures on refugees' personal and family life, as well as their access to asylum.
- A series of media reports suggested that the government plans to target civil society organizations that provide assistance to newly arrived persons at the Evros region, raising questions as to whether this could be part of a policy of intimidation of people defending the rights of those seeking asylum.
- Hampered access to the asylum procedure continues depriving refugees of their rights and exposing them to the risks of arrest and administrative detention.
- Refugees hosted in the new EU-funded €43 million Closed Controlled Center of Samos were without access to sufficient water for two weeks due to a technical problem.
- 45,525 refugees from Ukraine, of which 11,436 are children, have arrived in Greece since the escalation of the conflict in February.
- The closure of ESTIA by the end of December 2022 and the subsequent transfer of vulnerable people to camps leaves them exposed to inadequate and unsafe accommodation.
- The UN Child Rights Committee's (CRC) Concluding Observations on Greece raise serious concerns, including forced returns / pushbacks and the discriminatory "two-tier refugee response" for Ukrainian refugees and for all others.

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# 1. Pushbacks, ECtHR's interventions and flawed investigations

## Pushbacks continue despite decisions on Interim Measures granted by ECtHR<sup>1</sup>

Despite the intervention of the European Court of Human Rights (ECtHR) granting interim measures (Rule 39) in a series of cases of Syrian and Turkish newcomers in the Evros border region,<sup>2</sup> all requesting help from the Greek authorities, pushback operations continue to take place. According to the testimonies of the individuals concerned, they were transferred to detention facilities on the Greek mainland, detained informally for several hours, forced to strip off and subjected to violence, before being forced to board boats and being pushed back. Between mid-March and mid-June 2022, 14 requests for Interim Measures were submitted to the ECtHR for cases of newly arrived refugees in Evros, nine of which were represented by GCR, three by GCR and Human Rights 360 jointly, one by GCR and Refugee Support Aegean jointly, and one by the Border Violence Monitoring Network.<sup>3</sup> The Greek authorities respected the decision of the Court for only three cases, while in two of those cases, the people who were rescued stated that they were initially pushed back and their rescue operations only took place once they managed to reach Greece again from Turkey.

## The case of the 93 Syrians

In one extremely frustrating example legally represented by GCR and Human Rights 360, a group of 93 Syrians were stranded on one of the Evros river islets asking for help. The Court immediately responded to the interim measures that were filed and ordered the Greek authorities not to remove these people from Greek territory, and to provide them with food, water and adequate medical care. Regardless, the Syrians remained stranded on the islet for two more days and no rescue operation was initiated.

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1 GCR, *Information Note*, 23 June 2022, <https://bit.ly/3ywlyzN>

2 The Syrians were trapped on islets in the Evros river and the Turkish were found in the broader Orestiada area.

3 Application no. 13624/22 *A.A. and Others v. Greece*, 16 March 2022 (30 Syrians including 7 minor children on an islet in Evros river); Application no. 18341/22, *B.M. and Others v. Greece*, 13/4/2022 (27 Syrians, including 5 minor children on an islet in Evros river); Application no. 18940/22, *A.D. and Others v. Greece*, 19/4/2022 (37 Syrians including 17 minor children on an islet in Evros river); Application no. 18941/22, *H.A. and Others v. Greece*, 19/4/2022 (46 Syrians including 10 minor children on an islet in Evros river); Application no. 19419/22, *K.M.I. and Others v. Greece*, 21/4/2022 (39 Syrians including 9 minor children on an islet in Evros river); Application no. 21039/22, *S.S. and Others v. Greece*, 29/4/2022 (12 Syrians including 3 minor children on an islet in Evros river); Application no. 23128/22, *F.R. and Others v. Greece*, (39 Syrians on an islet in Evros river); Application no. 21131/22, *A.A. and Others v. Greece* (14 Syrians on an islet in Evros river); Application no. 25940/22, *V.E. and Others v. Greece* (5 Turkish who have crossed the Greek Turkish land borders and remained on the Greek territory close to the border); Application no. 25943/22, *E.O. and others v. Greece* (5 Turkish who have crossed the Greek Turkish land borders and remained on the Greek territory close to the border), Application no. 25806/22 - *H.M. and Others v. Greece* and 15 other applications, 25 May 2022 (94 Syrians on an islet in Evros river), Application no. 26558/22, *H. M. v. Greece* and 6 other applications, 1 June 2022, Application no. 29655/22 - *M.A. and Others v. Greece* and 13 other cases, (18 Syrians including 7 children, two with serious respiratory issues on an islet in Evros river), 17 June 2022.

Two days later, according to the testimonies of the individuals concerned, Greek-speaking men, dressed in black, who were accompanied by Arabic-speaking men appeared on the islet. All Syrians were taken to a detention center in the Evros area, where they were informally detained for several hours before being transferred to the river and being pushed back to Turkey.<sup>4</sup> A video, shot by the Syrians, showed people dressed in black appearing from the Greek side of the river shouting at the refugees to “go back”, while soldiers ask the refugees how many they are and what their nationalities are. The video (link in the footnote) was shared with the Greek authorities to facilitate their search and rescue operation, but the authorities insisted they could not locate the group.<sup>5</sup> A few days later, some of the 93 Syrians along with a number of new arrivals crossed into Greece and asked for help again. New interim measures were filed that the ECtHR granted on 1 June,<sup>6</sup> but, once again, the group remained stranded on the islet for four days, only to be then pushed back to Turkey.

### Preliminary Investigation by the Public Prosecutor of Orestiada

The Public Prosecutor initiated an investigation into the criminal liability of the Greek authorities for possible violations of human rights at the border, based on information on pushbacks that GCR and Human Rights 360 provided. Human Rights 360 and GCR have been invited among others to testify as witnesses.

### European Parliament Committee calls for legal actions against Greece for pushback operations<sup>7</sup>

The Committee on Civil Liberties, Justice and Home Affairs (LIBE) in a letter dated 16 June 2022,<sup>8</sup> called for all means to be exhausted to ensure that Greece respects European and international law. The letter refers to the decisions of the ECtHR on interim measures that have been largely ignored by the Greek government.<sup>9</sup> LIBE also called on the Greek Minister of Migration and Asylum Notis Mitarakis to attend the Committee’s next session and provide explanations on the accusations that Greece violated European and international law.<sup>10</sup>

4 These testimonies confirm the recent Human Rights Watch Report, available at: <https://bit.ly/3QNAMDJ>

5 The video was published by the Efsyn newspaper and can be found here (article available in Greek): Efsyn, *Ο στρατός εντόπισε αλλά δεν διέσωσε τους εγκλωβισμένους Σύρους στον Έβρο*, 26 May 2022, <https://bit.ly/3MXaDiu>

6 GCR, Press release, Urgent need to rescue refugees: Greek State needs to comply with the ECtHR’s Decisions, 3 June 2022, <https://bit.ly/3xVLzUX>

7 Briefing, *Systemic breaches of the rule of law and of the EU asylum acquis at Greece’s land and sea borders*, June 2022, <https://bit.ly/3yFrkva>

8 Efsyn, *Επιστολή-κόλαφος προς την Κομισιόν για τις επαναπροωθήσεις*, 17 June 2022, available in Greek at: <https://bit.ly/3bymcjh>. The Letter was addressed to the Vice-Presidents of the European Commission, Margaritis Schinas and Věra Jourová, as well as to Home Affairs Commissioner Ylva Johansson.

9 GCR, Press Release, *European Parliament’s LIBE Committee intervenes on the continued pushbacks in the Evros region*, 17 June 2022, <https://bit.ly/3Oj7uL5>

10 GCR, Press Release, *Systemic breaches of the rule of law and of the EU asylum acquis at Greece’s borders brought before the European Parliament*, 24 June 2022, <https://bit.ly/3y043m7>

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## Resignation of the Head of FRONTEX following a report by OLAF

In April, the Executive Director of Frontex, Fabrice Leggeri, resigned following a report by the European Union's Anti-Fraud Office (OLAF) and numerous reports on the complicity of Frontex in pushback operations. It appears that OLAF called for disciplinary actions against the agency's Executive Director and two more Frontex officials, but Leggeri resigned before the initiation of such actions.<sup>11</sup> Leggeri had faced severe criticism for failure to protect human rights at EU borders in a 2021 EU Parliament report.<sup>12</sup> On 10 June, it became known that the OLAF report would be made available to Members of the European Parliament's Committee on Budgetary Control (CONT) and LIBE.<sup>13</sup> Amid the overwhelming number of reports, the decisions on interim measures and the above-mentioned developments on pushbacks at Greek borders, the Greek Minister of Migration and Asylum insists on his questionable rhetoric regarding the European Parliament and the 'European Left' preparing an attack against Greece for protecting its borders at the Evros region.<sup>14</sup>

## “Opinion poll” by the Greek National Transparency Authority (NTA) instead of an effective and confidential inquiry into pushback allegations

Following a joint press release<sup>15</sup> by NGOs, including GCR, asking for the publication of the full report of the NTA's investigation on allegations of pushbacks, the full report was published confirming the initial concerns raised.<sup>16</sup> The version of the report that was initially published accidentally revealed the personal details<sup>17</sup> of authorities and individuals who were interviewed for the investigation, raising serious concerns over the authority's competence to conduct investigations, failing to guarantee the confidentiality of the parties involved.<sup>18</sup> The NTA interviewed 65 individuals, 26 of whom were members of the Greek police and coast guard, 21 locals working mostly in the shipping and fishing sectors or members of local business associations, 10 religious officers, three holding high-level administrative positions in the camps, only one member of an NGO, and four migrants. No alleged victims of pushbacks were interviewed. Moreover, as far as GCR is aware, most NGOs providing legal and psychosocial support to refugees on the Greek islands were not contacted to be interviewed for the investigation, and neither was GCR.

The report presents more of an opinion poll than the results of an effective impartial inquiry into pushback allegations. For example, the report states that the majority of the individuals interviewed “are convinced that such incidents do not occur and cannot occur”, presenting opinions such as “Greece would not risk to be ‘exposed’ and such unlawful practices are incompatible with the ‘mentality’ of the Greek people”. The NTA conducted part of the investigation with the assistance of the Forensic Science Division (FSD) i.e. with the support of the Central Office of the Hellenic Police, officers of which, similarly to those of the Hellenic Coast Guard, are the alleged perpetrators of the pushbacks.

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11 The Guardian, *Head of EU border agency Frontex resigns amid criticisms*, 29 April 2022, <https://bit.ly/3b8TV2l>

12 The Guardian, *EU border agency ‘has failed to protect asylum seekers’ rights*, 15 July 2021, <https://bit.ly/39xoJcT>

13 Efsyn, *Περιορισμένη πρόσβαση στο πόρισμα της OLAF για Frontex θα έχει το Ευρωκοινοβούλιο*, 15 June 2022, available in Greek at: <https://bit.ly/3xRH6mb>

14 Ministry of Migration and Asylum, Press Release, N. Μητράκης: “Στο Ευρωπαϊκό Κοινοβούλιο, προετοιμάζουν -και η Ευρωπαϊκή Αριστερά όπου ανήκει ο ΣΥΡΙΖΑ και οι Ευρωπαίοι Σοσιαλιστές όπου ανήκει το ΠΑΣΟΚ- επίθεση εναντίον της Ελλάδας για τη φύλαξη των συνόρων”, 15 June 2022, available in Greek at: <https://bit.ly/3xWJOqk>

15 PR, *National Transparency Authority should publish the full investigation regarding pushbacks in accordance with the principle of transparency*, 8 April 2022, <https://bit.ly/3zEbmSQ>

16 NTA, *Investigation Report OM3/4\_2022*, 10 May 2022, <https://bit.ly/3xZAvpC>

17 Including their last names and capacities.

18 Omniatv, *National Authority of (too much) Transparency and pushbacks*, 13 May 2022, <https://bit.ly/3tJSzSq>

# 2. Criminalization of refugees and those who help them

## Chios: acquittal of a young Syrian man accused of providing water and food to refugees

On 4 June, a 23 year old Syrian man was arrested for providing water and food to 11 newly arrived asylum seekers, mostly from Palestine, who had landed on the coast of Chios and hid in the surrounding woods for hours, afraid of being pushed back by the Greek authorities.<sup>19</sup> The young Syrian man was accused of “facilitating the illegal residence of third-country nationals in Greek territory and complicating the investigations by the Greek authorities”. On 16 June, the Criminal Court of Chios acquitted the man.<sup>20</sup>

## Kalamata: acquittal of 2 Syrians accused of smuggling

On 19 May, the Criminal Court of Appeal of Kalamata acquitted two Syrian men who had been charged, the first for being the captain of a boat transferring third-country nationals from abroad into Greece and the second for being an accomplice in the same act.<sup>21</sup> The second defendant, a single father, was prosecuted and detained for a whole year until his trial - a period during which his children were deprived of parental care, although he had immediately submitted all the necessary documents confirming his identity, family situation and asylum seeker status. The Court acquitted them both for the accusations of illegal entry into Greece. However, the Court found the remaining three Syrian co-defendants (who were absent during the hearing and not represented by lawyers) guilty, for complicity in transferring into Greek territory third-country nationals from abroad who did not have the right to enter. They were convicted to 364 years of imprisonment and a significant fine.

## Samos: acquittal of migrant father over son's death on journey to Greece

On 18 May, the Criminal Court of Samos acquitted a 26-year old Afghan refugee, who was facing 10 years in prison, being charged with endangering his child's life by taking him on a rubber boat that capsized off Samos island in November 2020.<sup>22</sup> The six year old child tragically drowned. No investigation has been ordered into possible crimes committed by the Greek authorities who, despite being notified about the emergency, did not carry out a rescue operation. Survivors testified that they twice saw a coast guard boat approach without attempting to rescue them.<sup>23</sup>

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19 Efsyn, Κατηγορείται γιατί έδινε νερό και φαγητό σε πρόσφυγες, 5 June 2022, <https://bit.ly/3QrFXcn>

20 Efsyn, Πανηγυρική αθώωση για τον 23χρονο που έδωσε νερό και ψωμί σε πρόσφυγες, 16 June 2022, <https://bit.ly/3O106Pc>

21 RSA, One more acquittal shows the dramatic consequences of the criminalization of of refugees entering in EU territory, 3 June 2022, <https://bit.ly/3xsljyZ>

22 ThePressProject, Ναυάγιο Σάμου: Αθώωση των δύο αλλά ούτε λόγος για ευθύνες του Λιμενικού – «Κατηγόρησαν μέχρι και αθώο πατέρα για τον πνιγμό του παιδιού του», 18 May 2022, <https://bit.ly/3y075bd>

23 <https://freethesamostwo.com/>

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## Targeting of NGOs in the context of newly arrived refugees in the Evros region

In parallel, according to media reports, anonymous sources from the Greek police reveal that investigations are about to commence, to inquire whether these NGOs are in contact with smuggling networks in an effort to illegally bring migrants to Greece. So far, none of the organizations that will supposedly be scrutinized have been named, including the organizations that filed the interim measures before the ECtHR. It remains to be seen how these investigations evolve and whether this is yet another step in a broader policy of intimidation of those defending the fundamental rights of asylum seekers.<sup>24</sup>

The criminalization of asylum seekers and the lengthy criminal procedures have dramatic consequences for refugees' lives and negatively affect their access to asylum, even if the individual is finally acquitted. The same is true of the criminalization of human rights defenders and those who help refugees, who find themselves in long-term pre-trial proceedings, which often involve restrictive orders and enormous legal fees for their defense.

# 3. Updates from the island camps and EU-funded Closed Controlled Access Centers

## Asylum seekers without access to sufficient water

In the new €43 million Closed Controlled Access Center of Samos,<sup>25</sup> which is fully funded by the European Union, asylum seekers had no access to adequate water for more than two weeks in May 2022.<sup>26</sup> Due to a water pump malfunction the tap water supply was limited to only two hours per day (8-9 am and 7-8 pm). According to organizations operating on Samos island, there were days when asylum seekers living in the facility had no access to tap water at all, while receiving only three bottles of water (4.5 liters) per person per day, to meet all their needs - consumption, personal hygiene, laundry, personal and household cleaning. According to the World Health Organization (WHO), 50 - 100 liters of water are needed per

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24 Indicatively, see relevant articles, available in Greek at: News Bomb, Έβρος: Έρευνα για παράνομη δράση των ΜΚΟ – Μήνυμα Θεοδωρικού για την προστασία των συνόρων, 29 May 2022, <https://bit.ly/3xTg8dS>, TV Orin, Στο «μικροσκόπιο» η δράση Μ.Κ.Ο. στον Έβρο, 29 May 2022, <https://bit.ly/3b6HYKU>, D News, Έβρος: «Κλειδωμένες» από τις αρχές τέσσερις ΜΚΟ για περιεργα κόλπα με μετανάστες στο ποτάμι, 29 May 2022, <https://bit.ly/3xw5Crr>

25 Opened in September 2021

26 Efsyn, Έχουν μείνει χωρίς νερό οι πρόσφυγες στη Σάμο, 13 May 2022, <https://bit.ly/3mUyLaT>, 2020mag, Have you been to Samos? Χωρίς νερό οι πρόσφυγες στην Κλειστή Ελεγχόμενη Δομή Σάμου, 23 May 2022, <https://bit.ly/3OnsWPc>

person per day to ensure that their most basic needs are met.<sup>27</sup> International humanitarian standards stipulate that each person should receive a minimum of 15 liters per day for drinking and domestic hygiene.<sup>28</sup> Inadequate access to water leads to degrading and dangerous living conditions, especially for vulnerable people.

Water supply deficiencies are not limited to the Samos CCAC. The remote and isolated areas often selected for refugee camps and reception centers frequently result in water and electricity shortages. According to the UNHCR Chios Office and the Municipality of Chios, VIAL refugee camp on Chios island has regular water supply problems. Firstly, due to water supply needs that have to be covered for the surrounding agricultural fields and the neighboring village's residents; secondly, as no company has been contracted to fix immediate technical deficiencies.

In parallel, in the "temporary" Mavrovouni camp on Lesbos island, asylum seekers with mobility issues and the elderly cannot reach or use the toilet and bathroom facilities due to lack of proper lighting, difficulties with walking and moving inside the camp, incontinence and inability to stand up in the shower.<sup>29</sup>

## Unjustified application of 25-day movement restriction to newly arrived asylum seekers on Samos and Kos

According to legal aid organizations operating on Samos island, since mid-April the issuance of the asylum applicant cards has been delayed, in certain cases exceeding 25 days, a period during which newly arrived asylum seekers are not allowed to exit the center. The Reception and Identification Service (RIS) stated that card issuance has been delayed due to an increase in arrivals on Samos. The RIS also invoked the application of the law<sup>30</sup> providing for an extension of movement restriction up to 25 days if identification procedures have not been completed. However, at present, the new CCAC has official capacity for 2040 people and currently hosts only around 430 asylum applicants. Moreover there have been cases of asylum applicants, fully identified and registered within the first five days, having completed their asylum interview before the issuance of their asylum applicant card. This raises serious doubts over the RIS's supposed justification for the movement restriction.

GCR has observed a similar practice in the Kos CCAC: newly arrived individuals are only permitted to exit the center after the expiry of a 25-day period.<sup>31</sup> In the Kos CCAC, this restriction is irrespective of the issuance (or not) of the asylum applicant card. To GCR's knowledge, the reception and identification procedures are allegedly completed by the Reception and Identification Service within five days, so there is no justification for the extension of the restriction of residents' freedom of movement.

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27 UN, *The Human Right to Water and Sanitation*, <https://bit.ly/2YTTIoF>

28 The Sphere Handbook, Humanitarian Charter and Minimum Standards in Humanitarian Response, Water Supply, Sanitation and Hygiene Promotion, edition 2018, <https://bit.ly/3A99eTu>

29 Movement on the Ground, MOTG's survey on wash – protection related issues, shared in the Lesvos Protection Working Group, 7 June 2022

30 Article 39, Law 4636/2019

31 According to the authorities, on the basis of article 39, Law 4636/19



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## Legal actions and reactions against the closed center on Chios

The Municipality of Chios has proceeded with various legal actions before the administrative and civil courts against the construction of the new CCAC on Chios, positioned in “Tholos”, 13 km from Chios city. The majority of the City Council voted against the creation of a new CCAC and disagrees in principle with the creation of any Reception and Identification Center (RIC)/ refugee camp on the island. Moreover, the current VIAL refugee camp is located on a property of the Municipality of Chios, which is granted to the Ministry of Asylum and Migration until the end of 2022. From 1 January 2023, the Municipality of Chios therefore has the right to proceed with an eviction of the site, leaving the fate of its residents unknown.

# 4. Lack of safe and appropriate accommodation for vulnerable people

## Closure of ESTIA accommodation scheme

In April, the “ESTIA” accommodation program was hosting 10.563 asylum seekers.<sup>32</sup> According to the migration minister, almost 60% of the ESTIA program has been closed. The government’s aim is to close all ESTIA apartments by the end of December 2022. According to the Minister, individuals granted asylum should be included in integration programs, those with a negative decision should be deported, and those whose asylum procedure has not been completed will be transferred to existing sites with vacant places.<sup>33</sup> The government’s plans to send asylum seekers from urban areas back to camps after the closure of the ESTIA accommodation scheme condemns them to harsh living conditions and undermines every integration effort they have made.

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32 Ministry of Migration and Asylum, *Informative Note A*, April 2022, available in Greek at: <https://bit.ly/3xzRvBG>

33 Parapolitika, May 5, 2022, <https://bit.ly/3HLRU8V> and Politic, «Μηταράκης: “Όσοι πρόσφυγες δεν έχουν πάρει άσυλο θα απελαθούν»», May 5, 2022, <https://bit.ly/3Hw8b00>



## **TESTIMONY OF M. FROM AFGHANISTAN - MOTHER OF THREE CHILDREN ACCOMMODATED IN THESSALONIKI UNDER THE ESTIA PROGRAM**

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*"My children go to school near the place where we live. They like school a lot, because they have friends with whom they spend time during school, but also after class. I am happy because I see my children being happy. It's been a long time since they last smiled. We consider this place to be our home because it helps us to be stable and to integrate. Before being accommodated under the ESTIA program, we were living in a camp. The situation there was very difficult. When we were living in the camp, my children didn't want to wake up and go to school, because they had lost all their motivation and 'appetite' for life.*

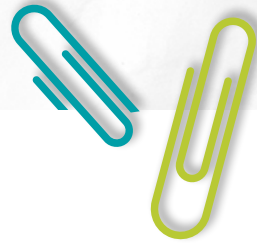
*I also feel very well here, I feel calm. Because of my health, I need to live in a peaceful environment. And this place offers me the stability I need.*

*If we need to leave this place and are again transferred to a camp, our life would turn upside down. My children's life would be disrupted, and they would lose their friends and the environment they have created in order to feel safe. An important, invaluable piece of their life would be lost."*

## **TESTIMONY OF S.M. – SUPPORTING HIS MENTALLY ILL COUSIN**

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*"My cousin stopped receiving cash two months ago. His asylum case was rejected. He is not eligible for the ESTIA accommodation program anymore. The same applies for me. All reception services the program provided have ceased. We live together in an ESTIA apartment in Thessaloniki. I look after him since he is not able to look after himself because of a serious health condition that he suffers from. A few days ago, we were informed that we had to leave the apartment. Following his asylum*



*rejection, my cousin's health deteriorated, and he tried to commit suicide. We cannot afford to buy food to eat. We go from organisation to organisation begging for food. The ESTIA program does not provide us with food anymore and cannot even refer us to organisations that provide food because we are no longer eligible. My cousin cannot visit his doctor in the public hospital, he cannot buy his medicine and his health deteriorates every day. We prefer to be homeless than live in a camp. It is not easy in a camp for a person like my cousin. Because of his psychological condition, the living conditions in the camp and the other people, who will laugh at him, will only make his health worse."*

## **TESTIMONY OF A VULNERABLE AFGHAN FAMILY IN MAVROVOUNI**

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This is the testimony of a couple from Afghanistan who arrived on Lesbos Island in 2019 together with their four children and received a positive decision on their asylum application one month ago:

*"My wife fell and injured her back during the fire in Moria camp, while we were running to save ourselves, in September 2020. We were living in the streets for weeks. We had to carry my wife using blankets because she wasn't able to walk. Then, we were transferred to Mavrovouni camp. Only four months ago, my wife had surgery and she cannot walk until today" says the father.*

*"My back is injured. I could not have an MRI at the public hospital. An NGO paid for my medical exams. We left Afghanistan because we thought that the United Nations, Red Cross and human rights exist here. If we knew the torture we would be living through here, we wouldn't have come. It is very difficult for me to move. I use a wheelchair to go to the toilet and shower, which are 50 meters away. I cannot even take one step without feeling severe pain. We received our positive decision, but we are incapable of paying even for our transport tickets to the mainland. We would like to receive help to be relocated to another country. If you get your residence permit and travel documents, you have to leave the camp", says the mother.*

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# 5. Two-tier refugee response continues

## Protection of Ukrainians vs hindered access to the asylum procedure as well as risk of arrest and detention for everyone else

### Access to protection procedures

45,525 refugees from Ukraine, of which 11,436 are children, have arrived in Greece since the start of the war.<sup>34</sup> 16,237 electronic pre-registrations of Ukrainians took place by 31 May.<sup>35</sup> 14,764 residence permits for temporary protection were issued for Ukrainians in May, 5% of them having been issued without an appointment.<sup>36</sup> According to an announcement by the MoMA, pre-registration of Ukrainians for temporary protection does not necessarily demand their presence, and that if pre-registration did not take place, beneficiaries can call a designated number, give their name to the authorities, and then will be granted an appointment.<sup>37</sup>

By contrast, for everyone else, undergoing the asylum process is extremely complicated. All asylum seekers who arrive in Greece, who have not undergone first reception procedures nor been detained by the police, simply cannot register their asylum application. The competent Regional Asylum Offices (RAO) refuse to register them. Moreover, cases have been reported of people being instructed by RAO employees to present themselves before a police station and ask to be arrested, detained and transferred to a Pre-Removal Detention Center in order to have their application processed.

The procedure for individuals wishing to register a subsequent asylum application is equally problematic. They need to make an appointment through the Skype line operated by the Asylum Service, which almost never works, as NGOs and civil society have repeatedly reported. There are cases of individuals trying for months to make their appointment without success. Only individuals with certified vulnerabilities who happen to have legal assistance may manage to access the asylum procedure and register a subsequent asylum application after lengthy and strenuous efforts. In an example of such a case, a young woman from Eritrea, who is a victim of trafficking and GBV survivor, struggled to register her subsequent asylum application since November 2021 with the help of her GCR lawyer, psychologist and social worker. Only after numerous interventions based on her vulnerability before the Asylum Service, did they grant an appointment for her registration for October 2022, almost one year after the initial intervention.

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34 Ministry of Citizen Protection, Press release, June 27, 2022, available in Greek at: <https://bit.ly/3ynmiTU>

35 Ministry of Migration and Asylum, *Informative Note A*, May 2022, p. 12, available in Greek at: <https://bit.ly/3bC6bJj>.

36 Ministry of Migration and Asylum, *Informative Note A*, April 2022, p. 13, available in Greek at: <https://bit.ly/3bC6bJj>.

37 <https://migration.gov.gr/ukraine/>

## Risk of arrest and detention for non-Ukrainians

The ongoing obstructed access to asylum leads to a significant number of people remaining undocumented despite their constant efforts to apply for asylum. This deprives them of their rights as asylum seekers, such as access to healthcare and employment, while exposing them to police controls often leading to arrest and administrative detention. Moreover, the asylum applications of refugees who finally manage to apply for asylum as detainees are often treated by the Greek authorities as attempts to manipulate the asylum system and hinder deportations, despite the fact that these cases mainly concern asylum seekers from countries such as Afghanistan and Somalia. The detention team of GCR's Legal Unit is handling a significant number of cases of Afghan detainees who are detained for months, even though returns to Turkey or to Afghanistan are entirely unfeasible.

Some people who cannot access the asylum procedure on the mainland due to the above circumstances, travel to the Aegean islands in an effort to register their asylum applications there. The practice that follows is alarming. During a GCR visit to Chios at the end of May, representatives of the police and the Asylum Service on the island informed GCR that people who appear before the local RIC asking to register their asylum applications are immediately transferred to the police station in the city, where the police check whether they have been registered at any other Greek entry point. Upon confirmation of non-registration, instead of transferring them to the RIC where the Reception and Identification Service (RIS) could take charge, they detain these asylum seekers and begin to process their asylum applications as detainees. For example, GCR was informed of the case of an Afghan man who was detained in the detention facility of the police station for over two months, while waiting to register his asylum application and have an asylum interview, despite this facility being entirely unsuitable for prolonged detention. Eventually, this asylum seeker was recognized as a refugee, demonstrating that individuals eligible for international protection are arbitrarily detained and forced to undergo their asylum procedure in detention without justification.

## Free transport only for Ukrainians

The minimum administrative formalities for Ukrainians to access protection are diametrically opposed to the lengthy administrative procedures and multiple obstacles faced by people from other countries who are in need of protection. Apart from these double standards in access to protection, special provisions have also been adopted for Ukrainians by the Urban Transport Organizations of Athens<sup>38</sup> and Thessaloniki,<sup>39</sup> granting them a free 90-day pass (with possibility of renewal) to board all public transport. While such measures are necessary and welcome, they should apply to all individuals in need of protection. By contrast, all other asylum seekers and refugees in Greece are obliged to pay expenses themselves, even for their official and required transfer from an island to the mainland or to appear before the asylum authorities. When they are unable to do so due to lack of funds, they risk their asylum procedure being suspended and their case being rejected.<sup>40</sup>

38 Ekathimerini, "Ukrainian refugees in Athens to board public transport for free for 90 days", May 18, 2022, <https://bit.ly/3xCRWv7>

39 <https://oasth.gr/#el/news/o-oasth-synexizei-thn-prospatheia-dieykolynshs-tw1265>

40 <https://migration.gov.gr/en/gas/diadikasia-asyloy/aporriptiki-apofasi/>

## Education and integration

The Greek government has announced special measures to support Ukrainian students' education, including intensification of teachers' training on intercultural education and care for children with special educational needs.<sup>41</sup> Authorities also announced plans to offer children from Ukraine reception classes to help them integrate into Greek schools in the new school year.<sup>42</sup> Moreover, intensified teaching of arts and music courses (where language is not a barrier) were announced.<sup>43</sup> Children from Ukraine will also be supported in continuing extracurricular learning in Ukrainian, and the government has provided Elefsina camp, where 39 children from Ukraine reside,<sup>44</sup> with computers to ease their access to e-lessons.<sup>45</sup>

These efforts are welcome and exemplify the policies and measures that can and should be taken to support refugee children when there is political will, though unfortunately they are not extended to other children in need of protection in Greece. School enrolment and attendance of children from other countries, despite improving in the year 2021-2022, remains insufficient as they continue to face significant barriers to accessing education. Reception classes for asylum seeking children usually start after the school year commences, critically undermining their efforts to integrate in Greek schools.

## Quarantine as a further means of discrimination

Double standards are similarly evident in the supposed handling of Covid-19 precautions. All refugees who enter Greece via the Eastern-Aegean islands or Evros are immediately isolated in quarantine areas under the pretext of containing the spread of Covid-19. The quarantine period currently lasts for 5 days, but it can be prolonged if there are positive cases of Covid-19 amongst the group. However, quarantine is no longer required in Greece and no one entering Greece is subjected to this measure,<sup>46</sup> apart from people claiming asylum. Ukrainians entering Greece and applying for temporary protection are not being put into quarantine. It therefore remains unclear why one specific group of people is forced to quarantine based solely on the fact that they are seeking asylum.

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41 ALFAVITA, <https://bit.ly/3xAPRiZ>

42 These are primary and secondary school classes, taught in parallel to the normal school curriculum. They are designed for children who do not have sufficient Greek language skills to facilitate their swift integration into regular classes.

43 Ministry of Education, <https://bit.ly/3yafIPo>

44 Ministry of Migration and Asylum, Statistics as of May 2022, International Protection / Appendix A, p. 10, <https://bit.ly/3HYytVH>

45 SKAI, «Βούλτεψη στο Skaigr: Οι Ουκρανοί πρόσφυγες θέλουν να γυρίσουν πίσω και να χτίσουν ξανά την πατρίδα τους», April 17, 2022, <https://bit.ly/39vsX4S>

46 Protocols for Arrivals in Greece, <https://bit.ly/3mVx797>

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# 6. UN Child Rights Committee - Concluding Observations: Greece

On 9 June the UN Child Rights Committee (CRC) issued its Concluding Observations on Greece, reviewed during its 90th session.<sup>47</sup> The Committee raises serious concerns, among others, regarding forced returns (pushbacks), harassment of human rights defenders, detention of children for identification purposes, inappropriate age determination procedures and delays in activating the guardianship system for unaccompanied minors (UAMs). Other major concerns include the precarious living conditions in the RICs on the Aegean islands, lack of access to food and healthcare as well as the discriminatory “two-tier refugee response” for Ukrainian refugees versus for all other refugees. The Committee calls upon the Greek government to provide all possible facilities, services, and protection to all refugees on an equal basis with Ukrainian refugees. This includes, among others, ensuring effective access to basic human rights and a decent standard of living for all children; ending forced return practices; adopting binding codes of conduct for border officials, establishing an independent border monitoring mechanism and conducting in-depth investigations on reported pushback cases, including those identified in the OLAF report.<sup>48</sup>

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47 Greek Council for Refugees (GCR), together with four NGOs, submitted a supplementary report in December 2021, following up on the October 2019 report, submitted jointly by GCR, the European Council on Refugees and Exiles (ECRE) and the International Commission of Jurists (ICJ). The supplementary report highlighted, among others: “pushback” practices involving children, chronic lack of an effective system of guardianship for UAMs, lack of reception conditions and limited access to education for refugee and asylum-seeking children.

48 UN Committee on the Rights of the Child, *Concluding observations on the combined fourth to sixth reports of Greece*, <http://bit.ly/3aZgiY1>; and UN Human Rights Office of the High Commissioner, Press release “UN Child Rights Committee issues findings on Cambodia, Canada, Chile, Croatia, Cuba, Cyprus, Djibouti, Greece, Iceland, Kiribati, Somalia and Zambia”, June 9, 2022, <http://bit.ly/3OaDu42>



# RECOMMENDATIONS

## **The European Union and its Member States should:**

1. The EU Commission in close cooperation with the Greek authorities should immediately establish, and replace the NTA with, a truly independent and effective border monitoring mechanism with the relevant mandate and expertise to investigate pushbacks and human rights violations at the Greek borders, led by the Greek Ombudsman.
2. The EU Commission should take swift disciplinary action and launch infringement proceedings against the Greek state for its well-documented, long-term, and systematic breaches of international and EU law in its treatment of asylum seekers and refugees, including pushbacks, obstruction of access to asylum and arbitrary detention.
3. Stop funding and abandon the policy of remote, “prison-like” centers and containment camps and, instead, increase asylum processing capacity with the support of EUAA and establish a predictable, mandatory EU relocation mechanism to ensure that Member States effectively share responsibility for providing protection to refugees in the EU.
4. Reform the EU Facilitators’ Package, to make the exemption of humanitarian assistance from criminalization in cases of entry, transit and residence mandatory; and to ensure that no investigation is opened nor any prosecution pursued against private individuals or civil society organizations providing legal and humanitarian assistance. Specifically, the ‘financial or other material benefit’ requirement should be included in the definition of all forms of facilitation as a basic element of the offense, in line with the UN Protocol Against the Smuggling of Migrants, in order to prevent EU Member States from adopting unduly broad definitions of smuggling as a means to legitimize the criminalization of refugees and humanitarian assistance.
5. Frontex should suspend its involvement in apprehensions on land and interceptions at sea as these are likely to lead to human rights violations, and limit its operations to search and rescue, screening and registration until an effective independent border monitoring mechanism is in place.





## **The Greek Government should:**

1. Ensure unhindered access to the asylum procedure for all people wishing to apply for asylum, as per EU and international law. This includes replacing the current dysfunctional system for registration of asylum applications with an alternative modeled on the online platform established for Ukrainian refugees.
2. Refrain from administratively detaining people due to being undocumented because they have been struggling to apply for asylum but are unable to due to administrative obstacles.
3. Lift the arbitrary 'quarantine' practice applied only to asylum seekers.
4. Abandon the policy and implementation of 'Closed Controlled-Access Centers' and lift all unjustified and/or illegal restrictions of asylum seekers' freedom of movement.
5. Maintain ESTIA accommodation unless suitable alternative arrangements of the same standard are provided and provide medical and psychosocial services to vulnerable asylum seekers.
6. Replace the National Transparency Authority with an effective and truly independent monitoring mechanism led by the Greek Ombudsman, for the systematic investigation of reported pushback cases, in consultation with independent authorities and human rights advisory bodies, as well as intergovernmental organizations and civil society.
7. Refrain from misusing counter-smuggling legislation to criminalize refugees and humanitarian assistance. To this end, reform Law 4251/2014 by including the 'financial or other material benefit' provision in the definition of all forms of facilitation, in line with the UN Protocol against the Smuggling of Migrants; and exclude asylum seekers, private individuals and/ or civil society organizations providing humanitarian assistance from the scope of the offense.
8. Respect the decisions on interim measures granted by the European Court of Human Rights on not removing newcomers asking for asylum from Greek territory, providing them with food, water, adequate medical care and transferring them immediately to reception centers.
9. Guarantee effective access to education for all children (through enrollment without obstacles, provision of transportation for all children in need of it without discrimination and equitable access to distance learning material). Take proactive measures to reduce drop out, through the establishment of a sufficient number of and adequately staffed reception classes that start ideally before children's regular classes begin, including during summer to prepare them for the new school year.

# APPENDIX

## Numbers of unaccompanied and separated children - population on the Aegean islands

### Unaccompanied and Separated Children (UASC)

As of 1 June, 2,095 unaccompanied and separated children are estimated to be in Greece. Of this number, 89% are boys and 11% are girls, with 7% children below the age of 14. The majority are from Afghanistan (25%), Pakistan (23%) and Syria (9%). 43% of the children come from other countries.<sup>49</sup>

Below are the total number of accommodation facilities for unaccompanied and separated children<sup>50</sup> (NB there is no official data available for relocation hubs and for children in protective custody/ detention).

| UASC in long-term accommodation (Shelter / SIL) | UASC in Relocation Hubs | UASC in Emergency accommodation | UASC in RICs | UASC in open temporary accommodation facilities (camps) | UASC in protective custody/ detention |
|---|-------------------------|---------------------------------|--------------|---|---------------------------------------|
| 1,856 (1,608 in Shelters / 248 in SIL)          | * No data available     | 141                             | 82           | 16  | No data available <sup>51</sup>       |

### Total number of asylum seekers currently in Greece

As of May 2022, Greece is hosting approximately 45,525 refugees from Ukraine, 21,725 asylum seekers from other countries<sup>52</sup> according to the most recent official data provided by the Ministry of Migration and Asylum (MoMA), and approximately 58,473 recognized refugees.<sup>53</sup> Only 8% of the asylum seekers live in the Eastern Aegean islands, the vast majority (92%) being hosted on the mainland.<sup>54</sup>

49 *Situation update: Unaccompanied Children (UAC) in Greece*, National Centre for Social Solidarity (E.K.K.A.), June 1, 2022, <http://bit.ly/3Hz6q3t>

50 National Centre for Social Solidarity (E.K.K.A.), *ibid*.

51 E.K.K.A.'s statistics of June 1, 2022 do not refer to children in detention.

52 Ministry of Migration and Asylum, *Informative Note A, May 2022*, available in Greek at: <https://bit.ly/3bC6bJj>

53 Ministry of Migration and Asylum, Appendix B to *Informative Note B, May 2022*, available in Greek at: <https://bit.ly/3bwVJm6>

54 Ministry of Migration and Asylum, *Informative Note A, May 2022, op. cit*

Total land and sea arrivals in the first five months of 2022 amounted to 4,051 people, 36% higher than the same period in 2021.<sup>55</sup>

Since May there were further significant drops in the refugee and migrant population residing in Reception and Identification Centers (RICs) and Closed Controlled Access Centers (CCACs) in the Eastern Aegean islands, though an increase in the number of people on Samos. Unaccompanied children were resident in three of the camps, with the highest number (152) in Lesvos.<sup>56</sup>

|  | Lesvos | Chios | Samos | Leros | Kos   | TOTAL  |
|--|--------|-------|-------|-------|-------|--------|
| June 2022 capacity in RICs / CCACs <sup>57</sup>   | 8.000  | 1.014 | 2.040 | 1.780 | 2.356 | 15.190 |
| April 2022 population in RICs / CCAC <sup>58</sup> | 1.410  | 292   | 357   | 114   | 295   | 2.468  |
| April 2022 unaccompanied children <sup>59</sup>    | 155    | 13    | 17    | 0     | 0     | 185    |
| June 2022 population in RICs / CCACs <sup>60</sup> | 1101   | 200   | 404   | 106   | 51    | 1.862  |
| June 2022 unaccompanied children <sup>61</sup>     | 152    | 13    | 13    | 0     | 0     | 178    |

55 Ministry of Migration and Asylum, *Informative Note A*, May 2022, *ibid.*

56 *Ibid.*

57 Ministry of Citizen Protection/ National Coordination Centre of Border Control, Migration and Asylum (E.Σ.K.E.Σ.M.A.), statistics of June 14, 2022, available in Greek at: <http://bit.ly/3xAef4i>

58 Ministry of Citizen Protection/ National Coordination Centre of Border Control, Migration and Asylum (E.Σ.K.E.Σ.M.A.), statistics of 10 April 2022, *op. cit.*

59 *Ibid.*

60 Ministry of Citizen Protection/ National Coordination Centre of Border Control, Migration and Asylum (E.Σ.K.E.Σ.M.A.), statistics of June 27, 2022, available in Greek at: <https://bit.ly/3nFltjf>

61 *Ibid.*

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Drafted by 24 June, published 11 July 2022

This paper was written by Alkistis Agrafioti Chatzigianni, Kleio Nikolopoulou and Eleni Passia, and edited by Evelien Van Roemburg, Stephanie Pope and Daniel Gorevan. The bulletin is an initiative of the Greek Council for Refugees, Oxfam and Save the Children to provide a bimonthly update on the situation for refugees and migrants in Greece.

Cover photo: Pedro Armestre / Save the Children