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FORGE FOR HUMANITY

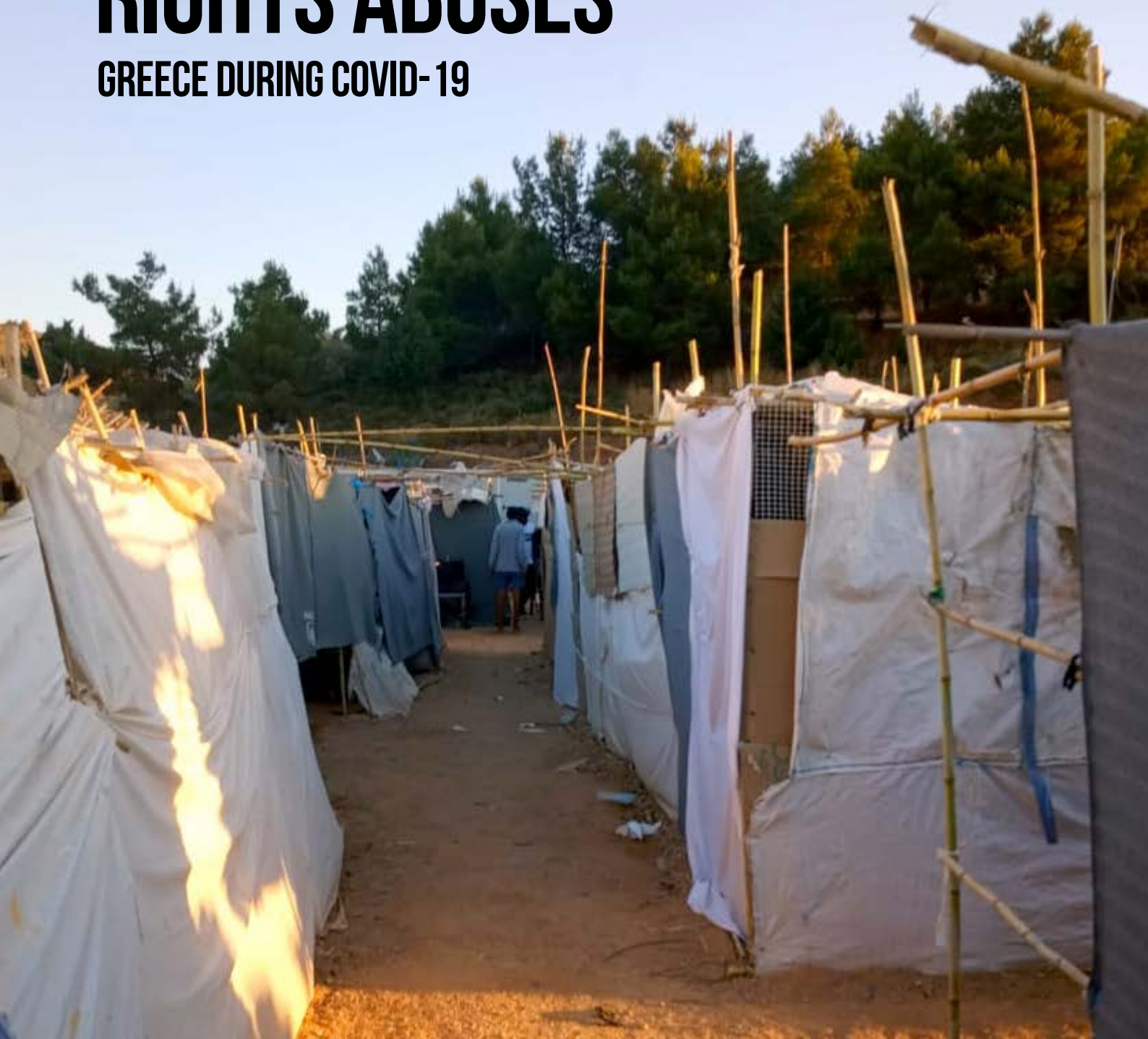
REFUGEE RIGHTS EUROPE

KHORA ΧΩΡΑ

Syrian and Greek Youth Forum SGYF Community building, Inclusion, Empowerment

PUSHBACKS, HOMELESSNESS AND HUMAN RIGHTS ABUSES

GREECE DURING COVID-19



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INTRODUCTION

The first year of the Covid-19 pandemic saw a steady erosion of basic human rights for asylum seekers and people with refugee status in Greece.

This included an escalation in pushbacks, rising homelessness, the reduction of resources and support, an increase in domestic abuse, spiralling mental health problems, the curtailment of movement and a further worsening of camp and detention conditions.

In this report, the Greek Government's actions in relation to the aforementioned issues are assessed, with reference to relevant international standards. The research conducted and gathered by all report partners during this time underlines the wide-ranging gross human rights abuses unfolding on Greek soil, and indicates that these violations are intrinsically connected with Greek and European migration and asylum policies.

A consistent theme is that the principle of universality as contained in the Universal Declaration of Human Rights is under severe threat. Asylum seekers and people with refugee status are facing grave violations of their human rights.

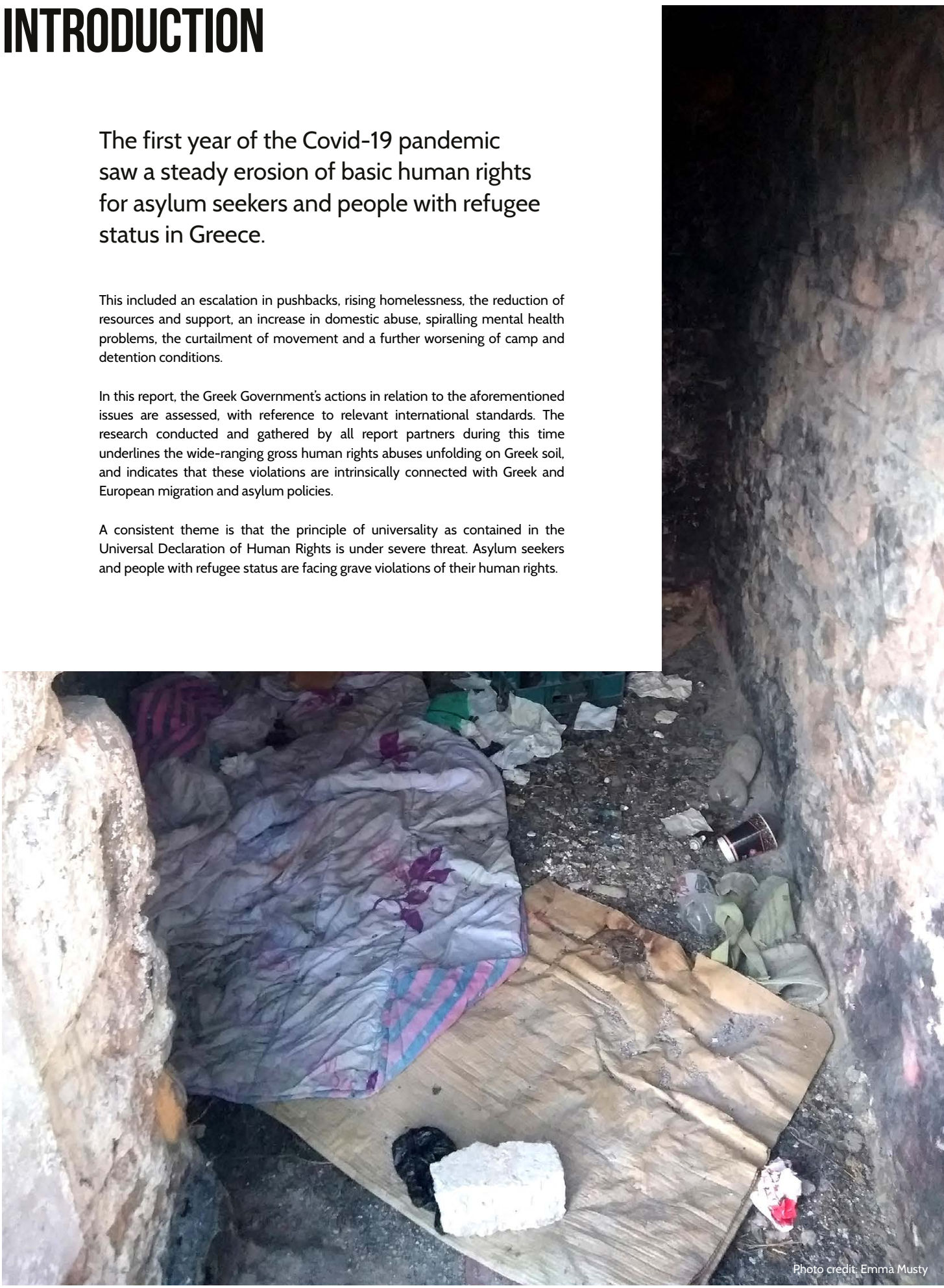


Photo credit: Emma Musty

PUSHBACKS



From the start of 2015 until the 16th of March 2021 there were a total of 1,649 deaths in the Eastern Mediterranean, according to IOM data.[1] Yet despite concerns raised by Amnesty International (AI) that increased militarisation at the northern border pushes people to more dangerous routes[2], the Evros fence was reportedly to be expanded a further 27 kilometres by April 2021,[3] along with cameras and radars able to see 15km into Turkish territory.[4]

The militarisation of Greece's borders is particularly concerning in light of multiple recent reports of pushbacks carried out by the Hellenic Coast Guard (HCG) with the support of Frontex as documented in the End Pushbacks Partnership's report from 2020, *Pushbacks and Rights Violations at Europe's Borders*.[5]



Photo credit: kardinal41 / Shutterstock.com

1. IOM Missing Migrant project (accessed 16.03.21)
2. See Paragraph 61
3. To Vima article (accessed 16.03.21)
4. Ekathimerini article (accessed 16.03.21)
5. End Pushbacks Partnership and RRE (2020) report



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The Lisbon Treaty obliges EU states to 'ensur[e] compliance with the principle of non-refoulement', while the EU Charter prohibits collective expulsions, elaborating that 'No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.'[6] To ensure protection from refoulement in practice, refusals of entry can only be issued by a 'substantiated decision stating the precise reasons' for the refusal in the individual case, in writing.[7] The Charter also enshrines individuals' right to appeal refusal, as well as to be provided with information and legal representation.[8] Finally, Member States must record each refusal of entry and submit this information yearly to the EU Commission.[9]

The Greek state has been repeatedly criticised for carrying out pushbacks. In 2016 The Greek National Commission for Human Rights (GNCHR), the Council of Europe (CoE) and AI asked for an investigation and an end to pushbacks, with GNCHR stating that 'operations of repulsion and refoulement of third country nationals was the standard policy for addressing the immigration problem.'[10] Further concerns were raised about allegations of ill-treatment of migrants by members of the coastguard and border police.[11]

In response, the Government's mid-term report stated that 'everyone who applies for asylum in Greece has his/her application treated on a case-by-case basis, in line with EU and international law requirements and the principle of non-refoulement. In each case there are individual interviews, individual assessments and the right of appeal. There are no blanket or automatic returns of migrants or asylum seekers.' We find this statement to be grossly inaccurate.

Between March and December 2020, Mare Liberum documented 321 incidents in which 9,798 people were illegally pushed back.[12] At least 3 people drowned as a direct result of the practice of placing children, women and men into inflatable rafts and destroying their original vessels while at sea.[13]

In one of the many cases reported by Aegean Boat Report (ABR), on the night of the 18th of December 2020, 34 people left Turkey for Lesvos at 10pm. At approximately 12am on the 19th of December they were stopped and picked up by a vessel with ID number ΛΣ 050, identified by ABR as a Vosper Europatrol 250 Mk1 Class offshore patrol vessel of the HCG, stationed in Petra port, Lesvos north.

After they had been beaten and had their phones and possessions taken from them, the people on the boat were transferred onto a smaller vessel and from this into 3 small inflatable life rafts. One of the life rafts 'exploded' and five people ended up in the water. 2 were recovered alive and 3 drowned, their bodies were taken by the HCG.

There have been many well documented and recorded pushbacks at sea, but also from Reception and Identification Centers (RIC) on the Aegean Islands. To highlight a recent case, on the 17th February ABR were in contact with 13 people, including 5 children, from Afghanistan who had landed at Eftalou in Northern Lesvos.[14] It has become common practice for new arrivals to contact NGOs to confirm that they have arrived in Greek territory in the hope that this will prevent them from being pushed back to Turkey.

On the night of the 17th of February at 8.18pm, just over an hour after they had arrived to the island, ABR sent the group the location of the quarantine camp at Megala Therma. At 9.15pm they arrived at the camp and were admitted. One of the two port police officers left to make a phone call and returned to tell the 13 people that they would now be taken for Covid-19 testing. Residents of the camp warned them that this was unusual as testing does not normally take place at night. Before they left, they were asked to hand over their phones. Of the 8 phones they had, they only handed over 3.

They were then taken by foot to a small white container and left outside for 30 minutes before being allowed in. During this time, they remained in contact with ABR. After an hour, masked men wearing dark clothes arrived and entered the container carrying batons.

6. EU Charter, Art. 19.
7. Regulation EU 2016/399 on a Union Code on the rules governing the movement of persons across borders, Art. 14(2) & Annex V Part A(1) (a)
8. Ibid. Art. 14(3)
9. Ibid. Art. 14(5) & Annex V Part A(1)(d)
10. See Paragraph 18
11. See Paragraph 64
12. Mare Liberum, Pushback Report 2020 (accessed 16.03.21)
13. Aegean Boat Report (accessed 16.03.21)
14. Aegean Boat Report (accessed 16.30.21)

'The refugees, particularly the children, were very frightened, and the uniformed men screamed "Get up! Get up!" and hit people with batons to force them to stand. They immediately frisked them one by one, even the children, and stole their belongings, bags, money and 3 of the remaining mobile phones. The refugees report that the men paid particular attention to the women, putting their hands on private areas by force, which was especially humiliating, a violation which the women were powerless to prevent. The officers next forced the men, women and children one by one into the back of the van like cattle. Those who resisted were again beaten with batons.' [15]



Photo credit: Claire Veale

They were then driven to a port which, due to the length of travel and physical description of the area, was likely to be the Schengen port in Petra, north-east Lesvos, a frequently used site for the purpose of illegal deportations by the HCG. They were then taken out to sea and left in a life raft.

From the 2nd of January to the 16th of March 2021, Border Violence Monitoring Network (BVMN) reported 18 pushbacks which were recorded at the Northern land border with Turkey involving 1,201 people between the ages of 1 and 61 years-of-age. A typical report includes a combination of some or all of the following: beating (with batons/hands/other), kicking, pushing people to the ground, insulting, sexual assault, forcing to undress, theft or destruction of personal belongings, reckless driving, immersion in water and psychological torture.[16] In the majority of these cases the wish to seek asylum was expressed.

In one case from the 10th of January 2021, it is likely that people died in the Evros River at the Greek-Turkish land border as a direct result of a pushback. Officers wearing dark clothes and balaclavas ordered 30 people to board a small boat. It started sinking approximately 3m into the river. The officers ordered the respondent and others to jump into the water, at gunpoint. Some of the group members were not able to swim, and the respondent saw them disappear into the river.[17]

As these actions are largely undertaken by masked men with no identifying markings on their often military-style uniforms, and at night when visibility is poor, it is difficult for survivors to identify the individuals responsible. However, it is clear by their systematic nature that pushbacks remain a state 'solution' to people seeking asylum in the territory. These actions are in contravention to Article 3: the right to life, liberty and security of person, of the Universal Declaration of Human Rights. They are illegal and must be brought to a halt.



Photo credit: Claire Veale

15. Aegean Boat Report (accessed 16.30.21)
16. BVMN incident reports (accessed 17.03.21)
17. BVMN incident reports (accessed 17.03.21)

THE ASYLUM PROCESS AND SKYPE



In March 2020 Greece suspended the right to claim asylum for thirty days in direct contravention of the 1951 Refugee Convention and publicised the use of 'immediate deportation"[18] removing an individual's ability to register an asylum request.

Though this ban was not extended past the thirty-day period due to massive international pressure[19] it underlines the levels to which the Greek Government is willing to go in order to curb migration and enact deportations. An aspect of this policy has been to limit access to asylum processes more broadly. The Greek Asylum Service (GAS) offices have been closed for all but urgent appointments from the 14th February of 2020 due to Covid-19.

Forge for Humanity have witnessed a distinct shift during 2020 and 2021 towards further limiting access to the registration process required to lodge an asylum claim. This is an escalating trend. FORGE have been unable to facilitate access to Skype since March 2020 due to COVID-19 restrictions, and remain in frequent contact with unregistered asylum seekers who have been calling unsuccessfully on Skype for more than ten months. Syrian Greek Youth Forum and Khora Asylum Support Team report that some individuals have been waiting for over a year. Prior to 2020, English-, French-, Farsi-, and Arabic-speaking individuals were usually able to register within three months. SGYF report that currently only 2 hours a week are allocated for each language, leaving thousands of people waiting in legal limbo. Further to this, access to the service is limited by an individual's ability to buy or borrow a digital device and internet access. As a result of these difficulties people are at risk of being exploited by those offering fake Skype support and many scams of this type have been reported to KAST.



Photo credit: M

18. New Greek TV article (accessed 19.04.21)
19. Human Rights Watch (2020) Article (accessed 19.04.21)

Previously, applicants were able to make an appointment via email to visit the relevant GAS office to lodge their claim if they were initially registered by the authorities at a closed detention facility, often receiving a response within a week with a scheduled appointment in three to six months. At the appointment, they would be able to access an interpreter and case worker trained in supporting the applicant to state their case appropriately.

Since January 2020, people are required to lodge an application through an online portal on the Ministry of Migration and Asylum website, in writing and in their own language, which poses challenges since many potential applicants lack access to an electronic device or stable internet connection, and often come from countries with low literacy rates and even lower rates of digital literacy. Individuals are also required to provide proof of address in order to register, transferring the responsibility of finding housing from the state to the person seeking asylum and placing the extra burden of proving the address on their shoulders.

Some FORGE participants have been waiting since June 2020 for a response to their application, having been "registered" by the authorities in March 2020. Of the 77 applicants they have worked with to submit this application online, they do not know of a single case to date that has received an appointment in order to be issued with an asylum applicant's ID card.

In other instances, KAST report that clients with multiple children who successfully get through on Skype are hung-up on. For some families this has happened more than once, the assumed reason being that the operator did not want to process so many individuals at one time. If clients are considered vulnerable under Greek law, KAST can email the asylum office on their behalf, with proof of their vulnerabilities, to request urgent registration appointments. However, the asylum office is inconsistent in their response to these requests and such requests are often ignored. For example, a request to register a single woman, who was 8 months pregnant and a survivor of sexual violence, who had been calling the asylum office for months and was continuously told there were not any available appointments, was ignored.

Furthermore, due to the chronic lack of legal aid available to applicants throughout the asylum seeking process, many initial registration requests contain mistakes that are unable to be reconciled at a later stage. These mistakes may be construed as "lack of credibility" in the future assessment of the asylum claim or may obstruct an application for family reunification under the Dublin III Regulation.

FORGE state that unaccompanied children previously received a response within a few weeks and an appointment in one to three months from the date of response. However, due to lack of emergency systems in place within GAS, during the first Covid-19 lockdown some minors were left on the streets for months with no documentation. As a result, some 'aged out' and are now unable to file Dublin III Regulation family reunification applications which they were eligible for upon arrival in Greece. The standard response from the asylum office to requests for registration appointments for unaccompanied minors is now that they have been placed on a waiting list. KAST has thus far not heard of anyone successfully receiving an appointment from this list and FORGE currently have 26 young people awaiting appointments.



Photo credit: Love Solutions / Shutterstock.com



Photo credit: Claire Veale

KAST report that people who are unable to register for asylum have no recourse to public funds, cannot access the UNHCR cashcard, are not allowed to work, cannot legally rent accommodation and do not have access to healthcare. This leaves people in an incredibly vulnerable situation, with many becoming street homeless and at risk of exploitation from unscrupulous employers or turning to sex work for survival.[20] One of the only options available for many is to rent from exploitative landlords charging up to 150€ per month for a bed in a cramped 3 - bedroom apartment hosting up to 20 people. Leaving people in this situation contravenes Article 25: the right to an adequate standard of living of the Universal Declaration of Human Rights. Access to registration and the asylum process must be urgently improved in order to prevent further harm.

Covid-19 restrictions have also made it more difficult to access PAAYPA numbers which grant asylum seekers access to health care. There are two main reasons for this. Firstly, the validity of all asylum seekers' white cards have repeatedly been automatically extended, to avoid asylum seekers going to the asylum offices to renew their white cards. This unfortunately means that people who have white cards without valid interview dates or without PAAYPA numbers, have been unable to renew their white cards to rectify these issues. The IT department of GAS can technically alter this remotely but seldom answer emails.

Secondly, the online registration process has replaced the registration interview following which people would be given white cards that contained final interview dates and PAAYPA numbers. However, to date no client KAST has worked with who has registered online has received a response since completing this form, with the first clients having completed their forms in May 2020. This means that despite having registered for asylum, people are not given documents regularising their status as asylum seekers (white cards), nor are they given interview dates or PAAYPA numbers. They therefore continue to be held in limbo, in precarious and unstable situations akin to their state as an undocumented person, and are still prevented from seeking legal employment to support themselves. KAST has repeatedly contacted the asylum office on clients' behalf following clients' completion of online registrations but have been told that there is nothing to do but wait to be contacted.

The latest announcement from the Ministry of Immigration and Asylum states that: 'from 1/7/2021 no more financial aid will be given to applicants for international protection, who are not housed in structures of responsibility of the Ministry of Defence or collaborating with the YMA bodies.'[21] This means that anyone living independently will no longer be eligible for cash assistance and should instead apply for housing, although the pathways for this are unclear. As previous housing solutions have involved long waiting lists and extremely restrictive criteria, all partners to this report are concerned that this move will further exacerbate the situation for people trying to survive in Greece and lead to even higher levels of homelessness.

Further to this, in 2016, Law 4375/2016 (art.44, para.3)[22] instituted the provision of legal assistance free of charge at the second instance appeal with a plan to extend this to all asylum procedures. However, due to a lack of participating lawyers, KAST have noted limited access to this scheme. Recent hires mean there are now 80 lawyers included in the Registry. They began providing legal aid services to all asylum offices as of the 1st of March 2021 and the outcomes are yet to materialise.

KAST highlights that not all new lawyers are familiar with refugee law and no training is provided. There is no quality control of lawyers' work and the Greek Asylum Service (GAS) does not provide enough administrative staff to support the lawyers. GAS has recommended that each lawyer works on 60 cases per month, raising serious concerns about the standard of the legal aid that will be provided.

20. UNHCR Article (accessed 19.03.21)
21. Ministry of Immigration and Asylum announcement (accessed 19.04.21)
22. Response to 134.128 UPR mid-term report Greece (accessed 12.03.21)

FAMILY REUNIFICATION

The right to family life is enshrined in Articles 12 and 16 of the Universal Declaration of Human Rights[23] as well as multiple EU directives and International conventions.

In order to seek family reunification to another EU country, i.e. to join your family there, pursuant to the Dublin III Regulations, one must first be registered as an asylum seeker in a country that has ratified these regulations, such as Greece. KAST report that people who are attempting to register in Greece in order to apply for family reunification are therefore hindered by the Greek registration process, which severely slows down their application and has led to people missing the deadline, especially during Covid-19. Applying for family reunification is not considered by the asylum office to be a reason for urgently registering clients for asylum in Greece. This, combined with the Greek Governments failure to renew its contract with the travel agency arranging family reunification journeys in a timely manner, and COVID-19 travel restrictions, has caused many problems. Including two unaccompanied children being unable to take their flight from Athens and be reunified with their family in another European country.

Although the right to family reunification also exists within national law in Greece through Presidential Decree 131/2006[24], in practice applications, if they can be lodged in the first place, are almost never successful. This leads to many people leaving the territory in order to seek asylum in another European country despite already having international protection in Greece and often risking dangerous routes.

Article 8 of the European Convention on Human Rights has been defined through practice as 'the right to live together so that family relationships may develop normally' and that 'members of the family may enjoy each other's company'.[25] However, the Greek Council for Refugees state that in 2019, 266 applications for family reunification were submitted before the GAS. The Asylum Service took 22 positive decisions, two partially positive decisions and 29 negative decisions.[26] This clearly suggests that family reunification is not a priority for GAS despite family life being a universal right, again underlining that lack of universality of the application of the convention in Greece.





Photo credit: Claire Veale

23. UN Declaration of Human Rights
24. Presidential Decree 131/2006
25. See Paragraph 276
26. Asylum in Europe report

RECEPTION CONDITIONS



As far back as 2016, Amnesty International found squalid conditions in informal camps and considered that conditions in immigration detentions centres amounted to inhuman and degrading treatment. The most recent Council of Europe's anti-torture committee (CPT) report[27] confirms that this has not changed and the activist coalition Europe Must Act (EMA) considers that conditions have worsened.

EMA's 2020 report found that the Aegean Island RICs fulfilled all 5 of UN Habitat's slum indicators: lack of water, lack of sanitation, overcrowded conditions, non-durable housing conditions and no security of tenure that prevents forced evictions. People seeking asylum spend months, and in some cases years, living in these conditions; sharing an ISO-box (on average 30 square meters) with 7 other families or living in a small tent or make-shift shelter in the 'Jungle' with up to 10 other people.[28]



Photo credit: Lenny Rothenberg

27. Council of Europe Article (accessed 19.03.21)
28. Europe Must Act Aegean Grassroots report, p.24

Reports from the new Kara Tepe centre, which was built on an ex-military firing range on Lesvos and replaced Moria after the fire in September 2020 which destroyed the camp,[29] have included lead poisoning[30] and the discovery of an unexploded hand grenade.[31] In the RIC on Samos there were 6 major fires in 2020, one of which was in the safe zone for unaccompanied children.[32]

The Head and the staff of the RICs are responsible for ensuring humane conditions and respect for the dignity of all third country nationals who reside therein, especially minors, that medical treatment and psychosocial support are provided to those in need and that there is special care available for persons with specific needs or vulnerabilities.[33] We find that these responsibilities are not being met, and are so subpar to recommended standards that in June 2019 criminal charges were brought in against the manager of Samos hotspot and several of her colleagues concerning the living conditions of unaccompanied children by Still I Rise.[34]

Having been through the Reception Service, respondents to SGYF's research in March 2021 stated they no longer had trust in large agencies, specifically IOM and UNHCR, which are both actors in the Aegean and mainland camps. Such a lack of trust in these key actors highlights the level of difficulty people experience in the RICs and camp environments, begging the question how they can continue to hold such responsibility.

People are also unable to leave the islands of their own free will due to the geographical restrictions brought in the EU-Turkey deal. Theoretically, these island restrictions can be lifted for people deemed vulnerable under Greek law, by emailing the asylum office of the island in question with proof of the relevant vulnerabilities. However, such requests are rarely replied to. KAST has occasionally received responses to such requests in the past; however, recently they have received no responses at all, let alone any successful ones. Despite these restrictions and due to traumatic experiences and deplorable conditions on the islands, people are often unwilling to return to the islands leaving them in a precarious legal situation.

As a result of being unable to leave legally, people are forced to take irregular routes sometimes forfeiting their legal documentation to smugglers in order to reach the mainland. People are therefore fully undocumented when they arrive to the mainland, despite potentially having already made a formal claim for asylum. Without any form of identification and/or no longer having PAAYPA, they no longer have access to healthcare services from the state, which may have been the exact reason they fled the conditions in a reception centre in the first place.

The Aegean camps are inhumane for all but especially difficult for people with mental health problems. Yet, under the ESTIA housing program for vulnerable individuals, "at risk people" with mental health problems are not housed.[35] This leaves already vulnerable individuals and families in an even more precarious situation. In 2020 MSF reported that 60% of new adult patients expressed suicidal thoughts and 37% were considered to be at risk of suicide.[36] At present this service provision gap is being filled by grassroots actors, but a greater level of care must be provided by the state.



Photo credit: M.

29. Amnesty International article (accessed 19.03.21)
30. ECRE Article (accessed 19.03.21)
31. The Parliament Magazine Article (accessed 19.03.21)
32. Refugee Rights Europe (2021) Unaccompanied children at the gates of Europe: Voices from Samos.
33. Response to 134.129 UPR mid-term report Greece (accessed 12.03.21)
34. Re Refugee Rights Europe (2021) Unaccompanied children at the gates of Europe: Voices from Samos.
35. Information provided through Camomile Housing Project which provides holistic supportive accommodation and social support in Athens, Greece to previously homeless displaced people (refugees, asylum seekers, migrants) with psychosocial challenges with the final aim of independent living for all beneficiaries.
36. Medecins sans Frontières Article (accessed 19.03.21)

DETENTION CONDITIONS AND POLICE VIOLENCE



Undocumented people are also now at greater risk of detention. Since Covid-19 measures were introduced, police have even greater license to stop people at will and demand to see their identification.

Many of the people supported by KAST are either awaiting registration and therefore have no official documentation, or have white cards that, although legally valid, still show an expiry date that has passed as Covid-19 restrictions have prevented them from obtaining a renewed copy. People in this situation often express their fear of being outside in Athens because of the extremely heavy police presence across the city. Previously, people could be issued with a paper from a police station stating their intent to claim asylum as they awaited their registration appointment. Now, the threat of detention is so high that this is no longer a viable option since any form of interaction between police officers and undocumented people can result in detention. This is at the discretion of the police and it falls within their legal power to detain such individuals. The government has lifted the 45-day limit on detention in this instance and can now detain people wishing to seek asylum until they receive the decision of their asylum case. KAST report that the majority of people are waiting for years, not months, for this decision. An unregistered person is thus in a very precarious legal situation, and this is forced upon them by the near-impossibility of the Skype system. If however they do receive police papers with willingness numbers, they can technically register for asylum online. However, occasionally these papers impose a time limit for registration, which is practically impossible to comply with for the reasons outlined above.



Photo credit: Emma Musty



Photo credit: Claire Veale

In the 2016 Universal Periodic Review CoE referred to the 2014 findings of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT). CoE-CPT received a great number of detailed, coherent and consistent allegations of physical ill-treatment of persons by police officers. The CoE-Commissioner was deeply concerned about persistent reports of ill-treatment, including torture, by law enforcement officials against migrants and the Roma. AI referred to alleged cases of torture, ill-treatment and excessive use of force by law enforcement officials, including during demonstrations.[37]

Greek law 4540/2018[38] is meant to ensure that detention takes place in premises that respect human dignity and not in the same area as prisoners of criminal law and that during detention the mental health of the detainees is of primary concern. Despite these provisions in law, the CPT noted after their visit in March 2020 that they 'once again found that families with children, unaccompanied and separated children and other vulnerable persons (with a physical or mental health illness, or pregnant women) were being detained in such appalling conditions with no appropriate support. The CPT calls upon the Greek authorities to end the detention of unaccompanied children and of children with their parents in police establishments. Instead, they should be transferred to suitable reception facilities catering to their specific needs.'[39]

37. See Paragraph 32. (accessed 12.03.21)
38. Response to 136.24 UPR mid-term report Greece (accessed 12.03.21)
39. Council of Europe. https://rm.coe.int/1680a06a86

VULNERABLE GROUPS

LGBTQI+

We note that Law 4443/2016[40] has established a single and comprehensive regulatory framework for the implementation of the principle of non-discrimination, including gender identity, and that gender identity has been recognized under Law 4491/2017.[41]

However, as the Samos LGBTQI+ Group noted in their report of March 2021, 'hate crimes against LGBTQI+ persons are the most common form of discrimination in Greece and whilst limited legal protections exist for queer persons, such protections are difficult to access for all queer persons in Greece and are rarely realised for LGBTQI+ asylum seekers, especially in the camp settings.'[42] Thus we suggest a thorough implementation of non-discrimination laws already in place and a preventative action plan to combat this trend in discrimination towards LGBTQI+ people.

The Aegean Grassroots report published by EMA states that there are an unknown number of LGBTQI+ people living in the Aegean Island camps. Many of these are specifically seeking sanctuary in Europe on the basis that they have experienced persecution in their home countries because of their sexuality, gender identity or gender expression. Almost all countries in the Middle East and a majority in Africa criminalise being lesbian, gay, bisexual or transgender and, in many of these, the death penalty is still used by the state as a punishment. As a huge stigma remains about being LGBTQI+, those who are open about their sexuality also risk violence from their own families and communities. Since LGBTQI+ asylum seekers live in the camps with people from these regions they remain an extremely vulnerable group on the Aegean Islands.

In a recent assessment by Lesvos LGBTQI+ Refugee Solidarity, LGBTQI+ asylum seekers referred to physical safety as being one of their most pressing concerns. Numerous participants reported that revealing their sexual orientation or gender identity or having it discovered by others had led to violent attacks or death threats. There is an acute lack of support for LGBTQI+ refugees and the specific challenges that they face on the islands. They are reluctant to report incidents to the police, as they are often met with homophobic and transphobic comments as well as threats and violence from police officers. On Samos and Lesvos, LGBTQI+ 'asylum seekers reported being beaten, sexually assaulted, threatened with knives and propositioned for sex.'[43]

In a survey by Safe Place International from February 2021 56,1% of respondents stated that they don't feel safe in their current living conditions.[44]



Photo credit: Claire Veale

40. Response to 134.64 UPR mid-term report Greece (accessed 12.03.21)
41. Response to 134.64 UPR mid-term report Greece (accessed 12.03.21)
42. The Discrimination Epidemic: How COVID-19 restrictions are impacting LGBTQI+ Asylum Seekers in Samos and fuelling a rise in discrimination. March 2021. Samos LGBTQI+ Group. (accessed 16.3.21)
43. Europe Must Act Aegean Grassroots report
44. Safe Place International, Mapping Vulnerabilities, February 2020.

VULNERABLE GROUPS

WOMEN

We welcome the ratification of the CoE Convention on preventing and combating violence against women and domestic violence which entered into force 2018 but remain concerned that this does not give adequate protection to refugee and asylum-seeking women, particularly with regards to women living in camps or in other precarious living situations.

In mid-August 2020 the UNHCR reported that there are 6,204 adult women and 3,666 girls in the Aegean camps. EMA state that the dire living conditions in the camps, especially the lack of adequate and safe sanitation facilities and secure living spaces, put women and girls at risk of violence. Many of KAST's female clients report experiencing rape and gang rape in camps. They then have to live side-by-side with the perpetrators in the camp because their cashcards are cut-off if they leave, so the alternative is homelessness. Clients from Malakassa camp are also barred from accessing rape support services in Athens, eg. Diotima, because Malakassa is viewed as a 'supported-living environment'. Sexual and gender-based violence against women and girls in the camps also limits their ability to access crucial services such as schooling.

Furthermore, the lack of pre-and postnatal care puts the health of pregnant women and their new-borns at risk. Insufficient appropriate shelters means that heavily pregnant women sleep on the ground in makeshift shelters or camping tents and those who have just given birth are sent back from hospital with their new-borns to these same living conditions. It is left to grassroots organisations to support women and girls by providing day-care for young children, safe women-only spaces, sanitary products and nappies for babies and access to education in schools and community centres. Medical organisations have limited capacity to treat survivors of sexual violence.[45]



Photo credit: Claire Veale

45. Europe Must Act Aegean Grassroots report

VULNERABLE GROUPS

UNACCOMPANIED OR SEPARATED CHILDREN

Since 2016, improvements in the care of unaccompanied children have included the adoption of Law 4554/2018 which promotes the implementation of the institution of guardianship[46] but serious concerns remain.

In the first quarter of 2021, 53 unaccompanied children were found to be homeless in Thessaloniki, the majority of whom were between 11 and 14-years-of-age.[47] The research of EMA highlighted the fact that unlike adult asylum-seekers, children do not receive cash assistance which reduces their access to fresh food from outside the camp and their ability to top-up their phone credit. Grassroots organisations report incidents of minors being sexually exploited.

Despite the 1,057 accommodation places[48] available to UAMs, many experience homelessness either on the streets of Greece's main cities or in unofficial camps surrounding RICs.

Within RICs there are safe zones for UAMs, defined by the Greek Council for Refugees as 'designated supervised spaces within temporary open accommodation sites…[which] should be used as a short-term measure to care for unaccompanied minors…for a maximum of 3 months.'[49] EMA reported that at the end of 2019, however, the average length of time UAMs were living here was between 6-8 months. Furthermore, as these have limited capacity, minors must live in the 'Jungle' areas of the camps when these spaces are full. Moreover, these zones are not always safe, with organisations reporting that fights take place inside and camp residents walk in and out freely.

Although all UAMs are meant to be assigned a legal guardian who helps them with their asylum procedure upon disembarkation, there aren't enough guardians for the number of UAMs on the islands. Law 4554/2018[50] introduced legal provisions and mechanisms for the protection of unaccompanied and separated minors to ensure the right of children and young people to social and legal protection, care and medical assistance, always in the best interests of the child. Yet, we find the support provided to unaccompanied children to be woefully inadequate.

Grassroots organisations and the refugee community are left to support children and young people and meet their welfare needs such as education and youth centres. Finally, young peoples' ages are often wrongly assessed on arrival, meaning that minors are registered as adults. Consequently, this prevents them from accessing support.

RRE's recent research (December 2020 to March 2021) has shown the incredibly negative impact of this process on the mental health of young people. One 16-year-old stated: 'If they don't correct my age I think it's better to kill myself.'



Photo credit: Emma Musty

46. Response to 134.152 UPR mid-term report Greece (accessed 12.03.21)
47. The Press Project article
48. Response to 136.26 UPR mid-term report Greece (accessed 12.03.21)
49. Asylum In Europe report (accessed 19.03.21)
50. Response to 134.133 UPR mid-term report Greece (accessed 12.03.21)

Despite the Greek state claiming that children receive, in a comprehensible and adequate manner, information regarding the operation of the guardianship system and all the available services that provide them assistance, RRE's research has found that family reunification deadlines have been missed because of a lack of lawyers and/or guardians, especially due to disruptions caused by Covid-19 of key services and institutions.[51]

We suggest that the new Department for the Protection of Unaccompanied Minors takes seriously its responsibility for managing temporary accommodation places (safe zones, hostels). This encompasses the monitoring of conditions in accommodation centers for unaccompanied minors and for the improvement of the latter's quality and services. They furthermore need to ensure that EKKA (the National Centre for Social Solidarity) responds to its new responsibilities, such as the implementation of the law on fostering or adoption, the special guardianship for unaccompanied minor refugees and the psycho-social support to vulnerable social groups.

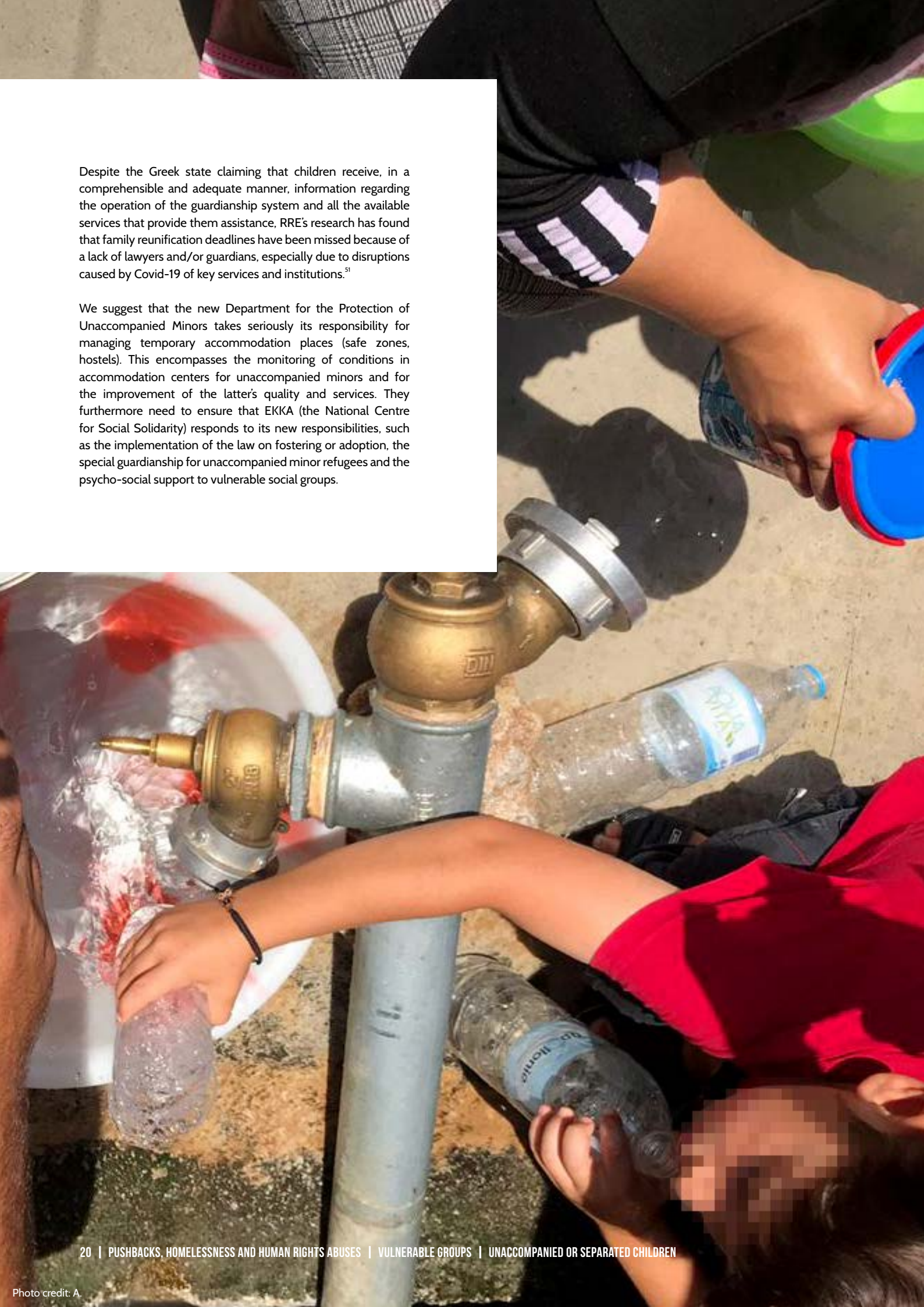


Photo credit: A.

In the 2016 UPR AI called for an end to the detention of migrant or refugee children in law and practice and increased shelter capacity for asylum seekers and unaccompanied children.

Law 4540/2018[52] states that the detention of unaccompanied minors may be decided only as a last resort, and always in light of their best interest or if alternative or less restrictive measures could not be implemented. Notis Mitarakis, the Greek Minister of Migration and Asylum, announced the end of 'protective custody' on the 18th of November 2020.[53] However instances of protective custody have been recorded since this statement as have de facto detention environments used for the housing of unaccompanied children.

Since 2018, FORGE has been involved in many cases involving unaccompanied children, ranging from a three-year-old girl to many boys aged 15-17. Many of these children have been placed in protective custody in a hospital or police station, before being transferred to shelters or reunited with family members. Some have been held in pre-removal centres upon arrival in Greece via the land border with Turkey. In both of these circumstances, there has been a wide range of conditions and treatment reported.

In the three cases of protective custody in a children's hospital, two children reported little or no supervision. A 13-year-old boy regularly travelled back and forth to central Athens to meet friends or buy food, and visitors were not monitored. A three-year-old girl was admitted and left in a cot for two days with almost no interaction with the hospital staff, and later remained there for five weeks with regular visits from a variety of volunteers before being reunited with her mother in administrative detention. The third child, a 14-year-old boy, was guarded 24 hours a day by a police officer, while hospital staff took care of his medical needs. He experienced harassment and bullying from the police officer who was guarding him; the officer once asked if he was speaking to a member of the Taliban while he was on the phone with our translator.

Many unaccompanied children that have visited FORGE for assistance were previously held in pre-removal centres, both close to the Greek-Turkish border and in the Attika area, with the authorities' full knowledge that they were minors. Although they showed identification documents from their country of origin (with English translations), no effort was made to change their age in their registration file, to refer them to the relevant public prosecutor, or to have them released faster than adult men, with whom they were residing in shared spaces.

FORGE is currently aware of two unaccompanied children in this situation, one who has been requested to provide a copy of his identity document with an Apostille stamp in order for it to be considered valid. Given lengthy waiting periods in detention, these obstructions can, and have, gone on to influence:

i. Registration, as it is possible to receive appointments for undocumented minors directly from the appropriate GAS unit, whereas adults must in most cases apply for a registration appointment via the notoriously convoluted and inaccessible Skype system;

ii. Accommodation, as there are almost no referral pathways to housing for young, healthy solo men over 18;

iii. Family reunification via Dublin III Regulation, as minor applicants with adult family in other Member States may apply up until their 18th birthday and within three months of registration in a Member State. Missing this deadline is referred to as 'aging out'.

In one case documented by FORGE, when initially registered as under 18 in detention, a child's date of birth in his file was altered (by mistake or otherwise) to reflect an age of 19, which the authorities later refused to change until he was already over 18 years of age.

In one case of protective custody witnessed by FORGE in 2020, a 14-year-old minor was detained in Thessaloniki, only to be released the next day with a deportation notice and 5€ that an officer gave him to "get to Athens"'. In many cases, police personnel are uninformed of the correct procedure once a child has been detained without documents, and have often asked for direction from FORGE staff as to how to proceed.

Additional issues that have arisen for minors in protective custody include being held in the same space with adult men and not having access to mobile devices to contact family, lawyers or organisations for more than one hour a few times a week. In another example of mistreatment, a child was held in an Athens police station for three months while a number of organisations decided which shelter he should be sent to, and ultimately forgot about his case. It was only due to the fact that he was being held with adults that one of our participants alerted FORGE to his case and they were able to bring it to the attention of a legal actor.

Most recently, FORGE received calls from three unaccompanied children aged 15-16 detained in a police station in Kalabaka for a month. Having previously sent emails on their behalf to the GAS, FORGE forwarded these to the boys, who were released after showing them to the police. Police documents were only issued to two out of the three boys. Notably, prior to the new regulations restricting protection of unaccompanied children in police custody, FORGE had shown similar emails to members of staff in police stations, but in these cases no action was taken, and the boys remained in custody until they were moved either to shelters or detention facilities to await placement in a shelter from there.

The treatment of unaccompanied children has not been improved by the most recent laws put in place to further protect this vulnerable population. In fact, less attention is being paid and more stringent criteria being applied in order to avoid lengthy, bureaucratic referral procedures and collaboration between agencies.

51. Refugee Rights Europe (2021) Unaccompanied children at the gates of Europe: Voices from Samos.
52. Response to 136.24 UPR mid-term report Greece (accessed 12.03.21)
53. Human Rights Watch article (accessed 15.03.21)

VULNERABLE GROUPS

SOLO MEN

Since 2016, FORGE has witnessed the de-prioritisation of solo men. Current aid allocation systems have led to the formation of a new vulnerable group that lacks access to housing, basic needs coverage, mental health support and legal advice.

Through the prioritisation of other demographics within the asylum-seeking population, members of this group are rendered ineligible for support, which has an adverse effect on their asylum applications, mental health, motivations and social inclusion.

This group also includes unaccompanied minors who have turned 18. If this happens before being placed in children's shelters, as has happened during the reduction in asylum access under Covid-19 restrictions, they often remain homeless or informally housed through early adulthood and continue to accumulate disadvantages due to low prioritization of single men for adult accommodations.[54]

Thus, pathways must be developed to allow young adult males to enter accommodation facilities and programmes which support them to build skills and networks that enable them to integrate into Greek society need to be put in place. Their categorisation as a non-vulnerable group has actually increased their exposure to exploitation.



Photo credit: Claire Veale

54. Divya Mishra ,Paul B. Spiegel, Vasileia Lucero Digidiki, Peter J. Winch, Interpretation of vulnerability and cumulative disadvantage among unaccompanied adolescent migrants in Greece: A qualitative study (Plos Medicine: March 27, 2020)

CONCLUSION



In sum, this joint report finds the Greek Government's actions relating to the rights of asylum seekers and people with refugee status on Greek soil inadequate.

In assessing government policy with reference to relevant international standards and the implementation of previous recommendations, the report demonstrates that despite statements to the contrary by official bodies, there is an increase in pushbacks, rising homelessness, a reduction of resources and support, an increase in domestic abuse, spiralling mental health problems, the curtailment of movement and a further worsening of camp and detention conditions.

The first- and second-hand evidence presented in this report raises critical concerns that the principle of universality as contained in the Universal Declaration of Human Rights is being severely curtailed, in particular in the context of the Covid-19 pandemic. The evidence indicates that asylum seekers and people with refugee status in Greece are facing grave violations of their human rights.

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