



## Universal Periodic Review – Greece

**Written joint submission by: Refugee Rights Europe (RRE), Europe Must Act (EMA), FORGE for humanity (FORGE), Khora Asylum Support Team (KAST), Syrian Greek Youth Forum (SGYF).**

**Refugee Rights Europe (RRE)** is a human rights organisation and registered charity in the United Kingdom and Belgium. It was founded in 2016 in response to the humanitarian crisis experienced by refugees and displaced people across Europe. The organisation is run by professionals from a range of different sectors, and its advisory group and board of trustees include academics and researchers, human rights specialists, media and communications experts, asylum workers, refugees, policy analysts and students. The organisation is independent of any political ideology, economic interest or religion. We believe in the indivisibility of human rights and are united by our aim to defend the rights of some of the world's most vulnerable individuals. [www.Refugee-Rights.eu](http://www.Refugee-Rights.eu)

**Europe Must Act's** aims are rooted in ethical and humanitarian principles. We do not subscribe to any political ideology, recognising that the realisation of a rights-based migration and asylum policy will require close collaboration across the political spectrum. We do not endorse political parties or seek their endorsement. But we welcome everyone, regardless of political affiliation, who subscribes to EMA's core principles and goals. Europe Must Act was founded by grassroots NGOs working in Greece and campaigns for the decongestion of the Aegean island camps, humane reception conditions and a humane migration policy. <https://www.europemustact.org/>

**FORGE for humanity's** (FORGE) focus is on support and community building for men travelling solo, a project that we have steadily developed into the go-to information point for male asylum seekers in Athens. Our activities related to asylum include: providing access to the Greek Asylum Service through Skype calls for registration of asylum claims; facilitating email and telephone communication with the various Asylum Service offices and other authorities in Mainland Greece; guidance throughout the asylum procedure; navigation of online platforms provided by the Asylum Service and other authorities; and referrals to local organisations providing legal support. <https://www.forgeforhumanity.org/>

**Khora Asylum Support Team (KAST)** is a team of volunteer caseworkers and interpreters who aim to fill the gap in information sharing and advocacy in Athens. We run regular drop-in sessions where we offer information and support to people navigating the Greek asylum system, as well as assistance to people trying to access other services in Athens, such as housing and healthcare. Our work ranges from accompanying people to asylum offices and hospitals, to arranging appointments with qualified lawyers, keeping up to date with the rapidly changing information related to asylum and welfare in Greece and running outreach and information sharing sessions in various locations. <http://www.khora-athens.org/>

**The Syrian and Greek Youth Forum (SGYF)** is an international activism movement in Athens, Greece. We work to support community-building activities, provide pathways to employment, and to contribute and participate in research to find and implement sustainable solutions for an inclusive society. We established ourselves as a key resource for Syrians in Athens and elsewhere in Greece in 2018, and are working in solidarity and collaboration with other migrant and minority organisations and communities to become active citizens in Greek society. <https://sgyf.city/>

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## **Introduction**

1. This submission evaluates the Greek Government’s action relating to the rights of asylum seekers and people with refugee status. Government policy is assessed with reference to relevant international standards.
2. This submission operates within certain parameters. The evidence submitted is mainly drawn from first-hand research conducted by RRE, EMA, SGYF, FORGE and KAST, coupled with second-hand desk-based research, and relates to the situation of people seeking asylum and those who already have refugee status in Greece.
3. RRE’s most recent research was carried out in Greece from December 2020 to March 2021. EMA was formed in March 2020 on Samos and Chios and their research culminated in their Aegean Grassroots report in August 2020. SGYF have been documenting the situation in Greece from 2018. It was founded and is run by young Syrians in Athens. FORGE support young male asylum seekers in Athens, while KAST have been operating in Athens since 2016 to support people in the asylum process. This combined research, working and lived experience, as well as secondary source desk research, illustrates 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.
4. A consistent theme, which runs through the data obtained by all aforementioned actors through their first-hand interviews and desk research, 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 extremely grave violations of their human rights.

## **Thematic areas**

### *Pushbacks*

5. During the 2016 UPR Amnesty International (AI) was concerned that heightened security at the land border with Turkey had prompted more people to take dangerous sea routes and noted that more than 243 persons had died after boats capsized in the first nine months of 2015.<sup>i</sup> There is no recorded response in the Greek Government’s mid-term report to this statement.
6. From the start of 2015 to the 16<sup>th</sup> of March 2021 there have been a total of 1,649 deaths in the Eastern Mediterranean according to IOM data.<sup>ii</sup> Yet despite the concerns raised by AI, the Evros fence is to be expanded a further 27km by April 2021,<sup>iii</sup> along with cameras and radars able to see 15km into Turkish territory.<sup>iv</sup> 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 RRE and civil society partners (EPP) 2020 report, *Pushbacks and Rights Violations at Europe’s Borders*.<sup>v</sup>
7. 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'.<sup>vi</sup> 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.<sup>vii</sup> The Charter also enshrines individuals' right to appeal refusal, as well as to be provided with information and legal representation.<sup>viii</sup> Finally, Member States must record each refusal of entry and submit this information yearly to the EU Commission.<sup>ix</sup>

8. 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.'<sup>x</sup> Further concerns were raised about allegations of ill-treatment of migrants by members of the coastguard and border police.<sup>xi</sup>
9. 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.
10. Mare Liberum documented 321 incidents in which 9,798 people were illegally pushed back from March to December 2020.<sup>xii</sup> 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.<sup>xiii</sup>
11. Aegean Boat Report (ABR) stated that on the night of 18<sup>th</sup> December 2020, 34 people left Turkey for Lesbos at 10pm. At approximately 12am on the 19<sup>th</sup> 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, Lesbos north.
12. After they had been beaten and had their phones and possessions taken from them, they 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.
13. 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 17<sup>th</sup> of February Aegean Boat Report were in contact with 13 people, including 5 children, from Afghanistan who had landed at Eftalou in Northern Lesbos.<sup>xiv</sup> 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.
14. On the night of the 17<sup>th</sup> of February at 8.18pm, just over an hour after they had arrived at 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.
15. 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.
16. '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.<sup>xv</sup>

17. 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 Lesbos, 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.
18. From the 2<sup>nd</sup> of January to the 16<sup>th</sup> 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.<sup>xvi</sup> In the majority of these cases the wish to seek asylum was expressed.
19. In one case from the 10<sup>th</sup> 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.<sup>xvii</sup>
20. 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 of Article 3: the right to life, liberty and security of person of the Universal Declaration of Human Rights (UDHR). They are illegal and must stop.

#### *The Asylum Process and Skype*

21. In the 2011 and 2016 UPRs, it was recalled that Greece had pledged to ensure that asylum-seekers would be treated according to its human rights obligations. It was also noted in a 2016 Joint Submission<sup>xviii</sup> (JS1) that in 2012 the Special Rapporteur on the human rights of migrants had acknowledged progress but had expressed concern over the lack of automatic judicial review of deportation orders. It considered that this practice persisted and that there was a lack of other protection measures, such as access to interpreters and lawyers.<sup>xix</sup>
22. In 2016 Law 4375/2016 (art. 44, para. 3)<sup>xx</sup> the provision of legal assistance free of charge was instituted 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 1 March 2021 and the outcomes are yet to materialise.
23. KAST highlights that not all new lawyers are familiar with refugee law and no training is provided. There is no quality control of lawyer's 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.
24. In the 2016 UPR, GNCHR welcomed the establishment of the new autonomous Asylum Service and the Appeals Authority, but stated that GAS remained understaffed and not all its regional offices had been established. Though the Greek Government stated in its mid-term response that twelve Regional Asylum Offices and eleven Asylum Units now provided adequate regional coverage, we find that services are still lacking and that the use of Skype for the registration of applications has been deeply problematic.

25. FORGE report that they have witnessed a distinct shift during 2020 and 2021 in 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. SGYF and KAST 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.
26. 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.
27. Since January 2020, they 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.
28. 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.
29. 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, which appears to indicate that the operator most likely did not want to process so many individuals at one time.
30. Furthermore, many of these applications contain mistakes that are unable to be reconciled due to the lack of response from GAS and the aforementioned lack of experience of the service users with these types of online portals and formal applications. 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. GAS offices have been closed for all but urgent appointments from the 14<sup>th</sup> of February 2020 due to Covid-19.
31. 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. Towards the end of 2020 registration requests received the response that their names are on a waiting list. FORGE currently have 26 young people awaiting appointments.
32. 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 them extremely vulnerable to landlords charging up to 150 euro a month for a bed in a cramped 3-bedroom flat hosting 20 people or homelessness and at risk of being exploited by unscrupulous employees or turning to survival sex work.<sup>xxi</sup>
33. Leaving people in this situation contravenes Article 25 UDHR: the right to an adequate standard of living. Access to registration and the asylum process must be urgently improved

in order to prevent further harm.

### *Reception Conditions*

34. In 2016 AI 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<sup>xxii</sup> confirms that this has not changed and EMA considers that conditions have worsened.
35. 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. Asylum-seekers 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.<sup>xxiii</sup>
36. Reports from the new Kara Tepe centre, which was built on an ex-military firing range on Lesbos and replaced Moria after the fire in September 2020 which destroyed the camp,<sup>xxiv</sup> have included lead poisoning<sup>xxv</sup> and the discovery of an unexploded hand grenade.<sup>xxvi</sup> In the RIC on Samos there were 6 major fires in 2020, one of which was in the 'safe zone' for unaccompanied children.<sup>xxvii</sup>
37. The Head and the staff of the RICs are responsible to ensure 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.<sup>xxviii</sup> 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.<sup>xxix</sup>
38. 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.
39. 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.<sup>xxx</sup> 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.<sup>xxxi</sup> At present this service provision gap is being filled by grassroots actors, but a greater level of care must be provided by the state.

### *Detention Conditions and Police Violence*

40. In the 2016 UPR 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.<sup>xxxii</sup>
41. Law 4540/2018<sup>xxxiii</sup> 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.”<sup>xxxiv</sup>

## *Vulnerable Groups*

### *LGBTQI+*

42. We note that Law 4443/2016<sup>xxxv</sup> 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.<sup>xxxvi</sup> 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.’<sup>xxxvii</sup> 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 LGBTGI+ people.
43. The Aegean Grassroots report published by EMA states that there are an unknown number of LGBTIQ+ 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.
44. In a recent assessment by Lesbos LGBTIQ+ Refugee Solidarity, LGBTIQ+ 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 LGBTIQ+ 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 the police officers. On Samos and Lesbos, LGBTIQ+ ‘asylum seekers reported being beaten, sexually assaulted, threatened with knives and propositioned for sex’.<sup>xxxviii</sup>
45. 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.<sup>xxxix</sup>

### *Women*

46. 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.
47. 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 Malakasa camp are also barred from accessing rape support services in Athens, e.g. Diotima, because Malakasa 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.

48. 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.<sup>xi</sup>

#### *Unaccompanied or Separated Children*

49. 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<sup>xlii</sup> but serious concerns remain. 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.
50. Despite the 1,057 accommodation places<sup>xlii</sup> available to UAMs, many experience homelessness either on the streets of Greece's main cities or in unofficial camps surrounding RICs.
51. 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.'<sup>xliii</sup> 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.
52. 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<sup>xliiv</sup> 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.
53. Grassroots organisations and the refugee community are left to support them 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.
54. 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.'
55. 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 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.<sup>xlv</sup>

56. There is a strong need for the new Department for the Protection of Unaccompanied Minors to take 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. There is furthermore a need for the Department to ensure that EKKA 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.
57. 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.
58. Law 4540/2018<sup>xlvi</sup> 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 18<sup>th</sup> of November 2020.<sup>xlvii</sup> However instances of protective custody have been recorded since this statement as have *de facto* detention environments used for the housing of unaccompanied children.
59. 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.
60. 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.
61. 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.
62. 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 18<sup>th</sup> birthday and within three months of registration in a Member State. Missing this deadline is referred to as 'aging out'.
63. 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.
  64. 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.
  65. 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.
  66. Most recently, FORGE received calls from three unaccompanied children aged 15-16 detained in a police station in Kalabaka for a month (02/02/2021 - 05/03/2021). 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.
  67. The treatment of unaccompanied children has not been improved by the most recent laws put in place to protect this vulnerable population. In fact, less attention is paid and more stringent criteria are applied in order to avoid lengthy, bureaucratic referral procedures and collaboration between agencies.

## **Conclusion**

68. In sum, this joint submission evaluated the Greek Government's actions relating to the rights of asylum seekers and people with refugee status on Greek territory, assessing government policy with reference to relevant international standards and the implementation of previous recommendations.
69. The first- and second-hand evidence presented in this submission raises critical concerns that the principle of universality as contained in the UDHR is being severely curtailed. The evidence indicates that asylum seekers and people with refugee status in Greece are facing extremely grave violations of their human rights.

## **Endnotes**

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- <sup>vii</sup> 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)
- <sup>viii</sup> *Ibid.* Art. 14(3)
- <sup>ix</sup> *Ibid.* Art. 14(5) & Annex V Part A(1)(d)
- <sup>x</sup> Para. 18 [https://www.upr-info.org/sites/default/files/document/greece/session\\_25\\_-\\_may\\_2016/a\\_hrc\\_wg.6\\_25\\_grc\\_3\\_e.pdf](https://www.upr-info.org/sites/default/files/document/greece/session_25_-_may_2016/a_hrc_wg.6_25_grc_3_e.pdf)
- <sup>xi</sup> Para. 64 [https://www.upr-info.org/sites/default/files/document/greece/session\\_25\\_-\\_may\\_2016/a\\_hrc\\_wg.6\\_25\\_grc\\_3\\_e.pdf](https://www.upr-info.org/sites/default/files/document/greece/session_25_-_may_2016/a_hrc_wg.6_25_grc_3_e.pdf)
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- <sup>xix</sup> Para 12. [https://www.upr-info.org/sites/default/files/document/greece/session\\_25\\_-\\_may\\_2016/a\\_hrc\\_wg.6\\_25\\_grc\\_3\\_e.pdf](https://www.upr-info.org/sites/default/files/document/greece/session_25_-_may_2016/a_hrc_wg.6_25_grc_3_e.pdf)
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