

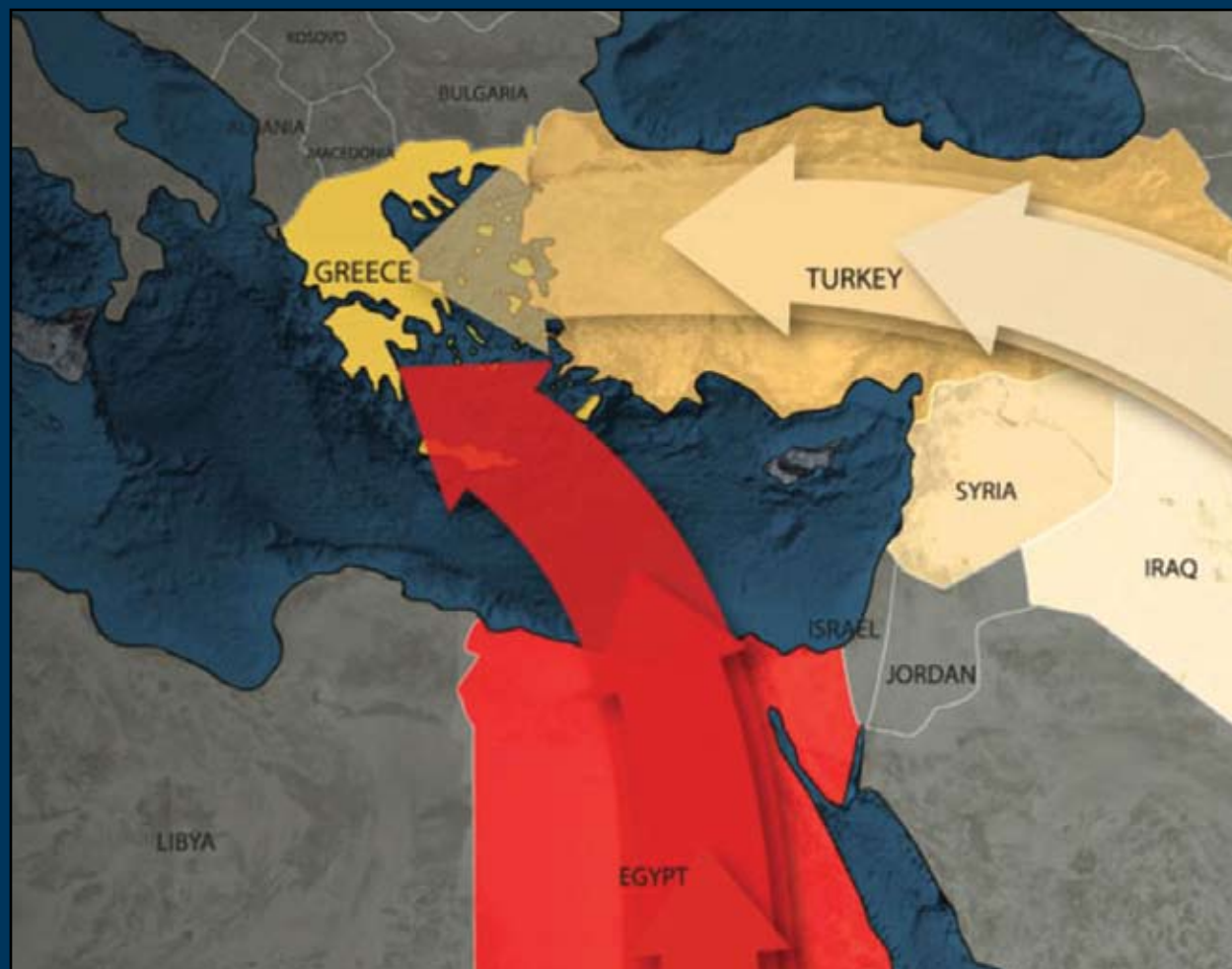


HUMAN
RIGHTS
WATCH

NO REFUGE

MIGRANTS IN GREECE

Photographs by Moises Saman



Greece is often the first country on the way to Europe for migrants arriving from Africa, the Middle East, and South Asia.

© 2009 Fruitmachine

CONTENTS

07	SECRET EXPULSIONS AT THE BORDER
09	CAUGHT AT SEA
09	CRACKING DOWN
13	MISTREATMENT OF CHILDREN
17	A BROKEN ASYLUM SYSTEM
19	REVOLVING DOOR DETENTION
19	TIME FOR A CHANGE
20	DETENTION CONDITIONS
21	RECOMMENDATIONS

After nightfall, trucks rumble up to the Evros River in northern Greece. Small boats are tied up at the riverbank. Armed, uniformed Greek security personnel climb out of the trucks and peer across the water. If there are no signs of border guards on the Turkish side of the river, they quickly unload their cargo, undocumented migrants picked up in sweeps conducted throughout Greece. They roughly order the migrants onboard the boats for the short ride across the river to an uncertain fate in Turkey and away from the safeguards European Union member states are committed – on paper – to provide.

Athens was selected to be the host, in early November, of the Third Global Forum on Migration and Development, with scores of delegates discussing global migration-related topics. Meanwhile, the host country's already-abysmal treatment of undocumented migrants is getting worse, with:

- The forced, secret expulsions across the Evros River that expanded in the summer of 2009 to include irregular migrants apprehended not only in the border region but also in the cities and islands;
- The harsh and demeaning conditions in which detained migrants are often held;
- The alarmingly inadequate attention and care for unaccompanied migrant children; and
- A broken asylum system that grants protection to only 0.05 percent of applicants at initial hearings, and changes to the national asylum law in July that eliminated meaningful appeals.

All in all, Greece has failed to live up to its international legal obligations to migrants and refugees. While the newly elected administration has made some encouraging announcements, such as the release of 1,200 undocumented migrants from detention and a review of Coast Guard and police force practices, there remain serious concerns about whether the host of the Third Global Forum on Migration and Development respects the basic rights of migrants.

Greece is, of course, the front line for migration to the European Union. The country has 1,170 kilometers of porous land borders and 18,400 kilometers of coastline, including islands close to Turkey. By virtue of its geographic location, Greece is the main entry point for asylum seekers and migrants traveling overland through Turkey from the Middle East and South Asia into the European Union, while Africans are increasingly coming to Greece via Egypt.

But being on the front line and being the host for increasing numbers of migrants and asylum seekers does not excuse Greece's abusive treatment of undocumented migrants, including children and potential refugees.



Burned trees remain standing after police destroyed a makeshift migrant camp in Patras on July 12, 2009. The camp housed more than 1500 migrants and asylum seekers, many of them unaccompanied children.



Newly arrived migrants and asylum seekers are detained in the port of Mitilini after being intercepted by the Greek Coast Guard.

SECRET EXPULSIONS AT THE BORDER

Migrants are often effectively denied the opportunity to seek protection when they fall into the hands of the Greek authorities near the country’s border with Turkey. Police in the northern region of Evros and in and around the Greek islands off the coast of Turkey make virtually no distinction between people seeking asylum and others. Only 6 percent of asylum claims were lodged outside Athens in 2007, even though most asylum seekers arrive through the northern border region or via the Greek islands off the coast of Turkey.

In a November 2008 report, “Stuck in a Revolving Door: Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union,” Human Rights Watch gathered migrant accounts of illegal police practices. Migrants reported that police in the Evros region apprehended them on Greek territory, detained them for a period of days without registering them, and then systematically expelled them across the Greece-Turkey border. The report included confidential interviews with 41 asylum seekers and migrants, who gave consistent accounts of Greek officials forcing them onto boats and secretly taking them across the Evros River at night. These operations involved considerable logistical preparation and could only have been conducted with at least the acquiescence of the most senior officials in charge.

One migrant told Human Rights Watch about his experience at the Evros River crossing: “It was raining hard, and the Greek police started beating us to make us move more quickly. I saw one man who tried to refuse to go on the boat, and they beat him and threw him in the river. They beat us with police clubs to get us to go on the boat.”

The Turkish General Staff has reported that Greece “unlawfully deposited at our borders” nearly 12,000 third-country nationals between 2002 and 2007. Because this number includes only migrants the Turkish border authorities apprehended and registered, the total number of migrants that Greece has summarily expelled is very likely to be higher.



Newly arrived migrants and asylum seekers, many from Somalia, Afghanistan, and Iraq, are detained in the port of Mitilini after being intercepted by the Greek Coast Guard.

CAUGHT AT SEA

In addition to summarily expelling migrants from inside Greek territory, Coast Guard personnel have also, at times, pushed migrants back from Greek territorial waters, in some cases puncturing inflatable boats or otherwise disabling them before setting them adrift near the Turkish coast. When intercepting migrants, Coast Guard forces usually make no effort to communicate with them or to do any screening to determine their possible needs for protection, according to migrant accounts. In some cases, migrants told Human Rights Watch they had been beaten and subjected to other forms of mistreatment before being pushed back to Turkey.

Abdullah (all names are pseudonyms), 14-year-old Afghan boy, told Human Rights Watch how the Greek Coast Guard [he calls them police] interdicted his boat, beat some of the migrants, took off the engine and the oars, punctured the boat, and set it adrift to sink:

“The police stripped us, except for our pants. They took all our possessions. When someone asked about his possessions, they kicked him. We were on the Coast Guard boat from 3 a.m. to 5 a.m. The Coast Guard boat also carried our rubber boat. At 5 a.m., the police showed us the Turkish shore. The police put us back on our rubber boat. We had a small engine, but the police took the engine and the two oars. The police made a hole in the boat. When we were at sea before we were caught, the boat was okay, but when we were put back in the water, it was punctured. We tried to paddle with our hands.”

CRACKING DOWN

In the past, “pushbacks” involved migrants apprehended in the northern part of the country, close to the Turkish land border, or those intercepted at sea. In the summer of 2009, however, authorities expanded this practice, arresting hundreds of migrants, including unaccompanied children, in Greek cities and islands, moving them to the north, and expelling an unknown number to Turkey.

In July, Human Rights Watch interviewed two migrants, one a 17-year-old boy, who, after arriving on Greek islands, were detained by the authorities, shipped north, and pushed back to Turkey with dozens of other migrants. Human Rights Watch also gathered accounts from migrants who saw detainees being taken away at night. Their accounts are strikingly similar to those of the 41 people who described their expulsion in Human Rights Watch’s 2008 report on Greece. The recent interviewees said that police would select 20 to 50 people from a large group of migrants. They would load the smaller group onto what appeared to be military vehicles and drive away into the night. The witnesses told Human Rights Watch that expulsions took place from the Fylakio detention center and the Tichero border police station.



Young migrants are detained in the port of Mitilini in Greece after being intercepted by the Greek Coast Guard.



Afghan migrants, including unaccompanied children, live in an abandoned hospital in a town near Athens. The building lacks electricity and running water.

In another sign of the hardened stance, police on July 12 destroyed a makeshift migrant camp in Patras, on the Peloponnese peninsula. In the days before the camp was destroyed, the police reportedly arrested large numbers of migrants there and, according to credible sources, transferred an unknown number to the northern part of the country. Human Rights Watch met with several Afghans in Patras, including 12 unaccompanied migrant children, who as a result of this operation were hiding from the police and living in abysmal conditions.

Detainees reported shockingly bad conditions at detention centers in northern Greece (see box). They complained of shortages of food and warm clothing, lack of health care, and police brutality. Unaccompanied children were held in cells with adults.

MISTREATMENT OF CHILDREN

Unaccompanied children often fare no better than adult migrants. An estimated 1,000 unaccompanied migrant and asylum-seeking children entered Greece in 2008. Despite legislation that recognizes, to an extent, the government’s obligations to care for and protect these children, the situation on the ground is woeful.

In a December 2008 report, “Left to Survive: Systematic Failure to Protect Unaccompanied Migrant Children in Greece,” Human Rights Watch documented how Greek authorities routinely detain unaccompanied children for prolonged periods, often in the same cell with adults, and in conditions that could be considered inhuman and degrading. Even outside of detention, they confront a daily struggle to survive. There is no social safety net, even for the most vulnerable, and many are at risk of exploitation.

Brutality by officials is common. Sixteen-year-old Jafar, traveling with two other boys, described their encounter with the port police in Patras: “First they threw my bag into the sea, and then [us]. They took us out and beat us. I was thrown inside the sea, taken out, and beaten, thrown into the water again, taken out, and beaten again.”

Children have also been prevented from seeking asylum. Sixteen-year-old Ali arrived alone at Athens airport from an African country in February 2008. He tried to apply for asylum at the passport-control counter but didn’t speak any Greek or English. He was detained at the Petrou Ralli detention center for two months. He told Human Rights Watch that he was not given an opportunity to ask for asylum, and he never was provided with an interpreter. Some children are trafficked into Greece. Because the country lacks adequate identification procedures and interpreters, these children are neither identified nor protected. One boy, who had been released from detention and was on the way to meet one of the smuggler’s contacts, said he would be kept “like a prisoner” by the man who smuggled him if his uncle back home did not pay the agreed US\$6,000 smuggling fee. Others are at risk of falling into the hands of trafficking networks once they are in Greece. A 14-year-old unaccompanied Afghan boy told Human Rights Watch how a stranger approached him in a park, promising free passage to another European country for him or other children who had not been fingerprinted by the Greek authorities.



Undocumented migrants are held in a detention center in Mitilini, Lesbos Island.



“ The policeman in civilian clothes asked something and the Iranian woman [an interpreter] told me I should say I came for a better life,” he recalled. “I don’t know whether the police officer said that or not, because I didn’t understand him. I told the Iranian woman that I wanted to explain my other problems. At that point, the police officer shouted at me and I got scared”

Hundreds of asylum seekers wait all night to apply for asylum at the Petrou Ralli police station in Athens.

A BROKEN ASYLUM SYSTEM

For asylum seekers able to establish a foothold in Greece, overcoming the barriers to lodge an asylum claim can be daunting. Every Friday night, hundreds of asylum seekers line up outside the Petrou Ralli police station in Athens to seek an asylum interview. But most are turned away, with many coming back week after week in a fruitless attempt simply to register a refugee claim.

For those who get an interview, cursory treatment is the norm. Hamed fled Afghanistan alone at age 13 when a local warlord threatened to kill him if he did not submit “for dancing and more,” he told Human Rights Watch. His asylum interview took place in 2008 in a noisy, crowded room in the Petrou Ralli police station.

“The policeman in civilian clothes asked something and the Iranian woman [an interpreter] told me I should say I came for a better life,” he recalled. “I don’t know whether the police officer said that or not, because I didn’t understand him. I told the Iranian woman that I wanted to explain my other problems. At that point, the police officer shouted at me and I got scared. ...”

Hamed’s interview lasted all of five minutes.

It is hardly surprising then that Greece recognizes less than 1 percent of asylum claims, treating most refugees as illegal migrants liable to detention and deportation rather than giving them the required international protection.

Nearly 20,000 new asylum applications were lodged in Greece in 2008. EU law, under the so-called “Dublin II rules,” obliges an asylum seeker entering the EU to file an asylum claim in the first country he or she enters (the system is slightly different for children). The rule allows other EU member states to send asylum seekers who entered through Greek borders back to Greece.

The government’s rejection of the vast majority of asylum applications means appeals have been growing faster than the system’s capacity to keep up. In the summer of 2009, about 30,000 asylum cases were pending. A part-time asylum appeals board heard about 60 cases a week. At that rate, it would have taken about 10 years to clear the existing backlog alone; but with virtually all cases denied in the first interview, the backlog was bound to grow.

Rather than try to solve this problem, Greece made it worse. Presidential Decree 81/2009 spreads the job of interviewing asylum seekers to police directorates throughout the country, where officers have a host of other duties and lack training in asylum law or in conducting interviews with fearful and traumatized asylum seekers.

More important, the decree abolished the right to lodge an appeal and eliminated the asylum appeals board (after it finishes the cases currently before it). What remains is strictly limited judicial review on points of law only. As a result, the Greek office of the UN High Commissioner for Refugees has withdrawn its cooperation on the new asylum procedure, saying that it does “not sufficiently guarantee efficiency and fairness.”



An unaccompanied Afghan child waits to board a ferry after being released from a detention center in Mitilini, Lesbos Island.

REVOLVING DOOR DETENTION

Rejected asylum seekers and undocumented migrants who do not seek asylum are often trapped in a bureaucratic maze. Rather than initiate a fair deportation proceeding, including the right to an appeal before a court or tribunal, the Greek authorities’ usual practice is to detain migrants and, upon release from detention, issue a paper ordering them to leave the country within 30 days. This order, commonly known as the “white paper,” is written only in Greek, a language few of its recipients understand.

The white paper seems to carry little weight as an enforcement document; individuals who fail to comply with the “deadline” are simply issued another white paper.

If they are caught trying to leave Greece, though, since they lack travel documents, they are re-arrested, detained, and issued another white paper ordering them to leave the country within 30 days. This happens repeatedly.

Efthalia Pappa, program supervisor of the Ecumenical Program for Refugees, told Human Rights Watch, “The 30-day paper is a paradox: It tells the person to leave the country and then the police arrest that same person for trying to leave the country.”

TIME FOR A CHANGE

It appears the previous Greek government was determined to do everything it could to close the door on people seeking protection in Europe. It was indifferent to its violation of international and European human rights and refugee law and unmoved by the fate of those who are most vulnerable. The new government, which has gone on record acknowledging it wants to improve its human rights record with respect to migrants, it should urgently prioritize ending abuses, protecting migrant children, and reforming asylum practices.

DETENTION CONDITIONS

Migrants are detained in large-scale facilities and small border police stations scattered throughout northern Greece. A Human Rights Watch researcher was able to interview several detainees who had been held in the region between July and September 2009. Her findings:

FYLAKIO-KIPRINOU DETENTION CENTER

The Fylakio-Kiprinou center is one of Greece’s newer migrant detention facilities and provides comparatively better conditions than the other, smaller police stations in the north. It has a doctor on staff. However, migrants complained of overcrowding, dirty conditions, and police abuse. They said that the police who work on one shift are particularly violent. Several former detainees recounted an incident involving a detainee, an Arab-speaking man, who tried to escape; he was caught and badly beaten. Detainees have access to an out-of-doors area for only a few minutes each morning and afternoon, and they are fed two meals per day, which some said was insufficient. Unaccompanied boys are detained for several months in rooms with adults. One former detainee reported that newcomers are forbidden to make phone calls during the first 10 days in custody.

SOUFLI POLICE STATION

The station is overcrowded and filthy, people interviewed told Human Rights Watch. Two and three detainees share a single mattress. There is one working toilet for about 25 detainees. Two meals a day are served. Detainees had no access to outside areas and had not been able to make any phone calls.

Human Rights Watch interviewed a young Afghan woman who said she was 16. She was held in a cell with her husband and other men, which she said was stressful and intimidating. She told Human Rights Watch that a 16-year-old Afghan boy was also detained with the adults and that there were three small children below the age of 10 held with their parents in these conditions.

VENNA DETENTION CENTER

Conditions in this center are overcrowded and dirty, according to people who were detained there in September 2009, and the building is infested with cockroaches and mice. The facility, which looks like an old warehouse, is divided into rooms that each hold about 50 people. Detainees said they were given dirty blankets and lacked bed sheets and sufficient warm clothing. Access to an outside area is granted only every three days for two hours. Migrants are detained for several months, with unaccompanied boys kept in the same cells with adults. Detainees had no access to medical care, with some complaining of skin, eye, and other untreated health problems.

RECOMMENDATIONS

Human Rights Watch urges the new Greek government to undertake the following immediate steps:

- Publicly set out the concrete measures that the new government will take to ensure that migrants apprehended in Greek territory or at the border – whether on land or at sea – are treated in a humane and dignified manner.
- Firmly guarantee that all migrants are given a meaningful opportunity to seek asylum, and are not at risk of removal that would expose them to persecution, torture or inhuman or degrading treatment (refoulement).
- Rescind Presidential Decree 81/2009. Instead, create an asylum system that works, starting with initial interviews that can actually result in identifying people in need of protection, and with a prompt and fair appeal of negative decisions. This requires Greece to create:
 - a corps of specially trained officials and competent interpreters, including specialists in interviewing children, who will be able to conduct careful, private interviews; and
 - an independent court or tribunal to work full-time to consider appeals in a fair and timely way.
- Immediately stop the practice of trucking migrants to the Evros River at night and sending them across the border secretly in small boats.
- Close Venna and other substandard detention facility facilities, and open new facilities, as needed, with adequate space, privacy, cleanliness, recreation, access to the health care and legal and family visitation necessary for humane conditions of detention.
- Ensure that non-nationals may be deported only under a lawful deportation order issued following full due process, including the right to an appeal before a court or tribunal, and the exhaustion of all other legal remedies; after voluntary repatriation has been offered, and if no other protection need or other legal or humanitarian basis for staying in Greece has been found.
- Suspend the deportation of unaccompanied migrant children and enact new procedures that make mandatory a careful and impartial assessment of the child’s best interests before a decision is made to return a child.
- Ensure full access for the UN refugee agency and relevant organizations, such as Human Rights Watch, to all migration detention facilities, Coast Guard vessels and facilities, and the border region, including entry points.



Unaccompanied Afghan children sleep in a forest on the outskirts of Patras.

Newly released from a detention facility in Mitilini, Lesbos Island, an unaccompanied Afghan child stands on the deck of a ferry sailing to the city of Thessaloniki, northern Greece. © 2009 Moises Saman.

“It was raining hard, and the Greek police started beating us to make us move more quickly. I saw one man who tried to refuse to go on the boat, and they beat him and threw him in the river.” A migrant describing his expulsion at the Evros River to Turkey at the hands of Greek officials

Greece, on the front line of migration to Europe, has a responsibility to respect migrants’ rights and dignity. That includes adequate protection for those most vulnerable, especially unaccompanied children. Although the new government says it intends to address the problem, its legacy is an asylum system that no longer deserves that name, abusive migration officials and filthy, hazardous detention facilities.

Two Human Rights Watch reports document the abuse:

In “Stuck in a Revolving Door: Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union,” migrants reported that Greek police detained them without registering them and then systematically expelled them to Turkey, forcing them onto boats and secretly taking them across the Evros River at night.

“Left to Survive: Systematic Failure to Protect Unaccompanied Migrant Children in Greece,” documents how Greek authorities routinely detain unaccompanied children in horrible conditions for prolonged periods. For those finally released, life on the streets becomes a daily struggle to survive and many are at risk of exploitation.