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IS GREECE VIOLATING REFUGEES' RIGHTS?

A CRITICAL ANALYSIS ON
PROTECTING HUMAN DIGNITY

Is Greece Violating Refugees' Rights?

A Critical Analysis on Protecting Human Dignity

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Since the beginning of the migration wave to Europe in 2015, Greece has become one of the key crossing points and an entry territory to access Europe. In reaction to the migration crisis, Europe finds itself divided between those who welcome the flow of immigration by supporting the rights of people who are obliged to leave their country and those who regard migrants as a threat. Thus, the countries on the borders of Europe are the first affected and divided by these concerns. Indeed, Greece is found to be the first European crossing point that migrants use, hoping to reach other European countries.

Following the 2008 economic crisis, Greece struggled to regain a stable economy. After the "budget deficit scandal" in 2012, the country adopted the financial policies delineated by the Troika and the budgetary policies determined by the European Union, the European Central Bank and the International Monetary Fund. In addition to this difficult economic situation, since 2015, the migration crisis has been one of the most important phenomena on the Greek agenda. Thus, the migratory crisis seems to accentuate the state of the economic situation by impacting in particular unemployment and tourism.

Since Greek islands such as Kos, Symi, Meis, Lesbos and Chios are close to Tur-

key, they are the first European territories that migrants can reach by sea and hope to seek asylum. The agreement signed between the EU and Turkey, which entered into force in March 2016, by reducing the number of migrants entering Europe due to a policy of "keeping migrants in Turkey", led to the transfer of migrants arriving in Greece in camps with the aim of being detained there for a short time in order to manage the migratory flow.

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However, these camps do not seem to have been able to adapt to the influx and number of migrants arriving in Greece every day. Thus, after having crossed the Aegean Sea and taking the risk of being close to death, migrants find them-

selves in overcrowded camps. According to figures from the International Rescue Committee, of the 120,000 asylum seekers in Greece, 20,000 are on the Greek islands. The difficult conditions of these islands are raised by multiple NGOs and migrants denouncing the lack of respect of human rights. Sanitary conditions as well as psychosocial mechanisms are still minimal, and are therefore leaving migrants in increasingly degrading conditions for their health and human dignity.

The debate on Greece respecting or not human rights has resulted in weakening relations between the EU and Greece since the EU considers that Athens is fa-

iling to manage the fund of 554 million euros given for this purpose effectively. The rise of nationalist governments in Europe further reinforces the fear of the impact of migrants and reflects the limits of European cooperation leaving border countries such as Italy or Greece to face a flow of migrants that they can no longer handle.

Considering Greece's role in the migration crisis and the debate on the respect of human rights, analysing and questioning situations in which non-respect of human dignity is underlined appears crucial.



According to article 13 of the Universal Declaration of Human Rights, "everyone has the right to leave any country, including his own, and to return to his country". Forced migration refers to the movement of displaced people due to "persecution, conflict, generalized violence or human rights violations". In the last 10 years, 100 million people have been affected by this phenomenon. In addition, since the refugee crisis started to become an issue at the European borders, forced migration has been at the

center of international discussions and policy making.

As a consequence of conflicts happening in the Middle East, forced migrants, for the most part, come to Turkey. Some of them prefer to continue their journey to Europe. However, they rapidly face difficulties crossing European borders. Indeed, on June 7, 2021, the Greek Migration Minister, Notis Mitarachi designated Turkey as a safe country for asylum seekers to ask for international protection. According to Notis Mitarachi, Turkey meets all criteria to examine asylum requests from citizens of Syria, Afghanistan, Pakistan, Bangladesh and Somalia, as there "they are not in any danger ... due to their race, religion, citizenship, political beliefs or membership in some particular social group, and can seek asylum in Turkey instead of in Greece." Therefore, Greece can return migrants without contradicting international law. However, this right does not justify the non-respect of human rights at its borders.

In a report entitled "Recommended Principles and Guidelines on Human Rights at International Borders", OHCHR notes that international borders are dangerous places for migrants where human rights can be violated. Indeed, OHCHR undelines three main principles in order to guarantee the respect of human rights at international borders. The three principles are Priority of Human Rights, Non-Discrimination and Assistance and Protection from Harm. According to the first principle, states should respect,

Migration Routes to Greece

March 2020, Deutsche Welle



promote and fulfill human rights, while ensuring that they are at the centre of all border governance measures. Within the second principal, non-discrimination should be at the heart of all border governance measures. Based on the third principle, states should protect and assist migrants at international borders without any form of discrimination and should take appropriate measures against the principle of non-refoulement and arbitrary and collective expulsion.

Unfortunately, these principles are not always respected. Border Violence Monitoring Network is a coalition composed of 13 NGOs whose aim is monitoring and documenting illegal pushbacks and police violence along the EU's external borders. In 2019, BVMN has documented 89

pushback events which have affected approximately 4,500 individuals. In 2020, BVMN noted that almost 90% of all Greek

pushback testimonies contained one or more types of torture or ill-treatment and therefore violates articles 1, 2.2 and 3.1 of the United Nations Convention Against Torture under 7 topics : excessive and disproportionate force, electric discharge weapons, forced undressing, threats or violence with a firearm, inhuman treatment inside police vehicles, inhuman treatment inside a detention facility, and confiscation of money.

Excessive and disproportionate force

According to BVMN, 89% of refoulements carried out by the Greek authorities in 2020 are cases of disproportionate and excessive use of force. This alarming rate illustrates that the use of force in an abusive and unlawful manner has become normal. Examples of disproportionate police violence that have been documented are excessive beatings, water immersion, the physical abuse of women and children, the use of metal rods, batons, and heavy boots. Some testify that their hands were tied to the bars of the cells and that a helmet was placed on their head before being beaten to avoid visible consequences. These assaults can leave permanent marks and extremely severe damages such as broken bones or lapses of consciousness.

The three principles [at International border] are Priority of Human Rights, Non-Discrimination and Assistance and Protection from Harm.



Border Violence Monitoring Network. (June 21, 2020). Ipsala, Edirne, Turkey. Retrieved from <https://www.borderviolence.eu/violence-reports/june-21-2020-2100-ipsala-edirne-turkey/>

The testimony of a 21 year old male respondent, who was apprehended in the village of Orestiada near the Turkish border, on 30 July, 2020, explains the difficult conditions which do not respect human rights they had to face when arrested. They were not given food and water, had water thrown to their faces, put in a room with women and children, had their clothes taken off and not addressed in a language they understood. In addition to these conditions deteriorating their dignity, officers were using violence and beating them whenever they wanted to ask for asylum. The respondent was beaten so badly with metal batons that he could barely walk the next day and still had bruises one month after the event. They were threatened with the words : "If you come back to Greece, we will kill you." When officers brought them back at the border, they continued

beating those who had the mischance to have an eye contact with them.

Another similar event took place at the end of March 2020 in Kalamaria when a 33-year-old respondent was brought to the police station by the police to check his documents although he had presented his valid asylum applicants card. At the station, the policemen brought documents written in Greek for him to sign with no interpreter provided.

The respondent signed the paper thinking these were release papers. During custody, he was not given any food or water, and did not have access to toilets. During the night, he was taken to the Police Headquarters in Thessaloniki by car with other migrants including three minors who all had legal documents to remain in Greece and which were confiscated by the police.

There, he was detained for 5 days in a cell with 20 people. Their documents were never returned to them, and the cameras on everyone's mobile phones were broken in order to prevent any documentation. Then they were taken to the Drama Paranesti Pre-removal Detention Centre where he was detained for 3 months. They were put in cells with 10-15 persons being given very little, bad and unhealthy food. In addition, they were not given any clothes, and were constantly subjected to insults and physical violence. When anyone had the courage to ask questions, they were beaten. After 3 months inside Paranesti, the respondent was pushed-back to Turkey, together

with 120 other people. During their last moments in Greece, they had their heads forcefully held and their hair cut by the officers and were beaten, minors and adults, with large metal batons for about 1 hour according to the respondent. This violence led to severe injuries for some people. The interviewee's ribs were broken and his leg was badly injured. Two persons from the group were unable to move and were unconscious.

Having identified the use of excessive and disproportionate force by the Greek police in almost 90% of testimonies from Greece, BVMN affirms that Article 3 of ECHR is violated and is deeply concerned by the nature of the tactics utilized by the Greek police against people-on-the-move.

Electric Discharge Weapons (EDWs)

A second deeply concerning practice is the disproportionate and unnecessary

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use of Electric Discharge Weapons. 10% of the testimonies recorded by BVMN in 2020 contain the use of EDW against people-on-the-move in Greece. Furthermore, considering the health risks its use can cause, the absence of any follow-up procedure or medical aftercare for victims is additionally concerning.

The respondent had been in Greece for



Border Violence Monitoring Network. (April 27, 2020). Lavara, Evros. Retrieved from <https://www.borderviolence.eu/violence-reports/april-27-2020-2130-lavara-evros/>

the last three years and had an asylum applicants card identification provided to asylum seekers, that regularised his stay in Greece. The respondent explains that since in Drama Paranesti people were regularly beaten by the au-

thorities, many people took part in a hunger strike. On the 23rd April 2020, police officers removed at least 24 people from the centre including the respondent. They were told they would be taken to Amygdaleza in Athens but were taken to the Turkish border. At the border, over the next 6 hours, officers used electric tasers and water immersions to torment them. The respondent described how the officers held his head under water, "effectively drowning him." Afterwards, the group was taken to the Evros River, beaten with batons and threatened with knives. As a result of this treatment, many suffered from injuries and were placed at the hospital in Turkey.

The respondent who applied for asylum in 2018 was awaiting the outcome of his

final interview, had possession of a valid asylum applicants card and had recently secured a job in construction.

While he was travelling in a bus, on April 27th, the police stopped the bus and he and a dozen other passengers were forced off. After some time, the respondent, who wanted to get information to take a new bus, stopped a passing car in which were travelling three men who claimed to be police officers. They ordered him to present his documents. He was then ordered to get on the floor and when he didn't immediately comply, he was assaulted, pushed, beaten with a metal pite and kicked by the three men who began to insult him.

The respondent's phone and asylum seekers card were destroyed. They then reached the police station where he was forcibly undressed and left in his underclothes. While discussing among themselves, one of the officers explained that the respondent was registered as living in Athens but the "commander" yelled he would as well be taken to the river.

Later, the respondent was brought to a room where the "commander" was waiting with three other masked men. He was beaten again with metal sticks and shot multiple times with an Electric Discharge Weapon so that he could hand over his remaining documents and his money to the officers. Then, he was driven to the Evros River. With other detainees, he was forced to inflate a 3 meter raft and to board it.

These examples show that the use of Electric Discharge Weapons was performed in situations where there was no risk to life or injury to justify such use. Indeed, EDWs are used against people-on-the-move alongside physical assault, water immersion or forced undressing and are therefore showing an abusive and violent tactic. As a consequence, BVMN denounces that the use of EDWs is an act of degrading treatment or torture mentioned in Article 3, ECHR.

Forced Undressing

BVMN highlights that in 2020, 44% of the testimonies they recorded contained descriptions of people-on-the-move being forcibly undressed. As a consequence, BVMN is worried of the psychological and physical repercussions of these tactics that are becoming an increasingly normalised facet of detention and push-back events in Greece.

A 28-year old man was travelling away from the Greek North Macedonian border with his four friends. They were stopped by 6 Greek police officers who asked about their nationalities, then assaulted them with batons and repeatedly kicked them. Their hands were zip-tied and they were then brought to the Polykastro Police department where they were left locked outside in a police car for 1.5 hours. Afterwards, they were taken to a caravan where they were searched and forced to undress and to stay only in T-shirts and shorts. When they tried to contest, they were beaten. The next evening, they were put into a van

and driven to the army camp located near Ferres. They were taken to a large room with 20-30 other people including a family and women with their children. The military forced them to strip naked in front of the other people in the room, humiliating and exposing them in front of men, women and children. As soon as they were all naked, the officers started beating them with their batons. They were then brought to the Evros River to be returned to Turkey.

On the 31st of August 2020, 16 people crossed the border from Meric, Turkey. 12 of them continued while the respondent and three of his friends continued by foot until they reached Alexandroupoli where they were going to take the bus. The officers got on the bus and asked them for their nationality and for passports or other IDs. Considering that they did not have either, they were handcuffed and driven to a detention site in Didymoteicho. Once arrived, one of the officers took him by his feet and dragged him across the floor while another burned him with his cigarette. Along with 70-80 other individuals, they were forced to undress. Men, women and children were all in a single room and completely naked in front of each other. They stayed in this situation for around 24 hours and were then taken at the Evros River.

Forced undressing of people-on-the-move in police custody, being performed regularly and without any necessity to prevent disorder or crime, is

not necessary and is used only for humiliating and degrading purposes by the Greek police. As a result, this practice violates Art. 3, ECHR.

Threats or Violence with a Firearm

The use of firearms during the pushback process in Greece is another issue that is raised by BVMN. Indeed, firearms are declared to be used in 15% of testimonies for beating, threat or warning purposes.

The respondent is a 26-year-old man, who on Sunday 4th October 2020, along with his group, crossed into Greece via the Evros River. On the 6th October, the group was apprehended by Greek police officers. Since several men were afraid, they started to flee. The police, while ordering them to stop, fired into the air. No one was targeted and the shots were fired to intimidate the group. Afterwards, the officers started beating and kicking the group with batons while insulting them. They set on fire all the personal belongings they could find in their pockets and took them back to the Turkish border.

On the 10th of December 2020, the respondent along with 23 other people-on-the-move left the Turkish coast. When their dinghy landed on Lesbos, someone from the transit group called the UNHCR. They said they would come and asked for their location. In the morning, the group called again and the UNHCR informed them that they had

informed the authorities of the location of the transit group to take their group to the camp. The police arrived and moved the group in the bushes. They started to take their phones and belongings and began to beat them with batons, kick them and held them at gunpoint. They burned their papers and their belongings. They were driven to the coast and put to a HCG vessel before arriving at the Turkish coast. The HCG vessel was already deflating and they had to be rescued by the Turkish Coast Guards.

According to international law, the use of firearms by police authorities is only authorised when it is clearly necessary and proportionate. Otherwise, it constitutes a violation of Article 3, ECHR. The testimonies show that the use of firearms is targeted towards unarmed and vulnerable people. Therefore, BVMN finds that the use of firearms by the Greek police is disproportionate.

Inhuman Treatment inside police vehicles

According to the research conducted by the BCMN in 2020, inhuman treatment inside police vehicles in Greece is present in up to 19.7% of the collected testimonies. Indeed, the testimonies report overcrowding and people standing on top of each other for hours which is in contradiction to guidelines on the detention and transportation of people. The improvised vehicles such as freezer trucks or freight trucks for the purpose of transporting people-on-the-mo-

ve raises the concern of BVMN. Indeed, BVMN underlines that the use of these vehicles is a deliberate attempt of the Greek authorities to avoid administrative oversight.

On the 9th of September the respondent, a 50- year-old man, boarded a bus in Xanthi. The bus was stopped by the police who asked the respondent for his documents. When the respondent showed his valid temporary residency permit, the officer said that he “needed to check the document” and asked the respondent to exit the bus. The respondent was handcuffed and his documents were torn up. He was then brought to a police station and placed in a large, filthy and overcrowded cell along with 26 other people. Their clothes, shoes, valuables and money were taken. After nine hours in the cell, the group was forced to enter a small minibus that did not have air-conditioning but only a few holes in the roof for ventilation and that therefore was intolerably hot. They were in these conditions for five hours. Many vomited from heatstroke, while others stripped because of the high temperature. When they arrived, they were placed in a room with 120 other people. The police attacked and beat many people. Afterwards, the respondent and his group were loaded into “the army’s big green buses”. There was insufficient seating on the bus and those standing up stifled the air of those below them. As a consequence, two people fainted. They were brought to the border. The dinghy was too small for the overcrowded group. The ones who

raised the concern of size were aggressively beaten. Just after the dinghy was loaded, it capsized and everyone on board fell into the water. Two men tired of the previous conditions in the vehicle drowned.

The respondent, a 21-year-old was apprehended in the centre of Thessaloniki by eight police officers. He was loaded into the vehicle and brought to the Aristotelous police station where he was held for three hours in a small cell with other people-on-the-move. They were not given food or water and had to ask to use the toilets. After being transferred to Ampelokipi Police Department, he was placed once more in a small cell. The respondent was once more transferred to Metagodon pre-removal detention centre in Thessaloniki where he shared a cell with approximately 30 other people. After a stop to Drama Paranesti Detention Facility, he was taken to Soufli by a freezer truck. The officers closed the doors and locked the group inside. The truck was white, old, and approximately 5 x 2 metres in size. The respondent was confined inside this truck with more than 30 people and described his experience as “we were breathing hard” and “it was really hot.” They were then taken to the border.

According to the testimonies recorded by BVMN, up to 999 people-on-the-move have been transported under conditions that could constitute a violation of international standards for the transportation of detainees. In addition, these

conditions have non negligible physical and mental effects on the detainees due to the use of unsuitable vehicles and inhuman conditions such as the lack of air. Therefore, BVMN identifies a violation of Article 3, ECHR as well as of Article 2, ECHR of the right to life since testimonies recall that people have drowned following the unbearable conditions in the vehicle taking them to the border.

Inhuman Treatment inside a detention facility

The inhuman conditions people on the moves have to endure are not limited to the pushback event itself, but rather to their experiences of border zones. Indeed, testimonies gathered by BVMN in 2020 show that people-on-the-move who are detained face physical abuse, psychological torment, a lack of access to basic facilities like food, water, toilets and showers as well as the denial of their right to interpretation, information and effective remedy regarding their detention. The use of informal detention sites are identified by BVMN as an attempt of the Greek authorities to escape or evade administrative oversight when committing grave human rights abuses.

After four days of walking through Greece, the respondent and his group were apprehended by six men in black clothes wearing balaclavas. After being beaten and insulted, they were taken to a detention site in Alexandroupoli. When they arrived, they were forced to undress before being taken to a large room.

There were between 110 and 120 people from mixed nationalities and genders in this room. There was no furniture, only a single dirty and stinky toilet which was the only source of water used by some detained, despite the smell, to drink. The officers were beating, heating and kicking people in the room. The respondent described that they were laughing when hitting them. After being kept in the room for the whole day, they were given clothes and crammed into the vehicle before being taken to the border.

On the evening of the 12th September, the respondent, a 31-year-old male, and his friend were walking beside the port of Thessaloniki when they were arrested by the police. They were taken to a dark place and were beaten and kicked. Then, they were handcuffed and taken to a station. They were left with no food or water, insulted and beaten again. The next day, they were transferred to Thessaloniki police headquarters where they were searched and forced to sign documents in Greek without any translation provided. During the 28 hours the respondent stayed at the police headquarters, he received one meal and a small bottle of water (0,5l). He was then put in a van without windows or seats and driven to another station. They drove to another location close to Komothini which was described by the respondent as a temporary building made of plastic and metal. They were all put together with 75 people in a room of approximately

8x12 metres during 24 hours. During the day, it was extremely hot and during the night extremely cold. They did not have food or water and drank from the toilet.

The untenable conditions noted in all the diverse detention centers raises BVMN's concern. The mass overcrowding, without any separation of male, female or child detainees raises significant concerns, due to the persistent use of forced undressing. In addition, not giving food, water, sanitary facilities and beds constitute a violation of Greece's international obligations. Therefore, there is once more a violation of Article 3, ECHR during the detention of people-on-the-move.

Confiscation of Money and Phones

In interviews conducted by the International Refugee Rights Association with refugees, it was stated that when refugees crossed to the Greek side, the Greek police confiscated their bags, phones, wallets, passports and money. In addition, dozens of separate cases of migrants being thrown into the Evros river after their belongings were confiscated were confirmed by interviewing the victims.

The main reasons why refugees want to go to Europe are the inability to obtain refugee status in Turkey, the difficulties they face in obtaining legal status, their inability to obtain citizenship, and the problems of accessing emp-

loyment opportunities and economic difficulties due to the high number of refugees in the country.

Turkey is among the transit countries where some migrants cannot envision a future due to the high number of migrants that the country hosts. However, Greece considers Turkey as a safe third country and tries to send back migrants coming through Turkey.

To conclude, these 8 examples outlined by the BVMN highlight the striking reality concerning the respect of human rights and refugee rights in Greece. In addition, even if these cases have been classified by the BVMN under 7 main violations of human rights, when reading the testimonies, it is alarming that in many cases, multiples violations are reported by a single respondent's experience. Indeed, in a single testimony can occur two or more of the following violations: excessive and disproportionate force, electric discharge weapons, forced undressing, threats or violence with a firearm, inhuman treatment inside police vehicles, inhuman treatment inside a detention facility, and confiscation of money and phones.

Therefore, the situation is in desperate need of concrete action to further protect and respect refugees' rights in Greece. As a consequence, NGOs focusing in this field in Greece, should tackle in depth the issue raised in the BVMN's report and should take adequate action on their territory.

Testimonies show that Greece violates articles 1, 2.2 and 3.1 of the United Nations Convention Against Torture.

The violations occurring in Greece are addressed under 6 topics : excessive and disproportionate force, electric discharge weapons, forced undressing, threats or violence with a firearm, inhuman treatment inside police vehicles and inhuman treatment inside a detention facility.

Considering Greece's role in the migration crisis, Greece should focus more on respecting human rights at its borders. NGOs focusing on refugee rights in Greece, should tackle this issue and take adequate action on their territory 

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