



Euro-Med Monitor
FOR HUMAN RIGHTS
الأورومتوسطي لحقوق الإنسان



In Depth

↳ The EU Migration "Crisis"⁷

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Introduction



Our moral intuitions and indeed our laws today are that you shouldn't discriminate against someone because of their race, because of their gender, their sexual preference or other issues. But for odd reasons, it's perfectly OK to discriminate against someone because they were born somewhere else.

-- Alex Tabarrok, professor of economics, George Mason University



The unprecedented flow of migrants to European countries, precipitated by the Syrian civil war, poses a significant challenge to the European Union.

A “crisis” in 2015 was declared due to two factors: inadequate EU policies; and a lack of political will to effectively and humanely respond to the influx of asylum seekers. Short-term attempts at “fixes” focused narrowly on security trampled over human rights—legitimized by the “crisis” label—and thus compromising the very values on which the union was founded: equality of human rights and freedom of movement.

Rather than treating migration as a natural, ongoing process

inherent in human nature, current policies instead focus on border closures and restrictions. The resulting militarization, surveillance, detentions and deportations have in turn led to violations of human rights and protection obligations.

Greece, a country of first entrance for migrants attempting to reach Europe via Turkey, has received little support as it shoulders the heaviest burden of migrants, despite its already struggling economy. Five months of field work in Greek refugee camps documented the result: the barely livable conditions in which asylum seekers are forced to live.

Instead of working to understand and address the drivers of migration, European countries have built walls and made deals such as the one that allows Greece to send asylum seekers back to Turkey in return for certain incentives. While the “grand deal” has indeed resulted in a reduction of migrants reaching Europe, significant flaws in the arrangement, as well as the unwillingness of policymakers to confront the root causes of the “crisis,” have caused a host of unintended and tragic consequences. For the hapless people seeking a new life, this hegemonic game-playing seems designed only to muzzle their desperate voices and guard Fortress Europe.

In this report, the Euro-Mediterranean Human Rights Monitor examines the causes and the consequences of the so-called refugee “crisis” from two perspectives. First, we look at the efficacy of the EU’s current approach. Second, we examine the EU’s unwillingness to confront the root causes of the increased migrant flows and the disastrous impact of this refusal on asylum seekers and migrants fleeing war, persecution, corruption and poverty.

EU Migration ‘Crisis’: Reality or Illusion?

In 2016, the number of migrants fleeing to Europe was about 308,915, with about a third of them from Syria. In contrast, the total number in 2015 reached 1.3 million. Nevertheless, their number equaled only 0.17 percent of the overall EU population.

The onset of war in Syria in late 2011 triggered the largest wave of migration since WWII. However, the number of refugees who reached the EU is small compared to those seeking refuge in neighboring countries. With their already-fragile infrastructure and poor social-service capabilities, these countries welcomed about 4.8 million Syrians during the past five years, whereas the EU received only 884,461.

Yet the EU and its member countries complain loudly about the burden they face, with some governments building walls and fielding attack dogs. What is essentially a humanitarian emergency, in which the needs of those fleeing danger should be center stage, is being treated instead as a political crisis—with long-accepted norms and laws governing human rights trampled in the process. The over-heated rhetoric of right-wing

parties has played a major role in fanning these flames, using a tactic called “emotive rerouting” by the Migration Policy Institute—defined as the establishment of authority by linking strong emotions with unifying symbols. By framing the recent waves of refugees arriving in Europe as an existential crisis, these parties have gained significant membership and other support. Typically, the accompanying speeches play on ethno-nationalist sentiment by positioning refugees as a danger to the continent, provoking ethnic, religious, cultural and economic fears.

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1. http://www.migrationpolicy.org/programs/moving-europe-beyond-crisis?gclid=CjwKEAIA20zDBRCdqlyqYaaqQoSJABeJZdi5sRYajUAokYkdIHCODtnHfrHdoGKllbS090KAXPILRoChFTw_wcB
 2. <http://www.bbc.com/news/world-europe34131911->
 3. <http://www.worldometers.info/world-population/europe-population/>
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Linking Terrorism to Refugees

The terrorist attacks in France and Belgium in late 2015 have been used as fuel and fodder by those seeking to stoke xenophobia.

For example, after the terrorist attacks in Paris in November 2015, many politicians were quick to call for the borders to be closed to refugees. Less than 24 hours after the tragedy, Poland's European affairs minister, Konrad Szymanski, stated that, "In the wake of the tragic events in Paris, Poland doesn't see the political possibilities to implement a decision on the relocation of refugees ... The attacks mean there's a need for an even deeper revision of the European policy regarding the migrant crisis". Furthermore, Hungarian Prime Minister Viktor Orban said, "We don't think that everyone is a terrorist, but no one can say how many terrorists have arrived already, how many are coming day by day".

Many other right-wing politicians in the Netherlands, Belgium, Great Britain and France followed suit. French politician Marine Le Pen from the National Front Party even called for sending refugees back to their own war-torn countries.

6. **emotive rerouting**: using passion and emotion to transform the public's understanding of an event while still conveying the government's authority (Migration Policy Institute).

7. <http://www.ibtimes.com/how-eu-migrant-crisis-fueling-right-wing-politicians-refugee-policies-europe2071326->

8. <http://www.wsj.com/articles/europes-anti-immigrant-parties-stand-to-gain-ground-in-wake-of-paris-attacks1421371307->

Language Matters

Public understanding of and empathy with refugees is highly impacted by the terms used to describe them. For instance, preceding the word “migrants” with “illegal” causes many people to view them as a threat to society since the term typically is associated with criminality. In contrast, refugees and migrants have done no wrong; in fact, they are the ones who have been harmed by savage circumstances. The Council of Europe’s human rights commissioner, Nils Muižnieks, has advised British politicians to abandon the use of “illegal migrants”: “People are not illegal. Their legal status may be irregular, but that does not render them beyond humanity ... The use of the term ‘illegal migrants’ renders all migrants suspicious in the eyes of the general public. For this reason, most international organizations, including the Council of Europe, use primarily the more neutral term ‘irregular migrants.’ This can contribute to mitigating the dangerously polarizing and alarmist discourse that views migrants as a threat to a society and its public order”.

9. <http://www.aljazeera.com/news/11/2015/europe-anti-refugee-rhetoric-paris-attacks151116205423294-.html>.

10. http://www.huffingtonpost.com/entry/europe-far-right-paris-attacks_us_564b84bfe4b045bf3df16a.03

11. <http://www.ibtimes.com/how-eu-migrant-crisis-fueling-right-wing-politicians-refugee-policies-europe2071326->

12. <https://www.theguardian.com/law/2016/mar/23/refugee-crisis-human-rights-uk-criticism-david-cameron-theresa-may>.

Terms such as “invaders,” “gate crashers” and “illegal migrants” contribute to the dehumanization of refugees and the rising tide of discrimination and xenophobia.

Likewise, Amnesty International has expressed concerns about the harsh language used by some politicians to frame refugee issues. Terms such as “invaders,” “gate crashers” and “illegal migrants” contribute to the dehumanization of refugees and the rising tide of discrimination and xenophobia.

Xenophobia and Islamophobia

After refugees and migrants were labeled by right-wing demagogues as threats to the stability and security of the continent, several xenophobic attacks took place around the European Union. Refugees who had fled war-torn countries and survived terrorism found themselves subject to various forms of racist acts and hate speech.

In fact, according to a survey conducted in 2016 by the Pew Research Center in 10 European countries, an average of 59

percent of adult residents believe refugees trigger an increase in terrorism. About half view refugees as stealing work opportunities and imposing a burden on their countries.

In January 2016, Slovakian Prime Minister Robert Fico rejected the EU plan to resettle 120,000 refugees in 26 of the 28 member state

Fears of Islamization frequently also are invoked by right-wing politicians, since most refugees flee Muslim countries such as Syria, Iraq, Afghanistan and Somalia. An example of such rhetoric is a speech delivered by far-right Dutch politician Geert Wilders in November 2014, in which he said, “In Europe, we have made a terrible mistake. During the past decades, our politicians foolishly allowed millions of Islamic immigrants to settle within our borders. Everywhere, the Islamic culture was welcomed as an enrichment. Nowhere was the demand made that the immigrants assimilate... And now, we in Europe are paying the price for this folly. Islam is eating away our Judeo-Christian and humanist civilization and replacing it with intolerance, hatred and violence. And our so-called leaders allow it.”

Moreover, in January 2016, Slovakian Prime Minister Robert Fico rejected the EU plan to resettle 120,000 refugees in 26 of the 28 member states. “Not only are we refusing mandatory quotas, we will never make a voluntary decision that would lead to formation of a united Muslim community in Slovakia, this is the only way to eliminate the risks,” said the minister. Instead, Slovakia agreed only to resettle 200 Syrian Christians.

People motivated by such hate speeches sometimes commit hostile acts, ranging from insults and intimidation to physical attacks. In Germany, Sweden, the Netherlands, France and other European countries, dozens of refugee camps and centers have been set on fire during the past year. Following the Paris attacks in November 2015, leaflets threatening attacks on refugees were distributed by unknown masked men in the Swedish capital, Stockholm.

13. <https://www.theguardian.com/law/2016/mar/23/refugee-crisis-human-rights-uk-criticism-david-cameron-theresa-may>.

14. <https://www.amnesty.org/en/what-we-do/people-on-the-move/?page=5>.

15. <http://www.pewglobal.org/11/07/2016/europeans-fear-wave-of-refugees-will-mean-more-terrorism-fewer-jobs/>.

16. <http://www.frontpagemag.com/fpm/245609/geert-wilders-islams-war-against-free-west-frontpagemagcom>

17. <http://www.cnsnews.com/news/article/barbara-hollingsworth/prime-minister-slovakia-will-never-allow-formation-united-muslim>

18. <http://www.dailymail.co.uk/news/article3203530/-We-t-Muslims-haven-t-got-mosques-Slovakia-agrees-accept-200Syrian-migrants-long-Christian.html>

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Migration and Brexit

During its campaign advocating for the UK to leave the European Union, the anti-immigration Independence party relied heavily on extreme anti-migrant rhetoric to persuade British citizens to vote for “Brexit.” This rhetoric included the typical warnings that migrants are destabilizing the country’s economic stability. For instance, several anti-migrant speeches and articles were given or published by the leader of the UK Independence party, Nigel Farage. In his anti-EU article in the Daily Express magazine, he linked a fall in wages to the open-door migration policy: “Open-door migration has suppressed wages in the unskilled labor market, meaning that living standards have fallen and life has become a lot tougher for so many in our country... We must leave the European Union so that not only can wages increase for British workers but so that living standards rather than declining can start going up.”

Another article published by the Daily Express seemed designed to spread fear of Africans and Middle Easterners: “How long will it be until the migrants from Africa and the Middle East are granted citizenship by their new European homes? When that day comes they too will be free to come and live

here.” In addition to the Daily Express, UK newspapers such as The Sun and Daily Mail also spread misinformation during the Brexit debate.

An anti-immigration poster used by Farage during a media lunch in London on 16 June was reported to police and found to violate the country’s race laws, since most refugees there are from ethnic minority groups. The poster featured a photo of migrants crossing the Croatia-Slovenia border in 2015 and included this headline: “BREAKING POINT: The EU has failed us all.”

Meanwhile, the UN Committee on the Elimination of All Forms of Racial Discrimination concluded that the Brexit campaign for the 23 June referendum was marked by “divisive, anti-immigrant and xenophobic rhetoric.” The committee also noted that prominent political figures “failed to condemn [racist abuse] and created entrenched prejudices.”

Such rhetoric led to a wave of hate crimes across the UK. During and immediately after the Brexit referendum, crimes against ethnic and religious minorities increased dramatically, according to British police reports. Between 16 and 30 June, 3,076 hate crimes were reported across England and Wales—an

increase of 42 percent compared to previous periods. However, the increase was likely much higher, since many such crimes go unreported.

And yet, according to statistics released by the British Red Cross, the number of refugees and migrants in the UK is not that significant. Currently, about 117,234 live in the UK (0.18 percent of the population). Compare that number to the more than 60 million refugees around the world. [In 2016, the UK welcomed about 338,000 migrants, and in 2015 the number was about 332,000—of whom 11.6 percent were asylum-seekers.]

Migration and Vigilantism

Border vigilantes and vigilantism, in general, emerged in Europe during the recent influx of refugees, now labeled as a “crisis.” These modern-day cowboys see borders as dangerous places that allow terrorists and criminals into their countries. They claim to be doing work their governments have failed to do or are unwilling to do appropriately.

In Bulgaria, for instance, a video released on 11 April shows vigilantes arresting three Afghan men trying to cross the border into Bulgaria. The men are shown handcuffed while the vigilantes insult them. An informal group called Civil Squads for the Protection of Women and Faith hunts migrants to push them back to Turkey. According to its founder, Petar Nizamov, “Those who come to Europe now are not refugees... their goal is to spread Islam.”

Vigilantism has been welcomed by many Bulgarians and their authorities. In February 2016, a Bulgarian trader, Dinko Valev, became a national hero for patrolling the border with Turkey. He won particular praise after arresting 16 Syrians—12 men, three women and a child. Photos showed them lying on

the ground while he insulted them. Another group of “border patrols” were given an award by local police for detaining 23 refugees near the Turkish border, according to the Balkan Insight news website.

In Slovakia, there are several border vigilante groups. One was formed by the leader of the far-right People’s Party-Our Slovakia, Marian Kotleba, and primarily patrols trains. Meanwhile, the Vzdor Kysuce Party trains paramilitary groups, preparing them to patrol the streets if migrants appear in the country. They are called “sleeping soldiers” and their mission is to protect “the white majority.”

In Hungary, a former parliamentarian, Istvan Matyas Vass, leads a group called the Hunyadi Border-Guard Unit, named for a national military hero who won an important battle against the Ottomans in the 15th century. Today, the group has a steady presence on social media, spreading fear of migrants.

Many asylum seekers who are targeted by such groups are Afghans, Iraqis and Syrians who fled to seek a more secure place than their war-torn countries. More worrisome, however, are the official actions taken in response to inflammatory rhetoric from these groups. Barriers ranging from walls to barbed-wire

fences have been built or are planned between Norway and Russia, Turkey and Syria, Bulgaria and Turkey, Hungary and Serbia, Austria and Hungary, Slovenia and Croatia, Macedonia and Greece. Before the camp called the “jungle” in France was finally evacuated, even the UK was planning a wall to stop the residents from trying to get to its shores. The result of these knee-jerk defenses and rapidly changing, contradictory asylum laws across the continent has been the collapse of the Schengen area itself and its central principle of freedom of movement.

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Legal Framework for Asylum Seekers in Europe

Common European Asylum System

The legal environment in the European Union is qualitatively different than the political one. In addition to European Union law, asylum is regulated by a Common European Asylum System (CEAS) that has eight primary provisions.

One of these provisions governs cooperation with non-EU countries through regional protection programs. It also sets out procedures for resettlement of refugees in the union.

The remaining seven provisions deal with asylum-seekers inside the EU:

- 1- EURODAC Regulation: A Europe-wide fingerprint database for entrants has been operational since 2003. This regulation is designed to prevent asylum-seekers from submitting applications in more than one EU country.
- 2- Dublin Regulations: Dublin I, II and III establish the criteria and mechanisms used by each state to review asylum applications. The provision for which they are most well-known

dictates that refugees must seek asylum in the first country they enter. However, other issues considered include location of family members and whether entry was regular or irregular.

- 3- Asylum Procedures Directive: This sets a uniform standard for examining asylum applications, including the process itself, the review timeframe, treatment of unaccompanied minors/elders/disabled or traumatized persons, appeal of rejections and response to repeat requests.
- 4- Qualification Directive: This specifies the types of international protection provided and the accompanying rights and benefits (for example, nonrefoulement, residency and work permits, travel documents, health care, education, social welfare, integration services and many others).
- 5- Reception Conditions Directive: Minimum standards are specified for ensuring dignified living conditions in asylum reception centers. This includes housing, food, health care, etc. It also regulates the detention of asylum-seekers in an attempt to ensure their rights are respected.
- 6- Temporary Protection Directive: Enacted in July 2001, the primary goal of this directive is to establish common min-

imum standards for temporary protection and allocation of responsibility among member states during a mass influx of displaced persons.

7- European Asylum Support Office (EASO): This support office was established in 2011 to help member states implement their obligations under the Common European Asylum System through technical and scientific assistance. It also promotes cooperation among member states. The office has legal, administrative and financial autonomy.

Theoretically, the EU asylum system assures uniform and fair protection across the continent. However, in practice, process and procedures vary widely. The directives outlined above allow a degree of autonomy among states in terms of implementation. Furthermore, some of the directives are vague. Even more problematic is the fact that the Dublin system, which as mentioned dictates that the country of first entry consider asylum applications, was never designed to handle the volume of migrants experienced in recent years.

Proposed Reforms of EU Asylum System

On 6 April, 2016, the European Commission issued a communication that made reform of the Common European Asylum System one of its top priorities. Currently, the new regulation governing the European Union Asylum Agency (EUAA) is in the negotiation phase. Three proposals have been presented: expand the mandate of the European Asylum Support Office, revise the 2013 Dublin Regulation and reform the European Dactyloscopy (EuroDac) system for tracking applicants via fingerprints. **As highlighted by the commission, the major objectives of these proposed reforms are to:**

- Establish a more equitable system for allocating asylum-seekers and reduce the burden on the small number of states that serve as entry points, thus receiving a disproportionate number of applications.
- Discourage illegal migration to secondary countries.
- Harmonize the asylum systems of member states to assure coordinated approaches to protection, awarding of refugee status and monitoring of reception conditions.

The EU migration “crisis” has unmasked the manifold flaws inherent in the Common European Asylum System. Therefore, the intent of the reforms is to move from a system that—either by design or due to poor implementation—imposes disproportionate responsibility on certain member states and indirectly encourages irregular migration, to a more efficient and just process that provides safer ways for third-country nationals to make their case for EU asylum. Nevertheless, despite good intentions, the European Council on Refugees and Exiles (ECRE) has warned that the proposed reforms could potentially violate protection obligations by compromising refugees’ privacy. The types of personal data collected and the number of individuals with access to it is considered highly invasive and vulnerable to abuse.

The majority of NGOs oppose further harmonization, in fear of lowering standards and living conditions while creating an unnecessary administrative burden. Instead, they back revisions to improve the existing system. Whatever strategy is followed, a new approach to receiving asylum-seekers is critical to ensure a truly humane, fair and efficient system both today and in the future. The so-called “crisis” is the new normal.

The Reforms: Content and Limitations

EASO

One of the major objectives of the reforms is to strengthen the mandate of EASO, the European Asylum Support Office. As proposed, EASO would be converted from a secondary mechanism, primarily intended to support cooperation among member states, into a centralized, primary agency responsible for addressing the structural and procedural weaknesses of the European asylum system. In particular, EASO would provide wide-ranging operational and technical assistance to member states to facilitate efficient reception systems and enhance information exchange.

Furthermore, EASO would be charged with enforcement of EU law, as well as the harmonization of the legal framework and humanitarian standards applied to asylum-seekers across the union—including reception conditions, access to the asylum application process and implementation of essential safeguards. According to the European Commission, the responsibility for asylum claims could eventually be shifted from the national to the EU level, with EASO serving as the central decision-making agency and branches executing in each member state. This would establish a single and centralized asylum system across the European Union.

Safe Countries of Origin

According to the commission, the major causes of variation in asylum acceptance rates within the EU are the determination and use of applicants' country of origin, the identification of which countries are considered safe for return, and the assessment of the credibility of applicants' claims that they will be subjected to persecution or serious harm if they are sent back. Therefore, the commission plans to establish a common list of "safe countries of origin" across the union, while also creating a faster, more effective mechanism to return applicants who can safely go home. The commission believes a harmonized SCO list would deter member states from abusing their power when evaluating asylum applications. In turn, accelerating procedures for deportation would allow a greater allocation of space and benefits for "deserving" applicants.

However, such a reformed system would have several flaws, including placing an excessive burden of proof on applicants. Secondly, the designation of a country as "safe" does not allow adequate consideration of individual circumstances. And finally, the subjective nature of the SCO label raises questions about the political motivations behind the designation. An obvious

example is Europe's designation of Turkey as a safe country, despite the government's continuous violations of human rights. A designation of Tunisia, Morocco and Algeria as SCOs has raised similar concerns.

Dublin Regulation IV

In addition, significant alterations to the Dublin Regulation are under consideration. Indeed, the Dublin Regulation has been shown to have numerous limitations and unfairly punitive consequences. The main purpose of the proposed amendment is to address the inequitable distribution of asylum applicants within the union. Currently, a disproportionate burden is placed on a small number of individual member states that serve as first point of entry to the continent (most notably, Italy and Greece). To mitigate the unequal burden, a new system has been proposed in which responsibility for asylum review would be allocated on the basis of a country's relative size, wealth and absorption capacity.

Euro-Med Monitor believes the impact of the proposed Dublin reforms would be quite opposite the intended benefit

In spite of these ambitious goals, Euro-Med Monitor believes the impact of the proposed Dublin reforms would be quite opposite the intended benefit. The amendment would impose sanctions on secondary movements, stating that refugees are entitled to rights and benefits only in the member state that first grants them protection. Specifically, it would “amend directive 2003/109/EC to state that the five-year period after which beneficiaries of international protection are eligible for long-term resident status should restart each time a person is found in another member state...”. Such a limitation represents a major impediment to family reunification, without taking into account migrants’ motivations and circumstances.

Furthermore, since first-entry states are required to assess applicants before invoking the regulation, there is a high likelihood of rejection even before the Dublin system is implemented. Thus, the reform would likely increase the inequitable burden among European member states, while encouraging asylum-seekers to resort to illegal and dangerous alternative routes.

“They told my daughter she could go to Germany to be with her father there, but later we discovered this is not correct. Though she provided them with all the requested supporting documents, and her father, brothers and sisters and uncles are all in Germany, they sent her to Latvia. It’s unfair. I have a 19-year-old son who also can’t join me. They scatter family members, putting each one in a different country.” (Grandmother living in squalid conditions in a pitched tent at Camp Dervia in Greece)

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Temporary International Protection

As strong anti-immigration sentiments increasingly spread across many EU member states, the commission is pushing to ensure obligatory reviews to determine if individuals' refugee status is still warranted. According to the European Commission, "the absence of checks on the continued need for protection gives the protection a de facto permanent nature, thereby creating an additional incentive for those in need of international protection to come to the EU rather than to seek refuge in other places, including in countries closer to their countries of origin". Thus, the reform would potentially strengthen controls to ensure protection is granted only for as long as persecution or serious harm persist. It also is evident this approach would discourage integration and increase the risk of extremism and intolerance.

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53. <https://www.irinnews.org/analysis/13/01/2017/italy-and-germany-step-measures-deter-asylum-seekers>

54. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX3%A52016DC0197>

55. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf

56. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM3%A3%2016A3%0466AFIN>

57. <http://rrse-smi.maps.arcgis.com/apps/MapSeries/index.html?appid=d5f377f7f6f2418b8ebadaae638df2e1>

58. <http://rrse-smi.maps.arcgis.com/apps/MapSeries/index.html?appid=d5f377f7f6f2418b8ebadaae638df2e1>

59. **Reported by UNHCR.** 16-05-27 UNHCR flags concerns over refugee sites in northern Greece. <http://reliefweb.int/report/greece/unhcr-flags-concerns-over-refugee-sites-northern-greece> (& amongst many others) Norwegian Refugee Council. 16-12-02. Terrible conditions for refugees in Greece <https://www.nrc.no/news/2016/des/terrible-conditions-for-refugees-in-greece/>

Between Rhetoric, Law and Reality: Fieldwork in Greece

According to the latest statistics from UNHCR, Greece is currently hosting 33,243 asylum seekers on its mainland and 13,914 on surrounding islands.

Five months of fieldwork in camps and settlements exposed the sorry conditions in which these individuals are “warehoused.” For the second time in late 2015, refugees and migrants are being forced to reside in dilapidated factories and hangars or to sleep outside in sub-zero temperatures.

Fifty-eight percent of arrivals in Greece are women and children, and they are growing desperate as they are faced with rape, drug dealing, organ- and sex-trafficking, sickness, and pervasive dampness and cold. Security systems and accountability channels are effectively nonexistent. Furthermore, refugees do not trust the military administrators of the camps, due to their inadequate protection and the violence they sometimes wage. Thus, residents often do not report such incidents. Calls for intervention and relief have been issued repeatedly by various NGOs, as well as by asylum-seekers themselves.

A View from the Ground

Primary Concerns

- Warehousing, with refugees confined to camps with restricted access to employment and education.
- Inadequate living conditions. Running water and heat are absent or patchy. When snow falls, refugees face serious health risks. Although some camp residents have been moved due to extreme weather, most still reside in tents in sub-zero cold, with no heat or electricity (reports from Oreokastro, Softex, Diavata, Derna, etc.).
- Trafficking (organ, sex, human, drug), reported in the both the Diavata and Softex camps.
- Lack of vital services such as medical care and legal advice.
- Violence against women and children. Harassment and rape at the hands of both other residents and military guards are omnipresent dangers along refugees' route of travel and inside the camps. Linguistic barriers, social stigma, distrust and insecurity cause under-reporting of such crimes.
- Inefficient bureaucracy, which leads to frustration and creates chaos inside the camps and other hot spots.
- A tendency toward anarchy within camps and settlements in the absence of trustworthy management and security forces.

Camp Living Conditions

Most of the camps cannot be seen from the streets and typically consist of boarded-up old hangars or factories in which tents are pitched. For example, refugees at Vasilika Camp must travel at least two hours by bus to the nearest town of any size, Thessaloniki. Most refugee-holding areas are in the countryside or at the base of mountains.

Camps also are lacking even the most basic necessities for living. The primary concerns for the more than 47,000 asylum-seekers residing in Greece are as basic as running water, heat, nutritious food, shelter, medical attention and protection.

In Oreokastro Camp, located in a former tobacco factory on the outskirts of Thessaloniki, the Euro-Med Monitor team interviewed a Syrian man (name withheld upon request), who was living in a tent located outside the building. His pregnant wife was to give birth in the following 10 days, and he complained of poor nutrition and lack of warmth. “They should assure that we have heat and food in this camp. We don’t want to go out, just heat and electricity

and some help for the needy. The children are suffering. Why did they take the young men and keep the pregnant women here? Why don't they give cash assistance to mothers who have children? My wife is going to give birth and we feel like we are dying from cold.”

Petra Camp, for example, was finally closed on December 2 due to extreme cold. More than 1,500 people, many of them children, lived in the camp at the foot of Mount Olympus. Their tents were covered in snow and temperatures dropped below 0 degrees Celsius. Residents were transported by bus to other camps and local hotels and apartments with EU funding. An estimated 18,500 people were moved through this program, yet 40,000 continue to wait for dignified shelter in Greece.



Petra Camp, December 2016 (Photo by: EuroMed Monitor-Arnaud Cloutier).

Nisreen (full name withheld for security reasons), 19 years old, spoke to the Euro-Med team about the difficulties she faces in the camp during winter. “Most of the camp is wet due to floods. Our blankets are saturated when it rains, and a week is needed to dry them. I have a daughter who is 1 year old. I must hold her up to protect her from the rain water on the ground.”

In Dervia Camp, an elderly woman (name withheld upon request) described her suffering during the cold winter. “The food is good but the living area is bad. I must go outside to the toilet in this cold weather! Two days ago, there was rain and I couldn’t launder our clothes because I have no others to wear. When children go to the toilet, they get wet. It’s really unfair and unjust! We escaped the war only to sit in a tent.”

The humanitarian situation in the Greek camps is so appalling that the efforts of NGOs are not enough to bring relief. As a result, many protests have broken out over the overcrowding and lack of services (especially legal advice

and psychosocial care for unaccompanied minors). For example, unrest broke out in Oreokastro after a mother and her son were killed by a speeding car outside the camp. A month prior, a 7-year-old Syrian girl also was killed by a car, outside Katalini Camp.

The former general secretary for migrants for the Greek Interior Ministry, Odysseas Voudouris, resigned in 2016 in protest of what he called a mishandling of the camps by the country's Migration Ministry.

Confinement in Limbo

The high number of asylum seekers in Greece is acting as a catalyst, exacerbating pre-existing conflicts and political stalemates in the country as well as in the European Union overall.

Some refugees are eligible for relocation due to their “clear need for international protection,” but must wait long periods due to a severely backlogged system. EU member states are slowly attempting to fulfill pledges to relocate 15,331 refugees from Greece and other frontline countries, but these represent only a small percentage of the planned 160,000.

Others still are awaiting their asylum interviews, with many scheduled as long as eight months following their original application. The Skype-based Greek Asylum Service has operated since 2011, and in theory should provide all newcomers equal access in their respective languages. Yet, in reality, the system is slow, with only one hour per week set aside for call-ins for each language. Callers are left waiting for long periods with no connection due to the heavy traffic. Others are discouraged from applying, since the likelihood of receiving protection is perceived as small, despite the strength of their individual cases. The politicization of who is considered a prospective asylum recipient affects access to camp services, as well as treatment of their applications by government employees.

This is not a Greek problem, but a European one. The EU committed to accepting 160,000 asylum-seekers languishing in Greece and distribute them to other countries. However, more than a year later, only about 8,000 have been resettled. The slow registration procedures and the long waiting periods in what some refugees call “open-air prisons” have triggered a range of tragic consequences, from arson to suicide.

“There are pregnant and sick women [not receiving care]. There also is a man who has diabetes and is injured in his leg, has shrapnel in his abdomen and was shot in his back. What was his sin that he must stay here?” whispered an elderly Syrian man from Oreokastro Camp to the Euro-Med Monitor team.

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60. UNHCR. 23 October 2015. UNHCR concern over testimonies of abuse and sexual violence against refugee and migrant women and children on the move in Europe <http://www.unhcr.org/562a150f6.html> <https://>
61. Amnesty 18 January 2016. Female refugees face physical assault, exploitation and sexual harassment on their journey through Europe: www.amnesty.org/en/latest/news/01/2016/female-refugees-face-physical-assault-exploitation-and-sexual-harassment-on-their-journey-through-europe/
62. Greek police and migrants clash after deadly accident. 16/10/17. <https://www.enca.com/world/greek-police-and-migrants-clash-after-deadly-accident>
63. The Relocation Program concerns citizens of countries for which the rate of granting international protection is over %75, based on the European average recognition rates. Relocation Program concerns Syrians, Eritreans, nationals of the Central African Republic, Seychelles, Dominica, Laos, Saudi-Arabia, Bahrain and stateless persons whose former habitual residence was one of these countries. Iraqis are no longer on the list of eligible nationalities for relocation since the beginning of July (W2EU, <http://w2eu.info/greece/en/articles/greece-legal-en.html>)
64. European Council. October 4th 2016. Member States' Support to Emergency Relocation Mechanism, http://ec.europa.eu/dgs/homeaffairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf
65. <https://euobserver.com/migration/136035>

Xenophobic Violence and Discrimination

The far-right discriminatory and xenophobic rhetoric has consequences on the ground. Asylum-seekers and migrants in Greece are subjected to violence and exclusion not only by local residents, but also by police officers. In 2015, there were seven reported cases of violence against refugees and migrants committed by law-enforcement officers, four committed by guards, two by civil servants and three by other agency employees. Moreover, as our fieldwork shows, police and military forces are believed to systematically penalize economic migrants by pulling them from queues outside asylum offices, failing to offer protection services and separating them out in detention facilities.

For example, individuals from countries such as Pakistan, India and Bangladesh often are targeted, since it is assumed they are economic migrants coming to exploit the Greek job market. According to the Racist Violence Recording Network (RVRN), in 2015 there were attacks against 14 Pakistanis, 24 Bangladeshis and one Indian. Attacks also are frequent against asylum seekers who are considered “illegal”. RVRN found that in 2015, there were 31 attacks motivated by hate and xenophobia.

66. http://rvrn.org/wp-content/uploads/04/2016/Report_2015eng.pdf

67. http://rvrn.org/wp-content/uploads/04/2016/Report_2015eng.pdf

Furthermore, in addition to individual attacks or intimidations, there have been two mass eruptions, in April and November 2016. On 26 April 2016, clashes broke out between refugees in a detention camp and the police after Greece deported a group back to Turkey. Protesters threw Molotov cocktails and large rocks and set fires. Later, in November, two attacks by far-right groups were committed against refugees in Chios Camp, resulting in two injuries and fires in three tents.

Racial and Xenophobic Violence

1. The Hellenic police (ELAS) has turned a blind eye on several occasions to attacks on refugees. More than half of ELAS members reportedly support the neo-Nazi Golden Dawn Party, a trend that emerged over the last four years. Despite this, ELAS and the military remain the primary authorities in camps and within the overall system of migration management. This responsibility demands at least minimal intercultural sensitivity, but members have received inadequate or no training. Amnesty International describes ELAS as notorious for committing human rights violations and hate crimes

that target refugees.

2. In Chios Camp, several attacks on refugees have been reported, including an instance in which Molotov cocktails were thrown at areas where both women and children took refuge. Reporters, including some of Euro-Med's team members, were subjected to threats and ultimately prohibited from documenting the incident.
3. In Chios, Lesbos and Idomeni camps, people have reported systematic targeting of aid projects by local residents, as well as police intimidation of volunteers using detention and forced strip searches. Camp authorities have been accused of racist and sexist behavior, subjecting employees as well as refugees to harassment and verbal abuse.

Info box: Racial and Xenophobic Violence

68. Established, five years ago, by the National Commission for Human Rights and the United Nations High Commissioner for Refugees Office in Greece.

69. <http://rvrn.org/04/2016/annual-report2015/>

70. http://rvrn.org/wp-content/uploads/04/2016/Report_2015eng.pdf

71. <http://www.euronews.com/27/04/2016/clashes-erupt-in-greek-migrant-camp>

72. <https://www.theguardian.com/world/2016/nov/18/far-right-group-attacks-refugee-camp-greek-island-chios>

73. Financial Times. 11/October/2013. Greek police 'infiltrated' by Golden Dawn. <http://www.ft.com/cms/s/0/e5046b8c11-3261-e-3b3a00144-7feab7de.html#axzz4lu7Aod8k>

74. Amnesty International. 3/April/2014. Impunity, excessive force and links to extremist Golden Dawn blight Greek police <https://www.amnesty.org/en/latest/news/04/2014/impunity-excessive-force-and-links-extremist-golden-dawn-blight-greek-police/>

Protection of Women

Systemic Flaws in the Protection of Women and Girls

1. Lack of effective security, as well as procedures to identify abuses.
2. Insufficient training of staff to recognize sexual and gender-based violence.
3. Inhumane and insufficient pre- and postnatal services.
4. Inconsistent access to legal support and interpretation services.
5. Inadequate protection and inappropriate accommodation for unaccompanied girls/women.

Info Box: Systemic flaws, women and girls

75. The Telegraph. 2016/04/08. Locals throw fireworks and bottles at migrants to demand they leave <http://www.telegraph.co.uk/news/08/04/2016/locals-throw-fireworks-and-bottles-at-migrants-to-demand-they-le/>

76. ibed(21)

77. Interview conducted with Chloe, Didi and resident Greek midwife at Amurtel Athens 16/10/19.

Insufficient and Harsh Pre-and Postnatal Services

The Greek health care system does not allow a translator or partner to be present when women give birth. In addition, due to Greek medical protocols, more than 60 percent of births are by Cesarean section. Unwanted Cesareans have been performed on several refugee women, who were not given a choice or provided with a translator to explain the procedure.

In addition, women are discharged immediately following birth and sent back to the camps, where they must sleep outside in freezing temperatures and often unsanitary conditions. This puts them at higher risk of infection. Many of these women experience fatigue from heavy bleeding or other complications. Others become weak due to dehydration and poor nutrition. If they have other children for whom they must care, their situation becomes particularly precarious. Some camps now have mobile pre-natal care initiatives such as Circle of Health, Rowing Together, etc. However, the staff can do little more than prepare the woman for the traumatic experience, since the Greek system is inhumane and undignified for non-refugee women as well.

Lack of Security

A major problem is the distrust between camp residents and the security officers assigned to protect them. Crime and illegal business such as drug trading are rampant in camps such as Diavata (900 residents) and Softex (1,600). Women report they are unable to sleep or use the toilets, as they are fearful of attack by other camp members. Likewise, they worry about protecting their children from drug use.

“The parents are still in shock over what happened. A man from one of the ‘mafia’ groups invited their -vyear-old daughter into his tent to play games on his phone and then zipped up the tent. The girl came back with marks on her arms and neck. Later, the girl described how she was sexually abused. It has scarred a -vyear-old child for life,” a volunteer recently reported to the Euro-Med Monitor.

Women interviewed in Athens settlements and outside the camps of Vasilika, Softex and Diavata all reported relying on

informal networks of other men or families for protection. No clear, accessible channel of reporting to assure accountability is available for women inside the camps.

In Softex Camp, the Euro-Med team interviewed Meriam (surname withheld for security reasons), who said, “Regarding the women’s situation, here in the camp there is no hope for us. Recently, there were a few rape cases. I am a woman with five children, and when I am preparing the tent for sleep time, [I encounter] drugs, hashish and bad people. Anyone who would like to enter Softex can easily enter even though they have bad manners. It is not forbidden; there are no rules. If there is a fight between the young here, the police come only at the end when there are a lot of injured people. They arrest only a few of them.”

Unaccompanied Minors

In the first half of 2016, Greek authorities registered about 3,300 unaccompanied children seeking asylum. As of December 2, more than 1,200 unaccompanied children were on the waiting list of migrants hoping for a spot at one of the country's special hostels for vulnerable minors.

Unaccompanied children often are victims of trafficking and torture. Many lost their parents during the journey to Greece; others were sent away by their families to escape war, poverty or persecution.

These minors are held in detention while they are identified and their vulnerability is assessed. This restriction of movement is allowed under Greek law (4375, 14, §8) for up to 25 days before they must be released or transferred to a “competent social support and protection institution...or alternatively, other appropriate structures, in order to continue and complete the reception and identification procedures.” However, restriction of movement may be extended if arrivals of migrants increase, and the meaning of “appropriate structures” is open to interpretation.

In camps such as Chios, unaccompanied children are kept in

officers' rest quarters in police stations. However, in Leros, Kos and Lesbos, minors are kept unlawfully in closed sections of detention centers or in jail cells, where they share common spaces with adults. Overcrowded conditions have caused serious physical and mental health consequences for unaccompanied children, who already survived trauma on their way to Europe. Following the registration process, medical age assessments are conducted that have been reported on several occasions to be traumatizing and inaccurate.

Lawyers routinely have reported inability to access underage clients. Attorney Ariel Ricker, founder of Advocates Abroad, reports that camp guards and police are given far too much power to restrict or deny refugees the ability to meet with attorneys or receive even basic information on asylum procedures.

78. <https://www.hrw.org/report/08/09/2016/why-are-you-keeping-me-here/unaccompanied-children-detained-greece>

79. HRW. 16-09-08."Why Are You Keeping Me Here?" Unaccompanied Children Detained in Greece <https://www.hrw.org/report/08/09/2016/why-are-you-keeping-me-here/unaccompanied-children-detained-greece>

80. Ideb. (12)

81. Anagnostopoulos, Dimitris. 2016. 'Communications of the European Society for Child and Adolescent Psychiatry'. In: Eur Child Adolesc Psychiatry (122–25:119 (2016 available at https://www.escap.eu/bestanden/ECAP20%-20%ESCAP20%Communications/migration_mental_health_greece.pdf

82. The Independent. 13/October/2015. Child refugees subjected to genital examinations to prove their age <http://www.independent.co.uk/news/world/europe/child-refugees-are-subjected-to-genital-examinations-to-prove-their-age-although-the-tests-may-not-a6692016.html>

83. Ibed.(29)

Treatment of Unaccompanied Minors

1. In January 2016, 10,000 registered minor asylum-seekers were missing in Europe.
2. On average, 50 percent of unaccompanied minors go missing within 48 hours of registration.
3. Lawyers frequently are denied access to minor clients inside hot spots and camps.
4. Authorities registered more than 3,300 unaccompanied minors arriving in Greece during the first seven months of 2016.
5. Unaccompanied minors often are invisible, due to limited outreach and their tendency to follow smugglers' instructions to lie about their age.
6. So far, only 250 unaccompanied minors have been relocated from Greece in Europe.

84. EUROPOL in Deutsche Welde. 31/January/2016. More than 10,000 migrant children <missing>:

Europol <http://www.dw.com/en/more-than-10000-migrant-children-missing-europol/a19014669>

85. Missing Children Europe. 2016. Up to %50 of unaccompanied migrant children go missing within 48 hours of being placed in certain reception centres in Europe <http://missingchildreneurope.eu/news/Post/575/Up-to-50-of-unaccompanied-migrant-children-go-missing-within-48-hours-of-being-placed-in-certain-reception-centres-in-Europe>

86. Interview with Ariel Ricker, Attorney and Founder of Advocates Abroad, a legal aid organisation working in Greece. 24/August/2016.

87. Ideb(23)

88. SOCIETY FOR THE CARE OF MINORS.2016. <https://www.sma-athens.org/en/station.html>

Overview of EU-Turkey Deal

On 18 March, 2016, the European Union and Turkey agreed on a deal to curb irregular migration across European borders. The declared objective of this deal was to slow uncontrolled migration and reduce people-trafficking using dangerous routes.

The Agreed-upon Plan

1. All post-March 20 arrivals to Europe are to be deported back to Turkey if their asylum applications are rejected, or if they are unable or fail to apply. The number of these refugees reached 550 in October 2016.
2. Greek authorities are required to set up “rapid-return” methods.
3. People who require international protection will be accepted if they apply for asylum through official channels.
4. 18,000 places will be made available for resettlement in the EU. Any further need for resettlement will be fulfilled through a voluntary arrangement up to an additional 54,000 persons.

5. In exchange for every person returned to Turkey, the EU will resettle one Syrian refugee living in camps in the country (“1-to-1 Resettlement Program”). Priority will be given to those who have not previously tried to enter the EU illegally.
6. The EU will continue to provide humanitarian assistance to people in Syria, and has allocated an initial €140 million for life-saving activities in 2016.

Advantages of Turkey

1. The original intention was to include Turkish nationals in the EU passport-free Schengen zone, allowing them visa-free travel.
2. EU pledged €3 billion in aid to Turkey to help with its refugee burden. An additional €3 billion was expected to be provided before 2018.
3. Both sides also agreed to re-energize talks about Turkey’s bid to join the EU.

Sources: European Commission, 15/June/2016. Managing the Refugee Crisis: Commission reports on progress made in the implementation of the EU-Turkey Statement http://europa.eu/rapid/press-release_IP-162181_en.htm
Reuters. 15/March/2016. EU draft migrant deal with Turkey
<http://uk.reuters.com/article/uk-europe-migrants-eu-draft-idUKKCN0W1Z27>

Despite the original good intentions, the EU-Turkey deal has led to several legal and humanitarian concerns:

- Article 4 of the European Convention on Human Rights Protocol No. 4 prohibits the collective expulsion of foreigners. Instead, they must be given the right to seek international protection, followed by a case-by-case examination. Nevertheless, this article has been violated repeatedly, with asylum-seekers pushed back into non-European waters. (Such practices have been widely reported in Turkish and Greek seas).
- In the months since the execution of the deal, 13 asylum seekers reportedly have been deported by Greece without being allowed to register their request for asylum. Greek police allegedly “forgot” to submit their applications, which is a breach of international law and the deal itself.
- Some pre-March 20 arrivals reportedly also were deported from Chios and Lesbos camps. Returning people without meaningful consideration of their claim to asylum is a breach of the nonrefoulement principle and the 1951 Refugee Convention.

89. Interview with Frontex Spokeswoman Ewa Moncure. October 2016

90. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c92c0>

91. The Intercept. 22/August/2016. SHOOT FIRST, Coast Guard Fired at Migrant Boats, European Border Agency Documents Show, <https://theintercept.com/22/08/2016/coast-guard-fired-at-migrant-boats-european-border-agency-documents-show/>

92. <https://www.theguardian.com/world/2016/apr/05/greece-deport-migrants-turkey-united-nations-european-union>

Is Turkey a ‘Safe Third Country’?

There are major concerns as to whether Turkey should be considered a safe third country, since it has perpetrated numerous human rights violations against both Syrian and Afghan refugees, including forced deportations and beatings and shootings at the border.

Under EU law, European states may deny requests for international protection if applicants can be sent to a non-member nation that meets the conditions of a “safe third country.” These conditions include, among others, respect of the principle of nonrefoulement and a legal channel for obtaining refugee status and protection, as required by the 1951 UN Refugee Convention. Moreover, discrimination on the basis of race, religion, nationality or political opinion must be prohibited.

In light of these requirements, there are many reasons to argue that Turkey does not qualify:

® Although Turkey is a signatory to the 1951 Refugee Convention and its 1967 additional protocol, the scope of this agreement is limited to persons who have become refugees as a result of events occurring in Europe.”

- ® The “one-to-one resettlement program” is not applicable to asylum seekers from countries other than Syria. Therefore, about 53 percent of arrivals in Greece would not be guaranteed protection in Turkey.
- ® While Turkey claims it has an “open door” between Syria and Turkey, the reality cannot be farther. Turkish borders are actually closed, with guards shooting at refugees trying to cross them. A recent report by Amnesty International revealed that Turkey illegally expelled about 100 people a day, forcing them back across the border to Syria—a charge Turkey has denied. Moreover, some nearby camps, such as Kamouna in Idlib province—which houses people awaiting to cross the border—are the target of massive airstrikes. If this is not halted, the UN estimates that an additional 400,000 people could be pushed to the border.
- ® Incidents of government-sponsored abuse, including lack of care and protection, for refugees and asylum-seekers have been documented in Turkey. Moreover, many Syrians are denied work permits.

According to the UNHCR, a country cannot be considered a “safe third country” until it is able to provide asylum seekers with all privileges without danger.

From May 2-4, 2016, a delegation of members of the European Parliament—Cornelia Ernst, Marina Albiol and Josu Juaristi—visited the Turkish detention centers where both adults and children (including those who are unaccompanied) were living in inhumane, overcrowded conditions. All of them had their phones confiscated upon arrival and were granted very limited or no access to health care. Furthermore, they were not informed of their rights and obligations in their respective languages.

The delegation’s post-trip report includes the following points:

1. People deported from Greece have had no opportunity to seek asylum, neither in Greece nor in Turkey.
2. Detention occurs under a prison-style regime, including for children. “Inmates” are held incommunicado.
3. Push-backs to Turkey by Bulgarian and Greek police forces have been documented.

Residents offered horrifying testimonials due to the closure of the Turkish-Syrian border.

93. Ibid(52)

94. Amnesty.20/May/2016. EU-Turkey deal: Greek decision highlights fundamental flaws. <https://www.amnesty.org/en/latest/news/05/2016/eu-turkey-deal-greek-decision-highlights-fundamental-flaws/>

95. UNHCR. Refugees/Migrants Emergency Response - Mediterranean- Greece <http://data.unhcr.org/mediterranean/country.php?id=83>

96. Oxford Faculty of Law. 29/March/2016. Turkey as a Safe Third Country? <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/03/2016/turkey-safe-third>

97. HRW. 2016.Turkey: Border Guards Kill and Injure Asylum Seekers. <https://www.hrw.org/news/10/05/2016/turkey-border-guards-kill-and-injure-asylum-seekers>

98. Middle East Eye. 4/April/2016. Q&A: EU-Turkey refugee deal explained, <http://www.middleeasteye.net/news/qa-eu-turkey-deal2090291043->

99. BBC.05/May/2016. Syria conflict: Air strike on refugee camp ‘kills 28’ <http://www.bbc.co.uk/news/world-middle-east36214290->

Despair in Greece

The EU-Turkey deal has trapped more than 16,000 people in dangerous and degrading conditions on the islands of Lesbos, Chios, Samos, Leros and Kos while waiting for deportation. Officially, however, the capacity of the five islands is only 7,450 people. The situation has been harshly criticized by Amnesty International and several other NGOs, which blame the EU-Turkey deal—as well as the lack of solidarity from EU member states—for the appalling circumstances on the Greek islands.

Under the deal, EU countries are allowed to return migrants to Greece beginning in mid-March in accordance with the Dublin Regulation, despite the fact that the camps in Greece still are not winterized. The restoration of this practice may discourage refugees from registering as asylum seekers in European countries, instead remaining “off-the-grid.” Such a situation may be even more disastrous for both asylum-seekers and the EU states.

Note that Dublin transfers have been suspended since 2011, following two decisions by the European Court of Human Rights and the Court of Justice of the EU. At that time, it was

declared that the Greek asylum system was plagued by deficiencies. Since the situation today is far from improved, there is no justification for the EU to re-designate Greece as a safe country for refugees.

Thus, on December 15, a number of human rights NGOs signed a joint statement calling on EU countries to ensure that refugees stuck in Greece, as well as new arrivals, receive dignified treatment, be housed in respectable conditions and get sufficient protection. The refugee “crisis” clearly is more about lack of will among EU states to manage inevitable migration flows than lack of responsibility elsewhere.

“It is possible to manage migration in a dignified and humane way by strengthening the framework for legal migration, expanding safe and legal routes for refugees, and protecting the rights of everyone who arrived in Europe,” stated the signing NGOs.

Deteriorating Situation in Turkey

After migrants are returned to Turkey, their living conditions go down. In theory, Turkey's Law on Foreigners and International Protection grants all basic human rights to migrants, asylum seekers and refugees, in line with EU legislation, e.g. access to legal counselling, prohibition of torture and ill treatment, extended protection, etc. In practice, however, the administration of the removal center appears to be disobeying these rules. Lawyers and NGOs have lodged four official complaints about the practices.

More Dangerous Routes Developed

Paradoxically, far from creating a safer route for asylum-seekers and reducing the potential for illegal migration, the EU-Turkey deal has left migrants and refugees more vulnerable to smuggling. Interpol reports that more than 90 percent of irregular journeys to Europe are facilitated by smugglers. Sexual exploitation in lieu of payment is all too frequent.

Scared away by the controversial registration process in Turkey, travelers are discouraged from applying for legal asylum-seeker status. With the Aegean route shut down, migrants

are forced to opt instead for highly dangerous and costly journeys through the Central Mediterranean in the direction of Italy. In March 2016, for example, just after the EU-Turkey deal was finalized, the Italian coast guard witnessed a peak in the perilous crossing of migrants, with more than 1,500 rescued in one day alone. A number of other incidents were reported in the following months, bringing the death toll in 2016 to more than 5,000 – the highest in the Mediterranean on record.

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100. European Commission. April 2016. Turkey: Refugee Crisis. http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf
101. UNHCR. 23/March/2016. Legal considerations on the return of asylum-seekers and refugees from Greece to Turkey as part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the safe third country and first country of asylum concept <http://www.unhcr.org/56f3ec5a9.pdf>
102. Statewatch. 2016. What Merkel, Tusk and Timmermans should have seen during their visit to Turkey <http://www.statewatch.org/news/2016/may/ep-GUENGL-report-refugees-Turkey-deal.pdf>.
103. Ibid. (26)
104. ECRE. 16-12-14. Joint NGO statement ahead of the European Council of 15 December 2016: EU leaders can save lives in winter if they change migration policies. <http://www.ecre.org/joint-statement-eu-leaders-can-save-lives-in-winter-if-they-change-migration-policies/>
105. Amnesty. 16-12-08. EU: PRESSURE ON GREECE FOR DUBLIN RETURNS IS 'HYPOCRITICAL' <http://www.amnesty.eu/en/news/press-releases/all/eu-pressure-on-greece-for-dublin-returns-is-hypocritical1011-#.WFFWMKkLTa>
106. Ekathimerini. 16/12/10. Should asylum seekers be returned under Dublin system? <http://www.ekathimerini.com/214443/opinion/ekathimerini/comment/should-asylum-seekers-be-returned-under-dublin-system>
107. Ibid (78)
108. <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/03/2016/turkey-safe-third>
109. <https://www.europol.europa.eu/newsroom/news/europol-launches-european-migrant-smuggling-centre>
110. <http://www.unhcr.org/news/briefing/585/12/2016ce804105/mediterranean-sea-100-people-reported-dead-yesterday-bringing-year-total.html>

Greek Asylum Law versus the CEAS

The Common European Asylum System charges EU states with modifying their rules and policies to ensure they meet the minimum standards outlined in union directives.

However, Greek national law falls short in several respects. For instance, EU Directive 2013/33/EC, which defines acceptable standards for reception facilities still has not been integrated into Greek law. Article 17 of the directive mandates that asylum-seekers must be assured “an adequate standard of living... which guarantees their subsistence and protects their physical and mental health.” Likewise, Greek Law 4375 stipulates that housing, decent living conditions, food and health care must be assured during the reception and identification process and detention (article14.5). On the other hand, it also restricts their liberty during this period. If needed, authorities have the right to extend this “restriction of liberty” for up to 25 days. In addition, the manager of each center is allowed to transfer applicants to any other appropriate facility to continue and complete the reception/identification process, with no limitation.

Numerous reports from the field charge that applicants are systematically deprived of their liberty when they arrive in Greece,

even before being able to apply for asylum protection. Once in detention, applicants may be held for up to three months if they are considered a national-security risk or to otherwise prevent them from absconding (article 46.4).

The growing backlog of asylum applications and extreme shortage of resources (personnel and accommodations) forced amendments to Greek Law 4375 that have exacerbated the abuses. The amendments allow routine restriction on the movement of asylum-seekers, converting this practice into the rule rather than an exception. Moreover, the law does not explicitly prevent the detention of unaccompanied minors, restricts the exercise of rights such as appearance in person during status hearings, and allows applications to be processed by personnel from other departments.

111. European Union press release, Implementing the Common European Asylum System: Commission escalates 8 infringement proceedings, 10 December 2015, http://europa.eu/rapid/press-release_IP6276-15_en.htm

112. Article 2) 14) of Greek Law 4375

113. Article 2)14) Greek Law 4375

114. Reports: Aitima Non-Governmentale Organization : FORGOTTEN: Administratively detained irregular migrants and asylum seekers. 2016. <http://www.aitima.gr/images/pdf/forgotten.pdf>

115. Asylum Information Database. Wrong counts and closing doors The reception of refugees and asylum seekers in Europe. March 2016. http://www.asylumineurope.org/sites/default/files/shadow-reports/aida_wrong_counts_and_closing_doors.pdf

116. <http://www.gcr.gr/index.php/en/news/press-releases-announcements/item/-551oi-paratiriseis-tou-esp-epi-tou-nomou-551/2016-4375-oi-paratiriseis-tou-esp-epi-tou-nomou2016-4375->

Observing that these amendments were passed just after the execution of the EU-Turkey deal (August 4, 2016), the Greek Council for Refugees warned that the agreement does not free Greece from its obligations or justify its failure to comply with its responsibilities under European and international standards. No entity is free to violate and deny human rights.

117. Greek Council for Refugees, Οι παρατηρήσεις του ΕΣΠ επί του νόμου 2016 /4375, <http://gcr.gr/index.php/en/news/press-releases-announcements/item/-551-oi-paratiriseis-tou-esp-epi-tou-nomou-551/2016-4375-oi-paratiriseis-tou-esp-epi-tou-nomou2016-4375->

Recommendations

Euro-Mediterranean Human Rights Monitor calls for the following actions:

European Union:

$\frac{3}{4}$ Fulfill its responsibilities by accepting its share of asylum-seekers and migrants, rather than pushing them to non-EU countries, such as Turkey.

$\frac{3}{4}$ Assure dignified standards of living for asylum-seekers, in accordance with international conventions and its own standards.

$\frac{3}{4}$ Invest more in providing needed assistance to member states to allow the acceptance and integration of more asylum-seekers, rather than in building border fences.

$\frac{3}{4}$ Share the burden with Balkan countries, including Greece. Among the ways to do so could be:

1- Hasten the relocation process for the existing 160,000 asylum seekers, as has been pledged.

2- Refrain from returning migrants to Greece, which is scheduled to begin in mid-March.

¾ Acknowledge the current disqualification of Turkey as a “safe third country” for asylum- seekers, and stop all deportations to it.

¾ View migrants as assets who will enhance economic growth in the EU rather than see them only as a burden, since they provide both more qualified employees and more market consumers.

¾ Refrain from talking about migrants and refugees as a “crisis,” placing them in a more positive context with the public.

European Commission:

¾ Devote greater attention to the rights and welfare of asylum seekers when adopting reforms to the CEAS, rather than concentrating on managing EU borders.

¾ Refrain from adopting a temporary-protection-only policy for refugees, since this causes prolonged instability and decreases their ability to integrate.

¾ Focus on labor-migration policy, addressing the demographic challenges arising from migration and foster sustainable economic growth.

- ¾ Take into consideration the family ties of asylum-seekers when implementing the Dublin IV Regulation.
- ¾ Ensure a “case-by-case” practice when dealing with asylum applications and take into consideration the many individual reasons for migration, especially those coming from countries considered “safe.”

Greek Government:

- ¾ Improve the living conditions in asylum camps, bringing them into conformance with the minimum standards stipulated in the European directives. This includes proper winterization of camps and security protection.
- ¾ Introduce proper accountability measures to control abuse and discrimination against asylum-seekers, both by local residents and police officers. This includes providing migrants with reliable legal channels to report such cases.
- ¾ Allocate more personnel for processing asylum applications to speed up the review process.
- ¾ Allow post-March 18 arrivals to submit their applications before deporting them back to Turkey.



Euro-mediterranean
human rights monitor

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