



## Генеральная Ассамблея

Distr.: General  
18 April 2013  
Russian  
Original: English

### Совет по правам человека

Двадцать третья сессия

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав, включая  
право на развитие**

### **Доклад Специального докладчика по вопросу о правах человека мигрантов Франсуа Крепо**

Добавление

### **Миссия в Грецию\***

#### *Резюме*

Специальный докладчик по вопросу о правах человека мигрантов посетил с официальным визитом Грецию с 25 ноября по 3 декабря 2012 года, где он побывал в Афинах, Эвросе, Лесвосе и Патрасе и провел консультации с государственными должностными лицами на центральном и местном уровнях, организациями гражданского общества и самими мигрантами.

Признавая прогресс, достигнутый в отношении законов и стратегий, касающихся регулирования миграции и пограничного контроля, многое еще предстоит сделать для обеспечения полного соблюдения прав человека мигрантов в Греции.

Поскольку Греция является страной, через которую проходит один из участков внешней границы Европейского союза, который в настоящее время является одним из главных пунктов незаконного пересечения границы с целью проникновения в Европу, Специальный докладчик отмечает необходимость в нахождении общеевропейского подхода к этой проблеме с уделением особого внимания вопросам прав человека.

\* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен.

## Annex

*[English only]*

**Report of the Special Rapporteur on the human rights of migrants, François Crépeau on his mission to Greece (25 November to 3 December 2012)**

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–4	4
II. General background: Migration and border management in Greece.....	5–10	4
III. Normative and institutional framework for the protection of the human rights of migrants.....	11–23	5
A. International legal framework.....	11–12	5
B. Regional legal framework.....	13–14	5
C. National legal and institutional framework.....	15–23	6
IV. Border management and returns.....	24–41	7
A. Background.....	24–26	7
B. Institutional framework and cooperation with FRONTEX.....	27–30	8
C. Readmission agreements.....	31–35	9
D. Deportations.....	36–38	10
E. Voluntary returns.....	39–41	10
V. Detention of migrants in an irregular situation.....	42–67	11
A. Detention practices and legislation.....	42–47	11
B. Detention conditions.....	48–53	12
C. Procedural safeguards.....	54–61	13
D. Alternatives to detention.....	62–64	14
E. First Reception Centres.....	65–67	15
VI. Asylum seekers.....	68–70	15
VII. Cross-cutting concerns.....	71–78	16
A. Xenophobia and violence against migrants.....	71–72	16
B. Civil society organizations.....	73	17
C. Migrant children.....	74–78	17
VIII. Role of the European Union.....	79–84	18

---

IX.	Conclusions and recommendations .....	85–119	19
A.	Normative and institutional framework for the protection of the human rights of migrants .....	87–92	19
B.	Border management and returns .....	93–97	20
C.	Detention of migrants in an irregular situation .....	98–102	20
D.	Asylum seekers .....	103–104	21
E.	Cross-cutting concerns .....	105–111	21
F.	Recommendations to the European Union .....	112–119	22

## **I. Introduction**

1. The Special Rapporteur on the human rights of migrants, François Crépeau, conducted an official visit to Greece from 25 November to 3 December 2012 at the invitation of the Government. The mission was carried out in the context of the Special Rapporteur's year-long study on the human rights of migrants at the borders of the European Union (EU). The general management of the external borders of the European Union and its impact on the human rights of migrants is dealt with in the Special Rapporteur's main report (A/HRC/23/46); this report deals more specifically with the human rights situation of migrants in Greece, as observed by the Special Rapporteur during his visit.

2. As the visit focused mainly on border management, this report does not provide a comprehensive overview of the human rights situation of migrants in Greece, but is limited to what the Special Rapporteur observed while trying to identify the impact on the European Union's border management in the country.

3. During the mission, which included visits to Athens, Evros, Lesbos and Patras, the Special Rapporteur met with State officials at the national and local levels, international organizations, representatives of the European Union, civil society organizations and migrants themselves. He also visited 11 detention centres: Tycherio Border Police Station in Evros, Venna and Komotini detention centres in the neighbouring Rodopi regional unit, the central police station in Mytilini on Lesbos, the central police station in Patras, the coast guard's detention facility at the port in Patras, Korinthos detention centre, Amygdaleza detention centre, Amygdaleza detention centre for minors, Agios Panteleimonas police station and Petrou Ralli detention centre.

4. The Special Rapporteur expresses his appreciation for the cooperation extended to him by the Government prior to, throughout and after the visit. He also thanks the international organizations in Greece, including the Office of the United Nations High Commissioner for Refugees (UNHCR) and Greek civil society organizations, for their valuable contributions.

## **II. General background: Migration and border management in Greece**

5. The Greek-Turkish border is presently one of the main points of irregular border crossings into Europe. This is in large part due to its geographical location, at the south-east border of the European Union, and its proximity with countries which are, or have been, experiencing serious conflicts.

6. During the summer of 2012, Greece implemented Operation "Aspida" (shield) at the Greek-Turkish land border and a crackdown, known as Operation "Xenios Zeus", on irregular migrants residing in Athens and elsewhere. The sweep operations in the context of "Xenios Zeus" have led to massive arrests and detention, including of migrants in a regular situation and others who have lived and worked in Greece for several years.

7. Migrants are particularly touched by the financial crisis in Greece and many of those who used to work in the informal sector, including in agriculture, have lost their jobs. The presence of a large number of migrants in the streets of Athens, many unemployed and some homeless, has reportedly led to some social and political tension. This was explained to the Special Rapporteur as part of the reason behind Operation "Xenios Zeus", simply to remove the migrants from the streets of Athens.

8. The situation of irregular migrants residing in Greece has further deteriorated due to the significant increase in xenophobic violence against them. Xenophobic attacks against migrants have escalated during the past year and the entry into Parliament for the first time of the extreme right-wing political party Chryssi Avgi (Golden Dawn) has further exacerbated the situation.

9. It is estimated that there are around 470,000 irregular migrants currently living in Greece. For the overwhelming majority, Greece is not their final destination, but simply their entry point to the European Union and the Schengen area. However, many irregular migrants have become stuck in Greece as they are prevented from moving on to other European countries due to several mechanisms at the European Union level.

10. While the Schengen agreement abolished checks at internal borders and created a single external border for the signatory countries, irregular migrants who try to leave Greece on the ferries to Italy are apprehended and charged with attempting to leave the country irregularly. Those who make it to Italy are, if detected, prevented from disembarking from the ferry and returned to Greece through informal push-backs<sup>1</sup>. “Poseidon Sea”, the Frontex operation which used to cover the sea border between Greece and Turkey, was extended in 2012 to also cover the west coast of Greece, where migrants trying to reach Italy by small boats operated by smugglers are intercepted and returned to Greece.

### **III. Normative and institutional framework for the protection of the human rights of migrants**

#### **A. International legal framework**

11. Greece is a party to core international human rights treaties, with the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the International Convention for the Protection of All Persons from Enforced Disappearance (signature only, 2008); and the optional protocols to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (signature only, 2011); to the International Covenant on Economic, Social and Cultural Rights; and to the Convention on the Rights of the Child on a communications procedure.

12. Greece has adhered to the principal international treaties relating to the protection of refugees, as well as to the prevention, suppression and punishing of trafficking. However, it has not adhered to the 1961 Convention on the Reduction of Statelessness or the International Labour Organization (ILO) conventions on migrant workers (Nos. 97 and 143) or on domestic workers (No. 189).

#### **B. Regional legal framework**

13. As a member state of the Council of Europe since 1949, Greece is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter. However, it has not ratified the European Convention on the Legal Status of Migrant Workers (signed in 1977) or the Convention on Action against Trafficking in Human Beings (signed in 2005).

14. The European Union’s *acquis* on migration and asylum is applicable to Greece as a European Union member state, and Greece has transposed relevant EU directives into

---

<sup>1</sup> A/HRC/23/46/Add.3

national legislation. Greece is also a part of the Schengen area, which provided for the strengthening of external border controls and eliminated internal border controls. Furthermore, as a member state of the European Union, Greece has an obligation to respect the Charter of Fundamental Rights of the European Union when implementing EU law.

## **C. National legal and institutional framework**

### **1. National laws**

15. According to the Greek Constitution (art. 28, para. 1), international treaties ratified by Greece shall be an integral part of domestic Greek law, and shall prevail over any contrary provision of the law.

16. The Greek Constitution guarantees respect and protection of the value of the human being (art. 2); full protection of life, honour and liberty, irrespective of nationality, race or language, religious or political beliefs for all persons living within Greek territory (art. 5, para. 2) and inviolability of personal liberty (art. 5, para. 3). Furthermore, no person shall be arrested or imprisoned without a reasoned judicial warrant which must be served at the moment of arrest or detention pending trial, except when caught in the act of committing a crime (art. 6, para. 1) and torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law (art. 7, para. 2). Every person shall be entitled to receive legal protection by the courts and may plead before them his views concerning his rights or interests, as specified by law (art. 20, para. 1) and the right of a person to a prior hearing also applies in any administrative action or measure adopted at the expense of his rights or interests (art. 20, para. 2).

17. The main law governing migration is Law 3386/2005, which regulates the entry, residence and social integration of third-country nationals into Greek territory. Under Law 3386/2005, illegal entry is a criminal offence (art. 83.1): “Third-country nationals who exit or attempt to exit Greece or enter or attempt to enter Greece without legal formalities shall be punished by imprisonment of at least three months and a fine of at least EUR one thousand five hundred (€1,500).”

18. Law 3907/2011, which entered into force on 26 January 2011, provides for the creation of an independent Asylum Service and an Appeals Authority, the establishment of a First Reception Service, and the adaptation of Greek legislation to EU Directive 2008/115/EC (EU Returns Directive) on the return of irregular migrants. Law 3772/2009 foresees stricter administrative and penal sanctions on smugglers and considers their activities a felony.

### **2. National policies and institutions**

19. The Hellenic Police, under the Ministry of Public Order and Citizen Protection, is responsible for the surveillance of land borders; detention of migrants, including the management of detention centres; deportations and the asylum system. The Hellenic Coast Guard, under the Ministry of Shipping, Maritime Affairs and the Aegean, is responsible for the surveillance of sea borders. The Ministry of Interior is responsible for regular migration, including immigration policy and the social integration of immigrants. Previously under the Ministry of Health and Social Solidarity, the reception system for asylum seekers, vulnerable groups of migrants and unaccompanied children is currently the responsibility of the Ministry of Labour. The relevant European funds (Solidarity and Management of Migration Flows (SOLID) funds) have been under different ministries. Spreading the responsibility for migration issues across several ministries makes it difficult to have a

holistic approach to all aspects of migration. While there is an Inter-ministerial Committee on Migration, this Committee does not meet regularly.

20. The Greek authorities assured the Special Rapporteur that they are trying to ensure a more holistic approach to migration by moving both responsibility for the reception system and for the European Refugee Fund to the Ministry of Public Order and Citizen Protection, which is already responsible for the External Borders Fund and the European Return Fund. Furthermore, the new Asylum Service, Appeals Authority and First Reception Service will also operate under this ministry. However, the Special Rapporteur notes that the Ministry of Public Order and Citizen Protection, of which the police is one of its main components, may not be best placed to ensure the rights of migrants. He was assured, however, that the Hellenic Police will have no involvement in the Asylum Service, Appeals Authority, First Reception Service or European Refugee Fund. He hopes that giving one ministry the overall responsibility for migration will lead to a more holistic approach to migration, with an emphasis on the human rights of migrants.

21. In August 2010, Greece submitted to the European Commission a National Action Plan on Asylum and Migration Management, which addressed the gaps for managing migration and asylum in the Greek system, including in relation to screening procedures, asylum procedure, facilities for families with children and vulnerable groups, improving detention conditions and return procedures. The Action Plan led to the adoption of Law 3907/2011, although the services provided for by this law (First Reception Service, Asylum Service, Appeals Authority) are yet to be operationalized, due to insufficient budget and staff. The Special Rapporteur was informed that all three services should be operational by June 2013. He urges the Greek Government and the European Union to work together to ensure their swift operationalization, including by providing appropriate staffing and budget.

22. A revised Action Plan on Asylum and Migration Management was presented to the European Commission in January 2013. The revised plan is based on two dimensions: access to international protection and the establishment of an effective system of border management and returns. It provides timetables for the operationalization of the First Reception Service and the new Asylum Service, and indicates that the new integrated migration management system in Greece will modernize the asylum system, protect vulnerable migrants, strengthen border control and pre-removal centres and increase the return of irregular migrants. The Special Rapporteur hopes that the implementation of this action plan will be carried out with full respect for the human rights of migrants.

23. The National Commission on Human Rights (NCHR) was established by Law 2667/1998. It is accredited with "A" status by the International Coordination Committee of National Human Rights Institutions. The Ombudsman was established by Law 2477/1997. Law 3907/2011 provides for removal procedures to be subject to external control by the Ombudsman (art. 23.6). The Office of the Ombudsman and the NCHR are important institutions, able to enhance the protection of the human rights of migrants in Greece, including through visits to detention facilities. However, due to budgetary constraints, the Special Rapporteur observes that they are unable to carry out such visits systematically. The Special Rapporteur thus urges Greek authorities to ensure them a sufficient budget and guarantee the financial autonomy of the NCHR, in accordance with the Paris Principles.

## **IV. Border management and returns**

### **A. Background**

24. In 2010, irregular migration across the Aegean Sea was diverted to the Greek-Turkish land border, which can be attributed in part to the cooperation between the Greek

and Turkish coast guards, and the deployment of Frontex in the area. However, this shift seems to also have been partly due to the completion of the demining operations on the Greek side of the land border, and the cheaper smuggling prices at that entry point. Migration was diverted back to the islands of the Aegean Sea in the summer of 2012, when Greek authorities significantly strengthened border controls at the land border through its Operation “Aspida”, which included the deployment of 1,800 additional border guards.

25. The Greek-Turkish land border is approximately 200 kilometres long, and with the exception of a 10.5 kilometre long stretch, it follows the Evros River. A fence covering those 10.5 kilometres was completed by the end of 2012, thus preventing migrants from crossing the border on land. Crossing the river is also increasingly difficult due to enhanced surveillance, including the use of a helicopter and thermal cameras. The main goal for Greek authorities, as explained to the Special Rapporteur, is to spot migrants before they cross over from the Turkish side of the river. When they spot migrants on the Turkish side, Greek police notify the Turkish authorities who proceed to apprehend the individuals. If Turkish authorities are unable to apprehend someone, Greek boats patrolling the river make their presence known in order to prevent migrants from crossing.

26. Close cooperation between Greek and Turkish authorities at the land border has been in place since summer 2012. Coupled with electronic surveillance of the border, deployment of patrol boats on the Evros river and completion of the border fence, this has led to a significant reduction of migrants crossing the Evros border (over 90 per cent since August 2012, according to Greek authorities). Most of the migrants who try to cross this border are now apprehended on the Turkish side. A decrease in apprehensions on the Turkish side of the border since October 2012 indicates that the migration flow towards the Greek-Turkish land border has diminished.

## **B. Institutional framework and cooperation with FRONTEX**

27. Border surveillance is carried out in cooperation with Frontex, currently through the joint operations “Poseidon Land” and “Poseidon Sea”. In 2010, Joint Operation RABIT (Rapid Border Intervention Teams) 2010 was deployed, as “a situation of ‘exceptional and urgent’ pressure was experienced” at the Greek-Turkish border. Its objectives were to stabilize the situation, decrease the migratory pressure and support national authorities in building capacity. The RABIT deployment ended after four months and “Poseidon Land” and “Poseidon Sea” then continued.

28. A Schengen evaluation of Greece in 2010-2011 detected shortcomings regarding control of the external land and sea borders. Greece thus drew up a national action plan on how to remedy these shortcomings. The “Schengen-Greece Action Plan” identified concrete actions to address the border management shortcomings identified in the Schengen evaluation.

29. The Special Rapporteur heard numerous reports of pushbacks of migrants by Greek border guards from the Greek to the Turkish side of the Evros river in the past. However, he was pleased to hear that this has decreased significantly. He was also pleased to hear how seriously Frontex appears to be taking this issue, and that they report all cases of pushbacks to their own hierarchy, as well as to Greek authorities.

30. The new fence and other efforts to seal the Evros border have led migrants to attempt the more dangerous journey crossing the Aegean Sea in small rubber dinghies, often exploited by unscrupulous smugglers. In this respect, the Special Rapporteur appreciates the dedication shown by both the Hellenic Coast Guard and Frontex in rescuing migrants in need. However, he stresses that while Greece has a right to control its own borders, sealing the border is impossible, and migrants will continue arriving regardless of Greek efforts to



stop them. The Special Rapporteur thus urges Greek authorities and Frontex to implement a human rights-based approach to border management in their cooperation, with the safety of the migrants as the first consideration always. Furthermore, a full screening of all newly arrived migrants should be undertaken in order to identify protection needs.

## **C. Readmission agreements**

### **1. Greece-Italy readmission agreement**

31. A readmission agreement between Greece and Italy was signed in 1999. It obliges both parties to accept “without formalities” the return of a third-country national who does not satisfy the conditions for entry or stay, when authorities can demonstrate the person has travelled irregularly from one country to the other. The agreement states that its provisions should not prejudice the application of the 1951 Convention relating to the Status of Refugees or other international human rights instruments binding on its signatories. However, it does not provide any explicit references to the Convention on the Rights of the Child or the principles therein, such as giving primary consideration to the best interests of the child. Furthermore, the procedures provided for in this agreement are not always complied with. Migrants detected as stowaways or upon disembarkation from a ferry in Italy are often returned by Italian authorities, on the same ship, without the formality of requesting permission from Greece. This also includes unaccompanied children.<sup>2</sup>

32. Greek authorities should insist that Italian authorities respect the conditions of the readmission agreement, and refuse summary returns outside said agreement. Furthermore, upon the return of migrants from Italy to Greece, Greek authorities should conduct individual screenings in order to identify unaccompanied children, asylum seekers, victims of trafficking and other protection needs.

### **2. Greece-Turkey and EU-Turkey readmission agreements**

33. A readmission protocol between Greece and Turkey was signed in 2002. The Special Rapporteur is concerned that this agreement focuses almost exclusively on combatting “illegal” migration. While it “does not affect the rights and obligations arising from other international agreements binding upon the Parties”, it does not provide any specific guarantees for respecting the human rights of migrants, such as non-refoulement or the principle of the best interests of the child. Given the obstacles to access asylum procedures and to identify other vulnerable groups such as unaccompanied children, victims of trafficking and victims of torture in Greece, there is a serious risk that persons returned under the readmission agreement with Turkey might indeed be in need of protection.

34. The Special Rapporteur notes that the number of migrants returned to Turkey under the bilateral agreement is low, and that Greece expects that it will be able to readmit more migrants once the EU-Turkey readmission agreement enters into force.<sup>3</sup>

35. The Special Rapporteur strongly urges Greece to fully respect its human rights obligations in relation to all its readmission agreements, including the Greece-Italy, Greece-Turkey and EU-Turkey agreements. The non-refoulement principle must always be respected for all migrants proposed for readmission.

---

<sup>2</sup> See A/HRC/23/46/Add.3.

<sup>3</sup> See A/HRC/23/46/Add.2.

## D. Deportations

36. Deportations are implemented by the police, with some funding provided through the European Return Fund. "Project Attica", coordinated by Frontex, supports building return capacities through screening, facilitating cooperation with embassies and coordinating detention and return flights.

37. Law 3907/2011 provides for the deportation of third-country nationals found remaining irregularly in Greece. For irregular migrants apprehended in connection with irregular crossing of the external borders, the applicable legislation is Law 3386/2005 (art. 76). Expulsion is ordered by the competent police authorities and the decision may be appealed within five days to the Minister of Public Order or the body authorized thereby; lodging an appeal shall result in the suspension of enforcement of the decision (art. 77). Objections against an expulsion may also be lodged with the competent administrative courts; however, an appeal before the courts does not automatically suspend the deportation.

38. The Special Rapporteur is concerned that as there is no automatic judicial review of deportation orders and access to interpreters and lawyers is not guaranteed, there is a real risk of refoulement of persons in need of international protection or of other violations of international human rights law. He thus urges Greek authorities to provide for judicial review of all deportation orders and to respect procedural guarantees.

## E. Voluntary returns

39. The European Return Fund provides support for assisted voluntary returns, *inter alia*, through a programme implemented by the International Organization for Migration (IOM) in cooperation with the Ministry of Citizen Protection/Hellenic Police Headquarters and UNHCR. UNHCR presence ensures that migrants applying for voluntary return are informed of the possibility of applying for asylum and staying in Greece until their asylum application has been decided upon.

40. The Special Rapporteur was informed that on average, 100-120 migrants show up at the IOM premises every day in order to apply for assisted voluntary return, and that there are funds for 10,000 voluntary returns in 2013. IOM is running an information campaign in this regard. Most of the migrants who return under the voluntary return programme receive EUR 300 when they leave Greece, while a few receive re-integration packages worth approximately EUR 2000, in order to ensure living expenses until they find a job or to receive education when they return home.

41. The Special Rapporteur also notes the work by the Greek Police Force, who carried out 4,236 assisted voluntary returns in 2012. Provided that they are implemented in full respect of the human rights of migrants and they are genuinely voluntary, the Special Rapporteur believes that assisted voluntary return programmes provide a good way for irregular migrants to return home with dignity; he encourages the continuation and expansion of these programmes. Providing more reintegration packages could increase the number of voluntary returns for migrants who are stuck in Greece with no way to either make a living there or continue their journey towards other European countries.

## V. Detention of migrants in an irregular situation

### A. Detention practices and legislation

42. The detention of migrants is based on Law 3386/2005, for those detained upon entry at the external border, and Law 3907/2011, which implements the EU Returns Directive, for those detained while already residing in Greece. It is unclear to the Special Rapporteur why two different laws are used. He notes, however, that according to the EU Returns Directive, States may decide not to apply the Directive to persons who are apprehended or intercepted in connection with their irregular border crossing. Law 3907/2011, if properly implemented, would provide more safeguards for migrants than Law 3386/2005, including the provision of alternatives to detention.

43. Law 3386/2005 allows for the detention of irregular migrants pending their deportation if he or she has infringed the provisions of said law (art. 76.3). Law 3907/2011 provides for migrants who are subject to return procedures to be detained for preparation of their return and enforcement of the removal procedure, unless other sufficient, but less coercive measures can be implemented in a specific case (art. 30.1). However, during his visit to Greece, the Special Rapporteur learned that, in practice, no “less coercive measures” exist; migrants are routinely detained also under Law 3907/2011. In most cases, the authorities consider that being in an irregular situation automatically constitutes sufficient reason for detention.

44. Law 4075/2012 amended Presidential Decree 114/2010 and Law 3386/2005, providing for migrants and asylum seekers to also be detained if they represent “a danger to public health,” when they “suffer from an infectious disease,” “belong to groups vulnerable to infectious diseases,” or are living in “conditions that do not meet minimum standards of hygiene”. The Special Rapporteur is concerned that these measures are discriminatory and target the most vulnerable migrants, and that they will lead to even more stigmatization. He also notes that the majority of the medical problems migrants in detention suffer from are caused by, or directly linked to, their detention conditions in Greece.

45. The Special Rapporteur deeply regrets the Greek Government’s new policy of systematically detaining all irregular migrants detected entering Greek territory, including families and unaccompanied children, as well as the “sweep operations” and subsequent detention in the context of Operation “Xenios Zeus”. Due to the limited detention capacity, the Special Rapporteur noted that, in some parts of the country, migrants are released relatively fast and issued with an order to leave the country. This is particularly the case for families with children arriving in the Aegean islands. However, several new detention centres (called pre-removal centres) were built in 2012, and there are plans to build more, in order to increase the detention capacity in the country to 10,000 persons. The construction of these centres is partly financed by the European Return Fund. The Special Rapporteur is worried that this will lead to long-term detention for most, or even all, irregular migrants detected in Greece. According to Greek authorities, this new policy will be implemented in order to “send a strong signal to third-country nationals willing to illegally enter Greece,” in order to “warn all immigrants who do not fall under the status of international protection that they will be arrested, detained and returned to the countries of origin”<sup>4</sup>.

46. The Special Rapporteur regrets the excessive duration of detention of migrants – six months, which may be extended up to 18 months if the person refuses to cooperate or if there are delays in obtaining necessary documentation (Law 3907/2011, arts. 30.5 and 30.6, and Law 3386/2005, art.76.3), which is the maximum provided for in the EU Returns

<sup>4</sup> Greek Action Plan on Asylum and Migration Management, p. 53.

Directive. The long duration has been justified as a deterrent mechanism for other potential migrants, whether or not a durable solution can be found in each individual case. Also asylum seekers awaiting a decision on their application in Greece may be detained for up to 18 months, since the provisions governing the maximum length of detention for asylum seekers changed in October 2012.

47. Furthermore, migrants whose deportation is unlikely, *inter alia*, due to the situation in their country of origin or the non-cooperation of consular authorities, are routinely detained. The Special Rapporteur regrets this practice, which does not seem to comply with the purpose of detention as stated in the law, namely, to prepare for deportation. Law 3907/2011 states that when a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately (art. 30.4). This does not seem to be implemented in practice. Law 3907/2011 further provides for a mechanism to deal with non-removable irregular migrants in the form of issuance of a certificate of suspension of removal (art. 24). The Special Rapporteur urges the Greek authorities to effectively apply this provision and to release all non-removable migrants.

## **B. Detention conditions**

48. Irregular migrants are detained up to several months in various establishments, such as police stations, border guard stations and coast guard facilities, which are clearly not suitable for long-term detention. There are also some dedicated migration detention centres, some of which are converted military camps or police academies. As common standards are not applied, the detention conditions and the safeguards available vary significantly in the different establishments and locations. The Special Rapporteur visited 11 detention facilities in Greece. In general, detention conditions at all were inappropriate. Migrants were locked in their cells for most of the day with no activities to keep them occupied. Several of the detention centres did not have fenced-in outdoor areas, thus police officers were reluctant to letting the migrants go outside at all, as they risk disciplinary action if a migrant escapes. The conditions at Venna detention centre were particularly poor, and the Special Rapporteur was pleased to hear that this centre closed down shortly after his visit.

49. In some of the detention facilities, the migrants had limited access to toilets; some facilities had no artificial lighting so that during the winter, migrants were in the dark from early afternoon. Most of the detention facilities visited lacked heating and hot water and the detainees complained about insufficient amounts and poor quality of food, lack of soap and other hygiene products, as well as insufficient clothing, shoes and blankets. The medical services offered in some of the facilities by KEELPNO (Hellenic Centre for Disease Control and Prevention) were highly insufficient. Some of the centres had no permanent medical staff, and relied on daily visits by KEELPNO only. The Special Rapporteur met with several detainees who had visible health problems, but who had not received appropriate medical care. The Special Rapporteur noted the strong need for specialized staff in each detention facility, including doctors, nurses, psychologists, social workers and interpreters.

50. While the Special Rapporteur heard many reports of severe overcrowding in recent months and weeks, at the time of his visit, the situation in the detention facilities visited seemed to have improved. As an example, the detention capacity at Lesbos central police station is 28, and during the Special Rapporteur's visit there were 26 detainees there. However, he was informed that a few weeks before his visit, 120 migrants were kept in the same space. In several of the facilities visited, migrants were sleeping on mattresses on the floor. Korinthos was particularly crowded, with approximately 70 detainees in each cell and very little space to move around.

51. The Special Rapporteur was particularly concerned at the detention of families at Petrou Ralli, as well as the detention of unaccompanied children at Amygdaleza detention

facility for minors. At Petrou Ralli, families were separated, with women, girls and small boys kept on one floor, and men and teenage boys held separately on another floor. Families were thus split in three, and were only allowed to meet briefly in the evenings. Detention conditions were totally unacceptable: beds were concrete slabs, and some of the detainees were sleeping on mattresses on the floor; there were no toilets in the cells and as the migrants sometimes had to wait a long time before being allowed to go to the toilet, they resorted to using plastic bottles for this purpose. While there were two courtyards – for men and for women –, migrants were locked up in their cells most of the day. There were toys for the children to play with in the courtyard, but nothing in the cells.

52. At Amygdaleza detention facility for minors there was a small “cage” which was supposed to serve as a courtyard, but the Special Rapporteur was told that the children rarely went outside. Children thus remained inside with few activities and very little to keep them occupied.

53. The Special Rapporteur strongly recommends that unaccompanied children, as well as families with children, not be detained at all, but rather be subjected to non-custodial measures, if necessary. For families, this should apply to the whole family, in accordance with the best interests of the child and the right to family unity.

### C. Procedural safeguards

54. The Special Rapporteur is particularly concerned that detainees have limited ability to contact their families, limited access to legal assistance or consular services and little or no professional interpretation services.

55. In general, the detainees the Special Rapporteur met with had little or no information in a language they could understand about the reasons for detention, its duration, or the right to challenge their detention and deportation, despite the fact that Law 3386/2005 provides for the right to be informed about the reasons for detention in a language he or she understands (art. 76.3). While some detention centres had information posted on the walls near the entrance or in booklets, these were rarely available inside the cells or anywhere else where migrants could access the information. Those who had applied for asylum often had no information about the status of their case, and others could not apply for asylum from the detention facility (see section VI below).

56. Migrants are detained upon decision of the competent police authority (Law 3386/2005, art. 76.2) and there is no automatic judicial review of the decision. Although migrants may present objections to their detention (Law 3386/2005, art. 76.3 and Law 3907/2011, art. 30.2)), this is not automatic and does not provide for a direct review of the lawfulness of the detention. Moreover, objections need to be submitted in writing and in Greek. Access to an interpreter and lawyer is not guaranteed, which makes objection to the detention decision virtually impossible, particularly as detention and deportation orders are written in Greek. The Special Rapporteur was also informed of problems with access to detention facilities and communication with detainees for groups providing legal assistance to migrants.

57. Law 3907/2011 introduced an automatic judicial review of the legality of detention (art. 30.3); however, it regulates the extension of detention only and not the detention per se. The Special Rapporteur was also informed that the review is undertaken automatically, with no reference to the specificities of each case, and the fact that expulsion of a migrant has not yet been possible constitutes reason enough for the judge to extend the detention.

58. Some of the migrants who had engaged private lawyers complained that the lawyers would simply take their money and not follow up on their cases. The Special Rapporteur heard these allegations from several migrants in different detention centres and he urges

Greek authorities to take them seriously and find a solution to the problems relating to effective legal representation of detained migrants.

59. Contact with the outside world was difficult for some detained migrants. Of all the detention facilities the Special Rapporteur visited, Korinthos was the only which allowed migrants to have mobile phones. In the other facilities, access to a phone was not guaranteed for those who did not have money to pay for calls themselves, and mobile phones were confiscated for unspecified “security” reasons.

60. The Special Rapporteur is further concerned at the insufficient training and sensitization of staff in detention centres on international human rights standards and principles regarding the rights and treatment of persons deprived of their liberty, both with respect to detention conditions as well as safeguards. He received numerous complaints of police ill-treatment, both at the time of the apprehension and while in detention. He urges the Greek Government to develop regulations in line with international human rights standards concerning procedural safeguards and detention conditions and, in this respect, refers to his report A/HRC/20/24 on the detention of migrants in an irregular situation, which provides useful guidance.

61. Regular independent monitoring of all detention facilities is crucial in order to oversee the implementation of these standards. In this respect, the Special Rapporteur welcomes the signature by Greece of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. A draft law provides for the Ombudsman to be designated as the National Preventive Mechanism. The Special Rapporteur urges Greece to proceed with the swift ratification of the above-mentioned Optional Protocol and provide the necessary resources to the Ombudsman’s office so that it could conduct regular unannounced visits to detention facilities all over Greek territory, including all places where migrants are deprived of their liberty. Civil society organizations (CSOs) should also be guaranteed access to all places where migrants are detained.

#### **D. Alternatives to detention**

62. As noted earlier, despite the fact that Law 3907/2011 provides for the detention of migrants only when less coercive measures cannot be implemented, in practice, no such measures exist and irregular migrants are systematically detained. The Special Rapporteur strongly urges the Greek authorities to undertake an individual assessment of the necessity of detention in all cases, in accordance with international human rights standards as well as its own legislation. Non-custodial measures should always be considered before detention. In this respect, the Special Rapporteur again refers to his report A/HRC/20/24, which provides useful information on different alternatives to detention and how to apply them. He also urges the European Union to assist Greece in the application of alternatives to detention in line with the EU Returns Directive.

63. The Special Rapporteur noted some ad hoc alternatives which demonstrate that non-custodial measures may work, but they are not properly implemented. For example, in Lesbos, he observed that, due to the limited detention capacity and the resulting overcrowding, some migrants were quickly released with an order to leave the country within 30 days. Others, particularly families and unaccompanied children, were not detained at all. However, those who had not been detained were not provided with orders to leave the country and were thus not allowed to board boats leaving for Athens; as a result they were stuck on the island. Unaccompanied children were able to stay in the shelter in Agiassos, while families had to sleep on the street or in parks. Just before the Special Rapporteur’s visit to Lesbos, the local authorities provided facilities (PIKPA, a summer camp close to the airport) to house some of these migrants. A few weeks after the Special Rapporteur’s visit,

however, PIKPA was emptied by the police. Migrants residing there were briefly detained, then released with orders to leave the country. In February 2013, a group of migrants who had just been released by the police were again accommodated in PIKPA at the initiative of the local volunteers. While the Special Rapporteur greatly appreciates this initiative, he notes that it is run by volunteers from the local community and is not sustainable without support from Greek authorities. The Special Rapporteur urges Greek authorities to support such initiatives as an alternative to detention, particularly for children and families. The Greek government should cooperate with CSOs in this respect, without placing all the responsibility on the CSOs.

64. The Special Rapporteur welcomes the information that two new reception facilities for especially vulnerable migrants will be established, according to the revised Action Plan on Asylum and Migration Management. He hopes that this will mean that children, families with children and other vulnerable categories of migrants will no longer be detained.

## **E. First Reception Centres**

65. According to Law 3907/2011, when the First Reception Service becomes operational, migrants will be kept in closed First Reception Centres for a maximum of 25 days. Thereafter, they will either be referred to reception centres for asylum seekers, facilities for other vulnerable groups, detention/pre-removal centres, or returned to their countries of origin. If properly implemented, the First Reception Service should be able to quickly and effectively screen in migrants with vulnerabilities (for example, asylum seekers, children, migrants with illnesses or disabilities, victims of trafficking, victims of violence, persons in need of family reunification), undertake an individual assessment of whether continued detention is necessary, release all other migrants with appropriate statuses and thus reduce the hardship experienced at present by many migrants.

66. While noting the short duration of detention in First Reception Centres, the Special Rapporteur is concerned that detention in these centres will be imposed systematically on all irregular migrants who arrive in Greece and that no remedies seem to have been provided for to contest such detention. The Special Rapporteur urges the Greek authorities to undertake an individual assessment of the necessity of detention and establish open first reception centres as well as non-custodial measures as alternatives to detention, in addition to closed centres.

67. Also of concern to the Special Rapporteur is the information he received from the Government that First Reception Centres will be guarded by private security companies, rather than the police. While the police may not necessarily be best placed to guard a detention centre, using private companies can make it difficult to hold the guards responsible for misconduct. The Special Rapporteur thus welcomes information from Greek authorities that they will ensure an appropriate code of conduct for and disciplinary measures applicable to all persons guarding detention centres, as well as ensure their appropriate training on the human rights of persons deprived of their liberty.

## **VI. Asylum seekers**

68. During his visit, the Special Rapporteur took due note of the large number of asylum seekers entering Greece and the considerable challenges this imposes on the Greek asylum system, particularly as the Dublin II Regulation provides for asylum applications, as a general rule, to be examined in the first European Union member state where the asylum seeker arrived. This general rule is maintained in the recast Dublin Regulation. The situation is further complicated by the fact that the new civilian Asylum Service is yet to be put in

place. The present system, whereby the Hellenic Police is responsible for asylum claims, is largely dysfunctional and the process takes several years.

69. The Special Rapporteur encourages the speedy operationalization of the Asylum Service and Appeals Authority provided for in Law 3907/2011, which he hopes will ensure full access to the asylum system and proper, timely treatment of all asylum claims. Specifically, all migrants, including those in detention, must be able to submit their asylum claims without undue delay.

70. In 2011, the European Court of Human Rights ruled that the return of an asylum seeker from Belgium to Greece under the Dublin II Regulation constituted a violation of article 3 of the European Convention on Human Rights<sup>5</sup>. Since then, most European Union member states have suspended returns of asylum seekers to Greece under the Dublin II Regulation. However, the Special Rapporteur was informed that there are still some Dublin II Regulation returns to Greece. The Regulation exacerbates the challenges for managing an already dysfunctional asylum system. The Special Rapporteur believes that some form of responsibility sharing should be agreed upon by the European Union member states, as provided for in article 80 of the Treaty on the Functioning of the European Union. Making the country of the first point of entry responsible for processing all asylum claims may not be sustainable in the long run for countries at the external borders of the European Union, such as Greece, which has seen a very large number of arrivals of asylum seekers over a long period of time.

## VII. Cross-cutting concerns

### A. Xenophobia and violence against migrants

71. The Special Rapporteur is deeply concerned at the widespread xenophobia and violence against migrants in Greece, which is often tolerated by the police and sometimes even perpetrated by police officers themselves. Irregular migrants who are victims of such attacks are often unwilling to report them as they risk detention and deportation if they approach the police. This contributes to a climate of impunity for violence against migrants. In November 2012, the Minister for Public Order and Citizen Protection announced the establishment of specialized police units to fight racially motivated crime. While welcoming this initiative, the Special Rapporteur is concerned that this unit will not be able to carry out its work effectively as long as irregular migrants risk detention and deportation if they report racist crimes. He further notes the need for specialized police units to receive training on the conduct of their specific duties and to be subject to appropriate oversight.

72. The Special Rapporteur believes that there is a link between xenophobia, violence against migrants and terminology, such as “illegal migrant” employed by Government institutions and other interlocutors he met with in Greece. Coupled with the criminalization of irregular migrants, such terminology contributes to justifying the alienation, discrimination, marginalization and ill-treatment of migrants. The Special Rapporteur urges Greek authorities to urgently undertake all necessary measures to combat xenophobia, discrimination and violence against migrants, including by ensuring ways for migrants to report cases of violence without risk of apprehension by the police due to their irregular status.

---

<sup>5</sup> See European Court of Human Rights, *M.S.S. v. Belgium and Greece*, Application no. 30696/09, Judgment rendered in Strasbourg on 21 January 2011.



## **B. Civil society organizations**

73. While the Special Rapporteur welcomes the significant funds provided by the European Union to support migration management in Greece, he regrets the bureaucratic hurdles in the Greek Government relating to the disbursement of the funds, including the European Refugee Fund, which provides funding to CSOs which, inter alia, operate shelters for asylum seekers. The underutilization of these funds has created significant difficulties for CSOs which rely on them to implement their programmes. In this respect, the Special Rapporteur was very impressed by the work of CSOs and their strong dedication to the human rights of migrants, despite difficult working conditions. The Special Rapporteur urges both Greek authorities and the European Union to enhance their support to CSOs which provide services to migrants, including irregular migrants, and ensure more efficient disbursement of the funds.

## **C. Migrant children**

74. The Special Rapporteur is deeply concerned at the systematic violations of the human rights of migrant children in Greece. He met with a large number of migrant children detained with their families, the youngest only one year old. He also met with many unaccompanied migrant children detained in the Amygdaleza detention facility for unaccompanied minors. Several of them claimed to have family members in other European Union member states. This was dismissed by the responsible authorities who simply told the Special Rapporteur that if this were true, the families would come looking for them, so there was no need to assist them with family reunification. The Special Rapporteur deeply regrets this attitude and the complete disregard for these children's right to family reunification.

75. The Special Rapporteur met with migrants who claimed to be younger than 18, but who were kept in detention with adults, while others were kept in facilities for children, either detention centres or shelters, even though they were above 18 years. The Special Rapporteur urges Greek authorities to systematically undertake appropriate age assessment procedures in order to identify children and ensure they are treated in accordance with their age.

76. At the central police station in Lesvos, the Special Rapporteur met with a 15 year-old boy who was charged with migrant smuggling. The boy did not speak any English or Greek; he seemed to be unaware of the charges against him and no guardian had been appointed to him. He claimed to be travelling together with his adult brother, but this man was also charged with smuggling and clearly not in a position to look after the best interests of the boy.

77. Children who are not detained live in very difficult situations in Greece. Unaccompanied migrant children are often released from detention without any particular status and without the appointment of a guardian, even though the Public Prosecutor is supposed to appoint guardians for all unaccompanied children. In Patras, the Special Rapporteur met with unaccompanied children who were living outside, in abandoned buildings or under highway overpasses, without any proper status and without any institutional support, apart from the action of some civil society organizations.

78. The Special Rapporteur strongly urges Greek authorities to refrain from detaining children, but to provide accommodation for unaccompanied children in shelters, either Government-run or those run by CSOs and supported by the Government. Guardians should be appointed for all unaccompanied children. Furthermore, all children, whatever their administrative status, should be able to access education and health-care services, without fear of being reported to immigration authorities.

## VIII. Role of the European Union

79. Greece has been under strong pressure from the European Union and individual member states to prevent migrants from entering its territory. While commending the European Union authorities for refusing to fund the fence built at the Evros land border and deeming it an inappropriate means of responding to irregular migration, the Special Rapporteur notes that other efforts implemented to curb migration at the Greek-Turkish land border are partly financed by European funds, and partly coordinated by Frontex. “Sealing” the external borders of the European Union is impossible and attempts to do so contribute to driving irregular migration more deeply underground, reinforcing the power of unscrupulous migrant smugglers and enhancing the possibilities of exploitation and human rights violations. Furthermore, those efforts have diverted migration back to the Aegean Sea, thus placing the lives of migrants at greater risk.

80. As irregular migration to Greece is attracted in part by unrecognized labour market needs for exploitative labour existing in many economic sectors of most European Union countries, many Greek interlocutors expressed dismay at the reluctance of other European Union countries to accept a number of migrants stuck in Greece, with little possibility of being returned home or moving on within the European Union. Particularly considering the serious economic crisis that Greece is experiencing, those migrants have little chance of being successfully integrated in Greek labour market and society. As the large number of irregular migrants stuck in Greece is mainly a result of EU policies and practices, there is a strong need for solidarity and responsibility-sharing within the European Union to ensure full respect of the human rights of all migrants.

81. The Special Rapporteur notes the European Union’s extensive support to the Greek authorities towards the realization of their 2010 Action Plan on Migration and Asylum and the 2013 revised plan, including through the European Asylum Support Office (EASO). The European Union provides significant support to Greece for migration management, both financial assistance through the Solidarity and Management of Migration Flows (SOLID) funds and non-financial support, like Frontex operations and Asylum Support Teams deployed by EASO. The European Union also assists Greece in trying to improve the SOLID funds absorption rate.

82. Of the SOLID funds, the External Borders Fund receives by far the largest amounts, followed by the European Return Fund. The External Borders Fund has been used, *inter alia*, for border control infrastructure and technical means, as part of the strategy to “seal” the land border with Turkey. Funding for construction and operation of detention centres is provided by the European Return Fund, which also funds deportations and voluntary returns. The European Refugee Fund supports many Greek CSOs providing support to asylum seekers. The European Fund for the Integration of Third-country Nationals supports efforts to integrate migrants who are in a regular situation only. The Special Rapporteur urges the European Union to provide more funds to CSOs supporting irregular migrants in Greece, as their rights are often overlooked or not prioritized to the same extent as the rights of asylum seekers and regular migrants. Furthermore, given the difficulties Greek authorities have experienced in absorbing European funds, the European Union should consider providing more funds without going through the Greek Government to improve the living conditions of migrants, to the asylum and first reception services, rather than to construction of more detention centres and efforts to “seal” the land border.

83. Concerning the pending conclusion of the EU-Turkey readmission agreement, the Special Rapporteur is concerned that this agreement focuses almost exclusively on combatting irregular migration and does not sufficiently ensure respect for the human rights of migrants. While Frontex conducts screenings of newly arrived migrants in Greece in order to determine their nationality and thus facilitate their readmission, the European Union

does not provide Greek authorities with assistance to identify whether persons to be readmitted are in need of international protection. The Special Rapporteur urges the European Union to ensure that this agreement is not implemented at the expense of the human rights of migrants who are proposed for readmission.

84. The Special Rapporteur strongly believes that there is need for more responsibility-sharing within the European Union. Greece is tasked with managing an external European Union border, and the high number of irregular migrants and asylum seekers in Greece is largely a result of EU policies and legislation. In this respect, the European Union should consider further revising the recast Dublin Regulation, which, in its current form, overburdens the Greek asylum system. Other measures should be considered for responsibility-sharing in respect of irregular migrants who may not be returned to their countries of origin.

## **IX. Conclusions and recommendations**

85. Greece has made commendable progress in adopting a revised Action Plan on Asylum and Migration Management and also in working jointly with the European Union and other international partners to improve the situation of migrants in Greece. The new First Reception Service and Asylum Service, although not yet operational, are also positive developments. However, much remains to be done to ensure full respect for the human rights of migrants in Greece.

86. In the light of the information received and concerns expressed, the Special Rapporteur wishes to propose the following recommendations to the Government:

### **A. Normative and institutional framework for the protection of the human rights of migrants**

87. Ensure that Greek legislation fully respects the human rights of migrants; in particular, irregular migration should be decriminalized.

88. Proceed with swift operationalization of the Asylum Service, Appeals Authority and First Reception Service provided for in Law 3907/2011.

89. Ensure that the Action Plan on Asylum and Migration Management is implemented with full respect for the human rights of migrants.

90. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which would provide the Greek Government with a useful framework for managing migration while ensuring full respect for the human rights of migrants.

91. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure the establishment of a fully independent National Preventive Mechanism, in accordance with the Optional Protocol, mandated to undertake regular unannounced visits to all places where migrants may be deprived of their liberty.

92. Reinforce, through the provision of competent staff and resources, the National Commission for Human Rights and the Office of the Ombudsman in order to allow them to effectively accomplish their mission of human rights protection and promotion for all, including migrants regardless of their administrative status, including by undertaking regular unannounced visits to detention facilities.

## **B. Border management and returns**

93. **Implement a human rights-based approach to border management, ensuring that the rights of migrants are always the first consideration.**
94. **Provide clear instructions and rules for the Hellenic Police on how to deal with migrants who have just crossed the border, including the need to systematically conduct individual screening to determine if the person has international protection needs.**
95. **Fully respect the human rights of migrants in relation to implementation of all readmission agreements concluded.**
96. **Ensure that migrants have full access to lawyers and interpreters to appeal deportation decisions and prevent refoulement of persons in need of international protection.**
97. **Continue and expand assisted voluntary return programmes, including with reintegration packages, to ensure a way for migrants who so wish to return home in dignity.**

## **C. Detention of migrants in an irregular situation**

98. **End the policy of systematic detention of all irregular migrants and instead explore alternatives to detention. Detention should be a measure of last resort, limited to cases where there is a risk of absconding or when the person poses a threat to his or her own or public security; duration of detention should be limited to the minimum time necessary to carry out removal or other proceedings. Less coercive measures should always be considered before resorting to detention, in line with Law 3907/2011 and the EU Returns Directive.**
99. **Significantly improve detention conditions and procedural safeguards, and develop appropriate regulations for all detention facilities, in line with international human rights standards. In particular:**
  - (a) **Ensure that all detained migrants have access to proper medical care, an interpreter, adequate food and clothes, hygienic conditions, adequate space to move around and access to outdoor exercise;**
  - (b) **Systematically inform detained migrants in writing, in a language they understand, of the reason for their detention, its duration, their right to have access to a lawyer, the right to promptly challenge their detention and to seek asylum;**
  - (c) **Ensure that all migrants deprived of their liberty are able to promptly contact their family, consular services and a lawyer, free of charge.**
100. **Refrain from detaining children and families with children, in conformity with the principles of the best interests of the child and of family unity. Shelters should be established, particularly for these categories of migrants.**
101. **Continue to facilitate, where possible, the voluntary return of migrants who are willing to return to their countries, as opposed to deportation proceedings, in full accordance with international human rights law.**
102. **Ensure full access to all detention facilities for lawyers and civil society organizations, and implement a system of systematic, independent monitoring of detention centres.**

## **D. Asylum seekers**

103. Ensure speedy operationalization of the new Asylum Service and Appeals Authority, as well as full access to the asylum procedure in all parts of the country and proper, timely treatment of all asylum claims.

104. Ensure that all detained persons claiming protection concerns are adequately informed of their right to seek asylum and able to file an asylum application and communicate with UNHCR, lawyers and civil society organizations.

## **E. Cross-cutting concerns**

105. Investigate all cases of xenophobic violence and attacks against migrants, including any law enforcement involvement in these crimes. In order to undertake proper investigations, irregular migrants must be able to report these crimes without risking detention and deportation.

106. Take great care in the terminology used in public discourse and official documents when referring to migration, and refrain from using incorrect terminology such as “illegal migrant”.

107. Initiate strong public discourse on social diversity and inclusion, which stresses the importance of fighting discriminatory behaviour and attitudes towards marginalized persons and groups, including migrants, regardless of their administrative status.

108. Improve the human rights training of all persons working in the area of migration, including judges, lawyers, police officers, border guards, prison guards, public and private detention officers.

109. Conduct public campaigns on racism and xenophobia and, in cooperation with international organizations and civil society, include human rights education and awareness-raising in the educational curriculum of public schools.

110. Enhance support to civil society organizations providing support to migrants, regardless of their status, including through European funding.

111. Ensure full respect of the human rights of migrant children, including giving primary consideration to their best interests in all actions concerning them, regardless of their administrative status. In particular:

(a) Refrain from detaining children, whatever the circumstances, and provide them with appropriate accommodation;

(b) Systematically undertake age assessments to identify children and ensure they are treated in accordance with their age; also establish due procedural guarantees in this respect, including the right to appeal;

(c) Ensure that all children are able to access education and health-care services, without fear of being reported to immigration authorities;

(d) Appoint a guardian for all unaccompanied children, as required by Greek law, and ensure access to all migrant children by official children’s aid societies, civil society organizations as well as international organizations concerned with child welfare;

(e) Assist unaccompanied and separated children with family reunification, whenever possible.

## **F. Recommendations to the European Union**

112. Recognize that sealing the external borders of the European Union is impossible, that migrants will continue arriving, despite all efforts to stop them, and that, at some point, repression of irregular migration is counterproductive as it drives migrants further underground, thus empowering smuggling rings and creating conditions of alienation and marginalization that foster human rights violations, such as discrimination and violence against migrants.

113. Focus should thus be on ensuring full protection of the human rights of all migrants, regardless of their administrative status, as the primary consideration for its support to Greek efforts in managing the migration flow entering the European Union territory, including in relation to activities undertaken by Frontex at Greek borders.

114. Focus support to Greece on initiatives that may improve the conditions of migrants, such as the First Reception Service and Asylum Service, rather than building more detention centres.

115. Consider alternative ways of funding projects in Greece, including providing more direct funding to civil society organizations supporting migrants, thus ensuring that they receive the funds in time to implement their projects.

116. Enhance support, both technical and financial, to civil society organizations offering services and support to migrants, regardless of their administrative status.

117. Ensure that the human rights of all migrants concerned are the primary consideration in the implementation of the EU-Turkey Readmission Agreement.

118. Encourage more solidarity and responsibility-sharing among European Union member states in relation to borders, asylum and migration, in accordance with article 80 of the Treaty on the Functioning of the European Union. In this respect, consider further revising the recast Dublin Regulation, which, in its current form, counterproductively overburdens the Greek asylum system.

119. Take great care in the terminology used in public discourse and official documents, when referring to migration, and refrain from using incorrect terminology such as “illegal migrant”, and encourage all Greek authorities to do the same.

---