

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **THE GREEK AUTHORITIES MUST URGENTLY ACCELERATE THE ASYLUM SYSTEM REFORMS AND END DETENTION OF ASYLUM SEEKERS**

Following a visit to Greece in mid February 2013 and on the basis of information received in recent weeks , Amnesty International remains seriously concerned over the failures of the country's asylum system, in particular: limited and slow asylum reforms; the systematic placement of asylum-seekers in detention, including families with children and unaccompanied minors; sub-standard conditions of detention in various immigration facilities; the poor living conditions of asylum-seekers, including unaccompanied minors, and the threat of racist attacks.

#### **Limited and slow asylum reforms**

Amnesty International witnessed once more the continuing impediments that asylum-seekers face in registering their asylum claims at the Attika Aliens' Police Directorate ("Petrou Ralli"). During their visit, on Friday evening, 15 February 2013, Amnesty International delegates witnessed a queue of around 100 asylum-seekers waiting to lodge their applications. Many asylum-seekers told Amnesty International that they had been waiting since early that morning or from the previous night in order to secure a place in the queue that would allow them to lodge their application. The asylum-seekers also reported that the only guaranteed way to lodge their application was to pay up to 500 euros to people who by force reserve places at the front of the queue.

The organization's delegates were informed by the responsible police officer present that police would accept between 20 to 40 applications later that night depending on the orders they would receive. Amnesty International delegates were informed later on that on Saturday morning, police accepted only 20 applications and the rest of the asylum-seekers were sent away.

Those who do not manage to lodge an application, face the risk of arrest, detention and deportation if apprehended in one of the sweep operations that take place in Athens under the code name "Xenius Zeus".

The organization is also concerned that a draft presidential decree on asylum determination procedures envisages that once the Asylum Service is functioning, police will still remain the authority responsible for examining the large backlog of asylum application at the initial stage. This has proved to be dramatically ineffective. According to statistics provided to the Committee of Ministers of the Council of Europe by the Greek authorities, in 2012 the percentage of refugee status recognition at the initial stage was 0,29 percent, of subsidiary protection status, 0,4 percent and of humanitarian status, 0,17 percent.

#### **The systematic detention of asylum-seekers, including families with children and unaccompanied minors**

Amnesty International continues to be concerned about the unlawful detention of asylum-seekers, many of whom are Syrian nationals fleeing the conflict, including families with children.

On 24 February 2013, 51 Syrian nationals, including families with 10 children, arrived on the island of Chios in the Aegean Sea. They were reportedly detained in a 35 m2 wooden cabin in the port in overcrowded and very poor conditions for six days and were only released following pressure by Lathra, a local pro-refugee group. According to Lathra, on 6 March 2013, 60 more asylum-seekers and irregular

migrants who had just arrived on the island (mainly Syrians, including children) were held in the cabin in overcrowded conditions.

Asylum seekers and migrants arriving on the island of Lesbos, including high numbers of Syrians, are reportedly detained in overcrowded conditions at the Mytilene police station (the island's capital) and other small police stations around the island, along with individuals arrested on suspicion of committing a criminal offence. Syrian male nationals are reportedly being held between two and five days, while Syrian women and children are detained for shorter periods. Other nationals can reportedly be held for up to fifteen days.

At the time of Amnesty International's visit to the Petrou Ralli immigration detention facility in mid-February 2013, several Syrian asylum-seekers were held there. Amnesty International also received information that prior to its visit families had been detained at the facility for up to three months.

### **Substandard detention conditions and abuses by police guards**

Serious concerns also arise from substandard detention conditions. In a visit to the Petrou Ralli immigration detention facility in mid-February 2013, Amnesty International found substandard conditions of detention. In the women's detention area little natural light reached the cells and there were plinth beds with mattresses on the top. Mattresses and bedding appeared to be very old and dirty. In the toilets, some of the washbasins were broken. Detainees complained about them being usually dirty. Despite the systematic presence of an NGO providing medical care, a number of detainees complained about inadequate medical care and others also reported that when they asked guards for toilet paper or pens to write they were ignored. Detainees also reported very limited access to outside exercise (once a week or once every two weeks). In the men's detention area the concerns were similar. Amnesty International has also received allegations of ill-treatment and verbal abuse of detainees by police guards.

The organisation also received reports that on 10 March 2013, K.M., a twenty-one year old Syrian national was allegedly beaten by police when he started filming with his mobile phone. Riot police intervened and beating violently and randomly detainees at the centre after a disagreement erupted between some detainees on both sides of the fence at the detention centre.

### **Poor living conditions and the threat of racist attacks**

On the island of Lesbos, the newly-arrived asylum seekers and migrants are either arrested or are left in town with no support by the authorities, having to sleep in public parks. They are left destitute and they are only provided with basics by volunteers on the island.

Amnesty International has also interviewed Syrian nationals in Athens including families fleeing the conflict who spoke about their fear of racist attacks and/or being victims of such attacks. Many of these families live in very poor conditions in Athens.

### **Recommendations**

Amnesty International reiterates its call to the Greek authorities to speedily implement the delayed reforms of the asylum system (including the functioning of the Asylum Service), and ensure unimpeded access to asylum determination procedures, particularly in the Attika Aliens' Police Directorate.

Living conditions for asylum-seekers should be improved.

Furthermore, Amnesty International calls on the Greek authorities to immediately release all asylum seekers unless, after a detailed and individualized assessment, their detention is considered to be necessary in the specific circumstances and proportionate to the aim pursued. The organisation also urges the Greek authorities to urgently improve detention conditions in the various immigration facilities.

The organization also urges the Greek authorities to conduct prompt, impartial and effective investigations into all allegations of ill-treatment of refugees and asylum-seekers and irregular migrants by law enforcement officials.

## **BACKGROUND**

In a decision following a meeting between 5 and 7 March 2013, the Council of Europe Committee of Ministers urged the Greek authorities to intensify their efforts with the view to accelerate delayed reforms to the country's asylum system, in particular the functioning of the new Asylum Service, and to resolve practical problems regarding access to the asylum procedure and introduction of asylum claims by individuals in detention.

The Decision of the Committee of Ministers was issued following an assessment of the state of implementation by Greece and Belgium of the January 2011 European Court of Human Rights' binding judgment in the case of *M.S.S. v. Belgium and Greece*. In its Decision, the Committee of Ministers also requested the Greek authorities to provide further information on the functioning of the new Asylum Service and appeals committees; the proportion of asylum requests granted or rejected and the duration of their treatment, including at appeal level; and the implementation of the procedure of forced returns.

The *M.S.S.* judgment concerned an Afghan asylum-seeker whom the Belgian authorities had returned to Greece under the EU Dublin Regulation. In its judgment, the European Court of Human Rights concluded, amongst others, that Greece did not have an effective asylum system in place. In particular, the Court considered that *M.S.S.* was denied effective determination of his asylum claim because of major structural deficiencies in the Greek asylum procedure. The European Court of Human Rights also ruled that *M.S.S.*'s detention conditions and the circumstances of destitution in which he was left in Greece upon his release amounted to degrading and inhuman or degrading treatment respectively. Following the *M.S.S.* judgment, Dublin II returns of asylum seekers to Greece were discontinued since February 2011.

The findings in *M.S.S.* were reiterated by the Court of Justice of the European Union (CJEU) in a judgment delivered on 21 December 2011. In two linked cases, the CJEU found that asylum-seekers transferred to Greece under the Dublin Regulation faced a serious risk of grave human rights violations there.

### **For further information see:**

Amnesty International's submission to Council of Europe Committee of Ministers: *M.S.S. v Belgium and Greece*, Application No 30696/09, Brussels, 15 February 2013, at [http://www.amnesty.eu/content/assets/Doc2013/Amnesty\\_International\\_submission\\_MSS\\_vBelgium\\_andGreece\\_15\\_feb2\\_013\\_2.pdf](http://www.amnesty.eu/content/assets/Doc2013/Amnesty_International_submission_MSS_vBelgium_andGreece_15_feb2_013_2.pdf).

*Greek authorities must urgently investigate allegations of ill-treatment at the Korinth detention facility*, 14 March 2013, <http://www.amnesty.org/en/library/info/EUR25/002/2013/en>.

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