

Greece's Compliance with the International Convention on the Elimination of All Forms of Discrimination against Women

Submitted by:
Border Violence Monitoring Network

(1st January 2024)

I. Reporting Organisation

1. Border Violence Monitoring Network¹ (BVMN) is a coalition of organisations working to document illegal pushbacks, collective expulsions, and police violence along the EU's external borders in the Western Balkans and Greece. The collection of data on illegal pushbacks and police violence is done by a consortium of independent field experts who are part of or cooperate with humanitarian support groups united through the Border Violence Monitoring Network.

II. Executive Summary

2. Despite the ratification of the International Convention on the Elimination of all Forms of Discrimination against Women we assert that Greece has failed to meet its obligations under CEDAW, including Articles 1, 2, 12 and General Recommendations 19, 32, and 35.

3. We affirm that the continued and credible allegations published by a range of NGOs and international monitoring bodies demonstrate how pushbacks of female refugees and migrants, carried out by Greek authorities, are illegal and in contradiction to the obligations set out under the Convention.

4. In addition, we assert that the mass proliferation of violence and abuse during pushbacks carried out by Greek authorities, including the use of excessive and indiscriminate force, use of forced undressing and body searches, and inhuman treatment during detention and transportation, demonstrates a clear and unambiguous infringement of the obligations under CEDAW, specifically Articles 1, 2 and General Recommendations No.19, 32 and 35.

5. Furthermore, we maintain that the evidence of female migrants and refugees being subjected to detention during pushbacks, including being held incommunicado or in conditions that would amount to inhuman treatment, places them in a situation that jeopardises their safety. We also assert the risk to the safety of women in detention is further compounded by the lack of registration processes and the lack of separate accommodations for women.

6. Lastly, we assert that the treatment of pregnant and post-natal women by Greek Authorities is in contradiction to the obligations imposed by CEDAW. The conduct of Greek Authorities is at variance with Article 12 of CEDAW and with General Recommendations No. 19 and No. 32.

III. Pushback of Female Migrants and Refugees as a Violation of the Convention on the Elimination of All Forms of Discrimination Against Women

Article 1: The Convention on the Elimination of All Forms of Discrimination Against Women

Article 2: The Convention on the Elimination of All Forms of Discrimination Against Women

General Recommendation No. 19 on Violence Against Women

General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19

General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women

¹Border Violence Monitoring Network. n.d. *About Us*. Available from: <https://www.borderviolence.eu/about/>

Explanatory note:

7. ‘Pushback’ is a common term to denote the action of State representatives forcibly and in most cases collectively returning individuals seeking protection to another country in an irregular/informal manner and subsequently preventing or restricting them access to protection mechanisms.

8. We assert that the continuous action of pushbacks and the refoulement of refugees and migrants, carried out by Greek authorities is illegal and in contradiction to the obligations set out under the Convention. Moreover, pushbacks often themselves entail treatment that we assert is contrary to the obligations including, but not limited to, Articles 1 and 2 of the Convention.

9. ‘Discrimination against women’ under Article 1 of the Convention is recognised as including gender-based violence. This refers to any violence that ‘disproportionately affects women’, including the infliction of sexual harm and/or harassment². We assert that the conduct of Greek authorities towards female migrants and refugees, including the systematic use of violence and the continued use of sexual violence and abuse constitutes a grave violation of Greece’s obligations under Article 1.

Evidence of Women Being Subjected to Pushbacks:

10. BVMN and its member organisations has consistently documented the widespread and systematic use of pushbacks carried out by the Greek State. To date, BVMN and its members have collected 217 individual pushback testimonies from Greek territory detailing the pushback and ill-treatment of an estimated 14,391 people.

11. Across the 217 pushback testimonies collected by BVMN and its members there has been clear and consistent evidence that women are being subjected to pushbacks.

11.1. From July 2019 to the end of 2019, BVMN collected 8 pushback testimonies from Greece, exposing the ill-treatment and abuse of an estimated 74 people. Of the 8 pushback testimonies collected, **4 testimonies describe women being subjected to pushbacks.**

11.2. In 2020, BVMN collected 87 pushback testimonies from Greece, exposing the ill-treatment and abuse of an estimated 4,711 people. Of the 87 pushback testimonies collected, **55 testimonies describe women being subjected to pushbacks.**

11.3. In 2021, BVMN collected 79 pushback testimonies from Greece, exposing the ill-treatment and abuse of an estimated 6,394 people. Of the 79 pushback testimonies collected, **71 testimonies describe women being subjected to pushbacks.**

10.4. In 2022, BVMN collected 43 pushback testimonies from Greece, exposing the ill-treatment and abuse of an estimated 3,122 people. Of the 43 pushback testimonies collected, **33 testimonies describe women being subjected to pushbacks.**

12. In addition to BVMN’s work, a range of other NGOs and human rights watchdogs have also reported on women being subjected to pushbacks from Greece:

² General Recommendation No. 19 on Violence Against Women, Para. 6

12.1. In 2022, Human Rights Watch³ published a research report on the use of pushbacks by Greek authorities. Amongst those interviewed by Human Rights Watch were two women, who whilst travelling with their children and husbands, were pushed back by Greek authorities in May 2021.

12.2. In 2023, MSF⁴ published a report on Greek migration policies and violent pushbacks at Greek Sea Borders. MSF stated they had documented multiple testimonies of physical assault during claimed pushbacks, including beating with sticks, slapping, kicking and punching of men, women, pregnant women, and children.

IV. Sexual Assault, Harassment and Abuse during Pushbacks as a Violation of the Convention on the Elimination of All Forms of Discrimination Against Women

Article 1: The Convention on the Elimination of All Forms of Discrimination Against Women

Article 2: The Convention on the Elimination of All Forms of Discrimination Against Women

General Recommendation No. 19 on Violence Against Women

General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19

General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women

Explanatory Note:

13. In addition to pushbacks being a violation of the Convention, BVMN also recognises how the systematic pattern of ill-treatment, including the use of sexual violence against women during pushbacks also places Greece in direct variation with its obligations under the Convention. Furthermore, we assert that the conduct of Greek border officials towards female migrants and refugees, namely sexual assault, forced undressing's and body searches carried out by male officers involving the inappropriate touching of women's sexual organs constitutes a major instance of gender-based violence, thus violating Greece's Convention obligations under Article 1.

14. We also recall that Article 2 of the Convention requires that states take 'all appropriate measures to modify or abolish existing... practices which constitute discrimination against women.' Accordingly, it has been recognised that a failure to address the specific needs of detained female asylum seekers and to ensure their respectful treatment in detention constitutes a violation of this Article⁵. As such, we maintain that the Greek authorities have violated Article 2 of the Convention where it has failed to ensure that the conduct of Greek authorities is in line with the obligations under the Convention.

³ Human Rights Watch. (2022). "Their Faces Were Covered" Greece's Use of Migrants as Police Auxiliaries in Pushbacks. Available at: <https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>

⁴ MSF. (2023) "Asylum seekers in Greece report being beaten, strip-searched and sent back to sea". Available at: <https://www.msf.org/asylum-seekers-greece-report-being-beaten-and-sent-back-sea>

⁵ General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women, Para. 34

15. Lastly, BVMN notes that these Convention violations are even more serious considering the significant and additional vulnerabilities female migrants and refugees face, especially whilst in transit.

Evidence:

16. BVMN has found substantial evidence of sexual harassment, abuse and violence towards female migrants and refugees during pushbacks by Greek authorities. Since 2019, BVMN and its member organisations have documented 122 pushbacks by Greek authorities that include the use of forced undressing, where people are stripped naked, often *en masse* and for prolonged periods of time. Further analysis shows that in 94 testimonies, women were either present or directly subjected to forced undressing during pushbacks by Greek authorities.

16.1. In 2021, BVMN member organisation Josoor documented a pushback testimony⁶ from Greece to Turkey. The respondent recalled how they were taken to a detention site, where the officers forced all members of the group to remove all clothing so that everyone was totally naked. The respondent described **how female members of the group were naked and searched by male officers**. One of the women was punched in the face during this process. The group was then placed into a cell with around 100 people.

16.2. In 2020, BVMN member organisation Josoor documented a pushback testimony⁷ from Greece to Turkey in which the respondent described being taken to a “big room” where between 110 and 120 people had been detained already. **The respondent described how everybody was completely naked, both men and women**, with many nationalities mixed. One woman within the group attempted to hide her phone in her vagina. She was subjected to a severe beating and naked body search - so intrusive that the officers found her phone that was hidden in her vagina.

17. In addition to the use of forced undressing, BVMN also asserts how “body searches” often preclude incidents of sexual assault and harassment. In multiple testimonies, respondents describe how women, often under direct threats of violence, are inappropriately touched by male officers, with respondents describing women being “touched everywhere” or touched in their “sensitive parts”. Of the 217 testimonies collected from Greece, BVMN and its member organisations have documented 30 testimonies that evidence sexual assault and harassment by Greek authorities during pushbacks. We also recognise that sexual violence often is underreported, and thus sexual violence during pushbacks is likely to be significantly more frequent than as shown through BVMN documentation efforts.

17.1. In 2022, BVMN member organisation Josoor documented a pushback⁸ from Greece to Turkey of an estimated 60 people, including men, women, and children. The

⁶ Border Violence Monitoring Network. (2021). “Female members of the group were totally naked and searched by male officers and the officers beat the children”. Reported by Josoor. Available at: <https://borderviolence.eu/testimonies/july-2-2021-0000-mikrochori-kerimtecisalih/>

⁷ Border Violence Monitoring Network. (2020). “They were laughing while they were hitting us. Laughing so much. No normal person can do that.”. Reported by Josoor. Available at: <https://borderviolence.eu/testimonies/september-2-2020-0700-30min-drive-outside-alexandropouli/>

⁸ Border Violence Monitoring Network. (2022). “Female respondent taken to a detention cell and violently held there for 14 hours with 60 other people. ‘I was screaming and crying from the horror of the scene I saw. Someone yelled at me and slapped me on my face. We were so thirsty, we asked for water, but they just told us to drink from the toilet’”. Reported by Josoor. Available at: <https://borderviolence.eu/testimonies/april-3-2022-0000-orestias-gr-to-karakasim-tr/>

female respondent recalled how during she was instructed to raise her hands and one uniformed man began to search her, also **touching her sensitive body parts**. She also mentioned that **she was grabbed by the neck and forced not to move**.

17.2. In 2022, BVMN member organisation Josoor documented a pushback⁹ from Greece to Turkey of an estimated 40 people, including men, women and children. During the pushback they were taken to a detention location, where the respondent stated that they were forced to undress while women were still in the room. The male members of the group had to stay completely naked while the male uniformed personnel searched the woman. The respondent recalled how the women in the group were searched by the men **“in a bad way. They kept touching her body and sensitive places, then they took her to the cell”**.

18. Lastly, BVMN is also gravely concerned with evidence that pushback victims are also being subjected to sexual assault by penetration during pushbacks by Greek authorities. Testimonies recall incidents where persons, both male and female, have been penetrated either by fingers or objects.

18.1. In 2023, BVMN member I Have Rights documented a pushback¹⁰ from Greece to Turkey of 47 people. The respondent explained how they were intercepted by a Hellenic Coastguard vessel with 15 coastguards onboard. The respondent described how 5 coastguards forced everyone (except the children) to undress in front of everyone and he reported that the coastguards put on gloves, asked the women to open their legs and **put their fingers in the women’s vaginas in front of everyone**. He also reported that the coastguards had sticks and spray and that they beat them with the sticks and that they beat a pregnant woman on her stomach, the respondent has no news from this woman, he doesn’t know if her baby is doing well.

18.2. In 2022, BVMN member I Have Rights documented a pushback¹¹ from Greece to Turkey of 35 people. The respondent explained that as the transit group approached the island of Samos on boat they were intercepted by the Greek coastguard, identified by their uniform. The respondent described that after they were intercepted everyone, including women and children were forced to undress. The respondent was a witness and a victim of sexual violence, explaining to I Have Rights, that “the coastguards put their fingers inside women’s bodies” and that he had also experienced this.

18.3. In 2022, BVMN member Josoor documented a pushback¹² from Greece to Turkey of 50 people. The respondent described being taken, together with his transit group, to a detention site where they were beaten with rubber batons. The respondent described how they had to undress and were searched outside. Here, the respondent recalled how the man who previously tried to run away was beaten extensively. Furthermore, as described by the respondent, this man was penetrated with the rubber batons by the

⁹ Border Violence Monitoring Network. (2022). “As his arm was broken due to the beating he previously experienced, he couldn’t hold it up, hence he was beaten again” Reported by Josoor. Available at: <https://borderviolence.eu/testimonies/march-21-2022-0500-petradas-gr-to-eskikoy-tr/>

¹⁰ Border Violence Monitoring Network. (2023). Reported by I Have Rights. “If you don’t give them money, they beat you”. Available at: <https://borderviolence.eu/testimonies/february-20-2023-near-samos-shores/>

¹¹ Border Violence Monitoring Network. (2022). Reported by I Have Rights. “we take your clothes and put them aside [...] it’s violent, they turn you around with force, they slap you”. Available at: <https://borderviolence.eu/testimonies/december-15-2022-near-samos-shores/>

¹² Border Violence Monitoring Network. (2022). “Detained for 24 hours in a fenced open air site”. Reported by Josoor. Available at: <https://borderviolence.eu/testimonies/march-29-2022-0600-lavara-gr-turkey/>

uniform men, previously identified as wearing uniforms consistent with the Greek police. The respondent said he still remembers the man screaming. After being searched, they were brought to the fenced area, where inside the respondent saw 7 men from Afghanistan.

V. Detention During Pushbacks as a Violation of the Convention on the Elimination of All Forms of Discrimination Against Women

Article 1: Convention on the Elimination of All Forms of Discrimination Against Women
Article 2(e): Convention on the Elimination of All Forms of Discrimination Against Women
Paragraphs 17, 18, 42, 46, 48, 50: General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women.

Explanatory Note:

19. BVMN has consistently documented testimonies that recall intentional overcrowding, inhuman conditions, the mass use of forced undressing and physical attacks with excessive and disproportionate force whilst subjected to detention during a pushback. In addition, BVMN has also consistently documented ‘non-typical forms of torture and ill-treatment’ such as the denial of free access to medical assistance and the denial of food or water, which has been found by decisional bodies to amount to torture or inhuman and degrading treatment.

20. Due to the consistent documentation of the detention of migrants and refugees during the pushback process, BVMN asserts that detention has become both an intrinsic part of the pushback process and is increasingly being used as a method to inflict torture and inhuman treatment against pushback survivors.

Evidence of Women Subjected to Inhuman Treatment in Detention:

21. Consistently, testimonies collected by BVMN, and our member organisations describe dilapidated detention conditions without proper sleeping or bathroom facilities. They also recount the withholding of food, water and medical treatment and the use of incommunicado detention. Testimonies collected by BVMN show how migrants have been held in vastly overcrowded cells in which mistreatment of detainees through severe and repeated beatings is commonly reported. Testimonies also depict a lack of food and water, filthy toilets that transmit disease, and, in some cases, the use of electric shocks.

21.1. In 2021, BVMN member Josoor documented a pushback where a request for a bottle of water resulted in the victim being beaten and forced to clean a toilet¹³. During another pushback from 2021, a “blacksite” was used which was described as a small area, out in the open, surrounded by a fence. A group of 80 people including women and children were forced to remain outside for three days. Many of the group became sick, with one person spitting blood. Moreover, food, water and medical assistance was denied¹⁴.

¹³ Border Violence Monitoring Network. (2022). “What should I do now? I lost everything. They humiliated us and they took all that we had, for the third time. What can we do? Should I sell my kidney to survive? Should I commit suicide? I have no hope. I have no solution.” Reported by Josoor. Available at: <https://www.borderviolence.eu/violence-reports/june-7-2021-2100-didymoteicho-kurttepe/>

¹⁴ Border Violence Monitoring Network. (2021). “Every move you make, they hit you with the baton”. Reported by Josoor. Available at: <https://borderviolence.eu/testimonies/january-10-2021-2100-praggi-kurdu-koyu/>

22. Further to this, Pushback testimonies collected by BVMN and its member organisations shows how migrants and refugees are routinely being held in secret detention, often within improvised detention sites such as stables, abandoned buildings and derelict railway stations. In 2021, BVMN documented 69 cases of detention of refugees of which we affirm at least 20.2% demonstrate detention we assert would meet the threshold of secret detention or incommunicado detention.

22.1. In 2021, BVMN member Josoor documented a testimony¹⁵ that recalled a detention site with “no sign to show that it was an official police station or detention site”. Further explaining the experience of detention, the respondent recounted “It looked like an abandoned house, [...] the officers moved us inside so fast, that we couldn’t see too many details of the place. But there was a small forest near the building.”

VI. Unsafe Treatment of Pregnant and Post-Natal Woman by Public Authorities as a Violation on the Elimination of All Forms of Discrimination Against Women.

Article 12: Convention on the Elimination of All Forms of Discrimination Against Women
General Recommendation No. 19 Violence Against Women
General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of Women

Explanatory Note:

23. According to Article 12.2 of the CEDAW Convention, the Greek State is expressly obligated to ensure the provision of "appropriate services" to women during pregnancy, confinement, or the post-natal period, with a stipulation that these services should be offered free of charge where necessary. Moreover, the state is mandated to supply adequate nutrition during pregnancy and lactation.¹⁶ We assert that the actions of the Greek State are inconsistent with this Convention when women who are pregnant or in the post-natal period are subjected to pushbacks or detention at the border.

24. General Recommendation No. 32 emphasises that pregnant women and nursing mothers should not be subjected to detention. In circumstances where detention is unavoidable, the recommendation advocates for the use of separate facilities and materials to address hygiene needs and accommodate the special requirements of pregnant or nursing mothers. We assert that the Greek State is at variance with this recommendation when detaining pregnant or post-natal mothers at the border.

Evidence:

¹⁵Border Violence Monitoring Network. (2021). “They kept saying to us “Arab dog”. You can’t imagine how much hatred was there. It felt like it was a retaliation”. Reported by Josoor. Available at: <https://borderviolence.eu/testimonies/april-10-2021-0000-soufli-to-nasuhbey-via-evros-meric-river/>

¹⁶ ‘Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979’ (OHCHR2023) <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

25. BVMN has consistently documented the consistent mistreatment of pregnant or post-natal women by authorities at the Greek border between 2020 and 2022.

26. 7 cases documented by BVMN and its member organisations included pregnant women being detained unsafely and in a manner contrary to the General Recommendation No. 32. Multiple instances of pregnant women not being detained in separate facilities that did not meet the requirements stipulated in the recommendation. One documented case, in 2021, had a pregnant mother denied food by a Greek police officer in direct violation of Article 12.2 which stipulates pregnant women should be provided with adequate nutrition.¹⁷

¹⁷ Border Violence Monitoring Network. (2021). Reported by Josoor. Available at: <https://borderviolence.eu/testimonies/january-2-2021-0000-orestiada-karakasim/>