

Amnesty International Report 2016/17 - Greece

Publisher [Amnesty International](#)

Publication Date 22 February 2017

Cite as Amnesty International, *Amnesty International Report 2016/17 - Greece*, 22 February 2017, available at: <http://www.refworld.org/docid/58b033f756.html> [accessed 3 March 2017]

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Hellenic Republic

Head of state: **Prokopis Pavlopoulos**

Head of government: **Alexis Tsipras**

Greece faced considerable challenges in providing adequate reception conditions and access to asylum procedures for refugees, asylum-seekers and migrants following the announcement of the EU-Turkey migration deal. There was evidence that at least eight Syrian refugees were forcibly returned to Turkey. The closure of the Balkans route left thousands of refugees, asylum-seekers and migrants stranded in mainland Greece in poor conditions. Allegations of torture and other ill-treatment by members of the security forces during arrest and/or detention continued. In December, new legislation established a national police complaints mechanism.

BACKGROUND

Parliament adopted further austerity measures including tax rises, pension cuts and the transfer of state assets to a privatization fund. In February, the UN Independent Expert on the effects of foreign debt concluded that austerity measures implemented since 2010 contributed significantly to the widespread erosion of social and economic rights and pervasive poverty in Greece.

REFUGEES' AND MIGRANTS' RIGHTS

By the end of the year, 173,450 refugees, asylum-seekers and migrants had arrived by sea in Greece. More than 434 people died or were reported missing while trying to cross the Aegean Sea. There were around 47,400 refugees, asylum-seekers and migrants on the mainland and 15,384 on the islands.

The EU-Turkey migration deal

On 18 March 2016, the EU and Turkey agreed to a far-reaching migration control deal under which Turkey agreed to take back all "irregular migrants" arriving on the Greek islands after 20 March, in exchange for €6 billion of targeted assistance. While people were formally guaranteed access to an asylum determination process, the deal allowed for those arriving on the Greek islands via Turkey to be returned to Turkey without a substantive examination of their claims. This was based on the premise that Turkey was a "safe third country". Research during the year established that Turkey was not a safe country for asylum-seekers and refugees. The numbers arriving dropped sharply after 20 March, and by the end of the year, an average of 50 people were arriving daily.

Between May and June, dozens of asylum applications lodged by refugees from Syria which were refused on "safe third country" grounds, were upheld on appeal. In June, Parliament adopted an amendment that changed the composition of the Asylum Appeals Committees (Appeals Committees) panel to include two judges and a person nominated by UNHCR, the UN refugee agency, or the National Commission of Human Rights.

During the same month, two Syrians who had arrived in Greece via Turkey were the first to be at imminent risk of forcible return to Turkey after the Appeals Committees rejected their appeals on "safe third country" grounds. In October, a third Syrian refugee was threatened with forcible return to Turkey after he was detained when his asylum appeal was dismissed by an Appeals Committee, on the same grounds. In November, the Council of State heard a petition which challenged the rejection of his asylum appeal on safe third-country grounds; and the constitutionality of the composition of the Appeals Committees. It had not ruled on the case by the end of the year.

There was evidence that at least eight Syrian refugees were forcibly returned to Turkey. They had registered their intention to claim asylum but were returned from Kos on 20 October before they could lodge their applications.

Reception conditions for refugees, asylum-seekers and migrants stranded on the islands were overcrowded and insanitary; they provided inadequate security and people faced uncertainty about their future. This fuelled tension that occasionally erupted into violence, including riots in the Lesvos, Chios and Leros "hotspots".

Detention of asylum-seekers and migrants

In April, thousands of people who arrived on the islands after the implementation of the EU-Turkey migration deal, were detained arbitrarily. Although the most vulnerable were soon released and the vast majority of asylum-seekers were gradually allowed to move freely in and out of the "hotspots", a large number of people were not permitted to leave the island of arrival until their asylum applications were examined.

The closure of the Balkan route

In March, the closure of the Greek border with Macedonia resulted in thousands of refugees, asylum-seekers and migrants left stranded on mainland Greece (see Macedonia entry). Thousands stayed in the large informal camps in Idomeni and Piraeus in dire conditions. Others found shelter

in official refugee camps that were being set up across the country. Between May and July, the Greek authorities evacuated the camps of Polykastro, Idomeni and Piraeus ports.

Conditions in the majority of official refugee camps around mainland Greece were inadequate for hosting individuals even for a few days. The camps, hosting around 20,000 at the end of the year, were either tented or established in abandoned warehouses and some were in remote areas far from hospitals and other services. By the end of the year, 23,047 relocation applicants, particularly vulnerable asylum-seekers and unaccompanied children, were provided with accommodation through a project run by UNHCR, the UN refugee agency.

By the end of the year, only 7,286 asylum-seekers had been relocated from Greece to other European countries, while the total number of places pledged was 66,400.

Access to asylum

Those seeking access to asylum procedures met with serious obstacles including being unable to lodge their asylum requests through Skype or only after repeated attempts. In June, the Greek Asylum Service carried out a large scale pre-registration programme of applications for international protection in mainland Greece. In July, the authorities announced that they had pre-registered 27,592 people, including 3,481 belonging to vulnerable groups.

Right to education

In August, Parliament adopted a legislative provision for the creation of special classes for school-age children. In October, around 580 school-age refugees, asylum-seekers and migrants began classes in the capital Athens and Thessaloniki. There were reports of xenophobic incidents including parents refusing to accept the children in schools in Oreokastro and Lesvos.

CONSCIENTIOUS OBJECTORS

In September, Greece was found in breach of Article 9 of the European Convention on Human Rights (in the *Papavasiliakis v Greece* case) for failing to ensure that conscientious objectors' interviews with the Special Board met procedural efficiency and equal representation standards. The Special Board examines requests for alternative civilian service.

The same month, the Greek government rejected recommendations by the UN Human Rights Council to establish an alternative to military service which was not punitive or discriminatory and to ensure that conscientious objectors do not face harassment or prosecution.

TORTURE AND OTHER ILL-TREATMENT

Allegations of torture or other ill-treatment of individuals, including refugees, asylum-seekers and migrants during arrest or in immigration detention, persisted.

On 27 September, five Syrian boys, aged between 12 and 16, were stopped by the police in central Athens while they were carrying toy guns as props on their way to perform in a play. The children said that they were beaten and forced to strip naked during their detention in the Omonoia police station. A criminal and a disciplinary investigation were ordered into the incident.

The national NGO Greek Helsinki Monitor (GHM) reported that three Roma men were beaten by the police during their arrest and detention at a western Athens police station in October. One of the men suffered a heart attack and was hospitalized with serious injuries. Despite requests by the victims and GHM, a forensic examination was refused. GHM filed a complaint of torture and breach of duty with the Athens Prosecutor tasked with investigating hate crimes.

During the same month, a court in Thessaloniki found 12 prison guards guilty of torturing and causing serious bodily harm to Ilia Karelli, an Albanian national found dead in his cell in Nigrita prison in March 2014. They were given prison sentences ranging between five and seven years.

In December, Parliament adopted a law designating the Greek Ombudsperson as a national police complaints mechanism. The mechanism has the power to conduct its own investigations but its recommendations to the disciplinary bodies of law enforcement agencies are non-binding.

PRISON CONDITIONS

Prison conditions remained a cause of serious concern. Greece was found to be in breach of the European Convention on Human Rights on account of poor prison conditions and/or lack of effective remedies to challenge such conditions in nine cases concerning prisoners in Larissa, Thessaloniki, Trikala and Komotini.

DISCRIMINATION – ROMA

In August, the UN Committee on the Elimination of Racial Discrimination expressed concern about the situation of Roma in Greece including the obstacles they faced in accessing basic services such as education and housing; and being subjected to frequent identity checks and police harassment.

RACISM

Hate-motivated attacks continued to be documented against people belonging to vulnerable groups including refugees, asylum-seekers and migrants.

In July, a squat providing shelter for refugees in Athens was targeted in an arson attack by members of a far-right group. The perpetrators had not been identified by the end of the year.

In November, suspected far-right extremists attacked refugees in Souda camp on Chios Island, injuring at least two. Two activists who tried to assist the refugees were also attacked and subsequently hospitalized. A criminal investigation into the incidents began.

At the end of November, a court in Piraeus upheld on appeal a first-instance decision which found four men guilty of abducting, robbing and causing serious bodily harm to Egyptian migrant worker Walid Taleb in 2012.

The trial of leaders and members of the Golden Dawn, a far-right political party, who were charged with the murder of Pavlos Fyssas in 2013 and the founding of a criminal organization, continued at the end of the year.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

In May, the Ministry of Justice established a preparatory committee to draft a bill allowing for the legal recognition of the gender identity of transgender people through an administrative process without the requirement to undergo gender reassignment surgery. In June, the Athens Magistrates' Court allowed a transgender man to change his gender marker in his identification documents without gender reassignment surgery.

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