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Amnesty International Report 2017/18 - The State of the World's Human Rights - Greece

Thousands of asylum-seekers and migrants remained trapped on the Greek islands in appalling conditions. The European Court of Human Rights found that Greece failed to prevent human trafficking in the case of 42 migrant workers from Bangladesh. New legislation reforming legal recognition of gender identity was adopted.

Background

Unemployment rates dropped but remained high, particularly for the 15-24 age group. In July, the unemployment rate was 20.5% and youth unemployment was at 39.5%. Also in July, Greece returned to the international bond market after a three-year hiatus.

According to the 2017 Gender Equality Index, Greece ranked last among EU states in terms of overall gender equality. In November, the Ministry of Justice presented a bill on the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Refugees' and migrants' rights

Nearly 47,000 asylum-seekers remained trapped in Greece due to the closure of the Balkans migration route and the implementation of the EU-Turkey deal in March 2016. By the end of the year, 29,716 people had arrived by sea from Turkey in comparison with 173,450 in 2016. However, Greece continued to be one of the main entry points for refugees and migrants into Europe.

The EU-Turkey migration deal

The expectation that everyone arriving irregularly on the Greek islands, including asylum-seekers, would be returned to Turkey under the EU-Turkey deal of March 2016 continued to condemn many to extended asylum procedures while being stranded in appalling reception conditions on the islands.

In September, the Greek Council of State, the highest administrative court in the country, rejected the final appeals of two Syrian refugees, against previous decisions declaring their asylum claims inadmissible on the basis that Turkey was a safe third country. This decision could result in the first forcible returns of Syrian asylum-seekers under the EU-Turkey deal.

By the end of the year, 684 individuals were returned to Turkey from the Greek islands (1,485 in total since the EU-Turkey deal became effective). Out of those, five were Syrian nationals in detention who did not challenge their return after their claims were found inadmissible at second instance.

In October, NGOs, including Amnesty International, documented instances in which Syrian asylum-seekers were automatically detained upon arrival as the authorities expected them to be shortly returned to Turkey, under the EU-Turkey deal.

Greek authorities discriminated against asylum-seekers of certain nationalities. Due to the EU-Turkey deal, many of those with nationalities of countries prejudged to be producing “economic migrants” rather than “refugees” were automatically detained and expected to be returned to Turkey.

EU relocation scheme

The EU relocation scheme continued to be one of very few formal options available, for those eligible, to safely leave Greece and move elsewhere in Europe. However, asylum-seekers who arrived in Greece since the EU-Turkey deal came into effect, were arbitrarily excluded from the scheme. A total of 21,703 asylum-seekers had been relocated from Greece to other European countries, out of the 66,400 that were foreseen to be relocated under the scheme.

Reception conditions

Security continued to be a main concern in many of the remaining refugee camps, in particular in overcrowded “hotspots” on the islands.

In June, the three refugee camps in the Elliniko area in the capital Athens – which housed around 1,000 refugees and migrants, including many children – were evacuated. The majority of refugees and migrants were transferred to alternative camps. The conditions in the Elliniko camps, which occupied two former Olympic sites and the arrivals terminal of an unused airport, had been appalling and unsafe. NGOs had raised serious concern regarding security in Elliniko, especially for women and girls. Many women reported verbal harassment and being at risk of sexual and gender-based violence.

In January, three men died within one week in Moria camp on the island of Lesbos. Their deaths were suspected to be linked to carbon monoxide poisoning from makeshift heaters used to heat their tents. By the end of the year, the investigation into the deaths had not been concluded.

Following these deaths, the Greek authorities transferred thousands of vulnerable asylum-seekers from the islands to the mainland. However, in August, rising numbers of people arrived on the islands and reception facilities returned to being overcrowded. The authorities had not been able to provide reception conditions on the islands that met minimum standards under EU law by the end of the year.

The use of urban accommodation for asylum-seekers, largely flats, increased. By the end of the year, there were around 18,000 asylum-seekers and refugees staying in flats and other urban accommodation rather than in camps. The majority of those living in the urban accommodation were in mainland Greece; there were fewer than 1,000 asylum-seekers living in flats on the islands.

Unaccompanied children

In September, the Council of Europe Committee for the Prevention of Torture criticized the continued and routine detention of unaccompanied migrant and refugee children. As of 15 December, there were 2,256 unaccompanied children waiting to be placed in shelters, including 74 detained in police stations.

Forced labour and slavery

In March, in *Chowdury and Others v. Greece*, in a landmark judgment, the European Court of Human Rights found that 42 migrant workers from Bangladesh had been subjected to forced labour and human trafficking while working at a strawberry farm in the village of Manolada. The Court also found that Greece had failed to prevent human trafficking and to conduct an effective investigation into the offences committed.

Conscientious objectors

Conscientious objectors continued to be arrested, repeatedly prosecuted, tried in military courts and fined. In June, a 53-year-old conscientious objector who was prosecuted for having refused to enlist in 1990, was tried in a military court, but was acquitted.

According to the 2016 submissions of the Greek National Commission for Human Rights and the European Bureau for Conscientious Objection, the duration of alternative civilian service for certain categories of conscientious objectors was still not conforming with the European Social Charter. In July, the European Committee of Social Rights asked Greece to provide further information.

Torture and other ill-treatment

Allegations of ill-treatment and excessive use of force by law enforcement officials persisted. The majority of victims of the reported incidents were refugees and migrants trapped on the Aegean islands as a result of the EU-Turkey deal.

There were allegations that police used excessive force against asylum-seekers during an operation to arrest protesters who were clashing with the police in the Moria camp, on Lesbos, on 18 July. Police also allegedly ill-treated some of those arrested and detained in the island's main police station following the clashes. In July, a local prosecutor ordered a criminal investigation into the allegations. The investigation was ongoing at the end of the year.

Racism

Numerous hate-motivated attacks were reported during the year. Between August 2016 and the end of 2017, over 50 attacks reportedly took place in the town of Aspropyrgos where groups of young locals attacked migrant workers from Pakistan. In June, representatives of national NGOs filed a complaint and authorities launched a criminal investigation. In October, police arrested three young men suspected of being linked to one of the violent attacks.

Sixty-nine individuals linked to the far-right party Golden Dawn, including the party's leader and MPs, were put on trial in 2015 for the murder of anti-fascist singer Pavlos Fyssas in 2013 and for participation in a criminal organization. In October, the Athens Court of Appeal completed hearing evidence from all prosecution witnesses called to testify in the trial.

Rights of lesbian, gay, bisexual, transgender and intersex people

Refugees and migrants stranded on the Aegean islands were also subjected to hate-motivated crimes. Some of the victims were transgender women and gay men.

In October, amid transphobic reactions inside and outside Parliament, the government passed a new law reforming legal recognition of gender identity. Law 4491/2017 expressly stated that transgender people could change their identity documents without the requirements of medical interventions, tests and psychiatric assessments. However, the new legislation also contained several flaws, including a single status requirement and the validation of gender recognition by a local court. While the procedure was open to individuals above the age of 15, blanket age restrictions remained and 15- to 16-year-old children seeking legal gender recognition faced the additional barrier of a psycho-medical assessment.

Freedom of association

In October, Parliament adopted a legislative amendment seeking to implement three European Court of Human Rights judgments. The judgments were regarding the violation of the right to freedom of association in relation to the authorities' refusal to register associations of Greece's national minorities in 2007, 2008 and 2015. The new provision amended the Code of Civil Procedure to allow the possibility of reopening proceedings in these cases. However, the NGO Greek Helsinki Monitor expressed concern over the limitations placed by the law in relation to the reopening of such proceedings, including on grounds of national security and public order.

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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