

Ms Geneviève Mayer

Head of the Department for the Execution of Judgments
Human Rights Directorate
Council of Europe
F-67075 Strasbourg Cedex

**AMNESTY
INTERNATIONAL**



European Institutions Office

Brussels, 27 November 2015

Ref: B1718

Dear Ms Mayer,

AMNESTY INTERNATIONAL'S SUBMISSION TO THE COUNCIL OF EUROPE'S COMMITTEE OF MINISTERS: M.S.S. V BELGIUM AND GREECE, APPLICATION NO. 30696/09

Please find enclosed a briefing submitted in accordance with Rule 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, with a view to assisting the Committee of Ministers in its evaluation of the general measures taken to date by the Greek Government to fulfil its obligations to implement the Grand Chamber's judgment in the case of M.S.S. v Belgium and Greece.

Amnesty International wishes to share the following concerns with the Committee of Ministers regarding the general measures necessary for the implementation of the judgment by Greece:

1. The refugee crisis and inadequate first reception services that refugees and asylum-seekers face upon their arrival in Greece
2. Reception conditions for refugees and migrants at Greece's border with "The former Yugoslav Republic of Macedonia"
3. Insufficient accommodation capacity in reception centres for asylum-seekers
4. The failure to identify unaccompanied children and their systematic and often prolonged detention as a result of insufficient numbers of places at reception centres for unaccompanied children
5. The risk of police violence and racist attacks

We look forward to hearing a response from the Committee of Ministers regarding the concerns that we have raised.

Yours sincerely,

Ivona McGowan
Acting Director
Amnesty International European Institutions Office

AMNESTY INTERNATIONAL'S SUBMISSION TO THE COUNCIL OF EUROPE'S COMMITTEE OF MINISTERS: M.S.S. v BELGIUM AND GREECE, APPLICATION NO 30696/09

This briefing is submitted in accordance with Rule 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlement, adopted by the Committee of Ministers on 10 May 2006.

In the light of Greece's obligations under the European Convention on Human Rights, as well as other provisions of international human rights and refugee law, Amnesty International seeks to assist the Committee of Ministers in its evaluation of the general measures that the Greek government states it has taken to date to comply with the judgment of the Grand Chamber of the European Court of Human Rights in the case of M.S.S. v Belgium and Greece.

In the judgment, the Grand Chamber's indication of individual measures for its execution was made "*without prejudice to the general measures required to prevent other similar violations in the future.*"¹ Amnesty International wishes to share with the Committee of Ministers the following concerns regarding these general measures:

- 1. The refugee crisis and inadequate first reception services that refugees and asylum-seekers face upon their arrival in Greece**
- 2. Reception conditions for refugees and migrants at Greece's border with "The former Yugoslav Republic of Macedonia"**
- 3. Insufficient accommodation capacity in reception centres for asylum-seekers**
- 4. The failure to identify unaccompanied children and their systematic and often prolonged detention as a result of insufficient numbers of places at reception centres for unaccompanied children**
- 5. The risk of police violence and racist attacks**

¹ M.S.S. v Belgium [GC], Application No. 30696/09, Judgment of 21 January 2011, para. 400.

1. THE REFUGEE CRISIS AND INADEQUATE FIRST RECEPTION SERVICES UPON ARRIVAL IN GREECE

During 2015, an unprecedented number of refugees and migrants arrived on the Greek islands in the North Eastern Aegean and the Dodecanese.² The United Nations Refugee Agency (UNHCR) estimates that 719,082 refugees and migrants arrived on the Greek islands between 1 January and 24 November 2015.³ Lesbos is the island with the highest number of arrivals (419,342 as of 24 November 2015).⁴

This dramatic increase has pushed an already faltering First Reception system⁵ to breaking point.⁶ A series of factors, including a failing European asylum system, poor planning, the ineffective use of European Union (EU) funds by the central authorities, and the deep financial crisis, has inflamed the refugee crisis on the Greek islands.⁷ Local authorities on some of the islands have also been unwilling to allow short-term shelters or First Reception Centres (FRCs) to be established for the registration of refugees and asylum-seekers, which has contributed to worsening the reception conditions on the islands.⁸ Island activists, volunteers from other parts of Greece and abroad, NGOs such as *Médecins Sans Frontières* (MSF) and the UNCHR try to cover the enormous gaps in humanitarian provision for the refugees.

Furthermore, the vast majority of new arrivals have no access to First Reception Service (FRS) structures tasked with registering individuals and identifying those seeking international protection and members of vulnerable groups. There is a First Reception Mobile Unit on Samos and a First Reception Centre (FRC) on Lesbos, which began operations only in September 2015. Even on islands where a FRS structure is present such as in Lesbos, the number of refugees and asylum-seekers undergoing First Reception procedures is a very small proportion of the total number of arrivals.

In their October 2015 submission to the Committee of Ministers, the Greek authorities presented a list of FRCs and temporary places of stay for irregular migrants.⁹ The places on the list include the Moria and Kara Tepe informal camps, the FRC on Lesbos and the immigration detention centre at Mersinidi on Chios.

² The heightened security on the Greece-Turkey land border since 2012 has prompted more and more refugees and migrants to take the dangerous sea route. Between January and the first week of November 2015, more than 585 refugees and migrants, including many children, died when the boats carrying them capsized in the Aegean (source: <http://missingmigrants.iom.int/>).

³ The number is sixteen times higher than the whole of 2014 (43,500) (see <http://www.unhcr.gr/Arrivals>).

⁴ Between January and 24 November 2015, the number of refugees and migrants who arrived on the following islands were: Samos (88,028); Chios (92,966); Kos (54,145); and Leros (34,031).

⁵ Under Law 3907/2011, asylum-seekers and irregular migrants arriving in Greece must undergo the following First Reception procedures: registration of nationality and identity; medical screening for the provision of the necessary medical treatment; psycho-social support; provision of information to the new arrivals on their rights and obligations including distribution of informative booklets which are drawn up and distributed in sufficient numbers, in all necessary languages; identification of those who want to apply for international protection and vulnerable groups, including unaccompanied children, pregnant women and victims of torture, so they can be referred to the appropriate authorities including the Asylum Service and the National Centre for Social Solidarity (EKKA). A non-EU national can be held up to 25 days at a First Reception Centre (FRC) on the basis of a decision issued by the FRC Director.

⁶ See *Humanitarian crisis mounts as refugee system pushed to breaking point*, Amnesty International press release, 25 June 2015,

⁷ At the end of October 2015, the European Commission awarded 5.9 million Euros of emergency assistance to Greece from the Asylum, Migration and Integration Fund (AMIF) to support the country with the high number of arrivals on the Aegean islands (http://www.parlementairemonitor.nl/9353000/1/j9tvgajcovz8izf_j9vvijs5epmj1eyo/vjyhmuo6pdw7?ctx=vhcmel05xgfm&v=1&tab=1&start_tabo=120).

⁸ *Refugees attacked and in hellish conditions on Kos*, Amnesty International press release, 4 September 2015,

⁹ Communication from the Greek authorities concerning the M.S.S. and Rahimi groups of cases against Greece (Applications No. 30696/09, 8687/08), DH-DD(2015)1134, 29 October 2015.

Amnesty International's findings on the reception conditions on the islands of Lesbos, Kos and Chios show that the measures taken by the Greek authorities are manifestly insufficient to address the problem of squalid reception conditions for newly arrived refugees and asylum-seekers on the Greek islands.

Lesvos

During a fact-finding mission on the island of Lesbos in August 2015, as well as a follow up mission in October 2015, Amnesty International documented squalid reception conditions.

At the time of the organization's visit in August 2015, only four buses were available to transport new arrivals to Mytilene, the island's capital. Amnesty International witnessed more than 100 refugees and asylum-seekers, including families with small children and elderly people, walk up to 70 km from the northern shores of the island to Mytilene to be registered by the coastguard and then by the police. In the absence of help from the authorities, food and water was provided by locals, activists and tourists.

Amnesty International also witnessed lines of around 200 people waiting in the soaring heat while they waited for the coastguard to undergo the necessary procedures before referring them to the police. Coastguard officers told Amnesty International that they had insufficient staff and there were no interpreters to assist them. There were also not enough volunteer doctors to examine refugees and asylum-seekers in need of medical assistance beyond the most urgent cases.

Refugees and asylum-seekers waiting to be registered by the police stayed in the informal camps of Kara Tepe and Moria. Neither camp has official management. At the Moria camp, Amnesty International saw refugees and asylum-seekers who could not find space in any of the tents set up by the UNHCR, staying instead underneath nets used by farmers in the olive groves, or enduring 35 degrees Celsius heat with no shelter. Among them, there were elderly people, young children and babies. The conditions in Kara Tepe were also dire, as the camp was overcrowded, with insufficient tents and very few showers and toilets.¹⁰

In mid-October 2015, Amnesty International conducted a follow-up mission on the island. Despite previous recommendations, the authorities had failed to establish a centre in the north of the island where new arrivals could be registered by the police. Many of the new arrivals in the northern village of Molyvos found shelter in an informal transit camp called Oxy before they continued their journey.¹¹ Amnesty International was informed by volunteers that when the camp tents were full, families slept on the sidewalk and the open air during very cold nights.

At the time of the organization's visit, the Greek authorities had established a pilot "hotspot" at the Moria immigration detention centre, where new arrivals would be screened and fingerprinted by the EU Border Agency (FRONTEX) and Greek police staff. However, the already dire conditions at the Moria camp were only exacerbated by insufficient staff for the registration of new arrivals, poor coordination by the authorities, and the high numbers of arrivals and bad weather.¹²

¹⁰ *Chaos and squalid conditions face record numbers of refugees on Lesbos*, Amnesty International press release, 24 August 2015

¹¹ The camp is run by the Starfish Foundation volunteers who are helped by the International Red Cross.

¹² In the beginning of November, the NGO Pro-Asyl also expressed serious concerns about the inhumane reception conditions, in particular the situation of refugees and asylum-seekers waiting to be registered at the Moria hotspot, and the absence of a functioning registration system (see Press Release, http://www.proasyl.de/de/news/detail/news/hot_spot_lesbos_ein_ort_der_schande/).

Amnesty International delegates witnessed between three and five thousand refugees and asylum-seekers, including many families and pregnant women, waiting up to three days in long queues outside the Moria "hotspot" so they could be registered by police. Some people fainted as a result of exhaustion. Food, blankets, dry clothes, hygiene products and medical assistance were provided solely by volunteers and relief organizations. During the night, few refugees and asylum-seekers found shelter under some tents set up by UNHCR and NGOs. Many others slept outdoors and used wood from the nearby olive trees to light fires to protect themselves from the cold.¹³

Amnesty International also visited the Kara Tepe camp where conditions, although better than those in Moria, continued to be poor. Refugees and asylum-seekers slept in housing units set up by the UNHCR and under tents. There were no beds in the containers and refugees and asylum-seekers slept on the floor, and those interviewed complained of the lack of blankets and insufficient food.

Kos

In the beginning of September 2015, Amnesty International conducted a mission to the island of Kos.¹⁴ At the time of the organization's visit, an estimated 3,000 to 4,000 refugees and asylum-seekers were staying on the island, including unaccompanied children and individuals with serious health problems and disabilities.

Most refugees and asylum-seekers could not afford accommodation and were sleeping in tents, outside, or in the dilapidated Captain Elias hotel which, used as an informal camp. While local activists, the humanitarian NGO MSF and the UNHCR had been providing aid, municipal authorities had provided very little assistance and had even closed public toilets. Furthermore, the subsequent closure of the informal camp at Captain Elias and the worsening weather contributed to the deterioration of living conditions for new arrivals.¹⁵

At the time of this submission, no progress has been made regarding the creation of a reception centre on Kos. Amnesty International has been informed by local activists that new arrivals are sleeping either in the large tents set up by UNHCR for families with children in the town's archaeological park, or in small tents across the harbour.

Chios

On Chios, registration and screening of new arrivals by police and Frontex officers take place at the Mersinidi immigration detention centre, situated outside of Chios town, and in an abandoned factory.¹⁶

The Mersinidi immigration detention centre has capacity for 110 people but it is often overcrowded.¹⁷ Amnesty International has been informed by police that central authorities have failed to officially designate the Mersinidi detention centre as a "centre for the identification of the

¹³ *Greece: Refugees face hellish conditions on Islands*, Urgent Action, 5 November 2015, UA: 250/15, AI Index: EUR 25/2798/2015, On 13 November 2015, UNHCR announced that it would increase its support on Lesbos and appealed to the Greek authorities to urgently create more accommodation and reception capacity and improve facilities at Moria and Kara Tepe. See *UNHCR ramping support on Greece's Lesbos, focus on sea rescue and improved reception*, UNHCR Briefing Notes, 13 November 2015, <http://www.unhcr.org/564b327b6.html>.

¹⁴ Refugees attacked and in hellish conditions on Kos, note 8 above.

¹⁵ See [article by Vangelis Orfanoudakis](#), MSF team coordinator on Kos island, 6 November 2015,.

¹⁶ For pictures of the area of registration see <http://www.politischios.gr/koinonia/episimi-proti-gia-ta-tampakika-binteo-foto>.

¹⁷ At the time of this submission, the Mersinidi immigration detention continues to be operational. During Amnesty International's visit to the detention centre in March 2015, the pre-fabricated containers used as sleeping areas were in need of urgent repairs and their floors had started to rot. The toilets were overflowing and mattresses and the bedding provided were not enough, and it was usually dirty.

nationality third country nationals".¹⁸ As a result, available EU funding cannot not be allocated to the Chios police for necessary repairs of the detention centre.

Until mid-November 2015, newly arrived refugees and asylum-seekers found shelter at the Chios city garden. The new arrivals slept in tents provided by local activists, tourists, volunteers and UNHCR, and also outdoors. Meals, clothing and other humanitarian assistance were provided by local activists. The refugees and asylum-seekers were lighting fires so they could keep warm.¹⁹ In October 2015, after heavy rain, local activists expressed their serious concerns about the suitability of the city garden as an informal camp for new arrivals, and stopped running the informal camp.²⁰ The local activists urged the authorities to find a sheltered space for new arrivals, given the bad weather.

Since the beginning of November, newly arrived refugees and asylum-seekers stay at a camp run by the local authorities and UNHCR in the area of Souda. The camp consists of housing units and two large tents, and has a reported capacity of 1200 people. Local activists told Amnesty International about their concerns that the camp would not provide adequate shelter during wintertime. Furthermore, meals are not distributed by the authorities to refugees and asylum-seekers who are detained at Mersinidi or who stay at the Souda camp.²¹

Amnesty International is seriously concerned about the reception conditions for refugees and asylum-seekers on other Greek islands including Samos, Leros, Kalymnos and Farmakonisi.²²

Amnesty International recommends that the Committee of Ministers urges the Greek government to clarify the following:

- a) **What are the Greek authorities' plans regarding the establishment of short-stay shelters on islands such as Kos and Leros, where new arrivals can stay in conditions that fully respect, protect and fulfil their human rights?**
- b) **What steps have been taken to improve the registration process at Moria?**
- c) **What measures have been taken to increase the capacity of local police, coastguard, First Reception and Asylum Services on the islands?**
- d) **What steps will be taken to improve detention conditions at immigration detention centres such as Mersinidi?**

¹⁸ E-mail correspondence with Chios Police Directorate, 11 June 2015; and meeting with representatives of the Greek Police, Athens, September 2015.

¹⁹ See <https://www.politischios.gr+epeigei-i-apomakrynsi-apo-dimotiko-kipo>.

²⁰ See Statement by local activists' group at <http://www.lathra.gr/the-news/45-announcements/518-anakoinosi-ora-euthinis-gia-olous>.

²¹ In October 2015, a decision by the Greek Court of Audit resulted in the police ending the provision of meals to refugees and migrants held in various immigration detention areas around Greece. The Court of Audit's decision found a provision in Law 4320/2015 which legalized direct contracts between the police and catering companies for the provision of meals to refugees and migrants unconstitutional.

²² In November 2015, local activists on Samos expressed their serious concerns over the lack of reception facilities for newly arrived refugees on the island; the poor conditions at the Vathi immigration detention centre and the ending of meals provided by the authorities to refugees and migrants ([statement by the Movement for Human Rights and Solidarity for Refugees](#)).

2. RECEPTION CONDITIONS AT GREECE'S BORDER WITH "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"

Amnesty International's findings show that although the Greek authorities have taken some steps to provide short-term shelter for refugees and migrants who arrive from the islands in Athens, there is a complete absence of state support at Greece's borders with "The former Yugoslav Republic of Macedonia".²³

At the end of February 2015, Amnesty International visited the border village of Idomeni, where over 100 refugees and migrants were aiming to cross to "The former Yugoslav Republic of Macedonia". During the organization's two day mission, delegates saw each day at least 50 to 60 mainly Afghan individuals, including unaccompanied children and pregnant women, staying in squalid conditions out in the open and under the rain near the railway line which crosses the border. Syrian nationals, also trying to cross the border, were mostly staying in local hotels. Humanitarian aid including food, clothes and medicines was provided solely by a group of local volunteers.

At the time of this submission, reception conditions in Idomeni were a serious cause of concern after Balkan border blocks left thousands of refugees and migrants stranded at Greece' border with "The former Yugoslav Republic of Macedonia". According to MSF staff on the ground, around 8,000 people were expected to stay in Idomeni on 20 November 2015.²⁴ Many of them slept rough since the transit camp only had shelter capacity for 900 people.²⁵ Local solidarity groups and a local NGO have been providing food, while UNHCR and Save the Children are managing meal distribution. Amnesty International notes that while the Greek authorities have sent police, they are continuing to fail to support humanitarian needs.

Amnesty International recommends that the Committee of Ministers urges the Greek government to clarify what measures will be adopted to support NGOs, aid agencies and volunteers who work with refugees in Idomeni.

3. INSUFFICIENT ACCOMODATION CAPACITY IN RECEPTION CENTRES

In its December 2014 assessment of the M.S.S. judgment regarding Greece, at its 1214th meeting, the Committee of Ministers invited the Greek authorities to increase accommodation capacity of open centres so that all asylum-seekers entitled to such services would receive them, and to

²³ During the summer of 2015 the lack of short-term shelters for refugees and migrants arriving in Athens resulted in many of them staying in parks and squares in the city, and being exposed not just to the elements but also to exploitation (see *Solidarity does not go on holidays*, Blog by Amnesty International Greece Refugee Network, 29 July 2015,). Since the end of July 2015, the central authorities along with the Athens municipality took some steps to address the urgent need for temporary shelters for new arrivals and established a short-stay reception centre in the neighbourhood of Elaionas. Since the beginning of October 2015, central and local authorities have been using two sports stadiums in the Athens suburbs of Galatsi and Faliro in order to provide temporary shelter for new arrivals sleeping rough in central Athens. Amnesty International visited the Galatsi stadium on 17 November 2015. At the time of the organization's visit, 300 hundred refugees and asylum-seekers, including many families with children used the stadium as shelter. They were mainly from Afghanistan. In the stadium, the authorities had ensured that there was a separate area for meals and separate toilets and showers for women and men. There were also interpreters assisting the authorities in their communication with the refugees and migrants. Food, clothing and medical assistance were also available. All individuals slept on the floor of the stadium. Amnesty International observed that several people had only blankets and no mats to sleep on.

²⁴ Balkan refugee blocks leave thousands segregated and stranded in Greece, Amnesty International press release, 20 November 2015,

²⁵ According to the NGO Praxis, the camp's capacity this week increased from 900 people to 1,500 people. Source: NGO Praxis, 25 November 2015.

intensify the sustainability and uninterrupted operation of open reception facilities and the provision of services to all asylum-seekers.²⁶

In their October 2015 submission to the Committee of Ministers, the Greek authorities stated their intention to establish 2,929 new places by the end of 2015 in reception centres reportedly under construction in Attika and Thessaloniki, and in rented apartments.²⁷

Amnesty International's findings show that the Greek authorities have not yet fulfilled their commitment to increase reception capacity by the end of 2015, and that further steps are required to ensure the operations of existing reception facilities are not disrupted.

The number of places in long-term shelters for asylum-seekers and unaccompanied minors around Greece remains highly insufficient (988 by 17 November 2015).²⁸ Five hundred and sixty-eight of these places are for asylum-seeking families and adults. Also, in March 2015 several reception centres for asylum-seekers and unaccompanied children were facing serious difficulties with the continuation of their operations since their funding by the European Refugee Fund ended in February 2015, and because the authorities had delayed to submit the National Plan for the Asylum, Migration and Integration Fund (AMIF) for the period of 2014-2020.

Amnesty International understands that an amended National Plan was submitted in March 2015, and the authority responsible for the management of AMIF started its operations in September 2015. Currently, reception centres that usually rely on EU funding for their operations, receive emergency funding from the state budget. However, representatives of NGOs running shelters have noted that the reliance on state funding poses a risk to the quality of services due to the restrictions that exist on public spending as a result of the financial crisis.²⁹

Amnesty International recommends that the Committee of Ministers urges the Greek government to clarify the following:

- a) **What steps have been taken to ensure the uninterrupted operation of existing reception centres?**
- b) **Whether asylum-seekers of all nationalities could be referred to the envisaged rented apartments.**

²⁶ See 1214 meeting - 2-4 December/ - Decision cases No. 3 /M.S.S. against Belgium and Greece, CM/Del/OJ/DH(2014)1214/3 / 05 December 2014.

²⁷ Communication from the Greek authorities concerning the M.S.S. and Rahimi groups of cases against Greece (Applications No. 30696/09, 8687/08), DH-DD(2015)1134, 29 October 2015. The NGO Praxis expressed their concern over the authorities' plans to establish reception centres outside urban areas (interview with Tzanetos Antypas, Director of Praxis, 25 November 2015).

²⁸ Sources: National Centre for Social Solidarity (EKKA); E-mail correspondence 17 November 2015. The statistics provided by EKKA concern the number of available places at the various reception centres and do not include around 200 places at Lavrio reception centre that are currently not available. Most of the refugees residing at Lavrio are of Kurdish origin and have been residing there for many years. EKKA statistics however include 80 places at the centre available for asylum-seekers from Afghanistan.

²⁹ Source: Arsis, Interview with staff on 25 November 2015.

4. UNACCOMPANIED CHILDREN

In its December 2014, assessment on the M.S.S judgment regarding Greece, at its 1214th meeting, the Committee of Ministers invited the Greek authorities to make sure that all unaccompanied children are immediately transferred to special reception centres with specialized personnel.³⁰ Furthermore, in its last assessment of the M.S.S. judgment regarding Greece, at its 1230th meeting of June 2015, it strongly encouraged the Greek authorities to vigorously pursue their efforts to translate their commitment into an effective and sustainable guardianship system for unaccompanied children.³¹ The Committee of Ministers also called upon the authorities to take all the necessary steps to adequately and effectively preserve and protect the rights and interests of third country unaccompanied children pending the establishment of the effective and sustainable guardianship system.³²

In their October 2015 response, the Greek authorities presented information on the living conditions of unaccompanied children, in particular the number of available places in reception centres for unaccompanied children around Greece.³³

Amnesty International's findings, described below, indicate that the measures provided by the Greek authorities, and communicated to the Committee of Ministers in October 2015, are manifestly insufficient to address the situation of unaccompanied children in Greece. In particular, the Greek authorities are failing to identify unaccompanied children; and the insufficient number of places in reception centres for unaccompanied children is causing their prolonged detention.³⁴

Failure to identify unaccompanied children

According to METAction, a national NGO working with unaccompanied children, approximately 4,000 unaccompanied children arrive to Greece each year.³⁵

During two research missions to Greece in 2015, Amnesty International met several unaccompanied boys and girls who were not identified as unaccompanied children by the authorities and were being

³⁰ See 1214 meeting - 2-4 December - Decision cases No. 3 /M.S.S. against Belgium and Greece, [CM/Del/OJ/DH\(2014\)1214/3 / 05 December 2014](#).

³¹ See CM/Del/Dec(2015)1230/8 / 12 June 2015 1230 meeting - 9-11 June 2015 - Decision cases No. 8 - M.S.S. and Rahimi groups against Greece.

³² See CM/Del/Dec(2015)1230/8 / 12 June 2015 1230 meeting - 9-11 June 2015 - Decision cases No. 8 - M.S.S. and Rahimi groups against Greece.

³³ Communication from the Greek authorities concerning the M.S.S. and Rahimi groups of cases against Greece (Applications No. 30696/09, 8687/08), DH-DD(2015)1134, 29 October 2015.

³⁴ This submission will not analyze the organizations' continuing serious concerns over the ineffective guardianship system that has been reviewed by the Committee of Ministers at its previous meeting. Greek NGOs working with unaccompanied children told Amnesty International in March 2015 that Greek prosecutors rarely intervene in matters affecting unaccompanied children despite the fact that under Greek law they are appointed as temporary guardians of unaccompanied children (see also *Greece: Irregular migrants and asylum-seekers routinely detained in substandard conditions*, 27 July 2010, AI Index: EUR 25/002/2010. According to the Greek authorities, a commission in charge of reviewing the legislative framework on the guardianship of unaccompanied minors has concluded its work and the authorities are currently considering its proposals (see Council of Europe Committee of Ministers, Cases against Greece, 1230th Meeting, 11 June 2015). In the past few years, NGO METAction embarked upon a pilot project aiming to create a guardianship network for unaccompanied children in Greece. According to METAction during 2015, 13 members of the network undertook 256 children and performed 3,072 actions, mainly meetings with children (see <http://www.epitropeia.org/?q=en/node/61>).

³⁵ Source: [METAction](#), Unaccompanied children are exposed to a series of risks during their journey to Europe including sexual exploitation, ill-treatment by police, being held at ransom by trafficking rings, and in some cases loss of life. On 12 September 2015, four unaccompanied minors were unaccounted for during a search and rescue operation conducted by the Greek coastguard near Samos to save a refugee boat that was in danger. At the end of August, a 15 year old Iraqi refugee died from gun shots during a reported altercation between traffickers and the Greek coastguard near Symi. Amnesty International understands that a criminal investigation is being conducted into the incident.

held with adults in immigration detention areas around Greece. Lack of identification meant that none of the measures envisaged for their protection in Greek law were implemented by the authorities, including the appointment of a guardian and their referral to a shelter.³⁶ Amnesty International also observed that a Ministerial Decision adopted in 2013 which clarifies the procedures that should be followed in order to determine the age of children is only applicable within the framework of First Reception procedures.³⁷

At the end of February 2015, Amnesty International delegates interviewed two Afghan unaccompanied children aged 16 and 17 at the Evzonoï border guard station in Northern Greece. The children were registered as adults by the police and were being held along with an Afghan adult male in a cell with no natural light. The border guard station had no interpreters and the three detainees could not communicate their wish to apply for asylum, nor the fact that two of them were unaccompanied children.

In March 2015, Amnesty International spoke to some unaccompanied boys from Afghanistan who had been released from detention on Lesbos without being identified as unaccompanied children by the police. The children had not been referred to appropriate authorities including the First Reception structure present on the island.

Amnesty International also interviewed unaccompanied children held in a separate wing at the Amygdaleza immigration detention centre in Athens, and was informed by other NGOs of children held among adults. Conditions in Amygdaleza were poor, with wings surrounded by barbed wires giving the feeling of a prison, and lack of hygiene and medical assistance.

The risk for unaccompanied children not being identified on islands where there are no FRS structures is much higher since there are no doctors and/or social workers, and psychologists appointed to assist the local police in the identification of vulnerable groups. Between January and 17 November 2015, the Greek authorities, including police and the FRS, referred 1701 unaccompanied boys and 80 unaccompanied girls to the National Centre for Social Solidarity (EKKA) for placement in a shelter.³⁸ Three hundred and thirty of these children were not referred to EKKA upon their arrival to Greece, but at a later date.³⁹

Systematic and prolonged detention and insufficient places in reception centres

Greek legislation provides that the detention of unaccompanied minors and families with children shall be a measure of last resort, only when no other adequate and less coercive measures can be used for the same purpose.⁴⁰ However, unaccompanied children continue to be held routinely and often for prolonged periods in immigration detention areas as a result of the insufficient number of places in reception centres for unaccompanied children around Greece.

³⁶ See [Article 19 of Presidential Decree No. 220 of 2007](#) on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers, 6 November 2007.

³⁷ See [Ministerial Decision No. 92490, 29 October 2013](#). During its visit to the Elliniko immigration detention centre for women in Athens, Amnesty International met two Afghan unaccompanied girls who were registered by the police as adults. In a conversation with the social worker and a psychologist working at the centre, Amnesty International was informed that they were not aware and did not follow the Ministerial Decision on age assessment (Visit March 2015).

³⁸ E-mail correspondence with EKKA, 17 November 2015.

³⁹ E-mail correspondence with EKKA, 17 November 2015.

⁴⁰ Article 32 (1) of Law 3907/2011. In addition, Article 32 (3) of Law 3907/2011 provides that "Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have, depending on the length of their stay, access to education, in accordance with the provisions of article 72 of law 3386/2005".

Greek law also provides that both asylum-seekers and irregular migrants, including unaccompanied children, can be held up to twenty five days once they are referred by police to a First Reception Centre.

According to statistics provided by EKKA, there are 402 places in reception centres for unaccompanied children around Greece. The number of places has increased by 57 since last year. Most recently, two transit reception centres for unaccompanied children started operating on Kos and Lesvos.⁴¹ In 2014, the average time of a child waiting for a placement in a shelter while in detention was 37 days.⁴²

In March 2015, Amnesty International interviewed several unaccompanied children at the Moria immigration detention centre. The children were Syrian and Afghan boys aged between 12 and 17, and were visibly distressed. Some of them were held there for more than a month awaiting their transfer to a shelter. Since September 2015, unaccompanied children who arrive on Lesvos are held at the First Reception Centre established in Moria.

Amnesty International also interviewed several unaccompanied children at the Amygdaleza immigration detention facility for unaccompanied children who were held for several weeks until a place was found in a reception centre. Conditions at the facility were substandard including old mattresses and bedding, limited space for outside exercise, and a lack of doctors and essential medication for a 17 year-old boy living with HIV.

Even if an unaccompanied child is identified as such by the authorities, they can still be held along with adults due to the lack of separate facilities. In September 2015, Amnesty International met four boys, three Pakistanis and one Syrian, alleged 16 or 17, who were being detained in a filthy police cell at the Kos police station alongside adult criminal suspects in squalid conditions.⁴³

EKKA and NGOs working with unaccompanied children report high absconsion rates upon the transfer of children to their accommodation.⁴⁴ NGOs and activists cited long waiting periods for family reunification with another family members residing in another EU country, or family pressure to continue the trip to Europe amongst the reasons for absconsion.

In February 2015, Amnesty International met several unaccompanied male children from Afghanistan in Idomeni, a village at Greece and FYROM borders. Some of them told Amnesty International that they had been registered as adults by the Greek authorities and held among adults at the Amygdaleza immigration detention centre in Athens. The children were staying in squalid conditions in the informal camp along the railway lines. The majority of them described being subjected to push-backs and/or ill-treatment by Macedonian border guards.

⁴¹ The Kos reception centre has a reported capacity for 20 unaccompanied children and the Lesvos reception centre for 5. There is another transit reception centre for unaccompanied children at Patras (source: EKKA). The term transit reception centre is used for reception centres where unaccompanied children can stay for a few days before their referral to a reception centre in the mainland instead of being detained. A coalition of NGOs working with asylum-seekers has expressed its concerns in relation to the very limited number of transit reception centres at the country's points of entry (source: Campaign for Access to Asylum).

⁴² Source: EKKA.

⁴³ *Refugees attacked and in hellish conditions on Kos*, 4 September 2015, note 8 above.

⁴⁴ Interview with Fotis Parthenidis, Manager of Silligos Merimnis Anilikon, a special reception centre for unaccompanied male children in Athens (March 2015).

Amnesty International recommends that the Committee of Ministers urges the Greek government to clarify the following:

- a) Whether the Greek authorities intend to adopt a uniform and standardised age assessment procedure
- b) Whether the Greek authorities intend to prohibit the detention of unaccompanied migrant and asylum-seeking children in law, and end it in practice
- c) How many more places in reception centres for unaccompanied children the Greek authorities plan to establish over the coming year

5. THE THREAT OF POLICE VIOLENCE AND RACIST ATTACKS

In this section, Amnesty International presents its findings on and concerns about reports of excessive use of force and ill-treatment of refugees and migrants by police on the islands of Lesbos and Kos, and the continuing hate-motivated attacks against refugees and migrants.

In August 2015, more than 2,000 refugees and migrants were locked in inhumane conditions in the local sports stadium on Kos. Reports emerged of police being unable to manage the crowd, dispersing them by spraying them with fire extinguishers.⁴⁵ On 10 August 2015, a widely published video showed a police officer outside the Kos police station, slapping a refugee and pushing others. The police officer was holding a knife in his other hand.⁴⁶ The police officer was suspended from his duties and a disciplinary investigation was reportedly started into the incident by the Internal Affairs Directorate of the Greek Police.

Furthermore, on several occasions between August and October 2015, riot police on Lesbos reportedly used tear gas and beat refugees and asylum-seekers waiting to be admitted for screening at the Moria immigration detention centre, or registered by coastguard at the Mytilene port.⁴⁷ Amnesty International received testimonies by individuals who have been ill-treated and journalists and activists who witnessed the excessive use of force and ill-treatment by the police. Audiovisual material also supports the organization's serious concerns.⁴⁸

Hate-motivated attacks against refugees and migrants also continue.⁴⁹ During 2015, some hate crimes against refugees and migrants were reported on islands with a high number of refugee arrivals on islands such as Kos and Lesbos. On 3 September 2015, a group of 15 to 25 people attacked refugees and migrants on Kos and threatened activists including an Amnesty International delegate. Police took no action to stop the group, and riot police only intervened after the physical attacks had started.

⁴⁵ See *Greece: Greek authorities' inaction turns into abuse of refugees in Kos*, press release, 12 August 2015, <http://www.msf.org/article/greece-greek-authorities%E2%80%99-inaction-turns-abuse-refugees-kos>.

⁴⁶ See [Video from police officer's attack against refugees and migrants on Kos](#), press article, 10 August 2015.

⁴⁷ See <http://www.lesvosnews.net/articles/news-categories/astynomiko-reportaz/orgiasan-ta-mat-sto-limani-tis-mytilinis-xylo-akomi>.

⁴⁸ See amongst others picture showing a police officer kicking a refugee at the Moria immigration centre (<http://www.lesvosnews.net/articles/news-categories/astynomiko-reportaz/ede-gia-ton-astynomiko-sti-lesvo-poy-klotsaei-prosfyge>); and a [video](#) showing another police officer ill-treating a refugee at Moria in November 2015.

⁴⁹ Between January and December 2014, the Racist Incidents Recording Network recorded 81 incidents of hate crime. In 46 incidents, the victims were refugees and migrants. See [Racist Violence Recording Network, Annual Report 2014](#), 6 May 2015,

Amnesty International also wishes to **draw the attention of the Committee of Ministers to a statement issued by UNHCR on 6 November 2015** that refers, amongst others, to risks such as sexual violence that people face as a result of having to stay out in the open at night, or in overcrowded and inadequate reception facilities.⁵⁰

Amnesty International recommends that the Committee of Ministers urges the Greek government to clarify the following:

- a) **Whether any steps been taken to investigate the allegations of excessive use of force and ill-treatment of refugees and migrants by police on Kos and Lesvos? If so, their outcome**
- b) **Whether any of the reported racist attacks against refugees and migrants on Lesvos and Kos been investigated? If so, their outcome**
- c) **What measures have been taken to identify and protect individuals who are victims of sexual violence during their journey and stay in Greece**

CONCLUSIONS

As detailed above, recent Amnesty International research has established that refugees and asylum-seekers, including unaccompanied children, are exposed to squalid reception conditions upon their arrival on the Greek islands, during their stay in Idomeni. There are still insufficient places in reception centres for asylum-seekers and unaccompanied children. In addition, the authorities often fail to identify unaccompanied children as such. Unaccompanied children are detained systematically and often for prolonged periods due to the shortage of places in reception centres. Refugees, asylum-seekers and migrants are also exposed to ill-treatment by police and hate motivated attacks.

RECOMMENDATIONS

Amnesty International urges the Committee of Ministers to strongly recommend to the Greek Government authorities to:

- a) Promptly fulfil the commitment to increase shelter capacity for refugees, asylum-seekers and unaccompanied children by the end of the year;
- b) Promptly and effectively absorb available EU funds;
- c) Urgently and significantly enhance their registration capacity for refugees and asylum-seekers in order to minimize waiting times and alleviate overcrowding on Lesvos and elsewhere;
- d) Cooperate with local authorities and establish short-stay shelters with adequate conditions, and ensure refugees and asylum-seekers have access to beds, food, clean water, sanitation and medical treatment, especially on islands where there is complete lack of facilities like Kos and elsewhere;

⁵⁰ UNHCR aids refugees on the Greek islands, News Stories, 6 November 2015, at <http://www.unhcr.org/print/563ccb86.html>.

- e) Create FRS structures on islands such as Kos and Chios;
- f) Create a uniform and standardized procedure for assessing the age of refugees, asylum-seekers and migrants who may be under 18 years of age;
- g) Prohibit the migration-related detention of children in law, and end it in practice;
- h) Ensure that refugees, asylum-seekers, migrants, aidworkers and activists are protected from violence;
- i) Conduct prompt, impartial, effective and thorough investigations into all allegations of excessive force and ill-treatment committed by law enforcement officials;
- j) Take the necessary steps in order to identify and protect individuals who are victims of sexual exploitation and/or violence.

LINKS TO AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE:

- [*Humanitarian crisis mounts as refugee system pushed to breaking point*](#), Amnesty International press release, 25 June 2015
- [*Europe's Borderlands: Violations against refugees and migrants in Macedonia, Serbia and Hungary, Report*](#), 7 July 2015, AI Index: EUR 70/1650/2015
- [*Solidarity does not go on holidays, Blog by Amnesty International Greece Refugee Network*](#), 29 July 2015
- [*Chaos and squalid conditions face record numbers of refugees on Lesbos*](#), Amnesty International press release, 24 August 2015
- [*Refugees attacked and in hellish conditions on Kos*](#), Amnesty International press release, 4 September 2015
- [*Greece: Refugees face hellish conditions on Islands, Urgent Action*](#), 5 November 2015, UA: 250/15, AI Index: EUR 25/2798/2015
- [*Volunteers help refugees survive while Europe's leaders still search for solutions*](#), Blog by Eliza Goroya in Greece, Khairunissa Dhala and Lorna Hayes in Germany, 21 September 2015
- [*Balkan refugee blocks leave thousands segregated and stranded in Greece*](#), Amnesty International press release, 20 November 2015