

Reference: B1805

Ms Geneviève Mayer

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

17 February 2017

Dear Ms Mayer,

AMNESTY INTERNATIONAL'S SUBMISSION TO THE COUNCIL OF EUROPE 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.

In this briefing, Amnesty International addresses the following concerns:

1. Impediments to access asylum in Greece
2. Substandard reception conditions for asylum-seekers in Greece
3. Shortcomings in the identification and reception of unaccompanied children in Greece

In view of the serious concerns raised in this submission, in addition to those raised in our submission of 13 May 2016, we urge the Committee of Ministers to review as a matter of urgency the implementation of the Grand Chamber Judgment in the case of M.S.S. v. Belgium and Greece and call on the Greek government for effective and full compliance. This is particularly pressing given the European Commission's recommendation of 8 December 2016 to all EU member states to resume Dublin transfers to Greece in relation to asylum-seekers entering Greece from 15 March 2017 onwards in disregard of the Court's ruling and the Committee of Minister's ongoing execution process.

Yours sincerely,



Ivana McGowan
Head of European Institutions Office and Advocacy Director

Amnesty International European Institutions Office

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

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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 settlements, adopted by the Committee of Ministers on 10 May 2006.

In 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 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 the required general measures to be considered in addition to the organization's submissions of 13 May 2016² to the Committee of Ministers:

1. Impediments to access asylum in Greece
2. Substandard reception conditions for asylum-seekers in Greece
3. Shortcomings in the identification and reception of unaccompanied children in Greece

1. Impediments to access asylum in Greece

In its March 2015 assessment of the M.S.S. judgment regarding Greece, the Committee of Ministers at its 1222nd meeting noted that the recently established asylum services including the Asylum Service and the First Reception Service had a positive impact on the effectiveness of the asylum procedure, and encouraged the Greek authorities to pursue further implementation of the measures envisaged in the Greek Action Plan on asylum and migration management in relation to the asylum procedures.³

The Committee of Ministers also requested from the Greek authorities information about the establishment of the remaining Regional Asylum Offices, as well as the completion of infrastructure aimed at ensuring effective access to asylum procedures and adequate examination of asylum applications at both instances.⁴

a. Serious difficulties in accessing asylum procedures persist despite increased resources allocated to the Greek Asylum Service

The increase in the number of people wishing to seek asylum in Greece following the progressive closure of the borders north of the country has placed a considerable burden on an already strained asylum system. The number of those seeking asylum among new arrivals on Greek islands further increased following the entry into force of the EU-Turkey Statement on 20 March 2016, which aims at returning all new arrivals –including asylum-seekers– back to Turkey on the basis that Turkey

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

² 1265 meeting (20-22 September 2016) (DH) - Communication from a NGO (Amnesty International) (19/05/2016) in the case of M.S.S. against Greece (Application No. 30696/09) : [http://hudoc.exec.coe.int/ENG#{"EXECIdentifier":\["DH-DD\(2016\)454E"\]}](http://hudoc.exec.coe.int/ENG#{)

³ 1222nd meeting (DH), 11-12 March 2015, CM/De (2015)/1222, 13 March 2015, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c4f42; See also Greek Action Plan on Asylum and Migration Management, December 2012 available at: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p4_exec_summary_/p4_exec_summary_en.pdf.

⁴ 1222nd meeting (DH), 11-12 March 2015, CM/De (2015)/1222, 13 March 2013, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c4f42.

is a safe country for them.⁵

Between 20 March and 31 December 2016, 26,994 people arrived on the Greek islands⁶ and 10,699 of them registered asylum applications.⁷ There are many more who wish to lodge an application but have not yet been able to: according to the Greek Asylum Service, by 1 January 2017, there were 7,097 individuals on the islands who had communicated their wish to seek asylum during their registration with the Reception and Identification Service, but had not yet been registered as asylum-seekers.⁸

Although the resources of the Asylum Service on the islands have increased in the course of 2016, the wait to register asylum applications for certain nationalities is still long. According to the Greek Asylum Service, the average waiting period from the communication of an intention to seek asylum to the formal registration by the Greek Asylum Service was 9 days for asylum-seekers from Libya, 24 for those from Tunisia, 37 for those from Syria, 42 for those from Nigeria, 60 for those from Pakistan, 62 for those from Iran and Iraq, 67 for those from the Democratic Republic of Congo and 95 for those from Afghanistan.⁹ In December 2016 and January 2017, however, Amnesty International talked to asylum-seekers from Afghanistan, who had been waiting for up to seven months to register their claims with the Greek Asylum Service.

The Asylum Service reports the presence of 100 case workers from the Greek Asylum Service on the islands supported by case workers from European Union member states deployed through the European Asylum Support Office (EASO).¹⁰ On 11 November, EASO requested 100 additional case workers from EU member states for the islands on the grounds that the 39 case workers from other EU countries deployed at the time was insufficient.¹¹ As of 17 January 2017, the number of member state case workers deployed in hotspots was only 52,¹² well below the needs identified by EASO.

Accessing the asylum procedure continues to be highly problematic in the mainland as well, with Skype as the main means that asylum-seekers, who have not been preregistered,¹³ can use to book an appointment in order to register their asylum applications or relocation requests.¹⁴ The Skype lines of the Attika Regional Asylum Office are open every day but only for one hour daily for Farsi/Dari speakers and only two days a week, for one hour only for Syrian asylum-seekers.¹⁵ Skype lines for the rest of the country are open only once a week for one hour for Farsi/Dari speakers and once a week for one hour for Arabic speakers. While these schedules are reportedly insufficient, it is almost impossible for some asylum-seekers in remote camps to find internet or a computer with Skype.¹⁶

Persons stranded on mainland Greece who are unable to access the asylum procedure continue to be at risk of being arrested and detained by the Greek police after the papers requiring them to leave the country within a specific period

⁵ Council of the European Union, "EU-Turkey Statement," 18 March 2016, available at <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>.

⁶ Written response by Greek police to Amnesty International inquiry on 31 January 2017.

⁷ Phone interview with the Greek Asylum Service, 17 January 2017. While 10,699 new asylum applications were registered on the islands between 20 March 2016 and 1 January 2017, only 3,564 decisions were issued.

⁸ Phone interview with the Greek Asylum Service, 17 January 2017.

⁹ Phone interview with the Greek Asylum Service, 17 January 2017.

¹⁰ Greek Asylum Service, Press Release – Work of the Asylum Service in 2016, 17 January 2017, available at: <http://asylo.gov.gr/en/wp-content/uploads/2017/01/Press-Release-17.1.2017.pdf>.

¹¹ European Commission, "Fourth report on the progress made in the implementation of the EU-Turkey Statement," COM(2016) 792 final, 8 December 2016.

¹² Phone interview with the Greek Asylum Service, 17 January 2017.

¹³ Over the summer of 2016, the Greek Asylum Service preregistered 27,592 asylum-seekers and provided them with appointments for full registration. The Greek Asylum Service expected to have 87% of these preregistered asylum-seekers fully registered by the end of January 2017. See press release of the Greek Asylum Service, "Speeding up of the full registration of 2,500 asylum-seekers," 21 January 2017 at: <http://asylo.gov.gr/en/wp-content/uploads/2017/01/Press-Release-Rescheduling-of-Full-Registrations-February2017.pdf>.

¹⁴ See, for example, Campaign for the Access to Asylum press release of 31 January 2017 by non-governmental organizations AITIMA, ARSIS, Network for the Social Support of Refugees and Migrants, Greek Helsinki Monitor, Greek Council for Refugees, Greek Forum for Refugees, KSPM-Ecumenical Refugee Program, Praxis, Initiative for the Detainees' Rights available at: <http://refugees.gr/no-dead-refugees/>

¹⁵ For the schedule for other languages, see Greek Asylum Service announcement at http://asylo.gov.gr/en/?page_id=987.

¹⁶ Correspondence with KSPM-Ecumenical Refugee Program, which provides legal assistance to asylum-seekers in Greece, 15 February 2017.

expire.¹⁷

Amnesty International's research between April and December 2016 continued to show lack of systematic information to potential beneficiaries regarding the asylum, return and voluntary return procedures as well as their current status on the islands. 89 refugees and migrants in detention on Lesbos and Chios interviewed by Amnesty International in April 2016 said that they did not receive sufficient information about what the asylum process would entail and only two of them had written detention orders.¹⁸ In four cases involving six individuals from Syria whom Amnesty International interviewed in the detention facility within the Moria camp on Lesbos, documents stating their request to withdraw their asylum application and/or their request for voluntary return were written only in Greek language and signed only by a Greek official, not by the individuals concerned or a translator, and the people who showed them to Amnesty International had no idea about their content.¹⁹

b. Asylum-seekers are at risk of return to Turkey despite not having access to effective protection there

Since 20 March 2016, following the application of the EU-Turkey Statement, all migrants and asylum-seekers arriving on the Greek islands of the Eastern Aegean are transferred to one of the Reception and Identification Centres on the islands of Lesbos, Chios, Kos, Samos or Leros, where they are registered with the Greek police and the Reception and Identification Service. Those wishing to seek asylum are put through fast-track asylum procedures once their asylum application is registered. Until recently, the practice has been to subject Syrians to admissibility procedures, while asylum applications from nationals of other countries were being assessed on their merit. In January 2017, a representative of the Greek Asylum Service told Amnesty International that the Service had recently begun to subject applicants from countries with a 25% recognition rate or higher within the EU to admissibility tests but could not provide details on the reason for this policy change beyond describing it as a pilot.²⁰ As yet, those belonging to vulnerable groups²¹ - if identified as such - and those falling under Articles 8 to 11 of the Dublin III Regulation concerning family reunification are exempted from the fast-track procedures.²² However, Greece has come under pressure from the European Commission to revoke these exemptions so as to allow for their return to Turkey as well.²³

The legislative changes introduced in the wake of the EU-Turkey Statement²⁴ did not explicitly characterize Turkey or any other country as safe, but instead left that decision to a case-by-case assessment by various actors within the Greek asylum system (Greek Asylum Service at first instance, Appeal Committees at the appeal stage and relevant courts at later stages). However, Amnesty International's research shows that Turkey cannot be considered a "safe third country" under the Asylum Procedures Directive²⁵ for non-European asylum-seekers²⁶ as it fails to provide them with effective protection— i.e. the full

¹⁷ Correspondence with KSPM-Ecumenical Refugee Program, which provides legal assistance to asylum-seekers in Greece, 15 February 2017.

¹⁸ Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal, 7 April 2016. Also, Trapped in Greece, An avoidable refugee crisis, 18 April 2016, Index number: EUR 25/3778/2016.

¹⁹ Interviews were held on 3 October 2016.

²⁰ Phone interview with the Greek Asylum Service, 17 January 2017.

²¹ Under Article 14 para 8 of Law 4375/2016, vulnerable groups are considered: "a) Unaccompanied minors, b) Persons who have a disability or suffering from an incurable or serious illness, c) The elderly, d) Women in pregnancy or having recently given birth, e) Single parents with minor children, f) Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particularly survivors and relatives of victims of ship-wrecks, g) Victims of trafficking in human beings".

²² Article 60 paragraph 4(f) of Law 4375/2016.

²³ European Commission, "Joint Action Plan of the EU Coordinator on the implementation of certain provisions of the EU-Turkey Statement," 8 December 2016, COM(2016) 792 final.

²⁴ Law 4375/2016 on the Structure and Operation of Asylum Service, the Appeals' Authority, and the Reception and Identification Service, the establishment of a General Secretariat for Reception, the transposition into Greek legislation of the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) and other provisions", available at: http://www.esfhellas.gr/elibrary/N4375-2016_FEK51A_03042016_prosfyges.pdf and amendments introduced by article 86 of Law 4399/2016 available at <https://www.e-nomothesia.gr/kat-epikheireseis/nomos-4399-2016-phek-117a-22-6-2016.html>

²⁵ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013.

²⁶ Under Turkish law, only asylum-seekers fleeing persecution in Europe qualify as "refugees." Under the 1951 *Refugee Convention*, states were initially allowed to limit their obligations in this way. The 1967 Protocol to the Convention removed this limitation, but Turkey continues to maintain it. It is the

enjoyment of their rights as asylum-seekers and refugees.²⁷ Furthermore, in a leaked letter from December 2016, UNHCR wrote that it has faced obstacles to monitoring the situation of Syrians returned to Turkey from Greece as it has not been granted unhindered access to pre-removal centers in Turkey and to Düziçi reception center, where Syrian returnees from Greece are transferred upon arrival in Turkey. The Organization also noted that it does not receive systematic information from the Turkish authorities on the legal status and location of individuals readmitted to Turkey from Greece, which hampered its ability to monitor their treatment.²⁸

Of the 1,701 decisions on admissibility issued by the Asylum Service on the islands between 20 March 2016 and 1 January 2017, 1,317 involved negative decisions of admissibility on the premise that Turkey is a safe third country for the asylum-seeker concerned.²⁹ As of 31 January 2017, a total of 865 individuals were returned to Turkey under the deal.³⁰ While this included 151 individuals, including children, from Syria,³¹ the Greek authorities and the European Commission have insisted that these returnees do not include asylum-seekers rejected at the admissibility stage, but involved only (a) those whose applications were rejected on their merits at second instance or at first instance if the applicant had not appealed the first instance decision, (b) those who withdrew their asylum application, (c) those who revoked their intention to seek asylum or (d) those who did not apply for asylum or communicated a wish to do so.³²

This means that, as of 31 January 2017, no asylum-seeker had been formally returned to Turkey on the basis that Turkey is a safe third country although the Greek Asylum Service found over 1,300 applications inadmissible on that basis. Such returns to Turkey were prevented by the efforts of non-governmental organizations and lawyers in Greece that assisted many asylum-seekers to appeal the first instance inadmissibility decisions. The Backlog Appeal Committees³³ have played an important role in preventing the return of these Syrian asylum-seekers by overturning the first instance decisions in the overwhelming majority of the cases they have reviewed.³⁴ In all but three cases, the Backlog Appeal Committees concluded that the temporary protection afforded to Syrians in Turkey is not in line with international standards and referred to the risk of *refoulement* in Turkey among others.³⁵

However, a number of refugees and asylum seekers have been returned under highly questionable circumstances, as documented by Amnesty International and other organisations. The very first returns of people under the EU-Turkey deal took place on 4 April 2016 when 202 people were returned to Turkey from the islands of Lesbos and Chios. The European Commission announced that none of the returnees sought asylum in Greece,³⁶ while UNHCR stated that 13 of the returnees communicated their wish to seek asylum but their applications were not registered, which the Agency believed was a result of the chaos in Chios following the EU-Turkey deal.³⁷ The chaos on the island of Chios was obvious to Amnesty International delegates visiting the island shortly after the deal came into effect. On 6 April 2016, Amnesty International interviewed the

only Council of Europe state to do so. This means that individuals from non-European countries whose application for International Protection has been accepted are called “conditional refugees,” while they wait in Turkey for their transfer to another country.

²⁷ Amnesty International, “No Safe Refugee: Asylum-seekers and refugees denied effective protection in Turkey,” June 2016 (Index: EUR/44/3825/2016).

²⁸ UNHCR’s 23 December 2016 dated letter is available at Statewatch: <http://bit.ly/2jjDWIO>.

²⁹ Phone interviews with Greek Asylum Service on 17 and 31 January 2017.

³⁰ Electronic correspondence with the Greek police on 1 February 2017.

³¹ According to a leaked letter by the UNHCR dated 23 December 2016 (available at: <http://bit.ly/2jjDWIO>) 82 Syrians were returned from Greece to Turkey under the framework of the EU-Turkey deal as of 7 November 2016. According to announcements on readmissions to Turkey available on the website of the Greek Ministry for Citizen Protection (available at <http://bit.ly/2jSyKVF>), since then 69 Syrians were readmitted to Turkey as of 31 January 2017 (10 on 28 November 2016, 19 on 20 December 2016, 27 on 12 January 2017 and 13 on 25 January 2017).

³² See progress reports published by the European Commission at <http://bit.ly/2iXZpRV> and announcements by the Greek Ministry for Citizen Protection on readmissions to Turkey in 2016 and 2017 available at: <http://bit.ly/2jSyKVF>.

³³ Appeal Committees of Presidential Decree 114/2016.

³⁴ Out of the 407 appeal decisions as of 27 November 2016 on admissibility, 390 reversed the first-instance inadmissibility decisions. See EU Commission, “Fourth report on the progress made in the implementation of the EU-Turkey Statement,” 8.12.2016 COM(2016) 792 final.

³⁵ Based on interviews with lawyers representing cases.

³⁶ Statement by Commissioner Avramopoulos following his visit in Ankara, 4 April 2016, available at: http://europa.eu/rapid/press-release_STATEMENT-16-1231_en.htm.

³⁷ The Guardian, “Greece may have deported asylum seekers by mistake, says UN,” 5 April 2016. Also see, UNHCR Regional Bureau Europe, “Daily Report,” 5 April 2016, available at: <http://bit.ly/2jjPIRC>.

only case worker at VIAL hotspot on Chios, who said that the surge in applications was well beyond his capacity to process them. At the time, there were 1,776 individuals on the islands who had irregularly arrived from Turkey.³⁸

Amnesty International has also received testimonies, supported by official documents that show that a group of ten individuals involving at least eight Syrians were deported to Turkey on 20 October 2016 without a chance to seek asylum. At least eight of the Syrian nationals allegedly forcibly returned carried documents of the Reception and Identification Center (RIC) in Leros (which Amnesty International has obtained), which show that they had expressed formally their intent to seek international protection in Greece. According to their testimonies, at no point did they express any intention, in writing or orally, to voluntarily return to Turkey. All copies of the documents available to Amnesty International carry the logo and the template of the Reception and Identification Service, dates and reference and file numbers and the signature of the individuals and of an interpreter or the Head of the RIC in Leros. Furthermore, it appears that the individuals concerned did not receive any deportation order or other document explaining the reasons or the destination of their removal and hence were not in a position to challenge it.

On 16 June 2016, the Greek Parliament approved further amendments to the Greek asylum law³⁹ and changed the composition of the Appeal Committees established by Law 4375/2016.⁴⁰ The amendment was criticized by some members of the Backlog Appeal Committees as being driven by the expectation that the new Committees will uphold first instance decisions enabling Syrian asylum-seekers' forced return to Turkey.⁴¹

As of 31 December 2017, the new Appeal Committees had issued 20 decisions, all of which upheld the inadmissibility decisions of the Greek Asylum Service for applications falling under the EU-Turkey deal, putting them at imminent risk of return to Turkey.⁴² This is in contrast with the decisions of the Backlog Appeal Committees, which upheld only 3 of the 393 first instance inadmissibility decisions finding that Turkey is not providing effective protection to Syrians in all the others.⁴³

As of mid-February 2017, Amnesty International is aware of two cases of Syrian asylum-seekers appealing inadmissibility decisions of the new Appeal Committees before the Greek Council of State.⁴⁴ If the Council of State rules that Turkey is safe in these cases, this might result in large numbers of asylum-seekers being returned to Turkey.

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

- Steps taken to develop clear and rights' compliant guidelines on how the safe third country rule will be applied within the asylum procedures;
- Steps taken to increase the capacity of the Greek Asylum Service to ensure prompt access to asylum procedures for all asylum-seekers;
- Information on the investigations carried out over the allegations concerning the return of at least 8 Syrian asylum-seekers back to Turkey;
- Measures taken to ensure that new arrivals and refugees stranded on the mainland are informed about the asylum process, relocation and family reunification procedures as relevant.

³⁸ UNHCR, "Site Locations in Greece," 6 April 2016, at: <https://data2.unhcr.org/en/documents/download/47295>.

³⁹ Article 86(3) of Law 4399/2016 of 22 June 2016.

⁴⁰ Lawyers have also mounted a legal challenge against the composition of the new committees claiming that their composition violates constitutional rules. See press release by the Group of Lawyers for the Rights of Refugees and Migrants available at: <http://omadadikigorwn.blogspot.co.uk/2016/09/blog-post.html>. On 29 November 2016, the Council of State, Greece's highest administrative court, heard four applications challenging the constitutionality of the new Appeal Committees. On 15 February 2017, Section IV of the Council of State reached the conclusion that the composition of the Committees was constitutional, but referred the case to the Plenary Session for the final judgement.

⁴¹ Press release of members of the Backlog Appeal Committees is available at: <http://bit.ly/28S8K8k>.

⁴² Phone Interview with the Greek Asylum Service on 31 January 2017.

⁴³ Phone Interviews with the Greek Asylum Service on 17 and 31 January 2017.

⁴⁴ For detailed information on one of these two cases, see Amnesty International Urgent Action, "Greece: Syrian Refugee Remains Detained Five Months on: Noori," 14 February 2017.

2. Substandard reception conditions for asylum-seekers in Greece

In its December 2015 assessment of the M.S.S. judgment regarding Greece at its 1243rd meeting, the Committee of Ministers noted that the total accommodation capacity for asylum-seekers in Greece is not sufficient and should be increased and that all reception facilities should meet adequate standards established by the Court's case-law. The Committee of Ministers also called for the establishment of Common Standard Operating Procedures "to ensure the sustainable and undisrupted operation of the facilities and provision of services."⁴⁵

Further to Amnesty International's submission to the Committee of Ministers on 27 November 2015,⁴⁶ recent findings described below show that reception conditions on the islands following the implementation of the EU-Turkey deal continue to fall short of standards established by the European Court of Human Rights and that the Greek authorities have not taken sufficient measures to improve such conditions. The organization's findings show that reception conditions in several refugee camps on the mainland also remain substandard despite some recent improvements.

a. Reception Conditions on the Greek Islands following the EU-Turkey Statement

Reception conditions on the Greek islands were inadequate before the EU-Turkey Statement,⁴⁷ and have deteriorated markedly since, as the number of people on the islands and their length of stay have increased. Even if the initial expectations of the Statement were that it would provide for the rapid return of new arrivals, it became clear after only a few months that this was unlikely to be the case. The Greek authorities neither prepared for nor adjusted to this reality.

As of 15 February 2017, there are 14,598 asylum-seekers and migrants on the Greek islands, while the reception capacity is only 8,926.⁴⁸ According to the Greek authorities 6,372 of these individuals are either sheltered in flats and hotels through assistance by the UNHCR or non-governmental organizations, or are in detention.⁴⁹ The remaining 9,087 are staying in the Reception and Identification Centers of Lesbos (Moria), Chios (VIAL), Samos, Leros and Kos, and the camps run by municipal authorities, such as Souda on Chios and Kara Tepe on Lesbos.

Asylum-seekers and migrants interviewed by Amnesty International since November 2016 as well as non-governmental and international organizations report overcrowding, lack of hot water and heating, poor hygiene, bad nutrition, inadequate medical care, violence and hate motivated attacks on the islands.⁵⁰

Overcrowding is particularly severe on Lesbos, Samos and Kos. On 15 February 2017, there were 4,617 asylum-seekers and migrants living in camps with a total capacity of 3,500 on Lesbos, 1,736 on Samos in camps with a total capacity of 850, and 1,681 on Kos in camps with a total capacity of 1,000.⁵¹

⁴⁵ 1243rd meeting (DH), 8-9 December 2015, CM/Notes/1243/H46-8, 10 December 2015, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805c2332>.

⁴⁶ See Greece: Amnesty International's submission to the Council of Europe Committee of Ministers, M.S.S. v. Belgium and Greece, Application No. 30696/09, 27 November 2015, available at: [http://hudoc.exec.coe.int/ENG#{"EXECIdentifier":\["DH-DD\(2015\)1337E"\]}](http://hudoc.exec.coe.int/ENG#{)

⁴⁷ Amnesty International, "Trapped in Greece: an avoidable refugee crisis," April 2016 (Index: EUR 25/3778/2016).

⁴⁸ General Secretariat of Information and Communication of Greece, "Summary statement of refugee flows to Eastern Aegean islands," February 15, 2017 available at: <http://bit.ly/2lixRXq>.

⁴⁹ Ibid.

⁵⁰ See also, for example, MSF, "Greece in 2016: vulnerable people left behind," October 2016, and UNHCR, "Faster movement of people from Greek islands to mainland essential," 6 January 2017 and "More than six months stranded – What now?" a joint briefing by Action Aid, Care, Norwegian Refugee Council, International Rescue Committee, International Federation of Red Cross and Red Crescent Societies, Danish Refugee Council, Jesuit Refugee Service, Greek Forum for Refugees, Save the Children, Solidarity Now, Oxfam, and Translators without Borders. Also see fact-finding reports by Greek Council for Refugees available at: <http://www.gcr.gr/index.php/el/action/gcr-missions>.

⁵¹ Ibid.

The deaths of three men in Moria camp within one week in January 2017⁵² aggravated concerns over the substandard conditions thousands of asylum-seekers and migrants are enduring on the Greek islands. Media reported a potential link between the deaths and carbon monoxide poisoning from makeshift heaters used by asylum-seekers and migrants in the tents to keep warm.⁵³ At an informal press briefing following the deaths, the Ministry for Migration Policy stated that “Moria [camp] is overcrowded, which is relevant to the deaths” and ordered an investigation into the incident.⁵⁴ He also announced some measures aimed at improving conditions in Moria including transferring 300 asylum-seekers in families to Kara Tepe camp, 50 single men to a navy boat docked at Lesbos and setting up heated tents in a plot adjacent to Moria camp.⁵⁵ However, these measures remain insufficient and short-term.

On 6 February 2017, Amnesty International delegates visiting Lesbos observed that families staying in the Moria camp had been taken out of the camp and transferred to either Kara Tepe camp or hotel rooms or apartments. Family compounds emptied by their departure were filled by single men. Each compound was occupied by around 40 men. Men staying in the family compounds complained of overcrowding and insufficient beds. Amnesty International were told by refugees interviewed outside the compounds that 10 to 15 men were sleeping over blankets on the floor. Despite these transfers, hundreds were still staying in flimsy tents without any heater or with small electric radiators.⁵⁶ The majority of the asylum-seekers and migrants Amnesty International interviewed in tents said that they do not have any heaters and only had blankets to keep warm. All of the asylum-seekers and migrants interviewed in Moria camp stated that there is no hot water and there is water only one to two hours a day, which they said was not long enough.

Single men, who continue to stay in the Moria camp, despite inadequate conditions, felt discriminated against arguing that the only reason why they were not moved to better accommodation was because they arrived on their own. Some told Amnesty International that they need psycho-social support especially since the three deaths in the camp in January 2017.

b. Lack of safety and security on the islands

Many refugees, asylum-seekers and migrants interviewed on the islands spoke to Amnesty International about fears for their own security. The poor conditions in the camps, the uncertainty residents face about their futures, the uneasy relations with local populations, have all bred significant tensions that have on occasion flared into violence.⁵⁷

Refugees, asylum-seekers and migrants Amnesty International talked to attribute much of this environment to the limited security staff employed in the facilities. The European Commission estimates that the number of police officers on islands should be three to four times higher than the level in December 2016 to ensure proper security in the Greek hotspots.⁵⁸ Refugees have often described to Amnesty International that even when the police are present they fail to

⁵² A 22 year old Egyptian man was found dead on 24 January 2017. See press article, “A 22 year old Egyptian migrant found dead in Moria, Lesbos,” 24 January 2017 at: <http://www.voria.gr/article/ke-defteros-nekros-prosfigas-ston-katavlimos-sti-moria>. A 46 year old Syrian man was found dead on 28 January 2017. See press article, “A second refugee dead in the Moria camp,” 28 January 2017 at: <http://www.voria.gr/article/ke-defteros-nekros-prosfigas-ston-katavlimos-sti-moria>. A Pakistani man was found dead on 30 January 2017. See press article, “A third person dead in Moria, investigations for the cause of deaths,” 30 January 2017 at: <http://www.era-aegean.gr/?p=22593>).

⁵³ ‘Housing units Replace Tents in Moria after deaths’, 1 February 2017, <http://greece.greekreporter.com/2017/02/01/housing-units-replace-tents-in-moria-after-series-of-deaths/>; see also Medecins du Monde press release of 30 January 2017, ‘How many people must die before we talk for incidents by chance?’, <http://mdmgreece.gr/posi-prepi-na-pethanoun-gia-na-papsoume-na-milame-gia-tichea-peristatika/>.

⁵⁴ Moyzalas: we undertake part of the responsibility for the deaths’, press article, 30 January 2017 available at: <http://www.newsit.gr/ellada/Moyzalas-gia-Moria-Analamvanoyme-meros-tis-eythynis-gia-toys-thanatoys-Gia-tis-pagomenes-skines-ftaiei-o-kairos/696205>.

⁵⁵ Phone interview with press office of the Ministry for Migration Policy, 30 January 2017.

⁵⁶ Amnesty International was informed by Medecins sans Frontiers staff working on the islands that out of the 2,200 refugees present in Moria during the day of the organization’s visit, 600 were living in tents. Interview on 7 February 2017.

⁵⁷ For a list of some of the security related incidents on the Greek islands, see page 40 of the Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the ‘hotspots’ set up in Greece and Italy published on 29 November 2016 (FRA Opinion 5/2016 [Hotspots]).

⁵⁸ European Commission, “Fourth report on the progress made in the implementation of the EU-Turkey Statement,” COM(2016) 792 final, 8 December 2016.

intervene in fights between individuals and only engage when the situation escalates to a protest and facilities are set alight or damaged.⁵⁹

In addition to tensions leading to fights and protests, accidents resulting from camp conditions also pose serious threats to the life and well-being of residents. In the evening of 24 November 2016, a gas canister used for cooking in Moria camp exploded and led to the death of a 66-year old Iraqi woman and a 6 year-old child living in the adjoining tent.⁶⁰ The child's mother and four year old sibling sustained serious injuries and were transferred to a hospital in Athens with a military helicopter. Following the explosion, the fire spread and destroyed many tents and a protest started. Refugees described to Amnesty International how they fled to save their lives and how their tents, clothes and papers were destroyed.

While the incident was described by the Greek authorities as a tragic accident,⁶¹ the deaths cannot be seen in isolation from the very poor reception conditions including the overcrowding and lack of proper heating in the tents, the reported absence of operational rules including fire and safety policies in the hotspots and lack of clarity of who is the responsible authority for the site outside the Moria Reception and Identification Center designated area.⁶²

Amnesty International's research has shown that women are particularly affected by the lack of security on the islands. Having to reside in camps and other accommodation sites alongside men in the absence of, or with very limited, separate facilities for women has exposed them to considerable risks. Women interviewed by Amnesty International complained of the lack of female only showers and toilets or, if they existed, the lack of proper doors and lighting as well as the location of such facilities not being at an adequate distance from male facilities. Several women told Amnesty International that they have either experienced or witnessed verbal or physical sexual harassment or domestic violence.⁶³ NGOs working with the populations in and around Greek hotspots report that refugee and migrant women in camps are reluctant to come forward with formal complaints due to fears of social stigma and/or lack of trust in the justice system.⁶⁴

Hate motivated attacks against refugees and migrants on the islands are also another serious cause of concern. Between 16 and 18 November 2016, suspected far- right supporters attacked the Souda camp on Chios with large rocks, flares and Molotov cocktails.⁶⁵ The attacks against asylum-seekers and migrants in November 2016 were not isolated incidents. Since the implementation of the EU-Turkey Statement, there have been reports of several attacks against refugees, journalists and pro-refugee volunteers and activists by far-right supporters in Chios.⁶⁶

c. Reception Conditions on Mainland Greece following the Closure of the Balkans Route

⁵⁹ Amnesty International, Blog by Giorgos Kosmopoulos, "Nowhere Safe: refugee women on Greek islands live in constant fear," 8 June 2016.

⁶⁰ See, for example, the Guardian, "Fire breaks out at Lesbos migrant camp Moria," 24 November 2016.

⁶¹ Press release of the Ministry for Migration Policy regarding the tragic accident in the Moria Reception and Identification Centre on Lesbos, 25 November 2016, at: <http://bit.ly/2kuPEvi>.

⁶² Joint NGO statement, "How many refugees must die before safety is guaranteed in Greece," 28 November 2016, <http://www.solidaritynow.org/en/joint-statement-many-refugees-must-die-safety-guaranteed-greece/>.

⁶³ Amnesty International, "Nowhere safe: Refugee women on the Greek islands live in constant fear," 7 June 2016. See also, "A summary of assessment findings and recommendations: the situation of refugee and migrant women – Greece 2016," by Diotima, International Medical Corps, Oxfam, UNFPA and Women's Refugee Commission.

⁶⁴ Regular correspondence with the NGO, Action for Switzerland, which runs a women's shelter on Chios since mid-November 2016. See also, "A summary of assessment findings and recommendations: the situation of refugee and migrant women – Greece 2016," by Diotima, International Medical Corps, Oxfam, UNFPA and Women's Refugee Commission.

⁶⁵ Amnesty International, "Greece: police must protect refugees from on-going far right attacks," 18 November 2016.

⁶⁶ In the evening of 7 April 2016, a group of suspected far-right extremists descended to the port of Chios where many refugees were protesting about the EU-Turkey deal and started threatening, verbally assaulting and threw fireworks in the area where the refugees including many families with children were concentrated. Also, on 5 June 2016, a member of the far-right party Golden Dawn reportedly attacked Yiannis Koutsiothodis, a nurse and activist, who had gone to assist refugees in the Souda camp following a fire that broke out after a riot in the camp. For the first attack, see twitter video by journalist Oscar Webb, 7 April 2016, available at <https://twitter.com/owebb/status/718327439575883776/video/1>.

Following the closure of Greece's border with the Former Yugoslav Republic of Macedonia, tens of thousands of refugees and migrants, who otherwise planned to continue their journey onto other European countries, were stranded on mainland Greece. According to official figures as of 14 February 2017, there are 49,201 refugees and migrants on mainland Greece; 14,691 of them in official refugee camps scattered around the country, 1,536 in the camp set up at the old Elliniko airport in Athens, 21,454 in accommodation provided by the UNHCR and NGOs.⁶⁷ Of the remaining 9,236, 7,950 are said to be residing in their own accommodation, while 1,286 are unaccounted for.

Between 12 and 19 July 2016, Amnesty International visited 8 camps in Northern Greece: Nea Kavala, Softex, Oreokastro, Diavata, Vasilika, Thessaloniki port, Sinatex, Langadikia and six camps in Attica region: Elliniko (old airport, baseball stadium and hockey stadium), Ritsona, Malakasa and Skaramagas and identified very poor conditions in all of them. In the majority of the camps visited, people were mostly accommodated in tents, converted warehouses or abandoned buildings in conditions not fit for long-term stay. None of the camps were set up with a consideration of the needs of vulnerable groups, such as people with disabilities. Refugees interviewed by Amnesty International spoke of the shortage of medical care, sanitary facilities and clean drinking water.

Amnesty International visited the camps of Malakasa and Softex again between 16 and 19 December 2016 and the camps of Ritsona, Elliniko, Nea Kavala and Softex between 30 January and 4 February 2017. Despite some improvements, such as the replacement of tents in some of the camps with containers as well as no overcrowding, residents continued to share concerns over conditions, such as insufficient medical services, inadequate hygiene and sanitation, lack of adequate heating and poor food quality.

Some of the camps such as Malakasa and Ritsona are in remote areas far from hospitals and other services including specialized medical care for pregnant women and people with chronic diseases. Amnesty International was told by NGOs working there that due to the remoteness of the Ritsona camp and the lack of services after 5pm, there were difficulties in reacting to medical emergencies.

In Softex, Nea Kavala and Malakasa, the containers were very basic with no toilets and showers or kitchen, and those seen by Amnesty International had only a small electric heater to keep them warm. In the Nea Kavala camp, the containers did not have electricity. In Malakasa, asylum-seekers and migrants told Amnesty International that there are frequent electricity cuts.

Asylum-seekers and migrants continue to stay in tents in the Elliniko camp and in part of the Softex camp. In the Baseball stadium which is part of the Elliniko camp, the tents were exposed to the elements such as the rain and cold weather. Three single refugee women travelling with their children told Amnesty International that they did not have any heater in their tents when it snowed in January 2017 and that water entered when it rained. In another part of the Elliniko camp, the old airport terminal, people lived inside summer tents and tried to get extra privacy by dividing the space with blankets.

During the visit in December 2016, and January and February 2017, unhygienic conditions and insufficient number of toilets were observed in the Elliniko camp and refugees and migrants complained about the quality of food provided, while several asylum-seekers and migrants spoke about limited access to water or hot water in Malakasa and Nea Kavala camps.

Those interviewed also spoke about feeling unsafe in camps, particularly women. Poor lighting, lack of separate toilets and showers and the absence of mechanisms to report harassment, or protect victims were among the concerns raised by women refugees, asylum-seekers and migrants.⁶⁸ Women travelling on their own with children in Elliniko camp, for example, described their fear particularly at night because it was dark and said that they accompanied each other in the toilet.

⁶⁷ Summary statement of refugee flows, 14 February 2017, <http://mindigital.gr/index.php/προσφυγικό-ζήτημα-refugee-crisis/962-summary-statement-of-refugee-flows-14-02-2017>.

⁶⁸ Our hope is broken. European paralysis leaves thousands of refugees stranded in Greece, September 2016, Index: EUR 25/4843/2016

Several refugees, asylum-seekers and migrants also said that their prolonged stay in such conditions coupled with the uncertainty over their future put great strain over their mental health. A large number of those interviewed by Amnesty International, including families with young children, had stayed in these conditions for months on end – up to 11 months in some cases.

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

- Steps taken to improve reception conditions on the islands;
- Steps taken to investigate hate motivate attacks against refugees and migrants on Chios in November 2016 and the outcome of this investigation;
- Outcome of the investigation on the deaths of five refugees in the Moria camp between November 2016 and January 2017;
- Steps taken to improve reception conditions on mainland Greece;
- Steps taken to ensure the security of residents in camps housing refugees, asylum-seekers and migrants on the islands and mainland, in particular safety and security of women and girls;
- Whether any Common Standard Operating Procedures have been established as recommended by the Committee of Ministers in December 2015 “in order to ensure the sustainable and undisrupted operation of the facilities and provision of services”⁶⁹ and if so, their copies.

3. Shortcomings in the identification and reception of unaccompanied children in Greece

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 make sure that all unaccompanied children are immediately transferred to special reception centres with specialized personnel.⁷⁰ At its 1.222nd meeting, the Committee of Ministers urged the Greek authorities to take all the necessary measures so that alternatives to detention are sought for all unaccompanied children, taking into account that, in the case of their exceptional detention, children are detained separately from adults and under conditions appropriate to their vulnerable situation.⁷¹

Further to Amnesty International’s submission to the Committee of Ministers on 13 May 2016,⁷² recent findings described below show that the situation of unaccompanied children remains substandard as a result of insufficient places in appropriate shelters, inadequate reception conditions on Greek islands and mainland, and gaps over their identification as unaccompanied children.

Amnesty International wishes to reiterate its concerns over the failure of the Greek authorities to abolish the detention of unaccompanied asylum-seeking and migrant children.⁷³ Also, despite the fact that the number of available places in shelters for unaccompanied children doubled in the six months between July 2016 and January 2017 (from 661 places to 1,312 places), the need for more places remains greater still. According to the National Centre for Social Solidarity, as of 27 January 2017, there were an estimated 2,220 unaccompanied refugee or migrant children in

⁶⁹ 1243rd meeting (DH), 8-9 December 2015, CM/Notes/1243/H46-8, 10 December 2015, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805c2332>.

⁷⁰ 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, .

⁷¹ 1222nd meeting (DH), 11-12 March 2015, CM/De (2015)/1222, 13 March 2013, available at:

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c4f42.

⁷² See Greece: Amnesty International’s submission to the Council of Europe Committee of Ministers, M.S.S. v. Belgium and Greece, Application No. 30696/09, 25 May 2016, Index Number: EUR 25/4109/2016.

⁷³ Article 46 para. 4β of Law 4375/2016 states that unaccompanied asylum-seeking children are detained as a measure of last resort and solely for being referred securely to a shelter. One the other hand, the same provision reduces the maximum period that unaccompanied children can be held to 45 days.

Greece. Out of those, 1,350 were waiting for a place in a shelter; 317 of them in a Reception and Identification Center and 4 in 'protective custody' in police stations deprived of their liberty.⁷⁴

a. Reception of Unaccompanied Children on Greek Islands

According to the Greek legislation, individuals with particular vulnerabilities are exempt from the fast-track procedures on the islands and the provisions of the EU-Turkey Statement.⁷⁵ Hence, they can be transferred to mainland Greece without having to wait on the islands for their expected return to Turkey.

Children – meaning people under the age of 18 – travelling without a parent are also considered vulnerable but in the absence of enough specialized facilities they remain in the Reception and Identification Centers or in other camps on Greek islands for periods varying between a few weeks and several months.⁷⁶ In August 2016, Amnesty International met unaccompanied children –identified as such by the Reception and Identification Service- held in the Reception and Identification Center on Samos for up to three months. This was the longest period observed by the organization of a child held in a Reception and Identification Centre on the islands since the EU-Turkey Statement came into force.

Six unaccompanied children interviewed by Amnesty International on 27 November 2016 on Chios shared how they suffered from dire reception conditions in Souda camp as well as their security concerns from fights and hate motivated attacks. Detention for a prolonged period in very poor conditions, for example, led many unaccompanied children held at the Moria immigration detention centre to stage a protest on 26 April 2016. On 4 May 2016, the prosecutor of Mytilene on Lesbos concluded that the Moria immigration detention centre was not an appropriate place for unaccompanied children, and 70 unaccompanied children were reportedly transferred to an NGO run refugee facility on the island.⁷⁷

Non-governmental organizations working on the islands have repeatedly raised concern about the quality of the identification procedures as well as the subsequent support afforded to those identified as vulnerable.⁷⁸ As of 31 January 2017, only 2,906 vulnerable individuals have been transferred to mainland Greece since the EU-Turkey Statement. This number includes their relatives transferred with them.⁷⁹

Concerns over identification of vulnerabilities are also valid for unaccompanied children. In the Moria Reception and Identification Center, in cases where there is doubt about the age of an unaccompanied minor, the age is determined only on the basis of a dental or wrist x-ray taken at the local hospital without any psychological assessment. The non-governmental organization, Médecins du Monde (MdM), provides psychosocial and medical support to the Reception and Identification Center in Moria. Representatives of the organization said to Amnesty International that they do not participate in the age assessment procedures conducted there as the unreliable methodologies risk that children are wrongly identified as adults and as such excluded from services catered for them.⁸⁰ Appeals against decisions of

⁷⁴ National Centre for Social Solidarity (EKKA) Situation Update of 27 January 2017 available at: <http://data.unhcr.org/mediterranean/documents.php?page=2&view=grid&Country%5B%5D=83>.

⁷⁵ Under Article 14 para 8 of Law 4375/2016, vulnerable groups are considered: "a) Unaccompanied minors, b) Persons who have a disability or suffering from an incurable or serious illness, c) The elderly, d) Women in pregnancy or having recently given birth, e) Single parents with minor children, f) Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particularly survivors and relatives of victims of ship-wrecks, g) Victims of trafficking in human beings".

⁷⁶ Interviews with Reception and Identification Service Staff on Lesbos and Samos and unaccompanied children on Samos and Chios in August, November and December 2016 as well as regular contact with independent human rights lawyer, Elektra Koutra and lawyers from the NGO, Pro Asyl, based on Chios and Lesbos, between March 2016 and January 2017.

⁷⁷ See press article, "70 minor refugees in Mantamado," 10 May 2016, available at: <http://emprosnet.gr/article/83346-sto-mantamado-70-anilikoi-prosfiges>.

⁷⁸ See for example, Amnesty International, "Trapped in Greece: an avoidable refugee crisis," April 2016 (Index: EUR 25/3778/2016) and "Our hope is broken," September 2016 (Index: EUR 25/4843/2016) as well as Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the 'hotspots' set up in Greece and Italy published on 29 November 2016 (FRA Opinion 5/2016 [Hotspots]) and the Aire Centre and ECRE, "With Greece: recommendations for refugee protection," June 2016.

⁷⁹ Phone interview with the Greek Asylum Service on 31 January 2017.

⁸⁰ Interviews with MdM representatives, 3 December 2016 in Lesbos.

adulthood are generally unsuccessful as the children are expected to provide officially certified and translated documents proving their age within ten days of the notification of the age decision⁸¹

b. Reception of Unaccompanied Children on mainland Greece

Following the closure of the Greek border with the Former Yugoslav Republic of Macedonia, over 49,000 refugees and migrants have been stranded on mainland Greece as of 14 February 2017.⁸² Among them, persons belonging to vulnerable groups including unaccompanied children. Following a pre-registration exercise by the Greek Asylum Service that ended in July 2016, 3,481 individuals were identified as belonging to vulnerable groups on mainland Greece. Out of those, 1,225 were unaccompanied children.

Due to the insufficient number of places in shelters for unaccompanied children, many unaccompanied children stay in refugee camps in the mainland where conditions are substandard. Amnesty International researchers met several unaccompanied children who had been staying in the refugee camps in Nea Kavala (July 2016), Softex (December 2016) and Elliniko (February 2017). While some were waiting to be sent to a shelter, others were not identified as unaccompanied either because they were traveling with adults who were not their primary carers, or because they themselves did not want to be identified as children fearing they would be detained or separated from their community otherwise. Some of the children have remained in refugee camps as long as nine months. In all three camps, the conditions were poor and the children stated they were often afraid because of tensions in camps.

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

- Average time between the arrival of an unaccompanied child in Greece and his/her placement in a shelter for children;
- Measures taken to ensure the safety and security of unaccompanied children until they are placed in a shelter for children; in particular specific measures taken in various Emergency Response Sites and Transit Camps as well as Reception and Identification Centers around the country;
- Plans to increase the number of places in shelters for unaccompanied children;
- Number of appeals submitted against adulthood decisions and the decisions over these appeals.

CONCLUSIONS

As detailed above, there continue to be serious barriers to access asylum procedures in Greece. The implementation of the EU-Turkey agreement is also likely to lead to asylum-seekers being returned to Turkey, despite it being unsafe for them. Reception conditions, both on the islands and on mainland Greece remain substandard. Finally, the situation of unaccompanied children remain inadequate, since they continue to be routinely detained or stay in camps alongside adults due to shortages in transit and long-term shelter spaces for children.

RECOMMENDATIONS

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

- Significantly increase the capacity of the Asylum Service to promptly register and process all asylum applications.
- Examine asylum claims on their merits in a full and fair asylum process with all procedural and substantial

⁸¹ Interviews with Reception and Identification Centre staff on 3 December 2016 in Lesbos and phone interview on 28 January 2017 with Metadrasis, a legal aid organization in Greece.

⁸² Statistics provided by the Greek authorities, 14 February 2017, <http://mindigital.gr/index.php/τροσφυγικό-ζήτηση-refugee-crisis/962-summary-statement-of-refugee-flows-14-02-2017>.

safeguards, such as provision of information, quality interpretation and access to legal aid.

- Ensure that all procedures related to returns and transfers of individuals to third countries or countries of origin involve human rights guarantees, among others allowing the individuals effective access to legal counsel and the opportunity to challenge the lawfulness of any return decisions before competent judicial bodies.
- Not return asylum-seekers to Turkey under the EU-Turkey deal on the grounds that Turkey is a “safe third country” or a “first country of asylum.”
- Conduct an independent and effective investigation into the allegations concerning the illegal return of at least eight Syrian asylum-seekers to Turkey on 20 October 2016.
- Ensure systematic provision of adequate information to all refugees and migrants arriving in Greece on their rights and obligations, including up to date information about the process and the progress of their asylum application.
- Ensure adequate reception conditions on the Greek islands and mainland Greece by preventing overcrowding and by providing security in and outside camps, access to weather-appropriate accommodation, health care (including psycho-social services), hygiene, clean water and female only facilities.
- Establish an independent investigation into the circumstances surrounding the deaths between November 2016 and January 2017 in Moria camp on Lesbos.
- Ensure all refugees and migrants are able and appropriately assisted to register formal complaints of violence, harassment, hate motivated attacks and other crimes or violations.
- Ensure that those with specific vulnerabilities, including unaccompanied children, are systematically identified and special processes and services are put in place to ensure that their basic rights, safety and security are protected.
- Prohibit the detention of children by law and immediately end it in practice, in particular ending the detention of children in police stations under “protective” custody.
- Significantly increase the permanent shelter space available for unaccompanied children, as well as the transit shelters for them.

LINKS TO AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE:

- [Europe's Gatekeeper: Unlawful Detention and Deportation of Refugees from Turkey](#), 16 December 2015, AI Index: EUR 44/3022/2015.
- [Turkey 'safe country' sham revealed as dozens of Afghans forcibly returned hours after EU refugee deal](#), 23 March 2016.
- [Turkey: Illegal mass returns of Syrian refugees expose fatal flaws in EU-Turkey deal](#), 1 April 2016.
- [Greece: Thousands of refugees and asylum-seekers stranded at the mercy of European leaders](#), by Fotis Filippou, Amnesty International Director of Campaigns, Europe, 11 March 2016.
- [I was the first Afghan refugee turned away at the border](#), by Kristin Hulaas Sunde, 15 March 2016,
- [EU-Turkey refugee deal a historic blow to rights](#), press release, 18 March 2016
- [Turkey: Illegal mass returns of Syrian refugees expose fatal flaws in EU-Turkey deal](#), press release, 1 April 2016.
- [Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal](#), press release, 7 April 2016
- [Trapped in Greece: An avoidable refugee crisis, Amnesty International Report](#), 18 April 2016, AI Index: 25/2778/2016
- [Chios chronicle: Here is how Europe welcomed a young Afghan man who fled the Taliban](#), piece by Conor Fortune, News Writer at Amnesty International, 22 April 2016.
- [No Safe Refugee: Asylum-seekers and refugees denied effective protection in Turkey](#), 3 June 2016, AI Index: EUR/44/3825/2016.
- [Greece: "Our hope is broken" – European paralysis leaves thousands of refugees stranded in Greece](#), 22 September 2016, AI Index: EUR 25/4843/2016.
- [Greece: Police must protect refugees from ongoing far-right attacks](#), 18 November 2016.
- [Greece: Syrian refugee at risk of return to Turkey](#), 4 October 2016, AI Index EUR 25/4915/2016 and Update: [Greece: Syrian refugee remains detained five months on: Noori](#), 14 February 2017, AI Index EUR 25/5686/2017.
- [A Blueprint for Despair: human rights impact of the EU-Turkey deal](#), 14 February 2017, AI Index: EUR/25/5664/2017.