



**Doc. 13106**

23 January 2013

## Migration and asylum: mounting tensions in the Eastern Mediterranean

### Report<sup>1</sup>

Committee on Migration, Refugees and Displaced Persons

Rapporteur: Ms Tineke STRIK, Netherlands, Socialist Group

### Summary

Greece has become the main entry point for irregular migratory flows into the European Union, while Turkey has become the main country of transit.

Turkey and Greece are bound together in a problem which neither of them have the power to solve without greater solidarity and assistance from the European Union and other member States of the Council of Europe. The Syrian conflict and the influx of Syrian refugees, predominantly into Turkey, but also towards Greece, puts an even greater strain on both countries.

Greece has focussed on reinforcing its external borders and started a policy which relies too heavily on detention. Despite the Greek authorities' determination to improve the asylum system and detention conditions, which in many instances remain deplorable, much still needs to be done. Similarly the challenges arising from the large flow of Syrian refugees into Turkey and now increasingly into Greece and other European countries is an issue where Europe needs to show more solidarity.

The difficult economic context in Greece is contributing to rising social tension as well as increasing racism and xenophobia. This has to be tackled.

Europe must drastically rethink its approach to responsibility sharing to deal with what is a European problem and not one reserved to a single or only a few countries. Member States are called on to substantially increase their support for Greece, Turkey and other front-line countries to ensure that they have a realistic possibility of dealing with the challenges that they face. In this the Council of Europe also has a role to play, for example through exploring resettlement and readmission possibilities, assisting States in dealing with their asylum backlogs and putting forward innovative projects to alleviate growing racism and xenophobia towards migrants, refugees and asylum seekers.

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1. Reference to committee: Reference 3929 of 21 January 2013.



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## A. Draft resolution<sup>2</sup>

1. The Parliamentary Assembly believes that firm and urgent measures are needed to tackle the mounting pressure and tension over asylum and irregular migration into Greece, Turkey and other Mediterranean countries.
2. This is not the first time that the Assembly raises the alarm with regard to what is an unworkable and unfair situation in Europe. While the numbers of irregular migrants, asylum seekers and refugees arriving in Europe's Mediterranean countries should not pose an insurmountable problem, it has now become so. The problem requires a major overhaul of strategies and responsibilities for what should be recognised as a European problem and not one confined to a single or a few European States.
3. The Assembly is particularly concerned about Greece, which has become the main entry point for flows of irregular migration into the European Union. It is the country that suffers most from the current economic crisis, and still lacks an efficient and functioning asylum and migration management system capable of dealing with the large number of arrivals. Human rights of migrants, asylum seekers and refugees are being violated, due to the system of automatic detention in substandard conditions, and lack of access to asylum and basic provisions. This situation affects the human dignity of these people, but also increases the risk of *refoulement*.
4. While important measures are announced to improve its asylum mechanisms and detention conditions, as highlighted in the Greek Action Plan on Asylum and Migration Management, these steps need to be implemented. Furthermore, they are far from sufficient to deal with the significant number of asylum claims in a proper way and do not tackle the over reliance on detention. The Assembly welcomes in this context indications from the Greek authorities to the Assembly President that sub-standard detention centres will be closed in the course of 2013 and that women and children will no longer be detained, as soon as open reception facilities are established. The Assembly urges the Greek authorities to ensure that these measures are applied as swiftly as possible. The Assembly intends to monitor the follow-up given to these promises by the Greek authorities.
5. Turkey is similarly under great pressure. It has to deal with over 150 000 refugees from the Syria crisis, a number which is mounting, and it has become the main country of transit for mixed flows of irregular migrants, asylum seekers and refugees seeking to enter the European Union. As a country of transit, the main flow from Turkey is in the direction of Greece. The two countries are thus bound together in a problem which neither of them have the power to solve without greater solidarity and assistance from the European Union and other member States of the Council of Europe. Furthermore there needs to be greater bi-lateral co-operation between the two countries to deal with the situation they face.
6. In order to tackle these mixed migration flows, Greece has, with assistance from the European Union, enhanced border controls. It has also adopted a policy of systematic detention of irregular migrants and asylum seekers.
7. While these policies have helped reduce considerably the flow of arrivals across the Evros border with Turkey, they have transferred the problem to the Greek islands and have not helped significantly in dealing with the situation of irregular migrants, asylum seekers and refugees already in Greece. The building of a greater number of detention centres has not helped significantly either.
8. One of the consequences of Greece's inability to deal with these flows and the attendant migration management challenges that they bring, is the rise of xenophobia and racism in Greece. Migrants, asylum seekers and refugees have become scapegoats and the target of an alarming growth in violent attacks by individuals and vigilante groups. The situation has been exploited and made worse by the increasing political influence of The People's Association–Golden Dawn, a right wing extremist party with a clear xenophobic agenda.
9. While the European Union has shown great determination when it comes to saving its banking systems, it needs to demonstrate, along with non-European Union member States of the Council of Europe, similar levels of solidarity in the field of migration and asylum, where economic, social and humanitarian considerations collide. It is necessary, in this context to recognise that persons caught up in these mixed migratory flows are not intending to stay in Turkey or in Greece when they arrive; they are primarily looking to reach European Union member States other than Greece. Without sufficient support for this humanitarian crisis, there is a great risk of political destabilisation in the country.

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2. Draft resolution adopted by the committee on 22 January 2013.

10. The Assembly recognises the efforts made by Greece, Turkey and other countries in the region. It considers, however, that an honest and open evaluation would come to the conclusion that Greece currently does not have the capacity, the expertise, the resources or the political and social stability to deal with the scale of problems it is facing. Other countries in the region, such as Malta, face some of the same problems. Turkey is shouldering over 150 000 Syrian refugees, and could face even greater challenges in the year ahead.

11. The process of European unity and the Common European Asylum System is based on solidarity and mutual support. Without this the process is void of meaning and cannot succeed. Current European Union policies and what is expected of Greece, Turkey and other countries in the region are unrealistic. A major re-evaluation is therefore required, taking into account that the problem is a European Union problem requiring a European Union response with support from its member States.

12. In this context, the Assembly calls on member States of the Council of Europe to substantially increase their assistance to Greece, Turkey and other front-line countries to ensure that they have a realistic possibility of achieving what it expected of them. Member States are more particularly invited to:

12.1. support further assistance by the European Union to these countries;

12.2. provide bi-lateral assistance, including by exploring new approaches to resettlement and intra-Europe relocation of refugees and asylum seekers, favouring for example children and families, in particular where family reunification is possible;

12.3. share responsibility for Syrian refugees and asylum seekers via intra European Union relocation and refrain from sending these persons back to Syria or third countries;

12.4. maintain a moratorium on returns to Greece of asylum seekers under the Dublin Regulation;

12.5. support civil society projects in favour of Greece, such as the "safe houses" project of the Soros Foundation, which support Greek civil society and alleviate the consequences of poverty faced by Greeks as well as migrants, asylum seekers and refugees.

13. Taking into account the responsibility of the European Union, the Assembly calls on it to make a quantum leap on responsibility sharing for countries in the region. In this respect, the European Union is invited to:

13.1. step up further and simplify the terms of its co-operation and funding of initiatives, whether these be with governments, civil society or with international organisations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM);

13.2. develop further its approach to resettlement, especially for Syrian refugees from neighbouring countries of Syria, in particular where children and families are concerned;

13.3. use funding innovatively to build up local solidarity that benefits the population as a whole, as well as providing a humanitarian response to the needs of asylum seekers, refugees and irregular migrants. This could be done, for example, by funding initiatives run by the local population but geared towards the most deprived;

13.4. consider further measures in favour of those fleeing Syria. In this the European Union should provide greater support for Turkey and the UNHCR in their funding and resettlement appeals and pay particular attention to the educational needs of the young generation, including at a higher level where the possibility of providing scholarships should be explored;

13.5. revise and implement the Dublin Regulation in a way that provides a fairer response to the challenges that the European Union is facing in terms of mixed migration flows.

14. The Assembly recognises the pressure that Greece is under, but considers that it is failing badly to respect the human rights and dignity of migrants, asylum seekers and refugees. It therefore calls on Greece to ensure that the goals it has set are realistic and can be achieved and to make it clear to its European partners what Greece can and cannot do. In setting these goals, the Assembly calls on Greece to:

14.1. review its policies in relation to detention of irregular migrants and asylum seekers, in particular by:

14.1.1. refraining from automatic recourse to detention and exploring alternatives to detention, including through the greater use of open reception facilities in line with the European Union Reception Directive;

- 14.1.2. significantly reducing periods of detention and distinguishing between asylum seekers and irregular migrants;
  - 14.1.3. ensuring that unaccompanied children are never detained and that other children, women and other vulnerable groups are detained only in exceptional circumstances;
  - 14.1.4. ensuring that unsuitable detention facilities are closed and conditions of detention are significantly improved as soon as possible;
  - 14.1.5. considerably improve their access to medical care, communication and translation facilities and proper information on their rights;
  - 14.2. ensure access to a fair and effective asylum procedure by:
    - 14.2.1. implementing swiftly the reforms underway, allocating the necessary financial and human resources and training those involved;
    - 14.2.2. ensuring that asylum seekers have the unhindered possibility of lodging their claims for asylum, both in and out of detention;
    - 14.2.3. offering procedural safeguards in line with the Asylum Procedures Directive;
    - 14.2.4. taking steps to deal with the backlog of cases, calling for additional assistance from Europe, so that realistic solutions can be found to deal with this backlog in a timely, efficient and careful manner;
  - 14.3. combat the rise in racism and xenophobia in society and in political discourse, ensuring that:
    - 14.3.1. all alleged racist and xenophobic acts and violence, whether by individuals, vigilante groups or by law enforcement officers, are investigated and as appropriate prosecuted;
    - 14.3.2. politicians, journalists and other opinion leaders take responsibility and speak out against manifestations of racism and xenophobia;
  - 14.4. review its co-operation with the European Union and the assistance it receives to ensure that it can:
    - 14.4.1. implement the projects for which it receives funding and fully use the funds available, including through administrative reforms;
    - 14.4.2. provide a more balanced humanitarian and migration management response to the challenges it faces.
15. The Assembly also recognises the pressure that Turkey is facing as a country of transit and of destination of irregular migrants, asylum seekers and refugees. Taking this into account it calls on Turkey to:
- 15.1. keep its borders open to Syrian refugees and continue its generous response, for which it should be praised, in providing protection, assistance, food, shelter and education to this group of persons;
  - 15.2. take steps to improve the conditions of detention of irregular migrants and asylum seekers;
  - 15.3. complete its work on reform of the asylum system, which includes the approval of a draft Law on Foreigners and International Protection currently before the Grand National Assembly of Turkey;
  - 15.4. remove the geographic reservation restricting its obligations under the 1951 United Nations Convention relating to the status of refugees only to people uprooted by events in Europe.

## B. Draft recommendation<sup>3</sup>

1. The Parliamentary Assembly refers to its Resolution ... (2013) on asylum and migration: mounting tensions in the Eastern Mediterranean.
2. The Assembly considers that the Council of Europe has a role to play in assisting member States in the Mediterranean facing challenges due to the large-scale flow of irregular migrants, asylum seekers and refugees. It is clear that Greece, Turkey and other Mediterranean countries, notwithstanding the steps that they have taken, are unable to deal with the current challenges they face. If they are realistically expected to deal with these challenges, for the benefit of all of Europe, while fully respecting Council of Europe standards, then they will need much greater assistance and support.
3. The Assembly is aware that the European Union has a particular responsibility in this matter, but the Council of Europe should also play a role in the spirit and practice of solidarity.
4. The Assembly therefore recommends that the Committee of Ministers:
  - 4.1. encourage member States to continue the moratorium on returning asylum seekers to Greece, under the Dublin Regulation, in the light of the judgment of the European Court of Human Rights in the case of *M.S.S. v. Belgium and Greece*;
  - 4.2. hold a round table discussion on the issue of resettlement and relocation, in order to propose ideas and solutions, taking into account experiences of countries such as Malta which have been active on the issue and have an experience to share. In this discussion, particular attention could be paid to proposals the Council of Europe could put forward for resettlement and relocation of unaccompanied minors, women and other vulnerable persons;
  - 4.3. examine how member States can assist Greece or other countries in dealing with large backlogs of asylum cases, taking into account the Council of Europe's expertise in the field of administration of justice;
  - 4.4. explore whether innovative pilot projects could be put forward by the Council of Europe for Greece in order to help alleviate the growing racism and xenophobia towards migrants, refugees and asylum seekers, using, *inter alia*, the European Commission against Racism and Intolerance (ECRI) and the European Youth Centres, possibly in co-operation with the Council of Europe's Development Bank.

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3. Draft recommendation adopted unanimously by the committee on 22 January 2013.

## C. Explanatory memorandum by Ms Strik, rapporteur

### 1. Introduction

1. Due to its geographic position at Europe's South-Eastern border, the Greek-Turkish land and sea border is one of the main entry points of irregular migration into the European Union and Schengen areas.
2. Greece is facing a major challenge to cope with both the large influx of mixed migratory flows, including irregular migrants, refugees and asylum seekers, and the current economic crisis. That said it is not the only country struggling to cope in the region. It is impossible to look at the situation of Greece without also examining that of Turkey, which is the main country of transit to Greece and is also having to shoulder responsibility for over 150 000 Syrian refugees.
3. In the light of the foregoing, it is necessary to examine the extent of the migration and asylum challenges at Europe's south-eastern border, taking into account Turkey and Greece's policy reactions. Two further elements have to be added to this, namely the social tensions arising within Greek society due to an overload of financial and migratory pressure and also the issue of shared responsibility in Europe for dealing with European as opposed to simply national problems.

### 2. The storm at Europe's south-eastern border

#### *2.1. Greece under pressure: irregular migration challenge and economic crisis*

4. In recent years, hundreds of thousands of irregular migrants, asylum seekers and refugees crossed the Greek land, river and sea borders with many travelling through Turkey. In 2010, the large majority of mixed migratory flows entered the European Union through the Greek-Turkish border. This situation brings major challenges in terms of human rights and migration management.
5. According to statistics provided by the United Nations High Commissioner for Refugees (UNHCR), in 2010, more than 132 000 third-country nationals were arrested in Greece, including 53 000 in the Greek-Turkish border regions. During the first ten months of 2012, over 70 000 arrests occurred, including about 32 000 at the borders of Turkey.<sup>4</sup> People came from 110 different countries – the majority from Asia, including Afghanis, Pakistanis and Bangladeshis, as well as from Iraq, Somalia, and the Middle-East, especially Palestinians and an increasing number of Syrians.
6. Most migrants and asylum seekers do not want to stay in Greece and plan to continue their journey further into Europe. Many of them are however stuck in Greece, due to border checks and arrests when trying to exit Greece,<sup>5</sup> the current Dublin Regulation, and the fact that many irregular migrants cannot be returned to their country of origin.
7. The context of the serious economic and sovereign debt crisis aggravates the situation and reduces the ability for the Greek Government to adequately respond to the large influx. Greece received two rescue packages. One amounted to 239 billion euros and a second to 130 billion. The strings attached to this package obliged the Greek Government to adopt stringent austerity measures to bring the public sector deficit under control and severe cuts had to be made in social services and public sector employment. As a result, the Greek economy has shrunk by 25% over the past two years and enters into its sixth consecutive year of recession.<sup>6</sup>

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4. UNHCR, Athens, Background Note for the Commissioner for Human Rights of the Council of Europe, November 2012.

5. Despite the fact that Greece is part of the Schengen countries, irregular migrants are reportedly apprehended and arrested when trying to reach Italy by ferry. Once in Italy, they are prevented from disembarking and returned to Greece through informal push backs. See: Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Special Rapporteur on the Human Rights of Migrants, United Nations Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union: Greece, 3 December 2012 and Pro Asyl/ Greek Council of Refugees, Human Cargo – Arbitrary readmissions from the Italian sea ports to Greece, 3 July 2012, at: [www.proasyl.de/fileadmin/fm-dam/p\\_KAMPAGNEN/Flucht-ist-kein-Verbrechen/humancargo\\_01.pdf](http://www.proasyl.de/fileadmin/fm-dam/p_KAMPAGNEN/Flucht-ist-kein-Verbrechen/humancargo_01.pdf).

6. See Eurostat, Real GDP growth rate – volume, at: <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tec00115>.

## 2.2. Syria: a bad situation could get worse

8. In its [Resolution 1902 \(2012\)](#) on “The European response to the humanitarian crisis in Syria”, the Parliamentary Assembly condemned “the continuing, systematic and gross human rights violations, amounting to crimes against humanity, committed in Syria”. It described the humanitarian situation as becoming “more and more critical” for the estimated 1.2 million internally displaced Syrians and the 638 000 Syrians registered or awaiting registration as refugees in neighbouring countries.

9. Since October 2012, a bad situation has not improved and is getting worse. Reports on increased numbers of civilian victims of indiscriminate violence,<sup>7</sup> including the deliberate bombing and killing of students<sup>8</sup>, and allegations on the use of sexual violence against Syrian women and girls, indicate a new escalation of the conflict.<sup>9</sup> The Independent International Commission of Inquiry on the Syrian Arab Republic has highlighted the increasingly sectarian nature of the conflict,<sup>10</sup> which indicates that a swift solution to the armed conflict seems not to be in reach.

10. As the monthly death toll is increasing, the number of Syrians fleeing the conflict is also rising dramatically. In early January 2013, the UNHCR announced that over half a million Syrians have sought protection in neighbouring countries, including more than 150 000 in refugee camps in Turkey.<sup>11</sup> The organisation estimates that up to 1.1 million Syrian refugees will need assistance during the first half of 2013.<sup>12</sup> It has become an infeasible task for the neighbouring countries to provide for the reception of all Syrian refugees. According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA), Lebanon already hosts more than 400 000 Palestinian refugees. Although the European Union has provided for financial support to the UNHCR and the region, it still hasn't offered to take its share in the resettlement of Syrian refugees.<sup>13</sup>

11. By October 2012, 23 500 Syrian nationals had applied for asylum in EU member States, including almost 3 000 applications in September 2012 alone, and over 15 000 in Germany and Sweden.<sup>14</sup> Compared to neighbouring countries, asylum seeker numbers in the European Union currently remains manageable. However the number of Syrians trying to enter Greek territory in an irregular manner reached a critical level in July 2012, when up to 800 Syrians were crossing the Greek-Turkish land border every week. In the second half of 2012, more than 32% of sea arrivals to the Greek Islands were Syrian nationals.<sup>15</sup>

## 2.3. Regional implications of mixed migratory arrivals

12. In recent years, Spain, Italy and Malta were at the forefront of large-scale sea arrivals. According to the UNHCR, in 2012, 1 567 individuals arrived in Malta by sea. 75% of these persons were from Somalia. The UNHCR estimates however that less than 30% of the more than 16 000 individuals who have arrived in Malta since 2002 remain in Malta.<sup>16</sup>

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7. *The Guardian*, 106 dead in new Homs massacre, says Syrian monitor, 17 January 2013: [www.guardian.co.uk/world/2013/jan/17/homs-massacre-syria-basatin-hasawiya](http://www.guardian.co.uk/world/2013/jan/17/homs-massacre-syria-basatin-hasawiya).

8. *The Guardian*, Aleppo University blasts kill at least 82, 15 January 2013: [www.guardian.co.uk/world/2013/jan/15/aleppo-university-blasts-kill-52](http://www.guardian.co.uk/world/2013/jan/15/aleppo-university-blasts-kill-52).

9. International Rescue Committee (IRC), The IRC Commission on Syrian Refugees, Syria: a regional crisis, January 2013, at: [www.rescue.org/sites/default/files/resource-file/IRCReportMidEast20130114.pdf](http://www.rescue.org/sites/default/files/resource-file/IRCReportMidEast20130114.pdf).

10. OHCHR, Independent International Commission of Inquiry on the Syrian Arab Republic, Periodic update, 20 December 2012, at: [www.ohchr.org/Documents/Countries/SY/ColSyriaDecember2012.pdf](http://www.ohchr.org/Documents/Countries/SY/ColSyriaDecember2012.pdf).

11. United Nations High Commissioner for Refugees (UNHCR), Syria Regional Refugee Response, Regional Overview, 10 January 2013, at: <http://data.unhcr.org/syrianrefugees/regional.php>. See also: UNHCR Turkey, Turkey UNHCR Update on Syrian Displacement 01-04 January 2013, 6 January 2013, at: <http://data.unhcr.org/syrianrefugees/download.php?id=1335>.

12. UNHCR, Syria Regional Response Plan, January to June 2013, 19 December 2012, at: <http://data.unhcr.org/syrianrefugees/uploads/SyriaRRP.pdf>.

13. It is important to note that, as of now, the Syrian Regional Response Plan is underfunded (only funded up to 65%).

14. Irish Presidency of the Council of the European Union, Office of the Minister for Justice and Equality, Update on the Situation in Syria, Discussion paper in preparation of the Informal Justice and Home Affairs Ministers' Meeting on 17-18 January 2013 in Dublin, publicly available on the Council website.

15. Presentation of the Greek Ministry of Shipping, Maritime Affairs and the Aegean Hellenic Coast Guard during the visit of the ad hoc Sub-Committee of the Parliamentary Assembly on the large-scale arrival of irregular migrants, asylum seekers and refugees at Europe's Southern borders to Greece from 14 to 16 January 2013.

16. UNHCR Malta, 2012 Malta asylum trends, 26 October 2012, at: [www.unhcr.org/mt/index.php?option=com\\_content&view=article&id=614&Itemid=135](http://www.unhcr.org/mt/index.php?option=com_content&view=article&id=614&Itemid=135).

13. Spain and Italy have signed and effectively enforced readmission agreements with North and West African countries cutting down on the mixed migration flows. These agreements have provided the basis for returning irregular migrants and preventing their crossing through increased maritime patrols and border surveillance, including in the context of joint Frontex operations.

14. As a consequence of shifting routes, migratory pressure at the Greek-Turkish border increased significantly and Greece became the main gate of entry into the European Union from 2008 onwards, with an interval in 2011 when the Arab Spring brought a new migratory flow to Italy and Malta. To give an idea of how much the routes have changed, Frontex indicated that in 2012, 56% of detections of irregular entry into the European Union occurred on the Greek-Turkish border.<sup>17</sup>

15. Turkey, by contrast, has become the main transit country for migrants seeking to enter the European Union. Its 11 000-km-long border and its extensive visa-free regime make it an easy country to enter. An estimated half a million documented and undocumented migrants currently live in the country. This has brought a whole new range of challenges for Turkey and meant that it has had to develop a new approach to migration management and protection for those seeking asylum and international protection.<sup>18</sup> It has also faced problems in terms of detention of irregular migrants and asylum seekers. As with Greece, the conditions of detention have been highly criticised and steps are being taken to build new centres with the assistance of funding from the European Union.

16. Until recently, the traditionally complex Greek-Turkish political relations did not allow the pursuit and consolidation of an effective readmission policy with Turkey. Although Greece, for example, signed a readmission protocol with Turkey which goes back to 2001, the implementation of this was only agreed on in 2010. It is important that this bilateral agreement between Greece and Turkey functions effectively and this will be a challenge for both countries.

### 3. Shielding Greece through border management and detention: does it work?

#### 3.1. Enhanced border controls at the Greek-Turkish land border (Evros region)

17. The unprecedented numbers of irregular migrants and asylum seekers attempting to cross the Greek-Turkish border in recent years put the existing capacities and resources of Greece under severe strain. To remedy this situation, the Greek authorities have adopted the “Greek Action Plan on Asylum and Migration Management”, which is the basis for reforming the asylum and migration management framework in Greece.

18. In this context, considerable efforts were undertaken to reinforce Greece’s external borders and particularly the Greek-Turkish border in the Evros region. This was done notably through building up operational centres, using electronic surveillance and night vision devices, and by deploying patrol boats to strengthen river patrols. The surveillance technology used is part of the efforts under the European Border Surveillance System (Eurosur).

19. The so-called operation “Aspida” (“shield”), initiated in August 2012, aims to enhance border controls, surveillance and patrolling activities at the Greek-Turkish land border. Approximately 1 800 additional police officers from across Greece were deployed as border guards to the Evros region.<sup>19</sup>

20. Increased border controls in the context of this operation have not been without criticism. There have been worrying reports about migrants, including refugees and asylum seekers from Syria and other countries, being pushed back to Turkey over the Evros river.<sup>20</sup> Two incidents reportedly took place in June and October 2012, when inflatable boats were intercepted in the middle of the Evros river by Greek patrol boats and pushed back to Turkey before their boat was sunk, leaving people to swim to the Turkish shore.<sup>21</sup>

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17. Frontex, Frontex Risk Analysis Network (FRAN) Quarterly, Issue 2, April-June 2012, at: [www.frontex.europa.eu/assets/Publications/Risk\\_Analysis/FRAN\\_Q2\\_2012\\_.pdf](http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q2_2012_.pdf).

18. In this respect reform of the asylum system is underway and is included in a draft Law on Foreigners and International Protection currently before the Grand National Assembly of Turkey.

19. The number of police officers present at the Evros border with Turkey, which amounted to a total of some 1 900 persons, was however recently reduced by half, after completion of the border fence and due to the decrease of border crossings.

20. *The Guardian*, Syrian refugees “turned back from Greek border by police”, 7 December 2012, at: [www.guardian.co.uk/world/2012/dec/07/syrian-refugees-turned-back-greek/print](http://www.guardian.co.uk/world/2012/dec/07/syrian-refugees-turned-back-greek/print).

21. Amnesty International, Greece: the end of the road for refugees, asylum-seekers and migrants, 20 December 2012, at: [www.amnesty.org/fr/library/asset/EUR25/011/2012/en/443c4bcd-7b2e-4070-916c-087008f6762f/eur250112012en.pdf](http://www.amnesty.org/fr/library/asset/EUR25/011/2012/en/443c4bcd-7b2e-4070-916c-087008f6762f/eur250112012en.pdf), p. 4.

21. In addition, the Greek authorities completed a barbed wire fence at the 12.5-km-land border in December 2012. The barrier which was criticised by EU officials when announced<sup>22</sup> and built without EU funding, cost an estimated 3 million euros.

22. As a consequence of these actions, the numbers of irregular land border crossings dropped from over 2 000 a week in the first week of August to below 30 a week in the second half of September. According to the regional governor of Eastern Macedonia and Thrace, they are now close to zero.<sup>23</sup> While the Greek authorities claim that these actions have resulted in a more than 80% decrease of irregular entries,<sup>24</sup> one can observe that migrants' routes have shifted from the Greek-Turkish land border mainly to the sea border between both countries. This shift has been recognised by the Greek authorities.

23. Increased numbers of migrants are now arriving on the Greek Aegean islands of Lesbos, Samos, Symi and Farmkonissi. Between August and December 2012, 3 280 persons were arrested after crossing the Greek-Turkish sea border,<sup>25</sup> compared to 65 persons in the first seven months of 2012.

24. There has also been an increase in the number of deaths at sea. In early September 2012, 60 people perished when their boat sank off the coast in Izmir.<sup>26</sup> On 15 December 2012, at least 18 migrants drowned off the coast of Lesbos while attempting to reach the island by boat.<sup>27</sup>

25. The spill over effect of new routes opening are now being felt by neighbouring countries, such as Bulgaria and some of the Western Balkans.

### **3.2. Systematic detention of irregular migrants and asylum seekers**

26. Together with increased border controls, administrative detention remains the predominant policy response by the Greek authorities to the entry and stay of irregular migrants. According to the Greek Government's new policy, all migrants who are detected when irregularly entering Greece are systematically detained for the sole purpose of their irregular migration. By criminalising the irregular status of migrants the Greek authorities accept detention as the necessary consequence.

27. Recently, thousands of irregular migrants were rounded up by police forces in the regions of Attica and Evros in the so-called operation "Xenios Zeus", initiated in early August 2012. This operation, named after the ancient Greek god of hospitality, aims at addressing the presence of undocumented migrants in Athens and other urban centres in Greece. This has resulted in widespread detention of irregular migrants in police or pre-removal detention facilities throughout the country. In April 2012, the Greek Government announced the building of new detention centres with a capacity to hold up to 10 000 people, financed by the European Union. Expansion works also started to facilitate the detention of an increased number of migrants in the five pre-removal detention centres that currently exist.

28. However, out of the total number of almost 65 800 foreign nationals arrested between August and December 2012, only 4 100 were found to be in an irregular situation.<sup>28</sup> This raises important concerns regarding the non-discrimination principle, given that most foreigners were apprehended as a result of their physical appearance.

29. Particularly worrying are the conditions in the various detention centres and police stations where irregular migrants and asylum seekers are held, and which have frequently been criticised. The European Court of Human Rights has found Greece to be in violation of the right to freedom from inhuman or degrading treatment in several cases in recent years.<sup>29</sup> In addition, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment (CPT) has regularly criticised the poor

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22. EU Observer, Greece build fence to ward off asylum seekers, article by Nikolaj Nielsen, 7 February, at: <http://euobserver.com/fortress-eu/18565>.

23. Ekathimerini.com, Greek islands faced with fresh wave of illegal migrants, 7 January 2013, at: [www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite6\\_1\\_07/01/2013\\_477171](http://www.ekathimerini.com/4dcgi/_w_articles_wsite6_1_07/01/2013_477171).

24. *L'Express*, Clandestins: L'autre bombe grecque, 28 November 2013.

25. Ekathimerini.com, Greek islands faced with fresh wave of illegal migrants.

26. Parliamentary Assembly of the Council of Europe, Committee on Migration, Refugees and Displaced Persons, Boat tragedy off Turkey and Lampedusa: further warnings for Europe, Press release of 7 September 2012, at: [http://assembly.coe.int/ASP/NewsManager/EMB\\_NewsManagerView.asp?ID=7915](http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=7915).

27. Ekathimerini.com, Greek islands faced with fresh wave of illegal migrants.

28. Migration Policy Group, Migration News Sheet, Greece: only 6.3% of those foreigners taken to a police station for verification of identity proved to be without a valid residence permit, January 2013, at: [www.migrationnewsheet.eu/greece-only-6-3-of-those-foreigners-taken-to-a-police-station-for-verification-of-identity-proved-to-be-without-a-valid-residence-permit](http://www.migrationnewsheet.eu/greece-only-6-3-of-those-foreigners-taken-to-a-police-station-for-verification-of-identity-proved-to-be-without-a-valid-residence-permit).

detention conditions of irregular migrants and asylum seekers and the structural deficiencies in Greece's detention policy as well as the government's persistent lack of action to improve the situation.<sup>30</sup> The conditions of detention in one centre in Greece were found to be so bad that a local court in Igoumenista acquitted, earlier this year, migrants who were charged with escaping from detention stating that the conditions in the centre were not in compliance with the migrants' human rights.<sup>31</sup>

30. Notwithstanding the recent efforts of the new Greek Government to improve detention conditions including by renovating facilities and building new centres such as the Amygdaleza centre, sub-standard conditions were confirmed by a visit of an ad hoc sub-committee of the Parliamentary Assembly<sup>32</sup> to Greece. By way of example, in the Fylakio detention centre up to 72 irregular migrants were held together with asylum seekers and unaccompanied minors in a 100m<sup>2</sup> cell without light, heating or warm water. In the Petrou Ralli police station in Athens, the delegation met with a number of desperate women who were detained in sub-standard conditions without proper access to sanitation. All complained about lack of adequate clothing, lack of contact with the outside world and inadequate medical services.

31. The situation of women, unaccompanied and separated migrant children and vulnerable groups, including migrants with illnesses and disabilities, victims of trafficking and traumatised people, is particularly worrying. They do not receive adequate treatment during detention and after release. Unaccompanied minors are often detained among adults for prolonged periods and are released from detention without any assistance. In this respect, the Assembly recommended in its [Resolution 1810 \(2011\)](#) on unaccompanied children in Europe: issues of arrival, stay and return, that no detention of unaccompanied children on migration grounds should be allowed, given that it is not in their best interest, and appropriate care arrangements, including a functioning system of legal guardianship, should be introduced.

32. The Greek authorities are aware of many of these issues and problems. They have recently closed one and indicated a determination to close two further detention centres that have been deemed sub-standard, including Petrou Ralli police station in Athens. This is due to close in the course of 2013, which is a welcome step. Furthermore, I have been informed by Jean-Claude Mignon, President of the Parliamentary Assembly, that the Greek Prime Minister and the Minister of Public Order and Citizens Protection indicated in a meeting their intention that from spring 2013, women and children will no longer be detained on migration grounds, as soon as open reception facilities are built.<sup>33</sup> In this respect the Greek Government, in co-operation with the IOM, will establish a network of stakeholders to build two new reception facilities to provide special care and assistance for vulnerable groups, such as unaccompanied minors, families and migrants with health issues. This is an important measure, which needs to be carried out as soon as possible.

33. While previously, Greek legislation provided for up to six months detention for those who enter or reside in Greece, recent amendments, which partly implement the EU Returns Directive, extended migrants' and asylum seekers' detention by up to 12 months.<sup>34</sup> While the length of detention would appear to be a political measure aimed at deterring potential migrants from entering Greece, this has not had a deterrent effect. It has however increased the despair and vulnerability of those detained.

34. Detention is applied systematically without an individual assessment in each case. It is a matter of first resort rather than last resort. Alternatives to detention are currently not used or explored. Moreover, procedural safeguards are lacking. There is no automatic judicial review of detention decisions. Legal aid and

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29. The European Court of Human Rights found, for instance, violations of Articles 3 and 5 of the European Convention on Human Rights in its recent judgments in the cases of *Nieciecki v. Greece*, Application No. 11677/11, 4 December 2012, *Tzamalīs and Others v. Greece*, Application No. 15894/09, 4 December 2012, *Lin v. Greece*, Application No. 58158/10, 6 November 2012, *Ahmade v. Greece*, Application No. 50520/09, 25 September 2012 and *Mahmundi and Others v. Greece*, Application No. 14902/10, 31 July 2012.

30. CPT, Public statement concerning Greece, published on 15 March 2011, at: [www.cpt.coe.int/documents/grc/2011-10-inf-eng.pdf](http://www.cpt.coe.int/documents/grc/2011-10-inf-eng.pdf). See also: CPT, Report on its visit from 19 to 27 January 2011, published on 10 January 2012, at: [www.cpt.coe.int/documents/grc/2012-01-inf-eng.pdf](http://www.cpt.coe.int/documents/grc/2012-01-inf-eng.pdf), together with the reply by the Greek authorities, at: [www.cpt.coe.int/documents/grc/2012-02-inf-eng.pdf](http://www.cpt.coe.int/documents/grc/2012-02-inf-eng.pdf).

31. See Ekathimerini.com, Court clears migrants of escaping custody, 12 January 2013, at: [www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite1\\_1\\_12/01/2013\\_478162](http://www.ekathimerini.com/4dcgi/_w_articles_wsite1_1_12/01/2013_478162).

32. Ad hoc Sub-Committee on the large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores.

33. Letter from Mr Jean-Claude Mignon, President of the Parliamentary Assembly, to Ms Tineke Strik, dated 17 January 2013.

34. The administrative detention of irregular migrants is based on the general migration law 3386/2005 (upon entry at the border) and on law 3907/2011 (for those already residing in Greece), which implements the EU Returns Directive. The detention of asylum seekers is governed by Presidential Decree 114/2010 on the asylum procedure and its recent amendment in October 2012.

information to detainees about the reasons for and the length of their detention are far from sufficient, and interpretation and access to a lawyer is not guaranteed, thus making it almost impossible to challenge detention. The Greek authorities are aware of these issues and are seeking to tackle them. It should however be emphasised that much needs to be done.

### **3.3. Impediments in accessing asylum and international protection**

35. Despite the current efforts by the Greek authorities to reform the asylum and migration management framework, the country still does not have a fair and effective asylum system in place. The Greek Action Plan on Migration and Asylum, which was revised in December 2012, sets out the strategy of the Greek Government. It foresees the speedy creation of a functioning new Asylum Service, a new First Reception Service and a new Appeals Authority, staffed by civil servants under the Ministry of Public Order and Citizens Protection, disengaging the asylum procedure from the police authorities. However problems in finding sufficient financial resources and qualified staff still give rise for concerns on the implementation of the plans.

36. The current asylum system is still characterised by difficulties of access to the procedure, poor asylum interviews and very low recognition rates (1% to 2%). A side effect of measures aimed at increasing border controls and systematically detaining irregular migrants and asylum seekers is that persons in need of international protection are confronted with increased obstacles in accessing the asylum procedure and registering their claims. The lack of access to an asylum procedure and the deficiencies in the asylum procedure create a risk of *refoulement* and thus a breach of the European Convention on Human Rights (ETS No. 5) and the 1951 Convention relating to the Status of Refugees.

37. For persons in need of international protection it is extremely difficult to claim asylum in detention. This is due to the lack of legal assistance, interpretation and information on their detention situation. The necessary contacts with legal representatives are often not established and there are problems in terms of individual follow up on claims.

38. In this context, it is worrying that increasing numbers of Syrian refugees are among those detained. These people are particularly vulnerable and in need of international protection. They should not be detained, but receive special care, including medical, psychological and social assistance.

39. Those outside of detention also have problems in claiming asylum due to the practice of the Greek authorities of limiting the number of asylum applications they are prepared to accept on a weekly basis. For instance, the Police Directorate of Petrou Ralli, currently accepts the registration of only about 20 to 40 asylum claims a week,<sup>35</sup> in addition to vulnerable persons who can apply on a daily basis.

40. There is also a backlog of pending applications, initially estimated at 55 000 cases. The Greek Government indicated its determination to resolve this backlog as quickly as possible. In a considerable effort by the government, 200 persons are to be recruited for this.<sup>36</sup> This point was one of the 13 issues contained in the agreement between the Greek authorities and the European Commission to be addressed as a matter of urgency.<sup>37</sup>

## **4. Social tensions within Greek society**

### **4.1. The social situation of migrants and asylum seekers**

41. Greece's efforts to deal with the influx of irregular migrants and asylum seekers suffers from there being no comprehensive migration policy. The Greek authorities for many years did not have a coherent strategy on what to do with irregular migrants and failed asylum seekers who could not be, or who were not returned to their country of origin. They were simply left in a legal limbo. Due to a lack of a functioning policy of managing

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35. Council of the European Union, Greece's National Action Plan on Asylum Reform and Migration Management = Information by Greece, the Commission, Frontex and EASO, document prepared by the Commission services in preparation of the meeting of the Council (Justice and Home Affairs) Mixed Committee on 25-26 October 2012, 23 October 2012, at: [www.statewatch.org/news/2012/oct/eu-com-greece-migration-15358-12.pdf](http://www.statewatch.org/news/2012/oct/eu-com-greece-migration-15358-12.pdf).

36. This presents a considerable effort, given that the Greek authorities are only allowed to create 2 000 new jobs in 2013 in its entire administration and considering that certain essential public services, including hospitals, are significantly lacking staff. See Irish Presidency of the Council of the European Union, Office of the Minister for Justice and Equality, Greek National Action Plan on Asylum and Migration Management, Discussion paper prepared for the Informal Justice and Home Affairs Ministers' meeting on 17-18 January 2013, at: [www.eu2013.ie/](http://www.eu2013.ie/) and [www.statewatch.org/news/2013/jan/eu-informal-jha-council-greece-migration.pdf](http://www.statewatch.org/news/2013/jan/eu-informal-jha-council-greece-migration.pdf).

37. Council of the European Union, Greece's National Action Plan on Asylum Reform and Migration Management.

legal migration flows, most migrants have arrived irregularly in Greece.<sup>38</sup> This inability to control mixed migratory flows of people into the country and the difficulties of dealing with them once they are in the country has created political and social tensions, exacerbated by the economic crisis.

42. As a result of the economic crisis and austerity measures, the unemployment rate in October 2012 of the Greek population reached 26,8% and youth unemployment climbed as high as 56,6%. It is expected to climb even higher.<sup>39</sup> Many Greeks are living below the breadline and growing numbers are unable to pay their rent and some have become homeless. Pensions and health care, transportation and education have all been cut drastically. As a result of this situation there have been many mass protests against the austerity measures and the economic situation.

43. In this context, there is little financial or other support available for irregular migrants, asylum seekers and refugees from the Greek authorities. While there are around 1 000 reception places for asylum seekers, this is an insufficient number to accommodate all asylum seekers. To give an indication of the shortfall, between January 2012 and October 2012 alone, more than 7 700 asylum applications were registered.

44. As a result, many irregular migrants and asylum seekers end up in occupied buildings or flats under appalling conditions or they sleep on the streets. They face social exclusion and precarious living conditions. According to Amnesty International, "Greece's failure to respect the rights of migrants and asylum seekers is taking on the proportions of a humanitarian crisis", as even the most basic requirements of safety and shelter are not guaranteed.

45. On the Aegean islands, the situation is becoming more and more dramatic. Local authorities often fall short of providing reception and detention facilities. Migrants and asylum seekers, including pregnant women and families with small children, have to face overcrowding or sleep on the streets. While the locals are doing their best to help, a lot more is needed from the central authorities and from both the European Union and European countries.

#### **4.2. Discrimination, xenophobia and racist attacks against migrants**

46. The mounting social tensions and the inadequate response by the State to address the difficult social situation of migrants, asylum seekers and refugees have led to an increase in criminality and exploitation of this group. In addition, migration has become a key confrontational political issue. This in turn has contributed to an increasingly wide-spread anti-immigrant sentiment among the Greek population.

47. Over the last two years there has been a dramatic increase in xenophobic violence and racially motivated attacks against migrants in Greece, including physical attacks, such as beatings and stabbings, attacks on immigrants' residences, places of worship, migrants' shops or community centres.<sup>40</sup> The Network for Recording Incidents of Racist Violence documented 87 racist incidents against migrants and refugees between January and September 2012.<sup>41</sup> Half of them were connected with extremist groups.

48. Members and supporters of Golden Dawn have often been linked with recent violent attacks and raids against migrants and asylum seekers. By using blatantly anti-migrant and racist discourse, often inciting violence, Golden Dawn gained 7% of the popular vote during the June 2012 parliamentary elections and support seems to be growing, according to recent polls. In October 2012, the Greek Parliament lifted the immunity from prosecution of the two Golden Dawn MPs who participated in the violent attacks against migrants in September.

49. The Council of Europe Commissioner for Human Rights has called on Greece to examine whether the "most overt extremist and Nazi party in Europe" is legal. It seems that Golden Dawn aims at political and societal destabilisation and gains by the failing policy regarding refugees and irregular migrants. In December 2012, the European Commission against Racism and Intolerance (ECRI) expressed its "deep concern" about the rise of Golden Dawn and asked the Greek authorities to "take firm and effective action to ensure that the activities of Golden Dawn do not violate the free and democratic political order or the rights of any individuals".

38. Greece, report prepared for the SOMEPI meeting, Paris, 30 November–2 December 2011.

39. See Ekathimerini.com, Greek unemployment rises to 26,8 pct in October [update], 10 January 2013, at: [www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite2\\_1\\_10/01/2013\\_477705](http://www.ekathimerini.com/4dcgi/_w_articles_wsite2_1_10/01/2013_477705).

40. Human Rights Watch, Hate on the Streets: Xenophobic Violence in Greece, 10 July 2012, at: [www.hrw.org/sites/default/files/reports/greece0712ForUpload\\_0.pdf](http://www.hrw.org/sites/default/files/reports/greece0712ForUpload_0.pdf).

41. Racist Violence Recording Network, Racist Violence Recording Network Findings (1.1.2012-30.9.2012), 23 October 2012, at: [www.unhcr.gr/1againstracism/racist-violence-recording-network-findings/](http://www.unhcr.gr/1againstracism/racist-violence-recording-network-findings/).

## 5. The European responsibility for a European problem

### 5.1. European front-line States under particular pressure

50. This is not the first time that the Parliamentary Assembly expresses its concern on the particular pressure that European front-line States are confronted with.<sup>42</sup>

51. Despite the fact that most European Union countries have stopped returning asylum seekers to Greece under the Dublin Regulation following the judgment of the European Court of Human Rights in the case *M.S.S. v. Belgium and Greece*,<sup>43</sup> there are still some reports of returns from some countries based on this regulation.<sup>44</sup>

52. The final agreement between the Council and the European Parliament on the revision of the Dublin Regulation still allocates responsibilities for asylum seekers to a single EU member State and does not present a more fundamental reform of the rules. European Union member States also rejected the idea of a mechanism to suspend transfers to those EU countries which were unable to manage the influx of asylum seekers into their territory, preferring to adopt an “early warning mechanism”.

### 5.2. Greece: A test case for European solidarity

53. This migratory pressure Greece is confronted with comes at a moment when the country is suffering as no other European country does from the current economic and social crisis. In response to these difficulties, the European Union has provided financial and technical assistance.

54. During the period of 2011-2013, Greece received 98,6 million euros under the Return Fund, 132,8 million euros under the External Border Fund and 19,95 million euros under the European Refugee Fund. The focus of funding was thus on border control and detention measures, to the detriment of the protection measures.

55. Frontex Joint Operation “Poseidon Land” was launched in 2010 at the borders between Turkey and Greece and between Turkey and Bulgaria. EU member States currently have 41 police officers and equipment deployed to the Evros border region in Greece.<sup>45</sup> They also support the Greek and Bulgarian authorities with the screening and debriefing of irregular migrants, and tackling irregular migratory inflows and smuggling networks towards Greece.<sup>46</sup> In addition, Frontex has recently strengthened its patrols in the coastal waters in the Eastern Aegean between Greece and Turkey in the context of Joint Operation “Poseidon Sea”. European Union member States have deployed additional maritime surveillance assets at the sea border between Greece and Turkey. The joint operation was extended to also cover the West coast of Greece and today is Frontex’s main operational activity in the Mediterranean region.

56. Furthermore, the European Asylum Support Office (EASO) provides technical support to Greece and other EU member States whose asylum and reception systems are under particular pressure. Following the request by the Greek Government in February 2011, EASO started giving assistance and training in building up a new asylum system, improving reception conditions of asylum seekers in Greece and clearing the backlog of outstanding asylum claims. To do this they have deployed over 40 Asylum Support Teams of experts to the country.

57. While EU member States are ready to provide financial and technical assistance to help Greece in managing and controlling its borders, with a focus on both forced and voluntary returns as a policy solution, they are not keen on sharing the reception and processing of mixed migratory flows arriving at the European Union’s external border. According to the Greens/European Free Alliance of the European Parliament, “[m]igration will not be stopped by reinforcing border control, border management measures and forced returns; the current approach only reinforces human rights violations”.<sup>47</sup>

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42. See in particular [Resolution 1521 \(2006\)](#) on the mass arrival of irregular migrants on Europe’s Southern shores, [Resolution 1637 \(2008\)](#) on Europe’s “boat people”: mixed migration flows by sea into southern Europe and [Resolution 1805 \(2011\)](#) on the large-scale arrival of irregular migrants, asylum seekers and refugees on Europe’s southern shores.

43. Application No. 30696/09, judgment of 21 January 2011 (Grand Chamber).

44. OHCHR, UN Special Rapporteur on the Human Rights of Migrants, UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union: Greece.

45. Presentation of the General Police Directorate of East Macedonia and Thrace during the visit of the ad hoc Sub-Committee of the Parliamentary Assembly on the large-scale arrival of irregular migrants, asylum seekers and refugees at Europe’s Southern borders to Greece from 14 to 16 January 2013.

46. [www.frontex.europa.eu/operations/archive-of-accomplished-operations/182](http://www.frontex.europa.eu/operations/archive-of-accomplished-operations/182).

58. As rapporteur I would largely agree with this statement, although I would add that while such policies may be able to solve a problem in one country, it then simply “passes the buck” to another. Should it be possible to seal Greece's border, this would undoubtedly then put even greater pressure on Turkey and Bulgaria and then up the eastern borders of the European Union. This is an issue which will be the subject of a separate report by the Committee on Migration, Refugees and Displaced Persons.<sup>48</sup>

59. The European Union response to the economic and financial crisis in Greece has been a massive bail out. Similar solidarity is however necessary with regards to the current social and humanitarian crisis in the field of migration and asylum. Europe is however doing too little, too late. A shared asylum policy that takes into account that the migratory pressures are not the sole responsible of one or a few European States, but a European problem, is even more essential in a time when the region is facing major instability. This instability will only increase further if the up and coming Golden Dawn party succeeds in exploiting the immigrant issue. Europe cannot afford to look away.

60. Increased migratory flows to European front-line States requires a fundamental rethink on solidarity and responsibility sharing. This includes swift solutions that go beyond mere financial and technical assistance and show greater solidarity in receiving refugees and asylum seekers and developing resettlement, especially currently for Syrian refugees from the neighbouring countries of Syria, and intra-EU relocation programmes, in particular where children and families are concerned. Assembly [Resolution 1820 \(2011\)](#) on asylum seekers and refugees: sharing responsibility in Europe provides meaningful recommendations in this respect.

## 6. Conclusions

61. The pressure of mixed migratory flows currently unfolding at the European Union's external borders in the eastern Mediterranean requires rethinking of the entire solidarity system with the European Union and the Council of Europe. Greece, Turkey or other neighbouring countries should not be left with the primary responsibility of dealing with the mounting mixed migratory pressure from the South and East. A shared asylum and migration policy is even more essential at a time when the region is facing major economic and social instability.

62. Stricter border control, prolonging migrants' and asylum seekers' detention or constructing new detention facilities in Greece all contribute to further human rights violations taking place. They are not the way out of the problem and they do not persuade people fleeing from poverty or violence in their countries of origin to remain at home.

63. The recent efforts by the Greek authorities to introduce a more effective and humane system addressing the large number of irregular migrants and asylum seekers entering Greece is a welcome step in the right direction. Greece however faces a Herculean task in building up an efficient, fair and functioning system providing international protection to those in need.

64. Europe urgently needs to join forces to deal with the Syrian refugee problem, offering resettlement and relocation to relieve the burden falling on neighbouring States of Syria as well as its southern European States, and ensuring that Syrian refugees are not sent back.

65. The challenges are great but not insurmountable for Europe. Left to individual States they are.

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47. European Parliament, The Greens/European Free Alliance, Letter to Minister Dendias, 30 November 2012, at: [www.statewatch.org/news/2012/dec/ep-greens-greece-letter.pdf](http://www.statewatch.org/news/2012/dec/ep-greens-greece-letter.pdf).

48. Mangement of mixed migration and asylum challenges beyond the European Union's Eastern border. Rapporteur: Mr Andrea Rigoni, Italy, ALDE.

**Appendix – Dissenting opinion by Ms Pelin Gündeş Bakir (Turkey, EDG), member of the Committee on Migration, Refugees and Displaced Persons<sup>49</sup>**

The geographical limitation implemented by Turkey is not a reservation of Turkey but quite the contrary; a right recognized by article 1(B) of the 1951 Geneva Convention. The judgment of the European Court of Human Rights in the case of *A.G. and others v. Turkey* (Application No. 40229/98, 15 June 1999) makes it very clear that geographical limitation and reservation cannot be considered as a discrimination regarding the rights defined in the European Convention on Human Rights. Based on the decision of the European Court of Human Rights, Turkey does not have to remove the geographical reservation guaranteed as a right in the 1951 United Nations Convention with regard to its acceptance of refugees only from Europe and only the people uprooted by events in Europe. This is completely legal. Forcing the opposite would be the violation of the sovereignty rights of Turkey and against the decisions of the European Court of Human rights.

Turkey is fulfilling its obligations and it is hosting more than 150 000 Syrians fleeing from the Esad regime in 15 camps within Turkey. Up until today, Turkey has spent more than 550 million dollars from its own national resources for Syrians sheltering in the camps within Turkey.

There has been ongoing and uninterrupted collaborations and close friendly co-operation between the Greek and Turkish authorities to counter illegal migration and human trafficking. Numerous bilateral protocols have been signed hitherto for the control of human trafficking. Within the framework of the Readmission Protocol between Turkey and Greece, the last experts meeting was held in Ankara in November 2012. The delegations of both countries in the meeting agreed on effectively combating with the illegal migration as well as human trafficking.

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49. In accordance with Rule 49.4 of the Assembly's Rules of Procedure ("The report of a committee shall also contain an explanatory memorandum by the rapporteur. The committee shall take note of it. Any dissenting opinions expressed in the committee shall be included therein at the request of their authors, preferably in the body of the explanatory memorandum, but otherwise in an appendix or footnote").