



Resolution 2118 (2016)¹

Refugees in Greece: challenges and risks – A European responsibility

Parliamentary Assembly

1. Europe's panicked response to the refugee and migration crisis is crushing Greece between two brutal realities: the closure by "the former Yugoslav Republic of Macedonia" of its border with Greece and the imposition of the European Union–Turkey Agreement (EU–Turkey Agreement) in the Aegean islands. This has blocked 46 000 refugees and migrants in mainland Greece and a further 8 500 on the islands. Greece has been left bearing a grotesquely disproportionate burden simply because of its place on the map; yet in every other respect it is perhaps the least well placed of all European Union countries to bear this responsibility.
2. The Greek asylum system has long suffered from a series of failings, found by the European Court of Human Rights in 2011 to give rise to violations of the European Convention on Human Rights (ETS No. 5). Despite the efforts of the Greek authorities and progress in some areas, the underlying structural problems remain largely unresolved today, at a time when the asylum system is being placed under greater strain than ever and the government is also confronted with enormous political, administrative and budgetary challenges in other areas.
3. Much of the responsibility for the current situation falls to the European Union, which has tacitly supported the closure of borders along the western Balkans route and concluded the agreement of 18 March 2016 with Turkey. The European Union has nevertheless until now failed to provide adequate support to Greece or ensure that responsibility is shared equitably among its member States. In particular, European Union member States have collectively failed to satisfy the requests for seconded staff to ensure that the Greek asylum system can operate effectively, especially on the Aegean islands where most asylum seekers are detained, and they have collectively failed to respond in any meaningful way to the 2015 agreements on relocation of recognised refugees. While financial support has been forthcoming, money alone will solve nothing without the administrative capability and structural capacity in Greece to spend it effectively.
4. The refugee and migrant crisis in the eastern Mediterranean must be fully accepted as a European and global problem, and not only a Greek one. The only effective response will be based on respect for the human rights of refugees and migrants, in accordance with the fundamental values common to the Council of Europe, the European Union and their member States, and on genuine solidarity and the practical sharing of responsibility. Grave doubts exist as to whether the current situation is sustainable, however, as tens of thousands of refugees and migrants are still living in camps where conditions do not meet international standards; the situation on the Aegean islands has continued to deteriorate since the EU–Turkey Agreement; and the asylum system on the mainland remains dysfunctional. There are two essential conditions for the situation in Greece to become sustainable: the rapid registration and processing of all asylum applications, which depends primarily on the Greek authorities, with European Union support; and the prompt fulfilment of States' relocation obligations, which depends mainly on other countries. Unless both of these conditions are met, there is a serious risk of a severe humanitarian crisis in Greece.

1. *Assembly debate* on 21 June 2016 (21st Sitting) (see [Doc. 14082](#) and addendum, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Tineke Strik). *Text adopted by the Assembly* on 21 June 2016 (21st Sitting).



5. The first victims of the situation in Greece are the refugees and migrants. The Parliamentary Assembly is particularly concerned by the following aspects:
- 5.1. on the Aegean islands, asylum seekers – who have been convicted of no crime – are detained in the reception centres known as “hotspots” on dubious legal grounds, in conditions that fall below the standards expected of prisons, in an administrative limbo with little information on their situation and complete uncertainty as to their future;
 - 5.2. vulnerable persons, including women and children, are held in the hotspots alongside angry, frustrated young adults, and are thus exposed to risks of violence, exploitation and abuse;
 - 5.3. asylum seekers on the Aegean islands are at risk of return to Turkey under the EU–Turkey Agreement of 18 March 2016, despite the fact that such returns appear incompatible with European Union and international law;
 - 5.4. conditions in most of the reception facilities on the mainland, many of which are entirely unsuited to such use, fall far below acceptable standards in such basic areas as capacity, shelter, food, sanitation and medical care. Again, many children are forced to endure these conditions;
 - 5.5. thousands of others, again including children, live in informal camps in conditions even more squalid and hazardous than those in the reception centres;
 - 5.6. refugees and migrants are too often detained, despite policy reforms, as the authorities still fail to assess and review the individual necessity and proportionality of detention or to apply alternatives systematically. In addition, conditions in immigration detention centres are still far from complying with international standards;
 - 5.7. the rights and interests of unaccompanied and separated children are not effectively protected due to problems with the age-assessment system, the guardianship system, appropriate accommodation capacity and provision of information. Many unaccompanied and separated children are detained, purportedly for their own protection, in degrading conditions in police stations clearly unsuited to the purpose;
 - 5.8. it is still far from clear whether the recent extensive reforms of the asylum system will ensure that previously lacking fundamental procedural guarantees are provided when determining asylum applications.
6. The Assembly therefore calls on the Greek authorities to:
- 6.1. ensure that detention conditions in the hotspots meet international standards, implementing any technical recommendations that may be made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its preliminary observations following its April 2016 visit to this country;
 - 6.2. apply and regularly review the grounds for detention in the hotspots, ensuring their strict compliance with the provisions of the European Convention on Human Rights, and screen all current detainees and new arrivals to ensure that vulnerable persons are accommodated in appropriate facilities;
 - 6.3. promptly release those whose continued detention in the hotspots can no longer be justified and immediately release all children and their parents or accompanying adults;
 - 6.4. ensure that there is sufficient open reception capacity, of appropriate type and quality, available for all non-detained asylum seekers on the islands;
 - 6.5. ensure that the inadmissibility procedure for asylum applications made by persons arriving from Turkey is applied in strict compliance with European Union and international law;
 - 6.6. ensure provision on the mainland of sufficient reception places of appropriate type and quality for all asylum seekers, including all those currently occupying informal camps, and to make the improvements to existing facilities that are necessary for them to meet international standards, in co-operation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and relevant non-governmental organisations, prioritising the needs of vulnerable groups such as children and women;
 - 6.7. only detain migrants, and especially asylum seekers, when strictly necessary and proportionate, and ensure that immigration detention conditions meet international standards, implementing fully the March 2016 report of the CPT;

6.8. guarantee the rights and interests of unaccompanied and separated children, including by ensuring that the age-assessment procedure is properly applied in all contexts, reinforcing the guardianship system with the creation of a support mechanism for prosecutors, providing sufficient, appropriate accommodation places, avoiding all recourse to detention of these children, and providing them with information and advice on their situation and rights;

6.9. ensure that the reformed asylum system is promptly made fully operational, that the pre-registration exercise is completed quickly and effectively, that the backlog of applications and appeals is rapidly cleared and that new applications are swiftly processed, in full compliance with European Union standards and those of the European Convention on Human Rights;

6.10. consistently publish coherent, clear, complete and comprehensible information on the situation concerning the hotspots, detention, reception capacity, the asylum procedure and progress made in processing applications, and the operational capacity and activities of the asylum service.

7. The Assembly also calls on the European Union, its member States and States participating in the relocation scheme, as appropriate, to:

7.1. respond promptly and fully to the European Asylum Support Office calls for seconded national staff to support the Greek asylum service;

7.2. allow the Greek authorities to recruit additional staff, and provide them with sufficient resources to meet the urgent needs;

7.3. implement promptly and fully the September 2015 agreements on relocation from Greece without unnecessary bureaucratic obstacles or additional requirements;

7.4. co-operate smoothly with the Greek authorities in giving effect to family reunification under the Dublin Regulation;

7.5. ensure that financial assistance is efficiently and effectively made available to those involved in field activities in Greece so as to permit the implementation of sustainable projects for the benefit of refugees and migrants, avoiding unnecessary bureaucratic complications and delay;

7.6. consistently publish coherent, clear, complete and comprehensible information on the situation concerning the hotspots, including returns to Turkey, the capacity and activities of staff seconded through the European Union to support the Greek authorities, the provision of financial support to the Greek authorities and other relevant actors in Greece, and the implementation of the relocation agreements;

7.7. be prepared for the possibility of the failure of the current approach with alternative solutions ready in advance, avoiding the pattern of unpreparedness and reactive crisis management apparent until now;

7.8. reconsider the EU–Turkey Agreement in light of the criticism by the UNHCR, Doctors Without Borders and Amnesty International;

7.9. refrain from resuming transfers to Greece under the Dublin Regulation until the Committee of Ministers has closed its supervision of the execution by Greece of the judgment in the case of *M.S.S. v. Belgium and Greece*;

7.10. devise a comprehensive and sustainable refugee policy, based on responsibility sharing and compliance with European Union standards and those of the European Convention on Human Rights and the 1951 United Nations Convention relating to the Status of Refugees.