



Doc. 14082 – Compendium of written amendments
20/06/2016

(Final version)

Refugees at risk in Greece

Contents	Page
A. Draft Resolution	2

A. Draft Resolution

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 confronted by enormous political, administrative and budgetary challenges also 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 16 March Agreement with Turkey. The European Union has nevertheless until now failed to provide adequate support to Greece or ensure that responsibility is shared equitably amongst 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. Whilst 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. There must be grave doubts as to whether the current situation is sustainable, however, with over 10 000 refugees and migrants still at the northern border, the situation on the Aegean islands continuing to deteriorate since the EU–Turkey Agreement, and the asylum system on the mainland remaining dysfunctional.

Amendment 2

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the draft resolution, paragraph 4, replace the third sentence with the following sentence: "There must be grave doubts as to whether the current situation is sustainable, however, with tens of thousands of refugees and migrants still living in camps where conditions do not meet international standards; the situation on the Aegean islands continuing to deteriorate since the EU-Turkey Agreement; and the asylum system on the mainland remaining dysfunctional."

Amendment 3
Tabled by the (Former) Committee on
Migration, Refugees and Displaced Persons

In the draft resolution, at the end of paragraph 4, insert the following sentence: "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."

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 "hotspots" on dubious legal grounds, in conditions that fall below the standards expected of prisons, in 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, 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 overcrowding, 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 as, despite policy reforms, the authorities still fail to assess and review the individual necessity and proportionality of detention or to apply alternatives systematically. Conditions in immigration detention centres also remain seriously substandard;
 - 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;
 - 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;
 - 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 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;
 - 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

Amendment 4
Tabled by the (Former) Committee on
Migration, Refugees and Displaced Persons

In the draft resolution, at the end of paragraph 6.3, insert the following words: "and immediately release all children and their parents or accompanying adults;"

Amendment 5
Tabled by the (Former) Committee on
Migration, Refugees and Displaced Persons

In the draft resolution, at the end of paragraph 6.6, insert the following words: ", and to make the improvements to existing facilities that are necessary for them to meet international standards, in co-operation with UNHCR and relevant NGOs, prioritising the needs of vulnerable groups such as children and women;"

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 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.

Amendment 6

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the draft resolution, paragraph 6.9, after the words "fully operational," insert the following words: "that the pre-registration exercise is completed quickly and effectively,"

Amendment 7

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the draft resolution, after paragraph 6.9, insert the following paragraph:

"publish consistent, 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 calls for seconded national staff to support the Greek asylum service;

Amendment 8

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the draft resolution, paragraph 7.1, after the words "fully to the", insert the word "EASO".

Amendment 9

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the draft resolution, after paragraph 7.1, insert the following paragraph:

"allow the Greek authorities to recruit additional staff and provide sufficient resources to meet the urgent needs;"

- 7.2. implement promptly and fully the September 2015 agreements on relocation from Greece;

Amendment 10

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the draft resolution, at the end of paragraph 7.2, insert the following words: ", without unnecessary bureaucratic obstacles or additional requirements;"

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

Amendment 11

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the draft resolution, after paragraph 7.2, insert the following paragraphs: "cooperate smoothly with the Greek authorities in giving effect to family reunification under the Dublin regulation; ensure that financial assistance is efficiently and effectively made available to actors on the ground in Greece so as to permit the implementation of sustainable projects for the benefit of refugees and migrants, avoiding unnecessary bureaucratic complications and delay; publish consistent, 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 EU 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;"

Amendment 1

Tabled by Ms Lotta JOHNSON FORNARVE, Mr Matjaž HANŽEK, Mr Nikolaj VILLUMSEN, Ms Annette GROTH, Mr Hişyar ÖZSOY, Ms Anastasia CHRISTODOULOPOULOU, Mr Andrej HUNKO, Mr Ögmundur JÓNASSON, Mr George LOUCAIDES

In the draft resolution, after paragraph 7.3, insert the following paragraph:

"cancel the EU-Turkey agreement in light of the criticism by UNHCR, Doctors Without Borders and Amnesty International."

Amendment 12

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the draft resolution, after paragraph 7.3, insert the following paragraphs: "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; develop a comprehensive and sustainable refugee policy, based on responsibility sharing and compliance with EU standards and those of the European Convention on Human Rights and the 1951 Refugee Convention;"

Amendment 13

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In the title of the draft resolution, replace the words "Refugees at risk in Greece" with the

following words: "Refugees in Greece:
challenges and risks – a European
responsibility"