

# EUROPEAN PARLIAMENT

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*Committee on Civil Liberties, Justice and Home Affairs*

**Brussels, 17 July 2007**

## **Report from the LIBE Committee Delegation on the Visit to Greece (Samos and Athens)**

**Rapporteur: Jeanine HENNIS-PLASSCHAERT**

### **1. Purpose and timing**

A delegation of 9 Members of the European Parliament visited Greece (Samos and Athens) on 14 and 15 June 2007. Head of Delegation was Mrs Martine ROURE. *See list attached.*

The purpose of the visit was to gather information and ascertain directly the situation regarding the reception of asylum seekers and (ir)regular migrants in Greece, to verify the conditions of the centres, as well as to exchange views with representatives of civil society and government authorities. The visit to Greece followed similar trips to Italy (Lampedusa), Spain (Ceuta and Melilla as well as the Canary Islands), France (Paris) and Malta.

The visit by the delegation focused on 3 different closed centres, two on the island of Samos (the old Centre in the middle Vathy and the new Centre) and one in Athens (the 'Petrou Ralli Special Holding Facility').

Amongst others, the delegation met with:

- The Minister of Public Order, Mr Vyron POLIDORAS,
- The Minister of Interior, Public Administration and Decentralisation, Mr Prokopis PAVLOPOULOS,
- The President of the Committee on Immigration Policy of the Greek Parliament, Ms Elsa PAPADIMITRIOU,
- The Greek Ombudsman, Mr Giorgios KAMINIS,
- The President of the Institute of Immigration Policy (IMEPO), Mr Alexandros ZAVOS,
- The Prefect of Samos, Mr Manólis KÁRLAS, as well as with several officials/local authorities from the island of Samos and Athens.

Finally, the delegation also met with a series of representatives of various organisations:

- Amnesty International
- ARSIS
- Caritas Athens

- Centre National Jeunesse
- ECRE
- Ecumenical Programme for Refugees
- European Association for Human Rights
- Greek Council for Refugees
- Greek National Commission for Human Rights
- Group of lawyers for the Rights of Refugees and Migrants
- Hellenic League for Human Rights
- Hellenic Red Cross
- IOM
- Marangopoulos Foundation for Human Rights
- Racism and Xenophobia network - RAXEN
- Refugee Solidarity Committee in Samos
- UNHCR

The delegation organised one press conference. The visit received media coverage in Greece.

A week before the visit, on 6 June 2007, the Vice-President of the European Commission, European Commissioner for Justice and Home Affairs Franco FRATTINI addressed the emergency situation in the Mediterranean in the plenary of the European Parliament, stressing the fact that the problems occurring in the Mediterranean, due to the mass influx of migrants, demand immediate action at European level. How poignant a coincidence that on the first day of our visit the JHA Council in Luxemburg could, yet again, not reach an agreement on the so urgently needed immediate action. The reaffirmation of the solidarity principle by the JHA Council in its conclusions of 12-13 June 2007 is therefore to be considered meaningless.

## 2. Background information

Until the mid eighties Greece belonged to the traditional migrant *sending* countries or it functioned merely as a transit country for migrants and refugees intending to settle in other European countries. By the early nineties, however, in a short period of time, Greece had evolved into a host of mainly undocumented migrants from eastern, south-eastern and central Europe, and increasingly from the Third World. The dramatic and sudden increase of migrant influx was a new and unexpected phenomenon for both the Greek government and the population. This new situation was characterised by administrative and political confusion with regard to migration policy. Greece lacked a legislative frame for the control and management of migration. Over the years it became increasingly evident that this new phenomenon could not merely be managed through stricter border control and massive removal operations.

Overcoming their lack of experience, the Greek authorities are trying to develop a more coherent and comprehensive migration policy, realistic and long-term targeted with regard to its actions and objectives. The Greek authorities do admit that the management of migration flows is without question one of the most complex, and at the same time most sensitive, fields of policy making. Conflicts of interests arise easily.

The Ministry of Interior, Public Administration and Decentralisation (IPAD) is responsible for issues of nationality, regular migration and integration of migrants. It is the responsibility of the Ministry of Public Order (PO) to exercise control over the legality of migrants, to pass and implement decisions on administrative expulsion, to examine the asylum demands and to provide the Ministry of IPAD with data on nationality issues.

*Two main types of centres exist in Greece:*

- Closed centres for irregular migrants who are under administrative detention;
- Open centres for asylum seekers (people applying for asylum while already being in detention in a closed centre are in general not moved to the open centre, but instead remain in detention in the closed centre).

*Some facts and figures:*

- Refugee recognition rate 2004 - 0.3%
- Refugee recognition rate 2006 - 0.6%
- Protection rate for 2006 (refugee status plus other forms of protection): 1.2 %
- Estimated backlog of unprocessed appeals: 11,000
- 0 % of Iraqis in Greece obtain refugee status or subsidiary protection (This is exacerbated as a result of the practice of the Greek authorities to freeze the examination of asylum applications of Iraqis at the appeal stage rather than necessarily an actual rejection of the claims. As there are no final decisions, there can be no positive decisions.)

### **3. Official procedures upon arrival for asylum seekers, according to UNHCR**

As in all EU Member States the granting of asylum is an exclusive responsibility of the state. In Greece, the Ministry of PO (the police) is the responsible authority. The Greek UNHCR representation cooperates with the Greek authorities in monitoring the asylum legislation and its application, or is at least trying to do so.

Upon arrival in Greece, the asylum seeker must appear immediately and without delay before any police authority and submit an application for asylum. When one has entered Greece illegally (also for reasons beyond control) and is arrested, one will be kept under detention for a maximum period of three months.

Awaiting the asylum decision, the asylum seeker can stay in Greece legally. The asylum seeker should remain in the place of residence that he/she stated. In case he/she leaves the reception centre without permission or changes address without properly informing the police, the procedure for the examination of the asylum claim will be interrupted. The procedure will only continue if the absence from the place of residence was caused by reasons beyond control. *This procedure was used by the authorities for asylum seekers returned to Greece pursuant to the Dublin II regulation and has raised criticisms by UNHCR and the Ombudsman as effectively denying asylum seekers who leave Greece the right to have any application effectively reviewed and processed. Upon questioning, the Greek authorities stated that they have abandoned it. The Greek authorities should indeed take all necessary measures, including if necessary legislative modifications, to ensure that this practise has ended and in order to allow persons returned to Greece under the Dublin II Regulation to make or reopen an asylum claim.*

During the period of examination, the asylum seeker cannot be returned to his/her country of origin or any other country. The asylum seeker has access to public medical, pharmaceutical and hospital care. Furthermore, he/she is allowed to work legally, children have the right to go to school and one can follow free language and education courses.

In case the refugee status is granted, the applicant is given the 'Refugee Identity Card' as well as a residence permit for five years. If the refugee status is not granted, the asylum seeker has the right to lodge an appeal (in most cases within 30 days from the day of the negative decision). If an appeal is lodged, the departure/deportation will be suspended. If an application is rejected twice, one will be ordered to leave the country. *During our meetings we heard from numerous sources (UNHCR, Ombudsman and others) that there are serious problems in the notification of rejected asylum seekers in order for them to launch a timely appeal. Also the huge backlogs in the appeals procedure have been stressed. We were told that for Iraqi applicants, in particular, all appeals have been suspended.*

After the rejection of the application, the Greek authorities can, however, consider to grant a residence permit for humanitarian reasons valid for one year. For example if the circumstances in the country of origin pose a dangerous situation on return.

The entrance, residence and social integration of third country nationals entering Greece for other reasons than international protection are defined by the provisions of the Greek immigration legislation (law 3386/2005). Third country nationals not having any legal status are ordered to leave the country. *We understood that in many cases these people are left alone to deal with the details of their departure. Obviously, this raises various concerns.*

#### **4. Visit to the detention centres on Samos (14.06.2007)**

##### ***The 'new' centre on Samos, in Vathy***

The construction works, already ongoing for 2 years and with a total budget of € 3 million, have not finished yet. The aim is to have the new centre (it will be a closed centre) fully in line with Community legislation having a holding capacity of 400 people. The people detained should be able to move around within the perimeter barbed wired fence. Separate areas for women and children will be ensured and it is foreseen to have leisure activities available. A catering company will be contracted taking into account dietary needs and NGOs will be able to enter on a daily basis. The final and most crucial question to be answered is whether there will be sufficient staffing, e.g. social workers, doctors and nurses, psychologists, translators, lawyers and specialised police forces. Furthermore, the flat-roofed 'cabin' design of the structures might raise question marks about their suitability given the local climate.

The Prefect announced that the centre should be opened within two months. However, in the end, it all depends on the decisions taken by the two ministries involved. The realisation of this new centre has taken several years. According to the Prefect, the national authorities have not been very supportive considering the urgent need of having a new centre on Samos.

##### ***The 'old' Centre on Samos, currently in use***

The building is a disused cigarette factory and dates back to 1928. Following a brief presentation, the delegation was given unrestricted access to the detention facilities inside. In general they keep around 200-400 people in the building. At the time of our visit 115 detainees were present, which seems already too much. The detainees were all male. Although this was not previously the case, women and children (if present) are now being kept separately.

According to the authorities, detainees do receive information on how to seek asylum, but

tend not to apply. There is one lawyer available for the centre, partly financed by Equal funding. The Prefect experiences insufficient support of the national authorities. And indeed, one cannot make him responsible for operating the centre without equipping him with sufficient means.

In general the conditions can be described as squalid, deplorable and inhuman. The Prefect stated that detainees are destroying the building. According to the Prefect every two or three months plumbing and electricity are being renewed. Having seen the building one wonders what is left to destroy. Destructive behaviour could well be explained by the conditions in which these people are being kept.

The centre was indeed in a serious state of disrepair to the extent of representing a hazard to detainees. The walls were covered by graffiti and full of holes. Big chunks of plaster and cement from the ceiling had fallen down. The floor was filthy and there was visible evidence of vermin and rubbish strewn everywhere. Even with 115 persons presently detained, it was also extremely overcrowded with dirty and unhygienic conditions throughout. The air quality was poor and conditions damp and humid. There were no facilities for leisure or dining. The only real furniture seemed to be dirty mattresses and some bunk beds in a number of rooms, clearly not enough for everybody. The detainees sleep in extremely cramped and dirty conditions. The bathroom facilities without doors, to be shared by men and women, were in such a state of disrepair to be practically unusable. The bathroom area was immersed in 1cm or so of running water/sewerage and was extremely dirty. Broken cisterns/plumbing were literally hanging off the wall and it was hard to discern a functioning toilet or shower. Conditions were completely degrading and unsanitary.

Furthermore, the centre is clearly understaffed - just 2 police officers on regular duty (reportedly, up to five when meals are distributed), 1 doctor, no psychologist, 1 social worker (recently), lack of interpreters (even during our visit). Some inmates complained of being abused/beaten by border police when apprehended. In order to make a phone call they have to bribe the guard, so we were told by a number of detainees. The main remedy for sick people is aspirin as there is hardly any medical equipment available at the centre. Due to a lack of guards it is not possible to transport people to the hospital. And if it would be possible to organise proper transport, the hospital has not sufficient capacity to deal with it. Physical complaints are often related to mental conditions. Everybody who has visited the centre understands why.

There was a palpable sense of injustice/bewilderment as to why some groups were automatically detained for 3 months (Iraqis, Palestinians and other Arabic speakers) while other groups for 15 days only (Afghans, Somalis and Eritreans). Most of the detainees the delegation has spoken with identified themselves as Iraqis, Afghans or Palestinians, but stated that the authorities, upon reception, arbitrarily listed them as 'Lebanese'. The authorities, on their part, claimed that most detainees appeared with no identification documents and simply asserted that they came from countries from which they assumed that would be treated better. A number of detainees, in particular those coming from the Maghreb region, spoke reasonably well French. One way or another, the authorities appeared to have no standard reliable procedure in place to attempt to determine the origin of undocumented aliens (e.g. through the use of specialised interpreters). There were numerous complaints of not having access to a lawyer and an interpreter as well as of not having received a paper explaining why one is detained.

Leaving the centre, all delegation members felt that the centre should have been closed years

ago. The problems and challenges stemming from the influx of migrants are perfectly understood and recognised by the delegation. However, these inhuman circumstances can never be justified for whatever reason, and represent a complete disregard for the obligations established by the Reception and Procedures directives (2003/9/EC and 2005/85/EC).

#### **5. Meeting with authorities and NGO's/IO's on Samos (14.06.2007)**

Over the past 10 years the influx of migrants has increased significantly and the number of people coming through Turkey has tripled. Many of these people do not want to stay in Greece but to continue on to one of the other EU Member States.

All authorities present acknowledged that the conditions in the old centre are just awful and that the new centre must be up and running as soon as possible (start of operation foreseen by August 2007) with sufficient staffing. Although the reception of asylum seekers and migrants is primarily and ultimately the responsibility of the national and European authorities, in reality the local authorities are trying to cope with the problems on the ground. They expressed their, perfectly legitimate, wishes for a clear and integrated European policy in order to tackle the 'push' factors that lead people to leave their countries in the first place.

In reply to questions as to why it has lasted so long to finally build a new centre, it was explained that, after great efforts, the national government gave its green light to search for land and premises in 2005 only. The prefect also stated that earlier attempts to fund a new centre had failed due to the lack of cooperation of the previous prefect and a general wrangling over appropriate allocation of local and government responsibilities for running and staffing the centre. A lack of knowledge on how to build a reception centre as well as the required joint efforts of the two ministries involved, caused a further delay. The lack of any EU funding was definitely a contributing factor.

The refugees and/or irregular immigrants will be moved to the new centre as soon as the construction works are finalised and sufficient staffing is present. For the transition period local authorities tried to find hotels and/or other places for temporary residence but local society was (and the hotel owners in particular) not very willing to cooperate as tourism is their most important source of income. Some NGO's feel this is just an excuse. It has to be said that on other islands (Leros, Patmos, Kalymnos and even Kos) hotels to rent have been found.

NGO's and IO's present as well as the only lawyer working at the centre, made it clear that the flow of information towards the detainees is definitely insufficient and that standard detention times have been adopted for different nationalities. Those who do not claim asylum are released quicker and are given 1 month to remain in Greece in order to prepare for departure. However, most of them do abscond. Our impression is that a deliberate policy is adhered to try to encourage people not to claim asylum, corroborated by the fact that (apparently) none of the detainees are fingerprinted for identification.

#### **6. Meeting with the Greek Ombudsman, Mr Giorgios KAMINIS and his deputy, Mr Andreas TAKIS (14.06.2007)**

The Ombudsman explained the background of the current situation in Greece; from a migrant *sending* - to migrant *receiving* country. He went on by saying that many irregular migrants are victims of human traffickers. Most of the time they are told by the traffickers to get rid of

their identification papers. However, they are not (or hardly) aware of the fact that they are simply not welcome in the EU. He confirmed that Greece is considered a transit country by many arrivals. The fact that many irregular migrants are able to 'live' within Greece is obviously connected to the still flourishing informal (black) economy.

Furthermore the Ombudsman said that legislation foresees that an asylum seeker can only be kept in a detention centre by way of exception. However, the trend is the other way around. Police officials do not differentiate between asylum seekers and irregular migrants. He doubted whether the police officers are truly examining the asylum requests (if examination is taking place at all) and signalled significant problems in the procedures being followed, e.g. no notification of decision taken, no possibilities for appeal.

Following his impressions asylum seekers as well as irregular migrants are not informed properly about the possibilities or impossibilities (as regards procedures/requests). The lack of specialised staff is a great concern. According to his observations minors are treated as violators of the law rather than people in need of protection. The fear that 'being too human' would act as an incentive to other potential irregular migrants, appears to play a role. If people cannot be expelled (for example to Darfur or Iraq) it does not make sense to detain them for 3 months, he said.

More specifically the Ombudsman identified the following problems with regard to the protection of persons seeking asylum:

- Issues of erroneous interpretation of the existing framework such as the Geneva Convention on the Status of Refugees.
- The expulsion and detention of asylum seekers (statutory measures for the expulsion and detention of irregular migrants are applied to those seeking asylum as well).
- The failure of the police to safeguard the exercise of the right of appeal and judicial protection of asylum seekers.
- The preconditions for discontinuing the examination of an asylum application.
- The lack of effective access to asylum procedures in harbours, airport transit zones and foreign flagged ships calling at Greek ports.
- The inability or unwillingness of the police to apply the regulations relating to the procedures for granting political asylum, even when these have been clarified via circulars.

He concluded by stating that some positive developments are taking place, however, the ongoing failings and omissions should lead to a greater priority given to the issue by the Greek authorities.

## **7. Visit to the detention centre in Athens (15.06.2007)**

### ***The 'Petrou Ralli Special Holding Facility' in Athens***

Petrou Ralli is a closed centre and has a capacity of 380 people. The delegation was given a more controlled tour by the police chief of the facility and his staff. Photographs were prohibited. However, it was possible to talk with inmates and interpreters were made available. Generally, the conditions were much cleaner and better than on Samos. Nevertheless several shortcomings have been identified.

The centre has separate sections for unaccompanied minors, women and men. The minors are

in (small) single cells. Women and men are in bigger cells (separate) with around 4-8 people. Until now detainees are not able to spend time outside their cells due to a lack of guards. So, the detainees spend most (if not all) of the day in their cells. This fact, combined with the single cells, means that minors are effectively held in solitary confinement. Permission is even required to visit the bathroom. Although denied by the centre officials, inmates did complain about having insufficient (or even no) access to free legal assistance, lawyers and social workers. Also, the lack of information towards the detainees was apparent.

Compared to our experiences on Samos, the circumstances in this centre were, from a material point of view, considerably better. However, a minor behind bars is not in the best interests of the child. It is in conflict with international obligations and should be avoided at all times. More generally, detention should be the exception rather than the rule. Furthermore, the medical staff stated that the poor material/finishing of the floors actively contributes to the spread of illness and that one medical practitioner and one psychologist dealing with 80 requests from detainees a day is very inadequate.

## **8. Meeting with the Minister of Public Order, Mr Vyron POLIDORAS (15.06.2007)**

At the start of the meeting the atmosphere was a little tense. The Minister reacted in a blunt way to the statement of our head of delegation that the conditions on Samos are considered deplorable and remarkably 'chastised' her for not being appropriately 'polite'. However, the Minister went on by saying that he wishes to discuss the problem of what he phrased as 'uninvited visitors' openly.

He stressed Greece's geographical situation. Greece is in the front line, suffering from a *force majeure* and the pressure is high. He confirmed that the mass influx should be treated as a matter of urgency. On a European level he feels very much supported by Commissioner FRATTINI, however, left alone by the Council. Like Malta, Cyprus, Italy and Spain - Greece is acting as an EU blocking filter and the costs are excessive (for which Greece has not received any EU funding at all). The Minister underlined that things have improved over the past years. However, the situation is not perfect. It is an emergency situation and Greece is trying to cope with it as adequately as possible. Pan European solidarity is the only way forward, he said.

The Minister further explained that the Ministry of IPAD pays all expenses for the reception facilities and staffing, the Ministry of Public Health is involved in health-related issues and the Ministry of Public Order is responsible for the actual guarding and detaining. All the necessary specialised police forces will be made available for the new centre on Samos which should be operational as of August 2007, so he promised.

According to the Minister the irregular migrants are desperate and very often misled by human traffickers. If people are told to go back by the Greek navy, when intercepted at sea, boats are pierced and the navy becomes a rescue team following national and international legislation. He stated that Greece received 100.000 irregular migrants in the year 2006 of which 80.000 could be returned. Ending up with around 20.000 people per year staying within the country is a heavy burden, he said.

The Minister concluded by saying that there is a good spirit within the JHA Council, but at the same time he is facing a lack of action and final decisions. A good spirit only is not enough. There should be no discounts made on humanitarianism when receiving 'uninvited visitors' - this is a management exercise on a global level, he said. Human treatment must be

ensured through interstate agreements.

### **9. Meeting with the representatives of NGO's and IO's in Athens (15.06.2007)**

Most representatives stressed that the briefing of the delegation on the situation in the reception centres is accurate and in accordance with their experiences. A little debate was triggered on whether or not sufficient access to legal assistance was given to detainees and if so, whether it would be free of charge. Apparently, the problem in Greece is that there is no free legal aid system funded by the state authorities. NGO's and volunteer lawyers are trying to provide free legal assistance but they cannot fill all the existing gaps, especially when it comes to non asylum seekers.

The necessity of a clear institutional framework was underlined: who is responsible for what and when, both on a local and national level. The representatives acknowledge that, although progress is made in general, Greece has still a long way to go. Amongst other things they referred to the horrific circumstances in Patra as well as the ongoing practices in police stations in, for example, the Evros region. The Evros region has a sensitive border area with Turkey and is facing a large migrant influx from Turkey (lately many Iraqis). They are arrested and detained in small police stations. In many cases, their identity is not registered and they are not informed about their rights. They are simply expelled to Turkey. As the delegation did not visit Patra and/or the Evros region, these statements cannot be confirmed nor denied.

One NGO claimed that Greece has not ratified the 4<sup>th</sup> Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 4 stating that mass deportations are prohibited).

### **10. Meeting with the Minister of Interior, Public Administration and Decentralisation, Mr Prokopis PAVLOPOULOS (15.06.2007)**

The Minister stressed the geographical situation of Greece: the vast maritime as well as land borders, non EU countries as neighbouring states, just by chance that Greece is the first stopping point etc. He admitted that both, Greece and the EU, woke up too late. He denounced the lack of solidarity within the EU and acknowledged the fact that the institutional framework in Greece should be further improved. The Minister underlined that it is not simply a matter of costs. Full respect for human rights does ask for much more, he said.

In reply to questions regarding the protocol between Greece and Turkey on combating crime (especially terrorism, organised crime, illicit drug trafficking and illegal immigration), the Minister said that the current protocol is not respected by Turkey. No real efforts are made by Turkey to stop or hinder the human traffickers. No sanctions, no controls. Although the current protocol does not prejudice the obligation to conclude an EU-Turkey agreement on readmission, such an agreement has not been signed yet due to the unwillingness of Turkey to enter into such an agreement. He stressed the need of moving the negotiations on a EU-Turkey readmission agreement forward. However, it has been confirmed that migrants are being expelled to Turkey whenever possible. It has to be said that the delegation has serious doubts whether the current practices fit within the framework of international conventions and agreements.

The Minister also said that the influx of migrants is a European/international responsibility. Conflicts all over the world with great international involvement trigger such influxes. If for

example Turkey were to invade Northern Iraq, one could expect an increase of migrants. Furthermore, it is important to cut the flow at the source. People leave because they are poor and desperate. An EU policy towards the countries of origin is of utmost importance. It all depends on something which cannot be controlled by an individual Member State such as Greece.

The Minister called upon the delegation to take into account the efforts Greece is undertaking right now (building of new centres, improving institutional arrangements etc.). The ministry is providing Prefectural Self-Administration with the necessary credits in order to cover the operational costs. The same ministry is also financing (yet again, exclusively from national resources) the construction of new reception centres as well as improvements to all kinds of existing infrastructures. The new centre of Kyprinos in the Prefecture of Evros already functions and the new centre in Vathy, Prefecture of Samos, is expected to be completed soon. The works for the construction of a new centre in Chalkida, Prefecture of Evia, are expected to be under way this year.

As Greece was a country of emigration in the past, most Greek people are highly sensitive to the migration-issues, he said. He stated that a lot has been achieved over the past three years. However, the problems cannot be solved by an individual Member State.

## 11. Conclusions

1. The mass arrival of asylum seekers and irregular migrants has become a regular phenomenon, causing emergency situations and creating enormous challenges for receiving countries (in this case: Greece) in terms of accommodating these arrivals and also processing them.
2. In general, the arrival and reception of asylum seekers and migrants as well as the return of irregular migrants raise important humanitarian and protection concerns.
3. Like Malta, Cyprus, Spain and Italy - Greece has a genuine problem of influx of migrants, including significant numbers with *prima facie* protection needs under international law. On the basis of our visit, it cannot be confirmed that the Greek authorities have the situation (both at the point of arrival and in later stages) under control.
4. The circumstances/conditions in the old (however, currently in use) centre on Samos are squalid, deplorable, inhuman and unacceptable. The centre should be closed immediately and the new centre should be opened as soon as possible with sufficient funding, the right reception standards and qualified staffing. For the transition period a solution should be found. If other places for temporary residence are not available, the Greek authorities should (without delay) upgrade the old centre through the provision of more and qualified staff, better cleaning, sufficient beds, bathroom facilities etc.
5. Implementing the obligations given by the Procedures and Reception directives under EU law must be ensured without exception or delay. In this regard, the recent relevant decision of the European Court must be examined and complied with.
6. It is apparent that sufficient and qualified/specialised staffing is a problem throughout Greece. Too little resources are (or are made) available. The lack of lawyers (free of

charge), interpreters, medical staff, social workers, psychologists and specialised police forces cannot be ignored.

7. The Greek authorities should clarify whether the 4th Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms has been ratified by Greece. If not, further explanation is needed as to why it has not been ratified. Obviously, the ratification process should be finalised immediately.
8. The return of people to Turkey, without hearing and registering them, is a source of great concern. The Greek authorities should investigate it and verify if these practices fit within the framework of international conventions and agreements.
9. More generally, if one is ordered to leave the country it is unclear whether the order is executed and whether people indeed do return to their country of origin. It seems that irregular migrants that are (following an expulsion order) left to find their own way home do abscond in most cases, leading to illegal presence of large numbers on Greek territory and further irregular transit to other EU countries.
10. The Greek authorities stated that Greece has received no EU funding. The European Commission should explain whether or not the Refugee Fund works (at least in part) on a per country basis. The Greek authorities, on their part, should explain whether applications have been made. And if they have received nothing, why not?
11. The refugee protection figures are extremely low. The Greek authorities should better explain why, particularly for groups such as Iraqi refugees who routinely receive protection in other EU countries. Furthermore the Greek authorities should seek an immediate solution for the estimated backlog of unprocessed appeals (11.000) and one which ensures that these claims are assessed fully in accordance with Greece's obligations under international and EC law. They should also confirm the number of unprocessed appeals, estimated at 11.000 by NGO's and the Ombudsman.
12. Detention should be the exception rather than the rule, not vice versa. There are clear international rules outlining these exceptions.
13. Great concern exists about the detention of (unaccompanied) minors and whether any of the strict tests established to ascertain its legitimacy in exceptional cases are appropriately applied by Greek authorities. Spending all day in a cell could never be in the best interests of the child. Indeed, any detention of children is likely to be seriously detrimental to their health and welfare. Article 37, paragraph (b) of the Convention on the Rights of the Child should be respected: 'No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time'.
14. Sufficient and clear information on possibilities as well as impossibilities (procedures/requests) is lacking and should be improved without delay.
15. The overall impression is that progress is being made, but too slow. The delegation appreciates the efforts made by the authorities involved and realises that generally Greece is trying to cope with a very difficult situation. However, it has to be said that further improvements are urgently needed on both the national and European level.

## 12. Statement to the Council

The problems caused by the mass influx of migrants are ‘in theory’ understood by the Council. However, immediate action is lacking and decision taking processes seem to be never ending. Meanwhile people live in deplorable circumstances and/or die.

*Over and over again the Council recognises that the tragedies occurring in the Mediterranean require a political response by the European Union, through a comprehensive solution encompassing measures in the areas of immigration, asylum and border management. Repeatedly, the Council reaffirms the importance of full respect by all countries of their international obligations, notably those relating to human rights and international protection. Again and again the Council underlines the importance of European solidarity and fair sharing of responsibilities as the founding principles guiding Europe’s activities in managing the EU’s external borders.*

Clearly, the adoption of above-mentioned statements as well as all kinds of other declarations (like in Berlin) is completely meaningless if Members States cannot get their act together at the same time. Indeed, one would expect the Council to proceed accordingly. However, it is not.

It is about time that the Council starts to understand that a reaffirmation of the principle of solidarity ‘on paper’ is not solving the particular pressure put on individual Member States and that such reaffirmation is not in any way of any assistance to persons in distress at sea.

Guidelines establishing responsibility for those rescued or apprehended at sea, in accordance with the obligations under international law, should be adopted as soon as possible as well as a mechanism improving responsibility-sharing *among* Member States, rather than increasing burdens on some Member States. Obviously, solidarity should not be exercised only in the case of border patrols and other police measures to keep illegal migrants out, but also in the international protection that should be afforded to asylum seekers and others in need of protection. The Council should prioritise measures to support reception capacity in Member States with an external border and to ensure that all asylum seekers entering the EU receive the same standard protection, as envisaged in Tampere in 1999 with the commitment to develop a Common European Asylum System in 2010.

The management of migration flows is without question one of the most complex, and at the same time most sensitive, fields of policy making. Conflicts of interests arise easily. A self-critical attitude on the part of the Council is therefore essential. Council cannot shroud itself in silence. National interests undermining the European responsibilities and international obligations should not prevail.

Without wishing to minimise the scale of the challenge faced, it should be realised that 70% of the world’s refugees are hosted in developing countries (2 million Iraqi refugees in Jordan and Syria alone). The EU should not lose sight of this in accepting its share of global responsibility.

## ANNEX

<p style="text-align: center;"><b>European Parliament</b> <b>Committee on civil liberties, justice and home affairs</b> <b>Delegation to Greece</b> <b>13 - 16 June 2007</b></p>
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## PROGRAMME

### Wednesday 13 June 2007

20:00: Arrival in Athens, bus to the hotel

### Thursday 14 June 2007

6:45 - 7:45 Bus to the airport

8:45: Internal flight from Athens to the Island of Samos (Olympic Airways, OA 752)

9:45: Arrival in Samos

9:45 - 10:00 Bus to the detention centre

10:00 - 12:00: Visit of the detention centre for illegal migrants and asylum seekers

Will be present with our delegation:

*From IO and NGOs:*

- Mr Panayotis PAPADIMITRIOU, Greek Council for Refugees,
- Ms Lora PAPPAS, UNHCR,
- Mr Chris Nash, ECRE
- Ms Yiasemo KEHAGIA, Refugee Solidarity Committee in Samos.

*Representatives of authorities:*

- Mr Alexandros ZAVOS, the President of Institute of Immigration Policy,
- Ms Eleni KYRANAKI from the Ministry of Interior.
- Mr Ioannis LÉKKAS, The Secretary General of the North Aegean Region,
- Mr Manólis KÁRLAS, Prefect,
- Mr Fílippos PETROÚSKAS, Mayor of Vathí,
- Mr. Panayiotis TSIAFÍDIS, Director of Police,
- Mr. BONOFÁS, Head of Coast guards.

12:00 - 13:30: Lunch with representatives of the authorities and NGOs - Restaurant Ta Kotópoula

13:30 - 15:15: Continuation of the visit of the centre of detention; discussion with the authorities and NGOs and, *if the time will allow us*, visit of the new detention centre and tour

on the coast where the boats of immigrants arrive

15:15 - 15:40: Bus to the airport

16:40: Return Flight to Athens (Aegean Airways, A3 245)

17:30: Arrival in Athens, bus to the hotel

19:00 - 20:00: Meeting with Mr. Giorgios KAMINIS, the Greek Ombudsman and Mr Andreas TAKIS, Deputy Ombudsman - Location: Ombudsman's office

### **Friday 15 June 2007**

9:30 - 10:00 Travel by bus to the Petrou Ralli Special Holding Facility, Athens

10:00 - 11:30 Visit of the Petrou Ralli Special Holding Facility

11:30 - 12:00 Return travel by bus from Petrou Ralli

12:00 - 13:00 Meeting with the Minister of Public Order Mr Vyron POLIDORAS

13:15 - 14:30 Lunch - restaurant Kuzina

15:00 - 15:30 Press conference - Location: Ombudsman's office, Hadziyanni Mexi 5, Postal Code 115 28

15:30 - 17:30 Meeting with the Greek National Commission for Human Rights, International Organisations (UNHCR, IOM) and NGOs (Amnesty International, ARSIS, Caritas Athens, Centre National Jeunesse, ECRE, Ecumenical Programme for Refugees, European Association for Human Rights, Greek Council for Refugees, Hellenic League for Human Rights, Hellenic Red Cross, Marangopoulos Foundation for Human Rights) - Location: Ombudsman's office

19:00 - 20:00 Meeting with the Minister for the Interior, Public Administration and Decentralisation, Mr Prokopis PAVLOPOULOS and with the President of Institute of Immigration Policy (IMEPO), Mr Alexandros ZAVOS

20:00 Dinner - Restaurant: Dafni

### **Saturday 16 June 2007**

9:10: Return flight to Brussels (Olympic Airways, OA 145)

**European Parliament**  
**Committee on civil liberties, justice and home affairs**  
**Delegation to Greece**  
**13 - 16 June 2007**

## **LIST OF PARTICIPANTS**

### **MEPs**

Martine ROURE (PES) France, Head of Delegation  
Jeanine HENNIS-PLASSCHAERT (ALDE) Netherlands, Rapporteur

Adamos ADAMOU (GUE/NGL) Cyprus (*hors quota*)  
Giusto CATANIA (GUE/NGL) Italie (*hors quota*)  
Panayiotis DEMETRIOU (EPP-ED) Cyprus  
Wolfgang KREISSL-DORFLER (PES) Germany  
Stavros LAMBRINIDIS (PES) Greece (*hors quota*)  
Georgios PAPASTAMKOS (EPP-ED) Greece (*hors quota*)  
Georgios TOUSSAS (GUE/NGL) Greece (*hors quota*)

### **MEPs assistants**

Pauline CHAIGNE (Martine ROURE)  
Eirini GEORGIPOULOU (Panayiotis DEMETRIOU)  
Nanda KELLIJ (Jeanine HENNIS-PLASSCHAERT)

### **LIBE political advisors**

Stavroula KALOPSIDIOTOU (GUE/NGL)  
Annie LEMARCHAL (PES)  
Anders RASMUSSEN (ALDE)  
Chiara TAMBURINI (GUE/NGL)

### **LIBE Committee Secretariat**

Ana DUMITRACHE  
Lena VESTBERG

### **EP Office in Athens**

Ioannis Coccalas

### **Interpreters**

EL, EN, FR, DE, IT - 10 persons