

The Silent Humanitarian Crisis in Greece: Devising Strategies to Improve the Situation of Migrants in Greece

WORKSHOP REPORT



PLATFORM FOR INTERNATIONAL COOPERATION ON
UNDOCUMENTED MIGRANTS

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PICUM

Founded as an initiative of grassroots organisations, the Platform for International Cooperation on Undocumented Migrants (PICUM) represents a network of more than 130 organizations and 160 individual advocates working with undocumented migrants in more than 38 countries, primarily in Europe, as well as in other world regions. With over ten years of evidence, experience and expertise on undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at policy level.



i-Red - Institute for Rights, Equality and Diversity

i-Red is a research institute established in 2008 with the aim to become and consolidate as a completely independent research centre in Greece with a European and international orientation approaching issues under a holistic, global and EU dimension, and building on EU and international networks aiming to maximize the impact of socio-legal research on public attitudes and policy-making. It undertakes social and scientific activities and initiatives for fundamental individual and social rights, equality and diversity, equal treatment, migrants and minorities and phenomena of racism and discrimination, in Greece and Europe.



Doctors of the World – Greece

Doctors of the World began in 1997 and provides an array of free medical services through “Open Polyclinics” across Greece, including in Athens, Thessaloniki, Chania, and Perama. Doctors of the World’s clinics, staffed by volunteer doctors, nurses, psychologists and social workers, provide healthcare and psychological support to 30,000 people, both Greeks and migrants, each year.



The Greek Council for Refugees (GCR)

The Greek Council for Refugees (GCR) is a Greek, non-governmental organization, founded in 1989 to support refugees and asylum seekers in Greece. Through various psychosocial and legal services, it helps refugees and asylum seekers to integrate harmoniously in Greece.



Amnesty International – Greek Section

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations. Amnesty Greece was founded in 1975 by individuals who had been supported by the global movement during the Greek military junta (1967 – 1974).

Introduction



On 3 December 2012, over 90 participants representing civil society organizations, professionals, practitioners, advocates, activists, journalists, donors and migrant communities attended a workshop in Athens entitled *"The silent humanitarian crisis in Greece: Devising strategies to improve the situation of migrants in Greece"*. This event was organised by PICUM, i-RED Institute for Rights, Equality and Diversity, Greek Council for Refugees, Doctors of the World Greece, and Amnesty International - Greece Section.

The workshop provided a forum for organisations working on migrants' rights in Greece to come together and identify allies and opportunities for action amidst the complex political, social and economic situation, in order to improve the lives of migrants in Greece.

Overview of the Report

This report is based on the presentations and discussions of the workshop. The different chapters of this report reflect the thematic plenary sessions complemented by group discussions in thematic parallel workshop sessions.

Chapter 1 sets the context of the situation of migrants in Greece and outlines the challenges and limitations in ensuring access to basic human rights for all migrants.

Chapter 2 sheds light on the violations of migrants' rights in the existing asylum policy, in detention and at the European Union's borders.

Issues relating to racist violence and the lack of accountability of the police force are discussed in Chapter 3.

The last two chapters present practical elements to support NGOs advocating for the rights of migrants in Greece. Chapter 4 presents the use of strategic litigations as a means of raising awareness and developing case work whilst Chapter 5 highlights the importance of communication work and provides tips to developing an effective communication strategy which is crucial to communicating a strong and concise message and mission statement to potential funders.

WELCOME ADDRESS

The Situation of Migrants in Greece

PAOLA BORGHI, i-Red - Institute for Rights, Equality and Diversity



In recent years, Greece has experienced a socio-economic and political crisis which has caused high unemployment, widespread destitution and the introduction of draconian austerity measures affecting all sectors of the economy. The financial implications of the global economic crisis have dominated the agenda of the Greek government, with little to no focus on the human implications of the financial crisis.

The key omission of the human impact of the financial crisis has gravely impacted the human rights of both Greek citizens as well as migrants, particularly those migrants with irregular migration status. Migrants have become further excluded from accessing public services, pushing them into destitution, exclusion and isolation.

Civil society organisations are working tirelessly to alleviate what has become a life-threatening situation for many migrants. They struggle to defend the rights of migrants in border regions, detention centres and in major Greek cities, as they work with extremely restrained funds and under constant threat of assault from anti-migrant groups such as the Golden Dawn.

The severe economic crisis has perpetuated growing anti-migrant sentiment and paved the way for mainstream society to close its eyes to systematic attacks against migrants. Police forces have been tolerating and in certain incidences have taken part in assaults against migrants orchestrated by the Golden Dawn, a right wing extremist party that incites hatred and violence against migrants.¹

¹ Several instances of physical attacks have been 'claimed' by the racist party Golden Dawn and seem to be tolerated by the Greek police force. See Amnesty International, [Police violence in Greece, Not Just 'Isolated Incidents'](#) (2012)



Access to Basic Human Rights for All Migrants

The unyielding austerity measures that are currently in place in Greece have reduced access to basic human rights both for migrants and Greek citizens themselves, and have pushed people into destitution with little hope of support or resolve. While Greek citizens have faced substantial challenges in attending to basic needs (such as access to food and health care), migrants, particularly those in an irregular situation, face even greater challenges in accessing such services and have increasingly also become targets of racist violence, thus challenging their most fundamental right: the right to life.

panel input



The Humanitarian Crisis in Context

NIKITAS KANAKIS, Doctors of the World Greece



The economic crisis has plunged Greece into a social crisis that requires a humanitarian response, as more people, Greeks and migrants, are struggling to survive and have become further excluded from the state welfare system.

Migrants have contributed to the development and economy of Greece but once hit by the economic crisis, they were the first to be forgotten and excluded and are now being treated as pseudo-citizens and as if they do not exist.

There is a worrying increase of incidences of racist violence that are left unpunished and with no one speaking out or reacting against it. The question no longer only concerns migration and the right to be or not be in a country, but raises the issue of intentional acts of cruelty being exerted to deny a person's right to live in dignity. The question raised today is whether Greece supports a society of solidarity as a solution to the crisis, or whether Greece wants to respond with exclusion. It is not only about the rights of migrants but the right of society to be democratic.

Doctors of the World remains committed to serving everyone, without discrimination, a mission it will continue regardless of criticism or threats. We believe it is our medical and ethical duty to act and respond to the crimes and violations we witness every day.

We cannot close our eyes and ears to the cries we see every day. We cannot be neutral to the crimes we see. We have to raise our voice.

Reflecting on the right to health care, Greek authorities have used financial cutbacks as a means of justifying the denial of the right to healthcare for migrants. However, regardless of the monetary amount saved, if any², the social problems which result, such as social exclusion, fragmentation of society, disengaged and disempowered members of society, sick patients left in the streets, etc. have a far more adverse effect on society and social interaction in the long term. Integration and social cohesion could have far greater economic returns and social value in the long term.

Doctors of the World will continue to do its work without discrimination in the hope of catalysing a political and social action to protect and guarantee the human rights of *all* persons.

² Research suggests that emergency health care ends up being more costly than prevention and provision of basic health care services to the whole population without discrimination. See EU Fundamental Rights Agency (FRA), [Migrants in an irregular situation: access to healthcare in 10 European Union Member States](#) (2011), pp. 33



workshop input



Barriers to Upholding Migrants' Human Rights

LAZAROS PETROMELIDIS, I-Red Institute for Rights, Equality and Diversity (left)
IOANNIS MOUZALAS, Doctors of the World Greece (right)



The current situation in Greece raises concerns over the increasing number of undocumented migrants who fall under the Dublin 2 regulation³, the escalating racist violence exerted by the political group "Golden Dawn" which is now represented in the government, and the grave issue of 30,000 regular migrants who are unable to renew their work permits unless they show official papers from their current employer showing they have received 'stamps' proving they have been paying taxes and health insurance (IKA)⁴.

The current heavily bureaucratic and dysfunctional migration system is a key barrier preventing migrants in Greece from regularising their status. For example, there are almost 34 different types of residence permits. This system is confusing and un-navigable for migrants and the competent authorities alike who are not well trained on how to process applications and identify the appropriate type of permit.

Over the last few years, Greek legislation has increasingly restricted its protections for migrants, exemplifying the prevalent anti-human rights culture. Additionally, the media and politicians, as well as Greek society, have all played a role in constructing a pervasive negative image of migrants which instigates racism and xenophobia.

At the moment, the difficulty for NGOs and community organisations to unite and collaborate is a key factor preventing concrete changes and improvement for the rights of migrants. Individual power is not enough when divided in the face of an opponent who is strong and well organized. Regardless of internal differences which are unavoidable as the mission of each respective organisation varies, organisations working to assist migrants, refugees and asylum seekers must agree on specific areas of collaboration and to agree to set common priorities in order to not break their power to pieces.

The human rights of Greeks are also being undermined and eroded and thus Greeks and migrants must work together on common issues through a general platform, regardless of whether they can agree on specific details. A shared ideology can be achieved by broadening the scope of issues discussed beyond merely the migration discourse. Pre-existing barriers relate to other vulnerable and excluded groups, such as trade unions, LGBT groups, women's groups, equality bodies, etc., all of whom could be seen as new allies in a broader action demanding human rights for all.

Migration concerns the whole of Europe and not just Greece and therefore it requires a European response

³ [The Dublin II Regulation](#) determines the EU Member State responsible to examine an application for asylum seekers seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union. This is an issue for Greece, which as a country located on Europe's southern border, is the first country of entry for many migrants meaning that it receives a disproportionately high number of asylum applications compared to other European Members states. Greece has been unable to cope with these numbers.

⁴ Law no 3386/05 on the Entry, Residence and Social Integration of Third-country Nationals in the Hellenic Territory, article 15. Available at: http://www.ypes.gr/en/Generalsecretariat_PopulationSC/Laws/

Input from Workshop Discussion

Concerns Over the Violation of Migrants' Human Rights

- The economic crisis is seen as a justification for the government's decision to limit the human rights of migrants to seek asylum, live in dignity, not be subject to torture or other degrading treatments, and to freedom of movement.
- The development of an anti-human rights culture in Greece.
- Lack of cooperation amongst NGOs advocating for migrants' rights as well as between migrants' rights NGOs and Greek civil society organisations denouncing racism and the austerity measures.



Participants during parallel workshop session on "Access to basic human rights for all migrants"

Recommendations

These recommendations were formulated by participants during a parallel workshop session discussing access for all migrants to basic human rights.

1. Strengthen solidarity amongst civil society organisations

It is crucial for NGOs and civil society organisations to form networks to combine efforts.⁵

2. Work at the local level (i.e. within the neighbourhood)

There should be a space for migrant communities to discuss common problems to show migrants as active members of a community.

3. Develop education guides

Lack of knowledge is a key limiting factor and education plays a role in combatting xenophobia, racism and anti-immigrant feelings. Thus education tools⁶ must be developed for school curricula, to focus on issues relating to the rights of migrants, promoting diversity, and countering racism and xenophobia.

4. Design a strategy to work with elderly people on a rights-based approach

As key upholders of tradition and social values, the elderly must be viewed as a key target group in an attempt to change social mentality and promote the rights of all without discrimination.

⁵ Such as the [Campaign for the access to asylum in Greece](#) and the [Racist Violence Recording Network](#)

⁶ See International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), [Not Just Numbers - An Educational Toolkit about Migration and Asylum in Europe](#) (2009)

5. Reiterate the obligation of the government and society to respect human rights

The Greek government must uphold its obligations to respect the human rights of all, without discrimination, including both regular and irregular migrants.

6. Capacity building

Opportunities should be developed to build the capacities of migrant-led organisations in fundraising, advocacy and communications to empower them to take leadership in the process of change.

7. Find solutions for non-removable migrants

Residence status should be granted on humanitarian grounds for persons who are unable to access the asylum process or whose asylum application is unsuccessful but who cannot be returned and are therefore left in a legal and social limbo with little opportunity to improve their situation.

8. Foster networking amongst civil society and government

Greek NGOs should work together with both European and international organisations and institutions to raise awareness and with the Greek government to seek concrete solutions.



Asylum, Detention and Borders

Under EU and domestic law, Greece has a duty to ensure the right of people seeking international protection to apply for asylum in addition to complying with international frameworks upholding fundamental human rights such as the right to equality, to live in dignity, not to be subjected to inhuman and degrading treatment. Yet following an increased migration flow through Greece's sea and land borders and the lack of a coherent asylum and migration policy, Greece has been unable to meet its obligations towards migrants.

panel input



Asylum, Detention and Borders: The Failures of the Existing Legal Framework

MARIA PAPAMINA, Greek Council for Refugees



For the last decade, the EU has initiated a process to establish a common migration and asylum policy with minimum standards and common denominators in respect of international and European human rights standards, including the 1951 Convention relating to the Status of Refugees, the European Convention on Human Rights and the EU Charter on Fundamental Rights.

The current EU asylum policy - which is allegedly based on solidarity - is regulated by the Dublin II⁷ Regulation, which means that asylum seekers' applications must be examined by the first country of entrance to the European Union. Furthermore the EU asylum and immigration policy is based on a general policy of sealing the EU's external border to prevent the entry of third-country nationals.

The increased inflow of migrants and refugees experienced by member states on the EU's external borders, and the lack of political will from Greek authorities to establish a fair asylum policy⁸, have culminated in a situation which has all the characteristics of a humanitarian crisis directly affecting the rights of those arriving in Greece to seek protection. The humanitarian and economic situations have further developed increased concerns over social exclusion, racism and xenophobia and the rise of the far right in politics.

In response to this critical situation, Greek authorities have put in place repressive measures against irregular migrants including the construction of a wall in the Evros region⁹, the establishment of Frontex operations as well as the announcement in March 2012¹⁰ of the building of detention centres instead of reception centres, sweep operations across the country¹¹ and the decision to justify detention on grounds of health concerns¹².

The aforementioned actions by the government to address irregular migration directly and significantly undermine the fundamental rights of migrants by permitting the implementation of arbitrary and discriminatory practices such as automatic detention at the reception of those seeking asylum, prolonged detention periods, identity checks and arrests based on ethnicity.



⁷ [The Dublin II Regulation](#) determines the EU Member State responsible to examine an application for asylum seekers seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union

⁸ Joint Greek NGO report, [Campaign on access to asylum in Attica](#), October 2012

⁹ See EU Observer, [Fortress Europe: a Greek wall close up](#), 21 December 2012

¹⁰ The Guardian, [Greece to open new detention centres for illegal migrants](#), 29 March 2012

¹¹ Such as the Xenios Zeus operation launched in August 2012 by the Greek authorities to identify irregular migrants. See PICUM Bulletin, [Greece/ Mass arrests, 7,000 identifications and 2,000 arrests](#), 20 August 2012 and The Guardian, [Greek crackdown on illegal immigrants leads to mass arrests](#), 7 August 2012

¹² [Hellenic Republic, Ministry of Public Order and Citizen Protection](#), 1 April 2012



...

Additionally, the recent legal amendment extending detention of asylum seekers up to 18 months¹³ and the fact that no progress has been made as concerns the establishment of a fair reception and asylum system and also the degrading detention conditions raise serious concerns about the violations of human rights of migrants seeking protection in Greece¹⁴. Furthermore there is not accessible judicial control and effective legal remedies concerning detention.

The law 3907 of 2011¹⁵ was adopted to address issues relating to international protection in compliance with international and EU standards. Nonetheless, little has been implemented in practice of the new asylum service consisting of civil personnel and new reception facilities are yet to become operational.

The provisional Presidential Decree 114 from 2010, reinstating the rights to administrative appeals by setting up procedural safeguards, remains problematic. The competence to receive and examine asylum applications in the first instance still lies with the police who do not have the relevant qualification or training to deal with such requests. The whole system is characterised by arbitrary practices emanated by the police. Access to the asylum procedure is almost impossible in Greece¹⁶.

In Greece there are currently two main frameworks for detention of third country nationals: 1) for the purpose of removal, deportation and returns regulated by two laws¹⁷ which implemented the EU Return Directive¹⁸ and 2) detention of asylum seekers regulated by the Presidential Decree of 114/2010 as amended in 2012¹⁹ permitting in exceptional circumstance detention up to 18 months.

The above frameworks are utilised by Greek authorities as tools to tackle migration flows, referring to Operation Xenios Zeus, (Host Jupiter) where more than 3,000 irregular migrants were apprehended, arrested and detained²⁰, among them asylum seekers, refugees, unaccompanied minors and other vulnerable groups.

The economic crisis cannot be an excuse for denying persons their fundamental rights. The solution lies with the establishment of a fair and effective asylum system and the need to share and not shift responsibilities between EU member states. Protection must be guaranteed here in EU and not elsewhere for persons in need of international protection.

¹³ Greek Government Gazette, [Presidential Decree 116/2012](#), 19 October 2012

¹⁴ Greek Council for Refugees and PROASYL, [Walls of Shame](#) (2012); Greek Council for Refugees, [Mission Reports](#) (2012)

¹⁵ [3907/2011](#) "Establishment of an Asylum Service and a First Reception Service"

¹⁶ Joint Greek NGO report, [Campaign on access to asylum in Attica](#), October 2012

¹⁷ [Law 3386/2005](#) on forced return, "Codification of legislation On the entry, residence and social integration of third-country nationals on Greek territory" and [3907/2011](#) on voluntary returns, "Establishment of an Asylum Service and a First Reception Service"

¹⁸ [Directive 2008/115/EC](#) of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

¹⁹ Presidential Decree 114/2010 [Procedures concerning the recognition of refugees and person entitled to subsidiary protection](#)

²⁰ PICUM Bulletin, [Mass arrests, 7,000 identifications and 2,000 arrests](#), 20 August 2012

The Guardian, [Greek crackdown on illegal immigrants leads to mass arrests](#), 7 August 2012

workshop input



The Asylum System in Greece: Limited or Simply Inaccessible

VASILIS KERASIOTIS and VASILIKI TSIPOURA, Greek Council for Refugees



Vasilis Kerasiotis

The situation in Greece with regards to the entry of asylum-seekers is severe as there is limited or no access to the asylum system not only at the borders but also in the mainland. Detention is the rule for asylum seekers and migrants. It is used by police authorities as a punishment instead of a tool during the asylum procedure or eventually deportation.

Many asylum seekers are unable to file their application, and are subsequently left in a state of limbo, and in constant fear of being detained and/or deported. The New Asylum Service, created by law in 2011²¹ to receive and process asylum claims has yet to operate. Currently, the Asylum Department of the Aliens Police Directorate of Attica, which is the only competent authority to receive asylum applications in the region of Attica and where the vast majority of asylum seekers are referred to, is registering applications at a rate of 20 a week.

Those already in detention face numerous barriers in filing their asylum applications and recorded incidents have shown asylum seekers are detained for prolonged periods of time before their asylum application is even registered²².

Those who are able to file their asylum claim in detention remain detained for lengthy periods of time with little or no information in their language on their rights, the reasons of their detention, the progress of their asylum application, and living in inhumane conditions with limited or no access to health care, social and psychological support, legal representation, or other fundamental rights. Judicial control is limited and non-effective.



Vasiliki Tsioura

²¹ [3907/2011](#) "Establishment of an Asylum Service and a First Reception Service"

²² Similar issues supported by Amnesty International, [Greece: irregular migrants and asylum-seekers routinely detained in substandard conditions](#) (2010), pp. 15

Input from Workshop Discussion

Concerns on current asylum, detention and border policies and their impact on the rights of migrants²³

- Increasingly limited access to the asylum procedure, particularly at the borders. This, in addition to the direct application of the 'Returns Directive',²⁴ means that asylum seekers cannot avail of adequate reception facilities, are hindered in filing their asylum applications and so, can often not even have their claims registered.
- Asylum seekers are detained instead of accommodated in reception centres without having given the opportunity to submit their legitimate asylum claim under international law requiring their protection and reception, meaning that existing legal provisions which safeguard migrants' rights are not applied such as the *non-refoulement* principle.²⁵
- Prolonged detention periods following recent the amendment of the Presidential Decree 114/2010. The Greek Government has extended the maximum period of detention for asylum seekers to the same extent as the maximum period of detention for irregular migrants under a deportation process.
- Police as the competent authority to deal with claims for asylum in the first instances whilst they have also been identified as perpetrators of racially motivated crimes.
- Lack of institutionalized procedures for registering and screening migrants in Greece. In every single part of the Greek territory the local police department follows its own process and protocol. Sharp differences exist between the treatment of asylum in the mainland and in the islands.
- No safe routes to cross borders to claim asylum due to strict external border protection practices and the implementation of Frontex operations in the region, which are used as a tool to deter migrants from entering Greece.
- Limited access for NGOs to the new detention centres.
- In the midst of the financial crisis, lack of will by society to support migrants. Civil society organisations are currently working in a public and political context in which Greek society is challenging why migrants should be assisted to stay in Greece, and so there is overwhelming feeling that migrants should not be helped considering the hardship faced by Greeks.
- Whether the police would still be responsible for processing asylum claims under the structure of the new process on access to asylum²⁶, as envisaged in the new legislation 3907/2011 of the Greek Republic.
- The detention of unaccompanied children²⁷ in detention centres unsuitable for them until a place is found in reception centres for unaccompanied children or are released without any referral to reception centres for unaccompanied children.



Participants during parallel workshop session on "Asylum, detention and borders"

Recommendations

During a parallel workshop session, participants formulated the following recommendations to address concerns relating to asylum and the rights of migrants in detention and at Europe's borders.

1. Involve the **local community** to develop their own initiatives (e.g. initiative in Lesbos²⁸) whilst pressing the authorities for permanent and sustainable solutions.
2. Build a dialogue with **police officers** and **border guards** (especially decision makers) to inform them of regulations relevant to them when carrying out their duties including individual penal responsibility for rights violations.
3. Create alliances with **prosecutors within the judicial system** who would be open to addressing the violations taking place inside and outside detention centres.
4. Establish dialogue with the Director of the **reception authority** and use civil society actions to foster change²⁹.
5. Create a specialised body within or complementary to the **Ombudsman** institution to facilitate the complaints of asylum seekers, third country nationals, and irregular migrants against administrative and enforcement authorities violating their rights, with the additional aim of collecting best practices and stimulating strategic litigation.
6. Need for **the Greek ombudsman** to take on a monitoring role in the implementation of the new process on access to asylum, as envisaged in the new legislation 3907/2011³⁰.
7. Maintain contact with **EU institutions** to inform them of the situation in Greece to ensure they make informed decisions and develop adequate measures to address the situation whilst noting that the change must come from within Greece if it is to last.
8. **Improve cooperation amongst NGOs** through the creation of a solidarity network to develop joint actions in Greece but also at the European and international level through umbrella organisations. In establishing these networks, consideration must be given to challenges and limitations faced by NGOs in terms of minimal human resources and funding opportunities.

²³ These reflect the concerns raised in recent decisions by the European Court of Human Rights (*Bygylashvili v. Greece* of 25 September 2012, *Ahmade v. Greece* of 25 September 2012, *Lin v. Greece* of 6 November 2012) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Government of Greece on the visit to Greece from 19 to 27 January 2011*

²⁴ *Directive 2008/115/EC* of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

²⁵ "Non-refoulement" refers to the legal principle concerning the prohibition of transfer from a Contracting State to another State where there is a risk of such ill-treatment, developed under human rights law in relation to Article 3 of the *European Convention on Human Rights Convention* (ECHR).

²⁶ *3907/2011* on voluntary returns, "Establishment of an Asylum Service and a First Reception Service"

²⁷ Greek Council for Refugees, *Unaccompanied Minors* (2012)

²⁸ A network of volunteer organisations and active civilians was set up in Lesbos "*Village of All Together*" in solidarity with migrants on the island to provide them support and assistance.

²⁹ *Ibid.*

³⁰ *3907/2011* on voluntary returns, "Establishment of an Asylum Service and a First Reception Service"



Racist Violence and Accountability of the Police Force

Greek and international NGOs have reported that racist attacks against migrants have recently become more numerous and more violent, resulting in more severe injuries. The near complete absence of accountability of the police for overt psychological and physical assaults against migrants on the streets and in police stations in Athens and elsewhere, plainly visible to any passer-by, are threatening the very basic elements of a democratic society.

To address this situation, the Greek National Commission for Human Rights, the UN High Commissioner for Refugees and 23 NGOs created the Racist Violence Recording Network³¹ which aims to record racially motivated incidents and develop a series of proposals to prevent such crimes, as there is no official national mechanism to deal with such incidents. Activities have included seminars to teach people how to file an attack through the Network in order to collect reliable data but these have not yet proven to be successful as still the number of filed complaints for racist violence does not match the reality.

In addition to racist crimes perpetrated by Greek citizens, reports from civil society indicate that assaults against migrants are increasingly perpetrated by law enforcement officials. Incidents of torture and ill-treatment in police custody and prison leave migrants with no access to protection, justice and redress.

Recent reports on police violence and violence against migrants in Greece:

- Amnesty International, [Police Violence in Greece: Not Just 'Isolated Incidents'](#) (2012)
- Human Rights Watch, [Hate on the Streets](#) (2012)

According to data³² collected by the Racist Violence Recording Network in 2012, 15 out of 80 recorded racist attacks included incidents where the police used force during identity checks and ill-treatment at detention. Other failures of law enforcement officials included official documents being destroyed, lack of a systematic method in investigating and addressing claims, and delays in the prosecution and punishment of perpetrators. Additionally, very few incidents are reported, as migrants fear reprisals, arrest and deportation but also mistrust the justice system due to law enforcement officials protecting their colleagues by refusing to speak out or testify against any abuses.

³¹ Further information available at: <http://www.unhcr.gr/1againstracism/category/racist-violence-recording-network/>

³² Racist Violence Recording Network, [Findings 1.1.2012 - 30.9.2012](#)

panel input



Racist Violence and Accountability of the Police Force

DORA OIKONOMOU, Amnesty International – Greek Section



A report published by Amnesty International in July 2012 entitled "*Police violence in Greece: Not just 'isolated incidents'*"³³ focuses on human rights violations by Greek law enforcement officials. It details the use of excessive force and ill-treatment in detention facilities, as well as providing some key insight into pervasive and accepted racist mentality condoning violence against migrants.

Racially motivated attacks

Since 2010, third country nationals, including asylum seekers, both regular and irregular migrants, have increasingly become the target of racist violence reportedly perpetrated by members and supporters of right wing groups, representatives of law enforcement bodies as well as ordinary citizens. However in the last year, these types of unlawful acts of violence have acquired a disturbing dimension which reached a peak in August 2012 when an Iraqi national was stabbed to death³⁴. Members of migrant and refugee communities, as well as unofficial mosques³⁵, shops and community centres have become targeted and many incidents have resulted in stabbing and severe beatings.

In the context of the economic crisis and severe austerity measures, and the recent election of the extreme right party Golden Dawn into the Parliament in 2012, anti-immigrant feelings have been increasingly stirred up in all sectors of Greek society. Operations such as Xenios Zeus,³⁶ the mass police crackdown against migrants in August 2012, raised concerns that individuals were experiencing discrimination based on their perceived ethnicity and that such discriminatory operations risk fuelling further attacks and xenophobic feelings.

Law enforcement officials as perpetrators

Asylum seekers, migrants and refugees have reported law enforcement officials as perpetrators of these racist attacks. From October to December 2011, of the 63 recorded incidents of racially motivated violence, 18 were linked to police violence, as well as 15 of the 87 incidents recorded from January to September 2012 by the Racist Violence Recording Network³⁷.

The alarming first findings and conclusions of this Network included incidents of excessive use of force, systematic impunity as authorities are failing to investigate such incidents, and the failure to take measures to protect third country nationals from racially motivated offences.

³³ Amnesty International, [Police violence in Greece, Not Just 'Isolated Incidents'](#) (2012)

³⁴ Ta Nea, [Ρουπακιώτης: Επικίνδυνη η αύξηση των ρατσιστικών επιθέσεων](#), 13 August 2012

³⁵ Greece Reporter, [Without a Mosque, Greece's Muslims Go Underground](#), 6 September 2012

³⁶ PICUM Bulletin, [Mass arrests, 7,000 identifications and 2,000 arrests](#), 20 August 2012

The Guardian, [Greek crackdown on illegal immigrants leads to mass arrests](#), 7 August 2012

³⁷ Further information available at: <http://www.unhcr.gr/1againstracism/category/racist-violence-recording-network/>



...

Following the announcement in August 2012³⁸ by the Minister of Public Order and Citizen Protection to establish a special police department to address racially motivated offences, the Racist Violence Recording Network provided some key guidelines which must be included in such an initiative if it is to be fair, strong and effective:

- clear legislative framework on staffing and responsibility of the competent agencies in order to ensure the protection of all victims of crimes without discrimination and regardless of their residence status
- a new procedure outlining the process to be followed when a victim files a complaint of racist violence in these special departments including safeguards for undocumented migrants

Amnesty International has had long-standing concerns regarding the increasing incidents of violence perpetrated by law enforcement authorities against third country nationals including ill-treatment during arrests and/or detention and persistent impunity with regards to such crimes. Many allegations included torture and other forms of ill-treatment especially concerning those held for immigration purposes with many migrants reporting that the ill treatment occurred after requesting medical attention, access to a phone or to a complaint procedure regarding the length of the detention period and conditions.

Ill-treatment in detention

In May 2011, the Minister of Public Order and Citizen Protection had taken into consideration the recommendations made by Amnesty International and implemented them by creating a form to permit the reporting of ill treatment and poor detention conditions by those in detention. The form was made available in sixteen languages. However, it appears from the information received from detainees that many did not receive this form and in some cases the forms were only exhibited on notice boards and so as located outside the cell areas, were not accessible by detainees. Whilst investigating detention centres in the Evros and Korinthia regions, Amnesty International noted there were still allegations of ill treatment and poor detention conditions as well as limited or no access to information on rights.

Third-country nationals, who are in immigration detention, must be protected by specific safeguards that ensure their treatment is in compliance with international human rights norms. Whilst in detention, detainees have the right to be informed of charges against them, to receive medical and legal aid, and to access the outside world to the extent that they can be visited by, and keep in contact with, family members.

Challenging the culture of impunity

In case of violations, those responsible must be brought to justice as law enforcement officials are not above the law but are subject to it and victims must have access to effective redress processes to obtain reparation.

The escalation of violence against migrants in Greece, including racially motivated attacks, requires an urgent response that so far has not been taken. Impunity for such attacks either from law enforcement agents or others perpetrators is a big part of the problem which will leave many victims of violence in a fearful silence.

³⁸ Digital Journal, [Greece to establish police department to deal with racist violence](#), 23 August 2012

workshop input



Racist Violence and Police Impunity

AHMED MOAWIA, Greek Forum of Migrants



One of the earliest recorded serious incidents of armed racist violence occurred in October 1999 when P. Kazakos³⁹ walked around for a period of four days shooting immigrants. Systematic attacks against immigrants began in earnest after the elections of 2004, when the far-right LAOS party entered the European Parliament for the first time, and climaxed during the 2009 European elections.

After the elections in 2012, violent attacks against individuals from members of the far-right Golden Dawn party became a daily occurrence. The Golden Dawn initially stated that they were targeting irregular migrants, but eventually targeted all immigrants in key places including shops, business offices, etc. belonging to them.

The main problem is not to find the perpetrators and bring them to justice but the first issue is for victims to be able to file a complaint, which has become almost impossible because of the implication of the police.

It is neither the role of NGOs or the Ministry of Public Order to monitor and record incidents: there should be an alternative monitoring body. It has been suggested that the initial process be taken away from the Ministry of Public Order (including the police) and given to the Greek Ombudsman, who is currently the competent authority for the law against discrimination. This suggestion would mean an expansion of its existing activities.

³⁹ Athens News, [Racist gunman pleads insanity again](#), 8 November 2002



Input from Workshop Discussion

Concerns on the Protection of Migrants in View of Increasing Racist Violence and Police Impunity

- Lack of access to an effective and independent complaint mechanism, including procedural delays that can ultimately cause the complaint to be 'timed-out' by the statute of limitations, as well as an overwhelming fear of detention and deportation that overshadows the ability to report human rights violations.
- Lack of access to legal representation, in order to fully pursue complaints and proper redress.
- The legality of raid operations such as Xenios Zeus which were discriminatory and based on racial profiling resulting in migrants with legal documents being arrested and detained for several hours.
- The role of the police in such operations and other incidents of violence, the lack of proper training and the fact that they themselves are often perpetrators of racist attacks who go unpunished is highly problematic. There is a systematic failings in police accountability.
- Challenges in ensuring that cases are brought to court in order to create legal precedence and case-law for re-occurring acts of racist violence.
- The need to address and record incidents of criminalisation of assistance as currently civil servants risk being fined for providing support and assistance to irregular migrants.
- Poor reporting and coverage of racist violence by mainstream media, which is partial and often encourages anti-immigrant sentiment. This owes partly to the lack of communication channels between the media and local NGOs and migrants but also because there is no resource person within government to respond on such matters.



Participants during parallel workshop session on "Racist violence and police impunity"

Recommendations

Through a group discussion, recommendations were developed to address racist violence and police impunity in Greece but also with the intention of enhancing collaboration between NGOs and law enforcement officials.

- 1. Liaising with** the Pan Hellenic Coalition of Police on this issue as it is not only individual policemen and women who are perpetrating acts of racism but the institution itself that is liable for perpetrating and covering up racist attacks.
- 2. Developing a network of allies**, which includes lawyers, to ensure that victims of racist violence are able to file their claims and access justice mechanisms so as to challenge the current culture of impunity for such acts.
- 3. Reaching out** to the general public through awareness raising campaigns, traditional and social media on the realities faced by migrants and the obligations of the Greek state in order to address prejudice, existing resentment and fear.
- 4. Keeping connected** - Creation of a platform of NGOs working together with the aim of sharing information, gathering evidence and supporting common advocacy activities to raise awareness on migrants' rights to impact policies and practical responses.
- 5. Connecting with media** - NGOs must develop clear messages as well as a database of facts and testimonies to share with journalists in order to ensure that the situation on the ground faced by migrants and their advocates is correctly reported.
- 6. Acknowledging that the phenomenon of racist violence is not limited to Greece** - It is a pan-European phenomenon and thus all existing networks must join their resources and co-operate to combat it.

Legal Strategies as Tools for Positive Change

Greece has signed and ratified most European⁴⁰ and international treaties upholding the rights of *all* human beings without discrimination. As a result, any policy or practice that is contrary to these laws can be challenged as unlawful.

In Greece, as in many other contexts, it is not the lack of rights which is the cause of the problem, but the lack of information and knowledge about the existence of rights for migrants and the poor implementation and protection mechanisms which prevent migrants from enjoying them.

Legal strategies are useful tools as a means of upholding rights but also as a means to raise awareness of key areas of concern regarding the implementation of these rights in practice. The development of case law is essential to continuously challenge the law in relation to the reality on the ground and for NGOs to expand their activities beyond project funded work. Strategic litigation can be a fruitful avenue to attract funding and partnerships with allies.

⁴⁰ Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, EU Race Equality Directive, the Employment Equality Directive and the European Charter of Fundamental Rights. The European Charter applies to all persons regardless of residence status apart from the articles explicitly narrowing the scope to European citizen. Appendix to the Revised Charter states that Articles 1 to 17 and 20 to 31 applies to foreigners "only in so far as they are nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned". Articles 18 and 19 do not require lawful presence for all aspects of these rights to be applicable although they only apply explicitly to nationals of contracting parties.



panel input



Using Legal Strategies to Foster Positive Change in the Lives of Migrants in Greece

SIMON COX, Open Society Justice Initiative



Funded by George Soros, the Open Society Foundations (OSF) gives grants and supports work to build and defend open societies across the world.

The Open Society Justice Initiative participates in this using law, including the development of strategic litigation. This aims at using the law to secure systemic change including through court judgments, but also as a means of raising awareness and influencing policy makers and other actors.

Before finding solutions it is essential to understand the theory of change (i.e. what is necessary to achieve a long-term objective) and the problem. Key problems which should be considered:

- European Union asylum policy is based on the principle that asylum should be sought in the country of first entry to the EU territory. The Dublin Regulation reflects this policy. Because of the geographical structure of Europe, this means that the distribution of migration flows will never be equitable
- Expectation in Greece that it should deal with almost all migrants entering Europe through its borders whilst other EU member states are signing bilateral agreements (e.g. Italy and Libya) to limit flow of irregular migration which are not in compliance with human rights obligations.

A noted approach taken on by Greek lawyers has been to support asylum seekers who cannot get access to the asylum process in Greece to help them make their claim elsewhere in other EU countries. It might even be possible to support them to pursue claims through courts in those countries. Such initiatives cannot replace the duty of government to find a common political solution. Lawyers can also help to change detention conditions and procedures in Greece by challenging policies and practices and putting pressure on law enforcement authorities.

Strategic litigation is an important advocacy tool to show that Greece is failing to meet its obligations and that the EU is also failing to respond to the disproportionate distribution of asylum claims across EU member states.

panel input



The Role of the Law in Advocating for Migrants' Rights

SPYROS KOULOCHERIS, Greek Council for Refugees



Greek lawyers have a key role to play in national courts in Greece, in national courts in other EU Member States and at the European level to provide justice and redress to migrants, to develop jurisprudence and to prevent violations of human rights in Greece in the future.

There is a need to build collaboration between lawyers and human rights defenders in order to develop strong strategic litigation and to have a clear understanding of the realities faced by those whose rights are being violated.

Key issues to address when carrying out strategic litigation:

- Greek courts are already overburdened by case work.
- The lack of knowledge of lawyers of the realities faced by migrants. They too can have fears and prejudices regarding migrants.
- The lack of funding and resources to enable human rights' workers to carry out their work and assist migrants and asylum seekers in ensuring their rights are respected and obtain redress in case of violations

Strategic litigation needs to be driven by a group of people with solidarity and common ideas, in order to ensure successful and lasting change. There is also a need for funding to support such activities.

Recommendations

Through the panel presentations and the group discussion which followed, the following recommendations emerged.

1. **Creating a liaison between human rights defenders and legal practitioners** to exchange information and collaborate to challenge the government's failures to meet its national, European and international legal obligations.
2. **Focusing on building jurisprudence** – Initiatives must be put in place to bolster the work of lawyers in bringing justice, and developing case law that raises awareness of the rights violations faced by migrants.
3. **Fundraising for litigation work** – Foundations should open funding opportunities for NGOs to develop and taken on strategic litigation work to support and complement their advocacy and awareness raising strategies concerning the human rights of migrants.



Implementing Communications and Fundraising Strategies

Communications and information play a strategic role in the work of civil society organisations. Having an effective and efficient communication strategy contributes to civil society organisations' mission and activities. Developing a clear, concise, and targeted message is crucial for any organisation looking to share its work and also to approach partners and donors.

Additionally, it is important to acknowledge the role of both traditional and social media in the public awareness raising process. Migration is reported on extensively by the media in Greece but the reporting does not always reflect the realities experienced by migrants. Increasingly, civil society organisations are becoming valuable sources of information for the media and this new role should be further exploited to support their activities.

PANEL INTRODUCTION

The Role of the Media in Reporting on Migration in Greece

NICK MALKOUTZIS, Kathimerini English Edition and Inside Greece



Despite some pieces of noteworthy reporting on the issue of immigration and the situation facing migrants today in Greece, mainstream media in general in Greece has not responded effectively to the issue. There is a need to build a line of communication between civil society organisations and journalists in order to address the urgency of the issue in relation to detention conditions, deportations, etc. As the economic crisis has hit the media sector too, journalists face harder working conditions (e.g. reduced salary and resources, etc.). Civil society should take on a role of experts and feeding facts and figures, providing time to talk, explain, etc. especially legal areas as very few journalists have the knowledge and time to grasp such complex jargon.

The role of social media cannot be ignored, as it can be a very useful tool for creating and encouraging 'citizen journalism' at the grassroots level which is key for developing awareness, especially about fast developing issues.



panel input



Basic Communications Tips for Migrants' Rights NGOs in Crisis-Hit Greece⁴¹

MEHRAN KHALILI, Strategic Communications Expert, based in Greece



Smart communications should be at the centre of all your activities – because communicating effectively, to the right audiences, is vital to helping you achieve your organisation's goals. What's more, because your opponents are practising it, so should you.

The good news is that having a slick 'communications machine' doesn't have to cost much. Follow these 10 tips to build it:

Production (creating your stories⁴²) – should be done by the organisation

1. **Be clear about your objective:** Don't take any communications action without relating it to a measureable, core objective of your organisation
2. **Back up your story:** The average journalist/reader is not an expert and is sceptical. Use authoritative facts and figures to persuade them. Drain out the drama; use neutral language. Let the facts tell the story; show, don't tell.
3. **Find a fresh angle:** People are saturated with messages of suffering and are becoming immune. A positive approach to a story can get you heard, while drawing attention to the negative stories that you really want to push.
4. **Use a unique format:** Use info graphics, photography, video (even from a mobile phone) rather than text (which can't go viral). You have the tools – use them. Surprise people.

Distribution (sending your stories out) – can be done by volunteers

5. **Use today's distribution tools:** Get on Twitter and learn how to use it; it's an activist hub for Greece, but also valuable for monitoring. Wordpress (blogs)/ and YouTube (video) are also important tools and easy to use.
6. **Cultivate your contacts:** Coffee is the best social media, and Greek activists represent a small community. Don't sit behind a screen; get out there and build relationships – it is worth the investment.
7. **Considering international media outreach:** If your story is big enough, target international media to get on the Greek media's agenda that way.

Monitoring (checking how well your stories were received) – can be done by volunteers

8. **Use today's monitoring tools:** Like Google News/Google Alerts/Twitter.
9. **Learn the landscape:** See who is writing about your issue, who the influencers are, and send your next announcements to them.
10. **Check back on your objective** – Did you achieve it? Feed your lessons learned back into your production.

⁴¹ The presentation is available online at: <https://speakerdeck.com/mkhalili/basic-communications-tips-for-migration-ngos-in-crisis-hit-greece>

⁴² By 'stories' we mean 'whatever you want to say', i.e. announcements, research papers, advocacy messages, etc.

panel input



Developing Communications and Advocacy Strategies⁴³

JAN BRULC, Migrants' Rights Network (MRN)



There is a crucial need for NGOs to convey a clear message and outline of their mission to funders as well as to partners and supporters. As part of their communications plan to gain visibility and build a network of NGOs working on migrants' rights, Migrants' Rights Network (MRN) is currently coordinating a campaign entitled "One Day" in view of International Migrants Day on 18 December. As part of this campaign, MRN will be presenting "the Migrant Manifesto"⁴⁴ produced by the Immigrant Movement International as a tool to raise awareness and present their message.

Migrants' Rights Network is a PICUM member based in the United Kingdom which conducts research and projects, aimed at enabling migrants and groups working in support of migrants to engage with key legislative and policy issues.

Key points of actions adopted by MRN to carry out its mission successfully have included:

- Capacity building amongst grassroots organisations which are part of their network so they could share MRN's message but most importantly develop their own
- Developing communication channels by establishing lines of dialogue with journalists and links with migrant activists
- Carrying out specific activities to target different audiences as the message and approach is tailored for each target audience

⁴³ Full presentation available at: <http://prezi.com/kui2ushdkx5c/communications-and-advocacy-strategies-athens-2-dec-2012/>

⁴⁴ Migrant Manifesto, available at: <http://www.migrantsrights.org.uk/news/2012/migrant-manifesto-performed-musa-okwonga> and translated text available at: <http://immigrant-movement.us/wordpress/migrant-manifesto/>



“A 5-STEP COMMUNICATIONS STRATEGY”

AIM

- Split into specific objectives and define each
- Demonstrate that there is a problem which must be addressed
- Show reflection on issue and attempt to find alternatives to develop a comprehensive approach
- Show your awareness of other initiatives and how your project will build on these

MESSAGE

Three pillars:

- Identify problem
- Explain solution and
- Who will deliver it for each

TOOLS

- How the project and the message can be delivered
- Balance and evaluate impact of various options

AUDIENCE

- Who do you want to speak to?
- Develop different messages for each audience
- Seek alternative audiences beyond existing allies who are affected directly or indirectly by these issues

EVALUATION

In setting your target, develop measuring tools including:

- Key performance indicators: statistics of the numbers of people reached through meetings, clientele, and subscribers
- A risk analysis and alternatives for obstacles faced

Recommendations

Through the panel presentations and the group discussion which followed, the following recommendations emerged on the importance of good communication work for human right defenders.

- 1. Connecting with media** – NGOs working in the field must serve as an active database of facts and testimonies of the situation migrants face on the ground. They must also provide guidance and oversight, ensuring journalists are reporting accurately.
- 2. Developing a communication strategy** – Communications must be considered as key element of the work of NGOs and a general strategy in accordance with its mission and objectives must be implemented, as part of the existing work plan.
- 3. Social media** – Representatives of civil society, migrant organisations and other bodies should embrace social media as a new, easy and cost-effective tool to share information, fuel discussion and incite mobilisation.

CONCLUDING REMARKS

The United Nations Special Rapporteur on the Human Rights of Migrants, Mr François Crépeau, visited Greece from 25 November to 3 December 2012 as part of his yearlong study on the management of the external borders of the European Union and its impact on the human rights of migrants. As part of this study, Mr Crépeau visited EU institutions in Brussels, and undertook country visits to Tunisia, Turkey, Italy and Greece.

On 3 December 2012, the last day of his visit, the Special Rapporteur made an official statement on his visit to Greece highlighting key issues which emerged from his encounters with Government representatives, civil society organisations, international organisations, the European Union (EU)’s representation in Greece, as well as migrants themselves, including in detention centres.



Mr François Crépeau, United Nations Special Rapporteur on the Human Rights of Migrants, giving remarks on the concluding panel of the event.

At the end of his official statement, Mr Crépeau urged that a coherent strategy be put in place to ensure that those unable to return home are not left in limbo. “It is contrary to the human rights framework to pursue a policy that leaves individuals in a state of legal limbo such that one cannot build a future of any kind and can only live day after day at a level of precarious survival, in constant fear of arrest, detention and deportation.”

Having noted that it is partially the needs of the EU labour market for exploitative labour that attracts irregular migrants, and that it is EU policies and practices that force them to stay in Greece, the UN Special Rapporteur remarked in his statement that “there is a strong need for solidarity and responsibility-sharing within the EU in order to ensure full respect of the human rights of all these migrants.”

In his end of mission statement, Mr Crépeau urged “Greek authorities to undertake all the necessary measures to combat discrimination against migrants” and recommended the Greek government ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Highlighting concerns in the official statement over the systematic detention in inadequate conditions for prolonged periods of migrants, and particularly families and children, Mr Crépeau urged the Greek government and the EU to collaborate to ensure the law 3907/2011 on the Establishment of an Asylum Service and a First Reception Service is put in operation promptly and smoothly.

Throughout his statement, the UN Special Rapporteur welcomed NGO initiatives to provide practical support to migrants including shelter, medical care and other basic necessities and denounced the administrative hurdles and under-utilisation of existing funds to support such initiatives. He thus urged “both Greek authorities and the EU to enhance their support to NGOs who provide services to migrants.”



PLATFORM FOR INTERNATIONAL COOPERATION ON
UNDOCUMENTED MIGRANTS

www.picum.org