



## Resolution 2280 (2019)<sup>1</sup>

Provisional version

# The situation of migrants and refugees on the Greek islands: more needs to be done

Parliamentary Assembly

1. The Parliamentary Assembly notes that the formerly tense situation in the reception and identification centres on the Greek islands of Leros and Kos improved in 2017. However, it expresses great concern that the humanitarian situation of asylum seekers in the centres on the Greek islands of Lesbos, Samos and Chios has remained very difficult for many years. Originally foreseen to house approximately 7 500 people, the capacity of these five centres was reduced to approximately 5 000 places by the end of 2017, when in fact they were occupied by 10 907 people. This number even increased, with the centre at Moria on Lesbos alone housing more than 8 000 people in autumn 2018 due to an increase in arrivals from the nearby Turkish coast.

2. The Assembly notes that, since the EU–Turkey Statement of 18 March 2016, the humanitarian and human rights situation in the so-called hot spots on the islands of Lesbos, Samos and Chios has not improved. It furthermore notes that the “Hot Spot Concept” of the European Union does not meet the requirements for the improvement of the situation on the islands because it is not in line with international provisions for refugees as the Geneva Refugee Convention and the European Convention on Human Rights (STE No. 5).

3. The Assembly welcomes the action of the Office of the United Nations High Commissioner for Refugees (UNHCR) in providing rented housing facilities for asylum seekers on mainland Greece and the Greek islands as well as the work of the International Organization for Migration (IOM) on renovating and operating open accommodation centres on mainland Greece and its Assisted Voluntary Return and Reintegration programme; all these initiatives are funded by the European Union. Together with rapid large-scale transferrals of asylum seekers to mainland Greece before the winter of 2018, these initiatives reduced the number of occupants of the centre at Moria to approximately 5 000 by the end of 2018. The Assembly also welcomes the sustained efforts of the Greek authorities to transfer from island centres to the mainland of Greece all vulnerable persons, who have been registered and identified. Nevertheless, the situation of the centres at Moria on Lesbos and at Vathy on Samos remain a matter of concern as large numbers of people are housed in tents, with inadequate sanitary installations, insufficient food distribution, a lack of health services, poor security, especially at night, and where levels of violence and crime inside the centres are high.

4. The Assembly is particularly alarmed by reports about sexual violence, sexual exploitation and human trafficking by camp gangs, smugglers and other forms of organised crime, which cause psychological distress beyond, and adding to, the traumatic situations many experienced on route while fleeing to Turkey and continuing to Greece and invites the Greek authorities to increase their efforts towards combating the aforementioned crimes:

4.1. recalling that Greece and Turkey are both Parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, to the United Nations Convention against Transnational Organized Crime, the Assembly invites both countries to sign and ratify also the United Nations Convention for the

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1. *Assembly debate* on 11 April 2019 (17th Sitting) (see [Doc. 14837](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Petra De Sutter). *Text adopted by the Assembly* on 11 April 2019 (17th Sitting). See also [Recommendation 2155 \(2019\)](#).



Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Greek law-enforcement authorities should co-operate internationally with Interpol and Europol as well as with the Turkish law-enforcement authorities in order to break the wall of impunity;

4.2. the Assembly invites the Financial Action Task Force (FATF), when evaluating Greece and Turkey against the applicable international anti-money laundering/counter-terrorist financing standards, and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), when evaluating Greece's neighbouring countries which are members of MONEYVAL against these standards, to pay particular attention to the threats of money transfers generated by migrant smuggling and trafficking.

5. Aware that Greece received 16 670 first-time asylum applications in the third quarter of 2018, which represents the highest number of asylum applications per capita within the European Union after Cyprus, the Assembly welcomes the European Union's financial aid of approximately 2 billion euros for Greece, which includes the recently granted 289 million euros for migration and border management. Confronted for more than a decade with a permanent influx of migrants through the Turkish–Greek sea and land borders, Greece and Turkey deserve the solidarity of all Council of Europe member States. Referring to reports about misappropriation of European Union funds by the Greek authorities, which has allegedly prevented improvement of the deplorable housing situation of asylum applicants for many years, the Assembly invites the European Union to duly monitor the appropriate use of European Union funds.

6. Recalling that Greece is bound by Asylum Procedures Directive 2013/32/EU, Reception Conditions Directive 2013/33/EU, Qualification Directive 2011/95/EU, Dublin III Regulation No. 604/2013 and EURODAC Regulation No. 603/2013, the Assembly takes note of the fact that Greece is making continuous efforts to further improve reception conditions and accelerate asylum procedures, such as the new legislation since May 2018 (Law No. 4540/2018). The Assembly, therefore, calls on the European Union to continue assisting Greece in complying with this European Union law, especially regarding the apparent shortcomings in housing asylum applicants in the reception and identification centres as well as in the proper and timely processing of asylum applications.

7. The Assembly invites the European Union and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) to introduce monitoring procedures and ask for specific feedback on the issue of undocumented migrants in Greece as referred by certain stakeholders and assist the Greek authorities in properly registering and identifying all persons arriving through the Turkish–Greek land and sea borders. Undocumented migrants are particularly vulnerable and at risk of being exploited by organised crime, including by drug criminals along the major drug route from Afghanistan to western Europe.

8. The Assembly regrets that Greece does not allow family reunification of persons under subsidiary protection. It notes that the situation of unaccompanied minors remains a matter of great concern and urges Greece to fully implement the new legislation on guardianship (Law No. 4554/2018). Unaccompanied minors under subsidiary protection should not be prevented from reuniting in Greece with family members, in accordance with Assembly [Resolution 2243 \(2018\)](#) on family reunification of refugees and migrants in the Council of Europe member States.

9. The Assembly regrets that in December 2018 the European Union institutions and the Greek Government agreed to maintain lower rates of value added tax in the islands hosting reception and identification centres for as long as these centres are overpopulated. The European Union and the Greek Government should review their agreement.

10. Finally, the Assembly recommends the following action to improve the situation of asylum seekers, refugees, rejected asylum applicants and irregular migrants:

10.1. the Greek authorities should:

10.1.1. rapidly improve the housing, sanitary and security situation inside the overcrowded reception and identification centres of Lesbos, Samos and Chios, and/or transfer registered and identified asylum applicants to open accommodation centres operated by the IOM, alternative camps operated by humanitarian non-governmental organisations (NGOs) and apartments rented by the UNHCR on Greek islands and mainland Greece; uncontrolled transfers into the streets of Greek cities or third countries must be stopped;

10.1.2. revise the practice under which transfers to mainland Greece require vulnerability or a serious medical condition of the asylum applicant, in order to avoid cases of self-harm; medical services should be improved rapidly inside all camps on islands and the mainland alike;

- 10.1.3. ensure that the transfer of asylum applicants to mainland Greece or other housing facilities on the islands does not negatively affect the processing of their asylum applications;
- 10.1.4. duly identify and register all migrants arriving by boat on the Greek islands or crossing the Turkish–Greek land border, in order to prevent them from remaining undocumented and hence highly vulnerable to organised crime, and share such data within the Schengen Visa Information System as well as with other neighbouring countries;
- 10.1.5. ensure that unaccompanied minors and women are particularly protected against violence, sexual exploitation and human trafficking, as required by the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and the Convention on Action against Trafficking in Human Beings (CETS No. 197); make use of the Handbook for frontline professionals on how to convey child-friendly information to children in migration;
- 10.1.6. ensure effective guardianship for unaccompanied minors, which implies due responsibility of guardians and respect of the right of parents to maintain parental authority over unaccompanied minors; provide more housing facilities for unaccompanied minors both on mainland Greece and on the islands; unaccompanied minors should be allowed to reunite or maintain contact with family members, for instance by applying the European Agreement on the Abolition of Visas for Refugees (ETS No. 31); in accordance with Assembly [Resolution 2195 \(2017\)](#) on child-friendly age assessment for unaccompanied migrant children, particular attention should be paid to the age assessment of unaccompanied minors;
- 10.1.7. set up specific law-enforcement units for dealing with organised crime, to combat human trafficking and smuggling as well as the misappropriation of public funds earmarked for assisting refugees, in accordance with the Criminal Law and Civil Law Conventions on Corruption (ETS Nos. 173 and 174) and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198);
- 10.1.8. ensure that refugees who perish in Greece have a decent burial in accordance with their religious customs;
- 10.1.9. not deny access to the camps by NGOs which provide necessary humanitarian assistance to asylum applicants;
- 10.2. the Turkish authorities should:
  - 10.2.1. increase their efforts to ensure that human traffickers and smugglers cannot act with impunity when moving migrants to Greece;
  - 10.2.2. honour the bilateral Greek–Turkish agreement on the readmission of irregular migrants and rejected asylum applicants as well as the EU–Turkey statement;
  - 10.2.3. register and identify all migrants and refugees entering Turkey and share such data with the Schengen Visa Information System and other countries;
- 10.3. the European Union should:
  - 10.3.1. assist Greece in accommodating asylum seekers and refugees as well as in managing external European Union borders;
  - 10.3.2. assist Greece in establishing better asylum procedures on the Greek islands with expeditious transfers to mainland Greece;
  - 10.3.3. reintroduce financing programmes of humanitarian projects operated by NGOs and other relevant stakeholders, including public authorities, which allow for more decentralised projects closer to the people in need;
  - 10.3.4. assist Turkey in the implementation of its bilateral Greek–Turkish readmission agreement, which applies to irregular migrants and rejected asylum applicants who came by boat from Turkey as well as those who came across the Turkish–Greek land border;
  - 10.3.5. assist Greece in concluding and implementing readmission agreements with other safe countries of origin of rejected asylum seekers and irregular migrants;
  - 10.3.6. invite Greece to prevent push-backs of migrants in recognition of the fact that push-backs are a serious violation of fundamental human rights;

- 10.3.7. assist member States in implementing family reunification in accordance with the European Union Family Reunification Directive and Assembly [Resolution 2243 \(2018\)](#);
- 10.3.8. introduce a new relocation programme targeted at alleviating pressure from asylum seekers in countries of first arrival;
- 10.3.9. monitor the effective and transparent use of European Union funds and establish performance indicators as well as compliance control mechanisms and good governance requirements;
- 10.3.10. establish a common system of allocation so as to effectively alleviate the burden of frontline member States;
- 10.3.11. evaluate and reconsider the human rights impact of the EU–Turkey Statement, taking into account Assembly Resolutions [2109 \(2016\)](#) “The situation of refugees and migrants under the EU–Turkey Agreement of 18 March 2016”, [2118 \(2016\)](#) “Refugees in Greece: challenges and risks – A European responsibility”, [2174 \(2017\)](#) “Human rights implications of the European response to transit migration across the Mediterranean” and [2228 \(2018\)](#) “Human rights impact of the “external dimension” of European Union asylum and migration policy: out of sight, out of rights?”;
- 10.3.12. develop without delay a new approach on refugees in line with international refugee provisions, such as the Geneva Refugee Convention and the European Convention on Human Rights, in order to address the situation of incoming refugees seeking protection at the European Union's external border.