



ΚΑΜΠΑΝΙΑ ΓΙΑ ΤΗΝ ΠΡΟΣΒΑΣΗ ΣΤΟ ΑΣΥΛΟ

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ANNOUNCEMENT

Illegal pushbacks, Lives at risk, NGOs under prosecution: Investigations on pushbacks at the EU level, targeting of those highlighting them in Greece

Athens, 16 March 2021

In the past year we have become witnesses of an escalation in the number of reported refugee and migrant pushbacks from the Greek borders (land and sea) to Turkey¹, in the context of the broader harshening of the European Union's political stance *vis a vis* the management of the Refugee Issue, since the EU-Turkey Statement was adopted². Without undergoing registration, without access to the asylum procedure or any other legal procedure, men, women and children who have just entered and/or are already in the country seeking protection are summarily, violently and indiscriminately returned to Turkey, in violation of any notion of national, European and international law.

The *modus operandi*, under which these incidents are reported to occur, places frequently in danger the lives of refugees and migrants and includes the use of physical and psychological violence against them. Particularly at sea, there are reported incidents where refugees and/or migrants are arrested, evidently, by the Greek security forces during their attempt to access the territory or after they have already disembarked on Greek shores, and after being violently embarked on sea rafts, are abandoned in the sea area between Greece and Turkey or even on uninhabited islands³, with their lives being in direct danger. Furthermore, during incidents that have recently come to light, the victims had allegedly already been admitted to reception facilities, before being found in the same forcible way in the middle of the sea, at night, to be rescued by the Turkish authorities.⁴

In several of these incidents, it has been reported that FRONTEX forces, which remain inactive or at times allegedly provide support and assistance to reported pushback incidents, were present or at least aware⁵. However, for these alleged practices of FRONTEX, investigations are already underway by OLAF⁶, as well as by a Working Group of the European Parliament⁷. By contrast, in what regards the alleged practices of the Greek authorities, there has been no sufficient and effective investigation whatsoever⁸.

In spite of the systematic reports and complaints that are brought to public light⁹, in spite of interventions by the National Commission for Human Rights¹⁰, and of appeals by UN agencies¹¹ and

Council of Europe Bodies¹² to end informal forced returns and the use of violence against refugees and migrants at Europe's borders, the Greek government persists in downplaying any relevant publication as fake (fake news)¹³, instead countering the protection of the borders from attempted entries that are guided by the Turkish authorities¹⁴.

This reaction is also combined with the systematic defamation of NGOs and those working with them, particularly on the islands. It results in the targeting of organisations, employees and volunteers who support asylum cases, denounce rights violations, pushbacks or simply provide humanitarian relief. It creates a generalized state of mistrust, which incites attacks by racist groups which, while lynching, harassing and injuring employees and citizens that show solidarity, have attacked NGO facilities through arsons and vandalisms.

Moreover, the Greek authorities are publicly attacking organizations that bring to light the aforementioned practices, as well as anyone who might dare provide assistance to refugees either during the attempted entry into Greece or even after they have disembarked on the Greek shores, indiscriminately relating them with migrant smuggling networks¹⁵. Recently this practice has concerned targeted publications on investigations against organizations which systematically publicize reports on pushback incidents¹⁶. The investigations concern allegations of facilitating entry to the territory, setting up a criminal organization for the purpose of smuggling migrants, at times espionage, and are governed by a veil of secrecy, while no one is aware if they are conducted under the supervision of judicial authorities. Organizations have even been targeted by the Minister of Migration himself, as organizations that have set-up migrant smuggling networks with the aim of facilitating their entry to the territory, as early as from their countries of origin. Coincidentally, the organization to which the competent Minister referred to by name during a press briefing on 8 December 2020¹⁷, happens to be the organization that has publicly denounced the aforementioned pushback incidents from inside the Greek state's facilities (on 18 February 2021 from Megala Therma, in Lesbos, and on 8 September 2020 from the RIC of Samos)¹⁸.

At the same time, the Greek Government has set a disproportionately strict operating framework for those organizations wishing to support refugees and migrants in the country, through the existing register of Non-Governmental Organizations. It should be recalled that already since July 2020¹⁹, and again in November of the same year²⁰, the Expert Council on NGO law of the Council of Europe had stressed the "significant chilling effect" and the impediments placed by the provisions of the specific Registry to the work of NGOs, which includes the monitoring of the level of compliance to legality by state authorities in general.

The Campaign for Access to Asylum raises the alarm on the consequences with respect to freedom of speech and democratic values that can result from the ongoing efforts to create a climate of intimidation and distrust over the work of particularly those NGOs that operate at the country's borders and receive reports and testimonies on pushbacks which, as they ought to, they publicise. In full accordance with the repeated calls issued by the foremost competent national and international bodies and organizations, the Asylum Campaign reiterates the call for putting an end to the practice of illegal pushbacks and the use of force against refugees and migrants, as well as for the effective investigation and prosecution of relevant incidents. At the same time, the Campaign calls on the Greek and European authorities:

- To safeguard the independence of non-Governmental Organisations that engage in the support of refugees and migrants, particularly at the external borders of the European Union.
- To protect them from any unjust and unsubstantiated accusation addressed against them, which also puts at risk the principle of solidarity that binds their work.
- To safeguard the search and rescue operation of both the competent authorities, as well as all actors that can provide assistance at Europe's land and sea borders, where human lives are constantly put at risk.
- To establish the appropriate mechanisms that will be able to contribute to the search and rescue of all people that find themselves in danger at Europe's borders and in any area under their jurisdiction or over which they exert effective control.
- To put an end to the onerous EU-Turkey Statement that has transformed the eastern Aegean region into a place of extensive human rights violations and to move forward with establishing legal pathways that will allow those seeking international protection in Greece and Europe to do so in a safe and orderly manner.

Signatories Organisations and Initiatives (in alphabetical order):

 <p>ΚΟΙΝΩΝΙΚΗ ΟΡΓΑΝΩΣΗ ΥΠΟΣΤΗΡΙΞΗΣ ΝΕΩΝ</p>	<p>ARSIS – Association for the Social Support of Youth</p>	<p>http://arsis.gr</p>
 <p>ΔΙΚΤΥΟ ΚΟΙΝΩΝΙΚΗΣ ΥΠΟΣΤΗΡΙΞΗΣ ΠΡΟΣΦΥΓΩΝ & ΜΕΤΑΝΑΣΤΩΝ</p>	<p>Network for the Social Support of Refugees and Migrants</p>	<p>http://migrant.diktio.org</p>
 <p>ΕΛΛΗΝΙΚΟ ΠΑΡΑΤΗΡΗΤΗΡΙΟ ΤΩΝ ΣΥΜΦΩΝΙΩΝ ΤΟΥ ΕΛΣΙΝΚΙ</p>	<p>Greek Helsinki Monitor</p>	<p>www.greekhelsinki.gr</p>
 <p>ΕΛΛΗΝΙΚΟ ΣΥΜΒΟΥΛΙΟ ΓΙΑ ΤΟΥΣ ΠΡΟΣΦΥΓΕΣ</p>	<p>Greek Council for Refugees</p>	<p>www.gcr.gr</p>
 <p>ΕΛΛΗΝΙΚΟ ΦΟΡΟΥΜ ΠΡΟΣΦΥΓΩΝ GREEK FORUM OF REFUGEES</p>	<p>Greek Forum of Refugees</p>	<p>www.refugees.gr</p>
 <p>ΛΑΘΡΑ?; καμία ζωή δεν είναι λαθραία Επιτροπή Αλληλεγγύης στους Πρόσφυγες Χίου www.lathra.gr</p>	<p>LATHRA? Solidarity Committee on Refugees in Chios</p>	<p>www.lathra.gr</p>

 <p>Ομάδα Δικηγόρων για τα δικαιώματα προσφύγων και μεταναστών</p>	<p>Group of Lawyers for the Rights of Refugees and Migrants</p>	<p>http://omadadikigorwn.blogspot.gr</p>
 <p>PRAKSIS</p>	<p>PRAKSIS</p>	<p>www.praksis.gr</p>
	<p>Initiative for the Detainees' Rights</p>	<p>www.tokeli.gr</p>
 <p>RSA REFUGEE SUPPORT AEGEAN</p>	<p>Refugee Support Aegean (RSA)</p>	<p>https://rsaagean.org/el</p>

¹ Amongst many others: Human Rights Watch, “Greece: Investigate Pushbacks, Collective Expulsions”, 16 July 2020, <https://bit.ly/3rAxPJJ>; Efsyn, “New denunciation on the pushback of two Kurdish families with five minor children”, 21 September 2020, in Greek at: <https://bit.ly/3bjiYSL>; The Guardian, “Catastrophe for human rights’ as Greece steps up refugee ‘pushbacks’”, 27 September 2020, <https://bit.ly/2MFddAE>; To Vima, “Lesvos: Video records illegal pushback by the coastguard”, 16 November 2020, in Greek at: <https://bit.ly/3sKRGGk>; Der Spiegel, “Griechenland setzt Geflüchtete nach Ankunft auf Lesbos auf dem Meer aus”, 8 December 2020, <https://bit.ly/3rloglu>; Racist Crimes Watch, “Pushbacks”, <https://bit.ly/3qlyywg>.

² European Council, “Statement on the situation at the EU’s external borders”, 4 March 2020, <https://bit.ly/3bxZ2ar>.

³ Border Violence Monitoring Network, “We were crying and swimming and crying and swimming”, 27 January 2021, <https://bit.ly/3eau4qv>.

⁴ Efsyn, “Pushback from a state facility in Lesbos”, 22 February 2021, in Greek at: <https://bit.ly/384Bmbq>; EU Observer, “Afghan asylum family beaten in Greece, set adrift at sea”, 25 February 2021, <https://bit.ly/3bu2vGP>; Independent, “Greek ‘pushbacks’ brought to European court after child refugees ‘towed out to sea and abandoned in raft’”, 4 March 2021, <https://bit.ly/2O61zyp>.

⁵ Der Spiegel, “EU Border Agency Frontex Complicit in Greek Refugee Pushback Campaign”, 23 October 2020, <https://bit.ly/3uQioPI>; EU Observer, “Revealed: Official Greek order to illegally pushback migrants”, 18 November 2020, <https://bit.ly/3r7Vxwy>.

⁶ Politico, “EU watchdog opens investigation into border agency Frontex”, 11 January 2021, <https://politi.co/304e9Sg>.

⁷ Euronews, “EU migration chief urges Frontex to clarify pushback allegations”, 20 January 2021, <https://bit.ly/2OfbWkg>; European Parliament, “Respect of fundamental rights by FRONTEX: European Parliament inquiry launched”, 23 February 2021, <https://bit.ly/3sTbxTy>.

⁸ It should be noted that in previous incidents that had been reported in the Evros area, the Greek Ombudsman conducted an *ex-officio* administrative enquiry, without, however, its results becoming public to this day. Greek Ombudsman, Decision on *ex-officio* enquiry, Γρ.Συβ.105, 9, June 2017, in Greek at: <https://bit.ly/3b77dtT>.

⁹ Border Violence Monitoring Network, *The black book of pushback*, 18 December 2020, <https://bit.ly/3uNHXAI>; RSA, *Push backs and violations of human rights at sea: a timeline*, 29 December 2020, <https://bit.ly/3v4Euhg>; Legal Centre Lesbos, *Collective expulsions documented in the Aegean Sea: March-June 2020*, 13 July 2020, <https://bit.ly/3uOpzxU>; Mare Liberum, *Pushback Report 2020*, 11 February 2021, <https://bit.ly/3bUhgjU>.

¹⁰ NCHR, “Statement on the reported practices of push backs”, 9 July 2020, <https://bit.ly/3t5VWjQ>.

¹¹ UNHCR, “UNHCR warns asylum under attack at Europe’s borders, urges end to pushbacks and violence against refugees”, 28 January 2021, <https://bit.ly/3v8RCSB>; IOM, “IOM Calls for End to Pushbacks and Violence Against Migrants at EU External Borders”, 9 February 2021, <https://bit.ly/2NWYthd>.

¹² Council of Europe, “Council of Europe’s anti-torture Committee calls on Greece to reform its immigration detention system and stop pushbacks”, 19 November 2020, <https://bit.ly/308udT6>.

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- ¹⁷ Ministry of Migration and Asylum, “Ongoing Turkish provocation on the migration issue and increased arrivals of Somali nationals on our islands during past weeks”, 8 December 2020, in Greek at: <https://bit.ly/3kC76d2>.
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