A BLUEPRINT FOR DESPAIR

HUMAN RIGHTS IMPACT OF THE EU-TURKEY DEAL

AMNESTY INTERNATIONAL

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Cover photo: *Refugee in Souda camp, on the island of Chios, Greece, November 2016. Conditions are dire particularly for people who, as a result of overcrowding, slept in tents exposed to low temperatures and heavy rain.*
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In the absence of safe and legal routes into Europe, hundreds of thousands of refugees and migrants have travelled irregularly over the last few years, at considerable risk to their own lives. This has undeniably confronted European leaders with logistical, political and humanitarian challenges. With isolated exceptions European leaders have largely failed to meet them. The dramatic scenes that saw a million refugees and migrants cross the continent prompted a backlash that continues to echo resoundingly, prompting a raft of measures increasingly focused on blocking future arrivals. Solidarity between EU member states and solidarity with a record global number of refugees has been in short supply.

Rather than creating a bold, orderly system providing safe avenues for people to seek protection in Europe, European leaders have increasingly focused on blocking borders and negotiating with human rights violating governments to stop them coming.

The EU-Turkey deal, agreed in March last year was Europe's signature response to these challenges. It has certainly stemmed the flow of migrants across the Aegean, but at considerable cost to Europe's commitment to upholding the basic principles of refugee protection and the lives of the tens of thousands it has trapped on Greek islands. With European leaders touting its success, closing their eyes to its flaws, and seeing in it a blueprint for new migration deals with countries like Libya, Sudan, Niger and many others, this briefing serves as a cautionary tale.

As the number of irregular arrivals from Turkey to Greek islands surpassed half a million in October 2015,[1] political pressure from the EU on Turkey to halt the irregular crossings of refugees and migrants grew. The initial result was a joint EU-Turkey action plan adopted on 29 November,[2] in which Turkey committed to step up the country's efforts to curb irregular departures to the EU, cooperate with EU member states to apply relevant readmission agreements and return those deemed not in need of international protection to their countries of origin.[3] For its part, the EU promised to allocate 3 billion Euros to improve the humanitarian situation of Syrian refugees in the country.

The migration-related cooperation between Turkey and the EU culminated in a statement (henceforth, the EU-Turkey deal) on 18 March 2016.[4] In essence it was simple. The deal aimed to return every person

[1] Frontex, "540 000 Migrants Arrive on Greek Islands in the First 10 Months of 2015," 10 November 2015, available at http://frontex.europa.eu/news/540-000-migrants-arrived-on-greek-islands-in-the-first- 10-months-of-2015-4uH4FJ.
[2] European Commission, EU-Turkey Joint Action Plan, 15 October 2015, available at http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm.
[3] European Commission, Meeting of the EU heads of state or government with Turkey, 29 November 2015.
[4] Council of the European Union, "EU-Turkey Statement," 18 March 2016, available at http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/. The document is technically only a "statement," but as it is usually referred to as a "deal," Amnesty International will use the latter term in this document. The legal arm of the European Parliament has said that the document is not an agreement (which would have had to be approved by the European Parliament and published in the Official Journal of the European

arriving irregularly on the Greek islands – including asylum-seekers - back to Turkey, while EU member states agreed to take one Syrian refugee from Turkey for every Syrian returned back to the country from the Greek islands. Returnees were to include not only migrants, but also those in need of international protection on the untrue, but wilfully ignored, premise that Turkey is a safe country for refugees and asylum-seekers. The deal was not without its positives: it retained the commitment to significant financial assistance to the support of refugees in Turkey. It also promised, albeit vaguely, that a "Voluntary Humanitarian Admission Scheme" for Syrians would be activated once irregular crossings between Turkey and the EU had ended or have been substantially and sustainably reduced. While this scheme is yet to be developed, only 2,935 Syrian refugees have been resettled from Turkey to EU member states (including, Norway and Sweden) as of 17 January 2017.[5] Although life-saving for refugees concerned, this remains negligible compared to over 2.8 million Syrians struggling in Turkey.[6]

Ever since the deal was struck, the efforts of the Greek authorities and EU agencies operating on the Greek islands have been geared towards ensuring the swift return of refugees and migrants to Turkey. Overnight, from 19 to 20 March 2016, reception facilities on the islands were transformed into detention centres. Over the next few months, the Greek Government introduced changes to its asylum procedures and asylum applications began to be rejected at first instance under a fast-track procedure; many of them were rejected without assessment of their merits on the assumption that Turkey is a safe country for asylum-seekers and refugees.

While the strict detention regime set up in the immediate aftermath of the deal was legally and practically unsustainable, asylum seekers are still not allowed to leave the islands despite deteriorating conditions. The hope persists that returns to Turkey, to date blocked by Greek Appeals Committees and currently delayed pending a decision by the Greek Council of State, will start soon. In the meantime, only 865[7] out of the over 27,000 people[8] who had arrived as of 17 January 2017, have been returned to Turkey. Some 4,500 have been transferred to mainland Greece;[9] some 5,000 remain inexplicably unaccounted for.[10] Some 15,000 refugees and migrants remain in limbo, trapped in appalling conditions and short of hope. What the deal's backers would herald as success – their ultimate return to Turkey, would, in reality, be dark day for refugee protection in Europe.

While the material conditions on the islands could, certainly, be improved – and urgently need to be, this will not address the deal's central flaw. Asylum-seekers should not be sent back to a country that is, currently at least, unable to guarantee access to an adequate protection status and adequate living conditions. The EU can legitimately seek to assist Turkey to meet these conditions, but it is callous in the extreme, and a straight-forward violation of international law, to construct an entire migration policy around the pretence that this is currently the case.

For so long as it is not, the EU should be working with the Greek authorities to transfer those on the islands that cannot lawfully and promptly be returned to Turkey or their countries of origin to mainland Greece, for the prompt and proper processing of their cases, with a view to their transfer to other EU countries through the relocation scheme, family reunification or humanitarian visas.

While the European Commission claims the deal has "showed that international cooperation can succeed" and "its elements can inspire cooperation with other key third countries," [11] this briefing shows the human

Union), but rather a press release, with no binding legal effect (Nikolaj Nielsen, "EU-Turkey Deal Not Binding, Says EP Legal Chief," 10 May 2016, *EU Observer*, available at https://euobserver.com/justice/133385).

[5] European Commission "Operational Implementation of the EU-Turkey Statement," 17 January 2017.

[6] UNHCR's interagency information sharing portal "Syria Regional Refugee Response" at https://data.unhcr.org/syrianrefugees/country.php?id=224.

[7] Greek Ministry for Citizen Protection Press Release of 27 January 2017 available at: http://bit.ly/2kWDwlv.

[8] According to the Greek police, the number of persons who arrived on the Greek islands between 20 March 2016 (the day of the implementation of the EU-Turkey Joint Statement) and 31 December 2016 is 26,994. E-mail correspondence on 1 February 2017.

[9] 2,906 individuals (including their relatives) were transferred on account of an identified vulnerability, 1,476 as persons falling under the family provisions of the Dublin Regulation, 148 as recognized refugees and 15 as holders of subsidiary protection status. Phone interview with the Greek Asylum Service on 31 January 2017.

[10] When voluntary returns (548), forced returns (865), transfers to the removal centers on mainland Greece (900) and transfers due to vulnerability (2,906) or due to Dublin family reunification provisions (1476) as well as 148 individuals recognized as refugees and 15, who received subsidiary protection, are deducted from the number of arrivals as of 31 December 2016 (26,994); there has to be slightly over 20,000 people left on the islands in contrast with 14,949 reported by the General Secretariat of Information and Communication of Greece at: http://bit.ly/2jQ15ta.

[11] European Commission, "Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration," 7 June 2016 COM(2016) 385 final.

rights costs of the deal, including arbitrary detention, inhuman and degrading conditions and violations of the refugee convention, are too great to be repeated elsewhere.

METHODOLOGY

This briefing is based on desk and field research carried out between March 2016 and January 2017. The desk based research consisted mainly of a survey of relevant Greek legislation and a review of reports by governmental and non-governmental sources, including by European Commission or EU Agencies, on the implementation of the EU-Turkey Statement, the functioning of the Greek asylum system and the treatment of asylum-seekers and migrants on the Greek islands. The field research involved nine visits in Greece including seven visits in Lesvos, three in Chios and one in Samos. During the field visits, Amnesty International delegations met with refugees, asylum-seekers and migrants, lawyers, non-governmental organizations, UNHCR and IOM, and Greek authorities, including representatives from the Greek police and the Greek Asylum Service. Written information requests were also submitted to the Greek police, Greek Asylum Service, the Reception and Identification Service, the Minister for Migration Policy and Frontex.

Amnesty International would like to thank all those who assisted with the research and preparation of this report, including all the individuals who spoke with the organization and especially the migrants, asylum-seekers and refugees who were so generous with their time and testimony.

Unless otherwise indicated, to protect the asylum-seekers and refugees interviewed for this research, only aliases or initials are used.

2. PUNISHMENT WITHOUT CRIME

"I escaped Syria to avoid jail, but now I am in prison"

A Syrian man in his late 20s detained in Moria hotspot on Lesvos, 5 April 2016

Reception conditions on the Greek islands were inadequate even before the EU-Turkey deal, with serious gaps in a number of areas ranging from the identification and protection of the vulnerable to the provision of information, legal assistance and access to asylum proceedings.[12] The situation on the islands was to dramatically worsen following the EU-Turkey deal of 18 March 2016. On 19 March, camps on the islands were evacuated and thousands were transferred on ferries to camps on the mainland, to make way for new arrivals and separate out those who arrived before the terms of the deal came into effect.

The evacuated camps were transformed into detention facilities to hold new arrivals in anticipation of the finalising of the necessary readmission procedures with Turkey. As a result, UNHCR suspended some of its activities at the now closed centres on the islands in line with its policy opposing mandatory detention.[13] On 23 March 2016, *Médecins Sans Frontières (*MSF) also suspended its activities at the Moria hotspot[14] on Lesvos (such as water and sanitation programmes within the camp as well as the transportation of newly arrived refugees to the camp) as it did not wish to be "complicit in an unfair and inhumane system."[15] On the same day, Save the Children halted its activities at all detention facilities on all Greek islands, while the Norwegian Refugee Council suspended most of its activities at the VIAL hotspot on the island of Chios and expressed concern that refugees and migrants would be detained in undignified conditions for indefinite periods of time once the hotspot reached capacity.[16] The next day, Oxfam followed suit and pulled out of Moria camp.[17]

As arrivals of refugees and migrants continued after 20 March 2016, reception capacity was rapidly strained. By 31 March, there were 5,337 people on the islands, mostly deprived of their liberty.[18] On 1 April, UNHCR reported overcrowding in the Moria and VIAL hotspots on Lesvos and Chios respectively, insufficient food at the Moria hotspot on Lesvos and poor sanitation in the Vathy hotspot on Samos.[19]

[12] Amnesty International, "Trapped in Greece: an avoidable refugee crisis," April 2016 (Index: EUR 25/3778/2016).
[13] UNHCR, "UNHCR redefines role in Greece as EU-Turkey deal comes into effect," 22 March 2016.
[14] In the European Agenda on Migration of May 2015, the European Commission proposed to develop hotspots to ease the pressure on Greece and Italy resulting from the increase in the number of arrivals and to stop the secondary flows of refugees and migrants within the EU. This approach calls for funnelling resources to main entry points. Five hotspot areas were identified on the Greek islands of Lesvos, Chios, Samos, Leros and Kos. Officially, these are called Reception and Identification Centers in Greece.
[15] MSF, "Greece: MSF ends activities inside the Lesvos "hotspot,"" 22 March 2016.
[16] Norwegian Refugee Council, "Says no to police-run detention facilities," 23 March 2016.
[17] Oxfam, "Oxfam suspends aid operations in Moria camp in Greece," 24 March 2016.
[18] UNHCR, "Site locations in Greece," 31 March 2016: http://data.unhcr.org/mediterranean/download.php?id=980.
[19] UNHCR, "UNHCR urges immediate safeguards to be in place before any returns begin under EU-Turkey deal," 1 April 2016.

On 5 and 6 April, an Amnesty International research team was granted access to two closed detention centres, Moria on Lesvos and VIAL on Chios, where over 4,000 people were detained, some for more than two weeks. Many refugees spoke about the poor quality of food, the lack of blankets and privacy, and inadequate medical care. In Moria, only three doctors were typically available to provide medical care for 3,150 people, while at VIAL, teams providing medical care said onsite health services were only available during limited hours, and that there were shortages of medicines and other supplies. In both detention centres, Amnesty International saw or spoke to a large number of vulnerable people including mothers with babies, small children and people with disabilities, trauma and serious illnesses. The need for medical and psychological care was especially acute for vulnerable groups in need of highly specialized assistance.[20]

In addition to the deteriorating material conditions in the hotspots, the automatic detention of every new irregular arrival, including asylum-seekers, since 20 March 2016, contravened Greece's obligations under international and EU law that prohibits arbitrary detention. People detained on Lesvos and Chios had virtually no access to legal aid, limited access to services and support, and hardly any information about their status or possible fate. Only two of the 89 refugees and migrants Amnesty International spoke to at the time, were given written detention orders. Automatic, group-based detention is by definition arbitrary and therefore unlawful.

ARBITRARY DETENTION

Under international law, deprivation of liberty is only lawful if it is in accordance with a procedure prescribed by law. Any detention related to immigration control is permissible only on limited grounds, such as the prevention of unauthorized entry into or effecting removal from the country. Even when the use of detention fulfils these requirements, international standards constrain the resort to detention for immigration control purposes by requiring its compliance with the principles of necessity and proportionality. This means, for example, that in each individual case detention will only be justified if less restrictive measures have been considered and found to be insufficient with respect to the legitimate objectives that the state seeks to pursue. Asylum-seekers – who are presumed to be eligible for international protection unless and until proven otherwise following a full, fair and effective asylum determination procedure – should in particular not be detained, either administratively or under any immigration powers, because of their inherent vulnerability. Children must never be detained for immigration purposes.

The strict detention regime in place during the first few months following the deal was subsequently relaxed for both legal and practical reasons: it was in violation of Greece's international obligations, and the overcrowding in any case rendered the policy unsustainable.[21] Currently, certain nationalities presumed to be "economic migrants" continue to be detained on some of the islands, but the majority of new arrivals can now leave the physical premises of camps on the islands after a registration process with the Reception and Identification Service and the police. [22] However, with some exceptions, they are not allowed to leave the islands, pending their anticipated return to Turkey under the deal.[23] Between 20 March and 31 December

[20] Amnesty International, "Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal," 7 April 2016.
[21] Article 14 of the Law 4375/2016 introduced the automatic detention of all third country nationals arriving at the country's points of entry upon their transfer to a Reception and Identification Centre (RIC). Article 14 paragraph 2 envisages the "restriction of liberty" of all new arrivals entering an RIC on the basis of a decision issued by the RIC Director. The initial period of detention in an RIC is three days and can be extended to a maximum of 25 days if the required procedures have not been completed. Concerns arose since automatic, group-based detention is by definition arbitrary and therefore unlawful. Also unlawful is the absence of a provision providing for a remedy to challenge before a court the lawfulness of the initial detention decision issued by the RIC Director.
[22] On 8 August 2016, police on the island of Samos informed Amnesty International delegates that they had started arresting and detaining individuals from North African countries. Police argues that these individuals are detained based on public order grounds with the suspicion of having committed a criminal offence. However, non-governmental organizations in Greece providing legal aid to migrants and refugees state that detainees are rarely officially charged. See for example, Greek Council for Refugees, "Report on Kos and Leros (May to November, 2016)," November 2016, available at: http://bit.ly/2jy7hby. In December 2016, non-governmental organizations informed Amnesty International that police detained individuals from North African countries also on Lesvos after their registration procedure is completed in the Moria hotspot.
[23] According to the Greek Asylum Service, after new arrivals are registered at hotspots (the Reception and Identification Centres), the police issues a detention order and suspends it with a restriction on movement banning people from leaving the islands unless a person requests urgent medical treatment. Once people are able to register asylum-claims, it depends on the Greek Asylum Service to decide whether the restriction on movement should be lifted or not. According to the Greek Asylum Service, this is not lifted unless a specific vulnerability is identified, as a means "to manage asylum-seeker population." Persons eligible for family reunification under Articles 8 to 11 of the Dublin III Regulation also have their geographical restrictions lifted once they are identified, usually during the registration of their asylum claim.

2016, a total of 4,545 people were allowed to move to mainland Greece mostly on account of identified vulnerabilities or as consequence of a claim to family reunification,[24] leaving at least 15,000 people subjected to sub-standard reception conditions trapped on the islands long-term by the end of 2016.[25] It is worth noting that the statistics provided by the Greek government do not account for the whereabouts of some 5,000 individuals who had arrived on the Greek islands after the EU-Turkey deal came into effect, who must either still be on the island but outside official structures and reception facilities or have managed to escape the island irregularly.[26]

The Joint Action Plan of the EU Coordinator, published as an Annex to the fourth progress report on the implementation of the EU-Turkey Statement, calls on the "Greek authorities to continue to actively enforce geographical restriction … on the island" as a means to limit the risk of absconding to ensure efficient return operations to Turkey or countries of origin.[27]

While geographical restrictions on the residence of migrants subject to migration controls and asylum determination proceedings are not per se unlawful, the reality on the Greek islands is that thousands of migrants and asylum seekers are being trapped automatically and indefinitely, in hugely sub-standard conditions, in the pursuit of returns to Turkey that would be unlawful. This is manifestly unacceptable. Significant investment in reception facilities and the processing of arrivals could, were it forthcoming, address some of these problems, but the reality is that there is nothing the EU can do, certainly not in the short-term, to improve the situation for asylum seekers in Turkey, however much money it throws at the country and however much political pressure it applies. As Turkey is manifestly not a safe country, and is not on the brink of becoming one, those with a claim to asylum should be transferred to mainland Greece for the prompt processing of their cases with a view to their transfer to other EU countries through the under-used relocation scheme, family reunification or humanitarian visas.

Otherwise, asylum-seekers are not free to leave the islands either (Information received during a phone interview with the Greek Asylum Service on 17 January 2017). Vulnerable individuals listed in the law include unaccompanied minors, persons with disabilities or persons with serious or incurable illness, the elderly, pregnant women, single parent families with minors, torture victims and survivors of shipwrecks and their families and victims of human trafficking. See Article 14 para. 8 of Law 4375/2016. In communication with Amnesty International, the Greek Asylum Service "stressed that this obligation [to remain in a particular place] does not form alternative detention measures." E-mail exchange on 27 January 2017.

[24] 2,906 individuals (including their relatives) were transferred on account of an identified vulnerability, 1,476 as persons falling under the family provisions of the Dublin Regulation, 148 as recognized refugees and 15 as holders of subsidiary protection status. Phone interview with the Greek Asylum Service on 31 January 2017.

[25] General Secretariat of Information and Communication of Greece, "Summary statement of refugee flows to Eastern Aegean islands," 31 December 2016, available at: http://bit.ly/2kpmzxQ.

[26] When voluntary returns (548), forced returns (865), transfers to the removal centers on mainland Greece (900) and transfers due to vulnerability (2,906) or due to Dublin family reunification provisions (1476) as well as 148 individuals recognized as refugees and 15, who received subsidiary protection, are deducted from the number of arrivals as of 31 December 2016 (26,994); there has to be slightly over 20,000 people left on the islands in contrast with 14,949 reported by the General Secretariat of Information and Communication of Greece at: http://bit.ly/2jQ15ta.

[27] European Commission, "Joint Action Plan of the EU Coordinator on the implementation of certain provisions of the EU-Turkey Statement," 8 December 2016, COM(2016) 792 final.

3. ASYLUM ON GREEK ISLANDS: AN ELUSIVE DREAM

> **"I am here since May and applied for asylum. Every time I ask, they tell me 'wait.' I don't know what is happening and some people say they will send us back to Turkey. It is harder for me here because I am a woman."**
>
> A 37 year old woman from DRC, outside Moria camp, 10 October 2016, Lesvos

Despite significant financial and human resources support to Greece, the Greek asylum system is still unable to ensure efficient access to quality asylum procedures for all. Up until 8 March 2016, when the Greek-Macedonian border was closed following the announcement by the EU heads of State or Government that "[i]rregular flows of migrants along the Western Balkans route have now come to an end,"[28] Greece was largely seen as a transit country by asylum-seekers on the way to their final destinations elsewhere in the EU. This was clear from the low number of asylum applications lodged in Greece before that date. For example in 2015, while 856,723 arrived in Greece,[29] only 13,197 applications were registered[30] although the UNHCR estimated over 90% of the arrivals in Greece that year were from the top three refugee producing countries.[31] However, this changed with the progressive closure of the borders north of Greece. A total of 51,091 asylum applications were registered in 2016,[32] although the total number of arrivals in Greece dropped to 173,450.[33]

The increase in the number of people wishing to seek asylum in Greece has placed a considerable burden on an already strained asylum system. Between 20 March and 31 December 2016, 26,994 people arrived

[28] Statement is available at: http://www.consilium.europa.eu/en/press/press-releases/2016/03/07-eu-turkey-meeting-statement/
[29] UNHCR, "Gender breakdown of arrivals to Greece and Italy June 2015-March 2016," available at: https://data2.unhcr.org/en/documents/download/35592.
[30] Statistics are available on the official website of the Greek Asylum Service: http://asylo.gov.gr/en/wp-content/uploads/2016/01/Greek-Asylum-Service-statistical-data-2015_en.pdf.
[31] UNHCR, "Nationality of Arrivals to Greece, Italy and Spain: January-December 2015," available at: https://data2.unhcr.org/en/documents/download/47005.
[32] Statistics are available on the official website of the Greek Asylum Service: http://asylo.gov.gr/en/wp-content/uploads/2017/01/Greek-Asylum-Service-statistical-data_December2016_en.pdf
[33] UNHCR web portal on the Mediterranean situation: http://data.unhcr.org/mediterranean/country.php?id=83.

on the islands,[34] 10,699 of whom registered asylum applications.[35] There are many more who wish to lodge an application but have not yet been able to: according to the Greek Asylum Service, by 1 January 2017, there were 7,097 individuals who had communicated their wish to seek asylum during their registration with the Reception and Identification Service.[36]

Interviews with asylum-seekers Amnesty International carried out on the islands in August, November and December 2016 revealed large differences between the periods people from different countries had to wait to register their asylum applications. While Syrians were able to have their applications registered within days, others had been left waiting for months. Amnesty International talked to asylum-seekers from Afghanistan, who had been waiting for seven months to register their claims with the Greek Asylum Service. In some cases, the delays in registration of the asylum claims of certain nationals mean that vulnerable individuals eligible for family reunification have to wait for unnecessarily prolonged periods to reunite with their relatives.

When I came here they said give us your name and we will call you. It is 4 months now and I have no news. I stopped asking about my case but I want to ask you why the Syrians who came after me have long gone?

25 year old man from Afghanistan, 17 June 2016, Chios

Although the resources of the Asylum Service on the islands have increased in the course of 2016, the wait to register asylum applications for certain nationalities is still long.[37] The Asylum Service reports the presence of 100 case workers from the Greek Asylum Service on the islands supported by case workers from member states deployed through the European Asylum Support Office (EASO).[38] Currently, EASO deployed member state experts help the Greek Asylum Service in registering asylum applications, identifying vulnerabilities, carrying out interviews and preparing admissibility assessments, which are then taken into consideration when the Greek Asylum Service decides on a case.[39] On 11 November, EASO requested 100 additional case workers from member states for the islands on the grounds that the 39 case workers from other EU countries deployed at the time was insufficient.[40] As of 17 January 2016, the number of member state case workers deployed in hotpots was only 52,[41] well below the need identified by EASO.

In addition to delays in accessing asylum procedures for asylum-seekers, especially of certain nationalities, a number of changes introduced to the Greek asylum law following – and to facilitate the implementation of - the EU-Turkey deal have created further obstacles to accessing fair and efficient asylum procedures on Greek islands.

On 1 April 2016, Greece adopted a new law (Law 4375/2016), which modified its asylum procedures. The law introduced fast-track asylum determination procedures at the borders.[42] According to this law, the whole asylum process under these exceptional border procedures should be completed within 15 days including the appeal stage. These time limits render the first instance and appeals procedures and the exercise of an effective remedy extremely difficult, particularly given that legal aid is scarce and inaccessible to the vast majority of asylum-seekers in Greece. The law, in any case, does not guarantee the right to access free legal assistance at first instance, and limits the right to an oral hearing at second instance.[43]

[34] Written response by Greek police to Amnesty International inquiry on 31 January 2017.
[35] Phone interview with the Greek Asylum Service, 17 January 2017. While 10,699 new asylum applications were registered on the islands between 20 March 2016 and 1 January 2017, only 3,564 decisions were issued.
[36] Phone interview with the Greek Asylum Service, 17 January 2017.
[37] Average waiting period from the communication of an intention to seek asylum to the formal registration by the Greek Asylum Service was 9 days for asylum-seekers from Libya, 24 for those from Tunisia, 37 for those from Syria, 42 for those from Nigeria, 60 for those from Pakistan, 62 for those from Iran and Iraq, 67 for those from Democratic Republic of Congo and 95 for those from Afghanistan. Phone interview with the Greek Asylum Service, 17 January 2017.
[38] Greek Asylum Service, Press Release – Work of the Asylum Service in 2016, 17 January 2017, available at: http://asylo.gov.gr/en/wp-content/uploads/2017/01/Press-Release-17.1.2017.pdf.
[39] While Law 4375/2016 provided that EASO could support the Greek Asylum Service in conducting interviews, further amendments to Greek asylum law brought by the Law 4399/2016 in June 2016 clarified that EASO officers can now conduct interviews under the fast track border procedures.
[40] European Commission, "Fourth report on the progress made in the implementation of the EU-Turkey Statement," COM(2016) 792 final, 8 December 2016.
[41] Phone interview with the Greek Asylum Service, 17 January 2017.
[42] Article 60 paragraph 4.
[43] For a more comprehensive analysis of the new legislation see Amnesty International's submission to the Council of Europe Committee of Ministers: M.S.S. v. Belgium and Greece, Application No 30696/09, 18 May 2016.

Law 4375/2016 envisages an initial admissibility test for individuals seeking international protection. Before even considering asylum applications on their merits, applicants are individually examined to assess whether a previous country of transit - in the case of people arriving at islands in the Aegean Sea, this means Turkey - can be considered **a safe third country** (i.e. can provide protection to the readmitted person) or **a first country of asylum** (i.e. the person has already been recognised as a refugee in the country in question or would otherwise enjoy sufficient protection there).[44] The aim of these changes was to enable Greek authorities to return even asylum-seekers who have, *prima facie*, a well-founded claim to international protection.

Since 20 March 2016, all migrants and asylum-seekers arriving on the Greek islands of the Eastern Aegean are transferred to one of the Reception and Identification Centres on the islands of Lesvos, Chios, Kos, Samos or Leros, where they are registered with the Greek police and the Reception and Identification Service. Those wishing to seek asylum are put through fast-track asylum procedures once their asylum application is registered. Until recently, the practice has been to subject Syrians to admissibility procedures, while asylum applications from nationals of other countries were being assessed on their merit. In January 2017, a representative of the Greek Asylum Service told Amnesty International that the Service had recently begun to subject applicants from countries with a 25% recognition rate or higher within the EU to admissibility tests but could not provide details on the reason for this policy change beyond describing it as a pilot.[45] Of the 1,701 decisions on admissibility issued by the Asylum Service on the islands between 20 March 2016 and 1 January 2017, 1,317 involved negative decisions of admissibility on the premise that Turkey is a safe third country for the asylum-seeker concerned.[46]

As yet, those belonging to vulnerable groups[47] - if identified as such - and those falling under Article 8 to 11 of the Dublin III Regulation concerning family reunification are exempted from these exceptional procedures.[48] However, Greece has come under pressure from the European Commission to revoke these exemptions so as to allow for their return to Turkey as well.[49]

The legislative changes introduced in the wake of the deal did not explicitly characterize Turkey or any other country as safe, but instead left that decision to a case-by-case assessment by various actors within the Greek asylum system (Greek Asylum Service at first instance, Appeal Committees at the appeal stage and relevant courts at later stages). Greek authorities state that those who wish to seek asylum are being registered as asylum-seekers and that no one is being deported to Turkey before his or her claims is duly examined and dismissed (i.e. unless they were determined to be not in need of international protection) or unless they themselves have requested to withdraw their applications and returned voluntarily.[50] However, Turkey is not a safe country for non-European asylum-seekers[51] as it fails to provide them with effective protection– i.e. the full enjoyment of their rights as asylum-seekers and refugees, as well as guarantee *non-refoulement*.[52]

NO SAFE REFUGE

Amnesty International's research in Turkey in 2015 and 2016 showed that asylum-seekers and refugees were at risk of *refoulement* from Turkey and have been forcibly returned to countries such as Syria, Iraq and Afghanistan. More broadly, asylum-seekers do not have access to fair and efficient procedures for the

[44] See Articles 54, 55 and 56 of Law 4375/2016.
[45] Phone interview with the Greek Asylum Service, 17 January 2017.
[46] Phone interviews with Greek Asylum Service on 17 and 31 January 2017.
[47] Under Article 14 para 8 of Law 4375/2016, vulnerable groups are considered: "a) Unaccompanied minors, b) Persons who have a disability or suffering from an incurable or serious illness, c) The elderly, d) Women in pregnancy or having recently given birth, e) Single parents with minor children, f) Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particularly survivors and relatives of victims of ship-wrecks, g) Victims of trafficking in human beings".
[48] Article 60 paragraph 4(f) of Law 4375/2016.
[49] European Commission, "Joint Action Plan of the EU Coordinator on the implementation of certain provisions of the EU-Turkey Statement," 8 December 2016, COM(2016) 792 final.
[50] See for example, press release by the Ministry of Interior, 9 November 2016, available at: http://bit.ly/2k7jocB.
[51] Under Turkish law, only asylum-seekers fleeing persecution in Europe qualify as "refugees." Under the 1951 *Refugee Convention*, states were initially allowed to limit their obligations in this way. The 1967 Protocol to the Convention removed this limitation, but Turkey continues to maintain it. It is the only Council of Europe state to do so. This means that individuals from non-European countries whose application for International Protection has been accepted are called "conditional refugees," while they wait in Turkey for their transfer to another country.
[52] Amnesty International, "No Safe Refugee: Asylum-seekers and refugees denied effective protection in Turkey," June 2016 (Index: EUR/44/3825/2016).

determination of their status. Turkey's asylum system is still in the process of being established, and is not capable of coping with individual applications made by hundreds of thousands of asylum-seekers; indeed, there is already a very considerable backlog. Asylum-seekers and refugees do not have timely access to what are known as durable solutions: repatriation, integration or resettlement. There is also evidence that some Syrian refugees (including children) who actually agreed to return from Greece to Turkey under the EU-Turkey Deal have been subject to human rights violations in Turkey, including arbitrary detention and denial of access to legal representation as well as specialized medical care.[53]

Because Turkey denies full refugee status to non-Europeans, and because the international community is failing to take a fair share of the world's displaced people, asylum-seekers and refugees in Turkey do not have adequate access to two of the three durable solutions; integration and resettlement.

Asylum-seekers and refugees in Turkey also struggle to access means of subsistence sufficient to maintain an adequate standard of living. With state authorities unable to meet people's basic needs – in particular shelter – combined with the significant barriers that people experience in achieving self-reliance, Turkey is not providing an environment where asylum-seekers and refugees can be assured of the ability to live in dignity.[54]

In a leaked letter, UNHCR wrote that it has faced obstacles to monitoring the situation of Syrians returned to Turkey from Greece as it has not been granted unhindered access to pre-removal centers in Turkey and to Düziçi reception center, where Syrian returnees from Greece are transferred upon arrival in Turkey. The Organization also noted that it does not receive systematic information from the Turkish authorities on the legal status and location of individuals readmitted to Turkey from Greece, which hampered its ability to monitor their treatment.[55]

NEW APPEAL COMMITTEES: RESHUFFLING THE CARDS

The so-called "Backlog" Appeal Committees have been instrumental in preventing the forced return of Syrian asylum-seekers from the Greek islands to Turkey. [56] These committees have overturned the vast majority of the appealed first instance inadmissibility decisions of the Greek Asylum Service. Of the 393 decisions these Backlog Appeal Committees issued, only three upheld the first instance inadmissibility decision of the Greek Asylum Service.[57]

Rejecting the notion that Syrian asylum-seekers can find effective international protection in Turkey, these Appeal Committees effectively blocked the implementation of a central element of the EU-Turkey deal: forced returns of *prima facie* refugees to Turkey. The Committees were criticized by the Greek Government[58] under pressure of the European Commission and other European countries to speed up and increase returns.[59]

On 16 June 2016, the Greek Parliament approved an amendment to the Law 4375/2016 and changed the composition of the Appeal Committees. While the Backlog Appeal Committees were composed of a

[53] Amnesty International, "Urgent Action: Syrians Returned from Greece, Arbitrarily Detained," AI Index EUR 44/4071/2016, 19 May 2016, available at https://www.amnesty.org/en/documents/eur44/4071/2016/en/; Patrick Kingsley and Eiad Abdulatif, "Syrians Returned to Turkey under EU Deal 'Have had no Access to Lawyers'," *The Guardian*, 16 May 2016, available at http://www.theguardian.com/world/2016/may/16/syrians-returned-to-turkey-after-eu-deal-complain-of-treatment.

[54] Amnesty International, "No Safe Refugee: Asylum-seekers and refugees denied effective protection in Turkey," June 2016 (Index: EUR/44/3825/2016).

[55] UNHCR's 23 December 2016 dated letter is available at Statewatch: http://bit.ly/2jjDWl0.

[56] Since the Asylum Appeal Committees envisaged in Law 4375/2016 were not operational by the time the EU-Turkey deal came to effect, Article 80 para. 3 of Law 4375/2016 mandated the Asylum Appeal Committees of Presidential Decree 114/2010 ('Backlog' Appeal Committees) with the examination of appeals - among others- against decisions on admissibility regarding asylum application of persons arriving on the islands after the EU-Turkey deal came into effect. The Backlog Appeal Committees original mandate was the examination of the backlog of appeals under the old asylum procedure.

[57] Phone Interviews with the Greek Asylum Service on 17 and 31 January 2017.

[58] The Guardian, "Syrian refugee wins appeal against forced return to Turkey," 20 May 2016. See also a press release by 18 members of the Backlog Appeal Committees claiming interference to their independence by the Greek Ministry of Interior available at: http://bit.ly/28S8K8k.

[59] See for example, European Commission, "Second report on the progress made in the implementation of the EU-Turkey Statement," 15 June 2016 and the main results of the Justice and Home Affairs Council of 21 April 2016. Also see, EU Observer, "EU pushes Greece to set up new asylum committees," 15 June 2016.

representative from the Ministry of Interior, a representative from the UNHCR and a representative appointed from a list of human rights experts drawn up by the National Commission on Human Rights, the new Committees now include two Administrative Court judges and a representative from the UNHCR.[60] The amendment was criticized by some members of the Backlog Appeal Committees as being driven by the expectation that the new Committees will uphold first instance decisions enabling Syrian asylum-seekers' forced return to Turkey.[61]

As of 31 December 2017, the new Appeal Committees had issued 20 decisions, all of which upheld the inadmissibility decisions of the Greek Asylum Service for applications falling under the EU-Turkey deal.[62] This is in contrast with the decisions of the Backlog Appeal Committees, which upheld only 3 of the 393 first instance inadmissibility decisions.[63]

SYRIANS AT RISK OF RETURN

Amnesty International has followed the cases of three Syrian asylum-seekers, whose applications were found inadmissible both at first instance by the Greek Asylum Service and at the second instance by an Appeal Committee. All three were detained pending deportation following the Appeal Committee decisions upholding the inadmissibility decisions of the Greek asylum service.[64] Subsequent legal action led to the provisional release of two of the applicants in July 2016. However one of the Syrians, Noori, has been in detention since 9 September 2016 as he, like the other two, awaits a final court decision by the Council of State on whether he can be sent back to Turkey or not.

DODGING BULLETS AT THE SYRIA-TURKEY BORDER ONLY TO BE LOCKED UP IN GREECE

Noori, a 21-year-old Syrian refugee, comes from a family of doctors. He was studying to become a nurse as he wanted to help others: "I wanted to become a nurse to help the injured. After all I have seen, this was the least I could do."

He was eight months into his training when the hospital he was studying at was bombed and he could not continue his studies. In April 2015, his village was hit by air strikes and he saw several members of two neighbouring families killed. He was close friends with the son of one of the families:

"The father was the headmaster of my school, only my friend survived the bombing, the rest of the family died. This is when I decided to leave, I couldn't take it anymore."

Noori left Syria on 9 June 2016 and headed to Europe in search of safety; in search of a future.

His journey to Greece took him through Turkey, but getting into the country was not easy. He explained to Amnesty International that during his first two attempts he was apprehended and beaten by Turkish gendarmerie, before being sent back to Syria. On his third attempt within a few days of the first one, he said his group was attacked by an armed group and 11 of his companions were killed.

Finally, on his fourth attempt, he made it in and stayed in Turkey for one and a half months. Fellow Syrians told him how difficult it is to find work in Turkey and that following the failed coup[65] the situation got even more unstable. He said they told him that Syrians are "not treated like human beings." Noori was scared and felt that there was "no future" for him in Turkey. He also explained that he was attacked and robbed twice by smugglers and thieves while in Turkey. Wishing to meet up with his relatives already based in Europe, Noori continued on to Greece and arrived on the island of Lesvos on 28 July 2016.

[60] Lawyers have also mounted a legal challenge against the composition of the new committees claiming that their composition violates Constitutional rules (see press release by the Group of Lawyers for the Rights of Refugees and Migrants available at: http://omadadikigorwn.blogspot.co.uk/2016/09/blog-post.html). On 29 November 2016, the Council of State, Greece's highest administrative court, heard four applications challenging the constitutionality of the new Appeal Committees. As of 31 January 2017, the Council of State has not issued a decision.
[61] Press release of members of the Backlog Appeal Committees is available at: http://bit.ly/28S8K8k.
[62] Phone Interview with the Greek Asylum Service on 31 January 2017.
[63] Phone Interviews with the Greek Asylum Service on 17 and 31 January 2017.
[64] See Amnesty International Urgent Actions UA 135/16 Index: EUR 25/4200/2016 of 6 June 2016 (updated on 12 July 2016) and UA 223/16 Index: EUR 25/4915/2016 of 4 October 2016.
[65] On 15 July 2016, elements within the military attempted a coup in Turkey, where 208 people were killed.

He filed an asylum application with the Greek Asylum Service on 4 August 2016. However, his application was declared inadmissible, both at first instance and on appeal, on the grounds that Turkey is a "safe third country" for him. He received the decision of the Appeal Committee on 9 September 2016 and was immediately detained.

As of end of January 2017, Noori has been detained for almost five months, although his deportation is currently halted by an interim decision of the Greek Council of State, the highest administrative court in Greece, on 14 September 2016.

In their most recent submission to the court on 14 December 2016, his lawyers requested his release pointing out that his detention has exceeded the maximum time that any asylum-seeker can be detained under Greek law (90 days) and submitted a psychosocial assessment by an independent social worker specialized on trauma, which reported that Noori is suffering from panic attacks and post-traumatic stress disorder as a result of the aerial bombings he experienced in Syria. The report concluded that Noori's fragile mental health has been harmed by the poor detention conditions and the uncertainty over the period that he will remain in detention. The Mytiline court, however, concluded in December 2016, that this psychosocial report cannot alter on its own the reasoning of the initial decision ordering the continuation of Noori's detention (based on the assessment of flight risk).

The interim decision of the Greek Council of State halting Noori's deportation to Turkey is valid until the Court's final decision on Noori's appeal to annul the inadmissibility decision of the Appeal Committee. If the Greek Council of State refuses Noori's appeal and decides that the Appeal Committee's decision was correct, Noori would once again be at imminent risk of deportation to Turkey.

Noori's lawyers and a social worker who visited him report very poor detention conditions including lack of heating, hygiene, outdoor exercise and natural light. Noori has contracted scabies. When Amnesty International met Noori in the beginning of December 2016, he described to delegates how he was sharing a small cell with five to six people and sleeping on a mattress on the floor. Noori' distress was exacerbated because the only way he could contact his family in Syria was through his friends.

"I never expected to be in prison when I arrived in Europe… I couldn't understand why I was being arrested. I came here for a new life."

4. NO WAY FORWARD: RETURNS TO TURKEY

As of 31 January 2017, a total of 865 individuals were returned to Turkey under the deal.[66] While this included 151 individuals, including children, from Syria,[67] the Greek authorities and the European Commission have insisted that these returnees do not include asylum-seekers rejected at the admissibility stage, but involved only (a) those whose applications were rejected on their merits at second instance or at first instance if the applicant had not appealed the first instance decision, (b) those who withdrew their asylum application, (c) those who revoked their intention to seek asylum or (d) those who did not apply for asylum or communicated a wish to do so.[68]

This means that, as of 31 January 2017, no asylum-seeker had been formally returned to Turkey on the basis that Turkey is a safe third country. Such returns to Turkey were prevented by the efforts of non-governmental organizations and lawyers in Greece that assisted many asylum-seekers to appeal the first instance inadmissibility decisions. The Backlog Appeal Committees[69] have played an important role in preventing the return of these Syrian asylum-seekers by overturning the first instance decisions in the overwhelming majority of the cases they have reviewed.[70] In all but three cases, the Backlog Appeal Committees concluded that the temporary protection afforded to Syrians in Turkey is not in line with international standards and referred to the risk of *refoulement* in Turkey among others.[71]

However, a number of refugees and asylum seekers have been returned under highly questionable circumstances, as documented by Amnesty International and other organisations. The very first returns of people under the EU-Turkey deal took place on 4 April 2016 when 202 people were returned to Turkey from the islands of Lesvos and Chios. The European Commission announced that none of the returnees sought asylum in Greece,[72] while UNHCR stated that 13 of the returnees communicated their wish to seek asylum but their applications were not registered, which the Agency believed was a result of the chaos in Chios following the EU-Turkey deal.[73] The chaos on the island of Chios was obvious to Amnesty International delegates visiting the island shortly after the deal came into effect. On 6 April 2016, Amnesty International interviewed the only case worker at VIAL hotspot on Chios, who said that the surge in applications was well

[66] Electronic correspondence with the Greek police on 1 February 2017.
[67] According to a leaked letter by the UNHCR dated 23 December 2016 (available at: http://bit.ly/2jjDWI0) 82 Syrians were returned from Greece to Turkey under the framework of the EU-Turkey deal as of 7 November 2016. According to announcements on readmissions to Turkey available on the website of the Greek Ministry for Citizen Protection (available at http://bit.ly/2jSyKVF), since then 69 Syrians were readmitted to Turkey as of 31 January 2017 (10 on 28 November 2016, 19 on 20 December 2016, 27 on 12 January 2017 and 13 on 25 January 2017).
[68] See progress reports published by the European Commission at http://bit.ly/2iXZpRV and announcements by the Greek Ministry for Citizen Protection on readmissions to Turkey in 2016 and 2017 available at: http://bit.ly/2jSyKVF.
[69] Appeal Committees of Presidential Decree 114/2016.
[70] Out of the 407 appeal decisions as of 27 November 2016 on admissibility, 390 reversed the first-instance inadmissibility decisions. See EU Commission, "Fourth report on the progress made in the implementation of the EU-Turkey Statement," 8.12.2016 COM(2016) 792 final.
[71] Based on interviews with lawyers representing cases.
[72] Statement by Commissioner Avramopoulos following his visit in Ankara, 4 April 2016, available at: http://europa.eu/rapid/press-release_STATEMENT-16-1231_en.htm.
[73] The Guardian, "Greece may have deported asylum seekers by mistake, says UN," 5 April 2016. Also see, UNHCR Regional Bureau Europe, "Daily Report," 5 April 2016, available at: http://bit.ly/2jjPIRC.

beyond his capacity to process. At the time, there were 1,776 individuals on the islands who had irregularly arrived from Turkey.[74]

While Greece is struggling to properly assess the situation of potential returnees and the asylum applications on the islands, the European Commission continues to pressure the country to further accelerate procedures in order to speed up returns to Turkey.[75] As concerns over the quality and effectiveness of the fast-track asylum procedures at the borders remain, pressuring the Greek asylum system to further accelerate decisions risks further compromising the quality of asylum decisions.

REFOULEMENT

Under international and EU law, *refoulement*, i.e. the transfer of individuals to a place where they would be at real risk of serious human rights violations, is a violation of international, EU and national law. As part of its obligations to protect everyone under its jurisdiction from *refoulement*, Greece has an obligation not only to refrain from forcibly returning asylum-seekers and refugees to their country of origin, but also to refrain from transferring anyone to a third country where they would be at risk of serious human rights violations or onward transfer to a country where they would be exposed to those. The *non-refoulement* principle involves the right to challenge a return or transfer on these grounds. All procedures related to returns and transfers of individuals must always include human rights guarantees, among others allowing the individuals effective access to legal counsel and the opportunity to challenge the lawfulness of the procedures they are subject to before competent judicial bodies.

Amnesty International has received testimonies, supported by official documents that show that in the case of a group of ten individuals involving at least eight Syrians deported to Turkey on 20 October 2016, these guarantees were not respected. Responding to a letter Amnesty International sent to the Greek authorities on 27 October 2017 in relation to the incident, the Director of the Reception and Identification Service wrote that the General Inspector of the Public Administration started an investigation into the allegations in November 2016.[76] Amnesty International has also been informed by lawyers representing some of the persons returned that an investigation into the reported incident has been initiated by the Greek Ombudsperson. Responding to a letter raising concerns over the involvement of Frontex in the incident, the agency replied to Amnesty International that an investigation, coordinated by the agency's fundamental rights officer, was ongoing and that it had raised the issue with the Greek authorities but had received no reply at the time of the drafting of the letter.[77]

According to Frontex guidance, persons participating in activities coordinated by Frontex, including return operations, have to carry out their tasks with respect for human dignity and fundamental rights and meet the obligations imposed upon them by the provisions of the Code of Conduct for All Persons Participating in Frontex Activities and the Code of Conduct for Joint Return Operations Coordinated by Frontex. This includes explaining orally or in writing to the returnee the removal procedure (e.g. reason, phases of travel and procedures, the necessity for body and luggage searches, the possibility of using coercive measures when deemed necessary, etc) and answer their questions.[78]

While return decisions are ultimately the responsibility of national authorities, under the legal framework governing Frontex activities in support of member states' obligations to control external borders, the Agency itself must act in accordance with relevant Union and international law, including the principle of non-*refoulement*.[79] In the specific context of return, Frontex must also act in accordance with the respect for fundamental rights and general principles of Union law as well as for international law, including refugee protection and children's rights.[80] While it is specified that Frontex shall provide the necessary assistance

[74] UNHCR, "Site Locations in Greece," 6 April 2016, at: https://data2.unhcr.org/en/documents/download/47295.
[75] European Commission, "Fourth report on the progress made in the implementation of the EU-Turkey Statement," COM(2016) 792 final, 8 December 2016.
[76] Response of the Director of the Greek Reception and Identification Service, 30 November 2016; received by e-mail on 1 December 2016.
[77] Response dated 17 November 2016 by FRONTEX to Amnesty International's inquiry of 3 November 2016 requesting information about the alleged forced return of ten Syrian to Turkey.
[78] Guide for Joint Return Operations by Air coordinated by Frontex, Warsaw 12 May 2016, para.5.7
[79] See Regulation (EU) 2016/1624, Article 14(2)
[80] Ibidem, Article 27(1)

without entering into the merits of return decisions,[81] the obligation to ensure respect for fundamental rights, in particular non-*refoulement*, that is incumbent upon the Agency itself requires that procedural steps are taken, which do not as such challenge *the merits* of a return decision, but can ensure that a return decision is issued, that it details the grounds in law and merit of the removal and shows that procedural guarantees as required by EU and international law have been respected. Simple and basic procedural steps would have allowed Frontex to check that, in the case in point, no return decisions were handed over to the returnees, and that the individuals to be returned had made a request for international protection in Greece.

A BACKWARDS JOURNEY: FROM GREECE TO IRAQ[82]

On 9 October 2016, a vessel carrying 91 people of different nationalities, including Syrians, Afghans and Iraqis encountered problems while traveling from Turkey to Italy. It was rescued off the Greek island of Milos. Among the passengers on board was a Syrian man, Haji, his wife and their four young children. The family had fled the conflict in Syria and been living in Erbil, Iraq, since 2012. Feeling unsafe in Iraq as well, particularly with the appearance of the Islamic State armed group in their region, the family decided to seek protection in Europe, despite the risks of the journey there.

"After a car bomb explosion shattered the windows of our home in Iraq, I decided it's time to pack our bags," Haji told Amnesty International.

On 14 October, five days after being rescued at sea, Haji and his family were transferred from Milos to the island of Leros, where their full registration and identification took place. The family expressed their intention to apply for international protection.

On 19 October, police removed the family and seven others from the camp they were staying in and took them to the local police station. At the police station, they were told they would be transferred to Athens.

The following morning, they were all taken to the Greek island of Kos. Haji told Amnesty International that the police refused their pleas for food in Kos, despite the presence of young children in the group, and repeated their claims that they would be flown to Athens.

Ten of them boarded a plane, thinking they were being taken to Athens. But two hours later they touched down in Adana, a city in southern Turkey and were transferred to the nearby Düziçi camp. According to Haji, there were around 20 police officers on the plane including officers from the EU border agency, Frontex.

"When I saw the Turkish flag at the airport my dreams were shattered," Haji told Amnesty International.

Copies of documents issued by the Reception and Identification Center of Leros[83] Amnesty International obtained confirm that on 14 and 15 October 2016, while at the Reception and Identification Centre of Leros, at least eight of the Syrians including Haji and his family formally expressed their intention to seek international protection in Greece – a request that was ignored, in violation of Greek and international law.

Having spent over a week in detention in Düziçi camp, the family were given temporary protection registration documents and released. However, finding it impossible to survive in Turkey, a few weeks later, Haji and his family took the difficult decision to return to Iraq.

"My son has respiratory problems. I couldn't find work in Turkey, I couldn't afford the expenses and we didn't feel safe," said Haji. "I am shocked to see how Europe treated us. We thought Europe would welcome us, because we are fleeing conflict. But we experienced the opposite. We have suffered too much now," Haji told Amnesty International from Erbil.

Whilst the Greek authorities and European Union officials have repeatedly insisted that all Syrian refugees arriving in Greece are having their asylum claims properly assessed, the evidence in this case strongly suggests otherwise.

[81] Ibidem, Article 28(1)
[82] Based on phone interviews with one of the returnees between October 2016 and January 2017.
[83] On file with Amnesty International.

In public statements shortly after the returns, the Greek authorities denied any wrongdoing and insisted that all individuals were given the opportunity to apply for asylum on several occasions.[84] They also pointed to the fact that a family of three did not board the plane because they requested asylum at the airport of Kos and that the flight took place under the supervision of the Office of the Greek Ombudsperson.

VOLUNTARY RETURNS

Between 20 March 2016 and 31 January 2017, 548 people returned from the Greek islands to their country of origin voluntarily.[85] According to the Greek authorities, there were also many who chose to return voluntarily back to Turkey, among the 865 returned there from the Greek islands in the same period.[86] According to data available on the website of the Greek Ministry of Citizen Protection, some of these individuals had initially applied for asylum but then withdrawn their application or communicated their intention to seek asylum but then revoked it.[87]

It is clear that the reasons why individuals and families agree to voluntary returns after arduous and costly journeys vary considerably. Despair at the dwindling prospect of ever reaching Europe is certainly one of them. For others Amnesty International spoke to the reasons were more short-term: the dire conditions on the islands, the lack of educational options for their children, concerns over their security in camps and the stress of not knowing what their future held. It is undeniably and extraordinarily the case some families with a compelling claim to international protection have agreed to return back to the very risks they fled because of their treatment in Europe.

DETENTION FOR VOLUNTARY RETURN

Heda, a 38 year old woman from Aleppo, and her two adult children -a 21 year old daughter, an economics student, and a 20 year old son suffering from a disease seriously impeding his physical development- arrived on Chios in mid-June 2016 after enduring 18 difficult months in Turkey, where they barely survived.

"My daughter and I had to work for 7 days a week, 12 hours a day, in order to afford food," Heda said, although she suffers from intensive back pain.

Although they hoped for a decent life in Europe, with the possibility for Heda's daughter to continue with her university education and adequate medical care for her son, they soon realized that the reality was in stark contrast to their expectations. While enduring appalling reception conditions in VIAL hotspot, they were robbed of their few belongings and began to despair. Shortly after, they decided that they cannot endure the life in Chios anymore and decided to go back to Turkey.

''I am all alone, lost and without any money. I am not sure what will happen to us in Turkey, but here the situation is very bad," said Heda

However, even after they requested to voluntarily return to Turkey, their misery did not quickly end. After their request to return to Turkey, they were detained in Chios for almost two weeks and then transferred to the detention facility within the Moria hotspot on Lesvos. When Amnesty International met them in Moria, they were already detained there for another two weeks. They were visibly distressed due to lack of information on how long they will be detained and were suffering from the inadequate conditions in detention.

''My son needs 3 bottles of water every day, I have to beg in order to secure one," Heda said "Why do they keep us here, it is like a jail. I can't breathe."

[84] See press release by the Greek Ministry for Citizen Protection responding to a UNHCR Statement on the incident. Ministry's press release is available at: http://bit.ly/2k5r0At and UNHCR Statement of 21 October 2016 is available here: http://bit.ly/2hsXnYq.
[85] According to electronic correspondence with the Greek police on 1 February 2017, 548 third country nationals were returned to their countries of origin voluntarily since 20 March 2016 from the islands, while 865 were returned to Turkey under the EU-Turkey deal.
[86] Greek Ministry for Citizen Protection Press Release of 27 January 2017 available at: http://bit.ly/2kWDwlv.
[87] For detailed information on the nationalities of returnees under each readmission operation as well as their status, see individual press releases by Greek Ministry for Citizen Protection available at: http://bit.ly/2jmBGt1.

The family was finally returned to Turkey after being detained for around a month in Chios and Lesvos.

5. LIVING CONDITIONS ON GREEK ISLANDS AFTER THE DEAL

Reception conditions on the Greek islands were inadequate before the EU-Turkey deal,[88] and have deteriorated markedly since, as the number of people on the islands and their length of stay have increased. Even if the initial expectations of the deal were that it would provide for the rapid return of new arrivals, it became clear after only a few months that this was unlikely to be the case. The Greek authorities neither prepared for nor adjusted to this reality.

As of 19 January 2017, there were 15,279 refugees and migrants on the Greek islands. According to the Greek authorities 6,192 of them were either sheltered in flats and hotels through assistance by the UNHCR or non-governmental organizations, or were in detention.[89] The remaining 9,087 were staying in the Reception and Identification Centers of Lesvos (Moria), Chios (VIAL), Samos, Leros and Kos, and the camps run by municipal authorities, such as Souda on Chios and Kara Tepe on Lesvos, the total capacity of which is 8,375.

Although the gap between the number of people in camps and official camp capacity as reported by the Greek authorities is not great, a closer look at individual islands show severe overcrowding in camps in Lesvos, Samos and Kos. On 19 January 2017, there were 5,195 refugees and migrants living in camps with a total capacity of 3,500 on Lesvos, 1,830 on Samos in camps with a total capacity of 850, and 1,633 on Kos in camps with a total capacity of 1,000.[90]

Dire conditions of refugees and migrants in camps have been widely documented and needs little expanding on: overcrowding, freezing temperatures, lack of hot water and heating, poor hygiene, bad nutrition, inadequate medical care, violence and hate motivated attacks all dramatically highlight the human cost and chronic organisational failures of the EU-Turkey deal.[91]

The deaths of three men in Moria camp within one week in January 2017 brought home the risks posed by the appalling conditions thousands of asylum-seekers and migrants are enduring on the Greek islands. Media reported a potential link between the deaths and carbon monoxide poisoning from makeshift heaters

[88] Amnesty International, "Trapped in Greece: an avoidable refugee crisis," April 2016 (Index: EUR 25/3778/2016).
[89] General Secretariat of Information and Communication of Greece, "Summary statement of refugee flows to Eastern Aegean islands," January 19, 2017 available at: http://bit.ly/2jqtLt7
[90] Statistics are available at: http://bit.ly/2jqtLt7
[91] See for example, MSF, "Greece in 2016: vulnerable people left behind," October 2016, and UNHCR, "Faster movement of people from Greek islands to mainland essential," 6 January 2017 and "More than six months stranded – What now?" a joint briefing by Action Aid, Care, Norwegian Refugee Council, International Rescue Committee, International Federation of Red Cross and Red Crescent Societies, Danish Refugee Council, Jesuit Refugee Service, Greek Forum for Refugees, Save the Children, Solidarity Now, Oxfam, and Translators without Borders. Also see fact-finding reports by Greek Council for Refugees available at: http://www.gcr.gr/index.php/el/action/gcr-missions.

used by refugees and migrants in the tents to keep warm.[92] The Ministry for Migration Policy ordered an investigation into the incident and announced some measures aimed at improving conditions in Moria including transferring 300 asylum-seekers in families to Kara Tepe camp, 50 single men to a navy boat docked at Lesvos and setting up heated tents in a plot adjacent to Moria camp.[93] As of early February, hundreds of people were still staying in flimsy tents in Moria without any heater or with small electric radiators inside.[94]

SEEKING SAFETY, FINDING FEAR

Beneath the obvious hardships imposed by the poor reception conditions on the islands, many refugees and migrants face another less visible fear: for their own security. The poor conditions in the camps, the uncertainty residents face about their futures, the uneasy relations with local populations, have all bred significant tensions that have on occasion flared into violence.

During one such incident, on 1 June 2016, for example, a serious fight broke out overnight among some of those detained in the Moria camp and a large area of the camp was set alight. Women and men, including families with young children, fled and spent the night in nearby fields or the town of Mytilene, several kilometers away. Many returned to find that the fire had destroyed their tents and their few belongings.

Refugees and migrants Amnesty International talked to attribute much of this environment to the limited security staff employed in the facilities. The European Commission estimates that the number of police officers on islands should be three to four times higher than the level in December 2016 to ensure proper security in the Greek hotspots.[95] Refugees have often described to Amnesty International that even when the police are present they fail to intervene in fights between individuals and only engage when the situation escalates to a protest and facilities are set alight or damaged.[96]

In addition to tensions leading to fights and protests, accidents resulting from camp conditions also pose serious threats to the life and well-being of residents. In the evening of 24 November 2016, a gas canister used for cooking in Moria camp exploded and led to the death of a 66-year old Iraqi woman and a 6 year-old child living in the adjoining tent.[97] The child's mother and four year old sibling sustained serious injuries and were transferred to a hospital in Athens with a military helicopter. Following the explosion, the fire spread and destroyed many tents and a protest started. Refugees described to Amnesty International how they fled to save their lives and how their tents, clothes and papers were destroyed.

Abass, an Iraqi refugee, who lived opposite the tents of the refugees who died and were injured, said:

"..After this the explosion happened, we could not help anyone… all this (happened) in one minute…I saw this with my own eyes…my tent burnt. The problem is not my tent, is the people who died… I cried for the babies… Moria is dangerous, the same as Iraq. …All days, there is a problem here…. I also saw two men tried to commit suicide… This is 'the Moria'… Me I can stay, the young men can stay, but families and babies… they must do something to help them…"[98]

While the incident was described by the Greek authorities as a tragic accident, the deaths cannot be seen in isolation from the very poor reception conditions including the overcrowding and lack of proper heating in the tents, the reported absence of operational rules including fire and safety policies in the hotspots and lack of clarity of who is the responsible authority for the site outside the Moria Reception and Identification Center designated area.[99]

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[92] 'Housing units Replace Tents in Moria after deaths', 1 February 2017, http://greece.greekreporter.com/2017/02/01/housing-units-replace-tents-in-moria-after-series-of-deaths/; see also Medicins du Monde press release of 30 January 2017, 'How many people must die before we talk for incidents by chance?', http://mdmgreece.gr/posi-prepi-na-pethanoun-gia-na-papsoume-na-milame-gia-tichea-peristatika/.
[93] Phone interview with press office of the Ministry for Migration Policy, 30 January 2017.
[94] An Amnesty International delegation visited Moria on 6 February 2017.
[95] European Commission, "Fourth report on the progress made in the implementation of the EU-Turkey Statement," COM(2016) 792 final, 8 December 2016.
[96] Amnesty International, Blog by Giorgos Kosmopoulos, "Nowhere Safe: refugee women on Greek islands live in constant fear," 8 June 2016.
[97] See, for example, the Guardian, "Fire breaks out at Lesvos migrant camp Moria," 25 November 2016.
[98] Interview in Moria camp on 3 December 2016.
[99] Joint NGO statement, "How many refugees must die before safety is guaranteed in Greece," 28 November 2016, http://www.solidaritynow.org/en/joint-statement-many-refugees-must-die-safety-guaranteed-greece/.

While concerns over security impacted men and women alike, women are particularly affected by the lack of security in Greek hotspots. Having to reside in camps and other accommodation sites alongside men in the absence of, or with very limited, separate facilities for women has exposed them to considerable risks. Women Amnesty International spoke to complained of the lack of female only showers and toilets or if they existed, the lack of proper doors and lighting as well as the location of such facilities not being at an adequate distance from male facilities. Several women told Amnesty International that they have either experienced or witnessed verbal or physical sexual harassment or domestic violence.[100] NGOs working with the populations in and around Greek hotspots report that refugee and migrant women in camps are reluctant to come forward with formal complaints due to fears of social stigma and/or lack of trust in the justice system.[101]

It is the responsibility of Greece to ensure the safety of everyone under its jurisdiction, including refugees, asylum-seekers and migrants. Lack of facilities prepared with a view to ensure safety and security of those housed within, as well as consistent reports of inaction by the police in the face of fights or violence reported is a violation of state's duty to protect. Greece must provide adequate reception conditions that ensure safety of all asylum-seekers and migrants with specific attention to the needs of women and girls. At an absolute minimum, all reception facilities must have safe toilet, shower and sleeping areas for women and girls. Access to services and healthcare for those who have suffered gender based violence must be made available as well as safe and confidential environment where violence, assault, exploitation and sexual harassment can be reported.

HATE MOTIVATED ATTACKS

'If I knew that the situation was like that here… I would stay in Syria under the bombs… In the night, I cannot go outside… [Last week] I saw I with my eyes that the stones were coming from the houses of the locals…For two nights, I slept under the trees and for five nights in the street…'

Offa, Syrian refugee woman, Chios, November 2016

Between 16 and 18 November 2016, suspected supporters of the far-right attacked the Souda camp on Chios with large rocks, flares and Molotov cocktails.[102] The attacks followed a meeting two members of the parliament from the far-right Golden Dawn party held on the island calling for deportations.[103]

According to interviews conducted with journalists, refugees, activists and volunteers by Amnesty International, a group of suspected members of the far-right threw large rocks and flares into the Souda camp from the residential area that is situated above the camp. A large tent caught fire. Prior to the attack some refugees had reportedly been harassed by a group of locals in the Chios town center and the locals followed them to the camp. [104] Subsequently, some refugees from the camp had broken into a fireworks shop and started throwing fireworks in the area around the camp. Due to the fire and flying rocks, many camp residents including families with children, had to flee the camp and the majority had to spend several nights outside without shelter. When they returned to the camp, they found that their clothes, papers, and possessions had been destroyed in the burning tents.

BKD, a 17 year-old Syrian refugee from Aleppo described the time of the attack:

"…When the attack happened, we were afraid for our lives and we ran out of the camp…..People were screaming, children were crying….we do not need that stuff in our lives again..."

[100] Amnesty International, "Nowhere safe: Refugee women on the Greek islands live in constant fear," 7 June 2016. See also, "A summary of assessment findings and recommendations: the situation of refugee and migrant women – Greece 2016," by Diotima, International Medical Corps, Oxfam, UNFPA and Women's Refugee Commission.
[101] Regular correspondence with the NGO, Action from Switzerland, which runs a women's shelter on Chios since mid-November 2016. See also, "A summary of assessment findings and recommendations: the situation of refugee and migrant women – Greece 2016," by Diotima, International Medical Corps, Oxfam, UNFPA and Women's Refugee Commission.
[102] Amnesty International, "Greece: police must protect refugees from on-going far right attacks," 18 November 2016.
[103] Amnesty International, "Greece: police must protect refugees from on-going far right attacks," 18 November 2016.
[104] Interview with journalist Giorgos Pagoudis, 17 November 2016; see also video https://www.youtube.com/watch?v=TKOnVCgrsrU.

Kiran, a 19 year-old Iraqi woman, suffered a miscarriage following the attack on 16 November 2016. Kiran was 3 months pregnant at the time of the attack.[105] She explained her harrowing experience: *'I was sleeping, then I heard shouts… then I woke up from my sleep…I saw people running away and shouting. Then stones were thrown from above the camp… and I ran away and hid inside (my tent). Then the stones became big. One stone came to my leg and one came to my shoulder. Then I got outside….. After that I lost my child…"*

In the evening of 17 November 2016, the camp was attacked once more by suspected supporters of the far-right, who threw Molotov cocktails into the camp from the medieval castle walls and stones from the residential area above the camp. Tents caught fire once more, and refugees and migrants again had to flee.[106]

The same evening, a refugee was chased and beaten up by suspected far right extremists in the town centre and was also transferred to the hospital. Two local activists in the vicinity walking back to the city in order to get their cars and transfer some of the most vulnerable in a safe shelter were also verbally abused, attacked and beaten up by a mob of at least 30 people.[107]

On the morning of 18 November 2016, a 27 year old Syrian refugee sustained a serious head injury when a stone was thrown to the camp reportedly from the residential area above the camp.[108] He was then transferred to the local hospital.

The local prosecutor started a criminal investigation into the November 2017 incidents in Souda camp and three refugees had been charged for breaking into the fireworks store and burning a tent, but no one responsible from the attacks against the refugees and activists have so far been identified.[109]

The November attacks against the refugees and migrants stranded on Chios were not isolated incidents. Since the implementation of the EU-Turkey deal, there have been several attacks against refugees, journalists and pro-refugee volunteers and activists by supporters of the far-right in Chios. [110]

SEPARATED OR UNACCOMPANIED CHILDREN

"There are fights here, during the night there are some people who drink…. During the (hate motivated) attack, last week…, my tent was burnt. All my clothes, shoes, papers; they got burnt. … I do not want to stay here. I hate my life here."

Ali, an unaccompanied 15 year old boy, Souda camp, Chios, 27 November 2016

According to Greek legislation, individuals with particular vulnerabilities are exempt from the fast- track procedures in the islands and therefore the provisions of the EU-Turkey deal.[111] Non-governmental

[105] Kiran's miscarriage was also confirmed by a medical certificate issued by the local hospital a copy has been viewed by Amnesty International and with staff of the women's centre on Chios – Action for Siwitzerland, which supported her during and after the miscarriage (Interviews in Chios between 26-30 November 2016 and correspondence on 28 January 2017).
[106] Phone Interviews with local journalists, Giorgos Pagoudis and Yiannis Tzoumas, who were covering the incidents that night (28 January 2017).
[107] Interview with journalist, Alexandros Panagiotakis, who was one of the activists attacked (26 November 2017).
[108] Phone interview with female volunteer at Souda camp informing Amnesty International about the incident, 18 November 2016; and phone interview with journalist Yiannis Tzoumas, 29 January 2016. A female doctor who examined the injured refugee said on camera to the local journalist Yiannis Tzoumas that "the injury the refugee sustained appeared to be caused by an object that fell from a height". See video covering the incident by journalist Yiannis Tzoumas, 18 November 2016 (see video of 18 November 2016, http://www.alithia.gr/politiki/sto-skylitseio-sovara-27hronos-syros-apo-petra-sto-kefali-xios).
[109] Interview with officers from the Security Branch of Chios police on 29 November 2016 and follow up phone call on 31 January 2017.
[110] In the evening of 7 April 2016, a group of suspected far-right extremists descended to the port of Chios where many refugees were protesting about the EU-Turkey deal and started threatening, verbally assaulting and threw fireworks in the area where the refugees including many families with children were concentrated. Also, on 5 June 2016, a member of the far-right party Golden Dawn reportedly attacked Yiannis Koutsothodis, a nurse and activist, who had gone to assist refugees in the Souda camp following a fire that broke out after a riot in the camp. Yiannis Koutsothodis reported that the attack took place in front of the police officers who also failed to proceed with the immediate arrest of the attacker. For the first attack, see twitter video by journalist Oscar Webb, 7 April 2016, available at https://twitter.com/owebb/status/718327439575883776/video/1. See also Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the 'hotspots' set up in Greece and Italy published on 29 November 2016 (FRA Opinion 5/2016 [Hotspots]).
[111] Under Article 14 para 8 of Law 4375/2016, vulnerable groups are considered:: "a) Unaccompanied minors, b) Persons who have a disability or suffering from an incurable or serious illness, c) The elderly, d) Women in pregnancy or having recently given birth, e) Single

organizations working on the islands have repeatedly raised concern about the quality of the identification procedures as well as the subsequent support afforded to those identified as vulnerable.[112] As of 31 January 2017, only 2,906 vulnerable individuals have been transferred to mainland Greece since the EU-Turkey deal. This number includes their relatives transferred with them.[113]

Children – meaning people under the age of 18 – travelling without a parent are also considered vulnerable but in the absence of enough specialized facilities they remain in the country's hotspots for periods varying between a few weeks and several months.[114] Law 4375/2016 fails to abolish the detention of unaccompanied asylum-seeking and migrant children.[115] Following the implementation of the EU-Turkey deal, unaccompanied children can remain for prolonged periods in very poor conditions in the island hotspots or in camps such as Souda on Chios while awaiting to be transferred to a shelter for unaccompanied children on the mainland or on islands.[116]

Despite the fact that the number of available places in shelters for unaccompanied children doubled in the six months between July 2016 and January 2017 (from 661 places to 1,312 places), the need for more places remains greater still. According to the National Centre for Social Solidarity, as of 13 January 2017, there were an estimated 2,300 unaccompanied refugee or migrant children in Greece. Out of those, 1,301 were waiting for a place in a shelter; 277 of them in a Reception and Identification Center and 18 in 'protective custody' in police stations.[117]

In addition to insufficient shelter space for unaccompanied or separated children, there are also concerns over gaps in their identification. In the Moria hotspot, in cases where there is doubt about the age of an unaccompanied minor, the age is determined only on the basis of a dental or wrist x-ray taken at the local hospital without any psychological assessment. The non-governmental organization, Médecins du Monde (MdM), provides psychosocial and medical support to the Reception and Identification Center in Moria. Representatives of the organization said to Amnesty International that they do not participate in the age assessment procedures conducted there as the unreliable methodologies risk that children are wrongly identified as adults and as such excluded from services catered for them.[118] Appeals against decisions of adulthood are generally unsuccessful as the children are expected to provide officially certified and translated documents proving their age within ten days of the notification of the age decision[119]

Detention for a prolonged period in very poor conditions, for example, led many unaccompanied children held at the Moria immigration detention centre to stage a protest on 26 April 2016. On 4 May 2016, the prosecutor of Mytilene on Lesvos concluded that the Moria immigration detention centre was not an appropriate place for unaccompanied children, and 70 unaccompanied children were reportedly transferred to an NGO run refugee facility on the island.[120]

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parents with minor children, f) Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, persons with a post-traumatic disorder, in particularly survivors and relatives of victims of ship-wrecks, g) Victims of trafficking in human beings".

[112] See for example, Amnesty International, "Trapped in Greece: an avoidable refugee crisis," April 2016 (Index: EUR 25/3778/2016) and "Our hope is broken," September 2016 (Index: EUR 25/4843/2016) as well as Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the 'hotspots' set up in Greece and Italy published on 29 November 2016 (FRA Opinion 5/2016 [Hotspots]) and the Aire Centre and ECRE, "With Greece: recommendations for refugee protection," June 2016.

[113] Phone interview with the Greek Asylum Service on 31 January 2017.

[114] Amnesty International met unaccompanied children in August 2016 in the Reception and Identification Center of Samos, who had been there for up to three months. This was the longest period observed by the organization of a child held in a Reception and Identification Center on the islands since the EU-Turkey deal came into force.

[115] Article 46 para. 4β of Law 4375/2016 states that unaccompanied asylum-seeking children are detained as a measure of last resort and solely for being referred securely to a shelter. One the other hand, the same provision reduces the maximum period that unaccompanied children can be held to 45 days.

[116] Interviews with Reception and Identification Service Staff on Lesvos and Samos and unaccompanied children on Samos and Chios in August, November and December 2016 as well as regular contact with independent human rights lawyer, Elektra Koutra and lawyers from the NGO, Pro Asyl, based on Chios and Lesvos, between March 2016 and January 2017.

[117] National Centre for Social Solidarity (EKKA) Situation Update of 13 January 2016 available at: http://bit.ly/2jQBHEs.

[118] Interviews with MdM representatives, 3 December 2016 in Lesvos.

[119] Interviews with Reception and Identification Centre staff on 3 December 2016 in Lesvos and phone interview on 28 January 2017 with Metadrasis, a legal aid organization in Greece.

[120] See press article, "70 minor refugees in Mantamado," 10 May 2016, available at: http://emprosnet.gr/article/83346-sto-mantamado-70-anilikoi-prosfyges.

6. RECOMMENDATIONS

TO THE GREEK GOVERNMENT

- Immediately transfer asylum-seekers on the Greek islands to mainland Greece, and ensure they are provided with adequate reception and are swiftly processed, including with a view to their relocation to other EU countries.
- Ensure adequate first reception conditions on the Greek islands by preventing overcrowding and by providing security in and outside camps, access to weather-appropriate accommodation, health care (including psycho-social services), hygiene, clean water and female only facilities.
- Do not return asylum-seekers to Turkey under the EU-Turkey deal on the grounds that Turkey is a "safe third country" or a "first country of asylum."
- Significantly increase the capacity of the Asylum Service to promptly register and process all asylum applications.
- Examine asylum claims on their merits in a full and fair asylum process with all procedural and substantial safeguards, such as provision of information, quality interpretation and access to legal aid.
- Ensure that all procedures related to returns and transfers of individuals to third countries or countries of origin involve human rights guarantees, among others allowing the individuals effective access to legal counsel and the opportunity to challenge the lawfulness of any return decisions before competent judicial bodies.
- Conduct an independent and effective investigation into the allegations concerning the illegal return of at least eight Syrian asylum-seekers to Turkey on 20 October 2016.
- Establish an independent investigation into the circumstances surrounding the deaths in January 2017 in Moria camp on Lesvos.
- Stop restricting the freedom of movement of asylum-seekers arriving on the islands beyond the time necessary for initial registration with the Reception and Identification Service.
- Ensure all refugees and migrants are able and assisted to register formal complaints of violence, harassment, hate motivated attacks and other crimes or violations.
- Ensure that those with specific vulnerabilities, such as those with serious medical conditions or disabilities, single women, and unaccompanied children, are systematically identified and special processes and services are put in place to ensure that their basic rights, safety and security are protected.
- Prohibit the detention of children by law and immediately end it in practice, in particular ending the detention of children in police stations under "protective" custody.
- Significantly increase the permanent shelter space available for unaccompanied children, as well as the transit shelters for them.

- Ensure systematic provision of adequate information to all refugees and migrants arriving in Greece on their rights and obligations, including up to date information about the process and the progress of their asylum application.
- Ensure that all "voluntary" returns are based on full, free and informed consent.

TO THE EU AND EU MEMBER STATES

- Work together with Greece to urgently move refugees out of the Greek islands and on to other European countries through relocation, family reunification or humanitarian visas.
- Provide Greece with immediate and adequate financial, logistical and technical support to ensure dignified reception of those arriving on Greek islands, as well as the timely, full and fair processing of asylum claims.
- Step up relocation of asylum-seekers from Greece by increasing the number of available relocation places, by allowing access to the scheme for those who have arrived after the conclusion of the EU-Turkey deal and swiftly matching relocation requests.
- Establish accessible, public and fast-tracked family reunification procedures to ensure the swift reunion of family members stranded in Greece with close relatives in other European countries; grant access through humanitarian visas for asylum-seekers in immediate need of special care.
- Ensure that the human rights of migrants are central to the negotiation and implementation of any migration cooperation agreement with non-EU states, including readmission agreements, technical cooperation with police, border guards or coastguards, or other soft law instruments such as mobility partnerships and compacts.
- Assess the human rights impact of entering into cooperation with third countries to pursue migration control related objectives. The Commission should develop monitoring mechanisms, which allow for public scrutiny of third country cooperation including through public reporting of human rights implications; for example in the progress reports on the implementation of the EU-Turkey Statement as recommended by the European Ombudsman on 18 January 2017.
- Include procedural steps in relevant Frontex guidelines for returns operations and in operational plans of specific operations that ensure returnees are served individualized return decisions, which they have understood, listing the grounds for the removal and the destination country to prevent breaches of EU law by Frontex.
- Abide by the rulings of the European Court of Human Rights (MSS vs Belgium and Greece) by maintaining the halt of transfers of asylum-seekers back to Greece under the Dublin Regulation and take responsibility for those asylum-seekers.
- Support Turkey in the development of an asylum system and legal framework that fully complies with Turkey's international obligations towards refugees, regardless of nationality.
- Provide significant, flexible and predictable financial assistance, as well as operational and technical support to Turkey to ensure refugees enjoy economic and social rights, and have expanded access to health, education and the labour market.
- Set up a large scale resettlement programme from Turkey and provide other safe and legal routes for refugees in Turkey to reach EU countries, such as humanitarian visas, family reunification, and student visas, as a way to protect people in need of international protection and manage migration in an orderly and predictable manner.

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A BLUEPRINT FOR DESPAIR

HUMAN RIGHTS IMPACT OF THE EU-TURKEY DEAL

In the absence of safe and legal routes into Europe, hundreds of thousands of refugees and migrants have travelled irregularly over the last few years, at considerable risk to their own lives. This has undeniably confronted European leaders with considerable logistical, political and humanitarian challenges. With isolated exceptions European leaders have largely failed to meet them. Rather than creating a bold, orderly system providing safe avenues for people to seek protection in Europe, and advocating for the respect and protection of human rights in countries where conflict and persecution are displacing people, European leaders have increasingly focused on blocking borders and negotiating with human rights violating governments to stop them coming.

The EU-Turkey deal, agreed in March last year was Europe's signature response to these challenges. It has certainly stemmed the flow of migrants across the Aegean, but at considerable cost to Europe's commitment to upholding the basic principles of refugee protection and the lives of the tens of thousands it has trapped on Greek islands. With European leaders touting its success, closing their eyes to its flaws, and seeing in it a blueprint for new migration deals with countries like Libya, Sudan, Niger and many others, this briefing serves as a cautionary tale.

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