



PERCEPTION OF HUMAN RIGHTS VIOLATIONS AGAINST PEOPLE ON THE MOVE

A Case Study of Greece



UNIVERSITY OF PELOPONNESE

FACULTY OF SOCIAL AND POLITICAL SCIENCES

DEPARTMENT OF POLITICAL SCIENCES AND
INTERNATIONAL RELATIONS

MASTER OF ARTS (MA) IN MEDITERRANEAN STUDIES

Name: Sofia Svoliantopoulou

R.N.: 30332015030009

Supervisor: Dimitrios Rozakis

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ABSTRACT

Immigration it is not an issue of today. People were moving since the very early times of their existence. The only thing that have changed is the reasons. They used to move to other places because of the weather, the needs of the animals, to find better place for agriculture, but also because of their curiosity. Today, two are the many reasons for a person leaving its home: fear of his life and the hope for a better chance. The last years the flows of immigrants in Europe and especially in Greece, Italy and Turkey are enormous. Those people are not only suffering the loss of their previous lives, but they have to face also the loss and violation of their basic human Rights. Human Rights, were firstly mentioned in the Geneva Convention and in the Universal Declaration of Human Rights. Article 1 says: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. Main points of the declaration is also the freedom of movement, the right to food and health and the freedom of speech and political expressions. The refugees are leaving their countries facing serious violation of human rights such as threat to life and they are coming here, in Europe, to face even worse. In this paper, after referring to all the conventions that secure human rights, we will find out through examples and person stories how those rights of the people on the move are violated in Greece, what can the Greek government and EU can to do to ameliorate the situation and which are the rights that have been violated repeatedly, and made those vulnerable people to even think going back to their countries.

In this point I want to thank all the refugees, volunteers and researchers that helped me doing this case study. Your voice can be heard, even if your names will not.

Key – Words: Migration, Refugees, Human Rights, International Humanitarian Law, Violation, Racism, Camps, Dignity

TABLE OF CONTEXT

Introduction	4
Objective, Goals, Methodology	5
Chapter 1	
Immigration	
1.1 Sociological Approach	7
1.2 History	8
1.3 Definitions	11
1.4 The case of Syria	15
1.5 Greece as a host Country for Immigrants	16
Chapter 2	
Migration Policy	
2.1 The Geneva Convention	19
2.2 The Maastricht Treaty	22
2.3 The Schengen Agreement	22
2.4 The Treaty of Amsterdam	23
2.5 Conclusions of the Tampere European Council	23
2.6 Charter of the Fundamental Rights of the EU - Frontex	23
2.7 Treaty of Lisbon	24
2.8 Dublin III Regulation	24
2.9 International Humanitarian Law	25
2.10 EU – Turkey Statement	26
Chapter 3	
Violation of Human Rights	
3.1 The Starting Point	27
3.2 Migrant Populations and Social exclusion	28
3.3 Racism	30
	2

3.4 Accommodation	3
3.5 Nutrition	38
3.6 Legalization Documents	41
3.7 Health	43
3.8 Dignity	48
Conclusions/ Suggestions	50
Bibliography	53

INTRODUCTION

Homo sapiens is of the nature of immigrant and mixed race. It belongs to the only living species that has not ceased from the beginning of its existence to be mixed, as it did not cease to move. Movements of individuals, groups, populations occur throughout the phases of history and give rise to conflicts, as far as different cultures compete within a grid of political associations and powers that often seek to confirm their sovereignty or impose intermarriage. The phenomenon of immigration and immigrants is now topical and has been targeted by analysts and scholars. Of course, migration is not a point of our time. It is a multifarious phenomenon that we have always observed in the history of mankind. People are always moving for better luck in different places, and often these movements cause tensions, conflicts, wars, etc. There is also an entire continent, America, inhabited entirely by immigrants after the extermination of indigenous peoples.¹ War, human rights violations, underdevelopment and natural disasters lead the largest - since we have reliable statistics - a number of people to leave their homes. More than 60 million people, half of whom have left their homes because of violence and persecution, are now refugees or internally displaced. Additionally, 225 million are immigrants who have left their countries in search of better opportunities or just to survive.

¹ Adams P. Are more people on the move? BBC News [Internet]. 2015 May 28 [cited 2018 Jan 22]; Available from: <http://www.bbc.com/news/world-32912867>

Objective, Goals, Methodology

On this paper we study how the Human Rights of people on the move in Greece have been violated the last three years and if there is any opportunity for improvement. But the first question will weather the human rights of immigrants have been violated in the first place.

Objective

More specifically, on the first part of this paper, we will analyze the term of immigration, the reasons and the historical background of it. We will also refer to all those conventions and the International Humanitarian Law that set the base of Human Rights. The last chapter is a case study of Greece. After many field trips, voluntary work, talks and interviews with refugees, volunteers, employers of NGO's, we will explain with examples and personal stories how the human rights have been violated in Greece the last three years.

Goals

The above objective is analyzed in the individual goals.

1. Presentation of the Immigration status and its background but also more specific the situation in Greece.
2. Brief analysis of the Conventions, what they include, additionally with the role of International Humanitarian Law.
3. Presentation of Human Rights, and how they are violated. We will explain it with many examples of various people.
4. Analysis of the result of the EU-Turkey deal and what can be changed

In the end, in accordance with the general conclusions about the effectiveness of the Red Cross, we will try to give some recommendations about the future organization of the humanitarian action.

Methodology

This study was guided and designed, with the help of the tools provided by the PRISMA procedures (<http://www.prisma-statement.org/>). This is a systematic review of bibliography and a qualitative research, and in order to identify appropriate studies and articles have been used large databases (ScienceDirect, Scopus, etc.), relevant valid webpages (UNHCR, IFRC), as well as selected foreign literature related to Migration, Refugees, International Humanitarian Law, Red Cross and the EU. The search for the articles refers to those written in both English and Greek. Also, with the use of ZOTERO, grouping, organizing articles as well as creating bibliography is carried out. In order to complete the case study there have been plenty of field trips across Greece, interviews with people from different backgrounds and personal discussions.

The criteria for choosing the articles are determined by the following parameters:

- The problem statement
- Analyzing International Humanitarian Law and the Conventions
- Describing the violations of human rights
- What is human rights?
- The case study of Greece
- The role of the EU-Turkey Deal

Each article containing useful information is examined for the correctness of its data in the course of writing the work. All the exact quotes of the interviews are in “” and clearly stated who mentioned it.

Chapter 1: Immigration

1.1. Sociological approach

Migration is a social phenomenon that differs from society to society and from time to time, while building on the particular attitudes of the population towards immigrants.

In the context of the western societies, migration was originally treated as a normal movement of the population from one part of the country or the world into another, for individuals to seek better luck and new opportunities and treated as a manifestation of human nature. This normal expression of human behavior has been legitimized by the needs of the economic and social system, since the movement of the population has made it possible to find the necessary working hands by reducing production costs. That is, it was used to serve the wider economic, social and ideological needs of the first industrialized societies, helping to increase profit through the reduction of production costs.² And also helping the creation of the “industrial reserve army”, which aimed at the reduction of wages according to Marx.

In the modern western societies, with the prevalence of new technologies and the gradual replacement of the human factor from participation in the production process, the tendency to establish flexible machines, which work incessantly with the ability to solve any problems that arise, migration becomes a social problem. In its modern form, migration has been the product of structural social conditions and requirements linked to the unequal distribution of goods on a global scale and the globalization of international contacts and relations.³ The control and surveillance techniques of the western societies construct migration as a social problem when immigrants are not needed for the productive process. When their number exceeds the threshold required for smooth operation and perpetuation of production relationships, they are stigmatized as unwanted. Thus, the immigrant from the necessary functional

² The truth about migration: How it will reshape our world [Internet]. New Scientist. [cited 2018 Jan 22]. Available from: <https://www.newscientist.com/article/mg23030680-700-the-truth-about-migration-how-it-will-reshape-our-world/>

³ Kenan Malik’s lecture on the British debate on immigration [Internet]. [cited 2018 Jan 22]. Available from: http://www.kenanmalik.com/lectures/immigration_oxford.html

complement of industrial development and development is constructed as a special social category, representing at the symbolic level the threat to the national and cultural balance and identity of society (the other, the stranger). The immigrant acquired the figure of the socially marginalized, the failed, who, in the framework of the free labor market and society, was responsible for his situation (ideology of individual responsibility).⁴

The 20th century has been characterized as the "century of migration" because of the most significant population movements and changes in the composition of the population (violent or peaceful). A large percentage of these people moving from country to country are economic migrants looking for a better future for them and their families. These movements in our days are so frequent and involve such population sizes that they cause reactions within the countries that welcome migrants. These reactions, combined with the wider economic, social, political and ideological problems faced by modern societies, often lead to the rise of racist manifestations and the phenomena of xenophobia and nationalism from members of Western societies to foreigners in general.⁵

1.2. History

History shows that population movements are not a modern event but a timeless one. In particular, the speed, pace and timing of migrant refugees are due to various factors, such as the wretched economic, social and political conditions, wars, invasions, dictatorships, lack of security and peace, scientific and academic migration, etc. Migration is both a phenomenon caused by capitalistic economies but it also has been and is a characteristic of the human species in all periods of history. There are cases that are caused economic incentive data (Gastarbeiter phenomenon), but also times is caused as a result of brutal political forces, such as warfare situations or

⁴ The Real Problems Of Migration And Work And How To Solve Them [Internet]. Social Europe. 2014 [cited 2018 Jan 22]. Available from: <https://www.socialeurope.eu/migration-and-work>

⁵ Λαζαρίδη, Γ. - Αμίτσης, Γ (2001) : «Νομικές και κοινωνικοπολιτικές διαστάσεις της μετανάστευσης στην Ελλάδα», εκδ. Παπαζήση, Αθήνα, σελ. 258

natural disasters. Despite the fact that immigration is an "old" phenomenon, has gained new meaning in recent decades and importance in Europe.⁶ This study is of great importance, since during the three last decades, migrant populations have shown a huge growth in Europe, at a much higher rate than any other part of the world. In a few decades, the number of people living outside of the country in which they were born almost tripled.⁷

While migration has always advocated the transition from a realistic or a hypothetical border and the relocation of migrating populations to new communities which differed significantly from their original, the official separation between inland and outbound population movements was formed after the creation of the borders between the states at the beginning of the 19th century. This formal separation also marked the beginning of a new approach on the issue, which was how the movement of exogenous populations will it affected the endogenous citizens of the different states.⁸

Most countries in the world are being influenced by rising rates from immigrant populations, either as emigrant countries or as states arrivals of immigrants, while we cannot overlook the fact that a state may belong to both of the above categorizations. The structure of migrant populations is often very different from the demographic, social, cultural, political and economic point of view life of endogenous populations. Therefore the phenomenon of the concentration of displaced populations within the borders of a foreign state, in which there are also emigrated communities, usually takes place in urban centers of developed small towns.⁹

⁶ Bommers, M., and E. Morawski (eds.). (2005). *International Migration Research*, Ashgate, Aldershot, 2005.

⁷ Migration History [Internet]. [cited 2018 Jan 22]. Available from: <http://www.iisg.nl/migration/>

⁸ Zimmermann, K.F.. (2005). *European Migration: What Do We Know*, Oxford University Press, Oxford

⁹ Ozgen, C., P. Nijkamp and J. Poot. (2010). *Immigration, Ethnic Diversity and Innovation in Europe*, IZA Discussion Paper, IZA institute, Bonn, Germany

The magnitude of the impact of migratory populations at their relocation to local communities is a matter of major importance, which is of great concern to sociologists, social anthropologists, but also economists in recent years.¹⁰

The main migratory flow occurs between Europe and America and in particular the United States of America, which absorb about two-thirds of all migratory flows. Immediately after A. world war is halting intense immigration through two laws measures, which were issued through the Research Committee of 1911. There is a specific law about the exclusion of illiterate immigrants, which came into force on duration of the war, and the second famous "Percentage Law", where Immigrants were banned from entering the United States by year and by country over 3% of those arriving in the year 1890.¹¹

Despite the steps taken by governments to prevent the influx of more foreign immigrants after the First World War, the leakage of poor Europeans to the great continent has continued after the Second World War. We have a new wave of immigration this war, where thousands of people died out, hunted and chased from their own places and transported, either voluntarily or often by violence, to the most unbelievable parts of the earth. The problem of immigration, which is for Greece quite serious, in modern times is quite multifaceted and peculiar.¹²

Greece has traditionally been and is a migrant country for many years and until the 1960s, while from a sending country gradually changed from the mid-1980s to a host country of immigrants. The reverse of the migratory flow created a new social reality in the country that required the necessity of forming an institutionally structured immigration policy.¹³

¹⁰ Ozgen, C., P. Nijkamp and J. Poot. (2010). Immigration, Ethnic Diversity and Innovation in Europe, IZA Discussion Paper, IZA institute, Bonn, Germany

¹¹ Αμίτσης, Γ., Λαζαρίδη, Γ. (Επιμ.) (2001) Νομικές και Κοινωνικοπολιτικές Διαστάσεις της Μετανάστευσης στην Ελλάδα, Αθήνα: Παπαζήσης.

¹² Baldwin-Edwards, M. (2002), «Immigration and the Welfare State: A European Challenge to American Mythology»

¹³ Καψάλης Α., (2003), Ευρωπαϊκό δίκτυο για συνεργασία και ανταλλαγές σε θέματα κοινωνικού αποκλεισμού και υγείας μεταναστών, αδημοσίευτη διδακτορική διατριβή,

1.3. Definitions

With the term migration we mean the permanent or temporary change of the place of establishment of a person or social group. The main reason for immigration is job search and family reunification. Other reasons leading some people to abandon their country of origin are related to their country's war, political, national and religious reasons. In many cases, the abandonment of the country of origin is not voluntary but is carried out following violence and persecution.¹⁴

Migration according to the relevant criteria is divided into several categories. Internal or external / international migration is one that is characterized by migratory traffic within the territory of the same state or from one state to another. As a voluntary or unintentional one, it is distinguished when the move is the result of free choice of the individual or not and permanent or temporary, based on the length of stay of the migrant in the host country. Individual or group is called migration where individuals or groups leave their place and settle for someone else.¹⁵

Migration also varies depending on the period of time that takes place in traditional or modern time. Traditional migration is the migration that took place prior to the two World Wars and has as its main feature that it was overseas. Modern migration refers to the change in the place of establishment of a person or a social entity observed in the modern industrial age.¹⁶ That means that we could both have traditional and modern immigration on the same time.

Migrant: At international level, there does not exist a universally accepted definition of the term 'migrant'. The term is usually used in order to cover them cases where the

πανεπιστήμιο Αθηνών

¹⁴ BBC - GCSE Bitesize: What is migration? [Internet]. [cited 2018 Jan 25]. Available from:http://www.bbc.co.uk/schools/gcsebitesize/geography/migration/migration_trends_rev1.shtml

¹⁵ BBC - GCSE Bitesize: What is migration? [Internet]. [cited 2018 Jan 25]. Available from:http://www.bbc.co.uk/schools/gcsebitesize/geography/migration/migration_trends_rev1.shtml

¹⁶ Μουσούρου Α. Μ., Μετανάστευση και μεταναστευτική πολιτική στην Ελλάδα και την Ευρώπη, Gutenberg, Αθήνα, 2003

decision on immigration is freely taken by the person without his mediation of exogenous factors. Therefore, this term refers to individuals and members of the family moving to another country or region to look for better material and social conditions as well as to improve their own and their expectations members of their families.¹⁷

Refugee: According to the United Nations, a refugee is a person who has serious fears of being persecuted for reasons of racial, religious, ethnicity, because he is part of a social group, or has a political position, is outside his country and cannot return because is at risk. The refugee leaves his country because he is in danger and is threatened with persecution and cannot return safely to his country.¹⁸ More specifically, Persons who have a “well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”- art.1.A.(2), 1951 Convention Relating to the Status of Refugees.

Types of migratory movement: Migration phenomena can be categorized according to the discrimination criteria we use each time. The most significant distinctions are as follows:

a) On the basis of the state as a geographical area of observation and study, we distinguish international and internal migration.

- International migration is the movement from one state to another.

¹⁷ Who Counts as a Migrant? Definitions and their Consequences [Internet]. Migration Observatory. [cited 2018 Jan 25]. Available from: <http://www.migrationobservatory.ox.ac.uk/resources/briefings/who-counts-as-a-migrant-definitions-and-their-consequences/>

¹⁸ Refugee definition - UNHCR|Emergency Handbook [Internet]. [cited 2018 Jan 25]. Available from: <https://emergency.unhcr.org/entry/95331/refugee-definition>

- Internal migration is the movement from one settlement to another within the borders of the same state. The flow of outflows in the case of international migration is called emigration, while in the internal migration is called emigration.

b) Based on the expected length of stay immigration is permanent or temporary.

c) In terms of changing or not changing lifestyle in relation to pre-departure or immigration, it is distinguished in innovative when the migrant's lifestyle it is upgraded (eg a farmer who becomes an industrial worker) and conservative when he does not change lifestyle (eg immigration of nomads).

d) Based on the degree of dependence on nature as a determinant of the decision to flee, migration is distinguished in archaic, because of the exhaustion of (natural or permanent) natural resources and modern, caused by economic reasons.

(e) On the basis of the degree and type of dependence on the country of origin Immigration is divided into a community and a colony.

(f) On the basis of the size of the migratory population, migration is distinguished in an individual (group or individual) when it is the result of a decision by individual individuals or groups and in mass when it is a form of mass movement (eg population exchange, etc.).

g) According to the intention of immigration, there are three (3) individual forms of this, the voluntary, the forced and the violent. ¹⁹

Asylum seekers: The term "asylum seeker refers to a person who applies for refugee status in another country, usually due to a justified fear of persecution in his country of origin because his life and freedom are threatened by armed conflict and violence". The countries that receive the highest rates of asylum seekers are countries in Western Europe and North America, mostly wealthy. In several cases, asylum applications are also submitted by people residing in the country who are studying, have business, or

¹⁹ Bell S, Alves S, Silveirinha de Oliveira E, Zuin A. Migration and Land Use Change in Europe: A Review. Living Reviews in Landscape Research [Internet]. 2010;4. Available from: <http://lrlr.landscapeonline.de/Articles/lrlr-2010-2>

are economic migrants. This number, therefore, of asylum seekers is much higher than the number of people who come or seek refugee status. Each country, depending on the immigration policy it follows, handles the asylum procedure differently. Many requests, therefore, filed may be from people who wish to move to another country for economic reasons, but have no other way to secure entry into the country. The category of "asylum seeker" that we encounter in Greece is relatively unclear, since this category includes people who will be described as refugees, some will be rejected and others will be given a residence permit, even if they are not given the refugee status. Until their request has been examined, those who have applied for asylum must be protected from the principle of refoulement, meaning that states are forbidden to force asylum seekers to return to their country as they may be at risk. Throughout the procedure, the asylum seeker is required to remain at the place of residence declared or designated. In case of arbitrary removal, the procedure for examining his application is interrupted by decision of the Secretary General of the Ministry of Public Order, which is notified to the person concerned as an unknown residence. Legislation also provides for the detention of asylum seekers as a last resort, but this cannot be a generalized practice and applies only when it is judged necessary, reasonable and proportionate to the aim pursued in accordance with international standards. Any decision to detain should be based on an individualized judgment of each case.²⁰

1.4. The Case of Syria

Syria, historically, may be the only country in the world that has received so many refugees and immigrants. For example, he welcomed the Caucasus Caucasus from the 19th century, Turks, Armenians because of massacres during World War I, Greeks of Asia Minor 1922, Palestinians of 1948 and 1967, Kurdish refugees in various periods due to persecution from neighboring countries, Kuwaiti due to the invasion of

²⁰ What is an asylum seeker? - The Truth About Asylum - Refugee Council [Internet]. [cited 2018 Jan 26]. Available from: https://www.refugeecouncil.org.uk/policy_research/the_truth_about_asylum/the_facts_about_asylum

Saddam Hussein in their country in 1990, Iraqi refugees in 2003, Lebanese in 2006 due to the war with Israel.²¹

The violent governmental military measures of the Assad regime caused the escape of about 5 million people outside the country and 6 within, due to the day-to-day bombing of urban centers that escape control of the regime, with powerful missiles and barrels filled with explosive dangerous materials. The chances of a man living in the bombed areas stand at zero. Thus, the crossing of the sea to Europe puts them at risk with half the chances of drowning and half surviving. Recent German statistical offices have shown that 70% of Syrian refugees are fleeing their country because of the regime. Moreover, the involvement of regional and international forces in Syria and their indifference to the threat to ordinary people has aggravated the situation.²²

The continuation of the Syrian crisis has brought other effects, such as the emergence of international networks of traffickers from many different nations. Some members of the gang-traffickers, seeking more economic gains, did not suffice to move refugees and also expanded into organ trafficking, exploiting the ignorance of some refugees.



Picture 1, Syria 2015

²¹ Quick facts: What you need to know about the Syria crisis | Mercy Corps [Internet]. [cited 2018 Jan 27]. Available from: <https://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis>

²² Quick facts: What you need to know about the Syria crisis | Mercy Corps [Internet]. [cited 2018 Jan 27]. Available from: <https://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis>

1.5. Greece as a host Country for Immigrants

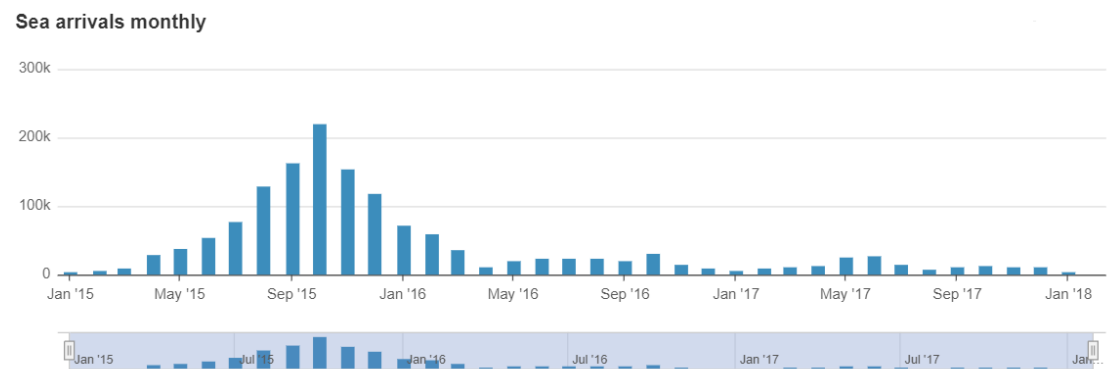
As a result of international politics, the refugee issue has become one of the greatest dramas of human history. Since 2001, the flammable issue has grown dramatically, as western invasions in Afghanistan and Iraq have displaced millions of people and the ongoing war in both countries directs the flow of refugees to Europe. Thus, states with economic crisis, such as Greece, were faced with thousands of refugees. Greece has traditionally been and is a migrant country since its beginnings century and until the 1960s, while from a sending country gradually changed from the mid-1980s to a host country of immigrants. It is a pole of attraction people from Mediterranean countries (Morocco, Tunisia, Lebanon), from Africa, Asia, Eastern and Central Europe such as the former Yugoslavia, Poland, Albania and other countries of the former Soviet Union. It could be mentioned, therefore, that Greece since the 1990s was a country with a triple status. In particular, it was the country of mission, reception and transit of immigrants, who had a final destination for other states.²³

The arrival of migrants in Greece was increased for a variety of reasons, such as the geographical location of the country, the morphology of the land because it is easy to approach the coastline of the islands, the large size of the black economy, and the relative weakness of the country in controlling its borders. The socio-political changes that have transformed Greece into a host country for migrants and refugees have created a number of problems, since Greece was unprepared to manage the large wave of immigrants arriving in the country. Greece did not have for years the necessary structures and conditions for the smooth integration and integration of immigrants. Even the policies promoted and promoted to date seem inadequate to address issues that have arisen in recent years, such as the safeguarding of the human rights of displaced people, social exclusion, and so on.²⁴ And this is our question here.

²³ IOM Greece [Internet]. International Organization for Migration. 2016 [cited 2018 Jan 27]. Available from: <https://greece.iom.int/en/iom-greece>

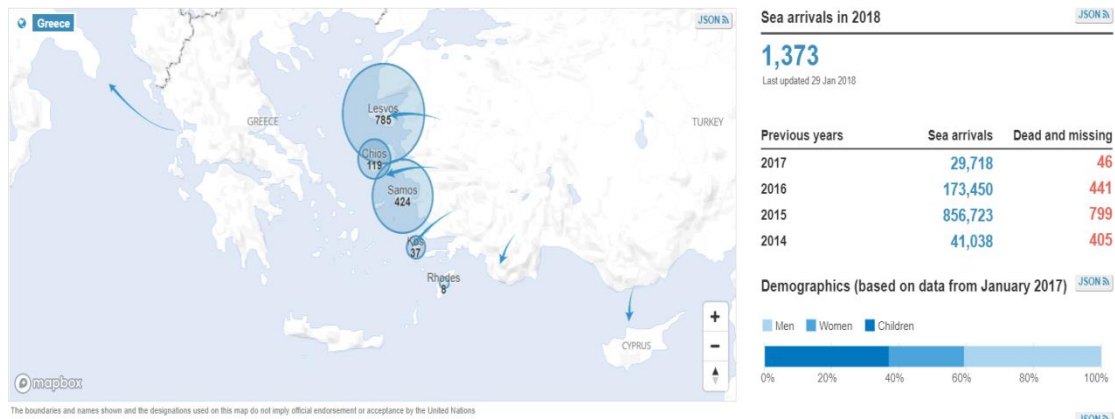
²⁴ Economy, migration, Greece and Europe, Nikos Konstandaras | Kathimerini [Internet]. [cited 2018 Jan 27]. Available from: <http://www.ekathimerini.com/224262/opinion/ekathimerini/comment/economy-migration-greece-and-europe>

Every state is planning and implementing its own social policy. The design of civil society policy is in line with the values, principles and procedures that are considered to promote their well-being. Migration is a constantly changing phenomenon, whose social dimension is included in the social policy of the state. The distinction of the phenomenon into different categories based on criteria also determines the type of immigrant entering a country and leaving another. Each country follows its own immigration policy, which is specifically called immigration policy. Additionally, it is a global phenomenon, which appears strongly in the 19th century. Greece has been called upon to tackle the immigration issue since the late 1980s and to manage the large migratory flows that have so far arrived in the country.²⁵



The last years in Greece, the flows of immigrants and asylum seekers are huge. 851.319 persons arrived in Greece according to UNHCR data in 2015 and only in October 2016, 211.633 have arrived in Greece. Those numbers are the start point to understand the huge problem those people are facing in Greece. Another huge number is that only in Lesbos, the main receiver island, in 2015, 500.018 have arrived and the island and government had to deal with them.

²⁵ IOM Greece [Internet]. International Organization for Migration. 2016 [cited 2018 Jan 27]. Available from: <https://greece.iom.int/en/iom-greece>



In Greece, European aid of € 481.9 million to tackle the Egyptian and humanitarian crisis has reached the country in early 2015, out of a total of € 1.059 billion committed by 2020²⁶. For refugee issue, the country is entitled to € 509 million under the national programs for the seven-year period 2014-2020. In addition, from the beginning of 2015 it received extraordinary assistance amounting to EUR 352 million. Both the national programs (€ 509 million)²⁷ and the emergency aid (€ 352 million) are available through the TAMA and the Internal Security Fund (TSA). Beneficiaries of fundings are the Greek Authorities (a total of 178 million have already been approved in ministries, police, coastguards, first-line services), as well as international and European organizations and NGOs (a total of 175 million have already been approved by the UN High Commissioner for Refugees, the European Asylum Support Office, the International Organization for Migration, etc.).

²⁶ Iskra. Πόσα λεφτά πήρε η Ελλάδα για τους πρόσφυγες; Που πήγαν; Η μερίδα του λέοντος στις ΜΚΟ [Internet]. iskra. 2017 [cited 2018 Mar 14].

²⁷ European Commission - PRESS RELEASES - Press release - Η ΕΕ χορηγεί 83 εκατ. ευρώ για τη βελτίωση των συνθηκών διαβίωσης των προσφύγων στην Ελλάδα [Internet]. [cited 2018 Mar 14]. Available from: http://europa.eu/rapid/press-release_IP-16-1447_el.htm

Chapter 2: Migration Policy

2.1. The Geneva Convention

According to the 1951 Geneva Convention, a refugee is a person outside his or her country of origin or place of residence, he has a justified fear of persecution on the grounds of race, religion, nationality, membership of a particular social group or political opinion, and of the fear of persecution is unable or unwilling to enjoy the protection or return of that country. The refugee, who applies for recognition of his refugee status and until the final decision on him, is termed as an "asylum seeker" under international law. It's the first international agreement covering the most essential aspects of refugee life. It sets out a set of fundamental human rights which must be at least equal to the freedoms enjoyed by foreign nationals of a country or, in some cases, by the citizens themselves. It recognizes the international scope of refugee crisis and the importance of international cooperation, including the joint participation of states in the settlement of the refugee problem. It lists the rights of the refugee, including freedoms such as religion, movement, freedom, education, possession of travel documents, working capacity and highlights his obligations or refugee to the host country. An important provision defines the non-return of the refugee - the legal term is non-refoulement - to a country where there is a fear of persecution.²⁸

During the 67 years since the adoption of the Fourth Geneva Conventions of 1949, mankind had the alarming experience of many armed conflicts affecting almost all continents. During this period, the Convention and the Additional Protocols of 1977 provided legal protection to persons who were not directly involved in or involved in hostilities (injured, sick and shipwrecked, persons deprived of their liberty on grounds of armed conflict and citizens). Nevertheless, there have been numerous violations of these conventions, causing pain and death that could be avoided if international law was respected. The general view is that violations of International Law are not due to

²⁸ Refugees UNHC for. The 1951 Refugee Convention [Internet]. UNHCR. [cited 2018 Jan 27]. Available from: <http://www.unhcr.org/1951-refugee-convention.html>

the inadequacy of its rules. On the contrary, they come from their reluctance to respect the rules, inadequate means of enforcing them, the uncertainty about their application in some cases and the lack of information from political leaders, rulers, fighters and the general public.²⁹

The foundations and first steps in the creation of International Humanitarian Law are due to Henri Dunant. Henri Dunant experienced the death of thousands of helpless people by accidentally passing through the field, where the battle of Solferino had just taken place. The tragic consequences of this battle, as recorded by him, in his book, "A Recollection from Solferino," led Dunant to make the first private humanitarian organization called "International Committee for the Relief of Traumas" - which later was renamed the International Committee of the Red Cross (ICRC), which resulted in the establishment of the Red Cross in 1863. The Swiss Government, at the instigation of the five founding members of the ICRC, convened the Diplomatic Conference of 1864, to which 14 countries and the work of which led to the signing of the Geneva Convention of 1864 on "Improving the Condition of Wounded Army in the Field of Battle" August 1864), which included only ten parts.³⁰The four Geneva Conventions of 1949 constituted a set of rules that seemed to cover the needs of an armed conflict so far. However, with the development of the means and the way in which hostilities arose, the need arises for the creation of a new framework of international conventions which led, after about two decades, to the convening of a new Diplomatic Conference, also in Geneva, the result of which was the adoption in 1977, two additional protocols supplementing the Geneva Conventions of 1949.³¹

²⁹Henckaerts J. M., 'Study of International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict' (2005) 87(857) International Review of the Red Cross 175, Leve H S, 'History of the law of war on land' (2000) (838) International Review of the Red Cross.

³⁰ International Committee of the Red Cross: 'A Memory of Solferino', available at <https://www.icrc.org/eng/assets/files/publications/icrc-002-0361.pdf>

³¹Geneva Conventions and Commentaries [Internet].International Committee of the Red Cross. 2014 [cited 2017 Jul 2]. Available from: <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

Thus, with the signing of the two Additional Protocols of 1977 and the completion of the Geneva Conventions of 1949, a significant corpus of principles and rules, that of IHL applicable to armed conflict, which dictates the behavior of the parties during an armed conflict, both in terms of limiting the means and methods of hostilities, and in relation to the protection of victims of armed conflict, whether militants or civilians or prisoners.³²

- **The Geneva Convention of 1864:** The Geneva Convention of 1864 was the first international treaty of humanitarian law. This treaty was signed by 16 countries, containing 10 articles, recognizes the Red Cross symbol and protects health workers in battlefields. In this treaty, representatives from 16 countries agree on 10 articles to protect the injured in the battlefield. The main points of the articles concern the protection of injured and sick people and the neutrality and immunity of medical staff. Also, in this treaty we have the founding of the Red Cross movement and the institutional enslavement of the Red Cross emblem on a white background.³³
- **Four Geneva Conventions of 1949:** The foundation of modern humanitarian law comes with the four Geneva Conventions in 1949. These conventions aimed at improving the situation of the injured in battlefields, improving the situation of injured and changes in the sea, treating prisoners of war and protecting civilians in time of war. In addition to these conventions, the two additional protocols relating to international armed conflicts and non-international armed conflicts come in 1977.

In any case, a distinction must be made between civilians and combatants, and military operations have only military objectives. The civilians must live as normal as possible. They must be protected from murder, torture, pillage, retaliation, indiscriminate destruction of property and hostage. Their honor, family rights and

³²Geneva Conventions and Commentaries [Internet]. International Committee of the Red Cross. 2014 [cited 2017 Jul 2]. Available from: <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

³³International Committee of the Red Cross: 'A Memory of Solferino', available at <https://www.icrc.org/eng/assets/files/publications/icrc-002-0361.pdf>

religious beliefs and practices must be respected. The occupation forces must ensure and allow the safe passage of food and medical supplies and the establishment of a hospital and safe zones for injured, sick, elderly, children, Pregnant women and mothers with young children. This Convention provides for special protection for women and children. The nursing staff caring for these people is respected and protected.

2.2. The Maastricht Treaty

The Maastricht Treaty which, although it has declared asylum and immigration as a "common interest" and placed them in the third pillar of the Community, has unfortunately been degraded by the Member States themselves, which, using their right of veto and promoting their national policies, have systematically hampered the corresponding Union.³⁴

2.3. The Schengen Agreement

The Schengen Agreement went into effective application only in 1995, creating the Schengen Zone and incorporated into the EU legal framework with the Amsterdam Treaty in 1997. The Schengen provisions provide for a common asylum policy for the Member States that have entered it, a common list of countries requiring a visa to enter the Zone and, of course, the free movement of nationals of the Contracting States member States, with completely typical controls. Then, in 2006, the European Parliament and the Council decided, by Regulation 1987/2006 / EC, to establish a second-generation Schengen Information System, which replaced the previous one as more sophisticated, flexible and effective.³⁵

³⁴ The Treaty of Maastricht or the European Union (1992) - The history of the European Union and European Citizenship [Internet]. [cited 2018 Jan 27]. Available from: <http://www.historiasiglo20.org/europe/maastricht.htm>

³⁵ The Schengen Agreement: Countries, Map and the Definition [Internet]. Schengen VISA Information. [cited 2018 Jan 27]. Available from: <https://www.schengenvisainfo.com/schengen-agreement/>

2.4. The Treaty of Amsterdam

The Treaty of Amsterdam, which came into force in 1999, has given a new impetus to the communitarisation of immigration policy, and is still a cornerstone of immigration procedures. With the abovementioned Treaty, it was decided for the first time to harmonize the policies of the Member States in the areas of asylum, immigration, external border controls and judicial cooperation in the urban sphere. Of particular importance is also the possibility given to the Council to take additional measures in the areas under consideration. The Exclusion Clause of course, provided for in the Treaty itself, has allowed some countries (eg the UK) not to participate in part or all of its content. The Treaty of Amsterdam launched actions on policies in the fields of control, reception and integration of migrants.³⁶

2.5. Conclusions of the Tampere European Council

In the 1999 Tampere Conclusions, the European Council also stressed the great importance attached to protection in the process of harmonizing asylum, reaffirming "the importance that the Union and the Member States attach to full respect for the right to seek asylum" and "Agreed to establish a Common European Asylum System, based on the full and complete application of the Geneva Convention".³⁷

2.6. Charter of Fundamental Rights of the EU – FRONTEX

In 2000, the Charter of Fundamental Rights of the EU was adopted in Nice, although it is not binding, it records the fundamental rights of European citizens as well as of legal immigrants. (Article 1), the prohibition of torture (Article 4), the right to liberty and security (Article 6), the right to asylum (Article 18), the prohibition of

³⁶ EU: Amsterdam Treaty - Migration News | Migration Dialogue [Internet]. [cited 2018 Jan 27]. Available from: <https://migration.ucdavis.edu/mn/more.php?id=1553>

³⁷ Conclusions of the Tampere European Council (15 and 16 October 1999) [Internet]. CVCE.EU by UNILU. 2012 [cited 2018 Jan 27]. Available from: https://www.cvce.eu/en/obj/conclusions_of_the_tampere_european_council_15_and_16_october_1999-en-32135242-b375-47fe-adb4-e02ab2432945.html

discrimination (Article 21) and respect for cultural, religious and linguistic diversity (Article 22).³⁸

The European Agency for the Management of the Union's external borders, known to us all as "FRONTEX", was set up in 2004. FRONTEX facilitates cross-border control, provides professional know-how and assists Member States whenever required under the circumstances.³⁹

2.7. Treaty of Lisbon

The Treaty of Lisbon (Treaty on the Functioning of the European Union) was entered in 2009. Articles 78 and 79 of the TFEU address the issue of immigration policy, defining at EU primary law the development of a common policy on asylum and immigration. Article 78 TFEU refers to the area of asylum, subsidiary and temporary protection of those in need of international protection, in accordance with the principle of non-refoulement. Article 79 refers to the creation of a common immigration policy which will promote and ensure the effective management of migration flows, the fair treatment of third-country nationals, the prevention of illegal immigration and the fight against trafficking in human beings.⁴⁰

2.8. Dublin III Regulation

Dublin Regulation (604/2013 / EU) establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. The Convention was created to reduce the movement of asylum seekers within Europe and to avoid asylum shopping, that is to say, the

³⁸ What is the Charter of Fundamental Rights of the European Union? | Equality and Human Rights Commission [Internet]. [cited 2018 Jan 27]. Available from: <https://www.equalityhumanrights.com/en/what-are-human-rights/how-are-your-rights-protected/what-charter-fundamental-rights-european-union>

³⁹ Frontex | European Union Agency [Internet]. [cited 2018 Jan 27]. Available from: <http://frontex.europa.eu/>

⁴⁰ The Lisbon Treaty and the Future of European Immigration and Asylum Law: EU Migration Law - oi [Internet]. [cited 2018 Jan 27]. Available from: <http://oxfordindex.oup.com/view/10.1093/acprof:oso/9780198708537.003.0002>

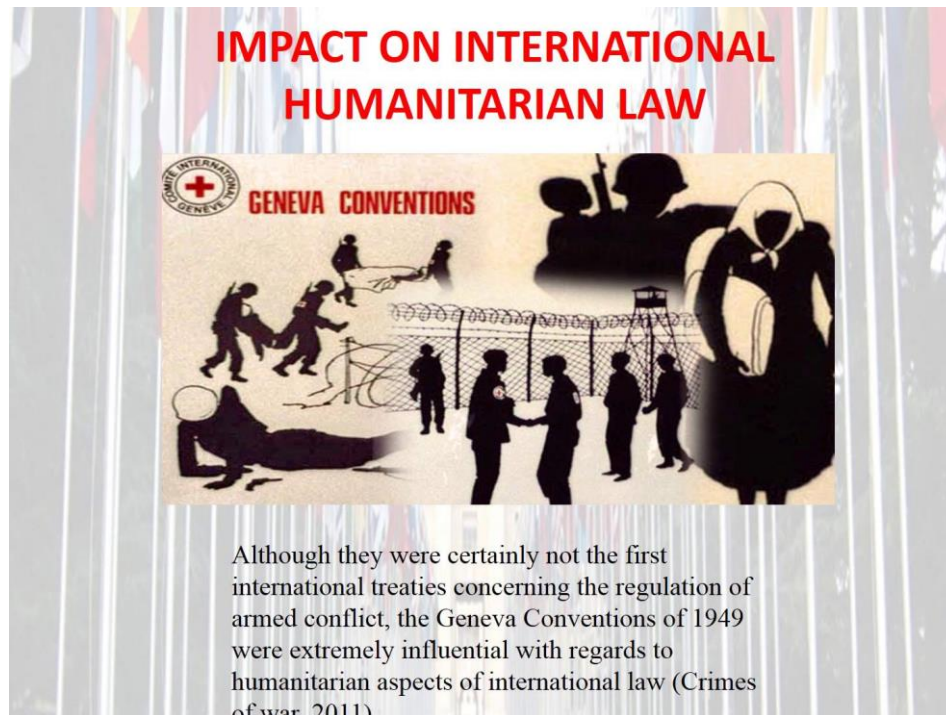
country's preference requests for a particular country, since within the framework of the Convention the States acknowledged the importance of recognizing a right to asylum, however, argued that the applicant should only have the right to seek international protection and not to express a specific preference as to which country he would prefer to offer him such protection. Following the enormous immigration crisis of recent years, a proposal for a revision of the Rules of Procedure was tabled as early as May 2016 and discussions have continued since then.⁴¹

2.9. International Humanitarian Law

The International Humanitarian Law is a set of rules aimed at limiting the impact of armed conflicts on citizens. It protects people who are not or no longer participate in hostilities and limit the means and methods of wars. It is important to distinguish between international human rights law and IHL. There are different legal systems and, while the primary purpose of both is the protection of individuals, there are significant differences between them. IHL is applied in periods of armed conflict and occupation to mitigate the inconvenience caused by the war and fill the need to protect those who have fallen into the hands of opponents. The primary objective of IHL is to preserve the fundamental rights of injured, sick and naval combatants, prisoners of war and civilians. Conversely, the Human Rights Law applies to all persons under the jurisdiction of the State concerned in a period of peace and armed conflict. It is primarily concerned with protecting citizens from government violations of their internationally recognized individual, political, economic, social and cultural rights. The two regimes also differ in regulatory content, which refers to the procedure or even the possibility for offenders to seek legal protection, compensation and anything else that results in a violation of their rights. Human rights provide for the possibility of recourse to judicial bodies for the purpose of claiming compensation or even the possibility of conducting an investigation which will specify in each case the factual and factual circumstances of the case not foreseen by the IHL, a few

⁴¹ What is the Dublin Regulation / Open Migration [Internet]. [cited 2018 Jan 27]. Available from: <http://openmigration.org/en/analyses/what-is-the-dublin-regulation/>

exceptions. Therefore, although they are distinct, the two sets of rules can also be applied in the same case..⁴²



2.10 EU – Turkey Statement

“In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey today decided to end the irregular migration from Turkey to the EU.”⁴³ Started to be applied from 20th March 2016, and it is not even divided in articles. They only mention the goals that EU and Turkey are going to reach. Among the other things it states that all the irregular persons will be turned back to Turkey from the 20th March and on. And for every Syrian arrived illegally to Greece and will be send back to Turkey, another Syrian will be resettled back to Europe. That requires big amount of money and easy access to visa documents.

⁴² What is international humanitarian law? [Internet].International Committee of the Red Cross. 2014 [cited 2017 Jul 2]. Available from: <https://www.icrc.org/en/document/what-international-humanitarian-law>

⁴³ EU-Turkey statement, 18 March 2016 - Consilium [Internet]. [cited 2018 Jan 31]. Available from: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

Chapter 3: Violation of Human Rights

3.1. The starting point

Let's start from the main and basic point: No one wants to leave their country in the first place. People are forced to do it either because their dreams are really big, and they cannot fulfill them there, as Kotty said, either because of Political reasons, as A.Z. or in general because their lives are in danger. This is not an easy process. A.Z⁴⁴ came legally to Turkey because he had passport and they did not need visa but then he chose to come illegally to here from Iran. It was not safe in turkey for him. It was an Islamic government close to Iran's government. He was part of the Anti-Islam regime and that's why he left. This was the worst title for an Iranian person and of course, very dangerous. He was really religious, when he was 11-18 and he was studying Coran but then he stopped. He won many competitions about memorizing Coran because he had a nice voice. Now he came here, alone, and was forced to leave behind all his family. "I had a life back then, now I have to build everything from the beginning", admits.



Picture 2, Lesvos Island

⁴⁴ A.Z. came to Greece in 18/10/16. He is male, 24 years old, from Iran. He is officially Refugee, but he passed through a lot. Now he is working in one of the biggest NGO's in Greece, gained a scholarship for Studies and becoming assistant teacher in Greek. He is also a guitar teacher and established a music school that it is still the best activity in Samos. Back in Iran he had his own bookstore, and already had gained his bachelor's in petroleum engineering. Moreover, in Greece, he has worked as an interpreter and already had courses to improve his English.

Kotty, by other hand, is an immigrant, 29 years old from Egypt. He left his country 7 years ago, for a better future, he could not use his qualifications. “3/10/2016. Thursday. It was the day that I arrived in Greece, legally unfortunately.”, he said. “There are lots of issues about residence permit and work permit, problems for legalizing my school degree.” He came here for an easy license and with only purpose to study⁴⁵. Additional, from my personal testimonies that I have received, many refugees are arriving here via turkey, by paying smugglers to put them on boats. The prices are different according to if it is summer or winter and the boat capacity. 300 to 1000 euros from Izmir to the borders of Greece. “Turkey is EU, Greece no.”, is their first impression. Most of them, they left Turkey because they did not have guaranty of their human rights there. But in the end... all are disappointed and depressed. Even a smuggler in Samos, forced a lesbian couple girl that did not have 2000 to leave the country for Italy, to have sex both of them with an important agent of a huge international organization so they can leave the country. That girl told me their story.

3.2. Migrant populations and social exclusion

In Europe today, many migrants, asylum seekers and refugees face very difficult situations and see their basic rights and dignity being violated daily. Refugees and asylum seekers are often forced to leave their homes, their countries and their families to be saved from war, persecution or complete lack of security. Although the overwhelming majority of refugees in the world do not seek asylum in Europe, some individuals and groups do so. The cultivation or persistence of feelings of nationalism and xenophobia, or just the concerns of xenophobic politicians, have led many governments to adopt very strict measures in the direction of asylum seekers, mainly to ensure that they do not reach their territory.⁴⁶

⁴⁵ Kotty, 29 from Egypt, he had studied History (North and Middle Africa), network Association Engineer and now he is studying Aircraft engineer. He is also working as an interpreter and filming a documentary about violence against women.

⁴⁶ Horn H. Refugee Crisis: Which European Countries Are Most Xenophobic? - The Atlantic [Internet]. [cited 2018 Jan 25]. Available from: <https://www.theatlantic.com/international/archive/2015/10/xenophobia-eastern-europe-refugees/410800/>

Asylum seekers and refugees are a particularly vulnerable target group whose status is defined and protected by the 1951 Geneva Refugee Convention. Most European countries currently have legislation allowing them to be detained at airports and police stations of the borders, often without any respect for their rights. The expulsion of immigrants and asylum seekers who see their application rejected is a common practice and sometimes a form of degrading treatment.⁴⁷

In the European area, the concept of social exclusion is strongly associated with the idea that certain groups of people are deprived of the use of their social rights. This term is linked to key institutions set in society, with a basic standard of living and employment opportunities.⁴⁸

Social exclusion and poverty are some of the most serious offenses against human dignity and social justice. Today, the refugee issue, unlike the past, is affected by various factors, such as religion, color, origin, money, propaganda, and nationalist tendencies. For example, European nationalist movements are trying to exploit the refugee to increase their influence and their seats in the national parliaments, while at the same time some European governments have lost significant proportions of voters because of the refugees.⁴⁹

All immigrants, regardless of status, have human rights, which must be respected. The minimum standards to be guaranteed by States include protection against torture and inhuman or degrading treatment, protection from slavery and forced labor, respect for the right to asylum and non-refoulement, rights to employment, such as fair wages, reasonable working conditions and access to legal remedies to defend rights, and the right to education for all children.

⁴⁷ Compass [Internet]. [cited 2018 Jan 25]. Available from: http://www.eycb.coe.int/compass/en/chapter_5/5_4.html#5

⁴⁸ Migration Fact Sheet – Poverty and Social Exclusion | Social Platform [Internet]. [cited 2018 Jan 26]. Available from: <http://www.socialplatform.org/documents/migration-fact-sheet-poverty-and-social-exclusion-2/>

⁴⁹ Το Προσφυγικό ζήτημα: Μια διαφορετική προσέγγιση [Internet]. HuffPost Greece. 2016 [cited 2018 Jan 27]. Available from: http://www.huffingtonpost.gr/aref-alobeid/-_4748_b_9521404.html

A.Z. Came to Samos illegally in 17/10/2016. The social exclusion was only from the locals. “Although they had a great business because of the Refugees, they did not want us in the bars. What is a refugee doing here, they used to say.” But he also has a lot of friends, added, “Melina & Kyriakos helped me a lot with everything, Lawyer my health, I have Greek friends but not from the island”. Silvia added, they did not want to listen to Arabic, one guy came out from his bar threatening them and said to people staying in the main square and having fun “Stop talking Arabic, I do not want to listen to and go away and go back to your countries.” Kotty remembers something that made his friends really embarrassed, “I was always wearing nice clothes and then everything was normal, but when I was wearing bad and old clothes, those days everyone was noticing of my skin color and looking at me with a really not nice way.” And this happened to Athens, Greece.

3.3. Racism

An interdependent phenomenon with social exclusion, which affects the displaced population and the various aspects of living and joining the host country, is racism. The international human rights legal framework contains international instruments to combat specific forms of discrimination, including discrimination against indigenous peoples, migrants, minorities, people with disabilities, discrimination against women, racial and religious discrimination, or discrimination based on sexual orientation and gender identity⁵⁰. The concept of racism comes from the word "breed" which means gender, race. The concept of breed has a history of at least four centuries, unlike racism that first appeared only in the interwar period and acquired later "the warlike character with the aim of the doctrine of racial inequality of the people". Racism is to consider another group of people as inferior or inferior even despicable, because of their racial or ethnic origin. Racism equals the rejection of individuals because of their diversity, which pressure leads to the inability to exercise certain rights. It is "any

⁵⁰ <https://www.un.org/ruleoflaw/thematic-areas/human-rights/equality-and-non-discrimination/>

attitude, behavior or belief that is directed against a social group due to the ethnicity, race or color of its members.”⁵¹

Unfortunately, everyone had to say an example of racism or even more. Silvia⁵² says, “there was a protest organized by some racists, and they called the asylum seekers telling them to come and protest with them for their rights, but they actually let them keep placates saying “Refugees should be back to their countries.”” Also, in Khios island a woman stated that “There are only Africans in my island, not refugees.” Katerina⁵³, a Red Cross volunteer in Lesvos. added, “If it is something that I will definitely remember, it is the gaze of the locals when they see us walking in the city along with the refugees. For them it was like there were criminals next to us who have come to mess with their place. And why we "the better people" were next to them. This is how racism has been created and continues to feed itself. The thought that we are better than others dominated and existed enormously on the island. and not only.” Kotty, describes one day that he was going out with a friend of him and an old lady said, “why is you going out with that black guy?” but also a more serious incident with a Portuguese famous teacher that although he was first on his class and seminar, the teacher did not pass him and said to his face: “I hate you, I don’t like Muslims. You are the source of everything evil in this world.”

3.4. Accommodation

Accommodation is one of the basic human rights and must be ensured in every way by every country in the world for its citizens. “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or

⁵¹ Ozimek A. Racism, Xenophobia, And Immigration [Internet]. Forbes. [cited 2018 Jan 25]. Available from: <https://www.forbes.com/sites/modeledbehavior/2016/07/31/racism-xenophobia-and-immigration/>

⁵² Silvia Guillini, 26 Italian. She is Member of the Bureau of the EU MIGRATION FORUM, an Advocacy Officer in Generation 2.0 RED and one of the best researcher about migration.

⁵³ Katerina Katsarou is a Red Cross Volunteer for 7 years with a huge background in refugees. She also has a master in International Medicine and Health Crisis Management. She is an instructor in R.C. and works in the humanitarian field.

other lack of livelihood in circumstances beyond his control".⁵⁴ The living conditions of immigrants and refugees depend on their integration into the host country and their classification as "legal or irregular", which puts them in the process of social inclusion on different criteria than those described as "Irregular immigrants". The Greek authorities have managed the unprecedented refugee flows in the country by creating as soon as possible host structures and removing the places where refugees and migrants found shelter accommodation. Within a short period of time people from squares and parks were transferred to organized structures, but also from the impoverished and inappropriate camps that had been created on the northern border of the country, in the wider Edomeni area where they stayed in unacceptable conditions 10,000 people⁵⁵. In addition to state-owned hosting structures, which are gradually upgrading to islands and the hinterland, there are also UNHCR hosting facilities as well as other NGOs (apartments, hotels, hospitality in families, hosting and resettlement facilities). From the other hand, immigrant residences have several common features, as the majority resides in apartment blocks and apartments on the first floors, with a significant number of migrants staying in basements here in Greece. ⁵⁶ The reasons for setting up immigrants in this type of housing are directly related to their efforts to secure low rents, given the difficult economic situation they may face. The housing conditions of immigrants are often inappropriate, with people stacked in poorly maintained apartments, others find shelter in abandoned buildings, extremely unsuitable for permanent and human residence, and others to remain homeless. Of migrants, only refugees and asylum seekers have the right to temporary housing, but without the existing infrastructure being able to meet as necessary the large needs arising. ⁵⁷

⁵⁴ <http://corteidh.or.cr/tablas/r31406.pdf>

⁵⁵ προσφυγική κρίση | Ελληνική Κυβέρνηση [Internet]. [cited 2018 Mar 15], https://government.gov.gr/wp-content/uploads/2017/04/gr_fact_sheet_refugee_print_19_01_2017-2.pdf

⁵⁶ Types of accommodation - Greece | Asylum Information Database [Internet]. [cited 2018 Jan 26]. Available from: <http://www.asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation>

⁵⁷ Βαφειάδης ΜΧ, Vafeiadis ΜC, Ταβλαδωράκης ΜΚ, Tavladorakis ΜΚ. Σύστημα μονάδων υποστήριξης μεταναστών – προσφύγων: Η περίπτωση του Μεταξουργείου. Immigrants' and refugees'

In addition, another housing problem faced by immigrants is that many people do not want to rent their apartments to immigrants, and claim that the house was rented in order to avoid them. Some owners claim insecurity and fear, believing that because of their professional instability they will not be able to pay the rent or will not keep the building in good condition. Still, it is common for owners to face problems with other owners or occupants of apartment buildings in order not to rent their apartment to a migrant.⁵⁸



Picture 3, Samos Camp “After a fight”

More specifically in Greece it is noted that Greek legislation does not pay attention the registration of refugees and homeless migrants. The conditions for refugees are too difficult. There are insufficient appropriate structures and deprived of the right to apply for housing if they have not applied for asylum and have not obtained the

support unit system: The case of Metaxourghio [Internet]. 2012 May 8 [cited 2018 Jan 26]; Available from: <http://dspace.lib.ntua.gr/handle/123456789/6258>

⁵⁸ Έμκε - Πουλοπούλου, Ήρα. Η μεταναστευτική πρόκληση - Αθήνα : Εκδόσεις Παπαζήση, 2007

special asylum application form, which, according to the bureaucratic delays, the asylum seeker has difficulty acquiring. In Greece, structures are insufficient to meet the needs of men and women of refugees and minors. Until 2013, there were only eighty eighty-nine hospitality sites for unaccompanied minors and their families, which were created mainly by NGOs. UNHCR is calling on the Greek Government to continue easing pressure on Lesbos, Chios and Samos, by further shortening procedures for people eligible to move, and urgently improving conditions for those who continue to stay⁵⁹.

In the camps, due to the amazing flows and the people being stuck in the islands, “the prisons as they use to say”, the camps ending up being overcrowded and of course, Lack of basic human rights. “Many persons live outside the hotspots in some cases, the people are 3 times bigger than the capacity of a camp (picture). “There is also lack of basic infrastructure such as electricity” says Silvia, “Many parts of the camps they do not have electricity at all. And they were forced to steal electricity from the cables in the streets. But if police find out, they cut the cables.”

14 January 2018, official data Greek State

Hotspot	Number of persons in the hotspots	Max capacity in the hotspots
Lesvos	5445	2330
Chios	1623	894
Samos	2603	700
<u>Leros</u>	604	880
Kos	670	772
TOT	10945	5576

In this point people have a lot to say. My personal experience in Piraeus port, there were a lot of people, packed inside a build, there was not even a route to pass through

⁵⁹ Situation Mediterranean Situation [Internet]. [cited 2018 Jan 30]. Available from: <http://data2.unhcr.org/en/situations/mediterranean>

them and many of them leaving outside in tents, including babies, sick people, families. In Samos the situation is even worse as A.Z. describes. "Terrible. I was in Samos, first night I stayed outside the camp and then they gave me a tent. In Samos camp, at Vathi, there were 3 times more people than the capacity. It should have been 800 people and they were 3000. Completely dirty and surrounded by rubbishes. They offered me some second-hand clothes, blankets. It was the first time in my life that I was wearing second hand clothes. It was winter, and my tent had water. I lost all my books. There were those Algerian and Arabic people, getting drunk and they did not let others sleep. They were shouting. We were 2 people in one tent person. There was no other choice, guys were snoring. It was awful." "I survived because of Kyriakos", A.Z. added, "I met Kyriakos at the concert I made. I paly guitar, I was a teacher back in Iran. After 3 months in the camp, I moved with him, he was a teacher and helped me. It was raining, it was cold and he took me at his house. But every day I was going to the camp. Walking to camp everyday by foot half an hour in the hill, bring exhasustion" Another story, from a young Moroccan girl that left Samos. She left Samos for cleaning issues. UNCHR did not offer an apartment here, so she lives in a shared apartment, with one Greek girl with her boyfriend and another Greek guy. She is sharing the living room for 70 euros. One uncle was sending her money for a long time, but now her girlfriend is sending money to her. But the living conditions are awful, the boyfriend of her flat mate works in Solidarity Now, and he was sexually harassing her, and he raped her. When she said that she is going to tell that to her flat mate, he is threatening her that they will kick her out of the house and will be in the streets.

Pictures from Samos Camp (4-11)







3.5. Nutrition

Another problem, vital to the traveling population, is that of feeding. The International Covenant on Economic, Social and Cultural Rights recognizes the "right to an adequate standard of living, including adequate food", as well as the "fundamental right to be free from hunger"⁶⁰. The immigration policy of each country and its implementation greatly impedes the lives of migrants and refugees and basic fundamental rights seem to be undermined. Although the Greek government and E.U. tried to give food to each and every one of the refugees, still there is a lack of quality that leads to food that cannot be eaten. With public services lacking in the social care of feeding immigrants, there are many initiatives of active citizens who, with solidarity kiosks, help feed immigrants and refugees, as well as NGOs who also try to cover their livelihood needs as much as possible. ⁶¹

⁶¹ The Nutrition Situation of Refugees and Displaced Persons | ENN [Internet]. [cited 2018 Jan 27]. Available from: <https://www.ennonline.net/fex/2/persons>



Picture 12, Samos Camp

Silvia describes the situation very vivid, “We were told, every refugee registered he is receiving 80-90 euros per months and when that happens they prices (of food) are getting higher. The food is disgusting, in Lesvos it is not enough for everyone and it is also wasted. In Samos, it is only wasted. The food is thrown everywhere, and the camps are turned to be huge landfills. People can’t eat it. They eat it only if they recook it. The chicken has some blood. There is food everywhere. If you provide descent food, they will eat it. But NGO’s not. Refugees must recook the food next to the tents, and it is easy to catch up a fire. To have food in Samos you need a monthly paper, and if the paper was a little bit torn up, the police in some cases destroyed it completely and they said no food for you today. This is clearly an attitude of superiority.”



Picture 13, Samos Camp

A.Z. adds, “The food is terrible, uncooked, raw I had to buy on my own food and I spend all the time there. I had to wait for more than one hour on the line for some potatoes, under the rain etc. I spend 1000 euros for 4 months on food. And the prices at the island was more expensive than normal.” The situation was the same in Piraeus, women, kids, sick people were waiting hours in the que, 3 times per day for food of really bad quality that was not even enough for people. So much money were wasted that could have been used for better food.

Moreover, Katerina explains the exact reactions of the refugees in Lesvos, “One of the biggest problems in the settlements of Mytilene was the feeding of the beneficiaries. There were often complaints from a large portion of them that the food was of poor quality and could not eat it. A good example to believe is that they were coming in front of us and thrown it to the stray dogs of the camp so that we could see with our eyes that they would not even eat it. Most refugees ate from the canteens that had been set up outside the camp, or were trying to make their own meals with their own manufactures.”



Picture 14, Samos Camp

3.6. Legalization Documents

Both refugees and immigrants face a problem in issuing residence and work permits, mainly due to staff shortages and bureaucracy, as well as the large sums of money required and the difficulty of finding some supporting documents. Certainly, even when humanitarian residence permits are granted, the practice of the administration is not to renew the permits after their expiration, a treaty that affects, of course, economic immigrants legally residing in Greece.⁶²

From June 2016 onwards, Greece ranks fourth in several full asylum applications in the EU, while in the first quarter of 2016 the number of asylum applications increased by 132%. More specifically, 36,750 applications were issued from 1.1.2016 to 31.10.2016 when it was only 13,197 applications in 2015⁶³. In addition to those measures, they launched also the Relocation Program which is based on the principles of solidarity and fairness responsibilities between Member States, but relocation systems have not yet been implemented satisfactorily by all Member States. We must therefore, address the following difficulties, such as the insufficient number of

⁶² Έμκε - Πουλοπούλου, Ήρα. Η μεταναστευτική πρόκληση - Αθήνα : Εκδόσεις Παπαζήση, 2007

⁶³ προσφυγική κρίση | Ελληνική Κυβέρνηση [Internet]. [cited 2018 Mar 15], https://government.gov.gr/wp-content/uploads/2017/04/gr_fact_sheet_refugee_print_19_01_2017-2.pdf

positions offered by Member States, the inadequately reasoned rejections of requests, and the low number of salary claims for unaccompanied minors.

But, the tries of the Greek government cannot overcome all the obstacles. In addition to the problems faced by migrant populations in obtaining legitimate documents, including refugees, in particular refugee women are facing discrimination based on gender. In general, the combination of the term refugee and that of a woman is particularly difficult. The refugee woman encountered difficulties in obtaining refugee status, for example when the status was attributed only to the male "leader" of the family. In addition, even if it was able to acquire this status, the host country considered it not as 'useful' or 'productive' as compared to men.⁶⁴ The system work like this, the person should reach asylum service through the skype. But it is very difficult to have an answer, especially if you were not calling as an NGO in 2016. They only offered 3 hours Arabic per week and 1-hour English/French. Plus, the number of persons was enormous and trying to call in the same time, facing internet connection problems and only one computer was replying the calls. There was a complete desperation and it is extremely difficult to be accepted by an organization. They lose their dignity in order to have a chance to have that skype calls by all means, like one guy trying to put fire to himself to get attention or try to corrupt the employees by rings, money etc.

The story of A.Z describes exactly the situation. A.Z. Arrived in Samos, in three weeks he was shocked completely, he did not expect this place and he did not applied for asylum. He never experienced such situation. He was hungry for the very first time and during his life, he was always in cultural environments and then «boom». The phycologist pushed him to apply for asylum, just one month later. Every month he had to renew the card and after 4 months he had the interview. "It was not an easy interview. The lawyer helped me for free, she was working in the camp. Yes, it was difficult and stressful situation. I could not sleep through the night, I had heart problems. There was no information about the situation. I had no good experiences

⁶⁴ Έμκε - Πουλοπούλου, Ήρα. Η μεταναστευτική πρόκληση - Αθήνα : Εκδόσεις Παπαζήση, 2007

with people there. I was keeping track every day what I did and what I was eating just to keep myself in logic.”

Silvia adds, “There is a general lack of information. They do not know why they are here and they are not informed about the procedures, about the interview. They do not even have interpreter during the procedures many time or if they have, he is through skype. By the law you can have a lawyer during the interview but if you ask they will say no. There are few lawyers and too many people. Interviews in some cases where about why they left turkey and not why they left the country of origin and they ask international protection. Or how is the situation in turkey and not in Syria.”

Kotty adds, the interpreters they do not have the knowledge to do the job. They are not helping, they cannot express what refugees have been through.”

3.7. Health

Apart from the other problems faced by migrants and migrant women in Greece, they are also faced several health problems. Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.⁶⁵ A large number of migrants are carriers of infectious or contagious diseases, who do not resort to a doctor, thus contributing to the increase in cases of tuberculosis, hepatitis, meningitis, AIDS, etc., with dramatic effects on both immigrants themselves and on wider public health. Legally insured immigrants are entitled to medical and hospital care, while immigrants who do not have the necessary documents are only treated as emergencies by the National Health System (ESY) hospitals. ⁶⁶

The greek government has launched a vaccination program for refugee and immigrant children and many other programs for health care and the general care of refugees. Such programs are the symptomatic / epidemiological surveillance system at health

⁶⁶ Refugees’ health problems in Greece mostly unmet: medical charity [Internet]. [cited 2018 Jan 30]. Available from: <https://www.reuters.com/article/us-europe-migrants-greece-health/refugees-health-problems-in-greece-mostly-unmet-medical-charity-idUSKCN1C81KW>

care facilities for refugees and migrants from KELPNO⁶⁷ and the Declaration on support for appropriate infant and child nutrition for refugee and migrant children - in cooperation with UNICEF, 10/11/2016⁶⁸. Moreover, in the East Aegean islands, a funding program is being implemented of 3.2 million EUR through the DG HOME Internal Emergency Fund, to strengthen the public health system (Hospitals, PEDY, EKAB) with staff of various specialties.

But the situation remains uncertain. Firstly, the problem starts by the time they arrive with the boats. “When they were wet and cold and the people there they just giving them the emergency blankets without explaining how to use them, or helping them”, says Antonis Tsakonas, Red Cross Volunteer that had spent more than 1500 hours voluntary work in the camps. Additionally, Katerina mentions that ““Merhaba”. Every time we heard that word we knew we had visitors. Visitors who needed our help and many times our attention. Why we for these people were not there just to help them in case of need but also to tell us everything they had in mind. Their company would someone say. This was happening especially at night when the rest of the voluntary organizations were leaving, and we were staying there for these people for as long as they needed us. Health care at Mytilene camps was a subject that was suffering, and in most cases leaving the beneficiaries without medical staff.”

⁶⁷ HCDCP [Internet]. [cited 2018 Mar 15]. Available from: <http://www.keelpno.gr/en-us/home.aspx>

⁶⁸ Υποστήριξη της βρεφικής & παιδικής διατροφής των προσφυγόπουλων [Internet]. [cited 2018 Mar 15].



Picture 15, Lesbos Island

We said it before, but it is the general situation, the lack of basic human hygiene. “Very few toilets. 3 toilets in Samos for more than 2000 people, 2 for men and 1 for women. And except from that, they have water only 1 to 2 hours per day. It is almost impossible to have a clean and descent place, where the toilets are and have shower. Interesting story is from a Moroccan beautiful girl, that she was waiting for money transfer from her country to go to the center of the island to have a shower for 9 euros to someone’s place. 15 euros was in the beginning, then 10 and then 9, because the one was spend for soap. In Lesbos, from the other hand, outside the camp there are 8

plastic toilets but extremely dirty. The created showers themselves by cutting a public tube.”, describes Silvia. “The doctor’s issues are also serious, for example, a guy had to wait 3 months before going to the doctor and he had a bullet in his leg. Doctors and lawyers are not enough, and they cannot do many things. They only give pills, and the refugees have to be considered vulnerable, so they can reach a hospital. Like if they have hepatitis and cancer, otherwise not.”



Picture 16-17, Lesvos Island

But there is not only the health of the body, but also the mental health. Unfortunately, many psychologists are incompetent, and not well trained or prepared about the

situation coming. The example of A.Z is the most intense. “In my culture we do not talk about the problems, but here, with all the bad things that I have seen, I decided to do so and go to the psychiatrists in the camp. But she, instead of gaining my trust she ruined me, she forced me to have sex with her. After that, I felt depression, I was desperate. The only people that they helped me were the husband of Melina and Melina [friend of A.Z. that they met in Samos]. They were everything for me. Psychologist and doctor and friend and family.” But also, there were doing no check up at the camp, there were always a huge que to wait if you needed something. No medicines at all in Samos. Many times, even the doctors were striking because of their salaries, making that way the situation worse. Moreover, doctors were insufficient, 2 doctors for 3000 people, and how can an otolaryngologist help in an orthopedic issue?



Picture 18, Lesvos Island

3.8 Dignity

“All human beings are born free and equal in dignity and rights.” Article 1, Universal Declaration of Human Rights⁶⁹. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Some of the practices that violate human dignity include torture, rape, social exclusion, labor exploitation, bonded labor, and slavery⁷⁰.

Since the very first day that I saw in Piraeus the refugees, coming from Crete with their own expenses, the only thing that they were requested was dignity and respect. But unfortunately, the examples of violating this fundamental right are many although the Greek government did its best and tried hard to ensure the human rights of refugees. First of all, as A.Z. says, UNCHR gave us false promises about making an artist place for us. In METADRASI also, they used to treat bad and tell lies. They did not consider dignity.” Silvia has a very interesting story to tell about the Police. “There are many cases of persons that said they faced brutality by the police. For example, policeman was obliged to take of their clothes. They were even afraid to go to the center of the island because of this. Some cases are also focused to a specific nationality. For example, two persons from a nationality they stole somethings and all the persons from this nationality were send to the prison and beaten that night, because they were just Algerians. And when one of them asked to go back to his country, he was not allowed due to lack of money. Police also takes their phones and keep them by the time they arrived since the day they leave, losing them they only way to keep contact with their families.” Another incident with police comes from Kotty, “The police insight the camps is a problem. A Syrian girl was forced to have sex with a policeman, so he can let her leave Khios. But also, in Samos police station, at Christmas night a policeman asked the refugees in a tent why they are not drunk, they replied that they are not drinking. Then he insisted, what do you believe and where are you from and when they refused to answer, they took them to the police

⁶⁹ Universal Declaration of Human Rights | United Nations [Internet]. [cited 2018 Jan 31]. Available from: <http://www.un.org/en/universal-declaration-human-rights/>

⁷⁰ Humiliation, Degradation, Dehumanization - Human Dignity | Paulus Kaufmann | Springer [Internet]. [cited 2018 Jan 31]. Available from: <http://www.springer.com/gb/book/9789048196609>.

station and to his office. There was another office girl. That guy was pushing them from 3 hours to take out all their clothes in front of the girl. Only one guy did it. He even thought to go back to turkey after that humiliation.” A.Z adds, “there were really bad behaviors with police. The only good behaviors was two policeman that bought biscuits and gave them with their own money.”

CONCLUSIONS/SUGGESTIONS

To sum up, the immigration issue generally, but more specific in Greece, suffers. And because of it, suffers all the people on the move. EU-Turkey statement came to find a solution and organize the situation but in the short period it brought a condition of fear that people were afraid to be send back to Turkey and for this reason everyone was trying to apply for international protection. They lost the chance to go to any other country illegally because many countries build walls and closed the borders. There is the example of Eidomeni camp that stopped existing. There was no information about where they are going, they were just putting them in Pullmans. There was even false information about closed borders. In that day, they thought that the borders were open, and they were happy about it. From the other hand, it is extremely difficult to apply for international protection because of the system. Also, the asylum system is unbelievable hard to be approached and somehow impossible without the help of lawyers and NGOs.

Additionally, there was strict interpretation of EU-Turkey deal that did not allow asylum seekers to leave the islands. The number of people entering the country radically reduced but there are still people coming. Moreover, with some exceptions, they cannot move to the mainland, so we have the overcrowded islands. There are still people living there since March 2016, as well as new comers.

And this is the source of all the violation of human rights. People are stuck in overcrowded islands, with no infrastructure and lack of basic human rights. From an EU perspective, there is the necessity to know the reality of the place and the conditions that people are staying while they are taking decisions. Politicians, many times, use false information to win elections. They should actually talk with the asylum seekers and not with the organizations, so they can have a clear view before they make choices. Eu commission still believe that some people worth the good treatments and others not and that is the situation.

In this point, we should not forget to mention the great efforts of the Greek government that tried hard, during the economic crisis period that is facing, to help all

those refugees. Some of the most important facts, except the ones mentioned above, as Mr. Mouzalas stated, are: the recapitalization of refugees and migrant asylum seekers. In 55 days (from 6 June to 30 July), 27,592 refugees were pre-recorded. Until then (June 6), another 33,000 were recorded in various ways (skype, Peripherals Asylum offices etc.). It is worth noting that, apart from the pre-registration, in 2016 264% more requests were recorded, compared to 2015. But also, the fact that 9 months after the border closure, the children refugees and migrants go to school with a view to the coming months to go as much as possible. At the same time, the Greek government is moving towards the establishment of schools and schools kindergartens within camps.

But there are more and more that we can do, so we can deal with the refugee crisis efficiently. To begin with, we have to allow people to go to the mainland without reaching that point of humiliation. One guy he was very sick, he thought he was dying tomorrow so they did not deport him. But another guy, was not lucky enough and died. This measure will allow them to the basic rights. Since European union is a place that respects rights this could not happen. The problem of winter is here and now, people died in their try to get some heat last year and this year nothing changed. If we allow the free movement in the mainland, Hotspots will not be overcrowded, and people will not be in that condition.

Moreover, there are no structures in Athens, so it was and still is very difficult to find a place to stay. They were some shelters and camps, but they are becoming overcrowded. Even in Eleonas, there were tents with people sleeping outside waiting to enter inside, because containers were only for families. We should find structures and shelters with big capacity of people.

To short term solutions, a huge amount of money is wasted in food. Either change the supplier of it or just the simplest, cook the food before given it to people. Build toilets and showers for everyone. The government should also monitor the prices, especially in the areas close to the camps. Better health system, checkup of the people arriving in the islands and give more jurisdictions to the doctors at the camps.

If people arrive in the mainland, they will have more chances to education, find a job and integrate. Additionally, we should arrange the system of the asylum applications and make it easily accessible. Hire more interpreters, buy more computers, train the employees to make their job faster and more sufficient. Let's give the chance to the refugees to a faster integration to the European standards.

Those persons will hopefully receive international protection and will have the right to live legally in Europe, but by that time are we going to know in which psychological situation are they going to be? We are creating people that are suffering and are depressed, we are losing talents and "brains" that could have help us and being useful to every country, and instead helping those people thrive, we put more pain and torment to their already hard life.

To conclude, human rights should not be a privilege only for the western people, but the right of all.

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