

LESBOS: THE DISMANTLING OF THE RIGHT TO ASYLUM AT EUROPE'S BORDERS



CCAR
comissió catalana
d'Acció
pel Refugi

Document identification: Lesbos: The Dismantling of the right to asylum at Europe's borders
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Barcelona, novembre 2024

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1

The Greek Islands of the Aegean Sea, and especially the island of Lesbos, have become, over the last decade, the clearest example of the failure of European migration and asylum policies when it comes to protecting refugees arriving on European territory. This failure has turned the island into a place where systematic violence, severe human rights violations, and pushbacks are happening daily in a climate of complete impunity¹.

In recent years, there has been a significant decline in media coverage of arrivals on the Greek Islands, which has led to a decrease in funding for organisations on the ground, many of which have had to abandon their work. In this context, there is also no independent oversight of border management on the islands, and the Greek authorities provide no assistance to migrants and refugees, either on land or at sea, while severely hindering the work of social organisations and activists.

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¹Ferrero, R. (2016). Europa sin rumbo. El fracaso de la UE en la gestión de la crisis de refugiados / Rudderless Europe: The EU's Failure in Managing the Refugee Crisis. Revista De Estudios Internacionales Mediterráneos, (21). <https://doi.org/10.15366/reim2016.21.012>.

Lesbos and the arrival of migrants and refugees

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Lesbos is an island in eastern Greece, located just 12 kilometres from the Turkish coast. It is one of the largest islands in the country, with a population of around 90,000 people. The short distance between Turkey and European territory is why tens of thousands of migrants and asylum seekers have arrived on the island in recent years, particularly since 2015, in the wake of the Syrian war. Lesbos has thus served as the gateway to Europe for hundreds of thousands of asylum seekers, many of whom were fleeing conflicts in the nearby region.

The Mediterranean Route from Turkey to Greece

Since the 1990s, thousands of people have used maritime routes across the Mediterranean sea from North Africa and Turkey to migrate or seek asylum in the European Union: the central route (from North Africa to Italy and Malta), the western route (from North Africa to Spain), and the eastern route (from Turkey to Greece).

The first significant arrivals of refugees on the island of Lesbos occurred in the 1990s. These arrivals were mainly from Turkey and, to a lesser extent, from the Balkans and the Middle East, regions affected by conflicts that began generating refugee flows to Europe. Throughout the following decade, these flows to Lesbos and other Aegean Islands increased due to the war in Afghanistan and political instability in Iraq. This intensification led Greece to attempt to build its capacity to respond to the arrival of people in need of protection.

According to the International Organization for Migration (IOM), most migrants who arrived in Europe in 2015 did so via the Eastern Mediterranean route, reaching a total of 1 million people. A large number of migrants entering Greece by this route come through the island of Lesbos. In 2015, arrivals to Lesbos accounted for 59% of all asylum seekers and migrants to Greece¹, with more than 10,000 arrivals recorded in a single day.

The number dropped significantly in 2016 due to the EU-Turkey migration agreement, called the “EU-Turkey Statement”, which was signed in March. Under this agreement, all people crossing irregularly from Turkey to the Greek islands from 20th March 2016 onward would be deported to Turkey. In return, the EU would resettle one Syrian person from Turkey for each Syrian that Turkey readmitted. As a result of these measures to externalise European borders, the Greek Islands became detention camps for migrants, securing their return to Turkey or their country of origin. In June 2021, Greece declared Turkey a safe country to return refugees from Syria, Bangladesh, Pakistan, Somalia, and Afghanistan, although this had already been stipulated by the 2016 pact and endorsed by Greek courts.

The IOM has recorded over 1,700 migrant deaths or disappearances on the Eastern Mediterranean route since 2014. This figure was particularly high in 2015, with 803 deaths recorded in that single year. This statistic is particularly concerning, given that some of those who died or disappeared had been deported after reaching European territory. This fact directly implicates European authorities in having put their lives at risk.

The Socioeconomic Situation of Lesbos Island

Over the past decade, migration and asylum policies in Greece have experienced a significant setback in terms of guaranteeing and protecting the human rights of asylum seekers and refugees, largely due to pressures at both national and EU institutional levels. In 2015, Greece became one of the main entry points for thousands of refugees fleeing conflicts and persecution in Syria, Afghanistan, and Iraq. The country's inability to manage these arrivals effectively initially led to many people being registered upon arrival and then continuing their journey to other European countries. The humanitarian crisis resulting from Greece's inability to handle the influx was particularly severe on the Aegean Islands, especially in the Lesbos island, with thousands of people in overcrowded conditions within reception centres.

The so-called "Pact of Shame" between the European Union and Turkey in 2016 marked a hardening of conditions for asylum seekers arriving in Greece. To curb the flow of refugees to the Greek Islands, the agreement stipulated that everyone arriving from Turkey would be returned there, unless they were granted asylum in Greece. On the one hand, the agreement led to accelerated border procedures for asylum applications to increase the number of returns; on the other hand, asylum seekers found themselves trapped on the islands for months due to the slow and overburdened system, which was never reinforced. As a result,

reception centres quickly turned into detention camps, where thousands were held in inhumane conditions while awaiting the resolution of their cases.

In 2018, the Greek government, under pressure from the EU, implemented a series of reforms to the asylum system to expedite procedures and increase returns to Turkey. Reception conditions were further tightened, and access to international protection was restricted. These measures were presented to the public as necessary to deter those who continued to arrive. With the rise to power of Kyriakos Mitsotakis on 8th July 2019, the restrictive approach to asylum rights intensified through various legislative reforms: shorter deadlines for applications were established, opportunities for appeal were limited, and the right to free legal assistance during the process was eliminated. Conditions in the Aegean Islands detention camps continued to deteriorate, and protests by refugees and some local communities arose against government proposals to create new closed detention centres.

In 2020, the impact of the COVID-19 pandemic was used by the Greek government to dismantle asylum rights in Greece, especially on the Aegean Islands. In March, Turkey announced it would no longer prevent refugees from attempting to reach Europe, which led to many attempting to cross the borders. The Greek government

responded with a heavy militarisation and a temporary suspension of the right to asylum; that is, those who expressed their wish to seek asylum were not registered as asylum seekers.

COVID-19 containment measures were more restrictive and applied for a longer period for refugees held in detention centres, where conditions remained inhumane, making it impossible to maintain minimal distancing from others.

Since 2022, Greece's migration and asylum policy has continued to deteriorate, legitimised by negotiations on the European Pact on Migration and Asylum, which effectively envisions some of the measures already implemented on the Greek Islands. That same year, new closed detention centres were established on the islands, with stricter controls and movement restrictions for asylum seekers, deepening the narrative of containment and deterrence.

Throughout these years, refugees and social organisations² have continuously documented and reported severe, systematic human rights violations, including summary pushbacks, inhumane conditions in detention centres, violence by authorities against refugees, lack of access to fair asylum procedures, and difficulties in accessing basic social rights.

²For example, Metges Sense Fronteres: De Moria a los campos-prisión | Médicos Sin Fronteras (in English, «From Moria to prison-like camps»).

Details of the observation visit

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As part of the “*Camins de refugi*” project (in English, “Refuge Paths” project), the Catalan Commission for Refugees (CCAR, as per the Catalan acronym) has been conducting observation visits to various internal and external borders of the European Union for years to gain first-hand insight into the conditions faced by migrants and refugees in these areas, subsequently undertaking political advocacy and public awareness-rising efforts with Catalan institutions and citizens. In previous years, CCAR has visited borders in Bosnia and Herzegovina, Croatia, Bulgaria, Serbia, France, Italy, and Spain’s southern border.

A team made up of CCAR’s and Fotomovimiento’s members travelled to Lesbos for a week (from 12th to 16th December) to carry out observation tasks in different areas where migrants and refugees arrive and stay, and to hold meetings with social organisations and activists working on the ground.

During the visit, we met with Legal Centre Lesbos, the only organisation currently providing legal support to asylum seekers and refugees arriving on the island; with the Basque organisation Zaporeak, which cooks hot meals daily and distributes them throughout the Kara Tepe camp to those who do not qualify for food assistance from the Greek authorities; and with the organisation Welcome Office Lesbos. In addition, we attended a meeting of the Lesbos Open Assembly Against Border Violence, a gathering place to denounce human rights violations and devise strategies to raise awareness of the situation on the island. We also visited the Párea Lesbos community centre, where various organisations offer services to refugees.

The situation for asylum seekers and refugees in Lesbos remains extremely complicated. In September 2020, a fire destroyed the Moria camp, leaving asylum seekers on the streets for several days before they were finally moved to a new temporary camp in Mavrovouni, called Kara Tepe. This camp, hastily built as a temporary solution, currently serves as the main reception and detention centre on the island. It suffers from periodic flooding, insufficient sanitation services, and severely limited medical care. These issues, coupled with overcrowding due to the large population, make the conditions inside incompatible with basic human rights. Additionally, only those with an active asylum procedure are entitled to food, leaving individuals whose applications have been denied or who have been granted asylum without access to meals.

Although measures have been implemented to accelerate border procedures, they remain slow, forcing thousands to stay trapped on the island in a state of uncertainty about their future that can last months or even years. Moreover, the rejection rates for international protection in Greece have been increasing, meaning most applications are denied, and people are expected to be deported to Turkey. The conditions in detention centres and the uncertainty surrounding asylum procedures have a serious psychological impact on refugees, often causing high levels of anxiety, depression, and other mental health issues. Some people have been relocated to mainland Greece or other European countries, but most remain

trapped in legal limbo: those whose asylum requests have been denied are not authorised to reside in Greece, but neither can they leave the island to try to reach other countries or be deported, given Turkey's refusal.

The mismanagement of refugee arrivals by authorities and the increase in hate discourses against refugees and human rights organisations by political entities and the media have led to criminalisation and stigmatisation, giving rise to tensions with local communities. In 2015 and 2016, there was a strong sense of solidarity among island residents, who often helped arriving refugees in various ways. However, over the years, numerous conflicts have emerged, polarising public opinion. Currently, there is a widespread sentiment of rejection toward refugees and European institutions. Refugees are blamed for overburdening public resources and services and negatively impacting the local economy by deterring tourism. Notably, extreme right-wing groups with primarily racist motivations have emerged on the island and have been involved in violent incidents against refugees, social organisations, and human rights activists. Nonetheless, there are also groups that continue to support refugees, working alongside organisations and activists to provide assistance, such as the Lesbos Open Assembly Against Border Violence³.

The criminalisation of social organisations and activists who defend refugee rights in Greece is increasingly concerning and represents an

³<https://borderviolencelesvos.noblogs.org/>

illegitimate attempt by Greek authorities to control and restrict the activities of those who support and assist these individuals. Primarily since Kyriakos Mitsotakis came to power, the tightening of asylum policies and border control has been accompanied by measures to restrict the organisations' activities on the ground. Regulations have been introduced that complicate the work of NGOs and allow for the criminal prosecution of those who are deemed to have facilitated the entry or stay of refugees. Activists and humanitarian workers have been detained and accused of crimes such as human trafficking or espionage for engaging in activities that are typical of their work, such as sea rescues or legal assistance. Additionally, increasing administrative and bureaucratic obstacles complicate operations, such as restricted access to detention centres and strict oversight of all activities. This has had a deterrent effect on some organisations, leading them to abandon their work in Greece out of fear of legal reprisals, which, in turn, impacts refugees who are deprived of essential services these organisations provided.

Currently, the practice of pushbacks of migrants in Lesbos is commonplace. Humanitarian organisations working on the island report that many migrants they assist have experienced traumatic situations involving interceptions and returns by individuals posing as doctors or NGO workers to gain their trust⁶. Deportations occur both for migrants already on the island and for

boats in Greek waters that are forcibly pushed back into Turkish waters. The distance between Lesbos and Turkey is so short that there are no international waters in between.

Not only are interceptions carried out at sea, but also Greek legislation (Greek Law 4251/2014) on immigration incorporates articles that, in practice, criminalise maritime rescues of migrants⁷. Greek authorities accuse those providing humanitarian aid to refugees and migrants of money laundering, espionage, human trafficking, and participation in criminal organisations, despite the law explicitly excludes individuals who aid refugees or asylum seekers⁸. Penalties can reach up to 10 years in prison and a minimum fine of €20,000, which, in some cases, could be as high as €50,000.

Asylum seekers in Lesbos are located in one of two refugee camps on the island, under overcrowded conditions. The situation worsened from May 2023 onward, when the Greek government began to deny food access to individuals whose refugee status had been denied or granted⁹. Thus, only those whose applications are still under review have access to meals in the camps. This situation has forced refugees to remain confined in camps managed by authorities but without the right to receive food, making them reliant on programs from human rights or humanitarian organisations. Moreover, this policy of food deprivation had already been implemented on the Greek mainland.

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**Main concerns
arising from the
visit's findings**

Detention and Violence Against Migrants and Refugees

Both detentions and instances of violence mainly occur in the context of pushbacks, whether on land or at sea. The most commonly reported violent practices by organisations include kidnapping, physical assaults, invasive body searches, humiliation, and verbal abuse. Newly arrived refugees on the island often report being pursued, with some informally detained in containers or unventilated rooms for hours or even days before being expelled. Some individuals have described the use of gunfire as an intimidation tactic prior to interception at sea or the abduction of groups on land. Organisations on the ground have documented numerous testimonies of physical assaults during pushbacks, including beatings with sticks, slapping, kicking, and punching, inflicted on men, women, pregnant women, and children. In addition to physical violence, individuals have reported verbal harassment and humiliation, both by uniformed personnel and by unidentified individuals.

According to Greek asylum regulations, individuals entering or remaining irregularly in Greece “will be immediately transferred by police or coast guard authorities to a Reception and Identification Centre or a Closed Controlled Access Centre” to undergo reception and identification procedures. National legislation explicitly refers to the “prompt and appropriate transfer of people belonging to vulnerable groups”, such as “direct family members of shipwreck victims”, in order for them to receive “specialised care and protection”. However, Greek authorities have bypassed reception and identification procedures in several cases involving shipwreck survivors to date. Those who have undergone such cases remain in detention centres awaiting expulsion, without receiving adequate care or psychological support⁵.

⁴ “In plain sight. The human cost of migration policies and violent practices at Greek sea borders”. Médecins sans Frontières.

⁵ “Beyond Farmakonisi: The responsibility of the Greek Coast Guard for human rights violations at sea”. Refugee Support Aegean. August 2023.

Pushbacks to Turkey

Pushbacks to Turkey, an illegal practice under both Greek and European law, occur systematically and with complete impunity in the Aegean Islands. According to refugees' accounts and reports from organisations working on the ground, these pushbacks take place in two main ways: from the sea and from the mainland.

Pushbacks from the sea are conducted when a vessel from the Hellenic Coast Guard (HCG) or Frontex intercepts a boat carrying migrants and refugees in Greek waters and returns it to Turkish territorial waters. Initially, Greek authorities attempt to threaten and intimidate, pointing firearms at the migrants and refugees in an effort to make them turn back. However, in most cases, a smaller boat is deployed from which officers board the refugees' vessel, disable its engine, and throw it into the water, before subsequently towing it back to Turkish waters, where those on board are left adrift. There have also been instances where refugees were forced to board the main Greek authorities' vessel, where they were stripped of their belongings before being abandoned adrift in inflatable rafts in Turkish waters.

Pushbacks from the mainland occur when newly arrived individuals are illegally detained, placed on a boat, and expelled to Turkish waters. Greek authorities and other unidentified groups regularly conduct raids at various arrival points on the islands, aiming to intercept refugees before they can be officially registered. As Greek and European legislation guarantees specific

treatment and rights to shipwreck survivors, these groups attempt to intercept and detain them before this registration can take place. Once detained, they are taken in unmarked vehicles to unknown locations, where they are held until being transported in the same manner to the port. There, their hands are bound, and they are forcibly made to board a boat that takes them to Turkish waters, where they are abandoned adrift in inflatable rafts.

While these are the primary methods used by Greek authorities and affiliated groups that have been documented, survivors recount a wide range of different experiences: individuals being thrown directly into the sea, others abandoned on uninhabited Aegean Islands, or reports of individuals who have suffered beatings, torture, and sleep deprivation during detentions and arrests, as well as the use of firearms.

These operations are carried out by what organisations refer to as “masked men”. These are camouflaged individuals, dressed entirely in black with balaclavas and heavily armed. They operate in an organised, systematic, and coordinated manner with Greek authorities, and it is apparent that they have police and/or military training. All of this, combined with the impunity with which they have acted for years, despite the awareness of both institutions and the island's population, leads organisations to infer that this is a state policy carried out covertly.

Dismantling of the Right to Asylum

The containment measures to prevent the spread of the COVID-19 pandemic were used by Greek authorities to dismantle the right to asylum in Greece, particularly on the Aegean Islands. However, it is important to note that this dismantling came after the severe impact the Greek asylum system suffered following the EU-Turkey agreement. As of today, as the Legal Centre Lesbos⁶ reports, most individuals do not have access to the asylum procedure.

For individuals entering Greece irregularly, the only option to avoid detention and deportation is to apply for asylum, which they do upon arrival when they are registered by the police and Frontex. Since the EU-Turkey agreement came into effect in 2016, a border asylum procedure has been applied on the Greek Islands, a fast-tracked procedure with a lack of guarantees. Additionally, there is a preliminary admissibility procedure which checks whether the individual has passed through Turkey and, if so, or if it is presumed they might have, their asylum application is not processed and they are generally returned to Turkey. This system originally included an exception for individuals in extreme vulnerability, such as torture or sexual violence victims, or those with post-traumatic stress, who could not be returned to Turkey. However, this exception was removed in 2020.

Thus, individuals entering the territory through irregular routes are transferred⁷ to the closed camp on the island, where they cannot leave until the entire registration process -in which a decision is made on the admissibility of their asylum application- has been completed. The amount of time these individuals may spend in the closed camp varies greatly (from a month to over a year) and living conditions have sometimes been described as inhumane (lack of mattresses, no access to healthcare or medicines, minimal clothing distribution, etc.). The interview to formalise the international protection application is conducted without legal assistance, and the translation service is so poor that the need for it drastically extends waiting times.

In practice, only those individuals who have been in Greek territory for over a year and have no connection to Turkey are considered admissible to access the international protection procedure. This situation, at best, means a minimum of one year without access to basic services. However, the reality is that most individuals whose asylum applications are not processed remain trapped on the island without rights and without access to services, as Turkey is no longer accepting returns.

⁶ "A Pandemic of Abuses". Legal Centre Lesbos (LCL) and the Feminist Autonomous Centre for Research (FAC). August 2023.

⁷ As aforementioned, this transfer and official registration procedure is carried out if the refugees have been lucky enough not to be detained by the groups of "masked men".

Criminalisation of Organisations and Activists

Organisations and collectives agree that since the situation of Lesbos ceased to capture the attention of the mainstream media, it has become very difficult to secure funding for projects on the island. Many organisations and collectives that had been supporting refugees for years have left the island due to lack of funding.

The militarisation of borders and points of arrival and smuggling of migrants and refugees, as well as the criminalisation of organisations and activists who support them, has increased in recent years. Numerous activists and staff members of organisations have been detained, reported, and accused of facilitating irregular immigration by providing assistance during migrant arrivals on the shores, as well as of espionage for taking photographs of military ships and Greek Coast Guard vessels docked at the port or refugee detention spaces. The vehicles of organisations and collectives are systematically detained by the police on any pretext and have even been violently attacked by extreme right-wing groups who act with complete impunity. In this regard, one of Zaporeak's delivery vans was set on fire a few months ago, with no investigation being opened by the Greek police after the organisation filed a report. The building housing their kitchens, located outside the city along the side of the road, faces continued harassment by protesters who gather at its doors demanding that they leave the island.

Organisations and collectives have been forced to establish restrictive protocols to safeguard their integrity and that of the refugees they assist. The organisations do not permit that photographs be taken inside their spaces if individuals can be identified. Outside these spaces, refugees fear speaking with organisations and journalists for fear that their international protection procedures will be affected.

Since 2020, Greek legislation prohibits civil society organisations from carrying out rescue activities at sea, meaning that no one is currently monitoring the Greek coastline. There is also no service providing initial humanitarian assistance to those who have just arrived. Until a few years ago, some organisations in the north and south of the island conducted night shifts to provide initial assistance to newly arrived individuals, but prohibitions and the risk of criminalisation have led them to abandon their work.

Currently, both the Legal Centre Lesvos and UNHCR have a helpline for people who have just arrived. Given that Greek authorities criminalise individuals and organisations that have contact with refugees before they have been officially registered, these organisations are forced to inform Greek authorities about arrivals if they do not want to be accused of facilitating irregular immigration. Although they cannot assist refugees before registration by the authorities, their knowledge of where the refugees are and how many have arrived, along with their physical presence at the site, ensure that the authorities transfer refugees to the closed centre and refrain from attempting illegal pushbacks.

Extreme physical, psychological, and sexual violence against migrants and refugees.

Until a few years ago, the most extreme forms of violence were primarily experienced at the point of origin and during transit. Currently, however, migrants and refugees suffer extreme violence at the hands of the Greek Coast Guard and the commandos involved in carrying out pushbacks, of which there are testimonies of torture and cruel, inhuman, or degrading treatment.

Psychosocial suffering experienced by migrants and refugees, especially children.

The numerous pushbacks, the deplorable conditions at the Kara Tepe camp, the violence from the authorities, the lack of social support, long waiting times, and the arbitrariness in granting or denying international protection cause immense suffering for individuals. Some, despite managing to reach Europe, lose hope of having a dignified life on the continent.

Criminalisation of migration and solidarity with migrants and refugees.

Both Greek legislation and the everyday practices of the authorities are deeply criminalising, not only of migration and migrants but also of the organisations, collectives, and activists who defend human rights and provide observation, documentation, and accompaniment at various levels to those arriving on the island. These organisations and activists perform commendable work in an environment of pressure from authorities, who routinely obstruct their efforts and respond in a threatening manner, even when reports are published documenting violations of rights.

The severe setback in the legal concept of international protection and the right to asylum.

The difficulties in accessing the international protection procedure, the application of accelerated procedures, the discretion and arbitrariness in the granting or denial of the different forms of protection, the lack of institutional support for people who have been granted the right to asylum, and even the absence of guarantees regarding the principle of non-refoulement have left the legal concept of international protection completely devoid of content and asylum seekers and refugees in a situation of absolute lack of protection and absence of guarantees for the fulfilment of their rights.

The news blackout and lack of funding to care for and support migrants and refugees.

The island's current lack of media attention does not reflect the severe situation it faces and has significantly hindered efforts to secure funding for projects that provide legal, psychological, and social support to migrants and refugees arriving or stranded on Lesbos.

Legal Centre Lesvos & Feminist Autonomous Centre for Research (2023). “A Pandemic of Abuses”: <https://feministresearch.org/wp-content/uploads/2023/09/A-Pandemic-of-Abuses.pdf>.

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