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Mr. Michalis CHRYSOCHOIDIS
Minister for Citizens' Protection of Greece

Mr. Notis MITARACHI
Minister of Migration and Asylum of Greece

Mr. Ioannis PLAKIOTAKIS
Minister of Shipping and Island Policy of Greece

Strasbourg, 3 May 2021

Dear Ministers,

The human rights of refugees, asylum seekers and migrants are a central aspect of my work as Council of Europe Commissioner for Human Rights. In the context of my visits to Greece in June 2018 and October 2019, I had the opportunity to discuss the challenges Greece faces as a country of arrival. While I commended Greece's efforts in receiving asylum seekers and migrants arriving on its territory, I also identified some areas giving rise to serious concerns. With this letter, I want to continue our dialogue on some of these concerns, in particular as regards pushback allegations, but also the situation of civil society organisations working to protect the rights of refugees, asylum seekers and migrants, and reception conditions on the Aegean islands.

Allegations of pushbacks

In my 2018 report, I noted the numerous credible allegations of summary returns ("pushbacks") to Turkey, often accompanied by violence, and urged the Greek authorities to put an end to this practice. I am deeply concerned that, two and a half years later, allegations of pushbacks persist at both the land and the sea borders with Turkey.

Summary returns from Greece to Turkey across the Evros River border have been reported and documented for several years, not only by international media and civil society organisations, but also by [national human rights structures](#) and international organisations. In the reports following its [2018](#) and [2020](#) visits to Greece, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) indicated that it had received "consistent and credible allegations" of pushbacks. Similar allegations led the Greek Ombudsman to initiate an investigation in June 2017. I note that according to the [interim report](#) on this investigation he published on 28 April 2021, "the alleged pushbacks investigated, appear to follow a standard practice", consisting in persons dressed in uniform without any identification sign arresting migrants, including persons who may be in need of international protection, and shortly detaining them in unidentified buildings where migrants are deprived of their belongings before they are transferred to the border, forcibly embarked on boats and pushed to the Turkish bank of the Evros river. The Ombudsman also notes that "the complainants are invariably convinced that the alleged pushbacks have been the work or have at least involved state agencies and state agents at the levels of operational planning, logistics and perpetrators". I note that this *modus operandi* coincides with the testimonies reflected in the above-mentioned CPT reports and with information received by UNHCR, which has gathered tangible information pointing to pushback in several dozen incidents since January 2020.

Pushbacks at sea are also widely reported and documented by international [media](#), civil society [organisations](#), as well as by the CPT. In the [report](#) on its 2020 visit to Greece, the latter stressed that its delegation had “received a number of consistent and credible allegations concerning acts by the Greek Coast Guard to prevent boats carrying migrants from reaching any Greek island.” According to information received by UNHCR, more than a hundred such incidents at sea between Greece and Turkey were recorded in 2020, and more than twenty in the first quarter of 2021. I also note that [UNHCR](#) and [IOM](#) issued several public statements urging Greece to investigate multiple reports of pushbacks at the sea border and to put an end to this practice.

I am particularly concerned about an increase in reported instances in which migrants who have reached the Eastern Aegean islands from Turkey by boat, and have sometimes even been registered as asylum seekers, have been embarked on life-rafts by Greek officers and pushed back to Turkish waters.

In this respect, I want to underline that when persons at the border are returned without individual identification or procedure, they are prevented from putting forward reasons why such returns would violate their rights, and to apply for protection against such violations. In such cases, member states cannot satisfy themselves that they are not sending them back in violation of, for example, Article 3 of the European Convention on Human Rights (ECHR) and the refoulement prohibition in the UN Refugee Convention. These protections apply to anyone, regardless of the way in which they arrive at member states’ borders, including if this in an irregular manner.

Moreover, the way in which these operations are reportedly carried out would clearly be incompatible with Greece’s human rights obligations. The verbal and physical abuses reportedly inflicted on the persons pushed back to Turkey may amount to inhuman or degrading treatment, and the mere fact of leaving them on boats on the Evros river or on life-rafts in the Aegean sea seriously endangers their right to life. In addition, such operations may undermine the right to family life as they sometimes reportedly result in family separations.

I am deeply concerned that the official reaction of the Greek authorities has often been to simply dismiss allegations of pushbacks despite the overwhelming body of evidence that has been presented in recent years. Therefore, I urge you to put an end to these practices and to ensure that independent and effective investigations are carried out into all allegations of push backs and of ill-treatment by members of security forces in the context of such operations. I also invite the Greek authorities to consider and act upon the Ombudsman’s [proposals](#) regarding the investigations by the Greek police of allegations of pushbacks.

NGOs protecting the rights of refugees, asylum seekers and migrants

Along with the national human rights structures and investigative journalists, civil society organisations play a major role in reporting and documenting pushbacks. I consider that the scrutiny exercised by civil society is crucial for a healthy democratic society, and I am worried about the increasingly challenging environment in which NGOs protecting the rights of refugees, asylum seekers and migrants appear to operate in Greece. Attempts to discredit their work, and cumbersome registration procedures which have been [reported](#) risk not only weakening these organisations, but also affecting thousands of refugees, asylum seekers and migrants who often depend on their work to secure basic rights on a daily basis.

Many voices have raised the alarm, including the Expert Council on NGO Law, which published in November 2020 an [Addendum](#) to its [Opinion on Greek Legislation on the registration and certification of Greek and foreign NGOs](#) urging Greece to “carry out a full review of its laws and related decisions pertaining to the registration, certification and operation of NGOs in order to guarantee civil society space, in line with European standards” and three [UN Special Rapporteurs](#) who expressed concern that the Greek legal framework on NGOs may have “a significant and detrimental impact on the operations of all civil society organizations working with migrants and refugees in Greece”. I share these concerns, and call on the Greek authorities to build on the recommendations issued by these bodies in order to actively create and maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of civil society organisations.

Reception conditions

Lastly, I would like to follow-up on our previous [dialogue](#) on reception conditions. While I welcome the efforts made to decongest the Aegean islands, the lingering substandard living conditions in the Reception and Identification Centres continue to be a matter of deep concern. Action to improve such reception conditions must not be delayed. In this respect, I note the plans to build new reception centres in Lesbos, Chios, Samos, Kos and Leros. It is crucial that any reception facilities finally meet all appropriate standards and that overcrowding is prevented.

I also understand from recent [statements](#) of the Minister of Migration and Asylum that the new facilities will operate as closed centres. I am concerned that this will lead to large-scale and long-term deprivation of liberty. Detention is a far-reaching interference with migrants' right to liberty, which has very harmful effects on their mental health, especially on children, who often experience detention as shocking, and even traumatising. Therefore, I urge the Greek authorities to reconsider the closed nature of these centres, in order to ensure that the regime applicable to these facilities safeguards the freedom of movement of their residents, in line with the relevant Council of Europe standards.

Finally, let me reiterate that the policy of containment of refugees, asylum seekers and migrants on the Aegean islands lies at the heart of many of the long-standing problems Greece has experienced in protecting the rights of these persons. I strongly hope that the new reception centres will not stand in the way of actively reconsidering this policy.

I look forward to receiving your reply and pursuing a constructive dialogue with you.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović