

UNIVERSAL PERIODIC REVIEW: GREECE

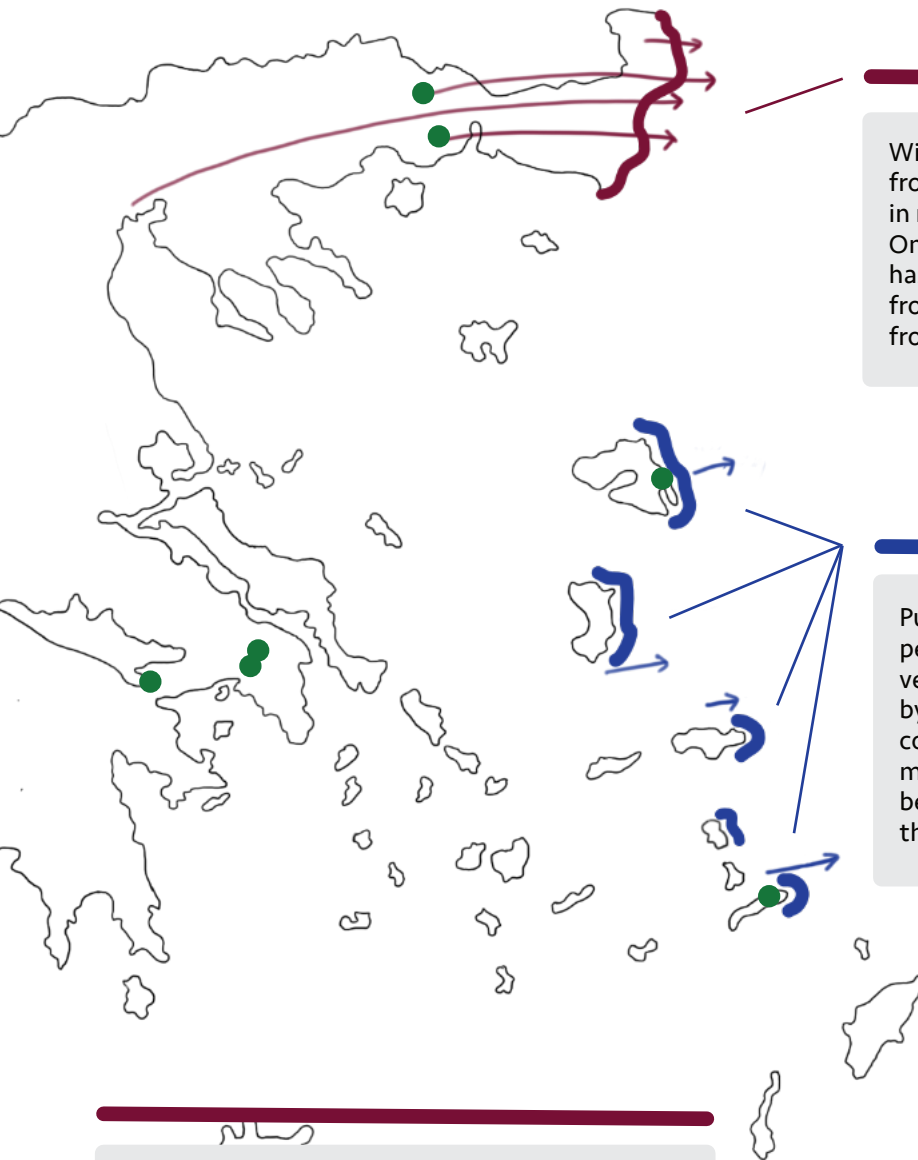


Border Violence Monitoring Network

The Border Violence Monitoring Network (BVMN) is a coalition of organisations working to document illegal pushbacks, collective expulsions and state violence along the European Union's external borders in the Western Balkans, Greece and Turkey since the formal closure of the route in 2016.

The collection of data on illegal pushbacks and state violence is done by a consortium of independent field volunteers who are part of or cooperate with humanitarian support groups united through the Border Violence Monitoring Network.

SUMMARY OF SUBMISSION



Within the past five years, pushbacks of migrants from Greece have increased both in violence and in numbers, representing a systematic practice. On the land borders, the practice of pushbacks has expanded from apprehension and pushback from the militarized Evros region to expulsions from deep inside the mainland.

Pushbacks in the Aegean Sea are being perpetrated through towage of unseaworthy vessels into Turkish waters, deterrence of entries by firing shots in the air or in the water, to a concerning new tactic of abandoning migrants in motorless life rafts, including those who have been apprehended after arriving on the shores of the Greek islands.

Greek national law expanded the use of detention for migrants and asylum seekers in variance with its international human rights obligations. Moreover, BVMN can corroborate reports of violent and cruel, inhuman and degrading treatment in detention.

BVMN has also found that Pre-Removal Detention Centres are being used as key sites facilitating pushbacks, thus situating them within the network of systemic state orchestrated illegal returns.

PUSHBACKS AS HUMAN RIGHTS VIOLATIONS

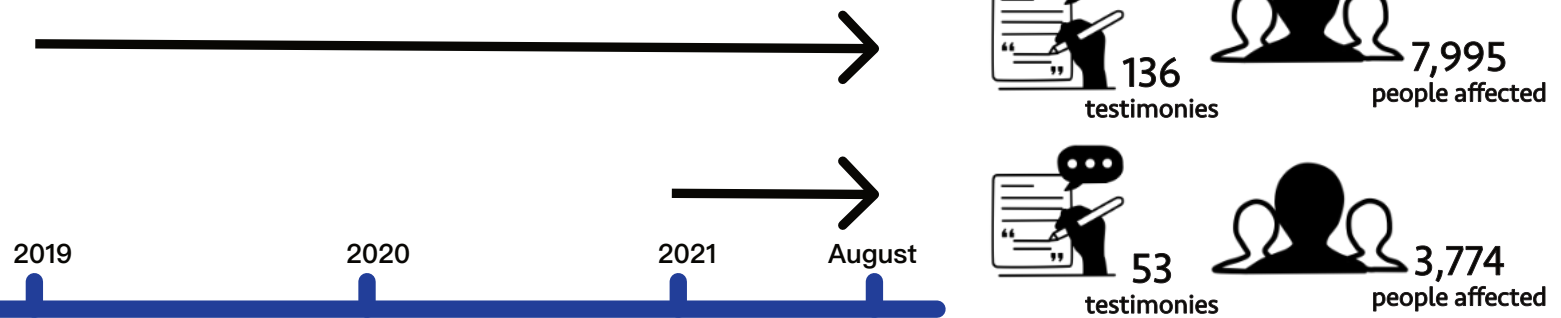
Pushbacks are the informal cross-border expulsion, without due process of individuals or groups to another country.

The UN Special Rapporteur on the Human Rights of Migrants, Felipe González Morales stated that "the violent pushback of migrants without going through any official procedure, individual assessment or other due process safeguards constitutes a violation of the prohibition of collective expulsions and the principle of non-refoulement."

"Such treatment appears specifically designed to subject migrants to torture and other cruel, inhuman or degrading treatment as prohibited under international law." added the UN Special Rapporteur on Torture, Nils Melzer.

PUSHBACKS AT THE LAND BORDER EVROS

Testimonies recorded by the Border Violence Monitoring Network of pushbacks from Greece to Turkey, over the Evros border:



Pushbacks from Greece to Turkey (Meriç / Evros border)

Types of violence / excessive force and percentages:



Beating / kicking: 88%



Theft: 97%



Forced undressing: 49%



Water immersion: 16%



Use of guns: 19%



Sexual assault: 5%



Electric shock: 8%



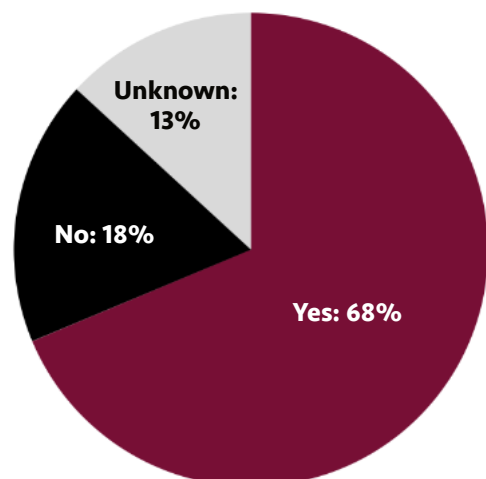
No violence used: 2%

BVMN noted that almost 98% of all Greek pushback testimonies contained one or more types of torture or ill-treatment.

Minors involved in pushbacks from Greece to Turkey

Of increasing concern is that 68% of pushbacks at Greece's land border include minors who are equally subjected to torture and ill-treatment.

Percentage of testimonies which referred to the involvement of minors in the pushback:



RECOMMENDATIONS

1. Greece must immediately **halt pushbacks and collective expulsions** of refugees and migrants.

2. Greece should take action towards improving its regulatory framework and strengthen the implementation of international human rights instruments it has ratified with regards to **remedies to pushback victims** that should include but not be limited to **compensation, access to territory, increasing access to legal aid, and recognition of their entitlement to international protection.**

3. Greece must strengthen the role of the Ombudsman as the National Mechanism for the Investigation of Arbitrary Incidents in the **prompt, independent and impartial investigation into all allegations of the authorities involvement in pushbacks, collective expulsions and denying access to asylum procedures.** The Office of the Ombudsman should be afforded additional competences, access, and financial and human resources to fulfill its mandate.

4. Greece must establish an **independent border monitoring mechanism** involving national human rights institutions, international organizations and civil society organizations.

5. Greece should apply its legislation in line with regional and international instruments it has ratified and **to limit the use of detention of migrants, asylum seekers, and stateless persons** and extend the use of alternatives to administrative detention. Greece must investigate all cases of violence and torture by police and detention centre staff. **Victims of torture and inhuman treatment inside detention facilities must be provided effective remedies** in all cases.

6. Greece should advance its commitments under the International Convention for the Protection of All Persons from Enforced Disappearance and **make a declaration to the competence of the Committee to consider individual communications** as regulated in Article 31.

7. Greece should immediately **sign and ratify Protocol 4 to the European Convention on Human Rights** prohibiting in Article 4 the collective expulsions of aliens.

