

1.

Apart from the protection against pushbacks provided by the international law conventions that Greece has signed and ratified, the right not to be pushed back before submitting an international protection application is also recognized by the internal legislation in Greece.

The main current Greek law on international protection, Law 4636/2019, as amended by Law 4686/2020, includes various articles prohibiting pushbacks and regulating the right to access to international protection. These are Articles 2c', 3, 65, 68, 104.

Please note that, due to the word limit of 2.500 words, we did not translate this legislation from Greek into English. As Law 4636/2019 has been already mentioned by Greece in page 2 of its Note Verbal of 30 April 2020 (No 6170.7/AS 560), submitted to the Special Rapporteur of the High Commissioner for Human Rights as a response to the questionnaire on immigration detention of children, maybe the latter document might be of help to you.

Furthermore Law 4251/14 on migration (Migration Code) clearly distinguishes in its Articles 1 and 2 between the third country national who is a migrant and the one who is an international protection seeker. As far as the third country nationals who are victims of trafficking in Human Beings are concerned, Articles 49 to 55 of Law 4251/14 provide protection from deportation of these persons.

2.

On December 9 2020, the Greek Parliament abolished the possibility of keeping unaccompanied migrant children in protective custody (i.e. detention), by almost unanimously voting Article 43 of Law 4760/2020. Instead, a new mechanism of emergency accommodation setting was introduced. This development was welcomed not only by the European Commission (https://ec.europa.eu/home-affairs/news/2000-vulnerable-asylum-seekers-and-recognised-refugees-relocated-year-greece_en), but also by international human rights actors as, for instance Human Rights Watch (<https://www.hrw.org/news/2020/11/19/greece-commits-end-protective-child-detention#>) as well as the Greek Ombudsman (<https://www.synigoros.gr/resources/151220-epistolh-swfronistiko-nomosxedio.pdf>). Unfortunately, this has not been proved enough to prevent pushbacks of unaccompanied minors who had been included both in Greek international protection system as well as the child protection system, even from the center of big Greek cities to Evros river and then to Turkey.

3.

In practice, we may identify a series of perilous practices that do not only impede migrants to claim and seek asylum, but also endanger them and violate their rights. First of all, there is restricted access to Greek territory, either at the sea borders or the Eastern land-borders with Turkey (Evros region). Both access points have been reported as deadly over the years. According to UNHCR statistics (<https://data2.unhcr.org/en/situations/mediterranean/location/5179>), over 2020 9,687 people were reported to arrive over the sea border and 5,982 over the land border, while the total number of the dead and missing people during border crossing was 102. The extension of the fence in Evros region needs to be taken into account as far as the land-borders are concerned.

In the above number there are not included the numerous lethal car accidents during smuggling inside Greece that do take place on the highway connecting the land border with the city of Thessaloniki. In their majority these accidents are caused after pursuits and car chase from the police. For 2020, in such pursuits 361 people have been arrested with the accusation of smuggling a total of 1,981 undocumented migrants from the land-border to the mainland. These data have been retrieved from press releases of the police

(http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=91857&Itemid=550&lang=

http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=3079&Itemid=543&lang=

). The fact that the population on the move chooses to continue their smuggling inside Greece as well and not only during border crossing is clearly connected to the practice of pushbacks. Since there is no uninterrupted access to claiming for asylum at the entry points, the fear for arrest and consequent pushback

leads the migrants to a practice that is especially dangerous for their lives. Of course the lethal car accidents do not fall under the definition of pushbacks, but are clearly connected to them.

What is more, the border police has been empowered greatly in terms of manpower. However, the border controls that take place can be considered in no way as part of the official reception procedure. There are patrols by police, the army and allegedly by other international border control bodies such as FRONTEX that conduct controls at the border area and force newly arrived migrants to be pushed back. The practice seems to be normalized as in many reports those who conduct the pushbacks wear official uniforms and do not cover their faces. Reports also confirm that there are police controls near the villages and the cities at the border region who arrest and pushback newly arrived population. Our professionals have also reported an unofficial but steady tactic by the bus service of Orestiada to inform police authorities for the presence of third-country nationals in the bus route driving to the mainland, in order to realize a police control to the passengers at the checkpoint of the village of Mandra, Evros. As a result, third-country nationals are obliged to get off the buses, even in cases that they do possess identification documents and their treatment remains unknown.

In order that a migrant is transferred to the RIC of Evros and have the possibility to claim for asylum, he/she should be arrested first and be transferred to a detention facility for some time. Until this procedure is completed, they may not make use of their rights, as they do not have access to legal procedures and the Asylum Service. This is also connected to the increased number of pushbacks against a population that could not officially register to the Greek state and are nowhere to be found, let alone to report as “having disappeared”.

The most alarming practice, moreover, that has been reported is connected to alleged abductions of migrants from the urban areas of the mainland, their irregular transfer at the border and their pushbacks. Such abductions have been reported from the city center of Thessaloniki, from the city of Igoumenitsa, from the camp of Diavata, especially during the period of March-April-May 2020. What is more, pushbacks have been reported from pre-departural detention center of Paranesti, Drama. These abductions are not at all times targeted to the undocumented population, but happen in a massive way and “accidentally” include asylum seekers as well. In some cases, children have been separated from their family members and caregivers that way.

Even if a person does not die during border crossing or is not pushed back at any point of his/her stay in Greece, the accessibility of the asylum service especially during the pandemic is truly challenging, which renders migrants even more vulnerable to the illegal practice of pushbacks and/or to their exploitation from other criminal networks. Many times smuggling can be converted to human trafficking and the exploitation of the undocumented population in many ways, especially due to the fact that this population is not entitled in practice to protection by not being able to access the asylum service (starting from documentation, and therefore healthcare and accommodation).

Last, but not least, the recent Law 4636/2019 on International Protection indicates a strict framework for third-country nationals who enter Greece and are submitted to the first reception and identification procedures. More specifically, and according to Article 39 Paragraph 10 in case that a third-country national or stateless person does not abide by the internal regulation of the RIC, he/she may be rightfully deprived of any material support during reception and in case that this person does not abide by the decision regarding his/her transfer to another infrastructure during the reception and identification procedures, he/she is exposed to return or deportation as indicated by the Head of the RIC.

4.

Unfortunately, the actual reports are significantly more. Due to the word limit, though, at this point we may highlight only the following indicative cases and, upon request, we are at your disposal for any further details and inquiries.

5/3/20: A 16-year-old unaccompanied minor from Syria was spending the night in an abandoned building in the west area of Thessaloniki, along with another 35-40 migrants. The boy had an appointment at the Asylum Service for registration the fore-coming week. That day police came and arrested them, they spent the night in a police station in Thessaloniki. The day after they were transferred to a police station in Kavala

and spent another day, while the third day they were transferred at the border area and were handed over to “soldiers in flag uniforms” who led them back to Turkey through a shallow spot of the river.

April 2020: A police raid took place in the camp of Diavata around 13-15/4/20 and 10 migrants were arrested, including two unaccompanied minors from Afghanistan. They were transferred to a police station, half an hour away from the camp. In the same day they were put into a police bus and around 10pm they arrived to Evros area, where they were handed over to police men with civil cars. They were deprived of any identification documents and personal belongings and were pushed back through boats.

May 2020: A 19-year-old migrant from Algeria was detained in the pre-departural detention center of Paranesti Drama. When he called our service from Turkey he informed us that he was pushed back from police authorities who falsely informed him that they would take him and another 10 migrants from Paranesti to the detention center of Amygdaleza. Instead, they took him to the border area where they realized a forceful and violent pushback.

15/8/2020: A 20-year-old asylum seeker from Algeria who was officially residing in the ESTIA project (operated by UNHCR) was arrested by police authorities in the city center. Without checking for his documentation, he stayed one night in a police station in Thessaloniki and was then transferred with a white van at the border area. This van stopped another 3 times and 37 more migrants were added inside. They were transferred to a police station near the border area and the other morning they were transferred at the river, where police was collaborating with 2 Pakistani migrants who were transferring around 12 people each time through a boat back to Turkey.

17/8/2020: A one-parent family from Afghanistan reports being pushed back 17 times for the past 1,5 year, mainly from the border area near Edirne. Once they were arrested in the city of Alexandroupolis and pushed back. The last time that they were pushed back was on the mentioned date.

October 2020: A 17-year-old unaccompanied minor from Afghanistan entered at the RIC of Evros on July 2019, where he stayed over a year as there was no shelter for unaccompanied minors available for his referral. He became an adult on August 2020 inside the RIC. He was released from administrative detention as an asylum seeker of October 2020, after the quarantine due to Covid-19 had ceased. A police car transferred him from the RIC to the bus stop of Orestiada in order that he takes a bus to Thessaloniki. 15' after another police car came to control his documents, confiscating the documents and leading him to a police station, while the day after another body pushed him back.

9/1/2021: An unaccompanied minor, 16 years old, from Pakistan was arrested on 8/1/21 in the area of the train station in Thessaloniki around 1pm. He had a document that he was receiving services from our organization and was in the procedure of registering at the asylum service. Despite the fact that we searched for him in many police departments, we were informed that no one had any knowledge of such a person. The minor reports being held in a police station for some hours and then transferred along with another 4 migrants at the border area with a white car. There they were handed over to another police men who carried out the pushback.

5.

Based on the data available to the mobile unit of ARSIS at the region of Evros, we would say that 1 out of 3 unaccompanied minors has been pushed back at least once before reaching the RIC of Evros (there are minors who report more than 5 or 6 pushbacks). According to the official statistics, during 2019 the arrivals at the RIC of Evros reached 14,254, while during 2020 this number was only 3,007. This significant decrease may be due to the incidents of March 2020 in Kastanies checkpoint, the pandemic and the lockdown, the extension of the fence at the border, the enforcement of border police and, of course, the pushbacks.

The vast majority of the beneficiaries of ARSIS Streetwork Team in Thessaloniki report that they have been pushed back at least once before they could safely arrive in Greece. More than 136 unaccompanied

minors who were identified as homeless in the streets of Thessaloniki as well as in detention facilities report being pushed back at least once in their attempts to arrive to Greece.

The pandemic has worsened all response capacities for the protection of migrants and asylum seekers both in terms of legal aid and healthcare and in terms of identification of possible victims of human trafficking and other forms of exploitation and abuse. It must be mentioned that in the islands, the population who had just arrived had to spend 14 days and nights at the spot where they arrived, before they could receive any type of service. The lack of infrastructure had serious implications on the safeguarding of their human rights.

What is more, during the pandemic and the consequent lockdown and restrictive measures, the visibility of the population was rendered significantly low. This facilitated to a further extension of the borderline zones, ending up to the practices of arresting migrants from the city centers far away from the borders and leading them back to the Evros region in order to be pushed back. Therefore, the range that those practices do take place has been extended to the whole Greek territory and not just the border areas that has been the case for the past years.

6.

Sadly, there is no way to deter a pushback from taking place. Since this practice is not even recognized by Greek authorities, our professionals cannot reach the authorities to prevent the pushback. Our professionals are informed by witnesses of the arrests of migrants but may never trace their location, because those “arrests” are never registered and official, but may rather be considered as “irregular abductions”. Even if we try to reach any police department, we cannot be informed of the whereabouts of the people arrested and therefore provide them with legal aid and support.

The streetwork team supports more than 900 unaccompanied minors per year. The minors who were identified in the streets of Thessaloniki over 2020 had as their main request to be protected from the illegal practice of pushbacks. This request was even stronger and persistent to the request for accommodation. Being a child protection service who cannot safeguard the protection and well-being of children at all times is a truly problematic case, especially due to the fact that a main factor that is putting children at risk is connected to such a practice.