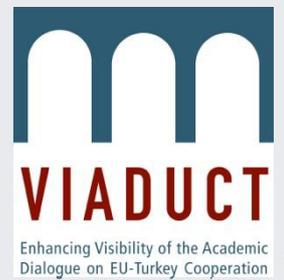


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Securitization in Detriment of Human Rights:
Migration Challenges in Greece in light of recent
political tensions in the Eastern Mediterranean
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ABSTRACT

In this paper, we will analyse challenges in migration in Greece in light of recent political tensions in the Eastern Mediterranean. We will examine how current political developments reinforce securitization in detriment of human rights enforced by Greece-Turkey escalation of tension in the region. Migrants are seen as a potential security threat and this is promoted by the EU policy with violations of refugee rights, confinement, prolonged detention, extraterritoriality and dehumanization of life.



The large-scale arrivals in the Eastern Aegean islands since September 2015 have already highlighted structural shortcomings in the national asylum system and led to the mobilization of state institutions and resources in response. With the election of the new government on 7th July 2019, the political climate hardened against migrants and refugees. Greeceⁱ announced new measures including a wide policy of closed detention centres and a new lawⁱⁱ on migrants and refugees for which deep concerns have been expressed by and UNHCRⁱⁱⁱ and civil society.^{iv} Since March 2020, an increasing number of credible reports indicated that men, women and children may have been informally and illegally pushed back to Turkey,^v allegedly supported by Frontex,^{vi} immediately after reaching Greek soil or territorial waters setting a backlash to refugee protection. There have been scuffles over the construction of new migrant centers, attacks on refugees and hostility towards aid workers.^{vii}

Despite signs that previous support among Greek islanders for refugees is starting to evaporate,^{viii} “Greece and its people have shown immense solidarity and compassion with thousands of refugees and asylum-seekers who have sought safety in the country since 2015,” said Philippe Leclerc UNHCR Representative in Greece, on 21 August 2020. “Arrivals have significantly dropped since then but there are still people who continue to seek protection and asylum in Greece and in Europe,” he said. “Safeguarding Greece’s borders^{ix} and protecting refugees are not mutually exclusive. Both are and should be possible. This is not a dilemma but a balance that must be struck,” said Leclerc.

Shortly before COVID-19^x influences Greece, the tension at the Greek-Turkish borders (Evros) emerged (end of February 2020). Since the implementation of the EU-Turkey deal^{xi} in March 2016 until 28 February 2020, the Greek-Turkish border had been mostly closed. On 28 February 2020, Turkey announced it would no longer stop migrants and refugees trying to enter the EU.^{xii} Escalation of violence and March 1st 2020’s decision taken by Greece to suspend the asylum application for one month was another negative development towards protection standards, highly criticized by the EU.^{xiii} UNHCR^{xiv} pointed out that “neither

the 1951 Convention Relating to the Status of Refugees nor EU refugee law provides any legal basis for the suspension of the reception of asylum applications.”^{xv}

On 16 April 2020, Strasbourg ordered interim measures^{xvi} under Rule 39 of the Rules of Court in the case of *E.I. and others v. Greece* to ensure the immediate transfer of several people out of Moria.^{xvii} On September 9, 2020 Moria, Europe’s shame^{xviii}, was burned down completely leaving thousands in despair.^{xix} Over the next days the asylum seekers were moved to the new camp in Kara Tepe (Mavrovouni), but only after they were tested for Covid-19 upon entrance. Reception and living conditions in the new accommodation facility of Kara Tepe raise serious concerns regarding the protection of asylum seekers (overcrowded conditions, insufficient infrastructure, limited access to services).

The current developments reinforce securitization in detriment of human rights enforced by Greece-Turkey escalation of tension in the Eastern Mediterranean. In view of the volatile EU-Turkish and Greek-Turkish relations, such events cannot be precluded for the future. The pandemic crisis only reconfirms that there must be a reform in pan-European migration system compatible with international protection standards, social policies, solidarity along with long-term cooperation with third countries.

Responsibility sharing to the frontline countries without considerable delays remains a priority to avoid continued vulnerability to such political crises and damage to the EU’s credibility as human rights promoting entity. The EU should not treat asylum seekers as criminals or illegal elements:

- If Greece could identify humane alternatives to detention by creating more open reception centres, this would avoid tensions between the asylum seekers and the host community.
- Opening more resettlement places and making family reunification procedures more flexible and less bureaucratic is much needed.
- Humanitarian and political crises are addressed in line with legal and moral standards, legal and safe routes and cooperation between resettlement countries and countries of asylum.

In light of the new European pact on Migration and Asylum,^{xx} criticized by scholars as it fails to abolish Dublin III Regulation with the criteria of first country of entry persisting and a very strong emphasis on border controls and returns which could result to extra burden to border countries like Greece or Italy. EU member states should share responsibility as part of their obligations in an equal and fair way within their borders. The externalization of migration management to third countries without a fair burden sharing system within the EU possesses the risk of the continued pressure on frontline states, resulting potentially in deepened chagrin in frontline states and the loss of life. Further, part of the solution in stabilizing the refugee situation is fostering peace and stability in the countries of origin along with economic growth, equal opportunities and job creation in hosting countries.^{xxi}

ⁱ Greece, as an EU member state and a party to the 1951 Convention relating to the Status of Refugees must abide by its international and European obligations to prevent *refoulement* of refugees, including access to fair and efficient asylum procedures and to ensure that reception arrangements are humaneⁱ with detention as an exception and last resort measure. In addition, Greek state ships and private vessels are obliged by treaties of lawⁱ and international customary law to proceed to sea and intercept vessels in distress. In these situations, all states are obliged to assist vessels to reach the closest place of safety. The legal basis of *non-refoulement* is “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” UNHCR (1977). Note on Non-Refoulement (Submitted by the High Commissioner) EC/SCP/2. Geneva. Retrieved from <http://www.unhcr.org/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html>

ⁱⁱ Among other measures, the International Protection Bill sets out the following changes: it reduces the duration of residence permits for subsidiary protection to one year, as opposed to three (Article 24) and introduces several provisions liable to expand detention measures (Article 46). That being said, it allows for the possibility to detain persons who have previously applied for asylum at liberty, abolishes the mechanism of *ex officio* review of detention orders, and prolongs the maximum duration of detention of asylum seekers to 18 months – in which previous periods of pre-removal detention are not countedⁱⁱ. In addition, under Article 77, the personal interview can be conducted by authorities other than the Asylum Service, namely the Police and Armed Forces, in cases of large numbers of arrivals of asylum seekers. Under Article 83(9), the accelerated procedure may be applied to cases foreseen by Article 31(8) of the recast Asylum Procedures Directive but also to vulnerable applicants. It sets out rules for the establishment of a list of safe third countries by way of Joint Ministerial Decision (Article 86) and removes the automatic suspensive effect of appeals for claims dismissed as inadmissible or rejected in the accelerated procedure (Article 104). The applicant will have to file a separate request to the new composed Appeals Committee (article 116 following the modification introduced in June 2016, according to the new bill, the Committees are to be composed by three administrative judges. A single-judge composition is also foreseen for cases such as those processed under the accelerated procedures) for suspensive effect to be granted in order for removal from the country not to be affected pending the examination of the application at second instance. Regarding the content of appeals, article 93 requires asylum seekers to state the full grounds for appealing a first instance decision for their appeal to be considered admissible. Another modification concerns the access to the labor market, where article 53 introduces a six-month time limit before access to the labor market is granted to applicants, as opposed to the current rules on immediate access to employment.

ⁱⁱⁱ UNHCR reiterates its call for further preventive measures against such practices, for clear rules of process at the border and internal monitoring mechanisms, including through the reinforcement of the role of the Greek Ombudsman. Saving lives must be the first priority – both on land and at sea, reports support the argument that Greece has a deadly new migration policy and all of Europe is to blame; Trilling, D. (2020, 27 August). Greece has a deadly new migration policy – and all of Europe is to blame. London: The Guardian. Retrieved from <https://www.theguardian.com/commentisfree/2020/aug/27/greece-migration-europe-athens-refugees>

^{iv} Deep concerns expressed by UNHCR, the Ombudsman, and the National Commission for Human Rights, civil society organizations and the Athens Bar Association about the objectives of the bill and its compatibility with domestic and international law. Opposition parties raised similar concerns during parliamentary committee discussions on 29 October 2019.

^v According to D. Trilling, Greece’s prime minister, the Greek Prime Minister Kyriakos Mitsotakis, said that reports of illegal push-backs were “misinformation” and that his country’s policies were “tough but fair”. Ylva Johansson, the EU commissioner for home affairs, expressed concern at the reports but said she lacked the power to investigate. A report published by Statewatch^v, a civil liberties NGO that monitors the European Union, warns of an emerging EU “deportation machine”^v: The EU’s border agency Frontex plans to drastically increase its capacity to assist member states with deportations of migrants who have been refused permission to stay. The EU Border and Coast Guard Agency - last reformed (in terms of statute changes) in 2019 - will deploy 100 more guards to the Greek land border and provide additional equipment for the Greek coast guard such as two surveillance planes, two boats, seven aircraft, one helicopter and four thermal imaging vans.

^{vi} Frontex chief faces EU grilling over migrant pushback claims. (2020, 01 December). Athens: EKathimerini. Retrieved from <https://www.ekathimerini.com/259764/article/ekathimerini/news/frontex-chief-faces-eu-grilling-over-migrant-pushback-claims>; EU Probe Frontex Complicity in Border Abuses. (2020, 9 November). Human Rights Watch. Retrieved from <https://www.hrw.org/news/2020/11/09/eu-probe-frontex-complicity-border-abuses>

^{vii} Birell, I. (2020, 12 December). Greek police beat us, stole our money and our shoes then dumped us on a truck back to Turkey: a human tragedy unfolding on the border of Europe. London: Daily Mail. Retrieved from <https://www.dailymail.co.uk/news/article-8087141/Greek-police-beat-stole-money-shoes-dumped-truck-Turkey.html?fbclid=IwAR1rHateDGg7DvRi -RG4sPbnlx2JwVkpOmHsT3CoCxHb7d1bUUaTaknzlA>

^{viii} Eurostat News Release Record number of over 1.2 million first time asylum seekers registered in 2015 Syrians, Afghans and Iraqis: top citizenships. (2016, 4 March). Retrieved from <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/>

^{ix} Brown, W. (2017, 27 June). *Walled States, Waning Sovereignty*. Wendy Brown points out that mechanisms of border control do not target other states opponents but rather target non-state actors: people, movements and organisations. She underlines that borders, walls and detention centres is a proof that nation states and their domination have failed, which means that the borders are prone to be violated and the perpetrators without legal papers are jailed in the territory of the state in which they violate and crosses its borders. In addition, Brown claims that detention is an element of destruction of festivalian establishment as instead of deportation, criminalisation is seen as a discipline measure.

^x The COVID-19 pandemic struck Greece shortly after a slight improvement in economy, giving hope to the country’s middle class following ten years of significant economic recession and austerity measures. Greece’s first confirmed case was reported in 12 March 2020. Preserving dignity and protection for the vulnerable was another challenge for Greece. COVID-19 makes refugees more vulnerable and less independent and self-sustained. Lavallo, M. (2020, 19 March). Growing calls to evacuate refugee camps amid virus threat. Aljazeera. Retrieved from <https://www.aljazeera.com/features/2020/03/19/growing-calls-to-evacuate-greek-refugee-camps-amid-virus-threat/>

^{xi} 16 March 2020 marked four years after the signature of the famous EU-Turkey deal which led to the EU policy implemented in Greece and Turkey (including containment policy, extraterritoriality and shifting responsibility towards Turkey), violations of refugee rights and deportations, a humanitarian issue became part of accession negotiations and turned into a highly politicized one forming the agenda of domestic politics.

^{xii} Goldner Lang, I. (2020, 04 September). Which connection between the Greek-Turkish border, the Western Balkans route and the ECtHR’s judgement in ND and NT?. Immigration and Asylum Law and Policy. Retrieved from <http://eumigrationlawblog.eu/2750-2/>

Turkey announced that tens of thousands were taken on the Turkish side after having been reportedly taken there by Turkish buses and tried to cross the Greek border with Greek police trying to stop everyone who tried to cross the border by using tear gas and rubber bullets.

^{xiii} The European Commission refused to release a preliminary legal assessment of the Greek decision to temporarily freeze all asylum applications. James Hathaway, the prominent legal scholar in international refugee law, argued that the suspension of asylum by the Greek Government entails the violation of the principle of necessity in international law. Ranklin, J. (2020, 12 March). Greece warned by EU to uphold the right to asylum. The Guardian. Retrieved from https://www.theguardian.com/world/2020/mar/12/greece-warned-by-eu-it-must-uphold-the-right-to-asylum?CMP=share_btn_fb&fbclid=IwAR39RVB5HEu9KhJl1byg1Sl45BEPORJrunG9EUypZu0YrLPGvKxBhfmgbsQ

^{xiv} UNHCR Statement on the situation at the Turkey-EU border. (2020, 02 March). Retrieved from <https://www.unhcr.org/news/press/2020/3/5e5d08ad4/unhcr-statement-situation-turkey-eu-border.html>

^{xv} The new arrivals through the Greek islands preoccupied the newly elected Greek Government and led to a suspension of asylum applications for one month with no legal basis, highly criticized by the UN and various human rights organizations. The pandemic also touched the people in the overcrowded camps and highlights the risks they face; little reference is made to that in public media though, their exposure to the coronavirus and access to health care.

^{xvi} In its order, the Court requested that accommodation in line with Article 3 of the European Convention on Human Rights be provided and that medical treatment be ensured in line with the physical and medical health needs of the applicants. The case had to do with a survivor of torture and his parents with a serious medical condition, whose transfer from Moria was pending since December 2019.

^{xvii} The President of the European Commission openly thanked Greece as Europe's "shield" in blocking the entry to the EU and promised financial and material support as well as the deployment of Frontex. Two days later, the Frontex Management Board agreed to launch its mission.

^{xviii} Mosaik. (2018, 19 October). Doctors Without Borders: We have incidents and this is out of question. Retrieved from <https://lesvosmosaik.org/doctors-without-borders-we-have-incidents-and-this-is-out-of-question/> I can't find words to describe the conditions in Moria,' said Apostolos Veizis, of the Medecins Sans Frontiers. 'It is so sad to hear children aged seven saying they want to die. "Lesvos reflects the inhumane consequences and the non-efficacy of European policies on migration which the European states are unable to unify. This is a non-end which stimulates a sense of dissatisfaction and discontent for migrants. In Lesvos, there are 22k asylum seekers for 86k habitants. The majority of them have a refugee status profile according to UNHCR officer, Thodoris Aksellis. In Moria, 77% are Afghans, 8% are Syrians, 2% are Iraqis and 3% are Congolese and others.'; Nielsen, N. (2020, 11 September). Moria is EU's shame. EU Observer. Retrieved from <https://euobserver.com/migration/149398>; Lesbos, l'île où l'Europe a perdu son âme. (2020, 19 Mars). Le Point International. Retrieved from https://www.lepoint.fr/monde/lesbos-l-ile-ou-l-europe-a-perdu-son-ame-11-03-2020-2366782_24.php

^{xix} On 9th of September 2020, a fire broke out in Moria Registration and Identification Center, Lesvos which led to the destruction of most of the camp/area. During the evening of the same day, another fire broke out which finally completely destroyed the rest of the camp leaving most of its 13,000 residents homeless. The total destruction of Moria RIC led to a major humanitarian crisis with thousands of people living literally in the streets without shelter or sanitation for days. Gradually, over the next days the asylum seekers were moved to the new camp, but only after they were tested for covid-19 upon entrance. Until 21st of September more than 200 asylum seekers were found covid-19 positive. Reception and living conditions in the new accommodation facility of Kara Tepe raise serious concerns regarding the protection of asylum seekers. The first concern is related to serious shortages in basic provisions as well as insufficient infrastructure. It has been reported that washing and hygiene facilities are limited. Specifically, there is limited access to running water, few bathrooms and no electricity. Moreover, the portions of food distributed to the residents are inadequate and thus many do not have proper access to food. Additionally, tents housing single men are overcrowded; in several cases the population hosted in each tent unit reaches 100 people. Observatory News Bulletin: On the destruction of Moria RIC and the recent developments in Lesvos. (2020, 28 September).

Observatory of the refugee and migration crisis in the Aegean. Retrieved from <https://refugeeobservatory.aegean.gr/el/node/2667>

^{xx} Peers, S. (2020, 25 September). First analysis of the EU's new asylum proposals, EU Law Analysis. Retrieved from <http://eulawanalysis.blogspot.com/2020/09/first-analysis-of-eus-new-asylum.html>

^{xxi} Matsaganis, (2013). M. The Greek Crisis: Social Impact and Policy Responses. Friedrich Ebert Stiftung. Retrieved from <http://library.fes.de/pdf-files/id/10314.pdf>

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ABOUT VIADUCT

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