



**REFUGEE RIGHTS
EUROPE**



THE INVISIBLE ISLANDS

**COVID-19 RESTRICTIONS AND THE FUTURE OF
DETENTION ON KOS AND LEROS**

TABLE OF CONTENTS

INTRODUCTION	03
--------------	----

COVID-19 RESTRICTIONS AND IMPACT	04
----------------------------------	----

THE CURRENT SITUATION ON KOS	06
------------------------------	----

THE CURRENT SITUATION ON LEROS	08
--------------------------------	----

DETENTION STRATEGIES ON KOS AND LEROS	10
---------------------------------------	----

POSSIBLE LONG-TERM IMPACT OF COVID-19 RESTRICTIONS ON DETENTION PRACTICE	12
---	----

LONG TERM IMPACTS OF DETENTION AND LACK OF LEGAL PATHWAYS IN CASE OF ABUSE	13
---	----

CONCLUSION AND RECOMMENDATIONS	15
--------------------------------	----

INTRODUCTION

WE ARE LIVING THROUGH UNPRECEDENTED TIMES, THE COVID-19 PANDEMIC HAS AFFECTED PEOPLE ALL OVER THE WORLD, BUT IT HAS AFFECTED SOME MORE THAN OTHERS.

Restrictions of movement brought into effect for island Reception and Identification Centres (often referred to as hotspots or RICs) have had perhaps unintended but dire consequences, and align with the Greek government's pre-existing plans to create closed centres on Lesbos, Samos, Chios, Kos and Leros as announced in November 2019. While the Government plans to close the existing RICs on Lesbos, Samos and Lesbos and construct new detention centres, Leros (Lepida) and Kos (Pyli) will instead be transformed into

closed facilities with a capacity of 1,000 and 2,000 places, respectively.¹

Though there are many reports on the difficult situations faced by people living in the RICs of Lesbos, Chios and Samos, the smaller facilities on Kos and Leros are often forgotten. However, on both islands the hotspots make up a large proportion of the islands' entire population as fewer people live there overall. On Leros, for example, refugees and asylum seekers make up 20% of the whole population on the island.²

At the time of writing (April 2020) both hotspots are over capacity. Leros RIC is currently hosting 1997 people in a space with the capacity for 860 and Kos RIC is hosting 2594 people in a space for 816.³ In Leros there are a further 87 people housed in PIKPA which has capacity for 120. The Pre-departure and Removal centre (or PDDC) adjacent to Kos hotspot is also close to capacity, 447 people held in a space for 474, and an additional three people are being held in police detention.

REPORTS HAVE INDICATED A LACK OF ADEQUATE AND APPROPRIATE FOOD, CLEANING, HYGIENE AND MAINTENANCE.

Conditions in police detention have recently been condemned as substandard throughout Greece, with most police establishments being found unsuitable for holding detained persons for periods of longer than 24 hours. Reports have indicated a lack of adequate and appropriate food, cleaning, hygiene and maintenance.⁴ The last points are of course of particular concern during the COVID-19 pandemic.

The general lack of medical and hygiene facilities available in hotspots, detention centres and police detention cells highlight the difficulties faced by detained and movement restricted refugees during the COVID-19 pandemic. Social distancing is simply not possible in an overcrowded space, leading many organisations to call for the removal of people from the hotspots including Médecins Sans Frontières⁵ (MSF), the International Organisation for Migration⁶ (IOM) and Human Rights 360.

"When the virus hits overcrowded camps in Greece, the consequences will be devastating," said Fotini Kokkinaki from Human Rights 360. "That will be a nightmare within an existing nightmare since the public health system has collapsed during the previous years of economic depression. We must act now before it is too late."⁷

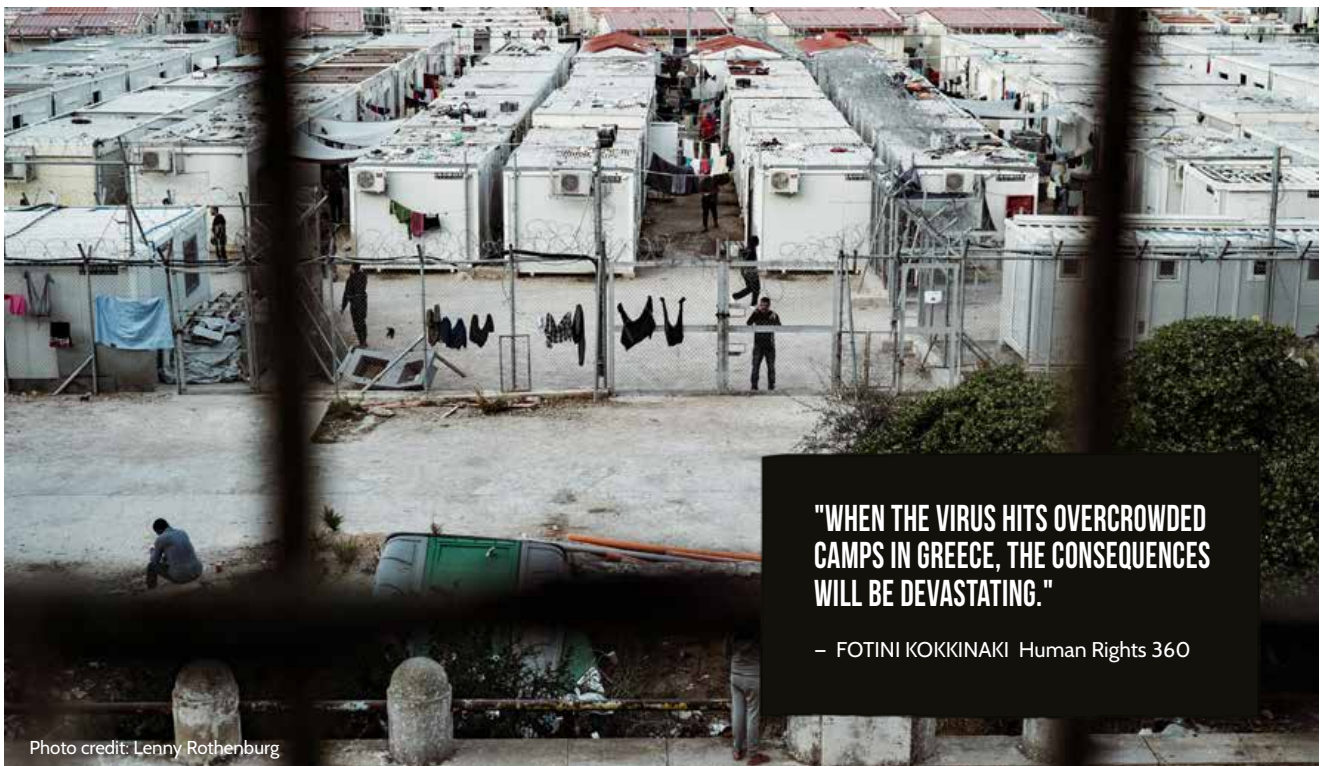


Photo credit: Lenny Rothenburg

"WHEN THE VIRUS HITS OVERCROWDED CAMPS IN GREECE, THE CONSEQUENCES WILL BE DEVASTATING."

– FOTINI KOKKINAKI Human Rights 360

¹ <https://www.ecre.org/greece-return-to-plans-for-detention-centres-on-the-islands>

² Information provided by Echo100Plus in interview by Emma Musty with Evelina Eskenazi on the 8 April 2020

³ <https://infocrisis.gov.gr/8570/apotyposi-tis-ethnikis-ikonas-katastasis-gia-to-prosfygiko-metanastefitiko-zitima-tin-15-4-2020>

⁴ <https://rm.coe.int/16809e2059> (p.4)

⁵ <https://www.msf.org/urgent-evacuation-squalid-camps-greece-needed-over-covid-19-fears>

⁶ <https://www.iom.int/news/iom-raises-concern-over-increasing-covid-19-cases-recorded-greece-mainland-refugee-and-migrant>

⁷ <https://www.humanrights360.org/greece-move-asylum-seekers-migrants-to-safety>

COVID-19 RESTRICTIONS AND IMPACT

"THE FOOD PROVIDED TO US IS INEDIBLE AND 90% OF THE FOOD GIVEN TO US IS THROWN AWAY"

– ANONYMOUS in Kos

Photo credit: Lenny Rothenburg



RATHER THAN OPTING FOR DECONGESTION, THERE HAS BEEN A GENERAL MOVE TOWARDS CLOSED FACILITIES AND RESTRICTED MOVEMENT. TWO CAMPS ON THE MAINLAND, RITSONA AND MALAKASA, WERE IN APRIL 2020 PLACED UNDER COMPLETE LOCKDOWN AS BOTH ARE HOME TO PEOPLE WHO TESTED POSITIVE TO COVID-19.⁸

As of April, no confirmed cases had yet been reported in the island hotspots where restrictive measures were originally brought in on the 18th of March for a period of 30 days and which were later extended until the 10th of May.⁹ Although the enactment of these measures has differed on different islands, the original directive was that people living in camps would only be able to

leave in small groups of under ten people, between 7am and 7pm, and only to buy food and supplies from nearby towns and villages. Only one member of a family would be allowed to leave at any time, all movement controlled by the police, public transport with a limited route would be used to buy food and essential supplies, with people being encouraged to order food by phone.¹⁰

ON THE 31ST OF MARCH, HUMAN RIGHTS WATCH PUT THE TOTAL FIGURE OF ARRIVALS WHO WERE IMMEDIATELY TRANSFERRED TO NEW MAINLAND DETENTION SITES AT 2000.

From the 1st of March 2020, new arrivals were supposedly not allowed to enter camps and the Ministry of Migration and Asylum announced that they would instead be transferred to closed centres on the mainland, which in some cases has happened. This decision went hand in hand with the suspension of asylum registration and calls for new arrivals to be immediately deported to either their home countries or transit countries, such as Turkey. Reports from the closed centres showed a worrying disregard of the authorities for the well-being of those detained. On the 31st of March, Human Rights Watch put the total figure of arrivals who were immediately transferred to new mainland detention

sites at 2000, and reported that detainees had limited access to water, electricity, hygiene products, clothing, and blankets. They were sleeping in cramped tents with up to ten people, often from different families, and they were only allowed to leave the site for medical emergencies.¹¹

THE RHETORIC OF INVASION WAS EMPLOYED BY BOTH THE GOVERNMENT AND THE MEDIA, CREATING A CLIMATE IN WHICH TOUGHER MEASURES WERE EASY TO PASS.

These actions took place within a wider context of negative press and public sentiment fuelled by the coverage and misinformation surrounding attempts to cross the land border in northern Greece by refugees and asylum seekers trapped in Turkey. The rhetoric of invasion was employed by both the Government and the media creating a climate in which tougher measures were easy to pass.¹²

THE LOW QUALITY OF FOOD DISTRIBUTED IN CAMPS MEANT THAT MANY PEOPLE WERE STRUGGLING TO EAT HEALTHILY.

Cash card payments, the monthly allowance given to asylum seekers in Greece, were not made at the

⁸ <https://www.infomigrants.net/en/post/24010/greece-s-malakasa-migrant-camp-what-life-is-like-during-the-coronavirus-lockdown>

⁹ <https://www.mitarakis.gr/gov/migration/2006-παράταση%20-μέχρι%20-τις-10-μαΐου-2020,-των-μέτρων-κατά-της-εμφάνισης-και-διασποράς-κρουσμάτων-του-κορωνοϊού-covid-19-στα-κέντρα-υποδοχής-και-ταυτοποίησης-σε-όλη-την-επικράτεια>

¹⁰ <https://help.unhcr.org/greece/coronavirus>

¹¹ <https://www.hrw.org/news/2020/03/31/greece-nearly-2000-new-arrivals-detained-overcrowded-mainland-camps>

¹² <https://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border>

end of March until cash machines could be installed outside of camps to prevent people from going into nearby towns and villages and creating queues.¹³ The low quality of food distributed in camps meant that many people were struggling to eat healthily as they could no longer supplement their meals. As A., an English teacher who has lived in Kos RIC for nearly 11 months, reported:

"The food provided to us is inedible and 90% of the food given to us is thrown away... we were fine with the situation before the lockdown but now, as the lockdown is in place we can't go outside and buy food to cook for ourselves... Now we rely on their food which can't be eaten 100%." ¹⁴

When the cash card payments were finally made people had become desperate and rushed to leave. This caused panic in the camp, which was brutally repressed by the police, as witnessed by M., a university graduate and freelance painter and decorator who has lived in the hotspot for a year:

"Two days ago, people in the camp received financial assistance and everyone wanted to go shopping. Normally, we receive financial assistance at the beginning of the month, but it is late this month. A lot of people need to shop, but here only 65 people are allowed to go out. Here we are more than a thousand and more. It has become a mess. The police beat the women and men to separate." ¹⁵

For Kos and Leros these decisions had other very direct consequences, at least on paper, as the Government announced that the conversion of the RICs on Kos and Leros into closed sites will begin immediately,¹⁶ despite the fact that construction was stopped on other islands after public outcry.¹⁷ Yet, when a volunteer from Echo100Plus on Leros was interviewed for this report on the 3rd of April, building work was still not taking place.

NEW ARRIVALS TO KOS IN THE MONTH OF MARCH WERE ALSO NOT TAKEN TO THE MAINLAND BUT INSTEAD PLACED DIRECTLY IN THE PRE-DEPARTURE AND REMOVAL CENTRE ADJACENT TO THE RIC, WITH NO SCREENING PROCESS FOR COVID-19.

New arrivals to Kos in the month of March were also not taken to the mainland but instead placed directly in the Pre-departure and Removal Centre adjacent to the RIC, with no screening process for COVID-19. Between 250 and 263¹⁸ people were integrated into the general detention population in this way, though

held in a separate area.¹⁹ On other islands, multiple cases of people being left to fend for themselves and self-isolate at their arrival site were also reported in the month of March by Aegean Boat Report.²⁰

Other promised measures included the development of special health units inside the RICs, to include medical clinics, isolation spaces for sick individuals for preventive purposes, and treatment of any infected cases, which are yet to emerge, and the suspension of all visits and activities by external organisations.²¹

All of these measures, or lack thereof, highlight the many possible dangers of adopting a detention centre approach on the islands, especially as current detention practices in Greece have already been widely condemned.²² In a report by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published on the 9th of April 2019, following their seventh periodic visit to Greece from the 28th of March to the 9th of April, many concerns were raised over general detention conditions in Greece.

ALTHOUGH THE FOCUS OF THIS REPORT WAS DETENTION IN PRISON FACILITIES IN GREECE IN GENERAL, THE REPORT GIVES A CLEAR OVERVIEW OF POSSIBLE ABUSES IN OTHER DETENTION FACILITIES...

Although the focus of this report was detention in prison facilities in Greece in general, the report gives a clear overview of possible abuses in other detention facilities as many of the problems reported are the same and are reported by asylum seekers in police detention and Pre-removal centres – overcrowding, serious violence between detainees often leading to severe injury and sometimes death, low staffing levels and inadequate health care provision.²³



Photo credit: A.

¹³ Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

¹⁴ Interview conducted by Emma Musty online with A. on the 14 April 2020

¹⁵ Interview conducted by Emma Musty online with M. on the 6 April 2020

¹⁶ <https://help.unhcr.org/greece/coronavirus>

¹⁷ <https://www.theguardian.com/world/2020/feb/17/greece-pauses-plans-for-new-refugee-detention-centres-on-islands>

¹⁸ https://datastudio.google.com/reporting/1CIKR1_R7-1UbMHKhZzE_ji_cvqF7xlfH/page/SfMO

¹⁹ Information supplied by Equal Rights Beyond Borders in interview by Emma Musty with Robert Nestler on the 16 April 2020

²⁰ <https://web.facebook.com/AegeanBoatReport/posts/812842672572172>

²¹ <https://help.unhcr.org/greece/coronavirus>

²² <https://rm.coe.int/16809e2059> (p.1)

²³ <https://rm.coe.int/16809e2059> (p.1)

THE CURRENT SITUATION ON KOS

THE HOTSPOT ON KOS IS LOCATED NEAR PYLI, A SMALL VILLAGE FEW PEOPLE HAVE HEARD OF, AND IS LOCATED 15 KILOMETRES FROM THE KOS TOWN. THE FORMER MILITARY BASE WAS OPENED AS A HOTSPOT IN MARCH 2016, IN RESPONSE TO THE SIGNING OF THE EU-TURKEY DEAL.²⁴

Its isolation means few people ever manage to visit it and this

may also be a contributing factor for the lack of NGOs present. Only Flying Help, Kos Solidarity and Arsis are currently known to go there. It is in many ways, as Robert Nestler from Equal Rights Beyond Borders put it, a black box, invisible and difficult to find out information about.²⁵

ONLY FLYING HELP, KOS SOLIDARITY AND ARSIS ARE CURRENTLY KNOWN TO GO THERE.

In the words of A., a hotspot resident:

"It's almost in the middle of the forest. It is far away from everything such as supermarkets and hospitals. It's basically [that] we're detained in a military camp that is surrounded by barbed wire so it's hard for us to go downtown as it costs a lot to go by bus here in Kos."

Until March, the hotspot was open and only the PDDC was closed in terms of movement for residents, however both are now effectively closed and according to the Greek government's announcement, will remain so.²⁶ When the new COVID-19 restrictions came into effect on Kos, the informal dwellings outside of the hotspot were destroyed and all residents had to move within the camp walls. There was, however, still no room for them to stay in the ISO boxes so they had to rebuild their homes from bamboo, blankets and whatever else they could find.²⁷

THEY HAD TO REBUILD THEIR HOMES FROM BAMBOO, BLANKETS AND WHATEVER ELSE THEY COULD FIND.



²⁴ <https://rsaegear.org/en/refugees-trapped-on-kos>

²⁵ Information supplied by Equal Rights Beyond Borders in interview by Emma Musty with Robert Nestler on the 16 April 2020

²⁶ <https://help.unhcr.org/greece/coronavirus>

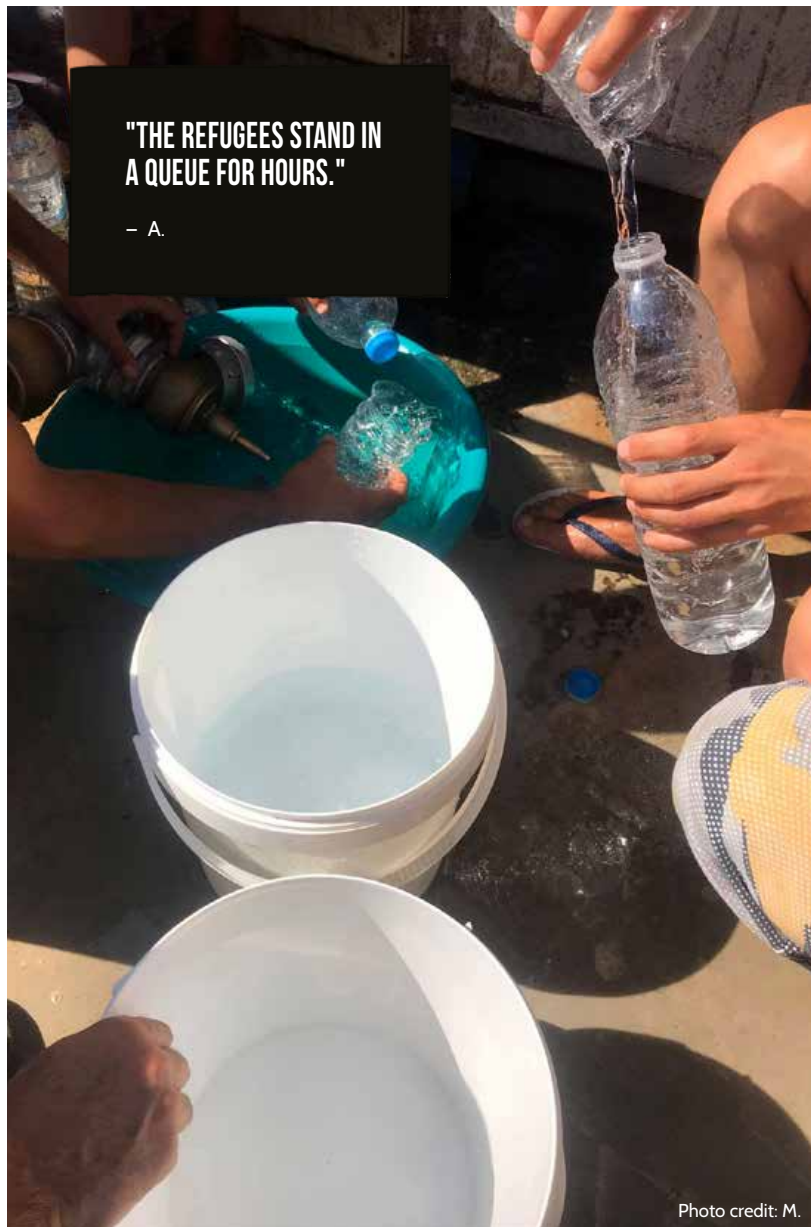
²⁷ Information provided by camp resident, A.

About the Corona restrictions, M. said:

"It is very difficult to go out of the camp to shop just for the very necessity. Yes, the camp was closed after Corona, but the people who used to live in the tents outside the camp were forced into the camp, and now they live in tents, and there is no place in the camp, now the camp is very crowded. But a while ago I spoke with a lawyer who said, 'We cannot help anyone, and the European Union knows everything here and about the situation.'"

**"THERE IS NO PLACE IN THE CAMP,
NOW THE CAMP IS VERY CROWDED."**

– M.



**"THE REFUGEES STAND IN
A QUEUE FOR HOURS."**

– A.

Even access to basics like water for drinking, cooking and cleaning is limited, states A.:

"Refugees have access to water two ways. The first is the faucets found in the containers which are cut off for almost 18 hours a day... The second source is the standpipes found outside the containers [where] the refugees stand in a queue for hours like what happened last summer."

He estimates that there are approximately 1000 people living in about 300 tents, many of whom are families with young children and some of whom are sick.

Asked how it feels to live in a space like this, he said:

"Basically I don't feel safe here. Everything around me makes me feel I'm in danger of diseases as we are living around garbage, fights among refugees on almost a daily basis that happen [as a] result of being detained here for too long, and lastly the oppression and bad treatment we get from the administration and the police."

A. states that not all staff have been coming to work wearing masks and that medical care is limited:

"The doctor and four nurses working in the camp here don't belong to any medical NGOs. They're just camp employees. They are the worst. People are in a queue for hours and they only let a few get checked. Sick refugees get badly treated when they want referral to the hospital... such as we have to wait [for] a lot for hours."

The medical staff he refers to are from the National Public Health Organization (NPHO). Other reports from Refugee Support Aegean²⁸ back up his claims that medical access is poor. There has been no reported improvement since COVID-19 measures were enacted.

²⁸ <https://rsaegean.org/en/refugees-trapped-on-kos>

THE CURRENT SITUATION ON LEROS

"IT WON'T BE A GOOD CHAPTER IN EUROPE'S HISTORY." ²⁹



Photo credit: Lenny Rothenburg

Leros Island has a long and complicated history. The port itself is one of the biggest natural ports in the Mediterranean and as a result an Italian naval base was built there during the interwar period. After the Italians left in 1948 the structure eventually became a psychiatric hospital, running from 1957 to 1995.³⁰ Even though the hospital largely closed in 1995, about 200 patients are still present.³¹ It is within the compound of the psychiatric hospital that the hotspot is located, two populations vulnerable to negligence placed together, almost invisible from the nearest town of Lepida. As with Kos, Leros had no reported cases of COVID-19 in April 2020. Travel was restricted to permanent residents and anyone arriving had to self-quarantine for fourteen days.

COVID-19 IS THE PERFECT EXCUSE TO TURN THE CAMP INTO A CLOSED DETENTION CENTRE.

Residents of the hotspot were on a curfew and only allowed to go out for one hour to get shopping. Catharina Kahane, one of the founding members of Echo100Plus, believes that COVID-19 is the perfect excuse to turn the camp into a closed detention centre and that if the situation goes on for a few months it will become normal:

"What is now happening as a protective measure is what they wanted."

THE OVERALL HEALTH OF MANY PEOPLE IN THE CAMP IS ALREADY POOR.

Yet, the port town of Lakki profits from the refugee community because they spend their money there (the cash card payment of 90 euro per month) and the camp is the biggest employer on the island. A closed camp would prevent people from boosting the local economy as well as benefiting from other

community initiatives which camp residents take part in, such as beach cleans.³² People receive 'army food' (food organised and paid for by the Greek army) in the camp, though a local caterer directly provides it. Most people also have a small stove in order to supplement what they are given, but according to Catharina the overall health of many people in the camp is already poor:

"Small wounds can develop into something big, they have already been through a lot."

PEOPLE HAD FOR A LONG TIME BEEN LIVING IN BOTH THE ABANDONED BUILDINGS OF THE HOSPITAL... AND ON THE BEACH.

In April 2020, the hotspot was over capacity and had more people than even in the newly planned closed centre. As a result, people had for a long time been living in both the abandoned buildings of the hospital, which are dangerous and dilapidated structures without facilities, and on the beach in tents.³³

²⁹ Catharina Kahane of Echo100Plus speaking about the plans for a closed detention centre on Leros

³⁰ <https://www.rchumanities.gr/en/danae-karydaki>

³¹ Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

³² Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

³³ Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

PIKPA, a separate housing facility for people considered vulnerable, was also in operation and supported by Leros Solidarity Network.³⁴ PRAXIS contributes to medical and psychosocial support of the people accommodated there,³⁵ and it is unclear how the plans for turning the hotspot into a detention centre would affect them.

THERE IS NOT EVEN ADEQUATE ACCESS TO WASH BASINS FOR BASIC HYGIENE PURPOSES.



Photo credit: Lenny Rothenburg

"IF THERE IS ANY INSTANCE OF CORONA VIRUS ON THE ISLAND IT WILL TURN INTO A PRISON."

– Nicos Phokas

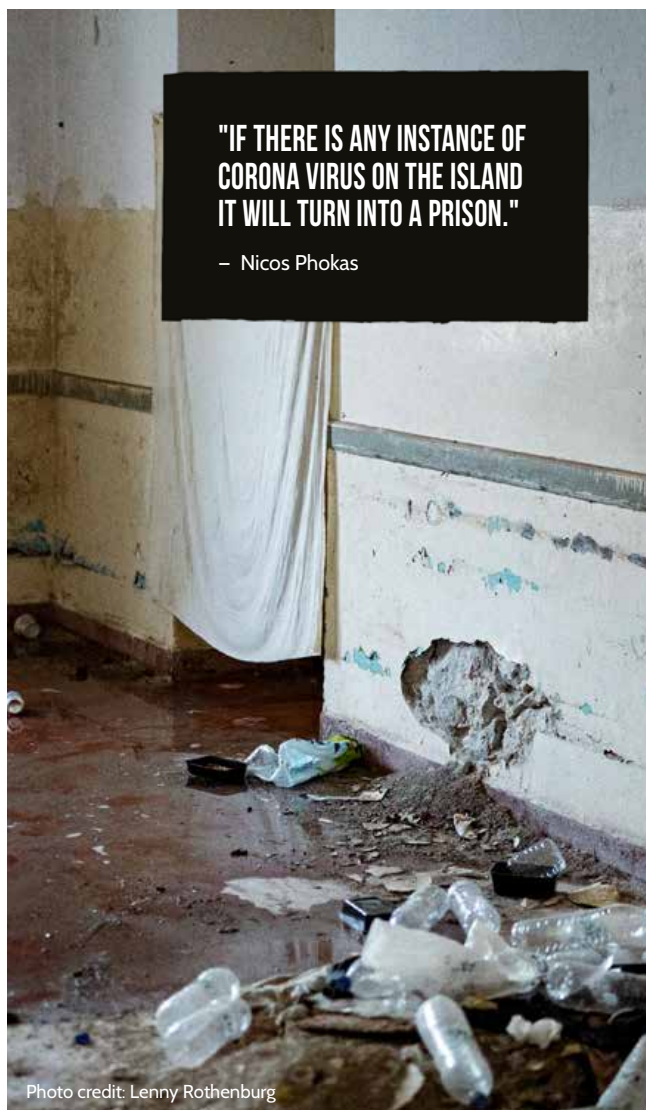


Photo credit: Lenny Rothenburg

Nicos Phokas was the only volunteer left from Echo100Plus on the island during April, everyone else had to leave due to the travel restrictions and fears about closing borders. He has lived on Leros for the last 5 years, and before that was a resident of Athens. He believes that most people do not want a detention centre and worries about what will happen in the future if arrivals increase or if there is a case of COVID-19 in the hotspot. He also states that there is not even adequate access to wash basins for basic hygiene purposes.

"If there is any instance of corona virus on the island it will turn into a prison and a place where people will get ill and probably die."

Human Rights 360 states that, "International human rights law requires that the health needs of asylum seekers and migrants be addressed and, in the context of the COVID-19 pandemic, any restrictions on rights for reasons of public health or national emergency be lawful, necessary, and proportionate as well as non-discriminatory."³⁶ Yet, this is clearly not the case.

"INTERNATIONAL HUMAN RIGHTS LAW REQUIRES THAT THE HEALTH NEEDS OF ASYLUM SEEKERS AND MIGRANTS BE ADDRESSED AND, IN THE CONTEXT OF THE COVID-19 PANDEMIC, ANY RESTRICTIONS ON RIGHTS FOR REASONS OF PUBLIC HEALTH OR NATIONAL EMERGENCY BE LAWFUL, NECESSARY, AND PROPORTIONATE AS WELL AS NON-DISCRIMINATORY."

– Human Rights 360

³⁴. Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

³⁵. <https://refugees.gr/services/leros-solidarity-network>

³⁶. <https://www.humanrights360.org/greece-move-asylum-seekers-migrants-to-safety>

DETENTION STRATEGIES ON KOS AND LEROS

THE ROLE OF RECEPTION AND IDENTIFICATION CENTRES CHANGED AFTER THE EU-TURKEY DEAL OF MARCH 2016 BROUGHT IN ISLAND RESTRICTIONS, MEANING THAT PEOPLE COULD NO LONGER MOVE FREELY TO THE MAINLAND AFTER REGISTRATION.

The deal further included a 'restriction of movement' within the RICs for up to 25 days (Law 4375/2016, Article 14). However, this measure has largely not been employed.³⁷ Kos and Leros however are unique, along with Lesbos, as they were chosen as part of the 'pilot project' which further allowed for the immediate detention of individuals from low recognition rate countries for their entire asylum procedure.³⁸

The pre-removal centre on Kos opened in 2017 and UNHCR are currently the only organisation operating there.³⁹ According to research conducted by the Detention Project, at least some of the detention areas in the centre consist of two-room prefabricated units. 'Each cell contains two bunk beds and measures nine square metres. Rooms are equipped with both a shower and a toilet, and a specific place for worship is available within the facility. The centre adopts an open-door regime: detainees are thus free to move about within the facility throughout the day.'⁴⁰ In 2018, when it was evaluated by the CPT,

they rated the centre as good despite concerns over medical provision.⁴¹

SOME OF THESE WOMEN HAVE EXPERIENCED SEXUAL AND GENDER BASED VIOLENCE EITHER BEFORE OR AFTER THEY ARRIVED TO THE DETENTION CENTRE – SOMETIMES BOTH.

However, with the detention centre now nearly at capacity, Equal Rights Beyond Borders reports that low recognition countries still make up a high number of detainees, and that this includes families and women detained together with men with only a small fence to separate them. Some of these women have experienced sexual and gender based violence either before or after they arrived to the detention centre – sometimes both.⁴² This is in contravention of Greek law on the detention of vulnerable people (in this case also people made vulnerable by detention) as 'according to Article 46 L 4375/2016, as amended in 2018, women should be detained separately from men, the privacy of families in detention should be duly respected.'⁴³

Current detention practices are further problematised during the COVID-19 pandemic in relation to the use of pre-departure facilities as people should only be detained if they are able to leave the territory which, due to current travel restrictions and Turkey's refusal to have people returned there in March,⁴⁴ is not possible. Thus, no one should currently be detained on the grounds of imminent deportation⁴⁵ and such detention goes against Article 5 of the European Convention on Human Rights.⁴⁶

Further problems include reports of lower quality asylum interviews being arranged on Kos by the Greek Asylum Service (GAS), marked by the type of questions asked, and people struggling to get through to them in the first place as the line is always busy and the reception is bad. They do not accept printed or phone based evidence as part of the interview process, which they do in other departments of GAS, and they give no breaks during interviews.⁴⁷ This makes it much more difficult to submit evidence and goes against standard practice regarding breaks as laid out by EASO.⁴⁸



Photo credit: M.

³⁷ <https://www.globaldetentionproject.org/countries/europe/greece>

³⁸ <https://www.asylumineurope.org/reports/country/greece/detention-asylum-seekers/general>

³⁹ Information provided by Equal Rights Beyond Borders in interview by Emma Musty with Robert Nestler on the 16 April 2020

⁴⁰ <https://www.globaldetentionproject.org/countries/europe/greece>

⁴¹ <https://www.globaldetentionproject.org/countries/europe/greece>

⁴² Information provided by Equal Rights Beyond Borders in interview by Emma Musty with Robert Nestler on the 16 April 2020

⁴³ <https://www.asylumineurope.org/reports/country/greece/detention-asylum-seekers/legal-framework-detention/detention-vulnerable>

⁴⁴ Information provided by Equal Rights Beyond Borders in interview by Emma Musty with Robert Nestler on the 16 April 2020

⁴⁵ Information provided by Equal Rights Beyond Borders in interview by Emma Musty with Robert Nestler on the 16 April 2020

⁴⁶ <https://www.equalityhumanrights.com/en/human-rights-act/article-5-right-liberty-and-security>

⁴⁷ Information provided by Equal Rights Beyond Borders in interview by Emma Musty with Robert Nestler on the 16 April 2020

⁴⁸ <https://easo.europa.eu/sites/default/files/public/EASO-Practical-Guide-Personal-Interview-EN.pdf>

ON LEROS, PEOPLE TO BE DEPORTED WERE BEING DETAINED IN A CONTAINER INSIDE THE CAMP, AND IN AGIA MARINA PRISON UNTIL THEY WERE DEPORTED.

On Leros, people to be deported were being detained in a container inside the camp, and

in Agia Marina prison until they were deported. Again this was mainly people from low recognition countries.⁴⁹ However, since the COVID-19 measures were brought in on the 1st of March, there have been 252 arrivals⁵⁰ (data from 30th of March 2020) and they were kept in the premises of the port police with no infrastructure. A truck was then brought to transport women and children and they were moved to the port waiting room where they stayed for more than a week. All in all, they were held in detention for three weeks.⁵¹

THEY WERE NOT ABLE TO WASH, WHICH RESULTED IN SKIN INFECTIONS.

During their detention there was no physical interaction with them. They were running out of battery on their phones, leaving them with no way to communicate. They were not able to wash, which resulted in skin infections. Some mothers and babies were allowed to go to hospital. During their three week detention, no one could apply for asylum.⁵²

"ACCORDING TO ARTICLE 46 L 4375/2016, AS AMENDED IN 2018, WOMEN SHOULD BE DETAINED SEPARATELY FROM MEN, THE PRIVACY OF FAMILIES IN DETENTION SHOULD BE DULY RESPECTED."

– Greek law



Photo credit: Lenny Rothenburg

⁴⁹ Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

⁵⁰ https://datastudio.google.com/reporting/1CiKR1_R7-1UbMHKhZ_e_ji_cvqF7xlFH/page/SfMO

⁵¹ Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

⁵² Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

POSSIBLE LONG TERM IMPACT OF COVID-19 RESTRICTIONS ON DETENTION PRACTICE

MANY GROUPS HAVE ALREADY RAISED CONCERNS THAT THE COVID-19 CRISIS WILL BRING IN NEW DETENTION MEASURES WHICH WILL BE POORLY MONITORED AND MAY THEN NOT BE LIFTED WHEN THE PANDEMIC IS DEEMED TO BE OVER.⁵³

So far, this seems to be the case. The restrictions to movement that are now in place, deemed a necessity for public health, are also in line with the much opposed International Protection Bill (Law 4636/2019). It entered into force on 1st January 2020 despite concerns being raised by many groups, including the Greek Council for Refugees, that it was in violation of EU, International and Greek Law as well as the principle of non-refoulement.⁵⁴ Article 46 (Possibility of generalized and prolonged detention against asylum seekers),

extends the maximum detention period from 3 to 18 months, which could reach 36 months if added to immigration detention.⁵⁵

THE CAMP IS CURRENTLY QUARANTINED, AND PEOPLE ARE ONLY ALLOWED OUT FOR 'SPECIAL OCCASIONS'.

It is very difficult to find exact information as to what is being planned for Kos and Leros. As there is a pre-existing PDDC on Kos, it is easier in practice to close the camp, despite fierce local opposition to this plan. This has included the Mayor of Kos, who blocked the port with municipality vehicles in order to prevent people being transferred to the hotspot from the smaller island of Kastelorizo.⁵⁶

On Leros, however, rumours abound as to what will happen. According to Mayor Michalis Kolias, the municipality also have no information right now, other than that the camp is currently quarantined, and that people are only allowed out for 'special occasions'.

"From the beginning we didn't want to have a closed hotspot, we want them to be transferred somewhere else, it is overcrowded, there are over 2000 people in a space for 800."⁵⁷

He is against what the government is doing and accuses them of acting without informing him, as well as putting refugees at risk by not dealing with the overcrowding.

"If we have a problem with the virus, what will we do?"⁵⁸

When a volunteer recently spoke with him, he suggested that the plan for a closed centre was a rumour, or that at most there may be a closed part and an open part, in a similar manner to current practice.⁵⁹ Other suggestions are that the old army barracks close to the airport, which was a prison under the Greek Junta, may be used.⁶⁰

A TOTAL OF 280 MILLION EUROS WILL BE MADE AVAILABLE FOR THE CREATION OF FIVE NEW 'MULTI-PURPOSE' RECEPTION AND IDENTIFICATION CENTRES ON THE GREEK ISLANDS IN 2020.

Despite the confusion as to what form the new detention camps will take, the money has already been pledged by the EU for their construction. A total of 280 million Euros will be made available for the creation of five new 'multi-purpose' reception and identification centres on the Greek islands in 2020.⁶¹



Photo crédit: M.

⁵³ <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform>

⁵⁴ https://www.gcr.gr/media/k2/attachments/GCR_on_bill_about_International_Protection_en.pdf

⁵⁵ <https://www.globaldetentionproject.org/wp-content/uploads/2020/03/Global-Detention-Project-Annual-Report-2019-Online.pdf> (p.23)

⁵⁶ <https://greece.greekreporter.com/2019/11/02/kos-residents-prevent-75-migrants-from-disembarking-on-island>

⁵⁷ Michalis Kolias, Mayor of Leros, interviewed by Emma Musty on the 8 April 2020

⁵⁸ Michalis Kolias, Mayor of Leros, interviewed by Emma Musty on the 8 April 2020

⁵⁹ Information provided by Echo100Plus in interview by Emma Musty with Catharina Kahane, 30 March 2020

⁶⁰ Information provided by Echo100Plus in interview by Emma Musty with Nicos Phokas, 3 April 2020

⁶¹ https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/intervention-video-conference-european-parliament-libe-committee-situation-unions-external-borders_en?fbclid=IwAR1hMuNIOEAbOvF4gS89xd512gqG2ZimlkyHZnKDBzMYEJqmEE04PjcPjpc

LONG TERM IMPACTS OF DETENTION AND LACK OF LEGAL PATHWAYS IN CASE OF ABUSE

THERE HAVE BEEN MULTIPLE REPORTS ON THE NEGATIVE EFFECTS OF LONG TERM DETENTION MORE GENERALLY, WHICH CALL FOR A REVIEW OF DETENTION PRACTICES,⁶² WITH SPECIFIC CONCERNS RAISED ABOUT THE IMPACT UPON THE MENTAL HEALTH OF BOTH CHILDREN AND ADULTS, AS WELL AS DIRECT REPORTS OF SELF-HARM AND SUICIDE IN GREEK HOTSPOTS.⁶³

In Kos, M. spoke of the long term impact of the camp on the wellbeing of his wife, a graduate and former Peace Ambassador, and himself:

"As for Kos camp and how people live here, everything is very difficult. It will be a full year for me to be in the camp. There is no help in all respects. Also, there is neither safety nor protection for families. The police cannot protect us. A while ago, my wife and I were threatened and beaten by people belonging to terrorism, for a long time. There is no hygiene, nothing to protect our health, and no housing. We live two families in the same room. The food is not good and in some cases it is inedible. [...] I am in a very tired psychological state for a year in the camp and there is nothing. [...] I reached the stage of despair!"

The level of abuse experienced by people while in detention inevitably has an impact on a person's long term well-being. The most recent report by the CPT strongly criticised the behaviour of the Greek police in detention settings, often also present in hotspots, which



"...THE APPLICATION OF A PLASTIC BAG OVER THE HEAD DURING POLICE INTERVIEWS."

– CPT report

Photo credit: A.

is always brought in when there is any protest against conditions, and are currently controlling the implementation of COVID-19 restrictions. The report found that the infliction of ill-treatment by the police remains a frequent practice throughout Greece and that the current system of investigations into allegations of ill-treatment cannot be considered effective.⁶⁴ This raises clear concerns about refugees and asylum seekers placed in their care, especially as foreign nationals are known to be more at risk than other groups.⁶⁵

"Alleged ill-treatment mainly consisted of slaps, punches and kicks as well as blows with truncheons and metal objects to the body and head. It also received some allegations involving blows with a stick to the soles of the feet (falaka) and the application of a plastic bag over the head during police interviews, reportedly with the aim of obtaining a confession and a signed statement. None of the persons who alleged ill-treatment had been allowed to make a phone call or to contact a lawyer during their initial questioning by the police. Further, a great number of allegations of verbal abuse of detained persons was received, including of racist/xenophobic remarks by police officers."⁶⁶

CASES OF POLICE ILL-TREATMENT ARE NOT CRIMINALLY PROSECUTED AND RARELY RESULT IN CRIMINAL SENTENCES OR EVEN DISCIPLINARY SANCTIONS.

If a detained person experiences ill treatment there is a lack of legal pathways to log an official complaint. Investigations are often not carried out or are delayed and the criteria for deciding whether to investigate cases under the torture provision of Article 137 A of the Criminal Code was also deemed to be unclear. As a result, cases of police ill-treatment are not criminally prosecuted and rarely result in criminal sentences or even disciplinary sanctions.⁶⁷

Finally, they found the practice of holding unaccompanied children in 'protective custody' in police stations to be degrading and unlawful, as ruled by the European Court of Human Rights, and stated that women and unaccompanied minors should never be detained together with unrelated adult men.⁶⁸ This, as we have already seen, is not upheld on Kos or Leros in either standard detention practice or under COVID-19 measures.

⁶³ <https://www.msf.org/deliberate-neglect-greek-and-eu-authorities-towards-those-trapped-islands>

⁶⁴ <https://rm.coe.int/16809e2059> (p.1)

⁶⁵ <https://rm.coe.int/16809e2059> (p.2)

⁶⁶ <https://rm.coe.int/16809e2059> (p.3)

⁶⁷ <https://rm.coe.int/16809e2059> (p.4)

⁶⁸ <https://rm.coe.int/16809e2059> (p.4)



CONCLUSION AND RECOMMENDATIONS

BEFORE THE 'REFUGEE CRISIS' OF 2015 THERE WAS AN INTERNATIONAL TREND TOWARDS MINIMISING DETENTION, YET IN APRIL 2020, DESPITE THE FACT THAT ARRIVAL FIGURES HAD DROPPED, LEVELS OF DETENTION REMAINED AT AN ALL-TIME HIGH.⁶⁹

Under COVID-19 there are two main reasons to suspend detention – most planned deportations cannot take place, which removes the legal grounds for holding failed asylum seekers, and detention facilities are not adequately equipped to maintain the health of detainees or staff.⁷⁰ The continuation of detention under these circumstances is in contravention of Article 5 of the European Convention on Human Rights.

However, even when this crisis will have passed there are still

concerns not only about the legality of current detention spaces in both Kos and Leros but also more broadly about the International Protection Bill (Law 4636/2019) under which the new closed centres are justified along with the extended periods of detention brought in by Article 46, which go against EU, international and Greek law.

REFUGEE RIGHTS EUROPE URGE FOR THE END OF DETENTION FOR BOTH CHILDREN AND FAMILIES.

It is also commonly recognised by numerous international authorities that the detention of children for purely migration-related reasons is prohibited under various articles of the Convention on the Rights of the Child.⁷¹ Law 4540/2018⁷² also states that unaccompanied children must be placed in appropriate housing.⁷³ The detention of families is also strongly disputed by European Court of Human Rights Case Law.⁷⁴ Thus Refugee Rights Europe urge for the end of detention for both children and families.

Regarding the International Protection Bill, we would highly recommend that the Greek government halts its plan for closed centres on the islands, giving priority to ending the fast-tracked closure of the hotspots in Kos and Leros and their conversion into detention facilities. The COVID-19 restrictions must not be seen as a natural path towards the

implementation of this new legislation and should itself only be implemented in ways which do not further endanger populations already made vulnerable by their reasons for flight, their journey to Europe, and their material conditions and legal status on Kos and Leros.

It is also of priority to restart registration processes for asylum seekers and to end the detention of new arrivals in inadequate and unsafe facilities and to end the practice of police detention, especially for children, in line with the report by the CPT.

MATERIAL RECEPTION CONDITIONS MUST PROVIDE ASYLUM SEEKERS WITH AN ADEQUATE STANDARD OF LIVING THAT ENSURES THEIR SUBSISTENCE AND PROMOTES THEIR PHYSICAL AND MENTAL HEALTH.

The material living conditions in the hotspots on both Kos and Leros clearly contravene Article 119 L 4636/2019 which outlines that material reception conditions must provide asylum seekers with an adequate standard of living that ensures their subsistence and promotes their physical and mental health, based on the respect of human dignity.⁷⁵ Therefore, we strongly implore an improvement in such conditions in both closed and open facilities.



Photo credit: Lenny Rothenburg

⁶⁹ <https://www.globaldetentionproject.org/wp-content/uploads/2020/03/Global-Detention-Project-Annual-Report-2019-Online.pdf> (p.12)

⁷⁰ <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform>

⁷¹ <https://www.globaldetentionproject.org/wp-content/uploads/2020/03/Global-Detention-Project-Annual-Report-2019-Online.pdf> (p.5)

⁷² <http://asylo.gov.gr/wp-content/uploads/2018/05/NOMOS-4540-22.05.2018.pdf>

⁷³ <https://rm.coe.int/report-on-the-visit-to-greece-from-25-to-29-june-2018-by-dunja-mijatov/16808ea5bd>

⁷⁴ <https://www.asylumineurope.org/reports/country/greece/detention-asylum-seekers/legal-framework-detention-detention-vulnerable>

⁷⁵ <https://www.asylumineurope.org/reports/country/greece/reception-conditions/housing/conditions-reception-facilities>



www.refugee-rights.eu

| info@refugee-rights.eu

| [@Refugee_RE](https://www.instagram.com/Refugee_RE)