



GREECE | The Greek Ombudsman and the refugee crisis

The Greek Ombudsman, in its general constitutional capacity together with its special dual mandate as National Preventive Mechanism (OPCAT) and as external monitor for Returns, contributed to awareness raising throughout 2015 about human rights at stake, upon managing mixed refugees and migrants flows. The Ombudsman's action for awareness raising escalated in 3 major stages in the last 6 months, addressing the public at large, the concrete measures to be taken by the public authorities and finally by joining efforts for common recommendations by counterpart institutions in protecting human rights upon border crossing in Europe:

i) Mixed migration flows management and forced return operations procedures, with particular reference to human rights protection and transparency guarantees were at the centre of discussions at the **international conference**, with the participation of the Council of Europe's Human Rights Directorate, the European Ombudsman's Office, and counterpart institutions from Denmark and the Netherlands,

<http://www.synigoros.gr/?i=stp.en.news.281256> organized by the Greek Ombudsman, with the support of the European Return Fund, on 21.5.2015 in Athens, an issue highly topical due to the increase of mixed migration flows, that soon became the centre of concern for all the European countries.

ii) In June 2015, the Greek Ombudsman conducted a series of **visits to the islands** of Lesbos, Kos and Leros, that faced a dramatic increase of newcomers without having the necessary infrastructure for reception. Following these visits, in a public intervention in July, the Ombudsman stressed that there are four problems which need to be solved without

further delay, mentioned also in the Ombudsman's special Report on Returns for 2014, <http://www.synigoros.gr/?i=human-rights.en.recentinterventions.280014>: (a) understaffing and limited operation of the first reception centres, (b) delays in processing regarding unaccompanied minors before they are transferred to appropriate hosting facilities and absence of age verification system during detention, (c) prolonged detention of immigrants caused by police lacking due diligence in preparing and implementing the return procedure, and (d) poor infrastructure in detention centres that fail to address even the basic needs of the detainees, the situation being particularly desperate in the islands.

iii) However, the refugee crisis in summer 2015 overstretched the administrative efforts for reception and registration improvements. In October, crossing the Greek sea borders increased to 6.100 per day according to UNHCR and the overall number of refugee like persons that entered the sea borders, since the beginning of the year, exceeded 500.000.

In 12-13.11.2015, the Acting Greek Ombudsman Mr. Karydis responded to the invitation of the People's Advocate of Albania to participate in a TAIEX workshop in Tirana on the role of the Ombudspersons in defending the rights of applicants for international protection.



Following the EU summit developments and the EU Leaders' statement on refugee flows along the Western Balkans Route in October, with a view to address the specifics, **the Greek Ombudsman joined efforts with the Ombudsman of FYROM and they conducted a joint visit to the temporary refugee camps at the borders** of the two neighboring countries, in Eidomeni and Vinojug on 17.11.2015. The joint visit aimed at fact finding on living conditions and protection of the fundamental rights of the refugees. In the joint visit to the two camps the

participants were the Acting Greek Ombudsman Mr. Vassilis Karydis, the Deputy Ombudsman for children rights Mr. George Moschos, the Deputy Ombudsman of FYROM Mrs Vaska Bajramovska Mustafa, the Deputy Ombudsman Mr.Slavco Timov, senior investigators of the two Ombudsman Offices responsible for refugee, migration and OPCAT issues, as well as representatives of NGOs and UNHCR.

In the joint visit the Ombudsman institutions watched step by step how the refugees were received in the two camps and how their basic needs were covered in the transit phase. After the visit, a joint statement was released, with the basic findings and recommendations to the respective Government authorities, stating the following:

“The basic difference is that the Greek camp is run without any State coordination or contribution, it is based in the volunteer work and offer of food, other supplies and services by UNHCR, IOM and several NGOs ...The camp in Vinojug operates under the Crisis Management Centre comprising the State representatives directly competent (Police, Ministry of Social Affairs) who cooperate with UNHCR and the Red Cross and it is an official registration point at the entry in the country.

The Ombudsman institutions consider as a very positive development that the immediate needs of the refugees in move are covered in the two camps, in a transit however phase of smooth border crossing every 20 minutes that entails a short waiting period at the camps. The maximum capacity of the Greek camp cannot exceed 1700 people at the same time, whereas twice recently (23/10, 9/11) they had to deal with over 10.000 refugees in a day.

It is also very positive that a strong solidarity movement developed in the two countries, with NGOS and individuals offering help to the refugees.

However, the Ombudsman institutions consider that refugee movement across Europe, without prejudice to Schengen or national border provisions, presents de facto situations at the points of border entry and exit that should not be ignored by the competent Governments. The Ombudsman institutions

consider that in any case the State should ensure the safety of the persons and their fundamental rights for access to asylum, provisional shelter, food and water, basic clothing, medical treatment, information on rights and procedures, protection of vulnerable groups such as families, pregnant women, children and unaccompanied minors, victims of trafficking, ill treatment or torture, elderly people, persons with disabilities etc. Special attention has to be drawn on protection from smugglers and traffickers in their route as well as from phenomena of economic exploitation.

The Ombudsman institutions also consider it is the State's responsibility and preemptive role to set as an immediate priority a cohesive contingency plan for provisional refugee sites and basic supplies to larger refugee groups, to cover any future risk of border restrictions in the refugees route across Europe.”



Acting Greek Ombudsman Mr. Karydis and other members of the joint visit of the two institutions at the unofficial “passage” of Eidomeni at the border of Greece and FYROM

This joint visit to the Greek-FYROM borders sent a strong symbolic message, reflecting the Ombudsmen common understanding of the need for continuous cooperation in all the neighboring countries in view of their common mission to safeguard human rights and the Rule of Law basic principles that face the challenge of the refugee crisis.

Cooperation of the neighboring countries continued on 23-24 November 2015 in Belgrade, with a joint declaration, on the initiative of the Ombudsman of the Republic of Serbia. The Greek Ombudsman will take further initiatives with his counterpart institutions, in order to develop synergies to effectively protect human rights across the borders.