

PETITION TO THE EUROPEAN PARLIAMENT

Regarding degrading reception conditions and EU funding in Greece

Submitted by:



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PETITION TO THE EUROPEAN PARLIAMENT



This Petition concerns the implementation of the following EU and international laws binding on the Hellenic Republic ('Greece'):

Treaty on the Functioning of the European Union, Articles 79 and 80

Treaty on European Union, Article 6

Charter of Fundamental Rights of the European Union, Articles 1, 4, 6, 7, 18, 21, 24, and 27

Directive 2013/33/EU of the European Parliament and of the Council

Directive 2013/32/EU of the European Parliament and of the Council

Regulation (EU) No 604/2013 of the European Parliament and of the Council

Regulation (EU) No 514, 515 and 516/2014 of the European Parliament and the Council

Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union, Articles 3 and 8

European Convention for the Protection of Human Rights and Fundamental Freedoms, Articles 1, 3, 5, 8, 11 and 13

M.S.S. v. Belgium and Greece, App. No. 30696/09, 53 Eur. H.R. Rep. 2 (2011)

N.S. v. Secretary of State for the Home Department, C-411/10, CJEU (2011)

Convention relating to the Status of Refugees (1951) and Protocol Relating to the Status of Refugees (1967)

Convention on the Rights of the Child (1989), Article 22

International Covenant on Economic, Social and Cultural Rights (1966), Article 11

International Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 5

International Convention on the Rights of Persons with Disabilities (2008), Article 28

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1 SUMMARY

This Petition is submitted to the European Parliament by Solidarity Now, a registered non-governmental organization in Greece active in the field of human rights.¹ Solidarity Now provides services to all in need, including poor Greeks, migrants, and refugees. In response to an increase in the number of refugees and migrants in Greece, we have significantly scaled up our activities pertaining to migration and refugee protection.

We draw the urgent attention of the European Parliament to the mismanagement of European Union funds by Greece – principally the Asylum, Migration and Integration Fund (AMIF), as well as, the Internal Security Fund (ISF) and the Emergency Support Instrument (ESI) – which has resulted in the failure of the State to fulfill its responsibility to establish humane and dignified reception conditions for persons in its territory who are seeking international protection.

Reception conditions in Greece have been characterized as a humanitarian crisis.² According to government figures, there are approximately 63,000 persons of concern currently residing in Greece (this figure is debated).³ The majority of these individuals are compelled to live in degrading and deplorable conditions, which have led to the death of several individuals. In January 2017, Greece’s Migration Minister, Yannis Mouzalas, himself admitted this fact, describing the conditions as “very bad” and “awful.”⁴ Greece’s own National Commission for Human Rights has acknowledged “huge problems” with the living conditions, stating that the “government appears to be absent [in this regard] and any special care provided[...] comes from NGOs and volunteers.”⁵ This is in spite of the fact that Greece has funding available from the EU to remedy these conditions, yet has failed to do so.

The EU has allocated over €1 billion in funding to assist Greece in bringing its asylum

¹ Unsourced information in this Petition is based on our experience and expertise in this field.

² See e.g. UNHCR, SUBMISSION BY THE UNHCR FOR THE OHCHR - REPORT - UNIVERSAL PERIODIC REVIEW: GREECE 8 (Nov. 2010), available at <http://www.refworld.org/pd/4cd8f2ec2.pdf>.

³ Government figures regarding persons of concern and capacity in Greece are debated by non-governmental organizations and donors. See e.g. Daniel Howden & Apostolis Fotiadis, *The Refugee Archipelago: The Inside Story of What Went Wrong in Greece*, REFUGEES DEEPLY, 6 Mar. 2017, <https://www.newsdeeply.com/refugees/articles/2017/03/06/the-refugee-archipelago-the-inside-story-of-what-went-wrong-in-greece>.

⁴ Helen Smith, *Greece: Severe weather places refugees at risk and government under fire*, THE GUARDIAN (10 Jan. 2017), <https://www.theguardian.com/world/2017/jan/10/greece-severe-weather-places-refugees-at-risk-and-government-under-fire>.

⁵ REPORT BY THE GREEK NATIONAL COMMISSION ON HUMAN RIGHTS (GNCHR) ON THE EU-TURKEY AGREEMENT OF THE 18TH OF MARCH 2016 REGARDING THE REFUGEE/MIGRATION ISSUE IN EUROPE IN LIGHT OF GREEK LAW NO. 4375/2016 10, available at <http://bit.ly/2he1qau>.



system into compliance with its human rights obligations.⁶ Despite this, Greece has failed to establish adequate reception conditions, as required by European *acquis*. Therefore, we submit this Petition to the PETI Committee as EU taxpayers and an organization registered in Greece that has been directly affected by Greece’s misuse of EU funding.⁷ As EU taxpayers contributing to the EU budget, we are concerned that our money is not being spent effectively. Since EU funds are financed by every European taxpayer, the EU is obligated to ensure that such an investment does not contravene the law. As an organization, we have been compelled to shift and expand in order to meet the need of individuals whom, and system that, the government is failing to adequately provide for. As such, it is imperative that the European Parliament investigate why the considerable amount of EU funds allocated to this situation have not produced living conditions that at a minimum protect human welfare and respect human rights, with an aim towards resolving the matter.

We remind the PETI Committee of its statement that “action taken by the EU[...] needs to be regularly monitored and evaluated[...] and, if necessary, adjusted or enhanced to ensure[...] improved governance of the asylum system[...] and respect for fundamental rights.”⁸ As such, we submit this Petition to a) highlight the shortcomings and criticisms of budgetary implementation in Greece; b) request meaningful inquiry by the PETI Committee into why the substantial resources provided to Greece have not produced reception conditions that comply with the State’s obligations under international, European and Greek law; and c) seek effective remedy to address this problem. Greece has a duty under EU law to secure reception conditions for those seeking international protection and the EU institutions are charged with ensuing compliance. This petition highlights systemic failures by the Greek Government to meet EU legal requirements, demanding Parliament to intervene to in order to rectify this dire situation.

2 RECEPTION CONDITIONS

Reception standards in the EU are set forth in the Reception Conditions Directive (2013/33/EU) (Reception Directive),⁹ which requires that Greece “ensure full respect for

⁶ See discussion *infra* 3 European Union Funds.

⁷ Article 227, TFEU stating that “Any citizen of the Union, and any natural or legal person residing or having its (1) registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on (2) a matter which comes within the Union’s fields of activity and which (3) affects him, her or it directly.” European Union’s role in the field of asylum and migration is grounded in Title V, TFEU. Its role in the field economic and monetary policy is grounded in Title VIII, TFEU.

⁸ EUR. PAR., REPORT: ON THE SITUATION IN THE MEDITERRANEAN AND THE NEED FOR A HOLISTIC EU APPROACH TO MIGRATION (PLENARY SITTING) (2015/2095(INI)), Opinion of the Committee on Petitions, ¶5 (23 Mar. 2016) [hereinafter EUR. PAR., REPORT (Plenary Sitting)].

⁹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, 2013 O.J. (L 180) 96 [hereinafter Reception Directive].



human dignity”¹⁰ and “implement accordingly” the application of the Charter of Fundamental Rights of the European Union (CFR), including Articles 1 [human dignity], 4 [prohibition of torture and inhuman or degrading treatment], 6 [liberty and security], 7 [private and family life], 18 [right to asylum], 21 [non-discrimination], 24 [rights of the child] and 47 [effective remedy].¹¹ Furthermore, the Reception Directive instructs Greece, as a Member State, to implement the provisions in compliance with their obligations under international law,¹² including the 1951 Refugee Convention and its 1967 Protocol, the Convention on the Rights of the Child, the Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, and the Convention on the Elimination of All Forms of Racial Discrimination. Despite these requirements, Greece continues to operate in contravention of its obligations.

Principally, the Reception Directive requires that Greece provide persons seeking international protection with “material reception conditions” (i.e. housing, food, clothing, vouchers, and financial allowances)¹³ in a manner that provides an “adequate standard of living,”¹⁴ which guarantees subsistence and protects physical and mental health;¹⁵ including access to healthcare, employment, education;¹⁶ and specialized services to persons with special reception needs (i.e. vulnerabilities).¹⁷ These guarantees apply at “all stages and types of procedures concerning applications for international protection, [and] in all locations and facilities hosting applicants.”¹⁸

Greece was required to transpose the Reception Directive into its domestic law by July 2015,¹⁹ yet it has not done so. Despite this, Greece is still obliged to ensure that the result sought by the Reception Directive is achieved.²⁰ Due to Greece’s non-compliance, infringement proceedings were initiated by the European Commission and are currently

¹⁰ Human dignity is the fundamental value and the core of European human rights law. *See* International Federation of Human Rights Leagues (FIDH) v. France; Complaint No. 14/2003, ¶ 1, decision on the merits of 8 September 2004.

¹¹ Reception Directive, *supra* note 9, at recital 35.

¹² *Id.* at recital 10

¹³ *Id.* at art. 2 (f)(g)

¹⁴ Article 11 of the International Covenant on Economic, Social and Cultural Rights (CESCR) considers an “adequate standard of living” as one that includes “adequate food, clothing and housing, and the continuous improvement of living conditions.” CESCR, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. The CESCR Committee further elaborated that it also includes adequate privacy, space, security, light, ventilation, and infrastructure, and that arbitrary interference with these “constitutes a very important dimension in defining the right to adequate housing.” General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant), 13 Dec. 1991, E/1992/23, ¶¶ 7, 9.

¹⁵ Reception Directive, *supra* note 9, at art. 17(1).

¹⁶ *Id.* at art. 2(g), 14-19.

¹⁷ *Id.* at art. 21 and 24.

¹⁸ *Id.* at recital 8.

¹⁹ *Id.* at art. 31.

²⁰ Treaty establishing the European Community (Consolidated version 2002), art. 249(3); *see also* Marks & Spencer plc v Commissioners of Customs & Excise (C-62/00) ¶27, Judgment of the Court (Fifth Chamber), CJEU, 11 Jul. 2002.



pending before the European Court of Justice (CJEU).²¹ In October 2016, the Greek Ministry of Interior published a draft bill that would transpose the Reception Directive, however the bill has yet to be adopted. Solidarity Now provided comments on the deficiencies of this bill.²²

In the five years since the CJEU (*N.S. v. Secretary of State for the Home Department*)²³ and the European Court of Human Rights (*M.S.S. v. Belgium and Greece*)²⁴ found that the asylum conditions in Greece placed asylum seekers at risk of serious breaches to their fundamental rights, degrading and dehumanizing reception conditions continue to persist.

2.1 ASYLUM FRAMEWORK

Greece's asylum framework is fragmented between multiple agencies, which leads to a lack of coordination and diffuses accountability, ultimately burdening asylum seekers. Reception responsibilities are spilt between Greece's Reception and Identification Service, the Directorate of Reception and Social Integration, the Asylum Service, the Police, the Army; EU's EASO and FRONTEX; UNHCR and an array of NGOs and volunteers. The European Commission has taken notice of this, stating that "overall coordination of the organisation of reception in Greece appears to be deficient, due to the lack of a clear legal framework and monitoring system."²⁵

The EU-Turkey Statement made on 20 March 2016, resulted in the adoption of Greek Law 4375/2016 in April 2016 which provides a highly problematic accelerated border procedure that sets a formal policy of automatic detention in EU-mandated closed screening centers on the islands (known as "hotspots").²⁶ In practice, this approach means that those who arrive after 20 March are detained in Reception and Identification Centres

²¹ Infringement Proceeding: 20150403, available at http://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/index.cfm?lang_code=EN&r_dossier=20150403&decision_date_from=&decision_date_to=&title=&submit=Search.

²² Solidarity Now, *Comments on the draft legislation of the Ministry of Interior and Administrative Reconstruction*, http://www.solidaritynow.org/grafeio-tupou_en/news_en.html?id=194&lang=en

²³ *N. S. v. Secretary of State for the Home Department* (C-411/10), Judgment of the Court (Grand Chamber), CJEU, 21 Dec. 2011; see also Court of Justice of the European Union, Press Release No 140/11, 21 December 2011, http://europa.eu/rapid/press-release_CJE-11-140_en.htm.

²⁴ *M.S.S. v. Belgium and Greece*, App. No. 30696/09, 53 Eur. H.R. Rep. 2 (2011).

²⁵ COMMISSION RECOMMENDATION OF 8.12.2016 ADDRESSED TO THE MEMBER STATES ON THE RESUMPTION OF TRANSFERS TO GREECE UNDER REGULATION (EU) NO. 604/2013, ¶13, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation_on_the_resumption_of_transfers_to_greece_en.pdf.

²⁶ See Law No. 4375 of 2016 on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC (3 Apr. 2016) [hereinafter Law No. 4375]



(RIC) on five Greek islands, termed “hotspots.” Those who arrived before 20 March were moved from the islands to the mainland to make room for these new arrivals.

2.1.1 Islands/Detention

RICs are classified as closed facilities.²⁷ On arrival, freedom of movement is restricted within the confines of an RIC while the person is undergoing a reception and identification procedure. Such detention is mandatory and applied indiscriminately. Greek law does not require that a detainee receive a formal communication of a detention order or any legal remedy to challenge it.²⁸ This situation means that many detainees are left in limbo, not knowing why they are detained, when they will be released or when their application will be processed, and without any legal mechanism to obtain answers to these questions. While Greek law limits detention to 28 days, in practice many, including unaccompanied minors, are detained beyond this period.²⁹ Recently, in *Khlaifia v. Italy* (2016),³⁰ the European Court of Human Rights underlined the importance of Article 5 of the European Convention of Human Rights (“Right to liberty and security”), and therefore rights under Article 6 CFR (“Right to a fair trial”) with regard to the detention of recently arrived irregular migrants.

For those who are released from the RIC, freedom of movement remains restricted, as individuals are not permitted to leave the island until their asylum application has been processed. Greece’s heavy reliance on detention has prompted UNHCR to suspend its services within RICs due to the UN agency’s policy against detention.³¹ Solidarity Now has urged the Greek government to cease its use of detention,³² as it does not uphold the principle of detention as a last resort, which is codified in Greek law.

Slow asylum processing has caused a huge backlog of asylum claims, resulting in severe and dangerous overcrowding, that exacerbates already poor conditions. According to government figures, the islands host over 14,000 individuals, despite the government’s claim that it has capacity for 8,000 persons. The Chios hotspot is at triple capacity, and the Samos and Kos hotspots are at double capacity. Due to overcrowding at the RICs, many individuals are forced to live in makeshift accommodations outside the RICs,

²⁷ *Id.* at art. 8(2).

²⁸ *Id.* at art. 14.

²⁹ This practice persists despite the Reception Directive’s requirement that, “[d]elays in administrative procedures that cannot be attributed to the applicant shall not justify a continuation of detention.” Reception Directive, *supra* note 9, at art. 9(1).

³⁰ *Khlaifia v. Italy*, no. 16483/12, GC, Eur. H.R. Rep. 2 (15 Dec. 2016).

³¹ UNHCR, *UNHCR urges immediate safeguards to be in place before any returns begin under EU-Turkey deal* (1 Apr. 2016), <http://www.unhcr.org/56fe31ca9.html>.

³² e.g. Solidarity Now, Oxfam, and Norwegian Refugee Council, *Deportations of Refugees and Migrants from Greece Must Be Halted as Fears of Human Rights Violations Grow*, 15 Apr. 2016, <http://www.solidaritynow.org/en/deportations-refugees-migrants-greece-must-halted-fears-human-rights-violations-grow/>.

sleeping in camping tents or unsheltered on the ground.

2.1.2 Mainland

For those living on the mainland, the reception conditions are, unfortunately, no more humane. Due largely to the closure of Greece's northern border and the slow relocation process, tens of thousands of people hoping to journey onward out of Greece, have been stranded for several months in camps that were designed for only temporary stays. Due to this, individuals are forced to live in ill-equipped, unguarded and unsupervised, transitory camps, in makeshift shelters, including unheated tents and abandoned buildings, that lack adequate shelter, food or services. These camps fail to provide proper reception conditions required for those who are, and will be, stranded inside for several months and years.

Underlying much of the problem regarding reception conditions is the fact that Greece has not sought to establish asylum systems capable of dealing with even current numbers of asylum seekers. The consequence is that even with a decrease in arrivals, asylum seekers will continue to face long delays for decisions on their asylum claims, and be forced to live in these degrading conditions for prolonged periods.

2.2 SANITATION

Sanitation at several sites is problematic and rodent infestation is increasing at sites in the North.³³ Amongst other problems, many facilities lack working toilets; several facilities are not equipped for people with specific vulnerabilities; and many facilities lack running water.³⁴ Additionally, toilets are not always located in a separated area for women or properly lighted at night. This presents a serious safety issue resulting in women and children being sexually assaulted and too afraid to utilize facilities during night hours.³⁵

2.3 WEATHER CONDITIONS

Harsh winter weather and freezing temperatures have worsened the living conditions across Greece. Greece has failed to winterize numerous sites, or to transfer those living in unsuitable camps to more suitable accommodations before snow began to fall, thereby

³³ UNHCR, NORTHERN GREECE FACTSHEET (Nov. 2016), available at <https://data.unhcr.org/mediterranean/download.php?id=2325> (last visited 17 Jan. 2017).

³⁴ UNHCR, SITE PROFILES IN GREECE, 31 OCTOBER 2016, available at <https://data2.unhcr.org/en/documents/download/52239>.

³⁵ Mark Townsend, 'Sexual assaults on children' at Greek refugee camps, THE GUARDIAN, 13 Aug. 2016, <https://www.theguardian.com/world/2016/aug/13/child-refugees-sexually-assaulted-at-official-greek-camps>.



knowingly and avoidably leaving thousands to face the cold without adequate protection, leading to inevitable sickness and death. Many are living in flimsy, thin tents completely buried under snow.³⁶ Harsh conditions periodically cause electrical outages, resulting in no light, heating or running water. Reports of illness are widespread, including outbreaks of pneumonia, flu, and hypothermia, as well as reports of individuals freezing to death, due to inadequate shelter.³⁷ Furthermore, there have been numerous accidents at the camps, as individuals have built fires to keep themselves warm and protect against the cold. This includes carbon monoxide poisoning, which in January 2017 claimed the lives of three individuals living in the Lesvos hotspot.³⁸ In this same month, the Greek Minister of Migration Policy claimed that “no refugee is left in the cold anymore,”³⁹ despite overwhelming evidence to the contrary.

2.4 VULNERABLE PERSONS

As per the Reception Directive, Greece is required to identify vulnerable persons and provide for their special reception needs;⁴⁰ however, this requirement is not appropriately met. The Reception Directive includes a non-exhaustive list of persons deemed to be in need of special guarantees, including unaccompanied minors; persons with disabilities;⁴¹ the elderly; pregnant women; survivors of human trafficking; those with serious illnesses and mental disorders; and persons who have been subjected to torture, rape or other forms of violence.⁴² Greek law stipulates that vulnerability screenings are to be conducted upon arrival, however there are serious inadequacies in practice. Most officials tasked with making vulnerability assessments are unspecialized in this area, often only undergoing a brief training course prior to deployment. Given that assessments take place during a brief interview performed in non-private spaces, such limited training is not adequate for detection of vulnerability. Additionally, interviewers are not health professionals, thus many medical vulnerabilities, as well as unobvious or non-physical vulnerabilities (e.g. torture), go undetected. Consequently, many vulnerable persons are not referred to proper services or accommodations, and do not receive appropriate

³⁶ See “Shocking images from Moria refugee camp of migrants forced to live in the snow,” YOUTUBE, Jan. 8, 2017, <https://www.youtube.com/watch?v=4ee0L4bxL4E>

³⁷ See Helen Smith, Greece: severe weather places refugees at risk and government under fire, THE GUARDIAN, 10 Jan. 2017, <https://www.theguardian.com/world/2017/jan/10/greece-severe-weather-places-refugees-at-risk-and-government-under-fire>; see also *Freezing to Death at Europe’s Door*, N.Y. TIMES, 19 Jan. 2017, <https://www.nytimes.com/2017/01/19/opinion/freezing-to-death-at-europes-door.html>.

³⁸ *Migrant crisis: Alarm over recent deaths at Lesbos camp*, BBC, 31 Jan. 2017, <http://www.bbc.com/news/world-europe-38804002>.

³⁹ Γ. Μουζάλας: Κανένας πρόσφυγας δεν είναι πλέον στο κρύο, NAFTEMPORIKI, 5 Jan. 2017, <http://www.naftemporiki.gr/story/1190568/g-mouzalas-kanenas-prosfugas-den-einai-pleon-sto-kryo>.

⁴⁰ Reception Directive, *supra* note 9, at art. 22.

⁴¹ See e.g. Human Rights Watch, *Greece: Refugees with Disabilities Overlooked, Underserved*, 18 Jan. 2017, <https://www.hrw.org/news/2017/01/18/greece-refugees-disabilities-overlooked-underserved>

⁴² Reception Directive, *supra* note 9, at art. 2(k) and 21.



protection or care.⁴³ Furthermore, certificates designating someone as vulnerable are often issued late, resulting in their asylum claims being denied, despite eligibility for international protection due to their vulnerability. As such, persons are at risk of being returned to their country of origin despite having a proper claim.⁴⁴

Though the Reception Directive requires Member States to take “appropriate measures to prevent assault and gender-based violence,”⁴⁵ many single women, children, families and vulnerable people are forced to live in unseparated living spaces, as only a few sites have separated spaces. Without these protective measures, women and children face a heightened risk of physical and sexual violence, as demonstrated by reports of sexual assault in the camps, including assault of children.⁴⁶ A recent study conducted found that nearly half of women interviewed expressed that they felt unsafe living in the camps, due to, amongst other factors, fear of violence.⁴⁷

For vulnerable persons, enduring poor reception conditions is especially difficult and dangerous. Those living with physical disabilities and mobility limitations confront enormous hurdles, as proper accommodations in facilities are extremely limited or nonexistent. Pregnant women and newborns require suitable housing to maintain health and welfare, yet the substandard conditions have direct negative consequences on the health of both the woman and the infant. There have been cases where women have given birth and by the next day the mother and child are returned to a camp.

2.4.1 Children

According to Greek law, the best interest of the child shall be the primary consideration when implementing provisions related to reception.⁴⁸ The European Commission

⁴³ For example, results of a pre-registration exercise Greece conducted in July 2016 revealed that of the tens of thousands of individuals it pre-registered, less than 13% were considered vulnerable (Of the 27,592 pre-registered, only 3,481 were considered vulnerable). UNHCR, PRE-REGISTRATION DATA ANALYSIS 9 JUNE – 30 JULY 2016, *available at* http://asylo.gov.gr/en/wp-content/uploads/2016/08/Preregistration-data_template_5_EN_EXTERNAL.pdf. Based on other organizations reporting, and our work in this field, this figure is a grave underrepresentation of the actual number of vulnerable persons in Greece. *See e.g.*, MÉDECINS SANS FRONTIÈRES, GREECE IN 2016: VULNERABLE PEOPLE LEFT BEHIND 15 (October 2016), *available at* http://www.msf.org/sites/msf.org/files/report_vulnerable_people_201016_eng.pdf.

⁴⁴ The pressure put on the accelerated border process severely compromises the asylum seekers’ rights to a fair asylum procedure and access to legal support to appeal rejections. Apostolis Fotiadis, *Greece Plans to Fast Track Asylum Claims to Save E.U.-Turkey Deal*, NEWSDEEPLY, 30 Jan. 2017, <https://www.newsdeeply.com/refugees/articles/2017/01/30/greece-plans-to-fast-track-asylum-claims-to-save-e-u-turkey-deal>.

⁴⁵ Reception Directive, *supra* note 9, at art. 18(4).

⁴⁶ Townsend, *supra* note 35.

⁴⁷ REFUGEE RIGHTS DATA PROJECT, HIDDEN STRUGGLES: FILLING THE GAPS REGARDING ADVERSITIES FACED BY REFUGEE WOMEN IN EUROPE 28 (Jan. 2017), *available at* http://refugeerights.org.uk/wp-content/uploads/2017/01/RRDP_HiddenStruggles.pdf.

⁴⁸ Presidential Decree No. 220 of 2007 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers, art. 18(1), *available at* <http://www.refworld.org/docid/49676abb2.html>.



recently noted “serious concerns” regarding Greece’s protection of unaccompanied minors, particularly the lack of both proper accommodations and a guardianship system.⁴⁹ Greek law PD 220/2007 requires the Public Prosecutor to ensure that unaccompanied minors are placed in suitable accommodations that are tailored to minors’ needs.⁵⁰ Greece has failed to provide most unaccompanied minors with safe accommodations. As of December 2016, 1,314 children were on a waiting list for a safe accommodation space, as all of the only 1,256 safe accommodation spaces for unaccompanied minors were already occupied.⁵¹ This has been a persistent problem. Many minors awaiting placement are in detention centres or police facilities, some without access to the outdoors for weeks, and often detained with adult strangers, exposing these unaccompanied minors to risk of sexual and other abuses.⁵² Administrative detention of children is never acceptable, even under the pretext of protective custody, and is a flagrant violation of the best interest of the child and international children’s rights.

Since minors under the age of 14 cannot register a claim for international protection unless a guardian consents, many unaccompanied minors face severe obstacles in accessing the asylum procedure. The PETI Committee has called on “Member States to uphold the principle of the best interests of the child, including[...] access to child-friendly asylum procedures,”⁵³ yet Greece has not met this call. Physical examinations are performed on minors to determine their age,⁵⁴ however due to the unavailability of suitable accommodations for unaccompanied minors, there has been a trend towards assuming minors are adults in cases of ambiguity, with appeals against such conclusions often being rejected.⁵⁵

2.5 HEALTHCARE

The Reception Directive stipulates that Member States are to provide healthcare, both physical and mental, to those seeking international protection,⁵⁶ and notes that such

⁴⁹ COMMISSION RECOMMENDATION OF 8.12.2016 *supra* note 25, at ¶10 and ¶25.

⁵⁰ Presidential Decree No. 220/2007 at art. 19(2)(a).

⁵¹ E.K.K.A., SITUATION UPDATE: UNACCOMPANIED CHILDREN (UAC) IN GREECE, <http://reliefweb.int/sites/reliefweb.int/files/resources/EKKA%20dashboard%2007-12-2016.pdf> (As of 7 December, 319 unaccompanied minors are in closed reception centers and 14 unaccompanied minors in police protective custody).

⁵² UN *Special Rapporteur on the human rights of migrants concludes his follow up country visit to Greece*, 17 May 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19972&LangID=E#sthash.UtAn6Vjd.dpuf>.

⁵³ EUR. PAR. REPORT (Plenary Sitting), *supra* note 8, at Opinion of the Committee on Petitions, ¶10.

⁵⁴ ECRE, THE IMPLEMENTATION OF THE HOTSPOTS IN ITALY AND GREECE: A STUDY 41 (Dec. 2016), *available at* <http://www.ecre.org/wp-content/uploads/2016/12/HOTSPOTS-Report-5.12.2016..pdf>.

⁵⁵ *Id.*

⁵⁶ Reception Directive, *supra* note 9, at art. 19(1).



treatment is especially important for vulnerable persons,⁵⁷ particularly for survivors of torture and violence.⁵⁸ Nonetheless, only a handful of sites offer comprehensive primary healthcare or full psychosocial services.⁵⁹ While Greek Law 4368/2016 permits asylum seekers to access free basic healthcare and pharmaceuticals in public hospitals, in practice, accessibility is both insufficient and burdensome. To receive needed care, individuals must first obtain both a tax registration and social security number. These numbers are not easy to obtain, especially if unassisted by a native Greek speaker or someone familiar with the process. More problematically, the delays in the processing of asylum claims makes access to appropriate care impossible for many, as applicants are unable to access these numbers until their asylum claims are formally initiated, which can take anywhere from several weeks to many months. Additionally, there are reports of numbers being purposely withheld by authorities who demand legally unrequired documentation that an applicant is unlikely possess or an address, which can be challenging for those who live in informal settings or do not have a current address officially listed on their asylum card.⁶⁰ After maneuvering through all of these hurdles, individuals may still have great difficulty in obtaining healthcare, due to the fact that healthcare staff are often unaware that the law permits free access to asylum seekers; there is limited transportation to hospitals from the camps in remote regions where many asylum seekers are required to stay; and the lack of translators available to asylum seekers in hospitals, which impedes proper consent and the ability to accurately inform individuals of their diagnosis, treatment options and treatment instructions.

2.6 EMPLOYMENT

The Reception Directive also require States to ensure that applicants have “effective” access to employment.⁶¹ Engaging in decent work is fundamental to human dignity and failure to provide meaningful access to employment places people at risk of destitution. While Greek Law 4375/2016 provides that applicants seeking international protection have the right to have access to employment,⁶² there are tremendous impediments to participating in the labor market. As an employer of several such applicants, we have experienced these hurdles in assisting our employees gain the proper documentation. For example, as with accessing healthcare, applicants must undertake the difficult process of obtaining a social security and tax registration number, and must also open a bank

⁵⁷ *Id.* at art. 19(2).

⁵⁸ *Id.* at art. 25(1).

⁵⁹ UNHCR, SITE PROFILES IN GREECE, *supra* note 34.

⁶⁰ Solidarity Now has brought these problem to the attention of the Greek authorities. See e.g. Solidarity Now, *Regarding the Issue of Social Security Number AMKA*, 10 Nov. 2016, <http://www.solidaritynow.org/en/regarding-issue-social-security-number-amka/>

⁶¹ Reception Directive, *supra* note 9, at art. 15(1) and (2).

⁶² Law No. 4375, *supra* note 26 at art. 71.



account to receive payment, which takes several steps.⁶³ As such, the majority of people are unable to obtain gainful employment, thereby depriving them of legal means of livelihood. Without regular sources of income, many individuals, including children, have been forced into activities that are dangerous for them, such as stealing and prostitution. While some individuals do benefit from a cash/voucher assistance program, only those with a valid asylum card are eligible.⁶⁴

2.7 EDUCATION

Member States must also provide education to minors “under similar conditions as their own nationals,” and such “access to education should not be postponed for more than three months.”⁶⁵ In August 2016, Greece adopted law 4415/2016 establishing reception classes in public schools,⁶⁶ however the law has not been properly implemented, leaving a severe gap in education. Some education programs have sprung up across the country, however coverage is limited, and there is no organized registration for students. Most children seeking international protection are not attending school. This is especially troubling given that these children’s education was already disrupted prior to their arrival in Greece, and the prolonged disruption is negatively impacting their cognitive and social development and potential future livelihood. Even for the children who are in school, education is neither comprehensive nor consistent across programs.

2.8 SECURITY & SAFETY

In addition to the harrowing accommodation conditions, the overall security provided within accommodation facilities is gravely insufficient and becoming increasingly dangerous and unsafe. There is a rising frustration and discontent among camp residents, primarily due to overcrowding, restrictions on movement, poor living conditions, the slow processing of asylum applications, preferential treatment of certain nationalities over others,⁶⁷ and prevailing feelings of uncertainty about the future. This dangerous

⁶³ For an outline of the steps needed to access the labor market, see Solidarity Now, *Regarding the hiring of people seeking international protection*, available at <https://data.unhcr.org/mediterranean/download.php?id=2265>.

⁶⁴ Solidarity Now is an implementing partner of ECHO funding for this type of assistance.

⁶⁵ Reception Directive, *supra* note 9, at art. 14(1) and (2).

⁶⁶ Greek Law No. 4415 of 2016, available at https://www.alfavita.gr/sites/default/files/attachments/fek_ellinoglosi.pdf.

⁶⁷ Although the Refugee Convention and the EU Charter of Fundamental Rights require states to treat all asylum seekers equally (Refugee Convention (Art. 3); EU Charter of Fundamental Rights (Art. 21)), preferences between nationalities have emerged, and processing individuals on arrival is done based on nationality rather than arrival date or vulnerability. Thus, some individuals, such as Afghans, who may have been on an island for over seven months, go unprocessed, while newly arriving Syrians are processed within a couple weeks of arriving. This practice is fueling tensions within the camps between displaced communities and has led to a sense of discrimination and unfairness. Generally, asylum application processing delays are also contributing to increased tensions within the camps, due to people’s feelings of uncertainty and frustration.



combination has resulted in serious incidents of violence, including assaults, riots and fires. For example, in September 2016, a major fire was started by frustrated residents in the Moria hotspot, destroying prefabricated homes and leading to 4,400 people fleeing into nearby fields.⁶⁸ Dangerous conditions are compounded by the fact that there is a lack of clarity as to who has the authority to monitor security in each camp and the police rarely intervene when incidents do occur.

Systemic deficiencies in the reception system have also exacerbated tensions with some local host communities, fueling far-right factions' rhetoric against refugees and leading to violent acts perpetrated against accommodation sites and their residents. For example, in November 2016, boulders were dropped onto tents in the Chios hotspot, resulting in an asylum seeker sustaining a fractured skull; others were beaten by extremists; petrol bombs were hurled into the camp and started a fire, resulting in tents catching fire. The resulting stress of the incident caused a mother to miscarry her twins.⁶⁹

2.9 CONCLUSION

The current situation in Greece has created widespread suffering on a staggering level. At this point, nobody knows how long people will need to continue to survive in these substandard conditions. Médecins Sans Frontières has found that many individuals in Greece have developed negative mental health consequences, such as symptoms of anxiety, depression and post-traumatic stress disorder,⁷⁰ due to their stay in Greece and the uncertainty they face. In Summer 2016, Greece stated that it was “in a position to provide shelter, food and all basic services to the overwhelming majority of irregular migrants and asylum seekers stranded in Greece,”⁷¹ and that “all migrants and refugees would be transferred to accommodation of adequate standard by September 2016.”⁷² However, despite the significant decrease in the number of persons arriving in Greece since this time, the government has failed to fulfill these promises.

⁶⁸ UNHCR, *Briefing Notes: Fire at Reception Site on Lesbos island, Greece*, 20 Sept. 2016,

<http://www.unhcr.org/news/briefing/2016/9/57e0fbfc4/fire-reception-site-lesvos-island-greece.html>

⁶⁹ See Philip Chrysopoulos, *Violence and Fires in the Chios Island Migrant Camp Repeated*, GREEK REPORTER, 18 Nov. 2016,

<http://greece.greekreporter.com/2016/11/18/violence-and-fires-in-the-chios-island-migrant-camp-repeated-video/>; see also *Refugees attacked by far-right extremists: A Statement from the Humanitarian Organisations of Chios*, A VOICE FROM THE CAMP, 21 Nov. 2016,

<https://avoicefromthecamp.wordpress.com/2016/11/21/first-blog-post/>.

⁷⁰ See MÉDECINS SANS FRONTIÈRES, *supra* note 43, at 24.

⁷¹ COMMISSION RECOMMENDATION OF 28.9.2016 ADDRESSED TO THE HELLENIC REPUBLIC ON THE SPECIFIC URGENT MEASURES TO BE TAKEN BY GREECE IN VIEW OF THE RESUMPTION OF TRANSFERS UNDER REGULATION (EU) No. 604/2013, ¶10, *available at* http://www.astrid-online.it/static/upload/racc/raccomandazione-dublino_grecia_28_09_16.pdf.

⁷² COUNCIL OF EUROPE, PROGRESS REPORT ON THE VISIT TO ATHENS AND LESVOS (30-31 MAY 2016), Doc. 14086 Addendum III (20 Jun. 2016), *available at* <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=22825&lang=en#>.

3 EUROPEAN UNION FUNDS

The EU has allocated over €1 billion to Greece to help improve reception conditions in order to ensure that the State fulfills its legal responsibility to protect the rights and dignity of all those within its territory. Despite the substantial funding available to Greece, Greece has not established reception conditions that meet even the most basic of these standards.

In 2014, the European Parliament established two major funds under the EU Migration and Home Affairs budget: the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF – Police & Borders/Visa), collectively worth €6.9 billion.⁷³ The AMIF and ISF are dispersed to EU Member States via two pathways: 1) Member States' National Programmes and 2) Emergency Assistance.⁷⁴ All projects funded by the AMIF and ISF must be implemented in full compliance with “the rights and principles enshrined in the Charter of Fundamental Rights of the European Union[...] relevant international instruments, including case-law of the European Court of Human Rights.”⁷⁵

Under the first pathway, Greece's National Programmes (2014-2020) have been allocated €509 million. Of this, €259.3 million is available to Greece under the AMIF, to implement directly through its own decision making.⁷⁶ All actions supported under this particular funding must contribute to the achievement of one of the four “specific objectives” determined by the EU: *Asylum*, *Integration*, *Returns* or *Solidarity*. Greece's first version of its AMIF National Programme has allocated these funds as follows: €101.9 million towards *Asylum* actions, €32.3 million towards *Integration* actions and €119.9 million towards *Returns* actions, with €5.3 million allocated to technical assistance.⁷⁷ The Programme was revised in late 2016, thereby increasing *Asylum* actions to €124.2 million, and lowering *Integration* actions to €10 million.⁷⁸

⁷³ Regulation (EU) No 516/2014 established the AMIF (€3.1 billion). Regulation (EU) No 513/2014 and Regulation (EU) No 515/2014 established the ISF (€3.8 billion).

⁷⁴ Regulation (EU) No 514/2014 of the European Parliament and the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, 2014 O.J. (L 150) 112, art. 7.

⁷⁵ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC O.J. (L 150), recital 33, and arts. 3(1) and 19(2).

⁷⁶ While the EU has allocated a total of €294.5 to Greece under the AMIF National Programme pathway, the EU allocates approximately 88% of that amount to the country through a shared management scheme (i.e. €259.3). The remaining amount is allocated for Specific Actions, Union Actions and Emergency assistance, to be implemented through direct management. See European Commission, *Asylum, Migration and Integration Fund (AMIF)*, https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund_en.

⁷⁷ GREECE NATIONAL PROGRAM AMIF (approved Jul. 2015), 7. *The Financing Plan of the Programme*, available at http://www.mopocp.gov.gr/images/stories//2015/prokirikseis15/11102015-ethniko_progr.pdf.

⁷⁸ GREECE NATIONAL PROGRAM AMIF (approved Dec. 2016), available at <http://asylo.gov.gr/wp->



Actions related to reception fall primarily under the *Asylum* objective, to which Greece's National Programme has set two major goals, strengthening the asylum procedure and improving reception conditions. The allocation of funds between the two goals is not precisely detailed. Additionally, the *Returns* objective does include some reception-like activities, for which Greece has earmarked €54 million.⁷⁹ These actions focus on the improvement of living conditions in pre-removal centres, reducing both the time spent and the number of individuals in detention, and developing alternatives to detention, including the conversion of pre-removal centres into open facilities. No concrete alternative to detention measures have been budgeted.

Greece has also been allocated over €530 million in EU emergency funding. A total of €352.7 million was awarded via Emergency Assistance under the second AMIF/ISF funding pathway, which is distributed to international partners and the Greek government. Accordingly, of the €352.7 million, the government received €131 million and UNHCR, IOM and EASO received €94.8 million, which was earmarked specifically to enhance reception conditions.⁸⁰ In addition to this, Greece was awarded €186 million, which has been contracted to IGO/NGOs in close cooperation with the Greek Government, under the Emergency Support Instrument established by the Council of the European Union in 2016, for projects aimed at improving reception conditions.⁸¹

Greece has also received other forms of assistance. For instance, nearly 700 Frontex (EU border management) officers and over 200 EASO experts have assisted in Greece.⁸² Greece has also received more than 185,000 reception-related items from European countries, such as tents, beds, power generators and water pumps via the EU Civil Protection Mechanism (in-kind assistance network).⁸³ Additionally, Greece has received support from various other EU programmes that are not earmarked exclusively to a specific country, such as the EU Health Programme, that has financed projects on refugee and migrant health in Greece.⁸⁴ Furthermore, Greece has received additional funding in

content/uploads/2016/12/Programme_2014GR65AMNP001_4_4_el.pdf.

⁷⁹ GREECE NATIONAL PROGRAM AMIF, *supra* note 77 and 78.

⁸⁰ EUROPEAN COMMISSION, MANAGING THE REFUGEE CRISIS: FINANCIAL SUPPORT TO GREECE (8 Dec, 2016), *available at* https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/factsheet_managing_refugee_crisis_eu_financial_support_greece_-_update_en.pdf.

⁸¹ *Id.*; Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union, O.J. (L 70) 16 Mar. 2016).

⁸² European Commission, *Questions & Answers: Recommendation on the conditions for resuming Dublin transfers of asylum seekers to Greece*, http://europa.eu/rapid/press-release_MEMO-16-4253_en.htm (last visited 28 Nov. 2016).

⁸³ EUROPEAN COMMISSION, ECHO FACTSHEET GREECE: RESPONSE TO THE REFUGEE CRISIS, *available at* http://ec.europa.eu/echo/files/aid/countries/factsheets/greece_en.pdf (last visited 21 Dec. 2016).

⁸⁴ *See e.g.* Project No 717317 under EU Health Programme, "Common Approach for Refugees and other migrants' health" <http://ec.europa.eu/chafea/projects/database.html?prjno=717317> (receiving €1.7 million for project implementation in Greece and other MS beginning April 2016).



the hundreds of millions from private individuals and organizations and non-EU States via the Europe Regional Migration Response Plan, European Economic Area (EEA) grants, European Structural Funds and other humanitarian funding schemes.⁸⁵

Despite the considerable resources made available to Greece, current reception conditions do not meet EU standards, due to a myriad of reasons, *inter alia* a lack of absorption of funds, inefficiency, maladministration and mishandling of funds, lack of a concrete action plan that results in waste of resources, burdensome administrative bureaucracy, and disproportionate use of funds for non-reception activities.

3.1 LACK OF TRANSPARENCY AND PUBLIC INFORMATION FRUSTRATES EFFORTS TO DETERMINE HOW FUNDS ARE USED

For transparency and information sharing purposes, AMIF/ISF legislation requires Member States to maintain a designated website that details the implementation of their National Programmes, including a list of actions supported by the funds, the amounts of EU funding allocated to such actions, and information on each beneficiaries' actions.⁸⁶ Greece's National Programmes state that their designated website will fulfill these requirements and provide the necessary information in a manner that is "easily identified and understandable by the European citizens," and "provide information and publicize the state of play related to implementation."⁸⁷

Greece maintains two websites which provide AMIF/ISF information; an older website (www.mopocp.gov.gr), and a new website (www.amifisf.gr), which was specifically built to host AMIF/ISF information. Despite AMIF/ISF requirements, and Greece's assurances, neither website contains the full range of information required to be provided. The new website does not meet even the most basic requirement of posting the text of Greece's National Programmes. The new website does list certain requirements that are hyperlinked (e.g. "Beneficiaries," "Decisions"); however, when these links are visited, almost all pages are either empty or link back to the homepage. Greece's older website is both more comprehensive and more compliant with the AMIF/ISF requirements, in that it contains the texts of the National Programmes, provides links to awarded contracts, and even continues to publish open calls for AMIF/ISF funding. However, information on this website is still lacking both in breadth of information and

⁸⁵ UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA), LIST OF OUTSTANDING PLEDGES AND FUNDING IN 2016, available at https://ftsarchive.unocha.org/reports/daily/ocha_R10c_C82_Y2016_asof___1701190230.pdf (last visited at 17 Jan. 2017); see also GREECE NATIONAL PROGRAM AMIF, *supra* note 77 and 78, at 6.6 Coordination and complementarity with other instruments.

⁸⁶ Answer given by Mr Avramopoulos on behalf of the Commission to parliamentary question E-005898/2015 (31 Jul. 2015), <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2015-005898&language=EN>.

⁸⁷ GREECE NATIONAL PROGRAM AMIF, *supra* note 77 and 78, at 6.5 Information and Publicity.



required detail.

Review of information contained on the older website reveals a disturbing trend of Greece prioritizing law enforcement and border security activities over those that would improve reception conditions. As of January 2017, €98 million of EU funds had been disbursed under the ISF National Programme (Police: €7 million; Border & Visa: €91 million) and €69 million had been awarded under the AMIF National Programme. This spending pattern is problematic on multiple levels. First, Greece's apparent priority for enforcement and border security activities (ISF) indicates a greater preference for these actions over those that would secure humane reception conditions. Second, within the money awarded under the AMIF, even a liberal reading of the projects receiving awards, attributes no more than 19% (€32 million) to reception-related activities, with the bulk of the remainder being awarded to returns. Notwithstanding funds being freely available to improve conditions, the disproportionate focus on non-reception activities, contributes to the subjection of people to deplorable circumstances.

Additionally, there is a lack of transparency with regards to how the funds are being implemented, and the results of such implementation. Since EU funds are public funds, their use must be contracted in a transparent manner. Parliament has reaffirmed this fact, stating that citizens "have a right to know how the Union's financial resources are spent,"⁸⁸ and specifically that it is "of [the] utmost importance to ensure...transparency, accountability and legal certainty in the use of EU funds for migration."⁸⁹ Furthermore, Parliament has rightly stressed that the "effectiveness of actions" supported by the AMIF/ISF depends on the "dissemination of their results."⁹⁰ To date, such information has not been produced publicly, and it is unknown if such information even exists. Without access to information on funding implementation and its results, meaningful monitoring cannot take place.

3.2 DESPITE LACK OF TRANSPARENCY AND INFORMATION, INDICATIONS OF MISSPENDING EXISTS

The EU Committee on Budgets has stated that it "[c]onsiders it essential to keep a close

⁸⁸ Regulation (EU) No 514/2014, *supra* note 74, at recital 2 and 39.

⁸⁹ EUR. PARL., DOC., WORKING DOCUMENT ON EU INTERNAL AND EXTERNAL FUNDING RELATED TO ITS MIGRATION AND ASYLUM POLICY 12 (26 Nov. 2015), available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FNONSGML%2BCOMPARL%2BPE-571.741%2B02%2BDOC%2BPDF%2BV0%2F%2FEN>.

⁹⁰ Regulation (EU) No 514/2014, *supra* note 74, at recital 41; *see generally* Commission Delegated Regulation (EU) No 1048/2014 of 30 July 2014 laying down information and publicity measures for the public and information measures for beneficiaries pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, 2014 O.J. (L 291).



eye on the use made of all funding related to immigration, in particular with regard to contracting and subcontracting procedures, in view of a number of instances of...mismanagement that have occurred in the Member States.”⁹¹ The previous General Secretary for Reception resigned over what he has called a general mishandling of accommodation sites by the Ministry of Migration Policy,⁹² citing a situation in which a German NGO proposed using €2.5 million in EU funds to open an accommodation facility near Thessaloniki. Instead, the Ministry was allegedly insistent on spending €8.5 million for the same project, including hundreds of thousands earmarked for a local construction firm. This was notwithstanding the fact that UNHCR quoted costs of €1.5 million for a camp of roughly the same size. If, per UNHCR, adequate conditions can be purchased at this price, then Greece’s proposition to spend nearly six times as much as this quote, and over three times as much as the German bid, is at the least inefficient and negligent, and at the worst, corrupt. Such blatant maladministration of EU funds would be in direct contravention of the AMIF, which requires that expenditures be “reasonable and comply with the principles of sound financial management, in particular value for money and cost-effectiveness.”⁹³

3.3 A LACK OF TRANSPARENCY AND INDICATIONS OF MISSPENDING NECESSITATE INQUIRY

While a midterm review of Greece’s National Programmes is scheduled for 2018,⁹⁴ we remind Parliament of its recent statement that, “consideration should be given as to how to make monitoring and evaluation [of EU migration funds] ongoing processes and not only ex-post processes.”⁹⁵ The EU has stated that Greece’s AMIF/ISF allocation under its National Programmes is expected to be increased at this review.⁹⁶ Thus, it is essential that the EU first determine why funding has not produced acceptable reception conditions, and ameliorate these problems to ensure that future funding is maximized in order to achieve standards that that upholds EU law and the values of the Union. The EU must ensure that money is not being thrown at the problem, without meaningful review of its implementation.

⁹¹ EUR. PAR., REPORT (Plenary Sitting), *supra* note 8, at Opinion of the Committee on Budgets, at ¶13.

⁹² See Anthony Faiola, ‘We’re never getting out of here’: How refugees became stranded in Greece, WASH. POST, 14 Oct. 2016, <http://wpo.st/PXRN2>; see also, Renee Maltezou & Lefteris Papadimas, *Greek General Secretary for Migration Quits after Criticising Government*, REUTERS AFRICA, 13 Sept. 2016, 4, a://af.reuters.com/article/worldNews/idAFKCN11J2BS; see also Howden & Fotiadis, *supra* note 3.

⁹³ Regulation (EU) No 514/2014, *supra* note 74, at art. 17(c).

⁹⁴ EUR. PAR., BRIEFING: HOW THE EU BUDGET IS SPENT: ASYLUM, MIGRATION AND INTEGRATION Fund (AMIF) 5 (March 2015), *available at* [http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/551316/EPRS_BRI\(2015\)551316_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/551316/EPRS_BRI(2015)551316_EN.pdf).

⁹⁵ EUR. PAR., RESOLUTION OF 12 APRIL 2016 ON THE SITUATION IN THE MEDITERRANEAN AND THE NEED FOR A HOLISTIC EU APPROACH TO MIGRATION, ¶109 (2015/2095(INI)).

⁹⁶ Answer given by Mr. Avramopoulos on behalf of the Commission to parliamentary question E-001222/2016 (27 June 2016), *available at* <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2016-001222&language=EN>.

4 RECOMMENDATIONS

In March 2016, the PETI Committee stated it “deplored” that in some Member States “administrative irregularities[...had] taken place in the management of certain asylum-seeker reception centres, resulting both in the misuse of European funds and in the further worsening of the living conditions and protection of the human rights of migrants.”⁹⁷ We are acutely concerned with such mismanagement by Greece, and ask Parliament to ensure that urgently needed measures are implemented as human life is at imminent risk.

This Petition is not of the opinion that awarding additional funds to Greece to address the reception problems, without reviewing and remedying current deficiencies, is a sustainable or even workable solution. Thus, we strongly advocate for an urgent review of the nexus between EU funds and reception conditions. We encourage the PETI Committee to use the information contained within this Petition, in particular the following recommendations, to help ensure that proper reception standards are attained as soon as possible. The Parliament is aware that reception conditions in Greece fall far short of human rights standards, thus it is incumbent upon the EU to ensure that inaction on this matter, does not transform into complicity. As such, we ask the PETI Committee to:

- Hold a hearing on this Petition to exchange views on the issue of funding misuse with regards to reception conditions in Greece, and generate actionable solutions to ensure that the integrity of funds is safeguarded and implementation is proper.
- Request the Court of Auditors, whose mission is to safeguard the interests of EU taxpayers, to use its delegated power of audit under the AMIF to evaluate Greece’s use of funds, specifically to audit all reception-related projects endowed by EU funding, and make full use of appropriate sanctions. Relatedly, we urge the PETI Committee to remind the Commission of its statement that both it, and the European Anti-Fraud Office (OLAF), will investigate “allegations of potential...misuse of EU funds reported by the media or the public and take action accordingly,”⁹⁸ and consider the information contained within this Petition as a notice of such misuse. Furthermore, we encourage OLAF to conduct “on-the-spot” inspections, to

⁹⁷ EUR. PAR. REPORT (Plenary Sitting), *supra* note 8, at Opinion of the Committee on Petitions, ¶¶18, 75.

⁹⁸ See authorization under Regulation (EU) No 514/2014, *supra* note 74, at arts. 5(8) and 31. Answer given by Mr. Avramopoulos on behalf of the Commission to parliamentary question E-005547/2016 (20 September 2016), <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2016-005547&language=EN> (Mr Avramopoulos provided a parliamentary answer on behalf of the Commission regarding a question on the irregularities in the management of migrant admissions in the Mineo reception centre for asylum-seekers in Italy, and Italy’s use of the European Refugee Fund.).



investigate potential irregularities by Greece, which may affect the financial interests of the Union and EU taxpayers.⁹⁹

- Direct the European Commission, and Greece specifically, to make data about the projects funded by the AMIF, ISF, ESI and any other EU funds related to migration and asylum, more transparent and accessible to the public, so that independent monitoring can take place. Such information should include *inter alia*, qualitative indicators and results. In line with this, we urge the Parliament to implement its recommendation that an online database of all EU-funded projects related to migration be established.¹⁰⁰
- Recommend that future EU funding earmarked for reception, shift towards camp alternatives, such as rental schemes (e.g. UNHCR Accommodation for Relocation),¹⁰¹ which are more cost-effective and provide more dignified conditions for persons of concern.
- Recommend to the Parliament and the Commission that each consider levying administrative and financial penalties against Greece, notwithstanding the need to continue ensuring that human rights for persons of concern are upheld, until Greece sufficiently accounts for why the situation on the ground has not improved.¹⁰²

⁹⁹ Regulation (EU) No 514, *supra* note 74, at art. 5(8) & 31(6); Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities 2 (OJ L 292, 15.11.1996).

¹⁰⁰ EUR. PAR., RESOLUTION OF 12 APRIL 2016, *supra* note 95, at ¶108; EUR. PARL. DOC., WORKING DOCUMENT, *supra* note 89, at 11.

¹⁰¹ Over 14,000 persons are residing on the mainland in alternative accommodations (e.g. rental apartment schemes, family host programs) under an agreement between the Commission and UNHCR to host up to 20,000 asylum seekers (family reunification candidates and vulnerable categories) and relocation candidates. Solidarity Now is a providing partner in this program. These facilities are considered as adequate and uphold the human rights of beneficiaries. As such, we strongly urge the EU to consider reallocating funds towards alternative to encampment.

¹⁰² Regulation (EU) No 514, *supra* note 74, at arts. 5(1) and 42.