

## The asylum crisis and the rise of racist violence in Greece

Open letter to the Prime Minister of Greece, Mr. Karamanlis  
and to the Minister of Interior, Mr. Pavlopoulos  
HLHR - AEDH joint statement

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The Hellenic League for Human Rights (HLHR) and the European League for Human Rights (AEDH) express their deep concern about the emergency of the asylum system and the rise of xenophobia and racist violence in Greece. HLHR and AEDH propose policy solutions and immediate remedy action in order to avoid escalation of phenomena of violation of human rights with a highly negative impact on victims and society.

HLHR and AEDH are concerned about a proposed Greek Presidential Decree which will further deteriorate Greece's asylum system crisis. The proposed amendments to Presidential Decree 90/2008, which incorporates into Greek law the provisions of the EU Procedures Directive include:

- The abolition of the Appeals' Board as second stage instance for the substantial examination of an asylum application. This leaves asylum-seekers without the right of appeal for a substantial examination of their application at a second instance. In case of a rejection, which is the outcome of the overwhelming majority of asylum applications in Greece (98,62% in 2008), asylum seekers may only apply for a review by the Council of State which only examines the legality of the procedure but does not exercise a full control of all the legal and factual aspects of the cases.
- Decision authority on asylum applications is left to the regional and local Police Directors throughout Greece, without an effective role of non-police bodies and NGOs. Existing Appeals' Boards, maintained for the pending appeals, will become an advisory body with no decision making power.

In the past years the Greek authorities have abstained from protecting promptly and efficiently the rights of asylum seekers, women, children and elderly. The percentage of granting asylum status have been among the lowest in Europe (1,38% in 2008 for asylum and humanitarian status grants) and admittedly Greek state has been reluctant in providing effective protection of unaccompanied minors against detention and expulsion despite urgent recommendations by national and international bodies.<sup>1</sup>

In the same time, large numbers of asylum seekers seek every weekend to submit an asylum application in the Athens police headquarters. During such process and after clashes with the police, 3 asylum seekers have died under undetermined conditions in the last 6 months.

Areas of the historic centre of Athens are inhabited, rented or occupied, by undocumented migrants and asylum seekers under precarious or inhumane conditions, while xenophobic public discourse about 'ghettos' and criminality of migrants is on the rise.<sup>2</sup>

Day-by-day racist Islamophobic incidents and violence by organised far-right groups against asylum seekers occur in the centre and suburbs of Athens, without effective intervention by the Police in protection of the victims, while official statistics have not ever recorded any racist crime in Greece.

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<sup>1</sup> According to the comments of Greek authorities to the report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, Strasbourg, CommDH(2009)6 (4.2.2009) *'the Aliens Law has not included an individual provision for the exclusion from arrest and detention for deportation of unaccompanied minors who violate the migration legislation. Besides, the prospect of an opposite provision would increase the problem of the "children of traffic lights" and child labour in general.'* (Appendix, p.23). The Greek Ombudsman has proposed the abolition of detention and expulsion of unaccompanied minors since October 2005.

<sup>2</sup> According the Greek National Monitoring Centre on Racism and Xenophobia – RAXEN NFP (HLHR-KEMO) The increasing trend of racist violence and Islamophobic incidents have been alarming since the election of a far-right political party in the Parliament in autumn 2007. The Greek RAXEN NFP is led by HLHR [www.hlhr.gr](http://www.hlhr.gr)

Boat-prisons and military detention camps in the outskirts of Athens are discussed or announced as policy for sweeping asylum seekers and undocumented migrants out of the city centre.

HLHR and AEDH urge the Greek authorities:

- To refrain from any action or legislative initiative that would entail further violation of human rights of undocumented migrants, therefore to preserve second instance substantial examination of asylum applications, to refrain from mass rejections and guarantee effective and transparent first instance decisions for granting asylum status to those entitled to international and humanitarian protection.
- To design policies, which would be guided by a human rights-based approach and would guarantee efficient results for both the undocumented migrants and Greek society.
- To involve fully and as soon as possible civil society, competent NGOs and academic centres and most of all, migrant associations and organisations in migration policy planning and implementation.
- To proceed with full integration and granting rights to migrants, who live for many years in Greece, in order to achieve political participation through public representation, and counterbalance xenophobia in local communities and at a national level.
- To provide effective protection of vulnerable groups, such as women, children and elderly by protecting from expulsion where needed and by providing to unaccompanied minors effective representation, tutorship and social care and protection specific to their needs.
- To reform and to implement an efficient asylum system by endorsing recommendations by the competent international, intergovernmental and national civil society bodies and organisations.
- To proceed as an EU-border member State to the necessary steps for the activation of the European Directive 55/2001 about mass influx of displaced persons for those ethnic and vulnerable groups needing humanitarian protection for fleeing their countries under war and turmoil. This could cover those persons that according the Greek state are not entitled to asylum status but yet they need provisional protection.
- To provide a reasonable path to regularisation of status for those migrants already employed into the widespread Greek informal economy.
- To provide effective protection and assistance to racism, discrimination and hate crime victims by activating and efficiently implementing existing anti-racist and anti-discrimination law provisions.
- To refrain from any comments, political action or discourse that could further boost and provide fertile ground for dangerous, rapidly escalating and social cohesion threatening xenophobic trends and violence.

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