



Analysis

The rise of xenophobia and the migration crisis in Greece

The Council of Europe's wake-up call: "Europe cannot afford to look away"

Marie Martin

On 23 January, the Committee on Migration, Refugees and Population of the Council of Europe's Parliamentary Assembly (hereafter "the PACE") issued a draft Resolution and report calling on the EU and its Member States to take concrete solidarity measures in the field of migration and asylum (e.g. reception capacity, resettlement programmes in other Member States). The situation in Greece is seen as a "test case for European solidarity."¹

Because of "mounting tensions in the east Mediterranean" and Greece's failure "to respect the human rights and dignity of migrants, asylum seekers and refugees", the Committee warned about the rise of racist violence and far-right parties. It also argued that the EU's actions could contribute to the situation in the country. Rapporteur Tineke Strink² stressed that the situation was very serious and that "Europe cannot afford to look away."

Shifting migration routes: Greece, the eye of the storm

In the past few years, migrants and refugees have arrived in large numbers in Greece. The reinforcement of controls at the EU's western Mediterranean border, cooperation between Member States and North African states like Morocco and Libya, and the launch of Frontex operations in the west Mediterranean resulted in the "shifting of migratory routes...from 2008 onwards."

In 2009, according to Frontex's General Report, "the number of detections of illegal border-crossings in Greece rose from 50% of the EU total to 75% of the total". Over the last few years the Greek-Turkish border has become the focus of the EU's attention, and the focal point of the fight against irregular migration.

¹ PACE – Committee on Migration, Refugees and Displaced Persons, [Migration and asylum: mounting tensions in the Eastern Mediterranean](#), Rapporteur: Ms Tineke Strink, Doc.13106, 31 January 2013

² Tineke Strink is the author of [Lives lost in the Mediterranean Sea: Who is responsible report](#), in the "Left-To-Die" case (see below)

In 2010, the EU's border management agency Frontex established its first Operational Office in Piraeus, Greece. A temporary joint operation (JO) called 'Poseidon' was launched at the Bulgaria-Turkey and Greece-Turkey borders in 2008-2009 to reinforce border surveillance, and border checks including "screening and de-briefing activities". It was replaced in 2010 by the temporary deployment of the first Frontex Rapid Border Intervention Team (RABIT). JO 'Poseidon' Land was then reinstated and has been ongoing since 2011. It involves border guards from 25 Member States and Schengen Associated Countries (i.e. Iceland and Norway).³ Frontex has also been instrumental in reinforcing Greece's return capacity through Project Attica which has been ongoing since 2009.

The detection and apprehension of migrants trying to reach Europe has not been without criticism. Many human rights organisations have criticised the disregard for minimum human rights standards during the interception/arrest of migrants. Substandard reception conditions, the systematic detention of irregular migrants including asylum-seekers, exclusion from the asylum procedure and push-backs to Turkey's shores have been denounced in reports by, *inter alia*, Greece's Racist Violence Recording Network (which involves the Greek Commission for Human Rights, Greek's NGOs and the UNHCR), Human Rights Watch, Amnesty International, Pro Asyl and Médecins Sans Frontières (MSF).⁴

In March 2011, the Council of Europe's Committee for the Prevention of Torture publicly denounced inhumane and substandard detention conditions in Greece.⁵ The same year, landmark judgments were delivered by the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) condemning Greece for the systematic detention of migrants, the lack of access to a fair asylum procedure, and substandard reception and detention conditions.⁶ As a result, most removals of migrants to Greece under the Dublin II procedure have been suspended – although organisations have recently reported that Italy continues removing migrants to Greece informally.⁷

³ Frontex, [Greek-Turkish land border JO Poseidon Land, situational update, January 2012](#)

And [Archive of Accomplished Operation – Poseidon](#) (2009)

⁴ . Human Rights Watch, [The EU's dirty hands: Frontex's involvement in ill-treatment of migrant detainees in Greece](#), September 2011

. Pro Asyl, Greek Council for Refugees, Infomobile, [Walls of Shame: Accounts from the inside: the detention centre of Evros](#), April 2012

. Amnesty International, Greece: [The end of the road for refugees, asylum-seekers and migrants](#), November 2012

. Médecins Sans Frontières (MSF) [Emergency Intervention in Migrants' Detention Facilities in Evros, December 2010 – April 2011](#)

. [Racist Violence Recording Network presents its findings about racist violence in Greece](#), 23 October 2012

⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) [Public statement concerning Greece](#), 15 March 2011

⁶ . European Court of Human Rights, Grand Chamber ruling, [M.S.S. v Belgium and Greece \(Application No. 30696/09\)](#), 21 January 2011

. Court of Justice of the European Union, [Opinions of the Advocate General in Joined Cases C-411/10 N.S. v Secretary of State for the Home Department and C-493/10 M.E. and Others v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform](#), Press Release No 96/11, 22 September 2011

⁷ . Pro Asyl and Greek Refugee Council, [Human Cargo : Arbitrary readmissions from the Italian sea ports to Greece](#), July 2012

. Human Rights Watch, [Turned Away : summary Returns of Unaccompanied Migrant Children and Adult Asylum Seekers from Italy to Greece](#), January 2013

The Greek National Action Plan on Asylum Reform and Migration Management

Greece adopted a National Action Plan on Asylum and Migration Management in 2010 to remedy *“the unprecedented pressure on the Greek asylum and migration management system”* to *“address, in an efficient and coherent way, the needs of asylum seekers arriving in Greece.”*⁸

The European Commission offered technical and financial assistance to Greece, in addition to border management support provided through Frontex (see above). Figures provided in the Strink report show that, in 2011-2013, Greece received €98.6 million under the European Returns Fund, €132.8 million under the European External Border Fund, and €19.95 million under the European Refugee Fund.

The Commission’s funding was aimed at reinforcing Greece’s capacity to deal with the number of migrants arriving: building reception centres for asylum-seekers, creating “screening centres”, reforming the asylum law and recruiting additional officers in migration and asylum departments. As of February 2011, the European Asylum Support Office (EASO) had deployed 40 expert Asylum Support Teams in Greece to train asylum officers, *“improve[e] reception conditions of asylum seekers and clear the backlog of outstanding asylum claims.”*

By October 2012, 1,800 border guards had been deployed to the Evros region on the Greek-Turkish border and 200 public administrator posts had been *“committed for the three new services [asylum, first reception and appeals authority]”* that were to be *“opened gradually.”*⁹

Greece’s proposed plan also contained specific provisions regarding its reception and detention capacities, called the “National Immigration Flow Management System.”¹⁰ In April 2012, the Greek Government announced the building of 30 new detention centres. According to the Greek Citizen Protection’s Minister¹¹, Michalis Chrysochoidis, the EU provided €250 million for the building of 30 centres in 2013 in disused military facilities. Estimates vary, but according to the Minister in March 2012, each centre will have the capacity to hold at least 1,000 people (raising the total detention capacity in Greece to over 30,000), while the PACE gives a lower figure of 10,000 total immigration detention capacity.

Meanwhile, the Greek government completed, in December 2012, the 12.5 km fence along the Evros River at the Greece-Turkey border. The building of the fence was criticised by the EU which refused to fund it. Justice and Home Affairs Commissioner Cecilia Malström dismissed the project as *“useless.”*¹²

⁸ [Joint statement by Mr Christos Papoutsis, Minister of Citizen Protection of Greece and Cecilia Malmström, European Commissioner in charge of Home Affairs: Greece and the Commission agree to enhance cooperation on reforming the Greek asylum system](#), MEMO/10/420, 27 September 2012

⁹ European Commission services, [Greece’s National Action Plan on Asylum Reform and Migration Management – Information by Greece, the Commission, Frontex and EASO](#), 15358/12, 23 October 2012

¹⁰ Informal Justice and Home Affairs Ministers’ Meeting, [Discussion Paper – Session II \(Home Affairs\) : Greek National Action Plan on Asylum and Migration Management](#), Dublin 17 - 18 January 2013

¹¹ [‘Citizens’ Protection Minister heralds 30 migrant centers’](#), *Ekathimerini*, 26 March 2012

¹² [‘Evros fence “ready in weeks”’](#), *Ekathimerini*, 1 March 2013

“Does it work?” asks the Council of Europe

The Strink report suggests that these measures did little to address the problems Greece is facing or to tackle the deep grounds for the current crisis, which is rooted in the lack of effective solidarity mechanisms amongst EU members in the field of asylum and migration.

In the past few months the measures have failed to address the issue. Greece has remained a migration “hot spot” according to official statistics. According to Frontex, in 2012, 56% of detected irregular entries into the EU occurred on the Greek-Turkish border; the report also notes that *“between August and December 2012, 3,280 persons were arrested after crossing the Greek-Turkish sea border, compared to 65 persons in the first seven months of 2012.”*

With a refugee recognition rate that does not exceed 1 to 2%¹³, claiming asylum in Greece remains impossible for the majority of those seeking international protection. The police are reported to randomly select 30-40 people per week to lodge an asylum claim out of the hundreds who queue up, sometimes for days, outside the Aliens Directorates.

Moreover, Greek coast-guards keep pushing-back migrants – including potential asylum-seekers - to Turkey. In December 2012, *The Guardian* newspaper reported on Syrian refugees who were physically abused and forced back to Turkey’s shores by Greek coastguards, perhaps assisted by Frontex staff.¹⁴ Migrants also continued to die at sea while trying to reach Greece.¹⁵

Detention conditions are so substandard that a local court recently ruled that migrants who absconded from a detention centre should not be sentenced because it was a matter of escaping inhumane and undignified conditions.¹⁶

Strink noted that the implementation of the Greek National Plan so far has only resulted in *“transfer[ring] the problem to the Greek islands”*. In her opinion *“[t]he building of a greater number of detention centres has not helped significantly either.”*

The Committee’s draft resolution emphasised that the:

“Human rights of migrants, asylum seekers and refugees are being violated, due to the system of automatic detention in substandard conditions, and lack of access to asylum and basic provisions.”

The failure of the current policy is partly rooted in the lack of *“a coherent strategy on what to do with irregular migrants and failed asylum seekers who could not be, or who were not returned to their country of origin”* and *“were simply left in a legal limbo.”*

The Committee stressed that a great deal of emphasis had been placed on the systematic detention of irregular migrants but not on providing support for the integration of the migrant community. This policy, where *“administrative detention remains the predominant policy response by the Greek*

¹³ <http://www.statewatch.org/news/2012/oct/gre-asylum-attica-report.pdf>

¹⁴ [‘Syrian refugees ‘turned back from Greek border by police’](#), by Rebecca Omonira-Oyekanmi, *The Guardian*, 7 December 2012

¹⁵ [‘Illegal immigrants’ boat sinks off Turkish coast, killing scores’](#), *The Guardian*, 6 September 2012

[‘Migrants found dead off Greek coast’](#), *Al Jazeera*, 15 December 2012

[‘Bodies of three migrants found off Chios’](#), *Ekathimerini*, January 14 2013

¹⁶ [‘Detainees’ rights overrule absconding and rioting charges, courts rule](#), Statewatch News, 21 January 2013

authorities to the entry and stay of irregular migrants,” has “not helped significantly in dealing with the situation of irregular migrants, asylum seekers and refugees already in Greece.”

The report says that the authorities’ *“problems in finding sufficient financial resources and qualified staff still give rise for concerns on the implementation of the plans.”* Strink argued that this trend had been reinforced by the EU’s actions. Judging by the difference between the amount of money sent to Greece through the European Borders Fund, or the European Returns Fund, and the European Refugee Fund, it is clear to her that *“[t]he focus of funding was thus on border control and detention measures, to the detriment of the protection measures.”*

Following a visit to Greece in October 2012, Commissioner Malström noted that Greece had not used all EU funding made available for its migration and asylum commitments: *“open reception capacities remain insufficient throughout the country while the responsible authorities have not yet identified structures that could be used for accommodation purposes nor have they explored possibilities for EU funding.”*

Does this mean that Greece’s capacity to absorb EU funds is limited at present, or does it rather suggest that its priorities are not aimed at ensuring better reception conditions? The readiness of the Greek government to self-finance the barbed-wire fence in the Evros region, an ambitious project that has cost €3 million, contrasts with the difficulties which the government seems to have in recruiting some 200 public servants to asylum and migration departments, although this was part of the initial Action Plan in 2010.

Lack of solidarity leading to an “unworkable and unfair situation”

According to the draft resolution, the situation in Greece is linked to *“unrealistic”* demands made by the EU. The Committee’s emphasised:

*“This is not the first time that the Assembly raises the alarm with regard to what is **an unworkable and unfair situation** in Europe. While the numbers of irregular migrants, asylum seekers and refugees arriving in Europe’s Mediterranean countries should not pose an insurmountable problem, it has now become so. The problem requires a major overhaul of strategies and responsibilities for what should be recognised as a European problem and not one confined to a single or a few European States...The process of European unity and the Common European Asylum System is based on solidarity and mutual support. Without this the process is void of meaning and cannot succeed.”*
[emphasis added]

Several recommendations have been made by the Committee in recent years pointing out the lack of adequate solidarity mechanisms in the EU, which has increasingly restricted access rights for migrants and refugees while developing obligations for “frontline” countries on the external borders of Europe.

In 1994, the PACE noted that *“many states have made their previously liberal asylum laws more restrictive. Multilateral treaties like the Schengen Agreements...the Dublin Convention and the Treaty on European Union (the Maastricht Treaty) reinforce these trends... This is bound to increase the burden of protection and assistance for refugees and asylum-seekers disproportionately for member states of the Council of Europe which are not members of the European Union and/or for states that have less restrictive asylum practices or are geographically close to asylum-seekers’ countries of*

*origin. It might even result in the refoulement of refugees (especially de facto refugees) who should have been given asylum*¹⁷.

In 1997, the Assembly stressed that the *“lack of Europe-wide harmonisation of asylum policies results in unequal “burden-sharing” and continuous attempts to shift responsibility further eastwards.”*¹⁸

In 2012, Strink submitted her report on the “Left to Die” case in which 63 migrants died in a shipwreck off the Libyan coast in March 2011. This report aimed to identify who failed to rescue the boat people at a time when the Mediterranean was under heavy monitoring in the context of NATO’s military operation in Libya. Strink concluded that a *“catalogue of failures”* were made by many authorities including NATO, the United Nations and individual States who failed to prepare for the expected exodus during the NATO operation, as well as being critical of the Italian and Maltese Maritime Rescue Coordination Centres.¹⁹

*“There should be no gaps in the division of responsibility in practice, and yet that is exactly what seems to have happened here.”*²⁰

The “Left to Die” report gave the disturbing impression that no one seemed willing to rescue the migrants or take responsibility for their support.

One of the drivers of this unwillingness is partly linked to the EU’s responsibility-sharing mechanisms embodied in the adoption of the Dublin Regulation. This was highlighted by the PACE in its 2011 Resolution No. 1805 on *The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe’s southern shores*:

*“[L]ooking into the possibility of taking on commitments for resettlement of those with international protection needs who have arrived in European countries and the possibility of suspending the application of the Dublin Regulations or considering other forms of responsibility sharing, through the use of existing mechanisms included in the Dublin Regulation, such as the solidarity clause in Article 3(2)²¹ and the humanitarian clause in Article 15.”*²²

¹⁷ PACE, [Right of asylum, Recommendation 1236](#), 12 April 1994

¹⁸ PACE, [Recommendation on the protection and reinforcement of the human rights of refugees and asylum-seekers in Europe, Recommendation 1327](#), 7 November 1996

¹⁹ PACE – Committee on Migration, Refugees and Displaced Persons, [Lives lost on the Mediterranean Sea: Who is responsible?](#) Rapporteur Ms. Tineke Strink, Doc. 12895, 5 April 2012

²⁰ PACE – Migration Refugees and Population, [‘The left-to-die boat’: there should be no gaps in the division of responsibility for search and rescue](#), 16 December 2012

²¹ Article 3(2) states: “By way of derogation from paragraph 1, each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation.”

Article 15 states especially that “Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural consideration”

See [Council Regulation 343/2003](#), so-called “Dublin II Regulation”

²² PACE, [The large-scale of arrival of irregular migrants, asylum seekers and refugees on Europe’s southern shores](#), Resolution 1805, 14 April 2011

In its draft Resolution, the PACE specifically *“encourage[d] member States to continue the moratorium on returning asylum seekers to Greece, under the Dublin Regulation.”*

Interestingly, the Council of Europe also pointed out the importance of asylum-seekers’ and migrants’ preference to live in one Member State rather than another. The importance for asylum-seekers to be allowed to choose in which EU country they want to claim asylum has long been stressed by the PACE, such as in 1997 when it urged *“member states parties to the Dublin Convention...to amend it with a view to allowing asylum-seekers to express a choice as to the country where they want to apply for asylum, if they can demonstrate an association with that country.”*²³

The Strink report reiterates this aspect of migration flows in Europe and highlighted that migrants and refugees *“do not intend to stay in Turkey or in Greece when they arrive.”* According to the draft Resolution, it is *“necessary”* to acknowledge this reality.

The PACE is calling the EU and its Member States to take *“a quantum leap on responsibility sharing for countries in the region”*, including, *inter alia*, more extensive support for intra-EU resettlement of refugees, the revision of the Dublin Regulation, and responsibility sharing between Member States in the reception of Syrian refugees.

The EU’s failure or the EU’s agenda?

In 2011, a hearing was organised at the Council of Europe on the upcoming European Common Asylum System. Stressing the European dimension of the problems faced in Greece, the European Parliament’s rapporteur on the Dublin Regulation, Cecilia Wikström, said that *“the situation in Greece is a failure for all of us.”*²⁴

But is it really? In many respects, the situation seems to be symptomatic of political choices rather than failures in policy-making.

For example, the problems of the current Dublin Regulation could be overcome if countries used the “sovereignty clause” and the “humanitarian clause” which allow a Member State to process an asylum application even if the claimant entered Europe through another state party to the Dublin Regulation. This possibility is rarely used by Member States.

Similarly, the possibility of including a suspensive mechanism in the Dublin Regulation when one particular Member State is considered unable to fulfil its asylum obligations- a proposal which was among the amendments submitted by the European Parliament during the revision process of the Regulation- was rejected by the Council of the European Union in 2012.²⁵

Another example is that of the current Syrian refugee crisis. The PACE is calling on Member States of the Council of Europe to *“share responsibility for Syrian refugees and asylum seekers via intra-European Union relocation and refrain from sending these persons back to Syria or third countries.”* About 22,000 asylum applications have been lodged in different EU and EEA countries by Syrian

²³ Ibid at 18

²⁴ PACE – Migration, Refugees and Population, [EU states ‘failing the test of solidarity’ over asylum and irregular migration, hearing is told](#), 17 March 2011

²⁵ [The revised ‘Dublin’ rules on responsibility for asylum-seekers: The Council’s failure to fix a broken system](#), Statewatch Analysis, Steve Peers Professor of Law, April 2012

refugees between January 2010 and July 2012, including 615 applications in Greece. These figures contrast with the number of refugees hosted in neighbouring countries like Turkey (150,000), Jordan (250,000), Lebanon (over 300,000) and Iraq (70,000).²⁶

However, the European Union did not envisage the possibility of applying the 2001 Temporary Protection directive²⁷ to Syrian refugees. Instead, some countries have put measures in place specifically targeting Syrians in an attempt to limit the arrival of refugees in their territory. Thus, since 15 January 2013, Syrians travelling via France by plane will need an airport transit visa. France based its decision on Article 3(2) of the European Community Code on Visas whereby:

“In urgent cases of mass influx of illegal immigrants, individual Member States may require nationals of third countries other than those referred to in paragraph 1 to hold an airport transit visa when passing through the international transit areas of airports situated on their territory.”²⁸
[emphasis added]

Whether the number of Syrians arriving in France constitutes a “mass influx” still has to be demonstrated, as only 100 asylum applications were lodged in 2011 according to the French Office for the Protection of Refugees and Stateless Persons (OFRPA – *Office Français de Protection des Réfugiés et Apatrides*).²⁹ France and some other EU countries are showing little enthusiasm in welcoming refugees. According to Human Rights Watch, “*in Belgium, Bulgaria, Cyprus, and Greece, Syrians are subject to immigration detention that can last from a few days to several months...Greece has deported Syrians and the UK has attempted to*”.³⁰

It can be argued that this situation is nothing new: Member States tend to prioritise sovereign interests over a more integrative EU approach.

Nevertheless, there are some indications that the European Commission may push for more solidarity, as illustrated by successful efforts by Commissioner Malmström to reach an agreement on the adoption of the first Joint EU Resettlement Programme in March 2012.³¹

Most of the signs suggest that the Commission’s support is geared towards the interception and the return of migrants rather than supporting their integration and support: the discrepancy in the allocation of EU funding to Greece, as highlighted in the PACE draft Resolution; the gap between the 2012 Frontex annual budget (€84.96 million in 2012)³² and the European Asylum Support Office – EASO- (€10 million)³³; or the fulsome support given to the development of the European External Border Surveillance (EUROSUR) programme, which will involve the use of satellites / drones in

²⁶ Ibid

²⁷ [Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof](#), 20 July 2001

²⁸ [Regulation 810/2009 establishing a Community Code on Visas \(Visa Code\)](#), 13 July 2009

²⁹ OFPRA, [Rapport d’activité 2011](#), 11 April 2012

³⁰ Human Rights Watch, [EU: Provide Protection for Syrian Refugees](#), 23 December 2012

³¹ [Statement by EU Commissioner Malmström on the Council adoption of a common position on the Joint EU resettlement programme](#), MEMO/12/168, 8 March 2012

³² Frontex, [Budget 2012](#)

³³ EASO, [Work Programme 2012](#), September 2011

cooperation with third countries. EUROSUR has been running as a pilot project before its formal adoption by EU institutions.³⁴ These decisions are having dramatic consequences on Greece.

As emphasised in the PACE draft Resolution:

“While the European Union has shown great determination when it comes to saving its banking systems, it needs to demonstrate, along with non-European Union member States of the Council of Europe, similar levels of solidarity in the field of migration and asylum, where economic, social and humanitarian considerations collide.”

The EU’s policy: fuelling racist violence and migrant rights violations?

Importantly, the Strink report echoes two major concerns by NGOs and a few parliamentarians, thereby giving them legitimacy in the political arena: the danger of an imbalanced EU migration policy in the context of increased racist violence and xenophobia and the impact of the externalisation of the EU’s migration controls on the rights of migrants in third countries.

Emblematic of this concern is the ongoing Council of Europe’s investigation into the Management of mixed migration and asylum challenges beyond the European Union’s eastern border. So far, field visits have been conducted in Turkey and Ukraine by Rapporteur Andrea Rigoni.

First, the report returns at length to the rise of racist violence and xenophobia in Greece exemplified by the entry into Parliament of the far-right party People’s Association–Golden Dawn in June 2012.

The report argues that:

“One of the consequences of Greece’s inability to deal with these flows and the attendant migration management challenges that they bring, is the rise of xenophobia and racism in Greece.”

In the context of the instability that characterises the whole southern Mediterranean region, including Greece but also Turkey - where many refugees flee to escape the war in Syria - Strink warns against its potential disastrous consequences:

“This instability will only increase further if the up and coming Golden Dawn party succeeds in exploiting the immigrant issue.”

According to the report, while the EU’s policy (the Dublin II Regulation, the emphasis on border security rather than integration and support) may have reinforced Greece’s detention and border surveillance capacities, it has also left the country in an unstable situation: migrants and refugees still arrive in large numbers and are trapped in a country lacking proper reception facilities. This, in turn, plays in favour of the far-right which can capitalise on the chaotic situation, and hyperbolically warn of the threat of an invasion of foreigners in times of economic hardship.

Similar warnings have been expressed by German MP Andrej Hunko who, in a press release in November 2012, denounced the situation in which “[t]he EU is becoming complicit in racism and fascism in Greece.”³⁵

³⁴ Ben Hayes and Mathias Vermeulen, [Borderline: the EU’s New Border Surveillance Initiatives – Assessing the costs and Fundamental Rights Implications of EUROSUR and the “Smart Borders” Proposals](#), Heinrich Böll Stiftung and The Greens/EFA, June 2012

According to a recent statement by Judith Sunderland, from Human Rights Watch:

“Capitals across the EU could more actively press for making xenophobic violence in Greece a priority on the EU agenda, and in the long term support deeper reform of EU rules that oblige the first EU state an asylum-seeker sets foot in to take responsibility for that person. This system places an unfair burden on Greece and arguably has contributed to exacerbating social tensions”³⁵.

Second Strink also underlined that strict border controls did not deter migrants but simply shifted migration routes to other border regions, affecting other countries situated at the internal periphery of the EU (like Bulgaria) or outside its external borders (like Turkey or the Western Balkans).

She stressed that “[c]urrent European Union policies and what is expected of Greece, Turkey and other countries in the region are unrealistic.”

However, the draft Resolution does not go much further than asking that proper “assistance and support” is provided to Greece, Turkey and countries “in the frontline” so they can meet the expectations of their European partners.

Nevertheless, the explanatory memorandum does mention some of the negative effects of limited reception capacities in Turkey and the EU’s support to Turkey:

“[Turkey] also faced problems in terms of detention of irregular migrants and asylum seekers. As with Greece, the conditions of detention have been highly criticised and steps are being taken to build new centres with the assistance of funding from the European Union.”

The use of EU funding to build detention centres across its neighbouring states has been condemned by NGOs for many years. Migreurop’s 2010-2011 report drew on the example of the Turkish city of Van, on the border with Iran, where a detention centre and a reception centre for asylum-seekers were being built, financed by the EU.³⁷ This is one of the EU’s “twinning projects” aimed at candidate countries to allow them to “acquire the necessary skills and experience to adopt, implement and enforce EU legislation.”³⁸

However, as Strink pointed out in her explanatory memorandum:

“Stricter border control, prolonging migrants’ and asylum seekers’ detention or constructing new detention facilities in Greece all contribute to further human rights violations taking place. They are not the way out of the problem and they do not persuade people fleeing from poverty or violence in their countries of origin to remain at home”.

³⁵ [The EU is becoming complicit in racism and fascism in Greece](#), Press Release by Andrej Hunko, Member of the Left Party parliamentary group in the Bundestag, 15 November 2012

³⁶ [Another Greek crisis that needs the EU’s attention – Intolerance in Greece is spreading beyond foreigners to other minorities and into the mainstream](#), Judith Sunderland and Hugh Williamson for Human Rights Watch, 19 January 2013

³⁷ Migreurop. [At the margins of Europe – the externalisation of migration controls, 2010-2011 report](#), October 2011

³⁸ European Commission – Development and Cooperation, [Boosting co-operation through twinning](#) (official webpage)

The legitimacy of this “externalisation” of EU migration control has been challenged by human rights organisations and researchers. The Council of Europe suggests in this new report that pushing migrants into “*buffer zones’ outside of EU territory and cooperating with third countries to prevent the departure of migrants and refugees bound for Europe*”³⁹ only displaces the challenge of the reception of migrants and refugees and shifts the responsibility onto countries which do not necessarily have the capacity to meet this challenge.

Conclusion

In March 2012, Austria, Belgium, France, Germany, the Netherlands, Sweden and the United Kingdom stressed that “keeping one’s house in order” is a fundamental basis with regard to solidarity and mutual trust within the EU. It is widely accepted that this statement was aimed at Greece.

In November 2012, a delegation of MEPs visited several detention centres in Greece. Green/European Free Alliance MEPs, who participated in the delegation, expressed their concern at the ongoing abuse of migrants’ rights in an open letter addressed to the Greek Minister for Public Order and the Protection of Citizens Nikos Dendias.

*“The Commission seems to be accepting an incoherent and inhumane approach, with technical and financial assistance offered for border control and management and with a focus on both forced and voluntary returns as a policy solution to the natural phenomenon of migration towards the EU”.*⁴⁰

The argument that priority is given to surveillance and control rather than integration is not new, nor is the belief that Member States should show more solidarity towards each other in the context of migration. Yet, the PACE draft Resolution and the Strink report distinguish themselves from previous institutional reports because they emphasise the side effects of the EU’s strategy whereby ‘undesirable elements’ are pushed to its periphery, both internally and externally.

While the number of alarming reports on Greece keeps growing, the Council of Europe is sending a wake-up call regarding Europe’s responsibility for a situation from which it “**cannot afford to look away.**” [emphasis added]

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³⁹ Ibid at 34

⁴⁰ [Letter](#), 30 November 2012