



The Greens | European Free Alliance
in the European Parliament

Nikos Dendias
Minister of Public Order and Citizen
Protection
Greece

Brussels, 30 November 2012

Dear Minister Dendias,

We are writing to you as a follow up to our recent visit to Amygdaleza detention center in Attica, Greece, which took place November 10 and a recording of which can be found here (www.greens-efa.eu/amygdaleza-quotthe-five-stars-detention-center-quot-8705.html). We hope with this letter to present you with a brief overview of our position and concerns relating to issues falling within your sphere of competence, and to commence a fruitful dialogue.

We regret having to report that we consider the Amygdaleza detention centre to be substandard and the conditions unacceptable for an EU member state. We understand that this detention centre was accepted as eligible for funding under the revised 2010 Annual Programme under the Return Fund, provided that the project was implemented in full compliance with EU law and in particular the Return Directive and asylum acquis. Therefore, in view of the fact that, according to EU law, detention should be considered a last resort and decided on an individual and case-by-case basis, when other, less coercive measures have been exhausted, it is very hard to believe that Greek authorities have exhausted all other options. On the contrary, it seems that the Commission and Greek government view being in an irregular situation as a crime, accepting detention as a necessary consequence. Does the Commission consider the Amygdaleza detention centre to respect European legal and moral standards? How can accepting inhumane and degrading detention conditions be consistent with the bold statements about respecting fundamental rights?

At Amygdaleza detention centre we encountered detained unaccompanied minors. The detention of children solely for reasons relating to immigration, whether they are unaccompanied, separated or held together with their family members, can never be justified and represents an abject failure of the obligation to respect, care for, and protect children's human rights. We were shocked by the easy admittance of the continuing practice of deportation of unaccompanied minors. It is unfathomable to think that anywhere in the EU, children can be detained in such conditions, crowded into rooms with little exposure to natural light, left with few toilet facilities, with insufficient medical and psychological support, with insufficient access to telephones, education, entertainment or activities or to people who might help them such as lawyers and social assistants. Every child seeking asylum or that is in a situation of irregular migration, should be treated, first



and foremost as a child, with dignity and in line with international obligations. The EU should be achieving the best protective standards worldwide, rather than solidifying existing bad practices. Experience shows that it's rarely in a child's best interests to be detained, and that there are other more dignified and humane alternatives for dealing with unaccompanied child migrants. In some EU countries for example, organisations provide individualised services to unaccompanied minors in a community-based environment, where their physical and mental health is better protected, and they can better follow the procedures surrounding their asylum applications. Surely the immense relevant funds going to Greece would be better spent in establishing such alternatives for unaccompanied minors?

Furthermore, we encountered irregular migrants, asylum seekers and non returnable adults; we heard complaints related to insufficient access to a lawyer, insufficient knowledge of own case and insecurity about future, insufficient access to medical help, food and washing opportunities, and lack of contact with family and outside world. We had the impression that the full range of asylum and deportation proceedings in Greece is subject to a serious lack of procedural safeguards. We urge the Greek government to fulfil its legal obligations and allocate responsibility for all asylum applications to the Asylum Service, relieving the Police from the responsibility of receiving asylum applications.

We also learned that the majority of detainees, adults and children, were from Pakistan and Afghanistan. We would like to alert you to the fact that being Green in Pakistan can get you kidnapped by state authorities, detained illegally without charge, beaten and tortured and released only after you sign a document stating that you will stop any political activity or humanitarian action, as happened to the chairperson of the Pakistani Greens, in the summer of 2012. We therefore consider the readmission agreement with Pakistan and "returns" to Pakistan as violating the principle of non-refoulement. We strongly urge the Commission and Greek authorities to declare Pakistan an unsafe country, immediately stop deportations to Pakistan, suspend readmission agreements with Pakistan and recognise all Pakistanis, especially children, as non returnable persons.

We are consequently very concerned about the problem of lack of internal EU solidarity and the Commission's approach to the issue. Although article 80 TFEU establishes the principle of solidarity and fair sharing of responsibility, including all the financial implications this entails, between member states in the field of border checks, asylum and immigration, Member States seem keen to share the financial implications and technical assistance regarding border checks and controls, but not the reception and processing of the mixed flows arriving at the EU external borders. The responsibility for this seems to remain with the EU border countries, and the Commission seems to endorse this approach, as reflected in its notes to Council regarding implementation of the Greek Action Plan of October 23, 2012. 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. Migration will not be stopped by reinforcing border control, border management measures and forced returns; the current approach only reinforces human rights violations. Though states have a legitimate



authority to regulate immigration, the right of the individual to leave his or her country is an established human right. The universal "right to move", based on several philosophical grounds, including the idea of a common ownership of the earth, a natural right of movement existing prior to the advent of nation states, an ethics of cosmopolitanism, and utilitarian notions of the benefits of immigration to both receiving countries and immigrants, is set out in Article 13 of the Universal Declaration of Human Rights, adopted by the U.N.

General Assembly in 1948, Article 12 of the International Covenant on Civil and Political Rights (1976) and Article 2 of Protocol 4 of the European Convention of Human Rights, and can be resumed as "everyone has the right to leave any country, including their own". Refugees cannot help but enter the EU illegally. Refugees should be allowed to choose in which country to apply for asylum based on family, language, culture, or community ties with that country. No human being is illegal.

As a conclusion, if Amygdaleza detention center is the standard the European Union shows to the world, is not acceptable. The Greek government with the Commission's initiative and support, must act as a matter of urgency and priority, before establishing any more detention centers, to establish in Greece at least one exemplary structure of the system of protection of children and identification of vulnerable groups, with high quality reception and screening conditions (including medical and psychological support, access to telephones, education, entertainment activities, and to lawyers and social assistants as well as access to work stations with internet), as a true example of European Union standards for human rights enjoyment and protection.

Yours sincerely,

Rebecca HARMS
Co-President of Greens/EFA Group in the European Parliament

Franziska KELLER
Migration spokesperson of the Greens/EFA Group in the European Parliament

Nikos CHRYSOGELOS
Member of the Greens/EFA Group in the European Parliament