



**GREEK
COUNCIL
FOR
REFUGEES**



GCR Mission to Kos



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This Report is based on findings that were collected by GCR's team when carrying out a mission to the island of Kos in May 2016, information gathered during meetings with available representatives of island authorities and local organizations that are active on the island or had recently began their work there, as well as official statistics, essays and reports from national organizations, press releases, articles in local, national and international press, information found online, and GCR's reports from previous missions.

We would sincerely like to thank everyone who contributed to this Report by giving their time and providing invaluable information.

Introduction

On May 9th-11th 2016, GCR conducted a mission to Kos, in which a lawyer, a social worker and two translators in Farsi, Dari, Pashto, Urdu, Arabic and French participated. GCR's previous mission to the island of Kos had been carried out in the summer of 2015, and specifically during the period when the flow of newly arriving refugees had significantly increased and the state mechanisms were proving to be entirely incapable of handling and managing the situation. The local community was called on to fill this enormous gap, which, with extremely limited resources proved immediately responsive and made great efforts to meet the needs that had been created. Since then, the situation has changed drastically, since facts regarding adopted practices and general management consistently shifted throughout the entire course of the previous year, culminating in the recent startling changes that were brought about by the conclusion of the EU-Turkey Agreement of March 20th, 2016. The Agreement, highly criticized on an international scale as ignoring the basic human rights of newcomers, brought about the enormous decline in arrivals nationwide (and the inevitable increase of flows to Europe through alternative and more dangerous routes). The decline in arrivals to Kos is startling. Based on information provided to by the Head of Civilian Protection in the Kos Municipality, the arrivals in the recent months were as follows: In December 2015, 3,844 people arrived to Kos, in January 2016 2,103, in February 1,237, the first two weeks of March 259, the last two weeks of the same month 164, while throughout April, the sum of all new arrivals did not surpass 98 people. In fact, as the Police Chief of the Second Police Department of Dodecanese clarified, total arrivals since 20/3 - the date the Agreement came into force - to 9/05 amounted to 243 people. From then on and as of the moment this report was being written, a sporadic and always limited number of new arrivals were noted on the island. The failure to ensure the human rights of even such a small number of people arriving to the island is impressive, as the State continues to be surprisingly absent and problems remain significant, as we will strive to document below.

It is noted here that in the context of GCR's mission to the island, several meetings occurred with authority representatives, notably the Police Chief of the Second Police Department of

Dodecanese, the Head of Security, the District Officer, the representative for Citizen Protection of the Municipality of Kos, the Harbourmaster of Kos, as well as the Associate Director of the “Hot Spot”, under construction during the time of our visit, in the Reception and Identification Office. Furthermore, meetings and communication took place with representatives from local organizations active in the area, and specifically representatives from UNHCR, ARSIS, Doctors Without Borders, Praksis and the solidarity network “Kos Solidarity”.

2. Findings

2.1 Procedures Upon Arrival

The arrivals that are noted in the island of Kos have decreased dramatically and, in fact, a relatively higher decline is observed in Kos in relation to the rest of the islands that throughout 2015 and the first months of 2016 served as basic entry points to Europe. The EU-Turkey Agreement certainly constitutes the reason for this decline, since from the date it was put into force, all new arrivals have limited freedom, with the knowledge that once procedures finish, they will be readmitted into Turkey. Anyone who does not express a desire to file a request for asylum to the Greek authorities is immediately returned to Turkey, while those who do wish to file a request remain in the country until their application is evaluated after establishing whether Greece should handle the application or whether Turkey is a safe third country for the applicant. The now reduced arrivals are detected by the Coast Guard and by Frontex forces during regular patrols that take place. According to a statement by the Harbourmaster, when arrivals are detected on Turkish territorial waters, they immediately notify the Turkish Coast Guard, who since the Agreement came into force, collaborates with the Greek Coast Guard and collects those trying to enter. When new arrivals are detected on Greek territorial waters, during the time of our mission, the protocol was a rescue operation after arrest, and to subsequently lead newcomers to the yard of Port Authority, where they would stay until noon, since that is when registration procedures take place. Up until 20/3, the UNHCR handled the transfer of new arrivals from the entry point to the registration area that operates on the port. However, the UNHCR has discontinued this specific procedure, in the context of its ceasing specific operations on Greek islands due to its opposition to the EU-Turkey Agreement.

The Police, Frontex and the Coast Guard all participated in registration procedures, while Turkish observers were also present. The basic identification information was received directly by the Coast Guard with the purpose of immediately dispatching the file to the Prosecution and Appeals Office in Rhodes, which in turn proceeded to abstain from prosecution for the offense of illegal entry. Then the police, in collaboration with Frontex and its interpreters continued to draw up complete documentation, collect fingerprints, take photos, and in general create a map of each of the new arrivals. From a nationality point of view, the vast majority new arrivals in Kos are Pakistani and Bangladeshi citizens, while few are Syrians and none are Iraqi. The process of identifying vulnerable cases was, at the time of our visit and given the previous absence of Reception and Identification Services on the island, taken on by the authorities and mainly by the

police, but also by UNHCR representatives, who are present during registrations. At the time of our visit, all vulnerable cases would be identified at the police station, where everyone was either way driven to after completing the initial procedures of the Coast Guard. Then, whoever was identified as belonging to a vulnerable community or identified as a vulnerable case was separated from the rest and led to one of the two areas that are used by UNHCR and Mercy Corps to house vulnerable cases. The rest were led to the holding centers that were located in the police station, where the living conditions were abhorrent and should not be used to limit the people's freedom of movement for half an hour, let alone for a number of days.

2.2. Reception Conditions for New Arrivals

2.2.1 The “Hot Spot” at Pili

The island of Kos is one of the 5 islands that constitute a gateway into Europe, in which it was decided that the construction of a “Hot Spot” be built, along with Lesbos, Chios, Samos and Leros.

Despite the fact that the decision to build a “Hot Spot” in Kos was made 7 months ago, the extremely negative sentiment that prevailed from the start in the island, on a local community level and especially among local authorities, and the tense and often violent reactions of residents, hampered the completion of the “Hot Spot” within a reasonable amount of time. A plethora of articles throughout February reported that the completion of the construction work and the consequent opening of the “Hot Spot” was expected any day now, however, things turned out differently. During the time of our visit in Kos, construction on the “Hot Spot” was almost completed, and five people serving as administrative staff had just arrived to the island, while two more were expected, as well as a psychosocial team of Praksis, with a psychologist, social worker, nurse and doctor for the staffing of the Mobile Platform Reception and Identification Service, which has been managing the Hot Spot. Thus, there were still serious problems that needed to be solved, such as the absence of a telephone line, internet, as well as a POL system for police to complete registration at the “Hot Spot”, while removal of hazardous building material from the site was still pending. The Associate Director of the Center assured us that it was only a matter of days before the “Hot Spot” began operating, while after all the delays and problems that had preceded, representatives from other entities with whom we came into contact maintained serious concerns and reservations. In the end, a few days after we departed from the island, the signal was launched for the “Hot Spot” to begin operations and due to the extremely limited flow to the island, many of the new arrivals in similar entry points in the country were transported to the “Hot Spot” of Kos, where registration and identification procedures would take place. However, it appears that “Hot Spots” operations are riddled with serious problems, which led a government representative of Dodecanese to bring the issue to the Parliament and relevant Ministers. These problems are related to, among other things, the

absence of asylum services within the "Hot Spot" for the effective evaluation of newcomers' applications within a reasonable amount of time, the limited staff for all services provided in the "Hot Spot", and not expanding the police staff called to guard the "Hot Spot" and simultaneously meet the policing needs of the island.

It should be noted that the area where it was decided that the "Hot Spot" be built and operate is characterized by its immensely far distance from the city of Kos and its isolation from areas of tourist activity in the island, as well as from the residential areas. This was the minimum compromise which finally made the authorities and the local community change their minds, after the prior refusal for a "Hot Spot" to be built on the island. As such, the remote location of the "Hot Spot" in relation to the city creates an additional problem of those who are in it being completely isolated. In any case, until the beginning of July, there were around 437 people staying in the "Hot Spot" in Kos, most of which had been transferred from other islands.

2.2.2. Administrative Detention and Conditions of Detention

During our visit to the island and given new information, as they had taken into effect after the EU-Turkey Agreement had come into force, all new arrivals that were not identified as vulnerable cases were led to the Second Police Station of Dodecanese. Based on the practices the authorities on the island have adopted, families, namely mothers and children, are not detained and, as such, the men of the families are taken into custody and families are separated. There are three detention facilities split into two separate areas, one that holds the men and the other that is for women. During the time of our visit to the detention centers, in one there were 30 men, when the center's capacity is 25 people and in the other there were 26 men, when its capacity is 17 people. Furthermore, there were 8 women in the third center, 5 of which were citizens of the Dominican Republic, 2 were Palestinians and 1 was Afghan. In extreme cases of the detention centers overcrowding, there is the ability to make use of the detention center in Port Authority, which has a capacity of 10 people. Furthermore, from the moment the Agreement came into force to the time of our mission, two readmissions from Kos to Turkey had taken place. One involved 50 people and the other involved mainly Pakistani and Bangladeshi citizens. A few days later 28 more people were readmitted to Turkey. Finally, none of the detainees had stayed in the center for more than 25 days, the highest limit law 4375/2016 permits in article 14 about "Residence Status and Procedures in Reception Centers and Identification and Mobile Units"

The living conditions cannot be described as anything other than abhorrent and hygiene conditions were tragic and unbearable. These specific detention centers are not built for multi-day stays and of course not built for so many people. There are not enough mattresses or blankets

to meet the people's needs. In 2 out of 3 detention centers there are 2 toilets and in the third one 3, and there is a shower and two sinks in all of them. The Police Station building is especially old and that results in other problems inside the detention center with regard to plumbing, as the toilets are often clogged or not working. As a result, the money to be set aside for maintenance had not been renewed for 2-3 months, and the consequences of this were clear, as there was a pervasive and stifling stench while unclean water was scattered everywhere.

The responsibility of maintaining the building clean is out of necessity the Police's, who do not seem to have a presence inside the building and in fact present the detainees with cleaning materials so that they themselves maintain the building. The responsibility to provide detainees with sustenance is the Police's, which distribute three meals daily. In the case a detainee has health problems, the Police takes responsibility to transport them to the General Hospital-Health Center in Kos, which either way faces many problems and shortages, both in staff and in equipment. On a general level in relation to the medical care for newcomers, a substantial shortage in staff is noted in Kos, especially from the moment that Doctors without Borders withdrew from the island, and the Agreement came into force, while this significant shortage was noted until the psychosocial team of Praksis, in collaboration with the Reception and Identification Services, arrived.

2.2.3 Temporary Housing for Vulnerable Cases

A. Zikas Hotel – Unaccompanied Minors

The UNHCR funds and manages the Zikas Hotel in collaboration with ARSIS, where unaccompanied minors that have just arrived in the island and have been identified during their registration are currently hosted. During the time of our visit, identification took place during their registration by the police and was done by ARSIS and UNHCR staff. The staff that was working in the Hotel during the time of our visit consisted of psychologists, social workers, and educators, as well as two volunteers from Spain. Save the Children also participated, as well as Metadrasi, which had translators and conducted the supervised visits from the hotel to the temporary housing of Praksis in the island. Unaccompanied minors are not subject to administrative detention and in fact, according to the new law, unaccompanied minors are excluded from the procedures at the border and are not subject to readmission procedures.

As such, unaccompanied minors are required to remain on the island until finding appropriate housing for reasons relating to their "protection", as we were informed by the Police and UNHCR. During the time of our stay, unaccompanied minors that were staying in the hotel were almost exclusively Pakistani citizens and one of them was a Syrian. They were all adolescent boys. The exact number of those staying at the hotel could not be calculated with certainty and

precisely because the hotel is an open space where people can move freely, phenomena such as unannounced departures from the island have been observed, though in total it is estimated there are estimated to be around 60 minors. The Zikas hotel is used as a temporary shelter for unaccompanied minors until they find a space in the transitional housing units run by Praksis on the island.

Those involved in the identification of unaccompanied minors also are those who involved in the process evaluating and prioritizing the minors that go directly to the temporary housing units run by Praksis. Interestingly, based on information we received from UNHCR and the National Center for Social Solidarity (N.C.S.S.), which are responsible for finding housing for unaccompanied minors, they were only aware of the cases of unaccompanied minors staying in the transitional housing units run by Praksis, and not of those minors staying in the hotel. However, the information we had from the police regarding this issue was the N.C.S.S. was aware of all the cases involving unaccompanied minors on the island, while the representative from Praksis with whom we talked preferred to not speak on the issue. This becomes even more interesting, however, especially if one considers that housing spaces for unaccompanied minors are extremely limited across Greece and as a result, particularly within the previous time period, there were delays in finding spaces and minors stayed in the hotel even for months.

The medical treatment of unaccompanied minors at the hotel is covered by WAHA personnel, notably by a nursing staff presence from 2p.m. to 5p.m. and a doctor who, however, is also called to meet the needs of people in Leros, resulting in him having to split his time between the two islands.

B. Mercy Corps Apartments - Vulnerable Groups

In the same street as the the hotel, there are apartments for temporary housing for vulnerable cases, funded by and managed by the organization Mercy Corps. During our visit to the apartments, 2 families from Afghanistan, 1 Kurdish family, which had come to the island before the Agreement came into force on 20/3, a single-parent family of Syrian and Palestinian nationaly, 1 elderly person who had lost his entire family in a shipwreck in Kalymnos, 1 Syrian couple along with the wife's sister, who had epilepsy, and 2 Palestinians who both had husbands in other countries in Europe and were waiting to begin the process of reunification were all staying there, while 2 Syrian women had recently left from there.

C. Praksis Transitional Housing Units for Unaccompanied Minors

On the island of Kos, and specifically in the area of Lambi, a Transitional Housing Unit for Unaccompanied Minors is operated by Praksis, in which, at the time of our visit and based on data the Second Police Department of Dodecanese provided us, 33 unaccompanied minors were staying. That is also the Unit's capacity. The majority of those staying in the Unit are Pakistani and Bangladeshi citizens and they wait in the Unit for when they will be transferred to a housing center in the Greek mainland.

There are 16 staff members in total in the Organization, among whom are social scientists (social workers, sociologists and social anthropologists), psychologists, a lawyers, translators and caregivers.

Praksis receives a verbal order from the Prosecutor so that unaccompanied minors can be hosted with delays within the organization. Applications to be hosted for unaccompanied minors are received by N.C.S.S. Then, position of accompanying these minors to the structure when a space has been opened is assumed by Metadrasi whose representative receives the minor's documents and delivers them to the manager of the Unit, where the minors are to be hosted. At this time, the prosecutor gives a written order, which refers minors accompaniment and the minor's stay at the Unit. It is noted here that the police of course have information on the minors who are staying in the Praksis Unit in Kos but also on those who depart from it and are transferred to another structure.

2.3 Access to Asylum Services and Legal Aid

Asylum Services continue their surprising absence from Kos, since even to this day, neither the Regional Asylum Office nor the Independent Asylum Echelon, despite even the launch of the "Hot Spot's" on the island. ;The gap created; by the absence of Asylum Services is enormous and has created a series of serious problems, especially during this period, since the current situation on the island requires the dynamic operation of an effective and fully staffed Asylum Services Office. Specifically, the EU-Turkey Agreement anticipates the direct readmission of new arrivals to Turkey, except in the cases that file an asylum request and, until the request is evaluated for its admissibility, as noted above, in the "Procedures Upon Arrival." Until this evaluation, new arrivals are forced to stay on the island and their transfer towards another part of Greece is prohibited. In fact, after the first 25 days they arrive, they are giving a waiver lifting the restriction of their movement within the "Hot Spot", though they are still required to stay on the island until all the procedures relating to their request for asylum submitted to the Greek authorities is completed. As a result, new arrivals, while they can move freely in and out of the Hot Spot, they are forced to remain trapped on the island, without any sort of assessment as to the time frame they will be staying.

The lack of Asylum Services in Kos makes the Regional Asylum Office in Rhodes incredibly relevant for new arrivals (including all those who have been transferred there from another entry point, where most likely there is no “Hot Spot”, ex. Crete, or another from another point where the “Hot Spot” is overcrowded, ex. Chios), who wish to file an asylum request to Greece. This fact results in serious practical difficulties, as firstly the transfer of newcomers to Rhodes in order to register and second the need to conduct their interviews, presents a challenge to the authorities who are already overworked with these responsibilities. In order for a request to be filed, many factors need to coordinate, such as the ROA Rhodes Officer, who will notify everyone of the meeting, in combination with a translator from Metadrasis as well as the authorities which transfer the new arrival, after of course, the ferry routes and weather conditions are taken into consideration.

At the time of our visit to the island of Kos, only one request for asylum had been made and one more was expecting to be filed within the week, while no introductory interview had been conducted, namely on the grounds that the applicant did not wish to be returned to Turkey and because Turkey cannot be considered a safe third country or the first country of a asylum. Either way, the date that had been set for the interview in one case was 15/06, in other words a month after the initial registration. On the days of our visit and despite the absence of Asylum Services from Kos, an introductory mission had been conducted by the European Asylum Support Office (EASO), which expects to significantly support the efforts of the Independent Asylum Echelon, when it operates.

The situation was particularly problematic during the time of our visit in situations that involved unaccompanied minors, who wished to file a request for asylum. Metadrasis had already expressed interest in accompanying minor to Rhodes so that they can file their requests, however, there was a series of practical difficulties that needed to be overcome so that this could be feasible. At the end, during the start of June, the obstacles were overcome and the first accompaniments to Rhodes began so that minors could begin filing their requests.

With regard to the rest of the cases of new arrivals in Kos, during the time our visit 61 people in total, from Iran, Afghanistan, Syria, Dominican Republic Egypt, Ivory Coast and Palestine, had expressed interest to the police to file a request for asylum, From those people, some were being administratively detained in the detention centers of the Second Police Station of Dodecanese, and some were staying at the Mercy Corps apartments. An issue had arisen with regard to a family that had been separated registering for asylum and a father that was being detained while the rest of the members were staying in the apartments, since the cases had to be correlated within the police’s computer system, so that the transfer to Rhodes for filing their cases could be done collectively as a family.

Both UNHCR representatives with the aid of Metadrası translators provide new arrivals with information regarding their rights and the current situation after the conclusion of the EU-Turkey Agreement. Nevertheless, at this point one of the more problematic issues that characterize the general situation in the island of Kos is the lack of legal aid for new arrivals. In fact, given the current situation where the stakes involve, in summary, the readmission of new arrivals to Turkey, the need for legal aid is more urgent than ever. Every newcomer should not just know with great certainty their options and rights, but they will need to have the objective ability to effectively exercise them.

Basic Conclusions

- 1) The situation on the island of Kos is incredibly problematic, as it nevertheless was already since the time of the GCR's first mission to the island a year before and when the refugee influx was increasing steadily.
- 2) It is noted here that there are significant state shortages in housing facilities, since during the time of our visit the island was characterized by a distinct absence of any appropriate state structures, resulting in the new arrivals staying at the detention centers of the Second Police Station of Dodecanese.
- 3) The living conditions in the above detention centers are abhorrent, as the space is clearly unsuitable even for a brief stay and it is characterized by uncleanness, a stench while simultaneously it had exceeded its maximum capacity.
- 4) Community service groups throughout the entire duration of the refugee crisis had taken on and continue to fill in the enormous gaps the State has created in its steady absence.
- 5) The local community, following the lead of the local authorities, remain particularly hostile to the issue of the refugee crisis, while the sentiment that has been created and continues to be prevalent can only be described as war friendly.
- 6) The EU-Turkey Agreement has served as a catalyst for the newcomer's loss of basic human rights, who at this moment remain trapped on the island with no information as to the current situation, their options, or at least an estimation of the time frame in which the procedures concerning them will be handled.
- 7) The absence of Asylum Services in the island of Kos despite the launch of the "Hot Spot" contributes to the intensity of the issues that characterize a nevertheless highly problematic situation.
- 8) Newcomers on the island are not provided with legal advice at any stage in their process, a fact that makes the situation they are facing particularly risky, since without counsel to defend their rights, there is a direct danger they will be returned to Turkey, with whatever that entails, as that has already been demonstrated by human rights advocacy organizations.

Recommendations

- 1) The immediate and effective use of first reception mechanisms should be enforced, with the management of the Reception Identification Services at the “Hot Spot” being fully staffed and with the provision of suitable first reception services both in terms of reception areas, which should meet basic requirements and conditions, and in terms of food and basic necessities.
- 2) The effective and complete use of the mechanisms used to identify vulnerable cases that reach the island are of utmost importance, as is the provision of healthcare and all that it constitutes.
- 3) The immediate launch of Asylum Services in Kos for the effective processing of the accumulated requests for asylum for those who remain on the island and wish to file is considered imperative, as well as the need to use all mechanisms available for the immediate and effective access to the procedures of asylum and the consequent proper, personalized and relevant examinations of request for the provision of international protection
- 4) Provision of legal aid for all stages of the procedures that are relevant to new arrivals.
- 5) Provision of information and the appropriate actions being taken in order to inform and sensitize the local community with the aim of mitigating the local reactions.