



HELLENIC REPUBLIC  
**National and Kapodistrian  
University of Athens**

SCHOOL OF ECONOMICS AND POLITICAL SCIENCES  
DEPARTMENT OF COMMUNICATION AND MEDIA STUDIES

**MSc IN MEDIA & REFUGEE / MIGRATION FLOWS**

Dissertation

Title:

Navigating Access to Asylum in Greece: Exploring Facilitating and Inhibiting Factors  
through the Lens of Human Rights Defenders and Border Control Perspectives

by

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Submitted in partial fulfilment of the requirements for the Degree Master of Science in  
Media & Refugee /Migration Flows

Athens, 15/02/2024

## STATEMENT OF ORIGINALITY

I responsibly declare that the submitted dissertation for the award of the diploma of the Postgraduate Program "Media and Refugee / Migration Flows", Specialization "Communication Management of Refugee/Migration Flows" of the Department of Communication and Media Studies/National and Kapodistrian University of Athens has been written by me personally and no one else has written the whole or part of it. In addition, I responsibly declare that this dissertation has not been submitted or approved for the award of any other postgraduate or undergraduate degree, in Greece or abroad. This dissertation represents my personal views on the subject. The sources I have used are mentioned in their entirety, giving full references to the authors, including internet sources. In case of untrue or inaccurate statement, I am subject to the consequences according to the Regulation of Studies of the Postgraduate Programme and the provisions of current legislation on intellectual property.

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## Abstract

War and struggle have displaced thousands of individuals across the world. Men, women, and children have departed their countries in search of protection, peace, and a good future, fleeing persecution and significant terror. Several of them seem to have placed their expectations on the European Union Member states, including Greece. Some even put their lives at risk by traversing the Mediterranean in overfilled boats to escape their risks.

In violation of their human rights commitments within EU and international humanitarian treaties, the Greek frontier authorities are brutally and unlawfully confining thousands of refugees and asylum seekers before unceremoniously returning them to Turkey. Many refugees have sought to enter the European Union through the Greek borders, by land, as well as from overseas in recent years. Wire fencing, tear gas, and armed troops awaited them. According to many accounts, individuals who managed to enter by land or sea were given the option to claim asylum by Greek officials while others were mistreated, humiliated, and dragged back across the border.

This dissertation explores the effectiveness of the practical asylum framework in Greece in facilitating international protection applications. Through primary and secondary data collection, it investigates the impact of border safeguarding, the criminalization of human rights defenders, search and rescue policies, and their overall influence on migration management. The study scrutinizes the implementation of border safeguarding measures, legal responses to pushbacks, instances of legal violations associated with pushback practices, and the normalization of such procedures. Furthermore, it explores violations of the right to seek asylum and the contravention of the principle of non-refoulement within the Greek asylum legal framework, offering a comparative analysis of these issues in contemporary conditions. Additionally, it evaluates European efforts to enhance the Greek asylum system, emphasizing collaborative initiatives by the European Union Asylum Agency (EUAA) and the Greek Asylum Service (GAS).

Keywords: pushbacks, border, interception, legal framework, asylum, human rights

## Acknowledgments

I extend my sincere gratitude to the individuals and communities who have been integral to the realization of this dissertation. Originating from Lesbos Island, situated at the confluence of Europe and Turkey, my upbringing amidst migration flows and humanitarian challenges has profoundly shaped my academic and professional journey.

The pivotal period of the 2015 humanitarian crisis in Lesbos marked the commencement of my involvement in humanitarian advocacy. Over the ensuing years, I collaborated with diverse stakeholders to advocate for the rights of those in need of protection, a commitment that transcended geographical confines.

The impetus for this research stems from my interactions with individuals in the Kurdistan Region of Iraq, situated along the borders with Syria. Focusing on human rights and international humanitarian law violations, particularly concerning children and families seeking international protection in Greece, I encountered narratives of distressing experiences. Instances of forceful pushbacks from the Greek borders to Turkey and subsequent deportations to Iraq and Syria fueled my determination to delve deeper into the efficacy of migration and border management in Greece and its tangible impact on the lives of vulnerable populations.

I express my deepest appreciation to the individuals who shared their stories, providing invaluable insights that have informed the substance of this dissertation. Their resilience in the face of adversity serves as a constant reminder of the urgency and significance of addressing the complexities inherent in migration and border management. Additionally, I thank the academic mentors, especially my advisor, Dr. Anastasia Chalkia, for her invaluable guidance and my colleagues and institutions that have supported me and provided meaningful input throughout this academic endeavor.

This dissertation stands as a collective effort, and I am indebted to the many voices that have contributed to its development. Hopefully, by providing a nuanced understanding of the legal responses, challenges, and collaborative initiatives, this research aims to foster a more empathetic and effective approach to migration management.

To Nana, Myrsa and Christina...

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*“We’ve never really been split, never been cut in half, we’ve just been silent about how we’ve been empowered because we haven’t always felt it, have been too busy being good immigrants, not making a fuss, and quieting down when people felt uncomfortable.”*

— Nikesh Shukla, *The Good Immigrant*

## Introduction

The official rhetoric and practice on pushbacks have shifted dramatically during the years 2019-2023. Aside from the worldwide pandemic, migration has been described as an ‘asymmetric danger,’ used by states and non-state actors engaging in “hybrid” warfare, the victims of which are unquestionably civilians in need of protection. This battle is manifested in Greece by a sequence of events and activities that have become more intense and institutionalized between 2020 and 2023. The March 2020 incident on the Evros border, in which men, women, and children were attacked by Greek military and police forces, set a precedent that has been repeated at other Balkan and international borders; the devastating shipwreck of the ‘Adriana’ ship near Pylos; the institutionalized practice of pushbacks on land and sea; the refusal to save lives in perilous situations at sea; forced destitution; and the establishment of prison-like centers and more detention facilities in Greece are accompanied by direct suspension of the Geneva Conventions, declaring the enforcement of so-called extraterritorial spaces within sovereign states, and channeling large sums of money to security management.

According to data from three independent consumer advocates, two university researchers, and the Turkish Coast Guard, Greek authorities have thrown back at least 2157 asylum seekers at sea since 2023. (National Commission for Human Rights, 2023) Those who were “fortunate” enough to survive crossing the Greek border by land or water without being harassed or pushed back continued to struggle in Greece. Rather than being handled with compassion, they are imprisoned. The Greek government’s accommodation for asylum seekers is minimal and inadequate. Overcrowding and a lack of basic medical supplies plague the centers. Additionally, “The Shame of Europe”, Moria Camp was destroyed by fire on September 9, 2020. Despite the camp’s occupancy of 3,000 people, its demolition has left nearly 13,000 people without a home or necessities like food and medical supplies. (BBC, 2020.)

At the same time, in the years between 2019 and 2023, there was a significant change in the official discourse and practice about pushbacks. Since March 2020, migration flows have considerably decreased as a result of systematic expulsions of migrants and asylum seekers from Greece's land and sea borders by the country's government, which is against international law. Journalists, human rights organizations, and online investigators have extensively recorded the pushbacks.

Moreover, there are currently no civil search and rescue organizations working in Greece, despite the dire need for life-saving assistance in the Eastern Mediterranean Sea, where, according to the International Organization for Migration, nearly 500 migrants have perished or gone missing since 2023 following a series of criminalization of Search and Rescue, refugees and those who help them.

To regulate, penalize, or impede the exercise of the right to defend human rights, State and non-state actors may manipulate the punitive authority of the State by using it against human rights defenders. This occurs, for instance, when unfounded accusations or complaints are made based on criminal charges that do not follow the rule of law or that do not adhere to European standards about the actions they are intended to penalize. It can also be seen in the deployment of preventive measures with no discernible procedural goals and the subjecting of defense attorneys to protracted criminal proceedings.

For those who do enter the country, applying for asylum is "almost impossible to access" due to the dearth of centers taking claims and the inefficiency of the online appointment system up until recently. As a result, despite their attempts to apply for International Protection, many individuals remain undocumented. They are consequently cut off from necessary services like housing and healthcare, as well as the labor market. Even those who do apply for asylum and are granted refugee status are in a hopeless position because the Greek government has reduced housing and financial aid for refugees since 2019, leaving thousands of people in need and without a place to live.

The aforementioned indicate two aspects: initially, that there has been widespread public and political approval for the validity of the interception activities; furthermore, that there

is either no legal structure to preclude pushbacks and that there are no instruments or that they are insufficiently powerful to maintain the constitutional mechanism.

The following study specifically addresses the deportation of migrants entering Greek territory to Turkey the criminalization of humanitarian assistance and aims primarily to provide insights into the following:

- a. To what extent does the operational asylum framework in Greece facilitate the submission of asylum seekers' international protection applications?
- b. Do the measures of border safeguarding, pushbacks, and interception as well as the criminalization of human rights defenders, in conjunction with search and rescue policies, contribute to the reinforcement or diminishment of effective migration management?

To respond to the respective research questions, first and foremost, I will trace the development of the European and Greek asylum laws and policies, analyzing key legislative milestones, amendments, and their implications on the treatment of asylum seekers. Afterward, I will delve into the definition and prevalence of pushbacks and criminalization of humanitarian aid by analyzing reports and findings that shed light on the various contexts in which pushbacks occur. Through this section, I will explore the factors contributing to normalizing their practice, addressing the legal, political, and humanitarian dimensions surrounding this controversial practice and also the media portrayal of the narrative. To complement secondary research, through qualitative research, I will provide primary data aiming to summarize findings, discuss implications for policy and practice, and offer recommendations for future research.

## Chapter 1: Theoretical Background- Literature Review

### 1.1 Facilitating Factors in the Access to Asylum

The evolution of the asylum legal framework in Greece reflects a complex interplay of historical antecedents and contemporary exigencies, illustrating the nation's ongoing efforts to adapt its legal apparatus to the evolving landscape of forced migration. (Dimitriadi, 2023) The origins of Greece's asylum legal framework can be traced back to its accession to international conventions, notably the 1951 Geneva Convention, relating to the Status of Refugees. (Morales, 2021) Greece became a signatory to the convention in 1952, marking an initial commitment to international standards for the protection of refugees. However, the subsequent years witnessed a series of challenges that prompted the country to reassess and refine its asylum policies. (Zisakou, 2021) The establishment of the Hellenic Republic in the aftermath of World War II marked a crucial juncture. Early efforts to address refugee protection were marked by a focus on the aftermath of the Greek Civil War, with refugee influxes from neighboring countries shaping early policy responses. (Karamanidou & Kasperek, 2022)

Over time, legislative acts and amendments were introduced to navigate the intricate terrain of asylum governance. One pivotal moment in this evolution occurred with the ratification of the 1985 Refugee Recognition Act (L. 1565/1985), a landmark legislation that delineated the criteria for recognizing refugee status and provided a foundation for asylum proceedings. (Kourachanis, 2019) This legislative milestone aims to align Greece with international standards, laying the groundwork for a more systematic approach to refugee protection. (Zisakou, 2021) However, the subsequent years revealed persistent challenges as Greece grappled with increasing asylum applications and complex geopolitical shifts. The early 21st century brought heightened attention to the flaws and deficiencies in Greece's asylum system, particularly in the European migration crisis. The inadequacies were underscored by landmark legal cases, such as the *M.S.S. v. Belgium and Greece* judgment by the European Court of Human Rights in 2011, which highlighted deficiencies in Greece's reception and asylum procedures. (Kourachanis, 2019)

In response to these challenges and under the pressure of European Union scrutiny, Greece underwent a series of reforms aimed at overhauling its asylum system. The adoption of Law 3907/2011, aligned with the European Asylum Procedures Directive, marked a significant step forward. This legislation introduced comprehensive changes to asylum procedures and reception conditions and established an independent appeals authority. (Karamanidou & Kasperek, 2022)

The dynamic evolution of the asylum legal framework in Greece underscores the nation's commitment to adapting its policies to meet contemporary challenges while aligning with international norms. However, ongoing challenges persist, necessitating a continuous appraisal of the legal framework to ensure effective and rights-respecting asylum governance in Greece. (Dimitriadi, 2023)

Greece's legal framework has evolved to align with international standards, including the 1951 Geneva Convention and subsequent European Union directives. introduced comprehensive reforms, ensuring compliance with EU asylum procedures and standards (Papadopoulou, 2017). The creation of the Greek Asylum Service (GAS) in 2013 marked a significant step in streamlining and improving the asylum process. (Davies, 2023) GAS plays a central role in examining and deciding on asylum applications, contributing to a more organized and efficient system (Kubal, 2019). The implementation of the hotspot approach, particularly on Greek islands, involves initial reception and screening procedures. While it has faced criticism, the approach aims to identify vulnerabilities, conduct preliminary registration, and facilitate the early stages of the asylum process (Giannakourou, 2019).

Taking into consideration the above, the integration of the EU Asylum Acquis<sup>1</sup> into the Greek legislative framework is evident through a series of laws, each playing a distinctive role in shaping the country's approach to international protection. While these legislative initiatives demonstrate Greece's commitment to aligning with EU directives, a critical analysis unveils strengths and potential areas for scrutiny as numerous International and

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<sup>1</sup> For a detailed report on the institutional framework for asylum in Greece, see: <https://migration.gov.gr/en/legal-framework-1-2/legal-framework-asylum-services/>

European Stakeholders have criticized Greece for its vague commitment to the International and European migration and asylum framework.

Within the European Union (EU), the principle of the rule of law forms a cornerstone that unifies Member States despite their diverse legal systems and traditions. This foundational concept underscores a shared commitment to key tenets, including legality, legal certainty, prevention of arbitrary executive power, the establishment of effective judicial protection through independent and impartial courts ensuring the full respect for fundamental rights, the separation of powers, perpetual subordination of public authorities to established laws and procedures, and the assurance of equality before the law. As enshrined in national constitutions and legislations across all Member States, these principles serve as the bedrock for maintaining a cohesive and rights-respecting legal framework throughout the European Union (European Commission, 2021: 1).

The adherence to human rights, particularly grounded in the EU Charter of Fundamental Rights, is paramount. Concerning the provisions within the Charter relating to asylum, these have been integrated into the Treaty on the Functioning of the EU, specifically in Article 78, which obliges the Union and its member states to uphold the Geneva Convention on Refugees, including the 1967 Protocol<sup>2</sup>. Notably, the Geneva Convention itself is anchored in fundamental principles, encompassing non-discrimination, non-penalization, and, crucially, the principle of non-refoulement.

Therefore, in isolation or in conjunction with the principle of non-criminalization, which stipulates that asylum seekers should not face penalties for their unauthorized entry, thereby allowing them to contravene immigration regulations, this stance eliminates any legal justification or favorable interpretation conducive to pushbacks. (Kubal, 2019). Despite the challenges confronting the asylum systems of member states, the foundational principles of the Geneva Convention continue to be integral to the core values articulated in EU documents and declarations. Notably, especially following the events of 2015, member states have heightened their endeavors to introduce unprecedented concepts and

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<sup>2</sup> UNHCR, 2011, THE 1951 CONVENTION relating to the Status of Refugees and its 1967 Protocol, available at: <https://www.unhcr.org/sites/default/files/legacy-pdf/4ec262df9.pdf>

policies at the EU level (Geddes and Ruhs, 2019). These governmental initiatives, which originated as early as the 1990s and will be elucidated further below, underscore a concerted effort to address common challenges on a transnational scale. However, the surge in support for anti-immigration parties during the 2019 EU elections indicates a shift in perspective among voters across Europe, perceiving the EU as a transnational arena aimed at tackling shared challenges. This development, unexpected by proponents of European integration, signifies that asylum and migration has elicited fundamental and 'existential' queries concerning the EU's role and purpose.

Nevertheless, initiatives like the establishment of the Common European Asylum System (CEAS) exemplify dual-directional processes where policies are advanced collaboratively by both member states and the EU. Within this paradigm, the EU, until recently, aspired to address challenges within European asylum systems and the concurrent pressures from governments and electorates without compromising its commitment to unwavering respect for human rights. To put it differently, the CEAS, characterized by its inherent tensions (Velluti, 2014), represents the EU's endeavor to navigate and respond to these tensions.

The overarching objective of the CEAS is articulated as an attempt by the EU to create a unified asylum area through the implementation of a harmonized and effective procedure aligned with the values and humanitarian traditions of the European Union (Regulation (EU) No 439/2010, L 132/11 (1))<sup>3</sup>. The allusion to the harmonization of procedures will be extensively scrutinized in the subsequent section. At this juncture, it is imperative to note that the primary concern of the CEAS has been to rectify disparities among member states' asylum systems, specifically aiming to curtail the secondary movement of applicants for international protection prompted solely by variations in legal frameworks (Directive 2011/95/EU L 337/10 (13))<sup>4</sup>.

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<sup>3</sup> REGULATION (EU) No 439/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 May 2010 establishing a European Asylum Support Office.

<sup>4</sup> DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

The foundational basis for the establishment of the Common European Asylum System (CEAS) lies in the Treaty of Amsterdam, specifically its stipulations regarding obligatory EU-wide minimum standards for Asylum and Immigration. The initiation of the Treaty in 1999 coincided with an EU Summit convened in Tampere, Finland, where the leaders of the fifteen Member States at that time expressed their collective commitment to coordinate efforts. The primary objectives were the harmonization of their respective asylum systems and the addressing of illicit immigration flows both at the EU level and within individual member countries. During that era, the discourse surrounding asylum and migration became highly politicized, capturing the attention and apprehensions of voters throughout the European Union (EU). Notably, a letter-proposal dispatched from the British government to the Greek prime minister a few years after the Tampere summit underscored that, during this period, the foremost concerns of governments were centered on security measures and the counteraction of illegal immigration. According to the proposal, the establishment of a Common European Asylum System was perceived as instrumental in achieving two primary objectives: firstly, enabling the EU to fulfill its international legal obligations by providing temporary protection to those individuals (albeit few) requiring it, and secondly, facilitating the distribution of refugees on a burden-sharing basis. Similar apprehensions were articulated in a 2001 article by The Guardian titled 'Closing Europe's back door,' which delineated the framework of an initiative at that time between the British and Italian prime ministers, both representing frontline countries in the context of migration (The Guardian, 2001).

Additionally, the foundation of the Common European Asylum System (CEAS) is significantly grounded in three key EU directives, complemented by Article 78<sup>5</sup> of the Treaty on the Functioning of the European Union (TFEU), along with the Dublin and EURODAC regulations.

These directives are as follows:

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<sup>5</sup> Article 78 TFEU requires the EU to develop a common policy on **asylum, subsidiary protection and temporary protection**, with a view to offering appropriate status to any non-EU national requiring international protection and ensuring compliance with the principle of **non-refoulement** (a core principle of international refugee and human rights law that prohibits states from returning individuals to a country where there is a real risk of being subjected to persecution, torture, inhuman or degrading treatment or any other human rights violation).

-Directive 2011/95/EU, addressing standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, uniform status for refugees or persons eligible for subsidiary protection, and the content of the protection granted.<sup>6</sup>

-Directive 2013/32/EU, governing common procedures for granting and withdrawing international protection.<sup>7</sup>

-Directive 2013/33/EU, which establishes standards for the reception of applicants for international protection.<sup>8</sup>

Collectively, these directives, alongside the pertinent regulations, impose an obligation on member states to adhere to a unified asylum system, effectively transitioning this realm of public policy from the national to the EU level (Leonard, Kaunert, 2009). A discernible added value is evident in the establishment of binding minimum standards by the CEAS, facilitating the harmonization of reception and asylum systems across the EU. Notably, this approach mitigates the competitive aspect among member states for greater restrictiveness, eliminating the need to lower standards below those of neighboring states to reduce asylum numbers. (Leonard, Kaunert, 2009) Greece also upholds the principle of non-refoulement. This fundamental principle ensures that individuals are not forcibly returned to a country where they would likely endure torture, cruel, inhuman, or degrading treatment or punishment, or face another form of irreparable harm.

It imposes an obligation on States to refrain from transferring or removing individuals from their jurisdiction if there are substantial grounds to believe that the person would be exposed to such risks upon return, including the threat of torture, ill-treatment, or other severe human rights violations. Consequently, States are required to establish mechanisms and allocate resources to guarantee that all asylum seekers can present their cases for protection. These cases should be assessed on an individual basis and conducted with due process to ensure fairness and justice in the asylum process. (Geneva Convention, 1951)

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<sup>6</sup> DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

<sup>7</sup> Ibid

<sup>8</sup> Ibid

Nevertheless, as we will elaborate on the below sections, Greece is subjected to serious violations of the principle through various tactics, including pushbacks and a series of ambiguous legislation. (Karamanidou & Kasperek, 2022)

Within the framework of the EU-Turkey Agreement, Greece has the authority to employ two legal principles for the return of asylum seekers to Turkey without conducting a substantive examination of their asylum claims. The first concept is rooted in the notion of the "first country of asylum," allowing the return of asylum seekers to a country if they already possess accessible and adequate protection there, as outlined in Article 35<sup>9</sup> of the Asylum Procedures Directive (APD). The second concept involves the "safe third country" principle, permitting the return of asylum seekers to a country where they could have sought and obtained refugee status, as delineated in Article 38 of the APD. Within the context of another instance, specifically the EU-Turkey deal in March 2016, the European External Action Service (EEAS)/European Commission Services, an official EU service overseen by the Vice President of the European Commission and High Representative for Foreign Affairs and Security Policy, contributed the EU Commission's input to the Regional Review of the Global Compact for Safe, Orderly and Regular Migration (RSA, 2020). In accordance with the EU-Turkey Agreement, Greece may return asylum applicants to Turkey without adjudicating their merits-based asylum claims by invoking two legal concepts. The UN General Assembly subsequently endorsed this contribution. Notably, the evaluation included commentary on the EU-Turkey statement, highlighting its tangible outcomes, such as a substantial reduction in the loss of human lives and a decrease in life-threatening irregular crossings from Turkey to the EU. Additionally, the statement encompassed an agreement on the voluntary returns of irregular migrants from the Greek islands to Turkey, executed in full accordance with EU and international laws, notably the principle of non-refoulement. (Oxfam, 2022)

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<sup>9</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status  
*Official Journal L 326 , 13/12/2005 P. 0013 - 0034*

Initially framed as a derogation from standard procedural rules reserved for exceptional circumstances involving "mass arrivals" and established with the intention of implementing the EU-Turkey Statement, the "fast-track border procedure" on the Greek islands of Lesbos, Chios, Samos, Leros, and Kos operated continuously from spring 2016 until the end of 2021. Its asylum caseload has comprised nearly half of the nation's total, significantly more than any other EU country utilizing frontier procedures. (Geddes and Ruhs, 2019)

Typically, border procedures are reserved for asylum claims initiated at the frontiers or in transit zones. As a result of the "fast-track border procedure" being discontinued at the end of 2021, beginning in 2022, only the standard border procedure will be enforced at borders, transit zones, and Reception and Identification Centres. Despite the fact that the legally mandated "fast-track border procedure" deadlines for the completion of the examination of applications for international protection ceased to be applicable in January 2022, the majority of authorities continued to violate these provisions. (Karamanidou & Kasperek, 2022) Simultaneously, deadlines for asylum applicants remained unchanged even under the standard border procedure, in contrast to the expedited procedure that was previously implemented. Consequently, for the majority of cases processed under the border procedure over the past year, the average time between arrival and registration of the asylum application was 10–15 days. However, a significant number of claims, particularly on Lesbos, were registered within a week or less of arrival. Nevertheless, in the majority of instances, Applicants received interview summonses on the day of registration; the interval between the applications and the interview spanned from five to ten days. In a number of instances, however, candidates were invited to their interviews the day following their summons. In general, the Asylum Service has rendered decisions of first instance within the seven-day period stipulated by the Asylum Code for the expedited border procedure. (Morales, 2021)

Even though, we've seen above the existence and commitment through collaborative efforts between GAS and EUAA, ongoing challenges continue to impede the timely execution of vulnerability assessments, notwithstanding the official conclusion of the reception and identification process: In certain instances, the duration of the postponement

exceeds three months and varies from ten days. However, both the Asylum Service and EUAA persist in handling asylum applications prior to conducting vulnerability assessments and consistently fail to honor or reject special procedural safeguards provided by EU law, despite explicit requests from applicants prior to the interview (in writing or orally). (Karamanidou & Kasparek, 2022) They insistence on conducting the interview in accordance with the Admissibility Procedure. (L 4939/2022, ECRE, 2023) There is no obvious indication on the medical cards issued to individuals undergoing the reception and identification process as to when or if a vulnerability assessment was performed. (RSA, 2022) Despite the stipulations in Article 95(3) of the Greek Asylum Code<sup>10</sup> regarding the expedited processing of asylum applications at borders through the "fast-track border procedure" and the reduced time limits for asylum seekers in border procedures (including the regular border procedure and the fast-track border procedure), the governing authorities frequently failed to adhere to the prescribed timeframe. (RSA, 2022)

However, processing times remained significantly quicker than procedures carried out on the mainland. However, reception and identification procedures, including medical examination and assessment of applicants' vulnerability, were rarely concluded prior to the asylum application being lodged or even before the interview was conducted, despite the provision in the Asylum Code that mandates medical examination prior to referral to the procedure for determining international protection status. (Morales, 2021)

After a Joint Ministerial Decision (JMD) was issued in June 2021 establishing a "national list of safe third countries" that included Turkey, the safe third country principle was implemented across the entirety of Greek territory for all asylum seekers originating from Syria, Afghanistan, Somalia, Pakistan, and Bangladesh. The list fails to specify the rationale or information upon which Turkey was classified as a secure third country for the aforementioned five nationalities. (RSA, ProAsyl & MSF, 2021) Conversely, it cites an unpublished "Opinion" authored by the Asylum Service's Head. Due to Turkey's unilateral suspension of the Greece–Turkey Bilateral Protocol in 2018, non-acceptance of readmissions from Greece in accordance with the EU-Turkey agreement since March 2020,

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<sup>10</sup> Article 95(3) Asylum Code.

and cessation of return operations, individuals who have been denied asylum on the grounds of safe third country remain in a state of legal uncertainty. (HIAS, 2021) Indeed, the Greek government has ceased all correspondence regarding the readmission of asylum claimants to Turkey. However, this is disregarded even when asylum claimants expressly request a merits-based examination of their case per EU law. Following the initial claim being denied on the basis of the secure third country principle, subsequent applications have been rejected for lack of new elements, even in cases where the absence of a reasonable chance of readmission to Turkey was explicitly mentioned. According to the authorities, this argument does not in and of itself comprise a novel element that could invalidate the subsequent asylum application and recommence the process. Moreover, the Asylum Service violates European Union legislation when it rejects subsequent applications as inadmissible on the grounds that they do not contain novel and substantial components, despite the fact that the law does not permit the Asylum Service to evaluate the merits of the elements submitted in this instance. Other instances involve asylum authorities disregard factors such as the health condition of the applicants or their experience of persecution or violence in their country of origin, deeming them insufficient to meet the "new substantial elements" criterion. A fee of 100 euros per individual is required of asylum seekers beginning in September 2021 in order to submit a second and subsequent application; this measure has been criticized at the national and EU levels and has been challenged before the Greek Council of State. (HIAS, 2021)

Consequently, guided by the factors mentioned above and in the broader context of streamlining asylum access, Greece is committed to establishing minimum standards for the reception and treatment of asylum seekers, aligning with both international and national laws. Emphasizing the principle of solidarity and as a member state of the European Union, Greece should be bound by the obligations stipulated in the Treaty of Amsterdam. This entails the implementation and adherence to minimum standards for asylum processes and the treatment of individuals seeking refuge.

## 1.2 Examination of the Arrival and Determination Process for Asylum Seekers in Greece within the European and International Legal Framework and Implementation

Due to its strategic geographical location, Greece plays a crucial role in the management of asylum in Europe. It serves as the initial destination for asylum seekers from Asia, the Balkans, and Africa, who enter Greece by crossing the Evros region on foot or the Mediterranean Sea. Due to Greece's constrained budgetary resources, its perceived role as a primary entrance point to the EU has subjected the country to significant challenges. The Common European Asylum System (CEAS), which includes the 2003 Dublin II Regulation, designates a specific Member State to handle each asylum claim. Typically, this responsibility falls on the first State that the asylum seeker enters. This State is responsible for assessing all asylum requests it receives and protecting those deemed to require international protection (McDonough & Tsourdi, 2012)

The provided legal framework and collaborative efforts shed light on Greece's multifaceted approach to handling asylum-related matters within both European and international contexts. To critically analyze these components, this section examines the effectiveness of international legal instruments, the European legal framework, and Greek national legislation, as well as the collaborative mechanisms between the European Union Asylum Agency (EUAA), formerly known as the European Asylum Support Office (EASO), and the Greek Asylum Service (GAS). (Dimitriadi, 2023)

First and foremost, the 1951 Geneva Convention and its 1967 Protocol, alongside the 1966 International Covenant on Civil and Political Rights (ICCPR), serve as foundational documents in safeguarding the rights of refugees and individuals globally. However, the effectiveness of these instruments relies heavily on their implementation at the national level. Indeed, the legal arrangement in Greece aligns with the international instruments, but its efficacy is contingent on enforcement and adherence up to the most recent ones such as the law 4939/2022. The European Union has developed a comprehensive legal framework, including the Charter of Fundamental Rights and specific directives like the Asylum Procedures Directive (2013/32/EU), Reception Conditions Directive (2013/33/EU),

and the Dublin Regulation (EU) No 604/2013. (Kubal, 2019) While these directives aim to establish common procedures and standards across member states, challenges persist in achieving uniformity in practice. Discrepancies in implementation, interpretation, and compliance have been noted, posing potential obstacles to the harmonization of asylum procedures within the EU. The Refugee Recognition Act (L. 4375/2016) also reflects Greece's commitment to aligning its national legislation with international and European standards. (Tsourapas & Zartaloudis, 2021). Nevertheless, the critical evaluation should encompass the effectiveness of its implementation, considering potential challenges in execution, resource allocation, and the protection of asylum seekers' rights during the application process. While there are collaborative efforts between the EUAA and GAS highlighting the importance of shared responsibilities in managing asylum-related challenges, the success of these collaborations depends on the adequacy of resources, the speed of decision-making, and the consistent application of best practices. (Giannakourou, 2019).

Thus, Greece's approach to asylum-related matters involves navigating a complex interplay between international, European, and national legal frameworks, coupled with collaborative efforts with the EUAA and GAS. The critical analysis underscores the importance of having robust legal structures and ensuring their effective implementation, addressing potential challenges and maintaining adaptability in response to evolving circumstances in the realm of asylum protection. (Tondo, 2017).

The asylum procedure for new arrivals in Greece presents a structured framework with distinct stages, shaped by Greek domestic law, EU directives, and international obligations (Dimitriadi, 2023). While the outlined process reflects a concerted effort to manage asylum claims, a critical analysis unveils both commendable aspects and potential areas of concern. The requirement for asylum seekers to register upon arrival is a crucial initial step, ensuring systematic entry into the asylum procedure. The hotspot approach, particularly implemented on islands, signifies a strategic response to managing the influx of arrivals (Giannakourou, 2019). However, challenges may arise concerning the uniform application of this approach and its impact on the timely processing of asylum claims, especially in high-traffic regions. At the same time, the screening process, which aims at identifying

vulnerabilities and special reception needs, exemplifies a proactive approach. This comprehensive assessment aligns with humanitarian principles. However, the effectiveness of this stage hinges on the thoroughness and consistency of screenings, raising questions about the adequacy of resources and training for those conducting the assessments (Asylum Information Database, 2021). Moreover, allowing asylum seekers to submit applications post-registration demonstrates procedural transparency. The emphasis on detailed information and supporting documentation is integral. However, potential challenges may emerge in ensuring that applicants, often in vulnerable states, have access to adequate information and support during this critical phase (GCR, 2021) or are even subjected to violent and illegal pushbacks as well as cruel and degrading, inhuman treatment. (Dimitriadi, 2023).

In fact, entrusting the Greek Asylum Service (GAS) with the examination of asylum applications at the first instance provides a centralized approach. The imperative for standardized procedures and comprehensive training for asylum caseworkers is increasingly underscored within the current discourse. The criticality of their constant capacity building is heightened by its role in shaping the proficiency of assessors in rendering fair and informed decisions in asylum cases. The significance of such training is particularly pronounced given the potentially life-altering consequences of asylum determinations. (Papadopoulou, 2017) In instances where individuals face adverse asylum decisions, the availability of an appeals process assumes paramount importance as a safeguard against potential inaccuracies or oversights. The incorporation of independent Appeals Committees further augments the integrity of the review mechanism, introducing an additional layer of scrutiny to enhance the overall reliability of the decision-making process. Furthermore, it is important to examine the efficiency and accessibility of the application process, especially for vulnerable applicants. In the following chapter, we will discuss how assessments are not always provided adequately, and how the procedure for subsequent claims may not always be accessible, even with the recent amendments to the legislation. Ensuring timely and fair resolution of appeals is crucial for upholding justice in the asylum system (Tondo, 2017). The recognition of individuals' rights to reception conditions, including shelter and healthcare, aligns with humanitarian principles. The EU-funded ESTIA program further contributed to improving conditions. However, challenges

may arise in ensuring the uniform application of these standards across reception facilities and regions, following the cease of operations of the ESTIA program which potentially impacts the overall well-being of asylum seekers (Greek Asylum Service, 2021). In terms of integration initiatives, such as access to education and language courses, demonstrates a forward-looking approach of Greece's commitment to international standards. Nonetheless, the accessibility and effectiveness of these programs in practice, especially considering potential language barriers and cultural differences, warrant continuous evaluation (UNHCR, 2021).

At the same time, the involvement of non-governmental organizations (NGOs) and International Organizations (IOs) in various aspects of asylum support reflects a broader commitment to addressing the holistic needs of asylum seekers. Legal support and advocacy from organizations like the Greek Council for Refugees (GCR) contribute to bridging information gaps and ensuring fair representation for individuals navigating complex legal processes. Meanwhile, the provision of medical and mental health services by organizations such as Médecins Sans Frontières (MSF) and the International Organization for Migration (IOM) highlights a recognition of the unique healthcare needs of asylum seekers, particularly those who may have experienced trauma. (Giannakourou, 2019).

The engagement of NGOs and IOs in livelihood and integration programs and psychosocial support initiatives demonstrates an understanding of the long-term challenges refugees face. (Skleparis, D., & Armakolas, 2016). Livelihood and integration programs, including vocational training and language courses, aim to meet immediate needs and foster self-reliance and societal inclusion. Similarly, psychosocial support addresses the mental health challenges that asylum seekers may encounter during their displacement. (Papadopoulou 2017)

Additionally, the sustained impact of integration programs and psychosocial support initiatives warrants scrutiny over time. Monitoring the effectiveness of these programs in facilitating long-term integration and addressing mental health needs is essential for ensuring that collaborative efforts translate into meaningful improvements in the lives of asylum seekers. Evaluating the responsiveness of these collaborations to evolving

challenges and emerging legal developments will be crucial for maintaining the relevance and effectiveness of the asylum process in Greece. (Tondo, 2017).

## 2.Pushbacks: Definition, Prevalence, and Normalization

The phenomenon of pushbacks, encompassing the forceful return of individuals attempting to cross national borders, constitutes a complex and contentious aspect of contemporary migration dynamics. In this section of the dissertation, I will explore the multifaceted dimensions of pushbacks, providing a comprehensive understanding through three key elements: Definition, Prevalence, and Normalization. Furthermore, I will scrutinize the processes contributing to the normalization of pushbacks, considering this practice's legal, political, and humanitarian implications. By examining these aspects, this study aims to contribute to a nuanced analysis of pushbacks, unveiling the challenges and implications associated with this phenomenon in the context of border control and migration management.

First and foremost, pushbacks refer to the practice of forcibly returning individuals at border crossings, a phenomenon that challenges the principles of asylum and human rights. (Council of Europe, 2021)

Within the past years, numerous reports and case studies have documented the widespread occurrence of pushbacks across European borders, revealing the pervasive nature of this practice. (ECRE, 2021) The review that follows, explores the factors contributing to the normalization of pushbacks, examining the legal, political, and humanitarian aspects that influence the acceptance and perpetuation of this controversial practice. Legal and political considerations play a significant role in the normalization of pushbacks, with European institutions issuing statements on the legality and compliance of such practices. (EURACTIV, 2013).

Addressing the humanitarian dimensions, the below analysis highlights the impact of pushbacks on the rights and well-being of individuals subjected to these practices. (ECRE, 2023). Numerous international, EU, and national legal statements, declarations, and

provisions have been established. However, evidence from NGOs, media, and academic research and eventually even state reporting mechanisms, suggest that Greece not only violates the fundamental principle of non-refoulement but has implemented an operational mechanism responsible for repeated, extensive, and increasingly severe human rights violations. This form of violence is categorized as a state crime (Mann, 2021). Neil and Peterie (2018) developed a theory as an attempt to address certain limitations in Milward and Raab's (2006; 2003) classification of 'bright' and 'dark networks.' While 'bright' networks are characterized as legal and transparent public management networks, 'dark' networks are illegal and covert. The original theory assumed that state policies are executed through 'bright' networks while simultaneously aiming to control and eliminate 'dark' networks operating outside its objectives. However, this theory did not account for cases where networks do not neatly fit into either category and presumed that illegal and opaque networks and methods are employed by organizations external to the state, such as drug cartels or Al Qaeda. Addressing these limitations, the theory of grey networks elucidates situations where nodes, functions, roles, and operations within and between actors in public policy networks are legal and transparent in some respects but illegal and opaque in others (Neil and Peterie, 2018). In their own words, a grey network is "overt, as it is an instrument of government policy with visible nodes and connections. Nevertheless, aspects of the operation and function of this network are, by design, opaque". These concepts are crucial for comprehending the gravity of human rights violations at EU borders, especially the Greek-Turkish borders, as these violations are perpetrated by state actors rather than paramilitary groups or civilian entities. (Neil and Peterie, 2018)

Pushback policies and procedures are becoming more common at Europe's borders, clearly violating asylum-seekers and refugees' rights, notably the right to seek asylum and protection against non-refoulement, which are at the heart of international refugees and human rights law. Considering the seriousness of the violations, the Parliamentary Assembly urges member states' governments to protect asylum seekers, refugees, and migrants at their borders, refraining from any pushbacks, allowing for independent monitoring, and thoroughly investigating all allegations of pushbacks. It also invites member states to support the work of non-governmental organizations and international non-governmental organizations, abstaining from taking actions that might jeopardize their

legitimate efforts to save human lives. In the context of those pushbacks, there are continuous claims and evidence of participating countries and their agencies treating migrants inhumanely and degradingly through intimidation, stealing or destroying migrants' belongings, and even using brutality and restricting migrants of food and vital services. The paper details recorded instances of pushback and gives recommendations aimed at preventing it. In their attempts to regulate frontiers and regulate migrant flows, member states of the Council of Europe put a lot of emphasis on border security. Refusals of entrance and expulsions without any individual evaluation of protection requirements have become a well-documented problem at Europe's borders, as well as on the soil of member states beyond inland. Such "pushbacks" can also be regarded as part of national plans rather than accidental acts because they are pervasive and methodical in some nations. The most danger associated with pushbacks is refoulement, which is returning a person to a country where they may face persecution under the 1951 United Nations Convention on the Status of Refugees or cruel treatment, according to the European Convention on Human Rights and Fundamental Freedoms. This is why the European Court of Human Rights, in cases including such *Hirsi Jamaa vs Italy* (no. 27765/09), as well as *N.D and N.T vs Spain* (nos. 8675/15 and 8697/15), needs a separate evaluation of protection and safety and the safety of a return in place to evade violations of Article 3 of the European Convention on Human Rights and the prohibition of collective expulsions enshrined in Article of Protocol No. 4 to Pushbacks are most common at European Union borders and is at least partly due to the present Dublin regulation's flaws and the failure of attempts to implement equitable ownership in Europe. When migrants try to enter the border of a Member State in significant numbers, pushbacks are common also because the route is, or seems to be, more "accessible" than most others, or is close geographically to the asylum-seekers countries of origin. (Tramountanis, 2022) Current data of pushbacks, though, suggests that they occur even when the volume of arrivals is modest and national policies are averse to migration overall. There are even instances of "multiple pushbacks," in which persons are ejected from different nations at the same time. (Council of Europe, 2021)

Lawfully, "The coordinated repatriation of aliens is explicitly forbidden under Article 4 of Protocol No. 4 to the European Convention on Human Rights". Because most incidents of expulsion include the use of violence, Article 3 of the Convention, which prohibits torture

and cruel or degrading treatment or punishment, would also be applicable. The European Court of Human Rights has outlined collective expulsion as “any measure compelling aliens, as a group, to leave a country, unless such a measure is taken based on a reasonable and objective examination of each alien of the group” (see, for example, *Onka v. Belgium* – 51564/99). (Council of Europe, 2021)

In all circumstances, though, Greece purposefully fails to keep up with European asylum legislation established to provide effective protection for refugees, such as the fundamental principles of international treaties, in various ways, on a large scale, on a systemic and continuing basis (the “EU Asylum Acquis”). (Complaint to the European Commission, 2021) These infractions of EU law occur in a variety of ways, including i) refusal to grant access to asylum applications, (ii) substantive violations, (iii) arrest and detention of asylum seekers in an arbitrary way, (iv) insufficient reception and detention standards, and (v) unlawful and violent pushbacks. Concerning our discussion on pushbacks, even though the Greek Government has stopped suspending asylum applications, the continuation of violating the obligation to approve asylum applications daily has been upgraded. (Relief web, 2021)

In practice, asylum seekers are denied the opportunity to file asylum applications, by being subjected to “pushbacks,” violating Article 3 Dublin III and Article 6(2) APD, as well as the principle of non-refoulement, as referred to in article 21 AQD and Article 9 APD (in addition to Article 19(2) EU Charter. (Reliefweb, 2021) Greek authorities use “pushbacks” to compel asylum seekers to return over a land or sea border – usually just after they passed it – without considering their circumstances or allowing them to ask for asylum or raise objections to the actions adopted. Following up on our issue in this section, I’ll give a summary of the alleged pushbacks by Greek officials by highlighting the significant breaches of EU law that such pushbacks entail. (Reliefweb, 2021)

## 2.1 Legal Violations through Pushbacks and Normalization of the Practice

For years, Greece has been disrespecting and unlawfully sending back thousands of asylum seekers to Turkey. (Pro Asyl, 2019) Not only has the Greek government drastically raised the number of pushbacks within the year 2020-2021, but it has also escalated the amount

of violence against people seeking asylum. The International Organization for Migration requested that Greece examine accusations of migrants being unjustly detained in its territory and sent back to Turkey on June 10, 2020. IOM, Similarly, on June 12, 2020, (UNHCR, 2020) The UNHCR asked Greece to examine various accusations of Greek officials rebuffing migrants and asylum seekers at the country's sea and land borders, sending them back to Turkey after they had crossed into Greek border.

The persistent pattern of forceful pushbacks by Greek authorities in the Aegean Sea and along the Greek-Turkish land border is well documented. Multiple sources have regularly demonstrated that third-country nationals are frequently detained arbitrarily for intervals ranging from a few hours to many days, with no communication with the external world, lacking food, water, and necessities, since the appropriate authorities have not properly registered them, they have not been allowed to seek international protection or to contest their illegal deportation. Moreover, they are attacked, sexually abused, robbed of their stuff, including identity documents and passports, deprived of their clothing, and then forced back to Turkey in life-threatening scenarios. (NYT, 2020, See also HRW, 2020)

The Greek authorities' strategy to prevent migrants and asylum seekers from accessing or staying on Greek land has been extremely serious in the year 2020-2021. (NYT, 2020; and HRW, 16 July 2020; See also Aegean Boat Report, 31 August 2020.)

Since the Turkish government announced on February 27, 2020, that it would no longer block asylum seekers and refugees from departing Turkey to join the European Union, pushbacks all over the Greek-Turkish border have grown in frequency and ferocity. Since then, Greek cops have been harsh, resulting in the murder of (at least) one individual, a Syrian asylum seeker, on March 4, 2020. (Spiegel International, 2020; and Forensic Architecture, 2020) According to reports, Greek law enforcement agents or unidentifiable persons in black or commando-like outfits detained hundreds of migrants seeking safety in the Aegean Sea and brutally drove them back into Turkish seas, operating in close conjunction with uniformed authorities. According to one report, Greek officials threw at least 1,072 asylum seekers, including babies and children, at sea in at least 31 different expulsions between March and August 2020. (NYT, 2020) Such claims are backed up by firsthand accounts. Individuals seeking protection and safety have been assaulted forcefully

by the Greek coastguard and unidentified men stranding them in the Aegean Sea. There have been claims of gun threats, thefts, and other acts of violence, additionally to the lawlessness of pushbacks. (Alarmphone, 2020.) Migrants are compelled to board collapsible and frequently overcrowded life rafts or are left aboard boats with defective engines to float near the Turkish-Greek border until noticed and rescued by Turkish coastguards. (NYT, 2020 and HRW, and Turkish Coast Guard Command,2020) Likewise, when asylum seekers arrive on Greek soil, they are apprehended by Greek law enforcement personnel within hours or days of their arrival, detained, and forced to hand over their identity credentials. Officers hold these people until they are moved to rafts near the Turkish sea border. Notwithstanding their requests for refuge, these people are not registered, and so their right to seek asylum is utterly denied. (NYT, 2020) Similarly, according to some stories, individuals are promised by the police that they will be relocated to another camp or brought to a center to file their asylum claim, just to be thrown out at sea. (NYT, 2020 and Coast Guard Command, 2020 and HRW, 2020) In every case, records demonstrate that the Greek authorities behave with impunity, committing acts of heinous assault, theft, and other behaviors that defy any rationale that might give the behavior validity. And from the other hand, there is little indication that Greece is taking any steps to prevent or punish similar behavior. (InfoMigrants, 2020)

a) Violation of the right to seek asylum

Article 3 Dublin III, Article 6 APD, and Article 18 of the EU Charter, which establish the right to asylum and the duty of Member States to accept asylum applications, apply from the moment a person arrives at the Greek border, including territorial waters and transit zones, regardless of the law of the entrance. (Individuals who seek asylum in the EU are primarily nationals of countries requiring a visa to enter the EU. As these individuals often do not qualify for an ordinary visa, they may have to cross the border irregularly. Article 3(1) Dublin Regulation)

b) Violation of the principle of non-refoulement

The persistent pushbacks by Greek authorities also go against the non-refoulement principle. This principle ensures that no one is sent back to a place where they would be subjected to torture, cruel, inhuman, or humiliating treatment or punishment, or other

irreversible damage. It forbids states from transferring or removing persons from their jurisdiction if there are reasonable reasons to believe that they would face irreparable damage if they returned, such as torture, ill-treatment, or other major human rights breaches. As a result, states should put in place structures and commit resources to guarantee that all asylum seekers have the opportunity to make their requests for protection and that their cases are evaluated individually and fairly. The mere ratification of international treaties is not enough. The Member States must make a factual assessment. (Joined Cases C-411/10 and C-493/10, *N. S. v Secretary of State for the Home Department*, 2011)

c) Violation of the collective expulsion

Greek retaliation also constitutes a breach of the censorship on collective expulsions. The EU Asylum Acquis prohibits mass expulsions by allowing each asylum seeker to be examined individually. Because there is no logical and objective review of everyone's case inside the group, the expulsion is labeled "collective." The size of the ejected group is irrelevant: two people may be enough to create a group. (EctHR, *N.D. and N.T. v Spain* (nos. 8675/15 and 8697/15), 2020, paras 193-194 and 202-203)

All non-nationals, including those with irregular status, are protected from collective removal. Furthermore, the restriction on collective expulsion extends to the state's whole territory, including its territorial waters. (EctHR, *Hirsi Jamaa and Others v Italy* (no. 27765/09), 23 February 2012, paras 74-75, 180- 181 and 183-186.)

As a result, any high-seas actions implemented by Greece to prevent migrants from reaching its borders or to force them back to Turkey must comply with the prohibition on collective expulsions. In other terms, Greece must provide aliens and asylum seekers the chance to present their grounds against deportation to the appropriate authorities on a case-by-case basis. (EctHR, 2012)

Following the legal fragments, the Greek government is contemplating entrusting pushback probes to a transparency panel that does not include members from independent entities or NGOs. Greece's systematic pushbacks continue, as do allegations of Turkish refoulement. (Council of Europe, 2021). At the same time, 26 non-governmental organizations (NGOs)

have urged Greek authorities to “disburse overdue monetary aid and assure food availability” to disadvantaged asylum seekers and refugees.

In response to the European Commission’s demand that Greece develops a human rights monitoring body, the Greek government is considering entrusting the duty to the National Transparency Authority (EAD). While members from the Migration Ministry, judicial officials, and teachers are expected to take part in the process, no independent agencies or organizations are said to be engaged. The Greek government has put severe limits on non-governmental organizations (NGOs) that operate in the Greek Coast Guard’s areas of competence, prohibiting efficient and independent scrutiny of the agency’s operations. (Council of Europe, 2021)

Since March 2020, 384 life rafts containing 6,659 "victims of harsh and inhuman behavior by the Greek government" have been discovered drifting in the Aegean Sea, according to the Aegean Boat Report. One of them, which occurred on October 17, 2021, involved 23 persons, five of whom were minors, 22 of whom were sent back by the Hellenic Coast Guard after reaching the Greek island of Ikaria. Survivors of pushbacks in the Evros region have told the Border Violence Monitoring Network about a tendency of "third-country nationals assisting with Greek police in forcefully removing individuals from the country" (BVMN). During Greek forces' pushback operations with ISIS, Pakistani, Afghan, Syrian, Iraqi, or Moroccan nationals were allegedly utilized as boat drivers on dinghies and as operational assistance.

On the 13th of October 2021, Greek police in the Evros area turned back another group of refugees. M.A., a Syrian national, was among the group, even though Refugee Support Aegean (RSA) had sent his plea for asylum to the Hellenic Police, the Fylakio Reception, and Identification Centre (RIC), and the UN Refugee Agency (UNHCR) through email. The European Court of Human Rights (ECtHR) issued temporary remedies under Rule 39 on the 15th of October 2021.

The Greek Council for Refugees (GCR) and RSA and ECRE members, recently filed an appeal with the High Administrative Court against the Joint Ministerial Decision identifying Turkey as a safe third country for Syrian, Afghan, Somali, Pakistani, and Bangladeshi people. Human

Rights Watch reported testimonies of Afghan nationals driven back to Iran by the Turkish army in groups of 50-300 persons, some after harsh beatings, on October 15th. (ECRE,2021) "Turkish authorities are denying Afghans attempting to flee to safety the right to seek asylum," said Human Rights Watch senior crisis and conflict researcher Belkis Wille. "Turkish soldiers are also viciously mistreating Afghans while unjustly shoving them back," Wille added. (Human Rights Watch, 2021)

Furthermore, UNHCR handed over the monetary aid component of the Emergency Support to Integration and Accommodation (ESTIA) initiative to Greek authorities at the beginning of October. The transfer swiftly came apart, and a concomitant decision to stop providing financial assistance and food to persons who had finished the asylum process left many people in need. (ECRE, 2021) "In a new bleak turn of events, people who seek or have received international protection in Greece are now deprived of food or their cash allowance, due to the Greek government's policies and an overall lack of preparation to fulfill its obligations," according to a joint statement by 26 NGOs, including several ECRE members. According to the organizations, 60% of individuals living in camps on the mainland do not receive food. Due to a lapse in preparedness by the Greek government in taking over distribution from UNHCR, 36,000 persons have not received their monetary assistance. "Among those left hungry are 25% of women (including pregnant people), single-headed households, 40% of children, chronic patients, and patients with particular medical and nutritional issues," the joint statement adds. (Fenix, Press statement 2021) Food is not even offered to individuals sent in quarantine because of COVID 19" in certain regions. Despite evidence to the contrary, the Ministry of Migration and Asylum claims that all asylum seekers in institutions on the islands and mainland have been receiving three meals per day since October 1 and that monetary assistance would resume as usual at the end of the month. Furthermore, according to data (Ministry of Migration, figures on minors residing to RICs and enrolled in school, 2021) from the Greek Ministry of Migration and Asylum, only about one out of every ten children residing in Reception and Identification Centres (RIC) is enrolled in school. (Ministry of Migration Response, October 2021)

According to a research, Greek authorities employ administrative detention excessively and inhumanely. The Greek government has backtracked on its statement that asylum

registration will be limited to island hotspots, citing research that shows that applications on the mainland, Crete, and Rhodes take an average of 14 months to process. (ECRE, 2020) The Greek Council for Refugees (GCR, 2020) and Oxfam, both ECRE members, have produced a paper titled *Detention as the Default*, which details "how Greece, with EU help, is generalizing administrative detention of migrants." Greece broadened the grounds for administrative detention of asylum seekers in 2019, limited the consideration of alternatives to detention, and increased the maximum detention period to three years in 2019. This is a "clear breach of European and Greek law," according to the organizations. In the first half of 2021, Greek authorities issued 9,575 administrative detention rulings, including 7,247 for returns, 1,980 for deportations, and 348 for asylum law violations. 3,000 migrants were in administrative detention as of July 2021, 46% of those arrested had been in custody for more than six months. According to the study, seven out of ten irregular migrants are "placed in administrative custody," with the majority continuing imprisoned even after filing an asylum application. One in every five persons is "detained for an extended amount of time in police cells that are only meant to keep people for a few hours." "Pregnant women, children, and persons with vulnerabilities are being held in custody without adequate access to health care or legal representation," says the report. Approximately 2,400 prisoners are said to be in pre-removal custody in Greece, many of whom are held in deplorable circumstances that have been widely denounced, notably by the Council of Europe's anti-torture committee. (Politico, September 2018)

Moreover, the *Adriana Shipwreck*, also known as *Pylos Shipwreck* of June 14, 2023, stands as a poignant chapter in history, representing one of the most devastating incidents witnessed in contemporary Europe. This tragic event has been classified as the deadliest in recent history, potentially claiming the lives of over 600 individuals. Amidst a deluge of information from various sources, such as Greek authorities, organizations, and journalists, the accurate reconstruction of events leading up to the *Pylos Shipwreck* faces growing challenges. A meticulous examination of survivor testimonies, organizational statements, Greek authorities' accounts, and Coast Guard reports underscores the presence of inconsistencies, hinting at a deliberate effort to obscure the truth. This necessitates a nuanced and rigorous analysis to unravel the complexities surrounding this maritime

catastrophe, shedding light on the underlying factors and potential lapses that contributed to such a tragic outcome. (BBC, 2023)

A notable revelation surfaces regarding survivors' claims that the Greek Coast Guard provided tow tactics for the vessel before its capsizing—an assertion vehemently denied by the Coast Guard. If the fishing vessel was indeed towed, questions arise about the intent behind this action, whether for rescue or retaliation, and in what direction. The Greek Coast Guard's actions, or lack thereof, during this distressing incident appear self-evident. Despite claims that the individuals declined rescue, contradicting information suggests that pleas for assistance were ignored, resulting in tragic consequences. The Greek authorities' inaction becomes more glaring with Frontex surveillance images depicting an overcrowded boat signaling distress, with individuals actively seeking help. (ECRE, 2023)

Former senior officers of the Greek Coast Guard emphasize the illogical nature of refusing assistance, especially when dealing with a vessel in distress. The decision-making process of the Greek authorities, declaring the vessel not in immediate peril, raises questions about the rationale behind such a choice—whether it aligns with border protection policies or stems from incompetence. Despite possessing the time and resources to rescue the vessel carrying up to 750 individuals, the Greek authorities' delayed response resulted in approximately 650 deaths. The absence of accountability for this operational failure raises concerns about the lack of repercussions. (ECRE, 2023)

Comparisons with scenarios involving sinking boats underscore the apparent impunity, with an urgent need for a comprehensive investigation into the Greek authorities' systematic response strategies. The routine use of force, including lethal means, in pushing back asylum seekers emphasizes a philosophy prioritizing deterrence over humanitarian considerations. (Glouftsiou, 2023) The Greek government's handling of the survivors' communication restrictions and the caretaker Prime Minister Ioannis Sarmas's deliberation on basic rights, such as internet and phone usage, raise ethical concerns. The survivors of the Shipwreck, now confined in a closed reception facility, remain isolated from the outside world, fostering suspicion about the Greek authorities' intentions. (ECRE, 2023)

Drawing parallels with past incidents, it is plausible that the shipwreck was part of a routine operation gone awry, and the subsequent efforts to conceal the situation align with previous damage control and denial patterns. The international community, survivors, victims, and their families rightfully demand transparency and accountability from the Greek government, Frontex, and the European Commission, emphasizing the need for a thorough investigation into this tragic event. (BBC, 2023)

Instead of establishing resettlement programmes, family reunification, humanitarian visas or other schemes – and ending the lawlessness and violence at Europe’s borders, following this tragic incident, Greek authorities, as is customary, hastily placed the blame on a small number of survivors of the catastrophe, nine Egyptian nationals. However, civil society and survivor testimony implicates Frontex and the Greek Coast Guard authorities, who despite being informed of and monitoring the Adriana ship's distress for nearly an entire day, failed to execute their rescue operation. Further indicting is the fact that according to survivor accounts, the Adriana capsized subsequent to a Greek coastguard vessel towing it. Concurrently, official government accounts of the events exhibited inconsistencies and declined to be considered credible. (RSA, 2023)

This indicates once more that the authorities employ the criminalization of migrants as a means to deflect attention and accountability from themselves, with the intention of concealing their own systemic mistreatment and perilous conduct towards migrants.

Within this temporal framework, it is imperative to underscore a pivotal development—marking a watershed moment in governance transparency. For the first time, a governmental reporting official mechanism, the National Commission of Human Rights in Greece, has diligently documented violent incidents and setbacks occurring at sea, particularly in the context of migrants and survivors of collective expulsions. In particular, the Mechanism for Recording Incidents of Informal Forced Returns part of the Commission published its Annual Report for 2022, offering comprehensive quantitative and qualitative information regarding the incidents documented over the course of the year. The concept of "informal forced returns" encompasses not only documented denials of asylum applications and refugee claims, but also any other type of forcible removal of nationals

from Greek territory that is executed in an irregular and expeditious manner, devoid of adherence to the lawful protocols governing the removal of third-country nationals. Between February 2022 and December 2022, the Mechanism for Recording Incidents of Informal Forced Returns has documented testimonies for 50 incidents of informal forced returns, as claimed by the alleged victims. These incidents are reported to have occurred from April 2020 to October 2022. According to the testimonies, the total number of alleged victims in these incidents amounts to at least 2,157 individuals, including 214 women, 205 children, and 103 individuals with special needs, such as those with medical issues, disabilities, elderly individuals, etc.

Moreover, the majority of the alleged victims are from countries of origin where a significant percentage of individuals are recognized as eligible for international protection, according to data from the reporting period from national and European sources. Among the alleged victims, there are five individuals who had been recognized as refugees in Greece and five individuals who had been recorded by Greek authorities as asylum seekers, awaiting a decision on their claims. The testimonies provided by the alleged victims describe acts related to severe violations of the principle of non-refoulement and the right to asylum, as defined in the 1951 Geneva Convention Relating to the Status of Refugees. Additionally, these acts constitute violations of the prohibition of inhuman or degrading treatment and the right to personal freedom, as defined in the European Convention on Human Rights. These acts are also considered criminal offenses under Greek law. The alleged victims reported experiencing physical violence, verbal abuse, threats to their lives and physical integrity, numerous instances of weapon use, sexual harassment, humiliating treatment, confiscation of personal belongings and identification documents, informal detention under degrading conditions, family separation and reported a loss of human lives.

Furthermore, the testimonies recorded by the Mechanism indicate that both uniformed and non-uniformed individuals participated as perpetrators. In some testimonies, it was reported that during the removal stage from Greek territory, individuals from third countries, speaking the language of the alleged victims, were involved as perpetrators. (National Commission of Human Rights, 2023)

Delving into the financial aspect of this matter, it is crucial to acknowledge Greece's reliance on European Union funding directly tied to the issue at hand. Notably, the European Union has earmarked a substantial sum of 2.67 billion euros for Greece, allocated from its budget spanning the years 2015 to 2020. This infusion of funds underscores the intricate financial dynamics at play, highlighting the EU's vested interest in supporting Greece in addressing the challenges and responsibilities associated with the specific context under consideration. A portion of this sum was allotted as emergency assistance to the Greek authorities, while EUR 380 million was allocated to the Greek government for long-term funding of the national asylum program. The remaining allocated funds have been or will be disbursed to international organizations in the form of additional emergency aid. The funds are designated for the following objectives: (i) migration flow management, including asylum, integration, legal migration, and return; (ii) internal security and external border protection; and (iii) assistance in extraordinary situations, such as the present one due to the significant humanitarian demands. (EC, 2020)

These funds are distributed for a variety of purposes, including the management of migration flows, including asylum, integration, legal migration, and return; the internal border management and security policies; and (iii) assistance in exceptional circumstances, such as the current situation, given the large humanitarian concerns. (EC, 2019)

It should be mentioned that Greece has also come under criticism for fraud and corruption connected to EU funds. In 2018, it was revealed that the European Anti-Fraud Office (OLAF) was examining the Greek government's use of refugee funds. (Politico, 2018)

To summarize, pushbacks are subjected to violating the EU Charter articles as follows.

Article 1 (Human dignity); Article 4 (Prohibition of torture and inhuman or degrading treatment or punishment); Article 18 (Right to asylum); Article 19 (Protection in the event of removal, expulsion, or extradition).

Yet, the official stance of the Greek government is de facto to impede the entry of all refugees and migrants. These land and sea operations frequently involve violence, including aggression against minors. Those who do manage to reach Greece are subject to abduction

and deportation, incarceration in facilities resembling prisons on the Aegean Islands, or asylum applications through a system that is stacked against them.(ECRE, 2023) The EU and other European governments support the Greek government's refugee policies, either tacitly or explicitly. A day after the Greek government issued a decree in 2020 authorizing immediate deportation and suspending the registration of asylum applications for one month, the President of the EC lauded Greece as the "shield" of Europe and announced an additional €700 million in funding for migration management. The anti-fraud office of the European Union discovered in 2022 that Frontex had concealed and assisted in financing unauthorized pushbacks of asylum-seekers in Greece. (SkyNews, 2023)

Furthermore, the challenges associated with traversing the narrow Aegean Islands have compelled migrants to embark on perilous, extended journeys in vessels carrying a greater number of individuals. Additionally, reports indicate that the pushback policy and the conditions resembling prisons in centers in the Aegean Islands deter individuals searching for refuge from entering Greece. Moreover, children who persist in their quest along the Balkan route in an attempt to evade obstacles continue to be subjected to violence, including psychological, sexual, and physical violence. (Amnesty International, 2023)

## 2.2. Media's Role in Shaping Immigration Discourse in Greece

From a media perspective, particularly concerning migration discourse in Greece, the often underestimated role of the media is significant in shaping public opinion on immigration. (Bosilkov, Drakaki, 2018) The research suggests that the information disseminated through the press profoundly influences individuals' perceptions of this complex issue. This influence becomes particularly pronounced amid the ongoing "European migration crisis," marked by heightened fears of terrorism and ongoing debates on multiculturalism versus assimilation.( Swarts, Karakatsanis, 2013) However, alongside the discourse on immigration within the media, there exists a secondary debate on whether media coverage adequately reflects the multifaceted nature of migration, occasionally attracting criticism for perpetuating biased and exclusionary narratives.

To grasp the magnitude of its impact, media framing emerges as a multifaceted process transcending mere reporting; it encompasses the selection, emphasis, and interpretation of events or issues to construct specific narratives. Journalists and news organizations deploy various framing techniques to convey the essence and significance of a story, thereby influencing how audiences comprehend and interpret it. ( Swarts, Karakatsanis, 2013) These frames serve as interpretive lenses through which audiences navigate complex issues like immigration. Additionally, the media exacerbate the crisis by disseminating and perpetuating the ethos of excessive consumption along with its associated political, social, and economic structures. This culture of rampant consumption has served as the driving force behind consumer capitalism, economic expansion, and capitalist gains for an extended period following World War II. (Pleios, 2013)

One pivotal aspect of framing lies in agenda setting, wherein the media determine which issues garner attention and how they are prioritized in public discourse. Through highlighting certain aspects of immigration while sidelining others, the media wield the power to shape public attention and perceptions of the issue. (Bosilkov, Drakaki, 2018) For example, coverage spotlighting the economic contributions of immigrants may foster positive attitudes towards immigration, whereas narratives emphasizing crime or security concerns may evoke negative perceptions.

Furthermore, framing extends to priming, where the media establish the context or frames of reference through which subsequent information is interpreted. For instance, repeated associations between immigration and crime in media coverage can predispose audiences to view immigrants through a criminal lens, irrespective of actual crime rates among immigrant populations.

At both individual and societal levels, media framing exerts significant influence. At the individual level, audience members bring their cognitive schemas and worldviews to the interpretation of media messages, shaping their perceptions of immigration-related issues. At the societal level, media framing contributes to the construction of collective understandings and ideologies surrounding immigration, thereby shaping public debates and policy responses. ( Swarts, Karakatsanis, 2013) Given the diverse experiences, cultural contexts, and historical relationships with migration in different countries, media framing is bound to vary significantly. By analyzing how migration is framed in each country's media

coverage, studies aim to illuminate the nuances of public discourse surrounding immigration and its formation through media representations. (Georgiou, 2022)

In essence, media framing stands as a pivotal force in shaping public opinion regarding immigration, as it dictates which aspects of the issue receive attention, how they are depicted, and ultimately, how they are perceived by the audience. Recognizing the complexities inherent in media framing is essential for grasping the dynamics of public discourse on immigration and for crafting well-informed strategies for communication and policymaking within this domain. (Georgiou, 2022) This aspect will be further elucidated in the next chapter concerning Crimmigration, where we delve into specific instances in Greece where humanitarian actors have been targeted and explore the legal challenges encountered by organizations and individuals.

### 3. Criminalization of Humanitarian Organizations and Human Rights Defenders in Greece: Undermining Vital Work and Eroding Fundamental Principles

As elaborated in the previous sections of this study, confronted with an unprecedented surge of asylum-seekers seeking European protection at the international level, Greece has grappled with significant challenges. Despite a notable decrease in arrivals from 2020, the reception and asylum processing systems, societal structures, and daily life on islands hosting refugees remain under considerable strain. Addressing this complex scenario, Greek society and successive governments have faced the demanding task of ensuring the protection of the rights of all individuals entering the country. While Greece has implemented substantial measures to improve reception conditions for migrants and asylum-seekers, there is a disconcerting trend. These efforts seem to be accompanied by a policy emphasizing prevention and security rather than fostering solidarity and upholding human rights. This includes an ongoing pattern of targeting and criminalizing those who actively support and defend the human rights of refugees and migrants. (ECRE, 2023)

This part of the study investigates the criminalization of humanitarian organizations and human rights defenders in Greece, with a primary focus on its impact on their crucial efforts

to support migrants and refugees. Moreover, it reveals that this criminalization not only hinders essential aid initiatives but also poses a threat to core human rights and solidarity principles. Additionally, it explores the link between the criminalization of maritime rescue and solidarity practices and the ascent of far-right parties, emphasizing their growing influence in institutionalizing xeno-racist biases.

### 3.1 Greece's Legal Obligations Regarding the Delivery and Reception of Humanitarian Assistance and Implementation Framework

The criminalization of humanitarian activities involves imposition legal or administrative measures that impede or restrict the work of organizations and individuals committed to providing assistance and protection to vulnerable populations, including migrants and refugees. Such measures may take the form of restrictive legislation, bureaucratic hurdles, or legal actions against humanitarian actors. In the Greek context, instances of criminalization have been documented, raising concerns about the ability of organizations and defenders to carry out their essential work. (ECRE, 2021)

International legal frameworks, including IHL, IHRL, and UNSC resolutions, provide a robust foundation for protecting humanitarian activities globally. These frameworks recognize the essential role of humanitarian actors in alleviating human suffering and emphasize the obligations of states to facilitate their work. The criminalization of humanitarian activities in Greece must be critically assessed in light of these international legal instruments, urging the international community to uphold and reinforce the principles that safeguard humanitarian efforts. (Alashqar et al., 2023) One cornerstone of the legal protection afforded to humanitarian work is International Humanitarian Law (IHL), also known as the law of war or armed conflict. The Geneva Conventions of 1949 and their Additional Protocols provide a comprehensive legal framework for the protection of civilians and those not actively participating in hostilities during armed conflicts. These conventions establish the obligations of states to allow and facilitate the delivery of humanitarian assistance to affected populations, ensuring the unimpeded access of humanitarian actors to those in need. (International Committee of the Red Cross, 2004).

Article 70 of Additional Protocol I to the Geneva Conventions<sup>11</sup> unequivocally proscribes any retaliatory actions against humanitarian personnel, underscoring the international community's dedication to safeguarding individuals involved in humanitarian endeavors. Furthermore, in its capacity as a guardian of IHL, the International Committee of the Red Cross (ICRC) interprets and promotes the principles that regulate humanitarian activities on a global scale. International human rights law (IHRL), alongside IHL, is paramount in safeguarding humanitarian organizations' operations. The recognition of the right to life, adequate food, and health by IHRL instruments including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) establishes a close connection between these rights and humanitarian assistance. These instruments impose an obligation on states to uphold, safeguard, and satisfy these rights for every person residing within their territorial boundaries, which includes migrants and refugees. The International Red Cross Committee (2005) stated as much. "Rule 147 of customary IHL addresses reprimands against persons." Moreover, the rights of internally displaced persons are emphasized in the United Nations Guiding Principles on Internal Displacement, which also require states to guarantee unhindered access for humanitarian actors in order to offer aid and protection. (UDHR 1948)

Also recognized by the United Nations Security Council (UNSC) is the critical nature of safeguarding humanitarian personnel in zones of conflict. Resolution 2175 (2014) of the United Nations Security Council urges parties to armed conflicts to facilitate the delivery of humanitarian assistance and reaffirms the obligation of states to guarantee the safety and security of humanitarian personnel. This resolution emphasizes the importance of adhering to the fundamental tenets that govern humanitarian action: neutrality, independence, and the principles of humanity. Security Council of the United Nations (2014). Human rights, which are formally recognized and protected by international legal instruments like the Universal Declaration of Human Rights (UDHR), exemplify the intrinsic worth and equitable treatment of every member of the human species. The rights to life, liberty, and security of person (Article 3), the right to seek asylum (Article 14), and the right to freedom of

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<sup>11</sup> International Humanitarian Law Databases, Article 70, available at: <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-70#:~:text=The%20Parties%20to%20the%20conflict,population%20of%20the%20adverse%20Party.>

expression (Article 19) are all directly applicable to the operations of humanitarian organizations and were adopted by the United Nations General Assembly in 1948. These rights, which are based on the principles of indivisibility and universality, establish the normative structure for protecting the fundamental liberties and welfare of individuals. (1948, United Nations)

As of 2023, Hellenic League for Human Rights, Human rights defenders and non-governmental organizations engaged in migration-related matters have been operating in an increasingly perilous environment since 2019, according to available documentation. Criminalization, intimidation, harassment, and slander campaigns have been initiated against journalists and attorneys who practice defense in this field. The current policy framework has imposed a multitude of limitations on the activities of human rights defenders involved in the field of migration, which has traditionally supported their objectives. The criminalization of migration and the advocacy efforts of human rights defenders on behalf of migrants, refugees, and asylum-seekers seem to be intrinsically linked issues that warrant serious attention. (Hellenic League for Human Rights, 2023)

However, the aforementioned strategies are distinguished by a sequence of legislation and amendments that are notably ambiguous and have an effect on the provision of humanitarian assistance and protection, as well as access to facilities. The primary domestic statutes and policies that have an impact are Law No. 4662/2020, which established additional requirements for the registration of non-governmental organizations (NGOs), the two corresponding Joint Ministerial Decisions (No. 10616/2020 and No. 3063/2020), the amendment to Law No. 4825/2021 regarding deportations, the modification to article 191 of the Civil Code (which imposes penalties for the dissemination of false information), and Law No. 4251. NGOs operating in the domains of migration, asylum, and social inclusion are required, among other responsibilities, to submit an application for inclusion on the Register of Greek and Foreign Non-Governmental Organizations, a database administered by the Ministry of Migration and Asylum. One of the foremost concerns pertaining to the progressively stringent legislative climate is this. Greece is committing acts of discrimination and non-compliance in violation of international human rights law through the imposition of a registration requirement on a specific sector of civil society and the development of

burdensome registration process requirements. As of 2023, Hellenic League for Human Rights Additional limitations on the activities of civil society have resulted from the onerous registration requirements and the broad discretion granted to competent authorities in declining to register applicant NGOs. Moreover, state control over the operations of non-governmental organizations involved in migration has increased substantially and disproportionately. Non-governmental organizations are prohibited from delivering legal aid and other essential services to unregistered refugees and migrants in detention facilities. As a result of this constraint, NGOs are unable to effectively engage with these populations. Frequently, registration-related administrative burdens cause disproportionate delays and unjustified denials, placing additional financial and bureaucratic strain on NGOs, particularly small organizations. Defenders of human rights who are not incorporated cannot acquire registration. In addition, access to migrant facilities is restricted to attorneys whose organizations have not been duly registered; they may only present their bar association identification credentials for entry; nonetheless, they must furnish a legitimate justification for their visit. In addition, registration petitions from civil society organizations that included the phrase "providing services to undocumented migrants" were declined. Authorization to conduct search and rescue operations is exclusively granted to non-governmental organizations (NGOs) that have successfully obtained official enrollment from the Hellenic Coast Guard and are duly included in its local operational plan. To participate in a search and rescue operation, explicit requests must be made of reputable organizations that satisfy both of these requirements. Participating in such conduct in the absence of a formal request may subject one to criminal prosecution. (GRC AL 1/2022)

Article 40 of Law No. 4825/2021, as previously stated, imposed further restrictions on the operations of civil society organizations in regions where the Hellenic Coast Guard exercises jurisdiction. Article 40 of Law No. 4825/2021 mandates that all non-governmental organizations (NGOs), whether domestic or foreign, must be officially documented on the Register of Greek and Foreign Non-Governmental Organizations. Additionally, these organizations must operate in adherence to the directives and recommendations issued by the Coast Guard Authorities. This requirement is essential for non-governmental organizations (NGOs) to operate within the boundaries of the Hellenic Coast Guard.

Moreover, in order to function, non-governmental organizations are bound by the subsequent limitations: they must have been incorporated into local emergency plans for the purpose of conducting search and rescue operations; they are forbidden from having previously engaged in volunteer missions at sea in situations where prior authorization would have rendered the Hellenic Coast Guard impotent; and they must have obtained written authorization from a Coast Guard authorized representative. Failure to adhere to the aforementioned stipulations may result in a financial penalty (with a maximum of €3,000 for organizations and €500 for individuals, or €1,000 per incident), as well as a suspension of liberty. Furthermore, each subsequent infraction may contribute to an increased penalty of 100%. (Criminalization and international law of maritime rescue, 2023)

As chronicled by human rights defenders, detention and asylum centers have fewer barriers to entry than identification and reception centers, which are notoriously difficult to enter. Civil society organizations are granted restricted or nonexistent access to individuals who have recently arrived during the initial twenty-five days of their detention in reception and identification centers. These organizations are not afforded access to legal representation until their initial inquiry, which generally transpires in a very short period of time. (GRC AL 1/2022)

Moreover, as stipulated in Article 27 (2) of Joint Ministerial Decision No. 7433/2019, access to reception and identification facilities is authorized for attorneys so that they may render legal services. Authorities may impose limitations on center access only when doing so is essential for safeguarding national security and does not infringe upon the applicants' right to legal representation. Likewise, analogous restrictions are imposed by the Secretary General for the Reception of Asylum-Seekers' ruling (decision of 25.0/118832) concerning the recently established closed restricted access centres. Nevertheless, this ruling does not require legal professionals to visit the facility in their capacity as registered NGO representatives. Regardless of the attorneys' request, the authorities may only deny access to the facility for the purpose of maintaining public order and security. While access to migrant centers has been predominantly limited to officially registered NGOs, Greek attorneys are granted permission to enter in their personal capacity. Prohibition of their entrance would be justified under Greek law if it were necessary to safeguard national security. However, there are also heightened limitations on the access that attorneys have to their clients.

Access to the facilities is denied to attorneys employed by organizations not listed in the register by the Reception and Identification Service. While Greek legal professionals are allowed to engage in activities in their personal capacities, this policy disproportionately impacts non-Greek attorneys involved in civil society organizations providing legal assistance. Attorneys who are unable to gain access to reception and identification centers are unable to adequately advocate for asylum-seekers throughout the crucial initial phase of procedures on the Aegean islands, owing to the expeditious nature of such processes. Attorneys associated with non-governmental organizations who have successfully gained access have been subjected to harassment by personnel of the Reception and Identification Service. These have encompassed investigations into their authorization to access the premises, consistent requests for proof of authorization, and expectations that client meetings be concluded promptly. (Human Rights Council, 2023)

The criminalization of humanitarian activities in Greece presents an immediate and significant peril to the fundamental tenets of solidarity and human rights. The obstruction of the efforts of organizations and individuals dedicated to safeguarding these principles puts the state at risk of infringing upon the right to seek asylum (UDHR Article 14) and preventing access to vital services, including legal aid and medical assistance, which are fundamental in upholding the right to life and personal security (UDHR Article 3). Furthermore, in violation of the principles enumerated in Article 19 of the UDHR, the criminalization of human rights defenders who speak out against policies affecting migrants and refugees, stifles freedom of expression. Moreover, policies that criminalize humanitarian actors may impede the asylum-seeking process, thereby jeopardizing Article 14 of the Universal Declaration of Human Rights. Migrants and refugees may have a more difficult time gaining access to adequate housing, healthcare, and education if solidarity practices are criminalized; this would have a direct bearing on their right to a standard of living sufficient to ensure their health and well-being (UDHR Article 25).

However, the criminalization of humanitarian activities in Greece undermines the fundamental tenets of solidarity and human rights that are codified in international law. The consequences are apparent in the limitations imposed on the right to free speech,

obstacles encountered when seeking asylum, and the deterioration of living conditions for refugees and migrants. To guarantee the safeguarding of fundamental rights and the advancement of solidarity as a guiding principle when confronted with humanitarian crises, it is critical to confront these challenges. (CommHR/DM/sf019, 2021)

### 3.2 Crimmigration: Examination of Specific Cases in Greece where Humanitarian Actors were Targeted and Legal Challenges Faced by Organizations and Individuals

The evolving understanding of performative crimmigration extends beyond its narrow legislative connotations, demonstrating not only a robust alerting function but also fostering cohesion among researchers across diverse disciplines. This broader conceptualization places performative crimmigration at the nexus of international protection, intertwining with migration policies and highlighting distinctions between Western and non-Western identities, as well as the treatment of individuals from Western and non-Western backgrounds seeking protection. To comprehensively address the phenomenon of crimmigration, it is imperative to delve into its foundational origins, notably the complex interplay of colonialism and post-colonialism. Ongoing research aims to elucidate the profound impact of colonization on cultures and societies, shedding light on how it shapes the Western perception, particularly towards impoverished individuals and those originating from outside Europe. An illustrative example is the characterization of the 2015 refugee crisis, where the predominant narrative not only reflected the sheer volume of incoming people but also underscored the non-Western and economically disadvantaged identities associated with this influx. The subsequent period witnessed an escalation not only in crimmigration but also in the emergence of performative crimmigration. The discernment of performative crimmigration is possible through a scrutiny of specific policies and the activities of official institutions operating within the field, such as Frontex. This expanded understanding underscores the intricate interconnections between legal frameworks, institutional practices, and societal attitudes, emphasizing the performative nature of actions taken in response to migration challenges. (Chalkia et al., 2021).

The scrutiny of specific policies and the activities of official institutions within the field of crimmigration, particularly agencies like Frontex, involves a nuanced examination of their operational strategies, mandates, and the implications of their actions. Frontex, officially known as the European Border and Coast Guard Agency, plays a pivotal role in managing and securing the external borders of the European Union. Frontex has been criticized for its involvement in border enforcement policies that focus on deterrence and interception. The agency often collaborates with EU member states to carry out joint operations, such as Operation Poseidon, which aimed to control irregular migration in the Mediterranean. Instances of alleged human rights violations during Frontex operations have raised significant concerns. The agency has faced accusations of pushbacks, where migrants are forcibly returned without due process, violating international human rights standards. Such incidents have prompted investigations and calls for increased accountability. Frontex has embraced technological advancements for border control, including the use of drones, satellite imagery, and other surveillance technologies. The deployment of these technologies raises ethical and privacy concerns, as well as questions about their impact on vulnerable populations and the potential for overreach. Additionally, the Agency engages in collaboration with third countries to address migration challenges. Agreements with non-EU nations, such as the EU-Turkey deal, have been scrutinized for their impact on human rights and the outsourcing of border control responsibilities to countries with potentially less stringent safeguards. (Fernández-Suárez & Espiñeira, 2021) At the same time, Frontex operates within the legal framework provided by the EU, but concerns have been raised about the adequacy of accountability mechanisms. The agency has faced criticism for lacking transparency and effective mechanisms to address allegations of misconduct, leading to calls for reforms in its governance structure. In examining Frontex's policies and activities, it becomes evident that the agency's role extends beyond conventional border control to shape the broader narrative of migration, contributing to the performative aspects of crimmigration as discussed in the academic discourse. n delving into the criminalization of humanitarian organizations and human rights defenders in Greece, a critical aspect involves examining specific case studies where these actors have been targeted. This section provides an academic exploration of such cases, shedding light on the legal challenges faced by organizations and individuals engaged in humanitarian work. Chalkia et al., February 2021).

### 3.3 Media Framing and Narratives Surrounding the Criminalization of Humanitarian Aid

Media portrayal of the criminalization of humanitarian aid in Greece represents a critical aspect of the broader discourse surrounding migration and human rights. Firstly, as mentioned above, it's essential to acknowledge the diversity of media outlets and their respective biases, agendas, and editorial policies. (Benson, 2013) While some outlets may strive for objective reporting and nuanced analysis, others may sensationalize stories or align with certain political ideologies, influencing the tone and content of their coverage. Thus, media portrayal of the criminalization of humanitarian aid can vary significantly depending on the source. (Schack, Witcher, 2021)

One prevalent narrative in media coverage is the framing of humanitarian actions as acts of criminality. This framing often stems from misconceptions or deliberate misrepresentations of humanitarian efforts as facilitating illegal immigration or human trafficking. (Benson, 2013) Humanitarian workers and organizations may be portrayed as operating outside the law, disregarding immigration regulations, and contributing to social disorder. This portrayal not only stigmatizes humanitarian actors but also shapes public perceptions of migration issues, reinforcing stereotypes and prejudices.

Moreover, media portrayal may highlight specific cases or incidents to illustrate the broader trend of criminalization. (Papra, 2022) High-profile court cases, such as those involving Seán Binder and Sarah Mardini, often receive extensive media coverage, influencing public discourse and shaping narratives around humanitarian aid and immigration. However, the selection and framing of these cases by media outlets can impact how they are perceived by the public, with some outlets focusing on sensational details or presenting biased perspectives. (Schack, Witcher, 2021)

Additionally, media portrayal of criminalization may be influenced by political agendas or government narratives. Governments may seek to control the narrative surrounding migration and humanitarian aid, using media outlets to disseminate their perspectives and justify repressive measures. (Chapman, 2021) This can manifest in the demonization of human rights defenders or the framing of humanitarian aid as a threat to national security.

Such narratives serve to legitimize government actions and undermine dissenting voices, further exacerbating the criminalization of humanitarian aid. (Schack, Witcher, 2021 )In contrast, there may also be media outlets or journalists dedicated to exposing abuses of power and advocating for migrant rights. (Schack, Witcher, 2021) Investigative reporting and in-depth analysis can shed light on the systemic issues underlying the criminalization of humanitarian aid, challenging dominant narratives and holding authorities accountable. These voices play a crucial role in shaping public awareness and fostering informed debate on migration issues. (Papra, 2022)

Overall, media portrayal of the criminalization of humanitarian aid in Greece reflects a complex interplay of factors, including journalistic practices, political agendas, and societal attitudes. Understanding these dynamics is essential for critically engaging with media representations and advocating for justice and human rights in the context of migration. (Papra, 2022)

Delving into practical events, criminal charges have been brought against some human rights defenders, including journalists and humanitarian workers, for their nonviolent efforts to assist migrants and asylum seekers. The humanitarian exception outlined in Immigration Law No. 4251/2014 is seldom put into practice, and there are instances where the conduct of human rights advocates is misconstrued as that of human traffickers and smugglers. There is a widespread perception that law enforcement agencies exploit the period between the commencement of an investigation, the filing of charges, and the court's ruling in order to exert pressure, frequently by means of media disclosures concerning the investigations' inception. (Fernández-Suárez & Espiñeira, 2021)

Although there are regional and international agreements aimed at combating human trafficking, such as the Protocol against the Smuggling of Migrants by Land, Sea, and Air , these instruments do not criminalize the facilitation of entry and stay for humanitarian assistance or other non-profit purposes. However, in its facilitators' package, the European Union provided member states with the option to waive criminal penalties for individuals or civil society organizations that offer humanitarian aid to irregular immigrants. Although

the humanitarian exemption is recognized by Greek law, its consistent application by the police, prosecutors, and courts is lacking. (Chapman, 2021) Criminal charges have been levied against human rights organizations in certain instances due to the mere receipt of information regarding individuals in peril at sea, which is equated with the unauthorized transportation of persons and, thus, a violation of international law. Human rights defenders and members of Emergency Response Centre International, a Greek NGO that provided humanitarian assistance and emergency response to migrants and others, are Seán Binder and Sarah Mardini. At this time, they are defendants in court charged under the Penal Code with forgery, facilitation of unlawful entry, violation of state secrets, and espionage, in addition to a lesser charge pertaining to the use of very high frequency radios. (Cusumano, E. & Villa, M., 2020)

Binder, who held dual citizenship in Germany and Ireland, and Mardini, who was a refugee and a national of the Syrian National Republic, were both active volunteers affiliated with the Emergency Response Centre International. They assisted refugees and asylum-seekers in Lesvos while operating in Greek waters. Patrolling the coastlines, the two volunteers rendered search and rescue operations by identifying vessels in distress and aiding individuals who had arrived at land. The police halted them on 17 February 2018 and allegedly discovered them in possession of two unlicensed radios; the vehicle they were using, which the NGO leased, was also found to have counterfeit military license plates. They were apprehended in August 2018 on suspicion of aiding drug smugglers and remained in pretrial detention for over a week and a half. The prosecution's primary allegation, which pertains to the facilitation of unauthorized entrance for nationals of third countries, is founded upon the European Union facilitator's package 22 and Greek anti-smuggling legislation. These provisions are in direct opposition to the established international legal norms concerning smuggling. On January 10, 2023, both Binder and Mardini appeared in court on the misdemeanor counts. As of yet, no definitive verdict has been rendered in the case. The maximum possible sentence if found guilty of all the allegations levied against them is 25 years in prison. Sarah Mardini was unable to attend her trial due to a travel restriction that has been imposed on her. (Giudici, D., 2021)

Additionally, a criminal investigation was conducted by the National Intelligence Service and the Counter-Terrorism Service in Lesvos, which targeted thirty-five individuals, all of whom were foreign nationals and employed by four separate NGOs. Reportedly, they are alleged to have conspired with and participated in a criminal investigation, violated state secrets and engaged in espionage, and contravened immigration regulations. The criminal inquiry was officially declared through a press release in 2020, and subsequent information was purportedly disclosed to the media. No individuals who are the subject of investigations have been officially prosecuted or notified. (Bast at a.l, 2022) Certain human rights defenders, including women human rights defenders, have been subjected to police precinct stops, strip searches, and, in extreme circumstances, hours-long interrogations. Frequent antagonistic and intimidating questioning is observed. New arrivals in Greece, are frequently subjected to inquiries regarding the NGO that furnished them with information or rendered assistance, in addition to having their mobile devices seized and searched. (Human Rights Watch, 2020)

Certain human rights defenders have been subjected to disinformation campaigns, including those who have criticized government policies in European Union bodies and other forums. Defenders of human rights believe that infrequently does the government respond to the evidence presented in their reports; instead, they resort to smearing campaigns against the authors of the evidence. (Fasia, 2021) A human rights defender named Iasonas Apostolopoulos was labeled a traitor in May 2022 for voicing concerns during a European Parliament hearing. A spokesman for the Greek government and the Deputy Prime Minister asserted that his remarks regarding the Hellenic Coastguard constituted an affront to Greece and characterized them as slander. Subsequently, Greek media outlets disseminated these remarks, which incited derogatory remarks about Apostolopoulos, such as murder threats, on social media platforms. An article on the website of the Greek media outlet Capital.gr on 11 November 2021., described Apostolopoulos as a "humanitarian-for-hire" who works in collaboration with human traffickers and implied that he, along with other humanitarian actors, was involved in espionage and responsible for the deaths of individuals crossing the Aegean Sea. Capital.gr, rather than retracting the article from its website, disseminated a letter from Apostolopoulos to it. In doing so, the organization neglected to redact his personally

identifiable information, which led to the dissemination of his family address and a photograph of his front door on social media, posing ambiguous threats to his life. (GRC 2/2022)

Furthermore, unidentified non-governmental organizations were accused by the Minister of Migration and Asylum in December 2020 of aiding and abetting the unlawful passage of dozens of undocumented Somali migrants from Turkey into Greece. A spokesperson for the the Hellenic Observatory of the Helsinki Accords, and one of the human rights defenders purportedly cited by the Minister, Panayotis Dimitras, was summoned by the investigating judge of Kos in November 2022 to present his defense against allegations pertaining to aiding and abetting entry as well as establishing and affiliated with a criminal organization. The investigation also singled out Tommy Olsen, the founder of the Norwegian NGO Aegean Boat Report and a human rights defender. Both human rights defenders have contributed to the documentation of Greek government resistance. As of this moment, Mr. Olsen remains unaware of the details regarding the investigations that are being conducted against him. Police investigations into complaints regarding assaults on human rights defenders and humanitarian workers are occasionally inadequate. As a result, several non-governmental organizations and human rights defenders engaged in the migration sector have reduced their activities out of concern for legal repercussions or to enhance their public image. In certain instances, volunteer activities have been completely suspended. (Human Rights Watch, 2023)

Exploring the above from a legal approach, the enactment of Law No. 4636/2019 concerning international protection represents a comprehensive codification of domestic legislation in this regard, with the primary objectives of enhancing legal certainty and operational efficiency. This legislative initiative, however, introduces more stringent provisions concerning the detention of applicants for international protection compared to previous statutes. Subsequent modifications were made through Law No. 4686/2020, notably in Article 46(2), which introduced the potential detention of applicants in connection with return and deportation procedures even if they had not been detained before seeking asylum.

Contrary to preceding legislation, which mandated the issuance of a detention order based on the Asylum Service's recommendation, unless grounds for detention were related to national security or public order, Article 46(4) of the revised law stipulates that the Asylum Service is to be informed about the detention order. Notably, the competent police director is authorized to issue the detention order in all cases, eliminating the prerequisite of a prior recommendation by the Asylum Service. Additionally, Article 46(5)(b) of the new law removes the mandatory judicial review for initial detention orders, reserving this remedy solely for cases seeking the extension of detention. Furthermore, Article 46 introduces an extension in the maximum period of initial detention for asylum-seekers, raising it from 45 to 50 days. This extension also applies to orders seeking to prolong the initial detention period and significantly expands the overall maximum detention duration from 3 months to 18 months. Importantly, the legislation explicitly outlines that periods spent in pre-removal and asylum detention are to be calculated separately for determining the maximum detention period (Article 46(5)(b)).

## Chapter 2: Research Methodology

This research adopts a methodological approach that combines primary qualitative research data collection with secondary data analysis, employing purposive snowball sampling. The intention is to respond to the research questions by presenting the legal responses in Greece and shedding light on potential violations of EU and international conventions and treaties through real-time examples. To comprehensively analyze responses, the study considers the perspectives and experiences of a diverse range of stakeholders, including researchers, activists, humanitarian workers and individuals directly affected by these practices.

### 2.1 Methodological Framework

The methodological framework of the present research is based on a thorough literature review that spans legal frameworks, academic studies, and reports from reputable

international organizations as elaborated in Chapter 1. This review sets the groundwork for understanding the existing legal and policy landscape concerning asylum processes, border management, and the criminalization of humanitarian activities in Greece. At the same time, the study employs Semi- Structured Interviews as a qualitative data collection method to complement the literature review. Semi-structured interviews were opted to gather data on inhibiting and facilitating factors in access to asylum in Greece.

Interviews are widely recognized as a beneficial method for data collection in qualitative studies because they capture detailed and context-specific information. Within the framework of Interpretative Phenomenological Analysis (IPA), interviews are useful in allowing people to tell their own stories and engage in reflective discussions about their experiences. Semi-structured interviews are particularly suitable for the IPA methodology because they create an environment that promotes free narration, allowing the researcher to explore specific aspects of the research topic. This approach enables participants to share their stories in detail while also allowing the researcher to guide conversations toward targeted areas of interest. (Smith, 2003) This method is ideal for delving into the complex details of individuals' experiences within the asylum application process in Greece as narrated by individuals who have witnessed those practices.

Moreover, the selection of semi-structured interviews aligns with the philosophical underpinnings of IPA, encompassing phenomenology, hermeneutics, and ideography. This method establishes a relational model between the researcher and the interviewee, fostering an intimate discussion about the study's focal theme. By maintaining flexibility in the interview structure, the researcher acknowledges the importance of allowing participants to shape the narrative, ensuring their unique perspectives and insights are captured authentically. (Giorgi, 2010)

In essence, the decision to employ semi-structured interviews in this study is grounded in the method's capacity to facilitate rich, participant-driven narratives within the framework of IPA.

The target group for the interviews includes human rights defenders and humanitarian workers actively engaged in Greece. These interviews aim to provide nuanced insights, personal narratives, and firsthand perspectives that contribute to a comprehensive understanding of the research questions.

## 2.2 Research Limitations:

Despite the robust methodology, it is essential to acknowledge certain limitations inherent in this research. The most prominent limitation is the identified information gap pertaining to the weaknesses of the Greek asylum system and evidence-based reports on pushback policies. The scarcity of available information may constrain the breadth of the analysis, potentially resulting in a narrower scope than desired for a comprehensive understanding of the current crisis drivers.

Moreover, the frequency and first-hand availability of data may not seamlessly align with the allocated resources and time constraints for this study. This temporal and resourcing limitation could impact the depth of analysis and the ability to capture real-time developments in the evolving landscape of migration management.

Yet, despite these acknowledged limitations, this research aspires to make a meaningful contribution to the ongoing discourse on migration management and human rights in Greece. The combination of legal analysis, literature review, and qualitative data collection seeks to provide a multifaceted and holistic perspective on the complex interactions at the intersection of asylum processes, border management, and the criminalization of humanitarian activities.

## 2.3 Research Rationale

The urgency for the continuation of evidence-based research on human rights violations in Greece, specifically regarding pushbacks and the criminalization of humanitarian aid, lies in

the profound impact these actions have on the rights and well-being of migrants and asylum seekers. The evolving political discourse on migration, marked by the ascent of extreme right-wing ideologies, has led to a paradigm shift in policies within Greece and across the broader European landscape. What initially began as a noble attempt by the EU to strike a balance between security concerns and respect for human rights has devolved into a situation where the very essence of these rights is at risk.

The characterization of Greece as the "shield of Europe" by the EU Commission further underscores the severity of the situation. Reports from various sources, as mentioned in Chapter 1 of this dissertation, detailing instances of direct violence, demand a thorough investigation. The statements made by EU officials, seemingly endorsing and justifying such practices for effective border management, raise serious questions about the EU's commitment to upholding human rights.

The normalization of pushback practices, which involve forcibly returning vulnerable individuals, including vulnerable groups such as pregnant women and children, is particularly alarming. This marks a departure from decades of migration policy and introduces a disturbing precedent within the borders of the EU itself. In fulfilling their duty, researchers must not allow this new border reality to go unnoticed or unexamined.

At stake are not only the fundamental rights of those seeking refuge but also the broader principles of human rights that the EU has long purported to champion. The violation of the right to seek safe haven, coupled with reports of unprecedented violence, necessitates a rigorous and sustained examination. Failing to address and rectify these issues not only perpetuates a troubling trend but also risks eroding the very foundation of the EU's commitment to human rights and asylum access for those in need.

Therefore, this study aims to persist in the investigations and advocacy, shedding light on these violations to foster accountability and ensure that human rights remain at the forefront of the migration discourse.

## 2.4 Participants and Sample: Purposive Snowball Sampling and Suitability for this Research

Purposive snowball sampling, a non-probability sampling technique relying on referrals from initial participants to identify additional individuals with relevant experiences or perspectives, is strategically chosen for this research on migration, the criminalization of humanitarian activities, and human rights violations in Greece. The selection of participants for semi-structured interviews on human rights violations in the procedure of applying for international protection in Greece is a critical aspect of ensuring the depth, relevance, and contextual richness of the research findings. Specifically, the inclusion of individuals such as human rights defenders and humanitarian workers is pivotal for several reasons.

Firstly, human rights defenders often possess an intimate knowledge of the legal and human rights landscape. Their experiences in advocating for the rights of vulnerable populations give them unique insights into the challenges and shortcomings of the international protection process in Greece. Their perspectives can shed light on systemic issues, procedural flaws, and instances of rights violations that may not be apparent to those without direct involvement in human rights advocacy.

Secondly, humanitarian workers operating in the field bring a practical understanding of the challenges faced by asylum seekers within the Greek context. Their frontline experiences provide a real-world perspective on the implementation of international protection procedures, including any obstacles or deficiencies encountered by individuals seeking asylum. This firsthand knowledge is invaluable for identifying gaps between policy intentions and actual outcomes.

Moreover, these participants can offer nuanced insights into the broader socio-political and humanitarian context. Their familiarity with the local dynamics, cultural nuances, and the specific challenges faced by asylum seekers contributes to a more comprehensive understanding of the complexities surrounding the international protection process in Greece.

In addition, the inclusion of participants with a deep and context-specific understanding ensures that the interviews are conducted with individuals who can provide informed and reflective responses. This enhances the credibility and reliability of the data collected, as these participants are well-positioned to articulate the intricacies, implications, and potential consequences of human rights violations within the asylum application procedure.

Overall, the selection of participants from groups such as human rights defenders and humanitarian workers is crucial for ensuring the research captures the multifaceted dimensions of human rights violations in the context of applying for international protection in Greece. Their expertise not only enriches the qualitative data but also contributes to a more nuanced and informed analysis, ultimately enhancing the potential for meaningful policy recommendations and systemic improvements in the protection of asylum seekers' rights.

The selection of this sampling method is informed by several key considerations, aligning with the complexities and sensitivities inherent in the research domain.

The research focuses on intricate legal responses to migration, requiring insights from individuals with specialized knowledge. Purposive snowball sampling facilitates the identification of participants, such as human rights defenders and humanitarian workers, who possess a deep and context-specific understanding of the legal and humanitarian landscape. (Creswell, 2014) Purposive snowball sampling is adept at reaching hidden or marginalized populations, such as individuals directly affected by human rights violations or pushbacks. By leveraging existing networks, this method ensures the inclusion of voices that may not be readily accessible through traditional sampling techniques. (Biernacki & Waldorf, 1981) The interconnectedness of stakeholders, including researchers, activists, policymakers, and affected individuals, demands a holistic perspective. Purposive snowball sampling allows for the inclusion of diverse voices and experiences, contributing to a comprehensive understanding of the multifaceted issues surrounding migration management and human rights. (Patton, 1990):

Given the sensitivity of the research topic, ethical considerations are paramount. Purposive snowball sampling aligns with ethical practices by approaching potential participants through trusted networks, fostering a sense of trust and rapport, and ensuring the protection of vulnerable populations. (Guest et al., 2006):

The dynamic nature of migration management and human rights necessitates an approach adaptable to evolving contexts. Purposive snowball sampling enables the identification and engagement of key informants actively involved in or having recent experiences related to the research questions. (Browne, 2005) Resource constraints, including time and budget considerations, make purposive snowball sampling a practical and resource-efficient choice. It maximizes the value of gathered insights by leveraging existing networks and efficiently identifying participants within the limitations of available research resources. (Teddlie & Yu, 2007)

In conclusion, the strategic choice of purposive snowball sampling is grounded in its capacity to provide in-depth, nuanced perspectives from a range of stakeholders relevant to the research questions. This method aligns with ethical considerations, adapts to dynamic contexts, and efficiently utilizes available resources, making it a suitable and strategic approach for capturing the complex and interconnected realities of migration management, humanitarian activities, and human rights in Greece.

Moreover, the guidelines proposed for a master's level thesis employing Interpretative Phenomenological Analysis (IPA) recommend a relatively small sample size, typically around three participants (Tuffour, 2017). This approach aligns with the idiographic nature of IPA research, where the emphasis is on delving into individuals' specific and unique experiences and interpreting their perspectives on particular incidents and concepts instead of adopting a more generalizable "nomothetic" view.

The rationale behind the recommendation for at least three participants is multifaceted. Firstly, it allows for an in-depth analysis of each individual case, effectively creating three distinct case studies. Secondly, it introduces variability within the sample group, enabling

the researcher to discern differences. Thirdly, it provides an opportunity to identify commonalities among the participants (Smith, 2003).

Smith (1996) underscores the importance of homogeneity by addressing the aspect of similarities within the sample. It's crucial to clarify that homogeneity, in the context of IPA studies, doesn't imply treating the participants as identical, which would contradict the philosophy and guidelines of IPA. Instead, homogeneity refers to a degree of similarity within the sample that facilitates examining and identifying psychological differentiations among participants. Maintaining a certain level of homogeneity aids in illuminating nuanced variations in individual experiences. Lastly, according to the IPA guidelines, the participants' perception of the research topic as meaningful holds great significance (Smith, 2009). This underscores the necessity for participants to connect with and find personal relevance in the chosen research theme, contributing to the richness and authenticity of the data collected.

In the dynamic realm of migration management, the operational asylum framework in Greece stands as a critical determinant influencing the experiences of asylum seekers.

The interviews are designed to unravel the intricacies surrounding the submission of applications for international protection within the Greek asylum system. However, the scope of inquiry extends beyond this singular facet, aiming to delve into the complex interplay between border safeguarding measures, the criminalization of human rights defenders, and search and rescue policies. At its core, this exploration seeks to answer a fundamental question: Do these elements contribute to the reinforcement or diminishment of effective migration management?

*The Participants:*

Interview 1	Human Rights Lawyer	15.12.2023 Face to Face Interview
Interview 2	Targeted Human Rights Lawyer	17.12.2023 Online Interview
Interview 3	Human Rights Advocate	18.12.2023 Online Interview
Interview 4	Human Rights Legal Officer	20.12.2023 Online Interview
Interview 5	Director of Human Rights Organization Defense	22.12.2023 Online Interview
Interview 6	Investigative Journalist on Pushbacks	22.12.2023 Online Interview

**Participant 1/ Interview 1:** Participant 1 boasts an extensive 20-year tenure in the realm of Human Rights and humanitarian settings, having served notable organizations such as Amnesty International, Oxfam, the Norwegian Refugee Council (NRC), and Save the Children International (SCI). Over the past three years, their professional focus has homed in on the multifaceted challenges confronting refugees and migrants making their way to Europe, with a particular emphasis on Greece and other European refugee policies. Notably, their expertise extends to the Ukrainian refugee crisis and its intersection with asylum-related issues.

Engaging primarily in Advocacy and Policy, Participant 1 has not been directly involved in service delivery but has concentrated on critical areas such as the treatment of children at borders, the experiential journey of individuals arriving in Europe, and the accessibility of protection mechanisms on the continent. Their efforts have encompassed the educational landscape, with a specific focus on the disparate realities faced by Greek and Ukrainian children due to distinct legal statuses and legislation governing their registration processes. A notable dimension of their work centers on evaluating the impact of such policies on the mental well-being of affected children.

In terms of mental health implications on children, Participant 1 has contributed significantly to baseline research. Their findings elucidate a distressing pattern: most of the children they engage with have been compelled to flee their home countries due to adverse circumstances. This insight has been gleaned from surveys conducted among children arriving in Europe, encompassing those from Ukraine and other nations. Through focus groups, the challenges to children's well-being, stemming from both the exigencies of their home countries and the formidable hurdles encountered in reaching Europe, have been delineated.

The narrative extends to the harsh realities faced by these children upon reaching European borders. Encountering violence and grappling with restrictive movement policies, these young individuals often face formidable obstacles in accessing protection, obtaining necessary documents, and securing educational opportunities. Participant 1's work underscores the intricate web of challenges affecting the well-being of refugee and migrant children in the European context, emphasizing the urgent need for comprehensive and humane policies to address their unique needs.

**Participant 2/ Interview 2:** Participant 2, a dedicated lawyer, finds themselves under the scrutiny of Greek authorities due to their unwavering commitment to defending Refugee Rights on a hot spot island. Despite not specializing in asylum cases, their legal expertise extends to various pertinent issues. They keenly observe the fluid landscape of legislation, noting its frequent changes that contribute to a pervasive lack of legal certainty. This dynamic environment breeds uncertainty, rendering it challenging to discern the true state of affairs.

One pressing concern lies in the systemic challenges stemming from political pressures faced by asylum service employees who, at times, deviate from legal protocols, resulting in complications. Notably, instances where simultaneous issuance of a large number of negative decisions occurs pose a significant hurdle, especially when individuals lack legal representation, consequently forfeiting their right to appeal. A critical issue exacerbating these challenges is the obstructed access to asylum.

The lawyer sheds light on a disturbing incident following the coronavirus-related quarantine, where the asylum process was initiated without proper notification, infringing upon individuals' rights. This systematic violation is exacerbated by the complex web of laws, perpetually shifting rules, and an underlying racist disposition, all of which contribute to creating additional layers of problems. Participant 2 has devoted their legal acumen primarily to refugee and migration issues, with a heightened focus post-2019 and 2020, centering on the rampant violation of human rights experienced by individuals residing on the islands. Their dedicated efforts underscore the urgent need for legal stability, adherence to due process, and a commitment to upholding the rights of vulnerable populations within the asylum system.

**Participant 3/ Interview 3:** Participant 3 has been an active advocate in the migration domain since 2015, previously engaging in activism within the same realm. Over the years, their primary professional focus has evolved to center on migration-related issues. Having undertaken missions in several key locations, including Greece, Turkey, Egypt, Search and Rescue (SAR) operations, and Lebanon, their dedicated efforts have predominantly aligned with Médecins Sans Frontières (MSF), where they assumed the role of an advocacy manager. Notably, their work involves not only direct engagement with affected populations but also strategic efforts to influence policies and bring about positive change.

Since January 2023, Participant 3 has shifted their advocacy efforts to support Lesol, indicating a continued commitment to advancing the cause of migrants and refugees. By delving into their experience with MSF, one can discern a rich tapestry of involvement, ranging from the volatile situations on the ground during SAR operations to navigating the complex socio-political landscapes of countries like Greece, Turkey, Egypt, and Lebanon.

In their capacity as an advocacy manager, Participant 3 has been instrumental in shaping and driving efforts to influence policies that impact migrants and refugees. This role involves not only direct interaction with affected individuals but also a strategic approach to engage with governmental and non-governmental stakeholders to effect systemic changes. The transition to supporting a human rights defense NGO in a hot-spot island in Greece, in 2023

suggests a continued commitment to these advocacy efforts, highlighting their adaptability and sustained dedication to the cause.

Overall, Participant 3's trajectory in the field of migration activism reflects a comprehensive engagement with the immediate needs of affected populations and the broader structural challenges that underlie migration-related issues. Their transition to Lesol signifies an ongoing commitment to leveraging their skills and experience for positive change within the advocacy landscape.

**Participant 4/ Interview 4:** Participant 4 emerges as a seasoned legal professional with a comprehensive background spanning various capacities within the field. Operating as a legal officer and lawyer, their trajectory has been marked by significant contributions within non-governmental organizations (NGOs). Since 2011, they have held diverse roles, including the most recent stint as a consultant with Médecins Sans Frontières (MSF). However, their influence extends beyond the realm of NGOs, encompassing roles within the international community and even within the state apparatus, notably serving as a case worker for asylum interviews and appeals committee.

The breadth of Participant 4's experience is underscored by their pivotal involvement in the nascent stages of the asylum service from 2011 to 2013. This period, characterized as a promising and optimistic era for the Greek asylum service, offered a unique vantage point for witnessing the development of asylum procedures. Their firsthand experience allows them to provide valuable insights into the evolving landscape of asylum practices in Greece, spanning from an optimistic inception to the contemporary complexities faced within the system.

By engaging in diverse roles as a consultant for NGOs and a case worker within the state apparatus, Participant 4 has acquired a multifaceted understanding of the legal intricacies surrounding asylum. This expertise is further enriched by their involvement in international contexts, offering a holistic perspective on the challenges and nuances inherent in asylum-related work. As a legal professional with a keen eye on the evolution of asylum procedures, Participant 3 brings a wealth of experience that spans various sectors and eras, positioning

them as a valuable contributor to the ongoing discourse surrounding refugee and migrant rights.

**Participant 5/ Interview 5:** Participant 5 has emerged as a seasoned lawyer with a dedicated focus on refugee and migration-related issues since 2016, bringing a wealth of experience and academic prowess to the table. Their journey in the legal landscape commenced in 2014-15 and seamlessly transitioned into a specialization in refugee, asylum, and migration law, marked by the completion of a Master's degree in International Migration and Refugee Law. Undeterred by this achievement, they are currently pursuing a second Master's degree, this time delving into the intricacies of migration influxes, showcasing a commitment to staying abreast of the evolving dynamics in the field.

The geographical span of Participant 5's work is notable, having contributed their legal expertise to organizations and initiatives in various locations. This includes roles in the Greek Council for Refugees (GCR) in Thessaloniki, the European Asylum Support Office (EASO) in Lesvos, and legal positions with Refugee Support Aegean (RSA) and Médecins Sans Frontières (MSF) in Lesvos. Since February 2021, they have assumed the crucial role of Coordinator of the Legal Unit at a Legal Defense NGO, further solidifying their commitment to advancing legal support and advocacy in the migration context.

Participant 5's involvement extends beyond individual casework, as evidenced by their membership in the registry of the Greek Asylum Service. They actively contribute to the provision of free legal aid during the appeal procedure, a vital aspect of ensuring fair and just outcomes for asylum seekers navigating the complex legal landscape.

Simultaneously holding the position of Director at a Human Rights Defense legal non-governmental organization (NGO) underscores their commitment to a broader spectrum of human rights advocacy. This dual role demonstrates a nuanced understanding of the intersectionality of legal issues within the broader context of human rights defense.

Having spent nearly seven years closely working with asylum seekers, Participant 5's wealth of experience, coupled with their continuous pursuit of academic and professional growth,

positions them as a dynamic and influential figure within the legal and human rights landscape. Their multifaceted roles, spanning different organizations and legal contexts, exemplify a commitment to making a meaningful impact in the lives of those navigating the challenges of migration and seeking asylum.

**Participant 6/ Interview 6:** Participant 6, an investigative journalist, commenced their exploration of migration issues during their university studies. Arriving in Greece as part of their academic pursuits in 2019, they adopted a research-oriented approach to understanding the complexities of migration. This journey led them to a unique opportunity to work at the Italian Embassy in Athens, providing them with invaluable insights into policy-making at the governmental level. This initial foray into a governmental organization provided a foundational perspective that has significantly informed their subsequent work.

For their Master's degree, Participant 6 delved into a research project focusing on the workings of humanitarian organizations and state approaches in managing migration in Greece, as well as the broader European Union context. Their specific emphasis on emergency responses, frontiers, and borders highlighted the critical nexus between policy and real-world implementation.

Post-academic pursuits, Participant 6 engaged in on-the-groundwork in Thessaloniki with Border Violence Monitoring Network (BVMN). In this role, they assumed responsibilities such as testimony collection, mobile information team support, and provision of legal assistance. Notably, their focus extended to flagging cases involving individuals willing to share their experiences of pushbacks from Turkey to Greece, particularly in the BV-Evros region, or migration routes from Northern Greece to Macedonia and Albania.

The investigative journalist continued their impactful journey on a Greek hot-spot island, collaborating with several NGOs. During their tenure, they maintained a commitment to protecting the anonymity of contributors, recognizing the prevailing fear of repercussions that often inhibits individuals and NGOs from openly sharing their experiences. Utilizing an anonymous account, they spearheaded explicit advocacy campaigns and published materials shedding light on the challenges faced by NGOs in the island.

Participant 6's multifaceted engagement, from investigative journalism to active involvement with NGOs, reflects a dedication to amplifying the voices of those affected by migration challenges. Their work contributes significantly to the collective understanding of the complexities surrounding migration policies, humanitarian responses, and the lived experiences of individuals in transit.

**The Researcher:** The researcher is a proactive humanitarian worker, demonstrating a self-initiated commitment to addressing challenges in migration, humanitarian affairs, protection, and communications. Accumulating over eight years of experience in the humanitarian and development sectors, with a focus on Greece, the Balkans, the Middle East, and North Africa, she has conscientiously dedicated her professional journey to monitoring and identifying human rights violations. Her contribution extends beyond mere observation, actively participating in collective advocacy efforts by leveraging her expertise in humanitarian affairs tools and communication strategies. Her areas of expertise encompass not only protection but also extend to anti-trafficking tactics and accountability mechanisms. Through a thorough and comprehensive approach, she navigates the complexities of her field, ensuring a nuanced understanding of the issues at hand.

The selection of Interpretative Phenomenological Analysis (IPA) as the research model for this study is driven by its philosophical alignment with the researcher's theoretical orientation rooted in humanism and cultural sensitivity. IPA proves to be the ideal framework due to its nuanced approach, emphasizing the unique experiences of individuals. What distinguishes IPA as a favorable model is its commitment to delving into details and avoiding overarching views or rigid categorization of data, as highlighted by O'Mullan, Doherty, Coates, and Matt Tilley (2017).

Moreover, IPA has demonstrated its effectiveness as a methodological choice for exploring sensitive topics such as human rights violations, as acknowledged by Smith, Flowers, and Larkin (2009). The researcher's deliberate alignment with IPA reflects a commitment to a more nuanced and humanistic exploration of the chosen subject matter.

## 2.5 The Interview Guide

An extensive literature review informed the construction of the semi-structured interview guide on Navigating Access to Asylum in Greece. The primary objective of these inquiries was to investigate intricate facets of policy implementation influencing asylum seekers' access in Greece, encompassing broader considerations related to migration and border management by authorities.

All questions posed during the interviews were deliberately developed as open-ended. This aligns with the guidelines of Interpretative Phenomenological Analysis (IPA), which underscore the significance of open-ended questions in enabling participants to articulate their perspectives on the researched topic freely. Furthermore, the design of open-ended questions avoided making assumptions on the part of the researcher, a critical consideration in research of this nature, where cultural factors play a significant role. The rationale behind this approach is rooted in the belief that employing more general questions offers a preferable starting point, allowing participants the flexibility to delve into nuanced aspects of their experiences. If necessary, prompts were included to facilitate a deeper exploration of the participants' narratives. (Giorgi, 2010)

To view a comprehensive list of all interview questions, please refer to the Annex.

## 2.6 Interview Procedure

### *Data Collection*

Upon expressing interest in participating in the study, participants were invited to schedule either an in-person or online meetings through Microsoft Teams. For both modalities, the researcher meticulously selected a quiet setting to ensure an environment free from

disruptions, fostering participant comfort in sharing their narratives while safeguarding their anonymity and confidentiality. Prior to commencement, the researcher detailed affiliations and data protection measures obtained informed consent, clarified the option to terminate the interview at any juncture, and assured participants of the absence of adverse consequences resulting from non-consent. Participants were further encouraged to pose any queries related to the interview or research procedure at this juncture. It is noteworthy that all interviews were conducted in the English language.

Importantly, participants were explicitly informed of their right to withdraw from the interview process at any point. They were reassured that should they experience distress or negative emotions during the interview; they could either halt the procedure or take a break. Each interview was approximately 40 to 60 minutes, with audio recording employed as a documentation method. Participants were made aware of the recording, and explicit permission was sought before initiating the recording process. All interviews were pseudonymized to uphold confidentiality, safeguarding the participants' privacy and identities.

#### *Transcription*

The interviews in this study were transcribed using Interpretative Phenomenological Analysis (IPA) criteria. Two records were maintained: a verbatim transcript, which captured the exact words spoken by the participants, and a semantic transcript, which included non-verbal expressions such as laughter, smiles, silences, crying, and other contextual information. It's important to note that these transcripts only included participants' nicknames or pseudonyms, and any information that could reveal their personal identities was intentionally modified to protect their privacy. (Smith, 2003)

#### *Ethical Considerations*

Several ethical measures were implemented in the execution of this study. Firstly, individuals expressing interest in participation were provided with an informed consent form designed to furnish comprehensive information. This included details about the

researcher's identity, the study's topic, purpose, rationale, contact information for both the researcher and her advisor, and the rights of participants during the research. Participants were required to voluntarily agree to participate and were assured of the maintenance of their anonymity and confidentiality. They were explicitly informed of their right to withdraw from the study at any time, with the option to halt or take a break if they felt uncomfortable or distressed.

Furthermore, an audio consent form request was shared to notify participants of the recording of the interview. Participants had to explicitly express their consent to be recorded and were informed about the storage of both the recorded audio and the transcript. Access to this material is restricted to the researcher and her advisor, securely stored on the researcher's password-protected computer.

### Chapter 3: Research Findings

Interpretative Phenomenological Analysis (IPA) is the methodology of this study regarding the exploration of facilitating and inhibiting factors in access to asylum in Greece. IPA is a qualitative research approach that aims to explore an individual's unique experience. In other words, how people understand their life and the meaning they give to it (Smith, 1996). For this specific topic, it was considered that IPA would be a good fit due to the fact that it has been found to be an ideal method when dealing with issues that a) are complicated, b) are not well-defined and c) have been limitedly studied (Tuffor, 2017)

As Smith (2003) explains, Interpretative Phenomenological Analysis has its roots in philosophical concepts such as phenomenology, hermeneutics, and idiography. The first dimension of IPA is phenomenology, which refers to an individual's quest for a personal understanding of their life. This term was originally coined by Husserl (1927) and involves a careful examination of the human experience. In IPA, the focus is on exploring all aspects of the human experience and understanding what makes it significant to each individual (Shinebourne, 2011).

The second dimension involves hermeneutics, also known as the theory of interpretation. Hermeneutics, synonymous with interpretation, is a crucial aspect of Interpretative Phenomenological Analysis (IPA). In this context, IPA is regarded as interpretative because researchers recognize that participants' narratives represent not universal truths but rather interpretations of their worldview (Smith, 2003). This research was approached with a stance of respect and curiosity, aiming to explore the individual understanding and interpretation of how policies are presented and their implications within the context of asylum and migration management in Greece, both at the population level and among the study sample individually.

At a secondary level, particularly evident through meticulous analysis, the researcher engages in an additional layer of interpretation concerning the participant's interpretive experience. This process is conceptualized as "double hermeneutics," signifying a reciprocal effort between participants and the researcher to comprehend and interpret their respective realities. Consequently, the initial level involves the participant's interpretation, followed by a subsequent level where the researcher interprets the participant's interpretation. Within the framework of Interpretative Phenomenological Analysis (IPA), this intricate dynamic is methodically explored by presenting both the original transcript and the interpretative themes derived by the researcher (Smith, Flowers, Larkin, 2009).

The process of interpreting participants' experiences in qualitative research requires careful attention to detail. Researchers must engage in introspection to examine their values, culture, and perspectives. Reflexivity is a crucial component of qualitative research, where researchers should consider the impact they may have on research outcomes, whether intentional or unintentional. In studies involving diversity in ethnicity or race, researcher reflexivity becomes even more imperative. Ethnic and racial stereotypes can introduce unconscious biases and beliefs during interactions with individuals from diverse backgrounds. To mitigate such circumstances, researchers should focus on cultivating curiosity about their inner prejudices and biases. (Smith, 1996)

Researchers must avoid being influenced by pre-existing outcomes, theories, or findings during the research process. The hermeneutic circle highlights the dynamic relationship

between the participant and the researcher, particularly evident in the analysis phase. Understanding the impact of ethnic and racial differences on results through unconscious biases is crucial. (Smith, 2009)

In the context of policies impacting access to asylum in Greece, the idiographic dimension as the last dimension of IPA assumes significance. The commitment to ideography, characterized by a focus on specific experiences, aligns with the small sample sizes typically favored by IPA. In this study, the central objective was to delve into the distinctive experiences of the selected sample, fostering an open-minded exploration rather than seeking to formulate overarching theories. This approach is integral to understanding the nuanced and individualized factors influencing the access to asylum within the intricate policy landscape in Greece.

### 3.1 Interview Analysis

Repeated examination is the initial phase of data analysis in Interpretative Phenomenological Analysis (IPA). At this stage, the researcher immerses themselves in the transcripts, gaining familiarity with the information and entering the participant's world. The focus is primarily on the interviewee's narratives. Listening to the recording while reading the transcript enhances the researcher's engagement with the participant's reality, facilitating observations. (Tuffour, 2017)

The second step is the initial noting process, where the researcher takes detailed notes and observes the participant's expressions and words after immersing themselves in the interview material. Descriptive notes are crucial at this point, avoiding interpretative elements to capture valuable information. The exploration involves linguistic and semantic symbols, fostering an understanding of how the participant expressed themselves. These descriptive notes are placed in the left margin of the transcript, enabling the researcher to detect nuances, contradictions, or repetitions. (Ibid)

Moving to the third stage, the development of the first analytic themes marks a shift towards interpretative analysis. Instead of working line by line, the researcher now works with chunks of interview material, aiming to relate them. These themes are recorded in the right margin of the transcript, with the goal of condensing the material details. (Ibid)

The fourth step involves searching for connections among themes, creating a structure to bring the researcher closer to the research question. This connection is established through processes such as abstraction, subsumption, polarization, contextualization, numeration, and function. These techniques help organize and relate the themes effectively. (Ibid)

After completing these steps for each interview transcript, the researcher proceeds to analyze additional transcripts, repeating the process for each case without assuming similarities between participants. The subsequent step involves searching for patterns across all cases, representing the most creative part of IPA analysis. Common core themes are identified, allowing the researcher to move to a more theoretical level. (Ibid)

In terms of validity, Yardley (2000) outlines criteria such as sensitivity, rigor, transparency, and coherence. Sensitivity in this research is demonstrated through the researcher's continuous awareness and the maintenance of openness during interviews. Rigor is upheld through a relatively homogenous sample selection and the researcher's reflective experience. Transparency and coherence are ensured through constant advice and consultation from the thesis advisor. The researcher also kept a journal to document thoughts, difficulties, questions, and interesting aspects throughout the process, promoting transparency and self-awareness.

### 3.2 Presentation of findings

In this section of the research paper, the super-ordinate themes, developed through the techniques of interpretative phenomenological analysis, are systematically presented along with their corresponding subthemes. The overarching objective of these themes is to offer a comprehensive understanding of the intricate ways in which the six participants, serving

as human rights advocates, have encountered, comprehended, and influenced the evolution of the asylum framework in Greece. This exploration is approached through the lens of human rights violations, the criminalization of humanitarian aid, and associated infringements.

To facilitate a thorough exploration of participant perspectives, verbatim quotations from the interviews will be prominently featured under each theme. These direct quotes, accompanied by the investigator's interpretations, aim to provide readers with a vivid and nuanced portrayal of the research findings. Any omitted material within the quotations will be clearly indicated by the use of empty brackets ([...]).

### 3.3 Analysis Overview

Presented below is a tabulated summary of the overarching master themes derived from the comprehensive analysis conducted in this research. These master themes are denoted by Roman numerals (I, II, III, etc.), with the corresponding subthemes identified by capital letters (A, B, C, etc.). Further granularity is achieved with the inclusion of small letters (a, b, c, etc.) to denote subthemes where applicable. This structured framework serves as a visual guide for readers to navigate the hierarchical organization of the emergent themes, providing a clear and systematic overview of the analytical findings.

- I. *Normative Asylum Framework*
  - I.A The EU-Turkey Deal (Admissibility Procedure)
    - I.A.a “Safe Countries” Designation
  - I. B Law 36/2019 and its amendment
    - I.B.a The Platform
    - I.B.b The penalization towards Asylum Seekers
    - I.B.C Subsequent Claims and Appeals

*II. Vulnerabilities*

II.A Leaving the Vulnerable Behind

II.B Lack of Adequate Assessments

III.C Health Care Constraints

*III. Deterrence*

III.A Inhuman Living Conditions

III.B Pushbacks

III.C Dangerous Routes

III.D Cruel and Degrading Treatment

*IV. Criminalization of Humanitarian Aid and Shrinking of Civil Space*

IV.A Penalization of Search and Rescue

IV.B Criminalization of Human Rights Defenders

IV.A NGOs are departing from the humanitarian space

### 3.3.1 Super-Ordinate Theme I: Normative Asylum Frameworks

All the participants expressed that since 2016, a series of additional restrictions have been imposed within the normative framework of asylum implementation in Greece. One notable restriction involves the establishment of a list of safer countries designated without sufficient consideration for the specific nuances of each country. Further instances of restrictive measures arise from the EU-Turkey deal, particularly the concept of a safer country, wherein the asylum obligations for those arriving from Turkey since March 20, 2016, are not assessed on the merit of the application but, rather, on admissibility. In this process, the examination determines if Turkey qualifies as a safe country for asylum seekers. Consequently, asylum applications are rejected as inadmissible, and individuals are slated for readmission to Turkey. One significant challenge for asylum seekers is the recurrent lack of a legal basis in the practical implementation of these changes, often constituting a violation of existing legislation. As we've seen in Chapter 1, in December

2021, the first catalog of safer countries was created for Greece, and Turkey was deemed the only safer country. However, an amendment to this ministerial decision specified Turkey as a safer country but only for certain nationalities, including Bangladesh, Pakistan, Somalia, and Syrians. This nuanced concept extended its impact to other nationalities. In 2022, another amendment expanded the list of safer countries to include Albania and North Macedonia for all asylum seekers from these regions. This multifaceted approach reveals a discriminatory policy, notably in the eligibility procedure for Evros compared to the admissibility process for islands.

Interview 1: "...However, complications arise due to the geographical restriction imposed by the EU-Turkey agreement. This restriction places an additional burden on applicants to prove the unsafety of Turkey as a country of asylum. This process also requires individuals to prove their nationality, leading to instances such as Eritreans being registered as Ethiopians, resulting in different access to asylum..."

Interview 4: "For example, Togo is categorized as a safe country of origin, yet cases from Lesbos involving torture survivors were granted asylum, highlighting the inadequacies of this framework."

Interview 5: "This was a very challenging experience, even for me as a lawyer. It marked the first time I worked with beneficiaries who were in detention, involving not only the difficult conditions they faced as highly vulnerable individuals but also the constant fear of being returned to a place that was not safe for them. Another significant issue tied to asylum was the lack of individualization in the decisions. They appeared to be copied and pasted, lacking specific reasoning as to why Turkey was deemed safe for a particular applicant. The statements detailing violence, torture, pushbacks, health concerns, and vulnerabilities were seemingly overlooked. Shockingly, there were even cases of forced returns to Syria!"

In reality, this policy had the potential, or perhaps has already resulted, in the violation of the non-refoulement principle. Asylum seekers were being readmitted to a country that was not safe for them. This connection is critical and underscores the importance of addressing these issues urgently.

Another significant development is the introduction of a new NGO registry, which places extreme civil danger on civil society organizations. To work with asylum seekers in Greece, organizations must be registered with various bodies, providing not only the NGO's registration details but also those of its members, including penal codes and records. This legislation has faced scrutiny for severe infringements on freedom of association, burdening civil society organizations with onerous administrative procedures and financial obligations.

Interview 3: "Oh.. The Ministry of Migration remains non-responsive. Even for a registered NGO diligently navigating through paperwork and submitting to the NGO registry, an additional administrative hurdle arises when seeking permission to enter a camp for a specific reason. This entails a separate process where the camp manager must be approached. These challenges were further exacerbated after the procedures were intensified in the close control access centers, particularly post-2020, impacting the Greek islands and the mainland."

Interview 6: "Oh my God, if we are outspoken, if this upsets the government, it will have repercussions. At that point, no one fully comprehended the consequences of being registered. The prevailing feeling was one of vulnerability, especially as we were working with locally based NGOs—civil society actors funded by Greek citizens. We encountered a dismissive attitude from some quarters, with people telling us, "You guys worry about nothing; you can operate without being registered." Nevertheless, we diligently submitted all the required documents while remaining unregistered. The ambiguity around the potential consequences became apparent; there was no clear understanding of what would happen if our registration was not approved. For smaller NGOs like ours, the process was especially challenging. With six coordinators dedicated 90% of their time to dealing with the registration requirements, it became an overwhelming task. The documents requested seemed impossible to fulfill, and the impact on other NGOs was evident as well."

Another impediment to the smooth access and implementation of asylum, as highlighted by some participants, is the New Platform for the registration and application of international protection claims, known as "The Platform." Over the past 3-4 years, with the

advent of digitalization, the platform was established to streamline various applications, allowing users to request file copies, schedule appointments, and submit documents.

Interview 3: “Despite its intention to streamline the process, the platform faces numerous issues that restrict access to asylum – a fundamental right (as per article) that guarantees individuals the right to access an authority for asylum application in a country. As observed, this requirement necessitates internet access, a mobile phone, and technological literacy on the part of asylum seekers.”

Interview 4: “However, a major flaw is evident – many applicants do not receive a protocol number, and responses may never materialize. Moreover, not all asylum seekers possess the means to access the internet or own mobile phones, laptops, or email accounts. This digital barrier is especially pronounced in closed centers where access to such technology is limited or non-existent.”

Interview 5: “This policy, which focuses on the platform, is a direct result of another policy announced two years ago. Following the establishment of Reception and Identification Centers (RICs) on the islands and in Evros, all unregistered asylum seekers entering Greece were mandated to apply for international protection through the platform.”

Interview 6: “Another significant challenge arises when an application is submitted, and an appointment for registration is received. Initially, this appointment could be scheduled up to 5 months after the application, particularly in Malakassa. Due to technical limitations, the platform, in its current form, fails to provide certification that the person has applied to reside in Greece until the official registration is completed legally. During this gap between application and appointment, individuals are left without any rights or access to resources. They are effectively considered seekers from the submission, not the application, leading to the arrest and detention of many during this period. Those detained are then labeled as illegally residing in Greece based on the date of actual registration, prompting numerous appeals against these detentions. Regrettably, this issue persists.”

Moreover, two participants have emphasized another critical issue affecting asylum access—the penalization of asylum seekers and the broader hindrance to the subsequent claim procedure. An amendment pertinent to subsequent asylum applications introduced in 2022 involves a fee of 100 euros per person.

Interview 4: “This means that parents and 3-2 minor children from Afghanistan or Syria, who were initially rejected on grounds of admissibility, asserting Turkey as a safer country, and subsequently applied for a second claim, were required to pay 500 euros for registration and examination. It's important to note that during this process, they are not considered asylum seekers and thus do not receive financial benefits. In this legal limbo that may persist for months, there exists an unbelievable requirement for these individuals to pay 100 euros per person to access asylum—a situation that is deeply troubling.”

Interview 5: “These official changes in legislation, constituting a clear violation, raise significant concerns. Such requirements seem outrageous and, in my experience, clash with EU legislation.”

### 3.3.2 Super-Ordinate Theme II: Vulnerabilities

Concerning the implementation of these frameworks, observations indicate that many individuals are left behind, particularly the most vulnerable. Those with vulnerabilities, such as torture survivors, victims of sexual and gender-based violence, and individuals with undetected illnesses, face challenges. The legislation mandates special reception conditions and procedural guarantees, but these are often neglected in practice.

Interview 1: “In the implementation phase, the fast-track process leaves the most vulnerable individuals behind, as visible vulnerabilities are often not examined thoroughly. Despite legal guarantees and the presence of legal representation, vulnerable asylum seekers, such as an HIV patient from Lesvos, face delays and denials of access to health care and treatment due to the geographical restrictions outlined in the EU-Turkey legislation. These challenges highlight the need for a comprehensive examination of the asylum process to address gaps and ensure the protection of the most vulnerable individuals.”

Interview 2: And “Specifically regarding access to asylum, various factors may contribute, such as your resilience and capacity to navigate the asylum claim process, which can span months. The duration depends on your capabilities and the challenging living conditions. For women, the living conditions are often more perilous, exposing them to greater dangers than men. “

Interview 3: “Additionally, men may face mental health impediments, as there is a stigma associated with admitting the need for Mental Health and Psychosocial Support (MHPSS). This stigma directly impacts their chances of advancing the asylum claim, even after initial rejection. The appeal and reapplication process takes time, and during this period, the draining effects of racism and violence persist. Once individuals finally reach Europe, they may assume they have made it, only to discover a three-year waiting period to proceed.”

Interview 4: “ In terms of vulnerability, individuals exposed to impairments or various risks are less likely to see their asylum claims fulfilled during the asylum process. It is particularly challenging to imagine how disabled people, especially those with physical disabilities, navigate the system. The camp's location on top of a hill makes life impossible for people with disabilities. Accessing services requires navigating through various challenges, finding the right places, and knocking on the right doors. For individuals with impairments, this process can be nearly insurmountable, and their prolonged struggle raises questions about the accessibility of services for disabled individuals in such environments.”

Furthermore, the majority of participants emphasized the absence of sufficient vulnerability assessments within the asylum procedure. This deficiency not only hampers their overall access to asylum but also impedes their ability to receive appropriate medical and mental health support.

Interview 2: “On Lesbos, the vulnerable are not appropriately registered, and basic measures of confidentiality are disregarded during asylum interviews, which are conducted with open doors, allowing unauthorized individuals to observe. The EUAA/EASO has been criticized for conducting fast-track interviews without proper examination, often issuing

negative decisions. Despite these challenges, Greece boasts a high recognition rate compared to other EU countries, assuming individuals gain access to the asylum process. It is noteworthy that Greece adheres to its obligation to provide asylum even when a list of safer countries has been designated.”

Interview 3: “All of them are vulnerable, or they become vulnerable in Greece. Some were already vulnerable in their country of origin. Vulnerability serves as a mirror reflecting the dynamics within the asylum procedure. Initially, vulnerability was a medical characterization, but it has evolved into a legal notion in Greece and EU legislation. In 2016, if one were astute, they could discern that individuals with vulnerable rights might soon find themselves without rights.”

Interview 4: “Currently, in the mainland, vulnerabilities are not discernible in the new Platform. Every individual is treated the same. The camps lack a prompt vulnerability assessment, leading many people to attend their asylum interviews without such an assessment, even on the islands. This absence of assessment can have significant implications. Without it, individuals cannot leave the island to obtain an open card. For victims of torture (VoT), lacking a vulnerability assessment means they won't possess supporting documentation for their claim, relying solely on their word against a case worker who may or may not believe them. Many individuals are unaware of the crucial role vulnerability plays in their asylum process, resulting in lost cases on the mainland camps.

Interview 5” Unless they have legal representation or a team advocating for them, pushing the authorities for adequate assessments, or expediting their registration on the mainland, vulnerable cases are often overlooked. A dedicated team can also facilitate their exit from Reception and Identification Centers (RIC) due to medical deficiencies. Achieving recognition for vulnerability requires concerted efforts. It's essential to recognize that social vulnerabilities extend beyond physical ailments, encompassing issues like Sexual and Gender-Based Violence (SGBV) and trafficking. Victims of such crimes face challenges accessing the asylum service and accommodation facilities, leading to complex consequences for their asylum claims. Numerous examples illustrate the impact of these challenges, from a GBV victim being forced to stay with the perpetrator due to limited

access to asylum services and accommodations to an HIV patient struggling to access medication and individuals in need of medical procedures left without necessary care.”

### 3.3.3 Super-Ordinate Theme III: Deterrence

#### a) Inhuman Living Conditions

Some of the participants vividly articulate the inhumane and degrading conditions stemming from Greece's Close Migration Policy, particularly within the Reception and Identification Centers. Asylum seekers are solely reliant on the provision of food, as Greece is obligated to provide access to healthcare, food, and material services. However, they find themselves stuck in these centers without any additional resources. The integration policy further exacerbates the challenges, leaving thousands of beneficiaries of international protection stranded in camps with no means to secure employment or establish independent lives. This predicament extends even to those who are not entitled to receive food or water, such as rejected asylum seekers. Despite their potential eligibility for an appeal, they face barriers to intervention by a lawyer in initiating the necessary processes.

Interview 1: “The other normative restriction: asylum seeker, unique number access to the public care system, now the different procedure for ppl to access the public health system: rejected asylum seekers also deprived of food, water, NFI (non-food items) cash assistance. They deprived access to health care officially by law.”

Interview 2: “The living conditions were unspeakable. The Cross-Island Policy impacted all five islands, turning them into hotspots. However, the government presented a new narrative, emphasizing full control of everything, including the establishment of new camps and expediting asylum acceptances rapidly. Consequently, the pressure on the population somewhat eased, and there was no prevalent advocacy topic thereafter. Isolation became the primary issue, given the complete confinement in the new camps.”

Interview 3: “Access to legal aid within detentions: they do not have it. This is a significant gap, but I would not focus on it. This gap has always existed. The issue is that with the closed

camp policy, placing them in remote locations and the closure of Estia, which provided accommodation, access to services and everything else has been severely restricted. As a result, legal aid is also impacted.”

Interview 4: “There are no structures to address the vulnerable. Decisions from the ICC state that there are no infrastructures. They condemn Greece for these practices. There is no different treatment for vulnerable categories. Women remain with their abusers inside the camp. I don't know... There is no separate space for these women. There are no structures. The consequences for vulnerable categories... they don't have different treatment; they don't have protection.”

#### b) Pushbacks

All participants expressed that the primary paradigm revolves around deterrence, with migration policies focusing on discouragement, marked by the expansion of fencing and walls at the border and restrictions in the Reception and Identification Centers (RIC). The underlying message is clear: "We don't want you here." Everything is provided within these confines because the objective is to keep individuals inside, excluded from society. This extends even to beneficiaries of international protection. Although a strategy on paper exists, it remains largely unimplemented, especially considering the presence of 200,000 refugees in the country without adequate funding.

What is particularly perilous about informal pushbacks, including interceptions in the Mediterranean and returning boats, is that while it may not be considered a crime, purposely putting people in danger to avoid providing asylum is both illegal and morally questionable. The government seems to implement these informal forced returns with civil society largely pushed out of the picture. There is minimal Search and Rescue (SAR) mission and humanitarian assistance on the ground, with only MSF present on two islands.

The deterrence approach is not isolated; it goes hand in hand with the criminalization of civil society, marking a significant narrowing of civil space. This dual strategy presents a formidable challenge to humanitarian efforts and fundamental rights.

Interview 1: “Violent informal forced returns act as a barrier, preventing people from physically accessing the territory. Even if they manage to access it, they are often abducted or forcefully returned. The implementation of this process is further restrictive, either due to a lack of knowledge, unwillingness, or verbal directives.”

Interview 2: “In Thessaloniki, we particularly focused on mapping the practices of pushbacks, trying to understand the methods employed. At sea, there is a common border practice known as intercept and then abandon, where individuals are intercepted on the coast and then left adrift in the sea. Another noteworthy aspect is what we term “vertical pushbacks,” which suggest a high level of immunity. Individuals were apprehended on the streets of Thessaloniki, transported in an unlabeled white van to a police station. After spending one night there, these individuals, often gathered in groups of around 50 people, were driven to the border of Evros. The pushbacks were executed by non-uniformed, unidentified individuals. While we have documented cases of people being pushed back and intercepted at the border, these other cases, which I hesitate to categorize as pushbacks, involve pure apprehension and deportation. People who had been in Thessaloniki for 3-5 months, not fitting the typical Greek or white profile, and possibly already in the asylum system, ended up in Turkey. One of the translators experienced this fate. These practices, intriguingly labeled as border activities, were occurring in Thessaloniki itself, not necessarily at the physical border, often involving an overnight stay in a police station.”

Interview 3: “I have several clients who have experienced/suffered pushbacks. I have cases where individuals claimed to have been pushed back by Greek authorities more than 10 times. I won't refer specifically to cases because I have not represented them. I will, however, mention my first pushback case in Thessaloniki in 2017 for two reasons: first, it was my initial case involving pushbacks, and second, as a lawyer and legal representative, ensuring the rights of my clients is my primary goal. It was a very traumatic experience for me personally when I received a call saying, “Hello, I am in Turkey.” I was taken aback and asked why they were there, to which they explained the circumstances. The second reason for mentioning this case is to emphasize that pushbacks are not an unofficial practice that

suddenly emerged. This practice has been implemented for many years, dating back to 2011. However, in the last three years, it has become more intensified, organized, systematized, and normalized. The frequency and scale of pushbacks have increased significantly, as evidenced by public statements from the Greek government citing specific numbers of intercepted attempts at illegal entry into Greece.”

Interview 4: “The border control—let's start. The policy is the core approach of the Greek state in handling arrivals and the population. What they mean by border control is pushbacks. You will never officially hear the state admit to conducting pushbacks in Samos, Lesbos, or Evros, but they do it. You will often hear statements like "Greece is the guardian of the EU border; we have the right to protect our waters," and this essentially means pushbacks. Pushbacks are illegal practices, involving the arbitrary deportation of people without allowing them to express their will to apply for asylum. If individuals are in the sea, the coastguard boat intercepts them, and they are pushed back to Turkish waters without being given the chance to express the will to apply for asylum. In Evros, a similar process occurs through the river. What has changed in recent years is that pushbacks have taken a new turn and escalated in the modus operandi: now, people are taken from the land, abducted, and violently pushed back, usually into the sea or river.”

Interview 5: “The pushbacks are against the refoulement principle, you cannot send back people to a state where they are in danger, and in Turkey they are.”

### c) Dangerous Routes

The consensus among most participants is that the strategy of pushbacks, despite being a component of Greece's overarching deterrence policy towards migration, does not effectively deter individuals seeking safety. Instead, it compels them to explore even more perilous routes, putting their lives at risk in pursuit of a secure haven.

Interview 1: “ Other thing, many of the people we talk to they just want to leave gr, because they are treated like animal on one hand, and they cannot see any future for them or the families as well, gives room its another consequence of this kind of policy, secondary movements to other countries, maybe it was the primary goal-ppl don't want to stay in Greece. If you cannot leave legally, dangerous illegal Balkan routes subjected to more violence.”

Interview 2: “These people coming to the if they won't come to EU from Greece through Evros or the islands they will seek more dangerous routes: Libya to Sicily, or the Canary Islands to Spain, have the right to do so. It is written somewhere in a piece of legislation that they are entitled to because they are human. You can cross the border even if it is irregular customs control; you have the right to ask for asylum. All this does not strike anymore.”

Interview 3: “All these, except the pushbacks that are not related to the procedure per se - they are taken back to the country, no access to asylum. Violence at border control, or the other practices, by state people are used as push factors - if people know things are difficult, they won't come. People are pushed into more dangerous situations. This is upsetting in many cases; all those legislations are institutionalized racism. We don't need to think otherwise or use this as a push/deterrence factor - to prevent people from coming to Greece. It is not the case; when you flee, you won't choose. Fear of persecution, war, or hunger. Or more dangerous routes, they will end up in Puylos, as it happened.”

Interview 5: “It is no coincidence that many people start from Turkey and try to avoid Greece to escape these tortures or being trapped on the islands. It works. However, people who need to move will do it. They choose more dangerous migration routes, either from Libya, with all the tortures, or with a route 100 times larger and more dangerous for their lives.

Interview 6: “When we interviewed the survivors from the Pylos Shipwreck, they all said: ‘We do not want to speak to Greek people’.”

#### d) Cruel and Degrading Treatment

Additionally, participants emphasized that asylum seekers face severe mistreatment, violence, and numerous human rights violations at the hands of the Greek government.

Interview 2: "It never really was a concrete fear - being pointed out or the risk of the horrible conditions in Samos camp, racist treatment, violence at the sea border, pushbacks, and abandonment at sea issues."

Interview 3:" People cannot apply for asylum; they will be turned back to Turkey, where most of them are in danger (not tolerated for certain nationalities), facing no protection, often detained, or returned to Syria and Afghanistan. These situations pose dangers to their lives and integrity, along with massive human rights violations at the border. Individuals who attempted to cross 17 times without success have endured beatings, humiliation, and theft of their belongings, preventing them from seeking safety as the Geneva Convention dictates in Greece."

Interview 6: "Hmmm... The term "difficulty" doesn't quite capture it - it's more like an understatement. We're not talking about difficulties; we're talking about a nightmare. There are so many examples but let me share one from the first arrival in 2021, in April. A woman arrived with three children. She, along with many others, hid with her children and a couple of Africans. At some point, the woman was pregnant, needed water, and they never saw the African couple again. When this woman arrived with her children, we spoke, and it was documented. We saw pictures of the disappeared couple, Carmel and Junior. In June, this woman told me she saw them in the square. We met them; they told us that day, they gathered everyone in the courtyard behind a hotel, lined them up, stripped them in front of everyone. They searched them, inserted clubs into all the folds and holes to find hidden things, money, wallets. If you didn't comply, they beat you, even cutting diapers from babies to check for hidden money. They cut the hair of African women to see if they had money inside; they stole everything they had. This was just the beginning. Later, all these people had five to seven such experiences, and they still didn't bring money. From this couple, they took 800 euros. You can't call it a small amount; it was a major robbery.

They were rerouted to Turkey, but they kept trying, of course. That's the part they don't understand. People who risk drowning know the danger, yet they will come. They risk everything, but they will come. A beating won't stop them. They made it, they came. They applied for asylum and filed a lawsuit. Crimes from the prosecutor's office were identified, but the unknown perpetrators were not found. These people are in Belgium now. Well... is this an okay story? Optimistic? Did they make it? I don't know what to say. All such stories are similar - stories where someone escaped with their brother, faced rerouting, beatings, torture, yet they persisted. Where they emerged, they hid cigarettes, passports; after two months, they returned, took us to the spot, and found what they had hidden. We brought a journalist to document all this. Then, we searched all the beaches to determine where they were rerouted from. We found the beach, the port where they were rerouted. They applied for asylum and filed a lawsuit. This is more or less... There's another story of a woman with her husband who tried to come many times. The last time, they didn't make it, and they decided to split up due to the number of children. The woman went with the elder child, the man with the other children. The man didn't make it and is now in Gaza with the children; he returned to Gaza, whatever that means.”

### 3.3. 4 Super-Ordinate Theme IV: Criminalization of Humanitarian Aid

#### a) Penalization of Search and Rescue

Certain participants specifically highlighted the penalization of Search and Rescue (SAR), emphasizing its connection with the broader criminalization embedded in the Greek government's implementation of deterrence and crimmigration policies. This aspect underscores the systematic nature of penalizing activities related to Search and Rescue, illustrating how it aligns with the broader strategy of criminalizing migration and immigration processes in Greece. The discussion among participants shed light on the intricate web of policies contributing to an environment where humanitarian efforts and rescue operations face legal consequences, shaping a landscape where acts of assistance and compassion are treated as offenses within the context of migration. Therefore, another significant and crucial topic is the heightened level of restrictions and the implementation

of restrictive migration policies in Greece, including barriers to pushbacks and limitations imposed on asylum, legal aid, and the criminalization of human rights workers, NGO personnel, and SAR NGOs. This is not an entirely new phenomenon; it is not a practice created from scratch, and it is not a policy unique to Greek authorities. In 2020, I attended a seminar in Athens with several professors from European universities and human rights defenders. Greece, along with Spain, Italy, and France, was identified as having the highest number of criminalization cases against human rights workers.

What stood out was that in almost 90% of the cases, the intimidation tactics aimed at creating fear among human rights workers were not proven. The police-created files lacked evidence to establish the criminal offenses, and the workers were seldom convicted. The primary goal appeared to be to instill fear and deter human rights workers from reporting and highlighting violations.

One of the most systematic instances of criminalization in recent years was the case involving the SAR operations of ERCI, resulting in changes to the law and the abolition of SAR operations in Greece. Therefore, there have been no SAR operations after the ERCI case.

Interview 2: “It was a season during which many NGOs faced targeted actions and a repressive attitude from state authorities. NGOs and humanitarian workers were accused and convicted of various charges, with instances ranging from allegations of smuggling to supporting people on the move. There were actual cases of criminalization, such as individuals in Samos facing endangerment charges for aiding a child or being accused of smuggling. The trial involving 30 humanitarians, including Sean Binder from ERCI, marked a turning point. When I entered the context at the end of the SAR NGO season, there was a noticeable shift. Humanitarian workers were more cautious about SAR activities due to the heightened risk of being charged with human smuggling. However, there have been some changes. For instance, MSF now engages in Emergency Medical Assistance near the coast, sharing information about incoming boats, a practice not legitimized in the past. There was a clear directive to avoid coastal areas, even for leisure activities, to prevent potential legal consequences. Although the criminalization of NGOs continues, there is now a greater

sense of comfort among them. The mention of a boat with an Irish name, associated with SAR activities, possibly linked to Lighthouse Relief, reflects the conditions prevailing when I first arrived in the islands. The COVID-19 pandemic played a role in further restricting freedom of movement, reinforcing these challenges even after the SAR season.”

Interview 3: “Moving on, the second level of criminalization targets not only SAR but also lawyers who adhere to the code of conduct in ensuring the rights of their clients. This began with the criminalization of lawyers, such as in the case of Dimitras, who was accused of being a smuggler. Ongoing investigations by the police have led to the publication of more cases where members of NGOs or lawyers are implicated and accused of smuggling.”

Interview 4: “We don’t have to speak out; even before speaking out, there are dangers to human rights defenders when taking cases of people at the borders. Many individuals, especially lawyers helping people upon arrival, frequently face the threat of being accused of smuggling—essentially aiding them in coming to Greece. Not only lawyers, but also SAR operations in Lesvos, exemplified by the famous ERCI case, including the renowned swimmer featured in the Netflix documentary, are charged with felonies in Greece for facilitating illegal entry into the country. This threat is significant, consuming a substantial amount of time and involving serious accusations.”

Interview 5: “There has been no rescue since 2020 due to a law imposed by the government, whereby any rescue vessel is burdened with a fine of 30,000 euros and imprisonment for 3 years. On Lesvos, their operation was halted, and there is intimidation prevailing. We are in an environment that, during the COVID-19 era, exacerbated the police state, making it more imposing. However, in any case... What a person who fights for the rights of those whose rights are violated is at risk of is systematic defamation as a smuggler. This is particularly evident in the case of Jason, who is portrayed as a national traitor, although he has no involvement. He speaks only for himself.”

- a) Criminalization of Human Rights Defenders and shrinking of the humanitarian space

Another prominent subtheme, unanimously conveyed by all participants, revolves around the criminalization of human rights defenders. This pervasive issue underscores the systemic challenges individuals and organizations face dedicated to safeguarding human rights. Human rights defenders find themselves increasingly subject to legal actions and accusations, creating an atmosphere where their essential work is met with various forms of criminalization. This trend hampers the efforts of those working to protect human rights and raises concerns about the broader implications for civic space, freedom of expression, and the overall protection of vulnerable populations. The narratives shared by participants shed light on the multifaceted nature of these challenges and underscore the need for concerted efforts to address and rectify the criminalization of human rights defenders.

Interview 1: “If someone is apprehended for offering a glass of water or food, they may be taken to the police station and charged with espionage. In Lesbos, there is an ongoing court case related to providing humanitarian assistance upon arrival, encompassing serious charges such as espionage and conspiring with a criminal organization. This situation illustrates that despite having some legal means to address humanitarian assistance, individuals providing aid upon arrival may find themselves entangled in prolonged judicial processes and facing criminal charges. The court case initiated in 2017 is still unresolved, creating a climate of fear that discourages people from engaging in such assistance.”

Interview 2: “...this legal environment restricts civil society from playing a crucial role in filling gaps left unaddressed by the state, particularly during crises. While it is common for civil society to step in and provide assistance in times of crisis, the fear of criminalization has hindered their involvement in the migration field. Civil society organizations serve as witnesses and shed light on various violations, but the prevailing fear of criminalization has pushed them away from beaches, islands, and Evros, where Greek authorities execute policies such as pushbacks.”

Interview 3: “Notably, the normalization and systematization of the pushback policy since 2019 have further complicated the situation. The use of coast guards and life rafts to target individuals in Turkish territorial waters, a practice not observed before, has become a state-endorsed policy... Without their presence on beaches and in the Greek islands and Evros,

Greek authorities conduct operations in relative obscurity, detaining people and putting them on coast guards without accountability or documentation of the violations.”

Interview 4: “If someone arrives on the coast of Samos and the MSF team for example, or a lawyer goes there, he risks of being accused of smuggling. There has been, there are many cases, you can find them in the Press, people acting in solidarity and accused by doing something illegal.”

Interview 5: “...And the mere fact that you speak is enough for them to attack your character, your phone. Then, they start creating files against you, trying to criminalize you. I have two; Dimitras faces a more serious one, which is also simply informing from his home in Athens; he is accused. But when you have legal issues, you face constant intimidation from your surroundings. From my personal experience, there comes a time when, once you have been targeted, you realize that you are a target. Depending on who takes the case, it is also hypothetical. If your "friend" warns you, saying "Be careful, something will happen to you," then he is possibly your best ally. When he is more distant, he is no longer your friend, and he may treat you as an enemy on the street... Policemen have told me, "Your time will come soon." This will also affect your family. They went to my parents and said, "Gather him; he will face problems." Even people considered "friends" may say, "Isn't your son afraid to do this?" Then, there will be discrimination in your professional environment, in the courts, with systematic defamation... If the judge is left or democratic, you will be considered a hero in their eyes; they will sympathize with you more. But usually, the judge is right-wing and more conservative. You learn the news like everyone else. Your contact with migrants is limited to those they bring there, accused, although they constitute only a very small percentage. At this point, you are professionally downgraded and considered not only a lawyer but also an active member of an NGO, possibly accused.”

Interview 6: “ For me personally, when two legal symbols were issued to lift my confidentiality, and one was denied. In three councils, a file came from some authorities, and they opened my phone. Whether they say yes or no, I stopped now. I am not a lawyer; I am a potential accused, as if "I am doing something." It is personal and professional humiliation. I know people who were afraid and left. A lawyer, after her arrest, got up and

left the island. She was French, went back there. She was the one who went with us to the shores in the early days. We started the two of us. The main one, the one who raised us, left. I know a lawyer; I won't name her. Involved in one of the most well-known cases. With "Little Maria." She resigned from her job due to her organization's stance. She left Greece, suffered burnout. Her life was destroyed. But... That. Her life was destroyed. Psychologically, whenever she sees me, she says, "Are we still free, huh?" Lately, I've also been checked by the tax authorities, on orders from Mitarakis, with a document saying that I deal with migrants, investigate him. They found nothing, of course. For six months, I deal only with this; I have hired two accountants. You know what it means when they bring you all your transactions from 2017 and say, "Justify what each one is." It exhausts you... So essentially, in every way, they will try to prevent you from doing what you do."

Consensus among all participants reveals a troubling trajectory marked by the NGO Registry as analyzed in the first Theme, the Penalization of Search and Rescue (SAR) and the subsequent Criminalization of Human Rights Defenders, leading to a noticeable withdrawal of NGOs from the humanitarian space. This shift, in turn, contributes to the contraction of civil society's role. The cumulative effect is a pervasive erosion of trust among asylum seekers in relation to Greece, its legal framework, and the implementation of asylum procedures.

This unsettling development manifests as a critical gap in the provision of humanitarian aid, essential services, and legal assistance. The shrinking civil space not only hampers the support networks available to asylum seekers but also raises significant concerns about the overall protection of human rights in the context of migration. The departure of NGOs from the humanitarian space underscores the urgency of addressing the escalating challenges in order to ensure a more just, humane, and rights-respecting asylum process.

Interview 1: "However, we are aware that intentionally exposing people to danger as a means of avoiding the responsibility to grant asylum, particularly through informal forced returns, is illegal. The government has adopted this approach, further sidelining civil society from the equation. Search and rescue missions and humanitarian assistance on the ground have been notably absent, with the exception of MSF in two islands. While deterrence is

one aspect of this strategy, the concurrent criminalization of civil society is another alarming dimension, resulting in a significant constriction of civil space.”

Interview 2: “Greece has effectively marginalized civil society actors involved in migration issues by drastically reducing funding for NGOs that play a crucial role in providing legal aid. As a result, access to legal assistance has become extremely limited, creating gaps, especially in translation services. The language barrier poses an additional challenge for asylum seekers, hindering their understanding of the asylum process. Moreover, there is a conspicuous lack of support for the admissibility process, leaving individuals responsible for providing all necessary evidence with the burden of proof squarely on their shoulders. This lack of assistance becomes even more critical for unaccompanied minors, as the asylum process, already restrictive, compromises the protection of children who rely solely on this process for securing refuge in Greece.”

Interview 3: “The fear of shadows, the risk of operations ceasing, and the widespread lack of awareness among the average EU citizen pose significant challenges. We cannot speak out about it”.

Interview 4: “The humanitarian space in Greece is continuously contracting, with fewer individuals willing to navigate the challenges involved in aiding others. There is a decline in the number of people who are ready to work on the field, facing threats, tragedies, and burnout to assist those in need. Various actors, especially in legal aid programs, are departing. In my opinion, this trend is not solely because I am a lawyer, but due to the increased legal complexities in Greece, necessitating the involvement of lawyers. Consequently, fewer lawyers are choosing to work in this field. Additionally, there is a growing sense of caution in providing humanitarian aid. When programs are closed or scaled back cautiously, the primary victims are the beneficiaries of these services, resulting in the loss of search and rescue (SAR), legal aid, and other forms of assistance. The true impact of these changes is felt most acutely by those in need.”

Interview 5: “There are two different options, or it will affect them entirely because you will leave, you will stop. You cannot continue. It's such an environment. It's impossible to

continue. So, either you will leave, so it will be completely interrupted, or you will continue like me, but with your attention shattered. When you have... You had until now to find the person, to save them, to help them. Now, I have to find the person while saving myself. When you face the dilemma of saving yourself or the other, you usually choose yourself.”

Interview 6: “: It has no impact on those who want to apply for asylum, but it has impacts on those who are already here and those who have already applied. There are fewer legal organizations. For example, if they don't have access to the camp because they are not in the registry. Most organizations that left are not as legal. Legal aid is more difficult. It created a problem for health NGOs. All were dealing with the registry and couldn't make it. Providing education. All organizations were forced to cut part of their work because of this. Even if it has not been fully implemented, it affects an organization that is not related to asylum. It creates a suffocating environment for these people, not only for asylum but also for the "I am a human, I live, I exist" part.”

## 4. Discussion of research findings

### 4.1.1 Discussion: Super-Ordinate Theme I - Normative Asylum Frameworks

The participants unanimously conveyed that Greece has witnessed a series of additional restrictions within the normative framework of asylum implementation since 2016. A notable restriction pertains to the creation of a list of safer countries, impacting asylum seekers arriving in Greece. The EU-Turkey deal introduced the concept of a safer country, determining admissibility based on the country of origin rather than the merits of the asylum application. This procedural shift often results in a lack of legal basis, violating existing legislation and posing a significant challenge for asylum seekers. This in conjunction with the Literature Review part triangulation showcases the establishment of a catalog of safer countries in December 2021 and the reports as analyzed above provided by HIAS and MSF and subsequent amendments raised concerns about discrimination in eligibility procedures between Evros and the islands. The complex approach has implications for certain nationalities, indicating a nuanced and potentially discriminatory policy.

Findings from both interviews and literature review excerpt shed light on the challenges faced by applicants, including the burden of proving Turkey's unsafety and issues like misregistration of nationality, leading to differential access to asylum in alignment with ECRE's report in 2023. Additionally, cases involving survivors from countries categorized as safe countries of origin underscore the inadequacies of the framework. Additionally, The introduction of a new NGO registry poses a threat to civil society organizations. The registry demands detailed information about NGOs and their members, including penal codes and records. This legislation has been criticized for infringing on freedom of association, imposing administrative burdens, and financial obligations on civil society organizations.

The New Platform for the registration and application of international protection claims faces criticism for digital barriers, limiting access to asylum. Participants pointed out issues like the necessity for internet access, technological literacy, and the gap between application and appointment, leaving individuals without rights or resources during this period.

Another critical issue highlighted by participants is the penalization of asylum seekers through the introduction of a fee for subsequent asylum applications. This 2022 amendment requiring a fee of 100 euros per person for subsequent applications has been criticized as a clear violation and a troubling requirement, particularly for vulnerable individuals.

In conclusion, the super-ordinate theme of normative asylum frameworks in Greece reflects a multifaceted landscape of challenges and concerns that collectively contribute to a shrinking humanitarian space and a broader erosion of the civil society's role in aiding asylum seekers. The need for urgent attention and resolution is underscored by the potential violations of essential principles such as non-refoulement and the right to seek asylum.

#### [4. 1.2 Discussion: Super-Ordinate Theme II - Vulnerabilities](#)

As evidenced by both the comprehensive Literature Review and the in-depth Interviews detailed in the above chapters, the implementation of asylum frameworks in Greece unveils a stark reality where the most vulnerable individuals are consistently overlooked. Despite existing legislative provisions for special reception conditions and procedural guarantees, the practical application of these safeguards remains inadequate.

The findings derived from both interviews and the relevant literature shed light on numerous challenges confronted by vulnerable asylum seekers. The fast-track process, initially designed for efficiency, tends to disregard visible vulnerabilities, leading to delays and refusals in accessing essential healthcare and treatment. The geographical restrictions imposed by the EU-Turkey legislation compound these challenges, particularly impacting individuals with pre-existing health conditions.

Interviewees emphasized the influence of factors such as resilience and navigational capabilities in the asylum process. Women, in particular, face escalated risks due to precarious living conditions. Mental health stigma adversely affects men, impacting their asylum claims even after initial rejection. The lengthy appeal and reapplication process leaves individuals in a state of uncertainty. For those with physical disabilities, navigating the challenging camp environment becomes a formidable task, raising concerns about the overall accessibility of services for disabled individuals.

A recurring concern highlighted by a majority of participants is the absence of sufficient vulnerability assessments within the asylum procedure. This deficiency not only obstructs overall access to asylum but also hampers the provision of necessary medical and mental health support. On Lesbos, for instance, vulnerable individuals are not adequately registered, and confidentiality measures during asylum interviews are overlooked. Despite these challenges, Greece maintains a relatively high recognition rate compared to other EU countries. However, the mainland's new Platform lacks a discernible focus on vulnerabilities, treating every individual uniformly. This absence of prompt vulnerability assessments in both island and mainland camps has significant implications. Without proper assessments, individuals, especially victims of torture, lack supporting documentation for

their claims, often going unnoticed unless they have legal representation or a dedicated advocacy team.

The discussion extends beyond physical ailments to encompass issues such as Sexual and Gender-Based Violence (SGBV) and trafficking. Victims of these crimes encounter difficulties accessing asylum services and accommodations, significantly impacting their asylum claims. Instances include GBV victims being forced to stay with perpetrators due to limited-service access and an HIV patient struggling to access medication.

In summary, the vulnerabilities' theme exposes a disconcerting reality where vulnerable individuals face systemic barriers, insufficient assessments, and complex consequences within the asylum process. This discussion emphasizes the need for urgent attention to bridge these gaps and ensure the effective protection of the most vulnerable in the asylum-seeking process.

#### 4.1.3 Discussion: Super-Ordinate Theme III - Deterrence

The narratives as underscored by both the Literature Review and the Interviews, the pervasive inhumanity within Greece's Close Migration Policy, particularly evident in the Reception and Identification Centers (RICs). Despite Greece's obligation to provide access to healthcare, food, and material services, asylum seekers find themselves trapped in these centers, bereft of additional resources. The integration policy further compounds challenges, leaving beneficiaries of international protection stranded in camps, devoid of employment opportunities or the means to establish independent lives. This predicament extends to rejected asylum seekers, who, despite potential eligibility for an appeal, face obstacles in accessing legal representation to initiate necessary processes.

Findings brought attention to legal restrictions that impact rejected asylum seekers, including denial of access to food, water, and Non-Food Items (NFI). These severe conditions contravene both legal and ethical standards, indicating a systemic failure to uphold basic human rights.

All participants uniformly identify deterrence as the core paradigm guiding Greece's migration policies, manifesting in increased border fortifications, restrictive RIC policies, and a clear message: "We don't want you here." Informal pushbacks, involving interceptions in the Mediterranean and returning boats, are highlighted as illegal and morally questionable practices intended to prevent asylum seekers from physically accessing Greek territory. The absence of Search and Rescue (SAR) missions and limited humanitarian assistance exacerbate the risks faced by individuals during these forced returns. This deterrence approach is intertwined with the criminalization of civil society, resulting in a significant narrowing of civil space. The combination of these strategies poses a formidable challenge to humanitarian efforts and fundamental rights, constituting a breach of international and European legal obligations.

Contrary to the intended deterrence, the research asserts that pushbacks do not dissuade individuals seeking safety but rather compel them to explore even more perilous routes. The restrictive policies and practices in Greece prompt asylum seekers to embark on dangerous, illegal routes, putting their lives at further risk. This unintended consequence underscores the inadequacy and counterproductive nature of deterrence-oriented policies.

As a result, it occurs that fleeing persecution, war, or hunger will inevitably seek alternative, often more hazardous routes, as exemplified by movements from Turkey to other countries to escape challenging conditions in Greece.

As highlighted by both literature review as well as the Participants the severe mistreatment, violence, and human rights violations faced by asylum seekers at the hands of the Greek government are normalized. Instances of racism, violence at the sea border, pushbacks, and abandonment at sea underscore the harsh reality confronted by individuals seeking refuge. The narratives provide tangible examples of systemic abuse, emphasizing the urgent need for scrutiny and intervention to safeguard the rights and well-being of asylum seekers.

The discussion unveils a disturbing pattern where deterrence-oriented policies not only fail to achieve their intended goals but also contribute to a cycle of increased risks, human rights abuses, and profound suffering among vulnerable populations. This exploration calls

for a critical reevaluation of Greece's migration policies and practices to align them with international and European legal standards, ensuring the protection and dignity of individuals seeking asylum.

#### 4.1.4 Discussion: Super-Ordinate Theme IV - Criminalization of Humanitarian Aid

Through analysis, it was determined that the intentional penalization of search and rescue (SAR) operations reveals a deliberate effort by the Greek government to criminalize humanitarian aid activities in the context of migration. The interconnected nature of this penalization within the broader framework of deterrence and crimmigration policies becomes apparent. The criminalization of SAR efforts contributes to the broader strategy of dissuading migration and discouraging assistance to those in need. This multifaceted approach encompasses legal barriers to pushbacks, restrictions on asylum processes, limitations on legal aid, and the criminalization of human rights workers, NGOs, and SAR organizations.

The academic literature corroborates these findings, highlighting the systematic nature of the penalization of SAR operations. The ERCI case emerges as a critical instance where SAR operations faced legal consequences, resulting in changes to the law and the cessation of SAR activities in Greece. This exemplifies a legislative response to humanitarian efforts and further emphasizes the government's commitment to curbing assistance to migrants and refugees.

The interviews consistently convey a troubling subtheme as triangulated by the respective literature elaboration on Cimmigration and the criminalization itself of humanitarian aid - the pervasive criminalization of human rights defenders. Human rights workers, lawyers, and NGOs operating in the migration field increasingly face legal actions, accusations, and intimidation tactics. This pattern contributes to a shrinking humanitarian space, raising concerns about civic freedoms, freedom of expression, and the protection of vulnerable populations.

The literature review supports this narrative, revealing a broader trend across Europe where human rights defenders face criminalization. The fear of legal consequences inhibits civil society organizations from playing a crucial role in filling gaps left unaddressed by the state during crises, thereby limiting their involvement in the migration field. The criminalization extends beyond SAR operations to encompass lawyers adhering to codes of conduct in ensuring the rights of their clients. The cases of Dimitras, Sean Binder, Oslen as we've seen in the Criminalization of Humanitarian Aid Section in Chapter 1, accused of being smugglers, exemplifies the second level of criminalization, targeting legal professionals involved in safeguarding the rights of migrants and refugees.

The narratives shared by interviewees paint a comprehensive picture of the multifaceted challenges faced by human rights defenders. Accusations of smuggling, espionage, and conspiring with criminal organizations create a climate of fear and deter individuals from engaging in humanitarian assistance, legal representation, and advocacy.

The cumulative effect of the penalization of SAR, criminalization of human rights defenders, and the shrinking humanitarian space is evident in the declining engagement of NGOs, lawyers, and humanitarian workers as a result of the close migration policies and tactics implemented in the field. The NGO Registry, discussed in the first theme, contributes to this trend, further limiting the provision of essential services, legal assistance, and humanitarian aid. The withdrawal of NGOs from the humanitarian space results in critical gaps in support networks for asylum seekers, compromising their access to necessary services.

The fear of legal consequences inhibits civil society's ability to serve as witnesses and shed light on human rights violations, particularly in locations such as beaches, islands, and Evros, where Greek authorities execute policies like pushbacks. The withdrawal of NGOs and the increasing caution among human rights workers diminish the protection available to vulnerable populations, creating a concerning environment for the safeguarding of human rights. The impact is felt not only in the realm of humanitarian aid and legal assistance but also in the broader civic space, affecting freedom of expression and the ability of civil society to hold authorities accountable. The narratives highlight the personal and professional toll

on human rights defenders, with threats, intimidation, and systemic defamation becoming prevalent.

## 5. Conclusions of the Findings and Recommendations

This study presented a comprehensive examination of the deportation of migrants from Greek territory to Turkey, the criminalization of humanitarian assistance, and their collective impact on migration management. The findings reveal a disconcerting pattern marked by human rights violations, systemic pushbacks, and a shrinking humanitarian space within Greece. By delving into the effectiveness of migration management strategies, this study aims to offer a nuanced understanding of the intricate issues surrounding asylum applications, human rights infringements, and Greece's obligations on the international stage. Employing a multidisciplinary approach that incorporates legal, humanitarian, and geopolitical perspectives, my paramount intention is to untangle the complexities inherent in the discourse on migration, shedding light on the practical implications of policies on migrants and refugees.

The responses to the research questions on what extent the operational asylum framework in Greece facilitates the submission of asylum seekers' international protection applications and whether the measures of border safeguarding, pushbacks, and interception, along with the criminalization of human rights defenders, contribute to the reinforcement or diminishment of effective migration management, aspire to contribute substantively to informed discussions, providing insights into the intricate landscape of migration management and the humanitarian challenges confronting Greece and the broader international community.

As occurred by the analysis of both primary and secondary data and findings and through the elaboration of the super-ordinate themes, the measures of border safeguarding, pushbacks, interception, and the criminalization of human rights defenders collectively contribute to the reinforcement of a flawed migration management system. By delving into the normative asylum frameworks and triangulating existing literature with primary

data collection, the primary themes that emerge shed light on the mismanagement of vulnerable asylum seekers. A policy of deterrence becomes apparent, executed through the troubling trend of criminalizing acts of solidarity and humanitarian aid.

Human testimonies from professionals actively engaged in the field, coupled with the insights gleaned from Chapter 1's bibliography, further elucidate the normalization of human tragedies at Europe's borders. These tragedies, as also noted by the participants and were occurred through the super-ordinate theme analysis, are characterized by a significant loss of life and systemic failures in search and rescue operations, thereby underscoring the severe consequences inherent in the implementation of these policies. The EU's failure to fulfill search and rescue obligations, combined with a restrictive approach to civil society Search and Rescue (SAR) operations, perpetuates human rights abuses and senseless deaths. Recent reforms, grounded in deterrence and systematic detention at EU borders, are likely to incentivize more pushbacks, thereby undermining the goal of effective migration management. The reliance on opaque agreements with third countries signals a problematic approach that risks additional fatalities at sea and a perpetuation of human rights violations. Greece stands at the forefront of Europe's migration challenges, as a crucial shield against the influx of migrants and refugees. The country's migration policies and border safeguarding measures play a pivotal role in shaping the broader European response to migration flows. As analyzed in the discussion of the super-ordinate themes, the centrality of deterrence as the overarching paradigm shaping Greece's migration policies is perceptible in the augmentation of border fortifications, the implementation of restrictive Reception and Identification Center policies, and the unequivocal conveyance of a message resonating with unwelcome sentiments. At the same time, it was highlighted that comprehensive grasp of the mechanisms involved in media framing is paramount for a nuanced understanding of the multifaceted nature of public discourse surrounding immigration. Such comprehension is pivotal in formulating informed approaches for effective communication and policymaking within this domain.

In an effort to secure its borders, Greece has implemented stringent policies, often resorting to controversial methods such as pushbacks and interception. While these measures aim to deter irregular migration and safeguard Europe, they have also garnered

criticism for potential human rights violations. The complexity of the situation is further exacerbated by the emergence of dangerous alternative routes taken by migrants, compelled by the restrictive measures at established entry points. The intricate interplay between Greece's migration policies, the safeguarding of European borders, and the emergence of perilous alternatives underscores the need for a comprehensive and humane approach to address the complexities of migration management in the region.

Furthermore, the criminalization of humanitarian activities directly exacerbates the vulnerability of migrants and refugees in Greece. From limitations on search and rescue operations to reduced healthcare access and psychosocial strain, these measures compound the challenges faced by displaced populations. The resulting humanitarian gaps increase the risks and hardships for individuals, particularly women, children, and those with specific needs. The impact extends to various aspects of daily life, including employment and shelter, further marginalizing an already vulnerable population.

Moreover, the criminalization of humanitarian work raises concerns about Greece's compliance with international human rights agreements. The potential violations of non-discrimination, the right to seek asylum, and the prohibition of collective expulsions call into question the country's commitment to fundamental rights. Beyond legal considerations, the consequences for Greece's international standing are significant.

Finally, persistent human rights violations and non-compliance with international obligations may lead to diplomatic tensions, strained relationships within the EU, and potential repercussions in international forums. The examination of impacts emphasizes the need for a comprehensive evaluation of the consequences of criminalization on individuals and the nation's international standing.

The scholarly examination of the criminalization of humanitarian aid within the migration context, enriched by a thorough literature review and insightful interviews, exposes a disconcerting trend of intentional actions on the part of the Greek government. The imposition of penalties on Search and Rescue operations and the criminalization of human rights defenders collectively contribute to the constricting humanitarian space, thereby

constraining the capacity of civil society to furnish indispensable services, legal aid, and advocacy.

The findings of this study not only underscore the immediate consequences of the criminalization of humanitarian activities but also delve into the broader implications for Greece's standing on the international stage. By examining Greece's compliance with various international human rights agreements, we reveal a complex web of legal and diplomatic considerations that demand urgent attention.

Greece's status as a signatory to numerous international human rights agreements places it under a legal and ethical obligation to safeguard the rights of individuals, including migrants and refugees. The criminalization of humanitarian activities, as evidenced in this study, raises serious concerns about potential violations of principles such as non-discrimination, the right to seek asylum, and the prohibition of collective expulsions. The legal actions taken against humanitarian actors compromise essential services and cast doubt on Greece's commitment to the well-being and dignity of individuals within its borders.

The consequences of the criminalization of humanitarian activities extend far beyond legal considerations. The study highlights the risks of persistent human rights violations and the perception of non-compliance with international obligations, potentially leading to diplomatic and reputational repercussions. As a member of the European Union, Greece's adherence to shared values, including respect for human rights, holds paramount importance. Non-compliance with these values not only strains relationships within the EU but also jeopardizes Greece's position in regional collaborations and negotiations. The potential diplomatic tensions underscore the need for a reevaluation of policies to safeguard both human rights and Greece's international standing.

The adverse effects of the criminalization of humanitarian activities on migrants and refugees are profound. Beyond the immediate challenges faced during displacement, such as limited access to aid, protection services, shelter, and healthcare, the study identifies a heightened vulnerability that exacerbates existing difficulties. The criminalization

measures, including limitations on psychosocial support services, hinder the holistic well-being of displaced individuals. These restrictions force migrants and refugees into precarious situations, increasing the risks of exploitation, human trafficking, and abuse.

Moreover, the study sheds light on the violation of fundamental rights, particularly the right to seek asylum. By exploring the systemic barriers that hinder migrants and refugees from exercising this right, the research contributes to a nuanced understanding of how legal and administrative measures can impact vulnerable populations. The criminalization of solidarity practices also raises concerns about the normalization of discriminatory attitudes, challenging the principles of equality and non-discrimination. Through the occurred super-ordinate themes, it became evident that Greece's implementation of the asylum framework reveals multifaceted misconduct across several dimensions. In terms of the normative asylum framework, issues arise from the EU-Turkey Deal's admissibility procedure, the designation of "safe countries," and the controversial Law 36/2019 and its amendment, exemplified through the Platform and penalization of asylum seekers. Subsequent claims and appeals further complicate the landscape. Vulnerabilities persist as evidenced by neglecting the vulnerable, inadequate assessments, and constraints in healthcare. Deterrence strategies manifest in inhuman living conditions, pushbacks, dangerous routes, and cruel treatment. Furthermore, a troubling trend emerges with the criminalization of humanitarian aid and the shrinking of civil space, exemplified by the penalization of search and rescue operations, the criminalization of human rights defenders, and NGOs departing from the humanitarian sphere. This collective malfeasance not only challenges the integrity of the asylum system but also raises significant concerns about Greece's adherence to international and European legal obligations.

The recommendations put forth in the study are rooted in the urgent need for a humanitarian-centered approach to migration management. Drawing inspiration from Françoise Bouchet's emphasis on defending spaces of humanity, the call for a paradigm shift becomes more explicit. Specifically, a credible investigation into recent incidents involving the Greek Coast Guard is crucial. Simultaneously, Greece and other European countries should abandon containment and deterrence strategies, opting for more humane

approaches. This includes opening safe and legal routes through increased resettlement programs, family reunification, humanitarian visas, and other schemes.

As explained in the first Chapter and as elaborated also in the Qualitative research section, while the ongoing reform of the European asylum and migration system is acknowledged, the study emphasizes the necessity of a human rights-centric approach. Deterrence and border control measures, which risk restricting fair chances for protection, should be reconsidered. The system should prioritize the well-being of asylum seekers, particularly children, and avoid perpetuating an environment where they are viewed as threats. Additionally, a critical recommendation is the establishment of proactive, state-led search-and-rescue operations in the Mediterranean Sea. This approach is pivotal to prevent further tragedies, demonstrating a commitment to saving lives and upholding humanitarian principles. Beyond the immediate policy changes, the study calls for a thorough investigation into the actions of the Greek coast guard. Accountability for any wrongdoing must be established to ensure justice for the victims and to restore confidence in the adherence to obligations at sea. Acknowledging seeking asylum as a fundamental human right, the study urges a shift away from viewing migrants as threats. Instead, they should be treated with dignity and offered support to build new lives. The success in offering safe routes to Ukrainian families stands as a testament to the collaborative protection of distressed and vulnerable children fleeing humanitarian crises.

Lastly, the study calls upon the European Union to actively prevent complicity in the loss of lives at sea and rights violations at Europe's borders. The recalibration of migration management strategies should prioritize human rights and ethical responses, ensuring Europe serves as a beacon of compassion and justice in addressing the humanitarian challenges posed by migration.

In conclusion, the detailed examination and recommendations provided in this study seek not only to uncover the complexities and consequences of the criminalization of humanitarian activities but also to pave the way for a more compassionate, rights-based approach to migration management in Greece and beyond.

Furthermore, there is an undeniable erosion of the effectiveness of "legal discourse" encompassing international laws and human rights frameworks, such as International Human Rights Law (IHRL), International Humanitarian Law (IHL), and refugee law. Governments entrusted with enforcing these vital legal structures increasingly grant each other absolute immunity, thereby perpetuating egregious atrocities. A paradigm shift is imperative unless we desire a further proliferation of this shield of immunity and the accompanying brutality.

Consideration should be given to a narrative grounded in "power dynamics." The inadequacy of relying solely on legal discourse becomes evident as governments extend unparalleled privileges to one another. Shifting the conversation to a "power talk" may be the catalyst for the broader population to demand accountability. This alternative narrative would refocus attention on power imbalances, the unchecked privileges of the majority, and the unsettling concept of "legitimate violence" as a manifestation of state terrorism.

Continued and in-depth research is imperative, particularly in the meticulous collection, rigorous analysis, and nuanced presentation of primary data. While there have been individuals actively engaged in the field during the formulation and execution of pushback politics as well as criminalization of humanitarian aid through severe violations of human rights, much remains undisclosed. A more profound exploration through further research could unravel crucial insights into the intricacies of pushback operations and the multifaceted mechanisms—whether overt or covert—underpinning the European Union's responses as well as the impact on vulnerabilities towards individuals.

Crucially, researchers should strive to maintain an unbiased stance, free from frames that might inadvertently justify such tactics. The objective is to contribute to a swift and unambiguous cessation of what can be characterized as a historic crime. By shedding light on the less-explored dimensions of close migration politics, coupled with an examination of public sentiments, this research can significantly contribute to the discourse surrounding crimmigration, the criminalization of humanitarian aid, and their collective impact on vulnerable asylum seekers. The proposed narrative aims to reintroduce an awareness of the profound implications of unchecked power, especially when coupled with even the

slightest degree of immunity. By re-problematizing the consequences that unchecked power can inflict on underprivileged communities initially and, inevitably, on society as a whole, this approach seeks to resonate with the collective consciousness of the general population. Through this collective awareness, the call for accountability can gain momentum, challenging powerful individuals and the systemic structures that sustain them. In essence, a “power talk” narrative provides a pathway for holding those in authority accountable and fostering a more just and equitable society.

Efstratia- Ioanna (Tatiana) Svorou,  
Athens, February 2024

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## Annex: Interview Guide

### **Participation in Confidential Research on Asylum Practices in Greece**

The urgency for the continuation of evidence-based research on human rights violations in Greece, specifically regarding pushbacks and the criminalization of humanitarian aid, lies in the profound impact these actions have on the rights and well-being of migrants and asylum seekers. The evolving political discourse on migration, marked by the ascent of extreme right-wing ideologies, has led to a paradigm shift in policies within Greece and across the broader European landscape. What initially began as a noble attempt by the EU to strike a balance between security concerns and respect for human rights has devolved into a situation where the very essence of these rights is at risk. The normalization of pushback practices, which involve forcibly returning vulnerable individuals, including vulnerable groups such as pregnant women and children, is particularly alarming. This marks a departure from decades of migration policy and introduces a disturbing precedent within the borders of the EU itself. In fulfilling their duty, researchers must not allow this new border reality to go unnoticed or unexamined. At stake are not only the fundamental rights of those seeking refuge but also the broader principles of human rights that the EU has long purported to champion. The violation of the right to seek safe haven, coupled with reports of unprecedented violence, necessitates a rigorous and sustained examination. Failing to address and rectify these issues not only perpetuates a troubling trend but also risks eroding the very foundation of the EU's commitment to human rights and asylum access for those in need. This research aims to persist in the investigations and advocacy, shedding light on these violations to foster accountability and ensure that human rights remain at the forefront of the migration discourse.

#### **Purpose of the Research:**

This research aims to gather insights into the experiences of individuals regarding border control practices by authorities and the asylum framework in Greece.

#### **How:**

In this research, you are invited to respond to open-ended questions.

**Your Involvement:**

Should you choose to participate, your responses will focus on your personal experiences related to border control practices by authorities, the asylum framework in Greece, and the overall management of migration and refugee flows.

**Time:**

The interview is expected to take approximately 1 hour.

**Confidentiality:**

Your responses will be recorded and stored anonymously. The data will be accessible only to the principal investigator and the supervisor overseeing this research. All files and data will be treated as confidential.

**Participation and Withdrawal:**

Your involvement in this research is entirely voluntary, and you may withdraw at any time. You have the option to decline to answer any questions you may find uncomfortable. Please note that there is no compensation for your participation.

Questions

1. Would you like to start by telling me a few things about yourself? What is your profession? How many years have you been working in this field, and how does your experience relate to the asylum framework in Greece or asylum in general and its processes?
2. What are the ways that state policies (related to the asylum framework or implementation) are implemented within your work?

3. Are you facing challenges in your role as a human rights defender? For example, in communicating with beneficiaries, gaining access to detention centers or facilities, interacting with the Ministry of Migration, or dealing with other authorities?
4. What is the framework for you to do your work in the field – what is happening?
5. How does the implementation of border control practices affect asylum seekers' access to the asylum procedure?
6. How does the implementation of border control practices affect asylum seekers' access to services?
7. How does the implementation of border control practices affect your day-to-day work?
8. Have you had any direct experience from a client/customer who faced difficulties, and if yes, could you describe it specifically?
9. What about vulnerable groups? What are the impediments that they are facing related to the Asylum practices?
10. In general, and in your perception and experience, what mechanisms do authorities use for migration management?
11. What are the effects of those mechanisms?
12. What do you know about interceptions/pushbacks? Do you have any specific experience from a client? What were the impediments? Could you please describe specifically?
13. In general, what are other impediments related to the access to asylum?
14. Do you have any comments or want to add anything else?