

# A PANDEMIC OF ABUSES

How Greece dismantled the right to asylum and normalised the violation of migrants' rights throughout the COVID-19 pandemic in Lesvos.

A research report co-authored by the Legal Centre Lesvos and the Feminist Autonomous Centre for research.

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Legal Centre Lesvos and Feminist Autonomous Centre for research, 2023

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# About

The present report is the result of a collaborative research project by the Legal Centre Lesvos and the Feminist Autonomous Centre for research.

**The Legal Centre Lesvos AMKE (LCL)** is a civil non-profit organisation based in Mytilene, on the island of Lesvos, which provides free legal information, representation and assistance to migrants. Since its creation in August 2016, LCL has worked on documenting violations of migrants' rights and has engaged in advocacy and strategic litigation to hold the Greek government, Member States of the European Union, and European institutions to account. As part of its daily work on the island of Lesvos, LCL has witnessed and documented the Greek government's continuous application of discriminatory regulations and practices against migrants, including a surge in such measures since the start of the COVID-19 pandemic. [legalcentrelesvos.org](http://legalcentrelesvos.org)

**The Feminist Autonomous Centre for research (FAC)** is a community-based research centre located in Athens and in Palermo. Working across and against nation-state and continental borders, disciplinary boundaries, and institutional barriers, we return to the feminist roots of autonomous knowledge production and political education. FAC annually organises the Feminist No Borders Summer School, now in its sixth year. Since the outbreak of the COVID-19 pandemic, FAC has researched how the pandemic has become a pretext for the intensification of national and supranational borders, contributing to the further fortification of Europe, and to killing and letting die of people who attempt to make the crossing. Through our research and activism, we seek to abolish the borders that have been erected between us. [feministresearch.org](http://feministresearch.org)

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# List of Acronyms

**AFM (TIN):** Tax Identification Number

**AMKA:** Social Security Number

**CCAC:** Closed Control Access Center

**COVID-19:** Coronavirus disease caused by SARS-CoV-2 virus.

**EASO:** European Asylum Support Office (now **EUAA:** European Union Agency for Asylum)

**ECDC:** European Centre for Disease Prevention and Control

**EODY (NPHO):** National Public Health Organization

**FAC:** Feminist Autonomous Centre for research

**GAS:** Greek Asylum Service

**GBV:** Gender-Based Violence

**IPA:** International Protection Act

**IPC:** Infection Prevention and Control

**JMD:** Joint Ministerial Decision

**KEP:** Citizens' Service Centre

**LCL:** Legal Centre Lesvos

**NGO:** Non-Governmental Organisation

**MSF:** Médecins Sans Frontières

**PAAYPA:** Temporary Number of Insurance and Healthcare for Foreigners

**PAMKA:** Temporary Social Security Number issued to asylum seekers for the purpose of issuing vaccinations

**PROKEKA:** Pre-Deportation Detention Center

**RAO:** Regional Asylum Office

**RIC:** Reception and Identification Center

**RIS:** Reception and Identification Service

**TRIC:** Temporary Reception and Identification Center

**UNHCR:** United Nations High Commissioner for Refugees

**WASH:** Water, Sanitation, and Hygiene

**WHO:** World Health Organization

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# Research Methods

This report summarises our joint findings regarding **Greece's treatment of migrants<sup>1</sup> during the COVID-19 pandemic, specifically in Lesvos during the period of January 2020 to December 2022**. The report highlights the ways in which the government responded to COVID-19 in Greece, and in particular how the changing legal framework and practices adopted and implemented during that time period **have affected migrant populations differently from the general population, resulting in both direct and indirect discrimination**. It is important to note that the Greek government's response to the COVID-19 pandemic focused on the use of repression and restrictions of movement, rather than improving access to social rights and fortifying the national health system, which also affected the fundamental rights and freedoms of all Greeks and residents in Greece during that time period.<sup>2</sup> The present report by no means intends to minimise or ignore the impact of these measures on the general population but rather to highlight how this governmental approach specifically and more severely affected already marginalised migrants in the country.

The researchers conducted a detailed analysis of the legal framework, including: enacted laws, Joint Ministerial Decisions (JMD), Presidential Decrees, guidelines and circulars issued and adopted in Greece since the outbreak of the COVID-19 pandemic; official documents published by the Hellenic Police; announcements made by the Reception and Identification Centre's (RIC) administration; and reports published by civil society organisations monitoring the situation. Specifically, the researchers analysed 20 JMDs, which were released between March 2020 and March 2022, with a focus on measures regarding the mobility restrictions that were imposed on migrants versus the general population in Greece. This is a non-exhaustive account that centres exclusively on legal acts and rules that are relevant to the scope of this report's analysis.

Apart from an analysis of the legal framework applying to migrants and the general population, the present report further examines the impact of it and other policies and regulations in practice. The FAC researchers conducted multiple interviews<sup>3</sup> with migrants who were forced to live in Moria Reception and Identification Centre

1. We use the term "migrant" or "people on the move" throughout this report and generally in our respective work as an umbrella term to include all individuals who are forced to and choose to migrate and/or seek asylum, regardless of what legal status they have or are eventually granted by the Greek state. We use the terms "migrant" and "people on the move" interchangeably and to counter increasing anti-migrant narratives that attempt to categorise those who are not afforded refugee status by law as "irregular" or "illegal" migrants somehow undeserving of human rights. The terms "asylum seeker" and "refugee" are used here in reference to individuals' particular legal status, when relevant, or to refugee camps, when described as such by authorities.

2. See: Amnesty International, [Europe: Policing the Pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe](#), 24 June 2020; Nektaria Stamouli, [Police brutality on the rise in locked-down Greece, activists warn](#), Politico, 11 January 2021; Civic Space Watch, [Greece: Restrictions to public gatherings and police violence threaten right to peaceful assembly during Covid-19](#), 12 April 2021; Fili, A. (2021). [The Violent Hellenic Police](#), 25 March 2021; Alkis Konstantinidis, [Clashes break out in Greece after march against police violence](#), Reuters, 9 March 2021.

3. This report has also been informed by FAC researchers' long-term ethnographic research on Lesvos (2014–2022); fieldwork conducted in 2020–2021 was funded by GLITCH ESRC Project ES/S016643/1.

(hereinafter Moria RIC or Moria camp), and then in Lesvos Temporary Reception and Identification Centre in Kara Tepe (hereinafter Lesvos RIC in Kara Tepe or "Moria 2.0"), after the fires that destroyed Moria RIC in September 2020. The report also draws from LCL's legal aid work in Lesvos and its monitoring of policies and practices adopted by the Greek authorities vis-à-vis information received directly from migrants who accessed the services of the LCL via telephone and in person on a daily basis throughout the pandemic. Additionally, research incorporated into this analysis includes a thorough review of the minutes of coordination meetings of the UNHCR and NGOs working in Lesvos in the field of migration, attended by the Legal Centre Lesvos, including but not limited to the Inter-Agency Consultation Forum, the Protection Working Group, and the Legal Aid Sub-Working Group.

Media accounts and articles published by local, national, and international newspapers on the situation in Lesvos are also incorporated in this report, in order to capture and analyse the hegemonic narratives and discourses circulating during the period under consideration. This report therefore provides both a legal analysis and a discourse analysis of governmental narratives and media representations.<sup>4</sup>

Finally, this report<sup>5</sup> is published approximately a year after the gradual lifting of most of the restrictive measures put in place during the pandemic. This allows us to take a step back and analyse the **longer-term consequences** that the governmental measures adopted during the pandemic have had on the conditions for migrants in Greece, as well as on their image in public narratives, up until today.

4. All unofficial translations from Greek, including of JMDs as well as of media sources, are our own.

5. The dissemination of the present report was generously supported by Durham University, Department of Geography Impact Funding.



# Main Findings

- The start of the pandemic in Greece coincided with a short-lived attempt by Greece to suspend the right to asylum in March 2020. In Lesvos, this led to the **detention of unregistered newly-arrived asylum seekers in abhorrent conditions and with no legal remedies**. In parallel, increasingly restrictive measures in the asylum procedure adopted between 2020 and 2021 resulted in a **growing number of people being excluded from the right to asylum** on the basis that Türkiye is a safe country for them, **leaving thousands of people in legal limbo throughout the pandemic**, without access to services, healthcare, and trapped on the island of Lesvos.
- Throughout the pandemic, migrants forced to live in the Lesvos RICs were continuously exposed to **unsanitary and overcrowded conditions**. They were **unable to practise social distancing**, and **lacked access to essential hygiene and sanitation facilities**, such as showers and water taps. Access to WASH facilities remained inadequate in Moria RIC and completely absent in Lesvos RIC in Kara Tepe and its quarantine site for several months.
- Despite the inhumane conditions in the Lesvos RICs, the evacuation and transfer of vulnerable individuals to other types of accommodations on the Greek mainland was unacceptably slow. Many **migrants living in the Lesvos RICs saw their health deteriorate and were unable to access the healthcare they needed** in the limited health facilities of Lesvos general hospital. This was due both to the restriction of the right to asylum and RIS' failure to transfer people in need of healthcare off the island. This **denial of health care persisted despite Greece's obligation to protect the health of all people regardless of their legal status**, as confirmed by several decisions of the European Court of Human Rights issued against Greece throughout the pandemic.
- **Vaccination of migrants in Lesvos was delayed by five months compared to the general population** and even when the vaccination started, several hundreds of residents of the Lesvos RIC in Kara Tepe were still denied access to vaccines. This was due in part to the disputed governmental decision of January 2020, excluding migrants from the national social security system and establishing a separated social security scheme specific for migrants, which created serious dysfunctions and bureaucratic obstacles, such as difficulties and severe delays in obtaining a valid social security number. As a **direct result of policies limiting migrants' right to seek asylum and conditioning people's access to health care to their legal status, some migrants in Lesvos were never able to get vaccinated, in gross violation of their right to health**.
- Throughout Greece, migrants contained in the RICs were subject to a **separate and discriminatory set of rules to restrict their movement** distinct from those imposed on the general population. These segregating rules were **far stricter and were enforced over longer and uninterrupted periods of time**. They remained nearly unchanged from March 2020 until June 2022, resulting in a **perpetual lockdown and de facto detention of migrants** forced to live inside the Lesvos RICs. When movement and travel restrictions were eased, and both Greek residents and international visitors were freely travelling domestically and internationally, the RICs residents were locked in the camps. While the general population and tourists throughout Greece were walking their dogs, exercising, visiting cafes, restaurants and bars, and visiting friends, the RICs residents remained locked in the camps. This **de jure segregation had no reasonable justification, and resulted in the violation of migrants' right to liberty, security, and freedom of movement**.
- The pandemic also permitted the **systematic and unhindered detention of all migrants upon arrival in Lesvos inside several quarantine sites from April 2020 until December 2022**. This practice, officially presented as a health measure by the government, in reality exposed thousands of migrants to strict carceral isolation under constant police surveillance, in extremely poor and unsanitary conditions, at high risk of contamination by the virus, in full disregard of people's specific situation, age, or health. **Mandatory quarantine measures against migrants remained in force, despite obvious challenges about their legality and discriminatory character, and despite being unjustified by health imperatives** given the lack of similar measures imposed on other people entering the country. The detention of migrants in quarantine sites was largely opaque and **participated in the further invisibilisation of asylum seekers, who were unregistered by the Greek authorities, and so unable to apply for asylum until their release from quarantine sites**, nor to exercise their rights to access legal assistance before their asylum interview.
- The **March 2020 establishment of police control zones at the entrance of RICs**—a measure imposed to enforce COVID-19-related regulations—increased and broadened the powers of the police over the mobility of migrants in and out of the camps. It also created additional, discriminatory spaces of restriction specifically targeting migrants, which could not be reasonably justified by public health imperatives alone. These police control zones, in addition to **racial profiling**, meant that migrants were far more likely to be fined than the general population for violation of COVID-19 related regulations. **In Lesvos, migrants were approximately 12 times more likely than Greeks and other residents of Lesvos to receive a fine related to COVID-19**, despite many being strictly locked inside the Lesvos RIC with limited possibilities to exit.

## Introduction: The situation for migrants in the Eastern Aegean islands at the start of the pandemic

In early 2020, exploiting both the widespread fear of the coronavirus outbreak and tensions with Türkiye, the Greek Government adopted **a series of unfair, unjustified, and discriminatory measures that directly attacked racialised migrant populations and their rights in Greece**. These measures ultimately led to further discrimination, criminalisation, containment, detention, and ostracisation of people on the move.

Before addressing the governmental measures adopted in response to the COVID-19 pandemic and their immediate and long-term effects on migrants' lives and health, it is important to first look back at the **specific situation and context prevailing on the Greek Eastern Aegean islands** just prior to the adoption of these measures. Early 2020 was marked by growing protests by migrants and allies (**Figure 1**), as well as by escalating fascist violence in Lesbos and on other nearby islands.

In Lesbos, several marches and demonstrations were organised in January and February 2020 by migrants and solidarity activists to protest against the escalation of deadly violence, exploitation, and inhumane and dangerous conditions in Moria Reception and Identification Center (RIC), where three people had been killed in January alone.<sup>1</sup> **The situation of the over 20,000 people<sup>2</sup> forced to live in the hotspot camp at that time was dire:** the population had reached approximately seven times the official capacity of the camp, and included over 600 unaccompanied minors. The vast majority of people were forced to live in makeshift tents and huts in the olive groves surrounding the camp. Conditions were very poor and unsanitary without adequate protection, water supply, or sanitation structures.<sup>3</sup>

While migrants' protests were violently repressed and repeatedly blocked from reaching Mytilene's city centre by the Greek police,<sup>4</sup> local far-right and vigilante groups started operating roadblocks on several roads on Lesbos,<sup>5</sup> and increasingly targeted migrants and non-governmental organisations in violent attacks. These



**Figure 1.** Protest of residents of the Moria RIC in front of the camp against the escalation of deadly violence, exploitation, and inhumane and dangerous conditions. Source: Deportation Monitoring Aegean, [Three Arrested After Protest Against Deadly Violence](#), 23 January 2020.

1. Deportation Monitoring Aegean, [Three Arrested After Protest Against Deadly Violence](#), 23 January 2020.

2. Hellenic Republic, Ministry of Migration and Asylum, [Information on statistics](#), January 2020.

3. Greek Council for Refugees and Oxfam, Lesbos Bulletin, [Update on the EU 'hotspot' Moria](#), January-February 2020.

4. Helena Smith, The Guardian, [Greece sends more riot police to Lesbos after migrant clashes](#), 4 February 2020.

5. Stonisi, [Manhunt in Moria](#), 4 February 2020 (in Greek); LIFO, [Greece/Moria: They were knocking on doors "looking" for refugees, migrants and NGO members](#), 5 February 2020 (in Greek); Stonisi, [Before the prosecutor on charges of setting up a criminal group](#), 7 February 2020 (in Greek).

attacks continued up until March 2020.<sup>6</sup> Due to several racially-motivated attacks targeting individuals that were perceived as being ‘foreign’, services provided by NGO staff operating in Moria RIC including hygiene and health services in the camp, were regularly halted, further worsening the conditions of people living there. Tensions escalated in response to the announced construction of new European Commission sanctioned Closed Controlled Access Centres (CCACs) for asylum seekers on the Eastern Aegean islands by the Greek minister of migration on 10 February 2020.<sup>7</sup> In Lesbos and Chios, for instance, local groups across the political spectrum mobilised protests at the arrival of special police forces sent to the islands by the Central government to secure the future camp construction sites.<sup>8</sup> As a result of the level of resistance against these plans from local municipalities and residents from different political backgrounds, but particularly from anti-migrant right wing groups, the construction plans were put on hold at the start of the pandemic and were only later reactivated.<sup>9</sup>

As tensions grew in the Eastern Aegean islands, the COVID-19 virus was already spreading widely throughout Europe. However, **at the start of February 2020, no concrete preventive measures had yet been announced in Greece to protect people living there from the spread of the virus, including migrants forced to live in camps at higher risk of contamination.** Instead, Greece’s Prime Minister, Kyriakos Mitsotakis, responded to Türkiye’s threats to open its borders to migrants on 27 February 2020, and declared a ‘state of emergency’ at the Greek-Turkish borders and the suspension of the right to seek asylum for one full month.<sup>10</sup> On the very same day, Greece also requested additional support from Frontex, to step up its border surveillance and control operations at the land and sea, which the European Agency proceeded to do the next day.<sup>11</sup>

6. The Pressroom, [Lesvos: Young men armed with clubs attack NGO members](#), 5 February 2020 (in Greek); Alexandros Kalafatis, [New commando attack in Mytilene - Craneporters against NGO volunteers](#), Ethnos, 27 February 2020 (in Greek); Keep Talking Greece, [Lesvos: Locals mob against migrants boat, attack reporters \(videos\)](#), 1 March 2020; Alex Constantine, Greek City Times, [Migrant search and rescue ship denied entry into Lesbos](#), 6 March 2020; Mare Liberum, [Mare Liberum in port!](#) 11 March 2020; Efsyn, [New Democracy official finds the burning of a refugee structure more idyllic than a sunset](#), 8 March 2020 (in Greek).

7. Ministry of Migration and Asylum, [Speech by the Minister of Immigration and Asylum, Notis Mitarakis at the meeting of the Board of Directors of KEDE](#), 26 February 2020; Efsyn, [Mitarakis: Closed detention centres will open in the summer](#), 10 February 2020.

8. Stonisi, [Battles in Karava](#), 25 February 2020 (in Greek).

9. Dimitra Grous, [The chronicle of the violent confrontations in Lesbos and Chios](#), Athens Voice, 27 February 2020 (in Greek).

10. Gov. Gazette A’ 45/2.3.2020, [Government Decree on “suspension of the submission of asylum applications”](#), 2 March 2020, (in Greek); European Parliamentary Research Service, [Emergency measures on migration: Article 78\(3\) TFEU](#), March 2020 and European Parliament, [Emergency measures on migration: Article 78\(3\) TFEU](#), 15 December 2021.

11. Frontex, [Frontex to launch rapid border intervention at Greece’s external borders](#), 2 March 2020.

The decision to suspend asylum in the country and to increase border controls came as no surprise, given that **since its election in July 2019, the New Democracy led government had already enacted new laws and policies to gradually restrict and undermine the right to seek asylum in Greece; to generalise the use of detention for asylum seekers and undocumented people in ‘closed centres’ (i.e. prisons); to accelerate asylum and border procedures and deportations; and to criminalise migrants and people working in solidarity with them.**

For instance, a major law reform on international protection and migration was adopted through Law 4636/2019, also known as the **International Protection Act (IPA)**, which came into force on 1 January 2020 and replaced Law 4375/2016. The new IPA was further amended in May 2020 through Law 4686/2020. As will be shown in further detail below, the combination of this major law reform with other hostile and deterrent policies and practices implemented during the pandemic period, directly led to the elimination of legal safeguards and protections for migrants, asylum seekers and refugees in Greece, as well as their access to fundamental social rights, such as the right to health.



# 1. The attack on the right to seek asylum

On 1 March 2020, Greece's Prime Minister, Kyriakos Mitsotakis, **unilaterally declared the suspension of the right to seek asylum in Greece for a month**, in flagrant violation of Article 18 of the Charter of Fundamental Rights of the EU, the EU asylum acquis and international refugee law.<sup>1</sup> This governmental decree suspended the registration of asylum applications between 1 March 2020 and 31 March 2020 and foresaw the immediate deportation to Türkiye or to their countries of origin for those entering the Greek territory without legally valid documents.<sup>2</sup> **As a result, individuals who entered Greece during March 2020, with the intention to seek international protection, were automatically detained and denied their rights, including the right to seek asylum.**

Despite the decried illegality of this decree,<sup>3</sup> the suspension of the asylum regime was in fact implemented, without any immediate official reaction or positioning by the European Commission despite its obligation to act in response to such situations as “guardian of the Treaties”.<sup>4</sup> Beyond being unlawful, this measure marked a turning point, and the start of a new hard-line offensive against migrants' rights in the country, which had severe immediate and long-term consequences. Due to its obvious illegality, Greece was not able to continue carrying out its objective of preventing access to asylum in an open, legalised manner. However, this objective was effectively achieved through the systemization of the practice of clandestine illegal and violent operations of mass expulsion of migrants (i.e. “pushbacks”) throughout the Aegean, a practice which escalated precisely in March 2020.<sup>5</sup> Furthermore, the systemic policy of pushbacks was initiated at a time when there were limited possibilities for individuals and organisations to monitor the practice, due to movement restrictions of civil society during the pandemic.

Additionally, as shown below, the unlawful suspension of asylum laid the groundwork for the systematic criminalisation and unlawful detention of all migrants newly arriving on Lesbos, without registration, in unofficial sites and appalling conditions

1. European Council on Refugees and Exiles (ECRE), [Statement on the situation at the Greek-Turkish border](#), 2 March 2020; UNHCR, [UNHCR statement on the situation at the Türkiye-EU border](#), 2 March 2020; Guardian, [Greece warned by EU it must uphold the right to asylum](#), 12 March 2020; Refugee Support Aegean, [Rights denied during Greek asylum procedure suspension](#), April 2020.

2. [Government Decree on the “Suspension of the submission of asylum applications”](#), 2 March 2020, Government Gazette A' 45/2.3.2020; Refugee Support Aegean, [Rights denied during Greek asylum procedure suspension](#), April 2020.

3. ECRE, [Country Report: Greece](#), 11 June 2021.

4. EU Observer, [Commission silent on Greece suspending asylum claims](#), 4 March 2020; Greens/EFA European Parliamentary Group, [Expert Legal Opinion: No State of Exception at the EU External Borders The Implications of the Rule of Law in the Context of the Greek-Turkish Border Closure and the Temporary ‘Suspension’ of the Asylum Law in Greece](#), 30 March 2020.

5. Forensic Architecture, [Drift-backs in the Aegean Sea platform](#), 15 July 2022; Legal Centre Lesbos, [Crimes against Humanity in the Aegean](#), 1 February 2021; Legal Centre Lesbos, [Collective Expulsions Documented in the Aegean Sea](#), 13 July 2020.

**(Section 1.1).** Coupled with other hostile measures jeopardising the rights of asylum seekers in Greece—such as the newly adopted IPA Law 4636/2019 at the start of 2020 and the JMD of 7 June 2021—asylum seekers progressively saw their access to the asylum procedure restricted, ultimately reducing access to asylum, legal status and the social rights attached thereto **(Section 1.2).**

## 1.1. Systematic criminalisation and unlawful detention of migrants in Lesbos

Migrants arriving on the Greek islands to seek asylum after 1 March 2020, were no longer registered as asylum seekers; rather, they were systematically criminalised. On arrival, they were **charged with illegal entry to the country, in direct contravention of Article 31 of the 1951 Convention on the Status of Refugees, EU law and the principle of non-refoulement.**<sup>6</sup> While many of the migrants who arrived to Greece in March 2020 were eventually allowed to apply for asylum (it is unknown how many people were registered and how many were illegally expelled in clandestine pushback operations), the criminal charges against those who were registered remained in place. Furthermore, rather than being accommodated in a RIC, migrants were effectively and unlawfully detained in unofficial detention areas elsewhere on the islands, without access to lawyers, doctors, sanitation, or hygiene facilities.<sup>7</sup> This practice continued even after the right to seek asylum was restored in April 2020, and until June 2020.

**As of 13 March 2020, at least 574 people—among them young children, pregnant women, disabled individuals, and unaccompanied minors—were arbitrarily detained in the ferry port of Mytilene**, the vast majority of them for over 10 days. These people were initially held in a fenced area of the port prior to 450 of them being **detained inside the “Rhodes” Hellenic Navy vessel docked in the same port (Figure 2).**<sup>8</sup> Sanitation conditions were dire in the port: eight portable toilets, which did not have running water, toilet paper, or soap—five of which were delivered a week after detainees arrived—were shared amongst the whole population. The obvious sanitation risk that this posed was exacerbated by the fact there were no showers—meaning that people did not have the opportunity to wash themselves for more than ten days. In brief, people had no means to access any form of sanitation and were forced to live in dehumanising and dangerous conditions, during a pandemic.

6. Human Rights Watch, [Greece: Grant Asylum Access to New Arrivals](#), 20 March 2020; UNHCR, Convention and Protocol Relating to the Status of Refugees, [189 UNTS 150](#); and, for the 1967 Protocol to the 1951 Convention Relating to the Status of Refugees, [606 UNTS 267](#).

7. ECRE, [Greece: Fire and Virus Fear in Moria, 450 Detained on Vessel Moved to Closed Camp](#), 19 March 2020; Legal Centre Lesbos, [Illegal and Immoral: EU border priorities become policy](#), 5 March 2020.

8. Refugee Support Aegean, [Analysis: Rights denied during Greek asylum procedure suspension](#), April 2020.



**Figure 2 (above).** Conditions inside the 'Rhodes' Hellenic Navy vessel docked in Mytilene's ferry port in March 2020, where nearly 600 migrants were detained. Source: Legal Centre Lesvos, [No-man's lands for Europe's "undesirables"](#), 11 March 2020 (screenshot of a video taken by a person locked inside the ferry).

**Figure 3 (below).** Migrants sleeping bare on the floor and inside buses parked in a fenced area of Mytilene's ferry port. Source: Legal Centre Lesvos, [Illegal and immoral: European border priorities become policy](#), 5 March 2020.



On 21 May 2020, sixteen people—eleven adults and five children (of whom two were unaccompanied) from Syria, Togo and the Democratic Republic of Congo—reached Lesvos and were subsequently detained on a bus in the Mytilene port (Figure 3).<sup>9</sup> When they first arrived, they were not given any food for over twenty-four hours, until an intervention by Legal Centre Lesvos and a self-organised group, who also brought blankets and diapers to the detainees. The group were given no information as to why they are being held or for how long they will be kept in the port. Moreover, although everyone in the group tested negative for COVID-19, the police dispersed people trying to communicate with the new arrivals through the fence at a COVID-19 safe distance, continuing the practice of isolation and information deprivation of people newly arriving that it had initiated in March 2020. In fact, the Mayor of Mytilene, Stratis Kytelis, reportedly suggested that the group be held in the port, as opposed to being transferred to a quarantine-prepared building, where non-governmental organisations such as MSF were prepared to assist, ostensibly with the aim of raising “awareness” of Lesvos’ inability to cope with the arrival of new asylum seekers.<sup>10</sup>

LCL’s lawyers represented some of the people kept in this unofficial and highly precarious detention site, including a five year old Syrian national who arrived in Lesvos with her parents and siblings on 22 March 2020. Despite the child’s legal vulnerabilities as an asylum seeker and minor with serious illnesses and in acutely poor state of health, the family was detained from the moment of their arrival until mid-April 2020 in the fenced area set up in the ferry port of Mytilene, from which they were not allowed to exit, and were forced to sleep inside a public bus on the floor with a group of 26 people, most of whom she was not related to. During the time of their detention there, the five year old and her parents were not provided access to lawyers (the LCL was only in contact via telephone), to medical care, nor to any proper water, sanitation and hygiene facilities. The family was only given a few blankets, which were not sufficient to protect themselves from the very cold temperatures and very high rain precipitation at that time of the year. They were provided food through boxes and the parents’ phones were taken away by the Greek authorities, impeding the family to document the conditions in which they were kept. During their time detained in the port, none of the family members were registered by the Greek authorities. **The LCL brought a case before the ECtHR in representation of the above family, demonstrating that denial of health care to this family upon arrival and in both Moria and Kara Tepe RICs amounted to a violation of Article 3 of the European Convention on Human Rights (ECHR), which was communicated to Greece, and is pending a decision.**<sup>11</sup>

9. Legal Centre Lesvos, [Hostility towards migrants and those working to support them as state policy in Lesvos](#), 27 May 2020.

10. Refugee Support Aegean, [Analysis: Rights denied during Greek asylum procedure suspension](#), April 2020.

11. L.A. v. Greece, [Application no. 33429/21](#) communicated on 15 December 2021.



Violations of recently arrived asylum seekers' rights in Lesvos during this time period have been extensively documented by civil society organisations.<sup>12</sup> During the same period of time, at least 42 individuals were held under police supervision on the side of a road near Skala Sikaminias, on the northern side of Lesvos, with only two tents to sleep in. There were also people forced to remain on the beach in several other places on the island, including parents with newborn infants, babies, and children.<sup>13</sup>

**While the number of migrants arriving on the islands remained stable compared to the previous months of the year,<sup>14</sup> the above mentioned measures exposed hundreds of people seeking asylum to violations of their fundamental rights and to dangerous and dehumanising living conditions in times of pandemic. This unjustifiable situation was fully constructed by the Greek government with the expressed intention of deterring asylum seekers from reaching Greek shores. It also paved the way for both the policy of systemic pushback of unregistered asylum seekers, and the continued use of quarantine sites to detain newly arrived asylum seekers, as discussed further in Section 4.**

## 1.2. Exclusion from asylum procedures and denial of legal remedies to migrants in Lesvos

### ● **March–May 2020: Closure of the Asylum Service**

One of the first measures to impact migrants that was directly related to COVID-19, was an Emergency Legislative Decree of 13 March 2020, which required that the asylum services suspend all in person interactions to avoid the spread of the COVID-19 virus.<sup>15</sup> As a result, the Regional Asylum Office (RAO) of Lesvos and the European Asylum Support Office's (EASO) operating on the island and responsible for carrying out asylum interviews and issuing asylum decisions both closed their offices from 13 March 2020 until 18 May 2020. This immediately led to **delays in the procedures and uncertainty for all asylum seekers and their lawyers**, who were neither able to access the asylum service offices for over a month and a half, nor to communicate with officers to find out about the status of their individual cases. Although they were officially closed to the public, RAO and EASO staff continued

12. ECRE, [Protect the most vulnerable to ensure protection for everyone!: Open letter signed by 121 Organisations](#), 25 March 2020; Human Rights Watch, [Greece/EU: Allow New Arrivals to Claim Asylum](#), 10 March 2020; Legal Centre Lesvos, [COVID-19 Paves way for mass detention of migrants](#), 19 March 2020; Legal Centre Lesvos, [Hostility towards migrants and those working to support them continues as state policy in Lesvos](#), 27 May 2020.

13. Mare Liberum, [A Month Of Uncertainty](#), 29 April, 2020.

14. Statistics from the UN Refugee Agency UNHCR reveal that as of March 15, Greece has seen a total of 9,369 arrivals, 7,366 by sea and 2,003 by land in 2020. UNHCR, [Operational Portal, Refugee Situations Greece](#), March 2020.

15. Legislative Act of 11 March 2020, [Urgent Measures to deal with the negative consequences of the Covid-19 coronavirus and the limit to limit its spread](#), Government gazette 55/A/ 11-03-2020 (in Greek).

operating behind closed doors to redress the major backlog and delays in the issuance of asylum decisions. In fact, additional EASO caseworkers deployed on the Greek island hotspots at that time were dedicated to working specifically on the existing backlog of asylum cases and proceeding with the summary drafting and issuance of decisions (in many cases drafting of negative decisions) for asylum seekers who had been interviewed many months or even years before.

### ● **May 2020: Reopening of the Asylum Service by appointment and mass issuance of negative decisions**

In May 2020, the asylum service reopened. However, given COVID regulations, access to their offices was strictly limited to those with an appointment issued to asylum seekers or their lawyers.

The practice of restricting asylum seekers' and their lawyers' access to the asylum service is one of many practices which has continued in Lesvos even after the lifting of all COVID measures. Additionally, despite being an essential service for asylum seekers, the asylum service has closed for extended periods of time even after all COVID measures were lifted, which demonstrates that many practices implemented under the guise of COVID-19, became accepted as a norm. For example, in May 2023, the Asylum Service database was closed indefinitely in order to upgrade systems, depriving people of their right to register asylum claims for over a month.<sup>16</sup>

Despite the inaccessibility of the asylum services to the public, **over 1,400 individuals in Lesvos received a first instance rejection (negative decision) in their asylum case** at the time of reopening of RAO offices.<sup>17</sup> Many of those rejected were however **unable to exercise their right to lodge an appeal and challenge negative decisions within the assigned deadline of 10 days**, since even after the reopening of their offices on 18 May 2020, RAO and EASO capped the number of people allowed to appeal at their premises to 100 people per day, which was not enough to ensure that everyone could exercise their right to appeal within the provided deadline of 10 days. This practically impeded hundreds of asylum seekers to exercise their rights and, understandably, led to increased desperation and frustration.

More importantly, as a result of the continuous issuance of rejection decisions by the asylum services despite the lack of legal remedies available to challenge those, **hundreds of individuals—who could not exercise their right to appeal within the deadline or had been rejected on appeal already—found themselves outside of the asylum procedure, in other words without any legal status in Greece as they were**

16. Legal Centre Lesvos, [Joint statement on the shutdown of the Greek asylum service: database leaves people unable to claim asylum and in limbo](#), 21 June 2023; Refugee Support Aegean, [The upgrade of the "Alkyoni" system of the Asylum Service leaves processes and people in the air](#), 31 May 2023.

17. Legal Centre Lesvos, [Hostility towards migrants and those working to support them as state policy in Lesvos](#), 27 May 2020.

**legally no longer considered to be asylum seekers by the Greek state and UNHCR.**<sup>18</sup>

Consequently, in addition to being ineligible for certain forms of assistance, including the monthly cash assistance provision from UNHCR, they were arbitrarily denied the protections guaranteed to asylum seekers such as the right to work and the right to health care (upon rejection of their asylum claims social security numbers are deactivated, only allowing access to the emergency services of the public hospital). In parallel, given that all forced returns or “readmissions” to Türkiye for rejected asylum seekers were also frozen due to the COVID-related restrictions implemented there (and remain frozen up until the time of writing of the present report), rejected asylum seekers remained trapped in the RICs in a legal limbo, without adequate remedies.



**Figure 4.** Crowds of people queuing before the Asylum Services gated area inside Moria RIC after two months of closure due to COVID-19. Source: Legal Centre Lesvos, [Hostility towards migrants and those working to support them continues as state policy in Lesvos](#), 27 May 2020.

- **Expansion of the application of the Safe Third Country concept and increased rejection of asylum claims as inadmissible**

The number of people considered by the Greek state to be outside of the asylum procedure because they had received a final decision rejecting their asylum claim (normally a ‘second instance rejection’, i.e. a confirmation of a negative decision on appeal) increased during the pandemic. These included people whose asylum claims had been rejected on the merits, but also hundreds of people who received a second instance rejection of their asylum claims as ‘inadmissible’ on the grounds that Türkiye was a safe country for them.

18. It should be noted that the United Nations High Commissioner for Refugees in Greece follows the assessment and designation of asylum seekers indicated by the Greek State, unlike in other countries where UNHCR operates and conducts its own independent Refugee Status Determination.

**While the asylum seekers in Greece were found inadmissible based on a finding that Türkiye was a safe third country since at least March 2016,<sup>19</sup> the expansion of categories of people found inadmissible on these grounds has directly contributed to the worsening of the uncertainty in which people were left: trapped in the Greek RICs during the pandemic in appalling conditions with no alternative, prohibited from leaving the islands, and deprived from any efficient remedy to move forward or change their legal situation.**

The expansion of the Safe Third Country concept was caused by the new IPA Law 4636/2019 implemented at the start of 2020 which **removed existing legal safeguards for vulnerable people with specific needs**, who with the implementation of this new law were no longer exempt from the fast-tracked border/admissibility procedures.<sup>20</sup> Prior to the enforcement of this law, asylum seekers with recognised vulnerabilities,<sup>21</sup> such as survivors of torture, sexual assault, serious psychological or physical attacks, people with serious or chronic illnesses, and other recognised categories of vulnerability such as single parents, pregnant women, and unaccompanied minors, were exempt from the border procedures, and were not assessed as to whether Türkiye was a safe third country. Given the inherently vulnerable status of migrants, the vast majority of individuals arriving to Lesvos were in fact designated as vulnerable.<sup>22</sup> However, in 2020 with the enforcement of the new IPA law, all asylum seekers arriving to the Greek islands from Türkiye had their asylum claims assessed first on admissibility grounds, regardless of vulnerability.<sup>23</sup> Given that the Asylum Service, as a general rule (and as confirmed by a 2017 decision by the Council of State), considered that Türkiye was a safe third country for Syrian nationals, the majority of Syrian nationals were found inadmissible on these grounds following the removal of the vulnerability exception in 2020.

As highlighted by RSA, in 2020 “a total of 2,839 inadmissibility decisions were issued on the basis of the ‘safe third country’ concept, of which 2,837 to Syrian nationals and 2 to Palestinians from Syria.”<sup>24</sup> This exclusion of Syrian nationals from the asylum procedure was contrary to EU and domestic law, given that all deportations

19. See, e.g., among others, Amnesty International, [A Blueprint for Despair: Human Rights Impact of the EU-Turkey Deal](#), 14 February 2017.

20. See Law 4375/2016, Article 60 (4)(f), which was replaced by Law 4636/2019, [Gov. Gazette 169/A/1-11-2019](#), published on 1 November 2019 (see, in particular, Articles 84, 90); Legal Centre Lesvos, [January Report on Rights Violations and Resistance](#), 22 January 2020.

21. Law 4636/2019 also eliminated certain categories of vulnerability, such as people with post-traumatic stress disorders, those who survived a shipwreck and women who recently gave birth.

22. For additional information see, Legal Centre Lesvos, [January Report on Rights Violations and Resistance](#), 22 January 2020.

23. Greek Law 4636/2019, Articles 84, 90, [Gov. Gazette 169/A/1-11-2019](#), published on 1 November 2019.

24. Refugee Support Aegean, [Asylum statistics for 2020: A need for regular and transparent official information](#), 12 February 2021.



to Türkiye had indefinitely been suspended since March 2020.<sup>25</sup> Despite the fact that Syrian nationals who apply for asylum anywhere else in the EU are granted international protection in 94% of the cases,<sup>26</sup> the vast majority of Syrian nationals are until today rejected in Greece as inadmissible even though Türkiye provides inadequate protection to all refugees, including Syrians, in law and practice.<sup>27</sup>

Moreover, under the new law even those recognised as vulnerable were still subjected to a geographic restriction and forced to remain on the island. This not only led to an increase of rejections of asylum claims, but also to depriving all from accessing appropriate medical and psychological support, not available on the islands, as described further in **Section 2**.

The exponential increase of rejections of asylum seekers trapped on the islands did not stop there: through a **JMD of 7 June 2021**,<sup>28</sup> the Greek government extended the safe third country admissibility assessment not only to those in the border procedures, but to all asylum seekers in Greece. Additionally, this JMD expanded the list of nationalities deemed safe in Türkiye under the safe third country concept to Afghan, Somali, Pakistani and Bangladeshi nationals (in addition to Syrian nationals). Unsurprisingly, these nationalities correspond to the most numerous migrants arriving to Greece in 2021, but also to some of the most often recognised as refugees in Greece, indicating the political motivation of this decision, which had nothing to do with specific protections granted to individuals of these nationalities in Türkiye. As a result of the said JMD, rejections as inadmissible under the safe third country concept increased significantly. According to RSA ‘the national list of safe third countries laid down in JMD 42799/2021 directly resulted in a sharp increase in inadmissibility decisions based on the “safe third country” concept, from 2,839 in 2020 to 6,424 in 2021” (i.e. a 126% increase).<sup>29</sup> This continued with “as many as 6.105 asylum applications (at first and second instance) were dismissed as inadmissible based on the safe third country concept in 2022.”<sup>30</sup>

25. Article 38(4) of the Asylum Procedures Directive provides that “where the third country does not permit the applicant to enter its territory, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.” This article was transposed into Greek law through Article 86(5) of the IPA which provides that “when the safe third country does not allow the applicant to enter its territory, his/her application should be examined on the merits from the competent asylum authorities.”

26. European Union Agency for Asylum (EUAA), [Latest Asylum Trends—Annual Overview 2022](#): “Syrians received 109 000 first instance decisions in 2022, up by 24 % from 2021 and the most in five years. The recognition rate was 94 %—the highest since 2017.”

27. European Association of Lawyers for Democracy and World Human Rights (ELDH) et al, [Third Party Intervention before the European Court of Human Rights](#), 25 July 2022.

28. JMD 42799/03.06.2021, [Gov. Gazette 2425/B/7-6-2021](#) (in Greek).

29. Refugee Support Aegean, [The Greek asylum procedure in figures: most asylum seekers continue to qualify for international protection in 2021](#), 10 March 2022.

30. AIDA, [Greece Country Report](#), 30 May 2022.

**The gradual expansion of measures excluding increasing categories of people from the right to seek asylum placed thousands of migrants in a legal limbo during a global pandemic, while exposing them for prolonged and uncertain periods of time to the dangerous and dehumanising conditions of the RICs or unofficial detention sites, without available, adequate remedy.**

Given that, despite their vulnerable situation, migrants in Greece (as in other EU Member States) already face discrimination and are mistreated in fact and in law, the unnecessary and avoidable administrative obstacles added during the pandemic only exacerbated this dire reality. Measures which led to the exclusion of people from the right to seek asylum, or which delayed the adjudication in other cases, had punitive effects on people, obstructing their access to vital services, including vaccination against the virus, and put their health and lives at risk, as discussed further below in **Section 2.2**.

## 2. The exposure to health risks and life endangerment of migrants in RICs

As shown by an epidemiological study, **the risk of COVID-19 infection among migrants living in reception facilities like RICs was considered to be two and a half to three times higher compared to the general Greek population**, with a risk of being infected highest in reception and identification centres in the Greek islands, like Lesvos, where living conditions are particularly poor.<sup>1</sup> Despite this reality, throughout the two years of the pandemic, access to basic facilities to promote hygiene and sanitation, such as showers and water taps remained highly insufficient in Moria RIC or even absent in Lesvos RIC in Kara Tepe for several months.

This section gathers some of our findings regarding the **absence of adequate and sufficient protective measures implemented during the pandemic by the Greek Government to protect migrants forced to live in Lesvos RICs from contracting and spreading the COVID-19 virus**. It shows in particular how the residents of the RICs in Lesvos, while forcibly contained in these camps at higher risk of contracting the virus, have continuously been deprived from the most basic sanitary and hygienic measures and equipment (**Section 2.1**), as well as obstructed from accessing vital health services and vaccination against COVID-19 (**Section 2.2**).

### 2.1. Inadequate access to basic sanitation and hygiene facilities in the Lesvos RICs

#### ● March–September 2020: Moria RIC

In March 2020, Moria RIC was hosting over 20,000 people, that is, over seven times its official capacity for a maximum of nearly 2,700 individuals. This made it **practically impossible for residents to adhere to the most basic prevention measures such as social distancing**. Given the level of overcrowding, the camp's water supply was also insufficient for the hygiene needs of its residents, impeding the regular filling of water tanks and the provision of a constant water flow. This led to many blockages throughout the sewage system and limited the creation of hand-washing stations.

Amongst the residents of the camp, a growing fear of a COVID-19 outbreak was spreading, in particular given the practical impossibility to keep social distances from others, the high number of shared tents, the limited access to water there, and the serious hygiene issues caused among others by the garbage piling up in the camp (**Figure 5**).

1. E. Kondilis, D. Papamichail, S. McCann, M. Orcutt, E. Carruthers, A. Veizis, S. Hargreaves, [The Impact of the COVID-19 Pandemic on Migrants, Refugees and Asylum Seekers in Greece: A Retrospective Analysis of National Surveillance Data \(Feb-Nov 2020\)](#), 18 February 2021.



**Figure 5 (above).** Mountain of trash stapled in front of toilet facilities inside Moria RIC, March 2020. Source: Legal Centre Lesvos, [Discriminatory restrictions on movement further contain migrants in unsanitary conditions - and at risk of COVID-19 outbreak](#), 30 March 2020.

**Figure 6 (next page).** People inside Moria RIC on the first day following the declaration of a full and immediate sanitary lockdown, Source: Legal Centre Lesvos, [Confirmation of Covid-19 in Moria camp leads to immediate transformation to a closed centre, following five months of deliberate failure of European member states to respond to foreseeable and preventable disaster](#), 3 September 2021. Photo Credit: Yousif Al Shewaili.







However, instead of adopting basic preventive measures, such as generalising COVID-19 testing, increasing access to water and sanitation facilities, deploying medical staff, operating adequate isolation clinics<sup>2</sup> and urgently transferring all vulnerable people outside of the camp, the Greek authorities focused on increasing the confinement of residents inside the Moria RIC.

In April 2020, as reported in the UN coordinated Health Working Group, 1,438 people living in Moria RIC had been assessed to be at high risk in case of contamination with COVID-19 (including 531 elderly and immune-suppressed cases with their family members), 1,313 of which had arrived before 2020. **Transfers of the vulnerable population outside of Moria RIC by the UNHCR did not begin until 18 April 2020 and were highly insufficient.** In July 2020 1,048 people including their family members from the “COVID-19 high risk list” remained in Moria RIC, including 385 elderly and immune-suppressed cases.

A few NGOs operating in Moria RIC continued supporting the camp residents. However, it should be pointed out that the presence and activities of NGOs in RICs did not alleviate the state of its responsibilities to provide reception and living conditions in line with EU standards and to protect asylum seekers. In fact, the Greek state as well as some far-right and fascist groups on the island impeded NGO workers from entering Moria in February and March 2020, as we mentioned above, hindering the activities of some NGOs in providing needed assistance throughout the pandemic. For instance, on 31 July 2020 MSF was forced to close its newly established COVID-19 isolation centre<sup>3</sup> due to a threat of administrative fines and potential criminal charges by the local authorities, related to urban planning regulations. This was despite the fact that the MSF clinic had been included in the local government’s COVID response plan. Following the forced closure of the MSF isolation centre on 31 July 2020, the Dutch government and Greek Ministry of Migration funded the construction of a new health centre with four isolation tents within Moria RIC. Despite a public opening ceremony on 20 August 2020,<sup>4</sup> the new centre was left unstaffed and never started operating. As a result, **when the first person tested positive for COVID-19 in Moria RIC, on 2 September 2020, there was no functional, adequate health quarantine space available to isolate and treat suspected or confirmed cases of COVID-19.** Instead suspected cases were detained in cabin-like huts that sat upon a former playground in the olive groves surrounding Moria RIC. Residents reported that there was no clarity as to who would provide basic necessities, such as food and water, to those in “quarantine”—let alone healthcare, if anyone should contract the virus.

After the first case of COVID-19 in Moria RIC was confirmed, Greek authorities through a Joint Ministerial Decision declared on the same day the **‘immediate**

2. Stav Dimitropoulos, [In an Overcrowded Greek Refugee Camp, Fighting Covid-19 Before it Arrives](#), Direct Relief, 13 May 2020.

3. Médecins Sans Frontières, [Greece - MSF forced to close COVID-19 centre on Lesbos](#), 30 July 2020.

4. InfoMigrants, [New health centre for migrants opens on Lesbos](#), 21 August 2020.

**sanitary lockdown’ of Moria RIC.**<sup>5</sup> According to the JMD, entry and exits to and from the camp were prohibited for 14 days for all individuals, other than security personnel. That same day, the Greek Ministry for Migration and Asylum signed a contract worth almost one million Euros to start the construction of the new closed controlled centre in Lesbos, in the location of the Moria RIC, essentially decreeing the conversion of Moria RIC into a prison overnight.<sup>6</sup> Less than a week later, on 8 and 9 September—as the inevitable outcome of the above mentioned measures, the culmination of four and a half years of EU migration policies, which turned the Greek islands of the Aegean sea from transit centres to containment and dehumanisation zones—massive fires ravaged the Moria RIC, displacing nearly 13,000 asylum seekers residing there.<sup>7</sup>

● **September 2020: State of emergency and detention of migrants on the road between police barricades following the Moria fires**

Following the fires that destroyed Moria RIC, on 9 September 2020, **a state of emergency<sup>8</sup> was declared for the island of Lesbos, which was instituted by order of the Deputy Ministry of Civil Protection and Crisis Management, Nikos Hardalias.<sup>9</sup>** This declaration of a state of emergency extended the powers of Greek authorities, including the police; it justified the further restriction of people’s freedom of movement while impeding any legal challenge of the violations and abuses committed against migrants. The intensified, abusive policing imposed on migrants, should be placed within the context of this state of emergency, which was officially in place in Lesbos until 9 January 2021.

In the days following the fires, the former residents of Moria RIC were trapped between police barricades on the road leading to Mytilene for weeks.<sup>10</sup> The

5. Ministry of Migration and Asylum, [Press release: Positive case of coronavirus at Moria’s RIC - Health blockade of the facility](#), 2 September 2020 (in Greek).

6. Stonisi, [Moria is fenced off and closed](#), 3 September 2020 (in Greek).

7. See Border Monitoring Violence Network, [Interactive Timeline on the Moria fire](#), 15 October 2020.

8. Under Law 4662/2020, Article 25, “a civil protection state of emergency occurs in the event of natural or technological disaster affecting a large scale of the population and infrastructure, for the response of which the immediate available resources, means and materials of the state institutions at local, regional or national level are not sufficient and emergency rehabilitation measures of a certain duration are required, as defined in the institutional framework text, guidelines, circulars and regulatory acts of the administration. Any specific issues not included in the above shall be regulated by a joint decision of the Minister of Citizen Protection and the relevant competent Minister. The declaration of civil protection state of emergency for a specific region due to natural, technological and other disasters is automatically lifted after six months, and may be renewed by decision of the Secretary General of Civil Protection, following the competent decentralised civil protection institutions’ approval that the reasons for the declaration still exist, as well as specific reasons for the reasons why the effects of the disasters have not yet been addressed.”

9. Policevoice, [Fire at Moria: Lesbos in a state of emergency 13.000 migrants on the streets. MAT platoons arrived on Lesbos](#), 9 September 2020 (in Greek).

10. The Shift, Former UN Special Rapporteur on the right to housing, [Letter of Concern from The Shift regarding the Moria RIC](#), 5 November 2020.



Greek police used tear gas each time people attempted to exit the area, including against some LCL clients who urgently needed medical care. At the same time, no humanitarian actors were able to get into the area where the displaced migrants were held, not even medical personnel working for non-governmental organisations.<sup>11</sup>

Greek authorities did not provide any temporary shelter nor access to adequate basic services following the fires in the Moria RIC.<sup>12</sup> With the exception of recognised unaccompanied minors who were transferred to emergency shelters and later evacuated from the island, from 8 September 2020 to mid-late September 2020, migrants displaced from Moria RIC were held outside, literally sleeping on the street and in parking lots, entirely enclosed by police barricades, blocked from moving to the city of Mytilene,<sup>13</sup> without access to basic necessities, such as food, water, and basic sanitation facilities.<sup>14</sup>

- **September 2020–present: Lesvos TRIC/RIC in Kara Tepe (now operating as Lesvos CCAC)**

**Starting on 17 September 2020 and over the following week, police started moving the displaced migrants into the “Temporary Reception and Identification Centre” (TRIC) site,** which was hastily established in the Kara Tepe area, later referred to as the “Lesvos RIC in Kara Tepe” and which has now been converted to the CCAC of Lesvos as of November 2022.<sup>15</sup> The main challenges identified in the new TRIC were the lack of hygiene infrastructures, non-food items for infants, the lack of adequate medical services and psychosocial support, the danger of electrocution at the electricity access points, and the potential hazards for tents close to the sea when weather conditions would deteriorate.<sup>16</sup> WASH facilities and all water and electricity infrastructure had to be built and there were no shower facilities.

From October 2020 (8,529 camp residents of Lesvos RIC in Kara Tepe) through January 2021 (7,198 camp residents of Lesvos RIC in Kara Tepe), there were no shower facilities and camp residents of the Lesvos RIC in Kara Tepe had to wash themselves with sea water or with cold water from tanks. In January 2021, the camp management announced the installation of 156 hot showers and 24 cold showers,

11. Fenix Humanitarian Legal Aid, [Inadequate emergency response to the Moria fires](#), 9 October 2021; Eva Cossé, [Greece’s Moria Camp Fire: What’s Next?](#) Human Rights Watch, 12 September 2020.

12. BBC, [Moria fire: ‘I know how little people had before’](#), 9 September 2020.

13. Medecins Sans Frontiers, [Greece: Fires destroy Europe’s largest refugee camp](#), 9 September 2020.

14. Fenix Humanitarian Legal Aid, [The Greek government neglected thousands of asylum seekers and refugees after the Moria camp burnt](#), September 2021. Fenix Humanitarian Legal Aid found that 65.9% of the respondents did not have daily access to food in the aftermath of the Moria fires, and 34.9% had no access to food for four days. The survey specifically noted the challenges faced by people with disabilities in accessing food or any other services after the fires.

15. BBC, [Lesbos: Greek police move migrants to new camp after Moria fire](#), 17 September 2020.

16. Legal Centre Lesvos, [Facebook post](#), 27 September 2020; UNHCR, [A month after Moria fires, UNHCR warns of worsening conditions ahead of winter](#), 9 October 2020.

supposedly allowing 2,000 people per day to use shower facilities. However, there continued to be insufficient access to functioning showers for the next year, given the insufficient number of showers with running hot water (as opposed to bucket showers with cold water that could be found across the camp), and the inaccessibility of shower facilities adapted for people with disabilities and restricted mobility.<sup>17</sup> **It was only in January 2022 that the WASH facilities, including showers, were finally operational with approximately 96% functionality. However, even then, hot water was not always available in the quarantine area of Lesvos RIC in Kara Tepe,** according to updates from residents and as confirmed in working group meetings.

**From October 2020 until January 2022, the Lesvos RIC in Kara Tepe was basically an unfinished construction site where migrants were forced to live during a pandemic without the necessary basic services and equipment—putting their health and lives at risk.** In the meantime, the Greek Ministry of Migration and Asylum had taken the decision to close the two major alternative and safe accommodation spaces available for vulnerable people and families on the island, namely the independent open refugee camp run by Lesvos Solidarity (Pikpa Camp), and the Municipality run camp in Kara Tepe, leaving no alternatives for accommodation other than the Lesvos RIC in Kara Tepe.<sup>18</sup> **The confinement of migrants in poor sanitary and overcrowded conditions—and the intentional elimination of any alternative housing—form part of what Achille Mbembe identifies as “necropolitics”: the exposure of populations to death and dying in (neo)colonial contexts.**<sup>19</sup>

17. Legal Centre Lesvos, [One year of Mavrovouni: There is nothing more permanent than the temporary](#), 14 September 2021.

18. Human Rights Watch, [Save dignity, save PIKPA and Kara Tepe](#), 30 September 2020.

19. Achille Mbembe. 2003. [Necropolitics](#). *Public Culture*. L. Meintjes, trans. 15 (1):11–40.

## 2.2. Delayed and restricted access to health services and vaccination against COVID-19

The increasingly dysfunctional and exclusionary asylum procedure, intensified by government measures implemented during the COVID-19 pandemic, had severe discriminatory consequences on migrants' access to vital services, including delays in the issuance of social security numbers and barriers of access to vaccination against COVID-19, and to the hospital and health services. The introduction of a separate social security system for asylum seekers at the start of 2020—whose necessity was questioned, and whose discriminatory character was decried by civil society and medical actors<sup>1</sup>—caused confusion, technical and bureaucratic dysfunction, and ultimately delays and restrictions for migrants hoping to access vaccinations, even when vaccines were available in the RIC.

### ● Delayed and restricted access to vaccines for migrants

One major obstacle for migrants in accessing vaccines was the lack of a government issued social security number - which was a prerequisite to receiving vaccination. Since the start of 2020, **migrants were already encountering countless obstacles and technical issues to being issued social security numbers.** This is because a new social security regime for asylum seekers had been introduced through Law 4636/2019 and a Joint Ministerial Decision of 31 January 2020,<sup>2</sup> providing that asylum seekers registered in Greece would no longer be issued with a Social Security Number (AMKA); but would instead be issued a Temporary Number of Insurance and Healthcare for Foreigners (PAAYPA).

Following the January 2020 decision,<sup>3</sup> the Lesvos RAO did not receive any instructions or guidelines from the Ministry to be able to proceed with the issuance of PAAYPAs until March 2020, leading to severe delays in their provision and activation. **Even as late as February 2021, LCL and legal aid actors on the island reported that the PAAYPAs of many asylum seekers were still not activated,** in particular in cases where asylum applicant cards had expired and had not been renewed as a result of COVID-19 related bureaucratic delays. This was despite the fact that the JMD in



**Figure 7.** Tents of the Lesvos RIC in Kara Tepe following heavy rains in January 2021. Source: Legal Centre Lesvos, [Stop playing with people's lives: it is urgent to safeguard the health of guests and workers at the Lesvos RIC](#), 26 January 2021.

1. Dimitris Aggelidis, [No more refugees should be left without care](#), Efsyn, 9 December 2019 (in Greek); Tania Georgiopolou, [Temporary number instead of AMKA](#), Kathimerini, 20 December 2019 (in Greek); Thodoris Chotrogiannos, [How the government left 60.000 asylum seekers without care](#), Inside Story, 31 January 2020 (in Greek); Efsyn, [It was delayed but the refugee "temporary insurance number" arrived](#), 3 February 2020 (in Greek); Refugee Support Aegean, [Refugees without identification documents](#), 27 October 2022.

2. Law 4636/2019, Articles 55 and 118, Joint Ministerial Decision no. 717, Gov. Gazette 199/B'/31-01-2020, [Arrangements to ensure access for the applicants for international protection to services access to health services, medical care, the social security and the labour market-P.A.A.Y.P.A.](#), 31 January 2020 (in Greek).

3. Ministry of Migration and Asylum, Press Release, [Resolving issues of temporary health care for asylum seekers](#), 3 February 2020 (in Greek).

question had extended the validity of expired asylum seekers' cards. This issue was only solved at the start of April 2021, when the Reception and Identification Service (RIS) started issuing "smart" asylum seeker cards to the residents of Lesvos RIC, which included an activated PAAYPA.<sup>4</sup>

While vaccination for the general population in Greece started on 25 December 2020, with the arrival of 9,750 vaccines to the country, **vaccination of the residents of the RIC in Lesvos only started about five months later, in May 2021. By 7 June 2021, only 257 out of the total of 5,541 residents of the Lesvos RIC in Kara Tepe had been vaccinated.**<sup>5</sup> There continued to be delays throughout the pandemic. For example, vaccination in Lesvos RIC stopped for about two weeks in August 2021 due to the lack of vaccines held by the National Public Health Organisation (EODY) clinic in Lesvos RIC, which is the only public health clinic in the Lesvos RIC. It should be noted that whereas the general population of Lesvos could choose to be vaccinated among several different sites throughout the island (and even choose which company's vaccine to receive), residents of Lesvos RIC could only be vaccinated inside the camp, by EODY, and had no autonomy to choose which vaccine they were issued.

**In the last week of August 2021**, EODY announced that they would no longer provide COVID-19 vaccinations for people outside of the asylum procedure, under the pretext that the State could not issue a vaccine certificate for those without legal status. As a result, people who already had appointments for vaccination with EODY, but had since received a final decision rejecting their asylum claim, were refused vaccination when they attended their appointment. Similarly, as of **5 October 2021**, EODY stated it could not vaccinate people either because they were outside of the asylum procedure and could not receive a PAAYPA, or because they were not aware of their PAAYPA, or because they were granted international protection shortly after their arrival and had not yet received any social security number (AMKA or PAAYPA). As reported in the UN coordinated Health Working Group, 323 people were refused vaccination on these bases.

Additionally, delays in the registration of asylum claims, in particular in mainland Greece, meant that many people who waited months to register their application for asylum were also denied access to vaccination, because they were not issued a PAAYPA until they were registered asylum seekers. On **2 November 2021**—nearly a year after the initiation of vaccinations in Greece—EODY introduced an additional **temporary social security number, "PAMKA,"**<sup>6</sup> as an emergency solution for migrants who did not have a PAAYPA; often those who had pre-registered for asylum (i.e.

4. Taxheaven, [Issuance of a temporary insurance and healthcare number of a foreigner](#), 1 April 2020 (in Greek).

5. Greek Ministry of Migration and Asylum, [National Situational Picture Regarding the Islands at Eastern Aegean Sea, Statistics](#), June 2021 (in Greek).

6. Ministry of Migration and Asylum, [Do I have P.A.M.K.A?](#), Press Release, 20 July 2021 (in Greek).

expressed their will to seek asylum) but had not yet had their application registered.<sup>7</sup> Nevertheless, migrants who had had their applications for asylum rejected and were considered undocumented or 'outside the asylum procedure' continued to be denied access to vaccination unless they made a subsequent application for asylum.

**The fact that migrants were refused access to vaccination by national health authorities due to their legal status clearly violates their right to health, and the fundamental principle of non-discrimination.** The above situation and the fact that vaccines were made available to the RIC residents much later than to the rest of the population and through a separate regime in which RIC residents could only be vaccinated by EODY inside Lesvos RIC, must be placed within **a global regime of vaccine apartheid, which has reinforced the violent border regime and the forms of inequality, exploitation, and marginalisation it reproduces against migrants.**<sup>8</sup>

#### ● **Restricted access to Vostaneio General Hospital in Lesvos**

Similar obstacles were erected to accessing medical care at Vostaneio General Hospital in Lesvos. As a general note, much like the issuance of vaccines, health care is not provided in the hospital to those who do not have a social security number of some kind (either AMKA, PAAYPA, or PAMKA), except in emergencies, which already restricts access to health care for all those who have no legal status (normally people who have received a final decision rejecting their asylum claim or who have not applied for asylum).<sup>9</sup> Additionally, RIC residents who have a social security number can only make appointments for medical care in the hospital if referred there by EODY in the Lesvos RIC, or through specific medical NGOs (unlike the general population who can make appointments directly at the hospital). Given the limited resources of both EODY and NGOs, this often leads to unnecessary delays in accessing needed medical care. Additional obstacles such as lack of translators, lack of transportation, and limited resources further limited migrants' access to the hospital. These restrictions are institutional restrictions that exist at all times, but which became exacerbated during the pandemic, with the national and local health care already stretched due to lack of resources and staffing.

Additionally, during the pandemic, all residents of the Lesvos RIC had to present a COVID-19 rapid test showing a negative result in order to be allowed entry to the hospital, whether to visit or to receive health care services, even in emergency

7. Refugee Info, [Health Care without a social security number \(PAAYPA or AMKA\)—About PAMKA for Covid-19](#), Last updated: 11 April 2022.

8. Michela Pugliese, [Greece's discriminatory vaccination practices render asylum seekers seriously vulnerable](#), Euro-Med Human Rights Monitor, 22 March 2021.

9. Forcing people to rely only on receiving emergency care when their conditions had reached a sufficient level of urgency also exacerbated an already strained public health care system. Preventing people from receiving preventive care or ongoing treatment for chronic conditions led to hospitalisation of people whose conditions might have been treated before they reached a critical level, at a time when space and resources were further limited by the need to treat and isolate COVID-19 patients.



situations. In contrast, the general population was usually able to access the hospital for personal appointments and to visit in-patients, without having to show the results of a rapid test or vaccination certificate. For example, during a research visit to the hospital in August 2021, FAC researchers observed that only people racially profiled as migrants were being asked at the entrance of the hospital to present a COVID-19 rapid test.

Furthermore, facilities in Vostaneio General Hospital in Lesvos are limited, and many patients with serious or specific medical conditions require further examination and treatment unavailable in the hospital or on the island of Lesvos. With the implementation of Law 4636/2019, as discussed above, geographic restrictions to the island of Lesvos were no longer lifted for asylum seekers who were designated as vulnerable. This included individuals with serious medical conditions who required treatment not available on the island. The RIS can lift geographic restrictions and transfer asylum seekers off the island for medical care, upon receipt of a certification from Vostaneio Hospital that needed medical treatment or examinations are unavailable. However, this adds an extra bureaucratic hurdle for asylum seekers, delaying their needed medical treatment. Additionally, for migrants without legal status who are not considered to be asylum seekers, the RIS of Lesvos often refused to lift geographic restrictions even after Vostaneio Hospital had referred an individual for needed care unavailable in Lesvos.



**Figure 8.** Wheelchairs outside of a tent in the “Blue Zone” of the Lesvos RIC in Kara Tepe, where persons with vulnerabilities, such as physical disabilities, are hosted in tents shared among 8 persons. Photo by a resident of the camp. Source: Legal Centre Lesvos, [European Court of Human Rights recognises Greek authorities’ persistent disregard for migrants’ health and lives in Mavrovouni camp](#), 26 August 2021.

**In 2021 alone, LCL submitted 17 emergency petitions requesting interim measures to the European Court of Human Rights (ECtHR) in representation of residents of Lesvos RIC who had been denied access to vital medical services.**<sup>10</sup> In each of these cases, the needed medical care was unavailable in Lesvos given the limited services of the Vostaneio Hospital, but the LCL clients were not transferred off the island to receive prescribed health care, in most cases due to the individuals’ lack of legal status in Greece. The vast majority of these individuals were Syrian nationals, whose asylum claims were rejected as inadmissible, and therefore were—as a policy—both denied health care at the public hospital and prohibited from leaving the island. These clients of the LCL had seen their health deteriorate while forcibly kept in the inadequate conditions of the Lesvos RICs (first in Moria and then Kara Tepe) without access to the health care they needed, in the midst of a global pandemic. The vast majority had been restricted to Lesvos in dehumanising and deplorable conditions for over a year.

In 16 out of the 17 cases filed, either the ECtHR granted the petitions, or the Greek state took steps to transfer the individuals to Athens following the filing of the emergency petition, rendering the petition moot. In the 14 cases in which interim measures were granted, **in ordering Greece to guarantee access to healthcare and living conditions compatible with Article 3 of the ECHR, the Court confirmed the principle that a person’s legal status cannot obstruct access to the fundamental right to health.** Unfortunately, not even an order from the ECtHR was sufficient to generate an appropriate response from the Greek State in all cases. Five of the above cases are currently being examined by the ECtHR to determine if the Applicants suffered violations of their human rights, and were communicated to Greece following submission of evidence demonstrating that the Greek government had failed to fully comply with the above order.

LCL’s decision to seek redress before the ECtHR in these cases followed months of inaction by the Greek authorities and fruitless communication with the Head of Lesvos Reception and Identification Centre (RIC), and the Vulnerability Focal Point (VFP) of the RIC—who are responsible for the identification and transfer of people with vulnerabilities and specific medical needs. **It should never have required an application to the European Court of Human Rights for the Greek state to comply with its obligations to protect the right to health, especially at a time when the risk to health and life was particularly acute given the ongoing global pandemic, yet it was the only measure that led to these individuals finally accessing needed healthcare.**

10. Legal Centre Lesvos, [Greek government instructed by European Court of Human Rights to guarantee rights of 3 LCL clients: an indictment of reception conditions in Lesvos](#), 17 March 2021; LCL, [European Court of Human Rights recognises Greek authorities’ persistent disregard for migrants’ health and lives in Mavrovouni camp](#), 26 August 2021.



### 3. Segregated legal system for migrants in RICs leads to their de facto detention

Shortly after the first case of COVID-19 was confirmed in Greece, the Government published a legislative act to address the spread of the virus in the country.<sup>1</sup> This act was later ratified as Law 4682/2020.<sup>2</sup> In addition, the General Secretariat for Reception of Asylum Seekers of the Ministry of Migration and Asylum issued several guidelines,<sup>3</sup> published in a press release of 18 March 2020. Referred to as the “Agnodiki Plan,” these concerned all RICs, accommodation facilities, and asylum services in Greece.<sup>4</sup> Law 4682/2020 and the Agnodiki Plan were meant to be the basis of the overall COVID-19 government response plan<sup>5</sup> and were implemented through a series of legally binding Joint Ministerial Decisions (JMDs) issued by the Ministries of Citizen Protection, Health, and Migration and Asylum, which detailed the rules and restrictions of movement in effect to control the spread of the virus.<sup>6</sup>

The Agnodiki plan was non-binding soft law, which was selectively implemented throughout the pandemic.<sup>7</sup> Suggested measures such as the operation of health units and transfer of vulnerable foreigners were ignored or delayed, whereas measures to isolate and restrict the movement of migrants were implemented without adequate accompanying protective health measures. For example, the “preventive isolation of the RICs” became operational exclusively for the Greek islands as of 23 March 2020, even though no positive COVID-19 cases had been identified in the RICs on the

1. Legislative Act of 25 February 2020, [Urgent measures to prevent and limit the spread of coronavirus](#), Government gazette 42/A/25-2-2020 (in Greek).

2. Article 1 of Law 4682/2020 ratified the legislative act of 25 February 2020 and was subsequently amended in a single text available in the [Government gazette 46/A/3-4-2020](#).

3. In Greek, οδηγίες [othigies].

4. Ministry of Migration and Asylum, Coronavirus protection measures at Reception and Identification Centers, Accommodation facilities and the Asylum Service, Press release, 18 March 2020 (no longer available online); see also Ministry of Migration and Asylum, [Points of intervention of the Deputy Minister of Immigration and Asylum, Mr. George Koumoutsakos, at the teleconference of EU Home Affairs Ministers](#), Press release, 27 March 2020.

5. Legal Centre Lesvos, [One year of Mavrovouni: There is nothing more permanent than the temporary](#), 14 September 2021.

6. Komotini Press, [The emergency plan “Agnodiki” is implemented in refugee facilities](#), 3 September 2020 (in Greek). The Agnodiki Plan included several measures such as the immediate transfer of people newly arriving on the islands to specially designed sanitary isolation (quarantine) areas; the operation of health units in RICs and other hosting centres; the provision of information to RIC residents in a language they understand, including through social media; and the transfer of vulnerable third-country nationals from the RICs on the islands to the mainland. Moreover, the “Agnodiki Plan” provided for two scenarios in case of health threats in the RICs: either the preventive isolation of facilities or their total isolation.

7. Tsourdi, E. and Vavoula, N., 2021. [Killing me Softly? Scrutinising the role of soft law in Greece’s response to COVID-19](#), *European Journal of Risk Regulation* 12(1): 59-76.

islands.<sup>8</sup> A stricter application of the Agnodiki plan was put forward on 3 September 2020, when the first positive COVID-19 case was confirmed in the Moria RIC and a 14 day total lockdown (isolation) was imposed on the camp.<sup>9</sup>

From the start, and throughout the pandemic, the Joint Ministerial Decisions issued made a distinction between the general population and people living in the RICs, and separate rules applied to each group. **The creation, implementation, and maintenance of this system of legalised (*de jure*) segregation resulted in unjustified perpetual lockdown of residents of RICs (Section 3.1) and the discriminatory restriction of the rights of residents of RICs (Section 3.2).**<sup>10</sup> **This separate, discriminatory system severely restricted the right to liberty, security, and freedom of movement of those migrants living in RICs throughout Greece, and led to their *de facto* detention in RICs (Section 3.3).**

#### 3.1 Unjustified perpetual lockdown of residents of RICs throughout the pandemic

While asylum seekers in Greece have the right to reside outside of the RICs, to do so they must have the independent financial means to support themselves, or be hosted by people or organisations who can support their living costs. Asylum seekers in Greece are only granted the permission to work six months after they have applied for asylum, and this right is revoked if their application is rejected by a final decision (normally on appeal of a first instance rejection). Additionally, alternative accommodation for asylum seekers outside the RICs, in particular in Lesvos, was gradually eliminated throughout the pandemic, with the closure of both the independent PIKPA camp (run by Lesvos Solidarity) in October 2020, and the camp in Kara Tepe (run by the municipality), in April 2021. In practice, this meant that **the vast majority of foreign nationals who arrived to Lesvos before and during the pandemic and who sought asylum in Greece, were forced to live in the RICs, and therefore de facto mandatorily subject to the segregated regime of COVID-19 regulations.** The distinct treatment of residents of RICs under the law was initiated with a barely disguised rationale of protecting the general population *from* the migrant population held in the RICs, who were construed as “spreaders of the virus”<sup>11</sup> despite any evidence to support this theory.

8. Nextdeal, [The “Agnodiki” Plan for the refugee and migrant facilities](#), 3 April 2020 (in Greek).

9. Giannis Souliotis, [Coronavirus: The “Agnodiki” emergency plan for Moria](#), Kathimerini, 3 September 2020 (in Greek).

10. European Commission against Racism and Intolerance (ECRI), [General Policy Recommendation No 7: National legislation to combat racism and racial discrimination](#), 7 December 2017.

11. The first JMD adopted on 21 March 2020 applying to migrants and asylum seekers living in RICs was titled [“Implementation of measures against the emergence and spread of coronavirus Covid-19 outbreaks in the Reception and Identification Centres, in the whole territory.”](#)

# 2020

## General population

9 March 2020  
**First case of COVID-19 in Lesvos**

10 March 2020  
**Closure of schools in Greece**

21 March 2020  
**Start of the first lockdown**  
Restriction of movement to the district of residence. Permission to move outdoors anytime by filling a form or sending an SMS to police specifying the reason for movement.

4 May 2020  
**Lifting of the first lockdown**  
Suspension of all restrictive measures. General population is free to circulate outside their homes with encouragement to use face masks and practice social distancing.

15 June 2020  
**Greece opens its borders to tourists**  
Most travel bans are lifted for EU/non-EU nationals travelling to Greece.

12-25 October 2020  
**Additional protection measures**  
Use of masks is mandatory indoors and outdoors. Curfew in place from 18:00 until 5:00 in the "orange" and "red" epidemiological regions, including Lesvos. Curfew is adjusted over the next months based on the percentage of confirmed COVID-19 cases in the region, extending first until 21:00, and later until 00:30 in May 2021.

7 November 2020  
**Start of the second lockdown**  
National lockdown imposed, with stricter measures in some epidemiological regions, based on level of infection. Similar restrictive measures are implemented as in the first lockdown.

25 December 2020  
**Vaccination of the general population begins**

## RIC residents

10 February 2020  
**Announcement of the construction of new, closed detention centers (CCACs)**  
Ministry of Migration and Asylum announces CCACs will begin to operate in summer of 2020 in the hotspot islands.

1 March 2020  
**Unilateral suspension of the right to seek asylum in Greece**

13 March 2020  
**Closure of the Asylum Service and suspension of all asylum interviews**

21 March 2020  
**Start of the first lockdown**  
Exit from RIC only permitted for one representative per family or group of residents, only from 7:00 to 19:00, and only to cover basic needs in the nearest urban centre. Exits from Moria and Kara Tepe RICs are restricted to 100 people per hour; that is, only one in twenty persons per day are allowed to leave the RIC.

24-30 April 2020  
**Closure of Kara Tepe camp, run by the Municipality of Lesvos.**  
Residents transferred to the Lesvos RIC in Kara Tepe.

4 May 2020  
**Lockdown is extended**  
The restrictive measures are extended. Mandatory quarantine is imposed on all newly arrived migrants in Lesvos.

18 May 2020  
**Reopening of Asylum Service, but only by appointment.**

1 August 2020  
**Additional exit restrictions in Moria**  
Exits are limited to 120 people per day from Moria RIC: less than 1% of the camp's population, and only for specified purposes with prior request, such as accessing medical support, except in cases medical emergency.

2 September 2020  
**First case of COVID-19 in Moria**  
**Full sanitary lockdown of Moria**  
Entry and exits from the camp are fully prohibited 24 hours a day, 7 days a week, until 15 September 2020.

8-9 September 2020  
**Destruction of Moria RIC by fires**

9-17 September 2020  
**Detention of migrants on roads**  
13,000 RIC residents who were displaced by the fire, are kept behind police barricades on the highway without adequate assistance.

17 September 2020  
**Opening of the "Temporary" Reception and Identification Centre Lesvos RIC in Kara Tepe.**  
Migrants who were displaced by the fires that destroyed Moria RIC forced to relocate there. Curfew is imposed from 17:00 on Saturdays. No exits allowed on Sundays and official national holidays, except for medical emergencies and to attend church service with prior permission.

12-25 October 2020  
**Suspension of exit from Lesvos RIC**  
Use of masks is mandatory indoors and outdoors. Curfew in place from 18:00 until 5:00 in the "orange" and "red" epidemiological regions, including Lesvos.

30 October 2020  
**Eviction of PIKPA solidarity camp.**  
Authorities close PIKPA, an open and independent self-organized shelter, which hosted vulnerable individuals and families in Lesvos since 2012.

7 November 2020  
**Suspension of mobility for all RIC residents**  
Exits are limited to up to fifteen per cent of the camp population per hour; 750 people (maximum) are allowed to exit per day. Continued restriction on exit from the camp in place from March 2020.

25 October 2021  
**Mandatory protection measures**  
New mandatory protection measures introduced in addition to use of masks, and keeping distances, including installation and use of an alcoholic solution, obligation to display rules of shops and businesses, and ventilation of premises.

# 2021

## General population

21 January 2021  
**Curfew introduced**  
Mobility restricted in Lesvos from 18:00-5:00 until March 21; thereafter, mobility restricted from 21:00-5:00 (country-wide).

14 May 2021  
**Lifting of the second lockdown**  
General population is free to circulate outside their homes. Curfew is extended until 00:30.

19 June 2021  
**Lifting of all restrictive measures**  
Restaurants, bars, and schools re-open. Vaccination certificate, rapid test or certificate of recovery needed to enter restaurants, shops, cinemas, etc.

17 September 2020  
**Opening of the "Temporary" Reception and Identification Centre Lesvos RIC in Kara Tepe.**  
Migrants who were displaced by the fires that destroyed Moria RIC forced to relocate there. Curfew is imposed from 17:00 on Saturdays. No exits allowed on Sundays and official national holidays, except for medical emergencies and to attend church service with prior permission.

25 October 2021  
**Mandatory protection measures**  
New mandatory protection measures introduced in addition to use of masks, and keeping distances, including installation and use of an alcoholic solution, obligation to display rules of shops and businesses, and ventilation of premises.

## RIC residents

April 2021  
**New restrictions in Lesvos RIC**  
Exit lists based on people's case numbers issued every week limiting exits to one person per family in a certain time slot of three hours once per week and only with the provision of a certificate for, e.g., medical or legal appointments, asylum interviews, visiting a public service.

14 May 2021  
**Lockdown is extended**

May 2021  
**Start of vaccination of RIC residents in Lesvos.**  
Vaccination of RIC residents begins 5 months after vaccination of general population began (in December 2020).

7 June 2021  
**Joint Ministerial Decision expanding the list of nationalities deemed safe in Turkey to include nationals of Syria, Afghanistan, Pakistan, Bangladesh and Somalia.**

19 June 2021  
**Restrictive measures extended**  
Curfew is extended from 19:00 to 21:00, whilst restrictive measures to exit the camp remain in place.

21 July 2021  
**Restrictive measures extended**  
In Lesvos RIC, exit lists based on people's case numbers now allow one person per family to exit in a certain time slot of three hours every one and a half days.

August 2021  
**Restrictive measures extended**  
Exits are limited to 100 persons per hour (700-800 people per day) for specific reasons, such as medical/legal appointments, with certification of the appointment issued by NGOs. In Lesvos RIC, a negative COVID-19 test result is required prior to every exit from the camp.

25 October 2021  
**Restrictive measures extended**  
Same mandatory protection measures as for the general population. Curfew remains in place: possibility of exiting RIC is limited to 07:00 to 21:00. Exit from the camp remains limited to those people on exit lists, who can prove they have an appointment outside the camp.

16 November 2021  
**Digital Certificates of Vaccination against COVID-19 now also issued to RIC residents, regardless of legal status.**

# 2022

## General population

1 March 2022  
**Greece opens its borders to tourists**

1 May 2022  
**Lifting of all restrictions for incoming travellers**

## RIC residents

24 January 2022  
**Restrictive measures extended**  
Exits from Lesvos RIC are made dependent on the number of positive COVID-19 cases confirmed on the island of Lesvos as a whole: **<100 positive cases:** all residents are allowed to exit the camp from 8:00 to 20:00. **100-200 positive cases:** one half of residents can exit from 8:00 to 14:00 and the other half from 14:00 to 20:00. **>200 positive cases:** residents can exit in four groups, for three hours each (8:00-11:00; 11:00-14:00; 14:00-17:00; 17:00-20:00).

1 March 2022  
**Restrictive measures extended**

1 May 2022  
**Mandatory test and quarantine**  
Upon arrival, migrants are subject to a mandatory quarantine period of at least 5 days, regardless of positive/negative test result.

June 2022  
**End of the issuing of exit lists**

November 2022  
**Conversion of RICs to CCACs**  
Reception and Identification Centres are converted into Closed Controlled Access Centres.

### Legend

- Restrictions
- Protections/Easing of restrictions
- Lifting of restrictions

**Figure 9. A Timeline of Discriminatory Measures.** Comparative timeline of movement restrictions and other measures imposed on general population versus on residents of RICs (between January 2020 and December 2022)

The timeline above (**Figure 9**) provides a detailed overview of the movement restriction measures imposed on migrants living in RICs, comparing them to the measures imposed on the general population and international tourists between January 2020 and June 2022.

The most stark example of this discriminatory and differential treatment under the law was the lifting of the two consecutive lockdowns imposed on the general population in Greece, respectively on 4 May 2020 and 14 May 2021, which were not lifted for residents of RICs. While businesses including cafes, restaurants and bars reopened to the public, and citizens and international tourists could travel freely within, and in and out of the country, **mobility restrictions remained mostly unchanged for migrants living in RICs and other hosting structures**. Specific numbers of people—and often only one person per family unit—were allowed to exit the RIC every day, at specific times, and only if they possessed a valid written justification for exiting the camp, such as an appointment certificate with a lawyer or a doctor, or in order to go to work.

Medical actors, such as Médecins Sans Frontières (MSF), described the unlawful lockdown on migrant camps as “toxic,” “blatant discrimination,” and “absolutely unjustified from a public health point of view.”<sup>12</sup> Human Rights Watch (HRW) stated that “the Greek government should stop using Covid-19 as an excuse to force people to live in segregated, overcrowded, and unsanitary conditions.”<sup>13</sup> Other leading humanitarian agencies called for moving asylum seekers to safety, proposing the immediate “decongestion” of the hotspot to address COVID-19.<sup>14</sup> Despite being publicly decried and highly controversial including from a public health perspective,<sup>15</sup> the Greek government’s decision to indefinitely prolong the confinement of migrants in RICs was at no moment in time explained or sufficiently justified by its officials.

In response to a letter by the deputy representative of UNHCR, Jason Heps, who criticised the **continuous extensions of the restrictions on the exit of migrants from camp facilities**, the Ministry of Migration and Asylum stated that this was “in no case a potential ‘detention’ as all the guests maintained and maintain their right to leave the structures, but in an organised way.”<sup>16</sup> Of course, this was far from accurate, as we demonstrate in **Section 3.3**. The Ministry further stated that the easing of measures for the general population “creates conditions for increasing the potential

12. Médecins Sans Frontières, [Government must end lockdown for locked up people on Greek islands](#), 16 July 2020.

13. Eva Cossé, [Greece Again Extends Covid-19 Lockdown at Refugee Camps](#), Human Rights Watch, 12 June 2020.

14. HIAS, [HIAS Greece urges Government to Help Refugees and Asylum Seekers Amid Covid-19](#), 14 March 2020.

15. European Council on Refugees and Exiles, [Greece: Camp Lockdown Extended, Children in Detention, Cuts in Housing, Red-tape on NGOs and Continued Push-backs](#), 26 June 2020; Anthee Carassava, [Greece Extends Lockdown on More than 120,000 Migrants, Refugees](#), 21 June 2020.

16. CNN Greece, [Ministry of Migration: The easing of measures lead to the need to strengthen the reception centres](#), 29 July 2020, (in Greek).

risk of exposure of the specific population residing in the identification and reception centres to overcrowding conditions and therefore the Greek state must strengthen the necessary measures and not ease them.”<sup>17</sup> They also point out that the decisions taken by the Ministry of Migration and Asylum “take into account the increased presence of tourists on the islands, thus, dealing with a possible outbreak of the virus in the summer months in the RICs would be difficult to deal with.”<sup>18</sup> **Apart from clearly reproducing a hierarchy of deservingness between migrants, citizens, and tourists, these public statements are a cynical attempt to justify the indefensible perpetual lockdown imposed on migrants in the RICs. What was presented as a protective measure for their own ‘health and safety,’ resulted in a double sanction for those already forced to live in filthy and overcrowded camps, at active danger for their lives and health.**<sup>19</sup>

### 3.2 Discriminatory impact of COVID-19 regulations

In addition to the *de jure* segregation of residents of the RICs, several generalised measures imposed during the pandemic had a discriminatory impact against migrants. **Section 2** has already laid out the discriminatory impact of several measures on access to health care. Below are just a few additional examples of ways in which residents of RICs were disproportionately impacted by COVID measures.

- **Right to education limited for children residing in RICs**

As a result of COVID measures restricting the exit from the RICs of all those except the heads of households, children residing in RICs were in practice prohibited from leaving the camps, even to attend school. Additionally, when remote learning was imposed for the general population, residents of RICs who had limited access to both internet and technological devices in order to attend school remotely were disproportionately impacted by these policies.<sup>20</sup>

- **Increased isolation of RIC residents due to limitations on public transportation use**

In addition to specific public busing rules for residents of RICs, COVID-19 related measures included restrictions limiting the **general use of public transportation to prevent congestion on public transit**. While reducing the number of people using public

17. Ministry of Migration and Asylum, “Coronavirus protection measures at Reception and Identification Centers, Accommodation facilities and the Asylum Service,” Press release, 18 March 2020 (no longer available online).

18. See Ibid. and Vradini, [Ministry of Migration: The relaxation of measures lead to the need to strengthen the reception centres](#), 29 July 2020, (in Greek).

19. See also Martina Tazzioli, [Confine to protect: Greek hotspots and the Hygienic-Sanitary borders of Covid-19](#), Border Criminologies, 9 September 2020.

20. See, e.g. Refugee Support Aegean, [Excluded and Segregated: The Vanishing Education of Refugee Children in Greece](#), 13 April 2021.



transportation can *per se* be justified by the public health need for physical distancing during the pandemic, these measures disproportionately impacted the residents of RICs, who were housed in RICs located in remote locations far from urban centres, and who lacked alternative and private means of transportation to reach vital services, as well as to engage in social activities, normally only available in urban centres.

- **Right to legal assistance limited by restrictions on lawyers access to the Lesvos RIC**

Legal actors on Lesvos, including LCL, observed how the movement restrictions adopted functioned to limit asylum seekers' ability to access lawyers and exercise their basic rights to obtain legal support, and reciprocally impeded lawyers to be in unrestricted contact with their clients. In addition to the difficulty of asylum seekers to reach the offices of legal aid providers and lawyers (as described in more detail below), restrictions on entry of lawyers to the camp prevented lawyers from visiting clients there. For instance, according to the Commander of Lesvos RIC in Kara Tepe, in October 2021, lawyers could access the Lesvos RIC in Kara Tepe to provide legal services only following the submission and approval of a relevant request to the Administration of Lesvos RIC in Kara Tepe 24 hours prior. Requesting such permission, however, was not always feasible in practice, especially with the applicable strict asylum deadlines, or in urgent cases. This is yet another practice which remained in effect even after COVID-19 measures were lifted. Given that asylum interview invitations in some cases are communicated to the applicants only a few days prior to their interview, or were scheduled one day after their registration, asylum seekers increasingly struggle to find legal aid or to meet with their lawyers at such short notice.

### 3.3 *De facto* detention of residents of Lesvos' RICs

Apart from creating a segregated legal regime and having a discriminatory impact on RIC residents, the JMDs issued by the Greek government to tackle the spread of COVID-19 were drafted in unclear and vague terms, **leaving room for different interpretations and often arbitrary, changing practices of implementation by RIC management, police, security, and other responsible authorities.**

For example, the first JMDs initially foresaw the "possibility for temporary restriction of movement" for migrants living in RICs, without, however, specifying how restrictions should be implemented in practice (for instance, how many people would be allowed to exit the RIC at a time, whether a justification would be required to exit and if so, for what reasons).<sup>21</sup> Exceptional exits from the RICs were provided for in similar broad terms: "On a daily basis and from 7:00 until 21:00 family or group representatives

21. Joint Ministerial Decision on the restriction of movement in asylum seekers' hosting facilities, [D1a/GP.oik20030/21/3/2020, OJ 985/2020](#), 21 March 2020.

residing in the RICs and hosting structures of third country nationals can proceed to the nearest urban centres to cover their basic needs. [...] The monitoring of the above-mentioned measures is implemented by personnel of the Hellenic Police."<sup>22</sup> No definition was provided in the JMDs about what constitutes a "basic need," thus undermining certainty or transparency about what would be recognised as a valid reason to exit camps, leaving such assessment to the discretion of police officers and camp authorities implementing these measures.

**LCL observed how the camp authorities and police in Lesvos regularly and arbitrarily strengthened the rules of entrance and exit in and out of the RICs, without previous notice nor with any public health-related justification.** The timeline above (**Figure 9**) shows the constantly changing movement restrictions implemented in Lesvos, in addition to the discriminatory, segregated regime provided by the JMDs, which affected the conditions to exit and enter the RICs. This additional layer of rules and extremely restrictive requirements implemented by camp authorities and police in Lesvos further segregated the migrant population of the RICs, as **migrants' mobility and freedom of movement was more strictly and harshly limited, as compared to the general population.**

For instance, **in March 2020, less than 1% of Moria camp's population was allowed to exit every day, only for specified purposes, with an anticipated notification to the authorities, and often limited to only one person per family unit, meaning the rest of the family remained in *de facto* detention for the duration of these restrictions.** In contrast, the general population was only required to send a SMS to leave their accommodation and move around their district of residence. Additionally, the reasons allowed to leave the camp were restricted in comparison to the general population. For example, **even during the harshest lockdown, the general population could leave their homes (if before curfew) for personal exercise, or to provide assistance to someone in need—two categories for circulation which were never allowed for residents of the RICs in Greece.**

Similarly, **from September 2020 onwards, a new curfew was established specifically for people living in the Lesvos RIC:** from Saturday at 5pm until Monday morning, with exceptions made only for emergencies, or to attend Sunday church services. In addition to effectively closing the camp on Sundays, exit from the camp was also prohibited on national holidays. The decision to close the Lesvos RIC on Sundays and official national holidays was justified by the management of the Lesvos RIC, by the interpretation given to the wording of the JMD allowing exits "daily,"<sup>23</sup> as referring only to working days, that is from Monday to Saturday. This meant in practice that Lesvos RIC residents were obstructed from having a social life or to cover their basic needs from Saturday evenings until Monday mornings and on national holidays, of course without any justification linked to public health.

22. Ibid.

23. In Greek, καθημερινά [kathimerina].



**From April 2021, the Lesvos RIC management suddenly started issuing weekly lists, allowing for the exit of part of the RIC residents at different random and changing intervals during the week,** based on their police issued registration numbers and only to fulfil their basic needs. An example of these exit lists are attached in **Annex 2** to the present report.

During those periods when migrants had to present an appointment certificate in order to exit the RIC in Lesvos, civil society actors observed that this proof of appointments was not always accepted by the camp authorities; whether an appointment certificate was accepted or not depended on the day, time period, and the judgement of the authorities. In some cases, the authorities required that the NGO issuing the certificate had to have been recognized and registered by the Ministry of Migration, through a highly criticised and complicated bureaucratic procedure based on the Joint Ministerial Decision 10616/2020.<sup>24</sup> However, whether the certificate was accepted or not, ultimately depended on the on duty camp authorities, which augmented the arbitrariness of the treatment.

**The overlapping of these restrictive measures had severe consequences on migrants' lives.** For instance, the ever-changing mobility restrictions and controlled exits from the RIC severely affected the RIC's residents' daily lives: from their ability to access basic and vital services (such as health, educational, and legal services) to their ability to engage in social and recreational activities outside of the camp. In September 2021, participants in the Gender-Based Violence (GBV) working group in Lesvos highlighted that in many cases, migrants who were in some cases victims of gender based violence *inside the camp*, were prevented from leaving the RIC for psycho-social counselling or doctor and psychologist appointments, due to mobility restrictions at the Lesvos RIC in Kara Tepe, leaving them trapped inside the camp with their abusers. **Additionally, the constantly changing rules not only were discriminatory in law and practice, but also added to the mental anguish of RIC residents, given the uncertainty of the rules applied against them.**

These rules were implemented in an arbitrary and unfair manner, given the absolute lack of transparency, explanation, or justification by the Greek authorities. As our research shows, **many of the mobility restrictions imposed on people living in RICs were, in fact, unrelated to preventing the spread of the COVID-19 virus;** rather, restrictions were driven by other motivations, including prioritising cost reduction and the convenience of management and staff over migrants' rights, through for instance avoiding scheduling staff for weekends and holiday shifts. Moreover, these restrictions compounded the existing, structural discrimination to which migrants are subject.

24. Refugee Support Aegean, [Greek NGO Registry and its implementation incompatible with international and EU law](#), according to ECRE expert opinion, 20 December 2021.

The cumulative effects of the restrictive measures adopted by the Greek government established a **strict, perpetual lockdown for migrant populations who were already contained in camps under geographic restrictions before the pandemic.** The authorities used the lockdown restrictions to further segregate and immobilise migrants, confining them to the spaces of the RICs, in unsanitary, overcrowded conditions. **This increased confinement constituted a restriction of liberty that amounted to *de facto* detention.** Far from being justified by public health imperatives, the combination of these measures during a pandemic and as compared to the less restrictive measures imposed on the general population, not only **constituted a direct threat to the health and lives of migrants, but amounted to a system of legalised *de jure* segregation resulting in the discriminatory restriction of the rights of residents of RICs.**

Our research also shows that, throughout the pandemic, **migrants were continuously considered by the authorities as an undifferentiated mass or group, whose vulnerability as displaced people forced to live in camps was never recognised or taken into account as part of the governmental response to COVID-19.** To the contrary, migrants held in RICs were unjustifiably construed as spreaders of the virus and consequently deprived of any free will and ability to take individual responsibility in times of pandemic.

Additionally, the increase of surveillance and controls by police and private security at the entrance of and within the RICs throughout the pandemic, meant that there was hardly a noticeable change after COVID-19 restrictions were eventually lifted in the summer of 2022, as reported by several residents of the Lesvos RIC. Following the lifting of COVID measures, curfews remained in effect for camp residents, and the camp was arbitrarily closed and exit prohibited with no notice several times in the months following the lifting of COVID measures, for example on some public holidays and weekends, when staffing was apparently short. In essence, **COVID-19 provided a justification to set up increasingly restrictive measures and control of migrants at the entrance of and within the RICs, structures which remained in place even after the pandemic, and which have since then been codified by the conversion of RICs to CCACs in November 2022.**<sup>25</sup>

25. Presidential Decree 77/2022, Government Gazette 212/A/17-11-2022, [Establishment of Closed Controlled Structures \(CCS\) and abolition of Reception and Identification Centres \(RICs\) - Amendment of p.d. 106/2020 "Organization of the Ministry of Migration and Asylum" \(A' 255\)](#), published on 17 November 2022 (in Greek).





**Figure 10.** The massive CCAC financed by the European Union, built in the heart of Lesbos' main pine forest of Vastria, a Natura 2000 protected site situated 26 km away from Mytilene town, and meant to detain up to 5,000 asylum seekers from the time of its opening. Source: La Relève et La Peste, Un camp de réfugiés hors-norme risque de provoquer un incendie meurtrier dans la plus grande forêt des îles d'Egée, 17 May 2023. Photo Credit: Isabelle Karaiskos.



Aegean

Turkey

Edremit Körfezi  
Edremit Gulf  
Αδραμυττηνός κόλπος

Turkey

5

**5. MEGALA THERMA  
DETENTION AND QUARANTINE SITE**

Operated from May 2020 as a quarantine site.  
Transformed to West Lesvos Controlled Hospitality  
Structure for Asylum Seekers from November 2022  
onwards.

6

**6. VASTRIA CCAC**  
Under construction.

2

**2. MORIA RIC**

Opened 2013.  
Destroyed by fires in September 2020.

4

**4. LESVOS CCAC  
IN KARA TEPE**

"Moria 2.0" opened September  
2020 as Lesvos TRIC, later RIC.  
Operating as Lesvos CCAC since  
November 2022.

3

**3. KARA TEPE  
MUNICIPAL CAMP**

Operated from 2015 to April 2021.

1

**1. PIKPA LESVOS SOLIDARITY  
CAMP**

Opened in 2012.  
Evicted in October 2020.

Κόλπος Καλλονής  
Gulf of Kalloni

Κόλπος Γέρας  
Geras Gulf

Sea

**Figure 11.** Map of quarantine sites and refugee camps on Lesvos island.  
Source of map: [Kelisi/Wikipedia Commons, 2022](#). CC-BY-SA 4.0. Graphic: LCL/FAC



## 4. The systematic use of quarantine sites as spaces of detention

Since the start of the COVID-19 pandemic and until 7 December 2022, Greek authorities have resorted to **systematically detaining in different quarantine sites all residents of RICs who test positive for COVID-19 and all newly arrived migrants in Lesvos regardless of COVID status**, allegedly for the medical purpose of limiting the spread of the virus. In reality, these quarantine sites were used by the Greek authorities as a spatio-temporal strategy to solidify the practice of detention and invisibilization of migrants, in full disregard of people’s medical needs and human rights. Little information has been made public on the conditions inside these quarantine sites, given their inaccessibility to NGOs and lawyers, and their strict placement under the aegis of the Ministry of Migration, RIS authorities, and the police. Based on pictures and testimonies shared with LCL and FAC, in what follows we describe the precarious conditions in which migrants were held in the various quarantine sites around Lesvos, all of which were **unfit for medical isolation, violating people’s rights while exposing them to unsanitary and unlawful carceral conditions (Section 4.1)**. We also demonstrate that the generalised imposition of mandatory detention in quarantine constitutes another **discriminatory measure unjustifiably targeting migrants, which had no legal ground under Greek law and amounted to arbitrary and unlawful detention (Section 4.2)**.

### 4.1. Exposure to unsanitary conditions and violation of rights in Lesvos’ quarantine sites

As shown in **Figure 11** (previous page), different quarantine sites were set up over time at several locations on the island of Lesvos. From May 2020 and until 7 December 2022, all migrants who arrived on Lesvos to seek asylum were—without exception, and regardless of their medical condition, their COVID-19 status after testing, or the pandemic situation in their country of origin—subjected to a mandatory quarantine period upon arrival, in conditions which violated their rights.

According to the World Health Organisation (WHO), COVID-19 quarantine measures must ensure that individuals have access to adequate food, water, protection, hygiene and communication provisions, including access to education for children; infection prevention and control (IPC) measures; and measures for monitoring of the health of people who are quarantined.<sup>1</sup> Given that quarantine is ostensibly justified as a means to prevent the transmission of COVID-19, the sites in Lesvos remained largely unchallenged throughout the pandemic. However, as demonstrated below through

1. World Health Organization, [Considerations for quarantine of contacts of COVID-19 cases: interim guidance](#), 25 June 2021. This document is an update of interim guidance entitled [“Considerations for quarantine of contacts of COVID-19 cases,”](#) published on 19 August 2020.

the reports of people who were detained in the different quarantine sites established for migrants around Lesvos, **the requisite measures to maintain a quarantine site according to WHO standards were continuously violated**. In fact, the quarantine sites created for migrants were seriously dysfunctional in terms of being able to control the spread of the virus, and continuously violated migrants’ rights.

#### ● 6 May to 8 September 2020: Forced closure of health quarantines and detention in improvised sites in Moria RIC

As already mentioned above, in Moria RIC, the medical isolation clinic which had been constructed by MSF and opened on 6 May 2020 was forcibly closed on 31 July 2020 by local authorities using the threat of criminal charges and fines. The new isolation centre that was inaugurated on 30 August 2020, was never operational.<sup>2</sup> Instead, people suspected of carrying the COVID-19 virus were detained in cabin-like huts that sat upon a former playground in an olive grove outside Moria RIC. Residents reported that there was no clarity as to who would provide basic necessities, such as food and water, to those detained in this makeshift quarantine—let alone healthcare, if anyone should contract the virus.

**On 30 July 2020**, only a month before the first COVID-19 case was confirmed in the Moria RIC, MSF and other actors publicly denounced the inexplicable and unjustifiable obstacles to the continued operation of the existing equipped isolation clinics, and warned about the disastrous consequences that these decisions would have in the highly likely case of an outbreak of the virus. In particular, MSF **condemned the authorities’ failure to propose a solution for medical isolation**, as well as their negligence in responding to public health risks in times of pandemic, in particular at a time where the risk of COVID-19 outbreak in the camp was extremely high due to the “overcrowded and unhygienic conditions” in Moria RIC.<sup>3</sup> This risk materialised on 2 September 2020, when the first person tested positive for COVID-19 in Moria RIC and **there was no functional and adequate health quarantine space available** to isolate and treat people suspected or confirmed to carry the COVID-19 virus.

2. Greek media reported that the health isolation centre funded by the Dutch government in Moria RIC never operated after its inauguration on 30 August 2020 due to the lack of medical staff available. This centre was partly destroyed by the fires of 8-9 September 2020 in Moria RIC, but the medical and mechanical equipment that was not destroyed was transferred a few weeks later to the general hospital in Mytilene. See: Stonisi, [The Dutch Health Centre goes... to the Hospital](#), 22 September 2020 (in Greek) and Keep Talking Greece, [Respirators donated by Dutch government for refugees sent to Lesvos hospital](#), 24 September 2020.

3. MSF, Greece, [MSF forced to close COVID-19 centre on Lesbos](#), 30 July 2020.

● **8 May 2020 to May 2023: Detention in Megala Therma in Western Lesvos**

From **8 May 2020 onwards**, to replace the detention-at-site-of-arrival implemented in the previous two months (as described in **Section 1.1**), new arrivals who had arrived to the municipality of Western Lesvos were transferred to a rudimentary quarantine site of Megala Therma, situated between Eftalou and Skala Sikamineas, while those who arrived to the municipality of Eastern Lesvos were transferred directly to the quarantine site, first inside the municipality run camp in Kara Tepe, and later in the Lesvos RIC in Kara Tepe.

Civil society actors had limited access to the quarantine site at Megala Therma. MSF, who provided weekly healthcare services, described the conditions as “grossly undignified and inhumane” and reported a “serious and systematic neglect in the provision of essential services, protection and proper access to specialist healthcare.”<sup>4</sup>

In Megala Therma, no separate spaces were provided for unaccompanied minors or single women, and there were no vulnerability-sensitive support services, no provisions for people with disabilities, nor protection measures for LGBTQI+ asylum seekers. Different groups of people were accommodated together on arrival, often for several months, and regardless of their COVID-19 status. For example, groups of people who had completed their quarantine were later joined by new people arriving and forced to remain detained together until all of them had completed their quarantine. This heightened the risk of contracting the COVID-19 virus to the initial groups and needlessly prolonged their quarantine. **For the duration of the quarantine period, which in some cases reached up to 60 days, individuals were denied access to registration and asylum procedures (including vulnerability assessments).**

From June 2020 to June 2021, LCL, who was often contacted directly by telephone by individuals detained in Megala Therma, received reports of the following violations and inhuman conditions:

- ▶ **All unaccompanied minors were detained together with unrelated adults**, despite the issue being repeatedly raised by LCL and other actors with the RIS Minors’ Office.
- ▶ **All people detained in Megala Therma, including children with serious physical and cognitive disabilities, were routinely denied medical care.**

In 2021, MSF advocated for

the urgent removal of 25 patients from the site, including babies with serious medical conditions; heavily pregnant women in need of antenatal care; survivors of torture and ill-treatment with serious mental health conditions, including PTSD and suicidal thoughts; persons with disabilities or other serious medical

4. Médecins Sans Frontières, [Constructing Crisis at Europe’s Borders](#), 9 June 2021.

conditions; and unaccompanied children in need of urgent follow-up care and medical treatment. Out of this group, only seven people were transferred out of the site in a timely manner.<sup>5</sup>

Since the Joint Ministerial Decision of 17 November 2022, Megala Therma is officially no longer accredited for the purpose of quarantine and isolation in accordance with the current regulations on COVID-19 prevention, which, as demonstrated above, was never the case in practice. The camp’s operation shifted to become the “West Lesvos Controlled Hospitality Structure for Asylum Seekers”.<sup>6</sup> Despite this, Megala Therma was still used as a detention site until May 2023, where newly arrived migrants were kept under surveillance without being allowed to exit and in similar conditions as when it operated as a quarantine site (**Figure 12**).



**Figure 12.** Quarantine of Megala Therma, Northern Lesvos. Photo Credit: [Mare Liberum](#), 21 May 2020.

5. Médecins Sans Frontières, [Constructing Crisis at Europe’s Borders](#), 9 June 2021, p. 13.

6. Article 34 of the Presidential Decree 77/2022 of 17 November 2022, [Gov. Gazette 212/A/17-11-2022](#).



● **1 June 2020 to 30 April 2021: Detention in the quarantine site of Kara Tepe camp (run by the municipality)**

The former municipality-run camp of Kara Tepe (which was used as a hosting facility for vulnerable individuals and families) also operated a quarantine site within the camp between June 2020 until the forced closure of the camp in April 2021. In that site, newly arrived asylum seekers were held in grossly overcrowded containers: one family reported to LCL that they shared a container with a total of seventeen people, despite there being only six beds. People held in quarantine at Kara Tepe were not only denied access to adequate healthcare; they were also excluded from registration and asylum procedures for up to 60 days. Within this site, there was no separation or consideration of COVID-positive versus COVID-negative cases, increasing the risk of contraction of the virus for those who were not already carrying the virus. **LCL documented the following violations of people's rights during the operation of the quarantine area in municipality-run Kara Tepe camp:**

- ▶ **Detention of unaccompanied minors with unrelated adults:** LCL raised with the RIS Minors' Office the cases of eight unaccompanied minors detained in the Kara Tepe quarantine site together with unrelated adults in September 2020, which prompted a visit from the RIS Minors' Office in September 2020.
- ▶ **Detention of people with disabilities and chronic health issues with no access to health care:** One family with a child with neurological, developmental and physical health conditions, reported to LCL that their child was seen only once by a doctor in quarantine after she had suffered a head injury. The doctor said that he would give a follow up appointment after the family's registration as asylum seekers. This appointment never materialised.
- ▶ **Detention of women who had recently given birth:** LCL was informed of one mother who was taken from quarantine to give birth via c-section in Vostaneio Hospital and then returned to the quarantine site, a few days after birth, without being provided postnatal care.
- ▶ **Detention of young children, for extended periods of time:** LCL was informed of several young children detained for over two months in quarantine, who began to exhibit deteriorating mental health. Some children, for example, began to hit their heads on the walls of the containers after being subjected to two months' of quarantine.<sup>7</sup>

It should be noted that these examples are by no means exhaustive. Instead, they reflected the presence of multiple vulnerable individuals with urgent protection needs, who were effectively detained for prolonged periods of time in inadequate

7. Legal Centre Lesvos, [Greek authorities must urgently transfer 'vulnerable' migrants to the mainland in accordance with their own laws: LCL submits complaint to Greek ombudsman urging action on behalf of 21 individuals and families](#), 17 February 2021.

and inappropriate conditions. Additionally, given the inherently temporary nature of people's confinement in quarantine sites, complaints raised by LCL and other actors with authorities and the Ombudsperson's office were often not examined until those affected had already been transferred out of quarantine, rendering the complaints moot, meaning that it was difficult to effect structural change through legal measures.

● **October 2020 to December 2022: Detention inside the Lesvos RIC in Kara Tepe**

During the hasty construction of the Lesvos RIC in Kara Tepe, a rudimentary COVID-19 quarantine area was built inside the camp. This area was initially constituted of nothing more than a few tents, and evolved to counting around 15 prefabricated shelters, completely separated from the rest of the camp by double fences with barbed wire and placed under 24/7 police and camera surveillance (**Figure 13**). As with all the quarantine detention sites operating for migrants in Lesvos throughout the pandemic, people detained in this site included both newly arrived asylum seekers, and residents of Lesvos RIC who had tested positive for COVID-19. Throughout the pandemic, these two distinct categories of people were detained together in quarantine sites, regardless of their COVID status, demonstrating the disregard for migrants' health and lives inherent to the implementation of Lesvos' system of "quarantine" for migrants.

**The dangerous and unsanitary living conditions imposed on people inside this area were reported to LCL by many individuals who were detained there and would refer to it as the 'jail'.** During the winter 2021-2022, families reported to LCL that they were forced to sleep on the floor with their children, without a mattress or bed, and that they suffered from the cold, especially at night. Whereas the winter temperatures have reached as low as 0 degrees celsius in December 2021, there were no heating systems installed in the prefabricated units of the area, which were not adequately winterised and unsuitable to protect people from cold temperatures and harsh weather conditions. Some people reported using individual electric heaters, although those were not available for everyone detained there, and using blankets to hang around the walls in an effort to insulate as much as possible their otherwise non-winterised shelter (see **Figure 14**). The prefabricated units of the quarantine area were usually shared among five to eight people, sometimes even unrelated people and notwithstanding their health status. Similarly, apart from one week during the month of January 2022, no hot water was available during the whole winter for people to shower in the shower cabins—which are situated outside—despite the near-freezing temperatures. People detained in this area also explained that no hygiene packs, no soap, shampoo or protective masks were distributed to them during their time in quarantine.<sup>8</sup> **As a result, while in the COVID-19 quarantine area, people had no possibility to access adequate hygiene and sanitation nor to effectively protect themselves and others from the virus while being detained there.**

8. See LCL's full report with visual documentation of the quarantine area of the Lesvos RIC in Kara Tepe: Legal Centre Lesvos, [Prison quarantine and dangerous fires: Updates from the Lesvos camp](#), 23 February 2022.





**Figure 13.** The prefabricated shelters of the quarantine prison in the Lesvos RIC in Kara Tepe during the winter, February 2022. Source: Lesvos Legal Centre, [Prison quarantine and dangerous fires: Updates from the Lesvos camp](#), 23 February 2022. Photo taken by a camp resident.

Given the awful conditions of the quarantine area, clients of the LCL reported that many residents of the camp were deterred from mentioning that they were sick or presenting symptoms of COVID-19 to the health services available in the camp, out of fear of being detained in such conditions. Others reported that in some instances police officers escorted families by force from their containers to the quarantine area, where they were subsequently detained. Beyond documenting the living conditions which exposed hundreds of people forced to stay there to deplorable living conditions, which were in no way compliant with WHO standards for quarantine and unfit for medical isolation, **LCL received reports of the following violations of rights:**

- ▶ **Detention of COVID positive cases together with newly arrived migrants who had tested negative for the virus, risking the health and lives of those detained.**
- ▶ **Detention of parents separated from their children:** In November 2020, organisations in Lesvos were concerned about the situation of children whose parents had tested positive for COVID-19 and were forced to quarantine area, but without their children who were therefore staying on their own in the camp with no one to care for them.
- ▶ **Detention of unaccompanied minors for extended period of time with unrelated adults:** In February 2022, at least 19 unaccompanied minor children remained detained in the quarantine area for around 20 days— together with unrelated adults—despite the fact that they had completed their quarantine period and did not have COVID-19. This was because both the IOM-run shelter for unaccompanied minors and the accommodation for unaccompanied minors provided by the NGO Iliaktida<sup>9</sup> had reached capacity.
- ▶ **Inability to access detainees and to provide them with basic information:** Up until March 2022, the Lesvos RIC in Kara Tepe site management did not permit UNHCR to access the RIC quarantine area, not even to provide people who had recently arrived to Greece with basic information about the asylum procedure, as foreseen by Greek law.
- ▶ **Inability of detainees to access legal assistance before their asylum interview:** In all cases, people detained in quarantine were immediately registered upon their completion of quarantine and given interview dates the next day or only within a few days. In practice, this precluded most people from accessing essential legal (and other support) services to which they are entitled before the asylum interview. Increasingly faced with this situation, LCL started organising group information sessions on late notice in order to ensure that people getting out of quarantine would at least get a chance to hear about their rights or get legal advice before their interviews.

9. Iliaktida is a civil society organisation that provides housing to unaccompanied minors on Lesvos.

**Given the systematic use of quarantine without health related justification or medical recommendation by the competent authorities, the quarantine area of the Lesvos RIC in Kara Tepe was at times full, as for instance was the case in May 2021.**

This situation shows the absurdity of the policy of mandatory quarantine of all newly arrived migrants, who were kept in isolation until full capacity, even if they tested negative to COVID-19, whereas individuals who actually had COVID-19 symptoms were then instructed to “self-isolate” in their tents or accommodation spaces, despite the fact that the Lesvos RIC in Kara Tepe was made up of shared tents, shared ISO box containers, and even rubhalls hosting over 100 people.



**Figure 14.** Children inside one of the prefabricated shelter structures of the “health quarantine” in the Lesvos RIC. Source: Lesvos Legal Centre, [Prison quarantine and dangerous fires: Updates from the Lesvos camp](#), 23 February 2022, Photo taken by a camp resident.

#### 4.2. Discriminatory and unlawful practice of systematic detention in Lesvos quarantine sites

**By mid-August 2020, the Greek government had lifted most of the travel bans established in mid-March 2020 for those entering the country,** including the mandatory self-regulated 14-days quarantine formerly imposed on people coming from countries with high infection rates. This is in contrast to the punitive forced detention in quarantine continuously imposed on all migrants entering Lesvos from March 2020 to December 2022. Likewise, those in the general population who had tested positive for COVID-19, were obligated to a self-regulated quarantine for different lengths of time throughout the pandemic, as opposed to the systematic detention of residents of RICs who tested positive for COVID-19. By forcing both newly arrived migrants and migrants living in RICs into the quarantine detention sites, the Greek state infantilised migrants, stripping them of their autonomy, in addition to subjecting them to the inadequate conditions described above which clearly did not have their health at interest. **Through a JMD of 1 May 2022, all COVID-related rules for arrival to Greece were lifted, such as presentation of a negative PCR test or proof of vaccination.**<sup>10</sup> For migrants forced to live in RICs, however, the very same JMD provided for a mandatory 5-day quarantine upon unauthorised arrival to Greece, even after receiving a negative COVID-19 test.<sup>11</sup>

**As such, the subjection of all migrants to mandatory quarantine periods upon testing positive for COVID-19 and upon arrival in Greece regardless of COVID-19 status, also constituted a *de jure* discriminatory practice compared to the rest of the population, living in and entering the country.**

This difference in the treatment is even more egregious given the absence of legal grounds under Greek law to justify or implement the systematic use of mandatory quarantine against migrants. In fact, Greek law provides for the temporary confinement of individuals in specific cases under Law 4682/2020 related to COVID-19,<sup>12</sup> and quarantine measures can only be imposed through the issuance of an individual confinement order and following a recommendation by the national public health authority, EODY, or by the Committee for the Protection of Public Health against COVID-19.<sup>13</sup> Moreover, this confinement order must explicitly state the specific public health needs justifying the confinement measure, as well as “specify its duration, the

10. Joint Ministerial Decision of 1 May 2022, [D1a/GP.oik.23983 29.4/2022](#) (in Greek), translated also in the [Protocol for Arrivals in Greece](#).

11. Ibid. Art. 1 para 6, Annex II “(9): Especially newly arrived third-country nationals or stateless people upon arrival at the centres and facilities hereunder shall be subject either to a self-test or to a rapid test for the detection of COVID-19 coronavirus antigen. If the result of the self-test/rapid test is negative, they shall be placed in quarantine for a period of five (5) days [...]”

12. Article 1(2)(e) of [Law 4682/2020](#) provides for the temporary confinement of individuals when there are “reasonable grounds for suspecting that they may directly or indirectly transmit the virus” or are “coming from areas where there is a high prevalence of the virus.”

13. Article 1(4)(c) of Law 4682/2020.



bodies responsible for its enforcement, any places and establishments where it is to be implemented, the manner of its notification, and any relevant and necessary details for its implementation.”<sup>14</sup>

**In Lesvos, all migrants were forced into quarantine upon arrival to Greece, or upon testing positive for COVID-19 without any confinement order or individual recommendation being issued by the competent authorities, at any point in time, that is without legal ground and in violation of the Greek law.** Our analysis of the legal framework adopted during the pandemic also shows that none of the JMDs relating to COVID-19 provided for the use of mandatory quarantine against all migrants either. Broad guidelines about the recourse to quarantine measures were only mentioned as part of the Agnodiki plan, which, however, as mentioned above was non-binding soft law. Provisions of Greek law providing for the mandatory quarantine of migrants upon arrival appeared for the first time in the JMD of 1 May 2022, which mandates a 5-day quarantine upon arrival, even after a negative COVID-19 test.<sup>15</sup> As discussed above, this 5-day quarantine was, however, often unjustifiably and arbitrarily extended.

14. Article 1(3) of Law 4682/2020.

15. Joint Ministerial Decision of 1 May 2022, [D1a/GP.oik.23983](#) 29.4/2022 (in Greek), translated also in the [Protocol for Arrivals in Greece](#), Art. 1 para 6, Annex II “(9): Especially newly arrived third-country nationals or stateless people upon arrival at the centres and facilities hereunder shall be subject either to a self-test or to a rapid test for the detection of COVID-19 coronavirus antigen. If the result of the self-test/rapid test is negative, they shall be placed in quarantine for a period of five (5) days [...]”

**The systematic application of quarantine measures for nearly three years (March 2020 to December 2022) against all migrants arriving in Lesvos from Türkiye was unlawful and discriminatory.**<sup>16</sup> The conditions in the various quarantine sites used for migrants in Lesvos throughout the pandemic were wholly unfit for medical isolation and in no way compliant with COVID-19 preventive measures. Rather, they were sites that **exposed hundreds of migrants seeking international protection to deplorable living conditions, and ironically even exposed people to the COVID-19 virus.**

**In addition to being a blatant violation of Greece’s obligations under Greek and European law to protect the health of all within its jurisdiction, prolonged quarantine of newly arrived asylum seekers also prevented the identification of vulnerable asylum seekers, who should—according to the law—be identified in a timely manner and transferred to appropriate accommodation outside of overcrowded camps.**

Migrants were frequently held in quarantine for disproportionate and unjustifiable periods of time, in some cases up to two months, without being registered as asylum seekers or even of having arrived in Greece. Quarantine upon arrival **placed newly arrived asylum seekers essentially in a situation of ‘non-entry’ in Greece, obstructing their access to any legal status or basic services**, therefore exposing them to a high risk of human rights violations, including pushbacks.<sup>17</sup>

Given the conditions and circumstances in which migrants were held under surveillance in these quarantine sites (deprived of their liberty), this practice amounted to the systematic detention of migrants upon arrival. The absence of any administrative act ordering their detention or even acknowledging their presence in Greece, impeded the individuals detained and their (potential) lawyers from presenting legal challenges to the unacceptable conditions and arbitrary prolonged detention in quarantine sites. **This practice of detention of all migrants upon arrival was therefore unlawful and arbitrary; it continued even after the lifting of COVID measures.** For instance, all migrants who arrived from Türkiye to the municipality of Western Lesvos were detained in the site of Megala Therma throughout the pandemic, and until May 2023. Additionally, while official use of a quarantine site inside Lesvos CCAC in Kara Tepe ended at the end of 2022, newly arrived asylum seekers continue to be housed in the same quarantine area, as of August 2023. These newly arrived asylum seekers are now free to circulate within the Lesvos CCAC; however, they have reported to LCL that they are detained in the camp itself without having been issued any detention order, awaiting the registration of their arrival to Greece and of their asylum claims.

16. Similar practices were also documented in other Eastern Aegean islands, showing once more the perception of migrants by the Greek authorities as an indistinct mass, not worthy of the same level of protection or rights, repeatedly submitted to discriminatory treatment without legal or other justification. See, e.g., Equal Rights Beyond Borders, [Extraordinary measures: How Greece used the COVID-19 pandemic as a Pretext for the Unlawful Detention of Asylum Seekers on Chios Borders](#), February 2023.

17. Greek Council for Refugees, [At Europe’s borders: between impunity and criminalization](#), March 2023, p. 36.



## 5. Increase of police powers during the pandemic: racial profiling, arbitrary controls, and abusive fines targeting migrants

During the COVID-19 pandemic, there was a notable increase in police presence in the city of Mytilene and around the RICs. Police profiling and targeting migrants through controls, aggression and violence, has been a well-documented phenomenon in Lesvos, in Athens, and throughout Greece for years.<sup>18</sup> However, during the pandemic, discrimination and racial profiling of migrants increased as did complaints of arbitrary checks and unjustified issuance of fines against migrants.<sup>19</sup> **The discriminatory targeting of migrants was facilitated through the creation of “police control zones” and the “use of technical barriers” outside of the camps that gave explicit responsibility and additional powers to the Greek police for controlling the restrictions of movements in and out of the RICs and hosting facilities all over Greece, as provided through JMDs.**<sup>20</sup> Such measures have noticeably and unjustifiably increased and broadened the powers of police officers over the mobility of migrants forced to live in camps and created additional, discriminatory spaces of restriction specifically targeting migrants, which could not be reasonably justified by public health imperatives. As shown below, in Lesvos, the increased powers provided to police officers have led to heightened racial profiling, as well as arbitrary and abusive issuance of sanctions and fines against migrants.

5.1. Statistics in Lesvos show ‘foreigners’ twelve times more likely to receive COVID-related fines than the ‘local’ population.

Racial profiling of migrants is evidenced by the Hellenic Police’s own official statistics covering the fourteen month period between 23 March 2020 and 25 May 2021, which show that **nearly 74% of a total of 15,313 fines issued in Lesvos, Chios, and Samos islands, were issued against ‘foreigners’**. The Hellenic Police on Lesvos

18. Amnesty International, [Greece: frontier of hope and fear: Migrants and Refugees pushed back at Europe’s border](#), 29 April 2014 and [A Law Unto Themselves: A culture of abuse and impunity in the Greek police](#), 3 April 2014; Human Rights Watch, [Greece: Rescuers at Sea Face Baseless Accusations: Prosecution Seeks to Criminalise Saving Lives](#), 5 November 2018, and [Greece: Violent Pushbacks at Türkiye Border: End Summary Returns, Unchecked Violence](#), 18 December 2018, and [Unwelcome guests: Greek police abuses of migrants in Athens](#), 12 June 2013.

19. Amnesty International, [Europe: Policing the Pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe](#), 24 June 2020; Robert Nestler, [Arbitrary fines for lowering protection mask to drink water—Greek Ombudsman calls on Chios police to comply with the law](#), Equal Rights Beyond Borders, 29 March 2021, and [“I have one question: will the fine influence my decision?” Interview](#), 2 April 2021.

20. See, e.g. Joint Ministerial Decision of 21 March 2020, Government gazette [B’ 985/22-03-2020](#), paras 1 and 2 (in Greek).

noted that 21 of those fines were given to members of NGOs, which appears to be a sub-category of individuals, separated from the ‘foreigners’ and ‘locals’ categories.<sup>21</sup>

Specifically, violations were confirmed to 4,047 locals and to 11,266 foreigners as follows:

- Lesvos Police Department: 1,893 locals and 5,386 foreigners.
- Chios Police Department: 1,324 locals and 3,245 foreigners.
- Samos Police Directorate: 830 locals and 2,635 foreigners.
- [... V]iolations were confirmed to 21 members of NGOs, in Lesvos.<sup>22</sup>

When interpreting the above data, it is crucial to recall that **whereas migrants were strictly locked inside the Lesvos RIC with highly restricted possibilities to exit, they were issued fines three times more frequently than were ‘locals’ and ‘NGO workers’**. Furthermore, given that the migrant population on Lesvos, Chios, and Samos is only a fraction of the total population of the islands, the egregious and disproportionate issuance of fines to this population shows that migrants were far more likely to be issued fines. For example, in Lesvos, when calculating using the highest population of foreigners in Lesvos during the time period covered in the police report (of 20,151 refugees and asylum seekers as reported by UNHCR on 23 March 2020), with an estimated population of permanent residents of Lesvos of 83,755 according to the 2021 census,<sup>23</sup> **foreigners were approximately 12 times more likely to receive a fine than members of the general public**. As the migrant population decreased throughout the relevant time period reported on by the police, this likelihood only increased as the foreign population decreased.

## 5.2. Arbitrary and unjustified controls and fines

LCL has documented how fines issued against migrants by the police were frequently arbitrary and unjustified or were issued during arranged targeted controls or through racial profiling. The legal grounds and reasons invoked in the fines were often illegible and people receiving fines had only five days to challenge them.<sup>24</sup> A few examples of these trends observed by LCL, which were common throughout the pandemic, are listed below:

### ● Fines issued to people who were seeking legal aid

These fines were issued despite the fact that visiting a lawyer was a legitimate reason for exiting the camp as explained above in Section 3. In one instance, fourteen people

21. Greek Police, [25-05-2021: Announcement regarding the results of controls, in the context of the implementation of measures to prevent the spread of the coronavirus](#), 25 May 2021 (in Greek).

22. Ibid.

23. Hellenic Statistical Authority, [Results of the Population-Housing Census for the year 2021 concerning the Permanent Population of the Country](#), 21 April 2023 (in Greek).

24. Legal Centre Lesvos, [Quarterly Newsletter April-June 2021](#), 13 August 2021, p. 2.

whose asylum claims had been rejected, and who had an approaching deadline to file an appeal, were enclosed in the small street outside the LCL office by police who had blocked both entrances to the street. They issued fines of 150 euros to each of the fourteen people, under the pretext that they had not obtained the requisite permissions to leave the camp.

- **Fines issued to people who had permission to be outside**

One individual reported to LCL that he was stopped for a check by police officers at a bank ATM in Mytilene, although he was wearing a mask and had previously sent the prerequisite SMS to be circulating outside the Lesvos RIC. The police issued a fine against him without even looking at the SMS he had sent, and the individual, who spoke no Greek, was unable to communicate that he had the required permission to be outside the camp. The same person reported being fined 500 euros for coming back to the camp just after curfew.

- **Absurd and abusive application of mask requirements**

LCL received repeated reports of individuals who were fined for not wearing protective masks during activities that necessitated the removal of masks. These activities included activities that residents of Lesvos RIC could not do in the privacy of their homes, due to their confinement and their limited privacy and hygiene facilities, such as: failing to wear a mask while washing one's face, failing to wear a mask while smoking, and failing to wear a mask while drinking water.

- **Similar recourse to arbitrary and abusive fines by the police on Chios island**

There, in **August 2021**, the Police Department imposed fines of 5,000 euros per person on 25 newly arrived asylum seekers for violating the coronavirus protocol by not showing or having a COVID-19 test upon arrival.<sup>25</sup> They were also prosecuted for illegal entry.

25. Equal Right Beyond Borders, [Report of the Special Rapporteur on the human rights of migrants human rights violations at international borders: trends, prevention and accountability](#), 28 February 2022; Sea-Watch Legal Aid, [COVID-19, a pretext for criminalization](#), n.d.; European Council on Refugees and Exiles, [Greece: Tabled Bill Continues Erosion of Protection—Greek Authorities Imposing Fees and Fines on Asylum Seekers and NGOs](#), 27 August 2021.

**The arbitrary controls and abusive imposition of COVID-related fines on migrants in Lesvos created a state of fear, deterrence, lack of security, and legal uncertainty when dealing with the police and moving around inside and outside the camp.** Organisations providing activities and services for migrants on the island noted a **The arbitrary controls and abusive imposition of COVID-related fines on migrants in Lesvos created a state of fear, deterrence, lack of security, and legal uncertainty when dealing with the police and moving around outside and inside the camp.**

Organisations providing activities and services for migrants on the island noted a high dropout rate from activities held outside of the camp and late arrivals even to scheduled appointments. LCL saw how during appointments with lawyers, many asylum seekers who were fined were more worried about the fines they received, and requested legal support to challenge these fines instead of focusing on their asylum procedure. Moreover, false rumours were spreading among camp residents that the fines would be subtracted from the cash assistance that RIC residents were receiving—assistance which was minimal, but often the only means for camp residents to access basic necessities.

When the RIS resumed the issuance of Tax Identification Numbers (AFM) in November 2021 along with the renewal of the asylum applicant cards, many asylum-seekers avoided being issued an AFM out of fear that fines could be confiscated through the taxation system. Their fear has since been confirmed; in at least one case reported to LCL, the fine for a violation of COVID regulations was added to their tax debt balance.

These increased and arbitrary controls and fines specifically targeting migrants, taken together with the aforementioned restrictions of movements and the geographical restrictions already imposed on migrants arriving on the Greek islands in application of the EU-Turkey Statement, **effectively and unnecessarily increased the immobility of migrants forced to live in camps.** The above indicates that residents of RICs were criminalised by public authorities under the pretext that they posed a threat to both public order and public health.



# Conclusions

As evidenced in the present report, **migrants seeking asylum in Greece during the COVID-19 pandemic have been systematically denied the right to apply for asylum, the right to liberty and security, the right to freedom of movement and the right to health** in the name of various intersecting crises: migration politics, borders, and the pandemic.

The extent to which the COVID-19 pandemic has impacted society, governments and individuals will likely remain unknown for years to come. What we can conclude based on our research, with regard to policies specifically impacting migrants in Greece, is that **many of the discriminatory restrictions that were implemented under the guise of COVID-19 have now become normalised and extended in various ways even after all COVID-19 related measures have been lifted**. Greece strategically used COVID-19 as a justification to accelerate and intensify repressive social policies, including the adoption of harsher and more hostile migration policies, which have had a lasting impact on migrants' lives.

Most notably, **the establishment of strict controls and policing at the entrance and within the camp, perpetual lockdowns, and *de facto* detention, allowed for the smooth transition of the RICs into the 'Closed and Controlled Access Centres' (CCAC)**, announced in February 2020 and ultimately achieved in November 2022. Additionally, the detention of unregistered asylum seekers upon arrival to Greece continued as state practice even following the lifting of all COVID-19 related measures, leaving people on the move at grave risk of suffering human rights violations.

**The pandemic crisis also allowed the Greek government—unhindered—to unilaterally and unlawfully derogate from its obligations under International and EU law**, increasingly restricting access to, and excluding migrants from asylum procedures and therefore preventing them from accessing other basic rights attached to legal status. What started as a suspension of the right to seek asylum in March 2020 has resulted in (a) the establishment and normalisation of a **clandestine state policy of "pushbacks"** denying people on the move this very right and (b) the **legalised exclusion from the asylum procedure of increasing numbers of people** who would otherwise be eligible for international protection. The violation of the fundamental right to seek asylum cannot be separated from the pandemic, as it left thousands of people in a state of limbo, trapped between borders without access to necessary healthcare at a time when it was most needed.

The discriminatory policies implemented in Greece against people on the move throughout the pandemic demonstrate, once more, a **callous disregard for the lives of migrants**. Migrants in Greece, and particularly those living in RICs, have been treated as an indistinguishable mass, a threat to the general population, and as undeserving of protection. **The Greek government used the pandemic to justify migrants' exposure to worsening living conditions in camps; to restrict their ability**

**to exercise their rights to access essential services and participate in social life; to further segregate and criminalise them; and to attack their image and perception in public discourse, fomenting racism.**

Far from adopting suitable measures to ensure the protection of the health and lives of migrants, people were forced to live in camps—under a perpetual *de jure* lockdown—in overcrowded and poor sanitary conditions and were therefore placed at higher risk of exposure to the COVID-19 virus. The Greek government's response to COVID-19 led to the **denial of migrants' access to appropriate healthcare and to the most basic protective measures against the COVID-19 virus**, in full disregard of their rights and in contradiction to the general public health interest, which includes everyone living in a territory, regardless of citizenship or legal status.

Migrants have been progressively marginalised through measures of *de jure* and *de facto* spatial segregation, indicative of the necropolitics governing Greece's migration policies, which treat migrants' lives as expendable. The COVID-19 response in Greece coupled with the crisis momentum occasioned by the tensions with Türkiye in February 2020 were used by Greece to justify **stepping up militarisation and strengthening violent migration controls at its land and sea borders with the assistance of Frontex (the European Union Border and Coast Guard Agency) and financing of the European Commission**. All of the above enabled the **intensification and normalisation of human rights violations carried out at the borders of Greece with full impunity**.

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# Annex 1. Overview of the Evolution of the Restrictions of Movement: A Timeline of Discriminatory Measures

Date	Measures affecting the general population and international tourists	Measures affecting people living in Reception and Identification Centres
1 January 2020		<b>Entering into force of Greek Law 4636/2019, also known as the International Protection Act (IPA), replacing Law 4375/2016.</b>
31 January 2020		<b>Joint Ministerial Decision provides that asylum seekers registered in Greece no longer be issued with a Social Security Number (AMKA), but rather with a Temporary Number of Insurance and Healthcare for Foreigners (PAAYPA).</b>
February 2020	<b>Erdoğan announces that Turkey will no longer prevent migrants from crossing the border into Greece.</b>	
10 February 2020		<b>Announcement of the construction of new, closed detention centres to open in the summer on the Eastern Aegean islands by the Minister of Migration and Asylum, Notis Mitarakis.</b>
26 February 2020	<b>Publication of the legislative act addressing the spread of COVID-19 in Greece.</b>	
1 March 2020		<b>Unilateral suspension of the right to seek asylum in Greece.</b> Government Decree on "suspension of the submission of asylum applications," Gov. Gazette A' 45/2.3.2020
9 March 2020	<b>First case of COVID-19 confirmed in Lesvos.</b>	
10 March 2020	<b>Closure of schools, universities and educational activities for children and teenagers.</b> Joint Ministerial Decision on the enforcement of the measure of the temporary ban on the operation of nurseries and kindergartens, kindergartens, school units, higher education institutions, foreign language schools, tutoring schools and all kinds of educational structures, bodies and institutions, public and private of every type and grade in the country for the period from 11-3-2020 to 24-3-2-2020.D1a/GPoik 16838/10-03-2020 Gov.Gazette 783/B/10-03-2020	
13 March 2020		<b>Closure of the Asylum Services and suspension of asylum interview.</b> Emergency Legislative Decree of 13 March 2020 (Gov. Gazette A' 55/11-3-2020)
21 March 2020	<b>Start of the first lockdown.</b>  <b>Restriction of movement to the district of residence</b> and permission to move outdoors anytime with a filled form or SMS listing the reason for movement (e.g. buying food and medicine, attending medical appointments, assisting someone in need, going to work, training outdoors or walking a pet.) Joint Ministerial Decision D1a/GPoik 20036/2020-OJ 986/B/22-3-2020.	<b>Start of the first lockdown.</b>  <b>Exit from RICs is only permitted for one person per family</b> , from 7:00 to 19:00, only to cover basic needs in the nearest urban centre. Assisting someone in need, training outdoors, and walking a pet are not allowed as justification to exit the RICs. Joint Ministerial Decision on the restriction of movement in asylum seekers' hosting facilities, D1a/GPoik20030/21/3/2020, OJ 985/2020.  <b>In Lesvos, exits from Moria RIC and Kara Tepe camp are restricted to 100 people/ hour</b> , amounting to 1 in 20 persons every day.
27 March 2020		<b>Suspension of the cash assistance program</b> until the installation of ATM machines in Moria and Kara Tepe camps.
4 May 2020	<b>Lifting of the first lockdown and suspension of all restrictive measures.</b> The general population is free to circulate outside their homes, with encouragement to use face masks and social distancing.	<b>Same restrictive measures are extended.</b> Joint Ministerial Decision, 'Extension of D1a/GPoik20030/21/3/2020 (B'985) [...] until 10.5.2020', OJ 1472/2020. <b>In Lesvos, mandatory quarantine measures are imposed on all newly arrived migrants.</b>
18 May 2020		<b>Reopening of the Asylum service offices to the public upon appointment</b>
15 June 2020	<b>Greece opens its borders to international tourists and lifts most of its travel bans against EU and non-EU nationals.</b> Official announcement on ERT (State broadcaster), "Restart Tourism": The government's plan for tourism, 20/05/2020 (in Greek)	<b>Same restrictive measures are extended.</b> Joint Ministerial Decision, 'Extension of D1a/GPoik20030/21/3/2020 (B'985) [...] until 7.6.2020, OJ 1972/2020; Joint Ministerial Decision, 'Extension of D1a/GPoik20030/21/3/2020 (B'985) [...] until 21.6.2020', OJ 2191/2020; Joint Ministerial Decision, 'Extension of D1a/GPoik20030/21/3/2020 (B'985) [...] until 19.7.2020', OJ 2497/2020; Joint Ministerial Decision on measures against the spread of COVID-19 in specific third country national reception centres', OJ 1584/2020 extended several times until 12.10.2020



Date	Measures affecting the general population and international tourists	Measures affecting people living in Reception and Identification Centres
August 2020		<b>Exits from Moria RIC limited to 120 people each day, that is less than 1% of the camp's population</b> at that time, and only for specified purposes, such as accessing medical support. Requests to exit must be made one day ahead, except in cases of urgent medical issues.
2 September 2020		<b>First confirmed case of COVID-19 in Moria RIC.</b> <b>Decision for the immediate sanitary lockdown' of Moria RIC</b> <b>Entry and exits are fully prohibited 24/7 until 15 September 2020.</b> Joint Ministerial Decision and declaration published at <a href="https://migration.gov.gr/thetiko-kroysma-sto-kyt-morias/">https://migration.gov.gr/thetiko-kroysma-sto-kyt-morias/</a>
8-9 September 2020		<b>Fires entirely destroy Moria RIC, displacing nearly 13,000 residents.</b>
9-17 September 2020		<b>Lesvos is declared in a state of civil protection emergency by order of the Deputy Ministry of Civil Protection and Crisis Management (valid until 9 January 2021).</b> As many as 13,000 displaced RIC residents are kept behind police barricades on the road without adequate assistance. Police forces are reinforced and 3 special riot police platoons (MAT) from Elefsina arrive at Lesvos, with a C-130 military aircraft.
17 September 2020		<b>Start of transfer of displaced migrants to the 'Temporary' Reception and Identification Centre (Lesvos RIC in Kara Tepe).</b> Curfew is imposed from 5 pm on Saturdays; no exits allowed on Sundays and official national holidays (except for medical emergencies and to attend church service with prior notice)
12-25 October 2020	<b>Additional protection measures are implemented.</b> Use of a mask is mandatory indoors and outdoors. Valid from 12 October 2020: Map of the country's regions with level of Covid-19 risk. Lesvos is located in the "orange zone"; increased surveillance for 14 days Joint Ministerial Decision D1a/GPoik.64450/2020, OJ 4484/B/11-10-2020	<b>Exits from all RICs in Greece are limited to up to 15% of the camp population per hour, with a maximum of 1000 people per day.</b> Additional protection measures are implemented mandating use of a mask indoors and outdoors. RICs in "yellow zones": 15% of the camp population, with a maximum of 750 people per day; RICs in "orange zones" and "red zones" suspension of exit. See map analysis. Joint Ministerial Decision D1a/GPoik.64450/2020, OJ 4484/B/11-10-2020
3 October 2020		<b>Closure and eviction of PIKPA solidarity camp, an open and independent self-organised shelter hosting vulnerable individuals and families in Lesvos since 2012.</b> Families and individuals are transferred to Kara Tepe municipality camp.
3-6 November 2020	<b>Start of the second lockdown.</b> Regional lockdown imposed based on level of infection. Same restrictive measures are implemented as in the first lockdown throughout Greece. Joint Ministerial Decision D1a/GPoik. : 71342-OJ 4899/B/6-11-2020	<b>Start of the second lockdown.</b> Announcement of a "suspension of mobility" Exits from all camps limited to up to 15% of the population per hour with a maximum of 750 people daily. Continued restriction on exit from the camp in place from March 2020. In Lesvos, only one person per family is permitted to exit the RIC, every day only from 07:00 to 19:00, and only for basic needs in the nearest urban centre. Joint Ministerial Decision D1a/GPoik. : 71342-OJ 4899/B/6-11-2020
25 December 2020	<b>Start of vaccination of the general population in Greece.</b> 9,750 doses of Pfizer vaccines are available	
12 January 2021	<b>Further restrictions for Lesvos island. Curfew between 18:00 and 05:00 until 20 March 2021, when it is extended to 21:00-05:00.</b> Joint Ministerial Decision D1a/GPoik. 2004/2021- OJ 44/B/12-1-2021, Emergency measures protection of the public health in the municipality of Lesvos of the Region of North-Aegean for the management of the spread of Covid-19.	
22 February 2021	<b>The country reached 700,000 vaccinations among the general population.</b>	
April 2021		<b>In Lesvos, 'exit lists' based on people's case numbers issued every week limiting exits to one person per family at a certain time slot of three hours once per week for basic needs.</b> Medical appointments, asylum interview, appointment with lawyer or public service under the provision of a certificate. See Annex 2.

Date	Measures affecting the general population and international tourists	Measures affecting people living in Reception and Identification Centres
24-30 April 2021		<b>Closure of Kara Tepe camp, run by the municipality, which had been housing families with vulnerabilities</b> that had previously been transferred from Moria RIC or PIKPA camp. Families are transferred during that week to the Lesvos RIC in Kara Tepe.
May 2021		<b>Start of the vaccination of RIC residents in Lesvos.</b>
14 May 2021	<b>Second lockdown is lifted. Curfew remains between 00:30 and 05:00.</b> Lockdown-Removal of restrictions: End of the sms from Friday. Ban on traffic from 00:30. how will transportation be done to the islands, 12 May, 2020	<b>Restrictive measures are extended.</b> Permission to exit the RICs only for one person per family, every day only from 07:00 to 19:00, and only for basic needs in the nearest urban centre.
7 June 2021		<b>Joint Ministerial Decision issued, establishing that nationals of Syria, Afghanistan, Pakistan, Bangladesh and Somalia are deemed safe in Türkiye.</b> Joint Ministerial Decision 42799/2021 Gov. Gazette 2425/B/7-6-2021
19 June 2021	<b>All restrictive measures are lifted: restaurants, bars, and schools re-open.</b> Vaccination certificate, rapid test, or certificate of recovery is needed to enter shops. Joint Ministerial Decision D1a/GPoik. 38197/2021-OJ 2660/B/18-6-2021 (from 19 to 28 June 2021)	<b>Curfew extended from 19:00 to 21:00; restrictive measures to exit the camp remain.</b> Joint Ministerial Decision D1a/GPoik. 38197/2021-OJ 2660/B/18-6-2021 (from 19 to 28 June 2021)
21 July 2021		<b>In Lesvos RIC, 'exit lists' based on people's case numbers now allow one person per family to exit at a certain time slot of three hours every one and half days.</b>
August 2021		<b>Exit is limited to 100 persons per hour (around 700-800 people per day) under specific and certified reasons, such as medical and legal appointments under presentation of a certification of the appointment issued by NGOs. In Lesvos RIC, mandatory COVID-19 test required prior to every exit of the camp.</b>
25 October 2021	<b>Mandatory protection measures: use of protective mask, keeping distances,</b> installation/use of an alcoholic solution, obligation to display rules of shops and businesses, ventilation of premises. Joint Ministerial Decision D1a/GPoik. 66436/2021-OJ 4919/B/24-10-2021 (from 25 October to 8 November 2021)	<b>Same mandatory protective measures as for the general population. Possibility of exit from the RIC limited from 07:00 to 21:00.</b> Exit from the camp remains limited to those on exit lists or who prove an appointment outside the camp. Joint Ministerial Decision D1a/GPoik. 66436/2021-OJ 4919/B/24-10-2021 (from 25 October to 8 November 2021)
24 January 2022		<b>Exits from the camp in Lesvos are made dependent on the number of positive COVID-19 cases confirmed on the island of Lesvos:</b> <ul style="list-style-type: none"> <li>▪ When positive cases in Lesvos are up to 100 cases, all camp residents are allowed to exit the camp from 8:00 to 20:00.</li> <li>▪ When positive cases are between 100 to 200, half of camp residents could exit from 8:00 to 14:00 and the other half from 14:00 to 20:00.</li> <li>▪ If Covid cases are more than 200, the camp population can exit in four groups, for three hours each (8:00-11:00, 11:00-14:00, 14:00-17:00, 17:00-20:00).</li> </ul>
1 March 2022	<b>Greece officially opens its borders to international tourists.</b>	<b>No changes.</b> <b>Exit lists are still issued by the Lesvos RIC direction.</b>
1 May 2022	<b>All COVID-19 restrictions are lifted for all incoming travellers to Greece</b> (testing, vaccinations, records and Passenger Locator Forms). Joint Ministerial decision D1a/GPoik.23983 29.4/2022	<b>Mandatory self-test or rapid test for the detection of COVID-19 upon arrival. In case of a negative test, mandatory quarantine period of 5 days.</b> Joint Ministerial decision D1a/GPoik.23983 29.4/2022
June 2022		<b>End of the issuance of exit lists.</b>
17 November 2022		<b>Official conversion of RICs on the Greek islands to Closed Controlled Access Centres.</b> Presidential Decree 77/2022, Government Gazette 212/A/17-11-2022



## Annex 2. “Exit List”

One of the first weekly “exit lists” issued by the Lesvos RIC between **April 2021 and June 2022**. “Exit lists” further restricted RIC residents’ already limited freedom of movement based on their respective case numbers.

### Announcement

On behalf of RIC Lesvos and further to the protection measures of public health from the spread of COVID-19, the exit of the camp is allowed to those who have medical appointments, asylum interviews, appointments with lawyers, public services (you must have a document proving the above) and for the cover of basic needs.

As for basic needs we would like to inform you that the following RIC’s residents will be permitted to exit as per the table below:

Each day 3 groups (Saturday 2 groups) will be allowed to exit the RIC based on the time/date/DIKA number of the Focal point (one person per family).

Date	Time	DIKA No from →	DIKA No to
Monday 12/04/2021	08:00 – 11:00	05/000536305	05/000549400
	11:00 – 14:00	05/000549409	05/000562823
	14:00 – 17:00	05/000562832	05/000575966
Tuesday 13/04/2021	08:00 – 11:00	05/000575974	05/000581809
	11:00 – 14:00	05/000581941	05/000588145
	14:00 – 17:00	05/000588154	05/000593763
Wednesday 14/04/2021	08:00 – 11:00	05/000593764	05/000598323
	11:00 – 14:00	05/000598607	05/000607875
	14:00 – 17:00	05/000607876	06/000004165
Thursday 15/04/2021	08:00 – 11:00	06/000004190	06/000031066
	11:00 – 14:00	06/000031067	06/000041134
	14:00 – 17:00	04/001981666	05/000523097
Friday 16/04/2021	08:00 – 11:00	05/000523108	05/000536291
	11:00 – 14:00	05/000536305	05/000549400
	14:00 – 17:00	05/000549409	05/000562823
Saturday 17/04/2021	08:00 – 11:00	05/000562832	05/000575966
	11:00 – 14:00	05/000575974	05/000581809

Thank you for your cooperation