Human Rights in the Space of No Longer and Not Yet

State Actors, NGOs and the Refugee Camp in Samos

Elisa Ellen Sisto
ABSTRACT

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Samos is a Greek island of first arrival for refugees and migrants crossing Turkey in search of safety and a better life in the European Union. While much of the recent media and academic attention has focused on Lesvos, the situation in Samos has been relatively overlooked. Since the EU-Turkey statement of 2016 and the transfer of asylum application processing to the Aegean islands, Samos has gone from a site of transit to a site of extended detention. Today, over 4,000 asylum seekers are living in dire conditions in the Reception and Identification Center of Samos. Although in theory the international human rights regime is state-centric, NGOs have become key actors in upholding asylum seekers’ human rights. Combining the international human rights legal framework and interviews with volunteers from NGOs, this thesis explores the non-governmental infrastructure that has emerged on the island and its relationship to human rights. This research suggests that while NGOs may provisionally bridge certain gaps with regard to the rights to education, an adequate standard of living, and health, they cannot escape the state-centric architecture of human rights, which endows the state as the sole actor able to provide durable solutions.
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Map

**List of abbreviations**

CESCR – Committee on Economic, Social and Cultural Rights

EU – European Union

ICESCR – International Covenant on Economic, Social and Cultural Rights

NGO – Non-Governmental Organization

OHCHR – Office of the High Commissioner for Human Rights

RIC – Reception and Identification Center

RIS – Reception and Identification Service

UN – United Nations

UNHCR - United Nations High Commissioner for Refugees
1.1. From volunteer to academic perspectives

I swing my bag of loose worksheets and pencils over my shoulder and head down Lekati street. As I approach Vathy’s waterfront, silhouettes begin to emerge. Tourists stroll the port on their way to a traditional taverna, locals saunter home stopping every few steps to greet a friend, volunteers head to their favorite coffee shop, and asylum-seekers settle down on benches to call their loved ones. The view of the shimmering sea vacillates between the sight of a spectacular sunset, and of a deadly border.

During my time in Samos, I taught French and English with Samos Volunteers, interpreted several asylum interview trainings for the Refugee Law Clinic Berlin and discovered the roles and relationships amongst different actors operating in the camp, including national and local NGOs and the Office of the United Nations High Commissioner for Refugees.

What differentiates these actors? What is their understanding of human rights? What are their priorities? Most importantly, how do these factors affect asylum-seekers’ lived experiences? My time as a volunteer led me to raise these questions. While searching for answers, I became aware of a gap between the state-centric architecture of the international human rights regime and the central role that NGOs play in Samos. In the context of my Undergraduate Human Rights Thesis, I decided to explore this gap.
1.2. Forced migration to Samos: from Aesop’s liberation to today’s detention

The Greek Aegean island of Samos, situated only one mile off the coast of Turkey, was the island on which Aesop found freedom in the 6th century BC. The myth posits that the famous storyteller and fabulist was brought to Samos as a slave and was subsequently liberated by the Samian community. As journalist Helen Benedict comments, “that Aesop should have come to this Northern Aegean island for freedom holds a special poignancy today, even if it is only myth, because Samos is now home to one of the largest refugee camps in Greece.”

Samos hosts a refugee camp in its capital city, Vathy, which the Greek Migration Policy Minister, Dimitris Vitsas refers to as Greece’s “new Lesvos.” Minister Vitsas affirmed: “Samos is our biggest problem. The flows are constant and traffickers, it seems, are always one step ahead.” In November 2018, UNHCR spokesperson Charlie Yaxley stated: “At the Vathy Reception and Identification Center on Samos, the situation has been worsening. Despite having capacity for 650 people, the center and its surrounding area are currently hosting around 4,000 people – six times its design. By any measure, things are in crisis.”

Asylum seekers in Samos find themselves in a situation where, unable to rely on the protection of their country of origin, they are yet to be granted refugee status in Greece. Qualifying as a refugee requires fitting the criteria stated in the 1951 Convention Relating to the

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4 Helena Smith, *Greece races to move refugees from island likened to a new Lesbos*.
5 United Nations High Commissioner for Refugees, *UNHCR urges Greece to accelerate emergency measures to address conditions on Samos and Lesvos* (Geneva: UNHCR, 6 November 2018), 3.
Status of Refugees and its 1967 Protocol. These treaties define a refugee as a person who is outside of their country of origin and unable or unwilling to return “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” Yet, even if a person fits this definition, without the official refugee status determination, in the case of this thesis by the Greek Asylum Service, refugee rights as such do not apply to asylum seekers. The protection of asylum seekers and refugees is embedded in the law and being entitled to refugee rights is contingent upon official status determination by the relevant state authority. Yet, states also have certain more limited obligations towards asylum seekers. In The International Law of Refugee Protection, Guy S. Goodwin-Gill argues:

Protection in this sense means using the legal tools, including treaties and national laws, which prescribe or implement the obligations of states and which are intended to ensure that no refugee in search of asylum is penalized, expelled, or refouled, that every refugee enjoys the full complement of rights and benefits to which he or she is entitled as a refugee, and that the human rights of every refugee are guaranteed.

Goodwin-Gill thus concludes that refugee protection is embedded in the law and is largely, but not solely, contingent upon official status determination.

Samos has played a key role since 2015 as an island of first arrival, given its geographical location along the Eastern Mediterranean route, one of the two principal sea entries into the European Union, together with the Central Mediterranean route. However, the role of Vathy’s

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camp has drastically changed since 2015. Before March 2016, the Greek government issued transit permits in its Aegean islands which allowed asylum-seekers to pursue their journey North shortly after having set foot in Samos. The longer-term detention of asylum-seekers in Samos is a recent phenomenon which stems from the EU-Turkey statement of March 2016 and the European “hotspot” approach to the Greek Aegean islands. On March 18th 2016, leaders of EU Member States and Turkey agreed on a Statement providing that new ‘irregular migrants’ arriving to Europe from Turkey must be returned to Turkish soil. In exchange, EU Member States will assist Turkey’s resettlement efforts with a €3 billion payment as well as increase EU resettlement of Syrian refugees residing in Turkey through ‘legal channels.’ Greece’s slow asylum procedures were already deplored by the UNHCR in 2010. Since 2016, they have become even slower and more opaque, leaving applicants detained in camps such as the one in Vathy for up to two years.

As a result of the growing and more permanent camp population, the living conditions in Vathy’s refugee camp rapidly deteriorated and NGOs became increasingly present on the island, providing wide-ranging services including informal education, legal counsel, medical assistance, clothes distribution and laundry.

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1.3. Aims and methodology

Through the framework of international human rights law, this thesis explores the different ways state actors and NGOs have responded to the shifting function of Vathy’s camp from transitory to more permanent from 2015 to today. Through interviews with volunteers, this thesis exposes how NGOs have attempted to bridge gaps between the state’s relative inaction and its human rights obligations. This research suggests that while NGOs may provisionally bridge gaps regarding short-term rights during detention, they cannot overcome the state-centric architecture of the refugee rights regime which endows the state as the sole actor capable of offering long-term rights through access to durable solutions. While this analysis is localized in Samos, which offers an insightful case study in which the camp shifted function almost overnight, the studied dynamics and their implications extend beyond this island.

In January 2019, I traveled to Samos and conducted 8 semi-structured qualitative interviews with founders and volunteers of four NGOs: Med’EquaLityTeam, Refugee 4 Refugees, Samos Volunteers and Still I Rise. These are all small-scale NGOs which are primarily financed by private donations and operate through a fluctuating volunteer base of around 8 to 25 volunteers. I also interviewed a participant who works in a refugee-founded and operated cooperative, Open Doors, who considers the supermarket’s low-profits and mission to fit into the volunteer efforts in a similar way that NGOs do. This research triangulates information from these interviews with UNHCR databases, NGO reports and news articles in order to present the most complete account of the situation in the refugee camp of Samos.

Rooted in the corpus of international human rights treaties applicable to Samos, this analysis builds from the ground set by the 1951 Convention on the Status of Refugees and the 1967 Optional Protocol. At the regional level, the legally binding Directive 2013/33 of the
European Parliament and of the Council sets the standards for the reception of applications for international protection.

Yet, as Alice Edwards argues in *Human Rights, Refugees and The Right ‘To Enjoy’ Asylum*, “While there is no doubt that the 1951 Convention is the foundation of the international system of refugee protection, it is not the sole repository of rights applicable to refugees and asylum-seekers.” As such, the provisions of international human rights law will also be invoked. Greece has ratified 12 of the 13 major international human rights treaties. As the Office of the High Commissioner for Human Rights (OHCHR) stressed in its Fact Sheet no. 20, *Human Rights and Refugees*, “Asylum seekers and refugees are entitled to all the rights and fundamental freedoms that are spelled out in international human rights instruments.” Thus, the OHCHR stipulates that refugee rights must be seen within the broader context of the protection of human rights.

Analyzing in conjunction the situation in Samos and the international human rights legal framework, this thesis will also explore the relationship between the *human* and the *citizen*, drawing from Hannah Arendt and Giorgio Agamben’s writings on the right to have rights, and the vanishing point between nativity and nationality.

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Chapter 2
From a Night to a Year: Contextualizing a Changing Camp

In order to assess the context in which state actors and NGOs operate in Samos, this chapter analyzes the changing situation in Vathy’s refugee camp. The geographic position of Samos between the Turkish and Balkan routes inevitably endows the island with a central role in the movements of people entering the European Union through the Middle East. As Peter Tinti and Tuesday Reitano explain in *Migrant, Refugee, Smuggler, Savior*, while referring to Greek hotspot islands: “Their proximity to Turkey, in some cases only a few kilometers away from the Turkish mainland, made them a logical destination for irregular migrants from the Middle East, Asia and Africa who had managed to reach Turkey. The fact that Greek islands became a chokepoint in the migrant crisis, however, is a result of policy.”18 Two of the principal laws and policies accounting for the shifting function of Vathy’s camp are the Dublin Regulation in the context of the gradual closure of borders within Europe and the European Union-Turkey statement of March 2016.

2.1. The Reception and Identification Center in Vathy

The Reception and Identification Center (RIC) in Vathy, more commonly referred to as ‘the camp’, is managed by a branch of the Greek Government’s Ministry of Migration Policy, the Reception and Identification Service (RIS). The Service’s mandate, as stipulated in Article 8.2. of Greek law 4375/2016, is to implement the procedures for “receiving and identifying third country

nationals or stateless persons entering the country without complying with the legal formalities.”

Other Greek and European actors also have a daily presence in the Reception and Identification Center, such as the Greek army which handles food distribution and the Hellenic Police which coordinates the fingerprinting and registration process with the assistance of Frontex and Europol.

Samos is amongst the Greek hotspot islands with the greatest number of arrivals from Turkey. Reporter Anthee Carassava highlights that in 2018 “a record surge of some 1900 arrivals in October alone turned this once hedonistic hotspot in the heart of the Aegean into the new preferred landing ground.”

Between January and March 2019, 5,241 refugees and migrants came to Greece by sea: 45 percent reached Lesvos and 28 percent reached Samos, rendering Samos the second point of arrival among the Greek Aegean islands.

The demographic characteristics of arrivals from Turkey to Greece has significantly changed since 2015. In 2015, 500,000 of the 885,000 people who travelled by sea from Turkey to Greece were from Syria (56%), 210,000 from Afghanistan (24%), and 90,000 from Iraq (10%).

Yet, as of March 2019, the majority of the population living in the camp in Samos came from Afghanistan (30%), Iraq (23%), the Democratic Republic of the Congo (14%) and the Syrian

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19 Greece, Law No. 4375/2016 on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC (Athens: Hellenic Parliament, 3 April 2016), Article 8.2.


21 Anthee Carassava, Inside Europe: Abysmal Conditions for migrants on Samos (Deutsche Welle Journal, 21 December 2018), 0"39-0"57.


23 Peter Tinti and Tuesday Reitano, Migrant, Refugee, Smuggler, Savior, 96.
Arab Republic (11%).

It follows that Giulia Cicoli, a volunteer who has been in Samos since 2016, remarked: “There are unexpected and unpredictable flows of people, even changes in the demographics. First, we had Syrians, then a lot of Africans started coming, then we had Kurds and now we have Afghans as the top nationality.” In addition, women account for 20% of the population in Reception and Identification Centers in Aegean islands, and children account for 33%, among whom over 60% are younger than 12 years old.

The RIC in Samos, a former military exercise base, is built for a maximum capacity of 650 people and yet, according to the UNHCR, as of February 2019 there were over 4,200 refugees and migrants in Vathy. Yet, it has been highlighted by most of my participants that the UNHCR’s numbers may be an underestimation of the actual number of people in the camp. An article by Are You Syrious stated that “According to all of the volunteers and people AYS has spoken to, there are well over 5,000 living inside the camp.” Given the extreme overcrowding, Vathy’s camp is open out of necessity as its population cannot be contained within the camp’s gates, which enables asylum seekers to walk from the camp to the town.

It follows that the commonly used expression ‘in the camp’ is imprecise as at least one third of the asylum seekers in Vathy live outside of the RIC’s perimeters, “perched on pallets or in tents between trees on the steep hill.” This area, adjoining the RIC and disconnected from


29 Are you Syrious, *Prison Island: Surviving Another Winter on Samos*. 
electricity and running water, is referred to by some of its inhabitants as ‘the jungle.’ Research by Agus Oliveri and Nick van der Steenhover estimated that 1,465 people were living outside of the RIC in Vathy as of November 2018, with a total of 615 tents in that area and a median occupancy of 2.7 people per tent. They explain: “These numbers show that 1,465 people lack access to basic sanitary facilities such as toilets, showers and running water. In this area, no waste is collected which leads to enormous piles of garbage attracting rodents and snakes.”

Considering the assemblage of detention and extremely poor living conditions, during a panel organized by the NYU Cultures of War and the Postwar Collaborative, journalist and professor Helen Benedict portrayed the camp as “a slum stuck inside of a prison.” How did Samos get there?

2.2. The closure of borders within Europe and the Dublin Regulation

One of the factors accounting for the shift in Samos from a transitory to a more permanent function is the gradual closure of borders within Europe, which in conjunction with the provisions of the Dublin Regulations, confines asylum seekers to lodge their asylum applications in Greece and remain within the country’s borders throughout the asylum determination process.

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30 Are you Syrious, *Prison Island: Surviving Another Winter on Samos*.
31 Agus Oliveri and Nick van der Steenhover, *1,465 Refugees Living in No Man’s Land in Vathy, Samos* (Samos: Samos Volunteers Public Facebook Page, 15 November 2018).
32 Agus Oliveri and Nick van der Steenhover, *1,465 Refugees Living in No Man’s Land in Vathy, Samos*.
33 Helen Benedict (Professor at the Graduate School of Journalism at Columbia University), *The Global Refugee Crisis: Understanding the Now* (New York: NYU Cultures of War and the Postwar, 11 April 2019).
The Dublin III Regulation of 2013, which builds on the Dublin II Regulation of 2003 and the Dublin Convention of 1990, is part of the European Union’s efforts to create a common European asylum system by determining which Member State is responsible for examining an asylum application within the EU.\textsuperscript{34} Its key principle is that the first Member State in which an asylum seeker arrives is the one responsible for examining the claim. As such, political theorists Turculet and Bycan argue that “the Dublin system aims at quickly determining the European state responsibility for refugee protection but does not establish a European distribution scheme.”\textsuperscript{35}

Given the geographical location of Greece and Italy and the increase in migratory flows from the Middle East and Northern Africa since 2015, southern European states carry a much higher burden under Dublin than other Member States do. In Violent Inaction: The Necropolitical Experience of Refugees in Europe, Davies et al. explain: “Italy and Greece, situated along Shengen’s soft underbelly, have hosted far more arrivals from outside the EU than other member states, and the legal framework can therefore be seen as producing a lopsided system.”\textsuperscript{36}

The system created by the Dublin Regulations has been all the more condemned in the context of Greece in light of its economic situation, as Den Broeder notes: “Regarding Greece more specifically, the Dublin regulation is heavily criticized. Greece, currently witnessing both a refugee and financial crisis is by no means capable of tackling the flow of asylum seekers

\textsuperscript{34} Council of the European Union, Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person (Brussels: OJ L. 180/31-180/59, 29 June 2013).


entering its territory each month and its burden not being relieved by other member states is yet another example of a failure to provide solidarity and responsibility sharing.”

Den Broeder points both to the Regulation itself, as well as to the failure of European states to cooperate more generally. It follows that the Regulation alone, whose provisions were stipulated far before 2016, did not create this shifting function in Samos. Rather, it allows in the context of failing cooperation between European states, for asylum seekers to remain confined to Greece as the first state in which they set foot. Indeed, up until 2016 asylum seekers could largely transit through relatively open borders to other European states before lodging their asylum applications there. Yet, the gradual closure of borders along the Balkan route, the extension of the Aegean route, together with the provisions of the Regulation, resulted in this immobilization of asylum seekers within Greece.

One of the pivotal moments which hindered movements out of Greece was when the Republic of North Macedonia closed its border with Greece on March 9th, 2016. While Macedonia is not an EU Member State, it was a major transit country along the Balkan route. Former Special Rapporteur on the rights of migrants, François Crépeau, stated: “When the former Yugoslav Republic of Macedonia decided to close its border with Greece, more than 10,000 migrants got stuck at the border in Idomeni. Another 35,000 migrant women, men and children were living in open reception facilities or in unofficial camps throughout the Greek mainland.”


38 Nick Squires, Matthew Holehouse, Brussels and Colin Freeman, Macedonia closes its border ‘completely’ to migrants (London: The Telegraph, 9 March 2016).

39 François Crépeau, Report of the Special Rapporteur on the human rights of migrants on his mission to Greece, 2.
Through a series of such events, researchers in organized crime Peter Tinti and Tuesday Reitano explain that “As of mid 2016, the much-vaunted Schengen zone is fragmenting into closed, contested borders. European states are struggling to find consensus on a proactive approach to managing the ongoing influx of migrants, engaging instead in a race to the bottom of incoherent policies that are of questionable legitimacy under international law.”\textsuperscript{40} These shifting policies and attitudes, at both state and individual levels, were also observed by actors operating on the ground in Samos. Giulia Cicoli, a long-term volunteer in Samos, recounted this shift in attitudes: “When I first came here three years ago, the borders of Europe were open and the general atmosphere in Europe was different.”\textsuperscript{41} She recalled: “People showed solidarity, they understood we were mostly talking about Syrians escaping war… I remember receiving tons of donations and even Christmas presents with families sending notes from their children. Over time, the atmosphere switched and then politically speaking most countries went far right.”\textsuperscript{42} Confirming Giulia’s observations, Oxford University migration scholars Alexander Betts and Paul Collier affirm that “as public confidence in the asylum system – intended to distinguish ‘refugees’ from broader movements of people – collapsed, far-right parties gained growing support, and by early 2016 Europe had virtually closed its borders.”\textsuperscript{43}

While borders closed and the number of asylum seekers unable to exit Greece grew, European heads of states and Turkey agreed on the next step which further entrenched the situation facing the Greek Aegean islands: the EU-Turkey statement.

\textsuperscript{40} Peter Tinti and Tuesday Reitano, \textit{Migrant, Refugee, Smuggler, Savior}, 249-250.

\textsuperscript{41} Giulia Cicoli (Still I Rise), interviewed by Elisa Sisto in Vathy, 9 January 2019.

\textsuperscript{42} Giulia Cicoli (Still I Rise).

2.3. Samos and the EU-Turkey statement

The European Union-Turkey statement, more commonly referred to as EU-Turkey Deal, refers to a political agreement reached between Members of the European Council and their Turkish counterpart on March 18th, 2016. The Statement came as an extension of the negotiations started in the context of the EU-Turkey joint action plan in 2015.\(^4^4\) The EU-Turkey statement stipulates the way Turkey and the EU will cooperate with regard to migratory flows, providing that “all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey.”\(^4^5\) In addition, “for every Syrian being returned to Turkey, another Syrian will be resettled from Turkey to the EU.”\(^4^6\) In exchange, the EU commits to provide an additional 3 billion euros of European funds by the end of 2018, to instate visa-free travel for Turkish nationals, and to re-energize the discussion on Turkey’s accession to the EU.\(^4^7\)

Before the Statement, the Greek government issued transit permits in Aegean islands which allowed asylum-seekers to pursue their journey to mainland Greece within a question of days and lodge their asylum application there.\(^4^8\) With the implementation of the Statement, part of the asylum process was relocated from mainland Greece to the Aegean islands and people were obliged to apply for asylum through the ‘fast-track border procedures.’ These new procedures enable exceptional measures to be taken in the hotspots which reduce the allocated

\(^4^7\) Ibid, Paragraphs 5, 6 and 8.
time for asylum seekers to prepare for their first interview of admissibility as well as the
timeframe available to them to appeal in the case of a negative outcome.⁴⁹ In 2018, 42.9 percent
of the asylum applications filed in Greece were border procedures.⁵⁰ This led to the overcrowding
of the hotspot Aegean islands, namely Lesvos, Samos, Chios, Kos and Leros, which now function
as Europe’s frontline.⁵¹ According to the European Commission report EU-Turkey Statement Two
Years On, 8 percent of refugees and migrants arriving by sea through Turkey registered at the
Greek hotspot islands before 2016, while 100 percent did two years after the Statement.⁵² The
Special Rapporteur on the rights of migrants, François Crépeau, explained that after the
Statement of March 18th was implemented, “migrants arriving on the islands had only two
options: to apply for asylum or to be returned to Turkey.”⁵³ This sudden increase in asylum
applications lodged in Greece overwhelmed the Greek Asylum Service and resulted in
increasingly long asylum application determination periods, in parallel to deteriorating living
conditions in the hotspots. Heavily criticized in Human Rights Violations by Design, Alpes et al.

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⁴⁹ Maybritt Jill Alpes, Sevda Tunaboylu and Ilse van Liempt, Human Rights Violations by
Design: EU-Turkey statement prioritizes returns from Greece over access to asylum (Florence:
European University Institute, Robert Schuman Centre for Advanced Studies, Issue 2017/29,
November 2017), 2.
⁵⁰ Greek Council for Refugees, Fast-Track Border Procedures: Eastern Aegean Islands (Athens,
Greek Council for Refugees, 2019).
⁵¹ Izabella Majcher, The EU Hotspot Approach: Blurred Lines between Restriction on and
Deprivation of Liberty: Part II (Oxford: Oxford Faculty of Law, Border Criminologies, 5 April
2018), 3.
⁵² European Commission, EU-Turkey Statement Two Years On (Brussels: European Commission
Press, April 2018), 3.
⁵³ François Crépeau, Report of the Special Rapporteur on the human rights of migrants on his
mission to Greece, 3.
argue: “The Statement builds on the deterrent effect of returns and turns high return rates into an indicator for a successful border policy.”

According to the UNHCR, between 1 April 2016 and 31 March 2019, 1,843 people were returned to Turkey, which is rather low in comparison to the number of asylum applications filed during that period. Yet, the EU-Turkey Deal does not only affect deportations back to Turkey, it plays a critical role in allowing for conditions such as those in the camp in Samos to be perpetuated.

The participants I interviewed observed that since 2016, asylum seekers have been staying for many months, and in a few cases for up to two years, in the camp. One of the major criticisms of the European Directive 2013/33 on the standards of the reception of asylum seekers is that it does not set a maximum permissible period of confinement, which research assistant at the Global Detention Program Izabella Majcher argues “gives states broad discretion to impose longer periods of detention, which would strengthen the deterrent effect.” Yet, Article 14.2 of Greek Law No. 4375 on the organization and operation of the Asylum Service, the Appeals Authority and the Reception and Identification Service, does set a maximum period of confinement:

Third-country nationals or stateless persons entering the Reception and identification Center (...) shall be placed under a status of restriction of liberty by decision of the Manager of the Centre, to be issued within three (3) days of their arrival. If, upon expiry of the three days, the above procedures have not been completed, the Manager of the Centre may (...) decide to extend the restriction of the freedom of the abovementioned persons until the completion of these procedures and for a period not exceeding twenty-five (25) days from their entry into the Centre.

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54 Maybritt Jill Alpes, Sevda Tunaboylu and Ilse van Liempt, Human Rights Violations by Design: EU-Turkey statement prioritizes returns from Greece over access to asylum, 1.
55 UNHCR, Returns from Greece to Turkey (Athens: UNHCR Greece, 31 March 2019), 1.
57 Greece, Law No. 4375/2016 on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General
While asylum seekers in the Reception and Identification Center in Samos have the possibility of walking into the neighboring town of Vathy, they still remain trapped on the island for extended periods of time. In this context, NGOs have become increasingly present in Samos attempting to safeguard asylum seekers’ dignity and human rights.

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*Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC, Article 14.2.*
With Samos shifting from a transitory to a more permanent function in 2016, growing challenges faced the Greek state. Angelos Evangelinidis, commenting on the state’s inability to meet its human rights obligations, argues: “Where the state apparatus was absent, or its structures were insufficient, civil society organizations in many different forms tried to fill the gap.” He remarks: “The humanitarian vacuum has often been filled with solidarity initiatives, and the management of the crisis has been left largely in the hands of organizations working on the ground, in camps, without any larger policy guidance.”

This chapter delves into the process Evangelidis exposes and analyses through a human rights framework the different ways state actors and NGOs adapted to the camp’s evolving function with regards to the rights to education, to an adequate standard of living and to health, the three most prevalent themes that emerged from the interviews. In order to do so, state actors’ and NGOs’ (in)actions will be measured against relevant state obligations set forth in the legally binding Directive 2013/33/EU, complemented when necessary with the provisions of the International Covenant on Economic, Social and Cultural Rights.


3.1. The right to education

The Directive 2013/33/EU, which lays down the standards for the reception of applicants for international protection, stipulates in its Article 14.1 that Member States shall grant minors “access to the education system under similar conditions as their own nationals for so long as an expulsion measure against them or their parents is not actually enforced.”61 It further specifies in Article 14.2 that access to that education shall not be postponed further than three months after the date on which the application for international protection was lodged by or on behalf of the minor. In the case of a language barrier, the Directive also states that “preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access to and participation in the education system.”62

Yet, a report by Human Rights Watch found that not one of the 107 school-aged children the organization interviewed in the government-run camps in Lesbos, Samos and Chios, had received formal education, including some who had been in the camps for over 11 months.63 Human Rights Watch affirmed:

Lack of access to formal education for the vast majority of children seeking asylum on the islands stems from a policy for which the Greek government and the European Union are both responsible – one that denies asylum seekers confined to the islands access to basic rights on the mistaken grounds they will only be there for brief periods before being sent back to Turkey or allowed to move to the mainland.64

64 Human Rights Watch, “Without Education They Lose Their Future”, 3.
Al Jazeera reported that because of the false assumption of a short-term passage, “when the government offered education to asylum seekers in 2016, refugees living on the islands were left out.” Two years later, in September 2018, the government decided to extend education to the islands, but as of early April 2019, only 30 of the 1,000 eligible minors had effectively enrolled in formal education in Samos. Participants I interviewed from Samos Volunteers and Still I Rise explained that there is currently only one nursery open 3 hours a day in a cabin in the RIC, and among the older children, only the few living in separate shelters in town have effectively been able to access formal education. While less than 3 percent of eligible children have enrolled in formal education in Samos, the Board of the Parents’ Association of the Ano Vathy Elementary School protested and 70 local Greek parents announced they would stop sending their children to school, claiming the inclusion of refugee children poses a threat to public health, even though all children enrolled in school underwent an examination by a pediatrician and have a complete vaccination report.

In this hostile context where very few of the eligible students have effectively been able to integrate formal education, NGOs have attempted to fill gaps and provide a supportive environment through informal education. After March 2016, when it became clear that asylum seekers were staying longer on the island, Samos Volunteers reshaped its activities from daily distribution of material items to informal education and psychosocial support. It rented a building

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66 John Psaropoulos, *Greeks oppose free education for refugee children*.
in the vicinity of the camp and created the Alpha Center, an adult educational center.\textsuperscript{68} Giulia Cicoli, the Education Coordinator at Samos Volunteers and later a co-founder of Still I Rise stated:

Alpha is an adult center, but for a full year we took the kids in. Obviously, that was not ideal, we just had one room for kids in an adult center and we got to a point where we had 40 kids in that one room. It wasn’t teaching, it became preventing fights. Together with two other volunteers and the teacher of the 12 to 14-year-old program, we decided to find a separate building that would become a youth center, where kids aged 12-17 could go all day, follow a proper curriculum, and have their own space. To do so, we created a separate Greek NGO, Still I Rise.\textsuperscript{69}

The evolution from an overcrowded classroom in the Alpha Center to the creation of a new NGO is an example of how NGOs have been adapting and evolving to meet rising needs. Today, Mazi, the Youth Center run by Still I Rise, welcomes over 150 children aged 12 to 17 every day, and offers core classes ranging from English and Greek, to Culture Studies, Geography and Mathematics.\textsuperscript{70}

While these programs offer essential linguistic skills, a supportive community and attempt to instill a sense of normalcy in daily life, they remain informal education centers that cannot substitute formal Greek education. They certainly do not meet the Directive’s provision of “access to the education system under similar conditions as their own nationals.”\textsuperscript{71} Taught largely by international volunteers, informal education does not provide contact with and integration in Greek society the way formal education does. In this vein, Maya Elliott, an American teacher with Still I Rise, highlighted the shortcomings of temporary and international teachers: “It would

\textsuperscript{68} Samos Volunteers, \textit{Alpha Center} (Samos: Samos Volunteers Website, accessed on 20 April 2019).
\textsuperscript{69} Giulia Cicoli (Still I Rise).
\textsuperscript{70} Still I Rise, \textit{Mazi Youth Center} (Samos: Still I Rise Website, accessed 20 April 2019).
be ideal to have Greek teachers take on this role so they could help kids transition into schools. It would also help the kids learn Greek faster.”  

In addition, Nina Milburn, a British teacher with Still I Rise, suggested that while the right to education is crucial, the Mazi center fills many gaps and ‘needs’, and perhaps most importantly the “basic need of a shelter, because the camp is so horrific, as well as a safe place to be where toilets work.” While the NGO may be able to provide this shelter during daytime, when the school day draws to an end, children return to the camp and live in conditions that are harmful to their growth. This points to the interlocking and indivisible nature of human rights. The right to education cannot be fulfilled without the right to shelter creating the necessary material conditions for students to learn and grow.

3.2. The right to an adequate standard of living

Article 17 of the Directive 2013/33 on “General rules on material reception conditions and health care”, coupled with Article 18 on “Modalities for material reception conditions” stipulate living standards that apply to the Reception and Identification Center in Samos. Directive 2013/33 articulates that “Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.”

While the Directive provides little detail as to what constitutes an adequate standard of living, Greece has also ratified the International Covenant on Economic, Social and Cultural Rights, which states in Article 11 that: “The States Parties to the present Covenant recognize the

72 Maya Elliott (Still I Rise), interviewed by Elisa Sisto in Vathy, 11 January 2019.
right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”  

The Committee on Economic, Social and Cultural Rights issued a statement on *The Duties of States Towards Refugees and Migrants*, affirming that “all people under the jurisdiction of the State concerned should enjoy the Covenant rights: this includes asylum-seekers and refugees.”

Hence, Article 11 of the ICESCR complements the Directive and further specifies the Greek state’s responsibility towards ensuring an adequate standard of living.

*The right to adequate food*

In its General Comment No. 12: *The Right to Adequate Food*, the Committee on Economic, Social and Cultural Rights (CESCR) affirmed that “the core content of the right to adequate food implies the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture.”

Yet, the food provided in the camp and distributed by the Greek army has been deplored as inedible and inaccessible. Omar, the founder of Refugee 4 Refugees stated: “Refugees are human, not animals. The food they provide in the camp, even animals wouldn’t eat it.”

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Similarly, Sofiane Ait Chalalet, a co-founder of the cooperative Open Doors in Samos affirmed: “The food in the camp is disgusting. To survive refugees are buying food and making their own meals. Otherwise they will be hungry.”\(^{79}\) Furthermore, Gemma Bird and Amanda Russel, two university lecturers in Politics and International Relations, remarked that to access food, people must queue for up to five hours, and the food lacks in variety and nutritive value. They affirm: “We’ve been told by our interviewees of the poor variety of food, with one person suggesting dinner is always potatoes. As a result, there is a lot of untouched food littering the “jungle” outside the camp, leading to further risks of rats and disease.”\(^{80}\)

In addition, to access food, asylum seekers must queue for up to five hours per meal. Giulia from Still I Rise explained: “We had set aside funding to hire a Greek teacher because it is really hard to find Greek volunteer teachers. However, when we saw that the food line at the camp started getting longer and longer, now it’s five hours per meal, and some of our students got injured in the line by being pushed, we redirected that funding to provide breakfast and lunch.”\(^{81}\) This five hour food line constitutes a barrier to the physical accessibility of food, one of the elements of the right to adequate food according to the CESCR: “Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems.” \(^{82}\) Several of the participants I interviewed noted that


\(^{80}\) Gemma Bird and Amanda Russell Beattie, *Samos: grim winter leads to protests by refugees living in limbo on Greek islands* (Samos: Brave New Europe, 26 January 2019).

\(^{81}\) Giulia Cicoli (Still I Rise).

Minors and women do not have equal access to food, because of the risks and difficulties of joining the food line, which can start as early as 3 am for breakfast.83

To respond to these challenges in realizing the right to adequate food, in 2018, a cooperative founded by refugees for refugees opened a five-minute walk from the camp. Sofiane Ait Chalalet, from Open Doors, affirmed:

Endless closed doors face us when we arrive in Samos. From its beginnings, this shop will have open doors; it will be run by a refugee cooperative and its development over time will hopefully reflect the ambitions and creativity of the thousands of refugees held for up to 2 years or more on the island. We are never expected to be active in shaping our lives. Open Doors is just a small step to show what we are capable of. Unlike the squalor of the Camp, Open Doors will be a place of dignity, humanity and solidarity.84

Slimane Zerrougui who also works at Open Doors, shared with me: “Here, people can find ingredients that aren’t available in Greece. We import from Syria, Turkey and many Arab countries. Those who want to come get food and do not have sufficient money, we give it to them for free. Allah Ismah, as we say, in good faith.”85 In addition to the right to food, the right to housing is a central component of an adequate standard of living.

The right to adequate housing

As stipulated in the ICESCR, the right to an adequate standard of living includes housing, which starts with a shelter. An article by Are You Syrious raised concerns about the evident lack of shelters: “Most people arriving on the island in the last few months are not even receiving tents or sleeping bags.”86 In an email exchange with a person working in the UNHCR’s office in

83 This excludes unaccompanied minors who have a separate line.
84 Sofiane Ait Chalalet, Open Doors, Samos Island, Greece: We Need Your Help!
85 Slimane Zerrougui (Open Doors), interviewed by Elisa Sisto in Vathy, 8 January 2019.
86 Are you Syrious, Prison Island: Surviving Another Winter on Samos.
Samos, they informed me that around 2,500 people, including pregnant women, young children and elderly people, currently reside in inadequate shelter ranging from tents, to pop-up tents and makeshift shelters.

Omar Al Shakal, a Syrian refugee and the founder of Refugee 4 Refugees shared: “We had a house, we had a job, we had a family and we had friends. Then in one day, we lost everything. We end up in a place with only a small tent that we have to share with other people. The tents are broken, the wind comes in, this really isn’t safe.”

Indeed, the temperature in Samos in January 2019 was regularly below 25 degrees Fahrenheit and there were frequent thunderstorms. When I asked Maya Elliott, a teacher with Still I Rise with an academic background in international relations, about her view on the human rights challenges faced in the camp, she stated:

From a theoretical framework, I believe all human rights are interlocking and indivisible, you need all of them to support each other. In reality, nights like last night, where there is a huge storm and where it was very dangerous just to be outside, the right to shelter is very very important. Rights do reinforce each other, and you need them all, but in some contexts, some are more important.

Furthermore, the CESCR’s General Comment No. 4 specifies that “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head (…). Rather it should be seen as the right to live somewhere in security, peace and dignity.”

This second dimension of the right to adequate housing as a place to live in “security, peace and dignity” is mirrored in Article 18 of the Directive 2013/33 which stipulates: “Member States shall take appropriate measures to prevent

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87 Omar Al Shakal (Refugee 4 Refugees), interviewed by Elisa Sisto in Vathy, 11 January 2019.
88 Maya Elliott (Still I Rise), interviewed by Elisa Sisto in Vathy, 11 January 2019.
assault and gender-based violence, including sexual assault and harassment, within the premises and accommodation centers.”

Yet, former Special Rapporteur on the human rights of migrants, François Crépeau, reports from his mission to Greece:

Since the implementation of the European Union-Turkey statement, there have been regular demonstrations and violent riots in the camps, fights between different groups of migrants, attacks on tents and on containers, and attempted suicides. The Special Rapporteur visited the Vathy Reception and Identification Center on Samos following a night of fighting, which left behind shattered tents and containers, pools of dried blood, several persons injured and families with small children completely traumatized, and left single females feeling unsafe. The Special Rapporteur was informed that the police had failed to intervene, as they were scared of being outnumbered.91

The Special Rapporteur’s account of police not intervening in the context of violent outbreaks indicates a violation of the state’s “protect” obligation, through its failure to protect the camp’s inhabitants from assault as stipulated in article 18 of the Directive. Additionally, my interviews and NGO reports suggest the Greek state has also failed in its “respect” obligations. A report by Doctors without Borders published in 2017 found that: “On Samos, close to half of the people surveyed reported having experienced violence while passing through Turkey and close to a quarter said they had experienced violence since arriving in Greece. Half to 70 percent of that violence was allegedly committed by state authorities.”92 Several of my participants also stated they thought the way the camp manager treats people, as well as the way police ‘beat people up,’ should be better documented and reported.

Through this lack of security in the camp, women in particular are at risk. Monica Costa Riba, Amnesty International Europe’s senior campaigner on women’s rights, noted from her

91 François Crépeau, Report of the Special Rapporteur on the human rights of migrants on his mission to Greece, 9.
92 Médecins Sans Frontières, Confronting the mental health emergency on Samos and Lesvos (Samos: Médecins Sans Frontières, October 2017), 3.
research in Samos: “They told us that everyday activities such as taking a shower or going to the toilet had become dangerous missions, as many facilities in the camps do not have locks. Poor lighting in the camp makes fetching water or simply walking around at night stressful and risky.”

NGOs have particular difficulty in responding to the unmet right to adequate housing, given their inability to enter the camp or provide any kind of night-time security. Through opening their own centers in the vicinity of the camp, NGOs can provide a slim relief during daytime. We Are One, which just opened in February 2019, offers a women’s safe space at least for the daytime, with yoga and breathing classes, as well as a communal area functioning as a living room. The lack of security from assault and gender-based violence in the camp, coupled with the lack of an adequate standard of living, necessarily also adversely impacts the right to health.

3.3. The right to health

Article 19 of the Directive 2013/33 stipulates that “Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses and of serious mental disorders.”

The necessary standard of health care cannot be provided with only one doctor in the camp for a population of over 4,000 people living in insalubrious conditions, many of whom

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93 Monica Costa Riba, Women face daily dangers in Greek refugee camps (Brussels: Amnesty International Europe Office, 5 October 2018).
come with a history of previous physical and mental trauma.\textsuperscript{95} Manos Logothetis, the sole doctor in the camp from the Hellenic Center for Disease Control and Prevention, is supported by a team of nurses, a midwife and social workers, but this is far too little for the camp’s size.\textsuperscript{96} Are You Syrious reported that “medical neglect is a daily reality for refugees on Samos. With only one doctor working for the entire camp, there is almost no chance of being seen. Because the camp doctor is typically overwhelmed with performing medical checks on people who have just arrived on the island, even people with serious conditions are never seen.”\textsuperscript{97} This double need of doctors, for present medical conditions and for administrative purposes, doubles the pressure on the medical personnel. Eleni Varvitsiotis states: “A scarcity of doctors is among the most pressing problems, not only because they must tend to the camp populations’ needs but also because they are needed to process those requesting asylum, because a medical exam is required for every applicant.”\textsuperscript{98}

In these conditions, two non-governmental medical teams have come to Samos, Med’EqualiTeam and Doctors Without Borders. Firstly, Med’EqualiTeam is a French NGO composed of international medical volunteers and translators which provides primary health care. Since its arrival in mid-July 2018, between 80 and 100 patients visit the clinic daily, and the


\textsuperscript{96} Filio Kontrafouri, \textit{Samos refugee camp in Greece: rodents, snakes and rotting food} (Samos: CGTN News Online, 19 September 2018).

\textsuperscript{97} Are you Syrious, \textit{Prison Island: Surviving Another Winter on Samos}.

\textsuperscript{98} Eleni Varvitsiotis, \textit{Refugee Situation in Samos Worse than Moria, says top EU official} (Ekathimerini Online, 2 December 2018).
medical team performed over 5,000 consultations in its first 6 months on Samos.\textsuperscript{99} Sophie Gedeon, the founder and medical coordinator of Med’EqualiTeam stated that among the many medical challenges faced in the camp, the most prevalent are infectious diseases and mental health problems.\textsuperscript{100} In line with the alarming rate of mental health problems in the camp that Sophie highlighted, Doctors Without Borders found that 97 percent of the people they surveyed in Samos tested positive on their anxiety disorder screening tool, while the average in the other Greek islands they surveyed was around 75 percent.\textsuperscript{101} When I asked Sophie whether she would qualify the health situation in Samos as a crisis, the volunteer medical coordinator answered “Yes it is, and it can become worse at one-minute notice.”\textsuperscript{102} Indeed, overcrowding in Reception and Identification Centers with inadequate sanitation create grounds for communicable diseases such as measles, tuberculosis, influenza and meningococcal disease to spread very rapidly.\textsuperscript{103}

Moreover, Doctors Without Borders which used to have a permanent mission in Samos until 2018, now returns to the island two days a week, for a vaccination campaign using the ‘Humanitarian Mechanism’ program which allows children in humanitarian emergencies to access pneumococcal conjugate vaccine (PCV) at the reduced price of 9 US dollars per the three doses. This is “the first time the Humanitarian Mechanism is used in a high-income country.”\textsuperscript{104}

\begin{thebibliography}{100}
\bibitem{100} Sophie Gedeon (Med’EqualiTeam), interviewed by Elisa Sisto in Vathy, 11 January 2019.
\bibitem{101} Médecins Sans Frontières, \textit{Confronting the mental health emergency on Samos and Lesvos}, 7.
\bibitem{102} Sophie Gedeon (Med’EqualiTeam).
\bibitem{104} AllAfrica Press Release, \textit{Humanitarian Mechanism for Vaccines Used for First Time in Europe to Counter High Prices} (AllAfrica Online News, 12 April 2019).
\end{thebibliography}
In the context of these worsening conditions in Vathy’s Reception and Identification Center, NGOs have attempted to respond to the state’s unmet human rights obligations, and bridge gaps with regard to education, living conditions and healthcare. NGOs have come a long way in expanding the provision of increasingly necessary services with a view of protecting asylum seekers’ dignity, yet, particularly through lack of authority and financial resources, they operate very differently from state actors.
Chapter 4

The Inescapable State-Centric Architecture of the Refugee Regime

While NGOs attempt to fill the gaps left by the Greek state’s unmet human rights obligations, they operate very differently from state actors. The studied NGOs’ alternative models of operation, in particular through participatory approaches, are effective in designing and providing services in line with present needs. Yet, NGOs also face important limitations as they operate within the boundaries of a state-centric system in which the nation-state remains the sole “sovereign” entitled to determine who among non-citizens shall be integrated, and who shall remain excluded.105

4.1. NGOs, participatory approaches and human dignity

When I asked participants about the most meaningful aspect of their work, very few pointed to the gaps they seek to bridge with regard to the implementation of the Directive 2013/33, the ICESCR, or any other positive human rights law. Rather, many found the most meaning in the way their organizations’ treat asylum seekers as persons and actors, through respecting their dignity and agency. This is reflected at an individual level through inter-personal relationships between volunteers and asylum-seekers, and at an organizational level through the participatory approaches NGOs have instated to incorporate the voices and contributions of asylum seekers in their decision-making processes.

Nina Milburn, a teacher from Still I Rise answered that the most meaningful aspect of her work is: “Listening. In the camp, they don’t get heard. They are just another number and there are so many people up there that no one really cares. You feel helpless because there is so little that you can actually do, but having someone listen to your problem and empathize is so important.” Building on this idea, Sally* stated that most importantly, volunteers can “show that people care, that they haven’t been forgotten. Volunteers do that better than any paid organization because when you tell people you don’t get paid, they understand you’re here just because you want to help.” In this vein, Ottavia Brussino from Samos Volunteers explained: “We treat them as human beings, persons, not numbers or things to which materials must be distributed. We treat each person as a person, with a heart and a soul.”

Therefore, while not explicitly referencing positive human rights language, volunteers appear to operate at the core of human rights principles by treating asylum seekers with dignity and as humans before aid recipients. The website of Samos Volunteers states: “This is the only place on the island their names are learnt and remembered. Here, people are always welcomed with a smile and a wave, invited in to enjoy a game of chess, or merely to sit back and relax with a warm cup of tea. Dignity, humanity and respect are our guiding principles.” In affirming dignity, humanity and respect as the organization’s core principles, Samos Volunteers breaks from the type of dehumanizing humanitarian work which Liisa Malkki describes in The Need to Help. She states that approaches that treat “refugees, as ahistorical subjects – merely ‘human,’

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107 Sally* interviewed by Elisa Sisto in Vathy, 8 January 2019.
108 Ottavia Brussino (Samos Volunteers), interviewed by Elisa Sisto in Vathy, 8 January 2019.
109 Samos Volunteers, Alpha Center (Samos: Samos Volunteers Website, accessed on 20 April 2019).
merely ‘victims’, – hinders our understanding of their actual circumstances, yielding the perverse result of a humanitarianism that dehumanizes (and sometimes actively harms) its object by reducing actors in a complex and meaningful historical process into nakedly human objects of compassion, in Agamben’s terms, ‘bare life’.”[110] The reference to Agamben’s expression ‘bare life’ resonates with Hannah Arendt’s writings on refugees and stateless people, who through losing their rights as citizens, de facto also lose their human rights, as “the former inevitably entailed the latter.”[111] As such, ‘bare life’ refers to the treatment of humans, who through losing their political status through national rights, “remain included in politics in the form of an exception,” an exception Agamben argues is often embodied by the space of a refugee camp.[112]

In *The Origins of Totalitarianism*, Arendt states: “It seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow-man.”[113]

When enquiring about the origins of the solidarity that volunteers expressed towards the plight of refugees coming to Greece, a prevalent theme that emerged was the sense of a European identity and responsibility, which paradoxically reinforces the rootedness of political belonging. While European solidarity may not be reflected at the state level, with the gradual closure of borders within Europe and failures of cooperation and burden-sharing, my interviews with Italian, French and British participants suggest this to be a driving factor at the individual level. For example, Giulia Cicoli, stated:

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I am not Greek, but I do feel European. With the fortune of being born in Italy in this time period to Italian parents, I have a passport, a paper ID and with that, the full opportunity of being a European. I have access to free health-care and went to public school. Half of my family is Norwegian, and the other half is French. I could always travel just by booking a flight the day before. To me, the fact that on European soil I had all these rights, and that people coming here, on European soil, could not have the same rights just because of a piece of paper is unacceptable. Here, I feel responsible.\footnote{Giulia Cicoli (Still I Rise).}

At an organizational level, most of the NGOs I interviewed have integrated participatory approaches in their organizational structure and functioning. By participatory approaches, I refer to formal systems through which refugees and asylum seekers are consulted and involved in the decision-making process and the development of the NGOs’ activities. Sally* explained that her NGO created a system of community volunteers where refugees and asylum-seekers work within the organization. She explained: “We listen to them and take their ideas on board as much as we can since they are the people that we are doing it for. They are the ones who understand their needs.”\footnote{Sally* interviewed by Elisa Sisto in Vathy, 8 January 2019.} In addition to helping run activities, community volunteers serve as important cultural mediators. Similarly, Still I Rise has set up a system of class representatives in its Mazi Youth Center, where elected students represent their class and act as reporters between the students and volunteer teachers. Still I Rise affirms on its website: “Mazi was created with, not for, refugee learners. Students had input in the classes, activities, chairs, tables and décor.”\footnote{Still I Rise, Website - Mazi Youth Center (Samos: Still I Rise Website, accessed 20 April 2019).}

Not only have asylum seekers and refugees been consulted and included in most of the NGOs I studied through participatory approaches, they have also been active in establishing NGOs. Omar Al Shakal, a Syrian refugee and founder of Refugee 4 Refugees, stated: “We know their situation, we speak their language, and we have been in their position. We know best how to
support them.” Omar, who came to Europe in 2014 and made his way to Germany, decided to return to Greece to help. He volunteered for around a year with other groups, before establishing his own NGO in April 2017. With a team of multi-cultural volunteers, the Refugee 4 Refugees team is able to respectfully and effectively communicate with people in the camp and understand their needs.

The more grassroots style of these small-scale NGOs contrasts with larger and more bureaucratized NGOs, as well as humanitarian agencies such as the UNHCR. When asked about their relationship with the UNHCR, most participants noted that at best, the UNHCR was distant and disconnected from the communities it serves. This distance is visually and physically embodied by the UNHCR’s cabin in the Reception and Identification Center, surrounded by barbed wire and security during its hours of operation. Some of the participants’ critique of the UNHCR’s role in Samos seems to point to Michael Barnett’s critique of the UN Refugee Agency. The Professor of International Affairs argues:

The UNHCR is a humanitarian organization, and as a humanitarian organization it has considerable moral and expert authority. (…) This same authority not only gave UNHCR the opportunity to provide more relief to more displaced populations, but it also conferred on it the role of spokesperson for and guardian of refugees. The underlying assumption, in other words, is that UNHCR knows what is in the best interests of refugees – a population that is often assumed to be too uninformed to know what is in its best interests or too weak to act on them. This is paternalism by any other name, and UNHCR’s assistance and protection practices illustrate how compassion and care exist alongside command and control.

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117 Refugee 4 Refugees, Website – What We Do (Lesvos: Refugee 4 Refugees Website, accessed 20 April 2019).
118 Are you Syrious, Prison Island: Surviving Another Winter on Samos.
Breaking from these more paternalistic modes of operation, small-scale volunteer-based NGOs are most efficient and flexible in listening to and working with instead of for the populations they serve. Nonetheless, because of their small size, irregular funding streams and often difficult relationship with the camp management, in addition to the major question of sovereignty that a nation-state system imposes, they remain extremely limited in the human rights gaps they are able to tentatively bridge.

4.2. Negotiating between short-term and long-term rights

While the volunteer and NGO model presents some real advantages as developed above, Sally* highlighted the ways in which limited and variable funding, and a team with high turnover, cannot provide the consistency needed to offer the highest quality of services:

Charities come together in Samos but this is the place of individual people that put themselves out there and people donating, it is not reliable. That means that the standards of care are based on the donations we get and the volunteers that come. With more consistency we could reason in a what is needed most? way, instead of what’s possible to do in a volunteer type of setting?¹²⁰

In comparison to the inconsistent funding based primarily on private donations that the NGOs I studied depended on, significant European funds have been allocated to Greece to improve conditions in its Reception and Identification Centers. Over 1.3 billion euros of EU funding were granted to Greece since the start of 2015, which includes over 440 million for the EU Emergency Support Instrument, and 393 million in emergency assistance.¹²¹ The former Special Rapporteur on the rights of migrants, François Crépeau, highlighted in the report on his

¹²⁰ Sally* interviewed by Elisa Sisto in Vathy, 8 January 2019.
mission to Greece that for the period from 2014 to 2020, “these budget allocations should fund reception centers on the islands, provide support for return operations, or fund temporary deployment of additional Greek staff or European Union Member States’ national experts.”

Yet, as of November 2018, many of the funds dedicated to improving reception conditions remained unspent. François Crépeau stated his concern that “the largest amount in terms of funding is allocated to preventing irregular migration and implementing the European Union-Turkey statement, which also funds deportations and voluntary returns. The European Union needs to ensure that the funded activities do not come at the expense of the human rights of migrants identified for readmission.

Reporters and volunteers have suggested that one reason these funds may not be adequately used to improve living conditions in the Reception and Identification Centers is to deter future migration. Patrick Kingsley, author of *The New Odyssey: The Story of the Twenty-First Century Refugee Crisis*, raised this point in 2018, when the numbers of arrivals to the Aegean islands decreased and conditions stagnated: “Mr. Kingsley reported suspicions in some quarters that the failure to improve the camp was being used as a way to deter future migration to Greece. That is not official policy. Yet what is clear is that Europe should be taking advantage of the relative lull in migration at least to improve the conditions at the camps and accelerate the

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124 François Crépeau, 6.
processing of asylum seekers.”

One of the participants in my research also implied deterrence might be an unspoken policy:

I don’t work for the Greek government or the European government, so I don’t know what kind of choices or reasoning are behind the situation in Samos. I don’t know whether it is a political decision to keep conditions this bad, maybe thinking that it would discourage people from crossing, or that maybe more people here would ask to be sent back to their home country if life here is worse than life back home. I don’t know if it’s just disorganized… All I know is what I see on the ground.

It follows that NGOs and the Reception and Identification Service (RIS), the branch of the Greek Ministry of Migration Policy governing the camp, may not have concurring missions. Therefore, not only are NGOs limited by irregular funding streams and volunteer work forces, but they also face administrative barriers imposed by the RIS. Samos Volunteers, for instance, got its right to enter the camp revoked in 2018. Ottavia Brussino, from Samos Volunteers, stated:

The winter conditions brought media such as Al Jazeera and the New York Times to Samos, so I was expecting the disastrous situations of the tents and the living conditions. However, what I was not expecting was such a difficult camp management and such complex authorities. I didn’t know that Samos Volunteers was banned from entering the camp. There is no communication between authorities and NGOs. I would have expected a more collaborative atmosphere. This really saddens me.

Despite the administrative barriers that the state is imposing, every participant I interviewed highlighted that they believe the Greek State, supported by the European Union and the UNHCR, should be doing the NGOs’ work and they wish it were. This suggests that non-governmental actors do not see themselves in opposition or competition with the state, but rather wish it were more present and collaborative.

127 Ottavia Brussino (Samos Volunteers), interviewed by Elisa Sisto in Vathy, 8 January 2019.
When sharing their final hopes and recommendations for the Greek State and the European Community, four of the participants I interviewed pointed to the critical need to reform asylum determination procedures. They claimed that even if NGOs had ideal material conditions, they would still be unable to impact and reform the asylum process and the extremely lengthy and opaque procedures. Maya Elliott, a teacher at *Still I Rise*, affirmed “This is not sustainable. The facet of the EU-Turkey Deal which allowed this to happen isn’t working, it’s a violation of human rights, and they need to find another system for asylum processing.”\(^{128}\) Similarly, Giulia Cicoli explained:

> Many reports, understandably so, focus on the horrifying living conditions. Yet, something that I would really like people to look into is what happens next. During my first months here, we were really happy when people got transferred off Samos. Over time, we realized that when people get transferred to the mainland, they end up in better shelters but often in very remote locations. Adults and children are being moved there like packages, with no access to education or integration. Very often people who are transferred do not get asylum, they have an open card and their interview is in 2020 or 2021. That’s a step we haven’t reached yet. The question is: what are people going to do for 2 years, in a camp, in a container, in the middle of nowhere, carrying with them the trauma of the country they left, with no chances of learning the language and integrating in a new society?\(^{129}\)

The concerns Giulia Cicoli raises refer to asylum determination procedures, a core element of the refugee regime. In this context, legal scholar Guy Goodwin-Gill articulates in *The International Law of Refugee Protection*, “The movement of people between states, whether refugees or migrants, takes place in a context in which sovereignty remains important, and specifically that aspect of sovereign competence which entitles the state to exercise prima facie exclusive

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\(^{128}\) Maya Elliott (Still I Rise), interviewed by Elisa Sisto in Vathy, 11 January 2019.

\(^{129}\) Giulia Cicoli (Still I Rise), interviewed by Elisa Sisto in Vathy, 9 January 2019.
jurisdiction over its territory, and to decide who among non-citizens shall be allowed to enter and remain, and who shall be refused admission and required or compelled to leave.\footnote{Guy S. Goodwin-Gill, \textit{The International Law of Refugee Protection}, in \textit{The Oxford Handbook of Refugee and Forced Migration Studies}, ed. Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona (Oxford: Oxford University Press, 2014).}

There is thus a distinction between the human rights NGOs can tentatively bridge through setting up structures and services in the vicinity of the camp, such as the rights to food and preparatory language classes (Directive 2013/33, Article 14 and 17), and the rights that can be fulfilled by the state alone. Only the state may grant asylum, a status offering much longer-term and durable solutions. In \textit{Failure and Hope: Fighting for the Rights of the Forcibly Displaced}, Christine Mahoney draws this distinction:

Considering the long duration of displacement, it is useful to consider the distinction between short-term and long-term rights. Short-term rights include access to those rights that would improve the quality of life of refugees and IDPs during the long displacement. By long-term rights, I mean the right to live with dignity, as a full citizen, in a safe environment – that is access to one of the three durable solutions.\footnote{Christine Mahoney, \textit{Failure and Hope – Fighting for the Rights of the Forcibly Displaced} (Cambridge: Cambridge University Press, August 2016), 10.}

The UNHCR identifies three durable solutions: voluntary repatriation, local integration and resettlement.\footnote{United Nations High Commissioner for Refugees, \textit{Durable Solutions} (Geneva: UNHCR Website, accessed 20 April 2019).} In \textit{Warehousing Refugees}, Merrill Smith argues: “Advocates traditionally envision three durable solutions to refugee outflows: voluntary repatriation when conditions in the source country change, permanent local integration in the country of first asylum, or resettlement to another country. Refugee warehousing, however, has emerged as a de facto fourth and all-too-durable solution.”\footnote{Merrill Smith, \textit{Warehousing Refugees} (Washington, DC: US Committee for Refugees, 2004), 38.} By the expression ‘warehousing refugees’, Merill Smith refers to
the “practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency—lives on indefinite hold.”134 While critical for the respect of numerous human rights, the 1951 Convention on the Status of Refugees does not employ the expression “durable solutions” in the Convention’s language, the closest durable solution it gets to is local integration, in Article 34: “The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees.”135 As such, the provision of durable solutions is poorly qualified in the international refugee rights regime, although as Christine Mahoney argues, it is central to the right to “live with dignity.”136

4.3. Crystalizing a dysfunctional human rights regime

In Refuge: Transforming a Broken System, migration scholars Alexander Betts and Paul Collier affirm: “In 2015, fewer than 2 percent of the world’s refugees received access to one of the durable solutions. The international system has therefore become long-term humanitarian aid. A response designed for the short-term emergency phase of a crisis too often endures over the long term.”137 Hence, while Article 14 of the Universal Declaration of Human Rights affirms that “Everyone has the right to seek and to enjoy in other countries asylum from persecution,” no country has the obligation to grant asylum to any given applicant or to provide a form of long term solution.138

134 Merill Smith, Warehousing Refugees, 38.
136 Christine Mahoney, Failure and Hope – Fighting for the Rights of the Forcibly Displaced, 10.
In this context, rights-holders –asylum seekers–, lack a clearly defined duty-bearer responsible to realize their rights. This situation returns to the fiction that is central to Hannah Arendt and Giorgio Agamben’s work: the fiction of human rights as something greater than citizen rights.\textsuperscript{139} In \textit{Homo Sacer: Sovereign Power and Bare Life}, Agamben writes: “In the system of the nation-state, the so-called sacred and inalienable rights of man show themselves to lack every protection and reality at the moment in which they can no longer take the form of rights belonging to citizens of a state.”\textsuperscript{140} It follows that refugees embody the human figure decoupled from the citizen figure and yet “rights are attributed to man (or originate in him) solely to the extent that man is the immediately vanishing ground (who must never come to light as such) of the citizen.”\textsuperscript{141}

Along these lines, in their sociological study of encampment, Diken and Laustsen argue that state strategies usually “aim at not integrating asylum seekers, neither in the local context, labor market, nor in schools, keeping them in limbo in sites of confinement until they acquire the status of refugee, which clarifies whether they are going to be sent ‘home’ or not.”\textsuperscript{142} In this context, the sociologists state:

The most basic four characteristics of camp life consists of: living on small amounts of support payments or even food vouchers with no cash allowance, which pushes the asylum seeker out of the normal functioning of the economic system, to be prevented from finding paid work, living according to the government’s choice of residency, and minimum geographical mobility.\textsuperscript{143}

\textsuperscript{139} Hannah Arendt, \textit{The Origins of Totalitarianism.}
Giorgio Agamben, \textit{Homo Sacer: Sovereign Power and Bare Life.}
\textsuperscript{140} Giorgio Agamben, \textit{Homo Sacer: Sovereign Power and Bare Life}, 126.
\textsuperscript{141} Giorgio Agamben, 128.
\textsuperscript{142} Bülent Diken and Carsten Bagge Laustsen, \textit{The Culture of Exception: Sociology facing the camp} (New York: Routledge Taylor & Francis Group, 2005), 87-88.
\textsuperscript{143} Bülent Diken and Carsten Bagge Laustsen, \textit{The Culture of Exception: Sociology facing the camp}, 87-88.
In light of the aforementioned barriers facing asylum seekers, there appears to be widespread consensus and acceptance on perhaps only one obligation emanating from the 1951 Convention on the Status of Refugees and its 1967 Protocol: States must not violate non-refoulement, meaning states shall not send an individual back to a place they fear facing persecution. This obligation is affirmed in Article 33 of the 1951 Refugee Convention: “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”144 In addition, non-refoulement has found expression in Article 3 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and was further recognized in the 2001 Declaration reaffirming principles of the 1951 Refugee Convention, which declared non-refoulement to be embedded in customary international law.145

Yet, Goodwin-Gill points out that both the 1951 Convention on the Status of Refugees and its 1967 Optional Protocol “suggest a considerable margin of appreciation with respect to who is granted asylum and what exactly this means.”146 Hence, although not being refouled, people are not getting their asylum claims processed either, leaving them in limbo.

In this situation, NGOs in Samos have come to fill gaps during the in-between period, in the space of no longer and not yet, but NGOs cannot replace the state in constructing durable solutions. As such, the EU-Turkey Deal and the hotspot approach to the Aegean have not caused but rather crystalized the failures of the existing refugee regime.

146 Guy S. Goodwin-Gill, The International Law of Refugee Protection, 42.
Chapter 5

Conclusion: Human Rights in a Permanently Temporary Space?

Samos, Greece and the European Union find themselves at a critical and pivotal moment. From 2015 to today, the situation of detention on Samos has become increasingly entrenched through the EU-Turkey statement and the gradual closure of borders within Europe. While the situation on this Aegean hotspot may not yet be one of refugee ‘warehousing’, the analysis of the evolving dynamics in Samos offers insight into a possible shift from a short-term emergency measure, into a more rooted and permanent situation of detention through encampment. In this context, NGOs have become increasingly present on the island, attempting to render the months or years that asylum seekers spend in Samos slightly more bearable, slightly less punitive. Yet, NGOs cannot replace the state and assume its human rights obligations.

While much of the media attention has rightfully focused on the horrifying living conditions in the Reception and Identification Center in Vathy, the fundamental challenge Greece and the European Union must meet is the timely provision of durable solutions through greater cooperation and solidarity. The number of refugees and migrants crossing the Aegean to seek safety in Greece has significantly decreased over the past four years, from over 856,000 in 2015, to 32,494 in 2018.147 However, this drastic fall in the number of arrivals, a result of deterrence policies, does not signify that the conditions in Samos improved in parallel, or that asylum applications are being processed more effectively, on the contrary. Giulia, from Still I Rise, assessed: “After 3 years in total, the situation has not improved, it’s getting worse and it keeps

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getting worse. Now we are at the worst this place has ever been, in terms of the camp and the living conditions.”

In 2015, arriving in Samos meant reaching a site of transit, and as such, Samos represented an island of relief and of hope. Today, arriving in Samos means reaching a “slum stuck inside a prison” to echo Helen Benedict’s words. Today, reaching Samos means surviving for months or years in dire conditions, with the anxiety of being returned to Turkey, whose mountainous landscape lurks across the sea from Vathy and is visible from many viewpoints on the island.

The situation in Samos crystalizes the failure of the international human rights regime which, while proclaiming rights and rights-holders, does not associate those with their necessary duty-bearers when the figure of the human is not fully contained within that of the citizen. In the space of no longer and not yet, NGOs may bridge certain gaps with regard to the rights to education, an adequate standard of living, and health. However, they cannot escape the state-centric architecture of human rights, which endows the state as the sole actor able to provide durable solutions.

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149 Helen Benedict (Professor at the Graduate School of Journalism at Columbia University), The Global Refugee Crisis: Understanding the Now (New York: NYU Cultures of War and the Postwar, 11 April 2019).
Bibliography

Interviews


References


Are you Syrious. *Prison Island: Surviving Another Winter on Samos*. Samos: The Medium, 2 January 2019. Available at: https://medium.com/are-you-syrious/ays-special-prison-island-surviving-another-winter-on-samos-72ead10d5096?fbclid=IwAR3-yszD8cblID9Xep1a2JxAY4seFmO3etjwR5gDJdCVahURM7lJEylVohE


lodged in one of the Member States by a third country national or a stateless person. Brussels: OJ L. 180/31-180/59, 29 June 2013.


Médecins Sans Frontières. *Confronting the mental health emergency on Samos and Lesvos.* Samos: Médecins Sans Frontières, October 2017. Available at: https://www.msf.org/sites/msf.org/files/2017_10_mental_health_greece_report_final_low.pdf?fbclid=IwAR1D7wY51VkJ4tIHun9t7YneP2-rL3as_Sw_gNeKRXI-wLPufCDWeq5tLsr0


Varvitsiotis, Eleni. *Refugee Situation in Samos Worse than Moria, says top EU official.*

Ekathimerini Online, 2 December 2018. Available at:

https://news.cgtn.com/news/3d3d674e336b6a4d7a457a6333566d54/share_p.html