

Lesbos Bulletin

Update on the EU response in Lesbos, by the Greek Council for Refugees & Oxfam



Residents stand next to tents in the Mavrovouni camp on Lesbos. March 2021. Photo by Giorgos Moutafis.

NGOs continue to express concerns over the reported practice of pushbacks in the Aegean Sea, as well as the restrictions on asylum seekers' freedom of movement, which cannot be justified as a protective measure against Covid-19 infections. Though some changes have been made, conditions in the Mavrovouni site ("Moria 2") continue to be below standards; with overcrowded facilities and insufficient access to basic services, amid a growing mental health crisis. The inability to access safe facilities and the lack of recreational activities, which is affecting women and girls in particular, impacts their sense of safety and mental health. The prevalent use of administrative detention on some of the Aegean islands is impacting the health and wellbeing of vulnerable people and has raised concerns following the deaths of two persons while under administrative detention in the Pre-Removal Detention facilities of Kos and Korinthos.

CALL TO ACTION

The Greek Council for Refugees and Oxfam are calling on EU member state's governments, with the support of the Commission, to act urgently, before more people's lives are put at risk in the 'hotspots' to continue to relocate asylum seekers out of Greece, in accordance with clearly defined and transparent criteria.

In the context of the new European Pact on Asylum and Migration, GCR and Oxfam also call on member states and MEPs to:

- Promote alternatives to the current reception model on the Greek islands. In particular, asylum applications should not be assessed in closed facilities close to external borders, where asylum seekers are put at risk due to unfit conditions.
- Ensure that access to medical care, including mental health, and to legal assistance is always available to all asylum seekers, people in administrative detention and/or people subject to return procedures.
- Ensure that administrative detention is only used in extremely limited circumstances, is subject to a case-by-case examination and justification of its necessity, and is only used as a measure of last resort. Detention should never be used in cases of children.

In addition, GCR and Oxfam are calling on Greece, with the support of the European Commission, to:

- Evacuate the Mavrovouni site, which is not fit for purpose. All asylum seekers should be hosted in dignified housing across the rest of Greece. Until this happens, all measures must be taken to protect the lives and the physical and mental health of the camp's residents, especially the most vulnerable.
- Keep the Kara Tepe site open in order to support the needs of vulnerable persons, and avoid transferring any of its residents to the Mavrovouni site. Alternatively, another suitable solution should be found for all vulnerable persons, which addresses their individual needs.
- Act decisively to reform the system of administrative detention. Detention is a measure of last resort which should be subject to a case-by-case examination and justification of its necessity, and its use should be extremely limited. Detention should never be used in cases of children. Where such grounds cease to apply, such as in the case of asylum seekers subject to the EU-Turkey Statement, they should be released and allowed access to the regular asylum procedure.
- Conduct an effective and independent investigation and establish an independent monitoring mechanism for the systematic recording of reported pushback cases, in consultation with independent authorities and human rights advisory bodies, as well as intergovernmental organisations and the civil society.
- Finally, in the context of renewed discussions between the EU and Turkey, GCR and Oxfam urge all stakeholders to ensure that all asylum seekers have fair and effective access to asylum in Europe and are not put through admissibility checks, which consistently deny protection for vulnerable women and men, delay their stay in reception facilities, and contributes to the pressure on services in the Aegean islands.

Growing concerns over early reception measures

Between 1 February and 4 April, a total of 638 women, men and children reached the 'hotspot' islands in search of safety and a better life¹. Compared to the same period in 2020, this amounts to an 86% reduction in the number of sea arrivals², amid an overall decrease in irregular arrivals in the EU on account of COVID-19 restrictions³. This decrease coincides with a rising number of reports and allegations on illegal pushbacks⁴, which have yet to be effectively investigated by the Greek state⁵, as also noted by Commissioner Johansson during her recent visit to the Greek islands⁶.

Of arrivals to the Aegean islands, the majority of asylum seekers arrived on Lesbos (92%), with the highest number of arrivals (171 persons) recorded in the week of 22-28 March⁷. In particular between 25-26 March⁸, 118 persons reached the island within 24 hours⁹. Upon arrival, 4 people were reportedly transferred to the hospital with minor health issues, and 27 were searched for. They were all reportedly transferred alongside 40 other refugees and migrants that reached Lesbos on 27 March to the quarantine area in the Kara Tepe camp and the quarantine facility in Megala Therma⁹.

As of 31 March 2021, there were 233 women (47), men (73) and children (83), including 33 likely unaccompanied minors, in the quarantine camp in Megala Therma¹⁰. This is the same facility from where 13 asylum seekers, among which were pregnant women and families with children, were reportedly forcibly removed and illegally sent back to Turkey at the end of February, after being ^[redacted] beaten with batons and stripped of their belongings. These acts were allegedly done ^[redacted] by four men wearing unmarked uniforms and balaclavas who arrived at the facility in a black or blue van. After frisking everyone, they carried them to the sea, where they abandoned them in a life raft, as per the alleged victims testimony. ^[redacted]¹¹^[redacted].

Additionally, this specific facility has gravely concerned organisations on the ground. The facility is unsuitable for stay and lacks basic services and infrastructure (e.g. lack of internet connection and of uninterrupted running or hot water), despite the fact that new arrivals may remain there for up to a month, under a total deprivation of their liberty. This by far exceeds the 14-day preventive quarantine suggested by relevant Commission Guidance for situations where such a measure is deemed necessary¹², and needs to be checked for compliance with the principle of proportionality. During this quarantine period, new arrivals remain without access to reception conditions, including psychosocial and legal aid, as the reception procedure does not start before they are moved out of quarantine.¹³ The lack of service providers, especially in the evening and night hours is detrimental for all residents but particularly so for women. Some of whom are pregnant or are persons with health conditions, as well as for unaccompanied minors, who are left with the adult population. Another 70 persons, more than half of whom children under the age of 5 were reportedly transferred to the same facility on 9 April.¹⁴

"I think the Greek authorities can do more when it comes to investigating these alleged pushbacks."

Commissioner Johansson during her visit to Greece in late March 2021. Source: Reuters

Limited Changes to Living Conditions

As of 8 April 2021, 6,025 asylum seekers and refugees remained in the temporary Mavrovouni site¹⁵. Though disaggregated data on this camp's residents is not publicly available, the vast majority of asylum seekers and refugees in Lesbos are from Afghanistan (70%), the DRC (10%), Syria (7%), Somalia (6%) and Iraq (1%)¹⁶. All of these nationalities figure prominently in the top international displacement situations designated by UNHCR¹⁷. Of the total number of persons remaining on Lesbos, 23% are women and close to 3,000 (35%) are children, 16% of which girls. Nearly 70% of the children are below the age of 12, while close to 180 (6%) are unaccompanied and separated¹⁸.

While conditions in Mavrovouni ("Moria 2") remain well below standards, work has continued to improve infrastructure since the camp was first established in September 2020. The construction of a basketball court is a welcome development, as it can offer a sorely needed recreation space for the camp's residents. These residents face disproportionate restrictions on their movement due to measures to combat the spread of Covid-19. Troublingly, a dedicated women-friendly space is still missing.

It has been more than 7 months since the fires that burned down the infamous Moria 'hotspot' and people continue living in tents. The makeshift camp is on the shores of the sea therefore exposed to strong weather conditions (strong winds that damage tents, mud during rains etc.)¹⁹. Challenges also persist with the camp's electricity and water supplies, as well as the sewage system, with relevant works not expected to conclude before June²⁰. All of these factors compound the camp's undignified and unsanitary conditions. Concurrently several of the sites residents, including pregnant women and children, remain at risk of lead poisoning, as recently reported by HRW²¹.

Residents have also continued to raise the alarm about accessibility to toilets and showers, as well as the security in the camp. By the beginning of April, out of the 414 toilets in the camp, close to a third were not operational (289 operational toilets), while access to hot water showers was restricted to a third (roughly 2,000) of the camp's population per day (total of 155 hot water showers in the facility)²². Meanwhile, though some residents state that the security is "the only thing better" than in Moria 'hotspot'²³, single women in particular are still in fear about going to the toilets during evening and early morning hours, due to security risks which stem from the lack of adequate lighting²⁴, and remain exposed to risks, including sexual and gender-based violence (SGBV)²⁴. These risks are compounded by the fact that men have easy access to the spaces where women reside and harassments have been observed. Yet even for women that are not alone (i.e. families), the situation does not significantly differ, with some women choosing to bathe inside the tents, due to fear of going to the showers after sundown.

Meanwhile, as per GCR's and other organisations' experience from the ground, single women have frequently felt mistreated by authorities (police) both in Moria and the temporary Mavrovouni camp. When harassed in the camp, they are often afraid to report it to the authorities. Yet even

"The situation is particularly concerning for women with an aggravated background of harassment or abuse. They have not yet overcome past trauma, which can be the result of experiences in their country of origin and throughout their journey, yet on top of this, in the camp, they live with a daily fear of this happening again."

I. Papanikolaou, GCR social worker on Lesbos

when they find the courage to speak-out, they are often treated with mistrust by the authorities. They often hit a dead-end in regard to both their voices being heard and their personal safety.

Lastly, as per GCR's observations and constant uncertainty, have had a negative impact on residents' mental health²⁵. At the same time, psychosocial support and supervision remains inaccessible to many. The competent state service in the camp (EODY) focuses near exclusively on vulnerability assessments, while NGOs that offer relevant support, cannot cope with the level of needs. The gap is particularly devastating for asylum seekers with psychiatric conditions, who are in need of specialised treatment and accommodation. By April 2021, no such specialised facilities were available in Lesbos, while asylum seekers with psychiatric conditions are also not accepted in available types of alternative accommodation (e.g. ESTIA apartments), due to the specialised support which they require (e.g. caregiver), yet cannot access.²⁶ This further highlights the need for alternative and specialised types of reception-based accommodation, at a time when the Greek government seems determined to prioritise the closure of existing ones.

Concerns regarding camp closure and the fate of vulnerable persons

Lesbos is also home to the Kara Tepe municipal camp, which has for years offered dignified alternatives for vulnerable asylum seekers in Lesbos, who require special accommodation support. This month, the Greek Ministry of Migration and Asylum began implementing a decision made last September, [redacted] to close the camp by the end of April [redacted]. The camp's 94²⁷ residents [redacted] have already started being transferred to the ²⁸ site [redacted] which is unsuitable for any person to live in, let alone people living with disabilities, illness and other vulnerabilities.

It is disappointing and incomprehensible that the Greek government has, much like in the case of PIKPA Lesvos, yet again decided to shut down an alternative reception facility instead of using it to its full capacity. Kara Tepe, which is nearly half empty, could serve as a dignified alternative housing for vulnerable asylum seekers, currently residing in the temporary Mavrovouni camp, and lack access to necessary support.

"Conditions for single women in Mavrovouni camp are indescribable. GCR social and legal service on the island recently supported the case of a highly vulnerable asylum seeker from the DRC, who had been hospitalized with serious moving impairment in Mytilene's General hospital and is currently in need of a wheelchair to be able to move. According to the medical report, she is in need of a surgery and of suitable accommodation (easy access to accommodation provided, proper hygiene conditions, European standards toilet, etc) in order to be able to serve herself after the surgery. Yet instead of being immediately transferred to suitable conditions, she is forced to reside in unsuitable and unsanitary conditions in a rubhall in the Mavrovouni camp, in a small room without windows, alongside another seven single women, and without access to the special reception provisions to which she is legally entitled. Unfortunately, this is not a secluded incident but reflects in the most unambiguous manner the gaps and challenges characteristic of a system that focuses on restricting/containing vulnerable people at the borders".

A. Agrafioti, GCR lawyer in Lesbos

Detention, death, and lack of psychological support

Despite the fact that readmissions to Turkey have been suspended since 16 March 2020²⁹, 248 persons are currently in administrative detention in the Pre-Removal Detention Centers (PRDC) of Kos, as of 8 April 2021³⁰. Based on GCR's observations and available information, the vast majority of them are asylum seekers, primarily from Syria, who remain detained for the purpose of being readmitted to Turkey. Among the people in pre-removal detention, there are several persons with extreme vulnerabilities, such as female survivors of SGBV who should not have been detained in the first place and are in need of medical and mental health support. Their needs increase as some of the asylum seekers' administrative detention already exceeds one year.

Grace* is a highly vulnerable young asylum seeker from Togo. She arrived in Greece in January 2021 and went through a rudimentary reception process, during which her vulnerability was not assessed. Immediately after, she was placed in administrative detention in the Pre-Removal Detention Center (PRDC) of Kos. Grace is a survivor of gender-based violence and a victim of trafficking who seeks protection in Greece. Due to her vulnerability, Grace should have been provided with special reception conditions for the period of her asylum procedure. Instead, she has been in detention for the full examination of her asylum application.

Farhad* is an LGBTQI asylum seeker from Iran, who arrived in Greece in search of protection. He was detained upon arrival in Kos, without a proper assessment of his vulnerability. While in detention, Farhad was threatened and harassed by another detainee and hid for 4 months in a small cell, because he was afraid to leave. By chance, he was found by UNHCR who referred his case to GCR. He was referred to the facility's now-resigned psychologist, who issued an opinion on his vulnerability. Farhad has now also been recognized as a refugee due to his experience of persecution.

"If Grace had undergone full reception procedures, her vulnerability would have been ascertained. Instead, she finds herself detained in the PRDC, without a document that can prove her vulnerability, and without the possibility to have her vulnerability assessed due to the lack of a competent state service. As such, she has undergone her asylum examination without her vulnerability being taken into consideration".

K. Fileri, GCR lawyer in Kos

The holding facility in Kos still does not allow for adequate access to healthcare and medication. At the beginning of February, it only had 1 doctor, 2 nurses, 1 interpreter and 1 psychologist³¹, which was already clearly insufficient to cover the needs of the people detained. In April, the center's psychologist resigned, and on-site mental health support is no longer available. This has proved dangerous, particularly considering the severe impact of detention on the physical and mental health of asylum seekers and migrants³², which can further compound their trauma.

Tragically, the lack of sufficient access to health care resulted in a 44-year-old detained asylum seeker from Yemen losing his life on 24 March. As reported³³, Mr. Saeed* was suffering from obstructive ileum, a digestive condition which requires hospitalization³⁴, and had been in excruciating pain for three days. An announcement issued by the Police Association of Northern Dodecanese³⁵, stated that, since early-mid February, he had been transferred on several occasions to the local hospital and to the PRDC's medical facility, including on 24 March. Yet as further reported³⁶, the PRDC medical facility lacks necessary specialisations and following Mr. Saeed's last examination, he had only received analgesics/painkillers. Concerns remain as to why he was not treated in time.

On Saturday, 27 March, just 3 days after Mr. Saeed's tragic and likely preventable death, a 24-year-old man of Kurdish origin was found dead by suicide in the PRDC of Korinthos, marking the second death in a Greek PRDC in the same week. The man was reportedly waiting for his imminent release from detention, yet was instead notified that his detention would be further prolonged. He had reportedly been held in detention for 16 months.³⁷

Both incidents serve as tragic reminders of the impact that administrative detention can have on persons who committed no criminal offense. There is an urgent need for the Greek government to immediately review the practices relating to administrative detention³⁸, in line with the Council of Europe anti-torture Committee's latest findings and recommendations³⁹, and prioritise alternatives. In Kos, the local reception facility was operating at less than 10% of its capacity at the beginning of April⁴⁰, and has sufficient space (738 accommodation places) to serve this purpose.

Despite all concerns regarding the use of administrative detention and denial of protection, discussions with Turkey regarding resuming readmissions continue. On 6 April, European presidents Charles Michel and Ursula von der Leyen met with Turkish President Recep Tayyip Erdoğan. After the meeting, Commission President von der Leyen stated that "[The EU] expects Turkey to... deliver on [its commitments]. This includes preventing irregular departures and it also includes resuming return operations from the Greek islands to Turkey without any delay. This is for us is a crucial commitment and it would be a major show of good will."

GCR and Oxfam are concerned about the inclusion of returns from Greece in the negotiations between EU and Turkey. The use of expedited border procedures on the Greek islands to facilitate these returns, results in the consistent denial of protection for vulnerable asylum seekers and the withholding of protection and services from those who need it.

NOTES

¹ See UNHCR's Aegean Islands Weekly snapshots from 1 February to 4 April 2021, available at: <https://bit.ly/39L7E5U>.

² *ibid*

³ According to preliminary data issued by Frontex, 2020 recorded the lowest number of irregular border crossings in the EU since 2013. FRONTEX, "Irregular migration into EU last year lowest since 2013 due to COVID-19", 8 January 2021, available at: <https://bit.ly/3wvafAK>.

⁴ For instance, see UNHCR, "UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey", 12 June 2020, available at: <https://bit.ly/3dFlv4T>; Arsis et. al., "Joint Statement on push backs practises in Greece", 1 February 2021, available at: <https://bit.ly/2PGWVbX> and "Joint Action for the creation of an initiative of organisations in relation to push-backs", 30 March 2021, available at: <https://bit.ly/3uwGk9P>.

⁵ Campaign for the Access to Asylum, "Illegal pushbacks, Lives at risk, NGOs under prosecution: Investigations on pushbacks at the EU level, targeting of those highlighting them in Greece", 16 March 2021, available at: <https://bit.ly/3moaq4V>.

⁶ Reuters, "EU official urges Greece to investigate reports of asylum-seeker pushbacks", 29 March 2021, available at: <https://reut.rs/2OGpXbn>.

⁷ UNHCR, *Aegean Islands Weekly Snapshot 22 - 28 March 2021*, 30 March 2021, available at: <https://bit.ly/3wG3dJM>.

⁸ Sto nisi, "Three boats in 24 hours", 26 March 2021, available in Greek at: <https://bit.ly/39OjUZI>.

⁹ Lesvosnews, "4 boats with refugees in Lesbos in the last [couple of days]", available in Greek at: <https://bit.ly/3wxTW6g>.

¹⁰ As per information received through the Lesbos Legal Aid sub-Working Group and UNHCR

¹¹ Aegean Boat Report, "Small Children Left Drifting In Life Rafts In The Aegean Sea!", 22 February 2021, available at: <https://bit.ly/3wzapHi>; EU Observer, "Afghan asylum family beaten in Greece, set adrift at sea", 25 February

- 2021, available at: <https://bit.ly/3dAA1ew>; The Guardian, "We were left in the sea: asylum seekers forced off Lesbos", 19 March 2021, available at: <https://bit.ly/3mq5JyM>.
- ¹² European Commission, Communication from the Commission on COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement, 17 April 2020, (2020/C 126/02), available at: <https://bit.ly/3sXy2qV>, p.7.
- ¹³ As also confirmed to GCR by the Greek Reception Service in March 2021.
- ¹⁴ A boat with 70 refugees and migrants, 44 of who children, 37 of which under the age of 5, arrived in Lesbos on 9 April 2021 and were transferred to the Megala Therna quarantine facility. Sto nisi, "37 refugees under the age of 5!", 10 April 2021, available in Greek at: <https://bit.ly/3tnNvAE>.
- ¹⁵ General Secretariat for Information and Communication, National Situational Picture Regarding the Islands at Eastern Aegean Sea (08/04/2021), 9 April 2021, available at: <https://bit.ly/2OGXRNd>.
- ¹⁶ UNHCR, Lesbos Weekly Snapshot (29 March – 04 April), 5 April 2021, no link available.
- ¹⁷ UNHCR, *Global Trends: Forced Displacement in 2019*, 18 June 2020, available at: <https://bit.ly/3rP6Edf>, p.8. The same applies for the majority of the population of asylum seekers and refugees in the entirety of the 'hotspot' islands, for which the main nationalities are Afghanistan (49%), Syria (16%), Somalia (8%), the DRC (8%) and Palestine (5%). UNHCR, Aegean Islands Weekly Snapshot 29 March - 04 April 2021, 7 April 2021, available at: <https://bit.ly/3dUIF8S>.
- ¹⁸ UNHCR, *Lesbos Weekly Snapshot*, (29 March – 04 April), *op.cit*
- ¹⁹ For instance, UNHCR, *Greece Update # 16*, 9 March 2021, at: <https://bit.ly/3t0zIAc> available, p.2.
- ²⁰ As per information provided during the Lesbos Inter-Agency Consultation Forum on 4 March 2021.
- ²¹ Human Rights Watch, "Greece: Lead Contamination Threat to Migrants Unresolved", 1 April 2021, available at: <https://bit.ly/3saeE98>.
- ²² As per information from the ground and as per information provided during the Lesbos Inter-Agency Consultation Forum on 4 March 2021
- ²³ Sto nisi, "Autopsy of "N" in the Kara Tepe camp", 30 March 2021, available in Greek at: <https://bit.ly/39OMfPz>, minutes 18:08-18:10 of accompanying video.
- ²⁴ As more recently noted in a research conducted by the Center Diotima between November 2019-January 2020, and which was *inter alia* based on interviews with unaccompanied refugee girls, "[t]he potentiality of rape, violence or even death is an ever-present reality in camps and detention centres. Girls regularly compared the experience of living in refugee camps to violent abuses and traumas suffered in origin countries or to their journey to Greece". Center Diotima, *Girls on the move in Greece*, January 2021, available at: <https://bit.ly/3dltlep>, p. 41, yet also see pp. 39-43.
- ²⁵ Also see the World, "A mental health crisis on Lesbos is worsening", 9 April 2021, available at: <https://bit.ly/3mJTvRR>.
- ²⁶ As per the relevant Ministerial Decision, in order for asylum seekers to be eligible for accommodation in apartment-based housing (i.e. ESTIA II programme), they need to *inter alia* "be able to take care of themselves or have an appropriate supportive environment or caregiver". Article 19 (1) JMD 270/2021 on "Action «ESTIA 2021: Housing programme for applicants for international protection", Gov. Gazette 451/B/5-2-2021, available in Greek at: <https://bit.ly/3tcdBGJ>.
- ²⁷ As of 8 April 2021. General Secretariat for Information and Communication, National Situational Picture Regarding the Islands at Eastern Aegean Sea (08/04/2021), 9 April 2021, available at: <https://bit.ly/2OGXRNd>.
- ²⁸ As per GCR's information from the field. Also see in.gr, "Mytilini: The refugee camp in Kara Tepe is emptied -7 April 2021, available in Greek at: <https://bit.ly/3q45l84>.
- ²⁹ As re-affirmed to GCR by the competent readmission unit of the Hellenic police in early April 2021.
- ³⁰ General Secretariat for information and Communication, *op.cit*.
- ³¹ AIDA, *Country report on Greece: 2020 update*, forthcoming.
- ³² MsF, "Greece must end systematic and prolonged detention of migrants, says MSF", 1 April 2014, available at: <https://bit.ly/2PY6WSk>
- ³³ EfSyn, "KEERFA denouncement: Migrant died helpless in Kos", 26 March 2021, available in Greek at: <https://bit.ly/3dVtQ4O>; Avgi, "Maki Diabate / Necropsy confirms tormenting death", 3 April 2021, available in Greek at: <https://bit.ly/3mEeky2> ; <https://my.clevelandclinic.org/health/diseases/15850-small-bowel-obstruction>
- ³⁴ <https://my.clevelandclinic.org/health/diseases/15850-small-bowel-obstruction>
- ³⁵ EfSyn, "KEERFA denouncement: Migrant died helpless in Kos", 26 March 2021, available in Greek at: <https://bit.ly/3dVtQ4O>;
- ³⁶ Efsyn, "The tormenting death of Macky Diabetes was attributed to an obstructive ileum", 4 April 2021, available in Greek at: <https://bit.ly/3mNDD0U>.
- ³⁷ Amongst others, <https://www.lifo.gr/now/greece/ayti-einai-i-istoria-toy-24hronoy-koyrdoy-poy-aytoktonise-sto-kentro-kratisis-prosvfgon>; https://www.efsyn.gr/ellada/koinonia/287448_aytoktonia-24hronoy-koyrdoy-sto-prokeka-korinthoy.
- ³⁸ GCR, "Urgent need to review applicable practices with respect to the administrative detention of asylum seekers and migrants", 29 March 2021, available in Greek at: <https://bit.ly/3wObyLm>.
- ³⁹ CPT/Inf (2020) 35 Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17

March 2020, 19 November 2020, available at: <https://bit.ly/3wQXi4n>.

⁴⁰ Namely accommodating 78 persons in a reception facility with a nominal capacity of 816. General Secretariat for information and Communication, op.cit.

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This paper was written by Spyros Vlad Oikonomou. It is part of a series of papers written to inform public debate on development and humanitarian policy issues.

*names have been changed to provide anonymity.