



HELLENIC REPUBLIC

The Minister of Citizen Protection
The Minister of Migration & Asylum
The Minister of Maritime Affairs & Insular Policy

Athens, 11 May 2021
Ref (conf): 130

Mrs Dunja Mijatovic
Commissioner for Human Rights
Council of Europe

Dear Commissioner,

In response to your letter dated May 3, 2021, kindly note the following:

Allegations of push-backs

In the beginning of 2020 Greece faced a sudden and organized attempt of thousands of persons to enter illegally into Greek and European territory. This massive and coordinated movement of people constituted a grave and asymmetrical threat to Greece and the EU in all its aspects. In this framework, the competent national authorities maximised their efforts to protect Greek and European external borders, a responsibility stemming from the national and EU legislation.

The Turkish authorities evidently have assisted such crossings on numerous, well-documented occasions. People crossing usually have legally residing in Turkey, which is a safe transit country, as also recognized by the 2016 EU-Turkey Joint Statement.

The actions taken by the Greek authorities, at our sea borders, are being carried out in full compliance with the country's international obligations as provided for in the UNCLOS, the International Convention for Safety of Life at Sea and the International Convention on Maritime Search and Rescue but also in accordance with EU legislation, including Regulation 656/2014. In this regard, it is to be noted that allegations about the actions of Hellenic Authorities do not correspond to the well-established standard operating procedures and have been so far proved largely unsubstantiated.

In contrast to these allegations, we should stress in particular the unwavering humanitarian commitment by the Hellenic Authorities that has resulted in saving thousands of migrants' lives since 2015. This is a fact that can be neither argued nor

disregarded and it was made possible only thanks to the continuous efforts of the Greek personnel, supported by FRONTEX and operating very often in a particularly complex and volatile operational environment. As proof to that, in more than 800 incidents coordinated by the Hellenic Authorities at sea in 2020, no casualty was registered during SAR operations, while hundreds of migrants and refugees have been rescued. That would not have been the case should the Hellenic Authorities had not acted in a swift and decisive manner.

Similarly, in our land borders, and more specifically at the Evros region, the Hellenic Police is systematically supporting the implementation of Frontex Joint Operations, such as the code-named «Rapid Border Intervention EVROS 2020» launched following the events of March 2020, ensuring the protection of fundamental rights of migrants and refugees.

It is to note that the Hellenic Authorities follow a strict and disciplinary legal framework investigating information concerning alleged incidents of ill-treatment at the borders, including allegations for unprocessed returns (push-backs), applying the foreseen by law penalties and taking all necessary measures so that unwanted incidents are avoided.

Greek officers continuously perform their duties against the backdrop of an unfavorable environment of intended misleading information emanating in most cases by the smugglers networks and by those supporting them, aiming at harming their reputation and demoralizing them. The fight against smugglers is a priority for Greece and we have been active at European level to reinforce action, including the implementation of initiatives in the countries of origin and transit.

Non-Governmental Organisations

The Greek Government shares the view that the scrutiny exercised by the civil society is an important element for a healthy democratic state. The work conducted by a number of Non-Governmental Organisations (NGOs) in the field of migration throughout these years is considerable and has been acknowledged by the Greek authorities. At the same time, the multitude of NGOs, domestic and international ones, operating in the field and providing their support often in sensitive areas of humanitarian work, requires setting a well-defined framework on their various activities with the aim to safeguard transparency and efficiency.

In this regard and in full compliance with national and European legislation, including the right of association, the Ministry of Migration and Asylum established a Register of Greek and Foreign NGOs dealing with international protection, migration and social integration issues. The objective of the Register is not to set barriers to the NGOs and in no case the registration procedure is intended to be excessive or cumbersome.

On the contrary, the objective is to set the same rules for all NGOs operating in Greece, to ensure that these organisations (or their members) are not linked to

illegal activities whatsoever, as well as to verify that they offer high quality services to the beneficiaries. Additionally, the Register aspires to help the Ministry of Migration and Asylum to better coordinate the efforts of all the CSOs, to save human and material resources and, thus, to optimise the impact of their assistance, in the light also of their regular funding by EU or national budget.

Therefore, our position is that the measures and obligations introduced by the current legislation are not only proportionate to the particular circumstances prevailing in the field of activity of these NGOs, but also absolutely necessary for consolidating their added value.

Reception conditions

We note our appreciation for your kind acknowledgment of our strenuous efforts to decongest the Aegean islands. We take this opportunity to also highlight that the living conditions in the Reception and Identification Centres in the islands have been considerably improved in comparison with the recent past, and this despite the humanitarian crisis that the arson of the Moria camp on Lesbos in September 2020 triggered.

The new Multipurpose Reception and Identification Centres that are in the process of being constructed, are about to definitely meet the appropriate standards and as their accommodation capacity is much higher than that of the existing RICs, we are confident that the overcrowding will be prevented even in the case of a bigger influx of migrants in the future. The layout of the MPRICs follows high standards, in compliance with EASO recommendations, regarding both their construction and their operation. All the buildings are better equipped to cover the needs of the migrants. The freedom of movement of the residents between the areas of the camp and out of the camp is safeguarded, the only area of the camp with limitations to the free movement being the pre-removal centre. There are various pre-defined areas for the accommodation of the vulnerable migrants (e.g., UAMs, single mother families, persons with disabilities etc.) ensuring, thus, adequate protection.

As a last point we would like to clarify that the Greek Government applies no policy of containment of refugees on the Aegean islands. Any restriction of the freedom of movement of asylum applicants during processing on the islands is associated with the implementation of the EU-Turkey Statement, as it stands.

Having said this, the Aegean Islands can no longer serve as overcrowded buffer zones. This is also reflected in the position held by Greece in the course of the negotiation of the proposed New Pact on Migration and Asylum. The new Pact has to safeguard the lifting of the pressure from the Aegean islands through the achievement of an impactful solidarity on a European level, as well as a common return policy. If anything, the success of the new Pact will be measured against the easing of the pressure on the Aegean islands and the protection of the rights of migrants and islanders alike. This point often goes amiss in discussions on migration

policy. We clearly need to recognize the efforts made as well as the disruption sustained by islanders over the last five years.

On the contrary, the significant acceleration of the asylum procedures during the last year has contributed to the decongestion of the RICs in all these five islands and a net decrease of the migrant and refugee population by more than 70%.

Greece will continue to work constructively with its European and international partners for finding sustainable and fair solutions and achieving joint responses to a persisting challenge that is a common European one. In this endeavour, the work of the Council of Europe is of significance in raising awareness but also promoting the values that should guide our joint action.

We count on this continued and open dialogue and we stand ready to provide all necessary clarifications against any contested or misleading argumentation.

Sincerely yours,

Michalis Chrysochoidis

Notis Mitarachi

Ioannis Plakiotakis