



**HELLENIC REPUBLIC
MINISTRY OF CITIZEN PROTECTION**

**REPORT OF THE COMMISSIONER FOR HUMAN RIGHTS
OF THE COUNCIL OF EUROPE
FOLLOWING HER VISIT TO GREECE FROM 25 TO 29 JUNE 2018**

Comments of the Ministry of Citizen Protection:

In paragraphs 7 and 64 of the Report of the Commissioner for Human Rights of the Council of Europe, following her visit to Greece during the time period 25-29 June 2018, mention is made of allegations about «summary» returns to Turkey, sometimes by using violence, a fact which prevent the immigrants from access to the asylum procedure. As the Commissioner reports, these allegations are based on reports of civil society organizations, which include numerous testimonies.

With reference to the above mentioned, it is pointed out that the Hellenic Police works towards the direction of protection of the fundamental rights at the borders, together with operational action. In conjunction with this goal, the Police Agencies all over the territory are supervised and any incidents coming to the notice of the Police Authorities and raising suspicions of disciplinary offences are thoroughly investigated.

In particular, it is pointed out that the behaviours and practices denounced do not exist at all as operational activity and practice of the personnel of Border Guarding Agencies, who are mainly involved in actions for facing the phenomenon of illegal immigration at the Greek-Turkish borders.

More specifically, operational action applied for the prevention of the immigrants' entry into our country is focused on their detection inside the Turkish territory by the use of technical means during their movement and approach to Evros river, and then on the prevention of its crossing, both by the use of light and sound signals from the Greek riverbank, and by the immediate arrival to the crossing point of floating patrols. Finally, the respective Turkish authorities are immediately informed in order to help the immigrants prior to their entry into the Greek territory.

The above described action is completely legal and is provided for by the Greek legislation, and is imposed by the Schengen Border Code, as the Greek-Turkish borders also constitute external borders of the Unified Schengen Area.

The non legal immigrants who are arrested by the Border Authorities of the Hellenic Police are returned to Turkey, on the basis of the Bilateral Readmission Protocol and the Agreement between the European Union and Turkey. These returns take place, as provided for, from the Border Crossing Point of Kipoi of Evros and in no case through informal retransmissions via Evros River.

For the optimal operational response, the Headquarters of the Hellenic Police has issued direct orders, which are forwarded to the personnel of the Border Guarding Agencies, in relation to the behavior of the police personnel towards immigrants and refugees, for the full respect of the fundamental rights.

It is worth pointing out that the Greek police officers operating at Evros during the last years are assisted by personnel of the Organization of European Border Guard and Coast Guard (Frontex), which by organizing Common Operations (Flexible Operational Activities and Focal Points), assists the National Operation "ASPIDA", aiming at the strengthening of the response at the Greek-Turkish borders. More specifically, within the framework of Frontex operations, a great number of officials have become active in Evros area, originating from several Member States of the Organization, without any incident of illegal retransmissions or violation of human rights by police officers of our border Agencies having been ever recorded. The said Officials, always under the supervision of Greek Police Officers, take part both in the prevention operations (entry prevention) and in the management of immigrants after their detection (procedures of nationality identification, information, interpretation, etc.)

After the conduct of investigation of a number of similar denounced incidents by the competent Agencies of Hellenic Police, the conclusion is reached that the said allegations cannot be confirmed. In no case should this fact make allowance for negative impressions as regards the particularly difficult operational work of the police personnel in the management of the migratory flows at the Greek – Turkish borders.

Within this context, the Hellenic Police will continue to perform its work with professionalism and respect for human rights, while it will continue to examine ways for the better management of the borders and protection of the migratory flows, while at the same time fighting against any case of arbitrariness inside its agencies.



HELLENIC REPUBLIC
MINISTRY FOR MIGRATION POLICY

**REPORT OF THE COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL
OF EUROPE**
FOLLOWING HER VISIT TO GREECE FROM 25 TO 29 JUNE 2018

Comments of the Ministry for Migration Policy regarding **Chapter 1 “RECEPTION AND INTEGRATION OF MIGRANTS, INCLUDING ASYLUM SEEKERS”**

Introductory comment: The Ministry of Migration Policy takes note the acknowledgment of the report regarding “the commendable humanity and hospitality that Greece’s people and Authorities demonstrated towards migrants” throughout the refugee and migration crisis and the continuous efforts of Greece, in order to achieve tangible progress in dealing with the migratory and refugees flows in a comprehensive and sustainable manner. Greece’s efforts are consistent with its obligations under International and European law, as well as the European Convention on Human Rights. Whilst aware that problems and challenges remain, as reflected in the Report, the Ministry notes that significant progress has been made since the time of the visit of the Commissioner in Greece (25-29 June 2018), as a result of the constant and ongoing efforts of the Authorities. Therefore, the Ministry hereby submits the following comments, in order to fully reflect the situation in Greece concerning the reception and integration of migrants, including asylum seekers, at the present time.

1. Regarding **paragraph 7**, it is to be noted that summary returns of migrants (“push-backs”) to Turkey are not, under any circumstances, endorsed, or tolerated.
2. Regarding **paragraph 9**, there is no question that living conditions of migrants and asylum seekers have improved considerably since the issue of the *MSS* Judgment by the European Court of Human Rights. Any instances of migrants and/or asylum seekers not fully enjoying material reception conditions, as provided by Law 4540/2018, are to be attributed to the fact that reception and protection mechanisms in Greece remain under tremendous pressure, despite the efforts of the Authorities. This is the result of sharp “spikes” in migratory flows and occurs until the state apparatus is able to absorb the extra flows, particularly by transferring as many vulnerable persons as possible to the mainland. The European Court of Human Rights acknowledged in its judgment on *J.R. and other vs. Greece*, the serious difficulties encountered by Greece in dealing with the reception of thousands of migrants and observed that the management of massive inflows of migrants is particularly burdensome for national Authorities when it takes place on small islands.

3. Regarding **paragraph 10** it is to be mentioned/noted that by the end of the year 2017 the total number of requests for returns under the provisions of Dublin regulation received by Greece reached 2.144, whereas only 1 return took place. Despite the conditions of continuous challenging circumstances Greece is facing, the number of requests for returns reached by 30.10.2018 a total of 6.061. Significant efforts have been made by the Greek Authorities to increase the number of acceptances, giving individual guarantees in relation with the reception conditions and access to the asylum procedure in respect with the ECtHR - Tarakhel Judgement. The total number of requests accepted by 30.10.2018 is 210 and the implemented returns so far is 22.

4. Regarding **paragraph 12**, *it is to be noted* that the National Centre for Social Solidarity is a legal entity under the Ministry of Labour, responsible for referring solely Unaccompanied Minors to dedicated accommodation centres and safe zones. Referrals of adults (asylum seekers) to appropriate accommodation are coordinated by the Ministry of Migration Policy. Furthermore, it should be noted that the ESTIA programme (which includes both the accommodation scheme in apartments and cash-based interventions) is an EU funded programme, implemented by UNCHR and coordinated by the Ministry of Migration Policy.

5. Regarding **paragraphs 12,13,15, 24, 25, 26 and 28** regarding the number of asylum seekers hosted on the Aegean islands and in the mainland and the transfers from the Aegean islands to the mainland the following is to be mentioned:

a) Regarding the Eastern Aegean islands, since the beginning of 2018 till 30 November 2018, 29.209 arrivals of third country nationals were registered, surpassing the capacity of the RICs, thus resulting to their overcrowding. The Ministry is implementing a concrete plan for the decongestion of the islands, in order to remedy the situation. During, the same period 25.137 persons have been transferred to the mainland, after their geographical restriction has been lifted, either because they have been granted international protection or belong to vulnerable groups. More specifically it is to be mentioned that a total of 14.949 persons have been transferred from the islands to hosting structures in the mainland, from 1 July 2018 till 30 November 2018.

There are currently 15.751 migrants and asylum seekers on the islands (12.616 in the Reception and Identification Centers, 1.316 in apartments under the ESTIA programme, run by UNHCR and funded by the European Commission and 1.819 in other accommodation structures such as NGOs shelters and municipal accommodation sites).

b) Regarding the situation in the mainland, according to the available data as of 12 November 2018, there are 43.277 persons accommodated in State monitored structures. In particular there are 20.959 persons in apartments under the ESTIA programme, run by UNHCR and funded by the European Commission, while the total capacity of the entire programme amounts to 24.933 places. Furthermore, 18.258 persons are hosted in 26 accommodation facilities (Eleonas, Schisto, Skaramagas, Malakasa, Lavrio, Elefsina in the region of Attica, Andravida in the Western Greece region, Oinofyta, Thiva, Thermopyles, Ritsona in the Central Greece region, Koutsohero, Volos in the region of Thessaly, Kavala, Drama in the Eastern Macedonia region, Serres, Alexandria, Veria, Diavata, Kato Milia,

Lagadikia, Nea Kavala in the Central Macedonia region and Doliana, Filippiada, Katsikas, Aghia Eleni in Epirus region).

In order to increase the accommodation capacity in the mainland the Ministry proceeded in September and October in renting houses and hotels in Volvi in the Central Macedonia region and in Grevena in the Western Macedonia region, where additional 1.742 persons are being hosted.

Furthermore, the gradual creation of additional 6.000 accommodation places in hotels is underway with the cooperation of the International Organization for Migration and UNHCR. Till 30 November 2018 the occupancy amounts to 2.318 persons.

6. Regarding **paragraph 16** it is to be noted that regarding the sewage system in the RIC in Moria the necessary paperwork was completed in the end of September and the first works for the implementation of the project have already started.

7. Regarding **paragraph 17** it is to be noted that there is information provision upon arrival of the third country nationals (TCNs). For this purpose, info desks operate inside every Reception and Identification Center, sufficiently staffed with administrative employees deployed by the Reception and Identification Service and/or European and/or International Organizations, providing information and personalized administrative support to all TCNs.

8. Regarding **paragraphs 18 and 19**, it is to be noted that, whereas tensions between groups of migrants are an actual, regrettable and to a certain extent inevitable phenomenon, it does not constitute the norm, but rather the exception. This is even truer when it comes to “riots” which are far from frequent. In fact, considering the enormous ethnic, linguistic, cultural and religious diversity of the resident migrant/refugee population, the overall results of the keeping of the public order are rather positive. Any such events are dealt with, swiftly by the law enforcement Authorities, in order to maintain order and ensure the safety of the residents, especially families with small children.

9. Regarding **paragraph 20**, any incitement to violence against migrants by far-right instigators, as well as any instances of hate speech is swiftly dealt with by the competent judiciary Authorities, as per Greek legislation.

10. Regarding **paragraph 23** the increased arrivals through our land borders with Turkey resulted in the overcrowding of the Reception and Identification Center of Fylakio. In order to remedy the situation and decongest Fylakio Reception and Identification Center, people were transferred to other accommodation places in the mainland. As of 30 November 2018 there are 221 persons hosted in Fylakio.

11. Regarding **paragraph 31** and the situation of unaccompanied minors it is to be mentioned that Greece receives an average of more than 200 new UAMs on a monthly basis. Before the refugee crisis of 2015, the total available places for UAMs in Greece were 300. On 30 November 2018 the total available places (including safe zones, special shelters, accommodation facilities and hotels) are 2.073 places.

The first semester of 2018, almost 600 UAMs have been transferred from the RICs and from protective custody to 10 different hotels run by IOM and its partners in close cooperation with the Ministry.

Furthermore, in July 2018 the Greek Parliament adopted Law 4554/2018 concerning the regulatory framework of Guardianship of unaccompanied minors.

12. Regarding **paragraphs 34-35** it is to be noted that Sexual and Gender Based Violence (SGBV) focal points have been appointed to every RIC. SGBV incidents are being recorded and the SGBV monitoring tool is implemented in every RIC, in an attempt to identify gaps and best practices in SGBV prevention and response and the coordination mechanisms between different actors. All recorded SGBV incidents are directed, as soon as possible, to counseling centers, specialized housing facilities and emergency call centers. SGBV incidents are identified by the psycho-social personnel deployed in each camp and RIC, which then provides support, assesses the risk and proceeds to actions (legal support, Hellenic Police's assistance, immediate transfer). Every official claim/complaint is being dealt with according to the established procedures and the national legislation.

13. Regarding **paragraph 38**, *it is to be mentioned* that, as the positive effects of this mechanism have been widely acknowledged, the cash assistance component of ESTIA, as well as its accommodation component, will be handed over by UNHCR to the national Authorities (Ministry of Migration Policy – Directorate for the Protection of Asylum Seekers) by 2020.

14. Regarding **paragraphs 41, 42 and 44** it is to be mentioned that in the last months KEELPNO has proceeded to the vaccination of all children, both in the RICs and in the accommodation facilities in the mainland, so they can attend public school this year. An open call from the Ministry of Health is underway to recruit additional medical staff, to be deployed from January 2019.

15. Regarding **paragraphs 45, 46 and 47** it is to be noted that a revised vulnerability template tool and a manual to provide guidance for the procedure were completed in July 2018. It was a joined effort from the civic organizations working on reception conditions, the Asylum Service and healthcare providers (RIS-KEELPNO-GAS-SRSS-EASO). The procedure for the implementation of the new tool has begun since mid August 2018 and the tool is now implemented in the RICs. There were improvements in the old tool regarding the levels of vulnerability (from 2 to 3, A-B-C depending on the level of the vulnerability) with the goal to provide the medical staff with the means to identify a vulnerable person more accurately. This has enabled the RIS employees (the so-called Vulnerability Focal Points) to provide better care for the vulnerable people, by taking better into account their individual needs (in accommodation, special dietary restrictions, medicine needs). An effort is always made to move the more vulnerable in appropriate accommodation places, taking them from the RICs. Training on the revised tool to all RIC employees have been carried out by KEELPNO. Assessments are now required to take place a week after arrival in the RIC. However, the understaffing of the medical service and the constantly rising arrivals can hinder the procedure. An open call from the Ministry of Health is underway to recruit additional medical staff, to be deployed from January 2019.

16. Regarding **paragraph 50**, *it is to be noted* that this year around 12,000 children are receiving education in public schools or in the afternoon preparatory classes (“DYEP”). Also, nurseries operate inside most of the RICs and the accommodation facilities in the mainland.

The Ministry provides the Ministry of Education information regarding the age groups, in order to ensure that children will attend school on time. Transportation with buses is also being provided with the support of non state actors (especially IOM) for children living in accommodation facilities, not close to schools.

17. Regarding **paragraph 52**, *it is to be noted* that the school attendance rate of the children residing in the ESTIA accommodation scheme on the islands is 74%. It is estimated that around 1,500 children will attend the afternoon preparatory classes (“DYEP”) on the islands.

18. Regarding **paragraph 60**, there is an ongoing open call by the Asylum Migration Integration Fund (Ministry of Finance) for funding 2.000 places in shelters for UAMs, increasing the current capacity of 1.210 places by additional 790 new places.

19. Regarding **paragraph 65**, *it is to be noted* that the issue of migrant integration before 2015 was addressed mostly through actions implemented in the context of the European Integration Fund, while the issue of refugee integration was mostly addressed through actions implemented in the context of the European Refugee Fund.

20. Regarding **paragraph 66**, *it should be noted* that a new National Strategy on Integration has been drafted which has been approved by the Greek Governmental Council of Social Policy in June 2018, and which will shortly be announced for public consultation. Also, integration-focused programmes targeting beneficiaries of international/subsidiary protection have been designed at the central level, implementation on which will start in the coming months with focus on: a) Training and job placement in the agricultural sector for 2,000 recognized refugees, b) Training and job placement programme through the Employment and Manpower Organization (OAEΔ) for 3,000 recognized refugees, and c) Greek language courses for asylum seekers, recognized refugees, and migrants. The program will target a group of 15,000 people over the course of 3 years.

Moreover, the HELIOS programme will soon be expanded in municipalities across the country, targeting 10,000 beneficiaries in the course of 12 months (5,000/6-month cycle). Its main pillars are: a) Integration Courses which will include language courses, civic and cultural orientation, life skills, etc, b) skills profiling, and c) accommodation and cash assistance. The programme aims to build on the beneficiaries’ capacities so as to allow them to gradually be re-introduced to independent living and further their smooth and deeper integration into the Greek society.

21. Regarding **paragraph 67**, *it is to be mentioned* that that the Migration and Social Integration Code (Law 4251/2014) establishes a comprehensive protective framework for third country families and children in line with the principle

of non-discrimination. More specifically, Articles 69 to 77 of the Code provide for the right to family reunification of working third-country nationals, their spouses and their children in accordance with Directive 2003/86/EC which has been transposed into Greek Law by Presidential Decree 131/06. The relevant EU-rules and favourable national rules applied are in accordance with fundamental human rights and, particularly, the respect of private and family life as well as the respect of children's rights and to their best interest. These rights are implemented in Greece without any problems.

22. Regarding **paragraphs 68-69** concerning the reunification of recognized refugees with their family members from third countries (Council Directive 2003/86/EC of 22/9/2003), the Joint Ministerial Decision specifying the procedure to be followed for the issuance of a visa has been adopted on 28/8/2018, triggering thereby the effective conclusion of the pending cases and the seamless examination of new ones.

In particular, regarding the last point of **paragraph 68** a, it should be made clear that the 3-month period is not the actual deadline for a refugee to request family reunification, but in reality there is no time limitation to do so. According to Presidential Decree 131/2006, article 14 paragraph 3, if the application for family reunification has not been submitted within three months of the recognition of the refugee, it is additionally necessary to submit a few supporting documents that prove that the refugee can provide sufficient support to the family members with whom he applies for family reunification. This provision is not applicable in the case of an unaccompanied minor.

23. Regarding **paragraphs 70 and 71** it is to be mentioned that in relation with family reunification cases under Dublin a restrictive approach has been adopted leading to the increase of rejected requests having as a result a more cumbersome procedure required from Greece in order to successfully substantiate those requests. The percentage of acceptances dropped from 80% in year 2017 to 50% in 2018. As far as the actual transfer of the accepted asylum seekers is concerned, despite the fact that delays have been occurred during the second semester 2017 and the first months of 2018, it has to be acknowledged that following continuous efforts of the Greek Authorities to accelerate the number of transfers and to reduce waiting time for the asylum seekers, a total of 4.777 persons have been transferred in 2017 and 4.916 in 2018 (until 30.10). A contributing factor to this end has been the consent of Germany to facilitate numerous transfers per month.

24. Regarding **paragraph 73**, *reference should be made* to the necessary requirements for access to long term residence. By way of derogation of the condition of "good knowledge of the Greek language", for certain categories of third-country nationals, this requirement may be proved as follows:

a) Third-country nationals who are holders of:

- A diploma of graduation from at least a compulsory education school in Greece
- A diploma of graduation from a foreign senior high school which is part of the Greek educational system
- A recognised degree from a Greek language department of a foreign University

- A special certificate attesting to a sufficient knowledge of the Greek language
- b) Third-country nationals who are holders of a permanent residence card as family members of a Greek national
- c) Third-country nationals with a relevant recommendation of the naturalisation committee in accordance with Article 12 of the Greek Nationality Code (pursuant to Article 5A (2) of the Migration and Social Integration Code)

25. Regarding **paragraph 77** it *could also be mentioned*:

- a) The operation (in the context of and through funding from the Regional Operational Programmes) of eleven (11) Migrant Integration Centres (MICs), as Departments of Community Centres (CCs), in ten (10) Municipalities of Greece, with high concentration of migrant/refugee population. MICs function as an “one-stop-shop” model department offering foreign citizens a whole range of services “under one roof” (information about residence permits, legal advice, information about access in the labour market, information about various integration projects, Greek language courses, etc).
- b) The development of the job profile of the Intercultural Mediator, an initiative which was undertaken by the Ministry for Migration Policy and developed in co-operation with social partners and other competent entities.
- c) The development of a project concerning the training and employment of Intercultural Mediators at Migrants Integration Centers (MICs) and Community Centers (CCs) throughout the country, which is to be funded under the Regional Operational Programmes (ESF).

26. Regarding **paragraph 80**, *it is to be noted that* concerning to the unfortunate events that took place in Manolada in 2013, the following action has been taken: all the affected third-country nationals (34 in total) have been initially granted a residence permit issued in accordance with a decision of the Minister of Interior after they have been declared as victims of Human Trafficking with the No. 32/2013/22.4.2013 act of the Public Prosecutor of Amaliada. Subsequently, following a decision of the European Court of Human Rights (ECHR) issued in June 2017, convicting Greece for violating Article 4 par. 2 (forced labour) of ECHR, these persons were granted a residence permit as victims of crime (Article 19A, par. 1 (b) of Law 4251/2014).

27. Regarding **paragraph 87**, all practical obstacles have been removed; see comment above for paras 68-69.