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Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,
civiles, políticos, económicos, sociales y culturales,
incluido el derecho al desarrollo**

Nota verbal de fecha 5 de agosto de 2021 dirigida a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos por la Misión Permanente de Grecia ante la Oficina de las Naciones Unidas en Ginebra

La Misión Permanente de Grecia ante la Oficina de las Naciones Unidas y otras organizaciones internacionales en Ginebra transmite adjuntas las observaciones del Gobierno de Grecia en relación con la exposición escrita presentada por seis organizaciones no gubernamentales reconocidas como entidades consultivas especiales (A/HRC/47/NGO/201) (véase el anexo).

La Misión Permanente de Grecia solicita a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos que tenga a bien distribuir la presente nota verbal y su anexo* como documento del Consejo de Derechos Humanos en relación con el tema 3 de la agenda.

* Se reproduce como se recibió, en el idioma en que se presentó únicamente.



Annex to the note verbale dated 5 August 2021 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The statement submitted by the 6 NGOs on 31 May 2021 to the Human Rights Council contains a lot of inaccurate data and not updated information about the reception system and the rights of asylum seekers in Greece.

Since it largely refers to the conditions in the so-called hotspots, it needs to be reminded that it is about **First Reception Facilities (RIC)** that have been established on the islands of Lesbos, Chios, Samos, Leros and Kos. These facilities followed the hotspot approach as established by the European Commission during the 2015 crisis, in order to address specific challenges faced by member states at the external borders particularly exposed to migratory flows. They aimed to improve coordination of the EU agencies' and national authorities' efforts in the initial reception, identification, registration and fingerprinting of asylum-seekers and migrants. They were designed in order to offer proper reception conditions to asylum seekers and to ensure a fast and high-quality asylum process.

RICs were founded during the past decade and operated under uncertain and difficult circumstances when the Greek authorities had to deal for years with increased mixed migratory flows putting pressure to the social services on the islands. All RICs are about to be substituted by the **new MPRICs (Multi-purpose Reception and Identification Centres)**. MPRICs are based on a modern layout which will cover all the needs of TCNs arriving in Greece (e.g., Primary Health Care Centres, safe areas for vulnerable persons such as UAMs and single-parent families etc. have been included in this layout). The first MPRIC to operate will be the one of Samos, in autumn 2021 (see Annex)

Contrary to the depressing picture described in the common statement of the six NGOs, the current **situation on the Greek islands** is completely different. The RICs are not overcrowded. On the contrary, the number of persons in RICs decreases. On July 19, 2021, 4366 TCNs were hosted on Lesbos (RIC capacity 8000), 330 on Chios (RIC capacity 1014), 929 on Samos (RIC capacity 648) 109 on Leros (RIC capacity 860) and 52 on Kos (RIC capacity 816). In total, 5786 TCNs were hosted on island RICs, while the capacity was 11338 places. The majority of vulnerable TCNs have been transferred to reception facilities in the mainland of Greece and to apartments of the ESTIA/UNHCR accommodation programme. Thus, the stay of asylum seekers on the islands rarely exceeds the maximum of six months and even in these cases the prolongation of stay is justified (e.g., due to procedures to be followed because of the COVID 19 pandemic etc.).

Regarding in particular the **RIC in Lesbos**, it should be pointed out that there is no risk of flood, as the construction works concerning anti-flooding measures have been completed. At the same time, the construction of internal and external sewage net system is coming to an end. Partitioned rub-halls, containers and RHU have been deployed in the camp. All these types of accommodation are fully winterized and heated. In the camp there are 48 taps (one per 90 people and not one per 500 as inaccurately mentioned in the common statement). The number of toilets is sufficient (one per 11 people and not one per 100 as inaccurately mentioned in the joint statement). As for the showers, the ratio is 27 persons per shower. All the above-mentioned indicators are adequate according to the EASO and the SPHERE standards for the reception facilities (see Annex).

Concerning the **access to healthcare treatment** for third country nationals (TNCs) residing in Lesbos RIC, it should be noted that the particular RIC operates with doctors from the National Organization of Public Health, the Doctors of the World and other health services providers. Specialties such as gynaecologists and paediatricians are covered on a weekly basis and even a small biochemical laboratory is fully operational.

Education is one of the basic services minors in the reception and asylum framework are entitled to. Nevertheless, during 2020, access to public (formal) education encountered difficulties as a result of Covid-19 pandemic. The Reception & Identification Service, in collaboration with IOM and other organizations that are offering technical support on site

management, enhanced the capacity of wi-fi connections in the camps in order to be able to support the distance-learning programs of public schools. Additionally, the staff of the Service responsible for child protection assisted the regionally appointed Coordinators of Refugees' Education of the Ministry of Education and facilitated the procedures for self-testing and registration to schools.

Concerning the supposed **restrictions to the mobility of the asylum seekers** in and out of the reception facilities the Greek State can affirm that this happened only in relation to the protective measures against the COVID 19 pandemic and in line with the relevant epidemiological data (both at the level of Prefecture and the level of accommodation structure), the recommendations of Greek Public Health Organisation (EODY) and the National Committee of Experts against COVID-19. Those measures included a temporary restriction of movement of third-country nationals/stateless persons residing in RICs and accommodation structures, access to international organisations and civil society organisations based on predefined lists, visits not related to accommodation, food and medical services after approval by the Director of the accommodation structure-facility and the deployment of special medical units within the RICs and accommodation structures, which stand ready to address COVID-19 cases and perform medical screening of staff. These measures were proportionate and necessary to prevent the spread of Covid-19 inside the accommodation facilities, without any discrimination or stigmatization to the TCNs within those sites, in comparison with the general population to whom also restriction of movement was applicable.

The Greek State successfully manages the reception of TCNs during the last couple of years despite the difficulties due to the COVID 19 pandemic, and, especially in Lesbos, the Greek Authorities successfully managed the crisis after the fire in Moria's RIC. Even in the temporary reception facility in Mavrovouni, the living conditions for the asylum seekers are better than it has ever been in Moria and they will be further improved in the future after the relocation to the new MPRIC of the island.

All in all, the sanitary, hygienic, food and medical situation in the RICs is far from being catastrophic. On the contrary, it is improving day by day.

Turning to the field of asylum, in the past two years, the implementation of several legislation acts and procedural reforms regarding asylum procedures in Greece delivered a positive sign, despite great difficulties and challenges due to the COVID-19 pandemic. As regards the asylum policy in particular, **asylum procedures** in 2020 accelerated by 65% while the Asylum Service's pending decisions decreased by 43%.

As it becomes obvious by the data (December 2019 – December 2020) in the ANNEX, asylum procedures are now **faster and of a better quality** than ever in Greece. The backlog of 1st instance decisions decreases gradually but permanently, the productivity of the Greek Asylum Service concerning the 1st instance decisions has been increased more than 60% during 2020, the percentage of positive decisions is almost 50% (including refugee status and subsidiary protection status) and the average time for the examination of the asylum application rarely exceeds a two-years period of time.

Moreover, in the first semester of 2021, there was a further 42% decrease compared to 2020, with 59,945 pending cases, out of which 12,861 were new asylum applications submitted since January 2021. Furthermore, 10,438 decisions granting international protection were issued (Jan-Jun 2021). Out of those, 7,311 decisions were granting refugee status and 3,127 decisions subsidiary protection, whereas 68% of the positive decisions concern Syrian and Afghan nationals.

Law 4636/2019 as amended in May 2020, transposes EU Directive 32/2013 on common procedures for granting and withdrawing international protection, therefore national legislation remains in line with the EU acquis and in full respect of the 1951 Geneva Convention.

Regarding **interpretation**, the Ministry of Migration and Asylum is in cooperation with the NGO "METADRASI" and the European Asylum Support Office that both provide properly trained interpreters in the asylum and reception procedures in several languages.

Referring to the issue of **refoulement**, it should be stressed that Greece has been complying, and will continue to do so, with its obligations under international law, including all relevant human rights treaties to which it is a Party, and is also mindful of its obligations within the borders, migration and asylum EU legal framework.

The principle of non-refoulement is enshrined in national legislation (Law 4636/2019). Allegations about violations of that principle do not correspond to the operational activities which are implemented in the country.

In accordance with EU Law, the Hellenic Coastguard intercepts vessels and dinghies -often employed by the migrant smugglers- exercising rights vested by the international law of the sea. Besides, EU Member States may authorize such interception measures in the context of border surveillance operations with the participation of FRONTEX under Regulation 656/2014. The Greek authorities operate on the field with the utmost attention to the protection of human life at sea, as evidenced by the extremely low number of casualties in the Aegean Sea in 2020 and 2021, compared with previous years and with other migratory routes. It is worth mentioning that during the period 2015-2020, the Hellenic Coast Guard has rescued more than 319.000 migrants in search and rescue incidents. In 2020, in more than 800 incidents coordinated by the Hellenic Authorities at sea, no casualty was registered during SAR operations.

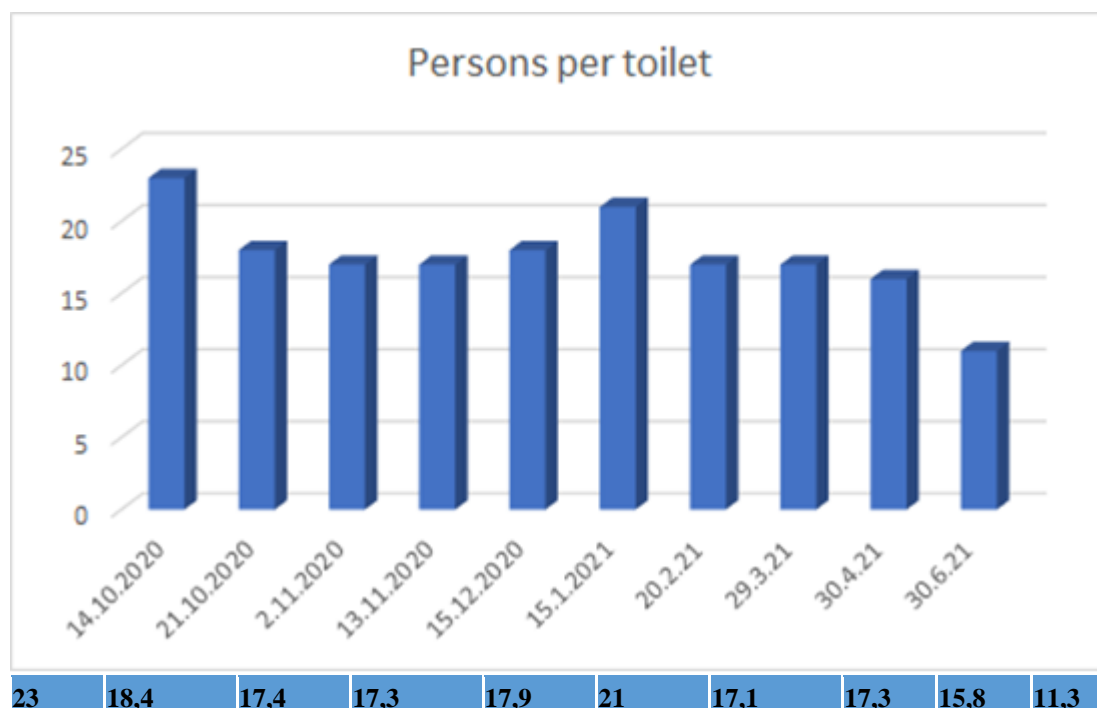
Annex

Reception conditions

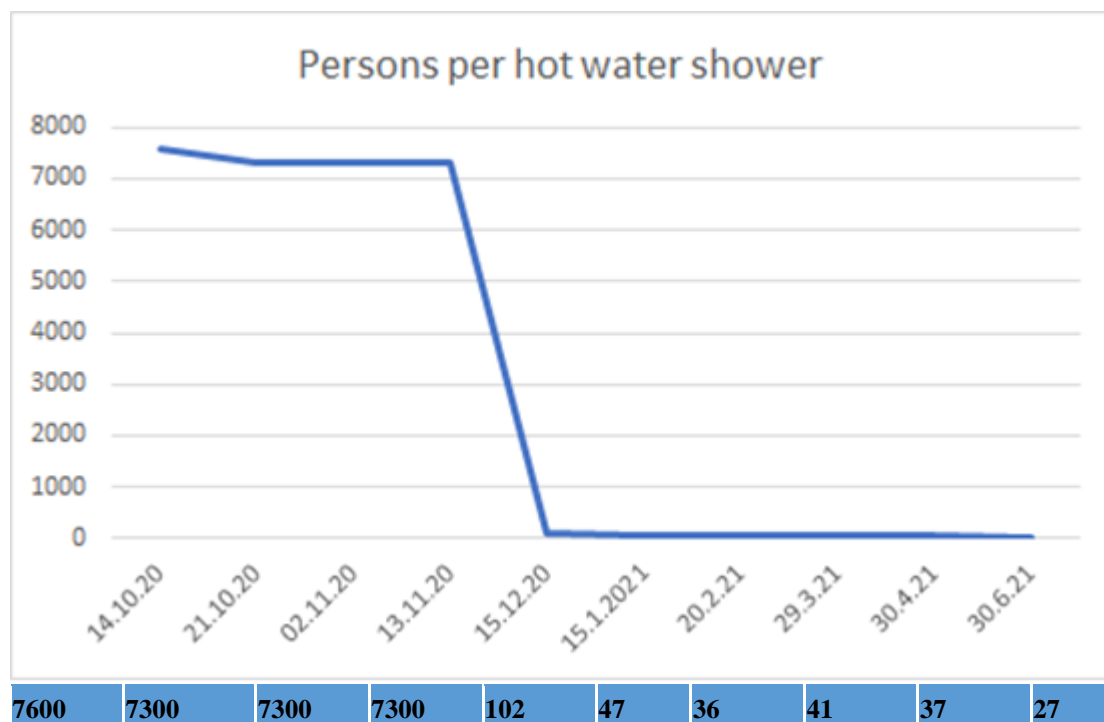
1. Samos' MPRIC layout



2. Wash reception conditions in Lesbos RIC; toilets



3. Wash reception conditions in Lesvos RIC; showers



Asylum process

1. Greek Asylum Service: backlog

ASYLUM SERVICE: PENDING AND DECISION MAKING						
Month	Pending decisions 1 st Instance	Pending decisions 2 nd Instance	Total of pending decisions	Percent Variance (%)	Decisions 1 st Instance	Decisions 2 nd Instance
Dec-19	123.515	15.635	139.150			
Jan-20	126.181	14.376	140.557	1,0%	3.783	1.862
Feb-20	126.083	12.334	138.417	-1,5%	5.273	3.619
Mar-20	120.165	11.599	131.764	-4,8%	6.904	1.443
Apr-20	105.501	9.061	114.562	-13,1%	15.853	2.541
May-20	99.936	8.485	108.421	-5,4%	6.026	1.926
Jun-20	94.829	7.900	102.729	-5,2%	8.715	2.018
Jul-20	91.383	7.637	99.020	-3,6%	7.071	1.935
Aug-20	88.286	7.664	95.950	-3,1%	5.551	1.517
Sep-20	84.212	6.373	90.585	-5,6%	7.045	2.552
Oct-20	82.646	5.182	87.828	-3,0%	4.198	2.247
Nov-20	79.353	3.851	83.204	-5,3%	5.835	2.179
Dec-20	76.335	3.553	79.888	-4,0%	4.798	1.174

2. Greek Asylum Service: decisions

<i>1st INSTANCE DECISIONS</i>					
	<i>YtD 2019</i>	<i>Monthly Percent Variance (%)</i>	<i>YtD 2020</i>	<i>Monthly Percent Variance (%)</i>	<i>Percent Variance 2019-2020 %</i>
January	3.807		3.783		-1%
February	8.393	120%	9.056	139%	8%
March	13.184	57%	15.960	76%	21%
April	18.033	37%	31.813	99%	76%
May	21.730	21%	37.839	19%	74%
June	24.701	14%	46.554	23%	88%
July	28.646	16%	53.625	15%	87%
August	31.924	11%	59.176	10%	85%
September	36.306	14%	66.221	12%	82%
October	40.844	12%	70.419	6%	72%
November	45.303	11%	76.254	8%	68%
December	49.974	10%	81.052	6%	62%

3. Greek Asylum Service: type of decisions

<i>Type of Decision</i>	<i>Number#</i>	<i>Percentage%</i>
Refugee Status	26.371	33%
Subsidiary Protection	7.954	10%
Rejection(on the substance)	22.821	28%
Rejection (as unfounded)	9.484	12%
Act of termination of the process	4.340	5%
Withdrawal of the asylum application	1.148	1%
Case archived	8.934	11%
Total	81.052	100%