



**GNCHR Statement on the occasion of the 20th anniversary of the mandate
of the UN Special Rapporteur on the Human Rights of Migrants**

Universidad Iberoamericana, Mexico City

12-13 November 2019

The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection. It was established by Law 2667/1998 in accordance with the UN Paris Principles. Forty-two institutions whose activities cover the field of human rights are currently represented in the GNCHR (independent authorities, departments of university-level educational institutions, workers' and disabled persons' confederations, NGOs, political parties and ministries)

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The Greek National Commission for Human Rights (GNCHR), as the independent advisory body to the Greek State on matters pertaining to human rights protection, and the National Human Rights Institution (NHRI) of Greece accredited with an A-status, attaches particular importance to the international protection regime and has issued a series of relevant decisions, alternative reports to UN bodies and Special Procedures, thematic reports, statements, announcements, such as the recent Reference Report on Refugees (September 2019) where there is a comprehensive listing of our positions on reception and accommodation of international protection applicants, detention of international protection applicants, international protection procedures at first and second degree, unaccompanied minors, push-backs of third-country nationals to the Greek-Turkish borders and integration of refugees in Greece are systematically listed.

In 2016, the GNCHR had held consultations with the UN Special Rapporteur, François Crépeau, on the human rights of migrants on his mission to Greece from 12 to 16 May 2016. Following the meeting with the UN Special Rapporteur, the GNCHR, and within the framework of her competence, conducted a series of visits to six accommodation sites in Greece, namely Elliniko, Elaionas, Schisto, Skaramagkas and Kos Island. The GNCHR shared the UN Special Rapporteur's concerns and concurred that there had been de facto violation of the rights of migrants and refugees, regarding their massive and indiscriminate detention on the islands of the eastern Aegean; their timely and effective access to international protection; decent accommodation; health and education services. The GNCHR fully concurred with the UN Special Rapporteur's policy recommendations, particularly the taking into account by the international community of the onus lying upon Greece due to the cumulative impact of a double crisis: the economic and refugees crises, the latter essentially ensuing due to Greece being the custodian of an external European Union border. Since then, GNCHR's advocacy on refugee and migration issues has covered the following fields:

- **Reception and accommodation conditions** of applicants for international protection, focusing on the problems of applicants trapped in the Eastern Aegean islands, their living conditions in Reception and Identification Centers and Accommodation Centers, the lack of adequate housing places and the homelessness faced by asylum seekers and refugees;
- **Detention** of applicants for international protection, emphasizing the indiscriminate imposition of detention on applicants, without prior consideration of alternatives to detention, and maintaining the measure of "protective custody" of minors, contrary to the recommendations of international organizations;
- **Asylum procedures** at first and second degree, emphasizing the prolonged period of application of the derogatory "fast-track border procedure", the need to balance the interests of a speedy handling of international protection applications and the good quality of decisions thereon, and the operational problems of the Asylum Service and the Appeals Authority;
- **Unaccompanied minors**, with emphasis on the problems of their reception, detention, hosting and their effective protection;
- **Push-backs** of third country nationals at the Greek-Turkish borders, with emphasis on the ineffective investigation by the State of the complaints lodged by alleged victims; and
- **Refugee integration** in Greece, focusing on the obstacles faced by asylum seekers and refugees in accessing their rights (work, education, health, housing).

Regarding recent developments, the GNCHR notices with great concern the increasing number of foreigners arriving in Greece, especially through the islands, in comparison with those

¹ Delivered by Dr. Anna Irene Baka, GNCHR Legal Officer.

arriving in 2018. According to the latest data from the United Nations High Commissioner for Refugees (UNHCR), the arrivals in 2019 (until 25.08.2019) reached 31,265² while according to Frontex, July 2019 saw an increase of up to 25% in arrivals at the Greek islands compared to July 2018³. At the same time most reception centers on the islands have exceeded their hosting capacities risking a violation of fundamental human rights of third-country nationals, such as the protection against inhumane or degrading treatment and the ensurance of a decent living standard. Officially, today, 10,383 people are hosted in the Reception and Identification Center (RIC) of Moria in Lesvos whereas the center's capacity is for 3,000⁴. The GNCHR has already alerted the State on overcrowding conditions in the RIC of Moria⁵ and has expressed, in a previous Report on living conditions on reception and accommodation centers for migrants and refugees⁶, its deep concern about the ongoing incidents mainly in the accommodation sites of the Eastern Aegean islands, as well as the often uncontrolled incidents of violence in the accommodation sites in mainland, which contribute to exacerbated racism and xenophobia.

Another point worth stressing is the state and employers' tolerance of the phenomenon of the massive and intensive work of migrant workers without legal residence permit, particularly in the agricultural field. According to the General Confederation of Greek Workers's (GSEE) Labour Institute estimations, approximately 500.000 migrants currently live in Greece without residence permits in force. The GNCHR deplores the inhuman working conditions and the systematic violation of minimum wage and overtime legislation, as well as health and safety conditions for farm workers and urges the competent State authorities to take all the necessary measures to prevent such phenomena from reoccurring.

In 2017, the GNCHR organized a notable hearing of stakeholders and persons on the full compliance of the Greek State with the ECtHR judgment *Chowdury and Others v. Greece* (the "Manolada" case). Particular emphasis was placed on the issues of preventing phenomena of forced labor and human trafficking, access to justice, health, social security and accommodation of workers. The GNCHR made use of Rule no 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, whereby the GNCHR communicated its report to the Committee of Ministers. The GNCHR called upon national authorities to strengthen their efforts to detect cases of human trafficking in the context of border controls, including through further training of border guards on the identification of victims of human trafficking; discourage demand for the services of victims of human trafficking for the purpose of labor exploitation and/or forced labor and to take concrete measures to encourage businesses to eliminate human trafficking and forced labor from their supply chains. The GNCHR also urged national authorities to pay increased attention to detecting victims of human trafficking among migrants and asylum seekers in first-line reception centers and persons detained as irregular migrants and provide additional training to staff who come into contact with them, as well as to adopt measures to facilitate and guarantee access to compensation for victims of trafficking and/or forced labor.

To conclude, the rights of migrants and refugees are high in the GNCHR's agenda. Overall, the GNCHR has repeatedly formulated the following recurring recommendations to the State on the reception conditions of newcomers to the eastern Aegean islands:

- the immediate termination of the entrapment of applicants for international protection in the Eastern Aegean islands and the lifting of geographical limitations imposed on them, as

² <https://data2.unhcr.org/en/situations/mediterranean/location/5179>

³ <https://frontex.europa.eu/media-centre/news-release/migratory-situation-in-july-arrivals-in-europe-up-slightly-from-previous-month-rlBoYl>

⁴ Ministry for Citizen Protection, [National Situational Picture Regarding the Islands at Eastern Aegean Sea \(1/9/2019\)](#)

⁵ GNCHR Statement, ["The GNCHR expresses its deep concerns about the situation in the Reception Centers of the Eastern Aegean islands and, especially, of Moria in Lesvos"](#) (2018)

⁶ GNCHR Report, ["Living conditions in hotspots and accommodation sites for migrants and refugees"](#) (2016)

well as their transfer to mainland in order to ensure the immediate decongestion of the islands,

- the abolition of the measure of geographical limitation imposed on applicants arriving at the eastern Aegean islands and the adoption of a provision whereby any geographical limitation shall be based on an individual assessment and be imposed by a reasoned administrative decision, providing also the applicants with a right to effective judicial protection, given the nature of the measure, i.e. the restriction of their freedom of movement.

These recommendations are tightly connected to the necessary reviewing of the European Asylum system, which necessitates the re-examination of the EU-Turkey Joint statement, and the adoption of a new, comprehensive system of rules for all EU Member States, based on the principle of solidarity and proportionality in burden sharing, in full respect of international law and the human rights of migrants and refugees.