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**REPORT  
OF THE  
COMMISSIONER FOR HUMAN RIGHTS  
OF THE COUNCIL OF EUROPE**

**DUNJA MIJATOVIĆ**

**FOLLOWING HER VISIT TO GREECE  
FROM 25 TO 29 JUNE 2018**



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## SUMMARY

Commissioner Dunja Mijatović and her team visited Greece from 25 to 29 June 2018. During the visit, the Commissioner held discussions on issues pertaining to the reception and integration of migrants, including asylum seekers, and to the impact of austerity measures on the rights to health and education.

The present report focuses on the following major issues:

### **Reception and integration of migrants, including asylum seekers:**

Greece has been particularly affected by the refugee movements across Europe in recent years, experiencing very high numbers of migrant arrivals, with a peak of more than 850 000 sea arrivals in 2015. In spite of a sharp decrease which began in 2016 and the commendable humanity and hospitality that Greece's people and authorities demonstrated towards migrants, the situation remains critical. Migrant reception conditions are well below international standards, especially on the Aegean islands. As the Commissioner could see while visiting the Moria hotspot, located on Lesbos, serious overcrowding, combined with poor hygiene conditions, insecurity and despair put the human rights of the camp's residents at high risk. The Commissioner observes with great concern that living conditions in reception camps present significant risks to people's health, which are exacerbated by very difficult access to primary healthcare services.

Particularly alarmed at the serious and widespread allegations of sexual and gender-based violence perpetrated in reception facilities, including against underage residents, the Commissioner urges the Greek authorities to address all the contributing factors to this phenomenon, to provide assistance to victims, and to prevent its recurrence. The Commissioner is also deeply concerned at the situation of most unaccompanied migrant children, who are not adequately sheltered and face serious difficulties in obtaining social support. The situation is even worse for those detained under the regime of "protective custody", which is a far-reaching interference with migrants' right to liberty and which the Commissioner called on Greece to stop. She is worried about low school attendance rates of migrant children on the mainland and the lack of access to education available to them on the Aegean islands, and urges the Greek authorities to guarantee the effective enjoyment of all migrant children's right to education, through the implementation of inclusive education programmes in mainstream schools on the mainland and the islands. Against this background, the Commissioner urges the authorities to reconsider the geographical restriction which prevents migrants arriving in the islands from leaving, and to accelerate migrant transfers to the mainland, where reception capacities should be significantly and rapidly increased. The Commissioner notes with concern that the vulnerability assessment procedure, which plays a major role in the transfers to the mainland since vulnerable persons are among the few asylum seekers eligible for transfers, is reportedly excessively lengthy and often fails.

As a result of the closure of Greece's neighbours' land borders, the country has *de facto* become a country of destination, where many of the around 65 000 migrants present at the time of the Commissioner's visit will stay for a long time. Integration is therefore of the utmost importance for both the migrants and Greece's social cohesion. The Commissioner calls on the Greek authorities to design and implement a comprehensive and long-term integration policy fostering access to family reunification, long-term residence and citizenship, education and vocational training, language and integration courses, employment, and protecting migrants against racism and discrimination.

### **Impact of austerity on the rights to health and education:**

Since 2010, Greece has concluded three economic adjustment programmes with the European Commission, the European Central Bank and the International Monetary Fund, and adopted about 15 austerity packages containing a wide range of drastic measures, including reforms concerning the public sector, pensions, taxes, and the labour market, which have adversely affected human rights, especially the rights to health and to education. Severe budget cuts in the health care sector, coupled with cuts in patients' wages and pensions have hampered access to health care, at a time when the economic crisis has generated an increase in the need for certain types of medical care, especially mental health care. In such a difficult context, the adoption in 2016 of a law on universal medical coverage has been an important step forward. However, the Commissioner observed during her visit that patients still do not have access to the health care they need. Therefore she calls on the Greek authorities to remove the remaining barriers to access to health care. She also invites them to make special efforts to support the mental health care sector, in order to respond to the increasing demands

for its services, and to foster deinstitutionalisation and the inclusion of persons with intellectual and psychosocial disabilities.

As regards the impact of austerity on the right to education, the Commissioner is concerned about impoverished curricula, and a marked deterioration in pupils' well-being, teachers' working conditions, and school equipment resulting from the severe budget cuts implemented during the crisis years. She is pleased to note that the education budget has increased in the last two years and encourages the Greek authorities to further increase it in the years to come in order to progressively reverse the negative effects of the austerity measures on the education sector. The Commissioner is also concerned at persisting obstacles to effective access to education. She urges the Greek authorities to lift all barriers and to guarantee the full and effective enjoyment of the right to education, and invites the Greek authorities to make targeted efforts to ensure effective access to education for groups of vulnerable children, especially children with disabilities and Roma children, whose school attendance rates are worrying.

## INTRODUCTION

- 1 The Commissioner for Human Rights of the Council of Europe, Dunja Mijatović (the Commissioner), conducted a visit to Greece from 25 to 29 June 2018.<sup>1</sup> The visit focused on two sets of issues: the reception and integration of migrants, including asylum seekers (section I of the present report); and the impact of the economic crisis on the rights to health and to education (section II).
- 2 The Commissioner met with the President of the Hellenic Republic, Prokópis Pavlópoulos, the Speaker of the Parliament, Nikolaos Voutsis, the Minister of Justice, Transparency and Human Rights, Stavros Kontonis, and of Health, Andreas Xanthos, and the Deputy Minister of Education, Research and Religious Affairs, Meropi Tzoufi, and of Migration Policy, Ioannis Balafas. In addition, the Commissioner met with the members of the Greek National Commission for Human Rights and the Ombudsman, Andreas Pottakis, and his deputies. The Commissioner also met with the United Nations High Commissioner for Refugees' (UNHCR) representative in Greece, and with representatives of the European Asylum Support Office (EASO), the European Border and Coast Guard Agency (Frontex), and International Organisation for Migration (IOM). In addition, she held discussions with a number of non-governmental organisations.
- 3 In Athens, the Commissioner visited the Metropolitan Community Clinic of Helliniko, and the NGO METAdrasi, which *i.a.* runs integration programmes for migrants. On the Eastern Aegean island of Lesbos, she visited the Reception and Identification Centre of Moria, the Open Hospitality Centre for Refugees and Migrants 'Kara Tepe' run by the Municipality, and the Mosaik Support Centre. She also met with the Vice-Mayor of Lesbos, Anastasia Antonelli.
- 4 The Commissioner would like to thank the Greek authorities in Strasbourg and Athens for their assistance in organising and facilitating the visit. The Commissioner would also like to thank all of her interlocutors for sharing their knowledge and insights with her.

## 1 RECEPTION AND INTEGRATION OF MIGRANTS, INCLUDING ASYLUM SEEKERS

- 5 Greece has been particularly affected by the refugee movements across Europe in recent years, experiencing very high numbers of migrant arrivals, with a peak of 856 723 sea arrivals in 2015. Arrivals started to decrease in 2016 following the implementation of the [EU-Turkey statement](#), according to which all irregular migrants and asylum seekers who arrived from Turkey to the Greek islands after 20 March 2016 and whose applications for asylum have been declared inadmissible should be returned to Turkey. This trend was confirmed in 2017, when the number of arrivals returned to the pre-2015 level.<sup>2</sup> In spite of

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<sup>1</sup> The Commissioner was accompanied by Giancarlo Cardinale, Deputy to the Director of her Office, and Matthieu Birker, Adviser.

<sup>2</sup> According to [UNHCR](#) figures, 173 450 people arrived by sea in 2016, 29 718 in 2017, and 41 038 in 2014.

an increase observed in the first eight months of 2018, especially during the summer,<sup>3</sup> the numbers of arrivals remain far below those observed in 2015.

- 6 According to government [estimates](#), 70 000 migrants remained in the country as of 19 September 2018. Since the Asylum Service started operating in June 2013, more than 28 000 persons were granted international protection. The Commissioner commends the humanity and hospitality that Greece's people and authorities have demonstrated towards migrants in particularly difficult times for a country facing a serious economic crisis.
- 7 During her visit to Greece, the Commissioner focused on the issues pertaining to the reception of asylum seekers, and to migrant integration, which are the subject of this section of the report. However, many of the Commissioner's interlocutors also drew her attention to consistent allegations of summary returns ("push-backs") to Turkey, often accompanied by the use of violence, preventing migrants from accessing the asylum procedure. The Commissioner notes with concern that such push-back operations were documented in several recent reports by civil society organisations containing numerous testimonies. She also notes that, in June 2017, similar documented allegations led her predecessor to express his [concerns](#) and the Greek Ombudsman to launch an *ex officio* investigation into this alleged practice. In addition, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter "CPT") indicated in the [preliminary observations](#) published on 1 June 2018 following its April 2018 *ad hoc* visit to Greece that it also received several consistent and credible allegations of push-back operations including ill-treatment.

#### 1.1 ISSUES CONCERNING RECEPTION OF ASYLUM SEEKERS

- 8 According to Law [4540/2018](#) of 18 May 2018, which transposes the recast EU Reception Conditions Directive into domestic law, all third-country nationals and stateless persons who make an application for international protection on Greek territory, and minors (whether unaccompanied or not) shall benefit from material reception conditions providing an adequate standard of living. These conditions shall guarantee their subsistence and protect their physical and mental health, with due regard to respect for human dignity. The competent authorities must therefore provide them with housing in kind and/or a financial allowance; access to health care; access to education (for minors); and access to the labour market and vocational training.
- 9 As the Commissioner observed during her visit, despite these provisions, asylum seekers in Greece do not always benefit from the material support they are entitled to. This is a long-standing issue. As early as in 2011, this situation led the European Court of Human Rights to find Greece in violation of article 3 of the European Convention on Human Rights (prohibition of torture) because of asylum seekers' living conditions in the case of [M.S.S. v. Greece and Belgium](#). This judgment resulted in the suspension of transfers to Greece from other EU countries under the Dublin Regulation for more than six years.
- 10 In December 2016, the European Commission recommended that transfers to Greece start again as of 15 March 2017, on the condition that EU states relocate more people from Greece. This Recommendation sparked sharp criticism by numerous civil society organisations, who considered the resumption of returns to be premature in light of the persistent deficiencies in the Greek asylum system. Similarly, the Greek National Commission for Human Rights (GNCHR) [expressed](#) grave concern in December 2016, noting that all refugee reception and protection mechanisms in Greece were under tremendous pressure. Nevertheless, in 2017 Greece received 1 998 requests for transfers from ten EU member states, although only one such request led to an actual transfer.

##### 1.1.1 RIGHT TO ADEQUATE HOUSING

- 11 Law [4540/2018](#) provides that, where housing of applicants is provided in kind, it should take one or a combination of the following forms: (a) accommodation in premises used for the purpose of housing applicants during the examination of an application for international protection made at the border or in transit zones; (b) accommodation centres established in suitably adapted public or private buildings, managed by public or private non-profit organisations or international organisations; (c) private houses,

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<sup>3</sup> According to [IOM](#), 22 153 people arrived in Greece by sea from 1 January to 16 September 2018, compared to 17 959 from 1 January to 16 September 2017. In addition, land arrivals sharply increased in the first months of 2018. In April 2018, land arrivals even surpassed sea arrivals for the first time since 2013, with 3 600 land arrivals in the Evros region.

flats or hotels leased as part of housing programs for applicants, operated by public or private non-profit organisations or international organisations.

- 12 The Greek asylum seekers' accommodation scheme concretely consists of three components. The National Centre for Social Solidarity is a referral network of accommodation centres mainly run by NGOs. The authorities also run a number of reception camps (thirty-one at the time of the Commissioner's visit), including six "Reception and Identification Centres" (hereinafter RICs), also often referred to as "hotspots", located in the Aegean islands of Lesbos, Chios, Samos, Leros, Kos, and in the north-eastern town of Fylakio. In addition, accommodation places were created by UNHCR as part of the EU-funded ESTIA programme. According to figures of the Ministry of Migration policy, as of 19 September 2018, 25 000 migrants were staying in apartments, about 23 000 to 25 000 in accommodation sites on the mainland, and about 20 000 on the islands.
- 13 The combination of a lack of capacity, continuous arrivals, and few departures results in a generalised overcrowding of the Greek reception facilities, especially on the Aegean islands, where the situation is particularly critical, but also on the mainland.
- 14 **On the Aegean islands:** At the time of the Commissioner's visit, around 11 500 people were hosted in the RICs of the Aegean Islands of Chios, Kos, Leros, Lesbos and Samos, against a total nominal capacity of 6 246. In addition, 1 330 people were accommodated by UNHCR in apartments on the islands.
- 15 The Commissioner observes that the number of asylum seekers hosted on the Aegean islands has further increased since her visit. According to figures of the Ministry of Migration policy, as of 19 September 2018, about 20 000 migrants were on the islands. The situation is particularly critical in the RIC of Moria on the island of Lesbos. While the nominal capacity of this facility was placed at 3100 by the Ministry of Migration Policy and at 2100 by the [Prefect](#) of Northern Aegean and a number of local actors, at the time of the Commissioner's visit (27 June 2018), it hosted 7 214 people (including some 1 350 people in the "Olive Grove", an adjoining makeshift camp) and on 19 September 2018 it accommodated around 9 000 persons according to the figures mentioned above. However, overcrowding also prevailed in Samos, where around 3 600 migrants were hosted in the Vathy RIC, the official capacity of which is of 648, as well as in Chios, where more than 2 000 people were hosted in the local RIC despite a limit set at 1 014.
- 16 Living conditions in the islands' RICs are extremely worrying. During her visit to Moria, the Commissioner observed that asylum seekers were hosted in containers, or large tents hosting up to 125 persons in very precarious conditions and with almost no privacy. Others slept in makeshift shelters, at the mercy of the weather. The Commissioner received reports about pregnant women sleeping in tents with no mattresses, mothers being returned to the RIC with their new-born babies, and individuals returned to the RIC immediately after release from hospital after surgery. Clearly insufficient sanitation facilities obliged people to queue for extended periods of time for access to toilets and showers, which women told the Commissioner they were afraid to do for security reasons, especially at night. The Commissioner notes that, in September 2018, inspectors from the Lesbos public health directorate found that the Moria camp was unsuitable and dangerous for public health and the environment, including because toilet waste pipes were broken in a section of the camp, resulting in a strong stench and creating a danger to public health. As a result, on 11 September 2018, the Prefect of Northern Aegean gave the Ministry of Migration Policy 30 days to clean up the RIC in Moria, or face closure. Long-standing sewage problems were also reported in Chios, leading the regional authority of Northern Aegean to impose, on 22 September 2018, a 100 000 € fine on the Ministry of Migration Policy due to its failure to improve the sanitation and sewage systems of the RICs located on Lesbos and Chios.
- 17 The community leaders of Moria with whom the Commissioner met stressed that most people lack information regarding their administrative situation and the next steps of their journey, with this limbo causing anxiety, especially for those living in the camp for a long period of time, which sometimes exceeds two years. Many are said to have the impression of being kept in these hotspots on purpose, and that appalling conditions are maintained to serve as a deterrent. The testimony of one of the community leaders, according to whom "those who stay two years have their brain burnt" echoes the 2017 [report](#) by the NGO *Médecins sans frontières* which stressed that these conditions aggravate the mental health of the population on the islands, many of whom have lived through extreme violence and traumatic events, while the provision of medical services remained critically insufficient. This impact was even acknowledged in February 2017 by a Court of Thessaloniki, which ruled that the fact that some migrants had breached the

geographic restriction preventing them from leaving the islands was justified by the need to safeguard their personal health and integrity and thus acquitted them.<sup>4</sup>

- 18 Squalid living conditions fuel tensions between asylum seekers and the police, with the RICs being rocked by riots on a regular basis. One of the most severe incidents happened on 18 July 2017, when a protest outside of an office of the European Asylum Support Office (hereinafter EASO) turned into a riot, which was reportedly severely repressed by the security forces. Following the clashes, police arrested thirty-five male asylum-seekers and charged them with arson, causing injuries to police officers and causing damage to private property. On 28 April 2018, a Court in Chios found thirty-two of the thirty-five defendants guilty of injury to public officials, but acquitted them on all other charges.<sup>5</sup> The Commissioner observes that the verdict sparked harsh criticism by local and international [NGOs](#) who monitored the trial and denounced the lack of evidence and serious procedural problems, including the absence of interpretation during most of the trial and the severely limited time given to the defendants and defence witnesses to present their side of the story. The Commissioner is also concerned about persistent allegations of police misbehaviour targeting migrants,<sup>6</sup> including intimidation of camp community leaders and journalists, and acts of violence targeting RIC residents.
- 19 Clashes between hotspot residents were also reported to the Commissioner. According to her interlocutors, some incidents may reflect tensions between national or ethnic groups. In the course of her visit to Lesbos, the Commissioner was told about violent clashes that broke out at the Moria RIC on 25 May 2018, leaving six people injured and leading 900 Kurds to leave the hotspot. Other incidents seem to purely result from the tensions generated by overcrowding and substandard living conditions. A community leader with whom the Commissioner met described the Moria RIC as a volcano which could erupt at any moment, over a place in a queue, or a bottle of water.
- 20 The Commissioner also deplores an increase in tensions between hotspot residents and local populations. When the number of arrivals started increasing in 2015, the population of the Aegean islands demonstrated an extraordinary and truly commendable sense of solidarity. If most islanders have maintained the same approach and should be praised for their dedication and humanity, the Commissioner notes that the considerable pressure put on the islands by the presence of asylum seekers in numbers exceeding three to four times the capacity of the facilities in which they are sheltered generates a growing exasperation, occasionally exploited by far-right groups inciting to violence against migrants. The Commissioner shares the concerns of the islands' authorities regarding this phenomenon.
- 21 The situation prevailing in the Open Hospitality Centre for Refugees and Migrants 'Kara Tepe', which the Commissioner also visited immediately after the RIC, highlights the importance of not exceeding the actual capacity of such facilities. Located on Lesbos and run by the Municipality of the island, this camp made of containers hosted 1 200 persons at the time of the Commissioner's visit, in good conditions. The peaceful environment which the Commissioner observed fosters healing and helps the residents, many of whom have gone through traumatic experiences, to focus on the next steps of their journey, starting from their asylum procedure.
- 22 **On the mainland:** In the course of her visit, the Commissioner's attention was drawn to the fact that the living conditions prevailing in reception camps were not appropriate for long-term accommodation. Many of her interlocutors pointed out that most of these camps are made up of overcrowded containers and/or tents, do not cover the basic needs of their residents and are located in remote areas. In addition, a number of these sites reportedly operate without the required legal basis, a circumstance which raises serious issues regarding both their functioning and their oversight. The Commissioner notes that her predecessor made similar [observations](#) during his visit to the camp of Skaramangas, near Athens, in July 2016, and that the Council of Europe Secretary General's Special Representative on migration and refugees, Tomáš Boček, also stressed in his 2016 [report](#) that many of the camps he visited were intended to be temporary solutions and hence did not meet basic hygiene requirements and were overcrowded. In its [Resolution 2118 \(2016\)](#) of 22 June 2016, the Parliamentary Assembly of the Council of Europe also

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<sup>4</sup> Misdemeanour Court of Thessaloniki, Decision 2627/2017.

<sup>5</sup> This judgment has been appealed by the 32, who were given a 26 month suspended prison sentence.

<sup>6</sup> Previous allegations of police violence were brought to the Greek authorities' attention by the Commissioner's predecessor in a [letter](#) of 18 April 2017.



expressed concern at living conditions in the reception centres on the mainland, which were described as falling far below acceptable standards.

- 23 The increase in land arrivals in Greece's north-eastern Evros region observed in the first half of 2018 aggravated the situation. In order to shelter the 10 000 people who crossed the border between Greece and Turkey at Evros during this period, the Greek authorities re-opened sites that had been closed in 2017 because of their poor conditions. In spite of this, the RIC of Fylakio rapidly became overcrowded, which reportedly resulted in the detention of thousands of people, including children, in police stations and pre-removal centres pending their transfer to the RIC, with many subsequently released without proper reception and identification procedures and therefore with no access to reception conditions. In a July 2018 [report](#), Human Rights Watch found that thousands of migrants, including asylum seekers, had been subject to appalling reception and detention conditions, with at-risk groups, including pregnant women and new mothers, lacking necessary protection, especially health care. The NGO also observed that the RIC of Fylakio “failed to meet such basic standards as having toilets and locking doors.”
- 24 Further to her visit to Greece, the Commissioner noted that the Greek government decided to set up three new reception sites on the mainland, consisting of accommodation solutions in apartments and hotels, which will contribute to easing the pressure on existing sites. She also noted that 20 441 people were accommodated in apartments (18 456) and buildings (1 985) under the above-mentioned ESTIA programme as of 18 September 2018. The Commissioner shares the views of UNHCR, according to which housing asylum seekers in rented accommodation provides people with a sense of normalcy and facilitates their access to services and education. It also facilitates the integration of those who will remain in Greece, while the host population also benefits from the renting of their apartments.
- 25 In spite of these positive developments, the situation on the mainland remains critical and may deteriorate rapidly if transfers of asylum seekers from the Aegean islands are not combined with both further significant increases in the capacities of the mainland’s reception facilities and an improvement of their conditions.
- 26 **Transfers from the Aegean islands to the mainland:** The Commissioner notes that many actors, including [NGOs](#), reception facility staff members, local authorities, national human rights structures, and international human rights bodies such as [CPT](#) and [UNHCR](#) have raised the alarm about the situation in the hotspots. At the end of her visit, the Commissioner [urged](#) the Greek authorities to take rapid action to improve reception conditions, and called on them to transfer more people to the mainland.
- 27 The major obstacle to these transfers is the geographical restriction preventing all applicants who entered the islands of Chios, Rhodes, Lesbos, Kos, Leros and Samos after 20 March 2016 from leaving these Aegean islands until the end of their asylum or readmission, unless they are identified as vulnerable. The Commissioner noted that, on 17 April 2018, Greece’s highest administrative court annulled the Decision of the Director of the Asylum Service by which this restriction of freedom of movement was imposed, noting that the reasons for which the decision was issued (serious and imperative reasons of public interest and migration policy) were not evident from the text of the decision. It further concluded that restriction of movement prevented the distribution of asylum seekers throughout Greek territory “and resulted in their unequal concentration in specific regions and the significant burdening and decline of those regions”.<sup>7</sup> However, following this ruling, the government issued an administrative decision<sup>8</sup> reinstating geographical restrictions, thus providing a new legal basis for what has often been described by asylum seekers and NGO representatives whom the Commissioner met with in Lesbos as a “containment policy.”
- 28 The geographical restriction is not the only obstacle to the decongestion of the Aegean islands, however. The Commissioner notes that the transfers of many of those whose geographical restriction has been lifted (and who are therefore legally entitled to reach the mainland) are not actually performed. At the time of the Commissioner’s visit, there were an estimated 3 000 people eligible to be transferred who remained stranded on the islands. The Commissioner notes that the Greek authorities, recognising that the RICs are at their limits, have decided to increase the transfers to the mainland. According to a declaration of the Minister of Migration Policy, Dimitris Vitsas, from June 2018 to 18 September 2018, an estimated 6 200 migrants have been transferred to the mainland. However, there were 11 000 new arrivals during the same

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<sup>7</sup> Council of State, judgement no 805/2018, 17 April 2018.

<sup>8</sup> Asylum Service decision no 10646 of 31 May 2018.

period, including 5 700 people on the island of Lesbos alone. The Commissioner notes that the Government spokesman announced that 2 000 additional asylum seekers would be transferred from Lesbos to the mainland shelters by the end of September, and welcomes the beginning of these operations as from 21 September 2018.

- 29 **Situation of unaccompanied migrant children:** Law [4540/2018](#) provides that unaccompanied minors shall be referred to accommodation centres for unaccompanied minors or to other accommodation centres where there are areas suitably adapted for this purpose, for as long as they stay in the country or until they are placed with a foster family or in supervised lodgings.
- 30 The Commissioner deplors that the laws' prescriptions are not fully implemented in practice. The first obstacle in this respect is the registration of children as adults, which according to some of the NGOs the Commissioner met is a routine practice in the RICs. She recalls the principles set out in PACE [Resolution 1810 \(2011\)](#)<sup>9</sup>, according to which age assessment should be carried out only if there are reasonable doubts about whether a person is a minor. As also stated by the UN Committee on the Rights of the Child in [General Comment No. 6 \(2005\)](#), such assessments should be based on a presumption that the person is a minor, and not based solely on a medical opinion. Furthermore, if a person's minor status is still uncertain, he or she should be given the benefit of the doubt.
- 31 According to [research](#) by the National Centre for Social Solidarity (EKKA), there were 3 290 unaccompanied minors in Greece as of 15 August 2018, for only 1 191 available places in dedicated shelters or supported independent living apartments. Among the 2 241 children registered on the waiting list, 127 were deprived of liberty under the regime of "protective custody"<sup>10</sup>; 296 were hosted in RICs; 161 in open temporary accommodation facilities; 254 in "safe zones"<sup>11</sup>; 413 in hotels; 437 were reported as homeless; and 254 lived in informal housing arrangements. For almost 300 of these children, no location was reported.
- 32 The Commissioner notes that the conditions in dedicated shelters reportedly meet the standards, but their capacity is obviously too limited. In the course of her visit, she met with beneficiaries of a supported independent living programme run by the NGO METAdrasi. The Commissioner observed on that occasion that this kind of alternative housing arrangement, consisting of apartments hosting three or four teenagers living independently with the support and assistance of social workers, seems particularly adapted for young asylum seekers having left their home country and family months, if not years ago.
- 33 The Commissioner is seriously concerned about the situation of unaccompanied migrant children living in other forms of housing arrangements. In Moria, the Commissioner observed that the overcrowded RICs are not suitable places to host unaccompanied children. The lack of activities and proper social and psychological care resulting from the lack of staff results in many children spending most of their day-time outside the safe zones, where they are exposed to different risks. The Commissioner worries even more for those who are homeless, and those detained in police stations on the mainland or in closed facilities on the islands under the regime of "protective custody", which was also [criticised](#) by the UN Special Rapporteur on the human rights of migrants following his 2017 visit to Greece. According to a September 2018 [report](#) by *Médecins du Monde Greece*, between 40% and 45% of the children who end up in hostels after months on a waiting list have serious mental health problems and require special care.
- 34 **Sexual and gender based violence (SGBV):** The Commissioner is deeply concerned about widespread allegations of sexual and gender based violence perpetrated in reception facilities. In 2017, UNHCR received reports of 622 sexual violence incidents from migrants staying in the Aegean Islands, out of which at least 28% occurred after arriving in Greece. According to UNHCR 35% of the reported SGBV incidents from July 2016 to June 2017 took place on the mainland, and 65% on the islands, in particular in the RICs located on Lesbos and Samos, where overcrowding forces some women to share tents and containers with unrelated men. According to UNHCR, "in these two centres, bathrooms and latrines are no-go zones after dark for women and children, unless they are accompanied. Even bathing during day time can be

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<sup>9</sup> PACE, Unaccompanied children in Europe: issues of arrival, stay and return, Resolution 1810 (2011), adopted on 15 April 2011.

<sup>10</sup> *i.e.* detention in police station cells and pre-removal detention centres.

<sup>11</sup> Safe zones are designated supervised spaces within accommodation sites which provide unaccompanied migrant children with 24/7 emergency protection and care.

dangerous.” Testimonies gathered by the Commissioner during her visit to Lesvos confirmed these findings.

- 35 The Commissioner also noted with great concern allegations of sexual violence perpetrated against children inside the RIC of Moria, which were [publicised](#) by the NGO *Médecins sans frontières*. According to a 2017 Harvard University [study](#), which documented sexual and physical abuse of children inside migrant camps in Greece, this situation results from six major factors: (1) insufficient number of specialised facilities for children; (2) risky living conditions inside camps; (3) potentially hazardous and unsupervised commingling of migrant children with the adult migrant population; (4) weak and insufficiently resourced child protection systems; (5) lack of coordination and co-operation among responsible actors; and (6) an inefficient and radically inadequate relocation scheme.

### 1.1.2 FINANCIAL ALLOWANCE

- 36 According to Law [4540/2018](#) material reception conditions may include, *inter alia*, a financial allowance. Prior to the adoption of this law, this financial allowance was foreseen by Presidential Decree 220/2007. However, until April 2017, NGOs reported that the vast majority of asylum seekers reportedly did not receive the financial allowance in practice to cover their living expenses, and significant numbers of asylum seekers, including persons transferred back to Greece under the Dublin Regulation, were left unassisted.
- 37 The Commissioner welcomes the introduction, in April 2017, of a cash card assistance mechanism as part of the ESTIA programme funded by the European Commission. This mechanism is coordinated by the Ministry of Migration Policy and implemented by UNHCR and international NGOs, and provided cash assistance to around 59 000 persons at least once between the beginning of the programme and January 2018. The amount distributed to each household is proportionate to the size of the family and ranges between €90 for single adults in catered accommodation and €550 for a family of seven in self-catering accommodation.
- 38 The Commissioner shares the views of many of her interlocutors according to whom this mechanism has had a positive impact on both direct beneficiaries and local communities, as this assistance is re-injected into the local economy and service providers.

### 1.1.3 ACCESS TO HEALTH CARE

- 39 Under Greek law, applicants for international protection have the right to free access to public health services and to receive nursing and health care, including the necessary treatment for diseases and mental health care.
- 40 In spite of a favourable legal framework, actual access to health care services is reportedly very complicated in practice. Law 4368/2016 on universal health care legislation, which establishes the right to free access to all public health facilities is applicable to migrants, including asylum seekers, but the public health sector, which has been severely affected by successive austerity measures,<sup>12</sup> is under huge pressure and lacks the capacity to cover all the needs for health care services, be it of the local population or of migrants. Access to health care services is also hampered by a number of administrative barriers, to which the Commissioner’s attention was drawn by several of her interlocutors. In August 2017, twenty-five NGOs expressed their concern in a joint [statement](#) about the reluctance of the authorities to issue Social Security Numbers to asylum seekers. The Commissioner notes that a Circular of 13 February 2018 clarified the process for issuing these numbers to beneficiaries of international protection and asylum seekers, but its impact on actual access to health care reportedly remains limited.
- 41 Access to health care services appears to be particularly difficult in the overcrowded reception camps, especially on the Aegean Islands, where the responsibilities for health services were transferred from NGOs to state actors, in particular the Ministry of Health and the Centre of Disease Control and Prevention (KEELPNO), in 2017. According to the NGO representatives with whom the Commissioner met both in Athens and Lesvos, this transfer led to further restrictions on access to medical services as well as on out-patient consultations, due to gaps in the provision of services, coupled with a shortage in human resources.
- 42 The number of medical staff working in the RICs is clearly insufficient to meet the needs. According to the Greek authorities, 62 health professionals, including 23 doctors, were working in shifts in Moria, while the

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<sup>12</sup> Cf. below, section 2.1.

Commissioner's other interlocutors referred to lower figures. As regards the other hotspots, the official figures were much lower than those of Moria.<sup>13</sup> In the course of her visit to Lesvos, the Commissioner observed that such limited medical teams could not cover the medical care needs of all those residing in the camp, especially as their work is complicated by a lack of interpreters and intercultural mediators. Moria residents complained to the Commissioner about being given inappropriate medication both in the RIC and in the local hospital. Representatives of NGOs stressed that the conditions in the hotspots were dangerous and unhygienic, especially for children. Medical staff have to deal with medical conditions related to poor hygiene (e.g. skin infections and contagious diseases, including tuberculosis), which cannot be adequately treated if patients continue living in the same deplorable conditions. Health professionals also have to deal with increasing mental health issues, not only resulting from traumatic experiences in the residents' country of origin or on their way to Europe, but also sometimes provoked by the living conditions prevailing in the RICs.

- 43 A series of recent reports<sup>14</sup> indicate that many asylum seekers suffer from depression and post-trauma disorders, leading to increasing suicide attempts and self-harm, including among young people. The Commissioner notes that stress, anxiety, insomnia, nightmares, loss of hope, and fear are among the depressive feelings evoked by many asylum seekers living in the RICs.
- 44 In their discussion with the Commissioner, the Minister of Health and the vice-chair of KEELPNO recognised that the situation is not satisfactory due to continuous arrivals, but indicated that the public investment programme, which was being prepared at the time of the Commissioner's visit, would cover all the needs. The Commissioner also notes with satisfaction that, further to her visit, the vice-chair of KEELPNO announced that an additional 1 500 people would be recruited to meet the health care needs of migrants on the islands.
- 45 **Vulnerability assessment:** Under Greek law, persons with certain health conditions must be considered as vulnerable persons, whose particular situation should be taken into consideration when providing them with material reception conditions.<sup>15</sup> Vulnerability shall be assessed during the identification procedure for the purpose of which KEELPNO reportedly developed a 'vulnerability assessment' tool in co-operation with UNHCR and IOM to provide guidance to medical and psychosocial teams. Grounds for vulnerability may also be identified during the asylum procedure either by the Asylum Service or by the European Asylum Support Office. In the course of her visit to Lesvos, the Commissioner's attention was drawn to the importance of the latter possibility, because of the health issues which are generated by the living conditions prevailing in the reception camps and cannot thus be identified upon arrival.
- 46 The Commissioner notes that a number of stakeholders have explicitly expressed concern over the vulnerability assessment process. The Greek Ombudsman in particular released a [special report](#) in April 2017 in which he highlighted the identification and handling of vulnerable persons as "one of the biggest problems that require an immediate and effective solution". The Commissioner's attention was also drawn to long delays in the procedure, with asylum seekers having to wait up to eight months for a vulnerability interview. Several NGOs evoked a systematic failure in the identification and protection of vulnerable people, particularly on the islands.
- 47 The Commissioner observes that the geographical restriction policy in place in the five Aegean Islands hosting a hotspot has also had a negative impact on the vulnerability assessment procedure, as vulnerable persons are among the few asylum seekers eligible for transfer to the mainland. Moria RIC's community leaders told the Commissioner that many asylum seekers requesting medical care have the feeling they are not being taken seriously and are suspected of fraud in order to be recognised as vulnerable persons eligible for transfer to the mainland. In this context, the Commissioner notes that the new vulnerability

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<sup>13</sup> 41, including 5 doctors in Chios ; 24, including 1 doctor in Lesvos; 26, including 1 doctor in Samos; 13, including 1 doctor in Kos; 13, including 1 doctor in Fylakio (as of 20 August 2018).

<sup>14</sup> See, *i.a.* the reports by *Médecins sans frontières* (Oct. [2017](#); Sept. [2018](#)); *Médecins du Monde* (Sept. [2018](#)); Human Rights Watch (Aug. [2018](#)).

<sup>15</sup> Under Law [4540/2018](#) the following persons are considered as vulnerable: minors, whether unaccompanied or not, separated minors, disabled persons, persons with mental disorders or incurable or serious illnesses, elderly people, pregnant women or women who have recently given birth, single parent families with minor children, persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, victims of female genital mutilation and victims of human trafficking.

template classifying cases into two degrees of varying severity – “medium” and “high” vulnerability – is considered by many asylum seekers and NGOs as a tool aimed at limiting the number of transfers, reserved to those with “high” vulnerability. In his discussion with the Commissioner, the Minister of Health, Andreas Xanthos, indicated that this classification aims at prioritising rather than limiting the transfers.

#### 1.1.4 ACCESS TO EDUCATION

- 48 According to Greek law, minor children of asylum seekers, children seeking international protection and refugee children<sup>16</sup> shall be granted access to the public education system under similar conditions to those applicable to Greek citizens.
- 49 The Commissioner acknowledges that the arrival of migrants in high numbers, including many children, has posed considerable challenges for the Greek education system. She observes that the situation has significantly evolved since the July 2016 visit of her predecessor, who then found that most migrant children were deprived of education. A programme of afternoon preparatory classes (“DYEP”) set up by a Ministerial Decision of August 2016 is implemented on the mainland for children between the ages of four and fifteen in public schools located near the reception camps, while children residing in other facilities can attend the regular morning classes in their neighbourhood’s school along with Greek pupils.
- 50 The implementation of the DYEP programme constitutes significant progress. However, the Commissioner is concerned about low rates of school attendance among migrant children. According to [Refugee Support Aegean](#), during the school year 2017-2018 the number of children estimated to attend all levels of formal education was about 6 500 to 7 000, while the number of asylum-seeking and refugee children living in Greece during this period of time was approximately 20 000. [UNHCR](#) has identified a series of barriers to attending formal education, including: difficulties with the Greek language; lessons considered not helpful by children awaiting relocation in another EU country; lessons considered not adapted to the children’s level; concentration problems; excessive distance between school and place of residence; parents afraid of racism.
- 51 A number of [NGOs](#) and some organisations of education professionals have also criticised the DYEP programme for not being inclusive, and for resulting in “ghetto schools”. As highlighted by the [Greek Helsinki Monitor](#) “on 4 December 2017, the Panhellenic Scientific Union of Primary School Directors protested the continuing use of their school annexes, urging instead that the refugee children are integrated in the regular morning program through the use of the successful structure of Reception Classes.”
- 52 The Commissioner is particularly concerned about the lack of access to education available in the Aegean islands RICs. The testimonies gathered in Lesbos by the Commissioner on this major problem are corroborated by a series of recent NGO reports,<sup>17</sup> including the one published in July 2018 by [Human Rights Watch](#), according to which “fewer than 15% of more than 3 000 school-age asylum-seeking children on the islands were enrolled in public school at the end of the 2017-2018 school year”, while “only about 100 children, all preschoolers, had access to formal education” inside the RICs.

#### 1.1.5 ACCESS TO THE LABOUR MARKET

- 53 Law [4540/2018](#) provides that applicants for international protection shall have access to the labour market after completing the procedure for lodging the application for international protection, and if they are in possession of the “international protection applicant card” or “asylum seeker’s card.”
- 54 The Commissioner considers this right to access the labour market, initially introduced by Law [4375/2016](#), a major step forward which fosters asylum seekers’ independence as well as their integration. However, she observes that the effective enjoyment of this right is seriously hampered by the economic conditions prevailing in Greece, where the unemployment rate was 23.1% at the time of her visit. In this very difficult context, asylum seekers, especially those who do not speak Greek, *de facto* have limited chances of finding a job on the official labour market.

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<sup>16</sup> Children being entitled to education irrespective of their legal status, the issues related to access to education are addressed in this subsection without being the subject of a specific subsection of section 2 of the present report dedicated to migrant integration.

<sup>17</sup> See, *i.a.* the 2018 reports by [Refugee Support Aegean](#) and the [Network for children’s rights](#).

- 55 In addition, the Commissioner's attention was [drawn](#) to a number of administrative barriers, including the difficulties encountered by asylum seekers in obtaining the Tax Registration Number without which one cannot legally work, despite the fact that applicants meet the necessary legal requirements.

#### 1.1.6 CONCLUSIONS AND RECOMMENDATIONS

- 56 The Commissioner is deeply concerned about the substandard conditions prevailing in most reception camps. While welcoming the efforts made by the Greek authorities, with the support of the European Commission and the contribution of UNHCR and local actors, to increase its reception capacities, and to decongest the Aegean islands, she considers that the generalised overcrowding characterising the asylum seeker accommodation scheme in Greece compromises the full enjoyment of the right to adequate housing. She therefore encourages the Greek authorities to continue their efforts to create more accommodation places on the mainland in order to ease the pressure on the existing sites and to create the conditions allowing further transfers of asylum seekers from the Aegean Islands to the mainland. She also considers that existing sites should not be expanded nor new sites created on the Aegean islands.
- 57 The Commissioner considers that these measures should be part of a comprehensive and sustainable reception policy. While acknowledging that Greece had to face a crisis situation further to the closure of its land borders leading the country's authorities to set up emergency mechanisms, she emphasises that this situation, which has lasted for more than two years, cannot be addressed in emergency mode any longer. In this context, she calls on Greece to i) reconsider the use of the geographical restriction, in particular concerning those for whom it appears as from the beginning of the procedure that, given their nationality, they will not be returned; ii) speed up the procedure on the islands in order to increase transfers to the mainland, which implies provision of free legal assistance to asylum seekers as from first instance proceedings; iii) design a plan to respond, with the help of European partners, to emergency situations which may result from major troubles in the Mediterranean region provoking new migration flows. In this context, she encourages the Greek authorities to make best use of the Council of Europe instruments, as well as of the organisation's co-operation offers, including those of the Secretary General's Special Representative on migration and refugees.
- 58 Considering that such challenges cannot be taken up by Greece alone, the Commissioner encourages Greece's European partners to demonstrate the solidarity without which this European issue cannot be adequately addressed, and to support the development of such a reception policy
- 59 In addition, the Commissioner urges the Greek authorities to ensure the security and safety of all those residing or working in reception facilities, including through the deployment of additional human rights trained law enforcement officers. She also calls on the authorities to investigate all violent incidents occurring in reception facilities in order to leave no space for impunity. In this context, alarmed at the serious and widespread allegations of sexual and gender-based violence perpetrated in the reception facilities, including against underage residents, the Commissioner also urges the Greek authorities to address all contributing factors to this phenomenon, to provide assistance to victims, and to prevent recurrence.
- 60 The Commissioner is deeply concerned at the situation of the majority of unaccompanied migrant children. She calls on the Greek authorities to urgently address this issue through a significant increase in the capacities of dedicated reception facilities, including shelters and especially supported independent living solutions. Recalling that detention is a far-reaching interference with migrants' right to liberty and has very harmful effects on the mental health of migrants, especially children, the Commissioner urges Greece to put an end to migrant children's deprivation of liberty under the regime of "protective custody." In this context, the Commissioner encourages Greece to draw upon the [report](#) adopted in January 2018 by the Council of Europe Steering Committee on Human Rights on this issue, which stresses that alternatives to detention, if adequately applied, can improve compliance with immigration procedures and thus be an effective governance tool.
- 61 The Commissioner observes with great concern that living conditions in reception camps present significant risks to people's health, which are exacerbated by very difficult access to primary healthcare services. Against this background, she praises the work of the medical staff of both the public health institutions and non-governmental organisations. Welcoming the measures announced by the authorities to increase the capacities of the health care system, the Commissioner encourages them to rapidly



implement these measures and to make further efforts to guarantee to all migrants, including asylum seekers, the effective enjoyment of their right to health.

- 62 While noting a number of positive developments regarding access of migrant children to education, the Commissioner is deeply concerned about low school attendance rates on the mainland and the lack of access to education available on the Aegean islands. She urges the Greek authorities to guarantee the effective enjoyment of migrant children's right to education, through the implementation of inclusive education programmes in the mainstream schools of the mainland and the islands.
- 63 While welcoming the fact that the right of applicants for international protection to access the labour market is enshrined in Greek law, the Commissioner invites the Greek authorities to lift all remaining administrative obstacles to the effective implementation of this right.
- 64 The Commissioner is deeply concerned about persistent and documented allegations of summary returns to Turkey, often accompanied by the use of violence,. She underlines that collective expulsions of migrants are prohibited under Article 4 of Protocol 4 to the European Convention on Human Rights and that the non-refoulement principle is enshrined in the UN Refugee Convention. Considering that the information available points to the existence of an established practice in this field, the Commissioner urges the Greek authorities to put an end to push-backs and to investigate any allegations of ill-treatment perpetrated by members of Greek security forces in the context of such operations.

## 1.2 ISSUES CONCERNING MIGRANT INTEGRATION

- 65 Confronted with a huge increase in arrivals in 2015 and early 2016, Greece first addressed this phenomenon in an emergency mode, focusing on reception rather than integration. Also, with the number of persons granted international protection before 2015 being low, the issue of migrant integration has not been a major focus in Greece before.<sup>18</sup>
- 66 However, the decision of "the former Yugoslav Republic of Macedonia" to close its border with Greece in March 2016, the limited number of relocations to other EU countries and of readmissions to Turkey carried out under the EU-Turkey statement clearly indicate that many of the 62 500 migrants who resided in Greece as of 31 August 2018 will remain in the country in the mid- or even long-term. In this context, integration is of paramount importance for both migrants and Greece's social cohesion, and the need to fill the gap appears urgent to the Commissioner. She notes that a "National Strategy for Integration" was presented shortly after her visit. Welcoming this development, the Commissioner looks forward to the parliamentary debates on its content and to its implementation.

### 1.2.1 RIGHT TO FAMILY REUNIFICATION

- 67 As pointed out in the Commissioner's [Issue Paper](#) on migrants' integration, family reunification is a human right and a major integration factor. Family life is essential for migrants to rebuild their lives in the host country, as it improves their well-being, their employment prospects and the educational achievements of their children.
- 68 The Commissioner notes that under Greek law, only recognised refugees are entitled to family reunification in Greece, with other beneficiaries of international protection, including beneficiaries of subsidiary protection, being excluded from this right. In the course of her visit, her attention was drawn to the difficulties hampering the effective enjoyment of this right, starting from cumbersome and lengthy procedures. Other barriers include: administrative obstacles as regards the issuance of visas even in cases where the application for family reunification has been accepted; the requirement to produce documents which are difficult to obtain for refugees; lack of information on the possibility of family reunification; and the three month deadline to request family reunification.<sup>19</sup>
- 69 The Commissioner notes with concern that, as a result, only 245 applications for family reunification in Greece were submitted before the Asylum Service in 2017. According to NGOs the Commissioner met with, the deficiencies in the family reunification procedure sometimes result in families trying to reunite through dangerous illegal routes.

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<sup>18</sup> According to [official figures](#), only 322 persons were granted refugee status or subsidiary protection in 2013, and 1 710 in 2014. The figures were 10 351 in 2017 and 9 247 in the first eight months of 2018.

<sup>19</sup> These barriers were listed in a June 2017 [report](#) by the German NGO *Pro Asyl*.

- 70 During her visit, the Commissioner’s attention was also drawn to the difficulties faced by asylum seekers and beneficiaries of international protection entitled to family reunification in another EU country under the Dublin III Regulation. In addition to the recent increase in rejections by Germany of applications for family reunification,<sup>20</sup> the Commissioner noted delays in actually transferring those whose requests for family reunification have been accepted. This not only results in successful applicants abusively being kept separated from their families but also contributes to the overcrowding of reception facilities.
- 71 The Commissioner notes that, in August 2018, Greece and Germany reached an agreement which foresees the resumption of Dublin returns to Greece, the speeding-up of the processing of pending requests for family reunification in Germany, and the transfer of around 3 000 asylum seekers and beneficiaries of international protection whose applications have been accepted but who are still stranded in Greece.

### 1.2.2 LONG-TERM RESIDENCE AND ACCESS TO CITIZENSHIP

- 72 The Commissioner’s [Issue Paper](#) on migrants’ integration recommends that foreign citizens with five years or more of legal residence should be able to secure an EU or national long-term/permanent residence permit. The Commissioner notes that Greek law complies with this recommendation. However, the calculation of the five-year residence period for beneficiaries of international protection includes only half of the period between the lodging of the asylum application and the granting of protection, or the full period if the asylum procedure exceeded 18 months, whereas the Commissioner recommends that the entire asylum application period be taken into account.
- 73 In addition, the Commissioner underlines that access to long-term residence is complicated by additional requirements, including sufficient income to cover the applicants’ needs and those of their family, full health insurance covering all family members, and “good knowledge of the Greek language, knowledge of elements of Greek history and Greek civilisation”. Moreover, contrary to the Commissioner’s recommendations, Greek law does not provide clear legal exemptions to enable a variety of vulnerable groups to meet the requirements.
- 74 As regards naturalisation, the Commissioner notes that, under Greek law, third country nationals may submit an application to the Ministry of the Interior after seven years or more of legal residence in Greece. A period of three years of lawful residence is sufficient for recognised refugees, but not for subsidiary protection beneficiaries. The naturalisation procedure is reportedly very lengthy, lasting in average 1 494 days due to a considerable backlog pending since 2010. The process of correcting mistakes made on birth certificates and other official identification documents, which need to go through judicial channels and can take months to complete, is reportedly also a major factor. The Commissioner notes that, in July 2018, the Interior Ministry stated that only 73% of 113 724 citizenship applications submitted between March 2010 and April 2018 had been resolved.
- 75 In spite of these difficulties, the Commissioner notes that, according to Eurostat data published in April 2018, Greece tied in fourth place among EU member states regarding the rate of naturalisation (4.2%) as a percentage of population in 2016, with a total of 33 210 individuals who received Greek citizenship, of which 86% were Albanian nationals, 1.5% Ukrainians and 1.2% Russians.

### 1.2.3 LANGUAGE AND INTEGRATION COURSES

- 76 The Commissioner considers that countries which demand linguistic and civic integration – including as a requirement for long-term residence and naturalisation – should provide adequate support, notably free courses and materials, for all migrants to learn and succeed. She notes that, in Greece, most language and integration programmes are carried out by national and international NGOs, funded by international donors including the EU and UN. During her visit, the Commissioner met with beneficiaries of the “Stepping Stone” Educational Integration Programme run by the NGO METAdrasi, which consists in strengthening its beneficiaries’ skills and preparing them to find employment through practical placement experience.<sup>21</sup> Impressed by the quality of their work and conscious of the major role they play in the field of integration,

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<sup>20</sup> Germany being the country receiving most requests for family reunification from Greece.

<sup>21</sup> Participants are offered intensive Greek language courses; counselling and support on legal issues related to employment; curricula to strengthen social skills; support workshops with a mentoring approach to professional ethics and CV preparation; technical vocational training; computer courses.



the Commissioner wishes to pay tribute to civil society organisations and encourages the authorities to facilitate their actions.

- 77 However, migrant integration cannot rely solely on civil society. The Commissioner thus welcomes the launch by the Greek government in January 2018 of the ‘Greek language project’, the general goal of which is to support the refugee and migrant population so that they “better adapt to the Greek reality”. The programme puts emphasis on language as a means of integration. It also includes Greek Civilisation, English language learning and European Civilisation, and professional orientation for migrants between the ages of 15 and 18. 5 000 migrants were supposed to participate in the first phase of the program. The Commissioner notes that the government also runs, in co-operation with IOM, the pilot project ‘Helios’ aiming at the integration of migrants in the local communities of Thiva and Livadeia.
- 78 In spite of these efforts, the Commissioner considers that much more needs to be done to cover the integration needs of most migrants, which are reportedly not met, especially those of the many unaccompanied minor migrants kept in protective custody, living in hotels or reported homeless.<sup>22</sup>

#### 1.2.4 ACCESS TO THE LABOUR MARKET

- 79 Under Greek law, refugees and beneficiaries of subsidiary protection have full and automatic access to the labour market and do not need to obtain a work permit. However, the Commissioner’s attention was drawn to the fact that they face the same obstacles as asylum seekers<sup>23</sup> regarding the issuance of the Tax Registration Number (AFM), which hinders their access to the labour market and registration with the Unemployment Office of the Hellenic Manpower Employment Organisation (OAED). Naturally, they are also confronted with the general difficulties experienced by everyone seeking employment in Greece’s shrinking market. Research among young Syrians, carried out by [Solidarity Now](#), showed that only 7.25% were employed full time in Greece in 2017, of whom more than half worked without social security.
- 80 This difficult context leads many migrants to work in the informal economy in poor conditions, sometimes amounting to exploitation, as illustrated by the case concerning forty two Bangladeshi strawberry pickers on a farm in Manolada, which was the subject of a judgment of the European Court of Human Rights in 2017. Without work permits, they were subjected to forced labour by their employers, who failed to pay their wages and obliged them to work in difficult physical conditions under the supervision of armed guards. In its [judgment](#), the Court found that the applicants’ situation was one of human trafficking and forced labour, and held that the state had failed in its obligations to prevent the situation of human trafficking, to protect the victims, to conduct an effective investigation into the offences committed and to punish those responsible for the trafficking. The Commissioner notes that, in its [recommendations](#) for the full compliance of the Greek State with this judgment, the Greek National Commission for Human Rights drew attention to the particular connection between trafficking in human beings for the purpose of labour exploitation and undeclared employment in Greece, and noted the link between labour exploitation in the agricultural sector and racist behaviour.

#### 1.2.5 PROTECTION AGAINST RACISM AND DISCRIMINATION

- 81 Racist violence targeting migrants remains a worrying phenomenon in Greece. In 2017, the [Racist Violence Recording Network](#) (RVRN) recorded 34 incidents against refugees or immigrants, including 26 assaults against men, 6 against women, and 2 against a “mixed group of victims”. The victims of the incidents recorded in 2017 came from Egypt (1), Algeria (3), Afghanistan (10), Guinea (1), Iraq (1), Iran (3), Morocco (2), Nigeria (1), Norway (Somalian origin) (1), Ukraine (1), Pakistan (5), Palestine (3) and Syria (4). A number of clashes between locals, including members of far-right groups, and migrants were also reported in the Aegean Islands in 2018.
- 82 The Commissioner is concerned about such persisting racist violence and about the emergence of new far-right violent groups involved in attacks against migrants and threats against NGOs and defenders of migrants’ rights.
- 83 The Commissioner notes that the legal framework against racist violence and other forms of racist crime targeting migrants has been strengthened in recent years. A major piece of legislation was adopted in

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<sup>22</sup> See above, para. 33.

<sup>23</sup> See above, para. 55.

2014. Law 4285/2014 on combating certain forms and expressions of racism and xenophobia by means of criminal law recognised the racist motive behind criminal actions as a specific aggravating circumstance. Article 81A has been added to the criminal code providing for more severe sentences for hate motivated offences; skin colour and disability have been added to the list of aggravating grounds. The law also provided for more severe penalties when the perpetrator is a public official or servant, and scrapped the previously existing provision according to which alleged victims of racist crimes had to pay a fee of €100 to file a criminal complaint. In addition, Greece ratified in 2017 the European Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

- 84 Alongside this legislation, a Department for Tackling Racist Violence has been created within the Hellenic Police Force. Two specialised Racist Violence Response police departments were established in Athens and Thessaloniki, as well as 68 specialised police offices across the country (Offices for Racist Violence). These units receive reports and are entitled to investigate cases, inform the Prosecutor of Racist Crime, coordinate missions, record data on hate crime and collaborate with relevant services and organisations. In addition, a 24-hour police hotline (11414) can be called anonymously by victims.
- 85 However, the Commissioner considers that further steps are necessary. As regards anti-discrimination legislation, in its 2015 report, [ECRI](#) recommended adding language and citizenship to the list of prohibited grounds of discrimination. In addition, Greece has signed but not yet ratified Protocol No. 12 to the ECHR on the general prohibition of discrimination. In his letter of 25 July 2016, the Commissioner's predecessor stressed the need for continuous anti-discrimination training for law enforcement officials, prosecutors and judges. He also emphasised the need to enhance implementation of the existing anti-hate crime law, to collect and analyse hate crime data in a more systematic manner and to raise public awareness in the field of racism and racial discrimination.
- 86 The Commissioner notes that the Minister of Justice admitted the existence of delays in the treatment of hate crime cases and welcomes the Minister's will to modernise the administration of the Judiciary in order to speed up proceedings. As regards data collection, the Commissioner welcomes the setting up of a working group on this issue and looks forward to concrete measures in this field.

#### 1.2.6 CONCLUSIONS AND RECOMMENDATIONS

- 87 The Commissioner recalls that the European Court of Human Rights has underlined the importance of family unity for refugees and that family reunification is a vital element in enabling persons who have fled persecution to resume a normal life. Concerned about the current deficiencies of the family reunification procedure, the Commissioner urges the Greek authorities to remove all practical obstacles to the effective enjoyment of the right to family reunification, and to extend this right to beneficiaries of subsidiary protection.
- 88 The Commissioner is concerned about the length of naturalisation procedures, and welcomes the Greek government's intention to simplify procedures at the legal, administrative and financial levels and encourages the authorities to rapidly take concrete measures in this field. She also invites Greece to ratify the 1997 [European Convention on Nationality](#).
- 89 While welcoming recent announcements of the Greek authorities regarding language and integration programmes, the Commissioner encourages the authorities to scale up their efforts and to invest more in integration, in co-operation with their international and civil society partners.
- 90 While aware of the economic constraints under which Greece operates, the Commissioner invites the Greek authorities to facilitate the access of beneficiaries of international protection to the labour market, including by lifting all remaining administrative obstacles. She also urges the Greek authorities to further resolutely fight against labour exploitation and to fully implement the judgement delivered by the European Court of Human Rights in the case of [Chowdury and others v. Greece](#).
- 91 The Commissioner welcomes the development of the anti-racist legislation in recent years and encourages the Greek authorities to step up its efforts to fight racist violence and eradicate discrimination against migrants. She also urges the Greek authorities to investigate the activities of all far-right groups involved in violence against migrants and their defenders.

## 2 IMPACT OF THE ECONOMIC CRISIS ON THE RIGHTS TO HEALTH AND TO EDUCATION

- 92 As the financial crisis of 2008 began to affect Greece's economy, the country's GDP fell by nearly 20% from 2008 to 2010. In 2009, Greece's budget deficit reached 15.4% of the country's annual economic output. Credit rating agencies started downgrading Greece's credit rating and the government's capacity to repay its creditors and to meet its financing needs was drastically reduced.
- 93 In the first quarter of 2010, the Greek parliament passed two austerity packages aimed at addressing this situation.<sup>24</sup> In April 2010, the Greek Prime Minister formally requested an international bailout for Greece which led, in May 2010, to the adoption of the [First Economic Adjustment Programme](#) by the joint European Commission - European Central Bank (ECB) – International Monetary Fund (IMF) mission (often referred to as the “Troika”) and Greece. This package of € 110 billion for the period 2010 – 2013 was followed by the [Second Economic Adjustment Programme](#) of March 2012 which included the undisbursed amounts of the first programme plus an additional € 130 billion for the years 2012-14.
- 94 The implementation of these two economic adjustment programmes led to the adoption of further austerity measures. From May 2010 to the adoption of the Third Economic Adjustment Programme in 2015, the Greek parliament passed seven successive austerity packages containing a wide range of drastic measures, including reforms concerning the public sector,<sup>25</sup> pensions,<sup>26</sup> taxes,<sup>27</sup> and the labour market.<sup>28</sup>
- 95 After a new round of discussions, the Greek Parliament passed, on 16 July 2015, sweeping austerity measures demanded by lenders to open negotiations on a [Third Economic Adjustment programme](#) to keep Greece in the Eurozone. In exchange for funding worth up to € 86 billion, Greece accepted to make reforms including significant pension adjustments, tax increases, an overhaul of its collective bargaining system, measures to liberalise its economy and tight limits on public spending. It also agreed to establish a new independent fund in charge of managing, protecting and maximising the value of valuable Greek assets. In order to implement this third bailout programme, six additional austerity packages were adopted by the parliament between August 2015 and January 2018 containing further reforms, including: privatisations;<sup>29</sup> an increase in VAT from 23% to 24% and the complete abolition of reduced value-added tax rates for islands by the end of 2016; a series of new taxes;<sup>30</sup> new tax increases;<sup>31</sup> increase of social security contributions set at 20% of an employee's net income; further pension cuts; and the creation of a new public agency to fight financial crime. The package adopted on 15 January 2018, presented by the Greek government as the last significant batch of spending cuts and reforms before the end of the bailout programme set for 20 August 2018, also contained a reform of the rules governing strikes by unions so that

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<sup>24</sup> Measures contained in these packages included *i.a.* a freeze in the salaries of all government employees; a 10% cut in bonuses for civil servants; a freeze in pensions; an increase in VAT from 19% to 21%; increases in taxes on fuel, cigarettes, and alcohol; increases in taxes on luxury goods; and cuts in public sector pay.

<sup>25</sup> Including: a reduction in the number of public-owned companies from 6 000 to 2 000; an 8% cut on public sector allowances; the implementation of a uniform pay scale for civil servants leading to a cut of 30% in the wages of civil servants and a cap on wages and bonuses; 150 000 job cuts in the public sector; cuts in education spending through the merging and closing of schools and the extension of working hours for teachers; a decrease of 25% in total health expenditure between 2010 and 2012.

<sup>26</sup> Consisting in successive decreases in main pension amounts (as described in the relevant subsection below).

<sup>27</sup> Including: an increase in VAT; extraordinary taxes imposed on company profits; 10% increase in luxury taxes and taxes on alcohol, cigarettes, and fuel; the lowering of the tax-free threshold for income tax to €5 000; extra taxes for those with a yearly income of over € 12 000 as well as for people owning immovable property; an extra tax of 2% for combating unemployment.

<sup>28</sup> Including: modifications of the laws governing lay-offs and overtime pay; a 22% cut in minimum wage from the then € 750 per month; the opening up of closed professions to allow for more competition, particularly in the health, tourism, and real estate sectors.

<sup>29</sup> It concerned: several urban transportation companies; the Athens Olympic Stadium; the Hellenic Post Company; Greece's PPC electricity utility; railways; Athens international airport; and the port of Thessaloniki.

<sup>30</sup> On tourists staying in hotels from two stars and up, private education, a series of goods, including coffee and electronic cigarettes.

<sup>31</sup> Including of taxes on diesel, on farmers' income, and dividends as well as of the “solidarity levy” tax introduced in 2012 to help jobless Greeks.

a strike could be called only if at least half of the paid members of first-level unions voted in favour, instead of a third. This provoked harsh reactions from unions and tensions among the majority in parliament.

96 On 22 January 2018, the [Eurogroup](#)<sup>32</sup> welcomed the implementation of almost all of the agreed actions, including the adoption of a 2018 State Budget compliant with a primary surplus target of 3.5% of GDP, the over-achievement of the fiscal targets set since 2015, the strengthening of tax collection, and “the enhanced fairness and effectiveness of the social welfare system”. In June 2018, the Eurozone member states reached an agreement allowing Greece to extend and defer repayments on part of its € 320 billion debt for another 10 years and giving Greece another € 15 billion in new credit, and on 6 August 2018, € 6.7 billion were disbursed to Greece as the fourth and last tranche of the third bailout programme, which officially came to an end on 20 August 2018. Since then, Greece remains monitored by the [European Commission](#) in the context of an “enhanced surveillance framework” aimed at “supporting the completion, delivery and continued implementation of reforms agreed under the programme, in line with the commitments made by the Greek authorities.” With strong growth and revenues coming in better than expected, the government reportedly expects an €800 million primary surplus for 2019 and intends to use that fiscal leeway to lower VAT and property tax and increase the minimum wage.

## 2.1 OVERALL EFFECTS OF AUSTERITY MEASURES ON THE POPULATION

97 The Commissioner observes that the successive austerity packages have severely affected the population of Greece. In a [statement](#) of 15 July 2015, the Greek National Commission for Human Rights (GNCHR) stressed that “austerity measures undermine fundamental constitutional principles and violate constitutionally guaranteed human rights” as well as “rules of international and European human rights law.”

98 The [OECD Economic Survey of Greece 2018](#) underlined that poverty has risen significantly since the eruption of the debt crisis and affects more than one third of the population. 1.5 million Greeks, most of them young and unemployed, reportedly lived in extreme poverty in 2017, and Greece occupied the first place in European unemployment rates in 2017, with a rate of about 21.5%. The unemployment rate was 23.1% at the time of the Commissioner’s visit.

99 As pointed out in a PACE [report](#) of December 2017, the economic situation and the austerity measures had a devastating effect on a wide range of social rights. For example, the reform of the pension system deepened the vulnerability and risk of poverty among the elderly, with pension benefits often below the poverty level. The Commissioner wishes to highlight that the European Committee of Social Rights (hereinafter ECSR) found in five collective complaints that Greece had violated the social security and pension rights guaranteed by the European Social Charter (hereinafter ESC). The committee concluded *inter alia* that pension reform measures risked “bringing about a large-scale pauperisation of a significant segment of the population”.<sup>33</sup>

100 The Commissioner notes that the right to adequate housing has also been severely affected, with the number of homeless persons almost quadrupling in a few years. According to specialised NGOs, such as the European Federation of National Organizations Working with the Homeless (FEANTSA), Praxis and Klimaka, the homeless population went from 11 000 people in 2009 to 40 000 people in 2016. In addition, financial difficulties force more and more people to avoid paying their public utilities bills while electricity thefts increased by almost 1 000% from 2008 to 2016. Indicators, such as the growing number of Greeks frequently visiting soup kitchens organised by the Church of Greece (nearly half a million in 2016), show that the right to a decent living standard of the general population has been endangered.

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<sup>32</sup> *I.e.* the informal body where the Ministers of the euro area member states discuss matters relating to their shared responsibilities related to the euro.

<sup>33</sup> ESCR, [Pensioners’ Union of the Agricultural Bank of Greece \(ATE\) v. Greece](#), Complaint No. 80/2012, decision on the merits of 7 December 2012; [Panhellenic Federation of pensioners of the Public Electricity Corporation \(POS-DEI\) v. Greece](#), Complaint No. 79/2012, decision on the merits of 7 December 2012; [Pensioners’ Union of the Athens-Piraeus Electric Railways \(I.S.A.P.\) v. Greece](#), Complaint No. 78/2012, decision on the merits of 7 December 2012; [Panhellenic Federation of Public Service Pensioners \(POPS\) v. Greece](#), complaint No. 77/2012, decision on the merits of 7 December 2012; and [Federation of employed pensioners of Greece \(IKA-ETAM\) v. Greece](#), Complaint No. 76/2012, decision on the merits of 7 December 2012.

101 In this difficult context, the Commissioner notes that a number of welcome measures were taken or are planned by the Greek authorities to ease the pressure put on members of vulnerable social groups and to assist them in overcoming their financial difficulties. In March 2015, the Greek authorities adopted a law (4320/2015) to ensure provision of basic goods and services to people and families living in extreme poverty, including free electricity, rent allowances and food stamps. By virtue of the [Memorandum of Understanding](#) approved by the Greek parliament in August 2015, a guaranteed minimum income (GMI) scheme, under which households with low income and few assets are eligible for income support, has been implemented at national level since 2017, after two years of experimentation at local level. Households are eligible for the scheme if the taxable value of their main residence is below €90 000 per person (increased by €15 000 for each additional adult and €10 000 for each dependent child, up to a maximum amount of €150 000 for the household) and their total income of the past six months is below €1 200 for a single person household (up to €3 000 for four adults or two adults and three children or a single parent family with five children). In addition, the Greek authorities adopted in 2014 a [National Strategy for Social Inclusion](#), which aims at reviewing policies on tackling poverty and social exclusion and prioritises the reforms of the social protection system.

## 2.2 IMPACT OF THE ECONOMIC CRISIS ON THE RIGHT TO HEALTH

102 The Commissioner observes that, as demonstrated by a number of academic studies, large-scale austerity measures have both crippled the health-care system's capacity to respond to the medical needs of the general population, and at the same time increased these needs.

### 2.2.1 OVERVIEW OF THE AUSTERITY MEASURES AFFECTING THE HEALTH CARE SECTOR

103 The prolonged economic crisis has had adverse consequences on the health care sector. The health system of Greece is seriously under-funded, with public health expenditure at approximately 5.2% of GDP – much lower than the EU average of 7.5%. Public health expenditure had fallen to 4.6% of GDP by 2014, from a pre-crisis level of 6.8%. According to the OECD, per capita spending on public health has been cut by nearly a third since 2009. In addition, more than 25 000 staff were cut.

104 Greece's health care staff had their salaries reduced twice in 2010. Funding of public hospitals fell by more than half from 2009 to 2015. Treatment services, diagnostics, and disease prevention programmes were cut by 20%. Maternal and child health services were cut by 73% between 2009 and 2012. The government reduced state funding for mental health services by a fifth over 2010–11, and by more than half over 2011–12.

105 The successive austerity packages also included reforms of the system of social welfare establishments, *e.g.* clinics for chronic illnesses, rehabilitation centres and specialised clinics for children and people with disabilities, which led, *i.a.* to staff cuts and closures of medical institutions.

106 The Commissioner notes that the Panhellenic Medical Association estimated in March 2017 that the National Health System was, as a result of these measures, on the brink of collapse.

### 2.2.2 CONSEQUENCES ON ACCESS TO THE HEALTH CARE SYSTEM

107 The Commissioner observes that the costs of access to health care and medication have significantly increased: co-payments for certain medicines increased by 10% or more depending on the disease; user fees increased from €3 to €5 for outpatient visits; and new €1 fees for prescriptions came into effect. According to a scientific [study](#) published in 2017, the percentage of people who paid from their own pockets for health services and medications considerably increased (from 34.5% in 2010 to 58.7% in 2015), and the average amount paid also went up (from €429 in 2010 to €505 in 2015).

108 The Commissioner notes with concern that these increases in the costs of health care and medication have hampered access to health care for many people living in Greece. According to the [OECD](#), before the adoption of Law 4368/2016 providing nursing and medical care to uninsured and vulnerable social groups, Greece was lagging behind nearly all EU countries in health insurance coverage and a growing proportion of poor people reported unmet health care needs due to cost.<sup>34</sup>

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<sup>34</sup> In 2015, the proportion of Greeks reporting unmet medical needs had risen to 12.3%, almost four times the EU average.

- 109 The Commissioner further notes that the same OECD [study](#) has shown that insurance coverage is not the only barrier to effective access to healthcare, with many difficulties in gaining access to doctors or health centres – including emergency units – being reported not only because of cost, but also because of the distance to the doctor’s office and delays in obtaining appointments. These difficulties result from both staff shortages at Greek public hospitals, and a massive exodus of doctors abroad (around 18 000 since the beginning of the economic crisis, according to the Minister of Health) due to deteriorating working conditions and a lack of opportunity. According to the Panhellenic Medical Association, public hospitals need 6 500 additional permanent medical staff.
- 110 In the course of her visit, the Commissioner met with medical professionals and expert NGOs in the field of health care, who pointed out shortages in certain medication in public hospitals obliging doctors to change treatment protocols, or to refer patients to medical dispensaries such as the Metropolitan Social Centre of Helliniko, which she visited, to have access to the necessary medication.<sup>35</sup> The Commissioner was also told that patients with chronic disabilities, such as diabetes or renal failure, faced increasing difficulties in following their treatment plans during the crisis years because their medication or equipment – for instance dialysis machines – were unavailable.<sup>36</sup>
- 111 The Commissioner appreciates the efforts made by the authorities to restore and ensure access to health care. Law 4368/2016 adopted by the Greek parliament in February 2016 establishes the right to free access to all public health facilities providing nursing and medical care for all uninsured persons, those who have lost their insurance coverage and are not entitled to health benefits due to debts to the pension funds, and vulnerable social groups. Under this law, the medication of the beneficiaries of what is often referred to as a universal medical coverage is provided by private pharmacies contracted by the National Organisation for Provision of Health Services (E.O.P.Y.Y), except for the high cost pharmaceuticals which are supplied only by hospitals and E.O.P.Y.Y pharmacies. In addition, electronic monitoring systems have been established, including electronic prescriptions. The use of generic drugs has been promoted, and an internal reference price (IRP) system established for branded drugs.
- 112 In August 2017, the Greek parliament also passed a law on primary health care, which aims at establishing people-centred primary health care services through the creation of local units called Topikes Monades Ygias (TOMY) serving as the first point of contact and the main coordinator of care for people in an area. Multidisciplinary teams (general practitioners/family doctors, paediatricians, nurses, health visitors and social workers) operating in these units are tasked with providing health care for people in a continuous manner, looking at disease prevention, health promotion, diagnosis, treatment, monitoring and care. According to the World Health Organisation, “this is a major change from the otherwise fragmented network of different public and private health providers, primarily specialists, providing care upon request and with little coordination.”<sup>37</sup>
- 113 In his discussion with the Commissioner, the Minister of Health, Andreas Xanthos, stressed that these measures led to an increase in the number of uninsured people going to hospitals to obtain effective access to health care. However, the Commissioner notes that obstacles to effective access to health care remain. Her attention was, for example, drawn to the fact that some generic drugs are as expensive as their branded versions, while others are not always available in practice. In this latter case, the branded drug can be delivered, but if the generic drug was prescribed, the insurance will only cover the price of the latter, and the difference must be paid by the patient, who cannot always afford it. The internal reference price system also generates difficulties as patients have to pay the price difference in case the drug retail price is higher than the IRP, which is reportedly often the case. In addition, patients’ ability to pay may be

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<sup>35</sup> The Metropolitan Community Clinic of Helliniko regularly updates a [list of needs](#) in supplies and medicines which gives an indication of those which are either not readily available in public hospitals or not affordable to all patients. As of 15 September, the list contained five vaccines and more than 40 medicines urgently needed, some of them used in the management of diabetes, epilepsy, arterial hypertension, but also cancer.

<sup>36</sup> In a statement of 21 August 2018, Greece’s union of public hospital workers (POEDIN) stressed that half of the equipment in state hospitals has exceeded its life expectancy.

<sup>37</sup> WHO, [Greek health reform: opening of new primary health care units](#), 14 December 2017.



compromised by high cost-sharing rates for prescription drugs, particularly for the most vulnerable patients and those with chronic diseases.<sup>38</sup>

### 2.2.3 PATHOLOGICAL CONSEQUENCES

- 114 In addition to hampering access to health care, the economic crisis and the subsequent austerity measures seem to have directly exacerbated certain pathologies and, thus, increased the need for medical care.
- 115 According to the abovementioned scientific [study](#) published in 2017, mental health has deteriorated significantly in Greece, with depression being particularly widespread, as a result of the economic crisis. A nationwide survey carried out in 2017 by the National School of Public Health revealed that more than half of Greeks complained of mental health problems, with stress, insecurity and disappointment among the issues most commonly cited. These findings were confirmed by the medical professionals and expert NGOs whom the Commissioner met during her visit, who pointed out that many people live in fear and feel desperate due to the economic situation. As a result, most psychiatric hospitals are overcrowded, which contributes to the deterioration of the conditions prevailing in these medical institutions. Reports also indicate that the number of involuntary placements has risen dramatically since 2010, in connection with the financial crisis. Most patients admitted under this regime are unemployed persons, bankrupt businessmen, or parents who have no means of taking care of or feeding their children. Most are reported to be over 40 years old and have never shown previous signs of mental illness. In addition, suicides rose by 40 % between 2010 and 2015, with the mortality from suicides having increased at an average annual rate of 7.8% since 2009, compared with 1.6% before the crisis. The Commissioner also notes with concern that spikes in HIV and tuberculosis rates among injecting drug users were also reported, after street-work programmes were cut by a third.
- 116 In their discussions with the Commissioner, medical professionals and expert NGOs drew her attention to a worrying increase in nosocomial infections reportedly resulting from a combination of staff shortages, inadequate sanitation and lack of hygiene and cleaning products. According to the [European Centre for Disease Prevention and Control](#), in 2017, about 10% of patients in Greece were at risk of developing potentially fatal hospital infections, with an estimated 3 000 deaths attributed to them. The Panhellenic Federation of Public Hospital Employees considers that the rate of infections is significantly higher in intensive care units and neonatal wards. The Commissioner also notes with concern that a study recently published highlighted that the years following the onset of the economic crisis saw a marked rise in the number of Greeks who died from adverse events during medical treatment and stressed that such phenomena might be attributable to staff shortages and burnout.<sup>39</sup>

### 2.2.4 SPECIFIC IMPACT ON PERSONS WITH DISABILITIES

- 117 The Commissioner notes that access to health care is reportedly particularly difficult for persons with disabilities. According to a recent [study](#), medication costs, lack of accessible transportation means, and long waiting lists explain that persons with disabilities report higher unmet health care needs. These findings suggest “that a section of the population who may have higher health care needs face greater barriers in accessing services. Austerity policies impact therefore on access to health care in both direct and indirect ways, producing long-term disadvantage for disabled people.”<sup>40</sup>
- 118 The Commissioner wishes to emphasise the particularly worrying consequences of the economic crisis and subsequent austerity measures on the situation of persons with intellectual and psychosocial disabilities. The living conditions in psychiatric institutions have attracted special attention further to [media revelations](#) in November 2014 according to which disabled children living in a dramatically understaffed state-run home located in Lechaina (Peloponnese) were locked up in cages. Grave incidents were also reported in

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<sup>38</sup> A 2015 [study](#) has recorded an average contribution rate per prescription as follows: 11.28% for 2011, 14.10% for 2012, 19.97% for 2013, and 29.08% for 2014. Correspondingly, the mean patient charge per prescription for 2011 was €6.58, €8.28 for 2012, €8.35 for 2013, and €10.87 for 2014. During the 2011-2014 period, mean percentage rate of patient contribution increased by 157.75%, while the average patient charge per prescription in current prices increased by 65.22%.

<sup>39</sup> T. Burki, “Health under austerity in Greece”, *The Lancet*, vol. 391, February 10, 2018, p. 524.

<sup>40</sup> Elena S. Rotarou & Dikaios Sakellariou, Access to health care in an age of austerity: disabled people’s unmet needs in Greece, *Critical Public Health*, Volume 27, 2017 - Issue 5.  
*Critical Public Health*, Volume 27, 2017 - Issue 5

the psychiatric hospital of Dafni,<sup>41</sup> which was visited in 2016 by the Commissioner's predecessor who expressed deep concern about patient care and the particularly strenuous working conditions in psychiatric institutions in a [letter](#) of 17 August 2016 to the Greek Minister of Health.

- 119 The Commissioner underlines that in its [preliminary observations](#) on its April 2018 visit to Greece, the CPT stressed that most of the psychiatric institutions visited by the delegation were seriously understaffed, which contributes to the excessive use of mechanical restraints. The CPT also deplored overcrowding at all three psychiatric units of general hospitals visited, meaning that patients' beds were regularly placed in the corridor for extended periods of time.

## 2.2.5 CONCLUSIONS AND RECOMMENDATIONS

- 120 The Commissioner is concerned about the reported shortages in staff and equipment and disruptions in the Greek healthcare system resulting from the successive austerity measures adopted since the beginning of the economic crisis. She considers that these measures and their concrete implications undermine the right to health enshrined in Article 11 of the European Social Charter, to which Greece is a party.
- 121 Against this background, the Commissioner welcomes the recruitment of permanent staff and the extension of contracts of temporary staff in the health care sector and encourages the Greek authorities to use the expected fiscal leeway to pursue their recruitment efforts in this sector.
- 122 While noting with satisfaction the implementation of the measures aimed at ensuring access to health care, including the introduction of a universal medical coverage system, the Commissioner deplores the persistence of a number of obstacles hampering such access in practice. She therefore urges the Greek authorities to lift those obstacles, including by ensuring the effective availability of medication at an affordable cost for all.
- 123 The Commissioner stresses that budgetary restrictions should not lead to depriving persons with disabilities of the enjoyment of their human rights or to furthering their marginalisation. She reiterates that the full realisation of the economic, social and cultural rights of persons with disabilities can be progressive, pursuant to Article 4, paragraph 2 CRPD, but no unjustified, retrogressive measures should be taken. Given the rise in the need for mental health care resulting from the economic crisis, the Commissioner welcomes the Government's intention to allocate more funds to psychiatry. She encourages the Greek authorities to use these funds to foster de-institutionalisation and the inclusion of persons with intellectual and psychosocial disabilities.

## 2.3 IMPACT OF THE ECONOMIC CRISIS ON THE RIGHT TO EDUCATION

### 2.3.1 OVERVIEW OF THE AUSTERITY MEASURES AFFECTING THE EDUCATION SECTOR

- 124 Among the numerous austerity measures taken in the context of the three successive bailout programmes, a number of reforms have negatively impacted the right to education.
- 125 The State budget for the Ministry of Education was significantly reduced, from € 5,645 million in 2005 to € 4,518 million in 2017. As in most countries, staff costs represent the largest part (85%) of the budget for primary and secondary schools in Greece. Therefore, budget cuts have severely impacted on the teaching staff, which has been significantly reduced.<sup>42</sup> Teachers' remuneration has also been reduced, and their working hours extended. In addition, teachers were included in the labour reserve and labour mobility

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<sup>41</sup> In May 2015, a patient murdered another patient; in August 2015 three patients died in a fire at the hospital; in September 2015 a patient died after escaping from the facility. Reacting to the first case, the president of the public hospital employee federation [stressed](#) that the situation was "out of control" and denounced staff shortages which made it impossible to ensure the safe hospitalisation of the increasing number of severe cases admitted to psychiatric hospitals.

<sup>42</sup> Statistics published by the Hellenic Statistical Authority (ELSTAT) in its "Living Conditions in Greece" [report](#) for 2018 show that, between the school years 2010/11 and 2014/15, the teaching staff decreased as follows: from 66 018 to 62 446 in public primary schools; from 46 762 to 36 558 in public lower secondary schools; from 28 015 to 22 496 in public general upper secondary schools.



schemes.<sup>43</sup> As a result, there are many vacancies at schools across the country, and the education system increasingly relies on short-term contracts, which is much criticised by unions of education professionals.

- 126 Budget cuts in the education sector also led to the merging and closing of schools<sup>44</sup> aimed at “rationalising the school network.” As a result, the number of students per classroom increased, which reduced the state’s needs for temporary teachers but provoked anger among teaching staff and parents. In addition, the part of the budget dedicated to schools’ operational costs has been significantly reduced, which has reportedly generated maintenance problems.

### 2.3.2 CONSEQUENCES ON ACCESS TO EDUCATION

- 127 The Commissioner notes that, according to the [OECD](#), places in childhood education and care are rare, in particular in urban areas. In the absence of sufficient places in public kindergartens, families can resort to private ones, but those are reportedly hardly affordable for families that are not eligible for social assistance. As a result, participation in early childhood education remains below the EU average. The [European Commission](#) estimated the share of four year olds in early childhood education and care at 79.6 % in 2015. However, an increase can be expected if the government lowers the compulsory age for pre-school attendance from five to four years as it has been announced.

- 128 In the course of her visit, the Commissioner’s attention was drawn to the fact that a number of pupils have to travel longer distances in order to reach their schools as a result of the mergers of school units. If the distance between their homes and their schools is more than 2.5 km, free transportation is provided. But if that distance is less than 2.5 km, pupils have to go to school by their own means, which is particularly problematic for those living in remote areas, as the Greek Ombudsman stressed in his Special [Report](#) on the problems of transportation for students of primary and secondary education. The Commissioner notes that in spite of the Ministry of Education’s interventions to solve this problem, the situation reportedly remains problematic in a number of cases.

- 129 As regards higher education, the Commissioner notes with concern that access to university has become increasingly difficult for children of low-income families. Article 16 of the constitution guarantees free education at all levels, and admission to university is based solely on performance in the nationwide Panhellenic exams. However, the low quality of some public education in Greece has led to a parallel education system being set up. In practice, over the last 30 years it has become increasingly necessary for students to pay for expensive private tuition (classes commonly called “frontistiria”) to pass the Panhellenic exams required to enter university. With unemployment rising and salaries falling, many poor and middle-class families are struggling to pay for this extra tuition. The Commissioner observes that a World Economic Forum [report](#) ranked Greece last out of 30 advanced economies for education because of the close relationship between students’ performance and their parents’ income and notes that a number of academics have highlighted that “losing talented students from poor backgrounds [...] could hinder Greece’s long-term economic recovery.”

### 2.3.3 CONSEQUENCES ON THE QUALITY OF EDUCATION

- 130 The Commissioner notes that the average student performance in Greece measured by the OECDs Programme for International Student Assessment (PISA) has declined to below OECD average levels. According to the 2017 OECD [Review](#) of National Policies for Education, in 2015, almost one out of three students in Greece did not reach the PISA baseline level of performance in science, with similar proportions of low performers in numeracy and literacy.

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<sup>43</sup> According to Law 4172/2013, ‘job positions may be abolished (per category, sector, specialty) in the public sector and in the local government by decree of the Minister of Administrative Reform and of the Minister concerned, upon documentation supported by evaluation reports of structures and staffing plans’. Employees in these abolished positions are considered as ‘non-active’ and receive 75% of their basic salary for eight months. They are also considered as having ‘mobility’ status, in the sense that, if possible, they will be transferred to another position within the public sector, although if another position is not available they will be dismissed. Moreover, the new legal framework provides the possibility to transfer employees from the public sector and local government to other agencies or organisations where there are vacant posts which match employee skills, in order to make the best use of the human resources available.

<sup>44</sup> 1523 schools into 672 schools in primary education, and 410 schools into 205 in secondary education. According to the European Trade Union Committee for Education, 1 053 schools were closed between 2008 and 2012.

- 131 The explanation for such a decline is certainly multifactorial. For her part, the Commissioner considers that the economic crisis and the subsequent austerity measures have negatively impacted on the quality of education, which depends not only on the curricula, but also on learning and teaching conditions.
- 132 The Commissioner was informed that budget cuts and staff shortages have led to a reduction of the weekly teaching hours of subjects such as Modern Greek and to a removal of subjects such as music and arts from the curriculum for students in the second and third years of secondary school. The “flexible programme”, which contained subjects such as health education and environmental education and was offered at secondary schools, has reportedly become optional in the last two years. The Commissioner was told that, in many schools, this programme has been removed, whereas in others it is run by teachers who are not paid for these teaching hours. She considers that such impoverishment of curricula, coupled with a lack of funds available for teacher training on sensitive issues such as comprehensive sexuality education or dealing with conflicts, is particular worrying.
- 133 The Commissioner notes that learning conditions have been negatively affected by a number of factors that are directly linked to the difficult economic context. Many destitute children reportedly go to school hungry, which undermines their concentration. The Commissioner notes with satisfaction that a free meal programme has been set up in order address this. The “rationalisation of the school network” has also affected children’s well-being and learning conditions. According to a study carried out by the Ombudsman, the majority of students feel that the greater number of students in each classroom has made it more difficult for them to follow the class. In addition, learning capacities are jeopardised by the lack of available time to study and the fatigue experienced by many youngsters working after class, most of them in the informal economy, to support their household.

#### 2.3.4 VULNERABLE GROUPS PARTICULARLY AFFECTED BY AUSTERITY

- 134 **Children with disabilities:** The Commissioner wishes to stress that important legislative steps forward were made in recent years, in particular the following: Law 4115/2013, which facilitates the integration of pupils with special education needs, and a major [amendment](#) to the anti-discrimination law (Law 4285/2014), which added disability to the list of prohibited grounds of discrimination. In spite of these reforms, reports indicate that children with disabilities still face stigma and corresponding barriers to education. In its 2015 [concluding observations](#) on Greece, the UN Human Rights Committee also noted “the discrimination faced by persons with disabilities, in particular with regard to access to education” and regretted “the impact of the economic crises and austerity measures on their situation.”
- 135 In its 2015 [concluding observations](#) on Greece, the UN Committee on Economic, Social and Cultural Rights expressed concern at reports indicating that only 15% of children with disabilities go to school. The Commissioner was informed that the Greek authorities have taken important measures in the context of the “Specialized Educational Support Programme for the Inclusion of Students with Disabilities and/or Special Educational Needs”,<sup>45</sup> including the creation, in the last seven years, of 36 special school units and of 570 integration classes in regular schools. In addition, recruitments of teachers and specialists of special education increased from 6 300 for the school year 2014-15 to 10 800 in 2017-18. While noting these efforts, the Commissioner recalls that inclusive education, as defined by [UNESCO](#), is a process that addresses and responds to the diversity of needs of all children, youths and adults through increasing participation in learning, cultures and communities, and reducing and eliminating exclusion within and from education. States therefore have a positive obligation to educate all children without any discrimination within the mainstream system. Children with disabilities thus have a right to be educated in mainstream schools alongside children who do not have disabilities with adequate support.

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<sup>45</sup> According to information provided by the Greek authorities to [CRPD](#) in 2015, this programme aims at: “(a) addressing the identified mixed schooling problems of children with disabilities and/or special educational needs and the shortage of qualified Special Education and Training teachers, and enhancing mere accompanying and guarding through the provision of education in the context of the general schools; (b) the systematic organization of mixed schooling for students with disabilities and/or special educational needs; (c) accumulating experience in differentiated instruction and infrastructure development for the effective support thereof, so that differentiated instruction becomes real and substantial. The Greek authorities also indicated that specific training has been provided to 2 000 teachers and 3 500 Special Education Advisors in the period 2012-2014 and announced that a programme is being prepared and planned for further training of all teachers in general schools in special education issues.”

- 136 In addition, the Commissioner observes that, in his last annual report, the Ombudsman considered that special schools were poorly housed, which affects their operation, and that the amounts allocated for the recruitment of supply teachers to accommodate students with special needs were insufficient to cover all the requests for parallel support. “Therefore either some pupils are given priority, or parallel support is provided to more students, but on a partial basis. In any case the programme is inadequately implemented,” the Ombudsman added.
- 137 **Roma children:** The Commissioner stresses that mergers of school units particularly affected Roma children, who often reside in isolated settlements and have thus to travel significantly longer distances in order to reach their schools. She notes that measures were taken to address the specific needs of the Roma population in the context of the [‘Programme for the Integration and Education of Roma Children,’](#) launched in 2016 and co-funded by the EU structural funds. The programme focuses on improving access and participation of Roma children in early childhood education and care, their systematic schooling in primary and secondary education and the re-integration of early school leavers. Noting that the [European Commission](#) estimated school attendance by Roma children of compulsory school age in Greece at only 69 % in 2016, the Commissioner looks forward to the programme’s implementation.
- 138 The Commissioner also notes that Educational Priority Zones have been set up by the Greek authorities in order to provide specific support (including guidance and counselling services for teachers, parents and pupils and a cap set at 15 pupils per class) for schools with high rates of Roma pupils and avoid creating segregated schools. However, the Commissioner is concerned about reports according to which de facto segregation of Roma children in special school persists, despite these measures. Against this background, the Commissioner recalls that the European Court of Human Rights found in the case of [Lavida and Others v Greece](#) that a state decision to maintain a situation in which there were schools only attended by Roma pupils violated Article 14 ECHR in conjunction with Article 2 of Protocol No. 1.

### 2.3.5 CONCLUSIONS AND RECOMMENDATIONS

- 139 The Commissioner is concerned about impoverished curricula and a marked deterioration in pupils' well-being, teachers' working conditions, and school equipment resulting from the severe budget cuts implemented during the crisis years. She is pleased to note that the education budget increased by 5.4% in 2017 and by 3.6% in 2018 and encourages the Greek authorities to further increase this budget in the years to come in order to progressively reverse the negative effects of the austerity measures which have affected the education sector.
- 140 The Commissioner is further concerned at persisting obstacles to effective access to education. She urges the Greek authorities to lift all barriers in order to guarantee the full and effective enjoyment of the right to education enshrined in the European Social Charter, from early childhood to higher education.
- 141 In this context, the Commissioner invites the Greek authorities to make specific efforts to guarantee effective access to education for groups of vulnerable children, whose school attendance rates are worrying.
- 142 Underlining that the right to inclusive education at all levels is a key human right, enshrined in Article 24 CRPD, the Commissioner stresses that inclusion should be the aim of any education policy. She therefore calls on the Greek authorities to ensure the implementation of the rights of children with disabilities to be educated in mainstream schools alongside children who do not have disabilities, and to provide them with adequate individualised support where necessary. She invites the Greek authorities to collect detailed data regarding the school attendance of children with disabilities to allow better analysis of the existing obstacles, leading to more adequate solutions. Finally, the Commissioner encourages the Greek authorities to pursue their efforts to bring segregated education of Roma children to an end.