

Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on extreme poverty and human rights

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the human rights of migrants and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 33/9, 31/9, 26/19 and 26/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **lack of adequate emergency assistance to migrants, particularly vulnerable to the severe winter conditions registered in the country in December 2016 and January 2017, and the lack of provision for alternative adequate housing, causing serious health and security concerns especially for children and older persons.**

According to the information received:

More than 50,000 migrants are living in several camps across the country, most of them are sheltered in poorly equipped facilities, which are inadequate to endure cold temperatures and lacking proper sanitation. The situation has reportedly been exacerbated by severe cold weather and nationwide snowfalls since December 2016, exposing migrants to enhanced health and safety threats. Tents have collapsed under the weight of snow, worsening the precarious situation in government-run installations. Several incidents associated with the lack of appropriate reception conditions have been registered; these incidents include outbreaks of influenza and acute respiratory infections, hypothermia and frostbite.

At least three migrants have reportedly succumbed to temperatures as low as minus fourteen degrees in the past weeks –a 20-year-old Afghan man, died on 3 January after crossing the Evros River on the Turkish border in northern Greece and two other migrants have allegedly died on 2 and 16 January 2017, in the

forests close to Didymoticho and Ferres. Many more migrants might not resist the freezing temperatures in the country due to the lack of adequate shelter. In northern Greece, the vulnerability of migrants living in tents in abandoned industrial warehouses was further worsened by water and electricity cuts. In some shelters in Athens, including in a former military barrack in Malakasa, hundreds of migrants are said to be completely exposed to freezing temperatures, with children, toddlers, elderly, and persons with disabilities among them.

The situation seems to be particularly alarming with regards to reception and information centres in the Aegean islands, where more than 16,000 migrants are sheltered in overcrowded camps. Heavy snow has fallen on tents and containers in which migrants have been accommodated. On Samos, approximately 300 people, including children, are living in unheated dormitories and tents. On Lesbos, around 4,000 people are living in tents in Moria, without hot water nor heating. The appalling conditions of reception centers has been acknowledged by the Minister of Migration Policy, who stated that “the situation in the hot spots is very bad” and that the “conditions on the islands are awful”.

Under the current Arctic winds and while facilities housing migrants in Greece often lack access to safe and sufficient water sources, sanitation facilities and basic services, urgent measures are necessary to prevent further loss of life. In this regard, it has been reported that a Greek navy ship has been sent to the island of Lesbos to house 250 migrants that were previously living in snow-covered tents. The efforts to protect migrants from freezing temperatures in the island have also comprised the accommodation of 220 migrants in empty hotels, the provision of blankets, and the distribution of “winter sets” (hat, scarf and gloves), jackets and socks.

According to credible reports, thousands of unaccompanied and separated children are stranded in reception facilities in Greece, where their needs for support and protection, care and education are poorly satisfied, and they reportedly face high risk of abuse, neglect, violence, trafficking and exploitation. Authorities are not providing such children with competent guardians to ensure that the best interests of the child are always guaranteed first and foremost in all decisions taken regarding their rights and interests. The inadequate capacity to host and meet the basic assistance and protection needs of migrants, and especially children, seem to be particularly acute in the Aegean islands, in the Malakasa camp in Attika, and in the camps of Softex, Diavata and Frakaport in Thessaloniki.

While we do not wish to prejudge the accuracy of these allegations, we are extremely concerned that given the continuous arrival of migrants in the Aegean islands, the overcrowded situation in reception and information centres, and the pace of

winterization efforts, more migrants could succumb to temperatures as low as minus 10 degrees Celsius over the coming weeks. We wish to express our deep concern over the apparent absence of a national response plan, despite warnings of bitterly cold weather, particularly in regards to providing dignified accommodation and reception conditions, including to thousands of unaccompanied and separated children counted in Greece. While measures must be urgently implemented to provide access to warm and dry shelter to migrants subject to the protection of the Greek Government, the need may arise to transfer the majority of migrants currently residing on the Greek islands to the mainland. Such transfer would also require setting in place adequate emergency shelter for the short-term, and adequate housing for the longer term.

We wish to recall Your Excellency's Government Article 11.1 of the International Covenant on Economic, Social and Cultural Rights states that "[t]he States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." In this connection, Article 12.1 of the Convention also establishes that "States Parties [...] recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". It is under the responsibility of States Parties to ensure the full realization of such right in their territories, including under harsh weather conditions. It is also the obligation of States Parties to guarantee that such rights will be exercised "without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", pursuant to Article 2.2 of the Convention.

In this regard, general comment No.31 of the Human Rights Committee stated that "States Parties are required by article 2, paragraph 1, to respect and to ensure the Covenant [ICCPR] rights to all persons who may be within their territory and to all persons subject to their jurisdiction". This means that a State party must respect and ensure the rights laid down in the ICCPR to anyone within the power or effective control of that State Party. As indicated in general comment No. 15 adopted at the twenty-seventh session (1986), the enjoyment of Covenant rights is not limited to citizens of States Parties but must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party." In a similar vein, general comment No. 20 of the Committee on Economic, Social and Cultural Rights clarifies that "Covenant [ICESCR] rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation."

Concerning the rights of the child, we refer Your Excellency's Government to Article 27 of the Convention on the Rights of the Child establishing that "States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development", regardless of their legal status and

documentation. In this connection, we wish to refer Your Excellency's Government to Article 20 of the CRC which states that: "[a] child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State." Furthermore, we would like to refer Your Excellency's Government to article 22 that "[S]tates Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties."

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the measures taken to guarantee the provision of adequate emergency assistance to migrants in Greece, particularly vulnerable to the severe winter conditions, as well as the provisions of alternative adequate housing.
3. Please provide information on measures taken to address the reported outbreaks of influenza and acute respiratory infections, hypothermia and frostbite, and to ensure the adequate provision of healthcare to migrants.
4. Please provide information on existing mechanisms to accelerate the process of transferring migrants from the overcrowded sites in Greece to other reception centers on the mainland.

5. What measures have been taken to ensure protection and special aid for children and young persons temporarily or definitely deprived of their family's support?
6. Please share your strategy with respect to the provision of adequate housing to migrants, in accordance to international human rights obligations and standards.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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