

Mandates of the Special Rapporteur on the right to food; 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 and the Special Rapporteur on the human rights of migrants

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the right to food; 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 and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 49/13, 52/10 and 52/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the halt of food provision to migrants, asylum seekers and refugees in the Mavrovouni Closed Controlled Access Centre (C.C.A.C.) on the island of Lesbos in Greece and the detrimental effects it has on the human rights of the individuals residing in this reception facility. The reported instances of deliberate food insecurity imposed upon individuals who are not part of the formal asylum process (including recognized refugees and individuals whose protection claims have been rejected) in Lesbos, constitute clear violations of their human rights to sufficient access to food, healthcare, and clean water.

The Mavrovouni Closed Controlled Access Centre (C.C.A.C.) on Lesbos is located just outside the island's capital city of Mytilini. The facility was created after the Moria Reception and Identification Centre (R.I.C.) burnt down in September 2020. The Moria facility at its peak was the largest refugee camp in Europe, housing over 20,000 asylum seekers. When Moria burnt down, a former military site was designated to "temporarily" host asylum seekers and refugees affected by the fire. At the end of 2022, this site officially became the C.C.A.C. of Lesbos under the authority of the Hellenic Ministry of Migration and Asylum., approximately 2,390 people reside in the C.C.A.C., about half of which are women and children.

According to the information received:

On 17 May 2023, the Camp commander of the C.C.A.C. on Lesbos orally informed migrants, refugees and asylum seekers as well as the civil society organisations that starting from the following day, i.e. on 18 May, individuals residing at the C.C.A.C who are not part of ongoing asylum procedures would no longer receive food and water. Reportedly there has been no officially published written decision on this policy measure. As of 18 May, the camp authorities responsible for food provision have stopped providing food and water to people outside of the asylum procedure.

The Greek Ministry of Migration and Asylum argues that according to asylum and migration laws, only those who are applying for international protection are entitled to receive material reception conditions, which include access to food and water.¹

Around 500 individuals in the C.C.A.C., (approximately 300 adults and 200 children) are currently considered to be outside of the asylum procedure. While C.C.A.C. authorities have allegedly stated that all children under 18, regardless of their status, will still receive food, it will not be the case for their adult caretakers. Upon their arrival in Greece, a significant number of unaccompanied children face the issue of being registered as adults without undergoing a proper age assessment. Both international standards and Greek asylum law provide established procedures for authorities to determine the ages of these unaccompanied children. However, age assessment procedures on Lesbos have been marred by various problems, leading to the registration of many unaccompanied children as adults. As a result, they are deprived of the specific procedures and reception conditions that are guaranteed to migrant and asylum-seeking children. With the recent policy change regarding food provisions, the children who may have been wrongly assessed to be adults would also face potential difficulties in accessing food from the relevant authorities of the C.C.A.C.

This sudden policy change, without any warning or adequate preparation, has immediately exposed these individuals to the risk of food insecurity. Given the high temperatures experienced during summers in Lesbos, the availability of safe drinking water remains uncertain, especially when considering that individuals require a minimum of 2.5 liters of water per day according to EU guidelines, taking personal physiology and climate into account.

Without support from the Greek State or civil society for most of the affected people food and water will not be available, accessible and adequate. Often foreign nationals who are outside the asylum procedure do not have the financial resources to be self-sufficient and remain at risk of food insecurity throughout their stay in Greece.

The following categories of people are currently staying at the C.C.A.C and are affected by the recent decisions regarding water and food supply.

Recognized refugees

The majority of individuals residing in the C.C.A.C. who have been granted international protection face significant challenges in sustaining themselves once they leave the facility. Recognized refugees are cut off from financial assistance immediately after receiving international protection and, as per legislation, are required to vacate reception centres within 30 days. While they are entitled to receive assistance to facilitate their integration into the

¹ Hellenic Republic Law 4674/2020 Article 111; Hellenic Ministry of Migration and Asylum 'All asylum seekers are eligible to feeding programmes in the camps since the 1st of October and they will also be granted financial aid at the end of the month' (18 October 2021) <bit.ly/3P6RaRd>.

community and access certain social benefits, they encounter bureaucratic barriers that hinder their access to support. Difficulties include obtaining residence permits, travel documents, and temporary social security numbers, thereby making it extremely challenging to access the necessary support, particularly within the limited 30-day timeframe.² According to Greek authorities, refugees need to be able to fend for themselves within 1 month after being granted asylum.³

Rejected asylum seekers

Another group of individuals who are facing deprivation of food and water consists of rejected asylum seekers who are neither in the process of appealing their rejection, nor have filed a subsequent application. They are unable to take up employment legally or receive support from the state, often being compelled to rely on unregulated and exploitative markets and networks for survival and income. This category includes individuals from Syria, Bangladesh, Somalia, Afghanistan, and Pakistan, for whom Greek law has designated Türkiye as a safe third country. Nationals from these countries undergo a different set of procedures compared to nationals from other countries. Instead of initially assessing the merits of their asylum claim (i.e., reasons for fleeing their country of origin and inability to return), they are first subjected to an admissibility interview that focuses on determining whether Türkiye should be considered a safe third country for them. Despite Türkiye not accepting any readmissions since March 2020 and Greece ceasing to issue readmission requests, rejections based on inadmissibility persist.

People in situations of particular vulnerability

No specific provisions have been communicated for migrants, refugees and asylum seekers with vulnerabilities, such as pregnant or lactating women, people with disabilities, and older persons, who may be particularly susceptible to violations of their rights. Some of these groups are entitled to additional protection of their right to food under international human rights treaties and standards.

Concerns regarding food insecurity among migrants, refugees and asylum seekers in mainland Greece have been repeatedly raised by civil society organizations over the past years. It is alleged that this is not an isolated incident, as similar instances of widespread food insecurity have occurred in various reception facilities in Greece in the past. In October 2021, an estimated 60 percent of residents in reception facilities on mainland Greece experienced a loss of access to an adequate supply of food and water resulting in significant

² European Commission Infringement Decision INFR(2022)2044; Intersos Hellas, Greek Forum of Migrants, Greek Council for Refugees and Hias 'Being Hungry in Europe: An analysis of the food insecurity experienced by refugees, asylum seekers, migrants and undocumented people in Greece' (2023) <bit.ly/45P4wHX>; Refugee Support Aegean 'Systemic deficiencies in the access of beneficiaries of international protection to documents and socio-economic rights' (2023) <bit.ly/3qyMWHX>
Kostas Papachlimintzos 'Ξεκάθαρο μήνυμα Μηταράκη στην Ε.Ε.: Πρέπει να μοιραστούμε τα βάρη με την Ευρώπη' (Parapolitika, 11 August 2020) <www.parapolitika.gr/politiki/article/1061488/xekatharo-minuma-mitaraki-stin-ee-prepei-na-moirastoume-ta-vari-me-tin-europei/>

distress and placing vulnerable groups at even greater risk.⁴

After the announcement of the implementation of the decision on May 17, 2023, various civil society groups have made efforts to fill the void left by Greek authorities, offering food and water to affected individuals. However, their limited resources only allow for a temporary solution. Furthermore, the Greek Law on NGOs adopted in 2021 presents an additional challenge for civil society organisations in providing services to individuals outside the established procedure, particularly those located at C.C.A.C's. In 2021, several UN human rights experts expressed concern about the mandatory registration requirements of the aforementioned Law, which could severely hinder the work of independent NGOs. They also raised alarm over the potential negative impact of this legislation on all civil society organizations involved in supporting migrants and refugees in Greece, including those that offer essential services.⁵

While we do not wish to prejudge the accuracy of the information made available to us, we would like to express our serious concern about the allegations of continued food and water crisis at C.C.A.C's and its harmful impact on the full enjoyment of basic and indispensable human rights. Access to food and water are fundamental human rights and necessary preconditions for maintaining human dignity, irrespective of the migration status of concerned individuals. As food and water are essential to sustain human life, we are extremely concerned about the severe negative impact of this situation on the right to life and health of migrants, asylum seekers and refugees. Due to the inability of the various categories of persons currently in C.C.A.C to engage in gainful employment, we have serious concerns that, even if allowed to leave, they would face financial hardship and would be unable to afford housing outside the facility, in the absence of any State support. For these same reasons, we are further concerned that a number of persons who have been now denied food and water at the C.C.A.C., would have difficulties affording food and water, putting health and lives at immediate risk.

We also wish to remind that food insecurity is directly connected to housing insecurity, inability to access social support and ineffective integration support and should be addressed in conjunction with these concerns.

In light of the above, we would like to refer to article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Greece on 5 August 1975. The enjoyment of the rights guaranteed in the ICCPR 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” (CCPR/C/21/Rev.1/Add.13 (2004), para. 10). Article 25 of the Universal Declaration

⁴ NGOs Raise Alarm at Growing Hunger Amongst Refugees and Asylum Seekers in Greece (Refugees International, 29 November 2021) <<https://reliefweb.int/report/greece/ngos-raise-alarm-growing-hunger-among-refugees-and-asylum-seekers-greece>>

⁵ OL GRC 1/2021 of 31 March 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26314>

of Human Rights that recognizes the right of everyone “to a standard of living adequate for the health and well-being of himself and of his family, including food.” Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by your Excellency’s Government on 16 September 1985, recognizes “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 interpreting this provision, the Committee on Economic Social and Cultural Rights (CESCR) stressed in its general comment no. 12 that a violation of the right to food occurs when the state fails to provide the “minimum essential level required to be free from hunger”. The Committee affirms that particularly disadvantaged groups may need special attention and sometimes priority with regard to food accessibility. The Committee makes special mention of socially vulnerable groups, such as migrants, as segments of the population that may need specific attention from governments through, for example, social programmes (GC 12, para. 13).

Physical accessibility implies that adequate food must be accessible to everyone...victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food (E/C.12/1999/5, para. 13). The Committee makes special note of socially vulnerable groups such as landless persons and other particularly impoverished peoples, as segments of the population who may need specific attention from governments through for example, social programmes. In this regard the CESCR, has States must take measures to combat poverty and social exclusion and provide supporting social security and services and adopt measures to prevent disease and improve health facilities, goods and services (E/C.12/GC/19, para 28).

We recall that Human Rights Council resolution 9/5, which addresses the issue of the human rights of migrants, “requests States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party”. Furthermore, we would like to stress that every migrant child, regardless of their migration status, should be considered as a child first and foremost. All migrant children should be entitled in law and in practice to all the rights enshrined in the Convention on the Rights of the Child, to which the Greece has been a party to since 1993. Unaccompanied migrant and asylum-seeking children should have access to the national child-care system on an equal basis as national children and enjoy all relevant safeguards with regard to the protection of children.

The Special Rapporteur on the human rights of migrants has highlighted in various thematic reports and through different communications to states, that returns or transfers to safe third countries may be appropriate only if certain thresholds for the protection of individuals are met. Otherwise, the use of the safe third country concept can result in violations of the prohibition of collective expulsions and the principle of non-refoulement and can lead to limitations in accessing fair and efficient asylum and other protection-oriented procedures. Also, the determination of a safe third country should be on a case-by-case basis, allowing an individualized assessment of whether

the third country concerned is safe for a particular applicant, and they should have the chance to challenge whether the country is safe for them.⁶

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 any additional information on how Greek authorities aim to ensure that everyone living in reception facilities, including the C.C.A.C. of Lesbos, have access to adequate food and water, independently and irrespective of their immigration status - until a careful assessment has been carried out to see if affected groups have sufficient means to guarantee subsistence and health.
3. Please provide information on any existing additional guarantees that specific arrangements are in place to protect people with vulnerabilities and children outside of formal asylum procedures from food insecurity.
4. Please clarify whether the announcement made by the authorities of the C.C.A.C. is based on a formal decision issued by the Greek Government and whether it applies to similar facilities in Greece.
5. Please kindly provide clarifications on whether Greek authorities are considering a reassessment and extension of the time period during which recognized refugees are permitted to remain in reception facilities, including C.C.A.C.s, and have access to material reception conditions. This would allow them a reasonable amount of time to access integration support, secure suitable housing, find employment, and enhance their prospects of achieving self-sufficiency.
6. Please explain how your Excellency's Government justifies the designation of Türkiye as a "safe third country" for Syria, Bangladesh, Somalia, Afghanistan, and Pakistan nationals. Please explain how these decisions are compatible with Greece's obligations under international human rights and refugee law.

⁶ A/HRC/50/31 of 2022 specifically paras. 47, 52, 70 and 81.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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