

Joint Submission by the United Nations High Commissioner for Refugees (UNHCR), United Nations International Children's Emergency Fund (UNICEF) and the International Organization for Migration (IOM).

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 39th Session

GREECE

I. BACKGROUND INFORMATION

On refugee population, UNHCR estimates that in February 2021 Greece hosted almost 115,200 persons who arrived and remained in the country since the 2015-2016 flow, in their great majority refugees and asylum seekers, among whom 16,500 are found at Greece's sea entry points and 98,700 on the mainland. Following the March 2016 EU-Turkey Statement administrative procedures for new arrivals on the islands take place at the five Reception and Identification Centres (RICs) on the islands where asylum-seekers may remain under geographical restriction for even more than a year in dire reception conditions. In 2020-2021 arrivals have been significantly decreased, however, UNHCR and IOM remain seriously concerned over continued allegations of 'push-backs', appearing to affect hundreds of persons summarily returned through Greece's land and sea borders with Turkey without opportunity to access procedures or seek asylum.

On child population, there are over two million children in Greece today, equivalent to one-fifth of the population, while Greece's education system accommodates about 1.2 million school aged children (among them 90,000 children with disabilities or special educational needs).ⁱ Currently in Greece there are around 40,000 refugee and migrant children (35% of the total refugee populationⁱⁱ), while among them 3,854 are unaccompanied and separated (UASC).ⁱⁱⁱ According to the Ministry of Labour and Social Affairs (MoLSA), in October 2020, at least 1,689 children were hosted in public (656) and private (1,033) institutions. Children from Roma communities, refugee and migrant children including unaccompanied children and children in institutions are highly disproportionately vulnerable to poverty and other forms of deprivation.^{iv}

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

a. Child Rights

Linked to UPR recommendations no. 136.6, 134.11-19, a national mechanism for the drafting, monitoring and evaluation of action plans on the rights of the child was established in 2017^v within the Ministry of Justice. In late 2020, the National Mechanism started developing a new National Action Plan on Child Rights, in the final stage of development, and UNICEF was added as a voting member of the mechanism in 2021.

UNICEF in close collaboration with MoLSA, is also piloting actions under the ‘Child Guarantee’, an initiative of the European Commission to ensure that the most vulnerable children have access to healthcare, education, childcare, decent housing and adequate nutrition, ultimately aiming to ensure a progressive realisation of child’s rights. These pilot initiatives will contribute to developing the Child Guarantee framework at the EU level.

Linked to UPR recommendations no. 134.2, 134.3, 134.6, 134.12 - 19, 134. 90-92, 134.153, 134.139, 134.142, 134.146, 134.147, 134.151 - 154, 134.92, 134.110, 136.13, 136.26, 137.21, the Greek State is close to establishing a National Strategy and a National Action Plan on De-institutionalization and has reformed the legislative framework for foster care and adoption procedures^{vi}, guardianship including best interest assessment and determination procedures,^{vii} as well as abolishment of protective custody for UAC for the sole reason of being homeless.^{viii} The establishment of the Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) in 2020^{ix} is also commended. The accommodation capacity for unaccompanied children was increased from 426 places in March 2016 to 3,405 places in all types of accommodation in March 2021.^x

To strengthen alternative care solutions, innovative schemes such as Semi-Independent Living (SIL) and the interim guardianship scheme (prior to initiation of the national guardianship system by the MoLSA and the National Centre of Social Solidarity (EKKA) were established. In January 2021, the National Tracing & Protection Mechanism for UAC living in precarious conditions, including homeless, was created, providing immediate care and, accessibility to social services and other tailored made solutions through a holistic approach. In 2020, while transit places/safe areas for UAC in the RICs on 5 Greek islands were reconstructed, the vast majority of UAC from the RICs on islands and the land border were transferred to temporary care arrangements with the support of IOM, UNHCR and UNICEF with funding from the EC. As of March 2021, 695 UAC have been assessed regarding their best interest and transferred to EU member states in the framework of the relocation scheme targeting 1600 UAC and other children including children with severe medical conditions or other vulnerabilities who are accompanied by their family members.

Linked to UPR recommendations no. 134.20, 135.2, 134.23, 134.22, on **Human Rights education** skills development has been introduced in the national curriculum with a particular area being human rights education.^{xi}

b. Reception of asylum seekers

Linked to UPR recommendations No. 134.132, 134.137, 134.141, the Greek State has proceeded with the establishment of additional 5 RICs on the islands further to the RIC at Evros which allowed for the implementation of the reception and identification procedures for new arrivals on the islands (e.g. registration, medical screening and psycho-social support; provision of information, etc). Since 2016-2017, progress has been observed in the application of the reception and identification procedures in terms of consistency and harmonization while the General Operating Regulation for RICs and Mobile Reception and Identification Units was adopted in 2019.^{xii}

Linked to UPR recommendations no. 134.129, 134.131, 134.145, 134.148, 134.149, Greece has considerably increased the reception capacity for asylum-seekers in the mainland (and Crete) since 2016, from approximately 1,100 places in 2015 to 54,100 places in March 2021, not including the capacity of the RICs. The ESTIA accommodation and services Programme in the urban context provided dignified conditions and supporting services to vulnerable asylum seekers. It was managed by UNHCR until 2020 (implemented through municipalities and NGOs) with approx. 25,000 places and was transitioned to the Greek authorities in end-2020. Moreover, Temporary Accommodation Facilities were established in different locations in Greece with 32 of them currently operating permanently under the competency of the Reception and Identification Service (RIS) with the support of IOM and partners providing Site Management Support (SMS), with approx. 30,000 places. In 2018, the Greek authorities further increased the accommodation capacity by providing Protection and Accommodation services in Hotels for vulnerable population and UAC transferred from the islands to different locations in the mainland (FILOXENIA Project). The FILOXENIA project was concluded in February 2021. Cash assistance is provided to all asylum seekers through UNHCR's Programme aiming to cover basic needs.

Progress has been made in the further institutionalization of the reception system, through the establishment of the Ministry of Migration and Asylum^{xiii} (previously Ministry of Migration Policy^{xiv}) and the Secretary General for the Reception of Asylum Seekers,

- the merging of the two competent authorities for reception into one and the gradual assumption of responsibility of 2nd line open reception facilities by RIS, operationalised through the formal establishment of the Temporary Accommodation Facilities for Asylum seekers,^{xv}
- the issuance of the General Regulation of Operation of Temporary Reception Facilities and Temporary Accommodation Facilities for third-country nationals or stateless persons^{xvi}, providing the legal basis for government accountability and authority in the facilities in mainland and harmonising standards and procedures.

c. Asylum procedures

Linked to UPR recommendations no 134.128 and 134.133 the Greek Asylum Service (AS) has greatly enhanced its overall capacity in staff and operability across the country since 2016. Along with significant support by EASO staff, it raised registration numbers from 13,187 applications in 2015 to 77,285 in 2019. EASO also enhanced the AS's capacity in actual processing. It is positive that in 2020 the AS and the Appeals Authority, largely cleared their decision backlogs.

Moreover, since 2015 more than 22,005 asylum seekers have been relocated with safety and dignity from Greece to other EU Member States, through the EU Relocation Programme with the support of IOM and UNHCR to the Greek Government.

A mechanism to assist rejected asylum seekers to voluntarily return to their countries of origin is also established by the Greek Government and operated by IOM. During the period 1.5.2016 - 16.3.2021, more than 21,800 individuals have returned to their homes with safety and dignity; 9,659 of them have also benefitted from reintegration support in their countries of origin.

d. Gender Equality, GBV, Trafficking

Linked to UPR recommendations no. 134.29, 134.30 134.31, 135.3, 134.5 to 134.7, 134.34, 134.79, 134.81, 134.82, 134.123, a comprehensive framework, institutionalizing national mechanisms for promoting gender equality and combating GBV has been inserted in the national legislation in 2019.^{xvii} The “Istanbul Convention” was ratified in 2018^{xviii} recognizing forced marriage as a form of human trafficking. Moreover, following the adoption of the new Penal Code^{xix} the definition of rape includes the lack of consent of the victim. Sharia law has been made optional in matters of family and/or inheritance law.^{xx} A National Action Plan on Gender Equality was adopted for the period 2016-2020.

Linked to UPR recommendations no. no. 134.84 – 87 the National Referral Mechanism for victims of human trafficking, supervised and coordinated by the Office of National Rapporteur on Trafficking in Human Beings, was established on 1/1/2019.

e. Integration/Reintegration

Linked to UPR recommendations no. 137.22, in June 2019 the HELIOS Project (Hellenic Integration Support for Beneficiaries of International Protection) was launched, funded by the EU and implemented by IOM and its Partners in close collaboration with the Ministry of Migration and Asylum. HELIOS project aims at promoting the integration of beneficiaries of international protection^{xxi} (BIPs) into the Greek society, through integration courses (19 Integration Learning Centres have been operating throughout Greece and 28,969 beneficiaries have been enrolled), accommodation and employability support (11,989 individuals have benefitted from HELIOS rental subsidies and- 4,264 job counselling sessions have been conducted), integration monitoring, and sensitization of the host community.

In January 2021 a Deputy Minister for Migration and Asylum responsible for integration was appointed showing further commitment to the integration of migrants.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Access to territory, Non-refoulement principle, and human-rights violations at the borders

Linked to UPR recommendations Nos. 134.68 – 134.74, 134.132, 137.21, 137.23, 136.12, 134.24, safe access to territory and asylum procedures for asylum seekers has been seriously challenged in 2020-2021. There is convincing evidence, including UNHCR’s own resources,^{xxii} pointing to instances of

prevention of entry and informal forced returns (acts of so-called '*pushback*') enforced at both the land and the sea borders. These acts also include asylum seekers likely in need of international protection and others who may be in danger of irreparable harm in case of *refoulement*. These acts take place without screening, access to formal procedures and without due respect for their immediate humanitarian or specific needs. Some of the incidents entail direct *refoulement*, as asylum seekers were returned to their country of origin, regardless of the potential serious harm they may face upon return while they may also entail exposure of individuals to severe risks against their safety and lives during the act of return; this applies increasingly when *pushbacks* take place at the sea or the Evros river environment.

An increasing number of reports refer to persons, including families and children, returned by sea after landing on Greek islands. It is concerning that push backs take place before the transfer to the RICs which constitute the entry and screening mechanism, in a protection-sensitive manner. The situation of new arrivals is more precarious in view of the COVID-19 pandemic since new arrivals have to stay in informal quarantine facilities for up to 14 days prior to their transfer to the RICs and their access to the official administrative procedures.

It is highly concerning that *informal forced returns* take place also to persons that have entered formal facilities in the country, have documentation or are even BIPs in Greece. Moreover, in at least three cases documented by UNHCR, they resulted in family separation.

Many accounts report ill-treatment or allege the removal of personal items, such as mobile phones, money and other valuables, also against women and children, elderly and other persons with specific needs.

Recommendations:

- While States have the legitimate right to control their borders, this must be done in a protection-sensitive manner and according to international law obligations, in particular human rights law, to ensure that persons are given access to asylum procedures and are effectively protected against *refoulement* and are granted their rights at the borders and beyond.
- Adoption of clear rules and operating procedures related to rights-based conduct at the border by the competent law enforcement officers.
- Establishment of an effective and independent border monitoring mechanism at the EU external borders.
- Provision of the necessary material and financial support to competent national human rights bodies to effectively exercise their duties including monitoring and investigating relevant incidents.
- Timely investigation of reported pushback incidents with support to alleged victims and protection against possible retaliation or exercise of pressure.
- Ratification of Protocol No. 4 to the European Convention on Human Rights also prohibiting the collective expulsions of aliens.
- Full observance of the 1951 Geneva Convention Relating to the Status of Refugees, the 1966 International Covenant on Civil and Political Rights, the Convention Against Torture and the International Convention for the Respect of all Persons from Enforced Disappearance and the customary principle of non-*refoulement*

Issue 2: Child Rights

Linked to UPR recommendations no. 134.98, 134.99, 134.100, despite measures previously adopted, a cohesive strategy or action plan to promote social inclusion and prevent poverty (including child poverty) is not in place. In 2019, 30.5% of children were at risk of poverty or social exclusion while 17.6% of children lived in severe material deprivation. 19.1% of youth 15 to 24 years old are "Not in Education, Employment, or Training" (NEET) while rates are 90% higher among those with a foreign county citizenship (22,6%) versus those with the Greek citizenship (11,9%) (ELSTAT, 2019).

Linked to UPR recommendations no. 134.12 - 19, while there is a National Mechanism for Action Plans on Child Rights, there is still no senior national body or structure solely accountable for the overall implementation of child rights, linked to long-term sustainable funding.

Linked to UPR recommendations 134.90, 134.91, 134.92, , 134.84 to 134.87, the current system of children in out-of-home care still relies heavily on large-scale institutions and the use of family/community based alternative care (foster care, adoption, SIL, etc.) remains limited resulting in a considerable number of children remaining in institutions. Support for families and mechanisms to prevent family separation are inconsistent and not efficient, resulting in children ending up in institutional care with little chance of re-unification.

Linked to UPR recommendations 134.139, 134.142, 134.146, 134.147, 134.151 - 154, 134.92, 134.110, 136.13, 136.26, 137.21, particularly affecting refugee and asylum seeking children more than 50 % of the 3,854 UAC remain deprived from of long-term care arrangements, with around 900 UAC living in poor and precarious conditions (EKKA, April 2021). There is additional concern that many children go missing. Despite the establishment of the Guardianship system and the Foster Care Registry, they are only partially operational. Moreover, the national legal framework on age assessment procedures^{xxiii} is not always followed by harmonized, child-friendly practices at field-level leading to children registered as adults. Children are also exposed to precarious conditions in the RICs.

Within the framework of the Voluntary Relocation scheme for UAC, this remains an *ad hoc* scheme, rather than a predictable and sustainable institutionalized EU solidarity measure and policy. Moreover, family reunification procedures under Dublin III Regulation which affect more than 1,000 UAC (Asylum Service, February 2020)^{xxiv} face increased delays.

Linked to UPR recommendations 134.84 to 134.87 on child trafficking, specialized safe houses, social re-integration and prevention programmes for child victims of human trafficking do not exist in Greece. It is worth noting that the Ministry of Foreign Affairs is currently developing an Action Plan for the prevention and fight against human trafficking including child trafficking.

Linked to UPR recommendations no. 134.109, 134.10, 134.116, 134.117, 134.118, 134.119, 134.121, 136.9, 136.23, 134.110, 134.112 to 134.115, equal access and quality of education remains a challenge in Greece, particularly affecting asylum seeking, refugee, migrants and Roma children. 75.2% of all pre-school-aged children in Greece have access to early childhood education compared to the EU average of 94%. A FRA study indicated that among Roma children only 29% completed primary

education and only 2% of Roma youth completed secondary and higher education^{xxv}. Based on an assessment of the Education Sector Working Group chaired by UNICEF, in January 2020 the enrolment of refugee and migrant children in formal education was less than half (42%) of the school-age population, while on the Aegean islands only the 3% of children attended classes. COVID-19 has only exacerbated these issues, UNHCR estimates that only 15% refugee children in urban settings had substantial access to distance learning. No public disaggregated data is available to identify out-of-school children with disabilities.^{xxvi}

Linked to UPR recommendations no. 134.2, 134.3, Greece has not yet ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.^{xxvii}

Additionally, on violence against children, 25% to 42% of girls who originate from countries where female genital mutilation (FGM) is practiced remain at risk of FGM upon arrival in Greece. Lastly, based on the 1st National Report on Violence Against Women 4,872 women and girls self-reported victims of violence and multiple discrimination (Nov.2019-Oct. 2020). During an 8-month period in 2019-2020, there were 1,214 child victims of offences of which 600 were relevant to physical violence while the majority (62%) of child victims being up to 14 years old.^{xxviii} Despite the establishment of special structures in 2017 for the examination of child victims of crime where testimonies can be recorded and re-used during the judicial proceedings^{xxix}, the 5 “Houses of Child” across Greece are not fully functional.^{xxx} Also there is no official data on the number of homeless children in Greece and no official mechanism for the registration and monitoring of homeless children with the exception of efforts undertaken by the SSPUAM on unaccompanied children.^{xxxi} It is also worth noting that 192 recorded child marriages involved at least one child below 15 during the past 9 years, 97% of child marriages concerned girls.^{xxxii}

Recommendations:

- Establish a national structure or reinforce the existing National Mechanism for Action Plans on Child Rights to ensure effective implementation of child rights in Greece linked to long-term sustainable funding.
- Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.
- Develop a National Action Plan Against Poverty based on evidence, with explicit targets and resources linked to combatting child poverty.
- Ensure a comprehensive legal and normative framework for family- and community-based forms of care to successfully implement the National Action Plan on Deinstitutionalization. Legislation such as foster care and guardianship will need to be fully operationalized to achieve this goal.
- Develop a long-term educational strategy with identified funding gaps to fully integrate all refugee and migrant children, Roma children and children with disabilities in public schools.
- Accelerate the expansion of Early Childhood Education to achieve the EU target of 95% participation with a focus on early inclusion and retention of marginalized children.
- Use age assessment procedures only as a measure of last resort and if age assessments are conducted, ensure that relevant practices are at minimum harmonized and in line with the existing legal framework.

- Further improve reception conditions of asylum-seeking and refugee children, and other migrant children, including UASC, in the RICs through the implementation of child friendly procedures and age appropriate care and protection as well as timely and correct registration of UAC upon arrival.
- Ensure timely reporting of UAC going missing.
- Prevent separation and speed up family reunification procedures and in collaboration with EU member states strategically plan multiple year robust relocation programs for the most vulnerable UAC.

Issue 3: Reception conditions (incl. Reception and identification procedures)

Linked to UPR recommendations No 134.129, 134.150, 134.143, 134.131, 134.144, 134.145, 134.148, 134.149, 134.139, 134.142.

First-line reception (border locations)

While RIS shall ensure that persons residing in the RICs enjoy dignified living conditions,^{xxxiii} the situation in the RICs has been different in practice. The RICs on Samos, Lesbos, Chios, Kos and Leros often operated above their official capacity. Overcrowding, substandard living conditions and inadequate services in shelter, medical and psychosocial support, hygiene and sanitation, safety and security have been permanent characteristics. Various challenges faced by state actors to timely recruit adequate staff, including medical staff, for the provision of services to thousands, contributed until early 2020 to the creation of backlogs in procedures (e.g. vulnerability screening, registration of asylum applications) and to delays in the identification and referral of persons with specific needs, further exposing them to increased safety and protection risks such as violence, including GBV, riots and daily security incidents. In 2020, following the significant decline of new arrivals due to the COVID-19 pandemic and increased border control measures, the situation improved substantially in the RICs on Leros, Kos and Evros, while the living conditions in the RICs on Samos, Chios and Lesbos remain difficult. The practice of the stay of new arrivals in quarantine areas for up to 14 days prior to their transfer to the RIC raises concerns as many of these areas are not appropriate for longer stay in terms of shelter and services. Currently, the construction of new Multipurpose RICs, as envisaged in the national law, is ongoing on Samos, Kos, Leros and consultations continue for the location of the new facilities on Lesbos and Chios.

Moreover, the vast majority of asylum-seeking persons who entered through the land border (Evros) were released without further assistance and may have end up homeless; while the situation has recently improved with the referral of asylum seekers to open reception facilities in the mainland, a great number of new arrivals during COVID-19 may have not undergone reception and identification procedures at all.

Second-line reception (mainland)

Inappropriate reception conditions are observed in some RIS open temporary reception facilities, including the use of tents or sleeping in communal areas for prolonged periods, while some facilities are in remote locations and lack adequate services, thus not suitable for long-term living. In mid-March

2021 1,129 persons were staying in common areas, tents, and open/makeshift spaces within RIS facilities.

Protection challenges persist, especially for persons with specific needs, as services are limited. The COVID-19 pandemic exacerbated the reception conditions in the open reception facilities, with the restriction of movement for prolonged periods and the consequent gaps in relevant services, severely hindering access to education, and actor capacity periodically reducing by almost 50%.

GBV prevention and response

While living conditions in the RICS and challenges in reception procedures expose women, girls, men, boys and LGBTQI refugees to great risk of GBV, there is neither GBV prevention policy for the refugee population by the Greek state, nor adequate awareness raising campaigns. The same risks are faced by GBV survivors who live in precarious conditions mostly in the urban settings. UNHCR partners report significant increase of homeless GBV survivors while 1 out of 3 survivors have been reportedly raped while being homeless.

Regarding response, counselling centres and safe shelters that operate under the network of the General Secretariat for Demography, Family Policy and Gender Equality, are not available in all areas and are not able to adequately meet the needs of migrant and asylum-seeking GBV survivors, also due to lack of adequate interpretation, legal aid as well as due to eligibility criteria.

Recommendations:

- Ensure that reception conditions at the border locations are safe and adequate for all mixed arrivals. The vulnerability screening and assessment integrated in the border procedures should ensure that specific needs are identified early on to allow for need-specific reception and particular procedural considerations.
- Strengthen reception capacity for asylum-seekers. Ensure that the new multipurpose facilities for mixed new arrivals on the islands and Evros, as well as the reception facilities for asylum seekers meet adequate reception standards and develop benchmarks for a national monitoring mechanism.
- Prevent GBV and provide safe accommodation to all GBV survivors, expand services and ensure unrestricted access of everyone to medical services, psychosocial support and free legal aid.
- Take into consideration GBV prevention policy while designing with prevention activities and awareness raising campaigns targeted to the refugee population while implementing respective policies.

Issue 4: Access to asylum and quality of asylum procedures

Linked to 2nd cycle UPR recommendations no 134.128, 134.133 despite the increase in AS registration capacity and in supporting staff, the AS currently faces access and registration challenges, particularly in the mainland, which has become more challenging with the COVID 19 restriction measures. Although there is almost no registration backlog on the islands due to very low number of arrivals, waiting times to access asylum have increased on the mainland, with around 19,000 application pending formal lodging, and waiting times reaching up to a year depending on the location. Applicants

also face difficulties to pre-register their applications through Skype. Access to effective remedy has been limited as a result of a legislative reform of the asylum procedures which took place in 2020. Some obstacles identified include inappropriate notifications, need for providing detailed reasons for appeal, without full and effective access to free legal aid, as well as short deadlines particularly in border procedures.

Moreover, despite the improved quality of asylum procedures achieved since 2016, legislative amendments that were passed after 2019, together with the increasing pressure of fast processing have raised new concerns over quality and procedural safeguards, notably the observed lack of proper individual assessments in the context inadmissibility procedures. Lastly, despite the high number of decisions issued clearance of the decision backlog during 2020, there is still a considerable interview backlog on the mainland, consisting of complex cases, mostly of Afghans and Iraqis, which are processed by often new and thus regularly still inexperienced staff, under pressure to process fast. Unless this is coupled with quality support and assurance, thousands of cases are likely to become a source for concern. Lastly, since 2020, while vulnerable applicants on the islands should be exempted from the accelerated borders procedures if sufficient support cannot be provided, this assessment does not usually take place.

Recommendations:

- Strengthen the pre-registration system, currently conducted through Skype, as well as the referral mechanisms securing pre-registration for all, and prioritizing the most vulnerable.
- Frontline resources to enhance registration, including training of newly recruited staff, increased cooperation with the RIS, as well as improvement of online tools. Maximize human resource capacity and operability of online tools to increase the number of full registrations. Improve cooperation with RIS to secure effective registrations by the latter.
- Offer adequate and substantial support to vulnerable applicants on the islands and exempt them from the border procedures if sufficient support cannot be provided based on an assessment.
- Ensure that procedural safeguards are properly implemented in all phases of the procedure, particularly on access to and enjoyment to an effective remedy.
- Ensure individual assessment of merits and admissibility procedures in line with international and EU quality standards.
- Provide quality support and assurance across the Services of first and second instance.

Issue 5: Integration, access to social rights and social cohesion

Linked to 2nd cycle UPR recommendations no. 134.137, 137.22 and 137.23, the National Integration Strategy, endorsed by the Council of Ministers in July 2018, has not been implemented. Although progress has been achieved in simplifying the completion of administrative formalities (issuance of residence permits, social security number and tax registration number) which are required for the access of refugees to social rights, their effective inclusion in national systems (of social protection, promotion to employment, adult education, health care) remains largely unattainable, particularly for refugees living with disabilities and mental health problems. This is mainly due to documentation (i.e. civil status documentation validated by the country of nationality) and other technical requirements (i.e. length of residence), with which BIPs are unable to comply due to their specific circumstances as well as due to the existing gaps in the provision of information, limited capacity of the service providers

and lack of interpretation services and culturally aware interventions. Although BIPs are included in the legal framework of the welfare disability policy, their efficient access to disability allowances is not ensured, while specific provisions for asylum-seekers with disabilities are not in place.

Moreover, in 2020, the Government reduced the period of stay of BIPs within reception accommodation, after their recognition, from six months to just one month, to make available reception accommodation. Whereas exit from reception is necessary for the system to work, the limited integration support measures, and persisting obstacles for BIPs to access housing, work or social benefits has led to a situation where more than 12,000 BIPs remain irregularly in the country's reception system (4,000 in ESTIA accommodation and 8,000 in RIS facilities) being at risk of homelessness.

Linked to 2nd cycle UPR recommendations no 134.44, 134.48, 134.49, 134.55, 134.60, 134.61, 134.36

it is worth noting that despite the positive institutional developments in the field of preventing and responding to racism and xenophobia that have taken place during the past years, including the creation of a National Council against Racism and Intolerance under the Ministry of Justice and the drafting of a relevant Action Plan by the said Council, the creation of specialised police units and the appointment of special prosecutors, as well as the legal amendments to better define racist crimes in the penal code and transpose the "EU Victims Directive",^{xxxiv} there are still important areas that need to improve so as to ensure unhindered and timely access to justice in practice and effective access to supporting services for victims of racist violence. UNHCR, as one of the two Coordinators of the Racist Violence Recording Network (RVRN) has submitted its comments for the UPR through a separate submission.

Recommendations

- Accelerate the implementation of the National Integration Strategy for Refugees and update through the new draft in progress initiated by the Deputy Minister responsible for integration.
- Lift technical barriers hindering effective access to social rights for refugees and migrants.
- Undertake additional actions to reinforce the integration process from the reception stage and gradually link beneficiaries with the labour market.
- Take the appropriate measures to ensure access to the national welfare / mental health system and specialised services for asylum-seekers and BIPs with disabilities and mental health conditions, as well as other migrants.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Protocol of 2014 to the Forced Labour Convention No. 29 of the ILO and the International Labour Convention No. 129 concerning Labour Inspection in Agriculture (**UPR recommendation 136.1 and 136.2**).

Issue 6: Detention

While, in 2015, the scope and use of administrative detention of asylum-seekers became less in practice and in law, it resumed after the closure of the "Balkan-route" and the adoption of the March 2016 EU-Turkey Statement and further increased in 2020, following more restrictive policies and legislative amendments. Significantly higher detention time limits for asylum seekers, broader scope of detention grounds and less safeguards raise risks for arbitrary imposition of the measure of detention of asylum-

seekers. Additionally, since March 2020, penalization of irregular entry has been largely implemented in border areas leading asylum seekers, including families, with imprisonment for the sole reason of entering irregularly in the country, contrary to the 1951 Refugee Convention (Article 31) and also to the Protocol on the Smuggling of Migrants.

Lack of individual assessment of the appropriateness of detention and proper implementation of alternatives to detention persist, which may also lead to routine detention of new arrivals. Detention of asylum seekers on the basis that they are dangerous for the public order/national security is also broadly applied without adequate justification, while detention in view of return may be imposed when the prospect of removal is not reasonable or imminent. Asylum seekers have no effective access to review their detention order, also due to lack of legal assistance. Poor detention conditions in Pre-removal Detention Centres, limited provision of hygiene and often non-food items, limited supply of relief items and limited access to recreational activities and communication, and long-term detention in police station, under seriously substandard conditions remain of concern.

Recommendations:

- Ensure that detention of asylum seekers is exceptional and is only applied for a minimum period where absolutely necessary after a proper individual assessment. Promote the application alternatives to detention for asylum seekers-Ensure the migration detention is used as a last resort for any migrant.
- Improve detention conditions and access to services, including legal aid, for asylum-seekers and other migrants in detention.
- End detention of children, families and vulnerable persons.
- Amend the national legal framework to ensure the observance of Article 31 of the 1951 Convention and the principle of non-penalization of irregular entry for asylum-seekers and refugees.
- Ensure observance of the Palermo Protocol on Smuggling of Migrants with regards to non-criminalization of smuggled migrants

Issue 7: Statelessness

Linked to UPR recommendation 137.24, the Greek authorities have not yet established a Statelessness Determination Procedure. As a result, individuals concerned cannot have access to the rights foreseen in the 1954 Convention relating to the Status of Stateless Persons to which Greece has acceded since 4.11.1975.

Recommendation:

- Ratify the 1961 Convention on the Reduction of Statelessness.

**UNHCR, UNICEF, IOM
April 2021**

ⁱ UNICEF, A Situation Analysis of Children and Youth in Greece, 2020-2021.

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- ii As per UNICEF and UNHCR estimate.
- iii National Centre for Social Solidarity (EKKA), Unaccompanied Minors in Greece, March 31st 2021
- iv UNICEF, A Situation Analysis of Children and Youth in Greece, 2020-2021.
- v Law 4491/2017, Official Gazette A' 152/13.10.2017
- vi Law 4538/2018, Official Gazette, A' 85/16.05.2018.
- vii Law 4554/2018, Official Gazette, A' 130/18.07.2018.
- viii Law 4760/2020, Official Gazette, A' 247/11.12.2020.
- ix P.D. 18/2020, Official Gazette, A 34/19.2.2020.
- x From these, 2,025 are number of places in long term accommodation (Shelters or in SIL) the alternative care model "Supported Independent Living Scheme") and 1,380 places in temporary accommodation (Safe zones/Emergency hotels).
- xi Law 4692/2020, Official Gazette, A' 111/12.06.2020
- xii JMD 1/7433/2020, Official Gazette B' 2219/10.06.2019
- xiii P.D. 4/2020, Official Gazette A 4/15.01.2020
- xiv P.D. 123/2016, Official Gazette A 208/4.11.2016
- xv JMD 2945/2020, Official Gazette B 1016/24.03.2020, JMDs 51/2020 and 52/2020, Official Gazette B 834/12.3.2020
- xvi JMD 23/13532, Official Gazette B 5272/30.11.2020
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