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1st September 2021

Dear Commissioner Johansson,

Copied to:

President of the European Commission, Mrs Ursula Von Der Leyen

Vice-President of the European Commission, Mr Margaritis Schinas

Prime Minister of the Hellenic Republic, Mr Kyriakos Mitsotakis

Minister of Migration & Asylum of the Hellenic Republic, Mr Notis Mitarachi

Council of Europe Commissioner for Human Rights, Mrs Dunja Mijatovic

United Nations High Commissioner for Refugees, Mr Filippo Grandi

United Nations Special Rapporteur for the Right to Housing, Mr Balakrishnan Rajagopal

We have the honour to address you as human rights, refugee and migrant protection, and housing and homelessness organisations that are working collaboratively to promote and protect the right to adequate housing for refugees, asylum seekers and migrants in Greece. The organisations that have come together are: Choose Love, an organisation that supports NGOs and grassroots organisations worldwide, including 70 partner organisations in Greece; FEANTSA, the European Federation of National Organisations Working with the Homeless, bringing together over 120 member organisations and focusing exclusively on the fight against homelessness; the Greek Housing Network, an association of 35 civil society organisations fighting to end homelessness and advocating for the right to housing, as a fundamental right, in Greece; and The Shift, a global human rights organisation, led by the former United Nations Special Rapporteur on the right to adequate housing, Leilani Farha, dedicated to securing the right to housing for all.

As individual organisations, we have been closely monitoring the housing situation faced by refugees and migrants in Greece, both before and during the COVID-19 pandemic, and we have each written to the European Commission and the Greek Government to express our concerns.[1] These have included those related to conditions in reception facilities in Greece, the provision of adequate social welfare assistance to refugees and migrants, and the eviction of recognised migrants and refugees from their homes. We greatly appreciate you taking the time to respond to our letters imploring the Government of Greece to acknowledge the unacceptable conditions that refugees, migrants and asylum seekers face in Greece, and for providing information regarding relevant policy developments in Greece and the EU.

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However, we continue to be deeply concerned that the situation on the ground for refugees, migrants and asylum seekers continues to remain wholly unacceptable in relation to established human rights standards, particularly during the ongoing global health crisis. Consequently, we wish to update you regarding some of the points we raised in our previous letters to you and evidence how, rather than promoting their right to adequate housing, policy developments in Greece have continued to breach this and other human rights for refugees, migrants, and asylum seekers.

Housing Supports for Migrants, Refugees and Asylum Seekers

In a joint letter from 2019,[2] FEANTSA and the Greek Housing Network raised awareness regarding the importance of housing as a gateway to social inclusion for asylum seekers and refugees, highlighting rising numbers of newly recognized refugees in Greece who had been forced into homelessness. In this letter they asked the European Commission to ensure housing continuity for all individuals going through an asylum application and to strengthen support for recognized refugees in their integration efforts. The shortage of housing and the risk of homelessness for refugees following the announced terminations of European Commission funded, UNHCR and state accommodation programmes were signaled to the Commission, even before the global coronavirus health crisis. Available data also showed that in Greece, the number of homeless people in exile was increasing and leading to homelessness services becoming involved in supporting asylum seekers and refugees, [3] while 16% of the 3,774 unaccompanied minors in the country were sleeping rough. [4] Despite early warnings, the situation continued to worsen as the policies to remove refugees from accommodation were implemented.

In two letters, dated 29 May 2020 and 22 December 2020, Choose Love, along with several other organisations supporting refugees and asylum seekers in Greece, detailed the severe negative impact of the forthcoming forced exits of 11,000 recognised refugees from their reception accommodation without any adequate alternative accommodation being provided. This, they noted, was likely to render thousands of individuals and families at risk of homelessness during a pandemic. They also expressed concern that the removal of these protected persons from their housing was happening at the same time as an EU funded cash card scheme, which served as a vital lifeline for many refugees in Greece, was ending.

Choose Love further made clear that the difficulties caused by the exits and reduced capacity for accommodation would be exacerbated by the continued inadequacy of Greece's main integration support programme, HELIOS, which aims to provide recognised refugees with integration support and assistance with rental costs. It noted that the lack of coordination between the ESTIA, Filoxenia and HELIOS programmes [5] meant that many of those being forced from their accommodation often did not have access to the HELIOS programme, and even amongst those who did have access, only around 18% could benefit from rental support. [6] For those refugees who did not yet have access to HELIOS, it was noted that the requirements for accessing the programme's support,[7] and the bureaucracy of the Greek system, caused significant difficulties. In many instances, this meant individuals/families were unable to access the programme. In a letter, dated 25 March 2021, to the Task Force Migration Management, it was emphasised that the HELIOS programme is not a sustainable long-term solution for many recognised refugees as support ends after 6-12 months. After support ends, many people become homeless or trapped in insecure housing situations.

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In its response to Choose Love’s joint letter, the Greek Ministry for Migration and Asylum dismissed calls to prevent the evictions of refugees living in Reception and Identification Centres (RICs), and in Filoxenia and ESTIA accommodation, and noted that there was “no time for further delays”. Consequently, it stated, 11,237 refugees would be made to start leaving their accommodation from 1st June 2020. The Ministry also stated that from 1st September 2020 the prepaid cash cards that had been funded by the European Commission would become more limited and would only be able to be used for the purchase of goods and products.

In your response to Choose Love and its partner organisations, dated 10th November 2020, you noted that the European Commission remained committed to providing significant operational and financial support to Greece to help improve conditions for refugees, and that a Task Force had been established to support migration management and integration. You further noted that the Commission was continuing to encourage Greece to work on, and introduce, policies promoting the integration of refugees into Greek society. However, you reaffirmed that further integration initiatives are required to “efficiently manage and support the ongoing exit exercise from the reception structures and to foster integration into the Greek society more generally.” You likewise affirmed that further EU funding is necessary to assist interjurisdictional initiatives.

Although we recognize the concerted efforts being made by the Commission, we highlight your acknowledgement that the Commission must continue to support and fund the development of a coherent and sustainable approach to integration for refugees in Greece. This is particularly important when taking into consideration that Notis Mitarachi, the Greek Minister of Migration and Asylum has stated that Greece should not be responsible for the integration of refugees.[8]

Since the date of Choose Love’s letter the housing situation for refugees and asylum seekers in Greece has declined significantly. In June 2020, the ESTIA programme was transferred from UNHCR control to the control of the Ministry for Migration and Asylum and renamed ESTIA II. Several of the highly esteemed NGOs that were providing accommodation under the original ESTIA programme have declined to do so under ESTIA II on the basis that the Greek government has allocated insufficient funding for accommodation provision, and consequently it is impossible to ensure asylum seekers are provided with housing that affords them dignity. Similarly, many of these organisations refuse to engage in the legally mandated evictions within 30 days of asylum seekers receiving refugee status, arguing that this is a wholly insufficient time frame for people to find alternative accommodation.

Furthermore, issues have been raised regarding a number of new organisations that have filled the gap left by those not wishing to take part in ESTIA II. Some of these organisations have been reported as not having existed and having no revenue or proven track record of administrative capacity prior to being allocated funds – in the region of multiple million Euros - by the Ministry of Migration and Asylum. This raises serious concerns regarding the appropriateness of these organisations to be providing housing for asylum seekers, the proper use of public resources, and may also point to corruption within Greece’s asylum system.

In December 2020, the Filoxenia programme was terminated, with partner hotels evicting families in January and February 2021. The programme has not been replaced and with insufficient accommodation options available, many refugees and their families have been forced to sleep on the streets and in public squares, all during a pandemic in which having access to an adequate home is a proven frontline defence

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against a deadly virus. In a letter, dated 25 March, Choose Love warned the Task Force Migration Management about concerns related to these evictions and how civil society organisations had to step in to provide basic needs to people, including families with young children and pregnant women and urged the Commission to monitor and respond to the dire situation of those evicted from Filoxenia accommodation.

Recently, a decision has been made that control of the HELIOS programme will be transferred from the IOM to the Greek authorities. Little information is available regarding what the programme will look like under Government control. However, in light of the impacts of the Government taking over control of ESTIA, it is a concern that the assistance afforded under the programme may end or be weakened. If this is the case, refugees and asylum seekers in Greece may be left with insufficient supports to help them access adequate housing, greatly increasing their risk of homelessness. Similarly, however, it is of equal concern that inadequacies that existed within the IOM operated HELIOS programme may not be addressed and rectified. This includes accusations that the programme operated in a discriminatory manner wherein potential recipients of assistance under the programme were informally told that should they refuse to leave the accommodation they lived in under Filoxenia and ESTIA within a reasonable time frame, they will not be granted access to HELIOS supports. This left refugees with a choice between being forcibly evicted into homelessness or not receiving assistance under HELIOS. Should either of these two outcomes be realized, the programme will likely lead the Government to fall foul of its international human rights obligations.

Another significant decline in accommodation supports for asylum seekers is the Greek joint ministerial decision to only provide cash assistance to those who are located in official government facilities, either reception facilities or ESTIA apartments. This decision will severely affect approximately 20,000 people who are self accommodated or are accommodated by NGOs or grassroots organisations outside of the ESTIA programme. Those who registered to be placed in official accommodation are often placed far away from their current accommodation and cannot refuse relocation without losing cash assistance. These relocations severely hamper the integration process of many who found jobs, education, including informal education, and social connections in their community. In addition, there are not enough places in official accommodation, therefore people are put on a waiting list without receiving cash assistance until a place in official accommodation becomes available. This means that self-accommodated people on the waiting list will lose access to a vital source of income.

Conditions in Reception and Identification Centres

In separate letters, FEANTSA and the Greek Housing Network, and The Shift highlighted the inhumane conditions in the Moria Reception Identification Centre and the temporary Kara Tepe (Mavrovouni) camp. Following the fire at the Moria RIC, FEANTSA and the Greek Housing Network called for immediate action to address the overcrowding, lack of medical services and information, and lack of safety in these centres. The Shift also highlighted the lack of water, sanitation, high violence rates, and the frequent fires at Moria RIC. The conditions in Moria and other RICs were noted as being indicative of a systemic failure to meet human rights obligations, including the right to housing.

Concerns were also raised about the deplorable conditions in the emergency Kara Tepe camp, established in the aftermath of the Moria fire to house those who lost their accommodation as a result. Specifically, that the presence of lead at this site was putting the health of residents at risk, that accommodation structures at the camp were wholly uninhabitable and unable to withstand adverse weather conditions, that the site was

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prone to flooding, that it lacked adequate water and sanitation facilities forcing residents to limit their intake of food so as to use toilets less frequently and requiring them to bathe under hoses or in the sea, and the potential for these conditions to exacerbate the risks posed by the COVID-19 pandemic.

Consequently, FEANTSA and the Greek Housing Network called for the creation of a rights-based asylum and immigration policy, the immediate development of relocation schemes, and for the European Commission and the Greek Government to provide adequate and dignified accommodation for asylum seekers as per Article 18 paragraph 1(b) of EU Reception Conditions Directive (2013/33/EU). The Shift called for immediate action to ensure that the Kara Tepe camp met international human rights standards, the establishment of an independent inquiry into the Moria RIC fire, that a toxicologist investigate the soil at the Kara Tepe camp and that Kara Tepe does not become a long-term housing.

Whilst no response from the Greek Government to either letter was forthcoming, you kindly responded to FEANTSA and the Greek Housing Network on 7th December 2020, and to The Shift on 18th December 2020. In your response to FEANTSA and the Greek Housing Network you made clear that you remain committed to prioritising the improvement of living conditions for migrants in RICs across Greece and noted that the Commission has, jointly with the Greek Government, established a Task Force to improve the situation on Lesbos, including through the construction of a new RIC. You further noted that from January-November 2020, a number of 30,600 migrants were transferred to the mainland, thereby helping to reduce overcrowding on the islands. It was also noted that 13 Member States, Norway, Switzerland and Iceland have committed to continuing the transfer process of refugees from Greece. Notwithstanding, the Commissioner has reaffirmed that they are indeed committed to continuing its assistance to the Member States in the management of an effective and fair asylum and migration system. Finally, you stated that the EU continues to provide funding for ESTIA accommodation and for monthly cash allowances, thereby assisting refugees to access housing. In your response to The Shift, you noted your desire to ensure another situation like the Moria fire does not occur in the future and that all asylum seekers and refugees are able to live in dignified accommodation in line with EU law. You noted that works were underway to improve the emergency Mavrovouni site, including adapting tents to sustain adverse weather, improving drainage and upgrading water and sanitation facilities. You further stated that testing was being undertaken on the soil at the camp to ensure it was safe for residents.

However, some 6 months after your letters, the reality of the situation for migrants on Lesbos, as well as on other islands in Greece, has failed to be improved by the planned interventions you described. In a letter, dated 25 March 2021, Choose Love acknowledged that some improvements were made but also highlighted that months after the opening of the Mavrovouni camp many issues remain. Despite asking the Task Force Migration Management if an assessment was done and time-line made for the full implementation of reception standards, no clear answer was provided.

According to a report by Oxfam, dated 21st April 2021, conditions at the Mavrovouni camp remain essentially the same as they have been since the camp was established following the Moria fire. Indeed, Mavrovouni has been dubbed Moria 2.0, owing to the fact that the conditions therein resemble those at the Moria camp which, as you noted in your response to The Shift, were unacceptable. Residents' tents are still unable to withstand adverse weather and sanitation is still inexcusably poor, with only one in three toilets operational and hot showers only working occasionally.[9] Lead testing that was undertaken at the site in December 2020 found that parts of the camp had unacceptably high levels of lead in the soil. Despite this,

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as of April 2021, families were still living in these areas, putting the well-being of residents, particularly small children and pregnant women, at extremely high risk.

In a letter, dated the 27 January 2021, Choose Love warned the Task Force that the inadequate winterisation response from the authorities provided little promise for a well-coordinated response under the forthcoming EU Pact for Migration and Asylum. In a letter, dated 25 March 2021, it was again emphasised that winterisation efforts should have begun far earlier in October and were incomplete, even though the Task Force Migration Management on 18 February 2021 stated winterisation had been finalised.

Despite a Task Force being established to improve conditions, particularly through the construction of a new RIC on Lesbos, Greece's Migration Minister, Notis Mitarachi, confirmed on 9th June 2021 that work has still not commenced on this facility. The delays in the construction of the new camp, largely caused by bureaucracy surrounding the tender process, mean that asylum seekers continue to be forced to live in the deplorable conditions of Mavrovouni, and will likely have to do so over the coming winter months.[10] We understand you have met with Minister Mitarachi and expressed to him the vital importance of ensuring all asylum seekers have access to adequate accommodation over the winter period, however we remain extremely concerned that the situation in Mavrovouni and other RICs in Greece represent a systemic disregard for the rights and humanity of asylum seekers in Greece. The failure of the Greek government to address these now long-standing habitability concerns within the Mavrovouni camp points to a flagrant disregard of its obligations under international human rights law and European Union law and must now be addressed as such.

In addition to our continued concerns regarding the conditions at the Mavrovouni camp, in monitoring the situation on the ground for asylum seekers in RICs in Greece, we have identified several further areas of significant concern which we wish to raise for your attention.

Firstly, we are deeply troubled by the current policy of securitising RICs in Greece. On May 28, 2021, the European Council on Refugees and Exiles (ECRE) announced that the European Commission will be funding the securitisation of camps across the Greek mainland.[11] Ten feet high walls are already being constructed around the Ritsona refugee camp.[12] The Commission will be funding the 28.4 million Euro cost of the walls. In a letter to you, dated 26 May 2021, an MEP from the Greens/EFA Group, Tineke Strik drew attention to both the inhumane conditions and the risk that these camps would effectively become prisons.[13] Following reports of the Commission funding this construction, the ECRE released a statement noting that, “[t]he substantial financial and political investments in securitisation and establishment of closed facilities does little to address the generally deteriorating conditions and exposure of refugees and asylum seekers in Greece where dysfunctions in the asylum and reception system continue to be evident.”[14] Indeed, efforts to increase securitisation measures directly contravene the Commission's commitment to ensuring conditions meet international human rights standards.

Furthermore, we have noted that there is a growing effort by the Greek Government to silence civil society organisations working in the field of refugee rights in the country.[15] In a recent statement, Refugee Support Aegean found that NGO registration rules are being arbitrarily and unlawfully applied to civil society organisations that are servicing Reception and Identification Centres.[16] A report from Choose Love found that legislation could severely impede the free and independent exercise of the right to freedom of association of organisations, especially for those smaller and less formalised organisations that find it

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difficult to comply with registration requirements. In a letter, dated 25 May 2021, Choose Love warned that access to reception facilities would be regulated by legislation which the authoritative Expert Council on NGO Law of the Council of Europe has deemed not in line with international and EU law and standards on the freedom of association and privacy.[17]

Finally, we are deeply concerned about the continued and disproportionate threat COVID-19 poses to refugees and asylum seekers in Greece. Dr. Apostolos Veizi – currently the executive director of INTERSOS HELLAS, and former director of the Medical Operational Support Unit for MSF Greece, alongside a team for the Journal of Migration and Health, found that as of September 16, 2020, more than half of COVID-19 hospitalization patients in Athens and its surroundings are from RICs.[18] Because of overcrowding, lack of sanitation and healthcare, and other technological and cultural barriers including immigration status, COVID-19 continues to remain rampant. Furthermore, due to various bureaucratic challenges, asylum-seekers are systematically excluded from the COVID-19 vaccine rollout plan.[19] The lack of legal status is but one barrier in accessing sufficient healthcare for thousands of asylum seekers living in these camps.

Human Rights Framework

In light of the continued failure of the Greek Government to ensure that all refugees and migrants have access to dignified accommodation, we wish to again draw your attention to the obligations that the Government holds pursuant to international human rights law. It is our view that the Government continues to systematically disregard these obligations.

We first wish to re-emphasise that international human rights protections are not only owed by a State to its own nationals, but rather apply to all people within the territory of a State, whatever their status. This is noted in General Comment No. 20 of the Committee on Economic, Social and Cultural Rights, which holds that “Covenant 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.” Similarly, in its General Comment No.31, the Human Rights Committee stated with regards to the International Covenant on Civil and Political Rights that “States Parties are required ... to respect and to ensure the Covenant rights to all persons who may be within their territory and to all persons subject to their jurisdiction.”[20]

The human right to adequate housing is recognised in a number of international and regional conventions ratified by Greece. One of the most well-established of these articulations is found in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Greece ratified on 16 May 1985. Under Article 11.1 of the ICESCR, ‘housing’ does not simply mean having a roof over one’s head, but is defined as requiring that all people have access to homes that allow them to live in “security, peace and dignity.”[21] For housing to be regarded as wholly ‘adequate’ it must meet seven criteria established by the Committee on Economic, Social and Cultural Rights, namely it must provide security of tenure, be affordable, be accessible, be habitable, be located in proximity to services, be culturally adequate and should ensure the availability of goods and services.[22] The human right to housing also makes clear that all forced evictions and evictions into homelessness are a gross violation of international human rights law and are not permitted under any circumstances. [23]

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Greece is also party to the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination Against Women, and the Revised European Social Charter, each of which recognise housing as a human right. The right to adequate housing is also contained within the Convention Relating to the Status of Refugees, ratified by Greece on 3 April 1960, which notes with regard to housing that States must “accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.”[24] The right to housing is also enshrined in the Greek Constitution, which notes that “the acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care.”[25]

In addition to requiring the Greek Government to ensure the right to adequate housing for all within its jurisdiction, including refugees and migrants, international human rights law also protects all peoples’ right to access social security. This is stated in Article 9 of the ICESCR, which affirms the “right of everyone to social security, including social insurance” [26] and is equally reflected within the Convention Relating to the Status of Refugees where it is recognised that refugees must be afforded the same treatment as nationals with regards to the provision of social security.[27] According to the Committee on Economic, Social and Cultural Rights, in its General Comment 19, “the right to social security is of central importance in guaranteeing human dignity for all persons when they are faced with circumstances that deprive them of their capacity to fully realize their Covenant rights.”[28] Furthermore, in implementing the right to social security, the Committee notes that States should afford particular attention to underserved groups, including refugees and asylum seekers. Even where these individuals have not yet been able to contribute to the social security system via taxation, they nonetheless should “enjoy equal treatment in access to non-contributory social security schemes, including reasonable access to health care and family support, consistent with international standards.” [29]

Under the right to social security, States have an obligation to, “ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant”. In meeting this obligation, it is recognised as necessary for Governments to, inter alia, “ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing”, “ensure the right of access to social security systems or schemes on a non-discriminatory basis, especially for disadvantaged and marginalized individuals and groups”, “respect existing social security schemes and protect them from unreasonable interference” and “take targeted steps to implement social security schemes, particularly those that protect disadvantaged and marginalized individuals and groups”.[30] Violations of the right to social security can occur as a result of both actions and omissions, including where a Government implements retrogressive legislation which rolls back the enjoyment of the right to social security, particularly where this interferes with the enjoyment of the minimum essential levels described above, or where it fails to implement proper social security systems at all.[31]

In fulfilling their human rights obligation to ensure adequate housing and access to social security for all, States are required to “take steps” to “progressively realize” the rights, using “all appropriate means” and the “maximum of available resources”. [32] Any measures that are introduced that lead to retrogression in the enjoyment of human rights are prohibited except where they can be wholly justified, taking into account whether the extent to which the rights were previously being enjoyed and whether the Government is using the maximum of the resources it has available.[33] According to Article 2.2 of the Covenant, the rights must be guaranteed without discrimination of any kind.[34]

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In light of the facts outlined in this letter, and of the serious indignity that is being forced on refugees and migrants in Greece, it is our view that the Greek Government is failing to adhere to these human rights obligations. Greece's continued failures with regards to housing provision for refugees and asylum seekers, including engaging in, or failing to prevent, evictions into homelessness, failing to ensure secure housing provision for those granted refugee status leading to housing inadequacy and homelessness, using coercion to force individuals to move to distant locations far away from support networks and communities, and failing to adequately address the appalling conditions in reception centres, point to a significant disregard for the right to adequate housing for refugees and asylum seekers. Similarly, in rolling back existing assistance and integration programmes and severely limiting their accessibility for refugees, the Government has not put in place a social security system which is capable of meeting the needs of refugees and asylum seekers, leaving them at significant risk of hardship and greatly increasing their likelihood of experiencing breaches of their Covenant rights. The limitations placed on access to social welfare, namely accommodation access ending 30 days after receipt of refugee status, cash assistance payments being tied to restrictive and unreasonable residence requirements, and the lack of any sustainable and long-term social security provision for refugees directly contradicts the requirements placed on Greece under international human rights law.

European and National Legal Framework

In light of the ongoing failure to uphold the human rights of refugees, migrants and asylum seekers in Greece, we again draw your attention to the legal obligations that the Government holds pursuant to European Union law.

The Charter of Fundamental Rights of the European Union recognizes the right to asylum. Under Article 18, “[t]he right to asylum shall be guaranteed with due respect for the rules of the Geneva-Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union.” [35]

The EU has developed a Common European Asylum System (CEAS) setting out common standards and co-operation to ensure that asylum seekers are treated equally. Access to adequate accommodation for people seeking and granted international protection is part and parcel of any functioning asylum system. In this context, Directive 2003/9 of 27 January 2003, laying down minimum standards for the reception of asylum seekers in the Member States, required that states guarantee asylum seekers the following:

- (1) Certain material reception conditions, including accommodation; food and clothing, in kind or in the form of monetary allowances; the allowances must be sufficient to protect the asylum seeker from extreme need;
- (2) Arrangements to protect family unity;
- (3) Medical and psychological care;
- (4) Access for minors to education, and to language classes when necessary for them to undergo normal schooling. [36]

As this Directive allowed Member States ‘a wide margin of discretion concerning the establishment of reception conditions at national level’ a recast was adopted in 2013. Directive 2013/33/EU of the European

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Parliament and of the Council establishes the standards for the reception of applicants for international protection. The standards ensure a dignified standard of living and comparable living conditions in all the Member States for the reception of applicants. Article 17 requires that Member States ensure that the reception conditions meet “an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.”[37] Likewise, Article 19 requires that Member States ensure that applicants receive the necessary health care, and medical or other assistance to applicants.[38]

In July 2016, the Commission presented a proposal to revise the Reception Conditions Directive aiming at further harmonising the reception conditions in the EU as the Commission observes that reception conditions ‘continue to vary considerably between Member States both in terms of how the reception system is organised and in terms of the standards provided to applicants’. The Commission proposes to add “other essential non-food items matching the needs of the applicants in their specific reception conditions, such as sanitary items”, to the definition of material reception conditions (Article 2(7)). This is an important addition in line with the judgment of the ECtHR in the case of *M.S.S. v. Belgium and Greece*, in which it refers to the applicants’ most basic needs as “food, hygiene and a place to live”.[39] With regard to housing, Article 17(1) clarifies that all forms of accommodation must “supply an adequate standard of living,” which the current Directive only requires for accommodation centres. If included, this clarification ensures that all forms of housing and shelter comply with reception standards. This is particularly important in light of the frequent use of substandard accommodation in transit zones or at border locations.[40]

The European Court of Human Rights has reaffirmed the Greek Government’s obligation to guarantee “a standard of living in keeping with their state of health and sufficient for their subsistence and to protect their fundamental rights.”[41] In *M.S.S. v. Belgium and Greece* the Court held that a Member State’s failure to satisfy basic socio-economic needs constituted a violation of Article 3 of the European Convention on Human Rights on “inhuman and degrading treatment”.

At national level, Presidential Decree No. 220 of 2007 sets out the conditions of reception of asylum seekers in Greece. Article 12 requires that, “[t]he authorities competent to receive and accommodate shall take the adequate measures in order to ensure that material reception conditions are available to applicants for asylum. These conditions shall provide applicants with a standard of living adequate for their health, capable of ensuring their subsistence and to protect their fundamental rights.”[42] Article 13 requires that “[h]ousing in Accommodation Centers shall ensure the protection of private life and access to adequate medical and health services.” Article 14 further elaborates on access to healthcare, requiring that asylum seekers “receive free of charge the necessary health, pharmaceutical and hospital care.”[43]

Furthermore, under the recently launched European Platform on Combatting Homelessness and to work towards the ending of homelessness by 2030, Greece, together with all EU Member States signed the Lisbon declaration and committed to ensuring that: “no one sleeps rough for lack of accessible, safe and appropriate emergency accommodation; no one lives in emergency or transitional accommodation longer than is required for successful move-on to a permanent housing solution; no one is discharged from any institution (e.g. prison, hospital, care facility) without an offer of appropriate housing.”[44]

In this context, we also submit that the Commission’s securitisation of camps across the Greek mainland are a marked departure from the standard of care required under EU law to protect the human dignity of asylum applicants. Despite adopting and committing to EU, as well as international law, which claim high

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standards for the treatment of asylum seekers and refugees, Greece has failed in a considerable number of situations to provide access to adequate accommodation for people in need of protection on their territory. The continued overcrowding and inhumane conditions in the Greek RICs, as well as the lack of safe and adequate housing solutions in the mainland, undermine both Greek and EU law.

Recommendations

In light of the significant concerns outlined in this and each of our previous letters, we wish to put forward a number of recommendations that we regard as necessary to ensure that the Greek Government fully complies with its obligations under Greek law, international human rights law, and European Law:

- 1. The Greek Government must actively work towards the full realization of the right to adequate housing for all. Camps and reception centres must only be used as a temporary measure and must comply with minimum standards. The Commission must clarify which standards they adhere to and how they will monitor the implementation of these minimum standards.**
- 2. The Government must strengthen the asylum system, establishing fair and fast national procedures and ensuring that there are enough spaces and facilities available within social security and cash assistance programmes for everyone who requires access. Facilities to house people under these programmes should be proximate to their current locations and cash assistance should be made available even whilst people are on waiting lists.**
- 3. Resettlement from the islands to the mainland must increase, with those moved to the mainland guaranteed access to continuous and adequate accommodation.**
- 4. The Commission should ensure that its funding will not be used to construct Multi Purpose Reception and Identification Centres and facilities that will be used for the blanket detention of asylum applicants. It must further ensure that the freedom of movement is guaranteed, especially in those facilities that are remote from urban areas.**
- 5. The Commission should confirm how and when it will assess the functioning of the HELIOS programme and must monitor what happens to those that need to leave the HELIOS programme after assistance ends, developing, together with the Greek Government, mechanisms to ensure that no one is rendered homeless after exiting state accommodation.**
- 6. Whilst it is developing a national integration strategy, the Government must ensure that human rights are met. The Government must engage in meaningful consultations regarding the strategy, including with civil society. While a national integration strategy is being developed, policy, and changes in policy, must not increase the risk of homelessness and destitution of asylum seekers and refugees.**
- 7. The Commission should proceed without delay with assessing the compatibility of the Greek legislation on NGO registration with EU law, including the EU Charter of Fundamental Rights, and, for the sake of transparency, make this assessment public.**

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We are grateful for your engagement in these matters and look forward to hearing from you regarding our concerns and recommendations. We intend to each publish this letter publically on 1st November 2021, or upon receipt of your response, whichever is sooner. When your response is received, we will ensure it is published alongside our letter.

Yours faithfully,

Choose Love

FEANTSA

The Greek Housing Network

The Shift

[1] Letter from Choose Love, dated 29th May 2020; Letter from FEANTSA and the Greek Housing Network, dated 15th September 2020; Letter from The Shift, dated 5th November 2020

[2] FEANTSA and the Greek Housing Network, A Home for Refugees: The Need for Housing Throughout Asylum Procedures and Beyond, available at: <https://www.feantsa.org/download/feantsa-joint-declaration-012019-31217046609951423028.pdf>

[3] European Observatory on Homelessness, Asylum Seekers, Refugees and Homelessness EOH Comparative Studies on Homelessness Brussels – December 2016 The Humanitarian Crisis and the Homelessness Sector in Europe, available at: https://www.feantsaresearch.org/download/feantsa-studies_06_web1893761109777125727.pdf

[4] National Centre for National Centre for Social Solidarity (EKKA), 2019. Available at http://www.ekka.org.gr/images/EKKA_Dashboard_31-3-2019.pdf, quoted in FEANTSA and Abbe Pierre Foundation, 5th Overview of Housing Exclusion in Europe, https://www.feantsa.org/public/user/Resources/resources/Rapport_Europe_2020_GB.pdf

[5] The HELIOS programme is a program for recognised refugees in Greece which is designed to assist with integration supports and rental costs; Filoxenia is a programme which provides temporary accommodation for migrants and refugees in hotels; and the ESTIA programme provides urban accommodation and cash assistance to refugees and asylum seekers.

[6] this percentage has gone up significantly but remains low as IOM statistics show that less than half of the 32,380 people enrolled in HELIOS receive (or have received) rental subsidies. Statistics available at: https://greece.iom.int/sites/greece/files/HELIOS%20Factsheet%20August%202021%20W1_0.pdf

[7] To access HELIOS supports, refugees must have a bank account, a social security number, and must have an offer for private accommodation.

[8] Nikolaj Nielsen, 'Greece shouldn't have to integrate refugees, minister says' (28th May 2021) EU Observer, available at: <https://euobserver.com/migration/151968?akid=290.123796.eD0oXb&rd=1&t=5>

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[10] Benjamin Bathke, '9 months after Moria fire, work on new Lesbos migrant camp still hasn't begun' (10th June 2021) Infomigrants, available at: <https://www.infomigrants.net/en/post/32850/9-months-after-moria-fire-work-on-new-lesbos-migrant-camp-still-hasn-t-begun>

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[11] European Council on Refugees and Exiles, ‘Greece: EU Funded Securitisation of Camps, Legal Action Against Frontex Before CJEU as Greek PM and Leggeri Exchange Mutual Praise on Reduction of Arrivals’ (28th May 2021) available at: <https://www.ecre.org/greece-eu-funded-securitisation-of-camps-legal-action-against-frontex-before-cjeu-as-greek-pm-and-leggeri-exchange-mutual-praise-on-reduction-of-arrivals/>

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[13] Letter from Tineke Strik to Vice-President Schinas and Commissioner Johansson dated 26th May 2021, available at: <https://www.tinekestrik.eu/sites/default/files/2021-05/Letter%20to%20Vice%20President%20Schinas%20and%20Commissioner%20Johansson%20by%20Tineke%20Strik%20.pdf>;

[14] Alexia Kalaitzi and Katy Fallon, ‘Concrete walls and drones: Greek plans for refugee camps decried’ (25th May 2021) Al Jazeera, available at: <https://www.aljazeera.com/news/2021/5/25/concrete-walls-and-drones-greek-plans-for-refugee-camps-decried>

[15] Alexia Kalaitzi and Katy Fallon, ‘Concrete walls and drones: Greek plans for refugee camps decried’ (25th May 2021) Al Jazeera, available at: <https://www.aljazeera.com/news/2021/5/25/concrete-walls-and-drones-greek-plans-for-refugee-camps-decried>

[16] see, <https://rsaegan.org/en/registry-of-ngos-working-with-refugees-and-migrants-in-greece-under-scrutiny/>

[17] Expert Council on NGO Law, ‘Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration’ (2nd July 2020) CONF/EXP(2020)4, available at: <https://rm.coe.int/expert-council-conf-exp-2020-4-opinion-ngo-registration-greece/16809ee91d>

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[20] Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add. 13, para 10

[21] UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing, E/1992/23, para 7

[22] UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing, E/1992/23, para 8

[23] UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: Forced evictions, E/1998/22, para 16

[24] Convention Relating to the Status of Refugees 1951, Article 21

[25] Constitution of Greece, Article 21§4

[26] International Covenant on Economic, Social and Cultural Rights, Article 9

[27] Convention Relating to the Status of Refugees, Art 24.1; This provision is subject to some limited exceptions, namely that “there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition” and “National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out

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of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension”

[28] UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 19: The right to social security (Art. 9 of the Covenant)*, 4 February 2008, E/C.12/GC/19, para 1

[29] UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 19: The right to social security (Art. 9 of the Covenant)*, 4 February 2008, E/C.12/GC/19, para 31

[30] UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 19: The right to social security (Art. 9 of the Covenant)*, 4 February 2008, E/C.12/GC/19, para 59

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[32] International Covenant on Economic, Social and Cultural Rights, Article 2.1

[33] CESCR, General Comment 3: The nature of States Parties’ obligations, E/1991/23, para 9

[34] International Covenant on Economic, Social and Cultural Rights, Article 2.2

[35] Charter of Fundamental Rights of the European Union, Article 18

[36] Directive 2003/9/EC

[37] Directive 2013/33/EU, Article 17

[38] Directive 2013/33/EU, Article 19

[39] *MSS v Belgium and another (App. No. 30696/09)* [2011] ECHR 30696/09 at para 254 (MSS, 2011).

[40] European Commission, ‘Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)’, Article 17, available at: [https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/proposal-implementation-](https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_standards_for_the_reception_of_applicants_for_international_protection_en.pdf)

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[41] *MSS v Belgium and another (App. No. 30696/09)* [2011] ECHR 30696/09 at para 90 (MSS, 2011).

[42] *Greece: Presidential Decree No. 220 of 2007 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers*, 6 November 2007, Article 12

[43] *Greece: Presidential Decree No. 220 of 2007 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers*, 6 November 2007, Article 13

[44] Lisbon Declaration on the European Platform on Combatting Homelessness, available at:

[https://www.feantsa.org/public/user/20210619_bb_-_Lisbon_Declaration_on_the_European_Platform_on_Combatting_HomelessnessFINAL_\(4\).pdf](https://www.feantsa.org/public/user/20210619_bb_-_Lisbon_Declaration_on_the_European_Platform_on_Combatting_HomelessnessFINAL_(4).pdf)