

# **Human Rights, But Not for All: Open Letter on Access to Food and Medical Care in Lesvos Closed Controlled Access Center**

To

Minister of Migration and Asylum, Mr Dimitris Kaiitidis,  
Secretary-General for Reception of Asylum Seekers, Mr Dimitrios Iatridis,  
Minister of Health, Michalis Chrysochidis,  
Commander of the CCAC of Lesvos, Mr. Dimitrios Kantemnidis,  
Commissioner for Home Affairs, Ms Ylva Johansson,  
DG HOME Deputy Director-General, Ms Beate Gminder,

Everyone, no matter their legal status, has the right to a standard of living adequate for the health and well-being of themselves and their family, including access to food, medical care and necessary social services, as enshrined in Article 25 of the Universal Declaration of Human Rights (UDHR).

However, 75 years after the adoption of the UDHR, the human rights of asylum seekers and beneficiaries of international protection are systematically violated in Greece.

In Lesvos Closed Controlled Access Center (CCAC Lesvos), as in many refugee camps in Greece, we observe that people in need of international protection do not effectively have access to medical care, medication and mental health and psychosocial support (MHPSS), and authorities continue to restrict food distribution to people outside of the asylum procedure.

The lack of access to fundamental rights is of particular concern for nationals of Syria, Afghanistan, Somalia, Bangladesh and Pakistan, with a final negative decision on admissibility due to the application of the concept of a safe third country to Türkiye. Asylum seekers from these 5 nationalities find themselves in a legal limbo without access to legal status, rights and basic food since they don't have their asylum application examined on the merits and they cannot return to Türkiye.<sup>1</sup>

We, 16 non-governmental organisations active in the protection of people on the move in Greece, express our greatest concerns for the systematic violations of the rights of people seeking international protection.

## **Access to rights by vulnerable people seeking protection**

Under Greek Law,<sup>2</sup> everyone has to pass through a medical examination and psychosocial assessment to determine their vulnerabilities<sup>3</sup> and the need for special care, which includes the provision of medical treatment or adequate accommodation. Additionally, medical examinations are decisive for asylum applications, particularly for applicants who survived violence.

However, due to a severe lack of capacity and lack of qualified staff, applicants are systematically not correctly examined, and many don't have their vulnerabilities correctly acknowledged or acknowledged at all, especially when non-visible.<sup>4</sup> Also, we observe a systemic violation of Greek Law as, in many cases, no

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<sup>1</sup> In line with Joint Ministerial Decision 734214/2022, applicants originating from Afghanistan, Bangladesh, Pakistan, Syria and Somalia can legally be forced to return to Türkiye if their situation is deemed as safe there (admissibility test). See also : Fenix, March 2023, *A bilateral instrumentalisation of asylum seekers: A legal and political analysis of the failures of the EU-Türkiye deal and recommendations from the ground at the Greek borders*, available at:

<https://www.fenixaid.org/articles/a-bilateral-instrumentalisation-of-asylum-seekers-a-legal-and-political-analysis-of-the-failures-of-the-eu-turkiye-deal-and-recommendations-from-the-ground-at-the-greek-borders>.

<sup>2</sup> Law 4939/2022, Ministerial Decision Y1.G.P.92490/2013 and Joint Ministerial Decision 1/7433/2018

<sup>3</sup> Under article 1 letter λγ) of Law 4939/2022, vulnerable person means in particular children, unaccompanied minors, direct relatives of victims of shipwreck, people with disabilities, elderly, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illness, persons with cognitive or mental disability and victims of torture, rape or other serious forms of psychological physical or sexual violence such as victims of genital mutilation.

<sup>4</sup> AIDA et GCR, 2023, Country Report: Identification, Greece, available at:

<https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/identification/>.

initial mental health assessment is conducted.<sup>5</sup> The wrong initial examinations open the path to numerous and time-consuming attempts for reassessment and/or appeals based on this initial misevaluation and lead to an overstrain of non-governmental medical actors.

On Lesbos, there are currently 2 doctors of the Hellenic National Public Health Organization (EODY) responsible for conducting the medical examinations in the CCAC. However, considering that there are regularly more than 100 new arrivals per week,<sup>6</sup> and that these doctors are also in charge of the public healthcare provision of approximately 5200 residents,<sup>7</sup> it is clear that the capacity of EODY does not meet the needs of the facility and must urgently be adapted.

### **Access to medical care, mental health support and psychosocial activities**

Greece has an international obligation to provide access to medical care to people seeking international protection; nonetheless, this obligation is systematically being violated. In addition to the shortcomings of the health system, which affects everyone in Greece, people seeking international protection face further obstacles to access this right. It is of particular concern that EODY has a lack of staff.

In September 2023, EODY acquired the treatment of asylum seekers with chronic diseases. Nonetheless, there has been a concern about the lack of care for patients with chronic medical problems, including diabetes.<sup>8</sup> Non-governmental medical organisations try to fill the gaps, but it is not always possible due to reduced resources or restrictions to access the reception facilities. Moreover, treatment for scabies is a huge concern for camp residents due to the lack of medication, ineffective coordination between EODY and non-governmental medical actors, and overcrowding conditions.

Organisations working in the camp also observe that access to medication is a concern as the pharmacy, which is managed by a non-governmental organisation, is struggling with shortages.

Finally, mental health problems are extremely frequent among camp residents. In addition to the persecution and violence that applicants have faced in their country of origin and during their journey, residents have to bear the inhumane living conditions in the camp and the severe lack of psychosocial activities and mental health support. This situation creates a perfect field for the development of mental health disorders, such as anxiety, depression, and suicidal ideation.<sup>9</sup>

### **Access to food**

On the 17 of May 2023, Greek authorities announced that food and water would no longer be provided to the residents of CCAC of Lesbos who are no longer part of an asylum procedure, i.e. people being granted international protection or having received a final rejection on admissibility or on the merits. As a direct consequence, hundreds of people are refused access to food, without exception for vulnerable applicants such as pregnant or lactating women.

As addressed in July 2023 by the UN Special Rapporteur on the right to food, the UN Special Rapporteur on the adequate standard of living and on the right to non-discrimination and the UN Special Rapporteur on the

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<sup>5</sup> Article 41 of Law 4939/2022 and Article 5(1) of Ministerial Decision Y1.G.P.92490/2013.

<sup>6</sup> From October 2 to October 30 2023, 838 new applicants registered in Mavrovouni CCAC, in average 209,5 new arrivals per week. Source : UNHCR Lesbos Weekly Snapshot, 8 November 2023.

<sup>7</sup> Stonisi, 8 December 2023, 5.236: Ξεπέρασε κάθε προηγούμενο ο πληθυσμός στον Καρά Τεπέ, available at: <https://www.stonisi.gr/post/66565/5236-kseperase-kathe-prohgoymeno-o-plithysmos-ston-kara-tepe>.

<sup>8</sup> Lesbos Interagency meeting 14 September 2023.

<sup>9</sup> Between October 2020 and June 2022, of the 191 people that Fenix supported through individual psychological sessions 69% reported elevated levels of anxiety ; 65% depression ; and 26% suicidal ideation. Fenix, February 2023, *Waiting to be Heard: Considerations on the impact of Greek asylum policies on the psychosocial wellbeing of asylum seekers on Lesbos*, available at: <https://www.fenixaid.org/articles/waiting-to-be-heard-considerations-on-the-impact-of-greek-asylum-policies-on-the-psychosocial-wellbeing-of-asylum-seekers-on-lesvos>.

See also Hias Greece, October 2023, *Effects of Legal Status on Mental Well-Being of the Forcibly Displaced People in Greece*, available at: [https://hias.org/wp-content/uploads/Greece\\_Effects-of-legal-status-on-mental-well-being-of-forcibly-displaced-people.pdf](https://hias.org/wp-content/uploads/Greece_Effects-of-legal-status-on-mental-well-being-of-forcibly-displaced-people.pdf).

human rights of migrants, this halt constitutes a clear violation of their human rights to sufficient access to food, healthcare, and clean water.<sup>10</sup>

Today, people in need of international protection rely on food distributed by non-governmental organisations. However, it cannot be guaranteed that this help will be provided in the long run as these actors depend on external and often uncertain sources of income.

Moreover, due to capacity limitations, certain groups of people seeking international protection are at a higher risk of food insecurity. For example, single men outside of the asylum procedure are in a very vulnerable situation, and many of them rely on the solidarity of other asylum seekers in order to survive.

**This situation is unbearable. In order to ensure access to dignity and human rights, we call on the Greek authorities and the European Commission to ensure that:**

- **Food is distributed to every resident of the CCAC of Lesvos, independently of their legal status.**
- **In line with Greek and EU legislation, every asylum seeker goes through a complete vulnerability assessment, including an adequate medical examination and a psychosocial assessment.**
- **A clear and effective path for reassessment is ensured.**
- **Every camp resident, independently of their legal status, has access to public medical services, including mental health support.**
- **Organisations offering medical care and psychosocial support are allowed to operate in the CCAC of Lesvos.**

## **Signatures**

1. Ariadni Lesvos AMKE, Greece / Lesvos
2. ARSIS Association for the Social Support of Youth
3. Better Days Greece
4. CMA (Crisis Management Association)
5. Coexistence and Communication in the Aegean (Siniparxi)
6. Defence for Children International Greece
7. Dråpen i Havet / Σταγόνα
8. Fenix Humanitarian Legal Aid
9. Greek Council for Refugees (GCR)
10. Hoffnung leben e.V., Bonn / Germany
11. LeaveNoOneBehind/ Germany
12. Refugee Relief Doro Blancke
13. Samos Volunteers
14. Welcome Office Lesvos AMKE, Greece
15. Yoga and Sport with Refugees, Greece / France
16. ReFOCUS Media Labs

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<sup>10</sup> 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, Geneva, 3 July 2023, Ref.: UA GRC 1/2023, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28208>.