

Mr. Speaker of the House of Representatives,
Ladies and Gentlemen,

For some years now, Europe is confronted with two major crises, one fiscal-economic and one humanitarian.

Both originate from outside Europe's borders and were introduced in a violent and universal manner, shaking the common construction to its core.

These crises have tested and are testing the resilience of the coherent political institution of our continent, the European Union.

To many, the EU failed to present a comprehensive and effective action plan to confront any of the crises.

Through the fiscal crisis, that was left to evolve into a general economic one, the EU is displaying inherent weaknesses in its effort to implement a cohesive, European plan, giving way to the interests and power correlations of its Member States.

The political inadequacy and the shortsightedness shown by leaders of Member States in the management of the greatest economic and fiscal crisis, coupled with their apparent unwillingness to allow the Union to take over the "ownership" of a European exit plan, ultimately form a vicious cycle, since the effectiveness of the common EU institutions is directly called into question. In this way, the common prospect is put into question and room is made for extreme propaganda, populism, and rhetoric of a Europe a la carte.

With our country being the sole exemption, Europe seems –at least at the moment- to be coming out of the fiscal-economic crisis. It is up to the scholars of the future, equipped with the necessary sobriety that time distance offers, to clarify and substantiate if and to which extent the crisis was overcome due to the policies that were designed and implemented throughout its duration, or due primarily to the fact that the recession ran its course and the economy balanced back, albeit at a different level.

In fact, Europe is not coming out of the economic crisis without casualties.

EU was called upon also in the past, at different phases and periods of its ongoing process towards Integration, to strike a balance between the conflicting interests of its Member States, to reconcile often diametrically opposite priorities within a common, European narrative of growth and progress for all its citizens, absorbing criticism for an irrational, unbalanced, or even unfair management of the prosperity created in its midst. The challenges however in managing affluence are quite different from those posed in managing poverty...

As a result, the fiscal-economic crisis has inflicted deep wounds to the Union. The severe questioning of European institutions and policies, throughout the duration of the economic crisis, has sparked secessionist rhetoric.

And recently, such rhetoric found fertile ground and assumed substance and content.

The management of the fiscal-economic crisis in Europe will undoubtedly inform discussions for some time. Reference to it is made today, as it contributed to the design of the backdrop of the other major crisis, the humanitarian one, exacerbating its consequences.

A humanitarian crisis that we were late to realise. It was only when the caravans of the displaced, destitute, forsaken reached our borders, only then, that Europe was forced to recognize the magnitude of the problem. The signs were evident long ago, and the time was adequate for formulating an integrated and cohesive plan for addressing it. After the humanitarian nightmare caused by the wars in Afghanistan and Iraq, the so-called "Arab Spring" that dawned at the periphery of the European Union -aiming to bring democracy into these societies- inevitably led to the deconstruction of the old power structures.

Deconstruction proliferated in many instances unscrupulously and to such an extent, that it uprooted any institutional foundation and led to fierce civil strife and tribal conflicts. The tragic images of total devastation and the massive death toll -with the victims primarily identified as civilians, vulnerable people and small children- moved and continue to move the European and international public opinion. The mass flight of people from the hotbeds of the conflicts, in any way possible, using any means available, was the only visible hope for salvation.

Faced with this situation, the leaders of the EU Member States -who, more or less, retain the privilege of formulating its external policy- displayed an unjustified bewilderment.

They were late in grasping the magnitude of the issue, and when they actually did, they reacted in a piecemeal manner, instead of acting in the context of a coherent plan.

Yet again, they hesitated to assign to the Union institutions the "ownership" of an integrated programme for the management of the mixed flows of migrants and refugees, allowing in this way -in addition to the humanitarian crisis in the southern borders of the EU, mainly in Greece and Italy- also for an outbreak of racist and xenophobic tendencies within the fold of Europe.

Bewilderment from the political leaders of the European states, squabbles between member-states instead of the proclaimed solidarity and numerous persistent problems, at all management levels, today, notwithstanding the decrease of flows for several months already.

With perceptions that fail to recognize that for as long as the causes still persist, the rivers of the contemporary "misérables" will overcome every barrier raised.

When one is with the back against the wall, there is no other way out than to go forth. No matter how heavy the price may be.

With perceptions that fail to acknowledge that the legal culture of the EU cannot close its eyes in front of the non-recognition of basic rights to all residents of the Union; from the hotspots to the reunified families in the country of choice.

One of the most characteristic expressions of the common, European political structure giving way before the individual priorities and imperatives of the Member States is the so-called EU-Turkey Statement of 18 March 2016, which, without being a convention of the Union with a third country, from a legal aspect, introduced a host of derogations from the EU regulatory framework.

Nevertheless, according to the authentic interpretation of the legal substance of this statement by the General Court of the EU, and regardless whether it is a political text with binding legal consequences, its content, and most importantly its commitments, cannot be attributed to the European Council or any other Union body, but solely to the leaders of the Member States. The reference to the EU, according to the arguments raised by the European Council which were accepted by the General Court of the EU, was made for reasons of "simplification" of the terminology used by the broad public, and should in any case be interpreted as referring in fact to the leaders of the Member States of the Union and not the EU itself...

In the midst of this contradictory web of political correlations, the emerging priority of the EU leaders, as expressed through their initiatives and statements and reflected in the EU-Turkey Statement, is the formulation of a framework for the management of mixed flows –that is, both economic migrants and asylum seekers, without exception- which creates an inhospitable environment for those already staying and a deterrent one for the intended new arrivals.

In fact, by geographically restricting those entering Greece in the islands of the Eastern Aegean, after the entry into force of the Statement, and the subsequent overcrowding, the living conditions and the terms of administrative treatment would inevitably fall behind the minimum acceptable ones for a Union that was established and developed as a protector and defender of the *"values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities"*.

For the well-intended observer, the EU appears to be, to put it mildly, inconsistent: Its external policy is *"guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law"*.

Its political and economic alliances and partnerships are developed and formed with countries and organisations that share these principles. In fact, it advocates in favour of taking active measures for the promotion of these

principles, by imposing even broad spectrum economic embargoes and restrictions on trade with countries that do not share and respect the above principles, with adverse consequences on the daily life both of the third-country nationals and the European citizens.

At the same time, it appears willing to yield in the faithful and firm implementation and focus on these principles, when its own humanitarian aid and inclusion policies are implemented within its borders.

This apparent contradiction between the declared and fundamental principles of the Union and its actual lines of action, is explained by the previous analysis: The EU, through its executive branch, the Commission, as well as its separate agencies, is called upon to contribute to and support the implementation of a plan, providing coordination, contributing know-how, releasing human resources and funds -both emergency and extraordinary as well as through its regular financing instruments- the ownership of which it still cannot assume. At the same time, it accepts and absorbs the criticism for the deficits at the level of protecting and respecting the human rights of the populations on the move, and is called upon to implement the terms of a transnational agreement that lies, to a great extent, outside the regulatory framework of the EU itself, in terms of both its legal and humanitarian culture.

Mr Speaker of the Hellenic Parliament, ladies and gentlemen,

Greece was found in the epicenter of both the crises that are testing Europe's cohesion, as an economic and cultural entity.

At the submission, this past March, of the Authority's annual report, I had the opportunity to highlight, with evidence, that after eight consecutive years of recession, of the shrinking of incomes as well as citizens' rights, the crisis, from economic-fiscal, has evolved into a broader social one, with features of a now humanitarian emergency.

Inside this undoubtedly compromising context, government, administrative and social structures were called upon to manage the population flows from third countries, in a way that befits a state governed by the rule of law, that respects and cares for human rights and fundamental freedoms, and to provide services for the provision of nourishment, housing, health care, education, social integration and access to asylum award procedures, which suit a modern, European State.

This is not the first time that Greece, Greek administration and society, were called upon to manage massive flows of third country nationals. I wish to remind that both at the outskirts of the 90s, after the collapse of the regimes in eastern Europe and the opening up of the borders, as well as later on, with the dissolution of the Yugoslav Federation, hundreds of thousands sought a second chance in our country. And most actually found it. And remained in

the country for a long period, some even permanently. And they were incorporated, not without difficulties or problems.

One should not downplay, however, that the economic, especially, conditions of the time were quite different from the present and eventually facilitated a more smooth accession. But, as I mentioned already, managing a social, political, humanitarian crisis in a state of affluence presents a challenge of a different nature and intensity that in a state of poverty and economic recession.

As did Europe as a whole, Greece went through different phases in addressing the issue of the mixed flows of third-country populations.

In the beginning, there was denial; denial of reality, denial of recognizing the clear messages. The fence erected at the land borders with Turkey, in Evros, was the response of the political leadership of the time to these messages.

The initial unwillingness to recognise the issue and to take even the most elementary measures to prepare for a more effective management, gave its place to a diffuse confusion when the time came to react; a complete, although unjustified, surprise, when the flows became more intense and dense during 2015. The lack of planning, of a coherent policy and a strategic plan, also ran through this phase, to such a degree that the weight of the management of the flows was put onto maintaining the so-called "Balkan Route" open, for the, more or less, safe crossing of the populations on the move.

And lastly, the major event in the third distinct phase in the manifestation of the issue and in the management of the populations on the move is the EU-Turkey Statement of 18 March 2016. The flows are now controlled and the population of migrants and asylum seekers living in the country is measurable and limited.

However, still today, more than a year after the Statement, there is still no integrated management plan, with a clear, stated and coherent narrative, with milestones and deliverables, targets and time frames of implementation that are complied with. Instead, the Greek administration is still operating in a state of emergency, which results in ad hoc arrangements and allows procedures, especially as regards the selection of contractors for services and goods, in derogation from the applicable institutional framework.

The Greek Ombudsman had early alarmed the central administration to the strong possibility of being faced with phenomena unprecedented, complex and barely manageable. In line with his institutional role, the Ombudsman appealed from the early stages of the first phase for better preparation of the administrative mechanisms and structures. With recommendations and counsels regarding institutional regulations and preparatory actions, it intervened, in order for the country to be better prepared and capable from an administrative aspect to face the increase of the flows of the populations on the move, already apparent at the time.

With constant inspections, with collecting evidence from everywhere and everyone involved, the Independent Authority intervened also in the second and intervenes in the present, third phase. We will intervene further in the future, naturally, with well-timed interventions and well-documented positions.

Alas, we cannot say that our appeals were answered. We cannot, sadly, claim that the adequacy, operation and management of structures and services, in the past and presently, correspond to the standard set by the EU in its founding core. Notwithstanding the moving solidarity exemplified by the anonymous Greek islander and resident of mainland Greece, notwithstanding the general assumption that immediate and satisfactory financing was made available, at least from the European Commission, reality, as captured in the special report calls for redesigning and brave decisions.

With this report, the Authority is presenting its conclusions regarding the management of the population flows, with special emphasis on the period from the explosion in the number of the third-country populations on the move, up to approximately one year after the entry into force of the EU-Turkey Statement, aiming to highlight the degree and the level of the response of the administration's structures to the demands of the phenomenon, both in its most extreme expression, and in the present one, which is more predictable and certainly manageable.

Special teams of the Authority's staff, serving the mission of the Greek Ombudsman for the protection of human rights and fundamental freedoms, the fight against discrimination, the promotion of the rights of children and the enhancement, with positive initiatives, of the position of vulnerable groups, as well as for the assessment of the operation and the performance of administrative structures, made a number of on-site inspections, cooperated with national and EU authorities and representatives of the civil society, collected, compared and evaluated official data, public statements and interventions of national and EU bodies, and analysed institutional initiatives and regulatory acts.

The special competences of the Authority were also put into use; rights were exercised as the National Preventive Mechanism for monitoring the implementation of and compliance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the General Assembly of the UN, as the equality body in the country that combats any form and expression of discrimination and as the external mechanism for monitoring the forced returns and the re-admissions of third-country nationals.

Thus, the Authority reached its documented general conclusions on the role of primarily the national and secondarily the EU agencies, structures and services for the management of migration flows and refugee populations in the country.

It is exactly this institutional mission of the Greek Ombudsman, and the special competences with which it is empowered that command us to present our positions publicly. Hence, to the question why the Ombudsman undertook such report, the answer is obvious: Because it is our obligation, our institutional duty.

As for the eventual question, why now, the answer is again obvious: Because it is now possible to assess the situation, reach conclusions from the operation of procedures and structures in every distinct phase of the issue. And because we should now make use of these conclusions in order to formulate the plans and the policies of the next day, at both the Greek and the European level, for the incorporation of the refugees, the relief of the heavily burdened local communities, the restoration of social cohesion and solidarity, wherever it may have been unsettled.

I beg to be excused at this point and express my gratitude to the whole of the personnel of the Authority, both the special scientific as well as the administrative one, who exceeded the humanly possible in order to serve the mission of the Greek Ombudsman, under adverse conditions, operating largely in a spirit of self-denial, with very limited funding, without logistical support or increase in human resources. Following developments in the management of the issue of population flows and the response of every administrative service involved, from the Armed Forces, the Hellenic Police and the Coast Guard to the services of central government and the local level authorities, they operated not only behind their office desks but also in situ, with constant visits, inspections, travel to Turkey, in the frame of the implementation of the re-admissions' programme, and to destinations further away, in the frame of forced returns' operations; they collected valuable material and acquired a first hand, comprehensive and in-depth idea and perception of the situation. And today, this work is presented publicly.

I would also like to make a special reference to the editing team, the members of the special scientific staff of the Authority that undertook the difficult and laborious task to collect, assess, synthesize and imprint our truly rich material, spanning three years. And to present a comprehensive report on the issue of managing population flows, in all its distinct temporal phases and all its separate expressions. At the second part of our presentation, the team will present the basic findings of our study.

The Ombudsman's report follows two main parameters in its separate chapters: on the one side, the evaluation of the administrative procedures and the institutional framework for the management of populations on the move. In this context, the overall process for access to legal protection for the refugee status is examined, from pre-registration, registration and identification of persons that belong to vulnerable groups, up to the completion of the administrative asylum process, at both instances.

Also, the implementation of the arrangements regarding administrative detention is being investigated, as well as the return and readmission

procedure, for those third-country nationals whose asylum applications have not been upheld.

On the other side, it focuses on the provision of services, based on assuring human, acceptable living conditions, "normalising" the daily life of the refugee/migrant populations and laying down the ground for their smooth inclusion and integration into society. Provision of nourishment, housing, health services and education, as well as security problems are the main themes of the second parameter. The report also reflects on the most recent developments, up to the end of the first quarter of the present year, and concludes with a broad-spectrum presentation of the principal assumptions of the Authority.

Several of the present problems originate from the era of bewilderment. When there was a clear chance to focus on policies, instruments, venues and prospects for the populations that would sooner or later knock on the doors of the EU.

The phases mentioned above, of the initial denial in recognizing the emerging situation, followed by confusion and surprise, when the phenomenon had taken explosive dimensions, and the current management characterized by putting emphasis on creating a climate aiming to deter intended migrants and refugees and an asphyxiating living environment for those already here, in order to encourage them to decide to return to their home country or at least to their country of origin, are different aspects of the same general assumption; the absence of political forecasting that ran through the reaction of the Greek administration, as well as that of the governments of the EU member-states.

Unfortunately, what is largely being overlooked, even today, is that especially the populations that reached the Greek islands came through hardships unknown to Europe for decades. Their journey was not free of hazards; it was not safe. Nor was it undertaken with due respect to human dignity. They were prey to traffickers, smugglers, networks. They lost relatives, while families were extinguished or violently separated.

Unfortunately, it is largely being overlooked, even today, that these populations did not leave but fled from war zones, civil conflicts and the looming spectrum of hunger and impoverishment.

The view that by maintaining rather uncomfortable -with substandard services and lacking any realistic prospects- living conditions in Greece these populations would voluntarily opt to return -return to where?- , while others would be discouraged from entering, is rather myopic, and does not seem to take into account, even today, self-evident factors: the root causes of the movement of the populations and the primitive instinct of self-preservation.

It is indeed short-sighted, and extremely hazardous, to believe, that an emphasis on policies, mechanisms and processes that will strengthen a climate of deterrence can bring solutions to the problem. The parent who

chooses to risk his/her life and the lives of his/her children, following an arduous route, does not take this decision with a light heart. S/he does so by weighing up and rationalizing the hopes of survival, for him/her and his/her family, if s/he remains in his/her home or if s/he seeks for an Ithaca, consenting to the preceding odyssey. Considering that the monsters s/he will face during the journey are less dangerous than the ones that prey back on the motherland.

No fence, hence, can keep him/her away, as it hasn't so far. S/he found new routes, the sea routes, paying an exceptionally high price.

No deterrence policy may have the results it purports. Desperation and the survival instinct are stronger driving forces.

But there are more technical problems that exacerbate this gloomy reality, problems in the new everyday life they face in our country.

The diffusion and overlap of competences, on the one hand between the services of the -newly formed and lacking a conventional administrative infrastructure- Ministry of Migration Policy, while on the other between the primarily competent ministry and the other competent ministries and involved public bodies and services, international organisations and NGOs, are impediments to the coherent, all-inclusive and effective management of the problems, and renders accountability and the fair attribution of liability quite blurry.

Further, despite a regulatory inflation, institutional arrangements are still absent in areas most needed, such as the modus operandi, the (re)distribution of competences and adequate coordination in open accommodation facilities or anyplace where more than one agencies operate at the same site.

And even special legislative initiatives, as those concerning the examination of asylum applications, underwent repeated amendments, resulting in confusion and uncertainty regarding the applicable procedure. As regards the amendments made, the repeal of the provision for submission of the Appeals Authority's reports to the Greek Ombudsman, so that the Authority may monitor procedures followed, is undoubtedly noteworthy.

I am compelled to highlight the most dangerous dimension of all these shortcomings. Respect for rights does not often secure due attention: when the Greek state intervenes with special legislative initiatives, as well as when implementing the regulatory framework, there frequently appears to be a certain insouciance for human rights. The case of the systematic implementation of administrative detention, and the recently declared intention to regulate for further expanding it, in contrast to its limited declarative purpose only as a necessary measure for the removal of the third-country nationals, supports the above assumption.

Such retreat of the level of human rights protection by a member-stet of the EU, within the territory of the EU should not be condoned. Administrative detention should not be considered as a useful, exploitable instrument, as

“solution” for mending administrative shortcomings, failures in the design of administrative structures and the performance of procedures. Emphasis should be placed on confronting such malfunctions, not on covering them up.

The complications in the management of the population flows in Greece were not, and are not, as substantiated in the report, of a primarily economic nature. The European Commission proved its effectiveness in the configuration and disposal of both emergency humanitarian funds as well as regular financing instruments, with adequate resources.

There were, however, and potentially still are, delays by the Greek administration in the absorption and use of the available funds, as well as shortages and gaps in the mechanisms and procedures for auditing and accountability.

The issue for Greece, as well as for Europe, was and still is primarily political. The articulation of such a cohesive political context, the timely preparation of a strategic plan and the selection of effective and flexible implementing tools would multiply the operational capabilities of the administration.

Housing and nourishment, for example, are neither a purely technical nor a strictly managerial issue.

Today the issue is the existence itself of fenced accommodation facilities, the risk of ghettoisation or institutionalisation, the segregation, the familiarisation of society with specific designated spaces. Ensuring conditions towards "normalising" the daily life of third-country nationals, access of minors to education and entertainment services, the provision to adults of employment opportunities, and the encouragement for everyone's participation in social, cultural and economic activities, are all political issues.

Similarly, family reunification for those awarded asylum to the country of choice is primarily a political issue. The delays of the Greek administration and the unwillingness of the countries of choice to implement the relevant agreements may cause phenomenal problems and encircle a significant number of refugees in Greece.

The state of emergency cannot go on, especially now that a decrease in population flows is recorded. It is a well-known fact: during a state of emergency, where procedures in derogation of the provisions of the standard applicable regulatory framework are condoned, neither is the rule of law rigorously respected nor may human rights be adequately protected.

Mr. Speakers, ladies and gentlemen,

Greece had and still has the unfortunate privilege to be a testing ground for crisis management policies. This happened and happens for the economic and fiscal crisis. This is still the case for the management of population flows.

The policies and practices adopted and implemented may form and influence, to a significant degree, the measure and degree of legal protection and humanitarian response and treatment of the populations fleeing from areas of natural disasters, humanitarian risks and war across the world. And nurture the political and social dialogue for a new framework.

For a new Dublin agreement that respects the hardened man on the move, as well as the limits and strengths of societies and administrative structures.

Europe and Greece, in particular, are under the lens of history.

If we manage to defend –on behalf of all those that history or providence have entrusted to us- if we manage to defend under such difficult circumstances provoked by not just one but two crises, the values that unite us and define us, and the rights that furnish them, then the new may be born.

As an older scholar once said “the old world is dying and the new one is struggling to be born. Now is the age of monsters”.

The control of the intensity of population flows should not be regarded as the beginning of the end of the problem. Already, a lot of time has been lost and it would be a terrible mistake to lose more.

It may be that population flows in Greece are reduced lately, but they are increasing in neighboring Italy.

The challenge both for Greece and for Europe as a whole is to leave the monsters aside. So that we may proudly claim that we contributed to the birth of the new, of hope. Confidently and dignified.