

URGENT ACTION

GRANT ASYLUM-SEEKERS AND MIGRANT CHILDREN HEALTHCARE

Since July 2019 asylum-seekers and children of irregular migrants are prevented from accessing the public health system in Greece. An asylum law introduced in November has regulated the issue but implementing measures are still lacking, putting the life and health of thousands of children and adults at risk.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr Giannis Vroutsis, Ministry of Labour and Social Affairs

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Dear Minister,

I am writing concerning Greece's continuing failure to grant unhindered access to free healthcare and medicines in the public health system to asylum-seekers, unaccompanied children and children born in Greece from parents with an irregular migration status.

Greek Law grants free access to medical and pharmaceutical services to members of "vulnerable social groups", including refugees, asylum-seekers and minors irrespective of their legal status. This right must be operationalised through the granting of a Social Security Number (AMKA) or, for those who do not fulfil the requirements for AMKA or do not have one, through a special Foreigner's Health Care Card (K.Y.P.A). However, following the decision to withdraw the circular that regulated AMKA for non-Greek nationals in July 2019, there has been no procedure in place to issue this number, and no alternative has been offered to grant free access to healthcare to people who fall within these categories. In October, a new circular regulated the situation of recognised refugees, but not that of asylum-seekers and children of migrants without a regularised status. The process to grant K.Y.P.A cards has also so far remained inactive. The new Asylum Law of November 2019 proposed an alternative for asylum-seekers, the 'Temporary number for insurance and healthcare for third-country nationals' (PAAYPE). However, this instrument has not been operationalised.

As a result, thousands of asylum-seekers including the almost 50.000 who have arrived in Greece since July 2019 are effectively prevented from accessing the care and medicines that they need to tackle serious and often chronic diseases. Moreover, without AMKA, they can face difficulties in accessing other services, including seeking employment and social assistance. I am aware that for many years, due to the large number of arrivals of asylum-seekers at its borders, Greece has been under enormous pressure while the rest of Europe is not taking its fair share. However, this situation puts the health and lives of people at risk and is a serious breach of the internationally recognized right to health, that Greece is bound to respect under national, international and European law.

In view of the above, I urge you to take immediate action to ensure that asylum-seekers, unaccompanied children and children born in Greece from parents with an irregular migration status can access free healthcare in the public system, as mandated by Greek Law 4368/2016.

Yours sincerely,

ADDITIONAL INFORMATION

Greece is one of the main recipient of asylum-seekers, refugees and migrants coming to Europe. Since 2015, with migratory flows increasing and the lingering effects of the economic crisis, the Greek asylum and welfare systems have been under constant strain. While Greece deserves commending for its efforts, and we must recognise EU's policies failure to provide meaningful support, asylum-seekers, refugees and migrants currently in Greece live in often abysmal conditions and, on the long term, have little or no access to the social system or integration paths. With sea arrivals increasing in mid-2019, the population on the Aegean islands has reached record numbers, with 42.041 people present as of 6 January 2020, compared to only 17.034 on 6 July 2019. Despite the new government's efforts to reduce arrivals and move people to the mainland, overcrowding and appalling conditions in the camps are still routine.

Insofar as the access to healthcare is concerned, Greek Law 4368/2016 (Article 33) provides free access to medical and pharmaceutical services to members of "vulnerable social groups", including refugees, asylum-seekers and minors irrespective of their legal status, including unaccompanied children and children without legal residence. According to the same law, individuals falling under Article 33 must have a Social Security Number ("AMKA") to access free public healthcare. As of 2016, asylum-seekers and other members of "vulnerable groups" that do not fulfil the requirements for AMKA or do not have one, are entitled to a Foreigner's Health Care Card ("K.Y.P.A.") granting access to free healthcare in the public system. However, the process to grant K.Y.P.A. has so far remained inactive.

With a decision of July 2019, the Ministry of Labour withdrew the circular that regulated how AMKA was to be granted to non-Greek nationals. Since then, there is no procedure in place to grant AMKA to asylum-seekers and children of irregular migrants. In October, it was announced that a new circular would regulate their situation, but to date it has not been issued. A new Asylum Law of November 2019, tried to overcome the issue, providing that asylum-seekers would have access to public healthcare through a 'Temporary number for insurance and healthcare for third-country nationals' (PAAYPA). However, children of irregular migrants and asylum-seekers who have not completed the registration of their claims are not covered by PAAYPA. Also, two months after the law was passed, PAAYPA is not yet operational.

NGOs like MSF and doctors in the public system have been doing their best to continue providing health care and make up for the State's failure, but they are not equipped to meet the scale of existing needs and serious cases continue being reported. In Athens, in November 2019, a Pakistani man with cancer was unable to undergo a CT scan or begin chemotherapy due to his inability to obtain an AMKA. He was eventually able to begin treatments thanks to a decision from the administration of the Hospital that he had accessed, which allowed him to receive treatments free of charge by way of exception. Amnesty International has also been made aware of several cases in Athens and on the Aegean islands where people faced this type of barriers. Please see: <https://www.amnesty.org/en/documents/eur25/1213/2019/en/> In September 2019 Amnesty talked to the doctors of two asylum-seekers living with HIV (a man and a woman) currently treated in a major hospital in Athens. They explained how, if these individuals were discharged, they would not be able to access their anti-retroviral medicines, as they had not been able to get an AMKA. One of the two patients, N*, a HIV positive asylum-seeker from a Central Africa country, has been treated in the hospital's clinic since May 2019 for a complication of her illness and receives antiretroviral therapy and other essential medication there. N* has applied for asylum but she has been refused an AMKA. Her doctors have tried to find her a place to live, without success and are worried that when discharged N* would likely be homeless and, not having access to her antiretroviral and other medications, her condition risks to worsen. She is not in a position to pay for any medication.

MSF also reported on the deterioration of the situation of their clinics in Lesbos, Samos and Athens, reporting how between July and November 2019, their Day Care Centre in Athens experienced a 'large increase in the number of patients seeking care without AMKA: from 18% of patients in January to 43% in November'. The organisation also voiced its concern that their primary clinic is unable to provide long-term and specialised care. Doctors, civil society, UNCHR and the Greek Ombudsperson have called Greek authorities to address the situation on several occasions, with no effective response. During a joint press-conference in December, MSF, Amnesty, the Greek Refugee Council (GCR) and ELEDA re-stated these concerns. See here in Greek: <https://www.amnesty.gr/news/press/article/22824/prosklisi-se-koini-synteyxi-typoy-gia-tin-prosvasi-stin-ygeia> Recently, the EU Commissioner Vice-President for the 'Promoting our European way of life' also addressed the issue, expressing his support for a solution to be found.

The Greek NGO Positive Voice, that deals with HIV patients, called on Greek authorities to grant access to anti-retroviral medications to non-Greek individuals, noting that '*in the first ten months of 2019, 43% of new HIV diagnoses in Greece concerned refugees and migrants (204 people)*' and that '*Infections Units are unable to provide antiretroviral treatment to foreigners who do not have an AMKA, thus endangering their health and lives*'.

PREFERRED LANGUAGE TO ADDRESS TARGET: English and Greek

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 28 February 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.