

Alternative report to the fourth to sixth periodic report of Greece on the implementation of the Convention on the Rights of the Child, submitted by the European Council on Refugees and Exiles, the International Commission of Jurists and the Greek Council for Refugees to the UN Committee on the Rights of the Child on Greece

85th Pre-sessional Working Group, 10 - 14 February 2020.

The European Council on Refugees and Exiles (ECRE) is an international alliance of 104 non-governmental organisations across Europe working together to protect and advance the rights of refugees, asylum seekers and displaced persons. ECRE's mission is to promote the establishment of fair and humane European asylum policies and practices in accordance with international human rights law. ECRE engages in legal research and training on the application and interpretation of EU asylum law, and relevant international human rights instruments. ECRE implemented numerous projects relating to the protection of rights of vulnerable children and submitted third party observations in a case in *D.D. v Spain, 4/2016* to the UN Committee on the Rights of the Child together with the ICJ.

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists (ICJ) promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council in 1957, and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; guarantee the independence of the judiciary and legal profession; foster access to justice for groups of children who are particularly at risk of human rights abuses, such as refugee, asylum-seeking and migrant children.¹

The Greek Council for Refugees (GCR) is a Greek non-governmental organization, active since 1989, providing legal assistance and social support to persons in need of international protection in Greece. GCR has a Consultative Status in the Economic and Social Council of the UN and is an implementing partner of the UN High Commissioner for Refugees.

1. ECRE, ICJ and GCR welcome this opportunity to present their submissions to the Committee on the Rights of the Child in advance of its consideration of the periodic report of Greece. With the present submissions the undersigned organizations aim to provide information to the Committee with regard to child protection in Greece, and to underline crucial issues hindering

¹ Migrant children meaning including also refugee and asylum seeking children.

the effective enjoyment of the rights enshrined in the Convention on the Rights of Child (CRC) for non-citizen children in Greece, including asylum-seeking children. In particular, these submissions address and make recommendations about the following concerns:

- (I) The lack of an effective system of guardianship for unaccompanied migrant children in Greece;
- (II) Grave risks to life and mental and physical integrity of children as a result of inadequate reception conditions for migrant children;
- (III) Detention of migrant children and their families;
- (IV) Migrant children's access to healthcare; and
- (V) Migrant children's access to education.

I. The lack of an effective system of guardianship for unaccompanied migrant children in Greece (Articles 3, 18.2 and 20.1 CRC)

2. Law 4554/2018 introduced for the first time a regulatory framework for the guardianship of unaccompanied and separated migrant children in Greece, which provides, *inter alia*, a new guardianship system and a best interest of the child determination procedure. Despite this welcome development, in practice the guardianship system under Law 4554/2018 has not become operational yet, as the entry into force of the new Guardianship Law has been postponed twice since its adoption and is currently set to enter into force on the 1st of March 2020.² Thus, the functioning of an effective guardianship system is still pending, and unaccompanied and separated migrant children are still deprived of the guarantees and protection of such system.
3. ECRE, ICJ and GCR consider that Greece is systematically failing to provide migrant children with the protection to which they are entitled, especially an effective guardianship system, in breach of obligations under the Articles 18.2 and 20.1 of the CRC.

Recommendations

The Committee on the Rights of the Child should therefore recommend to the Greek Government:

² The initial version of L. 4554/2018 (Art. 32) provided that the Guardianship Law will enter into force at the time that the Ministerial Decision approving the Rules of Procedure of the Supervision Board provided by Art. 19(6) L. 4554/2018 would be issued. Following an amendment introduced in May 2019 (Art. 85(2) L. 4611/2019, Gov. Gazette A 73/17.5.2019), the entry into force of L. 4554/2018 has been postponed until the 1st of September 2019. In August 2018 (Art. 73 (1) L. 4623/2019, Gov. Gazette A 134/9.8.2019) the entry into force of L. 4554/2018 has been further postponed until the 1st of March 2020. According to the explanatory report of L. 4611/2019 and L. 4623/2019, the entry into force of the Guardianship Law has been postponed in order the required administrative actions to be completed and for the smooth transition to the new system; see also UNHCR, Submission by the Office of the United Nations High Commissioner for Refugees in the case of International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece (Complaint No. 173/2018) before the European Committee on Social Rights, August 2019, <https://rm.coe.int/cc173casedoc5-en-observations-by-the-unhcr/168096c416>, § 2.8.

- to take all necessary steps to promptly implement Law 4554/2018, and to ensure that every unaccompanied and separated migrant child enjoy the protection of an effective guardianship system promptly,
- to ensure that competent bodies and administrative authorities related with the proper implementation of L. 4554/2018 are adequately staffed and trained.

II. Grave risks to life and mental and physical integrity of children as a result of inadequate reception conditions for migrant children (Articles 22 and 27 CRC)

4. Due to ongoing shortages of places in dedicated facilities for unaccompanied and separated migrant children (UASCs), the vast majority of UASCs spend lengthy periods of time in temporary/transit facilities, in protective custody and in Reception and Identification Centers (RICs) on the islands and in the Evros RIC close to the Greek-Turkish land borders, while waiting for an available place in an age-appropriate shelter.³ At the same time, an increasing number of UASCs are homeless and/or at risk of homelessness or endure insecure housing conditions. According to the available data, only one out of four UASCs in Greece is housed in an age-appropriate shelter. Thus, a significant number of UASCs across the country are exposed to risks, including homelessness, sexual violence and unacceptable living conditions.⁴ As of the 30th of September 2019, a total of **4,616** unaccompanied and separated migrant children were estimated to be living in Greece.
5. Out of those:
 - less than 22% (1,016) were living in long-term accommodation facilities specifically dedicated to the protection of UASCs (shelters and SIL projects);
 - an additional 17% (777) were residing in temporary accommodation facilities (safe zones, IOM-run hotels and open accommodation facilities), for prolonged periods of time;
 - 30,5% (1,416) of UASCs were living in unacceptable conditions in RICs on the islands and in Evros;
 - 25,5% (1,169) were estimated to be homeless/at risk of homelessness or living in insecure housing conditions; and
 - 5% (238) were in detention, mainly under the pretext of “protective custody” in pre-removal detention centers and in police cells.⁵

³ AIDA Report on Greece, update 2018, https://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf, pp. 139-140 and 159; UNHCR, Submission by the Office of the United Nations High Commissioner for Refugees in the case of International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece (Complaint No. 173/2018) before the European Committee of Social Rights, *idem*, §§ 2.4.3, 2.4.10 and 2.7.11; see also UNHCR, Factsheet: Greece, 1-30 September 2019, <https://data2.unhcr.org/en/documents/download/71947>, p. 3, “Their transfer to a shelter appropriate for their needs is lengthy adding to the hardship of fleeing conflict and prosecution.”

⁴ UNHCR, Factsheet: Greece, 1-31 August 2019, <https://data2.unhcr.org/en/documents/download/71310>.

⁵ National Center for Social Solidarity (E.K.K.A.), 30 September 2019, *Situation Update: Unaccompanied Children (UAC) in Greece*, available at: <https://data2.unhcr.org/en/documents/download/71629>.

6. The lack of available reception places significantly affects not only UASCs but also migrant families with children. This is in particular the case on the Greek Northeast Aegean islands. As of 14 October 2019, the overall reception capacity on the islands is of 6,178, while the total number of the population remaining there as a result of the geographical limitation imposed within the framework of the EU-Turkey Statement,⁶ has exceeded almost five times this capacity (29,085)⁷. Consequently, families with children face destitution, homelessness and severe living conditions due to the extreme overcrowding. Reception capacity on the mainland also remains critically insufficient. Accommodation capacity country-wide “has reached its limit”,⁸ and thus families with children are at a significant risk of destitution and homelessness.
7. The living conditions on the Northeast Aegean islands remain extremely alarming to this day for both UASCs and children accompanied by family members.⁹ Severe overcrowding in the Reception and Identification Centers on the islands (“hotspot facilities”), coupled with ongoing gaps in the provision of basic services, including medical and mental healthcare, the limited number of sanitary facilities and the lack of adequate security create the conditions for constant tensions and violence, which pose significant protection risks particularly to children, whether accompanied by their families or UASCs. According to statistical data on sea arrivals, a percentage of around 35% of those arriving on the Northeast Aegean islands are children.¹⁰ The killing of a 15-year-old Afghan boy and the injury of two other teenage boys after a fight inside the so called “safe zone” at the Moria RIC on 25 August 2019,¹¹ the fire at Moria RIC on 29 September 2019, which resulted in the death of one woman,¹² and the fire at the Samos RIC on 14 October 2019, where according to estimations, half of the population are children and women,¹³ underline the totally unacceptable and dangerous conditions that children in RIC facilities on the islands are exposed to.

⁶ AIDA Report on Greece, Update 2018, pp. 128-131 and 118-121.

⁷ National Coordination Centre for Border Control, Immigration and Asylum, Situation as of 14 October 2019, available at: <https://infocrisis.gov.gr/6420/national-situational-picture-regarding-the-islands-at-eastern-aegean-sea-14-10-2019/?lang=en>.

⁸ UNHCR, Factsheet: Greece, 1-31 August 2019.

⁹ *inter alia* UNHCR, Desperate Journeys, January to September 2019, October 2019, <https://data2.unhcr.org/en/documents/download/71703>, p. 7; UNHCR, Greece must act to end dangerous overcrowding in island reception centres, EU support crucial, 1 October 2019, <https://www.unhcr.org/news/briefing/2019/10/5d930c194/greece-must-act-end-dangerous-overcrowding-island-reception-centres-eu.html>.

¹⁰ UNHCR, Operational Portal, Mediterranean Situation: Greece, Demographics (based on data from January 2018), <https://data2.unhcr.org/en/situations/mediterranean/location/5179>.

¹¹ UNHCR, UNHCR shocked at death of Afghan boy on Lesbos; urges transfer of unaccompanied children to safe shelters, 25 August 2019, <https://www.unhcr.org/gr/en/12705-unhcr-shocked-at-death-of-afghan-boy-on-lesvos-urges-transfer-of-unaccompanied-children-to-safe-shelters.html>.

¹² The Guardian, Riots at Greek refugee camp on Lesbos after fatal fire, 30 September 2019, <https://www.theguardian.com/world/2019/sep/30/riots-at-greek-refugee-camp-on-lesbos-after-fatal-fire>.

¹³ Kathimerini, Samos migrant camp fire leaves hundreds in the street, 15 October 2019, <http://www.ekathimerini.com/245524/article/ekathimerini/news/samos-migrant-camp-fire-leaves-hundreds-in-the-street>; Reuters, Second Greek migrant camp in flames as arrivals continue to rise, 15 October 2019, <http://news.trust.org/item/20191015130929-bw0n5/>.

8. Already on 23 May 2019, the European Committee of Social Rights indicated to the Greek Authorities the need to adopt “immediate measures” for the protection of migrant children in Greece.¹⁴ Recognizing the emergency of the situation of such children, the Committee invited the Greek authorities to urgently take all necessary measures with a view to “avoiding serious, irreparable injury to the integrity of migrant minors at immediate risk of life, physical and moral integrity.” *Inter alia* the Committee urge the Authorities to “ensure that unaccompanied children in... Reception and Identification Centres are provided with immediate access to age-appropriate shelters”, and “to ensure access to food, water, education, and appropriate shelter”. On 19 September 2019, the Greek National Commission for Human Rights (GNCHR), reiterating its serious concerns with regard to the situation of migrant children in Greece and the continuous obstacles they face in accessing their rights, issued a public statement calling on the Greek Authorities to urgently implement the immediate measures indicated by the ECSR.¹⁵
9. On 1 October 2019, the UN High Commissioner for Refugees (UNHCR) urged the Greek Authorities “to urgently move thousands of asylum-seekers out of dangerously overcrowded reception centres on the Greek Aegean islands”. As underlined by the UN Refugee Agency, “[t]he situation on Lesbos, Samos and Kos is critical. The Moria reception centre on Lesbos is already at five times its capacity with 12,600 people. At a nearby informal settlement, 100 people share a single toilet. On Samos, the Vathy reception centre houses 5,500 people – eight times its capacity. Most sleep in tents with little access to latrines, clean water, or medical care. Conditions have also deteriorated sharply on Kos, where 3,000 people are staying in a space for 700”.¹⁶ An article published on the UNHCR webpage on 14 October 2019 mentions that “nearly 1,000 children, most of them teenagers, live in Moria without parents or relatives. Half are housed in four protected sections marked A through D and a Safe Zone, but the rest sleep in a tent-like warehouse, known as a Rubb Hall, where adult asylum seekers also stay [...] Across Greece’s Aegean islands, over 1,600 unaccompanied children are staying in government-run reception facilities such as Moria. At the Vathy centre on Samos island more than a dozen unaccompanied girls take turns to sleep in a small container, while other children sleep on container roofs. Unaccompanied children can live in unsafe conditions for months while waiting for an authorized transfer to shelters and it affects them mentally and physically”.¹⁷ During its most recent visit to Moria, Lesbos (16-18 October 2019), GCR found a high number of minors residing, due to overcrowding, in an area outside of the Moria RIC, known as “jungle”, where their safety is at high risk.

Recommendations:

¹⁴ In the collective complaint 173/2018, ICJ and ECRE v Greece, see above.

¹⁵ UNCHR, UNCHR urges the Authorities to urgently implement the immediate measures indicated by the European Committee of Social Rights with regards migrants minors, 19 September 2019, http://www.nchr.gr/images/pdf/apofaseis/paidia/Dilos_i_Asynodeutoi%20Anilikoi_Symmorfosi%20Elladas%20me%20amesa%20metra%20EEKD.pdf (in Greek).

¹⁶ UNHCR, Greece must act to end dangerous overcrowding in island reception centres, EU support crucial, 1 October 2019, <https://www.unhcr.org/news/briefing/2019/10/5d930c194/greece-must-act-end-dangerous-overcrowding-island-reception-centres-eu.html>.

¹⁷ UNHCR, Lone children face insecurity on Greek island, 14 October 2019, <https://www.unhcr.org/news/stories/2019/10/5da059144/lone-children-face-insecurity-greek-island.html>, pp. 3-4.

The Committee should therefore recommend the Greek government:

- to remove children out of dangerously overcrowded RICs on the Greek Aegean islands,**
- to ensure sufficient number of appropriate accommodation places for all migrant children, both unaccompanied children and those living with their families, and to prevent child homelessness, destitution and abuse,**
- to ensure adequate, dignified, secure living conditions adapted to the needs of children including access to recreation and education in all the reception facilities in which children are accommodated,**
- to improve cooperation between all authorities and actors involved, in order to speed up children’s referrals to appropriate accommodation and to guarantee the safety of children at all times according to Article 22 (2) CRC.**
- to improve their efforts to ensure an increase from other EU countries of pledges to relocate migrant children, especially by making the pressing situation of migrant children in Greece a core part of ongoing discussions on Europe-wide migration management,**
- to facilitate procedures of family reunification for those who already have relatives in Europe and to strengthen the cooperation with other EU Member States in order to accelerate family reunification procedures.**

III. Detention of migrant children and their families (Article 37 (c))

10. National law fails to prohibit the detention of children in the migration context and, indeed, families with children and unaccompanied minors are in practice detained.¹⁸ More specifically, due to a constant lack of reception capacity, UASCs are systematically detained under the provision of migration legislation or under “protective custody” provisions in substandard conditions pending their transfer to an age appropriate reception facility. Moreover, no special holding facility for unaccompanied female minors exists in Greece. As a result, female unaccompanied minors are placed in detention with female adults or/and in police stations. Detention pursuant to “protective custody” legal provisions is not subject to a maximum time limit.¹⁹ No assessment of the best interests of the child takes place before or during detention.
11. Moreover, the national framework applied by the Hellenic Police for minors held in detention fails to provide an age assessment procedure. Age assessment procedures under detention do not comply with the guarantees established by the existing framework for age assessment in the reception and asylum context. Consequently, children may find themselves detained with adults due to incorrect identification, registration and shortcomings of the procedure.²⁰

¹⁸ Greek Council for Refugees, Administrative detention in Greece: Findings from the field (2018), https://www.gcr.gr/media/k2/attachments/GCR_Ekthesi_Dioikitik_Kratisi_2019_en.pdf.

¹⁹ Article 118 PD 141/1991.

²⁰ AIDA Report on Greece, Update 2018, pp. 159-160; see also UNHCR, Submission by the Office of the United Nations High Commissioner for Refugees in the case of International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece (Complaint No. 173/2018) before the European Committee of Social Rights, § 2.7.8; Shortcoming in the age assessment procedure are also reported in the context of the

As mentioned above, as of 30 September 2019, 238 children remained detained under “protective custody” in Pre-removal Detention Centers and police stations²¹ while an additional number of UASCs remained in the Evros RIC which operates as a closed facility.²²

12. In 2019, the European Court of Human Rights granted interim measures under Rule 39 in two cases regarding UASCs who remained in detention and instructed the Greek government to transfer the minors to a shelter for unaccompanied minors and to ensure that their reception conditions will be compatible with Article 3 of the European Convention on Human Rights (ECHR). The first case concerns two unaccompanied girls detained at the Tavros Pre-removal Detention Center for adults, and the second case relates to 20 children detained at the Kolonos Police Station (Athens) and the Amigdaleza Pre-removal Detention Center, while waiting to be transferred to a shelter.²³ Similarly, among the measures indicated to the Greek authorities by the European Committee of Social Rights of the Council of Europe in May 2019 was “to ensure the use of alternatives to detention of migrant children”, and “to ensure in

reception and identification and the asylum procedure. Relevant national legislation is not fully implemented in practice due to *inter alia* limited resources, lack of qualified staff and limited coordination between different state actors. Main concerns include the extensive use of medical examinations (X-rays) instead of a step by step and holistic approach and protracted and/or repeated procedures. The lack of an effective guardianship system also hinders the enjoyment of procedural rights guaranteed by national legislation. See *inter alia* AIDA, Report on Greece, Update 2018, pp. 91-95; UNHCR, Submission by the Office of the United Nations High Commissioner for Refugees in the case of International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece (Complaint No. 173/2018) before the European Committee of Social Rights, §§ 2.4.3, 2.4.10, 2.6.2; FRA, Update of the 2016 FRA Opinion on fundamental rights in the hotspots set up in Greece and Italy, 4 March 2019, p. 40: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-opinion-hotspots-update-03-2019_en.pdf, p. 40.

²¹ National Center of Social Solidarity (NCSS), Situation Update: Unaccompanied Children (UAC) in Greece 30 September 2019, <https://data2.unhcr.org/en/documents/download/71629>.

²² AIDA Report on Greece, Update 2018, p. 154-155; UNHCR, Submission by the Office of the United Nations High Commissioner for Refugees in the case of International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece (Complaint No. 173/2018) before the European Committee of Social Rights, § 2.4.10 “The Fylakio RIC in Evros operates as a closed facility for registration purposes for up to 25 days. The hosting capacity of the RIC is for approximately 280 persons and often has an average of 100 to 140 UAC staying under “protective custody” beyond the 25 days and up to 3-5 months. During this period, the children are restricted in a facility without adequate medical and psychosocial services and without access to recreational and educational activities”.

²³ GCR, The European Court of Human Rights grants interim measures in favour of two detained unaccompanied girls, 28 March 2019, <https://www.gcr.gr/en/news/press-releases-announcements/item/1069-the-european-court-of-human-rights-grants-interim-measures-in-favour-of-two-detained-unaccompanied-girls>; Arsis, The ECHR grants interim measures putting an end to the detention of unaccompanied minors in police stations, 10 October 2019, <http://www.arsis.gr/en/press-release-the-echr-grants-interim-measures-putting-an-end-to-the-detention-of-unaccompanied-minors-in-police-stations/>; Efsyn.gr, The ECtHR issues a second decision on interim measures for unaccompanied minors, 18 October 2019, https://www.efsyn.gr/ellada/koinonia/215393_deyteri-apofasi-asfalistikon-metron-apo-edda-gia-asynodeytoys-anilikoyis (in Greek); See also ECtHR, *Sh.D. and others v. Greece, Austria, Croatia, Hungary, Northern Macedonia, Serbia and Slovenia*, application no. 14165/16, 13 June 2019; ECtHR, *H.A. and others v. Greece*, application no. 19951/16, 28 February 2019. In this case the European Court of Human Rights found, *inter alia*, held that the “protective custody” of three of the applicants in police stations amounted to a deprivation of liberty. It reiterated that “protective custody” as provided for in Greek law under Article 118 of Decree No 141/1991 was not designed for unaccompanied migrant minors and does not set a time limit. With reference to Article 3 of the CRC on the best interests of the child and the Asylum Procedures Directive 2005/85/EC, under which states must avoid the detention of minors, the Court held that the detention of the applicants was not lawful within the meaning of Article 5 § 1.

particular that unaccompanied children in police stations and pre-removal centres are provided with immediate access to age-appropriate shelters".²⁴

Recommendations

The Greek Government has yet to bring its immigration detention legislative framework in line with Greece's obligations under the Convention. The Committee should urge Greece:

- **to review its legislation to bring its immigration detention provisions under Greek law into compliance with the Convention, by explicitly prohibiting the detention of children for immigration purposes,**
- **to remove all children from detention and to ensure that children are never detained for immigration purposes in Greece, in line with its international legal obligations,**
- **to stop detaining children on the basis of Art. 118, Presidential Decree 141/91.**

IV. Migrant children's access to healthcare (Article 24 CRC)

13. **Access to Healthcare:** National legislation provides for the free of charge access of minors to the necessary health, pharmaceutical and hospital care, including necessary psychiatric care where appropriate.²⁵ Yet, in spite of the favorable legal framework, actual access of migrant children to healthcare services is hindered in practice due to significant shortages of resources and capacity of the national healthcare system, severely dysfunctional health provision at reception and identification centres on the Northeast islands, as well as the lack of adequate interpretation and cultural mediation.²⁶

14. Furthermore, as is the case for the overall population of asylum seekers and recognized refugees in Greece, access of migrant children, whether accompanied by family member or unaccompanied, to healthcare services is additionally hindered by longstanding administrative obstacles in issuing a Social Security Number (AMKA),²⁷ which is a prerequisite for accessing such services. More recently, in July 2019, the revocation of previous Circulars regulating the issuance of a social insurance number for asylum seekers effectively barred asylum applicants, including minors, from accessing healthcare. As noted by UNHCR in August 2019, "[t]he persisting freeze in issuing social security numbers (AMKA) impacts negatively access to healthcare, welfare and social services, including those who need treatment for

²⁴ ECSR, International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece, Complaint No. 173/2018, Decision on admissibility and on immediate measures, 23 May 2019.

²⁵ Namely, article 33 (2) of Law 4368/2016, "Introducing measures aiming at the acceleration of the governmental work and other provisions".

²⁶ Council of Europe, Report by Commissioner for Human Rights Dunja Mijatovic following her visit to Greece from 25 to 29 June 2018, CommDH(2018)24, 6 November 2018, para 40-44, available at: <https://rm.coe.int/report-on-the-visit-to-greece-from-25-to-29-june-2018-by-dunja-mijatov/16808ea5bd>; UNHCR, Factsheet: Greece, 1-31 August 2019.

²⁷ Joint Report of 25 Organizations for Cases of Violation of Asylum Seekers' Rights, August 2017, available at: <https://www.solidaritynow.org/en/joint-report-25-organizations-cases-violation-asylum-seekers-rights/>.

chronic or grave diseases”.²⁸ On 10 September 2019, the Greek Ombudsman, in a letter addressed to the authorities, underlined “the lack of access to healthcare services of asylum seekers, foreigners and in particular minors (accompanied or unaccompanied)”, and called for relevant actions to be adopted.²⁹ However, the issuance of social security numbers for asylum seekers, including minors, has not been addressed so far. A new Circular, issued on 1st October 2019, provided clarifications as to the issuance of social security numbers,³⁰ but explicitly excluded asylum seekers, including minors, from its scope. Similarly, with the same Circular, children born in Greece “of irregularly residing parents” were also excluded from the possibility of being issued with an AMKA, without further clarifications. Thus, accompanied and unaccompanied asylum seeking children and children born in Greece “of irregularly residing parent” continue to face administrative obstacles excluding them from effective access to healthcare services.

Recommendations

In Greece, despite national legislation, the right of access to adequate healthcare is not yet guaranteed in practice as regards migrant children. Therefore, the Committee should request Greece:

- to ensure that the national health care system, including the provision of services on the islands, is properly staffed and resources needed are available,
- to ensure effective access to healthcare by all children, including newly arrived, asylum seeking children and children born in Greece of “irregularly residing parents”, by removing administrative to access healthcare,
- to ensure that administrative staff in all relevant services are promptly and fully informed of the right of migrant children to access healthcare services and of their obligation to provide unobstructed access to healthcare.

V. Migrant children’s access to education (Article 28 CRC)

15. Greek legislation provides that asylum-seeking children have access to the education system under similar conditions as children who are Greek nationals, and facilitation is provided in case of incomplete documentation. Moreover a number of legislative measures were implemented in previous years in order to facilitate access to school for asylum seeking children³¹ These mainly include the establishment of afternoon preparatory classes (*Δομές Υποδοχής και Εκπαίδευσης Προσφύγων*, DYEP) for all school-age children aged 4 to 15 since

²⁸ UNHCR, Factsheet: Greece, 1-31 August 2019, p.5.

²⁹ Greek Ombudsman, Issues regarding the social insurance number (AMKA) and relevant obstacles in accessing labour market, social security and health services for asylum seekers and minors, 10 September 2019, <https://www.synigoros.gr/?i=kdet.el.news.596370> (in Greek).

³⁰ Ministry of Labour and Social Affairs, “Provision of clarifications with regards the issuance of ANMKA from EFKA and KEP”, 1st October 2018, <https://www.in.gr/wp-content/uploads/2019/10/%CE%94%CE%B9%CE%B5%CF%85%CE%BA%CF%81%CE%B9%CE%BD%CE%AF%CF%83%CE%B5%CE%B9%CF%82%CE%B3%CE%B9%CE%B1%CE%91%CE%9C%CE%9A%CE%91.pdf> (in Greek).

³¹ Article 13 L 4540/2018

2016.³² Although the refugee education program implemented by the Ministry of Education is highly welcome, school attendance rate should be reinforced, while special action should be taken in order for children remaining on the islands to be guaranteed access to education.³³ In this regard it should be mentioned that, as noted by the UNHCR, “more than three quarters of the 4,656 school-aged children on the Greek islands who are asylum seekers and live in reception [and identification] centers do not attend school”.³⁴ Furthermore, at the beginning of the school year 2019-2020 additional obstacles were observed in accessing formal education by children also residing in camps on the mainland. These included difficulties in transferring children from camps to schools, the delay of issuing the necessary Ministerial Decisions for the launch of afternoon preparatory classes and obstacles in issuing social insurance number (AMKA) as children lacking an AMKA cannot attend the required medical examination/vaccination before being enrolled in school.³⁵

Recommendations

In light of its obligations under Article 28 CRC, in particular as regards migrant children, the Committee should urge Greece:

- **to remove practical and administrative obstacles, to ensure equal access of migrant children to education across the country and to increase migrant children’s school attendance rate.**

Athens/Brussels, 31 October 2019

³²Ministerial Decision 152360/ΓΔ4/2016, GG 3049/B/23-09-2016; Ministerial Decision 180647/ΓΔ4/2016, GG 3502/B/31-10-2016; Ministerial Decision 139654/ΓΔ4/2985, GG B' 2985/30008-2017.

³³ UNHCR, Factsheet: Greece, 1-31 August 2019.

³⁴UNHCR, Steeping Up. Refugee Education in Crisis, August 2019, <https://www.unhcr.org/steppingup/wp-content/uploads/sites/76/2019/09/Education-Report-2019-Final-web-9.pdf>, pp. 20-21

³⁵ Greek Council for Refugees, Is the school year also starting for refugee children? Authorities should take immediate measures, 12 September 2019, <https://www.gcr.gr/en/news/press-releases-announcements/item/1249-arxi-tis-sxolikis-xronias-kai-gia-ta-prosfygopoula-anagki-ameson-energeion-tis-politeias> (in Greek); GNCHR, GNCHR urges the Authorities to urgently implement the immediate measures indicated by the European Committee of Social Rights with regards migrants minors, 19 September 2019, http://www.nchr.gr/images/pdf/apofaseis/paidia/Dilosi_Asynodeutoi%20Anilikoi_Symmorfosi%20Elladas%20me%20amesa%20metra%20EEKD.pdf (in Greek).