

PARALLEL REPORT ON THE IMPLEMENTATION OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD (GREECE)

GREEK OMBUDSMAN



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Contents

I. Exercising the mission of the Children’s Ombudsman by the Independent Authority “The Greek Ombudsman”- Summary report of the operation of the Children’s Ombudsman from January 2012 to October 2019.....	6
II. Purpose of this Report	8
III. Methodology.....	8
IV. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention).....	9
A. Measures adopted to bring domestic legislation and practice into conformity with the provisions of the Convention	9
Recommendations	9
B. Coordination of monitoring of the implementation of the Convention	9
C. Development of a National Action Plan for Children's Rights	9
D. Training.....	10
V. General Principles.....	11
A. Non-discrimination (article 2).....	11
B. Right to life, survival and development (article 6).....	11
1. Staffing of social services.....	11
2. Living conditions	11
Recommendations	12
C. The right of children to be heard (article 12).....	12
1. Custody trials	12
Recommendations	12
2. School life	12
3. Child protection Units.....	13
Recommendations	13
VI. Civil Rights and freedoms.....	14
A. Name and Identity (article 7, 8).....	14
Recommendation.....	14
B. Freedom of religion (article 14).....	14
Recommendation.....	14
C. Access to information (article 17).....	14
Recommendations	15
D. Protection from violence and abuse (Articles 19, 39)	15
1. Adaptation of the legal framework.....	15
Recommendation.....	15

Parallel Report on UNCRC by the Greek Ombudsman

2.	Abuse, violence and neglect	16
	Recommendations	16
VII.	Family and alternative care (Articles 5, 9, 10, 11, 18, 20, 21, 25).....	17
A.	Parental care, parental responsibilities, assistance to parents (Articles 5, 18)	17
	Recommendations	18
B.	Separation from parents – the right to contact (Article 9).....	18
	Recommendations	19
C.	Family reunification (Article 10).....	20
	Recommendations	20
D.	Illegal movement (Article 11).....	20
	Recommendation.....	20
E.	Alternative care – Periodic review (Articles 20, 25).....	21
	Recommendations	23
F.	Adoption (Article 21).....	24
	Recommendations	24
VIII.	Health and welfare (Articles 18, 23, 24, 26, 27)	25
A.	Physical and mental health, medical care (Article 24).....	25
1.	Health and health services.....	25
2.	Prevention of communicable diseases	25
3.	Reproductive health rights of adolescents.....	26
	Recommendations	26
B.	Child protection and support of families in the community	26
	Recommendations	27
C.	Access of migrant and refugee children	28
	Recommendations	28
D.	Children with disabilities and special educational needs (Article 23)	28
	Recommendations	30
E.	Childcare in nurseries (Article 18, par. 3).....	31
	Recommendations	31
F.	Protection of children living in prison with their mothers.....	32
G.	Harmful traditional practices, early marriages (art. 24, para. 3)	32
	Recommendation.....	32
IX.	Education, recreation and cultural activities (Articles 28, 29, 31)	32
A.	Education – Vocational Training (Articles 28-29)	32
1.	Function of kindergartens.....	32

Parallel Report on UNCRC by the Greek Ombudsman

Recommendation.....	33
2. Teacher placement.....	33
Recommendations.....	33
3. Evaluation of teachers.....	33
Recommendation.....	33
4. Placement of psychologists and social workers in schools.....	34
Recommendations.....	34
5. Transportation.....	34
Recommendations.....	34
6. Amendment of legislation.....	35
Recommendation.....	35
7. Children with disabilities.....	35
Recommendations.....	37
8. School facilities.....	37
Recommendations.....	38
9. Multicultural education and educational support for foreign students.....	39
Recommendations.....	39
Recommendations.....	40
B. Entertainment – cultural activities (Article 31).....	40
1. Playgrounds.....	40
Recommendations.....	42
2. Operation of sport clubs.....	43
Recommendation.....	43
X. Special measures of protection (Articles 22, 30, 32, 33, 34, 35, 36, 37, 40).....	43
A. Refugee children (Article 22).....	43
1. Reception.....	43
Recommendations.....	44
2. Restriction on freedom of movement.....	44
Recommendations.....	44
3. Age assessment.....	44
Recommendations.....	45
4. Access to asylum procedures.....	45
Recommendations.....	46
5. Guardianship.....	46
Recommendation.....	46

Parallel Report on UNCRC by the Greek Ombudsman

6. Accomodation.....	47
Recommendations	47
7. Employment.....	48
Recommendation.....	48
XI. Protection of children from torture and other forms of inhuman treatment. Deprivation of liberty. Criminal juvenile justice (Articles 37 and 40).....	48
A. Criminal juvenile justice (Articles 37 and 40)	48
B. Placement in a Reformatory Institution	49
C. Alternative measures	49
Recommendations	49
D. Criminal Procedure issues	49
Recommendations	50
E. Deprivation of liberty of unaccompanied children.....	50
Recommendation.....	51

I. Exercising the mission of the Children's Ombudsman by the Independent Authority "The Greek Ombudsman"- Summary report of the operation of the Children's Ombudsman from January 2012 to October 2019

The Greek Ombudsman is an independent authority provided by the Greek Constitution. Law 3094/2003 assigned to the Ombudsman the mission of defending and promoting children's rights. The decision was followed by the appointment of a Deputy Ombudsperson and the creation of a new Department in the Independent Authority, staffed by an interdisciplinary team of experts in 2003.

The Authority, within its mandate to protect and promote Children's Rights is responsible to investigate and intervene in cases of violations that occur either by public authorities and entities or by private natural or legal persons.

The Department of Children Rights has adopted the UN Convention on the Rights of the Child (herein after the Convention) as a map for all its interventions that include:

- Handling complaints regarding a broad range of violations related to all articles of the Convention.
- Advocacy interventions (for the adjustment of the legal framework and administrative practice in accordance with the standards of the Convention).
- Inspections (in juvenile correctional institutions, children's institutions, detention centers, police stations, registration and identification centers, camps etc.).
- Promotion (visits in schools to discuss children's rights with students, consulting youth boards, participating in youth parliament, training staff etc.).
- Reports regarding all issues related to children's rights.
- During the period 2012-2019 the Department has received more than 6650 complaints from adults and children.

Each year a significant increase is observed with regard to the number of complaints. For the year 2017 the total amount of complaints was 876 and for 2018 it was 1022 while in 2019, 1000 complaints have already been submitted to the Authority.

The majority of these complaints are related to education (inclusion of children, school bullying, teachers violating children's rights etc.), parental care (especially parental alienation), domestic violence and abuse, operation of institutions, access to healthcare, rights of refugee and migrant children (especially detention and access to services and education), the right to identity (registration problems), standard of living, use of internet and social media but the variety of issues correlates further to tax and fiscal policy.

Parallel Report on UNCRC by the Greek Ombudsman

Recognizing the need for closer cooperation, mutual feedback and joint advocacy with agencies and actors involved and working on the field, the Ombudsperson developed the Network for the Rights of Children on the Move, an informal network, focusing on refugee and migrant children. The network began its work in January 2017, following the first meeting of its founding members and now constitutes of 27 members¹; it is coordinated by the Deputy Ombudswoman for Children's Rights and assemblies are performed on a monthly basis, while the members provide for their observations from their experience on the field. Main objectives of the network are: a) enhanced and inclusive monitoring of children's situation through systematic collection of information by field actors, identification of institutional gaps and practical deficiencies in child protection, timely identification of new trends regarding children's situation and b) strengthening the effectiveness of advocacy actions through evidence based proposals and recommendations.

To step up the efforts, the Greek Ombudsman and UNICEF reinforced their partnership, which was established in 2016, with a series of actions supported through funding from the European Commission's Directorate-General for Justice and Consumers. During 2018, the office for Children's Rights together with UNICEF staff, conducted 30 in situ visits/site inspections across Greece in places where children on the move are located. In addition, the office initiated a number of intercessions towards administrative bodies and authorities [e.g. mediation to Asylum, Migration and Integration Fund (AMIF) in order to solve procedural problems that prevented the funding of non-governmental organizations, advocating to the Ministry of Education for the inclusion of children on the move in the Greek educational system, intervening to the competent educational bodies in the region of Greece to facilitate the inclusion of refugee children and advocating for the issuance of residence permits to unaccompanied children whose application for international protection has been rejected on the second instance].

In the context of the promotional role of the Department and the Network for the Rights of Children on the Move the Ombudsman in cooperation with UNICEF has asked from a child author and an illustrator the creation of a doodle book to raise awareness and build empathy in elementary schools regarding children on the move and their rights. The doodle book is still being distributed by the Ombudsman in schools in Greece and Cyprus.

Additionally, the Department throughout this period has inspected a significant number of institutions and has submitted recommendations to the competent ministries within its advocacy mandate regarding deinstitutionalization and community-based care as well as foster care.

More than 80 school visits are taking place every year by the Department's staff, in order to stay in contact with children's thoughts, needs and demands.

Furthermore, a network of educational structures (Regional Centers for Educational Planning) has been created in 2019 and more than 30 lectures, meetings and seminars with teachers and other professionals have taken place so far.

¹ Members are the following institutions and organizations: the Greek Ombudsperson, United Nations International Children's Emergency Fund, United Nations High Commissioner for Refugees, International Organization for Migration, European Union Agency for Fundamental Rights, Danish Refugee Council, HIAS, Human Rights 360, PRAKSIS, Terre des Hommes, The Home Project, International Rescue Committee, Aitima, Solidarity Now, ARSIS, Doctors of the World, Greek Council for Refugees, Doctors without Borders, Melissa, Metadrasi, Babel Day Centre, Medical Intervention, Shedia, Smile of the child, SOS Children's Villages Greece, Hellenic League for Human Rights, Network for Children's Rights and the Municipality of Athens.

The main challenges are related to budgetary restriction and the understaffing of services (especially social, medical and mental health services), to the deficiencies of coordination between the competent authorities and the funding resources and to the absence of a strategic planning regarding children's rights in Greece.

II. Purpose of this Report

The purpose of this report is to use all the years of experience of the Ombudsman in the field as Children's Ombudsman and to strengthen the advocacy of its core recommendations regarding the rights of the Child.

We note that the regulatory framework of the Ombudsman does not explicitly provide for reporting on the implementation of the Convention although the Committee foresees this possibility for independent authorities.²

As mentioned above, the absence of coordination and reliable monitoring of governmental mechanisms has allowed for many violations. Therefore, recommendations included in the present report could be examined separately but the Authority underlines the need to incorporate them as part of a medium-long term strategic planning for children's rights with specific benchmarks and indicators, that will also include an efficient monitoring mechanism to safeguard the implementation of all provisions.

The structure of the Report follows the proposed structure of national and alternative reports on the implementation to the Convention. However, it is clarified that the Ombudsman does not comment upon provisions of the Convention or recommendations of the Committee for which has not collected relevant data and information.

III. Methodology

The present report is based on the information that the Ombudsman has collected from the inspections and visits that were conducted, the complaints that were received, the consultations held with various administrative and governmental bodies and the networks that has developed as mentioned above.

² CRC/GC/2002/2 paragraphs 20-21.

IV. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

A. Measures adopted to bring domestic legislation and practice into conformity with the provisions of the Convention

Recent legislation has abolished the obligatory implementation of the sharia law on family matters for the Muslim minority of Thrace, making it discretionary for those of its members who agree to subject themselves to it.

Therefore, marriage of minors (girls, in particular) at a very young age remains possible if the parents opt for the sharia law and apply for the consent of the religious court.

Moreover, family law which applies to the general population, permits the marriage of a minor if the civil court grants its consent in the case of a grave circumstance, regardless of the age of the minor.

Recommendations

- To review certain aspects of the voluntary exemption of the Muslim minority from the civil family law through mainstreaming the best interests of the child and with due respect to the views of the child in accordance with the age and maturity of the child.
- To stipulate a minimum age to restrict the discretion of the court on the marriage of minors.

B. Coordination of monitoring of the implementation of the Convention

The coordination of monitoring the implementation of the Convention has not so far been assigned to an inter-ministerial body or instrument. The National Children's Rights Observatory, which was established in 2001, has not so far undertaken the above role.

C. Development of a National Action Plan for Children's Rights

The development of a National Action Plan for the Rights of the Child was in the governments' agenda the past years and respective efforts have been made without however producing a concrete result. The Ombudsman was present at every effort, conducted consultations with the

Ministry of Justice, Transparency and Human Rights and participated actively in the relevant meetings with the competent bodies.

The initiatives of the former General Secretariat for Human Rights that established in law the “National Mechanism for the Preparation, Monitoring and Evaluation of Action Plan for Children's Rights” (Law 4491/2017, art. 8-12), in which the Ombudsman is an institutional and advisory member responsible for the evaluation of the action plans (art. 10), have not brought about the expected outcomes. Up to date it has not been able to set up a national strategy for the implementation of the CRC with specific goals, timelines and priority issues and report on respective progress. Relevant actions may be included in other national action plans and strategies that are fully or partially applicable to children, but their target is different and does not pertain specifically to children's rights. Therefore, it is to conclude that the State has failed to formulate a comprehensive national plan of action on the rights of children, since the subjects that relate to children traverse through different authorities and remain fragmented between various competent departments.

The Authority has underlined that the following points are essential for the effectiveness of an action plan:

- A substantive baseline study in consultation with independent authorities and the civil society that encompasses children's views with ultimate purpose to conceptualize the existing gaps in the fulfillment of children's rights.
- Horizontal interaction and cooperation between ministries and agencies responsible for planning child protection actions and policies.
- Planning, recording and follow-up of the actions planned but not implemented.
- Preparation of measures and actions based on specific data and figures for each vulnerable group of children and their needs, at national and local level, with specific timetable and resources.
- Monitoring the implementation of the actions and preparing each subsequent Action Plan on the basis of evaluating the effectiveness of the previous plan.
- Comprehensive examination of human rights' realization of all children with a focus on rights' violations of specific vulnerable groups.

D. Training

The Ombudsman is concerned that there is no systematic, mandatory and continuous training for professionals working with and for children, apart from some periodic one-off ones and has underlined the necessity to conduct such trainings in a steady manner.

V. General Principles

A. Non-discrimination (article 2)

Information on discriminatory state practices are provided in the relative chapters based on the violation of each specific right.

B. Right to life, survival and development (article 6)

1. Staffing of social services

The Independent Authority has observed that the insufficient staffing of social services as well as other care services focusing on the wellbeing of the children (i.e. health services) is a long-standing problem. In addition, even though the role of the Prosecutor remains fundamental for the protection of children, it is not supported by the necessary social services and structures which are critical for the effective exercise of the Prosecutor's competences and for the social and legal protection of children.

Although the last years a number of new institutions/ services have been established in order to support (among others) families in the community ("community centers", supporting centers for immigrant population etc.) the response is still insufficient to meet the needs of children and families.

2. Living conditions

Another enduring problem is the lack of adequate and sufficient accommodations for children in need, especially when considering the high number of unaccompanied minors residing in Greece.

A significant proportion of refugee children reside for a long period in unofficial camp settlements that were set up in 2016 as a temporary solution. However, years later the government has not provided with a long-term solution. Despite the efforts made to improve accommodation conditions for children, they still remain inadequate: critical problems are accommodation in tents or other inappropriate structures, the lack of sanitary conditions and the lack of the suitable infrastructure to meet daily needs. In addition, there is shortage in child protection services and the geographical distance from urban centres makes the access to services difficult and hinders the exercise of basic rights.

Furthermore, children in the mainland that have not been subjected to reception and identification procedures do not have access to the official housing system and to services. They live in extremely unsafe and deplorable conditions, usually homeless and susceptible to violence, exploitation and abuse. Therefore, children are subject to substandard and harmful conditions that adversely affect their mental and physical health. Specifically, unaccompanied children in the

mainland face as the only alternative deprivation of their liberty (in the form of protective custody) in an inappropriate cell of a police station or an equally unsuitable department in a Pre-Removal Centre (Amygdaleza). Only children under 15 years old are hosted temporarily in hospitals, although this is also extremely problematic.

The accommodation scheme implemented by the state for unaccompanied children, but also for the rest of the vulnerable groups, has failed to respond to a child-centered approach. Moreover, despite the recent amendment of the legislation for the promotion of foster care, the law has not yet been implemented.

Recommendations

- Institutional management of accommodation needs on a realistic basis, by introducing an appropriate and timely long-term planning, giving priority to sustainable solutions that take into account all children's needs (transfer to areas close to medical services and schools).
- Replacement of fenced/wired accommodation facilities with living terms and conditions that favor the smooth integration into society.

C. The right of children to be heard (article 12)

1. Custody trials

Despite the legal provision enshrining that the court should take into account the opinion of the child in custody trials, the lack of specialized personnel (due to the absence of 'Family courts') in support of the judges, may result in the miscommunication or misunderstanding of the real wishes of the child, because the influence of the parent with whom the child lives may not always be easily detected. There are also complaints that the hearing of a child at a very young age, by the judge, might result in a traumatic experience for the former.

Recommendations

- To establish specialised judicial proceedings for civil family matters while ensuring that court staff receives general and specialist training on the rights and needs of the child.
- To develop specific guidelines for the hearing of the children in custody cases.

Regarding participation in decision-making processes in schools, there are legal provisions establishing student councils and democratic procedures safeguarding children's involvement and active role in the daily school environment and development of school policy. In practice however, the Ombudsman has concluded that these rights are not always guaranteed. Students are not informed in advance regarding the rules, procedures, the role and functioning of the student councils, which affects the efficacy of student democracy. Furthermore, teachers do not provide the opportunity to students to contribute to the planning and influence their education, since they do not take into consideration students' opinion concerning matters that relate to every day school life.

In May 2016, taking into consideration the Ombudsman's suggestions, the Ministry of Education and Religion announced the initiation of a broad survey on student councils that will be based on and encompass pupils' voices. However, no follow up action was implemented.

Legislation regarding school regulations was changed towards incorporating students' opinions during their formation. However, in most schools, there are few situations in which the students' council opinion is asked and even less in which it is actually taken into consideration.

3. Child protection Units

In child protection units the absence of procedures for hearing the opinion of the children has been documented in several occasions.

Recommendations

- Training of high school teachers on the performance of thorough briefing to all students, with active learning methods, prior each year's school council elections.
- Provision of all the necessary information and detailed briefing to students regarding their rights and responsibilities, the initiatives and activities they can undertake during the school year.
- The legislation on the operation of child care institutions should include an explicit provision regarding the expression of children's opinion on matters connected to their everyday life and decisions that affect them, depending on their age and maturity.

VI. Civil Rights and freedoms

A. Name and Identity (article 7, 8)

Insufficient knowledge of the Greek language and lack of proper documentation often result in mistakes on the birth certificates of Roma and immigrant children who are born in Greece. The necessary court procedure for the correction of the birth certificates is costly and time consuming. Also, it causes further delays in the process of naturalization/acquiring the Greek citizenship.

Recommendation

To reform legislation in order to facilitate the correction of birth certificates.

B. Freedom of religion (article 14)

The Ministry of Education has accepted a recent decision of the Independent Authority on the Protection of Personal Data to repeal the entry of religion from the Education Certificates and to allow students to abstain from religious education on grounds of conscience alone, without their having to declare that they do not follow the Orthodox doctrine.

Recommendation

Immediate implementation of the decision of the Independent Authority.

C. Access to information (article 17)

Access to information for vulnerable groups, especially for foreign children, remains problematic. The situation is even more critical for children under detention and for children that are obliged to stay in reception centers. Notwithstanding the impact detention has on the physical and mental wellbeing of the children, lack of information regarding their rights, the procedures, the next steps and the duration of detention is a factor that exacerbates their emotional situation and is a stress aggravator. Police rarely distributes only brochures, which are inadequate and rudimentary, let alone child-friendly.

Language barriers for foreign children coupled with the limited availability of cultural mediation services in hospitals means lack of information in health institutions.

Recommendations

- Provision of timely information in a child-friendly manner regarding administrative procedures and access to international protection.
- Timely and free legal assistance to all unaccompanied children for the defense of their rights before the competent authorities together with interpretation services.
- Provision of cultural mediators in health facilities.

D. Protection from violence and abuse (Articles 19, 39)

1. Adaptation of the legal framework

The legal framework provides guarantees for the children who are victims or witnesses of crimes of sexual violence (Article 226 A of the Code of Criminal Procedure, art. 74, 75 and 77 of Law 4478/2017) and stipulates that they are examined in special offices called "Children's Houses" through specialized personnel (psychologist or psychiatrist). However, the provisions have not yet been implemented.

An important provision was set up with Law 4509/2017 (art. 40) for the protection of professionals working with children. According to the law, social workers and psychologists in public pediatric – psychiatric clinics shall not be indicted and charged for expressing an opinion in the performance of their duties within the context of a judicial or social investigation when reporting children's abuse. Nevertheless, the field of application is limited, since it excludes other professionals with a crucial role in reporting and handling cases of violence against children (especially teachers, doctors and social workers).

Recommendation

Establishment of the procedural guarantees provided for victims or witnesses of crimes of sexual violence in all cases of involvement of children in the criminal justice system.

2. Abuse, violence and neglect

a) Domestic violence

The Ombudsman has observed that the implementation of the law on domestic violence (L. 3500/2006) is problematic due to following issues:

- Lack of awareness of the existing legal framework among teachers.
- Fear of teachers that they might be subjected to parents' retaliation.
- Inability of teachers to detect and recognize signs of abuse in an early stage due to lack of training.
- Lack of immediate response from the authorities.

b) Bullying and other forms of violence among children

Furthermore, reports to the Ombudsman indicate that teachers are not trained on prevention, detection and response methods to bullying and other forms of violence.

In addition, the level of awareness and knowledge on these issues is significantly low. As a result, they cannot implement the necessary actions to prevent and address these forms of violence and the ensued risks.

c) Abusive behaviour of teachers

A large number of reports indicates that some teachers do not perform their duties in respect of children; adversely, it is often that they adopt a harmful behaviour by harassing, intimidating and offending pupils. Furthermore, teachers do not possess the necessary qualification and knowledge on inclusive policies. The reason underlies in the absence of any psychosocial assessment prior to recruitment, in the lack of training prior to assumption of duties as well as during the employment and finally in the deficiencies of disciplinary procedures and measures.

Recommendations

- Implementation of school mediation through the cooperation of parents, students and teachers.
- Provision of systematic training and guidance to front-line professionals on early recognition of abuse.

- Establishment of action protocols in schools and in all community services for cases of reports or indications of abuse against minors, together with the development of local cooperation networks among all child protection bodies for the facilitation of referrals.
- Access to the relevant public services without prior consent of a parent for the initial submission of a request or report.
- Clarification of the duties of the social services of local government agencies and creation of specialized child protection services in all municipalities of the country, with primary responsibility of monitoring and supporting families classified as "high risk".
- Thorough investigation and multidisciplinary treatment of cases of sexual violence (and other serious cases of domestic violence) against minors, development of specific designated areas based on international standards for the examination of child victims and witnesses, examination of child victims from police personnel together with competent health and welfare services and recording their testimonies in electronic audiovisual means, based on a specific and legislated process.

VII. Family and alternative care (Articles 5, 9, 10, 11, 18, 20, 21, 25)

A. Parental care, parental responsibilities, assistance to parents (Articles 5, 18)

Counselling and support services for family and children are limited and involve long waiting times. There is absence of services specialized in family mediation and the out-of-court settlement of disputes concerning the application of judicial decisions on parental care and the children's right to contact with the parent who does not reside with them.

The principal that the parents' separation or divorce has no effect on the exercise of parental responsibility is not adequately guaranteed in the Civil Code. According to law, the courts may assign parental responsibility to one of the parents, or to both –provided that they agree- or to a third party, or they may divide its functions between the parents. In practice, the courts almost invariably assign custody to the mother, allowing for the representation of the child and the management of the child's estate to be exercised by both parents.

A recent reform provides that in consensual divorces the parents should reach an agreement on the exercise of custody and deposit it to a public notary without needing to seek court approval. However, the lawyers, who must sign the agreements, reproduce the standard forms which were

previously approved by the courts, so the sole exercise of custody by the mother continues to be the almost absolute norm.

The lack of the institution of ‘family court’ and the absence of training of the lawyers on the rights of the child contribute to the perpetuated deviation from the principle of the child’s upbringing being carried out by both parents, enshrined in Article 18.

The mother alone exercises parental responsibility of a child born out of wedlock. The father who recognises the child exercises parental responsibility only in exceptional circumstances or if the court grants him parental responsibility, or part of it. The incomplete reform of the law which resulted in the new Article 1515 of the Civil Code has made it uncertain whether the father exercises parental responsibility when the parents agree to it, without the intervention of the courts. Different views have been advocated in legal theory and, most importantly, in case law and in administrative practice.

Recommendations

- To reform the law so as to guarantee that the parent’s exercise of parental responsibility by both parents, save in exceptional circumstances.
- To establish shared parenting with equal or close to equal parenting time as the preferred option between parenting arrangements available to parents and courts.
- To amend the law so as to make the exercise of parental responsibility by the father of the recognized child indisputable when the parents agree or preferably -as this is more consistent to the principle of common upbringing of article 18- to establish the automatic exercise of parental responsibility by the father of the recognized child, repealing the prerequisite of the mother’s agreement or the court’s decision.
- To develop shared parenting plans for all ages of children as part of Ministerial guidance to Judges and Lawyers.
- To sensitize the public, the professionals (social workers, child psychologists and psychiatrists etc.) and, particularly, the parents on the positive role of shared parenting in the child’s development, with campaigns from the relevant ministries (Justice, Health, Social Affairs, Interiors).

B. Separation from parents – the right to contact (Article 9)

The right to contact between the child and the non-residential parent is established as a right of the parent who does not live with the child and not as a right of the child itself. Therefore, any

violation of the right to contact by the residential/custodial parent is not treated as a violation of the right of the child and has no consequences on the exercise of custody.

The lack of effective measures for the enforcement of court decisions or parents' agreements regarding the right to contact, as well as the case law on the matter, allow the residential parent to violate the right to contact between the child and the other parent without significant consequences imposed by the civil or penal law.

Recent amendments to the Code of Judicial Procedure on the enforceability of decisions or agreements, regarding the right to contact, were of a minor scale and inadequate to tackle the problem.

Furthermore, the recently reformed Penal Code has lowered the provided sanctions for the related offense, thus reducing further its deterrent effect.

There are no specialised mediation centres to support the family after the break up and assist with the implementation of court decisions or parents' arrangements on contact.

The lack of adequate personnel and the inflexible working hours of the social services hinder the implementation of court decisions when they dictate the presence of a social worker during the meetings between the child and the non-residential parent.

The lack of family courts equipped with specialised units of social workers and child mental health professionals does not allow for the reassessment and re-evaluation of the contact decision or arrangements on a periodic or episodic basis.

As a consequence of all the above factors, the acute problem of parental alienation is not met with satisfactory remedies.

Recommendations

- To establish the right to contact as a right of the child in the Civil Code.
- To reform the Code of Judicial Procedure in order to provide for measures that will ensure compliance with court decisions or parents' agreements on contact.
- To allocate the specific mandate of family mediation after separation to municipal civil services and state bodies of child mental health professionals.
- To provide explicitly for the loss of custody as a potential consequence of the violation of the right to contact by the custodial parent in the Civil Code.

C. Family reunification (Article 10)

In the past years, the number of requests for family reunion pursuant to Council Directive 2003/86/EC has increased significantly. The workload has resulted in delays in the process of the cases. Apart from that, complaints addressed to the Authority refer to the requests rejected without a reasonable explanation concern raise. In many cases this leads to a violation of the right to reunification, since the procedure is not subjected to an effective administrative control.

As far as unaccompanied children living in Greece are concerned, available data regarding the application of Regulation No 604/2013 demonstrates that there is an apparent increase in the number of rejections of outgoing requests in the past years. As reported by the competent authorities, it is a fact that member States have adopted increasingly restrictive practices, which compromise family unity and the fulfilment of child's right to family and private life. Such policies create feelings of insecurity, futility and obstruct integration prospects.

Recommendations

- Prioritization of the examination of requests submitted by children.
- Fair distribution of refugee population in Europe (reformulation of Dublin Regulation, facilitation of family reunification procedures and expansion of relocation programs).

As a result of the recent economic crisis in Greece, children have become more vulnerable to parental child abduction, because emigration of foreigner and Greek parents claiming to be searching for better employment conditions abroad has risen. The law provides that the custodial parent acquires the child's passport without the consent of the other parent and the courts' interpretation of the law on custody allows for the custodial parent to remove the child abroad without prior notice or leave.

The implementation of the Hague Convention 1980 is not an easy matter, especially when the child has been taken to a country outside the Schengen zone.

Recommendation

To consider the application of measures such as requirement of written consent from the other parent -regardless of the exercise of custody-, whenever a child leaves the country with only one parent.

E. Alternative care – Periodic review (Articles 20, 25)

Despite a growing interest in de-institutionalization in recent years and the introduction of legislation for the promotion of foster care and adoption (Law 4538/18), alternative care for children in Greece is still based mainly on an outdated model of institutional care, characterized by severe problems and inadequacies.

The Greek Ombudsman's main findings in relation to residential child care in Greece, based on its long-standing experience and research in the field³, may be summarized as follows:

- Absence of a common legal framework for all child care institutions, of the public and private sector, as well as those belonging to the Church, to guarantee that all the rights of children that live in them are respected, in accordance with the CRC.
- Absence of legally binding national standards concerning the quality of care provided (staffing, premises, provisions, perceptions, rules and regulations).
- Lack of adequate means and supervision mechanisms in institutions of the private sector, allowing for wide variation among them, and potential violations of children's rights. The lack of national level standards for their operation, make their supervision – assigned to Regional Authorities social services - inadequate and ineffective as the supervising bodies' proposals and recommendations may not be enforced. The resulting problems are particularly evident in the case of some - mainly religious-based – institutions, in which significant diversions from contemporary attitudes and norms on the upbringing and rights of children and adolescents have been noted (strict religious rules, strict outdated dress codes, severe restrictions in children's social life and participation, undermining or preventing children's contact with parents and other relatives, etc.).
- Severe staffing shortages, especially in qualified staff, in the great majority of child care institutions, and covering of permanent needs by temporary staff, on short-term contracts. The economic crisis of recent years affecting both private and public institutions, and the subsequent strict restrictions on staff recruitment in the public sector, have exacerbated the problem. In addition, the lack of standards in relation to staffing, allows many institutions to operate with unqualified staff or volunteers.
- Lack of provision of training and/or supervision to unqualified staff.
- Absence of procedures ensuring the personal suitability and competence of employees in working with children (apart from a certificate proving that they have no criminal convictions).

³ See Greek Ombudsman Reports: "Protection and Hosting Structures for Children and Adolescents with Mental Disorders "(July 2005)," Paidopolis Neapolis Lasithiou Crete Operating Conditions "(December 2006), "Operating Conditions of the Social Care Unit for Children with Disabilities 2011 Lecharion Pediatric Care Center ", "Organization and Functioning of the Institution of Adoption of Children" (September 2012), Findings on Alternative Care in the Ombudsman's Report to the UN Committee on the Rights of the Child (April 2012), "The rights of children living in institutions " available in <https://www.synigoros.gr/resources/docs/575568.pdf>.

Parallel Report on UNCRC by the Greek Ombudsman

- Lack of provisions for specific or additional needs of children from ethnic or religious minorities.
- Inadequacy of specialized projects with a therapeutic approach for children and adolescents with severe emotional or mental health problems, and complete absence of services for adolescents with severe behavioral problems, or for underage offenders.
- Absence of emergency accommodation services for children and adolescents removed from their family environment or for unaccompanied minors. The most commonly used emergency “solution” is that children are admitted in hospitals, despite not being in need of treatment, where they remain in general pediatric or child-psychiatry wards, often for months, while waiting for the completion of procedures for a permanent placement or other arrangement for their custody and care with severe negative consequences for them as well as for the operation of the hospitals.

The implementation of foster care nation-wide remains extremely limited.

Furthermore, in the majority of childcare institutions, the children’s placement is rarely or never reviewed, in accordance with art. 25 of the CRC, either in relation to the prospect of returning to their family environment, or to the possibility of fostering or adoption.

Traditionally, foster care and adoption programmes are implemented primarily through particular public child-care institutions, located in Athens, which have been assigned this responsibility since the 1950’s, for children already in their care. A few other institutions of the public and private sector have developed formal or informal foster care schemes, on a limited scale. On the whole, foster care programmes concern almost exclusively children already living in institutions, as a means of de-institutionalization. Foster care is rarely considered as an alternative to children’s admission to institutions care in the first place, due to the lack of provisions for direct placement of children in foster care by community social services, countrywide.

However, it should be noted that, in response to the severe problem of infants and babies abandoned or removed from their family, which remained in maternity wards of public hospitals, especially in Athens, for several months and often up to a year, while waiting for a place in one of the public institutions for children of this age, a special unit has been set up (through co-operation of the Centre for Social Welfare or Attica and SOS Children’s Villages) offering short term accommodation with high quality care and direct placement in foster families.

In accordance with the provisions of Law 4538/18, the Ministry of Labour and Social affairs has created an electronic Platform (www.anynet.gr), through which professionals and members of the public can get information, or express their interest and make an application for fostering or adoption of a child. At the same time, to tackle longstanding problems in data collection and monitoring, National Registers are in the process of being set up, with data on all childcare living in institutions of the private sector, of children in foster care, as well as of approved prospective foster and adoptive parents. Nevertheless, church institutions are not included in the provision.

Finally, it should be noted that the problems presented above are much more acute in relation to the institutions for children with severe disabilities, which operate largely as asylums, isolated from the social fabric, and face shortages in staff and resources resulting in grave violations of the rights of the children living in them. Furthermore, given that the majority of these children have

been abandoned by their families and their placement in foster care is extremely difficult, they remain in these institutions throughout their childhood and, in most cases, for life.

Concerning the institutional and community care for children with disabilities, see Ch. 9.2

Recommendations

- On a general policy-making level, emphasis on developing an effective policy for the protection of children and the provision of support to vulnerable families by community social and mental health services, with a view to preventing the removal of children from their families whenever possible.
- Introduction of measures to facilitate wider and more effective implementation of foster care, in accordance with Law 4538/18 (e.g. implementation of protocols of procedures, provision of human and economic resources to local authority social services, specialized training of professionals etc.), as a preferable alternative to children's admission or prolonged stay in institutions.
- Creation of special services offering emergency accommodation, assessment and support to children that have been removed from their family environment due to abuse or neglect, or are homeless for any other reason, until more permanent arrangements can be made, to end the phenomenon of their prolonged stay in hospitals or in protective custody.
- Introduction of an explicit legal obligation of social services and child care institutions to review children's placement in them periodically, in accordance with art. 25 of the CRC.
- Introduction of national-scale standards for all child care institutions of the public and private sector, as well as for those for unaccompanied children, to guarantee quality of care and respect of all children's rights as directed by the CRC.
- Introduction of a mandatory certification procedure for all child care institutions in accordance with the above standards, and enforcement of monitoring and supervision mechanisms.
- Provisions for the special needs of children (mainly adolescents) with severe emotional or behavioral problems, including underage offenders, who lack a suitable family environment, and whose needs cannot be met within the existing system of residential child care.
- Awareness raising regarding the social benefits of foster care.

F. Adoption (Article 21)

Recent legislation (Law 4538/2018) attempted to tackle the problem of delays in adoptions initiated by state institutions (state adoptions, as opposed to private ones). However, the new provisions do not bring about the desired effect. Although evidence suggested that the delays concerned other factors (particularly the process of substituting the birth parents' consent), the law has not amended the relevant chapters.

The novelty of the law, instead, is the use of social workers from the private sector as evaluators of the prospective adoptive parents, and who must conclude their assessment in a very tight time frame (3 months).

The provision (Art. 26) which dictates that professionals specialized in foster care (and not in adoption) evaluate the adoption cases is an additional cause of concern. It is indicative of the persistent confusion between adoption and foster care, which was pointed out by the Ombudsman in the previous report and which does not allow the institution of foster care to be properly developed without it being treated as the first step to the adoption process.

Inter-country adoptions continue to face the same problems, namely the understaffing of the relevant services and the administrative obstacle of requiring additional ratification of the foreign court's decision by the Greek court –despite the explicit provisions of the Hague Convention 1993 to the contrary.

The lack of proper support to the adoptive parents is evident in the reluctance of many of them to reveal the details of the adoption to their adoptive children.

Lastly, Law 4538/2018 has made it possible for couples of the same sex to become foster parents, but not to adopt. Children brought up in foster care by same-sex couples won't be able to be adopted by them even if they develop a strong and healthy attachment which normally could lead to adoption. In addition, under the current provisions, couples living under civil arrangements cannot adopt a child together but only individually (as single parents). The Ombudsman has underlined the need to review and amend the existing legislation in order to safeguard the best interest of the child, which is not guaranteed when the child acquires a constitutive legal relationship with one person rather than two, given that the legal link between persons living with a pact is legally established. Rather, preferable is the adjudication on an hoc basis of the mental and emotional availability of the prospective parents.

Recommendations

- To assign extra personnel to the understaffed state adoption agencies and institutions.
- To reform adoption institutions' practice regarding the substitution of the birth parents' consent.

- To reform the law towards more openness in adoption allowing contact with the non-abusive birth parents so as to speed the adoption process.
- To repeal the administrative requirement of an additional decision by a Greek court for inter-country adoptions that took place abroad and are regulated by the Hague Convention 1993.
- Adoption by same-sex couples and couples living under civil arrangements should be considered.

VIII. Health and welfare (Articles 18, 23, 24, 26, 27)

A. **Physical and mental health, medical care (Article 24)**

1. **Health and health services**

Every child has the right to enjoy the highest possible level of health, without discrimination, and to benefit from medical treatment and rehabilitation services for the disabled. However, given the socio-economic conditions of recent years and the insufficient skilled medical staff in some health structures, particularly in health centers on the islands and secondary health care facilities (hospitals) in the regions, it has not been possible to deliver emergency health services successfully due to lack of on-call pediatrician, as well as lack of specialized or at least trained nurses to provide basic services to children.

It is recommended to equip the physical and mental health structures with adequate personnel, especially in the regions, with sufficient pediatric and mental health staff to deal with -at least- emergencies and basic medical services as well as training nurses to manage these cases of children (including children with disabilities) so that no child is deprived of access to public health services and that there is no inequality for the residents of decentralized areas.

2. **Prevention of communicable diseases**

Greece is one of the four European countries which lost the 'measles-free' status according to the World Health Organization this year.

Although the MMR is one of the obligatory vaccines for school enrolment, save in the case of medical counter-indication, a circular of the Ministry of Education has made it possible for parents who belong to the anti-vaccination movement to have their unvaccinated children enrolled in kindergarten and primary school on grounds of their objection alone. The Ministry of Health reiterates that measles vaccination is not mandatory but advisable.

Meanwhile, the recent measles epidemic has resulted in thousands of cases and 4 deaths in the country so far (3 of them concerned children).

3. Reproductive health rights of adolescents

A high rate (25%) of abortions in Greece concern girls younger than 16 years of age, which means at least 30.000 young girls terminate an unwanted pregnancy every year. Studies show that contraceptives for male or female are rarely used by sexually active adolescents. Health professionals concur that the lack of sexual education at schools is the root of the problem.

Recommendations

- To replace the current circular of the Ministry of Education with a new one in order to clarify that the enrolment of unvaccinated children is permitted only in cases of medical counter-indication, and not on the grounds of parental objection;
- Measures imposed on parents to ensure compliance with vaccination, as provided in other countries, such as penalties, cuts in welfare or tax benefits, increased cost of health insurance and coverage among others, must be considered;
- A rigorous campaign to tackle the misinformation and fake news regarding the MMR is imperative to be undertaken by the Ministry of Health;
- Sexual education must be included in the school curriculum, beginning at the primary education stage.

B. Child protection and support of families in the community

The Ombudsman has observed following issues:

- Severe shortages in staff and resources in all local authority social services, countrywide.
- Absence of an adequate legal/institutional framework stating clearly the duties and responsibilities of local authority social services in relation to child protection and the provision of support to families facing grave and complex difficulties.

Parallel Report on UNCRC by the Greek Ombudsman

- Lack of national guidelines and protocols to ensure effective and uniform management of alleged or verified cases of child abuse or severe neglect.

As a result of the above, social services are unable to ensure the implementation of effective policies for supporting vulnerable families, with a view to preventive neglect or abuse of children, or to develop and promote foster care – as opposed to institutional care - as the primary option for the alternative care of children. The overall inability of community social services and mental health services to provide on-going support or follow up, often result in the removal of children from their families, as the only available measure for their protection.

Serious shortages are noted in relation to community mental health services for children, adolescents and their families, resulting in delays in the assessment of children and families, lack of preventive or early interventions, and inability to offer continued intervention and support, effective psychotherapeutic treatment and follow up.

Finally, the Greek Ombudsman notes as a serious problem the lack of inter-connectedness and co-operation between different services and professionals responsible for the welfare of children, notably between social services, education services, physical and mental health, and other community services, throughout the country.

Recommendations

- Introduction of legislation defining clearly the duties and responsibilities of local authority social services in relation to child protection and provision of support of families with severe difficulties.
- Introduction of provisions for the co-operation between community social services and other bodies and services for children (e.g. schools, health services, youth services, community mental health services, etc.), including a memorandum of co-operation between the relevant Ministries.
- Provision of specialized training to social workers on issues of child protection, as well as on the implementation of fostering as the main and preferable option for the alternative care of children.
- Provision of adequate human and material resources to enable community social services to develop child protection and family support policies, as well as foster care programs.
- Introduction of approved and verified protocols and tools for assessing risk or allegations of child abuse or neglect, as well as the best interest and optimal options for each child concerned.
- Introduction of protocols and procedures to promote and ensure the uniform and effective implementation of foster care by all child care institutions and community social services.

C. Access of migrant and refugee children

Pursuant to article 33 of Law 4368/2016 and the Joint Ministerial Decision (JMD) of 4.4.2016, free access to the public health system is established for all uninsured children (regardless of their residence status or that of their parents). In accordance with the JMD, access is provided through the issuance of a “Foreigners’ Health Care Card” for the persons that do not have or are unable to issue the Social Security Number (AMKA), among whom refugee and migrant children. However, the Decision concerning “Foreigners’ Health Care Card” has not been implemented, resulting in serious obstacles, which vary depending on the case and the status of the minor. The provision safeguarding the access to public health services is very often circumvented and children belonging to vulnerable groups are deprived of their right to health care, since the Social Security Number (AMKA) that is required by the public health system, is usually denied to unaccompanied children, children who don’t have a residence permit or face other type of problems related to their civil status (i.e. incorrect registration of their identity data).

This deficiency of the public health system leads to the non-vaccination and non-treatment of a great number of vulnerable children. The situation is further exacerbated by the general shortages in health care resources, including doctors, psychosocial services and basic medical equipment.

Within this context it is to mention, that taking into consideration a draft law that has been submitted for voting, “Foreigners’ Health Care Card” will be activated in the upcoming months.

Recommendations

- The provision of unhindered access to the necessary medical care for children.
- Strengthening the overall public health system with human and material resources to meet the medical needs of the entire population and mitigation of unequal geographic distribution of services, particularly in the field of mental health services.
- Promoting the institution of intercultural mediation in hospitals and schools, taking into account any particular needs of girls / women.

D. Children with disabilities and special educational needs (Article 23)

The Authority has investigated submitted complaints regarding differences in disability rates and specific treatments for children with disabilities. Main problems are the following:

- The procedure for examining children by the Health Committees for Disability Certification in non-child-friendly settings combined with a lack of appropriate child specialist doctors such as child neurologists, psychiatrists, etc.

Parallel Report on UNCRC by the Greek Ombudsman

- Non-attribution of an indefinite disability percentage to children who have conditions which are irreversible and give indefinite disability percentage to adults, resulting in the hardship of children due to re-evaluations and the deprivation of certain social benefit.
- Delays in the payment of special treatment costs, coupled with the inadequate number of special treatments. Moreover, these services are not provided by public health services and under the present socio-economic conditions, parents are unable to secure the financial resources to cover them.
- Non-coverage of all the necessary special treatments, in kind and number, by EOPYY, following recent changes in the legal framework.
- The need to regulate appropriate terms and conditions for the provision of special therapies by private centers providing health and rehabilitation services to children and to ensure essential requirements for the suitability and adequacy of the treatments provided.

Generally, in all fields of the realization of the rights of children with disabilities, it is necessary to adapt services and programs with specialized human resources not only to prevent their future exclusion but also to ensure their inclusion and engagement in the community with their peers as children and for the future as adults (e.g. sports, entertainment, culture etc.).

However, there is general insufficiency of statistics and disaggregated data on the number of children with disabilities by age, gender, disability, region, etc. and as a result it is not possible to draw safe conclusions on the different groups of children with disabilities, types of disabilities, their location to identify the needs for programs and services. The collection of data arises not only as a State obligation pursuant to the CERPD but is also necessary for the implementation of policies and for the planning of structures, services, material and human resources so as to enable the realization of the rights of children with disabilities horizontally in the regulated fields.

Current situation

The practice has shown that families continue to lack adequate support for the care of a disabled child. The lack of a mental health and social protection services framework in general (mainstream services), particularly at prevention level, with sufficient and suitable personnel, and of specialised services and programmes in the community especially for children with severe disabilities and their families, reduces children's social protection, making them vulnerable to neglect, abandonment and institutionalisation. In the absence of proper family care the lack of these services creates an obstacle to providing appropriate alternative care for children with disabilities in the wider family environment or the community.

Reports addressed to the Authority show that children are not accepted at municipal day care centres. The existing institutional framework⁴ has recently been amended in the light of the Authority's proposals⁵, but practically the provisions are not always guaranteed; thus, children

⁴ No. 16065 Government Gazette B497 / 22.4.2002. "Standard Regulation for the Operation of Municipal and Community Legal Entities under Public Law for Children and Nurseries".

⁵ No. 16065 Government Gazette B497 / 22.4.2002. "Standard Regulation for the Operation of Municipal and Community Legal Entities under Public Law for Children and Nurseries", article 3: «Children suffering from physical, mental conditions or disabilities are enrolled in the Station if it is certified by a qualified medical practitioner that it can be of benefit to the child and that the child can be integrated into a Nursery. In this case, when necessary, the Board of Directors of the legal entity or the Municipal Council, in case the Station functions as a service of the Municipality,

with disabilities are not always accepted. Main is the inadequacy of skilled and trained personnel in Municipal day-care centres. Failure to promptly enrol these children in nurseries - child care centres hinders their early inclusion in the learning process together with their peers, withholds the necessary support of working parents, and drastically increases the prerequisites for future exclusion.

In addition, problems regarding the fulfilment of the right to education create additional obstacles for their families, that hamper their care and lead ultimately to their exclusion from the family and community.

Many children with disabilities are abandoned or placed in foster care by their parents or in institutions where they live until the end of their lives⁶. The main reason for bringing children into institutions is disability and concerns mostly children with intellectual disabilities, behavioural disorders and multiple conditions⁷ for whom no alternative care is sought, either by parents or by the State; in this context children's best interest is not assessed, their needs for placement are not subject to regular review and their rights are not safeguarded in a proper procedure. The living conditions of children with disabilities in institutions have been investigated by the Authority⁸ and the problems that have been identified relate mainly to the nature of the institution itself as a closed care structure whose operation does not guarantee the conditions for the fulfilment of human rights in particular with regard to children. Concerning the Ministerial decision 60135/1579 of 27-12-2017, whose geographical scope of application is only the Region of Attica and Western Greece, has not been fully implemented. In addition, it remains doubtful, whether the processes enshrined will actually factualize the de-institutionalization and transpose their care to the community or will just materialize the guests' relocation to smaller structures whose nature will resemble that of institutions as regards the perception and implementation of the rights of the guests.

Recommendations

- To prevent violence, neglect and institutionalization by creating community services in order to assist parents that strive to address their children's medical, educational, social problems and provide multidimensional care to a child with a disability; this overburden from long-term care leads to their mental, physical and financial exhaustion.

shall decide on the appointment of appropriate specialized staff or attendant and, when not serving, may be recruited accordingly. with the provisions of article 21 of law 2190/1994 or article 6 of law 2527/1997, as in force».

⁶ <https://www.viewtag.gr/apoidrymatopoiisi-mia-syzitisi-aformi-gia-na-kanoyme-kati-gia-ena-egklima-photos-video/>.

⁷ "Mapping of closed child protection institutions and institutions for children with disabilities in Greece in 2014", Research Centre RIZES/ EUROCHILD, September 2015.

⁸ <http://www.0-18.gr/downloads/episkepseis-synigoroy-se-skaramagka-kai-lechaina-10-9-09> , Ombudsman Annual Report 2019, Children's Rights, p. 120-123. http://www.synigoros.gr/annual09/dikaiwmata_paidiou.pdf «Conditions of operation of the Social Care Unit for Children with Disabilities, Lehena Children's Care Center» (March 2011) <https://www.synigoros.gr/?i=childrens-rights.el.anaphries.46868> , «The rights of children living in institutions» (March 2015) <https://www.synigoros.gr/resources/docs/575568.pdf>.

- Ensuring exercise of the right to inclusive education.
- Establishment and operation of early intervention services for children, counselling and support to the family, short-term regular and emergency respite care and in case of family crisis situations.
- Provision of services and programs in the Municipalities offering day care sports, entertainment, activities and lifelong education and support for children and adults with disabilities, especially for those with intellectual, psychosocial and multiple disabilities and their families so as to prevent institutionalization.
- Abandon the current closed care model by adopting institutional and substantive measures to materialize the transition of care from institutions to the community and provide alternative care for children with disabilities within the wider family, in foster families or in community family-based structures with effective monitoring mechanisms, in line with the recommendations of the Council of Europe as well as international and national experts so as to ensure multidimensional and personalized care for them in or out of a family environment that is tailored to their personal needs, their age and disability and in accordance with their statutory rights.

E. Childcare in nurseries (Article 18, par. 3)

According to the law, childcare is provided by municipal nurseries or by private law entities. In municipal nurseries various problems have been noted regarding the non-transparent selection process of children, inadequate administration and management, particularly during the process of additional contributions (subsistence programs) and non-compliance of the program on the parents' working hours. The welfare benefit for childcare in nurseries has decreased since 2010 due to cuts and redundancies, resulting in the creation of nurseries that accommodate an excessively large number of children or in the closedown.

Recommendations

- Review of the Regulation for the operation of Municipal nurseries.
- Reinforcement of the mechanism of supervision of municipal entities to guarantee compliance with the established provisions and regulations.
- Reform of the legislation, so as to implement a horizontal institutional approach regarding certification, operation and monitoring of all types of nurseries, to avoid discrepancies in services and allocate better available resources.

F. Protection of children living in prison with their mothers

After the recent amendment of the Penal Code (July 2019), the period during which the imprisoned mother keeps her child (until the age of 3) with her is not counted in the context of the favorable calculation of the days of the sentence. This development is likely to discourage imprisoned mothers to keep their children with them as they will be forced to look for alternative ways of beneficial calculation (work in the prison).

G. Harmful traditional practices, early marriages (art. 24, para. 3)

Early marriages among the Roma population –that border on forced marriage- are still frequent, although it is difficult to establish a precise insight on the extent of the phenomenon. The consequences of early and forced marriage are grave for women and girls, who lose their autonomy, face significant health risks and are exposed to various risks of violence; their development, education and wellbeing are not guaranteed within this context. Negative consequences emerge further for society at large, in relation to the perpetuation of attitudes regarding gender roles and oppression. Abolition of the practice cannot be legislated into existence; tackling marginalisation of the community and the prevalence of social cultural norms however pose a significant challenge.

Recommendation

- Coordinated efforts to raise awareness to prevent early marriages.
- Fostering communication with and inclusion in the wider social environment.

IX. Education, recreation and cultural activities (Articles 28, 29, 31)

A. Education – Vocational Training (Articles 28-29)

1. Function of kindergartens

Law 4521/2018 established two-year compulsory preschool education and made the enrollment and attendance of 4-year-olds in kindergarten compulsory; however, the legislative amendment was not followed by the necessary arrangements allowing for the effective implementation. Although the Ministry of education appeared to be committed to apply different curriculum for 4-year-olds, there has not been such planning.

Recommendation

Apply different curriculum for 4- and 5-year-olds.

2. Teacher placement

The number of teachers deployed does not correspond to the identified needs, which is observed especially in the beginning of the school year in all school levels. In addition, replacement of teachers in the event of their absence is time consuming, undermining the continuity and sustainability of the school system.

Recommendations

- Prompt appointment of teachers.
- Promotion of flexible replacement measures.

3. Evaluation of teachers

A critical missing element is an effectual approach in cases of serious misconduct or underperformance. The experience of the Ombudsman has shown that in most cases sanctions are mild with doubtful results; by contrast, teacher's pedagogical and didactical inability and misbehavior may not impact upon the professional status on the account of the weak legal framework.

Recommendation

Reform of the legislation, by providing possibilities and measures in cases of serious misconduct or underperformance of a teacher, ensuring children's best interests and teachers' employment in other sectors.

4. Placement of psychologists and social workers in schools

Despite the increase in placements of social workers and psychologists in schools, their delayed employment as well as their fixed-term contract encumbers their role. Moreover, they are not allowed to have exploratory initial sessions with children and/or adolescents and thus abuse or maltreatment reporting is obstructed.

Recommendations

- To reduce number of relocations of social workers and psychologists, unless requested by them.
- Based on the ombudsman's relative suggestions, permit the possibility of conducting initial sessions with students without parental consent (not therapy sessions).

5. Transportation

Transportation of students to schools is problematic in many areas of the country. Especially in rural areas following problems are observed: a) insufficiency of transportation means, b) the area is geographically remoted and inaccessible, c) organisation in the regional level through public tenders, which are time consuming and do not take into account specificities of small rural areas or other restrictions; d) the reimbursement of parents is less than the actual amount expended and is significantly delayed.

Recommendations

- Adjustment of the planning of transportation to specific regional needs taking into account the availability of transportation means and any geographical restrictions.
- Prompt provision of transportation.
- Establishment of fair and practical reimbursement fares and procedures.
- Provision of transportation for Roma children who live in establishments.

6. Amendment of legislation

The amendment of the legislation regarding enrolment and attendance, examinations, etc. takes effect and is implemented without a transitional period for the students that followed a differentiated education system, that would enable them to continue receiving education according to the rules in force before the amendment.

Recommendation

Legislative amendments in the field of education to take place gradually and be linked to constant efforts, taking into account the efficacy of a progressive adaptation and a bottom-up approach, involving the adjustment of all stakeholders.

7. Children with disabilities

Despite the positive changes that have been promoted⁹ and the inclusive policies that have been announced in public statements¹⁰, problems are systematically ascertained in relation to the organization, resources, staff, teaching programs and methods, educational material, perceptions and practices in the education of children with disabilities. To date, the operation of a co-education system has not been feasible.

Education is provided in general education schools with inclusion classes as special educational measures and parallel support as an individualized measure, as well as in separate special schools, without however fully ensuring the systematic implementation of co-educational programs between special and general schools.

Recent Law 4547/2018 on support structures for primary and secondary education for all students has not yet had a positive impact on the right of students with disabilities and/or special educational needs. Specifically, the services that were provided for the support of children with disabilities (KEDDY) and were not sufficient in number, have now been converted into services for the whole school population (KESY).

The Authority has repeatedly raised issues related to special education and training¹¹. Indicatively, following problems continue to exist:

⁹ Law 4368/2016, art. 82. and MD 172877/ Δ3/04.11.2016 Government Gazette B 3561.

¹⁰ Transnational meeting-seminar of the European Agency for Special Education and Inclusion under the Department of Special Education of the Ministry of Education, Research and Religions under the title Financing policies for inclusive education systems (FPIES), Athens, June 2018.

¹¹ <https://www.synigoros.gr/?i=childrens-rights.el.files.398932> ,
<https://www.synigoros.gr/?i=childrens-rights.el.stiriksi.37349> ,
<https://www.synigoros.gr/?i=childrens-rights.el.smea.28928> ,
<https://www.synigoros.gr/?i=childrens-rights.el.aksiologisi.29858>.

Parallel Report on UNCRC by the Greek Ombudsman

- Special education needs have been primarily covered by National Strategic Reference Framework (NSRF) programs (which normally involve extraordinary, innovative actions) rather than the regular budget (through substitute teachers). The Ombudsman has repeatedly underlined that special education is an essential obligation of the State and forms an integral part of public, compulsory education.
- Provision of special Education and Training, by temporary, insufficiently specialized staff (substitute teachers).
- Further problems include: delays in the recruitment in relation to the beginning of the school year that result in learning gaps and problems in student integration; difficulties in replacement in the event of illness, pregnancy, etc. without ensuring continuity, which makes attendance extremely hard for some students because of the nature of their difficulties (e.g. with autism), non-coverage of all school activities (e.g. excursions).
- Failure to provide adequate parallel support due to reduced working time and non-specialization of the staff, as well as failure to cover all the special educational needs of students with special education needs in integration classes.
- Absence of special and personalized education programs and non-implementation of programs tailored to the special education and training needs of students, absence of adaptation of educational - teaching materials and electronic equipment, absence of systematic intervention programs to Special Education School Facilities (occupational therapy, psychotherapy, speech therapy)¹².
- Non-generalization of co-education programs between general and special schools notwithstanding the recent law provisions¹³
- exclusion of special schools from general schools from a spatial, social and educational point of view, which lack sufficient specialized staff and tailored curricula.
- Lack of interconnection of schools with community services¹⁴.
- Lack of structures and programs for the lifelong education of children with disabilities, in particular in terms of functionality, self-care and sufficiency as well as day-to-day living.
- Discrepancy between the available appropriations in relation to the institutional estimations and the actual, identified needs of students with disabilities / special education needs in relation to the total amount of all students.
- Awareness-raising and shaping new perceptions on integrating pupils with disabilities in the general education school community (teachers, parents, pupils) are necessary.

¹² Law 3699/2008, art. 2 par. 3.

¹³ Law 4368/2016, art. 82. and MD 172877/ Δ3/04.11.2016 Government Gazette B 3561.

¹⁴ Law 3699/2018, art. 2 as amended by Law 4115/2913, art. 3, par. 4.

Recommendations

- Implementation of duly constituted special educational measures.
- Planning of adequate material and human resources.
- Tailored educational programs based on detailed numerical data and on the special educational needs of students.
- Formation of a common perception of human rights and empowerment of stakeholders.
- Transition to an efficient inclusive education system through appropriate institutional and substantive changes, so as to form a participatory society that embraces diversity.

8. School facilities

Many public schools of all levels in the Greek territory have serious problems in their facilities and infrastructure, some of which to a degree of hazard. Problems are also caused by the lack of systematic maintenance of school buildings due to the scarcity of financial resources; some school buildings that have been deemed unsuitable due to structural and static deficiencies or to the destruction of their material-technical infrastructure after earthquakes or severe floods are in need of immediate rehabilitation or of an immediate relocation decision.

In some cases, relocation is not possible due to the lack of alternatives in public buildings, such as in remote areas of the mainland or on the islands. In some cases, it is preferable to put pre-built classrooms (containers) on the backyard, or to continue pupils' attendance at specific classrooms while at the same time excluding those parts of the school building that have been identified as dangerous.

Another solution that has been recorded is the effort of competent bodies to co-locate schools. However, this solution causes problems in the organization and operation of school units, with the increasing number of pupils and the general lack of infrastructure (e.g. in classrooms, laboratories), so the preferable solution would be to remove part of the facility in order to create classrooms.

The problem generally lies in finding resources for the maintenance and repair of school buildings, a responsibility of the school committees of the country's Municipalities, and at the same time the municipal technical services serve the needs of the school buildings according to the available technical capacity and the available resources.

The Authority notes that the co-existence of pupils from general and special schools should be considered as a positive action regarding the application of the rights of non-discrimination and the participation of children with disabilities among their peers for the benefit of all pupils in a

participatory society. The above action presupposes the harmonization of school buildings with the specific law provisions concerning building conditions for the benefit of the safety of all students.

In this context, the co-location of schools serving different groups of children has been documented, such as co-location of special education schools (which have to meet specific requirements) with general education schools.

Problems are also reported outside of the school buildings which are related to the safety of pupils, such as damaged sidewalks, sidewalks occupied by bar/restaurant equipment or construction of bars, lack of placement or maintenance in line with the approved traffic regulations, and the responsibility of municipalities to take the necessary measures to ensure pupils' safe access to and from schools.

The Authority, having regard to the relevant case law of the Council of State, has forwarded a proposal to the Ministry of Interior to amend paragraph 3 of Article 23 of the Decree 231/1989 and has recommended the explicit prohibition and not the exercise of discretion by municipalities in licensing bars and cafes adjacent to school units, taking into account that: (a) the inconvenience caused does not ensure the proper functioning of buildings for special purposes such as schools and the safe and unobstructed access of pupils to them; and (b) when taking decisions concerning children, whether taken by public authorities or by private organizations, the interests of the child must be taken into account.

Recommendations

Regarding the competencies of the Municipalities, following actions are deemed necessary:

- To establish a mechanism for recording the needs of schools in municipalities and prioritize the schools with the most urgent needs, while maintaining regular and systematic maintenance of all school buildings.
- To ensure close cooperation between technical services, city planning and municipal school committees to address the immediate and urgent needs of school buildings.
- To prioritize the maintenance of public areas surrounding school facilities (sidewalks, pedestrian streets), removal of their arbitrary occupation of any form of construction, barriers, etc.
- To control traffic arrangements on the streets crossing school grounds in order to ensure the safe access of pupils and / or their attendants.

9. Multicultural education and educational support for foreign students

a) Roma children education

The Ombudsman has ascertained that Roma children remain at a great disadvantage regarding education and sent a report to the Ministry of Education with suggestions for the inclusion of Roma children in formal education but has not received a response so far. A severe important problem concerns the lack of transportation.

Within this context, it is worth to mention that the Special secretariat for the social inclusion of Roma population was abolished in summer 2019. Prior to the abolition, the Secretariat had done field research and collaborated with municipal authorities in areas where Roma establishments are located. Respectively, the agency had made suggestions for the support of Roma children education (among others was the provision of transportation from the establishments to schools). Yet it has not been clear whether the responsibilities will be transferred to another department.

Recommendations

- Social workers and mediators in all schools with increased Roma children enrolment.
- Smaller number of students in these schools particularly if they are schools in Roma establishments.
- Ensure of transportation prior to enrolment.
- Improvement of school infrastructure.

b) Migrant and refugee children

During the last years major steps have been taken to ensure the access and attendance of foreign and other vulnerable groups of children to education. The legal framework and the relevant circulars allow all children to enroll in school, regardless their residence status or the possession of incomplete documents.

Despite the legal provisions guaranteeing access to the education system under the same conditions as Greek nationals, practical problems hinder the exercise of the right. The Ombudsman has found that problems in some schools of the country stem partly from the teachers' lack of knowledge regarding the legal framework and partly due to the lack of clarity in

the circular directives. Lastly, problems arise from the reluctance of the local communities to accept foreign children especially in cases of massive enrollment.

Main program to support foreign children is the provision of Reception Classes in Education Priority Zones (called ZEP) in many schools, when there is a sufficient number of immigrant students in need of support. The effective operation of ZEP is hampered by the shortage in trained staff, delays in the commencement of the classes and finally insufficient number of classes in urban areas to respond to the needs.

A similar trend of exclusion is noted in some areas of the country regarding the Reception/ Preparatory Facilities for the Education of Refugees (called “DYEP”) established after 2016. DYEP are preparatory classes in public schools and cover lessons in Greek, English, maths, sports, arts and computer science that operate during the afternoon hours outside the regular curriculum. This educational model, which was designed mainly for mass populations without social integration, is also implemented with deficiencies and delays. In addition, apart from that they are distinct units from the normal program, both administratively and educationally, leading to the isolation of the population, the certification is problematic, since successful attendance in a DYEP class does not correspond to the regular program. Finally, vast population movements and the operation of housing programs in remote locations without the prior coordination of the actors result in a number of children being excluded from the formal system.

Children residing on the islands of the North Aegean face restraints, since the creation of DYEP classes is limited and many children that reside in RICs do not have access to the formal education system.

Recommendations

- Inclusion of all children in formal education, and timely appropriate planning for the operation of reception classes and special actions to facilitate integration of children that have recently come to the country.
- All schools should place emphasis on activities that promote intercultural education, understanding and the peaceful coexistence of students with different backgrounds.

B. Entertainment – cultural activities (Article 31)

1. Playgrounds

A major problem that has emerged in recent years is the lack of certified playgrounds in many areas of the country, and in some cases the complete absence of playgrounds. According to the current legislative framework for the organization and operation of playgrounds by the Local Authorities (Ministerial Decisions of 2009 & 2014) all playgrounds must have specific technical

specifications that are audited and certified by the Playground Audit Committee of their respective Decentralized administrations in the country. It is to be noted that according to the legislation each municipality has to respect the institutional framework set out in the abovementioned decisions in order to ensure the safe use of the playgrounds, having previously taken all necessary measures to ensure their safe operation. The municipality, if it considers that the playground is inappropriate, must seal it immediately or remove the dangerous games. However, the administrative process of auctioning and bidding for the projects concerned is time-consuming, with the consequence of delaying the start of rehabilitation and improvement work in some municipalities.

In large municipalities in the country, issues mainly arise from the lack of sufficient number of playgrounds to meet the entertainment needs of children and thus there are districts within the same municipality where there is an uneven distribution of spaces. For this reason, parents complain about the lack of designated play spaces for their children in a particular area, which forces them to look for similar spaces in other neighborhoods and / or areas. At the same time, it is observed that in the geographical area of a municipality there is no playground, e.g. in an island or mountainous municipality. As a result - due to the geographical location of the municipality - children are not able to search for a nearby playground, which deprives them of their right to safe access to leisure activities. Other complaints refer to the use of playgrounds by adolescents and /or adults who damage the equipment and pollute the space due to lack of adequate fencing, non-adherence to the opening hours and playground locks. The relevant legislation prescribes sufficient fencing, whether natural or artificial, to be functional and to provide safety to children by preventing hazards and injuries as well as trapping parts of their body. The hedging should not visually isolate the playground from the surrounding area. The municipality is also required to take all appropriate measures to maintain the playground and to set its opening hours. As indicated by the cases handled by the Authority to date, it is evident that Municipalities deal with the issue of preserving playgrounds very differently. There are modern and certified playgrounds with a permanent guard (however this is extremely rare), there are playgrounds that lock by a municipal employee or by volunteers according to the opening hours, and there are playgrounds that remain open the entire day.

In Greece there is no provision for spaces for adolescents, and the legislative increase of the age limit for children who can play in the playgrounds does not offer a solution to the problem, which refers to creating spaces capable of attracting young people. The internationally recommended practice is to create distinct, well-designed and safe spaces adapted to the adolescents' needs so as to be attractive to them, with durable constructions combining the ability to interact and engage in this age-appropriate activity (interaction, movement, creation, expression) and free play, such as e.g. skate, dance, sports, graffiti creation, rock climbing, etc.). In addition, adolescents themselves should be involved and assisted in determining the character, design and appropriateness of public spaces planned for their age, through consultation and opinion-based procedures, as provided by law (Article 12 of Law 210192). It is noted that the problem of lack of certified playgrounds is usually related to the lack of free and maintained public spaces within the urban in general. Thus, many municipalities - due to lack of funds and / or due to improper planning - do not adequately maintain squares, parks, sports centers, places that seem to be abandoned. Abandoned public spaces, combined with the multiple social, economic and environmental problems of our time, on the one hand deteriorate the quality of life and on the other hand enhance the sense of insecurity of the inhabitants of an area.

Recommendations

The Ombudsman has sent a letter to the Ministry of Interior since 2017 and has proposed:

- Development of specific minimum standards for fences based on the problems encountered and, if necessary, to be incorporated in the context of the playground certification with clarity and pre-defined conditions.
- Mandatory inspection by the Playground Control Committees prior to the issuance of the certificate of appropriateness.
- For municipalities with severe financial difficulties in providing financial support for guarding, provide for appropriate ways of securing it, either with appropriate funding tools or by organizing voluntary structures for this purpose.
- Establishment of adolescent groups in partnership with their local schools that will express their views on the use and design of public spaces adapted to the age needs of children and adolescents.
- Compilation of analytical data by the municipality to assess the seriousness of playground safety issues.
- Training of employees tasked with the technical works so that they can adequately judge the safety of the entire site and the proper design for the childhood.
- Provision of clear instructions for locking the playgrounds.
- Municipalities should be called upon to propose the operation of spaces suitable for them, within a specific framework set by the Ministry after consultation.
- The Police Departments or the Municipal Police should be called upon by the municipality to provide an assessment of the situation and to suggest ways of dealing with the problems.
- Perform regular ex-officio audits by the Playground Control Committees to monitor and record the progress of the certified playgrounds.

2. Operation of sport clubs

The current sports law does not allow for transfers between different clubs, despite constant pressure from the Ombudsman to the competent Ministry and continuous protests of parents. Once registered in one club, young athletes are bound to that one; it has to be mentioned, that there are no provisions to take into account the views of juvenile athletes or consider the best interests of the children.

Recommendation

Reform of the legal framework, in order to ensure a flexible procedure of transfers.

X. Special measures of protection (Articles 22, 30, 32, 33, 34, 35, 36, 37, 40)

A. Refugee children (Article 22)

Although the refugee crisis is not a new phenomenon, serious gaps are still being noted in all stages of the procedure concerning children on the move.

1. Reception

There are significant gaps in the protection of children in the initial stage of reception, namely the application of discrepant practices and the inconsistent administrative treatment of children depending on the point of entry, the time and actor of identification, as well as the nationality of children. Children, that have not been subjected to the registration and identification procedure, face the risk of detention and/ or homelessness.

Regarding the registration procedure per se, institutional deficits and gaps have been observed and reported by the Ombudsman: shortcomings in the execution of procedures and provision of services, inaccuracies in the registration, lack of adequacy and awareness of staff on child protection issues, abusive behaviour towards children and neglect to address their needs. Finally, there is lack of coordination between the administration and civil society actors.

Recommendations

- Establishment of uniform and institutionally binding procedures for the identification and referral of children in the reception stage, especially for children found outside the competence of RICs.
- General overhaul of the competent administrative structure and investment on staff with experience on this field.

2. Restriction on freedom of movement

Persons subject to the EU-Turkey statement and the Fast-Track Border Procedure are under a “geographical restriction”; a restriction of movement is imposed on applicants of international protection who enter the Greek territory through the islands of Lesbos, Samos, Kos, Leros and Chios within the island from which they entered the Greek territory.

As a result, people are obliged to reside for prolonged periods in overcrowded facilities, that coupled with the lengthy asylum procedures and the inadequacy/absence of services available on the island have led to the impoverishment of the children and to the deterioration of their integrity and health, facing even penal persecution/ and or sanction in case of violation of the restriction pursuant to art. 182 PC. Children had to be accommodated in makeshift camps and tents in unhygienic and extremely unsafe conditions where basic care provision is extremely insufficient; with minimum sanitation services, non-functionable sewage systems, controlled distribution and rationing of food and non-separated gender areas.

Recommendations

- Stay at the RICs only for the minimum time required for the completion of the procedures after which families and vulnerable groups are moved to appropriate, safe and decent accommodation.

3. Age assessment

The age determination process is crucial, since it determines further access to services and procedural guarantees. Since many foreign children do not possess documents, the process is critical for the timely identification of unaccompanied minors and their subsequent inclusion in the child protection system.

Today, after enforcement of Joint Ministerial Decision 1982/2016 (Government Gazette, series B, No. 335/2016) and Ministerial Decision 92490/2013 (Government Gazette, series B, No. 2745/2013), that instituted programs for the medical check, psychosocial diagnosis and support, in relation to third-country nationals arriving without documentation in first reception facilities the former, and asylum seekers the latter, the age of unaccompanied minors is verified through a three-phase procedure. The affirmation of minority age at the first phase, excludes the second one, and so forth, making medical examination the last phase of the procedure.

Despite the clear legal framework, in practice, direct recourse to the third stage occurs and systematic use of medical examinations take place in a standardized manner. Age assessment relies solely on the result of the medical examination carried out at the hospitals, according to a standard unreliable method that includes an x-ray and/or dental examination, even when children possess documents proving their age, when these lack validation by a competent authority of the country of their issuance. This proceeding takes place without the prior information and consent of the person concerned, despite the contrary legal provision.

The situation is alarming for children under detention, since it can result in a number of children being registered as adults and placed in detention together with adults, despite the presumption of minority.

Recommendations

- Application of uniform practices across the territory, in line with international standards and principles that provide for a multidisciplinary and holistic approach and ensure procedural safeguards.
- Persons who claim to be juveniles be treated as such until proven otherwise/ application of presumption of minority.

4. Access to asylum procedures

To date the rationalisation and effective operation of the asylum system has not been achieved; adequate and timely access to asylum procedures is not guaranteed, while children remain without legal documents and face the risk of arrest and/or detention. Substantial access to international protection is further obstructed by shortcomings and deferrals in the examination and processing of claims. The procedure for examining asylum applications is still very time-consuming, while the percentage of asylum applications that receive a positive answer remains extremely low, raising questions on the substantial access. The Ombudsman has proposed that the cases of unaccompanied minors, whose asylum request is rejected should be transferred to the competent body that examines requests for residence permits on the basis of humanitarian reasons.

Prompt and effective access to quality legal assistance is not ensured for unaccompanied minors; in addition, lack of clear and timely information to applicants and their legal representatives on the course and outcome of the case hampers the effective exercise of rights.

Recommendations

- Development of a child-friendly asylum system, that includes the creation of appropriate, physically accessible areas and staff trained in techniques and protocols in interviewing children and child-specific forms of persecution.
- Elimination of procedural obstacles and delays, in particular ensuring timely and unobstructed access to international protection, provision of information in a child-friendly way.

5. Guardianship

In spite of the amendment of the legislation (l. 4554/2018), which provides for the establishment of the “Regulatory Framework for the Guardianship of Unaccompanied Minors” and the issuance of the ministerial decisions required by law, the provisions are not implemented due to the understaffing of the competent authority and bureaucratic problems. Therefore, an effective guardianship system is not yet operational, depriving unaccompanied children of their access to basic rights, safeguards and the protection they are entitled to. The Public Prosecutor for Minors or the territorially competent First Instance Public Prosecutor acts as a temporary guardian for all unaccompanied children in Greece, whose role is figurative and is unable to perform the duties taking into account the large number of unaccompanied children in Greece.

The Greek Ombudsman has stressed that the appointment of a permanent guardian plays a critical role in protecting and guaranteeing the rights of unaccompanied children. The minors’ representation as well as the management of their daily problems, are impossible without such a person, who, considering the particular circumstances, is essentially exercising their guardianship. Significant rights in the minors’ lives, such as access to education and health, as well as general issues of their social inclusion, become a dead letter without the existence of a guardian.

Recommendation

Immediate implementation of the legislative framework for guardianship along with provision of training to the staff and ensuring the necessary and effective supervision of the system.

6. Accommodation

The massive influx of immigrants and refugees since 2015 has given rise to an urgent need for services to provide accommodation and care for a growing population of unaccompanied children.¹⁵ This new situation has led to the development of an “emergency” social care system aimed at this population, which so far operates independently of and “in parallel” to the system in place for the rest of the children in the country. This system includes various accommodation schemes, - hotels, shelters, safe zones, SILs etc. -, managed by NGOs and funded largely by International Organizations and by the Asylum, Migration and Integration Fund (AMIF).

The main common feature between the two “parallel” child care systems is the lack of a clear framework and of quality standards, clearly defined in national legislation. The main problem concerning the care of unaccompanied children is the severe shortage of available accommodation, resulting in homelessness, or in prolonged stay of large numbers of them in completely inappropriate conditions, including hospitals (younger children) and protective police custody (children aged 15+). At the same time, the accommodation projects for unaccompanied children face severe problems due to uncertainty or long delays in their funding, resulting in difficulties in covering basic regular expenses, insecurity for the children as well as the staff, frequent staff changes and difficulty in attracting experienced and qualified professionals. The schemes set up in recent years for unaccompanied children, in general, do not present the problems of traditional old type institutions described above.

Recommendations

- Reform of the accommodation scheme for unaccompanied children, based on a long-term, child-centered approach.
- Enhance alternative care based on community- and family-based care, including foster care, supported independent living, and small-scale structures, along with the gradual reduction of institutional structures.
- Introduction of legislation and adoption of measures for the convergence of the “parallel” systems of alternative care - for unaccompanied minors and for the rest of the population of children - into a unified child care system, treating all children equally in all respects. To this effect, accommodation schemes for unaccompanied children should be incorporated into the official welfare system, with regular funding that guarantees the continuity in their operation.

¹⁵ See Greek Ombudsman observations on the treatment of unaccompanied children in the Special Report *Migration flows and refugee protection, Administrative challenges and human rights issues* (April 2017), https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017-el.pdf, Rights of Children on the Move Annual Report 2018, <https://www.synigoros.gr/resources/docs/ee2018-kdp-dikaiom-paid-pou-metakin.pdf>.

7. Employment

Unaccompanied children cannot enter into the labour market, on account of the inability to get a Tax Registration Number (Αριθμός Φορολογικού Μητρώου, AFM), without which one cannot legally work, due to barriers of a technical, administrative and bureaucratic nature.

Recommendation

Remove administrative obstacles so as to guarantee access to employment.

XI. Protection of children from torture and other forms of inhuman treatment. Deprivation of liberty. Criminal juvenile justice (Articles 37 and 40)

A. Criminal juvenile justice (Articles 37 and 40)

Until 2019 the Penal Code (art. 26) provided that the measure of detention to a Special Detention Center for Juveniles, could be imposed only to juveniles who had reached the age of 15 years and had committed a felony which, had it been committed by an adult, would have been punishable with life imprisonment (PC, Article 127 para. 1). A minor could also be detained for acts provided in Article 336 PC (rape) and only in the case of a victim below the age of 15 (Article 127 para. 1 PC). All other criminal offences committed by juveniles above 15 years of age were treated with reformatory or therapeutic measures (Article 126 para. 3).

This provision unfortunately was changed in the context of the recent amendment of the Penal Code in June (2019). The new Code provides that minors could be imprisoned for any punishable act which, if committed by an adult, would have been punished as a felony (and includes violence or is directed against life or integrity), therefore not only for those punishable with life imprisonment.

As regards imprisonment, it is noted that all minors, indictees and convicts, are detained together. Children serving sentences in the Juveniles' department are fully separated from the adult inmates. Females under 18 are being held together with adults in the Women Prison, although detention of girls is rare. After intervention of the Ombudsman, isolation in a cell is not used anymore for minors.

The conditions in the Detention Center are substandard and harmful. There's lack of entertainment space and equipment in the establishment, total absence of vocational learning programs and shortage of psychologists and other specialists.

B. Placement in a Reformatory Institution

The "Placement in a public, municipal or private reformatory institution" is implemented in the Reformatory Institution for Juvenile Boys located in Volos. The conditions in the establishment are extremely problematic. The number of minors had decreased after the legal reform of 2015.

C. Alternative measures

Although the Greek legal system provides a large number of reformatory (alternative to deprivation of liberty) measures, these provisions are rarely implemented because of deficiencies in the legal framework and gaps in coordination and the awareness of the services involved.

To date, there is a planning for the operation of Juvenile Care Units, such as shelters and treatment structures, according to a relevant proposal submitted to the KESATHEA by the Ombudsman in 2010. Nevertheless, the relevant structures are not yet active.

Recommendations

- Amendment of the law, in order to provide detention in cases of felonies punishable with life imprisonment instead of all felonies including violence or directed against life or integrity.
- Activation and development of alternative measures that respond the best way to the needs of minors.
- Activation of supporting institutions provided by law.

D. Criminal Procedure issues

Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings has still not been incorporated.

As referred already, in par. 7.5.1, the Ombudsman noted that children involved in the penal justice system in any way (witnesses, victims, suspects, accused) should be treated with respect to their dignity and vulnerable position by specialized personnel and trustworthy procedures which assure at the same time the friendly approach and avoid psychological injuries.

Recommendations

- Provisions should be adopted for all minors who come in contact with the penal justice system assuring that minors are examined by specialists, supported by psychologists before and through the procedures, escorted by their parents, represented –when needed- by a lawyer, treated in a friendly way with respect to their needs and according to their maturity.
- The Ombudsman has also suggested video recording of the examination process in all cases where minors are involved.

E. Deprivation of liberty of unaccompanied children

The Greek Ombudsman has been monitoring detention conditions since the start of its operation, but to this day it has not yet become feasible to render detention a truly last resort. The duration and conditions of detention differ, depending on the number of arrivals and the policies being implemented; as a result, depending on the circumstances, sometimes there is an inflationary implementation of the measure and sometimes not.

Specifically, for unaccompanied children, regular detention has been the response to the scarcity of adequate reception facilities coupled with the inadequate promotion of foster care that proves the systemic failure to provide age-appropriate care arrangements.

According to Greek law:

- Law 4375/2016 art. 14, restriction of freedom is imposed on all irregularly entering third-country nationals, including unaccompanied minors, at the RICs, for up to 25 days until the completion of registration and identification procedures. Currently, the provision is enforced only in RIC in Evros.
- Law 4540/2018 that amended Section 46 (10) of Law 4375/2016, “children are not detained, except where absolutely necessary, always in line with their best interests and where it is proven that less coercive alternative measures cannot be applied”; Article 46(10) foresees the detention of asylum seeking unaccompanied minors for up to 45 days, and until they are transferred to a suitable accommodation facility, an option that must be the last resort.
- Law 3386/2005 according to administrative detention is imposed upon issuance of return decisions.
- Presidential decree 141/1991 art. 118 unaccompanied children may be detained for longer periods on the ground of “protective custody”, i.e. children are held in police custody for

Parallel Report on UNCRC by the Greek Ombudsman

“protection” purposes pending the transfer to dedicated accommodation schemes which is not subject to a maximum time limit. The waiting period depends on the number of the minors and the availability of the corresponding accommodation facilities.

As regards the duration of the detention, it is difficult to record its average length with any accuracy, since there are no sufficient statistical data on this subject. There were however periods, where detention in the police stations, even in the form of protective custody, had lasted up to 45 days and detention in the special department of the Pre-removal Centre (Amygdaleza) for some months.

To this date, the matter of improving the conditions, especially for minors, continues to remain a challenge; long-standing problems include access to information about their rights, the absence of any personalized care and dearth in medical care. Material conditions are extremely poor and unsanitary, since there is shortage in sanitary products and there are no activities provided, apart from limited services offered by NGOs. Finally, there is lack of qualified staff to meet children’s needs, whereas psychosocial support and interpretation services are not available. There have been instances where children were held in police cells in extremely poor conditions, with no access to outdoor areas, completely unhygienic sanitation systems and without any assistance. The Greek Ombudsman, following a visit in police stations of Northern Greece, noted that “many minors remain in police stations up to several weeks without yarding and in totally inadequate facilities”.

Recommendation

Abolition of all forms of detention of children, in law and in practice, in line with the recommendations of European and international bodies.