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Periodic Review of Greece

Dear Committee Members,

Prior to the upcoming review of Greece, this document gathers information on the current situation in Greece with regards to unaccompanied children (UAC) in the context of migration. This submission will focus on six priority areas: the detention of UAC that is still common; the living conditions of UAC in the hotspots and Safe Zones on the Greek islands; the issue of sexual exploitation or abuse of UAC; the asylum and family reunification processes for UAC; the risk of absconding and children going missing; and the social rights of UAC. This report will describe the current situation, highlighting the main concerns, with the further aim to propose to the Greek government concrete steps that need to be undertaken.

Defence for Children International – Greece (DCIG) is the Greek national section of ‘Defence for Children International (DCI)’, an international child-rights movement and non-governmental organization established in 1979 in Geneva and represented in 36 countries. ‘Defence for Children International – Greece’ is committed to securing a just and viable future for all children present on the Greek territory. DCIG aims to ensure through its actions that childrens’ voices are heard and their rights are fully respected in practice. Since DCIG’s inception in 2016, we are one of the few human rights organizations specifically focused on children’s rights in Greece. Our highest value is the pursuit of each child’s best interests and the enjoyment of their childhood with dignity. To this end, our work is guided by the United Nations’ Convention on the Rights of the Child (UNCRC), as well as other international, regional and local standards. As a national section of Defence for Children International (DCI), we pledge to follow DCI’s mandate to “promote and protect children’s rights in accordance with international standards.” At the same time, DCIG autonomously develops its own programs in response to contextual needs of Greece.

For more information about DCI’s work you can visit:



<https://www.defenceforchildrengreece.org/>



<https://www.facebook.com/DCIGREECE/>

A. Unaccompanied children in the context of migration

i. Detention of children in inhuman and degrading conditions

‘I am a child. Not a criminal! They arrested me while I was going to my appointment with the Asylum Office in order to register myself and apply for asylum. I ended up in a police cell. I don’t know why. I stayed there for 3 days and then they transferred me to Amygdaleza prison. For 30 days. Why?’ 16 years old unaccompanied minor living in Amygdaleza pre-removal detention centre.

Detention of unaccompanied refugee children and families under the protective custody has been identified as a priority issue. Unaccompanied minors but also whole refugee families end up in detention in Greece for diverse reasons.

‘A mother should never be separated from her child. Change this policy!’

Case: When she arrived in Greece with her 5-year-old daughter, after years of persecution in her country, a young mother was arrested and forcibly separated from her little girl. The mother was transferred from Athens International Airport to Amygdaleza detention center and her daughter to a hospital and then in a children’s institution. For months, the mother did not have any news about her daughter, even though a DNA test was carried out, and it was positive. She was hopeless since she thought that her child was probably a victim of organ trafficking. On the other hand the child thought that the mother was dead. All these months they did not have any communication or information. The exercise of their Right to International Protection functioned punitively in their case, depriving the mother of her child.

Action for ending migration detention is urgently needed, given also the latest developments unfolding on the ground. Precisely, decades of undocumented unaccompanied minors and families -in absence of State accommodation provision- have found a temporary housing in one of the refugee squats run in Athens. However, in the aftermath of the newly elected Government, evictions of some of the refugee squats started taking place in the last week of August 2019. The minors and families who were residing there were arrested and transferred to the Police Stations or to other abandoned buildings without any support. Given their status as undocumented unaccompanied minors they have been placed in detention in application of the ‘protective custody’ applicable domestic law. There is a clear estimation that the evictions as well as the police operations against homeless undocumented children on the move and families will escalate in due course.

In absence of appropriate shelters to accommodate the needs of unaccompanied minors seeking international protection, the Greek State has introduced the norm of ‘protective

custody'. In accordance with this norm, unaccompanied children on the move are placed in detention centres for protection purposes. However, article 21 of law 4540/2018 stresses that the best interest of the child should be the main focus of the authorities when they apply the new law on reception to minors. Particularly, Article 10 of law 4540/2018 stresses that minors can be detained only as a last resort, taking into account their best interest and if other alternative and less restrictive measures cannot apply. Their detention is for the purpose of their transfer to a shelter and cannot exceed 45 days. However, there is no time limit for minors who are under protective custody, since protective custody is not considered as actual detention¹. The authorities tend to invoke the lack of adequate shelters in order to keep in detention or protective custody many children and for a considerable amount of time which sometimes can exceed three months. In many instances the unaccompanied children on the move, in fear of the protective custody, they do not declare their arrival to the authorities. As a result, they end up homeless in Athens and exposed to great dangers.

Case: Unaccompanied minor from Pakistan was detained at the police office of Agios Nicolaos in Crete for more than a month in 2018. During his stay at the Police Department, he committed suicide by cutting himself with the iron grid of the cell door due to his imprisonment in the cell and his exposure to unsafe and age-inappropriate living conditions. He was transferred to Agios Nikolaos Hospital and later returned to the police station. According to the Authorities of Accommodation, nobody had informed them about his case. The child instead of being placed to a safe shelter he was transferred to the 'safe zone' of a Hotspot.

The Committee on the Rights of the Child has indicated that the provisions limiting restriction of liberty under Article 37 apply to all instances of restriction of liberty including for example, in relation to asylum seekers and refugee children.

“The Committee is deeply concerned at severe violations of the rights to freedom of movement and to choose one’s residence in the context of the State Party’s regroupment policy. The Committee is concerned further by the large number of children in regroupment camps and the extremely poor conditions in which they have to live, constituting in many cases, cruel, inhuman and degrading treatment and violating numerous minimum standards with respect to children’s rights. For this reason, “the Committee urged “the State Party to complete without further delay, the process of closing that regroupment camps, and pending closure, to guarantee respect of all the civil rights and freedoms of children their families living in such camps.”²

¹ Article 118 of presidential decree 141/1991 mentions that minors can be placed under protective guard but this is not considered to be an arrest.

² UN Children's Fund (UNICEF), Implementation Handbook for the Convention on the Rights of the Child, September 2002.

In relation to unaccompanied minors, Eva Cosse, researcher of Human Rights Watch, mentions that "due to the shortage of dedicated spaces in shelters for children, children are kept on waiting lists to be transferred to shelters for prolonged periods of time [...] We've spoken with children who are not being able to sleep at night, being stressed, being angry and this is because they don't have any information about how long they will stay on the islands, when they are going to be transferred to a shelter".

Our Helpdesk has also received cases of children that due to wrong age assessment on the islands they ended up in detention inside the Camps, in the adult's section or even inside the pre removal centres.

Case: Unaccompanied boy from Ghana insisted that he was 17 years old, while according to the age assessment he was 19. In his possession he had also his birth certificate that had been accepted as authentic by the authorities when he entered the territory. According to the minor, his age assessment lasted only around 5 minutes. The boy visited the doctor that would assess his age and answered the 3 – 4 questions the doctor asked. He later ended up in the pre removal center inside the Camp of Moria.

The Special Rapporteur on Torture in his report in 2000 noted that "unlike most adults, children can be deprived of their liberty in a variety of legal settings other than those related to the criminal justice system and are thus reported to be particularly vulnerable to some forms of torture or ill – treatment in an institutional environment". He also stated that "unlike detention within the justice system, which in most cases will take place for a predetermined period of time, children are sometimes held in institutions and subjected to cruel and inhuman or degrading treatment without time limits or periodic review or judicial oversight of the placement decision. Such indeterminate confinement, particularly in institutions that severely restrict their freedom of movement, can in itself constitute cruel or inhuman treatment." (A/55/290, paras.11 and 12).³

We further encourage the Committee to:

- request information on the number of available places in the shelters for Unaccompanied Children in the country (excluding protective custody and safe zones)
- urge the Greek State to change the legislation to completely end migration detention of unaccompanied children and replace it with alternatives to detention such as semi-independent living apartments, child-appropriate shelters, and foster care

³ UN Children's Fund (UNICEF), Implementation Handbook for the Convention on the Rights of the Child, September 2002.

- urge the Greek State to comply with the ruling of the European Court of Human Rights that condemns Greece's practice to detain refugee children under the so called 'protective custody' and embark implementing it immediately

ii. The life in Hotspots and Safe Zones

'Every night I think I am gonna die' 12 year old unaccompanied minor trapped in Moria Refugee Camp

DCIG argues that Camp of Moria, and more particularly its Safe zone and Section B, as well as all the other Safe zones and Hotspots around Greece (Samos, Chios, Kos, Leros and Fylakio) constitute indicative examples of restriction of liberty and types of detention, since they violate numerous minimum standards regarding the rights of children since they fail to establish an adequate standard of living in relation to persons that have special needs, like these of the unaccompanied minors and families.

DCIG visited Moria Camp in October 2019 to monitor the living conditions of UAC in the hotspot. This field visit was the reason to launch the 'I can Hear You' Campaign with the hashtag #dont_leavethekidsalone in order to make locally, regionally and internationally known the dangerous living conditions of unaccompanied children in these places. The campaign provides daily updates and important information about the current situation, as well as messages that the children themselves wish to share with the Greek government and Europe. DCI Greece becomes a platform for the voices of all children trapped in Hotspots aiming to convey their message to European Leaders.

'Everyday more children are coming, but none of us are leaving this place. It feels like prison. Can you Hear me?' 15 years old girl trapped in refugee Camp

At this time, 1112 unaccompanied minors live in the, already overcrowded, Moria Camp, exposed to hazardous conditions for their health and overall protection. During the last month, a systematic increase in the number of unaccompanied minors being hosted in Moria Camp has been documented. In particular, unaccompanied minors, due to the lack of adequate space and overcrowding, are forced to sleep on the floor in outrageous conditions. They are unable to access medical and psychosocial care, while being exposed to serious risks to their physical and mental health. **The recent tragic incident of the murder and serious injury of two unaccompanied minors by another unaccompanied minor within the 'safe zone' of Moria Camp, unequivocally indicates the devastating effects of abandoning unaccompanied minors in inhumane living conditions.**⁴ The systematic failure of meeting the particular needs of these children coupled with their exposition to the existing living conditions in the various Sections of Moria Camp, aggravates their already unstable psychological state and heightens the risk of triggering additional acts of despair. In

⁴https://www.infomigrants.net/en/post/19064/minor-killed-at-moira-migrant-camp-on-lesbos?fbclid=IwAR1C8ZjGpMtMhhLa71tP3SNp5c_3Lx6-0z7qBMGRjokJKwDOq7JII0iTIX4.



addition, due to the lack of staff capacity at the KEELPNO services, unaccompanied minors only get pre-registered without being able to proceed with their full registration at the Asylum Office. This condition has an adverse effect on the evolution of both their placement in appropriate shelters in the mainland, as well as, on their family reunification case under Dublin III Regulation, given the fact that most EU states accept family reunification requests within a three month deadline since the pre-registration date.

‘When the sun goes down we are left alone, unprotected. Let them all know about this.’ 15 years old girl trapped in Moria

‘ I was always living with the fear of Taliban, beaten up and forbidden going to school. I thought leaving Afghanistan will bring me peace. But peace for sure cannot be found in Moria.’ 15 years old trapped in Moria for more than seven months

In relation to the ‘Safe Zone’ area which accommodates the young unaccompanied minors, it constitutes an unsafe location for children to live in. The ‘Safe Zone’ is located within the Hotspot of Lesbos, it is built upon a hill and borders with the Section of Single Men which is located above ‘Safe Zone’ on the hill. It is very easy for adults to jump inside the area of the Safe Zone. DCIG invites CRC to pay attention to the fact that the placement of unaccompanied minors in a specific oriented area called ‘Safe Zone’ does not suffice to guarantee the required special protection to UAC’s given the fact that this very place is located within the premises of the Hotspot of Lesbos. On the contrary, UAC’s are easily identified and targeted in the Hotspot.

Following our evidence which derives directly from the unaccompanied minors themselves who have resided in the Hotspot of Lesbos and have been provided with our legal support, a high percentage of the child population living in Section A and B is involved in survival sex and drug dealing inside and outside the Hotspot of Lesbos. Given the information the unaccompanied minors disclosed to us, these channels are well organized inside the Hotspot of Lesbos and are easily accessible to them. The channels direct the unaccompanied minors to specific spots where the minors gather while awaiting for their ‘clients’ to come and pick them up for having sex with them for five Euros. In some instances, the unaccompanied minors were involved in sexual activities with adults inside tents placed next to the Hotspot of Lesbos.

Our evidence shows that the unaccompanied minors residing in Section A and B are particularly exposed to serious health problems including diseases. They also have to queue for hours in often harsh weather conditions in order to receive their meals and frequently the food is over before their turn. Even if they receive food, it is of very low quality and not enough to cover their nutritional needs. They also told us that they do not have proper clothing and shoes. The unaccompanied minors who reside in Section A and B remain without adequate supervision and with the doors unlocked during the night. Many of the unaccompanied minors who were transferred from the Hotspot of Lesbos to Athens and were

provided with our legal support told us that it was during the night when rapes and torture took place inside Section A and B. The perpetrators were taking photos during the violent incidents and used this material afterwards to threaten their victims in an attempt to refrain them from reporting the criminal actions to the authorities. In this context, the unaccompanied minors have demonstrated great reluctance to report the abuse experienced out of fear, shame, helplessness, concerns about discrimination, stigma and retaliation, and due to the insufficient trust to open up.

The structural existing reception deficiencies on the Greek islands have a domino effect on the situation of refugee children on the mainland of the country, including in the capital of Greece, Athens. Since the closure of the European borders, the bottleneck of children stuck at the border of Greece has grown, the rate of its growth having increased recently with a rise in new arrivals in July, August and September 2019. Due to the lack of guardianship, access to legal assistance, delivery of proper information and a due protection system in place, the rights of unaccompanied minors fail into the cracks.

We further encourage the Committee to:

- request information on the exact number of unaccompanied children that live in the hot spots on the Greek islands; the services provided to them; the living conditions; the psychological state of them; the incidents of SGBV cases; access to legal aid; access to education; access to asylum and Dublin III procedures
- urge the Greek State to immediately transfer the unaccompanied children from the Hotspots of the Greek Islands to the mainland, to appropriate accommodation
- urge the Greek State to transfer the unaccompanied children from the Hotspot Fylakio (Evros) to appropriate accommodation, as this hotspot is actual detention
- urge the Greek State to increase the security and protection provided in the sections of the hotspots where children reside to a 24/7
- urge the Greek State to proceed to direct staffing and reinforcement of the public health and social support services in the Hotspots
- urge the Greek State to respect in practice the initial purpose of the Hotspots to function as First Identification Centers and ensure that children reside in them only for a couple of days

iii. Unaccompanied Minors victims of sexual exploitation and abuse

According to the latest updates from EKKA (National Center for Social Solidarity)⁵, more than 4210 unaccompanied children on the move are currently present in the Greek territory with the numbers systematically rising from day to day. The vast majority of them with a percentage reaching 93,3% are boys aged between 14 to 18 years old. As UNHCR has already pointed out, the national capacity for accommodating unaccompanied and separated

⁵http://www.ekka.org.gr/images/EKKA_Dashboard_15-8-2019.pdf?fbclid=IwAR0rhEKzdfV0kAgb-Y24LbsD9ERhKYCs4I58EX99rAHhdMmwrvcvur0dXvkk



children is still far from meeting the particular needs of these children for appropriate housing and protection. **The latest data proves that, more than 2500 unaccompanied minors on the move are exposed to homelessness and rough living conditions incompatible with their needs and rights as children.** Due to this predicament they are exposed to serious on-going protection risks, sexual exploitation, abuse and threats of their life.

DCIG has observed that most unaccompanied minors either have been sexually abused in Athens and in the reception camps, where they used to reside, or that they are continuously harassed and exploited by the criminal gangs that operate in the country and in many instances start involving the minors from the camps at the borders of the country. DCIG dealt with numerous cases where the unaccompanied minors were trapped in channels of exploitation from their arrival at the borders of the country and while residing in one of the reception camps. All these cases go unreported because children are too afraid and unsupported to file a complaint to the authorities, since there is no system to protect them as witnesses.

‘They force you to put the drugs in your mouth and swallow. Then they tell you where to go. Sometimes you have to travel and go to another city.’ Unaccompanied minor 16 years old, homeless

‘Parks and squares became my home. I was sleeping there for many months. Alone and afraid. One night a man approached me and offered me, house and food. He invited me to his place. I thought he was a nice man...He forced me to have sex with him’ Unaccompanied minor, 15 years old, who was homeless for more than nine months

Additionally, DCIG has encountered many cases of children who have crossed the country through the borders of Evros and who were not registered by the authorities at all. These children make their way to Athens and reside in parks or in squats if they are lucky enough, not knowing how to register and apply for international protection and access to housing. These hundreds of children are in a limbo situation, invisible by the authorities and exposed to all kinds of dangers and exploitation that homelessness and youth can bring in the absence of a legal guardian provided by the State.

Case: Minor from Bangladesh arrived in Athens in early October 2018, unaccompanied and alone, through Evros borders. He was homeless, living in the city center of Athens trying to find shelter in parks and outside the metro stations. The minor was unregistered for a very long time, thus staying invisible to the official asylum authorities and facing at the same time the danger to be caught by the police. Being from Bangladesh would only diminish his position. Simply obtaining a registration appointment for him would prove to be tougher than imagined. After contacting the asylum office multiple times for almost two months DCIG got a formal reply in December and eventually the minor was registered some weeks later. Shelter for a child from Bangladesh in Greece, required three legal

reports and countless hours of communicating with the authorities. For four months the minor was homeless trying to find a temporary place to sleep in shared apartments with older men running the risk to get exploited. Finally, the minor was placed in a children's facility of unaccompanied minors in mid February of 2019. Today he is still waiting to be reunited with his sister, living legally in the UK.

DCIG has also gathered testimonies from unaccompanied minors themselves, who resided in Hotspots in Lesvos. They opened up and trusted the DCI team, to share crucial incidents about their involvement in the sex business and drug dealing inside and outside the hotspots. They also added, they witnessed several incidents of minors involved in sexual activities with adults inside tents placed next to the Hotspot of Lesvos.

'Refugee children have a very hard life.

Their nightmare starts with the smugglers, they do all kinds of tortures to them. They force them to carry drugs, in their stomach or any other way, telling them they will kill their families. When they arrive in Greece, they face terrible conditions. They don't have food, clothing, or a bed to sleep and rest.

Older men take advantage of the vulnerable children, forcing them to have sex. They take naked pictures of them, in order to blackmail. In Moria camp, Lesvos, this is an everyday phenomenon. Little children cannot sleep at night because they are terrified that they are going to get molested. Other children cannot get any sleep, they are waiting for a call from their parents, who are far away. No money for food, children have forced sex with men for a few coins. It's hell.' 17 years old Unaccompanied minor from Afghanistan, who spent more that six months in Moria Refugee Camp

UNHCR reports confirmed the results that DCI Greece has discovered in one of the reports that include some facts about the risks that children face such as that of sexual violence and tensions in overcrowding reception facilities on the islands. More than 21 cases of rape and sexual assault have been reported only in May 2018, more than half of the victims were minors under the age of 18.

'Every day a different man would come in and do what they wanted with me' 15 years old minor trapped in Hotspot

Sexual exploitation of children is illegal in Greece. Greece is a party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, which requires member states to criminalize transactional sex with

children, in humanitarian settings, where refugees and migrants often face increased barriers to sexual and reproductive healthcare and social support, prevention is even more urgent.

Although adolescent boys comprise a substantial majority of the population of UAC, they are rarely the focus of policy discussions and humanitarian response efforts.⁶ One of the first obstacles unaccompanied minors face upon arrival in Greece is the complicated and ever shifting legal framework they must navigate to seek age appropriate protection. Legal protection does not automatically translate into actual protection due to the ineffective implementation of the existing law. While under Greek law, State authorities are bound to protect unaccompanied boys and girls, this is not implemented in practice.

We further encourage the Committee to:

- urge the Greek State to adopt measures to prevent homelessness and create new appropriate shelters
- urge the Greek State to adopt measures to prevent and respond effectively to child sexual exploitation and abuse; to create a database of child victims of sexual exploitation
- urge the Greek State to develop a protective framework in law and practise for children victims of sexual abuse and/or exploitation
- invite the Greek State to establish appropriate protection channels for children that have been victims of sexual abuse and/or exploitation
- invite the Greek State to establish special rehabilitation programs for children exposed to sexual abuse and/or exploitation

iv. Asylum and Family Reunification Processes

Access to Asylum Procedure - Delays

According to the procedure in order to book an appointment with the relevant asylum office so as to apply for international protection, the applicant must call through skype specific hours and days depending on their country of origin. Children that do not have the support of an organization mention their difficulty to book an appointment with the Asylum Office through skype. It is worth mentioning that homeless children, rarely have access to the internet. In most of the cases there is a significant delay to find a date for registration (4-12 weeks depending on the country of origin and the Asylum Office).

For unaccompanied minors, if the child is under 15 years old his application for international protection must be submitted by the appointed representative. If she/he is over 15 years old, the minor can submit his/her application him/herself. Since now, the Greek law for Guardianship has not been implemented in practice, thus, not all children have an appointed representative.

⁶ Freccero J, Biswas D, Whiting A, Alrabe K, Seelinger KT (2017) Sexual exploitation of unaccompanied migrant and refugee boys in Greece: Approaches to prevention. PLoS Med 14 (11): e1002438. <https://doi.org/10.1371/journal.pmed.1002438>

According to national legislation and more particular Article 45 L 4375/2016, the competent authorities, when receiving an application from unaccompanied minors, shall act in accordance with paragraph 1 of article 19 of the Presidential Decree 220/2007, for the appointment of a guardian. The minor shall be informed immediately about hers/his guardian. The Guardian shall represent the minor, ensure that hers/his rights during the asylum procedure are safeguarded, as well as ensure the appropriate legal assistance and representation before the competent authorities. These provisions are in conformity with the provisions of article 25 of the EU Asylum Procedures Directive. However, in Greece the legislation for guardianship has not yet been implemented.

Asylum Interview – Prioritization

According to Article 8 L 4375/2016, minors belong to the vulnerable groups of the refugee population. This means that they must receive special attention able to meet their special needs. However, the way the asylum system perceives children seems not to take this into account. Article 45 (8) L 4375/2016 provides that the principle of safeguarding the best interests of the child must be strictly applied during the process of examining children’s international requests. **In practice, however, there are significant delays regarding the conduct of the asylum interviews. For instance, children that were registered and applied for international protection throughout 2019, have their interviews scheduled for 2021 or 2022.** This practice violates directly the best interest principle, as it puts children on standby mode for a long time impacting negatively their already poor mental state. Many children also during this time become adults, thus being deprived of the special protection they are entitled to as children.

‘For a moment it crossed my mind to fall onto the rail tracks’

Case: An unaccompanied minor from Afghanistan had his scheduled interview on 27/5/2019. The child travelled all the way from Amygdaleza Camp to the Asylum Office and last minute before the interview, the personnel informed him that the system is malfunctioning thus not being able to conduct the interview. The interview was rescheduled for January 2021. The minor however was already on hold since 2017, when he arrived in Greece, at 16 years of age and in very bad psychological state due to being separated from his sister during the journey. He applied for international protection, after a long time his sister managed to find him via Facebook and applied for reunification. His request was rejected. The only thought that was keeping him strong was to grant asylum, get his passport and finally travel to meet his sister. Now, he has to wait two more years for his interview.

Hearing

First of all, no state funded free legal aid is provided under law at first degree. That means that children who are not supported by an NGO are not legally represented in their asylum interview.

National legislation and more particular Article 52(13)(a) L 4375/2016 expressly provides that each caseworker conducting the asylum interview must be “trained in particular as of the special needs of women, children and victims of violence and torture.” Additionally, case workers conducting personal interviews with unaccompanied minors must have the necessary knowledge of the specific needs of minors and conduct the interview in such a way so that it is fully understood by the applicant. They should also take into account their age, maturity and the psychological consequences of their traumatic experiences. (Article 45 & 52 L 4375/2016)

Moreover, the interview shall be conducted with the assistance of an interpreter, in accordance with Article 41 (1b), capable of guaranteeing the necessary communication in order for the person concerned to be able to fully explain the reasons which led him to leave her/his country of origin. The interpreters in the asylum process are covered by an NGO as interpreters are not appointed by the state. **DCIG have witnessed many cases where there was no interpreter available for the scheduled interview. In those cases the interview was rescheduled for a later date, sometimes even after a year or later.**

Child Friendly Conditions

Participating in administrative and judicial proceedings is very stressful for children, even more for refugee children that have experienced loss, trauma and violence back in their country of origin or during their displacement journey. For this reason, measures should be taken so that children feel safe and protected during the hearing. Our experience with unaccompanied minors has shown that many children do not feel comfortable at all during the asylum interview. They feel like they are being interrogated, like they did something bad. Children fail to fully understand what the asylum interview and international protection entails, since they are not given sufficient information to enable them to understand their rights and the procedures. For this reason, is difficult to participate effectively in the proceedings and to be heard in a meaningful way.

Unfortunately, due to the high number of cases and the lack of staff, case workers do not always have sufficient time to prepare the child and speak with her/him before the hearing in a child friendly space/environment so as to reduce their anxiety and to build a relationship of trust. Given also the fact that many children are now detained in the center of Amygdaleza

some interviews are being conducted at the Asylum Office of Amygdaleza and while children are detained.

Case: An unaccompanied minor who was detained in Amygdaleza had his asylum interview while he was detained, without any guardian, lawyer or social worker and only six days after his application for international protection. The child did not receive any information about the asylum procedure, the interview and his rights nor had the time to prepare himself. As he told DCIG’s legal team he felt like they were interrogating him and that he did not know exactly for what reason the interview was being conducted. At that time, the minor was in a particularly bad psychological state, not only because of the traumatic experiences he had as a refugee, but also because of his detention, as he was afraid that he would be deported at any time. His psychological state acted as a deterrent factor to his presence and involvement in the interview process, thus preventing him of explaining in detail the main reasons he left his country.

b. Second Instance

In case a minor’s application for International Protection is rejected, the child has the right to appeal the decision to the Appeals Committee, within the deadline stated in the decision. This deadline starts the next day after the date the minor is notified about her/his decision. In the majority of the cases the minor is informed about the decision when she/he goes to renew her/his “card of international protection applicant”. The deadline to submit an appeal is 60 days. The appeal is examined by the Independent Appeals Authority. Under law 4375/2016 free legal aid is provided in proceedings before the Appeals Authority. However, ‘The Appeals Committee usually examines appeals based on the evidence in the applicant’s file and does not conduct a hearing of the applicant.’

Family Reunification through Dublin Regulation III

Under Dublin Regulation III if an unaccompanied minor has a member of their family (parent, brother/sister, uncle/aunt, grandfather/grandmother) that is legally present in a “Dublin III” country, this country is responsible for the examination of their international protection application. In practice, family reunification procedure can be a very difficult procedure for a child, especially for the child that is not placed in a safe facility thus not having the help of a social worker. The child must gather all the necessary documents required for the application such as: identification documents, copies of their family member’s current documents from the other Dublin country, like their asylum seeker card, residence permit, refugee passport or any other documents, documents that can prove their family relationship and the written consent of their family member. Finally, a Best Interest Assessment is required by the majority of the Member States, conducted by a social worker.

In case the child is not placed in a safe facility, Greek state cannot provide her/him with a social worker , thus the child is dependent to the availability of the NGOs.

There is a three month deadline from the day of registration that an unaccompanied minor can proceed with family reunification. It is worth mentioning that at the entrance points of Lesbos and Evros unaccompanied refugee children are given a paper by the officials to declare their willingness to legally proceed in Greece for Protection upon arrival and without proper information on their rights. As a result, some of them stay unregistered and uninformed about their right to family reunification within the 3 month deadline.

‘All I want is to see my brother again! When I crossed the borders nobody informed me about what I should do and where to go. Later at the asylum Office they informed me about the procedure and all the documents I must gather but I did not have support at all and I missed the deadline. Now they tell me that I should apply for asylum in Greece and wait for the decision. My interview will take place in two years. I can’t wait anymore. I am tired.’

Asylum Reform

The Ministry of Citizen Protection outlined plans for another reform of asylum legislation, shortly after a fire in Moria killed a mother and her newborn child. The new asylum law will be introduced in the end of October 2019 and its implementation will start 1st January 2020. Currently, the law is open to consultations. First of all, the very short consultation period that is foreseen for an amended legislation with so many articles and extensive changes, essentially prevents the human rights organizations and lawyers, to read and comment on it seriously and adequately.

The newly introduced law restricts the legal framework of international protection in Greece. Specifically, its main aim is to ensure the deportation of third country nationals either to Turkey or to their country of origin by imposing many procedural difficulties in their access to rights. An important aspect is that the composition of the Appeals Committee will change again. This time, there will be no member in the Committee that is designated by UNHCR. This means that the Appeals Committee will be consisted only of judges, that do not necessarily have an expertise on refugee law. To the contrary, the person that was designated from UNHCR had to undertake many tests and assessments in order to be appointed in the Appeals Committee as s/he would be considered to be an expert on asylum. Moreover, the new Appeals Committee will be consisted only of one judge, and sometimes, only when this is necessary, from three. Furthermore, regarding children, their access to school is being hindered through many bureaucratic procedures. It worth to mention also, that there is zero reference to the need to end the ‘protective custody’ of children and replace it with other durable solutions. This means that detention of children is still considered to be acceptable

despite the decision of the European Court of Human Rights. On 30th September 2019, there were more than 200 children in protective custody. Last but not least, the situation regarding vulnerable people in the islands will change. Since now, vulnerable people are excluded from the ‘fast-track’ border procedure and go through the regular procedure that provides more safeguards. However, the new law foresees that not all vulnerable people will be excluded from the ‘fast-track’ procedure, but only in the cases where this is necessary. However, there is no reference on who and how this assessment will be conducted, endangering in this way the protection of vulnerable people.

As DCI Greece, we recommend to the Committee to urge the Government to completely take into account these issues in the legislation and provide all the essential safeguards to vulnerable people and children.

We further encourage the Committee to:

- request information on the numbers of accepted and failed asylum-seeking UAC
- request information on the main reasons why the family reunification applications are rejected and what steps have been taken to smooth the bureaucratic obstacles
- urge the Greek government to appoint to all unaccompanied children a legal guardian
- propose to the Greek government to provide on-going child-friendly training to the people conducting the Best Interest Assessment
- urge to the Greek government to provide legal assistance to UAC at the first instance
- urge the Greek government to ensure that children living in the hotspots for long periods do have access to legal assistance, so that they can meet their deadlines
- urge the Greek State to prioritise the asylum interviews of the children rejected the family reunification
- urge the Greek State to conduct a Best Interests of the Child assessment in each asylum/ family reunification case
- urge the Greek Asylum Authorities to include a Best Interests of the Child analysis in their legal reasoning
- urge the Greek State to always consider children applicants vulnerable and exclude them from the fast track procedures

v. Children in risk of Absconding/Missing/Smuggling

It has been reported by the Greek police that 1110 unaccompanied refugee children were missing only in 2018, while the first 6 months of 2019, 404 UAC were reported to be missing. These numbers do not represent the full image of children going missing, as for example there are no data for homeless and unregistered children that go missing. Moreover, these numbers are estimated to have risen since then.

According to the Greek practice so far, the people working in the shelters for UAC or Safe Zones are obliged to report the disappearance of a minor in the police. However, if the child

is homeless or unregistered, no one is able to identify or report the disappearance. In Greece, according to Law 4554/2018, voted in July 2018 a framework for the guardianship of unaccompanied minors was established. A guardian will be responsible to inform the police in case an unaccompanied child is going missing. **However, the new legislation on guardianship refers that a guardian will be appointed for all UAC residing in shelters and camps but there is zero reference to homeless children, which is problematic given that there are hundreds of homeless children. Homeless children will not have a guardian and no one will be responsible for them. Moreover, even though the new legislation was voted a year ago, it has not yet been implemented.**

It is difficult to identify the exact reasons for the disappearances of the minors. The most commonly reported reasons are a negative decision in the asylum or family reunification application (or fear of this). It is worth mentioning that minors who have their family reunification rejected, often decide to leave illegally, even putting their life in danger, because they want to find their family and live with them. Especially during this period, that most of the EU countries have set very strict criteria and conditions to accept family reunification applications, the number of UAC going missing is rising. Moreover, minors sometimes wish to transit to other states where they have family and friends or they can have better access to labor market and due to better economic conditions in the other country. Furthermore, children may be victims of child trafficking and smuggling. Traffickers and smugglers exploit the rise in unaccompanied child refugees. The vast majority of children that disappear will either not yet have received a decision on their asylum application or have received a negative decision. In a few exceptional cases, the children might have received a residence permit at the time they went missing or absconded.

We further encourage the Committee to:

- invite the Greek State to regularly assess the situation regarding accommodation and reception of unaccompanied refugee children
- request data availability on unaccompanied children going missing
- urge the government to implement the legislation on guardianship to provide appropriate safeguards and amend the legislation to include homeless children
- propose to the Greek State to provide adequate training to personnel involved with children on prevention of disappearances and child trafficking and smuggling
- urge the Greek State to develop a tracing mechanism for missing children on the move

vi. Social Rights: Education and the right to health including mental health

The right to health

The Greek Law 4368/2016, and specifically article 33, provides free access to medical and pharmaceutical services to the members of vulnerable groups, including unaccompanied

children irrespective of their status.⁷ People need to have a Social Security Number named AMKA in order to access these services. This number is issued by Citizen's Service Centres around Greece (KEP) or the offices of the Agency for Social Security (EFKA). This possibility was provided by the afore-mentioned law, the Joint Ministerial Decision n A3(γ)/ΓΠ/οικ.25132/4-4-2016 and a circular that was regulating how AMKA will be granted to non-Greek nationals. However, the new government withdrew this circular in the 11th of July 2019, and since then, there has been no procedure in place to grant AMKA for unaccompanied children, leaving them without access to healthcare and medicine.

DCIG has witnessed many cases of unaccompanied children who were not issued AMKA and were excluded from free access to medical and pharmaceutical assistance and healthcare. DCIG is deeply concerned about this situation and the failure of the government to ensure that all unaccompanied children have access in the public health system. Without AMKA, thousands of children will stay out of the Greek healthcare and pharmaceutical assistance. Despite the fact that some doctors and health workers tried to help by providing health assistance to unaccompanied children - even without AMKA, the situation is alarming because even in these cases, children would not be able to access medication free of cost.

The Greek law 4540/2018 that is transposing the recast Reception Conditions Directive in Greece, provides in Art. 17 that 'asylum-seekers have the right to free access to the Public Health Structures and are entitled to medical and pharmaceutical care including the necessary treatment for diseases and the necessary mental health treatment'.⁸ Measures should be adopted to allow the access of third-country nationals to the Greek public system in line with the European and International legislation.

Finally, in the hotspots on the Greek islands, access to health remains particularly restricted due to lack of staff, coupled with persisting overcrowding. As noted by UNHCR, "across the islands and on some camps in the mainland the low number of staff under the Ministry of Health, in particular doctors and cultural mediators, is not sufficient to help refugees with medical and psychosocial needs".⁹

Mental health: The living conditions in the hotspots traumatize even more UAC and give them little or no hope for healing. A well illustrated example is this of Ayesha. Ayesha is a 9-year-old girl who lives in Moria Camp and for two weeks now she has not opened her eyes, walked or spoke to anyone. She has what the mental health team believe could be one of the first cases of resignation syndrome. Ayesha's state embodies what can happen when a child loses all hope. Children that have experienced conflict and war and are led to these kinds of camps, get more traumatized and lose all hope. Resignation syndrome represents a state of

⁷<https://ec.europa.eu/migrant-integration/librarydoc/law-4368/2016-article-33-on-free-access-to-health-care-services>.

⁸<http://asylo.gov.gr/wp-content/uploads/2018/05/%CE%9D%CE%9F%CE%9C%CE%9F%CE%A3-4540-22.05.2018.pdf>.

⁹ UNHCR, Factsheet: Greece, January 2019.

extreme withdrawal that can last for months or even years and occurs in the context of severe psychological trauma.¹⁰

Mental health support is necessary, however it has been witnessed that this is not adequate. In the hotspots there is only one psychologist from KEELPNO that cannot provide support to all the children. Some NGOs are there to provide psychological assistance to children but still this is not enough.

On the mainland, the situation is the same. There is no provision of mental healthcare and the gap is covered by the willingness of NGOs. The limited public mental health institutions in Greece are also a particular concern.

Case: An unaccompanied minor from Afghanistan arrived in Greece in August 2019. The child is still homeless unregistered and in a very bad psychological state. Until today (October 2019) an appointment with a psychologist has still not been scheduled due to the lack of state provision and the inability of the NGOs to cover all the needs.

Education

In Greece, the education of asylum seekers is regulated in the Law 4540/2018 and specifically article 13. This article provides that children seeking asylum have access to education in the same conditions as Greek children, and in case some papers are missing, facilitation for their registration should be provided. In August 2016, a Ministerial Decision was issued to allow for afternoon preparatory classes that can facilitate the integration of children in the Greek school system.

DCI Greece has witnessed that some unaccompanied children face some problems in their registration. As the registration process takes place before school starts, if the children are unregistered during this period, they are in danger of losing the deadline for registering for the school. This happens because some schools on the mainland do not accept the registration of unregistered children. However, it is worth mentioning that the registration of a minor to the Asylum Service may be scheduled even one or two months after the child has been identified. Thus, even unregistered children should have the right to education and the possibility to register for school, and provide the documentation at a later stage. This is also foreseen in the law, but not always implemented in practice.

‘I have food but I also want to go to school and study. I want to become a doctor’

Case: An unregistered, unaccompanied minor 16 years old was denied access to education due to the lack of documents. The director of the school insisted that in order to register

¹⁰<https://www.theguardian.com/commentisfree/2019/oct/06/moria-refugee-camp-lesbos-traumatized-children>

him it was necessary to have his *international protection applicant card*. As a result the minor lost the school year.

Access to education is highly problematic for children living on the Greek islands, as they do not have access to formal education. They can only access informal education that NGOs provide. Many actors have urged the Government to allow access of children to education even on the islands as children have to stay in the hotspots for prolonged periods that can reach up to a year. Official data relating to the schooling rate on the Eastern Aegean islands are not available. In July 2018, research undertaken by Human Rights Watch on access to education on the Greek islands found that fewer than 15% of migrant children on the Greek islands were enrolled in formal education at the end of the 2017-2018 school year.¹¹

We further encourage the Committee to:

- urge the Greek State to immediately adopt measures to ensure free access of unaccompanied children (despite their legal status) in medical and pharmaceutical care, including mental healthcare, in line with national legislation and Greece's obligations under EU and international law
- urge the Greek State to ensure that all children have access to education and the Greek public school regardless of their documentation
- invite the Greek State to set up rehabilitation programmes explicitly designed for trauma recovery of children on the move
- urge the Greek State to develop a short and long term action plan aiming to integrate of the children on the move
- urge the Greek State to enhance the multicultural dimension on the existing educational programmes run in the country

We encourage the Committee to take these findings into consideration when discussing Greece's submission. We hope you will find this report important and we welcome an opportunity to discuss them further with you.

Sincerely,

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¹¹ Human Rights Watch, "Without Education They Lose Their Future": Denial of Education to Child Asylum Seekers on the Greek Islands, July 2018, available at: <https://bit.ly/2LsDZq7>, 21.

