

## ADDENDUM

### Submission to the UN Committee Rights of the Child, 85<sup>th</sup> Pre-Sessional Working Group (10 - 14 Feb 2020)

November 2019

#### 1. INTRODUCTION

Ahead of the UN Committee Rights of the Child 85<sup>th</sup> Pre-Sessional Working Group (10 - 14 Feb 2020), the Greek Helsinki Monitor (GHM) and Refugee Rights Europe (RRE) submit in this addendum information relating to refugee, migrant and asylum-seeking children in Greece, based on a combination of RRE's independent field research and detailed submissions of six other aid groups and NGOs (two of which requested to submit comments anonymously) working independently or jointly with GHM and RRE.

The civil society actors that contributed to this report represent a diverse range of sectors, geographic regions, and organisational structures; from national NGOs to small volunteer-based aid groups and grassroots legal aid organisations. The four organisations that wished to be named, are:

- Advocates Abroad (Multiple locations)  
<https://advocatesabroad.org/>
- HIAS (Multiple locations)  
<https://www.hias.org/>
- KHORA Asylum Support Team (Athens)  
<http://www.khora-athens.org/>
- RefuComm (Multiple locations)  
<https://www.refucomm.com/>
- Refugee Law Clinic Berlin (Samos)  
<https://www.rlc-berlin.org/>

In addition, evidence submitted by partner organisations to Refugee Rights Europe as part of a previous United Nations evidence report in June 2019 produced jointly by OMCT, GHM and RRE,<sup>1</sup> has been incorporated into the present submission and includes evidence provided by the following organisations:

- Arsis (National)  
<http://www.arsis.gr/en/>
- Equal Rights Beyond Borders (Multiple locations)  
<https://www.equal-rights.org/>
- Human Rights 360 (National)  
<https://www.humanrights360.org/>
- Samos Volunteers (Samos)  
<https://samosvolunteers.org/>
- Still I Rise (Samos)  
<https://www.stillirisengo.org/>

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<sup>1</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

## 1. ABOUT GREEK HELSINKI MONITOR AND REFUGEE RIGHTS EUROPE

**Greek Helsinki Monitor (GHM)**, monitors, publishes, lobbies, and litigates on human and minority rights and anti-discrimination issues in Greece and, from time to time, in the Balkans. It has been submitting parallel reports and communications to UN Treaty Bodies; applications and third-party interventions to the ECtHR; communications on the execution of ECtHR judgments to the Council of Europe Committee of Ministers. It has published specialized reports on ill-treatment and on ethnolinguistic, ethno-linguistic, religious and immigrant communities, in Greece and in other Balkan countries. It operates a general website (<http://greekhelsinki.wordpress.com>) and a specialized website on racist crimes in Greece (<https://racistcrimeswatch.wordpress.com>). GHM is a member of the European Implementation Network (EIN). GHM filed a third-party intervention in *M.S.S. v. Greece*.

**Refugee Rights Europe (RRE)** is a human rights advocacy organisation and registered charity. Founded in late 2015, the organisation researches and documents the situation for refugees and displaced people seeking protection in Europe, with a particular focus on human rights violations and inadequate humanitarian conditions experienced. The organisation uses its research findings to advocate for human rights-centered policy development, to ensure the rights of refugees and displaced people are upheld on European soil, in accordance with the Universal Declaration of Human Rights. Refugee Rights Europe is independent of any political ideology, economic interest or religion.

## 2. ALLOCATION OF RESOURCES

- 2.1. As part of its general measures of implementation, the CRC urged the State party in paragraph 18(b) to pay particular attention to investments in the protection of the rights of children in situations of vulnerability, including unaccompanied, migrant and asylum-seeking children, by defining strategic budgetary lines that are protected even in situations of economic crisis, natural disasters and emergencies.
- 2.2. However, it appears as though the resource allocation in support of refugee and migrant children in Greece remains wholly inadequate. As highlighted by RefuComm, many organisations, including UNICEF, have continuously called for funding to be increased in support of children in displacement, but without any evidence of improvements on the ground. One organisation anonymously reports that resources for shelters for unaccompanied minors has been extremely delayed, which has affected both staff and minors. Responsibility for funding of most shelters was transferred to the State of Greece as of 1 August 2017, and while the first instalment was readily transferred to NGOs managing shelters, the delays in receiving the final instalment, and the first instalment for 2018, left all shelters in an extremely precarious position. Consequently, many NGOs have stopped running shelters for unaccompanied minors, as attested by Advocates Abroad.
- 2.3. As a result of the insufficient allocation of resources, alongside other human rights violations, there is a severe lack of adequate provisions and personnel for UAMs across the camps on the islands and the mainland alike, including a lack of translators and a shortage of caregivers, including nurses. In the absence of these caregivers are not present, only the police remain available to the children, and reportedly, many police officers generally only speak Greek. The majority of the Reception and Identification Centres (RICs) were inhabited well beyond capacity at the time of reporting. The lack of adequate resourcing is therefore highly problematic.

- 2.4. In Samos, because of severe overcrowding within the RIC, hundreds of asylum seekers including children and unaccompanied minors are forced to live in a 'Jungle', a steep area located outside of the camp, without access to basic sanitation or electricity. This is considered to be extremely unsafe, particularly at night, when women and girls are reportedly afraid to leave their tents because of the risk of assault.
- 2.5. In Chios, many families with children are also being forced to live in small tents. There are widespread reports of inadequate, poor quality and even inedible and unsafe food supplies being distributed to asylum seekers of all ages.
- 2.6. In Lesbos, unsanitary living conditions reported on the island are contributing to the spread of disease amongst people of all ages, including scabies and skin infections. Water supplies are often limited, with hot water provided for only a few hours per day in the Souda camp. Residents across different camps and of various age groups described the toilet facilities available as 'very dirty'. The majority of the medical care provided to camp residents is by NGOs or a local hospital following a referral by the camp doctor. Residents of all ages reported the lack of medical supplies and treatment as a major concern. The lack of translation services represents another barrier to accessing medical care and treatment for people of all ages.
- 2.7. A representative from a national level organisation reported anonymously and in personal capacity that there has been no significant increase in Greece's financial investment to protect UAM, with the financial crisis arguably serving as the main reason for this. There has, however, been an exponential increase in the relevant use of emergency EU funds, primarily, managed through inter-governmental organisations such as the International Organization for Migration (IOM).
- 2.8. Another organisation noted anonymously that a pilot project for vocational training for refugees aged 15 to 18 as one of the very few examples of where the allocation of new resources had been witnessed, alongside a Call for Proposals for the guardianship system, which is due to be implemented in March 2020.

### **3. NATIONAL ACTION PLAN**

- 3.1. The State party reported in its most recent report to the CRC, in paragraph 14, that a National Action Plan on the Rights of the Child was being elaborated, under the coordination of the General Secretariat of Human Rights of the Ministry of Justice, Transparency and Human Rights, with the participation of all sectors of the Administration involved and the Children's Ombudsman, following a public consultation process. The Action Plan was adopted in December 2018 and includes the priority of protecting children in the context of the 'refugee crisis'.
- 3.2. While some, albeit not all, frontline organisations contributing to this evidence submission had indeed heard of the National Action Plan on the Rights of the Child, adopted in December 2018, they were generally not aware of any ways in which this has strengthened the protection of UAMs in Greece. One organisation reported that, "the theory is there (e.g. laws and frameworks), but it is unfortunately the reality/practice that has not followed suit".
- 3.3. Indeed, current practices in Greece and across the islands are compounding to sustain an environment that is inappropriate, wholly unsafe and even life-threatening for child refugees. Human rights are not being upheld, with aid agencies on the ground often providing essential services in the absence of an effective infrastructure.

#### 4. DATA COLLECTION

- 4.1. In paragraph 20 of the general measures of implementation, the Committee recommended that the State party strengthen its mechanisms for data collection by establishing a national central database on children and developing indicators consistent with the Convention, in order to ensure that data is collected on all areas covered by the Convention, particularly on violence, trafficking and sexual exploitation of children, disaggregated by, inter alia, age, sex, ethnic and socioeconomic background, and by groups of children in need of special protection.
- 4.2. In its most recent report to the CRC, the State party reported that it developed in 2015 a first-level identification tool entitled SESN (South East Safe Net), specifically to facilitate first-level identification of underage victims of trafficking in different settings (e.g. refugee camps, hotspots, hospitals, shelters, etc.). A database was created, to gather data on children on the move aiming to evaluate each child's current situation and needs, developmental stage and vulnerability status; especially, to evaluate whether the child is vulnerable to human trafficking. This required the inclusion of specific indicators on child trafficking in the database.
- 4.3. The State party moreover reported that four hundred professionals (e.g. border police, coastguards, psychologists, social workers, etc.) received training on the SESN tool and its database. The database was expected to be fully functional in 2018, following its introduction at First Reception and Identification Centres (RICs).
- 4.4. Several, albeit not all, frontline organisations contributing to this evidence submission are aware of the existence of this database, but have gained very few insights into its workings.

#### 5. RECEPTION FACILITIES

- 5.1. It appears as though the number of places in shelters for UAMs has largely remained stable at around/slightly more than 1,000 for the past 3-4 years. This is wholly insufficient to cover anywhere near the level of needs (more than 4,500 UAM as of September 2019). The same goes for the 10 "safe zones" (capacity of approx. 300) in the open reception centres on the mainland, which are the closest thing to a temporary (2<sup>nd</sup> line) reception facility for UAM. A slight increase (approximately 50 places) has taken place in the RIC of Evros, however partners operating in Greece are under the impression this does not specifically relate to the reception of UAM. An additional number of places was created in hotels (currently, around 300) and apartments (50 places in the context of Supported Independent Living, if this could be considered a part of reception).
- 5.2. It is evident that there is a lack of appropriate accommodation, as well as accommodation generally.<sup>2</sup>
- 5.3. Conditions vary, depending on the facility and its location, though, with the exception of RICs, some could be considered as somewhat 'adequate'. However, excluding shelters and SIs, all of the aforementioned spaces are only designated and suitable for the purposes of temporary/transit accommodation and not the prolonged periods of time; however UAMs sometimes stay there for months, or even more than a year. Indeed, a serious lack of suitable accommodation for UAMs is reported throughout Greece. Many are therefore having to remain in the RIC for protracted periods, which is wholly inadequate.

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<sup>2</sup> See E.K.K.A. National Center for Social Solidarity, <http://ekka.org.gr/>

- 5.4. As for the Greek islands specifically, based on a multitude of ground reports over the past years, there can be no doubt whatsoever that the reception conditions for children there are entirely inadequate overall. RefuComm reports that “reception conditions for children and all refugees in Greece are wholly unacceptable” and Advocates Abroad state that the reception conditions for children are “absolutely not adequate”.
- 5.5. Another organisation reports: “Increasingly since 2018, reception conditions on the islands are de facto becoming non-existent for an increasing number of asylum seekers, including accompanied/unaccompanied children, who are as a consequence forced to provide the means of their accommodation by themselves.”
- 5.6. HIAS reports that the recent increase in numbers, means that UAM in Lesvos live everywhere: “Section A, B and the Safe Zone are overwhelmed and minors are being identified residing in Moria (including hundreds in the new arrivals tent), and the Olive Grove. In Lesvos, they are not detained if identified as minors. In Athens, however, they are indeed detained. Since recently, all UAM interviews will be conducted in the mainland, while there are no future predictions about when the next transfer of UAM to the mainland will take place. Furthermore, due to the lack of available places in shelters, temporary, ad hoc solutions are implemented, such as Safe Zones, or hotels, where UAM live in precarious conditions.”
- 5.7. Another organisation reports, again anonymously, that there is largely no supervision in the RICs, and conditions in the RIC facilities pose a risk to the security of children, and due to the lack of spaces, accommodation through EEKA takes a lot of time, even for very urgent cases, thus exponentially increasing the risk of becoming victims of exploitation (see also section further down regarding exploitation and abuse).
- 5.8. Refugee Law Clinic Berlin reports from Samos that there is a distinction between the categories of minors arriving, and consequently the standard of reception conditions they can access. Boys aged 16-17 are accommodated outside the camp; not given a tent only blanket/s from UNHCR. UAM girls and younger UAM are theoretically being hosted in slightly better conditions.
- 5.9. Another organisation reports anonymously that “there is not a reception center in Greece with adequate conditions. Most of them are overpopulated, understaffed, with not enough space and insufficient structures. In addition, the RIS’s and asylum procedures are slow and inefficient. Basic protection, such as security, quality food and NFI’s are considered a luxury.”
- 5.10. There are also widespread reports of children being housed as adults. In one example from Moria, a child was left homeless in the forest, following disciplinary proceedings taking place at the shelter where he was staying. One organisation reports anonymously that eight UAMs in 2019 were moved from shelters to the Olive Grove as a ‘punishment’. Three were moved from the safe zone to the camp.
- 5.11. In the European Court of Human Rights (ECtHR) case *AL H and others v Greece*, one of the applicants was sharing a 30 m<sup>2</sup> container with 16 others. At times, there were 26 others. Electricity and water are available for just a few hours a day but there is no heating. The applicant did not receive any winter clothing and only receives meat, fruit and vegetables once a week. He has a bullet in his body that needs removing but has only had one medical examination despite multiple requests. He is awaiting family reunification but still has not been able to file his asylum application.<sup>3</sup>

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<sup>3</sup> *AL H. et autres contre la Grèce* and *F.J. et autres contre la Grèce*, 22 January 2018, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-192042%22%7D>

- 5.12. Another applicant in the same case lives in a tent with 12 others. The tent is torn and unheated. He has been unwell but the doctor that has seen him had no medicine available to prescribe. Another applicant who has arthritis received no treatment and also lives in a tent. Yet another applicant, who is transgender and a victim of sexual exploitation, also has to share a tent with 12 men and is fearful for his life. 7 applicants live in a container of 15m<sup>2</sup>, which they share with 6 others. There is only one bed and everyone else sleeps on mattresses on the floor. There is no shower or sink, no electricity or heating and the roof has a leak. Many of those living in the container have serious health issues including depression as well as physical disabilities resulting from torture. One struggles to walk because of previous torture, one has scarring from electroshock in Sudanese prison, one cannot walk and one has scarring from lashes.<sup>4</sup> Advocates Abroad reports that it is regularly brought similar concerns by victims for legal and protection needs.
- 5.13. In another example from Chios, the legal organisation Equal Rights Beyond Borders reported as part of a previous UN evidence submission collated by Refugee Rights Europe,<sup>5</sup> the case of a lone minor who was left homeless after the police allegedly destroyed his tent and possessions. An unaccompanied child in Chios further explained that it takes hours of queuing to get breakfast and they have found worms in the food multiple times. Therefore, the children are often going without lunch and dinner.<sup>6</sup>
- 5.14. Further, there have been alarming reports an UAM on Samos who had been there for a year and five months.<sup>7</sup>
- 5.15. During summer 2018, it was reported by organisations working with UAMs in Samos that they were only being given one litre of water per day. Aid organisations working on the ground have also offered widespread reports of vermin infestations with the camp, such as rats and bed bugs. In 2017, NGOs had offered to clear the camp of vermin but were rebuffed.
- 5.16. The group Still I Rise have also reported, as part of a previous UN evidence submission collated by Refugee Rights Europe,<sup>8</sup> that on Samos, living conditions are of a wholly unacceptable standard. Unaccompanied children have been designated to live on Level 2 of the camp where there is police supervision; although in fact whilst some children are residing here, others are in different sections of the camp or even in the 'Jungle': a forest area located outside the camp entirely because the conditions in the RIC are so deplorable. However, in the 'Jungle' there are is often no access to sanitation facilities or electricity and they are not provided with tents so have to purchase them themselves. Even within the Level 2 area, police reportedly lock children in and sometimes even allow adults to enter to use the facilities there. Reports show that over a dozen unaccompanied girls are taking turns to sleep in a small container while the others have to sleep on the roofs of containers, which leaves them extremely vulnerable to abuse and other dangerous situations.
- 5.17. It is further reported that two-out-of-six containers housing children were damaged and rendered uninhabitable, but remained unrepaired for over 18 months.<sup>9</sup>
- 5.18. During the winter of 2018, UAMs arriving in Samos often ended up living in the forest, where they were not provided with tents, and since December 2018 no clothing or

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<sup>4</sup> *AL H. et autres contre la Grèce* and *F.J. et autres contre la Grèce*, 22 January 2018, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-192042%22%7D>

<sup>5</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

<sup>6</sup> Refugee Rights Europe (2019) 'No End in Sight', [https://refugee-rights.eu/wp-content/uploads/2019/08/RRE\\_NoEndInSight.pdf](https://refugee-rights.eu/wp-content/uploads/2019/08/RRE_NoEndInSight.pdf)

<sup>7</sup> *Ibid.*

<sup>8</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

non-food items have been distributed by RIC staff. The age assessment process is very lengthy and they are treated as adults while they wait, placing them in unsafe conditions.

- 5.19. In one example, organisations on the ground in Samos have reported that approximately 25 children had to sleep in a container that was designed for no more than eight, with no mattresses provided. Another report states that there were 20 in a container that had just two mattresses, and no pillows. The same container was leaking through the roof and although a UAM reported it and a technician told them it would take two weeks to come see the container, it was not fixed. There are reports of broken Samos containers taking over a year and a half to be fixed.<sup>10</sup>
- 5.20. In November 2018, it was reported that 22 female UAMs were living in a half-container at the police station of the RIC.

## 6. “SAFE ZONES”

- 6.1. Because shelter spaces are limited, children are sometimes put in “safe zones”, i.e. supervised designated areas inside open accommodation sites, on the mainland within accommodation centres, but these are not always appropriate.<sup>11</sup>
- 6.2. Several organisations, including Advocates Abroad, describe the ‘safe-zones’ around Greece as inadequate and dangerous.
- 6.3. One organisation reports anonymously: “Many reports and incidents show awful conditions, extreme use of violence and poor facilities. IOM’s hotels have not enough space to accommodate the UAM’s that currently live in the islands and in Evros (land border with Turkey.) Moreover, when minors stay a long time in camps and then transferred to the hotels need psychosocial support, school and activities and that is not always possible in these hotels.” Even when they are brought to the mainland, shelters’ rules state that if the child is out of the shelter for 24 hours they are not allowed to return, rendering them homeless. There is then no way for them to be referred back to the shelter allocation system.<sup>12</sup>
- 6.4. In August 2019, an UAM was killed and two others injured when they were stabbed in a fight in a so-called “safe zone” at the overcrowded Moria camp in Lesbos.<sup>13</sup>
- 6.5. Expressing its shock, UNHCR also described the inhuman and degrading conditions in “the safe area at the Moria Reception and Identification Centre, RIC, hosting nearly 70 unaccompanied children, but with more than 500 other boys and girls staying in various parts of the overcrowded facility without a guardian and exposed to exploitation and abuse”; some of them are accommodated with unknown adults.<sup>14</sup>
- 6.6. In light of this, civil society organisations called on the Greek authorities to conduct a swift and impartial investigation into the case, including any inaction by the facility management or those responsible, identify those responsible, bring them to trial and apply the penal, civil and/or administrative sanctions provided by law.<sup>15</sup>
- 6.7. UAMs are the only relatively permanent population in an RIC in Evros. The police commander there stated that they are kept separately from the adults. However, there is a shortage of clothing and personal hygiene items, which are donation based. UNHCR has

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<sup>10</sup> Refugee Rights Europe (2019) ‘No End in Sight’, [https://refugee-rights.eu/wp-content/uploads/2019/08/RRE\\_NoEndInSight.pdf](https://refugee-rights.eu/wp-content/uploads/2019/08/RRE_NoEndInSight.pdf)

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> OMCT (2019) <https://www.omct.org/monitoring-protection-mechanisms/statements/greece/2019/08/d25487/>

<sup>14</sup> UNHCR (2019) <https://www.unhcr.org/gr/en/12705-unhcr-shocked-at-death-of-afghan-boy-on-lesvos-urges-transfer-of-unaccompanied-children-to-safe-shelters.html>

<sup>15</sup> OMCT (2019) <https://www.omct.org/monitoring-protection-mechanisms/statements/greece/2019/08/d25487/>

stated the heating system in the facility is not appropriate and there is very limited natural light. The wards only have bunk beds, no tables or chairs etc. The police report a lack of interpretation services as well as NFIs including baby milk and diapers as well as hygiene and clothing items, as reported as part of a previous UN evidence submission collated by Refugee Rights Europe.<sup>16,17</sup>

- 6.8.** In another RIC in Evros, UAMs are in the same wings as families. No protection issues have been reported yet, but it is an endangering condition.<sup>18</sup>

## **7. NON-DISCRIMINATION: EDUCATION, HEALTH AND SOCIAL SERVICES**

- 7.1.** As part of its general principles, the CRC asked the State party to ensure that children of undocumented migrant parents have equal access to health and social services and to quality education, and that the relevant services used by these children are allocated sufficient financial and human resources.
- 7.2.** The State party, in its latest report to the CRC, clarified that according to art. 21 of the Migration and Social Integration Code, migrants who legally reside in Greece are subject to obligatory school attendance, under the same conditions as Greek nationals. Moreover, minor migrants, would have unrestricted access to school and educational community activities. According to the State party, these rights are not restricted for refugee or asylum-seeking minors or for those whose legal residence status is still pending.
- 7.3.** Despite this, reports from the ground, from e.g. RefuComm, indicate that education is certainly not easily accessed by all migrant and refugee children in Greece, with thousands of children being denied this right, in particular on the Greek islands.
- 7.4.** In principle or from a legal standpoint, all children ought to have access to education. However, in practice, refugee/asylum seeking children face significant, administrative obstacles in accessing education. One organisation representative reports anonymously and in personal capacity that the difficulty in issuing Social Security Numbers (AMKA), which following a Circular issued on the 1<sup>st</sup> of October (2019) has become a virtual impossibility for UAM and children asylum seekers, as well as for children born in Greece by parents whose residence status remains unresolved, is especially concerning, as AMKA also serves as a pre-requisite for issuing the necessary documents to enrol in the first year of primary school and for participating in school events (e.g. excursions) like any other child/pupil.
- 7.5.** According to one organisation, the 2019 “school-year”, furthermore, started with significant delays in issuing the necessary, for the functioning of afternoon “Reception classes” and the transfer of asylum seeker children living in open reception centres (from Centres to schools), Ministerial Decisions.
- 7.6.** In addition there are reports, albeit few, of parent associations denying access for UAMs and asylum seeking children to enrol in schools, according to one organisation reporting anonymously.
- 7.7.** There are various reports of discrimination against refugee families, with local parents reportedly refusing to allow their children to attend classes with the refugee community, and even threatening to bar them themselves. As a result, very few children were attending school, despite being legally entitled to do so. It is also reported that around 14 children were attending school in segregation after the local pupils had left for the day.

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<sup>16</sup> <https://refugee-rights.eu/wp-content/uploads/2019/07/ADDENDUM-1-mis-1.pdf>

<sup>17</sup> Arsis - Association for the Social Support of Youth: Detention Monitoring Report on Child Protection at the Reception Identification Center and the Pre-departure Detention Center of Evros

<sup>18</sup> *Ibid.*

- 7.8.** In order to go to school in Greece, children must have certain vaccinations and an official address. All the children in Samos have been vaccinated now and the hotspot has been given an official address, but local Greek parents stated they were unwilling for their children to be in the same class as refugee children. They went as far as saying they would physically prevent the refugee children from entering the school. Therefore, there are only a handful of children in Samos actually going to school.<sup>19</sup>
- 7.9.** Further, many mothers have said they do not want to send their children to school because they are embarrassed at their inability to clothe their children properly.
- 7.10.** A recent body of evidence of the lack of education for displaced children can be found in a report from Human Rights Watch, which found that fewer than 15 percent of more than 3,000 school-age asylum-seeking children on the islands were enrolled in public school at the end of the 2017-2018 school year, and that in government-run camps on the islands, only about 100 children, all preschoolers, had access to formal education.<sup>20</sup>
- 7.11.** The asylum-seeking children on the islands are denied the educational opportunities they would have on the mainland. Most of those who were able to go to school had been allowed to leave the government-run camps for housing run by local authorities and volunteers.<sup>21</sup>
- 7.12.** RRE data recorded that 56.7% of children interviewed did not have access to education. Issues were also reported regarding transportation to school. In addition, some mothers did not send their children to school because they would not be properly clothed.
- 7.13.** In Chios, 56.7% of child respondents told RRE they have no access to education. Meanwhile, on Lesbos 62.5% of respondents did say they have access to education. On the mainland, there is also a large disparity in access to education between camps. Also, there are often transportation issues that interfere with children's ability to attend school.<sup>22</sup>
- 7.14.** During 2018, in the Koutsochero camp, it was reported that minors aged 16+ were unable to access education as there were no facilities available for this age group.
- 7.15.** In the RIC near Vathy, Samos, Still I Rise has reported, as part of a previous UN evidence submission collated by Refugee Rights Europe,<sup>23</sup> that students are often missing class because they have had to queue for extensive periods of time to see medics for serious rat bites. As of May 2019, there was only one doctor for over 3,000 refugees. There is no access to a doctor on weekends. Additionally, it takes hours of queuing to access the prepared food, which is often badly cooked. Reports state that it is sometimes necessary to queue all day for a loaf of bread. Further, it takes days to have access to a shower.<sup>24</sup>
- 7.16.** Also according to Still I Rise, in Samos, there are occurrences of students being forced to miss classes in order to seek urgent medical treatment for serious rat bites. Infestations, including by rats, are a common problem with the potential to affect a young person's ability to fully access education, since essential supplies may be damaged or even destroyed as a result. In one example, a student had to request a new backpack, since his own had been destroyed by rats inside the tent where he was living. The camp was infested for over a year and a half. When NGOs offered to sanitise it to eradicate vermin at the end of 2017, they were refused by the camp manager.<sup>25</sup>

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<sup>19</sup> Refugee Rights Europe (2019) 'No End in Sight', [https://refugee-rights.eu/wp-content/uploads/2019/08/RRE\\_NoEndInSight.pdf](https://refugee-rights.eu/wp-content/uploads/2019/08/RRE_NoEndInSight.pdf)

<sup>20</sup> Human Rights Watch (2018) 'Without Education They Lose Their Future': Denial of Education to Child Asylum Seekers on the Greek Islands'

<sup>21</sup> *Ibid.*

<sup>22</sup> Refugee Rights Europe (2019) 'No End in Sight'

<sup>23</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

<sup>24</sup> Refugee Rights Europe (2019) 'No End in Sight'

<sup>25</sup> Refugee Rights Europe (2019) 'No End in Sight', p. 26

- 7.17.** The Greek State party has reported to the CRC that its emergency Action Plan which was set up by the Ministry of Education in school year 2016-2017 to ensure the integration of refugee children in the Greek educational system, through psychosocial support after a preparatory, transitional period.
- 7.18.** Organisations such as Advocates Abroad and RefuComm report that they have heard of the programme, however they have not seen any significant impact of the programme thus far. Other organisations were unaware of the emergency Action Plan.
- 7.19.** As regards the formal integration of refugee minors into the national educational framework, two different systems were created to accommodate them, Reception Facilities for Refugee Education (RFRE)<sup>26</sup>, whose capacity was for 20 students per class, and Preparatory Classes (ZEP Reception Classes).<sup>27</sup> RFRE's were criticised for segregating refugees from the rest of the school community, since refugee minors had to attend school in the afternoon, while all other children attended school in the morning, working against any possibility of long-term inclusion and applying a highly discriminatory approach to the education of refugee minors.
- 7.20.** There are a number of administrative and practical issues, reported by HIAS, which highlight the fact that the system has not been adequately adapted to respond to the particular needs of refugee minors:
- Many children do not give correct personal information upon the intake, which might lead to children being registered both in afternoon and morning school because there was no connection between the two systems, and due to the constant moving of refugee students from one Accommodation Centre to another and the subsequent registration to another school without having first informed either the school the child was leaving or the new school the child would be attending. This led to documented cases where minors' graduation from school was endangered due to the lack of coordination between the various systems developed: One minor nearly failed their school year and was not able to take their final exams, because the previous school had not documented the fact that they had moved and were therefore still counting absences. There is no "educational folder" accompanying the minor through which all stakeholders involved could have access to the child's educational "past".
  - Selection, training and retention of educators: The role of educators is pivotal in the educational process; they are in direct communication with the children, have the day-to-day responsibility of teaching the children and caring for their emotional and intellectual development. This connection is what makes the difference in the actual implementation of the Ministry's initiatives. It is therefore important that the

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<sup>26</sup> These belong to the formal national educational framework for Primary and Secondary Education, established in areas where there were Reception accommodation centres (camps) or any kind of accommodation provided to third country nationals being funded and/or run by the Greek State, the UNHCR or national NGOs during afternoon hours.

<https://www.minedu.gov.gr/publications/docs2016/%CE%96%CE%95%CE%A0.pdf>; Overall, the Ministry of Education estimated that approximately 7700 children aged (6-15 years old) plus 2000 pre-school children (4-5 years old) were living in Reception Accommodation Centres managed by the UNHCR. The UN High Commissioner also estimated that about 2000 unaccompanied minors were in the process of being transferred or had been transferred to special hospitality structures (e.g. shelters and Safe Zones). From October 2016 to March 2017, 107 DYEP were established according to Ministerial Decisions in 7 out of 13 educational districts. It is estimated that during the school year 2016/17, 2643 students of Primary and Secondary education joined 145 afternoon classes in 111 public schools

<sup>27</sup> ZEP stands for Educational Priority Areas. The aim of the Preparatory Classes is the equal integration of each student in the national educational system, and they have been in operation in certain public schools since 2010, for immigrants. The main difference from the RFREs is that it is a morning school which takes place at the same time with classes for all other students, and not as a separate afternoon school only for refugees. Preparatory classes, composed of students who do not have the required knowledge of the Greek language, follow a particularly flexible form of institutional and teaching interventions, and allow the school to individually assess the real needs of each student, and what is best for them, thus providing them with everything that is necessary for their integration into the educational system, as per national legislation. The educators in the Reception classes are also responsible for the smooth integration of students into the formal educational system and for their positive interaction with the rest of the students.

- educators hired to teach refugee minors are qualified, trained and experienced in teaching refugees.
- Furthermore, the very particular situation that unaccompanied minors find themselves in, demands well-trained and experienced educators both in teaching Greek as a second language and knowledgeable and experienced in socially interacting with vulnerable children coming from different countries with different cultures and religions. Refugee students do not speak Greek (at least not very well), have often endured traumatic experiences, have been away from any educational framework for a long time, and some have never attended school – even in their mother tongue. However, in practice, the educators that were selected by the Ministry of Education did not have the qualifications, the experience, or the training; they were also employed on a part-time basis and some were even called to start teaching in the middle of the school year. In addition, they had no access to training, while only a small percentage of them had the chance to participate in a short training course provided by the Institution of Educational Policy.
  - Also, the continuous turnover of teachers also caused problems in the learning procedure and the school dropout rates, because students had no one person to refer to, and no continuity and regularity in the educational process, while on the other hand, all professionals interviewed mention the importance of building long-term substantial relationships of mutual trust and understanding. In other words, educators had to deal with multicultural and heterogeneous classes with different mother tongues, different cultures and different educational levels, with minimum training, guidance and support, both for the quality of their work, as well as their psychological well-being.
  - Living conditions: In order to follow the educational framework and the regularity of attending school and studying, children need to live in a safe and comfortable environment. If, on the other hand, they feel insecure and have no schedule in their “home”, they will not easily attend school. Moreover, constantly moving to other areas, cities or countries also plays an important role in their regular attendance. Students are often moved to different place or country, far from the school they were initially registered in. The feeling of being in a transit situation with an unknown future affects the minors’ regular attendance.
  - Lack of information and motivation: Information about attending school and the educational framework in Greece was not provided, making minors feel insecure and disoriented. It is indicative, for example, that in the Primary RFRE classes in Athens teachers changed four times from October 2016 to March 2017, and they were forced to attend school because they were told to. If any information was given at all, this was up to the accommodation staff, who enthusiastically encouraged minors to go to school. Furthermore, most minors are certain that Greece is a transit country for them. Consequently, their motivation to learn the language or go to school is very low. Instead, learning the language of the country and attending school makes them feel even more trapped in a country they do not desire to stay in. Those who have accepted the fact that they are going to stay in Greece have a more regular attendance at school. As is consistently repeated throughout the research, adolescents will not, in most cases, simply follow orders without being listened to and having the benefits of this next step explained to them.

## **8. NON-DISCRIMINATION: HEALTHCARE**

- 8.1.** In paragraph 52, the Committee recommended that Greece ensures access to health care for all children, giving particular attention to access to health services for children in street situations, and migrant, asylum-seeking and unaccompanied children. Greece, in its most recent report to the CRC, highlighted article 26 of the Migration and Social Integration Code, which states that migrants legally residing in Greece have access to the National Health System.
- 8.2.** Accordingly, hospitals, health centres and clinics are bound to supply their services to migrants who need to be hospitalised and to minors. Moreover, article 33 of Law 4368/2016 and the Joint Ministerial Decision of 4.4.2016 states that access to public health facilities of uninsured children or children belonging to vulnerable groups (including refugees and migrants) are to receive nursing, medical and pharmaceutical care without discrimination. Greece reported to the CRC that this is “established in a sustainable manner”.
- 8.3.** However, organisations operating on the ground report that children do not have effective access to hospitals, health centres and clinics.
- 8.4.** From a legal standpoint (L. 4368/2018), access to healthcare is assured for everyone, irrespective of legal status and/or the availability of an insurance. However, much like what was discussed in the case of education above, so too with respect to healthcare, the same administrative barriers and occasional discriminatory perceptions, apply here as well.
- 8.5.** The major issue remains that of the Social Security Number (AMKA), without which, officially, asylum seeker children, UAM, and “undocumented” children can have access only in emergency situations (e.g. they cannot get treated for every-day health issues or even vaccinated, which also brings back the issue of accessing education). Though under no circumstances a solution, it should be noted, however, that this “state-imposed” obstacle is frequently overcome by medical professionals, who chose to apply in practice the Hippocratic Oath.
- 8.6.** That being said, as of the 15<sup>th</sup> of October, the sole official information on how the issue will be addressed came indirectly, following the submission for public debate of a new and controversial legislation on International Protection, which, if voted by the Parliament, will only be implemented in January 2020, thus further delaying a resolution to the issue of accessing healthcare.
- 8.7.** One frontline organisation confirms anonymously that children throughout Greece (accompanied and unaccompanied alike) have limited access to hospitals: “The hospitals are understaffed with limited resources, no interpreters and face huge challenges. Health centers and clinics in all sites provide minimum health care to as many children as they can. Of course, these health centers cover a very small percentage of the actual needs. Moreover, after the annulment of the AMKA number, access to hospitals and public health centers is almost impossible.”
- 8.8.** In addition, healthcare provision available within immigration detention has been reported by organisations operating locally as inadequate. In Amygdaleza, an unaccompanied minor with substance addiction issues experienced withdrawal for nine days without seeing a doctor. No interpreter was available, so he was unable to alert those in authority to his situation.
- 8.9.** In the VIAL hotspot on Chios, an unaccompanied minor told Equal Rights Beyond Borders of widespread incidences of self-harm amongst the children there, although they rarely received an appropriate level of care or treatment (as reported by Equal Rights Beyond

Borders as part of a previous UN evidence submission collated by Refugee Rights Europe<sup>28</sup>). He stated that many of the minors wanted to access a psychologist but were rejected until they cut themselves with razor blades. Subsequently “they take you to the hospital to be sewn. Then comes the police and brings you to jail for two or three days. Then you can go to a psychologist and they make many promises to move you and get you out of the camp. But that usually does not happen, it’s promises [...] Whatever illness you have, they will give you Panadol, a painkiller. For everything, headache, fever, cancer, Panadol [...] There was no procedure to go to the hospital or to see a doctor. The procedure was: Wait until the minor is about to die and then they put him in a police bus to take him to the hospital. If you are in the hospital, they will treat you at some point. But it was very difficult alone. Sometimes, volunteers from an independent NGO accompanied us to the hospital. They always fought with the hospital so we could see a doctor. It was very difficult.”<sup>29</sup>

- 8.10.** Further, an unaccompanied child in Chios said that at the hospital there were separate queues for Greeks and refugees and the Greeks were always treated first.
- 8.11.** A child on Samos who is wheelchair bound due to Duchenne muscular dystrophy was left to live in a tent for weeks (at least) despite many medical letters in English describing how important it is for him to be immediately transferred to the mainland to access specialist treatments. He had no access to his prescribed medicines. They were given a date that they will be moved into an apartment but that date passed without any move or any further information.<sup>30</sup>
- 8.12.** A case has been brought to the European Court of Human Rights regarding the lack of psychological and psychosocial support for a Palestinian UAC, despite doctors’ multiple requests for such support. This may be a breach of Article 3 or 8 of the European Convention of Human Rights.<sup>31</sup>
- 8.13.** Still I Rise reported, as part of a previous UN evidence submission collated by Refugee Rights Europe,<sup>32</sup> the case of a 12-year-old boy with Duchenne Muscular Dystrophy. Despite having the appropriate documentation confirming his condition, specific needs and the fact that transfer to the mainland was a matter of urgency, the family were being forced to live in a tent on Samos. They were not being provided with the boy’s medications and although they had been informed that they would move to an apartment, they were still waiting at the time of the report.
- 8.14.** In PDC RIC in Evros, the only doctor that has been reported to be appointed is a gynaecologist. A GP, social worker and translator are supposed to be provided but have not as yet. If a doctor other than a gynaecologist is needed, the POCs are transferred to a health centre 24 km away or a hospital that is 44km away. There is a psychologist in PDC but they do not have a translator.<sup>33</sup>
- 8.15.** The EU programme "PHILOS - Emergency Health Response for the Refugee Crisis" aims to cater to the health and psychosocial needs of migrant/refugee children residing in open hospitality structures in the mainland. It was recently replaced by PHILOS II. However, not all organisations on the ground had heard of the programme, and amongst those who had, several were highly unsure of whether it actually covers adequately the health and

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<sup>28</sup> Refugee Rights Europe (2019), Submission to the UN Committee Against Torture, <https://refugee-rights.eu/wp-content/uploads/2019/07/ADDENDUM-1-mis-1.pdf>

<sup>29</sup> Refugee Rights Europe (2019) ‘No End in Sight’

<sup>30</sup> Refugee Rights Europe (2019) ‘No End in Sight’

<sup>31</sup> *A.J. against Greece*, 22 August 2018, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-188041%22%5D%7D>

<sup>32</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

<sup>33</sup> Arsis - Association for the Social Support of Youth: Detention Monitoring Report on Child Protection at the Reception Identification Center and the Pre-departure Detention Center of Evros, as part of a previous UN evidence submission collated by Refugee Rights Europe

psychosocial needs of migrant/refugee children residing in open hospitality structures on the mainland. One organisation reported anonymously that the PHILOS programme appears to be understaffed and does not appear to provide adequate health and psychosocial support.

- 8.16.** Refugee Law Clinic Berlin, which operates in Samos, highlighted that with PHILOS II now in place, one of the changes were that KEELPNO was to be replaced by E.O.D. What happened in practice is that the transition between the two medical organizations was less than swift, concretely, E.O.D. has not employed new medical personnel. At this moment, 13/10/2019, to our knowledge, there are 2 doctors, and one of the doctors is not allowed to make assessments on his/her own. They are in charge of conducting the medical screenings. This has led to delays in the medical screenings, hence new arrivals are scheduled for approximately 3 months from the date of arrival.
- 8.17.** Another organisation reports anonymously that PHILOS II, though initially presented as the programme that would have solved asylum seekers' access to health care, including for children and UAMs, has unfortunately, more than a year following the envisioned date of its operationalisation remained largely non-operational, due to the lack of necessary medical and psychosocial personnel. This is especially the case for mainland camps, but for the islands as well, as, by virtue of the needs and gaps, the Philos personnel engages exclusively in medical (and possibly occasionally psychosocial) screenings/assessments which does not extend to any type of primary healthcare assistance.
- 8.18.** There is considerable testimony from asylum seekers of all ages that they have encountered racism when attempting to access medical care. One unaccompanied child in Chios reported that Greek nationals would always be treated first at the hospital, with a separate queue for refugees.<sup>34</sup>

## **9. VACCINATION, MEDICINES AND SANITARY MATERIAL**

- 9.1.** Greece moreover reported in its most recent report to the CRC that the vaccination of children of refugees and migrants is being provided, and that the Ministry of Health also allegedly has provided additional healthcare services, medicine and sanitary material in order to cover the needs of these vulnerable groups.
- 9.2.** However, organisations such as Advocates Abroad report that children do not have access to vaccinations, medicines and sanitary materials easily. The only situations where the organization had seen adequate and methodical care of this type provided was through MSF. RefuComm similarly reported that children's access to these things are insufficient, with MSF mostly having to step in to vaccinate the children and parents in the schools, given that children are not allowed to attend if they are not vaccinated.
- 9.3.** One organisation reports anonymously that in Lesvos, children have access to health NFI's mostly from NGO's, while MSF and Mdm undertake vaccination projects. The organisation further explains: "Taking into consideration the limited resources of NGO's and the recent increase of refugee arrivals many children have no access to vaccinations, medicines and sanitary materials for a very long time."
- 9.4.** Another anonymous contribution to this evidence submission highlights that, following the increased obstacles in minors' ability to issue a Social Security Number (AMKA), access to vaccinations, medicines and sanitary materials is not guaranteed, and when assured is primarily done so through IGOs (UNICEF) and INGOs/NGOs (e.g. IFRC) interventions.

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<sup>34</sup> Refugee Rights Europe (2019) 'No End in Sight'

- 9.5. There are reports that children in camps may have the opportunity to receive vaccinations, for example in the camp on Samos this service was provided by Médecins sans Frontières, rather than by the authorities. It is also reported that no sanitary products or diapers are provided on Samos by camp management.<sup>35</sup>

## 10. VIOLENCE AGAINST CHILDREN, INCLUDING ABUSE AND NEGLECT

- 10.1. The overall inadequate resource allocation, reception conditions and protection provided for refugee and asylum seeking children in Greece, as outlined in the above sections 2, 5, 6, 7, 8, and 9 of this evidence submission, leave large numbers of children exposed to alarmingly high risk and incidence of violence, including abuse and neglect.
- 10.2. The extremely heightened risk of sexual violence for girls is particularly alarming. It is reported, for instance, that girls on Samos who have been subject to sexual abuse, either before or after their arrival, may not be able to access proper medical assessment.
- 10.3. In addition, Refugee Law Clinic Berlin highlights that boys aged 16-17, who are not being provided with a guardian due to lack of human resources, and often do not receive tents or access to formal education, are at particularly at risk of abuse and neglect.
- 10.4. There has been a report of a rape case of a nine-year-old child, who was allegedly raped in July 2019. Despite the child's father reporting that a doctor, who examined the child, noted signs of rape there had been no arrest of the suspected perpetrator several months later, and reportedly no adequate support for the child and his father.
- 10.5. KHORA, reporting from Athens, has highlighted the lack of social services or any support or safeguarding for unaccompanied minors through the case study of a 15-year-old boy who arrived alone in Greece from Afghanistan. He was faced with two choices - go into "protective custody" (immigration prison or hospital) or fend for himself on the streets. He chose the streets (In the end we managed family reunion to the UK through RLS).
- 10.6. As regards training for professionals children (including teachers, social workers, medical professionals, members of the police and the judiciary) on their obligation to report and take appropriate action in suspected cases of abuse, violence and neglect of children, organisations working on the ground report an important increase in trainings for all the professionals working with and for refugee children at the national level, particularly with regards to dealing with such cases. However, it is reported that these trainings are optional, and they are "definitely not adequate".
- 10.7. One organisation reports anonymously that there have been many cases where professionals, and particularly members of the Hellenic Police, FRONTEX staff and staff of public hospitals, have mistreated cases of abused and neglected children or have failed to report them.
- 10.8. Unfortunately, there is no adequate support for children that have been victims of violence, abuse, neglect and maltreatment in Greece.
- 10.9. As regards training delivered to Asylum and First Reception Service staff and the Shelters for refugees' interpreters and administrators on existing cultural differences, child and gender issues and sexuality, specifically in relation to unaccompanied or unrelated girls, one organisation reports anonymously that they are not aware of such trainings and "highly doubt their existence, especially in Lesbos".

## 11. MONITORING MECHANISMS

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<sup>35</sup> Refugee Rights Europe (2019) 'No End in Sight', p. 26, [https://refugee-rights.eu/wp-content/uploads/2019/08/RRE\\_NoEndInSight.pdf](https://refugee-rights.eu/wp-content/uploads/2019/08/RRE_NoEndInSight.pdf)

- 11.1.** In paragraph 48 (a), the Committee recommended that the State party strengthens mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation of children.
- 11.2.** One organisation reports anonymously that they are not aware of a national mechanism consistently gathering information of all these forms of violence and abuse towards refugee children specifically, although it was acknowledged that reports could be submitted to the National Ombudsman for Children's Rights. There is moreover a Racist Violence Recording Network, but not specifically for children.
- 11.3.** RefuComm have attended meetings where mechanism and proper referral pathways were discussed, but the organisation has not seen any outcomes yet. To highlight the apparent absence of wider mechanisms, RefuComm highlights a child rape case on one of the Greek island, which the organisation is currently addressing but is struggling to obtaining the required help and assistance for the family concerned.

## **12. EFFORTS TO COUNTER TRAFFICKING, VIOLENCE AND ABUSE**

- 12.1.** Several organisations contributing to this evidence submission were not aware of any State efforts aimed at countering violence, trafficking and abuse, all of which pose very significant risks to refugee and asylum-seeking children in Greece.
- 12.2.** One organisation reported anonymously that they were aware of the E.M.A mechanism (National Report Mechanism) for victims of trafficking started accepting reports for cases in a national level over the past year. The aim is to monitor the protection provided for victims of trafficking, to collect information and data about the aspects of this matter. However, this is not specifically for children, and it does not yet work well, according to this organisation. For example, the Regional Asylum Office has not referred any cases to this mechanism.
- 12.3.** Reporting from Athens, KHORA Asylum Support Team provide case studies as examples to illustrate that the Greek state is at least unable to provide adequate protection for children who cannot be accommodated in state accommodation programmes. The lack of accommodation places means that children outside state structures are exposed to an increased risk of exploitation. Please refer to case studies A and B in the Annex.
- 12.4.** It is reported that at the Reception and Identification Centre in Evros, adults and children are being forced to share accommodation, with the risk of exploitation and gender-based violence being continuously highlighted by organisations active on the ground.
- 12.5.** There are also reports of unaccompanied children having to share cells with adults in Samos.
- 12.6.** Gender-based violence against women and girls continues, with reports of serious sexual assaults taking place, as well as of exploitation.
- 12.7.** Grassroots organisations working across the islands have made reports of children identifying themselves as unaccompanied minors upon arrival, but nonetheless being registered as adults by the police or by Frontex. When they are treated as adults whilst awaiting the outcome of the age assessment process, they are forced to remain in unsuitable and unsafe living conditions for protracted periods.

## **13. TRAINING OF PROFESSIONALS WORKING WITH AND FOR CHILDREN**

- 13.1.** Organisations such as RefuComm report that professionals working with and for children (including teachers, social workers, medical professionals, members of the police and the judiciary) do not appear to receive adequate training on their obligation to report and take appropriate action in suspected cases of abuse, violence and neglect of children. A child rape case that the organisation is currently working on illustrates such inadequacies, where it is very difficult, if not impossible, to obtain the required help and assistance.
- 13.2.** The police do not appear to have sufficient safeguarding training, if any, about caring for vulnerable young people. There is also a lack of available translators.<sup>36</sup>
- 13.3.** Reporting from Athens, KHORA highlights that in some cases the problems of asylum seekers are not approached with the necessary professionalism. Please refer to case studies C and D in the appendix.

#### **14. SUPPORT FOR VICTIMS**

- 14.1.** In paragraph 48 (c), the CRC recommended that efforts are undertaken to strengthen support for victims of violence, abuse, neglect and maltreatment.
- 14.2.** The rates of gender-based violence against young asylum-seeker and refugee women and girls is alarming, particularly on the islands. Special protection and safeguards are lacking and post rape emergency care is also lacking on many islands.<sup>37</sup>
- 14.3.** Organisations operating on the ground report that there is not sufficient support for children who are victims of violence, abuse, neglect and maltreatment.
- 14.4.** Girls on Samos who have been subject to sexual abuse, either before or after their arrival, may not be able to access proper medical assessment and testing as the Minimum Initial Service Package is sometimes lacking.<sup>38</sup>
- 14.5.** There are reports that vulnerability assessments of asylum seekers of all ages are not being carried out effectively and with very long waiting times, leading to delays and even the failure to identify vulnerable individuals and victims of torture.
- 14.6.** Arsis reported, as part of a previous UN evidence submission collated by Refugee Rights Europe,<sup>39</sup> an incident in which a far-right group attacked a shelter where children were living in Epirus with knives and batons, with one child being hospitalised as a result. It was Arsis that pressed charges against the perpetrators following this incident; otherwise it might not have been followed up.
- 14.7.** The State party reported to the CRC that the GSGE, in collaboration with EKDDA and the Ministry of Migration Policy (Asylum Service and Reception and Identification Service), implements training of the Asylum and First Reception Service staff and the Shelters for refugees' interpreters and administrators on existing cultural differences, child and gender issues and sexuality, with specific reference being made to cases of unaccompanied or unrelated girls.
- 14.8.** While organisations on the ground welcome such an initiative, many are unaware of its existence.
- 14.9.** On Samos, the RIC does not make the necessary provisions to protect women and girls, including victims of violence. It is reported that there are no female interpreters, so that when a girl falls victim to an attack, it is likely that she would have to speak with men only in order to report what has happened. It has been widely testified that when women

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<sup>36</sup>Refugee Rights Europe (2019) 'No End in Sight'

<sup>37</sup>*Ibid.*

<sup>38</sup> Refugee Rights Europe (2019) 'No End in Sight', p. 26

<sup>39</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

and girls on Samos have reported gender-based attacks or violence, they are offered neither the appropriate support nor suitable alternative accommodation. This means that they are often unable to escape the cycle of violence and exploitation. Also on Samos, it has been reported that minor girls are being forced into sex work.

- 14.10.** One organisation reported an incident in which a boy reported a sexual assault to the police in Lesbos, who then returned to the appropriate section, shouting ‘who raped this boy?’ whilst pointing at the child in question.<sup>40</sup>

## **15. POLICE TREATMENT OF MINORS**

- 15.1.** In paragraph 241 of its latest report to the CRC, the State party argued that “[t]he treatment of minors by police officers is particularly cautious, in full respect of the current legislation, firstly to grant them support, and secondly for the avoidance of further victimization.”
- 15.2.** However, reports from the ground stand in stark contrast with this statement.
- 15.3.** One organisation reports anonymously that “unfortunately, this statement does not reflect reality. There have been many reports of police mistreating minors with and without the use of violence throughout Greece. Many reports indicate that in the majority of the times the minors come across the authorities they have at least some of their rights encroached.”
- 15.4.** According to Refugee Law Clinic Berlin, which operates on Samos, minors report that they are giving their correct date of birth and nationality at the registration with Frontex yet the information being registered does not match their declaration. Frontex is registering minors as adults more often than expected. Often, the minors are not aware that they were registered with a different date of birth (e.g. because of being illiterate). As well, often they are being registered with the wrong nationality (e.g. recent cases of Kuwaiti nationals being registered with Iraqi nationality). Both delaying their family reunification requests. Additionally, minors report abusive language and behaviour from both the officers and the interpreters at the registration phase.
- 15.5.** In Samos, there are reports of regular police violence against displaced people, with police officers regularly entering the camp and displaying intimidating behaviour, with minors being beaten whilst waiting in line for food distributions. There are also reports of violence against UAMs in the unaccompanied children’s area and negligence of UAMs during fires and arson attacks.<sup>41</sup>
- 15.6.** Still I Rise also previously reported to RRE that incidences of unaccompanied children were beaten by the police. In 2019, a number of specific cases were reported in Samos. These include an incident in which police allegedly entered a container in the minors’ area at around 2am and forced six children out of bed. The behaviour of these officers was described as intimidating, frightening and confusing. The boys reported that the police threatened to punch them if they spoke to each other. They were very scared and confused.<sup>42</sup>
- 15.7.** The minors were taken to the police office within the camp where they had their details taken and were told to look down and not to speak. They were then taken to the police station in Samos. No interpreter was available. They were told to show their hands, as they were looking for someone who had broken a car window and stolen from the car,

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<sup>40</sup> Refugee Rights Europe (2019) ‘No End in Sight’, p. 29

<sup>41</sup> Refugee Rights Europe (2019) ‘No End in Sight’

<sup>42</sup> Refugee Rights Europe (2019) ‘No End in Sight’

although these minors had not been responsible. The situation was not explained to them until afterwards and even then there were no translators available. They were eventually driven to an unfamiliar area at around 3am and left there, from where they had to find their own way back to the camp.

- 15.8.** In another example, unaccompanied minors were waiting in line for food. They decided to complain to the manager that the food they were being given was not of the same standard or quality as other people. When the manager was not there, the police told them to leave and eventually apprehended one child as the others escaped. He recounts that a cloth was placed over his mouth that put him to sleep. He woke up in the camp police station when water was poured onto his face; where he was beaten before being taken to the main police station in the town, where he received a further beating. When he was eventually released, he was able to seek help from Still I Rise as they are located close by.
- 15.9.** Also in Samos, there are reports of the police allegedly charging 50 euros for people to register a complaint, which amounts to an additional barrier to redress for vulnerable children who have been the victims of crime. On the mainland, there are reports of police charging as much as 100 euros, effectively barring many vulnerable children from any recourse to redress.<sup>43</sup>
- 15.10.** Humanitarian aid agencies have reported that many people, including UAMs, are released from police custody without being given an asylum willingness number and without due process or referral through the appropriate channels to help them find accommodation and pursue their asylum application. The nature of police treatment can serve to exacerbate mental health issues among displaced people of all ages.
- 15.11.** In Lesvos, there are further reports of violence against children in the unaccompanied minors' area, as well as of negligence towards children in the event of fires breaking out.
- 15.12.** Since 2018, there have been many reports of the constant practice of forcible removals (push-backs) from Greece to Turkey at the Evros border. These include UAMs and other vulnerable people. It is reported that those who are carrying out these push-backs appear to be Greek nationals, wearing police or military uniforms.
- 15.13.** Meanwhile, Advocates Abroad reports a case of particularly commendable police treatment of minors, which the organisation considers a "strong exception to the norm": "There are some extremely compassionate officers here in Greece and their conduct toward refugees has been inspiring. For example, my Lesvos coordinator and I once saw four officers in Mytilene, in full riot gear, show a remarkable and surprising kindness to two Afghans that were having flashbacks (in public). I was inspired by the officers' kindness and attempts to keep the two boys contained, safe, and away from the stares and comments of bystanders. They waited with the boys for an hour until HQ sent them instructions on what to do with the boys. They were supportive and humane, but they were the strong exception to the norm."

## **16. GUARDIANSHIP SYSTEM FOR UNACCOMPANIED MINORS**

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<sup>43</sup> *Ibid.*

- 16.1.** In response to a call from the CRC, Greece has implemented Law 4554/2018 to promote the implementation of guardianship for unaccompanied minors remaining in the country.
- 16.2.** Law 4554/2018 introduced for the first time a best interest determination and a regulatory framework for the guardianship system for UAM. However, as of September 2019, the system remains non-operational, with its operationalisation now being postponed for March 2020, according to sources on the ground.
- 16.3.** Advocates Abroad describes the guardianship system as follows: “They work hard in their jobs, and have a great deal of respect for the children, but they do not have sufficient resources, support, or respect for their work.”
- 16.4.** RefuComm similarly report that the guardianship system is not sufficiently resourced, which means that many children “fall through the cracks”.
- 16.5.** According to the Refugee Law Clinic Berlin, there are currently 2 guardians in Samos, provided by the organisation Metadras. Due to severe understaffing, they have a policy to not assign a guardian to 16+ male minors. Praxis is also taking over guardianship of minors in their care. In practice, priority is given to minors under 16 years old, especially to small children and unaccompanied girls. Most boys after 16+ are living outside the camp, (in the forest known as “the jungle”) and they are not being provided with tents. UNHCR only gives out blankets. Tents, clothing, hygiene products, and other needs, are being covered by local NGOs.
- 16.6.** Regardless of their legal status, the obligation to secure legal representation by the appointment of a guardian is included in all relevant legislation, which refers to the Public Prosecutor (PP) and the national institution of Guardianship prescribed by the Greek Civil Code, as amended by Law 2447/1996, also applicable to children of Greek nationality. The procedure of appointing a permanent guardian presupposes the existence of a “suitable” adult, a three-member council that will oversee the guardian’s decisions, a formal appointment of all implicated persons by a Court of Law after the PP initiative, and the support of the Court and the PP by social services. In the absence of such a suitable person, guardianship can only be assigned to specialised public social services/welfare institutions, to be created – according to the relevant precedential degrees – within the jurisdiction of every court, for this particular task. These provisions were left inapplicable and the services mentioned were never put in place, while the necessary resources for the specialised supporting social services that could have the capacity to handle such a large number of referred cases and assist PP and Courts, has proven impossible to be secured over the years. The local Public Prosecutor acts as a temporary guardian for hundreds of children within their territorial authority until a permanent guardian is successfully nominated by the Court. Over the years Prosecutors struggled to realise what is demanded of them by Law.
- 16.7.** Charging the Prosecuting Authorities with this additional task has proven to be a real disaster over the years, particularly considering the number of prosecutors and their actual case load as prosecutorial authorities. It seems that the procedures followed in order to ensure the representation and protection of unaccompanied children depends on the discretion of the prosecutor and on the supporting services that the prosecutor may have at his or her disposal (such as NGOs, social services).
- 16.8.** The inefficiency of the national Guardianship system deprives children of any actual possibility to participate in the decisions made for them. It is de facto impossible, even with the utmost diligence and effort by them, to develop a personal and individual relationship

with the children, such as guardianship implies, that would allow every prosecutor to become the ‘actual guardian’, or even better, the ‘compensatory parent’ needed”.

**16.9.** Their relationship with their guardian is limited to the fact that they are the person signing the relevant decisions and/or authorisations to other actors. The large number of unaccompanied minors renders the exercise of the temporary guardian’s duties by the local PP practically impossible. Representation as well as management of their daily problems is impossible. Significant rights become a dead letter without the existence of a guardian.

**16.10.** While “core” domestic law remains unmodified, the wellbeing, protection, access to public services, and inclusion of UAMs are hindered. It should also be mentioned that the authority of PP is territorial depending on the area of residence of the child that falls under the authority of a particular PP. In cases where minors change location, temporary guardians – including the responsible PP – change as well, disrupting the continuity of decisions made or actions already taken. At the same time, consistency of decisions is not guaranteed, every PP having unlimited authority to make decisions affecting the child’s best interest on their own, without ever meeting the child. The Greek Guardianship system has been severally and repeatedly criticised over the years<sup>44</sup> and remains insufficient, requiring broad legislative amendment<sup>45</sup> that will relieve prosecutorial authorities and secure actual and substantial representation of children in their everyday life. After the mass influx of refugees and UAM in Greece that resulted in large numbers of refugees and minors residing in almost every Greek prefecture, all Public Prosecutors were preoccupied with the problem of representation and guardianship of UAMs within their territorial authority, many of them for the first time. Practices, interpretation, and implementation of the relevant provisions differ between prosecutors and prefectures, depending on the case. More practical obstacles and complications emerged since the alteration of the definition of unaccompanied children in national legislation<sup>46</sup>. Currently Law 4375/2016 defines unaccompanied children as minors arriving in Greece unescorted – or left on their own by a person exercising parental care according to Greek legislation and for as long as such care is not appointed to a third person by law. The practical result of this definition was the increase of the number of children considered as unaccompanied, regardless of any relative/sibling being present in Greece.

**16.11.** A few of the rights of asylum-seeking children and even fewer of the obligations of Guardians are further described in Law 4375 for the first time, however, and to a limited extent.

**16.12.** In practice the Prosecutor, acting as a temporary guardian by law, authorises actors of civil society, particularly legal or social professionals provided by NGOs<sup>47</sup>, to proceed with certain actions ensuring representation of the minor and access to the asylum procedure in his/ her name depending on the Public Prosecutor and the practice adopted within a

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<sup>44</sup> CoE Committee of Ministers, Outcome of 1214th Meeting (DH) 2-4 December 2014 (5 December 2014). CM/Del/Dec (2014)1214, 20

<sup>45</sup> Law 4375 (article 17) provides for the issuance of a PD in the future, regulating the process of appointing a guardian or representative of UAMs. Article 34 explicitly provides for the capacity of the legal representative of a Non-Profit Organisation to be appointed as a permanent guardian. Article 45 refers to article 19 of PD 220/2007 as to the procedure to be followed for the appointment of a permanent guardian, but additionally regulates particular obligations and guarantees for minors for the first time within the Greek legal framework.

<sup>46</sup> Article 2(i) PD 113/2013. According to PD 113/2013 a child is considered unaccompanied if located in Greece “unescorted by an adult responsible for their care according to Greek Law or Custom”, contrary to the previous definition included in PD 114/2010 article 2 (i) PD 114/2010. Under the old procedure, a child was considered unaccompanied if it was located in Greece unescorted by an adult, responsible for their care either by law or custom applicable in the country of origin

<sup>47</sup> In addition to any professional of civil society that can obtain a relevant authorisation, there is the ‘Guardianship Network for Unaccompanied Minors’ implemented by NGO Metadras, providing professionals based in almost every prefecture to undertake the aforementioned duties concerning legal representation of a minor, as well as providing for the child’s social and other development needs. Members of the Network – though wrongfully called guardians – are persons authorised by the Guardian (PP) to take particular actions representing the child, in the guardian’s name. The PP remains the responsible agent.

particular prefecture, this authorisation can take on many legal forms (e.g. a written authorisation by the PP – guardian enabling specific actions, a Prosecutorial Order for certain actions, a PP provision of temporary care assignment to a third party, the appointment of a temporary guardian by order of the Court (scarcely and in particular areas of Greece), while a final decision on permanent guardianship is pending), in order to enable civil society actors and relatives of the minors present in the territory to act on behalf of minors or Guardians. Still, the official appointment of a permanent guardian decided on by the Court may be prescribed by Law, but it remains the exception.

**16.13.** Until recently, Greek legislation ignored the concept of separated children, the notion of which can be found for the first time in article 3 of Law 4540/2018 Gazette A' 91/22.05.2018. Nevertheless, separated children may have a relative that de facto provides for their care, but until an official authorisation by the PP is given to the relative, separated children are legally treated as unaccompanied. Article 45 Law 4375 (a) Minors should be immediately informed regarding their guardian, (b) the guardian represents the minor, ensures the child's rights during the asylum procedure and proper legal assistance and representation before the competent authorities, (c) the guardian or the person exercising the act of guardianship ensures that the UAM is properly and promptly informed particularly on the significance and the potential consequences of the personal interview to take place, as well as on the manner by which they should be prepared, (d) the guardian or the person or the person exercising the act of guardianship is called and has the capacity to be present at the interview, pose questions or comments in order to facilitate the procedure, (e) if the person mentioned above is a lawyer, the UAM cannot additionally benefit from free legal aid provided in article 44 (3) of the Law.

**16.14.** It has also been reported that standards of state supervision, guardianship and care are not uniform, and will vary from time-to-time and from place-to-place. One organisation reported that the situation in Moria differs by section, so that a child in one section who needs medical attention may receive a completely different level of support from a guardian than a child in the other section.

## **17. ACCESS TO THE ASYLUM PROCEDURE: LEGAL REPRESENTATIVES TO ACCESS ASYLUM, ASSISTANCE AND PROTECTION**

**17.1.** Whether children have access to legal representatives to ensure access to the asylum procedures, assistance and protection, including free interpretation, depends on the capacity of NGOs, on whether the individual was identified as a minor upon registration by the Greek authorities, on whether they are in detention / "protective custody" and on whether they are located by the authorities in the first place.

**17.2.** One organisation representative reports anonymously and in personal capacity that a large number of UAM continue arriving from the land borders (Evros), without undergoing any type of reception/registration, ending up alone or with unknown adults in urban Centres (e.g. Athens). This is currently the case for more than 1,000 UAM which are estimated to be living in street or precarious conditions, based on the relevant requests for shelter sent by NGOs and/or other actors to the competent state authority (National Centre for Social Solidarity/EKKA). Accessing support is similarly highly difficult for UAMs found in detention/protective custody.

**17.3.** There are several organisations that provide free legal aid, including to minors, while some NGOs implement projects, specifically for minors. NGO Metadras, through its

'Guardianship Network' also provides legal aid to the UAM that it has undertaken through its project implementation.

- 17.4.** There are widespread reports of a lack of information and support in accessing the asylum process for young people in displacement across Greece. Interpreters are generally not provided to help enable UAMs to access their right to claim asylum.
- 17.5.** Refugee Law Clinic Berlin reports that, according to their knowledge, no representation is given to UAMs in Samos, unless Praksis or ARSIS follows their case (and even in those cases it is problematic; at this moment Praksis is looking to hire a lawyer). Our organization tries to assist with family reunification cases. However, we sometime face challenges to communicate with the Dublin Unit, since we are not a legal organization and we do not have a Greek lawyer employed, they do not accept the consent form signed by the applicant. The Dublin Unit is however, more often than expected, cooperative. In addition, to the best of the knowledge of Refugee Law Clinic Berlin, once the UAM turns 18, no further support is being given and they are being interviewed without legal representation.
- 17.6.** There have been many reports of the Greek authorities failing to register the details of UAMs at the start of the asylum process. In one example, a child informed that he was aged 17, however his year of birth was recorded incorrectly – from 2002 to 2000 – which would have made him older. He informed them immediately and was told to raise the issue at his interview. However, he waited over six months for an interview date, during which time he was forced to live with adult men. He was subjected to and reported a number of serious sexual assaults during this time, however no support was available and despite his attempts he was not able to access sexual health care and medical treatment for infection.
- 17.7.** In the RIC in Evros, there is a total absence of psychosocial support actors. Therefore, no one is making any assessments of the children's needs or best interests. There is an absence of any case management for child protection. No social history is taken for any of the children. The UAMs do not feel they have any person of reference or any follow up about their cases. For example, one boy who was about to turn 18 was incredibly stressed as he had no support network so did not know what would happen. Another UAM was in protective custody for five months and when he turned 18 was transferred to a PDC where he experienced a psychiatric incident.<sup>48</sup>
- 17.8.** A case has been communicated to the European Court of Human Rights, *Esraa Al Beid and others v Greece*, in which the applicants', mostly families with minor children, state they had no access to the asylum procedure while living in EKO camp despite their repeated attempts. Therefore, they were at risk of being returned to Syria without having the merits of their case assessed.<sup>49</sup>
- 17.9.** Another case brought before the Court by 3 UAC who presented themselves to Athens Asylum Service for an interview. The interview did not take place because of the lack of translators. They were then transferred to a juvenile police sub-directorate to be interviewed. During the waiting time, a police officer physically attacked one of the children. When another intervened, he threw the second child against the wall. Their lawyer sought action against the police officer in question but the authorities said it was outside their mandate. The minors were interrogated until 1am at which time they were then brought to a childcare facility. Later that evening, one of the minors began to experience vertigo and cardiac arrhythmia as well as pain in his neck, arm and hip. The

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<sup>48</sup> Arsis - Association for the Social Support of Youth: Detention Monitoring Report on Child Protection at the Reception Identification Center and the Pre-departure Detention Center of Evros, as part of a previous UN evidence submission collated by Refugee Rights Europe

<sup>49</sup> *Esraa AL BEID and others against Greece*, 14 July 2016, <https://hudoc.echr.coe.int/eng?i=001-196447>

police ignored his requests for medical help. After the lawyer demanded his release, the applicant was issued with an arrest warrant instead. The actions on the part of the police and the lack of complaint remedy may amount to a violation of Article 3 and 13 of the European Convention of Human Rights.<sup>50</sup>

- 17.10.** In the case *AL H. and others v Greece*, applicants were told they have a lawyer and guardian but never met them. One of the applicants has suicidal tendencies and lives in fear of being harassed by other camp residents because of his homosexuality. He was not deemed vulnerable.<sup>51</sup>
- 17.11.** According to reports by Human Rights 360 in Evros in 2018, as part of a previous UN evidence submission collated by Refugee Rights Europe,<sup>52</sup> age assessments were being carried out largely arbitrarily, with the child in question sometimes having no input in this process. Decisions were widely being made based upon appearance, sometimes using the registration photograph without actually seeing the child or youth in person. Most cases were referred for an X-ray without any contact with the person themselves. An x-ray of the arm is the only medical examination that has been reported; no psychosocial examination is undertaken. There is no interaction between the doctor conducting the x-ray or assessment and the young person in concern. The decisions were subsequently made arbitrarily by Reception and Identification Service officers who simply used visible appearance to make a decision. The organisation further reports that in over half of cases, the person is assessed not to be a minor, even in certain cases in which they have been able to show an official document to prove their age. Additionally, the process is often very delayed, which can have an adverse impact for the individual's asylum procedures.<sup>53</sup>
- 17.12.** Furthermore, according to Samos Volunteers and Equal Rights Beyond, as part of a previous UN evidence submission collated by Refugee Rights Europe,<sup>54</sup> the available information on the asylum procedure is only produced in Greek, and a lack of translation services is widely reported among police stations across the islands.
- 17.13.** During 2018, it was reported that third country arrivals, including families with children, were only able to register as asylum seekers following transfer to Pre-Removal Centres. However, since they were under Deportation Orders they remained at risk of removal and possible refoulement.<sup>55</sup>
- 17.14.** Overall, waiting times are reported to be extreme and unacceptably long, and could also be variable according to the nationality of the individual. A number of reliable sources have reported difficulties in accessing the asylum procedure for displaced people of all age groups, as well as the long periods of time that people are forced to wait for their claims to be assessed. Many people whose applications were rejected were not given full reasons why their claims were rejected, which in turn had an effect on their ability to effectively lodge an appeal, with much of the available assistance coming only from aid agencies.
- 17.15.** Vulnerable individuals face a long wait to be transferred from the islands. Safe and appropriate accommodation should be available in Mytilene, however at the time the research was carried out this was reportedly already at full capacity, meaning that many vulnerable people were remaining on the islands.

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<sup>50</sup> *M.C. contre la Grèce*, 25 July 2016, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-191604%22%5D%7D>

<sup>51</sup> *Ibid.*

<sup>52</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

<sup>53</sup> Arsis - Association for the Social Support of Youth: Detention Monitoring Report on Child Protection at the Reception Identification Center and the Pre-departure Detention Center of Evros

<sup>54</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

<sup>55</sup> Refugee Rights Europe (2019), 'No End in Sight', p. 9

**17.16.** Additionally, there are wide reports of serious delays in vulnerability assessments being carried out, due to lack of resources, including appropriately qualified staff, with waiting periods of three months on the island of Lesbos. There are further reports of children spending 5 months in Moria, where there is a serious lack of healthcare along with high rates of substance abuse by children. The supervision for UAMs in Moria is not 24/7, placing them at risk of abuse. Even when there is supervision, there is a shortage of available caregivers. Until mid-afternoon there are 2 coordinators and 2 nurses for over 300 children. When these professionals leave, the police are the only point of contact for the children, which often scares these traumatised young people, and the police do not speak the same languages as the children and are not prepared to deal with the levels of trauma.<sup>56</sup>

**17.17.** A case was brought to the European Court of Human Rights concerning an individual, who was a minor at the time, who had an uncle in Athens but was instead brought to the Moria hotspot for months (Ansar v Greece). As a Pakistani national, he was told he was excluded from the registration process and therefore could not access accommodation facilities in the camp. He was identified by an NGO as vulnerable but still was not able to access the registration process. He was brought to Moria camp nearly a month after his arrival and his intention to seek protection was only then registered. The next month, a police officer found him self-harming and said they would not tolerate the behaviour again. He was subsequently transferred to the forbidden zone of the camp that housed those who were awaiting deportation and who had disciplinary problems before being transferred to the minors section of the camp. A riot broke out later that month and the applicant did not participate but was violently hit in the stomach. He had to wait hours to go to hospital and on return when he requested to be brought to the juvenile area the police beat him. He did not have access to medical care for days afterwards. Even when he was brought to the hospital days later, he did not have any access to interpretation. On return to the camp, he had no access to a court or NGO volunteers. The suffering this young man experienced could have all been avoided with a speedy transfer to the mainland to join his uncle. The harm he experienced may amount to violations of Article 3, 5, 8 and 13 of the European Convention of Human Rights.<sup>57</sup>

**17.18.** Even once the transfer to the mainland has taken place, there are rules in place stating that if the children are away from their accommodation for over 24 hours they cannot return, which may result in destitution and homelessness.

## **18. TRAINING FOR CASEWORKERS BY EASO**

**18.1.** Advocates Abroad report that the training measures to not, to the best of their knowledge, appear to have been particularly effective in strengthening the protection of UAMs.

**18.2.** One organisation reports anonymously that there have been numerous cases of UAM's and vulnerable persons who claim that their asylum procedures were handled very poorly and in an inappropriate manner (For example, they were using technical vocabulary, pressuring the child to conclude the narration because the time assigned for the interpretation was about to expire etc.). It is possible that caseworkers from the asylum

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<sup>56</sup> Refugee Rights Europe (2019), 'No End in Sight'

<sup>57</sup> *M.C. contre la Grèce*, 25 July 2016, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-191604%22%5D%7D>

services have never attended this kind of training and if that is not the case then it has not been effective enough.

- 18.3.** According to observations of Refugee Law Clinic Berlin in Samos, during the interviewing the level of maturity is not properly taken into consideration and minors who turned 18 are often witnessed being rejected. We had access to interview transcripts, and the questions are not gloved for a person of that age, psycho-social development, and educational background.

## **19. BEST INTEREST ASSESSMENT TOOL**

- 19.1.** Several organisations working directly on the frontlines report that they are unaware of the implementation of the Best Interest Assessment Tool developed by EASO; some had never heard of its existence before.
- 19.2.** Advocates Abroad was aware of the tool and makes use of it in their work, describing it as an excellent tool after the revisions made over the past couple of years. However, the same organisation reports, it is rarely used and even when trained on how to use it in an interview to ensure procedural rights are observed. The organisation's refugee clients are often too intimidated or afraid that using the tool will anger the interviewers and interpreters and thereby negatively affect their asylum claims, which makes them reluctant to use it.
- 19.3.** Refugee Law Clinic Berlin reports from Samos that GAS is competent to assign legal guardianship of a UAM to a family member present on the island. However, with time they have restricted the interpretation of which family member could become a legal guardian to siblings and grandparents. We are also aware during the legal guardianship procedure the minors are being interviewed by a caseworker. We are not fully aware as to how the assessment is being made since neither us nor the applicants have access to the statement of reasons nor to the decision.
- 19.4.** Importantly, the transfers of children from islands to mainland are by no means sufficiently speedy, as illustrated by UNHCR's recurring snapshots of the number of UAM on the islands.
- 19.5.** One organisation reports anonymously that UAMs have to stay in the islands for 6-12 months depending on their age and gender and the capacity of national shelters. UAM in protective detention are prioritized for integration in shelters, followed by UAM on the islands, homeless, and last those that have previously absconded. Children with families also stay in the islands a long time, especially the last months with the overpopulation of the islands and the non-existence of vulnerability assessments.
- 19.6.** Another organisation reports, again anonymously, that much like all asylum seekers, so too children are faced with the unavailability of accommodation places in the mainland and are therefore forced to remain for prolonged periods of time in Reception & Identification Centres (RICs) on the islands and at Evros. On the islands, especially after August 2019, an increasing number of UAM remain without access even to the RIC facilities and are thus forced to live in the open. At Evros, which remains a Closed RIC, average times of transfer are well above 3 and at times 6 months.

## **20. DETENTION OF MINORS**

- 20.1. In paragraph 65 (1), the Committee recommended that the State party ensures that children, either separated or together with their families, who enter the country in an irregular manner, are not detained, or remain in detention only in very exceptional circumstances and for the shortest period of time necessary. Greece reported to the CRC in paragraph 240: “Regarding the detention of children, it has to be noted that children are not being detained. They stay inside the camp until all RIS procedures are completed and until proper accommodation by the National Center of Social Solidarity is ensured.”
- 20.2. However, it is widely reported by various organisations working on the ground that such statement is simply inaccurate and misleading, as it does unfortunately not reflect the reality on the ground: children and unaccompanied minors are being detained, in facilities with unsuitable living conditions and inadequate health care facilities. Children are also placed, often for long periods, in ‘protective custody’ which takes the form of a police station or detention facility. Currently the minimum stay in ‘protective custody’ in Evros is 5 months, some have been held for 7 months. There are plans for an emergency hotel project to alleviate the situation but currently no UAM is known to have been transferred there.<sup>58</sup>
- 20.3. Conditions in ‘protective custody’ are generally unsanitary, and no clothing or non-food essentials are provided to the children there. Furthermore, no interpreting services are provided in order to enable these young people to access the asylum procedure, and there is also no consistency in the provision of healthcare. In 2018, there were as many as 725 minors in ‘protective custody’ in Thessaloniki at one time. They were sleeping in beds that were not cleaned and were not provided with any non-food items. The police do not provide a translator. Medical access is periodic.
- 20.4. The European Court of Human Rights found these conditions to be against Article 3 of the European Convention on Human Rights.<sup>59</sup>
- 20.5. Another case brought to the European Convention of Human Rights further highlights the issue. Two female UAMs sought legal assistance in January 2019 but remained homeless, without a legal guardian. They were eventually transferred to an adult detention facility for women until the Greek Council for Refugees intervened.<sup>60</sup>
- 20.6. One of the contributing organisations reports that, due to the lack of spaces in shelters and/or other areas designated for the protection of children, the non-investment and/or implementation of alternatives (e.g. SILs , Guardianship), as well as the on-going gaps in terms of their identification (e.g. registration of minors as adults), children (either UAM or with their families) are frequently detained in highly sub-standard conditions, in the context of “protective custody”, of reception-identification procedures or for the purposes of removal/deportation. Indicatively, in September 2019, the number of UAM in detention/protective custody was the highest one observed during past years.
- 20.7. Families with children and lone parent families are also reportedly being detained according to the GRC. Further, GRC has stated that those in detention often have no access to a yard or any form of outdoor space or exercise. Detainees are held together with those facing criminal proceedings.<sup>61</sup>
- 20.8. In 2018, Human Rights 360 reported, as part of a previous UN evidence submission collated by Refugee Rights Europe,<sup>62</sup> the systematic detention of UAMs prior to their transfer to accommodation facilities, sometimes for periods in excess of two months.

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<sup>58</sup> Arsis - Association for the Social Support of Youth: Detention Monitoring Report on Child Protection at the Reception Identification Center and the Pre-departure Detention Center of Evros

<sup>59</sup> Refugee Rights Europe (2019), ‘No End in Sight’

<sup>60</sup> *Ibid.*

<sup>61</sup> Refugee Rights Europe (2019), ‘No End in Sight’

<sup>62</sup> GHM, OMCT, Refugee Rights Europe (2019), Submission to the UN Committee Against Torture

- 20.9. In Samos, UAMs are held in the same cells as adults. In Chios, the practice of holding children in the same cell as adults seems to have ended. However, detention for indefinite time periods in 'protective custody' is ongoing.<sup>63</sup>
- 20.10. Unaccompanied children are also being detained in Fylakio, both within the RIC and at the police station in unacceptable and unsuitable conditions.
- 20.11. One organisation staff reports anonymously and in personal capacity that according to their observations from Lesvos, it is unlikely for minors identified and registered as such, to be detained. However, there are multiple cases of minors who have been wrongfully registered as adults and are detained within the framework of the low-profile detention project. Furthermore, due to lack of available places in shelters, UAM are detained either in "Amygdaleza" detention centre for minors, or in police stations, for long periods, under "protective custody" until proper accommodation is identified. Children in families are not detained in Lesvos.
- 20.12. In Amygdaleza, a pre-removal detention centre, a UAM who had substance addiction issues was not seen by a medical doctor and therefore was left alone to deal with withdrawal for nine days. He also had no access to an interpreter to explain his situation and his desire to claim asylum. The UAM only saw a lawyer 8 days after he was arrested but there was still no interpreter available so the lawyer and a social worker had to find their own interpreters so the child had access to the asylum procedure.<sup>64</sup>
- 20.13. A case has been presented to the European Court of Human Rights regarding the poor conditions of two UAC sisters who were placed in 'protective detention'. The conditions of the detention were so poor they may amount to a breach of Article 3 of the European Convention of Human Rights as inhuman and degrading treatment. Additionally, they had no mechanism at their disposal by which to challenge the lawfulness of their detention and the domestic authorities failed to appoint them a guardian.<sup>65</sup>

## 21. APPENDIX: CASE EXAMPLES FROM KHORA ASYLUM SUPPORT TEAM (AS SUBMITTED)

*"Case A: Family consisting of father, mother and three-year-old daughter. The mother was diagnosed with PTSD with psychotic attacks and paranoid tendencies. The family was denied access to asylum for almost two months. Since their arrival in Athens, they have lived on the streets. It was only recently that they were able to find shelter thanks to the great efforts of various NGOs. MSF has described the case as one of the most vulnerable cases they have ever come into contact with.*

*When we visited the family on the street to equip them with food and hygiene stuff, several smugglers tried to convince the family to leave Greece.*

*We have experienced several times that families who are denied access to the registration process, or even after their registration if there is still no accommodation available for them, are a priority target for smugglers. In none of these cases was the state able to protect the families from the traffickers. It was left to the families themselves to defend themselves against the attempts of the human traffickers. I am convinced that in such a difficult and uncertain situation many families have already fallen victim to the traffickers.*

<sup>63</sup> Refugee Rights Europe (2019), 'No End in Sight'

<sup>64</sup> *Ibid.*

<sup>65</sup> *M.C. contre la Grèce*, 25 July 2016, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-191604%22%5D%7D>

*The precarious housing situation as well as the difficult access to the asylum procedure (even for vulnerable persons) gives the traffickers the possibility to get in contact with the families on the streets or in the parks of Athens.*

*During the various visits that we paid to the A. family on the streets, we repeatedly had to keep the traffickers away from the family. A sufficient protection against trafficker for the homeless families can therefore be denied.*

**Case B:** *A female child arrived in Greece with her mother about three years ago from Iran. She is the child of a single mother and it is unknown when or why her parents separated. She is currently 15 years-old and living in an anarchist squat in Athens, Greece.*

*When she arrived in Greece her mother applied for asylum but unfortunately their case has been rejected twice. It is unknown what documents she had or has currently and what her status is in Greece. It is unclear which government housing services they have lived in during their time in Greece. It is unclear if they are benefiting from the cashcard service. The child attended public Greek school for a time but left after she was teased by her classmates. She speaks four languages and is often used as a translator by friends and volunteers in the Athens area.*

*It is known that she was living in a family-oriented squat for almost six months in Athens before the squat leaders were forced to ask her mother to leave due to mental instabilities that put the rest of the community at risk. When the mother was forcibly removed the leaders decided that they would allow for the child to remain in the squat as it was the only home she knew. The child remained in the squat for several weeks receiving help and basic needs from the community and volunteers that provided educational programs to the people in this squat. Eventually, she chose to be reunited with her mother and moved to the room her mother had acquired at an anarchist squat in Exharia, Athens, Greece.*

*This child's mother suffers from depression and PTSD and has been suicidal on more than one occasion. Her mother has been addicted to heroin in the past but claims to be clean for the time being. The mother had an abusive boyfriend who would determine whether the child would be able to live with her mother or not based on his mood that day. Her mother currently works as a sex worker. The child has also expressed thoughts of powerlessness and has revealed cuts she gave herself in her most vulnerable moments. The child spends most of her day in Exharia square with other homeless teenagers. She has expressed that her mother has currently acquired a lawyer to help with their asylum claim.*

*These examples show that the state is at least unable to provide adequate protection for children who cannot be accommodated in state accommodation programmes. The lack of accommodation places means that children outside state structures are exposed to an increased risk of exploitation.*

**Case C:** *A male child arrived in Greece with his two brothers and mother about three years ago from Afghanistan. He is the middle child and currently 19 years-old. It is possible that this young male struggles with social interactions due to a head injury he acquired after being hit by a car, while he was a refugee in Iran, as a child.*

*Each member of his family was able to attain a whitecard, AFM, and AMKA during their asylum process. They were benefiting from ESTIA housing until their contract expired. They were also benefiting from cashcard services but it is unclear if their card is currently active. They were all attending Greek classes as they had decided to remain in Greece. They also found activities at local NGOs and participated in football teams in Athens. They have friends and a community that they trust in Athens.*

*The male child fled from Greece, alone when he was 17 years-old. He had asked his mother for 100 euros and disappeared. He was found in a prison in France and deported to Greece this past spring when he was 18 years-old. He had been traveling for about one year without resources or status. He lost his right to live in the ESTIA housing with this family and had to reapply for active documents. He was homeless when he was sent back to Greece but friends helped house him secretly in their ESTIA housing. He would wait until the late hours of the night to sneak into his friend's house for a quick sleep and then would be on the street again for the majority of the day. His brother has confirmed that he has currently found stable housing after several months of homelessness. The family has also found housing through an NGO but were all homeless for a period of time. He is keen to learn Greek and actively seeking employment. He appears to have a good relationship with his family.*

*The male child fled from Greece after being raped by a gang of male minors who were also asylum seekers. He did not inform any friends, family, or authorities of this event. He thought the gang of male minors were his friend and had been invited to spend time with them on a couple occasions. He was raped somewhere in Omonia, Athens, Greece by multiple males. After the incident he was scared as he had to see these males every day, since they lived in the same area. He decided to escape from Greece and this trauma. He asked his mother for money and began his journey to Italy alone. He did not tell anyone of his plans. During his journey to France he met similar incidents of harassment. He has very negative feelings towards France as he was in a prison there during the cold months and became very malnourished to the point where his hair is greying. He is happy to be back in Greece with his family.*

*The male child expressed thoughts of suicide after returning to Greece. He has been known to be talking to himself and have difficulty interacting with others. His family was concerned for his safety when they learned his plan for suicide. With the assistance of Khora he was admitted to a public psychological hospital. He was nervous about asking for help but was worried that his suicidal thoughts were close to becoming a reality. The hospital spontaneously removed him and another patient from Afghanistan only four days after he was admitted. He wasn't told where he was located or how to get home. He was simply asked to leave. His medical records show that he was given an anxiety medication for the month following this hospital stay as well as a form stating that he had not improved during his stay. He managed to get himself and the other patient from the hospital to the downtown Athens area. He managed to call Khora representatives for help. After this he remained homeless for several months, hiding in a friend's ESTIA housing when possible. He was able to reacquire his AFM, AMKA, and asylum claim in Greece. It is unknown where he is living but is said to be in a stable living situation.*

**Case D:** *to highlight the lack of support for pregnant women and single mothers on mainland Greece, even when they've been accepted as "vulnerable" and transferred from the islands" A young Kurdish*

woman (from Afrin, Syria) in Oinofyta camp. She was transferred from Lesvos in the late stages of pregnancy. In Oinofyta (and most camps I think!) there are no IOM staff or security even at night or on the weekends. So, when she gave birth, she was alone. Others in the camp called the ambulance but (I guess because they weren't speaking Greek and so unable to communicate effectively) the ambulance turned up 2 days later. Others in the camp had to help deliver the young woman's baby and they damaged it.

Also, it is worth mentioning in Oinofyta camp, medical volunteers going there said almost all the children were malnourished and clinically underweight.

Both cases show that in some cases the problems of asylum seekers are not approached with the necessary professionalism.”