



Net For U

Case Study/National Report Structure DRAFT

Greece

Structure:

I. Introduction: General overview and key challenges

a. Definition of UAMs (unaccompanied minors) within the country

According to the Greek legislation¹ unaccompanied minor is a person below the age of 18 who arrives in the Greek territory unaccompanied by an adult responsible for him/her whether by law or by custom applying in the country of origin, and for as long as he/she is not effectively taken into the care of such a person, or a minor who is left unaccompanied after he/she has entered Greece.

There have been many reports and different publications presenting the protection of unaccompanied minors in Greece, highlighting gaps both in legislation and in its enforcement. Among the issues² that emerge the urgent response and require immediate legislative and institutional reaction could be considered the constant and prolonged detention of UAM, the lack of adequate reception facilities, the absence of an official and standardised age assessment practice, the deficiencies of the guardianship system and the lack of protection measures for those getting 18 years old.

II. Population description

a. Historical overview, key changes in recent years if any

b. Countries of origin with available statistics

The presence of unaccompanied migrant and refugee children in Greece is not a new phenomenon. For the last 2 decades, according to different reports and researches, many children, mainly from countries of the South-Eastern Europe have been notified living in the country and being involved in activities such as begging, washing car windows at traffic lights, selling minor items, or engaging in petty criminality.

¹ Presidential Decree 220/2007 Article 1 (f) (Transposing the Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers) and Presidential Decree 114/2010 Article 2 (j) on *minimum standards on procedures in Member States for granting and withdrawing refugee status*

² The Greek Ombudsman, Department of Children's Rights, *Parallel Report to the UN Committee on the Rights of the Child, Findings and recommendations of the Independent Authority "the Greek Ombudsman" on the implementation of Children's Rights in Greece (July 2003 – December 2011)*, April 2012, <http://www.synigoros.gr/resources/parallel-report-un.pdf>





Additionally, many unaccompanied children from Afghanistan, Iraq, Pakistan and Bangladesh were identified at the Greek territory.³

The registration of unaccompanied minors in Greece has always been challenging as there has never been an official and formalised mechanism of keeping records of accompanied children entering the country. The challenge of identifying unaccompanied children is noticed both upon their arrival and during their stay at the Greek territory. As a result there are no official figures on how many unaccompanied children entered or/and crossed Greece. This drives us to the conclusion that many of these children have been invisible and not referred to any child protection mechanism, thus, not protected. Many different organisations and institutions tried in different periods to estimate the number of children and provide relevant to their profiles information too.⁴ The lack of relevant data has been effecting the formulation of appropriate tailored responses in respect to the size, status and special needs of the population.⁵

In general, migrants and refugees entering the country irregularly have been, as a standard practice, detained at the borders in view of their deportation. Thereafter, with the exception of nationalities who are readmitted to Turkey (Iranians, Iraqis, Syrians, Georgians), most third country nationals are eventually released with the order to leave the country, but end up in Athens or at exit points (Patra, Igoumenitsa). UAM have been receiving such orders too no matter their minority.

Only in 2011⁶, Greece set, for the first time, specific screening procedure for irregularly entering third country nationals, through which unaccompanied and separated children could be duly identified.

The Law⁷ 3907/2011 establishes the First Reception Service under the authority of the Ministry of Public Order and Citizen Protection, with a territorial competence for the entire country. Although the Central Service was established in 2011, the First Reception Centre started its operation in the beginning of 2013. According to Article 7 "All third-country nationals who are arrested while entering the country without the legal formalities shall be subjected to First Reception procedures. First Reception procedures for third-country nationals include:

- a. a verification of their identity and nationality
- b. their recording
- c. their medical check and the provision to them of any required care and psycho-social support

³ Human Rights Watch, "Left to Survive Systematic Failure to Protect Unaccompanied Migrant Children in Greece", December 2008, http://www.hrw.org/sites/default/files/reports/greece1208web_0.pdf, Greek Ombudsman, "Conclusions: Implementation of the Program 'Protection and Social Care for Street Children'", March 2004, http://www.synigoros.gr/reports/ag_varvara.pdf (accessed August 18, 2008), Terre des hommes, "The Trafficking of Albanian Children in Greece", January 2003.

⁴ Unaccompanied Minors at the Greek-Turkish Border: *Evros, March 2011 – March 2012* (Ασυνόδευτοι Ανήλικοι στα Ελληνοτουρκικά Σύνορα: *Έβρος, Μάρτιος 2011 – Μάρτιος 2012*)

⁵ Human Rights Watch, Left to Survive Systematic Failure to Protect Unaccompanied Migrant Children in Greece, December 2008, http://www.hrw.org/sites/default/files/reports/greece1208web_0.pdf

⁶ Adoption of Law 3907/2011

⁷ This new Law transposes in the Greek Legislation the provisions, of the Directive 2008/115/EC, on common standards and procedures for returning illegally staying third-country nationals and foresees the establishment of an Asylum Service and a Initial Reception Service





d. their update on their rights and obligations, in particular with regard to the conditions under which they can be placed under international protection status and
e. the care for those belonging to vulnerable groups, so that they are subject to the procedure laid down for such cases.”⁸

The same Law foresees the establishment of the Asylum Service whose mission is to apply the legislation on asylum and other forms of international protection for aliens and stateless persons, as well as contributing to the development and the formulation of the national asylum policy.⁹ Among the Asylum Service’s competencies is to register, examine and rule at first instance on all applications for international protection, collect and assess information on the economic, social and political situation of countries of origin of aliens and for constantly monitor developments in these countries, in cooperation with other Greek or foreign authorities competent for this purpose, especially under relevant international agreements, provide aliens who are applicants for international protection, as well as beneficiaries of international protection, with the stipulated legal and travel documents, process the applications for family reunification of refugees.

However, statistical data is available as regards those who seek asylum and formally enter the asylum process in Greece. Therefore, according to statistics of the Ministry of Public Order and Citizen’s Protection in 2011 there were 59 applications submitted, 55 by boys and 4 by girls, all documented as unaccompanied children. The main countries of origin were Pakistan (20 boys), Afghanistan (13 boys), and Guinea (10 boys). The girls were 3 from Georgia and 1 from Albania. Forty eight out of the fifty five boys were between 16-17 years old, six were between 14 – 15 years old and only one boy from Pakistan was younger than 13 years old.

III. Legal framework

The Greek legal context ensures and enhances the foreign minors’ protection through the national law that regulates the asylum procedure, including explicit provisions for minors from third countries, and through the migration law by introducing clauses that address issues on the protection of minors who do not seek for international protection.

Both these protection mechanisms have received a lot of criticism by different actors due to their failure to provide children with a safe environment and assure the full enjoyment of their rights. The continue voices of international agencies on the children’s exposure in different risks highlight the weaknesses of the state to fulfil its obligations that derive from its commitment towards international legislation.

a. National law (especially in relation to family tracing)

⁸ UNHCR, *Protecting children on the move, Addressing protection needs through reception, counselling and referral, and enhancing cooperation in Greece, Italy and France*, July 2012,

<http://www.unhcr.gr/fileadmin/Greece/General/publications/cotmUNHCR.pdf>

⁹ Law 3907/2011 Article 1 par.1





The Article 19 par. 2 of the Presidential Decree 220/2007¹⁰ declares the obligation of the authorities to make efforts to “trace, as soon as possible the member of the minor's family”. Furthermore, reunification may be realized under the criteria for the determination of the state responsible for the examination of an asylum application set in Regulation 343/2003 (Dublin II). In addition, Presidential Decrees 131/2006 and its complementary P.D. 167/2008 provide for the conditions of family reunification of migrants and of refugees respectively.

b. Implementation and responses to EU and international law and directives

Greece has ratified the Convention on the Rights of the Child with Law 2101/1992 and a series of other international legal texts in order to protect all rights of the child.

Furthermore, the Greek Constitution through different articles aims at providing unconditioned protection to children and poses the obligation to the state to adopt special measures for the protection of youth. More specifically, Article 5 of the Constitution provides that “all persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs” and Article 4 of the Greek Civil Code foresees that aliens enjoy all civil rights of nationals.

Additionally, most of the European Directives, concerning the treatment of third country nationals and procedures related to their status’ determination, are transposed to the Greek Legislation. Thus, the:

- PD 114/2010 (in conformity with the Directive 2005/85/EC) on minimum standards on procedures for granting and withdrawing refugee status.
- PD 220/2007 (transposing the Directive 2003/9/EC) on the minimum standards for the reception of asylum seekers.
- Law 3907/2011 (transposing the Directive 2008/115/EC) on common standards and procedures for returning illegally staying third-country nationals (and on the establishment of an Asylum Service and a Initial Reception Service).
- PD 96/2008 (transposing the Directive 2004/83/EC) on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.
- P.D. 167/2008 (complementing presidential decree 131/2006 on the harmonization of the Greek legislation to Council Directive 2003/86/EC) on the right to family reunification

IV. General services and resources (Keep brief, provide a general picture of what is going on in the country. Sections V, VI and VII will provide an in-depth analysis of selected practices.)

a. Legal representation

¹⁰ Transposing Directive 2003/9/EC on the minimum standards for the reception of asylum seekers





Legal guardianship is regulated by the general provisions of the Civil Code (articles 589 – 1665). Article 24 of the Greek Civil Code provides that Greek Courts may appoint a legal guardian for a foreigner who has his/her usual residence in Greece. Among the guardian's duties are the obligation to take care of the child, to represent the child in any legal or judicial proceeding, to hear the child prior to any decision – making and to act in the child's best interests (Articles 1647 and 1648 of the Greek Civil Code). Furthermore, the Articles 1518, 1606, 1647-1648 of the Greek Civil Code foresee the guardian's obligation to take care the child's upbringing, education and housing).¹¹

Although, the Articles 64 and 66 of Law 2447/1996 provided some hope for the development of the guardianship system in Greece through the establishment of new social services, in fact this Law remained inactive.

Regarding unaccompanied children, Article 19 of the Presidential Decree 220/2007 provides that the competent authorities should take the appropriate measures to ensure the child's necessary representation through the appointment of a legal guardian irrespective of the child's status as asylum seekers. Therefore, law enforcement authorities inform the Public Prosecutor for Minors, or in the absence of the latter, the territorially competent First Instance Public Prosecutor, who acts as temporary guardian and takes the necessary steps in order to appoint a permanent guardian for the child. According to this provision, all unaccompanied children in Greece are entitled to have temporary guardians, who are public prosecutors by law.¹²

b. Social protection

i. Identification and protection for minors

As described previously, up to very recently there has been no specific screening procedure through which the unaccompanied children could be identified and treated in accordance with their needs and vulnerability. Thus, in practice, it has been the Police Authorities at border locations, who during the registration procedure of third country nationals entering Greece in irregular manner have been identifying the unaccompanied children. The conditions, under which the registration is realised, in most cases without interpreters and with the pressure of workload, may challenge the transparency of the procedure and the further treatment of those entering in Greece. Such recording practice relies upon the declarations of the new comers and as a result may effect to the identification of the unaccompanied children; In several cases, minors are recorded as adults, and vice versa. The legislative provision for the

¹¹ Centre for European Constitutional Law, Themistokles and Dimitris Tsatsos Foundation, European Migration Network, *Policies on reception, return, and integration arrangements for, and numbers of, unaccompanied minors – an EU comparative study*, Report on GREECE, Study submitted to the Ministry of Internal Affairs, Directorate for Migration Policy, August 2009,

¹² UNHCR, *Protecting children on the move, Addressing protection needs through reception, counselling and referral, and enhancing cooperation in Greece, Italy and France*, July 2012, p.19, <http://www.unhcr.gr/fileadmin/Greece/General/publications/cotmUNHCR.pdf>





development of a system of age assessment has not yet been implemented and the relevant implementing ministerial decisions have not been issued.¹³

Also the children may be registered as accompanied by any adult with whom they may have travelled with or appeared together before the Police Authorities.

ii. Protection after age 18

There is no legal act foreseeing the protection after the age of 18.

c. Housing and basic needs

For the housing needs of the unaccompanied children the Article 19 par. 2 of the Presidential Decree 220/2007¹⁴ foresees:

When an unaccompanied minor lodges an asylum application, the authorities competent to receive and examine it shall take immediately the following measures:

a. They shall ensure that the accommodation needs of the child are covered by placing him/her with adult relatives, with a foster-family, in Accommodation Centers with special provisions for minors, or in other accommodation suitable for minors and that this form of accommodation shall protect it from the risk of trafficking or exploitation.

b. They shall act so that siblings be kept together, taking into account their age and degree of maturity and, more generally, the best interests of each minor concerned.

c. They shall endeavor to trace the members of the minor's family as soon as possible.

d. Changes of residence of unaccompanied minors must be limited to a minimum.

e. In cases where there may be a threat to the life or to the integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care shall be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardizing their safety.

At the moment in Greece there are 10 reception centres for unaccompanied children and their capacity is around 400 beds¹⁵. Although in their majority operate in the frame of European Refugee Fund, in many occasions host children who do not wish to submit an application for international protection.

When an unaccompanied child is identified either by Police or by an NGO, the prosecutor's office is informed (acting as temporary guardian by law) and a claim for

¹³ The Greek Ombudsman, Department of Children's Rights, *Parallel Report to the UN Committee on the Rights of the Child, Findings and recommendations of the Independent Authority "the Greek Ombudsman" on the implementation of Children's Rights in Greece (July 2003 – December 2011)*, April 2012, p. 18, found at:

<http://www.synigoros.gr/resources/parallel-report-un.pdf>

¹⁴ Transposing article 19 of the Directive 2003/9/EC on the minimum standards for the reception of asylum seekers

¹⁵ One of the shelters hosts exclusively girls and women, thus no specific number of beds is destined for unaccompanied girls





accommodation is forwarded to the Unit in charge for the Management of Accommodation Requests of Asylum Seekers and Unaccompanied Minors¹⁶.

According to the statistics referring to the period from 12/03/2012 until 31/12/2012, the Unit received 822 requests for accommodating unaccompanied minors. The 94,65% were from boys and only the 5,35% from girls. Among the requests it was 34 from children under the age of 12; there is no reception centre in the network of ERF specialised in young ages and as a result emerges the need for establishing such shelters. Most of these cases are referred to reception centres run by NGOs¹⁷, Church or public institutions.

According to the same statistics only the 73,92% was finally entered the reception facilities; the rest neither turned up nor refused the placement as their wish was to remain in Athens and not to travel and be hosted at a shelter outside the capital. The 61,44% of the unaccompanied children was referred by authorities and the 36,98% by NGOs.

It is worth mentioning that the time it takes from the application to the placement in the reception centre may be up to 30 days; during this waiting time the children may be at a detention centre, homeless or at any other unsafe environment, with all the dangers that this may entail. Finally, the average time of stay at a reception centre is 49 days, due to the children's "run aways", who in most cases attempt to continue their trip to other European country.

d. Education and professional training

Article 72 par. 3 (d) of the Aliens law 3386/2005 guarantees access to primary and secondary education to all migrant children living in Greece irrespectively of their residential status in the country. Furthermore, Article 9 of the Presidential Decree 220/2007 states that it is a child's unconditional right to have access to primary and secondary education.

Despite these provisions it remains a challenge for the unaccompanied children, who live outside the reception centres to register in school, as they need a guardian to take care of their enrolment and follow their school progress, thus, in practice only the children who live in reception centres can actually rely on these provisions.

Although, there is an attempt to provide special reception classes aiming at encouraging the integration of foreign children into the school environment, in reality the language barriers, as no cultural mediators are foreseen and the lack of classes prepared to welcome illiterate children constitute two of the main reasons for the high frequency of drop outs.

e. Healthcare

Article 14 of the Presidential Decree 220/2007 (transposing Article 15 of the Council Directive 2003/9/EC laying down minimum standards for the reception of asylum

¹⁶ National Centre for Social Solidarity, General Secretary of Social Welfare within the Ministry of Labour and Social Security and Welfare

¹⁷ Such as "The Smile of the Child"





seekers) provides that asylum seekers shall receive the necessary health, pharmaceutical and hospital care free of charge, if they are uninsured and financially dependent. According to paragraph 2 of the same provision, emergency medical care shall be provided free of charge. Article 14 par. 3 stipulates that special medical assistance will be provided to persons with special needs, including unaccompanied children.¹⁸

f. (Voluntary) return

g. Family reunification

Greek Aliens Legislation (Law 3386/2005) does not prohibit explicitly the return of unaccompanied minors to their country of origin and/or to the country they transited before their entry to Greece, unless the Juvenile Court has ordered rehabilitation measures against them (i.e. when they committed criminal acts).

Furthermore, according to Article 25 of the Law 3907/2011 *“Before deciding to issue a return decision in respect of an unaccompanied minor and after having given due consideration to the best interests of the child, assistance shall be given by appropriate bodies, other than the authorities enforcing return, pursuant to Article 19 of P.D.220/2007¹⁹, who shall act accordingly”*; the Law goes further saying: *“Before removing an unaccompanied minor from the territory of the country, the competent authorities shall ascertain that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return”*.

Although the law foresees the involvement of “appropriate bodies” and “competent authorities” in the returning process, in practice there is no official body, institution or committee addressed with the task to consider the child’s best interests, allocate family members or any other person or facility who would welcome the child upon his/her return and take care of him/her. Practically, in case the Aliens Department does not trace in Greece the parents or other caregivers, INTERPOL is informed in order to search them in their country of origin. Once the above mentioned procedure is completed, deportation decisions are issued, providing for the detention of the unaccompanied minors concerned. When their deportation is not feasible due to the lack of airplane connection with their country of origin (eg Afghanistan) or to other problems hindering their removal to their country of origin (eg. Iraq) minors are released by application of article 78 of Law 3386/2005 that provides for the possibility to suspend the enforcement of the expulsion decision and to impose restrictions to the third country nationals.²⁰ In this case, police authorities inform the competent Minor’s Prosecutor and in collaboration with the National Centre for the Social Solidarity and non governmental organizations unaccompanied minors are accommodated in

¹⁸ UNHCR, *Protecting children on the move, Addressing protection needs through reception, counselling and referral, and enhancing cooperation in Greece, Italy and France*, July 2012, p.20, found at:

<http://www.unhcr.gr/fileadmin/Greece/General/publications/cotmUNHCR.pdf>

¹⁹ Article 19 of Directive 2003/9/EC

²⁰ Centre for European Constitutional Law, Themistokles and Dimitris Tsatsos Foundation, European Migration Network, *Policies on reception, return, and integration arrangements for, and numbers of, unaccompanied minors – an EU comparative study*, Report on GREECE, Study submitted to the Ministry of Internal Affairs, Directorate for Migration Policy, August 2009, p.25 & 26





reception centres. Having in mind the conditions under which such actions take place, we may have doubts whether all the safeguards are considered before the child's safe return.

At this point it is worth mentioning that according to the practice the minors receive notification (deportation order) to leave the Greek territory because they violated the migration law due to illegal entry, whereas they are referred to protection structures as the law foresees. Although these children are by law represented by a (temporary) guardian, their irregular status as migrants who illegally entered the country remains unchanged. As such, they are subject to arrest, detention, and deportation.²¹

In the Greek context I.O.M. has been implementing programs of Assisted Voluntary Return, through which special attention is paid on the cases of minors who wish to return to their countries of origin and all the relevant safeguards are assured by the Organisation prior and after the minors' return.

Additionally, the Anti-trafficking Law provides for specific measures to be taken for the repatriation of the victims; Article 13 provides for the right of every victim to be repatriated in safety and dignity.

As regards reunification of unaccompanied children with their families, who reside legally in another European State, this is realised under the criteria for the determination of the state responsible for the examination of an asylum application set in Council Regulation (EC) No 343/2003 (DUBLIN II).

V. Analysis of needs:

a. Practices/instruments for identifying minor's needs

Section to be completed on the basis of the "Best Practice Analysis Template", which will include issues such as: description of practice/instrument; who implements it and how; timeframes; funding and continuity; transferability. Information is to be provided for each practice studied in-depth via interviews.

The NGOs Greek Council for Refugees, AITIMA, Ecoumenical Program for Refugees provide mainly legal support to asylum seekers and refugees. Their activities and services are not exclusively designed for unaccompanied children, as well as their forms and tools.

Although the interviewed practitioners do not use the same practice, the objectives and the goals of all practices remain the same; thus, the practices refer to specific tools/forms that are completed by all the organisations when unaccompanied children are identified. The objectives of all tools/forms is to collect the following information in order to assess the needs of the beneficiary and plan next actions: *personal information such as name, age, spoken languages and furthermore on family, origin, trip (countries, dates and means of transportation), school/education, health, current residence situation.* All practitioners inform and explain to the children the legal (applying for asylum) and social (being referred to reception centres) options that they have in Greece in order to go further and express their views and wishes. All

²¹ Human Rights Watch, Left to Survive Systematic Failure to Protect Unaccompanied Migrant Children in Greece, December 2008 p. 16, also found in: http://www.hrw.org/sites/default/files/reports/greece1208web_0.pdf





info declared by children is registered for future use too. Most of the information is gathered during the first interview and constitutes the child's profile and personal file that the NGOs take in consideration and update every time they meet the child. During the first session with the child it is usually a social worker and a lawyer who meet him/her. The first meeting with the child might be either at the NGO's premises or at a detention centre where the child is kept. The implementation of such practice depends mainly on European Refuge Fund; during different periods the practice is ceased or limited due to lack of funds.

The **NGO Doctors of the World** who provide mainly medical services come across unaccompanied children who live with other co-nationals, adults or/and children, outside any child protection environment. These children visit the NGO's policlinics in order to seek medical assistance; during their visit, the doctors briefly inform them about the availability of the organisation's social services. In some cases children may seek for further assistance; the social workers may use a form/tool, as described above, in order to register information about the children in order to further assess their needs. Depending on the child's inquires and needs the organisation's lawyer may be also involved. The sustainability of such practice depends mainly on European funding, private sponsoring and other independent agency support.

The **Tracing Directory of the Hellenic Red Cross** is addressed only when there is a need for family tracing; their practice is limited only to the actions related to the tracing and does not respond to any social need. The professional who completes the form does not come from any specific professional background; it is permanent staff who have undertaken a series of internal (Red Cross) trainings on fulfilling such task. Red Cross faces in Greece serious financial problems that cause many challenges in the proper implementation of the practice and certainly limits its effectiveness.

The Smile of the Child due to its broad provision of services to children has developed many practices for their best protection. As a result, we could refer to the request for hospitality that is made to the organisation (and namely to the national helpline 1056) by other organisations, authorities etc and it includes the child's basic information (gender, date of birth, nationality, country of origin, place of residence, health and psychological status) together with a space where the social worker or psychologist, who works with the referral, can provide some more detailed description of the request's history. With this tool the professionals (social workers and psychologists) manage all the requests for sheltering that the national helpline 1056 receives. If the request is accepted then the form passes to the community home that will be hosting the child and it is run by "The Smile of the Child" if not accepted, the reasons of refusal are stated and the form is shared with the institution that initially referred the case.

In the community homes, every child has his/her own file; such tool focuses mainly on the child's psychological status upon his/her entry and how this is developed throughout his/her stay.

In the case of **The Smile of the Child** the practices are funded by private sponsors with whom the organisation has established sustainable bonds. Also, the practices are supported by different fundraising activities and through the strong support of individuals, who recognise and trust the organisation's service.





b. Meeting of needs: how are services and resources allocated following the assessment?

The first need to be met is the accommodation unless medical issues emerge where immediate referral to hospital is made. During the first contact that the practitioners have with the unaccompanied children, they inform them about the reception facilities and it depends on their wish if they will be further referred to one of them.

If the children express the wish to be referred to a reception centre for unaccompanied children the NGO representatives inform the prosecutor and the Unit²² in charge for the Management of Accommodation Requests of Asylum Seekers and Unaccompanied Minors in order to identify a free space among the reception centres.

The referral of unaccompanied children to reception centres often face administrative challenges, such as the low capacity of the reception centres, the need to escort the child and complete a medical screening before s/he is transferred to a facility.

Another need that the organisations try to meet concerns the status of the children; if the organisation who identifies the child does not provide legal support then it refers the child to a specialised one.

If the children express the wish to apply for international protection different actions are followed depending on their age; in accordance with the art. 4 of PD 114/2010²³ par.3 "A minor whether unaccompanied or not, aged above 14 years, can lodge an application on his/her own behalf, if the above mentioned competent authorities deem that s/he has the maturity to understand the consequence of his/her actions" and par.4 "An unaccompanied minor who does not fulfill the above mentioned criterion of maturity may lodge an application through his/her representative..". In practice the Public Prosecutor for Minors or, in his/her absence the territorially competent First Instance Public Prosecutor is informed by the NGO representatives about the children's wish and appoints the representatives to take care of the legal procedures related to the asylum application.

The age level imposed by this PD may effect the involvement of Public Prosecutor for Minors/ First Instance Public Prosecutor from the very first moment when the child is identified. The Public Prosecutor for Minors/First Instance Public Prosecutor in some cases is informed for children under the age of 14 and as provisional guardian orders the placement of the child at a reception centre.

- i. Are services provided in accordance with the analysis?**
- ii. Are identified needs adequately addressed? Which gaps exist?**
- iii. Are there any especially problematic needs? Innovative practices?**

After the child's placement at a reception centre it is the professionals there who undertake the task to fully assess the needs of a child and try to respond to them. The individual profiles include every child's personal information, health status and integration within the centre, school performance and progress.

²² Footnote no 16

²³ Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status





Due though to the poor funding of the centres that result to limited activities and human resources together with the deficiencies on the guardianship system the unaccompanied children do not fully enjoy many of their rights.

At the moment all the reception centres for unaccompanied children do not follow any standard operating procedures and their facilities and services may differ from one to the other. In some cases such inequality effects the children's stay and drives them to run away from centres or very often children's demand is to be referred to particular centres (e.g. at urban centres such as Athens and Thessaloniki).

As regards the guardianship system although the Greek legislation foresees the appointment of a guardian, the practices, that we come across on the field, prove that this provision is activated only in papers and not in practice due to the different difficulties that the prosecutors experience while assuming their rights as provisional guardians and on their attempt to appoint a permanent guardian. Among those difficulties we could mention the work overload that the prosecutions' offices face, the limited human resources within the court social services, who could follow up the cases, the lack of Public Prosecutor for Minors in the whole territory (appointed only in Athens and Thessaloniki) etc. Furthermore, we should mention that there is no body or other relevant institution to whom the prosecutors could refer in order to appoint permanent guardians; individuals cannot easily assume the guardianship due to challenges as regards the profile and the dynamics of the target group that very often absconds and their tracks get lost.

There are cases where the prosecutors pass the full guardianship to the directors of the reception centres, although this practice is met less and less due to the challenges mentioned before.

Moreover, it is declared that in some occasions the prosecutor may issue a proxy to an adult in order to act as a guardian for a specific purpose e.g. school registration.

Due to all these challenges, there is no standardized practice followed by all prosecutors in the territory; it seems that the procedures followed depend on the discretion of every prosecutor and at the supporting services that he/she may have at his/her disposal (NGOs, social services etc).

Also, many organisations highlight that the reaction of the prosecutors differs when the minor is less than 14 years old; these children can be referred also to reception centres that host Greek children; the management of the centre assumes substantially the custody of the child. These reception centres are units for social care and their operation falls under the supervision of the Ministry of Health and Social Solidarity. Their target group is minors usually between 3-12 years old, who are not protected and are deprived of family care.

Furthermore, there have been cases of social workers for minors, within the social services of the courts, who voluntarily accepted the guardianship; some prosecutors went further with this practice and passed the guardianship to other court social workers for minors without their consent. Such practice, when it takes place without the voluntary involvement of people, no matter their professional background, cannot really guarantee the substantive involvement of the guardian in the UASC' every day life.





Furthermore, we could also refer to the challenges that unaccompanied children face during their school integration. Due to the economic crisis in Greece the operation of multicultural schools is limited to some reception classes that are formulated within the Greek public schools when a certain number of foreign children are enrolled in the school. There are different factors that are not taken into consideration such as the illiterate children who are asked to attend a reception class although they have never attended a school before. The different ages within a class may discourage the older children to continue with their studies and eventually drop out.

NGOs highlight the lack of reception facilities capable of responding to children with special needs e.g. mobility, psychiatric. Such cases maybe referred to centres where Greek children go but due to the absence of cultural mediation and interpretation the centres may not accept the referral itself. In such cases the unaccompanied children may continue living outdoors or/and with other co-nationals letting them at high risk of becoming victims of exploitation etc.

VI. Family tracing:

General points to be included

a. existing practices and protocols: within EU and country of origin

i. yes/no for each

ii. How/when did the practice originate? By whom? Who implements it?

iii. What kind of assessment is made of the family?

iv. How is the assessment used?

Although the intervention of INTERPOL is mentioned for the family tracing, in practice there is no such action undertaken; it is only IOM in Greece with its Headquarters in Geneva that follow their official guidelines and operate assisted voluntary returns. Such practice is activated when an unaccompanied child express its wish to return back to his/her family. The IOM offices undertake the task to trace the family and provide to the Greek Prosecutor, who acts as provision guardian and gives order for the child's return, with a social investigation that includes information about the parents' wish and consent to welcome the child back, their economical status and security issues applying in their zone of residence (such info not confirmed).

As regards the family tracing in European level, according to the NGO's statements, in most cases the children have with them the contact details of their families and it is easy to allocate them and facilitate the family reunification through the DUBLIN II.

In other cases the NGOs use their European networks and other organisations, with whom they collaborate in different levels, in order to facilitate the family tracing.

Lastly, it is the Tracing Directory of the Hellenic Red Cross that focuses on the family tracing. They activate their international networks and optimise different means of tracing such as internet, radio etc.

b. Future scenario (if any)

Section to be completed on the basis of the "Best Practice Analysis Template"





VII. Interconnections: What are the interconnections between needs assessment and family tracing services?

- a. **Is there role in needs assessment for some form of family tracing?**
- b. **How can family tracing be re-thought to address the minor's needs?**

The family tracing may effect the activities that the unaccompanied child my joy while being hosted at the reception centre; if for example the child is supposed to be reunited with its family then the centre's staff/management/board may not proceed with the child's school enrolment. There have been some attempts to organise language classes depending on where the child will continue with its life after family reunification.

VIII. Current developments in general: In which direction is the discussion heading? What are the key issues being addressed? What restraints are being imposed by the economic crisis?

According to the discussion among the field actors the main constraints and challenges in protecting unaccompanied children and assisting their integration are considered the following:

1. Limited receptions centres with no standard operating procedures
2. Deficiencies of the guardianship system
3. Prolonged detention in inadequate conditions

Additionally, we definitely need to take into consideration the lack of legislation and appropriate structures and mechanisms to protect unaccompanied minors who do not fall within the international protection and however reach Greece. On the same line there is no measures taken for those children who become 18. Also, the public education system does not encourage the school enrolment as in many cases does not meet the characteristics and needs of the unaccompanied children.

At the moment in Greece there is an initiative from the General Secretary of Human Rights (Ministry of Justice, Transparency and Human Rights) to open the discussion for the protection of unaccompanied children and integrate related issues in the Action Plan that will be developed for Human Rights in Greece.

Furthermore, during 2013 the First Reception Centres will start its operation where screening procedures will be in place and formulate the registration of the populations entering Greece without legal documents.

Additionally, the new Asylum Service will start operating sometime during 2013 and as a result all the applications for international protection, in 1st and 2nd instance, will be reviewed and assessed by the Asylum Service itself and not any more by Police.

IX. Conclusion

- a. **Strengths and weaknesses in capacity to assess and meet minors' needs**
- b. **Assessment of family tracing & reunification programmes/future needs**
- c. **Potential for development and experimentation:**





- i. **What should a needs assessment ideally look like in order to be effective now and be sustainable?**
- ii. **What is the foreseeable role of family tracing? How should it be used?**

The organisations working for the protection of unaccompanied children have a long experience on this field, recruiting very capable and well trained staff. All the professionals involved in such activities in many occasions have been working under big pressure, difficult conditions and with limited resources. Especially those working at reception centres that operate exclusively with European Refugee Fund, struggle to maintain the smooth running of the centres as there is no standard transfer of the funds through the Greek responsible for the ERF authority (General Secretary for Welfare, Ministry of Labour and Social Security).

Another issue that is considered as a constraint to the needs' assessment of the unaccompanied children is the fact that there is not any official body in charge of this particular target group; as a result there is no central coordination among the different actors and this has an impact in the effectiveness of the provided services. In the same line another constraint could be considered the absence of one file that can follow the child throughout his/her life in Greece since his/her first identification; such practices occur in some cases where the child is referred from one organisation to the other, thus a brief information on the child's history is provided.

As mentioned before the needs' assessment may cover all possible fields effecting the child's physical, psychological and social development. However, the limited resources in staff and funds cannot identify all unaccompanied children and cannot assure for all of them the basic right to accommodation. This goes further as the limited funding sources cannot support additional services that could strengthen the reception centres' operation and provide to the hosted children a safe environment to live in.

It seems that all these problems are quite well known to the children and their families, who very often push their children to continue with their trip and not stay in Greece. As a result the children refuse to enter in the reception centres and in many cases declare that they are adults in order to make sure that they are released as soon as possible and find the means to carry on with their trip to other Northern European States.

In some of these cases the children may have their family in Europe but the lack of proper and accurate information drives them to look for other means of reunification rather than the legal one.

Furthermore, the family tracing in countries of origin may not be feasible to all of them due to security reasons. Funds are not always available for such tracing.

Last, we need to mention that in Greece there is no official body or committee that can decide upon a child's best interest. In most cases the best interest determination comes from the Prosecutor's order who relies on the organisations' statements and social investigations and goes further on deciding upon the child's best interest.

