

The Continuum of Neglect: Unaccompanied Minors in Greece

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1 Introduction

Irregular entry into Europe has increasingly occurred across the Greek-Turkish border. Characterized as one of Europe's deadliest borders, irregular crossing from Turkey to Greece, especially through the islands of the Eastern Aegean, has recently witnessed a dramatic upsurge, making 2015 a record year. Among the new arrivals, and with increasing frequency, are children who arrive in Greece unaccompanied². There are many reasons why they arrive in Greece without a parent or a caregiver. Many minors travel alone because they are fleeing violence after their families have been murdered or disappeared in their home countries. Others have been separated during the journey, while many minors leave to escape various forms of exploitation. Often, they are sent by their parents for better life opportunities and in other cases children that arrive alone in Europe act as a pull factor for the rest of their family (Galante 2014). Whatever the reason and despite their well-documented vulnerabilities (Derluyn & Broekaert 2008), in Greece they remain neglected in a system that appears inept to address even their most basic needs.

Greece has a long tradition of failing to provide sanctuary to people in need of international protection (Sitaropoulos & Skordas 2004) and a poorly-developed system for UAM. When in Greece, minors do not receive differentiated treatment as there is no specialized state infrastructure for receiving and dealing with these children and no staff professionally qualified to examine their claims. Furthermore, there are generally no guarantees for their secure accommodation. This often leads to the implementation of the measure of 'protective custody', which in practice equals detention, pending their referral to a dedicated reception facility. In addition, under the EU-Turkey Joint Statement (European Council 2016), minors, like all new arrivals in Greek islands, are immediately detained in order to be individually assessed by the Greek authorities³.

The protection failures documented in this paper reflect a continuum of systemic failures, which have led to criticism and concern expressed by human rights organizations over the

¹ We would like to dedicate this piece to Shaker and Abdala, two UAM, who at times felt trapped in Greece but who managed to take control of their lives. We would also like to thank Thanassis Tyrovolas for his valuable comments on earlier drafts of this paper.

² According to the Greek Presidential Decree 220/2007 an UAM is "any third country national and stateless person below the age of eighteen who arrives in the territory of Greece unaccompanied by an adult responsible for him and for as long as he is not effectively taken into the care of such a person or a minor who was left unaccompanied after having entered Greece."

³ According to Article 14 of Law 4375/2016, new arrivals are subject to a restriction on freedom of movement within the premises of the Centers during the reception and identification procedure; as far as asylum seekers are concerned, their entire asylum procedure can be conducted within the Center (<http://www.asylumineurope.org/news/04-04-2016/greece-asylum-reform-wake-eu-turkey-deal>).

previous years (Human Rights Watch 2008; Human Rights Watch 2013; Dimitropoulou & Papageorgiou 2008). As a response to consistent criticism, recent innovations in the Greek asylum and immigration policy (Law 4375/2016)⁴ regulate the procedures through which minors go while in the country. However, while solutions have been adopted in legal documents, the reality in practice fails UAM time and again, exposing them to other zones of exploitation (UNICEF 2016a). In fact, competent authorities are not ‘making meaningful efforts to give effect to legal obligations to ensure that children receive the level of protection to which they are entitled’ (HRW 2008, p. 18).

The paper aims to unravel the complexities of the existing framework for the protection of minors in Greece. In doing so, it draws on a thorough analysis of relevant legal documents and a careful examination of the small body of literature on the issue and available quantitative data. It is further enriched with anecdotal empirical data collected through the authors' work in the field of minors' protection in the third sector, as well as through informal interviews with other professionals in the field. The following section will provide a critical overview of the legislative framework as it has been shaped by recent developments while section three will identify social protection deficiencies, such as interim care and reception arrangements. The concluding section draws the above points together and highlights the issues that arise from humanitarian representations of children as powerless victims.

2 Who are the unaccompanied minors?

The official data on hand indicate that the vast majority of UAM originate from countries experiencing armed conflict, oppression or abuses of human rights, or the collapse of social structures due to the coexistence of conflict and poverty, like Afghanistan and Syria. According to the National Center for Social Solidarity (EKKA), most of them are boys between 15 to 18 years of age, but there is also a small proportion (around 8%) of girls⁵.

This alone, though, cannot provide an accurate picture of who these minors are. Any credible effort to form a representative image of this population hits the brick wall of the insufficiency of comprehensive statistical data. There is no central authority responsible for tracking children in need of protection, thus, leading to contradictory official sources and double counts. The only primary data are those provided by the Ministry of Citizen Protection and the Ministry of Labor. Data from the former, is published periodically⁶, and relate to the number of UAM who have been arrested and identified as underage at the border and those who have lodged an asylum application. The latter reflect the number of minors who have requested to be allocated to reception centers and are distributed monthly by EKKA⁷. However, there is no consolidation or cross-referencing of data between EKKA and the Asylum Service, inevitably leading to confusion about the reality behind the numbers.

⁴ Law No. 4375 of 2016 provides the institutional framework on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, and the transposition into Greek legislation of the provisions of Directive 2013/32/EC. The law was adopted under an urgent procedure and entered into force in the beginning of April in order to facilitate the legal reforms needed for the implementation of the EU-Turkey deal of 18 March.

⁵ <https://data2.unhcr.org/en/documents/details/49429>

⁶ http://asylo.gov.gr/en/?page_id=110

⁷ <http://www.ekka.org.gr/PressOfficeForceAccountShow.action>

According to these sources, in 2015 only 426 asked for asylum⁸ and 2,248 for a reception placement⁹.

The statistical representation of minors who do not apply in these categories is at all times obscure, rendering a large number of them, who consider Greece a transit point, invisible to the authorities. In this context, questions are emerging as to the increasing accounts of ‘missing and disappearing children’ and, more specifically, the conditions and situations to which they are disappearing¹⁰. This is further distorted by disparate identification procedures at border locations¹¹. Therefore, based on the evidence at hand, no firm conclusion can be reached as to how many UAM cross the border every year and what happens to them while in Greece.

3 Legislative and Institutional Framework

The overall legal framework for the protection of children in Greece is designed in line with the Convention on the Rights of the Child that was officially transposed into Greek legislation with Law 2101/1992 and is applicable to all children on Greek territory irrespective of their nationality or ethnic origin. This lies in conjunction with other institutional documents on the protection and rights of children on the move (UNICEF 2016b)¹². However, the underdevelopment of social care services before the fiscal crisis and the subsequent dramatic decrease in social spending and social benefits (Zambarloukou 2015), have noticeable implications for the Greek society, let alone for its foreign national UAM who cannot rely on family solidarity. This section will attempt to navigate readers through the complicated and ever shifting legal framework for UAM in Greece.

3.1 First Receptions and Identification of unaccompanied minors

Although there is a clear definition in law of who can be considered unaccompanied or separated, for a number of years disparate cases have been observed, reflecting long-held systemic problems with the identification of minors in question as unaccompanied, as well as, highlighting how children circulate out of and beyond secure spaces (Leifsen 2013).

‘First’ reception procedures are currently regulated by Law 4375/2016, which builds on Law 3907/2011. The new legislation foresees the establishment of a new Reception and Identification Service with the mandate to identify and offer first line protection to vulnerable groups, including UAM. Furthermore, it provides for the creation of a department for the protection of UAM, under the also newly founded General Secretariat for Reception that will undertake the responsibility of the overall protection and assistance of UAM who end up in

⁸ http://asylo.gov.gr/wp-content/uploads/2017/11/Greek_Asylum_Service_Statistical_Data_GR.pdf

⁹ It is worth noting that Non-governmental organizations (NGO) collect their own data, yet they only reflect the type of specialized services they offer, which inevitably leads to double counting.

¹⁰ <http://www.dw.com/en/refugee-crisis-where-have-6000-children-vanished/a-19180385>

¹¹ There is an exponential increase in these phenomena associated with periods when the number of UAM in detention is significantly larger than the available accommodation spaces. A common practice of the police is to ‘allow’ for wrongful registrations in order to alleviate pressure on the detention system.

¹² Directive 2011/95/EU of the European Parliament and of the Council of December 13, 2011; Directive 2013/32/EU of the European Parliament and of the Council of June 26, 2013; Directive 2013/33/EU of the European Parliament and of the Council of June 26, 2013; Regulation (EU) No. 604/2013 of the European Parliament and of the Council of June 26, 2013; Regulation (EU) No. 603/2013 of the European Parliament and of the Council of June 26, 2013; Council Directive 2001/55/EC of 20 July 2001; Directive 2008/115/EC of the European Parliament and of the Council of December 16, 2008; Council Directive 2003/86/EC of 22 September 2003; Directive 2011/36 / EU of the European Parliament and of the Council of 5 April 2011.

Greece. Reception and identification procedures refer to the registration and verification of identity, including the nationality, the medical and psychosocial screening, the provision of information for international protection and voluntary return and referral to relevant services and authorities (Law 4375/2016, Chapter B, Article 9).

Yet, due to the small number of existing Reception and Identification Centers (RIC) and Reception and Accommodation Mobile Units compared to the numerous points of entry, the initial registration process is often conducted by the Hellenic Coastguard or by the local Police, whose staff are not professionally qualified for such tasks. At points where RIC are located (currently in Lesvos, Fylakio-Orestiada and Samos, Chios, Kos and Leros) UAM are placed in protective custody at dedicated areas of the facility while in all other cases they are kept either at the regional police station or at hotspots and detentions centers, sometimes sharing the same space with adults. Compounding matters, following the EU-Turkey deal, uniform detention decisions are applied to all new arrivals, transforming RIC to detention spaces. These are more than often severely overcrowded and run without the provision of age appropriate spaces and services for minors. In this context, psychosocial care is not the priority. In response, these services are subcontracted to Non-governmental organizations (NGO), which, in turn, are not provided with appropriate space for their staff to work in. These shortcomings in first reception procedures have led to minors being wrongfully identified and registered.

For example, it is common for authorities to register minors as unaccompanied even when travelling with members of their extended family, leading to their forceful separation, allegedly for their protection. On the other hand, the authors have also observed the reverse case. During 2015, an exponential increase was identified in classifying minors at entry points as accompanied by non-related adults; thus, signing off their early release. This phenomenon relates to periods when the number of people in detention is significantly larger than the available accommodation spaces; thus, ‘allowing’ for wrongful registrations in order to alleviate pressure on the detention system¹³. While this can be hardly monitored and captured in official statistics, the frequency and similarity of these incidents, we have experienced in practice, point to the conclusion that these are not isolated errors. The lack of uniform procedures with regard to the assessment of UAM and of specialized staff at points of entry and the absence of any identity documents that would (dis)prove any relations, grant authorities a wide margin of discretion.

The effects of these practices are not lost on the minors, who try to navigate their way out of or inside the system. Minors upon consideration of their available options and consultation by other adults or indeed smugglers opt to either declare to be of age or to claim to be minors when obviously adults. Children may try to pass as adults to avoid prolonged detention while waiting to be placed in a reception facility with very limited spaces or to evade any administrative obstacles to their fast journeys through EU borders, as was the case in 2015. Young adults may claim to be underage to enjoy a more lenient treatment. Despite their intentions, both practices have reinforced a prevailing culture of disbelief as minors’ age and right to protection are continuously doubted and denied by the responsible authorities.

¹³ In 2015, the wave through approach in Greece received official standing vis-à-vis increased arrivals from Syria and the Horn of Africa. With an overwhelmed reception system due to severe staff shortages, Greek officials neither registered nor fingerprinted most of the new arrivals (Greek Council for Refugees 2015).

Disparate registering practices are further complicated by the nature of the age assessment procedure, which is often used to challenge a person's claim to be underage, despite provisions for the exact opposite (Law. 4375/2016, Art. 14, par. 9). Article 6 of Ministerial Decision 92490/29.10.2013 sets out the basic framework for conducting age assessments in the context of first reception procedures. In contrast with other countries, such as Norway, the Netherlands and Germany, where x-rays are the only medical exams provided by law (ECRE 2015), the decision requires an initial physical assessment by a pediatrician, followed by an assessment by a psychologist and a social worker. If age cannot be determined, the law foresees dental x-rays and an x-ray of the left wrist. This procedure was until recently compulsory only for RIC and therefore not binding for other national authorities or services¹⁴. Therefore, due to its lax nature as well as the limited human resources and extreme costs, police and coast guards rarely comply with the procedure for age assessment.

Against this background, only a fraction of unaccompanied children is correctly identified and registered as such. While more than 850,000 asylum seekers and migrants made the perilous journey from Turkey to Greece and notwithstanding the fact that more than 95,000 UAM applied for asylum in other EU countries, only few thousand minors appear in Greek official statistics. Their official 'invisibility' increases their vulnerability and the risk that violations of their rights will go unnoticed.

3.2 Detention – Returns

Law 4375/2016 further regulates the case of detention of minors. Similar to previous laws, it does not prohibit the detention of minors but rather states that detention should only be employed as a measure of last resort and applied only in very exceptional cases, echoing the principles of the UN Convention on the Rights of the Child. In case minors cannot be transferred to appropriate accommodation, the law foresees the possibility of detaining them for up to 25 days pending referral to a shelter, a period that can be further prolonged for up to 20 days more. Indeed, due to the shortage of open accommodation facilities, their 'protective custody' often exceeds the maximum time-limit¹⁵. In November 2016, 344 UAM were held in detention centers under this condition (Human Rights Watch 2016).

For example, the vast majority of those detained in the RIC in Moria, as well as in centers in Samos and Chios, frontline islands, have been there for significant periods up to several months and in unacceptable conditions¹⁶. Furthermore, approximately 30 minors are reportedly held in the detention center of Amygdaleza, the Attica Aliens Police Directorate and police stations all around Greece, allegedly awaiting placement in shelters. Yet, **Amygdaleza** special holding facility for UAM, "continues to operate like a police detention facility and is totally unsuitable to meet the needs of unaccompanied minor irregular migrants", as CPT reports¹⁷. The number of minors, who remain in detention following a wrong age assessment or registration is unknown but the authors are aware of at least three cases.

¹⁴ It has recently become applicable to asylum seekers through the Joint Ministerial Decision GG.335/16.02.2016

¹⁵ For years, Greece has ignored calls to increase its shelter capacity and expand alternatives to detention with a view to ending the routine detention of children (<https://www.hrw.org/report/2016/09/08/why-are-you-keeping-me-here/unaccompanied-children-detained-greece>).

¹⁶ Ombudsman, Intervention of the Greek Ombudsman regarding UAM refugees and migrants, 30 March 2016, available in Greek at: <http://bit.ly/2jwBDwm>.

¹⁷ CPT, 2015 Greece report, 1 March 2016, para 106.

With regard to returns, Presidential Decree 114/2010 (Art. 13) stipulates that UAM may not be expelled or returned as such action cannot provide guarantees for his/her safety. The only acceptable procedure for returning a UAM in their country of origin is that of repatriation, if there are no prosecution issues or risks. This is to take place in his/her best interest and with a view to reconnecting with the family or finding placement in suitable receiving facilities (Law 3907/2011).

3.3 Guardianship

Greek legislation, with Presidential Decree (P.D.) 61/1999¹⁸ and the Civil Code (articles 1589-1654), provide for the appointment of the Public Prosecutor as a temporary guardian for UAM, who in turn has to appoint a permanent guardian. This effectively means that, for example, the only Prosecutor for minors in Athens is responsible for thousands of children. Therefore, it comes as no surprise that the operation of guardianship for minors has, very rarely, been activated successfully. In fact, according to a recent European Committee for the Prevention of Torture report¹⁹, there is absolutely no contact between the guardian and the child, who is merely left in limbo and without access to the national protection system.

In practice, Public Prosecutors, due to their overwhelming workload, delegate the responsibility for the care and protection of minors to managers or social workers at reception centers, often without officially informing them. Yet, these facilities are neither equipped nor adequately staffed to cover this gap. The provision that guardianship could be assigned to a special Social Service, is pending since 1996. A draft law on guidelines for the formation of units for the care of minors has been debated at the Ministry of Justice, ever since the M.S.S. case v Belgium and Greece. We have yet to see the results of years of deliberation.

Similar to other welfare gaps, the third sector has taken on providing this service. NGO Metadrasi runs a project on the creation of a Guardianship Network for Unaccompanied Minors, which the authors were involved in setting up. In the frame of this project the Prosecutor, acting as a temporary guardian by law, provides the staff of the organization, based all over Greece, with certain powers. Their ‘duties’ include providing assistance to asylum seeker minors with family reunification claims, education and healthcare and looking after their overall psychosocial wellbeing. The project has since 2015 assisted more than 2500 UAM. However, as an NGO run project, it lacks institutional support; namely, there have been many cases where the authorities refused to cooperate with Metadrasi’s staff or hindered their access to minors.

As the daily acts that require the consent of a guardian are numerous, the absence of an effective guardian, be it temporary or permanent, has implications for all aspects of the protection and exercise of UAM lawful rights, which is mainly reflected in minors’ access to asylum and education.

3.4 Access to asylum

Law 4375/2016 governs minors’ access to asylum. Despite the fact that, up until 2016, very few children applied for asylum in Greece, access to the official procedure does not come without problems. To begin with, children aged below 15 may only submit an asylum application through their legal representative. In practice, these children may be barred from

¹⁸ <http://www.legislationline.org/documents/action/popup/id/5391>

¹⁹ <http://www.refworld.org/docid/543f7ba54.html>

seeking asylum, as they are often unaware of who their guardian is. Legal representation is a problem for older children too, who have no means to prepare for an asylum interview, thus reducing their chances of being granted refugee status. Similar to many adults, who end up asking for asylum while in detention, detained children depend on the police's discretion to inform them about their asylum rights. Children who cannot or decide not to apply for asylum remain outside any system for the care of minors, pointing to related issues of trafficking and criminality.

3.5 Access to basic rights

All minors, accompanied or not, regardless of their legal status, are guaranteed unhindered access to public health services as provided by Bulletin Y4α/οικ.45610 2.5.2012 and Law 4251/2014 - art. 26²⁰. In addition, Law 4251/2014 – art. 21 par. 7 & 8 enables all minors' enrollment to public schools even without legal documents, which is a requirement for Greek nationals. Despite these unambiguous legal provisions, the majority of UAM are not integrated in the educational system. This could be attributed to a number of reasons²¹. There are very few intercultural schools and those that exist are located in Athens. What is more alarming is that a large part of the minors, are either illiterate or have few years of schooling. Moreover, the lack of effective guardians, whose consent is needed for enrolment, impairs their access to education. Finally, yet importantly, the majority of minors decides not to go to school because their priority is to secure employment.

Refugee children represent a risk of a lost generation as they are stuck in camps in Greece. This became headlines²² following a decision by the Ministry of Education to create a special educational program for refugee children living in temporary camps across the country. The program foresaw reception classes in the afternoon (14:00-18:00) to take place in local schools separately from Greek students, while they integrate. This was met with mixed reactions. Notwithstanding a much-celebrated moment by some locals, there were also reported incidents of Greek parents who padlocked entrance gates to keep the refugee children away citing health reasons and lack of information by authorities.

These xenophobic reactions are in line with a widespread anti-immigrant rhetoric that sees immigration as an economic and social burden (Voutira 2013). In this context, access to healthcare and the freedom of practicing their religion has become problematic. Notwithstanding general provisions (articles 15-17 of P.D.72 266/1999 103 and 12 and 14 of P.D. 220/2007) that stipulate that asylum seekers receive free medical care, communication difficulties, poor understanding of relevant laws, and a general attitude that views immigrants as carrying infectious diseases, hinder their access to free health services. Furthermore, in the sheer absence of places of worship in Athens, other than the official Greek one, most of the children find it difficult to practice their religion while in the country.

²⁰ Law N° 4251/2014 enacts the Code of Immigration and Social Integration, and other provisions. The first part refers to transit of persons through borders and residence of third-country nationals on Greek territory. The second part describes provisions with regard to residence permits granted within the framework of the European Union law and other implementing provisions. The third and final part provides the framework for social integration.

²¹ <http://www.asylumineurope.org/reports/country/greece/reception-conditions/employment-education/access-education>

²² <http://www.kathimerini.gr/875388/article/epikairothta/ellada/sto-sxoleio-22000-prosfygopoyla>

The sections above highlight that despite legal protections for UAM in Greece, the situation on the ground is quite different. Many challenges remain in making a child protection system a functioning reality, while the institutional capacity to respond to their needs is yet to be improved.

4 Caring for Unaccompanied Minors

The protection framework for UAM third country nationals, like the national protection system as a whole, is rudimentary at best. Years of austerity in Greece have severely tested the capacity of formal welfare provision, providing leeway for an informal family-based support system (Lyberaki & Tinios 2014). Recent case studies have shown that the severe recession has had a negative impact on Greece's immigrant population (Maroukis 2012), as they lack both the access points to informal networks and the familial bonds and networks. The state of emergency imposed at the height of the so-called refugee crisis, means that comprehensive support and sustainable solutions for UAM are on hold, to be addressed after the crisis has rescinded. For example, financial aid is mainly funneled to cover first reception needs, with limited to no funding offered for vocational training for older UAM, integration strategies and facilitating their access to higher education and the labor market. While these were never the target of immigration policies, the large number of minors currently trapped in Greece points to an increasing need for an overhaul of the protection system.

4.1 Who decides what is best

The legal responsibility for deciding for minors' best interests lies with the Public Prosecutor. Yet, UAM might enter the official system of care at different points during their journey through Greece and might meet and get processed by a range of diverse actors, including state authorities, (I)NGO, volunteers, solidarity groups, etc. While it is assumed that these actors are operating with the best interest of the child in mind, no best interest determination (BID) procedure is adopted at a national level. This results in fragmented procedures, the aims of which are occasionally conflicting. This leads to high levels of confusion as to which authority is in place to take decisions about minors' future each time, reflecting the confused and improvised nature of reactive EU and national immigration policies and their implementation (Fili forthcoming 2018).

In the midst of this chaotic situation, children's voices are often not heard. As it has been recently reported, "there is a clear absence of input from children when migration decision-makers determine the 'best interests' of the child." (INTERSOS 2017) Two factors can account for the disregard of UAM voices. Firstly, minors are seen as potential welfare abusers. Secondly, the conception of childhood that promotes dependency on international intervention is deeply embedded in the dominant approach to child protection. This lack of participation of UAM in decision-making that affects their lives, exacerbated by their lack of trust in state authorities and their unwillingness to share details of their experiences or plans, leads to services that do not respond to their actual needs.

4.2 Care Arrangements

The following section provides a summary of care arrangements for UAM in Greece and the main challenges faced by those responsible for this vulnerable group. In so doing, it will highlight the systemic failures to protect UAM, thus, pointing to the thousands of lives that have been upended in the country.

Residential care

Residential care has been the norm in housing minors, for many years. Most of the centers were administered by NGO. Until the end of 2015, these facilities were limited in number and significantly underfunded, thus leaving the system unprepared for the significant increase of UAM who needed to be accommodated. In response, new centers had to be created.

Currently two types of facilities exist; the ‘Temporary’ Accommodation Facilities (TAF), usually located at the borders²³ and the ‘Traditional’ Accommodation Facilities in the mainland. All of the centers at the borders (18) are operated by NGO, with the aim to reduce and eventually eliminate all detention-like conditions for UAM. As their capacity is limited, they primarily target younger or especially vulnerable minors. They started operating in the summer of 2015 based on the assumption that minors would be transferred to a ‘traditional’ facility within 3 weeks. The closure of the Balkan route in February 2016 and the entrapment of hundreds of children in Greece, however, led to the overflowing of facilities in the mainland, which could not accept new admissions; thus, changing the nature of temporary centers at borders into (near) permanent ones.

‘Traditional’ accommodation facilities are located in the mainland and on the island of Crete. Most of them are located far away from urban centers with no access to public services. Public bodies, namely the Youth and Lifelong Learning Foundation (INEDIVIM) and only recently the Ministry of Labor, operate a small portion, while the majority are run by NGO. In response to the emerging needs, the number for spaces available rose from 400 in 2015 to 1.500 in 2016 and went down to 1,280 by November 2017. Yet, as of 15th November 2017 2,121 UAM, 392 of whom in closed reception facilities and 78 in protective custody (i.e. detention), were awaiting placement at one of these facilities. What is more, the sudden expansion of housing arrangements highlighted the need for professionally qualified staff. However, the state of emergency in which a lot of the new centers were established, did not allow for training on the legal and institutional provisions for children, rendering most children with limited access to appropriate information and support.

Most facilities operate under the assumption that minors will soon leave the center and Greece for another country, so, their facilities cater for minors’ basic needs, rather than forming a long-term integration policy. These basic services include legal aid and assistance for asylum claims, basic psychosocial support, basic medical services and educational activities, such as language training. However, these are not offered in a systematic way, creating a feeling of frustration to both the staff and the minors. This is further exacerbated by the lack of interpretation services, which hinders communication.

Moreover, existing accommodation facilities do not follow any common standard operating procedures (SOP), their operation is not regulated by any law and there is no specialized supervisory body to monitor the living conditions. A draft SOP was prepared at UNHCR’s initiative and it is rarely used as a basis for the operation of some shelters, which on the whole depend on their internal regulations. In essence, the lack of a common operational framework and accountability affects their operation, services, benefits, and the quality of these services.

A common issue in these centers is funding. Project-based arrangements do not allow for long-term programming, while at the same time, liquidity gaps in the flow of funding leads to

²³ TAF are also located in Athens and Thessaloniki.

disruption and fragmented services. Moreover, funding to NGO in Greece is normally offered for assistance to asylum seekers. As a result, access to most facilities is impeded for recognized refugees or non-asylum seekers, linking the right to housing with the right to asylum; thus, putting extra pressure on children to enter the asylum procedure, even when they wish to travel onwards.

Caring for the most vulnerable of the vulnerable

For a number of years, migration policies and practices migrant sidelined women and girls due to their small numbers. Until the second half of 2016, there was only one accommodation facility especially designed to house unaccompanied girls. Despite the fact that they still represent a small portion of the UAM population, partly reflecting concerns over the growing numbers of UAM and partly due to recent reports by human rights organizations that highlight their gender-specific needs²⁴, there has been considerable attention to their vulnerability and the dangers they face.

Mainly due to overcrowding there are no separate facilities for unaccompanied girls within RIC, rendering them exposed to gender based violence (GBV). The same issue applies to refugee camps, where women of all ages report feeling unsafe to walk around and use facilities, especially at night²⁵. The lack of female interpreters further hinders girls' access to reproductive health care and contraception, while identifying and assisting survivors and potential victims of trafficking seems challenging in the absence of adequately trained staff. To avoid mixed accommodation, two new special accommodation facilities have been established to cater for young girls' needs. Still, the lack of a protective environment both in closed and open facilities leaves them exposed to trafficking and exploitation networks, more apparent in children's repeated attempts to reach another European country irregularly.

Residential care facilities have no capacity to care for disabled UAM or UAM with special needs and mobility issues, while some of the buildings are not even wheelchair-accessible. Disabled UAM are either entirely neglected or their care is left to the discretion and the good will of the – untrained and inexperienced – staff. On other occasions, disabled children are forcibly hospitalized. With regard to mental health issues, UAM have access to the Greek public healthcare system that lacks both the specialization and cultural awareness to assist and treat them. At the same time, there are rarely available interpreters to assist with the therapeutic process. There is only one NGO in Athens, Babel, where UAM can receive intercultural and appropriate to their age psychological and psychiatric care.

Feelings of stress and anxiety, as well as depressive behaviors are common among UAM of all ages. Feelings of idleness can also be attributed to the dearth of available activities and lack of vocational training in accommodation facilities. We lack enough available data on the dimension of the problem, but we have come across a number of cases where feelings of isolation for the UAM who struggle to communicate their needs, expectations and hopes, as well as access to valuable information, have led to suicide attempts.

Against this context, it comes as no surprise that, until very recently, 20% of UAM disappeared from accommodation facilities within 24 hours of their placement, while the

²⁴ <https://www.hrw.org/news/2016/05/19/greece-refugee-hotspots-unsafe-unsanitary>

²⁵ <https://www.newsdeeply.com/refugees/community/2016/06/06/refugee-women-on-greek-islands-in-constant-fear>

average stay was only 60 days. Upon their departure from the center, minors are erased from the system, so in case they want to return, they have to enter the waiting list anew. As minors rarely reached adulthood inside the centers, any preparation for those who did was made on an ad-hoc basis. There is currently only one accommodation center for young adults, aged 18-22, specifically addressing the needs of those UAM who have turned 18 while in another accommodation facility, operated by NGO SMA²⁶. While Greece has been transformed from a fast lane to a grim waiting room for most UAM, feelings of entrapment in Greece are heightened, the results of which have yet to be explored.

Foster care

Although foster care is provided by law (2447/96 – Official Gazette 278 A’, Presidential Decree 86/09 -Official Gazette 114 A’), it has never been widely used for neither Greek nationals nor foreigners. More specifically, there are approximately 540 foster families in Greece caring for Greek nationals, while close to 3,000 children live in residential care (Roots Research Center, 2015). For UAM the number of foster care arrangements is significantly lower. Until 2015, there was only one known case of placement of a UAM in temporary foster care, notwithstanding unofficial cases where unaccompanied children stayed with family friends and relatives without entering the official national system. In 2015, NGO METAdrasi initiated a pilot project for the temporary accommodation of UAM in foster families. The project runs in parallel with the national foster care system, utilizing a new registry of potential foster families interested in housing UAM-third country nationals. Placements are authorized by the Public Prosecutor for Minors, who uses her authority as temporary guardian of the minors to delegate their day-to-day care to a family who was considered by the competent authorities capable of looking after them. At the same time, EKKA initiated procedures of unifying all existing foster care registries and the issue of foster care for UAM was the subject of official ministerial working groups. Yet, to date, the number of UAM in foster care countrywide is very small.

5 Concluding thoughts

The gaps documented in this paper represent a continuum of systemic failures to protect UAM in Greece, which have led to criticism from a number of human rights organizations. While Greek legislation recognizes the obligations of different authorities to care for and protect unaccompanied boys and girls, the situation on the ground is woeful. Arbitrary and hasty identification procedures at the border render a large number of UAM invisible to the authorities, increasing their vulnerability and risk of violation of their rights. Despite other provisions, the Police are still heavily involved in both the identification and age assessment process.

Children are routinely detained. In so doing, Greece violates a number of its international legal obligations, in particular, the U.N. Convention on the Rights of the Child (CRC) and the European Convention on Human Rights (ECHR). Available accommodation places are overcrowded and lack specialized staff, providing children with very few opportunities to engage meaningfully with Greek society. Access to asylum is restricted as is their access to education and the healthcare system. Legislative provisions, such as guardianship and foster care, which could ameliorate the situation are only offered by NGO and are not supported by the state.

²⁶ <https://www.sma-athens.org/youth-centre-for-refugees.html>

These omissions were until recently entirely overlooked because most minors perceived Greece as merely a transit country. Employing this as a flagship excuse, state authorities and NGO alike rarely aimed to assess their long-term needs. The issue emerged anew at the beginning of 2016, when after the closure of the Balkan route, a significant number of UAM was forced to remain in Greece for an indeterminate period of time. In contrast, however, to the media response to the death of Aylan Kurdi and its concomitant message about the human costs of the crisis, UAM in Greece have to constantly prove they are worthy of support and are not abusers of an already overwhelmed system.

Increasingly, due to the refugee crisis, Greece has come to be viewed and spoken about as a space of humanitarian intervention, where, in view of unprecedented funding opportunities, governmental and nongovernmental, security, humanitarian and human rights actors cooperate to respond to ‘humanitarian crises’. Children on the move are framed as subjects to be governed: to be saved from distress, processed in centers, provided with aid, screened for potential risks; to be pitied and/or feared (Perkowski 2016). Within an overriding ethos of cynicism and with money flowing from the EU, a number of different organizations quickly stepped in to ‘protect’ unaccompanied children making this their tangible target. In such a context, minors became humanitarian ‘missions’, inextricably linked to the reproduction of the organization itself, rendering their agency subsumed within the policy of the organization (Papataxiarchis 2016). In stark opposition to this framing, underage migrants strive to make their agency highly visible by defying authorities during the identification process and by making informed decisions about their future.

What lies ahead for them in Greece, especially in view of forthcoming EU policies, remains to be seen and documented. Greece has now been transformed to a long-term country, a reality that conflicts with the aspirations of most stranded minors. As the number of UAM might increase in the near future, reflecting developments in the Middle East, their situation in the country is unlikely to improve. In fact, systemic failings and shifting entry policies have reportedly led to an increased prevalence of negative coping mechanisms, such as ‘survival’ or ‘transactional sex’, among UAM. As scholars and activists, we cannot solve the kinds of problems that have led to the creation of shortcomings in the protection of UAM in the first place, but can at least expose them to a public gaze. UAM have the right to live safely somewhere. If not here, then where?

References

CPT (2014). *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013*. Council of Europe: Committee for the Prevention of Torture

Dimitropoulou, G. & Papageorgiou, I. (2008). *Unaccompanied Minors Asylum Seekers in Greece*. Greece: UNHCR.

Derluyn, I. & Broekaert, E. (2008). Unaccompanied refugee children and adolescents: The glaring contrast between a legal and a psychological perspective. *International Journal of Law and Psychiatry*, 31, 319-330.

ECRE (2015). Detriment of the Doubt: Age Assessment of Unaccompanied Asylum-Seeking Children. *AIDA Legal Briefing* No. 5 December 2015.

EUROPEAN COUNCIL. EU-Turkey Statement. Brussels, 18 March 2016. <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/#>

Galante, V. (2014). Greece's Not-So-Warm Welcome to Unaccompanied Minors: Reforming EU Law to Prevent the Illegal Treatment of Migrant Children in Greece. *Brooklyn Journal of International Law*, 39 (2), 745-791.

Human Rights Watch (2008). *Left to Survive: Systematic Failure to Protect Unaccompanied Migrant Children in Greece*. New York: Human Rights Watch.

Human Rights Watch (2013). *Turned Away: Summary Returns of Unaccompanied Migrant Children and Adult Asylum Seekers from Italy to Greece*. New York: Human Rights Watch.

Human Rights Watch (2016). 'Why Are You Keeping Me Here?' *Unaccompanied Children Detained in Greece*. New York: Human Rights Watch.

Maroukis, T. (2012). *Migration and the crisis in Greek society: the parameters of a coordinated departure*. Athens: Eliamep working paper.

Leifsen E. (2013). Child circulation in and out of the secure zone of childhood: A view from the urban margins in Ecuador. *Childhood*, 20: 307–322.

Lyberaki A. & Tinios, P. (2014). The Informal Welfare State and the family: Invisible actors in the Greek drama. *Political Studies Review*, 2014 VOL 12, 193–208.

Papataxiarchis, E. (2016). Being 'there': At the front line of the 'European refugee crisis' - part 1. *Anthropology Today*, 32 (2), 5-9.

Perkowski, N. (2016). Deaths, Interventions, Humanitarianism and Human Rights in the Mediterranean 'Migration Crisis'. *Mediterranean Politics*, 21 (2), 331-335.

Sitaropoulos, N. (2002). Refugee Welfare in Greece: Towards a Remodelling of the Responsibility-Shifting Paradigm? *Critical Social Policy*, 22 (3), 436-455.

UNICEF (2016a). *Danger every step of the way: A harrowing journey to Europe for refugee and migrant children*. UK: UNICEF.

UNICEF (2016b). *The State of the Children in Greece Report 2016: Children in Danger*. Hellenic National Committee for UNICEF: UNICEF.

Voutira, E. (2013). Realising "Fortress Europe": "Managing" Migrants and Refugees at the Borders of Greece. *Epitheorisi Kinonikon Erevnon (Social Science Review)*, 140-141 B–Γ', 2013, 57-69.

Zambarloukou, S. (2015). Greece After the Crisis: Still a south European welfare model? *European Societies*, 17 (5), 653-673.

Websites and Newspaper Articles

Access to education. Retrieved from <http://www.asylumineurope.org/reports/country/greece/reception-conditions/employment-education/access-education>

Asylum Service statistics for period 1.1.2015 – 31.12.2015. Retrieved from http://asylo.gov.gr/wp-content/uploads/2016/01/Greek-Asylum-Service-statistical-data-2015_gr.pdf

Asylum Service statistics for period 07.06.2013 – 31.10.2017. Retrieved from http://asylo.gov.gr/en/wp-content/uploads/2017/11/Greek_Asylum_Service_Statistical_Data_EN.pdf

Baers, H. (2016, April 12). Refugee crisis: Where have 6,000 children vanished? Retrieved from <http://www.dw.com/en/refugee-crisis-where-have-6000-children-vanished/a-19180385>

Greek Asylum Service. Retrieved from http://asylo.gov.gr/?page_id=143

Greece: asylum reform in the wake of the EU-Turkey deal (2016, April 4). Retrieved from <http://www.asylumineurope.org/news/04-04-2016/greece-asylum-reform-wake-eu-turkey-deal>

Greece: Refugee “Hotspots” Unsafe, Unsanitary (2016, May 19). Retrieved from <https://www.hrw.org/news/2016/05/19/greece-refugee-hotspots-unsafe-unsanitary>

Kosmopoulos, G. (2016, June 6) Refugee Women on Greek Islands in Constant Fear <https://www.newsdeeply.com/refugees/community/2016/06/06/refugee-women-on-greek-islands-in-constant-fear>

National Center for Social Equality statistical data for the period 15 February 2017 – 15 November 2017. Retrieved from <https://data2.unhcr.org/en/documents/download/60843>

Presidential Decree No. 61/1999. Retrieved from <http://www.legislationline.org/documents/action/popup/id/5391>

Sitaropoulos, Nikolaos and Skordas, Achilles, Why Greece is Not a Safe Host Country for Refugees (January 10, 2004). *International Journal of Refugee Law* (2004) 16 (1): 25-52. Available at SSRN: <https://ssrn.com/abstract=2152866>

Smith, H. (2016, September 20) Thousands flee as blaze sweeps through Moria refugee camp in Greece. Retrieved from <https://www.theguardian.com/world/2016/sep/19/thousand-flee-as-blaze-sweeps-through-moria-refugee-camp-in-greece>

Teens charged with rape of boy in Lesbos camp (2016, September 28). Retrieved from <http://www.ekathimerini.com/212391/article/ekathimerini/news/teens-charged-with-rape-of-boy-in-lesvos-camp>

Youth Center for Refugees. Retrieved from <https://www.sma-athens.org/youth-centre-for-refugees.html>

<http://www.ekka.org.gr/PressOfficeForceAccountShow.action>

22,000 refugee children at school (2016, September 18). Retrieved from <http://www.kathimerini.gr/875388/article/epikairothta/ellada/sto-sxoleio-22000-prosfygopoyla> (in Greek)

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