



POLICY BRIEF No 2019/36, MAY 2019

Unaccompanied Minor's Dignity Must be Defended

Dimitrios Monastiriotis

Key points

The number of unaccompanied immigrant / refugee minors in Greece in recent years is particularly worrying. The latest survey, conducted by E.K.K.A on 15 December 2018 ¹, estimates that there are currently 3,881 unaccompanied minors in Greece. This policy brief aims to highlight the lack of organizational structure of the unaccompanied minor's protection system, with specific reports on their detention, identification and registration, as they enter the country. Also, it marks their difficult living conditions in accommodation structures and safe zones.

Although very significant efforts have been made particularly by various NGOs specialized in unaccompanied minor's care, such as METAdrasi² and PRAKSIS, the problem persists in Greece and requires fast and drastic solutions mostly from the Minister of migration policy, but also from other relevant ministries. This policy brief, therefore, proposes the following possible solutions:

- i) provision of health care and education to unaccompanied minors in hospitality structures and increase of these structures in order to satisfy all children, and
- ii) to intensify efforts to achieve family reunification as soon as possible.

¹ See: "E.K.K.A-Situation Update: Unaccompanied Children (UAC) in Greece,,: http://www.ekka.org.gr/images/PDF_ARXEIA/%CE%A0%CE%91%CE%A1%CE%95%CE%9C%CE%92%CE%91%CE%A3%CE%95%CE%A9%CE%9D/EKKA%20Dashboard%2024-12-2018.pdf

² See: "METAdrasi,,: <https://metadrasi.org/en/home/>



Dimitrios Monastiriotis is an undergraduate student at the Department of International and European Studies, University of Piraeus.

Introduction

A consequence of the immigration crisis in recent years, which enormously concerns Greece, is the entry of a large number of unaccompanied migrant / refugee minors in the country. It's important here to give a definition for UAC: Unaccompanied minors are children below the age of 18 who are separated from both parents, or other relatives, and aren't being legally cared for by an adult who is responsible for doing so. The living conditions of these children in the places where they are detained are not the best, so their physical and mental health is at risk, and their future remains precarious. In essence, there is a need for a total redefinition on the issue of protection and defense of their rights, and Greece has to do a lot in order to achieve this.

1) A large number of unaccompanied minors in Greece – Inefficiency in hosting structures.

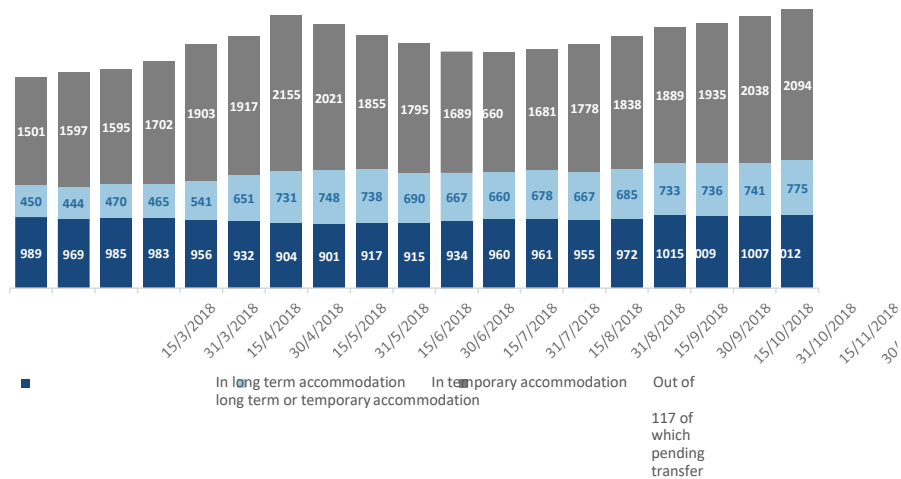
After the migration crisis came out, Greece was accepting a large number of unaccompanied children year by year. In December 2018, the official data presented by E.K.K.A, were quite worrisome. For example, out of the estimated number of UAC in Greece, which is 3.881 currently, only 1.219 of them can have a place in long term accommodation such as shelters and hospitality structures, and only 860 in temporary accommodation such as safe zones and emergency hotels. As it's quite obvious to see, there is an estimated number of 2.094 UAC who there out of long term or temporary accommodation, out of which 703 are in Reception and Identification Centers, 65 in protected custody and 117 pending transfer to long term or temporary accommodation.³

Figure 1.

³ See: "E.K.K.A-Situation Update: Unaccompanied Children (UAC) in Greece,,:
http://www.ekka.org.gr/images/PDF_ARXEIA/%CE%A0%CE%91%CE%A1%CE%95%CE%9C%CE%92%CE%91%CE%A3%CE%95%CE%A9%CE%9D/EKKA%20Dashboard%2024-12-2018.pdf



UAC per accommodation type
15 March 2018 – 15 December 2018



2) *Unjustified detention, Wrong – headed identification* There are many cases where the unaccompanied minors are kept for a long period of time in police departments or in closed facilities, unreasonable at all. Although the main explanation of the Greek authorities for the long – period detention of UAC is because there’s no other effective solution for children to feel safe, in fact this is in contrast to children best interests at all. The conditions in the police stations in most cases are quite inappropriate, and as a result some unaccompanied minors are forced to declare in purpose that they are 18 years old or older in order not to be kept there under these circumstances.⁴

In addition to this, there are some examples of incorrect identifications from the Greek authorities, despite the fact that the identification procedure must be done under age assessment tests, such as the dental examination, in order the real age of the children to be found. In fact, the authorities arbitrarily registrate bigger ages than the children themselves give. As a result, the children are exposed to high dangers leaving among the adult population⁵.

3) *The guardianship system in Greece – Need to be more functional*

Since July 2018 and the adoption of the law : 4554/2018⁶, Greece didn’t have an effective method as far as the guardianship of the unaccompanied minors is concerned. In practice,

⁴ See Tsolakoglou A. : ‘‘Inappropriate conditions of temporary accommodation for unaccompanied minors,, (2017) : https://www.huffingtonpost.gr/arianna-tsolakoglou/akatalliles-synthikes-prosorinis-filoksenias-asynodefton-anilikon_b_17656034.html

⁵ See : ‘‘Greece: Unaccompanied minors migrants are left unprotected,, (2017) : <https://www.hrw.org/el/news/2017/07/19/306843>

⁶ See : Taxheaven : <https://www.taxheaven.gr/laws/law/index/law/888>



the only legal framework to be followed, was the directive from the European Union : (Ar.24, par.1, Directive 2013/33/EU⁷), about the appointment of a legal representative, acting according to the best interests of the child. In fact, though, this was a real challenge for the Greek reality as many dysfunctionalities came out, especially in the appointment firstly one who would be the temporary representative of these children (minor's prosecutor), until the permanent one to be appointed. So, the minor's prosecutor could have under his supervision a huge number of unaccompanied minors, and as a result the whole procedure was far from effective. With the adoption of the new law in 2018 in regard to the guardianship system of UAC, however, many things are – in some point-fixed, as one commissioner has appointed for only one child in each case, but there's still a big gap between the Greek legislation and the reality.

Recommendations

- In order to serve the unaccompanied minors in their total number, the Minister for Migration Policy should increase the accommodation structures. If some economic difficulties exist in this, the ministry could address in the European Union for extra funding help.
- Special attention should be given in the modernization of the hosting structures, in a way that all the necessary services – such as – healthcare and specialized staff suffice for children needs.
- Particular relevance must be given in unaccompanied minor's physical and mental health⁸, because these children have suffered a lot in their way to Greece and they have special needs. A good idea for the Ministry, is to hire some psychologists in the structures so that the children have someone to speak with or discuss their problems.
- As a critical priority, the social integration of these children must be developed step by step, under a very close surveillance from the state. In accordance to this, unaccompanied minors will be given the chance to familiarize with the Greek educational system and be part of it like all the other children. Also, well – trained teachers and translators with the ability to communicate in their language should be appointed in the camps.
- As far as the Greek asylum service system is concerned, it must be upgraded and improved in order to further the cause of the unaccompanied minors. Until now, there has

⁷ See : Official Journal of the European Union : <https://eur-lex.europa.eu/legal-content/EL/TXT/PDF/?uri=CELEX:32013L0033&from=ES>

⁸ See : Social Work and Society : “ The Continuum of Neglect: Unaccompanied Minors in Greece ,, (2017) : <https://www.socwork.net/sws/article/view/521/1022>



been a huge number of UAC in Greece seeking for asylum and most of the times it was provided with such an unjustified delay or it wasn't provided at all.

- One of the most crucial procedures that the Ministry for Migration Policy should emphasize in, is the family reunification. More specifically, unaccompanied minors have the right to be reunified with their parents or members of their family, who live legally in another E.U member state, under the Dublin III Regulation⁹. Also, all the appropriate processes must be taken into account so that the children arrive safe in the State where their family live.
- In cases where the family reunification can't be accomplished, other alternative solutions should be considered such as fostering or adoption. Unaccompanied minors in most cases, haven't feel the family warmth yet and especially in these ages it's really important to find people who really care for them. However, for the elimination of candidates fosters or adopters who have damaging intentions for the children, the Greek authorities must create a reliable system which will be working impeccably.

Conclusion

Greece has faced a lot of difficulties since the migration crisis outbreaked. However, there was one thing that probably didn't expect to appear on such a large scale. A huge advent of unaccompanied minors, minors that came to Greece without their parents or members of their family. Their number overcame any precedent, in a condition that the Greek authorities were absolutely unprepared to face. Many unaccompanied minors stayed out of the accommodation structures, because of the lack of empty space there. Some of them were detained in police stations under inhuman conditions without the ability to get information for their rights. And some others didn't receive international protection that they were looking for. However, with some cautious political management and real determination from all the relevant ministries and the State, things can be fixed, and the unaccompanied minors will have the chance to take back their smile. And we shouldn't forget that they are children and have dignity, which must be defended!

⁹ See : Official Journal of the European Union, Regulation (EU) No. 604/2013 :
<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>



References

Dimou.T. (September 2017). Huge increase of unaccompanied minors in Greece. *CNN Greece*. From : <https://www.cnn.gr/news/ellada/story/99608/asynodeyta>

E.K.K.A : National Center for Social Solidarity.

From:http://www.ekka.org.gr/images/PDF_ARXEIA/%CE%A0%CE%91%CE%A1%CE%95%CE%9C%CE%92%CE%91%CE%A3%CE%95%CE%A9%CE%9D/GR%20EKKKA%20Dashboard%2024-12-2018.pdf

Karacioulach.T. (2018, April). Shocking evidence for unaccompanied minors in Greece. *THESSNEWS*.

From : <http://www.thesnews.gr/article/84792/sokaroun-ta-stoicheia-gia-ta-3-500-asynodeyta-paidia-stin-ellada>

Fotiadi.I. (2018, September). Refugee crisis: In pending the institution for the guardianship of the unaccompanied minors. *KATHIMERINI*.

From : <http://www.kathimerini.gr/987241/article/epikairothta/kosmos/prosfygiko-se-ekkremothta-o-8esmos-ths-epitropeias-asynodeytw>

Tsolakoglou.A. (August 2017). Inappropriate conditions of temporary accommodation for unaccompanied minors. *HUFFPOST*.

From : https://www.huffingtonpost.gr/arianna-tsolakoglou/akatalliles-synthikes-prosorinis-filoksenias-asynodefton-anilikon_b_17656034.html

Lunde.K.L. (2016, September). ‘ ‘ Why are you keeping me here?’ ’ : Unaccompanied children detained in Greece. *Human Rights Watch*.

From : <https://www.hrw.org/report/2016/09/08/why-are-you-keeping-me-here/unaccompanied-children-detained-greece#>

Greek Council for Refugees. Legal representation of unaccompanied children. *AIDA*.

From:<http://www.asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/legal-representation>

European Union, Official Journal of the European Union (2013), Regulation (EU), No 604/2013 of the European Parliament and of the Council of June 26, 2013.

From : <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

European Union, European Union Law (2018), Unaccompanied minors and family reunification: Asylum date application is decisive, states the CJEU.

From : <https://eur-lex.europa.eu/content/news/unaccompanied-minors-family-reunification-asylum-date-application.html?locale=en>

The UN Refugee Agency (2004). Inter-agency Guiding Principles on UNACCOMPANIED AND SEPERATED CHILDREN.



Πανεπιστήμιο Πειραιώς
University of Piraeus
Τμήμα Διεθνών & Ευρωπαϊκών Σπουδών
Department of International & European
Studies



Εργαστήριο Εκπαιδευτικής
Πολιτικής, Έρευνας, Ανάπτυξης
και Διαπανεπιστημιακής
Συνεργασίας
erdic.unipi.gr

From : <https://www.unhcr.org/protection/children/4098b3172/inter-agency-guiding-principles-unaccompanied-separated-children.html>