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Fight against Crime Programme European  
Commission – Directorate – General Home Affairs

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# IMPACT

Improving & Monitoring Protection Systems  
Against Child Trafficking and Exploitation

## NATIONAL REPORT GREECE 2014



DEFENCE FOR CHILDREN  
International-Italia



CARDET  
CENTRE FOR THE ADJANCEMENT OF RESEARCH  
& DEVELOPMENT IN EDUCATIONAL TECHNOLOGY



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JANUARY 2014

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## **IMPACT**

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The Project IMPACT - Improving and Monitoring Protection system Against Child Trafficking and exploitation is carried out in 4 European countries, Cyprus, Greece, Italy and Portugal.

The partners of the project are:

- **KMOP** – Greece (lead partner)
- **Defence for Children** – Italy (partner)
- **CESIS** – Portugal (partner)
- **CARDET** – Cyprus (partner)

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# TABLE OF CONTENTS

<b>Acknowledgements</b> .....	5
<b>Chapter 1: Introduction</b> .....	7
1.1. Introduction .....	7
1.2. The IMPACT approach and methodology.....	9
1.3. Methodology.....	12
<b>Chapter 2: Incorporation of the Convention on the Rights of the Child into national legislation</b> .....	18
<b>Chapter 3: The general principles of the Convention on the Rights of the Child</b> .....	23
3.1. The general principles of the Convention: The right to non-discrimination .....	24
3.2. The general principles of the Convention: The best interests of the child and participation in best interests assessments.....	31
3.3. The general principles of the Convention: The right to be heard, including in legal and administrative proceedings .....	34
<b>Chapter 4: Analysis of national standards and practice</b> .....	38
4.1. SURVIVAL.....	38
4.1.1. Child care, including accommodation and food .....	39
4.1.2. Health and medical care for children.....	49
4.1.3. Social security for children .....	56
4.2. DEVELOPMENT .....	63
4.2.1. General and vocational education.....	64
4.2.2. Sports and recreation activities for children .....	74
4.2.3. Working conditions of children .....	78
4.3. PARTICIPATION .....	84
4.3.1. Migration, asylum and residence .....	85
4.3.2. Social life and relations with peers and adults.....	110
4.4. PROTECTION .....	112
4.4.1. Child protection: Protecting children from all forms of violence, exploitation, abuse and neglect .....	113
4.4.2. Guardianship .....	125
4.4.3. Criminal law.....	131
4.4.4. Special programmes for child victims of trafficking .....	135
4.4.5. Juvenile Justice .....	143
<b>Chapter 5: Conclusions</b> .....	149
<b>Bibliography</b> .....	161

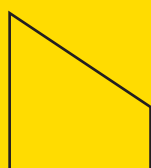
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Finally we would like to highlight that in IMPACT, our goal was to place children at the centre of our project. We have tried our best to do so as well as cover effectively all the fields explored through this report. However, due to the extent of such a research, we cannot argue that we have covered every possible angle or fact, but we have certainly did our best and we hope that this report can eventually reflect in general the reality of the Greek national protection system.



# CHAPTER 1: INTRODUCTION

## 1.1 INTRODUCTION

The IMPACT project – Improving Monitoring and Protection Systems Against Child Trafficking and Exploitation – was implemented through a partnership cooperation of four non-governmental organisations in Cyprus, Greece, Italy and Portugal. It was conceived as part of a longer-term strategy for studying and informing the development of innovative approaches to prevent the exploitation of children, from a perspective focused on the rights and well-being of the child.

IMPACT builds on a method developed for GATE<sup>1</sup> ('Guardians Against Child Trafficking and Exploitation') and informs RESILAND<sup>2</sup> ('Participation, capacities and resilience of children on the move against trafficking and exploitation'). These projects are implemented in continuity by a core group of partner organisations with funding from the Prevention of and Fight Against Crime (ISEC) Programme of the European Commission – Directorate-General Home Affairs.<sup>3</sup>

There is a significant body of research on child exploitation and trafficking in Europe, including in the four countries studied by IMPACT. The study process developed for IMPACT builds upon and complements this knowledge base and reflects upon it from a specific angle. The focus is shifted from the situation analysis of child trafficking and a review of anti-trafficking responses to an understanding of the structural factors that contribute to creating an environment in which the exploitation of children is made possible.

In the IMPACT countries and throughout Europe, national governments have developed specific anti-trafficking responses, including targeted laws, policies and institutions. In the short-term, these measures have shown success by achieving the identification and assistance of individual victims and, in some cases, the successful prosecution of perpetrators. In the longer term, the struggle to reduce child trafficking continues unabated. Policy makers and practitioners continue struggling to develop methods for the identification of child victims and children at risk, they continue struggling to make children gain trust in national authorities, to see them accept assistance and testify against perpetrators, and they continue facing myriads of dilemmas and unresolved controversial issues.

There is sufficient evidence to identify the shortcomings of anti-trafficking responses as they are currently planned and implemented in Europe. Research reports keep reiterating findings that point to the weak capability of governments to intercept the disempowering cycle of vulnerability, exploitation and trafficking. This evidence is however not yet capitalised on to guide an effective strategy for change.

<sup>1</sup> See: GATE (2011), Guardians Against Child Trafficking and Exploitation, available at: <http://gate-eu.org/>

<sup>2</sup> EC-funded project, 2013-2015. See: RESILAND - Participation, Capacities and Resilience of Children on the Move Against Trafficking and Exploitation, available at: [www.resiland.org](http://www.resiland.org)

<sup>3</sup> See: European Commission, Directorate-General Home Affairs, Prevention of and Fight Against Crime (ISEC), available at: [http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/prevention-of-and-fight-against-crime/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/prevention-of-and-fight-against-crime/index_en.htm) (accessed December 2013).



## PART 1

Reforms are pursued mainly in terms of law reform, creating institutions, defining mandates and offering support services. Yet, there are concerns that these reforms continue lagging behind the dynamics of child exploitation and achieve only marginal success. Innovative approaches embracing the lessons learned are rare. The underlying structural factors that create vulnerability to exploitation and trafficking are well known but little progress is seen in redressing them in an effective and sustainable way.

Addressing structural vulnerabilities offers however invaluable opportunities for prevention. It would be cost-efficient to invest in longer-term strategies that prevent exploitation and scale up the protection and empowerment of children. Reflecting about a new perspective on prevention is not only timely in the times of the financial and economic crisis in Europe, it is also a human rights imperative.

Against this background, IMPACT proposes to re-focus the attention of the anti-trafficking debate. From measuring progress in law reform, action plans and programmes, specialised shelters, victims assisted, and successful prosecutions, the proposal is to move towards measuring also the capability of the public administrations to implement their national laws and policies into practice. Methods and approaches are needed to measure not only the capability of administrations to implement but also the progress they make in advancing their capability in this regard.

IMPACT builds on the assumption that strengthening the implementation of the UN Convention on the Rights of the Child (hereafter CRC or the Convention) into practice will contribute to reducing risks of exploitation and trafficking. There are currently no empirical studies to prove the direct causality between a more effective implementation of the CRC and a reduced prevalence of child exploitation and trafficking. Nevertheless, an overwhelming body of circumstantial evidence indicates that children who are exposed to exploitation have often previously experienced multiple infringements against their rights. Based on this evidence, the hypothesis is that children are better protected from exploitation when their rights to a safe and healthy development are safeguarded in practice, in line with international standards.

In order to gather evidence and test out the guiding hypothesis of IMPACT, the project was rolled-out as a multi-step study process in the four IMPACT countries. Each partner organisation carried out a national study guided by a common research protocol. The national studies combined a desk review of relevant literature, laws and policies with primary data collection through key informant interviews. National and transnational consultations were held with representatives from national and local authorities, social workers and service providers, anti-trafficking institutions, representatives from independent institutions, NGOs and other experts. The consultations offered a platform at which the IMPACT approach was presented and discussed. The participants informed the national and transnational research process with their contributions, strongly encouraging the IMPACT approach.

This report presents the findings and analysis that resulted from the national IMPACT study in COUNTRY.<sup>4</sup> The report reviews national laws, policies and practice in a wide range of child rights sectors. The focus of analysis aimed to understand the capability of the public administrations to plan and implement child rights policy in a way that is inclusive, appropriate, effective and compliant with international standards. The national reports pinpoint structural, administrative, budgetary and practical challenges of implementation. These challenges, paired with elements of weak governance, fragility, and the harmful impact of the financial and economic crisis have implications for the risks of children to be exposed to exploitation and trafficking.

The IMPACT report from COUNTRY is structured as follows:

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4 The national IMPACT reports are available at: [www.impact-eu.org](http://www.impact-eu.org)

Chapter 2 reviews the status of the Convention on the Rights of the Child and other international standards relevant for child rights and the protection from exploitation and trafficking in COUNTRY.

Chapter 3 discusses the general principles of the Convention and how they have been reflected in national laws and policies. It focuses on the right to non-discrimination (CRC Article 2), the best interests of the child (Article 3) and the right of the child to be heard and to have his or her views taken into account (Article 12). The Chapter aims to assess, through a discussion of examples from different thematic areas and policy sectors, how these principles are being applied and respected in practice.

Chapter 4 engages in a discussion of the laws, policies and practice in a wide range of child rights themes. The Convention on the Rights of the Child is guiding a mapping and assessment of how the different rights and needs of the child are being addressed in policy and practice. The child rights themes, and the related policy sectors, have been grouped according to the four clusters Survival, Development, Participation and Protection.

Chapter 5 provides an overview of the main institutions involved in child rights policy planning and implementation, at the central and local levels. It examines relevant cooperation and coordination mechanisms across policy sectors, as well as independent institutions, human rights structures and other mechanisms for monitoring, reporting and complaints.

Chapter 6 concludes from the discussion throughout the report and offers reflections and recommendations for law, policy and practice.

The four national reports developed in the context of IMPACT provide the basis upon which the IMPACT transnational analysis was developed. The transnational analysis assesses, through a review of selected examples from each of the countries, if and how the national administrations are capable to implement the Convention and other relevant international and regional standards in a way that prevents exploitation and trafficking, protects and empowers children at risk and child victims.

## **1.2 THE IMPACT APPROACH AND METHODOLOGY**

The IMPACT project was rolled-out as a multi-step process combining national and transnational activities. It consisted of three components that were developed in close coordination and mutually informed each other: a research component, a consultative learning component involving relevant professionals and officials from each of the countries, and the development of guiding determinants of risk and protection.<sup>5</sup>

The guiding hypothesis of IMPACT is that the full implementation of the UN Convention on the Rights of the Child into practice would contribute significantly to protecting children at risk and preventing the exploitation of children, including in the context of trafficking. The underlying assumption is that structural vulnerability to exploitation and trafficking needs to be redressed in order for anti-trafficking measures to take hold.

IMPACT proposes therefore to complement measures that address situations of exploitation with measures that are targeted at addressing the underlying socio-economic and structural factors that create an environment in which children are vulnerable to exploitation. From a policy making perspective, this has three implications: a) national child protection systems need to be strengthened to identify and re-

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<sup>5</sup> For more information, see the IMPACT website available at: [www.impact-eu.org](http://www.impact-eu.org)

## PART 1

spond to all forms and contexts of exploitation and children at risk; b) national child protection systems need to be embedded into broader strategies for the implementation of the CRC; and c) due attention needs to be given to ensure that these systems are operating effectively and that national laws and policies are implemented into child rights practice.

National child protection systems<sup>6</sup> hold the central responsibility for providing support and assistance to child victims and children at risk. Yet, a protection-focused response will by itself not suffice to effectively address child exploitation and trafficking. Many vital measures for the prevention of exploitation and the empowerment of children fall into the remit of policy sectors that may not be under the control of a national child protection system. They include social and economic policies, the labour market and employment, migration regime, the education and health systems, and matters of governance, such as fiscal policies, budget allocation and the rule of law. In consequence, a national child protection system can only fulfil its mandate when it is understood as an integral part of a broader system for the implementation of the Convention on the Rights of the Child and when the public administration is operating effectively to make these systems work.

Against this background, IMPACT engages in a discussion of the capability of the public administrations to implement child rights standards effectively and consistently into child rights practice. Strengthening the capability of the public administration to implement is considered the key strategy for reducing the risk of exploitation, enhancing children's resilience and offering stronger protection from exploitation and trafficking. This approach shall be considered complementary to the traditional anti-trafficking responses, proposing strong partnerships, cooperation and coordination of all the relevant sectors and actors involved. The promotion of human rights standards and their implementation into practice is considered the foundation on which anti-trafficking responses can lead to more sustainable results. It provides an opportunity to leverage the impact of traditional anti-trafficking measures and is expected to render the precious resources invested in this field more effective.

The effective implementation of the Convention would essentially contribute to identifying and redressing the structural factors that contribute to creating vulnerability to exploitation and trafficking. The Convention provides for a continuum of measures for prevention, protection and empowerment and can thereby lead policy makers in the development of more inclusive and appropriate responses that are considered more cost-effective and sustainable. As has been noted by the Committee on the Rights of the Child, effective protection from violence, exploitation and abuse can only be achieved in an environment that safeguards and promotes all the human rights of the child in an integrated way.<sup>7</sup> The Convention guides an assessment of the rights and needs of the child across all aspects of the child's person and development. It has a programmatic character that expands the notion of rights to a holistic understanding of the person<sup>8</sup>

IMPACT adopts the general measures of implementation of the Convention as a guiding framework for analysing the structural set-up of public administrations and their approach to implementing child rights standards.<sup>9</sup> The 'IMPACT variables' (see Box 2) are applied as a framework for analysing the capability of the public administrations to implement child rights policy in a way that is compliant, inclusive, appropriate and effective. By comparing policy and practice across the different sectors and

<sup>6</sup> See the UNICEF definition of a 'national child protection system' available in the Glossary in Chapter 7.

<sup>7</sup> United Nations Committee on the Rights of the Child (2011), Report on the Eighteenth Session, Sessional / Annual Report of the Committee, 27 July 1998, CRC/C/79, p. 74. United Nations Committee on the Rights of the Child (2011), General Comment No. 13, The right of the child to freedom from all forms of violence, CRC/C/GC/12, 18 April 2011, par. 13.

<sup>8</sup> Costella, Pippo (1998), *Diritti dell'infanzia e processi di sviluppo*, Note per la formulazione di una strategia di cooperazione internazionale fondata sui diritti dell'infanzia, Arci Cultura e Sviluppo, Roma, pp. 3-4.

<sup>9</sup> See: United Nations Committee on the Rights of the Child (2003), General Comment No.5, General Measures of Implementation for the Convention on the Rights of the Child, CRC/GC/2003/5, 3 October 2003

levels of the public administration, they are assessed for their coherence.

Against this background, the IMPACT study assessed to which degree national laws and policies are compliant with the standards afforded under the Convention. The study examined the level of inclusion of the various sector-specific approaches in policy and practice, and to which degree their implementation into child rights practice is appropriate and effective to respond to children's needs and rights. It analysed the coherence between different sector-specific policies from a child rights perspective as well as the coherence between legal obligations and political commitments and the practice.

The overall objective was to identify elements and strategies in law, policy and practice that help strengthening policies for child protection and the implementation of the CRC to the effect that they will prevent child trafficking and exploitation more effectively. Through research, analysis and a consultative process, IMPACT aimed to identify opportunities for the policies against child trafficking to evolve from a sector-specific, protection-focused and primarily responsive approach to a more proactive, rights-based and holistic approach (see Box 1).

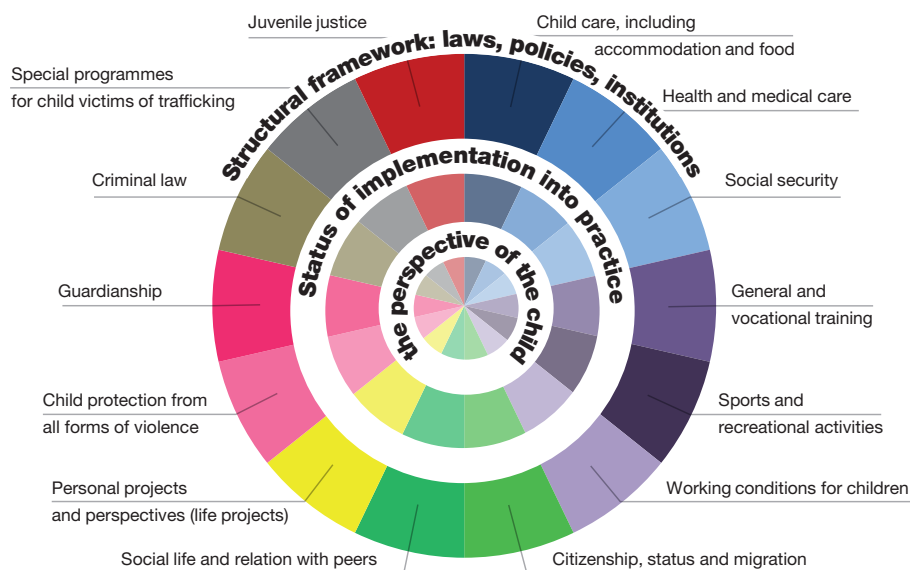
**Box 1: The objectives of IMPACT**

- Analyse existing structures and systems of law, policy and practice from the perspective of the child and his or her rights and needs;
- Generate evidence of the strengths and weaknesses of national child protection systems and their capacity to prevent exploitation and trafficking;
- Inform the development of more inclusive child protection systems that prevent and respond to child exploitation and trafficking as part of their mainstream child protection mandates; and
- Understand how the national child protection systems are connected to or integrated into broader strategies for the implementation of the CRC.

In light of the background, approach and objectives of IMPACT, the project conducted research and consultations across a range of policy sectors reflecting the human rights of the child as afforded under the Convention. The sectors under analysis included health, education, protection, care and accommodation, work and employment, migration, sports and leisure time, and justice (see Figure 1). This broad approach reflects the aspiration to work with a holistic understanding of the person and his or her rights and needs, which are considered as inter-related and indivisible. It aimed to promote a child-centred approach to the analysis, and the CRC guided the identification of rights and needs and a mapping of the relevant responses in policy and practice.

## PART 1

**Figure 1: IMPACT: The sectors under analysis**



The IMPACT national reports are mapping policies in these sectors in order to achieve a vertical and horizontal analysis of each policy sector. The vertical analysis assesses the compliance of the relevant laws and policies in each sector with international child rights standards as well as the status of their implementation into practice. The horizontal analysis conducts a comparative analysis across policy sectors. It aims to identify opportunities for inclusion and synergy between sectors as well as incoherent standards, patterns of exclusion or discrimination. This broad-based analysis aimed to position the protection-focused approach to child exploitation and trafficking within a broader child rights perspective.

The sector-specific analysis is complemented by a review of cross-cutting dimensions such as the general principles of the CRC: the right to non-discrimination (Article 2), the best interests of the child (Article 3), the right to life, survival and development (Article 6) and the right of the child to have his or her views heard and taken into account (Article 12).

### 1.3 METHODOLOGY

IMPACT was conceived as an inter-disciplinary, participatory and consultative initiative. It built significantly on the project GATE 'Guardians Against Child Trafficking and Exploitation'.<sup>10</sup> Adopting the methodological framework developed in GATE, the analysis was guided by international child rights standards, structured according to the four clusters of survival, development, participation and protection (see Table 1). These four clusters and the associated rights and needs of the child were used as a simplified 'map' to investigate the living situations of different groups of children in each of the countries as well as the respective measures in law, policy and practice.

<sup>10</sup> For more information on the GATE project, please see: GATE (2011), Guardians Against Child Trafficking and Exploitation, available at: <http://gate-eu.org/> (accessed December 2012). For an overview of the GATE standards, i.e. the four dimensions, guiding questions and the prevention and protection benchmarks, please see: CARDET, Defence for Children, et al. (2012), GATE, Guardians Against Child Trafficking and Exploitation, National report Italy, pp. 144-145

**Table 1: The IMPACT dimensions: Survival, development, protection and participation**

**Source** *IMPACT Research Protocol, 2013.*

<b>SURVIVAL</b> <ul style="list-style-type: none"> <li>• Child care</li> <li>• Accommodation and food</li> <li>• Health and medical care</li> <li>• Social security for children</li> </ul>	<b>DEVELOPMENT</b> <ul style="list-style-type: none"> <li>• General and vocational education</li> <li>• Sports and recreation activities for children</li> <li>• Working conditions of children</li> </ul>
<b>PROTECTION</b> <ul style="list-style-type: none"> <li>• Child protection from all forms of violence</li> <li>• Guardianship</li> <li>• Criminal law</li> <li>• Special programmes for child victims of trafficking</li> <li>• Juvenile justice</li> </ul>	<b>PARTICIPATION</b> <ul style="list-style-type: none"> <li>• Citizenship and migration status</li> <li>• Social life and relation with peers</li> <li>• Relation with family</li> <li>• Personal perspectives and life projects</li> </ul>

Each partner organisation implemented the IMPACT study independently within the national context. The national studies were guided and coordinated by the IMPACT Research Protocol, which defined the background and approach, the method for data collection and analysis and a unified structure for the national reports.<sup>11</sup>

The national study in COUNTRY was informed by primary and secondary data. A literature review was developed on the basis of the reporting procedure to the UN Committee on the Rights of the Child as well as selected studies and reports on child rights themes, including in the areas of child protection, migration and trafficking, and socio-economic policies. In addition, the relevant national laws, policies and institutional frameworks were reviewed. The aim was to assess the application and implementation of national laws and policies into practice and their impact on children, to the extent that information was available and accessible. The objective was not to achieve a comprehensive analysis of all elements of the national systems but a discussion of selected examples that provide evidence for associated risks of exploitation and trafficking. With the 'IMPACT variables', the study adopted a set of guiding questions of analysis that had previously been applied in the GATE project (see Box 2).

<sup>11</sup> CARDET, Defence for Children, et al. (2013), IMPACT Research Protocol, Improving and Monitoring Protection Systems Against Child Trafficking and Exploitation, available at: [www.impact-eu.org](http://www.impact-eu.org)

## PART 1

### The 'IMPACT variables': Guiding questions of analysis

**Source** *IMPACT Research Protocol, 2013.*

- To which extent are the responses in law, policy and practice inclusive or exclusive in the sense that they apply to all children in the country?

**The aim is to collect data and information on the capability of the national policies for child protection and CRC implementation to include each child, as well as on the main factors which can influence (enhance or reduce) the capability of the systems to promote inclusion.**

- To which extent are the responses in law, policy and practice appropriate to the specific needs, rights and characteristics of the individual child?

**The aim is to collect data and information on the capability of the national policies for child protection and CRC implementation to respond to each child's needs and rights in an appropriate way, as well as on the main factors which can influence (enhance or reduce) the level of appropriateness of the systems. The appropriateness is closely connected to the capacity of the child protection and social welfare systems to work with individual case and needs assessments that give due account to the specific situation and views of each individual child.**

- To which extent are the responses in law, policy and practice effective in reducing the risks, enhancing the protection and promoting the empowerment of children?

**The aim is to collect data and information on the capability of the national policies for child protection and CRC implementation to prevent trafficking and exploitation and to protect child victims and children at risk in practice, as well as on the main factors which can influence (enhance or reduce) the level of effectiveness of the systems.**

- To which extent are the responses in law, policy and practice compliant with international standards?

**The aim is to collect data and information on the compliance of the national policies for child protection and CRC implementation and the way they operate in practice with national and international standards on children's rights, as well as on the main factors which can influence (enhance or reduce) the compliance of the systems.**

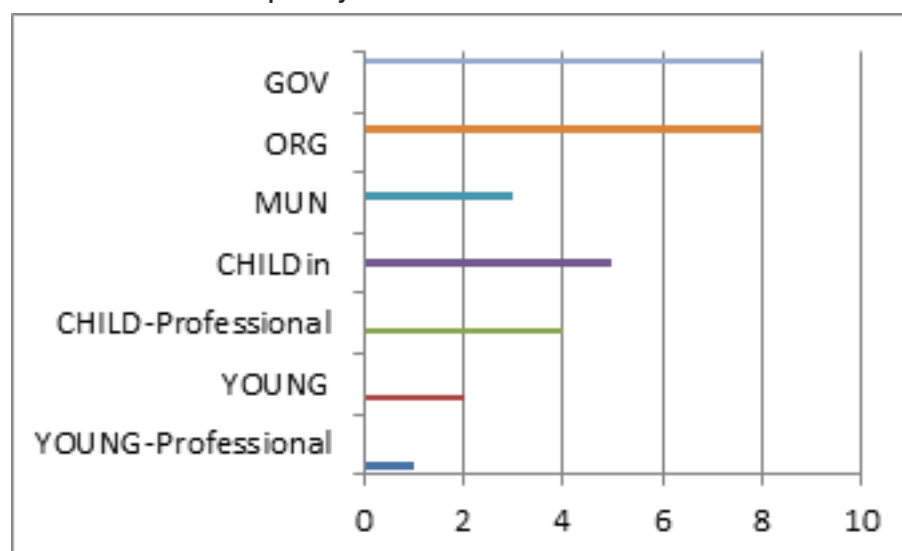
The desk review was complemented by key informant interviews and consultations with children and young adults. Key informant interviews were conducted with policy makers and public officials in ministries and state institutions (GOV), regional or municipal authorities (MUN), independent institutions, child rights advocates and professionals working with and for children, in service provision or other contexts (ORG). The consultations with children and young people were conducted with three groups: Children considered at risk of exploitation who are assisted in residential child care institutions, reception centres or other shelters (CHILD-in) and young adults who have had experiences of exploitation or trafficking as children (YOUNG). Figure 3 provides an overview of the different groups and numbers of informants.

The enrolment of child and young participants was guided by the identification of supporting structures and centres where professionals working with them were providing support and facilitated the contact. It was also aimed at a balanced gender representation. However, in some of the countries, the national research teams experienced difficulties in obtaining access to children and young adults as informants, therefore the number and type of informants varies. An alternative approach was to conduct key informant interviews with professionals involved in service provision for the children or

young people concerned (CHILD-Professional and YOUNG-Professional).<sup>12</sup> Despite efforts it should be mentioned that in the case of Greece all the CHILDin informants were boys and the YOUNG were both girls.

**Figure 3: Number of key informants consulted for primary data collection in GREECE**

**Source** IMPACT 2013.



The data collection tools were prepared as part of the research protocol and were adapted by the national research team to the specific questions identified in COUNTRY. The consultations with children and young adults were conducted as narrative sessions guided by the 'GATE Game' (see Box 3). The researchers facilitated the process without asking intrusive questions about the child's personal history. In order not to awaken memories of negative, dangerous or threatening experiences, and with a view to adopting an empowering and assets-based approach, the narrative sessions focussed on identifying real or potential sources of protection, i.e. the positive experiences that children have had, the empowering, protective factors in their lives and their related recommendations.

The participation of all key informants, including children, was voluntary, confidential and in respect of ethical standards. All informants were notified about the IMPACT study, the purpose of the interview and how the information they shared would be used. Informants consented to participate and were guaranteed that the information they shared would be coded and cited anonymously.<sup>13</sup> Interviews were conducted in the national language of the country. The interviews aimed to solicit the opinions, views, experience and recommendations of the key informants in their professional or official capacity. The selection of key informants did not aspire to obtain a representative sample of all policy makers, officials, practitioners and experts involved in addressing the themes under study in COUNTRY. Likewise, the narrative sessions with children and young adults aimed to solicit the individual experiences, views and recommendations of the persons involved and are not considered representative of all children at risk of or exposed to exploitation and trafficking.

<sup>12</sup> The details of the enrolment and selection process are discussed in the IMPACT research protocol and national reports

<sup>13</sup> For child participants, the informed consent was obtained not only from the participating children but also from each child's guardian or the responsible care person



## PART 1

### Box 3: The GATE Game<sup>14</sup>

**Source** GATE, 2011.

- The GATE Game is a card game consisting of 16 different cards designed in a cartoon style that is considered to appeal to children and adults alike. Each card relates to a specific need and right of the child, such as family relations, safety, food, accommodation, health, or friendship. Each of the GATE cards displays two images, representing one positive side and an opposing negative side.
- When used in narrative sessions with children, the GATE game aims to solicit the children's views, suggestions and recommendations on sources of protection and empowerment, as well as gathering implied information about sources of risk and disempowerment. The children are engaged in a playful narration on the needs and rights represented by the images on each card. The card game aims to inspire a non-intrusive narration guided primarily by the child's personal reaction to the cards.

The research process was complemented by a consultative process involving representatives from national and local authorities, social workers and service providers, anti-trafficking institutions, independent institutions, NGOs and other experts. Two national consultations were convened in each of the countries involved in IMPACT as well as one joint transnational consultation. The consultations provided a platform for debate and joint learning. The IMPACT approach was presented and discussed and the comments and inputs received from the participants informed the study process. The consultative process contributed also to fostering existing professional networks of key actors working in the areas of child rights, anti-trafficking, service provision and other relevant fields.

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<sup>14</sup> GATE (2011), Guardians Against Child Trafficking and Exploitation, The Gate Game



# CHAPTER 2: INCORPORATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD INTO NATIONAL LEGISLATION

## What the CRC says on its incorporation into national legislation: Summary excerpt.

**Article 4 (Protection of rights):** Governments have a responsibility to take all available measures to make sure children's rights are respected, safeguarded and translated into child rights practice. When countries ratify the Convention, they agree to review their laws relating to children and to bring them in line with the standards afforded by the Convention. They also commit to undertake all appropriate administrative and other measures for the implementation of the rights recognised under the Convention. With regard to social, economic and cultural rights, governments shall undertake such measures to the maximum extent of their available resources.

Based on article 28, par. 1 of the Greek Constitution "The generally recognised rules of international law, as well as international conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international law and of international conventions shall be applicable to aliens only under the condition of reciprocity".

A parliamentary sanction is a formal act – a law or decree- through which the application of international legislation, that has already been signed and/or ratified, is imposed on a national level (Πούκουνας, 2004, p159).

However, as Emmanuel Roukounas<sup>15</sup> has mentioned, just the existence of the article 28 does not suffice in order to turn Greece into an advanced example of incorporation of international law into the national" and that more things such as the development of an appropriate attitude and consistent practice are necessary. Finally in 1997 he stated that it is at least naïve to characterise the existing Greek system with a single word as either as monist or dualist. (Πούκουνας, 1997, p 54-57).

<sup>15</sup> Emmanuel Roukounas: Born in 1933. Among the various titles: Professor of International Law, Athens University (1970); Director of the Bureau of International and Constitutional Institutions of the Academy of Athens (since 1997), Member, Permanent Court of Arbitration (2001); United Nations International Law Commission (1985-1991), United Nations Committee for the Elimination of Racial Discrimination (1983-1985), elected in 2005 by the Council of Europe in the "Group of Wise Persons" (2005), Group of Experts of the Conference on Security and Cooperation in Europe for the Balkans (1991-1992) twice Member of the Bureau of the Steering Committee on Human Rights (CDDH) since 1979; Rapporteur of the Council of Europe's Seminar on Human Rights and Terrorism (2005), member of the Supreme Court of article 100 of the Constitution of Greece (1992-1995) and of the Court of the Judiciary (1991-1993), member of the Greek delegation in the General Assembly of the United Nations (1980-1999)



Based on the aforementioned article 28 of the Greek Constitution, the UN Convention on the Rights of the Child takes precedence over any national law, should the two be in conflict. In practice, there have been several amendments and additions of new legal provisions into the domestic law, in order to comply with the CRC. Nevertheless but more improvements need to be done in order to succeed full compliance with the Convention and international standards in general.

Regarding the existence of a competent national body specifically assigned to monitor and design policy measures but also coordinate the relevant actions of public and private organisations, in order to promote the implementation of the CRC, the National Observatory for the Rights of Children (NORC) was established in 2001. However, the existence of this Body remained only in paper and despite the fact that in 2004 a Scientific Committee was set up by the Ministry of Education as responsible for the fulfilment of the mission of the NORC and despite the efforts to implement the law on NORC in 2005, in practice not much changed. (Committee on the Rights of the Child, 2012, p3)<sup>16</sup>

***The National Observatory for Children's Rights: There was a Committee of 5 members, who worked for a bit but now this Committee doesn't work. Now things are reorganized but practically stuck. Last year there was a call for "personalities" to send their c.v in order to create a new Committee but nothing is moving. And by the way what does this mean? "Call for "personalities"?? What are the criteria for that and who sets these criteria?***  
**(GOV, GR06)**

As already mentioned by the Committee on the Rights of the Child in the 2012 Concluding Observations, the NORC was till that time not fully operational and its coordinating role not properly defined. In addition it was also observed that, the Greek State party lacked in a clear structure or body that would officially undertake the coordination and implementation of the CRC at the national level as well as between the central, regional and municipal levels. Therefore, all existing actions around children's rights had not been coordinated, monitored or directed towards a more focused direction (Committee on the Rights of the Child, 2012, p3).

***There is overregulation, difficulty in coordination of the involved actors.***  
**(MUN, GR03)**

On a more positive note, the Greek Ombudsman, has been playing a central role in the implementation of the CRC, in terms of monitoring and offering recommendations when improvements of national law are needed in order to succeed compliance with specific parts of the Convention. This Independent Authority was founded by Law 2477/1997<sup>17</sup> and is now operating under the provisions of Law 3094/2003<sup>18</sup>, according to which the Ombudsman mediates between citizens, public and local services as well as other institutions in order to protect the citizens' rights, fight the mal-administration, maintain legality and also protect the children's rights. Based on the description that the Greek Ombudsman provides in its official website, related to the role and mission, the specific authority investigates individual administrative actions, omissions as well as material actions taken by government departments or public services that infringe upon the personal rights or violate the legal interests of individuals and/or legal entities.

<sup>16</sup> The operation as well as current status of the NORC has also been described by governmental agencies that were represented in the national workshops that took place under the IMPACT project

<sup>17</sup> Law 2477/1997 on the Ombudsman and the Public Administration Investigators - Inspectors Authority, Official Gazette of the Hellenic Republic Vol A' No 59 was later on substituted by Law 3094/2003 on the Greek Ombudsman and other regulations, Official Gazette of the Hellenic Republic Vol A' No 10

<sup>18</sup> Law 3094/2003 on the Greek Ombudsman and other regulations, Official Gazette of the Hellenic Republic Vol A' No 10

## PART 2

Furthermore, a number of dedicated NGOs, whose mandates include the protection of children's rights, try to unofficially fill certain gaps and provide further protection to children, compared to the one received by the State. However as they are not the designated actors to bear responsibility and at the same time they encounter difficulties in funding, therefore also in services, they cannot ensure the protection of children's rights either.

Regarding official attempts for promoting the implementation of the CRC in Greece, in 2007 a National Plan of Action for Children's Rights was adopted. However, as the Committee on the Rights of the Child has noticed, there is lack of information related to the period the NAP was in action as well as lack of specific time-bound but also measurable goals and targets, which would allow the effective monitoring of the progress related to the implementation of the CRC throughout the country. In addition, there was found to be a lack of linkage between the NAP and the national, sectorial and municipal strategies as well as of information on the resources allocated to the implementation of CRC. (Committee on the Rights of the Child, 2012, p3).

In addition, the Committee expressed its concerns regarding the lack of training for professionals working for or with children, including social workers, authorities, health personnel, professionals and staff working in all forms of alternative care as well as the media and suggested that that the Greek government ensures systematic, obligatory and sustainable training on child rights for all professionals involved (Committee on the Rights of the Child, 2012a, p5). In general, various challenges have been met in different areas of public administration, in the training of professionals, but also with regard to the relevant budget allocated by the State for the different dimensions analyzed in the present report (survival, development, participation, protection). The said challenges and gaps are analysed separately and in more detail in the following thematic areas.



## Status of ratification of key international standards on human rights and child rights in COUNTRY<sup>19</sup>

INTERNATIONAL INSTRUMENTS	RATIFICATION
Convention on the Rights of the Child (CRC)	11 May 1993
CRC Optional Protocol on the Involvement of Children in Armed Conflicts (OPCA)	22 Oct 2003
CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC)	22 Feb 2008
CRC Optional Protocol on a Communications Procedure	-
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	11 Jan 2011
Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms	28 November 1974
Protocol No. 12 to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, on a general prohibition of discrimination	Signature
European Social Charter 1961 (revised 1996)	06 June 1984
Council of Europe Convention on Action Against Trafficking in Human Beings	Signature
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	10 March 2009
ILO Convention No. 138 Minimum Age Convention, 1973	14 Mar 1986
ILO Convention No. 182 Worst Forms of Child Labour Convention, 1999	06 Nov 2001

19 Sources available at: UN Treaty Body Database: <<http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>>; Council of Europe: <<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>>; European Social Charter: <[www.coe.int/t/dghl/monitoring/socialcharter/Presentation/Overview\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/Overview_en.asp)>; UNODC: <[www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html](http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html)>; <<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=&DF=&CL=ENG>>; ILOLEX: <[www.ilo.org/ilolex/english/convdisp1.htm](http://www.ilo.org/ilolex/english/convdisp1.htm)>, <[www.ilo.org/ilolex/english/convdisp1.htm](http://www.ilo.org/ilolex/english/convdisp1.htm)> (accessed June 2013).



# CHAPTER 3: THE GENERAL PRINCIPLES OF THE CONVENTION ON THE RIGHTS OF THE CHILD

## **The general principles of the Convention on the Rights of the Child: Summary excerpts.**

**Article 2 (Non-discrimination):** The Convention applies equally to all children, regardless of the child's or his or her parents' or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, ability, birth or other status.

**Article 3 (Best interests of the child):** The best interests of children shall be a primary consideration in making decisions that directly or indirectly affect them. When adults make decisions, they should think about how their decisions will affect children. This general principle is cross cutting and needs to be understood in relation to all other rights afforded under the Convention. It applies to all formal and informal decisions concerning the child's living arrangement, development, care and wellbeing. It also applies to policy planning and budget allocation of States.

**Article 6 (Survival and development):** The right of the child to life, survival and development. (general principle of the CRC)

**Article 12 (Respect for the views of the child):** A child has the right to express his or her views freely in all matters affecting the child. The views of the child shall be given due weight in accordance with the age and maturity of the child. This applies to all matters concerning the child, including the daily life, living and care arrangements, development and well-being. The right to be heard, either directly or through a representative or an appropriate body, applies further to all judicial and administrative proceedings affecting the child.



### **3.1 THE GENERAL PRINCIPLES OF THE CONVENTION: THE RIGHT TO NON-DISCRIMINATION**

Greece is one of the 6 EU countries which addresses discrimination, in the national legislation, on more grounds than one. However, no much legislative progress was noted during 2012 (FRA, 2012, p.160-161).

Significant measures have been undertaken in the last few years on the ground of non-discrimination and a new legislative framework has been established, intended to provide fresh impetus to the country's effort to ensure compliance with the CRC principle of non-discrimination, in accordance with its Constitutional provisions and international obligations.

Despite the existing measures, a general official prohibition on discrimination has not been yet set in place as a distinct legislative act, reflecting also the fact that the Council of Europe Protocol No. 12 on a general prohibition has only been signed and not yet ratified.

As far as the national legislative framework on the fight against discrimination and the principle of equal treatment is concerned, the initial, generalised principles are imprinted in the Greek Constitution – articles 2 par.1 (the principle of human dignity), 5 par. 1 (the free development of personality and the participation in the country's economic, social and political life, 4 (Greek citizens' equality), 13 par.1 (the freedom of religion), 16 par.4 (the right to free education), 22 par.1 (the freedom of employment and the equal compensation for equal labour's value). The above mentioned constitutional principles and rights conceptually cover all groups of citizens, of independent gender, age or race, and offer a kind of protection to citizens.

It was stated by the Committee on the Rights of the Child (Committee on the Rights of the Child, 2002, p.9) that the Greek government ensures that a child's religious beliefs, or lack of such, does not hinder the respect for the children's rights. In addition, article 3 of the Constitution explicitly states the right of all people to freedom of religious conscience and provides for the enjoyment of civil and individual rights independently of one's religious conviction. Furthermore, the article makes no exception to any form of known religion, the worship of which should be practiced under the protection of the law and without any hindrance by the State. All children have the right to practice their worship in any place and any time they wish.

A positive action took place in 2005, when one of the main laws on immigration, Law 3386/2005, was introduced, foreseeing in article 65 the provision of rights to third country nationals, which will ensure their equal participation in the country's financial, social and cultural life.

During the same year, Law 3304/2005<sup>20</sup> was adopted, aiming at the introduction of a general regulatory framework against discrimination in the employment sector, becoming in that way a further step towards protection against discrimination. According to article 2 of this law, both direct and indirect discrimination are prohibited. As already mentioned, it also foresees that the principle of equal treatment regardless of racial or ethnic origin, religious or other convictions, disability, age or sexual orientation should be implemented in a wide variety of fields. It regulates relations in the public and private domain that affect (a) access to work, (b) access to vocational orientation, training, reorientation, (c) conditions for work and employment, (d) membership in employee or employer organizations, (d) social protec-

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20 Law 3304/2005 on the "Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation", Official Gazette of the Hellenic Republic Vol A' No 16. This law incorporates EU Directives 2000/43/EC dated 29 June 2000 and 2000/78/EC dated 27 November 2000 which incorporates two relevant EU directives (2000/43/EC dated 29 June 2000, and 2000/78/EC dated 27 November 2000



tion, including social insurance and treatment, (e) education and (f) access to goods and services distributed to the public.

In addition, law 3304/2005<sup>21</sup> provides for the establishment of the Committee for Equal Treatment in the Ministry of Justice and a corresponding Department for examining allegations of violation and for providing logistical and scientific support to the aforementioned Committee. It is also foreseen that the Bodies responsible for promoting and ensuring the implementation of the Equal Treatment principle are a) the aforementioned Equal Treatment Committee b) the Greek Ombudsman and c) the Labour Inspectorate. On top of that, the law provides also for the involvement of the Economic and Social Committee of Greece (OKE) and the National Committee for Human Rights (NCHR). Finally, as the Ministry of Labour and Social Security is responsible for the planning, monitoring and evaluation of the National Strategy, it automatically undertakes a significant role in the antidiscrimination policies. (Sarris, 2011, p.6).

However, there is a significant gap in the specific law, based on which, in case of discrimination on the grounds of ethnic origin, policies regulating equal treatment intersect with Greece's immigration policy or at least with the provisions that directly or indirectly regulate the residence and work status for third country nationals and stateless individuals (OKE<sup>22</sup>, 2009, p13-14). Furthermore, article 4, par.2 on the "exception of nationality", basically renders any differential treatment on an institutional level against immigrants as absolutely justifiable, exactly because of their non-Greek citizenship (Sarris, 2011, p.10).

In addition, it is important to be noted that even though definitions of non discriminatory treatment, based on racial or ethnic origin, age, religious or other beliefs and sexual orientation have been absent of the national legislative framework, law 3304/2005 did not include them either (Sarris, 2011, p.6).

Hence, many cases of differential treatment against non-national children have been observed (i.e. on the field of education, social security, etc). As a conclusion, non discrimination has been clearly established for Greek citizens but not so for non national and as a result differential treatment keeps taking place against the latter. Therefore, the right of the child to be protected from discrimination on the basis of status, as afforded under CRC Article 2, has not been introduced into Greek national law and is not guaranteed in practice.

Moreover, In April 2012 discussions on amendments of existing migration legislation such as the Presidential Decree 114/2010<sup>23</sup>, took place, leading to the introduction of law 4075/2012<sup>24</sup> which allows detention of asylum seekers and deportation of third country nationals with infectious diseases or at high risk of infection. It was stated by USAID that this law leaves room in that way for differential treatment within the migration legislation. (FRA, 2012, p.49).

In the national elections of June 2012, the right wing extremist political party of Golden Dawn became the fourth largest party participating in the Greek Parliament, by winning 18 seats. The specific party supports an extreme nationalist agenda with plenty of anti-immigrants elements. A number of social support programmes were initiated by the Golden Dawn offering assistance, food, clothes but only to Greek nationals. In addition the specific party has been connected in numerous occasions to racist

21 *ibidem*

22 OKE stands for the Greek Financial and Social Committee

23 Presidential Decree 114/2010 on the establishment of a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to stateless persons in conformity with Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status (L 326/13.12.2005), Official Gazette of the Hellenic Republic, Vol. A, Issue 195, 22 November 2010

24 Law 4075/2012 on Issues relate to Regulations of IKA-ETAM Social Security, Social Security Institutions, Adjustment of domestic legislation to the EU Directive 2010/18/EU and other regulations, Official Gazette of the Hellenic Republic, Vol. A, Issue 89, 11 April 2012

### PART 3

attacks against migrants, without though losing the public support. On the contrary, the public support for this party increased from 7% in June 2012 to 21% in December 2012 creating serious concerns on the general public attitude and consequently the protection of human rights for groups such as migrants.

In December 2012, due to the growing racist violence, two departments in the sub-directorates of Attica and Salonika as well as a number of bureaus around the country for combating racist violence were established, under the Presidential Decree 132/2012<sup>25</sup> (UNICEF Office of Research, 2013, p.13). The role undertaken by these departments and bureaus is to investigate complaints of relevant crimes, collect data on racist violence, inform victims on their rights and correspondingly the Prosecutor's Office of the relevant complaints and finally to set up a hotline for the report of incidents and complaints (FRA, 2012, p.180).

Prior to that though, since May 2004, a Laboratory for Monitoring Social Cohesion Policies was established in the Institute of Social Policy of EKKE and was further developed within the framework of the research project "Developing infrastructures for the Establishment of a ' Social Data Pole' in the Areas of Social Inequality and Social Exclusion" (2005-2007), funded by the O.P. Competitiveness.. Within that setting the Observatory for Combating Discrimination was introduced and included in the activities of the Institute as a new structure. The Observatory is responsible for the realization of research and studies on a national and local level, the expansion and promotion of networking among agencies, structures and services that support groups suffering from discrimination, focusing on the field of employment, as well as dissemination of information on good practices against discrimination.

At the same time it should also be noted that another step, welcomed by the Committee for the Elimination on Racial Discrimination, was the amendment in 2008 of article 79 par.3 of the Greek Criminal Code, providing that an offense based on ethnic, racial or religious hatred is an "aggravating circumstance" (Committee CERD, 2009, p.2)

In October 2011, the Racist Violence Recording Network was established by the National Committee on the Human Rights and the Greek Office of the UNHCR along with the participation of a number of NGOs. The creation of this network was the result of the lack of an official and effective reporting system of racist violence incidents and of the necessity to bring together all agencies that reported such incidents under their own initiative. During 2012, there were 154 reports registered by the Network, out of which 151 were related to racist violence against refugees and migrants (Greece, Racist Violence Recording Network (2012a).

In addition, in order to develop policies related to the fight of multiple discrimination against migrant women, the General Secretariat for Gender Equality established a working group on Migration Policy in 2012 (FRA, 2012, p.162).

Despite the number of Bodies that have undertaken specific roles against discrimination, till December 2012 there has only been limited official data available on racist, anti-Roma, anti-Semitic, Islamophobic and extremist crime. Moreover, such data usually do not get published (FRA, 2012, p.188, 269).

On top of that, even though there is a number of constitutional provisions against discrimination and in favour of equal treatment, the Committee has suggested that effective measures should be taken in order to prevent and/or eliminate any form of discrimination - on the grounds of religion and belief

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<sup>25</sup> Presidential Decree 132/2012 on Introduction of departments and bureaus combating racist violence – Amendments on regulations of Presidential Decree 14/2001, Official Gazette of the Hellenic Republic, Vol. A, Issue 239, 11 December 2012



– as well as promote religious tolerance and dialogue in the society, which will ultimately lead to the respect of children's right to freedom of thought, conscience and religion (Committee on the Rights of the Child, 2012, p8). In addition, regarding the existing constitutional provisions, the fact that there are widely general terms used in them as well as the non specification of these provisions with executive laws, deprive, in most cases, people from real protection.

Finally, the weak implementation of the existing legislation on a practical basis arises serious concerns about the effectiveness of the State to fully comply with international standards.

Recently though, new hopes have emerged with the adoption of the 2013 National Strategy for the integration of third country nationals, who legally reside in Greece, by the General Secretariat of Population and Social Cohesion of the Ministry of Internal Affairs. This National Strategy states the parameters of integration for legally residing third country nationals according to international legislation, highlights the importance of these individuals' integration in local societies as well as of a legislative framework related to long term residence and education. Finally, it also includes specific measures, actions and interventions, leading to an integrated approach.

As for good practices, the State has presented in its 2nd and 3rd Periodic report to the Committee a couple of examples, which aim to promote the implementation of the national laws and policies. One of these actions, undertaken by the Ministry of Employment and Social Protection in order to inform everyone about the existence of the new legislation against discrimination, was the organisation of one-day meetings and information campaigns, within the framework of the Community Support Framework Programme against discrimination 2000–2006. In addition, leaflets, aiming at raising public and professionals' awareness on issues of discrimination in the field of employment, were published (Committee on the Rights of the Child, 2011, p.25).

Moreover, the Ministry of Interior initiated projects under the European Integration Fund against racism, which promoted multicultural living such as the Intercultural Mediation program in hospitals of Athens and Salonika. The latter promoted communication between immigrants and hospital staff and in that way it facilitated the reduction of cultural misunderstandings as well as promotion of access to public health services without discrimination (FRA, 2012, p.189).

Furthermore, the State formally declared in its last periodic report, that the existing procedures for exemption from the religion courses at school and the recording of religion on the graduation certificate was indeed a violation of Law 2472/1997<sup>26</sup>. Following that, it suggested that the Ministry of Education should proceed to amendments so that religion does not exist as a data category on the certificates and that parents do not have to make a formal declaration for exemption from the religion course. Unfortunately though, not only these amendments have not yet taken place, but on the contrary, the child's religion is still stated in the graduation certificate, exemption requests from the religion course by students of the same religion are not always accepted (Committee on the Rights of the Child, 2012a, p7) and parents need to state that they are not Orthodox Christians in order for the exemption request to "pass" (Greek Helsinki Monitor et al, 2011, p.19). Hence, the right of the child to freedom of religion is apparently not fully respected, leading to a national not very diversity friendly practice.

A positive development towards that direction has been that after the recommendations of the "Hellenic Authority for Data Protection", the new Greek ID card - the issuance of which is compulsory when a child reaches 15 years old - does not include and state anymore one's religious affiliation, which could formerly lead to possible discrimination either in the labour market or in dealings with public services

26 Law 2472/1997 on the Protection of Individuals with regard to the Processing of Personal Data, Official Gazette of the Hellenic Republic Vol A' No 50

(Committee on the Rights of the Child, 2011, p.43).

Recently, some measures have been taken in order to address the marginalisation against Roma children, such as the adoption in 2011 of a National Strategic Plan for Roma for the period 2012-2020, against the multiple exclusions of this social group in the fields of education, health, employment and housing. This has been a positive development as there is a significant number of Roma, who need support against discrimination. Based on a research in 2008, aiming at registering the residence location of Roma, the total population in the visible and recognisable residence locations reached the number of about 12.000 families or 50.000 individuals, indicating an 8-10% increase during the previous decade. The largest populations (over 1.000 families) were found to be located in 4 districts: Eastern Macedonia-Thrace, Thessaly, Western Greece and Central Macedonia (Ministry of Labour and Social Security, 2011, p3).

The objective of the National Strategic Plan is to combat the social exclusion of Roma and create the prerequisites for the social inclusion of Greek Roma and of the immigrants that legally reside in the country. This objective will be succeed through three different general goals: a) insurance and guarantee of "residing", including interventions that will cover this population needs in order to succeed acceptable living conditions b) development of a supportive network of social intervention in the fields of employment, education, health and social inclusion c) development of Social dialogue and consent, through the social empowerment and participation of Roma. The National Strategic Plan will be complemented by supportive actions and by taking under consideration the 10 basic principles for the social inclusion of Roma, as stated in the EU Framework for National Roma Integration Strategies up to 2020<sup>27</sup> (Ministry of Labour and Social Security, 2011, p.7).

Despite the steps taken by the Greek government in order to safeguard the principle of non-discrimination, there is still a number of social groups, who due to the national framework, has been subject to discrimination. As observed by the Committee on the Rights of the Child quite a few groups of children such as Roma children, children with disabilities, street children, children of undocumented migrants, and children of other ethnic or religious minority backgrounds as children of Turkish origin, children belonging to the Muslim community of Thrace<sup>28</sup>, and children from groups identifying themselves as belonging to the Macedonian minority are not properly or effectively protected from discrimination (Committee on the Rights of the Child, 2012, p.6).

Specifically in the area of education, based on the unanimous decision of the European Court of Human Rights in 2008, related to the Sampanis and Others v. Greece, there had been a violation of Article 14 (prohibition of discrimination) of the CRC in conjunction with Article 2 of Protocol No. 1 (right to education), on behalf of the Greek State, as it failed to provide the necessary and obligatory schooling for the applicants' children, who were subsequently placed in special preparatory classes due to their Roma origin. The European Court of Human Rights declared that the Greek State's incapability to integrate Roma children into mainstream education promoted discrimination against these children. However, the Chamber judgement in this case was not final, at least till May 2013 (FRA, 2012, p200-201). In addition to that violation, it is observed that there is a racist attitude of non-Roma parents and local authorities that lead to the exclusion of Roma children from mainstream schools or to the segregation of these children in Roma-only schools in Greece (Greek Helsinki Monitor et al, 2011, p.4-5).

27 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: An EU Framework for National Roma Integration Strategies up to 2020, COM (2011) 173 final, Brussels 5.4.2011, available at: [http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf)

28 The Muslim minority of Greece is the only explicitly recognized minority in Greece. It consists of a few ethnicities, the majority of them being Turkish. For historical reasons, the Muslim minority resides in the Greek region of Thrace



As for the children of Muslim families of Thrace (Northern Greece), the preservation of an archaic version of Sharia law, which still prevails in certain areas over domestic law in family and inheritance matters, discriminates between children in inheritance issues (Greek Helsinki Monitor et al, 2011 p. 9).

Last but not least, children migrants who stay in Athens face the risk of being exposed to a worrying increase of racially motivated attacks. In December 2011 and January 2012, the Human Rights Watch interviewed migrants as well as asylum seekers, including four children, who spoke of the existence of virtual 'no go areas' in Athens especially after dark due to the fear of attacks. Due to the failure of the Greek government to identify such attacks and prosecute suspected attackers, a network of 18 non-governmental organizations was established in October 2011 by the National Commission for Human Rights and the United Nations High Commissioner. The purpose of this network was the systematic report of such racist attacks. (Human Rights Watch, 2012a p.10).

Moreover, in the 2012 World Report of Human Rights Watch, it was stated that the country's capital was dealing with the serious issue of racist violence, deriving from far-right extremists, who seemed to have wounded and battered a number of immigrants, out of which 25 ended up being hospitalised only in May 2011. As an example, two men and a woman were taken to trial, as they were accused for assaulting and causing serious injuries to a 24-year-old asylum seeker back in September 2011 (Human Rights Watch, 2012b, p.447).

Unfortunately, the police do not seem to be responding effectively either, in regards to the increasing violence against migrants and asylum seekers - adults or children. An indication to this matter is a number of documented testimonies that indicated police's failure to intervene timely or even their manner of discouraging victims from filing official complaints (Human Rights Watch, 2012 p.10).

All the above concerns have also been expressed by the Committee on the Elimination of Racial Discrimination back in 2009. More specifically, some of the issues that CERD drew attention to, were the ineffective implementation of the legal provisions related to prosecution and punishment of racially motivated crimes; the cases of ill and/or maltreatment of Roma, asylum seekers and undocumented immigrants, including unaccompanied children; excessive use of force by the police against vulnerable groups; the restrained access to education for the Turkish speaking minority in Thrace (Northern Greece) and the reports on racist stereotypes and hate speech by some organisations and media against individuals of different ethnicity and race. (CERD 2009, p3-4).

**Determinants promoting protection**

- Ratification of the Council of Europe Protocol No. 12 for the Protection of Human Rights and Fundamental Freedoms, on a general prohibition of discrimination
- A general official prohibition on discrimination, as a distinct legislative act
- Implementation of legal framework
- Official monitoring mechanism for the implementation of CRC and coordination of state and private organizations
- A unified legal framework guaranteeing the protection of children's rights including children belonging to a minority (Roma, Muslim community in Thrace), children with disabilities and unaccompanied children
- Consistent allocation of funds to the competent services around the protection of children's rights
- Sustainable integration programs for vulnerable groups like Roma, undocumented migrants
- Professionals' training and supervision
- Raising public awareness campaigns on human and children's rights and cultivation of a non discriminatory attitude
- Human and children's rights included in the school curriculum
- Intercultural mediation services

**Actors involved**

The specific actors involved in the effort to comply with the fundamental principles of non-discrimination and to protect all children from discrimination in all fields, are

- Ministry of Justice
- Commission for Equal Treatment (under the Ministry of Justice, transparency and human rights)
- Ministry of Interior
- Ministry of Health and Social Solidarity
- Ministry of Foreign Affairs
- Ministry of Education, Religious Affairs, Culture and Sports
- Ministry of Public Order and Citizen's Protection
- Ministry of Labour, Social Security and Welfare





- Labour Inspectorate<sup>29</sup>
- Economic and Social Commission (OKE)<sup>30</sup>
- National Observatory for the Rights of the Child
- Greek National Human Rights Committee
- the Greek Ombudsman (department of the children's rights)
- the Child Health Institute
- NGOs working on the protection of human rights and children's rights but also against inequalities of any form

### **3.2 THE GENERAL PRINCIPLES OF THE CONVENTION: THE BEST INTERESTS OF THE CHILD AND PARTICIPA- TION IN BEST INTERESTS ASSESSMENTS**

In Greek law, the protection of the best interests of the child constitutes an important principle. In the 13th chapter of the Civil Code it is foreseen that the adoption should aim at the best interest of the individual being adopted.

In addition, regarding the procedure for changing the child's original surname, which can take place within the first year of the adoption, it is provided that this act can take place if imposed by the child's best interest.

Within the Family Law, which is part of the Civil Code, the child's best interest is ensured across a number of provisions related to parental responsibility, custody, guardianship and inheritance issues. More specifically in article 1511, the protection of the best interests of the child is described as the fundamental principle based on which parents and courts should take any decision related to children. As foreseen in article 1511, taking into consideration the child's best interests during the judicial investigation of matters that involve them, has already stood as an established case law for quite a while, as confirmed by recent judgements 564/2008 by the Thessaly Court of Appeals, 17116/2008 by the Thessaly Court of First Instance and 2130/2007 of the Supreme Court.

In a wider perspective, according to article 1513 of the Civil Code, parental care irrespective of the age of the child, is entrusted to the most appropriate of the parents, after the careful consideration of the child's best interest and views.<sup>31</sup>

In addition, the Greek legislation includes a series of provisions for the protection of children through certain laws. As an example Law 3500/2006<sup>32</sup> on domestic violence, eventually protect children's

<sup>29</sup> Provided by Article 21, Law 3304/2005. Among its duties is to make declarations and findings on complaints about violations of the principle of equal treatment, writing reports about the implementation and promotion of the principle of equal treatment etc

<sup>30</sup> OKE has undertaken, based on Law 3304/2005, article 18, to write annual reports about the implementation of the principle of equal treatment in order to enhance the dialogue on those issues with civil society, and particularly NGOs who have as a statutory objective the combat of discriminations

<sup>31</sup> Among the relevant case law, see for instance Supreme Court (Areios Pagos) judgement No. 728/1190 published in the legal review "Greek Justice" volume 32/1991, p. 1233

<sup>32</sup> Law 3500/2006 on Combating Domestic Violence, Official Gazette of the Hellenic Republic, Vol A' No 232



### PART 3

best interests within the family environment by foreseeing sanctions for the members of family who maltreat children.

A specific definition of the best interests of the child is not found either in article 1511 of the Civil Code or in other legal provisions. However, this principle is mentioned in legal provisions related to family matters (e.g. custody), court issues (representation and advice), social protection matters (e.g. receiving benefits), residence issues and education matters.

As for the children migrants' best interests, there is a subtle inclusion of them in the legislation, such as within the provisions regarding the identification of unaccompanied children which ensure the latter's de facto residence and welfare protection as well as legal consultancy and representation that will provide them with information about their rights and options and subsequently act in favour of their best interests in front of the court.

More concretely, Law 3386/2005<sup>33</sup>, article 48 provides for the extension of the reflection period by one more month, in the case of a child, on the basis of the child's best interest. In addition articles 56 on "Issuance of residence permits" and 57 on "Duration and renewal of residence permits" state that the best interest of the child shall be taken under consideration, when it comes to these matters.

Furthermore, article 20 of Law 3907/2011<sup>34</sup> foresees that in the transposition of the provisions of Directive 2008/115/EC into domestic law, the competent authorities should take in due account the best interests of the child. Moreover, article 25 on the "Return and removal of unaccompanied minors" foresees the same, while article 32 on "Detention of children and families" states that "in the context of the detention of minors pending removal" the child's best interest should be of primary consideration.

Even though certain laws provide for the best interests of unaccompanied children, in practice it has been insistently reported that their best interests and their right to be consulted are often not given priority. As it will be shown further in this report, despite legal provisions that ensure the information and consultancy of all foreign children who enter the country, many unaccompanied children are rarely informed on their precise rights and the asylum procedures, mainly due to the limited presence of local actors or due to a great lack of cultural mediators (UNHCR et al., 2012, p. 45) interpreters as well as lawyers and enough guardians to adequately represent them (Human Rights Watch, 2008a, p104-106).

In general, despite the fact that there are some legal provisions for ensuring children's best interests, in practice, the latter have been ignored or not taken under consideration in numerous occasions by the professionals of the administration (The Greek Ombudsman, 2012, p.3).

33 Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263), 3731/2008 (Official Gazette of the Hellenic Republic Vol A' No.263), 3772/2009 (Official Gazette of the Hellenic Republic Vol A' No.112) and 3801/2009 (Official Gazette of the Hellenic Republic Vol A' No.163)

34 Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A', No.7



### **Determinants promoting protection**

- The best interests of the child to be legislatively acknowledged in all areas concerning children.
- The principle of the best interests of the child to be legally imprinted regarding all children and without any discrimination
- Policies and procedures that will ensure the implementation of legislation protecting the best interests of the child
- Procedures for ensuring the provision of information to children regarding their rights
- Procedures for best interests assessment and determination, giving due account to the views of the child

### **Actors Involved**

The national actors involved in the promotion of the principle of the child's best interests, are mainly:

- Ministry of Justice
- Ministry of Interior
- Ministry of Health and Social Solidarity
- Ministry of Education
- Ministry of Labour, Social Security and Welfare
- Ministry of Foreign Affairs
- National Observatory for the Rights of the Child
- Greek National Human Rights Committee
- Greek Ombudsman (department of the children's rights),
- NGO's working for the rights and protection of children.

### **3.3 THE SOUTHERN EUROPEAN COUNTRIES AS MIGRATION ENTRY POINTS**

The CRC explicitly dictates the freedom of expression, including the right to seek, receive and impart information as well as the right of the child to have his/her views heard and taken into account. All the aforementioned rights should be enjoyed by all children.

It has to be noted that in Greece no specific legal provisions have been established for the right of children to have full access on information about their well-being, health or educational and cultural issues, either by national or international sources or the mass media. On the other hand, in compliance with the CRC, article 14 of the Greek Constitution fortifies the freedom of expression and the freedom of opinion and information.

In addition, national civil law provides, in the field of family provisions, that prior to any decision taken on matters related to children's custody and subsequent accommodation, children's views should be heard and taken into consideration, depending on their maturity (article 1511 of the Civil Code and article 681C, par. 2 of the Civil Procedural Code). Specifically, article 681C of the Civil Procedural Code, clearly provides that the court, before rendering their decision concerning the awarding of the child's custody to either of the parents in cases of divorce, should hear the child and take his/her views into consideration, depending on his/her maturity. The same provision regulates as a compulsory procedure the investigation of the child's living conditions by officers of the competent social service and the reporting of their findings to the court.

Correspondingly, article 1513 of the Civil Code explicitly dictates that parental care, irrespective of the age of the child, should be entrusted to the most appropriate of the parents, after the child's best interest and views have been heard and carefully considered.

In line with international law, procedures under the civil law do not specify any age limit in this regard, in any relevant administrative or judicial procedure, but rather states that all children's views must be taken into consideration depending on the levels of their maturity, which can be varied from case to case

In regard to national legislation that regulate the rights of children victims of domestic violence, Law 3500/2006<sup>35</sup>, article 19, prohibits the presence of children at the court's audience during the trial of the cases of domestic violence and instead their testimonies are just read in front of the court, except for special cases where their physical presence is deemed necessary. This law provides for the children's right to be heard but at the same time protects them from being exposed to a setting that might lead the child to relive his/her trauma.

However, in the recent law 3907/2011,<sup>36</sup> as well as in previous ones like 3386/2005<sup>37</sup>, which is still in force, it is mentioned that part of the application of asylum procedure is an interview. Even though, this does not constitute much of a specific measure, during this interview the child can express himself/herself and explain all the reasons, why he/she fled from the country of origin, describe possibly negative experiences throughout the journey and indicate the reasons for requesting national protection.

<sup>35</sup> Law 3500/2006 on Combating Domestic Violence, Official Gazette of the Hellenic Republic, Vol A' No 232

<sup>36</sup> Law 3907/2011 on the establishment of an Asylum Service and a First Reception Service, Official Gazette of the Hellenic Republic Vol A' No 7, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions

<sup>37</sup> Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263), 3731/2008 (Official Gazette of the Hellenic Republic Vol A' No.263), 3772/2009 (Official Gazette of the Hellenic Republic Vol A' No.112) and 3801/2009 (Official Gazette of the Hellenic Republic Vol A' No.163)



Nonetheless, it should be pointed out that persistent problems already highlighted in 2002 by the Committee on the Rights of the Child are still pointed out and call for drastic changes on a practical basis. In the Conclusive Observations of 2002, it is noted that in practice, children's opinions are not taken into consideration sufficiently, in the context of judicial or administrative decisions, including custody procedures of placement in alternative care (Committee on the Rights of the child, 2002, p.8). More specifically, the Committee is concerned that there is lack of information in courts on the measures taken to ensure children's right to be heard, including Roma children, children of Turkish origin and children with disabilities (Committee on the Rights of the Child, 2012, p.6-7).

Deficiencies in the existing national structures regarding the non-national children, including refugees, seeking asylum and unaccompanied children, have been identified specifically in the realisation of the interview related to the asylum application procedure as well as in the lack of availability and quality of cultural mediation, or at least interpretation for non-national children

Unfortunately, most often the aforementioned interview takes place without the presence of a lawyer or a guardian, even though the State foresees the appointment of the latter. The interview, which usually is conducted without the support of an interpreter and sometimes with the help of a fellow migrant undertaking that role, will last only a few minutes and often it will not give the child the chance to describe the reasons for fleeing home and coming to Greece, reducing drastically his/her chances of being granted asylum (Human Rights Watch, 2008a, p.3-4, p.19, p.42).

Actually, the presence of a cultural mediator or an interpreter is scarce and the police, who have been the responsible authority for the identification of unaccompanied children, do not usually have the appropriate training related to this vulnerable group's issues or to the different languages spoken by these children. Therefore police are not being able to communicate appropriately and effectively with these children (UNHCR et al., 2012, p16-17), identify if they are in need of international protection, support them through legal proceedings, provide them with information on their rights and offer them protection (Human Rights Council, 2013, p.10,13, Centre for European Constitutional Law, 2009, p.19).

Finally, in the cases of abused children who do not speak Greek, there is no interpretation in the supporting services and units for the protection and assistance of victims of crimes related to procurement, exploitation for prostitution, purchase of sexual services from children and trafficking of individuals for the purpose of sexual exploitation, forced labour and removal of organs (articles 323, 323A, 349, 351, 351A of the Criminal Code), despite the fact that it is provided in article 8 of Presidential Decree 223/2003<sup>38</sup>. In practice, the interpretation is provided by volunteers and NGOs' professionals, who despite their willingness to provide support, many times do not have either the knowledge, or the necessary means to undertake such tasks. (Greek NGO's Network for Children Rights Convention, 2011, p.15).

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<sup>38</sup> Presidential Decree 223/2003 on Protection and assistance to the victims of the crimes envisaged in articles 323, 323A, 349, 351 and 351A of the Criminal Code pursuant to article 12 of act 3064/2202, Official Gazette of the Hellenic Republic, Vol A' No.204, 26 August 2003

## PART 3

### Determinants promoting protection

- Clear policies and procedures guaranteeing the implementation of national and international law regarding the children's right to be heard
- Clear policies and procedures ensuring the realization of a child's interview for the asylum application process, with the support of an appointed by the State lawyer and guardian
- Consistent funding and training for the development of appropriate human resources in areas of guardianship, asylum, court proceedings
- Cultural mediation to be offered to non-national children, throughout any administrative or judicial procedure
- Raising awareness to professionals and public regarding the right of children to be heard

### Actors involved

The actors that are allocated to secure the right of children to be heard are:

- Ministry of Justice
- Ministry of Education
- Ministry of Foreign Affairs
- Ministry of Interior
- National Observatory for the Rights of the Child
- Greek National Human Rights Committee
- Greek Ombudsman (department of the children's rights)
- Juvenile Courts
- Juvenile Prosecutors
- Police
- Social Services
- NGO's working for the preservation of human rights and the rights of children





# CHAPTER 4: ANALYSIS OF NATIONAL STANDARDS AND PRACTICE

## 4.1 SURVIVAL

### What the CRC says on 'survival': Summary excerpts.

**Article 6 (Survival and development):** The right of the child to life, survival and development. (general principle of the CRC)

**Article 20 (Children deprived of family environment):** Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

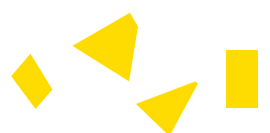
**Article 24 (Health and health services):** Children have the right to good quality health care and the best health care possible, including to nutritious food, a clean and safe environment, and information to help them stay healthy.

**Article 25 (Review of treatment in care):** Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate. Their care and treatment should always be based on "the best interests of the child". (see Guiding Principles, Article 3)

**Article 26 (Social security):** Children – either through their parents, other guardians or directly – have the right to help from the government if they are poor or in need.

### Article 27 (Adequate standard of living):

1. Every child has the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes.



**Prevention and protection benchmarks:**

Any prevention and protection strategy and measure should address the following essentials:

*Inclusion:* Full and sustainable access to health care, together with qualified responses to primary needs, such as food, accommodation and clothing, as well as to particular needs.

*Appropriateness:* The relevant and personalised response to primary needs, together with the degree of individual satisfaction.

*Effectiveness:* High quality and availability of the response to primary needs.

*Compliance:* National laws, policies and practice ensure the maximum degree of health and well-being without any discrimination in line with international standards.

**Source:** Standards developed for GATE, 2012.

#### 4.1.1 CHILD CARE, INCLUDING ACCOMMODATION AND FOOD

The Greek Constitution contains a number of solemn proclamations affecting the status of children and the adequate care provided to them such as articles 1, 3 and 4, which foresee housing provisions for those in need.

Furthermore, the institutionalisation of a modern National System of Social Care was ensured in 1998, through Law 2646/1998<sup>39</sup> and was promoted in 2001 along with the National Action Plan for Social Integration (2001-2003). Law 2646/1998 foresaw the creation of a modern model of social intervention, which would be based on a unified and decentralized framework, which would operate through the actions of the public, private and voluntary services. Therefore, one of its central points was the mergers, while the National Organisation of Social Care (EOKF) was established as the central mechanism, into which the Infant Centre “MITERA<sup>40</sup>”, the National Welfare Organisation (EOP)<sup>41</sup> and PIKPA<sup>42</sup> merged.

In 2003, law 3106/2003<sup>43</sup> was introduced, amending law 2646/1998. The new law, based on the constitutional mandate that social care is the responsibility of the state, reaffirms the right of access to social care and welfare services, including accommodation, adequate nutrition and fundamental health services, provided by the National Health System to everyone who legally resides in Greece. Thus, the main objective is to ensure access of all people in the services provided, in order to provide them with at least the basic standard of living. Consequently, as long as foreign nationals and their children have proof of legal residence, they are eligible for the welfare services and programs offered, including day care centres, infant care centres and so on. However, based on this specific criterion, some vulnerable groups of children such as unaccompanied children, undocumented children living in the streets or third country nationals who have their asylum application rejected are excluded from the official care sector. Fortunately, the children - victims of trafficking, who are provided with a temporary

<sup>39</sup> Law 2646/1998 on the Development of a national social care system and other regulations, Official Gazette of the Hellenic Republic, Vol A' No 236, 20.10.1998

<sup>40</sup> One of the main actors of child protection in Greece. It is now monitored and funded by the Ministry of Labour, Social Security and Welfare

<sup>41</sup> The National Welfare Organisation was abolished in 2003

<sup>42</sup> Patriotic Institution of Social Welfare and perception – PIKPA include a series of socio-medical centres and children's polyclinics

<sup>43</sup> Law 3106/2003 on the Reorganisation of the national system of social care and other regulations, Official Gazette of the Hellenic Republic, Vol A' No 30, 10. February 2003



residence permit, are eligible to enjoy the aforementioned child care benefits and generally enjoy all rights as a national child.

According to 3106/2003, the services under the National Organisation of Social Care (EOKF) were either abolished or transformed into services of the Regional System of Health and Welfare (PeSYP), like in the case of MITERA. These services became decentralised units of PeSYP, with administrative and financial independence and were renamed as Social Care Units. In addition, based on this law, the responsibility for foster care and adoption issues was passed, through a Ministerial Decision (Π1α/ οικ.84156/3-09-2003) to the social Care Units: Penteli Recovery centre, Pedopolis of "Agios Andreas" in Kalamaki, and the Infant Centre "MITERA". The latter became the Child Protection Centre of Attica and the first two constitute its branches.

***Regarding Child Protection Units, I believe that the small family units offer better support. The child should not be moved from one structure to another and consequently revive a series of separations. That is why I believe that small family units with stable persons of reference are better. Now with the new Memorandum regulations, I think a lot about those young children of the MITERA institution, who will be experiencing changes in the staff every 8 months..My God, what kind of abuse is this?  
(GOV, GR04)***

Additionally, the National Centre for Emergency Social Care, founded by the Ministry of Health and Social Solidarity through Law 3106/2003<sup>44</sup> and which in 2005 was renamed to National Centre for Social Solidarity - EKKA, has extended its services in almost all regions of Greece. Thus, vulnerable groups may receive emergency assistance, temporary accommodation and food. EKKA, which has recently been undertaken by the Ministry of Labour through Law 4052/2012<sup>45</sup>, acts as the State-coordinating organisation of the aforementioned network of social support to vulnerable individuals and groups.

It should also be noted that a more recent legislative development, related to social care and social services, is Law 3852/2010<sup>46</sup>, which establishes a new framework for the development of the local governance through the elective districts and the new Local Authority Organisations (O.T.A). Through this law there are 7 different Decentralised Administrations, responsible for the actions and operation of the decentralised services in corresponding prefectures and municipalities.

On a different note, the Greek Civil Code provides for the institution of foster care (articles 1655-1665), as a form of alternative care, and adoption (articles 1542-1588) as a form of substituting the natural family.

***Regarding children generally, I do not think that the public awareness and the following of the CRC is on a problematic level. I think it is on a level similar to the one in the rest of the Southern Europe countries, meaning strong family ties and networks therefore you already have an unofficial protective net for***

<sup>44</sup> Law 3106/2003 on the Reorganisation of the national system of social care and other regulations, Official Gazette of the Hellenic Republic, Vol A' No 30, 10. February 2003

<sup>45</sup> Law 4052/2012 Law concerning the responsibility of the Ministry of Health and Social Welfare and Labour and Social Security for the application of the law "Approval of Contract Plans for the Finance Facilitation between the European Financial Stability Fund ( E.F.S.F. ), the Hellenic Republic and the Bank of Greece, of the Memorandum of Understanding between the Hellenic Republic, the European Commission and the Bank of Greece and other urgent measures for the reduction of the public debt and rescue the national economy" and other provisions, Official Gazette of the Hellenic Republic, Vol. A', No. 41, 1 March 2012

<sup>46</sup> Law 3852/2010 on the New structure of the local government and the decentralised administration – Programme Kallikratis, Official Gazette of the Hellenic Republic Vol A', No.87, 7 June 2010



**children, most probably much stronger than what in the Northern Europe. On the other hand compared to the Northern countries, we don't have strong public institutions.**  
**(MUN, GR01)**

At the same time, the institution of foster parents was introduced in 1992 by Law 2082/1992<sup>47</sup> on Reorganization of Social Welfare and Introduction of New Methods of Social Welfare. According to that, children under the age of eighteen who have no place to stay or who live in unhealthy family living conditions could in theory be placed with foster families until they attain the age of majority. Children with special needs could stay with foster families beyond that age.

However, the Greek Ombudsman reported in 2005 that the foster parent program was still not put into operation (The Greek Ombudsman, 2005, p.46) and it seems that the situation has not improved much as even in the 2nd-3rd State Periodic Report it was mentioned that there have been only few foster care cases till that point (650) and that there is a need for this institution to be further promoted. (Committee on the Rights of the Child, 2011, p59). Finally, in 2012, the Greek Ombudsman reported that fostering remained limited due to the lack of funding but also lack of social services as well as a system for the selection, training, monitoring and support of foster parents (The Greek Ombudsman, 2012, p 10).

Moreover, despite the fact that based on the regulations of article 5 of the Presidential Decree 86/2009, based on which the supervision of fostering is undertaken by all the Social Care Units and social services of the current Regional Administrations, in practice only the aforementioned units in the area of Attica implement complete foster care programmes and provide for the foreseen financial aid to the foster parents (The Greek Ombudsman, 2012c, p5).

Unfortunately, as already mentioned, the institutions of adoption and especially foster care are not practically promoted, as there are either bureaucratic issues involved, leading to years of being on hold for adopting a child or because there is still no appropriate and effective promotion of the foster care institution taking place. Therefore, both the children of Greek citizens and of immigrants, who are proven to either be unprotected or lack family care and/or be in a crisis situation, go through the Child Care Centres, the "Pedopolis"<sup>48</sup>, the Infant Centre "Mother", or the Penteli Recovery Centre. These institutions take in mainly children aged 5 1/2 to 16 years old.

However, an institution for girls situated in Rhodes island as well as the Pedopolis of Agios Andreas in Kalamaki, Attica, also accept children of preschool age (Committee on the Rights of the Child, 2011, p.54-55).

As for the procedure related to unprotected infants, it still remains that the infants are admitted into the Infant Centre "Mother", the Penteli Recovery Centre and the Municipal Infant Centre in Thessaloniki, where they are accommodated until, through the actions and monitoring of EKKA, they are reunited with their family, have a guardian (individual or organisation) appointed to them or are adopted (2nd and 3rd Periodic Report, 2012, p55). Unfortunately in most cases, children remain in the aforementioned Child Care Centres for long term periods (The Greek Ombudsman, 2012, p.7), experiencing in that way further trauma.

<sup>47</sup> Law 2082/1992 on the Reorganization of Social Welfare and Introduction of New Methods of Social Welfare, Official Gazette of the Hellenic Republic, Vol A' No 158

<sup>48</sup> Pedopolis, meaning a children's town, was a social structure established during the Greek Civil War. In the 53 centres founded by the Royal Welfare Fund, over 30,000 children who had been left homeless during the Civil War found shelter. The centres still functioning, now constitute child protection institutions

## PART 4

In addition, the children are supposed to be released from these institutions as soon as they turn 18 or even earlier in case the reasons of their admittance have ceased to exist. Fortunately though, children who continue with their studies are allowed to remain in the institution until they complete their studies and become employed (2nd and 3rd Periodic Report, 2012, p55).

***Units of family replacement -not institutionalized care. In such units I see a lot of support to children: provision of goods, support children's school attendance, etc. However what is not foreseen is what happens afterwards (after the child reaches the age of maturity), which depends on each unit separately. Some structures, like ours, will try to find a little opening in the law in order to keep the child for longer and continue the provision of support, in order for him/her to find a job, get a vocational training, finish with university studies. Other structures say that after the child has reached adulthood, their job is done and the child needs to go.***  
**(GOV, GR04)**

***Till they become 18 and for the duration of their stay here there is no worry about issues related to their survival. After they reach adulthood, there is difficulty with them becoming independent.***  
**(CHILD-Professional, GR02)**

***A big gap is the lack of semi-closed structures of child protection, like the EOP structures. The fact that there is no provision for the children becoming after 18, who have nothing in life, no financial support by the family. It is very important to prepare the child for exiting a structure after they become 18.***  
***When the different units were independent, prior to the mergers, there were attempts to support children regardless of the lack or restriction by the legislation. Then things changed..***  
**(GOV, GR04)**

Concerning the alternate care of children, as mentioned in the Greek NGOs Report in application of the UN Convention on the Rights of the Child in 2011, a study in child care by the Department of Welfare in the Prefecture of Thessaloniki (October-November 2009) showed that the 63% of the sample of the study reported that there is insufficient scientific staff and specialized staff for the care of children, 45% reported an existing lack of structures and 36% that modernisation of the existing structures, laws, regulations and infrastructures was needed. Furthermore, 48% reported the lack of a clear legal framework in general and more specifically a framework related to foster care services (Greek NGO's Network for Children Rights Convention, 2011, p16).

In the above study, it was found that there was a total lack of structures especially for teenagers, mainly girls, in the whole country irrespective the place of the children's origin. Many teenagers, between 13 – 18 years old, who did not own a house, had no family or had been rejected by it, were found to have no place to stay even temporarily. On top of that, there was an obvious lack of specialized professionals - in a wide range of fields – able to act in the best interests of the children. In the majority of cases a number of NGO's cooperate and take the responsibility to support these cases of teenagers (Greek NGO's Network for Children Rights Convention, 2011, p16).

Nonetheless, it is common knowledge that even though there is a number of legal provisions foreseen for children within the Greek legislation, in reality basic needs as accommodation, medical



and pharmaceutical support are still also covered to a high extent by NGOs. (GATE, 2013, p.27).

Even the Committee notes with great concern that due to the current economic recession that the families within the country have been facing, children may increasingly become deprived of their family environment, leading to a tendency towards institutionalisation of children; but even inside the institutions the Committee has identified an increasing shortage of staff and resources, which is worsening in the context of the current crisis. (Committee on the Rights of the Child, 2012, p.8-9).

Furthermore, there is no effective needs assessment or referral system that could offer proper support to the unaccompanied children (Committee on the Rights of the Child, 2012, p.8-9) and the specialized accommodation and support shelters provided by the relevant laws to unaccompanied children, children without parents and child victims of trafficking, are not staffed with trained personnel. Beyond that, it should also be mentioned that the facilities either for hosting children victims of trafficking over 12 years old, or specifically addressed to unaccompanied girls are scarce and usually not specialised in such matters (Greek NGO's Network for Children Rights Convention, 2011, p.32). Nevertheless, it seems that there is generally a lack in structures for unaccompanied children, as through the IMPACT interviews both with governmental and non governmental actors, it became obvious that there are not enough appropriate accommodation facilities even for children under 12 years old. Due to the aforementioned deficiencies, usually facilities host children of a wider age range, which sometimes leads to a disruptive cohabitation between the younger and older children<sup>49</sup>.

***Practically there is a need for more specific regulations for e.g. accommodation for children (separated) under 12 and for girls.  
(GOV, GR08)***

***There is also a complete lack in the accommodation facilities that attend to younger children. The existing structures for separated children are for teenagers around 15,16,17 and for children down to 12 or a bit younger these structures are obviously completely inappropriate.  
(ORG, GR07)***

***For girls there is only one accommodation structure under the National Institution for Youth, which has been renamed very recently, which opened up 2 years ago and attends to single women, women-victims of abuse, single mothers and separated girls. You'll probably hear that there are not separated girls, which is not true. EKKA received 44 requests (for accommodation) during 2012, maybe even at the beginning of 2013, therefore, 44 requests does not mean that there are no girls. They are 44 girls, 44 beings, maybe not the majority of children but it still is an important number.  
(ORG, GR07)***

***I stayed in different houses before I came to the shelter here. I like it here because I have friends, and its pretty. Its big and we play game  
(YOUNG, GR01)***

Moreover, as already mentioned above, the foster care system still remains undeveloped and unpro-

<sup>49</sup> Information based on interviews conducted for the purposes of the IMPACT research

## PART 4

moted, therefore, still not implemented properly in order to support children. Both these factors appear to be crucial impediments regarding the placement of children in need in a safe environment.

As it was also described in the GATE National Report (2012), funding is actually an important issue, related to the provision of accommodation for unaccompanied children. Due to lack of funding, certain centres or programmes have stopped operating, while the ones still functioning cannot make long term plans, as they are financed on a yearly basis.

This problem results in keeping unaccompanied children, who have been apprehended entering the country without official documents, in detention centres with adults, some times even for long periods, till a place becomes available in an accommodation centre. The lack of accommodation facilities and the consequent overload of the existing ones often create further delays and as the children are under the responsibility of the State, they are kept in detention - in absence of alternatives - till there is an opening in an accommodation facility. Needless to mention that the detention centres, officially called "special spaces for aliens' stay", present huge deficits and offer the minimum regarding basic needs. As a result, families and children live in those centres under inhumane conditions waiting for the administrative decision (Human Rights Watch, 2012b, p.447), unprotected and quite often unable to exercise their rights for long periods of time (Centre for European Constitutional Law, 2009, p.22).

More specific problems that have been regularly recorded in certain detention centres, especially in Pagani (Lesvos), Fylakio (Evros) and Venna (Rodopi)<sup>50</sup>, include the inadequate hygiene conditions (lack in toilets, showers and wash basins, dirty mattresses, rodents inside the cells), the overcrowded wards, with people piled onto each other and forced to sleep on the floor because of great lack of beds<sup>51</sup>, inadequate feeding, lack in basic personal items (clothes etc) as well as inadequate time given to inmates to spend outside their cells<sup>52</sup>. Also, the buildings in Venna and Pagani have been apparently inappropriate for human living; they are old warehouses with inadequate insulation, insufficient natural light and poor ventilation (Medecins Sans Frontieres, 2010). Finally it is worth mentioning that in the three centres mentioned above, half of the detained migrants were women and children, many of whom were unaccompanied. Hence, due to the completely inappropriate living conditions many young children and babies frequently had symptoms of infections of the upper respiratory system and skin problems (Medecins Sans Frontieres, 2010).

Under law 3907/2011<sup>53</sup>, First Reception Centres should be established for immigrants who are apprehended entering or residing the country without any legal documents and should ensure living conditions that would respect human dignity and migrants' rights. The First Reception Service apart from covering the migrant children's basic needs, also includes the realisation of certain very crucial procedures such as identification, registration, medical examination, psychological support, information on the migrants' rights and obligations. In addition there is provision of care to vulnerable groups as the unaccompanied children and the victims of torture and trafficking.

Based on the aforementioned law, migrants, can only remain in a First Reception Centre for a maximum of 25 days and then they are moved to a detention centre, where depending on the case, they

50 For other reception and accommodation centres for unaccompanied children seeking see the list in periodic report p.89

51 Even though according to national law - article 21, par. 2 & 4 of law 2776/1999 - the minimum area per inmate should be 6 square metre, in these centres during overcrowding periods the same area was scarcely 1,5 square metre for each held migrant (Doctors without borders, 2010)

52 While national legislation - article 36 of law 2776/1999 - provides for the everyday yarding of inmates for at least one hour, in most detention facilities immigrants were permitted to leave their cells only for a few minutes per day, or in most extreme cases they had not left outside the cells for weeks (Doctors without borders, 2010)

53 Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A; No.7



will remain till their asylum application is processed, in the cases of individuals who have applied, or till they are deported.

Even though the situation was supposed to be improved with the opening of the First Reception Centres, unfortunately there are still gaps. Even when a place opens in an accommodation centre for children, the bureaucracy as well as the lack of funds or personnel to escort the children from the first reception centre or detention centre to the accommodation facility, constitute obstacles that need to be overcome before the child is eventually sent to the accommodation centre. The National Centre for Social Solidarity (EKKA) that is now in charge of facilitating the children's requests for accommodation, contacts the police in order to escort the children to the accommodation facility. However, due to different reasons, as the lack of police staff available, there are delays in transferring the child. As a result, quite often the children's escort is covered by an NGO.

***There is almost none at all (compliance). There are so many gaps. A basic issue is the guardianship system and secondly there is lack on places in accommodation structures. In addition there is also a huge gap related to the transition of children, of a certain age, from one accommodation facility to another. For a certain age range there is a gap, cause there are no shelters. In legislation there are many things that do not correspond to the social situation, meaning that it might not have changed since the '80s. There are still laws from the '80s, There is no renewal of the legislation.***  
**(ORG, GR04)**

***.....Therefore, the most a child can stay in that facility (First Reception Centre) is 25 days and during that time the identification, registration, etc as well as the referral to EKKA should have taken place, so that an accommodation facility will be found for the child to be transferred. However that doesn't happen. What happens is that the child is transferred from the First Reception Centre and taken under protected guarding, meaning detention under the police guarding. .... till there is an opening in an accommodation facility. The latter is not that simple as apart from the fact that there are not enough structures, there is a whole procedure during which the Juvenile Prosecutor must be informed, give the order, then the police and EKKA get involved (therefore more time needed for more procedures), interpreters and escorts need to be found for the child to be transferred, .... There are so many practical things that need to be put into place.....***  
**(ORG, GR05)**

Therefore, even during their first arrival in Greece and often for extended periods of time, children's basic needs are not properly covered and rights are not safeguarded. According to the recent Human Rights Watch report (2013) on the 'Summary Returns of Unaccompanied Migrant Children and Adult Asylum Seekers from Italy to Greece', many of the migrants interviewed for the purposes of that report - including unaccompanied children - complained that they had been confined in poor conditions (Human Rights Watch, 2013, p.8)<sup>54</sup>, despite the fact that law 3907/2011<sup>55</sup> provides for decent living

54 The specific report was based on interviews with 29 migrants and asylum seekers (men and underage boys), including unaccompanied migrant children, who had been returned to Greece by Italian border officials, as well as with experts (border guards etc, social workers and government officials)

55 Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A; No.7.



## PART 4

conditions for detainees. The same law also states that the latter should be reviewed every 3 months by the institution that issued the detention order.

According to a report by UNHCR the vast majority of unaccompanied migrant children in Greece are homeless and are consequently at risk of being trafficked, subject to labour exploitation, prostitution or drawn into drug trafficking. Furthermore, many children despite their placement in an accommodation facility – after their apprehension, their stay in a First Reception Centre and/or detention centre and their identification as unaccompanied – leave within a very short time. Children met by UNHCR project staff reported the inadequacy of these centres in meeting their expectations and finding solutions as the main reasons for leaving (Human Rights Watch, 2012a, p.8).

***The requests that arrive in the National Centre for Social Solidarity's (EKKA) department, are registered, there is contact with the accommodation structures which could host these children and then it is decided where the children should be placed. What I have noticed is that these children come and go. Every day there are about 10-15 children placed somewhere and I was wondering how on earth there are so many places to host children, till the colleagues ..... explained to me that it is a matter of children absconding and not a matter of a large number of places.***

***..if every month there are 80 children entering one accommodation structure and then the following month there are another 80 entering the same structure, without anyone knowing where the previous 80 are, there is obviously no effectiveness (of the system).***

***(GOV, GR07)***

***And I think that based on the data collected by EKKA, the children who move from detention to an accommodation facility leave the facility quite quickly, maximum in a week. The children who remain are the ones that requested accommodation through NGOs, obviously after having gone through a circle of attempts to leave the country and realize that they cannot leave, have access to asylum or survive through acquaintances and friends. These children have already spent a period of time being homeless or hosted by others under miserable conditions and have come to the conclusion that their only solution is that... going to an accommodation facility. But children moved to a facility straight from detention, do not stay..***

***(ORG, GR07)***

At the time the above mentioned report was published, an unaccompanied child without legal documentation would simply be apprehended and eventually taken to a detention centre. In there, he/she would be identified as an under-age only in case the child had declared minority and then the police officer actually registered that individual as such or further investigated the issue in the case where the child had not declared minority but minority was obvious. However, recently, after Law 3907/2011<sup>56</sup> was introduced, which eventually lead to the establishment of First Reception Centres<sup>57</sup>, and the newly developed EKKA service, related to processing children's requests for accommodation, a child after being apprehended is taken to the First Reception Centre, where there are procedures for more appropriate and effective identification of his/her minority. Afterwards the child is moved to a detention

<sup>56</sup> ibidem

<sup>57</sup> The first First Reception Centre opened in the first few months of 2013 in the Evros region and more centres have been and will be following since



centre till the request for accommodation is realised and then a plan for his/her transfer to the accommodation centre is set up.

Through interviews conducted for the purposes of the IMPACT research, we confirmed that unfortunately there are no Standard Operational Procedures applied to the accommodation facilities, setting the bar high enough in order to ensure that children will be offered all necessary provisions inside an appropriate setting.

***There are no Standard Operational Procedures. There are no standards to define that a shelter/accommodation facility for children should fulfill certain criteria. We are talking about material and technical resources, fire precaution, the very basics in order to move afterwards to the ratio that should exist between children and S.W, what kind of specialized fields should the professionals come from, what kind of shifts should be foreseen, what kind of food will be provided, how many square meters should be covered.. There is no such thing. Right now all these depend on the mandate of an organization, which will submit a proposal, which will or won't be approved and that's it. That also leads to large heterogeneity among the different structures.(ORG, GR05)***

Apparently, the success of an accommodation facility lies on the hands of the professionals, the relationship they build with the children as well as the available funding that can ensure the continuation of provision of services. However, it is found till now that apart from the professional willingness to support the children, there is a necessity to take under consideration not only children's cultural background but also simply their opinion around issues that concern their daily life e.g. food in order to increase the appropriateness and effectiveness of services. Involving children in their daily routines will encourage them to take initiatives but also to develop responsibility in life. At the same time their involvement will build on the existing bond between professionals and children and will also make them feel more comfortable and more at home rather than in a faceless accommodation facility.

***-To provide us food that we like, Greek dishes that we like.  
-To provide us with tasty and healthy food  
-Lunch and meal to be different, not the same food the whole day  
-Not to add so much oil in the food  
(CHILDiN, GR01)***

***It has been discussed only among us (issues about food). We have not told any adults. Apart from us you are the only person to know. We have not discussed it with any of the adults because it did not cross our mind as a possibility.  
(CHILDiN, GR01)***

***Home means: health, family, happiness, love, home-country, home-food. Here its safe but its not home.  
(CHILDiN, GR01)***

***If there is something positive then that exists because of the professionals' willingness and love for their work and not because there is anything (structures, systems, etc) working properly..***



## PART 4

### (GOV, GR07)

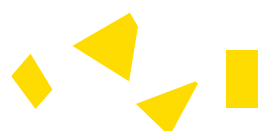
#### Determinants promoting protection

- Legislative regulations not allowing the immigration detention of unaccompanied children
- Standard Operational Procedures related to the accommodation facilities for children
- Monitoring of detention and accommodation centres
- Clear regulations regarding the separate detention of unaccompanied children and undocumented adults
- Training and supervision of professionals working in reception, detention and child care structures and services
- Establishment of a number of accommodation structures that will correspond to the country needs
- Establishment of quality accommodation structures
- Establishment of accommodation structures addressed to girls and boys of different age groups
- Development of the foster care institution
- Provision of long term funding for the child care service

#### Actors involved

Concerning the actors involved in the system of child protection, these include:

- Ministry of Health and Social Solidarity
- Ministry of Interior (which have joint responsibility at the national level for early childhood care)
- Ministry of Foreign Affairs
- Ministry of Labour, Social Security and welfare
- Ministry of Public Order and Citizen's Protection
- EKKA
- public and private Care Centres all over the country
- Prefectures
- Police
- National Observatory for Children's Rights
- Greek Ombudsman
- NGO's specified on the protection and welfare of children and Charitable Institutions



#### 4.1.2 HEALTH AND MEDICAL CARE FOR CHILDREN

According to the CRC, specific legal provisions must be established and applied by all member States complying with article 24 (Health and health services): “Children have the right to good quality health care and the best health care possible, including to nutritious food, a clean and safe environment, and information to help them stay healthy”. In general, CRC provides a holistic approach of the child's right to health, which is interpreted in the General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health “as an inclusive right extending not only to timely and appropriate prevention, health promotion, curative, rehabilitative and palliative services, but also a right to grow and develop to their full potential, and live in conditions that enable them to attain the highest standard of health by implementing programmes that address the underlying determinants of health”. (Committee on the Rights of the Child, 2013a, p.3).

The insurance of promoting children's good health is one of the fundamental principles of the CRC, as the conservation of this principle also allows children to enjoy all other rights. Of course, in order for the realisation of this right to take place, there are also some determinants that need to be considered such as the health and health-related behaviours of parents and other adults, significant in a child's life (Committee on the Rights of the Child, 2013a, p.6-7).

A positive step in the Health sector in Greece is the decentralization of Health and Social Services, which are spread throughout the country (212 health centres, 1,506 regional clinics, multi-dynamic regional clinics in rural areas, as well as hospital outpatient clinics) so as to provide all children with primary health care. This is provided to children, through health care centres, medical mobile units, regional clinics and multi-dynamic regional clinics in rural areas, as well as through hospital outpatient clinics. It should be noted that the health services of the National Health System should be offered without distinction to all categories of the population (including vulnerable groups and children in need) when needed.

In accordance to Law 3386/2005<sup>58</sup> which adequately complies with the international law regarding the access of all children to good quality of health care, children can enjoy full access to the national health system (free hospital, medical and pharmaceutical care) regardless of their legal status. Furthermore, all poor and uninsured children are entitled to an insurance booklet for uninsured persons providing free medical, pharmaceutical care and hospitalization.

***On a statutory level there has been a very positive change since 2006, when the Ministry of Health recognized the existing issues and included in the protection system all children, because till then the “right” in protection was recognised only to unaccompanied children-asylum seekers and only if the child requested accommodation and protection. Therefore, back then the Ministry would officially say that there were no requests by children.. A child should not have to ask for protection. On the contrary the State is obliged to provide protection. So this has changed now and all children are included in any service.***  
**(ORG, GR05)**

***Regarding health, there is compliance when it comes to unaccompanied children,***

<sup>58</sup> Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263), 3731/2008 (Official Gazette of the Hellenic Republic Vol A' No.263), 3772/2009 (Official Gazette of the Hellenic Republic Vol A' No.112) and 3801/2009 (Official Gazette of the Hellenic Republic Vol A' No.163)

## PART 4

***as the law foresees free medical care both in the case of regular checks and urgent cases.***  
**(GOV, GR08)**

Despite what law 3386/2005<sup>59</sup> foresees, there is a number of gaps in the provision of services, programmes, human resources, and infrastructure needed to realise children's right to health, as well as a statutory provision to ensure child sensitive and quality health services for pregnant women and children, irrespective of their ability to pay.

In reality though, the right to health and access to health services is not actually respected for all children, as some health services have to be paid in cash and in advance. Consequently this hinders access to these services especially by Roma children, children of the Muslim community of Thrace, children living in the streets, migrant, asylum-seeking and unaccompanied children (Committee on the Rights of the Child, 2012, p 12). This comes in total contrast to CRC's requirements to provide essential, child sensitive, quality health services to children, regardless of their ability to pay.

It is quite alarming that there are increasing difficulties related to accessing necessary care. One of the reasons is that Greece is among other countries that have now introduced or increased user charges for ambulatory care, prescription drugs and hospital care. Furthermore, due to the fact that health staff is experiencing further reductions to an already low salary, patients may end up "paying informally to supplement low wages" but also waiting for much longer in order to receive the support needed. In any case, the survey data from Greece indicates that the health service use has reduced because of the financial barriers (WHO, 2013, p.11, 13).

Also, child migrants and unaccompanied children are sometimes not fully considered in practice concerning their birthright to have fully secured and immediate health assistance. In particular, while in most EU countries and crucial entry points, a doctor or a team of medical staff is usually present during migrants' disembarkation, in Greece this rarely happens. Instead, in case of an emergency, the coast guard crew requests an ambulance at the disembarkation point. Even so, in some cases, before 2010, it had been reported that ambulances were not available and the person in need had to be transferred by a coast guard vehicle to the nearest hospital, after the disembarkation of course (FRA - European Union Agency for Fundamental Rights, 2013, p.74).

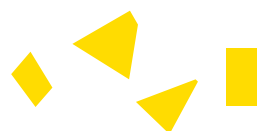
Furthermore, article 8 of P.D. 220/2007<sup>60</sup>, provides for medical screening for migrants at entry points, in case there is evidence that constitute such a screening necessary. Unfortunately due to the specification of this article, the vast majority of undocumented migrants entering the country, never underwent a medical examination, let alone on a preventive level. However, based on Law 3907/2011, medical checks are provided in the First Reception Centres for all undocumented migrants, apprehended while entering the Greek territory.

Unfortunately, medical checks for unaccompanied children and migrants in Greece do not seem to be adequate for identifying persons at risk. There are cases, where children clearly in need of medical and psychological care, passed all preliminary medical checks and ended up in a police detention facility, without receiving any such care for a small number of days, following their apprehension (FRA - European Union Agency for Fundamental Rights, 2013, p.76).

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<sup>59</sup> Ibidem

<sup>60</sup> Presidential Decree 220/2007: Adaptation of the Greek Legislation to the Provisions of the Council Directive 2003/9/EC of 27 January 2003 laying down the minimum standards for the reception of asylum seekers' (Official Journal of the Hellenic Republic L 31 of 6 February 2003) (Official Gazette of the Hellenic Republic 2008 Issue A' No.84).



Despite the numerous gaps, Greece has also presented some examples of good practice on the national plan that aims to provide adequate and good quality health services to all children. Among these, is the establishment in certain areas of the Socio-Medical Centres (SMC) which are part of the actions for combating the exclusion of socially vulnerable groups of the population, operating under a Joint Ministerial Decision (2006) of the Ministries of Health and Social Solidarity, Employment and Social Insurance, Economy and Finance, Interior-Public Administration and Decentralization<sup>61</sup>.

The objective of the said centres is to promote primary health care and social protection, as well as provide information and sensitise the Roma communities on issues of health care and family planning, with ultimate aim to facilitate their social integration. The Socio-Medical Centres are considered to be the most successful practice among all actions for Roma, and they appear to be especially flexible, user-friendly and to have gained Roma children's confidence. (Greek Helsinki Monitor, 2011, p5)

Regarding the Socio-Medical centres it should be highlighted that the EU funding from the Third Community Support Framework (CSF) to the SMCs for Roma people was exhausted by mid-2009 and at the same time the staff of many centres went unpaid for periods of several months. As one of the parallel reports, submitted to the Committee on the Rights of the Child, indicates: "Given that this is the only state institution that, with time, has won the confidence of the Roma, who often consider them as 'their centres', even a temporary closing of the centres may have devastating results on the confidence of Roma in any state institution" (Greek Helsinki Monitor et al., 2011, p.6).

Prior to the operation of the Socio-Medical Centres though, based on the last Periodic reports, the Ministry of Health and Social Welfare, along with the Centre of Special Infection Control (KEELPNO), the Children's Hospital Aglaia Kyriakou, and the Greek Paediatric Society had implemented medical interventions; clinic tests on 3,936 children; provision of 16,580 multiple vaccinations; admittance of 63 children to hospitals, and performance of blood tests in 109 cases. This programme started in April 2002 and was called "Protection – Promotion of Health and Social Integration of Greek Roma". The special care, provided specifically through the action of mobile units, approached organized settlements and camps, and addressed the medical and psychosocial problems of Roma children (Committee on the Rights of the Child, 2011, p.61).

The same report also refers to the programme "Protection, Promotion and Psychosocial Support of the Greek Roma" that started operating in 2004, with Mobile Units visiting the settlements of Greek Roma communities and offering clinical examinations and vaccinations for children. The programme was implemented by the Ministry of Health and Social Solidarity along with the participation of the Prefectural and the Regional Health Departments, the Hellenic Centre for Disease Control and Prevention (KEELPNO), the National Centre for Social Solidarity (E.K.K.A) and several NGOs. (Committee on the Rights of the Child, 2011, p.10).

Despite the aforementioned programmes providing health services to Roma children, according to the findings of the project "Health Education-Intervention", during which dental checks for children took place in intercultural schools, dental health of Roma children was of very poor quality. In addition, it also emerged that the vast majority of Roma children do not follow the basic rules of oral hygiene and that their access to public dental services is extremely limited (Greek NGO's Network for Children Rights Convention, 2011, p.18).

From all the information mentioned above, it can inevitably be concluded that in practice specific groups of children are still excluded from a full health and medical care support, such as asylum

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61 Currently named Ministry of Interior

## PART 4

seekers, unaccompanied and Roma children, facing serious administrative and economic difficulties, challenges with the ineffective structures of public administration and the insufficient capacity and professionalism of officials or professionals.

***As for health, (on a statutory level, children) they do have access to public hospitals, which many times run out of medication or vaccinations anyway. Therefore, there is access to the health system but the system lacks in medical material or equipment.  
(ORG, GR04)***

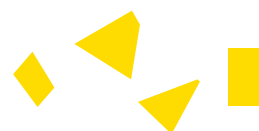
A positive development has been the information and awareness-raising campaigns that have taken place in order to inform and sensitize the school population along with their families on crucial health issues, such as food, exercise, smoking, alcohol, drugs, sexual education, addiction to electronic games and school intimidation. One of these programmes was the 'Life is colourful' in 2007, under the Ministry of Health and Social Solidarity, in which, among other activities, popular actors offer advice to young people concerning sexual education issues. This project was ensuring that parents and children, are informed, have access to education, are supported in the use of basic knowledge around children's health issues, and are aware of the State's obligations, the how and where to access health information and services (Committee on the Rights of the Child, 2011, p.48). Such initiatives also comply with Article 17 of the CRC, regulating the responsibilities of mass media organisations, which should include promoting health and healthy life styles among children and providing free advertising space for health promotion.

On the other hand though, another substantial gap identified in the Greek legislation, is that no adequate provisions for adolescents' sexual education has been made, despite the Convention's call to all state members to ensure the dissemination of health information to adolescents, including family planning and sex education in schools.

Even in the State's 2nd and 3rd Periodic Report, it is stated that health education in the Greek educational system does not constitute a separate subject. Despite CRC's provisions, art.24, "to develop preventive healthcare, guidance for parents and family planning education and services", in the aforementioned Periodic Report it is also mentioned that issues like family planning and birth control are covered in the general courses of Home Economics and Biology. Correspondingly, issues like mental health are covered in psychology courses, which however are not mandatory.

In addition though, it should be highlighted that certain programmes, such as some of the aforementioned ones, even though they seem to have worked successfully in supporting different groups of individuals, they ended up closing down as so many other projects. Therefore it should be taken under consideration that certain programs should be sustained and some even established as a permanent service, while the implementation of smaller projects should be studied first and accompanied by a prediction along with a relevant financial provision so that the outputs have a duration that makes sense. For example, the Helpline for Sexual Orientation that provides support to children, parents and educators, established by the General Secretariat for Youth, will run for only about 6 months before the specific project closes down, probably creating false expectations, confusion and disappointment to the people in need of it.

***What I believe is that there are many nice programmes ..... but as in most cases these are programmes-flares (meaning that they do not last). There is no national strategy, meaning that a project might be a really good one but in order to have***



***an impact, it needs to have duration, to be sustained for a number of years, in order to be known and supported, properly advertised, disseminated so that things do not happen by chance. There should be a National Strategy for the child, which does not exist. A National Action Plan with permanent programmes and not the ones that take place one off and for a short period of time.***  
**(GOV, GR05)**

In the area of health and social care, the Ministry of Health and Social Solidarity has also undertaken several important actions for the professional training of those working within the child care sector; most noticeable of which was the operational programme, Health-Welfare 2000–2006 with over 40 programmes covering approximately 700 health professionals, and addressing issues of neonatal and infant care, early intervention techniques for families and children, rehabilitation in developmental paediatrics, domestic violence and abuse, training of social workers on foster care and adoption issues, trafficking, counselling and other topics.

However, actions like the above should expand and be sustained as a high number of professionals is quite often not specialized, trained or offered supervision, but still seems to be the consistent factor of support to individuals in need. Therefore, these provisions should be ensured for professionals in order for a service to function properly and the children to be supported appropriately and affectively.

***(the Greek policies and practices are appropriate) to a high extend due to the support deriving from the sensitised social professionals and others involved.***  
**(GOV, GR03)**

***We tell the staff (if we are not feeling well) and they take care of us. If needed they take us to the hospital.***

***Stomach aches. Told the lady in charge and she made me a chamomile tea. I drunk it and felt better. However, every time I have a stomach ache she makes me tea to drink. This is not the solution because it will cause teeth, heart and health problems. We have been told so by others.***

**(CHILDiN, GR01)**

Despite some of the above mentioned positive practices, the State still presents serious deficiencies with regard to the budget spent on this direction, the knowledge and capacity of officials and professionals occupied in Health services as well as the effectiveness of the existing structures of public administration. Unclear institutional responsibilities and fragmentation of mandates are far from obvious, since insurance companies disclaim responsibilities and argue that treatment of children with disabilities falls under the education department's obligations.

The World Health Organisation in its report in 2013 examined the economic crisis taking place in Europe and the impact that might have in the health and the health systems of the countries. First of all it is worth highlighting that reductions in public spending on health have been observed from 2008 to 2012. Even though certain countries have experienced two years or decrease in spending, Greece has already exceeded the duration of three harsh years (WHO, 2013, p.4).

***Due to the financial crisis taking place in the country, there have been large cuts of the funding. Therefore, most of the workload that has increased, as the vulnerable groups have also increased, is falling on the already existing structures,***

***or the ones that have survived anyway and that has other consequences.  
(ORG, GR04)***

It is of paramount importance to draw attention to the fact that Greece after maintaining a long-term decline in infant mortality has now been experiencing a reversed situation, as the rates have increased in two consecutive years, while there has also been a 32% increase of stillbirth cases. Another increase and in fact a high one, was noted in the HIV infections especially among intravenous drug users. At the same time it should be mentioned though that there have been numerous cuts related to funding of needle exchange programmes, which could act preventively to this current situation (WHO, 2013, p.7).

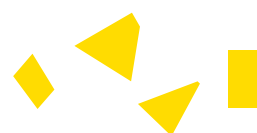
According to the UNICEF report in 2013, among 29 developed countries, Greece ranks on the 25th place regarding children's well-being and more specifically on the 19th place according to the health and safety dimension of the children's well being (UNICEF Office of Research, 2013, p.2).

Based on the United States Centres for Disease Control and Prevention, the single most crucial determinant of an infant's survival and healthy development is related to its birth weight. Greece is one of the 4 countries, where low birth weight rates exceed 8%, creating worries around infants' health (UNICEF Office of Research, 2013, p.13). Worrying is also the fact that Greece is among the 3 countries, where child obesity levels exceed 20% (UNICEF Office of Research, 2013, p.26). In any case, it can be stated that more attention should be drawn to infants' and children's weight and health.

At the same time, another determinant of children's health is connected to the immunization rates as part of the preventive health services. Even though all counties investigated presented high rates, in Greece the average vaccination coverage for measles, polio and DPT3 is found to be very high, placing the country on the head of the ranking table (UNICEF Office of Research, 2013, p.14).

However, looking at the death rates of children between 1 -19 years old, the national picture is somehow disappointing and alarming as Greece along with Central European countries and Belgium rank at the bottom, compared to the other countries. On the other hand it should be mentioned that child deaths are rare in developed countries and its causes are not necessarily related to the effectiveness of the health care system but also other factors as suicide and traffic accidents. (UNICEF Office of Research, 2013, p.16).

The UNICEF report in 2013 explored two sides of child well being: the 'objective' and 'subjective' side. The first one measures different dimensions of child well being, which maybe would be more appropriate to define as "child well becoming", as it measures dimensions that promote children's healthy development. On a different note, the subjective side of the child well being was measured through children's opinion about their own lives. As it was expected, both sides presented a strong correlation apart from certain cases that presented a contrast. Greece was one of the countries that presented such contrast as was found to obtain the 15th place among the 29 developed counties investigated, based on the objective measurement, but according to the subjective measurements of children's life satisfaction it climbed up to the 5th place (UNICEF Office of Research, 2013, p.38). Children's assessment can give us a hint on one important factor that contributes to their well-being, which is the close relationships a child might have with family and peers. This assumption is made on the basis of some studies realised, showing that children's sense of well-being is directly connected and influenced by these relationships and that the quality of these interactions have an impact on the long term development. In the case of Greece, children stated a high level of life satisfaction (about 90%), placing the country in top five out of the total 29 countries explored (UNICEF Office of Research, 2013, p.39-40).





As already mentioned in the chapter, there have been increasing difficulties noted, related to accessing necessary care such as the introduction of user charges for certain care services. However, in an attempt though to protect individuals from dealing with a financial stretch when in need to access health care, the country has abolished user charges for diagnostic tests in public hospitals for everyone as well as for all user charges in public facilities for individuals with diabetes and organ transplants. Furthermore, from 2014, user charges will also be abolished for treatment in public hospitals for long-term unemployed people and families living below the poverty line. Leading to another good effort identified in the introduction of health promotion policies that will lead to the amelioration of the public health (WHO, 2013, p.11,13).

#### **Determinants promoting protection**

- Inclusive and free public health care system for all children
- Access to all types of secondary health services by children who cannot afford it
- Stable National Health system and Social Care Services despite economic crisis, by ensuring consistent and sustainable funding
- Clear regulations on institutional responsibility and accountability around children's health
- Constant update of health care services
- Ensuring long term budget for health related programmes and projects
- Policies and procedures on conducting appropriate and effective medical assessments
- Medical units at main national entry points
- Training and supervision of the professionals of the Health Services, involved directly and/or indirectly with children
- Raising awareness campaigns on hygiene and preventative medicine
- Raising awareness campaigns on mental health support and de-stigmatise the visit to a psychologist or psychiatrist

#### **Actors involved**

The main actors involved in the improvement of the country's health and medical system, in order to adjust to international standards for a catholic health care for all children, are:

- Ministry of Health and Social Solidarity
- Ministry of Education and Religious affairs, Sports and Culture
- Ministry of Labour, Social Security and Welfare
- Greek Paediatric Society
- Centre of Special Infection Control – KEELPNO



## PART 4

- Regional Health Directorates
- Directors of Paediatric clinics & hospitals
- Institute of Child Health
- Children Psychiatric departments in general hospitals
- Mental Health Centres
- Therapy Centre for Dependent Individuals (KETHEA)
- Association for Regional Development and Mental Health (EPAPSY)
- International Society for Mental Health Services (DEYPSY)
- Association for the Psychosocial Health of Children and Adolescents (EPSYPE)
- Greek Ombudsman
- NGO polyclinics
- NGO's working for the rights of the children

***If all social structures worked properly, for example the mental health structures, and if there was a better collaboration between the Ministry of Education and the Ministry of Health, which has plenty of structures for providing psychological support to children, so that the teachers know where to refer them.  
(GOV, GR05)***

### 4.1.3 SOCIAL SECURITY FOR CHILDREN

As already analysed in chapter 4.1.1 on Child Care, through Law 2646/1998<sup>62</sup> a National System of Social Care was introduced, providing for the creation of a modern model of social intervention, which would be based on a unified and decentralized framework and would operate through public, private and voluntary services. According to that law the National Organisation of Social Care (EOKF) was established as a central mechanism, into which the Infant Centre "MITERA"<sup>63</sup>, the National Welfare Organisation (EOP)<sup>64</sup> and PIKPA<sup>65</sup> merged. However, later on by law 3106/2003<sup>66</sup> the services under the National Organisation of Social Care (EOKF) were either abolished, like in the case of EOP and PIKPA, or transformed into services of the Regional System of Health and Welfare (PeSYP), like in the case of MITERA, which became the Child Protection Centre of Attica. These services became decentralised units of PeSYP, with administrative and financial independence and were renamed as Social Care Units.

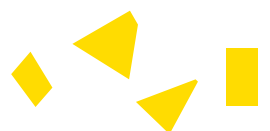
<sup>62</sup> Law 2646/1998 on the Development of a national social care system and other regulations, Official Gazette of the Hellenic Republic, Vol A' No 236, 20.10.1998

<sup>63</sup> One of the main actors of child protection in Greece. It is now monitored and funded by the Ministry of Labour, Social Security and Welfare

<sup>64</sup> The National Welfare Organisation was abolished in 2003

<sup>65</sup> Patriotic Institution of Social Welfare and perception – PIKPA include a series of socio-medical centres and children's polyclinics

<sup>66</sup> Law 3106/2003 on the Reorganisation of the national system of social care and other regulations, Official Gazette of the Hellenic Republic, Vol A' No 30, 10. February 2003



Furthermore, in 2005, through Law 3329/2005<sup>67</sup> the country was divided in Regional Health Directorates that correspond to the Regional Administrations. The aim was the decentralisation of services of social care and their institutional and substantial connection with the health services, as well as at the cooperation and coordination of all bodies which are involved in combating social exclusion. In addition, based on Law 4025/2011 the Social Care Units are supervised by the administrator of the competent Regional Health Directorate.

Other relevant laws that regulate the national social protection system are Law 3204/2003<sup>68</sup>, which includes among others, amendments and further regulations on matters of human resources and professionals within the welfare system and Law 3454/2006<sup>69</sup> – “Family's reinforcement and other provisions”, which safeguards the reinforcement of large and/or poor families.

Another relatively recent legislative development, related to social care and social services, has been Law 3852/2010<sup>70</sup>, establishing a new framework of development of the local governance through the elective districts and the new local authorities organisations (O.T.A). Through this law there are 7 different Decentralised Administrations, responsible for the actions and operation of the decentralised services in corresponding prefectures and municipalities. The regulations provided by Law 3852/2010 have as an objective to guarantee a) proximity in the decision making b) supervision and monitoring c) social and financial coherence d) empowering the citizen's role and rights e) respect of human rights and f) multilevel governance. This development facilitates the citizens of local societies and the socially vulnerable groups, who will not have to deal with the central services for the realisation and/or resolution of their cases and ultimately their needs will be better addressed and supported through the municipal services.

In 2012 a reform was introduced in the primary and secondary health care of insured persons in Greece, due to the establishment and functioning of the National Organization for Health Care (EOPYY) and the entry into force of the Integrated Health Care Regulation (EKPY). These changes obviously have an impact also in the access to the Greek health care system of insured persons from EU and EEA countries as well as Switzerland.

Based on the Integrated Health Care Regulation (EKPY), the insured persons have access to Health Care Units of EOPYY (former Health Care Units of IKA – ETAM); private physicians registered with the Health Care Units of EOPYY; Outpatient hospital services of the National Health System (ESY); Health Care Centres of ESY; rural and regional health clinics as well as private clinics registered with EOPYY and chronic dialysis units – dialysis units. However, the insured persons pay a 15% participation rate for paraclinical tests, insofar as these are not carried out in EOPYY units or ESY establishments.

It should be highlighted that till 2012, Welfare had been under the former Ministry of Health and Social Solidarity. However, law 4052/2012<sup>71</sup>, foresees that this sector is now passed to the Ministry of Labour, Social Security and Welfare. It has to be noted down that in Greece of 2013 there has been a number of changes taking place constantly in the health provision sector, constituting the mapping

67 Law 3329/2005, Government Gazette Vol A' No. 81

68 Law 3204/2003 on the Amendments and Supplement of the legislation for the National Health System and regulation of other issues under the responsibilities of the Ministry of Health and Care, Gazette of the Government of Greece Vol A' No 296

69 Law 3454/2006 on the Strengthening of family and other provisions, Official Gazette of the Hellenic Republic Vol A' No 75

70 Law 3852/2010 on the New structure of the local government and the decentralised administration – Programme Kallikratis, Official Gazette of the Hellenic Republic Vol A', No.87, 7 June 2010

71 Law 4052/2012 Law concerning the responsibility of the Ministry of Health and Social Welfare and Labour and Social Security for the application of the law “Approval of Contract Plans for the Finance Facilitation between the European Financial Stability Fund ( E.F.S.F. ), the Hellenic Republic and the Bank of Greece, of the Memorandum of Understanding between the Hellenic Republic, the European Commission and the Bank of Greece and other urgent measures for the reduction of the public debt and rescue the national economy” and other provisions, Official Gazette of the Hellenic Republic, Vol. A', No. 41, 1 March 2012

## PART 4

of the situation a hard task.

While the competent state agencies, such as the Social Services, have undertaken the services formerly provided by the National Welfare Organisation (EOP), this has not led yet to the necessary important ameliorations related to the provision of social security and welfare services in practice, with the notable exception of the Socio-Medical Centres for Roma for the period that they were operational (Greek Helsinki Monitor, 2011, p.25).

***EOP (National Organisation of Welfare), which does not exist anymore, had a very strong and elaborated child protection system. ... It had one of the best systems and was one of the best organisations. I cannot understand why such a pioneer organization with so many alternative programmes was annulled as a Body. After it was nullified, none of its experience was used. It even had projects of child protection, based on which a child could go in the morning and leave at night. The family was followed up. There were Youth Centers, where a poor child could stay till the late afternoon and during that time would be fed, supported on his/her studies and then returned home.***

***EOP was established in 1978 and was annulled in 2003.***

***The open child protection units of EOP were closed down, with the logic that these structures would be passed to the municipalities –and what did the municipalities get eventually? and that the school would undertake that same function. They seriously thought that schools could undertake such function? We talk about a multi-dynamic approach. The child of disadvantaged, unemployed, marginalized parents could have a space to go and defuse, study, eat. There was the possibility to form an important social solidarity network within the community. Such important work done and nothing was kept out of this. We destroyed it and closed it all within one night and we are talking about more than 200 units, which extended till the country's borders and also supported remote villages and kept them alive. The work that EOP offered was assessed and it just closed down. It was a very experienced and pioneer organization.***

***Obviously there were gaps. EOP's staff was not perfect and there were gaps or mistakes made. However there was a very important thing: there was internal research and mainly, it also gave the opportunity to professionals to meditate on their practices.***

***(GOV, GR04)***

As already mentioned in the section 4.1.2 on "Health and medical care for children" poor and uninsured individuals, as well as Roma, have the right to receive an insurance booklet, which allows them to have access to free medical, pharmaceutical care and hospitalization. In terms of welfare, depending on the case, they are entitled to a number of different types of benefits, such as benefit for parents of many children, or benefit for children with disability, as all Greek citizens do, in order to improve those children's lives, always in accordance to their best interests. Therefore, in this context, the Social Services offer primary social care services to uninsured children, who are in need of support (Committee on the Rights of the Child, 2011, p.9-10).

In general, benefits are provided to vulnerable groups of people such as persons with disabilities, single mothers, families with many children, socially excluded people - as the children born outside a marriage and therefore falling under the category of unprotected, elders and unemployed people.



Other provisions include also the benefits for motherhood and fatherhood. The first one consists of a financial support towards the medical care during labour and of a maternal paid leave of 119 days in total. As for the new fathers there is only a provision of a 2 days paid paternal leave. Only individuals who have social insurance are entitled to these provisions. Besides that, by incorporating the EU Directive 2010/18/EU through Law 4075/2012<sup>72</sup> the parental leave, even though not payable, is extended from 3,5-4 months till the child becomes 6 years old. The same provision is also foreseen for parents adopting or fostering children. Furthermore, the same law provides for working parents special parental leaves in case of the child's serious illness or hospitalisation.

Children but also families, especially single parent families, are in need of more support. Based on this, in January 2013 the single allowance for child support was established, practically meaning that a benefit of 40 euro is granted on a monthly basis for every dependent child of the family (European Commission, 2013a, p 11). Even though this was a positive step to be made, practically the amount of the allowance provided is very low and therefore not enough to offer the intended support.

In addition though, there is also a benefit for foster parents of children who are under the supervision of the Social Care Units. The amount of the benefit is defined in the Ministerial Decision (**Π1α/Γ.Π.οικ. 92798/ΦΕΚ 1163 /28-8-06 issue B**) and reaches the 260 euro for healthy children, 340 euro for children with mild disabilities, 340 euro for children with mental health issues, offending behaviour and learning difficulties, 450 euro for children with heavy disabilities and 850 for the ones with special diseases and infections

Moreover, article 29 of Law 3986/2011<sup>73</sup> on Urgent Measures of the Implementation of the Mid-Term Fiscal Strategy Framework 2012-2015, foresees a special contribution of citizens on the grounds of social solidarity, which is based on each person's year salary as stated in their tax form. The higher the salary, the higher the percentage of contribution. The first scale is a 1% contribution for individuals earning up to 12.000 euros a year.

On the other end, the solidarity benefit will be between 300-1300 euros and provided to: families whose incomes come from agricultural professions; certain categories of pensioners; individuals with special needs; nephropathic receiving a nutrition allowance; unprotected children as described in law 4051/1960 and in the P.D 108/83; people financially in need (destitutes) who are entitled to an uninsured person's health booklet according to law 57/1973 as well as unemployed individuals registered with OAED (Manpower Organisation).

However, all these provisions are not necessarily implemented. A representative indication of that is the fact that children with disabilities who are third country nationals, even if acquired legal residence in the country, are excluded from welfare benefits, such as the benefit for people with disabilities (The Greek Ombudsman, 2012, p.13).

Furthermore, serious problems are specifically identified to the welfare benefits for unprotected children. An unprotected child is defined by law 4051/1960<sup>74</sup> as the child who a) is an orphan b) has lost his/her father c) is born outside a marriage and exposed d) whose father cannot offer any support due to: physical or mental impairments, disease, moral incapability, imprisonment, abandonment, military service. The benefit for unprotected children has for long time now been unacceptably low (44

72 Law 4075/2012 on Issues relate to Regulations of IKA-ETAM Social Security, Social Security Institutions, Adjustment of domestic legislation to the EU Directive 2010/18/EU and other regulations, Official Gazette of the Hellenic Republic, Vol. A', Issue 89, 11 April 2012

73 Law 3986/2011 on Urgent Measures of the Implementation of the Mid-Term Fiscal Strategy Framework 2012-2015, Official Gazette of the Hellenic Republic, Vol. A', No.152, 1 July 2011

74 Law 4051/1960 on Support of unprotected children, Official Gazette of the Hellenic Republic Vol A' No 68

## PART 4

euro per month), therefore it cannot accomplish, its basic purpose and is available only to mothers, whose monthly income does not exceed 235 euro, leaving in that way room for discrimination against single fathers. As a result, this benefit provides no actual support to unprotected children due to the very strict criteria imposed, the discrimination against fathers based on old social stereotypes, but also due to its very low actual amount.

Even so, the Greek Ombudsman sent in 2003 a conclusive report related to the “Prerequisites for the support of the unprotected children” to the at the time competent Minister and Deputy Minister of Health and Welfare, Minister of Finance, General Director of Welfare and the Director of the Family Protection Directorate, reporting examples of Services’ weakness to issue administrative acts with consistency and transparency. In addition, the report highlights legislative gaps that leave certain children unprotected, as for example the Presidential Decree 108/83 that foresees support and protection only to children who are raised by their mother and have been abandoned by their father, who departed voluntarily or not for a number of reasons such as migration and separation, but not vice a versa (The Greek Ombudsman, 2003, p.8-10).

By the same token, Greek Ombudsman has observed the extremely limited number of insurance funds for approved special treatments and other health benefits for children with disabilities, without any adequate justification. Needless to mention that due to the current economic and social crisis in the country, expenditures for health care and special treatments in general, as well as supporting benefits for poor families seem to have significantly shrunk (The Greek Ombudsman, 2012, p.13).

With regard to State budget, additional challenges have been identified related to financial “allowances” for the assistance in the care of children under certain circumstances, such as low family income, as they are not provided to children themselves but rather to mothers, irrespective of whether they are caring for their children, as this is not monitored by the competent authorities (Greek NGO’s Network for Children Rights Convention, 2012, p.12). Children have no saying on the financial management of the benefits intended to them and thus could be left unprotected, unable to have their money used to their own benefit (e.g. for their education, well-being, entertainment etc); instead parents may use the money in order to cover their personal needs. Additionally, the amount of such financial allowances is extremely low and many Roma families do not even manage to receive such allowances (Greek Helsinki Monitor et al, 2011, p2).

***I believe that another important issue is that the parents receiving any kind of benefits long-term, should be followed up in order to investigate at what state the children are: if they are going to school or not, if they eat, sleep, have had their vaccinations.  
(GOV, GR04)***

***I believe that all these Conventions, etc are not eventually applied in practice. If only these could be at least applied on a first level. However, I don’t think that this covers for special groups of children. On the other hand, we even struggle with the general population (nationals). We cannot even support them, everything is a bit up in the air... Now things are more difficult because there are Social Policy issues and who is going to bother with them now that there won’t be any money? I believe that they are appropriate but they lack in duration, sustainability, stability so that people are aware of the supportive projects..... Since the legislation is not applied, then it’s not effective.  
(GOV, GR05)***



***There are many gaps in legislation. However, I do not pay much attention to that as just the existence of legislation is not enough. Life issues cannot simple be resolved with laws. There must be implementation of it. Any kind of (social) pathology does not indicate a bad legislation but the fact that it exists must lead to some resolution.***  
**(GOV, GR06)**

#### **Determinants promoting protection**

- Updated legislation related to provision of benefits, adjusted to current social conditions and abolishing social stereotypes
- Establishment of benefits that correspond to current needs of the child/family
- Enhanced social benefits given to children in need (e.g. children with disabilities, children in poor families etc)
- Targeted legal provisions for the social security and protection of children in need

- Incorporation in the national legislation of the children's views related to the use of family allowances with regards to their personal needs
- Follow ups for families receiving family allowances and the benefit for unprotected children
- Funding of street work programs identifying and supporting street children, homeless families, etc
- Training and supervision of professionals in the social care field
- Economic crisis to be recognised as a factor of creating a more vulnerable environment for the children and measures to be taken against this risk

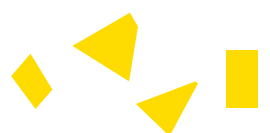
***As for street children, there should be street work to identify them and support them. For families, who are struggling financially or are vulnerable, there should be some brochures, information provided regarding the existing services of institutions and organisations, related to provision of food, clothing, medical care when there is no insurance, assistance with finding a job. These people should be supported. Social Workers should not just sit in their office and do desk job but need to get out and be more active. Whether this happens or not is up to the S.W.'s nature, character and willingness.***  
**(GOV, GR04)**

#### **Actors involved**

- The main actors who have undertaken to ensure children's social security are:
- Ministry of Labour, Social Security and Welfare
- Ministry of Education

#### **PART 4**

- Ministry of Interior
- EOPYY (National Institution for Provision of Health Services)
- National Centre for Social Solidarity (EKKA)
- Manpower Employment Organisation (OAED)
- Trade Unions
- Municipal child protection units
- National Observatory for People with Disabilities,
- Health Region Management Services (Δ.Υ.Π.Ε)
- O.T.A (Local authorities organizations)



## 4.2 DEVELOPMENT

### What the CRC says on 'development': Summary excerpts

**Article 6 (Survival and development):** The right of the child to life, survival and development. (general principle of the CRC)

**Article 28 (Right to education):** The right of the child to education, including primary education that is compulsory and available free to all. States Parties shall make higher education, including general and vocational education, available and accessible to every child, on the basis of capacity. Educational and vocational information and guidance shall be available and accessible to every child. Children and young people should be encouraged to achieve the highest level of education of which they are capable.

**Article 29 (Goals of education):** Children's education shall be directed to the development of the child's personality, talents and abilities to the fullest, the development of the respect for human rights and fundamental freedoms, respect for the child's and his or her parents cultural identity, language and values, the national values in the country where the child is living and the country from where he or she may originate. Education should also help children learn to live peacefully, protect the environment and respect other people.

**Article 31 (Leisure, play and culture):** Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities

### Prevention and protection benchmarks:

Any prevention and protection strategy and measure should address the following essentials:

*Inclusion:* Full access to education and vocational training as well as sport, recreational and socio-cultural opportunities.

*Appropriateness:* Recognition of personal aspirations, abilities, projects, resources and of the need to have links with the community and family of origin, as well as of cultural diversities and specificities, qualify the response to development needs.

*Effectiveness:* High quality, availability and durability of education and training as well as of social and cultural opportunities.

*Compliance:* Development opportunities and fundamental needs and rights stated by the international legislation are fully reflected in national laws, policies and practice.

**Source:** Standards developed for GATE, 2012.



## PART 4

### 4.2.1 GENERAL AND VOCATIONAL EDUCATION

Greek legislation, explicitly fortifies and protects the right of all children to access the basic general and vocational education that should be offered to them in order to develop their personality, abilities and special talents. In the Greek context, compulsory education is foreseen for nine years (primary and secondary education) based on law 1566/1985<sup>75</sup>. In addition, based on article 3 of law 2327/1995<sup>76</sup> and later on article 73 of law 3518/2006<sup>77</sup> the 2 year attendance of the kindergarten is also compulsory for children that have completed their 4th year of life.

Important role around the education also have the municipalities, as the kindergartens, the creative occupation centres for children or other programs are under their jurisdiction.

***I think that legislation on general terms is adequate.  
Regarding the educational systems, the way the children are treated has become much more liberal the last decades in Greece. There used to be some beating, punishments, etc. All these tactics are abolished now.  
(MUN, GR01)***

***I like it because: I learn how to read and write and interact with teachers, I learn different things, I get to meet up with friends, I get to progress myself and then grow up and find a job, I get educated.  
It is better to have vocational training because you can get a job in the future. However, there are people that do study and then do not find a job.  
Some study at school and find work and some go to University and do not find a job.  
It is better to study, if there are the financial possibilities, in order to get a better job in the future.  
To provide us with the opportunity to learn a craft in case we need it in the future in order to get a job.  
(CHILDiN, GR01)***

Regarding kindergartens and primary schools, in order to support working mothers there was school staff safeguarding children within the school premises till 16:00. However, from the new school year 2013/2014 this provision is being ceased due to lack of resources. The service keeps being unofficially provided in certain kindergartens and primary schools (now mainly for the first classes of primary school) in collaboration with members of the school staff, who either are willing to support the families or who receive some extra income by the parents in order to do so.

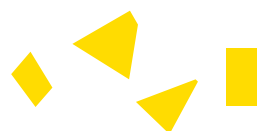
Due to the recession a new ESPA<sup>78</sup> (2007-2013) program on the Harmonization of Social and Professional Life has been operating, providing for children attending kindergarten their daily alimentation necessary, while at the kindergarten premises. Certain criteria have made it difficult for many families to apply, e.g families can apply only if total salary is under 30.000 euro per year. Even though the number of children accepted for school year 2013/2014 has increased since 2011 and 2012, according to media releases, more than 20.000 children have been excluded despite the fact they fulfilled the

75 Law 1566/1985 on the Structure and Operation of Primary and Secondary Education and other regulations, Official Gazette of the Hellenic Republic, Vol. A', No.167, 30 September 1985

76 Law 2327/1995 on the National Board of Education regulation of issues on research of professionals' education and training and other regulations, Official Gazette of the Hellenic Republic, Vol. A', No.156, 31 July 1995

77 Law 3518/2006 (Article 73) on Compulsory one-year Participation in Pre-school Education, Gazette of the Hellenic Republic 2008 Issue A' No 272

78 ESPA is the National Strategic Plan of Reference



necessary criteria, as the funding was not enough to cover all families.

The families that did not manage to be included in the program could still apply for enrolling their children in a kindergarten. However the fact that the Ministry has not proceeded with renewing many educators' contracts this year (2013/2014), created a lack of human resources at a time, when applications to public kindergartens has increased. More specifically, the municipality of Nafplio states that there is a 60% decrease in staff, compared to last year, while there is a 30% increase in families' request for the children's application for enrolment<sup>79</sup>

Based on the UNICEF report of 2013, out of the 29 developed countries examined, Greece is among the four that were found to have the lowest level of children's educational well-being and among the bottom 8, where attendance rates in early childhood education fall under 80% (UNICEF Office of Research, 2013, p.16-17).

Regarding the enrolment of non-national children at public schools, the same supporting documents, as those prescribed for Greek nationals, are required under article 40 of law 2910/2001<sup>80</sup>. However, the same law indicates that by way of exception, children of migrants protected by the Greek State as refugees or enjoying protection by UNHCR, children of asylum-seekers, or children of aliens who live in Greece although their legal residence status in the country is still pending, are able to register with public schools even if they lack complete documentation. In addition, based on article 72 of Law 3386/2005<sup>81</sup>, non national children living on Greek territory, are subject to minimum compulsory schooling under the same conditions as Greek nationals and are - without any restrictions - entitled to unlimited access to the activities of the school or educational community.

***We all go to school.  
(CHILDiN, GR01)***

On the other hand, there have been issues with undocumented children's access to education and vocational training. These difficulties, which usually function as major preventive factors for the children, are related to the children's previous level of education, age and possible preference for finding a job rather than educating themselves, but also to the absence of a guardian, bureaucracy, discriminative attitudes and prejudice on behalf of education representatives themselves

As for young perpetrators, Law 2776/1999<sup>82</sup>, art.35, of the Penitentiary Code, provides the young detained persons with the opportunity to acquire or complete education of all grades, as well as vocational training. Provisions related to the education and training of children who are confined in institutions are included in Law 2298/1995<sup>83</sup>, art.17. Finally, article 32 on "Detention of minors and families" of Law 3907/2011 foresees that children, who are detained should have the possibility to engage in age-appropriate leisure activities and also have access to education. However, the present research did not manage to gather information on whether these provisions actually do take place.

79 . Information deriving from the official website of the Nafplio Municipality, available at: <http://www.nafplio.gr/neamenu/dimotikaneamenu/347-paidikoistathmoi.html>

80 Law 2910/2001. On Entry and Stay of Aliens in Greek Territory. Acquisition of Greek Citizenship by Naturalisation and Other Provisions, Official Gazette Vol A' No 91

81 Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263), 3731/2008 (Official Gazette of the Hellenic Republic Vol A' No.263), 3772/2009 (Official Gazette of the Hellenic Republic Vol A' No.112) and 3801/2009 (Official Gazette of the Hellenic Republic Vol A' No.163

82 Law 2776/1999 on Penitentiary Code, Official Gazette of the Hellenic Republic Vol A' No 291

83 Law 2298/1995 on Conciliatory Resolution of Private Disputes – Acceleration of the enforcement procedure – Drawing and implementation of correctional policy and other provisions, Official Gazette of the Hellenic Republic Vol A' No 62

## PART 4

On the other hand, it does not look like unaccompanied children enjoy a similar right, while detained. They have the right to education, which some of them exercise once in an accommodation centre, but there does not seem to be any provision for the period they are in a detention centre.

Attendance at public kindergartens, primary and secondary education as well as universities is provided for free, along with all the books necessary for a child's schooling and a young person's studies across all these levels education. Even though for 40 years now, children have been supplied with the necessary school books for their education, at the beginning of the academic year 2011/2012, the books were not yet printed and the students ended up using photocopied notes for their studying. Even worse, following that incident, a draft law, was submitted to the Parliament, abolishing the provision of free textbooks from 2014.

In addition, free transportation is also foreseen by the Interministerial Decision 35415/2011<sup>84</sup> for students who reside in isolated areas or areas far away from school. alternatively a special benefit is offered for their commuting. The law also provides for sanctions in case of violations, although these do not seem to be applied.

Since 2011, after the "Kallikratis"<sup>85</sup> programme, the responsibility for the students' transportation was moved to the municipalities, which have started to declare financial inability to support this activity, especially since their funds have decreased due to the current recession. As a result, an increasing number of students have started paying again for their transportation in order to attend school.

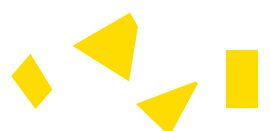
Furthermore, even though the transportation to school had been offered for quite a few years to certain groups of children, the need for such a service became even more crucial after the segregation of schools, which was imposed during the recession period the country has been at, in order to reduce operational costs, as a child might now be obliged to travel a number of kilometres daily, in order to reach school. This situation causes practical problems not only to the students but also their parents, as it takes place at a time when family resources are constantly shrinking due to the increasing number of individuals becoming unemployed and unable to support their children's school attendance.

The Greek Ombudsman reported a number of problems related to the transportation of students to school and back, including lack of escorts on school buses and transferring children with disabilities. What should be highlighted is that it was reported that at the beginning of school year 2012-2013 the transportation was completely disrupted as the transportation service provided had been left unpaid by the State for years, resulting in the refusal of the bus owners to continue providing the service. As expected, this disruption led to the exclusion of a number of students from the education they are entitled to (The Greek Ombudsman, 2012, p.22).

A significant lack of adequate transportation from isolated Romani settlements has also been observed, which creates serious obstacles for Romani children to reach school. Particularly, in August 2010, 13 Romani communities had no school access because of the inadequate transportation. Therefore, the lack of transportation for Roma children still remain an exclusion factor with regards to their education (European Roma Rights Centre - ERRC, 2011, p.3).

<sup>84</sup> Interministerial Decision 35415/2011 on the transportation of students of primary and secondary education provided by the municipalities. The Interministerial Decision was signed among the Ministry of Interior, Ministry of Finance, Ministry of Education, Lifelong Learning and Religion and Ministry of Infrastructure, Transportation and Networks, available at: [http://www.ypes.gr/userfiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/apof\\_kya\\_35415\\_28072011.pdf](http://www.ypes.gr/userfiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/apof_kya_35415_28072011.pdf)

<sup>85</sup> The Kallikratis project is the most recent administrative organization of Greece that came into effect in 2011 through Law 3852/2010 on the New structure of local authorities and decentralised administration – Kallikratis project. , με τον οποίο μεταρρυθμίστηκε η διοικητική διαίρεση της Ελλάδας το 2011 και επανακαθορίστηκαν τα όρια των αυτοδιοικητικών μονάδων, ο τρόπος εκλογής των οργάνων και οι αρμοδιότητές τους



On a different note, the Law 2413/1996<sup>86</sup> foresaw the possibility of establishing intercultural schools, which would contribute to the integration of migrant children into the Greek society. The intercultural schools are schools that apply the programs of the mainstream public schools however adjusted to young people's "social, cultural or educational specificities". At the same time a prerequisite for a school to be characterized as intercultural is that the 45% of the students are repatriates or migrant children. As no maximum percentage is foreseen, nowadays, these schools basically attend to migrant children and although the fundamental concept of "intercultural education" is based on cultural interaction and exchange, the Greek version is solely limited to the assistance of children to better learn the Greek language, which does constitute a substantial step for integration but in no way sufficient for an appropriate and real intercultural education. (NOHMA, 2009, p.1-2).

Furthermore the specific schools are quite limited in the country and especially in Athens, in proportion to the high number of young migrants accumulated in the city. According to data on the official website of the Ministry of Education and the Institute for Greek Diaspora Education and Intercultural Studies<sup>87</sup> the total number of intercultural schools in the whole of Greece is 26, only in 6 out of the 52 prefectures of the country, out of which 7 only in Athens (Greek NGO's Network for Children Rights Convention, 2011, p.27).

Also, in a country where the numbers of migrants are rapidly increasing over the last decades and these people live and work everywhere in the country, intercultural schools fail to answer their real educational needs. It is also important to notice that no measures have been taken to help poor students' access in schooling and prevent them from dropping out.

The Ministry of Education and Religious Affairs, Sports and Culture established remedial education (supportive teaching) sections on all levels of education which are available both to the general student population and to all groups of children with cultural specificities such as the Roma children. According to the State's 2nd and 3rd Periodic report, the statistics submitted to the Committee on the Rights of the Child, along with the report, indicate a substantial increase in the numbers of secondary education students participating in the public remedial education courses during the academic years 2000-2005 (Committee on the Rights of the Child, 2009). However, it appears that every year the specific supportive courses begin with delays, due to lack of teachers, despite the Ministry's promises that more teachers will be recruited. As a result, parents and students turn to private institutions, if and when they can afford it (Greek NGO's Network for Children Rights Convention, 2011, p26).

In addition, the Ministry of Education also established reception classes and preparatory courses for the children of migrants and the repatriated Greeks, who faced difficulties with the Greek language, as well as indulgent grading of Greek language performance for a transitional period in order to reduce failure and facilitate integration. Unfortunately, the teachers recruited for these courses, even though very willing, have no specialisation and usually bring little experience. In addition the tests that the students are called to take, focus only on the level of knowledge of the Greek language and not on their overall educational level or the level of their mother tongue, therefore leading to a not so intercultural education (Greek NGO's Network for Children Rights Convention, 2011, p26).

***No, I haven't gone to school, but I am doing Greek lessons so that I can go to school. I want to go to school.***  
**(YOUNG, GR01)**

86 Law 2413/1996 on Greek education abroad, intercultural education and other provisions, Official Gazette of the Hellenic Republic 2008 Vol A' No 124

87 [http://www.ipode.gr/default.asp?V\\_ITEM\\_ID=918&VLANG\\_ID=6](http://www.ipode.gr/default.asp?V_ITEM_ID=918&VLANG_ID=6)

## PART 4

Based on the 2nd and 3rd State Periodic Report, the measures targeting the Muslim minority of Thrace during the 2001–2004 period, included strengthening of school infrastructure, continuation and intensification of educational programmes for the minority schools with EU funding. As a result, during the last years there has been a continuing increase of attendance of children of the Muslim minority both in public secondary education and in the enhanced teaching classes. As reported, between the school years 2001/2002 and 2005/2006 there was an 11.2% increase (Committee on the Rights of the Child, 2011, p.7).

Despite the measures taken by the State for students of the Muslim minority of Thrace though, in order to strengthen and intensify the educational programmes in minority schools, the actual situation in these schools in Thrace, bears problems in relation to the inadequate preparation of students for their smooth entrance in Greek society. Many students graduate from these schools with minimum knowledge of the Greek language and as a consequence they face significant adaptation difficulties in high school.

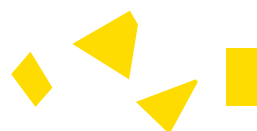
With regard to the special enrolment card for Roma children, in force since 1996, the creation of a pupils' registry, accessible by all school units, has been proposed. Furthermore, a circular was sent by the Ministry of Education in September 2008 in order to facilitate the enrolment and school attendance of Roma children. However, a high number of Roma children drop out of school, which on a significant extent stems from negative reactions to their schooling not only from their parents, but also from their educators; a fact basically deriving from the insufficient information and raising of awareness provided by the State to educational agents and professionals themselves (National Committee on Human Rights, Annual Report 2008).

For example, in 2010, 8 Romani communities did not have any school access, as the school authorities refused to register the children. Even though it looked like there was some progress achieved in the following school year 2010/2011, in that December Romani children's enrolment in primary school was hindered in two locations (Elsefina settlement, Atalanti Fthiotida community). In addition, in Lamia (Damaria/Xiria settlement, Anthili Fthiotida community) despite the fact that Romani children were enrolled and vaccinated in order to attend school, teachers were not appointed in those local schools and as a result the children never managed to attend school and receive the education they were entitled to (ERRC, 2011, p.3). Finally, as already described in section 3.1 under the principle of non-discrimination, there is evidence that Roma children are segregated in specific schools and the education provided to them is of lower standard compared to the one provided at other schools (FRA, 2012, p200-201).

Theoretically, the aforementioned laws, policies and practices are applied in an inclusive way, providing the basic levels of education to all children residing within the Greek territory regardless of their legal status, but unfortunately this is not always the case and as a result a number of children ends up not attending school due to the different existing difficulties or gaps.

***I do not think that we comply in practice. From what I see and hear, we sign and ratify the conventions as the CRC but it is not put in practice. As a legislative tool it is good but in practice it does not work. (GOV, GR05)***

Under that light, various persistent problems have been identified and stressed out by several NGO's as well as by the Committee on the Rights of the Child. More specifically, the problem of non completion of compulsory education till the age of 16 continues to be one of the most important pro-



blems of the Greek educational system (Greek NGO's Network for Children Rights Convention, 2011, p.23). During the academic year 2006/2007, 17.850 pupils unjustifiably dropped out of school before completing their compulsory education, out of whom 3.908 were primary school students and the remaining 13.942 high school students. (KANEP, 2009, p.348). The way this matter was handled was considered insufficient as the existing procedures were not followed and most importantly a tracing mechanism is non existent. (Greek NGO's Network for Children Right Convention, 2011, p.23). Additionally, it looks like the above mentioned official statistics did not include Roma children as, based in an external evaluation of the last Roma education program, 77% of the 8.800 Roma children attending primary education, dropped out in the school year 2006/2007 (Greek Helsinki Monitor et al, 2011, p.4).

At the same time, the European Commission provides statistics for 2012 showing that the average in early school leaving for Greece (11,4%) is lower than the average for EU (12,8%) (European Commission 2013, p 9-10), without of course degrading the extension of the problem.

The factors that contribute to the school dropout phenomenon, especially in Greek tourist areas, are primarily connected to financial issues. Consequently, in these regions, just providing the resources and an educational or vocational orientation will not resolve the situation as it is claimed in the State's 2nd and 3rd Periodic Reports. On the other hand, placing education on a higher level in the scale of values, would most probably bring the solution (Greek NGO's Network for Children Rights Convention, 2011, p24). Based on the National report on education published by KANEP<sup>88</sup> in 2009, about 8.000 children between 12-13 years old attend afternoon school classes in order to be able to work during the mornings, despite the fact that this against the Constitution. One out of the five children between 12 to 14 never makes it to Senior High school and then comes out in the labour market without any qualifications, since just the high school certificated is not enough to open any job opportunities (Λιάτσου, 2010).

The urgent problem of school drop outs is present in Europe generally and it is especially identified in migrants or ethnic minorities and more significantly among the ethnic Roma communities in certain member States. As in the majority of European countries, young non-nationals in Greece are also more prone to drop out from school early. This can be shown also by the fact that in 2009 40% of them followed that road (European Commission, 2010, p.7-8). With special regard to Romani youngsters, besides the general mentality and cultural habits of the specific communities that do not place the necessary emphasis on education, factors that have to do with their increased poverty rates; need to work and financially support the family; insufficient access to schools; language differences/difficulties; deficiencies in material resources and supplies for the school; social exclusion as well as discrimination and prejudice on behalf of fellow students, parents and teachers themselves, contribute to the increased numbers of drop outs (Greek NGO's Network for Children Rights Convention, 2011, p.25-26). It should be additionally noted that the significant rates of dropouts can eventually lead to increasing risks of child trafficking and exploitation, especially in the domain of labour.

As observed, despite what the national law foresees, there are problems with its implementation that lead to a non preventive and non protective educational system. One of the main gaps related to the drop out rates is the fact that there is no central registration system, where the numbers of the students dropping their education can be noted and followed up by the social services of each municipality or prefecture. It should be mentioned though that even though certain municipalities keep stats on the drop out rate, which they send to the competent Ministry, these stats do not get published and on

88 KANEP is the Center for the development of education policy of GSEE (Greek General Confederation of Employees)



## PART 4

top of that, no action seems to take place in order to examine the cause of the problem and resolve it<sup>89</sup>

***... someone cannot really locate how many children attend school and how many don't? I believe that this can be done to a high extent.***  
**(GOV, GR04)**

It must be mentioned that despite the existing legal provisions, there are many gaps in the implementation of the legislation. First of all, even though a child is supposed to attend a public kindergarten for free, in practice, there is neither enough infrastructure nor teachers. On top of that many guardians, mainly in Attica and Thessaloniki have been facing difficulties in enrolling children, due to lack of available spaces. Therefore, as the State does not provide for the necessary budget for infrastructures and professional staff, many of the parents have no alternative but to turn to private education for their children and thus the ones who cannot afford it are most likely to have their children excluded (Greek NGO's Network for Children Rights Convention, 2011, p.26).

***..lack of structures and resources.***  
**(MUN, GR01)**

As a conclusion, the implementation of the national legislation has become even more challenging due to the decrease of funding, as less attention is given year by year in relation to the improvement and enforcement of the educational system as a whole. Unfortunately things have got worse due to the present financial crisis, affecting the whole of Greece. In general, public expenditures and subsidies have been significantly reduced in almost all sectors alongside the all the more decreasing GDP, budget deficits and the growing national debt.<sup>90</sup> With regard to education, public spending on the specific sector was notably reduced after 2008 by 18.7 percentage points - around 4% of GDP during 2008-2013 – due to the general public expenditures decrease. Along these lines Greece reduced its national education budget by more than 5 % in 2011 and 2012 (European Commission, 2013b, p.11, 24). Speaking more particularly, in contrast to law provisions which have approved the maximum number of reception classes, there is no funding for the access and reception of pupils with special educational needs in regular school by means of supportive classes.

***It is also a matter of funding that will support the projects running. There are cut downs in funding. Compared to 2008, our funding is now down to the one 7th of what is was back then.***  
**(GOV, GR06)**

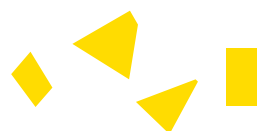
Finally, teachers' needs for continuous and ongoing further education and training in general becomes all the more urgent, especially on issues related to cultural diversity, since the existing training programs for them on multicultural issues are inadequate duration-wise and methodologically ineffective, while at the same time, the number of students from foreign countries keeps increasing (Greek NGO's Network for Children Rights Convention, 2011, p.28).

***Lack of training of professionals and collaboration among actors.***  
**(MUN, GR01)**

At times there are educational programmes supported by the Ministry of Education in order to sup-

<sup>89</sup> The information stated in this paragraph derives from our exchange with governmental agencies' professionals during 1st national workshop of the IMPCAT project

<sup>90</sup> For more details see at: <http://data.worldbank.org/data-catalog/country-profiles>



port children's actions, initiatives and inspire their creativity. A good example is the PYPN project<sup>91</sup>, which supports children's initiatives and through which they can run certain actions around a number of topics such as: environment, health, pioneering and entrepreneurship. Procedural wise there is an application that has to be completed and then following certain criteria a Committee evaluates the applications. Last year the grant per approved school action was 2500 euro but this year it has dropped to 1500 euro, due to the recent cuts but also so that more schools could be given a chance to realize their project. This year about 58 schools have received the grant. However even here there are practical issues as there are difficulties to have all the schools informed in time.

Apart from programmes like the one described above, there are indeed some really good ideas for projects supportive to students, parents and even educators, which however do not have a long life and consequently their impact is minimum if any at all. As already described in section 4.1.2., in certain cases by the time the beneficiaries find out about the delivered service of the project, the project is closed as it only had a few months duration.

***Many programmes are neither appropriate nor long term, therefore not effective.  
(YOUNG-Professional, GR01)***

It is interesting to report that throughout this project research, we encountered professionals who presented us with different perspectives. Some argued that the legislation is sufficient on a national level and that the problem is located in the non implementation of the law, therefore creating problems in the protection of children. On the other hand, some others' view was that there was problematic application of the law due to an incorrect or extreme interpretation of it, therefore once again leaving children exposed and unprotected. Even though both views end up with the same conclusion, it is interesting that according to the latter, the CRC, through an incorrect interpretation, can become a tool that children and/or parents can misuse leading to the degradation of the educators' role. This degradation of the educators might leave children unprotected as either the children may gradually lose respect for their teachers and therefore the latter's intervention will not really matter to them or the educators might stop intervening under the fear that they will be accused of misusing their power.

***There are things on a legislative level. That is not the problem but the implementation of it.  
(GOV, GR06)***

***Generally in education, as concerns the asylum seekers, on a statutory level they do have access even if they don't have any legal documents. As already mentioned, the problem is that even if the children have accessed the education system, they do not really get integrated. These are two different things.  
(ORG, GR04)***

***Even though there is compliance, the problem I see comes in the practice as there are important issues of interpretation. A very democratic practice can eventually turn out to be very dangerous for a child. Many times in the name of the children's rights, there are encroachments taking place, which are dangerous. The CRC can be used or interpreted incorrectly and end up becoming a tool against an educator or guardian, who is trying to act on the child's best interest. For example children and educators. An educator might also need to***

91 PYPN is a programme supporting initiatives of young people and it is run by the General Secretariat of Youth



## PART 4

***become strict –not abusive of course- in the occasions, when the child needs to face his/her responsibilities - according to this/her age- but nowadays, this task and responsibility is somehow annulled as the educator might be accused of misbehaving due to misinterpretation of the CRC.***  
**(GOV, GR04)**

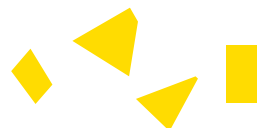
***While they are with us there are attempts to ensure their needs related to their development but unfortunately the period of time they stay with us, usually 3-6 months, is short so these efforts are not very effective.***  
**(YOUNG-prof, GR02)**

Finally through the IMPACT research, another perspective emerged from the interview with professionals of public agencies. This perspective concerns the fact that even though the legislation is not inclusive or effective, the practices are in a way much more flexible, creating on one hand organisational problems but on the other being more inclusive and protecting children more than the national legislation provides for. As an example, children who should submit certain legal paperwork in order to be enrolled at pre-school, are enrolled even in the cases that they cannot provide the paperwork. This is succeeded due to the flexibility of the professionals, who despite their lack of training, specialisations and supervision, decide to “skip” the official procedures as they find a child’s education much more important. Obviously the fact that such practices exist, on one hand promote children’s best interests but on the other it highlights the lack of the basic foundation of the national system. This is an indication of the lack in supervision and monitoring but also raises fears that the child’s best interest might depend on the willingness and good intentions of a professional and not in official procedures and protocols.

***There are referrals from one professional to another but there is no referral system. One colleague contacts another and proceeds with the referral in such way and thankfully even in such a way it does work fine. Unfortunately that is the reality of the system...***  
**(GOV, GR07)**

***The legislation is not inclusive but the practices are. I do not think that the municipality structures of child creative occupation are strict about issues of legal residency of migrants. At least till very recently there was a very relaxed approach around those issues and many migrant’s children had been enrolled, which led to the reaction of the extreme right-wing party in Greece.***  
***I think that there are also some financial criteria applied, which facilitate the access of children that belong to a lower financial status, to single-parent families, etc. I do not have the feeling that in general within the Greek municipalities there is systematic discrimination against migrants. In fact, there have been complaints by Greek parents who may have higher salaries that there is a preference to migrant’s children in the local structures.***  
**(MUN, GR01)**

***Even though the legislation is not very inclusive, structures and professionals overlook this and therefore practices are a lot more inclusive.***  
**(MUN, GR01)**



**Determinants promoting protection**

- Systematic monitoring of school drop outs and recording of the substantial causes that lead certain groups of children to leave school early
- Campaigning and policies aimed at social inclusion and cohesion in communities where big numbers of ethnic minorities (e.g. ROMA) are residing
- Enhanced public funding, within the annual national budget allocation, for education
- Provision of school facilities or improvement of the existing ones in the more remote areas of the country
- Creation of more intercultural schools, especially in the city of Athens
- Creation of more kindergartens
- Facilitation of Roma and unaccompanied children's registration in public schools
- Supportive and preparatory courses need to be enhanced and intensified for children migrants, in order for them to learn fluent Greek and be smoothly placed in a class suitable to their age.
- Professionals/teachers' training and supervision – especially on issues of cultural diversity and child protection.
- Inter- but also cross-sectorial collaboration among actors for the promotion of the child's education and best interests.
- Provision for education for unaccompanied children, while in detention, waiting to be transferred to an accommodation centre
- Maintain the institution of the “all day schools” which facilitate employed mothers
- Raising public awareness on diversity issues and children's rights

***A first step should be the (provision of) training, probably even by the National Centre of Public Administration, special training programmes aimed at specific executives within the municipalities.***  
***(MUN, GR01)***

***The schools should have an institutional role related to the identification of children in need of protection. Schools should also do social work, in order to identify possible problems.***  
***(GOV, GR04)***

***It would be good if the competent Ministries collaborated more and supported the children earlier, before reaching the point of needing therapy. If there is “no” family, and reaching this stage means that the family is not working properly, at least to attempt to support school as an institution so that the children are supported and don't deviate much. Therefore it would be good to have a collaboration with mental health structures so that there is some information and support provided.***  
***(GOV, GR05)***

## PART 4

### Actors involved

The relevant actors involved in the national policies about the general and vocational education of children are:

- Ministry of Education, Religious Affairs, Culture and Sports
- Ministry of Interior
- Ministry of Development, Competitiveness, Infrastructure, Transport and Networks
- General Secretariat for the Youth
- General Secretariat for Lifelong Learning
- Centre for the Greek Language
- Directors of schools (public/private)
- NGOs & Associations that seek to promote children's and young person's rights and improve their lives

### 4.2.2 SPORTS AND RECREATION ACTIVITIES FOR CHILDREN

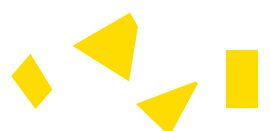
The Greek legislation foresees the development of children's personality through their participation in cultural and social activities, including sports activities (Greek Constitution, article 5, par.1). The right to sports, characterised as a fundamental social right, is also pointed out in article 16, par.9 of the Constitution. The recognition of sports as a social right however, also constitutes it a criterion for the recognition of sports as a personal right also.

Nonetheless, besides the aforementioned provisions set by the Constitution, it seems that there is not much, when it comes to the promotion of children's right to leisure time. There is no special indication, anywhere in the Greek legislation, neither for other leisure activities, besides sports (e.g. artistic activities) or the right of children to play.

In addition, existing legislation does not address the principle of sufficiency; i.e. that all children should be given sufficient time and space to exercise their rights concerning leisure time.

Last but not least, according to the Committee's General Comment No. 17, the development of a dedicated plan, policy or framework for Article 31, should be incorporated into an overall National Action Plan for the implementation of the Convention, something that has not yet happened in Greece (Committee on the rights of the Child, 2013b, p.20)

Furthermore, according to the Greek Ombudsman the current sports law bind young athletes to the clubs they have registered with and does not facilitate possible transfers. Moreover, there are no provisions included in the law that take under consideration either the athletes' views or their best interests during the procedure of transferring to another club. Thus, it is strongly recommended that the State should proceed with drastic changes related to the current sports legislation, by including provisions that assess the needs and best interests of adolescent athletes and take under consideration their views (The Greek Ombudsman, 2012, p.18).



As for recreational activities, fortunately, Centres for Children's Creative Occupation (KDA) were established in 2001 by the Ministerial Decision (Π1β/Γ.Π.οικ. 14951/9-10-2001). KDA are units, where children between 6-12 years old can attend for a certain period of time during the day. The objective is to provide occupation to children after school hours, encourage appropriate use of their free time through a personal and organized activity or through the organized workshop teams, as well as support parents. These centres can connect with the educational units, the Social Services of the OTA and of the Prefectural Administrations as well as cultural, sports and environmental services.

Greek legislative provisions, although too generic and unspecified, regulate sports and leisure time for children in an inclusive way, as they are applied to all children in the country. However, no additional specific sets of laws and policies have been set up in order to regulate sports and recreation activities for specific groups of children, such as asylum seeking children, undocumented children or child victims of trafficking; except from small indications in current laws, which protect the child migrants' and asylum seekers' right to have equal access to education, including sports and other activities within school curriculum.

In addition, article 32 on "Detention of minors and families" of Law 3907/2011 foresees that children, who are detained should have the possibility to engage in age-appropriate leisure activities and also have access to education.

Moreover, while article 30 of the CRC explicitly indicates that children from ethnic, religious or linguistic minorities should be encouraged to enjoy and participate in their own cultures, in reality not all children from minorities have adequate access to information about various recreational activities or special cultural activities that they could participate in. For instance, access to information and material from a diversity of national and international sources, including in the minority languages, aimed at the child's development (e.g. information through the internet for children's special subjects of interest and entertainment, games, music, information on certain cultural activities/events connected with their country of origin etc) is limited for children living in the Muslim community of Thrace as well as for Roma children. This limited broadcasting and mono-cultural viewing not only limits opportunities for these children to benefit from cultural activity, but it can also serve to generally affirm the lower value placed on other than mainstream cultures.

***In order for a child to be enrolled in a Center for Creative Occupation, certain certificates are requested, on the submission of which the State is merciless. I believe that under certain prerequisites, more chances should be given, especially to the children of vulnerable groups. For example, when we ask from the migrant's children to directly submit a doctor's certificate, their parents' tax declaration form, and a family status certificate, in order to be enrolled to CCO (KDA), I think that in many occasions we should be more flexible. (MUN, GR02)***

At the same time, the Network for Social Support of Refugees and Immigrants initiated a good practice that has been operating for years. It was established in 1997 as a place, of solidarity, coexistence, freedom and exchange both for Greeks and migrants and was called "steki metanaston", which means the hang out place for migrants. Through that initiative the idea for an anti-racist festival was born. "Steki" had its own cultural life, music, games, parties, celebrations, exhibitions. In that same place foreign language lessons took place (Turkish, Spanish) as well as Greek lessons for migrants. The most important is that "Steki" quickly became a safe and familiar place, where people would meet, relax, spend time together, discuss and where ideas could grow.

## PART 4

In an attempt to urge children to occupy themselves with good quality of entertainment and recreational activities and protect them from the harmful influence of commercial products such as PC games or internet software, the State has also proceeded to the establishment of the 'Media Literacy Database for Children, Young People and the Media' by the Hellenic Audiovisual Institute in 2008.

Nevertheless, the Committee expressed its concerns in the Concluding Observations towards the State's 2nd and 3rd Periodic reports about the lack of information provided related to any measures taken for the protection of children against harmful information (Committee on the Rights of the Child, 2012, p.8). Given the wide use of Internet Cafés by children as well as the lack of relevant legislative provisions and guarantees to protect them from harmful material, the Ombudsman held a public consultation with public and private entities and then proposed to the ministries and the Parliament six key protection measures (i.e. knowledge and approval of parents, time charges and hours spent, inspection and certification process, and necessary information campaigns for the general population). The Ombudsman also suggested that a legislative provision should be introduced regarding the use of Internet Cafés by children, including measures for the protection of their psychosomatic health, a certification process for safe and child friendly areas in such spaces and a regular monitoring of those premises (The Greek Ombudsman, 2012, p.18).

Moreover, the State itself has included in its 'School Regulation Principles' the imperative need for schools to provide the space for developing the talents and personal interests of children, as well as time in the curriculum for the latter's participation and occupation with sports, cultural and other school activities organised by student communities.

However, an interesting program seemed to have been the "Sunday afternoons in cine Philip" introduced by the General Secretariat of Youth introduced in 2003, where students from primary and secondary education, residing in Attica, could go to the cinema on a Sunday. This program was established within the framework for the development of children's Music and Arts education, and under that perspective, 25 universally known masterpieces of the 7th Art (cinema) were presented, capturing the cultural diversity of different nations. Unfortunately, it looks like the program is not running anymore, as not much information has been found since school year 2011/2012.

The State, has also proceeded to a series of good practices and examples that promote cultural mediation and representation of children, especially for children from minority groups. An important place in the list has been the organisation of several cultural, sporting or social activities, organised by the Socio-Medical Centres for Roma, which aimed at sensitising the non-Roma population. Their duration however has been indicated as 1 January 2007 - 31 December 2013, meaning that their effective sustainability has not been guaranteed (Greek Helsinki Monitor et al, 2011, p.5).

Nevertheless, it is true that, as the Committee has observed, play is perceived in many places around the world as useless time spent in unproductive and flippant activity of no worth. This mentality has also penetrated in the mindset of officials and professionals dealing with children in Greece. Hence, not only parents, but also caregivers and public administrators commonly place a higher priority on studying or economic work, while play is often seen as unnecessary disruptive and intrusive. Consequently, even though in Greece play is in children's lives, there are no specific efforts to highlight its importance, encourage its existence, ensure its frequency and promote its quality.

***Apart from school we do French classes, yoga, art therapy, football, group games.  
(CHILDiN, GR01)***



***We play every day if possible. Sometimes if we have a class of other obligations of that kind, we may miss it for a day. However we play very often. Almost every day we play with something.***

**(CHILDiN, GR01)**

***Before I came to the shelter I was working all day. No time to play. In the first shelter, I didn't really play a lot. There wasn't many things to do. Here I play a lot, I really like making things, and I like playing with the water outside in the summer.***

**(YOUNG, GR02)**

***The children participate in a number of activities either in the shelter, or the school, birthday parties, celebrations, sleepovers at friends, visits at the museums, theatres, cinema.***

**(CHILD-Professional, GR02)**

#### **Determinants promoting protection**

- Inclusion of children's right to leisure activities, other than sports, into the national legislation
- Establish through legislation the importance and right of children to play
- Provisions for facilitating children of ethnic minorities to access information and participation in recreational activities of their specific culture
- Introduction of restrictive measures for the use of Internet Cafes by children
- Development of sports, leisure opportunities and participation in cultural activities within municipalities
- Collaboration among relevant actors for the promotion of children's leisure and sports activities

***I would suggest the collaboration among the ministries and the NGOs, as well as the establishment of a National Observatory for such issues.***

**(MUN, GR02)**

#### **Actors involved**

The competent ministries and other public or private bodies, which are involved in the promotion of sports and recreational activities to all children are:

- Ministry of Education, Religious Affairs, Culture and Sports
- Ministry of Labour, Social Security and Welfare
- Ministry of Development, Competitiveness, Infrastructure, Transport and Networks

## PART 4

- General Secretariat for the Youth
- Hellenic Olympic Committee
- Hellenic Paralympics' Committee
- Olympic Athletic Centre of Athens "Spyros Louis"
- Hellenic Federation of basketball, football, swimming, and other sports
- Sports Organisation for the Disabled in Greece
- Centres for the creative recreation of children
- Children's summer camps,
- NGOs & Associations

### 4.2.3 WORKING CONDITIONS OF CHILDREN

The CRC's provisions regarding the working conditions of children are covered by article 32, which explicitly dictates that children should be protected from work that is dangerous and that might harm their health and development. Children's work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

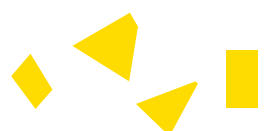
In compliance with these standards, important legislative measures have been established by the Greek Government to adjust and harmonize its legislation with the Convention's provisions for child labour. Specifically, the Presidential Decree No. 62/1998<sup>92</sup> on the protection of young people at work stipulates that the provisions described in it apply to any young person under the age of 18 who is employed under any form of contract of employment, working relationship, fixed-term work contract, contract for the provision of independent services or is self-employed. An exception to the above constitutes any individual who is employed as seaman in the maritime and fishing sector to whom special provisions apply.

Furthermore, Article 5 ('Cultural and other similar activities') of the said decree foresees that with the permission of the Labour Inspectorate, children above 3 years old can participate in artistic events, advertisements, fashion exhibitions, radio or television shows, cinema shots as well as photo shoots. Additionally they can be employed to work as a model but only under the conditions that a) their safety, health and development is not harmed and b) their education and vocational training is not hindered. In any other case though, than the ones aforementioned above, article 4 does not allow for children, who have not completed the 15th year of life, to work.

At the same time, article 3 ('Working time limits for adolescents') also determines working time for adolescents at 8 hours maximum per day and 40 hours a week. Teenagers, who have completed the age of 15 but have not turned 16 and who attend secondary education and Technical Vocational Schools,

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<sup>92</sup> Presidential Decree No. 62/1998: Measures for the protection of children into work, in compliance with the directive 94/33/EK (Official Gazette of the Hellenic Republic 2008 Issue A' No.84)





may work up to 6 hours a day and 30 hours a week (par. 4). The said hours of employment are not permitted to coincide with school hours, during school terms and overtime is not allowed in any case.

Also, Article 4 of Law 3144/2003<sup>93</sup>, determines the jobs and activities in which children are prohibited to be employed, as they are likely to harm their health, safety or offend their morals. Furthermore, the competent services of the Labour Inspectorate are entrusted with the supervision and the application of the provisions of the aforementioned Decree. The Labour Inspectorate is responsible for the issuing of employment booklets for children so that any child above 15 years old can be employed legally. Through these booklets the inspectors can check if children are being employed illegally, and in such cases, penal sanctions are being imposed on the employers.

The Labour Inspectorate was established under Law 2639/1998<sup>94</sup> "Regulation of Working relations, establishment of the Labour Inspectorate and other provisions" and is also responsible for supervising the working hours of children employees. Finally, According to article 4, par. 4 of Law 3144/2003<sup>95</sup>, employers and persons who have custody of children employed in any job or activity, in violation of the said Law, are punished with imprisonment of up to 2 years and a fine. Employers can also be punished with administrative sanctions (article 16, Law 2639/1998).

Regarding exploitation, Law 2918/2001<sup>96</sup> ratified ILO Convention no. 182 on the Worst Forms of Child Labour<sup>97</sup>, which includes provisions for the prohibition and elimination of the worst forms of child labour, such as forced labour, promotion of children to the child prostitution and child pornography networks or any kind of work that might be harmful to the child's health, safety of dignity. Furthermore, the Greek Government by agreeing with the Convention no.182, has committed to the establishment of an appropriate mechanism that will supervise the implementation of its provisions. Unfortunately not much has been found on the operation of this mechanism, apart from the fact that 81 newly recruited inspectors were trained in 2004 (Committee on Employment and social Policy, 2006, p4).

***The legislation is inclusive but the problem is with the lack of mechanisms and infrastructures in order to implement legislation. In addition there is lack of political willingness in order to improve all that.  
(ORG, GR01)***

Moreover, based on Law 3385/2005<sup>98</sup> every employer who violates the provisions of labour legislation regarding working terms and conditions more specifically, working time limits, remuneration, safety and health of workers is punished with an imprisonment of at least six (6) months, or with a fine of at least €900, or with both. Lastly, according to article 6 of Law 1837/1989<sup>99</sup>, children employees should be recompensed with at least the minimum wage of an unskilled worker, as this is defined each time

93 Law 3144/2003 "Social dialogue for the promotion of employment and social protection and other provisions. " (Official Gazette of the Hellenic Republic, Vol A', No. 111)

94 Law 2639/1998 on Regulation of Labour Relations, Establishment of the Labour Inspectorate, Official Gazette of the Hellenic Republic, Vol A' No 205 - amended by Law 3846/2010 on Guarantees for job security (Official Gazette of the Hellenic Republic, Vol A' No 66): Article 1 of Law 2639/1998 replaced and now reads, "the agreement between the employer and the and the employee for the provision of services or work for a fixed or indefinite time, especially in cases where work is paid for per work unit (outsourcing), tele-working, work at home, shall be presumed to conceal an employment contract provided that such work is provided in person exclusively or primarily to the same employer for 9 consecutive months".

95 Law 3144/2003 "Social dialogue for the promotion of employment and social protection and other provisions. " (Official Gazette of the Hellenic Republic, Vol A', No. 111)

96 Law 2918/2001 on Ratification of Convention No 182, on the prohibition of children's worse working forms and their elimination by direct action, Official Gazette of the Hellenic Republic, Vol A' No 119

97 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Adopted in 1999, entry into force in 2000

98 Law 3385/2005 on Regulations on employment promotion, strengthening of social cohesion and other provisions, Official Gazette of the Hellenic Republic, Vol A' No 210

99 Law 1837/1989 on the Protection of under-aged persons during employment and other provisions, Official Gazette of the Hellenic Republic, Vol A' No 85



## PART 4

by the National General Collective Labour Agreement and are also entitled to receive unemployment benefit by the Manpower Employment Organization (OAED).

In 2012, the unemployment rate in Greece was found to be 24.3%. The long-term unemployed accounted for 59.3% of total unemployment in Greece and the unemployment ratio of the young population aged 15-24 reached 16.1%. (Eurostat, 2013).

As for 2013, based on Eurostat report on unemployment for the months of August 2013, the highest unemployment rates are found in Greece (27,3%), compared to 25.5% in August 2012. Greece takes the first place also when it comes to youth unemployment as in August 2013 it reached the 58%.

European Directive 2009/52/EC on Employers' Sanctions provides for the protection of migrants in an irregular situation by foreseeing the establishment of a mechanism that will give the migrant workers the possibility to claim any remuneration due from the employer. In addition article 13 of this Directive provides for temporary residence permit to child victims of exploitation. Despite that, it does not seem as such a mechanism has been established in Greece yet.

It should be mentioned though, that in 2012, Law 4052/2012<sup>100</sup> providing for the incorporation of European Directive 2009/52/EC into domestic legislation, foresees in article 88 that anyone employing illegally children-third country nationals will be punished with imprisonment (European Migration Network, 2013, p.59).

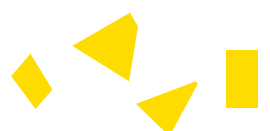
Nevertheless, the aforementioned legal provisions do not regulate the working conditions of children in an inclusive way, since they concern only children's formal employment prerequisites. Especially the population of street children is neither recorded nor supported. Equally, unaccompanied children or children from families that lack legal documents, cannot be officially recorded and have no access to any state structure for support; the latter may be found illegally working, under unacceptable conditions and with petty financial reward, however no one can officially protect them from such exploitation (Greek NGO's Network for Children Rights Convention, 2011, p??). An indication to this can be the fact that even though 8 EU Member States, including Greece, provided in 2012 information on the number of residence permits issued to victims of exploitation, only Austria actually issued such permits to 8 individuals (FRA, 2012, p.47-48).

On top of all these, the issue of the child's employment card for asylum seekers and recognized refugee children over 15 years old (i.e. the age at which a child is allowed to work), necessarily requires the consent of a parent or guardian, which is however most often pretty inconvenient for unaccompanied children, since as it will be explained further in the report the appointed guardian is practically absent from the child's life (The Greek Ombudsman, 2012, p.19, Dimitropoulou and Papagewrgiou, 2008).<sup>101</sup>

With regard to groups of children which are in practice excluded or at risk of being excluded from the country's general policy that regulates children's working conditions, children from third countries are again in the centre of our attention. It is widely known that many children from third countries are illegally employed with humiliating and minimum salaries. Particularly, the Greek Ombudsman estimates

100 Law 4052/2012 Law concerning the responsibility of the Ministry of Health and Social Welfare and Labour and Social Security for the application of the law "Approval of Contract Plans for the Finance Facilitation between the European Financial Stability Fund ( E.F.S.F. ), the Hellenic Republic and the Bank of Greece, of the Memorandum of Understanding between the Hellenic Republic, the European Commission and the Bank of Greece and other urgent measures for the reduction of the public debt and rescue the national economy" and other provisions, Official Gazette of the Hellenic Republic, Vol. A', No. 41, 1 March 2012

101 Most temporary guardians believe that their responsibilities and the scope of the asylum procedure as such do not include the representation of the minor in employment or education etc (Dimitropoulou & Papagewrgiou 2008). For further details on the 'confused' role of guardians in Greece see at section 4.4.2



that the number of children working illegally in the country is very high, although no official data are available on the specific instance. The Ministry of Labour declares that about 1500 child work booklets are issued every year, e.g. 1.462 in 2010. However in 2012 there were only 562 actually issued while at the same time the National Statistical Authority publishes an estimation of 12.764 teenage workers (15-18 years old) in 2010, 8.886 in 2011 and 6.238 in 2012 (ELSTAT<sup>102</sup>, 2012). The aforementioned drop in numbers during the last couple of years however do not necessarily indicate a reduction in the number of working children. This can be interpreted as a significant reduction in licensed child labour during the peak of the crisis, since uninsured labour is apparently cheaper, while simultaneously very few labour inspections are taking place due to lack of human resources and a vast tolerance on that issue prevails (The Greek Ombudsman, 2012, p.20).

The Greek Ombudsman has investigated till recently only a small number of reports related to children's employment in legal work but based on information provided by students, educators and non-governmental organizations, estimates that the number of children, who are illegally employed in Greece is quite large. Taking under consideration the numbers published by the National Statistical Authority on children between 15-18 working in Greece, the fact that the school dropout is around 32.000 students per year (based on 2008 data) and estimations of the Pedagogical Institute that 70% of children dropping out of school somehow enter the labour market, the Greek Ombudsman estimates that in reality the underage employees are more than 100.000 (UNICEF 2012, Greek Ombudsman 2012, p.22)

Informal labour is not a new phenomenon in the country, but contrariwise a well-rooted practice, which was especially enhanced after the mass flows of immigration during the 1990s. That phenomenon reinforced illegal networks of informal labour all around the country, involving, inter alia, labour exploitation of minors. Children, especially third-country nationals who are in imperative need of a job, are usually the perfect prey for employers who take advantage of their young age, lack of knowledge/experience on labour rights issues and offer them low-paid, uninsured work.

A large number of children from third countries, foreign children from the Balkans, children living on the streets, Roma from Bulgaria, Albania and Romania are involved in totally illegal forms of labour, such as begging on the streets, inside the tube or other public places, or working as itinerant vendors, or as "children of the stoplights" (The Greek Ombudsman, 2012, p.20). Specifically, 187 child-beggars - many of whom Roma and Albanians - have been officially recorded by the social organization ARSIS<sup>103</sup> only at the centre of Athens and 400 in Thessaloniki (mainly Roma from Bulgaria) during the last three months of 2012. These are children of really young ages till around 16 years old, as the younger they are the most preferable they become from parents and traffickers to use them for begging since they provoke even more pity to bystanders.

With special regard to children who have come without their parents in the country and have been trapped in such illegal networks that exploit their 'work' for money purposes, they have most probably been previously psychologically abused and harshly intimidated, in order to be persuaded to abandon their country. In many cases even a strong lure, as promises of a better future and great financial rewards, is given to them and their families as well, in order to speed up their positive reaction and decision to leave their country of origin (Κουτσαμπάρης, 2013). Either exploited by other traffickers or their own parents, these children are maltreated in any way, both physically and psychologically, when trying to resist or when they are not doing their 'job' right and thus, the fear cultivated in them usually leads them to adopt the principle of omerta; never talking about their family situation or the reasons for abandoning school (Τζιαντζή, 2013).

102 Greek Statistical Service

103 <http://www.arsis.gr/>

## PART 4

Many Greek reportages have repeatedly stressed the indifference of Greek police towards this phenomenon of children's exploitation and the fact that they do not arrest the real perpetrators who force children to beggary or other illegal activities, since most of the times the perpetrators are their own parents. (Καντούρης, 2013). According to the letter of the law in Greece, the apparent exploitation that takes place in many cities cannot be officially documented as such when those who exploit the work of children are their own parents. Instead, beggary is considered as a crime (article 407 of the Criminal Code) and thus not only the exploiters are not punished but adversely children are found in the position of the defendant in many cases. Unfortunately, there are no legal regulations protecting children begging in the streets or selling products as hucksters, nor any practical regulation of the matter at the regional/local level, unless the children are identified as victims of trafficking.

***Before I came to the shelter I was begging on the street. That was like a job to me. But I never kept the money. I want to work and make my own money. But I want to learn to do something first. That's why I need to learn the language and go to school first.***  
**(YOUNG, GR01)**

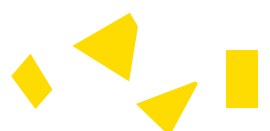
Relevant studies and reports based on consultations with children that reflect their voices on those matters can be found. As an example, a study conducted by Terre des Hommes, presents information deriving from actors involved in different ways in the trafficking case of Albanian children in Greece and testimonies of the various negative experiences they underwent.<sup>104</sup>

Unfortunately, during this project research it was observed that some professionals working in supportive services or structures for children are not always aware of the situation. This could also lead us to the assumption that not enough information is provided to the professionals in order to highlight the existing issue and consequently not much training is provided either in order to enhance their knowledge but also practical skills in recognising "symptoms" of child exploitation. As a result, there is one more factor that reduces the effectiveness of the general child protection system of the country.

***I am aware that in our country the percentages for the exploitation of children for the purposes of illegal work or other kind are low compared to other countries. However, I think that the child protection policies should for sure be constantly updated and progressed, as the social facts change.***  
**(MUN, GR02)**

***There is a regression to older times, when there were no rights or even if there were, they were not applied. For example, related to the working permit for migrants, even though there was a procedure through which they could receive such a permit and have access, nowadays unfortunately, they are almost excluded due to certain legislative regulations that were readjusted about 6 months ago. Therefore instead of trying for the best, we are just fighting for things that were already conquered in the past.***  
***Due to that lack of a working permit, these people are consequently excluded from vocational training of O.A.E.D., as in order to be included a prerequisite is***

<sup>104</sup> The trafficking of Albanian children in Greece", 2003. The inquiry into the trafficking of Albanian children in Greece was initiated by Terre des Hommes and the Albanian Foundation NPF "Ndihmë Për Fëmijët from October 1999 to January 2000. The basic source of Terre des Hommes is the collection of witness accounts from children who are victims of trafficking and were collected in the streets of Thessaloniki during investigations, during street projects and after the children's return to Albania. In addition, interviews were conducted also with parents, intermediaries, recruiters, police officers, juvenile prosecutors, social workers and members of NGOs, sociologists and journalists. This report was elaborated with 4 enquiries between 1999-2002. <http://tdh-childprotection.org/documents/the-trafficking-of-albanian-children-in-greece>



**to have an unemployment card, for the issuance of which working permit is a prerequisite... Therefore, they are also excluded from that as well.  
(ORG, GR04)**

#### **Determinants promoting protection**

- Legal provisions and state policies for combating the phenomenon of illegal child labour in the streets as well as in other informal types of work
- More systematic inspections and recording of the number of children occupied in informal labour
- Raising awareness campaigns on child exploitation and legislation around children working
- Operation of a reporting mechanism related to child labour
- Training and supervision of professionals

#### **Actors involved**

As for the actors involved in the regulative policies of children's working conditions and the promotion of their rights, these are:

- Ministry of Education, Religious Affairs, Culture and Sports
- Ministry of Interior
- Ministry of Labour, Social Security and Welfare
- EOPPY
- Manpower Organisation (OAED)
- Trade Unions
- Social Services
- NGOs working for the preservation of children's rights

## 4.3 PARTICIPATION

### What the CRC says on 'participation': Summary excerpts

**Article 1 (Definition of the child):** The Convention defines a 'child' as a person below the age of 18.

**Article 7 (Registration, name, nationality, care):** All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality. Children also have the right to know and, as far as possible, to be cared for by their parents.

**Article 8 (Preservation of identity):** The right of the child to preserve his or her identity, including nationality, name and family relations.

**Article 10 (Family reunification):** Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

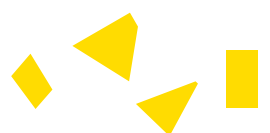
**Article 13 (Freedom of expression):** Children have the right to freedom of expression. This includes the right to seek, receive and impart information.

**Article 14 (Freedom of thought, conscience and religion):** Children have the right to think and believe what they want and to practise their religion.

**Article 16 (Right to privacy):** Children have a right to privacy. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence.

**Article 17 (Access to information; mass media):** Children have the right to get information that is important to their health and well-being. They shall be able to access information in a language that they can understand from a diversity of national and international sources, including information from the mass media.

**Article 22 (Refugee children):** Children who seek asylum and child refugees, whether they are accompanied or unaccompanied, have the right to receive special protection and humanitarian assistance and to enjoy all the rights afforded under the Convention.



**Prevention and protection benchmarks:**

Any prevention and protection strategy and measure should address the following essentials:

*Inclusion:* Access to a setting which fully recognises the legitimacy of the child's status by keeping in consideration the pre-eminence of his/her best interest over any other administrative or migratory policies as well as of his/her capacities for active participation.

*Appropriateness:* The active listening, the appreciation of individual and cultural characteristics of the child, as well as of the possibility to reach and express his/her full potential.

*Effectiveness:* The recognition and the enhancement of self-determination and the empowerment of the child's self-protection capacities.

*Compliance:* The right to participation as stated by international legislation's principles and provisions is fully reflected in national laws, policies and practice.

**Source:** Standards developed for GATE, 2012

## 4.3.1 MIGRATION, ASYLUM AND RESIDENCE

***Walked a lot. It was a difficult journey. Went to Islamabad by bus and to Karatsi by bus. Then walked. Then went to Iraq. From there to Turkey and from there here on foot.***

**(CHILDiN, GR01)**

***It was weird to realise that all natives in Greece are white. Hadn't realised it till I arrived in Athens and it was so strange to me.***

**(CHILDiN, GR01)**

***It was weird and scary not to be able to speak the language, not knowing where I was, not knowing anyone, seeing the boat getting flooded***

**(CHILDiN, GR01)**

***Unfortunately children are confronted with their secondary "capacity" of asylum seekers, unaccompanied, etc and not with the primary of simply being children.***

**(ORG, GR01)**

**Legislation**

Greek legislation that regulates migration, asylum and residence for children, presents as a whole perhaps the most considerable gaps, deficiencies and asymmetries, especially in relation to international laws and standards, from all other sectors covered by the CRC.

As highlighted by the European Integration Forum, the adoption of clear policy documents promotes integration. In that context, a clear national action plan should identify the responsible authorities and

## PART 4

establish the sense of accountability, therefore facilitating monitoring. In the case of Greece, till the end of 2012, the Ministry of Interior was still drafting the National Strategy for third country nationals integration 2012-2015 and an action plan was still not introduced. However, initiatives related to migrant integration have been taken by the municipalities and civil society (FRA, 2012, p.60-61).

On another note, in August 2010, a National Action Plan on Asylum and Migration Management was submitted by the Greek State to the European Commission. The specific NAP addressed a number of issues including screening, asylum and return procedures, as well as improvement of detention conditions and appropriate facilities for vulnerable groups. This NAP led to the establishment and introduction of Law 3907/2011<sup>105</sup>, even though the First Reception Service, the Asylum Service and the Appeals Authority, foreseen to be established, were not yet operational at the beginning of 2013 due to lack of funds and human resources. However, according to the last update provided to the Special Rapporteur, the above services would start operating before the second half of 2013 (Human Rights Council, 2013, p 7).

Law 3907/2011<sup>106</sup> provides for the establishment of a) an independent and appropriate Asylum Service and Appeals Authority in order to ensure full access to the asylum system and finally deal with all the pending asylum claim timely and appropriately b) a First Reception Service and c) the adaptation of national legislation related to the EU Returns Directive (2008/115/EC).

Since the First Reception Centres became operational, the migrants should be kept in the facilities for a maximum of 25 days and from there they should be moved either to an accommodation centre for vulnerable groups or to a detention centre if they are to be deported. One of the most important roles of the First Reception Centres is the rapid and effective identification of migrants with vulnerabilities (separated children, individuals with impairments, victims of trafficking) and the assessment of whether continued detention is necessary, in order to improve the situation that a high number of migrants have been experiencing for the last few years (Human Rights Council, 2013)

Even though the above law, provides for detention only when there are no less coercive measures to be put into force, in practice there are no other measures, so practically speaking, detention ends up being the only possible measure to be taken.

Under law 3907/2011<sup>107</sup>, the First Reception Centres should be established for undocumented migrants, apprehended entering or residing the country. These centres should ensure living conditions that would respect human dignity and migrants' rights, according to the State's international obligations. The First Reception Service apart from covering the migrants' – including children – basic needs, also includes the realisation of certain very crucial procedures such as identification, registration, medical examination, psychological support, information on the migrants' rights and obligations. In addition, the detainee can request to establish contact with his/her family, a lawyer, the corresponding consulate or even national, international or non governmental organisations. There is also provision of care to vulnerable groups as the unaccompanied children and the victims of torture and trafficking. Furthermore, based, on article 32 on "Detention of minors and families", it is foreseen that children, who are detained should have the possibility to engage in age-appropriate leisure activities and also have access to education.

<sup>105</sup> Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A, No.7

<sup>106</sup> Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A, No.7

<sup>107</sup> *ibidem*





The situation seems to be improved after the establishment of the first First Reception Centre in 2013, based on Law 3907/2011<sup>108</sup>, where there are procedures in place regarding the identification, registration, referral and protection of children. On the other hand, this centre has only been operating for a few months, therefore the consistency and hopefully its positive progress will show in the future. In addition, based on the Ministry of Public Order and Citizen Protection statements, there are more First Reception Centres to be established by the end of 2013 (Kathimerini, 2013) that will contribute to the enhancement of the child protection system.

Regarding Ministries' responsibilities, the reception system for unaccompanied children, asylum seekers and other vulnerable groups, previously fell under the Ministry of Health and Social Solidarity but has now been moved under the Ministry of Labour, based on Law 4052/2012<sup>109</sup>. The fact that responsibility related to migration issues as well as the relevant European Funds (Solidarity and Management of Migration Flows) have been scattered among the Ministry of Public Order and Citizen Protection<sup>110</sup>; Ministry of Shipping, Maritime Affairs and the Aegean<sup>111</sup>; Ministry of Interior<sup>112</sup> and till recently the Ministry of Health and Social Solidarity, which passed its relevant responsibilities to the current Ministry of Labour and Social Welfare<sup>113</sup>, makes it extremely difficult to adopt an holistic approach on migration and constitutes protection for people in need of international protection quite a difficult task. Even though there is an Interministerial Committee on Migration, it does not seem to meet regularly (Human Rights Council 2013, p6-7).

Based on these concerns expressed by the Special Rapporteur, Mr Crepeau after his visit in Greece in 2013, the Greek government declared that there are efforts towards a more holistic approach to migration. The Greek State suggests that the holistic approach will be succeeded by transferring to the Ministry of Public Order and Citizen Protection the responsibility for the reception system, the European Refugee Fund, the new Asylum Service, First Reception Service and Appeals Authority. The idea behind this is that the same Ministry is already in charge of the External Borders Fund and the European Return Fund. Even though the Special Rapporteur was hesitant with this proposal due to the fact that the police are also under the same Ministry, constituting one of its basic departments, he hopes that transferring to one Ministry the whole responsibility for migration might indeed lead to the desired more holistic approach. This hope also rises after the reassurance provided that the police will have no involvement at all either with the First Reception Service, the Asylum Service, the Appeals Authority, or the European Refugee Fund (Human Rights Council 2013, p.7).

Following the National Action Plan on Asylum and Migration Management of 2010, a revised one was submitted to the European Commission focusing on the access to international protection and creation of an effective system for returns and control of the borders. The newly revised NAP even includes timetables related to the operation of the First Reception and Asylum Service and suggests a more effective migration management system as well as protection system for vulnerable migrants (Human Rights Council 2013, p.7).

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108 *ibidem*

109 Law 4052/2012 Law concerning the responsibility of the Ministry of Health and Social Welfare and Labour and Social Security for the application of the law "Approval of Contract Plans for the Finance Facilitation between the European Financial Stability Fund ( E.F.S.F. ), the Hellenic Republic and the Bank of Greece, of the Memorandum of Understanding between the Hellenic Republic, the European Commission and the Bank of Greece and other urgent measures for the reduction of the public debt and rescue the national economy" and other provisions, Official Gazette of the Hellenic Republic, Vol. A, No. 41, 1 March 2012

110 The Ministry of Public Order and Citizen Protection has the responsibility, through the Greek Police, of the control of land borders; detention of migrants, management of detention facilities; deportations and the asylum system

111 The Ministry of Shipping, Maritime Affairs and the Aegean is responsible through the Greek Coastguard for the control of the sea borders

112 The Ministry of Interior has undertaken the role of controlling regular migration, including immigration policy and the social integration of immigrants

113 The Ministry of Labour and Social Welfare is now responsible for the reception system for asylum seekers, unaccompanied children and other vulnerable groups of migrants



***There are laws for separated children and theoretically they should be treated as national children.***

***The legislation is not appropriate as it should indicate the special category of separated children, recognize them and have additional provisions related to them. However there are no policies, strategies, political willingness.***  
***(GOV, GR08)***

***Taking under consideration that there are many legislative gaps, when something is done properly, almost always this is down to the organisation's as well as to the professionals' willingness and capacities. Unfortunately we are at a stage, where we substitute the role of the public authorities in certain things that should be taken for granted as a statutory provision. All the NGOs have ended up substituting the State.***

***In general there are so many gaps in the field of children. And unfortunately not only in this field but in generally. Regarding the rights there is a regression in many fields and the NGOs instead of fighting for something better, right now and under the current social conditions we are simply trying to maintain anything good that we had, instead of trying to increase and reinforce certain things.***  
***(ORG, GR04)***

***Children non nationals though deal with particular problems that are not covered by the national legislation. For example they might be living in Greece for years and as soon as they turn 18, based on legislation they need to leave the country and return to their own, which they might have never visited before or know the language simply because Greece is the place they were born and raised.***  
***(CHILD-Professional, GR02)***

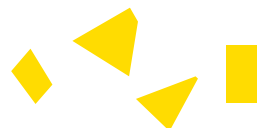
### ***Identification, registration and age assessment***

By virtue of article 19 of Presidential Decree 220/2007<sup>114</sup> and article 83 of Law 3386/2005<sup>115</sup>, the competent Public Prosecutors or police authorities are entitled to take all necessary measures to determine the identity and nationality of unaccompanied children and victims of trafficking and establish the fact of whether they are not accompanied or not.

Concerning the age assessment procedures, a formal way of assessing the age of an unaccompanied child has not yet been established. In addition, while, the Presidential Decree 90/2008, art. 12 (4.d) provides for the possibility of a medical exam to determine a person's age, it does not however specify the type of medical examination and provides no instruction on how to take into account the margin of error that all examinations are prone to. Apart from that, this Presidential Decree also foresees that an interview with the child should be realised by psychologists, social workers and other trained professionals (FRA, 2008, p.5). In reality, in the majority of cases, police are accepting the age declared by the child in the asylum claim or they independently make what can only be described as an arbitrary assessment. The aforementioned decree also requires that a person who claims to be a child should

<sup>114</sup> Presidential Decree 220/2007 on the amendment of Greek legislation in order to comply with Directive 2003/9/EC, Official Gazette of the Hellenic Republic, Vol. A' No 251, accessible at the website of the Government Gazette: <http://www.et.gr/index.php>

<sup>115</sup> Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263)



be treated as such until the completion of the medical examination.

It is also quite problematic that there is no formal procedure allowing for the change of personal details, including age, in case a mistake is identified or declared by the child him/herself. This change can take place in the cases where the child produces a birth certificate or other relevant documents from his country of origin (Greek NGO's Network for Children Rights Convention, 2011), which is not necessarily easy or simple for the child to obtain.

As a result of these unacceptable legal loopholes, children are often registered as older. Sometimes it is due to incorrect registration by the authorities and sometimes because the children themselves deliberately claim to be adults. The latter occurs as these children believe in that by doing so they will avoid prolonged detention caused by administrative delays or that a higher age works to their advantage, in order to get a work permit. The fact that children remain in the detention centre until their transfer to a special facility alongside the lengthy administrative process of their referral, discourages not only children themselves but also the authorities from recording unaccompanied children. Such a discrepancy disburdens responsibility of the authorities to call for the Public Prosecutor for Minors and also plays a role in the crucial issue of children's detention. Under that obscure registration regime, adults can alternatively register as underage, leading to another series of concerns. Furthermore, the registration of a child's age after his/her identification in the country is not the only time a child may be subjected to an age assessment, but can rather happen again if he/she gets arrested a second time, or if the child makes an asylum application, thus there have been documented cases of children who have been re-registered at a different age (Human Rights Watch, 2008a).

***In the KEPY (First Reception Centres based on law 3907/2011) there is better age assessment taking place but still.. (needs improvement). Not all KEPY have been opened yet. The contracts with the staff are not put yet into place and there are more to be opened and operated.***  
(GOV, GR08)

***Specifically on the group of separated children, there are extra difficulties as there is a grey area related to their number. In Greece, we have different registrations, meaning that there is one number for the children that have been apprehended and detained after their entrance in the country and another number for the children-asylum seekers. There is also a number for the children requesting accommodation from EKKA through different organisations, police, authorities. Therefore, we already have 3 different numbers/stats but there might be some overlapping among them. There is no central registration system for the children.***  
(ORG, GR05)

***The identification and registration are very important because apart from the fact that it is on the child's benefit in order to protect him/herself, it is also related to the kind of services and planning incorporated by any state in order to resolve certain issues. It's different talking about 100 or 3000 children when looking at setting up (protective) mechanisms.***  
(ORG, GR05)

## PART 4

### ***Asylum applications and Residence permits***

The Juvenile Prosecutor or the competent Public Prosecutor at the First Instance Court assumes the duties of the “special temporary guardian” of the children, in order to ensure the latter's necessary representation. In that point, it is important to note that the most recent Greek asylum laws define an unaccompanied child as ‘a person below the age of 18 without an adult customarily or legally responsible for his or her care’ and further highlight the mandatory representation of all unaccompanied children by a guardian, regardless of whether the child has asked for asylum or not.

Based on a report of the European Migration Network in 2012, from January to October of 2012 there were 98 unaccompanied children who had applied for asylum, when only between January and May there were 1953 unaccompanied children identified, meaning that more than 1855 did not apply for asylum (European Migration Network, 2013 p.75).

Unaccompanied children aged 14 and above may file an asylum application, if deemed mature enough by the competent police official to comprehend the meaning of such an action. Of course it should be noted that it should not be upon police officers to decide whether or not a child is mature enough to understand the procedure. Children below age 14 can submit an asylum application only through their legal representative, meaning that many times they do not even have that opportunity due to the existing problems with guardianship and the non-appointments of a guardian.

Another problematic point in Greek legislation is the fact that, as mentioned above, a child aged 14 or older and deemed mature enough to understand the meaning of an asylum application does not have to be represented by his or her guardian, who is solely informed about the child's such action. In addition, this obligation to notify the child's guardian on this matter completely stops if the child is 16 or 17 years old, if he or she is likely to turn 18 before the first-instance decision, or if the child is married or has been married. These legal loopholes result in an absence of legal representation and protection of unaccompanied children in the asylum procedure (Human Rights Watch, 2008a).

Despite the adoption of Law 3907/2011<sup>116</sup> and the introduction of certain reforms, the Greek asylum system is still largely dysfunctional with a backlog of many thousands of applications and the lowest first-instance refugee recognition rate in Europe, which in 2011 amounted at less than 1%. This low rate is due to the limited access to the asylum system and an important backlog in processing the applications.

***There have been delays in processing the asylum requests, even though the operation of the new Asylum Service has somehow reduced the problem.  
(ORG, GR03)***

***A number is that last year 73 separated children applied for asylum, which is in no way representative as we need to take under consideration 100 different factors. For example there was no access for 2012 because of the fact that the requests were submitted in Petrou Rali str. in the Directorate for Aliens, of the police. There was minimum access and all of a sudden the number of separated children dropped in 73, which does not correspond either with the numbers related to detention or to the requests for accommodation. This is a***

116 Law 3907/2011 on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC “on common standards and procedures in Member States for returning illegally staying third-country nationals and other provisions, Official Gazette of the Hellenic Republic 2008 Issue A’ No 7



***huge problem and something needs to be done about it on a central level and have it resolved.***  
***(ORG, GR05)***

One of the main factors that hinder access to asylum is that the Athens Aliens Police Directorate has been accepting only 20 applications per week, in violation of the right to seek asylum under domestic and international law. Encouraging however is the progress succeeded on the second instance level where the recognition level raised to 12% for the same year (2011) (Human Rights Watch, 2013). Nevertheless, the chronic deficits in the asylum seeking application and assessment procedures that result to the deportations of many unaccompanied children, can increase risks of child trafficking and exploitation.

One of the most crucial legislative gap is the obvious lack of legal protection for unaccompanied children who do not seek asylum. The legal prohibition of deportation of children falls only on those who have been recognised as refugees or have applied for asylum, those who have parents or guardians legally residing in Greece or who have been in conflict with the law and are under obligation of a reformatory measure imposed by a ruling of the Juvenile Court (law 3386/2005<sup>117</sup>, article 79). Hence, unaccompanied children<sup>118</sup> who do not seek asylum or their application is unsuccessful are in danger of being deported and although they are by law represented by a temporary guardian, their irregular status as migrants, who entered the country without legal travel documents, remains unchanged and as such, they are by law subject to arrest, detention, and deportation under the same procedure as adult immigrants (Law 3386/2005, art.79).

From another angle, many unaccompanied children interviewed by Human Rights Watch said that one of the reasons they do not want to apply for asylum is that they have experienced ill-treatment and violence at the hands of state agents (police, port police, coastguards or border guards). In 2007 the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reported numerous allegations of ill-treatment by persons, including migrants, in the custody of state agents. Several migrant children told Human Rights Watch that Greek border guards beat and kicked them after they were intercepted in the Aegean Sea while trying to cross into Greece on boats. Other dramatic testimonies that Human Rights Watch has collected, relate to the behaviour of port police officers in the town of Patras, an important terminal for ferries leaving for Ancona, Bari and Venice and hence a jumping off point for travelling to other parts of the EU. According to these testimonies, beatings and mock executions have taken place and one of the worst incidents was the multiple stabbing of 14- year-old Ismail F., an unaccompanied child from Afghanistan. In addition the reports reveal a non-existent complaint mechanism, no victim protection mechanism and the fact that victims were visible during the process of identifying the perpetrators (i.e. officers possible perpetrators of the acts were presented in front of them during identification with no protective coverage) (Human Rights Watch, 2008a).

According to article 44 (1.c) and (d) of Law 3386/2005<sup>119</sup>, a residence permit may be granted on hu-

117 Law 3386/2005 on Entry, residence and social integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263), 3731/2008 (Official Gazette of the Hellenic Republic Vol A' No.263), 3772/2009 (Official Gazette of the Hellenic Republic Vol A' No.112) and 3801/2009 (Official Gazette of the Hellenic Republic Vol A' No.163).

118 Based on Law 3386/2005 on Entry, residence and social integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212, an unaccompanied minor is defined as a third country national or stateless individual under 18 years old, who has entered the Greek territory without being accompanied by an appointed by law or custom guardian or was found unaccompanied after his/her entrance in the country

119 Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263), 3731/2008 (Official Gazette of the Hellenic Republic Vol A' No.263), 3772/2009 (Official Gazette of the Hellenic Republic Vol A' No.112) and 3801/2009 (Official Gazette of the Hellenic Republic Vol A' No.163)

## PART 4

humanitarian grounds to third country nationals, including children. For that to happen though, children should be hosted in charitable institutions and organizations, be under the guardianship of Greek families or of third country nationals' families who stay lawfully in the country or whose adoption is pending. Hence, the above categories of children are also entitled to renewal of their permit for one of the grounds set out in the Law. In this Law, asylum seeking children are included in the categories of people coming from third countries that could be given stay permission for humanitarian reasons, if the criteria for the issue of a residence permit through an asylum application are not met.

***It (visa) gives you're a sense of identity and security as well as a place in the society.***

***People will know you and will stop checking on us and asking for our papers (if we had a visa).***

***(CHILDiN, GR01)***

Moreover, based on article 89 of Law 4052/2012<sup>120</sup>, an illegally employed unaccompanied child is entitled to a residence permit upon request, based on humanitarian grounds. This law providing for the incorporation of European Directive 2009/52/EC into domestic legislation, foresees in article 88 that anyone employing illegally children-third country nationals will be punished with imprisonment (European Migration Network, 2013, p.59).

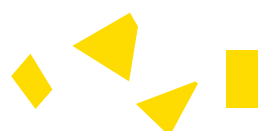
On the other hand, specifically for children from third countries, the Migration Officer is obliged to give a temporary residence permit to any third country national who has been victim of crime, abuse and trafficking, even in case the latter has entered the country illegally, in order for the victim to take a time period of circumspection and recover. Of course, alongside, the victim has the right of access to health system, economic benefits - if his/her sources are inadequate - and free legal assistance (The Greek Ombudsman, 2012).

***I had my documents when I arrived, but I lost them when I ran away. Now the shelter here is helping me get new documents, so I don't have a problem to stay in the country. It takes a long time for the documents, but it's very important to have them.***

***(YOUNG, GR02)***

According to national legislation, if children are indeed identified as unaccompanied, then the competent authorities and particularly the Immigration Service (under the Ministry of Citizen's Protection), should also make all possible efforts to trace the children's family as soon as possible and take measures to ensure their legal representation. In the case that the children's parents cannot be traced in Greece after investigation, Interpol is requested to undertake the task of identifying the parents in their place of residence (Committee on the Rights of the Child, 2011). As for family reunification, the Presidential Decree 131/2006, harmonising domestic legislation with the EU Directive 2003/86/EC seems to be applied effectively for migrants who reside legally in the Greek territory. Based on the information provided by the Ministry of Interior, in 2012, 6.072 residence permits were issued for the purposes of family reunification (European Migration Network, 2013, p.27).

<sup>120</sup> Law 4052/2012 Law concerning the responsibility of the Ministry of Health and Social Welfare and Labour and Social Security for the application of the law "Approval of Contract Plans for the Finance Facilitation between the European Financial Stability Fund ( E.F.S.F. ), the Hellenic Republic and the Bank of Greece, of the Memorandum of Understanding between the Hellenic Republic, the European Commission and the Bank of Greece and other urgent measures for the reduction of the public debt and rescue the national economy" and other provisions, Official Gazette of the Hellenic Republic, Vol. A', No. 41, 1 March 2012



### ***Detention, deportations, returns and removals***

One of the main entry points to Europe for undocumented migrants has been the land border between Greece and Turkey, in Evros. In the first 9 months of 2012 about 44.000 irregular crossings of the land border were recorded by the authorities (FRONTEX, 2012, p.56). Due to this high numbers of undocumented migrants crossing the borders and as a measure for reinforcing control to the land border, in August 2012 and within the framework of the police operation Xenios Zeus, another 1.800 police officers were deployed to the land border of Evros. As a result, according to FRONTEX, the irregular crossings dramatically dropped to less than 100 in the last week of August compared to the 2.100 recorded in the first week. By the end of 2012, a 12 kilometres border fence was also constructed along the Greek-Turkish land border, in order to discourage irregular crossing, even though concerns had been expressed by a number of Bodies such as the Council of Europe and the UN Special Rapporteur on the Rights of Migrants regarding its appropriateness (FRA, 2012, p.78-79).

The Southeastern external land EU borders that are protected by the Greek police and FRONTEX are now being crossed by irregular migrants less often. According to the Greek police, from January to September of 2013, only 764 individuals were apprehended for crossing the land borders compared to the 30.143 who were arrested at the same period of 2012 for the same reason (PROASYL, 2013, p.18).

Due to the above actions, obviously the irregular crossings by land were reduced, leading migrants to the sea borders though. Evidence to that is the fact that the apprehensions for crossing the sea borders have raised to 8.052 compared to the 1.329 for the same period in 2012 (PROASYL, 2013, p.18). However, such attempts to enter the country have led to numerous deadly incidents across the Aegean Sea such as the one on the 6th of September 2012, when 61 individuals, 31 children included, ended up losing their life outside Izmir, by the Turkish coast (FRA, 2012, p.78-79 and PROASYL, 2013, p.14).

Apart from the aforementioned incidents, based on media reports, others followed and till July 2013 another 94 people died or went missing in total, including 13 children and 2 pregnant women (PROASYL 2013, p.33). Needless of course to mention that these numbers reflect known cases that were also reported to the public by the media, while there might be a number of others that just get lost in the sea.

In this context, the PROASYL research in 2013 notes that 149 people, including children and pregnant women, have lost their life in the specific stretch of water. More importantly though, the findings of this investigation showed that there have been not only illegal but at the same time brutal push backs both in land and sea borders. Special Forces officers have been accused of maltreatment upon migrant's arrest, detention without official registration on Greek soil and in continuance deportation back to Turkey. In addition, special units of the Greek coastguard seem to simply abandon refugees in Turkish waters, without providing or even considering for their safety. It should be highlighted that for the purposes of this PROASYL research 90 interviews were carried out with people who had at least once tried to cross the Greek-Turkish borders and were illegally pushed back. More than half of these individuals came from Syria, followed by Afghan, Somali and Eritrean nationals, claiming to be in need of protection. Within these numbers, pregnant women, families and children were also included. (PROASYL, 2013, p.4-6).

The Greek-Turkish land and sea borders are controlled by the Greek police and coastguard as well as by FRONTEX. Therefore, such practices as the aforementioned maltreatment and illegal removals,



## PART 4

clearly breach national and international legislation such as article 2 of the European Convention on Human rights for putting refugees' life in danger and article 19 of the EU Charter of Fundamental Rights, which forbids collective expulsions. (PROASYL, 2013, p.8-9).

Within the framework of the aforementioned police operation Xenios Zeus, the Hellenic Police issued a Press Release on the 31st of December 2012, stating that 65.766 migrants had already been apprehended in Athens, 6.3% of them due to lack of a residence permit (European Migration Network, 2013, p.20). At the same time, the 2013 PROASYL report mentions that there have been 80.000 migrants apprehended from the beginning of the operation at the end of summer 2012 till October 2013, out of which almost the 7% were detained due to lack of a valid residence permit. Additionally, since the beginning of this so called "sweep operation" 28,957 individuals have been deported. Even though the Greek authorities view these actions as successful due to the reduction in illegal entry, they actually become obstacles to refugees' protection, in combination with the problematic asylum system in Greece (PROASYL, 2013, p.14).

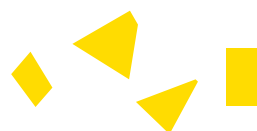
***In Athens, due to their operations (police) for "cleaning" the streets from undocumented immigrants, there are children who disappear and then found in other areas within detention centres. Once in the detention centres e.g. of Komotini then the minors are referred to EKKA. Therefore a child might start from Athens, go through detention centres and different areas across the country just to end up 7 months later in e.g. Komotini and then be referred to EKKA.. (GOV, GR08)***

Unfortunately, it is common practice to systematically detain undocumented migrants, including unaccompanied children and families. However, due to the large numbers of migrants being detained through the police operation Xenios Zeus, in combination with the limited detention capacity, many individuals are released quite quickly, especially in certain areas of the country. However, these people are left to go along with a deportation order, which provides them another 30 days of legal residency in the country and then ordering them to return to their country of origin. At the same time, a newly found "solution" seems to be the construction of more detention centres, under the name of "pre-removal" centres, with the support of the European Return Fund, so that detention capacity can reach the 10.000 persons in total. The obvious worry on behalf of the Special Rapporteur is that this will allow the authorities to detain migrants for much longer periods, as under current legislation detention can reach 18 months. (Human Rights Council, 2013, p11).

It has to be noted that based in Law 3386/2005<sup>121</sup>, undocumented unaccompanied children must be kept separated from the undocumented adult migrants inside the detention centres, until the conclusion of their age and origin determination and of the asylum procedure. However, it is common knowledge that this provision is not applied and it is common practice to keep children in the same cell as adult detainees. The detention of unaccompanied children in Greece has been a cause for concern even in the past, as mentioned in the 2007 study of the European Parliament's Committee of Civil Liberties, Justice and Home Affairs. The comment refers to the possibility of either having national legislation allow the detention of children above 15-16 years old or of such an action to constitute a violation of the existing legal framework (FRA, 2011, p.68).

Even though so many legislative provisions are in place for the protection of unaccompanied children,

<sup>121</sup> Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263), 3731/2008 (Official Gazette of the Hellenic Republic Vol A' No.263), 3772/2009 (Official Gazette of the Hellenic Republic Vol A' No.112) and 3801/2009 (Official Gazette of the Hellenic Republic Vol A' No.163)



they seem to be ignored by police and state authorities. In most cases unaccompanied children would just be detained and during their detention their minority will be decided upon, resulting in many occasions in a false registration. In addition, as already mentioned, children could be deported as the Greek legislation only prohibits the deportation of children fulfilling certain criteria such as having parents or guardians who lawfully reside in Greece, or in case other reformatory measures have been imposed to them by the competent Juvenile Court.

Based on article 76 of Law 3386/2005, police is also the competent authority deciding for the migrants' detention, for which there is no automatic judicial review of the decision. As a positive development, article 30 of Law 3907/2011<sup>122</sup> introduced an automatic judicial review related to the legality of detention, regulating though only the extension of detention and not the detention itself. Besides that, this automatic review does not take under consideration the specificities of each case. Due to this gap, the judge can decide to extend an undocumented migrant's detention simple because that person's expulsion has not taken place still, at the time of the decision. Migrants can object to their detention, according to article 76 of Law 3386/2005 and article 30 of Law 3907/2011, but in that case they need to submit the objection in writing and in Greek. Since an interpretation and legal support service is not really accessible or guaranteed, the submission of an objection to the detention decision is practically impossible (Human rights Council, 2013, p13-14). Moreover, a separated child that has been detained can, according to Law 3907/2011, object to the detention or to the extension of it before the President, the first-instance court of the region in which the child is detained or the relevant judge of that court. However, as it can be understood, the latter is not a right that one, especially a child, can easily practice.

In order to ensure humane living conditions in the reception centres, Laws 3386/2005 and 3536/2007<sup>123</sup> have established a more modern legislative framework on immigration policy, based on humanitarian ideals and European values. In practice though, it is quite worrying that the various detention facilities in Greece have been found to be deficient and the living conditions in these facilities as well as in the police and border guard stations have been characterised as extremely poor and criticised by a number of organisations as well as by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment (CPT)<sup>124</sup> in 2012 and the Special Rapporteur on the human rights of migrants, François Crépeau in 2013<sup>125</sup>.

Therefore, as already mentioned in section 4.1.1, even during their first arrival in Greece and often for extended periods of time, children's basic needs are not cared for. According to a 2013 Human Rights Watch report<sup>126</sup> many of the migrants interviewed, including unaccompanied children interviewed, complained of being confined in poor conditions (Human Rights Watch, 2013)<sup>127</sup>, despite the fact that law 3907/2011<sup>128</sup> provides for decent living conditions for detainees.

122 Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A, No.7

123 Law 3536/2007 on Determining matters in migration policy and other issues falling into the competence of the Ministry of Interior, Public Administration and Decentralization, Official Gazette of the Hellenic Republic Vol A' No.42

124 CPT/Inf (2012) 1, Report to the Government of Greece 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 19 to 27 January 2011. Strasbourg, 10 January 2012

125 United Nations, Human Rights Council, A/HRC/23/46/Add.4, Distr.: General 17 April 2013, Report of the Special Rapporteur on the human rights of migrants, François Crépeau - Addendum - Mission to Greece, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/132/21/PDF/G1313221.pdf?OpenElement>

126 Human Rights Watch report on 'Summary Returns of Unaccompanied Migrant Children and Adult Asylum Seekers from Italy to Greece'

127 The specific report was based on interviews with 29 migrants and asylum seekers (men and underage boys), including unaccompanied migrant children, who had been returned to Greece by Italian border officials, as well as with experts (border guards etc, social workers and government officials)

128 Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A, No.7



## PART 4

Based on art 30 of law 3907/2011, the duration of a migrant's detention is set to 6 months but if there are delays for any reason, this period can be extended to 18 months, meaning that it reaches the maximum foreseen in the EU Returns Directive. In addition, as the provisions governing also the maximum duration of detention for asylum seekers changed in October 2012, asylum seekers may also end up detained for 18 months waiting for the court decision on their application. What is even worse, is that it has been observed that the unaccompanied children's request for family reunification is many times disregarded by the authorities (Human Rights Council, 2013, p.17).

Furthermore, since Greek law does not prohibit the administrative detention of children who enter Greece without valid papers, the authorities constantly proceed to with detaining unaccompanied children, sometimes even for prolonged periods - mainly due to difficulties in finding a place in the limited accommodation facilities that host unaccompanied children - which based on international standards<sup>129</sup> appears to be completely arbitrary and unacceptable (Human Rights Watch, 2008a). On top of that, upon arrival, children are many times put in the same facilities used for adults, even in the same cells, if there is no availability of space, which is usually the case. However, even in the cases, where they may be placed in separate cells and that there are some care arrangements for the separated children, these facilities are not well equipped based on the children's specific needs and are also too limited in space.

Apart from the practice of detaining unaccompanied children, things seem to get even worse for them due to professionals' maltreatment towards them. In the 2011 report of the European Union Agency for Fundamental Rights on separated and asylum seeking children in the EU Member States, children were interviewed in Austria about their former experiences in other countries and some of them mentioned having suffered from maltreatment and abuse in Greece (FRA, 2011, p.72-73).

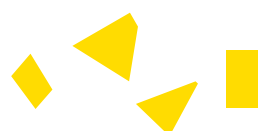
Other issues such as limited ability of detainees to contact family of origin, access to legal representation, support by interpretation services, provision of information on their rights and status in a language they can understand have also been noted by the Special Rapporteur in 2013 (Human Rights Council, 2013, p.13).

Greece is among the 6 EU Member States without an effective monitoring system. Even though Law 3907/2011<sup>130</sup> foresees an external monitoring system for removals, the necessary joint ministerial decision for its established was not issued, at least till the end of 2012. According to the law, this monitoring system should be operated by the Greek Ombudsman and NGOs. However, after the judgment *M.S.S. versus Belgium and Greece* in 2011, the Council of Europe Committee of Ministers has called for the Greek authorities to provide updated information on the implementation of the procedure of deportations based on the ECHR requirements (FRA, 2012, p.55).

Greece in general has a considerable track record of deporting unaccompanied children without putting into place any safeguarding measures, such as an assessment of the child's best interest, existence of adequate care in the country of origin and lack of danger to the child's wellbeing and

129 The ECtHR case law indicates that arbitrariness in detention should be assessed, inter alia, with regard to detention conditions, which have to be appropriate, taking into consideration their individual features and their effects on the individual, especially when she/he belongs to a vulnerable group, such as children. Also the length of the detention should never exceed that reasonably required for the intended purpose. Furthermore, the 'Return Directive' indicates that "children should only be detained as a last resort and in facilities appropriate to their specific needs. This provision also applies for children who have been apprehended in connection with their irregular border crossing, when an EU Member State may decide not to apply the Return Directive in full." (FRA, p.92)

130 Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A; No.7



safety.<sup>131</sup> (Human Rights Watch, 2008a). It needs to be mentioned that a deportation order is basically an official document that informs in Greek the receiver that he/she has another 30 days of legal stay in the country and after that he/she should leave the Greek territory but not proceed in travelling illegally to another country (Law 3386/2005). As it can easily be understood the vast majority of the individuals receiving a deportation order either attempt to move to another country through illegal means or simply remain in the country, facing the danger though of being repeatedly apprehended, detained, offered a deportation order or actually be deported.

Human Rights Watch has stated that the Deputy Minister of Interior publicly shared in August 11, 2008 that during 2007 and the first half of 2008, out of the 12.904 deportation orders to children, 2.599 took place. However, it is not known how many of these deported children were unaccompanied. In addition it was mentioned that 76 unaccompanied children-asylum seekers were deported in 2007 and correspondingly 119 during the first seven months of 2008, without knowing clearly though if their right was violated or whether they had dropped out of their asylum request. (Human Rights Watch, 2008a). In any case, the above figures show the inadequacy and inefficiency of the system either because the data is not clear due to the lack of a registration and collection data system or – even worse – because the children's needs and rights have been ignored and violated.

Both the Greek Ombudsman<sup>132</sup> in 2005 and the National Commission for Human Rights<sup>133</sup> in 2007 urged the Greek government to cease deporting children and instead carry out the appropriate procedures for the children's safe return to their countries, if that was in their best interest. Unfortunately, in national legislation, there are only provisions for the repatriation of recognized trafficking victims.

***Supposedly, when we talk about a child in need, there shouldn't be anything else bothering us (e.g his legal status, impairments, etc). It is a child and that should be enough (for the State to protect him/her).***  
**(GOV, GR07)**

However law 3907/2011<sup>134</sup>, article 25, regarding the return or removal of an unaccompanied child residing in the country without legal travel documents, foresees that the best interests of the child should have been taken under consideration and that assistance should be provided by appropriate bodies. In addition, prior to deporting the child, the competent authorities are obliged to ensure that the child will be returned to his/her family, a nominated guardian or even an adequate reception facility in the country of origin.

Since 2011, when the European Court of Human Rights (ECHR) concluded that the return of an asylum seeker from Belgium to Greece, under the Dublin II regulation, was violating the European Convention of Human Rights (article 3) most, but not all, EU Member States have ceased realising returns to Greece. The Special Rapporteur places responsibility to Greece, due to a problematic

131 The Committee on the Rights of the Child noted in 2002 that expulsion of street children had taken place without regard as to their best interest. UN Committee on the Rights of the Child, "Summary Record of the 754th Meeting." CRC/C/SR.754, September 13, 2002, para. 48. The UN Special Rapporteur on the sale of children, child prostitution and child pornography raised serious concerns after his mission to Greece in 2005 that deportation of children remained the rule and their protection an exception. UN Commission on Human Rights, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit, Mission to Greece, E/CN.4/2006/67/Add.3, March 27, 2006, para. 35. The Greek Ombudsman, in a special report issued in 2005, highlighted a range of children's rights violation that were the consequence of the government's practice of issuing deportation orders and enforcing deportation to countries that cooperate. George Moschos, Keynote Speech, Council of Europe Regional Conference on "Migration of Unaccompanied Minors: Acting in the Best Interests of the Child," October 27-28, 2005, MG-RCONF (2005) 27e, p. 27

132 Greek Ombudsman, "Special Report: Administrative Detention and Deportation of Alien Minors," Athens, October 2005, pp. 25-35

133 National Commission for Human Rights, "Observations regarding the issue of Unaccompanied Minors," February 15, 2007, in National Commission for Human Rights, Report 2006: Summary in English, March 2007

134 Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic Vol A; No.7

## PART 4

asylum system but also to the other EU Member States, suggesting that maybe it is not realistic or sustainable to expect that countries at the external border of the EU can undertake the responsibility for processing all asylum applications as a first entry point, due to the very high numbers of irregular crossings (Human Rights Council, 2013, p.16).

The readmission agreement between Greece and Turkey for third-country nationals, signed in November 2001 and into force in April 2002, apart from the fact that it is not being a very productive collaboration, it also does not contain any special provisions for respecting the principle of the best interests of the child or other human rights, such as the non-refoulement. The specific agreement primarily targets on eliminating the “illegal” migration, while ignoring the aforementioned rights and principles. In that way and by taking under consideration problems in identification of separated children and of victims of trafficking, there is a good chance that that these individuals, who are in most need of protection, are returned to Turkey.

Till now, the number of migrants readmitted to Turkey from Greece has been small. On the other hand, now that the corresponding EU – Turkey negotiations related to the readmissions agreement have been finalised and as soon as the agreement is put into force, it is very likely that more returns will take place. (United Nations Human Rights Council, 2013).

***The migration issue is a classic problem that reflects the deficiency and difficulty in collaboration.  
(MUN, GR01)***

### ***Victims of trafficking***

Greek legislation includes a specific set of laws and policies for non-national children who are victims of trafficking. Particularly the national migration law foresees the protection of specific categories of children. Within those categories fall children not seeking asylum, but being victims of trafficking or in need of protective measures under the condition that they are accommodated in institutions and provided that their return to a safe environment is not feasible. Both the child protection mechanisms stipulated in the law on the asylum procedure as well as in the migration law have proven to be insufficient and ineffective in addressing the unaccompanied children's need for protection (UNHCR et al, 2012).

However, even before an official decision is made by the Public Prosecutor and First instance Court, based on article 48 of Law 3386/2005<sup>135</sup> a ‘reflexion period’ of 30 days is foreseen for the victims. The reflection period provides and adequate time period in order for the individual to recover and escape perpetrators’ influence as well as decide whether to cooperate or not with prosecuting authorities. In particular, a reflection period of 30 days is provided for adults and of 60 days in the case of children victims. According to the law, within that period children are entitled to adequate living conditions, access to care, legal assistance when appropriate, information about subsequent procedures and legal rights. In addition, they have the right to request for a limited-validity residence card but without being able to acquire entitlement to residence in the country or have access to the labour market while the court decision is pending. Finally during the reflection period the individual cannot be deported.

135 Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A’ No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A’ No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A’ No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A’ No.263), 3731/2008 (Official Gazette of the Hellenic Republic Vol A’ No.263), 3772/2009 (Official Gazette of the Hellenic Republic Vol A’ No.112) and 3801/2009 (Official Gazette of the Hellenic Republic Vol A’ No.163)



Law 3386/2005, clearly defines the victim of trafficking as the individual who has suffered from the crimes described in articles 323, 323A (trafficking in human beings), 349 (pandering), 351 and 351A (procurement) of the Penal Code, regardless of their mode of entry (with or without legal documents) into the country (art. 1). Under the provisions of article 46, any third country national, who has been characterized as a victim of trafficking by the First Instance Court, is granted a specific residence permit for victims of trafficking, without being obliged to pay any stamp duties. The relative application for the issuing of the residence permit is either submitted by the interested third country national in person, or is forwarded by the competent Public Prosecutor to the Aliens and Immigration Department of the Ministry of Interior. Unfortunately, the above procedures are so lengthy, plus the identification and recognition of a child as a victim of trafficking so rare that practically this right is not exercised.

Victims of trafficking who have been recognised as such and have been awarded the abovementioned residence permit also acquire the rights to access the labour market <sup>136</sup>, regular medical and pharmaceutical treatment, vocational training and education, according to the article 6 of Presidential Decree No. 233/2003.<sup>137</sup>

As for the specific conditions for a renewal of the residence permit to victims of trafficking, there is a number of factors to be considered, according to article 50 of the said law, such as willingness of victim to cooperate with the authorities. Fortunately, this changed after Law 3875/2010<sup>138</sup> was introduced, stating that cooperation with the authorities would not be a prerequisite for renewing the residence permit of such an individual.

Finally, the women and girls- third country nationals, who are victims of trafficking, face considerable difficulties in their effort to receive a legal status in Greece and start over a new life. There have been reported several cases of women victims of trafficking, who were not provided state protection during the trial against their traffickers, even though they had previously received a number of threats by their perpetrators. Even worse, in certain cases deportation orders against them had been arbitrarily already issued before the end of the trial<sup>139</sup>. In practice, any respect and protection of the victims' rights – including their right to dignity and physical integrity – is highly dependent on their willingness to cooperate with authorities, hence the real protection provided to these women and little girls by the state is minimal (Greek NGO's Network for Children Rights Convention, 2011).

***...as we know in Greece the vertical networks for the protection of children, apart from the municipalities, are not that developed. The institution of the family and the extended family, who support and protect the children, remains a strong tradition. However that means that migrant's children, children-victims of trafficking, etc do not have such a protection network and this is important (as a deficiency) because family can also cover the bureaucratic gaps, annul complications, facilitate access, etc. All these family networks are very important especially for children, who are from their definition, a vulnerable group. Therefore, if you lack such a network you are in a disadvantaged situation. (MUN, GR01)***

<sup>136</sup> This is valid both for adults and children – specifically for children they can access labour market exactly under the legal provisions that regulate the working conditions of Greek children (See for detailed legislative framework under the benchmark of Protection in the Section “Working Conditions of Children”)

<sup>137</sup> Presidential Decree 223/2003 on Protection and assistance to the victims of the crimes envisaged in articles 323, 323A, 349, 351 and 351A of the Criminal Code pursuant to article 12 of act 3064/2202, Official Gazette of the Hellenic Republic, Vol A' No.204, 26 August 2003

<sup>138</sup> Law 3875/2010 on Ratification and Implementation of the United Nations Convention against Transnational Organized Crime and related provisions (Official Gazette of the Hellenic Republic, Vol A', No.158)

<sup>139</sup> See the Greek NGO's network report in the application of the united nations convention on the rights of the child (16th of April 2011), p.7

## PART 4

### ***Legal & medical assistance, accommodation, interpretation, information on rights***

In any case, police authorities in the migration sector, are obliged to inform all non-nationals, including unaccompanied children, either seeking asylum or not, about their rights through interpreters and informative leaflets in a language which they understand, before any decision for deportation is made. However as explained further below, this in practice is not effectively operating, since many children have regularly declared that they never received such information or couldn't understand the language on the informative leaflets provided (Πούλου και Στρατιδάκη, 2006).

Even though police officials declare that asylum applications by children are treated as a priority, children themselves have constantly described huge difficulties in accessing procedures, as they are rarely informed about them. Most importantly, in the majority of cases children are not orally informed by the police about their right to seek asylum, although the latter are explicitly instructed to do so and interpreters are usually absent in order to help children apprehend the text<sup>140</sup> or become the links of communication between the children and the authorities (Human Rights Watch, 2008a). Access is usually further hampered by the fact that many children may be illiterate or possess insufficient reading ability to understand printed materials, available in detention centres.

***There are no interpreters and cultural mediators, therefore that is how inclusive the system is.. Just due to that, some children are left out, when there is not even the possibility of communication, even with the guardian who is appointed to them formally by law, meaning the prosecutor. He never sees the child, he cannot communicate with the child. In addition, there is no particular awareness in Greece related to the cultural specificities of the child.***  
**(ORG, GR05)**

Furthermore, concerning the right to free legal assistance, the UN Working Group on arbitrary detention (2013) found serious discrepancies between the legal requirements and the actual application of these safeguards. During its interviews with undocumented immigrants and asylum seekers detainees, including children, the Working Group found out that very few of them were aware of their right to free legal assistance and that in numerous instances they did not enjoy their right to legal assistance without payment (Office of the High Commissioner for Human Rights, 2013). On that respect, while by law 3386/2005, art.47, the police are obliged to ensure legal representation for unaccompanied children, in reality, these children are rarely represented by a lawyer during the asylum procedure and very few of them are assisted in getting ready for their asylum interview. Consequently, this significantly reduces their chance of being granted refugee status. Therefore, even though all unaccompanied children fall under the provisions for special protection, if they do not proceed in filling in the asylum application for any reason, they are in danger of not getting their residence permit issued or renewed.

It is common knowledge that unaccompanied children who want to apply for asylum in Greece face serious obstacles in gaining access to asylum procedures as despite legal provisions, in practice they are rarely represented by a lawyer or a guardian during the asylum procedure, and very few of them are assisted in getting ready for their asylum interview. Children that were interviewed by Human Rights Watch, declared that the asylum interview, undertaken by the police authorities, lasted approximately 10 to 15 minutes, and that they were asked a few general questions without specific details. As a result, children are not given a proper opportunity to fully explain their reasons for coming to Greece and are often left uninformed about their rights and the precise official process. Due to such reasons, their

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140 See data collected from children's interviews by Human Right Watch in "Left to survive" (2008)



chances of being granted a refugee status are significantly reduced (Human Rights Watch, 2008a).

Correspondingly, according to several NGO's findings, despite the official legal provisions according to which the Public Prosecutor undertakes legal responsibility to act as a temporary guardian for children seeking asylum, this rarely happens. Up to June 2008, when the new draft law on asylum procedures applied, the prosecutor of minors rarely took responsibility as a special commissioner in cases of asylum applications and asylum-granting (Greek NGO's Network for Children Rights Convention, 2011).

Based on article 8 of Law 3961/2011<sup>141</sup> the National Helpline for Child Protection afterwards became an inter-ministerial decision between the Ministry of Health and Ministry of Justice, called Coordination of Services and Actions for Child Protection. Based on a Ministerial Decision of September 2011 and a Circular that followed on March 2012, clarifications were provided regarding the collaboration of EKKA with other services around the country on the field of separated children. There was also an internal regulation for the creation of a new department serving for the administration of the accommodation requests from asylum seekers and separated children. Based on this new service, once a separated child is located, he/she is referred to EKKA for provision of accommodation. As soon as EKKA receives the request, there is a vulnerability assessment. In case the child is referred by another service then EKKA also requests for the child's personal record. However, if the referral comes from the police, then that means that it is a case of an unaccompanied child and therefore no personal record is necessary in order for the request to be accepted. Then there is a search for an accommodation facility with available places and once one is found, the accommodation facility is informed through the service that referred the individual that certain medical exams need to take place. Finally, there is communication for the escort of the child to the facility. In the cases of families, this step does not take place.

However, at the beginning there were a couple of NGOs, offering primary care and accommodation, that presented some resistance, as now all requests go through EKKA, therefore an NGO can no longer prioritise the children that they attend to but have to take in the ones that EKKA defines. Fortunately, after a few months of coordination among actors under this new system of collaboration, things seem to be running much smoother.

***The new EKKA department attending to children-asylum seekers' request for accommodation started functioning sometime last year. Eventually during the 9,5 months that it run during 2012 it received 822 requests, while there are only 338 places for children, out of which the 60 places that correspond to the accommodation facility in the Lesvos island, in Agiaso, the centre is closed for the moment and nobody is sure of what is going to happen. Therefore we are talking about 338 minus 60 places. Not enough, with a lack in specialization and in the way of the structure's functioning. It depends on the mandate, as the law foresees, meaning the mandate of each organization, there is no general statutory framework as there is no kind of monitoring and supervision by the competent authority which used to be the Ministry of Health and now is the Ministry of Labour.***

***So, starting from the beginning we do not know the numbers (of separated children entering the country), how many children we are talking about.***  
**(ORG, GR05)**

141 Law 3961/2011 on the amendment of Law 3126/2003 on the Ministers' penal responsibility and other regulations, Official Gazette of the Hellenic Republic, Vol A' No.97, 29 April 2011

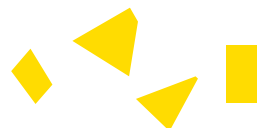


## PART 4

Furthermore, as already described in section 4.1.1, more problems can be encountered even after a place opens in an accommodation centre. Even though in such cases EKKA contacts the police in order to set up children's escort from the first reception centre or the detention centre to an accommodation facility, due to the existing bureaucracy and the lack of funds or specially trained personnel to escort the children, it is quite an regular phenomenon that NGO METAdrasis ends up undertaking that role and responsibility.

***..if a child is apprehended by the borders, the police will contact the Juvenile Prosecutor and EKKA. Right now, instead of the police this is done by the Reception facilities that have started to operate and this child will be sent to accommodation facility, which is very positive. On the other hand there are too many gaps in this system as well, as the children up until recently would stay for longer in the detention centre. ..children up until recently would stay for longer in the detention centre. This will keep happening till the number of the accommodation facilities increase. For example, right now if we are talking about a child in the Evros prefecture: he will go through the First Reception Centre, where the law foresees though that one can stay there for 15 days, with an extension of another 10 days (in case of a minor). Therefore, the most a child can stay in that facility is 25 days and during that time the identification, registration, etc as well as the referral to EKKA should have taken place, so that an accommodation facility will be found for the child to be transferred. However that doesn't happen. What happens is that the child is tranfered from the First Reception Centre and taken under protected guarding, meaning detention under the police guarding. All this means that a child enjoys a civilized framework/ condition (First Reception Centre)-compared to what we could offer till recently (detention centers)-meaning that he/she is not locked in till night. But then (after the 25 days) he/she is moved to a detention centre till there is an opening in an accommodation facility. The latter is not that simple as apart from the fact that there are not enough structures, there is a whole procedure during which the Juvenile Prosecutor must be informed, give the order, then the police and EKKA get involved (therefore more time needed for more procedures), interpreters and escorts need to be found for the child to be transferred, .... There are so many practical things that need to be put into place..Even if the accommodation structure was available from the first day the child arrived, it would still take some time for all the arrangements to take place. For example a child might be in the First Reception Centre up in Evros but the accommodation structure found might be in Crete.. There are many practical things to be arranged.. add to all that a bureaucratic mechanism....  
(ORG, GR05)***

***The shelter is an open structure, not guarded, so it's important for the children to stay here with their will so that they do not leave. Many of them do so and then we declare this to the police and usually we track them. This also has to do with their status prior to their arrival as well as with the way they are treated by the professionals that usually bring them here. For example if the child is crying and complaining and the police officer tells him/her "Do not cry; in the place we are going now, your mother will also be there", then when the children arrive and obviously do not meet their mother, they want to leave. Mainly we count on***



***the fact that children wish to remain here, which becomes a protection factor".  
(CHILD-Professional, GR03)***

Moreover, the immediate assistance by expert humanitarian actors to child migrants who arrive in Greece without legal documentation is still not explicitly established in national legislation. Although all the EU Member States must provide humanitarian actors with expertise in delivering assistance to persons in need, in Greece it is normally up to the coast guards and the police to respond to the humanitarian needs of disembarked persons. During their journey by boat, undocumented migrants are not really provided with food or water and usually do not have much, if any, personal and hygienic items upon disembarkation and are thus in an urgent need for all the above upon arrival, including the opportunity to have some rest (FRA, 2013). Unfortunately though, these needs are not always covered, even for children, and the fact that humanitarian NGOs' involvement in the specific task is limited, compared to the extend of the problem, means that these individuals are in high need of protection and support. Overall, although Greece has implemented some projects towards this direction<sup>142</sup>, it has no systematic humanitarian response framework.

In general, there is an obvious tension between humanitarian and security considerations concerning the immediate response to undocumented migrants' arrival in Greece, regardless of their age and status. This is especially illustrated by the strong presence of humanitarian organisations, which are involved in the reception of migrants arriving by sea, trying to cover the State's loopholes in this matter (FRA, 2013). Typically, Greece has not signed any official agreements to cooperate with NGOs, but the response to migrants upon their arrival takes place jointly. However, as officially this is a duty of the public authorities, the response to the humanitarian needs of disembarked people, including unaccompanied children, falls basically on the coast guards and the police, who however are not adequately trained to that kind of field work.

Nonetheless, within this non-systemic and unorganised framework, there have been some projects for the assistance of police authorities' and guards' work, such as the support mobile units project of NGO PRAKSIS (co-financed by the Ministry of Health and Social Security and the EU) aiming at providing first instance medical, social and legal assistance by qualified personnel to the newly arrived migrants in specifically selected Greek islands (FRA, 2013). Moreover, several other NGOs like the Doctors without Borders (MSF) are voluntarily offering their services to newly arrived migrants at the main points of entry – mainly in terms of medical assistance and information – before and after they are moved by the police and sent to the detention centres. However, NGOs cannot sufficiently support all entry-points, as this is not their role anyway, and that is why a more organized effort – including a monitoring mechanism – should be made in order to improve Greece's reception system.

### ***Birth Registration***

Unfortunately, the State regulations and policies are not applied to all children inclusively and thus fail to meet international standards. Another indicative example of the exclusion of certain groups of children from the state provisions on non-nationals rights, is the children's name registration. While according to the Convention on the Rights of the Child, all children have the right to a legally registered and officially recognised name, in Greek reality some specific groups of children are facing considerable obstacles in the registration procedures and their right to a recognised name is constantly violated.

<sup>142</sup> See for example the mobile support Units from PRAKSIS, which is co-financed by the Ministry of Health and the EU in order to provide newly arrived migrants with medical, social and legal assistance on certain Greek islands



## **PART 4**

Specifically, while recent measures have been taken by the State to facilitate the registration of ethnic Roma children at birth, a persistent number of Roma children are still unregistered or some of them are registered only with their parents last name, and the line for the first name remains blank with an abbreviation “AKO” (awaiting baptism), exposing them to stigmatisation and discrimination. This in turn reveals an infraction of the right of freedom of religion that all people, including children should enjoy, since it conceals a discrimination against population groups who are not Christians; thus international premises as well as national constitutional provisions (as these were mentioned in section 1.3) on freedom of religion are violated (Committee on the Rights of the Child, 2012a) & Greek Helsinki Monitor et al, 2011).

In addition, the Committee has noted the arbitrary transliteration of Turkish names in the identity cards, which creates problems to those who hold them when travelling or studying abroad (Committee on the Rights of the Child, 2012a)). Moreover as the GHM-MRG-G-SOKADRE has stated in their 2011 report, families from the Macedonian minority are often not allowed to give their children Macedonian names and the individuals, who applied to the state to obtain the family names, used by their ancestors prior to being forcibly changed by the Greek authorities in the 1920's-1930's, have had their demands refused by the authorities (Greek Helsinki Monitor et al, 2011) ).

Similar linguistic problems though concern refugees and asylum seekers as well, when it comes to register their children's names in their native language; constant mistakes are happening and many children end up to be registered with different and incorrect names on formal papers because of bad translation by the competent authorities.

### ***Examples of good and mal-practices***

Despite the existing legal provisions but also numerous gaps and problems reported, there are also some indicative examples of good practice to be mentioned, as they promote the implementation of the existing laws in a national level. Such good practices are to be found, for instance, in the government-funded Red Cross program in Patras which aimed to provide access to asylum procedures for unaccompanied children and asylum seekers in general. Unaccompanied children arrested by police or port police, who were referred to the Red Cross were informed by the organisation about their rights to seek asylum and offered a place in a care centre. Despite the fact that more than 100 unaccompanied children were supported throughout the 2 years of this programme and the significance of its existence, it stopped running at the end of August 2008 after funding by the EU and the Greek government was used up (Human Rights Watch, 2008a).

Another positive initiative was the project “Protecting Children on the Move” - an UNHCR initiative in cooperation with the France Terre d’Asile, PRAKSIS and Save the Children Italy as well as government counterparts in France, Greece and Italy - which adopted an operational approach, aimed at addressing protection needs of unaccompanied children by developing and establishing, in Greece, Italy and France, a common set of interventions and good practices on first assistance, counselling and referral. Within that project drop-in centres for unaccompanied children were established in Greece and France. In Greece specifically, the drop-in centre was fully operational in September 2011. The services offered to children who have been identified as unaccompanied, included outreach activities, provision of information, first assistance, legal and health counselling and social mediation with families (UNHCR et al, 2012).



In addition, in order to cover, as far as possible, the huge deficiency in lawyers for migrants and unaccompanied children that enter the country, the prefectures of Samos, Lesbos, Chios and Evros in collaboration with the Ministry of Order, the Ministry of Merchant Marine and the UNHCR in Greece, implemented in 2009-2010 the Aegeas Project, with the purpose to provide legal assistance to migrants arriving on the islands of Lesbos, Chios and Samos. By the same token, since 2012 the Greek NGO METAdrasi provides free legal assistance and advice to asylum seekers and refugees within the newly established programme 'Mayday: Vulnerable groups and interpretation' (FRA, 2013).

Recent steps were also taken by the Greek Government for the release of a large number of irregular migrants detained in police cells for the purposes of deportation, alongside the establishment of screening centres at the country's points of entry based on Law 3907/2011.<sup>143</sup>

Moreover, after persistent complaints from several NGOs and other actors, who have strongly criticised the living conditions at the detention facilities for migrants in the country borders (i.e. Mitilini, Lesbos, Samos, Chios, Rodopi, Evros), Greece closed two of these centres (Pagani in Lesbos and Samos centres) in 2010 and built a new facility in Vathy on Samos. It should be noted that in the said facilities migrants are confined to their cells, in contrast to other similar facilities held in other European countries, such as Italy and Malta where migrants can move freely within the facility.

Training seminars organized by the police services, as well as seminars organized by other specialized bodies to the staff of the asylum services have also taken place, in order to facilitate a better understanding of issues concerning children and support professionals on dealing with them in an appropriate manner. Finally, a special Programme initiated by the State in cooperation with FRONTEX, on screening and briefing, aimed at the determination of age and nationality of asylum seeking and refugee children.

At a local level, most municipalities have established special programmes for migrants learning the Greek language; special schools for non national children; medical centres specifically for the assistance of migrants and other vulnerable groups; camps for migrants' children; intercultural social centres and Informal Councils of Social Affairs, with the participation of foreign representatives. They have also initiated close cooperation with migrants' associations and have organised regular workshops for informing immigrants about residence permits and other issues, as well as multitude of cultural and multicultural events, festivals etc.

Nonetheless, despite the aforementioned examples of good practices, many additional measures and fundamental changes, both in the legal and operational level, need to be undertaken in order to fully comply with international standards and secure child migrants' and unaccompanied children's fundamental rights. Besides the inadequate legal framework, deficiencies and serious obstacles have been identified with regard to budget allocation as well as the low capacity of professionals working in the competent sectors. Specifically, a notable lack of resources has resulted to the lack of lawyers and guardians to represent all unaccompanied children. In addition, lack of qualified professionals working in the registration system for identification and age assessment, has led, as we have already seen, to the incorrect registration of unaccompanied children and consequently to their exclusion from adequate protection system.

An indicative example of this deficit, is the case of the 19-year-old Iraqi girl, who despite her apparent fresh physical wounds and post-traumatic stress disorders, ended up, after the preliminary pre-scre-

<sup>143</sup> Law 3907/2011 on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals and other provisions, Official Gazette of the Hellenic Republic 2008 Issue A' No 7

## PART 4

ening and medical checks, in a police detention facility in the eastern Aegean Islands, without having received any medical care during the first three days. Needless to mention that the obvious lack of interpreters creates further problems to the registration of these children and the identification of their real needs. The presence of an interpreter is scarce and the staff responsible for the identification does not have the appropriate training therefore not being able to locate whether these children are victims of violence or torture and in need of international protection.

Under current legislation, unaccompanied migrant children are treated first and foremost as irregular migrants. As such, many unaccompanied children who for any reasons do not seek to apply for asylum and are not EU citizens, are subject to detention and deportation without proper safeguards. In general, detention of or/and deportation of children without valid documents are not prohibited by Greek law and are administered within the same legal framework as for adults.

***Unfortunately I think that for a separated child, the fact that he/she has no legal documents becomes more important than the fact that we are talking about a child. Unfortunately that is what I see.  
(GOV, GR07)***

Regarding the unaccompanied children, they are either not fully or in many occasions not at all considered, in practice, into the national protection system for migrants, mainly due to the aforementioned practical gaps in the registration system, identification and age assessment, asylum application procedure as well as the referral system to appropriate child protection mechanisms and centres, which all unavoidably lead to the children's exclusion from the protection system.

Furthermore, no one has yet been convicted under Law 3719/2008<sup>144</sup> which explicitly indicates that the commission of crimes on the basis of national, racial or religious hatred or hatred on the grounds of a different sexual orientation constitute aggravating circumstances and cause sanctions. Migrants and asylum seekers (and , among them children as well) , face a rising wave of xenophobic violence in Greece. Human Rights Watch documented 51 serious attacks by vigilante groups, mainly in the centre of Athens, between August 2009 and May 2012. As mentioned before, victims of xenophobic attacks, and in particular undocumented migrants, face many obstacles in reporting crimes and activating a police response to attacks; the police constantly fails to intervene rapidly or even discourages victims from filing official complaints. The response of the judiciary is also seems to be inadequate (United States Department of State, 2012, p.6, 27).

A disturbing example of reported and documented cases regarding police violence in migrants' reception centres is that of December 13, 2004, when men in plain clothes entered a reception centre in Athens, housing Afghan immigrants, presented themselves as police officers and displayed to the Afghan immigrants the picture of another man having previously escaped while he was detained at the police station Aghios Panteleimonas. The Afghans stated they knew nothing about the man in the picture. Then it is reported that the police officers began beating them. After that, the police officers brought two men separately to the local police station and abused them. One of them who was a child, was brutally beaten by the police officers, was threatened by them with a gun, was stripped and photographed naked by them with a mobile phone (Greek NGO's Network for Children Rights Convention, 2011).

Relevant studies and reports based on consultations with unaccompanied children who had experienced such difficulties (i.e. maltreatment by officers, guards), have been minutely provided by Human

<sup>144</sup> Law 3719/2008 on Reforms for the family, the child, the society and other provisions, Official Gazette of the Hellenic Republic, Vol A' No 241



Rights Watch, reflecting the voices of children and their complains on that respect.<sup>145</sup>

***There are no regulations or operational procedures for the accommodation facilities and no medical protocols. As for the personal records, we managed to complete them in collaboration with other services.***

***Some good practices based on international standards are vulnerability assessment, the medical protocol, national procedures and personal record that EKKA created on their own and in collaboration with other NGOs or in a certain occasion the police, in order to improve service provision and create good practices. The latter tool was peer reviewed by 5 NGOs.***

***The operational procedures manual for the accommodation facilities, was created through the collaboration of EKKA and UNHCR, as the latter had built a similar one and then a medical protocol was also added to it. All this was submitted to the Ministry so that in case anybody had a related program approved, then he/she would be obliged to follow these procedures. However, this has not been established!***

***(GOV, GR08)***

***No, it's not all children that can be included in the system. A migrant child, who will go to school, might go to one where unfortunately the school setting is not appropriate, as there are still social stereotypes –many times carried even by the educators, which is a problem. Of course there are also quite a few examples, where the educators are excellent and do some great work, like in the 2nd High School of Lavrio, where it was completely up to the School Director to have a reception class for migrant children.***

***(ORG, GR040)***

***Good practices exist within the NGOs and even those are related to fragmented initiatives of the NGOs themselves, as they function under certain criteria e.g. the criterion that children stay more in the Athenian structures. There is one criterion, out of the so many that one should take under consideration.. It gives you an indication though that it is better and more positive if the structures are in urban areas because children abscond less from there and have a better networking with their communities, better access to NGOs, easier to enroll to school, etc. This piece of info should be used by the competent authorities and check how this works in structures of more remote areas or larger size and try to design/plan something but there is no attempt towards that direction. (ORG, GR05)***

***Staff of the shelters have given us advice on how to be careful around strangers or outside on the street.***

***When here, I feel safe because I can discuss with F. about my problems and feel protected.***

***(CHILDiN, GR01)***

<sup>145</sup> See in Human Rights Watch, 2008a report, p. 20-24 and Human Rights Report 2013 p 22-24

**Determinants promoting protection**

- Legal protective measures for unaccompanied children who do not seek for asylum
- Prohibition of children' deportation at any instance
- Legislative precedence of child protection legislation over immigration laws and policies
- Professionals' training and recruitment of more interpreters and lawyers for the asylum procedures
- Supervision of professionals, specifically the competent authorities (i.e. police and safeguards)
- Enhanced funding for specialized accommodation facilities for identified unaccompanied children upon their arrival
- Systematic/official cooperation of state authorities (safeguards, police etc) with NGOs at the main points of entry
- Reformation and improvement of the age-assessment and registration mechanisms
- Updated services for the sufficient information of unaccompanied children about their rights
- Operationalization of the Asylum Service, Appeals Authority and First Reception Service provided for in Law 3907/2011.
- Ensure that the Action Plan on Asylum and Migration Management is implemented with full respect for the human rights of migrants.
- Improve the human rights training of all persons working in the area of migration, including judges, lawyers, police officers, border guards, prison guards, public and private detention officers.
- Conduct public campaigns on racism and xenophobia and, in cooperation with international organizations and civil society, include human rights education and awareness-raising in the educational curriculum of public schools.
- Enhance support to civil society organizations providing support to migrants, regardless of their status, through European funding.
- Refrain from detaining children, whatever the circumstances, and provide them with appropriate accommodation
- Ensure full respect of the migrant children's rights, including giving primary consideration to their best interests in all actions concerning them, regardless of their administrative status
- Appoint a guardian for all unaccompanied children, as required by Greek law
- Assist unaccompanied and separated children with family reunification, whenever possible
- Provisions on assisted return of EU separated children in line with national and international standard on child protection
- Clear regulation on national and international level regarding the cease of Dublin II regulation, based on the the judgment M.S.S. versus Belgium and Greece in 2011

***More places in accommodation facilities.***

***Improvement of the guardianship system, which is non existent.***

***Specialised staff as we are talking about children with a very unstable psychosynthesis, with which we cannot "experiment" and specialised professionals are necessary.***

***Funds, due to the lack of which the services provided are outdated.***

***Age assessment tests for separated children, which in Greece is still a problem.***

***That would be very important as many minors in order to avoid many procedures,***



***they declare to be adults and that is when things get very complicated. In that way they exclude themselves from the protection system, eg the education. (ORG, GR04)***

#### **Actors involved**

- Ministry of Foreign Affairs
- Ministry of Interior with the Immigration Directorate
- Ministry of Health
- Ministry of Labour, Social Security and Welfare
- Ministry of Justice
- Ministry of Public Order and Citizen Protection (Asylum Service department)
- Ministry of Education and Religious Affairs, Sports and Culture
- Ministry for Maritime Affairs and Aegean
- Interministerial Committee for Monitoring Migration Policy,
- Juvenile Prosecutor
- Juvenile Courts
- the Hellenic Data Protection Authority (HDPa)
- the Lawyers association
- Greek police
- Greek coast guards and border police
- FRONTEX
- Decentralized Administrations
- Municipalities
- The Greek Ombudsman
- The International Organization for Migration
- The National Committee for Human Rights
- The UN High Commissioner for Refugees (Office in Greece)
- The Greek Council for Refugees
- NGOs

## PART 4

### 4.3.2 SOCIAL LIFE AND RELATIONS WITH PEERS AND ADULTS

Unfortunately, not much information was found around legislative provisions or practices around the social relations of children both with adults and peers. This could mean that there is not much importance drawn to this particular subject. On the other hand, in a country like Greece, where there is an inherited social attitude and character, this might be simply mistakenly taken for granted.

In any case, due to lack of information, in this section a couple of practices will be highlighted further below that might facilitate migrant children's inclusion in the Greek society or on the contrary become impediments towards this direction and consequently lead to their exclusion.

On a positive note, the department of Intercultural Affairs of the Directorate of Modern Cultural Heritage of the Ministry of Culture has set up intercultural programmes for vulnerable social groups, including third country nationals, which aim at the better integration of those people in the country's cultural life and the simultaneous encouragement and enhancement of their special cultural background. In addition, the specific initiatives have been provided with the research, recording and documentation of the special cultural characteristics, where these are to be met, in order to produce relevant scientific programmes and publications, organize events and exhibitions. Along the same lines, informative campaigns, live shows, events, conferences and a specially formulated website took place as part of the special action for the European Year of Intercultural Dialogue.

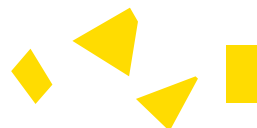
On the other hand, when it comes to school dropout of immigrant children, supportive and preparatory courses need to be enhanced and intensified for children to learn fluent Greek, in order to enable them to be placed in a class suitable to their age. If immigrant children attend classes without knowing the Greek language, the right to education – art. 28 of the Convention – for all pupils is violated as they are not in a position to understand and follow the lessons to the degree required. Equally for their classmates who know Greek but cannot progress due to the delays in the educational process.

Under this light however, it should also be mentioned that the phenomenon of having congregated schools for Roma or migrant children as described in section 4.2.1, leads to their social exclusion and further marginalisation. The congregated schools are a result of the attitude of rejection on behalf of fellow students, parents and often of teachers themselves of mainstream schools. This may be the most important reason for Roma children dropping out of school.

Unfortunately, current existing incidents, present a lack of willingness of the State but also of the public to accept and integrate migrant children in their society. As an example, there has been court action taken against of Mrs. Stella Protonotariou, head Mistress of the 132e Primary School of Grava. Mrs. Protonotariou was transferred and is now facing criminal charges, accused of illegally using the school premises in the afternoons to give free lessons of Albanian and other languages to the pupils of the school and Greek language lessons to their parents. All the above activities, useful for the integration of migrant families, were seen as a violation and have led to judicial proceeding.

***There is a Greek girl I like here .  
A few girls like me but I do not like one specific.  
There is a Greek girl but I have only seen her once.  
(CHILDiN, GR01)***

***Friends from and not from school  
Do not meet with friends. Talk to them through Skype.***



***I do meet up with my friends. We talk, play, discuss, go for walks.***

***All children have friends from different countries (Albania, Bulgaria, Greece, Roumania, Iran, Iraq)***

***The S.W from the shelter is supportive***

***A neighbour had helped me in the past***

***The man at the mini market, who at times offers us sth for free***

***(CHILDiN, GR01)***

***Generally most children have not shared their dream with adults. Only with friends (peers) and family + they do not really wish having an adult to discuss such matters.***

***(CHILDiN, GR01)***

***In the first shelter it was not so easy to make friends, but I did make a few. I don't have a way to contact them now. In this shelter I have made many friends, as we do a lot of things together and have fun.***

***(YOUNG, GR02)***

***Yes, there was Ms. B who helped me to come to the shelter, and then Ms. K, Ms. M and Ms. S who are in the shelter and take care of me.***

***(YOUNG, GR01)***

***They have friends and are involved in activities. As the organization has many volunteers, who spend time with the children, in the course of time if the children wish to and consent, then they spend some weekends with these volunteers or do activities together.***

***(CHILD-Professional, GR02)***

#### **Determinants promoting protection**

- Children's rights to be introduced in the school curriculum in order to cultivate the respect for all
- Raising awareness on children's right in order to shift discriminatory attitudes against children of different nationality; ethnicity; religion; gender; family, legal or financial status
- Raising awareness campaigns on bullying and cyber-bullying issues
- Effective operation of intercultural schools
- Development and promotion of community leisure activities
- Development of intercultural programmes
- Provision of information to children on accessing available structures



## 4.4 PROTECTION

### What the CRC says on 'protection': Summary excerpts

**Article 19 (Protection from all forms of violence):** Children have the right to be protected from all forms of violence, exploitation, abuse and neglect.

**Article 32 (Child labour):** Governments should protect children from work that is dangerous and that might harm their health and development. Children's work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

**Article 33 (Drug abuse):** Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

**Article 34 (Sexual exploitation):** Governments should protect children from all forms of sexual exploitation and abuse. This provision is elaborated and augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 35 (Abduction, sale and trafficking):** The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision is also augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 36 (Other forms of exploitation):** Children have a right to be protected from exploitation in any context and any form.

**Article 37 (Detention and punishment):** Children have a right to be protected from torture or other cruel, inhuman or degrading treatment or punishment. No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. Every child who is deprived of his or her liberty shall be separated from adults unless it is considered to be in the child's best interests not to do so and shall have the right to maintain contacts with his or her family. Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance and to challenge the legality of the deprivation of liberty.

**Article 39 (Rehabilitation of child victims):** Children who have been exposed to violence, exploitation, abuse or neglect have a right to receive special help for their physical and psychological recovery and reintegration into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

**Article 40 (Juvenile justice):** Children who are accused of having infringed the penal law have the right to legal assistance and fair treatment in a justice system that respects their rights, dignity and privacy. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.

**Article 42 (Knowledge of rights):** Governments should make the Convention known to adults and children. Adults should help and support children in learning about their rights.



**Prevention and protection benchmarks:**

Any prevention and protection strategy and measure should address the following essentials:

*Inclusion:* The same degree of protection without any discrimination and the consideration of all dimensions related to the particular situation of each child should be guaranteed.

*Appropriateness:* The maximum degree of survival, development and participation has to be considered, integrated and translated into action in any prevention and protection strategy and/or measure. All initiatives aimed at countering and prosecuting trafficking and exploitation phenomena should be conceived and implemented by keeping in consideration this comprehensive perspective.

*Effectiveness:* The guarantee of the best interests of the child through a holistic and durable perspective considering his/her present and future situation, even after the completion of the 18th year of life.

*Compliance:* Any measure addressing criminal phenomena such as trafficking and exploitation of children, has to be conceived, integrated and implemented in line with relevant children's rights principles and provisions and other human rights international legislation by ensuring the non-discrimination, the best interests and the participation of the child.

**Source:** Standards developed for GATE, 2012.

#### 4.4.1 CHILD PROTECTION: PROTECTING CHILDREN FROM ALL FORMS OF VIOLENCE, EXPLOITATION, ABUSE AND NEGLECT

***There is no such thing as a protection system.***

***If a protection system means taking a child off his family or elsewhere, throw him/her in a children's hospital and then as we do not have a solution for that child, end up leaving him/her in there for 3, 6, 8 months, then yes, I believe that we have an inclusive protection system.***

**(GOV, GR04)**

***However, under my opinion, the problem is that many cases of children that are in real need, are not identified, as there is no identification mechanism.***

**(GOV, GR04)**

***No, no way.. They (national laws and policies) are inappropriate, insufficient, ... sloppy work..***

***Something that is not effective, is obviously not appropriate either.. A system that faces a child as an existence, not registered anywhere, and that does not know where to place him/her, is not appropriate. Minority should be the most important characteristic of a child, but it isn't.***

**(GOV, GR07)**

***There was a case, where a hospital contacted us about a student who was victim of gang rape and ended up attempting suicide. She is alive but the Greek State could not care for her. It was either a matter of taking her in our shelter or***

## PART 4

### ***leaving her back to the mafia. (ORG, GR02)***

Greek legislation provides a series of provisions for the protection, support and rehabilitation of children in various fields, such as domestic violence, child trafficking, and sexual abuse. More specifically, the Greek constitution, article 7 (par.2) explicitly dictates that torture, any form of corporal damage, health damage or psychological violence against a child is forbidden and punished. This article protects the undisputable right of the child who must not undergoes any corporal or psychic pain that aims to the subjection of his/her will or humiliation.

The creation of the Central Scientific Board for the Prevention and Treatment of the Victimization of Minors and Youth Delinquency (KESATHEA) took place in in 2010, by the Ministry of Justice, aiming at combating the phenomenon of child abuse. It was urgently initiated after the publication of the dreadful statistical results provided by the Institute of Child Health in 2008, which revealed that approximately 45.000 children in Greece are abused every year inside family or by extended relatives, while around 5.000 – 10.000 are preschoolers and the majority of victims are girls. Specifically in 2008, 28.000 incidents of child abuse were recorded, among which 2.240 concerned children with disabilities and 17.000 victims were girls (Ministry of Justice, 2010).

However, despite the legal framework and specific Bodies being established, there is a need for specific, clear and timely procedures and protocols that will indeed guarantee children's protection.

***I think that unfortunately we are talking about a general lack in the field of protection. If you study the data, you'll find that a report for sexual abuse might take from 2-12 months in order to be examined by the Juvenile Prosecutor's Office. This goes for all children and it is very problematic because we are talking about a very deficit framework for all children in the country, nationals and non-nationals. Therefore, what we want is apart from the improvement for this framework for all children, we also want a further specialization for the separated children, which makes things even more difficult.  
(ORG, GR05)***

When it comes to family, the article 1518 of the Civil Code does not foresee specifically the prohibition of corporal punishment. On the contrary it just mentions that parents are allowed to use any disciplinary measure as long as it is pedagogically necessary and does not insult the child's dignity. However, Law 3500/2006<sup>146</sup> on combating domestic violence, forbids the exercise of such punishment towards a child and it explicitly clarifies that corporal punishment is not included in the allowed discipline measures foreseen by article 1518 of the Civil Code. As for the Child Care Centres, the same prohibitions Law 3500/2006 on Combating Domestic Violence, Official Gazette of the Hellenic Republic, Vol A' No 232 are in place through a Ministerial Decision (Γ 2β/1984, art.23, par.2).

Furthermore, the Institute of Child Health along with the Deputy Ombudsman for Children's Rights, the Institute of Social Protection and Solidarity - supervised by the Ministry of Health, the Ministries of Health and Education, the General Secretariat of Youth, the Hellenic Department of UNICEF and the Hellenic Association of Paediatricians have established the "Network for the Abolishment of Corporal Punishment" since 2005, which has included various public, private bodies or non-governmental organizations organizing actions of dissemination, health promotion and training of professionals and

<sup>146</sup> Law 3500/2006 on Combating Domestic Violence, Official Gazette of the Hellenic Republic, Vol A' No 232



the general public. The State has also provided for the training of police officers in handling cases of domestic violence, which is carried out by the Police Academy in all stages of education, police officer academies and refresher training courses. Police staff also takes part in international training programmes aiming at raising their awareness on the specificities of child victims and promoting appropriate methods of handling cases of domestic violence. Furthermore, the Pedagogical Institute frequently cooperates with the Ombudsman (Children's Rights Department) on the prevention and elimination of corporal punishment within the family, and has established the prohibition of corporal punishment at school. In addition to that, through the curriculum programmes, the writing of schoolbooks and through various educational programmes, the "education" on the prohibition of violence - domestic violence, hate crimes against minorities - is an ongoing process inside schools (Committee on the Rights of the Child, 2011).

Regarding corporal punishment as a mean of school discipline for correcting any deviant behaviour, it is forbidden, at any form, both for primary level education through the Presidential Decree 201/1998<sup>147</sup>, art 13, par 8 and in secondary education through Law 3328/2005<sup>148</sup>, art 21. In addition there has been a Circular by the Ministry of Education (Γ2/22673/02.03.2006) on corporal punishment of students, explaining that no authoritarian or violent behaviour towards the child, on behalf of the educator, is acceptable and that any emerging issues should be treated based on the modern principles of Pedagogy and Psychology.

Furthermore, all public nursery schools and kindergartens are explicitly not allowed to use corporal punishment, which is considered "a severe disciplinary offence" according to the Common Inter-ministerial Decision 16065/2002<sup>149</sup>, art 14, par 1. However there are no corresponding provisions for pre-school structures of a non-public character, leaving space for the professionals to act in such ways.

Within the framework of combating violence against children at school, in combination with the new rising phenomenon of bullying, the Ministry of Education alongside other bodies has established in 2011 a network against violence in schools working for the prevention and treatment of violence and bullying in schools. Besides this network, in November of 2012, the Greek State announced the establishment of an Observatory for the Prevention of School Violence and Intimidation. The role of the Observatory would be to draft and apply measures against violence and bullying, identify such incidents, refer them to the authorities and finally also publish the corresponding statistical data on an annual basis (FRA, 2012, p.123).

Going back to the home environment, a positive development in the child protection field has been the adoption of Law 3500/2006<sup>150</sup> which protects, apart from women, a wider range of persons including children, and recognizes that domestic violence is no longer a private matter but rather a serious social problem which explicitly violates personal freedom.

***The Minister talks about 400.000 families that experience domestic violence in the country.  
(ORG, GR02)***

***If a professional identifies a child as abused, then we inform the parents, but if***

147 Presidential Decree 201/1998 on the organisation and functioning of Primary Schools, Official Gazette of the Hellenic Republic Vol. A'

148 Law 3328/2005 on Hellenic National Academic Recognition and Information Center and other provisions, Official Gazette of the Hellenic Republic Vol A' No 80

149 Common Interministerial Decision 16065/2002 on the Regulations of functioning of the public day nurseries and kindergartens, Official Gazette of the Hellenic Republic Vol B' No 497

150 Law 3500/2006 on Combating Domestic Violence, Official Gazette of the Hellenic Republic, Vol A' No 232

## PART 4

***the parents refuse that it is an abuse case, then the procedures for protecting the child is very slow.. You need to inform the Juvenile Prosecutor's Office about the case, since the mother has not provided consent, therefore this is a very slow procedure, during which the child remains in the abusive environment, where everything keeps evolving till... In addition we only have 2 Juvenile Prosecutors in Athens, so how much can they do? But let's say that indeed the child is identified and registered as abused, then we move to other procedures: get the custody and do what with it when there is no official guardian? Move the child where since you just removed it from the family environment? To which facility, when there is lack of places? It is a problem related to child protection around the basics.***

**(ORG, GR04)**

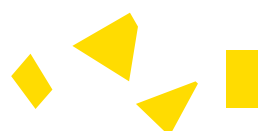
An important and pioneering provision of this Law is the fact that a child is identified as a victim of domestic violence, not only when the relevant acts of violence affect him/her directly but even when the violent behaviour takes place in his/her presence (art. 1, par. 2, 3). The provisions of the Law define and consider as punishable acts and behaviours in the domestic sphere the ones that offend the physical integrity and health (art. 6), personal freedom (art.7), sexual freedom (art. 8 in combination with art. L.1) and sexual dignity (art. 9) of children. Also, article 6, paragraph 3 provides for the special protection of victims of domestic violence, who are incapable of resisting the violence they suffer at home.

The same law provides for the moral support and the necessary material assistance by the Social Services and the legal persons under public or private law, who work specifically for these cases, under the supervision of the Ministry of Health and Social Solidarity. Police authorities are responsible to inform the public for the existing specific provisions and rights. Finally, articles 11 and 14 of the said law introduced to the Greek system of criminal law the institution of penal mediation, which is used only in cases where a domestic violence crime is considered a misdemeanour. However, as the Committee has first pointed out, there is a general lack of information on all these phenomena: lack of reliable statistical data to evaluate and monitor the implementation of the legislation, lack of information on sanctions imposed on the perpetrators, as well as lack of information with regards to the complaint mechanism for child victims, which actually seems to have been rarely used by victims and especially by, or on behalf of children. The Committee was also concerned at the inadequacy of the staff and services dealing with child victims of abuse and neglect (Committee on the Rights of the Child, 2012a).

***There has been a huge fight from the feminist movement as well as movements for the children's rights in order to establish in Greece as well a Legislative achievement, as the Law of 2006 regarding issues around domestic violence. This law constitutes a great tool in the hands of lawyers and people working in the field..... It can definitely be improved though, that's for sure. In addition, the great problem with this Law as well as with other parts of legislation is that there are gaps in its implementation as it is down to personal willingness for action, especially on behalf of the judicial system when it comes to how this law will be implemented.***

**(GOV, GR01)**

***Regarding the legislation, I think that there is an attempt for compliance but eventually this is not succeeded and the reason for that is that all laws have***



**gaps. There is always a need to comply with the international legislation and policies but I believe that the relevant legislative attempts always take place in a very poor way.**

**(GOV, GR07)**

**For example in the UK and other member states there is a system, where the local authority is responsible for the child protection, there are social services, the referrals take place in a certain way, certain responsibilities defined for different institution/bodies, job description of the S.W post, there is a Child Protection Registry, etc and all the above is in a written form. The UK Children's Act of 1989 defines in detail the procedures: what a S.W is obliged to do, how many visits, every when, reviews, which forms are used to be completed, who participates, etc. Therefore, apart from the general law that we also have, there are also official procedures that we don't have. We need a protocol that will define who, how, when, in how long does what exactly and what will the consequences be if he/she does not do so. We cannot be at the point right now, when a report is not examined and we simply accept this..**

**(ORG, GR05)**

**Today I was reading in the news about (the very recent incident) a mother who killed her 3-months old baby in one of the Achaia villages. The case is at the phase of preliminary investigation. The mother had 2 twin boys 16 months old and that baby of 3 months and there was a report by an NGO since November 2012 indicating safeguarding issues.. Nothing ever happened by anyone. Therefore the framework is quite deficit and it doesn't seem to be a priority either at any level.**

**(ORG, GR05)**

**Regarding the gaps in protection.. The procedure, in case of an abandoned a child, e.g. in the case of a young separated child, who arrives and there is no appropriate structure to host him/her immediately, plus he/she needs to undergo medical exams prior to accessing an accommodation facility, the Juvenile Prosecutor orders the transfer of that child through an NGO or the Subdirectorate of Child Protection to a Children's hospital, where the child might stay there even for months. When we talk about cases of siblings of different gender, these children might end up staying in the hospital for quite a while, even 6 months, till something is found (accommodation-wise) as these children might need to be split up since there are different structures for boys and girls. There needs to be policies and planning. The needs' assessment is necessary so that the State can identify the need and its dimension in order for someone to respond to that need appropriately.. but this is a job beyond the logic of a patch.**

**(ORG, GR05)**

Beyond the field of domestic violence, the Greek legal framework for the combat of sexual violence against children has been highly updated by integrating the relevant international conventions<sup>151</sup>

<sup>151</sup> Ratification of the Council of Europe's Convention on the protection of Children Against Sexual Exploitation and Sexual Abuse, with the Law 3727/2008.



## PART 4

through Law 3727/2008, which allows the full incorporation of international provisions into the Greek legislation. However, questions regarding the national law's implementation remain open (Committee on the Rights of the Child, 2012b).

At the same time, Law 3625/2007<sup>152</sup> includes provisions related to the psycho-social treatment of offenders who sexually exploit children, the ex officio appointment of a legal counsellor for children victims, the examination of children victims, the compulsory gathering of statistics by competent Public Prosecutors on cases of sexual exploitation and trafficking in children, as well as other amendments to Law 3064/2002<sup>153</sup>, in accordance with articles 34, 35, 39 of the CRC. However, the Committee has recommended to the State party to ensure that the definition of sale of children, which is similar to but not identical to trafficking in persons, is also included in the national legislation in order to adequately implement the provision on sale, contained in the Optional Protocol.

There are large numbers of clearly under-age girls who are exposed to sexual exploitation through prostitution in the centre of Athens and no actions have been made to protect these young girls, besides some superficial and incongruous sweeps by the police in specific streets of Athens. Women and girls involved in prostitution networks are usually picked up by the police (disregarding their actual age), without however facing any penal charges, since prostitution has been decriminalized and is only considered as misdemeanour according to Greek legislation.<sup>154</sup> It needs to be mentioned though that practically it doesn't look as if the authorities manage to distinguish the individuals, who are being sexually exploited from the ones that are victims of trafficking for sexual exploitation (The Greek Ombudsman, 2012). As a consequence, specialised support appropriate to the needs of each case cannot be provided to these individuals who have experienced such crimes being committed against them. The Ombudsman is already in cooperation with the competent agencies, seeking to improve the system for the registration and assessment of the age of these women, their placement in suitable shelters and their protection under the law against trafficking (The Greek Ombudsman, 2012).

Despite the fact that its establishment was not foreseen, a new child protection coordination service was introduced within the National Centre of Social Solidarity – EKKA<sup>155</sup> and has been operating for the last 3 years as such a service was believed by the institution to be necessary. Through this service and its collaboration with the Ministry of Justice, child protection teams, represented by Social Workers, have been created and organized in all municipalities, as foreseen by article 8 of Law 3961/2011<sup>156</sup>. EKKA, along with KESATHEA assisted the municipalities with defining those child protection representatives. However there are municipalities, where there is only one or even no Social Worker, therefore the indication of a representative was not feasible. There is an electronic file with all the child protection representatives and whenever there is an issue of child protection occurring anywhere in the country, EKKA coordinates the procedure and contacts the corresponding municipality, where the child at risk is<sup>157</sup>.

Article 8 of Law 3961/2011 foresees the collaboration between EKKA and KESATHEA and it also provides for the establishment of a National Child Protection Registry and a National Child Protection Helpline. The latter has been established and is operating as a 24 hour Helpline throughout all days of

152 Law 3625/2007 on Ratification and Implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, child pornography and other regulations (Official Gazette of the Hellenic Republic Vol A' No.290)

153 Law 3064/2002 on Combating Trafficking in Persons, Crimes against Sexual Freedom, Child Pornography and generally the Financial Exploitation of sexual life and Supporting the victims of these acts, Official Gazette of the Hellenic Republic, Vol A' No.248, 15 October 2002

154 Article 31 of law 3904/2010

155 EKKA has been under the responsibility of the Ministry of Labour, Social Security and Welfare, based on law 4052/2012

156 Law 3961/2011 on the amendment of Law 3126/2003 on the Ministers' penal responsibility and other regulations, Official Gazette of the Hellenic Republic, Vol A' No.97, 29 April 2011

157 Based on interview, within the framework of this project research, with a professional of a governmental agency



the year supporting children, young people and families as well as vulnerable groups of people such as victims of domestic violence and trafficking. Through the “National Helpline for direct Social Support” information on welfare issues as well as counselling through the phone is provided but it can also activate and coordinate the mechanisms of urgent social intervention. On the contrary, despite EKKA efforts, the National Child Protection Registry is still not operating as there are not enough resources for this task to be undertaken. An indication for this difficulty is the fact that the National Helpline will probably soon run out of staff, who will be able to cover the various shifts<sup>158</sup>.

It should be highlighted though that the aforementioned Law and the Common Ministerial Decision related to the establishment of the National Child Protection Helpline, defining what the municipalities and their Social Workers would do, was submitted without having the official agreement and co-signing of the Ministry of Interior. This is a gap that could have created many problems in the realisation of the provisions provided by the legislation as the municipalities could have just refused to offer their collaboration, without an official approval. However, once again, due to professionals' contacts and willingness, as well as the common need to have a better established and coordinated network, everybody collaborated and managed to organise the child protection teams across the different municipalities of the country.

***This National Child Protection Registry is set by the same Law in 2011, as the one establishing the helpline and is supposed to be run by EKKA... There are Laws introduced and then they try to roughly apply them but that does not happen.***

***For example, the Ministerial Decision signed by the Minister of Health and the Minister of Justice, threw the municipalities in the equation along with their Social Workers without the involvement of the Ministry of Interior. That created huge issues as could give the municipalities a good excuse not to collaborate. However as there was already some collaboration and they also would benefit from this, nobody presented resistance.***

***(GOV, GR07)***

***Yes, there is compliance and most is incorporated. The problem is with the implementation of the legislation due to lack of mechanisms, cooperation and coordination of institutions/organisations.***

***(ORG, GR01)***

***When inside the shelter, we are not worried about survival issues as all their needs are covered. Our greatest fear is when they leave and that is why we keep in contact with them and we try to keep updates on their new address and telephone number so that we can follow up that they are o.k.***

***(CHILD-Professional, GR01)***

It should also be mentioned that despite the work that has already been mentioned and the participation of KESATHEA in different child protection actions, it seems that the specific agency is not operational anymore<sup>159</sup>.

On a different note, the foster care institution also needs to be further supported. There was a whole

<sup>158</sup> Based on interview, within the framework of this project research, with a professional of a governmental agency

<sup>159</sup> . Based on an interview, within the framework of this project research, with a professional of a governmental agency. In addition there are no news published in their official website since 28th of February 2012



## PART 4

proposal for a Presidential Decree by EKKA, KESATHEA and all the administrators of the Social Care Units that do fostering and - based on the interviews conducted for the purposes of this research - it had been lost for two years within the Ministry of Health. In this proposal there is an attempt to insert the local authorities' involvement, meaning that when a child gets fostered through an institution the responsibility should move from the institution to the municipality. This is for practical reasons because an institution in Athens would not be able to properly and effectively monitor a child's status once he/she is fostered in Crete.

***Support the foster care institution finally! There was a whole proposal for a Presidential Decree by EKKA, KESATHEA and all the administrators of the Social Care Units that do fostering and it was lost within the Ministry (of Health). That was submitted 2 years ago and was just found now..***  
**(GOV, GR07)**

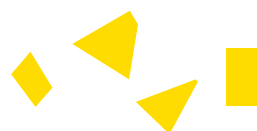
As former YKPA, because afterwards YKPA merged with EKKA, there is an obligation for EKKA to have a Foster Care Registry, but that does not exist. YKPA had a National Adoption Registry and a National Foster Care Registry, but the latter never functioned and the first one kind of works from the point of view that it registers.

There are three official agencies facilitating fostering: the Penteli Convalescent Home, the MITERA Infant Centre and the Child Protection Unit of "Agios Andreas". Each one of these institutions facilitate fostering in their own way, meaning that if a child gets fostered through MITERA is very lucky because MITERA doesn't only pay for the foster care benefit but also for all the child's expenses. On the other hand, if a child is fostered through "Agios Andreas" is unlucky because the institution due to lack of funds pays only for the benefit and not other necessary things that a child might need. This is not the institutions' fault of course. They do the best that they can with the resources that they have got.

A latest initiative concerns the attempt by the NGO SOS Children Villages International to create an institution similar to the foster families. In this project, which is currently under trial, certain families undergo an assessment by a scientific committee and if assessed as suitable, then they start establishing a relationship with a child, with the purpose to eventually adopt him/her. The purpose of this project is that more children are finally placed in a family through adoption and that less remain in the children's villages.

In the State's 2nd and 3rd Periodic Reports it is argued that within the framework of Improvement of Roma Children Life, under the scope of social intervention, individuals and families committed to approach and collaborate with the Social Services, the General Offices of Welfare, Prefectural Self-administrations, as well as OAED (Greek Manpower Employment Organization) as a step towards finding work. In addition it is stated that abandoned Roma children have been placed in institutions for disabled children in rehabilitation centres and that within the framework of Measure 3.1 of the Operational Programme "Health- Welfare" of the Third Community Support Framework (2000–2006), social scientists in the 93 social service centres were offering supportive services of socio-economic integration to individuals threatened or suffering from poverty, social exclusion, or other phenomena, Roma children included. (Committee on the Rights of the Child, 2009, p.62).

Based on a Press Release of the ELSTAT on the 29th of November 2013, during the year of 2012, 23.1% of the total population was in danger of poverty. The households that were found to be in danger of poverty were estimated around 914.873 and their members around 2.535.700. The danger of poverty for children (0-17) raised up to 26.9% and was found higher by 2.8 percentage points that the



corresponding rate for the total population. In addition, 66% of the population in danger of poverty have been single parent families with at least 1 child. The population in danger of poverty or social exclusion is 3.795.100 or 34.6% of the total population, when in 2011 it was 3.403.300.

According to UNICEF, Greece is among the four Southern European countries that presents rates higher than 15%, when it comes to child poverty (UNICEF, 2013, p.7). The financial crisis taking place the last few years in the country has had of course an important impact in the families' survival and consequently the coverage of children's survival and developmental needs. In a number of cases, parents seek support from NGOs (material support, allowances, payment of debts, counselling, job hunting, legal representation) in order to be able to support their families and in some cases they even end up leaving their babies and/or children temporarily in an institution or NGO structure, as they cannot provide for them at the specific time. Evidence to that is the high number of abandoned babies in the "Alexandra" hospital as well as cases where the mother leaves her baby in a structure in order to ensure its basic needs but at the same time she goes and visits her infant.

What needs to be considered also is the fact that there are cases of children, who are left alone and unprotected, due to the fact that their parents have been apprehended for lack of legal documents. Unfortunately in practice it seems that there is not much, if any at all, consideration on behalf of the authorities for these children and despite the fact that their existence has been mentioned by the apprehended parents, the latter may end up detained or even deported leaving the life of the child in others' hands or simply alone to defend him/herself at a very young age.

***Everybody knows that a woman of Greek nationality will receive more support compared to a non-national woman, especially when the latter does not even have legal paperwork. Obviously that affects their children as well. There is even a law, completely racist, that a public servant should not provide support to an individual without legal paperwork that resides in the country (GOV, GR01)***

***There are gaps in its implementation as it is down to personal willingness for action, especially on behalf of the judicial system when it comes to how this law will be implemented.***

***The law could promote the protection much more. It is just a basic tool to be used but the way of being implemented is down to whether the professionals working in the field really believe in that tool and properly use it. Unfortunately, women victims of violence, apart from being really ashamed of what has happened to them, are not aware of their rights. They know that violence is sth bad but are not aware of what their rights are and what they are entitled to and not all of them perceive that women and child abuse is not just a private matter but also a social issue that insults the State and each individual.***

***..... The professionals have not realized yet that an abused woman is very often a woman in danger. That woman becomes the object of pity ("poor woman") instead of a person that needs to be protected by the State.***

***The institution of the penal mediation languished a bit. If it had worked, it would have made a huge difference. (GOV, GR01)***

***In Greece we do not have projects for the support of the perpetrators, as they***

***are also victims of attitudes, perception, violence, etc. Therefore that institution did not really work. We need to start some campaigns around that and it seems off that the NGOs have not worked towards that field. No matter how much counselling or any kind of support you offer an abused woman, if there is no work done with the perpetrators then we cannot move forward.***

***There is a lack in campaigns for promoting the knowledge around the rights related to the boundaries that need to be set with regards to one's body, psychological situation, e.g the girls need to learn that if they deny to get involved in sexual acts then they are "not cool". This is also based on sexism, fear, obviously lack of knowledge. There is lack of campaigns addressing issues to teenagers/ adolescents that could work as prevention of sexual violation and abuse.***

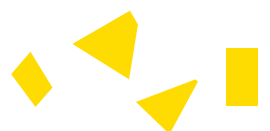
**(GOV, GR01)**

***..... the restrain that exists from the educators and other professional's side towards issues that emerge with children as they do not intervene easily in the family and end up being very careful on these cases.***

***I think that over here there is an excessive restraint on the professionals side. This also has to do with the fact that the educators or other professionals do not feel protected. They might feel that (by intervening) they will enter a jamble and will probably end up being in trouble, will lose a lot of time and it's certain that the parents will at some point press charges, etc and nobody will be there to protect and defend him/her on the basis of the evidence that lead him/her to intervene. Therefore the evidence must be very obvious and that educator will find others to go ahead and proceed with the intervention. Someone on his own has to be quite courageous for doing it, especially when it has to do with children, not only Greek children but migrant children as well. Regarding the latter they also need to deal with the excused used by the families that (an abusive behavior towards the child) is part of their culture. Therefore I do not think that it is easy to refer cases.***

***In addition the trade unions do not really bother with protecting a colleague that took the initiative to intervene (in a case of child being abused by the family) and then deal with reports, conflicts, etc as it is seen as a private matter.***

**(MUN, GR01)**



**Determinants promoting protection**

- Legislative act to be introduced, not allowing corporal punishment as a mean of school discipline in non public nursery schools and kindergartens
- Prevention activities on child abuse and neglect
- Raising awareness campaigns on child abuse and neglect
- Inform parents on child abuse and neglect practices, as many of them are not identified as such
- Ensure Child Protection team within every municipality in the country
- Child Protection teams to be more active and support families through counselling, taking under consideration the impact that the current economic crisis has had on the family
- Support to perpetrators of child abuse and neglect as a prevention measure
- Clearly define child trafficking in Greek legislation
- Distinguish trafficking from sale of children
- State policies for addressing the problem of girls' exploitation through prostitution and offer adequate psycho-social help to them
- Regular and updated training and supervision of professionals involved in child protection (police, judicial body, lawyers, social workers, educators)
- Parent's training on training their children around equality issues.
- Sexual education to be introduced in the school curriculum in order to teach children about their bodies, the boundaries to be set and as a consequence to be more protected against sexual violation and abuse
- Support provided to professionals reporting a child abuse or neglect incident
- Raising public and professional awareness on bullying matters and on their consequences to a child's life
- Monitoring system related to families receiving special benefits
- Follow ups of families in need

**Gaps that need to be taken under consideration and must be worked on are:**

- **change of attitude and behavior**
- **the management of crisis problems which enhance violence**
- **the immigration rate and the rising number of refugees and asylum seekers**
- **bullying in education**

**Regarding the child's support there is a need for:**

- **education and certification of educators across all education levels**
- **awareness of educators regarding violence against women**
- **change of stereotypes throughout education, parents' school, local community,**

## **PART 4**

### **media**

#### **• development of education tools and materials**

**The above actions should take place through central services but also locally, municipalities and prefectures, through development projects.**

**(GOV, GR02)**

**Parents that receive welfare benefits should be crossed checked somehow on whether their children go to school, what the conditions they are living under are, etc. I believe if this cross checking takes place, many children will be found to be living under very poor conditions. In those cases it should be foreseen that these children should be supported through the provision of services and/or child protection structures, open or closed ones.**

**In addition if it is shown that they have not attended school, there should be support classes as most of these children have probably already passed the age of starting to attend school and need to be included in the education system.**

**(GOV, GR04)**

**Identification of cases in high need of protection.**

**Mechanisms for managing the cases, institutional provisions for the more appropriate management of the cases identified.**

**Early identification and intervention.**

**People should act on the basis of the psychological best interest of the child: if forming the child's character by making sure that the child is well equipped on an interpersonal, moral, cognitive level then that child will probably not become a victim of trafficking, as he/she will avoid such risks.**

**Regarding CHILD Protection Units, I believe that the small family units offer better support.**

**(GOV, GR04)**

**Better monitoring systems, reinforcement of the police and the criminal justice, heavier punishments, shelters for children-victims of trafficking.**

**(GOV, GR07)**

**The most important thing is to have the staff being trained, not so much in order to learn how to handle a case, as a SW for example or a psychologist know what to do and how, but to learn how to handling a case from the administrative side. I think that is where there are gaps as well as the collaboration with other institutions.**

**Second step would be the existence of a central registration and follow up system for the cases (in need of support), so that they are not left unattended.**

**(MUN, GR01)**

**More services at all fields of protection and implementation of good practices and european regulations.**

**(ORG, GR04)**



### Actors involved

The competent ministries and other actors responsible for the protection of children from violence, abuse and exploitation of any type, are:

- Ministry of Public Order and Citizen's Protection
- Ministry of Education
- Ministry of Interior
- Ministry of Foreign Affairs
- Ministry of Health
- Ministry of Labour, Social Security and Welfare
- Institute of Child's Health
- General Secretariat of Youth
- Greek police
- Hellenic Department of UNICEF
- Hellenic Association of Paediatricians
- National Centre for Social Solidarity (EKKA)
- Greek Ombudsman
- NGO's for the rights of children, for the protection of immigrants etc

#### 4.4.2 GUARDIANSHIP

The guardianship system for children - nationals deprived of their family environment is defined in the Civil Code, art.1589-1654 and is slightly different to the guardianship system related to unaccompanied children. In the first occasion, public prosecutors do not act as temporary guardians, but rather this role is undertaken by the next of kin who is deemed more appropriate by the Court, or by another natural or legal person. In the absence of such a person the guardianship of the child is assigned to an institution or association, especially founded for that purpose (statutory or voluntary agencies), that has appropriate personnel and infrastructure, or otherwise to the competent social service. In addition, based on Law 2447/1996<sup>160</sup>, if for any reason, a guardian has not been appointed or the one appointed is unable to fulfil his duties, the latter can quit from this role and the Head of Social Services undertakes, in emergency cases, all the necessary measures for the child's protection as a temporary guardian.

On the other hand, legal guardianship for children-third country nationals can also be regulated by the

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<sup>160</sup> Law 2447/1996 on Adoption, Supervision and Sponsorship of minor, legal supervision, legal authority etc, Official Gazette of the Hellenic Republic Vol A' No 278

## PART 4

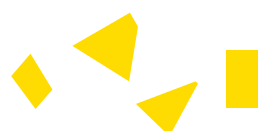
general provisions of the Greek Civil Code. According to article 24 the Greek Courts may appoint a legal guardian for a foreigner who has his/her usual residence in Greece. In the case of children whose habitual residence is not Greece, the Court should still appoint a guardian on the basis of implementing the procedure of precautionary measures. As for national children, the aforementioned articles of the Civil Code (1589-1647) also apply, foreseeing the appointment of a guardian. A guardian can be appointed either after one submits an application or automatically through public, local and social services. The difference with the unaccompanied children is that compared to the national children their guardianship is temporarily given to the Juvenile Prosecutor who then appoints a permanent guardian. Thus, in compliance with international laws and standards all unaccompanied children in Greece are entitled to temporary guardians, until it is decided who or which institution will undertake permanent guardianship. It should also be mentioned that by law, a guardian may refuse appointment or resign for "important reasons", without however specifying the reasons.

Furthermore, Art. 64 and 66 of Law 2447/1996 foresees establishment of new social services under the light of developing the guardianship system in Greece. However, these social services have not yet been established, undermining the actual implementation of the law (UNHCR et al. 2012, p.19).

***The gaps in Greece are quite big and the larger the number of children gets this also becomes more obvious. A strong indication is that for the first time, a few months ago-last spring, the Ministry of Justice identified the matter of separated children and the gaps in its protection. I mention the Ministry of Justice because it is the responsible body for issues of guardianship. Guardianship falls under them and it has an impact if the whole life of a child. It is quite important and you would expect that the Ministry, as being the competent authority, would have realised that there is a need for improving, reinforcing the institution of guardianship. This only happened last spring and it is indicative of how the protection system works in Greece and the gaps that exist. As for the legislative framework this also needs reformation and specialisation. I wouldn't say that there is nothing there. We suffer from the non implementation of the laws. There are the classic problems: some things are defined by the Civil Code, other by the Presidential Decrees, some laws are inactive since e.g. 1931 when the law regarding the specialisation of Juvenile Prosecutors was introduced or the law of 1996 related the Social Services that would be under the Juvenile Prosecutors, which would be able to run all the social studies and any practical implementation of the committee would be undertaken by them. None of these laws were ever activated. This still remains a request, and was again mentioned in the day seminar organised by the Ministry on the 20th of March related to the separated children, when everybody, including the Prosecutors and the President of the Supreme Court, asked for the activation of the P.D. of 1996. (ORG, GR05)***

Regarding unaccompanied children, article 19 of the Presidential Decree 220/2007<sup>161</sup> 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 seeker. Basically this means that this P.D applies to all unaccompanied children as well as children victims of trafficking. Therefore, law enforcement authorities inform the Public Prosecutor for Minors,

<sup>161</sup> Presidential Decree 220/2007: Adaptation of the Greek Legislation to the Provisions of the Council Directive 2003/9/EC of 27 January 2003 laying down the minimum standards for the reception of asylum seekers' (Official Journal of the Hellenic Republic L 31 of 6 February 2003) (Official Gazette of the Hellenic Republic 2008 Issue A' No.84)





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.

For both children nationals and third country nationals, the guardian's duties include the obligation to take care of the child, provide advice, ensure health care, education, social security and housing, represent the child in any legal or judicial proceedings and act in his/her best interests (Greek Civil Code and art.19 of P.D. 220/2007<sup>162</sup>). In addition the exercise of guardianship must be monitored by a supervisory council (Art. 1634 of the Greek Civil Code). Consequently, while in principle the guardianship system in Greece, which is supposed to allow closer monitoring of the children's status and ensure that decisions are taken in their best interests, typically applies to unaccompanied child migrants too, in practice the adequate guardianship of such children exists only on paper (Human Rights Watch 2012).

***The vulnerability of these children (separated) is increased as they do not have a family protective framework, therefore, in the case of a child, who has experienced abuse, the law says that the juvenile prosecutor or the prosecutor from the court of first instance, in case there is no juvenile prosecutor, will act as a temporary guardian and then there will be a court, at which the permanent guardian is defined. If the child has family, then there is some research and it is defined who is the protective towards the child adult, the grandma, grandpa, aunt, uncle and the guardianship is given to them. For the separated child there is no such option, therefore, the existing gap in guardianship system is even more important.***  
**(ORG, GR05)**

Legal provisions for unaccompanied children present a lot of gaps, which leave space for individual interpretation of the law and consequently entail a significant lack of appropriate and adequate response towards the children in need of protection. In general, despite the fact that by Law, the unaccompanied children should be cared for and protected, the situation on the ground is quite woeful, since many challenges remain in making a child protection system a functioning reality, while the institutional capacity to respond to the needs should be further improved.

Addressing these challenges requires undeniably strong political will in order to give a higher priority to child protection. More particularly, while legal provisions are generally in line with international standards, the authorities have not defined standard procedures that explain the mandate of temporary guardians with regard to unaccompanied children. As a result, prosecutors have widely differing views of what their role entails and many of them express scepticism about their mandates. For example, in 2012 the juvenile prosecutor in Athens told Human Rights Watch that her mandate was strictly limited to "signing the proposal for a permanent guardian" and that it was the responsibility of NGOs to find suitable guardians, despite the fact that there is no official agreement between State and NGOs, or funding provided for the latter, for such a task. She explained that she did not have sufficient resources for such a commandment and that she could only take action on behalf of the child if the latter had committed an offense. While by law (i.e. article 19, par. 1 of the P.D. 220/2007 and articles 1589-1654 of the Civil Code) the Juvenile Prosecutor is obliged to take the 'appropriate measures' for the appointment of a suitable guardian for unaccompanied children, a general confusion concerning the exact actions of the prosecutor prevails and complicates the procedure. In 2008, the deputy prosecu-

162 Presidential Decree 220/2007, Official Gazette of the Hellenic Republic, Vol.A', No. 251, 13 November 2007



## PART 4

tor in Orestiada explained during his interview with Human Rights Watch that he cannot act on behalf of a child that is in administrative detention and similarly, the Juvenile Prosecutor in Athens said that her mandate was basically to sign the document suggesting the permanent guardian of the child (Human Rights Watch, 2008a, p.26).

***The problem comes with the guardianship system, which does not really exist. There is no age assessment. Too many children and just a few guardians. In Athens the guardians are not even appointed because the system cannot catch up. It could take all year, as we talk about 400 children... (GOV, GR08)***

***As for guardianship, both the legislation and the practice are deficient (lack of interpreters, specialized guardians, trainings age assessment, etc). (GOV, GR08)***

As already mentioned above, the State has not defined standard procedures that explain the mandates of temporary guardians with regard to unaccompanied children and as a result, prosecutors have been widely confused and have very differing views of what their role and mandates entail. The only explicit point concerning their mandate refers to their role as temporary guardians for all unaccompanied children from the very moment the latter is identified. However for the duration of temporary guardians' responsibilities and the appointment of the permanent guardian, the law vaguely states that "in the long term it is imperative to appoint a permanent guardian or consultant to ensure the provision of advising and representing when needed the child and protecting his/her interests (Dimitropoulou et al, 2008 p. 51-52).

Moreover, a crucial factor of the non application of the guardianship system for unaccompanied children is also the sheer volume of work that the prosecutors' offices face in combination with the lack of human resources within the existing services of the court and the limited number of Public Prosecutors exclusively competent for children. On top of that, there is no relevant institution or body that the prosecutors can refer to in order to appoint permanent guardians for the children. In practice this presents a number of gaps. There are also cases where the prosecutors pass the full guardianship to the directors of the reception centres or to social workers of state institutions (i.e. municipalities, courts). However, this practice is not always effective, considering the existing obstacles and as a last resort the prosecutor may appoint an adult to execute a specific act of guardianship, for instance school registration. Due to these challenges, it seems that there is no standardised practice followed by prosecutors in Greece and that the procedures followed in order to ensure the representation and protection of unaccompanied children highly depends on the discretion of the prosecutor and on the supporting services that the latter may have at his/her disposal (NGOs, social services).

In addition to all the above mentioned, it should be noted that contrary to legal provisions, temporary guardians rarely undertake in practice actions in the child's best interests, either related to the child's asylum procedure or detention. Temporary guardians interviewed by Human Rights Watch did not even know how many unaccompanied children they were responsible for and were not even recording these cases anywhere. (Human Rights Watch, 2008a).

Consequently, as the Greek Ombudsman has recently pointed out, a more specific legislative provision is needed for the appointment of guardians for unaccompanied children. In addition, a protocol of actions by social services should be established, from the moment of the identification of each unaccompanied child, in order to keep a history record that will be delivered to the guardian when



appointed (The Greek Ombudsman, 2012).

Within that framework, unaccompanied children are the most excluded from the national guardianship system and in risk of being left completely unprotected and unsupported. In general, various national and international NGOs, international monitoring bodies as well as the Committee on the Rights of the Child, have unanimously underlined that the procedure related to the appointment of a guardian to unaccompanied children has been almost absent, leading to the strong recommendation of establishing an appropriate and efficient guardianship system for this specific vulnerable group of children (The Greek Ombudsman, 2012, p18-19 and Committee on the rights of the Child, 2012, p14).

***It is not effective because there is no infrastructure, especially when it comes to guardianship. However there are no policies, strategies, political willingness. (GOV, GR08)***

***No it is not effective and it cannot be. Look at the guardianship system... How effective can it be? The Juvenile Prosecutor does not even meet up with the child. .... they are swamped with so many other tasks and a child from Afghanistan or Congo is just another paper to deal with.. He/She becomes something completely procedural. They receive a paper, they do not meet up with the child.. even if they had that opportunity they cannot as they do not have the opportunity to communicate with the child (lack of interpreter/cultural mediator) and what happens is that they become the temporary guardian and the guardian orders the accommodation of the child in any of the facilities that has an opening, through contacting EKKA. Then a court case takes place, which not even the accommodation facility attends and the guardianship of the child is passed to the director of the facility. Therefore, if a child is moved from Orestiada (where the First Reception Centre and a detention centre are) to Konitsa, the guardianship will be moved to the Director of the facility in Konitsa....***

***There is no procedure (for children absconding from accommodation facilities), there is no actual guardian and my opinion is that this guardianship “task” should be given to somebody, who does not have contradictory interests with the child. Therefore this “task” should not be given either to the accommodation facility or to the Prosecutor as he/she does not have the availability to do so and this is something that has been stated on their part. Therefore easy solutions as placing the guardianship to the director of a facility are pointless. And despite all that there is no one that can stand as an essential and actual guardian of the child in order to guarantee and protect the child’s best interests.***

***..... Therefore the guardianship system and the way it has been functioning till now has many gaps and apart from offering no actual protection and support to the child, it also puts in danger the structures and the professionals that work in this field. This has not become conscious knowledge till now. The structures have not realised the responsibility. They think - and that is how guardianship has been established - that this is just a document, an A4 paper but that is not it..guardianship is the responsibility a parent has towards his/her child. .... A structure with all the restrains that has, allows a professional to work under a specific role and within a specific working and ideological condition. This can be in contrast with the child’s best interest. It is not possible for the person to undertake both roles (professional within a specific structure***

## PART 4

***and guardian). I think this was an ad hoc solution because there is nobody else who could undertake the guardian's role in this specific point of time.  
(ORG, GR05)***

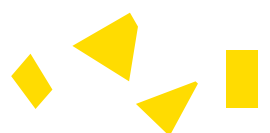
### Determinants promoting protection

- Supportive to the guardianship system Social Services for unaccompanied children
- Explicit clarification and definition of the guardian's role and responsibilities as well as accountability
- Enhanced funding and human resources to Juvenile Prosecutors' offices
- Establishment of official agreement on permanent guardianship with competent Bodies and/or NGOs, allocating officially responsibility
- Monitoring of temporary and permanent guardians
- Specialised training and supervision of professional Bodies undertaking the guardianship role
- Provision of information to children on their right to be appointed a guardian
- Co-ordinated actions of the reception centres
- History record kept by social services and guardians for each child separately

### Actors involved

In short, the actors involved in the Greek guardianship system are:

- Ministry of Interior
- Ministry of Foreign Affairs
- Juvenile Prosecutors
- Juvenile Court
- First Reception facilities
- Hellenic Police
- Greek Ombudsman
- Accommodation facilities
- NGOs whose mandates include the care of children or immigrants and asylum seekers



### 4.4.3 CRIMINAL LAW

The Greek legislation provides for a series of measures and sanctions for the offenders who have imposed violence and abuse or have exploited children. To begin with, in cases where physical or psychological violence against children is used as a measure of punishment, the legislation provides for the punishment of the parents as custodians by application of article 1532 of the Greek Civil Code. Specifically, articles 6 and 7 of Law 3500/2006<sup>163</sup> on domestic violence, indicate that any member of a family who provokes corporal injury, health damage, or psychological damage to another underage member is punished with at least one year of incarceration. The provisions of the said law are applied correspondingly to staff members of social care.

Correspondingly, article 312 of the Criminal Code on 'minors' corporal injury' it is stated that whoever as a custodian of a child under 10 years old causes corporal damage to the child or whoever maliciously neglects his/her duties towards the child, is subjected to incarceration.

Apart from these provisions though, there has been a number of efforts to incorporate and comply with international standards. A positive step towards that direction has been the draft law ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, trafficking of children, child prostitution and child pornography. As mentioned again in section "Child protection: Protecting children from all forms of violence, exploitation, abuse and neglect", Law 3625/2007<sup>164</sup> amending the Criminal Code (articles 323, 337, 338, 339, 345, 348) introduces regulations that provide for more severe penalties for the perpetrators regarding certain offences (e.g. life incarceration if the act resulted in the death of a person).

Article 337 of Criminal Code – 'Insult of sexual dignity', dictates that whoever insults with the means of libidinous gestures the dignity of another person within the framework of sexual dignity, is punished with incarceration of at least one year and until 2 years if the person is underage, or with a fine. Article 339 of criminal code 'Seduction of minors', dictates that whoever is involved to carnal acts with a person under 15 years old, or misguides him/her in order to proceed to such acts is punished with at least 10 years of incarceration and a fine of 50000 - 100000 euro. Furthermore, article 349, referring to Pandering (modified with Laws 3064/2002<sup>165</sup> and 3727/2008<sup>166</sup>), foresees punishment both the perpetrator but also for whomever promotes or drives a child to prostitution, harbours or forces children.

At the same time, other legislative provisions criminalize children's sexual exploitation and prescribe particularly heavy punishments for the offenders. Sexual violence against children has been streamlined by integrating the relevant international conventions. Specifically, Law 3500/2006 dictates that whoever with physical violence or threat of great and immediate danger forces a child to intercourse is punished with incarceration. It is also foreseen that whoever takes advantage of the insanity or any kind of disability of another person in order to sexually abuse him/her is subjected to at least 10 years of incarceration. The same provisions are inscribed in the aforementioned article 339 and 349 of the Criminal Code.

Thankfully, Greece's ratification of the Council of Europe Convention on the Protection of Children

163 Law 3500/2006 on Combating Domestic Violence, Official Gazette of the Hellenic Republic, Vol. A' No 232

164 Law 3625/2007 on Ratification and Implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, child pornography and other regulations (Official Gazette of the Hellenic Republic Vol A' No.290)

165 Law 3064/2002 on Combating Trafficking in Persons, Crimes against Sexual Freedom, Child Pornography and generally the Financial Exploitation of sexual life and Supporting the victims of these acts, Official Gazette of the Hellenic Republic, Vol A' No.248, 15 October 2002

166 Law 3727/2008 on Ratification and Implementation of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Abuse, measures for the amelioration of the living conditions and decongestion of prisons and other provisions, Official gazette Vol.A' No 257

## PART 4

against Sexual Exploitation and Sexual Abuse with Law No. 3727/2008<sup>167</sup>, puts in place the regulations which allow for the incorporation of the provisions of the Convention into the Greek legislation. Therefore, despite the existing legislative gaps, this was one more step towards the amelioration of the child protection system.

The Criminal Code also foresees for the criminalisation of acts that include child pornography, such as article 351A on the 'Commission of Indecent Acts with minors for a fee', article 337, 342 on the 'Abuse of minors' and 328 on the 'Abduction with consent'. In addition, a number of police operations, conducted during 2012 by the Cyber Crime Unit, have identified websites including child pornographic material and led to a number of arrests. The specific unit also operates the hotline 11012, where one can provide information anonymously on child pornography in the internet (FRA, 2012, p123). It should be stated that the Cyber Crime Unit continues to fight child pornography by constantly identifying sites and individuals who possess pornographic material including children.

With regard to human trafficking and child trafficking, the said crime became a distinct criminal offense in Greece in 2002 with the adoption of Law 3064/2002. This law has introduced article 323A in the Penal Code and has refined articles 351 and 349, imposing the punishment of incarceration (10 - 20 years) and a fine (€50,000 to €100,000) for whoever, by means of force, or threat or other forms of coercion or imposition or abuse of power or by means of promises, gifts or payment, hires, transports or promotes inside or outside the country, detains, harbours, surrenders or receives from another person a child with the intention of removing his/her body parts/organs or exploiting his/her work. The same provisions concern whoever knowingly accepts employment of a child who falls under the aforementioned conditions. The establishment of this law was deemed necessary in order to respond to new criminal phenomena and prevent new forms of sexual and labour exploitation that the already existing legal framework was unable to combat effectively.

As for the official legal definition of trafficking, Law 3386/2005<sup>168</sup>, clearly defines the victim of trafficking as the individual who has become victim of the crimes described in articles 323, 323A (trafficking in human beings), 349 (pandering), 351 and 351A (procuration) of the Penal Code, regardless of their mode of entry (legal or illegal) into the country (art. 1, case (i)). The term "child trafficking" refers to the recruitment, transportation, transfer, harbouring or receipt of children with the purpose to exploit them, via threats, violence and other coercive practices, use of power or eliciting the child's consent through promises, gifts or any deceptive means. This definition is not really in line with the international definition of child trafficking, as international standards provide that a child can be considered trafficked regardless of the means used by the perpetrators and irrespective of the child's consent to the act.

It is quite important to highlight that the distinction of definitions between the terms of 'sale' and 'trafficking' of children is not clear in national legislation. For that reason, the Committee has recommended that the State party ensures that the definition of sale of children, which is similar to but not identical to trafficking in persons, is included in the national legislation in order to adequately implement the provision on sale contained in the Optional Protocol (Committee on the Rights of the Child, 2012b.). Additionally, other criminal acts that blatantly affect the child, such as bullying in schools are not yet explicitly criminalised.

On that point, it is important to have a look at the way all crimes against humans are defined in the

<sup>167</sup> Law 3727/2008 on Ratification and Implementation of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Abuse, measures for the amelioration of the living conditions and decongestion of prisons and other provisions, Official gazette Vol.A' No 257

<sup>168</sup> Law 3386/2005 on Entry, residence and integration of third-country nationals in the Greek territory, Official Gazette of the Hellenic Republic Vol A', No.212), as amended by Laws 3448/2006 (Official Gazette of the Hellenic Republic Vol A' No.57), 3536/2007 (Official Gazette of the Hellenic Republic Vol A' No.42), 3613/2007 (Official Gazette of the Hellenic Republic Vol A' No.263)



Greek legislation. To begin with, the term “violence” refers to any act, or omission, or behaviour which provokes sexual or psychological damage to the victim. The term “exploitation” includes the exploitation of work, or of somebody's services, the subtraction, trafficking or handling of human organs, the prostitution or other forms of sexual exploitation, including pornography and, especially for children, the worst forms of child labour. This is a general definition provided by Greek law and all distinct forms of exploitation are covered with different laws such as the labour exploitation of children, which is incorporated in labour law or trafficking for sexual exploitation purposes regulated with the aforementioned laws in the Criminal Code.

Nonetheless, it is worth mentioning that begging is still considered as criminal act based on article 407 of the Criminal Code and thus any person, including children, runs the risk of being punished for the specific act. The legal provisions against this crime include a fine of 3.000 euro or detention for up to six months. Even though, children victims of trafficking are not criminalised, the concern of prosecutors and police authorities is how to protect these children since it is highly difficult to prove that they have been exploited for financial purposes (FRA, 2008, p.10-13).

***No, I didn't feel safe when I came in the country. Begging on the street in not safe. But now I know I'm not afraid anymore. I have people who protect me and take care of me (now in the shelter).  
(YOUNG, GR01)***

As for trafficking, the Committee on the rights of the Child seems to have welcomed the progress achieved in the creation of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the National Plan of Action against Trafficking in Human Beings, in 2006 and the adoption of ILAEIRA, an anti-trafficking initiative (2006) (Committee on the Rights of the Child, 2012a, ). However, the Committee regrets that the implementation of the NAP has been delayed due to the financial crisis. There is also further concerned by the absence of specific measures for the prevention of offences prohibited under the Optional Protocol, as well as the lack of a comprehensive plan specifically addressing all issues covered under the latter (Committee on the Rights of the Child, 2012b).

Following the 2006 NAP, law 4198/2013 on the Prevention and fight against human trafficking, protection of its victims and other regulations has been introduced in order to incorporate the European Directives 2011/36/EC on Trafficking into domestic legislation. The new Law updates certain articles of the Criminal Code but also and most importantly introduces more provisions for the protection of the children victims. Moreover, it foresees the establishment of a National Rapporteur's Office that will undertake the coordination and implementation of the National Strategy for the fight against human trafficking.

Despite all the legal actions taken, as it will be described in more detail in the following section, there have been many gaps in the Greek national protection system, due to which victims of trafficking have not been efficiently and effectively protected.

To begin with, Greece does not have a mechanism for the overall coordination, monitoring and implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. While a working group, consisted of government agencies, has been established to combat human trafficking, the Committee has expressed its concerns on the fact that this working group cannot be considered an effective mechanism for coordinating the overall implementation of the OPSC, since issues relating to the sale of children, child prostitution and

## PART 4

pornography are not actively among its mandates and the said group is not evaluated. Moreover, poor cooperation and coordination among the competent ministries and government entities, as well as inadequate human, technical and financial resources have been insistently reported by the Committee (Committee on the Rights of the Child, 2012b).

Even in the case of an existing coordination mechanism on issues of Human Trafficking, which should ensure the monitoring of the services and the implementation of the legislative framework, there had not been much done in Greece till recently. As already mentioned, law 4198/2013 just introduced the National Rapporteur's Office who will be undertaking these responsibilities. Hopefully the establishment of this service will improve the existing framework of protection for victims of trafficking.

By the side of professionals' and officials' mindsets, numerous testimonies have often pointed out that the police fail to intervene rapidly or discourage victims of violence, abuse, trafficking and exploitation from filing official complaints, meaning that instead of offering support, certain services or professionals minimise even more the victim's protection and violates his/her right.

Unfortunately, in many cases children, especially unaccompanied, asylum seekers and victims of trafficking, do not get informed on their rights. Specifically, as already mentioned, child victims of trafficking are typically and according to the Law, supposed to get a temporary residence permit, even if they have illegally entered the country, and subsequently to enjoy free access to the national health system, education, social security and other services in order to have some time to recover and escape the risk of being found and exploited again by the traffickers. However, in reality many of those children are not aware of their rights and authorities or other competent services do not necessarily ensure that these children obtain such important information. The same applies to unaccompanied children, who often ignore their specific rights in the country, including their right to seek asylum.

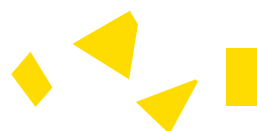
### Determinants promoting protection

- State actions/measures to ensure the coordination, monitoring and implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Inclusion of all distinct crimes against trafficking in the national legislation
- Protection of the identity of child victims or perpetrators of crimes in the Media
- Enhanced public funding for the national plan on combating violence against children
- Increased coordination and cooperation between the competent ministries
- More systematic information to non-national child victims about their rights

### Actors involved

The relevant actors involved in and the protection of children within the sector of criminal law are:

- Ministry of Justice
- Ministry of Interior





- Ministry of Public Order and Citizen's Protection
- Juvenile and Public Prosecutors
- Lawyers' Association
- Greek Ombudsman
- NGO's working for the protection of children's rights

#### 4.4.4 SPECIAL PROGRAMMES FOR CHILD VICTIMS OF TRAFFICKING

Even though the Greek State signed the Convention of the Council of Europe on Action against Trafficking in Human Beings in 2005 it still has not ratified it, therefore delaying its incorporation in domestic law.

The first anti-trafficking law was adopted in 2002 with Law 3064/2002<sup>169</sup>, which introduced amendments to the Criminal Code and provided for the punishment of the criminal acts related to trafficking. The said Law, foresees that children victims of trafficking are entitled to a temporary residence permit, accommodation, nutrition, appropriate living, care and psychological support as well as a legal counsellor and interpreter. For all children victims integration programmes related to educational and vocational support should also be provided according to the same Law within the general framework of child protection and promotion of children's best interests. Despite the legal framework, the above provisions do not always take place either due to non implementation of the law, lack of professionals' skills and knowledge or practical difficulties.

***No, I haven't gone to school, but I am doing Greek lessons so that I can go to school. I want to go to school.***  
(YOUNG, GR01)

***They cannot attend school or any training due to the short period of time that they can stay with us. In general they miss on quite a few areas that concern their development.***  
(YOUNG-PROFESSIONAL, GR01)

***No, I didn't feel safe when I came in the country. Begging on the street in not safe. But now I know Im not afraid anymore. I have people who protect me and take care of me.***  
(YOUNG, GR01)

***There should be more accommodation facilities appropriate in our country, better structures and legal representation, especially in the cases of trafficking and abuse.***  
(CHILD-Professional, GR03)

Later, in 2003, based on the Presidential Decree 233/2003, Greece should start providing protection

<sup>169</sup> Law 3064/2002 on Combating Trafficking in Persons, Crimes against Sexual Freedom, Child Pornography and generally the Financial Exploitation of sexual life and Supporting the victims of these acts, Official Gazette of the Hellenic Republic, Vol A' No.248, 15 October 2002



## PART 4

and assistance to victims of trafficking, based on international standards. However, despite the legal provisions for state support, NGOs continue to provide assistance to this vulnerable group of individuals, as there are still many gaps in the protection system.

In July 2004, the first National Plan of Action against Trafficking and Smuggling in Human Beings was introduced by the ad hoc Special Committee Against Trafficking in Human Beings. This Committee was formed through the participation of the General Secretariats of the Ministries of Justice; Finance; Interior; Foreign Affairs; Health and Social Solidarity; Labour and Social Welfare as well as Education. However this National Action Plan has not been promulgated. In addition, except for signing a bilateral agreement with the Council of Ministers of the Republic of Albania in 2006 for the protection and assistance of children victims of trafficking, it does not include specific provisions for the treatment of children victims of trafficking.

Even though the National Action Plan covers all actions related to trafficking it mainly refers to the identification and protection of victims, establishment of protection shelters; medical, psychological and legal support; administrative assistance; education and vocational training; integration in the labour market; voluntary repatriation; social rehabilitation projects in countries of origin; training and education of police, judicial officials and prosecutors; raising of public awareness; creation of international networks to combat trafficking as well as monitoring of the phenomenon. However, there are still problems in this field as despite the progress achieved on a theoretical level, in practice the situation is different as many of the provisions stated above do not take place, leaving victims unprotected and the country without a clear picture both of the extent that the phenomenon might have taken within the territory but also of the actions taken by other agencies and organisations.

One of the examples of the non implementation of the legal provisions is that the database for the registration of the trafficking cases, which should have been established, as well as the publication of relevant statistics, are still pending. Consequently, each Ministry collects statistics of specific fields and following different methodologies. The lack of a uniform way of data collection leads to confusion, lack of comprehensiveness and weakness in comparing data. In addition, even though each competent body keeps its own statistics, the Hellenic Police and the Ministry of Justice who are collecting data on identified and verified children victims of trafficking do not specify the age of children, while others like IOM keep statistics of the age group 16 to 30 years of age, making the establishment of a uniform data collection system a necessity.

Based on the European Union Agency for Fundamental Rights the police authorities identified 14 children victims of trafficking in 2004, 5 in 2005, 1 in 2006 and 4 in 2007 (FRA 2008, p.42). Besides that, in 2008, 7 children were identified or suspected to be victims of trafficking, 13 in 2009 and 17 in 2010. (PROASYL, 2013, p.35-37). Finally based on information drawn by the Anti-trafficking Unit of the Hellenic Police Department for the purposes of this research, in 2012 there were 5 recognised children victims and in 2013, at least till the beginning of December, there was none.

With regards to the National Action Plan of 2004, it seems to have been revised only once, in 2006, without the provision of any information on an impact assessment either prior or after its revision (FRA, 2008, p 15-17).

Somewhere in between, Law 3386/2005 was adopted, pursuant to the provisions of the EU Directive 2004/81/ED on the issuance of a residence permit to third country nationals - victims of trafficking. Regarding children victims, the said Law ensures their right to a residence permit if they cooperate with the authorities and in case they do not, they are still entitled to residence permit on humanitarian



grounds, but only when they are accommodated in protection centres by order of the Prosecutor. Apart from that, the Law provides for a specific definition on the term of victim of trafficking and provides through comprehensive regulations, the provision of protection to those victims. However, it should be mentioned that apart from the fact of a problematic data collection system, Greece is among the EU countries that reports none or less than 5% of victims as having obtained citizenship of the country they were trafficked in (PROASYL, 2013, p.50).

In May 2006, the Minister of Justice institutionalised the ad hoc Special Committee Against Trafficking in Human Beings, established in 2004 (Ministerial Decision No. 41398), which undertook the role of coordinating at political level all actions relevant to the implementation of the provisions of Law 3064/2002 as well as proposing further measures for the combat against trafficking.

Furthermore, another Special Law Preparation Committee was established in 2007 by the Minister of Justice, responsible for a number of tasks such as the national legislative framework against trafficking; the necessary amendments in order for domestic law to comply with international instruments, especially the ones that the Greek State has signed but not yet ratified; incorporation of the EU Directive on the compensation to which the victims are entitled; promotion of NGOs' more active role in the screening and referral procedure of the victims; follow up of the assistance offered to the identified victims; promotion of the help line «197» that would run on a 24 hours basis by EKKA; implementation of the reflection period. (FRA, 2008, p.15-17). Once again, even though certain provisions did start to take place, some others were left behind until they were brought up by a specific legal act. For example the National Child Protection Helpline was eventually established in 2011 but due to the lack of human resources in EKKA, there are concerns that soon enough there will not be enough professionals available to cover all necessary shifts in order to keep the line open 24 hours a day, seven days a week.

However, legislatively speaking, there were more steps taken such as the ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography at the end of 2007, through Law 3625/2007. The latter ensured that the international standards will be applied by the national courts for the treatment of children victims. Through the said Law the judicial and prosecuting authorities are responsible for the protection of personal data in all cases falling under their jurisdiction, including crimes committed against children such as trafficking. This is provided through having the children being heard by the first and second instance criminal courts within two years from the time the crime is committed.

Based on article 9A of the Greek Constitution personal life and data are protected, constituting a right, for which the children are usually not informed about. By the same token, Law 2472/1997<sup>170</sup> was established for the protection of people's personal data in the direction of the general protection of rights, fundamental freedoms and private life, for all people unexceptionally. Amendments of this law were made by the more recent law 3471/2006<sup>171</sup>, which also provides for the protection of any personal data and individuals' personal life on the sector of electronic communication.

Regarding positive practices by the State for the protection of children's equal opportunities to protected privacy as well as to their right to access information about their rights and well-being, the attention is drawn first of all to the Greek National Council for Radio and Television. NCRTV has issued several Directives towards the radio and TV stations aiming to protect the children and has repeatedly

170 Law 2472/1997 on the Protection of Individuals with regard to the Processing of Personal Data, Official Gazette of the Hellenic Republic Vol A' No 50, as amended by Law 3471/2006 (Government Gazette Vol. A' No 133) and Law 3625/2007 (Government Gazette Vol. A' No 290)

171 Law 3471/2006 on the Protection of personal data and privacy in the electronic telecommunications sector, Official Gazette of the Hellenic Republic Vol A' No 133, as amended by Laws 3783/2009 (Government Gazette Vol. A' No 136), 3917/2011 (Government Gazette Vol. A' No 22) and 4070/2012 (Government Gazette Vol. A' No 82)

## PART 4

addressed a lot of cases and imposed sanctions on TV stations which had exposed photos or personal data that led to recognizing children as victims of crimes.

Nevertheless, despite the legal provisions and some measures of good practice by the State, the right of children to preserve their private life, and to have access to essential information appear not to be inclusively implemented to all groups of children in practice. Particularly, the Committee is concerned at the revelation of the identity of either child victims or perpetrators of crimes in the media by publishing data from the court records of cases involving children or by publishing images or information concerning the personal situation of children accommodated in child protection institutions, in juxtaposition to the 'Code of Ethics' of the NCRTV (Committee on the Rights of the Child, 2012a).

Even though, the transposition of Directive 2011/36/EU into national legislation was required by the 6th of April 2013. However till the introduction of Law 4198/2013 in October 2013 on the Prevention and fight against human trafficking, protection of its victims and other regulations, incorporating the EU Directive, there were already certain provisions legally in place for the assistance of victims of trafficking. In addition, based on the already existing legal framework the undocumented migrants-victims of trafficking cannot be deported during their reflection period and till a court decision is taken on the perpetrator's acts but can be repatriated safely if they wish to (European Migration Network, 2012, p.3).

Despite the fact that some provisions were already in place from the existing legal framework, the new Law 4198/2013 introduced some new important elements to the protection of the children victims. To start with, article 4 it refers specifically to the interview of children victims of trafficking, providing for the presence of a child psychologist or child psychiatrist, in lack of whom a psychologist or psychiatrist should attend. Moreover it indicates that the examination should take place on time and without any at fault delay in a specifically designed and adjusted space and with the least possible number of interviews. Moreover in article 4 par 2 a new article (226B) is incorporated in the Criminal Procedural Code related to issues around the examination and statements of the victim.

Furthermore, following Law 3811/2009<sup>172</sup> on compensation to victims of crime, which transposed European Council Directive 2004/80/EC of 29 April 2004 into Greek legislation, article 5 of the new Law introduces the Hellenic Reimbursement Authority, under the Ministry of Justice, which will proceed with the reimbursement applications for the victims of violent crimes by intention and crimes described under articles 323A and 351 of the Criminal Code.

The aforementioned protection measures should be applied to all persons who have been victims or witnesses of crime unexceptionally - including cases where victims are third country nationals who have entered and have been residing in the country in an irregular manner - and regardless of the victims' cooperation with authorities regarding the prosecution of perpetrators. In addition, it is provided that in case a competent service or a non-governmental organization has reasonable suspicions that any person (regardless status, age, gender) may be a victim of crime, the former have to refer the case first to the police, who subsequently ought to inform the child about his/her rights and possibilities as these are indicated in the aforementioned national laws.

Finally, the other very important provision set by article 6 of Law 4198/2013 is the establishment of the National Rapporteur's Office under the central service of the Ministry of Foreign Affairs. The National Rapporteur will carry out, coordinate and apply the national strategy for the fight against human trafficking.

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172 Law 3811/2009 on Compensation to violent crime victims and other provisions, Official Gazette of the Hellenic Republic, Vol A' No 231



However, before the establishment of the National Rapporteur's Office, since there was no official monitoring mechanism operating in Greece, the Greek Ombudsman, as an independent authority, had undertaken that role, as reports on incidents and complaints are submitted to its services and then investigated in order to guarantee children's enjoyment of their rights. (FRA, 2008).

It needs to be highlighted that official identification and verification of a child's status as a victim of trafficking is quite rare. Even though in 2005, the Greek government signed a Memorandum of Cooperation with IOM and 12 NGOs in order to improve government-NGO coordination in a screening and referral process for trafficking victims, the screening and referral process do not yet adequately identify and protect most potential victims in the country (UNHCR, 2011). From interviews conducted during the IMPACT project, it seems that in practice, there are prosecutors who understand the necessity to offer protection to a child, who however due to difficulties (unclear legislation, bureaucracy creating delays, etc) cannot be officially identified and verified as a victim of trafficking. Therefore, these prosecutors write in their order to the accommodation facility or shelter that there is a suspicion of the child being a victim of trafficking.

***There is a problem with recognizing a child as a victim of trafficking especially if it comes from an EU Member State, like in the case of Bulgaria.. When it is a child victim from an EU country then recognition is not provided.***  
(CHILD-Professional, GR02)

***Usually they are not recognized victims of trafficking but the official documents submitted by the Prosecutor characterize them with the suspicion that they are victims of trafficking. They stay with us from 6-12 months depending on the case. The children who are recognized victims of trafficking are moved to another NGO, as their structure is more protected.***  
(CHILD-Professional, GR03)

On top of that great deficiency, a specific referral mechanism for child victims of trafficking has not yet been established and even the existing one, addressed in general to unaccompanied children, is not very appropriate. Regarding problems of the existing public administration, the role of an appropriate and effective referral system is widely confused among authorities and public administration. The main officially accepted way of referring child victims of trafficking is through the police. The specialized police anti-trafficking teams have undertaken large-scale national and cross-border operations and they coil special police forces, prosecutors, services concerned with the imposition of the Law as well as various NGOs occupied with the mission of identifying victims of trafficking, refer children victims to other competent services and work towards the identification of perpetrators.

Moreover, the First Reception Centres, established by Law 3907/2011<sup>173</sup>, in the country's entrance points, are another way to refer third country nationals (including child victims of trafficking), to the competent authorities in order for the latter to decide their readmission in the country, their deportation or their return. However, the initial referral provided by these centres is also epidermal so it does not ensure child protection. Nevertheless, in case there are reasonable suspicions that any person (regardless status, age, gender etc) may be a victim of crime, and more specifically of trafficking, they have to refer the case to the anti-trafficking police department. Then, an interview with a competent professional from the anti-trafficking police unit is conducted with the child in order to explore the pos-

<sup>173</sup> Law 3907/2011 on the establishment of an Asylum service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member states for returning illegally staying third-country nationals" and other provisions, Official Gazette of the Hellenic Republic, Vol.A' No.7, 26 of January 2011

## PART 4

sibility of the victim status. If that happens then the case is referred to the Public Prosecutor in order to verify the child as a victim of trafficking. Beyond that, the service that reported the case in collaboration with the police refers the child to an appropriate shelter. The child also needs to be informed about his/her rights and possibilities as these are indicated in the corresponding laws<sup>174</sup>, as well as receive adequate and appropriate assistance and support..

Among the more recent legal regulations concerning children who are called to testify as witnesses or as victims of trafficking, violation of personal and sexual freedom and/or family violence, lays article 108A of the Code of Penal Procedure. It regulates the specific information that should be provided to the child victim by the Prosecutor, concerning information about the case file, the execution of the violator's sentence - even when the child is not participating as a plaintiff in the relevant penal case - and the dates of leaves offered, if any, to the perpetrator.

The lack of protection to children-victims of trafficking is a result of non-existent monitoring system, notable lack in funding, trained personnel (especially lawyers)<sup>175</sup>, formalised procedures and tools and often of poor cooperation among the actors involved. Consequently children's vulnerabilities and especially those of child victims of trafficking are neither identified nor addressed to specialised services in order for those children to receive the adequate support and protection. This, as a consequence, implies that these children cannot create a stable connection to the hosting context and usually still feel threatened and insecure.

When it comes to raising awareness activities on human trafficking, it is only during the last few years that some actions have taken place. The General Secretary for Gender Equality, under the responsibility of the Ministry of Interior had created a television spot, which addressed the issue of the false myth of free choice and how one can indeed become a victim of trafficking. Besides the spot, a leaflet was also produced in four languages (Greek, English, Albanian, Russian) providing information on trafficking and encouraging victims of this crime to report on their experience. Furthermore, in 2008, the first specific campaign on child trafficking and smuggling was presented by the Ministry of Foreign Affairs in cooperation with the Greek section of UNICEF. Within this context the Ministry also presented the Greek version of UNICEF's manual "Combating Child Trafficking" (FRA, 2008, p22).

Another example of good practice in this field has been the number of programmes in the countries of origin of child victims of trafficking, implemented by the General Secretariat for Gender Equality, in collaboration with KETHI and the Ministry of Foreign Affairs. These programmes offered development aid as well as promoted cooperation. Moreover, the counselling centres of the General Secretariat for Gender Equality on violence against women offer psychosocial support and legal advice to women victims of trafficking in the host country. They provide support and advice, anonymously, during weekdays and they are formally exclusively addressed to women and young girls above 18 (Committee on the Rights of the Child, 2011). Following that, the National Plan for the Essential Gender Equality 2010-2013, developing action against the violence taking place against women, has received a 2 year extension through ESPA (National Strategic Reference Framework) funds and will be finalised in 2015. During this project, 61 structures (counselling centres, shelters) will be established and apart from supporting women, it also includes children who will be able to access the relevant services as children of women, who have experienced abuse.

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<sup>174</sup> See previous section, 'the Rights of Child Victims and Witnesses of Crime' about the concrete legal provisions for which children must be informed

<sup>175</sup> Legal advice prior to and during the police identification process is very limited. It is primarily after the police interview, when migrants are transferred to a pre-removal detention centre or a reception facility, that they may have more extensive access to legal advice and NGO support". (FRA, p.91)



***Children and young people exposed to trafficking and exploitation are excluded from the protection system because the programmes are neither appropriate not effective and there is a particular problem in the country with the foster care families, as they are not supported by programs or legislation.  
(CHILD-Professional, GR01)***

Due to the phenomenon of missing and exploited children in Southeastern Europe and the need for a common regional approach in tackling it, the Southeastern European Centre for Missing and Exploited Children (SEEC) was established in 2010. SEEC aims at enhancing collaboration and exchanging good practices among stakeholders from the Southeastern European countries. Through the empowerment of partnerships SEEC looks at tracing and recovering missing children as well as reducing any form of child exploitation. The main objective is to create a safe environment in the area of Southeastern Europe where children will be protected from exploitation and abductions. Till today SEEC has managed to build partnerships, implement and promote tools, promote creation of national centres for missing and exploited children, contribute to the International Centre for Missing and Exploited Children (ICMEC) as well as generate regional actions on combating child trafficking and building capacity.

Furthermore, Greece ratified 'Convention for the establishment of Southeast European Law Enforcement Center (SELEC) by adopting Law 4054/2012<sup>176</sup>. The objective of SELEC is to enhance coordination in preventing and combating also serious and organized crime that appears to include transborder activities. Therefore, SELEC undertakes the coordination of regional operations and crime prevention interventions in transborder cases; collection, analysis, process, and exchange of information; production of strategic analysis as well as threat assessments; establishment and operation of an information system ensuring personal data protection.

Finally, there is also a number of projects that has contributed to the combat of trafficking, initiated by State agencies or NGOs such as the establishment of the National Center for Lost and Abused Children; the National Conference on Protection of children-victims of trafficking and abuse; implementation of professionals' trainings; awareness raising events for students; experts meetings on a national or international level; international cooperation and exchange of information and good practices as well as a number of EU funded projects, including the IMPACT project itself, the GATE project which focused on the importance of the guardianship system in relation to child trafficking and exploitation and which was finalised in April 2013, as well as the RESILAND project that will be focusing in enhancing children's self resilience against trafficking.

***The identification of children victims of trafficking is very difficult. It is easier for adults. The process is too long and difficult. First the child needs to be informed and then follows the reflection period. Interpretation, guardianship, etc are necessary so it becomes difficult. We had some so obvious cases of children victims of trafficking, who were never identified as such. The system does not favour these children. Guardianship is very important for that process but it is absent.  
(GOV, GR08)***

***EKKA has a program of collaboration with Albania therefore there is an international agreement, which however is not really of much use, practically speaking, as the need is not there anymore***

<sup>176</sup> Ν. 4054/2012 ΦΕΚ Α 45 / 07.03.2012 «Κύρωση της διεθνούς σύμβασης για την ίδρυση του Κέντρου Επιβολής του Νόμου στη Νοτιοανατολική Ευρώπη – Southeast European Law Enforcement Center (SELEC)».



**(GOV, GR08)**

***..in practice the police cannot solve this issue as well, along with everything else that they are called to deal with. I don't think they have the adequate power (man-wise) to undertake this. I think that at a great level they have abandoned this issue. They do not have the capacity to control it. There is an anti-trafficking unit but the problem has expanded to such an extent that it cannot be covered just by that task force. There is lack of resources. I am afraid that we do not even have the infrastructure to follow the appropriate procedures.***

**(MUN, GR01)**

#### **Determinants promoting protection**

- Improvement of referral mechanisms
- National Registry for the victims of trafficking
- Establishment of a National Rapporteur and an effective monitoring system
- Intensify actions to adequately implement the National Plan against trafficking
- Implementation of legal framework
- Clear procedures and practices on identifying and verifying a child as a victim of trafficking regardless of country of origin
- Professionals' personal connections and willingness to support children
- Raising public awareness campaigns on trafficking issues
- Provision of regular and update training well as supervision to professionals
- Secure funding for the establishment of more supporting structures
- Collaboration among actors

***Finally, to raise public awareness in order to sensitise the society around such issues. Even though, now that our society is dealing with all the current issues occurring (recession, unemployment, etc), noone will bother with such issues. In any case though, it would be good to have something like that happening (raising awareness campaigns).***

**(MUN, GR01)**

***Greece is a transit and host country therefore Prevention is necessary: trainings, awareness campaigns, identification at a first level of children-victims, campaigns at countries of origin, multidisciplinary and cross-sectional cooperation.***

**(ORG, GR01)**

***In the case of children, new laws with safety valves should be adopted that will be more effective. The existing laws are very strict in the case of children, which is right but on the other hand there is no flexibility, which does not help***



***with their integration. This happens because the organization has the child's care but not custody so we cannot make crucial decisions on behalf of the child, including placement in foster care.***

***(CHILD-Professional, GR01)***

***I would like to see more action and collaboration in and with the municipalities (OTA) so that I can collaborate on a local level easier and more effectively.***

***(CHILD-Professional, GR01)***

### Actors involved

- Ministry of Interior
- Ministry of Foreign Affairs
- Ministry of Health and Social Solidarity
- Ministry of Justice
- Ministry of Labour and Social Welfare
- EKKA
- Anti-trafficking police units
- Social Centres and Care centres
- The Greek Ombudsman
- NGOs focused on the protection of children's rights as well as immigrants' and asylum seekers' protection and support

### 4.4.5 JUVENILE JUSTICE

With regards to juvenile justice special measures have been taken by the State in order to ensure that children have a fair treatment in juridical system and their rights and privacy are respected during proceedings. Therefore, the juvenile system was reformed in 2003 by Law 3189. According to article 127, Penal Code, as amended by article 8 of Law 3189/2003<sup>177</sup>, reformatory measures are imposed when there is a need for deterring a child from reoffending, which are supposed to be effected on pedagogical grounds and aim at the social reintegration of that child. Such a measure is imposed only after careful investigation of the circumstances under which the offence was committed and after evaluation of the child's personality as a whole. According to article 54 of the Penal Code, the duration of confinement in detention institutions may not exceed 20 years or be shorter than 5 years, in case the law punishes the offence that has been committed with a penalty of deprivation of liberty of more than 10 years. In compliance with the CRC's provisions about the separate detention of children, Greek law secures the detention of children in special detention institutions.

<sup>177</sup> Law 3189/2003 on Reform of minors criminal law, Official gazette of the Hellenic Republic, Vol.A' No 243



## PART 4

However, no particular legal provisions have been set up for the protection of children from violence and abuse provoked by the police authorities (e.g. during arrests of children) or by other State agencies, and thus many reported cases of authorities' arbitrary violence have taken place and are still impudently happening in Greek society.

In compliance with international standards, children victims of trafficking shall not be criminalised. Moreover, a person is considered a child for the purposes of criminal responsibility from 8 years old, instead of 7 years that was until recently, till 18 years, instead of 17. Also, according to article 126, of the Penal Code, children between 8 and 13 years are not considered criminally liable; instead they are only imposed educational or therapeutic measures for any punishable act. In cases where children have attained the age of 13, if they commit any punishable act they can be subjected to detention in special youth correctional centres, in accordance with article 127 of Penal Code, as amendment by Law 3189/2003.

For the case of juvenile offenders, the State has also provided for the establishment of specialized juvenile courts all over Greece, which are independent public agencies, addressed exclusively to children. Also, there is specialized juvenile prosecutors, who have under their full responsibility the execution of judgments in juvenile courts, and other duties, such as the hearing of children and adults who turn against children, requests for the release of imprisoned children, research on the circumstances and involuntary hospitalization of patients children. In cases when the child participated in a crime together with adults, if the child is under the age of 16, prosecution is at all times separate and such children are judged by Juvenile Courts. As a general rule, the same applies to children aged 16 to 18, but with special exceptions. In addition, according to article 133 of the Penal Code, persons who have attained the age of 18 but not the age of 21 are characterized as "young adults" and may be treated with clemency and their sentence may be reduced.

However, the Greek legislation also provides for some alternatives to detention of children who are in conflict with law. Firstly, article 129 of Penal Code, provides for the child's conditional release, upon completion of half of his/her sentence in a special detention institution. Furthermore, as mentioned above, according to article 126, of the Penal Code, children between 8 and 13 years old are not considered criminally liable. Thus, if they commit any punishable act, they are only imposed educational or therapeutic measures. In fact, article 122 of the Penal Code provides for the addition of scalable reformatory measures, which are by order of priority as follows:

- Reprimand
- Placing the child under the responsible supervision (custody) of parents or guardians
- Placing the child under the responsible supervision of a foster family
- Placing the child under the responsible supervision of a society for the protection of children, an institution for children or children's' probation officers
- Conciliation between a child offender and the victim for pardoning purposes and extra-judicial settlement of the consequences of the act
- Compensation of the victim or reparation of the damage
- Community service by the child



- Participation of the child in social and psychological programmes in state, municipal, communal or private institutions
- Professional or vocational training of the child
- Road-traffic education
- Assignment of the child's intensive custody and supervision to protection societies or probation officers
- Placement of the child in an appropriate state, municipal, communal or private Institution

Moreover, article 123, of the Penal Code has also been amended and provides for therapeutic measures imposed if the child's condition requires a particular treatment, especially when the child suffers from a mental or pathological disease or any situation causing grave physical dysfunction, if the child is addicted to drugs or alcohol, or if he/she presents any abnormal retardation. Such therapeutic measures include placing the child under the responsible custody of his/her parents or a foster family, referring the child to a therapeutic or other institution, placing him/her under the custody of societies for the protection of children, with probation officers, who will make sure that the child will attend a consultative therapeutic programme. (Committee on the Rights of the Child, 2011). Last but not least, the penalty of 'community work' is also a form of children's' rehabilitation, but has unfortunately only taken place in certain circumstances and only in large urban centres in Greece (Greek NGO's Network for Children Rights Convention, 2011).

Furthermore, regarding the reform measures provided by Law 3189/2003, it is essential to point out that the practical implementation of many, related to the treatment of juvenile offenders in the community, are totally insufficient, including the fact that the children sentenced to community service are not offered insurance coverage during the time of their service.

As for cases where a judge or prosecutor may dismiss charges against the child, a new provision (art. 45A) has been added to the Code of Criminal Procedures, whereby a public prosecutor may abstain from prosecuting a child if the child has committed an act which would be characterized as "petty offence". In such cases, the public prosecutor may impose one or more reformatory measures (art. 122, Penal Code) and the payment of €1,000 to a non-profit or charity legal entity, determining at the same time a time limit for compliance to the order. If the child complies with such measures and obligations, the public prosecutor places the case on file and should declare to the Public Prosecutor at the Appeals Court the reasons that led him/her to abstain from prosecution. On the other hand however, no concrete crime prevention measures have been undertaken or such prevention measures have targeted specifically vulnerable groups and non-national children.

Despite certain protective provisions included in the aforementioned laws, some acts are still regarded as offenses and could lead children to confinement. For that reason, such acts must be immediately reconsidered and removed from criminal laws, as in most countries under the Convention. For instance, begging has not yet been decriminalized as an offence pertaining to children. According to article 407 of the Criminal Code a person begging can be punished with detention up to six months. Thus, many children living in the streets are in risk of being incarcerated and detained, unless identified and recognised as victims of trafficking, which however is quite difficult to succeed in such cases.

The Greek Ombudsman has recommended that directives for the lawful treatment of children should be issued by the police, especially after having received numerous complaints related to young offen-

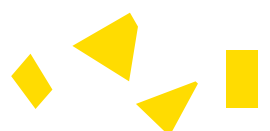
## PART 4

ders who experienced violence by the police, during their apprehension and interrogation, (The Greek Ombudsman, 2012, p.21). In that point it is important to note that concerning the knowledge and capacity of professionals working in or collaborating with the juvenile justice no training programmes have been implemented with regard to juvenile justice and children's right to personnel employed by the Ministry of Justice or engaged with the administration system of juvenile penal justice.

First of all, legal aid does not respond fully and effectively in all cases involving children, due to the lack of permanent support from defence lawyers who are attributed to them by the State. In addition, legal aid law does not explicitly provide for the appointment of a defence lawyer in cases of juvenile offenses and thus sometimes children defendants have been denied the right of defence. Finally, children without a supportive environment and with limited economic means, face insurmountable obstacles when confronted with criminal justice. In some cases, child offenders are covered by a specific project run by the General Secretariat of Youth. This project, however, does not cover all children, as it is not implemented across the country and has limited resources (Greek NGO's Network for Children Rights Convention, 2011).

***The project about legal aid for the youth by the General Secretariat for Youth. The lawyers do their professional practice, the youngsters are supported (separated children, abused children, children of addicted parents, etc). This project is good because it complements the law. (GOV, GR06)***

Some specific groups of children are unequally treated in practice within the field of juvenile justice in Greece. As the Committee first noticed and stressed out, law enforcement authorities in Greece are arbitrarily and with a discriminatory manner stopping foreign and Roma children in the streets and sometimes detain them for petty reasons, despite the State party's new legislative measures to provide new welfare structures in order to prevent victimization and criminality for children. The Committee was specifically concerned that despite the provisions of article 126, Penal Code, there are cases when Roma children of 9 years old were arrested for petty-theft and their cases were examined without the presence of a lawyer and further prosecuted and tried. On top of that, detention before trial is still in use in Greece, particularly in cases of illegal entry into the country and no alternative detention measures are available (Committee on the Rights of the Child, 2012a). As mentioned again in previous sections of this report, many unaccompanied children who are found entering the country illegally are temporally detained, due to the lack of sufficient accommodation facilities that host unaccompanied children, and in some cases they are even kept in the same place with adults (Human Rights Watch 2008a).



### **Determinants promoting protection**

- Increased attention on the implementation of the penalty of community work as an alternative mean of children' rehabilitation
- Training and supervision of professionals, especially police officers, and imposition of strict sanctions on them when they proceed to violence against child offenders
- Provisions for free legal assistance and defence in front of the court to all juvenile offenders
- Decriminalize the act of begging and instead include it in the legal regulations against trafficking, if it complies with the acts of trafficking and takes the form of exploitation by adults

### **Actors involved**

The relevant actors involved in juvenile justice and the protection of children within the sector of criminal law are:

- Ministry of Justice
- Ministry of Public Order
- Juvenile Courts
- Juvenile Prosecutors
- Lawyers' Association
- Greek Ombudsman
- NGO's working for the protection of children's rights



# CHAPTER 5: CONCLUSIONS

## ***The principle of non-discrimination***

As described in section 3.1 on the “principle of discrimination”, the existing constitutional principles and rights conceptually cover all citizens in the country, creating in that way an inclusive legal framework. Based on that, no discrimination should take place based on diversity issues.

Despite the fact that the national legal framework only applies to citizens and offers no protection to non nationals, in reality many vulnerable groups of people, nationals and non nationals, are left to suffer from discrimination such as Roma, individuals with disabilities, street children, children of other ethnic or religious minority backgrounds as children of Turkish origin, children belonging to the Muslim community of Thrace<sup>178</sup>, and children from groups identifying themselves as belonging to the Macedonian minority, individuals of different sexual orientation and undocumented migrants.

One of the main issues related to the implementation of the principle of non discrimination in Greece, is that despite the existing legislation, a general prohibition on discrimination has not yet been put in place. This is also reflected by the fact that the Council of Europe Protocol No. 12 for the Protection of Human Rights and Fundamental Freedoms has not been yet ratified by Greece, therefore setting even more concerns around compliance with international law. Under this light, apart from the ratification of the Protocol, the existing legal general terms should be specified and established with executive laws in order to introduce a clear legal framework, which will protect individuals from any differential treatment.

A crucial point is also the fact that legal provisions against discrimination on the grounds of ethnic origin and policies on equal treatment intersect with the legal provisions of national migration regulating the residence and work status for third country nationals and stateless individuals. This clearly leads to numerous gaps in protection for undocumented migrants, including children. In addition, the fact that there is no official monitoring system, no central database for the registration of racist criminal acts and no effective reporting system of racist violence incidents, in combination with the intersection of non discrimination and migration policies undermine the appropriateness and effectiveness of the system.

***Supposedly, when we talk about a child in need, there shouldn't be anything else bothering us (e.g his legal status, impairments, etc). It is a child and that should be enough (for the State to protect him/her).  
(GOV, GR07)***

The fact that two departments in the sub-directorates of Attica and Salonika as well as a number of bureaux around the country for combating racist violence were established in order to support individuals

<sup>178</sup> The Muslim minority of Greece is the only explicitly recognized minority in Greece. It consists of a few ethnicities, the majority of them being Turkish. For historical reasons, the Muslim minority resides in the Greek region of Thrace



## **PART 5**

suffering from discrimination, constitute a move towards amelioration of practices and enhancement of a support system, however more changes are needed in order to have a thoroughly effective protection system against discrimination.

Therefore, necessary legal changes should take place, leading to one legislative act regulating non discrimination; establishment of mechanisms necessary for monitoring and reporting; promotion of a non discriminatory social and personal attitude; consistent training of professionals on diversity issues; establishment of more integration programs for vulnerable groups; guarantee for funding supporting services; development and enhancement of intercultural mediation.

### ***The principle of children's best interests***

There is a number of legal provisions protecting national children's right to have their best interests ensured like in matters related to adoption; domestic violence; custody; parental responsibility; guardianship; inheritance issues; court proceedings; social protection; residency; education and judicial investigations.

On the other hand, regarding children migrants' best interests, there is only an indirect inclusion of them in legislative provisions related to identification of unaccompanied children that will consequently ensure their residency, welfare protection, legal consultancy and representation and information about their rights and options.

As shown in this report, unfortunately there are many occasions where the principle of children's best interests is not followed such as in the occasion of providing information to undocumented children regarding their rights or appointing a guardian. As a result, lack of inclusion in the protection system is observed for a number of children as in the case of Roma children whose best interests related to education is not provided.

Similarly, appropriateness is not always ensured as during legal or court proceedings the child's opinion is not always taken under consideration. In that way gaps are created and children's best interest not respected leading also to a not effective protection system for them.

As for compliance with international standards, it is quite clear that it is not efficient since the specific principle is not guaranteed for all children.

Therefore, more legal and clear provisions should be put into place but also the existing ones should be implemented in order to establish and develop a more healthy system around the protection of children's best interests.

### ***The right to be heard***

Under the Greek Constitution, all children have the right to freely express themselves and receive information, which promotes inclusion in a sense, however only in very specific areas of children's rights. Evidence to that is the fact that there are no specific provisions for the right of children to fully access information related to their well-being, health or educational and cultural issues. Furthermore, apart from the legal gaps, the implementation of the legal framework is not inclusive as described in several

points throughout the present report.

Through Civil Code and other specific law, children's opinions and/or testimonies should be heard and taken under consideration on family matters, either by their physical presence or not, like in the case of domestic violence court cases. These provisions ensure appropriateness and higher effectiveness of the administrative or judicial decisions made. At the same time the fact that children should be heard regardless of their age promotes compliance with international legislation.

However, in practice things seem to be quite different. For example, compliance with national and international law is not guaranteed in some areas as the one related to the asylum application procedure for unaccompanied minors. During this procedure, an interview with the child should be realized in order to give the child space to express personal experiences, trauma and wishes. Unfortunately, the vast majority of the children attend the interview without any legal representation or interpretation services, setting in that way a non appropriate environment for the child to describe his/her personal history and experience and need for protection. As a result, the professional conducting the interview collects insufficient information on the child's specific case and leads to an ineffective process of the child's application, which will most probably end up being rejected.

As a conclusion, significant changes should take place both on a legislative and implementation level in order to have a more holistic approach on how to secure children's right to be heard. Furthermore, professionals should be trained in order to support the implementation of the legal provisions and cultural mediation and interpretation services should be consistent and integrated within certain services.

### ***SURVIVAL (accommodation, food, health care, social security)***

Throughout the "Survival" chapter, access to social care and welfare services, including accommodation, nutrition, fundamental health services and social security seems to be legally guaranteed for children-legal residents as well as for children-victims of trafficking. Under that light, the system is not really inclusive as the same provisions do not cover vulnerable groups of children such as unaccompanied children, undocumented children living in the streets or children- third country nationals who have their asylum application rejected. These groups of children along with Roma children seem to be excluded from a full health and medical care support system.

But even in the case of national children, there are certain gaps in the inclusiveness of the national legislation, as certain provisions are quite outdated and referring to a previous and much different era with a number of social stereotypes. Therefore, when it comes to social benefits, single father families are not entitled to one as the law is outdated and only refers to providing financial support to single mothers. As a consequence, this has an impact on children's life, as their family cannot access the state support unless a certain authority intervenes or official procedures are overlooked in order to guarantee children's best interests.

***... However, I think that the child protection policies should for sure be constantly updated and progressed, as the social facts change.  
(MUN, GR02)***

Regarding the appropriateness of the national protection system, there seems to be good points but also bad points, necessitating improvement. Starting with the good points, it is definitely worth men-





## PART 5

tioning that in the UNICEF research in 2013, Greece obtained very high scores based on children's satisfaction assessment of living in the country, placing Greece on the 5th place among the 29 developed countries explored. Since the child satisfaction is connected to the quality of relationships a child has with family and friends, it is really positive that Greece provides the ground for this protection factor related to survival to flourish.

Being more specific, another positive point of reference is the fact that migration law (3907/2011) gives space for the unaccompanied child to request contact with the family of origin; legal representation and support from national, international or non- governmental organizations. Finally the Socio-Medical Centres seemed – for the period of time they operated – to have promoted inclusion of Roma children and provision of appropriate to this community services.

However, on a negative note, there appears to be a large gap when it comes to unaccompanied minors and the coverage of their survival needs. Children very often end up being detained with adults, under very poor conditions and for long period of time. If and when they are moved to an accommodation facility for unaccompanied children, the lack of Standard Operational Procedures applied to the structure leaves many gaps in ensuring the quality of coverage of these children's survival needs. What seems to improve the situation is the professional's willingness to support the children and build reliable and trusting relationships with them. However, even on that level, the fact that there is a lack of human resources and that the existing professionals are not provided with consistent and updated training and supervision does not take the bar high enough, in order to correspond to the appropriate coverage of children's needs.

As for effectiveness, developing decentralised health and social care services, operating in the corresponding prefectures and municipalities across the country, is quite an effective measure, as the vulnerable groups have better and easier access to the support needed. In addition the fact that our country is among the ones with the highest rates on children's immunization, also substitutes a practical and effective way of protecting children's health.

Apart from that though, it seems that there is a number of issues that lower the total effectiveness of the system towards all children. Significant problems are connected to the lack of clear legal framework; updated existing legislation and structures; accommodation structures; specialized professionals; effective needs assessment; referral system; provisions for unaccompanied children after they turn 18 and the low social financial support that does not correspond to the current child's needs. On top of all that, the non development of the foster care institution also becomes a risk factor, since under this institution a large number of children will be able to avoid possible institutionalization and unstable living environments as well as will be integrated in a protective family environment.

***As for street children, there should be street work to identify them and support them. For families, who are struggling financially or are vulnerable, there should be some brochures, information provided regarding the existing services of institutions and organisations, related to provision of food, clothing, medical care when there is no insurance, assistance with finding a job. These people should be supported. Social Workers should not just sit in their office and do desk job but need to get out and be more active. Whether this happens or not is up to the S.W.'s nature, character and willingness.***  
**(GOV, GR04)**

It should also be highlighted though, that the current economic crisis from which the country has been

suffering the last few years, has led to certain cut backs with severe impact in the provision of services to children. Therefore, the operation of the foster care institution remains till today limited and many programmes facilitating children's survival needs come to an end due to lack of funding. Moreover, the programmes that are still around and operational, cannot make long term plans, affecting in that way also the appropriateness of the support provided.

The situation becomes even more alarming since Greece was found to present an increase of infant mortality during the last few years, as well as the fact that among 29 developed countries examined, Greece ranked very low on children's well being.

On a first level, it seems that Greece manages to maintain compliance with international legislation since domestic law provides for the access of all children to the national health system, regardless of their legal status. However, in practice this compliance is not succeeded as due to a number of reasons (e.g. economic crisis leading to introduction of user charges) children's access to health services is hindered. The latter affects mainly Roma children, children of the Muslim community of Thrace, children living in the streets, migrant, asylum-seeking and unaccompanied children.

Besides health, provision of accommodation also does not seem to comply with international or even national standards. As already explained, in the case of unaccompanied children, despite the legal provisions, accommodation is a difficult task to succeed as the procedures are lengthy and tiring and till their implementation, they leave children unprotected within detention facilities or even out on the street.

### ***DEVELOPMENT (education, sports, recreation, working conditions)***

In the chapter of "Development", it can be noted that the existing legislation is quite inclusive in relation to the topics explored.

More specifically, all children are entitled to access the basic general and vocational education regardless of their legal status. Education and vocational training are seen as tools offered to children in order to develop their personality, abilities and special talents. Within the national context, compulsory education is foreseen for nine years. On top of that, all children that have turned 4 years old should also attend preschool education for 2 years.

However, in practice access to education is not ensured for all children as a number of obstacles hinder for example the enrolment of non-national children and Roma children at public schools due to the absence of the appointed guardian, bureaucracy and even discriminative attitudes and prejudice on behalf of education representatives themselves.

When it comes to sports, the national legal framework foresees the access for all children in the country. Regarding leisure activities, even though there is no specific legislation and this right is offered through generic, indirect and unspecified regulations, it is provided to all children.

Finally, the Greek law on the Worst Forms of Child Labour protects all individuals under the age of 18 and provides them protection through the prohibitions established for the elimination of the worst forms of child labour, as the latter can be extremely harmful to the child's health, safety of dignity.

When it comes to the appropriateness of the protection system around children's development needs,



## PART 5

things are not so clear. For example, regarding children of ethnic minorities there are provisions for facilitating the access to information and the participation in recreational activities of their specific culture as well as education programmes encouraging their initiatives, actions and cultural diversity.

In addition, intercultural schools have been established in order to contribute to the integration of migrant children into the Greek society. These structures adjust the program of the mainstream public schools to young people's social, cultural or educational specificities, in that way creating the appropriate conditions for the promotion and facilitation of their education. However, apart from the fact that there are only a few such schools across the country, it is disappointing to see that even the existing ones have ended up concentrating only migrant children despite the fact that they are supposed to be attended by national children and a minimum rate of 45% children - repatriates or migrant,. Therefore the institution of the intercultural school has come to lose its originally attended character. Similarly, that also happens in many cases, regarding Roma children. Therefore, apart from a sense of exclusion created by the described operation of the intercultural schools, it seems that the level of schooling provided is lower than the one in the mainstream schools.

At the same time the protection system related to children's development needs does not seem to be effective in many areas, leaving children exposed and unprotected.

First of all, as concerns the field of education, the remedial education appears not to work as every year the specific supportive courses begin with delays, due to lack of teachers. Besides that, for the reception classes and preparatory courses provided to children of migrants and repatriated Greeks, the professionals involved are neither specialized nor experienced, therefore providing inefficient support to children. Of course, there is also the huge issue of the school drop outs, for which not enough attention has been given, as there is no central registration, tracing or monitoring system in place.

Moreover, the cut backs in funding have created a series of problems as for example the non renewal of many educators' contracts leads to a lack of human resources in education. Another consequence of limited funding is also the end of the very important provision of allowing children to remain in the school premises till the afternoon, under the protective environment of professionals, in order to support working mothers. Exception to the latter, constitute the cases where parents collaborate with educators in order to maintain that service, which in many cases they "fund" themselves in order to keep their children safe at school until they are able to pick them up after work.

***We are about to be left with 2 employees in this department and as you can understand it is impossible to support all the work and do it properly.  
We are not experts at all matters.  
(GOV, GR06)***

Last but not least, regarding child labour, it is common knowledge that there is an unspecified but clearly high number of children working in a non legal framework and being exploited. Unfortunately, the system does not protect these children and leave them exposed to exploitation since there is no effective monitoring or reporting mechanism.

Therefore, even though there is compliance with international law, especially after the ratification of the ILO Convention no. 182 on the Worst Forms of Child Labour, the implementation of the legal framework is problematic. Specifically, unaccompanied children, street children and children from families that lack legal documents, even though more exposed to the risk of exploitation since they are not recorded anywhere and therefore cannot access any state structure for support leading them to illegal

work under unacceptable conditions, are still not included in the protection system.

On a positive note, compliance is succeeded when it comes to recognizing children's right to sports, as the Greek law characterizes it as a fundamental right. On the other hand though, no special indication exists regarding children's right to leisure activities. Additionally, despite the provisions of article 30 of the CRC, children from minorities – especially Roma children and children living in the Muslim community of Thrace – do not have adequate access to information about various recreational activities or special cultural activities that they could participate in.

With regards to children's right to education, despite the compliance with international law, providing access to education and vocational training to all children, the implementation of the legal framework is once again full of gaps due to lack of funding and human resources, central registration and monitoring system.

### **PARTICIPATION (migration, social life)**

The national migration law is quite inclusive regarding unaccompanied children, foreseeing a number of protection provisions in different areas such as guardianship, asylum, family reunification and others that have been discussed throughout this report and more specifically under the section of "Migration".

As for appropriateness of the national protection system in the field of migration, it is quite clear that this is not succeeded as children's best interests, needs or opinions are not really taken under consideration. Numerous gaps lead to inappropriate procedures and practices related to unaccompanied minors, such as age assessment; identification; assessment of best interests; care; safety; legal representation; process of the asylum application; treatment by the authorities; information on their rights; detention conditions and removals.

**Many unaccompanied children remain in detention centres for long period or times. There they live under miserable conditions, with consequences for their physical and mental development.**

**The accommodation facilities for the unaccompanied children are only very few, almost non-existent, therefore many children remain homeless with their basic need not satisfied and without a chance for access to education. In addition they are exposed to a number of dangers and it is quite easy for them to become victims of exploitation.**

**(ORG, GR03)**

Correspondingly, the effectiveness of the system is not succeeded either in migration issues. First of all, there is no effective monitoring system, while the asylum system is dysfunctional, due to a number of different reasons such as bureaucracy; lack of human resources; lack of interpretation or cultural mediation services as well as specialised training and supervision provided to professionals. Evidence of this dysfunctionality, constitutes the very low first-instance refugee recognition rate that applies for Greece.

Despite all the loopholes, there are also a few good practices taking place such as the training seminars organized by the police and other specialised bodies to the staff of the asylum services in order to increase appropriateness and effectiveness of their services and therefore of the assistance given



## **PART 5**

to children. Moreover, there are also certain programmes and initiatives that support children by providing access to asylum procedures for unaccompanied children and asylum seekers through legal assistance, addressing unaccompanied children's protection needs and facilitating the learning of the Greek language.

Finally, the establishment of the new EKKA service regarding the accommodation of unaccompanied children promotes a more effective protection of children-asylum seekers as it coordinates all the accommodation facilities on a national level.

In the area of migration, domestic legislation complies with international standards at an adequate extend, as it provides for the identification of unaccompanied minors and victims of trafficking; children's detention conditions; provision of care; access to health and education; appointment of guardian, provision of legal representation; facilitation of family reunification; issuance of residence permit; chance to support asylum application through interview as well as other provisions.

However, the problem is that the legal international or even national framework is not implemented. Even though there are still gaps in national legislation, the fact that the existing one is not implemented properly or even at all leads to an inefficient and ineffective child protection system.

Unfortunately, regarding children's social life with adults and peers, there is not much found to report either on a legislative or practical basis. One thing that could be mentioned is that Greece seems to constitute a fertile ground for the development of social relationships. Evidence towards that direction constitutes the 2013 UNICEF research on children's well being. As already mentioned, based on the second part of this research, children were asked to assess living in Greece, based on their personal satisfaction. Taking under consideration the correlation between the latter and the quality of relationships with family and peers as well as the results of that research, it can be indirectly concluded that relationships with adults and peers are encouraged under the Greek context.

### ***PROTECTION (child protection, guardianship, criminal law, victims of trafficking, juvenile justice)***

The national legal framework regarding children's protection needs can be in total characterised inclusive, as it does provide for all children regarding the topics explored in this chapter. Therefore, the foreseen legal provisions should be applied to all children - victims or witnesses of crime unexceptionally, including cases of undocumented children third country nationals who have entered and have been residing in the country in an irregular manner. In addition, guardianship is also provided to both children nationals and unaccompanied children third country nationals.

Regarding children victims of procurement, exploitation for prostitution, purchase of sexual services and trafficking for the purpose of sexual exploitation, forced labour and removal of organs there are provisions for the coverage of their survival, development, participation and protection needs. Some of these provisions are adjusted to the children's higher and specific needs such as in the case of the reflection period provided to children victims of trafficking, which is extended to 2 months instead of the 30 days offered to adult victims. Therefore, protection becomes more appropriate by taking under consideration children's needs. Similarly, in court proceedings of domestic violence, children's presence can be avoided and their testimonies can be simply read in the court so that they do not have to relive the trauma inside the court room.

In the case of the guardianship system though, at least when it comes to unaccompanied children, things are quite different. Children are not informed about their right to guardianship and as a result most of them neither meet their guardian nor do they receive actual support throughout asylum procedures. Their needs and opinions are not heard by their appointed guardian and they just become one more case in a paper to be undertaken. Therefore, no personalized approach is followed due to the many gaps of the system.

Furthermore, it should be noted that the bilateral agreement with the Council of Ministers of the Republic of Albania in 2006, foresees the protection and assistance of children victims of trafficking, without however including any specific provisions for the treatment of this vulnerable group of children.

Regarding Juvenile Justice, a positive development has been the reform of the juvenile system in 2003, when the age of criminal responsibility raised to 8-18 years old instead of the till then set age of 7-17 years. Additionally, children between 8 and 13 years are not considered criminally liable and in their case educational or therapeutic measures only can be imposed to them for any punishable act. For children between 13 and 18 years old there are also alternatives to detention of children and detention is the last resolution and after other alternatives have failed. Not to be disregarded that juvenile offenders' cases are processed through specialised juvenile courts, addressed exclusively to children.

Even though there have been measures that can lead towards the increase of appropriateness of the national protection system, the latter does not appear to be very effective. There is an apparent lack of mechanisms that should have been put into place as well as the malfunction or non development of certain institutions such as guardianship for unaccompanied children and foster care in general. Both these institutions are ineffective due to many reasons including lack of human resources, training of professionals and clear information on the role they are called to undertake.

***There should be more accommodation facilities appropriate in our country, better structures and legal representation, especially in the cases of trafficking and abuse.***

***Collaborations with other countries as Albania, Romania and African countries. There should also be easier procedures for adoption and fostering, which due to bureaucracy make it more difficult for the children's and families' psychology. (CHILD-Professional, GR03***

At the same time, as already mentioned in this report, the till now existing lack of a database for the registration of the trafficking cases; publication of statistics; identification and verification of a child's status as a victim of trafficking; a specific referral, coordination, monitoring mechanism does not ensure effectiveness of the system or enhance protection of children victims of trafficking.

***What kind of registration are you talking about? If there is any done, it is by EKKA and that covers only the number of children that reach EKKA and you know how many others are out there...***

***Registration system for what? Which protocol or Registry is there in Greece? There is such a system only in some people's imaginations. Do we know, the (number of) children that are in the hospitals? Do we know the (number of) pending requests for placing children in an institution? Do we know the total (number of) incoming children? The reasons why these poor children leave? What happens to the separated children afterwards? How many times the same***



## PART 5

### ***child comes in? We should be ashamed of this situation.. (GOV, GR07)***

On top of that, an existing lack in funding, trained personnel, formalised procedures, protocols and tools as well as the often poor cooperation among the actors involved, lessen even more the effectiveness of child protection in Greece.

Attempts towards a more effective system have taken place, such as the establishment of EKKA as the coordinating body in the field of child abuse and neglect, trafficking and unaccompanied children's accommodation needs. Through EKKA the establishment of child protection teams in each municipality was realized and is still coordinated. Even though the latter is quite an important development, as more children in need will be identified and assisted through local authorities, some municipalities only have one or in some cases no Social Worker to support this service.

In addition, a few initiatives have been implemented, offering development aid, promoting cooperation, raising awareness on trafficking and offering psychosocial support and legal advice to women victims of trafficking. The existence of such projects cannot make up for the ineffectiveness of the system in a whole but at least provide hope for the amelioration of the situation and the fact that there are still NGOs and professional of public and private agencies that can make some difference for the children in need of protection.

Generally speaking there seems to be compliance with international standards since Greece has signed and ratified a number of European Conventions and Directives. However, as in other areas, problem comes with implementation of the legal framework. That means that on a theoretical level there are legal provisions for the protection of children in the field of domestic violence, corporal punishment as a mean of discipline, sexual exploitation and abuse, sale of children, trafficking, prostitution and pornography but in practice things get tangled up.

## **GENERAL CONCLUSIONS**

As a general conclusion it can be argued that one of the main problems in Greece is the non implementation of existing legal framework. Undeniably there are gaps in national legislation but at least if the application of the existing one was ensured then definitely the protection system would be more appropriate and effective.

***I believe that the direct information/update on what goes on, on an international level, and the sensitisation of the Greek authorities would contribute to the compliance with the international standards.  
(GOV, GR03)***

***I do not think that we comply in practice. From what I see and hear, we sign and ratify the conventions as the CRC but it is not put in practice.  
As a legislative tool it is good but in practice it does not work.  
(GOV, GR05)***

Another significant issue to be raised is the lack of a unified Children's Act. In a country, where the last 30 years about 4.000 laws have been voted and around 110.000 ministerial decisions have been



signed, its national legal framework constitutes a labyrinth, of which nobody can be completely aware of (Αγγελόπουλος, 2012). Under that light, it can be easily understood that dealing with a scattered legislation around child protection unavoidably leads to confusion, unclear roles and responsibilities, lack of accountability for failure to protect children and eventually lack in protecting all children, regardless of any specific group they might belong to.

Furthermore, the lack in funding; specialized professionals; structures; professionals' training and supervision; children needs' assessment; holistic and child centred approach; necessary mechanisms, policies, procedures and practices; coordination and cooperation of different actors, monitoring of services provided; evaluation of services by children; awareness raising campaigns; incorporation of human and children's rights in school curriculum as well as other factors, undermine the protection of the national system. It should be highlighted that all the above become even more difficult in a period of time, when the country is going through an economic crisis, due to which even more restraints are imposed and less provisions are put in place.

On a certainly positive note though, it is encouraging to see that despite all the difficulties and obstacles, there are still many professionals, who due to their willingness and personal contacts in the field, manage to find ways to apply protective measures for the coverage of children's needs and rights. Let's hope that their work will also inspire the government to take more focused and essential action toward child protection.

***I think that legislation follows some international standards, which definitely presuppose a better level of administration than the one existing on a national level. Therefore in extreme situations/cases, there'll definitely be a serious gap as our monitoring systems are not working and there are not enough S.W in the municipalities. On the other hand there is an approach, which is very human-centred and which in practice overcomes bureaucratic issues. Therefore, even though legal paperwork is necessary for children accessing a nursery school, in case of migrants' children, who could not provide such documentation, bureaucracy was put aside and children were permitted to access the structure. I'm not sure that this could happen in another country.***  
**(MUN, GR01)**





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