On behalf of Network for Children's Rights, a Greek NGO which promotes the children's rights, based on the CRC and provides psychosocial and legal support mainly on Unaccompanied Minors (UAMs) asylum seekers and refugees in the urban area of Athens, we would like to give you some brief information as regards the situation and condition of the detention of UAMs  in Athens and in Greece in general.

Firstly, we would like to inform you that a child protection system has never been established in the Greek context. For that reason, especially regarding UASC asylum seekers and refugees, it is a main practice from the State, enforced by the Police to detain minors, placing them under "protective custody" as it is characterized either because they do not posses legal documents or because they are homeless or living in unsafe conditions.

The State's official institution under the Ministry of Labor and Social Affairs called National Center for Social Solidarity (EKKA), every 15 days is providing statistics about the situation of UAMs in Greece. The latest statistics on 30th of April 2020, are available here : <http://www.ekka.org.gr/index.php/en/2018-05-08-09-50-30/143-statistika-2>.

**Detention – Protective Custody of UAMs**

Across Greece 276 minors[[1]](#footnote-1) are detained in protective custody are detained in police departments and in closed centers, mainly in Amygdaleza in Athens and Fylakio in Evros. Apart from that a big number of minors (1501) is kept in the islands in RICs with geographical restriction and even though we cannot say that the minors are detained they live in awful conditions mainly in tents or in the so called "raphol" (a big tent in the camp site) waiting for their registration of the asylum claim.

Due to lack of sufficient accommodation facilities for unaccompanied minors, hundreds of children are detained in “protective custody” (Presidential Decree 141/1991, Government Gazette Α–58/30-40-1991) for several months. Nevertheless, as determined by the Office of the High Commissioner for Human Rights (OHCHR), the UN Special Rapporteur on the Human Rights of Migrants, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Children’s Fund (UNICEF), and the UN High Commissioner for Refugees (UNHCR), detention is never in the best interests of a child.[[2]](#footnote-2) Furthermore, the practice of “protective custody” has already been ruled by the European Court of Human Rights (ECtHR) as being in breach of the European Convention of Human Rights. In the last year alone, the ECtHR condemned Greece for the protective custody of minors in successive judgments delivered by the Court.

Additionally, we would like to inform you that UAMs sometimes used to be kept in police departments together with adults at the same jail. As regards the conditions, we have been informed from UAMs that they do not have access to bath or new clothes. Furthermore, they eat every day, only two times and of course they are not allowed to leave the jail because there is no yard. Also we have understood that they cannot use their mobile phone, sometimes only as an exception for a very short time every day or they can make a call by using a phone card once per day. We would also like to inform you that many minors are having age assessment procedures without any information and mostly by an X-ray.

At the close centers and in the police departments they do not have any access to education or other activities, which is totally against to the CRC and to the national legislation.During the period on detention, legal and psychosocial information and support can be provided by some NGOs and it is extremely important to mention that Police do not have interpreters so police officers cannot communicate at all with the minors.

**Safe zones for UAMs**

One type of alternative accommodation are the so-called safe zones, located within refugee accommodation centres for the purposes of accommodating and protecting unaccompanied minors residing there. The Ministry of Migration Policy and the Ministry of Labour, Social Security and Social Solidarity have been working jointly since November 2016[[3]](#footnote-3) to develop a specific plan setting out the minimum standards for the terms and operating conditions of safe zones, as well as the placement procedures of unaccompanied minors in them. These reception facilities have not yet been formally established by the Greek state, even though they already operate in many refugee accommodation centres, for almost three years now.

There are major issues regarding the operation of safe zones, a key one being that they are not in a specially protected area that is separated from the accommodation site. Anyone can have access, thus putting at risk the safety of the refugee minors placed in them. In addition, there are problems concerning how long minors should stay there. According to the standard operating procedures of the safe zones, minors should not remain in them for more than 12 weeks; that is, the maximum stay is considered to be a three-month period. The original purpose of these structures was to provide minors with temporary housing until they were placed in a shelter or transferred to another country under the family reunification or relocation scheme. However, this guideline is not followed in actual practice, meaning that safe zones, instead of being temporary options, end up being permanent facilities for accommodating minors. Hence, the most important principle of the Convention on the Rights of the Child is violated, since permanent residence in open accommodation sites is certainly not in the minors’ best interests.

**Hotels hosting UAMs**

Another failed plan which is still operating are the hotels. Hotels that accommodate UAM temporarily, located mainly in Athens and Thessaloniki city center, which in fact keeps UAMs closer to smuggling networks. Each hotel hosts up to 60 UAM and this situation is not supporting neither their engagement with the community nor the inclusion, because with such a big number of UAM it is impossible to work with quality and holistically.

* Legislation or policies that prohibit or restrict the use of immigration detention of children and their families;

With the previous laws regarding the detention of minors, detention was as a last measure for a duration up to 25 days plus 20 more days (law 4636/2019 article 48 par. 2, passage 3). With the recent passed law 4686/2020 the 20 extra days for detention have been withdrawn (article 61 par. a).

* Existing non-custodial alternatives to immigration detention of children (e.g. community-based reception solutions) and their effect on the protection of the rights of migrant children and their families.

Regarding non-custodial alternatives, like foster care or adoption even though the law 4538/2018 is including UAMs its implementation has not been started, due to bureaucratical issues (issues in the filling of the registry of possible foster parents, their training and their check and report, also the registry of the UAMS) it has not been implemented in practice.

* Good practices or measures taken to protect the human rights of migrant children and their families while their migration status is being resolved;

A good practice have been the Semi-Independent Living apartments for UAMs above 16 years old. According to a ministerial decision[[4]](#footnote-4) issued on 31/12/2019 this option has been predicted. Before for a few months, it has been functioning in a pilot phase and after the ministerial decision the number of available SILs has been increased. The idea is that up to 4 UAMs are sharing an apartment, each child has its own room and they share the kitchen and the bathroom. In their living, they receive supporting services (daily needs, psychosocial, legal support) and guidelines from professionals of an NGO who are not in daily contact, or in a 24/7 schedule, like in a shelter. In that way UAMs are becoming more strong, independent and interact much more within the society.

* Challenges and/or obstacles in the development and/or implementation of non-custodial alternatives to immigration detention of children and their families;

Funding issues, mainly delays in the payments through AMIF are blocking the development and/or implementation of non-custodial alternatives.

Moreover, as regards foster care and even adoption even though the law 4538/2018 which includes UAMs have been passed and theoretically its implementation has been started, due to bureaucratical issues (issues in the filling of the registry of possible foster parents, their training and their check and report, also the registry of the UAMS) it has not been implemented in practice.

1. <http://www.ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2020/EKKA%20Dashboard%2030-4-2020.pdf> [↑](#footnote-ref-1)
2. <https://idcoalition.org/wp-content/uploads/2017/06/Briefing-Paper_Never-in-a-childs-best-interests_June-2017.pdf> [↑](#footnote-ref-2)
3. <https://greece.iom.int/sites/default/files/Annex%20A_1.PDF> [↑](#footnote-ref-3)
4. <https://www.e-nomothesia.gr/kat-anilikoi/upourgike-apophase-d11-oik-60207-2717-2019.html> (available only in Greek) [↑](#footnote-ref-4)