



Rights of Children on the Move

Annual Report 2018

Summary

Monitoring mechanism- Network for the Rights of Children on the Move

The Greek Ombudsman, within the framework of fulfilling its institutional mission to promote and protect children's rights, has been monitoring the situation of children on the move, with the purpose to intensify coordinated institutional intermediations and thereby strengthen their protection and contribute to the strategic planning. To step up the efforts, the Greek Ombudsman and UNICEF reinforced their partnership, which was established in 2016, with a series of actions supported through funding from the European Commission's Directorate-General for Justice and Consumers.

During 2018, the office for Children's Rights together with UNICEF staff, conducted 30 in situ visits/site inspections across Greece in places where children on the move are located. In addition, the office initiated a number of intercessions towards administrative bodies and authorities [e.g. mediation to Asylum, Migration and Integration Fund-AMIF in order to solve procedural problems that prevented the funding of non-governmental organizations, submission of a request to the National Centre for Social Solidarity- NCSS/EKKA with proposals to improve the referral procedure of unaccompanied children (after the visit to Lesbos), advocating to the Ministry of Education for the inclusion of children on the move in the Greek educational system, intervening to the competent educational bodies in the region of Skoutari in Serres to facilitate the inclusion of refugee children, publication of material in the context of the promotional role of the Ombudsman and the Network for the Rights of Children on the Move [see below], requesting the ministry of Finance to carefully examine and map the expenditures required for the efficient protection of children on the move, and advocating for the issuance of residence permits to unaccompanied children whose application for international protection has been rejected on the second instance].

Recognizing the need for closer cooperation, mutual feedback and joint advocacy with agencies and actors involved and working on the field, the Ombudsman developed the **Network for the Rights of Children on the Move**, an informal network, focusing on refugee and migrant children.¹ The network began its work in January 2017, following the first meeting of its founding members and now constitutes of 27 members²; it is coordinated by the Deputy Ombudswoman for Children's Rights and assemblies are performed on a monthly basis, while the members provide for their observations from their experience on the field.

Main objectives of the network are: a) enhanced and inclusive monitoring of children's situation through systematic collection of information by field actors, identification of institutional gaps and practical deficiencies in child protection, timely identification of new

¹ See also <http://www.0-18.gr/gia-megaloyis/nea/protoboylia-gia-ti-dimioyrgia-diktyoy-gia-ta-dikaiomata-ton-paidion-poy-metakinoyntai>.

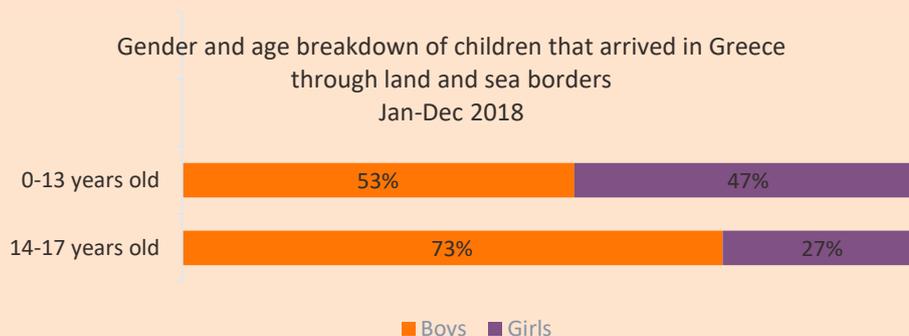
² Members are the following institutions and organizations: the Greek Ombudsman, United Nations International Children's Emergency Fund, United Nations High Commissioner for Refugees, International Organisation for Migration, European Union Agency for Fundamental Rights, Danish Refugee Council, HIAS, Human Rights 360, PRAKSIS, Terre des Hommes, The Home Project, International Rescue Committee, Aitima, Solidarity Now, ARSIS, Doctors of the World, Greek Council for Refugees, Doctors without Borders, Melissa, Metdrasi, Babel Day Centre, Medical Intervention, Shedia, Smile of the child, SOS Children's Villages Greece, Hellenic League for Human Rights, Network for Children's Rights and the Municipality of Athens.

trends regarding children's situation and b) strengthening the effectiveness of advocacy actions through evidence based and inclusive proposals / recommendations.

The present report outlines the main activities and outcomes, the institutional interventions that have taken place in 2018 and the main observations and remarks of the Ombudswoman regarding the situation of children on the move in the past year, based on the data and information collected and utilized from the various site visits as well as the information received from the Network. In parallel, the major developments in the field of child protection in the past year are being delineated.

Background

Between January and December 2018, 17.127 migrant and refugee children arrived in Greece. 69% arrived by sea (11.888 children), while 31% reached Greece from the land borders³. As of December 2018, an estimated 27.000 refugee and migrant children were present in Greece⁴. Of them, 3.458 were unaccompanied and 283 were children separated from their families⁵.



Key Findings

Protection of children upon arrival and early reception stage

At the outset, it has been observed that there are significant gaps in the protection of children in the initial stage of reception, namely the application of discrepant practices and the inconsistent administrative treatment of children depending on the point of entry, the time and actor of identification, as well as the nationality of children. An urgently important issue is the insecure situation and status of children, that have not been subjected to the

³ All data concerning the arrivals of refugee and migrant children in Greece are provided to the department of the Deputy Ombudswoman for Child Rights from the National Coordination Centre for Border Control, Immigration and Asylum and refer to arrivals based on border area detections/apprehensions.

⁴ UNICEF, Refugee and Migrant Children in Greece, 31 December 2018, <https://www.unicef.org/eca/what-we-do/emergencies/latest-statistics-and-graphics-refugee-and-migrant-children/data>.

⁵ NCSS (EKKA), Situation Update: Unaccompanied Children (UAC) in Greece, 31 December 2018, <https://www.e-pronoia.gr/content/epikairopoiimena-statistika-stoiheia-gia-tin-katastasi-ton-asynodeyton-anilikon-sti-hora-21>.

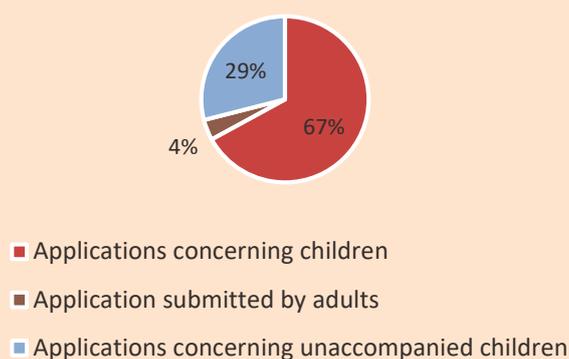
registration and identification procedure and face the risk of detention and/ or homelessness. These protection gaps endanger their physical and mental health and hinder the effective protection of their rights as provided for in the CRC.

Regarding the registration procedure per se, on the one hand it should be acknowledged that positive measures have been adopted towards the adherence to procedural safeguards and efforts have been made to enhance the capacity building of staff; on the other hand, the inadequacy of the institutive actions is apparent in the institutional deficits and gaps observed and reported, that include primarily; shortcomings and slowness in the execution of procedures and provision of services, lack of adequacy and awareness of staff on child protection issues and lack of coordination between the administration and civil society actors. Reports to the office indicate a large number of inaccuracies in the registration, abusive behavior towards children and neglect to address their needs. Proper registration is an essential procedural condition for the subsequent path of children as it permeates all the consecutive stages and not only adversely affects the assessment of their actual situation, but also dissolves future protection efforts, especially when taking into account the existing complication in subsequent modifications.

Access to international protection

Regarding access to international protection, 21.771 applications registered by the Greek Asylum Service concerned children in 2018, of which 2.639 concerned unaccompanied children.

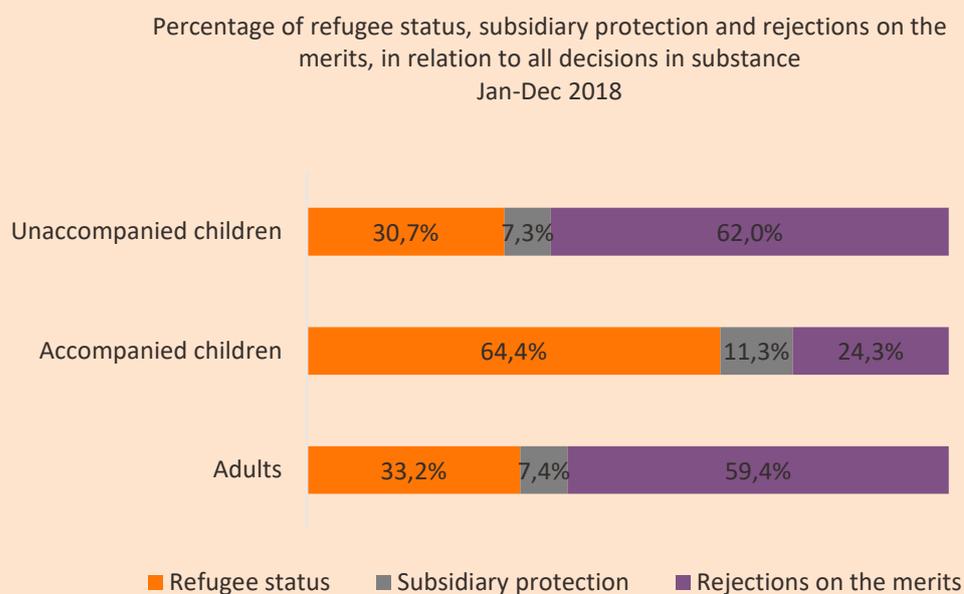
Applications for international protection in Greece
Jan-Dec 2018



In the same period, 6.249 children received international protection on the first instance: 5.301 received refugee status and 948 subsidiary protection⁶. More specifically, 5.022 accompanied children received refugee status on first instance, while 882 accompanied children received subsidiary protection on first instance. Additionally, 279 unaccompanied children received refugee status on first instance and 66 unaccompanied children received

⁶ Data provided to the office of the Deputy Ombudswoman for Children's Rights and/ or published by the Asylum Service.

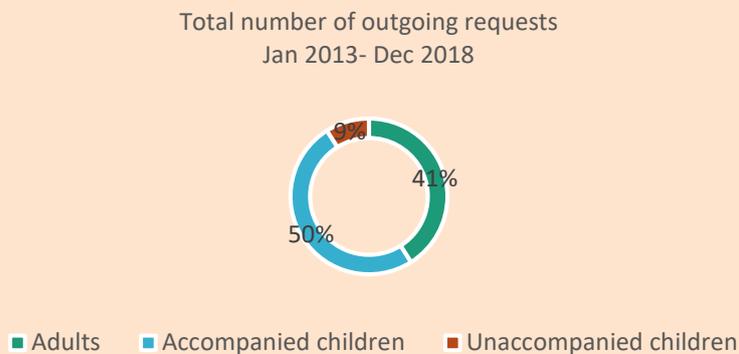
subsidiary protection on first instance respectively. By analyzing the total decisions in substance issued by the Greek Asylum Service (refugee status, subsidiary protection and rejections in substance) on first instance during 2018, the percentage of rejection of applications concerning unaccompanied children goes up to 62%. Although this seems quite high, it still indicates a decrease in rejection of applications in substance concerning unaccompanied children during 2017, where the same rejection rate in the previous year was 72%.



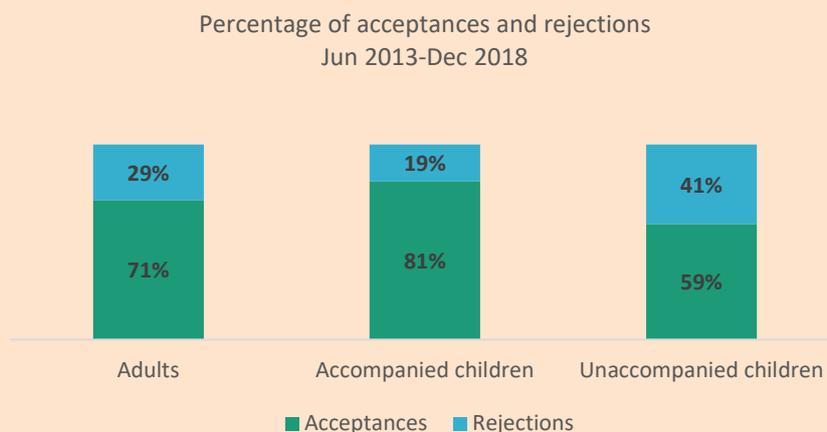
The application of non-uniform practices according to the entry point is also observed at this stage, due to the fact that children are subjected to disparate proceeding contingent upon whether they enter Greece from the land or the sea borders, reaching [or are transferred to] one of the five hotspots. The adoption of administrative measures for the implementation of the EU-Turkey Statement in March 2016 modified the asylum procedure for those entering via the sea borders and set as a key priority the accelerated processing of applications by introducing fast-track border procedures, resulting in significant restrictions on the exercise of rights; first and foremost in the geographic restriction of movement on the island of entry. Despite the efforts made to accelerate the procedures and to rationalize the management of applications with the establishment of additional regional asylum offices throughout the country and the recruitment of temporary staff, staff is still insufficient and not adequately trained; coupled with the continuous accumulation of pending applications, the process continues to be implemented through procedural and operational problems. These deficiencies led to the growing role of EASO, though without producing the desired outcomes. Obstacles involve mainly ensuring timely access to the procedure, delays in the registration of applications, shortcomings and deferrals in the examination and processing of claims and lack of clear and timely information to applicants and their legal representatives on the outcome and course of the cases, which further hampers the effective exercise of rights. The prolonged duration of the procedures creates feelings of insecurity and futility, especially for children reaching adulthood.

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Regarding family reunification procedures, from June 2013 until the end of December 2018, the Asylum Service recorded a total of 22.401 applications of international protection in the framework of Dublin Regulation; 11.156 applications concerned accompanied children (50%) and 2.024 unaccompanied children (9%).



Of all the requests that were examined up until December 31st 2018, 15.495 were accepted by the Member States, while 5.166 were rejected. In all accepted and rejected requests, the highest rate of rejections appears to be for unaccompanied children, with 41%, higher than for adults, which amounts to 29%.



Reports to the Ombudswoman indicate the tendency of Member States to adopt increasingly restrictive practices and introducing obstructions in the realization of family reunification by aggravating the means of proof and requiring more evidence to adequately substantiate the claim, in particular on assessing the individual situation of children and by requesting additional documentation for the verification of family ties. At the same time, the process has become extremely slow, making maximal use of the time limits provided for in the Dublin Regulation⁷, as reported to the Greek Ombudswoman by several actors. In addition, there is an increase in the number of rejections, especially for unaccompanied children. These circumstances compromise family unity, lead to prolonged separation and adversely affect the physical and mental health of children.

⁷ Articles 21, 22.

Access to dignified and safe accommodation

Regarding access to shelter, 10.937 children were living in apartments with their families within the ESTIA housing program, 4.102⁸ were staying at the RICs, while 7.200 were estimated to be staying in 26 open accommodation sites (camps) in mainland Greece⁹.

The topic is divided in two main subjects: in the first one the decisive factors affecting the overall operation of open accommodation sites and RICs are presented and in the second a critical display of the living conditions in these two types of facilities follows.

Crucial elements affecting the functioning framework

The decisive factors entail mainly the legislative framework and its recent amendments¹⁰ that have taken place, the actors involved in the management, coordination and support of the facilities as well as their supervision, the absence of uniform operational standards and requirements and finally the insufficiency of reception facilities. Main problems that arise are the diverse operation and administration of the sites without substantive state oversight and lack of coordination among the involved actors, since the specific conditions for the provision of reception conditions, the implementation of the various programs and the supervision of the services provided have not been regulated.

Limited reception capacity & oversaturation of reception facilities

A key finding of the past years is the absence of timely state planning and readiness to meet accommodation needs. The issue of shelter provision is seen as a vicious cycle of decongestion and overpopulation management and addressed through emergency-driven responses, as an effort to tackle overcrowding, adverse weather conditions and as a response to the international condemnation of the reception system. Thereby the provision of material reception conditions in dignified and humane terms remains a challenge.

More specifically, while open sites in continental Greece remained full during the year, at the same time, the population in the RICs was far beyond the actual capacity, as the occupancy/capacity rates below demonstrate. Besides that, the arrivals continued without any plan in place to create new spaces. Additionally, the pace of transfers from the islands to mainland Greece was slow throughout the year due to shortage of accommodation places in the existing sites of the mainland. As a result, thousands were left homeless or crowded under unacceptable living conditions in the RICs.

From September and onwards, with the increase in the capacity of the reception system, the transfer of vulnerable people from the islands was intensified. The state emergency plan, implemented in cooperation with different stakeholders, included the creation of new spaces in the existing sites [from 16.453 in January 2018 to 20.609 in December 2018], the reopening of closed structures, the expansion of urban accommodation programs in apartments [from

⁸ According to the National Coordination Centre for Border Control, Immigration and Asylum, Ministry of Citizens' Protection, accessed on February 2nd 2019.

⁹ According to the information of the Site Management Support Working Group.

¹⁰ Law 4540/2018, Presidential Decree 122/2017, Law 4587/2018.

21.435 at the end of December 2017 to 27.088 at the end of December 2018] and the provision of emergency accommodation in hotel units.

Despite the efforts made to tackle the accommodation demands, the overpopulation in RICs pertained throughout the year – at the end of December it was 12.868¹¹-, demonstrating the insufficiency and inadequacy of urgent measures to fulfil the constant accommodation requirements. Inadequacy of accommodation means that children are either completely deprived of housing, or that they are housed in overcrowded and inappropriate facilities that render every basic care and protection of children devoid.

Living conditions in Reception and Identification Centers on the Greek islands

The slow pace of transfers from the islands to the mainland, the continuous arrivals on the islands and the imposition of geographical restriction lead to the overpopulation in the RICs and to the ongoing declining living space for the inhabitants. Thousands of people, among whom many children remained for many months in inhumane and substandard living conditions facing shortages in basic goods, food and potable water and extremely limited access to services. The majority of the RICs were exceeding by far their capacity; the situation was alarming for children living in Lesbos and Samos, where the number of refugees exceeded twice and three times their capacity. As a result, children had to be accommodated in makeshift camps and tents in unhygienic and extremely unsafe conditions with minimum sanitation services, non-functionable sewage systems, controlled distribution and rationing of food and non-separated gender areas. The coexistence of thousands of people in inadequate places creates increasing needs for medical and psychosocial care and escalates tensions between people.

Total RIC capacity/ number of persons hosted/ transfers to mainland Greece						
	February	March	June	July	August	September
Total RIC Capacity¹²	6.246	6.292	6.338	6.338	6.338	6.438
Number of people hosted¹³	9.902	10.084	12.937	14.351	15.007	16.215
Transfers¹⁴	847	622	994	1.039 *4.000 were waiting to be transferred	1.547	1.602

¹¹ National situation picture regarding the islands at Eastern Aegean Sea, the National Coordination Centre for Border Control, Immigration and Asylum, Ministry of Citizens' Protection, accessed on February 2nd 2018.

¹² National situation picture regarding the islands at Eastern Aegean Sea, the National Coordination Centre for Border Control, Immigration and Asylum, Ministry of Citizens' Protection, accessed on February 2nd 2018.

¹³ National situation picture regarding the islands at Eastern Aegean Sea, the National Coordination Centre for Border Control, Immigration and Asylum, Ministry of Citizens' Protection, accessed on February 2nd 2018.

¹⁴ Based on the data Factsheets published by UNHCR.

Living conditions in open accommodation sites

The open accommodation sites in mainland Greece continued to accommodate a large number of children, despite the shortage in child protection services, the employment of temporary, inadequate and inappropriate staff and the lack of hygiene conditions. The prolonged stay in prefabricated containers and the geographical distance from urban centers leads to their isolation and makes the exercise of basic rights as well as access to services difficult. An issue that raises concerns is the significant increase in the number of people that arrive in different areas of the country, either without having been subjected to registration and identification procedures or remaining homeless after their registration in the RIC in Fylakio, without having formal access to the official housing system and to services.

The scarcity of sufficient reception places in Greece, the overpopulation together with the unsuitable and deplorable conditions proves the systemic failure to guarantee access to housing of an adequate standard. This dire living context can have serious consequences in children's health, protection and safety.

Access to health care

Regarding access to health services, the deficiencies of the public health system, namely lack of infrastructure, insufficient funding and shortage of doctors, adversely affect also children on the move; however, they face additional obstacles on account of the existing language barriers and the limited availability of cultural mediation services in hospitals.

Concerning the provision of health services in open sites and the RICs, which was assigned by the Ministry of Health to the Hellenic Center for Disease Control and Prevention, the effective implementation of the programs impacted on bureaucratic dysfunctions and protractions, in the absence of organizational infrastructure, coordinated management and the dearth in professional health personnel, resulting in the incapacity to meet children's health requirements, as reported to the Ombudswoman.

Access to public sector child and adolescent mental health services is extremely restricted for children due to their limited capacity at national level. Access is even more difficult for children on the North Aegean Islands and in remote areas because of the concentration of child-focused services in large urban centers; during the visit to Lesvos, it was specifically underlined the complete lack of child psychiatrists.

Access to education

From 2016 the integration of children into the education system was of primary concern for the state and continuous efforts are being made to this aim. On this basis, the key actions and legislative arrangements made to meet the respective needs are presented in conjunction with a critical assessment of the implementation of the framework: central aspect of the programmatic planning was the development of a different scheme and the inclusion of children in an educational model outside the normal program with the establishment and operation of the "Reception/ Preparatory Classes for the Education of Refugees" (DYEP) in certain public schools during afternoon hours. At the same time, the Reception Classes in

Education Priority Zones (ZEP) and the system of intercultural education for children living on urban areas were maintained. This partition of the educational system resulted in the creation of two parallel systems depending on the location of children; in addition the curriculum brought about gaps, which can be summarized as follows: a large proportion of children did not have access to formal education, [there was no provision for children above 15 years old, while for children aged 13-15 the only chance given was to attend DYEP and no kindergartens operated albeit we know for a fact that preschool education is the most crucial for the educational and social inclusion of the child], while children on the islands of the North Aegean did not have access to formal education. In the coming years, efforts will be stepped up to coordinate the competent bodies responsible for facilitating the integration of children in the education system and to fill the gaps, by enabling the establishment and operation of Reception classes in Secondary Education and the operation of kindergartens in open sites. Despite the measures taken, there are still factors hampering access to education, such as significant delays in the commencement of reception classes, the concentration of large population in urban areas, vast population movements and the operation of housing programs in remote locations without the prior coordination of the actors. Children aged over 15 and children on the islands continue to face significant constraints; in spite of the creation of Reception Classes in secondary education, which was a longstanding demand, the particular solution might not be suitable for the successful attendance, due to the differences in the educational background along with the language barriers; at the same time the smooth functioning of schools presupposes that children of an older age are not in classes with younger children, following a program designed for younger ages. Hostile reactions from the local community obstruct the coeducation of children and lead to their social and educational exclusion. Finally, an issue that necessitates further examination as well as the adoption of respective measures is monitoring and combating school absenteeism and drop out.

Key issues regarding unaccompanied children

Over the past year, efforts to reform the framework of protection of unaccompanied children have intensified, by introducing legislative provisions¹⁵ that enhance their protection and resolved long-standing issues; these provisions introduced a series of measures and refer mainly to the implementation and expansion of foster care, the determination of the National Center of Social Solidarity as the responsible authority for all issues concerning unaccompanied children together with the establishment of a special Department for the Protection of unaccompanied children, the introduction of the professional guardianship scheme, the adoption of procedural rules for the best interest assessment and best interest determination and the creation of three registries; a registry of unaccompanied children, a registry of shelters and a registry of professional guardians. However promising the new framework seems, considering that many critical issues will be regulated by secondary legislation, an appraisal would be premature.

Regarding shelter provision, a major advancement in terms of fostering alternative care is the operation of semi-independent apartments (supported independent living scheme) for

¹⁵ Law 4554/2018 on Guardianship-that includes also further provisions regarding the operational framework of accommodation centres, law 4540/2018 that transposes the Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, as well as 4538/2018 regarding foster care.

children above 15 years old, which provides a safe environment for the unaccompanied minors and facilitates the transition to adulthood.

Despite the steps made to strengthen the protective framework of unaccompanied children, there are still issues to be addressed, as mentioned below.

The implementation of uniform and consistent procedures for age assessment across the territory, that at the same time ensure procedural safeguards, continues to remain unresolved and requires a substantial intervention.

Another issue that remains pivotal is securing legal status for unaccompanied children that do not qualify for international protection and their application has been rejected by the Appeals Committee, taking into account that legal uncertainty prevents inclusion and abolishes future development prospects.

Finally, an enduring problem is the disproportion and unsuitability of care arrangements, since foster care is not sufficiently promoted and cultivated and there is a steady deviation between the number of unaccompanied children and the capacity of accommodation schemes; the housing needs outweigh the existing capacity. At the end of December 2018¹⁶ the estimated number of unaccompanied children across the Greek territory was 3.458; conversely, the number of accommodation places for unaccompanied children was 1.959 and 1.500 unaccompanied children did not have access to housing. As a result, children either remain in inappropriate structures for a long period of time or are living in precarious conditions or are placed under protective custody.

In the past year, it was observed that the number of places in long-term facilities is declining, while there is a dramatic increase in places in temporary transit shelters -hotels and safe zones-. The expansion of temporary measures aims at reducing the number of children in protective custody and RICs; since a more permanent solution is yet to be found, in reality temporary measures have proven to be long term.

In this context it should be noted, that the effective and proper operation of shelters is hindered from funding insufficiencies, the lack of uniform and legally binding standards, the high staff turnover and inadequacy of staff. Especially concerning and problematic is the provision of care to children with special protection needs (children with behavioral problems, adaptation difficulties, addiction issues or that require psychological support or psychiatric care).

Recommendations

- Formation and implementation of medium-long term strategic planning for children that will include sustainable funding of measures and services.
- Fair distribution of refugee population in Europe (reformulation of Dublin Regulation, facilitation of family reunification procedures and expansion of relocation programs).

¹⁶ NCS (EKKA), Situation Update: Unaccompanied Children (UAC) in Greece, 31 December 2018, <https://www.e-pronoia.gr/content/epikairopoiimena-statistika-stoiheia-gia-tin-katastasi-ton-asynodeyton-anilikon-sti-hora-21>.

- Development of a child-friendly asylum system, that includes the creation of appropriate, physically accessible areas and staff trained in techniques and protocols in interviewing children and child-specific forms and manifestations of persecution. Elimination of procedural obstacles and delays, and in particular ensuring timely and unobstructed access to international protection, provision of information on the application and the process of international protection in a child-friendly way, recognizing that child welfare is of prime importance and superior to the asylum and immigration system.
- Strengthening the overall public health system with human and material resources to meet the medical needs of the entire population and mitigation of unequal geographic distribution of services, particularly in the field of mental health services.
- Promoting the institution of intercultural mediation in all public, especially in hospitals and schools, taking into account any particular needs of girls / women.
- Staffing and training of local government social services to monitor the progress of vulnerable families.
- Enhancement of the coordination and collaboration of all actors, so as to provide effective child protection, early recognition and proper assessment of children's needs.
- Staffing of services related to child protection on the basis of long-term planning so that the expertise of staff can be utilized. Staff training in the protection of children's rights and basic principles of child protection, as well as in the communication with children in a manner appropriate to gender, age and cultural specifications, along with addressing the problems of temporary presence of staff on the field.
- Institutional management of housing on a realistic basis, by designing an appropriate and timely long-term planning, giving priority to sustainable solutions that take into account all children's needs (transfer to areas close to medical services and schools).
- Stay at the RICs only for the minimum time required for the completion of the procedures after which families and vulnerable groups are moved to appropriate, safe and decent accommodation.
- Establishment of uniform and institutionally binding procedures for the identification and referral of children in the reception stage, especially for children found outside the competence of RICs, along with uniform age assessment processes. This framework should, in particular, regulate the cases of referral of children in mainland Greece, in particular the competence of the authorities, the procedure, the observance of procedural guarantees, the right to information and effective remedy.
- Inclusion of all children in formal education, because the regularity of school life is established through daily contact with the rest of the student population while promoting awareness raising activities in local communities, in collaboration with teachers. In this context, following actions are deemed imperative:
 - Teacher training on the main skills of intercultural communication and multilingual education.
 - Train all teachers about inclusive classroom practices.
 - Monitoring of the number of children to be enrolled in school through a specific mechanism.
 - Creating additional reception classes to meet needs.

