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1. Introduction

The large influx of mixed migratory flows in Greece that escalated during 2015, exceeded the limits of the national reception infrastructure given with its' already limited operational capacity. As a response at a European level, the implementation of the EU-Turkey Statement on 20.03.2016, committing “*to end the irregular migration from Turkey to the EU*”¹, has led to a transformation of the so-called hotspots on the Aegean islands to closed facilities. This development, coupled with the closure of the so-called “Balkan Route”, led to a decrease of the unprecedented refugee flows experienced throughout 2015 in the Eastern Mediterranean region. In that respect, more than 50,000 refugees and asylum seekers were stranded in Greece, particularly on the five (5) main island points of entry: Lesbos, Chios, Samos, Leros and Kos. However, the available resources have proved inadequate in providing due reception conditions and processing to the incoming refugees and migrants who cross the Aegean and unfortunately, that is the case for the unaccompanied minors as well.

With the launch of the EU-Turkey statement, hotspot facilities turned in practice into closed detention centres. Thus, people who arrived in Greece after 20.03.2016 through the Aegean islands, were *de facto* detained within the premises of the hotspots, which were established through the legal framework governing the reception and identification procedure under L 4375/2016². Following criticism by national and international organizations and actors, and due to limited capacity to maintain and run closed facilities on the islands with high numbers of population, “restriction of freedom” within the Reception and Identification Centres (RIC) premises is no longer applied in the Reception and Identification Centres (RICs) of Lesbos, Chios, Samos, Leros and Kos. Thus, newly arrived persons are allowed to exit the Reception and Identification Centres (RIC). However, a geographical restriction is imposed as a measure on every newly arrived person on the Greek islands, based on the need for faster examination of applications for international protection or for reasons of public interest and public order³.

¹ European Council, EU-Turkey statement, 18 March 2016, available at: <http://bit.ly/1VjZvOD>

² Law 4375/2016, “*On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EU, provisions on the employment of beneficiaries of international protection and other provisions*” Government Gazette A' 51/3.4.2016

³ The imposition of the measure of geographical restriction for all newcomers is based in the provision of Article 7 of recently enacted Law 4540/2018, “*On the transposition of the recast Reception Conditions Directive Greek I/2013/33/EU of the European Parliament and the Council of 26.06.2013*”, Government Gazette A' 91/22.05.2018.

Currently there are more than 22.000 refugee and migrant children in Greece, facing multiple protection risks ranging from immigration detention to human trafficking. The approximately 3.790 identified UASC, are among those at highest risk and make up about 10% of all refugee and migrant children in Greece. Due to the mobility of this population of children on the move, it is highly possible that the actual number of UASC is much higher.

Moreover, due to the lack of accommodation facilities or transit facilities for children, detention of unaccompanied children is systematically imposed and may be prolonged for periods ranging from a few days to more than two (2) months, pending their transfer to an accommodation facility. Children are detained in police stations and pre-removal facilities on the mainland (“protective custody”) or in Reception and Identification Centres (RICs) in the islands, often in deplorable conditions. Currently, out of a total of 3,790 unaccompanied children estimated in Greece⁴, as many as 2.832 are on a waiting list for placement in a shelter, whilst 368 are currently housed in closed facilities and 216 children are in protective custody until a suitable alternative care arrangement is found. All in total, 584 unaccompanied children are detained either on the basis of the pre-removal or asylum detention provisions, or on the basis of the provisions concerning “protective custody” as an alternative to detention. The latter is subject to no maximum time limit.

Despite the fact that the state acknowledges unaccompanied minors as vulnerable groups of people, as well as separated minors⁵, in practice their treatment is no different to that of adults, since they are detained for long periods of time and there is not enough space in accommodation facilities to be transferred. It should be stressed that only one third of unaccompanied minors who are currently in Greece are provided with shelter (1.101 spaces out of 3.790 minors).

Furthermore, fieldwork experience shows that there are still UASC registered every day in first-reception areas, in high numbers and with no guaranteed protection for them. From our field experience in the entry points in Greece (Chios, Samos, Lesbos, Kos and Leros), combined with the shelters of unaccompanied minors that PRAKSIS operates in Athens, Thessaloniki and Patras, it is evident that children are *de facto* found, in many cases, in detention conditions similar to those applicable for adults and for long periods of time. At the same time, despite the fact that there are two (2) Ministerial

⁴ See EKKa Situation Update: Unaccompanied Children (UAC) in Greece, Dashboard on unaccompanied minors in Greece, 15.05.2018, available at: http://www.ekka.org.gr/images/PDF_ARXEIA/%CE%A0%CE%91%CE%A1%CE%95%CE%9C%CE%92%CE%91%CE%A3%CE%95%CE%A9%CE%9D/gr_ekka_dashboard_15-6-2018.pdf

⁵ Article 20 of Law 4540 defines vulnerable groups of people, including unaccompanied and separated minors.

Decisions outlining age assessment procedures for unaccompanied children, one (1) within the scope of the reception and identification procedures⁶, and that of the asylum procedure⁷, in practice, children are often deprived of age assessment guarantees set out in the latter, and systematically undergo medical (X-ray) examinations in case their age is disputed. However, this particular method is not truly reliable and there have been cases of POCs who are not treated *prima facie* as minors, in cases where there are doubts on behalf of the authorities.

Additionally, incidents of violence, sexual abuse and exploitation are also noticeable in the Reception and Identification Centres (RICs) and detention facilities. Moreover, from our field work of PRAKSIS at all entry and exit points (Aegean islands and Fylakio -Evros), it is noticeable that gaps, which exist in both identification and referral procedures, especially in high-risk cases, such as SGBV survivors (forced marriages, domestic violence etc.).

More specifically, in all islands, identified unaccompanied children are placed in “detention-like” facilities in the hot spots, which is contrary to international and national legal provisions for protecting the fundamental rights and freedoms of children. Additionally, children in detention are under police surveillance until they are transferred to a shelter, or other forms of alternative care, either in the islands or on the mainland. But as already explained above, children are staying prolonged durations in detention due to the lack of accommodation places.

In this context, the lack of a mechanism for appointing guardians at a national level, is particularly evident and has been stressed by all actors involved in the field of child protection. The recently enacted Law 4554/2018⁸, which will be analyzed below in this report, is hoped to bring about significant changes through the enactment of provisions for appointing relatives as guardians and professional guardians, the role of the supervisory board in the context of safeguarding the best interest of the child, as well as the duties of all those engaged in this process.

However, this is a transitional period in Greece between two (2) legal frameworks concerning the guardianship of unaccompanied minors. On the one side, there is the competent Public Prosecutor

⁶ Joint Ministerial Decision 92490/2013 on the programme for medical examination, psychosocial diagnosis and support and referral of third-country nationals entering without documentation to first reception facilities, Government Gazette B' 2745/29-10-2013.

⁷ Joint Ministerial Decision 1982/2016, Verification of minority of applicants for international protection, Government Gazette B' 335/16-12-2016.

⁸ Law 4554/2018, “...*Guardianship of unaccompanied minors and other provisions*”, Government Gazette, A' 130/18.07.2018.

acting as provisional Guardian -by law- and on the other, new legislative provisions for the appointment of professional guardians have been enacted and remain to be implemented. As a result, this report illustrates the current situation of the UASC guardianship system in Greece (until July 2018), whilst also assessing and evaluating the newly enacted provisions whose implementation is to take place in the near future.

2. Methodological Framework

The report was conducted via different levels of information and methodological tools. There has been a desk analysis including previous research as well as the analysis of the legal situation in Greece. Also, semi-structured interviews were held to minors, to representatives of minors and key stakeholders and also a focus group with key stakeholders took place.

Three (3) semi-structured tools were created and were used for the analysis. At the last point of the report, concluding remarks and recommendations have been added that derive from all the analysis.

Moreover, there has been an effort in trying to discuss the points of the new Law on Guardianship as this was only revealed a few days before the publication of this report.

All in total, the synthesis report was conducted by data gathered via:

- desk review and previous studies discussion
- legal system analysis
- semi – structured interviews with nineteen (19) minors / but only the seventeen (17) were analyzed as the two (2) were excluded for methodological issues]
- semi – structured interviews to sixteen (16) representatives of minors
- one (1) focus group and semi-structured interviews with all in total thirteen (13) representatives from key stakeholders.

The geographical coverage was from all Greece and mostly from Attica, Thessaloniki and the Aegean islands.

All points mentioned in this report are linked with the professional guardian and not the volunteer one as this is not the case for Greece right now according to the new Law.

3. Desk Review

3.1 Previous Overview

Studies and reports connected with the guardianship for unaccompanied children in Greece are, generally speaking, limited in numbers. The relevant literature, however, states that the lack of a guardianship mechanism is particularly evident.

Accordingly, in a research, conducted by UNHCR, UNICEF and IRC in July 2017 with the assistance of 100 practitioners throughout Europe, it was stressed that guardianship should be based in building trustful communication, providing information on legal matters and procedures, ensuring cultural mediation and assisting children in accessing all necessary services provided by the member states for this category of vulnerable groups of people. The evidence provided proves that there is not a standard mechanism for guardianship in place for European countries (UNHCR, UNICEF, IRC, 2017)⁹. Moreover, the evidence showed that the guardians are not appointed in time, in many cases the guardians are having a double role (legal representative and guardian), the workload of the guardians is extremely heavy (75 cases per guardian the highest) and in several systems throughout Europe the children are changing guardians often, which is not in the Best Interest of the child (UNHCR, UNICEF, IRC, 2017)¹⁰.

In the Greek Context, more specifically in camps like Schisto, the children deal with various risks (Emanouilidou, et al. 2017)¹¹. The interim guardian, i.e. the Public Prosecutor for Minors, due to the large number of unaccompanied children that he is responsible for, is not able to have a clear view on the needs of the children (Emanouilidou, et al. 2017)¹². In a research that was undertaken by the Mixed Migration Platform, in 2017, the children who were accommodated in shelters refer that are happy to participate in school, they feel protected and they enjoy that they can communicate with their family. Comparing the two studies, it is highlighted that in the Greek context the care arrangements have a significant role in the representation of the child.

⁹ UNHCR/UNICEF/IRC., The way forward to strengthened Policies and Practices for Unaccompanied and Separated children in Europe, 2017

¹⁰ UNHCR/UNICEF/IRC., The way forward to strengthened Policies and Practices for Unaccompanied and Separated children in Europe, 2017

¹¹ Emmanouilidou et al., Conditions in refugee camps: The case of Schisto. Network for Children's Rights, 2017.

¹² Emmanouilidou et al., Conditions in refugee camps: The case of Schisto. Network for Children's Rights, 2017.

Research of the Human Rights Watch in 2016, showed that in detention centers there is lack of active representation of the children, which, combined with the isolation of those detained, and have led the children to extreme actions. Moreover, most of the children in detention were not aware that they had a legal guardian as the public prosecutor had never visited them (Human Rights Watch, 2016)¹³.

In the national report, in 2014, several problems were identified in the national guardianship system. More specifically, too many children are identified as unaccompanied and the number of the guardians is limited, the lack of interpreters, and the lack of specialized guardians and the practices of age assessment in place (IMPACT, 2014)¹⁴. The report of the Mixed Migration Platform in 2017 shows that little change has been done in the recent years. This report points out that the appointment of guardians for unaccompanied children is a rare practice in Greece, that Public Prosecutors have little understanding of the needs of unaccompanied children and that Public prosecutors represent, as interim guardians, in some cases more than 1000 children, which creates an obstacle for the quality of the representation (Mixed Migration Platform, 2017)¹⁵.

Taking into consideration the above, the majority of reports and studies related to the guardianship mechanism in Greece, focus on the gaps of the system currently in effect. At the same time, it illustrates the need for amendments to the current mechanism for appointing guardians.

3.2 Definitions

In Greece, as far as unaccompanied minors are concerned, a multitude of laws are in effect and their representation varies depending their accommodation and asylum status. **Law 4540/2018**¹⁶ that came into effect on 22.05.2018 defines the basic notions of minor, unaccompanied minor and separated minor as follows:

- Accordingly, a “**Minor**” is a third country national or a stateless person below the age of 18.¹⁷

¹³ Human Rights Watch, Why are you keeping me here? Unaccompanied children detained in Greece. United States: Human Rights Watch, 2016.

¹⁴ IMPACT, Improving Monitoring and Protection Systems against Child Trafficking and Exploitation, National Report Greece. IMPACT, 2014.

¹⁵ Mixed Migration Platform, Unaccompanied and separated children perceptions in Greece, 2017.

¹⁶ Law on the transposition into Greek legislation of the provisions of Directive 2013/33/EC of European Parliament and of the Council of 26th June 2013 laying down standards for the reception of applicants for international protection (recast) (L 180/96/29.6.2013) and other provisions – Amendment of Law 4251/2014 (A' 80) on the transposition into Greek legislation of the Directive 2014/66/EC of European Parliament and of the Council on the conditions of entry and residence of third-country nationals in the framework of an intracorporate transfer – Amendment of asylum procedures and other provisions.

¹⁷ Law 4540/2018, Article 2-d

- **“Unaccompanied minor”** is a minor who arrives in the Greek territory unaccompanied by a person responsible for their parental care or custody, according to Greek law, or by an adult relative who effectively cares for them and for as long as such duties have not been assigned to other persons, in accordance with the law. This definition includes minors who are left unaccompanied after they have entered Greece.¹⁸
- **“Separated from family minor” or “separated minor”** is the minor who arrived in the Greek territory unaccompanied by a person responsible for their parental care, according to Greek law, or by another person who is assigned with such care by law, but is accompanied by an adult relative who effectively cares for them.¹⁹

Whereas the term of the **“representative of an unaccompanied minor”** is also defined as “the temporary or permanent guardian of the minor or the person appointed by the competent Public Prosecutor for Minors or, in the absence of the latter, by the First Instance Public Prosecutor to ensure the minor’s best interests. The task of the representative, as defined in the previous sentence, can be assigned to the legal representation of a non-profit legal entity. In the latter case, the representative of that legal entity may authorize another person to represent the minor during the procedures of the present law.”²⁰

Another important definition provided in Law 4540/2018 is for the **“applicant with special reception needs”**, which means a vulnerable person, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in the law. The list of vulnerable persons is non-exhaustive and includes minors, unaccompanied minors, separated minors, disabled people, persons with mental disorders, persons with incurable or serious illnesses, elderly people, pregnant women or having recently given birth, single parents with minor children, victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, victims of female genital mutilation and victims of human trafficking.²¹

The provisions of this law are applied to all minors, unaccompanied or not, and to separated minors, regardless of whether they have lodged an international protection application, without prejudice to any more favorable provisions.²²

¹⁸ Law 4540/2018, Article 2-e

¹⁹ Law 4540/2018, Article 3-d

²⁰ Law 4540/2018, Article 2.ia

²¹ Law 4540/2018, Articles 2.ib and 20.1

²² Law 4540/2018, Article 4.1

Law 4554/2018, which was recently published in the Official Governmental Gazette (on 18.07.2018), but has not yet come into effect, includes provisions that relate to the appointment of professional Guardians for unaccompanied minors and reaffirms all the above definitions.²³

The following official statistical data from the Asylum Service on unaccompanied minors who have applied for international protection in Greece from 07.06.2013 until 30.06.2018 provide a brief overview on the number of unaccompanied minors who have been found in Greek territory, including separated minors.

ASYLUM APPLICATIONS				
Year	2015	2016	2017	2018
Male	332	1663	2318	926
Female	51	314	142	67
Total	383	1977	2460	993

²³ The provisions of Law 4554/2018 will take effect once the Operating Regulation of the supervisory board for guardianship is officially issued by the Social Solidarity of National Solidarity (EKKA), and approved by the Ministry of Labor

3.3 Parties involved in the guardianship system of UASC in Greece

Public Prosecutor's Office	<p>The territorially competent Public Prosecutor for Minors or, in the absence of the latter, the First Instance Public Prosecutor. They act as provisional guardians for all unaccompanied minors found in their jurisdiction.</p> <p>Under the provisions of the new Law 4554/2018, the competent Public Prosecutor appoints the professional guardian, grants the supervisory board's role for each UASC and ensures their legal representation. In general, they serve as one of the three organs for the guardianship of UASC.</p>
Competent authorities	Every state authority that can officially identify and register an unaccompanied minor, such as Police, Port Police, Border Police, Asylum Service, Regional Asylum Offices, Reception and Identification Centers, Asylum Units
Asylum Service	Responsible authority for the lodging of applications for international protection, including applications for family reunification. Falls under the auspices of the Ministry for Migration Policy. The Asylum Service operates throughout Greece, with Regional Asylum Offices, Reception and Identification Centers, Asylum Units, Special Detention Centers for Foreigners in Amygdaleza, Appeals Authority.
EKKA (National Centre for Social Solidarity)	<p>Responsible authority for the handling of all accommodation requests for unaccompanied minors in Greece. Falls under the auspices of the Ministry of Labor, Welfare and Social Solidarity.</p> <p>Under the new law 4554/2018:</p> <ul style="list-style-type: none"> -competent authority for the protection of UASC. -competent authority for the National Registry of Unaccompanied Minors, Professional Guardians and Accommodation Centers operating nationwide.
Non-governmental organizations and associations	Responsible for many acts of protection for unaccompanied minors, including accommodation and representation.
Professional Guardian	Under the provisions of Law 4554/2018, if no suitable person is found to be appointed as a guardian by the Public Prosecutor, guardianship is granted to a professional guardian who is suggested by the National Centre for Social

	<p>Solidarity. The appointment of a guardian is registered in a public book that is kept in the Secretariat of the Public Prosecutor's Office.</p> <p>In general, they serve as one of the three organs for the guardianship of UASC.</p>
<p>Supervisory Board of Guardianship for Unaccompanied Minors</p>	<p>Under the provisions of Law 4554/2018, a Supervisory Board of Guardianship for UASC, is established within the Ministry of Labor, Welfare and Social Solidarity, which consists of three members for a two-year term. Their purpose is to evaluate and determine the best interest of each minor concerned, following the guardian's proposal, in cases where important decisions must be taken for the future of the child.</p> <p>In general, they serve as one of the three organs for the guardianship of UASC.</p>

4. Legal Framework in Greece

4.1 Guardianship according to the provisions of the Greek Civil Code

The Greek Civil Code provides for the Guardianship of minors appointed by the competent Court, in cases where neither parent has nor can exercise parental responsibility and when the Court has appointed a guardian pursuant to Article 1532 (defective parental responsibility) and 1535 (removal of the exercise of the parental responsibility at the request of the parents) or entrusted the exercise of parental responsibility to a third party according to Article 1513 and 1514 (Divorce or annulment of marriage) as well as in the cases contemplated in Article 1660 (Stripping of the parental duties in cases of foster care) and 1666 (Judicial support).²⁴

More specifically, in Article 1532 of the Greek Civil Code, it is provided that “If the father or the mother violate the duties imposed on them by their function to take care of the person of the child or the administration of its property or if they exercise abusively such function or they are not in a position to cope with this task, the Court may at the request of the other parent the closer relatives of the child *the public prosecutor or even on its own initiative order any appropriate measure*. The Court may in particular remove from one parent the exercise of parental responsibility) wholly or partially and entrust it to the other parent or if the circumstances described in the preceding paragraph obtain also in regard to the person of the other parent entrust the actual care of the child or even its custody wholly or in part to a third party or to appoint a guardian.”

The duty and the right of the guardian in general are to take care of the minor’s person, to administer his property and to represent the minor in any legal transaction or Court action pertaining to his person or property. Hearing of the minor and the minor’s interest as basic principle are also provided for in the law.²⁵

It is also provided that several guardians can be appointed for one person, blood relatives or otherwise, until the age of majority or death. As organs of guardianship are set to be the Court, the guardian and the supervisory board that is responsible to settle any disagreements between guardians and to assess the way the manner in which the guardian fulfils his duties. The Court shall at the request of the supervisory body or even on its own initiative decide the cessation of guardian’s role on a serious ground

²⁴ Greek Civil Code, Articles 1589-1655

²⁵ Greek Civil Code, Articles 1647-1648

in particular if the Court considers that the continuation of his guardianship might imperil by reason of neglect of his duties or on some other ground the interests of the minor.

This is according to a Court Decision issued after a hearing and introduced at the request of the competent Public Prosecutor who serves as provisional guardian of the unaccompanied minor (see below). The role of the supervisory board poses a difficulty in the context of refugee population, since there are not enough family members (3-5) with them to play that role. Therefore, professionals from national NGOs assume that responsibility, such as social workers, lawyers and psychologists.²⁶

In practice, the Greek Civil Code is used in the case of unaccompanied minors in very few occasions, when verified relatives of the minors wish to be appointed as guardians and be legally responsible for them throughout their asylum process.

4.2 Legal representation of unaccompanied minors until the enforcement of Law 4554/2018

The role of the guardian for all unaccompanied minors found on Greek territory automatically upon identification falls to the Public Prosecutor for Minors or, in her/his absence, to the territorially competent First Instance Public Prosecutor, but on a provisional basis. This is provided by both a Presidential Decree and the Greek Civil Code.

More specifically, according to Article 19 of the Presidential Decree (P.D). 220/2007, *“As far as unaccompanied minors are concerned, the competent authorities shall take the appropriate measures to ensure the minor’s necessary representation. To this purpose, they shall inform the Public Prosecutor for Minors or, in the absence thereof, the territorially competent First Instance Public Prosecutor, who shall act as a provisional guardian and shall take the necessary steps in view of the appointment of a guardian for the minor.”*²⁷

This is also in accordance with the Greek Civil Code that provides for the Public Prosecutor to act and order any appropriate measure, in case of defective parental responsibility, which includes the cases of newly found and identified unaccompanied minors.

²⁶ Indicatively, Decision No 8289/2017 issued by the Court of First Instance of Thessaloniki, Decision No 2791/2017 issued by the Court of First Instance of Athens.

²⁷ Presidential Decree (P.D). 220 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers (Official Journal of the European Communities L 31/6.2.2003), Article 19.1

- ***In practice though, the large number of unaccompanied minors found in Greece renders impossible the exercise of the duties of the provisional guardian by the Public Prosecutor for Minors or by the territorially competent First Instance Public Prosecutor.***

The minors' representation cannot be effectively managed by the Public Prosecutors, due to the already heavy workload, the shortage of Public Prosecutors for Minors, especially at the entry points (islands), and the numbers of the minors that fall under their jurisdiction. Thus, they are informed on the presence of the unaccompanied minors in their jurisdiction by other authorities. They do not come in contact with the minors themselves, and they provide authorizations to social workers, psychologists, lawyers and other personnel working with recognized NGOs in order to represent the unaccompanied minors in specific actions, including all the necessary legal procedures.

This situation presents problems and gaps in the national child protection mechanism. The decisions and actions taken concerning unaccompanied minors vary depending on the initiative of the NGO professionals that have undertaken the temporary care and/or accommodation of the minors. At the same time, no standard operating procedures are made available by any state authority and each NGO follows their own protocols. The Public Prosecutors are relatively poorly informed on the decisions taken concerning each minor, while have minimum or none involvement in the assessment of the minor's best interests. The quality of care, protection and access to services offered to an unaccompanied minor is not equal, since it ends up being a variable of the facility where they are accommodated.

4.3 New law 4554/2018 on Guardianship of UASC²⁸

Law 4554/2018 that was recently published in the Official Governmental Gazette (on 18.07.2018), *but has not yet come into effect*, includes provisions that relate to the appointment of guardians for unaccompanied minors. Organs of this legal mechanism are the competent Public Prosecutor, the Guardian of the unaccompanied minor as well as the Supervisory Board for Guardianship²⁹. The court's

²⁸ Law 4554/2018, Insurance and pension arrangements - Tackling undeclared work - Enhancing worker protection – Guardianship of unaccompanied minors and other provisions, Official Government Gazette Vol. A' 130/18.07.2018.

²⁹ Law 4554/2018, Article 14

authorities according to articles 1589 until 1654 of the Greek Civil Code, as already explained above, are exercised by the territorially competent Public Prosecutor for Minors or by the Public Prosecutor of First Instance.

According to the provisions of the new law, the competent Prosecutor appoints a guardian for unaccompanied minors as soon as possible. If no person can be found, according to Article 1592 of the Greek Civil Code,³⁰ guardianship is granted to a professional guardian who is proposed by the National Centre for Social Solidarity (EKKA). At the same time, the competent Public Prosecutor grants the supervisory board's role, regardless of whether or not a professional or non-professional guardian has already been appointed. The appointment of a professional guardian for unaccompanied minors is being carried out, subject to his/her replacement, with an Order issued by the Public Prosecutor, as it applies today, as well as by another professional guardian in case the minor changes his place of residence. The minor may also personally request for the replacement of his/her guardian³¹.

A professional guardian shall carry out, *inter alia*, the following duties:

- 1) Take care of the minor's daily needs.
- 2) Represent and assist the minor in all judicial and administrative procedures, in the asylum procedure, in the family reunification process, in issues relating to return and issuance of residence permits³².
- 3) Lodge an asylum application or an application for residence permit, taking into consideration the minor's maturity³³.
- 4) Submit legal remedies against judicial and administrative decisions that concern an unaccompanied minor through an attorney at law.
- 5) Assist the minor's access to free legal aid system and interpretation.
- 6) Ensure that the minor is provided with psychological and medical support and care.
- 7) Ensure that the minor has access to education.
- 8) Make all necessary acts for granting the care of the minor to foster families according to the law.

³⁰ Article 1592 of the Greek Civil Code provides for the appointment as Guardian by the court of the following persons in order of precedence: 1. the adult spouse of the minor, 2. the person or legal entity appointed in a will or declared to a notary or to a justice of the peace by the parent who was holding parental care at the time of declaration or their death, 3. any other person whom the court considers suitable, preferably from among the closest relatives of the child

³¹ Law 4554/2018, Article 17

³² A guardian is already considered a representative of the unaccompanied minor according to the provisions of Law 4375/2016.

³³ According to articles 36 and 45 of Law 4375/2016, a minor who is over 15 years old, can personally lodge an asylum application.

9) Maintain steady communication with the minor, at least once a week, and build a relationship of trust between them, a.o..

The appointed Guardian must have the necessary knowledge, experience and expertise needed in order to perform the duties in accordance with the principle of the best interests of the child and the general well-being of the minor. Individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives. The person appointed as representative shall be changed only in case of inability to represent the minor on actual or legal grounds. Professional Guardians are responsible for actions or omissions carried out in breaches of contract, of internal regulations and of the terms of Law 4554/2018. The National Centre for Social Solidarity (EKKA) will be responsible for the training and evaluation of the work of the professional Guardians.

According to the new Law 4554/2018, the maximum number of UASC that a Guardian can represent is to be determined with a Ministerial Decision, whereas the Guardian's remuneration will also be determined by a Joint Ministerial Decision, issued by the Ministry of Labor, Social Insurance and Social Solidarity and the Ministry of Finance and Development.

Furthermore, according to Article 19 of Law 4554/2018, a Supervisory Board of Guardianship for UASC is established within the Ministry of Labor, Welfare and Social Solidarity, which consists of three members for a two-year term. This body shall evaluate and determine the best interest of each minor concerned, following the guardian's proposal, in cases where important decisions must be taken for the future of the child, such as health issues, disability, religious beliefs, if there is suspicion of harassment, neglect or exploitation of the minor in the premises of the Accommodation Centre or from a relative with whom the minor lives, if there is a doubt that family reunification is in the child's best interest, in the context of voluntary return to the country of origin, as well as in cases where there is doubt as to the age of the minor.

Most importantly, according to Article 21 of Law 4554/2018, the best interest of the minor is assessed and the right of hearing is also provided for the UASC, before any decision is taken by any and all of the organs involved in this guardianship mechanism (Public Prosecutor, Guardian, and Supervisory Board)³⁴. Such decisions shall be taken in compliance with the standard operating procedures on the evaluation

³⁴ According to Article 1647 of the Greek Civil Code, as it applies, "*Before any decision from any organ of the guardianship process, this must, according to the maturity of the minor involved, listen to his/her opinion*".

and determination of the best interests of the child, which will be issued by the Directorate for the Protection of Unaccompanied Minors of the National Centre for Social Solidarity (EKKA), and which will constitute part of the agreement signed with the professional guardians and part of the Operating Regulation of the supervisory board for guardianship, which remains to be issued by EKKA³⁵.

According to the provisions of Articles 25 and 26 of the new Law 4554/2018, a record of all UASC is kept by EKKA, as well as a record of professional guardians and a record of the accommodation centers for unaccompanied minors that are operating nationwide.

- ***It should be stressed that all the above mentioned provisions of Law 4554/2018 will take effect once the Operating Regulation of the Supervisory Board for Guardianship of UASC is officially issued by the National Center for Social Solidarity (EKKA), and approved by the Ministry of Labor.***

³⁵ Law 4554/2018 Article 19 par. 6

5. Interviews with minors

Part of the research was to interview minors in order to specify their opinions, understanding and needs for the guardians and the system as it works now. The research concerning UASC was conducted through semi-structured questionnaires, which were designed and replicated according to the special characteristics of each of the countries involved in the project.

A comparative analysis has been done between the responses given by the UASC residing in the shelters and the UASC residing in RICs in terms of their history after their arrival in Greece (integration and expectations) as well as Section D of the questionnaire regarding their level of familiarization and the overview of the reception system. This has been done in order to reveal any differentiation concerning their integration level as well as their perception of their rights, needs and representation.

In total, nineteen (19) interviews were conducted, but only seventeen (17) were analyzed as they assessed as not complete. From the seventeen (17) UASC, nine (9) currently residing in UASC shelters and eight (8) in Reception and Identification Centres (RICs), i.e. hot spot areas, in Samos and Chios islands.

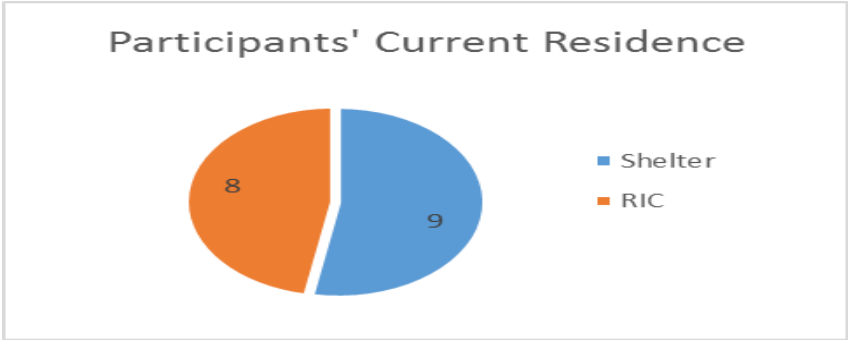


Diagram 1: Participants' current residence

Participants' profile:

UAM participants' age varied from twelve (12) to seventeen (17) years old, while the majority of them were over sixteen (16).

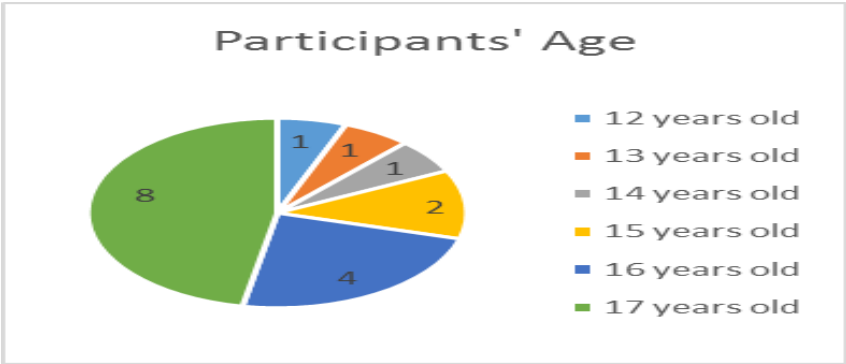


Diagram 2: Participants' age

Their countries of origin are: Afghanistan, Syria, Pakistan, Iraq and Egypt.

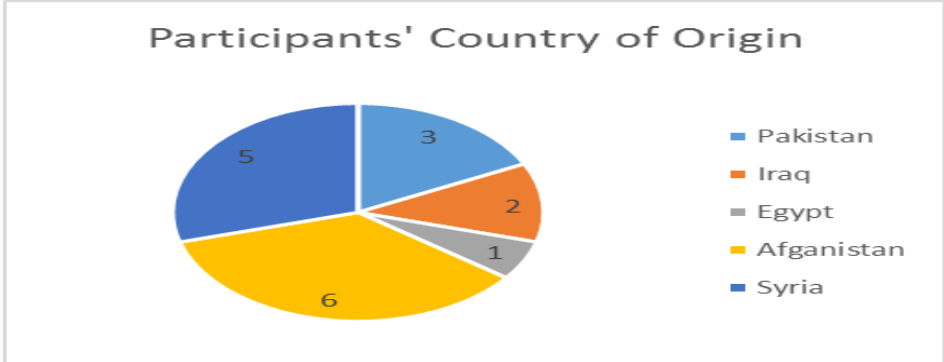


Diagram 3: Participants' country of origin

Most of the participants arrived in the Greek islands (Chios, Samos, Lesvos, Kos, Rhodes, Leros and Crete), while only a few of them arrived through Evros and Kalamata.

The majority of the participants have arrived in Greece during 2017 and 2018 [only one (1) participant has been in the country since 2015]. There is a differentiation – that is expected – concerning the date of arrival between the UASC living in shelters and the ones living in the RIC, which is considered a factor also regarding their perception of the institutional guardianship. The vast majority of participants from the RICs has entered Greece during 2018 [only one (1) has entered Greece in 2017], while the vast majority of participants from the shelters has entered Greece during 2017.

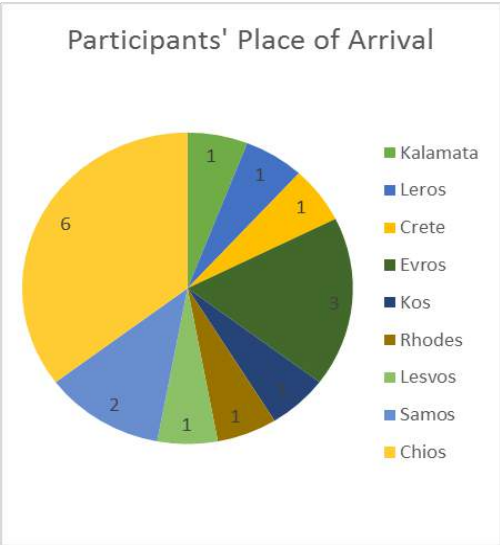


Diagram 4: Participants' place of arrival

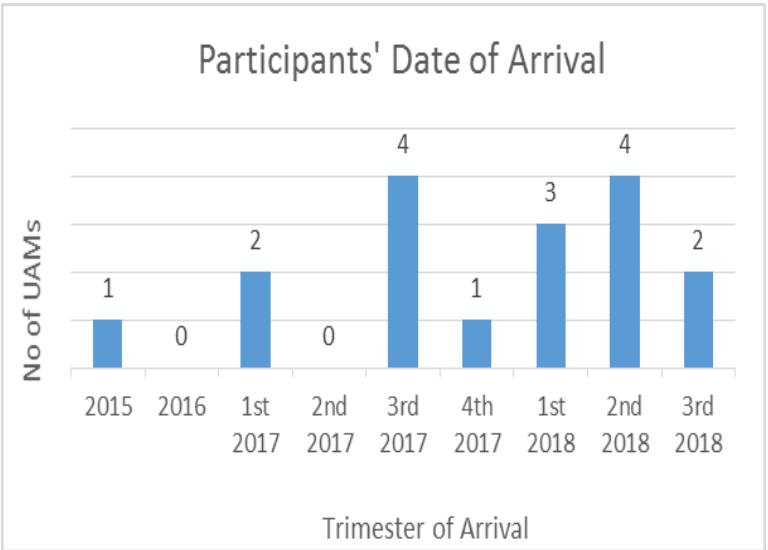


Diagram 5: Participants' date of arrival

Additionally, the vast majority of participants have attended school in their countries of origin [with one (1) exception], while most of them had more than five (5) years of education.

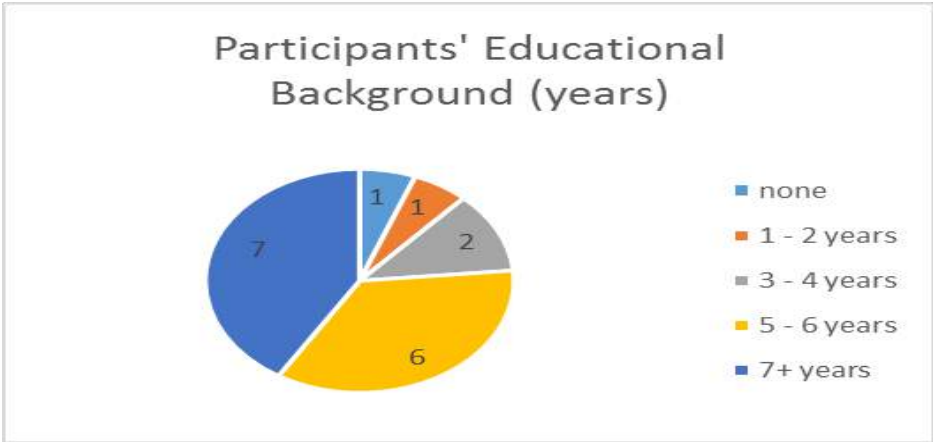


Diagram 6: Participants' educational background

Also, only four (4) of the participants had some kind of work experience in their countries of origin.

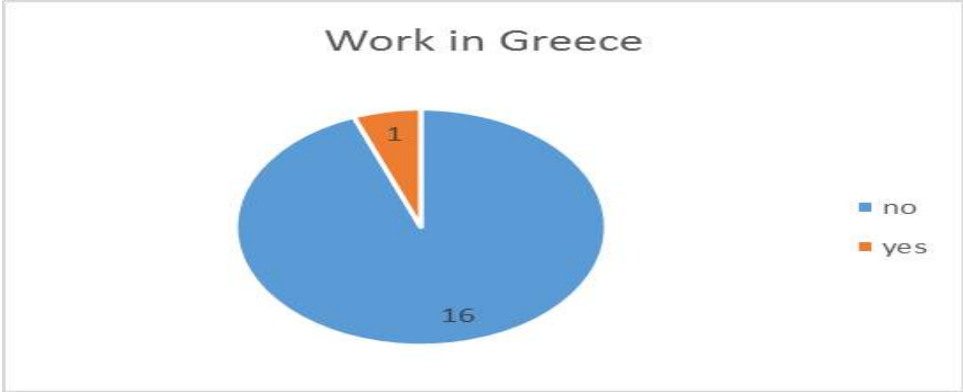


Diagram 7: Work in Greece or not

Approximately 53% of the participants travelled alone from their countries of origin to Greece, while more than 50% also declare that the most critical moments of their trip concerned the crossing of sea borders due to the significant violence and fear they encountered during that part.

Thirteen (13) out of the seventeen (17) participants keep in contact with their families mostly via internet applications (messenger, viber, facebook etc.). The rest four (4) participants' families have either died or lost during their trip.

Also, worth mentioning is that almost 70% of the UASC said that they would not or they do not believe that they could go back to their countries of origin due to the bad / unsafe conditions. Five (5) UASC said they hope they will go back eventually.

Current situation:

All participants residing in shelters currently attend some kind of educational activity / school, while only half of the participants residing in RICs attend any kind of educational activity. There is a significantly better evaluation of those residing in Shelters concerning their relationships both with their classmates and their teachers, while in parallel there is a slight higher rate of experience of discrimination or exclusion from those residing in the RICs.

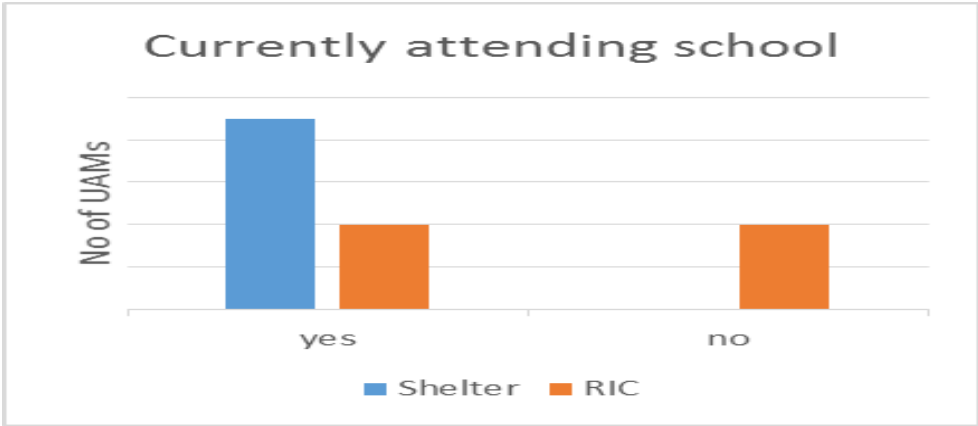


Diagram 8:Currently attending school

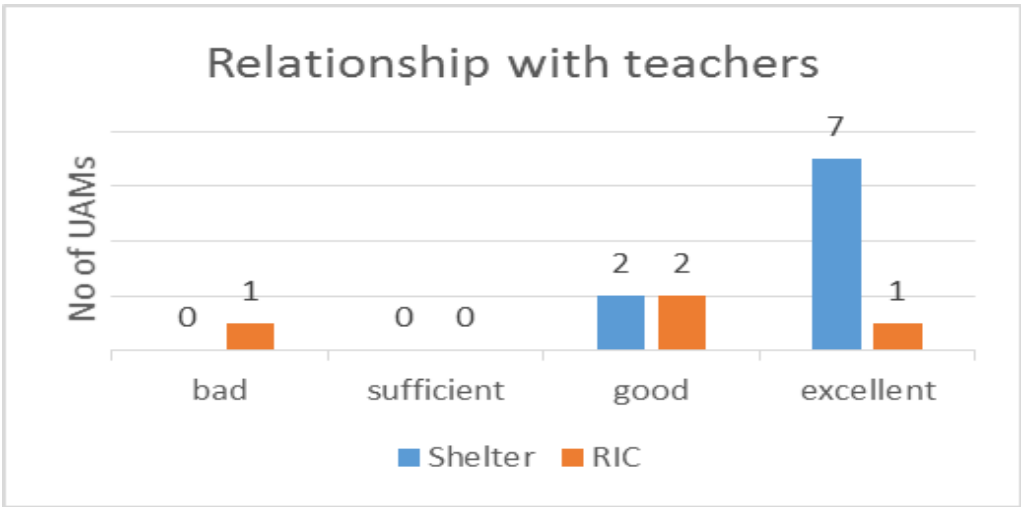
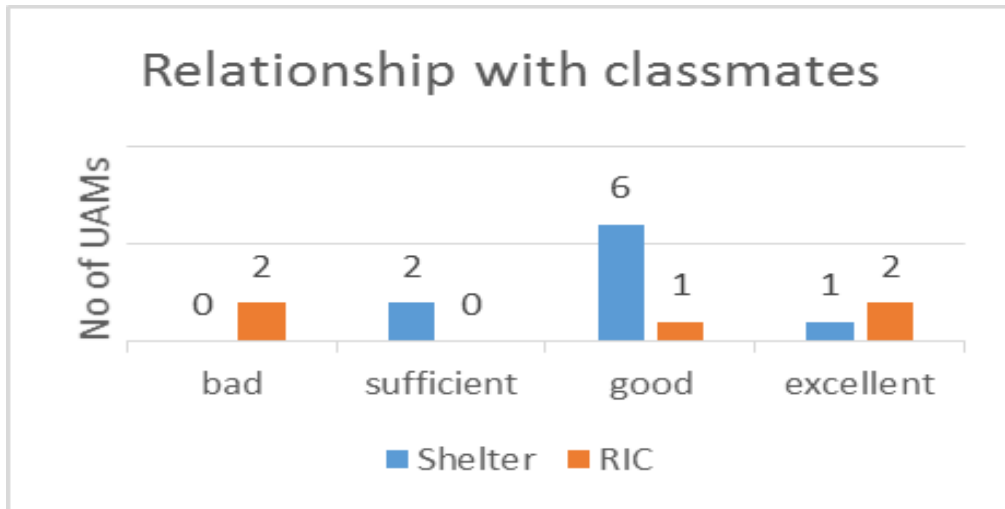


Diagram 9:Relationship with teachers



Diagram

10: Relationship with classmates



Diagram 11: Discrimination

Concerning the UASC knowledge of their rights in Greece, there is a significant difference between the ones residing in the shelters and the ones residing in the RICs. The vast majority of the first group responded that they know a few things about their rights with the exception of one (1) participant that responded he did not know anything.

In parallel, the vast majority of the second group responded that they do not have any knowledge with the exception of one participant who said he knows a little. It is important to mention that the exception in the first group is the one (1) that entered Greece during 2018 (while the rest entered Greece from 2017 and prior), as well as that the exception of the second group is the one (1) that has entered Greece during 2017 (while the rest of the group has entered Greece during 2018).

Therefore, this differentiation may also be attributed to the duration of living in the country additionally to the place of residence.

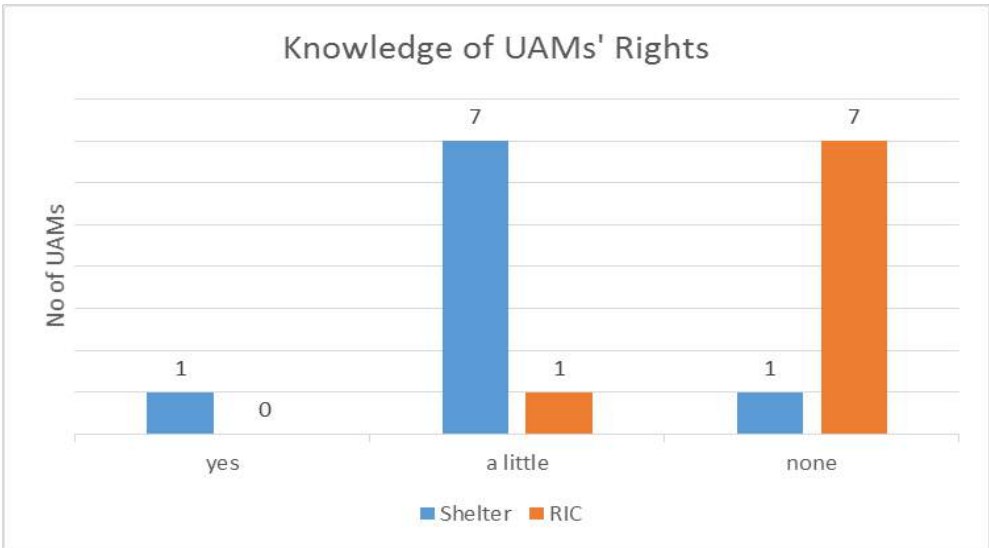


Diagram 12: Knowledge of rights

Also, there was a differentiation between the two (2) groups (residing in the shelters or in the RICs) concerning their knowledge of the public prosecutor being their institutional guardian as well as the corresponding tasks and duties. **Almost 45% of the first group responded they had such knowledge in contrast to the second group rate which was 25%.**

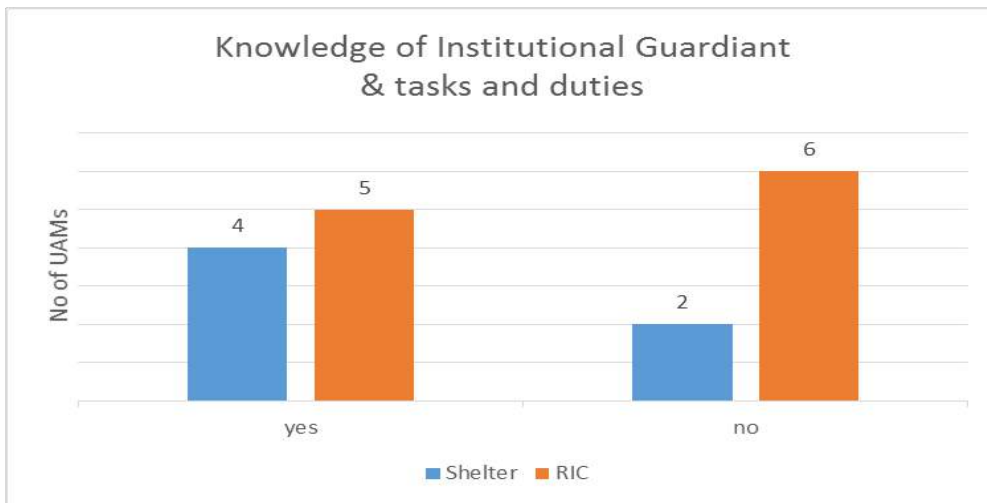


Diagram 13: Knowledge of institutional guardian

Rather interesting is the fact that the majority of the participants have a wrong perception on the authority / figure that is responsible to ensure the full realization of their rights in Greece. Only one (1) participant responded that the Public Prosecutor has this duty – the participant who has an NGO guardian appointed for his case. Almost 53% of the participants responded that NGO staff are the ones to ensure their rights while 57% consider the Greek State / Government in general has such an obligation. A 17, 5% responded they do not know who is the one responsible for such matters.

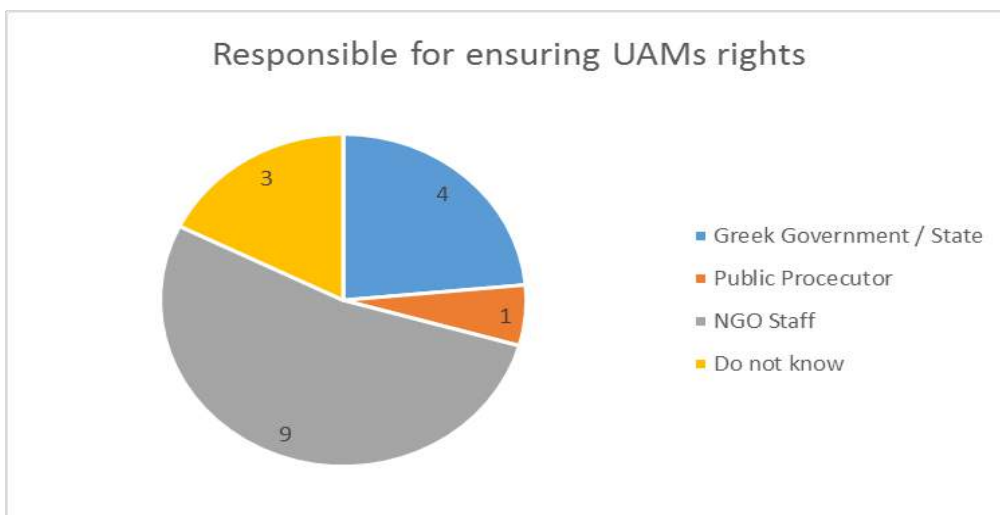


Diagram 14: Knowledge concerning the ensuring the UAM rights

Regarding the participants' perception support and access that is important to them, all UASC of the first group responded "all of the above" meaning that it is important to them to have access to health

services, educational services, emotional and psychosocial support as well as processing of bureaucratic and administrative issues. There were some differentiations in the responses of the second group where five (5) participants responded “all of the above” while the rest three (3) outlined as most important the health and/or the educational and /or the bureaucratic and administrative issues support.

There was no significant difference between the two (2) groups in terms of their perception of who has mainly taken care of their access to health services, educational services, emotional and psychosocial needs or bureaucratic and administrative issues. Both groups’ vast majority responded that the ones responding to those needs are the NGOs’ staff (social scientists and lawyers). It is worth mentioning that in the first group only one (1) participant is in contact with a volunteer guardian and he considers him/her to be his representative through all mentioned procedures. Also worth mentioning, is that a small minority of the second group consider other people to be the ones that have taken care of their needs (older brother, friend etc.).

6. Focus group and interviews with key stakeholders

With the aim to get a broad idea of the context regarding the new law about Guardianship, as well as to point out the inadequacies of the previous one, the option to have a focused discussion with key stakeholders was the best way to collect accurate data during this transitional period. A discussion guide was designed that was used for the implementation of the focus group. In parallel to that, there were a few interviews also to key stakeholders that could not attend the focus group but were able to provide us with an interview. A semi-structured questionnaire was designed that had the same parts of discussion like the focus group. The description of the outcomes below derives from both processes, i.e. focus group and interviews.

The focus group was comprised of various organizations and state authorities (EKKA/National Center for Social solidarity - Ministry of Labor, Children's Ombudsman, KEELPNO - Ministry of Health, METAdrasi, BABEL, Institute for the Health of the Child, Association of Social Psychiatry, National Rapporteur for the fight against Trafficking, UNICEF; UNHCR, PRAKSIS, MSF, UNITAS), which apart from being experts in matters of child protection and the relevant legal framework, they have actively participated in lobbying and advocating for the need to proceed with changes in the Law. Additionally, it should be pointed out that EKKA is the official body that will have the supervision and all the details concerning the role and work of the professional guardians.

Supplementary to this focus group, the individual interviews were made with various stakeholders that are also experts on the field in matters of child protection, as well as the legal framework of Guardianship in Greece and also at an international level.

According to the answers and key points of both the focus group and the interviews, below there is an illustration of the main findings.

Taking into consideration the gaps in the current legal framework and practices for the institution of Guardianship in Greece, the new Law (4554/2018) is generally considered a big step in towards filling those gaps.

In consensus, all stakeholders noted that the previous Law had the following drawbacks:

- ✓ The fact that temporary guardianship of UASC is given to Public Prosecutors (PP) responsible for a specific region, created a dysfunctional ratio between guardians and minors, more than 1/100.
- ✓ Bureaucracy and delays in appointing a legal guardian takes a significant amount of time, in which time chances are the UASC is not receiving adequate services, the view of the child is not conferred properly, participation in the decision making is limited etc. Point being, the delays in the appointment of the PP has a negative impact in the context of promoting the best interest of the child.
- ✓ Lack of institutionalized supervision, evaluation and training in matters of child protection for the guardians.
- ✓ The geographic coverage, for PP's appointed as temporary guardians are so limited that the representation for UASC is inadequate.

With regard to the new Law, while it is still being refined (Ministerial Decisions/ interpretative provisions to be signed); there is positive feedback that it will be a step forward towards safeguarding the best interest of the child.

Some of the key points that the relevant stakeholders addressed:

- ✓ Appointment of professional legal guardian to be supported with the proper mechanism for supervision, evaluation and training, ensures that the best interest of the child is safeguarded.
- ✓ According to the new Law there will be a lot of less bureaucracy in appointing a professional guardian, while the focus is shifted to proper matchmaking between child and guardian.
- ✓ While there is no specific reference in Law 4554/2018 for a ratio between professional guardians and UASC, there have been assurances from the relevant Ministry for reducing the ratio between guardians and minors. This will have a positive impact in their relationship.
- ✓ The new law will secure better representation and access to services for minors that are homeless or under protective custody.

Despite the fact that the new Law seems to be covering a lot of issues that the previous one did not, Ministerial Decisions have to be concluded and signed in order to make a proper assessment.

Moreover, it needs to be seen in effect for a period of time, after the transitional period from the previous law, for the actual impact to be measured.

Regarding the implementation of the professional guardian's duties, there will effectively be multiple organs for the monitoring of their work, the coordination authority for the appropriate matching of the guardian with every UASC and the supervisory board for Guardianship of UASC. The new law does not describe the kind of relationship there should be between the guardian and the UASC, but in practice there should be systematic contact of the person of reference with each UASC in order to effectively represent them.

A practical issue could arise, since the guardian would have the authority to choose the appropriate shelter for the UASC which could conflict EKKA's placement process. The goal is for the professional guardian to better evaluate and assess each minor's vulnerability wherever they may be found (detention, Reception and Identification Center, homeless), so as to better and faster place them in the appropriate shelters.

Most of the stakeholders agreed that the ideal ratio between professional guardians and UASC is 1/10 and all of them agreed that there should be a maximum number set of UASC per Professional Guardian, but with some flexibility depending on the difficulty of each case. There should be however a maximum number set for UASC per guardian with special vulnerabilities needs [SGBV survivors, trafficking victims (THB), and psychiatric cases.

Standard operation procedures, case management protocols, vulnerability assessment reports and other specialized tools will be created by EKKA (National Center for Social Solidarity), which is the competent authority responsible for the training of Professional Guardians.

While the new law stipulates that the professional guardian must ensure interpretation services for the UASC, a potential issue that may arise is that there is no interpretation services provided by the State. It was suggested by a great deal of stakeholders that there should be a pool of appropriately trained cultural mediators, available specifically for this purpose.

It was also suggested that in order for the professional guardians to act as advocator for UASC and ensure the minors access to all necessary services, they should undergo regular trainings on issues such as Child Protection, Child Development, Trafficking, GBV and SGBV etc. by relevant experts (INEP - Institute for Education, ICH - Institute for the health of the child etc.). Moreover, the Professional Guardians should receive regular psychological support by an independent mental health services provider.

The long term funding of this new legal mechanisms raises concerns since the funding that is currently available, will be soon withdrawn and it is suggested that in order to avoid violating children rights the funding of this system has to be integrated into the State budget.

While under the current Law, the Public Prosecutors act as temporary legal guardians for the UASC, in most cases, due to various constraints that are mentioned previously in this report, they are unable to build a relationship of trust with the minor that they are responsible for and sometimes they do not even have direct contact with the minor. Moreover, for UASC accommodated in shelters, the competent Public Prosecutor that appointed the placement of the UASC is unable to cooperate closely with the person of reference of the minor, in the shelter.

Under the new Law, stakeholders consider that the competent Public Prosecutor for minors will have a better relationship and trust as they closely cooperate with the Professional Guardian in order to ensure that the best interest of child for all important decisions is better served.

It has been proposed that a new system on child protection should be implemented under the model which currently exists for human trafficking victims and will be comprised of specialized public prosecutors specifically for UASC who will hold a permanent position and will be especially trained for this position.

In order to deal with the constant rotation of the Public Prosecutors, as well as the issue of their very different and even sometimes opposing orders and decisions, it was suggested by the stakeholders that they have to be educated on child protection issues at a very early stage specifically since the National School for Judges and Prosecutors. A post graduate program on child protection could also be created.

As far as the Supervisory Board for Guardianship is concerned, all stakeholders agreed that its composition and duties will be very difficult in actual practice. Main concerns are:

- ✓ There will be only one such Board for all UASC found in Greek territory.
- ✓ The case load of this board will be overwhelming since it will have to deal with each important decision concerning the UASC.
- ✓ It will be comprised by the same authority that is responsible for the monitoring of the professional guardians, which causes a conflict of interest in case of a violation of the minors' rights by the guardian.

Another interesting proposition by the stakeholders was about the introduction of a Complaint Report System. It was proposed that there will be an office of internal control operated by EKKA under the provisions of the new Law, which will receive citizens' reports against services provided by EKKA, including Professional Guardians. A dedicated phone line or a mobile application were also suggested as possible ways for filling complaints, even by the minors themselves, as long as they are easily accessible to them.

Another suggestion for the Complaint Report System, especially regarding the islands and entry points, was a focal point stationed inside the RIC (Reception and Identification Center), which could also serve as a liaison for referrals on all vulnerable cases.

It was also suggested by some stakeholders that the pending Ministerial Decisions should include a stage of leave for the professional guardian, in cases of complaints filed against him by the minor and the Professional Guardian should be suspended from the registry of Professional Guardians for as long as the investigation on the complaint is ongoing. Although, the issue of conflict between a teenager and the Guardian may be complex, it is essential for the minor to actually be able to circumvent the Guardian in order to file a complaint against him and also it would have to be explained to the UASC about his right to do so from the beginning.

The Professional Guardians will be held accountable for breaches of law and for what they will be contractually bound, both under the Civil and Criminal Code.

The ultimate goal for EKKA is to identify preemptively potential problems between the UASC and the Professional Guardian and this will be achieved through a system of regular and periodic evaluation that will include questionnaires completed by the minors themselves.

It should be pointed out here, that the focus group and the interviews took place only a few days after the new law came out and still there are many things to be done until this reached to the point of implementation. Therefore, the discussions that took place were without having the actual picture of implementation rather than assessing what has been written that although has good points at the same time remains vague in many key issues, like numbers of minors per guardian, relationship and limits with the other bodies involved as well as other points already described above.

7. Interviews with representatives of minors

As already mentioned above, the Public Prosecutor is the interim guardian until now and only according to the new Law, professional guardians can be appointed. Therefore, at this moment and since this is not actually the case still, the representatives of NGOs actually take over most of the tasks of the minors. For this reason, this part of the process has gone through interviews with representatives of minors. This research concerning UASC representatives was conducted through semi-structured questionnaires that were designed and piloted first and then used for the interviews.

Below, there is a description analysis of the answers provided. In total, sixteen (16) UASC representatives participated in the research, twelve (12) currently working in shelters, three (3) at the RICs in Samos and Chios islands and one (1) in the Metadrasi Guardians’ Network.

The vast majority are social workers, while also psychologists, lawyer and coordinators have participated in the research.

Participants profile:

From the total of sixteen (16) representatives that participated in the research, ten (10) are females and six (6) are males.

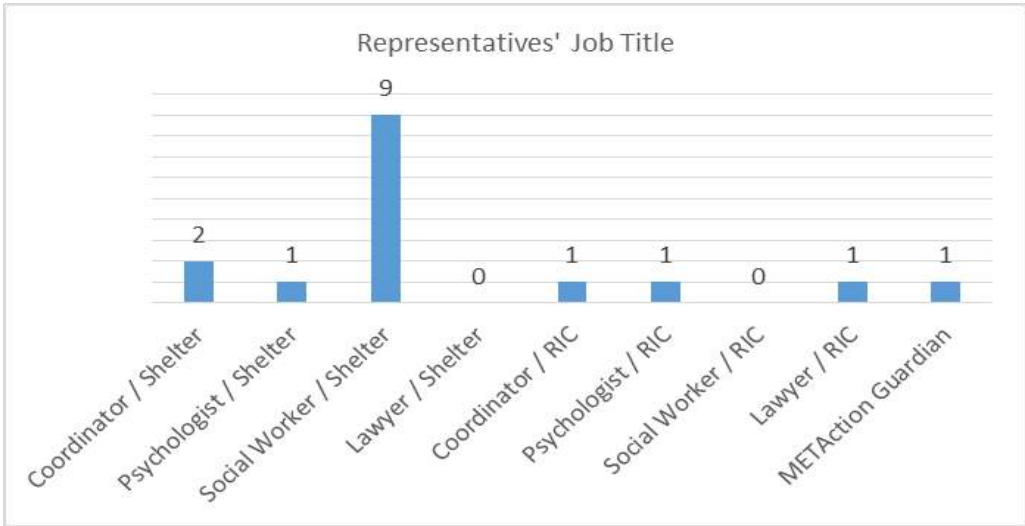


Diagram 15: Representatives’ job titles

The majority of participants are between twenty-five (25) and thirty (30) years of age, while all of them have a Bachelor’s degree and five (5) of them have also a Master’s degree.

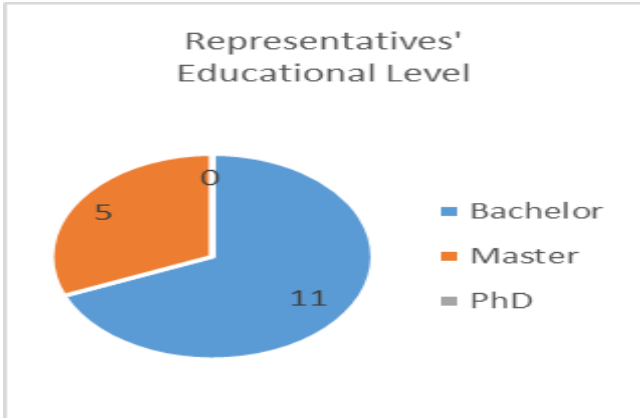


Diagram 16: Representatives' job titles

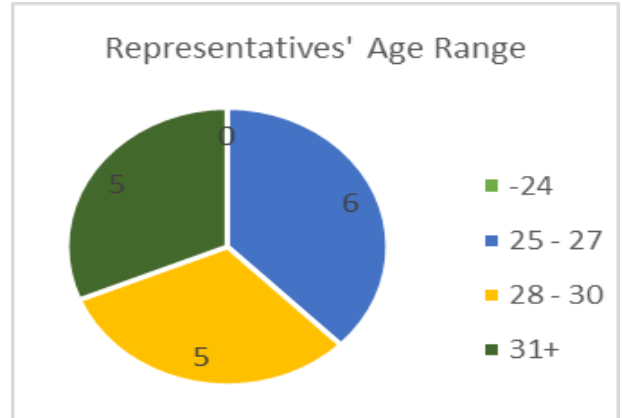


Diagram 17: Representatives' age range

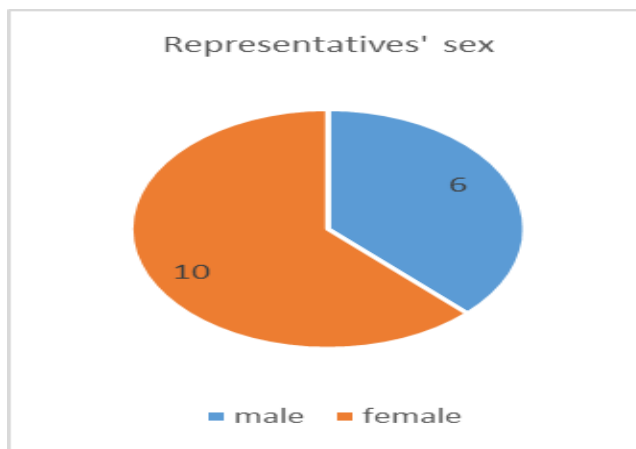


Diagram 18: Participants' sex

It is worth mentioning that the majority of participants have experience with UASCs from one (1) and a half (1/2) to three (3) years.

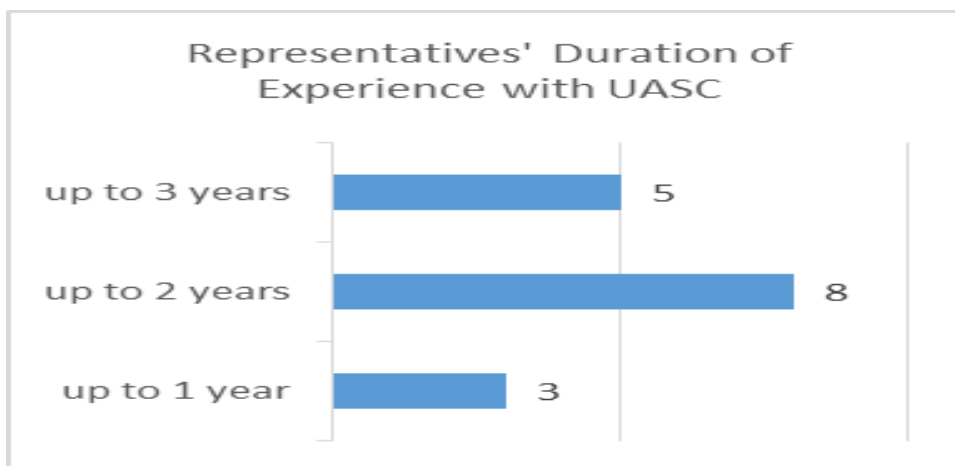


Diagram 19: Representatives' duration of experience with UASC

Additionally, the majority of the participants UASC representatives currently represent up to ten (10) UASCs each one while depending on the duration of their experience and they have an average overall represented twenty (20) to thirty (30) UASCs.

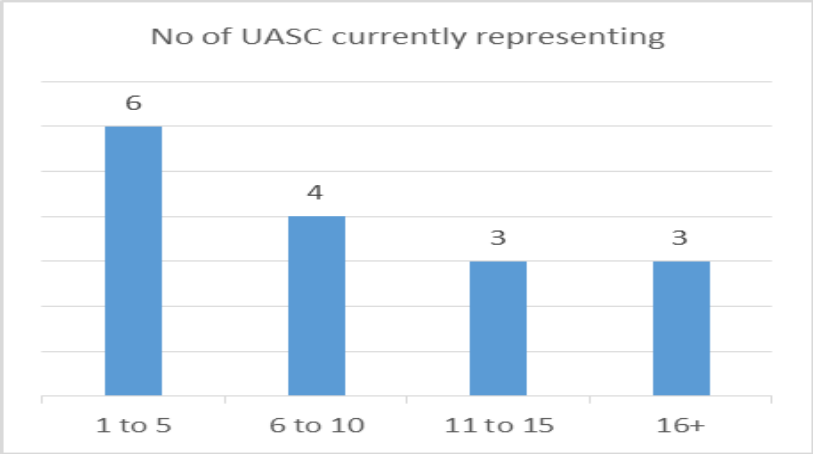


Diagram 20: No of minors that the participants represent and support

The vast majority of UASC representatives responded that they have a very good relationship with the minors. They also pointed out the main difficulties they have encountered in dealing with the UASCs, which include the language barrier, the lack of safe accommodation (for the minors not in UASC shelters), the long delays in the legal procedures, which has a very important impact in the minors' emotional state and motivation as well as the lack of proper educational facilities. A very important difficulty is the building of a trusting relationship between the representative and the minor, especially regarding the cases of UASCs that have remain in protective custody for a long period of time (more than 1-2 months). Moreover, UASCs psychiatric issues and crisis episodes are also very hard to be handled in correlation with the lack of proper facilities and services.

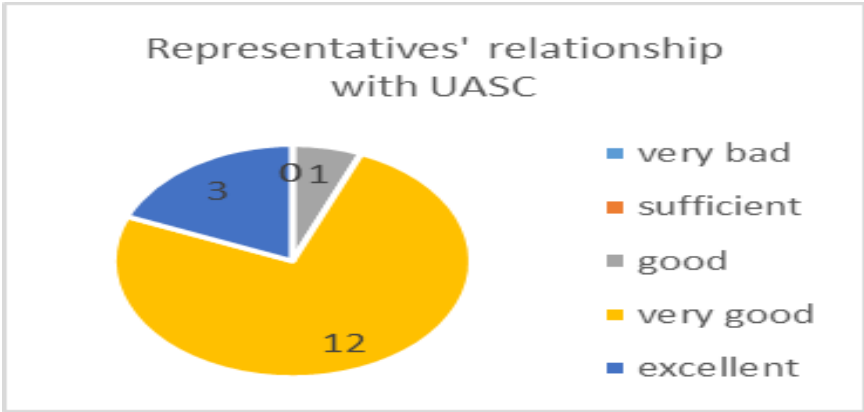


Diagram 21: Relationship between the participants and the minors

Another challenge faced by the representative is the proper identification of the immediate needs and/or special vulnerabilities of UASCs. The representative’s ability on this matter depends on their experience with UASCs as well as the location the respective UASCs are placed (shelter, RIC). The majority of representatives believe they are able to properly identify the needs / vulnerabilities in a period of time that gives them the opportunity to build a trusting relationship with each minor.

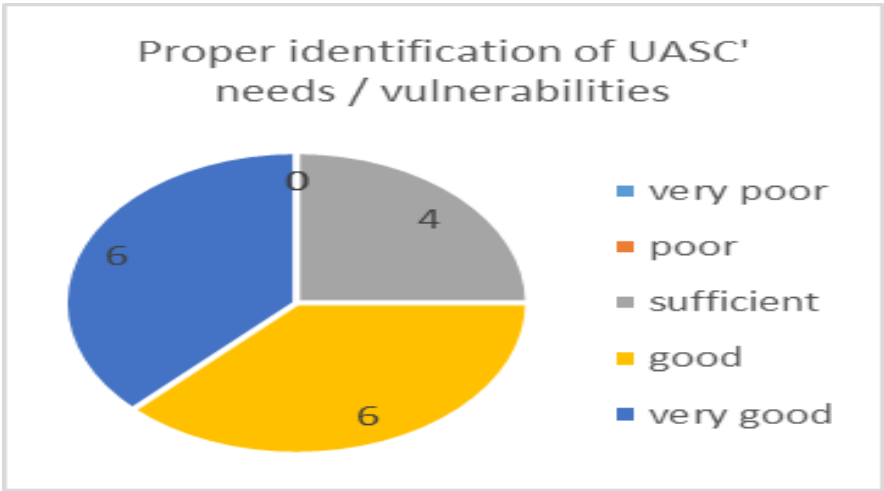


Diagram 22: Proper identification of needs

UASC representatives were asked which are the basic needs of the minors as well as which are their main requests. Regarding the main needs, these include access to educational services, asylum services and health services, as well as their emotional / psychological support, link with their family, support in bureaucratic procedures as well as safe accommodation and recreational activities (mostly regarding the UASCs in R.I.C.s)

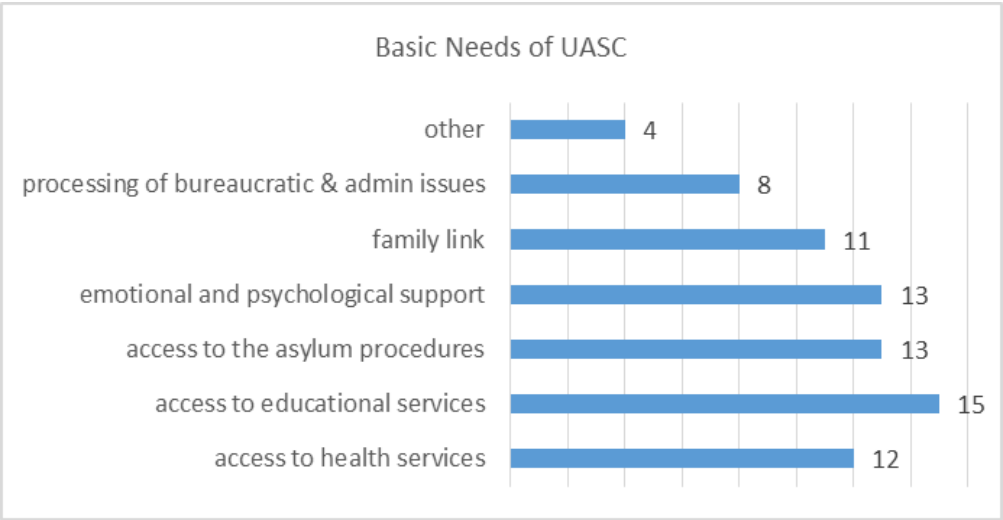


Diagram 23: Basic needs identified

Regarding the UASC basic requests, based on the participants’ experience, access to asylum services is their major need communicated, followed by access to health services, emotional / psychological support, access to educational services, link with their family and safe accommodation, pocket money, recreational activities (mostly for the ones in RIC)

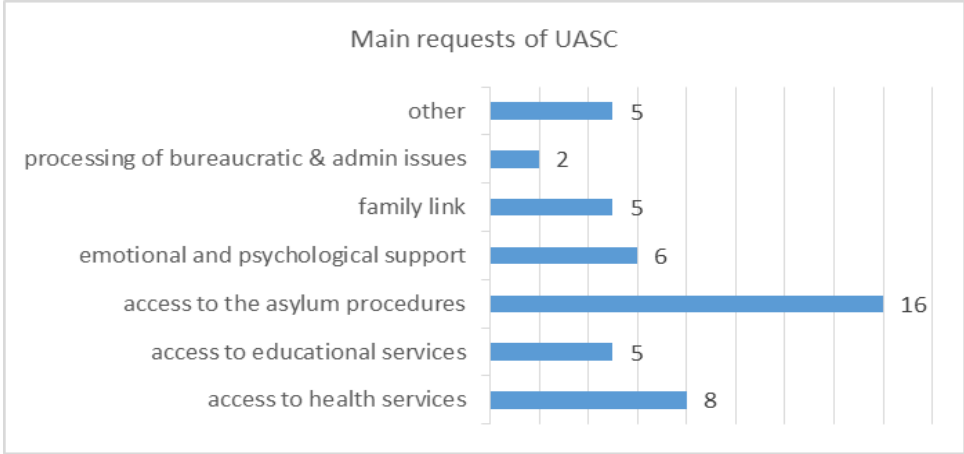


Diagram 24: Main requests

It is worth mentioning that though all UASC’ representatives were very clear on the main needs of the minors, the respective UASC requests seem to be in lower scale. All participants reported that the minors have as main concern their legal procedures which once resolved – though long delayed – enable the minors to move forward on asking to cover their other main needs. Also, another comment of the participants included the fact that most UASCs are not familiar with the concept of emotional / psychological support – even though it is considered one of the major needs – so a relationship has to be cultivated first in order for them to start communicating their respective need.

Additionally, the majority of UASC representatives responded they effectively represent the minors while the main needs/ requests they effectively manage include their emotional / psychological support, access to health services, educational services, asylum services as well as the bureaucratic procedures, link with their family and recreational activities.

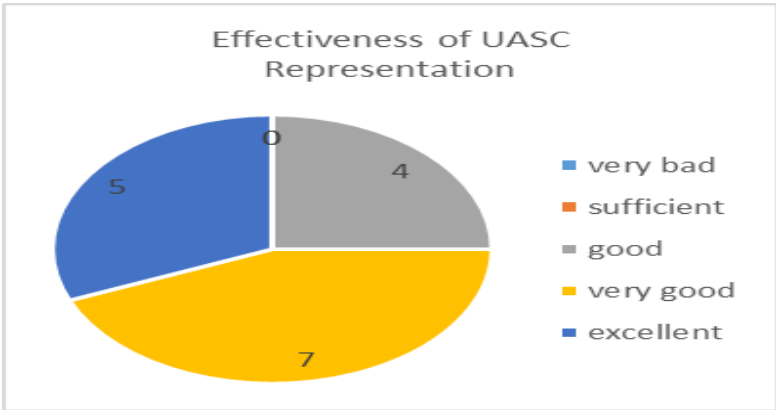


Diagram 25: Effectiveness of UASC representation

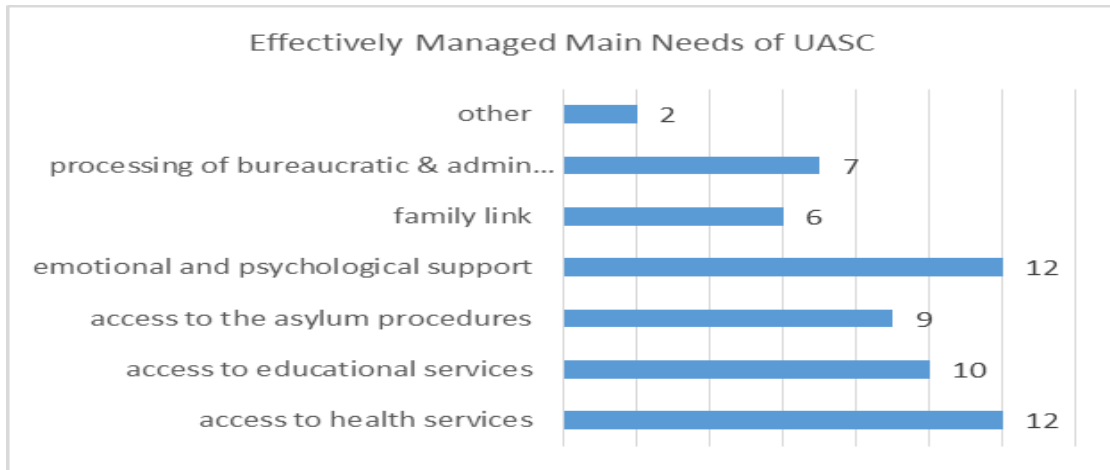


Diagram 26: Effectively managed main needs

What has been reported is that almost 50% of the time representatives spend with each UASC is focusing in their emotional / psychological support. This is because covering this main need enables the minors to respond better regarding their other needs.

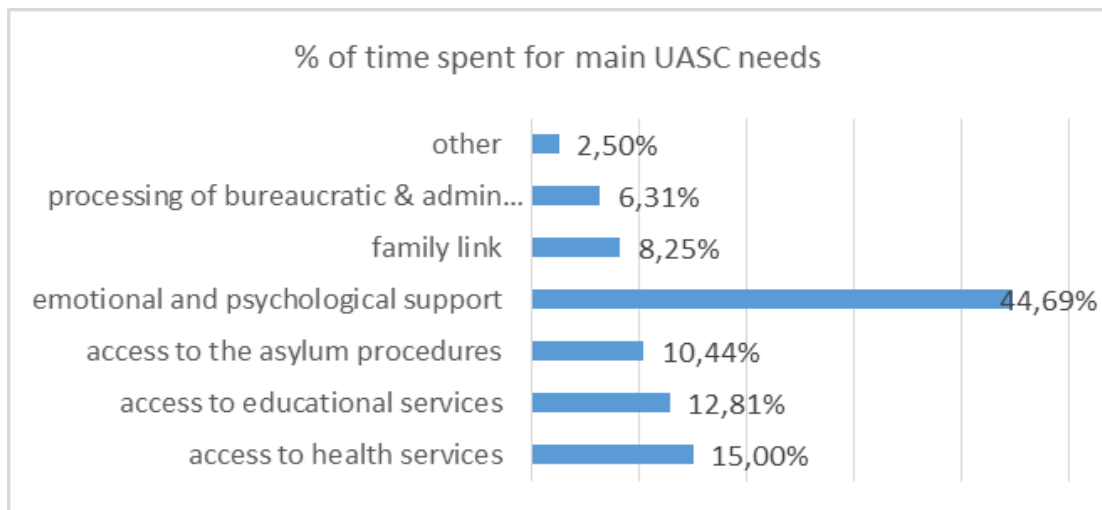
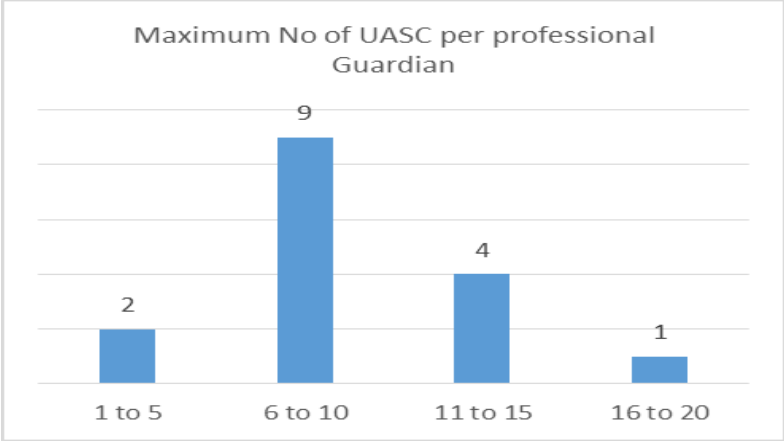


Diagram 27: Time spent

Regarding the new legislation that foresees the provision of professional guardians for all UASCs in Greece, the people that have the day to day experience regarding the representation of the minors strongly believe that the ideal maximum number of UASCs per professional guardian is up to ten (10). They commented that the number depends also on the vulnerability of each case as well as the accommodation status (shelter, R.I.C., homeless).

Diagram 28: Max no per professional guardian proposed



Participants also commented on the difficulties regarding the UASCs’ representation, which have mostly to do with State procedures and lack of system. Main issues have arose concerning the long delays of the legal procedures, the lack of available places in a safe and secure accommodation environment, the prolonged stay of UASCs in protective custody, the lack of accessible health services and the lack of proper educational services for this vulnerable group.

Also, regarding the composition of a Supervisory Board (which based on the new legislation will be a 3-member board based in Athens) that will be responsible for the decisions on the Best Interest of UASCs upon major issues, following the professional guardian’s request, the majority of participants do not consider this an effective practice while some responded that there have to be certain prerequisites in order for the Supervisory Board to have an actual effect. A main concern was that the Board will not have contact with each minor so cannot be in a position to take such a decision.

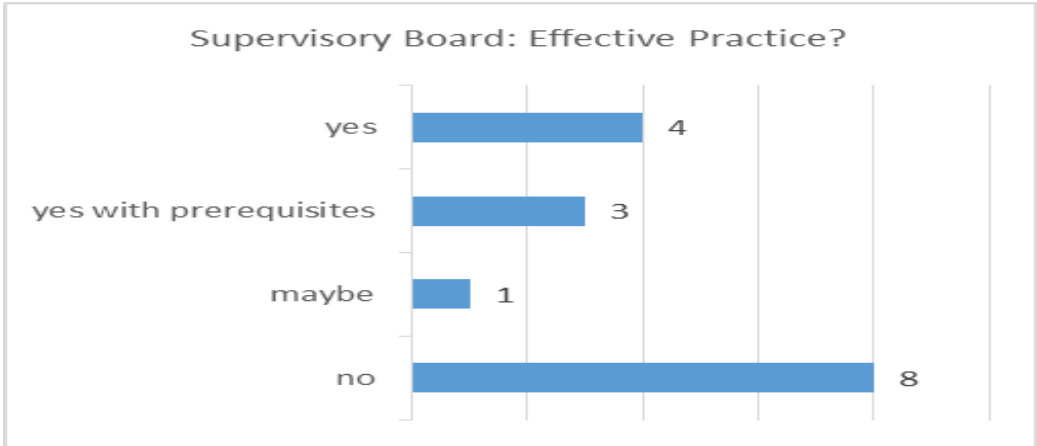


Diagram 29: Supervisory board and the participants view for effectiveness

Finally, participants responded that responsible for the final decisions on the major issues concerning UASCs' lives could not be just one person or a Board. This should be a process that will be based on the minor's informed decision in conjunction with the recommendation of the appointed guardian / representative, a multi-disciplinary team (consisting of at least a social worker, a psychologist and a lawyer that will have direct contact with the minor – like the teams operating in the shelters), in cases the recommendation of a doctor / psychiatrist and including the minor's family wishes and concerns (given that the family is in another country but reachable). Through this procedure a well informed and trained Prosecutor / Institutional Guardian could take the final informed decision for the Best Interest of the UASC.

8. Procedure and practices

In the following procedures, the goal is to briefly describe how unaccompanied minors are represented by a guardian or other persons appointed for these tasks and to illustrate whether this constitutes an effective form of representation in theory and in practice.

8.1 Identification

Law 4540/2018 defines the responsible authorities for the initial identification of the unaccompanied and separated minors and the required follow-up procedures, including the appointment of a guardian. More specifically, the law stipulates that ³⁶

“1. The competent Authorities in the entry points of Greek territory, as well as every competent authority that confirms the entry of an unaccompanied or separated minor into Greek territory shall without any delay notify the closest Public Prosecutor’s office and the competent Authority for the protection of unaccompanied and separated minors.

2. The Reception and Identification Service is responsible for the reception and identification of unaccompanied and separated minors in the Reception and Identification Centres. In this context, the Reception and Identification Service also ensures, through the competent Public Prosecutor, that the separated minor’s adult relative be assigned with their care as soon as possible, if this is deemed in the best interest of the minor. The relative performs the duties of the minor’s representative for all actions that are explicitly assigned to them by the competent Public Prosecutor.

3. The General Directorate of Welfare within the Ministry of Labor, Welfare and Social Solidarity shall be designated as the competent authority for the protection of unaccompanied and separated minors which shall:

a. Take appropriate measures as soon as possible to comply with the obligations set in the present law and to ensure the necessary representation of the unaccompanied and separated minors, in order to enable him or her to benefit from the rights and comply with the obligations provided for in this law. To this end, they take action in order to appoint a representative through the territorially competent Public Prosecutor and immediately inform the minor on the appointment of the representative. In case a legal

³⁶ Law 4540/2018, Article 22

entity is appointed as representative, an individual member of the entity is obligatorily assigned, in order to perform the duties of the representative. Regular assessments shall be made by the competent authority for the protection of unaccompanied and separated minors, including as regards the availability of the necessary means for representing the unaccompanied minors

b. Ensure the tracing of the members of the unaccompanied and separated minor's family, with the assistance of certified agencies and organizations, as soon as possible after an application for international protection is made. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardizing their safety.

c. Ensure the placement of the unaccompanied minors with a foster family and their supervision.

d. Ensure the referral and escort of the unaccompanied minors in accommodation centres for unaccompanied minors or other accommodation centres, if there are places with special provisions for minors, for as long as they stay in the country or for as long as they are placed with foster family or in supervised apartments. Changes of residence of unaccompanied minors shall be limited to a minimum and only when necessary.

5. The representative of the unaccompanied minor that is appointed must have the necessary knowledge and expertise, in order to perform the duties in accordance with the principle of the best interests of the child and the general well-being of the minor. Individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives. The person appointed as representative shall be changed only in case of inability to represent on actual or legal grounds."

- *In practice*, the competent authorities do not initiate procedures for appointing a guardian to the identified unaccompanied minors. They notify the competent Public Prosecutor's office and priority is given to the accommodation of the minors.

8.2 Age assessment

The role of the guardian is essential during the age assessment procedure which could be invoked "whenever, at any stage of the procedure, doubts arise as to whether a third-country national or

stateless person is a minor or not”³⁷, the competent Authorities may refer unaccompanied minors for age determination examinations to Public Hospitals.

The methods used successively, if the results are not conclusive, are examination of macroscopic features, assessment report by a psychologist and social worker, a left hand x-ray for the radiological examination of bone age, denture examination and panoramic dental x-ray.³⁸

When such a referral for age determination examinations is considered necessary and throughout this procedure, attention shall be given so as:

“a. a guardian for the minor is appointed who shall undertake all necessary action in order to protect the rights and the best interest of the minor, throughout the age determination procedure; b. unaccompanied minors are informed prior to the examination of their application and in a language which they understand, of the possibility and the procedures to determine their age, of the methods used therefore, the possible consequences of the results of the above mentioned age determination procedures for the examination of the application for international protection, as well as the consequences of their refusal to undergo this examination; c. the unaccompanied minors or their guardians consent to carry out the procedure for the determination of the age of the minors concerned; d. the decision to reject an application of an unaccompanied minor who refused to undergo this age determination procedure shall not be based solely on that refusal and e. until the completion of the age determination procedure, the person who claims to be a minor shall be treated as such.”³⁹

- *In practice* however, unaccompanied minors are subjected directly to the medical examinations (x-rays) for age determination and are not appointed a guardian or any other person that could inform them on the methods used, on their importance and potential consequences and guarantee their rights and obligations during the age assessment procedure.

8.3 Accommodation

The unaccompanied minors found in Greek territory can be accommodated in different facilities and have different forms of representation. There are unaccompanied minors in 1. Protective custody, 2.

³⁷ Law No 4375/2016, Article 14.9

³⁸ Joint Ministerial Decision 1982/16.2.2016 (O.G. B' 335)

³⁹ Law No 4375/2016, Article 45

Reception and Identification Centers, 3. Open temporary accommodation facilities, 4. UAC Shelters,⁴⁰ 5. Safe zones,⁴¹ 6. Hotels as Emergency accommodation,⁴² 7. Supported Semi-Independent Living for unaccompanied minors aged 16-18,⁴³ 8. Informal housing arrangements and 9. Reported as homeless. The National Centre for Social Solidarity or else EKKA (Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης-EKKA) which is under the auspices of the Ministry of Labor, Social Insurance and Social Solidarity is assigned with the System for the Management of Housing Requests for Asylum Seekers and Unaccompanied Minors. The Service is responsible for a) collecting and managing the housing requests, b) creating and updating a registration system, c) coordinating the escort of unaccompanied minors.⁴⁴

EKKA receives all the requests for accommodation for unaccompanied minors from all and any authority, governmental or not, and places them accordingly to shelters. However, the requests for accommodation far exceed the existing places in shelters, and consequently there is a long waiting list for placement. Currently there are 2,832 unaccompanied minors in the waiting list for shelter, including those in Reception and Identification Centers (368) and in Protective custody (216).⁴⁵

- *In practice, the minors that are placed in shelters* which are run by NGOs and associations are provided with psycho-social care, legal counsel and interpretation services. They have access to primary healthcare and education. They are represented by the staff of the shelter which is usually a multi-disciplinary team of social workers, psychologists, sociologists, lawyers, educators and cultural mediators. The staff of the shelter receives, upon relevant request, authorization and consent from the competent Public Prosecutor who acts as a temporary guardian of the unaccompanied minors, according to the provisions of P.D. 220/2007, in order to accompany and/or represent the unaccompanied minors in specific procedures and always after taking into account

⁴⁰ Currently there are 51 UAC shelters in operation in Greece with total of 1.125 places (as of 15.06.2018)

⁴¹ Safe Zones are designated supervised spaces within accommodation sites which provide UAC with 24/7 emergency protection and care. They should be used as short term (maximum 3 months) measures to care for UAC in light of the insufficient number of available shelter places. Safe Zone priority is given to UAC in detention as well as other vulnerable children, in line with their best interests. Currently there are 10 Safe Zones for UAC in operation in Greece with total 300 places(as of 15.06.2018)

⁴² Hotels are emergency accommodation spaces being used as a measure to care for UAC in light of the insufficient number of available shelter places. Priority is given to UAC in Reception and Identification Centers. . Currently there are 12 Hotels for UAC in operation in Greece with total 550 places. (as of 15.06.2018)

⁴³ Currently in Greece there are 4 SIL apartments for UAC older than 16 years old with total 16 places (as of 15.06.2018)

⁴⁴ According to Ministerial Decision Ref.No. Π28/Γ.Π.93510/28-7-2011 (Government Gazette 2016 τ.Β'/9-9-2011) which is further specified with the document Ref.No . Α. Π. Π28/ Γ.Π. 21299 issued by the Ministry of Health and Social Solidarity.

⁴⁵ Official data from EKKA, last update on 15.06.2018).

the specific needs of the minors and their best interests. Indicatively, the staff is authorized to represent the minors, on behalf of the Public Prosecutor, in acts such as school enrollment, referral and escort to appropriate medical units (hospitals, local clinics, etc.), lodging of asylum application, family reunification procedures and issuing of Social Security Number (AMKA). In other instances, the Public Prosecutor gives a written consent in order for the minor to be able to participate in educational or recreational activities or to have basic medical tests performed.

- The minors that are *placed in Supported Semi-Independent Living* are over 16 years old and are represented by a support team on a regular basis consisting of social workers, lawyers and other specialists depending on their individual needs.
- The unaccompanied minors that are *found in the other settings (Safe Zones, Detention, Reception and Identification Centers, homeless)* and are waiting to be placed in shelters, have limited or non-existent representation. The Public Prosecutor is still in theory their legal guardian, but no acts of representation are authorized, if there are no individuals from NGOs requesting them.

8.4 Asylum Procedure

As far as access to the asylum procedure is concerned, the law states that a minor above 15 years of age, can lodge an application, independently and in person. In case he/she is unaccompanied, specific provisions apply. Whereas an unaccompanied minor under 15 years of age, lodges an application through a representative. Also, it is provided that the representative of the minor, as well as the representative of the accommodation centre that hosts the minor, in accordance with Article 19 of the Presidential Decree 220/2007, may submit an application for international protection on the minor's behalf, as long as, on the basis of an individual assessment of the personal circumstances, they consider that the minor might have the need of international protection. The minor must be present during the lodging of the application, unless this is not possible due to force majeure.⁴⁶

Thus, it becomes evident that unaccompanied minors under 15 years old definitely need a representative in order to apply for asylum in Greece.

⁴⁶ Law No 4375/2016, Article 36.8-10

- *In practice*, when such cases arise before the Asylum Service, the authorities contact Metadrası NGO that provides a type of guardianship services. The members of this “Guardianship Network for Unaccompanied Minors” operate with the written authorization of the competent Public Prosecutor for Minors or the First Instance Public Prosecutor and act for the benefit of minors that they represent.

Furthermore, there is a specific article that regulates the Applications of unaccompanied minors which conforms to the general provisions of other legal documents and sets certain prerequisites regarding representation and guardianship of the minors. More specifically Article 45 of Law No 4375/2016 states that:

When an unaccompanied minor lodges an application, the competent authorities shall take action according to par. 1 of Article 19 of presidential decree 220/2007 in order to appoint a guardian for the minor. The minor is immediately informed about the identity of the guardian. The guardian represents the minor, ensures that his/her rights are safeguarded during the asylum procedure and that he/she receives adequate legal assistance and representation before the competent authorities. The guardian or the person exercising a particular guardianship act shall ensure that the unaccompanied minor is duly informed in a timely and adequate manner especially of the meaning and possible consequences of the personal interview, as well as how to be prepared for it. The guardian or the person exercising a particular guardianship act is invited and may attend the minor's interview and may submit questions or make observations to facilitate the procedure. During the personal interview, the presence of the unaccompanied minor may be considered necessary, despite the presence of the guardian or the person exercising a particular guardianship act.

Also, if the guardian or the person exercising a particular guardianship act is a lawyer, the applicant cannot be the beneficiary of free legal assistance, pursuant to Article 44 paragraph 3, first indent.⁴⁷

- *In practice*, it is more often than not, during the asylum procedures and especially the asylum interview, that the unaccompanied minor is alone, without a representative or guardian present and without legal counsel.

⁴⁷ Law No 4375/2016, Article 45

- A distinction should be made between the legal representative of the minor who serves as the minor’s attorney at law and the person who represents the minor due to his/her limited or no capacity to act because of their age (0-15 years old, according to the Greek law).

Actually, there have been many decisions on asylum overturned on appeal for lack of appointing a guardian to the unaccompanied minors. For instance, in 2017 the 1st Independent Appeals Committee annulled the first instance decision in the case of an unaccompanied minor due to non-observance of the procedural guarantees provided by law, particularly the obligation of the Public Prosecutor for minors to be notified in order to act as temporary guardian for the unaccompanied child. Instead of the Public Prosecutor, a non-competent authority, the National Centre for Social Solidarity, had been notified for the appointment of a guardian. In 2018, the Administrative Court of Appeal of Athens has annulled a second instance decision rejecting the application of an unaccompanied child from Morocco, *inter alia* on the basis that procedural guarantees for unaccompanied children had not been respected and more specifically the asylum interview was conducted without having a guardian appointed and without having taken any measures for legal representation.⁴⁸

- *In practice*, whether the UASC have a legal representative (lawyer) before the Asylum authorities authorized by the competent Public Prosecutor for this purpose depends greatly on their accommodation status. If they are placed in *Shelters* or *in Supported Semi-Independent Living* which are run by NGOs, they are provided with legal aid. However, if they are found in settings, *such as Safe Zones, Detention, Reception and Identification Centers or homeless*, it is much harder- if not impossible - to have access to free legal aid.

This is why the asylum applications of unaccompanied minors vary greatly in their results, as is clearly indicated in the following table which represents the asylum procedures at first instance of all registered UASC during the years 2015-2018. This is official data provided by the Asylum Service.

ASYLUM PROCEDURES AT FIRST INSTANCE															
Year	2015			2016			2017			2018			TOTAL		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total

⁴⁸<http://www.asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/legal-representation>, last accessed on 30.06.2018

REFUGEE STATUS	54	19	73	52	13	65	132	29	161	122	15	137	412	83	495
SUBSIDIARY PROTECTION	22	0	22	17	0	17	27	0	27	33	2	35	127	2	129
REJECTION ON MERITS	92	6	98	216	6	222	487	7	494	258	4	262	1253	31	1284
REJECTION ON PROCEDURE⁴⁹	68	10	78	310	117	427	571	167	738	117	15	132	1134	333	1467
DISCONTINUATIONS AND WITHDRAWALS⁵⁰	106	10	116	55	9	64	224	28	252	209	7	216	693	54	747
TOTAL	342	45	387	650	145	795	1441	231	1672	739	43	782	3619	503	4122

8.5 Healthcare

Generally, the same principles of guardianship and representation are implemented as far as access to healthcare for the unaccompanied minors is concerned. Usually, the minors placed in shelters or the ones that have a Metadrasi guardian, when the need arises, are referred to and escorted by a staff member specifically authorized for this purpose to the public units of healthcare (public hospitals, local state clinics, NGO polyclinics), in cases of prevention or treatment. They are also usually accompanied by a cultural mediator. The ones that are not placed in shelters do not have adequate access to healthcare.

A serious issue arises when the unaccompanied minor has to undergo non urgent, but invasive medical procedures for health reasons, which requires specific written consent of the person that has parental custody or is responsible for the care of the minor. In this case, the Public Prosecutor requests medical reports from at least two different doctors issued from Public Hospitals, before giving consent for the medical procedure.

The lack of a properly appointed guardian to the unaccompanied minors for many years caused a significant problem as far as the issuing of a Social Security Number (AMKA) for the unaccompanied

⁴⁹ These rejections on procedure are (a) due to implementation of the safe third country principle (Re-admission procedures), (b) due to acceptance by another member state (Dublin III Regulation), (c) due to acceptance by another member state (Relocation Program), (d) in the context of subsequent asylum applications, (e) due to technical reasons

⁵⁰ These decisions include acts of discontinuation and withdrawal that have not been reversed.

minors is concerned. Upon applying for a Social Security Number (AMKA) by an authorized for this purpose by the Public Prosecutor representative, the information of the parents or legal guardian is requested by the authorities, as is the law for all minors. Unable to provide the personal Social Security Number (AMKA) of the Public Prosecutor, this results in hindering the minors' access to the Greek Healthcare and Welfare System. This issue was recently resolved by a relevant information note issued by the Ministry, but is indicative of the practical implication and effects the lack of appointment of guardians can have on the unaccompanied minors.

8.6 Education

Law 4540/2018 introduces a three month deadline from the date on which the identification of the unaccompanied minors is completed to provide them access to the public education system.⁵¹ This access must of course be under similar conditions as Greek nationals and with special arrangements in case of lack of all the necessary documents for enrollment.

However, the Greek law states that enrollment to all classes of Public High Schools, General, Intercultural or Professional High Schools, must be submitted electronically through an application used for tax purposes by the Ministry of Finance.⁵² This of course prerequisites a Tax Registration Number (AFM) and special codes for entering the application for the parents or legal guardians of the minors. In the case of unaccompanied minors aged 15 and above that have to be enrolled to high schools within 3 months after their identification, and who have only the Public Prosecutor acting as provisional guardian, it poses a significant difficulty to their access to education. The Ministry has instructed - but not obliged - school directors to offer their personal Tax Registration Numbers and codes, in order to facilitate unaccompanied minors' enrollment to high schools, but it seems not every school director is willing to have their personal codes linked with those of foreign minors.

8.7 Detention

There is a special provision in Law 4540/2018 on the detention of vulnerable persons and of applicants with special reception needs which includes unaccompanied minors and stipulates the following:⁵³

⁵¹ Law No 4540/2018, Article 13

⁵² Ministerial Decision No 10645/ΓΔ4/2018, Article 14

⁵³ Law 4540/2018, Article 10 which includes an additional Article 10A to existing Law 4375/2016.

1. The health, including mental health, of applicants in detention who are vulnerable persons shall be of primary concern to national authorities. In cases of detention, the competent authorities shall ensure regular monitoring and adequate support taking into account their particular situation, including their health and shall take measures to ensure that:

a. Minors are detained only as a measure of last resort, always in accordance with their best interests, and after it having been established that other less coercive alternative measures cannot be applied. Such detention is for the shortest period of time and all efforts is made to release the detained minors and place them in accommodation centers suitable for minors and never in penitentiary institutions. In any case, the period of time to complete the referral procedure of the minors to accommodation centers cannot exceed twenty five (25) days. If, due to exceptional circumstances, such as a significant influx of the number of minors that arrive in Greek territory, despite the efforts of the competent authorities, the safe placement of the minors has not been effectuated in the above mentioned period of 25 days, detention can be extended for a period of twenty (20) days.

b. The unaccompanied minors are detained separately from adults.

c. The unaccompanied minors have the possibility to engage in leisure activities, including play and educational and recreational activities appropriate to their age.

- *In practice* however, unaccompanied minors remain in detention for the full forty five (45) days and while in detention, they are not represented by a guardian or any other person that could guarantee their rights and inform them on the procedural matters.

9. Concluding remarks - recommendations

Based on the analysis provided above, some remarks can be drawn on the effectiveness of the current system on Guardianship in Greece. As far as the implementation of the existing legal framework is concerned, it is evident that is lacking greatly in providing safeguards for the unaccompanied minors found in Greek territory. The fact that the competent authorities do not - at any time - initiate the appropriate procedures for appointing a guardian to the identified unaccompanied minors, so that they can be represented through every legal procedure and so that they can be guaranteed access to health services, education, family unity, etc -depending on their individual needs-, poses a significant hindrance in the child protection system. The competent Public Prosecutor who automatically acts as provisional guardian to all minors found in their jurisdiction evidently cannot properly serve this role and as a result, roughly only the UASC who have better accommodation conditions (shelters) are actually represented through the scientific staff of NGOs and associations involved in these programs.

The UASC themselves do not recognize the Public Prosecutor as their institutional guardian and do not even know their assigned duties, but recognize the Greek State in general as responsible for them. However, it is the NGO staff they trust to ensure their rights, as well as their access to health services, educational services, emotional and psychosocial needs and bureaucratic and administrative issues.

The representatives of the UASC, meaning the NGO staff that is authorized by the competent Public Prosecutor to represent the UASC in specific procedures, consider the provision of psychosocial support and guidance through the asylum procedures as the minors' major needs. They recognize a generally effective representation of the minors as far as the psychosocial support and healthcare is concerned, while they identify their own inability to deal with extra vulnerable cases, such as psychiatric ones, and the many state deficits in the provision of services (interpretation, legal, monetary, education) as the basic difficulties they face in the representation of the UASC.

Generally speaking, there is an overall problematic system of representation of the UASC under the current legal framework, as is thoroughly presented in this report, which illustrates a difference between the existing legal provisions and the actual practices in the implementation of the law. However, along with the detailed results of the focus group, the interviews with all, this report provides some insight and can offer recommendations on how the new law on guardianship must be realized in an effective way.

It is thus important to stress the crucial role of the Public Prosecutor for Minors or the Public Prosecutor at First Instance, respectively, for the appointment of a relative as guardian or a professional guardian. Given the newly enacted provisions of Law 4554/2018, it is proposed that specific Prosecutors should be appointed for this task i.e. in regard to the successful completion of all necessary actions for safeguarding the protection of the best interest of the minors. This measure should be implemented in regions where most minors are found, i.e. Athens, Piraeus, Thessaloniki, as well as in hotspots - safe zones on the islands of Chios, Lesbos, Samos, Kos, as entry points in Greece. These Prosecutors must be specially trained in child protection and they should be well informed about refugee populations and their needs. This way they will be in a position to evaluate-at all times- the true needs of the children and assess who is the most suitable person to be appointed as their guardian.

At the same time, the appointment of professional guardians is a key issue for the establishment of an effective mechanism for the protection of the best interests of the child. In this respect, the creation of a national record for guardians is a challenge for the competent authorities (National Center for Social Solidarity - EKKA), so that suitable and well-trained professionals can be appointed nationwide at all times. Therefore, the continuous training of these guardians is an issue that should be properly addressed from the State.

Professional guardians should possess the necessary expertise and experience, but should also have specialized training in issues of child protection, child development and child psychology, as well as trafficking in human beings and gender based violence by relevant experts in the field, they should understand and accept cultural differences and have good knowledge of the national mechanism of child protection, and have sufficient knowledge of the legal framework and particularly of issues relating to detention and international protection.

Additional training tools/guiding principles, such as a Code of Conduct, Guidelines and a Practical toolkit should be provided to Guardians from the competent State authorities. Moreover, regular psychological support should be provided to the Professional Guardians by an independent agent, as well as interpretation and legal aid services should be made available to them, in order to effectively ensure the rights of the UASC they represent.

It is proposed that professional guardians to be provided with a monthly allowance that they will personally give to each unaccompanied minor in order to cover his/her expenses, at least until the minor is placed in an Accommodation Centre for Unaccompanied Minors (and only if in these programs there

is a pocket money process). Guardians could then, at the end of month, submit a list of all expenses incurred in this context to EKKA. This way, the integration process of the minors is encouraged and the minors themselves become more responsible.

With regard to the number of unaccompanied minors that each professional guardian should be appointed, this must be clarified in the Law, since a relationship of trust between the guardian and the unaccompanied minor needs to be established in all cases. In order for a professional guardian to be able to provide qualitative services in this context, it is believed that he/she should be appointed to a specific number of unaccompanied minors (ideally 5 to 10 as it was already suggested and any case scenario no more than 15, but always according to an assessment of the cases as multiple vulnerable cases for instance need more time to work with , such as victims of trafficking, SGBV, psychiatric cases etc.). It is also suggested that the professional guardians have a minimum three (3) year fixed term of service, so that they can provide a sense of stability and safety to the UASC they represent.

The operation of a centralized supervisory board for the evaluation and determination of the best interest of each unaccompanied minor, following the guardian's proposal, seems dysfunctional and bureaucratic. Similar bodies must be established in areas where large numbers of unaccompanied minors are traced (big cities and on the islands) in order to have better results. This way, better communication between guardians and the supervisory board is ensured in practice.

Last but not least, it should be very clear that the work of the professional guardian is depended on a variety of other aspects that in Greece are not still solved, such as the accommodation places for UASC; Therefore, the effort should be made with Ministries involved.

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18. Law 4540/2018, Article 2-e
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23. The provisions of Law 4554/2018 will take effect once the Operating Regulation of the supervisory board for guardianship is officially issued by the Social Solidarity of National Solidarity (EKKA), and approved by the Ministry of Labor
24. Greek Civil Code, Articles 1589-1655
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26. Indicatively, Decision No 8289/2017 issued by the Court of First Instance of Thessaloniki, Decision No 2791/2017 issued by the Court of First Instance of Athens.
27. Presidential Decree (P.D). 220 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers (Official Journal of the European Communities L 31/6.2.2003), Article 19.1

28. Law 4554/2018, Insurance and pension arrangements - Tackling undeclared work - Enhancing worker protection – Guardianship of unaccompanied minors and other provisions, Official Government Gazzette Vol. A' 130/18.07.2018.
29. Law 4554/2018, Article 14
30. Article 1592 of the Greek Civil Code provides for the appointment as Guardian by the court of the following persons in order of precedence: 1. the adult spouse of the minor, 2. the person or legal entity appointed in a will or declared to a notary or to a justice of the peace by the parent who was holding parental care at the time of declaration or their death, 3. any other person whom the court considers suitable, preferably from among the closest relatives of the child
31. Law 4554/2018, Article 17
32. A guardian is already considered a representative of the unaccompanied minor according to the provisions of Law 4375/2016.
33. According to articles 36 and 45 of Law 4375/2016, a minor who is over 15 years old, can personally lodge an asylum application.
34. According to Article 1647 of the Greek Civil Code, as it applies, *“Before any decision from any organ of the guardianship process, this must, according to the maturity of the minor involved, listen to his/her opinion”*.
35. Law 4554/2018 Article 19 par. 6
36. Law 4540/2018, Article 22
37. Law No 4375/2016, Article 14.9
38. Joint Ministerial Decision 1982/16.2.2016 (O.G. B' 335)
39. Law No 4375/2016, Article 45
40. Currently there are 51 UAC shelters in operation in Greece with total of 1.125 places (as of 15.06.2018)
41. Safe Zones are designated supervised spaces within accommodation sites which provide UAC with 24/7 emergency protection and care. They should be used as short term (maximum 3 months) measures to care for UAC in light of the insufficient number of available shelter places. Safe Zone priority is given to UAC in detention as well as other vulnerable children, in line with their best interests. Currently there are 10 Safe Zones for UAC in operation in Greece with total 300 places (as of 15.06.2018)
42. Hotels are emergency accommodation spaces being used as a measure to care for UAC in light of the insufficient number of available shelter places. Priority is given to UAC in Reception and Identification Centers. . Currently there are 12 Hotels for UAC in operation in Greece with total 550 places. (as of 15.06.2018)
43. Currently in Greece there are 4 SIL apartments for UAC older than 16 years old with total 16 places (as of 15.06.2018)
44. According to Ministerial Decision Ref.No. Π2δ/Γ.Π.93510/28-7-2011 (Government Gazette 2016 τ.Β'/9-9-2011) which is further specified with the document Ref.No . Α. Π. Π2δ/ Γ.Π. 21299 issued by the Ministry of Health and Social Solidarity.
45. Official data from EKKA, last update on 15.06.2018).

46. Law No 4375/2016, Article 36.8-10
47. Law No 4375/2016, Article 45
48. <http://www.asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/legal-representation>, last accessed on 30.06.2018
49. These rejections on procedure are (a) due to implementation of the safe third country principle (Re-admission procedures), (b) due to acceptance by another member state (Dublin III Regulation), (c) due to acceptance by another member state (Relocation Program), (d) in the context of subsequent asylum applications, (e) due to technical reasons
50. These decisions include acts of discontinuation and withdrawal that have not been reversed.
51. Law No 4540/2018, Article 13
52. Ministerial Decision No 10645/ΓΔ4/2018, Article 14
53. Law 4540/2018, Article 10 which includes an additional Article 10A to existing Law 4375/2016.

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