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Dissertation

Title of thesis: Exploring and evaluating legal practices in Greece and EU aiming to protect unaccompanied refugee and migrant minors, to prevent victimization of human trafficking and exploitation and safeguard these children's Human Rights.

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Abstract

Greece's geographical position made it a pathway and a host country for thousands of unaccompanied minors who enter its borders either as a destination nor as a way to reach Europe for better living conditions. The separated and traumatized children face a lot of obstacles in their attempt to enter Greece and the need to receive adequate help, support and safety.

Greece has ratified a series of International Conventions for the Protection of the Child, many EU laws and a series of legislative practices to deal with this urgent situation. In practice, the malpractices of the Greek system lead into poor living conditions, fear and un safety and therefore fundamental rights are seen to be violated. In Greek reality, the lack of coherent, long term and comprehensive policies for the protection and support of unaccompanied minors in Greece cannot guarantee their Human Rights. Therefore, the need for adequate measures is evident.

This conceptually oriented study focuses on the examination of the International, EU and National laws that have been ratified and believed to be in action to safeguard a series of unaccompanied refugee and minor's rights and minimize the risk of exploitation. Additionally, this literature review will focus on the evaluation of every day practices to examine their adequacy. Then, there will be an attempt to identify malpractices which affect negatively the living conditions of URMIC with an aim to show the fallacies of the system for reformatations. Furthermore, positive actions will be highlighted, actions that can become a promising example in practice. Finally, the identification of fields that need improvements and alterations can become beneficial for the children in need, a very vulnerable population who has to be secured and protected if we want to continue name ourselves Humans.

Keywords:

unaccompanied minors, legal framework for protection, malpractices, positive practices, living conditions, exploitation.

Περίληψη

Η γεωγραφική θέση της Ελλάδας την μετέτρεψε σε ένα μονοπάτι για τις χώρες της Ευρώπης αλλά και σε χώρα προορισμό για πολλούς ασυνόδευτους πρόσφυγες που εισέρχονται στη χώρα είτε σαν σε χώρα προορισμό είτε σαν έναν τρόπο για να φτάσουν στην Ευρώπη. Αυτά τα ασυνόδευτα και ευάλωτα παιδιά αντιμετωπίζουν πολλές δυσκολίες στην προσπάθειά τους να εισέλθουν στη χώρα μας σε αναζήτηση καλύτερων συνθηκών ζωής και χρειάζονται βοήθεια, υποστήριξη και ασφάλεια.

Η Ελλάδα έχει επικυρώσει μια σειρά από Διεθνείς Συμβάσεις για την προστασία των παιδιών, πολλούς ευρωπαϊκούς κανονισμούς και έχει πάρει μια σειρά από νομοθετικά μέτρα για να αντιμετωπίσει αυτή την επείγουσα κατάσταση.

Στην πράξη, οι αστοχίες του συστήματος έχουν οδηγήσει σε κακές συνθήκες ζωής, φόβο, ανασφάλεια κι έτσι βασικά δικαιώματα αυτών των παιδιών παραβιάζονται. Στην ελληνική πραγματικότητα, όπου δεν υπάρχει σταθερότητα και ολοκληρωμένες στρατηγικές για την υποστήριξη των ασυνόδευτων προσφύγων δεν υπάρχουν εγγυήσεις για τα Ανθρώπινα Δικαιώματα. Γι' αυτό και η ανάγκη για κατάλληλα μέτρα είναι έκδηλη.

Αυτή η εννοιολογικά προσανατολισμένη μελέτη έχει ως στόχο της να εξετάσει τις Διεθνείς, Ευρωπαϊκές και τις Ελληνικές νομοθετικές ρυθμίσεις που έχουν επικυρωθεί και πιστεύεται ότι βρίσκονται σε ισχύ με στόχο να υποστηρίξουν και να διαφυλάξουν τα δικαιώματα των ασυνόδευτων προσφύγων και να αποφευχθούν φαινόμενα εκμετάλλευσης. Επιπλέον, αυτή η βιβλιογραφική μελέτη θα εστιάσει στην εξέταση των πρακτικών που εφαρμόζονται σχετικά με τις συνθήκες ζωής των ασυνόδευτων προσφύγων με στόχο να εντοπίσει αστοχίες του συστήματος για να σχεδιαστούν κατάλληλες μεταρρυθμίσεις. Επιπρόσθετα, θετικές πρακτικές θα αναδειχθούν, πρακτικές που θα μπορούσαν να αποτελέσουν πολλά υποσχόμενες πρακτικές για το μέλλον. Τέλος, η ταυτοποίηση τομέων που πιθανόν να χρειάζονται αλλαγές θα μπορούσε να είναι ευεργετική για αυτά τα παιδιά που βρίσκονται σε μεγάλη ανάγκη, έναν πολύ ευάλωτο πληθυσμό που είναι αναγκαίο να προστατευθεί στο όνομα του Ανθρωπισμού και των αξιών.

Λέξεις κλειδιά:

ασυνόδευτοι πρόσφυγες, νομικό πλαίσιο για προστασία, αρνητικές πρακτικές, θετικές πρακτικές, συνθήκες ζωής, εκμετάλλευση.

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List of Abbreviations

E.K.KA: National Emergency Response Mechanism

EU: European Union

ICC: International Convention of the Child

IPA: Institute of Public Administration

IRC: International Rescue Committee

NGO: Non Governmental Organization

RSA: Refugee Support Aegean

UAM : Unaccompanied Minors

UMRC: Unaccompanied refugee migrant children

UNHCR: United Nations High Commissioner for Refugees

1. Introduction

The last decades the European Union faces a great humanitarian crisis which seem to escalate due to wars and the climate crisis (UNHCR, 2020). The great number of unaccompanied refugee and migrant minors (EU, 2018) can be seen as a primary challenge for the EU as in many cases it is almost inevitable for the EU countries to incorporate a series of practices to secure under age unaccompanied refugees and migrants and protect them from human trafficking and exploitation. Therefore this humanitarian crisis has challenged the EU protection systems and arose the need for reformations in their legal and child protection systems.

The Greek legal system has faced the challenge of the protection of a great number of unaccompanied refugees and migrants who enter its borders in an attempt to reach Europe (European Website on Integration, 2022), as Greece plays the role of the 'pathway' for reaching Europe. A series of important legal acts, such as the International Convention, the EU legal acts and the Greek laws dictate that systems should secure and work for the interests of the child to safeguard human rights. The question which arise, though, is to which extent the legal practices followed in action by the EU member states can secure unaccompanied minors' rights and prevent their victimization.

The purpose of this study is to cross examine the legal practices followed by the Greek Ministry of Refugees and Asylum, to identify possible flaws and malpractices and highlight any necessary improvements for the protection and preservation of Children's' Human Rights.

A series of conducted studies show evidence about the vulnerability of URMIC entering Greece (Kallinikaki, 2023; IOM Greece; Melissourgou, 2023). Studies conducted by UNICEF and the European Parliament show that the life conditions for unaccompanied minor and refugee children remain under question and can -in many cases- characterized as inadequate for protecting these children. Homelessness, Criminalization, deficiencies on the Guardianship system and difficulties and obstacles into the asylum seeking procedures left these children unprotected and raise the risk for exploitation and victimization.

Many international and EU organizations make amends for the challenging situation within Greek borders, the vast number of UAM who enter Greece and seek for asylum and protection. The challenges that Greece as a State are enormous, as the complicated needs of these traumatized and highly vulnerable children should be met within extremely difficult conditions, and the existent system and approaches are under question whether are capable to address these children's needs (Buchanan & Kallinikaki, 2018).

The living circumstances of unaccompanied refugees and minors in Greece have been negatively criticized and the services provided are unable to provide appropriate care and provision (Kallinikaki, 2023). Fluid insecurity make the lives of these children miserable and enhances the risk for exploitation and victimization (2024). The recent Greek migration policies are found unable to provide quality living conditions and this challenges the whole migration system and the design of the protection systems not only in Greece but also within EU and raises questions about the ability to secure fundamental Human Rights and secure their protection (Fili, 2017).

Poor quality life conditions, criminalization and detention centers (Papadopoulos, 2021) challenge the applicability of the International Conventions and the legislative acts that have been into action for the protection of a extremely vulnerable group of children who are not seen to be addressed as they should according to the Law.

This study will focus on legal practices used within Greece to preserve and protect the rights of the unaccompanied migrants and refugees under the age of seventeen and to compare them with the European ones to identify the need for possible improvements.

Literature research will be used to analyze and examine legal practices on the field used in Greece and then a comparison will take place with the European legislation to identify possible legal practices that need clarification for the safeguard of the human rights of the accompanied refugees and migrants. Then there will be an examination of the implementation of the practices in action to examine their ability to protect unaccompanied refugee and minors and safeguard their rights in everyday life. Flaws in their identification will be analyzed and recommendations for further support and improvement on the field will be made.

The significance of the study is crucial for the clarification of the impact of EU legal practices on the everyday life of unaccompanied refugees and minors, and the identification of possible alterations that may be needed in the legal protection of hundreds of extremely vulnerable unaccompanied minors. This research can also become a starting point for further examination and research on this field, which can lead into better evaluation of the practices in use and into actions for the enhancement of the practices which are applied for the protection and non-victimization of many children nowadays not only within Greece but also within the EU.

“The refugee crisis is also a crisis of refugee children” and *The silence in the face of so many missing persons can be heard very loudly* (Human Rights Channel, 2020).

2. Methodology

This section points out the methodology in use for this dissertation report. Specifically, it presents the research instruments, the analysis tool, and the ethical considerations. Finally, it analyses the validity of the research and the limitations.

2. 1. Research Aims and Questions

To achieve the research goals and analyze the research topic, the present study is qualitative research approach and specifically uses the literature review method.

A literature review can broadly be described as a more or less systematic way of collecting and synthesizing previous research (Snyder, 2019). According to Webster and Watson (2002) an effective and well-conducted review as a research method creates a firm foundation for advancing knowledge and facilitating theory development.

It can also help to provide an overview of areas in which the research is disparate and interdisciplinary. In addition, a literature review is an excellent way of synthesizing research findings to show evidence on a meta-level and to uncover areas in which more research is needed, which is a critical component of creating theoretical frameworks and building conceptual models (Snyder, 2019).

To become more explicit, the research was based on three main axes:

- i) the legislation on the field,
- ii) the implementation in practices of those legislation acts
- iii) the negative and the positive features and how these affect the URM's lives.

The study has the following research questions as its key components:

- ✓ Which legal practices are followed in Greece to state an unaccompanied refugee and migrant minor?
- ✓ Which are the legal practices followed by the Ministry of Migration and Asylum for the protection of unaccompanied and separated minors in Greece?
- ✓ To what extent do legal practices identify the complex needs of underage unaccompanied refugees and migrants?
- ✓ To what extent are the legal practices able to protect the vulnerable ones based on previous research on the field?
- ✓ Can we present improvements based on the European research on this field?

What need was aiming to fulfill?
1. Understand the legal practices in action
2. Try to evaluate the way legal actions are implemented in practice
3. Examine the quality of the methods imposed in practice
4. Identify positive practices
5. Identify malpractices
6. Propose further research and alterations in practice

2.2. Research Design and Methods

The methodology chosen to examine the research questions of this dissertation report is a small scale literature review focusing on journal articles, books, which are related to the specific topic of UMRC in Greece.

Data were decided to be collected by the use of Internet databases focusing on recent published articles, books or scientific journals which analyze the themes and the research questions.

Afterwards a critical reading, comparison and analysis of the data collected took place and a critique on the grounds of credibility of the organization or the scientific foundation that was publishing the scientific data. Also, the collected data were selected for their relevance and they should be recent.

Citations of the data were also examined as important as they believe to credit the data published.

This method was chosen to outline important everyday practices that affect URM's lives and identify potential gaps in knowledge. Also, the gathering of the existing knowledge on the themes was found of utmost importance as it could highlight certain needs and establish future research projects on the themes. Strengths and weaknesses on the application of the International laws, Conventions and EU and State practices could be very beneficial in practice, as it could become a pathway for specific improvements on crucial fields that affect the everyday lives, the quality of support and become a ground floor for the design of specialized improvements that could be beneficiary for thousands of young children in need. The Humanitarian consequences in the identification of gaps and malpractices was seen as crucial and worthy.

Research scope: The scope of this study focused on under age 18 refugee and migrant children who enter the Greek borders without legal documentation.

Structure :
The research was based on three main axes
1. the legislation on the field,
2. the implementation in practice of those legislation acts,
3. the negative and positive features and how these affect URMCI lives.

Specific Inclusive criteria

1. Recent published articles, books or scientific journals which analyze the themes and the research questions.	5. Analyzing life conditions of URMCI within the Greek borders
2. Relevancy on the analyzed themes	
3. Number of citations	
4. Focusing on the Greek reality	

2.3. Data analyses

The design of this small scale research method focused on web searching information relevant to the research questions. A critical analysis of the data collected took place. Then, a synthesis of the outcomes was made to identify the strengths of the methods implied to address the URMCI's needs. The use of critical analysis was expected to identify fields that need alterations to comply with the International, EU and Greek State laws.

Keeping in mind that the data collection for this small scale literature review were mostly qualitative and secondly numerical, it was needed to organize the data in thematic subsections and then synthesize and analyze them into a structured and clear way to be easily understood. Therefore, subsections were created to present the data collected into a more clear and easy accessible way, in order to become able to reach into conclusions on the research questions posed.

2.4. Ethical Considerations

As the chosen research method for this small scale research was the literature review there were few ethical considerations on the field. For the conduction of this research, there was no immediate involvement with children or carers or people in charge so there were no participants to respect their autonomy and privacy.

Secondly, it was ensured that the benefits of this research outweigh any potential risks as the main purpose of the research was not only to identify possible flaws on the system but also to be based on them and propose positive practice and alterations for the benefit of unaccompanied refugee and migrant children. Finally, the data collected would tried to be from scientific and eponymous databases and organizations, in an attempt to ensure fairness in the research process.

2.5. Limitations

It is clear that this small scale literature review cannot incorporate all the publish research on the fields focusing on the designed research questions, so further analyses on the fields are expected to be needed. On the other hand, this small scale research would try to highlight some trends, some possible fields that need improvements and to understand whether the legal acts that are unleash by the EU and Greek State can in practice secure the high demanding needs of this vulnerable part of the refugee and migrant population. The main purpose of the research is not to highlight the malpractices but to find fields that need improvements and by this ethical criterion become a starting point in which fields the practices in use should change to provide better support, life conditions and opportunities to URM. Also, it may become beneficial if it can propose some positive practices that can be incorporated to help those children in need.

3. The Outcomes of the Literature Review Research and Analysis

3.1. The Legal Framework

Humanitarianly speaking the vulnerability and the need for special provision and protection of Unaccompanied refugee and migrant children (hereinafter URM) cannot be under question. Unaccompanied refugees and migrant minors are at great risk due to their age, the distance from home and their separation from parents and carers. These characteristics make them at high risk for exploitation and human trafficking. Therefore, they are seen as a priority for protection worldwide and within EU borders (HRW,2019).`

The protection of unaccompanied children is covered by a range of rights at international, regional and national level and laws focused on the best interest of children, as shown in Figure 1. The United Nations Convention in the Rights of the Child (1989) can be regarded as the basis of any legal act for the protection of URM. Gradually, the European Union has set into action a series of legal acts for the provision and better protection on behalf of these children.

Also, many legal reformations have taken place within EU to address the complicated needs of all unaccompanied minors who enter its borders every year in an attempt to enhance living conditions and better protection by a series of threats, such as wars, civil wars, exploitation, violence, hunger and forced labor. Keeping in mind that EU Member States are obliged to align with EU regulations but they can address legal and policy frameworks to ensure protection for the URM who enter their borders either as a destination either as portals for further travelling within EU borders, differentiations among practices

<i>The United Nations System</i>	<i>The Council of Europe</i>	<i>CEAS</i>	<i>Main Framework</i>	<i>National</i>
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can be seen within EU member states. Therefore, the series of legal acts which protect URM can be divided in four major sectors according to the legal institution, as shown in Figure 1. Greece has ratified major International acts for the Protection of Children and unaccompanied minors.

<p>Convention of the Rights Of The Child,</p> <p><i>ratified by Greece in 1993</i></p>	<p>European Convention On Human Rights</p>	<p>EU Directives 2011/95 which Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted</p>	<p>Codifying Law 4636/2019 on International Protection</p>
<p>Greece has ratified all major UNHR treaties:</p> <ul style="list-style-type: none"> • Genocide Convention • ICCPR which obligates countries that have ratified the treaty to protect and preserve basic human rights, • ICESCR, the International Convention on Economic, Social and Cultural Rights • CEDAW, The Convention on the Elimination of All Forms of Discrimination Against Women • CAT, The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment • CRPD, The Convention on the Rights of Persons with Disabilities • ICPPED, The International Convention for the Protection of All Persons from Enforced Disappearance 	<p>Revised European Social Charter, a treaty to protect socio-economic rights</p> <p>Lanzarote Convention, for the protection of children against Sexual exploitation and abuse</p>	<p>L. 2013/32 on Asylum procedures</p> <p>L. 2013/33 on Reception conditions which found transposition into the Greek Legal Order by P.D. 141/2013</p> <p>L. 4375/2016 on common procedures for granting and withdrawing international protection, and includes provisions on resident permit (Article 22) for Humanitarian reasons. By this Law the General Secretariat of Reception is established It also refers to: the Organization and operation of the Asylum Service, the Appeals Authority the Reception and the Identification Authority</p> <p>L. 4540/2018 Establishing Standards for the Reception of Applicants for International Protection</p>	<p>Amended by L. 4686/2020</p>

The Committee on the Rights of the Child is the main legal instrument on the protection of children under international law. The General Comment No.6 (2205) which refers on the Treatment of the Unaccompanied and Separated Children outside their country of Origin and General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence is the general and ground framework for the protection of all unaccompanied and vulnerable children worldwide.

The EU Council and the Member States representatives have adopted the conclusion on the protection of children in migration (EU, 2017). Under these conclusions, all EU Member States reassure that children in migration have the right to be protected and are responsible to take measures to:

- ✓ carry out all subsequent procedures upon arrival to protect age and gender based vulnerable children,
- ✓ ensure that all children have access to healthcare and psychological support based on their needs regardless their status,
- ✓ ensure that all children will have access to inclusive formal education,
- ✓ ensure that a range of alternative care options for unaccompanied refugees and migrant minors will be provided, such as foster care and family based care,
- ✓ integrate child protection policies in all reception facilities and provide access to a person responsible for the child protection,
- ✓ in reception an appropriate and effective monitoring system will be present to address children's' needs.

Figure 2. Legal Framework for the Legal System referring to Unaccompanied Refugees and Migrant Minors

United Nations Convention for the Rights of the Child	European Union's legal framework	Member States Legal and Policy Acts
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Greece and the European Union unleashed a series of legislation acts to comply with International laws, support and protect the great number of unaccompanied children who enter the EU borders (NERM,2022). Better identification and quick measures to help children in need are dictated by the great migratory pressures of the last decades, the complex mixed migratory flows and the great numbers of unaccompanied refugee and migrant minors. The Charter of Fundamental Rights in EU has set common standard operating procedures to provide the necessary care and support and find solutions for this vast crisis situation.

Due to the fact that unaccompanied children need specific care and protection as they are at risk of having witnessed extreme forms of violence, exploitation, trafficking, physical, psychological and sexual violence, they are at risk of being marginalized and drawn into criminal activity, a series of laws were established for the best interest of these children, as shown in Figure 3.

Specifically:

- ✓ according to Law 2013/33 unaccompanied refugees and migrant minors should be placed in accommodation suitable for their age, and should be appointed a guardian or representative,
- ✓ Asylum Procedures Directive (2013/32/EU) dictates that unaccompanied refugee and migrant minors should receive adequate protection, they should be assigned a representative, and that priority should be given to their asylum applications (euaa,2019),
- ✓ Dublin II Regulation (604/2013) establishes criteria and mechanisms by which the Member States are responsible for examining an asylum application and

- ✓ the Directive on Family Reunification (2003/86/EU) clearly states that the family reunification for migrants recognized as refugees should be facilitated and that unaccompanied minors have the right to bring their first-degree relatives to the host country.

Additionally, the Reception EU Directive (2013/33) referring to provisions for vulnerable persons in Chapter IV and especially articles 21,22, 23 and 24 sets a basic level of reception conditions that should be guaranteed for all children as they are a vulnerable group and need appropriate protection.

In particular:

- ✓ Article 21 engulfs unaccompanied refugees and migrant minors in the special categories of vulnerable applicants for international protection and EU Member States are obligated to take into account the specific situation of these children.
- ✓ Article 22 refers to the need for the assessment of the special reception needs of vulnerable persons, and
- ✓ article 23 makes clear that the child's best interests are of utmost importance. Finally,
- ✓ article 24 refers specially to unaccompanied children and establishes rules for their reception and treatment in an attempt to secure their early identification and their early meet of needs.

The above ground floor EU legislation acts refer to fundamental rights for unaccompanied refugees and migrants minors, and should be followed by Member States to address URMIC's needs.

3.2. Greek legal acts to secure unaccompanied refugees' and migrant minors' Right

Greece - as a Member State of the EU- aligns with the EU Directives Regulations and has taken action for providing further support to children on the run. The Greek Parliament has voted a series of Law acts to secure Human Rights and provide special care to unaccompanied children. It also has funded specific organizations and mechanisms to protect and care for children who are susceptible to exploitation and human trafficking as they are not accompanied by an adult parent in their long journey for seeking better life conditions, as shown in Figure 4.

Greece has incorporated a series of International laws to secure basic rights of the URMIC, such as:

- ✓ the Convention on the Rights of the Child (UN General Assembly, 1989),
- ✓ and the EU Directives laws 2011/95, 2013/32 on asylum procedures,
- ✓ Law 2013/33 on transportation onto the Greek legal order by P.D. 141/2013,
- ✓ Law 4375/2016 and
- ✓ Law 4540/2018

Specifically, Law 3907/2011 refers to specific provisions and establishes an Asylum Service and First Reception Service not only for the aid of unaccompanied minors but for the aid of all migrants in general. This act also includes an identification and protection of unaccompanied refugees and migrant minors from the first point of entry, in an attempt to secure early identification in order unaccompanied refugee and migrant minors to receive the special treatment they should be given.

Presidential Decree 220/2017 specifies that unaccompanied minors should be provided with appropriate accommodation and care, and Law 4375/2016 reforms the Asylum Procedure to align with the EU Asylum Department Directive. This law reinforces the need for appropriate appointments of guardians and representatives for the unaccompanied minors. The Greek National Center for Social Solidarity (EKKA) is responsible for managing shelters and safe zones within refugee camps especially for unaccompanied minors.

It is evident that a series of legal practices are followed by the Ministry of Migration and Asylum for the protection of unaccompanied and separated minors in Greece which align with the EU legislation and are made to serve the best interests of the child.

Moreover, the Greek Government acknowledged the complex needs of these vulnerable children and has taken measures to comply with EU legislation on the above fields. Ministry of Migration and Asylum for the protection of refugees and migrants in general and of unaccompanied and separated minors in Greece was established on January 2020 acknowledging their complex needs. Law 4960 was made in July 2022 to create a national guardianship system in Greece and give space to an adequate framework for the accommodation of URMIC who enter Greece either as a portal for Europe nor for seeking Asylum in Greece.

Furthermore under Greek law, any authority detecting the entry of unaccompanied refugee and migrant minor and of an unaccompanied and separated child in general into Greek territory is obliged to inform the closest Public Prosecutor's office and Special Secretariat for the Protection of the Unaccompanied Minors (GG, 2019). Law 4756/2020 established by the Directorate for the Protection of the Child and The Family of the Ministry of Labour and Social Affairs in collaboration with EKKA as the responsible authority of guardianship of unaccompanied children.

Greek government acknowledging the vulnerability of the unaccompanied refugee and migrant minors, and willing to provide protection and care to this extremely vulnerable population has established **the General Secretariat for Vulnerable Persons and Institutional Protection**, a competent authority for all the issues regarding the unaccompanied minors in the country, which has as its strategic objective the planning, implementation and supervision of the National Strategy for the protection of unaccompanied minors (Presidential Decision 77/2023),

which is responsible for:

- ✓ designing and implementing interventions to improve the quality of service provided to minors,
- ✓ supports service providers and staff in their roles,
- ✓ maintain the register of hosting centers and
- ✓ supervise apartments for unaccompanied minors.

Figure 3. Fundamental Greek Legal Acts for the Protection of Unaccompanied Refugee and Migrant minors

Laws 2011/95 and 2013/32 on asylum procedures,
Law 4375/2016 reforming the Asylum Procedure and referring to guardianship,
Law 2013/33 on transportation onto the Greek legal order by P.D. 141/2013,
Law 4756/2020 referring to the responsible authority of guardianship of unaccompanied children,
Law 4960/2022 creating a national guardianship system in Greece and framework for the accommodation

Figure 4. Greek Ministry Official authorities for the Aid of Unaccompanied refugee and migrant minors

Ministry of Migration and Asylum for the protection of refugees and migrants	The General Secretariat for Vulnerable Persons and Institutional Protection	Directorate for the Protection of the Child and The Family of the Ministry of Labour and Social Affairs
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3.3. Policy Conditions for the support of unaccompanied and separated children

The Special Secretariat for the Protection of Unaccompanied Minors has been established in February 2020 by the Presidential Degree 18/2020. It is the national authority for the development, the implementation and the supervision of a National Strategy for the Protection of Unaccompanied in Greece and it is designed to coordinate and supervise all actions taken by other competent authorities, agencies or organizations. In order to ensure the protection and well-being of third-country nationals and stateless individuals, the Special Secretariat is responsible to initiate and implement policies and actions to secure the interests of unaccompanied or separated minors in Greek territory.

The articles 32 and 60 of Law 4636/2019 set out Special Secretariats' responsibilities and refer to the management of accommodation and relocation requests for unaccompanied minors, the monitoring and evaluation of accommodation facilities and supervised apartments and the promotion of social integration of unaccompanied minors and their statutory protection.

Children for third countries can be also placed in child care institutions only in cases where their parents are deprived of their parental care in Greece, or in cases where children are very young or their have a disability.

Specific laws referring to:

a) Care arrangements for unaccompanied and separated children from foreign countries, in which unaccompanied refugees and minors are included:

✓ Article 32,41, par. 3,71, L. 4639/2019 outlines the steps to arrange care placement for unaccompanied minors,

b) Legal guardianship

✓ As far as unaccompanied refugees and minors are concerned the guardianship is transferred to the Special Secretariat for the Provision of Unaccompanied Minors in the Ministry of Migration and Asylum (Art 3 PD70/2021 A' 161).

✓ There is a specific referral form from the National Emergency Response mechanism in order to facilitate the identification and registration of unaccompanied minors. The mechanism is responsible to verify unaccompanied minors family links and provide documentation to the public prosecutor who acts as a temporary guardian. The unaccompanied minors who are spotted are provided appropriate child living conditions and psychological support, the necessary representation and legal options by the mechanism. December 2020 the Special Secretary for the Protection of the unaccompanied minors has established this Emergency Response mechanism

✓ to address the needs of homeless or in danger, unidentified or in living under inappropriate conditions and to provide the appropriate care to them.

✓ there is a trace line for the identification and tracking children in need, it provides guidance and explains steps and actions that have to be taken from the point of identification in order to be included in emergency accommodation (2022).

Furthermore, after the 2015 migratory crisis and the 2020 increased migratory pressure in the external borders with Turkey, the Greek Government has taken further measures and asked EU support. The EU addressing the complex needs of unaccompanied refugees and migrant minors and accepting Human Rights Organizations' declarations for difficult conditions in which these children are living within the Hot Spots in Greece, tried to minimize the protection gaps for the benefit of these children.

Except from the establishment of the Special Secretariat for the Protection of Unaccompanied Minors, a new relocation scheme has been launched (EPRS,2020). The lack of a coordinated and long term planning for the reception and protection of Unaccompanied Minors in Greece was identified as the authorities corresponded to the crisis with temporary camps, temporary accommodation, hotels measures that can be seen as ad hoc and short-term measures (EPRS, 2020).

The European Commission, in correspondence to Greece's invoke of the Article 78(3) of the Treaty on the Functioning of the European Union and the presentation of the need for full support from European Union to address the demanding need on migration crisis, launched an action plan to support Greece (European Commission, 2020)

4. Crisis in Practice

According to the International Committee of the Red Cross, unaccompanied refugee and migrant children are children who have been separated from both parents and other relatives (ICRC,2020) and consist the most vulnerable population within the refugee and migrant population in Greece (Refugee Support Aegean, 2019). RSA organization also mentions that until 2019, 1,836 unaccompanied children were reported under long term or temporary accommodation, 1,660 of them found living in reception and identification centers, 260 under protection custody, 160 in open temporary accommodation facilities and 1.246 in insecure housing conditions. Since July 2024 more than 2.000 unaccompanied and separated children have entered Greek borders, a number that expresses the seriousness of the situation (Wallis, 2019).

The European Parliament (2022) stated that many Human Rights Organizations have underlined the dangerous and inhuman conditions in which unaccompanied minors have been living in the Greek hot spots. Recent legislative changes, such as the establishment of the Special Secretariat for the Protection of the Unaccompanied Minors and a new relocation program were designed to improve the effectiveness of the child protection system.

The above acts are indicative about the great need for further legislation acts and corrections on the field for the benefit of UAM. On the other hand, the 1989 UN convention on the Rights of the Child sets specific standards which the States are obliged to ensure without discrimination of any kind to protect UAM, safeguard their rights and protect them for human trafficking and exploitation. The question which arises is to which extent these standards are ensured within the existing legal framework and practices in Greece and to which extent improvements and changes are necessary to safeguard all unaccompanied refugees and minors Human Rights.

64 non-governmental organizations' statement on 4th March 2020 calling for the emergency relocations of this group of children who are particularly vulnerable from the Greek islands to other European countries and highlighting protection gaps raise the question to which extent these measures were accurately examined and which acts took place to secure and protect this vulnerable group of children from exploitation and human trafficking.

The Greek Council for Refugees (2023) clearly states the legal barriers of protection for unaccompanied children in Greece. Also, there is a reference in recent laws who fall short in offering adequate protection to these unaccompanied children. According to Giannopoulou and Gill (2019) the shortcomings of reception are highlighted, and there is also refinance to the constant care that these children experience.

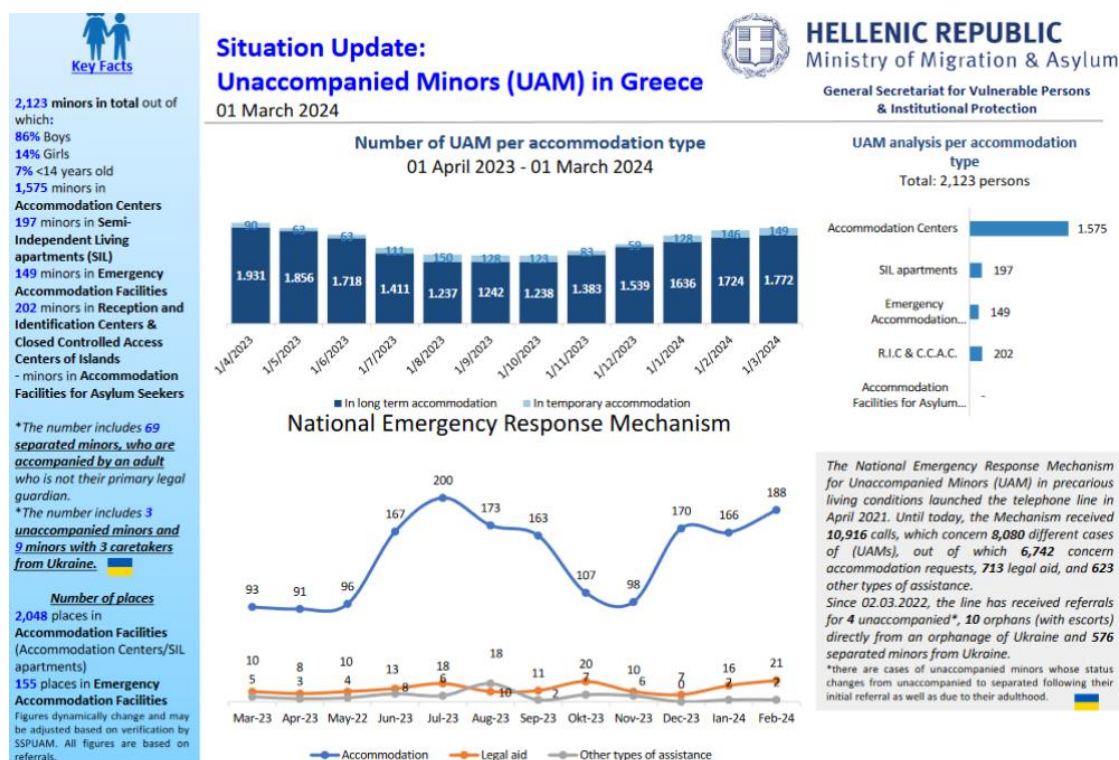


Figure 5. Situation Update. Available at:

https://migration.gov.gr/wpcontent/uploads/2024/03/SGVP_Statistics_2024_03_01-1.pdf

For the protection of UAM, a National Emergency Response Mechanism (EKKA) was established in Greece, which included a hotline that assists in identifying and locating children in need. The hotline is accessible in 6 languages so that people can inform the competent authorities for such cases, a positive practices showing the need for improvements on the system. This good practice reinforces the challenging conditions within which UAM live in and aims to detect the children in need and provide them adequate support.

Article 20 of the United Nations Convention on the Rights of the Child addresses that children who are deprived of parental care need special care and assistance and since all Member States have ratified the Convention these rights apply to all children in EU regardless their nationality and residence status and in specific in Greece. Furthermore, Article 32 refers to the child's right to be protected from economic exploitation, from hazardous work, work which interferes with the child's education or harmful for the child's health, physical, mental, moral, or social development. Finally, asylum, and victims protection are some of the key policy areas falling within the EU law. Claiming for asylum triggers transfer to an accommodation, appointment of a guardian, provision of child protection services, at least in principle, and becomes fundamental for the protection of the child. When though, children, do not apply for asylum are left outside the protection system and the same happens when the asylum application is rejected.

Although it is evident that laws have been established to safeguard URM rights there are clear malpractices that deteriorate their everyday living conditions which must be thoroughly examined.

5. Best Interests of the Child

The 'best interests of the child' is a principle and a rule procedure, which is taken into account by courts while making a decision affecting a child. By this phrase is meant that when a decision is made concerning a person under 18 years old, even made by private institutions, a government or court, the primary consideration is the best interests of the child (CRC, 1989).

The European Court of Human Rights has repeatedly taken actions for the best interests of the child to asylum-seeking children, and it has noticed the double vulnerability of children asylum seekers. Therefore, the best interests is the primary principle for child applicants.

To safeguard child's best interests Law 4939/2022 and Joint Ministerial Decision 9889/2020 state that in case there is a doubt about the applicant's minority the children should be treated as a minor (Official Gazette, 2022) and it was found that this decision was beneficial for the rights of unaccompanied minors. When registering an applicant it is important to apply to the above laws having in mind the bureaucracy and the delays between registration and the appointment for a guardian, the allocation of housing and all the other healthcare, educational and other provisions to safeguard a suitable stay. So, according to the Law Greek authorities should focus on the best rights of the child while shaping practices and creating schemes for the protection of URM.

6. Malpractices in the identification and living conditions of URM in Greek reality

UAM children are in many cases victims or eye witnesses of psychological, physical or verbal abuse, exploitation and trafficking. Their difficult past living experiences either in their home countries nor in their journeys make them so the appropriate and in time identification is needed for their support and safety. Even though Greece has ratified many of the International and EU articles and Conventions for the benefit of the Children in general and of the UAM in specific, in reality unaccompanied children face bureaucracy and many obstacles by their entrance in Greece (GCR,2023).

In these cases though many International Conventions and Articles are violated as Article 23 of the CRC is not respected and the best interest of the child is not prioritized. Also, the vulnerabilities of these children are not taken into account against Article 20 of the Convention and barriers become a reality in their protection and safety. According to the Organization Save the Children (2023) less than the one third of the unaccompanied minors see the asylum application been accepted and this is a clear violation of the Best Interest of the Child rule, which declares that children should be addressed as minors to receive appropriate support, safety and see their Fundamental Rights. This violation also raises the possibilities for being victims of violence, exploitation, forced labor and trafficking (safetolearncoalition, 2023).

6.1 First Contact with the Authorities

From the thousands of unaccompanied children who enter Greek borders due to poverty, war, violence, discrimination or exploitation, many of them are caught by the authorities as they enter the country, in many cases by boat, or they are detained by police making sweeps against migrants. Only a number of these children declare themselves as applying for asylum and the exact number of those been trafficked cannot be estimated.

The inhumane conditions UAM face while entering Greece are mentioned in several reports. The humiliation and the violence that these people are subjected to with their entry in the Greek territory (INFOMIGRANTS, 2019) is clearly stated and these practices are straight violations of Human Rights legislations. As the police is responsible for the majority of aspects to the process of asylum claiming and immigration in the first instance, there are claims for UAM being beaten, slapped, kicked, verbally insulted by police men and coast guards (UNHR, 2024). Even though the International Committee (2024) strongly recommended that all persons who are involved with the UAM's should be appropriately trained to respect children's rights, Greece needs work and changes on this field. Also, the recommendations about the non refusal entry into a country of unaccompanied and separated children, the clear instructions for the asylum applications to the initial date of the application in order to be provided with the adequate protection and not be deprived of a series of benefits that are especially designed for these children, the need for a more comprehensive and clear definition of the term unaccompanied minor in order to engulf and take measures to protect in practice many situations that are not fully covered by the existing term, the ending of detention of these children which is clearly illegal and brutally violates their rights and makes them susceptible to psychological and physical harm are recommendations that are of utmost importance and should be addressed immediately by our host country (2014).

6.2. Incorrect Registration

Incorrect Registration enhances the possibilities for exploitation and abuse of unaccompanied minors as if minors are not properly reported, they are deprived of many of their benefits and they do not receive the appropriate support as being under age 19 in asylum seeking. The correct registration leads into a series of entitlements and obligations to the Host State which are designed to benefit unaccompanied children.

Article 21 of EU Directive 2013/22 (Reception Conditions Directive) considers children as vulnerable. Unfortunately though, FENIX NGO is one of the organizations that have observed cases when applicant minors were registered as adults due to police authorities personal determination on a person's physical appearance or the unwillingness to accept an identity document. These accusations lead into serious consideration on the qualification procedures of registrations by Greek authorities and Frontex. The fact that inaccurate registration upon arrival is very difficult to remedy, the safeguard of the children's rights are under severe questioning in cases of incorrect registration.

These inaccurate registrations violate the presumption of minority which is guaranteed by law and must always apply when there is uncertainty about the applicants age. This law protects children from harm and rights violations until a formal decision can be made by an age assessment procedure. The FENIX's accusations though that the registration processes on Lesbos misinterpret and misapply the presumption of minority principle at an institutional level must be examined seriously.

The Organization filed complaints to the Ombudsman and the Assistant Ombudsman for the Children's rights on behalf of six unrecognized children whose minority was recognized late on, and in some cases two years after their arrival in Greece. This malpractice led into sever consequences in their living conditions and they were provided the right support (FENIX, 2022).

As the principle should apply to all applicants until a finding of age is determined, the Commander Prosecutor of Lesbos Reception and the Mytilene Public Prosecutor have been accused for interpreting differently the principle and the state of a minor is denied until the completion of the procedure. Fenix Organization(2022) underlines that this interpretation does not comply with Greek and International Laws and the impacts on the unrecognized minors are severe and do not follow the child's best interest principle.

Age assessments are made in case of doubt for the age of an asylum seeker and can be conducted by Member States. Greek authorities in Lesbos have been accused for registering falsely the minor applicants due to objective beliefs about their age, to refuse to refer a child for age assessment even though he has stated that he is a minor and register him as an adult. Only in cases when an NGO has intervened an age determination was provided and in some cases a year after the minor has arrived in Lesbos.

Delays on the age assessments of those asking to be stated as minors, lack of qualified and appropriate procedures question the procedures used by the authorities in the registration centers and lead into poor living conditions and rights violations for the children involved which put them into risk for exploitation.

Human Rights Watch is another organization that highlights the misidentifications of unaccompanied minors due to arbitrary recording of children as adults and wrongly processed dental examinations to identify the child's age.

6.3. Push back practices

Violent push-back practices are stated by many NGOs and Worldwide Organizations, such as Médecins sans frontières, Refugee Support Aegean and Human Rights Legal Project, UNHCR, IOM, WGAT, CAT, UN Special Rapporteur on the human rights of migrants (RSA, 2021). Push backs are violations of human and international law and put at risk lives on a daily basis (RSA, 2021). According to UN Special Rapporteur push backs have become a de facto general policy in the land and river border of Greece and data have been collected referring to violence and push-back practices back to Turkey both at sea and from land that affect not only men but also women and children, and unaccompanied minors too (ecre, 2023).

A vast amount of reports (RSA, 2021) refer to refugees and migrants who have been subjected to violent practices, such as intrusive body searches, detentions and physical abuses, practices that are illegal and traumatizing for the people attempting to seek protection in Greece. Even though there are many reports for people who are forcibly transferred to a coast guard vessel, to being pointed by guns or threatened by masked individuals, Greece government, EU and Member States are not able to deteriorate these practices and bring the perpetrators into justice.

This climate of impunity has been accused for the continuation of the illegal practices against adult and underage minors, all vulnerable people who seek for protection. Furthermore, Greek statistics announced by the Greek Migration Minister in 2023 have shown a decrease in arrivals by land approximately 42 per cent and in an extent to normalize these inhuman practices. Even though the Court of Syros has excluded refugees from Law 4251/2014 on Immigration and Social Integration and they cannot be charged for illegal entry and illegal transfer of third nationals, criminalization of migration still takes place (ecre, 2023). According to Human Rights Legal Report (2023) Greek authorities are found to set extremely serious charges to passengers on the boats, accusing them falsely for smuggling or facilitating the illegal entry of third-country nationals, designing to prevent asylum seekers from entering Greece.

Especially for unaccompanied minors refugees and migrants a new report by Save the Children focusing on the push backs, violence and humiliation for children migrants (2022) highlights brutality that unaccompanied refugees and migrants face while entering EU borders, even though they are helpless people and at risk for exploitation and trafficking.

Unfortunately, there is evidence that unaccompanied minors challenge systematic push back entering Greek boards and there are accusations even for torture. Hellenic Coast Guard has been accused at the European Court of Human Rights for life threatening push backs to Turkey and two unaccompanied minors accused the Coast Guard for leaving them adrift in an in navigable raft in the middle of the Aegean Sea (glan, 2021). The pushback was documented by the NGO Aegean Boat Report which brought it into attention. The two minors accused Greek authorities not only for denying them the opportunity to register but also for taking their belongings and forced them to board into a Hellenic Coast Guard Vessel and drove the ships without motors into the Aegean sea. The unaccompanied minors referred that were rescued by the Turkish Coast, were detained in Turkey for nine days and were released without legal protection or support. The accusations are seen as serious and the hearing of the case is about to take place on June 4 2024 and brings into consideration to which extend international and European human rights and refugee law are violated.

The same organization (GLAN,2021) filed an application with the European Court of Human Rights challenging Greek authorities for the illegal violation of an unaccompanied minor attempt to register for an asylum claim and then expelled from Greece by setting him adrift on the Aegean Sea.

The UN Special Rapporteur on the Human Rights of Migrants mentioned that Greece violated national and international law and the rights of refugees (HRC, 2022) by these practices makes children susceptible to violence, exploitation and trafficking.

6.4. Reception conditions - flaws into the procedure

The impact of malpractices in reception conditions for unaccompanied minors is high and affects negatively their living conditions, school attendance, living into a safe environment and reunification with family members. Therefore, it is crucial for unaccompanied minors to be registered properly upon arrival. According to RSA (2019) Greece's reception system failed - in many cases- to provide sustainable solutions. As mentioned the reception system was characterized as not well constructed and therefore the RSA refers to the reality on the ground of a vast humanitarian crisis on the Greek's islands hot-spots, the Evros Reception and Identification Center and on many camps in the Greek mainland.

The vast numbers of refugees and asylum-seekers who lived in the hot-spots during 2019 - the report mentioned 16.108 refugees and the capacity of the hot-spots was for 6.438 - makes clear the inability to provide the appropriate human conditions to these people. Also, it is mentioned that authorities' response remained to the level of the emergency mode due to the implementation of a top to bottom strategy and the inability to prepare or adapt state structures to the needs that resulted from this humanitarian crisis(RSA, 2019). RSA also refers to the States inability to catch up with the developments produced by the EU-Turkey statements of 2016 which led Greece's' reception system to adapt only to urgent needs, to lack hosting capacities and the lack of an accurate timely estimation of flows.

The reception system of unaccompanied minors in Greece is crucial for their protection and support, as the country is one of the most affected destinations in Europe (Novati, 2022). According to the National Center for Social Solidarity 37.535 unaccompanied children have reached Greece and 2.131 unaccompanied refugees and migrant minors live in the country. The European Asylum Support Office (EASO), outlines the conditions under which unaccompanied minors are best accommodated due to their vulnerable situation. The guide *EASO Guidance on reception conditions: operational standards and indicators* sets specific standards by which all EU member states should comply and refers to special protection which should be given to URM. On the contrary, it is referred that the reception system in Greece and the national standards and

practices are not sufficient for the children's needs and rights and do not follow art 3 (3c'3d) according to which they should be placed in specially designed accommodation centers or other forms of child-friendly hosting structures, where their needs would be properly taken care and proper support would be provided (Papadopoulos,2021)

As underlined by NGO's and in specific by the NGO *Save the Children* in a report published in 2023

- ✓ unaccompanied refugee and migrant minors have to face irregular conditions in the reception centers in Greece,
- ✓ most of unaccompanied children have their asylum claims rejected
- ✓ and therefore they are left without legal papers and susceptible to abuse and exploitation.

The Report "Without Papers, There is No Life" reveals Greek reality as in 2022 981 out of 3.175 asylum claims by URMIC were accepted. The remaining asylum claims were either denied or remained under asylum processes with no specific timeline for finalization, and as a result thousands of children are deprived of the appropriate support and safety.

This situation sets in danger a great number of children who find their fundamental needs unmet. Also, sheds light to the difficulties, the challenges and the bureaucracy URMIC have to face while applying to obtain legal papers in Greece.

The collection of data on unaccompanied refugee and migrant children are under question as it is very difficult to capture the total number. As far as the numbers of children who do not apply for asylum is concerned EU lacks comparable data. In 2020 13,500 unaccompanied children applied for asylum in the 27 EU Member States, most of them in Greece as there isn't an accurate method for collecting data they have been changes in the Regulation on Migration and International Statistics. The risks of homelessness, discrimination, exposure to abuse and exploitation challenges the EU protection systems. Additionally, the lack of papers makes these children illegal and leaves them more vulnerable and without protection and UNICEF calls for action on the field.

The Greek reality in provision is accused by the European Court of Human Rights in many cases. Even though many amendments have been made to enhance quality care and support, services upon arrival in the country and appropriate accommodation still remain under severe questioning.

Greek laws do not prohibit the detention of underage unaccompanied refugees and migrants but it should be applied only to guarantee their safety and well being or else it is a violation of the UN Committee on the Rights of the Child, as it is a deprivation of liberty and a violation of the child's best interests.

In Greek reality though, detention is systematically imposed upon children and the administrative steps in provision seem inadequate to secure these children's needs (Papadopoulos, 2021).

According to the applicable law, third country nationals entering Greek borders in an irregular manner should be immediately apprehending and placed in detention and in many cases facing the possibility of deportation, a practice that violates Geneva Convention and the article stating that asylum seekers should be not prosecuted for irregular entry.

Unaccompanied refugees and minors will be apprehended either in the border or in the mainland and it is obligatory to inform the authorities, such as the Ministry, The Special Secretariat for the Protection of the UAM's, the National Center of Social Solidarity and the Prosecutor for Minors, which should address minors to appropriate short or long term hosting facilities.

According to Papadopoulos (2021), in most of the cases unaccompanied refugees and migrants are placed under -the so called- protective custody where they should be provided the appropriate support and services custom made to their age and vulnerability.

However, the limited number of accommodation units for these under age children leads them in practice into detention facilities which are not appropriate for them. Also, in case they are arrested in the mainland, unaccompanied children are transferred directly to detention facilities which in most of the cases are located within police departments.

In these cases, their age and vulnerability are not prioritized, they are kept with adults and they do not receive special provision.

The placement of unaccompanied minors into detention centers leads into inappropriate life conditions and does not protect them from being victims of violence. Therefore, it ends up as a rights violation. In practice, a rationale that legitimizes detention is created and a de facto criminalization of unaccompanied minors which is a direct violation of the CRC (Papadopoulos, 2021).

In an attempt to provide better conditions and safeguard unaccompanied minors needs, the Greek government announced the legal act 4670/2020 by which if unaccompanied minors are located, the authorities should be informed and the children should be placed to the most appropriate hosting facility.

There have been reported cases when a child under 12 years old being hosted in Child Hospitals while waiting to be placed in a proper facility due to bureaucratic reasons. In these cases the children were deprived of their fundamental rights and the sense of security and safety. Also, they were psychologically harmed and there were cases reported of children being in protective custody for more than two months.

These criminalization conditions have been under question (P.&vB,2020) but they also violate children's Fundamental right to be heard as it is clearly mention in the UN Convention on the Rights of the Child. The Right of the Child to participate and to be heard is not guaranteed during asylum processes for unaccompanied migrated minors and the massive numbers of unaccompanied, separated children from their parents or legal guardians deteriorate the conditions (UN High Commissioner of Refugees, 2013). The unaccompanied refugee and minors see their rights being violated even though they are entitled to special protection.

Immigration detention centers, prisons (Bosworth, 2014) the normanalization of deportation (P&vB, 2020) are a reality for many undocumented immigrants seen in many cases as the dangerous ones (Bhabha,2014) and their victimization in a common phenomenon. Unaccompanied children though are pushed in many cases by forced migration, persecution and therefore are protected by the Geneva Convention (1951) and he Art. 1 of the Protocol to the Status of Refugees (1967).

The children on the run are particularly vulnerable due to their age and the circumstances they had to deal with and they need for special protection and upon arrival on the Host Country (UN General Asembly.1996, Goodman. 2004, Thommessen, Concoran & Todd. 2015) both during reception proceedings and the asylum process (Papadopoulos, 2020).

The criminalization of the unaccompanied minors upon their entry in the Host country violates directly their right to be heard throughout the administrative steps that should follow their irregular entry and the application for international protection. According to Art 12 of the Convention on the Rights of the Child, children have the right to participate, be heard and question all matters affecting them and for Greece it is of utmost importance to comply as it is a stepping stone for international protection for most children in the migratory pathway. Therefore criminalization of unaccompanied minors upon their entry in Greece leads

into severe criminal law processes and it is under question the legitimacy of the practice, which was a political response to the vast number of migrants and refugees who entered Greece (P. &v B., 2020).

Reception flaws in the Greek system is highlighted by a recent research based on the official 2024 statistics of the Greek Government (RSA, 2024). It is referred that the 26 per cent of the population in the refugee camps are vulnerable minors and the lack of experienced staff, such as doctors, psychologists, midwives and social workers is evident. Also, there is a shortage of interpreters and the amount is one interpreter for every 267 people. The is also mentioned that are 32 structures in which there is no interpreter at all.

Inappropriate housing make children vulnerable to violence and exploitation and early identification and separation of children from the general population in reception and identification centers is crucial for the unaccompanied minors lives.

The inadequacy of identification procedures followed in many cases by the police and the lack or shortage of trained personnel and interpreters enhances the risk of many children not being recognized as minors and be hosted in shelters with adults, enhancing their risk of being victims of violence, exploitation and psychological trauma.

A series of reports from unaccompanied children to trained stuff of many NGO's make clear that in some cases children were treated like prisoners as they entered Greece and were not reported correctly as under age minors.

6.5. Life conditions of unaccompanied minors in Greek shelters

According to statistics during September 2020 4,22 unaccompanied children lived in Greece and only 2.665 of them lived in long term or temporary accommodation. 120 children were found to live in Reception and Identification Centers on the north-eastern Aegean islands, 192 in open reception centers in the Greek mainland, 226 were under protected custody and 1.019 live in dangerous conditions in informal housing such as temporarily apartments, squats, homeless and moving on different types of accommodation without safety (EKKA, 2020).

According to many NGO's life conditions of unaccompanied refugee and migrant minors are under question. Homeless unaccompanied minors were reported, or living into precarious conditions are stated in many cases.

The Defense for Children International Greece (2019) raise the number to more than 800 unaccompanied minors who lived into the overcrowded Moria Camp and were exposed to extremely hazardous life conditions. The Organization also analyzed the lack of appropriate space and the fact that children were forced to sleep on the floor, they didn't have access to medical and psychological support and the tragic incident of the murder and serious injury of unaccompanied minors within Moria's 'safe zone' made evident the inhumane living conditions of these children. These life conditions are strict violations of many International Convention about the Rights of the Child and challenge the authorities abilities to protect in practice and provide the necessary support and safety to safeguard UAM's basic needs.

DFC Organization explained that in Moria Camp the unaccompanied minors were only pre-registered due to lack of staff capacity and they couldn't proceed to their full registration at the Asylum Office. Therefore, they couldn't be placed to adequate shelters on the mainland and were deprived of their family reunification case, as most EU states acceded family reunification requests within a three month deadline since the pre-registration date. , EU Member States recognized children on the move as vulnerable the case of Moria

Camp showed that children were trapped and unprotected. (DFCI,2019). The delays in registration processes and the legal support provisions undermine their ability to be reunited with family members in the EU and the three months deadline was not able to be met due to bureaucratic reasons, with devastating outcomes for the Rights and the psychological growth of these children.

The same risky and dangerous living conditions for unaccompanied minors were also reported in the island of Lesbos by another International Organization (HRW, 2019). Overcrowding places, insecurity and poor healthy conditions were reported to formal and informal parts of the camp on the Lesbos island. Unaccompanied children were reported to sleep on mats or cardboard boxes, to feed themselves and being exposed to dangerous weather conditions. These children were also reported to have limited access to care, protection and specialized services, a prominent Human Rights violation. Unaccompanied minors were mixed with general population and health and security issues were under question. Children feeling lonely, unsafe and experiencing psychological distress were also reported. At mid-October 2019 1,061 unaccompanied minors were reported living into Moria Camp sleeping into overcrowded and unhygienic conditions and being at risk. 587 children were reported living in a large tent waiting for their registration and identification procedures, a clear violation of their Rights and some of these children were found to be living under these conditions for over of three months.

Also, twelve children were reported to have been told by the Moria camp officials that they cannot have tents as they should be housed to the section for the unaccompanied children, but the section was too crowded to accommodate them (HRW, 2019). Until November 2019 1,746 unaccompanied children were housed to the Reception and Identification Centers of the islands of Lesbos, Chios, Kos and Leros under inhuman conditions.

As mentioned in the HRW report (2019) women and girls in Moria were facing dangerous life conditions and insecurity. Unaccompanied girls were housed in a 'safe zone' with boys under 14 even though they should be placed separately in secure sections to be safe from gender-based violence. Also, children were kept in jail cells and they were given the ability to move out freely and to participate in some activities organized by NGO's. A series of personal reports made by the unaccompanied minors themselves made clear the hostile living conditions and the psychological outcomes on these vulnerable children, a report which lead into a short film made by the UN Children's Charity UNICEF to highlight the great need for immediate further support (Wallis, 2019).

The shortage of shelter places was prominent by the report of Wallis (2019) in which it was referred that there were over 5,000 unaccompanied minors in Greece and only 49 shelters which could guarantee the total number of 1,212 places, 200 of which were spotted on the Greek islands.

This shortage of places can be major factor which leads the vast majority of unaccompanied children to stay in reception centers. The number of only 300 safe zone places makes obvious the poor living conditions and the dangerousness within which many unaccompanied minors have to live in. Additionally, 500 children were offered accommodation in a hotel and over 1,000 live in shelters.

Unicef's report in August 2019 referring to a great increase of the arrivals of the unaccompanied minors made the situation on the accommodation of these children worse as it increased the difficulty to find an adequate accommodation.

A study focusing on homeless unaccompanied children in urban areas Greece analyzes the unsecure and dangerous living conditions of these children. It refers to dangerous living conditions of the children, some of which live on the street. The lack of accommodation, the inadequate information that children receive

about their rights when they arrive in Greece, the prolonged waiting periods for placement are major factors which affect negatively unaccompanied minors living conditions.

Unfortunately, the study clearly mentioned that a vast majority of the homeless children were unaware that they were entitled special protection. Children also mentioned that the prolonged periods they had to wait for being placed in child adequate accommodation and some children mentioned that they run away from accommodation facilities, as reasons for being homeless.

Fear and insecurity was the main feelings of the homeless children interviewed on the study and they all make amends from the Greek State to provide them fundamental needs, such as food, safety and access to education (Kaliatzi, 2020).

The absence of safe housing is the reality for many unaccompanied children who live in squats, shared apartments or on the streets the number of which was estimated in 20 about the 25 percent of the total number, about 4.000 minors, according to the National Center for Social Solidarity. Violence, sexual abuse and various forms of exploitation are increased by the lack of appropriate housing (Rosa-Luxemburg Foundation, 2019) and as it is stated by social workers reporting *that shy children become angry teenagers as they are left by the state to fend for themselves*.

An article published in Kathimerini journal stated the great danger of 1000 underage UAM's to be left unprotected and in risk of abuse and exploitation by adults as the Greek Government decided in 2024 to reduce the number of hot spots at appropriate accommodation minors from 2500 to 1500, in attempt to cut costs.

Keeping in mind that underage children should be provided with special support and sheltering and not be placed with adults, the Governments decisions puts UAMC into danger as far as their safety is concerned (Georgiopolou, 2024). Also, it raises questions about the Governments' priorities and about the criteria that shape Governmental policies.

This decision came in a period of time when a brutal act of violence took place within Malakasa camp when an 16 year old boy was tortured and sexually assaulted by a group of adults within a container home and raised serious doubts about the competency and the actions which take place for the safety of underage children.

The overcrowdings of the caps and the great raise of 50% in the number of children who entered Greece in 2024 in comparison with 2023 (UNRA) challenges a system that already does not work for the benefit of the children and is accused for being unable to protect them in practice.

The Ministry for Migration and Asylum policy mentions that funds have been sought for the creation of more five hundred spots for at risk minors but these solutions need time. In the meanwhile though the reality in the camps remains challenging and dangerous and violates many Internal, EU Conventions and Articles.

6.6. Greek Governments' response to the poor living conditions of the unaccompanied refugees' and migrant minors within Greek Islands

Having in mind the unsafe life conditions of unaccompanied minors in the Greek islands the Greek Government responded in an attempt to provide solutions and improve the existing practices. At first, in November 2024, Prime Minister Kyriakos Mitsotakis announced a plan to protect unaccompanied children, named "No Child Alone," which included the creation of more shelters. This new policy focused on the protection of the unaccompanied migrant minors who enter Greece as the Prime Minister himself in this

declaration focused into the Humanitarian goals of the project mentioning that *the Greek civilization, humanity, sensitivity and traditions* dictated the Greek Government to changed its scheme for better and more sufficient children protection. A quick settle was promised for 4,000 children who lived in the Greek islands under miserable conditions and places in the mainland would be searched for them to secure their quality of living in this tender ages, as mentioned (Wallis, 2019).

Another governmental measure was set into action in October 2024, when the Citizen Protection Minister Michalis Chrisochoidis sent a letter to all other European Union governments asking them to share responsibility by voluntarily relocating 2,500 unaccompanied children. Unfortunately, on November 6, Mr Chrisochoidis informed the European Parliament's Committee on Civil Liberties that only one country of the EU countries had responded (HRW,2019). The Greek Prime Minister also informed the Greek Parliament that other EU states were not willing to immediately step up in a clear violation of the EU legislation and moral commission for solidarity (Wallis, 2019).

Greek Authorities positive response:	
✓	the establishment of the Special Secretariat for the Protection of the Unaccompanied Minors
✓	a new relocation program was designed to improve the effectiveness of the child protection system
✓	a National Emergency Response Mechanism (EKKA) was established in Greece, which included a hotline that assists in identifying and locating children in need.
✓	The hotline is accessible in 6 languages so that people can inform the competent authorities for such cases, a positive practices showing the need for improvements on the system.
Aim: to reinforce the challenging conditions within which UAM live in to detect the children in need and provide them adequate support	

6.7. Guardianship in practice

In 2021 the ECRS stated that the Greek government has violated many rights of the children as far as their safe accommodation is concerned, their education on the islands and made specific reference to the lack of an effective guardianship system for unaccompanied and separated minors (ECRS, 2021).

Appropriate guardianship is essential for children as it leads into appropriate child protection and gives UMA's access to funds for addressing their fundamental needs. Unfortunately, it is reported that the Greek guardianship system in many cases failed to fulfill his role due to lack of a clear and standard series of

procedures for guardians for foreign unaccompanied children which lead into different views and differentiated the role of prosecutors.

Misidentification of unaccompanied minors makes them vulnerable to abuse and deprives them from a serious of rights. In case a minor is misidentified, he will be placed with adults and not be provided the appropriate care, which becomes a risk factor for being victim of exploitation or abuse. As mentioned, the misidentification is footed in flawed age assessment procedures, or to misbelieves, as in many cases children believe that if they are reported as adults they will avoid detention. Therefore, the immediate and clear identification system and the legal framework which protects their rights is important for the safeguard of the best interest of these vulnerable children.

According to the NGO Metadrasi (2012) there were thousands of unaccompanied minors in Greece who were left without representation. This situation clearly violates International conventions and European laws the unaccompanied minors are victims of the inadequacies of the Greek authorities.

As mentioned in an article published via the internet, the NGO refers to the fact that Guardianship in Greece has been 'institutionalized' and even though since 2014 by the aid of the Bodossaki foundation 10,128 unaccompanied minors have been supported in courts, the NGO had to inform the children whose cases have been handling that they couldn't help them anymore. The situation was not only uncomfortable but also left without serious aid and risked the life conditions and the well being of many children whose rights under International, European and the Greek laws are of utmost importance.

NGO Metadrasi accused the Greek authorities for a series of malpractices in the effort to transfer the well-formed know-how to support and train future guardians in an attempt to ensure better provision for the thousands of unaccompanied refugees and minors who are at danger and need legal support. During 2021 Metadrasi claimed that was obliged to support 1,400 children by its own resources. As the relevant 2018 law dictated that Guardianship should pass to the National Center For Social Solidarity (EKKA) the authorities, as the NGO claimed, did not have positive results into this transition of knowledge and good practices.

The transition of the Guardianship authorities among Greek organizations was found not only inadequate but also dangerous as the NGO had to make great efforts to manage the prosecutorial authorization and deal with the 87 per cent of the cases of the unaccompanied children in Greece, as it mentions. Also, ate decisions into the transfer of the Guardianship responsibility between Greek authorities (Ministry of Labor, EKKA, the Special Secretariat for the Protection of Unaccompanied Minors, the Ministry of Migration and Asylum) until the enactment of the relevant law was not helpful in practice.

The transitional period between the transit of authorities among the Greek organizations was not helpful in practice and risked the legal representation of many unaccompanied children who may faced the possibility to be left without representation. The significant gap created left particular vulnerable case and pending cases without representation, risked the everyday life conditions of many vulnerable children, undermined their best interests in practice, and left them unable to seek for asylum, knowing the negative outcomes and the dangers that will this arise to their everyday lives.

The lack of Guardianship representation raises the risk for these vulnerable children to become victims of exploitation and left them in fear, being more traumatized without a ' person of trust' who is responsible for protecting their rights. Being without legal representation equates for these children in most of the cases with homelessness,

6.8. Education deficiencies in the Refugee Education Reality

A series of international scientific journalistic articles and NGOs' refer to the vanishing education of URM in Greece. Even though the Right in Education is a fundamental human right especially for children, in Greece the lack of clear guidelines, followed in day to day reality, lead these children into social exclusion and exploitation.

A series of malpractices in day to day reality lead into a fragmented protection child system which lacks of durable and long lasting solutions. Lack of stuff and scheduling issues, transportation, hostile communities deteriorate school attendance and the quality of education provided.

The lack of quality education is a major factor of social exclusion and exploitation as URM become unable to participate in social reality, are unable to properly communicate and are at risk for exploitation.

URM in Greece are excluded from the Greek education system and these conditions become worse during the Covid-19 pandemic. Many children did not attend school for over one year and some children were unable to enroll into school.

The reality in Education became worse, as the education for refugee children were solely through non-formal education inside Reception and Identification Centers and camps (RSA, 2021). Keeping in mind that for many of these children education was a major interest as in their home countries due to wars and persecution they were unable to attend schooling or they were forced to interrupt, the designing of an appropriate education framework for URM was seen of crucial importance.

According to the International Protection Act, Education is a right and an obligation and the parents of URM are obliged to send their children in school otherwise they will safe legal acts and the children will face reduction of material support conditions.

During 2016 the Greek Ministry of Education took measures to include systematically the refugee children in the national educational system and created a specific framework for their inclusion.

The Education system for refugee children follows the scheme (GCR, 2021):

A. Inside the RIC and mainland camps there are kindergartens and Reception Facilities for Refugee Education with a main goal to prepare children who live within the Reception and Identification Centers and mainland camps for regular classes, which means in practice providing the necessary language and social skills in order to be evitable for these children to attend classes in Greek public schools and become members of Greek social reality. The classes of DYEP refer to children who would attend primary and secondary education in Greece and they are afternoon classes.

B. Within Educational Priority Zones there are Reception Classes, which are designed to provide the necessary language skills for making refugee children able to integrate into the Greek educational system without additional educational support. In these classes the attendants follow the mainstream curriculum and take 3 hours of preparatory classes which focus on the Greek language. This program is divided into two sections, the one for those who have no or they have some basic knowledge of the Greek language and the second one for those who posse moderate knowledge of the Greek language and are able to attend upper classes.

For better support and co-ordination there were used Refugee Education Coordinators whose role was to act as a bridge between the education system and the families in RIC, mainland and urban areas for better support and coordination.

The Greek Deputy Migration Minister and UNICEF signed in June 2021 a Memorandum of Understanding the 'Education for All Children' with the aim to provide better quality formal education for all 26,000 school-age children in Greece. This was addressed to be a three year program and was believed to cost 34 million euro. The goal of the program was to overcome barriers in education for refugee children, as the condition in schooling attendance and quality have been deteriorated due to Covid-19 pandemic.

Even though the designing of the classes for the refugee and migrant children was focusing on providing the basic skills in order to enhance integration and social incorporation, in practice there were found major difficulties. According to the statistics published by the Ministry of Education, the enrollment on these classes shown a significant decrease within the years. After a systematic pressure by some Members of the Parliament and the Greek Federation of Secondary Education State School Teachers, the Greek government who had stopped for a while publishing statistics on the issue referred to a number of asylum-seeking children who were enrolled in public school, a number who was significantly less than two years before (2019-2021). Also, there was no information about the number of children who attend schooling as enrollment and attendance differ, for the outcomes of the designed programs and for the quality of these classes in practices, if they were able to address these children's' needs. The fact that in open accommodation sites only the 60 per cent of the children are enrolled in schools and the 14 per cent of which actually attend is prominent showing the high dropping rates (GRC, 2021).

The fact that the Greek education framework operates in an annually updated regulation out of a list of TY-ZEP and DYEP is dysfunctional in practice. By the end of the school year parents inform the school about the number of pupils that wish to enroll for the upcoming school year and then the school principal passes the numbers into the Ministry of Education. The decision though into which schools TY-ZEP and DYEP will operate is a Ministerial Decision. The teachers for these schools are selected by a list published on the Government Gazette. In vitro, the designing of these system is ineffective and it is inevitable to know a priori the final number of children who will attend schooling the next academic year.

Reception classes are often understaffed, due to the fact that they may be employed part-time or for few hours and do not accept the job as they cannot afford to relocate far from their home, the reality that in many cases children can only participate in regular classes and they are unable to interact with peers and fully participate in classes, the ineffectiveness of the language program as the system -in many cases- does not take into account the knowledge of the previous years, are only some of the deficiencies of the system which deteriorate the quality of the education provided. The high turnover of substitute teachers is another factor which deteriorates the quality of the education provided, as they are selected from a list made by the Ministry of Education, according to the annual budget of the Ministry, are not taken into account for their selection prior working experience in working with refugees and the sole criterion is a point system. This system in practice leads into changes in every academic year, in no stability and in some cases low teaching quality.

A factor that is not seen to be taken into account seriously, but it is important for the social integration of the refugee children is the fact that in most of these classes there are only children from the camps, which affects negatively social integration and at the same time enhances social exclusion. The position of the camps itself challenges social integration, as they are located far away from towns, in remote areas, and transportation is in most of the cases difficult. Delays of the authorities to provide transportation often lead into low school attendance, as the local authorities can't. The example of Ritsona where the bus services had been arranged by April 2021 makes evident the great need of coordination and the inability of the system to provide services and enhance school attendance.

Under these conditions the risk of drop-out is high among refugee children due to a great number of absence, in many cases involuntarily. The difficulties to access schools, the poor quality of provided education and the social exclusion of these children into public schools are factors that deteriorate the conditions and diminish school attendance. The dropping rates are very high in RIC centers as according to GRC (2021) only the 9 per cent of the children are enrolled to school and just the 7 per cent of which attend classes. Therefore, the number of children actually attending schooling is really low and the drop-out rate seems to be significant. Unfortunately, these were some cases where prosecutors were investigating alleged hate crimes and speech incidents against elected local authorities who tried to implement school programs for refugee children within local school communities (GRC,2021). Under such social conditions opposing the social integration of the children, the affect on social integration and school attendance was prominent.

Under these conditions the DYEP program has been negatively criticized for the quality of education, the effectiveness and for leading into segregation of refugee and migrant children. Therefore, in many cases UMRC are left vulnerable to a future uncertainty and with limited opportunities, a dramatic assumption for the best interest and the well-being of these children.

6.9. Child Labor as a form of exploitation for URM

A series of reasons make UAM children unable to attend schooling with catastrophic outcomes for their future. The lack of adequate education is major issue as without education they cannot integrate into society. Money shortage and the need to find a job to pay their debt to smugglers or send back money to their homes are major factors which lead into unaccompanied minors dropping out school. The difficulty of the Greek language and their poor schooling attendance into their home countries are other factors which contribute to poor schooling attendance in Greece. As a result, many children entering Greece end up in exploitative labour situations or into criminal networks as the inability to provide appropriate education and safety leads into their exploitation in many ways. A great number of unaccompanied children are found to leave the shelters they were placed in and in such cases UAM are found into a very dangerous situation for exploitation and abuse. As the International Protection Act (IPA) frames education as a right and an obligation on children seeking asylum o Greece poor schooling attendance and high dates of dropping schools, challenge the practices in action and raises questions whether the rights of UAM are safeguarded(RSA, 2021).

The lack of appropriate education for URM enhances the danger find themselves outside the society as when they enter the labor market they are left without qualification not only in Greece but also worldwide. In cases where URM are left without documentation it is almost inevitable to work legally and for unaccompanied minors in specific the lack of documentation leads into leaving the protection and necessities provided to work for survival and pay debts to cover their basic needs, and therefore they are more exposed to abuse and potential involvement in criminal activities.

The lack of documentation and legal status, the absence of safe destinations, the impossibility to return home to harmful environments and the inhumane, and poor living conditions in which they are exposed in their everyday life make URM susceptible to violence and exploitation (Didigiki, 2018).

6.10. Violence and sexual exploitation of unaccompanied migrant and refugees

According to Freccero et al (2017) there is a shortage of research on the field as far as unaccompanied and separated boys is concerned. The refugee crisis led into a great number of unaccompanied and separate children to be found on the run as defined by the United Nations High Commissioner for Refugees and the Committee on the Rights of the child (UNCRC. 2005). It is also mentioned that at 2015 there were 90.000 unaccompanied children applying for Asylum at the EU and at 2016 the 89 per cent of whom were boys). The numbers speak of themselves as the needs for age appropriate support are enormous.

Greece was found to face a great challenge due to the fact that many unaccompanied children were left without access to appropriate shelters, and didn't have income-generating opportunities as they were waiting for their asylum decisions and processes (RSA, 2021).

Many children were forced to stay in closed reception centers or police stations, and many were housed among adults (Damon. 2017). There were others who had to live in formal or informal sites and in street encampments (Freccero et al. 2017).

According to the Humanitarian Organization INTERSOS it is found that unaccompanied minors who do not wish to be accommodated in facilities for URM are exposed to insufficient information about their rights and protection and are at risk for abuse. As they have no persons of reference to seek help they remain unprotected, unsupported and are at a vulnerable condition.

The state of evidence of unaccompanied male children sexual exploitation is very limited mostly due to lack of specific research on the field. A UK study 2007 "Safer UK" mentions a series of factors that increase the vulnerability of the children to exploitation, some of which are limited understanding of their legal rights, mixed age or mixed sex accommodation, lack of supervision, isolation of social networks and family members, unmet emotional needs, fear of forced removal, limited social welfare support. These factors make unaccompanied children dependent on others and more vulnerable to exploitative relationships (Sinha et al. 2008).

There are unofficial recordings that there was a notable rise in the number of cases of sexual exploitation and abuse in Greece after the Covid-19 pandemic and that these children were exposed to smugglers and traffickers (Safe to Learn, 2023).

The absence of a coherent and stable protection system is a major factor for raising exploitation and sexual abuse of migrant children. URM vulnerability and dependency on others for their everyday survival forces them into dangerous conditions, and the lack of a significant other worsens their positions (Committee, 2002). Children are found trapped within strict migration and asylum policies where violence is common. Migrant children suffer from physical, psychological and sexual violence in migrant camps in Greece (Harvard University, 2017). Space and recourse shortage and the unsafe and poor living conditions are a significant factor that raises danger and exploitation. In the overcrowded camps and shelters there is lack of security and this makes children susceptible to violence.

Inadequate lighting at night, the placement of children with adults of many different cultural backgrounds, the lack of supervision, the shortage of bathrooms create a hazardous background for underage unaccompanied children.

The shortage of money and adequate psychological support lead these traumatized children to become victims of exploitation and sex trade according to Harvard University's research. As they face a second trauma in Greek shelters and camps, many children disappear or are reported to be victims of sexual trade and exploitation (INFOMIGRANTS, 2018). Unfortunately, survival sex is a reality for many URM as they

exchange sexual services for basic needs such as food, shelter and clothing (Perisnaka, 2023). This type of exchange is found to be common in vulnerable populations and UAM are found to be traumatized and therefore vulnerable as they experience trauma during their displacement and their journeys to Europe. The lack of recourses and stable support make these children at risk to resort into survival sex to meet their fundamental needs.

The fear of adulthood which unaccompanied minors face lead an amount of children to work and provide themselves with some money. Hard work and insecurity are common practices which under skilled unaccompanied minors face in their everyday life. Also, the lack of legal documentation affects negatively their working conditions and wages and therefore their long term living conditions. Anxiety, nervousness and insecurity are common feelings for unaccompanied minors and especially for those who remain out of the protection services without stable support (Solomon, 2021).

A journalist investigation in 2021 recorded their agony and their need to work. Unfortunately, in most of the cases unaccompanied minors work in exploitative labor conditions, especially those whose see their asylum applications to be rejected by the authorities and remain without cash, accommodation and support. Another negative reality is children who leave the hostels in which they are placed because of the fear that their asylum application may be rejected and they remain alone, unsafe and unable to meet their basic needs. The journalist recorded many cases of unaccompanied minors who worked hard and underpaid jobs. Another negative factor which raises anxiety is the negative experiences of these children with the public services which in most of the times are unable to meet their needs. The shortage of jobs and the low skills that these children possess are negative factors and lead them to take hard works and experiencing harsh conditions. Runaways is another negative outcome which lays its routes into anxiety and insecurity. A great number of unaccompanied minors run away from hostels within the first month (44%) and almost one to ten within the first 24 hours of their placement. These children lack of job opportunities and they work under exploitative terms (Solomon, 2021).

An additional study conducted by the University college of Stockholm (2024) interconnected the ineffective of the protection systems with the vulnerability of the group of children and high lightened the risk of them become victims of trafficking. It was mentioned that UAM's in Greece represented a vulnerable group of the population as during their migration journey they were already become victims of many forms of violence and the gaps into their protections were contributing factors to exploitation. The study also highlighted the need of a national protection system, make clear the importance of improvements on the existing protection measures and preventive mechanisms and suggested the collaboration among fostering and stakeholders for the better protection of UAM in Greece.

6.11. Greece- a series of convictions

Unfortunately, Greece has been found guilty for Human Rights violations in many case as far as identification procedures, reception procedures and asylum procedures are concerned. Also, the State has been found guilty for violating the article 3 of the European Convention o Human Rights which refers to inhuman and humiliating processes against an unaccompanied minor who seek asylum and was left without shelter for six months, with no access to proper guardianship and as a result without food and healthcare (www.news247) .

In the Greek context this was not the only malpractice and not the only conviction. Examining the Status of Detained Migrant Unaccompanied Minors, detention processes do not follow the UN Convention on the Rights of the Child and especially article 12, the Right to be heard (Papadopoulos, 2021).

A collective complaint in 2018 with the European Committee of Social Rights led into Greece to be ordered to take 'immediate measures' until a formal decision to be issued regarding potential violations of children's rights. Greece had to take immediate measures on adequate housing, access to education and healthcare and appointing an effective guardian (FENIX, 2022). In 2021 the European Committee of Social Rights had found Greece violating numerous rights of children under the European Social Charter and not addressing appropriate accommodation and education in the islands, and highlighted the lack of effective guardianship system for unaccompanied and separated migrant children.

The European Court of Human Rights has found Greece guilty for violating Article 3 of the European Convention, referring to the prohibition of inhuman or degrading treatment to unaccompanied migrant minors stayed in Greece. Greece was convicted for the living conditions of unaccompanied minors who lived under conditions of detention in various police stations and they faced degrading treatment (ECHR 218, 2019). A major contributor to this conviction was the fact that it was observed that unaccompanied minors being detained in these places arose feelings of isolation from the outside world, with potentially negative repercussions for their physical and mental well-being.

Also, the European Court convicted Greece for the violation of the Article 5.1 which refer to the right of liberty and security as the Greek Government was found has not explained why the applicants were placed first in police stations, in degrading conditions of detention- and an alternative temporary accommodation was not used and has sentenced Greece for not been lawful during their detention.

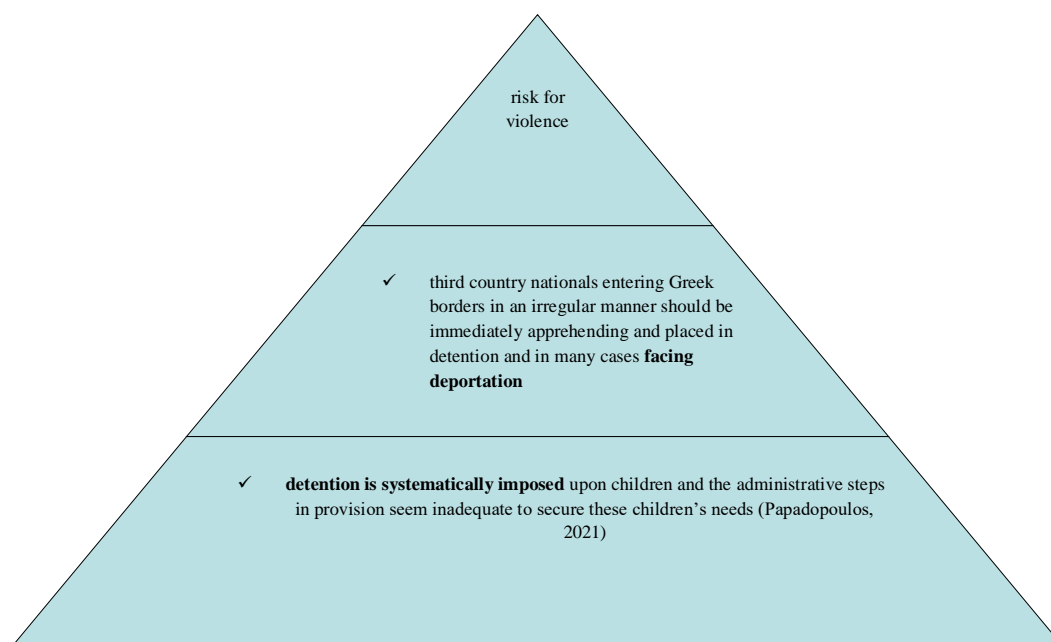
The applicants were five unaccompanied minors who left their country due to religious and political fear, they were apprehended by the police within the Greek borders and were told to deport. Upon their effort to cross the borders one was arrested and placed into "protective custody" within a police station, and the others were arrested in the Greek islands and were placed at the makeshift camp in Idomeni. Unaccompanied minors complained about their living conditions in Greece and especially at Polycastro and Filiatra as they were held under "protective custody" and the others complained about the living conditions in Idomeni.

The Court found that unaccompanied minors were feeling solitude due to their living conditions - no outdoor access to take a walk or have physical exercise, no radio or television to allow contact with the outside world, no internal caring arrangements. Also, the Court found that some of these unaccompanied minors stayed in Idomeni camp for around one month with the aim of travelling to Germany or Switzerland to join other family members. During the time they stayed the camp had a capacity of 1.500 but it housed 13.000 people without sanitation. Greece was convicted for not protecting the unaccompanied minors as the Idomeni camp was wholly outside the States' control. Therefore The European Court of Human Rights has convicted Greece for not providing appropriate accommodation and for degrading treatment and in practice violating articles 3 and 5 for the living conditions of unaccompanied refugees and minors.

The illegal practice to detain unregistered refugees in RIC Malakasa is found unlawful by the Administrative Court of Athens. The 'restriction of freedom' of a family of refugees was accepted and the Court ordered the RIC Makalasa to transfer the family at an open facility (RSA, 2024).

Detention practices which dictated children being held in police stations for prolonged periods of time (from weeks to months) after their registrations, are clear violations of the International and European relevant laws for the conditions under which unaccompanied minors should be placed. Unsanitary and overcrowded cells where in many cases minors are held with adults are the reasons why Greece was sued and condemn by the European Court of Human Rights (Kalaitzi, 2019).

Figure 6.
Characteristic cases where URMCM do not receive appropriate provision



7. Positive Practices in Action

7.1. The Home Project

Data collected by the General Secretariat for Vulnerable Persons and Institutional Support (2024) highlighted the value of the Home Project. The Home Project is an internationally funded non-profit organization which tries to empower unaccompanied children with the aim to persevere them to become active citizens. The Project's goal is to save children from streets, camps and police stations, detention centers and place them into safe homes in Athens. The Home Project has 13 homes where children's needs are safeguarded and their capacity is of 220 children. Since 2016 they have helped 1200 children and have provided 300 jobs. Half of the Project's staff come from the migrant and refugee community and it is a positive activity shedding light to these children's difficulties.

The Home Project not only focuses on finding appropriate accommodation and safety for children but also create a child protection model individualized to the specific needs of the child, and offer educational opportunities to the children under their care to facilitate inclusion into Greek society.

7.2. Guardianship in practice

A program held by the NGO Metadrasi under the framework of the ; National Guardianship System "Program Greece- Asylum, Migration and Integration Fund 2021-2027 and with the partnership of the

Praxis NGO as a supporting partner has supported more than 11,890 children, offering valuable and personalized support to them.

The aim was to offer guardianship services to unaccompanied minors in Greece in a systematic, organized and efficient way. The primary goal of this was to establish the Guardianship of Unaccompanied and Separated Minors by creating a network of more than 150 trained Guardianship Officers and 12 Guardianship Coordinators.

The Main axes of this program was to protect effectively unaccompanied and separated minors upon their entry in Greece, to safeguard their best interests by involving the minors themselves into the decision making about their lives keeping in mind their age and individual characteristics, family reunification and assist their transition to adulthood focusing on autonomy and help them integrate in social life and labor market.

7. 3. Shelters for unaccompanied minors

An action was organized and implemented by the organization med.in for sheltering and protecting unaccompanied refugees and migrants in Greece. Taking into account the great needs for appropriate sheltering the organization operated shelters for children aged 12 to 18. The act consisted of provision of safe housing and living conditions for the unaccompanied minors with the aim to protect them and help them integrate into Greek society, or support their relocation into another European country or their family reunification.

Shelters provided to cover the lack of appropriate and supportive environment and eliminate the negative consequences of separation and deprivation of their natural family. They cover minors accommodation, health services, educational support, social, psychological and legal support. Also, they are responsible for the children's nutrition, entertainment, athletic and creative activities. This holistic approach provided by the organization aims to offer social inclusion in the shelters and become a warm and safe environment for these children. Integration is the main aim of this organization which makes it practice by their intervention in accommodation, a serious and under question right due to many malpractices.

7. 4. Enhancing school attendance and quality education

According to Greek Council for Refugees (2021) the Greek Government should:

- ✓ provide clear instructions to all authorities regardless their legal status to ensure is well structured and stable educational system for refugee children,
- ✓ design a well timely and appropriate educated staff for the Reception School Facilities,
- ✓ organize appropriately the transportation services,
- ✓ raise awareness campaigns on the right of the children to education to enhance intercultural understanding and cooperation,
- ✓ conduct a nationwide training needs assessment to plan according education and inclusion into the work force of Greece.

7.5. Organization Earth- Employment Opportunities

The Greek non-profit Organization Earth provides experiential learning programs and services which target also into unaccompanied minors with the aim of social integration into local communities and personal development and their empowerment. Social inclusion and personal development is addressed through sport

and reduce inequalities. The program is designed to fight discrimination and create bridges which can promote health and happiness.

7.6. The Program " Addressing the needs of unaccompanied minors in Greece"

The program tries to assist and protect the rights of the unaccompanied minors who are willing to voluntarily return to their countries of origin. The program cooperates with NGO's to help these children to locate family or guardians and assist family assessments and create plans for reintegration.

7.7. The EU- backed project

The aim of the program is to keep children safe and keep them off the streets. The National Emergency Response Mechanism was able to save a great number of unaccompanied minors and rescued them from unsafe life conditions. It was designed to trace, register and provide emergency accommodation to unaccompanied children who live under unsafe and dangerous conditions in Greece (2024).

This innovative mechanism was taken into action by the Greek authorities during April 2021 in order to protect the homeless or in danger unaccompanied minors. Almost 5.000 thousand minors were rescued from the streets or from dangerous life conditions. Early detection and safe accommodation was achieved by the cooperation of case managers, mobile units, emergency accommodation facilities and was aided by a 24/7 hotline which was available in several languages. Emergency accommodation was provided into the identified in danger unaccompanied minors and then they were placed into adequate long-term accommodation facilities.

This program was awarded the second place for its beneficial contribution at the European Crime Prevention Award and Best Practice Conference, a contest which focuses on the best European crime-prevention projects. It was also presented as a Good Practice into the Global Refugee Forum in 2023. Finally, it was acknowledged as a best practice by the Interreg Europe Policy Learning Platform. The above distinctions show the good cooperative work which can be designed and implemented to support the living conditions of a great number at risk children in Greece.

7.8. Child Protection services by the International Rescue Committee

IRC focuses on durable solutions for the protection of unaccompanied children which should expand worldwide. The Organization supports independent accommodation and they support resident's gradual and sustained autonomy. The fact that more than 90% of the unaccompanied minors in Greece are above 14 years old and the large number of children which are 16 years old, the program they have designed is seen as potential for the smooth transition of the children into adulthood and promotes social integration. The outcomes of this program were seen as beneficial for the children who participated as they were found to be safe and cared for, in a family-like environment which promotes their physical, social, emotional, cognitive and economic well being. Therefore the implementation of the program into a greater number of children can be seen as a positive practice ensuring a quality environment which supports and helps in practice UAM's.

8. Improvements for further Implementation

The rising number of unaccompanied refugee and migrant minors on the move raises the need for rigorous and coherent practices to safeguard these children's fundamental needs.

Unicef has been working with the Greek Government and the EKKA to activate a new law on guardianship and expanding community-based care programs for refugee and migrant children. Also, a revising of the

national strategic plan for accommodation and care of refugee and migrant unaccompanied children was into renovation. UNICEF has identified "a very high rejection rate for unaccompanied children - 56% - in addition to low levels of family reunification transfers to other European countries. Therefore, compliance with the International Commission would be a positive practices to cater for the complex needs of UAM's. Additionally, the proposal for differentiation of the term focusing on addressing the needs of children who cannot be helped by the term in use would be also a challenging and important differentiation to help a greater number of children in need.

High security shelters, life skills education and cash transfer can reduce exploitation and sexual abuse as they create a coherent support framework for UAM and enhance their short and long term living conditions. Therefore, the creation of mechanisms for the quick identification and immediate actions could be beneficial for the everyday lives of many UMRC.

The case to case basis should be the axis within which decisions affecting the placement of children should be made. This method can secure a health environment and avoid risk factors. Also, it can provide opportunities of healing, psychological support and the reduction of the number of physical, sexual and verbal violence.

Life skills education can provide opportunities for long term decision making and problem solving skills, for creative thinking and interpersonal skills. Also, it can lead into more effective coping with emotions, skills that are important for positive long term decisions which can help UAM to avoid risk situations. The design and implementation in practice of a more stable and custom made educational program is important for their well being and can ensure future better life conditions.

Additionally, well structured long term cash transfer programs can provide a secure environment to UAM and can become an important strategy for the reduction of vulnerability. Therefore it can contribute into the diminish of exploitation and abuse as children won't lead into risky practices to provide themselves food, shelter or clothing. A stable cash transfer can stop dropping out of schooling as URMCM won't need to find an underpaid job just to survive.

Governmental measures should also focus on to design of Guardianship representation in collaboration with all the competent authorities in the grounds of The Best Interest of the Child. By this method, an immediate representation will be designed until the Special Secretariat for Unaccompanied Minors -that is now responsible for Guardianship- have sufficient time to implement an effective, independent system for the protection of all unaccompanied children in Greece

9. Discussion

This small scale research review can make clear that a series of legislation acts are in practice to secure fundamental human rights and protect a vulnerable population, the URMCM, who are and should be under special protection.

In practice though a series of ineffective law implementation, gaps or strict rights violations threat Unaccompanied children and enhance the risk of exploitation. It is evident that the governmental measures do not secure URMCM safety and in many cases Greece has been not only negatively criticized but also found guilty for malpractices of Human Rights violations. On the other hand, there have been positive practices applied by - in most of the cases- Non Governmental organizations which are found as beneficiary for the Children that have been able to be benefitted by the certain acts.

The co-operation between the State and the Organizations which are already experienced in helping URM C can be beneficiary for unaccompanied children whose needs will be met quickly. Therefore it is believed that they can diminish the risk of victimization and exploitation.

Unfortunately, the critical analysis of the data collected showed that many areas that were designed to provide support and care for the URM C were not able in practice to provide a stable environment and to address these children's needs. This fact was clear in areas that were crucial for the children's everyday lives, such as the provision of a safe home, schooling and guardianship and affected negatively not only their future but also made them vulnerable to exploitation.

The absence of recent bibliography and scientific articles was remarkable. So this small scale literature review could not reach into clear outcomes about the job opportunities and conditions in which URM C work. This is a scope of research further research and that needs to be examined and analyzed thoroughly to understand the future that was provided to these children following the specific methodology on their provision. The fact that there were merely no data on the field leads into low evaluations on the fields of schooling and provision and needs further analyses.

The fact that all the subsections that were incorporated into this small scale research showed that there were fields on every area that needed improvements as they did not follow the International, EU and State rules and could not in practice reassure the well being of the URM C was a disappointing conclusion which shows the great need for immediate alterations of the fields.

On the other hand, the positive outcomes that were published by private, non governmental organizations which highlighted the malpractices and at the same time took organized and stable measures to provide safety and qualified living conditions was an optimistic outcome. These Organization try to fill in the gaps and help these vulnerable children. They were able to show that there are solutions and that the cooperation between different state and private organizations can be beneficial for all those involved with this difficult task. Cooperation and appropriate design are found to improve the lives of the unaccompanied refugee and migrant children within the Greek borders and provide them a safe environment and a better future.

Analysis of the research questions and evaluations of the research outcomes have lead into the above assumptions:

A series of legal practices are followed in Greece to state an unaccompanied refugee and migrant minor and are followed by the Ministry of Migration and Asylum for the protection of unaccompanied and separated minors in Greece. As shown in figures 2 and 3 there are major departments in Greece which are authorized to protect URM C and new legislations have been set into action to protect the children's best interest and provide a secure environment for them to live.

Legal practices identify the complex needs of underage unaccompanied refugees and migrants and the Special Secretariat and the new legislation for the Guardianship were made to address major difficulties and provide special support to URM C.

Unfortunately, the legal practices are not able to protect the vulnerable ones based data collected on this literature research as there were found many malpractices, law violations, and convictions from the European court for the States'

failure to protect and support. Fundamental rights such as a safe living environment, protection from exploitation, the right of education and safety are violated in cases of poor sheltering, inconsistent education programs, money shortage and placement of under age children in shelters with adults. Therefore, to which extend can URM be safe under these living conditions?

Many reports criticize negatively the identification conditions, the guardianship system and sheltering and real life cases have shown that many laws are violated, mostly due to difficulties into the law implementations. Finally, the outcomes of this literature research have shown that there are areas which need reformation for the benefit of the URM.

On the other hand, there is evidence that there are organizations who try to design and implement practices which can protect URM and are implementing beneficial programs for their support and safety. These programs can be seen as positive examples for future alterations and improvements on the field of sheltering, asylum seeking, reunification of children with family members in other EU countries, appropriate education, psychological and educational support, all areas that are found to be protected by the legislation (Figure 1).

In conclusion, this literature review concluded that the Greek State have taken measures to comply with International and EU legislation for the protection of the URM but their implementation in very difficult in practices. So, many URM cannot be protected and are at risk for many forms of exploitation. There are many NGO'S which have taken measures to fill in gaps and protect URM and their efforts are seen as positive and beneficial.

10. Conclusion

International, EU and Greek laws are violated in many cases in practices as the great number and the complex needs of the URM cannot be fully met within the Greek system. The fact that the series of the legislative acts cannot fully protect vulnerable children in practice left us skeptical about the importance of an organization which could incorporate best practices for both governmental and nongovernmental organizations to enhance the quality of the support provided. The vulnerability of these children are no under question and when their needs are not met in a stable and secure way they become victims of exploitation. Even though the Greek Government made positive steps, such as the "No child Alone" scheme, and many nongovernmental organizations work towards these fields to protect and secure the rights of URM's in Greece the problems and inefficiencies still remain in practice. As the refuge crisis is nothing more than a Humanitarian crisis our conscience dictates that the immediate act can be the only solution if we want to be called Humans.

This small scale literature review cannot cover the large amount of information published in Greece and abroad and therefore there are limitations to its extend and outcomes. The trends though have shown that there are areas which need severe changes and that cannot secure safety and appropriate living conditions. As a result, even though this research could not cover fully the fields of interest has shown that the existing laws are made to protect URM but in practice their human rights are violated. Also, there is evidence that there are positive practices and that there are NGO's which try and accomplish to provide safety, support and help these children fit in the Greek society.

Further research on the field would be valuable to provide more information and shape beneficial policies for the future of vulnerable children who need help and constant support. Positive practices followed by other countries or from other nongovernmental organizations can provide solutions for better policy designs and governmental decisions for improvements in practice.

Further research on the field of job opportunities and working conditions of the URMIC are of utmost importance to evaluate the living conditions. The outcomes on the field could be beneficial on the design of appropriate analytical programs in School and on the implementation of programs that will focus on skills which could be helpful in the job market.

Further long term research is needed on sheltering conditions and verbal or physical abuse to examine the outcomes of the connection between these two axis into the future of URMIC.

Long scale research is needed on the psychological issue of poor quality sheltering, and detention practices to URMIC for the design of adequate psychological support for these children. Psychological support can provide better life conditions, and is important to ensure quality support.

This small scale literature research has provided interest outcomes which affect the everyday lives of a great number of vulnerable children. Further research on the field might provide clearer outcomes and can become a basis for designing more appropriate strategies for the support of these children.

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12. Table of Figures

<i>The United Nations System</i>	<i>The Council of Europe</i>	<i>CEAS</i>	<i>Main National Framework</i>
<i>Convention of the Rights Of The Child, ratified by Greece in 1993</i>	<i>European Convention On Human Rights</i>	<i>EU Directives 2011/95 which</i> Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted	<i>Codifying Law 4636/2019 on International Protection</i>
<i>Greece has ratified all major UNHR treaties:</i>	<i>Revised European Social Charter, a treaty to protect socio-economic rights</i>	<i>L. 2013/32 on Asylum procedures</i>	<i>Amended by L. 4686/2020</i>

Figure 1.

<ul style="list-style-type: none"> • Genocide Convention • ICCPR which obligates countries that have ratified the treaty to protect and preserve basic human rights, • ICESCR, the International Convention on Economic, Social and Cultural Rights • CEDAW, The Convention on the Elimination of All Forms of Discrimination Against Women • CAT, The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment • CRPD, The Convention on the Rights of Persons with Disabilities • ICPPED, The International Convention for the Protection of All Persons from Enforced Disappearance 	Lanzarote Convention , for the protection of children against Sexual exploitation and abuse	L. 2013/33 on Reception conditions which found transposition into the Greek Legal Order by P.D. 141/2013 L. 4375/2016 on common procedures for granting and withdrawing international protection, and includes provisions on resident permit (Article 22) for Humanitarian reasons. By this Law the General Secretariat of Reception is established It also refers to: the Organization and operation of the Asylum Service, the Appeals Authority the Reception and the Identification Authority L. 4540/2018 Establishing Standards for the Reception of Applicants for International Protection
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Figure 2. Legal Framework for the Legal System referring to Unaccompanied Refugees and Migrant Minors

United Nations Convention for the Rights of the Child	European Union's legal framework	Member States Legal and Policy Acts
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Figure 3. Fundamental Greek Legal Acts for the Protection of Unaccompanied Refugee and Migrant minors

Laws 2011/95 and 2013/32 on asylum procedures,
Law 4375/2016 reforming the Asylum Procedure and referring to guardianship,
Law 2013/33 on transportation onto the Greek legal order by P.D. 141/2013,
Law 4756/2020 referring to the responsible authority of guardianship of unaccompanied children,
Law 4960/2022 creating a national guardianship system in Greece and

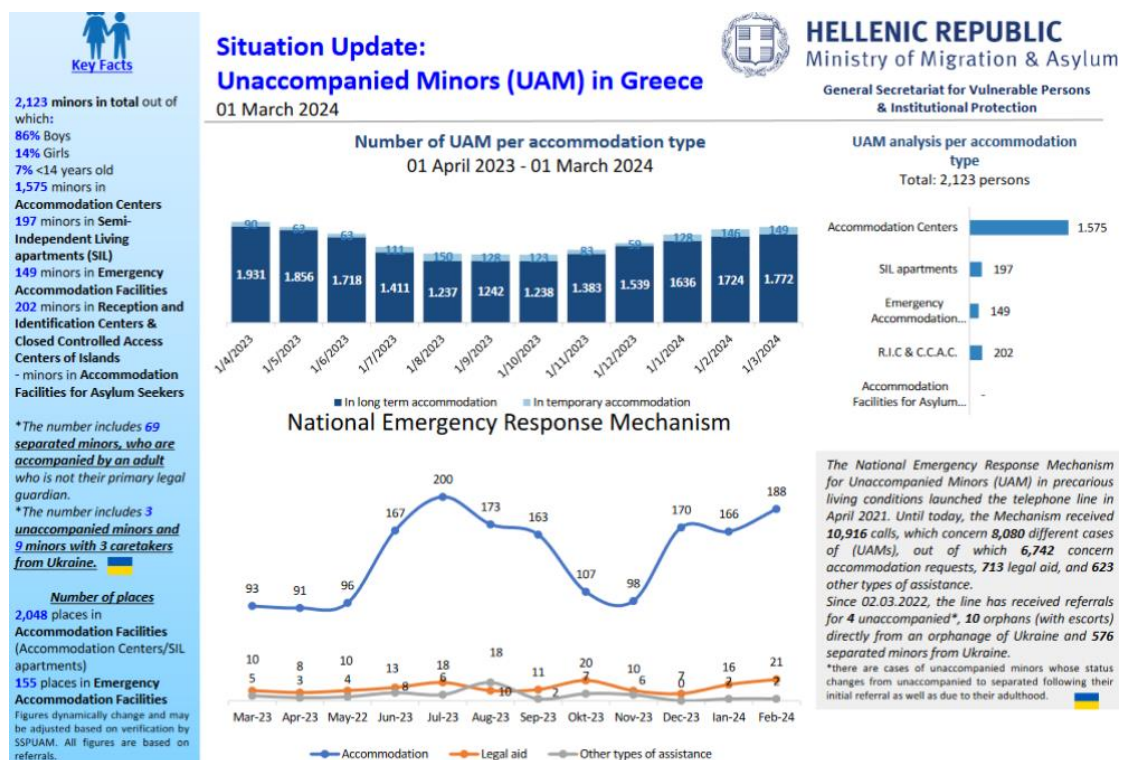
framework for the accommodation

Figure 4. Greek Ministry Official authorities for the Aid of Unaccompanied refugee and migrant minors

Ministry of Migration and Asylum for the protection of refugees and migrants	The General Secretariat for Vulnerable Persons and Institutional Protection	Directorate for the Protection of the Child and The Family of the Ministry of Labour and Social Affairs
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Figure 5. Situation Update.

Available at: https://migration.gov.gr/wpcontent/uploads/2024/03/SGVP_Statistics_2024_03_01-1.pdf



Δηλώνω ρητά ότι, σύμφωνα με το άρθρο 8 του Ν. 1599/1986 η παρούσα εργασία αποτελεί αποκλειστικά προϊόν προσωπικής εργασίας και δεν προσβάλλει κάθε μορφής δικαιώματα διανοητικής ιδιοκτησίας, προσωπικότητας και προσωπικών δεδομένων τρίτων, δεν περιέχει έργα/εισφορές τρίτων για τα οποία απαιτείται άδεια των δημιουργών/ δικαιούχων και δεν είναι προϊόν μερικής ή ολικής αντιγραφής, οι πηγές δε που χρησιμοποιήθηκαν περιορίζονται στις βιβλιογραφικές αναφορές και μόνον και πληρούν τους κανόνες της επιστημονικής παράθεσης.