

Open Letter

To:

The Prime Minister of the Hellenic Republic Mr. Kyriakos Mitsotakis

Dear Prime Minister,

The organizations signing this letter have been engaged for many years in the field of human rights and humanitarian aid and are looking to you in the hope that you will intercede to resolve a very serious issue. This pertains to the protection of thousands of unaccompanied children, who, due to a lack of suitable and sufficient shelters, as well as a comprehensive guardianship scheme and a system of child protection, remain in unsuitable accommodation and/or detention centers for extended periods of time. It is a common secret that the situation which has taken shape in the last 5 years is not in the best interest of the child. Nor does it benefit our country.

The present letter is sent because of your crucial initiative on November 24, 2019, to prioritize and to bring all the relevant competences under the Prime Minister's office, which we, first and foremost, welcome. We must, however, bring your attention to a set of issues, which have also been underscored by the European Committee of Social Rights and which continue to put at risk the rights and the physical and mental health of unaccompanied children, who arrive in Greece.

Specifically, based on the latest available information provided by the National Centre for Social Solidarity (EKKA) the number of unaccompanied children was 5,463 on January 31, 2020. The prevailing impression is that this figure is obviously an underestimate, given that our organizations continue to identify both cases of non-registration as well as phenomena of incorrect age assessment of refugees and migrants, who have recently arrived. This lack of clarity about the real number constitutes a material impediment for the protection of children in Greece.

At the same time, long-term accommodation places for children continue to be far fewer than those required, in spite of the fact that there was an increase of 182 places in 2019, bringing the total number of places to 1,286 at the end of January 2020. Moreover, an estimated number of 187 children are under detention, which under no circumstances can be considered to be in the best interests of the child, as the practice of "protective custody" has already been ruled by the European Court of Human Rights (ECtHR) as being in breach of the European Convention of Human Rights. In the last year alone, the ECtHR condemned Greece for the protective custody of minors in successive judgments delivered by the Court. Finally, 1,077 unaccompanied children continue to live under precarious conditions or are homeless, with all the risks that this entails for their safety and welfare.

In this context, we would like to underscore that the critical gap, which exists in children's access to safe accommodation is the main, but certainly not the only problem that undermines their protection. Many children continue to be deprived access to basic means of survival, including health services, medical care as well as services of psychosocial and legal support. Moreover, there are unfortunately cases in which children face exclusion from the public education system, in violation, amongst other things, of the International Convention on the Rights of the Child, which has been part of Greek law since 1992.

Finally, we would like to bring to your attention the lack of continuity that short-circuits the Guardianship programme for unaccompanied minors. This programme was carried out until the end of 2019 by non-governmental organisations. Now it has come to an end without ensuring the continued operation of a similar programme. This has created a very serious gap. The new regulatory framework on the guardianship of minors is expected to enter into force on March 1, 2020, in accordance with the relevant provisions of L. 4554/2018 which, after repeated postponements, has been significantly delayed. Today, Five days prior to the introduction of the framework, we have not been informed either about the commencement of its operation or the manner in which it will function, causing disquiet and reasonable concerns. In this context, care should be taken to ensure that the institution shall enter into effect immediately, together with other important institutions, such as foster care for minors and we are in a position to put forward specific positions and proposals for their better operation.

Prime Minister,

The Greek State has a moral and legal obligation to actively protect the fundamental rights of unaccompanied minors in Greece according to international and national legislation.

Therefore, we would like to request that you ensure:

- The institution and operation of a single system for children's protection, which shall support and protect all children, irrespective of their legal status and origins, until they enter adulthood at least.
- The immediate transfer of unaccompanied children from the Reception and Identification Centres on the islands to mainland Greece with a simultaneous increase of the number of places in shelters with special care given to the creation of spaces that are not of a temporary nature and which promote the implementation of alternative housing schemes, such as Semi-Autonomous Supported Living schemes.
- The implementation of Law 4554/2018 on the guardianship of unaccompanied children as soon as possible, with an immediate provision covering the transitional period until the full implementation of the legal framework, so that children do not remain without a Guardian.
- Putting an end to the "protective custody" of children in detention centres, police stations and other facilities throughout Greece, which constitutes a blatant violation of the fundamental rights and has resulted in our country's conviction by the European Court of Human Rights. Moreover, their immediate transfer to appropriate structures.
- The obligation to examine requests for international protection of all unaccompanied children, irrespective of age, with the regular rather than the fast track procedure. Taking into account the principle of best interest of children, we are requesting the amendment of the provision of article 75(7) of Law 4636/2019, to include unaccompanied children in the regular procedure.

In hope that your decisive mediation shall bring about a solution,

Sincerely,

The signatory organizations

AITIMA
ARSIS - Association for the Social Support of Youth
Caritas Hellas
Danish Refugee Council (DRC)
Defence for Children International Greece
Equal Rights Beyond Borders
ELIX
Greek Council for Refugees (GCR)
Hellenic League for Human Rights
Help Refugees / Choose Love
HIAS Greece
Human Rights Watch
International Rescue Committee (IRC)
Médecins du Monde (Mdm- Greek delegation)
Medical Intervention

Network for Children's Rights
PRAKSIS
Refugee Support Aegean (RSA)
Solidarity Now
Terre des Hommes Hellas