

SPEECH- MS SPYROPOULOU

When the current government took office two were the main changes regarding detention policy:

1. the length of the detention period, which was reduced to 6 months as prescribed by national law. Until then the length of the detention period could be up to 18 months or even infinite. The Opinion 44/2014 of the Legal Council of the State, adopted by a Ministerial decision of the Minister of Public Order and Citizen's Protection, attempted to abolish even the minimum safeguards prescribed by law, namely the prohibition of indefinite detention and the provision of a maximum time limit in the case of a return, and
2. the immediate release of all vulnerable groups.

These measures led to the prompt release of thousands of people from the detention centers across the country. At the moment we are in collaboration with the Minister of Citizen's Protection so we can set in motion a human rights based policy by promoting to the maximum the use of alternatives to detention, such as regular reporting to the authorities and the declaration of address. Our goal and priority is to impose administrative detention as a last resort after all other options have been proved to be inadequate in each individual case.

Unfortunately, immigration detention of children still applies in Greece. It is not imposed to families with children, who are placed in detention until their identification procedure is completed, which can take from a few days up to a whole week. The general practice is that vulnerable individuals (in accordance with the list of vulnerable groups contained in Law 3907/2011) and families with children, are released from detention.

The existing legal framework, deficiencies and challenges

The major problem is related to unaccompanied minors. Significant number of unaccompanied minors, particularly young Afghans, arrive in Greece. (provide numbers and COI) In case relatives or next-to-kin are not identified as caregivers, unaccompanied minors are registered, referred to the Prosecutor and placed in existing reception facilities around Greece. The prosecutor should proceed to all appropriate actions in order for a guardian to be appointed. (A. 19 p.d 220/2007). Even if an unaccompanied minor has not applied for international protection (asylum or subsidiary protection), he or she is protected according to the European and the International legislation.

Unlikely, the competent local prosecutors acting in accordance to the law as temporary guardians do not in fact come into contact with the minors or are not updated for the future course of their cases.

The shortcomings of the Greek system regarding protection of unaccompanied minors have been highlighted by the European Court of Human Rights in *Rahimi v Greece* judgment (date of decision 05-07-2011-application no:8687/2008), an Afghan citizen, who entered the Greek territory unaccompanied and was placed in detention together with adults for two days, after which he was abandoned to live on the streets.

The reason why immigration detention of children is still applied in our country because there are not enough reception centers for minors in Greece. The total number of existing bed spaces is 400. In fear of labour or sexual exploitation of the minors, the authorities have decided to implement detention, until positions in reception facilities become available.

Unfortunately, there are no special facilities for minors and many unaccompanied minors are detained together with adults especially at the country's entrance points, and so children are placed in areas of each detention center, which are adapted for children. Actually, there is only one, placed in Athens with capacity of 50 persons.

In particular, we face challenges with regard to the referrals to reception centers. The referrals are delayed either due to the limited capacity in reception facilities for children or to the inability to undertake the transfer in time. Moreover, referrals are delayed because of the lack of standard operating procedures which result in problems when staff is transferred in institutional mechanisms such as hospitals. NGO programs have tried to cover the gap in transfers, however funding for these activities is limited or non-sustainable. Another major problem is that in several occasions despite the fact that minors are claiming to be under aged, they are treated as adults, because there are delays in the age assessment procedure.

Minors are often detained for a 2 month period. According to the National Centre for Social Solidarity's (which has been assigned with the referral system for UASC to accommodation facilities in 2011), statistics for the year 2014, the average waiting period, from the moment the NCSS receives the request until the point a position in a guesthouse is found, was **24** days, while **13** more days pass from the moment our service issues the relevant document until the minor reaches the guesthouse (while expecting Police escort or the NGO Metadrasi). **During these 37 days the children were under detention.** The average stay of minors in the guesthouses was 51 days, a fact which is attributed mostly to the "informal escape" of the minors in their attempt to leave our country. These escapes create issues for the system of guardianship, lead to re-arrests of the minors, to their exposure to dangers and to the reactivation of the house finding process. The NCSS received **2390** requests, that is **more than two times** the 2013 requests and **almost three times** the 2012 ones. Boys account for 96,28% of the requests of unaccompanied minors and girls for 3,72% (89 requests), while minors under 12 years old account for 3,81% (91 requests). More than **60%** of the requests come from minors of **afghan** citizenship. **Syrian** unaccompanied minors represent **12,76%** of the total number, compared to 2013's 9,39%. As regards to the

first 3 months of 2015 the NCSS received 328 requests, 308 of whom concerned boys and 20 girls, with the average age being 16 years of age, the majority of which were Afghans (211) and Syrians (51)

Action Plan

- We have taken certain measures with regard to the increase of the existing reception centers. Despite the lack of funding, we managed to open a new reception facility in Athens with a 40 person capacity and we are going to open 3 more in the province.
- Our goal is to reinforce the personnel of the First Reception Center, so that the medical screening is completed in the entrance points, in order to avoid the delays which are noted in hospitals. At the time the Hellenic Center for Disease Control and Prevention is conducting the predicted medical examinations for minors, and so there is a crucial reduction of the waiting period for a referral, compared to the delays in hospitals.

In parallel, we are ready to proceed to a review of the guardianship system for unaccompanied minors.

- We are trying to have an active involvement with the police authorities in charge of minors issues in order to take actions that would result to better living conditions for the target population until they are transferred to the reception centers.

(Our priorities are to guarantee access to assistance and reception services and to ensure concrete opportunities for local integration or transfer in other Member States, through measures such as the effective family reunification, to establish best interest determination procedures and to ensure that durable solutions are identified and implemented.)