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# The “invisible children”: violated rights and facilitators of coping mechanisms of unaccompanied minors on the island of Samos

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## Statement of authenticity

I, Gaia Boneschi, hereby declare that this final dissertation entitled “*The invisible children: violated rights and facilitator of coping mechanisms of unaccompanied minors on the island of Samos*”, concluded in April 2020, is the result of my own effort, reflects my own ideas and judgement, correct and accurate to the best of my knowledge and belief, and does not include anyone else’s work unless referenced or properly acknowledged. I am fully aware that plagiarism is a serious matter and could be considered by the University a ground for expulsion from the Master programme.

## Abstract

Starting from the experience as a humanitarian operator, in daily contact with the reality of unaccompanied minors on the Greek island of Samos, the document examines the regulatory framework that concerns this vulnerable category at the international and European level, to then dwell on the changes that have taken place in Greek legislation before and after the 2015 humanitarian and refugee crisis, until today. In particular, the effects of two laws will be observed: Law No.4554, which entered into force in July 2018 and Law No.4636, which entered into force on January 1<sup>st</sup>, 2020. In light of the provisions of these laws, but also of many aspects of their non-implementation, the situation on the island is examined, where there are several hundred unaccompanied minors, of which only a minority lives in the official camp, while most coexist with adults in unsafe conditions in the so-called "Jungle", an agglomeration of over six thousand people.

The report shows the results of an *ad hoc* research conducted in the early months of 2020 which involved a sample of sixty-nine operators from the various NGOs and International Organizations present on the island and which identifies the key points on which the major discrepancies between children's rights and their real condition converge. The assessments of the unaccompanied minors' phenomenon, the urgencies to be addressed and the directions in which to express the energies of the organizations present in Samos are subsequently examined.

Moving forward, it is examined how the activity of humanitarian workers can constitute a facilitator to the adaptive coping mechanisms put in place by some minors and how some activities are particularly important for this purpose, as well as it is vital an alert network to report episodes of negative coping.

Lastly, it is mentioned how the recent lockdown established by the Greek government to deal with the pandemic caused by COVID-19 has had repercussions on the interpersonal relations between unaccompanied minors and operators and how, in this even more precarious situation, coping can still be promoted.

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## Acronyms

BIC	Best Interest of the Child
CRC	Convention on the Rights of the Child
CSR51	Convention Relating to the Status of Refugees
ECB	European Central Bank
EU	European Union
GC	General comment
IMF	International Monetary Fund
IMC	International Medical Corps
IOM	International Organization for Migration
NGO	Non-governmental Organization
RIC	Reception and Identification Centre
UAC	Unaccompanied Children
UAM	Unaccompanied Minor
UASC	Unaccompanied and Separated Children
UN	United Nations
UNHCR	United Nation High Commissioner for Refugees
UNICEF	United Nation International Children's Emergency Fund

## Introduction

If in recent years there has been increasing attention, in some cases with real alarm, on the migratory process taking place towards Europe, within this complex phenomenon there is an aspect that still has elusive and unrecognized features: that of unaccompanied minors. This component is elusive because it intersects rights that are proper to each asylum-seeking person with rights that are specific to those who are not of age and therefore have neither legal nor cognitive autonomy to promote them. And it is unrecognized because, coming from countries often destroyed by heavy conflicts and going through many others where the fundamental guarantees are absent or insufficient, the personal identity of the individual is often denied or distorted.

Thus, it happens that even official figures struggle to circumscribe this reality: if reference is made to arrivals, all unregistered minors will inevitably escape from the statistics; if reference is made to applications for asylum, all those who have not had the opportunity to submit it will be excluded. In addition, these statistics, even if they prove reliable, still express an aggregate and purely quantitative data, while there is little awareness of the conditions in which every unaccompanied minor is forced to spend an indefinite period of time, waiting for the competent authorities to collect his requests and judge them as suitable or not; in other words, what can be referred as the quality of life of these children, often invisible to the institutions responsible for public opinion, is elusive.

For all these reasons, the decision was to undertake a "participant observation", living as a humanitarian worker what in the last months of 2019 and early 2020 took place on the Greek island of Samos.

In many ways this choice revealed itself to be a privileged point of view because on the island two realities coexist, that of an official camp, where around two thousand asylum seekers live, of which around eighty are unaccompanied minors, and that of a larger contiguous area, devoid of stable structures, where around six thousand refugees live, among which is estimated more than three hundred unaccompanied minors found shelter.

Samos is therefore a complex reality, albeit thickened over a rather restricted territory. It is also a very harsh one for unaccompanied minors, who react by implementing various coping mechanisms, that are real survival strategies in an environment completely unsuitable for treating stress and trauma deriving from war conflicts and everything that can result from a journey into the unknown, without the proximity of the reference figures.

The work of the humanitarian actors present on the island is precisely to face daily the difficulties that many of these unaccompanied minors experience, trying to act as facilitators for their coping strategies or to make sure that their vital energy continues to gush out, despite an extremely disadvantaged environmental and relationship situation.

To develop this topic, in the following pages the framework of laws and conventions that regulate the rights of unaccompanied minors at the international, European, and national level will be initially reviewed, while then a series of contradictions and a big implementation gap which have led, in the current context, also due to the evolution of political balance in Greece, to a substantial infringement of many of the rights previously analyzed will be highlighted. In particular, the situation existing on the island of Samos will be examined, both pertinently to what happens in the official Reception and Identification Center, and in the neighboring area occupied by refugees, “the Jungle”. Through an ad hoc research conducted in the early months of 2020, the point of view of a sample of over sixty aid workers who have had direct experience with this reality and who have expressed a series of opinions and assessments regarding the needs of the UAM and the priorities for activating targeted interventions towards them will be analyzed.

In conclusion, some examples of how some activities can be particularly useful to facilitate in these "invisible children" the onset of adaptive coping mechanisms, able to make up for the deficiencies and the physical and psychological deprivations to which they are forced will be provided.

## Methodology

The time spent on the island of Samos starting from early October 2019, first as project and volunteer coordinator for an NGO that was focusing on art sessions for kids and then, from January 2020 as team coordinator for another NGO that specifically deals with unaccompanied minors, has allowed me to become a "participant observer" of the phenomenon that is the subject of this dissertation, which, however, wanted to be extended, in addition to an individual point of view, to that of a sample of other humanitarian workers who, for various reasons, have faced the continuous arrival of refugees on the island. For this purpose, a research divided into three sequential phases was carried out, in which the objectives can be summarized as follows:

- a) Preliminary phase of identification of crucial points to be investigated. – It was implemented through the attendance and listening to periodic meetings that were held on the island between the coordinators of the various NGOs present, namely the Coordination Meeting<sup>1</sup> and the Protection Meeting<sup>2</sup>. During these periodic meetings it was custom to go through various hotspots of the work on the island in relation to all the events of the arrivals, number of migrants on the island and miscellaneous updates. From these numerous topics, those relating more directly to the UAMs were extrapolated to outline the questions to be asked in the subsequent work phases.
- b) Semi-structured qualitative phase. – This phase was developed through individual interviews conducted with a track that included both closed questions (evaluation scale and evaluation classification), and open ones, with extensive collection of minutes. In this phase, directed at humanitarian workers who have a role and experience to get a broad and in-depth vision of the phenomenon of UAMs, it was at the time mainly to circumscribe the terrain of the idea, so as to be able to proceed more effectively on some critical points concerning the hotspots that were going to be subjected to quantitative verification by means of a larger sample.
- c) Extensive phase with online questionnaire. – This phase was entrusted with the task of quantifying some descriptive variables of the phenomenon under study, based on the opinions expressed by a sample of humanitarian workers selected from those who had in any case gained direct experience in Samos. It was carried out by preparing a

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<sup>1</sup> Meeting held every two weeks, organized by Indigovolunteers. At least one coordinator per NGO or international organization on the island attending.

<sup>2</sup> Meeting held monthly, organized by UNHCR. Coordinators from each NGO were invited to attend.

mainly structured questionnaire, accessible through an online platform, in order to involve also people who are no longer present on the island, but who had in any case spent a period there within the last twelve months.

The universe of reference within which the sample was obtained is made up of all the humanitarian workers, estimated at about two hundred, which refer to about sixteen NGOs present on the island from the last quarter of 2019 to the first of 2020, a time span that is to be considered the observation field of the study.

The choice of the subjects to be involved in the first phase was based on individual contacts with some of the more regular participants of the coordination meeting. Some letters of presentation of the research initiative were sent also to the institutions present on the island, both national (mayor, deputy mayor) and international (UNHCR, among others), but despite repeated contacts in this sense it was not possible to collect contributions in good time.

For the online phase, an invitation to collaborate and the link to access the questionnaire was sent and disseminated through a social media group that includes about four thousand operators who have served on the island. From it, in the period between March 3<sup>rd</sup> and March 31<sup>st</sup>, sixty-nine completed questionnaires were collected, which, in addition to the five semi-structured interviews previously conducted, form the basis of this research work.

With regard to the method of analysis, the answers to the five semi-structured interviews, which has been possible to record digitally, after an agreement with the interviewee that guaranteed their anonymity, were subjected to content analysis in order to be able to verify and appropriately circumscribe, together with the material extracted from the preliminary phase, the topics chosen for the subsequent extensive study. Some particularly significant minutes will be used in the commentary on the results of the study, set out in chapter III.

Finally, with regard to the questionnaire used in the extensive phase, once the items to be evaluated were isolated, it was decided to measure them on the sample of:

- The level of agreement – using an agreement/disagreement scale with four nominal positions;
- The perception of urgency – always using a four-position nominal scale;
- The intervention priorities – using a ranking that allowed a multiple choice up to a maximum of three items.

In addition to these indicators, the results of the study reported in the aforementioned chapter include one open question focused on humanitarian workers' perception about UAMs needs and priorities.

## CHAPTER I. Legal framework and political priorities concerning unaccompanied minors

Beyond the differences or similarities that can be found according to the different sources of law at the international, European and national level, the term "unaccompanied minor" refers to two main conditions, one intrinsic to the subject, namely, his age, and the other extrinsic to it, specifically its relationship with other subjects who can somehow assume a role of responsibility towards him, such as kinship.

It is immediately evident that both of these parameters have been correctly adopted because they constitute a simple and quickly verifiable regulatory basis in all those contexts where personal data that can record with sufficient certainty both births and the composition of families exist.

In the light of the facts, however, the application of these criteria is very problematic in places where significant migratory flows are concentrated, in particular of subjects coming from territories in a state of war, where the registry archives have been destroyed or have no longer been updated, and where daily living conditions have assumed emergency levels, distorting the very concept of "responsibility towards minors".

Between the hell from which these children come and the promise of a place almost like heaven, enshrined in the UN Convention on the Rights of the Child, in his General Comment No.6 and in numerous national and European directives, a sort of purgatory has thus been created in various areas of the world, where, however, there is no guarantee that the punishment will have an end, and where the conditions of life can prove to be, if not infernal, however hard enough to undermine forever the transition to adulthood.

### 1.1 Definition according to International, European and Greek law

According to the General comment No.6 of the UN Committee on the Rights of the Child, unaccompanied minors, also called unaccompanied children, are «*children as defined in article 1 of the Convention*<sup>3</sup>, who have been separated from both parents and other

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<sup>3</sup> “Every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” – Convention on the Rights of the Child [Adopted November 20<sup>th</sup>,1989, entry into force September 2<sup>nd</sup>, 1990] 1577 UNTS 3 (CRC) art.1.

*relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so*<sup>4</sup>».

It has to be observed that this definition, following the one enshrined in the Inter-Agency Guiding Principles on Unaccompanied and Separated Children<sup>5</sup> issued the year before, is in this case strengthened by the clarification that state's obligations are not only towards unaccompanied minors that find themselves in a state territory, but also towards those «*who come under the State's jurisdiction while attempting to enter the country's territory [...] – including asylum-seeking, refugee and migrant children - irrespective of their nationality, immigration status or statelessness*<sup>6</sup>».

It is, in fact, quite clear nowadays that the majority of unaccompanied minors represents a big part of the wider phenomenon of “children on the move”, meaning children who, having left the place where they usually live, either voluntary, so as migrants, or involuntary, as refugees, are on their way to a new destination, most of the time in a different country from that of origin.

A very similar definition, at the European Level, can be found enshrined in three main documents: the recast Asylum Procedures Directive<sup>7</sup>, the recast Reception Conditions Directive<sup>8</sup> and the recast Qualification Directive<sup>9</sup>. In these directives the following definition can be read: «*'unaccompanied minor' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States*<sup>10</sup>».

It has to be considered however, as stated on the European Commission website, that «*there are significant differences between EU Member States with respect to national definitions*

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<sup>4</sup> UN Committee on the Rights of the Child, General comment No.6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin [2005] CRC/GC/2005/6 (GC No.6) par. 7.

<sup>5</sup> International Committee of the Red Cross, Inter-Agency Guiding Principles on Unaccompanied and Separated Children [2004].

<sup>6</sup> GC No.6, par.12

<sup>7</sup> European Parliament and Council Directive 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection [2013] OJ L. 180/60 -180/95 (Asylum Procedure Directive) art. 2(m).

<sup>8</sup> European Parliament and Council Directive 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection [2013] OJ L. 180/96 -105/32 (Reception Conditions Directive) art. 2(e).

<sup>9</sup> European Parliament and Council Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on 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 [2011] OJ L. 337/9-337/26 (Qualification Directive) art. 2(l).

<sup>10</sup> *Ibid.*

*and recording practices, for instance with regard to the age limit to be considered and whether or not they are unaccompanied» and «in some (EU Member) States, statistics include all those who claim they are unaccompanied minors (i.e. before an age assessment has confirmed this), whereas other (Member) States only count those recognised as such by a competent authority (i.e. following an age assessment)<sup>11</sup>».*

Coming to Greek legislation, it should be noted that the European Directive 2013/33/EU was incorporated into Greek law No.4540 only in May 2018, with a full five years of delay compared to the publication of the Directive and already when the so-called humanitarian emergency on the Aegean islands and the mainland was underway. The law No.4540, with article 2(e), states: *«‘unaccompanied minor’ means a minor who arrives on the Greek territory unaccompanied by an adult exercising parental responsibilities over the minor or entrusted with the custody of the minor under Greek law, or by an adult relative who effectively takes care of the minor and for as long as such duties have not been assigned to another person under the law. The definition includes any minor who is left unaccompanied upon entering the Greek territory<sup>12</sup>».*

This definition essentially translates the European one, contextualizing it to the national legislative framework, without evident variations or modifications.

The convergence and agreement highlighted in the legal tools both internationally, and at European and national level, clearly helps to circumscribe and identify the object of analysis of this thesis, namely unaccompanied minors who find themselves during their time “on the move”, their journey to a final destination, to go through the first phase of the European reception system for asylum seekers on Greek territory, and, as we will see, more specifically on the island of Samos.

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<sup>11</sup> European Commission, *European Migration Network Glossary “unaccompanied minor”* (European Commission Migration and Home Affairs) [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_search/unaccompanied-minor\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/unaccompanied-minor_en) accessed 28 February 2020.

<sup>12</sup>Greece: Law No.4540 transposing Directive 2013/33/EU of the EU Parliament and of the Council of 26 June 2013 into the Greek Legislation Establishing Standards for the Reception of Applicants for International Protection and Other Provisions, Amending Law 4251/2014 (GG A'80), Transposing the Directive 2014/66/EU of the EU Parliament and of the Council of 15 May 2014 on the Conditions of Entry and Residence of Third-Country Nationals in the Framework of an Intra-Corporate Transfer, Amending Asylum Procedures and Other Provisions [2018] GG A'91.

## 1.2 International guarantees for UAMs

At the international level, a lot of instruments, either binding or non-binding, provide guarantees and rights to unaccompanied minors. Those analysed in this chapter are considered the most relevant for this study.

### 1.2.1. The Convention on the Right of the Child and General Comment No.6

The Convention on the Right of the Child, signed in 1989 and entered in to force in September 1990, is the most important document at the international level stating all the welfare and agency rights of children, and it therefore applies also to unaccompanied minors. What is considerably remarkable and specifically concerns the case of UAM is General Comment No.6, dedicated to the treatment of UASC outside their country of origin.

In compliance with all the rights enshrined in the Convention, the general scope of the GC No.6 is in fact to protect, care and properly treat unaccompanied children, *«irrespective of their residence status and reason for being abroad<sup>13</sup>»*, on the basis of the entire legal framework provided by the Convention on the Rights of the Child.

First thing that the GC, reasonably, goes through is the fact that all the rights granted to this category are rights that should be fully reflected and given legal effect in relevant domestic legislation, therefore assigning to the states both positive and negative obligations, and they should prevail in case of any conflict in legislation<sup>14</sup>.

How the general comment evolves is clarifying how the rights apply in the context of unaccompanied children, starting with five core right:

- Non-discrimination (art.2 CRC); principle that *«prohibits any discrimination on the basis of the status of a child as being unaccompanied or separated, or as being a refugee, asylum-seeker or migrant»* but also, when needed, *«calls for differentiation on the basis of different protection needs such as those deriving from age and/or gender<sup>15</sup>»*;

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<sup>13</sup> GC No.6, par.7.

<sup>14</sup> *“A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty”*, Vienna Convention on the Law of Treaties [Adopted May 23<sup>rd</sup>, 1969 entry into force January 27<sup>th</sup>, 1980] 1155 UNTS 331 art.27.

<sup>15</sup> GC No. 6, par.18.

- Best interest of the child (art.3 CRC)<sup>16</sup>; right, principle and, above all, rule of procedure. It requires a *«clear and comprehensive assessment of the child’s identity, including her or his nationality, upbringing, ethnic, cultural and linguistic background, particular vulnerabilities and protection needs»* that should be conducted in a safe context by trained professionals; to allow so, *«the child access to the territory is a prerequisite to this initial assessment process<sup>17</sup>»*;
- The right to life, survival and development (art.6 CRC)<sup>18</sup>; right that, in the specific case of UAMs, must include protection from violence and exploitation. It is asked to the States to monitor and supervise the UAMs, given the strong link that exists between trafficking and the situation of unaccompanied minors, and to provide promptly the minors with a guardian, information on the risks they may face and measures to follow-up to children at risk;
- The right of the child to express his or her views freely (art.12 CRC)<sup>19</sup>; right that entitles children to express views that has to be stimulated and taken into account; to make kids develop a view, the GC obliges the states to provide children with *«all relevant information concerning, for example, their entitlements, services available including means of communication, the asylum process, family tracing and the situation in their country of origin<sup>20</sup>»*;
- The principle of non-refoulement<sup>21</sup> (art.33 CSR51<sup>22</sup>); principle that obliges states not to *«return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child [...] either in the country to which removal is to be effected or in any country to which the child may subsequently be removed»*, even when children are exposed to those risks by non-state actors or when these violations may occur as a consequence of inaction or indirect action of the state.

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<sup>16</sup> *Ibid.* par.22.

<sup>17</sup> Convention on the Rights of the Child, art.25.

<sup>18</sup> GC No.6, par.23-24.

<sup>19</sup> Convention on the Rights of the Child, art.12.

<sup>20</sup> GC No.6, par.25.

<sup>21</sup> Non-refoulement, codified in article 33 of the 1951 Refugee Convention and in article 3 of the Convention against Torture, in this case is intended as “States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child, such as, but by no means limited to, those contemplated under articles 6 (right to life) and 37 (torture, inhumane and degrading treatments, deprivation of liberty) of the Convention, either in the country to which removal is to be effected or in any country to which the child may subsequently be removed”. *Ibid.* par.26, 27, 28.

<sup>22</sup> Convention Relating to the Status of Refugees [Adopted July 28<sup>th</sup>, 1951, entry into force April 22<sup>nd</sup>, 1954] 189 UNTS 137 (CSR51).

States are also obliged to refrain to refool children that may risk being involved in armed conflict.

What the GC then asks States is to respond in a homogeneous way to children's protection needs. That is why, from paragraph 31 to paragraph 63, it is asked to provide a certain number of guarantees to the children. Among the most important there are:

- Prioritize identification and registration of children that are unaccompanied immediately upon arrivals at ports of entry. Identification that must be conducted in a safe, scientific, gender- and child-sensitive manner and has to entail an age assessment that is not just physical but includes also an evaluation of the kid's psychological development.
- Provide children with documentation and soon as possible and proceed with the tracing of family members as early as possible (art.22.2, 9.3 and 10.2 CRC);
- Appoint a guardian, that should act as a link between the child and the agencies providing care, and a legal representative (art.18.2, 20.1 CRC);
- Ensure alternative care for unaccompanied children (art. 22 CRC) following the Guidelines for Alternative Care issued by the General Assembly in 2010<sup>23</sup>, therefore ensuring, among other things, that children should not be deprived of liberty, should be relocated in different accommodation only if it's in the BIC;
- Ensure children that access to education (arts. 28, 29.1(c), 30 and 32 CRC) is granted without discrimination;
- Provide children with adequate standards of living for their development (art.27 CRC), accepting and facilitating assistance offered by UN agencies and NGOs;
- Ensure that UAMs have the same access to health care as national children, granting them the *«right to enjoy the highest attainable standard of health and facilities for the treatment of illness and rehabilitation of health<sup>24</sup>»* (arts. 23, 24 and 39 CRC) and especially taking into account that *«unaccompanied children have undergone separation from family members and have also, to varying degrees, experienced loss, trauma, disruption and violence»* and may have *«deep-rooted feelings of helplessness and undermined trust in others<sup>25</sup>»*;

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<sup>23</sup> The Guidelines for Alternative Care define the necessity for relevant policy and practice with respect to the principles of necessity and appropriateness and stress some of the provision provided by the GC No.6 related to unaccompanied children abroad such as care arrangements and family reintegration tailoring care option to the individual needs of the child. – UN General Assembly, Guidelines for the Alternative Care of Children, [2010] A/RES/64/142 (Guidelines for Alternative Care).

<sup>24</sup> GC No.6, par.46.

<sup>25</sup> *Ibid.* par.47.

- Prevent recruitment or use of UAMs by any part to a conflict, taking care also of former child-soldiers;
- Avoid, as a general rule, detention of UAMs. *«Where detention is exceptionally justified[...], it shall be conducted in accordance with article 37(b) of the Convention that requires detention to conform to the law of the relevant country and only to be used as a measure of last resort and for the shortest appropriate period of time»*. BIC should always be taken into consideration to determine the conditions of detention. Important is that, respecting obligations under the Refugee Convention, States should ensure that UAMs are not criminalized solely for illegal entry or presence in a country;

The last three chapters of the General Comment are then reserved to those unaccompanied minors that wish to access the asylum procedure, family reunification or other forms of durable solutions. What the GC provides for in these cases is that:

- Asylum-seeking children shall access the asylum procedure or complementary protection irrespective of their age;
- UAMs that do not indicate to be in need of international protection should be protected anyway by other relevant child protection mechanisms such as those provided under youth welfare legislation;
- Vulnerabilities of the UAMs should be taken into account during the procedure and UAMs should be represented by an adult who is familiar with their background.
- A decision should be taken fairly and promptly by a fully qualified authority after, if the age and maturity permits, a personal interview;
- *«In cases of large-scale refugee movements where individual refugee status determination is not possible, States may grant refugee status to all members of a group. In such circumstances, all unaccompanied or separated children are entitled to be granted the same status as other members of the particular group<sup>26</sup>»*;
- UAMs recognized as refugees or granted complementary forms of protection should be granted rights from the 1951 Refugee Convention but also all human rights recognized to children subject to the jurisdiction of the state. Children not granted any form of complementary protection should anyway enjoy protection under CRC as long as they remain *de facto* within the State jurisdiction;

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<sup>26</sup> GC No.6, par. 72-73.

- UAMs should be reunited with the family if possible and if not against the non-refoulement principle, the BIC and the child's view;
- Adoption should only be considered if established that the child is in a position to be adopted. Priority must be in any case given to relatives in their country of residence if not against the BIC. Where not an option, adoption within the community or within the same culture is preferred;
- Resettlement to a third country can be considered if no durable solution is found in the host country or if it serves family reunification or avoids non-refoulement.

As can be seen, the General Comment No.6 offers a very detailed and comprehensive overview of the rights of the unaccompanied minors and their application criteria and will therefore have to be held in high consideration especially in all cases in which the countries that have ratified the Convention on the Rights of the Child prove inadequate in applying the fundamental principles contained therein.

#### 1.2.2. Joint General Comments on Children in the context of international migration

The Joint General Comments on Children in the context of international migrations are two important documents issued cooperatively by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the Committee on the Rights of the Child (CRC) in November 2017. The aim of the two documents is double:

- First, to reiterate the central idea that children are first and foremost children and hold rights regardless of their parents' nationality or migration status;
- Second, to «*provide authoritative guidance on legislative, policy and other appropriate measures that should be taken to ensure full compliance with the obligations under the Conventions to fully protect the rights of children in the context of international migration*<sup>27</sup>».

The decision to issue the two documents was mainly taken because of the high number of children going through international migration and experiencing all different kind of human rights violation on their journey. While the first document focuses «*on the general principles*

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<sup>27</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, [2017] CMW/C/GC/3-CRC/C/GC/22 (Joint General Comment No. 3-22) par.3.

*regarding the human rights of children in the context of international migration*<sup>28</sup>», the second one concerns «*State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*<sup>29</sup>».

These two documents have to be taken into consideration especially together with the New York Declaration on Refugee and Migrants<sup>30</sup>, the Global Compact on Refugees<sup>31</sup> and the Global Compact on Safe, Orderly and Regular Migration<sup>32</sup> issued in the past years; in fact, what these two documents add is an important detail: children, already vulnerable in themselves, who face an international migration process before coming of age are put by this same action in a condition of double vulnerability, the first as children, the second as children experiencing migration.

The aim of the Committees, two years after the beginning of the so-called “refugee crisis” in Europe, was that to challenge the States responses and address their approach in migration control. In fact, The Committees were «*concerned by the increase in bilateral or multilateral cooperation agreements that focus on restricting migration, which have demonstrably negative impacts on children’s rights*», such as the EU-Turkey deal and the agreement between Italy and Libya, and instead urged «*cooperation that facilitates safe, orderly and regular migration with full respect for human rights*<sup>33</sup>».

Their biggest concern is in fact to remind that «*anyone claiming to be a child is treated as such, promptly referred to child protection authorities and other relevant services, and appointed a guardian, if unaccompanied or separated*<sup>34</sup>».

Moreover, it is important to underline what the Committees say in paragraphs 39 and 40: «*Children in the context of international migration, in particular those who are*

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<sup>28</sup> *Ibid.* par.3.

<sup>29</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return [2017] CMW/C/GC/4-CRC/C/GC/23 (Joint General Comment No.4-23)

<sup>30</sup> Document expressing a political will to protect rights, save lives and share responsibility on migration at the global level. UN General Assembly, New York Declaration for Refugees and Migrants [2016] A/RES/71/1.

<sup>31</sup> Proposed by UNHCR to the General Assembly; document that aims at “ease the pressure on host countries, enhance refugees self-resilience, expand access to third countries solutions and support conditions in countries of origin for return in safety and dignity”. UN General Assembly, Global Compact on Refugees [2018] A/RES/73/151.

<sup>32</sup> Intergovernmental non-binding agreement covering all aspects of international migration, designed to “support international cooperation on the governance of international migration; provide a comprehensive menu of options for States from which they can select policy options to address some of the most pressing issues around international migration; and give states the space and flexibility to pursue implementation based on their own migration realities and capacities”. UN General Assembly, Global Compact for Safe, Orderly and Regular Migration [2018] A/RES/73/195.

<sup>33</sup> Joint General Comment No.3-22, par.50.

<sup>34</sup> *Ibid.* par.32(h).

*undocumented, stateless, unaccompanied or separated from their families, are particularly vulnerable, throughout the migratory process, to different forms of violence [...]»; «[...] restrictive migration or asylum policies, including criminalization of irregular migration, the absence of sufficient safe, orderly, accessible and affordable regular migration channels or lack of adequate child protection systems, render migrant and asylum-seeking children, including unaccompanied or separated children, particularly vulnerable to suffering violence and abuse during their migration journey and in the countries of destination<sup>35</sup>».*

The two Joint General Comments are therefore, on the whole, a reference and a response on the regulatory level which became urgent after the great influx of migrants at the turn of 2015-2016, during which many children, being assimilated to the multitude of migrants, saw their rights harmed.

### 1.3 European provisions of care concerning UAM

In recent years, mainly since the so-called “refugee crisis” exploded in Europe, the number of unaccompanied minors seeking to reach European States has significantly increased. The reception system and integration of this vulnerable category, however, has never been adapted to the change of the phenomenon; most of the time, in fact, unaccompanied minors found themselves stuck between their status as asylum-seekers and their condition as children. Especially due to an overwhelmed asylum system as the one in the southern European countries and a substantial abdication of responsibility from the countries that are not positioned on the frontline of reception, the living condition of unaccompanied minors are worsening every passing day.

The European documents and assistance plans of care for unaccompanied minors will therefore be further analysed to better expose, in the next chapter, how substantial the implementation gap between principles and the day to day reality is.

#### 1.3.1. The European Council Resolution on unaccompanied minors (1997)

The European approach to unaccompanied minors has its origin in 1997 with a Council Resolution on Unaccompanied Minors who are nationals of third countries. Although not legally binding, this resolution is still in force after more than twenty years and

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<sup>35</sup> Joint General Comment No.4-23. par.39-40.

has created an important point of reference for the development of plans and legislation on the European asylum system. What is interesting is that the resolution, in addition to the fact that aims at preventing the irregular entry of unaccompanied minors, recognises the great vulnerability of this group who should, in any case, get necessary protection and access to basic care<sup>36</sup>.

Minimum guarantees are established in article 3 according to the Convention on the Rights of the Child, such as the legal representation of minors, the representation by a guardianship figure, the tracing of family members, the access to education and appropriate medical treatment.

The directive, however, going against the provision of GC No.6 and focusing to a great extent to prevent irregular entry and residence, leaves to the states the decision about who is allowed into their territories and who is not, foreseeing, in the second case, a possible repatriation – unless against the European Convention on Human Rights and Fundamental Freedoms or the Convention against Torture or the CRC. While the latter convention, in reality, expects States to guarantee unaccompanied minors, if they do not apply for asylum or do not correspond to the definition of refugee, international protection or in any case another form of protection – which as a minimum guarantee requires that the UAMs are treated like children of the state where they found themselves to be in, unless the return in the country of origin is in the best interest of the child, the directive does not encourage states to do so.

The power of the directive is therefore weak in that, in addition to leaving to the states the decision of who to accept or not, based on, for example, the mere lack of identity documents, it has no legally binding force and leaves the development of methods and responsibility for dealing with the phenomenon to the individual states.

### 1.3.2. European Framework on Reception and Asylum for Unaccompanied Minors

Going beyond the non-legally binding resolution of 1997, the European Union guarantees the rights of unaccompanied minors within the Charter of Fundamental Rights of the European Union, in force since 2000 and legally binding from December 2009, when the Lisbon Treaty has entrusted it with the same legal value as the treaties. The Charter,

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<sup>36</sup>European Council Resolution 97/C 221/03 on Unaccompanied Minors who are nationals of third countries [1997] OJ C 221 art.3.2.

specifically in article 24<sup>37</sup>, enshrines that the rights of children lie in the «*protection and care as is necessary for their well-being*», in their free expression of their views, that «*shall be taken into consideration on matters which concern them in accordance with their age and maturity*» and in their best interest to be considered primary, as stated also in the CRC. It should also be considered that the European Convention on Human Rights, drafted by the Council of Europe, according to Article 6 of the Treaty on European Union, has to be acknowledged by all member States and therefore it is clear that the Union should take into account the rights enshrined in it<sup>38</sup>.

What has already happened since the 1990s, in parallel with these directives and conventions, is the European attempt to create a common asylum system, aimed at guaranteeing the right to asylum across Europe and harmonizing the laws of the Member States, so that every refugee, applying for asylum in whichever state, would be faced with the same possibilities of being accepted or not. That is why, in 1990 was signed the Dublin Convention, then updated in 2003 and 2013 by the Dublin Regulation III.

However, the Dublin Regulation<sup>39</sup> still presents many implementation problems to date; in fact only the first phase that foresees that only one EU country will consider the asylum claim is active; the minimum and common standards on procedures, reception, recognition and return are still not homogeneous in all the countries of the Union, nor are the relocation per quotas or the common definitions for refugees and subsidiary protection statuses.

What the Dublin Convention provides for that is particularly relevant for unaccompanied minors is the family reunification procedure. In fact, if an unaccompanied minor has a close relative legally resident in one of the signatory countries, the examination of the asylum claim is up to that country. However, this procedure is allowed only if the limit for submitting the application for family reunification, which is three months, is respected; problem is that the moment in which the calculation of the three months begins, varies: for Germany it starts from the arrival on European territory, for other countries from the submission of the asylum application or from the moment of registration. This represents in all respects a huge obstacle for all those children who, unaware of their rights and of these

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<sup>37</sup> European Union, Charter of Fundamental Rights of the European Union [2012] 2012/C 326/02.

<sup>38</sup> As stated in Article 1 of the ECHR, “*The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in ... this Convention*”, therefore all the rights enshrined in the convention also apply to children.

<sup>39</sup> A proposal for the Dublin Regulation IV has been made in May 2016 by the Commission but it still hasn't been approved; main aim of this proposal is that of appropriate relocation in case of disproportionate pressure.

times and procedures, are not duly informed on arrival by the appropriate institutions and are therefore deprived of this possibility and pushed to reach their relatives abroad illegally. In addition to the Dublin Regulation and the EURODAC Regulation<sup>40</sup>, which establishes a fingerprint database to ensure that the provisions of the Dublin regulation can be implemented, three main directives help in the regulation and arrangement of a common European asylum system; these directives, that provide also guarantees for UAMs within the European states are:

- The Asylum Procedure Directive<sup>41</sup>: aims at a more equal, fast and better-quality asylum procedure.
- The Reception Conditions Directive<sup>42</sup>: aims at ensuring appropriate material reception condition for asylum-seekers, at considering detention only as a last resort measure and at greater respect of human rights concerning asylum-seekers.
- The Qualification Directive<sup>43</sup>: clarifies the grounds for allowing international protection.

The first directive on Asylum Procedures with article 25, entitled "Guarantees for unaccompanied minors", encourages member states to recognize to UAMs the need for the support of a representative to enable them to benefit from their rights and comply with their obligation and to defend their best interest. The directive also guides member states to use age assessment procedures in case of doubt about the age of the minor, remembering that, if the doubt persists, the person must be considered a minor. In the event that the minor refuses to undergo a medical examination, this decision cannot justify a denial for international protection. It is also remembered that the best interest of the child must remain of first consideration in the implementation of the directive, included in the possible repatriation, which should be considered only in exceptional conditions.

The second directive, in article 24, in turn speaks of the forms of protection provided for UAMs. It reminds that minors must be accommodated for the entire time of their stay with relatives of age – in the case, for example, of separated children –, with a foster family, in accommodation specially for minors or in other suitable places together with siblings where possible and with other adults only if the UAMs are older than sixteen and the decision is taken in their best interest. States are then asked to proceed with the tracing of family

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<sup>40</sup>Regulation that establishes the European Union fingerprints database to identify asylum-seekers.

<sup>41</sup>Asylum Procedure Directive.

<sup>42</sup>Reception Conditions Directive.

<sup>43</sup>Qualification Directive.

members as soon as possible after an application for international protection is submitted, with the help of international organizations if relevant. The thing that changes here, compared to Directive 2004/83/EU, is the introduction of the part «*after an application for international protection is made*»; this sentence in the conditions in which countries like Greece<sup>44</sup> are to date, where there are no guardians for all minors and where not all unaccompanied minors that arrive apply for asylum or international protection<sup>45</sup>, made the tracing process even harder.

The directive also adds, with article 11, the conditions of detention for UAMs, which can only exist in exceptional circumstances, only if other possibilities for less coercive measures do not exist and in any case stressing that the release and transfer to suitable structures take care of minors as quickly as possible. Despite these provisions, as can be seen in the jurisprudence of the ECtHR, many Member States still resort to detention in all those cases where minors must be repatriated<sup>46</sup>.

The third directive, earlier in the publication, repeats what is sanctioned by the first two regarding the legal representation of the minor, the accommodation and tracing. It is also specified, in the considerations, that returns in the case of unaccompanied minors should be avoided if, in the country of origin, the conditions of care suitable for the best interest of the minor do not exist.

In addition to the provisions of the European directives, it must be remembered that the European Commission decided to adopt, in May 2010, an Action Plan for Unaccompanied Minors<sup>47</sup>, lasting four years. The Plan, recalling the fundamental rights in the European Charter and in the Convention on the Rights of the Child, establishes a series of bullet points tracing three main courses of action on

- prevention of unsafe migration, including «*addressing root causes of migration and creating safe environments for children to grow up in their countries of origin by integrating the issue of unaccompanied minors into development cooperation*»<sup>48</sup>;

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<sup>44</sup>Apostolou N., “Greek asylum system leaves unaccompanied minors behind” *The New Humanitarian* [Geneva, November 20<sup>th</sup>, 2019] <https://www.thenewhumanitarian.org/news-feature/2019/11/20/Greek-asylum-system-unaccompanied-minors>.

<sup>45</sup> EU Agency for Fundamental Rights, *Unaccompanied minors in the EU* [2010] [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/uam/uam\\_infographic\\_a4\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/uam/uam_infographic_a4_en.pdf) p.4.

<sup>46</sup> European Court of Human Rights Press Unit, *Factsheet - Unaccompanied migrant minors in detention* [2019] [https://www.echr.coe.int/Documents/FS\\_Unaccompanied\\_migrant\\_minors\\_detention\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Unaccompanied_migrant_minors_detention_ENG.pdf) accessed March 3<sup>rd</sup> 2020.

<sup>47</sup> European Union, European Commission, Communication from the Commission to the European Parliament and the Council. Action Plan on Unaccompanied Minors (2010-2014) [2010] COM(2010) 213/3.

<sup>48</sup> EU Agency for Fundamental Rights, *Unaccompanied minors in the EU* [2010] [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/uam/uam\\_infographic\\_a4\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/uam/uam_infographic_a4_en.pdf) p.8.

- trafficking, *«including identifying and protecting potential victims of trafficking in human beings through targeted awareness-raising activities and training in countries of origin and transit to children, their families and any other people that are (or will most likely be) in contact with them»<sup>49</sup> and «financing protection programmes in non-EU countries [...] to prevent minors from embarking on dangerous journeys to the EU to seek international protection<sup>50</sup>»;*
- and protection of the minors once they are identified in a Member State, involving *«separate minors from adults to protect them from traffickers or smugglers and, thus, prevent (re-)victimisation<sup>51</sup>».*

As also reported in the introduction of the Plan, *«it is fundamental [...] that, regardless of their immigration status, citizenship or background, all children are treated as children first and foremost<sup>52</sup>».* However, as practice is increasingly demonstrating, regardless of the action plans that can be created, the rights of the child that should be protected are too often instead placed under increasingly stringent control over immigration.

### 1.3.3. The EU Guidelines for the Promotion of the Rights of the Child and the EU Commission Communication on the Protection of Children in Migration

In April 2017, the EU Commission decided to issue two other documents concerning the protection of children, driven by the fact that about 30% of migrant arrivals in the previous two years were individuals under the age of eighteen.

The Commission, noting that behind the dryness of the statistics there are real people, in most cases victims of physical and psychological violence, stated as a priority the implementation of the protection of children in migration, regardless of their status or stage, because a lack was clearly still visible and *«protecting children is first and foremost about upholding European values of respect for human rights, dignity and solidarity»* and *«enforcing European Union law and respecting the Charter of Fundamental Rights of the European Union and international human rights law on the rights of the child<sup>53</sup>».*

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<sup>49</sup> *Ibid.* p.8.

<sup>50</sup> EU Agency for Fundamental Rights, Unaccompanied minors in the EU [2010] [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/uam/uam\\_infographic\\_a4\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/uam/uam_infographic_a4_en.pdf) p.8.

<sup>51</sup> *Ibid.* p.9.

<sup>52</sup> European Union, Charter of Fundamental Rights of the European Union [2012] 2012/C 326/02 art.24 and Convention on the Rights of the Child art.3.

<sup>53</sup> European Union, European Commission, Communication from the Commission to the European Parliament and the Council: The protection of children in migration [2017] COM (2017) 211 p.2.

Therefore the Communication to the Parliament and Council was aimed at inviting member states to strengthen child protection systems, to support developing countries in creating national child protection systems, to support projects targeting the protection of UAMs in third countries, to facilitate cross-border tracing of missing children, ensure that all children have access to healthcare, integrate child protection policies in all reception facilities, ensure appropriate monitoring systems of children in migration, establish a European guardianship network, implement reliable multi-disciplinary age and non-invasive assessment procedures, give priority to processing cases concerning children, ensure equal access to inclusive, formal education, foster social inclusion, increase resettlement to Europe for children in need of international protection, ensure all children are provided with relevant information on their rights and procedures and provide additional tools on the BIC assessment.

Six months later, when reports on the implementation of communications were requested and submitted, in respect of transparency, Greece left the document practically blank, in fact not processing the request that was made.

It should also be said that as regards the guidelines, they are a recast of a document already created in 2007, needed because of the many changes that happened in Europe and in the migration context. Starting from the Convention on the Rights of the Child, the Guidelines try to explain how each part of the Union collaborates with external actors to preserve the rights of children, encouraging individual states to do their important part, guaranteeing rights to people in their jurisdiction. This document has been created on a right-based approach, meaning that the Union committed to taking into account the rules and principles on the rights of children in all of its policies, actions and projects, including those that the EU only finances. For implementation, in the part called "operational guidelines" there are indications on how and what to do to mainstream children's rights. These include adherence and ratification to new international instruments that guarantee children's rights, greater care for the most vulnerable children, the implementation of new national instruments for the guarantee of rights, greater cooperation and support between member states and a European coordination of mechanisms to supervise respect for children's rights<sup>54</sup>.

However, once again, despite these rules at the Community level, there is a much milder and undoubted implementation by individual member states due to the political framework that each government intends to preserve, considering migratory phenomena as a sensitive topic that can easily influence the gain or loss of political consent.

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<sup>54</sup> European Union, European Commission, Guidelines on the Promotion and Protection of the Rights of the Child [2017] 6846/17 pp.17-25.

## 1.4 Jurisprudence of the European Court of Human Rights

*«It is important to bear in mind that the child's extreme vulnerability is the decisive factor and ... takes precedence over considerations relating to the [...] status of illegal immigrant<sup>55</sup>».*

Every human being, disregarding his or her age, under the jurisdiction of any state member of the European Convention on Human Rights<sup>56</sup>, can appeal to the ECtHR under the exact same conditions<sup>57</sup>.

In practice, what can happen, however, is that children may face a lot of impediments to access to the Court; they are almost never aware of facilitations for their legal status and the main problem remains that in many situations the link between the children themselves and those who would be able to promote their legitimate requests are missing. In the case of unaccompanied minors, what often occurs is that their applications are supported by legal non-governmental organizations who are able to identify and reach them, and after establishing contact with them, able to guarantee them all the necessary support. Most of the time remains anyway unknown the number of people, and they could be the majority, for whom such contact has been impossible to establish or maintain due to environmental difficulties or the scarcity of resources engaged in the field.

Despite this issue, several occasions are known on which over the years the ECtHR has judged Greece in relation to unaccompanied minors. The judgements in the majority of cases were mainly focused on violations of article 3, relating to inhumane or degrading treatment or punishment and article 5, concerning the right to liberty and security.

The judgment *Rahimi v. Greece*<sup>58</sup>, resolved in May 2016 with the payment of just satisfaction<sup>59</sup>, concerning the inadequate care and unlawful detention of an unaccompanied minor seeking asylum, concerns an afghan minor who entered Greece illegally and was held

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<sup>55</sup> *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium* Application No.13178/03 [ECtHR, October 2006] par.55.

<sup>56</sup> Convention entered into force in September 1953 to guarantee rights such as the right to life, prohibition of torture and inhumane and degrading treatments, freedom of expression, liberty and security and many more; signed and ratified by Greece in November 1974.

<sup>57</sup> As stated in article 34 of the Convention, “*The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.*”, European Convention of Human Rights as amended by Protocols Nos. 11 and 14 [1950] ETS 5 art.34.

<sup>58</sup> *Rahimi v. Greece* Application No.8687/082011 [ECtHR, April 2011].

<sup>59</sup> *Rahimi v. Greece* Application No.8687/082011 Status of Execution <http://hudoc.exec.coe.int/ENG?i=004-15571> [ECtHR, April 2011].

in detention on Lesbos, placed with adults, without being allowed any contact with the external world; the minor complained of a «*lack of support appropriate to his status as a minor*» and «*about the conditions in the Pagani detention centre and of having been placed with adults*<sup>60</sup>». He then stated that «*his situation as an illegally resident minor had been consistently disregarded*<sup>61</sup>». The Court could verify a violation of article 3 because the conditions of detention, even if it lasted only for two days, amounted to degrading treatment; moreover, being the subject an unaccompanied minor, they found authorities didn't give any consideration to his individual circumstances, undertaking no efforts to protect him from possible violence and exploitation.

*H.A. & Others v. Greece*, decided in March 2019, concerned as well the placement of nine unaccompanied minor migrants in different police stations around Greece for about a month. Again, the Court found a violation of article 3 for the detention conditions, as they «*represented degrading treatment, and could have caused them to feel isolated from the outside world, with potentially negative consequences for their physical and moral well-being*<sup>62</sup>» and a violation of article 5, right to liberty and security, was also verified.

An important step forward that the Court decided to take in December 2019, still little known, this time undertaken under Article 39<sup>63</sup> of the Rules of the Court, was to issue provisional measures in favour of five unaccompanied minors living in the jungle of Samos<sup>64</sup>. So not in detention conditions or in a police station, but just outside the official perimeter of a Reception and Identification Center funded by the Greek Government through European Union's funds<sup>65</sup>. The same decision was renewed in March 2020 for other seven unaccompanied minors, and other cases are still pending. The Court granted to these children the measure to be transferred in an appropriate accommodation for unaccompanied minors; as of April 2020, however, only the first five were transferred in accommodations on the mainland.

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<sup>60</sup>*Rahimi v. Greece* Application No.8687/082011 [ECtHR, April 2011] par.10.

<sup>61</sup>*Rahimi v. Greece* Application No.8687/082011 [ECtHR, April 2011] par.50, 91.

<sup>62</sup>*H.A. & Others v. Greece* Application No.19951/16 [ECtHR, February 2019] par.168.

<sup>63</sup> «*The Chamber or, where appropriate, the President of the Section or a duty judge appointed pursuant to paragraph 4 of this Rule may, at the request of a party or of any other person concerned, or of their own motion, indicate to the parties any interim measure which they consider should be adopted in the interests of the parties or of the proper conduct of the proceedings.*»- ECtHR Registry of the Court, Rules of the Court [January 2020] Article 39.1.

<sup>64</sup>«The European Court of Human Rights provides interim measures to unaccompanied minors living in the RIC and the "jungle" of Samos island» *Greek Council for Refugees* [Samos, December 31<sup>st</sup>, 2019] <https://www.gcr.gr/en/news/press-releases-announcements/item/1352-the-european-court-of-human-rights-provides-interim-measures-to-unaccompanied-minors-living-in-the-ric-and-the-jungle-of-samos-island> accessed March 2<sup>nd</sup>, 2020.

<sup>65</sup>European Commission, *Managing Migration: EU Financial Support to Greece* [May 2019] p.2

As can be seen from these cases and as reported by the GCR, «*The children, before the Court, complain of their reception conditions, which constitute a gross violation of Art.3: lack of access to adequate care, lack of adequate medical and psychosocial support services, lack of security, difficulty in accessing food, and inadequate hygiene facilities. Minors are exposed to violence, as fights, tension and riots are frequent in Samos RIC and to unsafe and unsecure conditions and a real risk of exploitation and abuse. Even in the so-called "Minors Section" within the Samos RIC, where some of the minors live, the conditions are completely inadequate, and despite the alleged police control at its gate, adults have easy access to the Section*<sup>66</sup>».

It should also be stressed that Greece, and in particular what happens in the Eastern Aegean Islands, is not new to this kind of accusations; in August 2019 in fact, UNHCR, in front of the European Committee of Social Rights of the Council of Europe for a complaint by *International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece*<sup>67</sup>, clearly accused Greece of non-respecting the adequate conditions for UAMs in the RIC on the island; «*According to UNHCR reports, [...]UAC may stay in the RICs for up to one year and on Samos they may stay for several months in the surrounding area outside the RIC without any provision of security or specialized services*»; «*Dirty WASH facilities contribute to a severe lack of hygiene, which is further degraded by the reported use of UAC-assigned toilets by adults who enter containers despite police control of the entry/exit during the day and a locked gate at night*<sup>68</sup>».

The significant victories in the proceedings in favour of the aforementioned unaccompanied minors therefore represent an important testimony and a legal precedent to be taken into account. But at the moment they cannot but point out the open wound that still affects several hundred other unaccompanied minors that today move on the territory of the island in conditions of almost abandonment and completely unaware of their rights.

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<sup>66</sup> «The European Court of Human Rights provides interim measures to unaccompanied minors living in the RIC and the "jungle" of Samos island» *Greek Council for Refugees* [Samos, December 31<sup>st</sup>, 2019] <https://www.gcr.gr/en/news/press-releases-announcements/item/1352-the-european-court-of-human-rights-provides-interim-measures-to-unaccompanied-minors-living-in-the-ric-and-the-jungle-of-samos-island> accessed March 2<sup>nd</sup>, 2020.

<sup>67</sup> European Committee of Social Rights of the Council of Europe, Observation by UNHCR, *International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece* Complaint No.173/2018 [August 2019].

<sup>68</sup> *Ibid.* par.2.4.5-2.4.6.

## 1.5 Greek Law Provisions on unaccompanied minors: Law No.4636 and the “No Child Alone” programme

After four years of a leftist government, in 2019 the choice of Greek electors was directed towards the main right-wing political party, whose election campaign was based on a major change in the policies regarding reception and conditions to guarantee asylum for migrants, albeit these should be uniform at European level.

The promises made in the context of the election campaign were kept when, in November 2019, the Greek government translated them into law No.4636/2019 which came into force in January 2020. Although the law provides for harsh clauses, for the purpose of this elaborate only the measures concerning unaccompanied minors and the asylum procedures that they can access will be analysed with the use of a translation that, as of March 2020, is made available only in an unofficial form.

In these long pages, where the law implies adapting the European directives 2011/95/EU, 2013/32/EU and 2013/32/EU to the Greek situation, the provisions reserved to unaccompanied minors can be found in articles 32, 39, 41, 48, 57, 59, 60 and especially 75. What the initial mentioned articles foresee are mainly measures regarding the representation and protection of minors:

- who is in charge of this protection, which is to the Directorate General for Social Solidarity of the Ministry of Labor and Social Affairs and where minors should be accommodated (art.32);
- when age assessment procedures must be performed (art.39);
- who must be appointed for the general supervision and control of the minors (art.41);
- what are the conditions to detain minors (art.48);
- what to do in case of the withdrawal of the reception conditions (art.57);
- the importance of the BIC, of the adequateness of standard of living and of rehabilitation services (art.59);
- what the reception condition for UAMs should be, so that legal representation for the minors is ensured and how to trace the members of the family (art.60).

If the first seven articles mentioned more or less actually transpose the European directives at national level<sup>69</sup>, art.75 is the one that brings the real changes. What in fact it now foresees,

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<sup>69</sup> Some changes were actually included in the new law, such as an extension of the detention period; the risk of rejection of the claim if the ID is not renewed on time; the possibility to access work can start only six

is that only unaccompanied minors under the age of fifteen or those over fifteen responding to a second vulnerability criterion among those enlisted, which are, «*victims of human trafficking, torture, rape or other serious forms of psychological, physical or sexual violence*<sup>70</sup>» will always undergo the normal procedure; this means that all the other minors, which are the majority of those coming to the Greek coasts, can be treated exactly like adults and undergo the accelerated procedure. This means, as explained in article 83.4, that the examination of applications, instead of within the six months foreseen by the ordinary procedure, needs to be concluded within twenty days; time limit that can be extended only for further ten days, in case of large influx of refugees that apply simultaneously, making difficult to conclude the procedure within the twenty days. It is clear that the time to examine the application is practically non-existent; in fact, even an adult fully aware of its rights would not be able to take part in an interview with knowledge of the facts and adequate preparation<sup>71</sup>, let alone those who arrive from situations of distress and danger, almost certainly suffering from post-traumatic stress disorder which, with the new law, is no longer recognized as a criterion of vulnerability.

All of this worsens if it is a minor who has to be examined under this type of procedure; a minor who now in almost 100% of cases is not supported by a legal representative or guardian and is unaware of his rights.

In the same week in which the law No.4636/2019 was approved, the Greek prime minister Mitsotakis, decided to announce a new scheme to protect unaccompanied minors present in Greece. What the prime minister announced is that he would commit to the decongestion of the islands starting from the 4,000 UAMs<sup>72</sup>, trying to bring them into appropriate accommodation on the mainland where they could live and «and be fed as is dictated by their tender age<sup>73</sup>», so that they could escape exploitation and violence.

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months after the practice for asylum starts and people are no longer allowed to work after the first rejection; the fact that appeal has no longer an automatic suspensive effect; post-natal and lactating women are no longer consider vulnerable. Changes that anyway do not concern directly unaccompanied minors and are therefore not worth mentioning in this paragraph.

<sup>70</sup>Greece: Law No.4636 [November 2019] GG A'169 Unofficial translation <https://docs.google.com/document/d/1emdzQsnbl79115bhrAll20MIjuSsKUjNzIncNN9KZEM/edit?usp=sharing>.

<sup>71</sup> Maximum time for preparation to an interview is anyway three days in the accelerated procedure, and only if the interview is scheduled within fifteen days after the application is made – *Ibid.* art.77.4.

<sup>72</sup> Number of unaccompanied minors at the time of the declaration.

<sup>73</sup>“No Child Alone: PM Mitsotakis to start new program for unaccompanied minors” *Keep Talking Greece* [Athens, November 2019] <https://www.keeptalkinggreece.com/2019/11/24/mitsotakis-unaccompanied-minors-no-child-alone/> accessed March 3<sup>rd</sup>, 2020.

Mitsotakis also said «*Our civilization, our humanity, our sensitivity and tradition dictate that we do so*»<sup>74</sup>. Yet, as of March 2020, still no minor has been transferred according to this scheme<sup>75</sup>.

## 1.6 Political priorities in the Greek context, before and after January 1<sup>st</sup>, 2020

If the law No.4636/2019 is deemed as a turning point for Greece's migration policies, it becomes important to briefly retrace the political events that preceded it during the phase in which the government of the country was led by Alexis Tsipras, leader of the radical left political party Syriza.

Tsipras took the lead of the country after the elections of January 2015, inheriting a critical situation, not only from a migratory point of view, but also from an economic and financial one. In July 2015, by referendum, the Greek people rejected the proposal of the IMF, ECB, European Commission, but the international creditors proved to be deaf to this pronouncement and in fact forced the Greek prime minister to take a lacerating decision, that was to undergo a further debt reduction plan<sup>76</sup>. This, as an immediate consequence, led to new elections<sup>77</sup>.

In this tense atmosphere, in which the economic aspect was heavily relevant, in 2016 it was then time to face a migration crisis that had developed dramatic aspects for Greece, which became the first destination, overtaking Italy, for those who wanted to reach Europe in order to appeal to its asylum system, and gain international protection. In fact, what happened within 2015 was that only in the first half of the year arrivals exceeded the total of those in 2014<sup>78</sup> and almost one million refugees put a lot of pressure on the Greek mainland and especially islands<sup>79</sup>, considered the closest and easy to reach places.

It should also be borne in mind that, at the beginning of 2016, for those asylum-seekers that were waiting on the mainland in Greece, the window of opportunity created by the European

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<sup>74</sup> *Ibid.*

<sup>75</sup> «Children Remain Invisible» *Human Rights 360* [Athens, March 2020] <https://www.humanrights360.org/children-remain-invisible/> accessed March 28<sup>th</sup>, 2020.

<sup>76</sup> Hope K. «Greek parliament approves €85bn bailout after rancorous debate» *Financial Times* [London, August 2015] <https://www.ft.com/content/baaff57e-4211-11e5-b98b-87c7270955cf>.

<sup>77</sup> Elections held in September 2015. Tsipras ended up being re-elected, albeit weakened compared to the previous positions.

<sup>78</sup> UNHCR, Operational Portal Refugee Situation, Mediterranean Situation, Greece [March 2020] <https://data2.unhcr.org/en/situations/mediterranean/location/5179> accessed March 3<sup>rd</sup>, 2020.

<sup>79</sup> UNHCR, *Greece Sea Arrivals – 2015* [January 2016] <https://data2.unhcr.org/en/documents/download/46733> accessed March 3<sup>rd</sup>, 2020.

Union<sup>80</sup>, which had introduced the emergency relocation mechanism, in an attempt, however only partially successful, to lift Greece and Italy of the thousands of people who arrived every day, was closing.

In March 2016, when every "open door" policy was by then almost closed, on the initiative of, above all, Germany, but also as a consequence of the far right political tendencies that occurred in many European countries, the EU launched a statement of cooperation with Turkey for a substantial externalization of the EU borders. In practice, precisely in order to reduce the migratory pressure on Greece and its islands, the EU accepted to welcome a Syrian asylum seeker for each asylum seeker who was going to be sent back to Turkey, thus attempting to exchange a legal arrival for an arrival considered illegal. Furthermore, by granting Turkey the status of "safe third country", according to the wrong premise that Turkey was a safe country for refugees and asylum seekers, they were allowing in many cases the refoulement of some people which otherwise would have been contrary to international law.

The price of this agreement was set to €3 billion<sup>81</sup> to be paid to the Ankara government, and it became €6 billion when the agreement was renewed at the end of 2018<sup>82</sup>; money justified as a form of livelihood for a country that in fact already in 2016 hosted over three million refugees<sup>83</sup>.

From the Greek point of view, this entailed the transformation of the refugee camps on the islands into real detention camps, within which, in the first twenty-five days from the arrival, the eligibility requirements for asylum application of every asylum-seeker would have had to be examined to grant or deny access to the country; priority to move to mainland was always given to those considered "vulnerable" – as the unaccompanied minors, the parents and siblings of victims of shipwrecks, women who have been subjected to violence and other categories<sup>84</sup>.

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<sup>80</sup> In total, from October 2015 to October 2017, only 31,503 refugees were relocated to EU countries from Greece and Italy. European Commission, *Relocation: EU Solidarity Between Member States* [November 2017].

<sup>81</sup> European Commission Press Release "EU-Turkey Cooperation: A €3 billion Refugee Facility for Turkey" [November 2015] IP/15/6162 [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_15\\_6162](https://ec.europa.eu/commission/presscorner/detail/en/IP_15_6162) accessed March 4<sup>th</sup>, 2020.

<sup>82</sup> European Commission Press Release "EU Facility for Refugees in Turkey: €6 billion to support refugees and local communities in need fully mobilized" [December 2019] IP/19/6694. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_19\\_6694](https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6694) accessed March 4<sup>th</sup>, 2020.

<sup>83</sup> UNHCR Operational Portal Refugee Situation, Syria Regional Refugee Response – Turkey [March 2020] <https://data2.unhcr.org/en/situations/syria/location/113> accessed March 6<sup>th</sup>, 2020.

<sup>84</sup> Vulnerability criteria until January 2020 were: unaccompanied children, persons suffering from disability or a serious or incurable illness, pregnant women/new mothers, single parents with minor children, victims of torture, rape or other serious forms of violence or exploitation, elderly persons, victims of human trafficking,

An immediate consequence to this agreement was a movement restriction for those who arrived on the islands after March 20<sup>th</sup>, 2016. They were, and still are, obliged to remain on the island where they have landed and are forced to remain inside the island's RIC until complete registration of their asylum application. Given the very high number of presences in these centres, soon the official borders and fences of these hotspots proved insufficient to contain the human masses and conglomerates of far greater proportions and capacities were formed alongside them, where in fact the authorities do not exercise actual control.

With the elections of July 7<sup>th</sup>, 2019 Greece elected a new parliamentary majority and the new government is now led by Kyriakos Mitsotakis, expression of a parliamentary coalition in which the first party is New Democracy<sup>85</sup>.

The impact on decisions regarding migrants coming to Greece was immediate: as of July 8<sup>th</sup>, the Hellenic Ministry of Migration Policies had to delegate its task related to asylum-seekers migration to the Hellenic Ministry of Citizen Protection<sup>86</sup>. As an effect, the latter received a mandate over a wide range of issues, from first reception to asylum decisions and refugees' integration. Already from the choice of the name, the emphasis is clear: the protagonists are no longer asylum-seekers, but Hellenic citizens, primarily in need of protection. The new ministry will in fact focus on responding to the growing security needs of the population and to highlight a gap between those who can first claim rights – the Greeks – and those who in principle do not have them – non-EU citizens, especially asylum-seekers. An example is health care, which is immediately guaranteed only to EU citizens and no longer provided to those who do not have this requirement.

But it is all the migration policy that came to know a real crackdown, also on the basis of some scandals that have come to light and an investigation into fraud launched by the European Anti-Fraud Office on the use of European funds provided to improve living conditions in refugee camps<sup>87</sup>.

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minors accompanied by members of extended family, persons with post-traumatic stress disorder. – Greek Council for Refugees, Identification, *Asylum Information Database* [Brussels, April 2019] <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/identification>.

<sup>85</sup>“Greece elections: Centre-right regains power under Kyriakos Mitsotakis” *BBC News* [London, July 2019] <https://www.bbc.com/news/world-48902766>.

<sup>86</sup> Sabchev T., “Migration governance in Greece and the first steps of the new government: Securitization and lack of integration measures” *Cities of Refuge Research* [Meddelburg, August 2019] <https://citiesofrefuge.eu/blog/migration-governance-greece-and-first-steps-new-government-securitization-and-lack-integration>.

<sup>87</sup>“EU anti-fraud agency probes claims migrant funds were misused, report says” *Ekathimerini News* [Athens, September 2019] <http://www.ekathimerini.com/232956/article/ekathimerini/news/eu-anti-fraud-agency-probes-claims-migrant-funds-were-misused-report-says>.

The new government announced that the old centres will be gradually dismantled and replaced by detention camps which will be built entirely with European funds. It is recognized that not all hosted people will be subject to a strict regime of limitation of personal freedoms, but that the guiding principle will still be that of containment. With the new detention camps on the islands, the inspiring principle of the previous policy of Tsipras, which in the years of his government had established six main Reception and Identification Centres, where refugees could receive assistance and information to facilitate acceptance of their instances, was therefore reversed. In fact, from January 2020 the new law moves in line with the strengthening of exclusion and rejection criteria that the majority of European states has now adopted. If it is true that these new criteria have led to an increase in returns<sup>88</sup>, it is equally true that the problems of refugees' stay on the islands have not been resolved at all. This also because the new law establishes a priority of screening application of those who have reached the Greek soil after January 1<sup>st</sup>, 2020, forcing all those who were present before to an unjust stalemate, seeing their interview being postponed without a date or not even being able to get registered because other people are now prioritized.

#### 1.7 Trends and evolution of the phenomenon: numbers of unaccompanied minors in Greece

To better understand the aspects related to the phenomenon of migration of unaccompanied minors to Greece it is important to consider first how this phenomenon has evolved numerically in the country in recent years. In this regard, UNHCR data<sup>89</sup> will be used as the main source.

From Table 1 it can be observed that, taking into consideration the period July 2017-February 2020, the greatest increase was over the 12 months between 2017 and 2018 (+45%), but this growth risks to be even greater in the last year: in fact, in the seven months between July 2019 and February 2020 (last certified data) the increase was 29%, which would suggest, in an hypothesis of constant monthly growth, a +49% in July 2020<sup>90</sup>.

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<sup>88</sup> Information provided by the Head of the Regional Asylum Office, Anastasios Chrysikos, at UNHCR protection meeting on February 14, 2020.

<sup>89</sup> UNHCR Operational Portal Refugee Situation, Partners - National Center for Social Solidarity EKKA Greece [March 2020] <https://data2.unhcr.org/en/partners/view/509> accessed March 8<sup>th</sup>, 2020.

<sup>90</sup> Assumptions by estimating a constant influx during the 12 months of the year.

Reference year & month	Number of UAM	Period % growth
July 2017 <sup>91</sup>	2530	-
July 2018 <sup>92</sup>	3400	+45%
July 2019 <sup>93</sup>	4129	+21%
February 2020 <sup>94</sup>	5369	+29%

Table 1 - UAMs Present in Greece and measured growth compared to the previous detections (source UNHCR)

Beyond this merely quantitative data, which attests the phenomenon in marked growth, from UNHCR data it is also possible to try to observe how the identikit of unaccompanied minors present on Greek territory has changed over time.

As regards the sex, there are no particular differences in the observed period: the subjects continue to be in great prevalence of males: they were 95% in 2017 and they are 93% currently.

The age profile is, though, extremely important: those who were under the age of 14 in 2017 were the 5% while now they represent the 9% of all the UAM in Greece. This means that, in relation to the changes in the Greek protection law, almost the 91% of them will now have to demonstrate other reasons for vulnerability not to undergo the accelerated procedure.

At this level, some differences and analogies can also be observed with the specific situation of those who are hosted on the island of Samos. In this regard, at the beginning of March 2020, 410 UAMs were present in Samos – corresponding to 7% of all those unaccompanied children present in Greece. Compared to all the children present on the island, that are 2280 – 30% of the total island refugee population – UAMs constitute the 18% of them<sup>95</sup>. Table 2 reveals the main countries of origin.

<sup>91</sup> National Center for Social Solidarity (EKKA), *Situation Update: Unaccompanied Children (UAC) in Greece* [July 2017] <https://data2.unhcr.org/en/documents/download/58570> accessed March 9<sup>th</sup>, 2020.

<sup>92</sup> EKKA, *Situation Update: Unaccompanied Children (UAC) in Greece* [July 2018] <https://data2.unhcr.org/en/documents/download/65311> accessed March 9<sup>th</sup>, 2020.

<sup>93</sup> EKKA, *Situation Update: Unaccompanied Children (UAC) in Greece* [July 2019] <https://data2.unhcr.org/en/documents/download/70838> accessed March 9<sup>th</sup>, 2020.

<sup>94</sup> EKKA, *Situation Update: Unaccompanied Children (UAC) in Greece* [February 2020] <https://data2.unhcr.org/en/documents/download/74682> accessed March 9<sup>th</sup>, 2020.

<sup>95</sup> UNHCR, Samos Weekly Snapshot [Samos, March 9-15<sup>th</sup>, 2019] <https://drive.google.com/open?id=1M26zXn7b8h9C9gZtPYWPoDPgEFNBh59U> accessed March 9<sup>th</sup>, 2020.

	Greece	Samos
Total	5379	410
Afghanistan	43%	39%
Pakistan	22%	*
Syria	11%	34%
Iraq	*	9%
Congo	*	5%
Other countries	24%	13%

*Table 2 - Country of origin of UAMs – Parallel between those hosted on Samos and those present in the whole Greece at the beginning of March 2020 - \*Indicates a minority percentage that has been counted and classified from the source under “Other countries”*

As can be seen, Afghans amount to the majority of minors both out of the total number of those present in Greece and on the island of Samos. Compared to the total, the presence of Syrians in Samos is more than three times higher – 34% versus 11% – and a certain presence of Iraqis and Congolese is also significant.

According to a source, however unofficial<sup>96</sup>, about 70% of these children have their families already settled in Europe, while 30% are orphans.

A further interesting fact that introduces to a more qualitative evaluation dimension of the phenomenon, is related to the accommodation of these unaccompanied minors. In fact, it is estimated that currently about 40% are housed in temporary or emergency accommodation, 33% inside hotspots and 4% are in protective custody. This means that the remaining 23% lives in conditions of total insecurity, in places sometimes unknown or unidentified by the authorities. It should also be borne in mind that hotspots cannot themselves be considered as safe places, as they also include the surroundings of the RICs, constituted of tents and makeshift structures placed in between groves and woods; at the moment, it can be reasonably estimated that no more than half of the children lives inside these safe zones, that anyway, as will be explained later, in most of the cases are not safe at all.

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<sup>96</sup>“Number of Unaccompanied refugee minors in Greece rises to 4800” *Keep Talking Greece* [Athens, November 2019] <https://www.keeptalkinggreece.com/2019/11/04/greece-unaccompanied-minors-refugees/>.

## CHAPTER II. Beyond statistics, a big implementation gap

### 2.1 The reality of Samos island

Before addressing more specifically the situation of the unaccompanied minors present in Samos, the aim of this paragraph is to collect some information about how the reception system has developed on the island in relation to its geographical conformation and the choices made by the authorities regarding the regulation of arrivals.

Samos is located in the Eastern Aegean Sea, only 1,6 kilometres away from the Turkish coast. Due to its position, the island can be considered one of the most obvious landing places for all those who intend to reach by the sea – albeit with a limited route – one of the most extreme branches of the European territory.

The island with a population that slightly exceeds 30,000 inhabitants, is largely mountainous, has an area of just 477,4km<sup>2</sup> and the main villages are three: Vathy, the closest center in the air-line to the Turkish coasts, where the hotspot (RIC) was created in early 2016; Karlovasi, situated in the western area of the island, home to the mathematics, statistics and engineering faculties of the University of the Aegean and Pythagoreio, located in the southern coast of the island, characterized by a strong tourist vocation.

The only Reception and Identification Center in Samos is currently the one located in Vathy, designed to accommodate a maximum number of 648 people. However, it is estimated that there are around 8,000 asylum seekers currently on the island of which over 7,000 are somehow residing in Vathy's hotspot<sup>97</sup>. The residence time and the exact number of residents are, however, constantly evolving and in the last seven months there have been days with over 100 arrivals; this suggests an increase in the population of asylum seekers of over three thousand units since September 2019<sup>98</sup>. This increase is visible to the naked eye, given that people have mostly camped on a hill adjacent to the official fences of the hotspot, now called "Jungle". In this land it is estimated that about 5000 asylum seekers are settled, forced to live with makeshift means (tents, sleeping bags, blankets, etc.) in an area not equipped and absolutely contraindicated for a population density such as that which was generated.

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<sup>97</sup> General Secretariat for Information and Communication, *National Situational Picture Regarding the Islands at Eastern Aegean Sea* [March 2020] <https://infocrisis.gov.gr/8223/national-situational-picture-regarding-the-islands-at-eastern-aegean-sea-17-3-2020/?lang=en>.

<sup>98</sup> General Secretariat for Information and Communication, *National Situational Picture Regarding the Islands at Eastern Aegean Sea* [September 2019] <https://infocrisis.gov.gr/5791/national-situational-picture-regarding-the-islands-at-eastern-aegean-sea-1-9-2019/?lang=en>.



*Figure 1 - Samos RIC, October 4th, 2019*



*Figure 2 - Samos RIC, November 25th, 2019*

From a morphological point of view, the jungle of Samos consists of sloping fields, abundantly populated also by insects, rats and snakes, thus constituting an uncomfortable and often absolutely dangerous aggregate.

The Jungle is located on a privately-owned land, formally external to the hotspot borders, where authorities don't exercise any formal power nor take any responsibility for what happens. At the same time, despite repeated requests, the Greek authorities have so far prevented grass-roots NGOs from providing services inside<sup>99</sup> or around this area. Even if MSF managed to install some drinking water supply points in the Jungle to meet the basic needs of these people, it should be reminded that there are still no providers of other services such as electricity, food and NFIs distribution points in the area outside the official RIC, even if everyone outside supposedly has access to the services inside.

In the absence of any authority assuming regulatory power, the jungle has developed spontaneously as a mosaic of different ethnic communities that coexist in separate sub-quats. Each community relies on its own means and develops its own hierarchy, taking charge of summarily instructing the new arrivals who cannot be placed within the official hotspot.

From here, we will start analysing the shortcomings and irregularities that concern, more specifically, unaccompanied minors.

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<sup>99</sup> Only one exception was made for the distribution of tickets aimed at setting appointments for washing the clothes of the population in one of the grass-roots NGO. Another NGO works inside the Jungle with permission from the landowner.



Figure 3 - Samos RIC exponential growth in autumn 2019 compared to spring 2018.. Picture of D. Sofoulis, SamosToday.<sup>100</sup>

### 2.1.1. Accommodation and shelter in the "safe area"

Under current international, European and national legal provisions, unaccompanied minors under the age of sixteen should live separately from adult asylum-seekers<sup>101</sup>. That's why also in the Samos RIC, containers that are supposed to house eight children each have been provided. However, more than twenty kids are placed in each of the containers, without adequate toilets, hot water, hygiene and sanitation. What is more serious and possibly dangerous, however, is that in fact there is no surveillance that can keep adults away. There are numerous testimonies of nocturnal visits by adults who enter these containers with broken doors and steal money or cell phones or offer alcohol and drugs to the minors, sometimes seeking sexual favours in return. It has been observed that several unaccompanied minors spontaneously decided to abandon the containers, preferring to live alone in the Jungle. It is clear that in this case they rely solely on the solidarity of the other asylum seekers but are at the same time totally exposed to the dangers and variability of the climate, and in any case, they no longer receive any formal assistance from the camp managers, except the possibility to go to the food line and use the broken or chemical toilets, as everyone else.

<sup>100</sup> Picture by D. Sofoulis, Samos Today, <https://www.facebook.com/SamosToday/photos/a.223285268103322/828110690954107/?type=3&theater>

<sup>101</sup> Reception Conditions Directive, art.24.2.

Some other minors, particularly the youngest, vulnerable ones or the girls are instead living in front of the police container in camp or inside it.

### 2.1.2. Medical assistance

The medical care and health facilities existing in the Reception and Identification Center of Samos are totally inadequate and are therefore unable to consider specific needs such as those of unaccompanied minors. Their access to free assistance, which was available addressing through a guardian the problems towards the public health system, has also become a closed door for UAMs. Starting in July 2019, in fact, the Ministry of Labor and Social Affairs, dropped out the circular for the assignment of a social security number (AMKA) until then open to asylum seekers, limiting their possession to Greek citizens only<sup>102</sup>. This code, indispensable for accessing the health service, should have been replaced by a health card for foreigners (KYPA) which is currently still not activated<sup>103</sup> and in fact blocks all asylum seekers, including minors, from the access to free health care services.

### 2.1.3. Clothing and personal hygiene

Many UAMs in contact with grass-roots NGOs reported that after identification and registration in the camp they never received spare clothes – that’s why UAMs are often recognizable, because they often wear the same clothes in every season. Personal hygiene products such as toilet paper, soap and toothpaste are very scarce in the RIC and there is no preferential lane for unaccompanied minors to receive those NFIs. Several NGOs in Samos have repeatedly offered to supply these articles directly to the camp management, but it has always been refused until February 2020, when a distribution of hygiene kit for UAMs had place. Access to the showers implicates long queues in which violent episodes frequently occur but regardless of this, the most direct consequence is that infections and scabies are common.

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<sup>102</sup>“Labor Minister blocks social security AMKA for refugees, non-EU nationals” *Keep Talking Greece* [Athens, July 2019] <https://www.keeptalkinggreece.com/2019/07/13/minister-blocks-social-security-amka-refugees-non-eu/> accessed March 17<sup>th</sup>, 2020.

<sup>103</sup> Amnesty International, *Public Statement in regard to Health Care for Asylum Seekers and UAC* [Athens, October 2019] <https://www.amnesty.org/download/Documents/EUR2512132019ENGLISH.PDF> accessed March 17<sup>th</sup>, 2020.

#### 2.1.4. Nutrition

The quality of the food distributed in the RIC is inadequate for adults, even more so for children. Food is served in very small portions and is deficient in nutrients as well as being, in some cases, poorly preserved, which gives rise to gastrointestinal disorders; that's because food is usually frozen and defrosted sometimes after weeks. Most unaccompanied minors introduce in their bodies a number of calories far below their daily needs and therefore exhibit chronic conditions from undernutrition. Only one litre of water per day is distributed to camp population, and this also occurs during the summer when temperatures are high, and the risk of dehydration is greater. As well as for the hygiene conditions, a big problem is represented by the queues; people take up to several hours to get hold of their food ration. Furthermore, on the occasion of the riots, such as those that occurred on December 19<sup>th</sup>, 2019, the camp food distribution area was damaged and remained closed for five days. On that occasion, unaccompanied minors did not have received any food and as they were never endowed with an autonomy of spending, nor with a subsidy.

#### 2.1.5. Lack of protection and aggressive police behaviour against minors

According to several direct spontaneous testimonies, inside the RIC the surveillance of the safe area reserved to the unaccompanied minors is somewhat discontinuous. In particular during the night, the gate to access the area for unaccompanied minors is summarily closed and police officers cease surveillance, effectively leaving to some adults the possibility of making incursions inside. It is documented that sometimes the police exercises violence against some unaccompanied minors. Various cases have been reported where the minors have been beaten, injured, handcuffed and illegally detained<sup>104</sup>.

#### 2.1.6. Failure to recognize family lines

It often happens that the authorities do not recognize or ignore the family ties between unaccompanied minors, proceeding in an unjustified way to their separation and thus

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<sup>104</sup> Detention is to be avoided and used as a “last resort” for a period of time that cannot exceed 25 days, but can be prolonged for another 20 days, if – due to exceptional circumstances, such as a significant increase in arrivals of unaccompanied minors – a referral is not possible within the time limits set, despite the authorities efforts. – Reception Conditions Directive, art.11.

producing a second trauma of detachment. The case of two Afghan brothers, both unaccompanied minors under 16, who were separated by Samos authorities by transferring one of them to another facility, can be taken as an example. The same thing happened to seven Syrian cousins, all unaccompanied minors, who were separated and transferred to different locations across mainland Greece<sup>105</sup>. To these situations it can be added the fact that the new law, which has recently entered into force, restricts the definition of family itself and exposes to a real risk that minors traveling with their family, at the age of 18, even if already in Greek territory, must still submit an application separate from that of their family members.

#### 2.1.7. Mental health

The conditions in which unaccompanied minors are forced to live have clear repercussions on their psychic balance. NGOs' staff takes care every day of providing assistance to restless and frightening children who often resort to forms of self-harm and suicide threats. Even when they assembled together in February 2019 to protest, their shouting did not in fact lead to any change improvement in their treatment and the psychological and psychiatric assistance towards them continues to be dramatically absent. Only one child psychologist is available on the island, working for an NGO, and of course he's not able to assist all the unaccompanied minors.

#### 2.1.8. Legal aspects

The new law No.4636, which aims to discourage migrants arriving on the Hellenic coasts, provides for unaccompanied minors a procedure that is more and more similar to that of adult asylum-seekers. If, on the one hand, it is true that the law allows these asylum applications to be examined according to faster procedures, on the other hand, this leads to a dangerous standardization of the procedures and evaluation criteria, with an almost always unfavourable outcome to asylum seekers. The new law also limits the categories designated as vulnerable, no longer acknowledging post-traumatic stress disorder among them. The possibility of being assessed fairly has then been made more difficult by imposing an absurd burden of proof on torture victims in order to be recognized as such. All this occurs to

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<sup>105</sup> Information from UNHCR Protection meeting, December 16<sup>th</sup>, 2019

children who obviously have no knowledge of their legal situation and who are neither informed nor protected with respect to what happens to them once they arrive on the Greek territory. In fact, unaccompanied minors aged between fifteen and seventeen find themselves in a no man's land with less and less presence of someone who can take care of their interests and rights<sup>106</sup>. A separate case is then that of minors subjected to the "protective custody" regime which is in all respects a form of forced detention. This is done even if the European Court of Human Rights has repeatedly ruled that this rule violates children's rights<sup>107</sup>.

## 2.2 Institutional limitations and disfunctions in the application of the regulations in force

*«No child should be without the support and protection of a legal guardian or other recognized responsible adult or competent public body at any time<sup>108</sup>».*

UN Guidelines for the Alternative Care of Children

To better understand the role that, in a circumscribed reality such as that of Samos, can be played by NGOs towards unaccompanied minors, it is first necessary to examine the situation of what has currently been the work of the bodies that are institutionally responsible for their protection.

Before 2014 there was no specific form of protection for unaccompanied minors in Greece. The situation began to change from that year, when a Greek NGO, UNHCR implementing partner, METAdrasi, tried to fill this serious gap, creating a real protection network for unaccompanied minors<sup>109</sup>. This has happened positively from the start in collaboration with the territorially competent public prosecutors and starting with a pilot phase, which has obtained the support of the EEA grants<sup>110</sup> and to date of UNHCR.

At the center of this project is the figure of the guardian, a person institutionally placed to guarantee at different levels – legal, medical, accommodation wise, etc. – the best interests

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<sup>106</sup>As will be further explained, the number of lawyers, legal counsellors and guardians is not even close to be appropriate for the number of unaccompanied minors present on the island.

<sup>107</sup> *Rahimi v. Greece* [April 2011], *Mohamad v. Greece* Application no.70586/11 [December 2014] *H.A. and Others v. Greece* [February 2019] *Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia* Application No.141165/16 [June 2019] and others.

<sup>108</sup> Guidelines for Alternative Care, Chapter II.B.19.

<sup>109</sup> MetAdrasi, *Guardianship Network for Unaccompanied Minors* [Tavros, November 2014] <https://metadrasi.org/en/campaigns/guardianship-of-unaccompanied-minors/> accessed March 18<sup>th</sup>, 2020.

<sup>110</sup> EEA and Norway Grants are funded by Iceland, Liechtenstein and Norway. The Grants have the goal to contribute to a more equal Europe, both socially and economically.

of the child, but also with the most ambitious and far-sighted purpose of providing those children with the right to recover childhood.

From a courageous pilot experience, over the past four years METAdrasi has managed to create a network of forty-five guardians scattered throughout Greece: Athens, Thessaloniki, Kavala, Orestiada, Lesbos, Chios, Samos, Kos, Leros, Thiva, Chalkida and Ioannina.

These operators were able to take on the support of 4385 children<sup>111</sup>. Of course, this couldn't have happened on its own, without a strong international support, nor without the participate collaboration that of many NGOs part of the large network "We are all Citizens", which has extensive experience in the field of child protection.

With these solid contributions supporting them, the members of the Guardianship Network, together with the written authorization of the Public Prosecutor responsible for minors, acted for the benefit of minors on matters that concern asylum procedures, family reunification procedures, communication with family members of minors to determine their best interests, health care, education and psychosocial support.<sup>112</sup>

In addition, the guardians took on other functions, less formalizable, but still fundamental, such as:

- help in the development of significant and substantial relationships with minors
- participation or promotion of games and entertainment
- help building friendship ties between beneficiaries
- actions aimed at developing the UAMs' talents<sup>113</sup>.

In short, to offer minors the opportunity to finally live their childhood, a right of which they had been unjustly deprived.

Of course, during all these complex activities, the guardians were not left alone: they were constantly supported both by a team dedicated to the project and by an interdisciplinary team of expert lawyers, doctors, psychologists and interpreters made available by METAdrasi.

A second important step is marked by the law No.4554/2018<sup>114</sup>. This law has in fact introduced for the first time a regulatory framework for the protection of UAMs in Greek legislation. Under the new law, a guardian is expected to be appointed for each minor who

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<sup>111</sup> METAdrasi, *Personalized Support for Unaccompanied Minors* [Tavros, December 2016] <https://metadrasi.org/wp-content/uploads/2016/12/Guardianship-Network.pdf> accessed March 18<sup>th</sup>, 2020.

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

<sup>114</sup> Greece: Law No.4554/2018 on the Social Security and Pension Provision, Addressing Undeclared Work, Reinforcing of Protection of Workers, Guardianship for Unaccompanied Minors and Other Provisions [July 2018] GG A' 130.

arrives in Greece without being accompanied by a figure who is able to represent his or her interests.

The public prosecutor for minors is considered the temporary guardian. His responsibility is then that to appoint a permanent guardian for the unaccompanied children, selecting one among those in the register of guardians created within the National Social Solidarity Center (EKKA).

Of particular importance is art.18 of the law, which specifies how the guardian is responsible for the integration of unaccompanied minors, and therefore list his tasks, that are mainly: ensuring a decent accommodation; representing and supporting the minor in all judicial and administrative procedures; assisting the child in relation to his healthcare needs; applying for asylum on behalf of the minor; helping the minor issuing appeals for asylum; ensuring that the child can live safely throughout his stay in Greece or return to his country; guaranteeing access to psychological support; taking care to enrol the child in formal or non-formal education; promoting the assignment of child custody to a foster family; ensuring that the child's political, philosophical and religious beliefs are respected and that they can find adequate forms and ways of expression; ensuring that the minor benefits of social assistance and support; ensuring the child's communication with his or her natural family<sup>115</sup>.

To ensure that these multiple tasks are carried out with the due care, the law also establishes a Supervisory Board for Guardianship of Unaccompanied Minors<sup>116</sup>, consisting of three members, which is supposed to be responsible for assessing and determining the best interest of the UAM in cases where serious decisions need to be made and for ensuring the legal protection of unaccompanied minors when difficult factors come in the way to affect the guardianship criteria – from particular convictions religious to any fragility or disability.

Finally, the new law establishes a Directorate for the protection of unaccompanied minors<sup>117</sup>, which has the task of training the guardians, guaranteeing safe accommodation for unaccompanied minors and assessing the quality of the services provided.

Although law No.4554/2018 was broadcasted to ensure a more favourable legal and regulatory framework in Greece for unaccompanied minors, almost two years after its promulgation, the protection system is not operational. To date, the implementing ministerial decrees indispensable for establishing the procedures that would allow the passage from a

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<sup>115</sup> Greece: Law No.4554/2018 on the Social Security and Pension Provision, Addressing Undeclared Work, Reinforcing of Protection of Workers, Guardianship for Unaccompanied Minors and Other Provisions [July 2018] GG A' 130 art.18.2.

<sup>116</sup> *Ibid.* art.19.

<sup>117</sup> *Ibid.* art.27.

law written on paper to its implementation in the day to day life have not been issued. On the other hand, there is a growing and worrying gap between the objectives that the law intended to fulfill and their achievement, to the point of revealing the interruption of some services that were offered so far.

Several NGOs on the field have expressed concerns about the handover from the guardianship network managed by METAdrasi to that of public prosecutors. Unfortunately, these public prosecutors are public officials who are overburdened with practices, often short of staff and sometimes even inadequately trained for the task that awaits them. The lack of strict timing in almost all stages of the procedure and the absence of specific provisions that should have been set in the implementing decrees, in fact expose unaccompanied minors to a worsening of their situation<sup>118</sup>.

Few times in the past two years prosecutors have actually complied with what Law No.4554 required of them. The inefficiency of the state guardianship system has deprived children of a personal and individual relationship as it should have been that with a real guardian, or a person capable of being the "compensatory parent" they need.

Coming to the reflections on the specific situation of Samos, it can easily be described as a place where, in March 2020, it ended the presence of the last single authorized guardian belonging to the previous network set up by METAdrasi, whose activity had already been reduced by early 2020 to a part-time job, despite the presence on the island of over four hundred unaccompanied minors. Aware of this upcoming announcement of the removal of the only figure capable of safeguarding the rights of minors, several NGOs present on the island have turned to the local prosecutor to obtain some authorizations, for example to bring UAMs to the hospital. The public prosecutor has communicated, yet only verbally, that to be entitled, NGOs must be registered by the Greek ministry and work within the camp. But it is precisely this registration with the Greek Ministry that has already been denied for some time to many NGOs, especially since the new government started a policy of not welcoming NGOs and trying to make their life impossible<sup>119</sup>.

Therefore, only the following child protection actors remain able to work towards unaccompanied minors present in Samos:

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<sup>118</sup> "Greece: Hundreds of vulnerable refugees children left unprotected and homeless" *Refugee Support Aegean* [Chios, December 2018] <https://bit.ly/2CMnXV9> accessed March 19<sup>th</sup>, 2020.

<sup>119</sup> "Greece gives ten days to NGOs dealing with refugees to register" *Keep Talking Greece* [Athens, November 2019] <https://www.keeptalkinggreece.com/2019/11/26/greece-deadline-ngos-refugees-register/> accessed March 18<sup>th</sup>, 2020.

- European Asylum Support Office (EASO), which does outreach to minors who are present in the jungle<sup>120</sup>;
- UNHCR, which monitors new arrivals and provides the number of UAM present on the island;
- METAdrasi, whose activities, ended the guardianship programme, will consist in helping the minors with their asylum cases through some caseworkers and educational activities in the “safe area” of the RIC.
- Praxis, which is a Greek NGO that currently has a child psychologist.
- IOM, which works with METAdrasi in the “safe area” of the RIC providing caregivers, a psychologist and a couple of social workers<sup>121</sup> that can walk minors to the camp doctor.<sup>122</sup>
- Still I Rise, which is a Greek-Italian NGO allowed to have unaccompanied minors in their youth center where they also provide informal education.

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<sup>120</sup> Spontaneous anonymous statement from an EASO worker affirms that the outreach consists in asking the minors what they need and then telling that unfortunately EASO is unable to help them.

<sup>121</sup> Informations provided in the UNHCR Protection Meeting, February 2020.

<sup>122</sup> It has to be remembered that in camp there’s only one doctor for 8000 people. Queues last days and the camp doctor is unable to prescribe medicine to the kids without the approval of a guardian or of the public prosecutor.

## CHAPTER III. Facilitator of positive coping mechanism

### 3.1 Main results of the research

This paragraph comments on the main results of the research conducted, starting from the quantitative evidence collected from the sample of sixty-nine humanitarian workers who participated in the request for online collaboration. To enrich the comment, the results of the open questions and minutes collected from the semi-structured interviews carried out in the phase prior to the research will be included.

#### 3.1.1. A shared vision of the phenomenon

A first aspect that the research intended to assess was to verify whether the perceptions of the phenomenon of UAM present on the island, as it is defined according to official statistics that speak of 410 subjects present in Samos at the beginning of March, is or is not shared by NGOs' volunteers who had the opportunity to live the direct experience on the island.

The following table shows the level of agreement with each of the listed statements, measured on a four-position nominal scale and converted into a synthetic index which expresses a maximum of +100 in the case of total agreement and a minimum of -100 in the case of total disagreement. The deviation from 0 is therefore a measure of the mainly observed trend.

As can be seen, the idea that "the official estimates of unaccompanied minors are systematically lower than reality" is largely dominant (+62) and this opinion is congruent with the second in line, that is the fact that "some unaccompanied minors prefer to live in the "jungle" than in the safe zone"(+52).

As a volunteer stated: *«I have been to Samos three times in recent years and the situation of UAMs has deteriorated over time<sup>123</sup>»*; a second voice also commented: *«To hear the official numbers it seems clear to me that they reflect only a part of the truth, which is very underestimated»*.

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<sup>123</sup> All the quoted sentences from here on that are left without specific references are obtained from the interviews conducted orally and online during the first months of 2020, whose questionnaire's format is available in the Appendix I.

It is therefore not surprising that there is also a strong agreement with the third item: "The phenomenon of the UAM is beyond control" (+47).

On the island, in fact, the criterion of assigning an age corresponding to the truth also appears to be affected. As an operator testifies: «Some UAMs I taught had documents that attested that they were over 18 years old, but it was quite clear that they were minors». In fact, the corresponding items also find an evident agreement: "Several UAMs are forcibly classified as adults" (+ 46) and "The age assessment procedures (wrist x-ray, tooth examination, etc.<sup>124</sup>) are not used by the authorities" (+35).

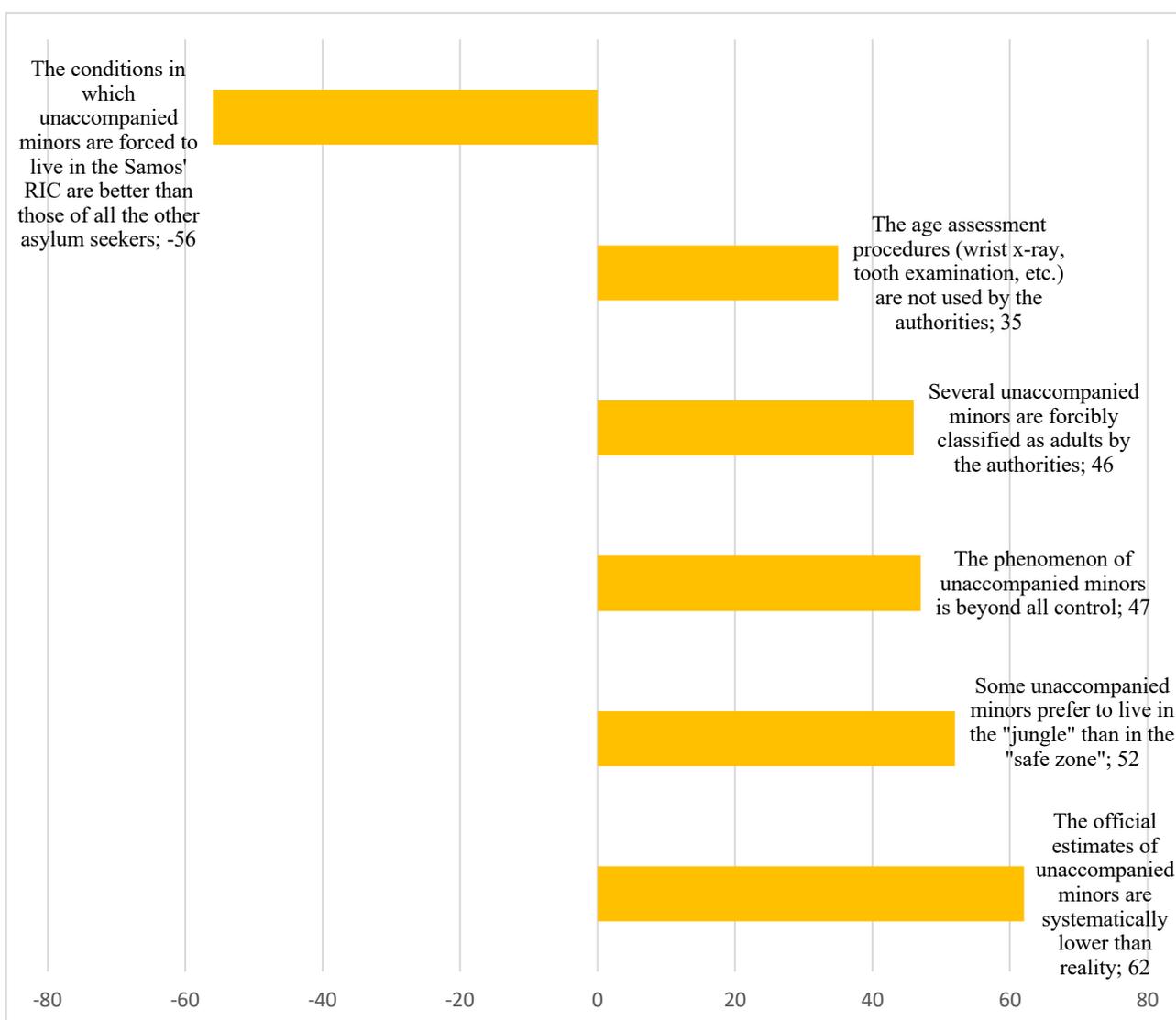


Table 3- Level of agreement with statements relating to the treatment of UAMs - Synthetic index from 0 to 100 calculated on a four-position scale; max 100 = agree, min. -100 = disagree

<sup>124</sup> EASO, *Practical Guide on Age Assessment* [March 2018] <https://www.easo.europa.eu/sites/default/files/easo-practical-guide-on-age-assesment-v3-2018.pdf> accessed March 18<sup>th</sup>, 2020.

The dramatic disagreement that occurs only for one item completes the picture with a dramatic underlining: “the conditions in which unaccompanied minors are forced to live in the Samos' RIC are better than those of all the other asylum seekers”(-56). This idea is also validated by numerous statements collected: «*Their safety is constantly threatened by fighting that takes place in the RIC*», «*Their personal belongings are regularly stolen even if they live in the so-called safe area which does nothing but increase their anxiety*», «*Perhaps the authorities think that teenagers may already be self-reliant, but what I think is they're not at all, because it is only an age in which one tries to be an adult, but clearly is not*».

### 3.1.2. Urgency perception of the interventions in favour of the UAM

Having ascertained that the phenomenon of unaccompanied minors present in Samos would appear to be largely underestimated compared to what has been officially made public, it remains to be established which priorities of interventions would be desirable to address this phenomenon. In this regard, the urgency perceived by the sample of humanitarian workers who responded to the initiative was measured with a four-position nominal attitude scale. This result has been converted, for ease of reading, into a synthetic index with a minimum of 0, equivalent to "not at all urgent", to a maximum of 100 "very urgent". The resulting ranking is shown in the table below.

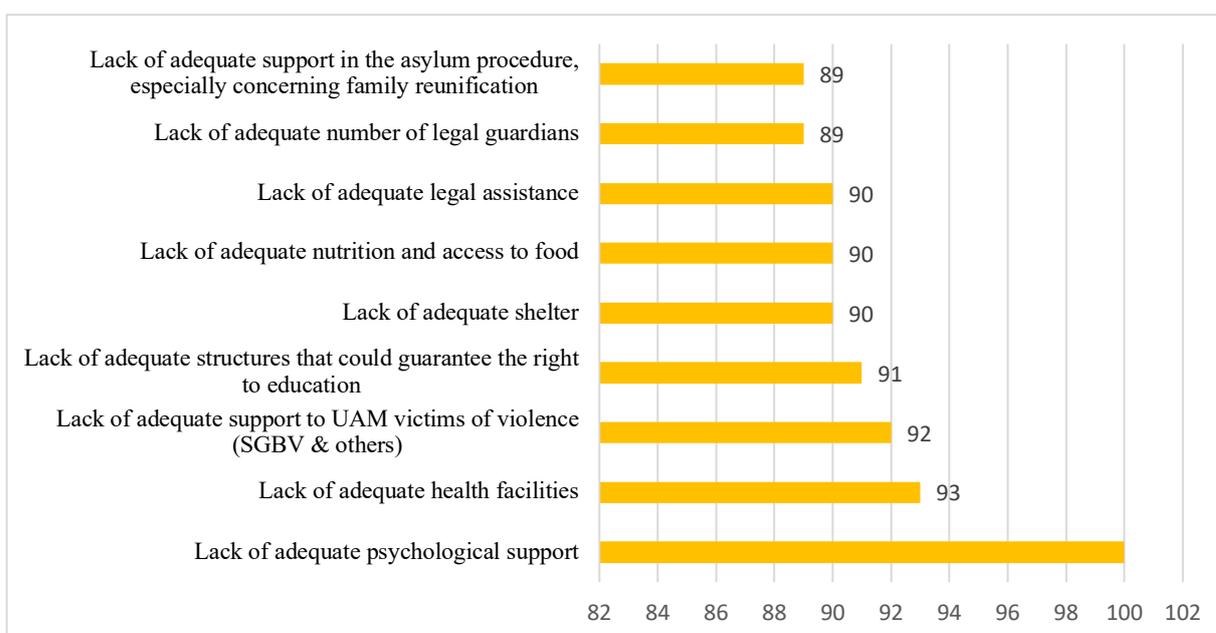


Table 4- Perception of urgency concerning some interventions in favour of UAMs - Synthetic index from 0 to 100 calculated on a four-position scale; max 100 = very urgent, min. 0 = not at all urgent

It is striking how the "lack of adequate psychological support" records the maximum score, an indication of how this intervention was assessed as "very urgent" by all the respondents. This is also confirmed by numerous testimonies collected: *«On Samos there is a desperate need for psychological support. It is quite common for UAMs to self-mutilate and multiple UAMs have attempted suicide or are suicidal. I don't know if this support could be offered to them through an NGO or through a collaboration between the stakeholders but as it is, the trauma will last their whole life», «They need psychological support more than anything else, but they are not getting it at all», «I listen too often to unaccompanied minors who would prefer to be dead than to live in this hell».*

Closely connected to this need, as the mind and body are always connected, are also the lack of adequate health facilities (+93) and the lack of support for victims of violence (+92). We recall in this regard that the structure of the camp is currently equipped only with one institutional doctor and child psychologist, provided through a Greek NGO.

In the hierarchy of importance, but always at very high levels, greater than or equal to an index of 90, we find the lack of adequate structures that could guarantee the right to education (91); the lack of legal support, that of adequate shelter and accommodation, and that of nourishment (all with index 90). These are different problems, but which inevitably intertwine in the reality of a place which, by its very nature, is highly unsuitable for UAM. As well recapped by the following statements collected: *«A refugee camp is not and cannot be a place for children, let alone an overcrowded camp», «My perception is that the situation on the island does not respond to fundamental human rights and even less to those of the minors».*

Continuing in the urgency hierarchy, very little distanced from the previous interventions, we find the lack of adequate support in the asylum procedure, especially concerning family reunification and the lack of an adequate number of guardians (both with index 89). With regard to the first of these two points, many operators cite the slowness of the procedures: *«Samos should be a place of passage but for most of them it becomes a place of life for months or years. Uncertainty about the future risks seriously to undermine their path of growth and social/educational/professional inclusion in the country where they will be welcomed one day », «A quick solution must be found to grant them asylum or, if it is denied asylum, make sure that they are still reunited safely with their family, to have a childhood as every child deserves».*

In relation to the problem of the shortage of guardians, which was extensively discussed in the previous chapter, many declarations were collected: *«Children need to feel welcomed, protected and have an extreme need to be listened to and supported individually. Unfortunately, the lack of professional guardians does not promote their well-being, on the contrary, it is cause of greater suffering and traumatization», «The first thing that should change is the presence of professional guardians; if every minor had a guardian who took care of his interests it would be easier to bring the voice of these forgotten boys from Samos to the Greek and European authorities».*

Finally, clearly detached from the other points in the hierarchy of priorities, we record "the lack of economic support" (+75). Obviously it can be assumed that a minor does not have the maturity to manage a sum of money such as that which is normally paid to adults<sup>125</sup>, but it should be remembered that this condemns them even more to queues to source essential goods in the RIC or to a more marked dependence on other adults or on what NGOs can offer them. As one volunteer notes: *"The structural deficiencies in the camp mean that children are in all respects at the mercy of the good or bad intentions of adults".*

### 3.1.3. What should the NGOs do?

A third and final aspect covered by the research concerned the desired orientation of the activities of the NGOs present on the island, always in relation to the presence of UAMs. To explore this section, eleven options of activities were proposed, and the sample was asked to indicate a maximum of three as most desired (the sum of the percentages in the table gives more than 100% due to the possibility of multiple choice).

As it can be observed in the next table, the prevailing request, supported by over half of the respondents, is that of advocacy (57%) which reflects a need that is chorally felt, that is to gain greater visibility of what is happening inside, albeit on the extreme outskirts of the European Union. It should also be said, in this regard, that numerous Italian and foreign media have dealt, in recent months, with the situation in Lesbos, where Moria Camp has

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<sup>125</sup> If you are under 18 and traveling alone, you are not eligible for cash. For those who receive it, the amount of cash assistance they get each month depends on how big the family is. It also depends on whether they are living in a place where catering is provided. If they are living in accommodation where food is provided, they will get between €90 and €330 a month, depending on the size of the family (around €40 per kid, max.6 kids). If they are living in accommodation where food is not provided, they will get between €150 and €550 a month, depending on the size of the family. – • Cash Assistance [Refugee.info, January 2020] <https://www.refugee.info/greece/cash-assistance-in-greece--greece/the-cash-program?language=en> accessed March 18th, 2020.

become emblematic of the situation of total abandonment in which refugees are left. Inexplicably much less has been said about Samos, which is only a few kilometres away and which is second in number of asylum seekers on the islands, but definitely more overcapacity than Lesbos<sup>126</sup>, and this has led some organizations to create advocacy group to try raising awareness of the situation on the island; unfortunately attention seems to be given only when tragedies happen<sup>127</sup>.

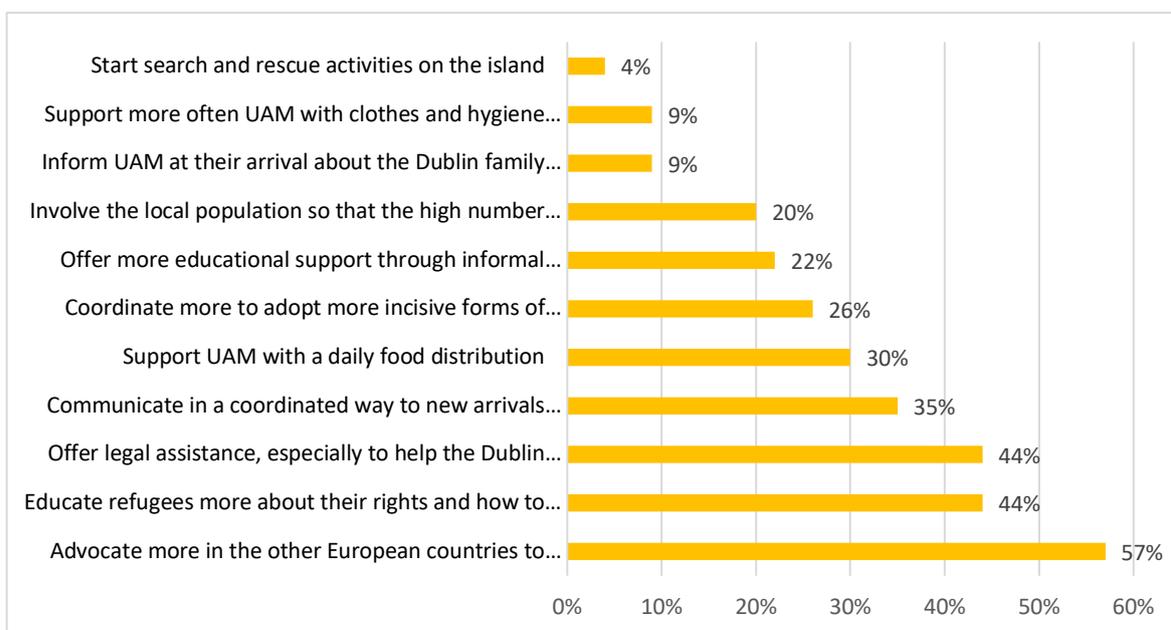


Table 5 - Key-points on which should concentrate the activities of the NGOs present on the island - Percentage of respondents who indicated the item as crucial, with a maximum of three choices

Among the other desired activities, the right to education and the legal assistance to help minors obtain family reunification (44%) collect a significant number of consents. There follows the need to communicate in a coordinated way to new arrivals what services and forms of assistance are present on the island (35%). Chosen by less than a third of respondents are the distribution of food to the UAMs (30%), the appeal to the authorities about the serious assistance deficits on the island (26%), educating new arrivals about services and the forms of assistance present on the island (22%), and a greater involvement of the local population (20%)

Supported by less than one respondent out of ten there are other options of possible development of NGO activities, such as: informing the UAMs regarding the Dublin family

<sup>126</sup> As of March 29<sup>th</sup>, 2020, Samos RIC is eleven times over capacity, while Lesbos RIC is almost seven times over capacity. - General Secretariat for Information and Communication, National Situational Picture Regarding the Islands at Eastern Aegean Sea [March 2020] <https://infocrisis.gov.gr/8223/national-situational-picture-regarding-the-islands-at-eastern-aegean-sea-17-3-2020/?lang=en>.

<sup>127</sup> International media focused and talked about Samos only in the occasion of a fire that burned part of the jungle on October 14<sup>th</sup>, 2019. "L'Europa si prenda cura delle persone a Samo" *Possibile.it* [Milan, October 2019] <https://www.possibile.com/leuropa-si-prenda-cura-delle-persone-a-samo/> accessed March 18<sup>th</sup>, 2020.

reunification time limits (9%), the distribution of NFI (9%) and carry out search and rescue activities at sea (4%).

In conclusion, it is undoubtedly a series of very varied tasks that the network of NGOs should take and develop on the island, each making available its own specific skills, in the common purpose, as an operator well explains, *"To be able to correctly fulfill all the inadequacies related to essential needs such as housing, food, safety, health, education, protection, to contribute to the primary objective of not giving up hope to children who have already suffered frightful traumas"*.

### 3.2 Unaccompanied minors and coping strategies

After examining how the reception system for unaccompanied minors has evolved according to the laws and institutional behaviours adopted in Greece, and after investigating what is the point of view of the numerous humanitarian workers that volunteered in Samos, the concept of "coping mechanisms", which is necessary to understand the types of behaviour that are most frequently expressed by unaccompanied minors is now going to be introduced and then the activities that can be considered as facilitators of coping will be examined.

The term coping is usually used to describe a wide range of psychological and behavioural mechanisms, often converging into real strategies, that an individual can put in place in the face of situations of strong stress and conflict, in order to make it tolerable and to try to reduce its effects.

Without willing to go into the merits of a very broad topic, which is the subject of study by different branches of psychology, and which in the face of countless sources of conflict and stress has already identified a very large number of coping strategies, these pages will be limited to deal more specifically with coping mechanisms concerning children traumatized by war and migration scenarios, and to then apply what has been highlighted by some studies to the current reality of the UAM asylum-seekers on the island of Samos.

#### 3.2.1. Coping mechanisms among refugees

Since children as a whole have formed one of the largest refugee groups in the world in recent years, already at the turn of the 2000s a systematic review of the criteria for

assessing their mental health was carried out, both in war and post-war contexts<sup>128</sup>. This extensive review revealed a clear increase in the symptoms of post-traumatic stress disorder (PTSD), including depression, anxiety, sleep disorders, social withdrawal and somatization. It should be clarified that these disorders are something very different from what are currently defined as childhood fears. Fears are in fact a natural process during the development of childhood and in particular some fears can also favour self-preservation or motivation. In these cases, however, we speak of maladaptive and therefore debilitating fears, or fears that inhibit the ability of children to relate, concentrate and learn<sup>129</sup>. These studies have highlighted how it is precisely the inability to keep under control these maladaptive fears, that over time creates the potential for real anxiety disorders or other serious mental conditions.

However, the same studies have shown that like adults, not all children develop the same type of reaction to trauma, on the contrary, some of them manage to implement a positive coping able to safeguard, at least in part, their psychological balance. Research efforts have therefore focused on identifying these strategies, to allow us to understand how operators can implement facilitators capable of stimulating and strengthening them.

A useful list of coping mechanisms found on minors is the one published in the report "*Mental health and protection of minors for Syrian adolescent refugees in Jordan*"<sup>130</sup>, where are mentioned strategies that are both involving other people or individual activities: talking to parents and friends, going out and find activities, watching TV, joining schools and youth centres, sleeping, joining support groups, going out with friends, drawing, eating, isolate, read the Qura'an, listen to music, think about good times back home, crying.

At first glance, one can be quite amazed at how these completely normal and almost daily and usual activities for a teenager grown up in a peaceful situation can become the basis for an adolescent refugee to implement an adaptive coping strategy on which his own mental health will depend. However, it is often forgotten that these daily and common activities in peacetime have been violently interrupted by war situations and are not guaranteed at all even in the camps and reception centres where refugees are hosted.

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<sup>128</sup> Review carried out by, among others, Erbaum, 1997; Shaw, 2003; Thabet, Abed, & Vostanis, 2004, as reported in El-Khani, A., Ulph, F., Peters, S. & Calam, R., "*Syria: coping mechanisms utilised by displaced refugee parents caring for their children in pre-resettlement contexts*" *Intervention* [2017] Volume 15, Number 1, pp.34-50.

<sup>129</sup> As described by Moses, Aldridge, Cellitti and McCorquodale, 2003 and reported in Walz, G. and Bleuer, J. in *Refugee Children's Fears and Coping Mechanisms: A Preliminary Investigation* [October 2013] [https://www.counseling.org/docs/default-source/vistas/article\\_68.pdf?sfvrsn=6](https://www.counseling.org/docs/default-source/vistas/article_68.pdf?sfvrsn=6) accessed March 19<sup>th</sup>, 2020.

<sup>130</sup> UNICEF and International Medical Corps, *Mental Health/Psychosocial and Child Protection for Syrian Adolescents Refugees* [June 2014] p.19.

The report “*Insights into Syrian Refugee Children’s Mental Health Status and Coping Mechanisms*<sup>131</sup>” showed that the family environment has a strong influence on coping and children's well-being. Indeed, children seemed to be more resilient and prone to socializing if the home environment is positive. Precisely for this reason, unaccompanied minors have further difficulties in implementing adaptive coping strategies, not having a stable reference figure next to them. This often leads unaccompanied minors to resort to coping mechanisms called maladaptive, which compensate for stress by resorting to behaviours that harm the psychophysical well-being or the balance with the surrounding community. Among them we can list self-harm, smoking habits, use of drugs, stealing, bullying and beating others<sup>132</sup>. As a confirmation of how real this danger may be, the assessment on the mental health and psychosocial well-being of Syrian children hosted in the Za'atari refugee camp, conducted by IMC and UNICEF, can again be cited. This research reported that in a sample of 255 adolescents, behaviours related to the main adaptive coping mechanisms were difficult to practice for 71% of the individuals. This may also partly depend on a series of factors extrinsic to the situation of the individual, such as language barriers, religious beliefs and affiliation to ethnic groups. It is not uncommon among Muslims that especially men end up applying a real stigma relating to mental illnesses and cultural norms that show weakness, and it’s not exceptional, therefore, that this attitude can spread in a RIC where most of the asylum-seekers embrace the Islamic faith, also influencing minors, especially those who have objective difficulties.

Finally, it should not be forgotten that the case of female UAMs it’s possibly even more delicate, as gender vulnerabilities such as domestic violence, early forced marriages, survival sex, gender exploitation<sup>133</sup>, can make it even more difficult to adopt adaptive coping mechanisms.

### 3.2.2. Facilitators of coping mechanisms on the island of Samos

*«The breakdown of social structures and services accompanying major crises, means that communities and States themselves may not be in a position to provide the necessary protection and care for children without families. It is therefore*

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<sup>131</sup> Escot, R., Mahfouz, M., Feghaly Saade, I., & Varady, C. J., *Insights into Syrian Refugee Children’s Mental Health Status & Coping Mechanisms*, Caritas Lebanon Migrants Center [2015] p.36.

<sup>132</sup> Assessment conducted by UNICEF and International Medical Corps, *Mental Health/Psychosocial and Child Protection for Syrian Adolescents Refugees* [June 2014] p.7.

<sup>133</sup> *Ibid.* p.12.

*imperative that humanitarian organizations ensure that the most vulnerable children are protected*<sup>134</sup> ».

From what has been presented so far, it seems clear that unaccompanied minors constitute a particularly fragile and vulnerable category, not adequately protected by the regulatory framework in force in Greece which, in fact, requires a second vulnerability for those over the age of fourteen, that anyway are minors according to the law, to be recognized a series of guarantees<sup>135</sup>.

It has also been said that in Samos at the end of March 2020 the number of unaccompanied minors present on the island is estimated to be over four hundred and that in the short or medium term for them the figure of a guardian, as a contact person for all their needs will probably still be missing. In the face of this claimed shortcoming of institutional figures, apart from a few exceptions that will be mentioned, it is clear that the network that constitutes of some NGOs that carry out their activity on the island is today the main source of those relational tools capable of supporting and facilitate adaptive coping strategies for UAMs.

This analysis begins considering the role of UNHCR which maintains a role on the island; its main duty with regard to the UAMs is to carry out an info-session inside the container UN-2, close to the safe area for minors in the RIC on a weekly basis<sup>136</sup>. During these sessions, which take place in various languages, their main aim it to provide information on family reunification procedures according to the Dublin regulation and, indirectly, understand if the minors that show up re all registered or if there are new ones. Alongside UNHCR, the European Asylum Support Office (EASO), the International Organization for Migration (IOM) and METAdrasi also carry out some activities: they mainly put at disposal of the UAMs that live in the safe area some professional figures such as caregivers, social-workers and someone with a psychological background. However, these activities do not seem to follow the criteria of a clear programming at the moment.

Among the NGOs, those which direct their activities towards UAM in whole or in part are, as follows:

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<sup>134</sup> International Committee of the Red Cross, *Inter-Agency Guiding Principles on Unaccompanied and Separated Children* [2004] p.2.

<sup>135</sup> Greece: Law No.4636 [November 2019] GG A'169 – Unofficial translation.

<sup>136</sup> Information from UNHCR Protection meeting, February 14<sup>th</sup>, 2020.

- Action for Education<sup>137</sup> - British NGO that makes their community center at disposal of only unaccompanied minors every Sunday afternoon, with the possibility of taking a shower and using the Wi-Fi. The opening hours are from 15:00 to 19:00 and, before UAMs leave, there's always a dinner distribution; unfortunately, their maximum capacity is around sixty minors.
- Still I Rise<sup>138</sup> - Greek and Italian NGO that manages a center for teenagers aged 12 to 17, open every day except Sunday. The activities offered range from informal education, to listening support and psychosocial support. Educational activities take place from Monday to Friday, while Saturdays are dedicated to recreational activities. Breakfast, lunch and some snacks are also provided, clothes are washed for the unaccompanied minors and, in collaboration with Action for Education, showers are provided for those kids with dermatological problems. UAMs are also provided with a monthly top-up on their phones and a sim card if needed. However, the capacity of the center is to accommodate a maximum of one hundred twenty students and there is currently a waiting list of more than two hundred to access their activities, which means an average waiting time of some months, depending on the number of transfers. However, particularly vulnerable children under the age of fifteen are given priority, whether they are UAMs, vulnerable or pregnant girls.
- Praksis<sup>139</sup> - Greek NGO that deals with providing psychological support for children and adolescents; access is not spontaneous but works through interagency referrals from other organizations.
- Refugee for Refugees<sup>140</sup> - Greek NGO founded by a Syrian refugee that deals with the distribution of clothes and hygiene kits for unaccompanied minors at almost regular intervals.

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<sup>137</sup>. "Samos Island – The Banana House", [Action for Education, March 2019] <https://www.actionforeducation.org/samos> accessed March 19<sup>th</sup>, 2020.

<sup>138</sup> "Still I Rise is an independent international organization, created to provide education and protection for the vulnerable.", "Greece – Mazi Youth Center" [Still I Rise, January 2020] <https://www.stillirisengo.org/en/greece/> accessed March 19<sup>th</sup>, 2020.

<sup>139</sup> "Praksis (Programs of development, social support and medical cooperation) is an independent Non-Governmental Organization whose main goal is the design, application and implementation of humanitarian programs and medical interventions", "About Praksis" [Praksis, October 2019] <https://praksis.gr/en-about/> accessed March 19<sup>th</sup>, 2020.

<sup>140</sup> "Refugee4Refugees is a non-governmental organization, with no political, religious, or ethnic affiliation that works at the front line of the humanitarian crisis in Greece.", "We are at the forefront of this humanitarian crisis." [Refugee4Refugees, October 2019] <https://refugee4refugees.gr> accessed March 19<sup>th</sup>, 2020.

- Movement on the Ground<sup>141</sup> - Dutch NGO that working daily in the Jungle, reaches out to the UAM who live there and then reports them to other organizations that can take care of their needs. Whenever possible, they also help other NGOs to distribute clothing and shoes directly to those who live in this area as they are the only NGO with access in the jungle.
- A Drop in the Ocean<sup>142</sup> - Norwegian NGO that offers mainly to adults, but also to unaccompanied minors registered as adults or with a permit signed by the guardian, the possibility to participate in fitness classes every day from Monday to Friday and to take showers afterwards. For the above limitations, the effective participation of UAM is very limited.

All these activities are extremely important because, by putting a large number of social workers at stake, they contribute to the creation of new habits for minors and to the development of a resilience which, although it requires non-passivity on the side of the minor, is certainly strengthened by the presence and the hope of the volunteers.

These activities and resources that are put in place are, however, not immediately accessible to all the UAMs. In fact, it is good to remember that NGOs do not have access to the RIC and even less to the jungle and there is no universally widespread information channel that guarantees correct and complete information about the existence of these services, especially towards a population that is bewildered and has a variable nature due to the new daily arrivals and the periodic relocations to the mainland.

Thus it happens that the knowledge, both of the services offered to the UAMs, and of their needs to the NGOs, is spread mainly through an underground word of mouth, to which only a few operators like those of IOM, METAdrasi and EASO who can access the RIC directly participate, and a few of the UAMs, namely those who have already had the opportunity to have access to some of the offered activities. In addition to this interpersonal channel, social media certainly have a role; to keep in contact with one another, to get informations, to stay in contact with their family back home first of all, kids learn immediately how to use the potential of social media and easily start following the Instagram and Facebook pages of the projects that they see walking around town or that a friend told them about. The digital world

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<sup>141</sup> “MOTG is a foundation responding to a humanitarian crisis affecting the innocent men, women and children forced from their homes due to climate change, poverty and war. We are a group of independent business people, creatives and companies who were each, in their own way, touched by the crisis and called to action.” - “About us” [Movement on the Ground, October 2019] <https://movementontheground.com/about-us> accessed March 19<sup>th</sup>, 2020.

<sup>142</sup>A Drop in the Ocean, or Dråpen i Havet, is an NGO offering support to refugees in different locations around Greece.

is therefore confirmed to be for many asylum seekers and also for some minors, a place for meetings and possible rapprochements, for this reason having a working mobile phone is considered a very precious and worth-defending asset.

Anyway, once personal contact with a UAM has been established, an attempt is made to show him a range of possibilities that is not so wide as to confuse him but not so narrow as to make him feel harnessed in a world of new duties. In this sense, the humanitarian workers must try to represent for the unaccompanied children, even before a teacher or an instructor, a caregiver, or at least a person who knows how to listen to them and knows how to let them be part of organized activities that are also for him, but not exclusively for him. If the delicate insertion phase works, the UAMs will then not find delay in creating new rhythms, reassurance for those that they have lost, and this will further facilitate their personal coping strategies.

A concern, however, is constituted by unaccompanied minors that implement maladaptive coping mechanisms and show disinterest in initiatives and events, denoting symptoms of depression when not even episodes of self-harm or attempted suicide. In these cases, the NGOs activate a very effective alert and reporting system, trying to get a meeting as soon as possible with specialized personnel who deal with child protection. Unfortunately, as has been said, the psychological support is somewhat scarce on the island; the official child psychologist available, in fact, is only one and cannot meet the needs of support that are evident on the island, psychiatrists are not available at all and the lack of guardians plays indeed a big part in this lack of support as kids can feel lost and not redirected to anyone.

## Conclusions

In light of the resources and documents examined, the research conducted, and the experience of direct contact with the UAMs of the island of Samos, it became possible to draw a series of considerations.

Faced with an international regulatory framework that continues to guarantee unaccompanied minors a status that recognizes both the intrinsic nature of "children" and the further vulnerability constituted by the fact that they do not have autonomously sufficient means to enforce their own rights, the European Union fully acknowledges these principles but essentially delegates member governments to their implementation, limiting itself to act after examinations of possible violations made through non-partisan impartial bodies such as the European Court of Human Rights or the Committee on the Rights of the Child<sup>143</sup>.

In Greece, on the other hand, there is a progressive decline in guarantees in favour of unaccompanied minors, which can be divided into three phases: the first from 2014 to 2017 when METAdrasi, implementing partner of the UNHCR manages to build a network of 69 "guardians", or people specifically entitled to safeguard the rights of minors, distributed over a large part of the territory; a second phase from the entry into force of law No.4554/2018, launched in an attempt to transfer the tasks of the "guardian" to public prosecutors for each UAM present on Greek soil, but in fact failed, both due to the limited resources available and to the changed political climate (together with the agreement between the EU and Turkey on the externalization of borders); a third phase, which starts from the entry into force of law No.4636 from January 1<sup>st</sup>, 2020, which provides that UAMs are no longer recognized a treatment different from that of adults, unless they are under fifteen years of age or demonstrate a second vulnerability factor, moreover included among those in a somewhat restricted group.

On the island of Samos, a border location just one mile from the Turkish coast, the progressive deterioration of the legal guarantees in favour of the UAMs has seen a progressive worsening of their living conditions too. Not only has their number increased

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<sup>143</sup> The role of the Committee is to monitor compliance with the Convention and its optional protocols. The Convention recognizes to the Committee a classical transversal competence for examining periodic intergovernmental reports every five years. These reports must indicate the factors and any difficulties that prevent States Parties from fully fulfilling their obligations under this Convention. The Committee then communicates its recommendations to the state. Greece didn't sign the optional protocol No.3 on the communication procedure and therefore does not allow individual complaints to the Committee.

from 250 in November 2018<sup>144</sup> to the current more than 400 estimated in March 2020, but it should be noted that only some of them live in the so-called "safe zone" of the RIC, that is, some containers where, despite the name, they are missing the most basic security criteria. The others, who are the majority, live in the "Jungle", which is a land adjacent to the camp, populated by more than five thousand people, where there is absolutely no control of the authorities and the living conditions are miserable.

This situation is confirmed by the research conducted involving sixty-nine humanitarian workers who have had direct experience on the island: there is agreement that the presence of UAMs on the island is systematically underestimated probably due to incorrect age assessments, and on the fact that the treatment reserved for them is not, as it should be, better than that for the other asylum seekers, to the point where some unaccompanied minors prefer to live alone in the "Jungle". Again, from the research, the total lack of psychological and health care support, adequate housing, legal protection, educational paths and correct nutrition emerge. For all these points, there is an urgent need for action.

The research also considered the role that NGOs hope to play on the island in favour of unaccompanied minors. In this regard, some that could be defined as "official" have been indicated, such as the advocacy action to draw the attention of a public opinion that still knows little about the reality of the island, or that of directing especially new arrivals to the knowledge of the forms of protection and assistance to which they would be entitled. But beyond these tasks, the humanitarian workers present on the island also perform another important function, which could be defined as "unofficial", but which is actually fundamental, namely that of facilitating the coping strategies that many minors adopt as a form of resilience to the difficult situation they are experiencing.

The personal experience during months of stay on the island from October 2019 to March 2020 has allowed to at least partially explore the complex relational world in which a UAM moves on the island, a world most often populated by penalizing rules and elusive figures, that from real guarantees and by people willing to give him care and attention. In this, the NGO's staff plays a fundamental role, placing the child in a more favourable environment, where he finds elementary rhythms and habits (showering, clean clothes, school education, regular meals, recreational activities, etc.) which are guaranteed to him on paper, but which are more often denied to him in everyday life. Recreating this network of situations and environments, which he/she shares with other minors, those adaptive coping strategies that

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<sup>144</sup>Greek Council for Refugees, *Limits of Indignation: the EU-Turkey Statement and its implementation in the Samos 'hotspot'* [April 2019] [https://www.gcr.gr/media/k2/attachments/Report\\_Samos.pdf](https://www.gcr.gr/media/k2/attachments/Report_Samos.pdf).

he spontaneously is able to generate as a positive response to the difficulties encountered in his personal path are strengthened. No less important is the function performed to monitor and report cases of maladaptive coping and to encourage, as far as possible, the taking in charge by the few psychological procedures existing on the island.

All of the above has experienced a sudden and abrupt stop on March 11<sup>th</sup>, 2020, when the Prime Minister Mītsotakīs decreed the lockdown for the Covid-19 emergency.

The intervention was far ahead compared to that of Italy and other European countries, which established this action only after the first deaths. At this time, Greece has a very low level of infection, about 181 per million inhabitants<sup>145</sup>, and to date, no positive cases have yet been recorded on the island of Samos. However, this although necessary health care measure has fallen very hard on asylum seekers, who have been imposed an impractical social distancing measure in a camp that hosts eleven times more people than estimated and access to city with only one member per family, although almost no one controls entrances and exits since the numerous exits of the jungle are uncontrollable. All NGOs' activities have also been suspended and consequently also the interpersonal contacts between humanitarian workers and the unaccompanied minors' living in the RIC or in the neighbouring Jungle have ceased. It is possible to maintain contacts and keep some activities going through social media but obviously the difficulties are enormous, and it is not possible to reach some of the unaccompanied minors who do not have access to these channels due to lack of internet connection.

Despite all these limitations, the relationship between UAMs and humanitarian workers tries to stay alive and continues to bear fruit notwithstanding the increased difficulties. An example of this is an assignment given to a group of UAMs aged 14-17 who attend the youth center of the organization Still I Rise, to whom has been asked to write an email that respected formal standards, addressed to those who they wished and with a free topic. Among those received, as a valid example of coping, the following, which I report in full, should be highlighted:

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<sup>145</sup> "Il Caso della Grecia" *Il Post* [Milan, April 2020] <https://www.ilpost.it/2020/04/09/grecia-coronavirus-2/> accessed April 9<sup>th</sup>, 2020.



Complaining about the food

A:

Dear manager

Are you still alive?

I am writing to ask for change the f.. king food because I'm minor and I don't have money to buy food. I Have to eat your f.. king food or die, Also I want you to move your ass and look at us

Best Regards

Figure 4 - Email received from an UAM after the assignment of writing a formal email to practice

As can be seen, the assignment of using formal requirements has been respected, but obviously this writing exercise has become the occasion for a children to share a real suffering, made of anger and frustration, with a person, an humanitarian worker, who in this very difficult situation is experienced by the minor as one of the few people capable of acknowledging this cry for help, even if unable to resolve it.

Unfortunately, however, this cry for help, as many others, did not reach the local authorities, nor the Greek government, which on April 10<sup>th</sup> presented a new draft law that further restricts the timeframe for the examination under the accelerated procedure, through which some of the UAMs undergo as well, from twenty to fifteen days. Although this reduction of time goes unnoticed thanks to the proposition to computerize asylum application and refugees' ID card renovation<sup>146</sup>, it is clear that the more the time is reduced, the more standardized and hasty evaluations will be carried out, therefore undermining more and more the respect of the rights of these invisible children and many other asylum-seekers who daily try to cross the sea in search of a better future.

<sup>146</sup> Υπουργείο Μετανάστευσης και Ασύλου: Κατατέθηκε σε διαβούλευση το νέο σχέδιο νόμου – Τι προβλέπει, *Samos Today* [Samos, April 2020] <http://www.samostoday.gr/topika-nea/item/8870-ypourgeio-metanastefsis-kai-asylou-katatethike-se-diavoylefsi-to-neo-sxedio-nomou-ti-provlepei.html?fbclid=IwAR2BjWK-8mXu7TZAvVcq6TwikVpz5Ver4U6lhOJsMEElwHylvJGb9H4LV3s> accessed April 12<sup>th</sup>, 2020.

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<sup>1</sup>“The European Court of Human Rights provides interim measures to unaccompanied minors living in the RIC and the "jungle" of Samos island” *Greek Council for Refugees* [Samos, December 31<sup>st</sup>, 2019] <https://www.gcr.gr/en/news/press-releases-announcements/item/1352-the-european-court-of-human-rights-provides-interim-measures-to-unaccompanied-minors-living-in-the-ric-and-the-jungle-of-samos-island> accessed March 2<sup>nd</sup>, 2020.
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## Annex I. Questionnaires used for the interviews.

Here below it is possible to consult the questionnaire used for the oral interviews, conducted at the beginning of 2020, which was created as explained in the paragraph on the methodology. The questionnaire uploaded online for a larger sample can be accessed at this link: <https://forms.gle/QTEEkS5XzXRk21HP7>.

The answers to the interviews and questionnaires are not published as it is necessary to preserve the anonymity of the interviewees. Relevant parts are however published and cited in chapter III.

### INTERVIEW

#### FIRST PART - CONTEXTUALIZATION OF THE PHENOMENON

##### Question 1.1

The latest official data indicate that in 2019 about 3.500 people that arrived in Greece were unaccompanied minors (5% of new arrivals in Samos). What are your assessments and considerations on this phenomenon?

(open)

##### Question 1.2

Compared to the past, would you say that this phenomenon of unaccompanied minors is...

- Decreasing
- More or less stable
- Increasing (almost two times higher compared to last year)
- Doesn't know / doesn't indicate

##### Question 1.3

For what reasons, in your opinion?

##### Question 1.4

As far as can be foreseen, in the near future this phenomenon will be...

- Increasing
- More or less stable
- Decreasing
- Doesn't know / doesn't indicate

##### Question 1.5

For what reasons?

(open)

### Question 1.6

I will now list a series of problems that more generally concern the migration phenomenon on the island. I would like you to tell me if, in relation to each of them, that of unaccompanied minors is in your opinion more relevant, equally relevant, less relevant.

- the reception capacity of the island as a whole;
- the amount of aid funds provided to deal with the migration phenomenon;
- the least visibility in the media compared to other islands such as Lesbos;
- the impact on tourism activities on the island;
- the reactions of the population residing on the island;
- -(etc.)

### Question 1.7

For the factors that have been indicated as most relevant, why do you think \_\_\_ is more relevant than the problem of unaccompanied minors?  
(separate answers for each factor)

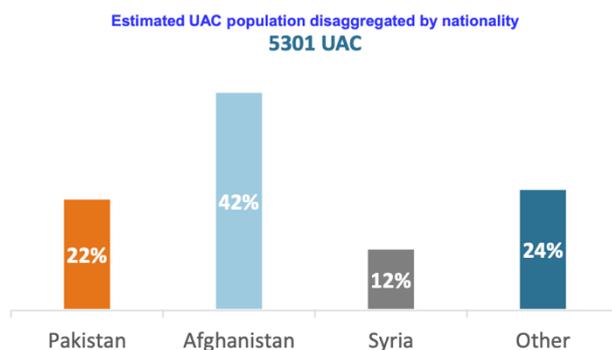
## SECOND PART – PROFILING OF UAM

### Question 2.1

Now I would like to talk about the salient features of the unaccompanied minors present on the island. As far as he knows, what characterizes them? Are there homogeneous aspects or would you say that different groups can be considered, and if so, on what basis?  
(open)

### Question 2.2

What are the main places of origin?



### Question 2.3

Do they have a goal, a destination or in any case the desire to reach certain places in particular?

## THIRD PART – NEEDS, SOLUTIONS AND SERVICES

I would now like to address the different needs that unaccompanied minors on the island may have and understand which solutions and services are made available to them or which are missing.

### Question 3.1

What can you tell me about health needs: what is the situation regarding unaccompanied minors who reach the island?

(open)

### Question 3.2

What resources and services are dedicated to them to solve health care needs? Is there a difference if they're over 15?

(open)

### Question 3.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

### Question 4.1

What can you tell me about legal assistance: what is the situation regarding unaccompanied minors who reach the island?

(open)

### Question 4.2

What resources and services are dedicated to them to solve legal assistance needs? Is there a difference if they're over 15?

(open)

### Question 4.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

### Question 5.1

What can you tell me about shelter and housing: what is the situation regarding unaccompanied minors who reach the island?

(open)

### Question 5.2

What resources and services are dedicated to them to solve housing needs? Is there a difference if they're over 15?

(open)

Question 5.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

Question 6.1

What can you tell me about psychological assistance: what is the situation regarding unaccompanied minors who reach the island?

(open)

Question 6.2

What resources and services are dedicated to them to solve psychological needs? Is there a difference if they're over 15?

(open)

Question 6.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

Question 7.1

What can you tell me about education: what is the situation regarding unaccompanied minors who reach the island?

(open)

Question 7.2

What resources and services are dedicated to them for educational needs? Is there a difference if they're over 15?

(open)

Question 7.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

Question 8.1

What can you tell me about guardianship: what is the situation regarding unaccompanied minors who reach the island?

(open)

Question 8.2

What resources and services are dedicated to them to be supported by a guardian? Is there a difference if they're over 15?

(open)

Question 8.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

Question 9.1

What can you tell me about asylum procedure: what is the situation regarding unaccompanied minors who reach the island?

(open)

Question 9.2

What resources and services are dedicated to them to apply for asylum? Is there a difference if they're over 15?

(open)

Question 9.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

Question 10.1

What can you tell me about access to food: what is the situation regarding unaccompanied minors who reach the island?

(open)

Question 10.2

What resources and services are dedicated to them to receive adequate nutrition?

(open)

Question 10.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

Question 11.1

What can you tell me about gender-based violence: what is the situation regarding unaccompanied minors who reach the island?

(open)

Question 11.2

What resources and services are dedicated to them if they're victims of SGBV?

(open)

Question 11.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

Question 12.1

What can you tell me about cash assistance: what is the situation regarding unaccompanied minors who reach the island?

(open)

Question 12.2

What resources and services are dedicated to them for cash assistance? Do you think giving UAM cash assistance can represent a solution to other problems?

(open)

Question 12.3

At the moment, do you think they are...

- Seriously inadequate
- Inadequate
- Adequate

#### FOURTH PART - ACTORS AND ROLES

In this last section of the interview I would like to understand what role the various agencies, institutions and organizations present on the island play or can play in addressing the needs of unaccompanied minors.

Speaking of ..... (for each of the following repeat the following questions)

- UNHCR
- EU
- Greek government
- Local institutions
- EASO
- NGOs
  - Still I Rise
  - MSF
  - Action for Education
  - Arsis
  - Metadrasi
  - Praksis
  - Med'EqualiTeam
  - Samos Volunteers
  - Refugees4Refugees
  - MOTG
  - ASF

Question 13.1 - What do your activities aimed at unaccompanied minors currently consist of?

Question 13.2 - What could you do differently or more for unaccompanied minors present on the island?