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Syrian Refugee Children On The Move

*Legal status and socio-political perspectives;
the case of Greece*

***Efthymia D. Papadopoulou, MA in
International Public Administration
University of Macedonia 2016***



Syrian Refugee Children On The Move

Legal status and socio-political perspectives; the case of Greece

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A dissertation submitted for the degree of **Master's in International
Public Administration at the University of Macedonia**

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I hereby declare, that all the data used in this work, have been obtained and processed according to the rules of the academic ethics as well as the laws that govern research and intellectual property. I also declare that, according to the above mentioned rules, I quote and refer to the sources of all the data used and not constituting the product of my own original work.

Papadopoulou D. Efthymia

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Abstract

After nine years of conflict, the Syrian crisis continues to have a huge impact on children inside Syria, across the region and beyond. Grave violations of children's rights describe the ongoing crisis not only as a humanitarian and displacement crisis, but first and foremost, as the largest protection crisis of the 21st century. Since the start of the conflict in 2011, millions of Syrian children, either with their families or even alone, have chosen perilous journeys in search of a haven of protection, dignity and mostly hope. While millions sought refuge in neighboring countries, numerous souls have crossed the turbulent waters of the Aegean Sea into the shores of Europe to seek asylum. And while the arduous journeys have proven lethal for too many Syrian children *On The Move*, for those reaching frontline EU countries dealing with the refugee crisis, such as Greece, overcrowded RICs, long asylum procedures, lack of information, limited access to protection, healthcare and education services are the harsh reality many boys and girls face upon arrival. The aim of this Paper is to give the reader the opportunity to virtually travel along with Syrian children *On The Move* on their journey from the beginning until reaching the Greek shores and, thus, fully develop an understanding of their harrowing journeys. Moreover, another purpose of this research is to present the timeline of the humanitarian crisis in Syria, and the response of the European Union and of the United Nations since the outbreak of the conflict. Furthermore, this Paper particularly examines the case study of Syrian children refugees in Greece and provides answers regarding their rights, and the sociopolitical perspectives that determine their integration. Finally, the reader may find suggestions as to what further actions are deemed necessary by the international, regional and national nexuses to reassure that Syrian refugee children in the EU, and in Greece in specific, may fully enjoy their rights as children and as refugees to the fullest, as set forth in the *Convention of the Rights of the Child* and the *1951 Convention relating to the Status of Refugees*.

Key Words: *Child, Child On The Move, Refugee, Child Refugee, Unaccompanied Refugee, Refugee Crisis, Syria, Syrian Civil War, Syrian Refugee, Greece, Legal Status, Political Perspectives, Social Perspectives, International Law, Greek Law, INGOs, NGOs*

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List of Abbreviations & Acronyms

AMIF	Asylum Migration and Integration Fund
BIA	Best Interests Assessment
BID	Best Interests Determination
CEAS	Common European Asylum System
CoE	Council of Europe
CFS	Child Friendly Spaces
CFSH	Child and Family Support Hubs
CRC	Convention for the Rights of the Child
EASO	European Asylum Support Office
EKKA	National Centre for Social Solidarity - Greece
ENOC	European Network of Ombudspersons for Children
ESI	Emergency Support Instrument
ESTIA	Emergency Support to Integration & Accommodation - EU funded programme
EU	European Union
EUROSTAT	European Statistical Office
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Border and Coast Guard Agency
GBV	Gender-Based Violence
GSGE	General Secretariat for Gender Equality - Greece
HIS	Human Interest Story
HRC	Hellenic Red Cross
ICRC	International Committee of the Red Cross and Red Crescent
IFRC	International Federation of the Red Cross and Red Crescent Societies
IOM	International Organization for Migration
IS	Islamic State

ISF Internal Security Fund

IYCF Infant and Young Child Feeding

NFE Non-Formal Education

OHCHR Office of the United Nations High Commissioner for Human Rights

PD Presidential Decree – Greece

PSMHS Psychosocial and Mental Health Support

RAO Regional Asylum Office

RAU Regional Asylum Unit

RFL Restoring Family Links

RIC Reception and Identification Center

SIL Supported Independent Living

UASC Unaccompanied and Separated Children

UMC Unaccompanied Migrant Children

UN United Nations

UNHCR United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

UNSC United Nations Security Council

USA United States of America

WASH Water, Sanitation, and Hygiene

WHO World Health Organization

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Introduction

“Syria is the biggest humanitarian and refugee crisis of our time, a continuing cause of suffering for millions which should be garnering a groundswell of support around the world”

*United Nations High Commissioner for Refugees Filippo Grandi*¹

Humanity has been undergoing a trial of fire and blood in Syria since 2011. Over time, this conflict has exhibited all possible guises of war: civil war, proxy war, siege warfare, cyber-warfare and war against terror. All forms of past and present warfare seem to converge in this one conflict. The latter is characterized by frequent violations of international humanitarian law (IHL): indiscriminate attacks in urban areas, the targeting of civilians and essential services such as water supply and health care, and the use of prohibited weapons, to name just a few. All of these have devastating consequences for the Syrian people, who are caught between the opposing sides. The Syrian conflict has brought not only bombs and missiles but also harsh living conditions, displacement, lack of access to food, water and medicine, uncertainty regarding the fate of missing or detained loved ones, and interruption of all aspects of life. As a derivative, many families have fled, while others have stayed and attempted to live their lives amid the chaos of war. A war against children, against hospitals, against cities, against first-aid workers, against memory, against justice – maybe these are more accurate titles for this war. Echoing the words of United Nations Commissioner for Refugees, Mr. Filippo Grandi, the Syrian crisis may be described as the most complex and massive humanitarian crisis of the 21st century. After eight full years of conflict – and a ninth one in the making – the crisis in Syria continues to indiscriminately birth human suffering especially in the hearts of those who are most vulnerable and defenseless. Sadly, children pay the highest price in this battle against humanity as the conflict has a profound impact on minors within the country, across

¹ UNHCR, Press Release: *Syria conflict at 5 years: the biggest refugee and displacement crisis of our time demands a huge surge in solidarity* (Mar. 15, 2016). Found at: <https://www.unhcr.org/news/press/2016/3/56e6e3249/syria-conflict-5-years-biggest-refugee-displacement-crisis-time-demands.html> (accessed on 10/10/19)

the region and beyond. Grave violations of children's rights – recruitment, abductions, killing and maiming, describe the crisis not only as a humanitarian and displacement one, but first and foremost, as the largest protection crisis since World War II.

Since the beginning of the outbreak, children and their families have been forced to abandon their homes in desperate search of a safe refuge. Especially, since the summer of 2015 and onwards – when the escalation of the conflict in Syria reached its peak – the magnitude of the humanitarian crisis generated was so tremendously immeasurable, causing therefore an unprecedented, swelling refugee crisis. The latter, just as a domino spiral, stretched beyond the borders of its neighbouring countries and into the shores of Europe in an alarming pace. Numerically speaking, by the end of 2015 – a year baptized as the turning point in the history of refugee flows – Europe had been hosting approximately one in nine of all refugees under UNHCR's mandate; a total of 1.8 million people,² including 585,000 Syrian refugees.³ Greece was one of the first countries in Europe to face the impact of the refugee crisis due to its geographical location. Unable to handle the situation alone, Greece cried out for help to the international community in order to tackle the ever-growing influx of refugee flows and, especially, to adequately provide protection and care to the most vulnerable; especially children.

Today – although over four years have passed since then – due to the fact that the ceaseless war in Syria is nowhere near to be coming to an end, the people of what seems to have become no-man's land desperately attempt to escape death daily no matter the means required or risks they may have to take; even if it comes to putting a price tag on their very existence and buying of their worth from smugglers, as to cross over lands and seas in search of dignity and life. Now, in the third quarter of 2019, Greece continues to be at the forefront of the “phalanx” in dealing with the refugee crisis. Although noteworthy steps have been taken on behalf of the State towards finding tangible solutions, the plea to the international community (i.e. European Union, International Organizations) for hands on assistance still remains strong. Greece has become something like a ‘holding pen’ for Syrians seeking asylum, including children, as most of them seem to be trapped in limbo in the country's

² UNICEF, *Uprooted: The growing crisis for refugee and migrant children* (2016).

³Data accessed from website: ‘Syrian Refugees; A snapshot of the crisis – in the Middle East and Europe’. Found at <http://syrianrefugees.eu/inflows-recognition/> (accessed on 10/10/2019)

overcrowded Reception and Identification Centers and Open Sites. According to UNICEF's latest data, 36% of the total sea arrivals in 2019 were children, of which 19% was from Syria.⁴ In total, as of 31 September, 34,800 refugee and migrant children are residing across Greece, of whom 4,383 are unaccompanied, whilst, 21,768 of the registered asylum applications in Greece during 2018 concerned children, accounting for 33% of all registered asylum applications in the country.

One may reasonably wonder; what has Greece done over the past five years to establish and guarantee the protection of Syrian children On the Move and their families and how far has it come since 2015? Have the country's legal actions been sufficient? Under what procedures is asylum granted by the Greek state and what legal instruments secure refugee rights? Furthermore, what is the position of the political sphere in Greece, when it comes to the integration and adequate treatment of refugee children in Greece, and how has society reacted to it? Has the international community efficiently and effectively responded to the country's plea to help? Triggered by these questions and highly motivated by the current refugee crisis – the impact of which has deeply affected and enrooted in the heart of the Greek society – the author has selected the topic of this Paper as to provide a thorough analysis resulting to answers via a methodological research based on a plethora of primary sources, bibliography and primary research.

For this purpose, this Paper's structure is divided in **five main chapters**;

The **first chapter** introduces the reader to key refugee law and children's rights law terminology, as set forth by subjects of international law. By the end of this chapter, the reader will be able to outline the profile of a refugee and recognize his or her rights. Moreover, the reader will be able to describe who a child is and what his or her entitled rights are, whilst, be in the position to present what criteria determine the refugee status of a child.

The **second chapter** presents the detailed timeline of the Syrian Crisis and the response of key international actors since its outbreak. The reader is familiarized on the one hand, with the factors that led to the mass exodus of the Syrian people and on the other, with the impact of the conflict on children. So, as children begin their

⁴ Afghanistan (53%), Iraq (9%), and other countries (19%)

journey from Syria in order to flee war, the reader becomes a virtual companion in this travel of theirs and follows them during their On-the-Move tales. While some children embark on journeys to neighbouring countries – Turkey, Lebanon, Jordan, Iraq and Egypt, as their destination – others continue their way onto Europe seeking for refugee status. For many this decision is lethal, as they lose the battle with the turbulent waters of the Mediterranean Sea or become victims of abuse and exploitation en route; for those who indeed accomplish to surpass the difficulties of their harrowing journeys and reach their ‘Ithaca’, awaits a new challenge; the one of being recognized as refugees. This chapter closes with the listing and analysis of the legal frameworks to protect the rights of children refugees in Europe. Although European law prevails over national law, nevertheless, each European country’s national law may additionally provide supplementary legal framework that safeguards children’s, and moreover, refugee children’s rights; such an indicative example in the case of Greece. But why particularly choose to focus on Greece, one may ask?

Greece is the first country – if not the final destination – where Syrian children On the Move throw their “anchor” when reaching the shores of Europe. This is due to its geographical location, as the country’s marine borders with Turkey outline the eastern marine borders of the EU. Therefore, once uprooted children set foot on Greek territory they automatically lie under the rule of Greek and European law which determines their asylum grant. The **third chapter** of this Paper presents the legal frameworks to protect the rights of children refugees in Greece, and in particular the ones regarding unaccompanied refugee children. In addition to the detailed legal analysis, this chapter continues with providing the reader with a fair share of a holistic analysis, from a sociological perspective, on the impact of the refugee crisis on Greece – from the escalation of the Syrian conflict in 2015 that generated the incredibly large refugee flow into the European continent, to this day. What was the situation Syrians faced upon arrival in Greece? How did the Greek people react to the mass refugee movement? How did the State respond to the emergency and particularly to the reception of Syrian children On the Move? The answers to all of the above questions lie within this chapter. Last but not least, the response and role of the EU, UN Agencies, INGOs & NGOs in regards to the refugee crisis in Greece is also set out in this part of the Paper.

Following the previous, the **fourth chapter** describes how the socio-political mapping of Greece has been formed based on the predominant humanitarian crisis. The analysis of the societal and political norms that prevail in today's Greek society provides the reader with an insight and deeper understanding of the existing perspectives for Syrian children refugees residing in the Greece. Finally, this chapter highlights the role of the Greek media, the State and INGOs in shaping the public opinion on refugee children and the refugee crisis as a whole.

The **fifth chapter** uniquely stands out with a cited **Human Interest Story (HIS)** based on the life of a young refugee child from Syria – currently residing in an Open Accommodation Site in Greece. The HIS is an eye witness testimonial of this Paper's author, who served as a Communication Intern for UNICEF Refugee and Migrant Response in Greece, from September 2018 until March 2019. The purpose of the cited HIS, provided to the reader, is to highlight the importance of *education* – either formal or non formal – in the development and integration of refugee children from Syria, in Greece.

Finally, the **Conclusions** of the research and recommendations for further related analysis can be found at the end of this Paper, as well as, an **Appendix** including key figures with the most recent data on Syrian children On-The-Move, accompanying illustrations and HIS in the form of letters written by Syrian children On-The-Move themselves about their experiences, their frustrations and their wishes for reconnecting with family, friends and teachers last seen in Syria.

Note to reader: kindly take into account that the latest data findings, based on which the research of this Paper rely upon, date up until October 2019.

Chapter 1: Refugee Status under International Law

1.1 Definition of a refugee in international law; word on relevant terms

People have historically been migrating with the purpose of fleeing from trouble or finding better opportunities for hundreds of years. In today's world of the 21st century, more people are on the move than ever before trying to escape from climate change, poverty and conflict, and are aided towards that direction as never in the past by digital technologies. As of 2019, we are witnessing the highest levels of displacement on record. According to the United Nations High Commissioner for Refugees (hereinafter UNHCR) every **two seconds nearly 1 person is forcibly displaced worldwide** as a result of conflict or persecution. An unprecedented **70.8 million** people around the world have been forced from home amongst which **41.3 million are internally displaced; nearly 25.9 million are refugees-over half of whom are children-while 3.5 are asylum seekers.**⁵

At this point, queries such as: *Who is a refugee? What is asylum and who is, subsequently, an asylum seeker? Under what criteria is one considered as a displaced person? What is the difference between a migrant and a refugee?*, are absolutely justified and excused to be aroused, as words themselves can be confusing when their meaning is not clearly described. Therefore, before further elaborating and continuing with this Paper's analysis, a word on the above mentioned definitions is considered mandatory.

A refugee, as defined in the context of the 1951 Geneva Convention Relating to the Status of Refugees (1951 Convention)⁶⁷, under Art.1 A(2) and as amended by

⁵ UNHCR website, *Statistical Yearbooks*. Found at <https://www.unhcr.org/figures-at-a-glance.html> (accessed on 1/6/2019)

⁶ **United Nations General Assembly resolution 429(V) of 14 December 1950**, available at: <http://www.unhcr.org/refworld/docid/3b00f08a27.html> (accessed on 1/6/2019)

⁷ Grounded in **Article 14 of the Universal Declaration of human rights 1948**, which recognizes the right of persons to seek asylum from persecution in other countries, the United Nations Convention relating to the Status of Refugees, adopted in 1951, is the centerpiece of international refugee protection today. The Convention entered into force on 22 April 1954, and it has been subject to only one amendment in the form of a 1967 Protocol, which removed the geographic and temporal limits of the 1951 Convention. The 1951 Convention, as a post-Second World War instrument, was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. The

the 1967 New York Optional Protocol relating to the Status of Refugees (1967 Optional Protocol)⁸, is

“a person who owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

The 1951 Convention and its 1967 Protocol are legal instruments, considered as the rigid legal code under international law, that provide protection to refugees, including protection against *discrimination*⁹, *non-penalization for seeking refuge and non-refoulement*. In terms of being more specific, in regards to the latter; protection and the rights of refugees vis-à-vis States that provide refuge, **Art. 3** of the Convention declares that “contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin”. **Art. 31** of the Convention, subsequently, states that States “shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Art. 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.” Moreover, under **Art. 33** based on the fundamental principle of non-refoulement, States are prohibited from extraditing, deporting, expelling or otherwise

1967 Protocol removed these limitations and thus gave the Convention universal coverage. It has since been supplemented by refugee and subsidiary protection regimes in several regions, as well as via the progressive development of international human rights law.

⁸ The Convention enabled States to make a declaration when becoming party, according to which the words “events occurring before 1 January 1951” are understood to mean “events occurring in Europe” prior to that date. This geographical limitation has been maintained by a very limited number of States, and with the adoption of the 1967 Protocol, has lost much of its significance. **The Protocol of 1967 is attached to United Nations General Assembly resolution 2198 (XXI) of 16 December 1967**, available at: <http://www.unhcr.org/refworld/docid/3b00f1cc50.html>. (accessed on 1/6/2019)

⁹ Any distinction, exclusion, restriction or preference which is based on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms. (Source: Human Rights Committee, General Comment No. 18: Non-Discrimination (10 November 1989) para. 7 in UN Doc. HRI/GEN/1/Rev.1, 26.)

returning (“refouler”) a person to a territory where his or her life or freedom would be threatened, or where there are substantial grounds for believing that he or she would risk being subjected to torture or other cruel, inhuman and degrading treatment or punishment, or would be in danger of being subjected to enforced disappearance, or of suffering another irreparable harm “*on account of his race, religion, nationality, membership of a particular social group or political opinion.*”.

Instruments adopted at the regional level complement the Convention relating to the Status of Refugees and build upon its definition, by including specific reference to a number of objective circumstances which may compel a person to leave their country. Specifically, **Article 1(2) of the Convention Governing Specific Aspects of Refugee Problems in Africa**¹⁰ includes in the definition of refugees also any person compelled to leave his or her country “*owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality*”. Similarly, the **1984 Cartagena Declaration**¹¹ states that refugees also include persons who flee their country “*because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order*”. Moreover, under international refugee law, recognition as a refugee is declaratory and not constitutive, thus meaning that “*a person is a refugee within the meaning of the 1951 Convention as soon as he fulfills the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because*

¹⁰ The **Organization of African Unity (now African Union) Convention governing the Specific Aspects of Refugee Problems in Africa 1969**, was adopted in Addis Adaba on 10 September 1969 and entered into force 20 June 1974. Available at <https://www.unhcr.org/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html> (accessed on 1/6/2019)

¹¹ The **Cartagena Declaration on Refugees**, was adopted at a colloquium held at Cartagena, Colombia, 19-22 November 1984. While its character is non-binding, it sets out regional standards for refugees in Central America, Mexico and Panama. Available at https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf (accessed on 1/6/2019)

he is a refugee” according to the UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status (2011).¹²

Refugee status must normally be determined on an individual basis, but situations often arise in which large populations have been displaced under circumstances indicating that most members of the population could be considered individually as refugees. In such situations, the need to provide protection and assistance is often extremely urgent and it may not be possible for purely practical reasons to carry out an individual determination of refugee status for each member of that population. Recourse is therefore made to group determination of refugee status, whereby each member of the population in question is regarded **prima facie**¹³ (in the absence of evidence to the contrary) as a refugee. In other words, the presumption is that individual members of the population concerned would be considered as refugees in need of international protection.¹⁴

Asylum is the grant, by a State, of protection on its territory to persons outside their country of nationality or habitual residence, who are fleeing persecution or serious harm or for other reasons. Asylum encompasses a variety of elements, *including non-refoulement*, permission to remain on the territory of the asylum country, humane standards of treatment and eventually a durable solution.¹⁵ Subsequently, an **asylum-seeker** is an individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee in such countries is initially an asylum-seeker.¹⁶

¹² HCR/1P/4/enG/Rev. 3, 9. Available at: <https://www.refworld.org/docid/4f33c8d92.html> (accessed on 1/6/2019)

¹³ Latin expression meaning “at first sight”, on first appearance but subject to further evidence or information.

¹⁴ UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status (2011)* HCR/1P/4/ENG/Rev. 4, para. 44. Available at <https://www.unhcr.org/3d58e13b4.pdf> (accessed on 1/6/2019)

¹⁵ UNHCR, *Resettlement Handbook (2011)* p. 407. Available at: <https://www.unhcr.org/46f7c0ee2.pdf> and IOM Publications, *Glossary on Migration no.34 (2019)* p. 11. Available at: https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf (accessed on 1/6/2019)

¹⁶ UNHCR, *Master Glossary of Terms (2006)*, UNHCR, *Resettlement Handbook (2011)* p. 407 and IOM Publications, *Glossary on Migration no.34 (2019)* p. 12.

Displaced persons¹⁷, are those persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, either across an international border or within a State, in particular as a result of, or in order to, avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters.¹⁸In the case where such persons have not crossed an internationally recognized State border, they are referred to as **internally displaced persons (IDPs)**.^{19,20}

Finally, there is no universally accepted definition of the term “**migrant**”. It is considered as an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students. It is usually understood to cover all cases where the decision to migrate is taken freely by the individual concerned for reasons of “*personal convenience*” and without intervention of any coercive external factors, such as fear of persecution which is what stands in the case of a refugee.²¹

1.2 Refugee Children and their Rights under International Law

Children make up one-third of today’s human population around the globe, yet almost half of the world’s refugees. According to the latest UNHCR data, numerically speaking, **31 million children are living outside their country of birth, including 11**

¹⁷ Adapted from Guiding Principles on Internal Displacement, annexed to United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr Francis M. Deng, Submitted Pursuant to Commission Resolution 1997/39, Addendum (11 February 1998) UN Doc. E/CN.4/1998/53/Add.2, 5, para. 2 of the introduction.

¹⁸ IOM Publications, *Glossary on Migration no.34 (2019) p. 53.*

¹⁹ Guiding Principles on Internal Displacement, annexed to United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr Francis M. Deng, Submitted Pursuant to Commission Resolution 1997/39, Addendum (11 February 1998) UN Doc E/CN.4/1998/53/Add.2, 6.

²⁰ UNHCR, *Resettlement Handbook (2011) p. 412* and IOM Publications, *Glossary on Migration no.34 (2019) p. 107.*

²¹ IOM Publications, *Glossary on Migration no.34 (2019) p. 130* and UNHCR, *Resettlement Handbook (2011) p. 413.*

million children refugees and asylum-seekers; another 17 million children have been displaced within their own countries by violence and conflict.²²Indicatively, between 2005 and 2015, the number of children refugees -under the UNHCR's mandate- more than doubled, while between 2010 and 2015the same number jumped by roughly 75 per cent.Today, nearly 1 in every 200 children in the world is a child refugee.²³

In search of safety and security, refugee children make their way to new homes by land, by air and by sea. Some are on the move with their families and others alone; some have planned their journeys for quite some time while others must flee without warning. No matter how they move or how they arrive, refugee children are children first and foremost seeking a different future from the one they have left behind, and as children, they are entitled to support, special care, attention and assistance -as proclaimed in the *Universal Declaration of Human Rights*²⁴-due to their vulnerability and dependency on adults. As refugees, they are particularly at risk with the uncertainty and unprecedented upheavals which are increasingly marking the post-Cold War era. Therefore, one can understand the reason why an even greater attention towards the developmental needs, the protection and the legal and social status of refugee children is not only essential, but vital.In the contemporary world, refugee children face far greater dangers to their safety and well being than the average child. The sudden and violent onset of emergencies, the disruption of families and community structures, as well as,the acute shortage of resources with which most refugees are confronted, deeply affect their physical andpsychological wellbeing. It is a sad fact that infants and young children are often theearliest and most frequent victims of violence, disease and malnutrition which accompany populationdisplacement and refugee outflows. In the aftermath of emergencies and in the search for solutions, theseparation of families and familiar structures continue to adversely affect refugee children of all ages.Thus, helping these children to meet their physical and social needs often means providing support totheir families and communities.Having said all the above, it is crystal clear why early and continuous

²² UNICEF, '*Uprooted: The growing crisis for refugee and migrant children*' (2016). Available at <https://www.unicef.org/eca/media/2406/file/uprooted%20report.pdf> (accessed on 3/6/2019)

²³ Ibid.

²⁴ UN General Assembly, *Convention on the Rights of the Child (CRC)*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 1; *Preamble*. Available at <http://www.unhcr.org/refworld/docid/3ae6b38f0.html> (accessed on 3/6/2019)

identification of children who are at heightened risk ought to be considered a priority for all State and non-state actors, such as international organizations. But, even before doing so, it is far more important for all actors to be in the position to identify who a child is.

Although, we may all have an image that appears to our mind when we hear or think of the word ‘child’ and who that may be, when it comes to being able to define, describe and secure his or her rights, an assumed idea or image is certainly not enough. Setting standards and specifying the criteria and characteristics that portray a child - and even more a refugee child- are highly important. This is where treaties play a protagonist role as they act as a safeguard; under the umbrella of international law, when a State ratifies a treaty, the government of the State promises to the international community that it will conduct itself according to the standards in the treaty.

A “**child**”, as defined in *Art. 1 of the Convention on the Rights of the Child* (hereinafter CRC), refers to:

“every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.”²⁵

The **CRC** incorporates the full range of human rights that must be protected, respected and fulfilled for every child. It may be characterized as the most complete Convention in the field of human rights, as it incorporates civil, political, economic, social and cultural rights, previous declarations and international regulations.²⁶ It is also the most widely ratified human rights treaty in history (194 UN member States²⁷). The Convention was adopted unanimously on 20 November 1989 by the General Assembly on the United Nations²⁸, and came into force on 2 September 1992.²⁹ It is considered

²⁵ UN General Assembly (hereinafter GA), Convention on the Rights of the Child (20 November 1989) United Nations, Treaty Series, vol. 1577, p. 3. Available at <http://www.unhcr.org/refworld/docid/3ae6b38f0.html> (accessed on 3/6/2019)

²⁶ On May 25th, 2000 the General Assembly of the UN adopted two *Optional Protocols* the first on the *Involvement of Children in Armed Conflict* [UN.Doc.A/RES/54/263 (25.5.2000)] and the second on the *Sale of Children, Child Prostitution and Child Pornography* [UN.Doc.A/RES/54/263 (25.5.2000)] trying to ameliorate categories of vulnerable children found under difficult situation. On December 19th, 2011 a third *Optional Protocol* was adopted by the Human Rights Council [A/HRC/17/36] and the 3rd Committee of the General Assembly [A/RES/66/138], ready to be signed by the member States of the UN. This new *Protocol* allows individual children to submit complaints regarding specific violations of their rights under the Convention and its two *Optional Protocols*.

²⁷ Except USA and Somalia.

²⁸ UN GA Res.44/25, UN.Doc.A./44/736.1989. The text was published at the International Legal Materials, vol. XXVIII, no.6, (1989).

to be one of the most important legally binding acts, under international law, as parties to the Convention are obliged to respect and ensure all CRC rights for every child within their jurisdiction, without regard to a child's migration or other status. The CRC covers all children, but is a particularly important instrument for children in contexts of migration and displacement, such as refugees. While it is not a refugee treaty itself, refugee children are covered because all CRC rights are to be granted to all persons under eighteen years of age (*Art. 1*) without discrimination of any kind (*Art. 2*), for the benefit of their best interest (*Art. 3*), therefore, safeguarding their fundamental rights to life, survival and development (*Art. 6*), as well as, their right to participation (*Art. 12*). Moreover, the CRC is important to refugee children because it sets comprehensive standards. Virtually every aspect of a child's life is covered, from health and education to social and political rights. Some of the standards are specific, for example the articles on juvenile justice (*Arts. 37 and 40*), adoption (*Art. 21*) and family rights (*Arts. 5, 9 and 14.2*). Some social welfare rights are expressly qualified by the State's financial capability. Rights to health (*Art. 24*), education (*Art. 28*), and to an adequate standard of living (*Art. 27*) are called "progressive rights" because they increase along with the State's economic development.³⁰ However, these social welfare rights are not just principles or abstract goals. Because they are "rights", the prohibition against discrimination (*Art. 2*) means that whatever benefits a State gives to the children who are its citizens, it must give to all children, including those who are refugees on its territory. The *Convention on the Rights of the Child* has gained importance to refugee children because of the near-universal ratification of the treaty. The standards of the Convention have been agreed upon by countries in every region of the world; countries of every population and geographical size and stage of economic development, and representing every type of political system and religious tradition. Because the standards are universal, the CRC can be used as a powerful tool for advocacy; a country cannot claim its uniqueness as an excuse for not living up to universal standards. The widespread ratification of the CRC is important for other reasons as well. When a State is a party to the CRC, but not to any refugee treaty, then the CRC may be used as the primary basis for protecting refugee children.

²⁹ According to Article 49 of the CRC.

³⁰ UNHCR, *Refugee Children: Guidelines on Protection and Care* (1994), available at: <https://www.refworld.org/docid/3ae6b3470.html>

Along with the CRC, the **1951 Convention and its 1967 Protocol** set standards that apply to children in the same way as to adults, as there is no distinction between the two; therefore, according to the above mentioned refugee *Treaty* and its amending *Protocol*, a child who has a "*well-founded fear of being persecuted*" for one of the Stated reasons in **Art.1 A(2)** of the Convention, is a "**refugee**". Moreover, according to the *principle of non-refoulement*, a child who holds refugee status cannot be forced to return to the country of origin, due to the fact that his or her life or freedom would be threatened. Additionally, no distinction is made between children and adults in legal and social welfare rights and under *Chapters II and IV* of the Convention, accordingly. On the contrary, there is one article under Chapter IV that sets standards which are of special importance to children as it consolidates the right to education; according to *Art. 22* on Public Education, refugees must receive the "*same treatment*" as nationals in primary education, and treatment at least as favorable as that given to non refugee aliens in secondary education. Finally, what ought to be highlighted as of outmost importance in regards to refugee children, is the emphasis in the *Principle of the unity of the family*. The latter, an essential right of the refugee, is described as "*the natural and fundamental group unit of society*" in **paragraph (B)** of the *Convention's preamble*, where reference specifically to refugee children and particularly to unaccompanied refugee children, is made for the first –and only– time. For that matter, the Convention encourages "*Governments to take the necessary measures for the protection of the refugee's family especially with a view to: (i.) Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country, and (ii.) the protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.*"

The **1969 Organization of African Unity Convention** and the **1984 Cartagena Declaration**—the regional complements to the 1951 United Nations Convention— also make no distinction between children and adults, therefore, children are entitled to all rights enshrined in these two legal instruments. Other international legal tools for the protection refugee children include two of the ***Protocols supplementing the United***

*Nations Convention against Transnational Organized Crime (2000)*³¹ which reference child migration: a) the *2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*³²; and b) *the 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air*.³³ The first, stipulates that States parties must adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking. The second aims at criminalizing the smuggling of migrants, including children. It requires countries to make migrant smuggling a criminal offence under their national laws; adopt special measures to crack down on migrant smuggling by sea; boost international co-operation to prevent migrant smuggling and to seek out and prosecute the traffickers and smugglers. Additionally, the *1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*³⁴ covers the rights of children of migrant workers in both regular and irregular situations during the entire migration process. Together with regional and national frameworks, all the above mentioned global instruments create a comprehensive set of protections for refugee children.

1.2.1 Adolescent Refugees

Although in common usage a child is a person who has not yet reached puberty or sexual maturity, and a person who is no longer a child but not yet an adult is

³¹ **The United Nations Convention against Transnational Organized Crime**, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: *the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*; *the Protocol against the Smuggling of Migrants by Land, Sea and Air*; and *the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*. Countries must become parties to the Convention itself before they can become parties to any of *the Protocols*. Available at: <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (accessed on 3/6/2019)

³² The *Protocol* was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. Available at: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx> (accessed on 3/6/2019)

³³ The *Protocol* was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. Available at: https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf (accessed on 3/6/2019)

³⁴ The Convention was adopted by Resolution A/RES/45/1581 of 18 December 1990 at the forty-fifth session of the General Assembly of the United Nations. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx> (accessed on 3/6/2019)

considered an *adolescent or minor*, under international law every human under the age of eighteen is considered a child and is entitled to all rights enshrined in the CRC. In advocating "children's rights" in societies where adolescents are performing adult roles of marriage, child-rearing, work or combat, for example, one should be prepared to explain why all persons under eighteen should receive the special treatment given them under the CRC. One reason why eighteen is the dividing line is because that is the widely accepted age of legal majority, that is, the age a person assumes the legal rights of adults. But there is a more practical reason why adolescents are included under the CRC. Although adolescents may have adult bodies and perform many adult roles, generally speaking, they have not fully developed the emotional maturity and judgment, nor achieved the social status of adults that come with life experience. In refugee situations, adolescents do need the "*special care and assistance*" given to them by the CRC; they are still developing their identities and learning essential skills. When the refugee situation takes away the structure they need, it can be more difficult for them to adjust than for adults. Their physical maturity but lack of full adult capabilities and status also make them possible targets of exploitation, such as in sexual abuse and military recruitment. In advocating for adolescents it may at times be more useful to focus on their needs in a given situation, rather than the CRC's legal language of "rights of the child," which might be misunderstood unless carefully explained.

1.2.2 Unaccompanied Refugee Children

Unaccompanied children are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.³⁵ **Separated children**, on the other, are those separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members or caregivers.³⁶ Distinguishing an

³⁵ Adapted from Committee on the Rights of the Child, General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin 1 September 2005 CRC/GC/2005/6. para. 7; UNHCR, *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* (1997). Available at: <https://www.unhcr.org/publications/legal/3d4f91cf4/guidelines-policies-procedures-dealing-unaccompanied-children-seeking-asylum.html> (accessed on 5/6/2019)

³⁶ UNHCR, *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* (1997), Chapter 6.7, p.284.

'unaccompanied' refugee child from a 'separated' one is crucial, as the level of required protection and immediate need of assistance is not equal for both cases. Hence, it is essential to search, recognize, register³⁷ and, finally, document which children are unaccompanied, as children who are not being cared for by their families face a very high risk of not receiving proper protection and care. While unaccompanied children are usually taken care of by other refugees, this does not entail that physical and developmental needs are always met. Identifying unaccompanied children, as soon as possible, is considered a priority due to the fact that these children require monitoring, on the one hand. On the other, the needs of children and adolescents for a stable family environment mean that the reunification of unaccompanied children with their parents or guardians should be treated as a matter of urgency, thus, the tracing for parents and other relatives must begin immediately. When their parents or relatives are located, these children need help in maintaining communication with them until they can be reunited.³⁸ The right to family unity requires that the child's next of kin be allowed to join him or her in that country, unless it is in the best interests of the child, under the circumstances, to join the relative in the country where the relative resides or in a third country.³⁹ Although, under *Art. 7 of the CRC*, every child has the right "to know and be cared for by his or her parents" in all situations involving unaccompanied children, the quality of the relationship between the child and the parent(s) and whether the parents will be able to offer guidance, support and emotional care, are among the issues which must be assessed before reuniting the child with them.

Generally, the "***Best Interests of the Child***" Principle is the basic guiding principle in any child care and protection action and underlies the entire CRC; each article is a variation on the theme of the best interests of children. Therefore, this principle should be universally and unrestrictedly applied. Specifically, the "*best interests*" rule

³⁷ Unaccompanied children should be registered through interviews. In addition to the initial registration of basic biographical data, the dossier should include a social history of the child which should be compiled over time and must accompany the child whenever there is a transfer of his/her location or care arrangements. Effective documentation of the child, his/her story and all relevant information will help to ensure that subsequent actions are taken in the 'best interests' of the child; (Source: UNHCR, *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* (1997), Chapter 5.6 Registration and documentation, p. 6.)

³⁸ UNHCR, *Refugee Children: Guidelines on Protection and Care* (1994); Chapter 10: Family Tracing. Available at: <https://www.refworld.org/docid/3ae6b3470.html> (accessed on 5/6/2019)

³⁹ UNHCR, *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* (1997), Chapter 6.6.1, p. 270.

has two main applications: (a) government policy-making and (b) decisions made about children on an individual basis. In the first case, **Art. 3** of the CRC requires that, "*in all actions concerning children*" the State shall make "*the best interests of the child a primary consideration*." This article requires States to analyze how each course of action may affect children. Because the interests of children are not always identical to adults' interests, and can at times even conflict, the State must carefully separate out the various interests at stake. The government does not have to take the course of action that is best for children, but if any conflicts are identified, the State must make the "best interests" of children "*a primary consideration*". When it comes to unaccompanied children, legal responsibility for unaccompanied refugee children rests with the government of the country of asylum. An unaccompanied child should have a legal guardian with respect to involvement in any legal proceedings and may need a legal guardian to advocate for the child's interests or to make decisions on behalf of the child in other situations.

In the second case, when a decision is being made about an individual child, then the child's best interests must be, at a minimum, "*a primary consideration*". There are some situations where the child's welfare gets higher consideration. For example, in a case of abuse or neglect, an unaccompanied child may not be reunited with his or her parents, since this would not serve for the best of its interests. In this case, or in the case where reunification is not possible within an appropriate time frame, other medium and long-term options, such as foster care, guardianship and adoption, may be sought as alternatives.⁴⁰ Note that, in an adoption case of children -including unaccompanied ones- the "*best interests of the child shall be the paramount consideration*", based on **the CRC, Art. 21**. Meanwhile, eventual family reunion or repatriation should be kept open as long as possible. In the above cases, how a course of action might affect the child must be looked at closely, which is a requirement similar to that in policy decisions. What can be different in individual cases is that under some CRC articles a child's welfare must be given priority over an adult's. Also, individual cases must be handled with more sensitivity when it comes to deciding what is best for the child. For example, an unaccompanied child might be living in a refugee camp, with grandparents in the country of origin, an uncle in a second country

⁴⁰ UNHCR, *Refugee Children: Guidelines on Protection and Care* (1994); Chapter 2: *Refugee Children and the Rights of the Child*.

of asylum, and with an unrelated family in another country that would like to adopt the child. In deciding what is best for the child, based on the CRC, many factors would have to be considered including: *"the desirability of continuity"* of culture and language (**Art. 20**), the preservation of family and nationality (**Art. 8**), and the child's own desires, which must be considered according to the child's *"age and maturity"* (**Art. 12**). In all cases, no matter the differences, the objective is to allow the child to *"grow up in a family environment, in an atmosphere of happiness, love and understanding"* (**CRC Preamble**). The decision about a child's best interests can often be difficult; no single answer may be obviously and indisputably correct. Protection and assistance of refugee children, and especially unaccompanied ones, should always be the main incentive in decision making.

1.3 The child's refugee claim and determination of refugee status

Depending on the law of the State, a child seeking asylum may be granted refugee status for having a *"well-founded fear of being persecuted"*, as defined in the 1951 Convention and the 1967 Protocol which adumbrate a refugee regardless of age, but make no special provision for the status of refugee children, as mentioned earlier in this Paper. Applying the criterion of *"well founded"* fear of persecution to children does not normally give rise to any problem when, as in the majority of cases, they are accompanied by one or both of their parents. Determining the refugee status of unaccompanied children, however, is more difficult and requires special consideration and handling. In the case where the refugee claim is denied, the child might be permitted to stay with an immigration status granted for another humanitarian reason, or receive rejection or deportation order.⁴¹ Regardless of what law a child may be seeking asylum under there should always be a procedure to determine the claim by the according State authorities. Asylum determination can be substantiated on four basic methods: *(a) group determination, (b) determination based on an adult's claim, (c) determination based on the claim of "family unity", and (d) determination based on the child's individual claim.*

In detail;

⁴¹ UNHCR, *Refugee Children: Guidelines on Protection and Care* (1994).

(a) Group determination: If a refugee movement is too large to make individual status determinations possible, the State might grant refugee status to all members of the group. Each child in the group would automatically receive refugee status.

(b) Determination based on an adult's claim: When the head of a household is granted refugee status, the common practice of States is to grant refugee status to the dependents. This is not required under any article of the refugee treaties, but States do it in order to promote family unity.⁴² When a child is with one or both parents, the family unity principle clearly applies and, in most cases, a dependent child will be accorded with the parent's status. However, when the child is with an uncle, cousin or other relative a State might not consider the relative to be a "family," and might therefore require each person, including the child, to make an individual claim. This could result in the relative being granted refugee status, based on their own well-founded fear, but the child's claim being denied. When this happens, the child is split apart from the relative, and may become an unaccompanied minor. In practice, dependents should be considered if they are living in the same household.⁴³

(c) A claim of "family unity" might also be made by a child in the care of a non-relative when the quality of the relationship is equivalent to a family. In some cases, the claim might describe the relationship as an informal, traditional or de facto adoption.⁴⁴

(d) Determination based on the child's individual claim: If a child who is in the care of a parent, relative or other adult care-taker makes an individual claim, the adult can be of great assistance by giving factual information to document the claim, speaking on behalf of the child, helping the child understand the procedures, giving emotional support, offering advice, or making a decision on behalf of the child. By contrast, an unaccompanied child will have none of this support when making an individual claim.

In the case of **unaccompanied children**, procedures for status determination exist in many countries. Considering the effects that a prolonged stay in camp or camp-like situations may have on children's physical and psychological developments, the refugee status determination or decision-making on the child's best interests must be made quickly, and with the appropriate special attention and procedures. Keeping

⁴² UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status*, paras. 181-188.

⁴³ Ibid; paragraph 185.

⁴⁴ Ibid.

children in limbo regarding their status, hence their security and their future can be harmful to them. Therefore, a legal representative, or a guardian, as referred to in (d) above, should be appointed immediately by the State to ensure that the interests of an applicant for refugee status, who is a child, are fully safeguarded and that the child's legal, social, medical and psychological needs are appropriately covered during the refugee status determination procedures until a durable solution for the child has been identified and implemented. Minors old enough to understand what is meant by status determination should be informed about the process, where they stand in the process, what decisions have been made and the possible consequences so as to eliminate the possibility of distress.

All in all, in every single case, whether it concerns an accompanied or an unaccompanied child, the refugee status determination procedure ought to be carried out in a child-sensitive manner, always with respect to the needs and rights of the child. The necessity for children to be recognized as active subjects of rights consistent with international law is vital, especially in cases where they are at risk and need special protection and care.

Chapter 2: The Syrian Refugee Crisis; the impact on Syrian children

2.1 The Syrian Crisis and the Response of Key International Actors; The timeline

The Syrian crisis is undoubtedly the most complex and massive humanitarian emergency facing the 21st century. Since 2011, the humanitarian impact of the crisis in Syria has continued to worsen. The conflict is characterized by frequent violations of international humanitarian law (IHL): indiscriminate attacks in urban areas, the targeting of civilians and essential services such as water supply and health care, and the use of prohibited weapons, to name just a few. All of these have devastating consequences for the Syrian people, who are caught between the opposing sides. The conflict has brought not only bombs and missiles but also harsh living conditions, displacement, lack of access to food, water and medicine, uncertainty regarding the

fate of missing or detained loved ones, and interruption of all aspects of life, including the education of a generation of Syrian children. Many people have fled, while others have stayed and attempted to live their lives amid the chaos of war.

Understanding the Syrian conflict's historical roots helps to put the war—and the experiences of Syrian children—in perspective. Like most of the Middle East, Syria emerged from foreign rule relatively recently, passing from Ottoman to French rule after World War I, and only gaining independence from France in 1946. Thus, modern Syria is a very young and diverse country, home to various religious sects and cultures like those of Sunnis, Alawites, the Druze, Christians, and Kurds. Historically, these subcultures coexisted peacefully—albeit in relative isolation from one another—within what is now modern Syria.⁴⁵ More recently, the advent of French colonialism and its divide-and-rule tactics magnified tensions between ethnic and religious groups.⁴⁶ These tensions were exacerbated further when French rule ended and various groups fought for control of the newly independent Syria. Several years of political infighting ended in 1971, when Hafez al-Assad took power. Although elected for a seven-year term, he shifted his presidency into a dictatorship and remained in power until his death in 2000, when he was succeeded by his son, Bashar al-Assad. The al-Assad family ruled with an iron fist for 40 years under a State of emergency that severely restricted and punished any dissent.

In early 2011, however, the people of Syria vocally took a stand and challenged the ruling government. Specifically, on March 18th 2011, antigovernment protests erupted in Daraa - a town in southwest Syria- and soon spread across the country. The later events have been described as part of the so called “Arab Spring” antigovernment, pro-democracy movements that began in the Middle East and North Africa in December 2010, to which the Syrians did not prove immune to. The protests were fanned by the government's use of force against demonstrators. Security forces responded brutally, killing at least 3,500 protesters -among which 200 children lost their lives- and arbitrarily detaining thousands, including children under the age of 18,

⁴⁵William R. Polk, “*Understanding Syria: From Pre-civil War to Post-Assad*,” *The Atlantic*, December 10, 2013. Found at www.theatlantic.com/international/archive/2013/12/understanding-syria-from-pre-civil-war-to-post-assad/281989/ (accessed on 7/6/19)

⁴⁶*Ibid.*

holding most of them incommunicado and subjecting many to torture.⁴⁷ By April 2011 as many as 5,000 civilians had fled to Lebanon to escape the growing violence, marking the start of the Syrian refugee crisis.⁴⁸ In June, of that same year, al-Assad ordered the army to enter Jisr al-Shughour, a northwestern town near the Turkish border, to crack down on antigovernment activists. More than 10,000 Syrian refugees fled Jisr al-Shughour into Turkey as a result of this decision.⁴⁹ Rather than suppressing the street protests, the military response prompted hundreds of thousands of people to participate in them in July 2011.⁵⁰ In response to the crackdown, the United States and the European Union imposed sanctions against individuals and entities representing the government and moreover froze the assets of Syrian companies and banks tied to the government or its supporters. Meanwhile, a number of Arab States; Saudi Arabia, Bahrain, Kuwait, and Tunisia, joined together in condemning Syria's crackdown, withdrew their ambassadors from Damascus for consultations and suspended Syria's membership from the Arab League after Syria failed to implement an agreed-to plan to end to the violence.⁵¹ In August the United Nations Security Council (hereinafter UNSC) unanimously adopted a presidential Statement condemning "*the widespread violations of human rights and the use of force against civilians by the Syrian authorities*".⁵² However, in October Russia and China, as well as India, Brazil, and South Africa, refused to support a Security Council Resolution applying significant pressure on the Syrian government.⁵³

Syria's uprising turned increasingly bloody in 2012 as the government's crackdown on anti-government protests developed into an entrenched armed conflict.⁵⁴

⁴⁷Human Rights Watch, *World Report 2012: Syria Events of 2011*. Found at <https://www.hrw.org/world-report/2012/country-chapters/syria> (accessed on 7/6/19)

⁴⁸European University Institute, Robert Schuman Centre for Advanced Studies, and Migration Policy Centre, "*Timeline: The Syrian refugee crisis begins: Up to 5000 refugees flee to Lebanon*". Found at http://syrianrefugees.eu/?page_id=163 (accessed on 7/6/19)

⁴⁹UNHCR estimates, cited in United Nations Radio, "*10,000 Syrians flee into Turkey*," June 21, 2011. Found at www.unmultimedia.org/radio/english/2011/06/10000-syrians-flee-into-turkey/ (accessed on 7/6/19)

⁵⁰ Lucy Rodgers, David Gritten, James Offer, and Patrick Asare, "*Syria: The story of the conflict*," *BBC News*, March 15, 2015. Found at www.bbc.com/news/world-middle-east-26116868 (accessed on 7/6/19)

⁵¹ Human Rights Watch, *World Report 2012: Syria Events of 2011*.

⁵² United Nations Security Council, Press Release SC/10352 on the 6598th Meeting (PM), 3 Aug 2011. Found at <https://www.un.org/press/en/2011/sc10352.doc.htm> (accessed on 7/6/19)

⁵³ Human Rights Watch, *World Report 2012: Syria Events of 2011*.

⁵⁴ Human Rights Watch, *World Report 2013: Syria Events of 2012*. Found at <https://www.hrw.org/world-report/2013/country-chapters/syria#> (accessed on 7/6/19)

Government forces and pro-government militia known as ‘shabeeha’ continued to torture detainees and commit extrajudicial killings in areas under their control. Some opposition forces also carried out serious abuses like kidnapping, torture, and extrajudicial executions. Those arrested and detained included, inter alia, peaceful protesters and activists involved in organizing, filming, and reporting on protests, as well as journalists, humanitarian assistance providers, and doctors. In some instances activists reported that security forces detained their family members, including children, to pressure them to turn themselves in. According to opposition sources, 34,346 civilians were killed in the conflict throughout 2012 alone.⁵⁵ The spread and intensification of fighting led to a dire humanitarian situation with hundreds of thousands displaced internally or seeking refuge in neighbouring countries, such as Iraq, Jordan, Lebanon, and Turkey. By March 2012 the United Nations (hereinafter UN) High Commissioner for Refugees had registered 26,628 Syrian refugees.⁵⁶ The humanitarian crisis deeply divided the international community. In February 2012, the UNSC considered a Resolution that condemned the violence in Syria and called for a political transition. The Resolution was the second of three Security Council Resolutions in 2011-2012 to be vetoed by Russia and China, with the latter two strongly reaffirming their strong commitment to the sovereignty and territorial integrity of Syria.⁵⁷ However, a positive swift was taken in mid-March, when the appointed special envoy of the UN in Syria, Mr. Kofi Annan, proposed a six-point peace plan to bring about a ceasefire and open political dialogue, while later on in April, the Security Council established a UN supervision mission in Syria (UNSMIS) -with 300 observers- tasked with monitoring the cessation of violence and implementation of Annan’s plan.⁵⁸ The observer’s monitoring activities were suspended, however, because of escalating violence and the unwillingness of the parties to seek a peaceful transition leading, therefore, the Security Council to vote on a Resolution in July that would have threatened non-military sanctions against the government for non-compliance with the six-point plan which China and Russia again

⁵⁵ Ibid.

⁵⁶ UNHCR, “*Syria Regional Refugee Response*,” see for example, unofficial estimates of unregistered vs. registered refugees in Turkey in ECHO, “*Turkey: Syria crisis*” (ECHO Factsheet, ECHO, Brussels, June 2015). Found at http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf (accessed on 8/6/19)

⁵⁷ United Nations Security Council, Press Release SC/10536 on the 6711th Meeting (AM), 4 Feb 2012. Found at <https://www.un.org/press/en/2012/sc10536.doc.htm> (accessed on 8/6/19)

⁵⁸ Human Rights Watch, *World Report 2013: Syria Events of 2012*.

both vetoed. Annan subsequently later on resigned and the mission withdrew.⁵⁹ In December 2012 the United States, the United Kingdom, France, and the Gulf States formally recognized the newly formed National Coalition—composed of several Syrian opposition forces and excluding militant Islamist groups such as Al-Nusra and Al-Tawhid—as the legitimate representatives of the Syrian people.⁶⁰ Fighting continued during this period of coalition building, and by the end of 2012 there were nearly 500,000 registered Syrian refugees.⁶¹ Meanwhile, sanctions continued to be implemented against individuals and entities implicated in human rights abuses, by all the above countries along with Canada, the European Union (hereinafter EU) and Switzerland.⁶²

Al-Assad's aerial bombing campaign against the town of Raqqa in March 2013 prompted the United States and the United Kingdom to pledge nonmilitary aid to the rebels and in May 2013 the EU lifted its two-year embargo on supplying arms to Syria. The lifting of the embargo and other forms of external support allowed the rebels to take many of the government's strongholds, but resulted in civilians—among which thousands of children—being caught in intensified fighting, as the government multiplied its attacks and began using increasingly deadly and indiscriminate weapons, culminating in a chemical weapons attack on the Damascus countryside in August.⁶³ The August chemical weapons attack pushed the US and Russian governments to negotiate a deal that resulted in the unanimously adopting *Security Council Resolution 2118* in September requiring the Syrian government to destroy its chemical weapons program and cooperate with international inspectors. A presidential Statement of the Security Council followed in October calling for immediate action to ensure safe and unhindered humanitarian access throughout Syria, including across borders where appropriate. By July 2013 more than 100,000 people had been killed in the conflict.⁶⁴ The spread and intensification of fighting led to a dire humanitarian

⁵⁹ United Nations Security Council, Press Release SC/10714 on the 6810th Meeting (AM), 19 Jul 2012. Found at <https://www.un.org/press/en/2012/sc10714.doc.htm> (accessed on 8/6/19)

⁶⁰ Polk, "Understanding Syria."

⁶¹ UNHCR, "Syria Regional Refugee Response."

⁶² Human Rights Watch, *World Report 2013: Syria Events of 2012*.

⁶³ While the Syrian government denied responsibility, available evidence strongly suggests that government forces were responsible for the attack. In response to US and French threats of strikes in response to the attack, Syria acceded to the Chemical Weapons Convention and agreed to eliminate its chemical weapons in the first half of 2014.

⁶⁴ Human Rights Watch, *World Report 2014: Syria Events of 2013* found at <https://www.hrw.org/world-report/2014/country-chapters/syria> (accessed on 9/6/19)

crisis with millions fleeing to neighboring countries. By the end of 2013, UNHCR recorded 2.3 million registered Syrian refugees, the vast majority of which in Lebanon, Jordan, Turkey, Iraq, and Egypt.⁶⁵ The National Coalition started losing ground in December 2013, as militant Islamists began attacking and taking control of rebel-controlled bases, and support from Lebanon's Shia Islamist Hezbollah movement, Russia, and China enabled government forces to retake much of the country by March of the following year.⁶⁶

By the end of 2014, the conflict had caused a total of around 200,000 deaths, according to the UN.⁶⁷ In addition, 7.6 million people were internally displaced- half of them children; an increase of more than 1 million since December 2013- while more than 3.7 million were registered Syrian refugees.⁶⁸ International efforts to resolve the armed conflict saw the UN -with support from the United States and Russia- convene the Geneva II conference in January. It was attended by representatives of the Syrian government and the opposition Syrian National Coalition, but not by armed groups outside the Syrian National Coalition's military command. The talks concluded a month later without an agreement. The UNSC remained divided on the issue, undermining efforts to pursue a peace agreement, but adopted a series of Resolutions on the crisis. *Resolution 2139*⁶⁹ in February addressed the conduct of hostilities and arbitrary detentions, and demanded that all parties to the conflict allow humanitarian access across conflict lines and to besieged areas; however, they failed to do so. As a follow up, *Resolution 2165*⁷⁰ in July focused on the delivery of international humanitarian aid to besieged areas and across national borders. In August, *Resolution 2170*⁷¹ condemned unlawful killings, other gross abuses and recruitment of foreign fighters by the armed groups; the Islamic State (IS)—an extremist Sunni group seeking to control the region and violently impose its fundamentalist vision of Islam and al-Qaeda's affiliate in Syria, Jabhat al-Nusra. The UNSC failed to adopt other measures to address impunity in Syria while Russia and

⁶⁵ Ibid.

⁶⁶ Rodgers, Gritten, Offer, and Asare, "Syria: The story of the conflict."

⁶⁷ UNHCR, "Syria Regional Refugee Response".

⁶⁸ Ibid.

⁶⁹ United Nations Security Council, Press Release SC/11292 on the 7116th Meeting (AM), 22 Feb 2014. Found at <https://www.un.org/press/en/2014/sc11292.doc.htm> (accessed on 1/5/19)

⁷⁰ United Nations Security Council Press Release, SC/11473 on the 7216th Meeting (PM), 14 Jul 2014. Found at <https://www.un.org/press/en/2014/sc11473.doc.htm> (accessed on 1/5/19)

⁷¹ United Nations Security Council, Press Release SC/11520 on 7242nd Meeting (PM), 15 Aug 2014. Found at <https://www.un.org/press/en/2014/sc11520.doc.htm> (accessed on 1/5/19)

China vetoed a draft Resolution to refer the situation in Syria to the Prosecutor of the International Criminal Court.

The continuing conflict caused massive population displacement. As of October, 2015, at least 7.6 million were displaced internally and more than 4 million Syrians were registered as refugees abroad, including 1 million who became refugees during 2015 alone.⁷² At least 500,000 Syrian refugees crossed by water or land into Europe but many European countries and other countries in the region failed to accommodate a fair share of those fleeing.⁷³ Violence not only escalated furthermore within Syria, but fiercely indicated that political truce was nowhere to be found in the near future. The government and its allies carried out continuous deliberate and indiscriminate attacks on civilians. ‘Incommunicado detention’⁷⁴ and torture remained rampant in detention facilities. On the other hand, non-State armed groups opposing the government also carried out serious abuses including attacking civilians, using child soldiers, kidnapping, and torture. Meanwhile, the armed extremist group IS and Jabhat al-Nusra, were responsible for systematic and widespread violations, including targeting civilians, kidnappings, and executions. As of October 2015, the death toll in the conflict reached more than 250,000 people including over 100,000 civilians.⁷⁵ In reference to international actors’ stand, Russian forces began a joint air operation with the Syrian government at the beginning of October claiming it was targeting only IS locations, but in fact were also striking other armed group in civilian populated areas, like Idlib and Homs. The United States, on the other part, continued leading coalition to bombard IS in Iraq and Syria. In Europe, France promised to increase its airstrikes in IS controlled areas after the armed extremist group claimed a series of attacks in Paris in November. The United Kingdom and Germany also voted to begin airstrikes

⁷² United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), “*Syrian Arab Republic: Key Figures*.” Found at www.unocha.org/syria (accessed on 9/6/19)

⁷³ Amnesty International, *Annual Report 2015/16; the State of the World’s Human Rights: Syria* p.350-354. Found at <https://www.amnesty.org/download/Documents/POL1025522016ENGLISH.PDF> (accessed on 9/6/19)

⁷⁴ “*Incommunicado detention*” means that the detainee cannot communicate with anyone other than his or her captors and perhaps his co-detainees. In other words, an ‘incommunicado detainee’ is permitted no contact with the world outside the place of detention or incarceration. Some commentators imply that detention is not completely incommunicado if the detainee has some direct contact with truly independent judicial authorities. See, Nigel Rodley, *Treatment of Prisoners under International Law* 2nd edn. (Oxford University Press, 1999), p.334.

⁷⁵ Human Rights Watch, *World Report 2016: Syria Events of 2015*. Found at <https://www.hrw.org/world-report/2016/country-chapters/syria> (accessed on 9/6/19)

against ISIS in early December.⁷⁶ Divisions within the UNSC impeded efforts to pursue peace; nevertheless, the Council adopted several Resolutions on Syria. In February, *Resolution 2199*⁷⁷ called on States to prevent the transfer of arms and funds to IS and Jabhat al-Nusra. In March, *Resolution 2209*⁷⁸ condemned the use of chlorine as a weapon of war and stating that those responsible for its use should be held accountable, while supporting the use of military action, economic sanctions or other means against those who did not comply. In August, *Resolution 2235*⁷⁹ called for a *Joint Investigative Mechanism* to determine responsibility for the use of chemical weapons in Syria. Efforts by the UN to broker peace, incrementally via a ceasefire in the city of Aleppo or through other multi-party talks, were unsuccessful. International negotiations known as the ‘Vienna Process’ were set to lead to direct talks between the Syrian government and opposition force in January 2016.⁸⁰ However, proven failure was again met.

Yet again, throughout 2016, serious violations on international humanitarian law and gross human rights abuses with impunity, continued in many cities in Syria. All parties to the armed conflict consistently and repeatedly committed war crimes on a daily basis with this situation becoming a de facto reality for Syrians. Relentless airstrikes, shelling, and widespread and systematic arbitrary detention, ill-treatment, torture, and forced disappearances exacerbated a displacement crisis, both internally and externally, which was further aggravated by shortfalls in international humanitarian aid funding. In addition, neighboring countries, including Lebanon, Jordan, and Turkey, sought to curb the massive inflow of refugees with unlawful administrative, legal, and even physical barriers.⁸¹ The UNSC was once more unable to secure a path to peace. Efforts made by the UN Special Envoy for Syria to promote peace talks were largely unsuccessful. In February, Security Council *Resolution*

⁷⁶ Ibid.

⁷⁷ United Nations Security Council, Press Release SC/11775 on the 7379th Meeting (AM), 12 Feb 2015. Found at <https://www.un.org/press/en/2015/sc11775.doc.htm> (accessed on 9/6/19)

⁷⁸ United Nations Security Council Press Release SC/11810 on the 7401st Meeting (PM), 6 Mar 2015. Found at <https://www.un.org/press/en/2015/sc11810.doc.htm> (accessed on 9/6/19)

⁷⁹ United Nations Security Council Press Release SC/12001 on the 7501st Meeting (AM), 7 Aug 2015. Found at <https://www.un.org/press/en/2015/sc12001.doc.htm> (accessed on 9/6/19)

⁸⁰ Amnesty International, *Annual Report 2015/16; the State of the World's Human Rights: Syria* p.350-354.

⁸¹ Human Rights Watch, *World Report 2017: Syria Events of 2016*. Found at <https://www.hrw.org/world-report/2017/country-chapters/syria> (accessed on 9/6/19)

2268⁸² endorsed a cessation of hostilities agreed by Russia and the USA, but it was short-lived. In October, Russia vetoed two draft Security Council Resolutions calling for an end to aerial attacks on Aleppo city and for unimpeded humanitarian access.⁸³ After government forces gained control of Aleppo in December, however, Russian President Vladimir Putin announced that a ceasefire backed by both Russia and Turkey had been agreed between the government and some opposition forces, to be followed by new peace negotiations that would commence in January 2017.⁸⁴ In December, the UNSC unanimously adopted *Resolution 2336*⁸⁵ welcoming the new peace effort while also calling for the “*rapid, safe and unhindered*” delivery of humanitarian aid across Syria. Despite all the above actions, millions of people continued to be displaced. Between 2011 and the end of 2016, some 4.8 million people fled Syria, including 200,000 who became refugees during 2016, according to UNHCR,⁸⁶ and more than 75,000 refugees from Syria crossed by sea or land to Europe.⁸⁷

The fight against the Islamic State emerged as the top priority for Syria’s multiple warring parties in 2017. The government, with the assistance of Russia, Iran and Hezbollah, retook large parts of Central and Eastern Syria from IS while the US-backed Syria Democratic Forces, consisting of Syrian-Kurdish and Arab armed groups, controlled Raqqa.⁸⁸ The race to secure territory and consolidate gains was accompanied once more by grave violations of human rights and humanitarian law that have come to be a synonym of the Syrian conflict. Unlawful attacks against civilians and civilian structures in Syria persisted, with attacks on medical facilities, schools, and mosques. The siege of civilian areas and restrictions on humanitarian aid by government and pro-government forces and by armed opposition groups also

⁸² United Nations Security Council, Press Release SC/12261 on the 7634th Meeting (PM), 26 Feb 2016. Found at <https://www.un.org/press/en/2016/sc12261.doc.htm> (accessed on 9/6/19)

⁸³ United Nations Security Council, Press Release SC/12545 on the 7785th Meeting (PM), 8 Oct 2016. Found at <https://www.un.org/press/en/2016/sc12545.doc.htm> (accessed on 9/6/19)

⁸⁴ Amnesty International, *Annual Report 2016/17; the State of the World’s Human Rights: Syria* p.349-354. Found at https://www.amnestyusa.org/files/pol1048002017english_0.pdf (accessed on 10/6/19)

⁸⁵ United Nations Security Council, Press Release SC/12663 on the 7855th Meeting (PM), 31 Dec 2016. Found at <https://www.un.org/press/en/2016/sc12663.doc.htm> (accessed on 10/6/19)

⁸⁶ UNHCR Operational Portal on Refugee Situations website. Available at <https://data2.unhcr.org/en/situations/syria> (accessed on 10/6/19)

⁸⁷ Amnesty International, *Annual Report 2016/17; the State of the World’s Human Rights: Syria* p.349-354.

⁸⁸ Human Rights Watch, *World Report 2018: Syria Events of 2017*. Found at <https://www.hrw.org/world-report/2018/country-chapters/syria> (accessed on 11/6/19)

continued in 2017, along with the unlawful use of chemical weapons and nerve agents. Russia continued to block efforts by the UNSC to pursue justice and accountability. In April, Russia vetoed a Resolution⁸⁹ condemning the use of chemical weapons in Syria and calling for those responsible to be held accountable. Later that year, in November, Russia once more vetoed another Resolution⁹⁰ to extend the mandate of the Organization for the Prohibition of Chemical Weapons-UN Joint Investigative Mechanism established by UNSC in 2015 to investigate chemical weapons attacks and determine responsibility for the use of chemical weapons in Syria. Moreover, efforts by the UN to establish peace were unsuccessful as parties to the conflict and their allies shifted diplomatic discussions to Kazakhstan's capital, Astana. The diplomatic talks sponsored by Russia, Iran and Turkey aimed to strengthen the nationwide ceasefire agreement negotiated in December 2016 and enforce the "road map to peace" outlined in UN Resolution 2254 of 2015. In May 2017, the Russian-brokered talks established four de-escalation zones across Syria, including the governorates of Idleb, Deraa, Homs and Damascus Countryside.⁹¹ A month earlier, in April, foreign ministers of EU member States adopted the EU strategy for Syria, which included political and humanitarian actions and provided for efforts to promote accountability for war crimes and serious human rights violations, while not far after, the European Parliament welcomed the adoption of the strategy and stressed the need for accountability, both at the international and domestic levels.⁹² Nevertheless, the number of resettlement places and other safe and legal routes for refugees offered by European and other States fell far below the needs identified by UNHCR.⁹³ Meanwhile, some of the people displaced within Syria were living in makeshift camps with limited access to aid, other basic necessities, or opportunities to make a living. The armed conflict completed its seventh year having caused the deaths of more than 400,000 people and displaced more than 11 million

⁸⁹ United Nations Security Council, Press Release SC/12791 on the 7922nd Meeting (PM), 12 Apr 2017. Found at <https://www.un.org/press/en/2017/sc12791.doc.htm> (accessed on 11/6/19)

⁹⁰ United Nations Security Council, Press Release SC/13072 on the 8105th Meeting (PM), 16 Nov 2017. Found at <https://www.un.org/press/en/2017/sc13072.doc.htm> (accessed on 11/6/19)

⁹¹ Human Rights Watch, *World Report 2018: Syria Events of 2017*.

⁹² Human Rights Watch, *World Report 2018: Syria Events of 2017*.

⁹³ Amnesty International, *Annual Report 2017/18; the State of the World's Human Rights: Syria* p.349-353. Found at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF> (accessed on 11/6/19)

⁹³ Human Rights Watch, *World Report 2018: Syria Events of 2017*. Found at <https://www.hrw.org/world-report/2018/country-chapters/syria> (accessed on 11/6/19)

people within and outside Syria.⁹⁴ In terms of being more specific, 6.5 million people were displaced within Syria and more than 5 million people sought refuge outside Syria, including 511,000 people who became refugees during 2017, according to UNHCR.⁹⁵

The Syrian crisis continued to deteriorate throughout 2018, as government and allied forces carried out indiscriminate attacks and direct attacks on civilians and civilian objects in the populated areas of Eastern Ghouta, Daraa and Idlib by using aerial and artillery bombing, including with internationally banned weapons, killing and injuring hundreds of people.⁹⁶ Moreover, government forces maintained lengthy sieges on densely populated areas such as Eastern Ghouta -a predominantly civilian area in Damascus- thus restricting access to humanitarian and medical aid to thousands of civilians. Meanwhile, armed opposition groups with the support of Turkey subjected civilians in the city of Afrin to a wide range of abuses, including confiscation and looting of property, and arbitrary detention, torture and other ill-treatment.⁹⁷ After a chemical attack on Douma in Eastern Ghouta, there were renewed international efforts to deter use of chemical weapons. Russia used its veto in the Security Council again, twice; in February⁹⁸ and in April⁹⁹, preventing the creation of a UN-led investigatory mechanism. However, in June, States parties to the Chemical Weapons Conventions granted the Organization for the Prohibition of Chemical Weapons (OPCW) permanent authorization to investigate and assign responsibility for chemical weapons attacks.¹⁰⁰ Earlier in April, EU foreign ministers reiterated their joint commitment to “*relentlessly*” pursue the release of civilians detained and disappeared, and alongside the UN, co-chaired the Brussels II conference on

⁹⁴ Ibid.

⁹⁵ UNHCR Operational Portal on Refugee Situations website. Available at <https://data2.unhcr.org/en/situations/syria> (accessed on 12/6/19)

⁹⁶ Amnesty International, *Annual Report on Human rights in the Middle East and North Africa Review of 2018; Syria: Human Rights in Syria: Review of 2018*. Found at <https://www.amnesty.org/download/Documents/MDE2499032019ENGLISH.pdf> (accessed on 12/6/19)

⁹⁷ Ibid.

⁹⁸ Julian Borger, “Russia blocks UN resolution on eastern Ghouta ceasefire”, *The Guardian*, 22 Feb 2018. Found at <https://www.theguardian.com/world/2018/feb/22/russia-un-resolution-eastern-ghouta-ceasefire-syria> ((accessed on 12/6/19)

⁹⁹ BBC News, “Syria: Does Russia always use a veto at the UN Security Council?”, 16 Apr 2018. Found at <https://www.bbc.com/news/world-43781954> (accessed on 12/6/19)

¹⁰⁰ OPCW website, “CWC Conference of the States Parties Adopts Decision Addressing the Threat from Chemical Weapons Use”. Found at <https://www.opcw.org/media-centre/news/2018/06/cwc-conference-states-parties-adopts-decision-addressing-threat-chemical> (accessed on 12/6/19)

Syria.¹⁰¹ In a nutshell, the UN-led political negotiations remained at a standstill, while Russia continued its attempts to politically legitimize the government's military gains and policy by having blocked 12 back-to-back UN Security Council Resolutions, in total, on the Syrian crisis since 2011. By the end of the year, 6.6 million people had been displaced within Syria-most of which in camps that did not provide an adequate standard of living, with limited access to aid, basic services, food, health care, education and livelihood opportunities- and more than 5 million people had sought refuge outside Syria since the start of the crisis.¹⁰² As of December 2018, the conflict had caused the deaths of more than 400,000 people.¹⁰³

In March 2019, the crisis in Syria entered its ninth year, with 11.7 million people, including 6 million children, in need of humanitarian assistance.¹⁰⁴ The scale, severity, and complexity of needs across Syria remain overwhelming. Civilians continue to bear the brunt of a conflict marked by unparalleled suffering, destruction and disregard for human life. The Syrian crisis mirrors a perpetual humanitarian disaster with civilians paying a horrific price while children are paying the highest of it. Deterioration of the ongoing conflict in populated areas, where violence is a protagonist- involving Syrian Government forces and their allies, armed opposition forces, and terrorist organizations- indicate that a political solution is nowhere near to found. Since May, an estimated 330,000 people have been forced to flee their homes, moving northwards towards the border with Turkey.¹⁰⁵ In June, near Syria's border with Turkey, in the villages of Aqrabat and Atmeh, hundreds of children and their families spent 'Eid al-Fitr'- the holiday marking the end of Ramadan- in makeshift camps with little more than blankets and bed sheets hung from olive trees to protect

¹⁰¹ European Parliament website, *Resolution of 18 Apr. 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy (2011/2185(INI))*. Found at <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0126&language=EN> (accessed on 13/6/19)

¹⁰² UNHCR Operational Data Portal on Refugee Situations. Available at <https://data2.unhcr.org/en/situations/syria> (accessed on 13/6/19)

¹⁰³ Amnesty International, *Annual Report on Human rights in the Middle East and North Africa Review of 2018; Syria: Human Rights in Syria: Review of 2018*.

¹⁰⁴ European Commission, European Civil Protection and Humanitarian Aid Operations website, Fact Sheet: Syria. Found at https://ec.europa.eu/echo/where/middle-east/syria_en (accessed on 13/6/19)

¹⁰⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) website, "*Idlib, Syria: 'We are faced with a humanitarian disaster unfolding before our eyes' – UN humanitarian chief*", 18 Jun 2019. Found at <https://www.unocha.org/story/idlib-syria-%E2%80%9Cwe-are-faced-humanitarian-disaster-unfolding-our-eyes%E2%80%9D%E2%80%93un-humanitarian-chief> (accessed on 13/6/19)

them from the elements.¹⁰⁶ Meanwhile, intensified rise of violence especially in villages in northern Hama and southern Idleb has exposed tens of thousands of children at imminent risk of injury, death and displacement because of a significant escalation in fighting. This particular latest escalation violence, follows months of rising violence in the area and has reportedly left at least 134 children dead and more than 125,000 displaced since the start of the year. Some 43,000 children are currently out of school and final exams in parts of Idlib have been postponed, affecting the education of 400,000 students.¹⁰⁷ Meanwhile, camps for the displaced are overcrowded, with many people forced to stay in the open. *“The nights are biting. More than two dozen children are reported to have died due to the cold in recent weeks. People are bundled in clothes, as they have no indoors to go to. Some don’t even have tents yet and remain exposed to rain, wind and bitter temperatures”*¹⁰⁸,” quoted Philip Spoerri, head of the International Committee of the Red Cross (hereinafter ICRC) delegation in Syria, upon his visit to the Al Hol Camp; one of Syria’s largest camps for internally displaced persons where over 55,000 people currently find refuge. Due to intense fighting in north-eastern Syria, people have been forced to flee their homes, leaving everything behind. While some have found refuge with their families or friends, many remain in internally displaced persons shelters, camps or make-shift settlements. With nowhere left to go, many families have stayed for months and years seeking safety from hostilities all around.¹⁰⁹ At Al Hol Camp, *“a rainbow of colours hangs from every line or fence - pink, blue, black, red, green and yellow laundry. Dresses, shirts, skirts, baby socks. Children are all around, easily making up half of the camp’s population. They run around everywhere, sometimes shy, sometimes curious and sometimes mischievous”* States ICRC correspondent in Syria, Cynthia Lee.¹¹⁰

¹⁰⁶ UNICEF website, *“Fleeing violence in Syria”*. Found at https://www.unicef.org/stories/fleeing-violence-syria?fbclid=IwAR3Gydv5hPCM6lY5kcERgSzt6nAaviQfuch_QfnAPQG6fRLKlw-iHTMsqmg (accessed on 13/6/19)

¹⁰⁷ UNICEF Press Release, *“Tens of thousands of children in grave danger as violence escalates in northwest Syria”*. Statement by UNICEF Executive Director Henrietta Fore published on 30/05/19. Found at <https://www.unicef.org/press-releases/tens-thousands-children-grave-danger-violence-escalates-northwest-syria> (accessed on 13/6/19)

¹⁰⁸ ICRC, News Release *“Operational update on Syria: 6,500 meals a day; helping vulnerable unaccompanied children”*. Found at <https://www.icrc.org/en/document/operational-update-syria-6500-meals-day-helping-vulnerable-unaccompanied-children> (accessed on 13/6/19)

¹⁰⁹ Ibid.

¹¹⁰ Cynthia Lee, *“Syria: Life in Al Hol”*, ICRC website. Found at <https://www.icrc.org/en/document/life-syria> (accessed on 13/6/19)

But, of course, these are no conditions for any child to grow up in. In order for a child to thrive and bloom, peace is mandatory. In Syria, the armed conflict has turned children into frontline targets; therefore, life-threatening conditions are those in which they are brought up in. Having said the above, it goes without saying that the crisis in Syria cannot only be characterized as a humanitarian one, but a moral one, as well.

2.2 The impact of the conflict on Syrian children

After eight full years of conflict –and a ninth one in the making– the crisis in Syria continues to have a profound impact on children within the country, across the region and beyond. Grave violations of children’s rights – recruitment, abductions, killing and maiming, describe the crisis not only as a humanitarian and displacement crisis, but first and foremost, as the largest protection crisis of the 21st century. According to the United Nations International Children's Emergency Fund (hereinafter UNICEF) latest data, an estimated **2.6 million children remain displaced inside Syria, while some 2.5 million children are living as refugees, in neighbouring countries.**¹¹¹

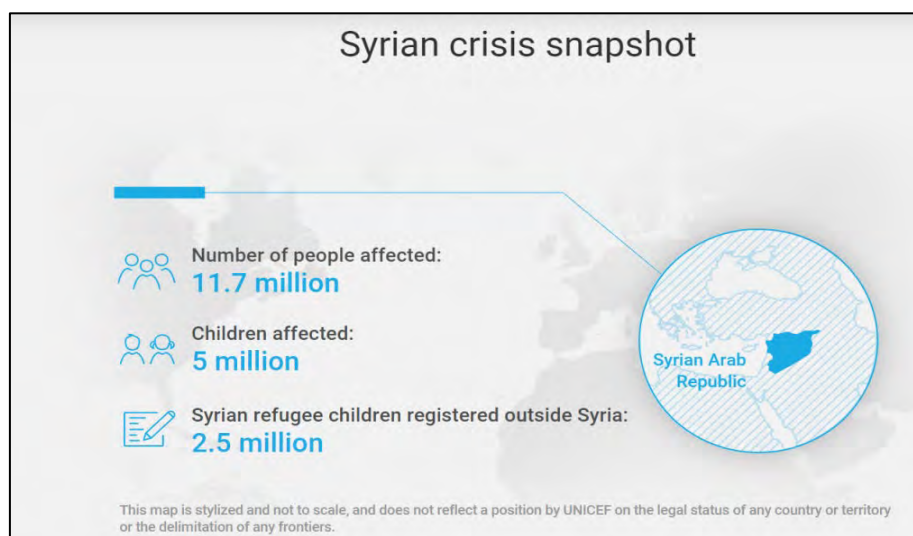


Figure 1: Source: UNICEF website, ‘*Syria Crisis*’. Found at <https://www.unicef.org/emergencies/syrian-crisis>

¹¹¹ UNICEF Website, “*Syrian crisis*”. Found at <https://www.unicef.org/emergencies/syrian-crisis> (accessed on 13/6/19)

The physical devastation in Syria is undoubtedly massive with water treatment facilities, hospitals and schools having been destroyed due to the gross magnitude of the conflict escalation over the years. As most of Syria's basic infrastructure and services have been reduced to rubble, countless children are left without access to water, sanitation and hygiene (WASH), nutrition, healthcare and education. Moreover, protection risks such as early marriage, sexual and gender-based violence, child labor, indebtedness and exploitation, as well as, poverty are at the front and consist a major threat to Syrian children's well-being and, even, survival. Furthermore, the violence, displacement, severed family ties and lack of access to vital services experienced by Syrian children have a huge psychosocial effect on them, thus, building strong obstacles in their development while constraining them from exercising their fundamental rights and reaching their full potential. As a result of all the above, families with children -and even children alone at times- risk their lives on a daily basis to flee Syria in search of a safe haven, seeking for refuge.

2.3 Syrian Children On-The-Move

2.3.1 Syrian Children On-The-Move: Seeking refuge in Turkey, Lebanon, Jordan, Iraq and Egypt

*Turkey, Lebanon, Jordan, Iraq and Egypt*¹¹² are the neighbouring, host countries with the most registered Syrian refugees since the beginning of the conflict. In terms of being more specific, as of May 2019¹¹³, more than 3.6 million Syrians -including about 1.6 million children- are under temporary protection in *Turkey*, 96 per cent of whom live in host communities across the country. The situation for refugee children in Turkey remains particularly challenging. An estimated 400,000 Syrian children remain out-of-school and face difficulties such as a lack of awareness of available

¹¹² The order of countries reflects the number of hosted Syrian refugees, in descending order. United Nations High Commissioner for Refugees, '3RP Regional Refugee and Resilience Plan 2019-2020 in Response to the Syria Crisis: Regional strategic overview' (2018); UNHCR data portal UNHCR Operational Data Portal on Refugee Situations). Found at <https://data2.unhcr.org/en/situations/syria> (accessed on 14/6/19)

¹¹³ UNHCR Operational Data Portal on Refugee Situations. Available at <https://data2.unhcr.org/en/situations/syria> (accessed on 14/6/19)

services, language barriers, socio-economic obstacles and early school dropout.¹¹⁴ Refugee children -particularly those out-of-school- are also acutely susceptible to numerous protection risks, including isolation, discrimination and various forms of exploitation.

Meanwhile, **Lebanon** hosts an estimated 1.5 million Syrian refugees.¹¹⁵ Only 21 per cent of Syrian refugees' births are registered, while 29 per cent of 15-19 year old girls are married.¹¹⁶ Fifty-six per cent of 6-14 years old children are enrolled in school, whereas 90 per cent of the older age group (15-17 years) remain out of-school.¹¹⁷

According to UNHCR data, **Jordan** hosts 1.3 million Syrians of whom 660,393 are registered Syrian refugees. Of the latter number, the number of Syrian refugee children facing increasing vulnerability corresponds to 51 per cent. Currently, 121,280 Syrian refugees live in camps throughout the country¹¹⁸ whilst the remaining refugees have settled in urban and rural areas, primarily in northern governorates and in Amman. Since mid-March 2019, approximately 30,000 Syrians are residing along Jordan's north-east border with Syria, in an area near Rukban called "*the berm*".¹¹⁹ Some 80 per cent of the so called berm population is believed to be women and children, with a considerable number of female-headed households.¹²⁰ Modest support has been allowed from the Jordanian side, including provision of safe water and limited access to basic health and nutrition services.¹²¹

And while this is the collective data for the above mentioned countries, as of May 2019, there are 253,371 Syrian refugees in **Iraq**, including almost 110,000 children (56,100 girls), 99 per cent of whom are in the three northern governorates of the

¹¹⁴ UNICEF, *Syria Crisis Humanitarian Situation Report; April 2019*. Found at file:///C:/Users/User/Desktop/UNICEF_Syria_Crisis_Humanitarian_Situation_Report_April_2019.pdf (accessed on 14/6/19)

¹¹⁵ Consisting of 946,291 registered with UNHCR, and 208,800 Palestinian refugees, *Lebanon Crisis Response Plan (LCRP) 2019*.

¹¹⁶ UNHCR, *Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR)*, 2018. Found at <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2018/12/VASyR-2018.pdf> (accessed on 14/6/19)

¹¹⁷ MEHE/PMU data; *February 2019*; UNICEF, *Syria Crisis Humanitarian Situation Report; April 2019*.

¹¹⁸ Registered Syrian Refugees: 75,285 refugees in Za'atari camp; 39,407 in Azraq camp; 6,588 in the Emirati Jordanian camp. Figures as found at the UNHCR Operational Data Portal on Refugee Situations (accessed on 14/6/19)

¹¹⁹ UNICEF, *Syria Crisis Humanitarian Situation Report; April 2019*.

¹²⁰ Ibid.

¹²¹ To date, only two distributions of humanitarian assistance were provided to the Rukban population, one in late 2018 and one in February 2019 (with one month's worth of supplies for each distribution).

Kurdistan Region of Iraq (KRI).¹²² The remaining one per cent is in Iraq's central and southern governorates, mainly Kirkuk and Anbar. Approximately 95,000 refugees, including 40,000 children (20,400 girls), remain in nine formal camps in the KRI, supported by the Kurdistan Regional Government (KRG) and humanitarian community.¹²³

Finally, **Egypt** is a destination country for refugees and asylum-seekers from Syria, as well. Based on the latest figures, there are 132,281 registered Syrian refugees and asylum seekers in Egypt, which amount to 53 per cent of the country's total population of refugees.¹²⁴ Also, out of the total number of refugees and asylum seekers in the country, approximately 39 per cent are children under 18 years.¹²⁵ Syrian refugees live in urban areas alongside Egyptian communities across the country and are mainly concentrated in Greater Cairo, Alexandria and Damietta Governorates. As per *A 2012 Presidential Decree*, Syrian refugees have access to public education and health services at an equal level of Egyptian nationals. Additionally, Syrians also benefit from all national subsidies in the transport and food sectors. Such sharing of public services and government subsidies represents an added challenge for the Egyptian economy, which has already been facing difficulties over the recent years. Vulnerability levels of Syrian refugees in Egypt remain high due to legal and sociopolitical factors that cause instability in regards to their future in the country. While the Government's reform efforts are expected to reflect positively on the economy in the medium to the long run, vulnerable populations will continue to face serious challenges in the short term with a greater negative impact being reflected on Syrian children.

¹²² UNHCR, Operational Data Portal on Refugee Situations. Available at <https://data2.unhcr.org/en/situations/syria/location/5> (accessed on 14/6/2019)

¹²³ UNICEF, *Syria Crisis Humanitarian Situation Report; April 2019*.

¹²⁴ An estimated 3,251 refugees and asylum seekers were newly registered in March 2019, 546 (17 per cent) are Syrians. UNHCR, *Egypt Monthly Statistical Report as of March 2019* (the last update available Feb. 2019).

¹²⁵ Ibid.

Figure 2:Table with figures of Registered Syrian Refugees in Middle East (neighbouring) countries

Countries	Registered Refugees	Children Refugees (under 18)	Children Refugees (under 5)
Turkey	3.606.208 <i>M: 1.954.565</i> <i>F: 1.651.643</i>	1.568.700 <i>M: 815.003;</i> <i>F: 753.697</i>	512.082 <i>M: 263.253;</i> <i>F: 248.828</i>
Lebanon	938.531 <i>M: 445.802;</i> <i>F: 492.729</i>	518.069 <i>M: 264.666;</i> <i>F: 253.403</i>	144.534 <i>M: 74.144;</i> <i>F: 70.390</i>
Jordan	660.393 <i>M: 327.555;</i> <i>F: 332.838</i>	332.178 <i>M: 170.381;</i> <i>F: 161.796</i>	99.059 <i>M: 50.850;</i> <i>F: 48.209</i>
Iraq	253.371 <i>M: 135.553;</i> <i>F: 117.818</i>	109.710 <i>M: 56.502;</i> <i>F: 53.208</i>	42.820 <i>M: 22.043;</i> <i>F: 20.776</i>
Egypt	132.281 <i>M: 68.257;</i> <i>F: 64.024</i>	54.235 <i>M: 27.911;</i> <i>F: 26.234</i>	13.757 <i>M: 7.143;</i> <i>F: 6.614</i>
Total	5.572.784	2.582.892	812.252

Source: UNHCR data portal accessed on June 14, 2019.
Found at <https://data2.unhcr.org/en/situations/syria>
(M: Male; F: Female)

Despite the efforts of host governments of the above mentioned countries to provide the Syrian refugees with access to public services, such as health and education, demand continues to exceed the capacity of institutions and infrastructure to respond. While Syrian refugees share similar challenges with poor host community members, such as high levels of economic insecurity, they often encounter additional challenges to meeting their basic needs due to their legal status and the impact of

residency and labor policies on their mobility and access to essential services. Among the refugees, women, girls, boys, adolescents, youth, unaccompanied and separated children are the most at risk. Lack of livelihoods and opportunities for self-reliance lead refugee households to resort to informal, sometimes unsafe, exploitative or dangerous work. In some cases, children, often boys, are forced to drop out of school and go to work.¹²⁶ In addition, there are many cases where women and girls bear the brunt of sexual and gender-based violence due to continued reliance on harmful cultural and traditional practices such as child marriage.^{127 128}

2.3.2 Syrian Children On-The-Move: Seeking refuge in Europe

Children and families move within and into Europe with the same aspirations as they have all over the world: the hope of a brighter future. That hope has been translated into reality for many children. Free movement within EU has facilitated access to education, vocational training and other opportunities. For many years, Europe has welcomed large numbers of refugee children from other regions and provided them with opportunities to grow, develop and contribute to the European society. There is a strong civil society movement advocating for equal rights and fair treatment of refugee children in Europe and many European States have invested and continue to invest in helping refugee children integrate. In recent years there has, however, been an increase in voices challenging such policies. Migration and refugee laws and policies have been revised in some contexts, limiting rights and access to services for children based on their migration status. Children seeking asylum and those in irregular migration situations have been the most affected, with some European States denying them full access to even basic services. But, why has such a radical shift in mentality and policy making occurred in Europe -one may ask? What triggered it and

¹²⁶ An estimated 700,000 Syrian children remain without access to any form of education in the five Syrian refugee-hosting countries. UNICEF, '*3RP Regional Refugee and Resilience Plan 2019-2020 in Response to the Syria Crisis*'. Found at <https://www.unicef.org/appeals/syrianrefugees.html#6> (accessed on 16/6/2019)

¹²⁷ In Iraq, sexual and gender-based violence incidents are mostly reported by women (48 per cent) and girls (27 per cent), with low reporting by men (13 per cent) and boys (12 per cent). See Iraq country chapter in '*3RP Regional Refugee and Resilience Plan 2019-2020 in Response to the Syria Crisis*'.

¹²⁸ More information on the Syrian Refugee affected populations in Turkey, Lebanon, Jordan, Iraq and Egypt can be found at UNICEF, *Humanitarian Action for Children (HAC) 2019/Syrian Arab Republic; Situation Reports*. Found at <https://www.unicef.org/appeals/syrianrefugees.html#7> (accessed on 16/6/2019)

when exactly did it start? And, finally, is it in any way connected with the Syrian conflict?

The war in Syria has admittedly been described as one of the gravest humanitarian crises the world has seen since World War II, leaving the international community even speechless at times due to the magnitude of the devastation it has caused to millions of families who were forced to flee the country in order to survive. As in all conflict-induced population movements, people fleeing Syria sought refuge as close as possible from their home, and in the first instance they rushed through the nearest border to its neighbouring countries, which in turn, have by far assumed the bulk of the refugee burden. In the case of Syria, however, out of five¹²⁹ neighbors, the three- (Iraq, Jordan and Lebanon) are not signatories of the 1951 Convention and, whilst offering protection to Syrians, they consider them as guests, and not refugees. Meanwhile, Turkey is party to the *Convention* but not to its *Protocol*. Thus, meaning that it still applies the geographical limitation rule restricting the Convention's application to "*persons who had become refugees as a result of events occurring before 1st January 1951*" (*Foreword of the Convention*). This means that Turkey neither grants refugee status to Syrians nor allows them the possibility of remaining in the country for the long term. Resettlement and voluntary repatriation are seen as the only durable solutions. Instead of being recognized as refugees with rights, Syrians are granted "*temporary protection*" in Turkey. Subsequently, this led many to consider Turkey only as a transit country on their journey to Europe, where the *1951 Convention* is near-universally ratified and, so, refugee status and according rights may be granted. As a matter of fact, in 2011 -when the conflict in Syria made its debut- a total of 8,920 Syrians applied for asylum within EU borders, while in the first three quarters of 2012 applications increased slightly, reaching a total of 11,573.¹³⁰ It was not until 2015, however, when the escalating violence in Syria reached its peak, therefore, causing a profound increase in refugee flows. Due to the magnitude of the

¹²⁹ Israel -although a neighboring country- remains inaccessible because it is still at war with Syria. The border between them is sealed and under high control of the Israel Defense Forces (IDF). Note that, there have not been diplomatic relations between the two countries since the creation of both countries in the mid-20th century.

¹³⁰ Philippe Fargues, Christine Fandrich, "*The European Response to the Syrian Refugee Crisis – What Next?*", MPC RR 2012/14, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, 2012. Found at https://www.academia.edu/8215025/The_European_Response_to_the_Syrian_Refugee_Crisis_What_Next (accessed on 16/6/2019)

humanitarian crisis generated by the conflict in Syria, the swelling refugee crisis stretched beyond the borders of its neighbouring countries and into the shores of Europe in an alarming pace.

The year 2015 was a turning point in the history of migration for Europe, as an unprecedented number of refugees and migrants entered its territory mainly through its eastern marine borders; the Mediterranean Sea. Numerically speaking, by the end of 2015, Europe had been hosting approximately one in nine of all refugees under UNHCR's mandate; a total of 1.8 million people¹³¹, including 585,000 Syrian refugees.¹³² An additional one million asylum-seekers in Europe were also waiting for the outcome of their asylum applications. In parallel, the percentage of children that had claimed asylum in the EU in the first seven months of 2015 was 80 per cent higher than the one in the entire year of 2014.¹³³ Specifically, by the first six months of 2015, an estimated 110,000 children had sought asylum in Europe— an average of 18,000 every month, while, nearly 11,000 Syrian children had crossed their country's border on their own.¹³⁴ In 2015 alone, more than one million people reached Europe by sea. A clear majority of these arrivals –a high percentage of which were children– came into Greece, with nearly all the rest entering through Italy. The journey was treacherous for all, and lethal for too many as more than 3,700 people died en route or were reported missing in the Mediterranean Sea, of whom one in every three was a child.¹³⁵ From all the above, it can be well understood that the Syrian conflict, which triggered the unlike ever before mass movement of the Syrian people towards the European continent, is a great factor –among others¹³⁶– due to which refugee and migrant laws, as well as, policy making in the EU changed in context.

¹³¹ UNICEF, *'Uprooted: The growing crisis for refugee and migrant children'* (2016).

¹³² Data accessed from website: *'Syrian Refugees; A snapshot of the crisis – in the Middle East and Europe'*. Found at <http://syrianrefugees.eu/inflows-recognition/> (accessed on 17/6/2019)

¹³³ UNICEF, *'Uprooted: The growing crisis for refugee and migrant children'* (2016).

¹³⁴ UNICEF Connect, *'The Syrian conflict and Europe's refugee crisis in numbers'* (30 Sept 2015). Found at <https://blogs.unicef.org/blog/the-syrian-conflict-and-europes-refugee-crisis-in-numbers/> (accessed on 17/6/2019)

¹³⁵ IOM and UNICEF, *Data Brief: Migration of children to Europe*, p. 2. (November 2015). Found at <https://missingmigrants.iom.int/iom-and-unicef-data-brief-migration-children-europe> (accessed on 17/6/2019)

¹³⁶ Conflict, violence, economic upheaval, lack of opportunities and increasing negative effects of climate change; were other reasons that led to a huge mass movement refugees and migrants from the Middle East, South Asia, East and West Africa to the European continent.

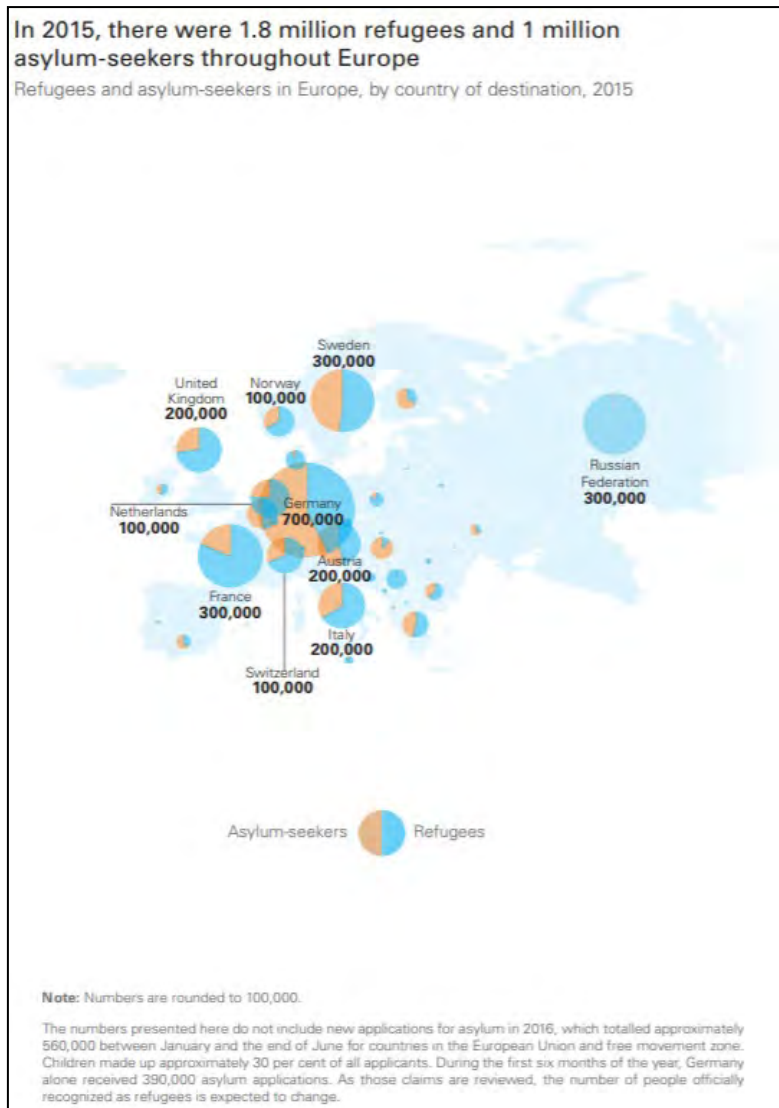


Figure 3: Source: UNICEF, '*Uprooted: The growing crisis for refugee and migrant children*' (2016) via UNHCR, 'Global Trends: Forced displacement in 2015' (2016). Found at <https://www.unicef.org/eca/media/2406/file/uprooted%20report.pdf>

Two major shifts in migration policies changed the pathways by which migrants and refugees could reach Europe, as a reaction to the humanitarian shock that rocked the foundations of the EU. The first shift was the rise in national migration control responses along the Western Balkan route into Europe. As more and more families sought safety in Europe over the course of 2015, some EU Member States implemented national migration control responses, erecting illegal – and in some

cases, literal¹³⁷ – barriers to movement for those seeking passage into Europe. Border closures and migration policy changes along the Western Balkans route beginning in late 2015 changed the paths that families were forced to tread, often pushing them into more dangerous and desperate journeys along different routes.¹³⁸ The second major change in movements was the result of an agreement reached between the EU and Turkey in March 2016; the so-called ***EU-Turkey Agreement***. Particularly, on 18 March 2016, EU Member States and Turkey agreed to end irregular migration from Turkey to the EU and replace it instead with legal channels of resettlement of refugees to the EU. The aim was to replace disorganized, chaotic and irregular migratory flows by organized, safe and legal pathways to Europe for those entitled to international protection in line with EU and international law. The agreement took effect as of 20 March 2016. As part of the agreement, Turkey were to take specific steps to prevent new routes of irregular migration; individuals arriving in Greece from Turkey, who did not file for asylum or whose asylum claims had been rejected, would be returned to Turkey. In exchange, European leaders committed to resettling one Syrian directly from Turkey for every Syrian who returned to Turkey from Greece.¹³⁹ While overall arrivals by sea into Greece had fallen dramatically compared to 2015,¹⁴⁰ by June 2016 some 57,000 refugees and other migrants were dispersed across Greece following the EU-Turkey Agreement,¹⁴¹ with children making up nearly 40 per cent of new arrivals in the country in the first half of the year.¹⁴²

By the end of 2016, the number of sea arrivals in Europe represented a three-fold decrease compared to 2015 -or a total of 361,709, of whom more than 93,000

¹³⁷ Alasdair Sandford, ‘Hungary completes new anti-migrant border fence with Serbia’, Euronews (April 2017). Found at <https://www.euronews.com/2017/04/28/hungary-completes-new-anti-migrant-border-fence-with-serbia> (accessed on 17/6/2019)

¹³⁸ International Centre for Migration Policy Development, “*How Closed Borders Detour Migrant Routes*” (March 2016). Found at <https://www.icmpd.org/news-centre/news-detail/qa-how-closed-borders-detour-migrant-routes/> (accessed on 17/6/2019)

¹³⁹ European Commission, Press release: ‘*Implementing the EU-Turkey Agreement – Questions and answers*’, (4 April 2016). Found at https://europa.eu/rapid/press-release_MEMO-16-1221_en.htm (accessed on 17/6/2019)

¹⁴⁰ Arrivals in Greece had fallen by 95 per cent when comparing June 2016 arrivals to June 2015 arrivals. See UNHCR, *Refugees/Migrants Emergency Response – Mediterranean*.

¹⁴¹ UNHCR, “*Mapping of Unaccompanied Children (UAC): UNHCR Intervention*” (August 2016). Found at <https://reliefweb.int/report/greece/greece-mapping-unaccompanied-children-uac-unhcr-intervention-23-august-2016> (accessed on 17/6/2019)

¹⁴² UNICEF, “*New EU-Turkey Agreement on Refugee and Migrants Could Leave Children at Risk*” (March 2016). Found at https://www.unicef.org/media/media_90729.html (accessed on 18/6/2019)

children. Yet, more fatalities occurred in the Mediterranean¹⁴³, with an estimated 860 child fatalities in 2016.¹⁴⁴ Moreover, the number of unaccompanied children crossing the Central Mediterranean doubled compared to the previous year (25,846 unaccompanied children in 2016 in contrast to 12,360 in 2015¹⁴⁵). In regards to refugees' countries of origin, a great number of asylum-seekers in the EU in 2016 came from Syria (334,800), Afghanistan (183,000) and Iraq (127,000).¹⁴⁶ However, it is noteworthy that during that year the nationalities of incoming refugees changed with more people coming from Nigeria and Eritrea, including children, and fewer people from Syria -compared to 2015- thus indicating that the EU-Turkey Agreement had an effect; with others being in favor of this while others strongly condemning it. In Greece, nonetheless, the percentage of sea arrivals of registered Syrian refugees, from January to July 2016, was the highest compared to that of other nationalities¹⁴⁷(See Figure 4). Despite the overall reduced influx of refugees and migrants, European countries registered more than a million first-time asylum claims. Of them, 319,390 were child asylum claims - almost as many as in 2015.¹⁴⁸ Due to border restrictions, introduced in March 2016, at least 23,700¹⁴⁹ children remained stranded in Greece, Bulgaria and the Western Balkans some of them living in extremely inappropriate conditions for months. Even though, 2016 saw commendable efforts to increase the protection of refugee and migrant children through the adoption of protection standards in reception and accommodation centers, new legislation and policies, as well as humanitarian and development aid for countries of origin, yet, long-term solutions were still in absolute need for the establishment of safe pathways for Syrian children fleeing conflict, violence and instability. This because, limited safe

¹⁴³ According to IOM, 2016 saw 5,079 fatalities in the Mediterranean compared to 3,777 in 2015. Source: <http://missingmigrants.iom.int/mediterranean> (accessed on 18/6/2019)

¹⁴⁴ Based on IOM reported child fatalities in the Eastern Mediterranean and estimation that around 16 per cent (overall proportion of children on the Central Mediterranean route) of the 4,576 fatalities in the Central Mediterranean are of children (IOM, 9 January 2017).

¹⁴⁵ UNHCR, Operational Data Portal on Refugee Situations. Available at <https://data2.unhcr.org/en/situations/syria/location/5> (accessed on 18/6/2019)

¹⁴⁶ European Parliament, *Briefing EU Legislation in Progress; reform of the Dublin system* (2019). Found

at http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/586639/EPRS_BRI%282016%29586639_EN.pdf (accessed on 18/6/2019)

¹⁴⁷ **628,951 Syrians** arrived in Greece in 2016, in total; by sea and land (via *'Syrian Refugees; A snapshot of the crisis – in the Middle East and Europe'*).

¹⁴⁸ In 2015, European countries registered 389,510 child asylum claims. Due to the large number of arrivals in 2015, many refugees and migrants were able to claim asylum only in 2016, which partially explains the significant numbers in 2016, [via Eurostat <https://ec.europa.eu/eurostat/data/database>, (accessed on 18/6/2019)]

¹⁴⁹ Of them, more than 21,000 are in Greece.

pathways resulted in increased irregular movements and use of smugglers across southeastern Europe. Due to the high cost and irregular nature of such border crossings, many children from Syria risked and/or experienced of abuse and exploitation, often remaining “invisible” and unable to seek for support along the route.

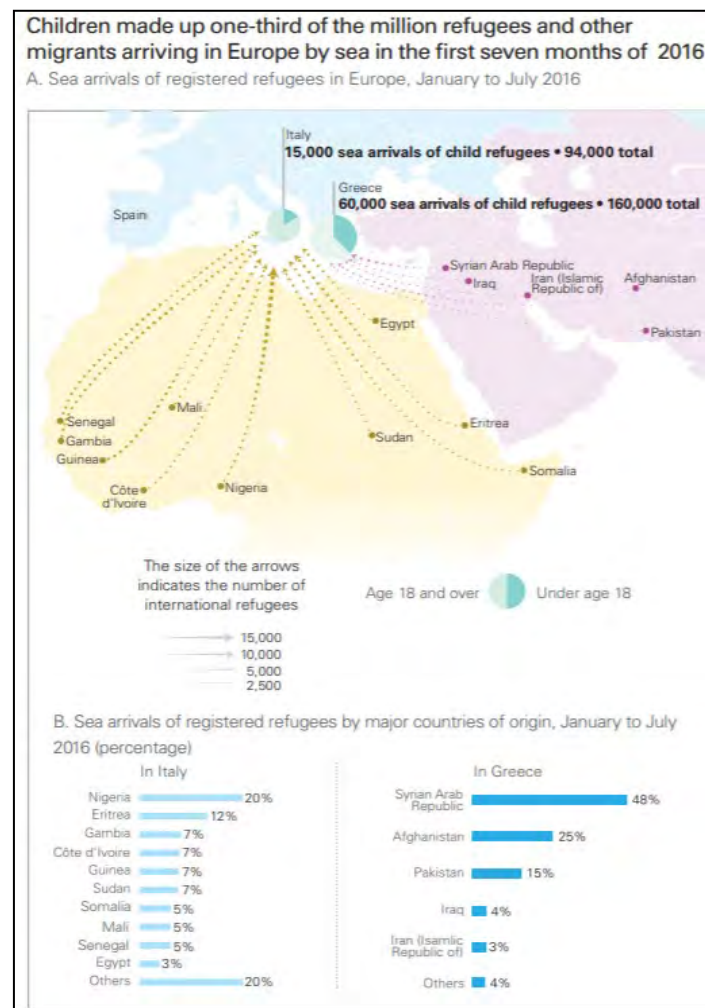


Figure 4: Source: UNICEF, ‘*Uprooted: The growing crisis for refugee and migrant children*’ (2016) via UNHCR; (September 2016 data). Found at <https://www.unicef.org/eca/media/2406/file/uprooted%20report.pdf>

In 2017, over 171,300 people, including some 32,000 children and at least 17,500 unaccompanied and separated children arrived in Europe through the Mediterranean

Sea -this is almost two thirds less than in 2016.¹⁵⁰ Following the pattern from 2016, the majority of children arriving on the Eastern Mediterranean Route primarily to Greece were from Syria, as well as, Afghanistan and Iraq (334,800; 183,000; 127,000 respectively). Despite the relatively low number of children among sea arrivals, close to one third of all asylum seekers in Europe were under 18 years of age (over 158,000 child asylum seekers between January and November 2017)¹⁵¹. Nevertheless, the situation for refugee children in Greece, Italy, Serbia, Bulgaria, Germany and other European countries remained concerning. Detention, psychosocial distress, risks of abuse and exploitation, limited access to services and slow asylum, family reunification and relocation procedures were among the most pressing issues. In specific, lack of proper shelter, poor protection standards and limited reception capacity were critical issues-particularly in Greece, Italy and Spain- where both accompanied and unaccompanied children were kept for extensively long periods in hotspots and first reception centers, often in detention-like conditions; these circumstances combined with the fact that the majority of the children were unaware of their rights, opportunities and legal options, left them to fend for themselves in these centers without information or legal support. Finally, access to services such as education, health, and other social services remained challenging in many locations, thus hampering children's development and delaying their social inclusion.¹⁵² Having stated all the above, it can be well understood why urgent action by stakeholders at all levels to improve protection, care and support to refugee children was considered – and still remains– vital; no matter the efforts, however, the proper standards for refugee children in Europe were not entirely met yet for another year.

With the Syrian conflict entering its eighth year and the EU-Turkey Agreement in its third year of implementation, 2018 found Europe still tackling the ongoing refugee crisis. In 2018, nearly one in every four newly arrived refugees and migrants was a child.¹⁵³ This figure included 12,000 children, some as young as four years old, travelling either unaccompanied or separated from their family. In numbers, some 183,000 children claimed asylum across the continent. Nearly half – 79,300 children –

¹⁵⁰ UNICEF, *Refugee and Migrant Crisis in Europe Humanitarian Situation Report # 26 (January 2018)*. Found at <https://www.unicef.org/eca/sites/unicef.org/eca/files/sitrep26.pdf> (accessed on 18/6/2019)

¹⁵¹ Source: Eurostat. (accessed on 18/6/2019)

¹⁵² UNICEF, *Refugee and Migrant Crisis in Europe Humanitarian Situation Report # 26*.

¹⁵³ Nearly two-thirds of the 30,587 child arrivals in 2018 were boys.

were registered in Germany.¹⁵⁴ Greece, however, hosted the highest number of asylum seekers as proportion of its national population, as the number of refugees and migrants arriving via Greece rose from 36,310 in 2017 to 50,508.¹⁵⁵ Meanwhile, Austria, Belgium, France, Spain, Sweden and the United Kingdom also received large numbers of child asylum seekers¹⁵⁶, due to the provision of resettlements of refugees under the EU-Turkey Agreement. It is estimated that some 400 children also lost their lives while crossing the Mediterranean on crowded and unsafe boats in 2018; levels comparable to 2017.¹⁵⁷ Arduous journeys, drained resilience and undermined physical health, while the uncertainty and hardship of prolonged transit took its psychological toll, especially on refugee children from Syria. The behavioral and emotional transformations that characterize adolescence are another compounding factor for the majority of children travelling unaccompanied. Despite notable progress made across Europe to further enhance service provision and strengthen child protection systems, refugee children still faced high risks of violence and abuse in overcrowded first-line reception centers, increased migration detention and long asylum procedures that could take up to two years.¹⁵⁸ Some 19,800 unaccompanied and separated children (mainly 15 to 17 years old boys) that registered in Greece and Italy¹⁵⁹ lacked the continuum of care and protection, resulting in serious gaps in their safety, legal representation, education and other basic rights. These circumstances undermine the capacity of children – accompanied or unaccompanied – to recover from their ordeals, jeopardize their social inclusion and prevent the realization of their rights. When combined with loss of support networks and lack of information on their entitlements, children experience poor physical health¹⁶⁰ and psychosocial distress.¹⁶¹ The ongoing

¹⁵⁴ UNICEF, *Refugee and Migrant Crisis in Europe: Consolidated Emergency Report 2018 (March 2019)*. Found at: <https://www.unicef.org/eca/sites/unicef.org/eca/files/2019-04/Refugee%20and%20migrant%20crisis%20in%20Europe%20consolidated%20report%202018.pdf> (accessed on 19/6/2019)

¹⁵⁵ Ibid.

¹⁵⁶ Based on Eurostat database consulted in February 2019, this includes 21,601 child asylum seekers in Greece; 20,910 in France; 11,035 in Spain; 8,140 in the UK; 6,329 in Sweden; 6,325 in Austria and 5,855 in Belgium.

¹⁵⁷ UNICEF, *Refugee and Migrant Crisis in Europe: Consolidated Emergency Report 2018*.

¹⁵⁸ EU Agency for Fundamental Rights (hereinafter FRA), *Migration: Key Fundamental Rights Concerns (February 2019)*. Found at <https://fra.europa.eu/en/publication/2019/migration-key-fundamental-rights-concerns-quarterly-bulletin-1> (accessed on 19/6/2019)

¹⁵⁹ Based on EKKA-Greece and Italian Ministry of Social Affairs, this includes some 3,800 in Greece and 16,000 in Italy, as of December 2018.

¹⁶⁰ WHO, *Health of Refugees and Migrants (2018)*. Found at <https://www.who.int/migrants/publications/EURO-report.pdf> (accessed on 19/6/2019)

reform of EU migration and asylum policy and legal frameworks, throughout 2018, was an opportunity to strengthen the coherence of migration management across Member States. However, progress was uneven and serious child rights concerns persisted, especially in regards to age assessment, migration detention and the concept of off-shore disembarkation. Moreover, migration led to significant political divisions, visible not only in election processes, but also in shifting national policies and legislation. An important trend in 2018, for example, was governments' increased refusal of access to territory for refugees and migrants. Reports on violent push-backs at land borders, also involving children, multiplied in Croatia, France, Greece and Hungary.¹⁶² Harder migration policies in Italy, meanwhile, led to incidents of people, including accompanied and unaccompanied children, becoming stranded at sea. Refugees and migrants were forced to remain on rescue vessels, some for up to 18 days, unable to access urgent medical care or other essential services until they were eventually allowed to disembark.¹⁶³ Additionally, in Hungary, new laws adopted in 2018 led to the introduction of criminal prosecutions for civil society organizations helping asylum-seekers, as well as a new tax on entities speaking up for refugees and migrant's rights. Moreover, in Germany, an adopted asylum law led to a considerable reduction of protection standards for refugee and migrant unaccompanied children and young adults.¹⁶⁴ Similar amendments in Italy seriously affected adolescents turning 18, as well as accompanied children, who were refused international protection. All the above, led nowhere else but to a humanitarian, protection and moral crisis all over Europe, therefore, questioning its role as a safeguard to refugee rights under international law.

During the first half of 2019, some 35,400 refugees and migrants arrived through the Mediterranean migration, arriving in Greece, Italy, Spain and Bulgaria.¹⁶⁵ One in four was children (some 8,150), escaping conflict, insecurity and deprivation in the Middle

¹⁶¹ Institute of Child Health, *Rapid Assessment of Mental Health, Psychosocial Needs and Services for Unaccompanied Children in Greece* (2017). Found at <https://reliefweb.int/report/greece/executive-summary-rapid-assessment-mental-health-psychosocial-needs-and-services> (accessed on 19/6/2019)

¹⁶² EU FRA, *Migration: Key Fundamental Rights Concerns*.

¹⁶³ UNICEF, *Vital protection for refugee and migrant children making perilous journeys to Europe*, (January 2019). Found at <https://www.unicef.org/press-releases/vital-protection-refugee-and-migrant-children-making-perilous-sea-journeys-europe> (accessed on 19/6/2019)

¹⁶⁴ EU FRA, *Migration: Key Fundamental Rights Concerns*.

¹⁶⁵ UNICEF, *Refugee and Migrant Response in Europe Humanitarian Situation Report # 32 (April-June 2019)*. Found at <https://www.unicef.org/eca/media/7676/file> (accessed on 19/6/2019)

East – among other regions. Close to 70 per cent of all child arrivals (5,640) were registered in Greece, where the proportion of children remains significantly higher compared to other migration routes.¹⁶⁶ Migration remained high on the political agenda during the recent EU and national elections around Europe, and the socio-political climate has been characterized by more restrictive asylum and integration policies,¹⁶⁷ increased immigration detention of children,¹⁶⁸ pushbacks at the borders and criminalization of solidarity.¹⁶⁹ Such circumstances expose girls and boys on the move, especially unaccompanied ones, to heightened risk of abuse, exploitation and human trafficking as they cannot regularize their stay, are unable to access basic services and go ‘under the radar’. Yet, with the new European leadership in place and ongoing revision of relevant European asylum and migration policies, there is an opportunity to improve reception conditions and strengthen protection standards to keep refugee children safe from violence, abuse and exploitation, and provide them with the essential care and services they need to successfully integrate in and contribute to their new societies. The world remains with eyes wide open, as to witness what changes 2020 will bring in Europe for the benefit of Syrian (and not only) refugees- especially children.

¹⁶⁶ Children make up 18 per cent of sea arrivals in Italy, while this proportion stands at 36 per cent of sea arrivals in Greece, 30 per cent of land arrivals in Bulgaria and 14 per cent of sea and land arrivals in Spain. [Source: UNICEF, *Refugee and Migrant Response in Europe Humanitarian Situation Report # 32 (April-June 2019)*]

¹⁶⁷ In Italy, recently adopted legislative changes abolish humanitarian protection status and significantly limit legal options for unaccompanied refugee and migrant children to regularize their stay in the country. The new law also negatively affects families with children. Similar legislative changes have also been considered in Austria. [Source: UNICEF, *Refugee and Migrant Response in Europe Humanitarian Situation Report # 32 (April-June 2019)*]

¹⁶⁸ Based on CRA-France, a total of 172 children were placed in detention for migration control purposes in France in January-June 2019 (vs. 208 for the entire 2018). Other countries known to resort to immigration detention include Belgium, Bulgaria, Greece, Hungary, the Netherlands and Poland.

¹⁶⁹ Based on EU FRA, a new By-law in Croatia restricts access to foreigners in immigration detention facilities for NGOs, lawyers and staff of the Ombudsman. Similarly, in Hungary, legislative amendments limit civil society actors’ access to border areas and criminalize the provision of humanitarian assistance.

Resettlements of Syrian Refugees from Turkey to EU Member States under the EU-Turkey Statement

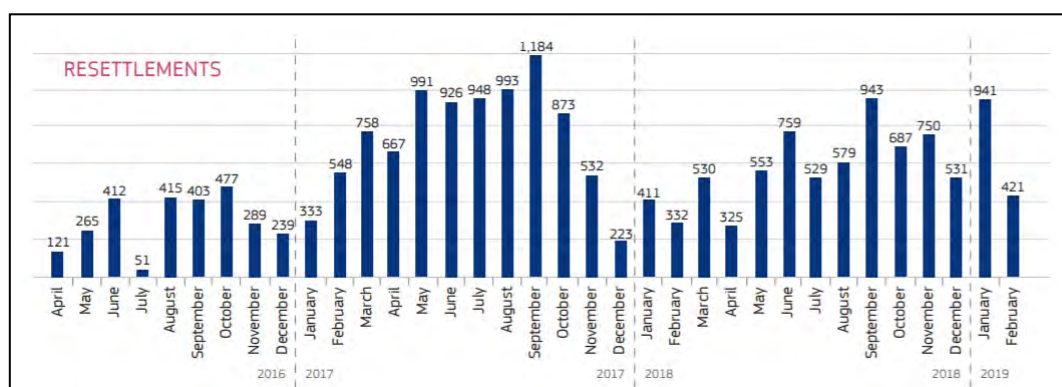


Figure 5: Source: European Commission, ‘EU-Turkey Statement; Three years on’ (March 2019). Found at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190318_eu-turkey-three-years-on_en.pdf

2.3.2.1 Legal frameworks to protect the rights of children refugees in Europe

Refugee children have the right to be safe and protected, to receive sufficient information on their rights and to access durable solutions and services such as health, education, protection, mental health and psychosocial support.¹⁷⁰ If unaddressed, such situations lead to long-term negative effects on their development and wellbeing, and heighten the risks of violence, abuse and even trafficking. In every region, children’s rights are protected by a robust framework of international human rights instruments, although ratification of some elements is uneven. In the case of Europe specifically, while the ratification of the *Convention on the Rights of the Child* is universal and of the *1951 Refugee Convention* is near-universal, however, surprisingly the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* has been ratified by just two countries in the region (See Figure 6).

¹⁷⁰ UNICEF, *Refugee and Migrant Crisis in Europe: Consolidated Emergency Report 2018*.

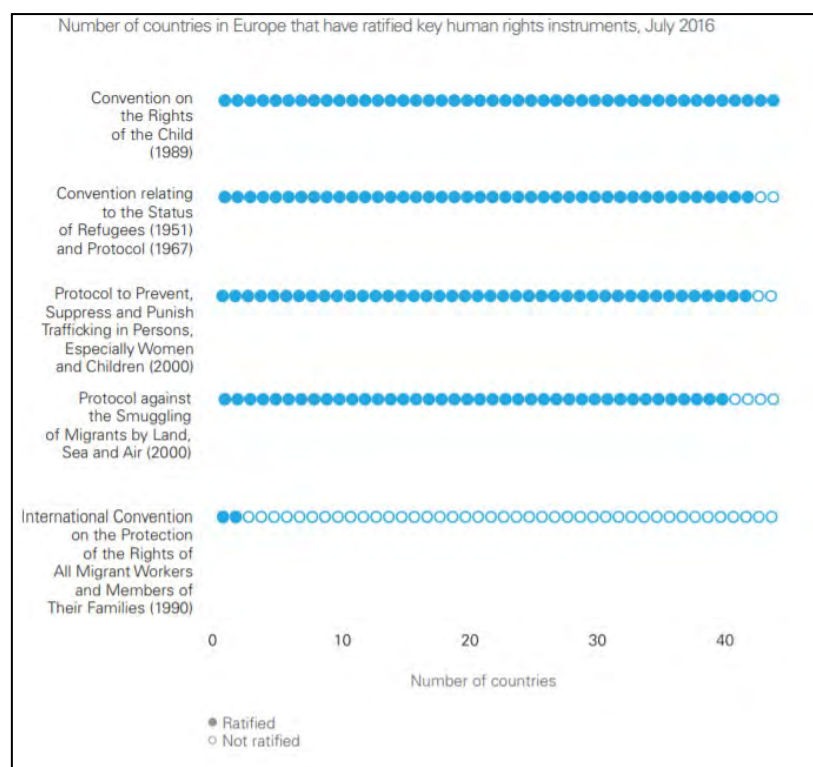


Figure 6: Source: UNICEF, '*Uprooted: The growing crisis for refugee and migrant children*' (2016) via United Nations Treaty Collection; (status as of 13 July 2016) Found at <https://www.unicef.org/eca/media/2406/file/uprooted%20report.pdf>

In addition to above mentioned legal instruments, among the regional legal frameworks in Europe that ensure and safeguard the rights of refugee children are:

- a) **The Convention for the Protection of Human Rights and Fundamental Freedoms (The European Convention on Human Rights) (1953)**¹⁷¹ which comprises an international treaty to protect human rights and freedoms in Europe, including the right to freedom of movement and to non-discrimination.
- b) **The European Social Charter (1965)**¹⁷², which is designed to protect the fundamental social and economic rights of all individuals, with a specific emphasis on the protection of vulnerable persons, including children and young people.
- c) **The Charter of Fundamental Rights of the European Union (2000)**¹⁷³. This legal instrument brings together the fundamental rights protected in the

¹⁷¹ Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed on 25/6/2019)

¹⁷² Available at: <https://rm.coe.int/168006b642> (accessed on 25/6/2019)

¹⁷³ Available at: https://www.europarl.europa.eu/charter/pdf/text_en.pdf (accessed on 25/6/2019)

EU. The Charter recognizes the rights, freedoms and principles set out hereafter and contains rights and freedoms under six titles: dignity, freedoms, equality, solidarity, citizens' rights and justice.

- d) **The European Union Agenda for the Rights of the Child (2011)**¹⁷⁴, accordingly, aims to ensure EU compliance with the provisions of **the Charter of Fundamental Rights of the European Union** and focuses on several concrete actions in areas where the EU can bring added value, such as child-friendly justice.
- e) **The Common European Asylum System (CEAS)**¹⁷⁵, which is composed of a legislative framework via EU Directives, of which several are relevant to children in regular and forced migration and, finally,
- f) **The Dublin III Regulation (2013)**¹⁷⁶ is an EU law outlining Member State processes and responsibilities for examining and acting on applications for asylum.¹⁷⁷¹⁷⁸ Specifically, it identifies the EU country responsible for examining an asylum application, by using a hierarchy of criteria such as family unity, possession of residence documents or visas, irregular entry or stay, and visa-waived entry. In practice, however, the most frequently applied criterion is the irregular entry, meaning that the Member State through which the asylum-seeker first entered the EU is responsible for examining his or her asylum claim. The regulation and the larger EU asylum framework are currently under review.¹⁷⁹

¹⁷⁴ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52011DC0060> (accessed on 25/6/2019)

¹⁷⁵ Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160713/factsheet_the_common_european_asylum_system_en.pdf (accessed on 26/6/2019)

¹⁷⁶ Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0604> (accessed on 26/6/2019)

¹⁷⁷ The Dublin regime was originally established by the Dublin Convention, signed in Dublin, Ireland, on 15 June 1990. In 2003, the Dublin Convention was replaced by the Dublin II Regulation. In 2013, the Dublin III Regulation was adopted, replacing the Dublin II Regulation. The Dublin III Regulation has been in force since 1 January 2014. [Source: European Parliament, *'Briefing EU Legislation in Progress; reform of the Dublin system'* (2019)].

¹⁷⁸ UNHCR, *The Dublin Regulation; Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national*. Available at: <https://www.unhcr.org/4a9d13d59.pdf> (accessed on 26/6/2019)

¹⁷⁹ Ibid.

Chapter 3: Legal Status of Children Refugees in Greece; the case of Syrian Children Refugees

3.1 Legal frameworks to protect the rights of children refugees in Greece

Greece is a democratic country with a long history as an advocate of human rights and with a rich legislative framework regarding children's rights, in particular. In regards to the rights of refugee children in Greece, what is noteworthy is that there has been a mass production and adoption of more legislative instruments on the protection of the rights of these children –as well as for others belonging to vulnerable groups, i.e., asylum seekers, migrants and unaccompanied minors– since the country adopted the **Convention on the Rights of the Child (CRC)**¹⁸⁰. Greece ratified the CRC with **Law N. 2101** on December 3rd, 1992¹⁸¹ without any reservations with regard to its content.¹⁸² Since then, the Convention has been incorporated into the Greek legal system, and according to the Greek Constitution¹⁸³ its provisions prevail in case they contradict national law. Regarding the incorporation of the CRC into the Greek legal system, although the CRC is not referred to in the Greek Constitution, the latter encompasses solemn proclamations in two articles which apply to the protection of children's rights.¹⁸⁴ Firstly, **Art. 21 of the Greek Constitution** provides that:

1. The family, being the cornerstone of the preservation and the advancement of the Nation, as well as marriage, motherhood and childhood, shall be under the protection of the State.
2. Families with many children, disabled war and peace-time veterans, war victims, widows and orphans, as well as persons suffering from incurable bodily or mental ailments are entitled to the special care of the State.
3. The State shall care for the health of citizens and shall adopt special measures for the protection of youth, old age, and disability and for the relief of the needy.

¹⁸⁰ More details on *The Convention of the Rights of the Child* can be provided with the *Chapter 1.2* of this Paper.

¹⁸¹ Published at the Official Gazette A', 192.

¹⁸² Signatories & Reservations and Objections of State Parties to the CRC, found at <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-11.en.pdf>

¹⁸³ Article 28 of the Greek Constitution clearly declares that after ratification international treaties prevail over the national law.

¹⁸⁴ P.Naskou-Perraki, *The implementation of the UN Convention on the Rights of the Child in Greece*, Romania Social Work Review (2/2012), pp.39-50.

4. The acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care.

Secondly, **Art. 5 (2)** of the Constitution reads: “*all persons living within the Greek territory shall enjoy full protection of their life, honor and liberty irrespective of nationality, race or language and of religious or political beliefs*”. Exceptions to this provision are permitted only in cases provided by international law.

Even though the Constitution does not elaborate further on children’s rights, Greece has adopted various laws and shaped policies which include measures, programmes and services that aim in protecting, promoting and advancing children’s rights.¹⁸⁵ Specifically, in the case of the Greek legislation, the *CRC (Law 2101/1992)* has been referred to in three other laws;

i) **Art. 12 of the Presidential Decree 150/2006**¹⁸⁶ which incorporates **Art. 11 of the European Directive 2003/109** concerning the status of third-country nationals who are long-term residents into the Greek legal order.¹⁸⁷ Art. 12 provides that:

1. Long-term residents shall enjoy equal treatment with nationals as regards:

... (d) social security, social assistance and social protection as defined by Law. 4051/1960 “Support of unprotected children”; Legislative Decree 510/1973 “Social protection measures for the poor”; Law 1302/1982 “Ratification of the International Labor Organization Convention No. 103/1952”, Law 2101/1992 “Ratification of the Convention on the Rights of the Child”, Law 3454/2006 “Support of the family and other provisions”.

ii) **Art. 4 § 1 of Law 2909/2001** contains the mandate of the Observatory for the Rights of the Child and it reads as follows:

“The mandate of the Observatory is the monitoring and promotion of the implementation of CRC which was ratified by virtue of Law 2101/1992”

iii) **Art. 1 of Law 3625/2006** which ratifies the *Optional Protocol on the sale of children, child prostitution and child pornography* also makes a reference to CRC.

¹⁸⁵ Ibid.

¹⁸⁶ Official Government Gazette A’160/31.07.2006.

¹⁸⁷ P.Naskou-Perraki, *The implementation of the UN Convention on the Rights of the Child in Greece*, Romania Social Work Review (2012).

Additionally, reference to CRC has been made in the Explanatory Reports—which are presented at the Greek Parliament in order to introduce legislation that should be adopted—for the adoption of the following laws:

- a) *Law 2909/2001* “Introduction to Higher Education”¹⁸⁸
- b) *Law 3189/2003* “The reform of juvenile penal legislation”¹⁸⁹
- c) *Law 3305/2005* “Medically Assisted Human Reproduction”¹⁹⁰ and
- d) *Law 3454/2006* “Family support and other relevant provisions”¹⁹¹

Due to the fact that there is a rich legislative framework which protects the rights of children in many areas, i.e. custody proceedings, domestic abuse, child work, etc, the Greek Courts have not invoked frequently CRC provisions in the case law. Most of the CRC provisions are encompassed in various legislative acts which regulate specific areas such as family law, migrants’ rights, the rights of Roma, etc. Apart from the national courts in Greece which have used CRC provisions in the case law, there are independent authorities which are out-of-court dispute settlement bodies and which have based their decisions on CRC provisions as well. Amongst them are:

a) ***The Consumer Ombudsman***; an independent authority sanctioned under the provisions of *Law 3297/2004*, which has issued reports which touch on the issue of the protection of the rights of child.

b) ***The Greek Ombudsman***; a constitutionally sanctioned Independent Authority. It was founded in October 1998 and operates under the provisions of *Law 3094/2003*. The Greek Ombudsman investigates individual administrative actions or omissions or material actions taken by government departments or public services that infringe upon the personal rights or violate the legal interests of individuals or legal entities. The Greek Ombudsman defends and promotes children's rights, promotes equal treatment and fights discrimination in the public sector based on sex, race or ethnicity, religious or other conviction, disability, age or sexual orientation. In addition, there is an appointed ***Deputy Ombudsman for Children’s Rights***. Following a number of complaints regarding migrant children’s rights to education in Greece, in 2005 the Greek Ombudsman issued a report under the title “*All the children migrants have the*

¹⁸⁸ Official Government Gazette A' 90/02.05.2001.

¹⁸⁹ Official Government Gazette A' 243/21.10.2003.

¹⁹⁰ Official Government Gazette A' 17/ 27.01.2005.

¹⁹¹ Official Government Gazette A' 75/07.04.2006.

right to education".¹⁹² Therein the Greek Ombudsman clarified that the migrant children's right to have access to the Greek educational system is not a matter of migration policy but an established right as it arises out of *Articles 2(2) and 28 of Law 2101/1992*. Therefore, all children who reside in Greece enjoy their right to education without being subjected to limitations that may arise with regard to their citizenship status or their parents' residence status. Based on this particular establishment of the Authority, therefore, education may not be deprived of any child within Greece, let alone refugee children.

c) Finally, *the Hellenic Data Protection Authority* has also issued decisions that concerned the protection of children's rights, over the years, under the provisions of the CRC.¹⁹³

Moreover, following the ratification of the *Optional Protocol to the Convention on the Rights of the Child* on the involvement of children in armed conflict, Greece has further adopted legislative acts on the treatment of unaccompanied minors – *see Art. 19 of the Presidential Decree 220/2007; Art.12 of Presidential Decree 90/2008 and Art. 30 of Presidential Decree 96/2008*. Greece is putting an effort towards protecting unaccompanied minors, i.e. they are informed of their rights, such as the right to accommodation in special centers, access to education etc. In all instances, their cases are examined as a matter of priority with the assistance of an interpreter, in a language they understand and confidentially.¹⁹⁴ Despite the effort, nevertheless, the current refugee crisis that has affected Greece, created additional challenges in regards to the protection of unaccompanied children—whose number has significantly increased over the past five years.

All in all, the position of children in the Greek society has been ameliorated since the ratification of the CRC. Various improvements for the best interest of all children, including refugees, in the country have been made; first and foremost, the legislation has been amended in conformity with the notion of the rights of the child. Moreover, jurisprudence takes under consideration the "*best interests*" of the child. Meanwhile, numerous NGOs have been set up over the years to protect children belonging to all

¹⁹² Greek Ombudsman, *Decision 14350/2005*.

¹⁹³ See, as an example, Hellenic Data Protection, *case Appl. No 39/2007* and Hellenic Data Protection, *Decision 77/2009*.

¹⁹⁴ P.Naskou-Perraki, *The implementation of the UN Convention on the Rights of the Child in Greece*, Romania Social Work Review (2012).

spectrums, whilst, Ministries cooperate with them with the ultimate purpose of raising social awareness. Refugee children have particularly benefited from this collaboration and from the work of NGOs since the refugee crisis broke out in the country. Also, the national health system is accessible to children belonging to any group and, finally, national Human Rights Committees have been created focusing on the rights of the children.¹⁹⁵

Children refugees in Greece –although children first and foremost– also carry the burden of a dual status on their shoulders as refugees. Nevertheless, the paradox in this case is that this entitled burden also grants them fundamental rights according to the Greek law on refugees.

Greece, as a State party to the major international human rights treaties, ratified the *1951 Convention relating to the Status of Refugees* by the *Legislative Decree No. 3989/1959 (O.G. A' 201)*, as amended by the relating *New York Protocol* of 31 January 1967, which was subsequently ratified by the *Obligatory Law 389/1968 (O.G. A' - 125)*.¹⁹⁶ Under **Greek Law: Article 2 (e) of the Presidential Decree 141/2013**¹⁹⁷, a ‘refugee’ is a third-country national or a Stateless person to which the conditions of **Art. 1(a)** of the **1951 Geneva Convention** apply, whilst, ‘**refugee status**’ entails the recognition by the competent Greek authority of a third country national or Stateless person as a refugee.¹⁹⁸ The Greek State does not place an age limitation on the granting of refugee status, therefore, although not directly stated it is indicated that a child “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it”, can be granted the refugee status. In reference to other international human rights

¹⁹⁵ Ibid.

¹⁹⁶ Article 2(a), Official Government Gazette, A' 226/21.10.2013.

¹⁹⁷ Greece: Presidential Decree No. 141, G.G. A' 226, of 2013, on the transposition into the Greek legislation of *Directive 2011/95/EU* of the European Parliament and of the Council of 13 December 2011 (L 337) on minimum 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. Available at <https://www.refworld.org/docid/54eb4e774.html> (accessed on 29/6/2019)

¹⁹⁸ Ibid. Article 2(f).

treaties defending the rights of refugee children, Greece ratified the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, supplementing the **Convention against Transnational Organized Crime**, in September 2010.

On a regional level, Greece is a European country and a *Member of the Council of Europe*, therefore, a signatory to major human rights treaties adopted within the continent. The State ratified the **Convention for the Protection of Human Rights and Fundamental Freedoms (The European Convention on Human Rights)** and its amending Protocols¹⁹⁹ in 1974²⁰⁰, the **Convention on Action against Trafficking in Human Beings**²⁰¹ in 2014²⁰², as well as, the **European Social Charter** in 2016.²⁰³ Moreover, Greece is a Member State of the European Union and as such bound by EU treaties and legislation, including a) **The Charter of Fundamental Rights of the European Union (2000)**, b) **The European Union Agenda for the Rights of the Child (2011)** and c) **the EU Asylum Acquis**. The EU has created a rich legislation on asylum and immigration to address the many issues raised by the movements of populations into the European continent over the years, with many amendments having been made to the asylum acquis especially after the refugee crisis fluctuated in 2015. EU Law, as transnational Law, must be transposed and incorporated into the national law of the Member States in order to create administrative practices that will assist the immediate and effective implementation of asylum procedures. National Law, in turn, must be in line with the principles of the **Common European Asylum System (CEAS)**²⁰⁴, international law and the ratified

¹⁹⁹ Available at <https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=> (accessed on 29/6/2019)

²⁰⁰ Greece signed the Council of Europe **Convention for the Protection of Human Rights and Fundamental Freedoms** on 28/11/1950; its Ratification followed on: 28/11/1974; finally, it entered into force on 28/11/1974. (Source: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/country/GRE?p_auth=3c3kZhun) (accessed on 30/6/2019)

²⁰¹ Available at <https://rm.coe.int/168008371d> (accessed on 30/6/2019)

²⁰² Greece signed the Council of Europe **Convention on Action against Trafficking in Human Beings** on 17/11/2005; its Ratification followed on: 11/04/2014; finally, it entered into force on 01/08/2014. (Source: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/signatures?p_auth=C8VCXTSf) (accessed on 30/6/2019)

²⁰³ Greece signed the Council of Europe **European Social Charter** on 03/05/1996; its Ratification followed on: 18/03/2016; finally, it entered into force on 01/05/2016 (Source: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=a3Kru5dt) (accessed on 30/6/2019)

²⁰⁴ Since 1999, the EU has been working to create a Common European Asylum System (CEAS) and improve the current legislative framework. Between 1999 and 2005, several legislative measures harmonizing common minimum standards for asylum were adopted. Also important was the strengthening of financial solidarity with the creation of the European Refugee Fund. And in 2001, the Temporary Protection Directive allowed for a common EU response to a mass influx of displaced

and international Conventions [see 1951 *European Convention on Human Rights (ECHR Convention)*]. In the process of harmonization with the Greek legislation, the *Regulations* have immediate effect while *Directives* must be incorporated into the national Law. Each Member State of the Union has the freedom to choose how to adapt the *Directives* into its national legislation; Greece has chosen to do so via *Presidential Decrees*. With that having been said, the above mentioned *Presidential Decree 141/2013* –which defines the term ‘refugee’ in conformity with the Greek Law– adapts Greek law to the provisions of *Directive 2011/95/EU* of the European Parliament and the Council of the European Union. The *Directive* sets out requirements for the qualification and status of foreigners or stateless persons– including children– as beneficiaries of international protection. It also sets out requirements regarding the rights of refugees and beneficiaries of subsidiary protection. Based on the terms of the EU *Directive*, *Presidential Decree 141/2013* sets forth several requirements related to the integration of refugees and beneficiaries of international protection in Greece. Such provisions include inter alia:

persons unable to return to their country of origin. The Family Reunification Directive also applies to refugees. After the completion of the first phase, a period of reflection was necessary to determine the direction in which the CEAS should develop. A 2007 Green Paper was the basis for a large public consultation. The responses, together with the results of an evaluation of how existing instruments were implemented, were the basis for the European Commission’s Policy Plan on Asylum, presented in June 2008. As Stated in the Policy Plan, three pillars underpin the development of the CEAS: bringing more harmonization to standards of protection by further aligning the EU States’ asylum legislation; effective and well-supported practical cooperation; increased solidarity and sense of responsibility among EU States, and between the EU and non-EU countries. New EU rules have now been agreed, setting out common high standards and stronger co-operation to ensure that asylum seekers are treated equally in an open and fair system – wherever they apply. In short:

1. The revised Asylum Procedures Directive aims at fairer, quicker and better quality asylum decisions. Asylum seekers with special needs will receive the necessary support to explain their claim and in particular there will be greater protection of unaccompanied minors and victims of torture.
2. The revised Reception Conditions Directive ensures that there are humane material reception conditions (such as housing) for asylum seekers across the EU and that the fundamental rights of the concerned persons are fully respected. It also ensures that detention is only applied as a measure of last resort.
3. The revised Qualification Directive clarifies the grounds for granting international protection and therefore will make asylum decisions more robust. It will also improve the access to rights and integration measures for beneficiaries of international protection.
4. The revised Dublin Regulation enhances the protection of asylum seekers during the process of establishing the State responsible for examining the application, and clarifies the rules governing the relations between States. It creates a system to detect early problems in national asylum or reception systems, and address their root causes before they develop into fully fledged crises.
5. The revised EURODAC Regulation will allow law enforcement access to the EU database of the fingerprints of asylum seekers under strictly limited circumstances in order to prevent, detect or investigate the most serious crimes, such as murder, and terrorism.

- a) Access by refugees or beneficiaries of subsidiary protection to information, in a language they understand, about their rights and obligations arising from their protection status. (*Art. 22 of the Directive/ Art. 22 of P.D. 141/2013*)
- b) Access to employment, vocational training and the **social security system**. (*Art. 26 of the Directive/ Art. 27 of P.D. 141/2013*)
- c) Right of **education** for children granted international protection status. Access by adult beneficiaries of international protection to the general education system and to further training or retraining programmes. (*Art. 27 of the Directive/ Art. 28 of P.D. 141/2013*)
- d) Facilitation of the recognition of foreign diplomas, certificates and other evidence of formal qualifications. (*Art. 28 of the Directive / Art. 29 of P.D. 141/2013*)
- e) Necessary **social assistance** for beneficiaries of international protection under the conditions applicable to Greek citizens. (*Art. 29 of the Directive / Art. 30 of P.D. 141/2013*)
- f) Access to **healthcare** for beneficiaries of international protection under the conditions applicable to Greek citizens. (*Art. 30 of the Directive / Art. 31 of P.D. 141/2013*)
- g) Enrolment of beneficiaries of international protection in appropriate **social inclusion** programmes implemented by the relevant Departments of the Ministry of Labor, Social Security and Welfare. (*Art. 34 of the Directive / Art. 35 of P.D. 141/2013*)
- h) **Right to Family Unity**; competent authorities shall ensure that all necessary measures are taken so that family unity is maintained. (*Art. 34 of the Directive / Art. 35 of P.D. 141/2013*)
- i) Representation of **Unaccompanied Minors** in accordance with legislation in force and Courts' decisions, under the authority of the relevant Ministerial Departments of Refugees and Asylum Seekers' Protection, Directorate of Social Solidarity and Employment, Social Security & Welfare. (*Art. 31 of the Directive / Art. 32 of P.D. 141/2013*)

Of course, one can understand that the above provisions serve for the benefit of children refugees in Greece, as they safeguard their fundamental rights within the Greek territory. Additionally, the Greek Law has further adopted a rich –in content– series of legislative acts, implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection. (*See Figure 7*)

Figure 7: Table of Greek Legislative Acts, Implementing Decrees and Administrative Guidelines & Regulations relevant to Asylum Procedures, Reception Conditions, Detention and Content of Protection

Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection	
Title	Abbreviation
<p>Law 4375/2016 “Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council ‘on common procedures for granting and withdrawing international protection (recast)’ (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions.</p> <p>Gazette 51/A/3-4-2016</p> <p><i>Amended by:</i> Law 4399/2016, Gazette 117/A/22-6-2016</p> <p><i>Amended by:</i> Law 4461/2017, Gazette 38/A/28-3-2017</p> <p><i>Amended by:</i> Law 4485/2017, Gazette 114/A/4-8-2017</p> <p><i>Amended by:</i> Law 4540/2018, Gazette 91/A/22-5-2018</p>	<p>L 4375/2016 (Asylum Act)</p>
<p>Law 4540/2018 “Transposition of Directive 2013/33/EU of the European Parliament and of the council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast, L 180/96/29.6.2013) and other</p>	<p>L 4540/2018 (Reception Act)</p>

provisions... Amendment of asylum procedures and other provisions” Gazette 91/A/22-5-2018	
Law 3907/2011 “on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions. Gazette 7/A/26-01-2011 <i>Amended by:</i> Presidential Decree 133/2013, Gazette 198/A/25-09-2013	L 3907/2011 PD 133/2013
Law 4058/2012, Gazette 63/A/22-03-2012	L 4058/2012
Law 4375/2016, Gazette 51/A/3-4-2016	L 4375/2016
Presidential Decree 114/2010 “on the establishment of a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to Stateless persons in conformity with Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status” Gazette 195/A/22-11-2010 <i>Amended by:</i> Presidential Decree 116/2012, Gazette 201/A/19-10-2012 Presidential Decree 113/2013, Gazette 146/A/14-06-2013 Presidential Decree 167/2014, Gazette 252/A/01-12-2014	PD 114/2010 (Old Procedure Decree) PD 116/2012 PD 113/2013 PD 167/2014
Law 4375/2016, Gazette 51/A/3-4-2016	L 4375/2016
Presidential Decree 141/2013 “on the transposition into the Greek legislation of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 (L 337) on minimum 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	PD 141/2013 (Qualification Decree)

(recast)” Gazette 226/A/21-10-2013	
Presidential Decree 220/2007 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers Gazette 251/A/13-11-2007	PD 220/2007 (Reception Decree)
Law 4251/2014 “Immigration and Social Integration Code and other provisions” Gazette 80/A/01-04-2014 <i>Amended by:</i> Law 4332/2015, Gazette 76/A/09-07-2015 <i>Amended by:</i> Law 4540/2018, Gazette 91/A/22-5-2018	Immigration Code L 4332/2015
Law 3386/2005 “Entry, Residence and Social Integration of Third Country Nationals on the Greek Territory” <i>Abolished by:</i> Law 4251/2014 except for Articles 76, 77, 78, 80, 81, 82, 83, 89(1)-(3) <i>Amended by:</i> Law 4332/2015	L 3386/2005
Law 4554/2018 “Guardianship of unaccompanied children and other provisions” Gazette 130/A/18-7-2018	L 4554/2018
Presidential Decree 131/2006 on the transposition of Directive 2003/86/EC on the right to family reunification Gazette 143/A/13-7-2006 <i>Amended by:</i> PD 167/2008	PD 131/2006 (Family Reunification Decree) PD 113/2013
Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection	
Title	Abbreviation
Joint Ministerial Decision 13257/2016 on the implementation of the special border procedure (Article 60(4) L 4375/2016) Gazette B/3455/26.10.2016	Fast-Track Border Procedure JMD
Joint Ministerial Decision 12205 on the provision of legal aid to applicants for	Legal Aid JMD

international protection Gazette B/2864/9-9-2016	
Joint Ministerial Decision 1982/2016 on age assessment of applicants for international protection Gazette B/335/16-2-2016	Age Assessment JMD
Decision 868/2018 of the Director of the Asylum Service on the duration of international protection applicants' cards Gazette B/201/30.01.2018	Asylum Seeker Card Decision
Decision 8269/2018 of the Director of the Asylum Service on restriction of movement of applicants for international protection Gazette B/1366/20.04.2018	Restriction of Movement Decision
Decision 18984/2018 of the Director of the Asylum Service on restriction of movement of applicants for international protection Gazette B/4427/05.10.2018	Restriction of Movement Decision
Joint Ministerial Decision 10566 on the procedure for issuing travel documents to beneficiaries of and applicants for international protection Gazette B/3223/2-12-2014	Travel Documents JMD
Joint Ministerial Decision 7315/2014 on the procedure for granting residence permits to beneficiaries of international protection Gazette B/2461/16-9-2014	Residence Permits JMD
Hellenic Police Circular 1604/17/681730 on participation of applicants for international protection in voluntary repatriation programmes of the International Organization for Migration (IOM)	

Source: A.I.D.A- Asylum Information Database & E.C.R.E- European Council on Refugees and Exiles Website, accessed on June 14, 2019.

Found at <https://www.asylumineurope.org/reports/country/greece/overview-legal-framework>

3.1.1 Unaccompanied children refugees in Greece

Unaccompanied children are particularly vulnerable in the context of refugee movements. Therefore, effective protection and assistance should be delivered to

them by the host country in a systematic, comprehensive and integrated manner. Particularly, under the provisions of the **CRC(Art.22.2)**, the care and placement of unaccompanied children should be supervised by national or local childwelfare services to ensure that they receive care that meets at least the minimum standards provided for national children. Detecting unaccompanied children amongst refugee populations, as soon as possible, is essential due to the fact that they face a higher risk of not receiving proper protection and care. In the case of the Greek State the vulnerability of unaccompanied children, that either arrive at and/or reside in its territory, and the need for immediate provision of protection and care –always in accordance with international law–is a matter of utmost importance. According to national legislation²⁰⁵, an ‘*unaccompanied minor*’ is a person below the age of eighteen, who arrives in Greece unaccompanied by an adult responsible for him/her according to the Greek legislation or practice and for as long as the minor is not effectively taken into the care of such person, or a minor who is left unaccompanied after he/she has entered Greece. Moreover, a ‘*Representative of an unaccompanied minor*’²⁰⁶ is the temporary or permanent guardian of the minor or the person appointed by the competent Public Prosecutor for Minors or, in the absence of the latter, by the First Instance Public Prosecutor to ensure the minor’s best interests.

Under Greek Law, any authority detecting the entry of an unaccompanied or separated child into the Greek territory shall take the appropriate measures to inform the closest Public Prosecutor office and the competent authority for the protection of unaccompanied and/or separated children, which is the *General Directorate of Social Solidarity* of the *Ministry of Labour, Social Security and Social Solidarity* and which is responsible for further initiating and monitoring the procedure of appointing a guardian to the child and ensuring that his or her best interests are met at all times.²⁰⁷

Law No. 4554 of 18 July 2018, published in *Official Government Gazette no. 130*²⁰⁸, defines the regulatory framework for the guardianship of unaccompanied minors. According to the newly drafted Law, a guardian shall be appointed to a foreign or stateless person under the age of eighteen who arrives in Greece without being

²⁰⁵ Presidential Decree 113/2013, Gazette 146/A/14-06-201, Art. 2(j)

²⁰⁶ Ibid. Art. 2(k)

²⁰⁷ Article 22 L 4540/2018.

²⁰⁸ Abbreviation: L 4554/2018.

accompanied by a relative or non-relative exercising parental guardianship or custody. The *Public Prosecutor for Minors* or the local competent *Public Prosecutor*, if no Public Prosecutor for minors exists, is considered as the temporary guardian of the unaccompanied minor. This responsibility includes, among others, the appointment of a permanent guardian of the minor.²⁰⁹ The guardian of the minor is selected from a *Registry of Guardians* created under the *National Centre for Social Solidarity (E.K.K.A.)*²¹⁰ In addition; the Law provides a *Best Interest of the Child Determination Procedure*²¹¹ following the issuance of standard operational procedure to be issued.²¹² The Law also foresees the creation of a *Supervisory Guardianship Board*, which shall be responsible for ensuring legal protection for unaccompanied children with respect to disabilities, religious beliefs and custody issues.²¹³ Additionally, the Law establishes the *Department for the Protection of Unaccompanied Minors* at E.K.K.A., which shall have the responsibility of guaranteeing safe accommodation for unaccompanied children and evaluating the quality of services provided in such accommodation.²¹⁴

Under **Article 18 L 4554/2018**, the guardian has responsibilities relevant to the integration of unaccompanied children, which include:

- i. ensuring decent accommodation in special reception structures for unaccompanied children;
- ii. representing and assisting the child in all judicial and administrative procedures;
- iii. accompanying the child to clinics or hospitals;

²⁰⁹ Article 22 L 4540/2018.

²¹⁰ Ibid.

²¹¹ A *Best Interests Determination (BID)*, describes the formal process with strict procedural safeguards designed to determine the child's best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option. Additionally, A *Best Interests Assessment (BIA)*, is an assessment made by staff taking action with regard to individual children, except when a BID is required, designed to ensure that such action gives a primary consideration to the child's best interests. The assessment can be done alone or in consultation with others by staff with the required expertise and requires the participation of the child. [Source: UNHCR, Guidelines on Assessing and Determining The Best Interests Of The Child; 2018 Provisional Release (Nov. 2018). Available at <https://www.refworld.org/pdfid/5c18d7254.pdf> (accessed on 2/7/2019)]

²¹² Article 21 L 4554/2018.

²¹³ Article 19 L 4540/2018

²¹⁴ Article 27 L 4540/2018.

- iv. guaranteeing that the child is safe during their stay in the country;
- v. ensuring that legal assistance and interpretation services are provided to the child;
- vi. providing access to psychological support and health care when needed;
- vii. taking care of enrolling the child in formal or NFE;
- viii. taking necessary steps to assign custody of the child to an appropriate family (foster family), in accordance with the applicable legal provisions;
- ix. ensuring that the child's political, philosophical and religious beliefs are respected and freely expressed and developed; and
- x. behaving with sympathy and respect to the unaccompanied child.

In practice, the system of guardianship is not operating in Greece yet. Secondary legislation such as *Ministerial Decisions* and standard operating procedures required by law in order to further regulate inter alia the functioning of the *Registry of Guardians* and the *Best Interests of the Child Determination Procedure*, has not been issued on behalf of the State.²¹⁵ On the other hand, however, milestone efforts on behalf of the State have been made towards gradually achieving the operation of the guardianship system. In June 2019, a Ministerial Decision²¹⁶ of the *Deputy Minister of Labor, Social Security & Social Solidarity*, provided the establishment of a *Registry for Unaccompanied Minors* at the National Center for Social Solidarity (E.K.K.A.) – as a subcategory of the *National Registry of Child Protection* pursuant to Art. 8 3961/2011 (A 97)– which shall keep a record of the data of all unaccompanied minors transmitted to it by any public authority or third party, with reference to the source of registry and transmission of all data for the purpose of the effective protection of all unaccompanied minors located in Greece.

3.1.2 Family Reunification

Restoring family unity is a fundamental aspect of bringing back greater normality to the lives of refugees. It can ease the sense of loss felt by many who, in addition to

²¹⁵ As of May 2019.

²¹⁶ Ministerial Decision D11/26943/1073/2019: Registry for Unaccompanied Minors. Available at <https://www.e-nomothesia.gr/kat-anilikoi/upourgike-apophase-d11-oik-26943-1073-2019.html> (accessed on 7/7/2019)

family, have lost their country, network and life as they knew it. Especially in the case of refugee children, restoring family unity is crucial to their upbringing and further development. A refugee child, just as any other child, should be able to *"grow up in a family environment, in an atmosphere of happiness, love and understanding"*²¹⁷ and this because, the well-being of the child and the enjoyment of his or her rights is dependent upon his/ her family and the community. A child does not develop in isolation; the family is essential in providing the sense of self-esteem, security and identity that is necessary for the child to successfully learn from, and fit into, the rest of society. The **Convention on the Rights of the Child**, the cornerstone for children rights in the world, recognizes that every child has the right *"to know and be cared for by his or her parents"* (Art.7) and that the family is *"the fundamental group of society"*, therefore, placing children's rights in the context of parental rights and duties (Arts. 5, 14, 18, etc.). To this extend, based on the standards set by the CRC *"applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner"* (Art. 10.1).

The Greek State recognizes the significance of the family structure and values the latter as being *"the cornerstone of the preservation and the advancement of the Nation, as well as marriage, motherhood and childhood, being under the protection of the State"*.²¹⁸ Moreover, in the context of family reunification²¹⁹ of refugees and migrants, Greece has further adopted in recent years, relevant legislation to maintain the unity of the family as a whole, as well as to protect its members as elements—especially minors. According to **Presidential Degree (PD) 131/2006** transposing the **Family Reunification EU Directive 2003/86/EC**,²²⁰ as supplemented by **PD 167/2008** and amended by **PD 113/2013**, solely recognized refugees have the right to apply for reunification with family members who are third-country nationals, if they

²¹⁷ CRC, Preamble.

²¹⁸ Greek Constitution, Article 21.

²¹⁹ Family Reunification EU Directive 2003/86/EC, Art. 2(d): **'family reunification'** means the entry into and residence in a Member State by family members of a third country national residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry.

²²⁰ Available at <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:en:PDF> (accessed on 7/7/2019)

are in their home country or in another country outside the EU. As per **Art. 13 PD 131/2006**²²¹, “family members” include: a) spouses; b) unmarried children; c) unmarried children with serious health problems which render them incapable to support themselves; d) parents, in the case where the beneficiary solemnly declares that he or she has been living with them and taking care of them before leaving his or her country of origin, and that they no longer have other family members to care for and support them; e) unmarried partners with whom the applicant has a stable relationship, which is proven mainly by the existence of a child or previous cohabitation, or any other appropriate means of proof. When the refugee is an **unaccompanied minor** the principle of the best interests of the child takes priority and more favorable standards are in place, allowing, without any additional requirements, his/her reunification with his/her first degree relatives in the ascending line, as well as his/her legal guardians or other family members, if the aforementioned first degree relatives do not exist or cannot be located.

If a recognized refugee requests reunification with his or her spouse and/or dependent children, within 3 months from the deliverance of the decision granting him or her refugee status, the documents required with the application are²²²: i) a recent family status certificate, birth certificate or other document officially translated into Greek and certified by a competent Greek authority, proving the family bond and/or the age of family members; and ii) a certified copy of the travel documents of the family members. However, if the applicant/ ‘sponsor’²²³ cannot provide these certificates, the authorities take into consideration other appropriate evidence. On the other hand, if the sponsor is an adult and the application refers to his or her parents and/or the application is not filed within 3 months from recognition, apart from the documents mentioned above, further documentation is needed²²⁴: i) full *Social Security Certificate*, i.e. certificate from a public social security institution, proving the applicant’s full social security coverage; ii) tax declaration proving the applicant’s fixed, regular and adequate annual personal income, which is not provided by the

²²¹ Available in GR at https://www.synigoros.gr/resources/docs/13-pd_131_2006_oikogeniaki_epanenosh.pdf (accessed on 7/7/2019)

²²² Article 14(1) PD 131/2006.

²²³ Family Reunification EU Directive 2003/86/EC, Art. 2(c): ‘**sponsor**’ means a third country national residing lawfully in a Member State and applying or whose family members apply for family reunification to be joined with him/her.

²²⁴ Article 14(3) PD 131/2006, citing Article 14(1)(d).

Greek social welfare system, and which amounts to no less than the annual income of an unskilled worker;²²⁵ iii) a certified contract for the purchase of a residence, or a residence lease contract attested by the tax office, or other certified document proving that the applicant has sufficient accommodation to meet the accommodation needs of his or her family. The abovementioned additional documents are not required in case of an *unaccompanied child* recognized as refugee, applying for family reunification after the 3-month period after recognition.²²⁶ As soon as the application for family reunification has been accepted by the Greek State, the latter may authorize the entry of the family member or members. In that regard, as stated in **Art. 8 PD 131/2006**, the State grants the family members a first residence permit of at least one year's duration; this residence permit shall be renewable. The duration of the residence permits granted to the family member(s) shall in principle not go beyond the date of expiry of the residence permit held by the sponsor. Throughout the entire time of the permit's validity, the sponsor's family members are entitled, in the same way as the sponsor, to: (a) access to education; (b) access to employment and self-employed activity; (c) access to vocational guidance, initial and further training and retraining (**Art. 10 PD 131/2006**).

All in all, the Greek Law foresees that family reunification is a necessary way of making family life possible as it helps create socio-cultural stability facilitating the integration of refugees in the country, which also serves in promoting economic and social cohesion.

3.2 Syrian Refugees in Greece and the impact of the Refugee Crisis on the country

Since the summer of 2015, the ongoing conflict in Syria has made itself felt in Europe through the unprecedented number of Syrian refugees reaching its borders wreaking havoc on European Institutions, pushing to the limits the solidarity among Member States, overloading national services and budgets, raising security concerns and

²²⁵ In practice about €8,500 – plus 20% for the spouse and 15% for each parent and child with which he or she wishes to be reunited.

²²⁶ Article 14(3) PD 131/2006, citing Article 14(1)(d).

fueling heated debates over asylum policies and integration. This unprecedented refugee phenomenon particularly had an impact on an already overburdened, from the economic crisis, Greece. In the course of 2015 alone—a year ‘baptized’ as a milestone in the history of refugee flows—over one million people entered, or transited through, Greece in order to escape conflict in their countries, among which mainly Syrians, and make their way to Europe. While the numbers have shown a decreasing trend in the years that followed: 2016, 2017, 2018, and early 2019 mainly due to the EU–Turkey Agreement on refugees in March 2016 and to the closure of the Balkan route to Northern Europe, Greece still faces great challenges in managing the refugee crisis to this very day. Apart from the fact that the refugee flows continue, though at a much slower pace, approximately 234,536 persons have applied for asylum in Greece, since 2013²²⁷, of whom the highest number of asylum seekers applicants are originated from Syria: 63,839 (27.2%).²²⁸ (See Figure 8)

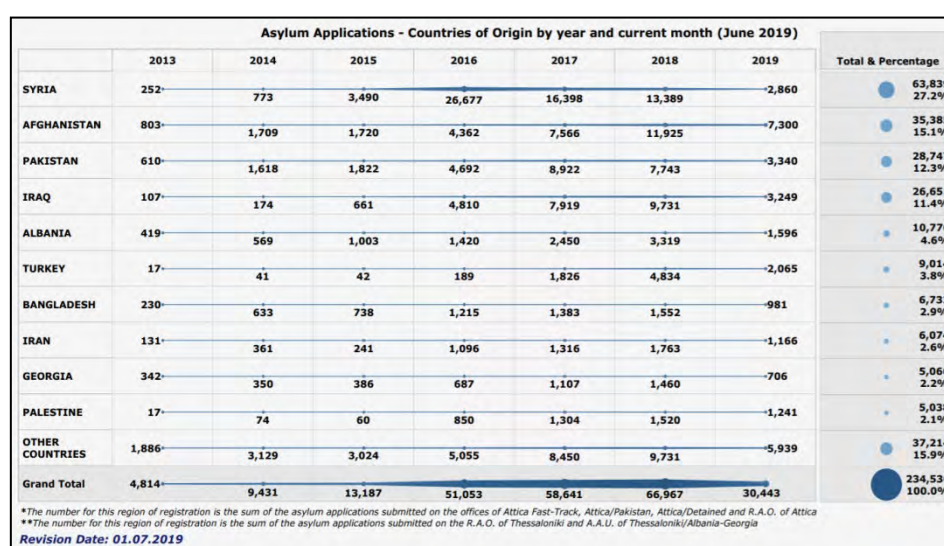


Figure 8: Source: Greek Asylum Service, Statistical Data (status as of 30.06.2019) Found at http://asylo.gov.gr/en/wpcontent/uploads/2019/07/Greek_Asylum_Service_data_June_2019_en.pdf

In order to provide a solid image of the current situation in regards to the refugee crisis in Greece, it ought to be prudent to provide an analysis from the year the Syrian

²²⁷ As of 30.06.2019; Statistical Data of the Greek Asylum Service (from 07.06.2013 to 30.06.2019) Found at http://asylo.gov.gr/en/wp-content/uploads/2019/07/Greek_Asylum_Service_data_June_2019_en.pdf (accessed on 7/7/2019)

²²⁸ Ibid.

war broke out and its subsequent impact on Greece. The Syrian civil war had been raging since 2011, and until the summer of 2015, displaced Syrians primarily sought refuge in the neighboring countries. The exodus of Syrians was initially slow. In 2011, small numbers began to seek out familial relations in order to learn about and move to neighboring countries such as Jordan, Lebanon and Turkey. In that period it was thought that the Syrian conflict would not last long. Gradually and by 2012, the number of refugees grew and began to necessitate the provision of services. It was the escalation of violence in Aleppo in the summer of 2012 that pushed the first major wave of people -about 200,000 - to leave almost from the outset²²⁹. Still, though there were notable instances of individual boats carrying refugees to Europe in previous years, the influx beginning in summer 2015 was sudden and drastic. By contrast with those crossing the land border to Jordan, Lebanon or Turkey, people fleeing the conflict in Syria had the option of taking two different routes to Europe²³⁰: (a) the land route to Greece or Bulgaria; they initially travelled through Turkey –a country Syrians enter without a visa—from which the point of entry in the EU subsequently was Greece or Bulgaria or (b) the sea route across the Mediterranean to Greece and Cyprus.²³¹ From the above, one can clearly understand that either way Greece, served as the ‘bridge’ that allowed Syrians to enter Europe. Today, Syrian refugees are considered as the second-largest refugee population in the entire world²³² and the crisis has only worsened within the national borders -and beyond. Looking back at the press coverage of the time, the rapidity by which the situation changed over that historic summer becomes painfully clear as is the fact that European governments and people seemed to have been caught unawares. On June 9, 2015, the Greek newspaper ‘*Kathimerini*’ had published UNHCR data estimating that “*more than 48,000 refugees, particularly from Syria²³³, Afghanistan and Iraq, have arrived this year and until now on the Greek islands. This number has already surpassed the approximately*

²²⁹ Sophia Kalantzakos, ‘A Paradox in today's Europe? Greece’s Response to the Syrian Refugee Crisis’ The Jean Monnet Papers on Political Economy (2017). Found at https://www.uop.gr/images/files/jeanmonnet_15.pdf (accessed on 10/7/2019)

²³⁰ Philippe Fargues, Christine Fandrich, *The European Response to the Syrian Refugee Crisis – What Next?*, MPC RR 2012/14, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute (2012).

²³¹ During the first couple of years of the exodus of the Syrian refugees a third option of fleeing conflict was also an option, and that was: (c) air route directly to any EU member State: as ordinary travelers originating from a third country, Syrians were registered at the external border; however, no statistics of ordinary travelers were routinely produced at EU level by country of origin, so that one cannot know how many Syrians actually used this way to reach Europe.

²³² Ibid.

²³³ Around 60 per cent.

43,500 arrivals by sea for all of 2014. The island of Lesbos continues to receive the biggest number of refugees reaching a near total of 19,000. Hundreds are leaving the islands on a daily basis after they are identified and registered.”²³⁴ Just two months later, on August 6, 2015²³⁵, refugee arrivals to Greece were estimated at 124,000, while one month after that, on September 10th, the new figures for refugees and migrants in Greece were estimated at 309,356, whilst to that day 2,748 people had drowned attempting to cross the Mediterranean to safety²³⁶. By September 7, 2015, the EU was already in the thick of quota setting for the number each Member State would agree to take to ensure fairer burden sharing²³⁷. By October 20th²³⁸, UN figures for refugees entering Greece had reached 500,000. Arrivals to Greece peaked in October 2015, a month that saw over 200,000 refugee arrivals. According to UNICEF, during the second half of October there had been a sharp increase in the number of refugees and migrants arriving in Greece with as many as 85 boats arriving daily on Greek shores.²³⁹ In total, the number of arrivals by sea in Greece in 2015 was estimated at 562,355, of which 23% were children.²⁴⁰ The unlike ever before fluctuated numbers of refugees arriving in the European continent, further led the EU to sign the so-called EU-Turkey Agreement, in order to ease the burden for the countries that had immediately been affected by the humanitarian crisis- primarily in the Mediterranean, and subsequently, for the rest of the EU receiving countries. The aim was “to replace disorganized, chaotic, irregular and dangerous migratory flows by organized, safe and legal pathways to Europe for those entitled to international

²³⁴ Newspaper ‘*Kathimerini*’, ‘Xepernoun Tis 48.000 Oi Afixeis Prosfigon Sta Ellinika Nisia Fetos’ (Jun 9, 2015). Found at <https://www.kathimerini.gr/818618/article/epikairothta/ellada/3epernoyn-tis-48000-oi-afi3eis-prosfygwn-sta-ellhnika-nhsia-fetos> (accessed on 15/7/2019)

²³⁵ Newspaper ‘*Kathimerini*’, ‘Stous 224.000 Oi Prosfiges Kai Metanastes Se Ellada kai Italia Apo Tin Arhi Tou Etous’ (Aug 8, 2015). Found at <https://www.kathimerini.gr/826411/article/epikairothta/kosmos/stoys-224000-oi-prosfyges-kai-metanastes-se-ellada-kai-italia-apo-thn-arxh-toy-etous> (accessed on 15/7/2019)

²³⁶ Newspaper ‘*Kathimerini*’, ‘Iperdiplasii Prosfiges sti Mesogio apo tin arhi tou etous’ (Sept 11, 2015). Found at <https://www.kathimerini.gr/830534/article/epikairothta/kosmos/yperdiplasioi-prosfyges-sth-mesogeio-apo-thn-arxh-toy-etous> (accessed on 15/7/2019)

²³⁷ Newspaper ‘*Kathimerini*’, ‘Commission: 120.000 Prosfiges tha Katanemithoun stin E.E.’ (Sept 7, 2015). Found at <https://www.kathimerini.gr/829902/article/epikairothta/kosmos/komision-120000-prosfyges-8a-katanemh8oyn-sthn-ee> (accessed on 15/7/2019)

²³⁸ Newspaper ‘*Kathimerini*’, ‘OHE: Xeperasan tis 500,000 oi Afixis Prosfigon stin Ellada’ (Oct 20, 2015). Found at <https://www.kathimerini.gr/835592/article/epikairothta/ellada/ohe-3eperasan-tis-500000-oi-afi3eis-prosfygwn-sthn-ellada> (accessed on 15/7/2019)

²³⁹ UNICEF, Refugee and Migrant Crisis in Europe; Regional Humanitarian Situation Report # 2 (Oct 27, 2015). Found at <https://www.unicef.org/eca/sites/unicef.org.eca/files/eca-sitrep-ref-271015.pdf> (accessed on 20/7/2019)

²⁴⁰ Ibid.

protection in line with EU and international law”.Part of the agreement between the EU and Turkey was that: (1) all new irregular migrants whether persons not applying for asylum or asylum seekers whose applications had been declared inadmissible crossing from Turkey to the Greek islands as of 20 March 2016 would be returned to Turkey; and (2) for every Syrian being returned to Turkey from the Greek islands, another Syrian would be resettled to the EU from Turkey directly.²⁴¹Regarding the legal basis on which asylum seekers could be returned from the Greek islands to Turkey; Syrians who had applied for asylum in Greece were destined to have their applications treated on a case-by-case basis, in line with EU and international law requirements and the principle of non-refoulement. Individual interviews, individual assessments and rights of appeal were also foreseen, while, blanket and automatic returns of asylum seekers was a possible option. Among the legal possibilities that could be used by Greece for declaring asylum applications inadmissible, in relation to Turkey, were²⁴²:

(1) the ‘*first country of asylum*’ claim (*Article 35 of the EU Asylum Procedures Directive*²⁴³): where the person has already been recognized as a refugee in that country or otherwise enjoys sufficient protection there;

(2) the ‘*safe third country*’ claim (*Article 38 of the EU Asylum Procedures Directive*²⁴⁴): where the person has not already received protection in the third country but the third country can guarantee to the readmitted person effective access to the protection procedure on an individual basis and where found to be in need of protection effective access to treatment in accordance with the standards of the *Geneva Refugee Convention*. The implementation of the agreement required huge operational efforts from all involved and most of all from Greece; in the words of the European Commission President Jean-Claude Juncker at the time: “*this is a Herculean task for Greece*”.²⁴⁵ Greece and Turkey were the two governments in charge of implementing the agreement, upon the appropriate legal and operational work. The Commission’s role furthermore, was to assist Greece with advice, expertise and

²⁴¹ European Commission, Press release: ‘*Implementing the EU-Turkey Agreement – Questions and answers*’, (4 April 2016)

²⁴² Ibid.

²⁴³ Found at <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032> (accessed on 20/7/2019)

²⁴⁴ Ibid.

²⁴⁵ European Commission, Press release: ‘*Implementing the EU-Turkey Agreement – Questions and answers*’, (4 April 2016)

support from the EU budget²⁴⁶ and by coordinating the support which was provided by other Member States and EU agencies. Moreover, the EU Agencies deployed additional staff to the Greek islands, so as to further assist in the implementation of the Agreement. Specifically, 206 *European Border and Coast Guard Agency (Frontex)*²⁴⁷ escort officers were deployed to Greece over the first implementing weekend of the Agreement, while 32 *European Asylum Support Office (EASO)*²⁴⁸ officers and 35 permanent staff were also deployed within the first month.²⁴⁹ By the end of the year, 1,500 escort officers and 50 return and readmission experts from Frontex and 400 asylum officers and 400 interpreters plus 30 judges from EASO, had been deployed in Greece.²⁵⁰

By the end of 2016, the total number of refugees in Greece stood at 173,450, according to UNHCR Greece data snapshot report of January 2017.²⁵¹ Even though at first, Greece was only considered as a ‘transit’ country for Syrian refugees on their way to other European countries (i.e. Germany), the cost of the refugee crisis on the Greek economy was estimated at 0.3 % of gross domestic output or an annual cost of over \$675 million²⁵² according to the at that timehead of the Bank of Greece, Mr. Giannis Stournaras. Following the agreement with Turkey and the border closings in

²⁴⁶ The Commission estimated the costs of the practical implementation of the Agreement at around €280 million euro for the first six months. From the beginning of 2015 until April 2016, Greece had been awarded €181 million in emergency assistance by the EU Commission.

²⁴⁷ The European Border and Coast Guard Agency (Frontex), is an EU Agency established in 2004 and with headquarters in Warsaw (Poland). Its role is to help EU countries and Schengen associated countries manage their external borders. It also helps to harmonize border controls across the EU. The agency facilitates cooperation between border authorities in each EU country, providing technical support and expertise. Website: <https://frontex.europa.eu/> (accessed on 20/7/2019)

²⁴⁸ The European Asylum Support Office (EASO), is an EU Agency which acts as a centre of expertise on asylum; contributes to the development of the Common European Asylum System by facilitating, coordinating and strengthening practical cooperation among Member States on the many aspects of asylum; and helps Member States fulfill their European and international obligations to give protection to people in need. It is located in Valletta (Malta). Website: <https://www.easo.europa.eu/> (accessed on 20/7/2019)

²⁴⁹ These experts came from the following EU Member State: the Czech Republic, Denmark, Germany, Estonia, Finland, Netherlands, Portugal, Romania and Slovenia.

²⁵⁰ European Commission, Press release: ‘*Implementing the EU-Turkey Agreement – Questions and answers*’, (4 April 2016)

²⁵¹ UNHCR Data Portal, “*UNHCR Refugees/Migrants Emergency Response - Mediterranean*”. Found at <http://data.unhcr.org/mediterranean/country.php?id=83> (accessed on 22/7/2019)

²⁵² Lydia Tomkiw, ‘*Greece Refugee Crisis: Greek Economy To Be Tested In Processing Asylum Claims As EU-Turkey Migrant Deal Begins*,’ *International Business Times* (Mar 21, 2016). Found at <https://www.ibtimes.com/greece-refugee-crisis-greek-economy-be-tested-processing-asylum-claims-eu-turkey-2340088> (accessed on 22/7/2019)

the north, 2017 found Greece housing approximately 60,000 refugees²⁵³, requiring additional housing and services, thus, further pressuring an already flailing economy. According, once more to Greek newspaper's 'Kathimerini' published article on October 11, 2017²⁵⁴, "*the existing structures at Reception and Identification Centers (RICs or otherwise hotspots) in the Mediterranean, Greek islands of Lesbos, Samos, Chios, Kos and Leros are unable to accommodate and provide vital services to all those dozens of people arriving daily. Therefore, many find shelter in tents set up around the already existing facilities, in very difficult and inhumane conditions, which are expected to be especially overwhelming in the upcoming winter.*" Based on the same article, in September 2017, the number of arrivals remained high for the Greek islands dealing with the refugee crisis at front. Particularly, the arrivals of refugees were estimated at: 2,170 in Lesbos, 567 in Chios and 881 in Samos. At the same time, there are very few recorded returns of irregular migrants to Turkey, as had been foreseen in the EU- Turkey Agreement. This resulted to an even greater number of refugees being gathered in the Greek islands, living in concentrated and densely populated *Reception and Identification Centers (hereinafter RICs)*, with limited services available and lack of capacity to provide more to the existing, on behalf of the State, due to lack of recourses.

In 2018, more than 50,000 refugees and migrants, over 17,100 of whom children, arrived in Greece by land and sea.²⁵⁵ This also included 2,400 unaccompanied and separated children (UASC)- a 32 per cent increase compared to 2017. It is estimated that as of December 2018, 27,000 children (of whom 3,800 UASC), were present in the country in both reception centers and urban areas.²⁵⁶ While living conditions and access to basic services significantly improved on the mainland, reception capacity and service provision on the islands remained limited. When combined with the increased arrivals over the summer of 2018, this led to appalling conditions in the

²⁵³ UNHCR Data Portal, "*UNHCR Refugees/Migrants Emergency Response - Mediterranean*". Found at

<http://data.unhcr.org/mediterranean/country.php?id=83> (accessed on 22/7/2019)

²⁵⁴ Newspaper 'Kathimerini', 'Neo Adieksodo Me To Prosfygiko' (Oct 11, 2017). Found at <https://www.kathimerini.gr/930114/article/epikairothta/ellada/neo-adie3odo-me-to-prosfygiko> (accessed on 22/7/2019)

²⁵⁵ UNICEF, *Refugee and Migrant Crisis in Europe: Consolidated Emergency Report 2018*. Found at [https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-](https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-04/Refugee%20and%20migrant%20crisis%20in%20Europe%20consolidated%20report%202018.pdf)

[04/Refugee%20and%20migrant%20crisis%20in%20Europe%20consolidated%20report%202018.pdf](https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-04/Refugee%20and%20migrant%20crisis%20in%20Europe%20consolidated%20report%202018.pdf) (accessed on 22/7/2019)

²⁵⁶ Ibid.

RICs. The latter were ‘covered’ with a ‘dark veil’ of human despair which hid high risks of violence and abuse, including gender-based violence. By October 2018, over 7,500 refugees and migrants (a third of whom children) were present in Moria RIC in the island of Lesbos, while the facility was designed for up to 3,000 people.²⁵⁷ Children, in particular, are to this day more vulnerable to facing health and protection risks including severe psychological distress. Violence, domestic abuse, protests and unrest are daily occurrences. Access to basic sanitation and hygiene is inadequate. Eye witness reports have shown that in some instances, 70 people relied on one toilet, leading to sewage leaks and noxious odors in the camps.²⁵⁸

In 2019, Greece continues to experience an unprecedented increase in incoming flows of refugees, prompted to a large extent by the ongoing Syrian crisis. Thousands of people risk their lives crossing the Aegean Sea in small, unseaworthy boats trying to make it to Greece and ultimately, to other European States. Since January 2019, 35,400 refugees and migrants (one in four of whom children) arrived through the Mediterranean migration routes. Currently, there are more than 32,000 refugee and migrant children in Greece, including more than 4,000 who are unaccompanied and separated.²⁵⁹

In regards to Syrian asylum seekers in Greece and their refugee claim *vis-à-vis* the State, as of 23 September 2014 prioritized examination of their asylum claims and the so called “*Fast-track*” processing under the regular procedure, foreseen by Greek Law, has been applied for Syrian nationals and stateless persons with former habitual residence in Syria. In 2018, a total of 3,532 positive decisions were issued under this procedure by the Greek Asylum Service²⁶⁰, compared to 2,986 in 2017 and 913 in

²⁵⁷ Ibid.

²⁵⁸ UNICEF, Press release; ‘*Refugee and migrant children arriving on Greek Islands up by one-third in 2018*’ (Sept 2018). Found at <https://www.unicef.org/eca/press-releases/refugee-and-migrant-children-arriving-greek-islands-one-third-2018-unicef> (accessed on 22/7/2019)

²⁵⁹ UNICEF, Press release; ‘*Refugee More than 1,100 unaccompanied refugee and migrant children in Greece need urgent shelter and protection – UNICEF*’ (Aug 2019). Found at <https://www.unicef.org/eca/press-releases/more-1100-unaccompanied-refugee-and-migrant-children-greece-need-urgent-shelter-and> (accessed on 22/7/2019)

²⁶⁰ The Greek Asylum Service was established under Law no. 3907/2011. It is the first autonomous institution in the country that is in charge of the examination of international protection claims. The objective of the Asylum Service is to apply national legislation and to abide by the country’s international obligations regarding the recognition of refugee status and, more generally, the granting of international protection to aliens who have fled their country due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and who are unable or, owing to such fear, unwilling to avail themselves of the protection of that country. To this purpose, the law provides that the Asylum Service receives, examines and decides

2016.²⁶¹ In terms of being more specific, the Syria “Fast-track” procedure is available only for Syrian nationals and stateless persons with former habitual residence in Syria who entered the Greek territory before the entry into force of the EU-Turkey Statement or entering the Greek territory through the Greek-Turkish land borders. A *contrario* applications of those arrived on the islands after 20 March 2016 are examined under the Fast-Track Border Procedure. *Article 60(4) Law 4375/2016*²⁶² foresees a special border procedure, known as a “Fast-track” border procedure, visibly connected to the implementation of the EU-Turkey Agreement. In particular, the “Fast-track” border procedure as foreseen by *Law 4375/2016*, voted some days after the launch of the EU-Turkey Agreement, provides an extremely truncated asylum procedure with fewer guarantees. The “Fast-track” border procedure was introduced as an extraordinary and temporary procedure. However, its application is repeatedly extended and remains in force to date.²⁶³ According to *Article 60(4)* said procedure can be “exceptionally” applied in the case where third-country nationals or stateless persons arrive in large numbers and apply for international protection at the border or at airport/port transit zones or while remaining in RICs, and following a relevant *Joint Decision* by the *Minister of Interior and Administrative Reconstruction and the Minister of National Defense*. Pursuant to the original wording of *Law 4375/2016*, the duration of the application of the “Fast-track” border procedure was such not exceed 6 months from the publication of that Law and would be prolonged for a further 3-month period by a Decision issued by the *Minister of Interior and Administrative Reconstruction*.²⁶⁴ Since then, however, the duration of the “Fast-track” border procedure has been repeatedly amended: under a June 2016 reform it would not exceed 6 months and could be extended for another 6 months,²⁶⁵ and following an August 2017 reform it were to be applicable for 24 months from the publication of the

on all applications for international protection lodged in Greece. The Asylum Service also contributes to the formulation of Greek policy on international protection and cooperates with international organizations and the European Union institutions in the areas of its remit. Website: http://asylo.gov.gr/en/?page_id=39 (accessed on 26/7/2019)

²⁶¹ Information provided by the Asylum Service, 26 March 2019.

²⁶² *Greece: Law No. 4375 of 2016 on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC* [Greece], 3 April 2016, available at: <https://www.refworld.org/docid/573ad4cb4.html> (accessed on 22/7/2019)

²⁶³ See also European Council, EU-Turkey Statement, 18 March 2016, para 1: “It will be a temporary and extraordinary measure.”

²⁶⁴ Article 80(26) L 4375/2016, as initially in force.

²⁶⁵ Article 80(26) L 4375/2016, as amended by Article 86(20) L 4399/2016.

latest amendment.²⁶⁶ The May 2018 reform extended the validity of the procedure until the end of 2018,²⁶⁷ and a December 2018 reform further prolonged it until the end of 2019.²⁶⁸ Therefore the “Fast-track” border procedure remains applicable to date. The procedure is applied in cases of applicants subject to the EU-Turkey Agreement, i.e. applicants who have arrived on the Greek eastern Aegean islands after 20 March 2016 and have lodged applications before the *Regional Asylum Offices (RAOs)* of Lesbos, Chios, Samos, Leros and Rhodes, and the *Regional Asylum Unit (AAU)* of Kos. On the contrary, applications lodged before the mainland Asylum Unit of Fylakio²⁶⁹ by persons remaining in the RIC of Fylakio in Evros are not examined under the “Fast-track” border procedure. In 2018 the total number of applications lodged before the RAO of Lesbos, Samos, Chios, Leros and Rhodes and the AAU was 30,943. This represented 42.9% of the total number of applications lodged in Greece that year. Therefore, despite being initially introduced as an exceptional and temporary procedure, the “Fast-track” border procedure has become the rule for a significant number of applications lodged in Greece.

Moreover, as mentioned in “Fast-track” border procedure, the implementation of the EU-Turkey Agreement pursuant to *Article 60(4) Law 4375/2016* has varied depending on the nationality of the applicants concerned. In particular: (a) applications by Syrian asylum seekers are examined on admissibility on the basis of the *Safe Third Country*²⁷⁰ concept, with the exception of the cases under the ‘Dublin’ scheme and vulnerable applicants who are referred to the regular procedure; (b) applications by

²⁶⁶ Article 80(26) L 4375/2016, as amended by Article 96(4) L 4485/2017.

²⁶⁷ Article 80(26) L 4375/2016, as amended by Article 28(23) L 4540/2018.

²⁶⁸ Article 80(26) L 4375/2016, as amended by Article 7(3) L 4587/2018.

²⁶⁹ The Regional Asylum Office of Fylakio (former Northern Evros) started its operation on 11 July 2013. Its local jurisdiction covers the municipalities of Didymoteicho and Orestiada in Northern Evros. It is based and operates in the facilities of the First Reception Center of Fylakio.

²⁷⁰ According to Article 56(1) L 4375/2016, a country shall be considered as a “safe third country” for a specific applicant when all the following criteria are fulfilled:

- a. The applicant's life and liberty are not threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion;
- b. This country respects the principle of *non-refoulement*, in accordance with the Refugee Convention;
- c. The applicant faces no risk of suffering serious harm according to Article 15 PD 141/2013, transposing the recast Qualification Directive;
- d. The country prohibits the removal of an applicant to a country where he or she risks to be subject to torture or cruel, inhuman or degrading treatment or punishment, as defined in international law;
- e. The possibility to apply for refugee status exists and, if the applicant is recognised as a refugee, to receive protection in accordance with the Refugee Convention; and
- f. The applicant has a connection with that country, under which it would be reasonable for the applicant to move to it.

non-Syrian asylum seekers from countries with a recognition rate below 25% are examined only on the merits; (c) applications by non-Syrian asylum seekers from countries with a recognition rate over 25% are examined on both admissibility and merits (“merged procedure”). In 2018, the Asylum Service received 8,773 applications submitted by Syrian applicants initially subject to the “Fast-track” border procedure, and issued 3,882 first instance decisions based on the “*Safe Third Country*” concept. As a rule, first instance decisions dismissing the applications of Syrian nationals as inadmissible on the basis that Turkey is a safe third country in the “Fast-track” border procedure are based on a pre-defined template provided to Regional Asylum Offices or Asylum Units on the islands, and are identical, except for the applicants’ personal details and a few lines mentioning their Statements, and repetitive.²⁷¹ Since mid-2016, the same template decision is issued to dismiss claims of Syrians applicants as inadmissible on the basis that Turkey is a safe third country for them. Accordingly, negative first instance decisions qualifying Turkey as a safe third country for Syrians are not only identical and repetitive –failing to provide an individualized assessment– but also outdated insofar as they do not take into account developments after that period, such as the current legal framework in Turkish, including the derogation from the principle of *non-refoulement*. Second instance decisions issued by the *Independent Appeals Committees* for Syrian applicants systematically uphold the first instance inadmissibility decisions, if no vulnerability is identified. In 2017, contrary to the outcome of second instance decisions issued by the *Backlog Appeals Committees* in 2016, 98.2% of the decisions issued by the new *Independent Appeals Committees* upheld the inadmissibility decisions on the basis of the safe third country concept. In 2018, the *Independent Appeals Committees* issued 78 decisions dismissing applications as inadmissible on the basis that Turkey can be considered as a safe third country for Syrian applicants.

²⁷¹ ECRE et al., The implementation of the hotspots in Italy and Greece, December 2016. On Lesbos, see GCR, GCR Mission to Lesbos – November 2016, available at: <http://bit.ly/2kbN7F0>, ; On Samos, see GCR, GCR Mission to Samos – June 2016, available at: <http://bit.ly/2kCHMDm>, On Leros and Kos, see GCR, GCR Mission to Leros and Kos – May to November 2016. (accessed on 22/7/2019)

All in all, according to the official statistical data of the *Greek Asylum Service*²⁷², until July 2019, **Syrian refugees had the highest percentage of asylum recognition rate in Greece reaching at 99,6 per cent.** (See Figure 9)

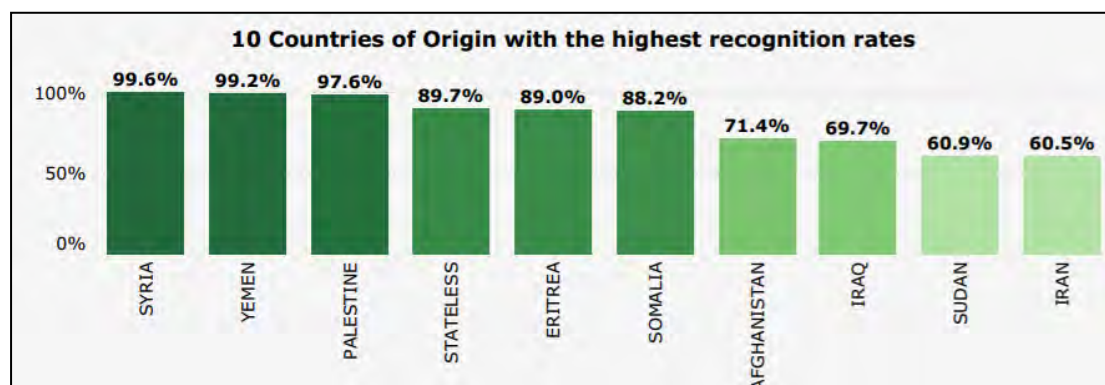


Figure 9: Source: Greek Asylum Service
(Latest Update: July 2019). Found at http://asylo.gov.gr/en/wp-content/uploads/2019/07/Greek_Asylum_Service_data_June_2019_en.pdf

3.3 Syrian Children Refugees in Greece: Legal Status, Rights and Protection under International Law

The refugee crisis in Greece is one which has had a tremendous impact on refugee children; four years ago, in 2015, Syrian families fleeing violence in the Middle East viewed Greece as an entry point to Europe, where they believed that a brighter future for their children would not be a distant dream—as opposed to their home country where the right to life was an everyday ‘battle’ they had to win due to the escalating war. Four years later, Greece has become something like a ‘holding pen’ for Syrians seeking asylum—including children—as most of them seem to be trapped in limbo.

Back in the summer of 2015, when the mass flow of refugees fleeing Syria aroused, Europe was considered to be an ‘oasis’ for them and their children where their right to life could be secured. To reach Europe many Syrians—among which hundreds of

²⁷² From 07.06.2013 to 01.07.2019. Found at http://asylo.gov.gr/en/wp-content/uploads/2019/07/Greek_Asylum_Service_data_June_2019_en.pdf (accessed on 22/7/2019)

children—risked their lives crossing the Mediterranean Sea, and over land the Western Balkan route, the main route into Europe. From those who survived the perilous journey, many had endured terrible conditions, violence, abuse, exploitation and harm by smugglers and traffickers. Upon arrival in Greece, children were already physically exhausted, scared and psychologically distressed from the conflict back in Syria and the journey itself. Due to poor nutrition, challenging weather and sanitary conditions, inadequate shelter and fatigue, many children suffered from health problems—mainly respiratory and digestive infections. Children with disabilities and their families faced even more extreme difficulties during their journey. Additionally, many children from Syria took this dangerous journey on their own to escape from war only to find themselves in a foreign country where the language barrier and the lack of means of communication caused additional distress since day one. Greece, on the other hand, during that time was facing one of its darkest times following the economic crisis which had a gross and severe impact on the economy, first and foremost, the political sphere, and the Greek people's stamina. Whilst, being a democratic country where the rule of law—national and international—prevailed and respect to all human rights was an unquestionable fact foreseen in the Constitution, the country was caught off guard and practically unable to confront the magnitude of the number of refugee inflows in the summer/early autumn of 2015, due to the lack of recourses after the economic repression. The refugee issue was undoubtedly one, however, that could not be hidden under the carpet as humanitarian need aroused and refugees expected their rights to be assured. The needs of refugee children and other vulnerable groups were the first to be addressed. The Greek State, via its *Asylum Service* mechanism, prioritized the examination of claims submitted by children from Syria for asylum, either accompanied by families or unaccompanied, as early as September 2014 based on the 'Fast-track' processing under the regular procedure, foreseen by Greek Law (as thoroughly described in *Chapter 3.2*). Therefore, all Syrian children granted refugee status by the State were entitled to fundamental refugee and children's rights—as listed in the *Greek Constitution*, the *CRC* and the *1951 Convention on the Status of Refugees*—just as any other child living in the Greek territory. Specifically, their **fundamental rights to survival, development, protection, non-discrimination and participation, all in favor of the best of their**

interest, were automatically granted and secured along with their refugee status.²⁷³ Moreover, the rights to the best public health care possible, safe water to drink, nutritious food, a clean and safe environment, education, legal assistance and representation, interpretation and information were also granted to them by the Greek State, as enshrined in all the above mentioned instruments of national and international law.

Although it seemed as Greece had the proper legal context and basic mechanisms to ensure all refugee children in the country could fully exercise their rights in theory, however, reality was somehow different. The great number and unpredictable influx of refugees that entered Greece, was such that did not practically allow and enable the State to ensure the practice of rights for refugee children as the already existing understaffed mechanisms and services available were limited and not as sufficient due to lack financial capacity. To this regard, by September 2015 the independent authority of the *Greek Deputy Ombudsman for Children Rights*²⁷⁴, as a Member of the *European Network of Ombudspersons for Children (ENOC)*, had via a joint Statement expressed his concern about the critical situation for children on the move in Europe, calling upon European governments and competent European and International authorities for an immediate action to urgently address the situation of children on the move and to guarantee access to the rights they are entitled to.²⁷⁵ As a follow up, in June 2016 the *Greek Deputy Ombudsman for Children's Rights* attended a major conference in Paris regarding the protection and future of refugee and migrant children in Europe, as well as, a joint EU meeting with the Commissioner for EU Justice matters in Brussels, where he stressed the need: a) for additional mechanisms for monitoring the situation of children moving in all EU Member States –and Greece in particular; b) of making use of the functioning of independent child rights authorities; c) comprehensive data constant collection, and d) to further

²⁷³ IOM, Child-friendly Leaflet 'Protecting children in the context of the Refugee and Migrant Crisis in Europe; Children's Rights & Responsibilities'. Found at https://greece.iom.int/sites/default/files/iom-leaflet_GR-EN-1221web_1.pdf (accessed on 26/7/2019)

²⁷⁴ The Greek Ombudsman is an independent authority created in 1997 to protect citizens' rights. It is supervised only by the Hellenic Parliament and its services are free of charge. One of the departments of the Greek Ombudsman is the Child Rights Circle, which has assumed the role of the Deputy Ombudsman for Children's Rights in Greece. It has been operating since July 2003 and its mission is to defend the rights of minors, i.e. all boys and girls up to 18 years of age. Additional information can be found at the Greek Ombudsman's Website: <http://www.0-18.gr/gia-paidia/o-synigoros>

²⁷⁵ ENOC, Statement on "Children on the move; ENOC members stand for children on the move." (2015). Found at <http://enoc.eu/?p=1254> (accessed on 27/7/2019)

strengthen the application of child protection principles by Member States in the treatment of children who are displaced.²⁷⁶Numerically speaking, according to UNICEF²⁷⁷, *by November 2016 the estimated number of refugee and migrant children across Greece was at 20,500; among them 2,300 unaccompanied minors. Only, 2,035 children had been relocated from Greece, as of end of November (among them 170 UASC). In regards to asylum applications the Asylum Service had reviewed, by November 2016 just 2,783 children had applied for asylum of which the breakdown shows that 1,741 were Syrian accompanied children, while 37 unaccompanied.*

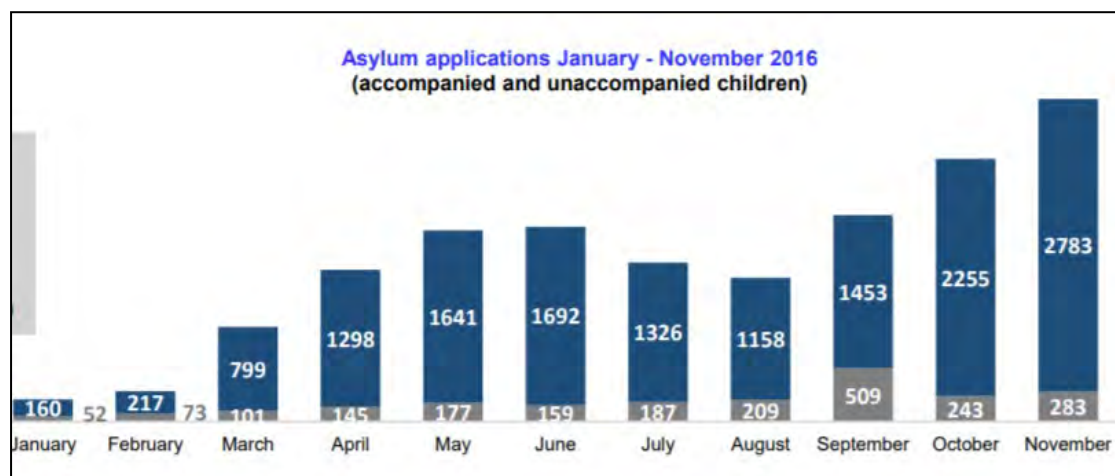


Figure 10: Source: UNICEF Data on the situation in Greece; Refugee and migrant children in Greece overview (December 2016). Found at <https://www.unicef.org/eca/sites/unicef.org.eca/files/eca-dataproduct-Refugee-Migrant-Children-UNICEF-December.pdf>

²⁷⁶ Greek Deputy Ombudsman for Children Rights Website. Found at <http://www.0-18.gr/gia-megaloyis/nea/synantisi-me-tin-epitropo-tis-ee-vera-jourova> (accessed on 27/7/2019)

²⁷⁷ UNICEF, *Data on the situation in Greece; Refugee and migrant children in Greece overview* (Dec 2016). Found at <https://www.unicef.org/eca/sites/unicef.org.eca/files/eca-dataproduct-Refugee-Migrant-Children-UNICEF-December.pdf> (accessed on 27/7/2019)

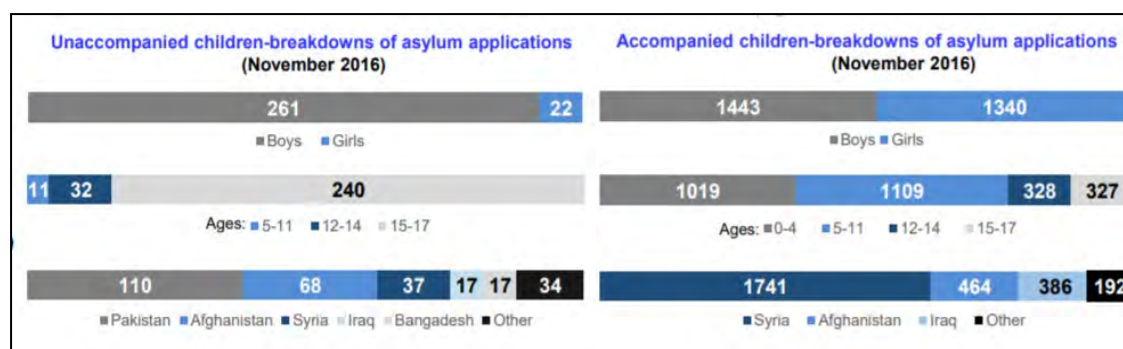


Figure 11: S Source: UNICEF Data on the situation in Greece; Refugee and migrant children in Greece overview (December 2016). Found at <https://www.unicef.org/eca/sites/unicef.org/eca/files/eca-dataproduct-Refugee-Migrant-Children-UNICEF-December.pdf>

3.3.1 The Response & Role of the EU, UN Agencies, INGOs & NGOs

The Syrian conflict and the derivative humanitarian - refugee crisis shocked the entire planet back in 2015. The international community witnessed the tremendous atrocities taking place as millions of people were fleeing death. Greece, as one of the first countries in Europe to face the impact of the crisis, cried out for ‘help’ to the international community in order to tackle with the ever-growing influx of refugees and, particularly, to provide protection and care to the most vulnerable; children. The **United Nations** and the **European Union** did not remain silent and hand-tied to the plea for assistance. The UN responded via its agencies while the EU through its institutions. Together with the Greek State and various **non-governmental organizations** active on the field, they have achieved to make progress on the matter, based on over four years of collective work in the country.

In 2015 alone, Greece had been awarded €181 million in emergency assistance from the **European Commission**. As a follow up, in 2016, the Commission had significantly increased the emergency assistance budget under the *Asylum Migration and Integration Fund (AMIF)* and the *Internal Security Fund (ISF)* with the total amount of emergency funding available for the refugee crisis standing at €464 million, of which €267 million had been earmarked for Greece.²⁷⁸ Moreover, the Commission further welcomed requests for financing to be introduced by the Greek

²⁷⁸ European Commission, Press release: ‘Implementing the EU-Turkey Agreement – Questions and answers’, (4 April 2016).

authorities and international organizations operating in Greece to manage the refugee and humanitarian crisis, by enabling the provision of funding for the improvement of reception centers on the Greek islands, as well as, for the support of the return operations (transport and accompanying measures) and for the temporary deployment of additional Greek staff. Besides the emergency funding, an additional €509 million had already been allocated to Greece on top of that under the national programmes for 2014-2020 (€294.5 million from AMIF and €214.7 million from ISF). In March 2016, the Commission proposed an **Emergency Support Instrument (ESI)** for humanitarian purposes, foreseeing the provision of €700 million for the three years to be followed - to be used within the EU to provide a faster, more targeted response to major crises, including helping Member States cope with large numbers of refugees. The instrument entered into force on 16 March 2016 (*Council Regulation (EU) 2016/369*). The estimated budget for 2016 was €300 million with a further €200 million each for use in 2017 and 2018, respectively. Indeed, by July 2017, the European Commission had awarded emergency support contracts totaling €401 million to its humanitarian aid partners in Greece.²⁷⁹ The funding covered the delivery of primary healthcare, psycho-social care, improved hygiene conditions and shelter (including in apartments) for those in need, care for unaccompanied minors, as well as, informal education and a cash voucher scheme for refugees stranded in Greece. In addition, the Commission helped coordinate the arrival of in-kind assistance to Greece through the **European Civil Protection Mechanism**;²⁸⁰ by the same month of 2017, twenty participating States to the *Mechanism* had offered more than 200,000 items to Greece in response to the immediate needs created by the crisis with items such as tents, beds, sleeping bags, blankets, hygiene kits, power generators, water pumps, firefighting equipment and other specialized equipment. Since 2017, with the situation in Greece increasingly being managed by the Greek authorities, the EU's emergency support funding had shifted towards more permanent and dignified solutions for refugees. The flagship of this transition had been the '*Emergency Support to Integration & Accommodation*' (*ESTIA*) programme, which has been helping refugees and their families, rent urban accommodation and providing them with regular cash

²⁷⁹ European Commission, DG ECHO Factsheet; "Greece, Response to the Refugee Crisis". Found at <http://sp-fragility-displacement.onetec.eu/docs/European%20Commission%20-%20Greece,%20Response%20to%20the%20Refugee%20Crisis,%20DG%20ECHO%20Factsheet.pdf> (accessed on 28/7/2019)

²⁸⁰ See European Civil Protection Mechanism's Website: https://ec.europa.eu/echo/what/civil-protection/mechanism_en (accessed on 28/7/2019)

assistance. **All in all, the European Union dedicated €643.6 million for the period of 3 years from 16 March 2016 to 15 March 2019 to fund emergency support operations addressing the needs of refugees in Greece.** As of mid- March 2019, the EU continues to fund existing programmes, such as *ESTIA*, as well as other programmes through other EU funding instruments.²⁸¹

As stated above, the European Commission channels most EU emergency aid through its humanitarian partner organizations. These organizations are: UN agencies – such as *UNHCR, UNICEF and IOM*; international organizations- such as *Red Cross/Red Crescent*; Member States specialized services- such as *FRONTEX and EASO*; and, finally, NGOs that have signed a framework agreement with the European Union. Where necessary, the EU has also directly funded assistance, relief and protection operations.²⁸² In the case of the refugee crisis in Greece, the above humanitarian partners mobilized the available recourses provided by the EU, through various planned projects which aimed at the well-being of refugees in Greece—including those from Syria. In regards to children refugees in Greece, many projects were set forth and carried out based on the needs of children for protection and education.

As far as the relative work of **UN Agencies** in Greece is concerned, all those directly focusing on refugee, migration and, children's rights – *UNHCR, IOM and UNICEF* respectively – have been keenly active in the country, especially since 2015, via their according regional/national offices.

Ab initio, **UNHCR's** work in Greece, as well as in other EU countries, is mainly advisory and that of providing assistance to the respective government in order for the latter to effectively develop and strengthen a refugee protection system.²⁸³ In 2015, however, due to the increased refugee flows the country had received – coupled with

²⁸¹ The main activities funded by the ESI, including *ESTIA*, have been taken over by the Asylum Migration Integration Fund managed by DG HOME.

²⁸² At the international and supranational levels, the EU also coordinates with the UN-backed Syria Humanitarian Forum -which brings together over 350 participants from Member States, regional organizations, international non-governmental organizations (NGOs) and UN humanitarian agencies - to mobilize the necessary resources to provide assistance to the hundreds of thousands of people uprooted by the conflict.

²⁸³ The Office of the United Nations High Commissioner for Refugees (UNHCR) in Greece has been in operation since March 1952. It has been working with State authorities, non-governmental organizations and other independent bodies to ensure the protection of refugees and asylum seekers. It also seeks to inform and raise public awareness of the refugee issue with a view of creating a climate of tolerance and respect for refugee rights. More on the work of UNHCR in Greece can be found on the official Website: <https://www.unhcr.org/gr/> (accessed on 28/7/2019)

the economic crisis –the Greek authorities and the EU requested for the assistance of UNHCR in responding to this emergency. Thus, since the summer of 2015, UNHCR has strengthened its staff and presence in key entry points; the islands of the Aegean and the Greek mainland. It undertook to vigorously support services in areas covered, in principle, by the State, such as the distribution of essential supplies to refugees, the improvement of accommodation and infrastructure, the provision of protection services to the most vulnerable, the provision of information, interpretation and psychosocial support, as well as, interventions in the fields of health and education. Since 2017, with the decline in refugee flows and the transition from an emergency to a more stable and sustainable system, UNHCR has been gradually reducing its "operational" action as national agencies have now taken over most of the provision of services to refugees and asylum seekers. UNHCR has since been working with the Greek government, local authorities and non-governmental organizations to provide apartment housing and support through prepaid cards for asylum seekers in Greece. Particularly, this has been achieved thanks to the *ESTIA Accommodation program*; fully funded by the *European Commission*²⁸⁴ and implemented by *UNHCR*, in close cooperation with the *Greek Ministry of Migration Policy*, municipalities and NGOs across Greece. The ESTIA programme was –and still is – designed to assist asylum-seekers who arrived in Greece with accommodation, cash and support services. The accommodation component of the programme is intended to help vulnerable asylum-seekers for as long as their asylum claim is processed. The programme has been instrumental in supporting the Greek State in building up its reception of asylum-seekers sustainably and in line with standards. According to the programme guidelines, when asylum-seekers are recognized as refugees while in *ESTIA*, they are given a six-month grace period, after which they need to exit the programme. In addition to accommodation, refugees are supported with access to medical services, the enrollment of their children in school, with the pursuit of employment opportunities, the attendance of Greek language courses where available, and with the active involvement in community recreational activities. As a matter of fact, the vast majority of recognized refugees of the *ESTIA* programme have been helped to receive a *Social Security Number – AMKA* (93%) and a *Fiscal Registration Number – AFM* (62%); over 75% of 5-14 year old children have been enrolled in

²⁸⁴ Until March 2019. See footnote 277.

schoolwhile a growing number of refugees has been registered with the Greek *Unemployment Service (OAED)* and has even been granted eligibility to open a savings account in national banks.All the above listed are considered as important steps towards achieving self-reliance and help refugees in *ESTIA* find gainful employment or access State social solidarity programmes, in accordance with the law.²⁸⁵In particular, in the case of Syrian refugees in Greece—based on UNHCR data regarding the population breakdown in the *ESTIA* Accommodation Scheme— as of September 2019, a total of **9,022 Syrian nationals have benefited from the scheme – 41% of the total amount of beneficiaries – of which 5,232 are registered as asylum seekers while 3,790 are registered as recognized refugees.**²⁸⁶(See Figure 12)

²⁸⁵ Meanwhile, prolonging dependence on *ESTIA* assistance for an indefinite period of time is neither sustainable nor encourages self-sufficiency and integration. Applying the grace period for recognized refugees in *ESTIA* is also necessary for the sustainability of the accommodation programme available for asylum-seekers. The grace period is extended for refugees in *ESTIA* who are assessed as facing serious risks, including severe health conditions, women in advanced pregnancy and recent mothers, as well as their nuclear family members. In addition, the grace period will be extended for nuclear families with children enrolled at school, until 30 June.

²⁸⁶ UNHCR Greece, *Population breakdown in ESTIA Accommodation Scheme* (September 2019). Found at <https://data2.unhcr.org/en/documents/download/71370> (accessed on 28/7/2019)

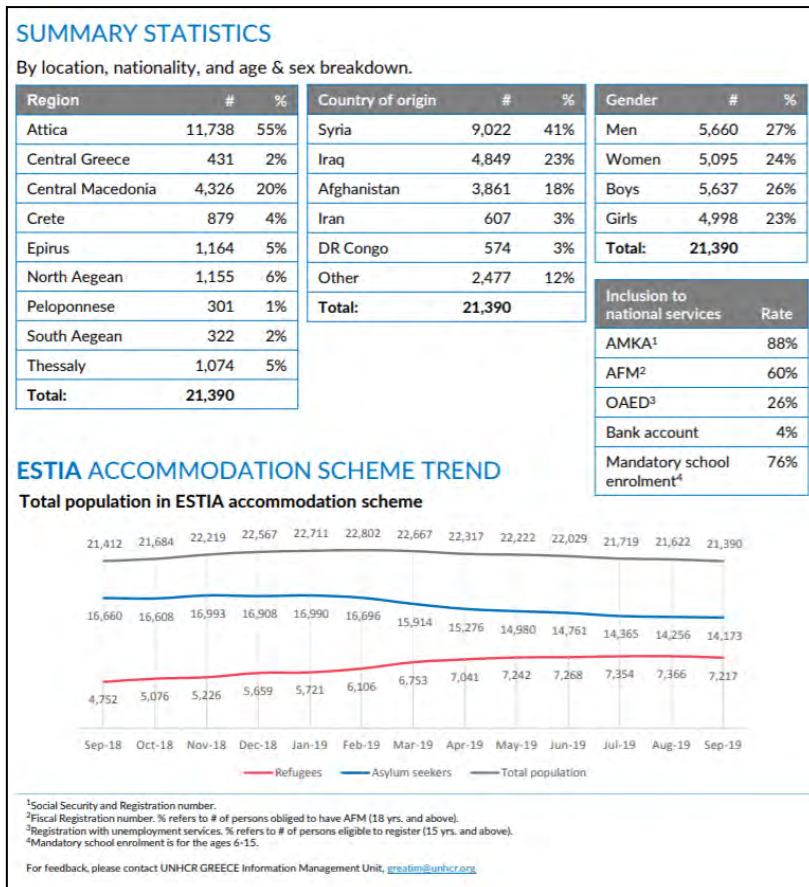


Figure 12: Source: UNHCR Greece; *Population breakdown in ESTIA Accommodation Scheme*
 (Latest Update: 17 September 2019). Found at <https://data2.unhcr.org/en/documents/download/71370>

Asylum seekers in ESTIA Accommodation Scheme

Region	#	%	Country of origin	#	%	Gender	#	%
Attica	7,395	52%	Syria	5,232	37%	Men	3,873	28%
Central Greece	283	2%	Iraq	3,294	23%	Women	3,270	23%
Central Macedonia	2,977	21%	Afghanistan	2,970	21%	Boys	3,725	26%
Crete	544	4%	DR Congo	447	3%	Girls	3,305	23%
Epirus	867	6%	Iran	419	3%	Total:	14,173	
North Aegean	919	6%	Other	1,811	13%			
Peloponnese	226	2%	Total:	14,173				
South Aegean	292	2%						
Thessaly	670	5%						
Total:	14,173							

Inclusion to national services*	Rate
AMKA ¹	84%
AFM ²	54%
OAED ³	22%
Bank account	2%
Mandatory school enrolment ⁴	74%

Figure 13: Source: UNHCR Greece; *Population breakdown in ESTIA Accommodation Scheme*
 (Latest Update: 17 September 2019). Found at <https://data2.unhcr.org/en/documents/download/71370>

Recognized Refugees in ESTIA Accommodation Scheme					
Region	#	%	Country of origin	#	%
Attica	4,343	60%	Syria	3,790	52%
Central Greece	148	2%	Iraq	1,555	22%
Central Macedonia	1,349	19%	Afghanistan	891	12%
Crete	335	5%	Iran	188	3%
Epirus	297	4%	State of Palestine	138	2%
North Aegean	236	3%	Other	655	9%
Peloponnese	75	1%	Total:	7,217	
South Aegean	30	1%			
Thessaly	404	5%			
Total:	7,217				

Gender	#	%
Men	1,787	25%
Women	1,825	25%
Boys	1,912	26%
Girls	1,693	24%
Total:	7,217	

Inclusion to national services*	Rate
AMKA ¹	95%
AFM ²	73%
OAED ³	35%
Bank account	6%
Mandatory school enrolment ⁴	80%

¹Social Security and Registration number.
²Fiscal Registration number. % refers to # of persons obliged to have AFM (18 yrs. and above).
³Registration with unemployment services. % refers to # of persons eligible to register (15 yrs. and above).
⁴Mandatory school enrolment is for the ages 6-15.

Figure 14: Source: UNHCR Greece; *Population breakdown in ESTIA Accommodation Scheme*
(Latest Update: 17 September 2019). Found at
<https://data2.unhcr.org/en/documents/download/71370>

Greek authorities, UNHCR and ESTIA partners have been continuously providing information to those affected, so that they are aware of the conditions, the timeframe and their options. Today, together with its partners, UNHCR encourages and continues to assist Greece in accelerating the adoption of integration measures, to further ensure that recognized refugees have access to critical national programmes and that obstacles that they may face are removed – in law and practice – in accessing social solidarity programmes, including requirements for specific and additional identity documents and proof of residence in Greece.²⁸⁷ To this extend, UNHCR’s so called ‘HELP’²⁸⁸ website has proven to be a very useful tool to provide answers to refugees’ and asylum-seekers’ queries on how to apply for asylum, on their rights and obligations, and on accessing services when living in Greece. In 2019 alone, at least 34,000 people found information on the above in five languages.²⁸⁹

²⁸⁷ As of 2019, the UNHCR in Greece, with approximately 330 staff members, is present in Athens, Thessaloniki, Ioannina and Evros, as well as in the islands of Lesbos, Chios, Samos, Leros, Kos and Rhodes

²⁸⁸ UNHCR, HELP Website: <https://help.unhcr.org/greece/> (accessed on 28/7/2019)

²⁸⁹ UNHCR Greece, Fact Sheet (September 2019). Found at <https://reliefweb.int/sites/reliefweb.int/files/resources/71947.pdf> (accessed on 28/7/2019)

Besides the work of UNHCR in the context of accommodation and cash assistance for refugees, which has an apparent impact on the lives of children, when regarding to the well-being of the latter, the organization is predominately active in the areas of education and child protection. In reference to safeguarding the right to **education**, UNHCR in partnership with UNICEF and other actors, support the *Greek Ministry of Education (MoE)* to include and prepare refugee boys and girls for public school. It is a sad fact that unfortunately not all refugee children have access to public education to this day, especially the 5,850 school-aged children living in the reception centers on the islands.²⁹⁰ The current freeze in issuing AMKA social security numbers and the absence of transportation in certain locations are among the main factors responsible for the delay in the full enrolment of these children in formal education. In the current school year, 86 per cent of the refugee children included in the *ESTIA* accommodation scheme have been enrolled in public schools alongside their Greek peers. Additionally, UNHCR's bridging established *Non-Formal Education (NFE)Centers* and *Child Friendly Spaces (CFS)* on the islands and Athens offer opportunities for learning, skills-building, in addition to, legal and *Psychosocial and Mental Health Support (PSMHS)* to children at risk. Indicatively, UNHCR's partner Greek NGO '*METAdrasi*'²⁹¹ operates a CFS in the area of Kara Tepe on the island of Lesbos, where children have the opportunity to play safely and participate in activities, before and/or after their lessons. More than 450 school aged children benefit on a daily basis from these activities – implemented with the support of UNHCR,²⁹² which in parallel also works with teachers and students to further embrace coexistence, increase awareness about forced displacement and human rights and support the inclusion of refugee students in school through experiential learning techniques.

Accordingly, when it comes to **child protection**, UNHCR is particularly alert in the case of unaccompanied minors. As of September 2019, there are 4,616 unaccompanied children in Greece, of which 1,196 are placed in shelters appropriate for their age and

²⁹⁰ Ibid.

²⁹¹ METAdrasi is a Greek NGO founded in December 2009 which helps facilitate the reception and integration of refugees and immigrants in Greece. It is focused on services not covered by the Public Authorities or other NGOs in Greece. METAdrasi operates mainly in the following two sectors; interpretation services and the protection of unaccompanied children. More on METAdrasi can be found here: <https://metadrasi.org/en> (accessed on 28/7/2019)

²⁹² More details can be found on METAdrasi's Website: <https://metadrasi.org/en/campaigns/educational-activities/> (accessed on 28/7/2019)

under the *Supported Independent Living (SIL)* scheme.²⁹³ However, the 1,416 boys and girls in reception centers face woefully inadequate conditions and often have to share their space with adults or sleep out in the open risking exploitation and abuse. In this case, their protection is not only crucial but vital. Their transfer to a shelter appropriate for their needs is a lengthy procedure adding to the hardship of fleeing conflict and prosecution. In 2019, UNHCR's partner Greek NGO '*METAdrasi*' accompanied and helped transfer a total of 483 unaccompanied children from reception centers to temporary shelters on the mainland. On this matter, UNHCR also works with EKKA guardians to provide places in apartments for 32 unaccompanied children over 16 years old, mentoring and supporting them to become self-reliant and live on their own.²⁹⁴ Moreover, procedures for the relocation of 119 unaccompanied boys and girls to the United Kingdom under the *Dublin scheme* were finalized from the Greek side over the course of 2019. Since the beginning of the programme in 2017, 75 children have departed the country following the appropriate review by *EKKA, UNHCR and IOM*. Similar solidarity measures to relocate unaccompanied children to European States are yet deemed necessary, however, in order to further assure the protection of all children refugees in the country. For this purpose, UNHCR continues to identify vulnerable children and fosters the response of the Government with expertise, trainings and advice, leaning always towards the best interest of the child.²⁹⁵

Praeterea, another UN body operating in Greece promoting the rights and wellbeing of every child, whilst focusing special effort on reaching the most vulnerable and excluded children is **UNICEF**.²⁹⁶ The organization has had a historical presence in

²⁹³ UNHCR Greece, Fact Sheet (September 2019). Found at <https://reliefweb.int/sites/reliefweb.int/files/resources/71947.pdf> (accessed on 28/7/2019)

²⁹⁴ More details can be found on METAdrasi's Website: <https://metadrasi.org/en/campaigns/supported-semi-independent-living-for-unaccompanied-minors/> (accessed on 30/7/2019)

²⁹⁵ According to latest data, in September 2019, UNHCR implemented its programmes through 35 partners, among which INGOs, NGOs and State authorities: UNICEF, ARSIS, Iliaktida, INTERSOS, NOSTOS, Praksis, Solidarity Now, Catholic Relief Services, the International Federation of Red Cross and Red Crescent Societies, METAdrasi, the Greek Council for Refugees, the Network for Children's Rights, Doctors of the World, the Association for Regional Development and Mental Health (EPAPSY), Diotima, Faros, KEAN - Cell Of Alternative Youth Activities, International Rescue Committee, International Catholic Migration Commission (ICMC), Hellenic Theatre/Drama & Education Network (TENet), UNOPS, Perichoresis, OMNES, Kyclos and the Local Authorities of Athens, Piraeus, Thessaloniki, Livadia, Herakleion, Trikala, Nea Filadelfia – Nea Chalkidona, Karditsa, Larissa, Tripoli and Tilos.

²⁹⁶ The United Nations Children's Fund is a United Nations agency responsible for providing humanitarian and developmental aid to children around the world. It was established in 1946 as

the country; from 1947-1967 UNICEF provided assistance to Greece and implemented programmes for milk pasteurization, tuberculosis, syphilis control among others totaling over 10 million USD, thus responding to the needs and wellbeing of Greek children following the devastating outcome of World War II in the country. Ten years later, in 1977, the *Hellenic National Committee* for UNICEF was created to provide information on the state of the world's children and to raise awareness and funds for UNICEF's programmes around the globe. However in 2016, following the major humanitarian crisis caused by the enormous influx of refugees entering Greece, UNICEF, while building on the presence of its National Committee, established a *Response Team* to exclusively assist the coverage of refugee children. This operational team, through its partners, developed a presence in refugee sites and urban locations across the mainland, mainly in the cities of Athens and Thessaloniki– at first – and on some islands, such as Lesbos. From the start, UNICEF's approach was based on the following pillars: a) direct service delivery, through partnership agreements with national and international NGOs; b) system building and technical advice, through engagement with public institutions and independent authorities; c) capacity building of frontline personnel; d) advocacy regarding refugee and migrant children's living conditions, access to services and access to solutions. In 2017, the *Response Office* continued to focus its intervention on **education** and **child protection**, contributing its expertise and added value in these sectors as to ensure that achieved results were maintained. Of course, to this extend fundamental partnerships were created among which those with **Greek State bodies**, such as: *the Ministries of Health, of Labor, of Social Security and Social Solidarity, of Migration Policy and, finally, the Ministry of Education*; with **Greek Independent authorities**, such as *the Deputy Ombudsman for Children's Rights*; **local authorities**, such as *Municipalities of the biggest cities– Athens and Thessaloniki– and finally, with other national and international organizations*; *Apostoli, Arsis, the British Council, Elix, Faros, Finn Church Aid, Iliaktida, IRC, Melissa Network, Merimna, Metadrasi, Solidarity Now, SOS Children's Villages, Syn-eirmos, the YMCA, and EKKA*. In specific, as part of its interventions on the field, the Response Team along with its partners, worked to offer

the United Nations International Children's Emergency Fund (UNICEF) by the U.N. General Assembly, at the behest of Polish physician Ludwik Rajchman, to provide immediate hunger relief and healthcare to children and mothers in countries devastated by World War II. In 1950, UNICEF's mandate was extended to address the long-term needs of children and women in developing countries, and in 1953 it became a permanent part of the United Nations System. The agency's name was subsequently changed to its current form, though it retains the original acronym.

basic child protection and *PSMHS* services and specialized child protection services, such as mental health and legal counseling, to all refugee children with a greater attention to unaccompanied ones. Indicatively, according to UNICEF data, by July 2017 approximately 7,000 children had benefited from the above mentioned offered psychosocial activities and other community based child protection, while 27 per cent of whom had received individual psychosocial counseling. Moreover, 300 UASC had been provided with specialized child protection services and accommodation.²⁹⁷ At a national level, UNICEF also engaged in: providing support to the referral and placement of UASC in suitable accommodation, via *EKKA*, and in providing support to child rights monitoring and advocacy, together with the *Deputy Ombudsman for Children's Rights*. Furthermore, through its implementing partner, the *Ministry of Health*, it focused in the provision of vaccines for vulnerable refugee children. In numbers, by July 2017, 12,000 children had been vaccinated against vaccine preventable diseases; 1,100 mothers benefited from counseling on *Infant and Young Child Feeding (IYCF)*; and 1,100 infants under the age of two accessed mother and baby care center services. Finally, UNICEF also emphasized on the other major pillar of its work; education. In reference to the latter, it has focused on providing NFE services and on the distribution of education material; again, by July 2017, approximately 4,000 children had participated in structured education activities – including Greek, English, mother tongue and life-skills education– 7,600 children had received school material and over 700 children had benefited from early childhood activities.²⁹⁸ Throughout 2018 UNICEF *Refugee and Migrant Response Team* went on to empower local and national capacity by investing in key priority areas. For the pillar of child protection, *Child and Family Support Hubs (CFSH)* were established to further give refugee children and their families a safe space in which they can benefit– till this day– from a variety of services; *PSMHS*, structured play and learning, *Gender-Based Violence (GBV)* prevention and response, legal aid, information desk, case management support, referral to health care, and more. In the *CFSH*, children at risk can be identified and referred to special services as needed. UNICEF has also been providing accommodation and care for UASC through *Safe Zones*, as well as, *SIL* apartments where they can access psychosocial support, legal assistance and education, counseling, health care, recreation and social integration

²⁹⁷ UNICEF Refugee and Migrant Response in Greece: *Intervention Flyer 2017*.

²⁹⁸ *Ibid*.

activities.²⁹⁹ Regarding the pillar of education, UNICEF's NFE centers have not only been supporting children in public schools with homework help and remedial classes, but also providing basic language and life skills to those outside the formal education system. Meanwhile, the agency has continuously been assisting the previously mentioned Greek Ministries in their effort to provide: protection to the most vulnerable refugee children; technical assistance has been provided to *EKKA* in its attempt to build a more efficient referral and placement system while improving, data analysis to inform national planning; support in the efforts of the Ministry of Education has been foreseen with the provision of interpretation services in schools, the training of teachers on intercultural education, teaching Greek as a second language and assisting in data collection analysis to improve national level planning; substantial contribution to the work of the Deputy Ombudsman for Children's Rights has been made on monitoring the situation of children on the move and gathering evidence for child rights advocacy. UNICEF also supported the establishment of the *Network for the Rights of Children on the Move*, chaired by the *Deputy Ombudsman for Children's Rights* and consisting of over 20 child protection actors working to deliver services to refugee and migrant children.³⁰⁰ Speaking in numbers, by May 2018 over 20,730 refugee and migrant children had been reached through *UNICEF's Child Protection and Education Interventions* while 1,587 UASC had been provided with care, accommodation and services, according to the organization's selected data.³⁰¹ (See Figure 15)



Figure 15: Source: UNICEF Refugee and Migrant Response in Greece; *Intervention Flyer 2018*.

²⁹⁹ UNICEF Refugee and Migrant Response in Greece: Intervention Flyer 2017.

³⁰⁰ Ibid.

³⁰¹ Ibid.

(May 2018)

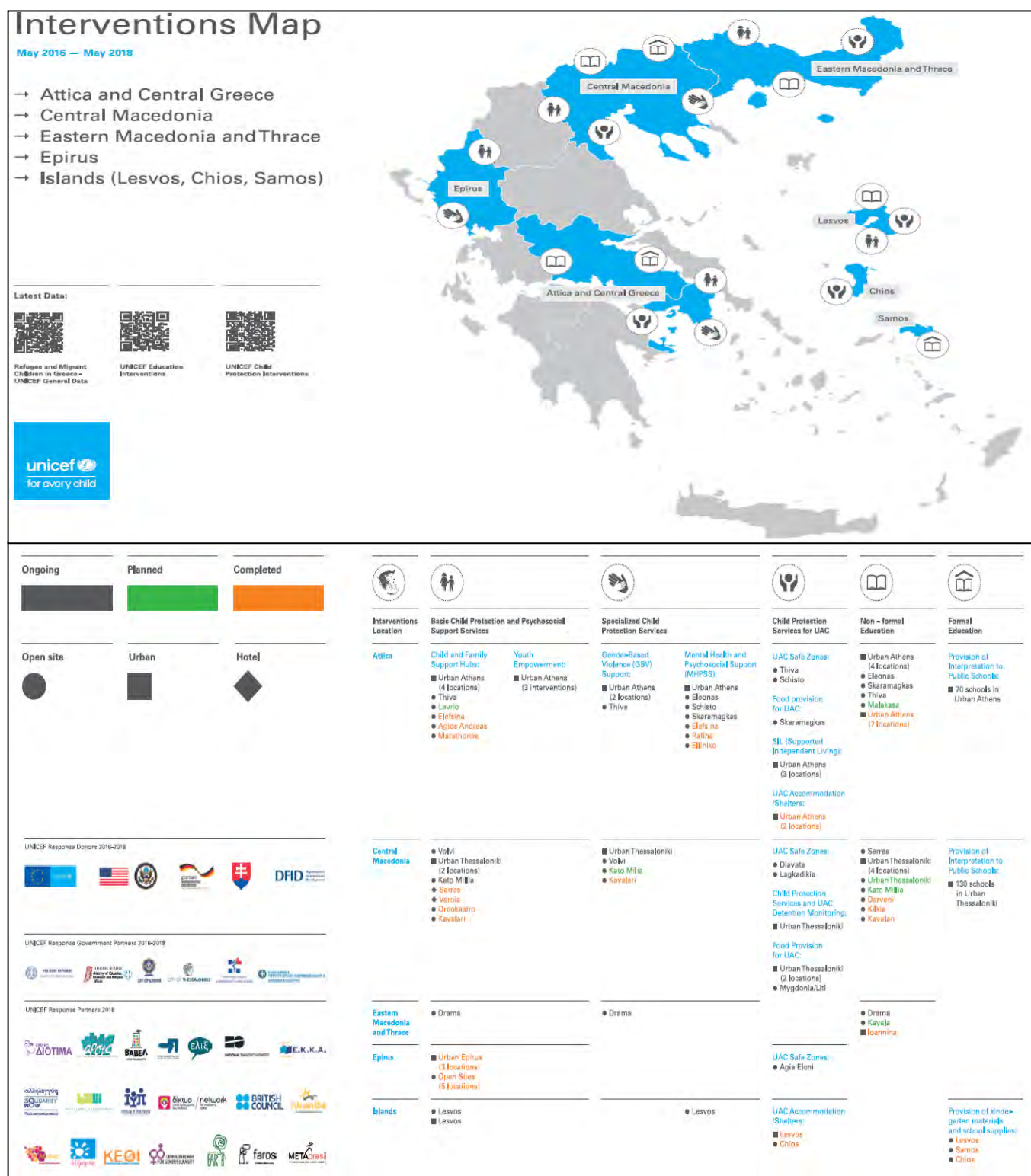


Figure 16: Source: UNICEF Refugee and Migrant Response in Greece; *Intervention Flyer 2018.*
(May 2018)

To this day, UNICEF *Refugee and Migrant Response Team* in Greece has additionally been promoting social integration and inclusion of refugee and migrant children and their families into Greek society. Towards this direction, it has been supporting refugee, migrant and Greek youth to participate in different integration activities and to build their skills in journalism, storytelling, sports and drama to foster dialogue and mutual understanding, both among themselves and within their host community. All in all, according to UNICEF data, **by May 2019 more than 40,000 refugee and migrant children and women in Greece had benefited from vital education, health, protection and accommodation services, supported by UNICEF with funding from the European Union.** Particularly, the organization contributed by: supporting the enrolment of 11,500 refugee and migrant children in Greek schools by the Ministry of Education; providing more than 12,000 children with homework support, language and remedial classes through NFE programmes to support their smooth integration into the Greek schools; providing care and protection to more than 2,500 unaccompanied refugee and migrant children, addressing their legal, health, mental health and education needs through targeted programmes including in protective accommodation centers in shelters and safe zones; providing more than 20,000 refugee and migrant children and families access to CFSH, with access psychosocial support, safe places for children to learn and play, GBV prevention activities, mother baby corners and legal counseling and, also, providing 23,000 doses of vaccine to the Greek Ministry of Health to ensure all refugee and migrant children are protected from preventable diseases, among other services.³⁰²

Finally, the last UN body related to refugee and migrant issues operating in Greece is no other than **IOM**. The *Office of IOM* in Greece has had a long cooperation experience with the Greek Government and the civil society, aiming at helping and supporting migrants through its programmes focusing on social and labor migrant integration, legal and orderly migration to EU and non-EU countries, enhancement of accommodation facilities, improvement of migrants' living conditions, counter of racism, xenophobia and human trafficking. In regards, to assisting refugees and

³⁰² UNICEF; Press Release: '*Over 40,000 refugee and migrant children and women in Greece supported by UNICEF with European Union funding*'. Found at: <https://www.unicef.org/eca/press-releases/over-40000-refugee-and-migrant-children-and-women-greece-supported-unicef-european> (accessed on 5/8/2019)

migrants in Greece in particular, IOM, has also played a pivotal role through its implementing projects since late 2015, upon the refugee crisis outbreak in the country, with its activities expanded *inter alia* to the assistance in the voluntary return and reintegration of refugees, their relocation to other EU member States, to site management support, to migrant integration in collaboration with the Greek municipalities, and to primary health care with implementing partners. Especially, in regards to refugee children, IOM Greece has been peculiarly active in the establishment and proper maintenance of the Safe Zones for UASC, and moreover, in the safeguarding of the right to education for all migrant and refugee children. For this cause, the so-called ‘*PEDIA*’ project³⁰³ was created, with the absolute purpose of providing education and immediate accommodation to refugee and migrant children in Greece; through this action IOM has been taking urgent actions to ensure that migrant and refugee children in need are immediately placed in a protective environment upon arrival to the country and receive tailored services, by providing direct assistance to beneficiaries at risk and supporting national authorities. When regarding the facilitation of formal education for migrant and refugee children in sites and hotels, IOM has been providing support to the Greek Ministry of Education during the entire school year through transportation services and the provision of necessary school material to children living in sites and hotels, in full coordination with the Greek Ministries of Education and Migration Policy, UNHCR and other actors.³⁰⁴ Furthermore, specifically targeted under the action of *PEDIA*³⁰⁵ are unaccompanied minors currently placed under insecure conditions that are in need of emergency accommodation and protection, as well as school aged children that run the risk of being excluded from formal education, unless they are provided with the necessary means and resources. On the one hand, when it comes to unaccompanied minors’ accommodation, the organization’s work has been such to ensure immediate accommodation in hotels of large number of UASC living on the islands, at land borders and in police custody. All actions are fully coordinated with national authorities and other international and national specialized actors, as part of the project activities’ implementation, such as *UNICEF, Doctors of the World / Médecins*

³⁰³ Funded by the Directorate General Migration and Home Affairs of the European Commission (DG HOME)

³⁰⁴ Specific areas of action: Attica and Northern Greece

³⁰⁵ More on IOM’s *PEDIA* project found at <https://greece.iom.int/en/providing-education-and-immediate-accommodation-migrant-children-greece-pedia> (accessed on 5/8/2019)

du Monde – Greece (MdM-Greece), and Greek NGOs: ARSIS and Iliaktida. IOM currently operates six³⁰⁶ *Unaccompanied Migrant Children (UMCs)* shelters aimed at providing **accommodation** and access to services addressing basic needs, such as: catering, hygiene, legal counseling and information about life opportunities in Greece, interpretation, psychosocial support, medical support, Greek learning programmes, learning support, organization of intercultural activities, creative employment and career guidance.³⁰⁷ In addition to this, as of March 2019, IOM has also been running the program ‘*MERIMNA*’³⁰⁸ – funded by the *Directorate General Migration and Home Affairs of the European Commission (DG HOME)* – which focuses on the safeguarding of refugee children at Greek border points. Through this action IOM targets migrants and refugees residing in RICs and in the mainland, with particular focus on children and especially UASC aiming to address the immediate need to improve living conditions and protection gaps. More specifically, in response to the particularly challenging living and protection conditions for refugees and migrants, IOM has been implementing targeted interventions to ensure that UASC have access to proper safe transit accommodation in RICs, receive immediate assistance by specialized staff in line with their best interest and are timely referred to more appropriate care arrangements in long term or temporary accommodation. Implementing partner, UNICEF, has simultaneously been addressing the needs of women and children residing in selected RICs through the operation of CFSH where access to education and child protection services is provided. *MERIMNA*’s ultimate goal is to reassure the enhancement of access of children and their families to formal education and structured NFE learning opportunities, with the ultimate objective of improving inclusion within host communities. IOM, in partnership with UNICEF, supports access to formal education through interpretation services aiming to facilitate communication and overcome language barriers between school staff and migrant/refugee students and their parents, thus promoting their integration and inclusion within Greek society.³⁰⁹ Finally, especially in regards to **Syrian refugee**

³⁰⁶ 4 shelters are located in the region of Attica: Kypseli I, Kypseli II, Ilion, Chalandri, 1 in Thessaloniki and another shelter is operating in the city of Patras, Greece.

³⁰⁷ IOM Greece Website: <https://greece.iom.int/en/operation-six-shelters-unaccompanied-migrant-children-greece> (accessed on 5/8/2019)

³⁰⁸ IOM Greece Website: <https://greece.iom.int/en/safeguarding-children-greek-border-points-merimna> (accessed on 5/8/2019)

³⁰⁹ *MERIMNA* is implemented in the Greek mainland, and the islands of Lesbos, Chios, Samos, Leros, Kos, by IOM in partnership with UNICEF, and NGOs; METAdrasi, NetHope.

families in Greece, for the period from April 2018 to April 2019, in addition to all the above and many more programmes targeted to the affiliated Syrian refugee population in the country, IOM fostered a particular program for the psychological and social support of Syrian citizens affected by the humanitarian crisis in Greece, which was funded by the *King Salman Humanitarian Aid and Relief Centre (KSrelief)*³¹⁰ The program's mission was to support national authorities in providing psychosocial and social assistance and targeted cultural mediation services to Syrian citizens stranded on the islands of Lesbos and Samos, with a particular focus on the most vulnerable, and to improve the living conditions of non-immigrant children accompanied by hosts in specialized facilities on the mainland by providing professional training courses.³¹¹

Beside the work of the UN in partnership with Greek NGOs and State actors, **INGOs** with an according *Office* in Greece have also played an essential role in assisting refugee populations in the country since the humanitarian outbreak – among which Syrian refugees and especially children. An indicative example of the above statement is the work of **the International Committee of the Red Cross (ICRC)** in Greece. The ICRC coordinates its activities in Greece with the larger emergency response led by the *Hellenic Red Cross (HRC)* and *International Federation of Red Cross and Red Crescent Societies (IFRC)*. In March 2016, the ICRC opened its mission in Greece. Although the organization's work takes place mostly in areas affected by armed conflict or other situations of violence, in the case of the refugee crisis in Greece since the establishment of its mission, it has been actively supporting to address the needs of vulnerable refugees, providing them with technical and operational support, with a specific focus in the field of *Restoring Family Links (RFL)*.³¹² Specifically, the ICRC has financially and technically been supporting the HRC Tracing Service – which helps refugees keep in touch with their family or look for their missing family members – by providing training and ensuring the service is equipped with the best available tools. In cooperation with the HRC, the ICRC has also been providing

³¹⁰ King Salman Humanitarian Aid and Relief Center (KSRelief) was established by King Salman bin Abdulaziz in 2015. The Supervisor General of the KSRelief is Abdullah bin Abdulaziz Al Rabeah. The center was established in the framework of the Saudi's efforts to alleviate the suffering of those in need worldwide. KSRelief has concluded a number of agreements with the UNHCR that aim at supporting refugees from Syria, Yemen and Rohingya. More information found on the organization's website: <https://www.ksrelief.org/> (accessed on 5/8/2019)

³¹¹ IOM Greece Website: <https://greece.iom.int/en/psychological-and-social-support-syrian-citizens-affected-humanitarian-crisis-greece> (accessed on 10/8/2019)

³¹² ICRC, Report: 'ICRC activities for migrants in Greece' (July 2018). Found at: file:///C:/Users/User/Downloads/icrc_activities_in_greece_for_migrants.pdf (accessed on 12/8/2019)

connectivity along the migratory route to avoid disruption of family links. One can understand, how crucial this may be in the case of children refugees in the attempts towards achieving family reunification, therefore, the work of the ICRC in this case, among its other services, has been of outmost importance for the assistance of Greek State actors. As of February 2019, the ICRC has collected more than 300 requests from families looking for relatives potentially missing in various shipwrecks in the Aegean Sea since 2015; almost half of these cases (45%) concern children.³¹³

Chapter 4: The Socio-Political Perspectives in Greece for Syrian Children Refugees

4.1 The Socio-Political mapping of Greece since the escalation of the refugee crisis (2015-2019); the Overview

‘Historic: important or likely to be important in history’; had we been given the option to describe the summer of 2015 for Greece in solely one word, then, looking back in time, no other word would better describe it than *historic*. A sudden spike of migration and refugee flows to Europe during the course of that summer – provoked mainly by the ongoing Syrian civil war – had a gigantic effect on Greece; the ‘bridging’ entry point to Europe. The unprecedented refugee phenomenon which subsequently generated the gravest humanitarian crisis of the 21st century had a tremendous impact on an already overburdened, from the economic crisis, Greece. On top of the backdrop of domestic economic and social hardship, the rise of the extreme right, the election of a left-leaning government with a conservative coalition partner, wider political instability, an unraveling solidarity between members of the European Union, and terrorist attacks in France, Belgium, and Germany, the peoples of Greece had to also face-to-face confront the mass influx of refugee flows pouring into the country. With unemployment hitting 23.3% in April 2016 (the highest in the

³¹³ ICRC Greece, Report: “ICRC Greece; Facts & Figures. 2018 at a glance” (February 2019). Found at: [file:///C:/Users/User/Downloads/greece_overview_of_activities_2018%20\(1\).pdf](file:///C:/Users/User/Downloads/greece_overview_of_activities_2018%20(1).pdf) (accessed on 13/8/2019)

European Union)³¹⁴ and the economy in full-blown recession, registering a 25% decline of gross domestic product from 2009 and into 2016,³¹⁵ it would seem a paradox that Greeks would display a show of sympathy and support for the daily waves of thousands that had to be rescued from sinking boats, to be received and registered on Aegean islands a few miles off the Turkish coast, and then transported to cities across the country. But indeed, they did. So, one would ask; how exactly did Greeks react and respond towards Syrian refugees, taking into account historic ties between the two nations, the ongoing recession, the rise of right wing extremism, and public emotions about the plight of families displaced by conflict and oppression?

Although the summer of 2015 was truly unprecedented, it was not until later that fall that the number of congested – with human lives fleeing war– boats, reaching the Greek shores, escalated like ever before. Arrivals to Greece peaked in October 2015, a month that saw over 200,000 refugee arrivals. By the end of 2016, the total number of people for 2016 stood at 173,450, according to UNHCR Greece data snapshot report of January 2017.³¹⁶ The cost of the refugee crisis on the Greek economy – even though Greece was thought to be as just a ‘transit’ country – was estimated at 0.3 % of gross domestic output, or an annual cost of over \$675 million³¹⁷ according to at the time head of the Bank of Greece, *Mr. Yannis Stournaras*. Following the agreement with Turkey and the border closings in the north, by 2017 Greece was found housing approximately 60.000 refugees,³¹⁸ requiring additional housing and services further pressuring an already flailing economy. It may seem astonishing that under these conditions of reactionary behavior among many of Greece’s EU partners, mounting security threats, financial constraints, growing regional geopolitical instability and an internal acrimonious political conflict over how to handle the economic crisis, both the Greek people and their leading political parties have shown maturity, self-constraint, and a constructive approach to the handling of the refugee crisis, taking

³¹⁴ EUROSTAT, ‘Unemployment Statistics - Statistics Explained’. Found at https://ec.europa.eu/eurostat/statistics-explained/index.php/Unemployment_statistics (accessed on 15/9/2019)

³¹⁵ Yiannis Papadoyiannis, *Credit Sector Shrinks by Half in Seven Years*, Newspaper Kathimerini (23 December 2015). Found at <http://www.ekathimerini.com/204608/article/ekathimerini/business/credit-sector-shrinks-by-half-in-seven-years> (accessed on 15/9/2019)

³¹⁶ UNHCR, *UNHCR Refugees/Migrants Emergency Response – Mediterranean*. Found at <http://data.unhcr.org/mediterranean/country.php?id=83> (accessed on 15/9/2019)

³¹⁷ Lydia Tomkiw, *Greece Refugee Crisis: Greek Economy To Be Tested In Processing Asylum Claims As EU-Turkey Migrant Deal Begins*.

³¹⁸ UNHCR, “UNHCR Refugees/Migrants Emergency Response – Mediterranean”. Found at <http://data.unhcr.org/mediterranean/country.php?id=83> (accessed on 15/9/2019)

care not to inflame negative sentiments but still addressing popular concerns. Both former Prime Minister during that time Mr. *Alexis Tsipras* and then opposition leader -and current Prime Minister-Mr. *Kyriakos Mitsotakis* had made Statements reflecting not only a deeper concern over the humanitarian aspect of the crisis, but also the need to move from logistical management to a new political and policy framework requiring global collaboration.³¹⁹ This is particularly important given that a March 2016 pan-Hellenic telephone survey showed that 70 per cent of those polled believed the movement of refugees to be a more permanent phenomenon, while only 29 per cent thought that this was a temporary problem.³²⁰

Taking a step back for the purpose of a wider analysis, domestically since 2010, Greece has been trapped in an economic whirlwind; the first casualty of the sovereign debt crisis. It has yet to recover its footing and return to growth. This instability and rapid deterioration of living conditions for the Greek people combined with extraordinary rates of unemployment have had social and political impacts that are ongoing to this day. 2015 was an especially difficult year for the Greeks and their economy. Elections in 2015 brought to power a coalition government led by a left wing party *SYRIZA* and a more conservative right wing partner *ANEL*. Both parties had stoked the hopes of Greeks that somehow the impossibly difficult economic measures that had been implemented could be overturned through renegotiation. They insisted that there was some plausible alternate plan that the newly elected government could introduce to its European partners to both maintain Greece in the Euro zone and reduce domestic hardship. This outcome was not to be realized. Protracted negotiations, the imposition of capital controls, the ousting of finance Minister Mr. *Varoufakis*, a referendum that produced one result in the ballot box and

³¹⁹ Kai Diekmann et al., 'Greek Prime Minister Tsipras Says Its Position in Europe Is 'a Blessing and a Curse,' Business Insider (March 6, 2016). Found at www.businessinsider.com/di-de-interview-with-alexis-tsipras-2016-3 (accessed on 15/9/2019)

Tsipras: "We are at a crucial moment for the future of Europe ... We will not push back people in the sea, risking the lives of children."

'Mitsotakis: Irthe i Ora na Perasoume apo ti diahirisi stin Politiki Epilisi tou Prosfigikou,'. Found at <https://www.skai.gr/news/politics/mitsotakis-irthe-i-ora-na-perasoume-apo-ti-diaxeirisi-stin-politiki> (June 20, 2016)(accessed on 20/9/2019)

Mitsotakis: "This is why it is time to shift from handling the refugee crisis as a logistical matter to approaching it in political terms. The refugee crisis is not exclusively a European problem. It is an international problem that necessitates cooperative action."

³²⁰Newspaper Iefimerida, '*Public Issue: Apili oi prosfiges, lene oi Ellines- Mia dimoskopisi-sok gia ola ta themata [grafimata]*', (24 March 2016). Found at <https://www.iefimerida.gr/news/258195/public-issue-apeili-oi-prosfiges-lene-oi-ellines-mia-dimoskopisi-sok-gia-ola-ta-themata> (accessed on 24/9/2019)

another politically followed by new elections in the fall of 2015, only served to heighten Greece's plight. Moreover, the protracted crisis gave rise to the significant growth and influence of the extreme right wing. Initially viewed as a passing reaction to a difficult reality, its electoral record was proven more durable, not affecting however the leading coalition.

When it comes to Syrian refugees, from the beginning and even in their darkest hour most Greeks felt a particular connecting bond. The exodus of the Syrian people brought back memories of the Asia Minor catastrophe of 1922 when Greeks left a burning Smyrna under chaotic conditions abandoning everything behind and seeking to find safety in the lands of mainland Greece. Many from the Pontos area had also fled Turkish persecution and found refuge in Syria.³²¹ Until the moment the mass influx of Syrian families reached the Greek shores, the war in Syria had largely been a news item for most people. In fact by 2012, and although the dead were already estimated to have reached 100,000, the conflict remained underplayed in the press and seemed to be far away from European land. By 2015 when violence in Syria had reached a crescendo, fighting intensified and the economy worsened, therefore leading thousands of Syrians to escape, by fleeing from their homes directly toward Europe. According to a UNHCR survey 86 per cent of respondents were internally displaced in Syria before starting the journey to Europe. More than 85 per cent of respondents came directly from Syria and were not living in another country before coming to Greece.³²² These developments spurred average Europeans to begin paying closer attention to the bombings in Aleppo and Homs. Moreover, the pictures of the drowning women and children filling the Aegean waters and the Greek media sent a shock-wave throughout Greek society. In the minds of average Greeks, Syrians were viewed as fellow Mediterranean people, with a long civilization, people who were both closer in culture and temperament, warm, family oriented, professionals that lived in a modern, organized largely functioning country (albeit under a dictatorial government) and therefore more familiar.³²³ When asked about how they thought of Syrians, interviewees generally answered that they viewed Syrians as more educated,

³²¹ Stavros Lygeros, *I Eisvoli ton Amahon*, Ekdoseis Pataki, Athens 2016.

³²² ReliefWeb, 'Questionnaire Findings for Syrians in Greece' (May 2016), Found at <https://reliefweb.int/report/greece/questionnaire-findings-syrians-greece-may-2016> (accessed on 25/9/2019)

³²³ From semi-structured interviews conducted with Greek citizens, volunteers, and policy makers in the fall of 2016.

family people and, though primarily Muslim in faith, more secular and easier to identify with culturally. Greeks knew that before the war, Syria was a home to large Christian populations and communities lived in relative harmony. Greeks tend to separate Syrians from the other migrants – even from those who could qualify for asylum. In a poll conducted in January 2016, two out of three Greeks responded that they felt compassion (38%) and sadness (29%) for the plight of the arriving refugees in 2015.³²⁴ The sympathy toward the refugees polled at 84 per cent and hit 90 per cent when those asked came from families that had been refugees themselves. Women and those holding a university degree also exhibited the highest percentages of sympathy for the refugees. Political leanings also played a role; for those who described themselves as belonging to the center and left sympathy reached 90-91 per cent versus those in the right wing which polled at 66 per cent. In that same survey, six out of ten Greeks polled had somehow contributed in assisting refugees with food (39%), clothing (31%), medical supplies and sanitation supplies (11%), money (10%), children's toys (7%), supplies (such as tents, blankets etc.) (5%), and personally volunteering (4%). Those who most contributed were the urban and suburban dwellers (62% and 61% respectively) versus those living in rural areas (45%) given that it is in cities like Athens where refugees were first brought from the islands. In interviews, volunteers have reaffirmed that ordinary people showed regular and generous support by driving to various sites, dropping-off supplies, particularly when the northern borders closed and people were first stranded and desperate.³²⁵ In response to the crisis, refugee camps were set-up to accommodate the influx of the arriving masses. Some were organized like the *Elaionas* camp in Athens that had the necessary infrastructure to operate quickly and more or less efficiently. This was an initiative taken by the *Municipality of Athens* that has been amongst the most proactive in helping to deal with the refugee crisis, even though technically it does not have direct jurisdiction on the matter. Other facilities were the exact opposite, such as the site at the old Greek airport '*Ellinikon*' which has been condemned both within Greece and internationally as being sorely inadequate for the housing of so many

³²⁴ 'Erevna Gia Tis Staseis Tis Koinis Gnomis Apenandi Sto Prosfigiko Fainomeno', Public Issue, (January 2016). Found at <https://www.publicissue.gr/12701/refugees-2016/> (accessed on 25/9/2019) 'Dimoskopisi Public Issue: To 84% Ton Ellinon Niouthoun Sibathia Kai Allilegii Gia Tous Prosfiges,' TVXS - TV Horis Sinora. Found at <https://tvxs.gr/news/ellada/dimoskopisi-public-issue-84-ton-ellinon-niouthoun-sympatheia-kai-allilegyi-gia-toys-pros> (accessed on 25/9/2019)

³²⁵ From semi-structured interviews conducted with Greek citizens, volunteers, and policy makers in the fall of 2016.

people. What was supposed to have been a temporary solution for a few months until March 2016 continued to operate into 2017.³²⁶ With the passing of time, it became clear that the Greek State alone would not be able to effectively respond to the complexities on the ground. On this matter, the Greek Minister of Migration at the time, *Mr. Mouzalas*, issued a warning on the future of Greece in the case of the even greater increasing number of inflows combined with the slow and unprepared response mechanisms of the EU. The Minister Stated bluntly that Greece “*cannot solve the refugee crisis. It can only undertake crisis management.*”³²⁷ In that instance, local and international NGOs stepped in to assist in a predicament situation where Greece had to face, amongst others, overcrowded conditions and management difficulties in hotspots and RICs aggravating an already tense situation, and new refugee arrivals day by day on the one hand, whilst an extremely slow-paced resettlement procedure for refugees in the EU with delays caused because of the reluctance of member States to live up to their obligations, on the other. Over the course of the last two years, since 2017, the EU has helped by sufficiently increasing the emergency aid funds towards Greece, as to help the country improve living conditions for refugees and the management of the refugee crisis. To this day, EU funding is mostly distributed through international organizations and NGOs – strengthening therefore the capacity building of the private and nongovernmental sector – missing, however, the opportunity to also strengthen State services and personnel directly to a greater extend.

But the question one may reasonably ask regarding the social dynamics is; *has the opinion of the Greek people on refugees in Greece changed over the course of the past four years or not?* In a recent May 2019 survey conducted on Greeks by the ‘*More in Common*’ foundation – with the title “*Perceptions of Ethnic Identity, Immigration and Refugees in Greece*” – on how they perceive the terms “*identity*” and “*otherness*”, out of a sample of 2,000 adults, it was found that the Greek people are sympathetic toward the well-arrived refugees and immigrants.³²⁸ Moreover, a high percentage of

³²⁶ Newspaper In.gr, ‘Apergia Peinas Xekinisan oi Prosfiges sto Elliniko’. Found at <http://news.in.gr/greece/article/?aid=1500128236>. (accessed on 26/9/2019)

³²⁷ Newspaper Kathimerini, ‘Anisihia Y. Mouzala Gia to Prosfigiko’ Yannis Elafros, (August 4, 2016). Found at <https://www.kathimerini.gr/869980/article/epikairothta/politikh/anhstyxia-g-moyzala-gia-prosfigiko> (accessed on 26/9/2019)

³²⁸ Ioanna Fotiadi, ‘Erevna: Ti Fovountai i Ellines, Pws vlepoun tous Prosfiges’, Newspaper Kathimerini (May 5, 2019). Found at

respondents believed that immigrants are willing to work harder and with lower pay (77%) and that they are trying to integrate into the Greek society (56%), while some responded that Greece as a Christian country, must meet their needs (64%). Furthermore, 50 per cent of those questioned declared that they had made a donation in money or in kind (clothes, food, sanitary ware) in the last year, 40 per cent knew a refugee personally, while 38 per cent knew a volunteer personally. What is interesting however, based on findings of the same pole, is that even though Greeks may sympathize with refugees, they somehow value the phenomenon of migration negatively stating that refugees “*burden the welfare State and drain national resources*”(51%). Contradictions are also found elsewhere; 51 per cent of the respondents considered that many aliens enter Greece in order to claim refugee status while migrating for economic reasons. Finally, 77 per cent were critical of the European partners for ‘using’ Greece; while 73 per cent did not trust Turkey as a partner in managing the refugee crisis.

Despite the terrific pressure the Greek society has suffered over the last ten years, the country is not as polarized ideologically as other European nations. Notwithstanding Greece’s good intentions and paradoxically positive handling of the refugee crisis, if massive population movements are truly the next major global challenge then a global plan is now necessary to help stabilize an imminent and no longer temporary explosive situation.

4.2 Syrian children refugees in the Greek society

4.2.1 How Greek Media shaped the Greek society’s opinion on Syrian children refugees

On 2 September, 2015 time froze for the international community. On that day, a shockingly tragic photo of a toddler lying face down on a sandy beach in Turkey had spread all over the media; the lifeless body of later identified as Syrian three-year-old,

<https://www.kathimerini.gr/1022858/article/epikairothta/ellada/ereyna-ti-fovoyntai-oi-ellhnes-pws-vlepoyn-toys-prosfyges?fbclid=IwAR1v8IA7BBDI2kAJCf1SHrSVXgJuIwEqJeDu4F750Ir3LdEZiS-5QAbsbRY> (accessed on 27/9/2019)

Aylan Kurdi, had been washed ashore after the rubber boat, carrying him and his family, capsized while en route to Greece. It was that same photograph that gave the world a strong wake-up call on the Syrian civil war, thus raising worldwide attention to the unimaginable, subsequent refugee crisis and highlighting the perilous journeys of refugee children escaping from war. One single photo of a single individual — that remains indelible to this very day — was able to stir emotions and arouse public concern more powerfully than any statistical reports of body counts, which at that point (five years into Syria's civil war) had reached hundreds of thousands. Until the photograph appeared in September 2015, people did not seem focused on the humanitarian crisis in Syria. Aylan's photo, however, mobilized empathy soon bringing in record donations to charitable organizations around the world to aid the victims.

In the meantime, Greece was facing a politically charged and particularly tense period, as a consequence of the economic crisis. For the second time – in nine months – the country was heading to elections, after having just survived a divisive referendum, and at the same time was struggling to cope with financial controls. In this context, the unprecedented influx of devastated refugees served as a ‘cherry on top’ of the already existing crisis, therefore, giving space for racist and xenophobic rhetoric to sprout. It is during this time, albeit, that the refugee crisis stood out in the country because of the enormous human tragedy and human suffering it brought. The photo of young Aylan provided a window of opportunity for Greeks to give and to feel commiseration for the situation, and acted as a catalyst for Greek media to rapidly increase the number of stories about the crisis. *“A tear for Aylan”*..., *“It looks like he is sleeping”*... *“the lifeless baby bodysuit has been washed away”*... *“images of sadness and endless pain”*... *“hope has been washed away”*... *“the shocking photo”*... *“the horror photo”*... *“the refugee tragedy”*.... *“the world was shocked”* ... *“unbearable pain ...”*; these are only very few of the words and phrases found in established Greek newspapers, such as *Kathimerini*, *Eleftheros Typos*, and *Efimerida Ton Syntakton*, used to describe the photo and portray the situation back in 2015.³²⁹ In

³²⁹ The research was based on the way the event was covered by Greek electronic publications of newspapers, during the period of September 2015 (from 2/9/2015 to 9/15/2015). The media outlets were selected based on the traffic criterion, while the search resulted in a total of 20 publications of that time period. The latter were analyzed in terms of their text and photographic material that accompanied them. Key analysis parameters were: the content (focus, thematic and event), the journalistic discourse,

terms of being more specific, in the case of Greek newspaper *Efimerida ton Syntakton*, the photo of deceased Aylan was published on the front page. It also appeared on the inside pages alongside the title “*This is your Europe*”.³³⁰ After that, the number of positive humanitarian and domestic stories quadrupled in *Efimerida ton Syntakton*, (compared to June 2015). The newspaper continued throughout the month to cover the crisis in a compassionate and sympathetic way, with the same intensity. Humanitarian pieces were mostly focused on the migrants’ journeys and the way they were treated by the authorities, their living conditions, emotions and the volunteers who were helping them. The stories also highlighted the injustices (allegations of racist attitudes and exploitation) and gave refugees a voice to describe what they had been through. Aylan became a reference point for the newspaper, which in subsequent similar incidents (drowning of children) used headlines such as “*Four other Aylans*”. On the other hand, the rather conservative newspaper *Kathimerini* chose not to publish the photo of Aylan on the front page.³³¹ However, a story on the inside pages of *Kathimerini* featured the front page of a foreign newspaper with the child’s photo.³³² This inconsistent attitude was explained in another article published in *Kathimerini*, in which two journalists debated whether the photo should be published. The journalist who argued against the publication said the photo would nourish morbid curiosity and that its powerful message had been cancelled by its continuous appearance in social media. From this event onwards, references to the refugee crisis doubled (in comparison with June 2015) on the news pages of *Kathimerini*. However, the research did not record any significant change in the newspaper’s approach to the issue. Most of its humanitarian and domestic stories – with some important exceptions of sympathetic stories – were negative towards refugees. These included reports about fears connected to the economic impact on tourism for the islands, protests and concerns about the cost of hosting migrants and refugees. On a general note, the prevalence of the child’s representation under a “romantic” scope through the journalistic discourse was evident; children were treated as a separate social group,

framing, and the dominant emotions that stood out so much from the narration of the author, as well as, from the statements of the protagonists that included in the post.

³³⁰ Lambrini Papadopoulou, ‘*How Media in Greece Reported the Migration Crisis*’, *European Journalism Observatory- EJO* (3 December, 2015). Found at <https://en.ejo.ch/media-politics/media-greece-reported-migration-crisis> (accessed on 27/9/2019)

³³¹ A similar attitude was recorded in newspapers in Poland, Czech Republic, Latvia and Ukraine according to a recent study by EJO.

³³² Papadopoulou, ‘*How Media In Greece Reported The Migration Crisis*’

constantly at risk.³³³ An overall feeling of responsibility was subsequently aroused in the Greek society, via the works of the media. Meanwhile, in a minority of publications the use of dichotomous discourse, seemed also to be evident, with racist language having a say giving hate speech its own room to penetrate into people's minds.

It was not until a year later, although, when this strong racist rhetoric was more obvious in some Greek media outlets; an "inflammatory" discourse, that incited phobic syndromes and bombarded readers with ideologically and symbolically charged threatening terms, targeted at refugees.³³⁴ *“Health bomb ... fear in the islands due to thefts and incidents ... suffocating situation ... uncontrolled situation ... fires, incidents, panic ... widespread anxiety ... borderline situation ... in refugee furnace ... refugees and hyenas ... no hygiene ... type bomb ... alarming dimensions ... chaos ... immigration and crisis ... the next explosion may be worse ...”* are just some of the expressions that had dominated the newspapers at the time.³³⁵ When it comes to local newspaper outlets in the Aegean islands in Greece, survey shows that ever since the summer of 2015 no reference to refugee children – as a separate social group of victims of the refugee crisis – has been made, and furthermore, neither reference to the drowning of three-year-old Aylan, nor to the attendance of refugees in schools.³³⁶ To this day, the references to refugees made by local newspapers on islands can be described by two main characteristics; firstly, newspapers have been imposing dividing lines, generalizing and structuring the identity of refugees and migrants on the basis of the polarization between "us" and "others", and secondly, generalizing and focusing on presenting refugees as a "problem" or "threat" to the Greek society, thus associating them with crime, insecurity and lawlessness. *“Lesbos in Emergency... Visible Social Explosion... Explosion Coming... Hell... Fires...*

³³³ Tsitsanoudis – Mallidis, N. & Derveni E. (2018). *The linguistic representation of the recent refugee crisis in the journalistic discourse. Case description of the death of the three year-old refugee boy in the Greek online media*, 6th European Congress of Modern Greek Studies: “The Greek World in Periods of Crisis and Recovery, 1204-2018” European Society of Modern Greek Studies (EENS), in association with the Department of Modern Greek Studies at Lund University. Sweden. 4-7 October 2018

³³⁴ Ibid.

³³⁵ The research was based on the way the event was covered by Greek electronic publications of newspapers (*Kathimerini*, *Eleftheros Typos*, and *Efimerida Ton Syntakton*), during the period of September 2016.

³³⁶ Tsitsanoudis – Mallidis, N. & Derveni E. (2018). *Emotive language: Linguistic depictions of the three year-old drowned refugee boy in the Greek journalistic discourse*, INTERFACE, Journal of European Languages and Literatures, 6, 1-38. National Taiwan University.

Damages... Invasion Moves on... Irreversible Situation... Crime Must Stop... Nightmare Image in Occupied Mytilene... Immediate Decomposition transportation ... refugee tsunami ... forced actions ... boiling cauldron ... veil of phobia has covered Chios ... hurricane ... they have loaded the problem on Chios .. the peaceful life of our country is disturbed ... Save everything is saved ... the situation has become unmanageable ...”are only some indicative headlines showcasing this rhetoric tactic during the first two years of the humanitarian outbreak.³³⁷

In light of the attempts that had been made to integrate refugee children in the public educational system, xenophobic phenomena grew to a larger extend within the wounds of the society – especially in the islands where influence by the media outlets was, and still is, predominant. By the fall of 2016, 20,000 refugee and migrant children (from the 38 official refugee centers) had begun school. The *Ministry of Education* had spent the previous summer feverishly preparing. It had been estimated that 800 receiving classes were necessary to accommodate the large number of children.³³⁸ Though there had been difficulties and delays ranging from logistical problems to isolated parent reactions because of ‘health concerns’ combined with a dose of ‘veiled’ xenophobia, in the end, all children living in the country at that current time were enrolled in public school classes. The reactions related to this ‘veiled’ xenophobia were in some cases publically expressed via protests by the above mentioned group of parents who were against the enrolment of children refugees in schools – based on their beliefs – and by associated political representatives of the far right movement. Such reactions have been recorded throughout the years, from 2016 even until 2019, especially during the season of fall when children are enrolled in school. Although, such reactions have been particularly evident in the Greek inlands of the Aegean (Chios, Samos, Lesbos)³³⁹, but in the mainland as well (Northern

³³⁷ Ibid.

³³⁸ Dimitra Tsabodimou, ‘*Ta Prosfigopoula Tha Pane Scholio Para Tis Andridraseis*,’ *Efimerida Makedonia Tis Thessalonikis*, (10 September 2016). Found at http://www.makthes.gr/news/GR/reportage_S/reportage_C/Ta_prosfigopoula_tha_pane_sholeio_para_tis_antidraseis (accessed on 27/9/2019)

³³⁹ Giorgos Pagoudis, ‘*DE Theloun Prosfigopoula Sta Sholia Tis Chiou*’, Newspaper *Efimerida Ton Syntakton* (13 Aug 2018). Found at https://www.efsyn.gr/ellada/dikaionomata/160776_den-theloun-prosfigopoula-sta-sholeia-tis-hioy (accessed on 28/9/2019)

-Newspaper *iEfimerida*, ‘*Samos; apehoyn oi mathites apo ta mathimata den theloyn prosfigopoula sta sholeia*’. Found at <https://www.iefimerida.gr/news/485821/samos-apehoyn-oi-mathites-apo-ta-mathimata-den-theloun-prosfigopoula-sta-sholeia> (accessed on 28/9/2019)

Greece, Region of Attica),³⁴⁰ the fact that they were generated by minorities (comparatively to the general population) prevented them from causing a greater impact on refugee children's school attendance.

4.2.2 Awareness raising initiatives for the rights of children refugees in Greece

Since the beginning of the refugee crisis, international organizations in cooperation with NGO's and State authorities have been working collectively to raise public awareness on the humanitarian crisis and the needs of refugee children in Greece. A characteristic exampleserving as indicative proof is the initiative taken by UNHCR and UNICEF to sponsor public eventscelebrating the rights of refugeeson international days, such as*World Refugee Day* and *World Children's Day* accordingly. Since June 2016, UNHCR's events for the celebration of World Refugee Day, in various locations in the country, have been carried out in close partnership with municipalities and local NGOs, so as to commemorate the strength, courage and perseverance of millions of refugees. In these events, communities, schools, businesses, faith groups and people from all walks of life are invited to take their steps in solidarity with refugees. Moreover, refugee children are given the floor to create, discuss, learn, make proposals, search for solutions, play, photograph and sing all together via activities and workshops, sending a strong message of solidarity and peaceful coexistence. In the most recent celebration of World Refugee Day in 2019, a joint event with refugee communities, local authorities and UNHCRpartners was held in the city of Athens including screenings, discussions, photo exhibitions and parallel activities organized for children, while Greek/Syrian street food within the 'Cooking #WithRefugees Festival' was served to celebrate both cultures as a means of promoting the integration of Syrian refugees in the Greek society.³⁴¹ Meanwhile, UNICEF Response Team in Greece has been celebrating the rights of refugee children in the country since 2016. Every year, on the occasion of World Children's Day, in

³⁴⁰ Timios Fakalis, '*Imathia: ston aera i metafora prosfygopoylon sta sholeia*', Efimerida Ethnos, (12 September 2019). Found at https://www.ethnos.gr/ellada/60500_imathia-ston-aera-i-metafora-prosfygopoylon-sta-sholeia (accessed on 28/9/2019)

- Newspaper Efimerida Ton Syntakton, '*Goneis sta grebena antidroyn sti foitisi prosfygopoylon sto sholeio*'. Found at https://www.efsyn.gr/ellada/koinonia/186496_goneis-sta-grebena-antidroyn-sti-foitisi-prosfygopoylon-sto-sholeio (accessed on 29/9/2019)

³⁴¹ UNHCR Greece, World Refugee Day 2019 in Greece. Found at <https://www.unhcr.org/gr/en/world-refugee-day-2019> (accessed on 29/9/2019)

close collaboration with the municipalities of Athens and Thessaloniki and with the support of implementing partners,³⁴² UNICEF organizes two parallel events which include a series of creative, interactive activities and educational games that aim to inform children about their rights, the Sustainable Development Goals (SDGs) and how they can help create and maintain a safe learning environment in their schools. In these events, refugee children, as much as Greek children, are invited to celebrate their rights together – alongside one another – with the ultimate goal of creating bonds beyond cultural and linguistic barriers through play.

Apart from the above events, as part in the attempt to raise public awareness on the rights of children refugees in Greece, UNICEF Response Team has also sponsored awareness raising campaigns on various Greek media outlets; TV, radio, print, and social media platforms targeted at the Greek audience. Commercials, articles and social media (Facebook, Instagram, Youtube etc) campaigns with human interest stories, showcasing the lives of refugee children, have been produced and projected on the one hand, in order to inform the Greek society about the situation on refugee children and their families in RIC's and open accommodation sites and about the importance of safeguarding their rights, whilst on the other hand, to show the positive results of inclusive education for refugee and migrant children by highlighting the role of schools and non-formal education in their rapid and successful integration into Greek society. Particularly, in terms of being more precise, the social media campaign for Greece that ran on Facebook throughout the winter of 2018, named "*Mazi, gia ola ta paidia*", (translated in "*Together, for all children*") managed to reach over a million users in Greece and share key messages on refugee children with over 2,000 Facebook followers in just its first week of launch.³⁴³ (See Figure 17)

³⁴² Greek NGOs: ELIX, SolidarityNow, Organization Earth, ARSIS, METAdrasi, and El Systema Greece.

³⁴³ UNICEF Refugee and Migrant Response in Greece, Facebook Campaign "*Mazi, gia ola ta paidia*". Found at <https://www.facebook.com/mazigiaolatapaidia/> (accessed on 1/10/2019)



Figure 17: Source: UNICEF Refugee and Migrant Response in Greece: *Facebook Page for the Response Office's 2018 campaign "Μαζί, για όλα τα παιδιά"*. Found at <https://www.facebook.com/mazigiaolatapaidia/>

Furthermore, UNICEF has partnered with Greek independent authorities to shape informational and awareness raising tools that further spread the word on the rights of children refugees in Greece. One such best practice case is the collaborative work between UNICEF and the Greek Ombudsman. The latter resulted in the creation of tangible tools, destined for primary school age children in public schools, that help instill a feeling of compassion towards other children their age, no matter their ethnic background or civil status. In the first case, an informational, child friendly website was created, on which children can navigate in six different languages (English, Greek, French Arabic and Urdu) to learn about their rights, as well as about the rights of children on the move.³⁴⁴ (See Figure 18) In the second case, an illustrated manual – in the form of a coloring book – encourages primary school children, initially, to learn about the rights of children on the move and the difficulties they confront, and secondly, to discuss with their parents and teachers on how to protect their rights, the rights of other children and express their opinion. By cultivating children's empathy and critical thinking at a young age, the ultimate goal of better integration of all children in the social and educational environment is closer to being reached.³⁴⁵

³⁴⁴ See <https://www.synigoros.gr/paidi/news.html> (accessed on 5/10/2019)

³⁴⁵ The Greek Ombudsman, Press Release: *Actions for the rights of children on the move* (14.3.19). Found at <https://www.synigoros.gr/resources/20190314-dt.pdf> (accessed on 5/10/2019)

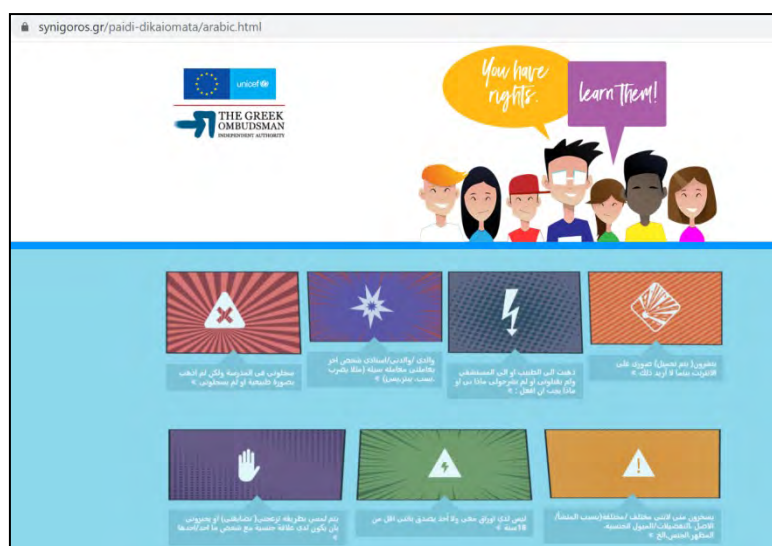


Figure 18: Snapshot of the jointly created, by UNICEF & the Greek Ombudsman, child-friendly website aiming at informing children about their rights; available in Arabic. *Found at <https://www.synigoros.gr/paidi-dikaionata/arabic.html>*

All in all, raising public awareness – via various and numerous outlets – on the situation of refugee children in the country is a fruitful communications method that ought to be used in order to achieve the goal of informing the society on the magnitude of the humanitarian crisis the refugee phenomenon has created. Only by showcasing refugee human lives in the media or giving the floor to personally meet them, can Greeks truly understand the real difficulties refugees face and thus genuinely relate and even bond with them. Empathy is not an emotion that can be forced or instilled, however, where there is opportunity, it can spark and flourish and help people understand other's feelings even when they haven't shared the same experiences.

Chapter 5: Human Interest Story (HIS); the life of a Syrian Refugee child in an Open Accommodation Site in Greece

In this Chapter, the reader may find a **Human Interest Story (HIS)** on the life of a young refugee child from Syria – currently residing in an Open Accommodation Site in Greece – cited. This HIS is an eye witness testimonial of this Paper’s writer, who served as a Communication Intern for UNICEF Refugee and Migrant Response in Greece, from September 2018 until March 2019. During this time, the writer visited Open Accommodation Sites in Athens, met refugee children and interviewed them (always with the written consent of their parents or legal guardians), so as to generate informative content to be shared on UNICEF regional and global channels of communication.³⁴⁶ The purpose of the cited HIS is to highlight how important the role of *education* – either formal or non formal – is in the development and integration of refugee children from Syria, in Greece. See HIS below;

“The light of hope through the lens of Education”

By Effie Papadopoulou – *Communication Intern, UNICEF Refugee and Migrant Response, Greece*

25 February, 2019 – It’s almost 5pm and the sun has already set in urban Athens. From the Open Accommodation Site in Eleonas, just a few kilometers away from the city centre, you can see the lights shining over the Acropolis; the symbol of democracy and the eternal, spiritual light itself. So close, yet so far as you can feel that for some mysterious reason this “light” cannot reach the Site; the latter is a place where agony, despair and human misery are at front. There is no room for “light” here... or is there?

We, UNICEF colleagues and I, are heading towards the container where local partner ELIX hosts a Learning Centre. As we walk in, we see a group of 10 young, refugee students sitting around a big table with their teacher right in the middle speaking to them in Greek. They look at her with such admiration and wait for every word that comes out of her mouth. Vera, the teacher, suddenly cries: “*Bravo Malak! Well done!*” I look among the girls in the container and find one with her face all lit up with joy responding “*Thank you Ms. Vera!*”; of course this is 8-year-old Malak*³⁴⁷,

³⁴⁶ Note that, the Human Interest story may be found listed as promotional and informational material in the archive of UNICEF’s ECARO Regional Office. It has not been published yet, to this day.

³⁴⁷ *Name changed for protection reasons.

the little refugee girl from Syria who proudly shows off her school notebook, where her teacher graded her with an excellent mark for writing a paragraph on an afternoon spent with her family, in Greek- all by herself.

Malak's daily routine is full of educational activities. She attends morning classes at a public elementary school in Athens till noon, rests for a couple of hours and then heads to her afternoon classes, at the ELIX Learning Centre, where her teacher helps her with her homework. *"I really like going to school. My favourite class in school is Math and my favourite teacher at ELIX's classes is Ms. Vera. She is really nice and always helps me"*, says Malak.

The ELIX Learning Centre in Eleonas, has been providing NFE classes to refugee and migrant children since October 2017. The program aims, through a network of educational and psychosocial activities, at the daily support of refugee and migrant children in order further accelerate their integration in the educational system. More specifically, the services offered through the program are focused on children aged 3-17 years and are associated with the pedagogical support of students through the teaching of Greek, English and Mathematics. *"At Eleonas, approximately 120 children of all classes are involved every day, while the number of enrolments in all our educational centers since the beginning of the program to date amounts to 3,250 children"* says Ms. VanaStavridi, Program Coordinator of ELIX's 'Learning for Integration Project: Quality Learning and NFE for Refugees and Migrant Children in Greece'. The ELIX Learning Centre in Eleonas is supported by UNICEF with funding from the European Commission (*European Civil Protection and Humanitarian Aid Operations, DG-ECHO*).

"I hope that I will continue to go to school because I really like Greek and I have made new friends. I am happy!" says Malak, with a bright smile on her face which is amazingly contagious. I cannot help but smile back at her and come to think that hope, light and spark can truly be found even in the most unexpected places.

UNICEF is currently managing sixteen NFE centers around Greece in collaboration with local implementing partners. Through these centers UNICEF is supporting refugee and migrant children with homework help and remedial classes while also providing basic language and life-skills classes. Since mid-2016, more than

9,500 refugee and migrant children have benefited from UNICEF's NFE interventions in the country.

UNICEF is also supporting efforts by the Ministry of Education to provide access to formal education for roughly 12,000 school-age refugee and migrant children. In this direction, UNICEF is providing interpretation services in schools, training teachers on intercultural education, teaching Greek as a second language, and assisting in data collection and analysis to improve national level planning.

Let's help all refugee and migrant children have the ability to exercise their rights to their full potential by having access to Education. Let's support them in lighting up rooms with their energy and smile; just like Malak.

For Every Child, Education. For Every Child, Hope!

Conclusions

Since the beginning of the Syrian conflict in 2011, as in all conflict-induced population movements, families fleeing Syria sought refuge as close as possible to their home with the hope of returning back soon enough. In the first instance they

rushed through the nearest border to its neighbouring countries: Turkey, Lebanon, Jordan, Iraq and Egypt – which in turn have by far assumed the bulk of the refugee burden. It was not until 2015, however, when the escalating violence in Syria reached its peak therefore causing an unprecedented increase in refugee flows. Due to the magnitude of the humanitarian crisis generated by the conflict, the swelling refugee crisis stretched beyond the borders of its neighbouring countries and into the shores of Europe in an alarming pace. Shaken by the brutality of war, Syrians considered the European continent to be the optimal destination for safety; an “oasis” where the right to protection could be called upon by asylum- seekers on the basis of unilaterally accepted refugee Treaties. (*See the 1951 Convention relating to the Status of Refugees and its Optional Protocol*). In that same year alone, more than one million people reached Europe by sea. A clear majority of these arrivals – a high percentage of which were children – came into Greece, with nearly all the rest entering through Italy. The journey was treacherous for all, and lethal for too many as thousands died en route or were reported missing in the Mediterranean Sea. From the above, one can clearly understand the reasons why the swift change in context of the refugee and migrant legislation in the EU was deemed necessary. (*See Chapter 2.3.2*) Specifically, border closures and migration policy changes along the Western Balkans route, beginning in late 2015, followed by the introduction of *the EU-Turkey Agreement in March 2016*, which forced a great deal of asylum-seekers to return to Turkey, caused the dramatic plunge of the above presented numbers but simultaneously changed the paths that families were forced to tread, often pushing them into more dangerous and desperate journeys along different routes. Inevitably, smugglers gained power over time while human trafficking, violence, and exploitation turned into a living nightmare for thousands of souls. And while some considered the view of a rubber boat leading to Greece as a sight for sore eyes and a passport of safety, others knew better than to assess this sight as another part of their dangerous journey. Only the lucky ones would reach the shores of the Greek islands where, in turn, frustration upon claiming asylum and international protection would await.

In spring 2019, four years after the sudden and unprecedented massive influx of asylum-seekers in Europe, the conflict in Syria entered its ninth year. And while there are no indications of the conflicting parties of the war reaching a consensus any time soon, children seem to be the ones paying the highest price; grave violations of

children's rights describe the ongoing crisis not only as a humanitarian and displacement crisis, but first and foremost, as the largest protection crisis of the 21st century. In search of protection and hope for a better future, Syrian children are left with no other option than to continue to chose – what turn out to be – arduous journeys either to neighboring countries or Europe with the cost of risking it all; and by all meaning their own lives. For many children On-The-Move, drowning is just one of the numerous risks they face along their journey, which can take them several thousands of kilometers over mountains, across deserts, and through violence-torn regions. They risk dehydration, kidnapping, robbery, rape and extortion, as well as detention and beatings by the authorities or militias. Unaccompanied and separated children are at particular risk of abuse and exploitation, notably from the smugglers they rely on to get to safe lands, such as Europe. Just about every Syrian child who arrives on the Greek island of Lesbos or Evros, the Greek land border with Turkey, has a harrowing story to tell. And, yet, beneath the paradox of reaching a safe refuge via a perilous travel, lies the desirable grant every Syrian child On-The-Move agonizes to claim; Asylum.

Today, the situation in Europe still remains fluid, requiring flexible and agile response to the evolving short and longer-term needs of refugee children and families. While many positive steps across Europe have been taken towards improving the protection of refugee children, far more needs to be done to urgently address some very worrying situations that they seem to face once they arrive in the region. The development of an EU guidance for Member States on the Best Interests of the Child in asylum procedures, capacity building for national authorities on Reception conditions for UASC, enhancement of service provision and the strengthening of child protection systems, the revision of the EU regulation on migration and asylum statistics, among others, marked important milestones in tackling with the refugee crisis. Nonetheless, progress at national level remains uneven and serious child rights concerns remain, especially in frontline countries carrying the greatest burden of the response. Overcrowded and overpopulated RICs, long asylum procedures due to extensive bureaucracy and lack of information, limited access to protection, healthcare and education services, discrimination and hostility in host communities, are the harsh reality many boys and girls unfortunately face upon their arrival. Such conditions, often compounded with psychological burden of worries about families

left behind in the home country or major uncertainty in countries of destination, seriously affect children's mental health and psychosocial and longer-term development.

This past year alone, more than one in every four refugees that reached Europe through the Mediterranean was a child.³⁴⁸ Greece, in particular, continued to be the primary entry point to Europe for refugees and migrants with nearly 25,000 children arrivals – 27 per cent of which were from Syria. This has led to severe overcrowding, especially in RICs on the islands, where conditions are highly inappropriate and services are scarce. Throughout the year, the Government of Greece has made commendable efforts to address the needs of refugees through the transfer of people from the islands to reception facilities on the mainland, such as, the enrolment of refugee children in formal education, the development of a national strategy for UASC, and the expansion of guardianship and alternative community based care modalities for this vulnerable group of children.³⁴⁹ Nevertheless, the never ending influx of children On-The-Move in addition to the limited resources and capacities at national level has raised additional barriers in the provision of adequate and efficient protection to all those seeking international protection. Still much more is deemed necessary in order to safeguard the best interest of refugee children in Greece. Although it is evidently proven with rich national legislation that Greece is a democratic country with a long history as an advocate of human rights that highly values the essence of international human rights law – as a signatory to numerous human rights Treaties³⁵⁰ – and particularly pays respect to the rights of refugees and of all children regardless of their civil status, when regarding the outbreak of the refugee crisis in the country, the state structures became somehow “numb” as a reaction to the mass influx of refugees, therefore, practically being unable to practice the rich legislation on children's rights fully. It could be said that, overnight, Greece was, just a ship, found in the middle of a turmoil trying to provide protection to the

³⁴⁸ **UNHCR**, *Desperate Journeys: Refugee and Migrant Children arriving in Europe and how to Strengthen their Protection; January to September 2019*.

³⁴⁹ In Greece, a new law on guardianship was passed in mid-2018. Among other things, the law broadens EKKA's mandate around care for unaccompanied children through the establishment of a new Division on Guardianship, which will oversee the identification, recruitment, training and management of a body of professional guardians for UASC.

³⁵⁰ Greece, as a State party to the major international human rights treaties, ratified the **1951 Convention relating to the Status of Refugees** by the Legislative Decree No. 3989/1959 (O.G. A' 201), as amended by the relating **New York Protocol** of 31 January 1967, which was subsequently ratified by the **Obligatory Law 389/1968** (O.G. A' - 125).

most vulnerable seeking refuge on the one hand, while on the other fighting to prevent a “fatal sink” with the minimum capacities and resources it had in hands. Shall we not neglect the fact that Greece is to this day still battling with gaining its economic stability after the economic recession of the last decade, which left a tremendous financial and sociopolitical impact on the country. In addition to that, the economic and political instability that had already been enrooted in the wounds of the Greek society for over a decade was another crucial factor that influenced the perception the Greeks had on the incoming refugees. However, despite the aforementioned, over the past four years the majority of the Greek people have remarkably shown immeasurable compassion towards children refugees, particularly from Syria. This is partially due to the fact that the Greek and international media outlets shed light on the ongoing war in Syria, the desperate journeys children On-The-Move have to take and even real life images of lifeless bodies of children lying on the shores and floating on the cold waters of the Aegean sea. On the other part, Greeks also showed particular compassion towards the influx of Syrians due to the historical ties between the two countries which go a long way back in time. The reality is, however, that compassion alone cannot promise protection. Greece is to this very day still battling at the forefront with the refugee crisis, in a battle where its share in the burden seems to be uneven in comparison to other EU countries. The EU has indeed, financially supported the country with generous funds to tackle with the ongoing refugee influx (*See Chapter 3.3.1*), but this alone seems not to be sufficient, otherwise the situation would have been ameliorated. The truth is that groundbreaking measures ought to be taken on the matter as to reassure that immediate yet efficient solutions are provided to the Greek state apparatus, but to the entire region also. On the one hand, more EU countries ought to offer to share the burden of the refugee crisis equally with implementing what is set forth in the 1951 Convention.³⁵¹ Asylum procedures, relocation and family reunification based on the best interest assessment ought to be carried out in a timely manner, and not blocked by national interests and populist tactics. After all, raising “walls” can only keep refugee children away from their families, block their development and psychosocial wellbeing. In a nutshell, the EU

³⁵¹Indeed, out of the 200,000 children who sought international protection across Europe in 2019, the large majority were found in just four countries - Germany (36 per cent), Greece (13 per cent), France (12 per cent) and Spain (11 per cent); Source: **UNHCR**, *Desperate Journeys: Refugee and Migrant Children arriving in Europe and how to Strengthen their Protection; January to September 2019* (October 2019). Found at <https://data2.unhcr.org/en/documents/download/71703> (accessed on 25/10/19)

Institutions and European Governments should take more drastic actions in order to protect the rights of refugee children. Specifically, such actions include: a) increasing pledges to relocate unaccompanied and separated children – particularly those in Greece, Italy and Spain; b) fast-tracking family reunifications for children who already have relatives living in the rest of Europe; and c) urgently increase funds to support and strengthen response efforts of European countries receiving the largest number of refugees. Once children enter Europe, EU Governments should work together to ensure all refugee children - accompanied or not - have access to safe and adequate shelter, eliminating detention as an option. It is essential that children have immediate access to essential services at all stages of their journey, while the existence of safe passages and legal pathways must be ensured at all times. Also, specialized accommodation, foster care, guardianship and other measures are needed to ensure every unaccompanied or separated child realizes his/her right to grow up in a caring environment.

And while the EU has many more steps to take towards this accomplishment, the UN's practical support towards this direction is immensely required; a global crisis, demands global actions. Returning to the case of Syrian refugee children in Greece, the humanitarian response of the UN has sincerely been worthy of mentioning. At a national level, over the course of the past four years, all UN agencies directly focusing on refugee, migration and, children's rights – UNHCR, IOM and UNICEF respectively – have strengthened cooperation with relevant ministries, specialized state agencies and municipalities (e.g. Athens and Thessaloniki) with the aim of expanding the availability of services and strengthening national policies and practices to better integrate refugee children into national protection and education systems. Efforts have also focused on the development and expansion of national referral pathways for GBV survivors and at-risk populations, and Standard Operating Procedures (SOPs) for the protection of UASC. Additional investments have also been made to build the capacity of local social workers and school teachers on inclusive education, psychosocial support, and other relevant topics. The collaboration amongst UN Agencies in the country and with the Greek state since the outbreak to this very day remained pivotal. It helped generate evidence, amplify advocacy efforts and leverage resources for refugee children on the ground. More concretely, it resulted in three new UN to UN partnership agreements in Greece to cover critical needs on both mainland

Greece and Lesbos. Particularly, throughout 2019, education remained an important pillar of UNICEF's response, where investments were made in building the capacity of local and national education authorities to make schools more inclusive and effectively promote diversity and social inclusion through education. UNICEF also supported e-learning tools and programmes to help children catch up with education programmes and get ready to integrate public schools. Response activities were embedded into national development programmes, further bridging the humanitarian-development nexus, and contributing to the fulfillment of the UN Sustainable Development Goals (SDGs), as well as, government commitments to the implementation of the CRC and the Global Compacts on Migration and Refugees. UN bodies have also engaged with the EU and other regional organizations to influence key regional policies and normative frameworks affecting refugee and migrant children. More specifically, UNICEF contributed to EASO-led policy dialogue on age assessment and technical efforts to strengthen GBV risks mitigation and improve reception conditions for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. Moreover, UNICEF contributed to the CoE's compilation of promising practices to promote alternatives to detention and child-friendly approaches in the area of migration. Finally, awareness-raising campaigns on refugee children On-The-Move living in Greece and events carried out by UN bodies, EU agencies and the Greek state entities altogether, serve as a best practice sample of how effective intergovernmental cooperation and partnerships may turn out to be when dealing with the refugee crisis and the rights of children. And while so much has been accomplished thus far by the according UN bodies to protect the rights of Syrian children On-The-Move, one could reasonably wonder; *has the UN possibly not been doing enough to prevent children from Syria from considering fleeing as their only option?* Indeed, in order to find a solution to a problem, one should seek for it all the way back to its roots. The tragic fact that the war in Syria is nowhere near to an ending, automatically leads to the assumption that children and their families will continue to leave their homeland in search of safety. A life-threatening warzone, in which children are considered frontline targets, is no place for any child to be brought up in. In order for a child to fully enjoy his/her fundamental rights, let alone thrive and bloom, peace is mandatory. To this day, the main UN decision making body, the UN Security Council, seems to still be divided internally by the stand of its member States as to whether an intervention in Syria should be decided upon. No matter the

numerous economic sanctions imposed on the regime in Syria, shall an intervention not be agreed upon by all Member States holding the veto card, the war will most likely continue to haunt the lives of millions of children. *Could it perhaps be, more than ever before, high time UN reconsidered a Security Council reform?*

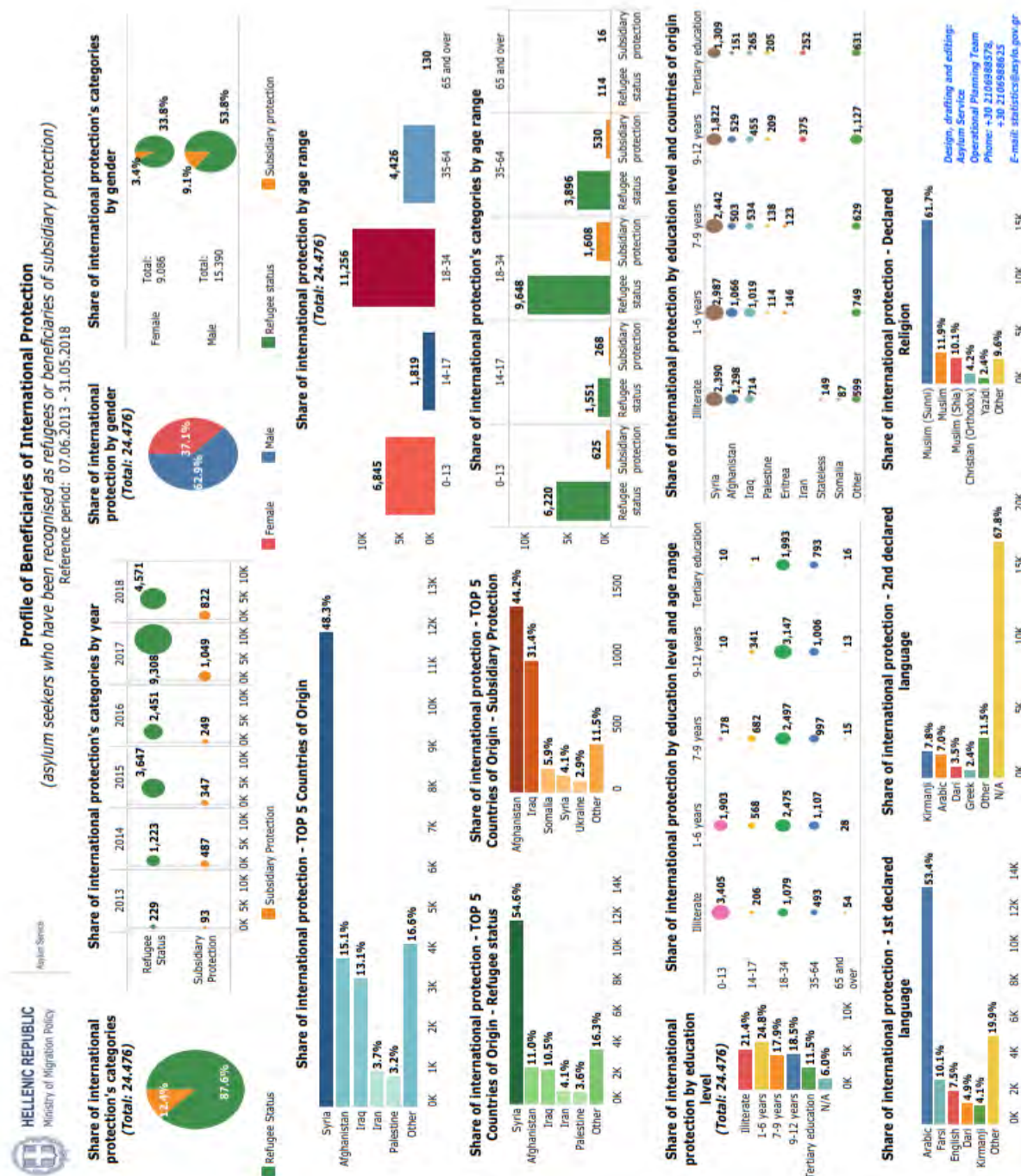
All in all, in any occasion refugee children are first and foremost children and have the right to be safe and protected, to receive sufficient information on their rights and to access durable solutions and services such as health, education, protection, mental health and psychosocial support, as set for the in the CRC. In the case where all the above are unaddressed, this may lead to long-term negative effects on children's development and wellbeing, and heighten the risks of violence, abuse and even trafficking. Syrian children On-The-Move in particular – with a specific emphasis on UASC – need immediate support and care to cope with trauma and stress accumulated throughout the journey to and within Europe. They also require longer-term targeted support that fosters their social inclusion, promotes tolerance and diversity and therefore, helps them rebuild their lives in countries of destination. In the case of Syrian refugee children residing in Greece, in addition to all the above listed requirements, further support to national reception services, asylum procedures and child protection services is deemed necessary as to meet the immediate needs of children On-The-Move upon their arrival. Meanwhile, the implementation of the newly created legislation on guardianship ought to be closely monitored, whilst, the support of the international community must continue to flow ceaselessly towards assisting the state in building national capacity in knowledge generation, evidence based advocacy, public awareness raising and national systems strengthening.

As the subject of this Paper remains an ongoing case study, the author encourages fellow researchers to continue exploring the topic. Particularly, further investigation on the implementation of the guardianship law in Greece is highly recommended, as well as, in the monitoring of all new legal advancements towards safeguarding the rights of Syrian children On-The-Move in Greece and in the European region as a whole. Another interesting topic to be researched upon solely, is the work of Greek NGOs on the field and how effective their work has particularly been in the main entry points of the country, is assisting children seeking international protection. Of course, the aforementioned areas for further research are only some indicative suggestions; the author of this Paper aspires that “light” on the lives of Syrian children

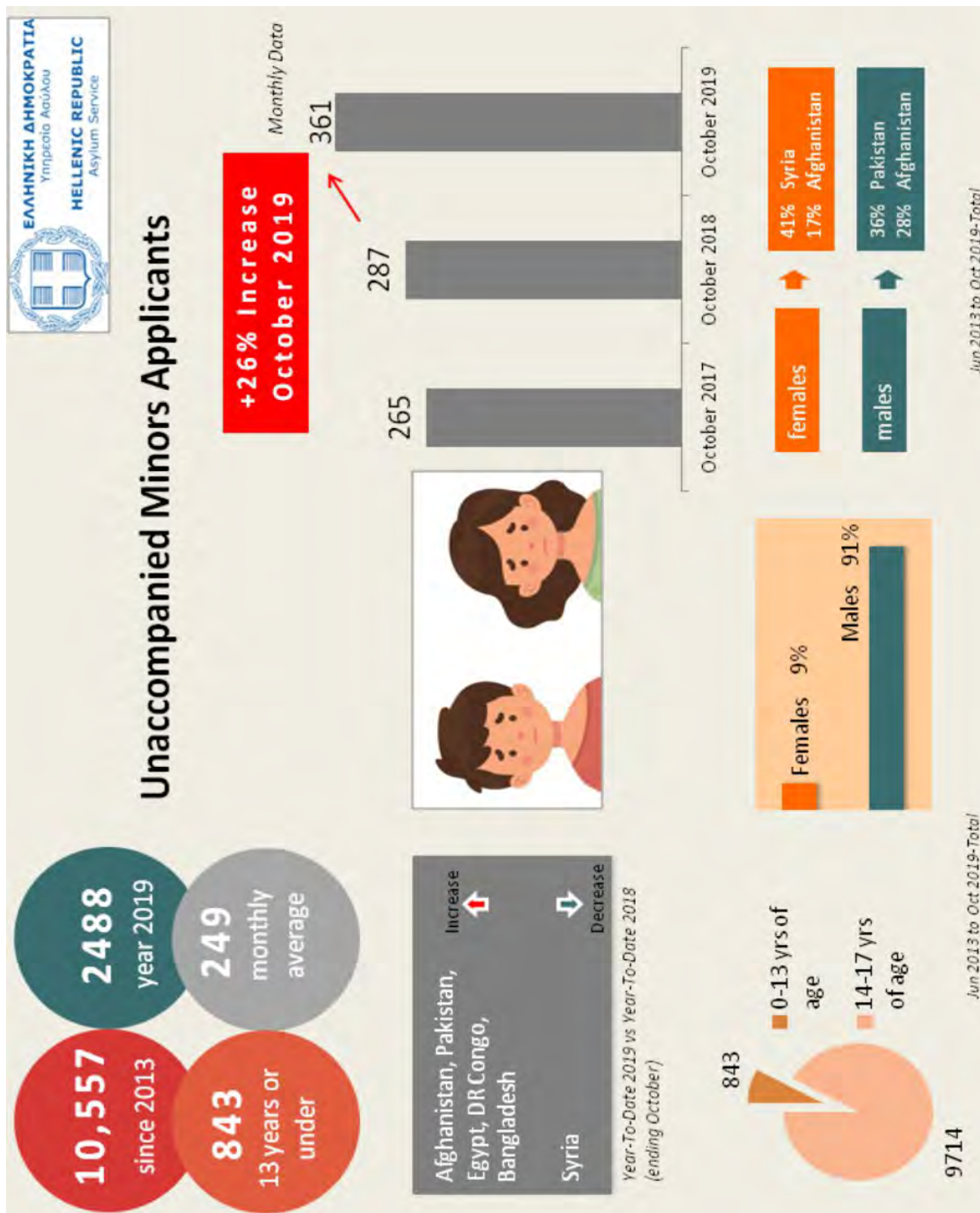
On-The-Move, under the scope of legal and sociopolitical perspectives, will continue to be shed upon and wishes the best of luck to all those willing to further monitor the topic.

Appendix

Annex I: Key figures with the most recent data on Refugee Children in Greece



Source: Asylum Service of the Hellenic Republic/ Found at: http://asylo.gov.gr/wp-content/uploads/2018/06/Beneficiaries_dashboard-18062018.pdf



Source: Asylum Service of the Hellenic Republic/ Found at: http://asylo.gov.gr/wp-content/uploads/2018/06/Beneficiaries_dashboard-18062018.pdf

Refugee and migrant children in Greece

As of 30 September 2019



Key figures

34,800 estimated number of refugee and migrant children across Greece. Among them **4,383** unaccompanied

93 accompanied children have been returned to Turkey, in the framework of the EU - Turkey Statement (20 March 2016 – 31 July 2019)

4,792 children received international protection in Greece on first instance in 2019. Among them **360** UAC (January – August 2019)



Number of available places in temporary accommodation for UAC (safe zones and UAC hotels, September 2019)



Total number of UAC in need of long-term accommodation (September 2019)



Out of the estimated **4,383** unaccompanied children in Greece, approximately **3,187** (including **238** in protective custody) are still in need of long-term accommodation



It is estimated that **12,800** refugee and migrant children of school age (4-17 years old) across Greece are enrolled in formal education (as of June 2019, source: Ministry of Education and Religious Affairs)



67% of children 4-17 years old residing in apartments with their families or shelters and hotels for unaccompanied children are enrolled in Greek schools (as of June 2019)



36% of the total sea arrivals in 2019 were children. Among total sea arrivals **6%** were unaccompanied children

The main countries of origin of children arriving by sea in Greece during Jan-Aug 2019 were Afghanistan (**53%**), Syria (**19%**), Iraq (**9%**), and other countries (**19%**).

Secondary analysis of data by the following sources: MoEF, MoE, MoCIP, Hellenic Police, EKKA, Greek Asylum Service, IOM, UNHCR, UNICEF. The estimated total number of refugee and migrant children in Greece includes also figures on self-settled population receiving cash assistance from UNHCR in urban locations in Greece.

unicef for every child

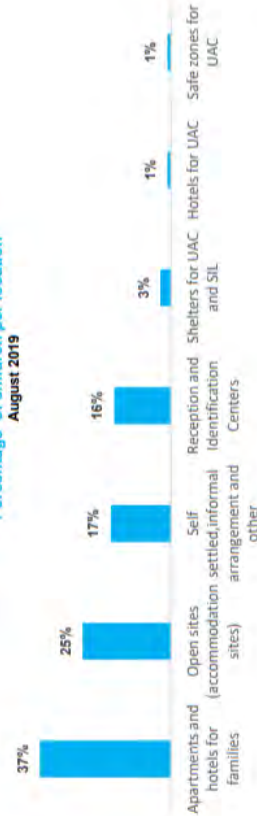
Child Asylum Applications January - December 2019*



21,768 registered asylum applications in Greece during 2018, accounting for **33%** of all registered asylum applications in the country.

*data may be adjusted upon final validation by the Asylum Service

Percentage of children per location August 2019



Child sea arrivals

September 2018 - September 2019

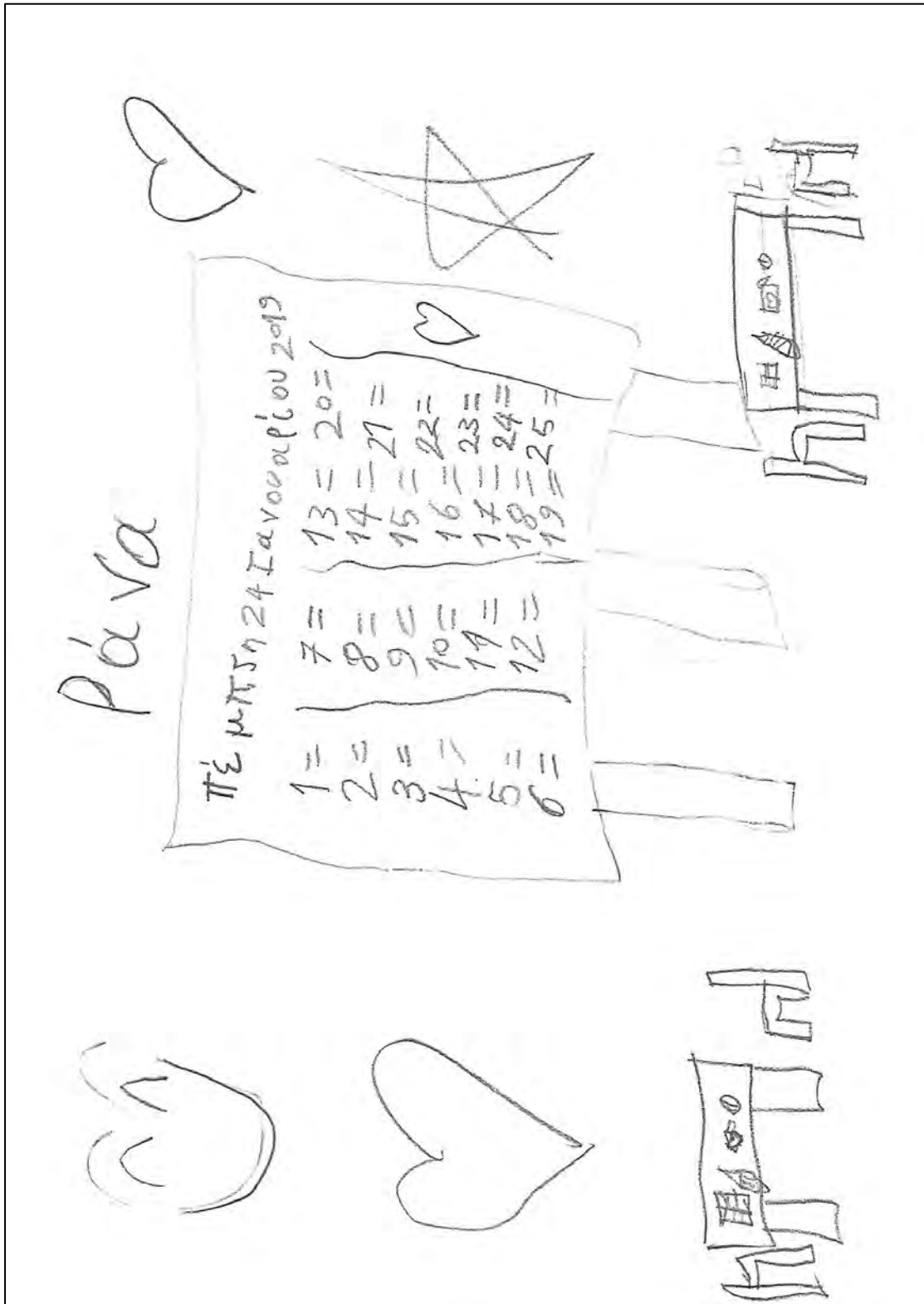


**Based on referrals to EKKA

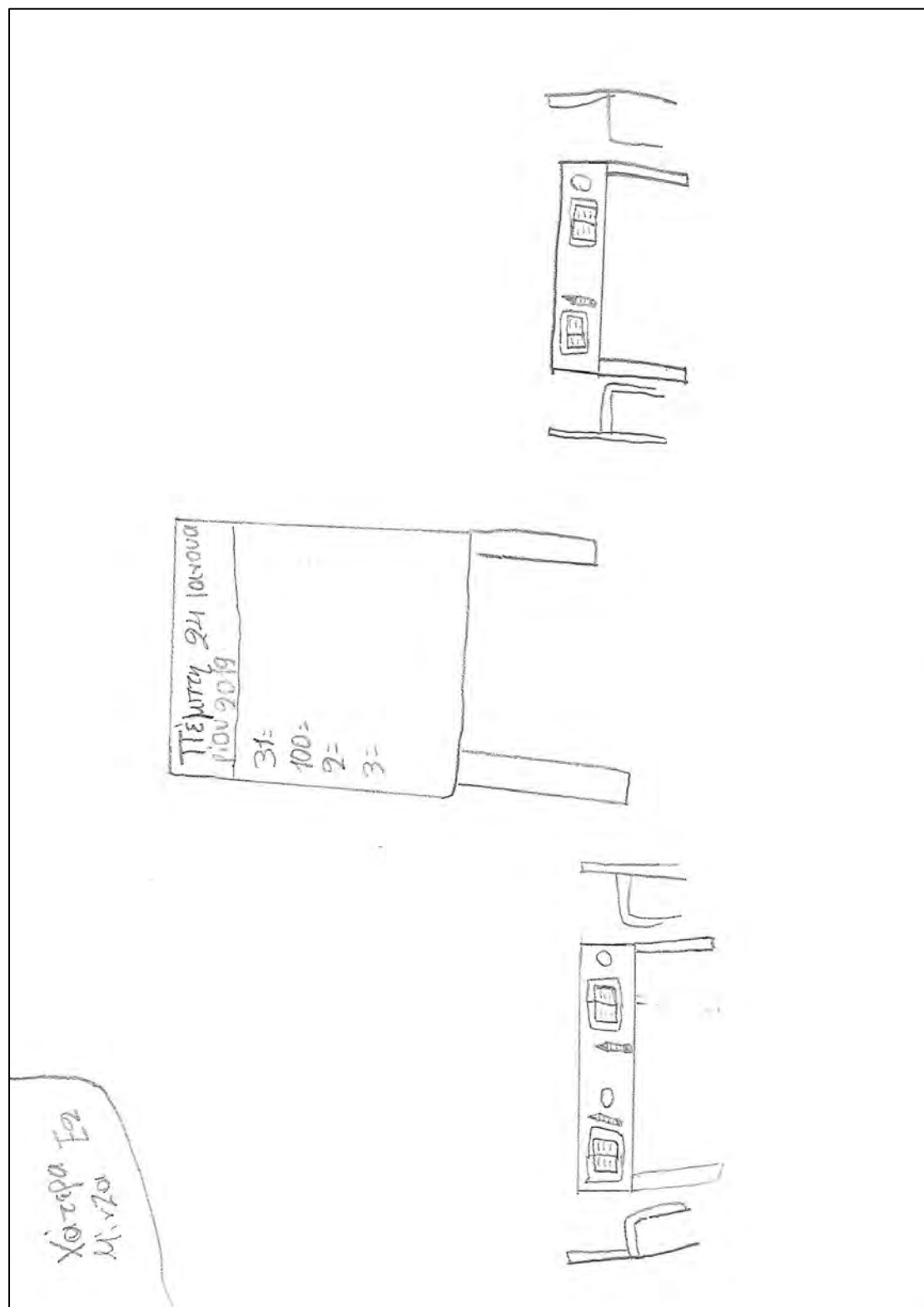
Source: UNICEF ECARO/ Found at: <https://www.unicef.org/eca/media/8341/file/greece-general-data-september-2019.pdf>

Annex II: Illustrations

(i) Rana, a 10-year-old girl from Syria living at Skaramagkas Open Accommodation Site in Attica, draws the classroom-like container where she attends her daily afternoon Math class (January 2019)



(ii) *Hatera, a 9-year-old girl from Syria living at Skaramagkas Open Accommodation Site in Attica, draws the classroom-like container where she attends her daily afternoon Math class (January 2019)*



Annex III: Human Interest Stories

Part I

Letters of frustration and hope from Syrian refugee children now in Europe; below we hear from four Syrian youths – three in Greece and one in Germany – in letters they have written themselves about their experiences, their challenges and their wishes for reconnecting with family, friends and teachers last seen in Syria. (Source: UNICEF, March 2018/ Found at: <https://www.unicef.org/eca/stories/letters-from-syrian-refugee-children>)

(i) “I wish that my home country will be safe again.”

Osama, a 10-year-old boy from Syria, now living in Germany

"It has been two and a half years since I left my beloved country Syria. I stayed with my mother and three of my sisters in Turkey, whereas my father has headed with my elder sisters and my brother to Germany through the journey of death crossing the sea. I suffered under a lot of fear and worry, I was afraid that they will drown in the sea like many other Syrians, but my father promised me that he will stay alive, that he will reach the other side and that he will see me again. And I did see him again; after a few months and a very hard trip, we were able to follow them.

We arrived in Germany on October 17, 2015. We were able to get together in one house with my father, brother and sisters after one month of our arrival. I was really happy that we were able to be together again. We applied to the German schools and started going to school and here our suffering with the new language started. I tried my best to get over this obstacle as fast as I could, and in a short period of time I was able to learn the basics of the language, which helped me in getting to know new friends, and the new society and culture that I now live in. Our teachers were really nice to us and they have helped us to get over a lot of obstacles, which we ran into every day.

Here in Germany, I have been through many experiences with my new friends. I have learned about different cultures because Germany has so many nationalities, this is fun for me. I have seen many German cities and learned closely about their culture. I am happy in this new country, but I could not forget about my home country Syria during these past two years. I miss my friends, my teachers, my toys and even my photos, which I could not bring with me. It hurts knowing that I left the place in which I grew up and I had so many memories in with my grandfather, grandmother, my relatives and my friends. In my home country, everything was simple but beautiful and warm.

Here in Germany, we are offered the best educational chances, however, I am still a refugee and this word hurts me. It causes me a wound that reminds me of my bigger scar - Syria - in which up until this moment, children's body parts are falling under the ruins of buildings. I wish that my home country will be safe again and that war would stop forever. I also hope to be able to visit it again to see my friends, my teachers and my relatives."

Source: UNICEF Germany

(ii) "My parents are in Germany and I haven't seen them for more than a year."

By Bayan, an 11-year-old girl from Syria, now living in Greece

"Before the war, my life in Syria was very nice. We had as much money as we wanted, a house in Deir Ez-Zor and food to eat. But the situation became very difficult, especially when the war and the bombings started and when ISIS came. You couldn't show your face or wear a T-shirt or jeans. You had to wear all black, everything black. Even boys could no longer go out on their own. There were cars passing near the house telling people that they had to pray. One time they took my father, but they let him go quickly.

When the planes started coming, my siblings were afraid and hid under their beds and the TV stand. Sometimes they took their toy weapons and said that they would stop the planes, but I explained to them that they cannot do that.

In order to leave the country, we had to give up all our money and then borrow some more. It was very scary to come to Greece and we tried three times to make it. Now, I have been living in Skaramangas camp for seven months with my uncle and his family. My parents are in Germany and I haven't seen them for more than a year. We are all safe now, but everyone is in a different country.

When I grow up, I want to become a surgeon. I would like people to come to me, so that I can help them, just as my doctors helped me when I needed it. If someone helps me to make my dream come true, then I will be able to help this person, too. I will bring medicine to them and whatever else they need. I just need a little assistance to make it."

(iii) "In my books, my studies, I can feel freedom."

Azhar, an 18-year-old girl from Syria, now living in Greece

"We left Syria exactly 29 months, 19 days, and 4 hours ago. Back home, in Kobani, I had almost finished school when it was shut down due to fighting. With my mother's blessing, I travelled to Aleppo to take part in the end of year exams. I studied in the daytime and listened to bombs at night. After completing exams, I was on a bus going home when the vehicle was stopped by ISIS fighters. Girls were permitted to continue

their journey, but boys were removed and kidnapped. I never heard what happened to them. The first thing I packed when I left Syria, was my diploma.

We wanted to go to Germany, where we have close relatives. But when we arrived in Greece there was a new agreement and we could no longer continue our journey. Sometimes I feel trapped. But in my books, my studies, I can feel freedom. I've lost so much time. There is so much I want to do, but I can't do it here. I wake up in Skaramangas camp every morning, I see six people in our tiny room, and I think: 'I need to make this situation better. I have to fight, and every day I fight to improve.

In the camp, I've started working with volunteers to teach Arabic, mathematics and English to five-year olds. The sense of being needed gives me purpose and hope. It gives me a way to forget about our situation. I want to fix the things that are wrong. I want to be a leader to help people who need help all over the world, and help the women who are oppressed."

(iv) "What do I miss about home? Waking up and being with my family, playing with my friends."

Ahmet*, a 15-year-old boy from Syria, now living in Greece

"I left Syria at the end of February 2016. I came from Raqqa where my family lives, because the army of Da'esh (Isis) wanted me to go to fight. My parents decided it was safer if I left to join my brothers; so I left with my uncle, my aunt and their children. My parents stayed in Raqqa, together with my younger siblings.

They can't leave and there is often no phone signal. They're happy I am out of the country and away from the war. But I am not happy at all. How can I be happy so far from my parents, my brothers, my country?

What do I miss about home? Waking up and being with my family, playing with my friends. We'd swim in the lake, play football. I really liked school, but it's so long since I went there. I liked math and languages. I wanted to be a doctor. But Da'esh stopped school, stopped us playing on the computer.

Here in Athens, I don't go out. I don't know the areas, and it is frightening. I don't have any friends here. My uncle says the streets are dangerous. My brother, who is in Hamburg, just says to be patient, everything will be OK - he's looking forward to seeing me. He said he could send money to me, but I told him to send it to Syria - the family needs it more than me.

My aunt and her family will leave Greece before me. I will have to wait longer to join my brother and I'm going to feel very alone. I only have one thing now that I had at home - it's a jacket I like. Black with gold zip, and gold on the shoulders. It's too

small now, but I don't want to lose it. I used to be so happy, when we were all together. My hope? It's to meet my brother and get my parents from Syria.

*Name changed for protection reasons

Part II

Back in 2015, ***Yusra Mardini*** was a 17-year-old high school student dreaming of representing her country at international swimming events. As the impact of the conflict in Syria came closer, and after she was forced to abandon her home in Darayya, Yusra and her elder sister, *Sara*, decided to flee the Syrian war, leaving the rest of her family behind, and set off on a perilous journey to find safety in Europe. In the summer of 2015, they travelled through Lebanon to Turkey before departing for Greece in an overcrowded dinghy. Fifteen minutes into the sea crossing, the boat's engine failed. As a professional swimmer, Yusra was determined not to let any of her fellow passengers drown. Her sister, two others and herself jumped into the waves and swam for three and a half hours in open water to stop their dinghy capsizing, saving the lives of 20 people. A year later, Yusra's courage, determination and strong swimming skills were recognized by the International Olympic Committee and she became a member of the first ever Refugee Olympic Team. She competed at the Olympic Games in Rio in 2016, helping to represent 65 million displaced people worldwide. Today, Yusra lives in Berlin, Germany, is concentrating on her professional swimming career and is a Goodwill Ambassador for UNHCR, working to alter global perceptions of refugees. Yusra's story is only one of the thousands reflecting on the lives of Syrian children On-The-Move forced to escape war by leaving everything behind in search of a safe haven; as a matter of fact, this case is one of the very few with a happy ending. Cited below is an actual extract written by Yusra, the young and determined Syrian refugee *warrior* who managed to come out as the champion in her battle with the dark and cold waters of the Aegean Sea and claim her prize the minute she stepped on dry Greek land; her award was no other than her survival.

"It's only around 10km from the Turkish coast to the north coast of the Greek island of Lesbos. In August 2015, Sara and I boarded a dinghy along with 18 others, including families with children. We all knew that many people had died making the

journey ahead. We were all equally afraid. But we were all equally desperate to escape the violence. Like most of the boats that made that same crossing, ours was dangerously overcrowded. In that deceptively short stretch of sea, our engine failed. The wind was blowing hard and our boat was being tossed and spun about on the waves. The light was fading. Sara and I were experienced swimmers but others on the boat were not. We took turns in the water, making the boat lighter and helping turn it to face the waves to prevent it from capsizing. We called for help but no one came. The memory of that sea journey will remain with me always. For over three hours we swam. Everyone was praying. At last, the engine spluttered back to life and we reached the shore. I struggle with this story, to understand why we made it when many others didn't. Each time I hear about a group drowning at sea, it takes me back there, clinging to the boat's rope, desperately treading water.” (Source: UNHCR³⁵²)

³⁵²UNHCR, *Desperate Journeys: Refugee and Migrant Children arriving in Europe and how to Strengthen their Protection; January to September 2019* (October 2019). Found at <https://data2.unhcr.org/en/documents/download/71703> (accessed on 25/10/19)

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