

SEPARATED CHILDREN IN EUROPE PROGRAMME
QUESTIONNAIRE FOR COUNTRY ASSESSMENT

COUNTRY: Greece

EVALUATION PERIOD: April-July 2003

RESPONDENT: International Social Service-Hellenic Branch

AGENCIES/ INDIVIDUALS CONSULTED :

- Ministry of Public Order (Office For Asylum)
- Ministry of Health and Welfare (Department of Social Solidarity and Social Awareness)
- National Organization of Social Care-National Organization of Social Care
- Babies Center "METERA"-National Organization of Social Care
- PIKPA-National Welfare Organization
- Police (Department for the Protection of the Minors)
- U.N.H.C.R.
- Smile of the Child (NGO)
- International Organization of Migration
- "Filoxenio"- Hosting Programme
- Greek Council for Refugees (NGO)
- National Institute of Youth
- Hellenic Red Cross (NGO)
- Doctors of the World (NGO)
- Ecumenical Programme for Refugees (NGO)
- Social Work Foundation (NGO)
- Doctors without Frontiers (NGO)
- Voluntary Work of Athens (NGO)
- "Arsis" Association for the Social Support of Youth
- Family and Child Care Centre
- Hellenic Centre for Infectious Diseases

DOCUMENTS USED OR REFERRED TO:

- Civil code
- Penal Code
- Presidential Decrees
- Migration Law
- Conventions related to asylum, human rights and children's rights
- Dublin Convention
- Schengen Convention
- U.N.H.C.R Guidelines
- Statement of Good Practice (Save the Children)
- Law "Combat of Human Trafficking" (3064/2002)

DEFINITION OF "SEPARATED CHILD" (SGP:A 2.1)

a) Please give details of the definition used in your country. Different agencies may apply different definitions. Please give details of this.

N/A

b) Are children with older siblings over 18 years of age considered to be separated children? Please refer to Annex II of UNHCR Guidelines 1997.

N/A

c) To what extent does this conform to the Statement?

N/A

d) Are any changes needed? In relation to any first principle?

N/A

1. ACCESS TO THE TERRITORY (SGP: C1)

1.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

Asylum seeker or refugee children who fall to the attention of the Police are placed in relevant shelters. On the other hand, migrant minors/ 'children at the traffic lights' are either deported (in case they are 13 years old or older) or are placed in the state/NGO children's homes(where Greek children are protected as well).

1.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

1.c) Are any changes needed? In relation to any first principle?

N/A

1.d) Please also indicate whether your country has a "carrier liability legislation" whereby airlines, train and boat companies can be fined if they bring someone without proper documents. Is this applied to children and young people under the age of 18?

N/A

Trafficking (SGP: C 1.2)

1.e) Are you aware of any children being trafficked for the purposes of exploitation into your country? If so please give brief example stating if possible the country of origin and nature of trafficking. Please also give examples where children have travelled along trafficking routes in order to apply for asylum.

Part A

Article 1

Article 323A should be added after article 323 of the Penal Code.

Article 323A. Trafficking in Human Beings

1. Whoever with the use of violence, threat, power and abuse of power or with any other means, hires, transfers, promotes in the country or outside the country, detains, remands, harbors, encourages, delivers with or without compensation, or takes from another person a person in order to take organs from his body, or to exploit his labor, is punished with incarceration up to ten years and pecuniary fine of 10,000 to 50,000 euros.
2. This sentence is also imposed to offenders who attain the same and misleading victims taking advantage of their situation by making false promises and commitments, offering gifts, presents or other benefits.
3. Those who with full cognizance accept the work of persons under the situation described in paragraph 1 and 2, are punished with imprisonment of six months minimum.
4. Offenders the actions of whom are committed
 - against under age persons,
 - by profession,
 - by employees in the performance of their duties
 - have as a consequence serious bodily injuries of the victims are punished with incarceration of ten years minimum and pecuniary fine of 50,000 to 100,000 euros.

Article 2

Article 338 of the Penal Code is replaced as follows:

Article 338. Indecent assault.

1. Those who take advantage of the insanity situation of a person or his/her disability to resist sexual intercourse or lewd acts are punished with incarceration up to ten years.
2. Those who take advantage of the above situations and perpetrate lewd acts are punished with six months imprisonment at minimum.

Article 3

Article 340 of the Penal Code is replaced as follows:

Article 340. General Provision

The perpetrators of any of the afore-mentioned acts, which caused the decease of the victim, are punished with life imprisonment.

Article 4

Article 344 of the Penal Code is replaced as follows:

“For the penal prosecution of the acts stipulated by articles 337 and 341a summons is required”.

Article 5

A third paragraph is added to article 348 of the Penal Code.

“Whoever by profession or in order to gain profit facilitates openly or covertly with the publication of advertisements, pictures, telephone numbers or email messages, or by any other means, indecent acts involving under age person, is punished with imprisonment and pecuniary fine of 10,000 to 100,000 euros.

Article 6

The following article 348A is added to article 348 of the Penal Code:

Article 348A. Pornography with minors

1. Those who manufacture, offer, procure, circulate, provide, possess, or sell pornographic materials are punished with imprisonment of one-year minimum and pecuniary fine of 10,000 to 100,000 euros.
2. Pornographic material under the previous paragraph is any description, real or artificial depiction of sexual acts in any material format aiming at sexual arousal, and the recording or depicting to any material format of a real or a virtual act involving a under age person.
3. If acts described by paragraph 1 of this article constitute pornographic material related with exploitation of need or mental incapacity, deafness, or inexperience of an under age person, or by the use of violence against him, incarceration up to ten years is imposed and pecuniary fine of 50,000 to 100,000 euros. If the act resulted in bodily injuries of the victim, the incarceration is 10 years at minimum and the fine 100,000 to 500,000 euros.

Article 7

Article 349 of the Penal Code is replaced as follows:

Article 349. Pimping

1. Those who act as go-between to other persons sexual desires, procure and encourage prostitution of minors are punished with imprisonment of up to ten years and pecuniary fines ranging from ten to fifty thousand euro.
2. The sentence can be more than ten years incarceration and the fine to be fifty to one hundred thousand euro if the crime a) is committed against minors under the age of 15, b) was committed by means of deception c) by parents or step parents,

relatives and in laws, spouses, guardians, custodians or others who teach, have custody, take care, guard or supervise under age persons.

3. Whoever by profession or in order to gain profit promotes women into prostitution is punished with imprisonment of 18 months at minimum and with pecuniary fine. The commitment of this act by an employee during the performance of his duties or taking advantage of his position constitutes aggravated situation.

Article 8

Article 351 of the Penal Code is replaced as follows:

Article 351. Trade in humans.

1. Whoever by use of force, or threat, or any other coercive means, or through the exercise or abuse of authority hires, transports inside or outside (Greek) territory, abets, surrenders with or without reward to another, or receives from another, a person with the purpose of sexually exploiting (this person) himself, or (allowing) someone else (to exploit this person), shall be punished by imprisonment of up to ten years and pecuniary fine of 10,000 to 50,000 euros.
2. The offender who, in order to achieve this purpose, elicits the concurrence of a person who is need through promises, gifts, payments, or provision of other benefits, or the use of deceptive methods, shall be punished by the penalty of the previous paragraph.
3. Offenders, who knowingly perform lewd acts with persons under the situation described by paragraph 1 and 2, are punished with imprisonment of six months minimum.
4. A culprit according to previous paragraphs shall be punished by imprisonment of at least ten years, and a monetary penalty of up to one hundred thousand euros, if the act
 - (a) is directed at a person younger than 18 years, or a person mentally or physically incapacitated.
 - (b) was perpetrated by a person of item of paragraph 2 of article 349
 - (c) is connected to the illegal entry, residence, or exit from the country of the victim, or
 - (d) is being perpetrated as an occupation
 - (e) is being perpetrated by an employee during the performance of his duties or by taking advantage of his position
 - (f) had as a result serious bodily harm of the victim
5. If an act according to paragraphs 1 and 2 resulted in the death of the Victim life imprisonment shall be imposed.
6. Sexual exploitation as in previous paragraphs comprises the perpetration for profit making of any lewd act, or the use for profit making of the body, the voice, or the picture of a person for the real or artificial perpetration of such acts, or the provision of labor or services, which aim at sexual arousal.

Article 9

After article 351 of the Penal Code, Article 351A is added as follows A new Law on Combating Trafficking has been issued (3064/2002). According to this law

Article 351 A. Lewd act against minors for payment

1. Adults who perpetrate lewd acts with under age persons with remuneration or other material considerations, adults who cause lewd acts to occur between under age persons before themselves or before others, are punished as follows:
 - (a) if the victim has not reached ten years of age, by imprisonment of at least ten years and monetary penalty of one hundred to five hundred thousand euros.
 - (b) if the victim has reached ten years, by imprisonment of up to ten years and monetary penalty of 50 to 100 thousand euros and
 - (c) if (the victim) is over fifteen, by imprisonment of one year at least and monetary penalty of ten to fifty thousand euro.

Article 83 paragraph e is not taken into consideration in apportionment of the penalty.

2. The habitual perpetration of the act according to the previous paragraph comprises an inculpatory condition.
3. Life sentence is imposed if the act of the first paragraph caused the death of the victim.

Article 10

Paragraph 2 of article of the penal Code is replaced as follows:

“2. Whoever abuses the decency of another person through an immoral act that is perpetrated in his presence shall be punished by imprisonment of up to six months or by monetary penalty. If the act as previously is committed in the presence of a person younger than fifteen (the offender) shall be punished by imprisonment of up to five years. For the penal prosecution of the acts as previously a summons is required”

Article 11

- (1) “If he act is not punished for any other more serious act” is to be added in article 350 of the 350 of the Penal Code
- (2) Item 8 of article 8 of the Penal Code is replaced as follows: “8) The act of slave trade, trade in humans, or indecent assault against minors for payment”.
- (3) In the list of felonies that are enumerated in paragraph 1 article 187 of the Penal Code, the phrase: 351 paragraph 3 (trade in humans), 351 (indecent assault against minors for payment)” is added between comas after the phrase “339 (seduction of children)”

Part B

Article 12

Aid to victims

1. If there is immediate danger, protection is offered to victims of the crimes provided for in articles 323, 323a, 349, 351, and 351A of the Penal code, which is especially in reference to protecting their life, corporeal integrity, and personal and carnal liberty. Aid shall be also provided for their housing, sustenance, health care and psychological support. In addition, care shall be provided for securing them legal representation and language interpretation, if this is necessary for their relations with Greek authorities. Minors shall be placed in educational and vocational training. Details of how to apply this provision will be defined by a Presidential Decree which must be drafted by the Ministries of National Economy and Finance, Interior, Public Administration, National Education and Religious, Labor and Social Security, Health and Welfare, Public Order and Justice, within six months from the date the present law is set into force.
2. Concerning victims of acts referred to in paragraph 1, who are aliens and are present in the country illegally, and with the provision of the next article concerning repatriation, it shall be possible to suspend their deportation upon order from the prosecutor of the court of misdemeanors and approval by the appellate court prosecutor until an irrevocable ruling in the penal trial of the perpetrators is issued.
3. Details relating to the execution of deportation decisions according to the previous paragraph shall be provided for by ruling according to paragraph 8 of article 44, Law 2919/2001.

Article 13 Repatriation

Aliens who are in the country illegally and are victims of the crimes provided for in articles 323,323A, 349, 351 and 351A of the Penal Code are repatriated by safe means without dignity being abused. If victim is a minor, then a report shall be prepared by the Officer of Minors; for his repatriation the concurrence of the Prosecutor of Minors shall be required.

Article 14

The force of the present law starts from the date it will be published in the Government Gazette.

1.f) Have any measures been taken by the state to combat trafficking of any sort?

N/A

2. IDENTIFICATION (SGP: C2)

2.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

In most cases children (mainly coming from Albania, Bulgaria, Serbia give contradictory information about their origin, their parents, their name etc. For some

of them it is possible to reunite with their families in the country of origin or in Greece. However, in most cases children abscond from the children's homes.

2.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

2.c) Are any changes needed? In relation to any first principle?

More intensive training to the officials (police officers, lawyers, judges etc) at the borders on the situation and the needs of separated children is required. The trainers trained by S CEP have already taken up such action in cooperation with UNHCR.

3. APPOINTMENT OF GUARDIAN OR ADVISER (SGP: C3)

3.a) Is a guardian or adviser appointed?

N/A

3.b) If so what is their role?

N/A

3.c) How soon after the arrival are they normally appointed?

N/A

3.d) What kind of background and expertise do guardians/advisers have"?

N/A

3.e) To what extent does this conform to the Statement? Please outline in brief.

N/A

3.f) Are any changes needed? In relation to any first principle?

There is a relevant provision of the Greek Law but it is restricted to asylum seeking children only. For other important issues of everyday life the Agency that protects the child asks for child's guardianship by applying to the First Instance Court.

4. REGISTRATION AND DOCUMENTATION (SGP: C4)

4.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country? Please outline in brief.

N/A

4.c) Are any changes needed? In relation to any first principle?

Still some major social services are not computerised properly or even at all. In the Ministry of Public Order, the records kept concern only asylum seeking children. The statistics are released every three months and give the nationality and the age. There is no accurate data on migrant children.

Follow up is, in some cases, impossible because children of all ages leave the homes (open, day-care homes) without a notice. According to the information given by the National Welfare Organization the great majority of the children are reunited with their family in Greece. A few cases are taken over by ISS- Hellenic Branch and other NGOs for family tracing. If this is not possible, children remain in the Greek institutes or, for Albanian minors, plans are undertaken for their transfer to a relevant Institution in their country of origin.

5. AGE ASSESSMENT (SGP: C5)

5.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

5.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

5.c) Are any changes needed? In relation to any first principle?

N/A

6. DETENTION (SGP: C6)

6.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

6.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

6.c) Are any changes needed? In relation to any first principle?

N/A

7. RIGHT TO PARTICIPATE (SGP: C7)

7.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

7.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

7.c) Are any changes needed? In relation to any first principle?

N/A

8. FAMILY TRACING & CONTACT (SGP: C8)

8.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

8.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

8.c) Are any changes needed? In relation to any first principle?

The difficulties in practice remain as they were described in the previous assessment, now however, apart from ISS-Hellenic Branch, other NGOs implement efforts for family tracing as well.

9. FAMILY REUNIFICATION IN A EUROPEAN COUNTRY (SGP: C9)

9.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

9.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

9.c) Are any changes needed? In relation to any first principle?

N/A

10. INTERIM CARE - HEALTH - EDUCATION - TRAINING (SGP: C10)

Interim Care (SGP: C10.1)

10.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

10.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

10.c) Are any changes needed? In relation to any first principle?

N/A

Health (SGP: C 10.2)

10.d) Please describe:

- relevant law and policy in your country
- relevant practice in your country

10.e) To what extent does this conform to the Statement? Please outline in brief.

10.f) Are any changes needed? In relation to any first principle?

Education, Language and Training (SGP: C 10.3)

10.g) Please describe:

- relevant law and policy in your country
- relevant practice in your country

Law provides for asylum seekers and refugee children to attend reception classes, for limited time, within the formal educational system. Different NGOs organise, from time to time, supportive classes, extra to the school curriculum, for separated children, foreign children who live with their families and Greek children as well.

10.h) To what extent does this conform to the Statement? Please outline in brief.

10.i) Are any changes needed? In relation to any first principle?

11. REFUGEE DETERMINATION PROCESS (SGP: C 11)

Access to normal procedures (SGP: C11.1)

11.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

11.b) To what extent does this conform to the Statement? Please outline in brief.

11.c) Are any changes needed? In relation to any first principle?

Legal Representation (SGP: C 11.2)

11.d) Please describe:

- relevant law and policy in your country
- relevant practice in your country

The police department involved informs the Minor's Public Prosecutor, so that he/she acts temporarily as legal representative/guardian of the minor, until the status determination process has been finalized. Besides this, when the minor's asylum application is processed by a specialized agency (e.g. Greek Council for Refugees), the lawyer involved, undertakes an unofficial role of legal representation and advocates and represents the minor at 2nd degree Appeal Committee of the Ministry of Public Order. In the above mentioned Committee an official of UNHCR is a member with a vote.

11.e) To what extent does this conform to the Statement? Please outline in brief.

N/A

11.f) Are any changes needed? In relation to any first principle?

N/A

Minimal Procedural Guarantees (SGP: C 11.3)

11.d) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

11.h) To what extent does this conform to the Statement? Please outline in brief.

N/A

11.i) Are any changes needed? In relation to any first principle?

N/A

Independent Assessment (SGP: C 11.4)

11.j) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

11.k) To what extent does this conform to the Statement? Please outline in brief.

N/A

11.l) Are any changes needed? In relation to any first principle?

N/A

Interviews (SGP: C 11.5)

11.m) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A 11.n) To what extent does this conform to the Statement? Please outline in brief.

N/A

11.o) Are any changes needed? In relation to any first principle?

N/A

Criteria for making a decision on a child's asylum application (SGP: C 11.6)

11.p) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

11.q) To what extent does this conform to the Statement? Please outline in brief.

N/A

11.r) Are any changes needed? In relation to any first principle?

N/A

Young People who become adults during the asylum process (SGP: C 11.7)

11.s) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

11.t) To what extent does this conform to the Statement? Please outline in brief.

N/A

11.u) Are any changes needed? In relation to any first principle?

N/A

12. DURABLE SOLUTIONS (SGP: C 12)

Remaining in a Host Country or Country of Asylum (SGP: C 12.1)

Grounds for a child remaining in a host country (SGP: C 12.1)

12.a) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

12.b) To what extent does this conform to the Statement? Please outline in brief.

N/A

12.c) Are any changes needed? In relation to any first principle?

N/A

Family Reunification in a Host Country (SGP: C 12.1.2)

12.d) Please describe:

- relevant law and policy in your country
- relevant practice in your country

As has already been mentioned, a lot of the separated children, mainly migrants are reunited with their families in Greece.

12.e) To what extent does this conform to the Statement? Please outline in brief.

N/A

12.f) Are any changes needed? In relation to any first principle?

N/A

Integration (SGP: C 12.1.3)

12.g) Please describe:

- relevant law and policy in your country
- relevant practice in your country

In the Lavrion Reception Centre remedial classes were available to the children accommodated in the Center. Currently, integration classes are carried out in some local schools, both primary and secondary.

12.h) To what extent does this conform to the Statement? Please outline in brief.

N/A

12.i) Are any changes needed? In relation to any first principle?

N/A

Adoption (SGP: C 12.1.4)

12.j) Please describe:

- relevant law and policy in your country
- relevant practice in your country

No cases of separated children (either asylum seeker, refugee or migrant children.) have been mentioned. According to the Babies Centre METERA no cases of separated children have been referred. All the adoption cases of foreign children concern infants who have been abandoned or delivered by their own mothers.

12.k) To what extent does this conform to the Statement? Please outline in brief.

N/A

12.l) Are any changes needed? In relation to any first principle?

N/A

Identity and Nationality (SGP: C 12.1.)

N/A

12.m) Please describe:

- relevant law and policy in your country
- relevant practice in your country

12.n) To what extent does this conform to the Statement? Please outline in brief.

12.o) Are any changes needed? In relation to any first principle?

Family Reunification and Returns to a Country of Origin (SGP: C 12.2)

Voluntary return (SGP: C 12.2.1)

12.p) Please describe:

- relevant law and policy in your country
- relevant practice in your country

Cases of voluntary return have been reported mainly concerning separated children from Albania. In all cases the wishes of the children are taken into consideration. In cases where the family reunion is in the child's best interests, an assessment on the family's current situation is requested. Usually, the assessment is conducted by ISS-Albanian Delegation, the international organization Terre des Hommes and Enfant du Monde or other Albanian based organizations.

A case from Moldavia has also been referred to ISS-Hellenic Branch, regarding the repatriation of a minor girl who had been victim of trafficking and prostitution.

No cases of voluntary return of refugee or asylum seeking children have been reported so far.

12.q) To what extent does this conform to the Statement? Please outline in brief.

It generally conforms to the Statement; however, more attention should be given to the quality of the assessment report on the family. Moreover, this is extremely important if return of the child is to be ensured. As the separated children usually do not have in their possession travel documents, this results in the impossibility of the repatriation by airplane and therefore they are transported to the borders by the police authorities together with adults. In these situations, the conditions in which a child is transported are totally unsuitable, as his/her physical and psychological health is not ensured. Finally, follow up reports on the child's adjustment and reintegration are almost never received.

12.r) Are any changes needed? In relation to any first principle?

A bilateral agreement between the Greek Ministry of Health and Welfare and the Albanian Ministry of Labour and Social Affairs is under consideration regarding the principles applied for safe repatriation and long term solutions.

Conditions that must be fulfilled prior to return (SGP: C 12.2.2)

12.s) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

12.t) To what extent does this conform to the Statement? Please outline in brief.

N/A

12.u) Are any changes needed? In relation to any first principle?

It is necessary to confirm that the family is indeed able to keep the child with them and the support (at several levels) by the local social services will be ensured where this is possible.

Programmes and Aid to Facilitate Reintegration (SGP: C 12.2.2)

12.v) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

12.w) To what extent does this conform to the Statement? Please outline in brief.

N/A

12.x) Are any changes needed? In relation to any first principle?

N/A

Settlement in a Third Country (SGP: C 12.3)

12.y) Please describe:

- relevant law and policy in your country
- relevant practice in your country

N/A

12.z) To what extent does this conform to the Statement? Please outline in brief.

N/A

12.zz) Are any changes needed? In relation to any first principle?

N/A

13. DATA COLLECTION

Accurate data on separated children are required to assist the implementation of good practice.

a. Who should be responsible for collecting data on separated children? Please consider both government departments and NGOs.

The Ministry of Public Order (Office for Asylum)

The Ministry of Justice (Social Services on the First Instance Courts of the country are to be established)

The Ministry of Health and Welfare (National Organization for Social Care)

U.N.H.C.R

ISS-Hellenic Branch has applied under ERF to organise a data bank.

b. What sort of data is required? From government? From NGOs?

Please provide any current data (1997 - 1999) on separated children, which is available (from both government and NGOs). We appreciate that at this time most of this data will relate to asylum

N/A

14. POLITICAL LEVEL - SUPPORT FOR CHANGE

Please where possible provide the following information :

* describe the level of contact NGOs working with separated children have with: central government departments, local and regional governments

An Unofficial Committee has been formed, consisting of ISS-Hellenic Branch, U.N.H.C.R and the Hellenic Council for Refugees with an advocacy role to the relevant Ministries and other authorities, such as Minor's Prosecutor etc.

• describe any contacts with European institutions e.g.: members of European Parliament, European Commission, or European Council. (give names if possible)

N/A

• can you identify at the different political levels, any sources of support for improving the situation of separated children?

N/A

• can you identify, at the different political levels, the main obstacles to change?

Appendix: Specific questions on migrant and trafficked children.

General Comments:

Greece has adopted, on an international (Conventions and Agreements) and national basis, regulations which are related to the protection of the ‘childhood age’ and, more specifically, to the child (the term “child” applies to persons under the age of 18 years) without however being specifically mentioned in the status quo of separated children (nevertheless, the measure which consists partly of the grant total belongs to the legal regulations concerning child protection). Exceptions are the resolutions (non legal binding documents) of the Council of the European Union:

- “For the basic procedures which secure the examination of applications for asylum, of 20/06/95 (Chapter V).
- “In reference to separated minors who are nationals from Third Countries” of 26/06/97, by which the guidelines for handling minors who are at the implementation stage, are adopted concerning issues such as, conditions of the reception centers and repatriation. In the situation of asylum seekers, the implementation procedures are enforced.

It is also important to mention that the National Laws we make reference to, are often modified or supplemented by the issuing of Different Presidential Decrees.

Concluding, we would like to mention that according to the information we collected by one of the bigger governmental ‘Babies Homes’ (“Metera”) there is no argument in the number of foreign children who have been left there during recent years. The children usually originate from Balkan countries and East Europe. From 1999 up to the present 45 foreign children have been adopted or have been placed with foster families.

Trafficked Children.

1) Identify any domestic legislation which can be (a) used against traffickers and (b) applied to trafficked children.

A. National Legislation:

The protection of childhood by the state is met in Art. 21 of the Constitution. It becomes more specialized through regulations adopted for the protection of children’s personal condition (civil code) and for the punishment of those “trafficking” or “in any way manipulating” childhood.

- Penal legislation concerning offenses connected with illegal children trafficking (L. 3064/2002). “Combat against human trafficking, crimes against the freedom of sexual life, pornography of minors and generally combat against the financial manipulation of life and help to the victims of such actions” (Government Gazette 248/A). *It must be pointed out that the national legislation, like the international treaties or peripheral texts of non-binding character, refers in a general way to the protection of children and not to the special status of “unaccompanied minors”, who, of course, lie under their separate protective measures, since they present a special category. The following crimes and offenses are prosecuted ex officio and fall under the jurisdiction of the Greek state as long as they are committed within the Greek territory regardless of the nationality of the victim or the offender (according to art.5 of the penal code, the Greek penal laws are adopted in all actions*

which took place within the Greek territory, even by foreigners. Also, according to art.8 of the penal code, as amended by L. 3064/2002, the crimes of slave trade, human trafficking, body trafficking and sexual abuse of minor under payment, are always punished according to the Greek legislation.

Art.323A Penal Code: the offender is punished with imprisonment of a minimum ten years, when the action of human trafficking (i.e. either without violence, threat or any other coercive means or by manipulating authority or by imposition, the offender hires, transfers or forwards within or outside the territory, holds by force, gives refuge to, hands in to somebody else or receives from him with or without exchange another person in order to remove his body's vital organs or in order to manipulate for himself or for somebody else his employment or if, in order to meet his goal, manages to get this person's agreement by using deceptive means or misleads him by taking advantage of his weak position through gifts, promises, payment, or by providing any other goods) is against a minor person. It is clearly pointed out that whoever commits the offense of recruiting minors in order to be used in armed conflicts, will be imprisoned for a minimum period of ten years.

Art.339 Penal Code: the person who commits the offence of seduction of a minor (i.e. commits indecent assault with a person younger than the age of 15 or misleads him in order to act or bear the previously described action) is punished according to the age of the victim. In cases where the offender is not being punished for a more serious offense, he is imprisoned for a minimum of ten years, when the victim is not older than 10 years old, for up to ten years, when the victim's age is between 10-13 and he is confined when the victim is older than 13. If this action causes the death of the victim, then the offender faces life imprisonment. It is pointed out that no legal prosecution can take place when the offender and the victim are married. However, the legal prosecution can be continued if the marriage is cancelled.

Art.343 Penal Code: If the person who commits indecent assault works in prisons or in any other type of detention buildings, in schools, educational establishments, hospitals, clinics or in any other type of establishments meant to treat people in need of help, is imprisoned for a minimum period of one year.

Art.348 Penal Code: the offender of promoting debauchery of others who, either by profession or for profiteering, tries to facilitate, even suppressively, the indecent assault with a minor, by publishing advertisements, pictures, telephone numbers, e-mails or by any other means, faces imprisonment for a minimum of one year.

Art.348A Penal Code: The offense of pornography of minors is introduced. The person who, for profiteering, produces, has in possession, buys, transports, trades, sells or in any way traffics pornographic material, is sentenced to a minimum of one year in prison. When the material is related with a minor's manipulation of need, mental weakness, deafness or inexperience or with acts of violence against him, then the imprisonment may reach the period of ten years. When the action causes serious physical harm to the minor, the punishment is imprisonment for a minimum of ten years. For the application of this law, it is pointed out that by the term "pornographic material" is meant every description of the minor's body, either real or through pictures, to others, which aims at sexual arousing, as well as the recording or imprinting, to anyone, of real, pretentious or virtual indecent assault by or with a minor for the same purpose.

Art.349 Penal Code: The person who commits pimping (i.e. someone who promotes a minor to prostitution or facilitates or gives refuge to prostitution of minors in order to serve other people's debauchery) is sentenced to a maximum of ten years in prison. This punishment of imprisonment is due when the offense is against a minor person, younger than 15 or when the offense is committed by the guardian or by the person responsible for the minor's upbringing, tutoring, supervision or protection, even temporary, or by a clerk who, during his work or by taking advantage of his status, commits or in any way takes part in the action.

Art.351 Penal Code: the person who commits body trafficking (i.e. when either by force, threat or any other coercive means or by imposition or manipulation of authority, the offender hires, transports or promotes within or outside the territory, keeps, gives refuge to, hands in or receives from somebody else with or without exchange, another person, in order to exploit him sexually for his own interest or of somebody else's interest or if, in order to meet his goal, manages to get this person's agreement by using deceptive means or misleads him by taking advantage of his weak position through promises, gifts, payment or by providing any other advantages) of a minor person or who is connected with the victim's illegal entrance, stay or departure from the country, is sentenced to imprisonment of a minimum period of ten years. Sexual manipulation refers to any effort of indecent assault for profiteering, or to the use of the person's body, voice or face for either a real or a virtual effort of such action for profiteering or to providing work or services which aim at sexual arousing.

Art.351A Penal Code: The major offender who commits assault against a minor under payment faces punishment. According to this article, the indecent assault must be committed by an adult, under payment or under other material compensation. It may also be an indecent act between two minors, provoked by an adult and which takes place in the presence of him or that of another adult. The punishment varies according to the age of the victim (imprisonment of a minimum of ten years when the victim is under the age of 10, up to ten years, when he is between 10-15 and imprisonment of a minimum of one year when the minor is 15 years old or more). If this action causes the death of the victim, then the offender faces life imprisonment.

Art.353par2 Penal Code: The person who, under his knowledge, offends violently the decency of another person with a sexual action or when this action takes place before the eyes of a minor, younger than the age of 15 is punished with imprisonment.

Protection and provision of help to victims of slave trade, human trafficking, body trafficking and sexual abuse of minor under payment (Art 12 and 13 of L 3064/2002, GG 248 A): according to art. 12, protection of life, physical integrity, personal freedom and freedom of sexual life are provided as long as these virtues are under threat. Also, for as long as it is found necessary, help for housing, nutrition, living, nursing and psychological counseling is provided together with legal support and interpretation services. Especially for the minors, special care is provided in order to place them in programs concerning their education and their career prospects.

Art 13 Of L 3064/2002 deals with the repatriation of the foreign victims of the above-mentioned offenses. The repatriation procedure must take place under conditions which do not offend the person's dignity and when it comes to minors, the consent of the Public Prosecutor for Minors is necessary, after the report of the minor's Supervisor.

According to Art. 360 of the Penal Code, the person who neglects the supervision of a minor, younger than 17, and thus neglects to prevent him from committing offence or prostitution, is imprisoned for up to one year, unless punished more seriously by another stipulation. The previously mentioned punishment may be changed to up to two years imprisonment, if the people responsible for the negligence are the minor's parents, guardians or supervisors under whose care the minor has been placed according to art 122 of the Penal Code (which is about the reformatory measures which a court can take for minor offenders).

The Art 409 of the Penal Code deals with the offense of negligence of prevention of mendacity and vagrancy. It refers to the punishment (imprisonment for up to six months) of those who provoke mendacity or neglect to prevent from mendacity or vagrancy people who are under their custody or bear a dependent relationship with them as well as of those who hand in or supply others with people under the age of 17 or with others who have passed this age ... in order to provoke through their youth... the pity or the curiosity of the public for financial benefit of their own or of others.

According to Art 187 of the Penal Code, entitled **criminal organization**, a person who establishes or takes part as a member in a structured, with continuous action, group, consisting of three or more people (organization) and which aims at committing felonies that are described in art 323A, 339, 351 and 351A, is imprisoned for a period of up to ten years. It is noted that, according to paragraph 4 of the same article, simple mental complicity in the crimes of establishment or partnership in a criminal organization is not prosecuted, as long as the members of the organization do not aim at a financial benefit. Article 187A of the Penal code, entitled equity measures, gives the Public Prosecutor the opportunity to refrain from penal prosecution, until an irreversible decision for the denounced actions has been published, for violations of the law about foreigners against the foreigner who denounces punishable actions which have been committed by the criminal organization of Art 187 against him, as long as there is a possibility that the accusation is accurate. According to paragraph 4 of the same Article, the deportation of foreigners, who are found inside the country illegally, and who have denounced punishable actions done by the criminal organization of art 187, may be suspended by the Public Prosecutor, until an irreversible decision for the denounced actions is published. During the suspension of their deportation, the foreigners are provided with a permission of stay, thus stretching the law about foreigners.

Judging by the nature of the action that the prosecuted has committed, or by his personality and other circumstances, the Penal Court has the authority to order, within the scope of security measures as these are described in art 73 of the Penal code, the restriction of his stay in specific places, if, according to the court's opinion, his stay will put the public order in jeopardy or if the punishment is imprisonment. The restriction of stay at specific places, as a security measure, is adopted in cases of second conviction, or of any other conviction for any act of pimping, body trafficking, sexual abuse of a minor under payment. According to Art 329 of the Penal Code, which deals with the principle of publicity of the penal trials, the presence of people under the age of 17 among the audience of the penal court is forbidden, based on the free will of the Judge. And, anyway, based on art 330 of the Penal Code, "if publicity can be harmful to the morals of the people or there are other specific reasons for which the private and family life of the litigants must be protected, especially if the publicity in a trial of crimes against sexual life may lead to serious psychological suffering or even to public humiliation of the victim, especially if he is a minor, then the court orders that part or the whole of the procedure be held behind closed doors".

The offense of human trafficking as regarded in connection with the illegal displacement of foreigners: it is regulated by art 55 of L 2910/2001 and it refers to captains or commanders of ships or any other means of the sea or airplanes and to drivers of any means of transport which carry from abroad foreigners who do not meet the conditions of legal entrance in the country, or forward them inside the country's territory, or facilitate their transport or provide them with a hiding shelter. The punishment is imprisonment of one year for each transported foreigner. The captains and commanders of ships or airplanes who transfer foreigners under conditions which may jeopardize their lives and safety, are imprisoned for two years per foreigner. According to the legislation, the offense is regarded as indictable offense. At the beginning of 2003, a law proposal was submitted to the Parliament, which requested the transformation of the offense into felony. The law proposal was rejected: The Minister of Justice supported the proposal of transforming the legal frame to a stricter one, but for reasons connected with the duration of the enactment, stated that it will become part of the Bill of the Ministry of Justice about the precipitation of the Penal Procedure (it has not yet been voted). According to the provisions of the Bill, the penal treatment of those transferring illegal immigrants to the country and, especially when, during this action, human lives are put at risk, will become even stricter. In this case, there will be imprisonment and a financial fine and, in case of loss of human lives, the offender will be facing life imprisonment.

B. National and Community Labour Legislation regarding Minors.

P.C. 62/1998 (GG 67, v. A) "Measures for the protection of the young in labour in accordance with 94/33/EC". A young person is every person who is under the age of 18. A child is a person under the age of

15 or he who is under obligatory school attendance based on the current legislation. An adolescent is a person between the age of 15 and 18 and who is no longer under obligatory school attendance. According to the Penal Code, light labour means any labour which, given its nature and the conditions under which it takes place, can cause no harm to a child's security, health, development or to his attendance at school. The time limits of the adolescent's work are also set, which should be no more than 8 hours per day and 40 hours per week. The working hours of a person who is not yet 16, should not be more than 6 per day and 30 per week. Children's labour is prohibited, apart from the cases mentioned in art 5 (children who are 3 years old or more can take part in cultural facilities and other facilities of similar type – this article specifies the working conditions of these children in every detail). Art 7 deals with the cases in which labour of the young is prohibited (While appendices I and II include a list of jobs which may cause specific dangers to the young and generally jobs which can harm the young people's mental health and prevent the free development of their personality. According to art 8, adolescent labour from 10pm to 6am is prohibited. Art 9 and 10 deal with the matters of daily, weekly, monthly rests and breaks of the adolescents. P.C. 62/1998 is adopted for every person under the age of 18 which takes part under any type of labour contract or working contract or contract of a specific work or with a contract of independent services or self-employment, excluding those who work for the naval or fishing domaine for which this does not apply. According to art 33 of L 2956/2001, and the reservation of art 7 of the P.C., the provisions of the L 1837/1989 ("On the protection of the young during labour and other provisions"), are not put into force for temporary or short duration light labour, as long as they are of a family nature agricultural, forestal or cattle-breeding activities and as long as they take place during the day.

According to art 68 of the P.C. 70.1990 ("Sanitation and security of the employees at harbour/docks employment"), employment of people under the age of 18 on ships is prohibited. For labour outside the ships, the provisions of the relative laws are put into force. According to art 60 of the State Naval Code (which is ratified with PD 187/1973 GG 261 vol A 1973), for the naval registration of those who have not yet been 18, a written permission of the father, the guardian or the supervisor is required.

L1837/1989 "On the protection of minors during labor and other provisions (GG 85 vol A)": it is about the legal frame which deals with the conditions of minor's labor, the career prospects and the issue of labour booklet. For the application of the law, as minors are regarded the people who have not yet completed the 18th year of their age. According to art 2, and given the reservation of art 3 (on the conditions under which minors under the age of 15 can take part in artistic facilities), the minors who have not completed the 15th year of their age cannot take part in any kind of employment. A general principle is issued, according to which minors are not allowed to take part in dangerous, heavy, health-endangering activities as well as in activities, which may jeopardize their mental health or generally prevent the free development of their personality.

2) What international covenants on trafficking have been signed by your country?

Greece has ratified the International Convention on the Rights of the Child of 1989 by law 2101/1992 (GG A192/2.12.1992). This convention does not refer specifically to illegal trafficking, but it establishes a broad legal frame on the protection of children and the prevention of their manipulation.

Greece has signed but has not yet ratified the following international agreements:

- 1) The UN Protocol on Prevention, Combat and Illegal trafficking of people aiming at their Sexual and Financial Exploitation, Especially of Women and Children, 15/11/2000.
- 2) The UN Protocol against the illegal trafficking of people through land, sea and air, 15/11/2000. (The two above protocols are supplementary to the UN Convention on International Organized Crime).
- 3) The Protocol of the International Convention on the rights of the child relating to Child trade, Child Prostitution and Child Pornography, 25/5/2000.

3) What is known about children being trafficked into your country? E.g.: country of origin, routes of entry, estimated numbers, forms of exploitation.

THE POLICE AUTHORITIES TRACE THE UNACCOMPANIED CHILDREN SEEKING ASYLUM WHEN THEY DECLARE THEIR AGE. There is serious doubt whether they examine in detail certain elements of their case in order to verify if they are truly children or whether they are unaccompanied or not. In any case, according to Art 97 of the Penal Code 141/1991 “Responsibilities of instruments and official needs of the personnel of the Ministry of Public Order and organizational matters of the services” (GG 58 vol A), The Hellenic Police cares particularly for the protection of minors from dangers to which they are subjected, and especially for those who tend to be lazy, that may lead them to unemployment, which is the beginning of the creation of criminal behavior. For this particular reason, the officials of the Hellenic Police A) supervise the minors and provide them with every possible protection against dangers of their physical, moral and psychological health. B) provide every possible assistance demanded by the juvenile court, C) inform the people in charge, those responsible for the protection of minors (judges, minor supervisors, etc) when they witness antisocial behavior D) are responsible for the verification of cases of exploitation, negligence or abuse of minors and inform the authorities in charge and their people responsible for them in due course, following the legal procedures, whenever it is needed E) are responsible for the application of the legislation and for the prohibition of entrance of minors in unsuitable shows...in notorious houses and in trials F) in cooperation with the local authorities and labor offices, care for the application of the legislation concerning minors and examine carefully whether they are used in prohibited employment G) apply the legal measures against those who neglect to prevent them from committing illegal actions or prostitution and informs the services and instruments responsible for their protection H) within the territory of their responsibility the Hellenic Police provides the headmasters of primary and secondary schools with every possible assistance demanded I) refuse access of photographs and information concerning the identity of the minors who have committed punishable actions to people who do not have legal interest in them J) the officials of the Hellenic Police are obliged to treat the minors with care and affability whenever in contact with them and abstain from any action which might insult them or leave them unpleasant psychological trauma. With the same article is introduced the obligation of the chiefs and of the Heads of the Hellenic Police not to sue minors for petty offenses which are not regarded as typical of antisocial behavior, but to advise them and draw the attention of the people responsible for their stricter supervision.

Special legal provision on the **RESPONSIBILITIES OF THE PUBLIC PROSECUTOR FOR MINORS OF THE ATHENS COURT OF FIRST INSTANCE:** Article 14 of the “Regulation of the Internal Service of the Prosecution of the Athens Court of first instance” (GG 1017/16.5.1998 vol B) specifies the responsibilities of the Public Prosecutor for Minors who, among others, expresses his judgement about the person who, according to law, is responsible for the minor’s custody, in order for some services to take action regarding these people (Passport administration, clinics, customs etc.). He cooperates with and supports the work of civil or private agencies in the fields of prevention and combat against juvenile delinquency. Also, he is informed by the Department of Penal Prosecution about prosecutions concerning parental offenses against their children (seduction, insecticide, negligence of supervision, physical abuse, etc). He is responsible for the hearing of either minors or adults who turn against minors. He submits applications of security measures at Court or submits law suits concerning the removal of parental custody or child supervision or addresses the Court in cases of removal of the minor from a foster family or takes part additionally or mainly in these types of trials.

The entrance points of the unaccompanied minors seeking asylum are mainly the islands of the Eastern Aegean Sea and the Greek-Turkish borderline.

The unaccompanied minors seeking asylum are “helped” by a network of traffickers in order to enter the Greek territory, under high fees. Usually, the previously agreed amount is not paid in advance, but at least, a part of this amount has to be paid after the arrival of the minors in Greece. Thus, in many cases the minor has no other option or is forced to work in order to pay the network of

traffickers, while, most of the times, he is threatened or held illegally by them in order to blackmail relatives for the full payment of the amount.

Apart from the above, cases of sexual harassment against minors seeking asylum have been reported, which, as it has been estimated, would have been avoided if suitable conditions for their accommodation had been present.

4) To what extent are relevant authorities identifying trafficked children? Eg: police, social services, and immigration authorities.

There have been serious difficulties concerning the identification of unaccompanied minors, and this is so for the following reasons:

- Regarding their age, when the children do not carry any identification documents with them, it is very difficult for the services in charge to verify their exact age, as the age definition is based on the children's claims. No medical tests are taken in order to verify their age. Consequently, in many cases, minors claim to be adults or vice versa, believing that in this way they will receive better treatment by the authorities.
- Regarding the fact of whether they are minors or not, also because of the absence of identification documents, many unaccompanied minors claim to be members of the family of other foreigners, especially in cases of mass arrivals.

5) How are trafficked children being dealt with under immigration and asylum law procedures?

LEGISLATION ON IMMIGRATION (L2910/2001 as applied nowadays): It does not clearly refer to the treatment of unaccompanied minors in Greece. Moreover, it introduces a special age of adulthood for the minors coming from countries-members of the EU and for those reaching adulthood in Greece (adulthood comes at the age of 21, as specified by art 33 and 32) and "maintains the adulthood at the age of 18 for the application of family reunion"(art 28). While it provides care and deals with the further legal stay in Greece of those minor foreigners who live here with their parents and reach adulthood (art 32), it does not refer to the way of legal regulation of the stay of unaccompanied minors (though it may possibly refer to art 37 par 4 which deals with permissions of stay due to humanitarian reasons, to people who do not meet the conditions of legal stay and, especially for humanitarian reasons, their departure from the Greek territory is regarded as impossible, or in the cases of deportation in art 44 par.6 and as long as the parents or the people who will fulfill the parental responsibilities are not found in the minor's country of origin). It is pointed out that the law gives permission of stay (art 29 par 2) to the foreign minors who have completed the 14th year of age (by introducing an inexplicable distinction based mainly on the status of unaccompanied refugees, to whom the authorities give permission of stay, since the identification of their status, and that of the people who have the parental responsibilities takes place, regardless of their age). A problem which has arisen by the application of the previous legislation on migration and which is not clearly covered by L 2910/2001, is the justification of the legal status of the stay when it comes to foreign minors staying in Greece in foster homes or under custody. On the other hand, this same issue is clearly dealt with in the case of children seeking asylum (P.C. 61/1999: the state is obliged to give permission of stay to asylum seekers at least until a permanent decision has been reached on the matter of their application).

Special treatment according to status is also found in cases of guardianship: while the legislation (art 1 par 4 of the penal code 61/1999) deals with the representation at court of the child seeking asylum concerning this matter (which may lead to his legal stay in the country), a similar right-protection is not established for the unaccompanied minors who are found in the country and face the need to be represented before the authorities even for matters of temporary nature, as temporary legal stay, which constitutes a measure of childhood protection.

The law clearly provides the right of access to education even regarding foreign minors whose legal permission of stay in the country has not yet been decided (art 40).

Concerning the issue of deportation, it is pointed out that par 7 of art 44 seems to ignore L3064/2002. Specifically, while it deals with the suspension of deportation of foreigners being in Greece illegally and report acts of promotion to prostitution, it disregards the cases of reporting actions, which have been specified by the previously mentioned law and which may be regarding children.

6) Do trafficked children have access to welfare provision available to other separated children or to child sex-workers or otherwise exploited children who are nationals of your country? E.g. education, health care, psychological support.

SOCIAL CARE AND WELFARE: The L 2646/1998 (which has been amended by L3106/2003, GG 30 vol A: 'Reorganisation of the National System of Social Care and other provisions') states that social care and welfare is the protection given to individuals or groups through programs of prevention and rehabilitation and aims at creating the conditions of equal participation of the people in the financial and social life and ensure they have an acceptable standard of living. It points out that the provision of social care is a responsibility of the state, and recognizes the right of access to social care provided by the services of the National System to every person who legally lives in Greece and is in need of it. While the case of refugees is clearly dealt with by the previously-mentioned law (art 18 par 2) , the general principle of social services to everyone who legally lives in Greece seems to be excluding the unaccompanied minors from this advantage. According to par c art 18, special programs are organized for the cases of minor orphans and minors facing family problems. The eight children-villages of the National Welfare Organization (EOP) are being reorganized, specialized and separated into two categories (housing of orphans and children with family problems and housing of delinquent children and children-victims of exploitation) and do not clearly include the cases of unaccompanied minors (who may not be exploitation victims, but run the risk of being so, as their legal status in the country is uncertain).

Art 9 of the L 2082/1992 (GG 158 vol A) "Reorganisation of the Social Welfare and introduction of new methods of Social Welfare" establishes the institution of foster families, issuing that minors under the age of 18, who do not have or live in an unsuitable family environment can be placed until they reach adulthood or, if dealing with minors with special needs, beyond that age, in a foster family.

According to art 2 of the Royal Decree 273/1973 ("On Reorganization of National orphanages into Centers of Child Care" (GG 81 vol A) as amended by the art 109/1984 of the P.C., GG 84 vol A), children in need from the age of 5 years and 6 months until the age of 15 are accepted free of charge, after the decision of the person in charge according to Royal Decree 197/1972 or of the executive committee of the center, accompanied by the consensus of the local Municipality. Their need for protection is verified through a social case study report and takes place as long as it is clear that obtaining protection within the family is not possible. During the procedure, the cases which are prioritized are orphans of one or both parents, children of war victims, children whose one parent is blind or deaf-mute or invalid by birth or suffers from tuberculosis or is mentally ill or is imprisoned for a long period of time".

Art 6 of L1431/1984 (GG 46 vol A) "Regulations of issues of offices of Social Welfare-child protection and other institutions": The state kindergartens and their nursery departments function according to L. of the 2/5.11.1935 (GG 527 A), as amended and completed later on. Children from the age of three until the age of registration at primary school are accepted at state kindergartens and at state nursery schools, which are separated into three departments, children from the age of 8 months until the age of 1,5 years are accepted in the first department, children from the age of 1,5 until the age of 3 at the second and children from the age of three until the age of registration at primary school are accepted at the third department. At the nursery departments of state kindergartens, which are separated into two categories, can be seen children from the age 8 months until the age of 1,5 years in the first group and between the ages of 1,5-3 years in the second.

L749/1948 “On Children Camps And Special Houses of Children Nutrition” (GG 200 vol A) (as amended by L 1727/1951, art 50 par 1 l 1832/1989 GG 54 vol A): According to par 5 of the art 1 the selection of children sent to camps is restricted to the following categories: a) working youngsters and students of evening polytechnics b) children under frequent medical treatment by the state multi-clinics, the clinics of PIKPA or IKA before the beginning of the camping season.

The two legal documents which refer to the acceptance conditions of those seeking asylum (P.C. 366/2002, GG 303 vol A and 266/1999, GG 217 vol A), state that people under the age of 15 who are not accompanied by parents or guardians can be placed at the state establishments for the natives, and thus simulating the treatment of foreign minors with that which the legislation issues for the Greek children.

Allowances: The main legal document is L 4051/1960 “On supporting unprotected children” (GG 68, vol A), as applied nowadays. They are distributed to children (until the age of 14 or in some cases 16) who live with their own family and are: a) orphans from both parents b) orphans without a father c) children whose father cannot support them due to health reasons d) children born outside marriage etc. It is clearly mentioned that the aid is not supplied to unprotected children who live in an institution, which provides for them free of charge health care and services and functions all year round on a 24-hour basis. PIKPA also gives allowances to children under the age of 14, who live in single parented families or in families with very low income or when their parents face serious medical and social problems. It is pointed out that the reception of the allowance described by L 4051/1960 does not allow the individual to receive the PIKPA allowance as well.

7) What additional or specific welfare provision is needed by trafficked children, which is not currently met?

The existing structures are not enough, given the fact that only at the children’s Paidon hospital and at the General State Hospital of Piraeus is medical treatment and aid, concerning mental diseases, possible. Additionally, their medical treatment is not precautionary, but takes place only after they have been sent there by the juvenile supervisors of the Juvenile Court, in case they have committed offense.

8) What arrangements are there for family contact, family reunification and managed return for trafficked children?

There is no official provision regarding the facilitation of communication between unaccompanied minors and their families.

Regarding family reunification of unaccompanied minors seeking asylum in Greece, the Dublin Convention of 1990, among the state-members of the EU, specifies that the asylum application forwarded by a minor in a state-member of the EU, will be examined by the state-member of the EU in which one of the child’s parents has been recognized as a refugee, which means that the minor is transferred under the responsibility of the state-member in which he applied for asylum to the state-member to which his parent, who has been recognized as a refugee, resides. The EU regulation, which was adopted in 2003 and replaced the above mentioned convention, specifies that from now on requests for asylum will be examined in a country other than this in which they were submitted, not only if the parent recognized as a refugee resides there, but also when the parent resides there as an asylum seeker whose application has not yet been approved. These provisions facilitate family reunification of asylum seekers and refugees living in different state-members of the EU.

Furthermore, if the unaccompanied minor is recognized as a refugee in Greece, he has the opportunity, under the restrictions set by P.C. 61/1999, to request the arrival and residing of his parents. However, the Greek legislation requests that the refugee prove with formal evidence that he has obtained a salary as an unskilled worker, which refers to half of the working period of one year before the submission of the application for reunification. This condition is highly unlikely to be met by a minor refugee, given the fact that in the vast majority of cases he is not capable of legal employment.

Regarding the return of trafficked children, apart from what has already been mentioned, we are not aware of the adoption of any special measures or guarantees, which could prevent these children's deportation. In any case, the return of unaccompanied minors should take place only in the country of their origin, it should be dictated by the best interest of the child and should take place in relation to family reunification.

Migrant Children

- 1) What is known about other migrant children who are neither refugee nor trafficked children? Eg country of origin, routes of entry, numbers, means of subsistence.

In Hellas the terms "separated children" and "trafficked children/children at the street lights" are used with the same meaning. Actually, the term commonly used is the term "children at traffic lights".

The children who are found within the Greek territory together with their parents or legal guardians and work at traffic lights as well as the children who work there as victims of illegal trafficking, are both regarded as trafficked children.

In this category (trafficked children/ 'children at the traffic lights') the majority of children are Albanians.

- 2) Can you identify particular groups with international protection needs?

N/A

- 3) How are these children dealt with under immigration and asylum law procedures?

The legislation applied is the one mentioned in national evaluation and regards separated children ('children at traffic lights') and minors seeking asylum or refugee status.

- 4) What welfare provision is available to such children, formally or informally?

See: National Evaluation