

UNACCOMPANIED MINORS and ACCOMPANYING ISSUES

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The protection of the children's rights in the context of the contemporary phenomenon of immigration and refugees is a requisite for every well-governed state and *a fortiori*, in a country –frontier of the European Union which is the guardian of the human rights.

To this effect, in the framework of assistance of the Directorate of Minors' Criminality Prevention and Penitentiary Treatment, allow me to make a brief description of the profile of the unaccompanied minors as this is held by the competent services of the Ministry of Justice taking care of them, the procedure to be followed, the issues as well as the conclusions extracted after the investigation of the said issue.

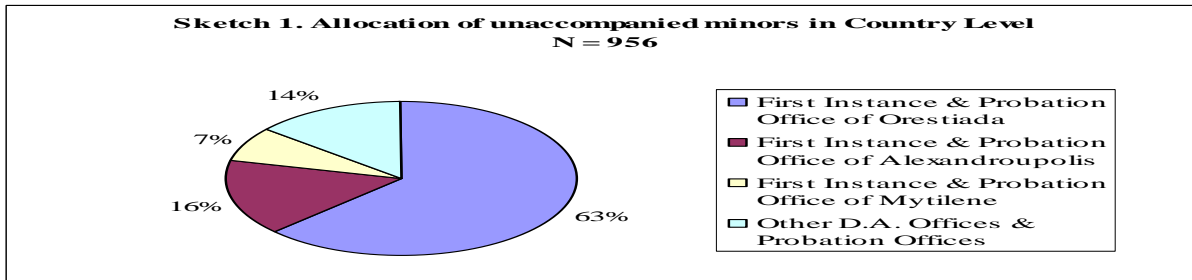
More analytically, under the spectrum of the place of whereabouts-residence of the parental scheme, the unaccompanied minors are mainly divided in 3 basic sub-groups. Specifically, the minors for whom the parental scheme stays

- At the country of their origin.
- It is found at another non European country, together with other family members, being sometimes under a hostage status, or awaiting departure for transit via our country.
- Or he has already reached the European State selected as final destination and the procedures for the request of asylum have started, in combination with the beginning of the procedures for the family re-union as per the provisions of the European Regulation 343/2003 (Dublin II).

According to the information we have got, the major problem is focused in the 2 first groups of unaccompanied minors.

Let us see however, how this flow of the unaccompanied minors is allocated to the District Attorneys' Offices of First Instance of the Country. In specific, as we can observe, the greatest flow of unaccompanied minors has been received by the District Attorneys' Offices of Orestiada with 63%, Alexandroupoli 16%, Mytilene 7%. Therefore, it is evident that the greatest load is borne by our services located at our Greek-Turkish borders in Evros as well

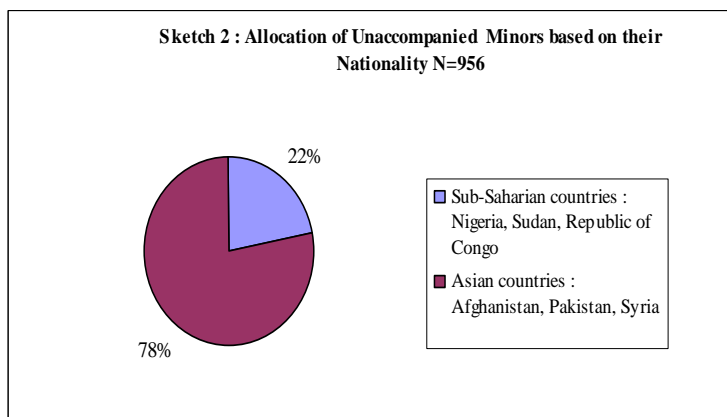
as the North-Eastern Aegean islands. Consequently, these data come to verify the view that these areas of our country are the basic gate of illegal entry to Europe.



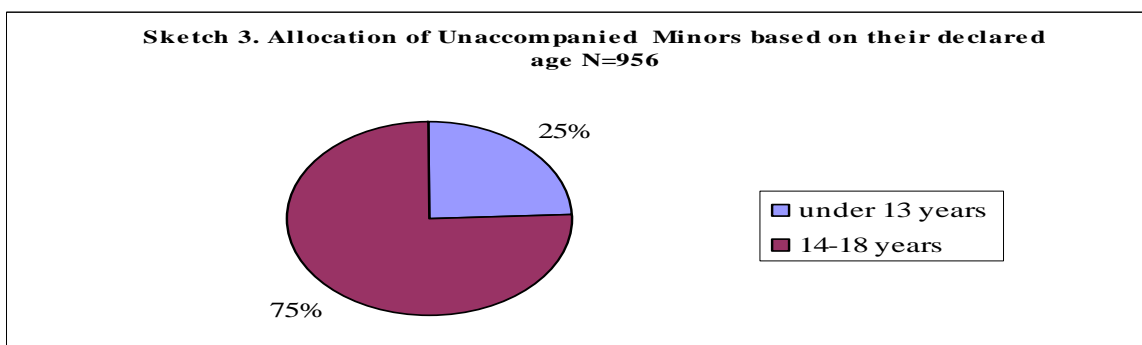
78% comes from Asian countries, with first countries of origin : Afghanistan, Pakistan and Syria and 22% from Sub-Saharan countries with first countries of origin : Nigeria, Sudan and Republic of Congo.

Sketch 2 : Allocation of unaccompanied minors based on their Nationality N=956

Sub-Saharan countries : Nigeria, Sudan, Republic of Congo 22%
Asian countries : Afghanistan, Pakistan, Syria 78%



According to the declared data regarding their age, 75% belongs to the age group between 14 to 18 years and 25% belongs to the age group of under 13 years.



Now, please let me for a short description, with regard to the procedure which is followed for the unaccompanied minors, by the District Attorneys' Offices of First Instance and the Minors' Guardian Services of the Country, this is as follows :

After the arrest by the competent Police Officers, the identification of their details by specialized staff so as to determine their nationality, the determination of their age begins. For the unaccompanied minors with estimated age between 15 to 18 years, bone medical examinations are held for the most accurate determination of their age.

Since the moment that their minority is verified, the District Attorney's Office of First Instance prepare a written Application as well as a District Attorney's Order, addressed to the National Center of Social Solidarity in order for a hosting shelter to be found.

At the same time a District Attorney's Order is given to the Border Center, that the minors should be transported to the Hospital and the necessary children-psychiatric examinations should be made, as well as the examinations for contagious diseases.

After a reply is received from the National Center of Social Solidarity, stating the determined area that will host the unaccompanied minors, then, the District Attorney of First Instance issues a provision and orders their transport and hospitality at the mentioned hostel or center.

Occasionally, some First Instance Courts (i.e. Ioannina, Kos, Chios) in the context of exercising guardianship of the unaccompanied minors, determine a Minors' Guardian from the Minors' Guardian Service, who exercises the duties either of a single-person supervisory council or a custodian.

To what concerns the penal treatment of the unaccompanied minors, the following apply per case :

After a legal brief is created by the Police Directorate, against the unaccompanied minor for illegal entry to the country, this is submitted to the competent District Attorney of First Instance who can :

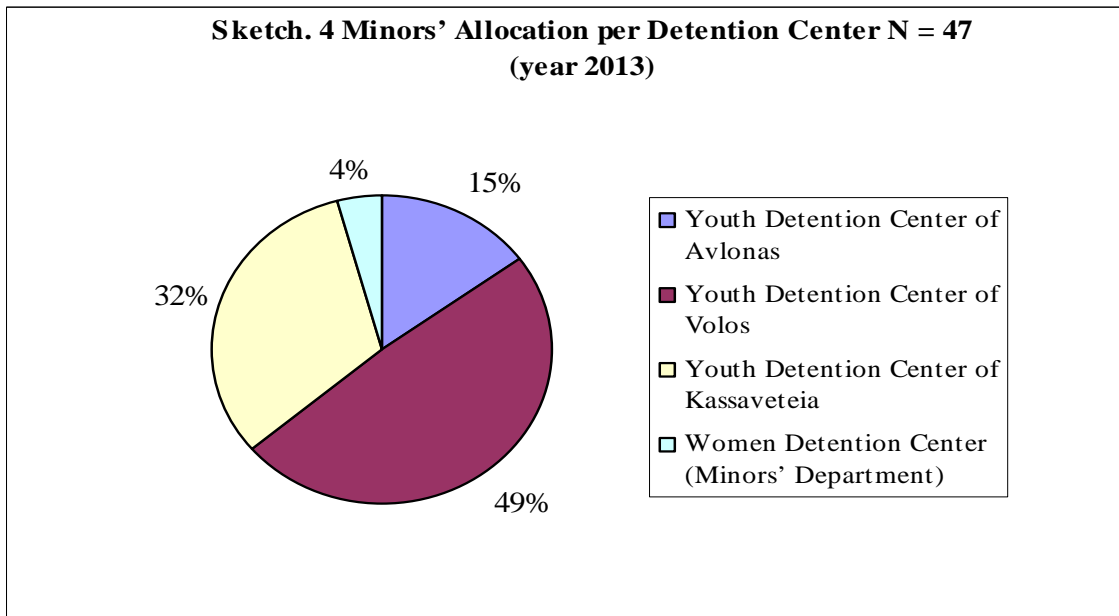
A) Either, by his order issued by a decision of the District Attorney of Appeal, abstain from the Penal Prosecution as per article 83 par.2 L. 3386/2005 in order for the minor to be sent back to the country of his origin- provided this is feasible.

B) Or start a prosecution for violation of the article 83 par.1 of the L. 3386/2005 and indict the unaccompanied minor to the competent Minors' Court.

Based on the data available, a prosecution usually starts in cases of unaccompanied minors arrested after the commission of other offences as well (with prevailing ones the beggary, prostitution or the facilitation of aliens' trafficking who have no entitlement to enter our country). In such cases, if, at the same time is proven that they have illegally entered our country, then a prosecution will start in a combinatorial mode, for the offence of illegal entry to our country as well. At this point and, on the occasion of my previous reference to the commission of a criminal act, with the purpose to facilitate the trafficking of aliens having no entitlement to enter our country, as concluded from the relevant legal briefs of the Three-Member Courts of Minors, many unaccompanied minors become the victims of the traffickers' exploitation, who in order to facilitate them to cross the borders of our country, with no monetary reward, nominate them leaders of the mission, force them to lead to our country other -adults and minors- immigrants, in two or three missions, holding however, until their final return back to the place of trafficking, members of their families as hostages.

Nevertheless, depending on the severity of this act, they are usually imputed with penal correction and the unaccompanied minors are normally imprisoned in Minors' Detention Centers with everything this may involve for their future evolution and career. In specific, as we observe in the following sketches, the total number of the minors who have committed or are accused of having committed a criminal act with the intention to facilitate the trafficking of aliens who have no entitlement to enter our country, amounts up to 47.

IN the next table is illustrated the allocation per juvenile detention centers of the unaccompanied minor's



Regarding their distribution by their age, as we see in the following table the majority of them belongs in the age group between 15-18 years old.

Table 1. Distribution of imprisoned unaccompanied minors based on their age

- 15-18 years 33
- 19-23 years 14
- **Total** **47**

In the next table we see their country of origin.

Table 2. Distribution of imprisoned unaccompanied minors based on their country of origin

• <u>Egypt</u>	<u>1</u>
• <u>Afghanistan</u>	<u>4</u>
• <u>Albania</u>	<u>2</u>
• <u>Iraq</u>	<u>11</u>
• <u>Iran</u>	<u>1</u>
• <u>Lebanon</u>	<u>1</u>
• <u>Morocco</u>	<u>1</u>
• <u>Bangladesh</u>	<u>1</u>
• <u>Palestine</u>	<u>1</u>
• <u>Pakistan</u>	<u>2</u>
• <u>Romania</u>	<u>1</u>
• <u>Syria</u>	<u>2</u>
• <u>Turkey</u>	<u>19</u>
• <u>Total</u>	<u>47</u>

As concern their family status the majority of them come from families with more than 3 siblings

Table 3. Distribution of imprisoned unaccompanied minors based on their family status

• <u>only child</u>	<u>2</u>
• <u>1-2 siblings</u>	<u>20</u>
• <u>2-4 siblings</u>	<u>14</u>
• <u>4 and up</u>	<u>11</u>
• <u>Total</u>	<u>47</u>

Regarding their family financial status the majority of them belongs below the poverty line.

Table 4. Distribution of imprisoned unaccompanied minors based on their financial situation

- below the poverty line 36

- relatively good 11

- **Total** **47**

Finally as we see in the next table as very large number of them have imprisonment up to 10 years.

Table 5. Distribution of imprisoned unaccompanied minors based on their sentences

- imprisonment up to 10 years 21

- 10-18 years 2

- 18 and up 2

- **Total** **25**

Based therefore, on the above picture, in combination with the fact known to everybody, that the unaccompanied minors are, for the circuits of children trade and trafficking, the main tank for pumping out candidate victims, we should at this point, place into mind for contemplation and then for solution, certain issues-conclusions that emerged after the investigation of the issue and which took place in cooperation with the Regional Services of our Ministry (Minors' Guardian Services, District Attorneys' Offices of First Instance).

Analytically :

All involved Services should be enforced by appropriate aids and their staff should also acquire the appropriate training in order to be able to make the most correct ascertainment

of the age of the unaccompanied minors, at least in cases the declared age is being disputed, given that, based on the age, is also determined the kind of their further treatment.

Additionally, in the context of ensuring the best interest of the unaccompanied minors, it is considered necessary the reinforcement as well as the best networking of the tracking frame of the unaccompanied minors, during both the procedure of their first reception at the border stations as well as later, within the State, in order to be avoided, to the most extent possible, the possibility of their victimization by the traffickers' networks.

Also, it should be appropriately examined the possibility to have Court Social Service set into operation, the establishment of which is prescribed in the article 49 of the L. 2447/1996. This Service could undertake a very significant role as to assisting the issues confronted by the unaccompanied minors as well. This proposal is being actually mentioned also in the guidelines about unaccompanied children seeking for asylum, which bear the signature of the Citizen's Advocate and the UN High Commissioner.

Absolutely necessary is also considered the action for the preparation of a personal bulletin filled as fully as possible, for every case of an unaccompanied minor, with reference to his family, demographic and medical background, which will be a point of reference for the District Attorney and the Court Officers as well as the Mental Health or other branches' Professionals who will "potentially" deal with them.

Finally, there should be an action for securing the necessary funding via relevant European Funded Programs, in order to adapt-implement good practices as implemented in other European countries become feasible. To this direction is heading our Country. Specifically, it participates as a Partner in the Interstate European Program with the title "**Southeast Safe Net : Preventing child trafficking and protecting unaccompanied minors in Greek-Turkish borders**".

The venture is certainly very difficult ! However, it is worth the pain to give it a try !!!