

UNACCOMPANIED CHILDREN OUTSIDE THE CHILD PROTECTION SYSTEM

CASE STUDY: PAKISTANI CHILDREN IN GREECE

REPORT



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Foreword

In recent years, we have been inundated with information about migration to the European Union – usually in the form of statistics. Yet few data are available on unaccompanied migrant children who are not in the care of child protection systems in the EU.

This report seeks to shed light on the realities and risks this group faces. Presented as a case study, it tells the story of children and young adults from Pakistan who travelled alone to the EU without their parents or other adults.

The findings are based on desk research and extensive fieldwork carried out in 2019. The fieldwork focused on four major Greek cities that attract many migrant children – Athens, Thessaloniki, Ioannina and Patras.

Researchers conducted semi-structured interviews with unaccompanied Pakistani children and young adults who arrived as unaccompanied children in Greece from 2015 onwards. They also observed and spoke with them in diverse settings, learning first-hand about their working and living conditions.

The research also included discussions and interviews with various professionals working in close contact with unaccompanied Pakistani children, including staff of reception facilities, the guardianship network and non-governmental organisations, as well as local authorities, police and juvenile court staff, and legal aid professionals.

The report describes how the children experienced their journey to Europe, their arrival and their stay in Greece. Much of it makes for difficult reading. The young people interviewed migrated to Europe for different reasons, but all encountered considerable hardship both along the way and within the EU. Their dire reality often includes violence and exploitation, terrible living conditions, limited access to healthcare and educational opportunities, as well as few options for regularising their stay. The risk of mental health issues, substance abuse, and being lured into unlawful activity looms large.

While the report examines the specific case of unaccompanied children from Pakistan, the child protection challenges identified are not unique to this particular group. The insights presented are thus relevant for all unaccompanied children coming to and living in the EU, and especially so for adolescent boys not granted international protection.

Over the past two years, policymakers have already introduced changes to address some of the challenges highlighted in this research. We hope that this report prompts additional, systematic efforts to ensure full rights protection for everyone in the EU, including for those most vulnerable.

Michael O’Flaherty
Director



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Introduction

Migrant and refugee children who travel alone, without the support of their parents or caregivers, are at higher risk of abuse and exploitation, as the European Union (EU) strategy on the rights of the child issued in April 2021 notes.¹ Protecting these unaccompanied children is therefore a priority for the EU.

The EU and its Member States have systems to protect unaccompanied children who come to the EU, but their implementation varies across the EU.

This report outlines the findings of FRA's 2019 research on unaccompanied Pakistani children in Greece. Presented as a case study, it serves to illustrate protection challenges that unaccompanied children face more broadly.

The reception of migrant children within the EU has a number of weaknesses, as the European Commission communication on the protection of children in migration indicates.² It points to reception facilities that are not always adapted to the needs of children, and staff who are not always trained or qualified to work with them. Individual needs assessments are not systematically carried out to tailor the response of the needs of each individual child. Traumatized children and families need psychological support, and children who may have suffered from sexual and gender-based violence need specific services. Children do not always get early access to education.

The communication also acknowledges that children have been accommodated in closed facilities because of the shortage of suitable alternative reception facilities. It also points out, as does FRA's past research,³ the constant challenges in appointing independent guardians for unaccompanied children: there are too few suitably qualified guardians and they are appointed too slowly.

Most EU Member States have developed the protection of unaccompanied children as part of asylum policies and not within the general system to protect children without parental care. Unaccompanied children who are not in the asylum system face even more acute protection risks. For example, all national systems provide for a guardian or legal representation in cases when the child applies for asylum. However, this is not always the case for unaccompanied children who do not request asylum.⁴ When national child protection systems lack responses adapted to the needs of non-asylum-seeking children, they are left on their own, often exposed to acute protection risks.

To promote a more holistic approach to child protection, the Commission highlights the need to strengthen "key protection measures, notably as regards access to information, legal representation and guardianship, the right to be heard, the right to an effective remedy and multidisciplinary and rights-compliant age assessments" and calls for clear rules "on the legal status of children who are not granted asylum but who will not be returned to their country of origin".⁵ The need to give more attention to the situation of children who are in a legal limbo also emerges from the 2021 Council of Europe implementation report on life projects for unaccompanied migrant children.⁶

Eurostat has comprehensive data on the number of unaccompanied children applying for asylum in the EU, but lacks comparable data on unaccompanied children who are not in the asylum procedure.⁷ According to Eurostat, around

13,500 unaccompanied children applied for asylum in the 27 EU Member States in 2020, most of them in Greece, followed by Germany, Austria and Belgium.⁸ Moreover, recent changes to the Regulation on Migration and International Protection Statistics⁹ will improve the collection of data on unaccompanied children subject to return procedures and removal.

However, the data collected still do not capture the total number of unaccompanied children in the EU. For example, there are no regularly updated figures on the almost 3,000 unaccompanied children who arrived in 2020 and up to April 2021 in the Canary Islands and did not apply for asylum.¹⁰ Data on unaccompanied children who do not apply for asylum and are not issued a return decision may be available at national or regional level but are not comprehensive or comparable and often not publicly available.¹¹

In December 2019, UNICEF organised a workshop to share good practice and discuss challenges for unaccompanied children living on the streets in extremely vulnerable situations in France and Spain. It describes the acute risks that unaccompanied children who fall through the protection system face, such as homelessness, discrimination, and exposure to abuse and exploitation. The lack of papers confirming their legal status and the lack of adults taking care of them make these risks worse. UNICEF calls for action to address documentation and legal issues, to promote protective environments, to provide affective adult references and to change the narrative about children living on the streets.¹² In Italy, as early as 2012, Save the Children carried out fieldwork research to draw attention to the situation of Egyptian unaccompanied children, some of whom were disappearing from reception facilities to seek work.¹³

In past publications, the EU Agency for Fundamental Rights (FRA) has reported on the rights of unaccompanied children who are in an irregular situation. It has recommended measures to provide health services to these children and alternatives to detaining them, and has noted fundamental rights considerations when returning unaccompanied children.¹⁴

In 2019, FRA carried out fieldwork research on the situation of unaccompanied Pakistani children in Greece. It collected evidence to better understand the protection risks unaccompanied children outside national child protection systems face and the coping mechanisms they adopt. The findings are relevant to the situation of unaccompanied children who are outside the asylum system across the EU, and they form the basis for a range of suggestions to improve the protection of this group.

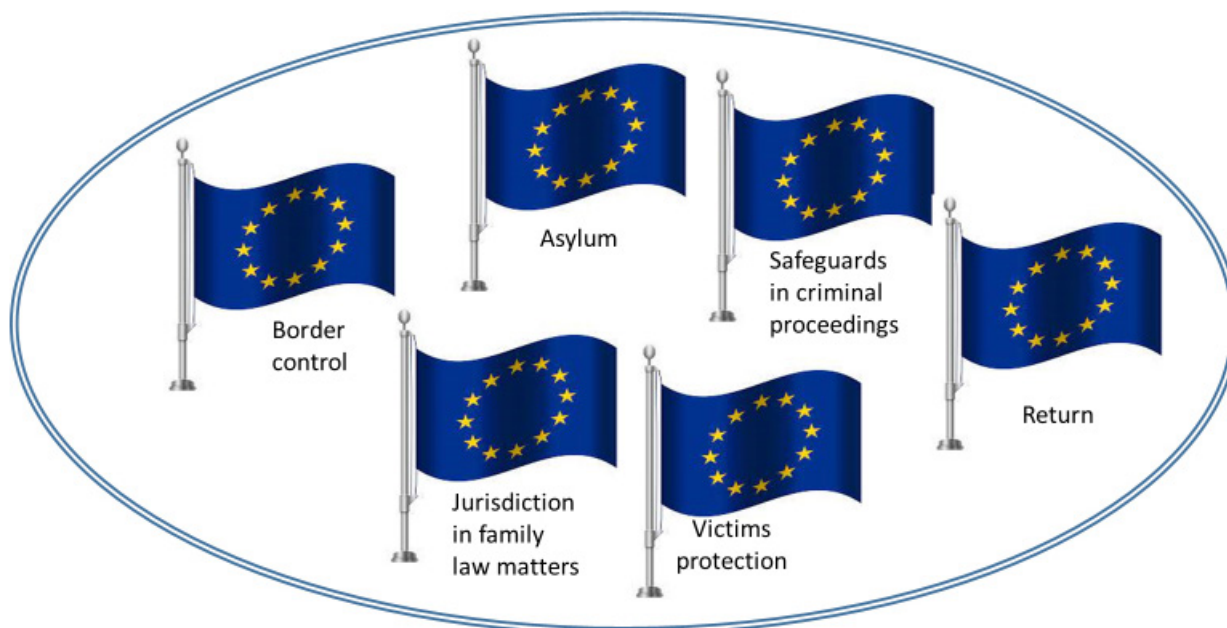
Under Article 20 of the United Nations Convention on the Rights of the Child (CRC), children who are deprived of parental care are entitled to special care and assistance. This includes the duty to ensure alternative care.¹⁵ The CRC also establishes the right of the child to be protected from all forms of violence. According to Article 32, the child has 'to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development'.

Since all EU Member States have ratified the CRC, these rights and entitlements apply to all children in the EU, regardless of their nationality or residence status.¹⁶ Although the CRC is not part of EU law, the Court of Justice of the EU (CJEU) takes it into account in interpreting EU law.¹⁷

Member States are also bound to apply the EU Charter of Fundamental Rights (Charter) when implementing Union law. Article 24 provides for the right of children to such protection and care as is necessary for their well-being. Article 32 prohibits child labour.

Figure 1 summarises the six most important policy areas affecting unaccompanied children that fall within the scope of EU law: border control, asylum, return, victims protection, safeguards in criminal proceedings and jurisdiction in family law matters (including parental responsibility and international child abduction). In these areas, Member States must comply with the requirements of Article 24 of the Charter.

FIGURE 1: UNACCOMPANIED CHILDREN IN MIGRATION: KEY POLICY AREAS FALLING WITHIN THE SCOPE OF EU LAW



Source: FRA, 2021

Some of the EU legal instruments adopted in the policy areas listed in Figure 1 apply to all children, regardless of their nationality or residence status. This is the case with the Schengen Borders Code,¹⁸ the instruments to protect victims of crime (including victims of trafficking in human beings),¹⁹ the Brussels IIa Regulation²⁰ defining jurisdictions in family law matters, and rules in criminal procedures affecting children in conflict with the law.²¹ In contrast, legal instruments on asylum and return apply exclusively to third-country nationals subject, respectively, to asylum or return procedures. In EU law, the most detailed rules for the protection of unaccompanied children are laid out in asylum law.

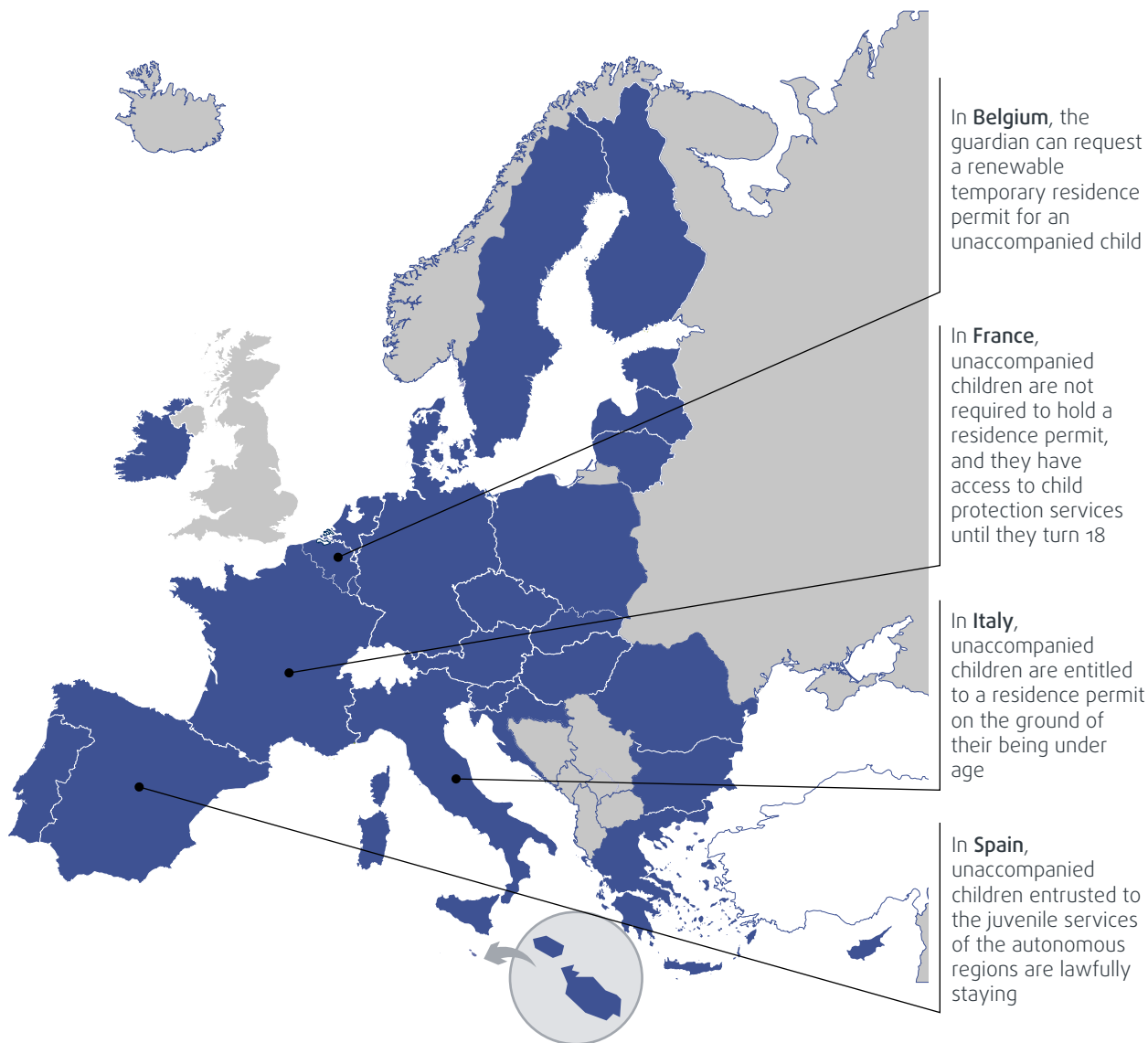
EU law regulates a wide range of issues affecting unaccompanied children. They cover the duty to give primary consideration to the best interests of the child, the identification and referral of children at risk, guardianship, age assessment, family tracing and reunification, provision of assistance and support, safeguards in different types of procedures and durable solutions. The annex presents a non-exhaustive overview of these issues, as covered in specific EU law instruments.

In most EU Member States, either by law or in practice, the asylum application activates referral to the child protection system. Expressing the wish to seek asylum usually triggers, at least in principle, transfer to an accommodation facility, the appointment of a guardian and the provision of child protection services. In some Member States, unaccompanied children who do not apply for asylum or who apply late remain outside the child protection system. The same happens in several Member States to unaccompanied children whose application for asylum is rejected.

Some Member States provide child protection support equally to all unaccompanied children, as soon as they are identified as such, whether they apply for asylum or not. In this case, the stay of unaccompanied children is usually lawful until they reach 18 years of age, even if they do not apply for asylum.

Figure 2 illustrates some examples. In Belgium, the guardian can request a six-month renewable temporary residence permit for an unaccompanied child until a durable solution is identified and, if the durable solution is to stay in Belgium, the child receives a one-year residence permit.²² In France, unaccompanied children are not required to hold a residence permit, and they have access to child protection services until they reach the age of 18 years.²³ In Italy, unaccompanied children are entitled to a residence permit on the ground of being under age.²⁴ In Spain, unaccompanied children entrusted to children's services of autonomous regions are considered legal residents, although there are often delays in the provision of residence papers.²⁵

FIGURE 2: EXAMPLES OF NATIONAL POLICIES ENABLING LAWFUL STAY OF ALL UNACCOMPANIED CHILDREN, WHETHER OR NOT THEY APPLY FOR ASYLUM



Source: FRA, 2021 [based on national legislation]

Unaccompanied Pakistani children in Greece are one group of children that often remains outside the national child protection system.

As noted, this case study outlines the findings of FRA's 2019 research with unaccompanied Pakistani children in Greece. It serves to illustrate protection challenges that unaccompanied children face and the coping mechanisms they adopt to survive. The research findings were discussed with stakeholders in Athens in November 2019. The case study covers nine aspects:

- the journey to Europe
- arrival in Greece
- accommodation and living conditions
- healthcare and education
- durable solutions, including asylum
- mental health issues
- employment conditions and labour exploitation
- victimisation experiences and
- recruitment of children to activities that are in conflict with the law.

In the two years since the fieldwork, the Greek authorities have taken major steps to address some of the shortcomings that emerged from FRA's fieldwork research. The more prominent actions include a legislative amendment to end the detention of children in protective custody,²⁶ an increase in places for child-appropriate housing and the launch in April 2021 of a mechanism to identify unaccompanied children who are homeless or living in insecure conditions.²⁷

However, issues such as the persisting lack of an effective guardianship scheme²⁸ and of equitable access to education,²⁹ as well as effective investigations of allegations of pushbacks at borders, remain to be addressed.

The scope of the actual fieldwork was limited to Pakistani children and young people in Greece. However, the protection challenges identified illustrate those facing other groups of unaccompanied children, in particular adolescent boys, across the EU. Several findings mirror the protection risks of unaccompanied children that past FRA research described and other stakeholders, including UNICEF, have raised.³⁰ The question arises of whether the EU should do more to protect unaccompanied children who are outside the asylum system across the Union. The key points and conclusions outlined at the end of the report therefore suggest possible steps that could be taken in the EU.

FOCUS ON UNACCOMPANIED PAKISTANI CHILDREN IN GREECE

This report describes the experiences of Pakistanis who arrived as unaccompanied children in Greece between 2015 and 2018. In 2018, when FRA planned this research, Pakistanis were the largest group of unaccompanied children in Greece.³¹ In December 2020, they were the second largest, at 22 %. Some 92.7 % of all the unaccompanied children were boys, most between 14 and 17 years of age.³²

Many unaccompanied Pakistani children apply for asylum only after staying irregularly in Greece for several months. From 2013 to February 2020, only 2.5 % of all Pakistani applicants in Greece received international protection there.³³ The limited opportunities for young Pakistanis to obtain international protection result in many of them staying in Greece without any legal status. This makes them especially vulnerable to exploitation, abuse and victimisation. It also makes it more difficult to identify a durable solution for them.

To better understand their situation, FRA carried out qualitative fieldwork and desktop research through its research network, Franet, in March–November 2019.

The fieldwork included two focus groups, one validation meeting and eight interviews with experts, and 20 interviews with unaccompanied Pakistani boys and young men who arrived in Greece as unaccompanied children. All Pakistani interviewees were male and had arrived as unaccompanied children in Greece since January 2015. There were too few Pakistani girls to find any to interview, to observe the children's difficulties, social conditions and experiences.³⁴

Methodology

The research was conducted between March and November 2019. It includes desk research and a combination of different qualitative approaches including focus group discussions and semi-structured interviews with experts and with Pakistani nationals who had arrived as unaccompanied children, and ethnographic accounts based on overt observations and informal interviews with unaccompanied Pakistani children and young adults.

The fieldwork was conducted in four major cities in Greece: Athens, Thessaloniki, Ioannina and Patras. The research team chose these cities because most unaccompanied children from Pakistan live there, either in reception and accommodation facilities or on their own or because they are near ports or borders, which attracts children who intend to continue their journey to other EU Member State.

Two focus group discussions (one in Athens and one in Thessaloniki) and eight interviews with professionals working in close contact with unaccompanied Pakistani children took place. The experts included staff of non-governmental organisations (NGOs), reception facilities and the guardianship network, local authorities, police and staff of the Juvenile Court of Athens, lawyers and legal aid professionals, a representative of the guardianship network and a member of a Pakistani diaspora organisation.

The fieldwork also included 20 semi-structured interviews with unaccompanied Pakistani children above 15 years of age and young Pakistani adults who had arrived as unaccompanied children in Greece from 2015 onwards. At the time of the interviews, 14 were young adults (aged 18–20) and six were children (aged 16–17). Seven participants were living in private apartments; eight in long term accommodation, such as shelters and rented flats provided by the accommodation scheme of the Emergency Support to Integration and Accommodation programme (ESTIA); four in temporary accommodation, with one living in a safe zone for unaccompanied children in a refugee camp; three in International Organization for Migration (IOM) hostels for unaccompanied children; and

one on a farm. Fourteen interviewees were asylum applicants (eight of them had applied for asylum and were waiting for the decision; six had received rejections of their asylum applications at first instance and their appeals were pending); two were beneficiaries of international protection (one subsidiary protection status holder and one humanitarian status holder); and four were in an irregular situation (three rejected asylum applicants and one who had never been registered by the authorities after his arrival in Greece).

The interviews took place in all four locations (six in Athens, six in Thessaloniki, five in Ioannina and three in Patra), in the offices of gatekeepers (for example at NGO premises or reception centres), in public areas (for instance in parks) or where the interviewees lived. All interviews were conducted in Urdu through interpreters. The average duration of the interviews was one hour and 13 minutes. All adult interviewees signed a consent form and guardians gave written consent for the interviews with children.

To better understand the experiences of children who are outside the child protection systems, the researchers also adopted an ethnographic approach, observing them in settings that Pakistanis frequent and conducting informal interviews with those who had arrived as unaccompanied children and with practitioners working with them. These observations and informal interviews also contributed to building trust and familiarity with participants, some of whom later agreed to be interviewed more extensively. This approach allowed the researchers to observe the actual working and living conditions of young Pakistani migrants: for instance how they worked under the strict supervision of an older Pakistani and their Greek boss; how they lived in abandoned buildings, in private apartments or in farms in the fields; and how they developed informal hierarchies among themselves.

As the fieldwork progressed, interlocutors pointed to new locations and identified additional interviewees (snowballing techniques). The interpreters facilitated access to hard-to-reach settings, such as private apartments, places used as unofficial mosques and places attended by members of the Pakistani community, such as a cricket pitch.

Potential research participants were always informed about the research and its aims before engaging in any interaction. The fieldwork data consisted of notes on activities and social interactions observed, notes on informal interviews, and photographic material.

Overall, 95 young Pakistanis were encountered during the fieldwork. More than half were children (52 out of 95). Two thirds (68 out of 95) were asylum applicants, 15 were in an irregular situation (including unregistered children and rejected asylum applicants), three had legal status and for nine the information was not available.

All adult interviewees signed a consent form. Following FRA's internal 2014 guidance on the participation of children in research, the guardian or the person in charge of a child (often a shelter manager), when present, gave their written consent for interviews with children. The child's consent was also systematically sought.

Safeguards when conducting interviews with children

Research with children needs to be justified and scientifically sound. During the entire fieldwork research, special care was taken to ensure that child participants felt safe in sharing their experiences and perspectives, and that they explicitly wanted to participate.

The Victims' Rights Directive requires Member States to ensure that a wide range of protection measures is available to protect victims and their family members from secondary and repeat victimisation, including against the risk of emotional or psychological harm (Article 18). Although the directive applies in the context of criminal proceedings, these principles are relevant to any professional coming into contact with victims, and especially children among them, including for research purposes.

The team applied the following safeguards when interviewing children.

- **Experts with appropriate experience:** two researchers conducted the fieldwork, a man and a woman, both psychologists with previous experience in conducting qualitative research with vulnerable groups (e.g. migrant victims of labour exploitation) and ethnographic fieldwork. Two male Pakistani interpreters assisted the team in interviews and in the context of the fieldwork conducted with unaccompanied Pakistani children and young people. Both interpreters had significant experience with the target group, as they had worked in the past with unaccompanied children in shelters, and had carried out social street work activities with children living on the streets.
- **Training:** FRA provided the research team with relevant training, including on aspects of confidentiality and the specific safeguards necessary when conducting interviews with children.
- **Avoiding revictimisation:** based on information provided by gatekeepers and the knowledge they had of each child, children at risk of secondary victimisation were excluded from the research; for children who participated in the research, whenever a child gave signs of distress during the interview, the interview was stopped and/or other topics were discussed.
- **Preparation:** meetings were organised with each child participant in order to build a relationship of trust between the interviewer and each child interviewed so that they would feel safe and comfortable to talk freely.
- **Referring children in need:** interviewees who disclosed past experiences of victimisation or needed support were given the contact details of support organisations, and information in their native language. Interviewers were trained to act immediately if they detected signals indicating the need for intervention, such as when a child appeared to be in a situation of risk.

In Greece, at the time of the research, different authorities were responsible for the protection of unaccompanied children. In 2018, the main responsibilities were with the General Directorate of Social Solidarity of the Ministry of Labour and Social Solidarity.³⁵ Guardianship was under the responsibility of the Ministry of Labour and Social Affairs and the National Centre for Social Solidarity (EKKA).³⁶ As of May 2020, the Special Secretariat for the Protection of Unaccompanied Children of the Ministry of Migration and Asylum is the competent authority for protecting unaccompanied children, including referring them to appropriate accommodation.

Endnotes

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- 22 Belgium, *Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers*, 15 December 1980, Art. 61/14 to Art. 61/25.
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- 27 Ministry of Migration and Asylum and UNHCR (2021), *‘Σε λειτουργία ο εθνικός μηχανισμός για τον εντοπισμό και την προστασία ασυνόδευτων παιδιών σε επισφαλείς συνθήκες’*, joint press release, 6 April.
- 28 See also, in this context, FRA (2021), *Fundamental rights report 2021*, Luxembourg, Publications Office.
- 29 Greek Ombudsman (2021), *Educational integration of children staying in facilities of the Ministry of Migration and Asylum and RICs*, 11 March.
- 30 See notes 3 to 12.
- 31 National Centre for Social Solidarity (2018), *Situation update: Unaccompanied children (UAC) in Greece*, 31 October 2018.
- 32 National Centre for Social Solidarity (2020), *Situation update: Unaccompanied children (UAC) in Greece*, 31 December 2020.
- 33 Greece, Greek Asylum Service, statistical data, last accessed on 29 February 2020. The Asylum Service has since then stopped publishing monthly detailed statistical data.
- 34 On the use of this method, see DeWalt, K. M. and DeWalt, B. R. (2002), *Participant observation: A guide for fieldworkers*, Walnut Creek, CA, AltaMira Press.
- 35 Greece, Law No. 4540/2018, L.4554/2018 and L.4538/2018.
- 36 Greece, Law No. 4686/2020, *‘Improvement of migration legislation, amendment of law provisions 4636/2019 (A” 169), 4375/2016 (A” 51), 4251/2014 (A” 80) and other provisions’*, published in Government Gazette 96/A/12-5-2020, Art. 1.

1

THE JOURNEY TO EUROPE

This first chapter describes the reasons why young people left Pakistan and the hardships, abuse and exploitation they endured during their journey.

1.1. REASONS TO LEAVE PAKISTAN

Most young Pakistanis said that they migrated for economic reasons, to find a job and send money back home to their families, which are often numerous or have a sick member. One of them, who arrived in Greece at the age of 17 years, said:

“I had financial issues [...] because I could not pay the school where I was registered. My mother was sick, so she needed help as well, because she had no money and she couldn’t make ends meet. So I decided to leave the country in order to be able to help my parents, to support the family.”¹

Other reasons for migrating are violence, religious conflicts, vendettas and feuds among extended family members, mainly related to land disputes.² For example, a child who arrived in 2017 at the age of 15 years reported that his mother forced him to go to Europe, as she feared for his safety because of a family feud:

“I am the only son in a family of five women and we have something like a ‘vendetta’ with my uncle for a piece of land and every day there were conflicts. My mother did not want to lose her only son. This was also a very important reason that made her to force me to leave so that I could be safe and also to have a better future.”



Research participants argued that lack of respect for human rights in Pakistan and the failures of its judicial system were additional reasons for leaving the country. A child protection expert from a civil society organisation also mentioned homosexuality as a reason for leaving Pakistan. According to a representative of a Pakistani community organisation in Athens, some families send their children abroad to keep them safe from violence. A young Pakistani man who arrived in Greece in 2017 at the age of 17 reported:

“I studied there in college and there was a terrorist organisation in the college. We had a problem with them. They tried to kill me two or three times. We were neither rich nor poor. We were in the middle. I had to leave.”

In sum, there are various reasons why young Pakistanis leave for Europe. A lawyer working for a non-governmental organisation (NGO) also noted that often interconnected factors, which include both economic and safety reasons, trigger a person’s departure.

1.2. PRESSURE FROM FAMILY MEMBERS

Most interviews with Pakistani children and young people (16 out of 20) and with experts support the view that families either pushed children to migrate or supported and encouraged the project, as illustrated by the account of a Pakistani young man who arrived in Greece when he was 15 years old:

“I didn’t decide on my own to come here and I didn’t even know the reason why. So the only thing I know is that I used to live with my godfather and my sister, but without our parents. My godfather told me that he decided that I had to leave and this is why I left Pakistan and came here in Greece.”

One respondent said that his parents encouraged him to leave Pakistan, because they were informed that children in the EU receive better protection.

An NGO worker taking part in a focus group mentioned a story that Pakistani children frequently report. According to it, families ‘lend’ children to repay a debt. The child is expected to work in Europe under the creditor’s ‘supervision’ until the debt is repaid. Some children run away from such ‘supervision’, but continue working in Greece until they have repaid the family debt.

1.3. DESIRED DESTINATIONS IN EUROPE

Migration from Pakistan to Greece started as early as the 1970s, with most migrants employed in shipbuilding and agriculture, and this continued in the 1990s and 2000s.³ The 2011 population census shows that over 34,000 Pakistani nationals lived in Greece, their numbers having increased sharply after 2007.⁴ Following the economic crisis in Greece, as of 2012, an increasing number of Pakistani migrants were returning home.⁵ According the Ministry of Migration Policy, as of April 2018, only 16,853 Pakistani nationals were legally residing in Greece, 87 % of them men.⁶ Despite the presence of a relatively large and well-settled Pakistani community in Greece, only two of the children FRA interviewed had family members in Greece (one a cousin and the other an uncle) that could explain the choice of Greece as their destination.

Almost half of the Pakistani children interviewed had no specific destination in mind when migrating to Europe, the research shows. For many, Europe was a fuzzy concept. They just wanted to find a safe place to build their life, as illustrated by the following quote.

“I wanted to go to any European country. I just wanted protection and asylum.”

Children heard positive accounts of Greece during their journey to Europe, including that working conditions are better than in the transit countries they had to cross, and that people are more friendly to migrants. As a Pakistani boy who arrived when he was 17 years old said:

“When I reached Turkey, the children were saying that in Greece everything is better because you can issue documents after a few years, but also that the jobs were better, [...] with an ordinary job you make a respectable amount of money.”

Others came to Greece because the smugglers took them there or because they did not have enough money to pay for the onward journeys, or simply because they could not travel further. According to a child protection expert working for an NGO, smugglers who bring children to Europe play a key role in the choice of the final destination.

A quarter of the interviewees, and several children met during observations, said that Greece was their final destination. Some said, however, that the information they had received, especially about asylum and work opportunities in Greece, was misleading. Their expectations were not fulfilled.

Others said that they intended to go to other countries, where they could join family members, such as Belgium, Canada, Germany, Italy, Serbia, Spain or the United Kingdom. A representative of a Pakistani community organisation suggested that Greece is only an intermediate stop for most children. A child protection expert working for an NGO corroborates this. He also mentioned, however, that more recently smugglers have discouraged children from trying to move to other EU Member States. A few children said that Turkey was their final destination but, having experienced harsh conditions and difficulties there, they decided to move to Greece.

Whether Greece was originally their final destination or not, most of the children interviewed said that they wished to stay in Greece.



1.4. INCURRING DEBTS TO PAY FOR THE JOURNEY

Children and their families often take out loans to pay for the journey to Europe. Interviewees reported that travelling from Pakistan to Greece without a visa costs approximately € 4,000. Having to repay this debt is a considerable barrier to return:

“Since I have no legal documents, I cannot go [to Pakistan] and I cannot return back.”

That the main guarantor of the debt remains the family in the country of origin, so, in cases of non-payment, death threats persist, research with unaccompanied children arriving in Italy from the Middle East shows.⁷

1.5. RISKS ALONG THE JOURNEY TO EUROPE

Unaccompanied children face numerous risks during their journey to Europe. These include the hardships and the difficult living conditions in transit countries. Many of those interviewed did not want to give details of their journey, partly because of their traumatic experiences, such as those recounted by one who arrived in Greece in 2017 at the age of 15 years:

“The first time we tried to come to Greece our little boat turned upside down and we fell in the water. We could not move because we were freezing [...] Thank God we lived.”

All Pakistani children interviewed had been smuggled into Europe. They described their journey as painful and long, suffering thirst, hunger and exhaustion from walking long hours. They travelled confined in the trunk of cars or in the back of crowded trucks to maximise the smugglers’ profit. The travel from Pakistan to Turkey alone could take up to eight months. Several children spoke of the violence they experienced, especially at the hands of smugglers, to force them to ask their families to send money:

“We were placed in a small room and then all of us, one by one, were beaten by the traffickers, because we had to call Pakistan and say that we had arrived in Turkey, in order to send money.”

Three quarters of the young Pakistanis interviewed had lived and worked in Turkey for months or even years before continuing to Greece, often to earn the money for their onward journey. This was common among the poorest children:

“In Istanbul it was much worse than in Greece. I was a year and a half there. When I arrived there, I had no money and, since I am from a very poor family, my parents could not send me any money to help come to Greece. That’s why I had to stay there, make some money, in order to come to Greece. [...] I was in fear. Very afraid. Too many hours of work, very little money. Too much hunger. My life there was very difficult. Just imagine that we were 15 people in a room in which we slept and cooked. All this in one room.”

In Turkey, children stayed in overcrowded accommodation, were robbed and beaten, caught infectious and skin diseases, such as scabies, were apprehended by the police, placed in detention and worked long hours for very little money, they said. A representative of a medical NGO said that those who stay longer in Turkey are often sexually exploited in exchange for helping them move on to Greece.

Endnotes

- 1 All quotes included in this report that are not followed by a source in brackets originate from children or young adults whom researchers interviewed. To ensure anonymity, information on location and age is omitted. Where more information on the child is necessary to understand the context, it is included in the running text preceding the quote, in a manner that does not allow indirect identification of the child or young adult.
- 2 On the situation in Pakistan, the reader may consult European Asylum Support Office country reports on Pakistan available on the [EASO website](#) and UNHCR (2017), *UNHCR eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan*, January 2017.
- 3 Lazarescu, D. and Broersma, F. (2010), Νέες μεταναστευτικές διαδρομές: Πακιστανοί και Μπαγκλαντεσιανοί στην Ελλάδα' ('New migratory paths: Pakistanis and Bangladeshis in Greece') in: Triandafyllidou, A. and Μαρούκis, T. (eds.), *Η μετανάστευση στην Ελλάδα του 21ου αιώνα* (*Migration in 21st-century Greece*), Athens, Kritiki, pp. 381–441.
- 4 Greek Statistical Authority, *Μετανάστευση / 2011*, 5 December 2014.
- 5 Hellenic Foundation for European and Foreign Policy (n.d.), *IRMA – Governing irregular migration: States, actors and intermediaries*; Marouf, M. (2015), *'It is not just the money. It is also how the people think over there': Retracing the journey of Pakistani migrants to Greece*, Athens, Hellenic Foundation for European and Foreign Policy.
- 6 Ministry of Migration Policy (2018), *National strategy for integration*, June 2018.
- 7 Cimino, F. and Mannu, D. (2020). *'Smuggling, trafficking, and exploitation among unaccompanied minors arriving in Friuli Venezia Giulia from the Middle East'*, *Peace Human Rights Governance*, Vol. 4, No. 3, pp. 287–309, at p. 300.

2

ARRIVAL IN GREECE

This chapter describes their situation and fundamental rights challenges encountered when crossing the border into Greece and immediately thereafter.

UN guidance on protection of unaccompanied and separated children

The UN Committee on the Rights of the Child, in its General Comment No. 6, provided guidance on the protection, care and proper treatment of unaccompanied and separated children based on the legal framework of the CRC.

In relation to protection needs, the measures that State parties should take as part of the initial assessment include:

- prioritised identification of a child as separated or unaccompanied;
- prompt registration;
- determination of potential international protection needs;
- provision of personal identity documentation;
- family tracing.

In addition, to ensure the rights enshrined in the CRC, the committee highlighted the States' obligations, which include, but are not limited to:

- appointing a guardian or adviser and legal representative as soon as an unaccompanied or separated child is identified;
- ensuring access to care and accommodation arrangements;
- granting full access to education irrespective of the child's status;
- ensuring a standard of living adequate for their physical, mental, spiritual and moral development;
- ensuring the same access to healthcare as national children;
- preventing trafficking, sexual and other forms of exploitation, abuse and violence;
- preventing deprivation of liberty.

In their Joint general comment No. 3, the CRC Committee and the Committee on Migrant Workers listed the main elements of a child's best interests assessment in the context of international migration.

*Source: UN, Committee on the Rights of the Child (2005), **General comment No. 6: Treatment of unaccompanied and separated children outside their country of origin**, 1 September 2005; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and Committee on the Rights of the Child (2017), **Joint general comment No. 3 on the general principles regarding the human rights of children in the context of international migration**, 16 November 2017.*

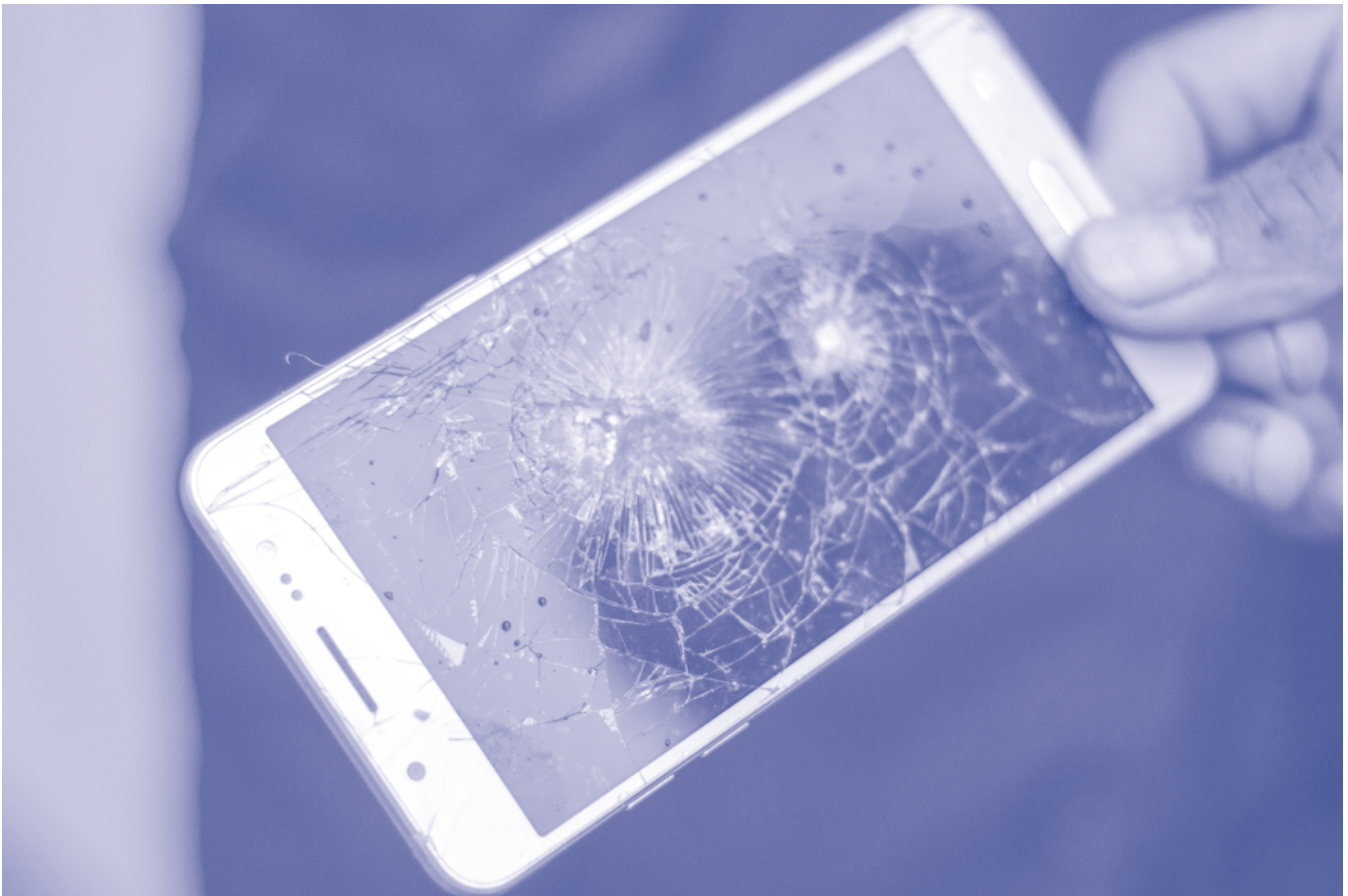
2.1. BEING TURNED BACK TO TURKEY

Most of the research participants entered Greece in an irregular manner through the northeastern land border with Turkey. Some tried several times, even 10 times, to enter Greece. Two Pakistani young men describe their experiences at the age of 15 when trying to enter Greece in 2015 and 2017:

“I tried to enter Greece and we were caught and they sent us back to Turkey. After one or two months I tried again and I was caught again. At that time their behaviour was very bad, there at the border. They took our shoes off and beat us with sticks. [...] Without shoes, we were walking on thorns.”

“[When we crossed the border] we were put for four to five days in jail. They took our mobile phones and our things and threw them away and then they sent us back at night.”

An interviewee who arrived in Greece at the age of 17 years said that, when he tried to enter the country for the second time, the police stopped him and placed him in a building without water and food, together with some 200 apprehended migrants. He explained that they were all pushed back to Turkey, after the police had beaten them and taken their mobile phones.



Another interviewee who was apprehended when trying to cross the border reported that the police sent adults back to Turkey, but allowed children to remain in Greece.

In 2020, the IOM recorded 10 deaths of Pakistani migrants in the Evros region, six of them in connections with alleged pushbacks.¹

2.2. SMUGGLERS ABDUCTING UNACCOMPANIED CHILDREN IN GREECE

Several interviewees reported that smugglers, who would beat and threaten them, confined them in warehouses in Turkey and in Greece for weeks. According to a child protection expert working for an NGO, 80 % of Pakistani children interviewed by their street work teams said that they had been kidnapped and restrained in warehouses until they asked their parents to send more money. A representative of the Aliens Division of the police referred to such cases, as did child protection staff:

“What I would find as more characteristic in this particular nationality in Thessaloniki, that we have never encountered in other nationalities, is the issue of abductions, which is a phenomenon more common, as far as I know, in our location and less common in other locations, almost exclusively with Pakistanis.” (Worker in a reception facility for unaccompanied children)

A lawyer working for an NGO who participated in the first focus group spoke about a boy who was kept captive by smugglers and whose life was threatened. His case was referred to the National Referral Mechanism for victims of trafficking in human beings. Although there are mechanisms to report trafficking, there are no facilities appropriate to host child victims, this lawyer indicated.

It is often the aliens police and not the police’s anti-trafficking department that deals with cases of children found illegally restrained by smugglers in warehouses, a child protection expert working for an NGO noted. Children may thus not be identified as potential victims of trafficking in human beings.

Story 1

Several experiences of victimisation in a journey from Pakistan to Greece

A young man left Pakistan in 2015 when he was 15 years old and spent six months in Turkey, working for 14 hours a day in different cafes. Smugglers kept him in an abandoned factory. There were no toilets, and residents used the place where they lived as a toilet. He was infected with mange. The smugglers were violent against him and the other migrants.

He tried to enter Greece twice through the land border but was pushed back to Turkey violently. The third time he was successful. The smugglers took him to Thessaloniki and confined him and others in a warehouse, ill-treating them, as they had not paid the due amount. One of them managed to escape and informed the police, who set them free and brought them to the police station.

2.3. LACK OF IDENTIFICATION AT BORDERS

Under Greek law, any authority detecting an unaccompanied child must inform the nearest public prosecutor’s office, the National Centre for Social Solidarity and any other authority responsible for the protection of unaccompanied children.² Once detected, unaccompanied children should undergo reception and identification procedures by the Reception and Identification Service.³

A key issue experts identified – and migrants confirmed – is that, at the land border with Turkey, unaccompanied children are often not detected and hence, not identified.

“[T]he majority of children coming to Athens or Thessaloniki have not visited any service or police station, or a hotspot or the Asylum Service. Therefore, not only are they not registered, but also they have not been identified by any public body. In Greece, they are like ghosts. We do not know [their] number [...] It’s like they don’t exist.” (Lawyer working for a child protection organisation)

According to the NGO experts and lawyers who took part in a focus group in Thessaloniki, a large proportion of Pakistani children remain undetected and unregistered for a long time. This is less common among unaccompanied children of other nationalities, they claimed. After entering Greece from the Turkish land border, Pakistani children usually move further into the country to find work.

Late identification means that unaccompanied children are not referred to child protection authorities and remain exposed to a number of risks, such as sexual and labour exploitation or homelessness.

Eleven out of the 20 Pakistani young people interviewed and most of those met by researchers during observations had entered Greece through the land border undetected. Among 11 such children interviewed, four were identified after a few weeks and seven remained unidentified for periods ranging between three months and two years. An NGO child protection worker mentioned that, among the 223 homeless Pakistani children assisted by their street work team in Thessaloniki in 2017, more than half (141) had not been identified by national authorities.

Among the 11 children interviewed who were not identified upon arrival, seven ended up later in camps or dedicated accommodation. Two not only were homeless for long periods but also ended up being involved in activities in conflict with the law, as illustrated in story 2.

Story 2

Undetected, unregistered, exploited

In 2015, an unaccompanied boy aged 17 years arrived in Greece by boat from Turkey. He moved from the island of Kos to Athens, where he was homeless for a few months. During that time, he was suffering from hunger and cold, eating meals the Athens municipality provides to homeless people. As a survival strategy, he delivered drugs in exchange for € 2 or € 3. He went to the police looking for a place where to stay but they did not keep him.

“I had nowhere to sleep, nowhere to stay, no food to eat, [...] I was sick and tired of this situation, so I went to the police one day in order to keep me, so I could have somewhere to sleep, but they did not keep me either.”

After two years without papers, he eventually paid a lawyer € 700 to help him apply for asylum. When interviewed in 2019, he did occasional underpaid jobs and lived with 12 others in a small, dirty apartment.

The system of detection and identification has improved since 2015 and more than 50 % of those entering through the land borders are detected and identified, according to the police representative interviewed in 2019. A medical NGO also said that since 2017 it has come across fewer unregistered Pakistani children.

Pakistani children can rely on other Pakistani migrants settled in Greece, even if they have no relatives or friends among them. These informal networks offer support for accommodation or work, and help them understand how the system works in Greece. However, they might also take advantage of unaccompanied children, as shown in Chapter 4.

2.4. SHORTCOMINGS OF THE GUARDIANSHIP SYSTEM

Upon arrival, unaccompanied children should be promptly identified and appointed a guardian. According to Greek law, the competent authorities should as soon as possible take all necessary measures to ensure that an unaccompanied child has a guardian.⁴

The lack of an effective guardianship system to help ensure that children's best interests are adequately safeguarded has been a long-standing problem in Greece. In 2018, a new law on guardianship⁵ aimed to improve the system through professional guardians for unaccompanied children. According to its provisions, the Public Prosecutor for Minors, or if there is not one the Public Prosecutor of First Instance, who is considered a temporary guardian, is also responsible for appointing a permanent guardian. The permanent guardian is to be selected from a registry that the National Centre for Social Solidarity establishes.

By the end of August 2021, the scheme was not yet in place. Temporary schemes have been set up to cover the gap but were either short-term⁶ or specific to a certain group of children,⁷ leaving many unaccompanied children without support.

2.5. CHILDREN IN DETENTION

The UN Committee on the Rights of the Child has concluded that detaining children solely on the basis of their or their parents' migration status violates their rights and always contravenes the principle of the best interests of the child.⁸

Most of the 20 children interviewed had experienced detention for periods ranging from a few days to six months, they said. Six children were held after identification at the border and nine after being apprehended by the police.

The children interviewed did not know why they had been placed in detention. In Greece, restriction of the freedom of movement and immigration detention of children is possible under different legal provisions, for identification,⁹ as asylum applicants¹⁰ and for removing them from Greece.¹¹ During the time of the research, the police could detain children under 'protective custody' to prevent them from going missing.¹²

PROMISING PRACTICE

Identifying unaccompanied children who are outside the child protection system

In April 2021, the Special Secretary for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum, together with UNHCR, the IOM, Arsis, METAdrasi and the Network for Children's Rights, launched a mechanism to rapidly identify unaccompanied children who are homeless or living in insecure conditions and transfer them to safe accommodation.

This National Emergency Response Mechanism for unaccompanied children is operated by the Special Secretary for the Protection of Unaccompanied Minors with UNHCR's support. The civil society organisations Arsis, METAdrasi and the Network for Children's Rights operate field mobile units, day centres, information desks and multidisciplinary case management teams while the IOM provides emergency accommodation. The mechanism also has a 24/7 hotline providing guidance to children, citizens and authorities on actions to be taken until the children's inclusion in emergency accommodation.

Source: Ministry of Migration and Asylum and UNHCR (2021), Σε λειτουργία ο εθνικός μηχανισμός για τον εντοπισμό και την προστασία ασυνόδευτων παιδιών σε επισφαλείς συνθήκες/ Greece launches national tracing and protection mechanism for unaccompanied children in precarious conditions, Joint press release, 6 April 2021

Ending protective custody of children in Greece

In 2019, the European Court of Human Rights (ECtHR) found in *Sh.D. and Others* that detaining unaccompanied children under protective custody violated Article 5 of the European Convention of Human Rights.

At the end of 2020, Greece adopted legislation to end the practice of placing unaccompanied children with no safe or known place of residence in 'protective custody'. The number of unaccompanied children in custody has dropped significantly (21 in August 2021 compared with 331 in March 2020) but the practice has not completely stopped, despite the new law.

Sources: Article 43 of **Law 4760/2020**, published in the *Government Gazette* 247/A/11-12-2020; National Centre for Social Solidarity, **'Επικαιροποιημένη κατάσταση: Ασυνοδευτα Ανήλικα (Α.Α.) στην Ελλάδα'** [*'Situation update: Unaccompanied children in Greece'*], 15 August 2021; ECtHR, *Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia*, No. 14165/16, 13 June 2019, paragraphs 51 and 69

Reception and identification centres

In Greece, unaccompanied children detected close to reception and identification centres are brought there to identify and register them. Under national legislation, children may be held until the completion of these procedures, initially for up to 25 days.¹³ In exceptional circumstances, such as a significant increase in arrivals of unaccompanied children, detention may be prolonged for a further 20 days.¹⁴

In practice, the reception and identification centre in Fylakio near the land border with Turkey has operated as a closed centre. In June 2019, FRA visited Fylakio, which was at the time hosting 142 unaccompanied children. The children were staying in closed zones and were not allowed to leave the camp. Owing to the lack of accommodation facilities for children, the stay in Fylakio could last up to six months for some nationalities, including Pakistanis. In contrast, from late 2016 until COVID-19 restrictions were imposed in spring 2020, centres on the eastern Aegean islands were open, although children's freedom of movement was limited to the island in which they were staying.

Interviewed children who spent time in the reception and identification centre in Fylakio experienced inadequate conditions. A Pakistani who entered the country when he was 15 years old said that he was held for six months in Fylakio. He described the conditions there as very bad:

"At Fylakio [reception and identification centre] I didn't know whether I would stay alive. If somebody does not faint, they do not bring him to a doctor [...] If they kept me there for another six months, I would be crazy. The conditions are very bad. There were just police officers. They didn't listen to us."

The same child showed the FRA researcher a video he recorded in which a police officer insulted Pakistani children, shouting at them "If you want to talk to the superior, go back to Pakistan."

Since 2020, the length of stay of unaccompanied children in reception and identification centres has been reduced, FRA noted in the context of its operational work.

Children in 'protective custody'

Until 2020, unaccompanied children detected in areas where there is no reception and identification centre, if not immediately released, were placed under

protective custody in police stations, because of the lack of accommodation places in specialised facilities for unaccompanied children. The legal provisions on protective custody did not provide for maximum time limits.¹⁵

Unaccompanied children stayed in protective custody for periods ranging between one month and one and a half, according to a child protection worker employed by an NGO. Prolonged stay in protective custody results from the lack of places in appropriate accommodation facilities for unaccompanied children, the experts interviewed agreed. A representative of the police Aliens Division acknowledged that increased flows led to longer detention periods:

“That’s how it was at the beginning at least when unaccompanied children came to us; they stayed for a few days just to undergo some preliminary examinations and then they were placed in facilities. However, given the flow this was extended and we are now speaking about three weeks or a month.” (Police officer)

Protective custody was more common before Article 43 of **Law 4760/2020** put an end to it. For example, by the end of February 2020, 239 unaccompanied children were in protective custody, and, at the end of October 2020, 166 were.¹⁶

At the time of the research, approximately 25–30 % of the unaccompanied children in protective custody in one of the locations that the research covered were from Pakistan. By end of July 2021, 27 unaccompanied and separated minors were held in protective custody. Twelve of them were from Pakistan. Twenty-one of these children were in the process of referral to hosting facilities and six were waiting for their referral procedures.¹⁷

The interviewees described the harsh and unhygienic living conditions during protective custody. They spoke of frequent transfers, police violence, insufficient food and water, and lack of access to healthcare, fresh air and natural light.

Story 3

A personal experience of protective custody

In Athens, the police apprehended an unaccompanied Pakistani child who arrived in Greece in 2017 when he was 15 years old. They placed him in protective custody in a police station for four to five days. The police moved him to Petrou Ralli, a detention facility in Athens, for another four days and then to the detention centre of Amygdaleza near Athens, where he stayed for another 22 days.

At the police station, he shared space with adults and was given food only once a day (a croissant and a bottle of water). The police laughed at him and hit him when they asked him to take off his shoes, because he did not understand the language, he reported.

In Petrou Ralli, he was held in a room the size of a table with two beds inside. Food was served only twice a day and the police would not show up when they asked for water. He was there with children of different nationalities and felt unsafe because he was only 15 years old. He considered conditions in the detention centre of Amygdaleza better because they were only four in a room and could go outside in a yard.

While in detention, for 15 days one respondent was not allowed to go out, although his cell had no windows, he said. A child reported beatings with batons by police officers. Another one said that he had to wear the same clothes throughout the detention period, which lasted 27 days. Children contracted scabies in detention, but were not treated, said several children and professionals interviewed.

Several interviewees also mentioned that during their stay in protective custody, which could last up to several months, they were not allowed to contact their families. One interviewee reported that he was apprehended and detained in a police station in the city of Tripoli in southern Greece, where he could not talk to a lawyer.

When children turn 18, protective custody legally becomes administrative detention, the representative of the police Aliens Division said during the expert interviews. Detainees are requested to leave the country voluntarily, unless they applied for asylum, in which case they are released until the final decision on their asylum application.

FRA 2017 opinion

‘Fully respecting children’s right to liberty and security’

“To protect the right to liberty and security (Article 6 of the Charter), EU Member States are encouraged to introduce more favourable provisions in national laws – as envisaged in Article 4 (3) of the Return Directive and Article 4 of the Reception Conditions Directive – either prohibiting or further restricting the possibility to detain children for immigration purposes. This would significantly contribute to avoiding the risk of arbitrary detention of children.

Concerning asylum detention, the current reform of the asylum acquis is an opportunity for EU legislators to take a stronger stand against child detention.

EU Member States should systematically collect disaggregate [sic] data on children in immigration detention, while the European Commission should encourage the comparability of such data through Eurostat.”

*See FRA (2017), **European legal and policy framework on immigration detention of children**, Luxembourg, Publications Office of the European Union, p. 8*

2.6. PRESUMPTION OF MINORITY

The verification of the age of unaccompanied children often came up in the expert interviews and focus groups. According to Greek law on international protection and relevant administrative procedures, when there are doubts about an individual’s age, they are referred to age assessment procedures. During such procedures or in case of doubts after their completion, the individual is presumed to be a child.¹⁸

Authorities did not always believe the age that Pakistani children reported and sometimes treated them as adults, the research finds. For example, a practitioner working in a shelter for unaccompanied children mentioned the case of a 17-year-old unaccompanied Pakistani child in a shelter whom the police stopped and checked. The child was not carrying papers certifying that he lived in a shelter, and the police brought him to the police station, kept him there for some hours and treated him as an adult.

A child the researchers met said that the police registered him as an adult although he had informed them that he was a child, and detained him for 18 hours. Upon his release, they did not refer him to an accommodation facility and he remained homeless for two months. Another child reported that the police registered him as a child, but older than he actually was. As a consequence, he had to leave the shelter, where he was placed, earlier than if they had registered him correctly.

Unaccompanied children wrongly registered as adults may face difficulties when trying to correct their registered age. According to Greek law, the personal identification data of asylum applicants can be rectified only by submitting original identification documents issued by the authorities of the country of origin.¹⁹ However, this might be challenging for persons fleeing persecution in the country of origin.

Young Pakistani adults sometimes pretend to be children to be accommodated in shelters, staff working for NGO facilities hosting unaccompanied children also noted. Exclusive reliance on self-declared age when referring an individual to shelters can create problems, when it results in hosting people visibly older than 18.²⁰

2.7. LACK OF TRUST IN AUTHORITIES

Unaccompanied children mistrust any authority, the research shows. They try to avoid the police as much as possible to avoid detection, registration and detention. The police Aliens Division mainly identifies unaccompanied children during identity checks, a representative said.

Unaccompanied children's mistrust of authorities extends to NGOs, since many see them as part of the institutional setting, as an NGO professional providing advice on child protection issues to several accommodation facilities mentioned.

For example, an NGO street worker approached a child and informed him of his right to apply for asylum and to receive accommodation. At first, the child did not trust her, mainly because he did not want to be in protective custody until accommodation was found for him. After much effort, the street worker finally persuaded him to be placed in protective custody. He initially felt betrayed, as he stayed under custody for 15 days, but eventually he was placed in the 'safe zone' for unaccompanied children in a camp. Once he reached adulthood, the NGO supported him and found a place for him to stay.

During their observations, researchers noted the insecurity felt by Pakistani children and young people. Children feared the stops and checks by the police in the central areas of Athens, Thessaloniki and Patras, which sometimes resulted at that time in their placement in protective custody.

In April 2021, four months after the abolition of protective custody, the Special Secretary for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum, in collaboration with UNHCR, the IOM, Arsis, METAdrasi and the Network for Children's Rights, launched a mechanism for the early identification of unaccompanied children who are homeless or living in insecure conditions, to transfer them to safe accommodation in the country.²¹

Endnotes

- 1 IOM, information provided in February 2021. See also IOM, **Missing Migrants Project**.
- 2 Greece, Law No. 4636/2019, 1 November 2019, Art. 60 (1).
- 3 Greece, Law No. 4636/2019, 1 November 2019, Arts. 39 and 60 (2).
- 4 Greece, Law 4636/2019, 1 November 2019, Art. 60, para. 4.
- 5 Greece, Law No. **4554/2018**, 18 July 2018, published in Government Gazette 130/A/18-7-2018.
- 6 UNHCR (2020), '**Greece factsheet**', 1–29 February 2020; METAdrasi (2020), 'Ανακοίνωση της ΜΕΤΑδρασης για την Επιτροπεία Ασυνόδευτων Ανηλικών', 27 February 2020; National Centre for Social Solidarity, '**ΕΚΠΡΟΣΩΠΗΣΗ ΑΣΥΝΟΔΕΥΤΩΝ ΑΝΗΛΙΚΩΝ**', December 2020.
- 7 Another temporary system supported by UNHCR covered only children participating in relocation. For more information, see UNHCR (2020), [HYPERLINK "https://data2.unhcr.org/en/documents/details/78746"](https://data2.unhcr.org/en/documents/details/78746) \l "_ga=2.90866585.268791992.1610110083-1985429250.1606119873" 'Relocation of UASC from Greece explainer', 31 August 2020.
- 8 UN, Committee on the Rights of the Child (CRC) (2012), **Report of the 2012 Day of General Discussion: The Rights of all Children in the Context of International Migration**, Geneva, CRC.
- 9 Greece, Law 4636/2019, 1 November 2019, Art. 39.
- 10 Greece, Law 4636/2019, 1 November 2019, Art. 48 (2).
- 11 Greece, Law 3907/2011, 26 January 2011, Art. 32.
- 12 Greece, Presidential Decree 141/1991, 1991, Art. 118.
- 13 Greece, Law 4636/2019, 1 November 2019, Art. 39 (4).
- 14 Greece, Law 4636/2019, 1 November 2019, Art. 48.
- 15 Greece, Presidential Decree 141/1991, 1991, Art. 118.
- 16 National Centre for Social Solidarity (2020), **Situation update: Unaccompanied children (UAC) in Greece**, 31 October.
- 17 Information provided by the Ministry of Migration and Asylum.
- 18 Greece, Law 4636/2019, 1 November 2019, Art. 75, para. 4; Greece, **Joint Ministerial Decision 92490/2013 on the programme for medical examination, psychosocial diagnosis and support and referral of third-country nationals entering without documentation to first reception facilities**, published in Government Gazette 2745/B/29-10-2013, Art. 6 (10) (applicable at the time of the research and amended by Joint Ministerial Decision 9889/2020); Greece, **Joint Ministerial Decision 1982/2016, Verification of minority of applicants for international protection**, published in Government Gazette 335/B/16-12-2016, Art. 10 (applicable at the time of the research and amended by Joint Ministerial Decision 9889/2020). See also **Joint Ministerial Decision 9889/2020**, published in Government Gazette 3390/B/13.08.2020, Art. 11.
- 19 Greece, Law 4636/2019, 1 November 2019, Art. 79, para. 1.
- 20 See in this regard the incident described by Arsis (2018), '**Ο συνεργατισμός δεν είναι "μπάλωμα" στον καπιταλισμό**', press release, 24 August.
- 21 For more information, see UNHCR (2021), **Σε λειτουργία ο εθνικός μηχανισμός για τον εντοπισμό και την προστασία ασυνόδευτων παιδιών σε επισφαλείς συνθήκες**, 6 April.

3

ACCOMMODATION AND LIVING CONDITIONS

Second-line reception means open accommodation facilities (on the mainland) whereas first-line reception takes place in the reception and identification centres at border entry points. The second-line reception for unaccompanied children includes specialised facilities usually run by civil society organisations with child protection expertise; supported independent living schemes; temporary accommodation in hotels; and supervised 'safe zones' in refugee camps. Supported independent living schemes are apartments where unaccompanied children aged 16 and above live with support from social workers.

As of 15 August 2021, there were 65 specialised facilities in the country with 1,713 places available, 124 supported independent living apartments with 496 places, 11 safe zones with 332 places and four hotels with 242 places. At that date, 1,435 unaccompanied children were accommodated in specialised facilities, 270 in supported independent living apartments, 145 in hotels, 243 in safe zones and 37 in open temporary accommodation facilities.¹ This marks an increase in the reception capacity for unaccompanied children compared with the same period in 2020.²

A temporary foster care scheme by the NGO METAdrasi with support from UNHCR³ remains small-scale.⁴ The Greek authorities, however, reported ongoing plans to increase the capacity of the foster care scheme.⁵ In mid-August 2021, some 523 unaccompanied children stayed in informal or insecure accommodation, temporarily with others or in squats, or were homeless. In the same period in 2020, 1,031 children were in such conditions.⁶

This chapter describes where the unaccompanied Pakistani children studied and lived. It illustrates related protection risks.

3.1. STAYING IN RECEPTION FACILITIES FOR UNACCOMPANIED CHILDREN

Fewer than half of the children interviewed had been living, at least for a while, in long-term or short-term accommodation for unaccompanied children, most of them after spending some time in protective custody. Children can stay in such facilities until they turn 18 years old. Upon reaching adulthood, they will be moved either to camps or to apartments provided to vulnerable people under the ESTIA scheme, which is designed to assist asylum seekers with accommodation, cash and support services. There are also a few facilities for young adults run by NGOs.

Children are in general satisfied with conditions in **specialised facilities**, according to several experts interviewed. They can attend school there and

receive assistance with their asylum applications. The majority of the Pakistani asylum seekers interviewed confirm this. They pointed to the quality of the support provided by caregivers, the pocket money they received regularly, the schools they attended and the opportunity to do sports. Almost all children in specialised facilities attended regular schools.

In some cases staff had developed a positive relationship with children hosted in specialised facilities. The researchers met a child in a facility in Thessaloniki who referred to their carer as 'mummy' and the interpreter as 'uncle'. The child said that the staff take care of the children, helping them with homework, providing them with extra Greek and English classes and trying to fulfil their requests, for instance to go to the swimming pool.

However, there were also complaints, usually that food was not enough (one child said that they were fed only twice a day), that clothing provided was poor, that pocket money was not sufficient, that the facility was not near the city centre and that there was no public transport to reach the city and/or the school. Children also complained of inadequate hygiene, thefts in the facility, the time limits on internet access and excessive penalties for violating house rules. As a young Pakistani who arrived at the age of 15 said:

“There are good and bad things. The good thing is that we can go to school. The bad is that they do not give us the things we need, for example clothes, phone cards etc. [...] They are very strict with the rules on all matters: [...] we cannot ask for a different meal [...]. We cannot go out with the bus [because we have two tickets per day] or they cut our pocket money if we make a mistake. They do not give us a little free time when we are overstressed.”

A representative of the juvenile court in Athens criticised the policy of some shelters not to give pocket money to children:

“We talk about a child at the age of 16 who is asked to go to school, to make friends, establish relations etc. and he doesn't even have a euro in his pocket; and we all know that, at the age of 16, children want to go for a snack or coffee after school or during the weekend. How can this child be integrated when he doesn't have any pocket money? He will either isolate himself, stay in the facility and hang out with the same people to avoid feeling embarrassed for not having money or he will try to find this money in other ways.” (Professional working at the juvenile court)



Safe zones within existing refugee camps and the use of **hotels** are short-term solutions to address the insufficient number of specialised facilities for unaccompanied children in Greece. Although caregivers support children staying in safe zones on a 24/7 basis, as does a multidisciplinary team of social workers, lawyers and psychologists, these are not suitable for longer stays.

Pakistanis accommodated in hotels also mentioned security issues. A child who had arrived in Greece at the age of 15 reported that some adults had entered the facility, slept there and once brought knives and guns. He also said that another guest stole his money. Interviewees also mentioned fights among unaccompanied children belonging to different nationalities. Pakistani children residing in a hotel in Perama argued that they were unfairly treated compared with children of other nationalities, because there was no Pakistani interpreter and they had to rely on the services of the Afghan interpreter who spoke Urdu.

3.2. ABSCONDING

Between 2016 and September 2020, 2,611 unaccompanied children absconded from shelters.⁷ They represented 27 % of those hosted there.

Most experts interviewed do not consider absconding from reception facilities a key issue among unaccompanied Pakistani children. According to a representative of the Aliens Division of the police, absconding is more common among children of other nationalities. Some 5 % of Pakistani children abscond from reception facilities, an NGO child protection worker estimated.

Leaving the shelters places children at serious risk of abuse and exploitation.

Absconding to find a job

Pakistani children abscond to work and financially support their families, according to experts interviewed. One professional characterised what the children think:

“I respect what you give me, I respect everything that you provide to me, but the € 30–40 per month that you give to me as pocket money don’t help me because I have plans for my country and I have to send money back.” (NGO professional providing advice on child protection to several facilities)

Children abscond mainly in the summer, according to one expert. They can find work in agriculture then, often under exploitative working conditions. One unaccompanied Pakistani child reported that his employer pays € 600 per month during the summer for 14 hours of work a day, whereas in winter he only pays some € 100 whenever he can, for about 8 hours per day.

Absconding to join relatives or friends

Some unaccompanied children abscond to join a relative or an acquaintance living elsewhere in Greece or in other EU Member States. For example, an unaccompanied child from Pakistan who had arrived in Greece five months earlier left the safe zone of a refugee camp to move in with his cousin in an apartment in Athens and look for a job.

Two Pakistani children the researchers met during their observations in Thessaloniki (aged 16 and 17 years) left the facility in which they were staying to join a cousin who was living in an abandoned factory in Thessaloniki. At the time of the research, they were living in a room in that same factory. They said they left the shelter because it was far from the city centre, the food was bad and they had no relatives or friends there.

Under Greek law, the Special Secretariat for the Protection of Unaccompanied Children of the Ministry of Migration and Asylum is responsible for tracing the members of the unaccompanied child’s family as soon as possible after an application for international protection is made.⁸ Two experts working for an NGO said that, when a child claims to have a relative somewhere in

PROMISING PRACTICE

Supporting independent living

Placing unaccompanied children in supported independent living apartments is a good practice, which should be further expanded, according to experts.

The scheme targets registered unaccompanied children above the age of 16 who have applied for asylum and are self-sufficient. On 15 August 2021, there were 124 such apartments, which accommodated 270 unaccompanied children. Children would regularly receive cash, which guardians would help them to manage, an NGO professional planning the establishment of such facilities in Thessaloniki mentioned. This would discourage them from looking for work and would increase their likelihood of attending school.

*Sources: Ministerial Decision Δ11/ οικ.60207/2717; FRA validation meeting in Athens, November 2019; focus group in Thessaloniki, 15 April 2019; National Centre for Social Solidarity (2021), **Situation update: Unaccompanied children (UAC) in Greece** 15 August 2021; METAdrasi, ‘Supported independent living for unaccompanied minors’*

Greece, the organisation, in close collaboration with the public prosecutor acting as the child's temporary guardian, would check the information and the relationship of that person to the child through a thorough interview and, in some cases, request a DNA test.

However, after the assignment of care to a relative, there is no follow-up on the family situation, another NGO child protection expert noted, although the guardianship law provides for the appointment of a guardian in these cases too. According to this expert, there were suspicious cases of Pakistani adults in central downtown Athens who claimed to be relatives without actually being related to a child. It is often not possible to check these relationships when children decide to leave the shelter on their own initiative.

“Our children leave and say, ‘I am going to my cousin in Athens, I have a brother there.’ If the child goes, we inform him about all the dangers he faces. We report [if] he is missing, and we inform the public prosecutor and then we hope that everything goes well [...]. We also look for them [...]. We will call to check if he is OK, we would tell the police if we feel a danger where he stays. But usually children, after leaving the facility, inform immediately the following day saying, ‘Guys, I am not coming back today, I’ve found a job in Samos, Rhodes, Crete...’” (NGO professional providing advice on child protection to several facilities)

An NGO worker involved in guardianship also reported examples of children absconding to join family members present in other EU countries, after those countries rejected their requests for family reunification under the Dublin Regulation ((EU) No. 604/2013).

PROMISING PRACTICE

Discussing issues regularly with children in shelters

The NGO Arsis set up the Pilaia shelter in Thessaloniki in January 2017. Staff and unaccompanied children living there have weekly discussion groups to improve relationships between the children and employees of the shelter (social workers, caregivers, teachers, psychologists and interpreters) and promote child participation in decision making.

They discuss issues children raise that relate to their daily life and are linked with house rules or the operation of the shelter, such as sleeping hours, internet access and leisure activities. This allows children to express their opinions and participate in planning the shelter's work. FRA researchers visited the shelter and observed how these discussion groups function.

Source: Observation, April 2019, Thessaloniki

Absconding because of conditions in the accommodation facility

Children also abscond if they are not satisfied with the services and support provided in the shelter or if they feel unsafe there, according to several experts. Interviewed children confirmed this. A Pakistani child who had arrived at the age of 15 wanted to abscond because he was not satisfied with the conditions in the shelter, but decided not to do so, as he had no other place to go.

Absconding after receiving a negative asylum decision or when turning 18

Children who receive a **negative asylum decision** abscond because they fear that they will be detained, according to a professional working for a medical NGO. Experts highlighted the importance of building trust. An NGO lawyer said that, although in general children rarely abscond, some do so after a negative asylum decision, because they do not trust the professionals assisting them:

“We do not have cases of children who leave without informing us or who just abscond, except two or three cases when the child was really disappointed and we as professionals did not manage to build a trustworthy relationship. [So we cannot] explain to them to wait for two more years [...] until we have a decision at second instance.”

Children can also abscond when they are close to **reaching adulthood** because they know that they will be asked to leave the shelter or, in the best-case scenario, that they will be transferred to another facility. Those turning 18 whose asylum application has been rejected will abscond to avoid the risk of detention and removal. However, very few Pakistani nationals have been returned to their country of origin since 2015, according to the experts interviewed.

3.3. LIVING IN THE HOMES OF OTHER PAKISTANIS

Risk of exploitation and abuse

Children frequently move in and out of different accommodation facilities or, often, rely on the hospitality of other Pakistanis, as they look for work in different parts of the country. These children are most at risk of experiencing homelessness, exploitation and abuse, as story 4 illustrates.

Story 4

Living outside the child protection system as an unaccompanied child

A Pakistani boy entered Greece in 2015 at the age of 15. He went to a city where he met other Pakistanis, who hosted him for a week. He then moved to the place of another Pakistani he had met on Facebook when he was in Turkey. After that, he started working in the fields, and shared a room with nine other Pakistanis, adults and children.

He then decided to go to Thessaloniki, where he was homeless for four days. After that, he met a Pakistani man, who hosted him for a few days, promising that he would help him find accommodation in a refugee camp, but a week later demanded money. The boy managed to escape. The police apprehended him and placed him in protective custody and only after that in proper accommodation.

Unaccompanied Pakistani children often live in apartments with adult Pakistanis for three main reasons. Sometimes it is because there are no free places in accommodation facilities. Some children do not know that they have the right to free, protected accommodation. Others wish to work to support their families, and in state-supported facilities children are encouraged to attend school, not to work.

They usually live with people from their village or home town who offer them accommodation and help them find work so that they can contribute to the rent. Children who cannot make a sufficient financial contribution are expected to do housework, often in addition to occasional work they do outside the house, or to provide sexual services. Children who do not comply often find themselves homeless:

“In regards to housing, we know too many cases of children who are informally hosted in homes of acquaintances, which may be fine for a month, but then they are asked for money or to do housework and clean all day to compensate for the hospitality [...] or they are asked to offer sexual favours. So, there are many children who were thrown out of the house without any warning, because they did not have money to pay for the house or because they refuse to do what they were asked to.” (Professional working for an NGO)

PROMISING PRACTICE

Supporting children who turn 18 in dedicated facilities

Unaccompanied children immediately lose their entitlements to special protection (including the support of a guardian and social benefits) after turning 18 years of age. That creates protection gaps, which several FRA reports have underlined.

The NGO Iliachtida runs a shelter for unaccompanied children in Ioannina. It has taken steps to support unaccompanied children in their transition to adulthood. It takes the individual circumstances of each child into account before they leave the shelter. Children turning 18 are allowed to remain in the shelter until other housing options become available and while they attend school.

When children reach adulthood, staff arrange their registration with tax authorities and the employment services. They also help them to apply for jobs and organise meetings to discuss integration and adulthood. This has been effective, and many children find work after leaving the shelter, according to the staff.

Sources: Expert interviews conducted by FRA; see also FRA (2020), Fundamental rights report 2020, Luxembourg, Publications Office, p. 131; FRA (2019), Integration of young refugees in the EU: Good practices and challenges, Luxembourg, Publications Office, p. 59

An NGO worker involved in guardianship spoke of a child who was sexually abused by people he was living with in a private apartment. The child informed his guardian and the NGO removed the child from the apartment. In another case, a child living in a private apartment was forced to do the housework or the older resident would yell at him, the same expert explained. In informal discussions, young Pakistanis sharing private apartments with others spoke of the heavy housework they had to do:

“It is difficult because we are too many people. After work, I have to cook for all of us and then wash all the dishes and I go to sleep at 11 or 12 at night and then wake up again at 3 or 4 in the morning to go to work.”

“I wake up in the morning, I go to the flea market and unload the car. [...] When I finish unloading in the afternoon, I return home. I spend the rest of the day for housework.”

A young Pakistani man the researchers met during their observations said he lived in the countryside in a small apartment together with 15 other Pakistanis. He wanted to work in the orange fields, but his employer instructed him to do housework.

Children living in private apartments usually do not attend school, as both experts and migrants confirmed.

EKKA assigns places in specialised facilities. Two NGO professionals mentioned they encourage EKKA to prioritise children living in private apartments together with adults, to protect them from abuse and exploitation. Living in private apartments with other Pakistanis also prevents children from accessing information about their rights and available support services, NGO professionals pointed out during a focus group session.

Living conditions

Several Pakistani children reported that the private apartments they lived in were severely overcrowded and badly maintained. One Pakistani child reported living together with 12 others in a small apartment with inadequate hygiene conditions and safety issues. Photos 1 and 2 show how people sleep on the floor, and a sink with a broken drainage pipe.



Note: Photos from 2019 depicting an apartment of Pakistani young men visited by the Franet researchers.

Researchers also found young Pakistanis sleeping on a rooftop to avoid overcrowding and heat in the apartment (Photo 3).



Note: Photo from 2019, taken by Franet researchers, showing young Pakistani people sleeping on the rooftop.

Some unaccompanied Pakistani children live in accommodation that their employers provide. This is especially common for those working in the fields, but can also happen in cities. For example, a child worked in a minimarket owned by a Pakistani and lived in accommodation he provided.

The researchers visited children employed in agriculture whose employer provided them with housing. One child lived with another Pakistani adult in a small and dirty room, with a kitchen in the barn where cows were also kept. There was no bathroom. The room was on the first floor with no staircase, just an unstable ladder to climb into the rooms.

3.4. HOMELESSNESS

This research finds that homelessness is a common experience for unaccompanied Pakistani children in Greece.

According to UNHCR, the biggest group of unaccompanied children who are homeless or live in precarious conditions is Pakistani boys.⁹ During their observations, FRA researchers met several children who had been homeless for periods ranging from a few days to three months. About a third of the interviewees confirmed this.

According to an NGO child protection worker, most of the homeless children they encounter during their street work in Thessaloniki are from Pakistan. The number of homeless Pakistani adults increased after the border between Greece and North Macedonia closed in 2016, this expert also reported. Homeless young Pakistanis live in parks, abandoned buildings and train wagons. They are impoverished and feel particularly unsafe.

Five of the six research participants whom the authorities had not yet detected were homeless and living without any support:

“The first days were extremely difficult for me, because I had nowhere to stay, I was homeless. I slept on the streets, in the parks... I was eating in the Municipality of Athens, where they gave us food once or twice a day. This was the situation during the first months.”

Some interviewees who lived in accommodation facilities were asked to leave after turning 18, and became homeless.

Homeless children live in particularly difficult conditions. The researchers photographed homeless Pakistanis living in tents in an abandoned building (Photo 4). The derelict building had no windows or doors and was full of rubbish. Some of those living there did not even have a tent. The researchers spoke to a young Pakistani man who informed them that children also live there.



Note: Photo taken by Franet researchers in 2019, showing an abandoned building where Pakistanis live.

Homeless children do not attend school, according to an NGO child protection expert.

Homelessness and poverty increase the risk of children’s involvement in activities in conflict with the law, as recent FRA research shows.¹⁰ For example, dealers in Athens asked a homeless child to carry drugs in exchange for a cheap meal. Another homeless child accepted the hospitality of fellow-nationals who were involved in illegal activities. A representative of the juvenile court in Athens confirmed the link between homelessness and involvement in criminal activities:

“In 2018 we see that most of the children referred [to the service of juvenile supervisors] following felony charges were homeless, they were not living in shelters... those are the children that all organisations lose.” (Professional working at the juvenile court)

Endnotes

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- 2 National Centre for Social Solidarity (2020), *Situation update: Unaccompanied children (UAC) in Greece*, 31 August.
- 3 METAdrasi, 'Foster care for unaccompanied and separated children'.
- 4 Council of Europe (2019), *Submission by the Office of the United Nations High Commissioner for Refugees in the case of International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece (Complaint No. 173/2018) before the European Committee of Social Rights*, para. 2.5.4.
- 5 Special Secretariat for the Protection of Unaccompanied Children, written input provided to FRA, 24 August 2021.
- 6 National Centre for Social Solidarity (2020), *Situation update: Unaccompanied children (UAC) in Greece*, 31 August.
- 7 Data provided by EKKA by email, September 2020.
- 8 Greece, Law 4636/2019, 1 November 2019, Art. 60 (3) (b).
- 9 Information provided by UNHCR and collected in the context of its relocation programme for homeless unaccompanied children, September 2020.
- 10 FRA (2019), *Integration of young refugees in the EU: Good practices and challenges*, Luxembourg, Publications Office, Chapter 8.

4

HEALTHCARE AND EDUCATION

In principle, under Greek law all children should have access to healthcare and to education, regardless of nationality or legal status. This chapter describes practical obstacles children encountered.



4.1. LIMITED ACCESS TO HEALTHCARE

Legislative amendments in 2016 enhanced access to healthcare for vulnerable people in general, including children regardless of legal status.¹ When reaching majority, people without vulnerabilities who are in an irregular situation are entitled to only emergency healthcare, unless they receive a temporary certificate of postponement of removal² or otherwise regularise their stay.

In practice, at the time of the research, everyone living in Greece required a social security number to benefit from the public healthcare system. According to the ombudsperson, many unaccompanied children, even those below the age of 15, faced practical difficulties in obtaining this number, leaving them without access to healthcare.³

Unaccompanied Pakistani children residing in specialised facilities had fewer difficulties in accessing healthcare because NGOs facilitated their access to

hospitals and provided them with linguistic and legal support, so that they could benefit from the services guaranteed by law. However, unaccompanied children who were not registered and who lived on their own had no access to primary healthcare.

Since January 2020, asylum-seeking children no longer require a social security number to access healthcare. A provisional insurance and health care number is recorded on their asylum seeker's card.⁴

Procedures for granting access to healthcare for unaccompanied children who are not in the asylum system had not been established by August 2021.⁵ A law adopted in September 2021 provides for the health coverage of unaccompanied children pending the implementation of a return decision and until they reach adulthood.⁶

The research identified a number of strategies Pakistani children and young people use to access healthcare without being registered. For example, a young adult who arrived as an unaccompanied child suffered from asthma. As he was not registered, a friend paid for his medicines.

Another Pakistani child borrowed a friend's papers to get hospital treatment without being registered, he said. Another young man's employers gave him medicine that does not require a prescription, he reported.

During their observations, researchers met a young man who had an infectious disease. He could not access healthcare because he had not managed to register his asylum claim yet. Some NGOs have set up centres providing treatment and medicines to this group.

4.2. EDUCATION

Under Greek law, all children must attend compulsory public education.⁷ However, in practice, children's integration into the public education system depends on their location and the type of accommodation in which they are staying, this research finds. Despite significant efforts to facilitate access to public schools, a large number of children were not integrated in the public education system, noted a 2018 report, published by the Deputy Ombudsperson for Children in cooperation with UNICEF and the Network for the Rights of the Children on the Move.⁸

Unaccompanied Pakistani children residing in specialised facilities had access to education while those living on their own or staying in refugee camps faced obstacles when trying to enrol in school, the research found. One of the obstacles to school enrolment is their lack of vaccination, experts interviewed noted. Others include the lack of issuance of the necessary ministerial decisions and the lack of transport between camps and schools, according to the Greek Council for Refugees.⁹ The vast majority of unaccompanied children staying in the refugee camps on the eastern Aegean islands did not attend mainstream public schools¹⁰ and had access to only non-formal education.

In March 2021, the ombudsperson noted a serious violation of the right to education for children staying in reception and identification centres and facilities under the Ministry of Migration and Asylum. It resulted from delays in procedures, inaction by the administration, understaffing, transport problems, extended lockdown of facilities due to the pandemic and lack of places in schools.¹¹

Endnotes

- 1 Greece, Law 4368/2016, 21 February 2016, Art. 33.
- 2 Greece, Law 4368/2016, 21 February 2016, Art. 33, para. 2, read in combination with Greece, Law No. 3907/2011, 26 January 2011, Art. 24, para. 4.
- 3 Greek Ombudsman (2019), **Issues related to the issuance of AMKA, KYPA and similar obstacles to the access to employment, insurance and healthcare for asylum applicants and minors**, 10 September.
- 4 Greece, Law 4636/2019, 1 November 2019, Art. 55 (2).
- 5 Consultation with the Deputy Ombudsperson for Children, August 2020.
- 6 Greece, Law 4825/2021 Reform of deportation and return procedures of third country nationals, attracting investors and digital nomads, issues of residence permits and procedures for granting international protection and other provisions within the competence of the Ministry of Migration and Asylum and the Ministry of Citizen Protection (*Αναμόρφωση διαδικασιών απελάσεων και επιστροφών πολιτών τρίτων χωρών, προσέλκυση επενδυτών και ψηφιακών νομάδων, ζητήματα αδειών διαμονής και διαδικασιών χορήγησης διεθνούς προστασίας και άλλες διατάξεις αρμοδιότητας Υπουργείου Μετανάστευσης και Ασύλου και Υπουργείου Προστασίας του Πολίτη*), 4 September 2021.
- 7 Greece, Law 4251/2014, 1 April 2014, Art. 21, paras. 7–8.
- 8 Greek Ombudsman (n.d.), **Έκθεση 2018 – Τα δικαιώματα των παιδιών που μετακινούνται στην Ελλάδα**, pp. 101–113.
- 9 Greek Council for Refugees, **‘Beginning of the school year for refugee children as well? There is need for immediate state measures’**, 12 September 2019.
- 10 Asylum Information Database (AIDA), **Country report: Greece – 2019 update**, p. 167.
- 11 Greek Ombudsman (2021), **Educational integration of children staying in facilities of the Ministry of Migration and Asylum and RICs**, 11 March.

5

DURABLE SOLUTIONS, INCLUDING ASYLUM

Among the main issues that concern unaccompanied Pakistani children and young adults interviewed are their lack of legal stay in Greece and their prospects for the future. This chapter describes the efforts to obtain lawful stay in Greece and to find durable solutions, primarily through the asylum procedure.

5.1. REGULARISING THE STAY IN GREECE

Applying for asylum is the main way for unaccompanied Pakistani children to regularise their stay temporarily while in Greece. Asylum applicants receive the asylum seeker's card, which entitles them to stay in the country as long as their application is under examination.¹ Under Greek law, the card is valid for six months. Its validity can be shorter for applicants from countries with low recognition rates.²

Renewing the card may not always be a smooth process. Two of the interviewees and another research participant met during observations reported that their asylum seeker's cards had expired and they had experienced problems when renewing them.

Greek law does not provide for issuing residence permits for unaccompanied children just because they are minors.³ They can obtain a permit on humanitarian grounds if they are in other categories. One such category is illegally employed minors. Other examples include victims of trafficking in human beings or of labour exploitation, and children in need of protective measures who are hosted by institutions or other charitable legal entities and cannot be returned to a safe environment.⁴ Humanitarian permits hardly came up during the research.

At the time of the research, if an asylum application was rejected on appeal but the Appeals Authority considered that the criteria for a residence permit on humanitarian grounds were fulfilled, the case could be referred to the relevant authorities deciding on the granting of such permit.⁵ In practice, out of all the cases whose merits the Appeals Authority examined, concerning both adults and children, 6.07 % were referred for humanitarian protection in 2019⁶ and 1.48 % in 2020.⁷ In Spring 2020, this referral possibility was abolished.⁸

5.2. BEST INTERESTS ASSESSMENT TO IDENTIFY DURABLE SOLUTIONS

In its General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin, the Committee on the Rights of the Child underlines that "the ultimate aim in addressing the fate of unaccompanied children is to identify a 'durable solution' that addresses

all their protection needs, takes into account the child's view and, wherever possible, leads to overcoming the situation of a child being unaccompanied or separated."⁹ Examples of durable solutions are family reunification, voluntary return, relocation to other EU Member States and granting a residence permit to allow the child to stay in Greece.¹⁰

Under Greek law, a formalised assessment of the child's best interests should be the basis for identifying a durable solution.¹¹ There is no formal procedure to assess the best interests of unaccompanied children, noted an NGO professional working on child protection. Greek authorities carry out formal best interests assessment only in the context of family reunification under the Dublin Regulation (EU) No. 604/2013¹² and for relocation purposes.¹³ In the context of their work, NGO professionals have performed informal best interests assessments to identify appropriate accommodation for a child, they said.

Where legally possible and safe for the child, **family reunification** would put an end to the child's separation from the parents and thus be a durable solution. Some unaccompanied Pakistani children had family members in other EU Member States and applied for reunification with them under the Dublin Regulation. However, Pakistani children's applications for family reunification are often rejected, the Deputy Ombudsperson for Children said.

The acceptance of Greece's requests for family reunifications has decreased significantly. In 2017, other EU Member States accepted some 81 % of all requests coming from Greece, based on all criteria set out in the regulation, not only family reunification. In 2018, the acceptance rate dropped to 49 %, and in 2019 it was 51 %.¹⁴

One of the most common reasons for rejection of outgoing requests – including of those concerning children who wish to reunite with their families – is that requests were submitted after the three-month deadline in Article 21 (1) of the Dublin Regulation. Following the CJEU judgment in case C-670/16 (*Mengesteab*),¹⁵ some Member States calculate the three-month deadline from the initial registration with the Hellenic police upon arrival, when the applicant expressed willingness to seek international protection, and not from the moment the Asylum Service registered the asylum application (which in practice may happen several months later).¹⁶ According to the Asylum Service, this also affects unaccompanied children, although Pakistani children predominantly seek reunification with relatives in Spain, where this issue does not arise.

The delays in the family reunification procedure and the high rejection rates are also linked to other Member States' onerous evidentiary requirements, such as DNA tests to prove family relationships.¹⁷

If a request is accepted, applicants may still have to wait many months before reunification materialises. Experts and some of the Pakistani young people interviewed expressed their frustration at that. Such delays also frustrate professionals, who do not know if they should start the integration process in Greece.

In some cases, children abscond from reception facilities to reunite with family members in other EU countries. Delays in transfers under the Dublin Regulation prompt some children to join their family members by their own efforts, often using smugglers.

'Migrants in return procedures who are not removed'

"European Union (EU) institutions and Member States should pay more attention to the situation of migrants in an irregular situation who have been given a return decision but who have not been removed. Mechanisms should be set up either at Union or Member State level to avoid a situation where persons who are not removed remain in legal limbo for many years.

Migrants in an irregular situation should, as a minimum, be entitled by law to access necessary healthcare services. Such healthcare should not be limited to emergency care only.

Legal provisions should explicitly address the right to education of irregular migrant children, thereby safeguarding their access to education."

Source: FRA (2011), *Fundamental rights of migrants in an irregular situation in the European Union*, Luxembourg, Publications Office, pp. 11–12.

5.3. SEEKING ASYLUM

Almost all of the Pakistani young people interviewed had applied for asylum at some point. They did so between one month and two years after their arrival, with most applying after six or seven months. Delays in filing the asylum application and regularising their presence in the territory affect children's rights and make them more vulnerable to exploitation. Different factors cause delays: children's lack of information on the possibility of applying for asylum, the fear of detention and the related inability to work and send money home. There were also significant practical obstacles to access asylum.

The decision whether to apply or not depends on what smugglers tell the children to do, according to a representative of a medical NGO. Pakistani young people whom the researchers met during observations said that they do not have enough **information** for the complex asylum procedures.¹⁸

More than half of the children interviewed filed their asylum applications when they were in camps or shelters, usually with the **help of NGOs**. Unaccompanied Pakistani children who applied for asylum with the support of NGOs experienced no major difficulties in registering their applications.

The appointment for an unaccompanied child to register an asylum claim can also be made by professionals who contact the Asylum Service directly.¹⁹ The Asylum Service prioritises the registration of vulnerable people, including children with serious health or mental health issues, said an expert from an NGO supporting some 210 children. The Asylum Service confirmed this.

On the Greek mainland, unaccompanied Pakistani children who are not residing in facilities and who try to apply for asylum on their own, however, faced significant **delays in registering** their asylum applications. During their observations, researchers saw groups of more than 20 or even 30 Pakistanis, including children, queueing for long hours outside the offices of the Asylum Service in Athens and Thessaloniki.

A 17-year-old boy researchers met during their observations said that he had tried unsuccessfully to apply for asylum at the Asylum Service in Thessaloniki every day for three months. Then he tried, also unsuccessfully,

to get an appointment using Skype. Another young man, who had arrived as an unaccompanied child three years before the interview, recalled similar experiences.

An interviewee who arrived as an unaccompanied child when he was 17 said that it took him four months to book an appointment with the Asylum Service. Two other interviewees ended up paying lawyers to make their asylum applications at a cost of € 500–700. In Thessaloniki, the Asylum Service had only one time slot of half an hour per week for Pakistanis because of the limited availability of interpreters, the coordinator of an NGO assisting asylum applicants and migrants claimed.

Children are prioritised, according to the Asylum Service. It explained that the online (Skype) registration system is only for adults.²⁰ Potential delays might be due to their limited capacity and the insufficient number of Urdu and Punjabi interpreters.²¹ They also mentioned the lack of guardians as a key reason for bottlenecks in registering unaccompanied children below the age of 15.²²

In one of the focus group discussions for this research, a lawyer argued that many Pakistani children complained that they were sent away when trying to register their claim:

“[T]he access to the asylum process is generally difficult for everyone, but I see that maybe it is even harder for children from Pakistan. [W]e have heard many people coming to the office saying that ‘I went to file a request or a subsequent request and they saw that I am from Pakistan and they tell me “you go away, you have no place here” or “you go away, don’t ever come back” or “you leave and go to Athens.”’ And I didn’t hear all these from one, two, three persons, but by many people.” (Lawyer)

The **asylum procedure** for unaccompanied Pakistani children lasts for years, the research shows. Among the 20 interviewees, the asylum claims of nine had been rejected and they had appealed, while six were still waiting for the Asylum Service decision.

Story 5

Waiting for two years for an asylum decision

Three months after arriving in Greece, in 2017, a Pakistani child tried for four to five months to contact the Asylum Service through Skype for an appointment. He then hired a lawyer and arranged for an interview and got an appointment in six months. The interview was subsequently postponed for a year.

Two weeks after the interview, he received a negative decision and he filed an appeal. When he was interviewed for this research, his asylum procedure had already lasted more than two years.

Very few Pakistani children obtain **refugee status or subsidiary protection** in Greece. From 2017 to 2019, the proportion of negative first instance asylum decisions for Pakistani nationals below 18 years of age ranged between 92 % and 94 % in Greece, compared with 72–76 % in the EU as a whole, according to Eurostat.²³

Children may not understand the asylum procedure and may not be able to submit the necessary evidence in time. Several Pakistani children whom the Greek Council for Refugees supported felt discriminated against during the asylum procedure, they were not given the benefit of the doubt and the decisions rejecting their applications used very similar wording, lawyers working for the organisation mentioned.²⁴ The Asylum Service rejected these allegations.

Endnotes

- 1 Greece, Law 4636/2019, 1 November 2019, Art. 68 (1) (2).
- 2 Greece, Law 4636/2019, 1 November 2019, Art. 70. See also Greece, Law 4375/2016, 3 April 2016, Art. 41 (1) (d), applicable at the time of the research and later abolished, and Greece, Asylum Service Director Decision 868/2018 on the duration of validity of asylum seeker's cards, published in Government Gazette B/201/30.1.2018.
- 3 Greece, Law 4251/2014, 'Immigration and Social Integration Code and other provisions', 1 April 2014, published in Government Gazette 80/A/01-04-2014, Art. 19 (A).
- 4 Greece, Law 4521/2014, 1 April 2014.
- 5 Greece, Law 4375/2016, 3 April 2016, Art. 67, abolished by Law 4686/2020.
- 6 AIDA, **Country report: Greece – 2019 update**, p. 9.
- 7 AIDA, **Country report: Greece – 2020 update**, p. 9.
- 8 Greece, Law 4686/2020, 12 May 2020, Art. 61 (e).
- 9 UN, CRC (2005), *General comment No. 6 (2005): Treatment of unaccompanied and separated children outside their country of origin*, CRC/GC/2005/6, 1 September, para. 79.
- 10 See UNHCR (2014), *Safe and sound: What states can do to ensure respect for the best interests of unaccompanied and separated children in Europe*, October 2014. For further details on durable solutions, albeit in a different context, see FRA (2019), **Children deprived of parental care found in an EU Member State other than their own**, Luxembourg, Publications Office, Action 9.
- 11 Greece, Law No. 4554/2018, 18 July 2018, Arts. 19 (5) and 21.
- 12 Consultation with the Greek Asylum Service, August 2020.
- 13 FRA (2020), **Relocating unaccompanied children: Applying good practices to future schemes**, Luxembourg, Publications Office, p. 27. See also European Commission (2020), **Relocation of unaccompanied children from Greece to Portugal and to Finland – Questions and answers**, Brussels, 7 July 2020.
- 14 Greek Asylum Service, **Statistical data – Dublin Regulation III Procedures (as of 29 February 2020)**.
- 15 CJEU, C-670/16, **Tsegezab Mengesteab v. Bundesrepublik Deutschland**, 26 July 2017, paras. 75–103.
- 16 AIDA (2020), **Country report: Greece – 2020 update**, p. 75.
- 17 Consultation with the Greek Asylum Service, August 2020.
- 18 See also FRA (2010), **The duty to inform applicants about asylum procedures: The asylum-seeker perspective**, Luxembourg, Publications Office.
- 19 Rosa Luxemburg Stiftung Office in Greece (2019), **Children cast adrift – Greece: The exclusion and exploitation of unaccompanied minors (UAMs)**, Athens, Rosa Luxemburg Stiftung Office in Greece, p. 83.
- 20 Consultation with the Greek Asylum Service, August 2020.
- 21 Information provided to FRA by the Greek Asylum Service, August 2020.
- 22 Information provided to FRA by the Greek Asylum Service, August 2020.
- 23 Eurostat, **migr_asydcfsta**, data extracted in February 2021.
- 24 AIDA (2020), **Country report: Greece – 2019 update**, p. 118.

6

MENTAL HEALTH ISSUES, SELF-HARM AND SUBSTANCE ABUSE

This chapter describes the mental health challenges that emerged from the research. Ombudsperson reports have highlighted that access to public mental health services remains a persistent problem, not least because limited services are available nationwide.¹

6.1. ANXIETY AND DEPRESSION

Unaccompanied Pakistani children live in fear and many have had traumatic life experiences, the research finds. They are concerned about the well-being of their families, about the outcome of their asylum applications, about their living conditions. The most common mental health issues affecting this group are post-traumatic stress disorder, depression and anxiety, according to the experts interviewed. The most common symptoms are limited appetite, sleeping disorders and social isolation. The representative of the Aliens Division of the police had met some Pakistani children in protective custody who were addicted to anti-stress and sleeping medication.

A lawyer working for an NGO described how failed expectations affect young people:

“In fact, some children go into depression from the time they arrive in Greece. We had such cases where children remained unregistered, [staying] inside a house, without access to the Asylum Service, without reaching the office of the [Greek Council for Refugees] or any other organisation, due to depression caused by the fact that Greece was not as nice as the smugglers were telling them. So, they were depressed and stayed in the house all day for about eight months or a year.” (Lawyer)

Delays in the asylum procedure can seriously affect the mental health of unaccompanied children. That affects their willingness to participate in education and leisure. Signs of depression, such as appearing shy or introvert, may go unnoticed if support staff in accommodation facilities interpret them merely as a cultural trait, experts claimed.

Most children reported using coping strategies to ease their psychological turmoil, including talking to friends and spending time online on their mobile phones. However, when anxiety becomes overwhelming, it can lead to panic attacks or even violence. A child reported at times getting so angry that he wanted to smash everything. An expert spoke of children who explode violently against people or things in the facility in which they were staying.

Another child reported that he was taken to hospital with chest pains, which was diagnosed as a panic attack. Anxiety and depression may also increase the risk that children become involved in criminal networks, according to some

experts. The existence of a large Pakistani community in Greece benefits the well-being of Pakistani children, compared with children of other nationalities, an NGO professional also noted, as they can get involved in communal recreation, such as playing cricket.

Although the basic needs of children are met, their specific individual needs are not always met, staff from different shelters argued. For example, there are no services for mental health problems or drug addiction. The only solution in such cases is hospitalisation in psychiatric wards. However, there are very few specialised facilities for children, as a representative of a Pakistani community organisation pointed out.

6.2. SELF-HARM BEHAVIOURS

Anxiety and depression can lead to self-harm and suicide attempts. For example, one young man mentioned the attempted suicide of an unaccompanied Pakistani child placed in protective custody. Suicide attempts are similar to those observed among other nationalities, according to the experts.

Self-harm behaviours, such as cutting oneself, are an issue among unaccompanied Pakistani children. Cases are reported from different facilities and in protective custody. During his six-month stay in the Fylakio reception and identification centre, one child observed that the police never allowed children to shave alone, fearing that they would attempt to harm themselves.

Several instances of self-harm were identified among the children interviewed and observed. Two participants, a child and a young man, told researchers that they had harmed themselves, and another said that he had thought about doing it. All three were 15 at the time of arrival in Greece.

Story 6

A story of repeated self-harm and transfers

A young Pakistani man who arrived in Greece when he was 15 said that while he was in protective custody other children encouraged him to cut his arms to attract attention so that he could be transferred out of the reception and identification centre. He did so and was subsequently transferred to a shelter for unaccompanied children in Kavala.

There he complained about scabies, itching and incidents of theft, and asked to be transferred to another facility. His request was not accepted and he repeatedly overdosed with painkillers and naphthalene. During this six-month period, he was hospitalised once a month and was then referred to the psychiatric unit of the hospital. He stayed there for several weeks.

After his condition improved, he was moved to another facility. During his first year there, he had sleeping disorders and depression. Since then, thanks to the support of the shelter staff, he has not tried to harm himself any more.

One interviewee harmed himself after experiencing sexual abuse. Another self-harmed together with other children to complain about the very poor reception conditions in the shelter where he was staying.

Almost half of the young people interviewed mentioned that they know other young Pakistanis who self-harmed by cutting themselves, drinking alcohol and smoking cannabis. A 17-year old living in a shelter told us:

“I don’t do anything like that, no drinks etc. But there are kids here at the [shelter] who cut themselves and I tell them that it is not right to take your own blood out like this.”



Self-harm results from the stress of the asylum process and can also be a way to attract attention, especially where support staff are underresourced and overworked, according to a representative of a medical NGO. Self-harm is a way of expressing extreme pain and suffering, feelings that these children could not otherwise express, staff from two different shelters considered.

Children self-harm when their liberty is restricted without reason or when they are unjustly accused of wrongdoing, according to a Pakistani child. It can also happen when a family member dies while the child is away, in the view of another interviewee.

Most Pakistani interviewees did not want to discuss this topic. Three young men said that, in contrast to children of other nationalities, Pakistani children do not engage in such behaviour. Another said that it is not customary in Pakistani society to disclose bad experiences.

6.3. SUBSTANCE ABUSE

Experts noted that substance abuse is not widespread among unaccompanied Pakistani children. It is more common among unaccompanied children of other nationalities, according to a representative of the Aliens Division of the police.

The interviews with young Pakistani people seem to confirm this. Only two interviewees (who arrived at the ages of 15 and 17) reported occasional consumption of alcohol or cannabis. One of them identified specific areas of Athens where young people meet and consume drugs:

“Many kids... I have lived this life with them, because all of those who are sitting around Omonia [central square in Athens], they have these kind of problems and if you go around and talk to them and ask, all have some issues that brought them to this path and now they cannot get out of it. Me as well, when I went to Omonia I smoked a joint once or twice but then I thought that I would become like them and I left.”

PROMISING PRACTICE

Preventing drug abuse among migrants and refugees

The Mosaic programme of the Therapy Centre for Dependent Individuals aims to prevent drug abuse among migrants and refugees. Among other services, the programme provides psychological support aimed at preventing addiction, and early intervention for refugee children, both accompanied and unaccompanied. In this context, the centre collaborates with hotels that host unaccompanied children.

Source: **KETHEA MOSAIC**

Endnotes

- 1 Greek Ombudsman (n.d.), *Rights of children on the move – Report 2018*, pp. 94–95.

7

EMPLOYMENT CONDITIONS AND LABOUR EXPLOITATION

This chapter describes the children's work experiences and working conditions. In Greece, a child who has reached the age of 15 may, with the general consent of the persons who have custody of the child, sign an employment contract. If they do not give consent, the court decides at the request of the child.¹

For regular employment, people need to have a tax identification number. For children, this requires the consent of the parent or legal guardian. In practice, the lack of guardians makes it difficult for unaccompanied children to have one.

At the time of the research, asylum applicants had access to the labour market from the moment they lodged their asylum application and obtained an asylum seeker's card.² As of January 2020, such access starts only six months after one lodges an asylum application.³ Beneficiaries of international protection have access to employment under the same conditions as nationals.⁴

Rejected asylum seekers whose removal is postponed should receive a written statement,⁵ valid for six months (renewable), certifying that the removal temporarily cannot be implemented. This certificate gives them a temporary right to stay and allows them to work. Migrants in an irregular situation do not have the right to work.⁶

7.1 WORKING EXPERIENCE

Most interviewees either were working at the time of the interview (nine) or had worked in the past (seven). Almost all children accommodated in camps or shelters were attending school or language classes. All those who were unregistered and not living in accommodation facilities were working, doing domestic chores or looking for work.

Compared with unaccompanied children of other nationalities, Pakistani (but also Afghan) children are under strong pressure from their families to work in Greece, an expert working in a shelter argued during a focus group discussion. This affects children psychologically and many may choose to abscond from shelters or drop out of school to look for work. With the exception of those living in shelters, children look for work as much as possible:

"I have worked in carwashes, washing cars. I had a few daily pays there since I've been here. I have worked for a month and a half in a petrol station, where I was never paid [...], so I left. Then I went to Ioannina and worked in the flea market for a day or two; I still go there if somebody [needs] me [...] for anything."

The main sectors that employ Pakistanis in Greece are agriculture, manufacturing, wholesale and retail trade, motor vehicle repair and building construction, the 2011 census shows.⁷ Unaccompanied Pakistani children and young adults mostly work informally as labourers in the agricultural sector or in the retail sector (e.g. working in electronics shops, food markets or small food stores), in garages, car washes and petrol stations, in bike shops or distributing leaflets, the fieldwork research finds. Some mentioned working in clothing manufactures and packaging. Some young adults who were working in waste disposal and recycling had formal contracts.

Employers were reportedly Greek, Pakistani or Chinese. Some children had to discontinue school because of the long working hours.

Two key elements increase their chances of finding work, according to the young people interviewed. One is having a legal status. The other is being an adult, since regular, better paid jobs are offered mainly to adults. Staff in a hotel hosting unaccompanied children confirm that. In their experience, most employers are afraid to hire children.

7.2. WORKING CONDITIONS AND LABOUR EXPLOITATION

Working in the city

Children often endured long working hours with little or no pay and faced health and safety issues, the research finds. Their work was precarious, as they were usually hired on a daily basis. Approximately half of those who worked complained about their low pay and long working hours.

The researchers identified open-air markets as one of the main employment sites for Pakistani people in Athens. They work there for many hours (10 hours or more) loading and unloading trucks for € 10–20 per day. During their observations at open markets, the researchers saw older Pakistanis who appeared to coordinate the work and arrange payment for a group of 5–10 younger Pakistanis. An 18-year-old research participant who had arrived in 2016 at the age of 15 reported finding a job at the market through one of his flatmates, who pays him € 10 a day, sufficient only for his rent and living expenses.

Children working in these conditions are reliant on their employers and those acting as their agents. Employers may pay children only if they are 'satisfied' with their work, and sometimes refuse to pay them altogether, the research shows. With the assistance of an NGO, one child filed charges against an employer who did not pay his monthly salary. When the case was brought to court, the child had to drop the case because he could not afford to spend days in court instead of working for his new employer.

Often an employer offers accommodation and deducts its cost from the wages. That is unlawful, if not specified in the contract. For example, a Pakistani adult who arrived in Greece as an unaccompanied child reported that a Pakistani employer, who manages a petrol station employing about 15 Pakistani migrants, offers housing in exchange for lower wages (€ 15 for 12 hours of work). The interviewee was offered work there but refused. Another child, who works in a minimarket owned by a Pakistani, said that a friend who shares his apartment works there for nothing but his accommodation.

In Greece, as of February 2019, the legal minimum daily wage for workers is € 24.94 (net after deduction of social security contributions).⁸ Children and young people earn varying wages, ranging from € 3 per hour at the

open fruit market to € 20 per day in petrol stations (with no social security paid), the research finds. Research participants felt good earning a living but considered their wages insufficient, they said. A child (17 years old) met during observations said that in Athens he earned € 5–10 per day doing odd jobs, for instance helping in removals.

Only two of the 20 children interviewed reported having regular contracts. One had a monthly wage of € 450; the other's was € 630. They also enjoyed better working conditions, with days off, regular breaks, holidays, etc.

Most interviewees did not stay long enough in their jobs to have a right to holidays and paid sick leave. They pointed out, however, that holidays are often not paid. In general, they work as much as they can without thinking of breaks, days off, holidays and sick leave.

They also reported health and safety at work issues. One interviewee working in a chicken factory said that his employers expected workers to buy their own safety gear. A 21-year-old interviewee who had arrived at the age of 15 and was working in a car wash in Athens claimed that his employer did not pay his social insurance contributions:

“I have a problem with my boss because I gave him my papers and he did not put my [social security] stamp”.

Sometimes their employers would insult them about their performance at work or their nationality, children also reported. The research did not identify any case of physical violence by employers. Most of the young people interviewed thought their employers were ‘good’ and did not consider their working experience to be exploitation.

Street vendors must be licensed. Pakistani street vendors were not aware of this, researchers discovered during their observations, since selling goods in the streets was quite common in Pakistan (as well as in Iran and Turkey, where some had spent time before coming to Greece). They met one unaccompanied child selling cheese pies on a home-made stall to survive, as he was not in the child protection system. He said that he would like to have legal papers to find a regular job, earn some money and open his own business because, as he said, he would like to stay in Greece.



Working in agriculture

One third of the interviewees said that they had worked for some months in agriculture, for instance in strawberry and orange plantations in different parts of Greece. They described working conditions as harsh, as they worked long hours under the sun with no protection against health risks, such as handling pesticides. Their daily shifts were 10–12 hours for € 5–25.

One child complained. He reported that his employer paid him less than adults, but also expected him to work less, that is 8 hours, for € 20.

In most cases, the children interviewed found such work through other Pakistanis working in the fields. Others waited on street corners or in squares for someone to offer them work, usually for the day. A 17-year-old described going every morning to the village square, waiting for someone to offer him work, usually for € 5–15 a day.

Another interviewee, in an irregular situation, reported working occasionally in the fields. Employers would pick him up by car from home and return him at the end of the day to avoid detection and apprehension by the police.

Shelter staff would try to visit the places where unaccompanied children worked, when possible, a representative of a medical NGO said. They would not allow children to work in the fields that are located far from the shelter and difficult to inspect.

In agricultural settings, employers often provide accommodation, but may deduct its cost from the wages. A 19-year-old, who arrived in Greece when he was 15 years old, reported that he was earning € 220 per month working in the fields but had to pay € 140 for accommodation. Another interviewee said that he had found work in orange tree plantations with the help of an agent who also provided him with housing in a three-room apartment with 15 other Pakistanis.

Sometimes, Pakistani children are exploited by their own family members, as in the case of a child who went to live with his cousin upon arrival in Greece. He worked with his cousin in the fields and had to do all the housework. Sometimes he even had to work his cousin's shift. He received his wages from his cousin, who deducted whatever he wanted for rent and food.

Eventually he got in a fight with him for keeping his money and left for Athens. The police apprehended him and, when they asked if he had any relatives he could stay with, he said no.

7.3. REMITTANCES

For many, an important reason to leave Pakistan is to support one's family back home. However, most children interviewed were not able to send money back home on a regular basis. Fewer than half of those interviewed reported sending money even occasionally.

A young man who arrived in Greece in 2015 when he was 15 years old was disappointed because he could not even send money to his parents in Pakistan to pay his grandfather's funeral. In fact, several children reported asking family members in Pakistan to send them money to survive in Greece:

"If I have a daily wage, I can help myself; if not, I have no money. Then I ask my family if they can send me money, to make ends meet."

Endnotes

- 1 Greece, Civil Code, Art. 136.
- 2 Greece, Law 4375/2016, 3 April 2016, Arts. 27 to 45.
- 3 Greece, Law 4636/2019, 1 November 2019, Art. 53, para. 1.
- 4 Greece, Law 4636/2019, 1 November 2019, Art. 27 (1), and Law 4375/2016, 3 April 2016, Art. 6 (1).
- 5 Greece, Law 3907/2011, 26 January 2011, Art. 24.
- 6 Greece, Law 4636/2019, 1 November 2019, Art. 53 (2).
- 7 See Marouf, M. (2015), *'It is not just the money. It is also how the people think over there': Retracing the journey of Pakistani migrants to Greece*, Athens, Hellenic Foundation for European and Foreign Policy.
- 8 Greece, Ministerial Decision **4241/127/30.1.2019**, published in Government Gazette B' 173.

8

VICTIMISATION EXPERIENCES

As this chapter summarises, the interviewees reported experiencing prejudice and discrimination, physical violence, and sexual harassment and violence. More than one quarter had experienced all of these. In addition, some had had personal belongings, such as clothes, stolen from where they lived, usually by people of different nationality.

8.1. PHYSICAL VIOLENCE, INCLUDING HATE CRIMES

A quarter of the interviewees, and several other children and young adults the researchers met during observations, reported experiencing forms of violence.

Some mentioned being hit by the police in detention or during pushbacks at the border. Others were hit in fights with other asylum applicants or migrants. Two claimed that they had been threatened by adults who entered the facility where they were staying. Two children said that they had experienced violence and threats from groups of other children when they were held at the Amygdaleza detention centre.

Two experienced a racist attack in a central square. A group of some 25 people with helmets attacked them, hitting them with sticks and stones. They managed to run away. For two weeks staff of the reception facility where they were staying did not allow them to go out for security reasons.

8.2. SEXUAL HARASSMENT, SEXUAL VIOLENCE AND SEXUAL EXPLOITATION

Almost half of the children interviewed, and several others met during observations, said that they had been victims of sexual harassment. Most often, older men approached them and tried to touch them or offered them money or other things, such as clothes or mobile phones, in exchange for sexual favours. The victims claimed that the perpetrators were mostly Greeks, but in some cases also Pakistanis. Most children did not report these incidents to anyone:

“It has happened to me two or three times on the bus. He was an elderly man [...] who touched me, although I did not want him to, but I changed seat [...]. [T]he other one got off at the same bus stop as me and offered me money to have sex with him.”

A young Pakistani man the researchers met during their observations mentioned that while he was living in Athens he was often touched or offered money for sexual favours around the city centre.

Another child was offered money in the metro in exchange for sexual services. He was very scared when a stranger followed him after he left the station. He did not tell anyone what happened. He knows that other children had similar experiences.

A young adult who arrived in Greece at the age of 17 years had experienced many attempted sexual assaults. One was in the reception and identification centre in Kos, where he stayed upon arrival. Another time, a man tried to rape him on a ship. Some men harassed him on trains and many older people offered him money “to do them some awkward kind of stuff”.

A young interviewee knew of an older man who used to offer money, clothes or mobile phones to unaccompanied children in exchange for sexual favours. This man invited children, including those residing in shelters, to his home and gave them drugs to prolong sexual activities. Some of these children developed health problems from consuming these drugs and had to be hospitalised. When shelter staff became aware of this, they started legal proceedings against the man, who was subsequently convicted.

Sexual favours can also be requested as repayment for ‘hospitality’, as one interviewee described.

Story 7

Experiencing sexual violence

The staff of a shelter reported the experience of a 16-year-old Pakistani boy who entered Greece undetected and initially found some work in the fields. He then moved to a city, where he was homeless for a few days. He lived in an abandoned building and tried to find someone to tell him how to reach a camp.

He met a man from Pakistan who offered to host him for two or three days while helping him find a camp. Initially the man did not ask anything in exchange for the food and housing he provided, but one day he came home drunk and started yelling at the child, demanding money for his hospitality. He then locked the child in a room and abused him sexually for weeks with his friends, telling him to keep quiet, otherwise the police would apprehend him.

Eventually the child managed to escape. During the time of the research an NGO was supporting him.

Sexual exploitation is the most important risk unaccompanied Pakistani children face, a medical NGO worker believes. Pakistanis are more vulnerable to becoming victims than children of other nationalities.

Engaging in prostitution to have money to get by is quite common among Pakistani children in Athens, professionals taking part in the focus group in Athens considered. This also happens in Thessaloniki, but to a lesser extent. A representative of the police Aliens Division said that NGOs informed him of the large scale of sexual exploitation of Pakistani children in various squares and parks of central Athens.

In Thessaloniki there are very few cases of organised child prostitution in apartments, but it is more common in specific public spaces, according to an NGO child protection expert. Although there is a police department dealing with trafficking in human beings for the purposes of sexual exploitation, there are no effective interventions in Thessaloniki, according to this expert. While working in camps, the expert witnessed cars coming by and picking up children. The children did not reveal where they went and who the drivers were.

One way to help children is to inform them about sexually transmitted diseases, a representative of a medical NGO argued. In that person's experience, children stop such activities when they are properly informed of the risks they face.

8.3. EXPERIENCES OF DISCRIMINATION AND RACIST INSULTS

Being treated differently or insulted because of their skin colour or nationality is a common experience among Pakistani children. Perpetrators include asylum applicants of other nationalities, as well as Greeks, including the police. For example, a young Pakistani (aged 18, who arrived at the age of 15) said that police had carried out a check on him and his friends in the street. When one policeman realised that they had legal status and were registered as asylum applicants, he insulted them and spat in his face.

A young Pakistani man was frequently insulted by his employer because of his nationality, he said. Another said that he was insulted in the streets. A young man whom researchers met during their observations reported seeing verbal abuse and violence by migrants from Georgia as well as Greek far-right groups. A 17-year-old child, who arrived at the age of 15, described how a girl on the metro hid her bag and moved away as he approached.

9

RECRUITMENT OF CHILDREN IN ACTIVITIES IN CONFLICT WITH THE LAW

Research participants, both experts and young Pakistanis, expressed particular concern about the involvement of unaccompanied Pakistani children in activities in conflict with the law. This chapter describes the close links between victimisation and becoming involved in unlawful activities.

9.1. AVOIDING NEGATIVE STEREOTYPES

The media occasionally sensationalise young migrants' and asylum seekers' involvement in crime, reinforcing negative stereotypes. The reality is more complex. A range of different but interconnected factors make some young people more prone to becoming involved in crime, often at first as victims.

Insecure or unsafe housing, lack of access to formal employment and education, absence of other family members, protracted uncertainty of the outcome of asylum proceedings and lack of formal legal status with guaranteed rights contribute to an overall sense of precariousness and lack of future prospects. That hampers effective integration. These factors also make a person more likely to become dependent on informal networks, sometimes those involved in criminal activities.¹

These risks increase when unaccompanied children reach majority, according to an NGO worker, as they lose the support and supervision they are entitled to as children.

The existence of a strong Pakistani community in Greece has both positive and negative effects in terms of protection, the staff of an NGO running a specialised facility for unaccompanied children stressed. In some cases, the community represents a safety net for unregistered Pakistani children who are not in the institutional child protection mechanisms. At the same time, some members of that community may sometimes recruit children to criminal networks. As a consequence, children may reject the support that child protection authorities and NGOs provide.

In 2018 some groups of Pakistanis and Afghans approached various refugee camps to recruit young people living there for criminal activities, a representative of a medical NGO mentioned. Despite the evidence that criminal networks recruit children, exploiting their young age and vulnerabilities, there are very few cases where such children are identified as victims of trafficking in human beings.

9.2. INVOLVING CHILDREN IN MIGRANT SMUGGLING

Often smugglers force Pakistani children to work for them, several professionals claimed. According to the police Aliens Division representative, children are offered € 200–300 for five hours of work helping smugglers to bring migrants from the border in Evros to Thessaloniki. In 2020 the IOM recorded one incident in which seven migrants, thought to be from Pakistan, died in a car accident near Alexandroupoli.²

Most of the car accidents involving illegal transport of migrants that have appeared in the media after September 2018 involved young Pakistanis, including unaccompanied children, without driving licences, an NGO child protection expert claimed. Smugglers recruit unaccompanied children because, when they are arrested, they face less severe penalties than adults, according to several professionals. One NGO has twice provided legal support to children involved in such cases. In one of these cases, the underage driver caused a fatal accident and is facing homicide charges.

Such cases of forced recruitment in illegal activities may constitute trafficking in human beings, but the anti-trafficking department of the police is not involved, as an expert noted.

Children are not always aware that the activities they perform are illegal, or of the risks involved, according to the representative of the Aliens Division of the police. Smugglers exploit their need for money and their ignorance. Sometimes unregistered Pakistani children are forced into criminal activities to repay their migration-related debts:

“[I]n cases that children and their family do not have money, the child is actually recruited into their networks to work for them. In this case, the victim becomes victimiser. This means that the victim who is restrained illegally in the warehouse agrees to work for these people and hence he will then restrain other people in a warehouse or [force them to] drive a car from Evros to Thessaloniki.” (Child protection expert working for an NGO)

9.3. INVOLVEMENT IN SELLING DRUGS OR OTHER ILLICIT ITEMS

Pakistani children are involved in selling drugs, contraband cigarettes or other illicit items, expert and migrant interviews confirm. During observations, Pakistani children and young adults selling drugs often approached researchers in Thessaloniki and Athens. Three of these children said that they were selling contraband cigarettes and drugs just to earn a living. Three of the young Pakistanis interviewed said that drug dealers had approached them to sell drugs in central squares of Athens:

“Too many times they have suggested it to me [to bring drugs to somebody] and I have done it once. They gave me € 15 to sell some things and I did it but after I thought that it was illegal and it’s not nice to do especially when it is [only] for € 15 and so I decided not to do it again, indeed I have not done it again. They have suggested me though many times.”

Involvement in illegal activities is often associated with homelessness. A homeless child the researchers met during their observations in Athens told them:



“The things I was sent to do were not normal stuff. I was given drugs to deliver them to specific people and then they would give me in return € 2 or € 3 to buy a souvlaki for food.”

Story 8

Risk of being involved in criminal activities

An 18-year-old man who entered Greece unaccompanied when he was 16 remained homeless in Athens for a while. He met another Pakistani, who found him a job distributing leaflets and allowed him to stay in an apartment with seven other Pakistanis. He was the youngest.

For the first 20 days the person who invited him did not ask for money in exchange for hospitality. However, when he earned some money by selling leaflets, his ‘host’ took his earnings (€ 150) and asked him to start selling drugs. He was scared to do this, so the person kicked him out of the apartment. He later managed to find accommodation in a shelter.

Endnotes

- 1 See also FRA (2019), *Integration of young refugees in the EU: Good practices and challenges*, Luxembourg, Publications Office, Chapter 8.
- 2 IOM, information provided in February 2021.

Main findings and concluding remarks

This research documents the harsh and dangerous conditions that unaccompanied Pakistani children faced during their travel from Pakistan to Europe and the risks they experienced. The children left their country either to escape persecution and violence or to find work and provide for their families. Their journey was difficult, often traumatic. Many experienced violence, detention, exploitation and abuse, coping without the support of adults.

Some of the protection risks this research identified are similar to those that UNICEF highlighted for unaccompanied children who fall through the protection systems in France and Spain. Others, such as pushbacks, gaps in identification and referral at borders, or exploitation at work, had already come up in past FRA research. These risks are not unique to one Member State. They require broader reflection at EU level.

10.1. PROVIDING BETTER CHILD PROTECTION SERVICES FOR NON-ASYLUM APPLICANTS

Many unaccompanied Pakistani children in Greece remained undetected and unregistered for a long time, according to the expert interviews. Late identification means that unaccompanied children are not referred to child protection authorities and remain exposed to a number of risks. Not being identified as unaccompanied children, coupled with the limited availability of places in specialised child protection facilities, can result in homelessness or deprivation of liberty. Insecure or no housing, insecure legal status and poverty put them at risk of various forms of exploitation, including labour and sexual exploitation.

Article 24 of the EU Charter of Fundamental Rights provides for the right of children to such protection and care as is necessary for their well-being. Under international law, all unaccompanied children are entitled to the protection and care that the CRC sets out for children deprived of parental care. The new Asylum, Migration and Integration Fund illustrates the priority the EU gives to child protection.¹ It will allow the EU to increase its co-financing rate to 90 % for measures to ensure effective protection of children in migration, in particular for unaccompanied children.²

Under EU law, the EU asylum instruments lay out detailed rules for the protection of unaccompanied children. However, these rules do not apply to children who are outside the asylum system.

In several Member States, unaccompanied children who are not in the asylum system often do not receive the care and protection they are entitled to and remain invisible. Out of the 26 Member States that a European Migration Network (EMN) report covers, only five provided information on

unaccompanied children not applying for asylum who remain outside the asylum/migration/child protection system.³ These can be children who do not want to apply for asylum, faced obstacles in applying for asylum or applied for asylum but their application was rejected. When the national child protection systems do not respond to these children's needs, they are left on their own, often exposed to acute protection risks.

Child protection safeguards in EU law relating to return and readmission apply to unaccompanied children who are outside the asylum system and have not been granted a residence permit.⁴ Article 5 of the Return Directive (2008/115/EC) requires Member States to take due account of the best interests of the child when implementing the directive. Article 14 requires Member States to take into account the special needs of vulnerable persons when dealing with persons who have been granted a period for voluntary departure and persons whose removal is postponed.⁵ These general safeguards would benefit from more specific guidance on how to apply them in compliance with child rights.

Under EU and international law, all unaccompanied children – regardless of whether they apply for asylum or not – must be granted the protection and care they are entitled to. Member States, child protection actors and other stakeholders need to identify ways to improve the protection of unaccompanied children who are not in the asylum system. The most important measure is to provide them with secure legal status so they can access basic rights, such as healthcare and education. This will also protect them from the risks of sexual and labour exploitation and allow them access to justice without fear of detention or expulsion.

The European Commission could consider providing guidance to Member States on child protection obligations flowing from Articles 5 and 14 of the Return Directive for unaccompanied children who are outside the asylum system and have not been granted a residence permit under national law.

10.2. COLLECTING DATA ON THE SITUATION OF CHILDREN WHO DID NOT APPLY FOR ASYLUM

Reliable and comprehensive data are essential for developing effective policies. Eurostat has such data on the number of unaccompanied children applying for asylum in the EU. Data on unaccompanied children who do not apply for asylum and are not issued with a return decision may be available at national or regional level but are not comprehensive or comparable and often not publicly available.⁶ Recent changes to the Regulation on Migration and International Protection Statistics⁷ will improve the collection of data on unaccompanied children who are subject to return procedures and removal.

In order to monitor the presence of unaccompanied children, statistical tools at national and EU levels should cover all these children, including those who do not apply for asylum and are not issued with a return decision. This would facilitate the development of evidence-based policies to protect these children.

10.3. PREVENTING AND INVESTIGATING FUNDAMENTAL RIGHTS VIOLATIONS AT BORDERS

In accordance with the general principles of Union law, any decision relating to a person must be taken on an individual basis.⁸ If authorities stop or apprehend people at external borders and there are indications that they may wish to apply for international protection, the authorities have an obligation to inform them of how they can apply.⁹

There have been persistent allegations of removals of persons apprehended after an irregular border crossing without an individual identification procedure at several external borders of the EU. Sometimes, ill-treatment and other violations of fundamental rights reportedly accompanied the removals.¹⁰

In April 2021, the Greek Ombudsperson issued a report describing pushback allegations at the Greek-Turkish land border. It concluded that the authorities have not yet effectively addressed these through comprehensive investigations.¹¹ Allegations of pushbacks also emerge from the fieldwork research for this report. Some unaccompanied Pakistani children whom FRA interviewed said that they had crossed several times the land border from Turkey and were pushed back after being apprehended in Greece, sometimes violently.

These findings confirm what FRA reported in *Migration: Fundamental rights issues at land borders*. It called for effective and swift investigations of all alleged fundamental rights violations at external borders. It also noted the need for simple and clear instructions to border guards on how to apply fundamental rights safeguards in their daily work, and the need for better oversight and monitoring mechanisms.¹²

Frontex also has a key role to play in preventing investigating fundamental rights violations at borders. It has to monitor close adherence to fundamental rights in its operations in line with Regulation (EU) 2019/1896. In particular, this covers compliance with the principle of non-*refoulement*, the necessity and proportionality of the use of force, and the identification and referral of vulnerable people, including unaccompanied children.

10.4. IMPROVING IDENTIFICATION AND REFERRAL, AND ENSURING APPOINTMENT OF GUARDIANS

Under Article 24 of the Charter of Fundamental Rights, children have the right to such protection and care as is necessary for their well-being. In the migration context, this means that unaccompanied children must first be identified and registered as unaccompanied and then provided with the support of a guardian entrusted to promote the child's best interests.

Unaccompanied Pakistani children were often not identified upon arrival and they moved around the country looking for a source of living, at risk of labour and sexual exploitation, this research shows. If they cross the border undetected or are not identified as being under the age of 18 and alone, child protection services cannot come into play. Flaws in referral systems also prevent the activation of child protection services.

In its reports on fundamental rights at air, sea and land borders, FRA analysed challenges and good practices in the identification and referral of children at risk at different EU borders.¹³ Some progress has occurred in recent years. For example, there is now a clear duty for Frontex operations at borders to comply with the CRC.¹⁴ Frontex has developed the VEGA children handbook, which should improve the identification and referral of unaccompanied children at borders.¹⁵

Nevertheless, gaps remain, as also illustrated by the attention given to identification and referral in the EU Strategy on Combatting Trafficking in Human Beings 2021–2025.¹⁶ For example, EU Member States, including Greece, still do not systematically involve guardians during identification procedures.¹⁷ Providing each unaccompanied child with a competent guardian from the moment that they come to the attention of the authorities would go a long

way towards ensuring that they have better protection and support during asylum and immigration proceedings, as well as in their future life plans.

Moreover, national authorities, including labour inspectorates and other monitoring bodies, should increase their efforts to identify unaccompanied children apprehended in connection with irregular border crossing or detected during inspections, and should refer them swiftly to child protection services.

Frontex should also continue to prioritise identifying children at risk during border checks in all its operations. It should use and disseminate the VEGA children handbook at all borders and promote best practices for referring children at risk.

10.5. ENHANCING ACCESS TO ADEQUATE HOUSING, EDUCATION AND HEALTHCARE

Article 24 of the Charter of Fundamental Rights sets out the right of children to such protection and care as is necessary for their well-being. That means that unaccompanied children should be placed in child-appropriate accommodation facilities and have access to education and healthcare.

EU asylum law specifies what child-appropriate care arrangements entail. However, for those issued with a return decision or allowed to stay because their return has been postponed, Article 14 of the Return Directive lists only the duty to take into account the special needs of vulnerable persons, and to provide schooling and essential healthcare services. Only half of the Member States provide unaccompanied children who do not apply for asylum with access to the same care arrangements as asylum applicants.¹⁸

Unaccompanied children outside national child protection systems often live with friends or fellow-nationals or in makeshift arrangements, while trying to earn some money to get by, the research shows. They do not attend school and could experience deprivation of liberty, homelessness, and sexual abuse and exploitation. Growing anxieties accompanied experiences of inadequate housing, impacting on children's physical and mental health, and leading to self-harming behaviours.

If unaccompanied children did not live in children's reception facilities, they faced significant difficulties in accessing the public healthcare system and could not always receive treatment for their diseases or get the necessary medicine, the research showed. In addition, when facing delays to apply for asylum or a rejection of their application children moved into an irregular situation which prevented them from accessing education and healthcare.

Providing places in appropriate accommodation facilities based on best interest assessment, as required by Article 3 of the CRC, for all unaccompanied children and putting in place an effective monitoring system to ensure compliance with the standards should be a priority for all Member States.

It is equally important to ensure that all unaccompanied children, regardless of legal status, have access to healthcare, including psychological support and treatment. To improve their well-being, it is necessary to train social workers, teachers and guardians to identify mental health issues, signs of substance abuse and risks of self-harm.

10.6. IDENTIFYING A DURABLE SOLUTION AND CLARIFYING LEGAL STATUS

The UN Committee on the Rights of the Child has clarified that the ultimate aim in addressing the fate of unaccompanied children is to identify a 'durable solution'.¹⁹ The assessment of a durable solution should look at all options and be based on a thorough best interests determination.²⁰ In 2007, the Council of Europe issued a recommendation on 'life projects', a tool to develop an individual plan for each child.²¹ The CJEU requires Member States to "carry out a general and in-depth assessment of the situation of [the child]" before issuing a return decision against an unaccompanied child.²²

Under Greek Law No. 4554/2018, a formalised assessment of the child's best interests should be the basis for identifying a durable solution. The delays and difficulties in applying for asylum and the low recognition rate of asylum applicants from Pakistan, including unaccompanied children, resulted in many children living in Greece in an irregular situation and without documents certifying their status in Greece, the fieldwork research showed. Outside the context of relocation and transfers to other EU Member States under the Dublin Regulation, in Greece there is no systematic procedure for identifying a durable solution based on the child's best interests. The interviews with unaccompanied Pakistani children in FRA research confirmed that.

To determine the most appropriate durable solution for each unaccompanied child, a formal best interests assessment should follow the European Asylum Support Office's guidance and General comments **No. 6** and **No. 14** of the Committee on the Rights of the Child. Durable solutions could include family reunification, relocation to other EU Member States, voluntary return or granting a residence permit. The best interests assessment should involve the guardian and ensure that the child's views are heard.

If a return decision will temporarily not be enforced, Article 14 of the Return Directive requires Member States to provide the person concerned with a written confirmation. In Greece, under Article 24 of Law 3907/2011, the police should issue such persons with a written statement, valid for six months and renewable.

However, these measures are short-term solutions. There is a need to address the situation of unaccompanied children who have been issued with a return decision but are not removed for a long time. Mechanisms should be set up at either Union or Member State level to avoid leaving persons in legal limbo for many years if they are not removed, as FRA recommended in 2011.²³ For example, some Member States' national legislation provides for the possibility of granting temporary stay or residence for certain grounds.

The need to find solutions for this group was also prominent in the 2019 fitness check on EU legislation on legal migration.²⁴ The Commission highlighted that "the existence of large numbers of 'non-removables' with few rights and limited possibility to work in order to come up for their own living contributes to a negative public perception of migration and undermines the public acceptance of a sustainable EU migration policy as a whole".²⁵

Unaccompanied children are vulnerable. Temporary and renewable resident permits for those who have been issued with a return decision but are not removed would make it possible to protect them and give them access to the basic rights they are entitled to.

10.7. ADDRESSING EXPLOITATION AND VICTIMISATION

Article 5 of the Charter of Fundamental Rights prohibits trafficking in human beings. The EU Anti-trafficking Directive (2011/36/EU) requires Member States to pay particular attention to unaccompanied child victims of trafficking, as they need specific assistance and support. From the moment an unaccompanied child victim of trafficking is identified until a durable solution is found, Member States must assist, support and protect the child. They must undertake an individual assessment to identify a durable solution for the child and appoint a guardian.

The directive on combating the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU) requires Member States to adequately prevent, criminalise, investigate and prosecute cases of sexual abuse and exploitation of children and child pornography. Law 4267/2014 incorporated its provisions were transposed into Greek law.

Children in migration and unaccompanied children are at higher risk of trafficking and exploitation, Europol noted in 2018. It pointed to a likely future increase in the scale of trafficking of unaccompanied children.²⁶ In France, for example, the Public Defender of Rights highlighted the untenable situation of vulnerable people, including unaccompanied children sometimes as young as 12 or 14 who live in the makeshift camps near Calais. They are in danger and become prey for criminal networks.²⁷

Inadequate or no housing, insecure legal status, and poverty put Pakistani unaccompanied children in Greece at risk of various forms of exploitation, including labour and sexual exploitation, this research shows. However, the children rarely report incidents of sexual abuse and harassment to the police, because they do not trust them. Moreover, many of the unaccompanied Pakistani children interviewed for this research worked in precarious conditions to support their families back home financially. They often received less than the legal minimum daily wage and worked long hours without a formal contract.

Measures that could help prevent and address labour and sexual exploitation of unaccompanied children include:

- providing a secure legal status to unaccompanied children who are not in the asylum system, whether asylum seekers or not, to prevent the risk of abuse and exploitation, and to facilitate access to basic rights, including justice;
- ensuring safe housing for all unaccompanied children, as a means to preventing labour and sexual exploitation.
- developing targeted awareness-raising campaigns about sexual and labour exploitation of unaccompanied children;
- training professionals who are likely to come in contact with unaccompanied children, in particular law enforcement officials, social workers, healthcare staff, lawyers and staff working in reception facilities, to identify children who are victims of sexual and labour exploitation or at risk of victimisation and deal with them in an appropriate manner;
- encouraging police and judicial authorities to promote measures for safe reporting, taking the necessary actions to ensure the safety of the victim;
- intensifying labour inspections in economic sectors where unaccompanied children are more likely to work, such as agriculture, and creating safe conditions for children to report labour exploitation;
- informing children of the residence permits available to victims of severe forms of labour exploitation under the Employers Sanctions Directive (2009/52/EC).

This research finds evidence that some of these children could be victims of trafficking in human beings. Respondents reported the use of violence against children, confining them in warehouses until their families send money or forcing the children to work to pay the money owed for the journey. They also spoke of unaccompanied children forced to commit activities in conflict with the law, such as driving cars with smuggled migrants, or selling contraband cigarettes or drugs. Trafficking victims are not always identified, according to the experts interviewed. They also noted a persistent lack of appropriate, safe facilities for child victims of trafficking.

Measures that could help prevent and address trafficking in human beings include:

- intensifying efforts to identify potential victims of trafficking among unaccompanied children and referring them to appropriate services, including safe accommodation and psychosocial support;
- protecting victims, in line with the Anti-Trafficking Directive 2011/36/EU, from prosecution or punishment for criminal activities that they were forced to commit as a direct consequence of being subjected to trafficking; and
- developing information campaigns with child-friendly information on trafficking and on the rights and services child victims are entitled to.

10.8. ADDRESSING OBSTACLES TO FAMILY REUNIFICATION UNDER THE DUBLIN REGULATION

Unaccompanied children seeking asylum who have close family members in other EU Member States have a right to join them, under the Dublin Regulation.

High rejection rates and delays in transfers under the Dublin Regulation prompt some children to abscond from reception facilities in order to reunite with their family members in other EU countries, this research finds. They often use smugglers, which exposes them to risks of victimisation and abuse.

It appears that one of the reasons for rejecting requests – including requests to reunite children with their families – is that they were submitted after the three-month deadline in Article 21 (1) of the Dublin Regulation. Some EU Member States count the three-month deadline from the initial registration of the intention to apply for asylum and not from the date of lodging the application for international protection. Information on the presence of family members in other EU Member States usually emerges only during the formal lodging of the application. Thus, counting the three-month deadline from the initial registration could in practice deprive unaccompanied children of the possibility of lawfully joining their families.

In light of Article 24 (2) of the Charter for Fundamental Rights and Article 6 of the Dublin Regulation, the best interests of the child must be a primary consideration for Member States when applying the regulation. In this regard, implementing transfers under the Dublin Regulation swiftly and counting the three-month deadline from the date of lodging the application for international protection would enable unaccompanied children to join their families as quickly as possible.

Endnotes

- 1 European Commission (2018), *Proposal for a establishing the Asylum and Migration Fund*, COM(2018) 471 final, Brussels, 12 June 2018, Annex IV.
- 2 European Commission (2021), *EU strategy on the rights of the child*, COM(2021) 142 final, Brussels, 24 March 2021, para. 7.1. In this context, see also Eurochild, Save the Children and Terre des Hommes (2019), *Promoting and protecting the rights of children in migration through the MFF 2021–2027*, position paper.
- 3 European Migration Network (2021), *Children in migration: Report on the state of implementation in 2019 of the 2017 Communication on the protection of children in migration*, Brussels, European Migration Network, p. 11, Table 1.
- 4 See, for example, European Commission (2021), *Enhancing cooperation on return and readmission as part of a fair, effective and comprehensive EU migration policy*, COM(2021) 56 final, Brussels, 10 February 2021, sections 2.1 and 5, and Recommendation (EU) 2017/432 of 7 March 2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council, OJ 2017 L 66, para. 13.
- 5 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ 2008 L 348.
- 6 See in this context also European Migration Network (2021), *Children in migration: Report on the state of implementation in 2019 of the 2017 Communication on the protection of children in migration*, Brussels, European Migration Network, section 8.1.
- 7 Regulation (EU) 2020/851 of the European Parliament and of the Council of 18 June 2020 amending Regulation (EC) No. 862/2007 on Community statistics on migration and international protection, OJ 2020 L 198, changes to Art. 7 (statistics on returns).
- 8 Schengen Borders Code, OJ 2016 L 77, Art. 4; Return Directive (2008/115/EC), OJ 2008 L 348/98, recital 6.
- 9 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ 2013 L 180, Art. 8.
- 10 FRA (2020), *Migration: Fundamental rights issues at land borders*, Luxembourg, Publications Office. See also FRA (2021), *Fundamental rights report 2021*, Luxembourg, Publications Office, Chapter 6.
- 11 Greek Ombudsman (2021), *Own initiative investigation by the Greek Ombudsman on alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection*, April 2021.
- 12 FRA (2020), *Migration: Fundamental rights issues at land borders*, Luxembourg, Publications Office.
- 13 FRA (2015), *Fundamental rights at airports: Border checks at five international airports in the European Union*, Luxembourg, Publications Office, Chapter 3; FRA (2015), *Fundamental rights at Europe's southern sea borders*, Luxembourg, Publications Office, Chapter 7; FRA (2015), *Fundamental rights at land borders: Findings from selected European Union border crossing points*, Luxembourg, Publications Office, 2015, in particular Chapter 3. See also FRA (2020), *Migration: Fundamental rights issues at land borders*, Luxembourg, Publications Office, p. 35.
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Annex

MAIN ISSUES AFFECTING UNACCOMPANIED CHILDREN REGULATED BY EU LAW

Issue regulated	EU law instruments and specific provisions
Best interests of the child	
Duty to give primary consideration	<p>Reception Conditions Directive (2013/33/EU), Article 23 (1)</p> <p>Dublin Regulation ((EU) No. 604/2013), Article 6 (1)</p> <p>Qualification Directive (2011/95/EU), Article 20 (5)</p> <p>Asylum Procedures Directive (2013/32/EU), Article 25 (6)</p> <p>Anti-Trafficking Directive (2011/36/EU), Article 17 (1)</p> <p>Victims' Rights Directive (2012/29/EU), Article 1 (2)</p> <p>Directive on combating the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU), Article 19 (3)</p> <p>Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, Article 6 (6) and Article 9 (9)</p> <p>European Border and Coast Guard Regulation ((EU) 2019/1896), Article 80 (3)</p> <p>Return Directive (2008/115/EC), Article 5, Article 10 (1) and Article 17 (5) (on detention)</p> <p>Brussels IIa Regulation ((EU) 2019/1111), Article 10 (1)</p>
Criteria for best interest assessment	<p>Reception Conditions Directive (2013/33/EU), Article 23 (2)</p> <p>Dublin Regulation ((EU) No. 604/2013), Article 6 (3)</p>
Identification and referral of unaccompanied children	
Identification and referral mechanisms	<p>European Border and Coast Guard Regulation ((EU) 2019/1896), Article 3 (1)</p> <p>Directive on residence permits for victims of trafficking (2004/81/EC), Article 10</p>
Referrals in Frontex operations	European Border and Coast Guard Regulation ((EU) 2019/1896), Article 38 (3) (m)
Training	<p>Schengen Borders Code (Regulation (EU) 2016/399), Article 6 (2)</p> <p>European Border and Coast Guard Regulation ((EU) 2019/1896), Article 16 (1)</p>
Guardian/legal representative for unaccompanied children	
Duty to appoint	<p>Asylum Procedures Directive (2013/32/EU), Article 25 (1)</p> <p>Reception Conditions Directive (2013/33/EU), Article 24</p> <p>Dublin Regulation ((EU) No. 604/2013), Article 6 (2)</p> <p>Anti-Trafficking Directive (2011/36/EU), Article 14 (2) and Article 16 (3)(3)</p> <p>Directive on residence permits for victims of trafficking (2004/81/EC), Article 10</p> <p>Victims' Rights Directive (2012/29/EU), Article 24 (1)</p>
Safeguards and restrictions	<p>Asylum Procedures Directive (2013/32/EU), Article 25 (1), (2) and (4)–(6) and Article 7 (3) and (5)</p> <p>Reception Conditions Directive (2013/33/EU), Article 24</p> <p>Dublin Regulation ((EU) No. 604/2013), Article 6 (2)</p>
Age assessment	
Presumption of minority	<p>Asylum Procedures Directive (2013/32/EU), Article 25 (5)</p> <p>Anti-Trafficking Directive (2011/36/EU), Article 13 (2), Article 13 (2)</p> <p>Directive on combating the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU), Article 18 (3)</p> <p>Victims' Rights Directive (2012/29/EU), Article 24 (2)</p>
Guidance on least invasive methods	Asylum Procedures Directive (2013/32/EU), Article 25 (5)
Family reunification	
Reunification with family within the EU	Dublin Regulation ((EU) No. 604/2013), Article 6 (4) and Article 8

Family tracing	<p>Reception Conditions Directive (2013/33/EU), Article 24 (3)</p> <p>Qualification Directive (2011/95/EU), Article 31 (5)</p> <p>Directive on residence permits for victims of trafficking (2004/81/EC), Article 10</p>
Missing children and child abduction	
International child abduction	<p>Brussels IIa Regulation ((EU) No. 2019/1111), Chapter III (competent court)</p> <p>SIS Regulation ((EU) 2018/1862), Article 32 (children at risk of abduction or serious harm)</p>
Recording missing children	SIS Regulation ((EU) 2018/1862), Article 32
Assistance and support to children	
Individual assessment of the child's protection and assistance needs	<p>Anti- Trafficking Directive (2011/36/EU), Article 14 (1) and Article 16 (1)16 (1)</p> <p>Victims' Rights Directive (2012/29/EU), Article 22 (4)</p> <p>Reception Conditions Directive (2013/33/EU), Article 22</p> <p>Asylum Procedures Directive (2013/32/EU), Article 24 (1) and (2)</p> <p>Qualification Directive (2011/95/EU), Articles 20 and 31</p> <p>Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, Article 7</p>
Entitlements to assistance and support services	<p>Anti- Trafficking Directive (2011/36/EU), Article 14 (1) and Article 16 (1) 16 (1)</p> <p>Directive on residence permits for victims of trafficking (2004/81/EC), Article 9 (2) and Article 10</p> <p>Victims' Rights Directive (2012/29/EU), Article 8 (3) and Article 9 (3)</p> <p>Directive on combating the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU), Articles 18 and 19</p> <p>Asylum Procedures Directive (2013/32/EU), Article 24 (3) and (4)</p> <p>Reception Conditions Directive (2013/33/EU), Article 14 (education) and Article 24 (2) (specific provisions on housing of unaccompanied children)</p> <p>Qualification Directive (2011/95/EU), Article 27 (education) and Article 31 (3) (specific provisions on housing of unaccompanied children)</p> <p>Return Directive (2008/115/EC), Article 14 (1) (for people pending return) and Article 17 (4) (in detention)</p> <p>Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, Article 8 (4) (medical assistance if detained)</p> <p>Frontex Sea Operations Regulation (EU) No. 656/2014), Article 4 (4)</p>
Procedural safeguards for children	
Border controls	<p>Schengen Borders Code (Regulation (EU) No 2016/399), Articles 7 (1), Article 20 and Annex VI (6)</p> <p>European Border and Coast Guard Regulation ((EU) 2019/1896), Article 80 (3) (for Frontex operations)</p>
Asylum procedures	<p>Asylum Procedures Directive (2013/32/EU), Article 25 (for unaccompanied children)</p> <p>Dublin Regulation ((EU) No. 604/2013), Articles 6 and 8 (for unaccompanied children)</p>
Return procedures	Return Directive (2008/115/EC), Article 10 (for unaccompanied children)
Criminal procedures	<p>Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings</p> <p>Anti-Trafficking Directive (2011/36/EU), Article 15</p> <p>Victims' Rights Directive (2012/29/EU), Articles 23 and 24</p> <p>Directive on combating the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU), Article 20</p>
Residence permits for trafficking victims	Directive on residence permits for victims of trafficking (2004/81/EC), Article 10
International child abduction	Brussels IIa Regulation ((EU) No. 2019/1111), Articles 21 and 26
Durable solutions	
Duty to assess best interests	<p>Anti- Trafficking Directive (2011/36/EU), Article 14 (1) and Article 16 (2)(2)</p> <p>Return Directive (2008/115/EC), Article 10 (1)</p>

Note: Recitals not included.

Source: FRA, 2021 [based on legal instruments listed in the table]

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PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

This report sheds light on the realities faced by unaccompanied migrant children who are not in the care of child protection systems in the EU. Presented as a case study, it tells the story of children and young adults from Pakistan who travelled alone to the EU without their parents or other adults.

The report describes how the children experienced their journey to Europe, their arrival and their stay in Greece. The findings are based on desk research and extensive fieldwork carried out in 2019.

While the report focuses on unaccompanied children from Pakistan, the child protection challenges identified are not unique to this group. The insights presented are thus relevant for all unaccompanied children coming to and living in the EU, and especially so for adolescent boys not granted international protection.



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