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## **LANZAROTE CONVENTION**

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

### **FOCUSED QUESTIONNAIRE**

**Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse**

### **GREECE**

**(Replies sent by the State)**

Replies registered by the Secretariat on 28 February 2017

## DATA (Lanzarote Convention, Chapter III)

- 1) How many migrant and asylum-seeking children (accompanied and unaccompanied)<sup>1</sup> are in your country as a result of the refugee crisis?
  - a) Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,<sup>2</sup> and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;

Estimates of figures of unaccompanied minors:

- i. Official data on unaccompanied minors are collected and managed by the National Centre for Social Solidarity (NCSR or “EKKA”), a governmental welfare organization under the supervision of the Ministry of Labour, Social Security & Social Solidarity (MoLSSSS). According to EKKA’s more recent report (15/2/2017) the number of unaccompanied minors in Greece is 2.100, based on the referrals for accommodation. According to the same report, the number of already placed unaccompanied minors in shelters is currently 1310, while 1076 are in wait for placement. That represents a substantial change in capacity for placement of unaccompanied minors compared to conditions applying even at the beginning of 2016: in March 2016 there were available only 423 places for unaccompanied minors (where in the beginning of 2015 capacity was even more decreased) while today there are 1310 in 51 shelters, most of which were developed recently under the coordinated effort of the MoLSSSS, EKKA, the “Social Welfare Centres” public entities in the Greek regions and NGOs. Additional shelters with an expected capacity of 170 places are under development.
- ii. On the other hand, there have been other reports that show the probable gap on the capacity of the current resources to meet increased needs. . According to data published by UNHCR, 170,586 people have crossed the Greek borders in 2016 (from January 1st up to November 10th), out of which 37% are children, while 61,087 people still remain in Greece. According to the same source almost 890,000 people arrived in Greece in 2015, out of which 34% were children. If such estimates are close to real numbers, the figures of refugee and immigrant children in the period under scrutiny might be considerably higher than registered ones.

- b) Describe how the victims of sexual exploitation and sexual abuse were identified or describe the challenges faced to identify them. Specify whether a distinction is made between victims of sexual exploitation/abuse prior to the entry on your territory (Group 1) and after entry (Group 2) and provide data/estimates of the two groups of victims. Please also explain how the age is determined in case of doubt;

There are still no official aggregated data on the victimization of refugee and migrant children in Greece and there are several reasons and causes for that.

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<sup>1</sup> Please provide the definition of accompanied/unaccompanied children in your country and, if available, provide separate figures for accompanied and unaccompanied children. If such data is not available, please provide data on migrant and asylum-seeking children.

<sup>2</sup> If figures for this period are not available, please provide the most recent annual data.

i. First of all, this should be understood in the context of the real events in the specific time under inquiry: massive incoming flows of people under life threatening conditions were daily arriving in the Greek coastline; among them many children, some with parents, some having lost them in the journey, some initially departing from their countries alone to escape war and other atrocious circumstances; almost all of them without any official documentation or a country to recognize them as citizens; many of them already facing extreme hardships in their journey from their homelands to Europe. Within that context, most of the arriving refugees or immigrants adults and minors usually have to strive for securing their life and safety and usually are less prone in testifying on violations of their rights in past tense. Children hardly report to the authorities their victimization prior to their arrival in Greece or are not aware that they have been smuggled with the purpose of being exploited. Moreover, sometimes children who are about to be exploited have been told by their traffickers to state to be adults. The fact of actually being underage is only detected when they are identified as victims. As far as children's victimization while being in Greece is concerned, these are more likely to be reported in case there is a supportive network for children in place at the specific region. Again there are no aggregated data regarding the phenomenon, though there are published records of specific cases of children victimized, in camps, sites specifically for children, shelters, in the neighbourhood around the shelter, parks where children lived, and certain areas that according to NGOs unaccompanied boys and girls were forced to prostitution. In reception facilities children are often victimized by people hosted in the facilities as well (peers or elder; as in several cases minors and adults had to stay for a period of time in the same facilities).

ii. According to the Greek Penal Code, among others the crimes of slavery, human trafficking, sexual tourism against minor, rape or other forced engagement in sexual acts, pornography, pornographic performances, seduction of children are always punished in Greece regardless the nationality of the perpetrator or the country that these crimes took place (article 8). Therefore, in terms of law provision there is no distinction between having been committed prior or after arrival in Greece. Moreover, persons identified as victims enjoy protection without distinction of any kind (see also Law 4251/2014 as amended, article 1).. So far Hellenic Police is the competent authority to do so, but data are not available to the public. A newly enacted ministerial decision 30840 (B/3003/20.09.2016) provides that a National Identification and Referral Mechanism for victims of Human Trafficking will be established in order to keep all identified and presumed victims registered and "visible". This will be run by the National Centre for Social Solidarity again under the supervision of MoLSS and Ministry of Foreign Affairs. In case of doubt about the victim's age, if there are reasonable grounds to believe that he/she is under age, the victim is regarded a minor and is granted the provided protection until the age is defined (Law 3875/2010 amending presidential decree 233/2003). The uncertainty over the victim's age does not impede the penal process (Law 3625/2007, article 5, as amended). Thus far there are two occasions where the legal regulations explicitly foresee a procedure of age assessment, with regard to a) third country nationals or stateless persons detected and registered by the First Reception Service (Orestiada, Leros, Chios, Samos, Lesvos, Kos) and b) asylum seekers. In the first occasion, under article 6 of the 92490/29.10.2013 Ministerial Decision, age assessment will be carried out during first reception. In cases where there is justified doubt over a person's age the examination is conducted by the medical and psychosocial

support unit inside first reception centres and mobiles units in a gender and cultural sensitive manner, with respect to the best interests of the child and after the person has been informed in a language that he/she understands. Firstly, a paediatrician examines the person; if he/she cannot draw any safe conclusions then an assessment of cognitive function and perception, behaviour and psychological development is conducted. If age assessment is still not possible, then as a last resort the person is referred to a public hospital for specialized examinations. In the second occasion, according to article 6 of 1982/16.02.2016 ministerial decision, at any time during the asylum procedure of an applicant, for whom there is doubt about his/her age, the person is referred to a public health clinic where a paediatrician, psychologist and social worker are available to conduct the relevant examinations. If no safe conclusion can be drawn then the person is considered a minor.

- c) Indicate also how the data collected is used to offer a coordinated response between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children;

As aforementioned, a newly enacted ministerial decision 30840 (B/3003/20.09.2016) provides that a National Identification and Referral Mechanism for victims of human trafficking will be established in order to keep all victims and presumed victims of human trafficking registered. This aims at the better protection of victims by offering a coordinated response between the different agencies and by designing evidence-based strategy for the prevention of and fight against trafficking in persons. At the same time, separate databases have been developed, though not yet applied, for the registration of child victims of abuse and neglect. Sexual abuse is here included. The latter have been developed by the Institute of Child Health, Department of Mental Health and Social Welfare, in the context of a) the National Strategic Reference Framework (NSRF) and b) DAPHNE III Programme of the European Union. Finally, the same organization in the context of a project co-funded by the Internal Security Fund of the European Union has developed a database for registering third country nationals and stateless minors who arrive in Greece, with specific variables and alerts for notifying the professional entering data that the minor may be a victim of trafficking. An effort will be made for the interoperability of these various data bases.

- d) Identify the institution(s) responsible for the collection of above data.

The Hellenic Police is the competent authority to register all third country nationals or stateless adults and children entering the Greek territory, while the Asylum Service registers and processes asylum applications. The National Centre for Social Solidarity operates the system for managing accommodation requests for asylum seekers and unaccompanied minors. Finally, the Hellenic Police is responsible for the collection of the aforementioned data regarding minor victims of sexual exploitation/abuse, while at the same time judicial authorities keep record of all cases in which penal procedure has been initiated.

## **PREVENTION** (Lanzarote Convention, Chapter II)

- 2) What are the specific measures taken to prevent that children affected by the refugee crisis fall victims of sexual exploitation and sexual abuse?

For the protection of children and the prevention of sexual exploitation and abuse several measures are taken: new reception facilities for unaccompanied minors are established in order to improve capacity; appointment of guardian by NGOs to unaccompanied children; development of safe zones inside camps and hotspots for unaccompanied children to reside separately there; effort is made for children to stay with peers or families; trainings on issues of child trafficking and abuse conducted by Institute of Child Health, Department of Mental Health and Social Welfare to first-line professionals (border police, airport personnel, police, coastguard, asylum service, First Reception Service, NGOs' personnel); trainings on issues of human trafficking conducted by IOM; trainings on issues of child abuse and neglect conducted by ICH addressed to teachers, social workers and hospitals' personnel.

- a) Highlight in particular the measures (e.g. awareness raising material, specialised training, screening of professionals, etc.) which have proven to be effective;

Trainings have proven to be very effective together with the networking among professionals of agencies so as to discuss the facts and know where to refer a suspicion or a case. Along with the trainings, awareness raising materials have been distributed to all trainees and their agencies (handbooks, leaflets). Reception facilities specifically for unaccompanied minors and/or families are the best way to ensure children's safety, though not all hospitality centres meet high standards due to large number of children living in or improper siting within the building or not supervised outings. Noteworthy that from 17 shelters primarily for unaccompanied minors in 2014, so far 51 are in place.

- b) Underline any lessons learnt from specific challenges (e.g. in raising awareness on sexual violence amidst other urgent priorities, etc.) that had to be faced to improve prevention.

Due to the very large number of arrivals in Greece and of children who are not placed yet to a proper reception/hospitality facility, there is difficulty in implementing prevention measures for exploitation or abuse. As aforementioned standard measures are the placement of children in safe centres/homes and the implementation of trainings when funding is available. However, children are at risk. The appointment of guardians, and all the more trained guardians, is very necessary, not only for safeguarding children's best interests and catering for children's need, but also for informing them about the dangers that they might encounter while going out or acquainting other people. A draft Bill on Guardianship of UAMs has already been prepared with the cooperation of MoLSSSS and Ministry of Justice (with FRA significantly helping) and presented to all stakeholders with the aim to be pushed to the Parliament for a vote in the coming weeks.

## PROTECTION (Lanzarote Convention, Chapter IV)

- 3) Has a coordinated child protection approach been put in place to cater for the specific needs of migrant and asylum-seeking children victims of sexual exploitation and/or sexual abuse?

Right now Greece is struggling to coordinate all kind of responses towards migrant and asylum seeking children. The scope of concern is mainly unaccompanied minors. At a large scale NGOs have undertaken the role to cater for children's needs and the State is in a process to set the adequate child protection approach and standards.

- a) Describe the measures taken to address the situation and cater for the children's specific needs (multiple traumas, language/cultural differences, etc.), including with respect to guardianship/placement;

Services to migrant and asylum-seeking child victims of exploitation or abuse are offered by NGOs, as they maintain interpreters and psychologists, in the context of a wide range of protection provisions for children (shelter, guardian, etc.). Specialised mental health services are also delivered by a NGO where all professionals are culturally competent. Therefore, the measures taken to address the situation depend heavily on the NGO (or sometimes state actor) that is connected to the victim. Though law provisions equally apply for all children in the Greek territory, sometimes a reminder for an equal implementation is needed. For example, in some cases shelters' personnel were reluctant to report the rape of children who were hosted in there, so as not to be involved with the police or any negative media attention about the safety conditions of the shelter.

- b) Indicate also what measures have been taken to protect the children concerned from further exploitation/abuse and to assist the victims in seeking redress (please highlight any differences between Groups 1 and 2 of children as outlined above);

Law provides that measures can be taken to safeguard the protection of the victim, i.e. placement in safe environment away from the perpetrator, for as long as their lives, personal, physical and sexual integrity is in danger (article 352 A par. 4 Penal Code and Presidential Decree 233/2003). Moreover, victims of sexual abuse and exploitation can seek redress from the perpetrator according to article 932 of the Civil Code for moral damage. In case the perpetrator is unknown or not found guilty or he/she are not able to compensate the victim, then the latter is able to apply for redress to the Hellenic Authority on Compensation of victims of criminal acts with a required 100euros deposit.

- c) Underline any lessons learnt from specific challenges (in reporting suspicion of sexual exploitation and abuse, in tailoring assistance to the victims, etc.) that had to be faced to improve protection.

Please see above on the perplexities of the issue and the lessons learnt; in brief the main challenge was (and by and large still is) to be able to provide for an remarkably high number of incoming refugee children, from which a considerable proportion is unaccompanied in the context of addressing the massive refugee/immigration wave in

the Mediterranean in 2015-2016 given the particularities of unaccompanied minors reservation to authorities, their lack of information about their rights and their commitment to continue their journey. Providing well-trained professional aid and care and constant improvement of services provided is a real challenge especially given the current economic crisis and its implication on resources' availability.

#### **COOPERATION (Lanzarote Convention, Chapter IX)**

- 4) Provide examples of successful cooperation with other Parties to the Lanzarote Convention for the purpose of:
  - a) Preventing and combating sexual exploitation and sexual abuse of children affected by the refugee crisis;
  - b) Protecting and providing assistance to victims;
  - c) Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

Greece qua an EU-member state is cooperating with all other member countries for addressing the phenomenon at stake; moreover enacts agreements and conventional obligations deriving from EU's agreements with third parties including the recent EU-Turkey agreement on addressing the refugee/immigration phenomenon. Furthermore, in order to meet rapidly increased needs the Greek government collaborated with a series of international NGOs that offered aid, in situ assistance, technical expertise and funding in order to develop necessary services in an extremely short timeframe.

#### **ANY OTHER ADDITIONAL INFORMATION**

- 5) Please provide any other additional information which may be useful to identify areas for targeted cooperation aimed at ensuring that children affected by the refugee crisis are effectively protected from sexual exploitation and sexual abuse and in guaranteeing their human dignity and physical and psychological integrity.