



HUMAN
RIGHTS
WATCH

“Why Are You Keeping Me Here?”

Unaccompanied Children Detained in Greece



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Summary

Greek authorities registered over 3,300 unaccompanied asylum-seeking and migrant children arriving in Greece in the first seven months of 2016. Many of these children had fled violence and armed conflict in their home countries, including Syria, Afghanistan, and Iraq. Others were escaping discrimination and crushing poverty.

Alone in Greece without parents or an adult responsible for their care, these children are entitled to care and protection from Greek authorities. However, Greece has a chronic shortage of suitable accommodation and lacks a comprehensive protection system for child asylum seekers and migrants. These factors have led to the prolonged arbitrary detention of children—often in poor and degrading conditions—in protective custody at police stations, in pre-removal detention centers, and in closed facilities on the Greek islands while they await transfer to a dedicated shelter facility.

The Greek government justifies the detention of unaccompanied children as a temporary protection measure in the child's best interest. In practice it is anything but.

This report, based on research conducted by Human Rights Watch in mainland Greece from June 27 to July 6, 2016, primarily documents problems with the detention of unaccompanied children in police custody. However, because some of the children interviewed also spent time detained in Coast Guard facilities, or in facilities run by the First Reception Service, the report also addresses aspects of detention conditions at these sites.

Human Rights Watch found, first, that unaccompanied children face routine, arbitrary detention. Under international law, binding European directives, and national law, detention of unaccompanied children can be used only as a measure of last resort, in exceptional circumstances, and for the shortest appropriate period.

However, children are being detained as a matter of course and for prolonged periods. Greek law allows the detention of unaccompanied children in protective custody while awaiting transfer to a shelter for 25 days, and for up to 45 days under very limited circumstances. Yet children are being detained for longer than these already lengthy periods. Records at one police station showed that the eight children held there had been

in police custody for an average of one month, and that one child had been in detention for more than two months. At a pre-removal detention center in northeast Greece, five children said they had been detained for three months or more. Human Rights Watch interviewed nineteen children in police custody who had been detained in excess of 25 days pending transfer to a shelter, including nine who had been detained in excess of 45 days.

Second, the report finds that children face unsanitary and degrading conditions and abusive treatment, including detention with adults and ill-treatment by police. Under European and international standards, in the exceptional cases that an unaccompanied child is detained for his or her protection, conditions should be governed by the best interest of the child. However, Human Rights Watch found that children often face degrading conditions in police station cells and in Coast Guard facilities, and unsanitary conditions in pre-removal detention centers. In some cases, children said they were made to live and sleep in overcrowded, filthy, bug- and vermin-infested cells, sometimes without mattresses, and were deprived of appropriate sanitation, hygiene, and privacy. All of the children interviewed in police stations, including those who had been detained for more than a month, said they were not allowed to leave their cells.

Human Rights Watch interviewed nine children whose status as children was undisputed, but who nevertheless said they had been detained with adults despite the fact that this practice increases the risk of abuse and sexual violence and violates international and national laws requiring the separation of adults from children in detention. We also interviewed seven self-identified children who had been deemed adults after cursory age assessments and placed in adult detention. Human Rights Watch interviewed four children who had said the police had abused them. Children also described being handcuffed by the police during transfers.

Third, the report finds that children detained in police custody are not provided with critical care and services. Under international standards, unaccompanied children should be able to receive medical treatment, psychological counseling, and legal aid, and be interviewed in a language they understand in order to identify and address any specific needs, including those deriving from gender-based violence or trafficking. None of the children interviewed by Human Rights Watch had had a proper interview in police custody. Children are often unable to receive counseling, information about the reasons for and duration of their detention, and legal aid. The lack of interpreters is also a practical barrier to providing care and information.

All of the children interviewed in police custody said they had not been given an opportunity to speak to the police with the help of an interpreter.

Furthermore, all unaccompanied children should be appointed a legal guardian to defend their best interests and help safeguard against risks like trafficking. None of the children interviewed by Human Rights Watch while in police custody had met their legal guardian, nor were they even aware they had one. Unaccompanied children in detention have a right to recreation and to education, but Human Rights Watch found no evidence that the unaccompanied children in police stations had access to educational opportunities or recreational activities.

Unprecedented arrivals pose real challenges for the Greek authorities; but they do not relieve Greece of its obligation to protect vulnerable children. For years, Greece has ignored calls to ensure that unaccompanied children are identified and offered protection and suitable alternatives to detention. Furthermore, at the time of this research, authorities had yet to fully embrace new emergency, short-term alternatives to detention developed by the UN refugee agency, UNHCR, and nongovernmental organizations (NGOs).

The abuses documented in this report violate international and European human rights law, as well as Greek law. The unjustified detention of children for prolonged periods amounts to arbitrary detention and violates children's right to liberty. The detention of children in crowded and unsanitary conditions, without appropriate sleeping or hygiene arrangements, sometimes together with adults and without privacy, constitutes inhumane and degrading treatment. In detention, children are denied the care, protection, and services they need and to which they are entitled.

Children should not be detained based solely on their immigration status. Human Rights Watch calls on the Greek government to ensure there are sufficient and suitable alternatives to detention available for all unaccompanied children, and to adapt Greek law and policy to ensure that if children are detained, it is only in exceptional circumstances, for the shortest possible period of time, and in conditions that comply with international standards. The European Union should provide the necessary resources to support such efforts, and member states should intensify their efforts to relocate asylum-seeking children out of Greece.

Recommendations

To the Government of Greece

- End any practice of automatic detention of unaccompanied children, and make individual assessments of the needs of each child based on their best interest.
- Amend legislation to shorten significantly the maximum amount of time unaccompanied children may be detained in protective custody in exceptional, emergency circumstances, and ensure that children are never detained in excess of the time permitted under law.
- Stop using police stations as detention centers for children, urgently improve detention conditions in police-run facilities and ensure that children in detention have access to interpretation services, information about the purpose of their detention, counseling, legal aid, and educational and recreational materials.
- While ensuring adequate conditions, prioritize efforts to create short-term alternatives to detention, including safe spaces in refugee camps, and accelerate transfers of children from police custody to such transitional spaces.
- While ensuring adequate conditions, increase the number of spaces in existing long-term care facilities for unaccompanied children, create new facilities to the level required to ensure placements for all unaccompanied children in the country, and establish a national, government-run foster family system.
- Ensure that all unaccompanied children are immediately appointed a guardian who has the capacity and expertise necessary to secure representation of the child's best interest, including addressing concerns related to conditions, treatment, and length of detention in police custody.
- Ensure guidelines and training prepare law enforcement officers to screen children to correctly identify those with particular vulnerabilities, such as trafficking victims, and to refer them to specialized services and accommodation.
- Ensure police practices comply with the Greek Presidential Decree limiting the use of handcuffs on minors and ensure that unaccompanied children are never placed in handcuffs unless absolutely necessary, for the shortest possible period of time, and never as a punishment.

- Urgently register and process applications from unaccompanied asylum-seeking children in Greece who are eligible for family reunification in other European Union member states under the Dublin Regulation, and from unaccompanied children who are eligible for relocation under the EU emergency relocation plan, while ensuring their best interests are taken into account.

To the European Commission

- Urgently allocate additional emergency funding to Greece and to nongovernmental organizations that is specifically designated to increase long-term care placements for unaccompanied children.
- Urgently support family reunification of unaccompanied children from Greece to member states under the Dublin Regulation, including through technical and financial support to Greece.
- Amend the emergency relocation plan to ensure that all asylum-seeking unaccompanied children are eligible for relocation to other EU countries, regardless of nationality, and that the best interests of children are taken into account in relocation decisions.

To European Union Member States

- Urgently facilitate family reunification of unaccompanied children from Greece under the Dublin Regulation.
- Urgently make designated, sufficient places available for unaccompanied children as part of formal pledges, taking into account the best interests of children, and accelerate the fulfillment of obligations under the EU emergency relocation scheme.
- Support a revision of the EU emergency relocation plan to ensure that all asylum-seeking unaccompanied children are eligible for relocation to other EU countries, regardless of their nationality, and that the best interests of children are taken into account in relocation decisions.

To EU, Council of Europe, and UN Human Rights Bodies and Experts

- Assess and report on Greece's reception of unaccompanied children, including through visits to facilities where children are detained, with due attention to arbitrary

prolonged detention of children in degrading conditions, as well as the progress of longstanding efforts to provide alternatives to detention and suitable, sufficient accommodation. Call for the complete end of the detention of migrant children.

Methodology

This report is based on Human Rights Watch research conducted in mainland Greece in late June and early July 2016. Two researchers conducted 42 interviews with child migrants and asylum seekers ages 14 to 17 from Pakistan, Syria, Afghanistan, Algeria, Iraq, Guinea and Egypt. Human Rights Watch did not encounter any girls in police custody and all interviews were conducted with males. Human Rights Watch interviewed 43 individuals and considers 42 out of the 43 to be children, either because they are registered as such by Greek authorities (35) or because they declared themselves to be children (7), per UN guidance and Greek law. Thirty-five interviewees were in police custody, while eight were in NGO-run facilities.

We conducted interviews in two police stations, the Mygdonia Border Guard Station in Thessaloniki and the Filiates Police Station in Igoumenitsa, in two pre-removal detention centers, Amygdaleza in the Attica region and Paranesti in Drama, at a safe space for children at the Diavata refugee camp in Thessaloniki, and at an NGO-run shelter for unaccompanied children in the Attica region. All interviews were conducted individually and in private.

Human Rights Watch staff conducted interviews in English and French with individuals able to express themselves in English or French, as well as in the native language of the interviewees through the help of Arabic, Urdu, and Dari interpreters. Interpreters were paid for their services. All interviewees were informed of the purpose of the interview and that their testimony might be used publicly. In all cases, Human Rights Watch told interviewees they would receive no personal service or benefit for their testimonies and that the interviews were completely voluntary and anonymous. Names of all children interviewed have been replaced by pseudonyms to protect their identity.

Human Rights Watch also interviewed staff from Greek and international NGOs, the UNHCR, the Greek National Center for Social Solidarity, the Deputy Ombudsman for Children's Rights, and Hellenic Police officers. On July 26, Human Rights Watch submitted detailed letters to the Hellenic Police, the Migration Ministry, the Ministry of Labor, and the Ministry of Justice. The letters shared select findings and included specific questions for the government. The Ministry of Justice responded in part on July 28, and the Hellenic

Police and Migration Ministry responded in part on August 9. Their responses are reflected in this report. Human Rights Watch did speak with Ministry of Labor staff on several occasions. Human Rights Watch will publish any response received after this date on the organization's website, linking to this report.

In line with international instruments, the term "child" as used in this report refers to a person under the age of 18.

I. Background

The detention of unaccompanied children due to a shortage of shelter space is a long standing problem in Greece, but it has grown particularly acute in the context of Europe's ongoing migrant and refugee crisis.¹ In 2015, an unprecedented number of asylum seekers and migrants traveled by sea to Greece, many of whom continued their journey overland through Western Balkans countries that, at the time, largely allowed asylum seekers and migrants to transit freely towards other EU countries. In late 2015/early 2016, borders to the north of Greece closed, effectively trapping asylum seekers and migrants in Greece and further reducing the availability of places in shelters for unaccompanied children. In the first seven months of 2016, over 160,500 people reached Greek shores and Greek authorities registered over 3,300 unaccompanied asylum-seeking and migrant children.²

The EU's emergency relocation plan, adopted in September 2015 and intended to move 66,400 asylum seekers from Greece to other EU countries, has provided little relief. As of September 2, only 49 unaccompanied children had been relocated from Greece to other EU countries.³ EU member states rejected a plea from Greece to make all unaccompanied children eligible for relocation, regardless of nationality. In July 2016, the EU Commission urged states to swiftly boost efforts to make available relocation places for unaccompanied asylum-seeking children.

Senior police officers interviewed by Human Rights Watch acknowledged the undesirability of protective detention of unaccompanied children. The Head of the Aliens Police Division in Thessaloniki, Brigadier Georgios Pantelakos told Human Rights Watch, "This is not what

¹ Human Rights Watch has documented the detention of children on the Greek islands and in the mainland for years. For more, see Human Rights Watch, *EU: Abuses Fuel Migration*, June 22, 2015, <https://www.hrw.org/news/2015/06/22/eu-abuses-against-children-fuel-migration-o>; and Human Rights Watch, *Left to Survive: Systemic Failure to Protect Unaccompanied Migrant Children in Greece*, December 2008, https://www.hrw.org/sites/default/files/reports/greece1208web_o.pdf.

² UNHCR, "Refugees/Migrants Emergency Response – Mediterranean," Information as of August 2, 2016, <http://data.unhcr.org/mediterranean/country.php?id=83> (accessed August 5, 2016); letter to Human Rights Watch from Maria Dimitropoulou, director, Office of Secretary General for Reception Odysseas Voudouris, Migration Ministry, undated, received August 9, 2016.

³ Email to Human Rights Watch from Besim Ajeti, Greece Head of Operations, International Organization for Migration, to Human Rights Watch, September 2, 2016.

we want. These children are not detainees.”⁴ A police director in Igoumenitsa explained, “[a]part from being police officers, we are also parents.... Of course we agree children should not be handled by us, but for now it’s the best available option.”⁵

Indeed, Greek authorities attribute the use of detention to a shortage of alternatives to detention. According to Greece’s migration ministry, Greece has only 729 shelter spaces for unaccompanied children.⁶ As of August 2, all facilities were full, and 1,295 requests for placement were pending.⁷ The National Center for Social Solidarity (EKKA), the government authority responsible for managing the placement of unaccompanied children in shelters, received more than twice the number of requests for transfers of unaccompanied children to shelters in the first quarter of 2016 than in the first quarter of 2015.

The shortage of shelter space is a chronic problem. Greek authorities have consistently and for years been urged to increase shelter capacity and develop other alternatives to detention.⁸ The Migration Ministry says it plans to double capacity to over 1,400 spaces in children’s shelters by the end of September 2016.⁹

As of June 22, 2016, the European Commission had allocated more than 170 million euro in emergency funding to Greece to help manage the refugee and humanitarian crisis, and contributed another 83 million to UN agencies and nongovernmental organizations to help Greece cope with the large number of refugees.¹⁰ The Greek government did not respond to

⁴ Human Rights Watch interview with Georgios Pantelakos, Brigadier Head of the Aliens Police Division of Thessaloniki, and Dimitrios Savvidis, police captain, Thessaloniki, June 28, 2016.

⁵ Human Rights Watch interview with Ilias Ntontis, Thesprotia Police Director, Igoumenitsa, July 1, 2016.

⁶ Letter from Markos Papakonstantis, legal advisor to Migration Minister Ioannis Mouzalas, to Human Rights Watch, August 9, 2016.

⁷ Letter from Maria Dimitropoulou, director, Office of Secretary General for Reception, to Human Rights Watch, undated, received August 9, 2016.

⁸ The calls have come from independent monitoring groups like Human Rights Watch, and also from international authorities such as the Committee on the Rights of the Child. See UN Committee on the Rights of the Child, “Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations, Greece,” CRC/C/GRC/CO2-3, August 13, 2012,

http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_GRC_CO_2-3.pdf (accessed July 31, 2016), para. 65.

⁹ Letter from Markos Papakonstantis, legal advisor, to Human Rights Watch, August 9, 2016.

¹⁰ European Commission, “Managing the Refugee Crisis: Financial Support to Greece,” July 22, 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/factsheet_managing_refugee_crisis_eu_financial_support_greece_update_22_july_en.pdf (accessed August 4, 2016).

our inquiries about how much money has been allocated by Greece to ensuring appropriate accommodation for unaccompanied children.

Nongovernmental organizations, along with the UNHCR, have established safe spaces in refugee camps as short-term alternatives to detention for unaccompanied children. Though such spaces lack the type of care and full range of services to which unaccompanied children are entitled, they offer a superior short-term alternative to detention, as children enjoy freedom of movement and can access the services provided to the general population at the refugee camps. According to EKKA, as of August 11, there were 110 places available in these safe spaces.¹¹ While Greek authorities were not blocking the transfer of children out of detention and into these safe spaces, they were not organizing or facilitating the transfer either. According to EKKA, this was because the safe spaces did not meet formal standards for care.¹² According to the Greek government, plans were underway to create 880 temporary places by the end of August 2016.¹³

At the safe space that Human Rights Watch visited, children were provided with educational activities, and on-site staff and volunteers were present to provide support specifically to unaccompanied children. Kaiman T., a 15-year-old boy from Afghanistan explained that since had been transferred out of the Mygdonia border guard station and to the safe space, he had been able to speak with a lawyer, learned about his rights to seek asylum and have a guardian, and participated in Greek and English lessons.¹⁴

¹¹ “Mapping of Unaccompanied Children (UAC) shelter needs v.18” National Center for Social Solidarity, August 11, 2016.

¹² Human Rights Watch interview with Christos Hombas, Head, Directorate of Social Intervention, and Kyriaki Triperina, Directorate of Social Intervention, National Center for Social Solidarity, Ministry of Labor, July 5, 2016.

¹³ Letter from Maria Dimitropoulou, director, to Human Rights Watch, undated, received August 9, 2016.

¹⁴ Human Rights Watch interview with Kaiman T., safe space for unaccompanied children, Diavata refugee camp, Thessaloniki, June 28, 2016.

II. Arbitrary and Prolonged Detention

“The situation is very bad...I feel alone here, far from my family, from my friends...I need to get out of this hell.”

-Javed S., a 16-year-old Afghan boy in police custody for 52 days, Filiates Police Station, Filiates, July 1, 2016

Greek law allows unaccompanied children to be detained in exceptional cases and as a last resort for up to 25 days pending transfer to a dedicated reception facility, and for a further 20 days, that is up to a maximum of 45 days, if the child cannot be transferred due to exceptional circumstances.¹⁵ These maximums are already excessive, and the children interviewed by Human Rights Watch had been detained for an average of 40 days. We interviewed 19 children who had been detained in excess of 25 days, including 9 children who had been detained in excess of 45 days.

According to the Hellenic Police, 161 unaccompanied children had been detained in protective custody by police while awaiting transfer to a shelter in the first six months of 2016.¹⁶ Hundreds more were detained by Greek authorities in closed facilities on the islands run by the First Reception Service under the Migration Ministry. The Hellenic Police did not respond to our request for specific data on how many of these children had been detained in police custody in excess of 25 days and in excess of 45 days since the law went into effect in April 2016.¹⁷ According to the deputy district attorney in Kilkis, a small town near Greece’s northern border with the Former Yugoslav Republic of Macedonia, as of August 9, an estimated 77 unaccompanied children had been detained in police custody in 2016 just in Kilkis.¹⁸

¹⁵ Law on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC, No. 4375 of 2016, <http://www.refworld.org/docid/573ad4cb4.html> (accessed July 29, 2016) art. 46(10)(b) (Law on Reception). Prior to the law’s enactment, in April 2016, there were no set time limits on detention of children in protective custody.

¹⁶ Email from Eleftherios Lemonis, police lieutenant, Illegal Migration Control Division, Hellenic Police, to Human Rights Watch, August 24, 2016.

¹⁷ Human Rights Watch sent a letter with a series of questions to the Hellenic Police on July 26, 2016. We received a reply dated August 9, 2016, which did not, however, include this requested data.

¹⁸ Letter from Xenophon Kitsas, deputy district attorney of Kilkis, to Human Rights Watch, August 9, 2016.

The number detained at any given time fluctuates. As of June 21, 82 requests were pending for children to be transferred out of police custody, and on August 4, the Greek delegation to the Committee on the Elimination of Economic Discrimination said that 56 children were being detained by police.¹⁹ In a letter dated August 9, 2016 deputy director of the Hellenic Police Georgios Karaiskos said 27 children were at that time “hosted temporarily in special sites, whose competence falls on Greek Police.”²⁰ As of August 11, 35 requests were pending for children to be transferred out of police custody.²¹

Records at the Filiates station showed that the eight children held there had been in police custody for an average of one month, and that one child had been in detention for more than two months. At the Paranesti pre-removal detention center in northeast Greece, five children said they had been detained for three months or more, and the police captain at the facility said that children were being held for an average of three to four months at the center.²²

Lansana C., 17-year-old boy from Guinea, said he had been at the Amygdaleza detention center for two months: “They told me they were going to keep me for only four days here until they find another place for me and it’s been 60 days that I’m here. I don’t feel okay here.”²³

Mukhtar G., a 17-year-old boy from Syria detained at Paranesti detention center said:

I don't want to be in a prison. I asked the police why I am here and they didn't respond. I told them ‘I am a minor and I haven’t done anything. Why are you keeping me here?’ And they didn't respond. I feel like I have killed someone.²⁴

Sixteen children detained in police protective custody told Human Rights Watch they had been detained at several sites, including other police stations, facilities on the Greek

¹⁹ “Mapping of Unaccompanied Children (UAC) shelter needs v.12” National Center for Social Solidarity, June 27, 2016.

²⁰ Letter from Georgios Karaiskos, deputy director of the Hellenic Police, to Human Rights Watch, August 9, 2016.

²¹ “Mapping of Unaccompanied Children (UAC) shelter needs v.18,” August 11, 2016.

²² Human Rights Watch interview with Athanasios Charelas, police captain, Paranesti pre-removal detention center, Drama, June 29, 2016.

²³ Human Rights Watch interview with Lansana C., Amygdaleza pre-removal detention center, Athens, July 2, 2016.

²⁴ Human Rights Watch interview with Mukhtar G., Paranesti pre-removal detention center, Drama, June 29, 2016.

islands, and in Greek Coast Guard facilities. Three children who were apprehended in Italy or while attempting to reach Italy said they had been detained in a small room on a ship.

Wasim T., a 16-year-old Kurdish boy who said he fled Iraq after ISIS executed his father, said that before he was at the Filiates police station, he was detained for 15 days in the Igoumenitsa Coast Guard facility, 12 days at another police station, and that a couple of months prior, he had also been detained briefly in Thessaloniki. Wasim described his transfer out of the Coast Guard facility: “Then they took us to another prison. I thought they were taking us to a camp but they took us to another prison.... I don’t count the days anymore.”²⁵

The unjustified detention of unaccompanied children, including the detention of children for longer than is permitted by Greek law, amounts to arbitrary detention and a violation of the right to liberty.

Under international law, binding European directives, and national law, detention of unaccompanied children can be used only as a measure of last resort, in exceptional circumstance and for the shortest appropriate period.²⁶ The UN Committee on the Rights of the Child, which oversees states’ compliance with the Convention on the Rights of the Child, has concluded that “[d]etention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof,” and urges states to “expeditiously and completely cease the detention of children on the basis of their immigration status.”²⁷ The EU Action Plan on Unaccompanied Minors echoes these principles.²⁸

²⁵ Human Rights Watch interview with Wasim T., Filiates Police Station, Filiates, July 1, 2016.

²⁶ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Greece on May 11, 1993, art. 37(b); European Council Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), adopted June 26, 2013, art. 11(3) (Recast Reception Conditions Directive); Law on Reception, art. 46(10)(b).

²⁷ UN Committee on the Rights of the Child, “Treatment of Unaccompanied and Separated Children Outside their Country of Origin,” General Comment No. 6, UN Doc. CRC/GC/2005/6 (2005), para. 61; UN Committee on the Rights of the Child, Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration, February 2013, <http://tinyurl.com/OHCHR-CRC-2012> (accessed August 16, 2016), para. 78.

²⁸ European Commission, *Action Plan on Unaccompanied Minors (2010-2014)*, COM (2010) 2313/3, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:en:PDF> (accessed July 30, 2016), p. 9.

The argument that detention of unaccompanied children is a matter of last resort in a context where exceptionally large numbers of unaccompanied children have been arriving to Greece, rings hollow given that Greece has for years ignored calls to increase its shelter capacity and expand alternatives to detention with a view to ending the routine detention of children.

III. Unsanitary and Degrading Conditions, Abusive Treatment

“I’m really afraid. I’m a kid, and I’ve never experienced these things.”

-Adi S., a 17-year-old boy from Pakistan, Amygdaleza pre-removal detention center, Athens, July 2, 2016

“I swear to God, I sleep next to rats.”

-Houari Z., a 15-year-old boy from Algeria, Amygdaleza pre-removal detention center, Athens, July 3, 2016

Under European and international standards, in the exceptional cases that an unaccompanied child is detained for his or her protection, conditions should be governed by the best interest of the child. In reality conditions for unaccompanied children in Greek detention are far from being in their best interests.

Human Rights Watch found that many children face degrading conditions in police station cells and in Coast Guard facilities, and unsanitary conditions in pre-removal detention centers. Children were made to live and sleep in dirty, bug- and vermin-infested cells, sometimes without mattresses, and were deprived of appropriate sanitation, hygiene, and privacy. All of the children interviewed in police stations said they were not allowed to leave their cells. Human Rights Watch interviewed nine children whose status as children was undisputed who said they had been detained with adults, and four who said they were abused by police. While Greek authorities allowed Human Rights Watch to conduct interviews in private rooms at police stations and detention centers, they did not allow Human Rights Watch to view or enter the cells where children were detained.

At the Mygdonia Border Guard Station, children said a broken shower drain was causing water to flood into the cell, where they slept on mattresses on the floor. Children said they used their own clothes to block the water. Children also said the cell was dirty, infested with bugs, and that blankets were full of dust and had not been washed. Saif D., a 16-year-

old boy from Pakistan, said, “The blankets are full of dust and it’s causing problems. I have allergies and my body is getting spots.”²⁹

Children said that the drinking water smelled bad, and that the only way to get clean drinking water was to purchase it from the police. The police commander at the station told Human Rights Watch that recently, as many as 23 children were detained in a cell with a capacity of ten. He said, “We do everything it’s possible to do, but the place is not suitable for children.”³⁰

Children described other police stations as extremely unhygienic and overcrowded. Babrak K., 16, said that prior to being transferred to the police station in Filiates where Human Rights Watch spoke to him, he spent five days detained in a nearby police station in a windowless, vermin-infested basement cell.³¹ He said that four people shared three mattresses on the floor, and that the toilet in the cell had no door. Babrak said that there was very little food, and that the food provided was thrown into the cell through a small slot in the door. He said that because detainees were not provided with cups, he resorted to drinking water from a discarded food container.

Children also described appalling conditions and a lack of access to mattresses and hygiene at the Igoumenitsa Coast Guard facility. In 2014, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment said that conditions at the facility “could be described as amounting to cruel and degrading treatment,” and that the facility was “totally unsuitable for holding unaccompanied minors.”³²

At the Filiates police station, Human Rights Watch interviewed five children who said they had been detained at the facility, three of whom said they were detained in the same cell as adults. Javed S., a 16-year-old boy from Afghanistan, said of his time at the same facility:

²⁹ Human Rights Watch interview with Saif D., Mygdonia Border Guard Station, Thessaloniki, June 30, 2016.

³⁰ Human Rights Watch interview with Iordanis Chatzilazaridis, police commander, Mygdonia Border Guard Station, Thessaloniki, June 27, 2016.

³¹ Human Rights Watch interview with Babrak K., Filiates Police Station, Filiates, July 1, 2016.

³² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment, “Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013,” CPF/Inf (2014) 26, Strasbourg, October 16, 2014, <http://www.cpt.coe.int/documents/grc/2014-26-inf-eng.pdf>, p. 32 (accessed August 4, 2016).

If we asked for anything, like food, they never had it and they would yell at us...it was so dirty. We didn't have a way to bathe or shower, there was just a washing basin where we could wash our hands or feet.³³

Children described unsanitary conditions at Amygdaleza and Paranesti pre-removal detention centers. Several children at Amygdaleza complained about bugs, mosquitos, and blankets that were not washed.

Ill-treatment

Most of the children interviewed by Human Right Watch did not report abuse, and offered a neutral or positive assessment of the behavior of police officers. However, four children said they were subjected to abuse by police officers.

Sarfraz H., a 17-year-old boy from Pakistan said a police officer slapped him and threatened him. Sarfraz said the officer came into his cell after Iranian men in a neighboring cell complained about the noise coming from the children's cell where Sarfraz was detained:

He told me, 'I will send you to the Iranians. They're men and they'll rape you.' He slapped me three times on the face.... I felt very sad. I am a refugee, but this never would have happened to me in my home country.³⁴

Adi S., a 17-year-old boy from Pakistan, said an officer scared and humiliated him in front of other detainees:

We were just joking around in the cell. The police pulled me out, put me in a chair, and handcuffed my hands behind my back.... He has all the power. He could do anything to me. All of us, we're each alone here. We don't have anyone.³⁵

³³ Human Rights Watch interview with Javed S., Filiates Police Station, Filiates, July 1, 2016.

³⁴ Human Rights Watch interview with Sarfraz H., Paranesti pre-removal detention center, Drama, June 29, 2016.

³⁵ Human Rights Watch interview with Adi S., Amygdaleza pre-removal detention center, Athens, July 2, 2016.

In separate, individual interviews, two other children confirmed the incident.³⁶

Roda A., a 17-year-old Syrian boy, said an officer slapped him in the course of hurrying him to a doctor's appointment: "I had just woken up. I didn't have time to wash my face, so I was walking sleepily and the police officer came and slapped me so hard it [temporarily] blinded me."³⁷

Hafiz J., a 17-year-old Syrian boy, said that he had been slapped by an officer at one police station, and kicked and punched by an officer at another police station.³⁸

Twenty-one children said they were put in handcuffs when taken to a medical care facility for examinations. Kaiman T., 15, said the police officers at the Mygdonia station handcuffed him and three other boys together to transport them, and that the cuffs left bruises for several days.³⁹

Under Greek Presidential Decree 141/1991, which defines the responsibilities of police officers, police are permitted to use handcuffs on a child in the course of a transfer only if the child is dangerous or suspected to escape.⁴⁰ Even in the case of children subject to sanctions or other measures, as opposed to children in protective custody, Council of Europe guidelines state that handcuffs should only be used if essential as a precaution against violent behavior or escape during transfer, and should not be applied for any time longer than is strictly necessary.⁴¹ The Hellenic Police did not respond to our request for clarification on the use of handcuffs during transfers.

³⁶ Human Rights Watch interviews with Misbah F. and Azhar A., Amygdaleza pre-removal detention center, Athens, July 2, 2016.

³⁷ Human Rights Watch interview with Roda A., Paranesti pre-removal detention center, Drama, June 29, 2016.

³⁸ Human Rights Watch interview with Hafiz J., shelter for unaccompanied children, Athens, July 6, 2016.

³⁹ Human Rights Watch interview with Kaiman T., June 28, 2016.

⁴⁰ Presidential Decree 141/1991 (A-58/1991), on the "Competencies and internal actions of the staff of the Ministry of Public Order, and Organization of Services," April 30, 1991, art. 97, para. 1.

⁴¹ Council of Europe, "Recommendation of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures," CM/Rec(2008)11, available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d2716 (accessed August 4, 2016).

Detention with Adults

Human Rights Watch found that some unaccompanied children are detained in Greece with adults, despite prohibitions in Greek and international law. Nine children whose status as children was undisputed told Human Rights Watch they had been detained with adults, either at police stations, Coast Guard facilities, or on the islands. In response to our queries, the Hellenic Police insisted in a letter that unaccompanied children are never detained with adults.⁴²

Ashgar S., a 14-year-old boy who told Human Rights Watch he left Afghanistan with his mother and brothers but that smugglers forcibly separated him from his family at the border between Iran and Turkey, said he had spent more than two weeks at the Igoumenitsa Coast Guard facility where he was detained in a small room with twelve people, some of whom were adults: “All of them were older than me ... I was alone. I was very afraid they would harm me.... In Afghanistan, I had never been in prison, but then I came to this country and I was imprisoned. I was very scared. I started crying.”⁴³

Nawaz S., a 17-year-old from Pakistan, said he languished for two months in a crowded filthy cell with adult men in a police station in Maroussi, a suburb of Athens:

I could not feel safe, because the other people were doing drugs.... Police were sleeping, doing whatever they wanted. Fights would break out every few hours. The police just came and watched the fights and then left.... When they were fighting, of course I was scared and I couldn't sleep.⁴⁴

Nawaz said he slept on the floor of the cell, which had about a dozen people, and had no access to a bath or shower.

Human Rights Watch found that unaccompanied children in Amygdaleza and Paranesti pre-removal centers were generally detained in designated sections for unaccompanied children.

⁴² Letter from Georgios Karaiskos, deputy director of the Hellenic Police, to Human Rights Watch, August 9, 2016.

⁴³ Human Rights Watch interview with Ashgar S., Filiates Police Station, Filiates, July 1, 2016

⁴⁴ Human Rights Watch interview with Nawaz S., Amygdaleza pre-removal detention center, Athens, July 2, 2016.

Cursory age assessments may lead to children being mistakenly identified as adults and, as a consequence, detained alongside adults in situations that put them at risk. At Amygdaleza, 21 out of the 294 detainees in the adult section had birthdates that would have made them under the age of 18, according to the registry provided to Human Rights Watch by the police. Human Rights Watch interviewed eight of these individuals, who each said they had previously been held in the children's section, but were transferred to the adult section after undergoing an x-ray wrist examination.

All individuals said the purpose of the procedure was not explained, that they were asked no questions, and that they had not been given an opportunity to speak with an interpreter or provide any information that could help substantiate their age.

Shapoor B. said he was a 15-year-old Afghan boy and that he lost his passport and identification card, which he had kept in a plastic bag in his pocket, during his journey from Turkey to Greece on a crowded rubber boat.⁴⁵ Shapoor said that when he was taken to the hospital, he was not informed about the purpose of the visit, did not know if it was an age assessment, and had not been asked any questions. He said that if he had been allowed to access a computer, he could have asked relatives in Afghanistan to send documents proving his age.

Ali B., a 17-year-old from Algeria, said:

The minors' section was much better. Here, I am scared because the adults fight among each other. There, we were just minors. On the first day I arrived here there was a fight. They fight, they hit each other with several objects, with iron sticks and I am scared I might get hurt too. In the nine days I have been here, I've seen four big fights.⁴⁶

The detention of children in overcrowded, unsanitary facilities amounts to detention in inhuman and degrading conditions, in violation of international standards.⁴⁷ Detention of

⁴⁵ Human Rights Watch interview with Shapoor B., Amygdaleza pre-removal detention center, Athens, July 3, 2016.

⁴⁶ Human Rights Watch interview with Ali B., Amygdaleza pre-removal detention center, Athens, July 3, 2016.

⁴⁷ ICCPR, art. 7; ECHR, art. 3. The European Court of Human Rights has found that overcrowding of prison cells and detention facilities, lack of lighting and ventilation, unsatisfactory conditions of hygiene and sanitation, and lack of mattresses and beds taken together with the duration of detention, amount to degrading treatment. See European Court of Human Rights, *Varga and others v. Hungary*, application nos. 14097/12, 45135/12, 73712/12, 34001/13, 44055/13, and 64586/13, Judgment

children with adults puts children at an increased risk of abuse, including sexual violence, and also violates international and national laws requiring the separation of adults from children in detention.⁴⁸

In the landmark European Court of Human Rights judgment of *Rahimi v. Greece*, the Court found that the conditions of detention of an unaccompanied Afghan child for two days in a center with poor hygiene and infrastructure amounted to degrading treatment.⁴⁹

The UN Committee on the Rights of the Child has said that in the exceptional cases when unaccompanied children are detained, “conditions of detention must be governed by the best interest of the child.”⁵⁰ The 2010 EU Action Plan on Unaccompanied Minors also states that children “should always be placed in appropriate accommodation and treated in a manner that is fully compatible with their best interests.”⁵¹

of March, 10 2015, available at www.echr.coe.int; *Vasilescu v. Belgium*, application no. 64682/12, Judgment of November 25, 2014, available at www.echr.coe.int; and European Court of Human Rights, *Torreggiani and Others v. Italy*, application nos. 43517/09, 46882/09, 55400/09 et al., Judgment of January 8, 2013, available at www.echr.coe.int.

⁴⁸ CRC, art. 37(c); ICCPR, art. 10(b); EU Recast Directive 2013.33/E art 11(3); Law on Reception, art. Art 46 10(b).

⁴⁹ See, *Rahimi v. Greece*, application no. 8687/08, Judgment of April 5, 2011, available at www.echr.coe.int, para. 95.

⁵⁰ UN Committee on the Rights of the Child, General Comment No. 6, para. 63.

⁵¹ European Commission, *Action Plan on Unaccompanied Minors (2010-2014)*, COM (2010) 2313/3, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:en:PDF> (accessed July 30, 2016), p. 9.

IV. Lack of Care, Protection, and Services

“They just arrested me, brought me here, that’s it.”

-Adi S., a 17-year-old Pakistani boy, Amygdaleza pre-removal detention center,
Athens, July 2, 2016

There are serious gaps in the care, protection and services that the Greek authorities offer to unaccompanied children in detention. Children are often unable to receive critical care, counseling, information, and legal aid, and have little to no access to educational or recreational activities.

None of the children interviewed by Human Rights Watch had had a proper interview in police custody. The police captain at the Paranesti detention center explained, “There’s no screening here. We don’t have the knowledge....We are police officers, not psychologists or educators. We need special staff to take care of the minors.”⁵² He said he was not aware of any victims of trafficking or gender-based violence being detained at the center, which had held over 300 children in the past three years. All the other police officers we interviewed also said they were unaware of any victims of trafficking or gender-based violence among the unaccompanied children whose detention they had overseen.

The lack of interpreters exacerbates the problem. All of the children interviewed by Human Rights Watch in police custody said they had not been given an opportunity to speak to the police with the help of an interpreter. Translation, if available at all, was provided on an ad hoc basis by other unaccompanied children or, as was the case at Paranesti, adult migrants. Police at the Mygdonia station said that interpreters are available through telephone. However, none of the children interviewed said they had been in contact with a telephonic interpreter.

There was no access to psychological care at the police stations visited or at the Paranesti detention center. At Amygdaleza, a Greek NGO, Arsis, working in partnership with Save the Children, makes regular visits to provide psychosocial support. Human Rights Watch interviewed children who appeared to be experiencing psychological

⁵² Human Rights Watch interview with Athanasios Charelas, police captain, June 29, 2016.

distress and spoke with two children who had attempted to harm themselves in police custody. One had used a razor to make small cuts on his arm and another had stopped eating and contemplated suicide.

Fivos Kolovos, a psychologist at a shelter for unaccompanied children, stressed that the lack of access to support in detention can be particularly harmful: “Being in detention and having psychological issues is the worst combination. No one can take care of you, not even your friends who are in the cell with you.”⁵³ Salem F., a 17-year-old boy from Syria who was detained at Paranesti said: “I used to watch on the television in Syria about people having psychological disorders and now I see this is happening to me. My nerves are high.”⁵⁴

Personal cellular phones can provide an important connection to the outside world, and often to family in another country. Fifteen children interviewed had highly restricted access to their personal phones: at Mygdonia station, children said their phones were confiscated and at Amygdaleza, children said they were allowed to use their phones occasionally at the discretion of police, for example once per day for ten or twenty minutes. At Paranesti, the police captain said that children were allowed to keep their phones but only without cameras and children interviewed said the police removed the cameras or deliberately broke them.⁵⁵ Yasir H., a 17-year-old from Pakistan said his phone was taken away from him at a police station in Samos, where he spent two weeks detained in a crowded, dirty room with adults, and slept on blankets on the floor. He said he could not call his family for two weeks: “I didn’t feel safe ... my family didn’t know where I was.”⁵⁶

Children in detention interviewed by Human Rights Watch received information about how to seek international protection on an ad hoc basis rather than as a result of a regular process. Fifteen children said they had not received any information about their right to seek asylum, including five who had been detained for at least three months. Others had been informed only by NGOs or the UNHCR.

All unaccompanied children should be appointed a legal guardian to defend their best interests and help safeguard against risks like trafficking. Under Greek law, a local public

⁵³ Human Rights Watch interview with Fivos Kolvos, psychologist, Praxis Shelter, Athens, July 6, 2016.

⁵⁴ Human Rights Watch interview with Salem F., Paranesti pre-removal detention center, Drama, June 29, 2016.

⁵⁵ Human Rights Watch interview with Athanasios Charelas, police captain, June 29, 2016.

⁵⁶ Human Rights Watch interview with Yasir H., Paranesti pre-removal detention center, Drama, June 29, 2016.

prosecutor for minors is appointed legal guardian for unaccompanied children in detention. None of the children interviewed by Human Rights Watch while in police custody had met their legal guardian, nor were they even aware they had one. A police official in Igoumenitsa said that prosecutors “don't meet with the child, they see the papers,” and “they only communicate with the police.”⁵⁷ The police commander at the Mygdonia station said that the local prosecutor had no contact with children.⁵⁸ However, the police captain at Paranesti said that the prosecutor had visited the center several times in the past years to assess the conditions.⁵⁹

According to Greek law, children in detention should be provided with opportunities for recreation, but Human Rights Watch saw no evidence that the unaccompanied children in police stations had access to educational opportunities or recreational activities.⁶⁰ At the pre-removal detention centers, children had restricted access to small, cement courtyards. Both centers also had rooms with some games and a small library of mostly Greek and English books. However, at Amygdaleza access to the room was restricted and at Paranesti children who had been detained for three months said they had never visited the room.

Wasim T. described his daily life at the Filiates police station:

It is hard when I'm thinking how many days I've been inside. There's nothing to do. The only thing we do is think, talk to each other, and sleep. There's no TV, no books and the wall is black from the dirt.... the water is too cold and we can't shower.⁶¹

The lack of care, protection, and services for children in detention in Greece violates national and international law. The UN Committee on the Rights of the Child has said that in the exceptional cases when unaccompanied children are detained, “the underlying approach to such a program should be ‘care’....” which must include appropriate medical

⁵⁷ Human Rights Watch interview with Dimitrios Savvidis, police captain, June 28, 2016.

⁵⁸ Human Rights Watch interview with Iordanis Chatzilazaridis, police commander, June 27, 2016.

⁵⁹ Human Rights Watch interview with Athanasios Charelas, police captain, June 29, 2016.

⁶⁰ Law on Reception, art. 46(10)(f).

⁶¹ Human Rights Watch interview with Wasim T., July 1, 2016.

and psychological care, legal assistance, and screening—in a language the child understands—to assess for particular vulnerabilities.⁶²

The Committee considers the prompt appointment of a guardian a “practical measure” to ensure that children’s best interests are represented and protect children from risks that could jeopardize their right to life, survival, and development.⁶³ Under Greek law, all children who are detained are to be informed in a language they understand of the reasons and duration of their detention, and a means to challenge the detention decision.⁶⁴

The Committee has also stated that unaccompanied children in detention have a right to recreation and to education, and Greek law specifies that such children should be “given the possibility to occupy themselves with activities, including games and recreational activities appropriate for their age.”⁶⁵

⁶² UN Committee on the Rights of the Child, General Comment No. 6, para. 63 and para. 31.

⁶³ UN Committee on the Rights of the Child, General Comment No. 6, para. 33.

⁶⁴ Law on Reception, art. 46(10)(f).

⁶⁵ UN Committee on the Rights of the Child, General Comment No. 6, para. 61; Law on Reception, art. 46(10)(b).

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“Why Are You Keeping Me Here?”

Unaccompanied Children Detained in Greece

Greek authorities registered more than 3,300 unaccompanied asylum-seeking and other migrant children in the first seven months of 2016. Many had fled violence and conflict in their home countries such as Syria and Afghanistan and arrived alone in Greece, their point of entry to the European Union. The country’s longstanding shortage of shelter space for children has grown particularly acute in the context of Europe’s ongoing refugee crisis. In the absence of sufficient, suitable accommodation, Greek authorities routinely detain unaccompanied children in police stations and detention centers, justifying it as a temporary protection measure in children’s best interest. In practice it is anything but.

“Why Are You Keeping Me Here?:” Unaccompanied Children Detained in Greece, based on interviews with 42 children, documents the Greek authorities’ arbitrary detention of unaccompanied children in unhygienic, degrading conditions in which they are vulnerable to physical abuse, as well as lack of access to care, protection, and other services. The situations documented not only violate children’s right to liberty but often constitute inhumane and degrading treatment.

The Greek government should put an end to the unjustified detention of unaccompanied asylum-seeking children and ensure that there are sufficient and suitable alternatives to detention. The European Union should provide resources to support Greece’s efforts. Greece and European Union member states should intensify efforts to relocate unaccompanied asylum-seeking children out of Greece including through family reunification with family members living in other EU countries.



Unaccompanied children line up for an evening meal at a detention facility run by the Greek police.

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