

**THE GREEK OMBUDSMAN**  
**DEPARTMENT OF CHILDREN'S RIGHTS**

**P**arallel Report  
to the UN Committee  
on the Rights of the  
Child

**F**indings and  
recommendations  
of the Independent Authority  
“the Greek Ombudsman”  
on the implementation  
of Children's Rights in Greece  
(July 2003 – December 2011)

**APRIL 2012**

## CONTENT

**1. Introduction: Exercise of the mission of the Children's Ombudsman by the Independent Authority "The Greek Ombudsman". Purpose of this Report**

**2. Summary report on the operation of the Children's Ombudsman from July 2003 until December 2011**

**3. Formation of a Network of NGOs for Monitoring the Implementation of the Convention**

**4. General Measures of Implementation (Articles 4, 42)**

4.1 Coordination of monitoring of the implementation of the Convention

4.2 Exercise of policy related to children and development of a National Action Plan for Children's Rights

4.3 Cooperation and coordination of the work of NGOs

4.4 Dissemination of the Convention among adults and children

**5. Definition of the Child (Article 1)**

**6. General principles**

6.1. Non-discrimination (Article 2)

6.2. Best interests of the child (Article 3)

6.3. The right to life, survival and development (Article 6)

6.4. The right of children to be heard (Article 12)

**7. Civil Rights and Freedoms (Articles 7, 8, 13, 14, 15, 16, 17, 19, 37 (a))**

7.1. Name and identity (Article 7)

7.2. Freedom of religion (Article 14)

7.3. Privacy (Article 16)

7.4. Access to information (Article 17)

7.5. Protection from violence and abuse (Articles 19 -39)

**8. Family and alternative care (Articles 5, 9, 10, 11, 18, 20, 21, 25)**

8.1. Parental care, parental responsibilities, assistance to parents (Articles 5, 18)

8.2. Separation from parents – the right to contact (Article 9)

8.3. Family reunification (Article 10)

8.4. Illegal movement (Article 11)

8.5. Alternative care – Periodic review (Articles 20, 25)

8.6. Adoption (Article 21)

**9. Health and welfare (Articles 18, 23, 24, 26, 27)**

9.1. Physical and mental health, medical care (Article 24)

9.2. Children with disabilities and special educational needs (Article 23)

9.3. Social security and welfare (Article 26)

9.4. Childcare in nurseries (Article 18:3)

**10. Education, recreation and cultural activities (Articles 28, 29, 31)**

10.1. Education – Vocational Training (Articles 28-29)

10.2. Entertainment – cultural activities (Article 31)

**11. Special measures of protection (Articles 22,30,32,33,34,35,36,37,40)**

11.1. Refugee children (Article 22)

11.2. Minority children (Article 30)

11.3. Child labour (Article 32)

11.4. Drug Abuse (Article 33)

11.5. Sexual violence, trafficking, exploitation (Articles 34, 35, 36)

11.6. Protection of children from torture and other forms of inhuman treatment. Deprivation of liberty. Criminal juvenile justice (Articles 37 and 40)

## 1 Introduction: The exercise of the mission of the Children's Ombudsman by the Independent Authority "The Greek Ombudsman". Purpose of this Report

In 2003, Law 3094/2003 assigned to the Ombudsman the mission of the Children's Ombudsman, that of defending and promoting children's rights. The appointment of a Deputy Children's Ombudsman and the creation of a new section of the Independent Authority, staffed by an interdisciplinary team, were decided.

This report was drafted in the framework of the mission of the Ombudsman as Children's Ombudsman, in connection with the planning of the examination by the UN Committee on the Rights of the Child (hereinafter the Committee), of the 2<sup>nd</sup> and 3<sup>rd</sup> Periodic Report submitted by the Greek Government in July 2009. We note that the legislation relating to the Ombudsman has not specifically provided for reporting on the implementation of the UN Convention on the Rights of the Child (hereinafter the Convention), although the Committee foresees this possibility for independent authorities<sup>3</sup>.

The Report includes summary findings based on data that came to the attention of the Ombudsman during the last eight years and in particular from July 2003 until December 2011. It briefly presents, in each thematic section, the main recommendations of the Children's Ombudsman on the implementation of the Convention and the other national laws concerning all children of 0-18 years that live in the country and are under the responsibility of the Greek state.

The findings and recommendations of the Ombudsman are based both on cases investigated and on data set before him through the initiatives he undertook, including visits to schools, institutions, detention facilities, services, etc., his contact with the children themselves and professionals, collaborations with representatives of ministries, agencies and organizations working with and for children in Greece, but also his participation in international meetings, conferences, events and awareness campaigns.

The structure of the Report follows the proposed structure of national and alternative reports on the implementation of the Convention. However, it is clarified that the Ombudsman does not comment upon provisions of the Convention or recommendations of the Committee for which has not collected relevant data and information.

The economic crisis faced by the Greek society at the time of writing of this Report may not allow the immediate implementation of many of the measures proposed, but they should however be taken into account in a long-term strategy for shaping social policy for children.

## 2 Summary report on the operation of the Children's Ombudsman from July 2003 until December 2011

The Ombudsman, in his capacity as the Children's Ombudsman, is responsible for violations of children's rights by public bodies/officials as well as by private natural or legal persons. During the first 8.5 years of its operation, he received a total of 3,248 reports concerning violations of the rights of minors. The Ombudsman met and conversed with 382 pupil groups, sent printed information material to all schools that requested this, made 112 visits to institutions dedicated to child care and hospitality, healthcare and juvenile detention, and conducted many meetings, lectures and seminars with teachers and other professionals.

Furthermore, the actions for the promotion of children's rights undertaken by the Ombudsman included his participation in special committees, councils, networks and information and awareness raising campaigns, the publication and distribution of information materials (brochures, posters, bookmarks, videos, radio and TV spots), the operation of a dedicated website ([www.o-18.gr](http://www.o-18.gr)) for children and adults, interviews in the media, etc.

## 3 Formation of a Network of NGOs for Monitoring the Implementation of the Convention

In 2008, the Ombudsman invited non-governmental organizations dealing with children's rights to form a national network for monitoring the implementation of the Convention in order to prepare an Alternative Report. The Network was established in October 2009, involving 47 non-governmental organizations and in March 2011, it drafted and sent the Alternative Report to the Committee.

<sup>3</sup> CRC/GC/2002/2 paragraphs 20-21."

## 4 GENERAL MEASURES OF IMPLEMENTATION (Articles 4, 42, 44 par. 6)

### 4.1 Coordination of monitoring of the implementation of the Convention

Despite the Committee's recommendation and the repeated recommendations of the Ombudsman, the coordination of the monitoring of the Convention's implementation has not so far been assigned to an inter-ministerial body or instrument. The National Children's Rights Observatory, which was established in 2001, has not so far undertaken the above role.

### 4.2 Exercise of policy related to children and the need to develop a National Action Plan for Children's Rights in Greece

The issue of the lack of a National Action Plan for the Rights of Children was repeatedly raised by the Ombudsman. In 2007, the Minister of Health and Welfare announced the broad outlines of such a plan. In the consultation held, the Ombudsman noted that the text published by the Ministry showed significant deficiencies and sent a text with his comments and proposals.

The Ombudsman's proposals included:

- The establishment of a permanent National Coordinating Committee on the Rights of the Child and a scientific committee responsible for monitoring the implementation of the Plan.
- The decentralization of care services, through the strengthening and specialization of social services in municipalities throughout the country, and the clarification of their responsibilities regarding child protection issues.
- The organization of the recording, collection and processing of national data on existing structures and services for children in the public and private sector, and the cases of minors served.
- The development of support measures for vulnerable groups of minors, through adequate local social services and special programs.
- The development of local networks and partnerships between public and certified non-governmental child protection organizations.

### 4.3 Dissemination of the Convention among adults and children

The Ombudsman has determined that the Convention is not sufficiently known to the children and teachers. The Convention is not included in the school curriculum, apart from some references in the course of "Social and Civic Education" taught in the 5<sup>th</sup> and 6<sup>th</sup> grade of elementary school.

The Ombudsman issued 20,000 leaflets, containing the Convention in simple words, 80,000 brochures for adolescents, 20,000 booklets for primary school children, bookmarks, posters, and television and radio messages about the rights of minors. Furthermore, he performed a significant number of lectures and seminars on the Convention to professionals working with children and parents. Finally, he invited public and non-governmental organizations engaged in volunteer activities for children to work together to organize a training seminar and produce a special Guide for professionals working with volunteers, with information about the content and the direct consequences of the Convention.

#### Recommendations:

- To systematically train teachers and other professionals working with children on the Convention's provisions, its direct effects in their field of work and obligations arising from the Convention in conjunction with current legislation for the protection of children from all forms of violation of their rights.
- To include education on children's rights and the content of the Convention in the educational curricula of all education levels, and conduct this through participatory - experiential methods.
- Schools to inform parents and to arrange meetings and seminars on children's rights and their protection.

## 5 Definition of the Child (Article 1)

Foreign minors without legal documents are usually treated by the police as violators of immigration laws and not as children who need protection and care.

Another problem is that, in matters of the Greek family law, regarding Muslim families living in Thrace, the "sharia" is applied, i.e. the acknowledgement of jurisdiction of the religious law of Islam. As a result of this, in some cases marriage has been allowed between minors, even at very young ages. The current legal regime allows for practices that violate the rights of minority children, as, regarding matters of family law, it allows parents to appeal to the religious court and not to the ordinary courts of the Greek state.

#### Recommendations:

- To reform legislation, so that foreign minors are not subjected to administrative detention for illegal entry in the country, but to be placed in protective custody until the implementation of appropriate measures for their protection. To replace the measure of deportation of unaccompanied minors by their repatriation, where this is feasible and in the interests of the minors.
- To reform the legislation in order to ensure the full application of family law for the children of the Muslim minority in Thrace.

## 6 GENERAL PRINCIPLES

### 6.1 Non-discrimination (Article 2)

Cases of discrimination against children have been recorded, including hindering of their school enrolment, due to the lack of their legal residence in the country, race or disability. Furthermore, cases of discrimination against Roma pupils in schools, through the operation of schools exclusively for Roma pupils or their long stay in "reception" classes.

#### Recommendations:

- Enactment of the ability of Roma children to enrol in other schools when the school they belong to has only pupils from this minority group.

### 6.2 Best interests of the child (Article 3)

In many cases, the child's best interests are ignored or not taken into account or are not assessed through an explicit explanation by the officials of the administration.

#### Recommendations:

- The particularly demanding process of weighing the rights and assessing the best interests of the child requires the special training of professionals.

### 6.3 The right to life, survival and development

### (Article 6)

Many children, especially of minority groups, live in conditions of severe deprivation in camps or in condition of extreme poverty. In recent years, the groups of children affected by poverty have widened. During visits to schools, the Ombudsman has been informed by teachers that there are children, especially in primary education, which face malnutrition problems.

In cases of complaints regarding the seriously adverse living conditions of minors, which may indicate and their neglect/abuse, the conduct of social research that is sought by prosecutors is often delayed due to the lack of adequate social services in decentralised government agencies. These services are not sufficient for carrying out preventive inspections nor for the continuous monitoring and support of families living in adverse conditions.

Serious deficiencies are recorded in alternative care, particularly in relation to the care of children with disabilities, with specific medical, therapeutic and educational needs and to Roma children, with cultural differences.

Many children of undocumented migrants, with or without their parents, live in conditions that endanger their health and their lives (in abandoned buildings, camps, etc.). A significant number of these are fed by organized messes of the church and other charitable organizations.

#### Recommendations:

- Development of supportive interventions in vulnerable areas, especially in camps, and enhancement of social services to carry out preventive inspections and provide support to families and children.
- Strengthening of the hosting structures and programs supporting refugee families and unaccompanied minors.
- Further development of the social character of the school, by strengthening - in cooperation with local social services - support activities for children living in conditions of extreme hardship and extreme poverty.

### 6.4 The right of children to be heard (Article 12)

Although the prior hearing and seeking of the opinion of minors is provisioned in issues concerning their personal or family life, especially when making administrative decisions (e.g. hearing of the opinion of the child when deciding to change their school environment) it is found that in many cases the provision of the law is not implemented.

The established procedures for the representation of students and the expression of their opinion on issues that affect them, particularly through student councils, have not been sufficiently developed. Most students express the belief that their opinion is not taken into account in daily school operations.

In child protection units, in several cases the absence of hearing procedures on the opinion of hosted children in matters that concern and influence them has been documented.

Although according to the law (1511 CC) in custody trials the court should take into account the opinion of the child, taking into consideration its maturity, the judges often proceed to trial without seeking the child's opinion. A factor contributing to this is the lack of judges' specific relevant training and the state's failure to implement the provision of L.2447/96 on the operation of family courts, supported by social services.

#### Recommendations:

- Issues related to student participation in decision-making should be included in the school regulations.
- To perform a thorough and timely briefing of the students before the election of their representatives in students' councils, about their content and function.
- The legislation on the operation of child care institutions should include an explicit provision stating that issues related to the privacy of children, taking into account their best interests, should be subject to their prior information and seeking of their opinion, which shall be considered depending on their age and maturity.
- To provide appropriate training, guidance and supervision of professionals in the education, welfare and judicial system on the right of free expression of children, depending on their age and maturity.

## 7 CIVIL RIGHTS AND FREEDOMS

### 7.1 Name and identity (Article 7)

A significant number of children, mostly Roma, born in Greece, are not recorded in the registries, either because their birth takes place outside a hospital, without their subsequent registration at the registry, or because their mother leaves the hospital with them before their registration and without obtaining a discharge note. In addition, errors are noted during the registration of Roma

or foreign children in the registry, due to the difficulty in their parents' communication with the appropriate services and the lack of the necessary proof of their identity. By law, these problems are restored by the court, through the process of voluntary jurisdiction. However in many cases the economic poverty or neglect of their parents means that many children remain unregistered and without legal documents.

Although under the law there is a clear distinction between naming (which assigns a name to the child and requires a joint declaration of the parents) and christening (which assigns a religion), the registries consistently register as the given name that given at the christening. This has resulted, in cases where the parents disagree (usually when they are separated) and only one performs the christening, in a need for the other to correct the birth certificate through the issue of a court judgement.

Delays are noted in the assignment of the Greek nationality in cases of minor beneficiaries, such as foreign adopted children of Greeks, due to bureaucratic procedural rigidities.

While children of immigrants born in the national territory are issued with a registry act of birth, they are not issued a proper "birth certificate" issued by local authorities, which is often sought as documentation by public services. They are thus asked to present the relevant documentation from the country of origin of the child, which is not always possible to produce and thus creates problems regarding the identification of the child, for access to benefits.

#### Recommendations:

- Establishment of systematic information programs, to ensure the proper registration in the municipal rolls of sensitive population groups, such as the Roma.
- To facilitate the enrolment of Roma in municipal rolls through a special process that will be provided by a specific legislative provision.
- Issue of a circular by the Ministry of the Interior with detailed instructions to the registrars for the completion of the birth certificate form and the exact distinction between naming and christening.
- To systematically exploit the provisioned legal assistance for needy citizens, so that parents can seek the court's correction of their children's data when there are omissions or errors in the declared data. If the parents are not needy, the competent prosecutor of minors should make clear that the neglect of correction can constitute a poor exercise of their parental role, giving rise to the consequences provisioned by the law.
- Issue of a circular according to which services are to accept registry acts of birth stating the holder's birth in Greece, when there is no birth certificate issued by local authorities.

## 7.2 Freedom of religion (Article 14)

Cases of discriminatory treatment of students at school because of their religious beliefs have been recorded.

Following the constitutional provisions, the course of religious education in the Greek educational system is designed to cultivate the students' religious conscience. On the basis of respect for the freedom of religious conscience, students believing in a different religion or doctrine may be exempted. A problem however arises when the exemption is requested for students who are not registered as believing in a different religion or doctrine, while the school authorities' approach, regarding the acceptance of such requests, is not uniform.

The religion of the students is still listed in the archived files of schools and the leaving certificates, despite the contrary opinion of the Authority for the Protection of Personal Data and the Ombudsman.

### Recommendations:

- The exercise of the right of exemption from Religious Education should not be subject to the statement that the student is of a different religion or doctrine, a statement which violates the right of religious freedom.
- Schools should not keep records on the religion of the students, unless these are required for the exercise of their rights, while their religion should not be stated on the leaving certificates, as this may constitute grounds for their future discriminatory treatment.
- Strengthening of the historical religious character of religious education, so as to avoid the violation of the religious freedom of students.

## 7.3 Privacy (Article 16)

### Findings – Problems:

- In many cases, violations of the privacy rights of minors by the media are noted.
- Often, the media reveal the identity of minors who are in difficult situation, they are perpetrators or victims of crime.
- The media publish data from the court records of cases involving minors, even while their case is being examined by the court. They reproduce descriptions of violence, abuse and generally serious violations of rights against children.
- They publicize images or information concerning the personal situation of children accommodated in child

protection institutions, thereby violating the secrecy of their private life, and hinder their educational and social relationships.

- They make reference to details of the personal lives of children through "entertainment" television shows, in which they often present complaints and disputes between parents about their children.
- Children's privacy is often endangered by the inappropriate provision of information and data by minors via social networking websites.

### Recommendations:

- Media should be properly informed and thorough inspection should be conducted regarding their responsibilities and their respect for the privacy of minors in practice.
- A Code of Conduct should be adopted, regarding entertaining television.
- Curricula information should be introduced both in primary and secondary education on the benefits and risks of internet use, and a relevant informative guide should be published and distributed to parents.

## 7.4 Access to information (Article 17)

Children of many minorities (especially Roma children and members of the Muslim minority in Thrace) are often not informed of their rights, a fact which increases their social exclusion.

Minors coming from third countries, often unaccompanied, when they are detained for illegally entering Greece, they do not receive information on their basic rights. The brochures available from police stations are inadequate.

### Recommendations:

- Further emphasis to the provision of information to children of the Muslim minority in Thrace, on their rights, through print and electronic means and through the use of Turkish-speaking animators.
- Expansion of the use of trained Roma mediators in communities and settlements, combined with initiatives for the information, preparation and support of the school attendance of children.
- Provision of brochures in a sufficient number of foreign languages to minor newcomers from third countries, in police detention centres and reception centres.

## 7.5 Protection from violence and abuse (Articles 19, 39)

### 7.5.1 Adaptation of the legal framework and the role of the Children's Ombudsman

During the last 8 years, the Greek legal framework has adapted to a considerable extent to the requirements of the Convention on the protection of children from violence and specific legislation has been introduced in this direction, often following the intervention of the Independent Authority. Specifically:

- A) **Law 3500/2006** on the management of domestic violence. The positive provisions of this law include the prohibition of the corporal punishment of children, which was suggested by the Ombudsman.

The Ombudsman has found that many professionals who come into direct contact with children do not yet know the law and the obligations mentioned in this for teachers and early childhood educators, and have several reservations about their actions in related incidents.

- B) **Law 3625/2007**, which ratified the Optional Protocol of the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which provisioned significant changes to the Criminal Law and Criminal Procedure.

Based on research and visits to the Juvenile Protection Department of the General Directorate of Police of Athens, the Ombudsman found that up to mid-2011, the use of audiovisual means prescribed by said law to record the testimonies of minors took place in only a very limited number of cases, experimentally, without this material having been used by the courts and with no instructions and provisions having been issued by the responsible Ministry of Citizen Protection.

- C) **Law 3727/2008**, which ratified the Convention of the Council of Europe for the protection of children against sexual exploitation and abuse.

No regulatory framework has yet been issued for the implementation of the proposed law on the professional disqualification of persons coming into contact with children, who are prosecuted or convicted for the crimes described above, and for the introduction of awareness programs in schools, combined with the appropriate sexual education of students.

### 7.5.2 Degree of adequacy of services dealing with the management of violence

Despite the improvement of legislative framework, the Ombudsman finds significant deficiencies in the services that receive and manage such complaints. The teachers themselves have stated many times to the Independent Authority that they do not know where to

report such cases. The schools do not have psychologists, social workers or nurses, while the corresponding services of the local government cannot conduct an investigation without a court order. The School Counsellors, Counselling Centres and Differential Diagnosis, Diagnosis and Support Centres (KEDDY), can in some cases provide guidance for teachers to manage such incidents, but do not provide for their examination of the students, bar only with the consent of their parents.

Law 3500/06 has not provided procedures other than the information of the prosecutor in cases where teachers learn of or discover acts of domestic violence against students. Thus, in cases of suspected offences of domestic violence with no clear information by the child, school officials are impeded in referring such cases to the relevant psycho-social services to allow for their thorough investigation and the taking of measures to protect the rights of the children. Because of this institutional gap, the Ombudsman has found that in the majority of such cases, no action is taken, despite existing indications on the commitment of the relevant offences.

Finally, in cases of violence or harassment by teachers against pupils, the Ombudsman found that the criminal proceedings sometimes delay greatly, while disciplinary control is difficult. In fact, in some cases the disciplinary sanctions imposed are disproportionately mild given the ascertained actions of teachers.

Prosecutors with exclusive jurisdiction over juvenile matters are appointed only in Athens and Thessaloniki, while elsewhere such cases are undertaken by prosecutors with general duties. The prosecutors are not supported by social services, as the relevant provision of L.2447/1996 on the creation of social services in the first instance courts of the country has not been implemented. Therefore, they give investigation orders to various public social services, which in some cases believe that they do not have the relevant competence or lack sufficient time to conduct visits to the family. The extreme case-load of the Juvenile Prosecutors of Athens and Thessaloniki, in combination with the small number of prosecutors and the shortcomings in the field of social services, despite the great interest manifested by the prosecutors themselves, creates additional difficulties in taking direct measures to protect the children.

When the preliminary process for offences against minors starts, further problems occur in the police stations, as in the provinces these do not have specialized personnel to conduct investigations involving minors, while throughout the territory, police stations do not have protective custody areas so when a child needs to be removed from its family urgently, it remains in an unsuitable area in the police station or is taken to a nearby hospital.

A major problem is observed during the prolonged stay of minor victims of physical or sexual abuse in hospitals, to which they are referred for diagnostic tests or emergency accommodation. The difficulties regarding the placement of such children in child care institutions or in foster care -regardless of their admission to Social Care Units-, means that children often remain there for a long time, even for months.

#### Recommendations:

- A more systematic training and guidance of front-line professionals (teachers, early childhood educators, paediatricians, etc.) is needed to recognize the signs of abuse and know what they should do in each case.
- Establishment of action protocols in schools and in all community services for cases of reports or indications of abuse against minors, combined with the development of local cooperation networks among all child protection bodies and the facilitation of referrals.
- If schools do not have psychologists or social workers, it should be ensured, under certain conditions, that pupils have access to the relevant public services without requiring the consent of a parent for their initial submission of a request or report.
- Clarification of the duties of the social services of local government agencies and creation of specialized child protection services in all municipalities of the country, with the principal responsibility of monitoring and supporting families classified as "high risk" for abuse or neglect, to prevent serious situations that require the removal of children from them.
- It is extremely necessary to promote the networking of all child protection bodies at local and national level, as already announced and planned to be supported by the National Centre for Social Welfare and the Central Scientific Council for the Management of Victimization and Juvenile Delinquency (KESATHEA).
- The statutory ability to record witness statements in electronic audiovisual media must be implemented, with special arrangements by the Ministry of Citizen Protection, and extended to other sensitive cases of juvenile victimization, apart from sexual abuse and exploitation.
- It is necessary to directly create emergency accommodation centres for child victims of abuse and neglect, at least in Athens and Thessaloniki, in combination with improving the system for referrals to institutions for child protection and placement in foster families.

- In particular, the thorough investigation and multidisciplinary treatment of cases of sexual violence (and other serious cases of domestic violence) against minors, require the development of special areas based on international standards, where the police personnel can work together with the competent health and welfare services on examining child victims and recording their testimonies in electronic audiovisual means, based on a specific and legislated process.
- A regulatory framework must be adopted to implement disqualifications of persons coming into contact with children who are prosecuted or sentenced for crimes of sexual violence against minors and the ban must be extended to volunteers who offer services to bodies coming in direct contact with children.

#### 7.5.3 Keeping of statistics on abuse

To date in Greece there are no official total figures on the abuse and neglect of minors. Attempts have been made, mainly by the Institute of Child Health, in collaboration with other institutions.

#### Recommendations:

- It is necessary to establish a national reference centre for monitoring issues of child abuse and neglect. The Institute of Child Health has the capacity to realize this mission, if its adequate staffing can be guaranteed.

#### 7.5.4 Prohibition of the corporal punishment of children

In 2005, a Network for the Prevention and Combating of Corporal Punishment of Children was established, coordinated by the Ombudsman, which brought together as founding members various representatives of ministries and other state and non-governmental organizations. Important interventions were made towards improving the legislative framework, and providing information and raising awareness.

#### 7.5.5 Violence among minors

In recent years, the Greek society has seen a significant number of cases of violence among minors, some of which had tragic consequences. The Ombudsman took the initiative to record good practices implemented in schools. It also participated in the creation of a Network Against Violence at School, with a view to gathering the existing know-how and undertaking actions to raise awareness among teachers, students and their parents, to better prevent and combat violence at school.

The Ombudsman sent a document summarizing its main recommendations for the prevention and management of violence among students to the Ministry of Education, which subsequently issued a circular to the secondary schools of the Greek territory. However, the limitation of available funds, especially from the 2011-2012 school year, inevitably limited the potential action of mental health and social services experts in schools, while the resources for the operation of innovative programs were also significantly reduced.

#### Recommendations:

- Focus on prevention, by strengthening the democratic and participatory character of the school, provision of information and communication among students about the exercise of their rights and protection from violence at all school levels.
- Promotion of measures for the more effective management of violence, such as the better supervision of schools, the appropriate training and support of educators by specialised professionals, the assignment of consultative and mediator roles to teachers, the operation of student groups as peer mediators after training, the improvement of the disciplinary educational law by introducing new measures, particularly as regards reconciliation and the restoration of damage.

## 8 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### 8.1 Parental care, parental responsibilities, assistance to parents (Articles 5, 18)

The services to which a child or a family can turn for counselling and support concerning the exercise of parental care are limited and involve long waiting times. There is a complete lack of services specialized in family mediation and the out-of-court settlement of disputes concerning the application of judicial decisions on parental care and the children's right to contact with the parent who does not reside with them.

When minor adolescents wish to express opposing views on the implementation of judicial decisions on matters of custody and contact with the parent who does not live with them, they cannot directly appeal to a judicial authority or another public agency that act on their behalf vis-a-vis the judicial system, as they are obliged to act through the parent who holds their legal representation.

The ability of minors to appeal to public welfare and mental health services without their parent's escort/consent is a controversial issue, not specifically referenced in the law.

In the case of divorce, the exercise of parental care is determined by the court, which assigns it to one of the parents, or - if they agree -, to both. In practice, custody is usually given to the mother. If the children are born out of wedlock, the father acquires parental care after recognition, which can be exercised only in exceptional circumstances and conditions. The above regulations deviate from the principle established by Article 18 of the Convention.

A significant institutional shortcoming is the absence of family courts, supported by relevant disciplines (social workers and mental health specialists).

#### Recommendations:

- The family law must be reformed, establishing, as a general rule, the continuation of the exercise of parental care jointly by both parents as a whole (including custody) in cases of divorce, and allowing its division and the award of custody to a sole parent only by court order as an exception and if the child's interest so requires.
- The parental care of a child born out of wedlock, but recognized by its father, should also be exercised by the latter when this is agreed by a notarial deed signed by the parents, without the need for a court ruling, as happens today.
- Operation of family courts, supported by appropriate psycho-social services that will communicate with children and their parents.
- Establishment of family mediation services that will support the implementation of judicial decisions and act in cases of their dispute.

### 8.2 Separation from parents (Article 9)

Under Greek law, the right to maintain direct contact with the parent is not provided as a right of the child with a corresponding obligation of the parent, but only as the parent's right to communicate with the child that does not reside with him.

The lack of effective measures for implementing decisions concerning the right to contact often leads to the violation of the rights of the child. There are no bodies or agencies to periodically reassess the appropriateness of the decision taken based on the child's interest. There is no organized system to support the contact of parents with children through the establishment of appropriate assistance and family

mediation centres, the training of special professionals to manage these issues and generally the promotion of extra-judicial mechanisms for the implementation of the relevant decisions.

The means of execution within the scope of decisions to return or deliver the child and regulate the rights to contact provided for in Article 950 CPC are deemed highly ineffective.

Particular mention should be made to the case of imprisoned parents who are placed in prisons far from the place of residence of their children, thus preventing their contact with them. The issue is not regulated by law and therefore is subject to the discretion of the management.

#### Recommendations:

- The provisioned indirect enforcement of judgements in cases of divorce and the exercise of the right to contact should be combined with the intermediation of special social services that will guide parents in implementing the decisions in the interest of their child, while, when they record violations of its rights, they shall inform the competent judicial authority, which will be able to review the previous judgement.
- For adolescent minors who wish to seek the change of the judicial decisions concerning their care and contact with the parent who does not live with them, the ability to resort to justice or a public service that will act on their behalf vis-a-vis the judicial authorities should be expressly provided, even if there is no initial consent of the parent.
- Establishment of a legislative provision stating that the facilitation of the imprisoned parents' contact with their children will be taken into account when deciding on the prison they will be held in.

### 8.3 Family reunification (Article 10)

The rapid growth in recent years of requests by foreigners living legally in Greece for a reunion with family members, very often including minors, has created a heavy workload in the competent departments, often resulting in late responses. Furthermore, the recent economic crisis has created particular difficulties for many families of foreign workers in Greece as regards their reunification with their children living abroad, due to the high cost of the required official fees, so often the children enter the country with a travel visa. After its expiry, this creates problems, as the process of lawful reunification requires the family member with which the reunification is made to reside abroad.

#### Recommendations:

- Prioritisation of the examination of requests for family reunification that involve children, in order to implement the country's commitment, as arising from Article 10 of the Convention.
- The official fees for family reunification must correspond to the increases or the amounts which the Greek state recognizes as sufficient to meet family needs. The increases of Article 53 of par. c of Law 3386/05 (20% for the spouse and 15% for each child) must be reviewed, as they are considered very high and therefore prohibitive for most foreigners.

### 8.4 Illegal movement (Article 11)

One of the unpleasant consequences of divorce among persons of different nationalities is the fact that one of the parents can return home, taking the child with him/her, irrespectively of whether they hold its custody. Thus, in the first case the child is deprived of the right to communicate with the other parent, while the second also constitutes punishable criminal behaviour.

The Ombudsman considers the recent amendment of the Presidential Decree under which passports are issued by the parent who has custody, without the consent of the other parent who executes the rest of parental care, as problematic. This regulation has already allowed parental child abduction within the meaning of the Hague Convention of 1980.

#### Recommendations:

- To prevent the illegal movement of minors abroad, the possibility of setting specific measures that apply in other European countries, such as the obligation, when a child exits the country, to have the written consent of the parent(s) not travelling with them, should be studied.

### 8.5 Alternative care – Periodic Review (Articles 20, 25)

The main problems the Ombudsman has found regarding child protection institutions (public and private) are summarized below:

- The legislation covering public institutions of child protection is quite outdated and incomplete.
- The private institutions mostly operate without regular permits, since the legal framework for their issuance is incomplete.

- Deficiencies are also noted in the legal framework for the safeguarding of the rights of foster children, according to the requirements of the UN Convention on the Rights of the Child.
- There are no legally established standards and specifications to be met by public or private child protection institutions.
- A certification process for institutions of private law is envisaged by law and its implementation has begun by the National Centre for Social Welfare (EKKA), but the relevant specifications and quality control procedures have not been yet established.
- The supervision of such public institutions has been assigned to the Healthcare Districts and that of private law institutions to the Regional Welfare Directorates, through the social counsellors designated to the country's regions. However, the absence of a clear framework of standards to be met by these institutions makes such supervision often inadequate and ineffective.
- The power of the systematic supervision and control of such institutions has been assigned to the Health Services and Welfare Inspectorate, established by Law 2920/2001. After visits, the Inspectorate issues inspection reports with specific recommendations to the Management of the institutions, aiming to improve their conditions and executes repeat inspections. However, its recommendations are often implemented only partially by their management, as there is no system of penalties and license revocation.
- Most institutions have severe human resource shortages, especially in scientific and professional staff.
- The recruitment process in public institutions is slow and does not ensure the timely and appropriate selection of the professionals needed by each unit.
- Private institutions have no commitments as regards their resources, which means that some function without qualified personnel or even primarily staffed by volunteers.
- There are institutions that are poorly supervised, in which extreme behavioural rules deviating from the generally accepted standards of Greek society are imposed on the under-age guests (e.g. ban on trousers for girls, strict fasting, ban on participation in school trips, limiting of contact with parents, etc.).
- There are no specialized treatment structures in hosting institutions for children and adolescents with mental disorders, abuse victims, minors with delinquent behaviour or substance abusers.
- Many institutions for children with disabilities and chronic illnesses continue to essentially operate as

asylums, isolated from the social fabric, with outdated care systems and inadequate coverage of the medical, therapeutic and educational needs of their guests, and some times use unacceptable methods for the children's constraint and confinement for prevention purposes.

- The instituted appointment of a commissioner for children without parental care is often not enforced, particularly for children with disabilities.
- The review of the children's placement in institutions is not provided institutionally and is not systematically applied, according to the spirit of the Convention (Article 25).
- The institution of fostering is only implemented to a very limited degree, mainly because of the lack of social services and a support system for the selection, training, monitoring and support of foster parents, but also because of the lack of sufficient relevant funding by the State.
- The Ministry of Health and Welfare has not incorporated into its national policy the UN Guidelines for alternative care, or the content of Recommendation 2005 (5) of the Council of Europe on the rights of children living in institutions or Recommendation CM/Rec (2010) 2 for de-institutionalization and community living of children with disabilities.

These problems are exacerbated during the economic crisis affecting the Greek society. Representatives of many private institutions have reported to the Ombudsman that they are even threatened with closure because of their reduced resources and increased taxation on both donations and their property. At the same time, the cases of children that must be removed from their natural families are increasing, as the extreme poverty acts as an additional factor that exacerbates the inability of some parents to adequately care for their children.

The recruitment of staff in public institutions is suffering severe restrictions while their resources are shrinking.

#### Recommendations:

- Establishment of a legislative framework regulating the operation of both public and private child protection institutions (care and hospitality), identifying the minimum requirements for the offered care, their facilities, personnel and operating rules, the licensing process, the quality control of services and compliance with their operating conditions in accordance with the Convention and with international standards for alternative care, aiming to provide multidimensional, appropriate and individualized care to children for all-round development and to meet the needs of their age.

- Explicit reference in the legislative framework for institutions to foster children's rights, in accordance with the provisions of the Convention, but also with internationally established rules.
- Activation of the system for the certification and licensing of these institutions based on established criteria and standards, with a set timetable that will aim to inspect all relevant units operating in the country within a specified time horizon.
- Ensuring adequate staff resources for all childcare institutions, especially social services, educators, nurses, therapists and special personal care assistants for children.
- Geographical coverage of the existing needs in child protection, without requiring the movement of children far from their original area of residence, if not in their interest.
- Creation of structures to accommodate children in Thrace, with special arrangements to facilitate the exercise of the religious practices of Muslims and Turkish-speaking residents, and their communication with family members who do not speak Greek.
- Launching of the phased abolition of institutions for children with disabilities and chronic diseases that operate based on the asylum model and their replacement with small structures closer to the family model as well as day care centres, support services (including treatment, counselling) and accessible structures (e.g. for education, sports, entertainment) in the community for children living with their parents.
- Operation of specialized therapeutic hosting structures for children and adolescents with mental disorders, or other special characteristics that require specialized care and treatment, such as juvenile delinquents, drug addicts, etc.
- Ensuring of the required special care in institutions that host unaccompanied children, with interpreters, legal assistance and an educational and social participation support system.
- Operation of emergency accommodation and assessment centres, for the time required to diagnose the needs of children, in large cities.
- Limitation of the time children spend in institutions, by activating the process of the regular review of their placement in these and promotion either of their assisted return to their natural families or their placement in foster families and in a family-style hosting context.

- Strengthening of the implementation of the institution of fostering, both for children who are hosted in institutions, including children with chronic illnesses/disabilities, and for children who need to be removed for a time from their families, without necessarily being admitted to institutions but placed in foster care by virtue of a prosecutor's order or judicial decision. Provision for the allocation of funds for all the above cases.
- For the proper selection, training, support and monitoring of foster parents, responsibilities should be delegated to social services specializing in child protection that are subsumed to the local government, and operation of the provisioned foster families archive at the National Centre for Social Welfare.
- Establishment of a special framework for the implementation of fostering as a reformatory measure for juvenile offenders, with special selection, training and support of foster parents who take this responsibility.
- Provision and implementation of the systematic hearing of the views of children, if they have the appropriate age and maturity, as to their admission to an institution, their placement in a foster family or their adoption, with a provision for an appropriate procedure by trained personnel such as for children with speech and communication problems.

## 8.6 Adoption (Article 21)

**T**he institution of public adoption faces serious delays, with grave implications for the children who remain in institutions for a long time instead of being integrated in adoptive families in due time.

**T**he units of social care for children with chronic illnesses and disabilities do not adequately implement their responsibility for promoting the adoptions of children.

**M**any times, fostering functions as precursor to adoption, without compliance with the necessary safeguards for the best interest of the children.

**T**he private adoptions permitted by law are faster, but in many cases conceal financial transactions and encourage the development of infant trading.

**I**nterstate adoptions are not yet sufficiently supported by an organized system of services, as the relevant law provides. Despite the signing and the provisions of the Hague Convention of 1993, the administration requires additional ratification by a Greek court of adoption decisions by foreign courts.

In many cases of adoption, the adoptive parents' ignorance and lack of proper support leads to errors such as the delayed information of children about the fact of their adoption, the reference to their natural parents in derogatory manner, etc., thus causing tensions and conflicts, especially in adolescence.

#### Recommendations:

- Provision for speeding up the process of public adoption, supported by appropriate and adequate social services and the launch of the abolition of private adoption.
- Improvement of the institutional framework for the implementation of interstate adoptions in order to ensure the proper selection and support of adoptive parents and to protect the rights of adopted children.
- Undertaking of an initiative by the social care units in order to promote the adoptions of children with chronic illnesses and disabilities.
- Provision of appropriate support and guidance to adoptive parents to understand their obligation to inform the children in time about their adoption, to avoid creating feelings of guilt and shame in them, or to impede their access to information regarding their natural parents.

## 9 HEALTH AND WELFARE

### 9.1 Physical and mental health – medical care

Under current law (L. 3386/2995 art. 84 paragraph 1) hospitals, nursing homes and clinics may provide services to foreign minors without residence permits for the country. The lack of a residence permit, however, creates problems in providing medical and nursing care.

#### Recommendations:

- All children should receive medical and nursing care regardless of insurance coverage status.
- When the medical expenses of foreign children cannot be covered, a pauper's certificate must be issued, irrespectively of the legality of their stay in the country.

### 9.2 Children with physical and mental disabilities (Article 23)

Children with disabilities include children with chronic mental and physical disorders. As regards the health and welfare benefits and the support measures in general for their social participation, the following are noted:

- Children have full access to National Health System services across the country. However, general healthcare structures do not provide medical or nursing staff specialized in the specific diseases of children with disabilities and the way to communicate with them, especially in the case of cognitive disabilities.
- Healthcare and the systematic provision of special treatments is covered by their parents privately or through the insurance funds of the directly insured parents.
- The significant lack of day care and treatment centres for children with chronic illnesses and disabilities as well as of community services for family support means that many parents find themselves unable to cope with the care of such children, which they assign to public social care units or similar private care institutions, if they have the capability to cover the expenses through social insurance.
- Most of the existing social care units for children with disabilities and chronic diseases do not have enough staff, present shortcomings in the medical and other care provided and their operation is not effectively supervised. In many cases they operate based on the outdated asylum model, using unacceptable methods to constrain or confinement of the children cared for, such as confinement in bed-cubicles, their tying with belts and the administration of high doses of sedative medication. Children accommodated in these units often remain there for life, as, especially in cases of mental disability/autism, they are not accepted in adult units or no appropriate units to which they could be moved are identified. The Ombudsman visited 7 social care units in different regions of the country, and for one of them (KEPEP of Lehena) it published a Report, as after a year of operation, it ascertained the failure of the Administration to take measures to provide adequate staffing and avoid situations constituting a serious violation of human rights of the children cared for.
- Another problem is the collection of the benefits of disabled children by their parents, who have entrusted the care of their children to public social care units, where they reside and are maintained. The failure of social care units to undertake the custody of children that have essentially been abandoned there by their parents creates more general problems regarding the care and civil situation of children.

The Ombudsman has repeatedly contacted the Ministry of Health and Welfare regarding serious problems and shortcomings in the area of the mental health of children and adolescents, mainly concerning: (a) the lack of beds for children and especially for adolescents in need of emergency psychiatric hospitalization, (b) the absence of specialized structures of psychosocial rehabilitation for children and adolescents with mental disorders or other problems that require special medical treatment, (c) the inadequacy of specialized programs and structures for children and adolescents with autism.

The Ombudsman examined complaints on the operating conditions of the Emergency Unit (MEP) of the Children's Psychiatric Hospital of Attica (P.N.A.), which finally closed in March 2011, while the planned 4 new child psychiatry clinics that replaced it began to operate but with significant delays in their staffing.

Major problems have been identified in the mental health structures for children created in the framework of programs for psychiatric reform that were funded by the European Union, but subsequently did not receive sufficient funding from the Greek state, leading many of them to close or be threatened with closure. This situation has worsened during the past few years.

#### Recommendations:

- Strengthening of regional child psychiatry services and day care and treatment centres for children with chronic illnesses and disabilities, particularly for children and adolescents with autism.

### 9.3 Social security and welfare (Article 26)

The recent institutional changes in the insurance framework, through the creation of the National Healthcare Service Organization and the Single Health Benefits Regulation, lead to a more uniform treatment and insurance of insured children. Furthermore, the insurance coverage of the special education of children with disorders such as dyslexia, ADHD, etc. is now recognized. However, the procedures are not simplified, while spending on health care and special treatments seems to shrink significantly. Many problems regarding the coverage of health expenditure have been created during this transitional stage.

Sometimes, the number of approved special treatments and other health benefits for children with disabilities is limited by the insurance funds, without adequate justification.

For a long time, the welfare benefits for unprotected children have been unacceptably low (44 Euros per month) and do not accomplish their purpose, and are only

available to mothers (not fathers) whose monthly income does not exceed 235 Euros.

Even if they have legal residence in the country, children from third countries (non-EU) with disabilities, are excluded from welfare benefits such as the disability welfare benefit.

#### Recommendations:

- The decisions of insurance funds to cover the expenses of special treatments and other health benefits for children with disabilities should be taken following an individualized assessment of each child's needs, especially for refractory diseases that require complex and lengthy treatments.
- Regulations should be promoted for adjusting the welfare benefits of unprotected children in the custody of only one parent (mother or father) and their extension to the children of parents with a higher income than that allowed today.
- There needs to be a regulation on issues of the health coverage for children in foster care, as there are gaps in the current law.

### 9.4 Childcare in nurseries (Article 18:3)

According to the law, childcare is provided by municipal nurseries or by private companies. In municipal nurseries various problems have been noted regarding the non-transparent selection process of children (e.g. preference of citizens locally registered over residents), inadequate control by the supervisory authority, particularly during the process of additional contributions (subsistence), exceeding of the ratio of early childhood educators to children provided by law and non-compliance with the program on working hours and various activities.

The welfare benefit for childcare in nurseries has greatly shrunk since 2010 due to cuts and redundancies, resulting in the formation of classes with excessively large numbers of children, or their closure.

#### Recommendations:

- Study on the review and modernization of the Standard Regulation for the Operation of Municipal Nurseries (JMD 16065/2002).
- Reinforcing of the mechanism for the supervision of municipal entities and the inspection of compliance with the established provisions and regulations.

# 10 EDUCATION, RECREATION AND CULTURAL ACTIVITIES (Articles 28, 29, 31)

## 10.1 Education

### Enrolment and Attendance

Problems have been noted regarding the school enrolment and attendance of children without the necessary legal documents to stay in the country, as well as Roma children without birth certificates or other required documents. Following the intervention of the Ombudsman, the Ministry of Education issued a circular on the right to enrol in school of every single child living in the country, regardless of their residence status. A newer circular (6/23/2010) noted the possibility of enrolment with incomplete documents<sup>2</sup> for the children of third country nationals residing in Greece, even if their legal residence in the country has not been settled or they are recognized as refugees, asylum seekers, coming from unsettled regions. Especially for the latter, a proposal by the Ombudsman and advice of the Legal Council of State was accepted, stating that their enrolment will be subject to an entrance test conducted by a committee of teachers, while their guardian will be defined by the courts, after relevant action by the school.

Furthermore, following a note by the Ombudsman, the Ministry of Education stressed through a circular the obligation for the enrolment of Roma children in primary education, even with incomplete documentation.

Issues of access and attendance also arise regarding children with disabilities, especially in cases of the inadequate special education support to children in mainstream schools (with integration classes and parallel support), in cases where the existing Special Education Schools cannot meet the complex special needs of some children and in cases of the absence of such units in some areas, particularly the islands.

### School drop-out

The Ombudsman has examined a significant number of complaints on the non-registration or early discontinuation of attendance by pupils. According to the Ministry of Education, in cases of interruption or poor attendance, the school must seek out and inform the parents and the supervising educational authority. No obligation is reported however on informing the local social service or juvenile prosecutor, actions for which the Ombudsman urges school principals, as appropriate.

<sup>2</sup> (L. 3386/2005 art. 72)

### Recommendations:

- To explicitly include in the duties of social services of municipalities the collaboration with schools and families in cases of poor attendance or non-attendance of students of ages at which school attendance is compulsory.
- The Ministry of Education should issue guidance to schools on the use of social services in cases of student drop-out without justification.

### Function of kindergartens

The decision (in 2006) to include the attendance of children in kindergartens schools after the 5<sup>th</sup> year of age in compulsory education, was a positive step, but there is a need for the systematic support of the educational work in them.

### Recommendations:

- Support for kindergartens by social workers and psychologists,
- Provision for the obligation of parents to take an opinion from competent diagnostic centres, when deemed necessary by educators to subsequently provide children with the necessary support.
- Direct replacement of kindergartens' educators teachers who are required to be absent for long periods.

### Operation of all-day school

All-day schools were established by Law 2525/97 to support the family and enrich the curriculum. Their operation led to wide social acceptance and participation, but they also presented some problems, mainly related to the inadequate staffing of specialised teachers, and other personnel for looking after and feeding children. The 2011 ministerial decisions set new criteria, limiting the cases of pupils that could enrol.

### Recommendations:

- Introduction of more flexible system for the access of pupils to the all-day school for schools in remote, inaccessible, mountainous and island areas.
- The all-day school should be subject to scientific evaluation

### School Facilities

Several schools in the Greek territory are still housed in old buildings, in prefabricated classrooms

("containers") or have inadequate forecourts, with negative effects on the quality of education and safety of students.

Lately, functional problems are also noted due to limited funding, or delays, leading at times to serious shortcomings in maintenance, heating and the supply of necessary consumables.

### Curriculum, teaching of children's rights. Innovative programs for education on health, cultural and environmental issues

From its contact with students, the Ombudsman notes that few know their rights, their application in everyday life and ways to defend them. The Ombudsman has repeatedly proposed the adequate education of students in all school levels about children's rights in an organized and systematic manner, through participatory, experiential and attractive teaching methods. A positive step is the information added to the school subject matter of social and political education in the fifth and sixth grade of primary school, regarding children's rights and the existence of the Children's Ombudsman. A prerequisite of course is the previous training of teachers on these issues and their teaching methods.

Adolescent students have repeatedly proposed to the Children's Ombudsman the holding of regular "communication" hours and the conduct of discussions on issues that concern them. These issues could be included in Health Education, which is currently one of the innovative optional programs.

#### Recommendations:

- Establishment, at all levels of education, of the opportunity for students to discuss with teachers and be trained on the exercise and defence of the rights of the child, through appropriate aids and modern participatory teaching methods.
- The curriculum in primary and secondary education should include more topics and activities attractive to students, which help them gain information and develop their critical thinking as regards environmental education, health education, sex education, culture and broader issues of social life that interest and influence children and adolescents.

### Evaluation of students

The Greek educational system is strongly focused on grades. The Ombudsman argued that every student or anyone having custody thereof has the right to have access to examination papers.

Regarding the repeat of an elementary school class by a student, when deemed necessary by the teacher, the Ombudsman has proposed to explicitly allow the reassessment of students if the parents are not convinced of the need to repeat the class.

### Placing of teachers in schools

An important issue is that of the sufficient and timely placement of teachers in schools, especially in remote and island areas or in special schools. In recent years, great efforts have been made by the Administration for the timely planning of the placement of educators, but there are still organizational dysfunctions and a delayed coverage of the gaps created when teachers do not take office or retire from their positions.

#### Recommendations:

- Placement of teachers in good time, before the start of the school year, and replacement of those whose positions remain unfilled.

### Evaluation of teachers

No system for the evaluation of teachers is applied. The existing legislation provides for disciplinary sanctions regarding the status of teachers as civil servants, but not as regards their pedagogic competence.

It has been found that often only mild disciplinary sanctions are imposed in cases of serious misconduct and even punitive behaviour, while the hearing of such cases in court is delayed.

#### Recommendations:

- It is necessary to apply an objective system for the regular evaluation of teachers, taking into account the views of students and ensuring an inspection framework for educators with serious problems in their teaching abilities and communication with children.
- When serious misconducts of educators are noted, there should be a provision for their removal from their teaching duties, even before the trial of their cases by the criminal courts becomes final.

### Information and the role of parents

A climate of ambiguity prevails in many schools and teachers are ignorant of the appropriate actions in cases of disputes over custody or information on progress and visits by the parent who retain part of parental care but not custody. Following a proposal by the

Ombudsman, the Ministry of Education sent a circular with the guidance to schools across the country.

A significant number of schools fail to implement the provision of the law concerning the regular meetings of the School Council (consisting of representatives of the teachers' board, the parents' associations, local government and, for secondary education, the 15-member board of pupils) who can contribute significantly to the smooth operation of the school community.

### Examination procedure of administrative appeals on questions of student schooling

Serious problems are caused by the long process of examination and judgement of administrative appeals by parents of students on issues of schooling. Through these actions, the decisions of teachers' board are suspended and the students continue their studies and are promoted to the next classes. In case of rejection of these appeals, their return to their former state of schooling is very unfavourable.

#### Recommendations:

- The administrative appeals on issues of pupil schooling should be addressed urgently to avoid delays in the decisions.

### Multicultural education and educational support for foreign students

Greece now hosts a very large number of foreigners, while the number of foreigners and allogeneic pupils in Greek schools is estimated close to 11% of the total.

Multicultural schools were established in 1996, but certain legal provisions, such as mother-tongue teaching to foreign students, have not been comprehensively implemented. Today, Greece has 13 multicultural elementary schools and 13 multicultural high schools, covering a very small percentage of the country's total foreign and allogeneic student population. One of the weaknesses of multicultural schools is that most have very few Greek students. Simultaneously, there are schools in urban centres, which have not been characterised as multicultural, but may have even more than 50% foreign students.

The Greek educational system provides for the institution of reception classes set up at schools when there is a sufficient number of immigrant students in need of support. In recent years, the number of reception classes in schools has shrunk considerably and so have the possibilities of educational support for foreign students who are not fluent in Greek.

#### Recommendations:

- Appropriate planning for the operation, in each educational district - according to the documented needs - of primary and secondary schools with reception classes and special actions to facilitate the educational integration of foreign/allogeneic students who have recently come to the country.
- All schools should place special emphasis on activities that promote intercultural education, understanding and the peaceful co-existence of students with different backgrounds.

### Student Communities

It appears that the student communities and councils are largely obsolete in the minds of teachers, parents and students.

#### Recommendations:

- Provide ongoing collaboration between teachers and representatives of students throughout the school year and proper preparation and thorough information of students for the responsibilities undertaken through student councils.
- Before the elections for the student councils, conduct of informative classroom discussions on its role and importance.
- Study and promotion of the establishment of student communities in elementary school.

### School regulation and democratic governance of schools

The adoption and implementation of school regulations with the assistance of the pupils themselves was a central issue for the Ombudsman. Using the views expressed by students in meetings with him, the Ombudsman sent a comprehensive text with proposals to the Ministry of Education.

#### Recommendations:

- Establishment of the obligation for all schools to produce School Rules, with the assistance of teachers and representatives of parents and students in the preparation and monitoring of its implementation.
- Establishment of procedures for appeals and complains regarding non-compliance with the School Rules.

## Disciplinary Measures

Although, rightly, no disciplinary measures are provided, in favour of educational measures, for primary school students, concern often caused amongst educators due to the disruptive or aggressive behaviours of students and some times penalties that are not provided by the legislation are imposed to correct students (detention in the classroom during breaks, copying of multiple phrases, isolation and even physical punishment).

In secondary education, the legislation (Presidential Decree 104/1979) provides a range of penalties to ensure the compliance of the students. Some times, the provisioned penalties, such as hourly suspension, are applied excessively and without the expected results. Another problematic issue is the imposition of suspensions for one or a few days, which means that the student is absent from the school unit, as there is no alternative supervision of suspended students.

There is no obligation to hear the opinion of the student regarding the imposition of suspensions (hourly to a few days), and only in the case of changing schools, which is a severe individual administrative act, is the school obliged to hear the views of the student and his guardians. Sometimes the measure of school change is applied improperly, without considering the impact on the educational and social progress of the student. The Ministry of Education has accepted a large part of the Ombudsman's proposals on compliance with the administrative procedure and issued a circular to secondary schools across the country.

### Recommendations:

- It is necessary to modernize the school disciplinary rules, engage students removed from class alternatively and give teachers more options, such as student participation in acts of reconciliation, the restoration of damage caused, the offer of community work - with the assent of the student and the parent, etc.
- In primary education, greater emphasis should be placed on early intervention and the active support of teachers by school counsellors and whenever required by mental health specialists, with the cooperation of parents in order to achieve the compliance of students with educational measures.

## Special Education

The recognition of the right of all children with disabilities to enjoy equal access to education, supported by positive measures, was followed by legislative and institutional measures, which however have not been fully realized.

Regarding law 3699/2008 on Special Education, the Ombudsman had noted that the biggest problem was not the lack of legislative framework but the flawed adaptation of the general education system to the principles of equitable participatory education and stressed the need to integrate special education in the best possible way, in the general education system.

Significant gaps are observed in the field of diagnosis and support. The KEDDY (Differential Diagnosis, Diagnosis and Support Centres) are responsible for determining the special educational needs of students and systematic educational intervention with specialized tools and educational programs. Their inadequate staffing causes delays, resulting in a significant number of students being deprived of their statutory rights, such as the early assessment of students with dyslexia for exemption from written examinations, and the failure to exercise other functions of the centres, such as the detection of the special educational needs of all preschool children, the monitoring of the educational progress of students with special educational needs, the support of teachers and parents, the suggestion of alternative ways of examining students with autism, etc. Furthermore, in the provinces, especially in island areas, the KEDDY services are insufficiently provided because of difficulties regarding the access of children and their families to these.

The implementation of the institution of Parallel Support presents significant deficiencies.

The provisions for the assessment and support at school of students with borderline intelligence, intellectual disabilities or mental disorders who attend regular high school are inadequate, meaning that such students fail to meet the requirements of written examinations.

Although integration classes have been established in mainstream schools, sometimes they do not operate, especially in secondary education, due to the lack of qualified teachers and the lack of funds for staffing.

Mainstream schools often do not provide the necessary facilities for the participation of students with disabilities (ramps, special education equipment, etc.), so many of these children are eventually forced to attend special schools.

The following have been recorded in Special Education Schools: a) non-filling of permanent positions with permanent staff, b) delay in the recruitment and placement (of deputies or hourly-paid teachers) or non-placement of teachers and special educators (speech therapists, occupational therapists, etc.) and support staff. Another important problem is the lack of customised books and special education programs and systematic intervention programs such as occupational therapy, speech therapy, physiotherapy and any other service that supports the equal treatment of pupils.

### Recommendations:

- Adequate staffing of the Differential Diagnosis, Diagnosis and Support Centres and establishment of a provision of funds to cover the needs of children living in inaccessible areas, such as mountainous regions or islands.
- Proper organization, planning and programming in order to prevent any delays in the placement of educators or the lack of adequate educational support for children with special educational needs in mainstream or special schools.
- In relation to the lack of special schools in island areas, special education services and programs should always be ensured, in order to appropriately support children in their attendance and integration into mainstream schools.
- Issue of the regulatory framework to ensure the implementation of the law for special education and training and implementation of measures such as custom programs, student assessments, etc.

### 10.2 Entertainment – cultural activities

Given the wide use of Internet Cafés by minors and the lack of relevant legislative provisions and guarantees, the Ombudsman held a public consultation with public and private entities and then proposed to the ministries and the Parliament *six key protection measures* (regarding the knowledge and approval of parents, the time charges and hours spent, the inspection and certification process, and the necessary information campaigns for the general population).

The current sports law binds athletes too strictly to clubs in which they are registered. It impedes the process of transfers and there are no provisions to take account the views of juvenile athletes or consider the best interests of the children during these.

### Recommendations:

- Ensure a legislative provision for the use of Internet Cafés by minors, which shall include measures to protect their psychosomatic health and provide for a certification process for "child friendly" areas in such stores and their regular control by officers of the State.
- Effect changes to the current sports legislation, to include provisions that take into account the provisions of the UN Convention on the Rights of the Child, offering more possibilities for the transfer of juvenile athletes, based on an assessment of their real needs and their best interests.

## 11 SPECIAL PROTECTION MEASURES

### 11.1 Refugee children (Article 22)

In 2005, the Ombudsman worked with the UN High Commissioner for Refugees in Greece and issued guidelines for the treatment of unaccompanied alien minors asylum seekers. It also published a related Special Report (2005) and conclusions concerning the protection of unaccompanied minors. The main findings of the Ombudsman are as follows:

- Due to the force of the Dublin Regulation, and the return of asylum seekers to the first EU country to which they submit their request, many refugees arriving in Greece on their final destination to other western and northern European countries, avoid to submit their request for asylum here.
- The large number of illegal minors arriving from unsettled countries has resulted in their detention and living in very difficult conditions and their inadequate care. Usually their detention does not last for as long as it used to, but there are still problems in this area.
- In several cases, minors are recorded as adults, and vice versa. The legislative provision for the development of a system of age assessment has not yet been implemented and the relevant implementing ministerial decisions have not been issued.
- The number of places in reception and hospitality centres for unaccompanied minors has increased in recent years (the Ministry of Health has announced that a total of approximately 400 – 500 hospitality positions are available in various related structures), but at times serious financial problems and shortcomings regarding these structures are recorded.
- The procedure for examining asylum applications is still very time-consuming, while the percentage of asylum applications that receive a positive answer remains extremely low.
- While the institution of guardianship is provided by applicable law, in practice there are no services to undertake the guardianship of unaccompanied foreign minors, meaning that guardianship is only minimally implemented.
- For asylum seekers and recognized refugee minors over 15 years of age - the age at which they are allowed to work - the issue of a minor's card requires the consent of a parent or guardian, which is usually impractical while, for the rest, there is no room for legal employment. However, it is known that many minors from third countries are illegally employed, with humiliating pay.

### Recommendations:

- Undertaking of the necessary measures to implement the legislative provision on the development of a system to assess the age of alien minors entering the country illegally.
- Operation of the provided immigrant reception centres with special care for minors, to provide decent living conditions, social services and information about their rights in a language understandable to them.
- A specific legislative provision is needed for the appointment of guardians for unaccompanied minors. Establishment of a protocol of actions by social services, from the moment of the identification of each unaccompanied minor, to keep a social history that will be delivered to the guardian when appointed.

## 11.2 Minority children (Article 30)

### 11.2.1 The Muslim minority in Thrace

In recent years, efforts have been made to improve the schooling of these children, to reduce drop-out rates, boost their opportunities to learn the Greek language and for their equal participation in the Greek community. An important contribution to this is the Educational Program for Children of the Muslim Minority, implemented since 1997, which includes support centres in many regions of Thrace, with actions to combat exclusion and prejudice against the minority and the pursuit of a peaceful coexistence and cooperation in the region.

The situation of the minority elementary schools in Thrace that operate under the Treaty of Lausanne raises concerns about the adequate preparation of students for integration into Greek society. Many students graduate from these knowing very little Greek, resulting in adjustment difficulties in high school.

The training of teachers and the introduction of programs in these schools has contributed to the gradual decline of prejudices and the keeping of a larger number of Muslim pupils in education.

### Recommendations:

- Continuation of the actions and Support Centres of the Educational Program for Children of the Muslim Minority in Thrace, in order to overcome prejudices and support the equal social participation of children.
- Further support the teaching of Greek amongst minority children, through the design of appropriate educational measures, especially in primary education.

### 11.2.2 Roma children

Roma children that live in camps or segregated settlements across the country are largely of Greek origin, but include, in various regions, children and families that have moved to Greece during the last decade from neighbouring countries, mainly Albania, as well as children from communities with mixed cultural features (Muslim, Turkish-speaking, etc.). The issue of the social exclusion of Roma children is multifactorial and is associated with all the parameters that affect the welfare of the children and their families. However, the priority is to achieve school enrolment and the regular attendance of children, where possible under conditions allowing interaction with children from the wider community. To this end, the Ombudsman has cooperated with the Ministry of Education and the Education Program for Roma Children and has requested provision of support mechanisms to pursue their regular schooling and equal educational integration, in some cases even using, after planning and the proper preparation of all the parties, the dispersion of Roma pupils in neighbouring schools.

In summary, as regards the exercise of the rights of Roma children, the Ombudsman has found:

- Poor living conditions - health, water, garbage, sewage, etc. Often illegal occupation of private spaces.
- Poor exercise of care of Roma children, insufficient food and clothing, neglect or abuse, prohibited child labour, marriages at very young ages.
- Lack of immunization, failure to keep health booklets to monitor group vaccinations, where made.
- Incorrect statements in the birth certificates and non-registration in municipal records.
- Difficulties in school attendance - travel, ghettoisation in reception classes, stop of compulsory schooling.

### Recommendations:

- Further cooperation between the competent Ministries and local government to solve the housing problem of the Roma by improving the living conditions of families, providing health care and welfare coverage.
- Regular presence of suitably qualified social workers in the living areas of the Roma to guide and support parents and their children.
- Special legislation to facilitate their registration in municipal records.
- Free availability of compulsory vaccines and systematic vaccination with keeping of records on children vaccinated.

- Permanent special supportive interventions - such as the Education Program for Roma Children- to ensure regular school attendance of these children, and to avoid their segregation – exclusion from mainstream schools and classes.
- Information and sensitization of local communities to combat discrimination and prejudices against the Roma.

### 11.3 Child labour (Article 32)

Convention 182 of the ILO was ratified by Greece through Law 2918/2001. Despite the relatively limited number of complaints, the Ombudsman believes that the number of children working illegally in the country is very high. The Ministry of Labour states that only 1,500 child labour booklets are issued each year (1,462 in 2010), while the National Statistical Authority estimates the number of workers aged 15 to 18 years at 12,764 (Second Quarter 2010). However, in view of the fact that, based on the data on school drop-outs every year more than 30,000 under-age students stop their schooling, and that research shows that many of these seek to enter the labour market, it is estimated that the illegally employed minors in Greece are many times above the official estimates. Working children include those working from very young ages in absolutely prohibited forms of child labour, as well as those working in family businesses and artistic or advertising activities, sometimes even in violation of the terms and conditions envisaged by the law.

Based on contacts with the Labour Inspectorates, it has been noted that there is insufficient staff to carry out extensive checks on businesses.

However, the rapidly rising unemployment, one of the effects of the economic crisis currently faced by Greece, also means the tolerance of various forms of illegal and uncontrolled semi-employment or employment of minors.

The Ombudsman has received several complaints about children who beg on the streets or work as itinerant vendors. The Authority has sought to mobilize the social services of local government, without notable results however.

Based on information from relevant NGOs, these children mostly belong to vulnerable minority groups of Greeks or are foreign minors, mostly from Balkan countries. Especially for children victims of trafficking and exploitation from Albania, the Ombudsman examined the implementation of the program "protection and social care of street children" in the Pedopolis "Agia Varvara"

(St. Barbaba Children's Town) and the escape of a large number of children from there, and conducted visits and meetings in Albania. It also voiced a positive opinion on the development of an interstate agreement between Greece and Albania to coordinate the actions of the two countries to combat child trafficking and ensure their safe repatriation. In recent years, there are increasing numbers of children (especially Roma) from the neighbouring countries of Bulgaria and Romania on the streets of large urban centres.

#### Recommendations:

- Undertaking of a multifaceted effort to reduce school drop-outs and strengthen the control mechanisms and the social services for child protection within the responsibilities of the local government.
- A concerted effort by municipalities, the police and NGOs to eliminate begging and child labour in the streets, especially of large cities.
- Study of the development of interstate agreements with Bulgaria and Romania for the safe repatriation and the proper care of children that are found begging or are victims of child exploitation.

### 11.4 Drug Abuse (Article 33)

In recent years, drug abuse amongst adolescents has increased dramatically, resulting obviously in various delinquent behaviours. There are no other specialized treatment centres or shelters for adolescent addict delinquents who do not choose to join voluntary treatment programs, which means that they are often admitted by court judgement to the boys' reformatory of Volos or to prisons, along with other, non-drug addict, adolescents.

#### Recommendations:

- Study and provision for the operation of treatment facilities for juvenile drug users, to be admitted in the framework of the implementation of reformatory or treatment measures imposed by the juvenile court.

### 11.5 Sexual violence, trafficking, exploitation (Articles 34, 35, 36)

As mentioned elsewhere in the report, the Greek legal framework for the combat of sexual violence against children has been streamlined by integrating the relevant international conventions; however, questions regarding

the law's implementation remain open. In addition to the points set out in section 7.5., we should also note the following:

**A**s regards the issues of child pornography and sexual violence through the Internet, an important step is the operation, in recent years, of the special service for the prosecution of computer crime in the Greek Police, which has identified a significant number of cases and initiated the prosecutions of those responsible.

**T**here are large numbers of clearly under-age African prostitutes in the centre of Athens. According to the Juvenile Department at the General Security Directorate of Attica, they often have travel documents from their countries, stating that they are adults. The Ombudsman is already in cooperation with the competent agencies, seeking to improve the system for the registration and assessment of the age of these women, their placing in suitable shelters and their protection under the law against trafficking.

#### Recommendations:

- Improvement of the measures to protect juvenile victims, the training and tools available to professionals to address such cases.
- Establishment of temporary structures for the accommodation and assessment of victims of sexual exploitation, in Athens and Thessaloniki.

### 11.6 Protection of children from torture and other forms of inhuman treatment. Deprivation of liberty. Criminal juvenile justice (Articles 37 and 40)

**T**he criminal law for minors has been improved, both with Law 3189/03, which broadened the scope of reform measures and with the recent law 3860/2010, which, among other things, imposed an age limit of the 15<sup>th</sup> year for prison incarceration (the Ombudsman had proposed the 16<sup>th</sup> year of age). The same law provided for the creation of the Central Scientific Council for the Management of Victimization and Juvenile Delinquency (KESATHEA), with the participation of the Deputy Ombudsman for the Rights of the Child.

**T**he conditions of the detention of minors in police stations, especially those who have been arrested for illegally entering the country, is problematic and often deviate from those approved by national and international law. In particular, there are no separate areas for the police detention of minors, except in Athens (in the Juvenile Protection Subdivision and the Aliens Division) and in Thessaloniki (Police Department of Juveniles). In other departments, minors are often detained together with adults, or separately but in very adverse conditions.

**T**he Ombudsman has received complaints regarding violence by the police against young offenders during their arrest and interrogation, and has asked the police to issue directives for the lawful treatment of minors by the police.

**D**espite the enactment of Law 3226/04 on free legal assistance to low-income citizens and the operation of the program on Legal Aid for the Young, the Ombudsman has found that in some cases no free legal assistance is provided to juvenile defendants.

**R**egarding the reform measures provided by Law 3189/03, it notes the inadequate implementation of many measures for the treatment of juvenile offenders in the community, especially those regarding the attendance of social and psychological programs, community service and the assignment of care to a foster family. The minors sentenced to community service are not offered insurance coverage during the time of their service.

**I**n cases of imposition of reform measures involving other persons or entities, beyond the probation service, the consent of the minor is not always sought, although the introduction of law 3189/03 states that *"in all kinds of reform measures, emphasis is placed on the conscious and effective involvement of children in these."*

**T**o date, there has been no provision and planning for the operation of Juvenile Care Units, such as shelters and treatment structures. A relevant proposal was submitted to the KESATHEA by the Ombudsman in 2010.

**A**nother major problem is the lack of sufficient numbers of juvenile probation officers, particularly in the provinces, where in some areas, the posts remain vacant after their retirement and departure.

**A**s regards imprisonment, it is noted that minors are detained together with young adults and indictees together with convicts. Across the country, approximately 600 people are detained in the Special Juvenile Detention Centres, of which it is estimated that only about 50-60 are under 18 years. All young offenders institutions are severely overcrowded and living conditions in them are very problematic.

**T**he operation of primary and secondary schools in the largest Juvenile Detention Centre (Avlona) is highly beneficial, but problems are occasionally encountered regarding the adequacy of educators and the specialization of the curriculum, particularly in primary education.

**A** specific problem is the recording of the imposed reformatory measures in the criminal records of minors, because while the law provides for their deletion when they reach adulthood, in practice this is often not the case.

Finally, a related issue is that of the living conditions of infants and young children with their mothers in women's prisons. There is no childcare, there is no qualified staff to deal with children, and problems are recorded in meeting their health needs and their socialization.

- Address the needs for care and creative activities of infants and young children living with their mothers in prison.

#### Recommendations:

- The police departments of large cities should have special areas, suitable for the detention of minors.
- The administrative detention of minors should be avoided, while, if deemed necessary for ascertaining the details and status of the child, it should be as short as possible.
- Ensuring the provision of free legal assistance to all persecuted minors who are unable to cover such expenses.
- In detention areas, there should be a separation of juvenile prisoners under 18 years from young adults, and the juveniles should be hosted in an environment suitable for their age, enjoying opportunities for learning, creative activities, counselling and preparation for their release.
- Undertaking of measures to relieve the overcrowded Special Juvenile Detention Centres and improve their facilities and living conditions.
- Expansion of the educational and recreational activities for juvenile detainees, strengthening of counselling programs and, more generally, the processes for their support and preparation for their social reintegration.
- Ensuring the placement of adequate numbers of juvenile probation officers in courts across the country.
- Placing of greater emphasis on implementing reformatory measures that are alternative to incarceration, aiming to the conscious and actual involvement of minors in these.
- Establishment of intensive care shelters where juvenile offenders can be housed.
- Development of a system for the certification, supervision and support of collaborating bodies implementing reformatory measures, such as the promotion of methodological tools and tools for training the relevant professionals.
- Provision of insurance coverage for minors to whom the measure of community service is imposed.
- Abolishment of the inclusion in the criminal record of reformatory measures and shortening of the deadlines for the destruction of the criminal record.