



**‘The voice of the child’:
Examining the criminalisation of unaccompanied migrant minors
through detention processes in Greece.**

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Declaration

Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

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to my mother

&

to the loving memory

of my father

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Abstract

In times when migration flows are increasing considerably on a global level, Greece has become a focus as a key entry country into the European Union for significantly high numbers of asylum-seeking individuals, including unaccompanied migrant minors escaping unsafety and aiming for international protection. Currently, by Greek law, unaccompanied children are required to be temporarily placed in a protective environment upon unlawful entry into the country, pending referral to suitable accommodation. However, in practice, they are most commonly subjected to detention procedures that cannot be understood as being protective in line with the requirements of the national legal framework and the United Nations Convention on the Rights of the Child, to which Greece is a signatory. This raises crucial questions in the field of children's rights and migration policing. Specifically, the reality that unaccompanied minors experience during detention remains under-researched. Hence, this study will use Interpretative Phenomenological Analysis in order to explore the lived experiences of unaccompanied children within detention facilities in Greece and to provide a rich in detail picture of the context that these minors are currently being subjected to. Towards understanding these conditions, voice will be given to participants, who will share their perspectives and emphasise the discrepancy between the law and practice. Based on the above, this study will be revealing unexplored issues as regards detention for unaccompanied children in Greece, which include hygiene concerns; matters concerning the general detention setting; lack of services and incidents of abusive treatment. The research analysis concludes that unaccompanied minors in Greece are criminalised through detention processes, while being deprived of the right to be heard. As a result, this study makes a meaningful and novel contribution to contemporary research with a view to safeguarding the fundamental rights of unaccompanied minors who experience detention upon arrival in Greece.

Acknowledgements

The idea behind this project was born in 2013, during my postgraduate studies in Maastricht University, the Netherlands, when I realised that thorough academic research in the field of migration studies and children's rights was necessary, especially in times when unaccompanied minors in Greece were facing particularly demanding living conditions, mainly due to the high numbers of asylum-seeking individuals arriving in the country. The journey towards completing this dissertation included countless sleepless nights filled with literature reviews, interview transcripts, methodological approaches and in-depth analysis of European and domestic legal acts and regulations, almost always followed by pressing professional and personal responsibilities, which often led to fatigue and subsequently to disappointment. For this reason, this project is nothing more or less than the result of hard work, dedication, commitment and sheer will to shed light in areas of study that had remained to this day highly under-researched. Therefore, despite the difficulties involved, one of the most important things that this project has taught me is that it eventually all comes down to believing in oneself.

This study's methodology is mainly based on interviews of a qualitative character. Therefore, I would not be able to complete this Ph.D. if it had not been for the participants in all three interview stages, who willingly engaged in this project and provided me with valuable information, thus making this study possible by sharing their experiences and allowing me to depict the real face of immigration detention for unaccompanied minors on paper and for this reason I am eternally thankful to them. Throughout my studies as a doctoral candidate I travelled around N. Greece multiple times and that in order to visit detention centres and First Reception and Identification Centres that were located at the State borders and witness the entire migration reception process and the reality that unaccompanied minors experience upon arrival in the country, both from a legal as well as an empirical point of view.

Additionally, I spent almost four years in refugee camps, where I conducted my research and worked in safe zones and child-protection programs under particularly challenging conditions, alongside child psychologists, caretakers, social workers and cultural mediators. During this time, I had the opportunity to hold informal discussions with resettlement staff, teachers, doctors and professionals working with the camps' general populations. With regard to unaccompanied children in specific, I was able to engage in discussions with them concerning all the matters that affect them on a procedural level, starting from the moment they illegally entered the country. However, in order to be able to methodically examine these matters, the interviewing process initially required that I worked towards gaining the minors'

trust and helping them overcome their traumatic past experiences, to which end multiple sessions and follow-up meetings were also scheduled. In an effort to achieve a research result of the highest possible quality, I conducted participant observation previous to and over the course of this study, during both formal and informal meetings, in order to acquire contextual understanding of my findings. Eventually, I was able to walk the participants' steps, become part of the refugee reception process in Greece and see through the minor's eyes what takes place behind closed doors, namely within detention. And for this, I feel blessed for having been given the opportunity to help these children overcome their adverse experiences and aim for a better future and I genuinely hope that this study will assist them towards this direction.

Furthermore, it certainly would not have been possible for me to be here today if it were not for the endless support which I received from my family and close friends. You were all there for me through my good and bad moments and for that I am deeply grateful. Thank you, Marijke and Anastasios, for being kind enough to undertake the responsibility to proofread this thesis, as well as polite enough with regard to your comments. Your invaluable feedback will always be greatly appreciated. Surely, I would not have taken this academic step if it were not for the high level of education which I obtained during both my undergraduate and postgraduate studies, for which I am thankful to my professors and tutors of the School of Law, Aristotle University of Thessaloniki, Greece, as well as the School of Law, Maastricht University, the Netherlands. Additionally, I am sincerely grateful to the Institute of Criminal Justice Studies, University of Portsmouth, UK, for giving me the opportunity to fulfil my academic aspirations and pursue my endeavours in conducting research and that through acquiring the position of a doctoral candidate; to my supervising committee for standing by my side throughout this journey and to my assessment committee for holding an excellent viva and for providing me with crucial feedback that helped me lift the analysis to the next level.

Most importantly though, I will be in eternal gratitude to my first supervisor for helping me see the beauty in conducting research. Thank you, Aaron, for believing both in me and in this project. Thank you for assisting me to broaden my intellectual horizons and for providing me with constructive criticism. Thank you for your critical perspective, your positive way of thinking, your constant and uninterrupted support and your valuable advices in relation to field research, as well as with respect to theoretical and methodological research analysis. I know for a fact that I would not be here if it were not for your guidance, commitment and inspiration, which you openhandedly, albeit unknowingly, provided me. I consider you to be my friend and I sincerely hope that we will be given the opportunity to collaborate again in the near future.

List of Abbreviations (in alphabetical order)

CRC	UN Convention on the Rights of the Child
Comments	UN Committee – General Comments
Committee	UN Committee on the Rights of the Child
Constitution	The Greek Constitution
Convention	UN General Assembly - Convention Relating to the Status of Refugees
CPT	Committee for the Prevention of Torture of the Council of Europe
Declaration	UN Declaration of the Rights of the Child
Dublin Regulation	Regulation (EU) No 604 of 2013
EASO	European Asylum Support Office
ECHR	European Convention for the Prevention of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EKKA	Greek National Centre of Social Solidarity
EMN	European Migration Network
FHSS	Faculty of Humanities and Social Sciences
FRA	European Union Agency for Fundamental Rights
GCR	Greek Council for Refugees
GPC	Greek Penal Code
HRCR	UN Human Rights Council Report of the Working Group on Arbitrary Detention
IPA	Interpretative Phenomenological Analysis
MD 1982 of 2016	Common Ministerial Decision 1982 of 2016
NGO	Non-Governmental Organisation
Observations	UN Committee – Concluding Observations
PD	Presidential Decree
RIC	First Reception and Identification Centre
Schengen Handbook	Practical Handbook for Border Guards (2006)
SIL	Supported Independent Living
UAM	Unaccompanied Minors
UN	United Nations
UNHCR	UN High Commissioner of Refugees

List of Greek legal Acts (in chronological order)

- PD 141 of 1991 On the Responsibilities and actions of members of staff of the Ministry of Public Order and matters of organisation with regard to the offered services [Greece].
- Act 2101 of 1992 Ratification of the International Convention on the Rights of the Child [Greece].
- Act 2910 of 2001 Entry and Residence of Aliens into Greek Territory. Acquisition of Greek Citizenship by Naturalisation and Other Provisions [Greece].
- Act 3386 of 2005 Codification of Legislation on the Entry, Residence and Social Integration of Third-Country Nationals on Greek Territory [Greece].
- PD 220 of 2007 On the transposition into the Greek legislation of Council Directive 2003/9/EU from January 27, 2003 laying down minimum standards for the reception of asylum seekers [Greece].
- PD 114 of 2010 Establishment of a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to stateless persons in conformity with Council Directive 2005/85/EU on minimum standards on procedures in Member States for granting and withdrawing refugee status (L 195/A/22.11.2010) [Greece].
- Act 3907 of 2011 Establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EU on common standards and procedures in Member States for returning illegally staying third-country nationals and other provisions [Greece].
- PD 113 of 2013 Establishment of a single procedure for granting the status of refugee or of subsidiary protection beneficiary to aliens or to stateless individuals in conformity with Council Directive 2005/85/EU ‘on minimum standards on procedures in Member States for granting and withdrawing refugee status’ (L 326/13.12.2005) and other provisions, June 2013 [Greece].
- PD 141 of 2013 On the transposition into the Greek legislation of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 (L 337) on minimum standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary

- protection and for the content of the protection granted (recast), October 2013 [Greece].
- Act 4251 of 2014 Code for Migration and Social Integration and other provisions [Greece].
- Act 4375 of 2016 Organisation and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EU [Greece].
- MD 1982 of 2016 Common Ministerial Decree on age assessment procedures for international protection applicants [Greece].
- Act 4540 of 2018 Amendments of the Greek legislation in accordance with the provisions of Directive 2013/33/EU of the European Parliament and of the Council of Europe of June 26 2013, on the standards required for the reception of applicants for international protection (recast, L 180/96/29.6.2013) and other provisions – Amendment of Law 4251/2014 (A 80) to transpose to Greek Law Directive 2014/66/EU of May 15 2014 of the European Parliament and of the Council concerning conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer – Amendment of asylum procedures and other provisions [Greece].
- Act 4554 of 2018 Guardianship of unaccompanied children and other provisions (O.G. 130/A/18.07.2018) [Greece].
- Act 4636 of 2019 Amendments of the Greek legislation in accordance with the provisions of Directive 2011/95/EU of the European Parliament and of the Council of Europe of December 13 2011, on ‘International Protection, provisions on the qualification and the status of third-country nationals or stateless persons as beneficiaries of international protection, for a single status for refugees or persons eligible for subsidiary protection and for the content of protection granted, unification of provisions for the reception of applicants for international protection, the procedure for granting and revoking of the status for international protection, restructuring of judicial protection of asylum seekers and other provisions’ [Greece].

List of European legal Acts (in chronological order)

- G. Assembly (1948) UN Universal Declaration of Human Rights, 217 A (III).
- G. Assembly (1951) UN Convention Relating to the Status of Refugees. Treaty Series, 189: 137.
- G. Assembly (1959) UN Declaration of the Rights of the Child, A/RES/1386(XIV).
- G. Assembly (1967) UN Protocol Relating to the Status of Refugees, Treaty Series, 606: 267.
- G. Assembly (1989) UN Convention on the Rights of the Child, Treaty Series, 1577: 3.
- Direct. 2003/9/EU of the Council of the European Union, Laying Down Minimum Standards for the Reception of Asylum Seekers in Member States, OJ L. 31/18-31/25.
- Direct. 2005/85/EU on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status, OJ L. 326.
- Direct. 2008/115/EU of the European Parliament and the Council on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L. 348/98-348/107.
- Direct. 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU.
- Direct. 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection (recast), OJ L. 180/60 -180/95.
- Direct. 2013/33/EU of the European Parliament and Council, laying down standards for the reception of applicants for international protection (recast), OJ L. 180/96 -105/32.
- Regulation 604/2013 of the European Parliament and of the Council, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L. 180/31-180/59.

Dissemination of Research

Throughout my doctoral studies I attended a plethora of conferences; presented research papers; delivered lectures and published my work. In detail, during my first year, in May 2017 I presented my research at the ‘Children, Justice and Communication’ conference, which was organised in Portsmouth by the Institute of Criminal Justice Studies (ICJS), University of Portsmouth (UoP), UK and the Centre for Forensic Interviewing (CREST). In June 2017, I received a Favourable Ethical Opinion (reference no. 16/17:47) by the Ethics Committee of the Faculty of Humanities and Social Sciences (hereinafter FHSS), UoP, UK. My training at the Graduate School Development Programme (GSDP), UoP, UK, included the following courses: ‘Managing your references with web-based tools’ (GSDP189); ‘Writing a successful abstract for arts, social sciences and humanities students’ (GSDP211); ‘Effective literature searching for humanities and social sciences researchers’ (GSDP129); ‘Designing ethical research and preparing for ethical review’ (GSDP114); ‘Introduction to case study research’ (GSDP113). At the end of my first year, I presented a paper on the preliminary findings of this study’s first interview stage at the ‘Eurocrim2017’ international conference, which was organised in Cardiff, Wales by the European Society of Criminology (ESC).

Since September 2017, I have been a regular member of the ‘Immigration, Crime and Citizenship Working Group’, as well as the ‘ESC Working Group on Qualitative Research Methodologies and Epistemologies’ (WG-QRME), both being part of the European Society of Criminology. At the end of 2017, I was invited to submit a paper to ‘Current Problems of the Penal Law and Criminology’, C.H. Beck, Warsaw. The paper is co-authored by myself and my first supervisor, Dr. Aaron Pycroft and focuses on the current framework concerning the detention of unaccompanied minors (UAM) in Greece, while examining the protective character of custody for migrant minors, under the scope of the UN Convention on the Rights of the Child (CRC). It is entitled ‘Detention as protective custody for Unaccompanied Migrant Minors: A social and legal policy overview of the Greek framework on conditions of detention, under the scope of the UNCRC’ and was recently published.

Additionally, from November 2017 to January 2018, I attended six online training sessions for Postgraduate Research Students (PRS), held by the University of East Anglia (UEA); UoP and the Economic and Social Research Council (ESRC). The training sessions included the following: ‘Preparing for your Viva’; ‘On the job: Securing a First Academic Post’; ‘Preparing Impactful Research Proposals & Grant Applications’; ‘Preparing and Delivering Seminars’; ‘Preparing and Delivering Lectures’; ‘Assessment, Feedback and Module Design’ and were all

delivered by Dr. Simon Watts, PGR Training Coordinator, Faculty of Social Sciences, UEA, UK. Furthermore, during my second year, I presented a paper with respect to this study's research findings of the second and third interview stage, at the 'EU at the cross-roads of migration: Critical Reflections on the refugee-crisis' international migration conference, which was organised in Utrecht, the Netherlands, by the School of Law, Utrecht University. Also, I presented two papers at the 'Eurocrim2018' international conference, which was organised in Sarajevo, Bosnia and Herzegovina by the ESC, one individually as chair of the panel, elaborating on the implementation of the CRC within domestic policy in Greece and its implications for youth justice with respect to UAM, and one as member of the WG-QRME, examining the use of Interpretative Phenomenological Analysis (IPA) in migration studies.

At the beginning of my third year as a doctoral candidate, I focused on organising my research results and writing my thesis. Additionally, I presented my research along with a critical analysis of the current situation in Greece with regard to the status of UAM, at the 'Safeguarding children's rights in immigration law' international conference which was organised in Leiden, the Netherlands, by the Institute of Immigration Law and Department of Child Law, Leiden University, during which I was invited to contribute a chapter to an edited conference volume, entitled 'Safeguarding Children's Rights in Immigration Law'. My contribution reviewed the detention practices that eventually replace procedures of custody of a protective character for UAM in Greece, while examining the tension between human rights and migration policing, with a view to safeguarding the rights of UAM seeking international protection in foreign countries. It is entitled 'How *protective* is custody for unaccompanied minors in Greece? Protecting children's rights within detention' and was recently published by Intersentia, Cambridge.

In January 2019, I was invited by the Department of Criminology, School of Law, University of Porto, Portugal, to deliver a lecture to undergraduate and postgraduate students of the School of Law. The guest lecture that I delivered, focused on the issue of protecting the rights of children in detention and on the concept of custody of a protective character for UAM in Greece. Similarly, in February 2019, as well as in April 2019, I was invited by the School of Law, Aristotle University of Thessaloniki, Greece, to deliver two lectures to undergraduate and postgraduate students of the School of Law, in the context of the 'Criminology' course and the 'International and European Social Law' course, respectively. Both lectures, one delivered in Greek and one in English, elaborated on the need to safeguard the rights of UAM in Greece, under the scope of the CRC and the Greek law.

In May 2019, I presented a research paper alongside Ms Marijke van Buggenhout, doctoral candidate and researcher at Vrije Universiteit, Brussels, Belgium at the ‘Immigration, Crime and Citizenship in Troubled Times’ international conference, which was organised in Malaga, Spain, by the Observatory of the Crime Control System Towards Immigration (OCSPI) and the Institute of Criminology, University of Malaga. The paper focused on the need for asylum-seeking children to be granted a central and active role in contemporary legal and criminological research. Starting from the criminalisation of migrant minors upon arrival in host countries, often characterised by a deprivation of Art. 12 CRC on the right to be heard, the paper emphasised the positionality of migrant minors within the crimmigration debate, whilst examining the existing peculiarities of rights-based research methods in immigration studies and is currently in press by the Spanish Society of Criminological Research.

In June 2019, I was offered the position of co-chair at the WG-QRME, which I gladly accepted. As co-chair, I am currently co-organising a research conference on qualitative approaches in contemporary research, in collaboration with the National Kapodistrian University of Athens, Greece; the Greek National Centre for Social Research and the Greek Centre for the Study of Crime, which will be held in Athens, Greece within the coming year. In September 2019, I presented two papers at the ‘Eurocrim2019’ international conference, which was organised in Gent, Belgium, by the ESC, one individually, focusing on the criminalisation of UAM through detention under the scope of the CRC and one alongside Ms Marijke van Buggenhout, which was based on our research paper, as mentioned above.

Also, from October to December 2019 I was a member of the organising committee for the ‘Open Seminars of Refugee Law’, which were organised at the School of Law, Aristotle University of Thessaloniki, Greece, by the Faculty of Law and the United Nations High Commissioner for Refugees (Department of Thessaloniki, Greece). During the seminars, I delivered two lectures to undergraduate and postgraduate students of the School of Law, on the protection of the rights of UAM under the scope of the European law, with particular emphasis placed on the Greek legal context. Lastly, in March 2020 I was invited to deliver an online guest lecture to postgraduate students of the School of Law, College Institution d’ Etudes Francophones, Athens, Greece. The lecture was delivered in the context of the ‘Human Rights’ course and it focused on protecting and promoting the rights of UAM under the applicable provisions of the Greek and European law.

A full list of conferences, publications (including submitted abstracts), presentations and guest lectures that I delivered throughout my doctoral studies, is hereby provided as follows.

I. Conferences

- 04.05 – 05.05.17: ‘Children, Justice and Communication’, organised in Portsmouth, UK, by the Centre for Forensic Interviewing (CREST) and the University of Portsmouth (UoP).
- 13.09 – 16.09.17: ‘Eurocrim2017’, organised in Cardiff, Wales, by the European Society of Criminology (ESC).
- 01.11 – 02.11.17: Pro-bono interpretation services to ‘Sexual Exploitation of Children and Children Abuse’, co-organised in Veroia, Greece, by ‘Initiative for the Child’ and the Bar Association of Veroia, Greece.
- 07.05 – 08.05.18: ‘EU at the crossroads of migration - Critical reflections on the ‘refugee crisis’ and new migration deals’ International Migration Conference, co-organised in Utrecht, the Netherlands, by Utrecht University, the Dutch Association for Migration Research (DAMR), the Utrecht Centre for Global Challenges (GLOBE) and the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE).
- 29.08 – 01.09.18: ‘Eurocrim2018’, organised in Sarajevo, Bosnia and Herzegovina, by the European Society of Criminology (ESC).
- 22.11 – 23.11.18: ‘Safeguarding children’s rights in immigration law’ International Conference, organised by the School of Law, Leiden University, the Netherlands.
- 21.01.19: ‘Minors who apply for or are entitled to international protection & their judicial treatment’, co-organised in Thessaloniki, Greece, by the Supreme Court's Public Prosecution Office, the Bar Association of Thessaloniki and the Association of Juvenile Court Bailiffs of Thessaloniki, Greece.
- 24.01.19: Fifth scientific meeting of the Interdisciplinary Research Centre on Crime, Justice and Security of the Faculty of Law, School of Criminology, University of Porto, Portugal.
- 09.05 – 10.05.19: ‘Immigration, Crime and Citizenship in Troubled Times’ International Conference, organised by the Observatory of the Crime Control System Towards Immigration (OCSPI) and the Institute of Criminology, University of Malaga, Spain.
- 18.09 – 21.09.19: ‘Eurocrim2019’, organised in Ghent, Belgium, by the European Society of Criminology (ESC).
- October to December 2019: ‘Open Seminars of Refugee Law’, organised in Thessaloniki, Greece, by the Faculty of Law, Aristotle University of Thessaloniki, Greece and the United Nations High Commissioner for Refugees (UNHCR).

II. Publications

- Papadopoulos I and Pycroft A (2019) Detention as protective custody for Unaccompanied Migrant Minors: A social and legal policy overview of the Greek framework on conditions of detention, under the scope of the United Convention on the Rights of the Child. In E.M. Guzik-Makaruk & E.W. Pływaczewski (Eds.), *Current Problems of the Penal Law and Criminology* (p. 581-597). C.H. Beck, Warsaw.

Abstract: Greece has become a focus of attention in recent years due to the significant numbers of asylum-seeking individuals, including unaccompanied migrant minors (UAM), arriving at the Greek islands and the mainland. These arrivals are of significant social and legal importance, especially in times when Greece is often considered to be one of the most accessible paths towards Europe for the majority of these individuals. However, due to the lack of child-appropriate accommodation units for UAM upon arrival, these minors are in most cases held in detention centres temporarily, as a form of protective custody. Given the fact that UAM face greater risks than children accompanied by relatives or caretakers, a clear question is therefore formed regarding UAM detention; how protective is custody for UAM in Greece and does its use violate children's rights, as enshrined in the United Nations Convention on the Rights of the Child (CRC)? In an attempt to address these questions, this paper will focus on the current legal framework on UAM detention in Greece, the latter acting as a form of protective custody, under the scope of the CRC provisions. By providing a social and legal policy overview on the relevant legal and procedural framework in Greece, the humanitarian issue of keeping UAM in detention will be addressed. Lastly, the terms 'protective custody' and 'detention' will be differentiated and further elaborated upon, along with a critical analysis of the implementation of the CRC with respect to UAM.

- Papadopoulos I (2020) How *protective* is custody for unaccompanied minors in Greece? Protecting children's rights within detention. In Klaassen M, Rap S, Rodrigues P and Liefwaard T (eds.), *Safeguarding Children's Rights in Immigration Law* (p. 179-194). Cambridge, Intersentia.

Abstract: Numbers of asylum-seeking individuals are increasing significantly in recent years, while Greece is often considered to be one of the most feasible paths towards Europe, especially by unaccompanied migrant minors (UAM). These minors are, by Greek law, to

be apprehended and placed under ‘protective custody’ for entering the country illegally, meaning that they are also to be provided with sufficient care and assistance until referred to appropriate hosting structures. However, it is due to the lack of befitting accommodation at arrival, that protective custody for UAM is eventually replaced by administrative detention. To this day, UAM detention remains a grey area in the process of refugee reception on Greek ground that raises important questions regarding migration control, as well as the violation of the ‘best interests of the child’ principle, including a plethora of other children’s rights violations, as enshrined in the UN Convention on the Rights of the Child (CRC). Starting from the moment of irregular entry into the country, this study focuses on UAM detention as form of protective custody, under the scope of the CRC and its implementation in the Greek legal framework. Thus, crucial issues in the field of safeguarding children’s rights in immigration law are addressed; how protective is custody for UAM in Greece and how does it violate children’s rights? To successfully respond to these questions, the terms ‘protective custody’ and ‘administrative detention’ will be differentiated, along with a critical analysis of the CRC implementation within the Greek legal context with respect to UAM; the issue of keeping UAM in detention and the tension between human rights and migration policing will be examined with a view to protecting the rights of UAM seeking asylum in foreign countries.

- Papadopoulos I and van Buggenhout M (2020) Giving voice to migrant children during reception and asylum procedures. Illustrations on the implementation of Art. 12 CRC in Greece and Belgium. *Revista Española de Investigación Criminológica*, 18(2): 1-23.

Abstract: According to a children’s rights’ approach, asylum-seeking children are entitled to special protection. However, reality dictates that as soon as they enter a host country irregularly, they are often criminalized, thus becoming part of the crimmigration debate and as a result they are further deprived of basic human rights including the right to be heard, as enshrined in the UN Convention on the Rights of the Child. This paper starts from a discussion on the fact that children on the migratory pathway need to be granted a central and active role in research, especially in times when new theoretical concepts in the field of juvenile justice and migration policing are introduced. We continue by delving into both an illustration from Greece and Belgium on how the right of the child to participate and to be heard is applied during reception and asylum procedures. We draw attention to the existing peculiarities of rights-based research methods in immigration studies, whilst arguing for

holistic approaches that aim to move beyond the decorative concept of voicing children and towards a positive change concerning asylum processes for migrant minors.

III. Presentations – Guest lectures

- ‘The voice of the child. A research project focusing on the implementation of the UNCRC within domestic policy and its implications for youth justice’. Presented at the ‘Children, Justice and Communication’ conference, organised in Portsmouth, UK, by the Centre for Forensic Interviewing (CREST) and the University of Portsmouth (UoP), on 05.05.17.
- ‘The voice of the child. A research project focusing on the implementation of the UNCRC within domestic policy and its implications for youth justice’. Presented at ‘Eurocrim2017’, organised in Cardiff, Wales, by the European Society of Criminology (ESC), on 15.09.17.
- ‘The voice of the child. A research project focusing on the implementation of the UNCRC within domestic policy and its implications for youth justice’. Presented at the ‘EU at the crossroads of migration - Critical reflections on the ‘refugee crisis’ and new migration deals’ International Migration Conference, co-organised in Utrecht, the Netherlands, by the Utrecht University, the Dutch Association for Migration Research (DAMR), the Utrecht Centre for Global Challenges (GLOBE) and the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE), on 07.05 – 08.05.18.
- ‘The voice of the child. A research project focusing on the implementation of the UNCRC within domestic policy and its implications for youth justice’. Presented at ‘Eurocrim2018’, organised in Sarajevo, Bosnia and Herzegovina, by the European Society of Criminology (ESC), on 29.08 – 01.09.18.
- ‘How protective is custody for Unaccompanied Minors in Greece? Detention through the eyes of a child, under the scope of the UNCRC’. Presented at ‘Eurocrim2018’, organised in Sarajevo, Bosnia and Herzegovina, by the European Society of Criminology (ESC), on 29.08 – 01.09.18.
- ‘Protecting children’s rights within detention; how ‘protective’ is custody for unaccompanied minors in Greece?’. Presented at the ‘Safeguarding children’s rights in immigration law’ International Conference, organised by the School of Law, Leiden University, the Netherlands, on 22.11 – 23.11.18.
- ‘Protecting children’s rights within detention; how ‘protective’ is custody for unaccompanied minors in Greece?’. Guest lecture at the scientific meeting of the

Interdisciplinary Research Centre on Crime, Justice and Security of the Faculty of Law, School of Criminology, University of Porto, Portugal, on 24.01.19.

- ‘Protecting the rights of unaccompanied minors in Greece, under the scope of the UNCRC’. Guest lecture for undergraduate students, in the context of the ‘Criminology’ course, School of Law, Aristotle University of Thessaloniki, Greece, on 26.02.19.
- ‘Protecting the rights of unaccompanied minors in Greece, under the scope of the UNCRC’. Guest lecture for students of the Erasmus program, in the context of the ‘International Public Law’ course, School of Law, Aristotle University of Thessaloniki, Greece, on 01.04.19.
- ‘On researching children’s rights, asylum processes and the criminalisation of illegal entry. Methodological peculiarities and rights-based research methods in immigration studies’. Presented at the ‘Immigration, Crime and Citizenship in Troubled Times’ International Conference, organised by the Observatory of the Crime Control System Towards Immigration (OCSPI) and the Institute of Criminology, University of Malaga, Spain, on 09.05 – 10.05.19.
- ‘If this ain’t detention, what is it then? On criminalising unaccompanied migrant minors through administrative detention, under the scope of the UNCRC. The case of Greece’. Presented at ‘Eurocrim2019’, organised in Ghent, Belgium, by the European Society of Criminology (ESC), on 18.09 – 21.09.19.
- ‘On researching children’s rights, asylum processes and the criminalisation of illegal entry. Methodological peculiarities and rights-based research methods in immigration studies’. Presented at the ‘Eurocrim2019’ international conference, organised in Ghent, Belgium, by the European Society of Criminology (ESC), on 18.09 – 21.09.19.
- ‘Protecting the legal and procedural status and rights of UAM in Greece’. Presented at the ‘Open Seminars of Refugee Law’, organised in Thessaloniki, Greece, by the Faculty of Law, Aristotle University of Thessaloniki, Greece and the United Nations High Commissioner for Refugees (UNHCR), from October to December 2019.
- ‘Protecting the rights of unaccompanied migrant minors under the scope of the Greek and European law’. Online guest lecture for postgraduate students of the School of Law, in the context of the ‘Human Rights’ course, School of Law, College Institution d’ Etudes Francophones, Athens, Greece, on 26.03.20.

Introduction Chapter: **Problem Statement**

To protect children's rights under the scope of the UN Convention on the Rights of the Child (1989, hereinafter CRC) has always been a crucial part in the ratifying Member States' agenda, especially in recent times, when numbers of asylum-seeking individuals including unaccompanied minors (hereinafter UAM) are gradually growing to exceptionally high levels throughout Europe and Greece in specific (UN High Commissioner of Refugees 2013, hereinafter UNHCR; van Mol C, de Valk H 2016; National Centre of Social Solidarity 2017, 2018, 2019, hereinafter EKKA; Eurostat 2019). In fact, the position of migrant minors in the European context has become the subject of many communications, which is evident by the growing body of jurisprudence and research concerning the exploration of the meaning of children's rights in the context of migration, as conducted by academics, international and national organisations and monitoring mechanisms (Liefwaard 2020).

Similarly, a wide range of legislation has been introduced to the Greek legal framework, aiming to guarantee the protection and promotion of children's rights and that by implementing international regulations and Directives in the national policy concerning migration-related issues, as will be further discussed in the context of this study. According to Buchanan and Kallinikaki (2018), Greece possesses a long tradition in hosting migrant populations and more specifically since the nineteenth century when the country was the recipient of different population groups who played significant roles in the socio-economic and cultural shaping of the society. However, the massive influx of asylum seekers in the past decade, coupled with a severe financial crisis on a State level has put the efforts under pressure, thus rendering Greece unable to tackle the involved challenges and meet these individuals' needs in a proper manner, which would include to provide them with quality services upon arrival. This context has had a negative impact on the public's perception about asylum-seeking individuals, which resulted to them being viewed as a national burden and creating political and social tension, often followed by incidents of racism both against these groups and the humanitarian organisations that assist them (Weber and Bowling 2008: 366; Giannopoulou and Gill 2019: 115).

The latter is evident both in the Greek islands and the mainland where local societies tend to project their social awkwardness on those who seek international protection, which is often expressed by protests against the establishment of refugee reception sites or accommodation units. Such matters have been discussed by scholars, whereas focus has also been placed on issues concerning the status of refugee children in European host countries with respect to detention circumstances (e.g. Bhabha and Young 1999, the Greek Ombudsman 2005, 2006,

2003-2011, 2014, 2016, 2017); the length of the procedures and the appointment of legal guardians (e.g. Skordas and Sitaropoulos 2004; Fili and Xythali 2017), as well as the recognition of legal competence (De Bondt 2019). However, when it comes to protecting the rights of UAM upon unlawful entry into Greece, contemporary research has overlooked certain aspects of them being subjected to detention processes instead of custody of a protective character, as will be initially elaborated upon in this chapter.

Currently, all third-country nationals entering Greece illegally are immediately apprehended and placed in detention, most commonly facing the possibility of a decision for deportation despite the clear provisions of the Geneva Convention (1951, hereinafter Convention), according to which, asylum seekers should not be prosecuted for illegal entry. The latter has also been supported for migrant minors by numerous human rights instruments (e.g. UN Human Rights Council Report of the Working Group on Arbitrary Detention 2015: 46, hereinafter HRCR; UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families 2017: 32), stating that the deprivation of liberty of an unaccompanied or separated migrant or of an asylum-seeking refugee or stateless child on the sole basis of their migration status or that of their parents, is a violation of the child's best interests, according to Art. 3 CRC, hence strictly prohibited.

Similarly, the UN Committee on the Rights of the Child (hereinafter Committee) came to the conclusion that 'detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof', to which end Member States are urged to 'expeditiously and completely cease the detention of children on the basis of their immigration status' (2005: 61; 2012: 32, 78). The same issue was addressed as well by the EU Action Plan on UAM (2010: 9), the original aim of which was to identify child-specific reception measures based on protecting the 'best interests of the child' principle, coupled with procedural guarantees which should apply in favour of the child, starting from the moment of illegal entry and until all processes are followed and children are eventually placed in suitable hosting facilities (EU Agenda for the Rights of the Child 2011).

With regard to the status of migrant minors in the Greek context, the law dictates that upon arrival in the country UAM are to be subjected to custody of a protective character and more specifically to be placed in specially designed accommodation centres or any other form of child-friendly hosting structures (Art. 31 of Directive 2011/95/EU, implemented in the Greek context under Art. 32 of PD 141 of 2013, as replaced by Art. 32 of Act 4636 of 2019), where their needs would be properly taken care of and ample support would be provided to them, pending referral to appropriate hosting units. However, in practice Greece has often proven to

be unable to provide these minors with suitable accommodation, which often results in UAM being placed in detention facilities instead, where they are subjected to victimisation and deprivation of rudimentary human rights, as will be thoroughly presented in this study.

To this day, UAM detention in Greece is not prohibited by law, thus confirming how loosely structured this procedural stage still is in the Greek context. In detail, according to the applicable law (Act. 4375 of 2016, as amended by Act 4540 of 2018 and by the recently introduced Act 4636 of 2019), UAM can be subjected to detention processes for a brief period of time and under specific circumstances, namely only as a measure of last resort and in order to undergo reception and identification procedures. During this time, the minors' needs are to be covered until they are placed in child-friendly hosting structures. Nonetheless, even though detention is supposed to apply only in order to guarantee the safety and well-being of UAM and only when more appropriate alternatives are not available, practice suggests that detention is being systematically imposed upon children on the migratory pathway. As a result, UAM are practically subjected to detention processes pending referral to reception units as soon as all administrative, albeit time-consuming, procedures are completed.

I. Research aims

Starting from the moment when UAM enter the country in an illegal manner due to incomplete or false travel documents or a complete absence of such, this study will explore the administrative steps that currently succeed their arrival in Greece and examine detention processes that UAM are subjected to. On that account, this qualitative study will focus on UAM detention as it currently applies in the Greek context and through the use of interviews, voice will be given to UAM and practitioners, both individually and in the form of a focus group, who will be asked to elaborate in depth on these proceedings, thus allowing for a thorough analysis to take place with respect to the conditions within UAM detention. Therefore, this study's contribution to knowledge will be based on successfully revealing the reality that UAM experience as detainees in Greece; accurately understanding detention conditions and examining how the law applies in practice concerning these conditions.

Adding to the above, given that illegal entry is considered to be a violation of the national law, this study will examine the link between UAM detention in Greece and the crimmigration debate. As regards the origins of the term 'crimmigration', Stumpf (2006) originally meant to portray the tendency for immigration law and criminal law to be gradually merged in both substance and procedure. This means that the theory behind the 'crimmigration debate'

suggests the existence of immigration-crime offences, including the unlawful entry into a host country, hence the breach in immigration law. To this end, in times when the criminalisation of illegal migration is well established, Kemp (2019) argues that immigration detention must be viewed as a cornerstone of a distinct crimmigration system.

After all, it has been supported by scholars (e.g. van der Leun and van der Woude 2013) that ‘a thorough discussion on what constitutes crimmigration and how this phenomenon should be studied is still missing in the academic world’. That being so, despite the existing research on the various forms of crimmigration on a legislative level, including the criminalisation of illegal stay, as well as issues regarding administrative detention and deportation on the basis of an immigrant’s criminal background (van der Woude, van der Leun and Nijland 2014; Pisani 2016), the case of UAM being apprehended and placed in detention, as well as the conditions they experience during that time has been considerably neglected.

Therefore, by placing UAM detention in Greece under the lens of crimmigration, this study will bring to the surface the reality from within detention facilities for migrant minors and examine the criminalisation of UAM through the use of detention processes by the Greek State, especially when in practice, unlawful entry into Greece is criminalised and UAM are sooner or later subjected to detention processes, instead of custodial measures of a protective character, as will be further presented and analysed as this study progresses. Hence, by staying in line with Bhabha (2014), this project will look beyond judicial concepts and mere characterisations of socio-political phenomena and will examine the status of detained UAM within the crimmigration debate in Greece, which remains to this day a highly under-researched topic.

Stemming from the fact that detention for UAM in Greece is often considered to be a part in the refugee reception process, this project will take one step further and explore if the law is correctly applied in practice and if children’s rights are properly safeguarded in detention. Ergo, a crucial question will be raised; when UAM are subjected to detention processes instead of custody of a protective character, does that mean that the former is merely a temporary replacement to the latter? If yes, this would suggest that a strong national framework, which would be capable of properly covering the needs of UAM at arrival, is still inexistent in Greece. Alternatively, if detention maintains its administrative character, this would mean that UAM are subjected to processes that resemble criminal law proceedings, even though UAM are not being held detained for violating the national law, rather temporarily, until they are placed in appropriate units, as will be discussed in depth under Chapter Two.

In either case, a gap would appear in contemporary research concerning whether or not UAM detention in Greece is considered to be an administrative proceeding as stipulated in Art.

12 CRC, thus providing migrant minors with the opportunity to have their voices heard and question detention accordingly. For this reason, this study will look into the mechanisms that allow for the voice of children to be heard, to which end an assessment will occur as regards the correct application of Art. 12 CRC in the case of detained UAM, as well as whether or not UAM are in reality silenced when they should be heard instead. Therefore, this study will move beyond the tokenistic concept of voicing children (Lundy 2007: 938), towards a new era of positive change with regard to reception processes and bring forward an area of study which has not to this point been dealt with, namely the right of UAM to be heard under Art. 12 CRC, concerning the detention processes that they experience upon arrival in Greece.

II. Applied methodology

In order to achieve the set research aims, this study's methodology will be based on Interpretative Phenomenological Analysis (hereinafter IPA) and more specifically Heidegger's theory of analysing the detailed exploration of the participants' personal lived experiences (Smith 2004), followed by a presentation and discussion of generic experiential themes, paired with the researcher's own interpretation (Pietkiewicz and Smith 2014: 7). As will be elaborated upon in this study, Heidegger introduced the 'phenomenological element' to qualitative research, which is based on the premise that the researcher is expected to study human experience on three interrelated levels, namely the experience itself; how things appear to individuals and the meaning that individuals give to their experiences. For this reason, Heidegger's theory on 'hermeneutics' introduced the concept that human experience must be accessed by the researcher strictly through the participants' accounts and their own understanding of these experiences, coupled with the researcher's own account.

The author's intention is to understand the reality that UAM experienced in detention. For this reason, the 'double hermeneutic' process of IPA will be applied, which is based on the premise that 'participants are trying to make sense of their world, while the researcher is trying to make sense of the participants trying to make sense of their world' (Smith 1996). On that account, it is only by giving voice to participants that will allow for an exploration to occur concerning the ways in which UAM experienced detention after arriving in Greece, followed by a discussion on how they perceived the support that was offered to them by the Greek authorities at arrival and the rights which were granted to them within detention.

Based on the above, this study will make a novel contribution to the existing body of knowledge and that by introducing the use of IPA in contemporary research concerning the

status of detained UAM in Greece. Hence, through the use of semi-structured and open-ended interviews grounded in IPA, this study will go beyond a legal analysis with respect to the reasons and causes for UAM detention and focus on the humanitarian aspect of facilitating the positive adjustment, integration and promotion of children's rights in the Greek context.

By applying the proposed methodology, this study's research aims will be subjected to close scrutiny and the dynamics of the Greek legal framework on UAM detention will be examined, followed by an exploration of the positionality of detained UAM within the crimmigration debate and an analysis concerning the correct application of the right to be heard. Hence, this study will focus on understanding detention conditions for UAM and assessing how the letter of the law is eventually translated into practice when it comes to protecting and promoting the rights of UAM being placed in detention upon unlawful entry into Greece.

III. Structure of thesis

This thesis comprises of four main chapters, each consisting of separate sub-chapters, followed by the research conclusion and the author's final thoughts. At this point, a brief summary of its structure will be presented, whereas more detailed information concerning the chapters' context will be provided at the beginning of each individual chapter respectively.

Initially, Chapter One which is entitled 'Research Background' will have as its starting point the issue of protecting and promoting the rights of children on an international level. Therefore, the forming process of the CRC will be focused upon, coupled with an analysis of its legal scope and basic principles. By emphasising on the protection of children's rights, an assessment will commence concerning the introduction of the CRC, along with information with respect to enforceability issues within the domestic policy of the ratifying Member States.

Subsequently, an analysis of the CRC provisions that this study will be referring to will take place, namely Art. 3 CRC on the best interests of the child; Art. 37 and 40 CRC on children in conflict with the law and more specifically children being subjected to detention processes; Art. 27 and 39 CRC on the State's obligation to provide a respectful environment to all children and Art. 22 CRC on the obligation of the State to offer protection and assistance to asylum-seeking children. Concluding the above, this chapter will focus on Art. 12 CRC and a preliminary review of the latter will be conducted with respect to the right of children to be heard in all judicial and administrative proceedings that affect them, whereas further analysis concerning the correct application of Art. 12 CRC will be included in Chapter Two.

Moreover, the status of UAM within the Greek context will be looked into. To this end, a definition of the term ‘unaccompanied minor’ will be provided, with references made to the letter of the law and the literature, followed by a differentiation from the term ‘separated child’. Additionally, issues concerning the vulnerability of UAM will also be discussed, coupled with information on guardianship issues according to the relevant legal framework. Lastly, statistical information with respect to the position of UAM in Greece will be presented, based on data analysis conducted by EKKA at the time this study was completed.

After clarifying the above, in Chapter Two, entitled ‘Research Focus’, the study’s research aims will be extensively elaborated upon, followed by a thorough discussion as regards the existing gaps in research, as well as how this study will be filling them. Thus, in an effort to understand detention conditions as they currently apply in the case of UAM in Greece, an assessment will be conducted with respect to the context that regulates the unlawful entry of UAM into the country. Thus, the pathway that UAM follow upon arrival and the processes that they are subjected to will be demonstrated, whereas a short remark will be made to deportation procedures, the latter being an important part in the reception process.

Subsequently, an in-depth review of the applicable law will take place. Therefore, by focusing on the need for UAM to be placed in suitable and child-appropriate accommodation facilities upon arrival in the country, an analysis of the Greek legal framework on protective custody and detention processes will be performed. Thus, this study will examine the circumstances under which UAM detention would apply, as well as describe the context and the services which must be available to UAM, in case they are subjected to such processes.

In addition, a discussion will commence with respect to the reception and identification procedures that UAM follow upon unlawful entry into the country and emphasis will be placed on age assessment examinations in specific, due to the difficulties which are involved in the process of confirming whether or not an applicant for international protection is a minor. Lastly, a review will be conducted as regards the recently introduced Act 4636 of 2019 and its amendments in the Greek legislation concerning international protection matters.

In the next part of the chapter this study will concentrate specifically on the crimmigration debate and the theoretical underpinnings of crimmigration overall, followed by an extensive literature review concerning the analysis of the term and the existing research as regards its various forms. Hence, after clarifying its background and basic elements, this study will examine how detention processes, as they currently apply to UAM upon their unlawful entry into the country, place them within the context of crimmigration.

The last part of the chapter will be based on examining the need for detained UAM to be heard. For this reason, focus will be placed on the correct application of Art. 12 CRC as regards detained UAM in Greece, coupled with a discussion on the ‘vicious circle of UAM detention’, as introduced by the author. For this reason, references will be made to the literature and the researcher’s role in assisting UAM towards describing their experiences will be highlighted, whereas the difficulties which are involved in this process will also be stressed.

Chapter Three, entitled ‘Research Methodology’, will be based on analysing the research approach that was applied throughout this study. In detail, by presenting the core principles and aims of hermeneutic phenomenology, a demonstration will occur as regards the reasons why IPA was preferred over other qualitative methods and how IPA clearly allowed this study to significantly add to the current body of knowledge. Subsequently, practical information will be provided to the reader concerning this study’s recruitment strategy, as well as the data collection process. At this point, detailed information will be shared with respect to how the IPA was applied in each interview stage respectively, whereas at the end of the chapter, data management issues will be referred upon.

In Chapter Four, entitled ‘Research Findings and Analysis’, focus will be placed exclusively on this study’s findings. Therefore, quotes made by participants will be shared, thus allowing for the creation of the super-ordinate and ordinate themes which emerged during the interviews that were held in the context of this study. By using IPA, a phenomenological analysis of this study’s findings will occur, based on the interview results. Hence, the voice of participants will be depicted and awareness will be gained with respect to the lived experiences of detained UAM upon arrival in Greece. This will allow for this study to address the set research aims and more specifically to understand UAM detention and explore whether or not the law applies in practice concerning the conditions within UAM detention. Additionally, the positionality of detained UAM within the context of crimmigration will be assessed and the correct application of Art. 12 CRC will be examined accordingly, as discussed above.

The final chapter, entitled ‘Research Conclusion’, followed by the author’s ‘Final Thoughts – Future research paths’, will involve a concise presentation of the issues that this study has examined and emphasis will be placed on its contribution to contemporary knowledge, followed by recommendations for academics and practitioners so that this study’s findings and methodology can be used for future research.

At the end, a reference list will be provided, followed by a list of appendices including interview documentation, favourable ethical opinions and the UoP UPR16 Form.

Chapter 1: **Research Background**

Before proceeding to analysing the aims of this study, as discussed above, this chapter will concentrate on the issue of protecting and promoting the rights of children on an international level. This will be achieved by examining the CRC as a legal instrument on safeguarding children's rights; discussing its background; presenting its basic principles and placing emphasis on its provisions. Hence, the reasons that led to the introduction of the CRC will be illustrated, followed by a thorough literature review on its implementation process within the domestic policy of the ratifying Member States and coupled with information as regards enforceability issues. Stemming from the latter, special focus will be placed on the implementation of the CRC within the Greek legal framework in specific and comments will be made concerning the current deficiencies in the national context.

Starting from the overarching principle that regulates the welfare of the world's children, which is the 'best interests of the child' principle, as enshrined in Art. 3 CRC, additional emphasis will be placed on the CRC provisions that contain guarantees with respect to juvenile justice issues and more specifically children deprived of their liberty, namely Art. 37 and 40 CRC. By setting forth the procedural guarantees towards developing comprehensive juvenile justice frameworks, focus will also be added on the States' obligation to provide children with a healthy and respectful environment, coupled with measures that promote the child's physical and mental recovery, as well as social reintegration, namely Art. 27 and 39 CRC.

As a result, the need for the aforementioned CRC provisions to apply to migrant minors will eventually be supported, for which reason an analysis of Art. 22 CRC will also occur, the latter being the first legally binding provision that acknowledges the unique needs of refugee and asylum-seeking children, as well as the risks that they often encounter in the process of seeking international protection in foreign countries.

Furthermore, an initial discussion on the need to provide children with the right to be heard, as enshrined in Art. 12 CRC, will occur. For this reason, Art. 12 CRC, which establishes that the child's views must be given due weight in accordance with the child's age and maturity, will be subjected to scrutiny and additional emphasis will be placed on Art. 12(2) CRC, with respect to the right of children to be heard and express their opinions freely concerning all the judicial and administrative matters that affect them.

This chapter will conclude with an exploration of the positionality of UAM within the Greek context. To this end, a definition of the term 'unaccompanied minor' will initially be provided, followed by a differentiation from the term 'separated child', with references made

to the literature as well as to the applicable international and domestic legislation. Additionally, issues concerning the vulnerable status of UAM will also be elaborated upon, especially when compared to other groups of asylum-seeking individuals and the need for them to be provided with sufficient care, support and services upon arrival in host countries will be confirmed.

Hence, references will be made to their background as international protection seekers, which will eventually place them in the Greek legal framework. As a result, the current context as regards guardianship processes for UAM will be referred upon and a short remark will be made on the recently introduced Act 4554 of 2018 and the role of the Public Prosecutor for minors to this context. Lastly, the current status of UAM in Greece will be presented, based on data analysis conducted by EKKA at the time this study was completed and information will be provided with respect to available hosting structures and accommodation facilities.

I. Protecting and promoting the rights of children

A child rights' approach... furthers the realisation of the rights of all children... by developing the capacity of duty bearers to meet their obligations to respect, protect and fulfil rights (art. 4) and the capacity of rights holders to claim their rights, guided at all times by the rights to non-discrimination (art. 2), consideration of the best interests of the child (art. 3, para. 1), life, survival and development (art. 6), and respect for the views of the child (art. 12).

-General Comment No. 13 (2011: 59)-

The issue of forming and protecting human rights on an international level has always been a goal to be achieved, which was set with the establishment of the United Nations in 1945 and the adoption of the Universal Declaration of Human Rights in 1948. Consequently, while recognising 1979 as the International Year of the Child, exactly on the twentieth anniversary of the UN Declaration on the Rights of the Child (1959, hereinafter Declaration), the UN accepted Poland's proposal that the principles of the Declaration should be translated into a legally binding convention (Todres 1999), asserting that 'mankind owes to the child the best it has to give' (Hafen and Hafen 1996).

Therefore, it was not until November 20, 1989, when the CRC was adopted by the UN General Assembly in resolution 44/25 (Detrick 1999), and not until September 2, 1990 when a universal human rights instrument was introduced (Committee 2000), thus creating a landmark in a century-long struggle for social reform (Jupp 1990). It has been supported in the literature that the CRC is mainly characterised by the fact that it focuses exclusively and comprehensively on asserting the value of children as legal persons (Hammarberg 1990, 12:

97-105). Stemming from the latter, Goldson and Muncie (2012) argue that the CRC has adopted a coherent and clear children's rights' approach and that by protecting and promoting the legal interests of children as well as their human rights as individuals.

According to Goldson and Muncie (2006: 206), in youth justice, 'welfare is based on the assumption that intervention should be on the basis of meeting young people's needs rather than punishing their deeds', for which reason 'the dynamics of welfare and justice, rights and responsibilities, informalism and punitivism co-exist, however uneasily'. Similarly, Giannopoulou and Gill (2019) support that both the Convention and the CRC follow one dominant cultural conception of childhood, in the sense that minors have the same needs, regardless of their social, political, historical and economic background.

Hence, keeping in mind that 'childhood is the most intensively governed sector of personal existence' (Rose 1989: 121), even though the CRC emerged from the drafting process as a treaty based entirely on the rights of children, it successfully managed to incorporate civil, political, economic, social and cultural rights, previous declarations and international regulations (Cohen 1989; Hammarberg 1990; Todres 1999; Naskou-Perraki 2012). And that without segregating the importance of these rights, unlike other human rights instruments (Gomien 1989), thus making its provisions more enforceable and effective (Meuwese, Blaak and Kaandorp 2005). For this reason, the CRC has been perceived as a transformative instrument guiding policy (Melton 2005), as well as the most complete legal instrument in the context of protecting human rights, even though it did not gain support quickly (Johnson 1989), because at first there seemed to be no pressing need for it, nor was there a general consensus on it being introduced.

According to Jupp (1991), the CRC promotes a 'new concept of separate rights for children, with the Government accepting [the] responsibility of protecting the child from the power of parents', thus recognising that 'children should have rights identical to adults'. To this end, it is by creating new legal rights for children and by reinforcing rights that are already part of other international legal documents (Bullis 1991), that allows the CRC to recognise the legal protection that is required for children not only in peacetime, but also in situations of armed conflict (van Bueren 1995: 10). For this reason, the CRC has served as an exclusive internationally recognised legal instrument, not only for countries that develop new or reform their current domestic policies in the direction of ensuring the children's legal status and protecting their rights (Miljeteig-Olssen 1990; Melton 1991; 2005), but also for international organisations, towards establishing methods that would allow them to monitor child welfare around the world (Cohen 1999).

With regard to the establishment of the CRC, Muncie (2008) notes that it took place along a time period when many western societies shifted their juvenile justice agendas away from protecting the best interests of children, towards criminalising their acts and applying retributive methods against them. As a result, objections were made to the original draft of the CRC, mainly because its character as an international human rights framework proved to be unsuccessful in unifying domestic policies towards an era of promotion and protection of human rights and children's rights in particular. However, besides the strong critique that the CRC has received since its introduction, this year the CRC celebrates its thirtieth anniversary.

To this day, thirty years after its adoption, it is considered to be the longest UN human rights treaty in force as well as the most ratified international convention in history, albeit the most violated one, as according to the literature (e.g. Todres 1999; Pinheiro 2006; Defence for Children International 2007; Kilkelly 2008; Muncie 2008; Hammarberg 2009; Goldson and Muncie 2009b), its provisions did not include accurate and applicable implementation guidelines, thus causing its incorrect embodiment in the legal context of the ratifying Member States and generally to a point where national frameworks are in direct violation of the CRC overall. The latter has also been supported by Lundy, Kilkelly and Byrne (2013), arguing that international human rights treaties do not clearly specify how Member States are to fulfil their obligations, but rather require them to take 'all appropriate measures' in order to achieve the highest possible level of implementation.

Based on the above, the implementation of the CRC within domestic policy and particularly with regard to child-care processes, should be focused in two consecutive steps (Woll 2001; Davis and Powell 2003; Kabasinskaite and Bak 2006). The first step would be the introduction of free and uninterrupted access to child-friendly services and facilities, followed by the establishment of certain standards (Reynaert, Bouverne – De Bie and Vandeveldel 2009). And the next step would include establishing an impartial institution, such as a children's ombudsperson, who could play an essential role in protecting children's rights at policy level, while maintaining its innovative character as part of the CRC (Gran and Aliberti 2003).

On this matter, the Committee (1990) has stated that 'each State Party must decide for itself which means are the most appropriate under the circumstances with respect to each of the rights'. In any case, complete implementation of the CRC within the domestic policy of the ratifying Member States has not yet been fully achieved, rather remains an on-going process instead. Adding to this, Mitchell (2013: 510) supports that 'for those still interested in a fuller implementation and practice of children's rights in any location anywhere in the world, it is always a half-full, and in the same moment, a half-empty glass'. For this reason, the UN

established a separate instrument in the form of a supervision mechanism (Goldson and Kilkelly 2013) which monitors the translation of the CRC into each Member State's legal context. This instrument, known as the UN Committee on the Rights of the Child (Committee), as mentioned in this study's introduction, requires Member States to report at five-year intervals, outlining the implementation progress of the CRC, as well as the issues that might have emerged during the process (Muncie 2013).

Following the States' reports, the Committee is responsible for issuing a series of 'General Comments' (hereinafter Comments), which possess authoritative, but not definitive elements (Mlyniec 2010) and 'Concluding Observations' (hereinafter Observations), detailing each country's level of CRC implementation; compliance; record of breaches; issues concerning its correct application and possible children's rights violations within each Member State's juvenile justice system (Goldson and Muncie 2012). Furthermore, via the Comments and Observations (Payne 2009), the Committee intends both to elaborate on the means by which the provisions of the CRC should be applied within specific domains (Goldson and Kilkelly 2013), as well as periodically investigate the degree to which each Member State is implementing the CRC within its respective legal framework (Muncie 2013). Hence, it is through the study of such reports that we can assess the differences between theory and practice, despite the fact that according to the Committee (2007: 1), the implementation of the CRC within the Member States' policy should always be considered as a task in progress.

Adding to the above, when it comes to its legal status, the CRC cannot be contemplated as a powerful legal instrument (McSweeney 1993; Verhellen 2000), despite its binding character upon the States that chose to ratify it. In general, the CRC provisions are not viewed as legally enforceable rights (Bainham 2003; Fortin 2003), rather as declarations and instructions towards a reformation process for national policies. However, despite the Comments' clear effort to create a more child-friendly justice system originally driven by the Council of Europe, the Committee has noted that the 'best interests of the child' principle of Art. 3 CRC is not reflected as a primary consideration among the legislative and policy matters that affect children, including those in the area of juvenile justice and immigration (Committee 2008: 7). To this end, Goldson and Muncie (2012) support that the Committee has identified institutionalised obstructions to the CRC implementation and more specifically serious violations of children's rights within particular juvenile justice systems, which may be the result of lack of comprehensive national policies throughout the Member States' legal contexts. After all, 'the only obligation incurred by signing the Convention is a State's promise to review the treaty with an eye towards future ratification' (Cohen 1989).

In addition to the latter, according to Cohen and Per Miljeteig-Olssen (1991), if universal support of the CRC is strong enough, it may become a rule of customary international law, or even an interpretation guide for the countries that have not yet ratified it. Nonetheless, CRC remains, to this day, a very important, internationally and legally binding, Act, for all 196 contracting Member States (Naskou-Perraki 2012), with Somalia being the most recent country to ratify it on 1 October 2015, as until then the country had no internationally recognised government. The United States of America, on the other hand, have signed but not ratified the CRC, having long claimed that it would fundamentally undermine parental rights and authority (Krisberg 2006; Muncie 2009).

Greece signed the CRC on January 26, 1990 and ratified it by Act 2101 of 1992, without making any reservations with regard to its content, nevertheless binding the Greek State to continuously take all necessary measures for the establishment and the advocacy of the rights which are depicted in the CRC, originally based on the premise that children are not objects for protection on behalf of the State and that adults are rather autonomous subjects of fundamental rights (Naskou-Perraki, Chrysogonos and Anthopoulos 2002: 46).

Since then the CRC has been incorporated into the Greek legal system, taking precedence over any conflicting domestic legislation. However, even though the CRC is not specifically referred to in the Greek Constitution (hereinafter Constitution), the latter encompasses solemn proclamations which apply to the protection of children's rights (Papademetriou 2007; Naskou-Perraki 2012). In addition, even though the Constitution does not elaborate in depth with regard to the rights of children, at least to the extent of the CRC, Greece has adopted various laws and shaped its policies accordingly in order to include measures that aim to protect the 'best interests of the child' principle, as depicted in Art. 3 CRC and Art. 1 of the European Convention on the Exercise of Children's Rights (1996), as will be further discussed in this study, and also provide that children have the right to express their opinions in judicial proceedings concerning custody issues (Papademetriou 2007).

Based on the above and with regard to the potency of the CRC in the Greek internal legal order, Art. 28(1) of the Constitution is of particular importance, because it confirms that the CRC has superior legal force over domestic legislation (Hellenic National Committee for Unicef 2016). However, the absence of a harmonious relationship between the CRC and the national legislation in Greece, has also been mentioned in the literature by Pitsela (2004), who specifically referred to the inability of State authorities in Greece, including but not restricted to the police force, probation officers and correctional staff, to incorporate the CRC and implement its provisions into their daily activities.

In fact, the protection of the ‘best interests of the child’ principle was originally incorporated into the Greek legal context with PD 220 of 2007, which was the first legal statute which set living standards for asylum applicants in the country, so that they are provided with special treatment and protection (under Art. 12 and 17), including measures that promote their health and well-being, while taking their vulnerability into consideration.

However, no reference was made with regard to UAM in particular and the rights that they are entitled to during detention processes upon their arrival in the country, as Art. 19(1) of PD 220 of 2007 did not depict the ‘best interests of the child’ principle adequately, neither acted as remedy for the existing legislative and procedural gap when it comes to providing care and support to asylum-seeking children. Hence, it was not until 2016 when Act 4375 of 2016, as amended, came into force, that specifically focused on the illegal entry of UAM into Greece and their subsequent arrest, coupled with the rights and services that UAM are entitled to during detention, as will be further discussed in Chapter Two.

II. Focusing on CRC provisions and the right to be heard

The CRC consists of 54 articles which are not to be examined separately but in close connection to one another. Its primary focus is the ‘best interests of the child’ under Art. 3 CRC, which is considered to be the overarching principle in the care and welfare of the world’s children (Hammarberg 1990; Bullis 1991). After all, according to the Committee (2013), Art. 3 CRC is a right and a rule of procedure, as it ‘is aimed at ensuring both the full and effective enjoyment of the rights recognised in the Convention and the holistic development of the child (para. 4)’, for which reason it ‘requires the development of a rights-based approach, engaging all actors, to secure the holistic physical, psychological, moral and spiritual integrity of the child and promote his or her human dignity (para. 5)’.

In detail, the CRC recognises that children are independent and autonomous holders of rights and also promotes the child’s best interests to being a matter of crucial importance both for public authorities and private institutions, which is also supported by the HRCR (2015), stating under para. 112 that ‘All decisions and actions taken in relation to non-nationals below the age of 18, whether accompanied or unaccompanied, shall be guided by the right of the child to have his or her best interests taken as a primary consideration’. Based on the above, as Bullis (1991) notes, the CRC not only elevates the issue of protecting the child’s best interests’ standard to a higher level, but it does so with some specificity.

In addition to the general principles of the CRC which apply to all children, Art. 37 and Art. 40 are considered to be of particular importance for children in conflict with the law (Kids Behind Bars 2003), setting forth most of the substantive and procedural guarantees, so that Member States develop comprehensive juvenile justice systems that operate within the overall goals of the treaty (Mlyniec 2010). In detail, Art. 37 CRC contains procedural safeguards for children who are deprived of their liberty and that by establishing a certain context, including prohibitions against anyone below the age of eighteen (under para. a); detention as a measure of last resort and for the shortest appropriate period of time (under para. b) and appropriate treatment to detained children, including separation from adults; communication with family and most importantly access to legal and other assistance (under para. c and para. d).

On the other hand, Art. 40 CRC focuses on the administration of juvenile justice systems by protecting the human rights of children alleged to have committed an offence punishable by State laws. According to Detrick (1999), Art. 40 CRC specifies that children shall benefit from all aspects of due process including a presumption of innocence; prompt and direct notice of the charges against them; the right to a prompt trial and appeal; respect for the child's privacy at all stages; aid by legal or other assistance in preparing and presenting their defence and that while requiring a fixed minimum age of criminal responsibility and alternative measures for dealing with children without resorting to judicial proceedings. For this reason, according to Muncie (2008), neither can be viewed individually, but both must be read and implemented in accordance with the right of children to be treated with dignity and fairness, as enshrined in the leading principles of the CRC, which include the best interests of the child (Art. 3 CRC); the principle of non-discrimination (Art. 2 CRC); the right to life, survival and development (Art. 6 CRC) and the right of children to participate in all matters affecting them (Art. 12 CRC).

With regard to protecting the dignity of children and assisting them towards developing their full potential, Konsta (2019) supports that the concept of dignity is determined both in terms of individuality and universality, thus its violation is considered to be an offence both to an individual and to humanity as a whole. For this reason, the concept of dignity is used as the ethical basis for issues concerning refugees and asylum seekers in Europe, in times when meeting the child's needs and protecting their best interests is one of the main aims of every international legal instrument. The latter is clearly emphasised by the Committee (2007: 1), stating that the child's dignity must be safeguarded at all times and that resorting to judicial proceedings and to deprivation of liberty must only be used as a measure of last resort. Hence, Art. 37 and Art. 40 CRC should also be viewed alongside Art. 39 CRC (van Bueren 2006), which focuses on promoting the self-respect and dignity of children, especially when children

are victims of ‘any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment, punishment or armed conflicts’.

Similarly, the Committee (2007: 4-6) has concluded that insufficient attention is being paid to the need to promote an effective system of physical and psychological recovery for children who have been imprisoned and that in an environment that fosters the child’s health, self-respect and dignity. Adding to the above, when it comes to applying standards concerning the protection of children’s rights, Art. 37 CRC and Art. 40 CRC must always take into account other existing international standards that focus on intervention before criminal behaviour occurs, as well as provide a normative legal framework for the administration of juvenile justice, combined with minimum standards for prisons and other closed facilities, specifically designed for children in conflict with the law (Committee 2000).

Such instruments according to Kline (2005) are the ‘UN Standard Minimum Rules for the Administration of Juvenile Justice’, or ‘Beijing Rules’ (1985), known for taking the broadest scope of the international instruments on juvenile justice, defining a juvenile as anyone who is treated differently than adults for having committed an offence and for introducing juvenile detention as ‘a measure of last resort and for the minimum necessary period’ (Goldson and Kilkelly 2013); the ‘Riyadh Guidelines’ (1990), characterised by diversionary and non-punitive imperatives (e.g. Gillen 2006; Goldson and Hughes 2010; Goldson and Kilkelly 2013), which, unlike the CRC, is soft law, thus indirectly binding on Member States and the ‘Rules for the Protection of Juveniles Deprived of Their Liberty’, or ‘Havana Rules’ (1991), which is the only international instrument that deals exclusively with incarcerated children.

Hence, the CRC was originally based on the core provisions of the above international instruments, whilst managing to embody the above principles within its structure. According to Gillen (2006), the important part of these instruments is the fact that their role is mostly recommendatory and non-binding, in the sense that they have no direct legal impact upon the domestic policy of Member States. Hence, they identify international efforts on preserving and protecting children’s rights and offer broader legal protection and supervisory mechanisms in order to enforce the rights of juveniles deprived of their liberty (Manco 2015).

Based on the above, the CRC establishes minimum standards for the protection of children, thus allowing Member States to incorporate these into their legislation or amend it accordingly and provide effective remedies for their breach. As Gillen (2006) correctly states, decriminalisation and diversion are two interrelated themes. Therefore, imprisonment of young people should be a measure of last resort, so that domestic policies can promote the fulfilment of each young person’s potential, away from imprisonment and the juvenile justice system as

a whole. However, despite the fact that the term ‘in conflict with the law’ refers both to Art. 37 and Art. 40 CRC, which are of particular importance to children in vulnerable situations as already discussed, Freeman (2000) supports that certain categories of vulnerable groups of children still lack attention by the CRC, thus corroborating the argument which was originally presented by Morrow and Richards (1996: 90) that the term ‘child’ undoubtedly ‘masks a wide range of categories of children. As a result, the CRC aims to protect the rights of children in multiple occasions and under different circumstances, regardless of the child’s country of origin or ethnicity, to which end it offers a strong protective framework for children in vulnerable situations, including children placed in detention.

Therefore, in the case of UAM in specific, Art. 22 CRC would apply, the latter being the first legally binding acknowledgement of the unique needs and risks for refugee and asylum-seeking children (Bierwirth 2005), based on the prohibition of discrimination, as enshrined in Art. 2 CRC. The reason behind the placed emphasis on the principle of non-discrimination lies on the fact that to subject refugee children to discriminatory treatment in the country of refuge is a sensitive, albeit common, matter. Thus, in the case of underage asylum seekers in specific, either accompanied by a guardian or unaccompanied, Art. 22(1) CRC instructs Member States to take all the necessary actions in order to cover their needs at the moment they enter a foreign country, including offering humanitarian aid to children who seek international protection.

On this matter, Del Gaudio and Phillips (2018) support that the protection of Art. 22 CRC extends to the material conditions and children’s treatment within detention, as UAM are often subjected to violence in the host country, due to lack of child-friendly policies. For this reason, Art. 22(2) CRC focuses on the transnational cooperation of the host country with the UN and non-governmental organisations (hereinafter NGOs), in order to ensure that the child reunites with a family member residing in a European country. The latter would apply according to Regulation No. 604 of 2013 (hereinafter Dublin Regulation), which introduced the term ‘State of first entry’ to the European context. In detail, the country of ‘first entry’ is expected to consider and decide upon the individual’s application for international protection, unless there are ‘substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State’ according to Art. 3(2), in which case another Member State would be responsible to decide instead. It is obvious that this context adds political pressure to countries such as Greece, which, due to their location, are expected to process massive numbers of applications submitted by asylum-seeking individuals.

Furthermore, if children are subjected to detention processes, this provides the basis for additional actions to be taken on behalf of the State in order to guarantee the effective

application of the CRC including Art. 27(1) CRC, which recognises ‘the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development’ (Kids Behind Bars 2003). As a result, in the case of UAM being subjected to detention processes upon arrival in the host country, as will be presented and discussed in this study, all the CRC provisions are expected to apply. Stemming from the latter, the CRC aims to ensure that the children’s right to express themselves in an undisturbed way is a matter of protecting the child’s dignity and personality, especially due to the fact that if a minor’s views are freely expressed and respected, this will certainly have a positive outcome and impact on decisions being taken for children. Therefore, following the premise that minors have the right to express themselves freely with respect to all the matters that affect them and certainly irrespective of their age, the Committee (2003; 2009: 21) placed emphasis on Art. 12 CRC. More specifically, according to the Committee, children are given opportunities to express their views (Lundy 2007), regardless of whether or not they have complete knowledge of all aspects of the issue that affects them, but as long as they have sufficient understanding in order to form their own views concerning the matter under discussion.

For this reason, Krappmann (2010) argues that Art. 12 CRC is unique in the sense that it encompasses the premise that children have the right to be heard when decisions are taken and when these decisions have immediate effect on them, especially in cases falling under Art. 12(2) CRC, which establishes that ‘the child shall in particular be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child’. To this end, Art. 12 CRC must be balanced against other CRC provisions, including the protection of the child’s best interests under Art. 3 CRC, as discussed, as well as Art. 13, which refers to the right of children to seek, receive, and impart information (Lundy, McEvoy and Byrne 2011).

Following the Committee’s Observation (2009: 84) that ‘the child has a right to direction and guidance, which have to compensate for the lack of knowledge, experience and understanding of the child and are restricted by his or her evolving capacities’, Lundy et al. (2011) note that Art. 12 CRC should also apply in accordance with the adult’s obligation of Art. 5 CRC to provide children with adequate support and guidance in the exercise of their other rights. And due to the fact that adults do not fully commit to the idea of applying this provision, this eventually leads to Art. 12 CRC being considered as one of the most commonly misunderstood provisions (Lundy 2007).

According to Bhabha and Young (1999), the reason behind the forming process of Art. 12 CRC was to provide an adequate opportunity to children to freely express their opinions under suitable circumstances, with the child’s age and maturity taken into consideration. On this

issue, the Committee (2009: 25, 29) supports that forming a view is not strictly interrelated with the child's biological age, but is easily influenced by experiences, social and cultural expectations, levels of support, but most importantly information, which is essential, as is the precondition of the child's clarified decisions. Hence 'age should not be a barrier to the child's right to participate fully in the justice process and that as the child matures, his or her views shall have increasing weight in the assessment of his or her best interests', to which end 'States must ensure appropriate arrangements, including representation, when appropriate, for the assessment of their best interests' (Committee 2006: 51; 2009: 25, 29; 2013: 8).

In fact, according to Krappmann (2010), Art. 12 CRC suggests that a child should not be considered as immature, incompetent or incomplete, thus requiring protection, rather a responsible and complete individual, even if sometimes in need of protection. Similarly, Parkinson and Cashmore (2008) state that setting an age limit to determine the child's capability to form their own opinion would contradict to the developmental psychologists' findings on the gradual development of children's capacities over time, whereas Thomas (2007) notes that every child has the right to be heard, regardless of their age or maturity. In this view, Art. 12 CRC proves that children have competences, however limited, hence they are recognised as full members of the society, in spite of not yet having been given full responsibilities (Herbots and Put 2015). Lastly, Art. 12(2) CRC specifically focuses on the right of children to form their own opinions concerning all matters that affect them, including all the administrative measures that they are subjected to.

The issue of giving due weight not just to the views expressed by a child, but also to the child's interests and goals, is often referred upon in the literature (Bhabha and Young 1999; Krappmann 2010; McCafferty 2017). More specifically, according to scholars (Hodgkin and Newell 2007; Lansdown 2016) the CRC recognises that children, just like adults, hold rights. In this regard, Sutherland (2014) notes that by acknowledging that children have their own formed opinions concerning the matters that affect them, it becomes evident that each child holds a separate identity, which is to be respected. In support of this argument, Hodgkin and Newell (2007: 150) note that Art. 12 CRC should be considered as a right to participation and not a right to self-determination, as it concerns the involvement of the child in the decision-making process, while respecting the child's developing capacity.

These topics have been placed under scrutiny by scholars, however separately, as discussed above. Therefore, despite the clear content and protective character of the CRC rights, when it comes to protecting the rights of migrant children in specific, it appears that no question was ever raised in contemporary research with regard to the correct application of Art. 12 CRC in

the case of UAM being subjected to detention processes upon arrival in Greece, which allows this study to contribute significantly to the current body of knowledge by looking into this particular subject. However, before proceeding to analysing the research aims of this study, as discussed above, the status of UAM in the Greek context will be elaborated upon.

III. Placing unaccompanied minors in the Greek context

This study will be focusing on detained UAM. According to the UNHCR (1994; 2004) UAM are children below the age of eighteen who ‘have been separated from both parents and are not being cared for by an adult, including a distant relative, who, by law of custom, is responsible to do so’. From a statistical point of view, migrant minors and adolescents below the eighteenth year of age represent almost half of the worldwide refugee population, making up an estimated one third of the total world population and the majority of them are unaccompanied (UNHCR 2013; 2014; Vervliet, Rousseau, Broekaert and Derluyn 2015). On the other hand, the term ‘separated’ refers to children under the age of eighteen who are also separated from both parents or from their previous legal or customary primary caregiver, albeit usually living with extended family members, most commonly siblings and/or an uncle or aunt (Report of the Secretary-General to the UN General Assembly 2001; UNHCR 2004).

In addition to the rather clear and straightforward definition for UAM, as provided by the UNHCR, the European Council, under Art. 2(e) of Directive 2013/33/EU, provides a more detailed definition of the term, as embodied in the Greek legal context (Art. 1(i) of Act 3386 of 2005 as amended by Act 4251 of 2014; Act 4575 of 2016 as amended by Act 4540 of 2018 and by the recently introduced Act 4636 of 2019), according to which, unaccompanied is ‘a minor who arrives in the territory of a Member State unaccompanied by an adult responsible for him(...), and for as long as he or she is not effectively taken into the care of such person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States’. However, the definition of UAM, as depicted in the law, does not always demonstrate accurately how children find themselves to be unaccompanied.

For this reason, Kohli (2007) argues that the term UAM can ‘veil the presence of many social actors who shape these migrations at the onset, during the journey, and at the destination’, hence the term ‘separated’ is more accurate in reflecting their status. More specifically, practice suggests that in some cases minors may choose to follow the migratory path alone, in order to avoid phenomena of violence that might have affected their families. Alternatively, UAM may embark upon this journey alone, but join other individuals in the

process, possibly relatives en route to Europe, in which case these minors are eventually accompanied by someone upon arrival in the host country. Also, children might leave their countries of origin accompanied by relatives or caregivers, but eventually find themselves to be alone due to various reasons.

A typical example would be for minors to enter the host country accompanied but ultimately be left behind, thus hoping that this would have a positive impact on their prospects of being awarded international protection. Hence, in order to correctly define whether or not a migrant minor is unaccompanied, special focus must be placed on the minor's status after one has entered the Greek territory and certainly not at the point of entry, in which case, UAM either enter the country on their own or are left alone after they cross the national borders, whereas 'separated' minors are accompanied by a guardian or a family member, most commonly a sibling or a distant relative, but certainly not a parent.

With regard to their background, most commonly UAM originate from areas that are affected by armed conflicts; warfare activities and a rather unstable socio-political regime overall, which often makes them targets for multiple human rights abuses, including but not restricted to forced migration, gender-based violence, torture and even sexual or labour exploitation. As a result, in most cases, UAM flee their countries of origin in order to escape persecution, for which reason as soon as they arrive in a host country, they promptly follow the procedures that would offer them international protection or grant them refugee status.

The latter is defined in the Convention and implemented in the Greek legal framework (Art. 2(d) of PD 113 of 2013, as amended by Art. 2(e) of PD 141 of 2013 and by the recently introduced Act 4636 of 2019), according to which, a refugee is 'a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it'. This issue has been widely discussed in the literature (UN General Assembly 1996; Derluyn and Broekaert 2008; Derluyn and Vervliet 2012) and also referred upon in human rights instruments, including the CRC, the European Union Agency for Fundamental Rights (2010, hereinafter FRA) and the European Migration Network (2010, hereinafter EMN) which also provides clear information on the status of UAM in Greece, based on guidelines shared by the Hellenic police.

More specifically, according to Vervliet et al. (2015), given their young age and the lack of guardians by their side, UAM are in urgent need of protection and assistance, as well as adequate care at arrival in the host country, including child-friendly reception procedures, combined with efficient socio-legal aid and support, especially during asylum processes. For this reason, Menjívar and Perreira (2019) support that focus must be placed on more cross-national, comparative research that would contribute to theorising on immigrant integration in host countries, especially due to the fact that in recent years, high numbers of UAM flee from countries of the Global South and follow difficult and daunting migratory paths, in an effort to avoid extreme inequalities and constraints.

For this reason, scholars have thoroughly focused on the fact that UAM face greater risks than children and youth who are accompanied by either close relatives or parents, as well as caretakers or guardians (Goodman 2004; Thommessen, Laghi, Cerrone, Baiocco and Todd 2013; Thommessen, Corcoran and Todd 2015; Papadopoulos and Pycroft 2019). In fact, it appears that there is a general consensus in the literature that UAM are particularly vulnerable, especially when compared to other groups of asylum-seeking individuals (UN General Assembly 1996; Derluyn and Broekaert 2008).

With regard to the element of vulnerability and its effect on the coping strategies of migrant minors, Goodman (2004: 1177-1178) argues that UAM who have experienced the loss of their family and community appear to be more emotionally distressed, hence lack the ability to properly adjust in the host country, especially when compared to children who have experienced migration alongside their families. Similarly, Hopkins and Hill (2010: 407) support that UAM possess ‘remarkable coping capacities’, which however are often impeded by systems of support in the host country. In addition to the above, despite the existing research with regard to issues of well-being and integration of UAM in EU host countries, Lidén and Nyhlén (2016) note that not much attention has been given to the varying institutional settings which are decisive for the reception of UAM, including the effective application of the relevant CRC provisions, both upon arrival and during their next administrative steps.

From a procedural point of view, when UAM arrive in Greece in an unlawful manner, they are placed under the guardianship of the Public Prosecutor for Minors or, in his absence, the First Instance Public Prosecutor, under whose territorial jurisdiction the minor was located and is being held under custody. This process is described in Act 4540 of 2018 (as amended by the recently introduced Act 4636 of 2019), which, under Art. 30(6), replaced all the provisions of PD 220 of 2007, as will be discussed in the next chapter, except for Art. 19(1), which allows the Public Prosecutor to act as the temporary guardian for UAM, thus indirectly agreeing with

the Committee's (2011: 33) opinion that minors are either emancipated; in the care of primary or proxy caregivers; or in the de facto care of the State.

Sadly, however, the particularly high number of UAM that is allocated to each Public Prosecutor, makes it practically impossible for them to effectively carry out their duties as temporary guardians, including providing UAM with proper care and support. Also, there is no efficient way for the Public Prosecutor to be fully aware of the services that are offered to UAM who are placed under his/her guardianship, unless the organisation that operates the accommodation unit for UAM manages to maintain a coherent and clear communication strategy with the Public Prosecutor, in the sense of providing adequate information concerning the minors' status at all times. Therefore, it depends on the humanitarian organisations' willingness to make sure that proper services are provided to UAM, in order for the guardianship scheme to operate efficiently.

For this reason, given the difficulties that are involved in this process, efforts were recently instigated on a State level towards updating the current legal framework on guardianship for migrant minors in Greece. As a result, Act 4554 of 2018 was introduced, which established, inter alia, the concept of the 'professional guardian' in relation to the integration of UAM in society. This update was expected to focus specifically on safeguarding the general well-being of children (FRA 2015), for which reason it was welcomed by the Committee (2019: 5d) for being an important initiative towards revising the current legislation with respect to guardianship acts for UAM and separated children.

According to Act 4554 of 2018, a guardian shall be appointed to an alien or stateless person under the age of eighteen, who arrives in Greece without being accompanied by either a relative or a non-relative who exercises parental guardianship or custodial acts. For this reason, the new Act, under Art. 19-24, stipulates the terms for the appointment and replacement of a Guardianship Commissioner for UAM, as well as introduces a Supervisory Guardianship Board. And that in order to ensure the proper representation of UAM; their placement in suitable and safe accommodation and the provision of assistance to them throughout all judicial and administrative procedures, under the scope of Art. 3 CRC. However, due to the high number of changes and improvements that Act 4554 of 2018 introduced to the Greek legal context, its implementation has been postponed and is still expected to occur.

With regard to the status of UAM in Greece, according to UNICEF (2017: 16, 17), EKKA, acting as a governmental agency and a social support services network, manages the national referral and placement system for migrant minors. In fact, EKKA has emerged as an important actor for UAM in Greece and that through publishing detailed statistical information on a

biweekly basis with reference to their number, age, nationality, gender and location. Additionally, EKKA monitors the time it takes to process referrals to accommodation structures, the length of stay in shelters and the rate at which children abscond, hence provides crucial information and assistance to child-protection service actors and policymakers.

At the time this study was completed, according to EKKA (2019), the estimated number of refugee children located in Greece was 5.301 including 486 separated children, 92.6% of which were boys, 7.4% were girls and 8.7% were younger than fourteen. As of 31 December 2019, Greece could offer 1.488 places for children in long-term accommodation schemes, such as shelters and supported independent living apartments (hereinafter SIL) and 841 places in temporary accommodation, such as safe zones and emergency hotels. With regard to short-term accommodation structures in specific, EKKA (2019) defines 'safe zones' as designated supervised spaces within accommodation sites (most commonly refugee camps) that provide UAM with emergency protection and care on a 24-hour basis. Normally, safe zones are to be used as short-term accommodation structures, offering protection to UAM in light of the insufficient number of available shelters for a limited period of maximum three months, for which reason priority is given to UAM who are subjected to detention processes, as well as other vulnerable children, in line with Art. 3 CRC. To this end, a safe zone is considered to be a transition replacement for migrant minors and its mission is to take children out of detention centres as soon as possible and accommodate them until a permanent placement is available for them in long-term accommodation structures. For this reason, during their stay in the safe zone, minors are provided with support and services, including legal aid, offered by highly trained and experienced staff. Hotels, on the other hand, are emergency accommodation spaces giving priority to UAM located at the borders (EKKA 2019).

However, despite the country's efforts to cover the accommodation needs of UAM who arrive unlawfully, as of 31 December 2019, Greece could only provide 52 (transit and long-term) UAM shelters with a total of 1.352 places and 10 (short-term) safe zones, with a total of 300 places, followed by 34 Supported Independent Living (SIL) apartments for UAM older than sixteen years of age with a total of 136 places and 14 Hotels for UAM offering a total of 541 places. And this in times when the number of children on waiting list for shelter or other appropriate hosting structures reached the number of 1809, followed by 195 children in protective custody (EKKA 2019), thus revealing the need for Greece to reach a certain level of procedural effectiveness so that UAM are placed in appropriate accommodation immediately upon arrival in the country, as will be further discussed in the next chapter.

Chapter 2: **Research Focus**

So far, an introduction to this study has been provided, followed by a discussion concerning the current gaps in contemporary research that this study will be looking into. Additionally, the background of this project was clarified and focus was placed on the issue of protecting and promoting the rights of children under the scope of the CRC. The status of UAM in the Greek context was also demonstrated, coupled with information on the definition of the term ‘unaccompanied minor’, according to the law and the literature.

Therefore, following the above, this chapter will concentrate exclusively on analysing this study’s set research aims and scope of study as presented in the Introduction Chapter. Also, it will be clarified how this project will add significantly to the current body of knowledge.

Initially, emphasis will be placed on understanding UAM detention as it currently applies in the Greek context. For this reason, this study will examine the letter of the law concerning the status of UAM who enter the country illegally and elaborate on the procedural steps that follow their arrival, whereas a short remark will also be made to deportation processes in specific, the latter being a crucial part in the reception process, as will be discussed.

Moreover, an analysis of ‘protective custody’ and detention for UAM will commence and references will be made to the relevant provisions of the Greek legal context that regulate each process respectively. As a result, by bringing the connection between UAM detention and custody of a protective character to the spotlight, the problematic merging of the administrative processes that follow the unlawful entry of UAM into the country will be explored.

After presenting and clarifying the applicable legal framework, this study will focus on reception and identification processes that UAM are currently being subjected to upon arrival in the country. At this point, the importance of age assessment examinations in specific will be stressed, the latter being pivotal in the refugee reception process.

Concluding the above, after having elaborated on the current gaps in contemporary research as regards UAM detention and the need to understand detention conditions; reveal the reality within detention facilities for UAM in Greece and explain how the law applies in practice concerning the latter as previously discussed, references will be made to the recent Act 4636 of 2019 on international protection matters and the author will briefly comment on the changes that it introduced to the Greek law. Hence, after presenting the current national framework and the steps that follow the illegal entry of UAM into the country, this study will examine the positionality of detained UAM within the context of crimmigration, followed by an analysis of their right to be heard with respect to the processes that they are being subjected to.

Therefore, based on the premise that UAM should not be strictly viewed as criminals solely due to their unlawful entry into the country, the ‘best interests of the child’ principle, as enshrined in Art. 3 CRC, will be placed under the critical lens of crimmigration. Accordingly, this study will examine the theoretical background of the term, followed by references to the literature. By elaborating on the difference of opinion among scholars as regards the meaning and overall scope of crimmigration, the author will place special emphasis on whether or not UAM are currently criminalised through detention processes in Greece. Thus, at this point the author will go into UAM detention as it currently applies in the national context and examine in depth whether or not it positions UAM within the crimmigration debate.

Lastly, the correct application of Art. 12 CRC will also be examined as regards the right of detained UAM in Greece to question all the judicial and administrative procedures that they are subjected to, including detention processes that follow their arrival in the country. For this reason, the issue of whether or not UAM detention in Greece, in its current form, is considered to be an administrative process as described in Art. 12(2) CRC will be subjected to analysis, followed by the exploration of a unique procedural phenomenon in the national context that the author refers to as the ‘vicious circle of UAM detention’.

To this end, the need for UAM detention to be viewed as an administrative procedure will be presented, the main argument being that Art. 12 CRC must be analogously applied to UAM who are currently being subjected to detention processes upon unlawful entry into Greece, instead of experiencing custody of a protective character. As will be discussed, the correct application of Art. 12 CRC would allow UAM to be heard with regard to the overall process of detention and question the applied measures accordingly.

I. Examining detention for unaccompanied minors in Greece

When it comes to regulating the unlawful entry into a host country without restricting the freedom of movement, Art. 26 of the Convention stipulates that ‘Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances’, whereas Art. 31(1) states that ‘(...)contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorisation, provided that they present themselves without delay to the authorities and show good cause for their illegal entry or presence’.

For this reason, according to De Bruycker, Bloomfield, Tsourdi and Pétin (2015: 31), Art. 26 and 31 of the Convention must be read together, in the sense that asylum seekers who arrive unlawfully in a host country should benefit from the general rule of freedom of movement, while being granted protection against arbitrary restrictions of liberty. Hence, the Convention clearly provides for protection against penalisation for all asylum seekers being located in a host Member State without legal formalities, which depicts the Convention's intention to insulate refugees from penalties for unlawful entry, nonetheless without prohibiting the measure of detention overall. As a result, detention measures can still apply in the case of unlawful entry, thus concluding that detention is in most cases not considered to be a punitive, rather an administrative measure.

However, in the Greek context, the first procedural step that usually follows the illegal entry into the country includes the arrest and prosecution of the individual, as stipulated under Art. 83(1) of Act 3386 of 2005 as amended, according to which, 'Third-country nationals', as well as EU nationals, 'who exit or attempt to exit Greece or enter or attempt to enter Greece without legal formalities, shall be punished by imprisonment of at least three months and a fine of at least one thousand five hundred Euros (€1,500)', whereas if one is wanted by judicial or police authorities or has tax or other obligations to the State or is a recidivist, one's actions shall be considered as aggravating circumstances and one 'shall be punished by imprisonment of at least six months and a fine of at least three thousand (€3,000)'.

Therefore, according to the recently amended Act 4375 of 2016, building on Act 4251 of 2014, as well as on Act 3907 of 2011, when asylum seekers are apprehended for entering the country unlawfully, a detention decision is instantly issued upon them, often followed by a decision for deportation, under Art. 76 of Act 3386 of 2005, as amended. However, according to Art. 83(2) of Act 3386 of 2005, building up on Art. 50 (2) of Act 2910 of 2001, the Public Prosecutor at the Court of First Instance, after the approval of the Prosecutor at the Court of Appeal, may abstain from pressing criminal charges against the said individual and directly order the direct deportation of the individual in his/her country of origin instead.

Nevertheless, deportation may be avoided if the individual decides to follow voluntary departure procedures, as depicted in Art. 73(1)(b) of Act 3386 of 2005 as amended, or if one submits an application for international protection. With regard to the latter, according to the Practical Handbook for Border Guards (2006: 10,1, hereinafter Schengen Handbook), 'A third-country national must be considered as applicant for asylum/international protection if he/she expresses – in any way – fear of suffering serious harm if he/she is returned to his/her country of origin or former habitual residence'. The latter was introduced to the Greek law under Art.

34(d) of Act 4375 of 2016, as amended by Art. 65(8) of Act 4636 of 2019. Hence, from the moment when an asylum-seeking individual expresses the will to apply for international protection, he or she shall be protected from prosecution overall. As a result, any on-going legal process based on the violation of Art. 83(1) of Act 3386 of 2005 as mentioned above, shall be postponed until a decision is issued concerning the individual's application.



Diagram 1: unlawful entry into the Greek context

With regard to deportation processes, Turnbull and Hasselberg (2017) argue that deportation is a form of additional or 'double' punishment, especially given that arrest and prosecution for illegal entry precede it. On the contrary, Di Molfetta and Brouwer (2019) clarify that 'double' punishment implies being punished twice for entering the host country unlawfully, hence deportation should be seen as a preventive and not a punitive measure that

Member States can adopt in terms of safeguarding the society (Fekete and Webber 2010). This way, deportation practices may be perceived as a deterrence mechanism, so that doubt and fear is instilled to asylum seekers with regard to the legal consequences that might follow their entry into the host country. As a result, deportation upon unlawful entry becomes an administrative measure towards protecting contemporary societies from those who lack permission to reside in the country, which means that no direct link appears to exist between a deportation decision and a criminal conviction.

Therefore, if asylum-seeking individuals decide to apply for international protection upon arrival in the country, these individuals are by law to be protected from being deported or even prosecuted on the basis of illegal entry. In fact, their detention may have a legal basis only after their application has been definitively rejected, as stipulated both in the Convention, as well as in Art. 46(1) of Act 4375 of 2016, as amended by Act 4540 of 2018 and replaced by Art. 46 of the recently introduced Act 4636 of 2019, according to which, ‘An alien or stateless person who applies for international protection shall not be held in detention for the sole reason that he/she has submitted an application for international protection, and that he/she entered unlawfully and/or stays in the country without a legal residence permit’.

Moreover, ‘Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance...’ as enshrined in Art. 7 of Directive 2005/85/EU and incorporated into the Greek context under Art. Art. 5(1) of PD 114 of 2010, as amended.

For this reason, according to the Greek jurisprudence, the Court procedure is to occur again should an individual receive international protection after being convicted for a violation of Act 3386 of 2005, as amended. This means that one depends entirely on the outcome of his or her application for international protection, whereas in the meantime, the criminalisation of illegal entry practically remains unaffected, as will be further discussed in this chapter as regards the positionality of UAM within the crimmigration debate.

Following the above, when UAM in specific enter the country illegally, they are immediately arrested for unlawful entry as discussed above and a criminal case is filed; their personal details are recorded in the Authorities’ registry (Sub-Directorate of the Police Department, Division on the Protection of Minors), based on the information provided by travel documents or the minor’s personal statement and afterwards the Public Prosecutor for Minors, or the competent Public Prosecutor in cases where the former is not available, is informed accordingly (Greek Ombudsman 2005) within twenty-four hours from the arrest. In this case, the Public Prosecutor retains the discretionary power to refrain from pressing legal charges

against the arrested minor for the same reasons mentioned above under Art. 83(2) of Act 3386 of 2005, namely so that the individual is forwarded to his or her country of origin or descent.

At this point it should be stated that as regards deportation processes in the case of UAM, Art. 23 of Directive 2013/33/EU stipulates that Member States are expected to consider the minor's best interests when implementing the provisions of the Directive, especially in asylum processes and in order to ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development. Thus, it has been supported in the literature (Greek Ombudsman 2005) that deportation processes for UAM are considered to contravene the 'best interests of the child' principle.

And this because the primary consideration of the State is to locate the minors' family and to examine the possibility of having them safely repatriated and reintegrated to their country of origin. For this reason, if a return decision for UAM is issued, Art. 10(1) of Directive 2008/115/EU, which was implemented in the Greek context under Art. 25 of Act 3907 of 2011 as amended, states that 'Before deciding to issue a return decision... assistance by appropriate bodies other than the authorities enforcing return shall be granted with due consideration being given to the best interests of the child', to which end Art. 10(2) dictates that before removing UAM from the host country, efforts must be made so that the minors return to a protective environment, where adequate reception services are provided.

Adding to the above, if a minor is suspected to have been a victim of trafficking or if he/she is younger than the age of twelve, according to the applicable law (Art. 50(2) of Act 2910 of 2001; Art. 83(2) of Act 3386 of 2005 as amended) the minor is to be placed in a special institution, i.e. a home for abused children, following fast-track procedures, which however applies rarely. Instead, practice in Greece suggests that almost every time that UAM enter the country illegally, they are immediately arrested and placed in custody of a protective character with the possibility of detention, albeit in exceptional circumstances, despite the fact that UAM 'seeking asylum should never be detained for entering the country illegally' (Greek Ombudsman 2005: 31), as will be further discussed in this study. In either case, UAM are subjected to reception and identification procedures (Art. 9 of Act 4375 of 2016 as amended), which include identity and nationality verification; age assessment examinations; provision of health care and psychosocial support; information in relation to the rights and obligations of the persons concerned; legal aid and registration processes.

However, before proceeding further in discussing reception procedures, protective custody and detention processes will be presented according to the applicable law.

a. **Protective custody and detention processes**

From a procedural point of view, UAM may either be apprehended immediately upon illegal entry into the country, namely at the national borders, or in the mainland, after managing to avoid arrest upon arrival. In both scenarios, the competent Ministry must be informed accordingly, so that UAM are eventually addressed to appropriate short- or long-term hosting facilities after completing the reception and identification procedures, as mentioned above.

In detail, if UAM are located at the borders, they are to be transferred directly to a First Reception and Identification Centre (hereinafter RIC) within whose territorial jurisdiction they have been arrested, according to Art. 14 of Act 4375 of 2016 (as amended by Act 4540 of 2018 and Act 4636 of 2019), building on Act 3907 of 2011. After arriving at the RIC, UAM are deprived of their liberty within the RIC's premises for an initial period of three days (five days according to the recently introduced Act 4636 of 2019), which can be extended for up to a total of twenty-five days, until all administrative procedures have been completed, unless medical reasons suggest differently, in which case the individual may be permitted to exit the RIC, albeit temporarily (Art. 39(4) of Act 4636 of 2019). At the moment, five RICs are located at the Aegean Sea and more specifically at the islands of Leros, Lesbos, Kos, Chios and Samos and one RIC facility is located in the mainland, at Fylakio, Evros, near the Greek-Turkish border, all operating under the First Reception and Identification Service of the Greek Ministry of Migration and Asylum (formerly known as Ministry of Citizen Protection).

However, if UAM are arrested in the mainland, they are most commonly transferred directly to detention facilities, which are usually located within police departments and run under police administration. Crucial questions are therefore formed with regard to the context of the processes that UAM are subjected to upon unlawful entry into the country.

With respect to protective custody in specific, this process was originally introduced to the Greek legal framework under Art. 118(2)(a) of PD 141 of 1991, according to which 'minors who voluntarily or involuntarily have gone missing' are placed under protective custody, until they are handed over to those responsible for them. Moreover, according to Art. 118(3), protective custody shall not be viewed as detention as per the Greek Criminal Procedure Code, for which reason according to Art. 118(4), 'persons placed in protective custody shall not be locked up in detention unless they may otherwise be endangering themselves or others'.

Hence, this provision originally referred to minors who have voluntarily or inadvertently disappeared, for which reason the law stipulates that they should be placed under custodial measures of a protective character until they are reunited with the persons who are responsible

for them. For this reason, protective custody is not considered to be a form of arrest, nor does it always amount to detention. In addition, persons under protective custody shall not be placed in detention centres, unless they can otherwise be prevented from endangering themselves or others, although in practice, the law has mostly been implemented through keeping children detained in police stations or even hospitals, also under the care or supervision of police forces. Therefore, even though the aforementioned legal framework on protective custody is not clearly referred upon in the relevant national context concerning migration matters and UAM in specific, an indirect reference to protective custody is made in the current framework when it comes to safeguarding the rights of UAM upon unlawful entry into the country.

In detail, according to the applicable law (Art. 31 of Directive 2011/95/EU; Art. 32 of PD 141 of 2013, as replaced by Art. 32 of Act 4636 of 2019), State authorities shall ensure that the minor's needs are adequately covered upon entry into the country and that UAM are placed in specialised centres or any other appropriate accommodation that would be suitable for them. This context will be referred upon in this study as 'custody of a protective character', as the term 'protective custody' refers strictly to PD 141 of 1991. For this to occur however, UAM must be subjected to arrest according to Art. 83 of Act 3386 of 2005, as discussed.

Adding to the above, detention processes for UAM may also apply. On this matter, recital 18 of Directive 2013/33/EU as well as Art. 6 of the EU Charter of Fundamental Rights (2012) stipulate that deprivation of liberty must be used only as a measure of last resort and detainees must be placed in appropriate facilities that respect standards of human dignity. Moreover, according to Art. 17(1) of Directive 2008/115/EU, 'Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time'. The latter has been strongly argued for in the law and more specifically in European regulations (Art. 15(1) of Directive 2008/115/EU; Art. 28(2) of Dublin Regulation; Directive 2013/33/EU; FRA 2017: 42; Committee for the Prevention of Torture of the Council of Europe 2017: 2, hereinafter CPT) stating that UAM detention can only be applied after the careful examination of each individual case respectively, coupled with periodic reviews and alternative measures of non-custodial character, which should be developed and applied accordingly.

Furthermore, according to CPT, the right to prompt legal, or any other appropriate form of support, along with proper counselling and educational assistance must certainly be ensured in favour of detained UAM (2017: 9). In addition to the above, Art. 9(2) of Directive 2013/33/EU states that 'Detention of applicants shall be ordered in writing by judicial or administrative authorities. The detention order shall state the reasons in fact and in law on which it is based'. This would apply so that applicants are informed in writing and in a language which they would

understand or would be reasonably supposed to understand, concerning the reasons for being subjected to detention, followed by instructions with respect to the procedures that are laid down in national law in order to challenge the issued order, as well as with information on the right to request free legal assistance. The latter is enshrined in Art. 9(4) of Directive 2013/33/EU, originally deriving from Art. 5(2) of the ECHR (1950), which states that ‘Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful’.

The above provisions have been implemented in the Greek legal framework under Art. 46(10) of Act 4375 of 2016, as amended by Art. 10 of Act 4540 of 2018 and Art. 48(2) of Act 4636 of 2019, thus allowing for UAM detention to apply, albeit only under certain circumstances. More specifically, according to the applicable law in Greece, UAM can be held detained only as a measure of last resort; only if alternative and less restrictive measures cannot be implemented and in cases of extreme need, provided that the minors’ best interests are taken into consideration at all times, according to Art. 3 CRC. More specifically, UAM detention may occur for the shortest possible period of time, which cannot exceed the limit of twenty-five days, during which the minors must be identified and have their nationality verified before they are assigned to specialised organisations or guardians.

With regard to the issue of duration, the Greek law (Art 46(10) of Act 4375 of 2016, as amended) stipulates that detention may be extended by twenty additional days, albeit only due to exceptional circumstances such as the significant increase in arrivals of UAM and despite the reasonable efforts of competent authorities to refer them to appropriate accommodation facilities, meaning that UAM must be transferred to suitable hosting units on the forty-fifth day of detention the latest. Moreover, as regards the conditions and the rights that UAM are entitled to during detention, UAM are to be placed separately from adults; to never be held detained in prison cells and to be provided with age-appropriate activities in accommodation facilities which are to be sufficiently equipped after taking the needs of UAM into consideration.

Lastly, according to Act 4375 of 2016, as amended by Act 4636 of 2019 (Art. 31; Art. 46 and Art. 47), UAM detainees are to be informed in full and in a language that they understand, on the reasons and the duration of their detention and are also entitled to free legal assistance, in order to challenge the lawfulness of the issued detention order and/or the decision to extend any currently applying detention order. Also, detained UAM should receive appropriate medical care, for which reason the law stipulates that competent authorities are expected to be primarily concerned with health issues, including the mental health and well-being of minors.

However, due to the great migration flows and the high number of UAM arriving in Greece (EKKA 2017, 2018, 2019; Eurostat 2019), State authorities have often proven to be unable to promptly address minors to suitable hosting structures upon arrival. This context, along with the lack of child-appropriate accommodation units for UAM, either within the premises of a RIC, or in long- or short-term facilities, results in UAM being subjected to detention processes instead. As a result, this raises crucial questions concerning the relation between custody of a protective character and detention, which will be elaborated upon in Chapter Four.

On this matter, the Committee has concluded that ‘children should not be criminalised or subjected to punitive measures because of their or their parents’ migration status’ and that ‘the detention of a child..., always contravenes the principle of the best interests of the child’ (2012: 78). The latter has also been supported by scholars (Skordas and Sitaropoulos 2004; Fili and Xythali 2017), confirming that Greece has repeatedly failed to provide appropriate assistance to international protection applicants, mostly due to a poorly-structured legal framework.

In fact, practice suggests that if UAM apply for international protection while being held detained under the relevant provisions of Act 3386 of 2005 and Act 3907 of 2011, as amended by Act 4636 of 2019, they shall remain in detention only if other forms of accommodation are not available and only until they are safely referred to appropriate hosting units. Unfortunately, though, according to Troller (2008) such procedures often lead to a time-consuming and clearly arbitrary and prolonged detention period, which, in due course, affects the well-being of UAM and that by depriving them of certain rights as enshrined in the letter of the law.

Additionally, with regard to immigration detention of children as it currently applies on a European level, according to the CPT (2019: 121) an increasing trend to promote measures that aim to stop such processes is always present, especially due to phenomena of ‘continued and routine detention for lengthy periods in poor conditions and with insufficient care offered to them’. For this reason, the CPT argues that any form of deprivation of liberty may affect the physical and/or mental well-being of UAM, which resulted to the CPT urging the Greek authorities to ‘fundamentally review their approach with regard to protective custody of unaccompanied children and end their immigration detention’ and that by amending the Greek context accordingly (2017: 35; 2019: 121), thus agreeing with Smyth (2019: 35) that ‘failure to adopt a complete prohibition on the immigration detention of children by the Court will retard the emergence of a new international standard, if not result in an outright schism’.

In fact, the CPT recently reported that ‘the situation has become even more acute than it already was in 2016’, especially due to the fact that ‘no additional shelter places have been created and the funding problems for shelters provided by civil society organisations have put

about half of these places at risk of being closed' (2019: 122), which creates a context that irrevocably affects the way Art. 3 CRC would apply in the case of UAM who are currently being subjected to detention processes upon arrival in the country.

Concluding the above, this study will focus on understanding the context of UAM detention as it currently applies in Greece and assessing its relation to custody of a protective character. Hence, emphasis will be placed on the issues that are raised as regards whether or not the conditions of UAM detention comply with the current legal framework as elaborated upon in this chapter (Act 4375 of 2016, as amended by Act 4540 of 2018 and Act 4636 of 2019). And to achieve the latter, this study will be revealing the lived experiences of UAM from within detention and that by giving voice to UAM and practitioners and examining how the law applies in practice concerning the conditions inside detention facilities. Eventually, it is by understanding these processes, as well as by exploring the letter of the law and elaborating on its practical dimension, that will allow for the current procedural context to be brought to the surface along with the reality that detained UAM are subjected to upon arrival in Greece.

b. Reception procedures and age assessment examinations

As shown under Diagram 1 (p. 55), reception and identification procedures are expected to apply at all times when UAM arrive in the country. However, when it comes to UAM being placed in detention, according to the European Asylum Support Office (2019: 50, hereinafter EASO), several aspects must be taken into consideration, including whether or not the child is accompanied; the minor's age and state of health and psychosocial status, as well as the duration of detention and its consequences to the child's well-being.

According to UNHCR (2012) the shortest possible detention periods should be allowed, so that initial security checks are completed, especially when the minor's identity is under question, or when indications of security risk exist. This is based on the Executive Committee's Conclusion on Detention of Refugees and Asylum Seekers (1986: b), which then became the source for the Reception Conditions Directive (2013/33/EU) through the Recommendation of the Committee (2003), according to which, detention of asylum seekers 'may be resorted to only on grounds prescribed by law to verify identity'. The latter would occur in case of doubt, such as when asylum seekers have destroyed their travel or other identification documents or have used fraudulent ones in order to mislead the authorities of the host state.

On the other hand, if the minors' age is undetermined or in dispute, age assessment examinations will apply. These are considered to be of crucial importance when UAM are

subjected to detention processes, because if the examination is not conducted properly, UAM risk being placed among adults who were falsely registered as minors, thus raising further safety issues, as will be discussed under this study's interview results. For this reason, the EMN (2010) clarifies that UAM are to be separated from adults until the examination is completed. Therefore, at this point, the importance of the latter as part of the reception process of UAM in Greece will be highlighted and references will be made to the applicable law.

Currently, Art. 25 of Directive 2013/32/EU is implemented in the Greek context under Art. 75(3) of Act 4636 of 2019, according to which, 'The competent Receiving Authorities may, when in doubt, refer unaccompanied minors to age determination examinations, according to the provisions of the Common Ministerial Decision 1982/16.2.2016 (hereinafter MD 1982 of 2016). In fact, the Committee (2012: 30) states that when such a referral is necessary, attention shall be given so that the procedure is conducted in a child-friendly and culturally-sensitive manner by officials with sufficient expertise in children's rights.

From a procedural point of view, according to the provisions of MD 1982 of 2016, age assessment examinations are to be conducted in three successive stages which consist of clinical examination; psychological and social evaluation and medical examination of skeletal age. During these stages, procedural guarantees are provided in the law so that the individual under examination is properly represented regardless of the followed process, the primary consideration always being the protection of the best interests of the child principle.

With regard to the most preferable form of assessment, EASO (2018) argues that medical examinations should be performed only if other less intrusive methods were first attempted, but did not allow for the required level of certainty when it comes to defining the individual's age. Similarly, Art. 25(5) of Directive 2013/32/EU stipulates that in order to achieve accurate results, Member States may use the least invasive methods in determining the minors' age.

For this reason, in the case of medical examinations the participant's consent is required, which would be based on a free, voluntary and informed decision, whereas in non-medical methods consent may not be a legal requirement, it is however encouraged to be obtained (EASO 2018: 29). In fact, according to Art. 25(5) of Directive 2013/32/EU, UAM and/or their representatives maintain the right to refuse to be subjected to such processes without providing any justification, which however does not prevent the determining authority from issuing a decision with respect to the participant's application for international protection.

Adding to the above, despite the existence of MD 1982 of 2016, the European Commission (Recommendation 2016: 26) has reported its concerns as regards the implementation of the age assessment examination in the Greek context, especially 'due to lack of identification and the

lack of a legal remedy concerning the age assessment carried out by the police', thus confirming the procedural flaws that still exist in practice. More specifically, when it comes to accurately defining the applicant's age, EASO (2018: 34) notes that there is no age assessment method that can provide accurate results with respect to the exact chronological age of the individual under examination. Instead, such procedures may only provide an estimate of the applicant's age, to which end EASO suggests that the expressions 'age assessment' or 'age estimation' should be preferred over 'age determination'.

In any case, the benefit of the doubt is triggered as soon as a margin of error is documented as regards the examination results. Thus, the applicant is considered to be a minor until a conclusive outcome is obtained through further examinations, either medical or not. The latter is stipulated in the Greek law under Art. 75(3)(e) of Act 4636 of 2019, which specifically states that 'until the completion of the age determination procedure, the person who claims to be a minor shall be treated as such'. Moreover, EASO (2018: 43) notes that if a result indicates that the applicant is a minor, the assessment should stop immediately, whereas if the examination results in an age-range, if the applicant's claimed age is within the resulting range, it is considered to be valid; otherwise the lowest age of the margin is considered to be valid instead.

When it comes to age assessment techniques based on radiation processes in specific, De Sanctis, Soliman, Soliman, Elalaily, Di Maio, Bedair Elsaid, Kassem and Millimaggi (2016) note that all such methods are wildly criticised, as they are often considered to be invasive, arbitrary and based on reference materials which are outdated, for which reason they may procure harm to the individuals whose age is under assessment. For this reason, a margin of error in such medical examinations is always present, thus making them inaccurate and as a result inefficient, unless expert reports eventually take into consideration the 'balance of probabilities' when it comes to age assessment procedures.

In support of the latter, according to Troller (2008: 20), the medical examinations which are currently applied in order to determine the age of UAM are subject to margins of error of up to five years, whereas, according to EASO (2018), in the case of X-Ray examinations under either the Greulich and Pyle (GP) Method for the determination of children's age, or the Tanner-Whitehouse (TW3) method of assessing skeletal maturity, assessments are most commonly subject to margins of error of up to two years, which also applies in the case of Greece. For example, if an individual is allegedly a minor and the outcome of the X-ray examination indicates that the individual is eighteen years old, the margin of error allows for the examinee's age to be placed between the sixteenth and the twentieth year of age, in which

case the individual is considered to be sixteen years old, thus acknowledging the ‘benefit of the doubt’ to the person under examination.

Based on the above, practice has shown that if the result of the medical examination is different than the original statement which was originally made by the minor, either at the moment of illegal entry, or during asylum procedures, he or she will probably be facing charges for committing the criminal act of ‘false filing’ (Art. 224(1) of the Greek Penal Code, hereinafter GPC), according to which, he or she shall be punished by imprisonment of at least three months to three years and a fine. This provision nevertheless raises further questions with regard to the accuracy of age assessment procedures and consequently the effectiveness of the law, especially due to the fact that such practices clearly contradict the ‘best interests of the child’ principle, as enshrined in Art. 3 CRC.

Unfortunately, in a recent visit to Greece, the HRCR (2019) noted that State authorities still rely primarily on invasive medical methods, namely X-ray examinations, which have proven to be particularly insufficient and inaccurate in determining the age of applicants. Additionally, migrant children were found to be inadequately represented or informed regarding the right to challenge the outcome of the assessment, thus posing additional procedural difficulties for individuals who reside within detention facilities, as in that case they might be unable to access documentary proof of their age within such a short timeframe. As a result, the HRCR reiterated the Greek Ombudsman's call (2014; 2016; 2019) to put a complete end to all detention processes for UAM, as the conditions within detention facilities to this day fail to correspond to appropriate standards, as will be further discussed.

c. Introduction to Act 4636 of 2019

According to Bhabha and Young (1999), international jurisprudence is considered to have neglected the interests of UAM who arrive in Europe and apply for international protection, mainly due to the fact that neither the Convention nor the Protocol regarding the Status of Refugees (1967) specifically address the circumstances and conditions under which children are in need of protection. Adding to this argument, contemporary research (FRA 2016: 31; Greek Council for Refugees 2016; 2018: 19, hereinafter GCR) indicates that UAM detention is considered to impose risks to underage detainees who are deprived of basic human rights.

As discussed above, practice in Greece suggests that no differentiation whatsoever exists for UAM who enter the country illegally, which usually results in children being held detained, regardless of whether or not they submit an application for international protection. Hence,

crucial issues are hereby raised in the area of promoting and protecting children's rights in a successful manner when it comes to subjecting UAM to detention processes. As discussed, what must be looked into is the practical dimension of the law in the context of safeguarding the rights of UAM during detention. For this reason, before proceeding any further, short remarks must be made to Act 4636 of 2019, which was recently introduced to the Greek context, as referred upon in previous chapters and will be mentioned throughout this study.

In times of a severe socio-economic crisis for Greece, when particularly high numbers of asylum-seeking individuals arrive at the islands and the mainland, being accommodated under extremely dangerous and inappropriate conditions, fuelled by the limited to non-existent provision of proper reception services, including medical and psychosocial support, as will be further discussed in this study, Greece introduced Act 4636 of 2019 on 1 November 2019. The recently introduced legal Act was originally concerned with incorporating three EU Directives, namely 2013/32/EU, 2013/33/EU and 2011/95/EU within the Greek domestic policy and updating the current system of international protection accordingly.

As stated in its explanatory memorandum, in an effort to respect the rights of international protection applicants in the best possible way, the new law originally aimed to establish an advanced framework in the form of an update to the current legal context; correct its inherent design flaws concerning reception and asylum procedures and redesign it in accordance with the requirements of the EU law. For this reason, Act 4636 of 2019 was initially expected to introduce necessary advancements to the Greek domestic policy, so that the national asylum system would be able to overcome its current deficiencies and evolve towards developing more efficient policies and reception procedures, which would welcome third-country nationals or stateless persons who fulfil the criteria to request and receive international protection.

However, in practice, instead of laying down rules that would be helpful towards improving the current administrative procedures that follow the illegal entry of migrant minors into Greece, the new law suggested otherwise. The scattered pieces of legislation transposing the relevant Directives into Greek law have included provisions which were not in accordance with the purpose, spirit and wording neither of the aforementioned Directives, nor the Greek law, as it has been amended in recent years. Based on the latter, a patchwork of legal provisions has been created, which has all but added to the current domestic policy. Hence, the recently adopted legal Act introduced new provisions and modified existing ones, thus causing a confusion concerning its implementation in the national policy.

Interestingly, despite the considerable efforts of Act 4636 of 2019 to reinforce legal certainty and efficiency and that by resolving the existing problematic conditions with regard

to asylum and reception procedures, it eventually introduced strict procedural requirements and formalities which, in the current operational context of Greece, any asylum-seeking individual would surely not be in a position to fulfil.

With regard to the most important and ground-breaking changes that were introduced to matters that affect the status of UAM in specific, the new law overlooked the fact that until now applications for international protection were always being examined under the regular procedure, as originally stipulated under Art. 45(8) of Act 4375 of 2016. Consequently, Act 4636 of 2019 ignored the element of vulnerability that characterises UAM and introduced the use of accelerated and/or border procedures for UAM who submit application for international protection, by way of exception and only in expressly mentioned cases and under specifically provided guarantees.

Furthermore, the new law made no changes whatsoever with regard to the current legal context governing UAM detention upon arrival in the country. In detail, according to Art. 48(2) of Act 4636 of 2019, as previously discussed, minors are to be held detained only in cases of extreme need, with their best interests taken into consideration and only if alternative and/or less restrictive measures are not available.

Following this premise, the recently introduced Act accepts the premise of UAM detention, albeit for the shortest time possible and only under the condition that every effort is made so that minors are referred to appropriate accommodation as soon as possible. It becomes therefore clear that, sadly, Act 4636 of 2019 did not introduce any changes whatsoever to the current framework, concerning either the duration of detention, or the rights that UAM are entitled to during the time they spend within detention facilities. More specifically, according to the new law, the completion of the referral process to child-appropriate accommodation units may not exceed a period of twenty-five days, with the possibility of a short extension by twenty additional days, albeit only due to special circumstances and given the unavailability of appropriate hosting facilities to accommodate UAM and that despite the reasonable efforts made by the competent authorities.

As a result, UAM are to be placed in detention only under exceptional circumstances; certainly not in correctional facilities; to be kept separately from adults and to be provided with the opportunity to engage in age-appropriate activities. Lastly, Art. 46(7, 8) of Act 4636 of 2019 allows international protection applicants to challenge the detention measures that were applied to them, for which reason they are entitled to free legal aid. Hence, despite the changes which are introduced to the national framework on asylum and reception procedures, the new Act does not improve the status of UAM during detention. It becomes therefore evident that

Act 4636 of 2019 was clearly unsuccessful in settling the issues which are currently raised in the Greek legal context with respect to the status of UAM during detention. As a result, unlawful entry is still criminalised and minors are arrested and prosecuted as part of a legal framework that is almost identical to the former context.

It appears that UAM detention in Greece still remains a rather unexplored area of study, despite the numerous Acts and regulations on the matter. Thus, further research is required so that the voice of detained UAM is heard in order to understand detention conditions and explore whether or not the law applies in practice concerning these conditions within UAM detention.

II. Widening the scope of crimmigration

Detention of migrants on the ground of their irregular status should under no circumstance be of a punitive nature. As migrants in administrative detention have not been charged with or convicted of a crime, they should not be subject to prison-like conditions and environments, such as prison uniforms, highly restricted movement, lack of outdoor recreation and lack of contact visitation... Children in immigration detention will often be traumatised and have difficulty understanding why they are being punished despite having committed no crime.

-UN Human Rights Council (2012: 31, 38)-

Even though Member States, including Greece, often acknowledge the general principle that children may be deprived of their liberty only as a measure of last resort and for the shortest appropriate period of time, as already discussed, it is of crucial importance to point out that the Committee (2017: 10) has rejected this argument, by stating that ‘offences concerning irregular entry or stay cannot under any circumstances have consequences similar to those deriving from the commission of a crime’. Similarly, the HRCR (2010: 58), being fully aware of the sovereign right of States to regulate migration, supported the gradual abolishment of immigration detention and that by stating that ‘the criminalisation of unlawful migration exceeds the legitimate interests of States in protecting its territories and regulating unlawful migration flows’. For this reason, the Committee supports that to subject children to detention processes, even as a measure of last resort, contradicts the ‘best interests of the child’ principle (Art. 3 CRC) and the right to development (Art. 27 CRC). Therefore, detention should not apply in immigration proceedings, rather in juvenile criminal justice contexts.

As discussed above, to this day the Greek legal framework does not differentiate adult asylum-seekers from UAM with regard to phenomena of illegal entry and the administrative procedures that follow (Papadopoulos and Pycroft 2019). In fact, research suggests that for

more than a decade, Greece has systematically detained refugees, asylum seekers and migrants who entered the country unlawfully, thus garnering heavy criticism for falling short of international minimum standards (International Detention Coalition 2015: 64).

According to the Greek Ombudsman (2005; 2014; 2017), immigration detention, as it currently applies in the Greek context, resembles imprisonment, therefore the minors' freedom of movement is restricted within the premises of the detention centre and the rights that minors are provided with are similar to those that criminals are entitled to. More specifically, according to scholars, detained minors are usually treated like adults, experiencing clearly unsuitable conditions (Bhabha 2001; Galante 2014) while being confined in detention sites that resemble prisons, which effectively creates procedural issues in the general context of migration (Bhatia 2015). For example, recently the Greek Ombudsman (2017) located a detention centre in the wider area of Thessaloniki, N. Greece, where seventeen UAM, most of them around the age of fifteen, were placed in a twenty-five sq m cell, on mattresses that covered the floor area, which confirmed the inappropriate conditions that detained UAM are often subjected to.

When it comes to explaining such phenomena, Bosworth, Fili and Pickering (2018) support that this context is the product of the financial crisis that Greece endured in the past decade, which rendered the State unable to upgrade its current facilities, thus agreeing with Georgiev (2010: 265), that 'given the current difficulties of some Member States to manage and prevent illegal migration flows, the gap in capabilities and resources for addressing the future challenges is worrying'. Hence, by witnessing UAM eventually undergoing detention processes instead of being placed in a protective environment upon arrival in the country and examining if the letter of the law is correctly applied in practice concerning the actual conditions within detention, this study will focus on whether or not this process criminalises UAM, thus explore the positionality of UAM within the crimmigration debate.

With regard to the reasons and theoretical underpinnings of crimmigration, Stumpf (2006: 377) proposes that 'Membership Theory', which 'limits individual rights and privileges to the members of a social contract between government and the people, is at work in the convergence of criminal and immigration law'. For this reason, being a supporter of the opinion that the role of membership is critical to the study of crimmigration, Stumpf (2013) acknowledges that 'conceptions of membership are fundamental to the two constituent parts of crimmigration law', which include criminal law and immigration law, in the sense that crimmigration 'combines the exclusionary, expulsive and expressive powers of criminal and immigration law over non-citizens through exercises of authority at the zenith of government power: incarceration, detention, exclusion, and expulsion'.

Hence, while immigration law defines national membership explicitly, criminal law defines it implicitly, so that the ‘resulting status of an ex-felon strikingly resembles that of an alien’, exemplified by their ineligibility to have voting rights (Weber and McCulloch 2018: 4). Similarly, according to Bowling (2013: 8), the State’s practices towards controlling migrants, gradually created connections to the national criminal justice system, thus evolving into an infrastructure known as the ‘crimmigration control system’, albeit maintaining the distinctive characteristics of each process respectively.

In detail, according to Bowling and Westenra (2018), criminal justice systems most commonly tend to secure crime control and criminal justice policies and that by introducing institutional due process arrangements and normative moral principles, whereas crimmigration control focuses exclusively on seeking effectiveness through managing migrant populations. Based on the above, according to the literature (Stumpf 2006; Legomsky 2007; Aas 2014: 525), the term ‘crimmigration’ was originally created to denote the progressive convergence of criminal law and immigration law, in both substance and procedure, to the point of indistinction, whereas other scholars used the term in order to merge crime control and immigration control (van der Woude, Barker and van der Leun 2017), with the main difference being located at the involved purpose.

Hence, according to Ashworth and Zedner (2014), immigration law entails measures traditionally designed to prevent third-country nationals from entering a foreign country and furthermore ensuring their removal and return to their country of origin. On the other hand, Simester and Von Hirsch (2011: 4, 11) support that the purpose of criminal law involves a more punitive character that immigration law lacks, due to its distinctively moral voice which is absent from the ‘condemnatory bite’ of criminal law.

In most cases, literature has used the term crimmigration in order to interweave the terms ‘migration’ and ‘criminal attitude’ (Aas 2011; van der Woude et al. 2014), thus requiring criminal behaviour, punishable by law. Following this premise, Di Molfetta and Brouwer (2019) support that crimmigration is nothing more than immigration law absorbing elements of the criminal justice system, while rejecting its procedural and normative safeguards. Similarly, Soliman (2019) argues that crimmigration tends to overemphasise the power of the State ‘to control and exclude non-citizens, while underestimating the role of supranational and transnational forces in determining migration policies’.

Hence, crimmigration focuses mainly on the State’s penal power, whereas its centre of attention is limited to the study of migration and for this reason, by looking at migration control

through the lens of crime control, scholars ‘risk squeezing global issues within the reductive frame of the nation state’ (Soliman 2019).

Nevertheless, van der Woude and van Berlo (2015) support that scholars remain unanimous to the idea originally captured by Stumpf, that the crimmigration debate is based on the premise that ‘as criminal sanctions for immigration-related conduct (...) continue to expand, aliens become synonymous with criminals’. Therefore, given the obvious difference of opinion on the matter, according to van der Woude et al. (2017), this particular area of study has been relatively unexamined as regards the relation between immigration enforcement and criminal justice, thus remaining to this day a ‘fairly recent and largely abstract’ topic, albeit structured mainly around the creation of immigration - crime offences, including administrative breaches of immigration law, such as the unlawful entry or stay into a host country.

Stemming from the latter, when it comes to detention processes that follow the illegal entry of asylum-seeking individuals into the host country, Aas (2014: 521, 524) acknowledges that penal power may result in territorial exclusion when exercised over individuals without formal membership, which caused the creation of a particular form of penalty, termed ‘bordered penalty’. To this end, non-citizens, such as migrants, are often seen as criminals and their illegal entry into a host country is followed by different procedural treatment and standard of rights, compared to what citizens would normally be entitled to.

However, this opinion is based on the premise that detention should be geared towards removing adult third-country nationals from the host country’s territory. Similarly, according to scholars (Bosworth 2019: 86; Bosworth and Vannier 2019: 2), immigration detention is an administrative form of custody, originally designed to be used in order to facilitate removal or deportation or to allow for identification, for which reason it becomes part of a national criminal justice system as a product to the criminalisation of migration. For this reason, it could be stated that strict policies that consider unlawful entry to be a criminal offence inevitably affect the foundation of the national legal context, thus creating the need for immigration detention, which according to Bowling and Westenra (2018: 12), is a ‘bureaucratic function regulated by administrative law’.

However, immigration detention creates a procedural conundrum and leads to the criminalisation of migration overall, thus invoking a circular rationale that legitimises detention: migrants might be criminals, necessitating detention; migrants must be criminals, because they are detained’ (Mountz, Coddington, Lloyd and Catania 2013: 527). Adding to the above, when it comes to migrant minors in specific, Pisani (2018: 163, 164) notes that processes of containment and securitisation ‘feed into the illegalisation and crimmigration of

forced child migrants'. This way through detention an illegalisation process is instigated, often producing a course of actions within the securitisation process, which is based on the premise that external and internal border controls must be fortified. As a result, the crimmigration debate becomes even stronger, as well as the association between the illegal entry and subsequent legal status of children in the migratory pathway.

Notwithstanding, with regard to the positionality of UAM within the crimmigration debate in specific, Lelliott (2019: 277) notices that a crimmigration control system may curtail the human rights of UAM as 'to date there has been little specific consideration of unaccompanied minors and their rights at international law in the context of crimmigration'. In addition to the latter, Wernesjö (2012) argues that existing research has devoted little attention to the experiences of UAM, thus confirming the need for further research in this area of study.

Based on the above, this project aims to fill the gap in knowledge by focusing on the status of UAM within the crimmigration debate in Greece. Currently, as will be discussed, UAM detention does not always follow the minors' illegal entry into the country, hence UAM are not placed in detention facilities simply because they entered Greece in an unlawful manner. Contrariwise, practice in Greece suggests that detention in this case serves merely as a measure that applies under specific circumstances, according to the law, as presented above. Therefore, a question is formed concerning whether detention eventually leads to the criminalisation of UAM in Greece, which is an issue that this study will be examining.

With regard to detention processes being applied to UAM, the UN Special Rapporteur on the human rights of migrants, during his follow-up visit to Greece (UN Office of the High Commissioner 2016), noted that 'detention can never be in the best interests of a child and that even under the guise of protective custody, it is utterly unacceptable for children to be administratively detained'. Hence, when migrant minors are subjected to detention, a violation of their right to liberty occurs, as this context is not in any way similar to the administrative processes which would apply in the case of aliens pending deportation, as discussed above.

Moreover, according to Zedner (2015: 7), 'the borders between penal and non-penal measures cannot be set by references to purpose alone; so, the claim that a measure is primarily preventive does not necessarily take it outside the realm of punishment'. Hence, deportation in this case can gradually transform into a hybrid concept, which proves that preventive measures can also have punitive forms. After all, according to Bosworth, Franko and Pickering (2018: 38), to apply measures of border control 'may even override a prison sentence, as detention and deportation erode the original aims and justifications of punishment', thus affecting the very essence of punishment.

The latter would also apply in the case of UAM experiencing detention upon unlawful entry into Greece, thus confirming that the hybridisation of preventive and punitive measures ‘exemplifies’ crimmigration in the sense of ‘thinking about migration through the lens of security’ (Bourbeau 2019: 91). For this reason, detention conditions should always comply with the Convention; the CRC and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950, hereinafter ECHR), so that UAM are placed in appropriate facilities, which are regularly reviewed in order to verify that they comply with Art. 3 CRC (FRA 2010) and that detention applies in a manner that is not degrading.

However, the case-law of the European Court of Human Rights (hereinafter ECtHR) demonstrates that Art. 3 CRC has repeatedly been violated in Greece, especially in cases concerning migrant children who are subjected to detention practices. Interestingly enough, the ECtHR does not specifically prohibit UAM detention, rather adopts a restrictive approach on the matter, by suggesting that UAM detention is possible only as a measure of last resort, which may apply under extraordinary circumstances. In fact, if we place UAM detention under the critical lens of the ECHR, detention of migrant minors is not considered to be an *ipso facto* violation of human rights, unless a certain link exists between the circumstances under which detention is carried out and the reason and purpose of the applied measure, i.e. to prevent the unlawful entry into the country or to secure the deportation procedure of a person.

Resulting to the latter, the legality of the applied measure will eventually cease to exist if there is no direct connection to the purpose of detention itself. This is evident in several ECtHR decisions, such as in *M.S.S. v. Belgium and Greece* (2011) and *Rahimi v. Greece* (2011). In detail, the Court focused on the violations of Art. 3 CRC, due to the dreadful detention conditions and the applicants’ extremely vulnerable condition in each case respectively, coupled with the fact that the State had never examined whether or not detention was in the applicants’ best interests and if it was used as a measure of last resort, for which reason detention was found to be in violation both of the CRC and the ECHR.

Based on this case-law, the Committee recently invited the national authorities in Greece to pursue their efforts, so that all detained UAM are immediately referred to special accommodation centres. Answering to this call, Greek Organisations (e.g. GCR 2014) argued that the current legislation should be revised in a way that is in line with Recommendation 1900 (Council of Europe 2010: 5.1), in order to provide ‘a parallel framework to the European Prison Rules which apply only to prisons for criminals and not to detention centres for irregular migrants and asylum seekers’ and guarantee that UAM are never subjected to detention.

Similarly, both in *H.A. and others v. Greece* (2019) and in *Sh. D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia* (2019), the Court emphasised that the procedures of protective custody that were applied to UAM after their illegal entry, involved degrading detention conditions within police departments, which inevitably caused children to feel secluded and also challenged their state of affairs. More specifically, in *Sh. D. and Others v. Greece etc.* (2019), the Court stressed that to be detained in police stations was ‘apt to arouse in the persons concerned feelings of isolation from the outside world, with potentially negative repercussions on their physical and mental well-being’. In detail, the Court focused on the fact that the applicants had been subjected to custodial measures which were clearly arbitrary, as it was proven that State authorities had never examined whether or not detention was applied as a measure of last resort, thus revealing a clear violation both of the domestic legislation as well as Art. 3 CRC.

In detail, the applicants were found to have experienced detention under highly unsuitable conditions and for long periods of time, before they were placed in appropriate and child-friendly accommodation centres. Additionally, the Court observed that the issue of UAM detention is still persistent in Greece due to the absence of appropriate hosting facilities and further underlined the lack of psychosocial support within the context of detention. However, the most important note that was made by the Court, was that even if the applicants had been provided with access to a review procedure, the fact that they officially lacked the detainee status would still raise significant practical obstacles with regard to their potential to challenge detention before the competent Courts.

Concluding the above and adding to the analysis that preceded concerning the context of crimmigration, the status of UAM in Greece at the time they are subjected to detention processes upon unlawful entry into the country remains unclear. Hence, while placing emphasis on the fact that the rights of UAM must be protected at all times, this study will be examining a grey area in contemporary research, which is the positionality of detained UAM within the crimmigration debate and more specifically whether or not UAM are currently criminalised through detention processes in Greece. Should this be the case, this study will assess if widening the scope of crimmigration would be a viable solution in order to include UAM who instead of being placed in custody of a protective character upon arrival, they are temporarily placed in detention, pending referral to suitable accommodation.

However, before proceeding further, the correct application of the right to be heard as enshrined in Art. 12 CRC will be elaborated upon as regards detained UAM in Greece.

III. Hearing the voices of detained unaccompanied minors

(...) every effort has to be made to ensure that a child victim or/and witness is consulted on the relevant matters with regard to involvement in the case under scrutiny, and enabled to express freely, and in her or his own manner, views and concerns regarding her or his involvement in the judicial process.

-General Comment No. 12 (2009: 63)-

According to the literature (Keller, Rosenfeld, Trinh-Shevrin, Meserve, Sachs, Leviss, Singer, Smith, Wilkinson, Kim, Alden and Ford 2003: 1; International Detention Coalition 2012; EASO 2019: 51; UNICEF 2019: 2), detention can have detrimental effects upon children regardless of the actual conditions under which minors are held detained and the duration of detention itself. More specifically, detention may create a situation of stress and anxiety, often coupled with symptoms which are consistent with post-traumatic stress disorder, whereas a significant amount of damage is most commonly caused to the detainees' long-term cognitive health and development.

Based on the above, many people who flee their country, but children especially, are possibly limited in the way they can express themselves during reception and asylum procedures (UNHCR 2014), thus causing them to choose silence as a form of self-expression, which, according to Papadopoulos (2002), is caused due to two specific factors; vulnerability and resilience on the part of asylum seekers, thus allowing for healing to take place over time.

Hence, similar to the physiological effects of hypothermia, which include, among other symptoms, impaired judgment and lack of coordination, forced migration often causes individuals to experience temporary disorientation, resembling to an actual low body core temperature. This context is referred to in the literature as 'psychological hypothermia', which individuals often struggle to overcome, meaning that those who experienced forced migration need ample time and psychological space in order to self-reflect on their past experiences, protect their well-being and take the next step with their lives (Kohli 2006: 710).

For this reason, the correct application of the right to be heard, as enshrined in Art. 12 CRC is a matter of the utmost importance, especially in the case of UAM who often lack a supportive environment upon arrival in host countries. Therefore, in an effort to examine the issue of providing UAM with the right to be heard during detention processes, this study will focus on the socio-legal character of detention under the scope of Art. 12(2) CRC, based on the premise that to be able to hear the voice of detained UAM is essential in the refugee reception process and a sine qua non in examining the correct implementation of the CRC.

Thus, a deconstruction and analysis of Art. 12 CRC and the right of children to be heard will take place, with a view to exploring whether or not Art. 12 CRC is correctly applied in the case of UAM being subjected to detention processes upon arrival in Greece. As a result, this study will look into a particularly under-researched area and that by giving children's voices a central place in research and finding ways into their 'visions of life' (Clavering and McLaughlin 2010: 607), with respect to the conditions they experienced within detention.

In a sense, UAM manage to develop the cognitive strength and resilience that is needed, which would eventually allow them to cope with the difficulties involved; overcome their troublesome past and aim for a better future (Rousseau, Said, Gagne and Bibeau 1998; Luthar and Cicchetti 2000). As a result, attempting to hear the voice of detained minors would certainly require practitioners and researchers to assist children towards prevailing over the strain involved in reminiscing past traumatic experiences that may have affected them deeply.

After all, silence is nothing more than a vessel towards self-healing and managing physical and/or mental pain, for which reason it has been supported in the literature (UNHCR 2003; Kohli 2006) that asylum seekers, including UAM, are often reluctant or afraid to share the detailed truth with researchers, as part of their survival strategy, thus making it difficult for interviewers to accurately encapsulate the interviewee's background story.

Therefore, it has been strongly supported by scholars that it is of crucial importance to implement the right to be heard (Rap 2019: 10), especially when it comes to 'the actual and potential currency of children's participation in immigration proceedings' (Stalford 2018: 261). The latter is consistent with Bhabha and Young (1999), who support that Art. 12 CRC is vital in imposing 'procedural responsibilities on those adjudicating asylum claims'. Likewise, when it comes to providing procedural guarantees to UAM, scholars (Hodgkin and Newell 2007; Parkes 2013) support that the right to be heard is a substantive procedural right, which sets the ground for every CRC right to be exercised.

After all, we cannot easily presume that children always have a clear vision with regard to complex subjects such as asylum and migration processes, for which reason, the researcher should also be able to take on an informing and facilitating role and provide guidance in the exercise of the CRC rights (Lundy and McEvoy 2012). However, for this to occur, certain matters must be taken into consideration. On one hand, there are the linguistic and cultural differences, which are constantly present, meaning that Art. 12 CRC requires specific and accurate planning, as well as sensitive handling as regards the application process that State authorities will be required to follow.

On this particular issue, Bhabha and Young (1999) note that when UAM are located in a host country, it depends on the national authorities to overcome the implementation difficulties of Art. 12 CRC and apply the provision. However, the fact that children are rarely free to express their own opinions is an issue that must be taken into consideration, especially when migrant minors share a different opinion than their families', thus eventually depriving them of the right to speak openly about the matters that affect them. Adding to the latter, when it comes to cultural differences in specific, Herlihy, Jobson and Turner (2012) support that 'children from individualistic cultures provide more elaborate, detailed, specific and self-focused autobiographical memories than children from collectivistic cultures'.

Nonetheless, even if this matter is resolved, important issues still exist with respect to the correct application of Art. 12(2) CRC, which provides children with the opportunity to be heard concerning the judicial and administrative proceedings that affect them. Thus, the opportunity to be heard, as depicted in Art. 12(2) CRC, refers to the idea that children can make use of their right to be heard and question these proceedings if they so wish. For this reason, according to Krappmann (2010), the phrase 'to be heard' under para. 2 is more judicial compared to para. 1, as it encompasses one's right to express freely in all judicial and administrative proceedings affecting one and not simply a right to form an opinion, whereas para. 1 establishes that the child's views must be given due weight in accordance with the child's age and maturity, in the sense that children must be viewed as individuals who are capable of making decisions about themselves and having those decisions attended.

However, with regard to applying Art. 12 CRC in legal proceedings, the Committee (2009) was clear on the fact that barriers must be eliminated so that such processes are eventually more accessible and child-appropriate. In fact, the Committee (2012: 29) clarified that in order to respect the views of the child, it is important to take into full account the views of the child under all circumstances.

This opinion is supported by Freeman (2007) in the sense that Art. 12 CRC allows children to hold certain rights and have the integrity, personality and ability to participate freely in society and articulate their personal opinion, whereas Lansdown (2005: 23) believes that children will not acquire an overall consistent level of capacity across all fields, rather only in areas that affect them, therefore they can share their personal experiences; expectations and abilities, albeit only concerning those particular areas of interest.

In any case, the Committee has emphasised that special attention has to be paid to the right of children to be heard in immigration, asylum and refugee procedures (2006: 54; 2009: 124; 2017: 37), so that migrant minors are 'provided with all relevant information in their own

language on their entitlements; the services available, including means of communication and the immigration and asylum process, in order to make their voice heard and to be given due weight in the proceedings'. The latter has also been supported by the UNCHR (2012: 16) stating that 'effective participation recognises children and adolescents as right-holders, it builds their capacity and resilience and allows them to protect themselves and their peers'.

In the case of Greece, however, the issue of providing UAM with the right to be heard after arriving in the country and being subjected to detention processes, remains a highly under-researcher topic in the reception context, which further instigates a unique procedural phenomenon that the author refers to as the 'vicious circle of UAM detention'.

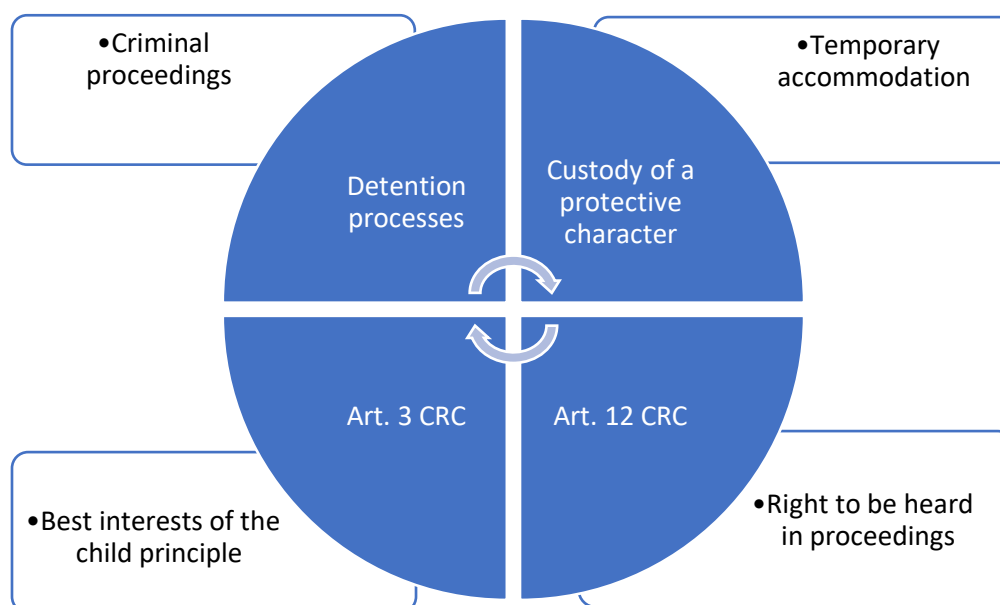


Diagram 2: the vicious circle of UAM detention

More specifically, as already discussed thoroughly in this chapter, UAM are to be placed in a protective environment upon arrival in the country (Art. 31 of Directive 2011/95/EU; Art. 32 of PD 141 of 2013, as replaced by Art. 32 of Act 4636 of 2019), where they would be provided with adequate and suitable support and services, pending referral to appropriate and child-friendly hosting structures. During this time, according to Art. 22(1) CRC, UAM are to 'receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties'.

Given that ‘the lack of any prescribed opportunities for children to formally express their views (...), represents a direct contradiction to the aspirations of safeguarding and human rights legislation and guidance’ (McCafferty 2017: 330), it appears that the element of vulnerability in the case of UAM in specific, not only engages the States’ positive obligations under Art. 3 CRC, but also takes precedence over the status of children as illegal immigrants (Steering Committee for Human Rights 2017: 63). Hence, the best interests of the child principle and the right to be heard would be expected to apply at all times, regardless of the form of accommodation that UAM are subjected to upon arrival in the country.

Following the above, it becomes clear that in the case of detained UAM, to protect the best interests of the child is interrelated with the right to be heard, the latter being as an integral part in the process of providing minors with all the information that is needed so that they are properly aware of the matters that affect their status. In this context, the Committee (2009: 32; 33; 34) emphasises that according to Art. 12(2) CRC children should be heard freely as regards ‘all relevant judicial proceedings affecting the child, without limitation’, including family law and criminal law proceedings, as well as health care and migration issues.

However, upon arrival, UAM are most commonly subjected to detention processes, pending referral to suitable accommodation, as will be discussed. For this reason, a hybrid procedural context is hereby introduced, the nature of which remains unclear to this day. From a procedural point of view, if UAM detention is considered to be a temporary replacement measure to custody of a protective character, as mentioned in the Introduction Chapter, that would mean that Art. 12(2) CRC would not be expected to apply. As a result, UAM would not be provided with the right to express themselves freely concerning the detention processes that they are being subjected to, as detention in this case would not be considered to be an administrative process, according to Art. 12(2) CRC. Otherwise, if UAM detention indeed maintained its administrative elements, this would mean that it shares similarities with criminal law proceedings, even though UAM are not held detained for violating the relevant legislation on unlawful entry, rather in order to be initially subjected to reception and identification procedures, followed by a referral to appropriate accommodation, as previously discussed.

Based on the above, this study will be examining this so far unexplored aspect of UAM detention in Greece and more specifically on whether or not the latter is considered to be an administrative process according to Art. 12(2) CRC. And that in order to assess the correct application of Art. 12 CRC with regard to the case of UAM who are currently being subjected to detention practices upon unlawful entry into the country.

Chapter 3: **Research Methodology**

This chapter outlines the methodology that was used in order to address this study's aims. Hence, starting with an introduction to qualitative research approaches, emphasis will be placed on the difficulties and methodological peculiarities that are often involved in the process of conducting research in the field of migration studies and UAM in particular, thus concluding to the use of IPA as the main theoretical pillar of this project's methodological structure.

To achieve this, an in-depth literature review with respect to IPA will be provided, along with an exploration of its background and core elements. As a next step, a detailed analysis will occur with respect to the aims of IPA. Thus, its *modus operandi* will be compared to other research methods, both on a qualitative and quantitative level, whereas focus will also be added to its main characteristic, which is to enable stories to be told directly from participants. Hence, it will be supported how this study will significantly add to contemporary research and how through the use of IPA, it will make a novel contribution to the current body of knowledge.

Following the above, a thorough description will be added on how, through the use of IPA, this study managed to reach saturation concerning the gathered data and further gave voice to UAM in order to share their experiences with respect to matters that they were never before allowed to elaborate upon. Additionally, a detailed description will follow as regards the research steps that the author took in order to bring this study to life. More specifically, by using the ethical approval that this study received from the UoP FHSS Ethics Committee as a starting point, a step-by-step analysis of the author's actions will be demonstrated, including detailed information on how NGOs were approached and how participants were recruited.

Adding to the latter, demographic data will be presented as regards the participants of each interview stage respectively and an assessment of the causal link among these stages will occur. Also, it will be demonstrated that despite the differences among them, a coherent theme was created and similar issues were identified through the IPA analysis of the results that followed.

Based on the above, by describing, both in theory and practice, how IPA was applied throughout this study's recruitment and data collection process, as well as by including a separate discussion with regard to the use of focus groups in IPA research, the author will conclusively illustrate how accounts of experience were constructed. Lastly, by exploring how participants made sense of their personal experiences throughout all interview stages, this study will take a step beyond a discursive analysis and add the element of phenomenological interpretation to the followed process, as it will be further discussed.

I. Methodological enquiries and phenomenological research

This research project's methodology is based on Interpretative Phenomenological Analysis (IPA), which has been described in the literature (Baillie, Smith, Hewison and Mason 2000) as interpretations that are bounded by the participants' abilities to articulate their experiences and thereafter as the researcher's ability to reflect and analyse the information provided.

According to Smith et al. (1999), the term 'interpretative phenomenological analysis' refers both to 'interpretation' and 'phenomenology' and to the fact that the participant and the researcher are interconnected, thus resulting in the production of the 'analytic account' (Smith et al. 1997; Osborn and Smith 1998) and to the adoption of an 'insider perspective' (Smith 1996). More specifically, according to Smith, Jarman and Osborn (1999), IPA believes in a chain of connection between embodied experience and how the participant makes sense of and reacts to that particular experience.

As Smith (1996) argues, attempting to understand what is like for the individual to have a particular experience, deprives the researcher from the ability to access such experiences directly and so the researcher's perceptions inevitably complicate the process of bringing the participant's experience to life. For this reason, Smith (1996) supports that 'perspective' is the reality that is understood and experienced by the participant, corroborating the argument that was originally made by Larkin et al. (2011) that IPA methodology aims to understand how people make sense of events, relationships and processes in the general context of their lives and that by focusing on how meanings are constructed by individuals within both their social and their personal world (Eatough et al. 2008; Smith et al. 2009; Back et al. 2011).

Hence, the aim of IPA is based mainly on an 'experiential approach' to qualitative research, combined with elements of an 'idiographic focus', thus aiming to understand how a given person in a given context, makes sense of a given phenomenon (Smith et al. 2009).

With regard to the element of 'idiography' in specific, Thomae (1999) supports that this approach focuses on exploring the unique individual experiences and behaviour of the participant (Kvale 1996: 38), especially due to the fact that it is not possible to access an individual's lifeworld directly as there is no clear window into that life (Eatough, Smith and Shaw 2008). For this reason, according to scholars (Smith 2004, 2011; Bramley and Eatough 2005; De Visser and Smith 2006), the 'idiographic' element of IPA dictates that the researcher is expected to reach a certain degree of closure with the in-depth examination of a single case before proceeding to the next one, and so on through the entire corpus of cases, in order to

eventually be able to conduct a cross-case analysis of the emergent themes, based either on their convergence or divergence of scope.

Originally, IPA has its theoretical roots in phenomenology, which emerged as a philosophical mode of inquiry in Europe around the turn of the 20th century (Barkway 2001) and has always been concerned with the participants' lived experiences of certain events. It has been referred upon as a 'variant of phenomenology that aims to explore individuals' perceptions' (Finlay and Ballinger 2006: 257) and that by focusing on the participant's consciousness of lived experiences, thus allowing the researcher to better understand how individuals interact with one another and how this interaction shapes individual behaviours.

Hence, by offering a theoretical foundation and a detailed procedural guide (Brocki and Wearden 2006), it gradually developed as a distinctive method in conducting qualitative research in the field of psychology (Smith 1996; Giorgi 1997; Todorova 2011; Skårdalsmo Bjørge and Jensen 2015; O'Toole Thommessen, Corcoran and Todd 2015) and as such, it has been applied extensively in contemporary research (Chapman and Smith 2002).

With regard to the etymology of the term, Heidegger (1962: 50) supports that 'phenomenology' has two components, which derive from the Greek 'phenomenon' and 'logos', meaning 'the science of phenomena', as 'logos' can be translated in Greek as 'the science of'. Additionally, according to Lavery (2003), the core principle of phenomenology is to study human experience and the particular structures of the participants' consciousness from a first-person point of view.

Hence, IPA is interested in exploring the participants' perceptions of their personal experiences, rather than demonstrating an objective record of those experiences. Similarly, Moran (2000: 4) argues that 'phenomenology emphasises the attempt to get to the truth of matters, to describe phenomena in the broadest sense as whatever appears in the manner in which it appears, that is as it manifests itself to consciousness'.

Relating to the origins of phenomenology, Husserl (1983) is the acknowledged founder of the 'descriptive phenomenological approach', his goals being 'epistemological' (Todres and Wheeler 2001; Dowling 2007), also deriving from the Greek word 'episteme', which means both 'knowledge' and 'logos', thus entailing the term 'logical discourse'. More specifically, according to the literature (Reicher 2000; Willig 2008), the concern in discursive approaches is primarily focused on the linguistic resources that participants draw upon in an effort to provide accounts of experience, as well as the conversational features which occur while sharing information with regard to the phenomena they experienced, a process that is considered to be compatible with IPA (Smith 1996; Clare 2003). Hence, discourse analysts

examine in detail ‘what exactly participants say in order to learn about how they are constructing accounts of experience’ (Smith et al. 2009), whereas IPA researchers talk to participants and analyse their responses in an effort to learn about how participants experience things; how things appear to them and the meaning they give to these experiences.

Furthermore, when compared to ‘content analysis’, which seeks to produce a quantitative analysis of discrete categories from qualitative data, IPA manages to go beyond a standard approach and that by providing a detailed ‘interpretative analysis’ of themes (Brocki and Wearden 2006). When compared to ‘grounded theory’ on the other hand, the latter intends to analyse content in a more systematic way and that by performing different stages of coding, which include creating themes, categories and after that, theory.

However, this process does not allow the researcher to go beyond what is said, which is exactly where qualitative and quantitative traditions meet. On the other hand, as discussed above, IPA is concerned ‘with the detailed examination of personal lived experience, the meaning of experience to participants and how participants make sense of that experience’, regarding major events in their life (Reid, Flowers and Larkin 2005; Smith et al. 2009; Smith 2011). Therefore, in order to achieve this outcome, qualitative research is the key, as such experiences are not easily accessed through quantitative methods of research.

In relation to how participants are affected by events, Husserl’s approach on ‘phenomenological reduction’ is based on removing ‘general positing’ and describing the essential structures of phenomena in a manner that is free of interpretation, thus allowing the researcher to investigate events without making assumptions or judgements about the world (Husserl 1983: 61). As a result, phenomenology for Husserl is ‘transcendental’ and urges us ‘back to the things themselves’ (1982: 35), which means that phenomena are to be examined exactly as they appear, with no supposition whatsoever.

This argument is reflected in Husserl’s phenomenological theory of ‘epoché’ or ‘bracketing’ (Bradbury Jones et al. 2009; Githaiga 2014), which can be achieved by using the simple question ‘What if?’, followed by hypothetical alternative ways of experiencing a situation. This way, researchers can identify and examine each aspect of the account in order to ascertain those who are essential and have a fresh way of looking at things by returning to the origins of phenomena (Larkin, Eatough and Osborn 2011) and acquiring original data, which are untainted by pre-existing biases (Moustakas 1994; Paley 1997). In other words, according to Willig (2008: 55), in ‘bracketing’, the researcher moves on to re-reading the transcribed text; identifying themes that best capture the essential qualities of that interview,

as well as locating possible or likely connections between them, which eventually results in the use of psychological concepts and terms in phenomenological analysis.

Contrariwise, what makes IPA unique according to the literature (Smith et al. 1999; Smith 2004; Brocki and Wearden 2006), is the fact that it recognises the central role for the researcher's own conceptions in making sense of the personal experiences of participants. This process differentiates the IPA from the 'descriptive phenomenological approaches', as advocated by Husserl (Braun and Clarke 2006).

Hence, following Husserl's theory on 'descriptive phenomenology' and contrary to the theory on 'bracketing', Heidegger, on the other hand, reinstated phenomenology as 'hermeneutic' or 'interpretative' (term originally derived from the Greek word ἐρμηνεύω - hermeneuō, which means to translate or to interpret), with the main difference among these two approaches being their primary focus.

More specifically, Heidegger proposed that phenomenology is 'partly interested in something that is disguised, where meaning is hidden and is brought to light through the adoption of deep reflection and interpretation', which may be achieved within the IPA approach through the 'hermeneutic' process (Smith and Osborn 2003; Smith et al. 2009).

However, the main difference between phenomenology and hermeneutics is expressed by Bäckström and Sundin (2007), who note that 'while phenomenology uncovers meanings, hermeneutics interprets the meaning' and because of this, 'hermeneutic phenomenology' is considered to have 'descriptive' and 'interpretative' qualities, thus enabling 'inter-subjective understanding' (van der Zalm and Bergum 2000). After all, in order to produce knowledge, we depend heavily on the stance taken with regard to the connection between knowledge and knowledge producer (Bauwens, Kennis and Bauwens 2013), which needs to be made explicit as it raises questions on the relationship between participant and researcher.

For this reason, due to the fact that the researcher's own assumptions often affect the individual's experience, IPA acknowledges the complexity of the relationship between researcher and participant and stresses on the importance of the researchers' awareness of their own bias (Smith et al. 2009) and the need for the researcher to put aside personal experiences that tend to create assumptions, so that the research is uninterruptedly focused on the participant's own experience.

Therefore, different interpretative stances are possible in hermeneutic phenomenology, as IPA combines 'empathic hermeneutics' with 'questioning hermeneutics' (Eatough et al. 2008), which means that IPA is concerned with trying to understand what the experience is like, from the participants' point of view.

In detail, given that IPA analyses phenomena which are related to meaningful experiences of participants, such as major life events, the skill in writing IPA is to allow the reader to parse the narrative in two different ways (Smith 2004; 2007); firstly, the themes, which the participants share and secondly, the researcher's own account, by linking these through the write-up. This process allows the reader of the report to learn about the important generic themes in the analysis, but also interpret the participant's personal experiences and 'assess the evidence in relation to their existing professional and experiential knowledge' (Smith et al. 2009: 4), also known as 'theoretical generalisability'.

For this reason, through hermeneutic phenomenology, IPA aims at obtaining a holistic perspective of the participants' accounts, which can be achieved by several close and detailed readings of each individual interview (Skourteli and Apostolopoulou 2015), followed by the researcher's personal input. This process where the researcher focuses on the participants' preconceptions as they engage with the data is known as the 'hermeneutic circle', which allows the researcher to decide how much movement on the participants' side is acceptable and to what extent participants are to refrain from the schedule (Smith and Osborn 2003).

According to Elliott, Fischer and Rennie (1999), caution is essential so that the connection between the participant's own words and the researcher's interpretations is not lost, especially given the fact that in 'double hermeneutics', the challenge for the researcher 'to critically and reflexively evaluate how these pre-understandings influence the research' is always present (Finlay 2008: 17). Similarly, Heidegger (1962: 195) argues that 'our first, last, and constant task in interpreting is never to allow our fore-having, fore-sight, and fore-conception to be presented to us by (...) popular conceptions, but rather to make the scientific theme secure by working out the fore-structures in terms of the things themselves'. Hence, during the two-stage interpretation process of the 'double hermeneutic' method, the researcher interprets the participants' sense-making activity, while maintaining access to experience through the participants' accounts and their own 'fore-conception' (Smith 2004), despite the fact that the fore-structure may present 'an obstacle to interpretation' (Smith 2007: 6).

With regard to the 'ontological aspect of phenomenology' (Cohen and Omery 1994) and the meaning of 'being' (Gadamer 2004), Heidegger used the term 'being in the world' rather than 'being of the world' (Ray 1994), in an effort to refer to the way human beings exist and act. This is why it is rather common in IPA research for one to use the term 'lived experience' when one intends to describe the main aim of IPA, which is to attempt and understand the lived experience of the participant who is situated 'in the world', where the world is understood by the researcher, who interprets the participant's input.

For this reason, the main element in Heidegger's theory on phenomenology is located on the fact that truth is not something that is constructed by distancing oneself from the phenomenon and focusing merely on its description, but understanding is based on the interpretation of phenomena (Bradbury Jones et al. 2009). Therefore, Heidegger introduced the 'phenomenology factor' to research, according to which, the personal experiences and input of the researcher are brought in the act of understanding the participants' accounts and these cannot be bracketed as one 'makes sense of his world from his existence and not while detached from it' (Koch 1996). According to scholars (Smith 1996; Flowers, Hart and Marriott 1999), this is exactly what makes IPA ideal for research involving interviews, as it is a purely dynamic process, concerned with the individuals' subjective reports, rather than the formulation of objective accounts, in the sense that the personal and the social are elided and as a result 'the social world is more than mere context; it is the constituent ground of personhood, and a prerequisite for human being' (Larkin et al. 2011). Of course, when it comes to conducting research with children, the challenges are omnipresent and, in the case of this study, there were indeed certain methodological barriers that needed to be surpassed.

More specifically, it has been supported in the literature (Giannopoulou and Gill 2019) that children participants should be addressed as if they are adults, especially UAM, due to the fact that at the time of the interview, they have already managed to accomplish something particularly difficult, which is to illegally cross borders and walk endless distances in order to get away from their country. However, this study does not follow this opinion, which is clearly not congruent to the use of IPA in research and more specifically to the 'double hermeneutic' element of IPA, the latter being based on the premise that 'participants are trying to make sense of their world, while the researcher is trying to make sense of the participants trying to make sense of their world' (Smith 1996), as already discussed.

Therefore, in this study, the minor's age was being taken into consideration at all times, as well as the element of vulnerability that characterises children on the migratory pathway, which further engages certain obligations under Art. 3 CRC on a State level, as discussed in Chapter One. For this reason, throughout this study, UAM participants were never addressed as adults, rather as minors who are in need of special protection and assistance.

Based on the above, the process of conducting IPA research with UAM required careful steps to be taken through different layers of disadvantage, in order to reach the desired result, which was the actual and sincere 'voice of the child'. To this end, the author took into consideration the participants' needs and wishes and that by observing them and by systematically noting their mood, reactions and preferences, as well as by cautiously listening

to what they have to say. Therefore, the author's efforts originally focused on assisting child participants towards overcoming their unfortunate past as detainees and eventually becoming more active in relation to constructing and articulating their experiences more accurately and freely, as members of the society in which they live in.

Only then was the author able to apply the phenomenological element of IPA and explore in detail the processes through which participants make sense of their own experiences, while maintaining and promoting its interpretative character, which is to acknowledge the significance of the researcher's role in making sense of the participants' personal experiences (Smith, Flowers and Osborn 1997; Chapman and Smith 2002; Kaptein 2011).

As a result, the use of IPA enabled stories to be told directly from participants regarding the reality that UAM experienced within detention facilities upon unlawful entry into Greece and further gave the opportunity to participants to discuss matters, which they were never before able to. This way, an exploration concerning how participants made sense of their lived experiences was achieved (Giorgi and Giorgi 2003) in a non-coercive way, thus allowing for the set research aims to be accomplished, as already discussed in Chapter Two.

More specifically, the methodological elements of IPA allowed this study to understand the conditions of detention and that by revealing the experiences of UAM within detention facilities in Greece and exploring how the law applies in practice with respect to the said conditions. Eventually, the positionality of detained UAM within the context of crimmigration was examined, along with the correct application of Art. 12 CRC in the case of UAM being subjected to detention processes upon arrival in the country.

Following the above and after having examined the pros and cons of various alternatives, as thoroughly discussed, this research project will be applying IPA and more specifically Heidegger's theory on 'hermeneutic' or 'interpretative' phenomenology, through which the author will perform a detailed exploration of the participants' personal lived experiences and how participants make sense of that personal experience (Smith 2004) and further focus on the subjective conscious experiences of individuals (Kennedy 2014) and their 'insider perspective' accounts (Eatough and Smith 2008).

This particular methodology was found to be the optimum process fit for this study, mainly for two reasons. Firstly, because it allows the author to successfully co-construct knowledge with regard to the matter at hand for the reasons discussed above and secondly because it offers the means to conduct research more effectively and understand the reality that UAM experienced within detention facilities upon arrival in Greece in the best possible way. When compared to quantitative questionnaires or surveys, IPA interviews were found to be

particularly effective and lucrative in providing clear research results, as they assist towards moving beyond description and making perspicuous research points. On the other hand, grounded theory was considered to be inappropriate for the reasons discussed above, namely because this study could never focus only on what is being said by participants, but requires an in-depth examination of the participants' personal lived experiences instead.

By acknowledging that in IPA it is not possible to access an individual's life world directly, but through interpretation of how events are experienced by participants, the 'double hermeneutic' element of IPA was applied throughout all interview stages (Smith 1996, 2004, 2011; Smith and Osborn 2003; Smith, Flowers and Larkin 2009). Hence, the author observed participants trying to make sense of their experiences and perceptions, while he was trying to make sense of the participants trying to make sense of their world.

According to Schweitzer and Steel (2008), IPA has particular salience in relation to refugee studies, as it is especially apt for research questions which are concerned with the thorough examinations of single persons' lived experiences (e.g. Bramley and Eatough 2005; De Visser and Smith 2006; Smith 2011). Similarly, it is suitable for studies where the research issues that arise are complex or dilemmatic, or studies that seek to give voice to vulnerable groups of individuals (Smith, Michie, Stephenson and Quarrell 2002; Smith and Osborn 2003: 53).

However, a clear link between IPA and legal research remains, to this day, practically non-existent, as IPA has not been widely applied in this research field, with the exception of projects that focus on describing the children's experiences concerning legal proceedings (e.g. Back, Gustafsson, Larsson and Berterö 2011). Therefore, to apply IPA in order to provide detained UAM in Greece with the ability to be heard as regards the conditions that they experienced within detention facilities is undoubtedly unique.

It is not enough to merely understand children's rights, or to study how rights are embedded in domestic legislation, but instead to understand how these rights are experienced in concrete situations by people who are subjected to certain phenomena, such as UAM experiencing asylum procedures and/or detention practices. Hence, this study combines a legalistic approach with an empirical base, which further leads to innovative research.

Based on the above, by introducing the use of IPA and the double hermeneutic method in the field of migration studies and UAM in specific, this study adds significantly to the current body of knowledge and that by combining legal and criminological research under the analytical scope of interpretative phenomenology, which is a research approach that has not to this day been applied in the Greek context.

II. Recruitment strategy and data collection

(...) the essence of trust is the belief that others are fair, that they will not take advantage of us, although they could. The latter point is essential to the phenomenon of trust. That is, trust is premised on freedom. Because the behaviour of others is not under our control, trust is an act of faith, never fully certain.

-Flanagan (2003: 165-66)-

The main gateway to this study's recruitment process was through organisations of the humanitarian sector. As soon as this project received ethical approval (reference number: 16/17:47), the author contacted all available NGOs in the wider area of Thessaloniki, N. Greece that operated child-protection programs and UAM safe zones at that time. During the initial communication, which was held by phone and e-mail, the author had the chance to briefly introduce himself, explain his role as a researcher and request an appointment in order to present this project to potential future participants in the most effective way.

For this reason, each organisation was provided with the 'Participant Information Sheet' and the 'Invitation Letter', which described the aims and purposes of this study. Soon a formal meeting was arranged with representatives of the NGOs that were interested in this project. In the course of the meeting, the author was given the opportunity to clarify this project's scope of study and respond to questions with regard to the set research aims. As soon as the meeting reached its end, the author requested permission to conduct interviews with UAM who were registered in child-protection programs operating under the NGOs' administration.

For this reason, the participating NGOs were asked to forward the 'Invitation Letter' to their respective child-protection programs, so that potential participants would be recruited for the first interview stage of this study. Along with the 'Invitation Letter', it was clarified that all future participants would be provided with a 48-hour period, in order to decide whether or not they would be interested in taking part in this study, in which case they were expected to declare it either in written form or verbally. This way coercion was avoided and their final decision was not in any way biased.

Within the following day, the author was reached by the director of an NGO working with UAM in the area of Thessaloniki, N. Greece, notifying the former that a certain number of beneficiaries would be interested in participating. For this reason, the author was invited to an official meeting in order to discuss further. As a result, a preliminary group meeting was soon arranged within the premises of a safe zone in the area of Thessaloniki, N. Greece, comprising

of the author/researcher, as well as interested UAM who were accompanied by their caseworkers, as well as by the program's interpreters.

During the meeting, UAM were able to form questions and ask for clarifications concerning certain aspects of this project. Future participants were assured that all the data that would derive from this study would remain strictly confidential, and that using names or information that would identify individuals; locations and/or organisations, would not be allowed throughout the interviewing process.

Furthermore, all participants were informed that no reimbursement or compensation would be provided and that participation in this project would be entirely voluntary. To avoid any misunderstandings, it was clarified to UAM that their participation would not affect their legal status or their on-going applications for international protection in any way. Also, it was made clear to all participants that the author does not have the political power to make changes with regard to the current framework on UAM detention and the conditions within detention overall and that this study's aim was to present the participants' views in written work, in the form of quotes and extracts, as part of a doctoral dissertation. For this reason, all potential future participants were reassured that neither State authorities, nor NGOs would have access to this study's research data at any given moment. At the end of the introductory meeting, UAM were recruited for the first interview stage.

Upon completion of the first interview stage, the author applied for a substantial amendment of this study by notifying the FHSS Ethics Committee accordingly and requesting ethical approval in order to proceed to two additional interview stages with professionals of the humanitarian sector, both individually and in the form of a focus group, as will be further presented in this chapter. Therefore, after clarifying that the methodology would remain the same as described in the original application for ethical approval and after supporting the need for additional interview stages to take place, a favourable ethical opinion was acquired (reference number: 16/17:47).

As regards the next research steps, the author followed the same process and contacted humanitarian organisations that operated child-protection programs in the area of Thessaloniki, N. Greece at that time and after briefly introducing himself, he requested an appointment in order to present this project to potential participants. Soon the author was reached by the directors of several NGOs, informing him that members of staff were interested in participating in this study, to which end the author was invited to hold introductory sessions with potential future participants. During the meetings that took place prior to the second and third stage of interviews and the discussions that followed, all interested organisations were provided with

the updated 'Participant Information Sheet' and 'Invitation Letter', as submitted to the FHSS Ethics Committee, which described the aims and purposes of this study in detail.

Similar to the previous stage, all potential participants were given a 48-hour period to decide whether or not they would want to take part in this study, either individually or in the form of a focus group and they were asked to inform the author accordingly either in written form or verbally. Furthermore, it was clarified that reimbursement or compensation would not be provided and that participation in this project would be entirely voluntary.

The issue of confidentiality was also brought up in the discussion and all potential participants were reassured that the data that would emerge from this study would remain safe and confidential. Lastly, following the same process as with UAM, the participants were informed in depth with regard to this project's scope of study. At the end of this introductory meeting, NGO members of staff were recruited for the second and third interview stage.

Based on the above, the interviewing process occurred in three different stages. During the first stage, UAM were invited to share their lived experiences, after having been subjected to detention processes upon arrival in Greece. Therefore, emphasis was placed on understanding detention conditions and explaining how the law applied in practice concerning the latter. Additionally, the positionality of UAM within the context of crimmigration was analysed, followed by an examination of the correct application of Art. 12 CRC, with respect to whether or not UAM were provided with the right to express themselves freely during detention.

However, in order to shed light on this so far unexamined area of study, looking into the aforementioned lived experiences of participants from the perspective of professionals working with UAM was also a necessity. As a result, after analysing the findings of the first interview stage, the author proceeded to the second part of the interviews, during which practitioners of the humanitarian sector with experience in child-protection programs and UAM in specific were invited in order to share their professional knowledge and expertise concerning this study's set research aims; add extra validity to this study's findings and bring consistency to the emergent discussion themes.

Similarly, after completing the analysis of the second part, the author proceeded to the third stage of interviews, during which professionals of the humanitarian sector were invited to engage in a discussion and elaborate on the scope of this study in the form of a focus group session. According to Heidegger, IPA is compatible with the aim of focus groups, in the sense that meaning may emerge from interactions with other participants in the form of a reciprocal dialogue (Webb and Kevern 2001; Lavery 2003). Following this opinion, as will be further discussed in this chapter, the author applied IPA in the third stage of interviews, in order to

gain a different perspective with regard to the scope of this study and look into the set research aims through the collaborative discussion and interaction among focus group members. So, after completing the third stage of interviews, an IPA analysis of the findings commenced.

This particular step allowed the author to reach data saturation in order to successfully address this study's research questions, to which end all three interview stages were based on constructing different accounts of experience in order to examine UAM detention. As will be discussed both in this chapter as well as in Chapter Four, different groups of participants identified similar matters and the discussion topics from all interview stages led to coherent findings, thus creating a strong phenomenological link among the emergent super-ordinate and ordinate discussion themes, as will be further elaborated upon.

All interviews were held in English, with the help of interpreters when needed and the duration of each interview varied from forty-five minutes to an hour, sometimes reaching even ninety minutes in total. Moreover, all interviews were audio-recorded, transcribed verbatim and processed under the IPA methodology (Smith 2011). In order to fully analyse the narratives and given that English is not the author's native language, neither was for the majority of participants, a re-transcription of the original interview transcripts took place, so that the written language would become more understandable in common English.

Therefore, all the idiosyncrasies and expressions were kept intact, whereas linguistic devices such as short and long pauses, often caused by the participants' difficulty to express themselves, were not analysed further. To achieve this and in order to substantiate the research findings, the author used direct quotes, including used metaphors (Pringle, Drummond, McLafferty and Hendry 2011). This way, knowledge was successfully built and the author was eventually able to become fully immersed in the data by taking one step further and examining how participants make meaning of their experiences.

At the start of each interview stage, the author ensured that all participants were fully informed about all aspects of the process. In order to maintain a high ethical standard and a high-quality relationship between research, practice and policy (Gifford, Bakopanos, Kaplan and Correa-Velez 2007), participants in all three interview stages were asked to carefully read and then sign a 'Consent Form', which entailed all the necessary information about this study (Gates and Waight 2007).

Similarly, at the end of each interview stage, participants were provided with a 'Confidentiality Agreement' which they were also asked to sign, as well as a 'Debriefing Sheet' thanking them for taking part in this study. All the documents were drafted in English and when needed they were translated verbally to the participants' native language with the assistance of

interpreters who were present in order to assist with the interviewing process. The templates for the provided documents were part of the Application for Ethical Approval that was submitted to the FHSS Ethics Committee and are available in this thesis, under 'Appendices'.

By following the idiographic scope of IPA (Smith et al. 1997), the author used a similar interview schedule in all three interview stages so that the participants would be facilitated towards telling their story in their own words, without limiting their expressed interests (Biggerstaff and Thompson 2008). This way, the participants' statements were explored in detail (Palmer, Larkin, De Visser and Fadden 2010) and rapport was successfully established.

Throughout the semi-structured interviews that were held (Eatough et al. 2008), the author guided the participants by using 'minimal probes' (Smith and Osborn 2003: 63) and monitored the effect of the interview on them. Instead of attempting to test the author's own predetermined research hypotheses, all the research questions were framed broadly and openly with the main aim being to provide participants with a strong role in the interview process so that they 'explore flexibly and in detail, an area of concern' (Eatough et al. 2008).

To achieve this, questions of descriptive nature were used as opening questions (Smith and Eatough 2006; Smith et al. 2009; Skourteli et al. 2015), whereas discussion themes that were particularly sensitive or personal were held back and introduced later on during the interview (Smith et al. 2009). Throughout this process, the author used his own conceptions in order to understand the participants' personal lived experiences (Maynard, Pycroft and Spiers 2019: 12) and explore how events are given meaning by the participants through a process of strict interpretative activity and that without constraining or influencing the participants' responses.

Moreover, the author refrained from leading the participants in a particular direction, which allowed him to engage in a fruitful dialogue with them. This way, all the initial questions were modified in the light of the participants' responses according to Eatough et al. (2008), thus allowing the author to probe interesting topics which came up in the discussion.

At the end of each interview session, a verbal summary was provided to participants (Collins and Nicolson 2002; Carradice, Shankland and Beail 2002), in order to ensure that their views were fully understood and also to include additional information, should they want to. This way a reciprocal approach was achieved, thus allowing the author to effectively co-construct knowledge, according to the methodological structure of IPA, as discussed above.

Before reaching the end of each interview session, all participants, both during the individual interviews as well as during the focus group session, were asked the same last question, which eventually led to the completion end of the interview session:

- *Supposedly, if you had the political power and position to change the reality within detention centres, what would be the first thing you would change?*

This particular question triggered an interesting discussion throughout all the interview stages, as it aimed for the participants' honest suggestions with regard to improving the current conditions within detention facilities for UAM in Greece. Eventually, all participants were particularly eager to share their thoughts. In fact, their responses were truly interesting and shared similarities both with one another and with the emergent discussion themes, as will be presented and discussed in the next chapter, entitled 'Research Findings and Analysis'.

With regard to the issue of sample size, the author applied the idiographic element of IPA, which is known to have an impact towards the lower end of possible participants' size (Smith et al. 1999; Smith 2004; Eatough and Smith 2008), thus allowing for a richer analysis that might have been inhibited with a larger sample. After all, as a general rule, IPA is based on achieving data saturation, therefore sample size must be considered on a study-by-study basis (Smith and Osborn 2003; Reid et al. 2005; Smith et al. 2009).

Based on the above, the fact that participants' accounts are examined in greater depths compared to descriptive analysis, allows for usable data to be extracted from fewer participants. Hence, both the first and second interview stage consisted of eleven participants, who were invited to articulate stories, thoughts and feelings about their experiences concerning the issue at hand, thus enabling 'fine-grained and contextual analyses of the phenomenon under investigation' (Bramley and Eatough 2005: 225).

a. **First interview stage**

For the first interview stage UAM were invited to converse and share their memories and recollections with regard to the conditions they experienced within detention centres upon arrival in Greece. For this reason, all the details with regard to this project were clarified to UAM in their native language with the help of an interpreter, after taking certain factors into consideration, such as their age, cognitive ability, emotional state and vulnerability. Due to the fact that participants in the first interview stage were minors, the author proceeded with caution, hence verbal and written consent were acquired before the interview session commenced.

It was clarified to all participants and also provided in writing, as part of the 'Consent Form', that they had the right to withdraw by informing the author at any moment until the beginning of data analysis, which would commence upon completion of the interviewing

process. In order to ensure the psychological and emotional well-being of the participants, as well as increase their feeling of safety and security while eliminating any suspicion of coercion or pressure towards them, all UAM participants were given the option to take part in the interview either on their own or in the presence of an NGO staff member of choice. In that case, the latter would be able to act on behalf of the participant and withdraw at any time until the completion of the interview, as already discussed. The author retained the same right, in case participants were overwhelmed or experienced emotional distress during the interview.

An interpreter was always present, thus allowing for the formed questions and responses to be properly communicated between the author/interviewer and the participant (Smith 2004; Thommessen, Corcoran and Todd 2015). Additionally, the interpreter assisted during the procedure by encouraging participants to ask questions; overcome any potential concerns and feel comfortable to engage in the discussion.

The asked questions were immediately translated in the participants' native language and subsequently the participants' responses were immediately translated back in English. Hence, a third hermeneutic process was taking place; the interpreter was trying to make sense of the narrative taking place between the researcher and the participant, thus trying to make sense of the participant's world (Miqdadi 2015: 52-53).

The use of interpreters in qualitative research has been addressed in the literature with added emphasis placed both on the verbal and the non-verbal elements of the communication process (Edwards 1998: 201). In fact, according to Taylor (2008: 450), language interpreters manage to maintain a successful connection with the community in the sense of 'taking care of them'. For this reason, the presence of an interpreter in the session room during the first stage of interviews allowed the author to be immersed in the discussion and collect valuable data, as participants were more willing to engage in a conversation due to the interpreter's presence, with whom they often shared the same ethnicity.

All the interviews during this stage were held within the premises of a safe zone located in the area of Thessaloniki, N. Greece, operating under NGO administration and more specifically in session rooms that were originally designed for UAM to discuss issues concerning their status with NGO members of staff, including caseworkers, psychologists, as well as educators. For this reason, all UAM participants were familiar with the premises and felt comfortable throughout the interview session, which allowed them to participate in an uninterrupted way. Additionally, in order to protect their identity further, all UAM were provided with the option to carry out the interview using screen translation, in case they did not want an interpreter to be physically present, which however they rejected.

To avoid a potential generalisation in this study's findings, the sampling strategy in each interview stage was criterion-based (Pycroft, Wallis, Bigg and Webster 2015: 426). More specifically, during this stage, participation was based on self-selection and was limited to UAM who were between the fifteenth and eighteenth year of age at the time the interviews took place. The reason for the latter was originally based on the relevant Greek legal framework (PD 141 of 2013 and Art. 36 (8) of Act. 4375 of 2016, as amended by Act 4540 of 2018 and the recently introduced Act 4636 of 2019), according to which, minors aged fifteen and above can lodge an application for international protection independently and in person, compared to those younger than the age of fifteen, in which case the minor's guardian is expected to complete the said application on behalf of the minor.

Furthermore, all participants were migrant children who arrived in Greece unaccompanied, including those who were left alone after entering the country in an illegal manner (Art. 1(i) of Act 3386 of 2005 as amended by Act 4251 of 2014; European Council 2013). In addition to the above, all participants were arrested for illegal entry and had been subjected to detention processes for a minimum period of twenty-four hours. Also, all participants had already been registered as international protection applicants at the time of the interview. Lastly, all participants were male due to the fact that at the time this research was conducted, there were no UAM protection programs for young females in the area of Thessaloniki, as the few female minors applying for international protection in the wider area of N. Greece were most commonly separated, i.e. accompanied by guardians or family members.

At the beginning of this interview stage and certainly before the actual interview took place, few participants experienced emotional distress when attempting to recall information in relation to the time they spent in detention. More specifically, according to participants, the process of reminiscing about detention caused them to be stressed and often unwilling to proceed with the interview. This allowed the author to hold individual discussions with these participants with the help of the interpreter who was present.

The purpose of the discussions was twofold. Firstly, it helped participants calm down and express their worries, so that the author would understand the reason behind their distress and help them towards overcoming their concerns, thus allowing the author to be reassured concerning whether or not it would be appropriate to continue with the interviews. To achieve this, the author explained the context of the interviews once again; presented himself and this study and described in detail the aims and goals of this project, so that the participants would not have any doubts concerning the above. Furthermore, it was again clarified to them that participation was entirely voluntary and that they maintained the right to withdraw should they

feel that they did not want to proceed with the interview. Secondly, it must be stated that no support mechanisms existed for the author whatsoever, which resulted to a particularly demanding context, as the author endured a high level of stress. Hence, the held discussions allowed him to overcome the said obstacles and proceed with the interviews.

In addition to the above and in the context of these discussions, it appears that the presence of an interpreter was particularly useful towards supporting the participants share their thoughts in detail and have a proper discussion on how to overcome their concerns. In fact, participants soon realised that by participating in this study, they would be able to help other minors who were being subjected to detention conditions similar to the conditions that they originally endured. Hence, what particularly urged them towards overcoming the said concerns was the feeling that their participation in this study served a higher purpose which was the protection and well-being of every migrant minor seeking refuge far from his or her country of origin.

Following the above, at the end of the discussion, the participants as well as the author managed to overcome all the difficulties involved and proceed with the interviews, during which participants engaged in a fruitful discussion; responded openly and without hesitation to the research questions and shared their experiences in detail with respect to the scope of study.

Of the eleven participants, two were of Syrian origin, both sixteen years old; four were from Pakistan, one of which was sixteen years old and the other three were seventeen years old; one was from Morocco, seventeen years old; one from Libya, seventeen years old; one from Algeria, seventeen years old; one from Iraq, seventeen years old and one from Palestine, seventeen years old. At the time of the interview, five participants had already applied for family reunification with a relative residing in Europe under the provisions of the Dublin Regulation as already discussed in previous chapters and six UAM had already applied for international protection (asylum) in Greece.

The duration of detention that participants had been subjected to, varied from 4 days to 60 days. Only four participants requested for a caseworker to be present during the interview (first, second, seventh and eleventh, appearing in bold and with the use of an asterisk next to the participant number), whereas the rest felt comfortable enough to take part in the interview and respond to the research questions without the need to be accompanied by anyone else besides the interpreter, who was already present in the room.

In those cases where caseworkers were asked to be present, a 'Confidentiality Agreement' was provided to them at the end of the interview session which they were asked to sign before exiting the room. The interpreters who assisted during the individual interviews were also asked to sign a similar form. Detailed information with respect to the participants' age, ethnic

origin, duration of detention and form of international protection that they had applied for at the time the interviews took place, are provided under Table A, as follows.

The original names of participants are not revealed. For this reason, the letter M corresponds to a participant of the first interview stage, followed by a number which indicates the participant's responses to the asked questions, as they will appear in Chapter Four.

Table A: **interviewees – stage 1**

Participant	Age	Ethnic Origin	Duration of Detention	Aiming for
M1*	16	Syria	4 days	Dublin Process
M2*	16	Syria	7 days	Dublin Process
M3	16	Pakistan	45 days	Asylum in Greece
M4	17	Pakistan	30 days	Asylum in Greece
M5	17	Morocco	25 days	Dublin Process
M6	17	Pakistan	31 days	Asylum in Greece
M7*	17	Palestine	16 days	Asylum in Greece
M8	17	Libya	34 days	Dublin Process
M9	17	Pakistan	40 days	Asylum in Greece
M10	17	Algeria	32 days	Asylum in Greece
M11*	17	Iraq	60 days	Dublin Process

The author's experience in the humanitarian sector, having collaborated extensively with child-protection programs, coupled with his professional background as attorney at law specialising in human rights law and migration processes in Greece, allowed him to form the open-ended questions for this study's interview stages.

At this point, the asked questions were divided in two groups; the first round focused on gathering demographic data from the participants as follows.

- *When did you arrive in Greece? Where from?*
- *Why did you leave your home?*
- *Where is your family/relatives?*
- *When you arrived in Greece, where did you stay?*

Arguably, these questions were similar to the questions that protection officers asked UAM during the interviews that were held in the premises of a RIC as discussed above. Nevertheless, they did not cause any issues or hesitation on behalf of the participants whatsoever.

After completing the first round of interviews, the author proceeded to the second round, thus allowing for the research questions to be addressed as follows.

- *When were you arrested? On what charges?*
- *How much time did you spend in a detention centre? Where was that?*
- *Tell me about the first day you arrived in the detention centre. How would you describe the information you received when you arrived there?*
- *Tell me about the time you spent in the detention centre. How would you describe the conditions in the detention centre?*
- *Do you feel that you were provided with appropriate protection and assistance?*
- *Do you have any special needs? If yes, how were these needs met?*

As soon as the first interview stage was completed, each audio-recorded session was transcribed and carefully read multiple times, thus allowing for the IPA analysis to take place.

Hence, before proceeding to the next stage of interviews, the analysis of the first stage was successfully completed, which helped the author reach a point of saturation as regards the research results and that by confirming that the gathered data was satisfactory in order to address this study's research aims as presented in this study's Introduction Chapter.

Following the above, during the analysis of the findings, the author stayed close to the data and the participants' accounts and then he took a step back and interpreted these accounts. At first, it was confirmed that the IPA methodology as previously discussed in this chapter, was properly applied throughout the interview sessions that were held. Subsequently, an interpretative reading of the participant's responses took place, which involved keeping notes in one margin of the transcribed text, followed by a second reading while confirming the themes that emerged from the participants' initial responses. Thus, during the first stage of analysis, the hermeneutic interpretative approach was put into action (Smith 1996, 2004, 2011).

More specifically, this step included forming preliminary thoughts as regards the interview transcripts and that by identifying discrete story themes within each individual interview and delineating their structural elements. The latter was achieved by highlighting important words, sentences or phrases that each participant used, followed by the author's spontaneous reactions

and reflections. Gradually, discussion themes were created, which were then used to make relevant connections among the participants' statements (Smith and Osborn 2003).

Following the same procedure, the rest of the transcribed interviews were processed accordingly; the first step would include taking preliminary notes and starting with thoughts or associations, whereas later on the author would proceed to exploring the connections among each interview transcript respectively and confirming the emergent discussion themes.

With regard to the latter, during the second stage of analysis, some themes fell under the same overall research area of this study, thus allowing the author to create super-ordinate headings, whereas other themes were dismissed or re-conceptualised (Smith et al. 2009).

Adding to the above, in order to avoid potential misrepresentations of responses and statements that participants had made, the interpretations were focused solely on content rather than repetition of words. Therefore, during the individual interviews and the analyses of the transcripts that followed, all the emergent issues concerning language details, such as used tenses, were not taken into consideration. Similarly, syntactical and grammatical errors were not corrected, so that the 'voice of the child' would not be affected or altered in any way.

b. Second interview stage

After completing the interviews with UAM and following the same methodology, the author proceeded to the second interview stage which involved interviewing professionals, including but not restricted to caseworkers, caretakers, psychologists and cultural mediators with excessive work experience in child-protection programs of the humanitarian sector and UAM in specific. The interviews took place in different areas of Thessaloniki, N. Greece, as participants were being interviewed at their workplace. For this reason, during this stage, the interview sessions were conducted either within the premises of safe zones or at the NGOs administration offices, where participants were located at that particular time.

Every individual interview with practitioners was held in session rooms that were originally designed to host meetings and the professionals who took part in this interview stage were not necessarily involved with the cases of UAM that were interviewed during the previous stage. More specifically, the interview sample consisted of two interpreters/cultural mediators; three caseworkers with a bachelor degree in psychology; one psychologist holding the position of 'mental health and psychosocial support manager' in a humanitarian organisation; two social workers, one of which held the position of 'child-protection manager', whereas the other held the position of 'senior area manager of N. Greece' in a child-protection program; one

sociologist and one attorney at law specializing in children’s rights and migration law. In their majority, participants held postgraduate degrees in their respective fields.

All participants had professional experience in the humanitarian sector, having worked in the field with UAM for more than a year each, whereas others had already completed several years in the same field at the time this study was conducted, having worked both in Greece and abroad. Eight participants were of Greek origin and three were of different origin with excellent knowledge of the Greek language. Additionally, they were all multilingual, fully proficient in English and they were all working in safe zones and child-protection programs for UAM in general at the time the interviews were held. Ergo, the author was able to gain a different perspective from practitioners in the course of this study and that by corroborating the research findings from the first interview stage. During the interviews, no emotional distress existed on the participants’ side, rather a clear intention to contribute to this study and that by sharing all the required information as openly and fully as possible.

Details concerning the above are provided under Table B, as follows. Similar to the first interview stage, the names of participants are not revealed. Therefore, the letter P corresponds to a participant of the second interview stage, followed by a number which indicates the participant’s responses to the asked questions, as they will appear in Chapter Four.

Table B: interviewees – stage 2

Participant	Ethnic Origin	Professional Experience	Profession
P1	Egypt	1 year	Cultural Mediator
P2	Greece	8 months	Social Worker
P3	Greece	9 months	Caseworker
P4	Greece	1 year	Caseworker
P5	Greece	1 year	Caseworker
P6	Greece	18 months	Social Worker
P7	Egypt	2 years	Cultural Mediator
P8	Greece	15 months	Psychologist
P9	Syria	2 years	Cultural Mediator
P10	Greece	4 years	Attorney at law
P11	Greece	6 years	Sociologist

Following the same process as in the previous interview stage, open-ended questions were used, thus allowing the participants to elaborate on the discussion topics freely. For that reason, all the questions that were asked to participants in this stage, were also divided in two groups. The introductory questions were mostly aiming to clarify the exact professional role of each individual; their duties and responsibilities in relation to working with UAM; as well as their educational and professional background and experience in the field, which were the following:

- *What is your profession?*
- *How long have you been working with this Organisation?*
- *What exactly is your role with this Organisation?*
- *Please broadly outline your duties and responsibilities.*
- *Since when have you been working with UAM?*
- *Would you say you have enough experience working with UAM?*

At this point, the author was able to examine whether or not participants were familiar with the CRC and the relevant provisions of the Greek legal framework with regard to children's rights and the issue of UAM detention in specific. This part proved to be essential, as all participants were already familiar with the CRC and its provisions, although not that well informed concerning the applicable law in Greece.

Therefore, before advancing on with the interview, the author provided participants with a short description and analysis of the Greek legislation concerning the issue at hand and then proceeded to asking more research-specific questions, which included the following:

- *Are you aware of specific conditions UAM experience in detention?*
- *What is your source of information?*
- *Please provide information regarding issues that minors experience in detention and share your explanation, comments and professional opinion on the above.*
- *Why is this happening in your opinion?*

At this point, the author shared preliminary findings from the first interview stage and proceeded in discussing these with the participants and asking for their explanation, comments and professional opinion. This iterative approach allowed the author to build on a first set of data and gradually advance, so that all the stages of the data collection process are intertwined.

This way, a process of ‘vignetting’ took place (Finch 1987: 105). More specifically, without revealing any of the personal information of UAM due to confidentiality reasons, participants in this interview stage were provided with quotes originally made by UAM with respect to the conditions they experienced during detention. So, participants were then invited to comment on the quotes and elaborate on how they perceived the described conditions, based strictly on their professional experience and practical knowledge on the matter. As a result, coherence was achieved, which would not have been possible otherwise.

Before reaching the end of the interviewing process and in an effort to summarise the participants’ opinions concerning the legal and/or procedural advancements that might be needed as regards the current status of detention centres for UAM in Greece, certain questions were addressed to participants, through which they were kindly requested to comment on the NGOs’ role in improving the current context. The questions were as follows.

- *Do you feel you can assist UAM overcome these experiences in detention?*
- *Where do you think your role fits in assisting UAM?*
- *Do you think you can improve these conditions of detention through your role?*
- *In your opinion, what is the role of the NGO’s in terms of improving this situation?*
- *Do you think that there could be alternatives rather than detention for UAM?*

Similar to the first interview stage, the author performed a careful and thorough analysis of the interview transcripts, by giving full appreciation to each account (Smith et al. 2009) respectively. This process helped the author identify and organise the interview results, based on similarities in the content of the statements, as will be further discussed in the next chapter.

c. Third interview stage

During the third stage of interviews, a focus group discussion took place, comprising of practitioners and professionals with extensive work experience in the humanitarian sector and more specifically in the field of children’s rights and UAM in particular.

With regard to the relation between focus groups and IPA research, their use has met supporters both for and against (Webb and Kevern 2001; Lambert and Loiselle 2008; Bradbury Jones et al. 2009) and this difference of opinion is based on whether or not focus groups are compatible with the aim of phenomenological inquiry. For this reason, when it comes to the use of focus groups in IPA research, the two opposing sides are based either on Husserl’s

descriptive phenomenological approach or on Heidegger's hermeneutic approach, as discussed in previous parts of this chapter.

In detail, from a Husserlian perspective, which is based on the philosophy of obtaining pure and uncontaminated data through the process of 'phenomenological reduction', as mentioned above, the use of focus groups in phenomenology contaminates data, thus making it impossible to obtain such in an untainted and unbiased form (Wimpenny and Gass 2000; Webb and Kevern 2001; Bradbury Jones et al. 2009). Furthermore, according to Palmer et al. (2010), in the case of focus groups, it is often difficult to develop personal, phenomenological accounts, especially due to the presence of multiple voices; individual and shared contexts; as well as a fairly complex set of social and contextual relationships.

In support of this premise, Giorgi (1989) argues that the primary goal of phenomenological research is to seek the 'essential or invariant characteristics of phenomena' and to achieve this, certain topics and subjects must be shared with the participants, who are subsequently asked to 'respond to a research question, either by interview or description', in order to describe their experiences of a phenomenon.

To this end, according to Stewart and Shamdasani (2007), phenomenological research should focus on the subjective and idiosyncratic perceptions of the individual participant, thus agreeing with Giorgi (1997: 236), who supports that phenomenology 'thematizes the phenomenon of consciousness, and, in its most comprehensive sense, it refers to the totality of the lived experiences that belong to a single person', for which reason a phenomenological approach requires that an individual describes his or her experiences in a relatively 'uncontaminated' way. Therefore, a discussion taking place within a focus group is certainly not compatible with phenomenological research (Webb and Kevern 2001) due to the fact that it involves interaction among several participants.

Furthermore, according to Hyden and Bulow (2003), group transcripts are often analysed with regard to the content of individual discussions. As a result, Smith et al. (2009: 71) support the opinion that to embody focus groups in IPA research can cause tensions and significant challenges, hence the balance between individual and group level data can easily be questioned, mainly due to the fact that 'the presence of multiple voices and the interactional complexity of such events, does make it more difficult to infer and develop the phenomenological aspects of IPA'. Similarly, according to Tomkins and Eatough (2010) the use of focus groups in IPA research eventually challenges the explicit idiographic commitment of IPA, as already discussed in this chapter and that is mainly because the use of focus groups as a unit of analysis eventually masks the idiosyncrasy of individual participants.

However, on the other hand, Heidegger argues that meaning emerges from interactions with other people and objects via a system of mutual interdependence (Annells 1996; Conroy 2003; Lavery 2003) and as a result phenomenology focuses on how individuals make sense of their world; their place in the world and how one becomes aware of it. For this reason, Heidegger's approach on the ontological question of being allows focus groups to be used in phenomenology, due to the fact that interaction and collaborative discussion among participants certainly allow for valuable data to be provided.

Despite the fact that individual interviews are most widely used as a data collection approach in contemporary qualitative research (Sandelowski 2002; Nunkoosing 2005), the issue of using focus groups in IPA has been thoroughly discussed by scholars and much has been written, especially in the field of social sciences, with particular emphasis added to Barbour and Kitzinger's (1999) collection of papers on focus group research.

In fact, according to the literature (e.g. Fielding 1994; Speziale and Carpenter 2003; Loiselle, Profetto-McGrath, Polit and Beck 2007), individual interviews are most commonly preferred when one aims to collect detailed accounts of the participants' personal input concerning a certain incident, a phenomenon or an experience.

However, Lambert and Loiselle (2008) support that 'although individual interviews contribute in-depth data to the research, the assumption that words are accurate indicators of participants' inner experiences may be problematic', which means that the researcher would never be fully capable of capturing the participants' sincere opinion in the context of an individual interview.

This becomes clear in cases where participants decide to withhold their honest opinion as regards the issue under discussion, often due to its inconsistencies with the participants' preferred self-image or will to impress the interviewer (Fielding 1994), in which case this preference towards a particular perspective evidently results in biased findings.

For this reason, according to scholars, focus groups in IPA are most commonly used as an alternative to individual interviews, the main aim being to 'unveil aspects of the phenomenon assumed to be otherwise less accessible' (Freeman, O'Dell and Meola 2001; van Eyk and Baum 2003; Duggleby 2005; Bradbury Jones, Sambrook and Irvine 2009) and explore different aspects of the topic and that through the participants' thoughts, feelings and understanding of the subject under discussion (Morgan 1988, 1993; Bloor, Frankland, Thomas and Robson 2001; Webb and Kevern 2001; Krueger and Casey 2009).

Hence, the researcher can 'capitalise on the interaction within a group and eventually elicit rich experiential data' (Asbury 1995). Therefore, the key feature of focus groups that

differentiates them from other research methods is the active encouragement of group interaction among participants by the researcher, which results in data that would not have emerged in the process, if other methods were applied instead (Webb and Kevern 2001).

Nevertheless, for this to occur, the role of the researcher is highly important due to the fact that the latter is always attentive to group interaction (Barbour 2007) and that by encouraging participants to talk to one another; form questions and comment on each other's opinions. According to Krueger (1994), this active form of interaction among participants provides the researcher with a high level of data saturation and coherence, because what focus group members say can be either confirmed and reinforced or contradicted within the group itself.

In conclusion, it appears that the use of focus groups gradually becomes an increasing tendency in IPA research (Phillips, Montague and Archer 2016). In fact, the held sessions may take different forms, including gaining access to pre-existing homogeneous groups with an interest in the research topic (Dunne and Quayle 2001); ensuring a broad range of views (Earle, Davies, Greenfield, Ross and Eiser 2005); or using participants already used to discussing their experiences in group form (Sternheim, Konstantellou, Startup and Schmidt 2011).

However, regardless of the focus group session's form, the important aspect according to Smith et al. (2009: 9) is that scholars gradually develop appropriate research strategies and make new 'cultural and narrative themes' available for investigation and analysis. This way, the data that emerge from the participants' experiences would not be available in individual interviews and that while maintaining the phenomenological element of IPA research.

Based on the aforementioned and keeping in mind that the prime objective of focus group interviews in hermeneutic phenomenological research is to obtain data (Sim 1998; Robinson 1999; Webb and Kevern 2001; McLafferty 2004; Bradbury Jones et al. 2009), this study is congruent to Kitzinger's (1995) opinion that 'the idea behind the focus group method is that group processes can help people to explore and clarify their views in ways that would be less easily accessible in a one-to-one interview', which further takes the research in new and often unexpected directions. For this reason, participants were chosen based on the fact that they shared characteristics which are pertinent to this particular study (Krueger and Casey 2000).

More specifically, a focus group meeting was arranged with professionals who work in the field with UAM, aiming to discuss matters with respect to detention processes for UAM in Greece. The session was held in the headquarters of a humanitarian organisation located in the area of Thessaloniki, N. Greece in a room that was originally designed to hold business meetings and training sessions for NGO members of staff.

In order to acquire rich data, the author analysed the interaction that occurred among focus group members during the held session, so that the research results would reach their full potential (Freeman 2006). To this end, the author provided all focus group members with constant encouragement to participate in the discussion, especially those who were quiet and shy, while respectfully managing the dominant talkers (Barbour 2007).

Following Jasper's (1996) argument that focus groups allow interviewees to elaborate on and share the raised issues, the author created an environment that encouraged participants to interact with one another so that the dialogue among them would enhance the discussion results and consequently strengthen the credibility of this study's findings.

This way, all focus group members were provided with the opportunity to hear each other's stories and structure their personal individual opinions, whereas others added their own perspective and insight on the discussed topics (Sorrell and Redmond 1995). Hence, the points that were raised during the discussion were considered as 'shared' results (Cote-Arsenault and Morrison-Beedy 2001), thus adding extra validity to the emergent data.

Additionally, the 'double hermeneutic' character of IPA, as discussed in this chapter, was applied in the context of the focus group session, thus allowing for the introduction of a 'multiple hermeneutic approach' (Tomkins and Eatough 2010: 255), which can be regarded as an advancement to the currently applied methods in IPA interviews.

Hence, by trying to make sense of the participants trying to make sense both of their own experience and of each other's, the author successfully managed to obtain richer contextual data compared to the results of individual interviews (Wilkinson 2004; Tomkins and Eatough 2010) and also to draw conclusions from the non-verbal communication and interaction that took place among focus group members.

Also, the author was able to examine how opinions change in the course of the discussion, as well as how the participants' perspective gradually led to the introduction of new discussion topics. Lastly, the interaction among multiple participants assisted the focus group members towards becoming more aware of their own thoughts and feelings in ways that are less likely to occur in a one-to-one interview, thus confirming the opinion of Smith et al. (2009) that the process of sense-making is not experienced in isolation, but within a given context.

With regard to the appropriate size of focus groups, Beyea and Nicoll (2000a) mention that the recommended group size is located between six to eight people and it can range up to fourteen, as long as the formed group successfully represents the parts of society who would be interested in the research topic which is presented.

Therefore, the size of the focus group in this study was based on sensitivity of the discussion topic (Gates and Waight 2007). As a result, the group comprised of seven practitioners of different academic and professional backgrounds, with work experience in the field of human rights; child-protection programs and UAM in particular. In detail, the sample consisted of a social worker, holding the position of senior child-protection officer; a psychologist; a social educator; a caretaker; a cultural mediator/interpreter; a social pedagogue and a neuroscientist.

In their majority, participants held postgraduate degrees in their respective fields. Six were of Greek origin and one was of different origin with excellent knowledge of the Greek language, having obtained the Greek citizenship.

All focus group members were multilingual and fluent in English in specific; employed by either Greek or international NGOs and working in safe zones and child-protection programs at the time the focus group session took place.

Details concerning the above are provided under Table C, as follows. Similar to the previous interview stages, the participants' names will not be revealed. Hence, the letter F corresponds to a focus group member, followed by a number which indicates the participant's responses to the asked questions, as they will appear in Chapter Four.

Table C: focus group members – stage 3

Participant	Ethnic Origin	Professional Experience	Profession
F1	Greece	2 years	Social Worker
F2	Greece	6 months	Psychologist
F3	Greece	2 years	Social Educator
F4	Greece	2 years	Caretaker
F5	Egypt	2 years	Cultural Mediator/Interpreter
F6	Greece	2 years	Social Pedagogue
F7	Greece	2 years	Neuroscientist

Therefore, after providing the focus group members with introductory information regarding this project's scope of study, including its purpose and research aims, the author set the ground rules for the focus group discussion and kindly requested that all rules were respected by all participants throughout this interview stage.

More specifically, participants were advised not to hold back and express their personal opinions freely, by putting new ideas on the table and allowing them to develop in the context of the discussion. Additionally, all participants were invited to engage in a productive dialogue, listen to each other's stories and structure individual opinions.

Degrading reactions towards other focus group members were strictly forbidden, to which end participants were expected to engage in a polite discussion and respectfully disagree with other participants, should they want to. Moreover, focus group members were advised to always ask for clarification, in case a question would not be clear enough and they were also asked to respond honestly to the raised topics. Lastly, participants were kindly requested to speak one at a time, in the form of a dialogue and avoid interrupting one another.

Shortly after the introduction, the focus group session commenced, which comprised of three parts. During the first part, participants were kindly requested to briefly introduce themselves anonymously by responding to a series of questions.

Through these questions, it was the author's intention to allow the participants to provide sufficient information concerning their professional background and current position in the humanitarian sector. Therefore, the questions included the following:

- *What is your professional background and current position?*
- *Can you please broadly outline your duties and responsibilities?*
- *Since when have you been working with UAM?*

Later on, during the second part of the session, participants were provided with preliminary findings from the previous interview stages and they were asked to share their professional opinions, comments and insights as regards the presented quotes. This way, the author intended to stimulate a debate among focus group members concerning this study's aims and enhance the research findings as they derived from the previous interview stages.

As a result, participants engaged in a productive dialogue and based on their professional experience, they elaborated extensively on the current conditions within detention facilities for UAM; discussed the reasons that most commonly lead to UAM detention and reflected upon the correct application of Art. 12 CRC in this context. Concluding the above, participants commented on the role of NGO's with respect to protecting the rights of UAM, as well as suggested alternatives to UAM detention, as will be further discussed in the next chapter.

d. Data management

All data deriving from this study was stored in an encrypted and password-protected folder located at the author's personal laptop and a digital copy was always kept in an encrypted and password-protected external hard drive that was located at the author's place of residence at all times throughout this study's research process.

Following the UoP Retention Schedule for Research Data, the author will retain this study's research data for ten years from completion of this project, in order to allow for verification of the results, as well as for future research purposes. During this time, this study's data will be safely stored at the author's place of residence, as described above. In order to acquire consent with respect to the retention of data, issues concerning the latter were clarified to participants at the beginning of each interview stage respectively.

Furthermore, participants were assured that in case this study's research data would be reused, they would remain anonymous and their personal information would not be revealed. For this reason, after the completion of the interviews, a clear record of each individual's participation was safely stored for future enquiries or complaints. Lastly, all paper records were scanned and originals were destroyed.

Throughout this study, the author ensured confidentiality as regards storage and access arrangements. More specifically, the author was the only one with full access to the study's data. To this end, participants' sensitive data, such as ethnicity, religion etc. was treated in confidence and it was accessible to none other than the author.

Personal identifiable data was stored separately from non-identifiable data, in different encrypted and password-protected folders located at the author's personal laptop and a digital copy was always kept in a separate encrypted and password-protected external hard drive that was located at the author's place of residence throughout this study's research process.

All data was stored as per the Data Protection Act of 1998 and the General Data Protection Regulation Act of 2018. This study was granted a favourable ethical opinion by the FHSS Ethics Committee, UoP, UK (reference number: 16/17:47).

Both the first favourable ethical opinion, as well as the second relating to the author's application for a substantial amendment are available in this thesis, under 'Appendices'.

Chapter 4: **Research Findings and Analysis**

This chapter focuses exclusively on this project's research findings. For this reason, the discussion themes that emerged throughout all three interview stages will be presented, elaborated upon and supported with quotes that were made by the participants themselves.

Additionally, an open discussion and analysis will follow, concerning the conditions in four different detention centres, all located in the wider area of Thessaloniki, N. Greece, where UAM participants were placed upon arrival in the country, pending referral to suitable accommodation facilities. During the interviews, the adaptive element of IPA analysis was applied and the author interacted closely with the text, whilst utilising his own interpretative resources (Smith and Osborn 2003; Brocki and Wearden 2006). In detail, the process of organising the discussion themes that emerged during the interviews was not the outcome of a simple categorisation of data, rather of a range of interpretative resources based on interview texts, coupled with the author's insights and an academic perspective familiar with research, models and theories (Pycroft et al. 2015: 427).

Following this premise, the process of organising the participants' responses in themes was based on a thorough examination of the interview transcripts, which involved noting similarities in the content of the participants' statements and categorising them through the coding process of IPA, as discussed in Chapter Three. Hence, after careful and thorough analysis of the interview transcripts throughout all three interview stages and after organising the participants' statements in groups based on similarities among them, certain discussion themes were identified, which were then clustered into higher-order and sub-themes.

In this chapter, each one of these themes will be discussed separately and quotes that illustrate the key issues and findings of the discussion will be presented in a comprehensive and analytical style, based on the guidelines of IPA research. Instead of letting the participants speak for themselves, the author placed focus on the sense of meaning that participants gave to their experiences; engaged with their statements and assessed their responses through the lens of his own experiences as the researcher. Hence, the 'double hermeneutic' process of IPA was applied (Smith and Osborn 2003) and an understanding of the participants' lived experiences was built, thus allowing for the phenomenological element of this study to be highlighted.

Based on the above, the super-ordinate discussion themes that emerged during the interviews include hygiene concerns; issues as regards the general detention setting; lack of provided services within detention facilities and abusive treatment on the part of police officers against UAM detainees. For each theme, the participants' perspectives (UAM; individual

professionals and focus group members) will be demonstrated based on the detailed information that they shared with respect to each higher theme during each interview stage respectively, which further allowed for the formulation of ordinate themes, as follows.

Table D: **Super-ordinate and ordinate themes**

Super-ordinate themes→	Hygiene concerns	Detention setting	Lack of provided services	Abusive treatment
Ordinate themes→	Lack of personal hygiene	Prolonged detention	Interpretation/legal/medical	Verbal abuse
	Lack of domestic facilities	Adults placed among UAM	Food/drinking water/financial support	Physical abuse
	Lack of privacy	Ethnic diversity	Telephone/communication	Emotional abuse

At this point, the study will be divided in three parts. In detail, the first part will be structured around a presentation of the emergent discussion themes, where the participants' responses to this study's research questions will be demonstrated in chronological order. More specifically, the UAM participants' statements (first interview stage) will be initially presented, followed by the professionals' individual responses (second interview stage) and lastly the focus group members' perspectives (third interview stage) as regards this study's research questions. For this reason, under each separate super-ordinate theme, the ordinate themes that emerged during the discussion will be presented according to Table D.

The second part will focus on the practitioners' views (both individually and in the form of a focus group) with respect to the reasons why detention is most commonly applied to UAM upon arrival in the country, along with comments regarding the quality of services that are currently provided to UAM within detention, whereas the role of NGOs in protecting the rights of UAM in Greece will also be discussed. This part will conclude with suggestions made both by UAM and professionals concerning possible alternatives to UAM detention, followed by a discussion on the changes that they would make, if they were given the opportunity.

The third part will be based entirely on evaluating the interview results. Hence, during this stage of analysis, the main discussion will evolve around the detention conditions that UAM

experienced upon arrival in the country, followed by a critical assessment of the current framework that regulates UAM detention in Greece, thus allowing the author to focus on this study's research aims and respond to the set research questions, as presented in the Introduction Chapter. Therefore, emphasis will be placed on understanding the conditions within UAM detention and examining how the letter of the law applies in practice concerning the latter. Also, the positionality of detained UAM within the crimmigration debate will be appraised, coupled with an exploration as regards the correct application of Art. 12 CRC in the case of UAM being subjected to detention processes upon unlawful entry into Greece.

The participants' perspectives will appear in quotes and will be organised based on similarity among statements, followed by a review of each group of quotes respectively. As it will be demonstrated, professionals (second and third interview stage) focused mainly on evaluating the current legal framework regarding UAM detention in Greece, whereas UAM (first interview stage) predominantly concentrated on presenting their experiences as detainees and suggesting improvements to the Greek policy concerning detention conditions.

By applying the phenomenological approach of IPA, participants will provide their own explanation in depth and share their opinions with regard to each theme under discussion. Lastly, both the 'double hermeneutic' and the adaptive element of IPA will be applied (Smith et al. 2009), as the author will be examining the participants' responses and adding his own insights on the matter, followed by references to the relevant literature.

Due to confidentiality reasons, the original names of participants will not be revealed. Similarly, neither will the names of detention centres, humanitarian organisations or locations that could disclose information about the participants' background. To achieve this, when quotes are presented, the letter R will indicate the author's formed question, which will appear in bold. As already discussed, the responses of UAM participants (first interview stage) will be presented with the letter M; if a response was provided by a participant during the second interview stage (individual professionals), their responses will be presented with the letter P and the practitioners' responses during the third interview stage, namely in the context of the focus group session, will be presented with the letter F. The numbers next to the letters will represent the participants' responses to the formed questions, according to the information that is provided under Tables A, B and C, as presented in Chapter Three (p. 98; 101; 108). Below each super-ordinate theme, an analysis of that particular topics' ordinate themes will commence and the presented quotes will be followed by the author's comments and insights which will be added to the analysis, according to IPA. Thus, this study's results are as follows.

I. Emergent Themes

a. Hygiene concerns

At the beginning of the first interview stage, UAM participants were asked to describe their initial thoughts and illustrate their impressions from the moment they entered detention for the first time. Admittedly, all felt the need to provide the author with a detailed description of the detention centres where they were being held, before being referred to the safe zone. As soon as they felt comfortable enough to share personal information as regards their experiences in detention, they initially focused on the complete lack of hygiene.

Their responses varied, nevertheless almost every UAM participant referred to the highly unsuitable conditions that they experienced and further mentioned that the first thing they noticed was that the detention room appeared as if it had never been properly cleaned.

According to UAM, the lack of available child-friendly accommodation structures, followed by the need to host minors who unlawfully enter the country, led to a practically unhygienic environment overall, as the maximum number of detainees that were supposed to be hosted in each room was in most cases surpassed (Fili and Xythali 2017).

In the process of the interview, the author asked questions with regard to the availability of a restroom in the detention centre where UAM were being kept, in order to examine whether or not participants were provided with services that would allow them to maintain an acceptable level of personal hygiene the least. Sadly, according to UAM, the toilet, which they most commonly referred to as ‘washroom’, was located inside the detention cell, right next to the mattresses where minors slept on. According to the majority of participants, the toilet was usually located at the corner of the room, lacking separating walls, thus depriving children of a basic level of privacy and subjecting them to even greater degrading conditions. As a result, participants mentioned the horrible smell that filled the room and the lack of hygiene overall, especially given the fact that all children were using the same facilities, regardless of the number of UAM who were placed in the room, as will be further discussed under this theme.

During the interviewing process, the author had the opportunity to witness the way in which minors described the conditions of hygiene that they were subjected to. Every single UAM participant elaborated extensively on how difficult it was to survive in an environment that was practically impossible to live in. According to the interpreter who was assisting during the interviews, UAM responded to the asked questions using a very descriptive and strong

language, in an effort to illustrate how insulting and degrading it was for them to experience such horrible living conditions upon arrival in the country.

R. What about personal hygiene? ...How about a toilet or a bathroom?

- M1. ...the situation was very very bad, it was not clean, especially the toilets... sometimes when I really needed to go to the toilet, I did not want to go... I was trying as much as I can to prevent going to the toilet... I was going only when it's very very big need...*
- M7. The toilet was inside the room and it was wide open to the place itself and it was not at all clean and the smell was spread all over the place.*
- M3. No, in. This is a toilet this is a shower. One place. In one small room. There we sleep it was next to this.*
- M9. Yes, this is our mattress and this is the washroom (interpreter uses hands to show that they were right next to one another).*
- M5. It was like a place in the corner just covered like this (participant uses hands to show that toilet was covered only with a lid).*
- M6. Yes, in the same room and it was very dirty... No one care. We do...This is room. Here in the corner there is toilet...Thirty persons in one washroom.*
- M4. ...for everyone. Doors are broken, everything was broken.*

Regarding the ability to shower, the majority of UAM participants stated that such facilities were not provided at all, hence they were not even able to wash their hands, whereas only two UAM mentioned that indeed their detention cell was equipped with a shower. However, it was placed right next to the toilet, usually with only one wall separating it from the rest of the room and without a door that would provide even a basic level of privacy.

Additionally, most UAM claimed that there were no washing machines or any other similar household appliances, that would allow them to wash their clothes. As a result, it was widely supported among UAM that given the circumstances, they had to wear the same clothes throughout the time they spent in detention, which they had to leave behind when they were referred to safe zones. Alternatively, it was also mentioned that UAM were in most cases obliged to wash their clothes in a sink or the shower and only if either was available.

R. Where did you wash your clothes?

- M4. The soap we buy we use the same to wash our clothes.*

- M9. Yes, we wash with soap or shampoo... Where we took a shower.*
- M1. ...in the same place... same room... if you will take shower... everything was in toilet.*
- M6. Same place. With the toilet. It was same place. This is a toilet this is a shower (participant using hands to describe). One place. In one small room...No washing machine.*
- M7. There was not any kind of assist from their side (meaning the police did not provide the means so that minors could have their clothes washed) and there is no way that you can wash your clothes.*

It was soon obvious that this situation affected all the UAM participants deeply. In fact, when they described these conditions in detail, it was clear that they felt unprotected and highly offended due to the lack of hygiene. In some cases, UAM were ashamed of admitting that they were unable to clean themselves properly in detention, whereas others raised their tone in frustration during the interview, while showing the clean clothes they had on and complaining that to wear clean clothes should not be considered an achievement.

This argument proved a specific point. Despite the reasons that urged UAM to leave their countries of origin and seek refuge in Europe, they were all particularly proud of their cultural and ethnic background and they could not overcome the fact that they were being subjected to such inappropriate conditions (Bhabha 2001; Galante 2014), especially when all they needed was protection and assistance upon arrival in a foreign country.

Following the above, all UAM participants shared their personal experiences and elaborated on the fact that during detention they suffered from allergies and severe skin infections, which was mainly caused by scabies and lice. In fact, during the interview, a few participants took off their t-shirt, in order to show the marks on their skin, claiming to have been caused by bugs that nested inside the mattresses that they were provided with at the detention centre.

Additionally, the majority of UAM specifically mentioned that they experienced acute stomach infections because they were often obliged to drink water out of the toilet's water tank, as they were never provided with bottled mineral water during the time they spent in detention, unless they intended to pay for it themselves. With regard to the ability of detained UAM to purchase items, including food, water and hygiene products while in detention, important issues will be discussed under 'Lack of services'.

- M3. ... in the cell where we were in was not clean, scabies, allergy, washroom (meaning toilet)...
- M10. ...The room... it's like medium size and its very dirty, it's disgusting. So even you cannot walk inside, it's too much dirty s not clean and also mattress. And we also drink water from washroom.
- M4. Scabies was inside the room.
- M7. When it comes to smell it was very very bad and it was dirt and also the mosquitos was biting you very strong and you can find acnes and things. He was like allergies from mosquitos and this thing (the participant showed his arm which was filled with blisters) when he scratched it so hard it brings like... (the participant shows some dry blood on his arm)...you'll find some insects coming out from that and when I take a look at the mattress and where I sleep I found it's written on it 2009. And the smell is terribly bad.
- M8. when it comes to cleanness, it was so dirty... they did not give to us any tools for cleaning... I was sleeping and you could see an insect was walking on some people.
- M6. ...scabies, lice, everything was mixed in blanket and mattress...we shaved our head also and we throw our clothes there.

Moreover, UAM added special focus to the fact that hygiene products, in most cases were not provided by State authorities during detention. With the exception of just few detention centres where only soap was provided to minors, the needs of detained UAM to obtain the necessary items that would allow them to maintain a basic level of personal hygiene were mostly covered by NGOs during their rare visits to the detention centre.

According to one particular statement, when UAM requested to be provided with such items, their requests were most commonly treated with verbal abuse by police officers, usually coupled with offensive comments, thus confirming the highly inappropriate and deeply abusive treatment of UAM, as will be further discussed in this chapter under 'Abusive treatment'.

- M4. In (... ..) they gave us shampoo for shower and in (... ..) we have to buy soap.
- M9. ...We have to buy our soap, we have to buy our shampoo.
- M7. They did not provide any other material for cleaning or for showering or anything or for personal hygiene... all the things I wanted to use it was inside my personal bag and whenever I asked for my personal bag, they did not allow

it...the first five days my friend that was with me... he had shampoo...then we were taking shower only with water without using any other stuff.

M6. When there is just one shower and small washroom we take shower every day even they did not give us shampoo... If we ask again then again bad word (meaning they were the recipients of verbal abuse)... When we ask for shampoo to take a shower they told us why you are asking for shampoo you will do masturbation in the washroom? That's what they say.

M10. Verbal every day. So, you are not supposed to keep your bag inside the room with you and whenever you asking to give you shampoo or any material from your bag of course the answer would be verbal abuse.

Adding to the above, UAM participants commented harshly on the complete lack of interest on behalf of police officials when it came to providing minors with a healthy environment to live in. Almost everyone referred to the fact that throughout the time they spent in detention, they were never even provided with cleaning equipment that would allow them to maintain an acceptable level of sanitation and hygiene in the room.

On the contrary, it was supported that police officers were making sure that the corridor outside the detention cell as well as the officer's room were clean, whereas no actions were taken on behalf of the police whatsoever, so that the detention room where the minors were being kept in would be cleaned or sanitised the least.

Also, UAM participants claimed that they often complained to police officers about the lack of hygiene. In fact, UAM mentioned that they repeatedly asked for cleaning equipment to be provided to them, so that they would clean their room themselves. Unfortunately, however, in most cases such equipment was never provided by police officers, the only exception being a regular broom, whereas the majority of participants complained that their requests were almost to no avail. Therefore, as no cleaning products were available, UAM were often obliged to use water from the toilet and pieces of cloth, usually taken from their own old clothes, to which they added toothpaste in an effort to clean the floor of the detention cell.

There was also an allegation that in a certain detention centre, police officers recurrently ordered the minors to clean their own cell, however this statement was not confirmed by additional statements from other participants.

M7. ...they (meaning the police) don't give (meaning cleaning equipment) ... or they don't give any reaction about this (police did not respond to UAM requests).

- M5. *We all was asking about the material to clean everything, the tools and everything but most of the time they don't respond.*
- M1. *There used to be a policeman coming everyday to clean the corridor and to clean the place where he stays (meaning the offices) or the place next to where they (meaning the minors) stayed (meaning the detention cell).*
- M4. *They gave us 'skoupa' (Greek word for 'broom') to clean the place.*
- M6. *...we cleaned our room because we wanted clean space but they did not clean.*
- M10. *They did not provide any chemicals to clean the room and the minors inside the room who stayed together, every two days they bring an empty bottle of water and they put toothpaste inside and they fill it with water and they clean the floor and each one he can donate his cover to dry the floor after they clean it... by their hands but they used like their towels, their old clothes and clothes that somebody left, they left one piece of clothes or cover or whatever they found.*
- M9. *Policemen. No equipment. We have a piece of cloth from our shirt from our pants old we cleaned with this and we took some stuff (meaning water) with the bottles from inside the washroom to clean our floor (meaning they used water from the toilet's water tank in order to mop the floor).*

In addition to the above, given the high numbers of UAM arriving in Greece at the time this project was taking place (EKKA 2017, 2018, 2019; Eurostat 2019), as well as the current framework according to which detention processes may apply only as a measure of last resort and only temporarily as discussed in Chapter Two, one would expect that all the necessary actions would be taken on behalf of the State so that when minors eventually arrived in detention, they would be provided with proper living conditions the least.

However, according to UAM participants, all that was available were mattresses and blankets that had never been properly washed or laundered before, thus resulting in a clearly unhygienic environment and proving that adequate care and support was never truly provided to UAM throughout the time they spent in detention (Fili and Xythali 2017).

Moreover, UAM referred to detention rooms being awfully overcrowded. According to their statements, they were not provided with individual mattresses or blankets, which suggests that in their majority minors were either obliged to sleep on the floor, or share a mattress and/or a blanket with other minors, thus raising further issues in the context of personal privacy and hygiene. Nevertheless, only two UAM participants stated that all the minors were provided with individual mattresses during the time they spent in detention.

R. How many mattresses were there?

M7. *It was less than the number of people... They were like trying to squeeze themselves so they can sleep and not all of them they have enough room to sleep and also things to sleep on or things like a small mattress...Some people were sleeping on the ground and some people in some different situation they were sleeping two in one mattress.*

M2. *It was mattress I had a small mattress in the corner and I was sleeping on it.*

M9. *On the floor, they gave us mattress. Two blankets... we used to put on our mattress and then we cleaned our blanket that we want to use as a blanket on top of us.*

M10. *In the floor, they have mattresses but it's very dirty... it looks like they use it for long time and from the first time they used it they never changed it or never cleaned it... Not everyone has mattress... If you don't have any blankets or cover so you'll have to share the bed with somebody else to share the place you will sleep with somebody else...*

M6. *For example, there is mattress for 15 people but 30 people was in sleeping on one mattress 2-3 person was sleeping on one mattress.*

M5. *They were like trying to squeeze themselves so they can sleep and not all of them they have enough room to sleep and also things to sleep on or things like a small mattress...*

M3. *Same place down on the mattress... On the floor... no clean.*

R. Was there someone responsible to clean the blankets or the mattresses...?

M11. *Sometimes they (meaning the police) provide clean blankets and mattresses and another time they don't provide the clean ones.*

M9. *No. They don't clean. They don't wash. New came (meaning new detainees). They just gave them the same (meaning that the police provided the detainees with the same mattresses and blankets without washing them)...we talked and we have to clean every day our blanket and mattress to change the place and clean from the down, from the floor also. Because it was very dirty and we had allergy and my full arm was scratched with allergy.*

M4. *Blanket. Very dirty. The old guys when they left and when new came they used same blanket they doesn't change and it was very dirty. And mattress where we sleep it was very dirty also... Yes on the floor with mattress. And that's all. We*

can't go out and we don't have clothes with us... From the first day when I left it was like 9 mattresses in and we was every mattress was for one guy but after they put 17 person in the same cell with 9 mattress and we can't sleep because of hot because of many people in that small room.

M7. In order to avoid any illness or anything I was taking off my shirt and I was sleeping on my shirt because also there was not any pillows... What exactly was happening when someone goes out of the cell, they were taking the place where they used to sleep and the sheet and everything and they used to put it in front of the cell. Whenever someone else come in to replace him they take the same thing and they go inside but they don't do any change.

According to UAM, the hosting facilities that were provided by the State were particularly small in size, hence unsuitable to host more than four or five individuals at the same time, which would explain the limited number of available mattresses and blankets. However, nearly every UAM participant supported the argument that the number of people who they shared the room with often exceeded the number of ten.

It was obvious by the way UAM participants described their experiences, that to not be provided with a certain level of privacy, even in a shared room, deprived them of the dignity which they were entitled to upon arrival in the country. In fact, when the issue of overpopulated rooms was brought up in the discussion, most UAM felt particularly embarrassed to describe how crowded the detention facility was. In fact, according to their statements, it was only in times when NGOs registered detained UAM in their programs, that a decrease to the number of minors in detention would occur.

R. *How many people were there in the same room?*

M3. Twenty.

M10. When the organisations come and they take some minors to safe zones, the number of the minors in the room could be seventeen to eighteen, but when they don't come and they leave it to be a big number... twenty-five to twenty-six.

M5. It was fifteen or sixteen person in a room which is a little bit bigger than this one... (participant shows the room where the interview is taking place, which is 3x2 sq m)

M4. ...they put seventeen person in the same cell with nine mattress and we can't sleep because of hot because of many people in that small room.

- M7. *...some people were sleeping on the ground and some people in some different situation they were sleeping two in one mattress.*
- M10. *...he cannot forget... how the detention centre looked. Whenever you entered from the gate of the prison... you find that the doors are open so everybody inside can see the new arrival, the newcomer... And when you arrive you will find people from their faces they are from different nationalities... and this size of the room you can find like twenty or twenty-six persons staying in this room in the prison... The first day in the detention centre it will stay in his memory and he will not forget it because it did not happen ever to him in his life and it was the first time to happen to him.*

During the second interview stage, individual practitioners were asked to share their perspectives and elaborate in depth on the existing conditions within detention centres for UAM, strictly based on their professional experience and knowledge. Their responses varied but in general the participants' statements were coherent and supportive of the information that had already been provided by UAM during the first interview stage, as discussed above.

More specifically, as regards the unhygienic and demeaning conditions that UAM experienced during detention, the participating professionals mentioned that overpopulated detention facilities can lead to an utterly unhygienic environment, as authorities are unable to protect the rights of detained children and provide them with services of high quality. Furthermore, it was mentioned by practitioners that UAM were often unable to keep their room clean, mainly due to the particularly high number of detainees being accommodated together, which certainly resulted in creating further hygiene issues.

- P4. *...there was not sufficient space actually for the room... for the cell to be clean, because in a cell that its capacity would be around twenty people, it had forty...*
- P3. *...they (meaning detainees) are speaking about lack of space, there are... a lot of people in the detention centre and they say that some of them they don't have space to sleep... they are sitting but they don't have space to be in a fully position (meaning fully horizontal position) in order to sleep...*
- R. *Have UAM shared with you any specific information?***
- P6. *...I have seen... twelve people gathered in one cell that fits five... I have seen toilets being blocked and no one could use them... whenever a child needed to go to the toilet, they were being taken out of the cell and they were using the*

facilities for the police officers, which was quite a good thing because they (meaning police officers) were letting them (meaning UAM) out of the cell...even for ten minutes...

P1. ...they can... put like more than twenty people in one place and that place could barely just hold ten persons... and when they ask them (meaning the police officers) why they are doing this...simply no one (meaning on the police's side) answers them and they simply say that you have to deal with it...

Most professionals were not allowed by the authorities to physically enter the room where UAM were being held detained. Instead, they were provided with a dedicated area in order to conduct sessions with minors. According to their statements, they were not allowed to enter the said facilities so that they would not witness the horrible conditions that UAM were being subjected to. For this reason, the information that the participating practitioners shared during the second interview stage concerning the conditions within UAM detention, originally derived from the individual meetings that they had held with detained minors.

Nonetheless, other professionals who were indeed able to physically enter the detention facilities, were more than willing to describe their impressions and experiences in vivid details. At this point it must be clarified that the information that was provided by the participating practitioners who had indeed entered the said detention facilities, were in agreement with the responses that had already been provided by participants who had been informed about these conditions directly from UAM after holding individual sessions with them.

Hence, the perceived credibility of the participants' testimonies was never questioned and their statements were certainly supported among all practitioners during the second interview stage and were also congruent to the other interview stages' findings.

P2. ...the conditions are for sure not appropriate for the minors. The detention centres... they were not made... to receive minors... There are spaces with poor hygiene... overcrowded... and because we already know how vulnerable the... refugee children are... it's the most inappropriate way to accommodate them...

P4. ...they did actually provide some cleaning materials but that was very rare and it was, I would say, once per 2 weeks... these are all reports that I have... the people in the cells actually had to clean the cells by themselves...

P6. ...they don't have the funds, not even for heating... not for cleaning materials... and believing that the minors will stay with them (meaning detention centre)

only for a couple of days, they (meaning police officers) don't provide them (meaning UAM) with anything. It's up to the detention centre...

- P3. ... the detention centres are not clean at all. Sometimes they (meaning UAM) arrive in the... safe zone with scabies or other problems like... breathing problems... they speak about very dirty toilets and no beds... they are sleeping on the floor, which is usually mud or very dusty... they describe it as the most important problem...*
- P6. If you don't have the picture, it's just a cell, just a room, with bars, just a room with one toilet and mattresses on the floor. Imagine this situation with 12 people inside and no cleaning for more than a month... due to the bad hygiene condition, most of them had scabies and other transmittable diseases...*
- P11. The conditions in detention centres are throughout Greece that bad. I don't think that we have a legal system... which respects the rights of decent living for those who are detained... it is awful... we talk about very small cells with no access to natural light. They have only one small window on the top, which is not enough for the sun to go inside. They don't have beds. They sometimes have mattresses. They give them blankets which are actually very very dirty because they do not clean them all the time, so one blanket goes to the next person without being cleaned.*
- P9. ...they put him inside the prison... worse situation there... there is very dirty... a lot of insects... a lot of sick (meaning sick people)... there is one toilet for all... without door... and they leave them (meaning detainees) to drink water from inside the toilet... they did not give even... medicine or food... they did not help them at all...*
- P8. I know that the conditions are inhumane. I know that the space that people are held are very small... it's not analogous to the number of people that they should be hosting... and that creates a lot of problems... what I also know is that the conditions of hygiene are very poor... there are incidents reported from people having lice, scabies or other dermatological conditions that are transmittable...*

Following the above, the author proceeded by providing practitioners with quotes that were originally made by UAM during the first interview stage as regards the hygiene conditions that UAM encountered during detention. Consequently, professionals were asked to comment on whether or not the presented quotes fit within their own understanding.

All the participating professionals supported that the information that was provided by UAM on the matter was indeed accurate and depicted the actual conditions that UAM experienced during detention truthfully. In addition, it was confirmed by practitioners that the majority of detained UAM indeed suffered from skin conditions and infections, mainly due to the unhygienic environment of the detention cell and the provided equipment overall, e.g. mattresses, blankets etc. According to their responses, detained UAM were aware of the fact that organisations of the humanitarian sector were assisting so that minors would be removed from detention centres and eventually be placed in appropriate accommodation units.

For this reason, practitioners had visited detention centres multiple times in the course of their respective professions, so that UAM detainees would be referred to safe zones or other suitable hosting facilities sooner. The following statements are based on the professionals' experiences with regard to the detention conditions that UAM endured.

P4. One day I had to go myself in one of the detention centres to get one boy... they did not let me in the cells... they took me privately to a... police officer's private office... the only thing I could see was a lot of cells in a row and many hands outside the cells... I could not see what was happening inside but I could see this freaky image of hands outside of the cells asking for help. Because what was happening is that when they (meaning UAM) found out that one person from an NGO came to get one child, all the hands were out asking for them to go as well, even if they were not minors...

P11. ...since 2016 I've been visiting detention centres where UAM are held in protective custody... the police headquarters have given us the permission to enter the detention centres in this part of Greece... in Thessaloniki actually, in order to provide psychosocial support... legal support... we cannot access... the cells. So they (meaning police officials) give us a private space where we can have the privacy... sometimes there is a guard outside... and we can talk with the minor who is in protective custody... So, whatever we know is only through the what the children have told us, since we don't have access in the cells specifically and through our discussions with the police...

P1. ...the mattress and everything... are used by previous people. It's not... new.

P4. ...I do know that the mattresses were very old and full of scabies and no one would actually take them out or change them... they did not have duvets or

anything... the pillow cases and pillows were full of scabies as well...no one would clean them...

- P5. *...they (meaning UAM) were coming... and told us that 'we did not have any shampoo to wash our heads, I had to do bath for weeks and we could not change clothes...'*
- P6. *...nearly one hundred children who were staying there for more than four months and five months... one hundred children were expecting us at the entrance of their fenced area...the director of the detention centre told them that we come to pick them up and they were shouting the name of the NGO... You could see the distress in their eyes... when am I going to get out from here? and when am I going to see Greece? What will happen with my future? Am I going to stay here forever? And this is... These are answers... questions that you cannot answer... imagine we had only four spaces and in front of us we had one hundred children.*

During the third interview stage and according to the guidelines and ground rules that were set at the beginning of the focus group session, as described in Chapter Three (p. 108-109), the participating professionals were asked to engage in a discussion and comment on the super-ordinate and ordinate discussion themes, as presented above.

All focus group members agreed that detention centres are highly inappropriate structures for UAM to be placed in, in spite of the fact that they are considered to be a temporary replacement measure for custody of a protective character. In support of this, participants referred to the issue of overcrowded cells and the complete lack of hygiene within detention multiple times. The majority of focus group members had extensive professional experience, having worked both in safe zones, as well as child-protection programs, hence they were able to contribute to the discussion by sharing their knowledge and perspectives regarding the health issues that detained UAM often experienced, mainly due to the unsanitary conditions that they were subjected to. The main points of the discussion were as follows.

- F2. *...obviously the space provided for the number of people held in a cell it's too small. I think it's like... in a place for ten people there might be sixteen or seventeen...they are too many. Obviously, they have no hygiene at all. A lot of transmitted diseases are spread within the detention centres... It's a joke to*

think that there is any other kind of support like psychological support... because they don't even have the basics... regarding physical health...

- F7. ...I have heard some very very unpleasant stories regarding the stay in the detention centres... The facilities are not appropriate for children. Of course, there is no space... they say (meaning detainees) that they (meaning police officers) use harmful and unaccepted practices towards children... we have had many saying that... children after the period of the... their stay in a detention centre, they have affections (meaning they are affected) in their health, development, well-being... they (meaning detention centres) don't have good conditions in general.*
- F4. About the number of the children that are staying in the detention centres, it's true that there is a large number of children in small cells... I have seen UAM getting out of the detention centres... with many medical needs... and skin infections in general...*

b. Detention setting

During the first interview stage, UAM participants mentioned that as soon as they were apprehended for illegal entry into the country, they were transferred directly either to a police station or to a dedicated detention facility, where they were subjected to prolonged detention (Troller 2008), regardless of the fact that they were children, thus causing their vulnerable status to be overlooked.

According to the information that the participating UAM shared in vivid details, in their majority they spent a significant amount of time in detention and sometimes in more than one detention centres. Seven UAM participants stated that they had spent more than one month in detention, whereas nearly every participant claimed that during detention they came in contact with minors who had been held detained for several months.

R. How much time did you spend in the detention centre?

- M3. One and half month.*
- M4. One month or maybe one or two days less.*
- M6. Twenty-nine days.*
- M8. I cannot exactly tell you. It could be thirty-one days, thirty-four days but it was more than month.*

M9. I spent one month and seven days.

M11. Sixty days.

M10. One month... I asked the people (meaning detainees) that they stayed there (meaning detention cell), how long they are there and the people said that some... stayed like two months, four months, six months and some of the minors stayed for more than one month and forty days...

During the second and third interview stage, professionals (both individually and in the form of focus group) supported the argument that prolonged detention for UAM often depends on the migration flows and consequently on the State's inability to subject them to custody of a protective character. However, when this study took place, statistical data analysis provided by EKKA (2017, 2018, 2019) did not suggest that a massive arrival of UAM occurred in N. Greece, which would confirm the above.

Moreover, practitioners stated that UAM detention is not caused exclusively due to the State's inability to forward UAM directly to long-term accommodation upon arrival, but also due to the lack of ample short-term hosting units, such as safe zones, which could replace detention temporarily, until UAM were referred to facilities of a more long-term character, as will be further discussed in this chapter.

During the third interview stage in specific, focus group members were particularly concerned with the fact that the applicable law appears to be out of context when referring to the maximum duration of UAM detention. Hence, according to professionals, as long as proper accommodation is not available for the high number of asylum-seeking individuals arriving in Greece, UAM will inevitably be subjected to detention of a prolonged character instead.

P6. ...It was shocking for me seeing children...living in very bad conditions... because this is a detention facility, it is a prison, who were staying in detention for a week, others for a month and more than months...

P1. ...it was a very longer period than expected... it's not just one day or two days or ten days... it could stay three to four months just for one purpose to find a place to host them... (meaning accommodation for UAM).

F1. ... the Greek law states the tops forty-five days (meaning in detention) and it feels like it is very confident that after the forty-five days they (meaning UAM) are going to have a shelter and a place to live. And that tells me that the Greek law is unprepared for what has been happening for the past three years... It's

very strange because given the availability of shelters by the Greek government, there is no way they can reach that amount of spaces that are needed. Therefore, the Greek law seems that they put a lot of dependency on the NGOs or for a miracle, because it seems to be out of context and out of reality and it's out of reality not regarding the days that they are saying. It's out of reality regarding the conditions of people who are being... held.

- P4. ...this is actually not due to the detention centre itself... it's also on our...on the safe zone's capacity, because we reach our maximum capacity of thirty people, so we have to take out some kids in order to take in some others, so there are a lot of minors who actually stay four to six months in there (meaning in detention), because we don't have space for them in the safe zone...*
- F1. ...the majority... are not staying for only twenty-five (days). Unfortunately, because there are many UAM that have entered the country the past year, there are many children that are identified in the streets... They are moving... them under protective custody and because of lack of the appropriate number of shelters... There are not plans for new shelters... so, for this reason, many children under inappropriate circumstances, are stuck... under protection custody and they should not...due to lack of shelters, the period of staying in the detention centre lasts longer than twenty-five (meaning days), that's for sure...*
- P11. until the summer of 2017, there were not enough safe zones... there were not enough hotels... so the minors stayed for a long time... maybe 60 days or even more in detention. Since that time... many safe zones and hotels opened in the area... of Northern Greece... But it also depends on the migration flows... during the summer, when the migration flows are rising, the minors stay longer time in detention... in order to be placed in a safe zone, you have to pass through protective custody... You have to pass through the detention and then to be positioned. So, this is actually... breach of right of liberty... and a breach of right of decent living conditions.*

Concerning the context of detention, four UAM participants mentioned that they shared the same room with adults. The latter was also discussed by scholars (e.g. Troller 2008; Fili and Xythali 2017), stating that detained minors face additional risks when they are placed together with adults, as they are often subjected to ill-treatment at the hands of adult detainees.

Fortunately, however, throughout all three interview stages, participants did not refer to incidents of UAM being oppressed by adult detainees.

It is the author's opinion that despite the clearly unsuitable measure of detention overall (e.g. Bhabha 2001; Galante 2014), State authorities in Greece certainly did not take another important aspect into consideration. More specifically, in most cases UAM originate from countries which are often in conflict with neighbouring countries, therefore participants argued that they should have never been placed in detention rooms, with their ethnic diversity being overlooked. Therefore, UAM should at least have been placed alongside minors of the same nationality, so that they could communicate with each other. Thankfully, participants did not refer to incidents that would involve them being the recipients of racist threats or even physical abuse by other detainees based on reasons concerning their country of origin.

After requesting additional information on the matter, UAM participants clarified that adults were placed in the same detention cell albeit only for a brief period of time, mainly because there was no other accommodation unit available to host them. Moreover, it was also supported by a UAM participant that the adults that were placed among minors were usually arrested for committing a crime and not simply for entering the country in an illegal manner.

Apparently, according to the perspectives of UAM, the particularly high number of migrant minors in detention centres was nothing more than the outcome of the State's or the humanitarian organisations' inability to host a higher number of UAM in either long- or short-term accommodation units, as will be further discussed in this chapter.

R. *...were there any adults in the same room or just minors?*

M9. *No. Mixed. Around 8 or 9 adults was with us in our cell... it happened in the whole period that I spent.*

M4. *Yes, together in one cell... was mixed people and maybe they stay two days or one day and then transfer them to another place...*

M6. *Adults they came they stayed two days or one day and they changed place.*

M1. *They weren't all minors and one of them... had an accusation of raping a girl.*

In addition to the above, UAM participants referred specifically to the importance of being truthful when divulging personal information to the authorities. In their majority, UAM mentioned that upon their arrival in the country and their subsequent arrest due to their unlawful entry, State authorities never asked minors to provide them with official identification

documents. Nevertheless, participants stated that they were being honest at all times, especially when they were asked to declare their age.

However, according to UAM, it was common for adults to give untruthful statements concerning their date of birth, in order to be registered as minors and be further treated as such, thus aiming to receive additional support and services, including accommodation in safe zones. So, UAM participants argued that a high number of adult asylum-seekers took advantage of the fact that age assessment procedures were not being properly conducted on behalf of State authorities, which resulted in adults being falsely registered as minors and further placed alongside UAM in detention facilities, thus creating safety issues for detained children.

During the first stage of interviews, what was particularly interesting was the fact that one UAM participant in specific stated that due to the unsuitable conditions that they were experiencing, UAM detainees often decided to alter their original statement as regards their date of birth, in order to be registered as adults. This way, they hoped that they would avoid going through detention and that they would be transferred directly to accommodation units for adults instead, eventually aiming to be able to work and earn a sufficient income in order to cover their needs.

R. *Were there any adults above the age of 18 inside that detention centre?*

M2. ..the minors were in one room and the adults in the other room but there were minors in the room that they weren't minors and they were registered as minors..

M3. People cry, it's very very hard to spend 10 days in detention. Sometimes people, minors... they are sixteen years old but they talk to the police they start change their age to twenty or twenty-two to go out... the same time they (meaning the police) provide them (meaning minors) with one charti (Greek word for document, meaning registration document) and they (meaning minors) can go out (meaning leave detention) because they are scared to stay in.

R. *Did the police ask for any documents proving this age?*

M2. No.

R. *What is that that makes them lie about their age?*

M3. They are worried because they don't have money to buy a calling card to call their family. That's why they just decide (meaning to claim that they are adults).

Moreover, during the second and third interview stage, the participating professionals (both individually and in the form of a focus group session) stated that minors were placed in detention cells alongside adults, due to the shortage of available rooms at the detention centre, whereas others claimed that during their visits, they noticed that a segregation of gender often occurred. In detail, the majority of practitioners noted that despite the fact that detainees of different gender were never placed together, nevertheless adult detainees were often found to be in the same detention room with UAM, with the exception of one specific detention centre where a segregation of detainees based on age criteria applied.

With regard to this matter, professionals mentioned that in most cases, due to the fact that age assessment examinations were rarely applied to asylum-seeking individuals at the State borders, as a result minors were often placed alongside adults, albeit unofficially. This was caused due to adults being falsely registered as minors upon arrival in the country.

Additionally, professionals argued that according to the information that they had received, there were incidents of UAM being placed among adults who had been arrested for committing a criminal act, which was in direct contradiction to the Greek legislation, as discussed above. Lastly, it was pointed out by participants that UAM often complained about the overcrowded cells and overall inappropriate conditions that they were experiencing, albeit in vain.

This statement should not be dealt with light-heartedly, as it demonstrates the existing problematic context within detention and how the latter is applied in practice. One might think that this controversial relation among UAM and police officials might have been caused due to the inability of State authorities to cover the minors' needs, especially given the high number of UAM being subjected to detention processes, as previously discussed. However, according to practitioners, this condition is the result of much deeper issues, including but not restricted to the lack of specialised training for the police, as will be further elaborated on in this chapter.

P4. ...there were only 2 testimonies that I had saying this... both minors and adults were put in the same cells because the minors were less than the adults and the cells were not enough so they (meaning the police officers) had to mix them, but that was of course not protective custody and it was very unsafe for the minors...

P1. ...isolating...these people between the actual criminal there (meaning keeping UAM separately from detainees), so if someone committed a crime... these people (meaning UAM) are next to these people (meaning convicted criminals)... so it's something very serious. So, they (meaning UAM) need a place in their own...

- F3. The process of the age assessment we know that is not completed... I have seen actually lot of minors to be recognised as adults... something that means all of these UAM are going to live with the common population as adults. Without any protection from nobody. That means that they will face all the risks that someone can face inside the detention centre.*
- P2. ...minors in age of 14 can be kept with minors of 18 years old or maybe with persons who declare that they are 18 but sometimes they are over 25. That means in an unofficial way that children are kept with adults.*

c. Lack of provided services

Among the super-ordinate themes that emerged during all three interview stages, the lack of services towards detained UAM was indeed discussed the most among participants.

According to the literature, UAM require appropriate protection so that their needs are adequately covered upon arrival in the country (Derluyn and Broekaert 2008; Thommessen 2015). For this reason, State authorities are always expected to provide detainees with services of high quality, which would assist detained minors towards overcoming the difficulties of being on-the-move, until they are further referred to more suitable and child-friendly accommodation facilities (Vervliet et al. 2015).

However, the participants' responses (both UAM and professionals) confirmed that such services were never really provided. In detail, UAM shared a plethora of information concerning specific incidents which confirm that the lack of services and support was common among all the detention facilities that they were subjected to upon arrival in Greece.

In all interview stages participants focused on the meals that were provided to UAM within detention. More specifically, detainees were in most cases provided with a daily allowance, varying from five euros and fifty cents (€5,50) to five euros and ninety cents (€5,90), which they were expected to spend on food and items of preference, including hygiene products.

For this reason, UAM participants in specific mentioned that food was provided by catering services only at RICs, whereas detention facilities throughout N. Greece were unable to provide food and drinking water to detainees, for which reason a form of pocket money was provided instead, as presented. Obviously, in most cases, this form of pocket-money was not enough for the minors to make it through the day. As a result, if detained UAM asked for additional food, but were not able to pay for its cost, they would have to wait until the next day's pocket money.

Apparently, detained UAM were not provided with alternatives, rather with only one food provider, who would sell either sandwiches or meat-based meals of particularly poor quality. Food was provided twice a day, once in the morning and then later in the afternoon. In most cases, a cart would be brought in the detention centre and detainees would be expected to purchase items directly from the merchant. In some cases, UAM participants also mentioned that they often trusted police officers with their pocket money so that they would bring them food from a local restaurant perhaps, which sadly they never did.

According to their statements, in most cases the available items for purchase were overpriced, thus leaving suspicions for unaccountable profiteering on the side of the merchant. In addition to the latter, UAM mentioned that meals were sold only as a whole, including main dish, salad etc. This way, minors were obliged to spend almost their entire daily allowance on just one meal. In fact, if they were out of money, participants mentioned that the best solution would be either to share the cost of the meal, or share the actual meal with other minors, as this certainly would be the cheapest way to acquire adequate portions of food within detention.

According to UAM, they were not provided with bottled mineral water, rather were expected to use the money that the State provided them with in order to purchase any items that they would need, including bottled water. However, if they did not have the money needed to do so, they often resorted to drinking water out of the toilet's water tank.

This context demonstrates the poor treatment that UAM were receiving during detention, as well as the complete unwillingness of police officers to cover the minors' needs. As a result, UAM participants stated that they often went on hunger strike due to the above-mentioned inappropriate conditions (Papadopoulos and Pycroft 2019). However, even then, the inability of State authorities to handle such incidents was evident.

M5. 5,60 Euro and then you do everything yourself.

M4. ...Everyone would take 5,87 Euro and with this money we buy food for us.

M10. ...every day in the morning the... police officer he used to come with a list with their names and he has a bag, he has money inside, he used to call their names, each one and gave them 5,80 Euros and take his signature that he received his budget.

R. Was it enough for the whole day?

M3. That money they gave us it was ok for 2 times food.

M6. Yes, we have to buy food but 1 person cannot survive with this money. If they are many, they are buying food together then it's enough... I asked please I need

food I did not eat from the morning they said no just go to sleep. Morning. (meaning you'd have to wait until the next morning).

- M7. *...not sufficient...They'd have to wait for the next day. For the other allowance.*
- R.** *...if you did not have any more money to eat, could you ask for more food?*
- M4. *No no nothing. We don't have food. We have to stay hungry.*
- M8. *It was... Ramadan so we did not have to spent so much money because we did not eat so much food. If it was a normal day... no it wouldn't be enough.*
- M10. *All the minors... they stayed in three rooms each room it has twenty-five minors so they decided together to make strike and they said from tomorrow they will not take the money, the 5,80 Euros they made a strike for two days then the manager of the prison he came to speak to them... they start to talk to each other nobody can understand because the language is not the same so they bring the guy he was adult he was Algerian and he was arrested to help him with the translation...They did not end the strike until the 5th day, the day that he left but he used to take food from the people in the other rooms that are adults.*
- M7. *I was so hungry and I wanted food and I wanted water, nothing. It was nothing.*
- M3. *... in the cell where we were in was not clean, scabies, allergy, washroom was not clean and also mattress. And we also drink water from washroom.*
- M6. *Yes, from the washroom. ... group of 6 people we save money to buy a water.*
- M8. *You buy it from the 5,80E because the water there you cannot drink it.*
- M7. *...he used to buy one plate of 3 Euro and he used to divide it with his friend together, so this is sufficient for them.*
- M10. *...usually the Arab children they share the money together and they buy food for the group and they share the food together... nothing is for free, you have to buy it, there is nothing for free. So, the plate for the food it costs 2 Euros and bread it cost 50 cent and salad it cost 50 cent... It's obligation to buy whole...*
- M6. *There was a fat guy. The juice from outside from the market its 50 cent and inside they were us giving us 2,50 Euros. Before they had a pizza delivery guy. He brought cheap and good food. After they arranged this one.*
- M7. *I used to buy one plate of 3 Euro and I used to divide it with my friend together, so this is sufficient...*
- M4. *There was just one or 2 person... people was taking money from us they was selling very expensive food. 2 Euro for 1 juice...*

Being able to communicate with family members and loved ones is a strong asset for children, especially UAM, given their special status and vulnerability (e.g. Goodman 2004; Derluyn and Broekaert 2008; Papadopoulos 2020), as thoroughly discussed in this study. Therefore, participants mentioned that during detention, they repeatedly requested police officers to assist them in order to contact their families.

However, the only option that UAM were provided with during detention was to purchase a telephone card, which costed four Euros (€4,00) and use a public phone, which was located within the premises of the police station. Unfortunately, no additional financial support was provided to detainees besides their daily allowance, as discussed above.

As a result, the participating UAM stated that they were often facing the dilemma of either purchasing food or a telephone card, whereas in some cases, NGOs offered phone cards to minors during their visits to detention centres, albeit rarely and in limited numbers.

- M3. No no nothing at all. They are worried because they don't have money to buy a calling card to call their family.*
- M4. ...if we want to buy a calling card for 4 Euros, he had to save money from 5,87 Euros. So... not eat food so... then buy card. Otherwise no card. No connection.*
- M7. ...there was phone outside from 2p.m. till 6p.m... they allowed to go and contact... whoever we want. But you have to buy the card for 4 Euros. So, 1,80 Euros exactly were left so you'd have to eat with it for the whole day.*
- M10. Of course, 5,80 Euro is not enough because to buy a recharge phone card to speak to your family it cost 4 euro, there are 2 types of cards, one costs 4 euro and the other costs 10 euros.*
- M5. I tried 2 times... I told them just give me the numbers so I can speak with my brother to tell him that everything is good right here and that I was caught at the police station but still they (meaning the police) did not co-operate...*
- M6. Every day we got 5,87 Euros...we have to collect money to get a card otherwise there is no way to communicate.*
- M9. ... if we want to buy a card we don't have to buy food... we will just stay hungry.*
- M8. ...the only solution was to buy one card and the card cost 4 Euros. What will I do? Eat or buy card? The (...) they have done us a big favour, 2 days after Ramadan they came and they gave us 10 cards, vouchers for 10 Euros each.*

Based on the above, it was made clear by participants in all interview stages, that UAM did not feel safe during the time they spent in detention, mainly due to the inappropriate and clearly unfriendly conditions that they were being subjected to.

During the first interview stage in specific, all UAM participants were asked to clarify whether or not they felt that they were being provided with appropriate protection and assistance during detention. Their responses were very similar. All other matters aside, minors were clearly in need to feel safe and protected when they first arrived in the country. However, this did not entail just the aspect of physical safety.

Given the unique status of UAM, the presence of a legal advisor was needed at all times in order for the minors to be properly informed about their duties, responsibilities, legal status and future procedural steps. However, participants in all interview stages confirmed that UAM were neither provided with legal support nor proper interpretation during detention. One participant in specific mentioned that the only information he had received from the police was that he would shortly be transferred to a refugee camp and that the transfer would occur within a couple of days. Interestingly enough, this participant eventually spent more than one month in that particular detention centre.

Moreover, in most cases UAM were never provided with an explanation concerning the reasons for their arrest, hence they were often under the impression that detention was the result of criminal proceedings, which was entirely untrue, as discussed in Chapter Two. To this end, the only source of information for detainees came from NGOs visiting minors in detention. However, these rare visits did not make up for the complete lack of services that minors were experiencing. In fact, according to participants, UAM received proper support only after they left detention and were referred to hosting units, usually operating under NGO administration.

Participating UAM also mentioned that what particularly strengthened the feeling of lack of safety within detention, was the fact that when adults were placed alongside minors, illegal acts would often take place among detainees, e.g. drug dealing. For this reason, one participant mentioned that, after experiencing the complete lack of services, as well as the inappropriate behaviour of police officers, as will be further discussed, he felt regret for seeking protection at the police station upon arrival in the country.

Lastly, one UAM claimed that police officers provided him with documentation that was written only in Greek and asked him to sign without explaining the general context and without even providing an interpreter who would certainly assist during this process. To this day, the content of these documents remains unknown.

This last remark indicates that the main issue that UAM faced within detention was the fact that they were unable to communicate with the police due to the complete lack of interpretation, hence minors could not submit a verbal request or even understand what they were being told by police officers. In some cases, a detainee who had a basic knowledge of Greek or English, would be asked to assist so that UAM would communicate with the authorities. Also, under exceptional circumstances, when NGOs visited the detention centre, they would provide interpretation services, albeit only during these rare visits and only for specific reasons.

- M4. ...they (the police) did not provide me with facilities or information at all.*
- M5. ...how would you feel secure in prison? That does not accept any mind or any logic.*
- M6. No assistance, no co-operation, nothing... No facilities they provided. Nothing. God don't send anyone to the police station.*
- M7. Overall what I would say that there was not any kind of support, treatment or near that good treatment or behaviour or any kind of support from the police side and now I feel regret that I handed myself to the police...*
- R. ...did anyone explain to you why you were arrested?**
- M3. Nothing they catch us they put us in a van and they brought us in police station.*
- M1. No there was not any kind of explanation... they just put us inside and they put the chain in our hand and then they put us in the detention. Once they put us in the bus when we were in the island, we did not know where we were going. We thought we were going to Turkey, we thought they were taking us back to Turkey...*
- R. ...did anyone inform you about your rights?**
- M3. No, nothing.*
- M4. No. Nothing about and we even don't know about asylum that time... but when we came in the police station then they asked are you Muslim?*
- M6. ...they brought us to an office and they told me you are going at the kids' camp, minors camp and after two days you will be free. That's what they said...*
- R. Did they make you sign any paper?**
- M3. Yes 3 or 4 pages... it was in Greek... they told me put your signature here.*
- R. Was there an interpreter who could assist to communicate with the police?**

M10. No, they did not provide any interpreters and you could find like an Algerian guy... he lived in Greece... for many years, like 18 years but the police arrested him as well...

When the first stage of interviews took place, all UAM participants had already been placed in safe zones where they had been provided with sufficient medical care, having undergone all the necessary medical examinations with the help of the NGOs operating the respective UAM protection programs. However, they mentioned that during detention various incidents that required urgent medical treatment were not dealt with properly, as in most cases State authorities within detention centres were clearly lacking the sources, ability, training or knowledge, which would allow them to act accordingly.

More specifically, according to the statements of UAM, if detained minors showed any sign of illness, they would normally be transferred to a hospital in order to receive treatment and would then be brought back and placed in a nearby detention cell, as a form of quarantine. However, participants mentioned that in practice detainees were rarely brought to a hospital.

Instead, in most cases UAM were simply provided with painkillers, regardless of their condition and the severity of symptoms. In one particular case, participants mentioned that a minor experienced an acute asthma attack and the police did not transfer him to a nearby hospital or even arrange for an appointment with a doctor. Additionally, UAM claimed that they often experienced stomach infections, due to the low quality of the food. For this reason, minors repeatedly requested the police to improve the quality of the provided meals. However, such requests were met with inappropriate responses on behalf of police officers.

M5. It was one Afghan boy who was with me in the cell and he had a serious health condition which has like some kind of allergy... a lot of acne here between the legs and the arms... no one gave any care or anything. It was still with us...

M10. ...I was sick and I could not even talk and I asked them to go to the hospital to make a check and they almost ignored me and they said I can take Depon (painkiller - sold without prescription) and I will be fine.

M7. ...my friend he has problems breathing he has this asthma thing. Whenever he would go to the police station to ask for it no one would give him anything or no one assisted with any medication...one day also he was shocked (meaning he went into a shock)... and they also did not give so many attention about this...

Till 3am in the morning we were begging them to give him the... (the detainees were asking the police officers to give this minor medication for asthma)...

R. *And did they provide them with the medicine?*

M8. Absolutely not... he stayed some days with asthma he kept asking for it and when his health condition was turning to be worse they told him stay here in the corner and we'll open the air condition for you and take some air so that you can feel better...

M10. They all tell you tomorrow the doctor will come and this 'tomorrow' never comes. If you are lucky and you have this health issue in the morning time when the manager of the prison is there and you can communicate with him to explain that you are sick and you need to go to the hospital, they will move you to the hospital... Otherwise they will tell you that there is no car to move you...

M4. if you have any emergency they will not bring you anywhere. This is final...for example, if someone is sick or...has pains...they say wait... 2 day 3 day wait...

M6. From the start 5-7 days we was eating good food and after they bring new guy (meaning new food provider) who just brought potatoes and souvlaki (traditional Greek sandwich) and we was sick because of this food, it was not good... but they did not brought us to the hospital.

R. *Did you complain and said something to the police?*

M6. We called them and they came at the front of a cell and we complained I'm not feeling well because of food we want to change food. They said no. You have to eat this food. No more. Nothing is changed. Because of the food I get swelling inside in my mouth.

In addition to the above, during the second interview stage (individual interviews with practitioners) the participants shared their professional opinions and insights with regard to this particular discussion theme. Their responses mainly focused on the problematic context of providing minors with limited financial support and expecting them to use it in order to cover all of their needs, including food and the means to communicate with their families.

P3. ...also, they are speaking about no food situations, they are hungry a lot of hours, nobody gives them food for hours, some of them have said that they only have one meal per day or some of them have said about giving money to the

police officers to buy them food and they (meaning police officers) have not returned with the food...

P7. ...the food that they (meaning police) provide it does not matter if its fresh, if its clean or not. There is a meal for you. If you like it... If you like it, eat it, if you don't like it, leave it. So, of course when you stay like, the whole day with no food and you have one meal per day, you will eat it anyway. No matter if you will have stomach infection or not, but we can see that from the children that they come from the detention centre, losing a lot of weight...

P4. ...there was a child that... did not have enough money to call his parents and eat the same time (meaning the same day), so he had to choose... he would either call his parents for five minutes or he would eat for the rest of the day... this is something that for me is against the basic human rights...

Adding to the latter, practitioners mentioned that due to the lack of funds, detention centres were in most cases unable to cover even the basic needs of UAM, including but not restricted to heating installations, as well as cleaning equipment that would allow UAM to maintain a healthy and hygienic environment the least. Furthermore, participants at this stage also referred to the complete lack of interpretation services and legal aid within detention.

The most important issue according to the professionals' perspectives was the fact that detained UAM were never properly informed concerning their legal status and the reason why they were being subjected to detention processes. For this reason, they most commonly compared UAM detention to an actual prison and further elaborated on how the latter may eventually deliver better services to detainees, especially when compared to the former.

P4. ...explaining your basic rights is very important and it should not be translated from another minor who knows some English and some Greek... they (meaning the police officers) don't have any (meaning interpreters) ... and the thing is that they are not willing to change any of this situation... I mean in the near future....

P1. ...none of them (meaning detainees) mentioned any kind of... legal service... or any kind of translators to explain the situation... in the police station or for how long they will need to stay or why they are there or... why they need to wait... they (meaning the police officers) are not providing anything.....there is absolutely no interpreter...

P6. *...usually they (meaning police officers) were asking us (meaning NGOs) to facilitate interpretation... I am aware that there is an NGO that visits detention facilities and may offer legal advice, but this is not provided from the State but from an NGO.*

P6. *...most of them did not know why have they been brought to detention. They weren't aware... their initial thought and idea was that they have committed a crime. A crime that they are not aware of it, which you can imagine during this time, these days that they were staying trapped inside the cell, you can imagine how big this idea was and how accumulative the fear was in their minds.*

Furthermore, with regard to providing medical support to detainees, the participating professionals noted that the context within detention centres clearly suggested that police officers lacked the ability to properly handle incidents that required a swift response on their part, including providing immediate medical care to detained minors.

Therefore, even though the need for healthcare was always present, proper actions were rarely ever taken on time by police officials. In fact, according to the practitioners' statements, in certain cases, NGOs would intervene and submit formal complaints, so that detained UAM would be transferred to a medical centre. In case of serious health issues in particular, such as withdrawal syndromes, the lack of proper education and training on the part of police officers was also evident, as participants described specific incidents proving that the medical needs of UAM were unfortunately not taken care of in a proper manner.

P1. *...some services need to be available for these people (meaning UAM) to be able just to be provided the basic needs that they need and also some hygiene services needs to be available more there...they (meaning UAM) need more care there and they need to have more attention to be paid to these people's condition (meaning medical condition)...*

P11. *...when a child has to go to the hospital... has any problem with his health whatsoever, usually the police does accompany him and take him to the hospital... and if they don't, when the child tells us that he has to go to the hospital and when we intermediate... to the police, then they always do it...*

P3. *...they say a lot about health problems... some of them they have broken arms or broken fingers or breathing problems or problem with their back and nobody help them... Even when they have declared their situation to the police officers...*

P6. there was a minor who was having withdrawal symptoms from heroin and the police was not aware of that and he (meaning the police officer) thought that he was just cold so they were giving him a blanket and nothing else...

Similar to the previous interview stages, the focus group members commented on whether or not appropriate services were provided to UAM during detention. To this end, stemming from the complete lack of interpretation services, professionals referred extensively to the inability of detainees to communicate with police officers and make their needs known to them. In addition to the latter, they emphasised that detained UAM in most cases depended fully on how willing and motivated police officers would be to assist them.

Most importantly though, it was confirmed that UAM detention facilities resemble penitentiaries. Hence, one of the main discussion topics during the focus group session was based on the inappropriate context that UAM are currently experiencing upon arrival in Greece.

F1. According to my experience... the basic needs of the children are not covered while they are living in the detention centres... regarding their protection and safety... I have information from UAM and other partners in the humanitarian sector that their basic needs are not covered because of the conditions of their custody... There is a lack of understanding and responding to the basic needs of the children while they are in detention... my opinion is that detention centres... they are not appropriate places for any minor to live in.

F2. they don't even have the basics that are... No interpreters.

F7 ...detention centres... it refers to a prison.

F3. in detention centres... there is... lack of interpretation, language etc...

F1. ...They (meaning UAM) need actually appropriate specialised care which of course is not provided in the detention centre, where there is not even the interpretation to hear the child. To understand basically what happened to him until the moment that he entered the door... every child has his personal story... personal needs... has the need for an individual approach...

F4. Detention centre is a prison.

F1. For sure there is no interpretation for the minors in the detention centre that means that actually the police officers are not aware of the needs at all... it depends on... the personal motivation... of the police officers...

d. Abusive treatment

Throughout this project's interview stages, all participants (UAM; individual professionals and focus group members) referred to the fact that during detention UAM often became the recipients of abusive treatment on behalf of police officials (Bhabha 2001; Galante 2014), both on a verbal and a physical level.

With regard to incidents of verbal abuse in specific, UAM participants shared stories proving that police officers used to raise their tone and be particularly offensive towards minors almost on a daily basis. Sadly, according to UAM, being subjected to verbal abuse was quite common among detained minors to a level that it was often considered to be a normal routine during detention. Additionally, UAM participants mentioned that every time they came in contact with police officers, they were treated with inappropriate behaviour and that they were subjected to an excessive use of profanity. Apparently, if UAM were unable to sleep during the night, they were being verbally abused by police officials.

Also, UAM participants mentioned that when NGOs visited them in detention, the behaviour of police officers towards detainees would drastically change and it would return to its abusive state when the NGOs would leave the premises of the detention centre. Furthermore, participants widely referred to police officers often being utterly abusive towards UAM and discriminating them either based on their country of origin, or their religious beliefs.

Especially concerning the latter, UAM also claimed that during the celebrations for Ramadan, police officers were being particularly disrespectful towards minors. In fact, they used to provide UAM with food intentionally during the day, even though they were well aware of the fact that those who fast shall not eat or drink before the sun sets.

M5. When I talk about the prison the treatment will remain the same because its prison. It's a horrible situation there and a lot of people are suffering. I'm talking in general.

R. How would you describe the attitude and the behaviour of the police officers?

M2. They (police) weren't helpful and they were always raising their voice.

M10. They (police) used to use a language that they would send them back or deport them back to their country, they don't want (...) people here...

M5. Whenever you ask for certain simple thing from the police station they say bad word and they curse and they say why did you come from your country? Go back to your country. We already have enough inside (participant shows his

chest, meaning they've been through enough) and you feel so bad and they try to insult you and make the situation worse for you...

- M8. *...we tell them that its Ramadan and...police told them I don't care about this and this is something that has to do with you and it's not up to me and I cannot do anything about this. And then they said some bad words.*

Furthermore, UAM participants mentioned that incidents of physical abuse towards detainees were also rather common. In detail, UAM described certain events where police officers would harm them in order to keep them quiet and/or separate them from each other in case they started to fight. More specifically, according to UAM, police officers would often transfer a minor to a nearby detention cell, where the physical abuse towards the minor would commence and then the detainee would be brought back to his former cell.

Adding to the above, UAM supported that police officers would never respond to their requests and after several attempts, UAM would be the recipients of abusive behaviour, both verbal and physical. One incident in particular involved a minor who was verbally abused by police officers and when he stood up against this behaviour, he was handcuffed and then abused physically, while being unable to protect himself.

Moreover, UAM referred to certain incidents where police officers physically abused detained minors while using police equipment e.g. gloves, sticks, helmets etc., as well as to a specific incident concerning a UAM participant who had been placed in solitary confinement.

- M8. *(participant lifted up his trousers to reveal bruises and scars on his leg) can you look...? If you debate with anyone in (...), they would beat you to death.*
- M2. *...The police officer came inside... picked them up and he beat them.*
- M5. *...there was a fight between 2 boys and they were fighting first verbally they did not like each other and then escalated and things became physical and they fight and then one policeman... he came inside and separated them and he took one of them to another room. It is a small room... he stayed there for 3 days and he was beaten... There was beating so much... This would happen because of fight.*
- M11. *...it's normal... It's normal for the police to curse the people... the normal word that they (meaning police officers) used to tell them (meaning detainees), stupid something like this in Arabic and the other word they used to say in Arabic as well like I will (...) you and he said some words in Greek, he said he can't... mention them, all of your family I will (...) you" ...*

- M7. *...it happened in front of me... the Moroccan boy who was with him in the cell the police came it was four again or five (meaning that many police officers) they wanted to beat the guy but he was holding firmly in the cell itself (interpreter shows that the person was holding/hugging the prison bars) he did not want to go he was just holding like this but they kept like struggling and taking him like this (interpreter shows that police officers were pulling this person) till they took him out of the cell and they (interpreter made a move that meaning that they beat him)...*
- M6. *There was an Arabic guy... He was in a small room and he was saying please I'm uncomfortable here please give me a place to sit out here, at the front of cell... they bring him out and then he did not seat in one place he started moving and the policeman he hit his head with the wall and there is blood till now on the wall and they also did not brought him to hospital and the blood was like this (the participant showed the side of the forehead to the chin)... after this incident we all were scared. If we did anything they will do for us.*
- M7. *around 10 o'clock they talk together (meaning the detainees)... from the police side they wear gloves and they go inside and he said that they turn off the TV... and they beat them... in order for them to stop and not to make noise and...*
- M10. *When the children they stay together in the room and they start to sing, like sad songs, they start to cry, they start to scream, so when the cop comes, the first child he would see cry or scream in front of him he will pick him.*
- R. *Did any of the police officers physically abuse a minor in front of others?***
- M10. *Yes. And one of the Syrians that we already have now he broke a bone with this abuse... it was a problem between 2 of the minors, one Syrian, one from Pakistan, and when the police officer came, without asking anybody he start to beat the Syrian boy and then he took him to another room... his hands and his legs, no instruments... (meaning the police hit the minor on his hands and legs).*
- M8. *One day something not good happened... while we were in the cell the police used to put 1 TV between every 2 cells... I asked them that we need to watch one match (meaning football match on TV)... it was not only me it was so many people with me in the cell they were asking the same thing... the police said it's not possible but they did not say it like this they reacted in a different way... they bring this motorbike helmet and they put it.. they made me wear it and then he (meaning the police officer) came with another one they wear some gloves*

and things like this and with one stick they kept beating the helmet on my head and they were pushing my head in the cell and then was the stick, right and left (participant used his hands to indicate which parts of his body were hurt)

R. ...when they removed the helmet from his head, what happened next?

M8. They wear gloves and they kept beating...the problem is that they don't leave any mark in his body, so no one will see. Because when you wear gloves it does not leave any signs or anything so no one will know, no one will ask them what happened to you and who did this... I felt I was about to be fainted down but when you go down or someone happen someone to fall down they put some water and he's fine.

M10. The physical abuse usually it used to happen during the night. Of course, they (meaning the police) know that they (detainees) are minors... when the night comes so they start to sing or they start to cry with loud voice and when the police come to ask them to stop, first they use verbal abuse and then they turn off the TV, when they take somebody outside the room so it's definitely they will cross him and the physical abuse it will start.

R. What do you mean cross?

M10. They take him to the first room... it's the visiting room... and they cross him, they put him in the cross shape, they wrap their hands and they keep him for 5 hours, 4 hours... if you start to cry in this position, when you are crossed, he (the police officer) will come back for you and he will beat you.

Similar to the first interview stage, practitioners in the second and third stage of interviews (both individually and in the form of a focus group session) confirmed the highly inappropriate behaviour of police officers towards detained UAM, which included incidents of grievous verbal as well as physical abuse.

In addition, the participating professionals supported that detained UAM were subjected to severe emotional abuse which can inversely alter the minor's character, especially when one is struggling to overcome a troublesome past and build a new future. In fact, participants who were professionals in the area of mental health, referred to incidents of derogatory treatment; lack of respect and psychological abuse overall that caused distress and trauma to minors. More specifically, based on their professional experience, participants described incidents of invasive and degrading body search methods that were applied to detainees. In support of these statements, they shared useful information after having visited several detention centres of N.

Greece, in the course of their profession, as well as after discussing these matters directly with UAM, who had been subjected to such forms of abusive treatment in the past.

During the second stage of interviews in specific, professionals claimed that abusive treatment towards UAM was a common phenomenon within detention centres, which was mainly caused due to the inability of police officers to communicate with detainees properly. More specifically, when minors complained about the lack of services, police officials did not hesitate to abuse them physically in an effort to limit such complaints. In fact, practitioners were willing to share information relating to UAM who suffered from bone fractures, as a result to the severe physical abuse that they endured during detention. Furthermore, they supported that police officers often became particularly sadistic towards UAM detainees, especially in cases when minors were already experiencing health issues.

Also, there were allegations concerning incidents of physical abuse that were performed on UAM, that clearly resembled acts of torture. One professional in specific shared detailed information about police officials torturing a minor in order to force him plead guilty to an unknown offence and also in order to retract money from him.

P3. The police in Greece in general is very aggressive towards prisoners. This is a reality that I've heard from my profession and my experiences in other domains of work... they usually mention about abusive behaviour of the police... they say about verbal harassment and very bad tone of voice which order them to do something but also, they say about physical abuse... the police officers sometimes they hit the children inside and sometimes I watch boys coming with...broken ribs...and they say that have been beaten by the police in the detention centre...

P1. ...it happens when it gets out of control... they use that method because they (meaning the police) ... cannot find... any kind of method for communication... they use it like we'll do this (meaning physical abuse against UAM) so we'll be like an example for others (meaning the UAM) so they will not do the same...

R. Has anyone shared any specific information regarding incidents of abuse?

P3. ...they usually speak about the tone which is like giving orders... but also... specific way of speaking (meaning UAM referred to the language police officers use against them) which is humiliating them (meaning UAM) ...

P2. ...one child once came to me and he said that while he was, for one night, in prison, the policemen physically abused him badly... and also psychologically...

they (police) were offending him in the worst way they could... I too receive complains about the way that policemen treat the children generally...

- P4. ...of course, police officers were swearing at them (meaning UAM), thinking that they would not understand (meaning the Greek language), but some of our children actually spent a lot of time in jail... in general so they knew the basic words for swearing so they understood that they were swearing at them...*
- P1. There are numbers of minors who shared this information. It was situation with policemen... the abusive treatment... is like beating or something like this when it comes to the point that they cannot understand each other... they try so hard to communicate they are not provided with anything (meaning detainees) so they keep asking, they keep shouting for someone to hear them but no one hears them... police does not like the situation like this so they keep... they are doing things (meaning physical and verbal abuse) ... they have to do something to stop the situation...*
- P5. ...there was a person from Pakistan...when he asked for the police officer something that he needed, he... slapped him... he slapped him and he told him that he has no right to ask for things and he will go back to his cell in order to send him back to Pakistan... Because it's where he belongs...there was a verbal and physical abuse...*
- P3. ...they (police) put their arms (meaning the UAM's) in the Christ position and they hit with gloves in the ribs... it's a famous story between the minors... that's why some of them have broken ribs when they come in the safe zone, but also... punches and to hit them in order to break an arm or fingers...*
- P4. ...I would like to say that this is solid fiction, but I don't believe actually that it is solely fiction... when they (meaning UAM) say that they (meaning police officers) turn off the TV, it means the TV that police officers have in their office with cameras from the cells, so what they do is that they turn off the TV so that nothing is recorded of what they (meaning police officers) do in the cells... things are pretty bad. That they (meaning police officers) beat them (meaning UAM) ... that they might even... put them in the shape of cross handcuffed on the cells... it should not be that way...*
- P3. ...re-traumatising in the detention centres... leads to general psychological problems... that minors carry with them after the detention and let's not forget*

that these minors are going to grow up in our country... so it's actually a social problem which we should take steps in order to fix it.

With regard to UAM being the recipients of abusive treatment, focus group members confirmed that the majority of migrant minors indeed experience both verbal and physical abuse during detention processes, either directly or indirectly. More specifically, in the course of the session, professionals elaborated widely on the fact that UAM tend to completely alter their attitude in the presence of police officers, which undoubtedly confirmed that abusive behaviour towards UAM was actually occurring, despite the protective context that would normally be expected to apply in this form of custody, as discussed in Chapter Two.

However, in addition to the above, it appears that a specific form of abuse was also common among detained UAM, which was often brought up in the discussion. In detail, according to focus group members, minors are becoming part of an abusive environment as soon as they are subjected to detention processes. So, even if UAM are provided with services and treated with respect as detainees, it is the actual detention context that affects their status, thus preventing them from overcoming their troublesome past.

However, due to confidentiality reasons, the professionals that took part in the focus group meeting did not go into detail about specific incidents. The same applies for a specific focus group member who referred to an incident of sexual abuse that occurred during detention.

- F2. ...once they are in the detention, automatically they are in an abusive environment... Even if food was given to them. Even if the police officers were the best people in the world... once they are in the detention and they are for that long periods of time, its abusive. I don't care if they attend school, I don't care if they have activities. They are in detention centre with police officers.*
- F7. ...some children they have a total different attitude when they speak to someone... for example an interpreter... and they have a completely different approach and attitude when for example a policeman is there... if you see differences in the behaviour of children when someone is present and a totally different when someone is not, I may say that this shows an abusive behaviour... that this child has been abused... But, being afraid in the detention centre is not right... I have sayings that say that they have been hostile (police officers)...*
- F3. physical and verbal... and sexual...I will not tell you all the story. it was a sexual abuse of a child from several peers...*

F7. I cannot share stories regarding abusive behaviour due confidential issued but I can assure you that we have many... I gave to the police and to the staff that have been working there, a full report... because I went there as a representative in order to conduct exactly this risk assessment... they totally ignored everything that I told them... they had an attitude... an arrogant attitude towards the help of a humanitarian NGO that they... they have this totally wrong perspective regarding humanitarian crisis...

II. Explaining detention and suggesting alternatives

Before reaching the end of the discussion, the author invited the participating professionals to share their opinions and attempt to provide an explanation with regard to the reasons behind the current detention conditions that UAM are currently being subjected to.

According to the participants' perspectives during the second interview stage in specific, one of the main reasons for UAM detention is the fact that Greece was never adequately prepared to receive such high numbers of asylum-seeking individuals, including migrant minors (EKKA 2017, 2018, 2019; Eurostat 2019). As a result, the State was rendered unable to properly host UAM under custody of a protective character, which indeed eventually causes the latter to be superseded by detention processes.

Moreover, the participating professionals mentioned that the clearly inappropriate detention conditions that UAM currently experience upon arrival, is nothing more than the product of an outdated and problematic legal framework. In their majority, they stated that prolonged detention is mainly caused due to the fact that Greece can only provide a limited number of shelters and safe zones for UAM due to various reasons, including financial instability on a State level (Bosworth et al. 2018). Therefore, unless new accommodation structures are established, or current ones are upgraded, it would be pointless to hope for UAM detention to reach its end any time soon.

Adding to the latter, practitioners also noted that prolonged detention is currently caused due to an overall faulty structural and procedural context. More specifically, they supported the argument that detention centres should work in collaboration with both short- and long-term accommodation facilities, so that UAM would eventually be subjected to detention processes for the shortest possible period of time. Otherwise, the State's inability to handle the massive migration flows will always create a defective context where minors will continue to

experience inappropriate conditions of prolonged detention, instead of reception processes that would protect and promote their rights, according to the applicable law.

R. *So, it's a matter of legislation? ...protective is not being applied properly?*

P10. ...protective custody seems to be child-friendly in the legislation but then if you really mean to be child-friendly, then you have to make child-friendly buildings or child-friendly rooms. Apart from it, we also know that detention of minors in very few cases could be a solution and a last solution (meaning a solution of last resort), so I think a real solution apart from the European level that is solidarity among the States, would be rejecting the detention as a scenario for the minors and then giving all kind of care for guesthouses, for shelters, for an inclusiveness in the Greek society.

P3. I think that Greece was not prepared for UAM to come in this kind of quantity the last years. Our legal frame is not prepared for their care and actually... there were no spaces where we can welcome them in some way, so they end up in detention...

P6. ...to be fair, Greece was not prepared for this crisis... Greece was not prepared to facilitate accommodation to nearly three thousand minors. We have only, at the moment, there are only one hundred and twenty places in safe zones and nearly one thousand places in shelters for minors... all the rest are either in detention facilities, or they are waiting somewhere...homeless, for a placement to be transferred.

P4. ...this is not only the fault of the detention centre. This is a huge hole in the whole system. Because we, as safe spaces, we don't have enough space for all the refugees... we weren't prepared for that and then the shelters in the urban areas do not have enough space for everyone so the flow goes like people from the borders go to the detention centre, then they go to a safe space and then they are moved to shelters. If the shelters are full and packed, then people are stuck in the safe zones and if safe zones are full and packed, then people are stuck in the detention centre and when those are stuck... packed as well, then people are stuck in the borders. And that's what it's happening now. This is the reason why most of our children were there (meaning in detention centres) for more than two and three months... It's a gap in the system.

With regard to the reasons behind the abusive treatment that detained UAM are currently receiving, the majority of participating practitioners supported the argument that such incidents are caused mainly due to the fact that police officials lack proper training and education on the matter, often coupled with other factors, such as impunity, xenophobia and abuse of power.

For this reason, according to professionals, sufficient training would certainly allow police officials to handle the massive incarceration of UAM in detention facilities more efficiently and avoid any kind of abusive practices against UAM, including racist outbursts even.

P2. Unfortunately, policemen are not educated. They do not have the role to support, to understand, to be able to work in the best way with children...

R. So, it's a matter of education?

P11. It's a matter of politics... For sure its lack of training. And education. But I don't... and for sure this is important to happen. To train those people... especially those who are treating minors. But I'm not sure that ever the training could be enough for this kind of activities to stop. And of this kind of abuse.

P8. It's true that in Greece... it's the first time that this country hosts so many people at the same time, therefore they (meaning police officers) are unprepared...we do not have the cultural awareness that is needed... so it's a matter of training and education for me... I don't think they (meaning police officers) have the backup from the State... because the State does not provide any help... to the civil servants... so they do what they think it's good... but if you don't have somebody to tell you what should be done and they just close their eyes at the problem... and if you leave everyone upon their initiative what is good, then you are not a State, you are in the Wild West.

P3. ...police officers...have no training about how to behave to a minor... so any time that there is any kind of disagreement or issue in the detention centre, I am guessing that they (meaning the police officers) are using aggressive behaviour against them (meaning UAMs). The minors should not be kept in detention centres with police officers but in places where there is trained staff in order to take care of them, cover their needs and when we say needs, it's not only to stay in a room and have food...

R. According to your professional opinion, why is this happening in detention centres? ...why do minors experience this kind of behaviour towards them?

P10. ...I'm sure impunity is a very attractive factor for their... to explain their attitude... [training] could be a solution... this could work towards minimising the incidents... but I think that impunity is the most important factor as well as the broader mentality with xenophobic elements. And to me it's very important for these cases when filed by the police or by the prosecutor, to have in mind... if there is a racist motive... (participant made a reference to the relevant provisions of the GPC, regarding racist crimes).

As the discussion progressed, professionals were kindly requested to share their thoughts on whether or not NGOs could assist towards creating a safe environment for children after they are removed from detention. Their responses focused almost exclusively on the current efforts that NGOs make in order to advocate against UAM detention overall.

More specifically, it was confirmed that to visit detention centres on a regular basis is an issue of the utmost importance, so that NGOs are always aware of the conditions that UAM are subjected to during detention. In detail, the majority of practitioners supported the opinion that NGOs should not focus on improving the living conditions within detention centres. Instead, they should work collaboratively, either towards referring UAM directly to appropriate accommodation upon arrival in the country, or towards assisting them overcome their troublesome experiences after exiting detention. In order to achieve the above-mentioned goals, they argued that NGOs should be in regular contact with State authorities, including the Public Prosecutor's Office and the police, especially due to the fact that police officers are usually unable to communicate efficiently with UAM in detention.

According to scholars (e.g. Bosworth 2018), officers report difficulty in forging relationships with those in their care, both due to the language barriers and the cultural differences which are omnipresent, as well as due to the fact that police officers are usually instructed to maintain distance from detainees, which causes them to rely on racialized and gendered stereotypes, thus making it particularly difficult to form bonds with them. After all, it has been supported by Bosworth (2018: 3, 14) that detainees 'are symbolically and practically denied membership of any meaningful 'audience' who would negotiate with 'power-holders'', for which reason they consider incarceration to be nothing more than the result of being foreign, thus leading to an endemic form of institutional violence.

More specifically, during the second interview stage, practitioners were of the opinion that NGOs should undertake the responsibility of delivering proper training sessions to police officials so that they would be adequately prepared to support UAM and provide them with

appropriate services during detention processes, should that be needed. Hence, it is this form of training that would eventually assist officers evolve towards avoiding the racialized stereotypes, which currently do not allow them to exercise their role in a correct and efficient manner. Therefore, NGOs should not focus on improving the existing conditions within detention without referring to the competent authorities on a State level first, namely the competent Ministry (currently the Greek Ministry of Migration and Asylum, formerly known as Ministry of Citizen Protection). Otherwise, by attempting to introduce changes directly to the current procedural context, participating professionals claimed that the situation could get worse, as such actions would be interpreted as turning against police practice.

R. *Do you think you can improve these conditions of detention through the professional role that you have now?*

P8. *...maybe through a collaboration...we can train police officers on how to deal with specific situations and how to improve their communication skills...we can do that...but in terms of the situation per se...What I can do is maybe pinpoint the problem and with an official report... to the Greek Government... political pressure... for them to take the necessary steps... to change the situation...*

P6. *...we have quite a strong responsibility on changing that and improving that...the main thing is the advocacy. To advocate against detentions. Not to improve the conditions in detention... Detention centres are not necessary. This is my main opinion and I think it's the opinion of a lot of employees of all the NGOs who are working with minors. In our direct interaction with the police officers of detention centres and the police stations, we can improve the conditions over there, just by discussing, by building a relationship and by informing them (meaning detention centres) of the needs of the minors.*

R. *Do you think that an NGO could or should assist towards reaching a point in time where conditions are fairer and more just, specifically for UAM?*

P2. *The first step in the plan is to receive all the appropriate information... the second part is to use... this information with authorities, NGOs and of course the Public Prosecutor. The third part which is the most difficult is... to have enough experience and knowledge to use this co-operation in order to act step-by-step to improve things.*

P10. *I would rather that there are no detention centres, because I know also from the changes in the penal legislation that detention of... of minor offenders also*

should be a last resort... so, I think this can also be the case with administrative detention... but having in mind that I doubt whether this would be the case in the near future... it's very crucial to have better conditions during the detention.

Based strictly on their professional role, participants were asked to elaborate on their ability to help detainees overcome all the difficulties that they endured in detention. According to their responses, NGOs can assist and support minors in different stages of the reception process, starting from the illegal entry of UAM into the country and until the moment when they are eventually placed within detention centres. However, no improvement can occur with respect to the conditions that UAM experience in detention, unless NGOs enter such facilities in order to acquire a clearer picture as regards the currently applied practices.

The lack of education on the part of police officers was again brought up in the discussion. Professionals supported the argument that in order to make a significant change with regard to the issue at hand, namely to improve detention conditions for UAM, providing police officials with proper education and training would inevitably be a matter of crucial importance.

One participating practitioner in specific mentioned that the past experiences of UAM could never be fully erased from their memory. Therefore, NGOs' role aside, mental health professionals would be ideal in providing psychosocial support to detained UAM, which would certainly help them realise their current status and eventually 'give them strength to continue'.

P4. As a psychologist... I believe that I can assist them only psychologically... to give them strength to continue. I cannot delete their images or their experiences they had, but... I believe that I can manage to help them overcome the bad feeling that they have... Our first and basic role is... to inform them (meaning UAM) about their rights... We are there to protect the children. We are there to reassure that their best interests would be covered. Their basic needs, their safety would be improved and of course support them psychologically, legally...

R. Can you change the reality within detention? How could that be possible?

P4. I wouldn't say that, no... you have actually to change their minds, their way of thinking, the way they see the refugees, the way they see the problem, so in order for you to make them (police) respect the person (UAM) they have in front of them, you have to actually educate them from the beginning. I am not very sure that this is very easy to happen, they don't have the time... they are not eager...

As discussed in Chapter Three, professionals were also asked to elaborate on whether or not they were familiar with the applicable legal framework with regard to UAM detention. Apparently, the majority of participating practitioners in the second and third interview stage were indeed familiar with the CRC, although not that well informed concerning the Greek law.

For this reason, they were at this point provided with a detailed description and analysis of the applicable law in Greece at the time the interviews took place, namely Act 4375 of 2016 as amended, which was thoroughly discussed in previous chapters. As a next step, they were kindly requested to comment on whether or not the law applied in practice concerning the conditions within UAM detention, based strictly on their professional experience. Overall, their responses were straightforward, nevertheless the complete lack of educational activities for detained UAM was especially referred upon.

- P1. ...almost nothing to be honest... almost nothing (is) available...*
- P6. The only thing that they are providing is...and that is considered as a luxury, in only a few border police stations and I think one detention only...is a TV at the entrance of the cells... no other activities are provided anywhere in N. Greece.*
- P3. ...I would say that the situation its worse than the first years of the refugee crisis. They do not have activities usually in the detention centre, from what the minors say... And they do not have the appropriate environment and they do not have access to education in the detention centre.*
- P4. ...I would definitely say that the minors are not treated the way they should be... They don't have activities at all. I've heard cases where they stayed with adults and they were only minors... they don't have legal support, not all of them at least. They definitely don't have health system support. Its only in extreme... cases where they needed health system support and it was only then that... it was either that or they (meaning UAM) would die, so they (meaning the police) had to take them to the hospital immediately, otherwise they (meaning the police officers) don't do nothing...*
- P11. ...overcrowded cells, yeah these exist for all the detention centres here in Thessaloniki and... there are no mattresses... or sometimes there are few... yeah there are no care or protection services...*
- P8. ...my experience is that...no one ever had an interpreter or an explanation about why they (meaning UAM) are kept in there...it's not a coincidence that all think that they all are in prison. The detention centre as a protective*

environment is not in their mind...they think its prison and they don't know why... what they did wrong to be in prison...obviously there is no hygiene... no educational activities whatsoever...

During the first interview stage, UAM participants mentioned that they were never given the opportunity to express themselves freely with regard to their experiences as detainees. Therefore, in the course of the interviews, the author was able to explore whether or not migrant minors were at any given moment provided with information concerning their legal status, including an explanation about the detention processes that they are subjected to.

Unfortunately, as described in this chapter, UAM participants were left in the dark as regards the reasons for their arrest and the procedural steps that followed. Hence, when it was time to discuss the correct application of Art. 12(2) CRC on the subject of the right of children to be heard with regard to the judicial and administrative processes that affect them, UAM had already indirectly responded to that question. Instead, all queries with respect to how Art. 12(2) CRC applied in practice in the case of UAM, were addressed mainly during the second and third interview stage, when professionals were asked to comment on whether or not detained UAM in Greece are currently being provided with the right to be heard with respect to the processes that they are being subjected to upon arrival in the country.

As regards the latter, practitioners, both individually as well as in the form of a focus group, were rather direct with their responses and supported the opinion that UAM do not have the opportunity to be heard concerning such matters, as in most cases detention processes are imposed almost automatically. With respect to the willingness of detained UAM to speak openly and share their experiences from within detention, practitioners argued that minors usually feel more confident to elaborate on such topics only after they are placed in suitable accommodation, e.g. a shelter or a safe zone. And this is due to the fact that in their majority minors believe that to share this kind of information might affect them in a negative way if they eventually remain in police custody.

Additionally, when asked to suggest effective alternatives in order to have the voices of detained UAM heard, professionals argued that the solution would be practically twofold. On one hand, only NGOs would be eligible to protect and promote the rights of children as enshrined in the CRC, including the right to be heard and that would be achieved only through advocacy, due to the long experience of humanitarian organisations in this area. On the other hand, participants stated that the correct application of Art. 12 CRC would be accomplished if

UAM were provided with the opportunity to elaborate on their experiences concerning detention during the interview stage of their application for international protection.

Nevertheless, to have UAM express themselves freely according to Art. 12 CRC and further question detention practices during the actual asylum hearing, would certainly result in the introduction of a new topic in contemporary research. That would be whether or not asylum processes in Greece are conducted in a way that promotes the correct application of Art. 12 CRC, as well as if during these processes the rights of UAM are overall safeguarded according both to the CRC and the Greek context.

In any case, practitioners concluded that Art. 12 CRC should always be viewed under the lens of promoting the best interests of the child principle, as enshrined in Art. 3 CRC.

R. *What is the proper way to have this voice heard?*

P10. Maybe indirectly through... NGOs, this can be achieved in the sense that they carry their experience and this is the first material for us to form our proposals towards the... police authorities... but if we put it more broadly... the asylum procedure during the interview or during the rest of the stages... there is access to the meaning of Art. 12 in the sense that the minor... when interviewed, is asked about his opinion.

R. *do you believe that... they are provided with the ability to express their own opinions regarding the conditions they experienced in detention?*

P10. Directly NO. Because nobody asks them.

P11. Yeah but after they go out from detention. Not inside... I think they can express their opinion and they can tell what happened to them inside the safe zones of the shelters where they feel safe actually and where they feel protected. Because many minors know that if they say something about abuse of whatever when they are inside the detention... and to police guards... not to an NGO visiting them, this could have a negative effect...

R. *...according to Art. 12(2), the CRC states that the child shall in particular be provided with the opportunity to be heard in all judicial and administrative proceedings... Would you say that this is a process followed here in Greece?*

P10. No. Definitely no. It is imposed automatically, by the police letting the Prosecutor to know and then the rest of the procedure is also put automatically though the National Centre of Social Solidarity and trying to find a shelter... I always try to see Art. 12 along with Art. 3... if Art. 12 is not applied in the sense

that the minor is not asked, it's also a question whether Art. 3 is applied... I doubt whether any administrative body could justify the protective custody as being in the best interests of the child...I can see that Art. 12 CRC starts to be implemented more and more in judicial cases before the civil justice... (meaning civil law) ... but it's not taken seriously during the administrative procedures...

During the third interview stage, the majority of focus group members supported that UAM detention resembles an actual prison. Therefore, it would be unreal to expect detainees to express themselves freely during detention. Nevertheless, even if UAM were indeed provided with the ability to exercise the right to be heard according to Art. 12 CRC, participants stated that minors would be willing to discuss matters concerning the detention conditions as well as their experiences only after they were taken out of detention.

In fact, it was supported by practitioners that depending on the level of trauma that detention has caused to UAM, minors usually tend to avoid sharing such information, as they often feel ashamed or guilty of their experiences as detainees. Hence, the most successful way to provide detained UAM with the ability to be heard under the scope of Art. 12 CRC would be through advocacy performed both by local and public actors, who would focus specifically on protecting the rights of children during detention processes.

R. *Are these voices heard? Is the child heard? Are they being treated with proper humanitarian assistance?*

F2. No, no and no. They do not have protection at all levels (meaning UAM). They cannot express their opinion because that will mean that probably they will have abusive retaliation of what they've been saying. And it's a matter whether they are going to say... disclose it after their detention... depending on the trauma that they have been subjected to... Because we know that people might feel ashamed of what it had been done to them... might feel guilty, whatever, may want to just make it go away... of the experience... so we are not sure if they are going to disclose or not...

F4. Detention centre is a prison... there is no voices to be heard. It's not democracy.

Following the above, this study's participants, both UAM and professionals, were invited to elaborate in depth with respect to the changes they would make to the current context of UAM detention, were they given such an opportunity.

The participating UAM focused specifically on having their basic needs covered at all times during detention. More specifically, in their majority, UAM strongly supported the argument that they would firstly focus on improving the detention conditions as regards hygiene matters. Therefore, if they were able to improve the current context in detention, UAM claimed that they would make sure that minors would be placed in appropriate accommodation facilities, which would be equipped with sterilised toilets the least.

Similarly, participating professionals in the second and third interview stage, both individually and in the form of a focus group session, stated that they would make sure that UAM would be provided with cleaning equipment at all times, so that they would have the ability to maintain a healthy and respectable environment within detention. The latter would also include providing UAM with clean mattresses and blankets.

R. *What is the first thing you would change?*

- P1. The first thing... I will have a place for them to provide them with the most basic things, like a clean place, equipment for them to use, proper place for them to make their own food and to make everything and to provide them with the legal assistance that they need... and provide them the activity that they need with cooperation with NGOs. This is basically it. But the most important thing... we have to categorise every and each group will come. We cannot like put minors with families and the people who is coming from... different culture...*
- M2. ...the system inside, cleaning and the toilets... change mattress and blankets...*
- M6. Mattress, blanket and washroom... first priority... someone for cleaning...*
- M8. ...cleaning. Should be some tools for cleaning and for personal use as well...*
- M9. ...first of all, I will clean everything...I will do something to take care of minors and cleaning stuff and good stuff. Clothes, shoes, everything.*
- M11. To live out of this place. It does not matter how, it does not matter... which method to leave this place. He stayed in a room, 4 walls... the door is metal or iron, they don't see the light, they don't see the sun.*
- M5. ...I understand that there is not a lot of space for the minors... Organisations need to support and needs to be at least good food and at least clean place... minors should not have place in prison like someone who committed something...just one place that would make him feel that he is a minor. He is treated as a minor. It's not about catching minor and putting him in prison to*

make him feel like he is criminal...In prison, you should not talk about freedom. you should have been free.

Nevertheless, during the second interview stage in particular, practitioners stated that they disagree with the current context concerning the use of UAM detention. Instead, they supported that child asylum-seekers should always be provided with suitable and more importantly child-friendly hosting units directly upon arrival in Greece. For this reason, they confirmed that they would focus either on enabling a process where national public services would visit detention centres and examine if the conditions within detention are congruent to the letter of the law, or change the referral pathway altogether so that UAM detention would be completely avoided as an accommodation alternative. Therefore, it was suggested by professionals that special facilities should be introduced, which would provide UAM with appropriate services, including safety and security and that special measures should also be taken on behalf of the State, so that any kind of misconduct against detained minors would be prevented.

Keeping in mind that the main aim would be to cover the basic needs of minors and protect their best interests as enshrined in Art. 3 CRC, it was clarified by the practitioners' perspectives that if suitable accommodation would not be available for UAM immediately upon unlawful entry into the country, a properly equipped reception centre would be the ideal alternative. However, such a facility should be viewed as a temporary measure, until UAM would be further addressed to either long- or short-term hosting structures.

To this end, according to professionals, a reception centre which would operate under the administration of a specialised NGO would undoubtedly provide UAM with high quality services that a detention centre would never be able to offer. In support of the latter, they elaborated on the potential of current safe zones in Greece to be used as reception centres, mostly due to the fact that in their majority they are already staffed by highly trained professionals, eligible for providing care, support and quality services to migrant minors, either unaccompanied or separated. Obviously, for the latter to be implemented, participating practitioners stated that additional safe zones would certainly be expected to be introduced to Greece, coupled with an overall improvement of the current national framework, including the introduction of foster care and guardianship acts for UAM, as discussed in Chapter Two.

P6. No. Imprisoning a child in a detention is not an option... Even improving their conditions, a prison cell is a prison cell. Even if you have a bed...even if its cleaned on a daily basis, it's a prison. You should not put a child in a prison.

Shut down detention centres and open safe zones with trained social educators who are skilled, working with minors... so that someone is caring for them on a 24-hour basis... The safe zones can act as the next detention centres.

P3. I think that these kind of safe zones, would be a good first option for minors to come because we have trained staff for them (meaning the UAM) and we have the possibility to cover basic needs, so when a minor is identified, they should be sent right away to a safe zone and not to the detention centre as it now is the referral pathway... Also, there are shelters for the minors. In Greece, we do not have a lot of shelters but again, when a minor...is identified, they should be sent to a shelter and not to the detention centre.

P5. We cannot forget that detention centres are prisons. So, we are putting in prison children without any control about the situation that they've been through there and this could be very traumatic experience in many sides.

R. What could be the best thing in such alternatives, compared to the detention centres? What would be the main difference between these 2 places?

P8. First of all, you will ensure the safety of the child. And by safety we don't necessarily mean the threats of being smuggled or whatever...or being exploited or being killed...the safety also has to do with ensuring their health... both physical and psychological. Ensuring that they have access to a social support network. Ensuring they have access to education, to recreational activities, all the things that are their rights to have as minors. So, a shelter would be ideal...

P11. No... creating something entirely different... Create more shelters, expand more the guardianship network and also... put in action the foster families through educated people... foster families have to have the know-how...

P2. [UAM] should move in other buildings, appropriate spaces, like, we can name them detention centres but they should be new places with a lot of space for them to live... and with the right provided services also. It's not about only guarding them to be safe. It's about supporting them in basic... basic psychosocial needs.

P8. First of all, I would ensure that the process for the asylum or reunification would be speeded up, so they (meaning UAM) would not have to spend any days in detention centres. Ideally, I wouldn't have detention centres...I would have something like an alternative brief shelter-scheme, where they can come for a few days...they can stay for a few days until they are reunified with their

families, or, depending on their legal status, see how best to help them... but definitely not detention centres... and places where they can be safe and all their rights are being respected.

- P2. ...no minor should be in any detention centre. If there is a need of a change, would be first to create services and shelters for all the minors that come in Greece... Where they could be supported legally, psychosocially and generally in all ways. There is not a need for them to be in detention... I do understand that they must be kept safe, but they deserve better living conditions... in order to support them we must first of all take care of their dignity.*
- P3. ...I would change the referral pathway, making more safe zones and shelters for the minors... the referral pathway which is present at this time, is when a minor is identified, is sent to the detention centre instead of safe zones and shelters... it's important to have more safe zones and shelters for the UAM...*
- P10. ...maybe we need to change the legislation on protective custody. I can understand the practical matters. I think it's realistic to have a very short procedure of being just for a couple... of days... of three days... But the problem with protective custody is that since the minor is not counted as detained, he hasn't got any legal means, any remedies that he would be offered if he was officially in detention...*

Following the above, focus group members were also asked to engage in a discussion and comment on the themes that emerged during the first and second interview stage, based on their professional knowledge and experience as practitioners with extensive work experience in the humanitarian sector and more specifically in child-protection programs. Among other discussion topics, the practitioners that participated in the focus group session placed special focus on the need to update the current context on UAM detention in Greece, either by replacing the existing referral pathway for UAM arriving in the country with respectable alternatives, or by improving the existing conditions within detention facilities.

More specifically, with regard to the first option, focus group members confirmed that UAM need to be placed in a protective environment as soon as they are arrested for entering the country unlawfully. For this reason, the majority of practitioners shared the opinion that any form of detention inevitably leads to the institutionalisation of UAM and subsequently to a domino effect that deeply affects the next stages in a child's life. Therefore, detention

facilities in their current form, should never be considered as a viable accommodation alternative for migrant minors, rather as a form of imprisonment instead.

In fact, having witnessed the psychological effect that detention has on migrant minors, professionals strongly supported the opinion that either safe zones or shelters that currently operate under NGO administration with highly trained staff, would surely cover the needs of UAM and provide them with adequate care and support, including but not restricted to proper education, recreational activities and child-appropriate services.

Alternatively, in case a complete restructure of the current context would not be a feasible solution, it was confirmed by members of the focus group session that Greece should focus on updating the applicable law on the rights of UAM, including reception and asylum procedures, so that it is more child-oriented, both on a European and a domestic level.

In the course of the discussion, the participating practitioners were invited to share their thoughts, opinions and suggestions during the focus group session, as regards the first thing that they would change concerning UAM detention. In their majority, they claimed that they would replace detention overall with open, albeit secured, units that would provide UAM with appropriate support, safety and services, before referring them to long-term accommodation structures. In addition, they would improve the current child-protection standards and that by introducing training sessions for police officers working in detention centres, who are often proven to be unprepared and clearly unsuited for handling the high numbers of asylum-seeking individuals arriving in the country (Bhabha 2001; Bosworth 2018).

Furthermore, in their majority professionals placed additional emphasis on the fact that detention facilities are often overcrowded, thus causing minors with serious health issues to be placed among those who are healthy, due to the lack of space. For this reason, they argued that they would make sure that detainees who experienced health issues would be placed in separate facilities, where they would be provided with proper medical assistance. Most importantly, however, they referred to the issue of overextended periods of detention and supported that such phenomena should be avoided unconditionally.

- F6. ...anything to change the detention. The training... the right training of the police as I said before and... everything that they need to be shorter in there... (meaning so that UAM spend as less time as possible in detention).*
- F1. ...from my point of view, it has to do with... the fact that they should not be in the detention centre because it is not the place that the child should stay even for one day. They should be accommodated from the first moment that they are*

identified in a specialised centre, shelter, where, first of all, a very good evaluation of their needs should take place...

- F7. and you place (a child) in a detention centre, it creates a kind of a domino effect... the problem that is exactly there... in the detention centres. This is the beginning of the problem. If you institutionalise a child it will actually create this bad domino effect. We have many researches on that.*
- F2. ...what the child needs is a home. And it's not the detention centre, obviously. They need a home... If they are to stay here (detention)... We need to offer a stable environment, where they can actually go to school like normal people of their age, they can do their activities and they can grow old and develop.*
- F3. ...We don't want detention. It's something that does not help. So, all we are moving to a different pathway... I will not use any detention model...*
- F5. ...provide the minors there (with) hygiene and general good social services. This is I think the main thing that I would do and at the same time of course train the staff. This is something very important so both... I think they would improve a lot the conditions in the detention centre.*
- F4. ...replace the policemen with people that can follow the UAM cases... and give them access to medical services... whatever a shelter or a safe zone does.*

With regard to the lack of adequate support and effective protection within detention, UAM participants focused on the highly problematic detention conditions and more specifically to the complete inexistence of services available to them. For this reason, they suggested alternatives and also elaborated on the changes that they would implement to the current context, if they were ever given such an opportunity. From basic equipment, to the food that is provided to detainees, as well as their inability to communicate with their families at any given moment, UAM focused on the most important issues that they currently face during detention processes and suggested several ways in order to improve this context.

To this end, they initially mentioned that they would make sure that free or more affordable meals are provided to detained minors at all times throughout detention. Moreover, UAM participants focused on the fact that legal aid was a matter of the utmost importance, for which end the State should make sure that detention centres are always staffed with legal advisors and interpreters, so that minors would always be able to receive proper legal support; to be informed about their rights and obligations both as detainees, as well as international protection applicants; to communicate with State authorities and to submit official requests. In general,

they argued that detention centres in their current form should never be considered as a viable accommodation alternative for children in general.

- M4. And price of food, like what is outside they have to take same price... if you go in a big market you will buy cheap things...they don't want to go too far away.*
- M3. ... a translator for communication...*
- M6. ...please if you can do one thing. To provide water inside the cell... they just drink water from the toilet.*
- M5. ...at least good food and at least clean place and again... the minors should not have place in prison like someone who committed something...*
- M4. ... They have to arrange something to communicate with our family...*
- M8. ... should be a legal consultant to understand what I'm doing here and to understand the procedure...*
- M7. ... Medical assistance and also food, attitude and behaviour from the police side and hygiene and cleaning...*

Most importantly though, participating professionals in the second and third interview stage (both individually and in the form of a focus group) focused specifically on the inappropriate and abusive behaviour of police officers towards detained minors, to which end almost every participant confirmed that an immediate change in the current context is indeed required. Of course, the complete lack of proper training for police officers was also strongly raised as a discussion topic. For this reason, they stated that they would firstly focus on providing proper education and training to State authorities, including police officials, thus aiming to improve the existing problematic conditions within detention centres according to the principles of protecting and promoting the best interests of the child, as enshrined in Art. 3 CRC.

Given the need to place emphasis on educational matters and more specifically on conducting training sessions for State authorities, practitioners also supported the opinion that even if they indeed proceeded in this direction, improving the current behaviour of police officers towards detained UAM would not be an easy task to accomplish, unless the State decided to take measures accordingly. In the context of this topic, the discussion that was held during the focus group meeting led to a debate and exchange of views in an effort to explore the reasons concerning the abusive behaviour of police officers towards detained minors. The members of the focus group session were particularly open in discussing the above, to which end the formed opinions were indeed interesting. In detail, according to their perspectives, a

possible explanation would be the fact that the majority of police officials were supporters of far-right-wing political parties and because of that, they were unwilling to help and/or support refugees, mainly because they were not Greek citizens.

Additionally, it was supported by practitioners that in their majority, police officers usually lack sufficient training that would allow them to be familiarised with the applicable legal context on migration matters and further educate them on how to provide detained UAM with proper care, support and humanitarian assistance overall.

Hence, as a result to this condition, participants stated that incidents of verbal and physical abuse against detained UAM are expected to occur in greater extent, unless specialised training is provided to police officers and staff members of the detention facilities where UAM would be temporarily placed in upon unlawful entry into the country.

- P4. ...an educated person would never abuse the power given to him, when talking about minors...about all kinds of people in all ages but especially minors.*
- P1. It's very... difficult to do this because it really needs a strong power from the police station to do this. They really understand that this is a rule they have to do as a part of their job. So, it has to be someone who is highly responsible and who has a power over the police and the Government to spread this information that this is an important rule and that it has to be applied.*
- F2. Police officers who obviously are not trained... And they cannot do their job obviously, because of the context and then we end up saying if a police officer is a good person, he will take the initiative to take care of the minors. That's a ridiculous thing to say in a civilised society. It's their role that should be the one and it's not depending on each individual's character and personality... that's very degrading and it's very bad.*
- F4. ...there is no big respect to many things that UAM need. Either psychological support or physical support... this child needs trained people around him...I think the police officer, if he is trained from people that has experience with the UAM... I think he can be more professional in his relation with the child.*
- F7. Greece was not prepared for something like that. It's something that everybody knows. But after two years, I think that the practices and the way that they are behaving and treating those children in those centres it should have had an improvement... This is something that is not happening.*

III. Analysis of findings

After presenting the participants' responses in the form of quotes according to the emerged super-ordinate and ordinate discussion themes, as discussed earlier in this chapter, at this point the analysis of the findings will commence and this study's results will be organised in consecutive parts according to the set research aims, as elaborated upon in the Introduction Chapter, followed by references to the relevant literature.

Therefore, starting with 'Understanding detention conditions', the author will firstly focus on analysing the participants' responses concerning the detention conditions that UAM experienced upon unlawful entry into Greece. Hence, by applying the double hermeneutic process of IPA, as thoroughly discussed in Chapter Three, the author will be performing a critical evaluation of the participants' insights and especially in the case of UAM participants the author will be making sense of the participants trying to make sense of their experiences as detainees (Smith 1996, 2004, 2011).

As a result, the reality that UAM experienced within detention facilities in Greece will be revealed, the main goal being to examine the lived experiences of participants as regards whether or not UAM are currently being subjected to a protective environment during detention processes in Greece, as the law originally intended. Therefore, for the latter to be achieved, detailed references will also be made to the applicable legal context concerning the detention conditions that UAM should be subjected to upon arrival in the country and based on the participants' responses as presented earlier in this chapter, the author will focus on understanding the actual conditions that they experienced. To this end, the services that detained UAM were provided with will be reviewed and an in-depth assessment will occur concerning whether or not the law was correctly applied in practice as regards the conditions within detention facilities for UAM in Greece.

Following the latter and after exploring how the law applies in practice, the link between detained UAM and their positionality within the context of crimmigration will be presented under 'Placing unaccompanied minors within the crimmigration debate'. Hence, after the thorough analysis of the term in Chapter Two, at this point the author will examine whether or not the current detention context in Greece leads to a distortion and breach of children's rights, hence to the criminalisation of UAM through detention processes.

Lastly, under 'Applying Art. 12 CRC in the case of detained unaccompanied minors', the author will focus on the right of children to be heard in all judicial and administrative proceedings that affect them, as enshrined in Art. 12(2) CRC and examine its correct

application of the latter specifically in the case of detained UAM in Greece. Therefore, after having elaborated on the participants' responses concerning the services that UAM were provided with while in detention, the author will explore whether or not they were provided with the right to be heard with respect to the detention processes that they were being subjected to upon arrival in the country. Thus, stemming from the theoretical concept on the 'vicious circle of UAM detention', as presented in Chapter Two (Diagram 2 – p. 78) and after completing this study's interviewing process, the author will look into UAM detention as it currently applies in the Greek context; review its present form; elaborate on whether or not it is considered to be an administrative process and examine if Art. 12 CRC is applied correctly in favour of UAM who experience detention processes upon arrival in the country.

a. Understanding detention conditions

Starting from the premise that children and young people who migrate most commonly have an undebated claim to special support and care according to protectionist rhetoric (Bhabha 2001: 299), earlier in this chapter the author presented the participants' responses, both UAM and professionals, in the form of quotes and expanded on the results of each interview stage respectively. By applying the interpretative element of IPA, different opinions were demonstrated during the interviews that were held and the participants' responses were consequently organised in super-ordinate and ordinate discussion themes accordingly, based on similarities among them and after subjecting the results of the three interview stages to a process of strict IPA analysis, as described in detail in Chapter Three.

Throughout this study's interviews, UAM participants in specific were able to overcome power imbalances (Oh 2012) and trust issues (Hancilova and Kanuder 2011), as well as the feeling of uncertainty and complete rightlessness, which they often endure upon arrival in host countries (Papadopoulos and van Buggenhout 2020). Additionally, the participating practitioners in the second and third interview stage (both individually and in the form of a focus group) strengthened this study's research findings by providing their professional opinions, comments and valuable insights concerning the topics that emerged during the discussion. As will be presented in this part of the study, the element of vulnerability that characterises UAM was challenged considerably during detention. In detail, this project's research findings initially confirmed the highly inappropriate conditions that UAM are currently being subjected to during detention processes in Greece, as well as the fact that detention is most commonly applied in practice instead of custody of a protective character, in

spite of the original intention of the law. More specifically, the participants' responses provided the author with the opportunity to demonstrate the reality within UAM detention, which led to a critical review of the Greek context. Hence, at this point, the participants' perspectives will be analysed through the lens of the author's knowledge and experiences according to the guidelines of IPA analysis, thus allowing for an assessment to occur as regards whether or not the law is correctly applied in practice with respect to the detention conditions that UAM currently experience upon unlawful entry into the country.

Nevertheless, before proceeding further, certain points should be stressed. As discussed in previous chapters, the Greek law specifically dictates that UAM detention is allowed only in exceptional circumstances and strictly as a measure of last resort, meaning that the State is expected to make efforts towards placing UAM in child-friendly hosting facilities at arrival and only in case such placement is not possible, detention is then to apply albeit only for a short period of time. This procedure is thoroughly described in Chapter Two, followed by the detailed Diagram 1 (p. 55), which accurately depicts the procedural steps that follow the unlawful entry of UAM into Greece, along with references to the current legal framework. More specifically, as discussed in Chapter Two, according to the applicable law in Greece (Art. 46(10)(b) of Act 4375 of 2016, as amended by Art. 10 of Act 4540 of 2018 and Art. 48(2) of Act 4636 of 2019), UAM can be subjected to detention processes only as a measure of last resort and only for twenty-five days, with the possibility of a twenty-day extension, albeit only until they are placed in appropriate accommodation and only under special circumstances, such as the significant increase of UAM arrivals in the country, or the competent authorities' inability to provide UAM with proper hosting structures, despite their reasonable efforts.

Additionally, with regard to the conditions and the services that should be provided to UAM during detention, the relevant legislation (Art. 26 of Directive 2013/32/EU and Art. 8-11 of Directive 2013/33/EU, as implemented in Art. 46(10) of Act 4375 of 2016, as amended by Art. 9-10 of Act 4540 of 2018 and Art. 46 of Act 4636 of 2019) clearly stipulates that UAM shall be placed in an appropriate, suitable and overall child-friendly environment. The latter would include being placed separately from adult detainees; being provided with age-appropriate activities, including games (Art. 46(10) of Act 4375 of 2016, as amended by Art. 48(2) of Act 4636 of 2019); appropriate medical care (Art. 46(10) of Act 4375 of 2016, as amended by Art. 10 of Act 4540 of 2018 and Art. 48(1) of Act 4636 of 2019); free legal representation (Art. 46(10) of Act 4375 of 2016, as amended by Art. 46(6) of Act 4636 of 2019) and lastly provided with adequate information in a language that detained UAM can understand (Art. 46(10) of Act 4375 of 2016, as amended by Art. 46(6) of Act 4636 of 2019)

as regards the reasons and the duration of the applied detention measures; their legal status; the applicable framework in Greece and their right to challenge the detention decision.

However, this study's emergent themes, both super-ordinate and ordinate, conclusively demonstrated that despite the letter of the law, in practice a children's rights approach was never followed properly when UAM were subjected to detention processes upon arrival in Greece. In fact, throughout this study's interviews, the participants' statements confirmed that UAM detention, as it currently applies in the Greek context, eventually leads to a clear distortion and breach of children's rights, which is inconsistent with a wide spectrum of human rights instruments and legal Acts, including the CRC and the Greek law (Papadopoulos 2020). As a result, according to this study's findings, detained UAM in Greece are subjected to highly inappropriate conditions and experience a clear lack of services, which eventually deprives them of the protection and support that they require upon arrival in the country.

First and foremost, the participants in all three interview stages confirmed that UAM were placed directly in highly unhygienic and unfriendly detention facilities that deprived them even of a basic level of sanitation and personal hygiene. During the first interview stage in specific, UAM participants revealed that in their majority, they were being held detained in rooms the maximum capacity of which was in most cases surpassed (Fili and Xythali 2017). Interestingly, the participating professionals in the second and third interview stage supported that this context is clearly caused due to the State's or the humanitarian organisations' inability to host a higher number of UAM in appropriate long- or short-term accommodation units upon unlawful entry. For this reason, it was confirmed that the number of available mattresses and blankets was often particularly limited, which resulted in UAM having to share the same mattress with other minors, thus raising further privacy and hygiene issues.

In support of the latter, both UAM and professionals elaborated extensively on the fact that detained UAM in Greece were not provided with appropriate living conditions at all. More specifically, according to their responses, the detainees' mattresses were most commonly placed directly onto the floor, thus creating a clearly unhygienic environment and eventually causing UAM to experience severe skin infections, which was repeatedly referred upon by UAM participants in specific. Also, with regard to toilet and bathroom facilities, the interview results confirmed that a toilet was located in the same room where the minors slept in; usually at the corner of the room, whereas the provided facilities in most cases lacked separating walls, meaning that UAM were unable to maintain a basic level of privacy the least. Therefore, UAM felt particularly offended for being subjected to such degrading accommodation conditions.

Furthermore, UAM focused particularly on the fact that they were unable to wash their clothes, as none of the detention facilities that were referred upon during the interviews was equipped with household appliances (e.g. washing machine). In fact, most detention facilities also lacked showers, whereas in cases when a shower was available, it was placed right next to the toilet, with no walls that would separate it from the rest of the detention room. As a result, UAM were either obliged to wash their clothes in a sink or the shower, or alternatively to wear the same clothes throughout the time they spent in detention, thus causing further hygiene issues and certainly depriving UAM of a respectable environment.

Adding to the above, UAM participants placed emphasis on the fact that during detention they were often in need of cleaning products in order to maintain a basic level of personal hygiene and also in need of special equipment, so that they would keep their room clean and further improve the living conditions within the detention facilities. Sadly, it was conclusively proven by this study's findings that the lack of such items added significantly to the overall unhygienic context that detained UAM were already being subjected to.

With respect to the duration of detention, the fact that almost every UAM participant in the first interview stage had experienced prolonged detention, suggests that a significant level of pathogeny exists to this day as regards the current reception procedures that apply when UAM enter Greece in an unlawful manner. Also, this proves that State authorities rarely examine whether or not detention is in the minors' best interests and furthermore if it is used as a measure of last resort before eventually subjecting UAM to such processes. The latter was strongly supported by ECtHR case-law, where Greece was repeatedly found to have acted in violation of the law concerning these matters, as already discussed in Chapter Two.

In addition, during the first interview stage in specific, four UAM participants mentioned that they shared the same detention cell with adults. This confirms the clear violation of the applicable legal context that was taking place, according to which 'Minors who have been separated from their families and unaccompanied minors shall be detained separately from adult detainees' (Art. 46 (10) of Act 4375 of 2016 as amended by Art. 10(b) of Act 4540 of 2018 and Art. 48(2) of Act 4636 of 2019; Art. 11 of Directive 2013/33/EU). With regard to minors experiencing detention alongside adults, it has been supported in the literature (Troller 2008; Fili and Xythali 2017) that such incidents may pose risks for children, as there is a chance for them to be subjected to ill-treatment at the hands of adult detainees, as already discussed earlier in this chapter. However, even though according to participants detained UAM did not experience any form of ill-treatment on behalf of adult detainees, it was conclusively proven that adults were indeed placed in the same detention room with UAM, albeit only briefly. This

corroborates the complete lack of proper accommodation facilities and the overall inexistence of an effective procedural context which would be expected to apply, so that UAM would be provided with the necessary safeguards upon unlawful entry into the country. What was particularly interesting at this point was that according to participants, the adults who were placed alongside detained UAM were not arrested for entering the country unlawfully, namely for a violation of Act. 3385 of 2005 as discussed in Chapter Two, rather for committing a criminal act punishable by the GPC. The latter suggests that further issues are hereby created concerning the ways in which UAM detention currently applies in the Greek context and more specifically with respect to the positionality of detained UAM within the crimmigration debate, as will be further discussed in this part of the study.

With regard to providing detained UAM with appropriate services, as presented above, this study's results have undoubtedly demonstrated that the conditions within detention were not congruent to the letter of the law, as UAM were experiencing detention while being deprived of such services and also deprived of sufficiently equipped accommodation units overall. More specifically, during this study's interview stages, all participants confirmed that UAM had never received legal support or proper representation throughout the time they spent in detention facilities. During the first interview stage in specific, UAM participants stated that they never truly understood why they were being subjected to detention processes in the first place, as no information was provided to them concerning the fact that illegal entry into the country constituted a violation of the law. Therefore, to the minors' eyes, this form of detention that they were being subjected to was the result of a crime, which they were unaware of committing. Their ignorance as regards the above was also caused due to the fact that interpretation services were practically non-existent during detention, hence there was no possibility for UAM to receive crucial information in a language that they would understand regarding their legal status; the reasons and the duration of detention, as well as their rights and means to challenge detention, as presented earlier in this chapter.

Adding to the above, the issue of age assessment examinations came up in the discussion. Such processes, as discussed in Chapter Two, are stipulated in MD 1982 of 2016, according to Art. 45(4) of Act 4375 of 2016, as amended by Act 4540 of 2018 and the recently introduced Art. 39(5)(f) of Act 4636 of 2019. However, it was supported by participants, both UAM and professionals, that even though State authorities are eligible to perform age assessment examinations according to the letter of the law, such were never ordered on behalf of police officials during detention processes. Resulting to the latter, participants supported that UAM usually take advantage of this problematic context and often lie about their age, which results

in them sacrificing the legal protection that they are entitled to as minors and all this in an effort to be transferred to appropriate hosting facilities supposedly sooner. This confirms that to this day UAM are not provided with legal support during detention processes, despite the letter of the law on the matter, which causes them to be unaware of the rights that they are entitled to as minors. The latter is another clear proof of the inappropriate detention conditions that UAM experience upon arrival in Greece, thus proving once again that the law is not correctly applied in practice concerning the conditions within detention.

With reference to the availability of appropriate medical assistance, the experiences that detained UAM shared during the interviewing process indicated that the law was repeatedly ignored, which was also confirmed by professionals in the second and third interview stage. According to participants, various incidents took place which were not dealt with properly on behalf of the police, as in most cases State authorities within detention centres clearly lacked the sources, ability, training or basic knowledge, which would allow them to provide detained UAM with prompt medical treatment. As a result, UAM were either receiving poor medical support or none at all. Moreover, the participants' statements confirmed that one of the greatest concerns that UAM expressed was the issue regarding the financial support that the minors received in detention. As presented in this study's findings, detained UAM were in most cases provided with pocket money on a daily basis, which according to participants was not enough for minors to purchase their items of preference, including food, water and hygiene products.

In support of the latter, during the interviews, UAM participants focused extensively on the fact that they were constantly seeking solutions that would allow them to save money and at the same time not be deprived of ample food and water. Such would include sharing food among them or using the remaining pocket money in order to purchase hygiene products, as well as telephone cards in order to communicate with their families, which would be impossible otherwise, as described in this study's findings. This context indeed undoubtedly confirms that during detention, UAM were subjected to highly inappropriate conditions and that they most often experienced a severe lack of services and facilities, which was the result of multiple violations of the applicable law.

Lastly, throughout all three interview stages, this study's participants, both UAM and professionals, placed special emphasis on the fact that during detention UAM were subjected to abusive treatment. This included verbal, physical as well as emotional abuse on behalf of police officials, often followed by racist behaviour towards detained UAM, which further traumatised them deeply. The latter was presented in detail and discussed thoroughly earlier in this chapter, along with the participants' perspectives as regards possible explanations for the

aforementioned abusive incidents. Hence, this study confirms that the law was never applied correctly in practice and that a clear violation of the CRC and the Greek law occurred during detention, which resulted in the victimisation of UAM.

Additionally, based on the participants' responses throughout this study's interviewing process, the detention conditions that UAM experienced upon arrival in the country undoubtedly confirmed that UAM were never placed in custody of a protective character, namely in suitable accommodation units (Art. 31 of Directive 2011/95/EU, implemented in the Greek context under Art. 32 of PD 141 of 2013, as replaced by Art. 32 of Act 4636 of 2019) pending referral to appropriate facilities, as discussed. Instead, upon unlawful entry, UAM were placed directly in inappropriate detention contexts, thus confirming that detention was never used exceptionally or as a measure of last resort as the law originally intended.

Based on the above, this study's results conclusively demonstrated that during detention, UAM were subjected to inhuman and degrading treatment; in conditions that were clearly not in conformity with the law (Art. 46 of Act 4375 of 2016 as amended by Act 4540 of 2018 and Act 4636 of 2019; Art. 11 of Directive 2013/33/EU); deprived of their liberty and certainly not treated with respect, rather in a manner that never took their vulnerable status into account, to which end a severe violation of the 'best interests of the child' principle, as enshrined in Art. 3 CRC, was evident at all times. Hence, it was clearly established that detained UAM had never received appropriate protection and humanitarian assistance in the enjoyment of their applicable rights, which confirms that the letter of the law was never applied correctly in practice as regards the conditions within UAM detention.

As a result, this study proved that to subject UAM to highly unsuitable detention processes which lie far from the letter of the law leads to a clear distortion and breach of their rights. Therefore, at this point a discussion will take place on whether or not the current detention context in Greece, as described thoroughly in this chapter, leads to the criminalisation of UAM, thus linking their status to the crimmigration debate.

b. Placing unaccompanied minors within the crimmigration debate

This study confirmed that the reality that UAM experience during detention in Greece had remained under-researched to this day. This led to the need to give voice to UAM so that they share their lived experiences. Hence, after discussing the above matters with participants, both UAM and professionals, this study has successfully examined in-depth how the letter of the law is applied in practice; concluded to a successful understanding of detention conditions that

UAM experience upon unlawful entry into Greece and further confirmed the mismatch between legislation and practice on the matter. To this end, the participants' responses were enriched with an analysis of the legal and practical aspects concerning custody of a protective character and detention processes, whereas a thorough literature review was also provided with respect to this project's set research aims and applied methodology.

As discussed above, the applicable legal context in Greece does not suggest that detention processes shall always apply to UAM immediately upon arrival in the country, rather only in exceptional circumstances; as a measure of last resort and only until UAM are referred to suitable hosting units. However, during this study's interview stages and through the discussion themes that emerged, both super-ordinate and ordinate, the participants confirmed that when UAM are apprehended for entering Greece in an unlawful manner, instead of being subjected to custody of a protective character, namely to an appropriate environment pending referral to either long- or short-term accommodation units as the law originally intended (Art. 31 of Directive 2011/95/EU, implemented in the Greek context under Art. 32 of Act 4636 of 2019), they are most commonly placed directly in inappropriate detention facilities instead.

The latter was eloquently presented by participants, thus bringing to the surface the insufficiency of the current context in Greece. This way, the inadequacies of the national framework were revealed along with the numerous violations that take place on a State level against UAM who are subjected to detention processes. Hence, it was confirmed that the law is incorrectly applied in practice as regards the conditions within detention facilities for UAM, especially if one takes into consideration the minors' unique and vulnerable status (Papadopoulos 2020). In fact, this study's results confirmed that detained UAM in Greece are characterised by a unique socio-legal status; being subjected to conditions that clearly resemble those that adults are subjected to, which are a fortiori inappropriate for children (Greek Ombudsman 2004, 2016) and being held detained for lengthy periods of time in squalid and overcrowded spaces, where they often experience the oppressive behaviour of the Greek law enforcement authorities (Galante 2014; Buchanan and Kallinikaki 2018).

For this reason, this study concludes that UAM detention in Greece in its current form results in a blatant criminalisation of migration and a clear distortion of children's rights. And this occurs because in their majority UAM are placed directly in unsuitable detention facilities after entering the country in an illegal manner. And that regardless of whether or not UAM are at any moment given the opportunity to submit a request for international protection or express fear of suffering serious harm when returned to their countries of origin or former habitual residence (Schengen Handbook 2006). As a result, despite the letter of the law concerning the

processes that follow the unlawful entry of UAM into the country, as presented in Chapter Two (p. 55 - Diagram 1), in real-life practices custody of a protective character for UAM in Greece is superseded by detention, thus leading to the criminalisation of UAM through detention processes. This context has dire consequences for the well-being of UAM, as they are subjected to a detention setting that lacks the necessary protection that should have been available to them according to the law, as thoroughly presented throughout this study.

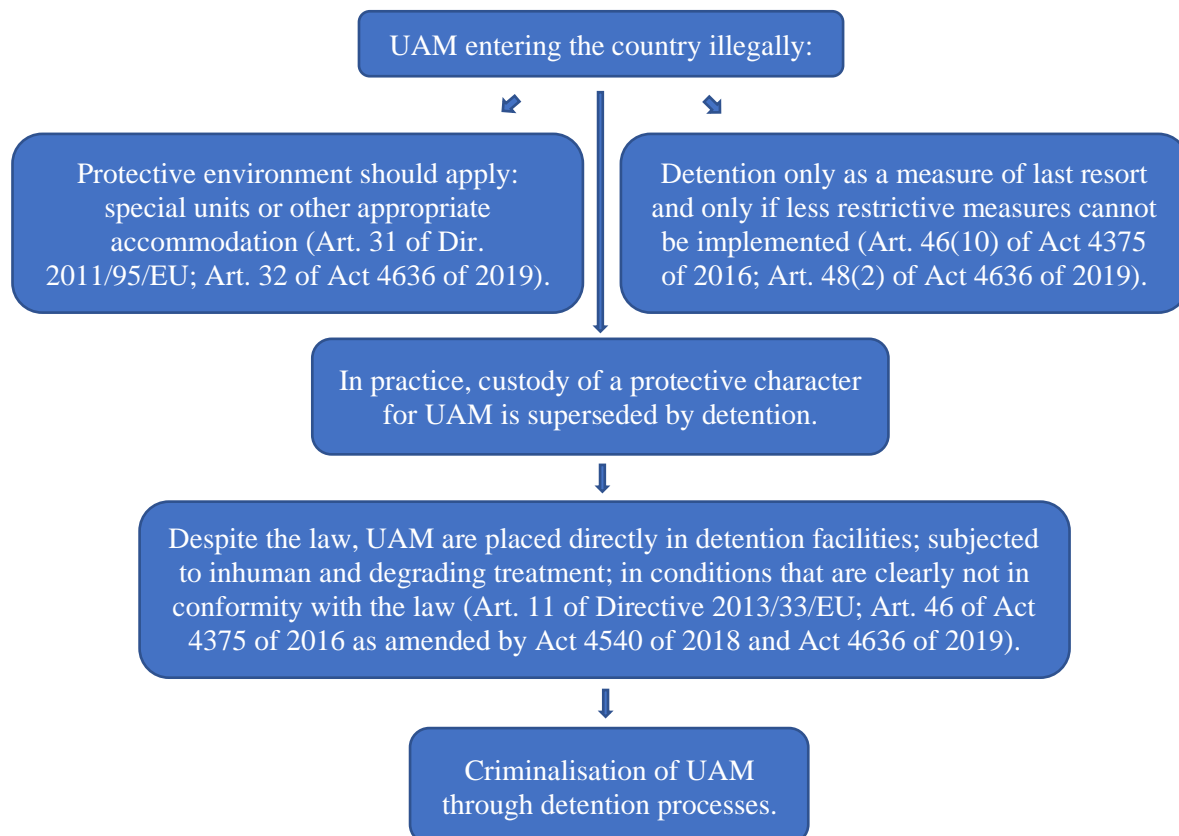


Diagram 3: detention superseding custody of a protective character

Based on the above, detained UAM are not to be punished or experience moral condemnation, since they are not criminals who have been convicted under the relevant legal framework, for which reason UAM have a unique status brought about by the criminalisation of a social policy imperative (Knepper 2007). Therefore, this particular form of detention that UAM are subjected to, coupled with the country's inability to successfully provide them with custody of a protective character confirms that Greece has eventually resorted to a de facto use of criminal justice facilities and a de facto criminalisation of UAM, which lies in direct contradiction to the Greek law as discussed in the relevant chapters of this study.

Accordingly, this research proved that in practice detained UAM in Greece are subjected to highly inappropriate conditions which unquestionably confirm the ineffectiveness of the current framework with regard to reception procedures for UAM and the problematic application of the law as regards detention conditions overall. To this end, besides the fact that the national legislation was originally drafted in the direction of protecting the rights of UAM during detention, in reality a clear conflation of the letter of the law and its practical dimension is caused, which results in UAM being most commonly subjected to a form of custody which is far from being considered protective. And that occurs mainly because such practices are in violation of the law (Art. 11 of Directive 2013/33/EU; Art. 46 of Act 4375 of 2016 as amended by Act 4636 of 2019), as well as because during detention UAM experience a clear deprivation of basic human rights, whereas their best interests, according to Art. 3 CRC, are also overlooked (Papadopoulos and Pycroft 2019; Papadopoulos 2020).

In addition to the above, it was confirmed during this study's interviewing process that when UAM are apprehended for entering the country in an illegal manner and they are placed in detention, they often share the same room with adults, who might not have been arrested for entering the country unlawfully, rather for committing a criminal act. Hence, the fact that the same form of detention applies to individuals who are part of an on-going criminal procedure, causes the 'vicious circle of UAM detention' (Diagram 2 - p. 78) to become more radiant than ever, for the reasons that have already been presented in previous parts of this study and will be further discussed in this chapter. Ergo, a hybrid condition is instigated, which results in UAM being subjected to detention processes albeit without the procedural safeguards which would normally be expected to apply, as thoroughly described in Chapter Two. Consequently, another link is hereby constructed between UAM detention on one hand and the crimmigration debate on the other, which has not to this day been elaborated upon in the literature, thus allowing for this study to make an important contribution to rights-based research.

Therefore, this study's results conclusively demonstrated that as regards detention processes for UAM in Greece, custody of a protective character is not being used as an excuse for detention and that there certainly is not a matter of prioritisation of detention over other measures that would guarantee a protective environment as the law originally intended. Instead, in practice UAM detention, as it currently applies in Greece, is misinterpreted as custody of a protective character thus confirming that in crimmigration, 'the exacerbated stimulation of the strongest social identities tries to crush new identities' (Dores 2013). And for this reason, this study adds significantly to the crimmigration debate, as the research results and subsequent analysis decisively prove that UAM in Greece are currently being criminalised through

detention processes, after having been subjected to a lack of proper and efficient support during detention and further deprived of crucial rights upon arrival in the country.

Concluding the above, this study's results also confirm that UAM are not to be viewed as criminals the moment they are placed in detention. And for this reason, Membership Theory, as discussed in Chapter Two, would not be expected to apply in their case. In fact, it is not an issue of deciding whether or not UAM should be members of the society, or even worthy of inclusion in the national community (Stumpf 2006), as such a discussion would have been based on the premise that UAM are considered to be in violation of the law from the moment they cross the national borders, which would eventually result in them being subjected to detention processes. Instead, this study concludes that detained UAM in Greece are not to be excluded from society or denied of the privileges that citizens normally hold, since they never were criminals per se. More specifically, this study proved that Greece to this day remains unable to effectively manage and prevent the illegal migration flows, as well as to successfully place UAM in a protective environment where they would be provided with sufficient care, support and services according to the relevant law, as already discussed in detail.

To this end, despite the Greek Ombudsman's reports (2005, 2006, 2003-2011, 2014, 2016, 2017) which call for a complete ban on detention of minors, this study demonstrated through the lived experiences of participants that the law is still incorrectly applied in practice as regards the conditions within UAM detention facilities. Hence, it is the current detention context that leads to a distortion and breach of the rights of UAM and further to their criminalisation which occurs through the detention processes that they are subjected to upon arrival in the country.

As a result, this study confirmed that UAM are placed in highly unsuitable environments, which eventually cause them to acquire a crucial position in the crimmigration debate. And for this reason, widening the scope of crimmigration (Stumpf 2006; Aas 2014; Di Molfetta and Brouwer 2019; Soliman 2019) will eventually be necessary, so that it includes UAM who currently experience inappropriate detention processes upon unlawful entry into Greece, instead of being placed in custody of a protective character, as discussed above. This way, regardless of the procedures that follow the arrival of migrant minors in the country and the form of accommodation that they are subjected to, detained UAM will have their rights protected and promoted at all times, as stipulated both in the CRC and the Greek law.

Thus, with regard to safeguarding the rights of detained UAM in Greece and being in line with this study's research aims, at this point an assessment will occur concerning the correct application of the right to be heard, as enshrined in Art. 12 CRC.

c. Applying Art. 12 CRC in the case of detained unaccompanied minors

So far, this study has analysed this project's findings as regards the issue of understanding detention conditions for UAM in Greece and examining the positionality of detained UAM within the context of crimmigration. Additionally, the forming process of the CRC has been thoroughly elaborated upon in Chapter One, followed by an assessment of its theoretical background; its guiding principles and overall establishment as a universal legal instrument that is based on respecting, protecting and promoting the rights of children.

More specifically, as it was presented in Chapter One, the CRC will always be viewed as a critical milestone in the area of safeguarding the rights of children, due to the fact that it contains provisions in respect of the general child welfare. However, during the analysis of this study's findings, it was confirmed that the link between detention processes for UAM in Greece and the right to be heard as stipulated in Art. 12 CRC has remained a highly under-researched area in the Greek context, which resulted in the voice of detained UAM being silenced and their plight remaining unnoticed to this day.

For this reason, after having elaborated extensively on the participants' responses, both UAM and professionals, concerning the detention conditions that UAM experienced upon arrival in Greece, as well as the services that they were provided with during detention, at this point the author will emphasize on the right of children to effectively participate in all matters affecting them and have their views be taken into account, to which end a conclusion will be reached on whether or not detained UAM in Greece currently have the opportunity to express their opinions freely. Hence, besides the protection that UAM are entitled to upon arrival in host countries according to the applicable law, an examination will occur at this point as regards the correct application of Art. 12 CRC in the case of detained UAM in Greece, based on the premise that UAM should have the right to be heard in every judicial and administrative proceeding that affects them, including the detention processes that follow their unlawful entry into the country. Nevertheless, for the latter to be achieved, an assessment will take place concerning whether or not UAM detention as it currently applies in the Greek context is considered to be an administrative process as stipulated in Art. 12(2) CRC and if the right to be heard is applied correctly in favour of UAM detainees.

As discussed in depth earlier in this chapter, anecdotal evidence originally suggested that upon arrival in Greece, UAM are most commonly subjected to detention instead of custody of a protective character. For this reason, this study successfully performed an extensive analysis of the applicable law and further focused on UAM detention as it currently applies in the Greek

context. This issue has been thoroughly discussed in Chapter Two, and further presented eloquently under Diagram 1 (p. 55) and Diagram 2 (p. 78), whereas this study concluded that in practice custody of a protective character is superseded by detention processes, for certain reasons which have already been discussed under Diagram 3 (p. 178).

Following this analysis, it was conclusively confirmed that according to the Greek law, UAM can be held detained temporarily and under specific circumstances, pending referral to appropriate accommodation. Therefore, Art. 12(2) CRC, as presented in Chapter Two, would not be expected to apply, as detention in this case would not maintain its administrative elements, as originally stipulated in the letter of the law, but would act as a replacement measure to custody of a protective character instead. However, a critical examination of Art 12 CRC would suggest otherwise and more specifically that asylum-seeking children should have the right to be heard concerning the detention processes that they are currently being subjected to, the latter being a measure of administrative character.

Hence, in order to explore if Art. 12 CRC is correctly applied in practice and in order to understand the perplexities concerning how children's rights are enforced in the everyday reality of UAM who arrive in Greece and undergo detention procedures and what effect these rights have in their lives, this study's methodological approach allowed the author to access these rights empirically. The latter occurred both on an implementation level, as well as on the level of lived experiences of those who are subjected to detention processes. In detail, despite the incremental steps that have already been made on a State level towards improving the quality of the provided services during reception processes (EKKA 2017, 2018, 2019), this study's research results conclusively demonstrated that in most cases detention centres are still characterised by a severe lack of available services, which creates an unsafe environment that deprives UAM of the opportunity to exercise their rights. During the second interview stage in specific, participating professionals argued that the complete lack of support, protection and quality services for UAM in detention is mainly caused due to the fact that Greece never expected to be required to host such high numbers of asylum-seeking individuals, including migrant minors. As a result, detention centres are unable to accommodate UAM for long periods of time, as they are usually understaffed and underequipped, which also leads to UAM being subjected to unsuitable detention processes instead of custody of a protective character and further deprives them of crucial rights, as presented earlier in this chapter.

For this reason, the reality that UAM currently experience in detention facilities, as discussed above, undoubtedly confirms that in its current form, detention does not constitute an appropriate environment for UAM, which proves that the protective character of custody

ceases to exist on two different levels. Firstly, when this form of accommodation is eventually superseded by detention processes for the reasons that have already been discussed and secondly due to the fact that detained UAM are deprived of the right to be heard in an unstrained manner concerning the processes that they are subjected to upon arrival in Greece.

More specifically, according to the participants' perspectives, UAM will always be unable to express their own views concerning the matters that affect them; describe the detention conditions they experience; elaborate on the rights that were granted to them by State authorities while in detention and question the detention process that they are currently being subjected to (Papadopoulos and van Buggenhout 2020). And that would be mainly due to the fact that in practice detention processes are imposed almost automatically, thus traumatising UAM due to the complete lack of protection, as presented earlier in this chapter.

That being said, by staying in line with hermeneutic phenomenology and demonstrating the lived experiences of participants, this study has successfully unconcealed the hidden processes of the criminalisation of detained UAM in the Greek context. This way, the actual conditions within detention facilities for UAM were explored in depth, thus allowing for this study to examine whether or not the letter of law is correctly applied in practice as regards the conditions and services that UAM are provided with during detention. Therefore, based on this study's interview results, detained UAM in Greece currently do not have the opportunity to be heard, which again results in them being severely criminalised through detention practices. This confirms that UAM detention in the Greek context is not considered to be an administrative process according to Art. 12(2) CRC, but is viewed as a temporary replacement measure to custody of a protective character instead (Papadopoulos and Pycroft 2019; Papadopoulos 2020). Hence, this study conclusively proved that UAM detention in Greece lacks the necessary safeguards that would guarantee the correct application of the right to be heard as enshrined in Art. 12 CRC.

To have the voice of children be heard on these matters helped prove that UAM detention, as it is currently applied in the Greek context, clearly contradicts multiple provisions of the domestic legislation concerning detention processes. The latter has been supported by the participants' statements, both UAM and professionals, which demonstrate with clarity how easily State authorities choose to apply detention instead of custody of a protective character, thus confirming that such practices are always in the forefront of the police's choices (Skordas and Sitaropoulos 2004; Fili and Xythali 2017) and promoted by the Greek Ministry of Migration and Asylum (formerly known as Ministry of Citizen Protection).

According to James (2007), giving voice to children in research is not limited to the narrative that a child produces, but also allows the researcher to develop a unique stance regarding the social world and that from a child's perspective. In other words, children's voices inherently contribute to theory-building in our social world. This is exactly how this study contributes to contemporary research and practice and that is through creating an environment where the voice of UAM is always heard. Based on the above, this study successfully demonstrated that custody of a protective character for UAM in Greece does not entail any systemic flaws, rather lacks the ability to follow specific standards that would promote and protect the rights of children as enshrined in the CRC and the Greek domestic policy.

And for this to be achieved, Art. 12 CRC should always be considered as the vessel which would allow UAM to express openly, regardless of the reception processes that they are subjected to upon arrival in host countries. In this context and in an effort to protect and promote the child's best interests as enshrined in Art. 3 CRC, this study concludes that there is still a discrepancy between guaranteeing the protection of children's rights and introducing the right to be heard in the context of UAM detention, which shows that the correct application of Art. 12 CRC depends entirely on each host country's aptness to effectively incorporate the CRC into its domestic policy. By correctly applying the right to be heard, UAM will be able to narrate in detail about their experiences as detainees and will have the opportunity to question these proceedings accordingly. Otherwise, UAM detention in Greece will always be characterised by a critical violation of children's rights and the protective element of custody will never be added to the context of detention as it currently applies in practice.

However, for this to occur, certain actions need to be taken on behalf of the State. More specifically, from a child's rights perspective, the Greek framework should be updated accordingly, so that UAM detention processes are immediately replaced by accommodation practices of a protective character, even on a temporary basis, until UAM are referred to more proper hosting schemes. Furthermore, in cases when detention cannot be avoided and even if such processes would apply as a short-term replacement to custody of a protective character, as discussed in Chapter Two, a development of the applicable law would be necessary so that UAM detention in Greece would eventually be considered as an administrative process, hence fall within the context of Art. 12(2) CRC. This way, detained UAM would not be deprived of their right to express themselves freely and question these proceedings, thus eventually allowing for the 'vicious circle of UAM detention' (p.78) to reach its end in favour of UAM who experience detention processes upon arrival in Greece.

Chapter 5: **Research Conclusion**

In the process of revealing the reality within detention facilities that UAM currently experience upon unlawful entry into Greece; understand the conditions that they are being subjected to during detention and further examine whether or not the letter of the law (Art. 46(10) of Act 4375 of 2016, as amended by Act 4636 of 2019) is correctly applied in practice with regard to these conditions, this original qualitative study made a unique contribution to the current body of knowledge. And that by introducing an innovative research methodology that helped bring to the surface specific issues in the field of children's rights in the migration context that have never before been discussed by scholars.

Initially, starting from the need for UAM to be placed in a protective environment upon unlawful entry into the country (Art. 31 of Directive 2011/95/EU; Art. 32 of PD 141 of 2013, as replaced by Art. 32 of Act 4636 of 2019), this study examined the detention processes that UAM are currently being subjected to. Hence, by performing an extensive review of the national legal framework on the matter, this study's research results conclusively demonstrated that to this day the applicable law in Greece has failed to acknowledge that in the case of UAM, custody of a protective character is most commonly replaced by detention processes. As a result, in their majority UAM are placed in detention facilities immediately after they enter the country in an illegal manner, pending referral to appropriate accommodation units, which is a process that may take time varying from a few days to several months, despite the suffering that it entails for children on the migratory pathway. In support of the latter, during this study's interview stages, all participating individuals, both UAM and practitioners, shared their experiences and professional opinions with respect to UAM detention as it currently applies in Greece and the formed discussion themes revealed an overall problematic setting, which was presented in depth throughout this study.

According to the participants' perspectives, in practice detained UAM in Greece are currently being subjected to inhuman and particularly degrading treatment. And this occurs because the current detention context deprives them of the appropriate protection and quality services that would normally be expected to apply when UAM arrive in the country, as already elaborated upon. More specifically, in the process of describing the conditions within detention, the participating UAM and professionals, both individually and in the form of focus group, provided detailed information on hygiene matters; the general setting of detention; the clear lack of services within detention facilities and also referred to multiple incidents of abusive treatment that UAM endured during detention. Nevertheless, the issue that participants

specifically brought up in the discussion throughout all interview stages was that UAM were always in need to feel protected, especially after having been forced to leave their countries of origin. This has already been well presented in Chapter One, where the distinctive element of vulnerability that characterises UAM was demonstrated and further discussed in depth. In fact, UAM participants specifically stated that the moment they entered detention, all they could remember was that they felt like they were being punished for a reason unbeknownst to them and that they were committing a crime by requesting international protection.

Therefore, despite the significant progress that Greece has made recently by expanding the number of accommodation alternatives for UAM, either long- or short-term (EKKA 2017, 2018, 2019), as well as by implementing a wide number of relevant regulations and Directives in the national policy concerning migration-related issues, this study conclusively proved that Greece to this day is characterised by a clear absence of an efficient procedural context which would cover the basic needs of UAM upon unlawful entry into the country. Thus, stemming from this erroneous condition, this study has successfully located the gaps in the migration context that contemporary research had greatly overlooked so far.

In detail, as described in this study's research results and subsequent analysis, it was demonstrated that the reality that UAM currently experience within detention facilities in Greece is in violation of the relevant legislation. As a result, UAM are currently subjected to inappropriate detention processes, with everything that entails for their well-being, as discussed in depth in previous chapters. This situation however raises questions both on a legal and a practical level, regardless of whether or not UAM detention eventually replaces custody of a protective character, even on a temporary basis, as examined above.

Ultimately, when it comes to children-on-the-move, Pisani (2018: 177) frames it most appropriately by stating that 'in the case of the illegalised young body – the non-citizen – the 'right to rights' cannot be assumed'. Hence, this study proved that the letter of the law is not applied correctly in practice as regards the conditions and services that should be provided to UAM during detention. As a result, this study undeniably demonstrated that UAM are subjected to a highly unsuitable detention context, thus confirming that it is not custody of a protective character that encapsulates elements that render it unsuitable for UAM, rather the way that it is implemented in practice.

Consequently, this study concluded that, in their majority, UAM are subjected to detention directly upon arrival in Greece, despite the existing national legal framework which clarifies that children are not to be held detained unless in exceptional circumstances (Committee 2019: 22), as already discussed in previous chapters. In fact, according to the participants' responses,

this hybrid detention context is mainly caused due to the archaism of the Greek asylum system (Skordas and Sitaropoulos 2004); the lack of effective remedies and the complete absence of an appropriate legal framework which would be specifically designed in order to protect and promote the rights of asylum seekers in an effective way.

Moreover, the research results confirmed that custody of a protective character in Greece is superseded by detention processes (Papadopoulos 2020), which leads to UAM being subjected to substandard living conditions and also deprived of available services (Bosworth 2018). On this matter, the Committee (2019: 23) recently expressed the opinion that ‘the Greek State should finally end the practice of detaining migrants and asylum seekers, especially UAM, in police holding cells and other detention facilities that are not suitable for long stays’. Similarly, the Greek Ombudsman (2005, 2016, 2017) has repeatedly invited the Greek government to reform the national framework in order to protect UAM more effectively; to eliminate detention measures and replace them with custody of a protective character and to restructure the administrative processes that follow the illegal entry of UAM into the country.

The current problematic context as regards reception procedures for UAM in Greece was also referred upon by the European Committee of Social Rights, thus revealing the need for immediate measures to be introduced to the Greek domestic policy (International Commission of Jurists and European Council for Refugees and Exiles v. Greece 2019: 3, 14). More specifically, the decision confirms that Greece is expected to ensure that alternatives to UAM detention are eventually introduced and that UAM who are currently being subjected to detention practices would be provided with immediate access to age-appropriate accommodation. This proves that the humanitarian aspect of placing UAM in detention facilities instead of subjecting them to custody of a protective character is still being overlooked in practice and it is the extensive use of prolonged detention, most often characterised by unsuitable conditions, that clearly highlights the deficiencies in the Greek legal framework when it comes to safeguarding the rights of children in the migration context.

Based on the above, by focusing on UAM detention and examining if the letter of the law is correctly applied in practice, this study has successfully brought the participants’ voices to life as regards the current conditions within UAM detention facilities. This way, the positionality of detained UAM within the crimmigration debate was also explored, according to the set research aims as presented in this study’s Introduction Chapter. In detail, by placing emphasis on the issue of UAM being criminalised through detention processes for the reasons that have already been discussed in depth in previous chapters, certain inconsistencies and deep-seated enforceability issues of the current context were identified. As a result, this study

made a novel contribution to research by placing detained UAM in Greece within the context of crimmigration. With respect to the latter, this study concluded in Chapter Four that children's rights must always be protected and promoted, regardless of the processes that follow the illegal entry of UAM into the country and for this reason the scope of crimmigration must be widened, so that it includes UAM who are being temporarily placed under detention processes upon arrival in Greece, until further referred to suitable hosting facilities.

Adding to the above, this study also explored whether or not UAM were able to participate in all matters that affected them and more specifically if they were provided with the opportunity to be heard during the time they spent in detention facilities upon arrival in Greece. Hence, by giving voice to participants, both UAM and practitioners, this study examined whether or not protection imperatives are taken into consideration when UAM are eventually subjected to detention processes, to which end the importance of correctly applying Art. 12 CRC in domestic policy and hearing the voices of detained UAM in Greece were highlighted. This process led to the introduction of a new theoretical concept that the author has named 'the vicious circle of UAM detention' (Diagram 2 – p. 78) and to a further analysis of whether or not UAM detention in its current form in the Greek context is considered to be an administrative process according to Art. 12(2) CRC. To this end, based on the participants' responses, this study concluded that international standards in the area of child-protection are not implemented properly in the national policy and that the voice of detained UAM in Greece remains silenced contrary to the requirements of the CRC. This exacerbates the crimmigration crisis; proves that the correct application of Art. 12 CRC is still an unsolved matter in the national framework and confirms the need for the latter to be updated accordingly.

To achieve the set research aims, this study introduced the use of IPA to legal analysis and migration studies in specific, thus adding significantly to contemporary knowledge. The latter was attained due to the fact that IPA has not, to this day, been applied in research projects that focus specifically on the status of detained UAM and certainly never before has it been applied in similar projects as regards the Greek context. Therefore, by acknowledging the complexity that is inherent in childhood (Hunleth 2011; Spyrou 2011), this study used the methodological tools of IPA in order to analyse the voices of participants. Initially, the main purpose was to reach a better understanding of their lived experiences concerning the detention conditions that UAM are currently being subjected to upon unlawful entry into Greece and subsequently to examine whether or not the law is correctly applied as regards the said conditions.

Hence, through the use of IPA, this study successfully deconstructed the participants' experiences while maintaining the authenticity in the 'voice of the child', thus being in line

with the double hermeneutic process as introduced by Smith (1996; 2004; 2007; 2011) and overall in line with this study's methodological approach as presented in Chapter Three. In detail, it provided all participants and UAM in specific with the opportunity to be heard concerning their experiences as detainees; revealed the reality within detention facilities; explained how the law applies in practice as regards the conditions within UAM detention; witnessed the flaws in the national context and the inconsistencies between the letter of the law and its practical dimension; explored the status of detained UAM in Greece within the crimmigration debate and further examined the correct application of Art. 12 CRC in their case.

- **Final thoughts – Future research paths**

Throughout my studies, I was able to come in direct contact both with UAM and practitioners working with migrant minors in child-protection programs; hold sessions with them and address specific issues based on the set research aims and the overall scope of this study. That being so, from monitoring visits to detention centres and RICs, to discussing matters concerning the conditions within detention facilities both with UAM and practitioners, either individually or in the form of a focus group; from visiting refugee camps and SILs, to attending numerous meetings with Public Prosecutors; from assisting UAM towards overcoming the difficulties involved and successfully participating in this study, to personally becoming part of the refugee reception process in Greece, I feel blessed for having been given the opportunity to contribute to the academic community with this research project.

When I embarked upon this journey as a doctoral candidate, my sincere hope was that by its end I would eventually witness a drastic improvement with regard to the processes that follow the unlawful entry of UAM into Greece, as well as with regard to the detention conditions that UAM are currently being subjected to. Unfortunately, however, as presented in Chapter Four, this study's research results clearly demonstrated that the reality concerning the conditions within detention facilities for UAM still lies far from the letter of the law, whereas detention is in most cases not applied as a measure of last resort.

More specifically, it was confirmed in the context of this study that the majority of UAM arriving in Greece are most commonly subjected to detention instead of custody of a protective character, whereas the conditions they experience are in clear breach of the domestic legislation. This leads to the criminalisation of UAM through detention processes with dire consequences to their emotional and physical health, thus causing Greece to be the recipient of widespread criticism on a global level, followed by repeated condemnations for violations of

the national law as well as Art. 3 CRC, as presented in Chapter Four. Additionally, this study proved that the Greek context in its current form lacks specific elements that are needed in order to guarantee the State's obligations to UAM who enter the country illegally. Hence, the implementation of the CRC within the national law appears to be flawed, as detained UAM in Greece are deprived of certain CRC rights, including the right to be heard as enshrined in Art. 12 CRC, both at arrival and during their first procedural steps of the reception process.

Therefore, the rich picture of the reality that UAM currently experience in detention and the overall information that is included in this study can be the starting point so that the national framework is improved in the sense of protecting and promoting the rights of detained UAM more efficiently. Thus, based on this project's findings, it will be eventually acknowledged that custody of a protective character for UAM in Greece is in practice superseded by detention, which ultimately causes minors to be placed in highly inappropriate detention contexts.

In addition, this study's research results can be used as the basis for a development of the way in which the right to be heard is accurately incorporated into the applicable law. The efforts towards achieving this goal may gradually lead to an upgraded domestic policy, which would guarantee that detained UAM are provided with the opportunity to be heard with respect to every judicial and administrative process that affects them, including detention procedures. Ergo, even though UAM detention in its current form is considered to be a temporary replacement measure to custody of a protective character as presented above, it would eventually be clarified in the letter of the law that this, still unclear, detention regime, should be viewed as an administrative process under the scope of Art. 12(2) CRC.

This way, UAM would have the right to be heard concerning these proceedings and question them accordingly. Hence, the need to make UAM be heard will be promoted not only in the institutional and procedural asylum and migration setting where narratives of minors end up in official files, but also in the context of academia, where the 'voice of the child' can be transformed in a way that is presentable to the outside world.

From a methodological point of view, the successful application of IPA in this study indisputably confirmed that phenomenological analysis can also be applied to future qualitative research projects in the context of migration and that it can serve professional, institutional and practical purposes so that the rights of UAM are protected throughout the asylum procedure and not just during reception processes. Indeed, by facilitating children towards having their voices heard, this study successfully set the ground for host countries to examine the current gaps in their national policies and properly adjust them accordingly, thus allowing for more advanced and child-friendly frameworks to be eventually introduced. This process will

undoubtedly have a positive impact on decisions being taken in favour of UAM. More specifically, it will carve the path in the direction of effectively reconstructing the relevant provisions of domestic legislations and further safeguarding the child's best interests throughout all the procedural stages that follow their illegal entry.

However, for the latter to be achieved in the case of Greece in specific, special focus must be placed by the State towards reinventing the national legal framework, so that it reaches a higher level of procedural effectiveness, combined with guidelines that support the rights of UAM at arrival, so that new children's rights are debated and also novel aspects of existing rights are addressed. As a result, the current referral mechanisms will be strengthened and an overall protective referral pathway will replace the current procedures that follow the illegal entry of UAM into the country. Only then Greece will be able to apply a series of effective migration policing techniques with a view to protecting the rights of migrant minors.

Concluding the above, Greece is still expected to ensure that the 'best interests of the child' principle, as originally enshrined in Art. 3 CRC, is eventually put into actual practice instead of simply remaining a mere *de jure* doctrine (Galante 2014) and that the letter of the law is correctly applied as regards the conditions within detention facilities for UAM arriving in the country. However, until a comprehensive plan is introduced on a State level, aiming not only to safeguard children's rights, but also to reinvent the current referral mechanisms and accommodation alternatives for migrant minors, UAM detention will inevitably continue to replace custody of a protective character, characterised by unsuitable conditions and limited integration prospects, thus exposing UAM to risks of violation of their rights.

Hopefully this project will be the initial step in contemporary research towards creating a safe environment where the voice of migrant minors is ultimately heard. By correctly applying Art. 12 CRC in the case of detained UAM, the 'voice of the child' will no longer be ignored and a new, more child-friendly era will be introduced to the migration context. As a result, the right to be heard will be applied in a way that safeguards the rights of children on-the-move, whereas academics and practitioners will be able to explore how UAM experience asylum procedures upon unlawful entry into European host countries and further examine the humanitarian aspects of the tension between human rights and migration policing.

Therefore, it is the correct application of the law that will eventually allow Greece to follow the path towards the direction of inaugurating a more protective and child-appropriate context for all minors on the migratory pathway who seek safety far from their countries of origin.

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Appendices

I. First interview stage

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 E-mail. ioannis.papadopoulos@port.ac.uk
 Department: Institute of Criminal Justice Studies
 Faculty of Humanities and Social Sciences



Invitation Letter

Study Title: 'The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece'.

June 2nd, 2017

Dear potential participant,

my name is Ioannis Papadopoulos and I am a first year PhD student at the Institute of Criminal Justice Studies, University of Portsmouth, UK.

I would like to invite you to participate in a research study that will attempt to explore the ways in which refugee male unaccompanied minors (hereafter UAM) experienced detention after arriving in Greece, how they perceive the support available to them by Greek authorities on arrival and the UNCRC rights that are granted to them by the Greek Government, with the main aim being to give voice to this group of young refugees.

In order to be able to have this interview, I personally contacted a number of non-governmental organizations (hereafter NGOs) located in Thessaloniki Greece, specifically handling cases of UAM, providing them with all needed information regarding the purpose of this study and asking for permission to perform interviews at their premises.

This study will be based on the concept of informed consent. After explaining to you the full research study, you will be given a 48-hour period, in order to decide whether you want to participate or not, in which case you can state it either in written form or orally.

This study is completely separate from the NGOs' role in providing legal support to you, and your participation to this study will not have any consequences or in any way affect your current status. Your participation is voluntary and withdrawal is easily facilitated, up until the end of the interview.

I hereby emphasize that as a researcher I do not have the political power to make changes to the current conditions within detention centres. My intention is to present your views in written work, in the form of quotes and extracts, as part of my academic research project. To this end, I will not divulge information to the Greek Authorities. Moreover, the interview will be strictly confidential and the NGO responsible for your well-being and safety will not have access to your data whatsoever.

I would be grateful if you supported me in this research project.

Yours sincerely,

Ioannis Papadopoulos

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Participant Information Sheet

June 2nd, 2017

Dear potential participant,

my name is Ioannis Papadopoulos and I am a first year PhD student at the Institute of Criminal Justice Studies, University of Portsmouth, UK.

I would like to invite you to take part in this research study. Before you decide, I would like you to understand why the research is being done and what it would involve for you. Talk to others about the study if you wish. Please feel free at any time to ask me if there is anything that is not clear.

Study Title: *The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece.*

This study will attempt to explore the ways in which refugee male unaccompanied minors (hereafter UAM) experienced detention after arriving in Greece, how they perceive the support available to them by Greek authorities on arrival and the UNCRC rights that are granted to them by the Greek Government, with the main aim being to give voice to this group of young refugees.

What is the purpose of the study?

To improve conditions of detention and practices with regard to the asylum-process and the support needed to facilitate positive adjustment and integration in countries such as Greece, that temporary host UAM, under the legal scope of detention or protective custody.

Why have I been invited?

In order to be able to have this interview I personally contacted a number of non-governmental organizations (hereafter NGOs) located in the area of Thessaloniki Greece, specifically handling cases of UAM, providing them with all needed information regarding the purpose of this study and asking for permission to perform interviews at their premises. For this study a total population of 10 minors will be used.

Do I have to take part?

It is entirely up to you to decide to join the study. I will describe to you the study and go through this information sheet. If you agree to take part, I will then ask you to sign a consent form.

What will happen to me if I take part?

The study will last between 30 and 50 minutes. You will be interviewed by me and the interview will be audio-recorded and transcribed verbatim. The questions are going to be simple and they will be strictly related to the time you spent within detention when you first arrived in Greece as a UAM. No direct benefits to you shall exist, whatsoever. Participating to this study will not affect in any way your current status.

Expenses and payments

No reimbursement or compensation will be provided; hence you are asked to contribute without recompense.

What will I have to do?

You are invited to talk about your recollections of arriving in Greece, focusing on your first memories, experiences and impressions regarding your time in detention. Therefore, you are expected to respond to questions regarding your stay within detention and the treatment you received by the Greek Authorities during your stay.

What are the possible benefits of taking part?

No direct benefits shall exist to your favour, however, your participation in this study will improve practices with regard to conditions of detention in countries such as Greece, that temporary host UAM.

Will my taking part in the study be kept confidential?

Personal data will be treated in confidence. Names of places will be changed to protect participants' identities. To this purpose, pseudonyms will be used throughout this study. If you join the study, it is possible that some of the data collected will be looked at by authorised persons from University of Portsmouth, UK, to check that the study is being carried out correctly. All will have a duty of confidentiality to you as a research participant and all will do their best to meet this duty. I will ensure confidentiality including storage and access arrangements. I will retain my research data for 10 years from completion of the study; in order to enable verification of any research results, as well as for possible future research. The data will be stored on my personal laptop and external hard drive, both encrypted and both password-protected. I will be the only one having access to the study's data. After the completion of the interviews, a clear record of your participation will be stored in case of any later enquiry or complaint. Personal sensitive data will be treated in confidence. In the case of reuse of data, all the provided data will be anonymous. Finally, all paper records will be scanned and originals will be destroyed. You will have the right to check the accuracy of data held about you and correct any errors.

What will happen if I don't want to carry on with the study?

You are given the possibility to withdraw from this study at any time during the interview and until the completion of the individual interview. Such possibility will be given to the NGO responsible for you, at any time during the interview, should you need an NGO representative to be with you during the interview and until the completion of the individual interview. I, as the researcher and interviewer, will retain the same ability, should I deem it necessary.

What if there is a problem?

If you have a concern about any aspect of this study or the interviewing process, please feel free to share your thoughts with me and I will do my best to answer your questions. If you remain unhappy

and wish to complain formally, you can contact the University's Complaints team on 02392 843642 or by email at complaintsadvise@port.ac.uk. Staff in the Complaints team will discuss your complaint with you and will contact other members of staff to try to resolve your concerns.

What will happen to the results of the research study?

Given the fact that this study is going to be of value to the academic community and society as a whole, I aim to publish my findings and proceed in completing my PhD dissertation, based on the results. Hence the results will be published and you will be able to access it through the University of Portsmouth PhD dissertation database. You will not be identified in any report/publication unless you have given your consent.

Who is organising and funding the research?

This research project as well as my PhD studies is fully covered by personal funding.

Who has reviewed the study?

Research in the University of Portsmouth is looked at by independent group of people, called an Ethics Committee, who aim at protecting your interests as participant in this study. Hence, this study has been reviewed and given a favourable opinion by _____ Ethics Committee.

Further information and contact details

Please feel free to contact me using my provided e-mail address should you need any further information regarding this study.

Concluding statement

I sincerely thank you for taking the time to read the information sheet regardless of your decision to participate or not. If you decide to participate you will be given a copy of the information sheet to keep and your consent will be sought.

I hereby emphasize that as a researcher I do not have the political power to make changes to the current conditions within detention centres. My intention is to present your views in written work, in the form of quotes and extracts, as part of my academic research project. To this end, I will not divulge information to the Greek Authorities. Moreover, the interview will be strictly confidential and the NGO responsible for your well-being and safety will not have access to your data whatsoever.

I would be grateful if you supported me in this research project.

Yours sincerely,

Ioannis Papadopoulos

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Consent Form

June 2nd, 2017

Study Title: *'The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece'.*

	Please initial if you understand and agree
I have read and understood the information sheet dated June 2 nd , 2017, for this study.	
I have had the opportunity to ask questions and have had these answered satisfactorily and I am willing to take part in this research.	
I can change my mind about taking part at any time up until the start of the interview.	
I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason, (up to the end of the interviewing process)	
If I change my mind it will not in any way affect my current status.	
The interview will be audio-recorded and the interviewer will make written notes.	
I will not be named in any of the research and I agree to being quoted verbatim with the use of a pseudonym.	
I understand that the information will be stored safely and the researcher is going to be the only one with clearance.	
Data collected during the study, may be looked at by individuals from University of Portsmouth to check that the study is being carried out correctly, or from regulatory authorities for future research, to which I agree. No other person except the researcher will be able to see the information.	
I understand that should I be unhappy about the way I am treated then I (or someone for me) should contact the University's Complaints team on 02392843642 or by email at complaintsadvice@port.ac.uk . Staff in the Complaints team will discuss your complaint with you and will contact other members of staff to try to resolve your concerns.	
Please print your name, and date to indicate your agreement to all of the above.	
Name, date and signature of researcher.	

Institute of Criminal Justice Studies

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**Confidentiality Agreement**June 2nd, 2017

Study Title: *'The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece'*.

As participant/third party in this research study, I understand that I may have access to confidential information about this research study. By signing this agreement, I am indicating my understanding of my responsibilities to maintain confidentiality and agree to the following:

- I understand that names and any other identifying information about this research study and participants are completely confidential.
- I agree not to divulge, publish, or otherwise make known to anyone other than the Researcher, any information obtained in the course of this research project that could identify myself or other persons who participated in the study.
- I understand that all information about this research project or participants obtained or accessed by me during my participation in this research project is confidential. I agree not to divulge or otherwise make known to anyone other than the Researcher any of this information.
- I understand that I am not to read information about this research project, or any other confidential documents, nor ask questions regarding this research project for my own personal information but only to the extent and for the purpose of performing my assigned duties on this research project.
- I agree to notify the Researcher immediately should I become aware of an actual breach of confidentiality or a situation which could potentially result in a breach, whether this be on my part or on the part of other participants/third parties.

(Print Name)_____
(Signature)_____
(Date)

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**Confidentiality Agreement**June 2nd, 2017

Study Title: *'The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece'*.

I, _____ (name), _____ (specific job description, e.g., interpreter/translator), working for _____ (NGO/Organization name), have been asked to provide my professional assistance in this research study, by conducting real-time translation of interviews taken by the Researcher.

As a part of this research study, I understand that I may have access to confidential information about this research study. By signing this agreement, I am indicating my understanding of my responsibilities to maintain confidentiality and agree to the following:

- I understand that names and any other identifying information about this research study and participants are completely confidential.
- I agree not to divulge, publish, or otherwise make known to anyone other than the Researcher, any information obtained in the course of this research project that could identify the persons who participated in the study.
- I understand that all information about this research project or participants obtained or accessed by me in the course of my work is confidential. I agree not to divulge or otherwise make known to anyone other than the Researcher any of this information.
- I understand that I am not to read information about this research project, or any other confidential documents, nor ask questions regarding this research project for my own personal information but only to the extent and for the purpose of performing my assigned duties on this research project.
- I agree to notify the Researcher immediately should I become aware of an actual breach of confidentiality or a situation which could potentially result in a breach, whether this be on my part or on the part of the participant.

(Print Name)_____
(Signature)_____
(Date)

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Debriefing Sheet

June 2nd, 2017

Study Title: *The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece.*

Dear participant,

Thank you for taking part in this research. The proposed study attempts to explore the ways in which refugee male unaccompanied minors (hereafter UAM) experienced detention after arriving in Greece, how they perceive the support available to them by Greek authorities on arrival and the UNCRC rights that are granted to them by the Greek Government, with the main aim being to give voice to this group of young refugees. The purpose of this study is to improve conditions of detention and practices with regard to the asylum-process and the support needed to facilitate positive adjustment and integration in countries such as Greece, that temporary host UAM, under the legal scope of detention or protective custody. Furthermore, by providing detained unaccompanied minors with the ability to be heard, I aim to expand our knowledge and gain greater awareness regarding the actual conditions UAM face in detention, under the scope of the UNCRC and further focus our attention, resources and research findings in order to highlight the need of establishing minimum standards regarding UNCRC implementation for detained minors seeking asylum. To this purpose you have been interviewed are invited to talk about your recollections of arriving in Greece, focusing on your first memories, experiences and impressions regarding your time in detention. Therefore, you were expected to respond to questions regarding your stay within detention and the treatment you received by the Greek Authorities during your stay.

If you are unhappy with any aspect of this study or how it was conducted, please let the researcher know. Remember you can withdraw your data at this point if you wish. If you have any further concerns or questions please do not hesitate to get in touch with either myself, or my supervisor, Dr. Aaron Pycroft (aaron.pycroft@port.ac.uk)

Thank you once again for participating in this study!

Ioannis Papadopoulos

If you are unhappy about the way you were treated then you can contact the University's Complaints team on 02392843642 or by email at complaintsadvise@port.ac.uk. Staff in the Complaints team will discuss your complaint with you and will contact other members of staff to try to resolve your concerns.

II. Second and Third interview stage

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 Department: Institute of Criminal Justice Studies
 Faculty of Humanities and Social Sciences



Invitation Letter

Study Title: 'The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece'.

October 5th, 2017

Dear potential participant,

my name is Ioannis Papadopoulos and I am a second year PhD student at the Institute of Criminal Justice Studies, University of Portsmouth, UK.

I would like to invite you to participate in a research study that will attempt to explore the ways in which refugee male unaccompanied minors (hereafter UAM) experienced detention after arriving in Greece, how they perceive the support available to them by Greek authorities on arrival and the UNCRC rights that are granted to them by the Greek Government, with the main aim being to give voice to this group of young refugees.

The purpose of this study is to gain a different perspective from practitioners working with UAM, bring their knowledge and expertise to my research project and add extra validity to my research findings.

In order to be able to have this interview, I personally contacted a number of non-governmental organizations (hereafter NGOs) located in Thessaloniki Greece, specifically handling cases of UAM, providing them with all needed information regarding the purpose of this study and asking NGO members of staff and Senior members of staff to participate in this research project.

This study will be based on the concept of informed consent. After explaining to you the full research study, you will be given a 48-hour period, in order to decide whether you want to participate or not, in which case you can state it either in written form or orally.

This study is completely separate from the NGOs' role and your participation to this study will not have any consequences or in any way affect your current professional status within the NGO. Your participation is voluntary and withdrawal is easily facilitated, up until the end of the interview.

I hereby emphasize that as a researcher I do not have the political power to make changes to the current conditions within detention centres. My intention is to present your views in written work, in the form of quotes and extracts, as part of my academic research project. To this end, I will not divulge information to the Greek Authorities. Moreover, the interview will be strictly confidential and the NGO who employs you will not have access to your data whatsoever.

I would be grateful if you supported me in this research project.

Yours sincerely,

Ioannis Papadopoulos

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Participant Information Sheet

October 5th, 2017

Dear potential participant,

my name is Ioannis Papadopoulos and I am a second year PhD student at the Institute of Criminal Justice Studies, University of Portsmouth, UK.

I would like to invite you to take part in this research study. Before you decide, I would like you to understand why the research is being done and what it would involve for you. Talk to others about the study if you wish. Please feel free at any time to ask me if there is anything that is not clear.

Study Title: *The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece.*

This study will attempt to explore the ways in which refugee male unaccompanied minors (hereafter UAM) experienced detention after arriving in Greece, how they perceive the support available to them by Greek authorities on arrival and the UNCRC rights that are granted to them by the Greek Government, with the main aim being to give voice to this group of young refugees.

What is the purpose of the study?

To improve conditions of detention and practices with regard to the asylum-process and the support needed to facilitate positive adjustment and integration in countries such as Greece, that temporary host UAM, under the legal scope of detention or protective custody.

Why have I been invited?

In order to be able to have this interview, I personally contacted a number of non-governmental organizations (hereafter NGOs) located in Thessaloniki Greece, specifically handling cases of UAM, providing them with all needed information regarding the purpose of this study and asking NGO members of staff and Senior members of staff to participate in this research project in order to gain a different perspective from practitioners working with UAM, bring their knowledge and expertise to my research project and add extra validity to my research findings. For this study a total population of 10 participants will be used.

Do I have to take part?

It is entirely up to you to decide to join the study. I will describe to you the study and go through this information sheet. If you agree to take part, I will then ask you to sign a consent form.

What will happen to me if I take part?

The study will last between 30 and 50 minutes. You will be interviewed by me and the interview will be audio-recorded and transcribed verbatim. The questions are going to be simple and they will be strictly related to your professional experience working with UAM. No direct benefits to you shall exist, whatsoever. Participating to this study will not affect in any way your current professional status.

Expenses and payments

No reimbursement or compensation will be provided; hence you are asked to contribute without recompense.

What will I have to do?

During these interviews, I plan to present some preliminary findings of my previously conducted interviews with UAM, along with topics that emerged and proceed in discussing these topics with you, in order to ask for your explanation, comments and professional opinion on the above.

What are the possible benefits of taking part?

No direct benefits shall exist to your favour, however, your participation in this study will improve practices with regard to conditions of detention in countries such as Greece, that temporary host UAM.

Will my taking part in the study be kept confidential?

Personal data will be treated in confidence. Names will be changed to protect participants' identities. To this purpose, pseudonyms will be used throughout this study. If you join the study, it is possible that some of the data collected will be looked at by authorised persons from University of Portsmouth, UK, to check that the study is being carried out correctly. All will have a duty of confidentiality to you as a research participant and all will do their best to meet this duty. I will ensure confidentiality including storage and access arrangements. I will retain my research data for 10 years from completion of the study; in order to enable verification of any research results, as well as for possible future research. The data will be stored on my personal laptop and external hard drive, both encrypted and both password-protected. I will be the only one having access to the study's data. After the completion of the interviews, a clear record of your participation will be stored in case of any later enquiry or complaint. Personal sensitive data will be treated in confidence. In the case of reuse of data, all the provided data will be anonymous. Finally, all paper records will be scanned and originals will be destroyed. You will have the right to check the accuracy of data held about you and correct any errors.

What will happen if I don't want to carry on with the study?

You are given the possibility to withdraw from this study at any time during the interview and until the completion of the individual interview. I, as the researcher and interviewer, will retain the same ability, should I deem it necessary.

What if there is a problem?

If you have a concern about any aspect of this study or the interviewing process, please feel free to share your thoughts with me and I will do my best to answer your questions. If you remain unhappy

and wish to complain formally, you can contact the University's Complaints team on 02392 843642 or by email at complaintsadvice@port.ac.uk. Staff in the Complaints team will discuss your complaint with you and will contact other members of staff to try to resolve your concerns.

What will happen to the results of the research study?

Given the fact that this study is going to be of value to the academic community and society as a whole, I aim to publish my findings and proceed in completing my PhD dissertation, based on the results. Hence the results will be published and you will be able to access it through the University of Portsmouth PhD dissertation database. You will not be identified in any report/publication unless you have given your consent.

Who is organising and funding the research?

This research project as well as my PhD studies is fully covered by personal funding.

Who has reviewed the study?

Research in the University of Portsmouth is looked at by independent group of people, called an Ethics Committee, who aim at protecting your interests as participant in this study. Hence, this study has been reviewed and given a favourable opinion by the UoP, Faculty of Humanities and Social Sciences Ethics Committee.

Further information and contact details

Please feel free to contact me using my provided e-mail address should you need any further information regarding this study.

Concluding statement

I sincerely thank you for taking the time to read the information sheet regardless of your decision to participate or not. If you decide to participate you will be given a copy of the information sheet to keep and your consent will be sought.

I hereby emphasize that as a researcher I do not have the political power to make changes to the current conditions within detention centres. My intention is to present your views in written work, in the form of quotes and extracts, as part of my academic research project. To this end, I will not divulge information to the Greek Authorities. Moreover, the interview will be strictly confidential and the NGO who employs you will not have access to your data whatsoever.

I would be grateful if you supported me in this research project.

Yours sincerely,

Ioannis Papadopoulos

Institute of Criminal Justice Studies
 Ravelin House, Museum Road, Portsmouth PO1 2QQ
 Tel. +44(0)2392843933, E-mail. icjsapplications@port.ac.uk

Researcher's Contact Details
 Ioannis Papadopoulos (LL.M., LL.B., PhD candidate ICJS, UoP)
 Park Building, King Henry 1 Street, Portsmouth PO1 2DZ
 E-mail. ioannis.papadopoulos@port.ac.uk
 Department: Institute of Criminal Justice Studies
 Faculty of Humanities and Social Sciences



Consent Form

October 05th, 2017

Study Title: 'The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece'.

	Please initial if you understand and agree
I have read and understood the information sheet dated October 5 th , 2017, for this study.	
I have had the opportunity to ask questions and have had these answered satisfactorily and I am willing to take part in this research.	
I can change my mind about taking part at any time up until the start of the interview.	
I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason, (up to the end of the interviewing process)	
If I change my mind it will not in any way affect my current status.	
The interview will be audio-recorded and the interviewer will make written notes.	
I will not be named in any of the research and I agree to being quoted verbatim with the use of a pseudonym.	
I understand that the information will be stored safely and the researcher is going to be the only one with clearance.	
Data collected during the study, may be looked at by individuals from University of Portsmouth to check that the study is being carried out correctly, or from regulatory authorities for future research, to which I agree. No other person except the researcher will be able to see the information.	
I understand that should I be unhappy about the way I am treated then I (or someone for me) should contact the University's Complaints team on 02392843642 or by email at complaintsadvice@port.ac.uk . Staff in the Complaints team will discuss your complaint with you and will contact other members of staff to try to resolve your concerns.	
Please print your name, and date to indicate your agreement to all of the above.	
Name, date and signature of researcher.	

Institute of Criminal Justice Studies

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 Tel. +44(0)2392843933, E-mail. icjsapplications@port.ac.uk

Researcher's Contact Details

Ioannis Papadopoulos (LL.M., LL.B., PhD candidate ICJS, UoP)
 Park Building, King Henry 1 Street, Portsmouth PO1 2DZ
 E-mail. ioannis.papadopoulos@port.ac.uk
 Department: Institute of Criminal Justice Studies
 Faculty of Humanities and Social Sciences

**Confidentiality Agreement**October 5th, 2017

Study Title: *'The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece'*.

As participant in this research study, I understand that I may have access to confidential information about this research study. By signing this agreement, I am indicating my understanding of my responsibilities to maintain confidentiality and agree to the following:

- I understand that names and any other identifying information about this research study and participants are completely confidential.
- I agree not to divulge, publish, or otherwise make known to anyone other than the Researcher, any information obtained in the course of this research project that could identify me or other persons who participated in the study.
- I understand that all information about this research project or participants obtained or accessed by me during my participation in this research project is confidential. I agree not to divulge or otherwise make known to anyone other than the Researcher any of this information.
- I understand that I am not to read information about this research project, or any other confidential documents, nor ask questions regarding this research project for my own personal information but only to the extent and for the purpose of performing my assigned duties on this research project.
- I agree to notify the Researcher immediately should I become aware of an actual breach of confidentiality or a situation which could potentially result in a breach, whether this be on my part or on the part of other participants/third parties.

(Print Name)_____
(Signature)_____
(Date)

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 Tel. +44(0)2392843933, E-mail. icjsapplications@port.ac.uk

Researcher's Contact Details
 Ioannis Papadopoulos (LL.M., LL.B., PhD candidate ICJS, UoP)
 Park Building, King Henry 1 Street, Portsmouth PO1 2DZ
 E-mail. ioannis.papadopoulos@port.ac.uk
 Department: Institute of Criminal Justice Studies
 Faculty of Humanities and Social Sciences



Debriefing Sheet

October 5th, 2017

Study Title: *The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece.*

Dear participant,

Thank you for taking part in this research. The proposed study attempts to explore the ways in which refugee male unaccompanied minors (hereafter UAM) experienced detention after arriving in Greece, how they perceive the support available to them by Greek authorities on arrival and the UNCRC rights that are granted to them by the Greek Government, with the main aim being to give voice to this group of young refugees. The purpose of this study is to improve conditions of detention and practices with regard to the asylum-process and the support needed to facilitate positive adjustment and integration in countries such as Greece, that temporary host UAM, under the legal scope of detention or protective custody. Furthermore, by providing detained unaccompanied minors with the ability to be heard, I aim to expand our knowledge and gain greater awareness regarding the actual conditions UAM face in detention, under the scope of the UNCRC and further focus our attention, resources and research findings in order to highlight the need of establishing minimum standards regarding UNCRC implementation for detained minors seeking asylum.

To this purpose you have been invited, interviewed and asked to provide your professional opinion, experience, knowledge and expertise to my research project and add extra validity to my research findings that were presented to you.

If you are unhappy with any aspect of this study or how it was conducted, please let the researcher know. Remember you can withdraw your data at this point if you wish. If you have any further concerns or questions please do not hesitate to get in touch with either myself, or my supervisor, Dr. Aaron Pycroft (aaron.pycroft@port.ac.uk)

Thank you once again for participating in this study!

Ioannis Papadopoulos

If you are unhappy about the way you were treated then you can contact the University's Complaints team on 02392843642 or by email at complaintsadvise@port.ac.uk. Staff in the Complaints team will discuss your complaint with you and will contact other members of staff to try to resolve your concerns.

III. Favourable Ethical Opinion

Professor Matthew Weait, BA (Hons), MA, MPhil, DPhil
Dean

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FAVOURABLE ETHICAL OPINION (with conditions)

Name: Ioannis Papadopoulos

Study Title: The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece. An interpretative phenomenological analysis.

Reference Number: 16/17:47

Date Resubmitted: 02/06/2017

Thank you for resubmitting your application to the FHSS Ethics Committee and for making the requested changes/ clarifications.

I am pleased to inform you that FHSS Ethics Committee was content to grant a favourable ethical opinion of the above research on the basis described in the submitted documents listed at Annex A, and subject to standard general conditions (*See Annex B*).

With this there are a number of ethical conditions to comply with, and some additional advisory notes you may wish to consider, all shown below.

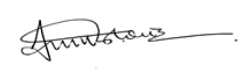
Condition(s)¹

1. Consent forms and information sheets: must be supplied to children aged 14-18 years
2. Accessibility: consent forms and information sheets must be translated into the native language of prospective participant (children aged 14-18 years)
3. Informed Consent: A period of 48 hours between being provided with consent forms and information sheets to the prospective participant (children aged 14 - 18 years) must be given so that the prospective participant has a reasonable length of time to consider whether they wish to engage with the research
4. Withdrawal: the participant must be given until the beginning of data analysis as a time-frame for withdrawing consent. The researcher must inform the participant when data analysis is likely to commence and provide contact details for informing researcher about withdrawing. (This refers to children aged 14 - 18 years)
5. Debrief: the debriefing document must be provided in the native language of participants (children aged 14 - 18 years)

¹ A favourable opinion will be dependent upon the study adhering to the conditions stated, which are based on the application document(s) submitted. It is appreciated that Principal Investigators may wish to challenge conditions or propose amendments to these in the resubmission to this ethical review.

Please note that the favourable opinion of FHSS Ethics Committee does not grant permission or approval to undertake the research/ work. Management permission or approval must be obtained from any host organisation, including the University of Portsmouth or supervisor, prior to the start of the study.

Wishing you every success in your research



Chair

Dr Jane Winstone

Email: ethics-fhss@port.ac.uk

Annexes

A - Documents reviewed

B - After ethical review

ANNEX A - Documents reviewed

The documents ethically reviewed for this application

<i>Document</i>	<i>Version</i>	<i>Date</i>
Application Form	2	02/06/2017
Invitation Letter	2	02/06/2017
Participant Information Sheet	2	02/06/2017
Consent Form	2	02/06/2017
Supervisor Email Confirming Application	2	02/06/2017
Confidentiality Agreement Form for Participant/Third Party	1	02/06/2017
Confidentiality Agreement Form for Translators	1	02/06/2017
Debriefing Document	1	02/06/2017

ANNEX B - After ethical review

1. This Annex sets out important guidance for those with a favourable opinion from a University of Portsmouth Ethics Committee. Please read the guidance carefully. A failure to follow the guidance could lead to the committee reviewing and possibly revoking its opinion on the research.

2. It is assumed that the work will commence within 1 year of the date of the favourable ethical opinion or the start date stated in the application, whichever is the latest.
3. The work must not commence until the researcher has obtained any necessary management permissions or approvals – this is particularly pertinent in cases of research hosted by external organisations. The appropriate head of department should be aware of a member of staff's plans.
4. If it is proposed to extend the duration of the study beyond that stated in the application, the Ethics Committee must be informed.
5. Any proposed substantial amendments must be submitted to the Ethics Committee for review. A substantial amendment is any amendment to the terms of the application for ethical review, or to the protocol or other supporting documentation approved by the Committee that is likely to affect to a significant degree:
 - (a) the safety or physical or mental integrity of participants
 - (b) the scientific value of the study
 - (c) the conduct or management of the study.
 - 5.1 A substantial amendment should not be implemented until a favourable ethical opinion has been given by the Committee.
6. At the end of the work a final report should be submitted to the ethics committee. A template for this can be found on the University Ethics webpage.
7. Researchers are reminded of the University's commitments as stated in the [Concordat to Support Research Integrity](#) viz:
 - maintaining the highest standards of rigour and integrity in all aspects of research
 - ensuring that research is conducted according to appropriate ethical, legal and professional frameworks, obligations and standards
 - supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice and support for the development of researchers
 - using transparent, robust and fair processes to deal with allegations of research misconduct should they arise
 - working together to strengthen the integrity of research and to reviewing progress regularly and openly.
8. In ensuring that it meets these commitments the University has adopted the [UKRIO Code of Practice for Research](#). Any breach of this code may be considered as misconduct and may be investigated following the University [Procedure for the Investigation of Allegations of Misconduct in Research](#). Researchers are advised to use the [UKRIO checklist](#) as a simple guide to integrity.

IV. Favourable Ethical Opinion (substantial amendment)

Professor Matthew Weait, BA (Hons), MA, MPhil, DPhil
Dean

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FAVOURABLE ETHICAL OPINION (with advisory) – Substantial Amendment

Name: Ioannis Papadopoulos

Study Title: "The implementation of the UNCRC provisions regarding unaccompanied minors (refugees) within detention centres in Greece. An interpretative phenomenological analysis"

Reference Number: 16/17:47

Date: 30/10/2017

Thank you for submitting your substantial amendment to the FHSS Ethics Committee.

I am pleased to inform you that FHSS Ethics Committee was content to grant a favourable ethical opinion of the above research on the basis described in the submitted documents listed at Annex A, and subject to standard general conditions (*See Annex B*).

With this there are a number of ethical conditions to comply with, and some additional advisory notes you may wish to consider, all shown below.

Advisory Note(s)¹

- A. English as a second language: in order to ensure full participation, it may be important to check that all members of the focus group and the facilitator are able to proficiently communicate in English where this may not be their first language.
- B. Amendments: in the participant information sheet, consent form and invitation letter, all references to 'interview' need to be changed to 'interview or focus group'.

Please note that the favourable opinion of FHSS Ethics Committee does not grant permission or approval to undertake the research/ work. Management permission or approval must be obtained from any host organisation, including the University of Portsmouth or supervisor, prior to the start of the study.

Wishing you every success in your research

¹ The comments are given in good faith and it is hoped they are accepted as such. The PI does not need to adhere to these, or respond to them, unless they wish to.

Chair

Dr Jane Winstone

Email: ethics-fhss@port.ac.uk

Annexes

A - Documents reviewed

B - After ethical review

ANNEX A - Documents reviewed

The documents ethically reviewed for this application

<i>Document</i>	<i>Version</i>	<i>Date</i>
Application Form	3	Oct 5 th 2017
Invitation Letter	3	Oct 5 th 2017
Participant Information Sheet	3	Oct 5 th 2017
Consent Form	3	Oct 5 th 2017
Supervisor email confirming application	3	Oct 5 th 2017
Other – confidentiality agreement form for participant/third party	3	Oct 5 th 2017
Other – Debriefing Document	3	Oct 5 th 2017
Other – Confidentiality agreement form for translators	1	June 2 nd 2017

ANNEX B - After ethical review

1. This Annex sets out important guidance for those with a favourable opinion from a University of Portsmouth Ethics Committee. Please read the guidance carefully. A failure to follow the guidance could lead to the committee reviewing and possibly revoking its opinion on the research.
2. It is assumed that the work will commence within 1 year of the date of the favourable ethical opinion or the start date stated in the application, whichever is the latest.
3. The work must not commence until the researcher has obtained any necessary management permissions or approvals – this is particularly pertinent in cases of research hosted by external organisations. The appropriate head of department should be aware of a member of staff's plans.
4. If it is proposed to extend the duration of the study beyond that stated in the application, the Ethics Committee must be informed.

5. Any proposed substantial amendments must be submitted to the Ethics Committee for review. A substantial amendment is any amendment to the terms of the application for ethical review, or to the protocol or other supporting documentation approved by the Committee that is likely to affect to a significant degree:

- (a) the safety or physical or mental integrity of participants
- (b) the scientific value of the study
- (c) the conduct or management of the study.

5.1 A substantial amendment should not be implemented until a favourable ethical opinion has been given by the Committee.

6. At the end of the work a final report should be submitted to the ethics committee. A template for this can be found on the University Ethics webpage.

7. Researchers are reminded of the University's commitments as stated in the [Concordat to Support Research Integrity](#) viz:

- maintaining the highest standards of rigour and integrity in all aspects of research
- ensuring that research is conducted according to appropriate ethical, legal and professional frameworks, obligations and standards
- supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice and support for the development of researchers
- using transparent, robust and fair processes to deal with allegations of research misconduct should they arise
- working together to strengthen the integrity of research and to reviewing progress regularly and openly.


8. In ensuring that it meets these commitments the University has adopted the [UKRIO Code of Practice for Research](#). Any breach of this code may be considered as misconduct and may be investigated following the University [Procedure for the Investigation of Allegations of Misconduct in Research](#). Researchers are advised to use the [UKRIO checklist](#) as a simple guide to integrity.

V. Form UPR16

FORM UPR16**Research Ethics Review Checklist**

Please include this completed form as an appendix to your thesis (see the Research Degrees Operational Handbook for more information)



Postgraduate Research Student (PGRS) Information		Student ID:	UP831608
PGRS Name:	Ioannis Papadopoulos		
Department:	ICJS	First Supervisor:	Dr. Aaron Pycroft
Start Date: (or progression date for Prof Doc students)	01.10.2016		
Study Mode and Route:	Part-time <input checked="" type="checkbox"/>	MPhil <input type="checkbox"/>	MD <input type="checkbox"/>
	Full-time <input type="checkbox"/>	PhD <input checked="" type="checkbox"/>	Professional Doctorate <input type="checkbox"/>
Title of Thesis:	'The voice of the child': Examining the criminalisation of unaccompanied migrant minors through detention processes in Greece.		
Thesis Word Count: (excluding ancillary data)	78.800		
<p>If you are unsure about any of the following, please contact the local representative on your Faculty Ethics Committee for advice. Please note that it is your responsibility to follow the University's Ethics Policy and any relevant University, academic or professional guidelines in the conduct of your study</p> <p>Although the Ethics Committee may have given your study a favourable opinion, the final responsibility for the ethical conduct of this work lies with the researcher(s).</p>			
UKRIO Finished Research Checklist:			
(If you would like to know more about the checklist, please see your Faculty or Departmental Ethics Committee rep or see the online version of the full checklist at: http://www.ukrio.org/what-we-do/code-of-practice-for-research/)			
a) Have all of your research and findings been reported accurately, honestly and within a reasonable time frame?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
b) Have all contributions to knowledge been acknowledged?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
c) Have you complied with all agreements relating to intellectual property, publication and authorship?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
d) Has your research data been retained in a secure and accessible form and will it remain so for the required duration?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
e) Does your research comply with all legal, ethical, and contractual requirements?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
Candidate Statement:			
I have considered the ethical dimensions of the above named research project, and have successfully obtained the necessary ethical approval(s)			
Ethical review number(s) from Faculty Ethics Committee (or from NRES/SCREC):	16/17:47		
If you have <i>not</i> submitted your work for ethical review, and/or you have answered 'No' to one or more of questions a) to e), please explain below why this is so:			
Signed (PGRS):		Ioannis Papadopoulos	Date: 01.11.2020

