

Degree Program In International Relations

Course Of Migration In The Mediterranean

**Between Law And Practice: Evaluating Greece's Compliance
With EU Child Protection Norms For Migrants Children**

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Abstract

This thesis analyzes the gap between what the law promises and what happens in reality when it comes to protecting migrant children in Greece. While the European Union has established a strong and detailed legal framework to safeguard children's rights, what is applied on the ground often fails. This research focuses on how Greece's ongoing use of detention practices, especially the so-called "secure zones", relates to its official legal commitments under EU child protection rules.

To investigate this issue, this thesis uses a qualitative case study approach, applying the Implementation Theory developed by Betts and Orchard. This framework helps explain why a law that is written and signed does not always follow with a coherent implementation on the ground. The theory identifies key causal mechanisms (ideational, material and institutional) that influence how laws are rightly applied.

The Greek case shows serious gaps in several areas, including poor living conditions in camps, unreliable age assessments methods, delays in family reunification and confusion between reception and detention procedures. These issues are linked not only to Greece's limited capacity but also to broader EU-level governance, such as weak following up and a lack of coordination between governments, institutions and NGOs.

This thesis offers a clear and practical explanation of why child protection laws often fail to work in the context of migration. It ends with preliminary policy recommendations for both Greece and the European Union. Overall, the Greek example reveals deeper structural issues in the European governance of migration, where children's rights are too often neglected at the expense of a focus on control and security.

Abbreviations

CCAC	Closed Controlled Access Centre
CFREU	Charter of Fundamental Rights of the European Union
CJEU	European Court of Justice
CPT	European Committee for the Prevention of Torture
CRC	United Nations Convention on the Rights of the Child
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EKKA	National Centre for Social Solidarity
EU	European Union
EUAA	European Union Agency for Asylum
ESI	Emergency Support Instrument
FAMI	European Union's Asylum, Migration, and Integration Fund
FRA	EU Agency for Fundamental Rights
GCR	Greek Council for Refugees
IO	International Organization
IOM	International Organization for Migration
NERM	National Emergency Response Mechanism
NGO	Nongovernmental organization
PRDC	Pre-Removal Detention Center
RIC	Reception and Identification Center
RIS	Reception and Identification Service
SSPUAM	Special Secretariat for the Protection of Unaccompanied Minors
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UNHCR	United Nations High Commissioner for Refugees

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Introduction

“Imagine a child arriving alone in Greece, only to discover there is nowhere safe to go. Shelters are full. Camps are overcrowded. They are simply placed in accommodation resembling detention, waiting for help that may never come.”¹

This is the daily reality for thousands of children migrating to Greece at the end of 2024.² In July 2024, Greece registered around 4,700 new arrivals of refugees and migrants, bringing the total number for the year to over 23,000. Most entered via sea routes, and about one-third were minors. The majority came from Afghanistan, Syria, Iraq, Palestine and Egypt. By the end of August, nearly 20,000 people were hosted across mainland and island reception facilities, including 4,800 children.³ This important influx has intensified the pressure on child protection systems, especially in terms of guardianship and long-term shelter availability, pushing the Ministry of Migration and Asylum to explore alternative solutions. These figures represent double the arrivals of the previous year. Among them, most of the children arrived without parents, legal guardians or safe housing options.⁴ Such data highlights the pressing nature of the problem and the need for comprehensive research and solutions.

Despite international and national legal obligations, many of these children were placed in what they call “secure zones”, often locked behind fences, with no access to school, legal help or psychological care.⁵ In fact, Greek authorities, facing overcrowded camps and limited resources, identify these spaces as “protective”, but their operation raises serious legal and humanitarian concerns. This disparity between legal protection and real-world detention is at the core of this research. Greece has formally committed to protect minors through international conventions, European Union (EU) law and national reforms. Yet, humanitarian organisations consistently report violations, arbitrary detention, unsafe living conditions,

¹ Save the Children. “Child Migrant Arrivals in Greece Quadruple This Year.” *Save the Children International*, last modified January 4, 2024. <https://www.savethechildren.net/news/child-migrant-arrivals-greece-quadruple-year>.

² UNHCR. *Greece: UNHCR Operational Update, August 2024*. September 26, 2024. <https://data.unhcr.org/en/documents/details/116166>.

³ UNICEF. *Humanitarian Situation Report No. 3: Refugee and Migrant Response in Europe (1 July–30 September 2024)*. New York: UNICEF, 2024. [https://www.unicef.org/media/164336/file/ECARO%20Humanitarian%20Situation%20Report%20Update%20No.%203%20\(Refugee%20and%20Migrant%20Response%20in%20Europe\)%201%20July%20to%2030%20September%202024.pdf](https://www.unicef.org/media/164336/file/ECARO%20Humanitarian%20Situation%20Report%20Update%20No.%203%20(Refugee%20and%20Migrant%20Response%20in%20Europe)%201%20July%20to%2030%20September%202024.pdf).

⁴ ⁴ Save the Children. “Child Migrant Arrivals in Greece Quadruple This Year.”

⁵ Smith, Helena. “Greece Facing Emergency as Arrivals of Refugee Children Expected to Surge in 2024.” *The Guardian*, December 23, 2024. <https://www.theguardian.com/world/2024/dec/23/greece-refugee-children-emergency-arrivals-2024-protection>.

unreliable age assessment procedures and failures in family reunification.⁶ These issues point to a systemic problem between legal norms and their implementation in practice.

Therefore, this thesis investigates that gap. Specifically, it asks: How does the detention of migrant children in Greece fulfill its commitment to European Union's legal commitments to child protection? Even though there is a lot of research on European migration policies, in academic literature, most of it focuses on legal rules or on humanitarian aid on the ground, but rarely on how these policies are actually applied in practice.⁷ This is a problem, because many policies that look good on paper are difficult to implement in real life, especially when it comes to protecting vulnerable people like unaccompanied minors, women or people without legal status. Most studies look at either the legal system or the humanitarian situation on the ground, but not both at the same time. This creates a fragmented view that does not help us fully understand how legal obligations are or are not implemented in the day-to-day situation.⁸ We do not get the full picture of what really happens when policies are supposed to protect people on the ground.

One key issue is the lack of protection for vulnerable groups. Even though European laws mention the need to protect people with special needs, security concerns often come first. For example, the New Pact on Migration and Asylum includes procedures to check for vulnerabilities, but only unaccompanied minors are clearly exempt from fast border procedures, and even then, only if they are not seen as a security risk.⁹ Moreover, there are many practical and political problems that make it hard to apply EU rules in a fair and consistent way. Each country has its own approach, and migration is a highly political topic.¹⁰ This leads to big differences in how people are treated depending on where they arrive and how

⁶ Amnesty International, *Samos: Unlawful Detention and Sub-standard Conditions Must Not Become a Blueprint for the EU Migration Pact*, Amnesty International European Institutions Office, last modified October 4, 2021, <https://www.amnesty.eu/news/samos-unlawful-detention-and-sub-standard-conditions-must-not-become-a-blueprint-for-the-eu-migration-pact/>.

⁷ Cathryn Costello and Mariya Nikolova, *Report on the Application of the EU Charter of Fundamental Rights to the Area of Freedom, Security and Justice* (FRAME Deliverable 11.3, August 2016), <https://fp7-frame.eu/wp-content/uploads/2016/08/Deliverable-11.3.pdf>.

⁸ Jakub Bijak et al., *Policy-Driver Interactions in International Migration: Modelling Report D1.4* (QuantMig Project, September 30, 2021), <https://www.quantmig.eu/res/files/QuantMig%20D1.4%20Policy-Driver%20Interactions%20V1.1%2030Sep2021DL.pdf>.

⁹ European Policy Centre, *The Implementation of the New Pact on Migration and Asylum: Towards a European Governance of Migration?* (EPC Discussion Paper, 2021), https://www.epc.eu/content/New_Pact_Book_Web.pdf.

¹⁰ European Parliamentary Research Service (EPRS), *The European Union and Migration: Key Facts and Figures* (Briefing 767218, January 2025), [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2025\)767218](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2025)767218).

local authorities decide to act. Although there is solid research on the legal and humanitarian sides of migration, there is still a clear gap in the academic literature when it comes to understanding how policies are applied in practice. To protect vulnerable groups more effectively, we need studies that look at both the legal framework and how it works or fails in real situations, using strong analytical tools.

Therefore, this research aims to fill that gap by combining legal analysis, the reality on the ground and a theoretical framework that explains why the gap persists even when compliance on paper has been agreed. To guide the analysis, this thesis adopts a qualitative case study approach focusing on Greece, and drawing on EU legal documents, non-governmental organization (NGO) reports and academic literature. The analytical framework is based on the Implementation Theory developed by Betts and Orchard (2014). This theory distinguishes between institutionalisation (the adoption of norms) and implementation (their translation into practice), and identifies three categories of causal mechanisms: ideational, which concerns cultural incompatibility or ambiguous interpretation of norms; material, concerning lack of financial and human resources; and stakeholder interests, encompassing political or bureaucratic resistance and institutional fragmentation, with poor coordination among actors.¹¹ These categories help analyze why states may fail to apply norms they have formally accepted. This framework is particularly useful in contexts like Greece, where formal transposition into national law has occurred, but practical outcomes fall.

Greece presents a relevant case for such analysis. As one of the EU's primary entry points, it plays a frontline role in migration management. Its dualist legal system requires the translation of EU and international law into domestic legislation, making it a good case to explore both legal compliance and practical implementation. In recent years, Greece has undergone major reforms, including the 2020 abolition of protective custody for minors and the creation of EU-funded Closed Controlled Access Centres (CCACs).¹² Yet, reports of children being detained, misidentified or neglected persist, suggesting that legal change does not necessarily mean effective protection.¹³ The aim of this research is predominantly

¹¹ Alexander Betts and Phil Orchard, eds., *Implementation and World Politics: How International Norms Change Practice* (Oxford: Oxford University Press, 2014)

¹² European Commission, *Construction of New Reception Centres in Greece*, Migration and Home Affairs, last modified 2024, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-greece/construction-new-reception-centres_en.

¹³ Amnesty International, *Samos: Unlawful Detention and Sub-standard Conditions Must Not Become a Blueprint for the EU Migration Pact*, Amnesty International European Institutions Office, last modified October

explanatory, which allows for some preliminary policy recommendations. It does not seek to criticise Greece in isolation but to understand the multi-level factors that undermine child protection in migration. It also aims to contribute to broader debates on EU migration governance, and the limits of norm enforcement.

To do so, this thesis is organised into three main chapters. Chapter 1 presents the legal framework protecting migrant children. It covers international and European instruments, such as the United Nations Convention of the Right of the Child (CRC), the Refugee Convention, European directives and regulations (for example, the Reception Conditions Directive), the Asylum Procedures Directive, Dublin III, and Greek national law. This chapter shows how, despite extensive legal commitments, legal ambiguity and flexible interpretations undermine practical protection. Chapter 2 introduces the situation on the ground by focusing on the Greek case, from the beginning of the current crisis until the present, comparing legal obligations with field realities, and focusing on some major issues, including detention practices, reception conditions, age assessments and family reunification. Finally, Chapter 3 offers a critical analysis of Greece's performance. To do so, the theoretical framework of Implementation Theory and its three causal mechanisms will be introduced. This section provides the conceptual tools to identify why legal obligations fail to translate into reality, using both academic and institutional sources. After that, with the major issues mentioned above in mind, we apply the three causal mechanisms to explain observed failures. The chapter also analyzes the respective roles of the EU and state in terms of implementation responsibility and ends with preliminary recommendations, including better coordination mechanisms, stronger EU oversight and funding tied to rights-based performance. Finally, it draws lessons from the Greek case that can inform policy reform across the EU, especially regarding frontline states.

In conclusion, throughout this thesis, the investigation concerns whether and how the detention of migrant children in Greece fails to comply with the European Union's enforcement of legal commitments to child protection. While the EU maintains a strong normative framework on children's rights, the persistence of detention practices raises critical questions about implementation, accountability and the balance between control and protection. This research aims to examine whether these practices are indicative of systemic gaps within EU

4, 2021, <https://www.amnesty.eu/news/samos-unlawful-detention-and-sub-standard-conditions-must-not-become-a-blueprint-for-the-eu-migration-pact/>.

governance and enforcement and to what extent they challenge the effectiveness of legal commitments made at the European level.

Methodology

This thesis is based on qualitative research. It seeks to analyze how EU legal norms related to the protection of migrant children are implemented in Greece. Therefore, the goal is to understand the dynamics and causes underlying the inconsistent or insufficient application of legally binding norms, not to quantify the number of violations. Given the complexity of legal, institutional and political variables involved, a qualitative case study design is most appropriate.

Greece was chosen as a unique case study for several reasons. As one of the main points of entry for asylum seekers and migrants into the EU, it represents an essential area to test the effectiveness of European standards. Although Italy could also have served as a relevant comparison, Greece's dualist legal system, which requires the transposition of international and European law into national legislation, offers a particularly rich context for analysing both formal compliance and practical implementation. Moreover, the country's repeated struggles with child protection in the context of migration governance make it a relevant case, particularly in terms of finding possible solutions.

This research relies entirely on secondary sources. Most sources used are official legal or institutional documents, which ensures a high degree of reliability. These include international legal texts such as the UN Convention on the Right of the Child, European Union legal texts, including the Charter of Fundamental Rights, relevant case law from the European Court of Justice (CJEU), and Greek legal and policy documents, including national transposition and administrative guidelines. Moreover, institutional reports from relevant organizations are utilized, such as from the European Commission, the EU Agency for Fundamental Rights (FRA), the United Nations High Commissioner for Refugees (UNHCR), Human Rights Watch, UNICEF, and Greek NGOs such as the Greek Council for Refugees, due to their strong authority and relevance. These sources provide an empirical foundation for detecting implementation gaps and highlighting specific challenges.

Legal and policy documents, reports, and press articles were thematically cross-analyzed and compared to detect converging patterns or contradictions in implementation

practices. In fact, sources were selected based on three main criteria: (1) direct relevance to unaccompanied minors in Greece, (2) publication between 2018 and 2025, and (3) institutional credibility. Key areas of concerns were derived from the research question and included detention practices, living conditions, age assessment procedures and family reunification mechanisms. For each of these issues, documents were examined for indications of implementation gaps, that is, contradictions between law and practice. The convergences and differences between reality and legal standards were found using a comparison matrix.¹⁴

Moreover, this research relies also on a specific theory, namely Implementation Theory developed by Betts and Orchard (2014). Through this framework, three categories of causal mechanisms are used which are central to understanding whether a norm is implemented correctly. This theory is applied to the case study and used to describe possible factors responsible for an implementation gap in Greece.

The aim of this research is not predominantly normative or historical but rather explanatory. The goal is not to analyze the legitimacy of legal standards but rather to explore how child protection norms are exercised on the ground. This methodological approach directly supports the central research question, which aims to explain the causes behind the implementation gap in Greece, despite formal legal compliance with EU norms. The case study and associated theoretical framework is therefore used to frame the current academic and institutional debate.

Lastly, it is important to mention the limitations of this research. While this research relies entirely on secondary sources, including legal texts, institutional reports and NGO data, this choice was methodologically justified by the research objective to analyse legal implementation dynamics using a theoretical framework. Although collecting primary data through interviews with stakeholders in Greece could have enriched the analysis, limited access to the field made this unfeasible within the scope of a master's thesis. This limitation is acknowledged, yet as Greece well represents frontline countries situation, this case serves as an instructive example and as a strategic choice for analysing EU migration governance.

¹⁴ See appendices 1.

Chapter 1

Multilevel Legal Protections For Migrant Children

Given that the central objective of this thesis is to assess the extent to which Greece is applying European standards for the protection of migrant children, it is essential to first establish a clear and structured overview of the relevant legal instruments. This legal framework sets the foundation for the following analysis by presenting the key international, European and national legal provisions that define the rights of unaccompanied minors. Each legal source examined in this section will be later relevant when confronted with the practical realities observed in Greece, allowing for a critical evaluation of potential implementation gaps.

1. 1 International Law On The Protection Of Migrant Children

It is crucial to recognise the significance of international conventions and treaties, even if the primary focus of this thesis is European law. Although an in-depth review of every legal system would have been too ambitious, many international agreements serve as the foundation of European legal standards and represent similar values and protection. In order to give context and draw attention to the larger legal environment that has impacted the creation of European standards, some important international documents are included in this section.

The CRC And The Principle Of The Best Interests Of The Child

The United Nations Convention on the Rights of the Child, adopted in 1989, is the most comprehensive international treaty on children's rights. It has been ratified by all EU Member States, making it a legally binding framework for child protection.¹⁵ According to the CRC, a child is defined as “every human being below the age of eighteen years”,¹⁶ and under Article 3, the principle of the best interests of the child must guide all legal and administrative decisions affecting them. This fundamental principle underpins all other obligations within the CRC and serves as a guiding standard for procedures concerning decisions on detention.

¹⁵ United Nations, *Convention on the Rights of the Child*, adopted November 20, 1989, entered into force September 2, 1990, United Nations Treaty Series, vol. 1577, p. 3.

¹⁶ CRC, art.1.

The CRC strictly prohibits the unlawful or arbitrary detention of children, emphasizing that depriving a child of his or her liberty should only be a last resort and for the shortest possible period.¹⁷ It also specifically addresses the rights of refugee children, requiring states to take appropriate measures to protect unaccompanied minors.¹⁸ This includes facilitating family reunification, reinforcing the idea that children should never be left without care and support.

Beyond these protections, the CRC establishes fundamental rights for all children, regardless of nationality or migration status. Article 2 states that every child under a state's jurisdiction must enjoy the rights set out in the CRC "without discrimination of any kind".¹⁹ This provision is key to ensuring that migrant children receive the same level of protection as native-born children. Additionally, Article 27 affirms children's right to an adequate standard of living in a safe and healthy environment, while Article 28 guarantees access to education as an essential need for the integration and well-being of migrant children.²⁰ The Committee on the Rights of the Child, the CRC's monitoring body, has further clarified these obligations in General Comment No. 6. It stresses that unaccompanied children must be provided with immediate and appropriate protection, including legal representation, guardianship and access to asylum procedures.²¹

However, in practice this principle of the best interest of the child remains very subjective. In fact, there is no international consensus on the precise meaning of the best interests of the child. Actors in different socio-cultural contexts may have very different visions of what constitutes the best interests of a child, posing challenges in situations such as the protection of migrant children. Many authors agree that there is no universally applicable definition of this concept. This lack of a precise definition and its flexibility are both a strength, as they enable it to be adapted to very diverse situations, but also a weakness, as they open the door to varied and potentially abusive interpretations.²² The flexibility of the concept can be exploited by governments, state authorities, parents or professionals to justify actions that are not really in the child's best interests, or even violate his or her rights. Therefore, in the absence of objective criteria and clear guidelines at the national level, the application of the principle

¹⁷ CRC, Art.3.

¹⁸ CRC, Art.22.

¹⁹ CRC, Art. 2

²⁰ CRC, Art. 27., art. 28.

²¹ UN Committee on the Rights of the Child, *General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin*, UN Doc. CRC/GC/2005/6 (1 September 2005).

²² Thomas Hammarberg, *The Principle of the Best Interests of the Child – What It Means and What It Demands from Adults* (speech, Warsaw, 30 May 2008), Commissioner for Human Rights, Council of Europe, CommDH/Speech(2008)10.

can become inconsistent and dependent on the subjective interpretations of decision-makers such as judges or social workers.²³ This problem is particularly relevant when analyzing the Greek system, where the flexibility of the best interest principle can undermine effective protection. This aspect will be later analyzed for understanding the gaps between legal commitments and actual practice in Greece.

International Refugee Law

The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol form the foundation of international refugee law.²⁴ While the Refugee Convention does not explicitly address the rights of children, its principles have been interpreted to apply to minors seeking asylum. The most fundamental provision is Article 33, which establishes the principle of non-refoulement, prohibiting states from returning refugees to countries where they face persecution.²⁵ This Article is particularly relevant in the Greek context, where several reports have documented the return of migrant children to countries considered unsafe, raising serious concerns about potential violations of the principle of non-refoulement and, more broadly, of international refugee law.

For unaccompanied children, the United Nations High Commissioner for Refugees has clarified that special protection measures must be taken to ensure their safety and well-being. The “best interests principle”, as outlined in the CRC, has been incorporated into UNHCR guidelines, requiring states to provide guardianship, access to asylum procedures and family reunification opportunities as key components of child protection policies.²⁶ Several scholars have noted that the Refugee Convention’s lack of child-specific language limits its effectiveness in addressing the unique vulnerabilities of unaccompanied minors.²⁷ In practice, these gaps must be filled by a combination of other legal instruments and soft-law guidelines, which do not always carry the same binding force.

²³ Marie-Pierre Poirier and Fanny de Smet, *Report on Determining the Best Interests of the Child in Migration Procedures* (Namur: Université de Namur / ChildHub, 2019), accessed April 13, 2025, https://pure.unamur.be/ws/portalfiles/portal/19412828/Report_on_Best_Interests_of_the_Child_Web.pdf.pdf.

²⁴ United Nations, *Convention Relating to the Status of Refugees*, adopted 28 July 1951, entered into force 22 April 1954, 189 UNTS 137, and *Protocol Relating to the Status of Refugees*, adopted 31 January 1967, entered into force 4 October 1967, 606 UNTS 267.

²⁵ Refugee Convention, Art. 33.

²⁶ UNHCR, “Unaccompanied Children,” UNHCR Hong Kong, last accessed May 5, 2025, <https://www.unhcr.org/hk/en/unaccompanied-children>.

²⁷ Jason M. Pobjoy, *The Child in International Refugee Law* (Cambridge: Cambridge University Press, 2017).

The European Convention On Human Rights: A Relevant Mechanism?

The European Convention on Human Rights (ECHR) also serves as an international legal framework for protecting unaccompanied migrant children in Europe.²⁸ The ECHR applies to all individuals within the jurisdiction of a Member State, ensuring that child migrants are entitled to the same fundamental protections as citizens. Several ECHR provisions directly relate to the treatment of migrant children. The the European Court of Human Rights (ECtHR) has ruled that detaining children in detention conditions may constitute inhuman or degrading treatment under Article 3 on the prohibition of torture and inhuman or degrading treatment.²⁹

Under Article 5 (Right to Liberty and Security), the court has emphasized that detention of minors must be an exceptional measure and must be strictly necessary and proportionate.³⁰ The Right to Respect for Private and Family Life of Article 8 has stressed that family unity must be prioritized, and migration enforcement should not interfere with children's ability to reunite with family members.³¹ In the context of migration, it reinforces that migrant children should not face discriminatory treatment compared to national children.³²

Despite these solid legal guarantees, their implementation remains inconsistent across Member States, and Greece has been repeatedly condemned for violating these principles. The *Rahimi v. Greece* ruling (2011) condemned the country for detaining an unaccompanied minor in degrading conditions, a case that remains emblematic of persistent structural failures.³³ Numerous reports subsequently confirm that migrant children are still subject to poor detention conditions, delays in appointing their guardians and a lack of access to education and healthcare.³⁴ This gap between legal standards and national practice highlights the limits of ECHR enforcement mechanisms, particularly when states rely on national security or migration control to justify restrictive measures. In the Greek context, as this thesis will examine, the tension between human rights obligations and migration policy continues to shape the experiences of minors, often to the detriment of their fundamental rights.

²⁸ Council of Europe, *European Convention on Human Rights*, adopted 4 November 1950, entered into force 3 September 1953, ETS No. 5.

²⁹ ECHR, Art. 3.

³⁰ ECHR, Art. 5.

³¹ ECHR, Art. 8.

³² ECHR, Art. 14.

³³ European Court of Human Rights, *Rahimi v. Greece*, no. 8687/08, Judgment of 5 April 2011.

³⁴ UNICEF, *The Analysis of the Situation of Children and Youth in Greece: Exhibition Summary* (Athens: UNICEF Greece, 2021), accessed April 13, 2025, <https://www.unicef.org/greece/media/1391/file/Exhibition%20Summary:%20The%20Analysis%20of%20the%20Situation%20of%20Children%20and%20Youth%20in%20Greece%202021.pdf>.

1.2. European Union Legal Framework

The European Union has developed a complete legal framework to safeguard the rights of unaccompanied migrant children. This framework is ensured in key legal instruments, including the Treaty on European Union (TEU), the Reception Conditions Directive, the Asylum Procedures Directive, the Dublin III Regulation, and the Return Directive. While some of these instruments impose binding obligations on EU Member States, requiring full compliance and integration into national legislation, others are non-binding, serving more as guiding principles or recommendations. This distinction is crucial to understanding the extent to which EU Member States are required to implement and enforce these child protection standards, as binding provisions create legal obligations, while non-binding measures rely more on voluntary adherence and political will. These are the European standards to which the Greek case will be compared throughout this thesis in order to identify implementation gaps.

The Treaty On European Union And The Charter Of Fundamental Rights.

The Treaty on European Union established the foundation for child protection in EU law.³⁵ Article 3(3) declares that the EU shall promote the protection of children's rights in all its policies.³⁶ This commitment is reinforced by the Charter of Fundamental Rights of the European Union (CFREU), particularly in Article 24, which guarantees that children have the right to protection and care necessary for their well-being.³⁷ While the TEU and the Charter establish general legal principles, their enforcement is indirect, meaning that compliance depends on the implementation of secondary legislation, such as directives and regulations.

Yet, despite the fact that both the TEU and the Charter have strong normative claims, the legal impact is not present. They operate as fundamental norms needing more specific laws, such as directives and regulations, to be legally effective.

Living Standards For Migrant Children: Legal Guarantees vs. Daily Struggles

The Reception Conditions Directive (2013/33/EU) is a binding instrument that sets out minimum standards for the treatment of asylum seekers, including minors.³⁸ It ensures that all

³⁵ European Union, *Consolidated Version of the Treaty on European Union*, OJ C 326/13, 26 October 2012.

³⁶ TEU, Art. 3(3).

³⁷ European Union, *Charter of Fundamental Rights of the European Union*, OJ C 326/391, 26 October 2012.

³⁸ European Parliament and Council, *Directive 2013/33/EU of 26 June 2013 Laying Down Standards for the Reception of Applicants for International Protection (Recast)*, [2013] OJ L180/96.

Member States provide an appropriate standard of living, access to healthcare, education and age-appropriate accommodations for unaccompanied children. Article 11 emphasizes that detaining minors who are asylum seekers should always be a measure of last resort, meaning it can only occur if all other less restrictive alternatives have been considered and proven ineffective. In any case, such detention must be for the shortest possible duration, with continuous efforts to release the minors and transfer them to accommodation that is specifically designed to suit their age and developmental needs.³⁹

States must take care of family reunification, minor well-being, and his or her safety and security. If minors are detained, they must have opportunities to participate in activities suitable to their age under paragraph (3) of Article 23.⁴⁰ Moreover, the duty for states to take measures to ensure that a representative assists the unaccompanied minors for ensuring they can benefit from their rights is written under Article 24(1).⁴¹ This representative must act in keeping with the best interest of the child principle. Lastly, under Article 14, minors have the right to access the educational system with similar conditions as native children.⁴²

In Greece, where the treatment of migrant children has been strongly criticized, these broad ideals are frequently symbolic unless supported by actual, enforceable legislation and strong enforcement measures. As this thesis will demonstrate, the Reception Conditions Directive plays a key role in establishing protective standards, but its effectiveness depends largely on administrative capacity.

Procedural Guarantees And The Limits Of Implementation In Greece

The Asylum Procedures Directive (2013/32/EU), on the other hand, outlines procedural safeguards intended to ensure fair treatment and protection of unaccompanied minors throughout their asylum application process.⁴³ Article 25 specifically addresses these guarantees, emphasizing the importance of child-sensitive approaches.⁴⁴

According to this Article, Member States must appoint a qualified representative to assist and represent unaccompanied minors. This representative is tasked with safeguarding the child's best interests, providing necessary legal guidance and ensuring the child understands

³⁹ Reception Conditions Directive, Art. 11.

⁴⁰ Reception Conditions Directive, Art. 23(3).

⁴¹ Reception Conditions Directive, Art. 24(1).

⁴² Reception Conditions Directive, Art. 14.

⁴³ European Parliament and Council, *Directive 2013/32/EU of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection (Recast)*, [2013] OJ L180/60.

⁴⁴ Asylum Procedures Directive, art. 25(1).

their rights and obligations throughout the procedure. Representatives must be impartial and free from any conflicts of interest, and their appointment should be communicated immediately to the child.⁴⁵

Furthermore, representatives must ensure that minors understand the significance and potential outcomes of their personal asylum interview, including adequate preparation for it. Member States must also ensure that the representative or an authorized legal advisor is present during these interviews, allowing them to ask questions or make pertinent comments within established procedural guidelines. Nonetheless, states may mandate the minor's presence at the interview irrespective of the representative's attendance.

Additionally, Article 25 further details the conditions for age assessment procedures, highlighting that medical examinations should only be conducted if no other methods can resolve age-related uncertainties. Any such medical assessments must respect the dignity of the individual, and be conducted by qualified professionals. Moreover, minors and their representatives must receive clear explanations regarding the procedures, methods, potential consequences and their right to refuse the medical examination.⁴⁶

The appointment of a legal guardian and the use of age assessment procedures are especially relevant in the Greek case. There are areas where Greece has faced real difficulties in practice, due to delays, lack of trained staff or unclear procedures.⁴⁷ That is why this directive will be particularly interesting when examining age assessment procedure more closely in the next part of this thesis.

The Struggles Of Coordinating Asylum For Unaccompanied Minors

The Dublin III Regulation (Regulation (EU) No 604/2013) establishes criteria to determine which EU Member State holds responsibility for processing an individual's asylum application.⁴⁸ It particularly emphasizes special provisions for unaccompanied minors.

Article 8 of the regulation prioritizes the principle of family reunification. It specifies that, in cases involving unaccompanied minors, responsibility for examining the asylum

⁴⁵ Asylum Procedures Directive, Art. 25(1).

⁴⁶ Asylum Procedures Directive, Art. 25(2).

⁴⁷ Council of Europe, *Age Assessment for Children in Migration: A Human Rights-Based Approach – A Guide for Policy Makers* (Strasbourg: Council of Europe, 2019), accessed April 13, 2025, <https://www.coe.int/children>.

⁴⁸ European Parliament and Council, *Regulation (EU) No 604/2013 of 26 June 2013 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)*, [2013] OJ L180/31.

application rests primarily with the Member State where the minor's family member or sibling legally resides, provided this arrangement aligns with the best interests of the child.⁴⁹ Additionally, if the minor applicant is married, but he or she is not legally present within any Member State, responsibility falls to the Member State where a parent, other legal guardian or sibling legally resides.

Since the Dublin III Regulation is binding, it directly applies to all EU Member States, without requiring transposition into national law. Nonetheless, practical challenges, particularly bureaucratic barriers and procedural delays in family reunification processes, frequently undermine the regulation's effectiveness, potentially resulting in vulnerable situations for unaccompanied minors. While the Greek legal framework incorporates theoretically solid protections, its implementation suffers from administrative complexity, a lack of resources and an overly restrictive interpretation of family ties.⁵⁰ Structural reforms and greater European cooperation are needed to give concrete form to the principle of the best interests of the child, which will be more deeply analyzed later.

1.3. Greek National Law On Migrant Children rights

Greek national law has undergone significant changes over the past decade, particularly in response to increasing migration flows and international legal obligations. The legislative framework governing migrant children in Greece has evolved from a detention-based approach prior to 2018 to a more protection-oriented legal framework from 2018 onward, aligning itself with EU directives and international human rights standards. However, while legal reforms have taken place, their proper implementation remains a matter for further analysis. This section will focus exclusively on the legal provisions governing migrant children in Greece, tracing their evolution over time.

Pre-2018 Legal Framework: A System Of Detention And Limited Child Protections

Before 2018, Greece's legal framework concerning unaccompanied minors was primarily structured around detention policies rather than protection mechanisms. Unaccompanied minors were frequently placed in protective custody, a system that allowed Greek authorities

⁴⁹ Dublin III Regulation, Art. 8.

⁵⁰ European Council on Refugees and Exiles (ECRE), *Dublin III Regulation: Practice Highlights from Greece*, Policy Note, November 2019, accessed April 13, 2025, <https://ecre.org/wp-content/uploads/2019/11/Policy-Note-Dublin-Greece.pdf>.

to detain children in police stations or detention centers for extended periods due to the lack of available shelter space. While intended to ensure their safety, this practice often resulted in prolonged detention in unsuitable, prison-like conditions, leading to repeated condemnations by international bodies.⁵¹

Before 2018, there was no organized reception system at Greece's borders. Migrants arrested for irregular entry were systematically detained for up to six months in view of their expulsion, and subsequently released with an obligation to leave the country. Key legal instruments that governed the treatment of unaccompanied minors prior to 2018, including Law 3386/2005 (Entry, Residence and Social Integration of Third-Country Nationals), did not distinguish between adults and minors in terms of immigration control, failing to provide any specific safeguards for children.⁵²

Another piece of legislation was Law 3907/2011 (transposition of the EU Returns Directive), which established detention procedures for irregular migrants but lacked adequate protections for unaccompanied minors, leading to their automatic placement in pre-removal detention centers.⁵³

Law 4375/2016 was adopted to align Greek legislation with Directive 2013/32/EU, which establishes common procedures for granting and withdrawing international protection.⁵⁴ Initially, this law provided an exemption from accelerated procedures for all unaccompanied minors. However, this provision was later abolished, leading to further critiques regarding the lack of adequate child protection mechanisms.

Legal Reforms And Shift Towards A Child Protection Framework (2018-2020)

In response to international pressure and increased arrivals of unaccompanied minors, Greece undertook major legal reforms from 2018 onwards, introducing a more protection-oriented framework. One of the most significant changes was Law 4554/2018 (Guardianship Law for

⁵¹ European Parliamentary Research Service, *Migration and Asylum: Challenges for the EU* (Brussels: European Parliament, 2022), accessed April 13, 2025, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729356/EPRS_BRI\(2022\)729356_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729356/EPRS_BRI(2022)729356_EN.pdf).

⁵² Global Detention Project, *Immigration Detention in Greece: Policies, Practices, and Conditions* (Geneva: Global Detention Project, 2018), accessed April 13, 2025, <https://www.globaldetentionproject.org/wp-content/uploads/2018/01/GDP-Immigration-Detention-Report-Greece-2018.pdf>.

⁵³ European Union Agency for Fundamental Rights (FRA), *Migration: Key Fundamental Rights Concerns – Bulletin 1/2021*, 2021, accessed April 13, 2025, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin_en.pdf

⁵⁴ Greek National Commission for Human Rights (GNCHR), *Observations on the Asylum and Return Legislation Reform*, 2021, accessed April 13, 2025, <https://www.nchr.gr>.

Unaccompanied Minors), establishing the first official guardianship system in Greece. This law aimed to provide specialized care and legal representation to protect children's rights more effectively.⁵⁵

Furthermore, Greek Law 4636/2019, enacted in November 2019, introduced significant reforms to the asylum framework, incorporating elements of EU directives into national legislation. While the law abolished the detention of unaccompanied minors in police stations, it did not entirely eliminate administrative detention for minors within the context of asylum and immigration.⁵⁶ Detention remains permissible under exceptional circumstances as a last resort, with a maximum duration of 25 days, extendable by an additional 20 days in extraordinary cases. The legislation also significantly expanded and generalized the use of detention measures for asylum seekers, including children, extending the maximum period of detention from three months to 18 months, a development widely criticized when dealing with EU legal standards compliance.⁵⁷

In response to these challenges, the government launched the “No Child Alone” initiative in 2019, which aimed to phase out protective custody for minors while increasing shelter capacity and establishing a National Emergency Response Mechanism (NERM) for children. This initiative marked a shift toward a child-centered policy approach but was insufficient to address broader concerns about procedural safeguards and living conditions under the new asylum framework. Despite these reforms, it was not until 2020 that Greece formally abolished protective custody for every minor through new legislation.⁵⁸

The Abolition Of Protective Custody And Major Legal Overhaul (2020-2023)

Between 2020 and 2023, Greek legislation underwent a significant transformation regarding the protection of migrant children, marked by the abolition of protective custody under Law

⁵⁵ European Commission, *Greek Law No. 4554 of 18 July 2018: Regulatory Framework for the Guardianship of Unaccompanied Minors* (Brussels: European Commission, 2018), accessed April 13, 2025, https://migrant-integration.ec.europa.eu/library-document/greek-law-no-4554-18-july-2018-regulatory-framework-guardianship-unaccompanied_en.

⁵⁶ Hellenic Republic, *Law 4636/2019: International Protection and Other Provisions*, Government Gazette A'169/01.11.2019, accessed April 13, 2025, <https://www.e-nomothesia.gr/kat-allodapoi/prosphuges-politiko-asulo/nomos-4636-2019-phek-169a-1-11-2019.html>.

⁵⁷ European Council on Refugees and Exiles (ECRE), *Detention of Asylum Seekers in Greece: General Overview*, n.d., accessed April 13, 2025, <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/general/>.

⁵⁸ European Parliamentary Research Service (EPRS), *Unaccompanied Migrant Children in Greece* (Brussels: European Parliament, 2022), accessed April 13, 2025, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651917/EPRS_BRI\(2020\)651917_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651917/EPRS_BRI(2020)651917_EN.pdf).

4760/2020. This law formally ended the long-standing practice of detaining unaccompanied minors in police custody, a measure widely criticized for violating international and European human rights standards. In its place, the Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) was established to oversee and coordinate child protection efforts nationwide. Complementing this reform, the NERM, launched in 2021 and institutionalized in 2022, introduced a comprehensive system to identify and house unaccompanied minors through a 24/7 hotline, mobile response teams and emergency shelters. These measures aimed to ensure that minors were promptly identified and provided with appropriate accommodation rather than being detained. Additionally, safe zones within refugee camps were expanded to serve as interim housing while awaiting transfer to permanent facilities.⁵⁹

Despite these reforms, concerns about detention practices persisted. Reports indicated that unaccompanied minors continued to be detained in Pre-Removal Detention Centers (PRDCs), especially when misidentified as adults. Under Article 46(5) of Law 4636/2019, detention periods could extend for up to 18 months for asylum procedures and an additional 18 months during return processes.⁶⁰

Further legal modifications occurred with Law 4960/2022, which consolidated child protection and asylum provisions into a unified framework. This law reaffirmed that detention of unaccompanied minors should be a last resort and emphasized compliance with EU directives. The 2022 law consolidated multiple child protection and asylum provisions into a single legal framework, strengthening Greece's compliance with EU asylum directives and international human rights norms.⁶¹

Therefore, we can see that on paper Greece has made major legal advancements since 2018, particularly through the abolition of protective custody and the establishment of a rights-based and structured protection system. The introduction of specialized protection mechanisms, such as the NERM and safe zones, represents a clear departure from the pre-2018 framework. However, while Greek law now formally aligns with EU asylum directives and

⁵⁹ European Commission, *Greece: National Emergency Response Mechanism*, n.d., accessed April 13, 2025, https://home-affairs.ec.europa.eu/projects/greece-national-emergency-response-mechanism_en.

⁶⁰ Greek Council for Refugees (GCR), *Submission to the Committee of Ministers of the Council of Europe Concerning the Groups of Cases of M.S.S. v. Greece and Rahimi v. Greece* (Athens: GCR, 2023), accessed April 13, 2025, <https://www.gcr.gr>.

⁶¹ European Council on Refugees and Exiles (ECRE), *Reception Conditions in Greece: Special Reception Needs of Vulnerable Groups*, n.d., accessed April 13, 2025, <https://asylumineurope.org/reports/country/greece/reception-conditions/special-reception-needs-vulnerable-groups/>.

international child protection standards, questions remain regarding the full and effective implementation of these norms.

Understanding the legal framework is important to this research as it establishes the standard by which the Greek case will be evaluated. By presenting both national and European norms on paper, this chapter seeks to make clear what rights and processes should, in principle, be ensured. This is not to say that the laws themselves are ineffective; in fact, many of them offer strong protection. However, legal ambiguity where rules are vague or open to interpretation allow for broad interpretation and legal flexibility, which give national authorities freedom in how standards are applied. Therefore, it can also hinder their complete implementation. These characteristics may provide the necessary flexibility, but they may also make it more difficult or take longer to consistently enforce legal requirements on the ground. This tension between the law as written and the law as practiced will now be explored through an analysis of the situation on the ground.

Chapter 2

The Reality Of Implementing Child Protection Norms in Greece

This chapter aims to provide a complete overview of the current situation in Greece by outlining the main challenges observed on the ground. While the previous chapter focused on the legal framework, this part shifts the focus to what actually happens in practice. By tracing the evolution of the migratory context since 2015, it seeks to highlight the key dynamics shaping the Greek asylum and reception system today. The analysis is structured around some major issues, including detention, living conditions, age assessment and family reunification, each shedding light on different aspects of the implementation gap between legal standards and reality.

It is important to notice that Greece was already experiencing significant political, social and economic challenges in the years before 2015. The nation had suffered through a long recession, rising unemployment and growing public dissatisfaction following the global financial crisis of 2008.⁶² International loan-related restrictions had a significant effect on the economy, as well as trust in institutions. The nation was politically unstable, with frequent

⁶² Peter S. Goodman, “The Greek Economy: Back from the Dead,” *Milken Institute Review*, accessed May 20, 2025, <https://www.milkenreview.org/articles/the-greek-economy-back-from-the-dead>.

changes of administration and growing social divisions.⁶³ Greece's feeling of community and cultural identity were still strong, but many people found daily living to be more challenging. Therefore, the 2015 migratory crisis started in this fragile environment, adding new challenges to a nation already facing extreme stress.

2.1 The 2015 Migration Crisis And Its Impact On The Greek System

As this thesis focuses on the migration context, it is crucial to first introduce the migration crisis already dating from 2015. First, the term migration crisis refers to the massive and rapid overflow of migrants and refugees to the European continent, especially after 2015. This phenomenon, which has been described as unusual in political and media discourse, saw the arrival of over one million people into the European Union.⁶⁴ The majority of whom left for reasons relating to armed conflicts, persecution or socio-economic collapse in countries such as Syria, Afghanistan, Iraq and Libya. These migrants came via dangerous routes over the Mediterranean Sea or the Western Balkan route, making 2015 a historic year for European migration management.

Second, that year, Europe faced not just a high increase in asylum applications (more than two million across 38 European countries) but also significant structural difficulties in border control, reception systems and inter-state cooperation.⁶⁵ The crisis put the Schengen system under stress, generating questions about national sovereignty, collective responsibility and the conflict between security concerns and humanitarian commitments.

According to the UNHCR, over 65 million people have been forcibly relocated worldwide in 2015, including 21.3 million refugees.⁶⁶ In terms of migrant nationality and demographic composition, most arrivals came from regions of conflict or political instability. Syrians were by far the largest group, followed by people from Afghanistan, Iraq and Somalia. Three countries alone (Syria, Afghanistan and Somalia) accounted for more than half of all

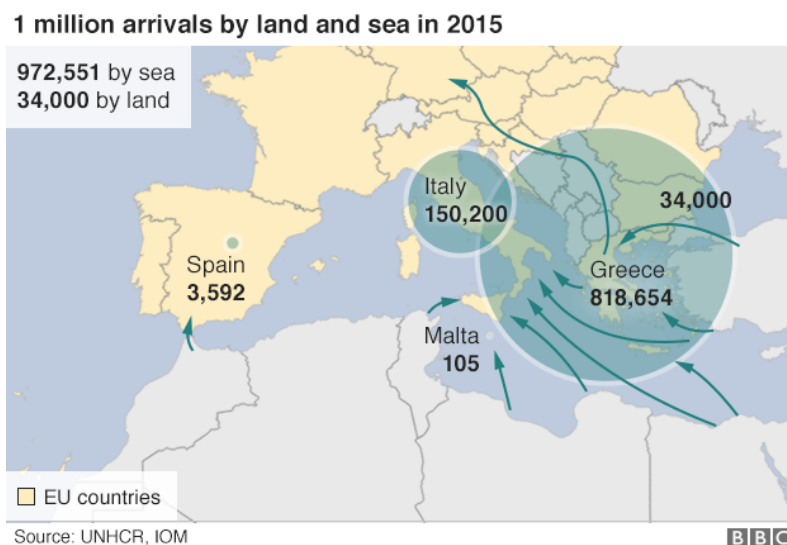
⁶³ Greek Elections: Anti-Austerity Syriza Wins Election,” *BBC News*, last modified January 26, 2015, <https://www.bbc.com/news/world-europe-30975437>.

⁶⁴ Europe Direct Pyrénées, *The EU and the Migration Crisis*, 2016, <https://www.europedirectpyrenees.eu/wp-content/uploads/L---UE-et-la-crise-migratoire.pdf>.

⁶⁵ Fatima Kherroubi, *Unaccompanied Migrant Children in Europe: Policies and Institutional Discourses* (Master's thesis, Université du Québec à Montréal, 2015), <https://archipel.uqam.ca/11235/1/M15413.pdf>.

⁶⁶ UNHCR, *Global Trends: Forced Displacement in 2015* (Geneva: United Nations High Commissioner for Refugees, 2016), <https://emnbelgium.be/sites/default/files/publications/2016-06-14-global-trends-2015.pdf>.

refugees.⁶⁷ Other important countries of origin were Pakistan, Nigeria and Sudan, reflecting the strong correlation between forced displacement and armed conflict. It is also important to note that the demographic composition of the migrant population changed throughout the year. While adult men initially made up most arrivals, the proportion of women and children has increased significantly over time. According to UNICEF, children accounted for over 25% of all arrivals in 2015, with their presence increasing dramatically in the second half of the year, from one in 10 migrants at the beginning of the summer to almost one in three on the Turkey–Greece route in December.⁶⁸ These figures illustrate the huge scale of migration flows in 2015, but also underline the complexity of the humanitarian challenge facing frontline states. The high proportion of children raises urgent questions about reception conditions, legal safeguards and access to fundamental rights. This demographic reality reinforces the need to assess how European standards for the protection of children in migration have been applied.



Source: BBC News, “Migrant Crisis: Migration to Europe Explained in Seven Charts,” *BBC*, December 22, 2015, <https://www.bbc.com/news/world-europe-35158769>.

In 2015, of the one million arrivals, nearly 80% travelled across the Aegean Sea from Turkey to the Greek islands.⁶⁹ This shows how Greece was directly impacted by this crisis by being one of the main country of arrivals. The Eastern Mediterranean route, which runs from

⁶⁷ UNHCR, “Over One Million Sea Arrivals Reach Europe in 2015,” UNHCR, December 30, 2015, <https://www.unhcr.org/news/stories/over-one-million-sea-arrivals-reach-europe-2015>.

⁶⁸ TV5MONDE, “Migrants: When Children Disappear,” *TV5MONDE Info*, March 4, 2015, <https://information.tv5monde.com/international/migrants-quand-les-enfants-disparaissent-24323>.

⁶⁹ UNHCR, “A Million Refugees and Migrants Flee to Europe in 2015,” UNHCR, December 22, 2015, <https://www.unhcr.org/news/news-releases/million-refugees-and-migrants-flee-europe-2015>.

Turkey to the Greek Aegean islands of Lesbos, Chios and Samos, has rapidly become one of the busiest. At the same time, the Central Mediterranean route linking the Libyan and Tunisian coasts with southern Italy was also a major route, making Italy also a very affected country. Lastly, the Western Balkan route has become the major land link, going from Greece to northern Macedonia, enabling further movements to northern European countries.⁷⁰ So we can see that already in 2015, Greece had found itself as the main route to Europe, encompassing most arrivals via the eastern Mediterranean route and the Balkan land route. In 2015 alone, over 850,000 migrants and refugees entered Greek territory from Turkey, a historic figure that placed Greece at the heart of the humanitarian emergency.⁷¹ The island of Lesbos alone recorded over 100,000 arrivals that year.⁷² Due to these large numbers of arrivals, the Greek coasts were confronted with long queues for registration, very poor housing and little drinking water or medical care. The explosion of this crisis, combined with the country's genuine initial lack of resources, highlighted both the geographical exposure and institutional fragility of the Greek response system.

As mentioned above, it is important to notice that Greece had experienced an important economic crisis, which had put the country in extreme financial difficulties. Lacking resources before the crisis has not helped the country to manage a migration crisis and be a frontline country of arrival. Since 2008, its economy had lost a quarter of its value. Unemployment was high, household incomes had fallen by a third and many businesses had gone bankrupt.⁷³ Against this backdrop, the massive arrival of migrants in 2015 put pressure on an already weakened state. The humanitarian crisis worsened, as Greece, faced with very limited financial, and human resources, struggled to ensure the reception and protection of the new arrivals.⁷⁴

In response, Greece appealed to Europe for help. The government set up hotspots on the main islands, in line with EU directives, to facilitate identification, fingerprinting and

⁷⁰ *Le Monde*, "Understanding the Migrant Crisis in Europe through Maps, Graphics, and Videos," September 4, 2015, https://www.lemonde.fr/les-decodeurs/article/2015/09/04/comprendre-la-crise-des-migrants-en-europe-en-cartes-graphiques-et-videos_4745981_4355770.html.

⁷¹ European Court of Auditors, *EU Response to the Migrant Crisis: Hotspot Approach Not Working as Intended* (Special Report No. 6, 2017), https://www.eca.europa.eu/Lists/ECADocuments/SR17_6/SR_MIGRATION_HOTSPOTS_EN.pdf.

⁷² UNHCR, "Pressure Growing on Greek Island of Lesbos in 2015 Refugee and Migrant Crossings," *UNHCR Briefing Notes*, August 25, 2015, <https://www.unhcr.org/news/briefing-notes/pressure-growing-greek-island-lesvos-2015-refugee-and-migrant-crossings>.

⁷³ *Toute l'Europe*, "Greek Debt Crisis: What Is the Situation after 9 Years of Standoff?" *Toute l'Europe*, February 7, 2019, <https://www.touteleurope.eu/economie-et-social/crise-de-la-dette-grecque-quelle-situation-apres-9-ans-de-bras-de-fer/>.

⁷⁴ Amnesty International, "Greece: Humanitarian Crisis Mounts as Refugee Support System Pushed to Breaking Point," *Amnesty International*, June 11, 2015, <https://www.amnesty.org/fr/latest/news/2015/06/greece-humanitarian-crisis-mounts-as-refugee-support-system-pushed-to-breaking-point/>.

registration of asylum applications. However, these facilities remain insufficient to cope with the continuing influx of migrants.⁷⁵ The combination of Greece's geographical position plus its socio-economic vulnerabilities has meant that the country has found itself much more affected, both as a humanitarian contact and as a starting point for all EU asylum procedures.

In reaction, frontline countries such as Greece and Italy have called for more solidarity between Member States. However, it has led to another problem, namely the inequalities in the distribution of asylum seekers between EU Member States. In fact, while Greece and Italy were the main entry points into Europe, most asylum applications were registered in other countries, notably Germany. For example, Greece saw the arrival of almost 885,000 migrants in 2015, but only registered around 11,370 asylum applications, while Germany alone received almost 90% of the applications.⁷⁶ This imbalance has led to growing tensions between Member States, with several of them feeling they are taking on a disproportionate amount of the work in a common system that lacks effective solidarity. This problem is linked to the Dublin system, which will be assessed later in the thesis, but was already proving being problematic in 2015. This system requires asylum-seekers to apply in the first EU country they enter. It has therefore concentrated responsibility on frontline countries, without guaranteeing a fair sharing mechanism.⁷⁷ In response, many migrants tried to avoid registration in southern European countries to continue their journey to destinations perceived as safer or more welcoming.⁷⁸ Faced with the emergency, several frontline countries, including Greece, stopped systematically registering new arrivals, allowing them to pass through to the north of the continent.⁷⁹ We can see that the 2015 crisis has already clearly demonstrated the limits of the implementation of the European legal framework. There is a lack of binding mechanisms for distributing asylum applications, a weakness of common asylum procedures and an excessive pressure of the crisis on border countries such as Italy and Greece.⁸⁰ It also had a direct impact on the protection of the most vulnerable, particularly child migrants, who are often left without adequate follow-up in countries of first entry such as Greece. The humanitarian emergency

⁷⁵ Amnesty International, *Greece: Humanitarian Crisis*.

⁷⁶ European Parliament, *Report on the Implementation of the Dublin III Regulation*, A9-0245/2020, October 16, 2020, https://www.europarl.europa.eu/doceo/document/A-9-2020-0245_EN.html.

⁷⁷ European Parliament, *Report on the Implementation of the Dublin III Regulation*.

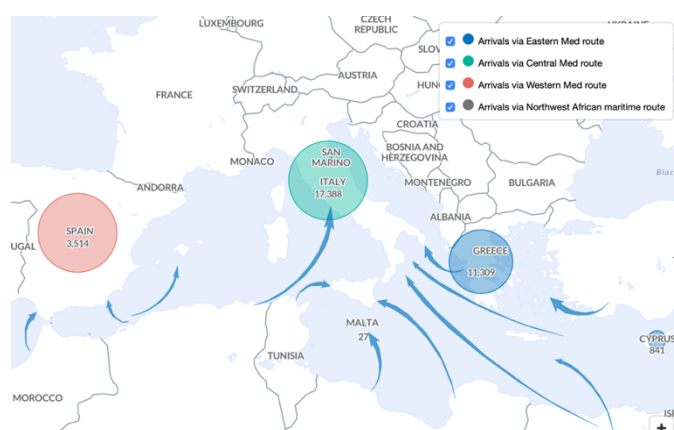
⁷⁸ European Court of Auditors, *EU Response to the Migrant Crisis: Hotspot Approach Not Working as Intended* (Special Report No. 6, 2017), https://www.eca.europa.eu/Lists/ECADDocuments/SR17_6/SR_MIGRATION_HOTSPOTS_EN.pdf.

⁷⁹ L'Echo, "Migrants: Data and Stories," *L'Echo Multimedia*, accessed May 6, 2025, <https://multimedia.lecho.be/migrants/>.

⁸⁰ European Court of Auditors, *EU Response to the Migrant Crisis*.

thus revealed the gap between the EU's legal principles and their actual implementation on the ground.

From a humanitarian point of view, the situation was already catastrophic in 2015. Thousands of people have lost their lives attempting the crossing, often aboard boats that have cost them a lot of money.⁸¹ But also, after the crossing, in hotspots and frontline holding centers, particularly in Greece and Italy, many migrants were confronted with serious violations of their fundamental rights and living conditions were often unacceptable.⁸² Women and children, especially unaccompanied minors, have been particularly at risk of exploitation, violence or trafficking. These vulnerable groups have sometimes been invisible in emergency migration policies, despite their specific need for protection.⁸³ Political reactions to the situation were divided. Several Member States temporarily reintroduced border controls, or even closed their crossing points, jeopardizing free movement within the Schengen area.⁸⁴ Moreover, countries such as Greece and Italy denounced the absence of binding mechanisms for sharing responsibility, as they alone were carrying the pressure of mass arrivals.⁸⁵



Source: UNHCR, "Europe Sea Arrivals," *Operational Data Portal*, available at <https://data.unhcr.org/en/situations/europe-sea-arrivals>.

⁸¹ European Parliament, *The Situation of Unaccompanied Minors in the EU*, Study EXPO/STU(2015)535005, April 2015, [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/535005/EXPO_STU\(2015\)535005_FR.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/535005/EXPO_STU(2015)535005_FR.pdf).

⁸² Human Rights Watch, *World Report 2015: Events of 2014* (New York: Human Rights Watch, 2015), <https://www.hrw.org/world-report/2015>.

⁸³ Toute l'Europe, "2015: A Bad Year for Human Rights in Europe," *Toute l'Europe*, February 2, 2016, <https://www.touteurope.eu/fonctionnement-de-l-ue/2015-mauvaise-annee-pour-les-droits-de-l-homme-en-europe/>.

⁸⁴ European Union Agency for Fundamental Rights (FRA), *Fundamental Rights Report 2016 – Focus*, 2016, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-fundamental-rights-report-2016-focus-0_en.pdf.

⁸⁵ European Parliament, *The Situation of Unaccompanied Minors*.

Ten years after the 2015 migration crisis, the challenges facing Greece in terms of migration remain highly relevant. In 2025, the country recorded over 11,000 migrant arrivals.⁸⁶ Moreover, the number of migrant children doubled compared to the year 2023, underlining the increased vulnerability of this population. In fact, in 2024, over 13,000 minors arrived in Greece by sea, 3,000 of whom were unaccompanied or separated from their families.⁸⁷ According to these figures, Greece continues to suffer a disproportionate migratory influx, underlining not only the importance of a concrete analysis of reception conditions on the ground, but also the need to examine the structural causes of insufficiently protective measures for child migrants. It is useful to analyze this crisis to understand its impacts but also to analyze to what extent European protection for children is respected or not. Moreover, understanding why such bad conditions and human rights breaches persist over the years will be beneficial.

Therefore, Greece, as a key entry point and symbolic location in the European migration context, is a relevant case study. The following section outlines the current situation on the ground and compares it with the key legal standards previously identified as institutionalized at the EU and national level. This contextual analysis will serve as a basis for assessing the implementation of these norms in practice.

2.2 Issues Relating To The Implementation Of Child Protection Norms

Before moving to the analytical part of this thesis, it is essential to first describe and understand some main issues that affect the rights of migrant children in Greece on a practical level. This section focuses on four key realities: the persistence of detention, poor living conditions in camps, flawed age assessment procedures and obstacles to family reunification. Each of these issues will be examined with concrete examples and data, to show where and how the implementation of EU legal standards fails. This descriptive analysis is crucial to answer the research question: How does the detention of migrant children in Greece fulfill its commitment to European Union's legal commitments to child protection? By identifying the main gaps between law and practice, this section lays the foundation for the next part of the thesis, which will explore the causes behind these gaps in more detail.

⁸⁶ UNHCR, "Europe Sea Arrivals," *Operational Data Portal*, accessed May 6, 2025, <https://data.unhcr.org/en/situations/europe-sea-arrivals>.

⁸⁷ InfoMigrants, "Greece Declares Emergency as Number of Arriving Children Rises in 2024," *InfoMigrants*, March 27, 2024, <https://www.infomigrants.net/fr/post/61908/la-grece-en-situation-durgence-face-a-la-hausse-des-arrivees-denfants-en-2024>.

The Reality Of Detention For Minors

The detention of migrant children in Greece raises questions about compliance with European standards for the protection of children's rights. Although Greek legislation has evolved to formally abolish the protective detention of unaccompanied minors, as explained above, the reality on the ground reveals the persistence of practices of deprivation of liberty hidden under the name of "secure zones".⁸⁸ This section analyses the way in which these zones, presented as places of reception, reproduce unacceptable conditions of detention.

As explained in the legal framework, European standards, in particular Directive 2013/33/EU on Reception Conditions, stipulate that detention of minors should only be used as a last resort and for the shortest possible time. The CRC, under Article 37, also requires that every child deprived of liberty shall be treated with humanity and with respect for his or her dignity.⁸⁹ In response to this, Greece officially abolished the protective detention of unaccompanied minors (with Law 4760/2020) previously practiced in police stations.⁹⁰ However, the creation of secure zones in reception centers and migration camps raises questions about their compliance with European standards. These areas are supposed to offer protection and security, but the evidence collected shows that they are more likely to be places where people are deprived of their freedom.

In 2025, of the approximately 3,200 unaccompanied minors registered in Greece, nearly 400 were still being held in conditions close to detention, due to a lack of places in specialized reception centers.⁹¹ Migrants, including minors, can be held for up to 25 days in so-called "reception centers" while their asylum application is being examined, which already violates European standards.⁹² Although these centers are officially described as non-punitive, their operation is often perceived as a form of detention. The Greek authorities insist that these people are received and not detained, but the conditions remain of concern.

In 2024, the situation deteriorated, with an alarming increase in the number of child migrants arriving in Greece, doubling the previous year's numbers (as shown in the migration

⁸⁸ InfoMigrants, "Greece in State of Emergency amid Rising Number of Child Arrivals in 2024," March 15, 2024, accessed April 13, 2025, <https://www.infomigrants.net/en/post/61908/greece-in-state-of-emergency-amid-rising-number-of-child-arrivals-in-2024>.

⁸⁹ CRC, art. 37.

⁹⁰ Greek Council for Refugees (GCR), "News from the Field: Critical Protection Gaps for New Arrivals in Greece," March 12, 2024, accessed April 13, 2025, <https://gcr.gr/en/news/item/nea-apo-to-pedio-3>.

⁹¹ UNHCR, "Lesvos," *Operational Data Portal – Refugee Situations*, accessed May 5, 2025, <https://data.unhcr.org/en/situations/europe-sea-arrivals/location/24489>.

⁹² Greek Council for Refugees (GCR), "News from the Field #3," *GCR*, accessed May 5, 2025.

crisis section).⁹³ NGOs are reporting since 2015 until today a real emergency for children. These children, from Syria and Egypt in particular, and arriving on the Libya–Crete route, are placed in secure areas like prisons, where they remain locked up for several weeks without appropriate activities.⁹⁴ Humanitarian organizations such as Save the Children have denounced the violence, the overcrowding and the lack of essential services in these centers, which are supposed to be places of protection.⁹⁵

It is important to note that Europe has responded to this unacceptable detention and living conditions in Greek camps by creating the new EU-funded CCACs. The aim was to replace the old hotspots for asylum seekers on the Aegean islands, where conditions were often inadequate. The centers were designed with the financial backing of the European Commission, which allocated 276 million euros in EU funds.⁹⁶ The EU's stated aim was to create sustainable facilities that would comply with EU standards and guarantee better living conditions. The first CCAC opened in Samos in 2021, located in an isolated area on the outskirts of the main town, Valhi. Other centers followed on the islands of Kos and Leros, as the former Reception and Identification Centers (RICs) were gradually closed. These CCACs are also referred to by the Greek government as multipurpose reception and identification centers.⁹⁷

Europe, through the European Commission, therefore tried to establish centers that would meet EU reception and asylum standards. The idea was to provide modern, secure facilities for the registration and processing of asylum seekers, offering minimum standards of living conditions during this period. These centers were also to incorporate temporary accommodation areas and special structures for vulnerable people, including safe zones for unaccompanied children. In addition, the EU financed the construction of these centers to improve the management of migratory flows and strengthen asylum procedures in Greece.⁹⁸

⁹³ InfoMigrants, "Greece Declares Emergency as Number of Arriving Children Rises in 2024," *InfoMigrants*, March 27, 2024, <https://www.infomigrants.net/fr/post/61908/la-grece-en-situation-durgence-face-a-la-hausse-des-arrivees-denfants-en-2024>.

⁹⁴ Safe Passage, "Hundreds of Unaccompanied Children in Unsafe Zones: Need for an Immediate Activation of Relocation," December 5, 2024, accessed April 13, 2025, <https://www.safepassage.org.uk/greece-updates/2024/12/5/hundreds-of-unaccompanied-children-in-unsafe-zones-need-for-an-immediate-activation-of-relocation>.

⁹⁵ The Guardian. (2024, December 23). *Greece declares emergency as child refugee arrivals double in 2024*. <https://www.theguardian.com/world/2024/dec/23/greece-refugee-children-emergency-arrivals-2024-protection>

⁹⁶ Human Rights Watch, "Greece: Unaccompanied Children at Risk," December 18, 2019, accessed April 13, 2025, <https://www.hrw.org/news/2019/12/18/greece-unaccompanied-children-risk>.

⁹⁷ Council of Europe, *Report to the Greek Government on the Visit to Greece Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)*, November 9, 2023, accessed April 13, 2025, <https://rm.coe.int/1680a06a86>.

⁹⁸ CPT Report to the Greek Government, 2023.

However, despite these efforts and European funding, the CCACs soon encountered numerous difficulties, revealing persistent problems in the Greek reception system, which therefore run deeper. As explained above, NGOs have denounced the persistence of alarming living conditions in these camps.⁹⁹ Amnesty International, during a visit in December 2023, described the Samos CCAC as a nightmare, saying that it was a highly secure camp lacking the most basic infrastructure and services, where asylum seekers are systematically subjected to illegal and arbitrary detention under the pretext of identification procedures.¹⁰⁰ The general conditions of detention in police stations are described as totally unsuitable for stays of more than 24 hours, yet these places are constantly used for prolonged detention related to migration. It raises many questions about the effectiveness of these EU-funded zones. In 2023, the European Committee for the Prevention of Torture (CPT) visited several places of detention and these new CCACs, finding them unsuitable for receiving children due to their excessive prison-like and security features.¹⁰¹ In addition, the ECtHR has delivered several judgements condemning detention conditions in Greece, for inhuman and degrading treatment in violation of Article 3 of the European Convention on Human Rights. Prolonged detention in inappropriate places, the lack of legal assistance, the absence of effective remedies against detention and violent deportations are all serious violations of European and international law.¹⁰²

However, at the end of 2023, 261 people were being held in administrative detention in these inadequate facilities, including 14 asylum seekers. Detainees suffer from poor sanitary conditions, a lack of natural light, a lack of hygiene products, insufficient food and a lack of medical and interpretation services.¹⁰³ This situation has been exacerbated by deaths in detention, including that of a 24-year-old man in unclear circumstances at the Corinth center in October 2023.¹⁰⁴ Their practices thus reveal a disparity; although they are theoretically open and safe spaces, they are often surrounded by enclosure, with strict restrictions on movement and constant monitoring by the forces of law and order. Some minors have described these spaces as children's prisons because of the lack of freedom of movement and the constant

⁹⁹ European Council on Refugees and Exiles (ECRE), *Detention of Asylum Seekers in Greece: General Overview*, n.d., accessed April 13, 2025, <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/general/>.

¹⁰⁰ Amnesty International, "People Seeking Asylum Detained in Samos Camp in Greece," July 4, 2024, accessed April 13, 2025, <https://www.amnesty.org/en/latest/campaigns/2024/07/people-seeking-asylum-detained-in-samos-camp-in-greece/>.

¹⁰¹ Council of Europe, *CPT Report to the Greek Government*, 2023.

¹⁰² European Court of Human Rights (ECHR), Art. 3.

¹⁰³ Greek Council for Refugees (GCR), "Critical Protection Gaps," 2024, <https://gcr.gr>.

¹⁰⁴ Council of Europe, *CPT Report to the Greek Government*, 2023.

security control. For example, Hossam, a Syrian refugee, arrived at the CCAC center in Leros island at the end of September 2024. As soon as he arrived, he was subjected to a restriction of movement measure initially scheduled for five days but extended without his knowledge. Despite repeated representations by his lawyers, it took over a month before he was officially registered. Throughout this period, the CCAC refused to transmit the necessary authorization to his lawyers, thus limiting his rights and outside contacts.¹⁰⁵

Moreover, in December 2024, a significant incident took place in the Malakasa camp close to Athens, where a 16-year-old Egyptian teenager was physically and sexually assaulted by other adults housed in the same camp, revealing major shortcomings in the safety and protection of children within the existing infrastructure.¹⁰⁶ The Greek Council for Refugees (GCR) also points out in its report that despite the official closing of detention centers, informal practices persist due to administrative delays, a significant budget deficit and a chronic lack of specialized staff. In particular, the report states that only two additional specialized centers have been opened since 2020, despite a constant increase in arrivals.¹⁰⁷

Another major reason lies in the shortcomings of judicial review of detention. Although European law imposes guarantees of appeal for people deprived of their liberty, in practice only one in five administrative detainees has access to a judicial remedy before a court to challenge the legality of their detention. Moreover, even when such an appeal is possible, Greek administrative courts are very reluctant to accept arguments based on poor conditions of detention, often describing them as vague and inadmissible. This means that judges do not systematically examine detention conditions, which allows them to be extended without proper assessment. In addition, decisions to extend detention appear to be systematically renewed by the competent administrative courts, including for people detained for long periods. This almost automatic extension demonstrates a lack of effective control over the legality and proportionality of detention. Moreover, as appealing against these decisions is practically impossible at the international level, it forces migrants to appeal in Greek national courts with often less rights protection guaranties and within very short deadlines. The language and procedural barriers prevent child migrants from exercising their rights effectively.¹⁰⁸ The

¹⁰⁵ Refugee Support Aegean (RSA), *Refugee Facilities on the Aegean Islands*, n.d., accessed April 13, 2025, https://rsaegrean.org/en/refugee-facilities-on-the-aegean-islands/#elementor-toc_heading-anchor-4.

¹⁰⁶ Associated Press, "Greece Arrests 5 Egyptian Migrants Suspected of Sexually Assaulting Woman on Crete," *AP News*, August 22, 2023, accessed April 13, 2025, <https://apnews.com/article/greece-migrants-migration-assault-egypt-libya-43619869409ed8dd911550398721d566>.

¹⁰⁷ GCR, *Critical Protection Gaps*, 2024.

¹⁰⁸ Council of Europe, *CPT Report to the Greek Government*, 2023.

persistence of informal detentions thus reveals a major structural crisis in the Greek system for protecting migrant children, despite the legal reforms recently adopted.

The Greek authorities justify these areas as pragmatic responses to the lack of suitable infrastructure for the reception of minors. However, by describing them as secure areas, they mask a reality where deprivation of liberty is disguised as a protective measure. European standards require reception facilities for minors to guarantee their well-being and development.¹⁰⁹ However, in practice, these areas do not meet these criteria, thus constituting a violation of fundamental rights. The paradox between official discourse and actual practice reveals that the concept of security is used to justify prolonged deprivation of liberty. Indeed, one of the major challenges of Greek migration policy lies in the overlapping and ambiguous nature of the legal regimes governing the deprivation of liberty of foreign nationals.¹¹⁰ At first, these systems appear to be differentiated and controlled, but in practice they create an uninterrupted detention continuum of up to 36 months, which raises serious problems of legality, proportionality and, above all, the protection of vulnerable persons such as children.

The first form, often presented as a simple restriction of liberty, is governed by Article 40 of Greek Law 4939/2022. It allows people to be held for up to 25 days in reception centers and CCACs, for identification and registration.¹¹¹ In theory, this measure is not detention, but in practice, migrants are locked up without freedom of movement, without any possibility of effective appeal, often beyond the legal limit and in detention conditions.¹¹² This gap between legal discourse and material reality constitutes a form of detention, despite not being recognized as such, and therefore deprives migrants of the fundamental guarantees of European standards.

At the same time, there are two other regimes formally recognized as detention. The first is asylum detention, authorized since the 2022 reform (Law 4939/2022), which allows a person who has lodged an asylum application to be detained for up to 18 months, in cases relating to public security or the risk of absconding.¹¹³ The second is pre-deportation detention, provided for in the Return Directive (2008/115/EC) of the EU regulation, which allows a

¹⁰⁹ International Commission of Jurists (ICJ), “Greece: Landmark European Committee on Social Rights Decision Upholds Rights of Migrant Children,” January 18, 2021, accessed April 13, 2025, <https://www.icj.org/greece-landmark-european-committee-on-social-rights-decision-upholds-rights-of-migrant-children>.

¹¹⁰ Council of Europe, *CPT Report to the Greek Government*, 2023.

¹¹¹ Council of Europe, *CPT Report to the Greek Government*, 2023.

¹¹² Amnesty International, “People Seeking Asylum Detained in Samos Camp in Greece,” July 4, 2024, accessed April 13, 2025, <https://www.amnesty.org/en/latest/campaigns/2024/07/people-seeking-asylum-detained-in-samos-camp-in-greece/>.

¹¹³ Council of Europe, *CPT Report to the Greek Government*, 2023.

person to be deprived of their liberty for up to a further 18 months, with a view to their deportation.¹¹⁴ As a result, the same person can be legally detained for up to 36 months.

This accumulation raises several problems. Firstly, it weakens the protection of the right to individual liberty by creating a quasi-continuous detention, fragmented between different legal bases.¹¹⁵ Secondly, it creates boundaries between the objectives of the different regimes (identification, asylum procedure and deportation), with all treated through the prism of deprivation of liberty. Finally, this logic contributes to detention being widespread as an ordinary migration management tool, neglecting alternative solutions.¹¹⁶

This legal and administrative confusion thus encourages the standardization of detention, which in part escapes judicial review. In a context of increased migratory pressure, the confusion between a logic of reception and a logic of security leads to a systematic violation of the fundamental rights of migrants, especially unaccompanied children, for whom detention should never be an option according to international and European standards.¹¹⁷ The persistence of the detention of migrants, particularly children, in Greece can be explained by a set of structural and administrative factors that will be analyzed later in this research. These make it difficult to apply European standards for the protection of children's rights. In the next section, another crucial reality, the living conditions in this camp, will be examined to continue to critically analyze realities in Greece.

Refugee Camps And The Challenge Of Meeting Minimum Living Standards

Minimum standards of living are a right reinforced at multiple levels of law, including international, European and national. Indeed, as mentioned above, at the European level, the Reception Condition (2013/33/EU) established the obligation to ensure migrants, and especially children, access to the minimum standard of living. Once again, we will see that a real gap exists between institutionalization of the directive in Greek law and the implementation of the directive in real world situations. Greek living conditions in refugee camps on many islands, such as Samos, Leros, Kos and many others, are mostly reported to be very worrying and often below basic standards by many NGOs.¹¹⁸ Below is an overview of real-world difficulties migrants encounter in Greek refugee camps.

¹¹⁴ European Parliament and Council, *Directive 2008/115/EC of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals*, [2008] OJ L 348/98.

¹¹⁵ Council of Europe, *CPT Report to the Greek Government*, 2023.

¹¹⁶ GCR, "Critical Protection Gaps," 2024.

¹¹⁷ ICJ, "Landmark Decision on Migrant Children's Rights," 2021.

¹¹⁸ GCR, "Critical Protection Gaps," 2024.

Physical And Material Conditions

As described in the detention section above, most centers have a prison-like design, with bars, barbed wire, surveillance cameras and an oppressive atmosphere. Although the CPT regularly criticizes this infrastructure, which is considered unsuitable for people detained under migration policies, they still account for a large proportion of camps in Greece. Indeed, a migrant named Ameer from Palestine testified about the terrifying infrastructure for his children: “It’s dangerous for my children; they can’t go to the bathroom on their own, so I must go with them. Most of the time, my children pee on themselves because they are afraid to go out at night”.¹¹⁹

Moreover, reports have shown that the accommodation suffers from serious hygiene shortcomings, such as mattresses and blankets that are often dirty and inadequate, and the structures themselves frequently have broken doors, windows, heating systems and beds. Infestation with cockroaches and bedbugs is commonplace, exacerbating the already difficult conditions.¹²⁰ Access to water is also challenging and often unsanitary, with direct consequences for the health of migrants, especially children. A testimony from a Syrian minor who arrived in Samos in 2023 explicitly communicated these unlivable conditions: “When we arrived at the camp, there was water for three hours a day. We couldn’t shower at the same time. We would fill a pitcher with water. We washed like 70 years ago”.¹²¹ Many NGOs have reported that asylum seekers are expected to receive three liters of bottled water per day through the food supply. However, the people they met in Kos and Leros, as well as in Lesvos, said they were only receiving one and a half liters a day.¹²²

Overcrowding also considerably worsens these conditions, sometimes forcing people to sleep on the floor or in overcrowded containers. The CPT regularly describes this overcrowding as dramatic and strongly criticizes the lack or absence of recreational activities and access to outdoor spaces, particularly in police stations.¹²³ For example, the Zervou camp on the island of Samos accommodates over 4,000 people, but has an initial capacity of 2,040. This situation of overcrowding leads to poor living conditions, with inadequate water supplies

¹¹⁹ Amnesty International, *Samos Camp Detention*.

¹²⁰ GCR, “Critical Protection Gaps,” 2024.

¹²¹ Amnesty International, *Samos Camp Detention*.

¹²² RSA, *Refugee Facilities on the Aegean Islands*.

¹²³ Council of Europe, *Report to the Greek Government on the Visit to Greece Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)*, CPT/Inf (2023) 36, November 9, 2023, accessed April 13, 2025, <https://rm.coe.int/1680a06a86>

and basic needs not being filled, which in many cases encourages the outbreak of diseases, such as scabies and urinary tract infections.¹²⁴

Access To Healthcare

Another difficulty facing Greece is access to medical care which is very limited, with a notable lack of qualified medical staff (doctors, nurses, psychologists and social workers). Unavoidable understaffing makes the application of reception condition directive standards more complicated. Even if all positions were filled, there are not enough staff to cover the population in the facilities.¹²⁵ In any case, using a succession of programs to cover constant needs does not solve systemic problems. For example, the CPT stresses that each CCAC should have one full-time doctor and three nurses for every 500 people and urges, in its latest report on Greece, to be prepared to increase staffing in the event of a potential increase in the number of arrivals.¹²⁶ But denouncing does not mean resolving, particularly with problems such as finding more budget for enabling Greece to implement the minimum living conditions required by law.

Another critical shortcoming that compromises state capacity to offer a minimum standard of living to migrant children is the lack of interpretation services. This restricts communication and access to basic services. On May 15, 2024, the METAdrasi organization, a Greek NGO that plays a key role in the humanitarian management of migration in Greece, focusing on protection services for unaccompanied children, suspended its interpreting services. This decision followed the end of the contract and several months of overdue payments.¹²⁷ These services are partly financed by the European Union's Asylum, Migration and Integration Fund (FAMI) 2021–2027. To make up for these shortcomings, the European Union Agency for Asylum (EUAA) provided temporary support from June 3, 2024, at the request of the Greek Ministry. In June, the agency deployed 257 interpreters to Greece. However, the EUAA was unable to extend its financial support beyond September 2024 due to the agency's limited resources. As a result, the total number of interpreters deployed remains highly insufficient today, impacting on the living conditions of these migrant children.¹²⁸

¹²⁴ *Le Monde*, "Greek Authorities Aim to Prevent a New Migration Route between Libya and Crete," April 2, 2024, accessed April 13, 2025, https://www.lemonde.fr/international/article/2024/04/02/les-autorites-grecques-veulent-eviter-une-nouvelle-route-migratoire-entre-la-libye-et-la-crete_6225603_3210.html.

¹²⁵ European Council on Refugees and Exiles (ECRE), *Conditions of Detention Facilities – Greece*, n.d., accessed April 13, 2025, <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/detention-conditions/conditions-detention-facilities/>.

¹²⁶ Council of Europe, *Report to the Greek Government on the Visit to Greece Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)*, CPT/Inf (2023) 36, November 9, 2023, accessed April 13, 2025, <https://rm.coe.int/1680a06a86>.

¹²⁷ RSA, *Refugee Facilities on the Aegean Islands*

¹²⁸ RSA, *Refugee Facilities on the Aegean Islands*

Similarly, the food distributed is frequently insufficient and of poor quality, and distribution takes place in chaotic and unacceptable conditions. In addition, migrants often suffer from a lack of clothing suited to the severe climatic conditions, particularly in winter.¹²⁹ Migrant children are particularly vulnerable in these contexts. With the year 2024 seeing a significant increase in child arrivals, their initial poor living conditions have worsened. Most of them do not attend school and are severely lacking in appropriate clothing and access to these essential services as many NGOs report.¹³⁰

Access To Education

Another crucial reality for those migrant children is their lack of access to education. Ongoing delays in staff recruitment continue to also impact educational services within the CCACs, particularly in the Kos and Samos structures, where kindergartens are not operating optimally. In addition, many children do not even receive basic school equipment, such as schoolbags, notebooks or essential supplies, compromising their ability to have a minimum level of education. Parents who have recently arrived at the centers also report a lack of clear information on the schooling options available to their children.¹³¹

In fact, in some areas, attempts to integrate refugee children into the local school system are met with resistance from the local population. For example, on the island of Leros, there was marked opposition from the local population to the enrolment of refugee children in the village school. As a result, for the past school year, the children had to be enrolled at the Agia Marina school, located 6 km from the center, which is not feasible on foot due to the lack of transport on the islands. On Samos, the number of children enrolled in secondary school classes is also limited due to a lack of classrooms. Added to this are the transfers of families to the mainland, interrupting the schooling of children already enrolled, with no following up.¹³²

All these difficulties reveal that, despite European investment, the problem of very poor living conditions in the camps in Greece persists. CCACs, initially designed to improve the situation, often find themselves facing the same challenges as previous structures, or even creating new difficulties linked to their closed and highly secure nature. The situation is worrying given the increasing number of children arriving in Greece, putting further pressure

¹²⁹ *Le Monde*, “New Migration Route between Libya and Crete,” 2024.

¹³⁰ UN Committee on the Rights of the Child, “Review of Greece at the Committee on the Rights of the Child: Situation of Unaccompanied Children Remains Alarming,” *United Nations Geneva*, May 19, 2022, accessed April 13, 2025, <https://www.ungeneva.org/en/news-media/meeting-summary/2022/05/examen-de-la-grece-au-comite-des-droits-de-lenfant-la-situation>.

¹³¹ RSA, *Refugee Facilities on the Aegean Islands*

¹³² *Ibid*

on an already failing system.¹³³ Far-reaching structural reforms and greater commitment on the part of the Greek authorities, with the continued support of the European Union, are therefore needed to guarantee dignified living conditions and respect for human rights for all those arriving in Greece in search of protection.¹³⁴ All the poor living conditions listed above, such as overcrowding, limited access to healthcare, lack of qualified medical staff, inadequate security measures, poor access to education and the absence of an effective judicial system, are still present and continue to violate migrant children's rights in Greece. The next section will explore another major issue encountered by migrant children, the age assessment procedure, which frequently also results in the violation of their rights.

Age Assessment

Although the directive on Asylum Procedures (2013/32/EU) clearly explains that medical methods can only be used as a last resort and cannot constitute a source of certainty,¹³⁵ procedures in Greece are often based on isolated medical examinations, and do not always respect the principle of presumption of minority and the benefit of the doubt. This leads to the misregistration of many children as adults, depriving them of the special protection and sometimes putting them in detention with adults, which is exposing them to considerable risks. Difficulties in contesting these erroneous assessments and the detention of minors as adults are also major concerns. In this section, the main reasons for this and key examples of how it works on the ground will be analyzed.

By Whom And How Age Assessment Is Carried Out?

National authorities are responsible for carrying out age assessment procedures, which in this case is the state of Greece. This is generally carried out when there is doubt about the age of an asylum seeker who presents himself as an unaccompanied minor. This test enables the authorities to determine how the applicant's case will be handled, so that he or she can enjoy all the rights and needs of a child whose best interests are at stake. It is more common for these

¹³³ European Council on Refugees and Exiles (ECRE), *Conditions of Detention Facilities – Greece*, n.d., accessed April 13, 2025, <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/detention-conditions/conditions-detention-facilities/>.

¹³⁴ ECRE, *Conditions of Detention Facilities*

¹³⁵ Asylum procedures, art.25.

tests to be carried out because of a lack of identity papers or when physical appearance is in doubt.¹³⁶

In 2013, the Greek Ministry issued an important decision concerning this age assessment. This decision introduced for the first time a standard-compliant age assessment procedure applicable in the context of what was then called the First Reception Service, now the Reception and Identification Service (RIS).¹³⁷ This approach consists of a multi-disciplinary age assessment, with medical examinations as a last resort as they have been found to be unreliable. Initially, age is determined by physical appearance, such as height, weight, voice, hair growth and so on, which is examined by a pediatrician. If there is any doubt after that, a psychologist and social worker assess the person's cognitive, behavioral and psychological development. Only if these steps do not allow authorities to achieve conclusions, as a last resort, the person is referred to a public hospital for specialized medical examinations, such as dental or wrist X-rays. In addition, the medical staff must clearly explain the objectives and procedures to the person being examined.¹³⁸

At the European level, as already mentioned in the legal framework, it is clear. Any person presenting themselves as a child must be treated as such, and in the event of persistent doubt, the benefit of the doubt must apply. The assessment must be safe, child- and gender-sensitive and fair, respect human dignity, and avoid any risk of violation of physical integrity.¹³⁹ It is the directive on asylum procedure which confirms all these norms. Medical examinations should only be carried out as a last resort, and the results should be subject to appeal.¹⁴⁰ Therefore, on paper, Greece is respecting European measures as the same rules can be found in national Greek law since 2013.

What Are The Risks Of These Age Procedures?

It is important to understand the problems that incorrect age assessment procedures can entail for migrant children. Incorrect identification can lead to several risks, such as detention with adults. Indeed, if a child is recognized as an adult, all the protections against detention, the need

¹³⁶ European Council on Refugees and Exiles (ECRE), *Asylum Information Database (AIDA) – Country Report: Greece – 2022 Update* (Brussels: ECRE, 2023), 273

¹³⁷ Human Rights Watch, “Greece: Lone Migrant Children Left Unprotected,” July 20, 2017, accessed April 13, 2025, <https://www.hrw.org/news/2017/07/20/greece-lone-migrant-children-left-unprotected>.

¹³⁸ Human Rights Watch, *Greece: Lone Migrant Children Left Unprotected*.

¹³⁹ European Council on Refugees and Exiles (ECRE), *The Detriment of the Doubt: Age Assessment of Unaccompanied Asylum-Seeking Children*, AIDA Report, December 2015, accessed April 13, 2025, <https://ecre.org/wp-content/uploads/2016/07/ECRE-AIDA-Detriment-of-the-doubt-age-assessment-of-unaccompanied-asylum-seeking-children-December-2015.pdf>.

¹⁴⁰ Council of Europe, *Age Assessment for Children in Migration*.

for the child to have a safe place to live and shorter delays in the processing of their application are no longer applicable, putting the child at even greater risk than they already are.¹⁴¹ So the age assessment procedure also impacts on the frequent detention of children in Greece, as demonstrated in the previous section. Increased exposure to violence, especially sexual exploitation and abuse, is also a risk when children are with older people, as they remain vulnerable making them easier to victimize. There is also the risk of becoming a victim of human trafficking or forced labor, which can happen if the child is not sufficiently protected, including possible involvement in criminal activities to survive.¹⁴²

Identification as a child is the basis of all protection. If the child is misidentified, this results in a lack of access to child-specific services and protections (education, healthcare, psychosocial support, legal representation and appropriate accommodation), increased risk of delays in obtaining a legal guardian, difficulties in family reunification, and psychological trauma. In fact, migrant children are already vulnerable because of their status, but if they are misidentified, their risk is doubled.¹⁴³ After having identified all the risks, it is important to analyze how those risks impact the daily life of migrant children in Greece.

Realities On The Ground: Clear Revelations

Even if regulations are clearly present, on the ground, significant gaps exist and contradict jurisdictional norms. First, early identification of children is at the root of the problem, because contrary to the obligation to rapidly identify unaccompanied children for minimizing the risks of getting it wrong, many studies indicate that this remains a challenge in Greece. Children are not identified at the beginning of the asylum procedure, which exposes them to the risks mentioned above.¹⁴⁴ NGOs have identified at least 60 people registered as adults on Lesbos, who claim to be children. In some cases, this registration error was due to the use of medical procedures of last resort, such as dental examinations instead of the multidisciplinary assessment required by Greek law and international law.¹⁴⁵ None of these children who were subjected to this medical test had previously or afterwards been interviewed by a psychologist or social worker for an age assessment. One doctor even explained that he usually simply asked for age, considered height, weight and sexual characteristics as secondary indicators, and preferred trusting the examination of wisdom teeth. The CPT has expressed concern about the

¹⁴¹ Council of Europe, *Age Assessment for Children in Migration*

¹⁴² Human Rights Watch, Greece: Lone Migrant Children Left Unprotected.

¹⁴³ ECRE, *AIDA Country Report: Greece – 2022 Update*, 274

¹⁴⁴ ECRE, *AIDA Country Report: Greece – 2022 Update*, 274

¹⁴⁵ Human Rights Watch, Greece: Unaccompanied Children at Risk.

way in which these assessments are carried out by military doctors with no specific training, stressing that age assessment should be multidisciplinary.¹⁴⁶

A second aspect observable in Greece is the lack of knowledge and judicial support for migrant children. Children interviewed often said they were unaware of the services available to help them, such as the right to challenge a decision. They also rarely have access to information about the asylum process or their rights as children. For example, Human Rights Watch found that the authorities do not provide children with adequate information about their rights during the reception and identification process. Moreover, access to free legal assistance for unaccompanied children is not always guaranteed in practice. However, as mentioned in the legal section, the CRC underlined the importance of the appointment of a legal guardian. The contrary constitutes a violation of Articles 3 and 12 of the CRC. This applies to all children on any territory of countries that have ratified the convention.

Moreover, when children have been wrongly identified as adults, even though Greece allows a complaint to be made within 10 days following the decision, contesting the decision is revealed to be very complicated.¹⁴⁷ As challenging the decision requires the presentation of an original identity document or a passport proving age, the 10-day time limit in practice for these often-undocumented migrant children is quite unrealistic. All the children interviewed by Human Rights Watch stated that they had encountered practical difficulties in obtaining these documents within the given timeframe, and all appeals were rejected by the RIS. The RIS ignored the objective difficulties encountered by the children in verifying or officially translating the documents, or in obtaining legal assistance.¹⁴⁸ Even in cases of doubt after the assessment, the benefit of the doubt is not systematically given, even though it is recognized by Greek law. Some had to wait months, sometimes until they were no longer minor, losing all the rights linked to their status, including the possibility of being reunited with their families in another EU country, or of obtaining specific protection.¹⁴⁹

Lastly, detention is extremely linked with wrong statute attribution for migrant children in Greece. Under Greek and European law, children are entitled to special protection and care. However, when they are wrongly considered adults, they are deprived of these protections. Instead of being placed in suitable accommodation for minors, they may be detained with adults in police stations, immigration detention centers or overcrowded places. For example, Human

¹⁴⁶ Council of Europe, *Age Assessment for Children in Migration*.

¹⁴⁷ Human Rights Watch, *Greece: Lone Migrant Children Left Unprotected*.

¹⁴⁸ Human Rights Watch, *Greece: Unaccompanied Children at Risk*.

¹⁴⁹ Human Rights Watch, *Greece: Lone Migrant Children Left Unprotected*.

Rights Watch (2019), interviewed children who were 15, and who had been wrongly registered as adults. They were housed with adults in poor conditions in Moria, a refugee camp in Greece.¹⁵⁰ Moreover, the CPT also met people in Greece who claimed to be unaccompanied children, but who had been registered as adults and detained.¹⁵¹ As a result, the misattribution of age due to inadequate procedures in Greece leads directly to a high rate of detention of unaccompanied migrant minors. Therefore, they are deprived of specific protections and exposed to the same detention regimes as adults. Several international organizations have already called on Greek authorities to improve their age assessment procedures and respect the principle of presumption of minority to avoid unjustified detention of children. The Council of Europe has also explicitly called for an abolition of detention of unaccompanied minors awaiting or undergoing age assessment.

We can see, therefore, that this is an important consequence of the wrong age assessment procedure, which needs to be monitored more closely as the detention of child migrants in Greece must be reduced. In the next section, a last crucial issue impacting child migrant rights in Greece will be presented.

Family Reunification

The last key issue is the right to family reunification, especially for children. In fact, migrant children are often unaccompanied and separated from their parents during their stay in other European states. The Dublin III Regulation, explained above in the legal framework, is expressly developed by the European Union to ensure that Member States always prioritize family reunification for asylum seekers. Yet Greece is one of Europe's least successful countries in implementing this rule in practice. This final section highlights the realities for migrant children in Greece when it comes to reuniting them with their families.

Which State Is Responsible?

Determining which state is responsible for processing applications for family reunification depends mainly on the location of the family member already recognized as a refugee. In Greece, the legal framework for family reunification is defined by Presidential Decree 131/2006, transposing European Directive 2003/86/EC. This decree specifies the categories of family members who can benefit from family reunification with a refugee already recognized

¹⁵⁰ Human Rights Watch, *Greece: Unaccompanied Children at Risk*.

¹⁵¹ Council of Europe, *Age Assessment for Children in Migration*.

on Greek territory.¹⁵² Thus, when family members reside in Greece, that country is directly responsible for the procedure.

On the other hand, when an asylum seeker wishes to join a family member already recognized as a refugee in another EU Member State, the Dublin III Regulation comes into play. This regulation establishes that the state responsible for examining the asylum application will be the one where the refugee family member already legally resides, provided that specific criteria linked to family ties and time limits are met. For example, if a family member resides in Germany with a recognized refugee status, it is generally Germany that will become responsible under the provisions of the Dublin III Regulation.

The application must be submitted within three months of recognition of refugee status. Documents required include passports, civil status certificates proving family ties and proof of legal custody for children. The procedure involves an interview with the asylum service, and the decision should be made within nine months. In urgent cases such as serious illness and unaccompanied minors, the procedure can be accelerated.¹⁵³ However, all these documents are not easy for refugees to obtain, highlighting many misfunctions on the ground, with very long procedures that will be developed in the following paragraph.

Reality On The Ground

First, access to the asylum service in Greece is difficult due to the lack of available appointments and administrative overload. Delays are often much longer than the nine months stipulated by law, due to the complexity of procedures. The United Nations points out that full registration can only be carried out in person, and applicants sometimes must wait a long time for an interview date.¹⁵⁴ Unaccompanied children must be assisted by a guardian, which adds an extra step and can further delay access to the procedure. In 2023, Greece registered approximately 69,000 new asylum applications, while the Greek Asylum Service has only 250 agents to process cases.¹⁵⁵ Several reports point out that asylum seekers often must wait weeks, even months, before they can officially register their application, particularly on islands where hotspots are overcrowded.¹⁵⁶ In 2024, the average time taken for a decision on family

¹⁵² UNHCR, “Right to Family Reunification in Greece,” n.d., accessed April 13, 2025, <https://help.unhcr.org/greece/fr/rights-and-duties/right-to-family-reunification-in-greece/>.

¹⁵³ UNHCR, “Right to Family Reunification in Greece.”

¹⁵⁴ European Council on Refugees and Exiles (ECRE), *Asylum Procedures in Greece – AIDA Report*, 2023, accessed April 13, 2025, <https://asylumineurope.org/reports/country/greece/asylum-procedure/>.

¹⁵⁵ Eurostat, “Asylum and First Time Asylum Applicants by Citizenship, Age and Sex – Annual Aggregated Data,” 2023, accessed April 13, 2025, <https://ec.europa.eu/eurostat>.

¹⁵⁶ Refugee Support Aegean (RSA), “No More Separations of Families,” n.d., accessed April 13, 2025, <https://rsaegean.org/en/no-more-separations-of-families-2/>.

reunification was 18 months, according to the Greek Council for Refugees.¹⁵⁷ Therefore, children grow up alone in camps, like 10-year-old Ahmed, separated from his parents in Germany for two years. “I can't remember my mother's face,” he testifies in a Human Rights Watch report.¹⁵⁸ These delays can be explained by different reasons, such as the overload of the courts, with more than 30,000 appeals pending before the administrative court, and dependence on third countries (that will be analyzed in following paragraphs).

Second, the documents required to apply for family reunification are very complicated to get. Greek law requires original documents (birth certificates, marriage certificates, etc.) to prove family ties.¹⁵⁹ However, refugees often escape their country of origin without papers, and consulates in war countries no longer deliver documents. Alternatives such as DNA tests and testimonies are rarely proposed by the authorities, and their cost is very high for families.¹⁶⁰

Another reality is that the system depends on third countries, which limit how many transfers they are willing to accept under the Dublin Regulation. For example, Germany is mentioned as having imposed a strict limit on the number of people accepted for family reunification from Greece.¹⁶¹ This has considerably lengthened transfer times for families who have obtained a favorable decision under the Dublin Regulation. A striking example is 14-year-old Abed, who left Syria with his 14-month-old brother to join their father in Germany. Their journey, marked by extreme dangers, such as falling into the sea and lack of care, illustrates the vulnerability of migrant children seeking family reunification. On arrival in Greece and then Macedonia, they were placed in a shelter, but remain separated from their families, as the reunification procedure is long and uncertain.¹⁶² Even though the Dublin Regulation has been ratified by these states, there is still a problem and a lack of follow-up in the implementation of the law. Even when the Dublin Regulation applies, application and transfer procedures can be long and complex, involving cooperation between the Greek authorities and those of the Member State responsible, which creates complete disparities between states.¹⁶³

¹⁵⁷ ECRE, *Family Reunification – Greece*, AIDA Report, 2024, accessed April 13, 2025, <https://asylumineurope.org/reports/country/greece/family-reunification/>.

¹⁵⁸ Human Rights Watch, “Greece: Children Left Behind,” 2023, accessed April 13, 2025, <https://www.hrw.org/world-report/2023/country-chapters/greece>

¹⁵⁹ European Council on Refugees and Exiles (ECRE), *Family Reunification – Greece*, AIDA Report, 2024, accessed April 13, 2025, <https://asylumineurope.org/reports/country/greece/family-reunification/>.

¹⁶⁰ ECRE, *Family Reunification*

¹⁶¹ RSA, *Refugee Facilities on the Aegean Islands*

¹⁶² Jesuit Refugee Service (JRS), *Unaccompanied and Separated Children: An Ongoing Challenge for Protection*, 2019, accessed April 13, 2025, <https://jrs.net>.

¹⁶³ RSA, *Refugee Facilities on the Aegean Islands*

With this principle of family reunification, we can see that the flexibility of the term best interest of the child is relevant here. In fact, its subjectivity raises concerns about its correct application. In this case, we can see that the idea that some countries imposing limits of number of transfers, that globally procedure are very long is an attempt at this principle. Numerous organizations have repeatedly insisted on respect for the best interests of the child in Dublin family reunification procedures and many other EU regulations. However, in practice, it is not the case. The gap between the provisions of the Dublin Regulation and reality in Greece is significant. Although the Dublin Regulation provides a framework for family reunification when members are in different Member States, its implementation for refugees in Greece is often marked by excessive delays, limitations imposed by other states and difficult waiting conditions in Greece. The consequences are significant, leaving vulnerable families in situations of uncertainty. The cases highlighted above underline the need for faster and more effective implementation of the family reunification provisions of the Dublin Regulation by taking full account of the vulnerability of applicants, particularly children.

Now that a comprehensive overview of the situation in Greece has been established, it is crucial to address a central question: why do such gaps exist between the institutionalization of laws and their implementation? Furthermore, who bears responsibility for ensuring implementation Europe or Greece? And are there underlying factors that can explain this gap? These are the key questions that the analytical part of this thesis will seek to answer below.

Chapter 3

Evaluating Greece's Compliance With Child Protection Norms: A Critical Analysis

After identifying the main areas where implementation gaps undermine the rights of migrant children in Greece, this chapter now looks at the main reasons why these problems exist. To do so, it applies a powerful theory developed by Betts and Orchard, which identifies three categories of causal mechanisms that can undermine the effective application of international norms. The first part of this chapter presents the theoretical framework and explains how it can help understanding the complexities behind the gap between law and practice. The second part of this chapter applies these causal mechanisms to the Greek case, analyzing how they relate to the issues previously identified. This analysis aims to provide a deeper understanding of this disparity between law and realities on the ground and to critically engage with the research question. The third part will focus on the question of responsibility by examining how implementation is shared or not between Greece and the European Union, and what this reveals about the balance between national sovereignty and collective European governance. Finally, the chapter will conclude with a set of possible recommendations for both Greece and the EU, aimed at improving their response to future migration challenges within the broader framework of global migration governance.

3.1 Implementation Theory As A Framework

Implementation Theory, developed by Alexander Betts and Phil Orchard, provides an essential analytical framework for understanding how international norms, although institutionalized at the global level, are concretely translated into the practices of states and organizations. The theory thus provides a framework for understanding the “implementation gap”, which refers to the discrepancy between the adoption of norms and their actual application in practice.¹⁶⁴ Signing and ratifying a convention does not automatically guarantee the realization of the values or norms it contains. Betts, and Orchard argue that there is an analytical gap in international relations research, which often focuses on the adoption of norms at the global level without sufficiently examining their implementation at the national level. They explain

¹⁶⁴ Alexander Betts and Phil Orchard, eds., *Implementation and World Politics: How International Norms Change Practice* (Oxford: Oxford University Press, 2014)

that states with similar levels of institutionalization can show significant variations in how these norms are implemented in practice.

Institutionalization vs. Implementation

A major contribution of this theory lies in the clear analytical distinction between institutionalisation and implementation.

Institutionalisation refers to the international process by which norms emerge at the global level and are reflected in international law and organizations, culminating in the signature and ratification of treaties by states. This stage is crucial in establishing the recognition and legitimacy of a standard at the international level.¹⁶⁵

Implementation, on the other hand, concerns the domestic process, at state or organisational level, which is necessary to introduce the principles of the new international norm into formal laws and policies on the ground, in order to ensure compliance. This process may be triggered before, during or after the clear stages of institutionalization at the international level.¹⁶⁶

The concept of implementation is therefore a parallel process to institutionalization, necessary to introduce the principles of international norms into the formal legal and political mechanisms of a state. Studying implementation is key for several reasons. First, it helps bridging the normative institutionalization-implementation gap. Signing and ratifying an international convention does not automatically guarantee that the values or standards it contains will be implemented at the national level. There is often a significant gap between the norm institutionalized at the international level and its actual implementation on the ground. The attention of international relations scholars has often focused on the way in which international standards are formed and established at the global level, and on states' adherence to these standards through signature and ratification. However, the analysis often stops there, without considering the realization of these standards at the national level. Betts and Orchard seek to understand what happens to international standards after their emergence and ratification, by exploring how they translate differently at national levels. The absence of a global enforcement mechanism, often referred to as "international anarchy", means that there is no authority higher than the state to enforce international law. In fact, the international legal

¹⁶⁵ Dionyssi G. Dimitrakopoulos, "The Transposition of EU Law: 'Post-decisional Politics' and Institutional Autonomy," *European Law Journal* 7, no. 4 (2001): 442–458, <https://eprints.bbk.ac.uk/id/eprint/132/>.

¹⁶⁶ Betts and Orchard, *Implementation*.

system does not have a supranational organisation with legally binding enforcement authority, in contrast to domestic legal systems. According to this systemic condition, governments continue to have the final word over whether and how to apply international rules. Because of this, adherence to international standards is mostly dependent on institutional capability, domestic political will, and the alignment of international norms with national interests. Consequently, implementation at the national level is crucial.¹⁶⁷

Second, it allows to better explain variation in state practice. States with similar levels of institutionalization of the same international standards may nevertheless show significant variations in the way these standards manifest themselves in practice. Implementation enables us to understand these divergences by analyzing the domestic factors that influence the reception and application of international standards.

These factors are part of what the theory calls “causal mechanisms”, which can come from jurisdictional national system, state capacity or cultural context. The theory is useful since it examines more than simply a state's signature, taking a more in-depth approach to study.¹⁶⁸

Third, understanding the effectiveness of standards is crucial. If we define the effectiveness of a standard not only by its formal acceptance but also by its real impact on practices, the study of implementation becomes essential to assessing the extent to which international standards achieve their objectives. If we want to understand whether international standards really do make a difference to people, it is crucial to analyze the conditions under which they are translated into practice. Implementation reveals whether standards are truly internalized and have a significant impact. Key questions that the theory raises concern how they vary and adapt, what reasons explain the variations in practices, which factors and structures determine whether implementation takes place, and under what conditions.¹⁶⁹

Finally, analyzing the dissemination of standards is also important. Implementation enables us to understand how international standards are disseminated from state capitals to various regional and local levels, considering specific contexts. The EU can be seen as an institution that influences the adoption of standards by its Member States, but it is rarely the case that the EU verifies implementation on the ground. The theory examines how international norms are disseminated and adopted by states, often influenced by a particular set of factors.

¹⁶⁷ Dimitrakopoulos, *The Transposition of EU Law*.

¹⁶⁸ Phil Orchard, *Improving the Implementation of National Internally Displaced Persons Laws and Policies* (unpublished manuscript, University of Wollongong, forthcoming).

¹⁶⁹ Betts and Orchard, *Implementation*.

Causal Mechanisms Of Implementation

Implementation Theory identifies three categories of causal mechanisms that can either favor or hinder the implementation of international standards at domestic level.

Ideational factors encompass the cultural context, as well as the legal system. By ideational factors we mean the influence of ideas and beliefs on the implementation of international norms. The cultural context, namely the compatibility of an international standard with a society's existing values, beliefs and culture, influences its reception and implementation. Rather than simply being adopted, standards undergo a process of interpretation and adaptation to fit local contexts, which is referred to as “norm localization”. This localization may involve discourse, framing, grafting and cultural selection to ensure a match between the new standard and local beliefs and practices. Without local actors facilitating this localization process, norm diffusion strategies aimed at displacing rather than adapting local practices are likely to fail. The authors argue that Acharya's idea of “norm localization” fits better with the study of implementation, as it concerns the political contestation of norms at the sub-global level.¹⁷⁰ Another obstacle to the implementation of international norms lies in its framing divergence in national contexts. The way in which a new standard is presented and interpreted by groups can influence its acceptance by the public and decision-makers. Successful framing highlights the new standard's resonance with existing public understandings and therefore can change the implementation between countries.¹⁷¹

The second ideational factor concerns the legal system. National legal systems can either facilitate or hinder the implementation of international law. An international norm may already be partially or fully integrated into national legislation but expressed differently. Conversely, the suggested norm may be in direct conflict with existing national laws and constitutions. For example, if we explore how the Greek legal system affects the implementation of the right to family reunification, it has been noted that family unity and “the best interests of the child” are already part of Greek law, suggesting a certain receptiveness. However, in practice, it is not fully respected, raising questions of implementation gap.¹⁷² An important issue is how different international standards acquire legitimacy in some national contexts, but not in others. This legitimacy may derive from the compatibility of new standards with pre-existing normative and legal frameworks, and from their interaction with existing laws and case law. A last aspect important to consider is the difference between monist and dualist

¹⁷⁰ Betts and Orchard, *Implementation*.

¹⁷¹ Orchard, *Improving the Implementation*.

¹⁷² Dimitrakopoulos, *The Transposition of EU Law*.

systems. This affects the way in which international law is incorporated and applied by national courts. In a monist system, international law may be directly applicable, whereas in a dualist system it must be transposed into national legislation. This has an impact on the way in which international norms are integrated into the legal system, and therefore on their effective implementation.¹⁷³

In conclusion, ideational factors, through the cultural context and legal system, play a fundamental role in shaping the way international standards are received, interpreted and implemented at the national level. Cultural compatibility, localization of standards, strategic framing and compliance with the existing legal system are all elements that determine whether a European standard will be adopted and applied effectively.

Another category of causal mechanisms concerns **material factors**. These encompass stakeholder interests and state capacity and can also either constitute or challenge an international standard at the national level. Stakeholder interest, whether state governments and public administrations or non-state businesses, NGOs and social movements, have interests that can strongly influence the way an international norm is received and implemented at the national level.¹⁷⁴ Stakeholders who anticipate benefits from the implementation of an international norm are likely to use their influence to promote and facilitate this process. For example, if an international environmental regulation creates new business opportunities for local companies, these companies may influence the government to rapidly adopt and implement the regulation. However, actors who perceive an international norm as disadvantageous to their interests can use their influence on force or block its implementation in national law. Moreover, the way in which a regulation is presented and justified by key players can influence other players' perception of its advantages and disadvantages, and thus affect their support or opposition to its implementation. As mentioned above, successful framing will therefore highlight the compliance of the new standard with existing values and interests.

A state's capacity to enforce an international norm is also a crucial aspect concerning implementation gap. This capacity encompasses many areas. First, financial resources: the State must have the necessary funds to set up administrative structures, train personnel and finance the programs required to implement the regulation. In our case study of Greece, it will be interesting to analyze further to what extent numerous financial crises and budget

¹⁷³ Orchard, *Improving the Implementation*.

¹⁷⁴ Orchard, *Improving the Implementation*.

restrictions in the public sector have affected or not the capacity of the Greek Asylum Service to make sure the rights of unaccompanied migrant children are fully implemented. This state capacity is also linked with the need for bureaucratic functioning and expertise. It means that a state also needs an efficient public administration, clear organizational structures and well-defined procedures to implement a norm. Bureaucratic inefficiency, corruption and a lack of coordination between different government agencies can seriously compromise implementation. Moreover, the public administration must have the legal, technical and practical expertise needed to understand, translate and apply the international norm in the national context. Lack of qualified personnel and adequate training can lead to errors and delays in procedures.¹⁷⁵ Therefore, state capacity is not just a question of economic resources, but also of the quality of the state administrative and legal bodies.

In conclusion, the interests of national players and the capacity of the state are interdependent material factors, which play a crucial role in the success or failure of international norm implementation. Actors motivated by potential gains may support implementation, while those fearing losses may oppose it. Similarly, even with strong political will, a state lacking the necessary resources and capabilities will find it difficult to translate international standards into reality on the ground.

Lastly, the theory also mentions **institutional factors**. This causal mechanism includes two main aspects: bureaucratic identity and bureaucratic contestation. These can either help or challenge international norm implementation at the national level. Bureaucratic identity refers to the way in which the values and identity of the European Union are integrated within the organizational and bureaucratic structures of a Member State, and how this may influence the implementation of European standards. In fact, it is diplomats and politicians who discuss and shape laws at the international level, but it is the civil service working within frontline organizational structures, such as, in the case of Greece, the child migrant reception services or the asylum processing services, who implement these laws and policies in the different regions of a country. This can also create differences in implementation. It is important to understand that aligning civil service values and identity with those of the EU could facilitate more effective implementation of European norms.

Bureaucratic contestation, on the other hand, refers to conflicts and negotiations between different government agencies or levels of government that can shape the implementation process. Even if politicians agree to institutionalize a norm by, for example,

¹⁷⁵ Betts and Orchard, *Implementation*.

signing and ratifying a treaty, concrete implementation requires the action of various administrative entities, which may have different interests, priorities and interpretations of the norm.¹⁷⁶

In conclusion, institutional factors, through bureaucratic identity and bureaucratic contestation, highlight the complexity of translating European norms into national practice. Alignment of bureaucratic values with those of the EU can facilitate implementation, while conflicts and negotiations within the government structure can shape, delay or even constrain it. These factors underline the fact that implementation is not an automatic process that follows signature and ratification, but rather a distinct phase of political contestation at the national level.

Orchard's Five-Point Scale

The Orchard scale, which is part of implementation theory, enables an assessment of the degree and quality of implementation of international norms. In our case, it will be useful to analyze in more detail how migrant children's rights are implemented in practice in the Greek national system, and to identify the causal mechanisms in some areas where implementation is ineffective. It also allows an analysis regarding to what extent migrant children's rights are safeguarded in the national system. This scale encompasses the following levels.

A strong implementation – This occurs when the state is not only clearly committed to implementing the legislation but has also demonstrated ongoing support. It must have led to significant changes in national institutions and in the delivery of sustainable solutions. To achieve this level, adequate funding and coordination between state agencies are needed.

Implementation in progress – This occurs when the state has introduced legislation or policies, and implementation efforts are in progress. However, these efforts may be slow or faced with procedural difficulties. Resources may be allocated, but the impact on the ground may still be limited.

Limited implementation – This is characterized by legislation or policies that may exist but are not fully implemented. This may be due to an unclear definition of the regulation or limited support for various durable solutions due to financial difficulties. The impact on the intended beneficiaries is therefore limited.

Problematic implementation – This occurs when the state has introduced legislation or policies, but implementation has generally not taken place due to a lack of capacity or political

¹⁷⁶ Dimitrakopoulos, *The Transposition of EU Law*.

will, or when the law is largely ignored by state officials. There may be formal commitments, but little concrete action.¹⁷⁷

No implementation – This reflects cases where a policy or law may exist but is only in draft form or is completely ignored and has had no impact on the situation concerned.

This tool will be useful for assessing at which level Greece is in terms of implementation of European regulation on children's rights. Even if on paper Greece has nationalized the norms, the level of implementation will be verified considering this theory.

The Role Of The EU In Implantation Of International Law In National Legal System

This last theoretical section aims to analyze the role and position of the European Union when it comes to international law to be implemented in a Member State. In this way, it will allow the reader to better understand the different levels of power and attribution of responsibilities. The effective implementation of European law within Member States' national legal systems is crucial if citizens and industries are to benefit from the rules agreed at the European level.

The EU has a complex organizational structure with many branches and has the capacity to legislate laws that must be integrated into the national legal frameworks of Member States. It also has a judicial branch and enforcement mechanisms to ensure that EU laws are implemented and respected by Member States. Failure to comply with EU law can result in penalties and political pressure.¹⁷⁸

The European Commission plays an essential role in monitoring the implementation and application of EU law by the Member States; in accordance with Article 17(1) of the TEU, the EU acts as “guardian of the Treaties”.¹⁷⁹ The Commission oversees whether national transposition measures are complete and meet the objectives set by the Directive. It also manages the risk of potential breaches of EU law by Member States.

Member States also play a key role in ensuring that EU law is implemented correctly and on time.¹⁸⁰ Article 291(1) of the Treaty on the Functioning of the European Union (TFEU) stipulates that “Member States shall take all measures necessary under national law to

¹⁷⁷ Orchard, *Improving the Implementation*.

¹⁷⁸ European Commission, *Implementing EU Law*, accessed April 13, 2025, https://commission.europa.eu/law/application-eu-law/implementing-eu-law_en.

¹⁷⁹ European Commission, *Implementing EU Law*, accessed April 13, 2025, https://commission.europa.eu/law/application-eu-law/implementing-eu-law_en.

¹⁸⁰ European Court of Auditors, *EU Law: Rules and Principles* (Luxembourg: Publications Office of the European Union, 2018), accessed April 13, 2025, https://www.eca.europa.eu/lists/ecadocuments/lr_eu_law/lr_eu_law_en.pdf.

implement legally binding Union acts”.¹⁸¹ Nonetheless, they enjoy considerable margin of action as to how they implement and apply EU law. In fact, the way in which Member States implement EU law is influenced by their constitutional arrangements, legislative procedures, the levels of government involved, and their administrative and financial capacity. Considerable differences exist between Member States in terms of legislative procedures and approach to ensuring the transposition and application of EU law.¹⁸² However, even if states can enjoy a certain margin of action, if a Member State fails to notify transposition measures on time or if transposition is incorrect, the Commission may initiate infringement proceedings for “non-communication” or incorrect transposition.¹⁸³ Moreover, if the problem remains unresolved, the Commission can refer the case to the CJEU, which can impose financial penalties.

What is also important to observe is that different norms have different effects. The principle of direct effect means that certain provisions of EU law can create rights and obligations for individuals that can be invoked before national courts, even in the absence of adequate national implementing measures. On the other hand, the principle of indirect effect imposes an obligation on national authorities, including the courts, to interpret national law, as far as possible, in the light of the text and purpose of the EU law concerned. For example, regulations and decisions become binding automatically throughout the EU on the date of their application. However, they may require amendments to national legislation and implementation by national agencies or regulatory authorities. On the other hand, directives must be first transposed by Member States into their national legislation within a specific period. Member States must communicate to the Commission the text of national transposition measures incorporating the provisions of the directive into their legislation. Delays in transposition may prevent citizens from benefiting from the advantages of the law, create uncertainty as to the applicable rules and harm the functioning of the EU’s internal market.¹⁸⁴

Therefore, in law the distinction is made between binding and non-binding legal instruments, which has significant implications for the protection of unaccompanied minors. Binding directives and regulations require full implementation and compliance by all EU Member States. These types of norms establish minimum standards of protection in the field

¹⁸¹ TFEU. Art.291.

¹⁸² Michal Bobek, “The Effects of EU Law in the National Legal Systems,” in *European Union Law*, ed. Catherine Barnard and Steve Peers (Oxford: Oxford University Press, forthcoming), [PDF document], accessed April 13, 2025.

¹⁸³ European Court of Auditors, *EU Law: Rules and Principles*

¹⁸⁴ European Commission, *Implementing EU Law*

they touch upon. In contrast, non-binding measures, such as provisions and advice, serve as guidelines rather than enforceable obligations. As a result, implementation varies widely, with some states offering stronger protections, while others adopt minimal standards.

The European Commission and the FRA have repeatedly highlighted the need for stronger enforcement mechanisms to ensure full compliance with EU legal standards.¹⁸⁵ As migration pressures persist, ensuring the harmonized application of these legal protections remains a critical challenge for EU policymakers.

In conclusion, implementation of EU law is a shared responsibility between the Member States, who are the main players in transposition and application, and the EU, mainly through the European Commission, which monitors, supports and, in the event of non-compliance, sanctions. The principles of primacy, direct effect and indirect effect are essential to the integration of EU law into national legal orders. The implementation of EU law is therefore a complex process influenced by various factors specific to each Member State, such as its constitutional arrangements, legislative procedures, the levels of government involved, and its administrative and financial capacity.¹⁸⁶ There are also the possible differences in interpretation of EU law between Member States and the Commission, as well as deadlines for transposing directives that can be difficult to meet.

Now that we have a good overview of implementation theory, including the three main categories of causal mechanisms and the role of the EU and Member States in terms of implementation responsibility, we can apply it to the Greek case and draw conclusions to answer our research question.

3.2 Applying Implementation Theory To The Greek Case

The significant increase in the number of arrivals in 2024 overloaded the country's already inadequate reception capacity. Faced with a continuing increase in migrant arrivals, detention is therefore often used as an immediate and pragmatic response to manage migratory flows, in the absence of sufficiently developed alternative solutions. Implementation Theory helps explain why a state like Greece, despite being a signatory to numerous international and European standards for the protection of migrant children, fails to guarantee their effectiveness. Focusing on internal implementation processes, this theory identifies several causal

¹⁸⁵ Council of Europe and European Union Agency for Fundamental Rights, *Handbook on European Law Relating to the Rights of the Child* (2022), accessed April 13, 2025, https://fra.europa.eu/sites/default/files/fra_uploads/fra-coe-2022-handbook-child-rights_fr.pdf.

¹⁸⁶ European Court of Auditors, *EU Law: Rules and Principles*

mechanisms likely to cause a gap between the legal institutionalization of standards and their actual implementation. Greece has not necessary an intention of violating children's rights. But the facts show that there is a real gap between what the law says (institutionalization) and what happens in practice (implementation), often due to conflicting priorities, lack of resources or different interpretations of standards.

Ideational Factors: Cultural And Legal Compatibility

As Implementation Theory demonstrates, a first mechanism explaining the poor application of European standards in Greece lies in the phenomenon of cultural mismatch and the failure of norms localization. This means that when a European standard (e.g., "migrant children must never be detained") arrives in a country, it must often be adapted to ensure local acceptance and application. There is, therefore, a need for these standards to be compatible with the country's culture, beliefs and priorities. Local actors (authorities, NGOs, justice, civil servants, etc.) must work on the appropriation and concrete translation of the standard, and the standard should be reformulated or framed in such a way as not to appear contradictory to local practices and discourse. When this adaptation process fails, we speak of a "cultural mismatch", and the norm remains imposed from outside and is therefore not effectively implemented.

The case of Greece illustrates this dynamic in a particular way. As demonstrated in the section pertaining to the legal system, in 2020, the Greek government officially abolished the practice of protective detention of unaccompanied minors. At first glance, this reform seems to mark compliance with European directive 2013/33/EU. As we have seen, Greece, with the help of the EU, has set up secure zones within reception camps, intended to provide a protective framework for vulnerable minors. Once again, on paper, everything seems to line up and respect children's rights. Yet even though these zones are officially designed as protection areas, we have seen that the conditions strongly resemble a deprivation of liberty, with fences, constant surveillance, lack of educational activities and loss of freedom of movement. It is not necessary the case that Greece wants to violate children's rights. It is rather that in trying both to protect children and cope with a difficult migration situation, it is adopting practices such as secure zones which, without necessarily intending to, look like detention. This observation highlights a certain cultural gap. The European standard aimed at avoiding the detention of children is in line with the protection of fundamental rights. However, in the Greek context, marked by strong migratory pressure and challenges in terms of reception capacity, the political priority often remains focused on border control and flow regulation. In fact, by being a

frontline country, Greece's migration context is shaped by a more security and controlled border mindset. This can lead to an interpretation of the norm that is more security-oriented than social. In this context, the European norm of non-detention of minors is not integrated as a central value, but rather reinterpreted in such a way as not to call into question national priorities. This is a case of a partial localization of the norm in regards with Implementation Theory. Although transposed into domestic law, it is reformulated to suit local realities and constraints, which sometimes limit its effect. The point is not to judge the authorities' intentions, but to analyze how realities on the ground influence the way standards are translated into practice.

Another cultural mechanism that helps explain the gap between legal norms and their practical application in Greece lies in the perception of migration by the Greek state and society, as well as in the evolution of the national political context. According to the Observatory for the Protection of Refugee and Migrant Rights,¹⁸⁷ historically, the Greek state's response to immigration has ranged from welcome to repression, depending on the political and economic context. Recently, in the face of the 2015 migration crisis, the policy has solidified, with the closure of borders, militarized camps, increased control of NGOs and a proliferation of forced returns.¹⁸⁸ This intensification is also part of a major political shift. Between 2015 and 2019, Greece was ruled by the radical-left SYRIZA government, led by Alexis Tsipras. This government tried to reconcile European protection obligations with an extremely difficult economic situation.¹⁸⁹ But since 2019, the conservative right, represented by New Democracy and its Prime Minister Kyriákos Mitsotákis, has governed the country. Re-elected in 2023 with a solid majority of 40%, the current government has adopted a much more restrictive, security-oriented approach to migration. This ideological shift is reflected in a "hard line" policy, emphasizing border control, arrival prevention and deterrence, rather than integration or the systematic protection of rights.¹⁹⁰ This political and cultural context contributes to a reinterpretation of the meaning of European standards on Greek territory. The principles of child protection, such as prohibiting the detention of children or the obligation to

¹⁸⁷ Organisation pour la Communication en Réfugié (O-CR), *Rapport Pays – Grèce*, November 2023, accessed April 13, 2025, <https://o-cr.org/wp-content/uploads/2023/11/RAPPORT-PAYS-GRECE-1.pdf>.

¹⁸⁸ European Commission, *Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration*, COM(2016) 85 final, February 10, 2016, accessed April 13, 2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:85:FIN>.

¹⁸⁹ Toute l'Europe, "Grèce," n.d., accessed April 13, 2025, <https://www.touteleurope.eu/pays/grece/>.

¹⁹⁰ *Le Monde*, "Grèce: Alexis Tsipras démissionne de la direction du parti de gauche Syriza," June 30, 2023, accessed April 13, 2025, https://www.lemonde.fr/international/article/2023/06/30/grece-alexis-tsipras-demissionne-de-la-direction-du-parti-de-gauche-syriza_6179867_3210.html.

provide them with decent living conditions, may be legally adopted, but their implementation takes place in an environment where migration is perceived above all as a threat. The result is a cultural mismatch between the values defended by European standards and those that structure the dominant political discourse in Greece as control, order and security. This framing helps to explain why certain standards are transposed into law but do not actually enter administrative practice. The norms are reinterpreted in such a way as to respond primarily to the need for control for a frontline country such as Greece, sometimes to the detriment of fundamental rights.

This context can also explain the gap between legislation and reality on the ground. Policies are formally adopted, but their implementation is slowed down by the framing, which is more about security than the protection of migrant children. Therefore, this causal mechanism offers a first clear cause of this implementation gap. In fact, the political discourse, due to their frontline position, favors control over integration and protection, which guides administrative and police practices. This perception facilitates the acceptance of noncompliance with EU norms and undermines the effective implementation of protection standards. Thus, the way in which the Greek authorities frame their discourse influences not only the perception of migrants, but also the way in which European standards are interpreted and applied on the ground, creating a significant gap between legal commitments and the reality of their implementation.

Material Factors: Financial Resources, Administrative Fragmentation And Stakeholder Interests

A second crucial mechanism explaining the gap between the institutionalization of European standards and their concrete implementation in Greece is linked to the notion of state capacity limitations, as developed by Betts and Orchard in their Implementation Theory. This approach emphasizes that the formal adoption of a norm is not enough. For it to be applied effectively, the state must have sufficient human, financial, material and administrative resources to enable its day-to-day implementation. This refers not only to economic strength, such as GDP or government revenue, but also to the country's institutional infrastructure. Insufficient capacity can manifest itself in problems of corruption, inefficient bureaucracy, or simply a lack of qualified personnel or financial resources. A lack of capacity is a major constraint to the

effective implementation of standards. Without these resources, even the best political will cannot guarantee effective application of international norms.¹⁹¹

If we look at the family reunification aspect, we can see that state capacity can be a major factor responsible for implementation gap. In fact, Greek law has introduced a procedure with many steps and many different actors, which can delay indefinitely the initiation of the family reunification procedure. The main cause of this delay is the lack of resources resulting from the economic crisis in Greece, leading to major budget cuts in the public sector, including the Greek Asylum Service. This lack of capacity translates into staff shortages, lack of training, procedural errors and an inability to meet the deadlines set by the Dublin Regulation. The two-registration system they are using allows Greece to postpone the processing of applications without formally violating the Dublin Regulation deadlines, but children's rights are compromised.

The same can apply to detention and the poor living conditions we have observed. The persistence of deprivation of liberty practices, even after the formal abolition of protective detention for minors, is linked to administrative delays and a significant budget deficit. These factors are directly linked to a lack of state capacity to provide adequate alternatives to detention. The budget deficit and cuts in the public sector have led to a shortage of qualified staff. Without sufficient staff, it is difficult to provide basic services such as medical care and interpretation, or to ensure adequate supervision and protection as EU law requires. In fact, the gap between European legal requirements, such as Reception Conditions Directive, and camp reality is obvious, and inadequate funding is a major problem. As we have seen before, lack of interpretation services limits access to basic services. At the end of 2023, there were only six doctors in total in detention centers on the mainland. Official data for 2023 show the coverage rates of staff required, revealing significant shortages in the provision of medical and health care, social support services and interpretation services. These challenges are direct manifestations of a state capacity constrained by limited resources and lack of a good financial programs. A final example of how limited state capacity affects implementation is the age assessment procedure. In Greece, the tests used to determine a child's age are often basic and rely mainly on quick medical checks of bones and teeth. Psychological tests are rarely used, mostly because of a lack of resources. There are also not enough trained professionals to carry out full assessments, which leads to delays. Furthermore, a lot of kids are unaware of their

¹⁹¹ Betts and Orchard, *Implementation*.

rights or the services they are allowed for, and they have a very difficult time contesting an incorrect age assessment because there are not any controlled systems in place.

All these shortages therefore have a direct impact on the rights of migrant children. The shortage of medical staff compromises access to care, particularly for children who are often traumatized by their migratory journey. The lack of interpreters makes communication with minors extremely difficult, limiting their ability to express their needs and understand their rights. The low number of educators and social workers reduces the opportunities for educational activities and psychosocial support in the camps. All these material shortcomings make it particularly difficult to effectively implement European standards requiring states to guarantee an adequate standard of living, access to education, healthcare and specific protection for minors. Therefore, these material factors must be considered when assessing Greece's ability to comply with European standards, as they play a crucial role in shaping the gap between formal legal commitments and actual implementation on the ground. Thus, in accordance with the theory, a major barrier to successful implementation is the state's limited capacity, especially with regard to resources. This is most noticeable during humanitarian crises, when the gap between legal requirements and actual implementation is at its worst.

Although Greece has experienced continuous economic difficulties since the economic crisis, as mentioned above, it would be oversimplifying to explain implementation failures solely by a lack of financial resources. It is important to stress that migration management in Greece has benefited from substantial financial support, particularly from the European Union. Since 2015, 2.23 billion euros have been mobilized to tackle the migration crisis, through various European programs and funds.¹⁹² The European Commission has supported Greece in regard to migration challenges in the hope of improving border control, asylum and return procedures. For the period 2021–2027, FAMI has allocated nearly 407.7 million euros to Greece, of which around 24.4% (or 99.4 million euros) was specifically dedicated to integration actions, such as access to housing, language courses or social and professional support.¹⁹³ These amounts are in addition to other forms of European funding for infrastructure such as CCACs or reception services.

¹⁹² European Commission, *Managing Migration: EU Financial Support to Greece*, February 2020, consulté le 13 avril 2025, https://home-affairs.ec.europa.eu/system/files/2020-02/202002_managing-migration-eu-financial-support-to-greece_en.pdf

¹⁹³ European Court of Auditors, *EU Migration Management: Delays in the Implementation of the Relocation Scheme Have Reduced Its Effectiveness*, Special Report No. 24, 2019, accessed April 13, 2025, https://www.eca.europa.eu/Lists/ECADocuments/SR19_24/SR_Migration_management_EN.pdf.

It is important to note that the European Union does not allocate this funding randomly, but according to criteria defined in regulation (EU) 2021/1147. The allocation of FAMI is based on a formula combining a fixed basic amount for each Member State and a variable share determined by several weighted indicators: the number of third-country nationals residing on the territory (30%), the number of asylum applications and relocations (30%), and the number of returns carried out (40%). These criteria are designed to reflect actual migratory pressure and the efforts made by each state.¹⁹⁴

It is interesting to compare the budget allocated to Greece with a country like Italy, which also suffers from a large influx of migrants. Greece received a similar budget to Italy under the FAMI, which is around 394 million euros. However, it also benefited from much larger exceptional funding, notably via the Emergency Support Instrument (ESI), reserved for massive crisis situations.¹⁹⁵ This can be explained by the specific geographical position of Greece, which is the main entry country on the eastern route, and by the extreme concentration of arrivals on a limited territory, notably the islands of Lesbos, Samos and Kos. In total, Greece has therefore received more than three times the total amount allocated to Italy since 2015. In relation to the number of asylum seekers, financial support per person is significantly higher in Greece.

Yet we can see that this budgetary support has not been enough to guarantee proper implementation of protection norms, particularly for migrant children. There is, therefore, a significant financial reality, but other structural factors may also explain this gap. Firstly, migratory pressure remains extremely high, as we have seen arrivals in 2024, notably via the Libya-Crete route, far exceeded planned capacity, leading to saturation of the camps, particularly on the islands of Samos and Lesbos.¹⁹⁶ Secondly, the infrastructure, although modernized with EU aid, still suffers from overcrowding, staff shortages and poor hygiene, with reception conditions ill-suited to their vulnerability.

This reality perfectly illustrates one of the central assumptions of Implementation Theory. The availability of resources is not enough to guarantee the effective implementation of a norm if the state does not have the administrative, technical or organizational capacity to absorb and apply these resources in a coordinated manner. In other words, it is not just the

¹⁹⁴ European Parliament and Council, *Regulation (EU) 2021/1147 of 7 July 2021 Establishing the Asylum, Migration and Integration Fund*, [2021] OJ L 251/1, accessed April 13, 2025, <https://eur-lex.europa.eu/eli/reg/2021/1147/oj>.

¹⁹⁵ European Commission, *EU Budget: Financial Support to Greece*, September 2021, accessed April 13, 2025, https://home-affairs.ec.europa.eu/system/files/2021-09/202109_eu-budget-financial-support-to-greece_en.pdf.

¹⁹⁶ RSA, *Refugee Facilities on the Aegean Islands*

quantity of the budget that matters, but the state's ability to transform this funding into concrete policies, in line with legal obligations and the principles of fundamental rights protection. This is the principle of bureaucratic inefficiency. It is a deep-rooted problem in Greece, and it limits the state's ability to process procedures effectively. It is not just a question of slowness, but of a structural lack of qualified and trained human resources. As mentioned in the theoretical framework, state capacity is not just about financing. The need to have a comprehensive and qualified state body actor is essential for a norm to be implemented correctly. This lack of capacity means that the Greek administration is unable to process cases within reasonable time limits, organize services efficiently and implement procedures in line with norms. This leads directly to delays, inadequate living conditions and the non-realization of migrant children's rights on the ground, despite their formal existence in law. So the question arises regarding how these funds are managed because they involve several different players. Between NGOs, national administrations and European agents, this can lead to administrative delays, different interests and poor budget coordination. In a context of complex bureaucracy, the Greek state's ability to transform these budgets into effective, coordinated action can therefore be limited. We thus need to deepen the analysis by examining another key factor identified by Implementation Theory, namely the role of stakeholder's interests.

According to Implementation Theory, the divergence of interests between the various players, known as stakeholder interests, can also influence the implementation of norms. Unlike the purely administrative or legal obstacles that we will analyze below with the bureaucratic contestation aspect, here we focus on the divergence of benefits or losses that the actors have in implementing the standard. Each stakeholder, such as the central government, municipalities, NGOs, European agencies and the local population, acts according to its own perception of what it stands to gain or lose from applying the standard, which can profoundly influence its support or resistance.¹⁹⁷

In Greece, migration policy is therefore based on a set of often contradictory interests. On the one hand, we have the central government, led by the conservative New Democracy party, which has adopted a security line based on border control and the deterrence of arrivals, to meet both national expectations and European pressures. This political orientation has led to the construction of the CCACs, sometimes to the detriment of protection principles, such as those linked to children's rights, because this is not in their political interest. On the other hand, many island municipalities (such as those of Samos or Lesbos), dependent on tourism, are

¹⁹⁷ Betts and Orchard, *Implementation and World Politics*

opposed to the establishment of new reception centers, which they perceive as a negative towards their economic attractiveness. These differences of opinion have slowed down several projects, even though they were financed by the European Union. This shows how local logics can collide with national or European objectives.¹⁹⁸

NGOs, on the other hand, are primarily concerned with defending fundamental rights. They often act as a counterweight to migration control policies. In Greece, they intervene through advocacy, legal recourse or on-the-ground initiatives. However, they come up against growing mistrust on the part of the authorities, and even administrative restrictions.¹⁹⁹ European agencies, such as the Commission, are seeking to balance financial support with legal compliance requirements. Their priority often remains managing flows rather than guaranteeing optimal reception conditions.²⁰⁰ This explains why most of the European funding is devoted to security and infrastructure, and not to the integration or care of children

Finally, local populations are a silent but powerful force. Their perception of migrants, ranging from humanitarian compassion to fear of an economic crisis, strongly influences local politicians and, in turn, national policies. We have seen that on the Greek islands that the population was not in favor of integrating migrant children into public schools. These demonstrations of opposition concerning the integration of children in local schools represent clear evidence of this influence.²⁰¹

Beyond material factors, another main point to achieve a good management of a crisis is having an effective and coordinated state organization. Without effective monitoring mechanisms and inter-institutional coordination, even the most generous funds risk having a limited impact, and this is what will be analyzed in the next section.

Institutional Factors: Bureaucratic Contestation And Stakeholders Interest

The last mechanism explaining implementation gaps in Greece concerns institutional factors, and in particular, the notions of bureaucratic contestation, as defined in Betts and Orchard's Implementation Theory. This mechanism highlights the fact that the implementation of an international standard depends not only on the laws adopted and the resources available, but

¹⁹⁸ O-CR, *Rapport Pays – Grèce*, 2023.

¹⁹⁹ Amnesty International, *Greece: Regulation of NGOs Working on Migration and Asylum Threatens Civic Space*, July 30, 2020, accessed April 13, 2025, <https://www.amnesty.org/en/documents/eur25/2821/2020/en/>.

²⁰⁰ European Commission, *2025 Commission Work Programme Focuses, among Other Topics, on Security and Migration*, February 25, 2025, accessed April 13, 2025, https://home-affairs.ec.europa.eu/news/2025-commission-work-programme-focuses-among-other-topics-security-and-migration-2025-02-25_en.

²⁰¹ *Le Monde*, Tsipras Démissionne de Syriza.

also on the attitudes, practices and internal interactions within the state system, particularly the administrations responsible for applying these standards. For example, conflicts may slow down procedures with a department that refuses to issue a document on which another department depends. In other words, it is the institutions and their functions that largely condition the way in which a standard will or will not be applied in practice.²⁰²

In Greece, this dynamic is particularly visible in the management of the protection of migrant children. Numerous European and national reports have documented the existence of a fragmented administrative system, where different public bodies ministries, asylum services, police, local authorities, social services and judicial branches intervene, with sometimes contradictory logics and without effective coordination.²⁰³ However, these actors do not always share common priorities or the same interpretation of norms. For example, judicial authorities can have a stricter approach regarding detention conditions than administrative authorities more able to allow extended detention due to procedural delays. On the other hand, NGOs denounce these practices and defend a more protective approach to migrant children. This lack of coordination can create a gap between decisions and applications.

Concrete examples illustrate this reality. Firstly, the complex relationship between the Ministry of Migration, the police force and the Asylum Service is causing dysfunction in reception centers, notably the hotspots on the Aegean islands. Registration of migrants is the responsibility of the police, while day-to-day management is handled by the Reception Secretariat, and asylum decisions are processed by a different administration. This division creates delays in registration, in the transfer of minors to specialized structures, and in the provision of appropriate services. The report by the European Court of Auditors clearly points out that these deferent administrative actors unnecessarily extend processing and rehousing times.

Another example of internal conflict is the lack of coordination between RIS and the National Centre for Social Solidarity (EKKA), the organization responsible for directing children to suitable accommodation centers. Transfers are regularly blocked because the minors' applications are incomplete or incorrectly transmitted, resulting in an average wait of 36 days for shelter, well above the threshold set by European standards. Moreover, as we have mentioned before, in 2024, the temporary suspension of the contract with the NGO METAdrasi, which provides interpreting services in the centers, also represented an important

²⁰² Betts and Orchard, *Implementation*.

²⁰³ Court of Auditors, *EU Migration Management*, 2019.

dysfunction. This suspension of contract was caused by an administrative block on payment, validated by one institution but frozen by another.²⁰⁴ This situation directly paralyzed the asylum interviews, delaying the examination of applications and lengthening the detention of the children concerned

Tensions also exist between the central government and local authorities, notably over the construction of CCACs. In 2020–2021, the local population of Lesbos, Samos and Chios opposed these projects, citing the impact on their communities. These conflicts have given rise to demonstrations, administrative appeals and even the intervention of police, illustrating the government’s difficulty in enforcing its decisions throughout the country. Finally, there are sometimes disagreements between the asylum administration and the judicial system. Some courts cancel detention decisions for lack of a legal basis, but the administration immediately re-issues a new detention decision, recreating a vicious cycle.²⁰⁵

These different cases reveal that Greece is facing a real structural bureaucratic challenge which is pointed out by the theory to be a very important constrain effective implementation. This is not the result of open conflict between institutions, but rather of a confusion of responsibilities and a lack of operational coordination. As explained previously in the section on the legal system, since 2016, successive asylum reforms have not always clarified competences or simplified administrative processes. In this context, migrant children find themselves at the heart of slow, disorganized and often incoherent procedures. This observation confirms a key hypothesis of Implementation Theory, namely that the state is not a single actor, and the lack of functional alignment between its internal actors may be enough to explain why a norm, however legally transposed, fails to produce its expected effects on the ground.

Applying The Orchard Implementation Evaluation Scale

After applying the three major causal mechanisms, it is important to look at where Greece stands on the Orchard implementation evaluation scale. The situation of migrant children in Greece can be categorized as “limited implementation”, or in some situations even

²⁰⁴ METAdrasi, “METAdrasi obliged to severe cuts in interpretation services due to prolonged payment delays by Ministry of Migration and Asylum,” 30 October 2023, consulté le 13 avril 2025, <https://metadrasi.org/en/metadrasi-obliged-to-severe-cuts-in-interpretation-services-due-to-prolonged-payment-delays-by-ministry-of-migration-and-asylum/>.

²⁰⁵ Greek Council for Refugees (GCR) and European Council on Refugees and Exiles (ECRE), *AIDA Country Report: Greece – 2023 Update*, June 25, 2024, accessed April 13, 2025, <https://ecre.org/aida-country-report-on-greece-2023-update/>.

“problematic implementation”. While the Greek legal framework has undergone significant reforms in line with international and European standards, the practical application of these norms remains inconsistent and insufficient. The continued use of detention under misleading protective terms, substandard living conditions in camps, administrative delays in family reunification and uncertain age assessment procedures, all suggest that the intended legal protections are not correctly applied on the ground. These gaps are often due to financial, structural and bureaucratic difficulties, despite the formal existence of laws and funding mechanisms. Therefore, although Greece has formally adopted and transposed the relevant child protection norms, the impact on the ground remains limited and reveals deeper systemic barriers, consistent with the third and fourth levels of Orchard’s scale.

To fully understand resistance to implementation, it is also necessary to broaden the analysis even further, beyond the state system, by examining the concrete role the EU and Greece occupy in term of implementation responsibility. As explained in the theoretical framework, international anarchy describes this idea of no global shared responsibility. Even though the EU can sanction countries if there is noncompliance within the national system, the power stays very broad. The following section will more deeply analyze this challenge and will end with some possible preliminary recommendations.

3.3 Theoretical And Policy Contributions: Lesson From The Greek Case.

Norm Implementation And Migration Policy Gaps

Despite the wide-ranging normative framework of European law on the protection of migrant children, Greece is struggling to guarantee its full application, and this has been analyzed under three causal mechanisms. The observations highlight a structural tension between the theory of implementation of European law and its translation into national reality. To further understand the roots of this implementation gap, it is essential to investigate the distribution of responsibilities among the various stakeholders, and to consider the role of the legal system, such as dualism, and the concept of international anarchy.

As indicated in the previous theoretical sections, the EU puts in place binding legal instruments for its Member States, but their actual implementation largely depends on the Member States themselves. Under Article 291(1) of the TFEU, national authorities must take

all necessary measures to ensure compliance with Community law.²⁰⁶ On the side of Member States, we have seen that different legal structure can be applicable, namely monism or dualism. In the case of Greece, the dualist legal structure offers further challenges. International and EU laws must be explicitly transposed into national legislation, allowing the government a significant degree of flexibility in shaping both content and timing. While this respects constitutional norms, it also provides a mechanism for delaying or limiting protection, often under the pretext of administrative, budgetary or political constraints.

However, we have seen in the theoretical section that there is an EU conformity system aimed at checking rapid and correct application of the EU norms. It is divided into two dimensions, one based on coercive enforcement monitoring and sanctions and the other on problem-solving management, such as capacity building, interpretation of rules and transparency.²⁰⁷ This involves centralized supervision by the EU's supranational institutions, such as the Commission and the CJEU, and decentralized supervision involving national courts and civil society actors.

Despite these mechanisms, non-compliance persists. As we have seen with the Greek case, significant breaches exist once they have been transposed at the national level.²⁰⁸ Various authors have already investigated this issue and have noted that a significant proportion of violations of EU norms occur at the stage of application in the field, and not just at the stage of legal transposition.²⁰⁹ As is the case in Greece with the rights of migrant children, the violation occurs on the ground and not on paper. Therefore, it highlights the real complexity of a system with many different levels. Some authors such as Tallberg and Falkner have already analyzed that migration lacks an easily identifiable global institutional framework.²¹⁰ There is no united system dedicated to migration. Instead, there is a rich number of institutions at the bilateral, regional and multilateral levels, including formal and informal structures.²¹¹ This reinforces the point made in this thesis that the overall picture of global governance of migration is fragmented, and that it lacks a global vision where actors from the national and international

²⁰⁶ Consolidated version of the Treaty on the Functioning of the European Union, art. 29(1), OJ C 202, 7.6.2016, p. 1, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2016:202:TOC>

²⁰⁷ Jonas Tallberg, "Paths to Compliance: Enforcement, Management, and the European Union," *International Organization* 56, no. 3 (Summer 2002): 609–643.

²⁰⁸ Jonas Tallberg, *Paths to Compliance: Enforcement, Management, and the European Union*

²⁰⁹ Gerda Falkner and Oliver Treib, *Three Worlds of Compliance or Four? The EU-15 Compared to New Member States* (2008), *Journal of Common Market Studies*, 46(2): 293–313.

²¹⁰ Jonas Tallberg, *Paths to Compliance: Enforcement, Management, and the European Union*

²¹¹ Alexander Betts, *Global Migration Governance*, Global Economic Governance Programme Policy Brief 2011/01 (University of Oxford, 2011).

level cooperate. There is the need to take common responsibility to implement on the ground the protection of migrant children's rights.

According to the findings, there is no supranational institution tasked with upholding states' duties under international migration law. Organisations like the International Organisation for Migration (IOM), operate through coordination and support functions rather than having any official enforcement authority. This institutional gap is a reflection of what Implementation Theory has called international anarchy, which is a structural situation in which there is no higher authority to enforce compliance. In this situation, the EU and its Member States cannot act as a single body to collectively enforce the enforcement of children's rights. Instead, it is the primary duty of each state to implement international rules, this becomes especially difficult when fundamental rights are involved

Moreover, EU funding is often focused on border control and documentation, to the detriment of strengthening the protection of migrant children. An essential challenge is to establish greater coherence between all existing international institutions. Thus, the lack of oversight of the implementation of obligations, and capacity-building that is often oriented towards control rather than protection, can contribute to the implementation problems observed at the national level.

On the side of the state, responsibility can also be found. An interesting phenomenon, described by Falkner and Treib as "world of dead letters", is highly applicable to the case of Greece.²¹² In this world, countries may transpose directives in a formally correct manner, influenced by internal political dynamics, but then systematically fail at the stage of follow-up and practical application and enforcement of these laws. It has been confirmed to be the case in Greece with the previous analysis section, and thus, we can include Greece is in the category of world of dead letters. This discrepancy is not necessarily the result of simple ill will. As Tallberg points out, violations can result not only from attempts to assuage national interests, but also from capacity limitations.²¹³ These capacity problems, such as lack of resources and poor organization, also offer a systemic explanation for the fact that EU norms are not correctly applied in practice in Greece. This case study contributes to the broader debate on norm implementation and migration governance, by showing that legal harmonization at the EU level remains insufficient without enforcement and coordination mechanisms. And that the Greek state lacks resources and cooperation between different actors involved in migrant s's right

²¹²Falkner and Treib, *Three Worlds of Compliance*.

²¹³ Tallberg, *Paths to Compliance*.

protection. This confirms the findings of scholars like Tallberg or Falkner on the limits of EU compliance in practice.

Lesson From EU Compliance And Theoretical Contribution

In this last section, the aim is not to blame one actor, but to make tentative suggestions as to what can be done to avoid a humanitarian crisis, such as the one unfolding in Greece, from happening again. The analysis of the Greek case has contributed to the deep need to react and reform the European migration management system. As arrivals continue to rise, the situation must change at the international and national level. This case study of Greece brings to light some important implications for both theory and practice.

From an Implementation Theory perspective, the findings have confirmed the relevance of Betts and Orchard's framework particularly the importance of more institutional coordination and available resources. Furthermore, the Greek case has also demonstrated that implementation outcomes in EU asylum and migration policy are shaped not just by domestic factors, but also by significant external influences. In fact, we have observed that Greece has relied heavily on NGOs due to the lack of effective national policies or sufficient EU supervision. The Greek situation illustrates how systemic issues arise from confused cooperation among NGOs, national governments and international organizations (IOs). While migrant children sometimes benefit from protective interventions by NGOs, the sustainability of such efforts is not ensured, and rights are not fully protected on the long term. This can be due to their dependence on external funding but also to the lack of formal integration of those NGOs into state systems. As they have different interests, the lack of cooperation results in bad or ineffective children's rights protection. This point holds significant implications for other frontline countries like Italy or Spain, where similar issues may exist. It calls for the creation of an integrated sustainable and monitored protection framework.

At the EU level, this thesis enables us to emphasise the pressing need for a more enforceable and binding implementation mechanism, particularly about child-specific standards within the common European Asylum System. The current tools, due to limited implementation and lack of sanctioning power, have been shown to be insufficient for members with low institutional capacity. More broadly, this case illustrates the risk of norm degradation, when restrictive migration control frameworks, exacerbated by the pressure on frontline countries, are combined with the need for an effective application of children's rights. During this analysis, we have seen that because of increased migration pressure, Europe and its

Member States have finally adopted a response that is more focused on security than protection. We can conclude that we have moved from a formal legal system to a flexible one based on security interests. As a result, the normative credibility of the EU's human rights commitments is weakened by the lack of legal enforceability of protection standards. This can undermine democratic legitimacy and provide a poor guarantee of fundamental rights. This also draws attention to the need for reform, as the EU's fundamental values and objectives are called into question if no improvements are made. Therefore, the Greek case is not a unique situation; on the contrary, is an example of a broader structural weakness in EU migration governance.

In conclusion, this study calls for some systemic reforms. Ensuring uniform application of fundamental rights across the EU requires both cooperation through enforcement mechanisms and institutional capacity-building. Although scholars have already raised such concerns more than a decade ago, the persistence of these issues observable in Greece demands attention. Without strong international and regional oversight, frontline states like Greece will continue to struggle to implement the standards they are legally bound to apply. This raises serious concerns about the future of child protection at the EU's external borders.

Towards A More Effective Implementation System

Beyond the critical observations, it is possible to propose some preliminary recommendations based on the results of this research. These recommendations aim to strengthen the efficiency, coherence and sustainability of the European Asylum System, with particular emphasis on children's rights.

First, the European Union could create a binding independent mechanism for controlling a correct application of the children rights. The aim of this tool would be to impose on all Member States a real follow-up from ratification to implementation. But there is a risk of infringing on the sovereignty of states. Therefore, it is necessary to create a tool such as an annual compliance report including indicators specific to migrant children's rights. In this way, states can better understand what is expected of them, as well as there being an option for assistance and direct reporting to the EU in the event of non-compliance. This would allow for a better identification of the gap between norms and practices by implementing better controlling mechanisms than is the case today, where delays are long, and sanctions rarely applied.

Second, as mentioned above, most EU Member States work with NGOs to support and help migrant children, but these partnerships are often informal, with no harmonized European

partnership framework.²¹⁴ Some initiatives from the European Union have already been mentioned. For example, the European Commission is calling for more reliable funding linked to quality criteria, but practical implementation depends on the Member States and is not yet guaranteed everywhere.²¹⁵ Moreover, we can see that the will to harmonize practices and define standards for the care of minors is present but still not legally binding enough. Therefore, the proposition would be that the EU provides stable funding, linked to quality and coordination criteria, and creates a European reference framework for the missions, responsibilities and conditions of intervention of NGOs with migrant children.

Thirdly, the question of implementation cannot be separated from the structural inequalities between Member States. The EU has set up voluntary programs, such as the transfer of 1,600 unaccompanied minors from Greece to 11 Member States between 2020 and 2021, but quotas depend on the goodwill of individual states.²¹⁶ We have also seen that the Dublin Regulation allows transfers for family reunification but does not create a general obligation. In terms of financing, we conclude that Greece has benefited from asylum, migration and integration funds to improve its reception structures, but there is no direct link to performance indicators on fundamental rights. Solidarity remains asymmetrical and current financial conditionalities concern the rule of law, not the efficiency of reception systems. Therefore, what would be a good reform is to create a system of compulsory relocation of unaccompanied minors from states of first entry and conditional aid for implementation based on performance in protecting fundamental rights, and nothing else.

These proposals are not intended to revolutionize the system, but to strengthen its foundations. The aim is to move from a fragmented to a coordinated, predictable framework focused on the best interests of the child. The Greek case, far from being isolated, is therefore a sign to collectively improve and strengthen European migration governance.

²¹⁴ Fedasil, “Financement du retour volontaire,” accessed April 13, 2025, <https://www.fedasil.be/fr/retour-volontaire/financement>.

²¹⁵ European Commission, “The Protection of Children in Migration – Summary,” *EUR-Lex*, accessed April 13, 2025, <https://eur-lex.europa.eu/...>

²¹⁶ UNHCR Belgium, “Note explicative – La relocalisation d’enfants non accompagnés depuis la Grèce,” accessed April 13, 2025, <https://www.unhcr.org/be/actualites/note-explicative-la-relocalisation-d-enfants-non-accompagnes-depuis-la-grece-vers-d>

Conclusion

This thesis aimed to answer the following central research question: How does the detention of migrant children in Greece fulfill its commitment to European Union's legal commitments to child protection? At the heart of this question lies the discrepancy between legal compliance on paper and the continuous human rights violations that continue to affect migrant children at the EU's external borders. To answer this question, this thesis undertook a detailed case study of Greece, combining legal analysis with the theoretical framework of Implementation Theory developed by Betts and Orchard. The Greek case was explored as a revealing example of how the transposition of norms do not automatically translate into protection in practice. Although Greece has formally abolished protective custody and transposed key EU directives, the use of secure zones, detention-like conditions and institutional barriers still results in the effective deprivation of liberty for many children. Using Betts and Orchard's framework, this thesis has highlighted three main categories of causal mechanisms that explain this gap.

First, there are ideational factors based on a security framing and norm localization failure. We have identified that the way in which migration was framed in public discourse and institutional logic was an attempt at good implementation of children rights. Greece, as a frontline state, receives a disproportionate number of migrants via the Aegean and Eastern Mediterranean routes. In response, the Greek state has framed migration as a security challenge, prioritizing border control and deterrence over humanitarian protection. This securitized narrative has led to the adoption of measures such as the CCACs, which, despite EU funding and legal justifications, function as detention facilities. While legal reforms such as the abolition of protective custody in 2020 signal formal progress, the security framing allows for a reinterpretation of protection norms and undermines their intent. The best interests of the child are often invoked, yet rarely respected in practice, with vague criteria allowing a lot of application flexibility. This results in the norm being localized not in alignment with child protection standards, but according to the logic of security and control.

Another key ideational factor lies in the coexistence and entanglement of multiple legal bases coming from both European and national law. Greece's dualist legal system requires international and EU norms to be transposed into national legislation, but this process has often resulted in overlapping and fragmented legal frameworks. For instance, the coexistence of asylum detention permitted under Law 4939/2022 for up to 18 months, and pre-removal detention allowed under the EU Return Directive for an additional 18 months, creates a detention continuum that can legally extend up to 36 months. This legal patchwork reflects not

only a failure of coordination between national and European norms but also a deeper issue of norm ambiguity, where the same child may be subjected to successive legal regimes under different justifications. In practice, this contributes to the normalization of detention and reinforces the broader tendency to prioritize control over protection.

Second, the material limitations of the Greek system, including financial, administrative and human resources, also limit good implementation. It is true that Greece has faced a long-standing economic crisis, which weakened state infrastructure and service delivery. However, since 2015, the EU has mobilized more than 2.2 billion euros in support of Greek migration governance. Yet, as this thesis has shown, this financial support has not been translated into effective rights protection. This can be explained by disproportionate funding being allocated to infrastructure, rather than to child-specific needs such as guardianship, legal aid, psychosocial services or integration measures. Moreover, the lack of adequately trained and qualified staff has limited the capacity to manage and deliver services effectively. The shortage of doctors and teachers is a reality in Greece that cannot be ignored. This human resource gap has contributed to financial mismanagement, delays in procedure and a failure to transform funding into appropriate outcomes for children. In 2024, the closure of interpretation services by METAdrasi due to delayed payments by the Greek Ministry is emblematic of this failure. Despite financial means, basic needs like language access, medical care and education remain unmet, especially in overcrowded island camps. The problem is not the absence of funding, but who is managing it, as well as the inability to use it meaningfully.

Third, institutional fragmentation has critically impacted coordinated responses. The protection of migrant children in Greece involves multiple overlapping actors, such as the Ministry of Migration, the RIS, EKKA for shelter allocation, the Asylum Service, national courts and numerous NGOs. Each has different mandates, priorities and operational timelines, leading to a chronic lack of coordination. As we have seen, this fragmentation manifests in procedural failures. Children wait weeks for guardian appointments, family reunification is delayed due to complex procedure and lack of cooperation between Member States, age assessments are often reduced to unreliable medical exams, without multidisciplinary input or proper legal safeguards, and the lack of centralized data and accountability mechanisms makes oversight difficult, allowing rights violations to persist without consequence. This fragmentation between legal responsibility and operational capacity is at the heart of the state's inability to deliver rights, even when the legal framework is in place.

In conclusion, this thesis shows that the continued detention of migrant children in Greece reflects deep implementation failures rooted in weaknesses at both the national and EU

level. In Greece, limited resources and poor coordination between actors undermine child protection efforts, especially in the context of a securitized approach shaped by its position as a frontline state. At the EU level, fragmented responsibilities, the lack of binding oversight mechanisms and a stronger focus on migration control than on rights enforcement prevent effective implementation. Without coordinated implementation, these legal norms remain theoretical rather than operational. Therefore, it is not about one actor failing, it is about a system that lacks coherence, where implementation is no one's clear responsibility.

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Appendices

Comparison matrix methodology:

Key Issue	Legal Norms (EU/Intl)	Greek Legal Commitment	Observed Reality (2023–2024)	Implementation Gap
Detention	Minors should not be detained unless necessary (CRC, Reception Directive Art.11)	Protective custody abolished (Law 4760/2020)	Use of 'secure zones' mimicking detention; poor conditions; surveillance; lack of legal aid	Yes
Reception Conditions	Adequate living standards required (Reception Directive Art.14)	Law 4636/2019 mandates adequate reception	Overcrowded camps, poor sanitation, lack of medical staff and interpreters	Yes
Age Assessment	Medical exams only as last resort: best interest principle applies (Asylum Procedures Directive Art.25)	2013 Ministerial Decision on multi-disciplinary age assessment	Over-reliance on bone/dental tests, misidentification as adults, no effective appeal mechanism	Yes
Family Reunification	Family unity must be prioritized (Dublin III Regulation, Art.8)	Decree 131/2006 transposing Directive 2003/86/EC	Delays of up to 18 months, complex procedures, documentation difficulties, refusal by other MS	Yes