Dear Colleagues,

The production of the Asylum Report 2024 is currently underway. The annual Asylum Report series presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2023 by topic as presented in the online survey (‘Part A’ of the form).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (‘Part B’ of the form).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 Asylum Report by civil society organisations can be accessed here, under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA’s work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2024 by Thursday, 30 November 2023.*
Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

**Part A:**
- ✓ New developments and improvements in 2023 and new or remaining challenges;
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- ✓ Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

**Part B:**
- ✓ New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

**PART A: Contributions by topic**

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Our organization, Network for Children’s Rights (“NCR”), is one of the implementing partners of the National Emergency Response Mechanism for unaccompanied minors in precarious living conditions (“NERM”), which is under the General Secretariat for Vulnerable Persons & Institutional Protection (former Special Secretary for the Protection of Unaccompanied Minors) of the Ministry of Migration and Asylum.

In this framework, NCR operates two programs, (i) Child Protection Unit (CPU) consisted of Info Desk and three (3) Mobile Units, and (ii) Protection for all Minors, all of them falling under the scope of the NERM. Therefore, our input hereby is mainly related to NCR’s target population, namely unaccompanied and separated children (UASC). The key point is that all matters related to UACs are interlinked to the operation of the NERM.

Regarding the access to territory and the asylum procedure, it is important to mention that, as of 2022, there is a new procedure for applying for international protection in Greece; applicants who cannot prove their identity and nationality with a document issued by a Greek public authority must undergo reception and identification procedures at one of two RICs on the Greek mainland, located close to Athens (Malakasa) and Thessaloniki (Diavata). Entry to the mainland RICs is regulated via a platform...
on the website of the Greek Ministry of Migration and Asylum (MoMA) for applicants living independently, whilst in some cases people may be transferred directly to RICs by the authorities from camps or after being apprehended at sea. Once inside, applicants are unable to exit the facility for a maximum of 25 days while they undergo screening consisting of a police interview, medical check, vulnerability assessment, and the registration of an asylum claim for those who wish to apply for international protection.

However, unaccompanied children are exempt from the screening procedure and may lodge their asylum claim directly with the Greek Asylum Service, with the latter directly informing the NERM (see also relevant points in question 12).

Regarding the Registration and Identification procedure under the NERM, all undocumented UASC over 14 years old, who are identified in Attica are accompanied by the Mobile Child Protection Units in ten (10) responsible police departments (AT Ambelokipoi/ AT Kaisariani/ AT Pefki-Lykovrysi/ AT Cholargos/ AT Saronikos/ AT Argyroupoli-Elliniko/ AT Rentis/ AT Korydallos/ AT Mandra-Eidyllia/ AT Agiο Anargyi-Kamatero) for registration/identification. The procedure of identification that is implemented by the police authorities is provided by the law 3907/2011.

The Police officers are taking pictures of UASC, registering their basic information (name, surname, father’s name, mother’s name, date of birth, nationality, mother tongue, entry point in Greece and religion), taking fingerprints and uploading them in various databases like EURODAC / Criminal Record etc. for security check. Then, following the relevant recommendation of the Police officer, the Return Department of the Ministry of Citizen’s Protection issues on the same day a deportation and return order that is automatically suspended (articles 78 Ν. 3386/2005 and 28 Ν. 3907/2011), as long as the UASC remain at the shelter where they are placed. In practice, the deportation order is suspended until the child becomes an adult (ie. 18 years old).

At the end of the procedure an administrative police file is created for each UASC and a document is issued with: 1) UASC’s basic information (name, surname, father’s name, mother’s name, date of birth, nationality and place of placement), 2) with a unique number called “DIKA number” which corresponds to the administrative file and 3) elucidation of deportation procedure and its suspension. The document is the first legal document an UASC over 14 years old receives in Greece and protects him/her from police arrest/ deportation till he/she claims asylum upon Asylum Service.

The UASC, as long as they remain in the police station, are considered administratively detained, though in practice, they remain in the waiting area for the implementation of the identification procedure. The procedure lasts long, approximately 8 to 12 hours.

The UASC cannot be referred to the reception and identification procedure as conducted by the reception authorities according to the administrative circular 504912/2022, issued by the Hellenic Ministry of Migration and Asylum. For that reason, the identification procedure in the mainland (Attica and Thessaloniki) takes place in police departments.

Only UASC survivors of shipwrecks and UASC, who have been rescued at sea are registered at Malakas’s RIC and not in police departments.
Regarding the reception at the borders, Greece has been accused for continuing the practices of pushbacks – unforced returns. Only in the first week of 2023, the Hellenic Coast Guard stopped 32 boats carrying 1108 people, marking an increase of 125% in pushbacks compared to the first week of 2022. According to the data provided by Aegean Boat Report, 23.128 people were pushed back to Turkey by the Greek Authorities (https://lookerstudio.google.com/u/0/reporting/1CiKR1_R7-1UbMHKhzZe_Ji_cvqF7xlFH/page/A5Q0). Also, the Committee on the Rights of the Child in its concluding observations (par.40) published on 28th of June 2022, is urging the State party to: (a) End the practice of forced returns (“pushbacks”) of families and migrant children and ensure that they are individually identified, registered and protected against refoulement, including through effective access to asylum procedures, and free legal and humanitarian assistance, in accordance with articles 6, 22 and 37 of the Convention; adopt binding codes of conduct for border officials and establish an independent border monitoring mechanism; conduct in-depth investigations on reported pushback cases, including the ones that have been identified in the European Anti-Fraud Office report, and hold accountable those responsible by prosecuting them; provide support, compensation and protection to child victims; and stop all measures of harassment of human rights defenders who rescue migrants and provide assistance to them.

From NCR work on the field on supporting UASC, most of whom entered Greece from Evros, NCR has received many testimonies of them being pushed back. Children refer that their personal items (cell phones, wallets, documents, etc.) have been stolen, they have been undressed of their clothes and remained with their underwear and they have been beaten and threatened. Some testimonies, especially when the place of detection is near the region of Evros River, indicate that the detention/restriction of freedom of movement stage is skipped so that the informal forced return is carried out immediately after the detection. Testimonies indicate that both persons in uniform and persons in civilian clothes appear to have been involved in these operations, supporting therefore the assumption that in these operations citizens not legally entitled to exercise public authority may have participated. This assumption is further supported by testimonies indicating that third country nationals speaking some of the victims' languages appear to have been involved as perpetrators in the process of physical removal. Furthermore, the vast majority of the testimonies report the use of violence during the physical removal stage, either by people in uniform or by other persons.

It should be noted that the increase in pushbacks has been highlighted globally and videos shared and published by media such as the one from the New York Times (https://www.nytimes.com/2023/05/19/world/europe/greece-migrants-abandoned.html?unlocked_article_code=kiD9ajHiEcCIjdKVklInF86VU), which was showing the involvement of the Hellenic Coast Guard in practices of pushbacks have been displayed worldwide. Additionally, questions regarding the illegal pushbacks which are taking place in the Greek territory have been submitted in the European Parliament (https://www.europarl.europa.eu/doceo/document/E-9-2023-001791_EN.html).

Furthermore, the department of the MSF Greece drawing on extensive medical data, patient testimonies and operational insights from August 2021 to July 2023, have reported their experiences and asserted that this grave lack of assistance and backdrop of violence endangers the lives of those


Also, on 27th of September the Ministry of Asylum and Migration announced the establishment of the Fundamental Rights Officer (FRO) ([https://migration.gov.gr/en/enarxi-leitoyrgias-toy-michanismoj-kataggelion](https://migration.gov.gr/en/enarxi-leitoyrgias-toy-michanismoj-kataggelion/)).

We would like to highlight that in June 2023 the deadliest shipwreck of the Mediterranean has sparked global interest. On the night of 13th to 14th of June 2023, the overcrowded fishing vessel “Adriana” carrying approximately 750 refugees, capsized 47 nautical miles southwest of Pylos, Greece, in the Greek Search and Rescue (SAR) zone. The boat left Tobruk, Libya on June 9, 2023 heading to Italy. On June 13, public information available suggests that they had lost navigation capacities, were in distress and in clear need of rescue. According to the statement of the Hellenic Coast Guard on the 26/06/2023: "so far 104 foreigners have been rescued and 82 bodies have been recovered", while survivors estimate that about 750 people were on board ([https://rsaeganean.org/en/pylos-timeline-archive/](https://rsaeganean.org/en/pylos-timeline-archive/)). The Hellenic Coast Guard, instead of launching immediately a Search and Rescue operation, asked from nearby merchant vessels to provide supplies, so as to enable the boat to continue its deadly trip towards Italy. The events surrounding this incident are riddled with contradictions and marked by extreme delays in taking proper action. More than 15 hours passed from the moment its condition was made public until the shipwreck, allowing ample time for potential intervention.


Until the end of November 2023 no examination of the Pylos shipwreck has been initiated by the Greek Authorities, therefore the Ombudsman will begin a research according to their press release ([https://www.synigoros.gr/en/category/default/post/deltio-typoy-o-synhgoros-toy-polith-ereynato-nayagio-ths-pyloy](https://www.synigoros.gr/en/category/default/post/deltio-typoy-o-synhgoros-toy-polith-ereynato-nayagio-ths-pyloy)).
2. Access to information and legal assistance (including counselling and representation)

UASC access to information and legal assistance falls under the scope of NERM and its partners-implementers (NCR, ARSIS, IOM, METAdrasi).

NERM’s key core is the timely identification of unaccompanied children living on the street or in precarious living conditions and their transfer to safe accommodation aiming to provide an operational alternative to the practice of protective police custody (abolished with Law 4760/2020). NERM also attempts to cover for the lack of services for UACs who do not wish to be formally accommodated.

NCR in cooperation with NERM implements two different programs, aiming to support UASC in the region of Attica and southern Greece, from the moment of their identification to the completion of the placement procedure. UASC in the region of Thessaloniki and northern Greece are supported by ARSIS respectively. After UASC official accommodation, access to information and legal assistance are covered by the accommodation actors.

Below is a short description of the operation procedures of NERM as implemented by NCR’s programs CPU (Info Desk-Mobile Units) and Protection for all Minors.

(i) CPU is consisted of case workers, lawyers, psychologists, drivers and cultural mediators and is divided into two main pillars:

Info Desk: Open Monday to Friday from 10.00 to 20.00. UASC served by the Info Desk team are either direct referrals from the National Mechanism, spontaneous arrivals at NCR office, or identified by CPU streetwork team. Case workers, psychologists and lawyers assess the needs of each child, with their best interest in mind and inform them of their rights. The aim of the program is the protection and immediate support of unaccompanied minors who either live in precarious conditions or are completely homeless, through their immediate accommodation in Emergency or Long-Term Accommodation Structures.

Mobile Units: Three (3) Mobile Units operate Monday to Friday from 08.00 am to 23.00 pm and on Saturday from 11.00 am to 19.00 pm within Attica. Mobile Units, consisting of case workers, psychologists, cultural mediators and drivers, receive orders from NERM to transfer UASC to Emergency or Long-Term Accommodation Structures. Mobile Units accompany UASC, to the relevant police stations for identification, for medical examinations when deemed necessary and then to Accommodation Structures. UASC assessment is conducted in NCR premises by the Info Desk team. However, in extremely vulnerable cases, Mobile Units carry out the identification and on-site assessment of the needs and best interests of UASC.

(ii) Protection for All Minors, consisting of case workers, psychologists, lawyer and cultural mediators, aims to inform, support and empower UACs who do not wish to be formally accommodated (falling outs) thus not having access to services, and in particular to inform them, support and strengthen them in order to leave the unsafe living conditions and chose to be supported by NERM. The program operates a reception area (Urban Safe Space) for UACs, open daily from 11:00 to 19:00. The program innovates by introducing a new term/role, the so-called “Attendant” whose aim is to offer psychosocial and legal support to UASC, conduct individual or group meetings and organize social and
empowerment activities, based on their needs, with the goal to remove them from precarious living conditions. Also, Attendants have presence at the Regional Asylum Offices (Alimos, Attica, Piraeus), offering information to UACs, who request international protection and supporting adult relatives (brothers, uncles etc) of UASC to undertake responsibility for the actual care of the child through the Public Prosecutor for Minors.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

Within the framework of the operation of NERM, International Organization of Migration (IOM) is operating in the mainland, specially designed emergency accommodation structures for UASC found to be living in a state of homelessness or precariousness. There, IOM provides housing, food, clothing, legal and psychosocial support services as well as support for access to health care. In the emergency structures UASC remain until the necessary procedures are completed, so that they can be placed in long-term accommodation facilities, based on their needs and best interest.

UASC that enter the Greek territory through the islands, are temporarily accommodated in the “safe areas” of the Closed Controlled Access Centres of Islands (former Reception and Identification Centers) and from there they are allocated to long-term accommodation facilities throughout Greece.
7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

Even though third country nationals are considered as ‘applicants for international protection’ or ‘asylum seekers’ from the moment that they declare orally or in writing to any Greek authority that they seek asylum or subsidiary protection (Article 1, 4939/2022), after the launch of the new online platform for the electronic registration of asylum seekers in Greece there is no officially recognized documentation that individuals can carry to prove their expression of willingness or registration appointment, if requested to show documentation by the Greek authorities. This puts people at high risk of police apprehension and subsequent detention, or of pushbacks.

Regarding detention, NCR’s CPU (Info Desk) has observed the following practices since February 2023.

- 15 alleged UAC contacted CPU, including 13 from Pakistan, one from Iran and one from Afghanistan who claimed that they are detained with adults despite having claimed to be minors.
- From the above, an alleged minor from Pakistan detained in a Police Station after intervention of CPU was released and accommodated on the same day. In the rest cases, 11 were in the Pre-removal center of Amygdaleza and 3 in the Pre-removal center of Korinthos.
- The detention period (at the point of CPU first communication with the alleged minors) was between 1 week – 4 months and 20 days, with most being detained about 1.5-3 months.
- After first communication with the alleged minors, CPU informs the authorities (NERM, Public Prosecutor for Minors, Directorate for Aliens). Regarding the cases from Pakistan, most of them have photos of their birth certificate. In 3 cases, CPU knows that the authorities in Amygdaleza asked the Embassy of Pakistan in Athens to check whether the birth certificate provided by the minor is genuine. In one of them, the Embassy replied that it was genuine and thereafter the minor was moved to a shelter for UACs. In the other 2, the Embassy did not respond and for the rest, CPU does not know.
- In most cases, after CPU informs the authorities, children undergo age assessment procedures. Based on the information CPU has, in the Pre-removal center of Amygdaleza, the first stage is conducted by a forensic doctor. In 4 cases, he gave them a range of 17-19 yo and in 1 a range of 14-18 yo and referred the cases to the second stage, aka the psycho-social assessment. At the second stage, regarding the above cases, 2 were found minors, 2 were found exactly 18 yo and 1 was found 17-18 (he was the one found 14-18 at the first stage). This last one was then referred to the third stage – wrist X-ray – to be found eventually at 18 yo.
- All in all, from CPU 16 cases, 6 were eventually assessed as minors, 3 as adults, 2 are ongoing supported by another NGO and for 4 cases CPU does not know whether an age assessment was conducted.
- It is observed that the alleged minors are not informed of their rights, are not explained that they undergo age assessment procedures, are asked to sign for the notification of the decision in a language they do not understand without being informed that they are entitled to file an appeal.
Furthermore, in 4 cases the alleged minors were transferred to separate places (i.e. they are not detained with adults) at the beginning of the age assessment while in 1 case he was not. For the rest of the cases, CPU does not know. In general, it is observed that alleged minors are detained in bad living conditions, do not have access to interpretation and are not informed of their rights.

Because CPU does not manage the cases, they inform NERM and then refer the cases to other NGOs who operate in detention centers. Thus far, CPU has referred 11 cases with 5 of them being undertaken. In one case, an appeal was filed against the age determination decision which was accepted.

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

11. Issues of statelessness in the context of asylum (including identification and registration)

12. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

UASC are one of the main categories of vulnerable applicants. Information regarding this vulnerable population can be found in previous questions (1,2,6,7). Additionally, NCR has observed the following:

- The General Secretariat for Vulnerable Persons and Institutional Protection was established with the Presidential Decision 77/2023 (Government Gazette A’ 130/ 27-06-2023) to which the services of the (former) Special Secretariat for the Protection of Unaccompanied Minors of article 39 of the P.D. 106/2020 were transferred and falls under the responsibilities of the Deputy Minister of Migration and Asylum.
- An Asylum Unit of Vulnerable Applicants is expected to commence its operation in 2024.
Regarding guardianship, the National System of Guardianship of Unaccompanied Minors which was instituted in July 2022 with Law 4960/2022, is still awaited to be set in force, thus prolonging a serious gap in this field.

Another important issue that still remains is the access of UASC to the asylum procedure after the launch of the online platform of the Asylum Service. For all procedures without exception, e.g. registration, card renewal, request for legal assistance for appeal, etc., is required to schedule an appointment through the platform or by using an email account. This is problematic because the platform is complicated for UASC who are usually illiterate or do not even have access to the internet. We have observed that this practice results in children missing deadlines, appointments and important notifications of decisions regarding their asylum case and changes in the procedures i.e. the transfer of asylum cases of Egyptian nationals from Regional Asylum Office of Alimos to Regional Asylum Office of Attica during 2023. As a result, many UASC end up having their asylum case interrupted or losing their right to appeal within the time limit, and automatically they are left without legal documents. Furthermore, the upgrade of the technical system of the Asylum Service from Alkyone I to Alkyone II, which took place in 2023, has aggravated instead of solving the already existing problems. It has been reported that the temporary foreigner’s insurance and health number (PAAYPA) of minors was deactivated by mistake in several cases, due to interruption or rejection of applications, without the system allowing the re-activation of the PAAYPA. Especially for UASC who are applicants for international protection, the PAAYPA remains active even after a rejection decision, until they reach the age of majority. Another issue is that even when UASC manage to use the platform on their own or with the assistance of professionals, appointments for registration of first or subsequent applications or to continue the asylum procedure, are scheduled with long delays (2-3 months). We have also observed that the Asylum Service makes fictitious notifications of asylum decisions even for UASC, when contact information of the UAC is not updated or is lacking.

Moreover, based on our experience, regarding the registration of UASC asylum claims in the Asylum Service, we have noticed that remote interpretation was established, which is lawful but should be chosen when the physical presence of the interpreter is not possible. Remote interpreting, especially in the case of UASC, creates several challenges. In particular, it becomes difficult for Asylum Service officials to interact with UASC and review their identification documents; UASC are often illiterate and mostly have a photo of their ID documents on their mobile phone. Related to the above is the fact that private interpretation has increased (this possibility is foreseen according to the Asylum Service's SOPs, but as an exception), when the contracted organization is unable to provide interpretation with physical presence.

Regarding the age assessment, the Joint Ministerial Decision 9889/2020 remains in force, setting out a common age assessment procedure both in the context of reception and

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2 Joint Ministerial Decision No 605869/2022 - Official Gazette 5392/B/18-10-2022
identification procedures and the asylum procedure. However, the application of the age assessment procedure in Greece is still very challenging since no harmonized practice is followed and numerous reports of delays and non-compliance with the guarantees of rights of PoCs still arouse. Indicative of this problematic situation is also the information provided in question 6 regarding detention.

- Last but not least, a new legal provision was introduced with ar. 161 par. c of the Law 5038/2023, which amended the Immigration Code in an attempt to legalize the residence of young adults - former UASC. According to this, adult third country nationals or stateless ones who entered Greece as unaccompanied minors and have successfully completed at least three (3) classes of secondary education in the Greek education system before turning 23 years old, are eligible to apply for a ten-year residence permit which provides the right to full access to the labor market. Given that this legislation is very recent, its appliance remains to be seen. In the meantime, UASC who come from countries with low recognition rate (i.e. Pakistanis, Egyptians and others) continuously receive rejection decisions by the Asylum Service and by the Independent Appeals Committees, without being clear if the competent authorities have appropriately assessed the applicants’ minority.

13. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

14. Return of former applicants for international protection

15. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

16. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

17. National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

18. Other important developments in 2023
Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2023


2. If not available online, please share your publications with us at: Asylum.Report@euaa.europa.eu

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

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