

E.M.Π.T. 1/2022 ΑΥΤ. 2/2022 dated March 9, 2022, regarding the visit of February 14th, 2022, at the "Pournara" Center for Temporary Reception and Accommodation of Immigrants, in Kokkinotrimithia.

The purpose of the visit, which was the third one in the last twenty months, was, among other things, to ascertain the living conditions of the persons residing in the Center, in view of the information about overcrowding and, in particular, of accommodation of unaccompanied minors in the Center.

Also, on March 9, 2022, following a briefing from the UNHCR that a group of about 50 unaccompanied minors and/or alleged minors left the Center and went to a Children's Shelter in Nicosia, spending the night outside, the Commissioner visited the site and had a private conversation with the children.

From the visit to the Center, as well as from the on-site visit to the Children's Shelter, the following conclusions were made:

- In the Center there are unaccompanied minors and/or alleged minors who stay there for a long period of time, until it is possible to determine their age, while in some cases, many of them, although they were obviously minors and have been judged by the Asylum Service as minors, were still at the Center.
- This fact is not in line with the international legal framework concerning the protection of the rights of the child and it also deprives these minors and/or alleged minors of the benefit of the doubt, on the basis of which they should be accepted. as indeed minors and they should be treated appropriately.
- In several cases, even though the relevant procedures have been completed, the children remain at the Center because there is no other suitable place to be transferred to. However, this is not in line with the international standards, according to which, States should ensure their

hospitality in places suitable for their age, such as residences and foster families.

- Apart from the existence of a playground and outdoor sports area, the general living conditions in the Center do not constitute the appropriate environment for the proper and smooth living and development of children and the safeguarding of their interests.
- The absence of any other forms of employment and entertainment for these children, as well as the extension of their confinement and incarceration in the Center and the uncertainty regarding the time of their departure from it and their movement to another place, inevitably affect the mental and their emotional state
- The lack of appropriate structures outside the Center is not a sufficient reason to continue their confinement, while, at the same time, the conditions of hospitality in the Center violate their rights and can be inhuman and degrading treatment, due to the living conditions of the overcrowding and the inadequacy of the Center's infrastructure.
- All actions concerning children applying for asylum should be governed by a spirit of caring with the primary aim of ensuring the best interests of the child, while the vulnerability of their character should always take precedence over their status or characterization. as an "irregular foreigner".
- The length of stay of the children, including unaccompanied children, in reception and identification centers should be limited to the time required for the initial registration and evaluation of their cases and not more than the maximum duration provided by law, which does not apply in this case.

- The overpopulation in the Center leads to the degradation of the human rights of the residents and a minimum level of decent living conditions is not guaranteed.
- Since it has long been clear that its capacity of the Center is not sufficient to meet the increased migratory flows, the issue should have been managed in a holistic manner in order to prevent the deterioration of the living conditions of those who end up being hosted in it.
- The overcrowding of a large number of people in a prefabricated house or tent, which, even in the case of minors, are forced to sleep on the floor, cannot be described as anything other than inhuman and degrading treatment, as these are degrading conditions. every notion of human dignity.
- Security at night, is insufficient, due to the large number of residents in tents and prefabricated houses that are very close to each other, and due to the absence of any lighting. Furthermore, the unimpeded entry of persons into the Center can also pose a danger and threat to the safety of those who live in it.

In relation to the above, it was pointed out that according to the established case law of the European Court of Human Rights (ECHR), poor and inadequate living conditions in terms of hygiene and infrastructure, violate the concept of human dignity and result in degrading treatment contrary to Article 3 of the ECHR.

Similarly, the United Nations High Commissioner for Refugees (UNHCR) emphasizes that any restriction on asylum seekers should be carefully delineated and that there should be open structures and humane reception conditions. ensuring the security, dignity and respect of their human rights.

Furthermore, even in cases where persons are housed in a reception or *hospitality center which does not appear to be a place of detention*, "...may,

*depending on the nature of the restrictions on their freedom of movement and the cumulative effect of these restrictions, be deemed to have been deprived of their liberty under international human rights law...*" Whether such restrictions are tantamount to deprivation of liberty shall take into account, inter alia, *"...the type of restrictions imposed, their duration, their effects on the individual and the manner in which the measure is implemented"*.

In any case, the duration of the detention should be as short as possible, as its excessive duration or any uncertainty as to its duration may constitute cruel, inhuman or degrading treatment, which is something that is not implemented in this case, since the duration of stay at the Center is several months.

In view of the above, the following suggestions were submitted:

- The procedures for locating and/or creating adequate structures and/or other accommodation should proceed for the immediate and without further delay, movement of all unaccompanied minors and/or alleged minors from the Center. Their further stay in the Center is not appropriate, because of the conditions prevailing in the Center and because unaccompanied and/or alleged unaccompanied minors should not be deprived of their liberty and living in detention-like conditions, such as closed accommodation centers and in conditions that degrade their dignity, and constitute inhuman treatment.
- Welfare Services should stop questioning the findings of the Asylum Service's age assessment and, in view of the benefit of the doubt that should govern decisions concerning children, take the necessary steps for immediate relocation outside the Center, even when they are not certain about their age or the age has not yet been determined.
- Consequently, on the one hand, the procedures for determining their age should be completed in a timely manner, as well as the examination of their asylum applications, and on the other hand, regardless of these procedures, they should move to places outside the

Center as soon as possible. For this purpose, there should be direct cooperation of the Asylum Service with the Social Welfare Services in terms of the adoption of the findings of the Asylum Service.

- The use of medical examination as a way of determining / assessing the age of unaccompanied minors and/or alleged minors should not be the rule but the last resort to achieve this goal.
- To all minors and/or alleged minors should be recognized the benefit of the doubt for their age, especially when it comes to children who are clearly minors.
- The Ministry of Social Welfare to address immediately the children who remain outside the Children's Shelter in order to ensure their best interest and taking into account their wishes, as provided in the Convention on the Rights of the Child.
- During the whole time that the unaccompanied and/or alleged unaccompanied minors stay in the Center, to be provided with the necessary care and amenities appropriate to their age, while in the last case that their stay in it exceeds 90 days, although this should be avoided, their access to education should be ensured.
- When a minor and/or alleged minor enters the Center, to be placed immediately, if this is not already done, under the responsibility and protection of the Ministry of Social Welfare, so that it is possible to ensure his/her best interests.
- To immediately and without any delay take the necessary measures and actions to solve the problem of inadequacy in terms of hot water supply so that all residents of the Center have unobstructed access to hot water.

- To take the necessary actions to solve the problems observed with the sewerage systems of the Center.
- To solve as soon as possible the problem of non-lighting of all areas of the Center during the night, in order to upgrade the sense of security of the residents during the night, as well as to make it easier to detect and prevent any unpleasant incidents.
- Although it is acknowledged that migration flows have increased and the competent authorities are no longer able to respond in a timely manner to the examination of the submitted applications, efforts should be made to process them as quickly as possible, so that the persons concerned can be moved outside of the Center.
- Make every effort to improve all the infrastructure in the Center, as well as not to force any person to sleep on the floor.

The Report was submitted to the Minister of Interior and the Deputy Minister of Social Welfare, for the coordination between them and the taking of the necessary measures, based on their responsibilities, for the immediate and without delay implementation of the aforementioned suggestions.