

REFUGEES AND VULNERABILITY: THE CRISIS AND THE SHIFT IN HUMAN RIGHTS PROTECTION

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INTRODUCTION

Almost seven years of conflict in Syria has devastated the state, leading to ongoing waves of refugees fleeing to Europe. According to modest estimations, more than five million people have managed to escape from Syria to seek asylum either in neighbouring states or Europe whilst another six million are displaced and remain in Syrian territory. However, as violence escalates, predictions become yet more ominous and the UN agencies warn that the real wave of refugees is yet to come. The number of civilians reaching European borders to ask for asylum is unprecedented: alongside the usual migration flows from other countries, this massive influx has proven that European mechanisms are incompetent to deal with the crisis.

In addition, European responses reflect the divergent policies of EU member states: “frontline states” like Greece, Italy and Spain bear the crisis burden, whilst other states shrug it off their shoulders in the name of state sovereignty and close the door to refugees and asylum seekers. The EU concedes that a wider EU migration agreement cannot give a comprehensive and integrated solution to the crisis and opts for inter-state migration deals to control refugee flows; thus EU border states bear the crisis burden and receive in return additional financial support.¹ Although all member states officially recognize the source of the crisis and commit accordingly to contribute in easing the present situation, in practice, some of them nevertheless refuse to make refugee-favorable political choices and adjustments to their legal framework. In this regard, the Dublin III Regulation, which provides that refugees shall apply for asylum in the first European Union country they

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¹ Dora Antoniou, ‘Migrant deal struck as Greece, Germany, Spain agree on returns’ (*Ekathimerini*, 29 June 2018), available at <<http://www.ekathimerini.com/230203/article/ekathimerini/news/migrant-deal-struck-as-greece-germany-spain-agree-on-returns>> accessed 18 July 2018.

enter,² not only burdens EU states unequally, it also divides them according to their geographical location and causes political infighting among them.³

Meanwhile, the road to a safe haven is long for Syrian refugees, with little realistic prospects for return. The refugee road crosses the Jordanian desert or the Turkish hinterland and stops at inflatable rescue refugee boats on the eastern Greek shores. All this only, in the best-case scenario, to end up in a reception center, or crossing the highways towards northern European states.



A Syrian refugee outside its family tent in the middle of the desert



Turkish reception structures for Syrian refugees

² Regulation (EU) No 604/2013 of the European Parliament and of the Council 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 [2013] OJ L 180/31 (recast), 29 June 2013, OJ L 180/31-180/59.

³ Lauren Collins, ‘Europe’s Child-Refugee Crisis’ (*Newyorker*, 27 February 2017) available at <<https://www.newyorker.com/magazine/2017/02/27/europe-s-child-refugee-crisis>> accessed 18 July 2018.



A boat nearby the Italian sea borders



The shore of Greek Island Lesvos after the crossing of Syrian refugees from Turkey

Refugee stories about the trip on the roads or in city streets reveal how long and perilous the journey is. The refugees' pursuit of safety does not end with their choice to escape the warzone; on the contrary, it starts off when they begin their journey. Making it across Europe is not less risky than making it to Europe.



Syrian child crossing the Greek Highway: heading at the state's northern borders



Afghan and Syrian refugee tents in Victoria Square Athens

I. MINORS AS THE SYMBOLS OF TRAUMA

In this context, the faces and names of minors have time and time again hit the headlines to denounce the evils of war and pinpoint the hurdles that refugees need to overcome. The images of Aylan, Omran and Marwan evince that the more distressing a photoshoot is, the more effectively it depicts what the term “refugee crisis” refers to. Infants have become the symbols of suffering, showing that the refugee journey is equally dangerous as the warzone. Pictures of refugees during their attempt to reach a safe place are enough to humanize the refugee crisis. They tell their story and make data meaningful. Sadly, a war away from our backyard does not always suffice to motivate public opinion; yet, when its consequences reach a region’s borders, photographs and human stories might trigger people’s morals.



Aylan Kurdi: the four-year old Syrian kid, drown in the attempt to reach the Greek shore



People paying tribute to Aylan Kurdi





Six year old Omran: one of the kids traumatized in the Syrian war

Little Marwan crossing the Jordanian desert. At the beginning the photo became viral as the kid was said to cross the desert alone. It was then revealed that Marwan was 30ft separated from his family. Nonetheless, it is the image of a child crossing the desert.



The vulnerability of minors aggravates when they are separated from their family, or are unaccompanied. As the crisis unfolds, the number of unaccompanied refugee children

is soaring.⁴ It is now estimated that they account for 35% of the total population which passed through Turkey to Greece during the last five years.⁵

II. ARE FRONTLINE EUROPEAN STATES REALLY SAFE? THE GREEK EXAMPLE

The issue of unaccompanied minors took a turn for the worse at the beginning of 2016 after the closure of the so-called "Balkan route". As a result, minors who had entered Greece with a plan to go to northern European countries found themselves trapped in Greek reception centers.⁶ Thus, Greece, which was initially merely a checkpoint for refugees, turned into an indefinite stop. UNICEF reports regarding the conditions that refugee minors confront in Greek accommodation facilities are discouraging.⁷ They do not receive proper shelter or care. The available structures are overcrowded. And living conditions are deteriorating. Contrary to the prevailing view that such conditions exist only in the Eastern Aegean island camps, other facilities are no better. According to the Human Rights Watch, the conditions in Amygdaleza (one of the biggest hosting structures near Athens) are equally cruel, inhumane and degrading.⁸ Lack of running water coupled with poor hygiene render reception facilities an inhospitable environment, which compromises the safety and health of children.⁹ Nonetheless, these structures at least offer a roof over refugees' heads,¹⁰ while there are still adults and minors waiting for a place in them, living in open sites or even on the streets in the meantime.

⁴ The European Council defines an unaccompanied minor as "a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States". Art. 2(l) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted [2011] OJ 2 337/9 (recast) 20 December 2011.

⁵ <<https://www.asylumineurope.org/reports/country/greece/statistics>> accessed 18 July 2018.

⁶ Andriani Fili and Virginia Xythali, 'Unaccompanied Minors in Greece: Who Can 'Save' Them?' (Oxford Law Faculty, 6 February 2017) available at <<https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/02/unaccompanied>> accessed 18 July 2018.

⁷ UNICEF & REACH, 'Children on the move in Italy and Greece' (June 2017) available at <https://www.unicef.org/eca/sites/unicef.org.eca/files/2017-10/REACH_ITA_GRC_Report_Children_on_the_Move_in_Italy_and_Greece_June_2017.pdf> accessed 18 July, 2018, 3.

⁸ Human rights watch, 'Why are you Keeping me Here?' (HRW, 8 September 2016) available at <<https://www.hrw.org/report/2016/09/08/why-are-you-keeping-me-here/unaccompanied-children-detained-greece>> accessed 18 July 2018

⁹ Victoria Galante, 'Greece's Not-So-Warm Welcome to Unaccompanied Minors: Reforming EU Law to Prevent the Illegal Treatment of Migrant Children in Greece' [2014] 39(2) Brook. J. Int'l Law available at <https://brooklynworks.brooklaw.edu/bjil/vol39/iss2/5/?utm_source=brooklynworks.brooklaw.edu%2Fbjil%2Fvol39%2Fiss2%2F5&utm_medium=PDF&utm_campaign=PDFCoverPages> accessed 18 July 2018.

¹⁰ European Council on Refugees and Exiles, 'The Right to Housing for Beneficiaries of International Protection' (December 2016) available at <<https://www.ecre.org/wp-content/uploads/2016/12/The-Right-to-housing-for-beneficiaries-of-international-protection.pdf>> accessed 18 July 2018, 4.



A father carries his daughter while passing the borders between Greece and FYROM



A Syrian girl at the Amygdaleza facility



Refugee tents at Idomeni, nearby the Greek borders

The reasons for this structural confusion are multiple: apart from the large number of refugees, a series of factors impairs the suffering of these people. Greece, in particular, provides for a full and elaborate set of legal provisions, regarding the protection, reception and identification of refugees, as well as family reunification of refugee children in particular, but they are poorly implemented.¹¹ Thus, legal protection does not reflect actual protection for refugees and asylum seekers.¹² A common example relates to the applicable procedure regarding unaccompanied minors' petition for family reunification. Considering that Greece is a party to the Convention on the Rights of the Child (CRC), which provides for "the best interest of the child", while the Dublin Regulation does not set preconditions in order for someone to fill in an application for family reunification of asylum seekers, then one would reasonably expect for a quick national process. Nevertheless, the Greek Asylum Service allows for a family reunification petition to be launched only when full registration is complete. As a result, the procedure is unjustifiably prolonged, jeopardising the interests of minors.¹³

Moreover, the prolonged economic crisis, which the Greek community is going through, affects Greeks' attitude and acceptance towards refugees. Their national hardship lowers their tolerance steadily, while it promotes stereotypical approaches such as that the refugee flow will further degrade the state's welfare.¹⁴

Although Greek citizens appear to be tolerant and sympathetic at first sight, polls demonstrate that their views are biased and discriminatory when it comes to emotive or

¹¹ Apart from national legislation and EU law, Greece is also bound by the UN Convention on the Rights of the Child (CRC), the 1951 UN Refugee Convention, as well as the ECHR. There is therefore an elaborate legal framework which theoretically guarantees maximum protection for what? Zoe Papassiopi-Passia et al, 'Migration and Law: Greece' [2014] 67 RHDI 1, 50.

¹² Mattias Wendel, 'The Refugee Crisis and the Executive: On the Limits of Administrative Discretion in the Common European Asylum System' [2016] 17(6) German Law Journal 1005, 1008

¹³ Art. 45 Law 4375/2016, available at < <https://www.synigoros.gr/resources/docs/n-4375-2016.pdf> > [in Greek] accessed 18 July 2018.

¹⁴ George N Christodoulou & Mohammed T Abou-Saleh, 'Greece and the Refugee Crisis: Mental Health Context' [2016] 13(4) BJPsych International 89, 90.

nationalist issues.¹⁵ On the other hand, there are reports portraying a population which expresses sympathy, tolerance and solidarity to refugees and asylum seekers, despite their disappointment for the current situation.¹⁶



Refugee children receiving school material to attend school



In some cases, the Greek police escorted refugee children to school due to protests by the local communities

In addition to the above, there are additional hurdles minor refugees specifically must overcome: firstly, the absence of a central authority in charge of tracking children in need of protection; and secondly, widespread suspicions regarding minors' actual age. As far as

¹⁵ Galante (n7) 450; Anthee Carassava, 'Greek nationalist anger turns to violence against refugees' (14 November 2017) available at <<https://www.dw.com/en/greek-nationalist-anger-turns-to-violence-against-refugees/a-41373548>> accessed 18 July 2018.

¹⁶ Thodoris Georgakopoulos, 'Greeks and the Refugee Problem' (February 2016) available at <<https://www.dianeosis.org/en/2016/02/study-greeks-refugee-problem/>> accessed 18 July 2018.

the former is concerned, the absence of a specialized agency regarding children results in unreliable estimates of minors entering the state and of the percentage of unaccompanied ones, etc. Additionally, there are children who evade registration and identification processes, remaining invisible to the central authorities. Eventually, if they are unaccounted for, the prospect of being exploited increases sharply. According to Europol, over 10,000 children who entered Europe have now disappeared, and fears that human traffickers prey on them with the purpose of labor or sexual abuse are growing.¹⁷ Secondly, significant difficulties arise when registering a minor who does not carry identification documents. The problem occurs primarily with adolescents or juveniles whose legal status is not clear at plain sight and who either claim adulthood to avoid a long stay at reception facilities, or allege being underage in order to receive more cautious/lenient behavior from the relevant authorities.¹⁸ These practices cause “a prevailing culture of disbelief regarding minors’ age.”¹⁹

Yet, doubts and distrust are not exclusively linked to age-related issues. Although minor refugees are strong symbols of human suffering and stories and photos of children witnessing the woes of war, packed in boats, or living in inhumane conditions shock the public opinion, the general attitude towards them from the moment they ask for protection is unaltered. Many local communities are resistant to integration attempts organized by the central authorities²⁰ and resent the presence of reception facilities in their neighborhoods. This partly explains why most facilities are remote from populated areas. Prejudice against refugees has many causes: lack of knowledge about their status; lack of respect for cultural and religious diversity, fear of spreading live-threatening diseases, or even the perception that refugees are prone to criminal acts. The above sustain a perception of threat regarding refugees and asylum seekers and induce xenophobia. Additionally, the diffuse fear of terrorism and refugee-led terrorist attacks against the states they arrive at, fuels suspicion and anxiety. The Greek example is not an exception to the rule; rather, it exemplifies what happens in other refugee structures in, for example Italy, or why the French refugee camp in Calais is called “the Jungle.”²¹ In this context, the absence of a coherent EU response which leaves border-states to carry the burden of the crisis alone, in exchange for further financial support, exacerbates the problem and lowers citizens’ solidarity.

¹⁷ Mark Townsend, '10,000 Refugee Children Are Missing says Europol' (30 January 2016) The Guardian, available at <<https://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees>> accessed 18 July 2018.

¹⁸ Jason Mitchell, 'The Dublin Regulation and Systemic Flaws' [2017] 18(2) San Diego International Law Journal available at <<http://digital.sandiego.edu/ilj/vol18/iss2/5/>> accessed 18 July 2018.

¹⁹ Fili & Xythali (n 3).

²⁰ The massive flow of refugees, alongside the provisions of the European legal order are *de facto* extending their stay [what does that mean? That they shouldn't be in provisional centers? 'extended' could be read as 'abusing' their stay so perhaps you could be more specific?] at the frontline states, including Greece. Based on this observation, state authorities attempted to promote integration programs for refugees under the UN auspices. More specifically, they launched a national program in order to provide primary education to women and minors. The rationale of this project was that female refugees and children cannot easily integrate compared to men, as they do not usually get to work. The plan though was not implemented due to strong opposition by local communities in most cases. The alternative solution which takes place now is that refugees receive some classes in the reception centers they reside.

²¹ Maryellen Fullerton, 'Asylum Crisis: Italian Style: The Dublin Regulation Collides with European Human Rights Law' [2016] 29(1) Harvard Human Rights Journal 74; Hélène Lambert et al, 'Comparative Perspectives of Constitutional Asylum in France, Italy and Germany: Requiescat in Pace?' (2008) Refugee Survey Quarterly 16, 25.



Thousands of children are packed in Moria, Lesvos, one of Greece's worst refugee camps



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Reports estimate that one out of four teenagers living at Moria refugee camp, have considered suicide as an option

III. LEGAL RESPONSES TO THE CRISIS: NATIONAL AND EUROPEAN JUDICIAL ORGANS IN LINE

In this context, the options for refugees who enter Europe are limited. Their safety and well-being is not guaranteed by the state; it depends on the assistance provided by human rights organisations and NGOs onsite, as well as independent activists and volunteers coordinated by the UNHCR. Living conditions are already on a marginal level, and there are no prospects for amelioration in the near future. Prolonged administrative detention at reception facilities is justified by the State on the basis of the exceptional circumstances surrounding the refugee crisis.

The magnitude of the crisis has a legal impact too, affecting judicial decision-making. For example, whilst national courts have recognized that refugee sites are not fit for human

occupation, they have held that this is inevitable in times of crisis,²² failing to hold States accountable for the violation of refugees' human rights. This reasoning has widened states' discretionary powers and allowed for small, yet critical, deviations from established human rights obligations. Such judicial attitudes to the refugee problem are not new. At the beginning of the crisis, national judicial organs were reluctant to accept human rights restraints under the pretext of limited resources compared to the refugee influx. In general, however, the more refugee-related cases a state confronts, the more courts tend to compromise human rights standards.

There have been a few positive surprises, including decision 682/2012 of Igoumenitsa's Magistrate Court (Plimmeleiodikeio Igoumenitsas).²³ The case concerned the escape of immigrants who were temporarily detained in Igoumenitsa, Greece. The Court held that the conditions of their detention exceeded the permissible threshold of suffering and discomfort that people deprived of their liberty may be lawfully exposed to, according to minimum detention conditions and standards. As a result, although their escape was an unlawful and imputable act since it constituted a crime under national legislation (escape from policy custody with the use of force), they were excused of all charges on the basis that they instinctively tried to avoid a situation that fundamentally undermined their dignity. The Court's verdict expressly mentioned that the lack of access to medical care tallied with their exposure to contagious diseases constituted a violation of Art. 3 of the ECHR. This landmark decision is important on a national level for two reasons: a) it was the first to relieve a refugee from criminal charges due to appalling conditions of imprisonment, and b) it held the state responsible for the ill-treatment of detained immigrants. The decision had a huge impact on the national judicial branch, although it was overturned on appeal.

A similar openness to the predicament of refugees was displayed by the European Court of Human Rights (ECtHR) in the case of *M.S.S. v Greece and Belgium*. The ECtHR examined the legality of Greek practices concerning the reception and identification of irregular migrants and found that they amounted to a breach of Art. 3 ECHR. Additionally, it decided that Belgium was responsible for the applicant's mistreatment since the state's competent authorities requested the applicant's return to Greece, even though they were aware of the conditions prevailing in Greece and despite the individual's explicit unwillingness to return.²⁴ The Court's judgment is one of the few decisions to have ever challenged EU law, as it effectively reached the conclusion that the Dublin system fell short of offering the applicant "equivalent protection" in accordance with the provisions of the ECHR.

This decision, however, dates back to 2011 and precedes the crisis' peak. More recent cases reveal a real shift in the Court's jurisprudence. The Court has abandoned the approach it adopted in *MSS* as regards the limits of the principle of "equivalent protection", which became unrealistic in light of the crisis' diffusion all over Europe. As the Court strives to offer sensible solutions, the level of human rights protection it aims to guarantee has gradually degraded. The cases of *Khlaifia et al v Italy* and *J.R. et al v Greece* are indicative of the European Court's current position. In *M.S.S.*, the Court had applied its well-established

²² *Samsam Mohammed Hussein et al v the Netherlands & Italy*, App no 27725/10 (ECtHR 2 April 2013); *Abubeker v Austria & Italy*, App no 73874/11 (ECtHR 18 June 2013) paras 53-57; cf Verwaltungsgericht [VG] [Administrative Trial Court] July 9, 2013, 9 K 28/11.F.A. (Ger.); cf Verwaltungsgericht [VG] [Administrative Trial Court] Jun. 24, 2013, 22 K 2471/11.A (Ger.).

²³ Plimmeleiodikeio Igoumenitsas Case 682/2012 <<https://revdh.files.wordpress.com/2013/01/tribunal-correctionnel-digoumenitsa-2-octobre-2012.pdf>> accessed 18 July 2018.

²⁴ *M.S.S. v Greece & Belgium*, App no 30696/09 (ECtHR 21 January 2011) para 424; see also, *N.S. v Secretary of State for the Home Department*, C-411/10 (22 September 2011) ECLI:EU:C:2011:611

approach regarding the concept of vulnerability. More specifically, it followed the *Budina* reasoning and held that vulnerability is inherent in the case of asylum seekers.²⁵ This broad concept of vulnerability and dependence of asylum seekers begets in Strasburg's jurisprudence states' duty to give "special consideration" to their needs.²⁶ Yet, in *Khlaifia*, the Court reduced considerably the notion of vulnerability, effectively reinterpreting the notion and reversing its reasoning in *MSS*. The case concerned the migration journey of three young Tunisian men who fled to Italy during the Arab Spring turmoil. They were first transferred to Lampedusa Island and subsequently to Palermo, where they were held in two harbored ships. The Court had to decide, among other things, whether the conditions of their detention violated the ECHR.

In this context, the Strasbourg Court made two important findings. First, it distinguished between refugees and irregular migrants, holding that the former are in a more dire situation given that their journey is caused by traumatic experiences. In particular, Strasbourg took the view that:

the applicants [...] who were not asylum-seekers, did not have the specific vulnerability inherent in their status, and did not claim to have endured traumatic experience in their country of origin [...] In addition, they belonged neither to the category of elderly persons nor to that of minors.²⁷

Therefore, refugees are entitled to the best possible protection a reception state may offer, which means that states bear the positive obligation to acknowledge their status and needs as long as the registration process lasts. This contrasts with the position of irregular immigrants where there is no such burden on the state. Second, concerning the living conditions provided in both Italian refugee sites in Lampedusa and Palermo respectively, the European Court ruled that the respondent state was already hit by significant immigration flows and the pressure exerted to the state would leave little room for better conditions. Furthermore, the ECtHR highlighted the fact that the applicants were young and healthy, and thus they did not fall within the scope of a 'vulnerable group' which qualifies for, or requires special treatment.²⁸ It is no exaggeration to say that this reasoning significantly modifies the application of the proportionality principle: it widens states' margin of appreciation and renders refugees and immigrants dependent on the reception states' goodwill. In other words, it relativizes human rights protection during severe crises, exactly at the time when protection is needed the most.

Finally, the recent decision in *J.R. et al v Greece* of January 25 2018 is the most recent illustration of how Strasbourg recast the rules and developed its new refugee jurisprudence. In this case, the Court reached the conclusion that the applicants' administrative detention, which lasted for a month, did not violate the Convention, because the respondent state had been examining the possibility of removing the applicants from its territory under the EU-Turkey Action plan. This explanation proves why the detention was not deemed arbitrary as it did not lack a legal basis, yet it is not sufficient to justify its lawfulness, given that the Court did not set temporal thresholds to the respondent state.²⁹

²⁵ *M.S.S. v Greece & Belgium* (n 21) para 233; *Budina v Russia*, App no 45603/05 (ECtHR 12 February 2008) para 263.

²⁶ *Oršuš et al v Croatia*, App no 15766/03 (ECtHR 16 March 2010) para 148.

²⁷ *Khlaifia et al v Italy*, App no 14483/12 (ECtHR 1 September 2015) para 194; Denise Venturi, 'The Grand Chamber's ruling in *Khlaifia and Others v. Italy*: one step forward, one step back?' (10 January 2017) Strasbourg Observers, available at <<https://strasbourgobservers.com/2017/01/10/the-grand-chambers-ruling-in-khlaifia-and-others-v-italy-one-step-forward-one-step-back/>> accessed 18 July 2018.

²⁸ *J.R. et al v Greece*, App no 22696/16 (ECtHR 25 January 2018) para 161.

²⁹ Isabel Mota Borges, 'The EU-Turkey Agreement: Refugees, Rights and Public Policy' [2017] 18(2) Rutgers Race & Law 121, 136.

Evidently, the European Court of Human Rights has realized that the refugee crisis tests European solidarity and institutions³⁰, a common perception among its judges.³¹ Strasbourg's jurisprudence has gradually become more flexible to meet the challenges of the crisis, albeit diminishing its protective ambit.



The Kara Tepe refugee camp

CONCLUSION

The so-called refugee crisis has been, and continues to be, an enormous challenge to Europe. The question raised by all involved actors is whether there is light at the end of the tunnel, but even the most optimistic voices cannot provide a positive answer. Civil war and bloodshed continue in Syria as political instability spirals in the region. Europe's political intervention in order to inhibit the mass influx of refugees is rightly considered too little too late, given that the EU decided to get involved in the conflict and participate in the negotiating table long after it appeared, primarily due to the refugee flows it generated. In other words, European states became aware of the humanitarian crisis, only when it generated a refugee crisis. In the meantime, the United Nations seems unable to take the necessary measures to guarantee peace and security in the region. However, the civil war in Syria is just one of the causes that led to the present crisis. The Joint Action Plan on the implementation of the EU-Turkey statement was put in place as the best possible compromise, but did not produce tangible results, given Turkey's incessant political maneuvers in its relations with the European Union and its active involvement in

³⁰ PACE, 'Expenditure of the Parliamentary Assembly for the biennium 2018-2019' Res 2165/2017 (30 May 2017) available at <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23761&lang=en>> accessed 18 July 2018, paras 5-6.

³¹ Linos-Alexandre Sicilianos, 'The European Court of Human Rights at a Time of Crisis in Europe' (http://esil-sedi.eu/wp-content/uploads/2018/04/Sicilianos_speech_Translation.pdf) SEDI/ESIL Lecture, available at <http://esil-sedi.eu/wp-content/uploads/2018/04/Sicilianos_speech_Translation.pdf> accessed 18 July 2018, 9, 19.

the Syrian conflict. Thus, it has been the object of severe criticism, given that the agreement's implementation is subject to Europe's unstable relations with Turkey. In this regard, the agreement's implementation is subject to Turkey's political will and domestic institutions. From this point of view, the Joint Action Plan which characterizes Turkey as a safe third country for refugees, and a country of first asylum within the meaning of the Asylum Procedures Directive is by definition a desperate attempt to reduce the numbers of refugees who enter the Union, which jeopardizes refugee lives. Putting Turkey's internal political issues aside, one might easily observe that the Turkish asylum legislation entered recently into force and it is still in its infancy.³² Finally, minors who might also be unaccompanied are merely one of the refugee vulnerable groups. Thus, the conditions depicted in Greece illustrate the situation in borderline European countries in general. All in all, this essay sheds light on a very tiny aspect of a huge crisis, paying attention to the difficulties faced by minors and adolescents who seek a better future in Europe. The situation is critical and at some points, it takes the form of a catastrophe.

³² Mariana Gkliati, 'The Application of the EU-Turkey Deal. A Critical Analysis of the Decisions of the Greek Appeals Committees' [2017] 10(1) EJLS 81, 88.