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Directorate C: Fundamental rights and Union citizenship
Unit C.1: Fundamental rights and rights of the child

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SUMMARY RECORD

10th MEETING OF THE INFORMAL EXPERT GROUP ON THE RIGHTS OF THE CHILD

Brussels, 8 December 2015

1. INTRODUCTION

The tenth meeting of the informal expert group on the rights of the child took place on 8 December 2015. Delegates from 12 Member States attended the meeting (AT, BE, BG, DK, EE, ES, FR, HR, HU, LU, PT and UK) and the Commission was represented by the rights of the child team (Fundamental rights and rights of the child unit, DG JUST). The meeting was chaired by the Commission.

2. ADOPTION OF THE AGENDA AND MINUTES OF THE LAST MEETING; INFORMATION FROM THE COMMISSION ON RIGHTS OF THE CHILD MATTERS

The draft agenda was adopted with no changes. The minutes of the last meeting were adopted with no changes. The Chair welcomed some of the new representatives.

The Chair: updated on matters of rights of the child. The Chair mentioned the fact that EU is planning to respond to children in migration - for unaccompanied and separated children and for children with their families -, particularly focusing on child protection issues. To that end, an *ad hoc* expert group on children in migration with different MS representatives could be convened early next year. A compilation of data and reports on children in migration is available here: http://ec.europa.eu/justice/fundamental-rights/files/rights_child/20151210_data_children_in_migration.pdf

As regards 2016 events, the 10th European Forum on the rights of the child is likely to take place in the second half of the year (recalling that on 2 and 3 June an event on corporal punishment will take place in Vienna).

With regard to EU funding, two calls have been recently published: [action grants to support transnational projects to prevent and combat racism, xenophobia, homophobia and other forms of intolerance](#) and the [Daphne call – action grants to support transnational projects on the elimination of corporal punishment for children](#). A further call on rights of the child - professionalisation in child protection systems (with a focus on alternative care, reintegration after detention, capacity-building for lawyers/legal advisers and diversion) (€3m) will be published soon (post meeting note: first week in January, with an April deadline for submission of proposals). The restricted call on [action grants for running 116 000 hotlines for missing children](#) (€1.7m) closes on 12 January.

It is probable that 2016 DAPHNE funding on children will be directed to address the protection of children in migration.

The Chair mentioned that a stakeholder message was sent out the previous week, detailing a number of important items on rights of the child, including information on the aforementioned calls. *(Post-meeting note: this was sent again after the meeting, as some people had not received it and it is posted on our website: http://ec.europa.eu/justice/fundamental-rights/files/rights_child/rights_child_information_to_stakeholders_011215.pdf*

The Chair suggested that EU funding be a topic of discussion at a future meeting, to gather Member State feedback on the relevance of the calls.

The Chair recalled that many calls ask for the involvement of Member State authorities, where Member State authorities/agencies/entities mandated by government would naturally be involved in the provision of services.

BE: On racism and xenophobia, the [Flemish Children's Rights Coalition](#), undertook a study funded by the CoE on racism and xenophobia against children (with the involvement of children), and the study concluded that the impacts of racism and xenophobia on children cannot be underestimated.

3. UPDATE ON INTEGRATED CHILD PROTECTION SYSTEMS

The Chair: mentioned that the Commission is implementing the feedback received on the 10 Principles on integrated child protection systems, indicating that they have already been referenced in the funding calls.

ES: noted that the Council of Europe is going to work on a compilation and share good practices with regard to the administrative detention of migrant children. To that end, a group of experts will be formed in January or February next year and at least 12 countries will participate. It will be an inventory of rules of administrative detention of migrants, excluding criminal detention. The Chair mentioned the [EMN study on administrative detention](#).

4. STUDY ON CHILDREN WITH DISABILITIES: TARGETED VIOLENCE AND HOSTILITY

The debate focused on children with disabilities. It involved a presentation by UNICEF and a presentation by FRA of the FRA study on [violence against children with disabilities](#).

The UNICEF representative remarked that the rights of children with disabilities are clearly defined in the Convention on the Rights of Persons with Disabilities (CRPD) which has now been ratified by more than 150 countries and the EU. It provides a strong framework for both children and adults with disabilities to realise their rights. She spoke about the importance of bringing together and connecting two important agendas in order to have a comprehensive one: the agenda on rights of the child and the agenda on rights of persons with disabilities, as they have traditionally been tackled separately. She recognised that even in UNICEF there was a lack of common activities on both agendas which has visibly increased after the adoption of the UNCRPD. At the same pace, children are currently more visible within the disability rights framework.

She pointed out that, based on Art. 23 of the CRC, the work on children with disabilities by the child's rights community was very limited and mainly focused on protection. With the adoption of the CRPD, a broader range of rights were recognised and recommendations on how to realise them were provided. Within UNICEF, children with disabilities were brought to the centre of the agenda and have been playing an important role in the organisation's commitment to equity. In support of the rights and inclusion of children with disabilities, UNICEF strategically worked with key partners of both the child and the disability rights communities under a new Global Partnership on the Rights of Children with Disabilities (GPcwd), with the main objective of influencing both agendas and to have partners speaking in one voice during the negotiations of the Agenda 2030, that has proven to be effective. She mentioned that in 2014, UNICEF helped promote a first joint meeting of the UN CRC and CRPD Committees, which resulted in a common working group that works towards making children with disabilities more visible in both Treaty Bodies' activities such as the elaboration of General Comments, e.g. on inclusive education (CRPD) and on Adolescents (CRC). Currently, the CRPD Committee has requested UNICEF's support to the development of General Comment on Art. 19 that relates to the right of living in the community and on deinstitutionalisation, which is one of the important intersections, for both Treaties.

She underlined that the momentum of the Sustainable Development Goals offer great opportunities to make progress on the rights of children with disabilities and recalled that, like the Agenda 2030 the UNICEF mandate is to invest in *all* children and leave no one behind.

She explained that under the CRPD disabilities are a result of the interaction of individuals' impairments (physical, sensory, intellectual, psychosocial among others) with barriers that exist in the environment (accessibility, stigma and discrimination, poverty) which may prevent them from participating in equal opportunity with others. But all the barriers in the environment can and need to be removed. The key question is how to address this in a systematic way, and to identify the reason why new barriers are still being built. The CRPD brings a big emphasis on the environmental barriers/solutions. An example of the obstacles

encountered for children with disabilities in going to school is that, in most of the cases, transportation and school buildings are not accessible, teachers are not adequately trained, materials are not adapted, for example, through sign languages or simplified languages, these are limitations and barriers imposed by the environment, by society. The physical barriers are the easiest and the cheapest to be removed. When the problem derives from discrimination or stigma, this is more difficult to tackle. She acknowledged that it is not easy to ensure that all barriers are removed at the same time and a concerted multi-sectoral effort is needed to achieve and sustain positive, long-lasting results.

In the case of deinstitutionalisation, campaigns to change social and cultural attitudes are critical, including in the EU context. Also, inclusive health, education and protection services need be created in the community and social protection mechanisms are needed to support families to keep and care for their children with disabilities.

She mentioned that a global development agenda is being adopted now, and there is an opportunity to revert the situation of children with disabilities and their families from being among the most excluded groups in society. It is important that the CRC and the CRPD work together to have a real impact on every child, everywhere. Data and evidence for planning and for monitoring progress is paramount.

As the FRA study concluded, children with disabilities are likely to suffer from two to three times more violence and sexual abuse than children without disabilities; in situations of crisis, children with disabilities are abandoned, neglected, abused. In fact, 68% of children with disabilities will be abused before they turn 18 and this fact cannot be ignored. Children and adolescents with disabilities are at significantly increased risk of experiencing sexual violence: 39-68% of girls and 16-30% of boys with intellectual or developmental disabilities will be sexually abused before their 18th birthday.

The representative of the UNICEF EU Office explained that as for the global framework provided by the Sustainable Development Goals, UNICEF was closely involved with the EU in the review of the CRPD, and the need to work more closely together with the two frameworks was reiterated. She said that the child rights/human rights community is very different from the disability community, and children with disabilities fall in between them. Therefore, in any new framework, the views of both communities need to be embedded. The importance of building strong child protection systems should serve all children (also children with disabilities) to prevent violence. She stressed the importance to build on commitment: to make programmes more disability inclusive, e.g. in the context of the current refugee and migrant crisis, as they are the most vulnerable and where children with disabilities are literally left behind either at home or on the road. She emphasised that the more we work together the more success and progress that can be made and better systematic tools can be produced.

She finished by pointing out two sets of guidance: one jointly for the CRPD and the CRC on guidelines on the participation of children with disabilities in decision-making processes, such as "Nothing About us without us". As well as the ["Take us seriously"](#), which contains some guidance on how to consult with children on disabilities.

The Chair: thanked UNICEF and referred to the good practice of Scotland with regard to the [presumption of mainstream education](#) in the [Getting It Right for Every Child \(GIRFEC\)](#) should be highlighted as good practice on support services for children with disabilities, and on [inclusive education](#).

The Commission had funded specific projects on children with disabilities. One of the projects was carried out by Inclusive Europe, on the participation of children with disabilities in all areas of life. Hear our voices outputs include a [compilation of tools and good practice](#), a report on [participation in childcare](#); and [a report focusing on inclusive education](#). Other projects concerned access to justice for children with disabilities, and the prevention of abuse of children with disabilities in institutional care.

The floor was open for comments or questions.

PT: as the Portuguese representation also works on development, she asked if for the Sustainable Development Goal objectives (SDGs) UNICEF had developed any document that could be of use.

UNICEF: said that on inclusive development there are some guidelines drafted on inclusive education analysis. Another tool would be to consult with people with disabilities, to look at the legislation in place, as well as to look at the data gaps identified. [The Guidelines on the Situation Analysis](#) is one of the tools if the country has ratified the Convention. Mozambique and Angola, for example, have ratified the CRPD. The importance of training was also highlighted.

HR: mentioned that UNICEF reported about social inclusion and provided some tools for assessment. UNICEF: tools for assessment, which have yielded some data, and the plan is to do an assessment of social acceptance of children with disabilities.

UNICEF: mentioned the UNICEF campaign, [It's About Ability](#), which has been carried out in some countries, such as in Montenegro or Albania, and establishes how to combat stigma and discrimination against children with disabilities and promote an inclusive society for all. The results of the campaign were positive and the effects can be reached through policies or enforcing mechanisms. It is a way to sustain social development in this area.

UNICEF: asked the participants of the informal expert group meeting if they had to address issues of children with disabilities in their country.

BE: mentioned a study on children on disabilities focusing on their use of free time, as well as the participation in the youth movement.

PT: said that last year there was a dialogue with the Committee on the Rights of the Child and they issued some specific recommendations on children with disabilities to Portugal, as a result of which the issue is being addressed.

UNICEF: mentioned that to end violence against children by 2030, there is a need to invest in [all children](#) and leave no one behind under SDG target 16.2, including those with disabilities.

The European Union Agency for Fundamental Rights (FRA), presented a recently published [study on Violence against children with disabilities](#).

FRA: gave an overview for the research. The study establishes the legal and policy framework, as well as the extent, triggers, forms and context, challenges as well as promising practices.

The rationale to undertake the study was that violence against children with disabilities was found to be an under-researched area falling between the gaps. In fact, the FRA study on adults with disabilities reported on problems encountered during their childhood: isolation, discrimination, bullying in schools, among others.

On methodology, the research was undertaken through desk research on laws and policies in 28 EU Member States, 132 interviews with stakeholders in 13 EU Member States (AT, BG, CZ, DK, HR, IT, LT, NL, PL, PT, SE, SI and UK).

On the International and European legal framework, the study analysed how the UN, CoE and EU frameworks have been used, as they enshrine the prohibition of discrimination, protection from violence, access to justice/right to be heard, participation and accessible services. It is important to note how the Concluding Observations (both of the CRC and CRPD) can address the existing legal framework.

There are various approaches to legal and policy coverage depending on the MS, on national legal and policy frameworks, it is included specifically on the law: the right of the child to be free from violence is included, the disability and age as aggravating circumstances, the obligation to report violence (in some cases by professionals) and the safeguarding policies that need to be in place in order to prevent violence. In some cases, there are some provisions under criminal law, while in others they are included in the children's rights legislation or domestic violence laws. In only 13 Member States is disability hate crime considered a hate crime.

On policies, the **FRA delegate** stated that there is a weak coverage of the topic and few practical tools exist: national policies on child rights or disability, violence in particular settings (e.g. at home) and weak monitoring and data collection. A conclusion is that implementation remains a challenge. Respondents have mentioned the lack of human resources, how difficult prosecution in these cases is, among others. On funding, policies do acknowledge that children with disabilities are more vulnerable, but the fact is that no concrete measures are usually included in the policies. There are some countries in which there is an overlap of different policies on children with disabilities. In fact, often there is no trained staff or no possibility to assess the situation of children with disabilities.

On the extent of violence against children with disabilities, previous research found that children with disabilities are 3 to 4 times more probable to experience violence than children without disabilities. Besides, children with "invisible" disabilities are at higher risk, as well as

children with multiple and severe impairments or children who communicate in a particular way.

As for causes of violence identified by respondents there were identified: isolation or non-inclusion in the community (or they are in separated classes at school or live in institutions), stigma, societal attitudes based on prejudice and "fear of otherness", perpetrators see children with disabilities as "easy targets" (as they consider that it will be more difficult to report in case of violence), parents feel overburdened and they lack support, in institutions and service providers, in some cases there is overextended and untrained care personnel.

The study reports that there is an intersection with other characteristics: poverty and socio-economic background (lack of financial support, which has been noted at Member State level with austerity measures, existing link to poverty, and in some cases one of the parents will need to take care of the child), ethnicity (e.g. Roma children are especially vulnerable) and there is a taboo and shame associated with disability and gender (as girls are very much at risk of sexual violence). Violence against children with disabilities can be seen in different settings: at home, in schools and in institutions.

As for violence at home, identified factors that contribute to the persistence of violent behaviour against children with disabilities in domestic settings, are: overburdened parents (most of the times they are exhausted and burnout, there is a lack of provision of respite care, in order to allow them to have some free time), there is a lack of support services, professionals' failure to identify and report abuse, as well as difficulties in identifying and prosecuting domestic violence.

As for violence in schools, there are some societal attitudes, such as exclusion, lack of knowledge about disability and prejudice and fear of "otherness", as well as structural weaknesses and staff issues. Some structural weaknesses were also identified, such as lack of inclusiveness or lack of training. At the individual level, there is lack of competence of some teachers, linked to the lack of resources, who make integration very difficult.

As for violence in institutions, there is difficult access/ lack of control mechanisms, lack of monitoring, as in most of the cases mechanisms are more reactive than preventive, there are problematic working conditions (e.g. understaffed, burnout) or there is a lack of training (even when it is planned, it may be sporadic or not mandatory).

As for the implementation challenges following were identified: the child protection systems are not inclusive enough. They often lack accessibility (e.g. information), helplines are not always accessible for disabled children, respite care is not always offered everywhere and there are budget cuts due to austerity measures. Children with disabilities are considered a homogeneous group resulting in a lack of tailored responses, there is an absence of services in rural areas and weak monitoring.

Moreover, cooperation of various agencies is limited (as normally protection measures are established for children who are separate from the disabilities field).

The study identifies 10 points that are considered as the way forward to tackle violence against children with disabilities:

- 1) Need to establish inclusive child protection systems: services need to be holistic, in a cross-cutting way, to all areas. They have to consider ethnicity, gender or economic background.
- 2) Enhance the legal and political framework for the protection of children with disabilities: there is a lack of concrete measures and a lack of practical tools (e.g. prosecution).
- 3) Ensure coordination and appointing a focal point on children with disabilities (as stated in [CRC General Comment No 9](#)).
- 4) Address societal attitudes and counter isolation: awareness-raising campaigns, at the appropriate level.
- 5) Promote child-focused prevention measures and child participation: policy-development, research.
- 6) Provide family-focused services in order to prevent recourse to institutionalisation in the first place.
- 7) Ensure inclusive education and participation in all aspects of life so that participation is on an equal basis with others. Schools need to be a safe-environment (to react to bullying).
- 8) De-institutionalisation efforts and strengthen the monitoring of institutions: Deinstitutionalisation is undergoing thanks to the European Structural and Investment funds of the European Union. There is a need to monitor institutions (some institutions were reported to never be monitored in the study).
- 9) Develop tools, allocate adequate resources and improve human resources capacity
- 10) Collect data, as without having comprehensive data it is difficult to develop policies.

FRA: said that for more information, requests for printed copies of the study or if a Member State wished to ask FRA to address a conference at national level, they should be contacted through following e-mail address: disability@fra.europa.com

The executive summary of the study is being translated into all EU languages and will be available on the website in the coming months.

The Chair: highlighted the challenges and good practices pointed out in the study.

PT: asked for more information on the focal points and the views that the speaker had on them (e.g. if they really had a coordination role).

FRA: answered that this depends on the case. Each MS should decide in each case where such focal point should be located, there isn't one solution that fits all. Focal points have the capacity to influence and ensure cooperation and coordination (with other ministries and civil society as well)

5. DISCUSSION ON MISSING CHILDREN HOTLINES AND CHILD ALERT MECHANISMS

The delegate of Missing Children Europe (MCE), gave an overview of Missing Children Europe (MCE) and explained the work this European NGO carries out. It is a European Federation, which encompasses 30 organisations and has presence in 24 MS. Their mission is to prevent, support and protect children from any harmful situation that may lead to or result from them going missing (which comes from abuse at school, home or institutionalisation), as well as to establish services and tools, awareness and prevention mechanisms, undertake research and evidence on missing children and contribute to implement European policies and laws for the best interests of the child.

She presented two main areas of work of MCE is undertaking: 116 000 [missing children hotline](#) coordination and [Cross-Border Family Mediators](#). The 116 000 hotline project is based on Decision 2007/116/EC as well as the Universal Service Directive and hotlines are operational in 29 European countries (all EU Member States except Finland), as well as Albania and Serbia. They provide free 24/7 emotional, psychological, administrative, legal and social support to parents and children, and cooperate with and support law enforcement (testimonies, volunteers, public appeals). In 2014 there were about 268.309 calls handled, and over 7.000 contacts related missing children via e-mail and chat communications. The use of web chats is gaining ground as a tool. Data on cases handled in 2015 will be published on 25 May 2016.

She explained that as for the categories of missing children (considering cases opened by hotlines in 2014, and with data from 26 hotlines): runaways represent 51%, parental abductions represent 37% (either national or international, the latter representing 60% of parental abductions), missing unaccompanied children represent 1%, criminal abductions represent 1% and lost, injured or otherwise missing children represent 10%.

With regard to age ranges, she said that parental abductions peak at 3-5 years old, runaways peak at 14-16 years old and missing unaccompanied migrant children peak at 15-17 years old.

She remarked that public appeals were used in 45% of cases opened in 2014. Different channels were used, in most of the cases through posters (26%), websites (30%) and social media (21%). Child alert systems had been activated 1-5 times in 2014 in nine (out of 14) countries reporting to have a child alert system in place, and not used in the remaining five countries with a system in place .

There is a high-rate of cross border cases opened (25%). As for the regions involved, 79% were intra-EU, 11% were within Europe (but non-EU countries).

MCE products have focused on minimum quality standards and cross-border cooperation, case management software, awareness raising, improving the collection of data and monitoring of the quality of the hotlines through accreditation. Challenges faced by the hotlines include lack of funding, despite government obligations under Article 27 of the Universal Service Directive.

In order to identify best practices, [the Summit Project](#) funded by the EU (DG Home of the European Commission) is focusing on missing unaccompanied children and will develop guidance for improved interagency cooperation and provide some training.

As challenges, the Summit project identified the following: that missing unaccompanied children are not considered by caretakers as being at risk, the disappearance of an unaccompanied child is rarely or never reported, it is not considered a priority by law enforcement authorities; there is a link with trafficking, which is not recognised, there is no structural commitment to the issue, guardians cannot play a role due to the lack of training, there is difficult cross-border cooperation (between authorities) and information is not shared among stakeholders.

On Cross-border Family Mediators, a [video](#) was shared. There is training offered to mediators to avoid child abduction. In general, mediation takes an average of 43 days as opposed to 18 months without, it is 60% cheaper than an ordinary judicial proceeding. Each mediator has an average of 3.5 cases a year assigned - one challenge is that mediation is not sufficiently known. Parents pay for the mediation services; although in some MS legal aid is available for mediation.

As for conclusions, there are existing complementary tools and there is a need to adapt to the specificities of each case, there is a need to ensure an integrated child protection system (prevention, follow-up, protection of children, European cross-border approach), continued European approach. For runaways, a child welfare approach is to be taken into account (in the best interests of the child). The promotion of mediation in order to avoid extra harm to children during parental conflicts would be beneficial and it is necessary to ensure that equal treatment is given to missing unaccompanied children.

A representative of the Dutch Ministry of Security and Justice presented the initiative Missing persons: Missing Information, under the Netherlands EU Council Presidency.

Missing children is one of the areas in which the police work. As stated by MCE, a European cross-border approach is needed. The initiative is to focus on missing people and its objective is to enhance the cross-border exchange of information and finding missing persons. Preconditions for this initiative are:

- Use of existing information instruments: as there are already comprehensive tools (Law enforcement, NGO, citizens initiatives), the objective is to use them optimally
- Respect differences in legal systems and possibilities: e.g. in how to use certain instruments, to gather and use information in some countries
- Build on on-going European policy and operation processes: to create quick results (instead of focussing on overarching results)

As for the motive of the initiative, law enforcement authorities have identified some cross-border bottlenecks (and there is a need to address them) such as: who to contact, insufficient information sharing and optimisation of the use of information, swift and appropriate follow-up action.

The initiative has four strands:

1. Establish a European platform of national (central) police contact points on missing persons (which could link with public prosecutors, existing law enforcement information exchange channels);
2. Strengthen the use and follow-up measures of the Schengen Information System (SIS);
3. Strengthen the cross-border use of citizens' assistance to gather information – (social media, alert systems, hotlines, websites – in identifying and finding missing persons
4. Strengthen the use of Interpol instruments to identify and find missing persons – if a child is being abducted

The tools that the initiative uses are:

- A questionnaire on the use of citizens' assistance in gathering information, in identifying and finding missing persons
- A questionnaire on the use of Interpol instruments in identifying and finding missing persons
- Problem analysis in the use of SIS (including preventive alerts and follow-up actions after hits) in identifying and finding missing persons
- An analysis of and proposal for a European Platform of national police contact points.

An Expert Conference will take place on 25 May 2016 in Amsterdam, with 100 participants ranging from experts of law enforcement, policy makers, NGOs).

The representative of the Belgian Prosecutor Office highlighted the importance of the NGO Child Focus in the Belgian context, which with the help of volunteers posts posters and runs a centre-hotline, which makes it a relevant support for parents and families of missing children.

Many stakeholders are involved in case of a missing child: professors, parents, institutions, teachers and friends.

As for missing children, **she** stated that there are some remarks that have to be considered:

- every case is different
- every child needs to be found (as soon as possible)
- every child has the right to be searched for
- every missing child deserves a personal approach

There is not much difference between runaways and other missing children. Specificity with runaways that has to be considered is the reason why they run away and pointed out that the "surrounding adults" have responsibility for the child. A specific approach/action needs to be taken for each case. The preliminary work is to do a "basic police work" considering: who are we missing, talk to parents, friends, teachers; search from the point where the child was last seen, check the telephone, bank and public transportation, NGO to support the family.

Having checked that, it has to be considered whether media publicity should be considered or not, if a dog, a helicopter or search "in the field" is needed, if a investigating judge should be appointed or not, if the NGO should make use of posters, social media, if the federal police

should use their website, social media, and if the child alert mechanism should be activated. A prosecutor or an investigating judge can decide to open a criminal case. The magistrate is responsible for these decisions, which are always taken in consultation with the relevant partners.

ES: highlighted the importance of hotlines. As for cross-border family mediation, he pointed out the diversity of projects being undertaken on child abductions and mentioned the importance of specialised mediators to be “unified” (including the LEPCA network).

MCE: mentioned that on family mediator they try to connect the dots and that MCE is Coordinator on cross-border mediators network and that MCE is part of the LEPCA Advisory Board.

The Belgian delegate mentioned that results of mediation are very positive and in some cases they achieve a better result than a judge-opposed sentence and that the outcome is in line with the best interests of the child.

There was some discussion on the gaps and challenges (identification of the child, reporting, responses, issues around guardianship including long delays in appointing guardians, trafficking) as well as good practice with regard to missing unaccompanied children, especially in the context of the current crisis.

6. CHILDREN IN MIGRATION – TOUR DE TABLE

The tour de table focused on children in migration.

The Chair shared some [figures on children](#) in the refugee crisis. The number of children on the move is very high: among the 900.000 people that have arrived by sea to the EU, about 1 in 5 is a child. In October alone, 90 children died on the way to Greece. One in four asylum applicants is a child.

FR: the situation in Calais was discussed, including the recent court order. The situation of children in migration will also be addressed in the January 2016 dialogue with the Committee on the rights of the child. In France there is also this concern for the appointment of a guardian: *ad hoc* administrators are responsible for the child, there are insufficient guardians and the appointments take too long. Once the child is identified, he/she is referred to the child protection system. There are issues of age assessment. Unaccompanied and separated children are not always included in the system. Another group of concern is children living in slum-like conditions in France. A European-wide approach would be useful, to establish some common benchmarks, rather than leaving refugees and migrants in limbo.

AT: explained that in spring last year, he visited a small reception centre in Vienna (Dreiskirchen) for unaccompanied and separated children. The facility was overcrowded, although it was before the increase in numbers in summer. As regards the thousands of asylum-seekers arriving to Austria, 9 out of 10 of migrants are heading towards Germany, and

AT tries to provide accommodation. Unaccompanied and separated children were appointed a guardian within 48-72 hours. Meanwhile, they managed to find legal guardians (SOS/Caritas). In December, the influx of refugees stopped immediately and at the southern borders of Austria, the reception centres are empty. The situation remains a challenge, but it seems that they managed to cope.

LU: situation is different in Luxemburg, as in 2011 30% more refugees were received than in 2015. The different Ministries (Foreign Affairs, Family, Police, and infrastructures) were supposed to find solutions for these families, in particular family solutions and school solutions. The population that arrive in Luxemburg are 20% Syrian, 20% Iraqi and 20% from Kosovo. As for school necessity, there is a special budget, installing special school welcome classes and pilot projects for school classes and after school. Some unaccompanied children also have arrived to LU. There is a need of psychological and language support but in general, children and youngsters are motivated to learn. In Luxemburg, the Ministry of Foreign Affairs is responsible for the first reception. LU had set up a Steering Committee (under the auspices of Foreign Affairs) for the refugee crisis.

HR: stated that the country is facing many difficulties, for example with the arrival of unaccompanied and separated children. The Government has established a working group, protocols for refugees, social workers and police monitoring. HR is a transit country and there is a lack of guardians and other resources. There was no support from Europe and some directions (such as assessment, people, guidance) would be welcome. It was urged by the HR representative that the European Commission could give MS some directions, including for example on the values that Europe adheres to.

HU: On the migration situation, there has been an informal exchange of letters with the European Commission, in which Hungary informed the European Commission about the changes on children rights in relation to the migratory situation.

PT: pointed out that the problem of migrant children is very different than in other countries. As for unaccompanied and separated children, they are included in the mainstream child protection system. As for the refugee crisis, there was a big debate on quotas. So far, they had not many refugees (around 100). A working group was created, with plans and coordination between the Ministries.

BE: Asylum and migration is a federal issue. For the federal level, reception centres have been established. There are a lot of available foster families. As for education system, special measures have been foreseen for new-comers and money is being put aside.

cc: Interservice group on rights of the child