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DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate C: Fundamental rights and Union citizenship

Unit C.1: Fundamental rights and rights of the child

Brussels, 01 August 2016

JUST/C1/MK

SUMMARY RECORD

12th MEETING OF THE INFORMAL EXPERT GROUP ON THE RIGHTS OF THE CHILD

Brussels, 30 June 2016

1. INTRODUCTION

The twelfth meeting of the informal expert group on the rights of the child took place on 30 June 2016. Delegates from 14 Member States attended the meeting (AT, BE, BG, CY, CZ, ES, FI, FR, IS, LT, NL, PL, SK and UK) and the Commission was represented by the rights of the child team (Fundamental rights and rights of the child unit, DG JUST), DG Migration and Home Affairs (DG HOME) and DG Education and Culture (DG EAC). 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 new delegates and speakers.

The Chair explained that this meeting of the informal expert group will be solely on **the protection of children in migration** with this meeting focussing on relocation of unaccompanied children, reception of children in migration and integration. The discussions should cover unaccompanied children as well as children within families. The Commission updates its [compilation of data and reports on children in migration](#) regularly, and all delegates are invited to share the contents with their colleagues.

The Chair reminded that the Commission is seeking to employ a **comprehensive approach to the protection of children in migration**.

The Chair reported from her visit in Greece, and informed participants about a similar visit to Italy planned for mid-July.

The Chair cited some recent reports on children in migration:

- European Network of Ombudsperson for Children (ENOC): [Safety and fundamental rights at stake for children on the move](#).

- Human Rights Watch: [Italy: Children Stuck in Unsafe Migrant Hotspot](#)
- Human Rights Watch: [Sweden: Seeking refuge. Unaccompanied children in Sweden](#)
- UNICEF: [Neither safe nor sound. Unaccompanied children on the coastline of the English Channel and the North Sea.](#)

The Chair quoted also most recent data on children in migration:

- In 2015, one million persons arrived by sea and one in three was a child.
- More and more children are arriving by sea. As at 8 June, 38% among those arriving by sea to Greece were children.
- In May 2016, 20.185 children (2633 unaccompanied) applied for asylum in the EU (ninety thousand unaccompanied children applied for asylum in the EU in 2015).
- According to a Europol estimate, 10.000 unaccompanied children have gone missing in Europe in the context of the refugee crisis.
- Forty children lost their lives on the route to Europe in May 2016.

3. RELOCATION OF UNACCOMPANIED CHILDREN FROM GREECE

IMPLEMENTATION OF THE EU DECISIONS ON RELOCATION – DG HOME

The Commission (DG HOME) presented the general framework for relocation and the state of play. According to Council Decisions adopted in September 2015, the EU Member States (MS) agreed to relocate 160,000 asylum seekers from Greece (60,000) and Italy (40,000) and some places not allocated to any MS. Relocations are supposed to take place over two years.

As of 9 June, 1420 people have been relocated from Greece and 775 from Italy. 23 unaccompanied children have been relocated from Greece so far.

50,000 migrants stay on the Greek mainland (45% are Syrians, 15% Iraqis, 25% of Afghan origin – the latter group eligible for return to Turkey under the EU-Turkey agreement),

There is an increase in arrivals of unaccompanied children to Italy (14,000 people arrived only last week, including 1000 unaccompanied children), mostly from Eritrea, Egypt and Nigeria. DG HOME emphasized that children arriving are younger than before (as young as 9 years old). In Trapani, where children are in reception together with adults, they are exposed to high risks of violence.

Data for Greece is very incomplete and fragmented – according to EKKA, 600 unaccompanied children are accommodated in reception centres, 350¹ are on the waiting list.

A more comprehensive picture should be available once the pre-registration exercise will take place (implemented by Greek Asylum Service in cooperation with EASO and UNHCR).

Majority of children are eligible for relocations.

Relocation process from Greece:

- Asylum application has to be filed (according to Greek legislation, a young person above 14 year old, can file the asylum application on its own).
- If a person is eligible for relocation, she or he goes through a series of checks and examinations, including security check, EASO interview, etc.
- Greek asylum service matches applicants with pledges submitted by the EU MS.

¹ As at 2 September, the number of children on the waiting list reached 1528.

- The EU MS may request additional checks.
- A candidate for relocation is told to which country she or he can be relocated (the applicant may refuse).
- IOM carries out a health check and a cultural orientation – which is a starting point for the integration process.

Relocation of children from Greece:

- In Greece, the prosecutor becomes the guardian for children.
- The assessment of the best interests of the child is carried out at the beginning.
- Praksis implements the procedure, UNHCR take care of the accommodation.
- IOM is supposed to explain to children the situation and cooperates with the Greek Asylum office.
- In practice, as soon as any MS submits a pledge, the best interests of the child assessment is conducted very quickly and the procedure starts.

At the time of the meeting, 22 unaccompanied children had been relocated to Finland, 1 to the Netherlands and 2 to Luxembourg. Belgium has pledged 10 places. DG HOME expressed hope that once more reliable data on the number of children staying in Greece will be available, Member States will be more willing to relocate unaccompanied children.

There are plans to develop specific workflow for unaccompanied children, which would speed up the process and set common standards and rules (e.g. France requires many additional checks).

The Chair thanked DG HOME and reminded that on the Greek mainland, there are around 600 filled reception places for unaccompanied children and the number on the waiting list is currently high – about 800. 270 children are in detention, because of reception shortages.

GOOD PRACTICE: RELOCATION OF UNACCOMPANIED CHILDREN - PRESENTATION BY FINLAND

The Chair gave the floor to Finland and reminded participants that Finland had relocated 20 unaccompanied children.

The Finnish delegate explained that the situation in Finland has dramatically changed during the last two years – the number of unaccompanied children increased from a few hundred to 5000 last year. The best interests of the child and the rights of the child are the basis for all governmental initiatives, including the relocations.

Main principles of the child protection system and relocations in Finland:

- Every child has a representative to follow up the file, and a person with relevant linguistic skills and of a migrant background trained to work with the child.
- Unaccompanied children are in a specifically vulnerable situation and their applications always go first.
- It is important to hear children and listen to their stories
- Children need to be surrounded by an appropriate number of adults to take care of children.
- All children arriving to Finland have access to healthcare and accommodation.
- Children are accommodated in group homes.
- Children receive the right of residency until the age of 18.

- Children have the right to specific care until the age of 21 (a client, a health and upbringing and independence promotion plan is set up).
- The support system for children is based on cooperation between municipalities and NGOs, but there are not enough trained professionals to work with children.
- Relocations are based on the Geneva Convention, UNCRC and Finnish Aliens Act.
- Security checks and age assessment are done based on documents (although there is a possibility to conduct additional ones)

The legislation on family reunification has been strengthened recently in Finland, which may have a negative impact on children.

To finalise, he emphasised that only a very small number of unaccompanied children have gone missing (10 in 2014). One of the reasons is that applications of unaccompanied children are always processed with urgency.

The chair thanked Finland for the presentation and added that during her visit in Greece, a report from a boy relocated to Finland arrived indicating that child was very happy.

The Chair opened the floor to delegates:

BE: Belgium offered 10 places for unaccompanied children, the procedure is on-going. For the moment, on average 10–15 new children arrive every day. There are still not enough guardians, even though a recruitment campaign took place. There are 500 guardians on active duty and 400 unaccompanied children are still without a guardian.

CZ: The Czech Republic has no experience with relocation of unaccompanied children. The Czech Republic will relocate 30 migrants from Greece and 20 from Italy, but until now, only four were accommodated. The Czech Republic has four facilities for unaccompanied children, with some places still left. Children are offered special programmes, language courses, and access to education. The situation with interpreters has improved, but age assessment and access to legal aid still pose problems.

SK: The Slovak delegate reported that the Slovak Presidency intends to focus on integration and education.

FR: France relocated 870 people from Greece and Italy (687 from Greece). Delays in relocations from Greece were caused by (1) a big group of migrants to relocate, (2) delays in issuing documents by Greek authorities and logistic delays by IOM. In principle, France does not relocate unaccompanied children (one child was relocated with an uncle and another one will be relocated with his/her brother, as soon as French authorities will make sure that it is not a case of trafficking of the child.) The process of setting up rules and procedures for that is on-going. Main issues to address: Age assessment – if France should perform it again? As of which moment France should appoint a guardian for a child? Legal representation and custody for the child, and mutual recognition of justice decision. France awaits the result of the pre-registration exercises and would welcome assistance from Finland in responding to some questions.

NL: aims to relocate 100 people every month. So far, only one separated child has been relocated, but hopefully this will continue.

CY: Cyprus takes part in relocation. No unaccompanied children have been relocated so far, but 13 accompanied children arrived with relocation groups. Unaccompanied children in Cyprus are under state care. There are 115 unaccompanied children.

LT: Lithuania has relocated six adult persons so far. One unaccompanied child is currently staying in the reception centre. Last year, 30 unaccompanied children stayed, but for a short

period. In June, Lithuania adopted a new order on children, which specifies procedures on the support for unaccompanied children.

AT: Austria hosts 90.000 asylum seekers. The number of unaccompanied children has been on the rise since 2006. Last year it reached 9331 unaccompanied child asylum seekers, in 2016 in January, 6000. There is no further possibility to relocate unaccompanied children from Greece.

PL: Poland has a very limited experience, less than 100 unaccompanied children per year. Between January and May 2016, only one unaccompanied child applied for asylum in Poland. There are no specialised centres for unaccompanied children.

BG: Two adults from Greece were relocated in May and four in June.

The Chair added that according to Greek authorities, the situation of separated children is more complicated than unaccompanied children, as the prosecutor requires a solid proof of relation in case of accompanying adult. The regularity of pledges submitted by EU MS would be helpful and would speed up the processes. She pointed out that it is important to relocate children before they put themselves at risk of going to the northern Europe with smugglers.

DG HOME reminded participants that in order to fulfil initial relocation plans, 6000 migrants should be relocated per month.

On age assessment, DG HOME explained that it is performed in Greece and based on available documents. If that is not possible, the age assessment is conducted during interviews. The DG HOME representative added that unaccompanied children are extremely traumatised. They suffer from nightmares; their experiences encompassed direct threat, witnessing or experiencing violence, also from law enforcements (e.g. shootings in Turkey), losing family and watching other people die. They stay in detention facilities without any other activities than sleeping and eating. The same situation occurs in Italy, where the social workers observe how children's faces change when they are being asked about their experience in Libya.

DG HOME informed participants that municipalities are very often willing to relocate children. She encouraged delegates to coordinate relocation efforts at the national level to include municipalities in the coordination as it is The Moment to provide assistance to the most vulnerable.

DG HOME added that on 13 July, the [Fifth report on relocation and resettlement](#) with a separate section on unaccompanied children (updates on identification and pre-registration) will be published.

4. RECEPTION OF CHILDREN IN MIGRATION

REFORM OF THE RECEPTION CONDITIONS AND ASYLUM PROCEDURES LEGISLATION – DG HOME

DG HOME informed participants that the second legislation package will be available in the coming days. Proposals are being currently discussed internally. [*Update since meeting, please find the proposals attached*].

Provisions for unaccompanied children:

- The country where the application is first filed, will be responsible for processing the application.
- The best interests of the child has to be ensured from the moment of the identification of a child.

- A deadline for appointment of the guardianship starts after expressing the intention to apply for the international protection.
- A guardian should have the necessary qualifications and a clean criminal record.
- Regular monitoring on the performance of the guardians will be performed.
- A possibility to lodge a complaint was introduced.
- In case of returns of unaccompanied children, the EU MS needs to ensure that child protection mechanisms will be put in place and a child will be taken into proper care in the destination country.
- The possibility of a mutual recognition of age assessment.
- Detention of unaccompanied children is allowed only in exceptional cases, for the shortest period and under certain conditions.
- Provisions on schooling and education.

BE: expressed concern that de facto the Regulation will not act in the best interests of the child, in case a child has already started school and integration process in one country, but he/she will have to be sent back to the country where the asylum application was filed.

DG HOME replied that the intention of this provision is to reduce the incentive for children to move irregularly from one country to another. In principle, a child should not have time to integrate in another country. Family links have priority over the first country of application principle.

PEER LEARNING ACTIVITY IN SWEDEN – RECEPTION AND INTEGRATION OF MIGRANT CHILDREN – DG EAC

A peer learning activity (PLA) in the field of migration and integration of newly arrived children is a support action that was announced in the action plan for integration of third country nationals.

The EU MS have the opportunity to call for a PLA on challenging issues.

The PLA which took place in Sweden was organised to discuss the integration of children into national education systems.

DG EAC explained that schools are a very important element in the integration plan of migrant children. In the case of Sweden, teachers are very often the only Swedish people migrant children meet.

DG EAC encouraged MS to use the PLA possibility.

The Austrian delegated informed participants that in Austria, there are mobile teams travelling between the schools.

GOOD PRACTICE: MINOR – NDAKO- GOOD QUALITY RECEPTION CONDITIONS – FAMILY BASED CARE AND GUARDIANSHIP FOR UNACCOMPANIED CHILDREN.

Due to last minute changes in the agenda, this presentation was postponed to the next meeting.

5. INTEGRATION OF CHILDREN IN MIGRATION

THE ACTION PLAN ON INTEGRATION OF THIRD COUNTRY NATIONALS – DG HOME

The Action plan on integration of third country nationals was published on 7 June.

DG HOME reminded participants that third country nationals constitute around 4% of the total EU population, who came for work, study, family reunification, etc.

She pointed to the outcome indicators, which shows that the group third country nationals is characterised by a lower employment rate, particularly among migrant women (in comparison to national women)

In 2015 there were 1.321 600 asylum applications, 307.620 received positive decisions.

The COM recognises the importance of efforts put into the integration of third country nationals. The cost of non-integration are much higher than the costs of integration activities.

DG HOME reminded that integration is a two way process and that the integration is in the MS competencies and the COM can only assist in the activities. The action plan is not a binding document, but a list of recommendations. The COM has identified five priority areas:

1. Pre-departure, pre-arrival integration measures – addressed to regular migrants, refugees resettled and receiving societies to build a welcoming environment.
2. Education
3. Labour market integration and access to vocation training
4. Access to basic services
5. Active participation and social inclusion.

DG HOME was happy to report that MS actively try to enhance cooperation in the area of integration and that the European Integration Network will soon start its work.

To finalise, DG HOME encouraged MS to use European Social Fund for integration of third country nationals.

GOOD PRACTICE: BE AWARE AND SHARE – A SCHOOL FOR REFUGEE CHILDREN IN CHIOS

As at end June, there were 2400 refugees living in Chios, 32% of them are children. Their situation has worsened since the EU–Turkey agreement. The Refugee School Chios project was set up as an emergency response to what is a shameful and dangerous situation on the island. It is based on a community-driven approach, organised by volunteers who identified eight migrants, who were qualified and experienced teachers back in their home country. The school has been opened for 6 weeks and has almost 120 students in school receiving up to 3 days of school each. Most of the 6-9 year olds have never been to school before, so this is the first school they have ever attended.

The school's core curriculum consists of lessons in the native language (e.g. Arabic or Farsi), as well English and Maths. Many of these children have never been to school before and struggle to read and write in their own language. Alongside the core curriculum, the international volunteers deliver project classes (gardening, hygiene classes, etc) on a daily basis. Many of the school materials are bought locally to also foster the local economy.

The school gives children a sense of belonging, a positive feeling that also impacts their families. The founders and teachers fight every day to restore the innocence of these children, to remind them that they are children and given them hope for the future. The project has changed the host community, who may have initially reacted sceptically to the project, they are now largely supportive with many local teachers wanting to teach over the summer.

GOOD PRACTICE: AUGEO – THE ROLE OF SCHOOLS IN SUPPORTING THE INTEGRATION OF CHILDREN IN MIGRATION

Augeo is a private foundation that wants to see all children growing up healthy and safe, including refugee children. Augeo supports teachers, who then can help children become more resilient to everyday situations. In cooperation with refugee children, their parents and Dutch experts in the field, Augeo has developed online courses for Dutch education staff. In these courses teachers can learn how to provide assistance to refugee children.

So far, more than 1200 professionals followed the courses. Furthermore, 800 downloaded the so-called learning byte – a short summary of the course for primary education staff. That online course is now available free of charge in German and English upon registration on <https://www.augeo.nl/refugee-children>.

The Chair opened the floor for questions.

Questions about the refugee school in Chios:

FI: Does the school receive any funding?

The school is based on private donations and funds from Norwegian Refugee Council.

NL: Are school managers involved in any coordination groups and how does the Greek government perceive the role of education in camps?

Volunteers do more than half of the work on the island and always have a seat at the table. The Greeks are not involved in any education activities. Volunteers rather than the local authorities are involved in protecting children.

AT: Are there any Greek teachers working in the school?

Indeed, a Greek teacher was about to start on Friday, in the secondary school which will be opened soon. For each refugee teacher there will be a Greek one.

Question addressed to Augeo:

FI: To what extent can training be adapted to specific country conditions? Augeo replied, that the content is rather general, but it can be applicable to different countries.

BE: Can Augeo's training be used for guardians? According to Augeo, the primary school training is for teachers, but the secondary school modules, can be used for training guardians (Nidos in the Netherlands uses them).

The Chair invited the participants to report on the situation of refugee child integration in their countries:

FI: The most difficult phase for migrant children seems to be the transition phase between basic education and vocational training. There are also not that many children with a migrant background. The labour market is not that well prepared. Many people would like to volunteer and the programme is fairly well structured and organised by a big NGO (Red Cross). The Ministry of Justice is currently looking at barriers stopping people from volunteering such as taxation, reimbursements for trips.

DG HOME emphasised that there are some success stories and good practices from several MS:

- Denmark: the social media started a project which helps to bridge the gap between migrants and host society. The aim is to become a friend with refugee – to go out for dinner, go shopping. The programme is very popular, there are more volunteers than refugees.

- Germany: a project Einkommen - welcoming application with initial information for migrants
- Hotel in Vienna: the Madgas hotel opened last year. 20 out of 30 employees are refugees.

DG HOME mentioned that it is important to ensure the sustainability of such ad hoc initiatives.

NL: Since 1 January 2016, Nidos and the reception office are responsible for reception of unaccompanied children. Children below 15 are placed in foster care and appointed a guardian. The majority of the 550 unaccompanied children who have arrived in the Netherlands since January 2016, are from Afghanistan, Syria, and Eritrea. Victims of trafficking are placed in protective shelters. Last year 21 Vietnamese children went missing and the investigation is ongoing. The integration process starts with the foster family. If a child is granted refugee status, he/she will stay in a family or go to a small reception unit. Children are provided with access to education and health care as soon as they arrive.

FR: Concerning Calais, the strategy is to identify asylum seekers and unaccompanied children. In some cases, children claim to be adults. Most of them want to get to the UK under the family reunification procedure. Cooperation with the UK has been established, and there is a UK liaison officer based in France. The French asylum authorities are trying to build relations and trust with children.

The Chair noted that children need to have a shelter which is not linked to asylum and migration, where they can go day and night and will not be asked any questions, as indicated by organisations working on the ground.

AT: A parliamentary committee to investigate how unaccompanied children integrate has been set up at the end of 2015 which involves unaccompanied children.

IS: New legislation has been introduced. On unaccompanied children, the municipality is responsible for taking care of children together with the child protection committee. The law enters into force on 1 July 2016.

CZ: Since 2016, unaccompanied children receive an individual integration plan, which is implemented by an NGO. 62 individual integration plans are implemented for families (legal assistance and languages). The central facility for unaccompanied children is based in Prague (30 places). Four other facilities are available. A new language project was launched in May 2016 with an aim to help children to access mainstream education.

PL: In Poland the situation is similar to that of the Czech Republic. Under Polish law refugees and persons granted international protection receive individual integration plans and 12 month long assistance in integration (it covers inter alia the costs of language classes, family and psychological assistance, legal assistance). In 2015, 233 children were in such programmes.

6. CONCLUDING REMARKS

The Chair reminded participants that in September a call will be launched for capacity building on children in migration – on guardianship and foster care/family care..

The Chair thanked participants for taking part in this meeting and announced that the next meeting is expected to take place in September. The annual Forum on the Rights of the child will take place on 29-30 November and will be dedicated to children in migration.

cc: Interservice group on rights of the child

Annexes and links:

1. Finish presentation on the relocation of unaccompanied children
2. DG EAC report from the Peer Learning Activity in Stockholm
3. AUGEO's information on free online courses for teachers
4. [13 July 2016 European Commission CEAS proposals](#)
5. [Fifth report on relocation and resettlement](#)
6. [Fifth report on relocation and resettlement – Annex: Relocations from Greece by 11 July](#)
7. [Fifth report on relocation and resettlement - Annex: Relocations from Italy by 11 July](#)
8. [Action Plan on the integration of third country nationals](#)
9. [Factsheets - Action Plan on the integration of third country nationals](#)
10. [Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration](#)
11. [Annex 6 to the Communication – Ongoing actions contributing to the protection of children in migration.](#)