



EUROPEAN COMMISSION

*Brussels, 7.11.2017
C(2017) 6773 final*

Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on the Communication from the Commission to the European Parliament and the Council on the protection of children in migration {COM(2017) 211 final}.

The Commission welcomes the Camera Deputaților's support for the objective set out in the Communication, namely addressing the protection gaps and challenges that emerged in the context of the migration crisis by indicating urgent actions to enhance the protection of migrant children. The exponential increase in the number of children, especially unaccompanied minors, arriving in the European Union in recent times, as well as the particular vulnerability of these children require adequate protection, and the protection of the most vulnerable, notably children is a shared principle and value in the EU.

The Commission takes note of the Camera Deputaților's observation on the resources needed to address the situation in the countries of origin and transit. Even if the challenges are great, the Commission believes that only a comprehensive approach, including tackling the root causes of migration, can make a difference. Efforts must therefore be made with the countries of origin to create opportunities and a safe environment to prevent children from embarking on dangerous journeys. Support must also be provided to countries of transit to fight criminal networks exploiting children on the move.

In response to the more technical comments in the Opinion, the Commission would like to refer the Camera Deputaților to the attached annex.

*Mr Liviu DRAGNEA
President of the Camera Deputaților
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The Commission looks forward to continuing the political dialogue with the Camera Deputaților in the future and to continued cooperation to protect children in migration.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*

Annex

The Commission has carefully considered each of the points raised by the Camera Deputaţilor in its Opinion and is pleased to offer the following clarifications.

Point 9: *The Commission agrees with the Camera Deputaţilor that migrant children need to be protected from the dangers of either being drawn into criminal activity or becoming the victim of it. It should be pointed out, however, that measures such as detention or protective custody are tools of last resort and should only be used in line with EU law.*

Point 11: *The Commission takes note of the Camera Deputaţilor's suggestion regarding the utility of providing specific training in the area of corruption etc. to the personnel involved in monitoring reception conditions at national level. The Commission endeavours to put forward this suggestion in the appropriate fora.*

Point 13: *The Commission acknowledges the suggestion made by the Camera Deputaţilor as regards the necessity to ensure the correct management of programmes whose aim is the protection of children's rights. The Commission ensures the maximum of control to avoid mismanagement, and intervenes directly on the protection of children's rights, for instance through funding the United Nations' Global programmes on the elimination of harmful practices like female genital mutilation or child marriage.*

At the same time the Commission aims at reinforcing the capacity of third countries' authorities to establish long-term national protection systems to guarantee the best interest of the child. For instance, the Commission intends to support the efforts of third countries' national authorities to monitor the quality and quantity of foster care provisions for children deprived of parental care.

With specific reference to the protection of children on the move, the European Union operates in cooperation with international organisations with a specific mandate on child protection (for example with the United Nations' Children's Fund) and relevant civil society organisations and non-governmental organisations to strengthen the capacities of third country governments. Following this approach, in 2016 the Commission launched three projects implemented by Civil Society Organisations focusing on strengthening child protection mechanisms in West Africa, both at country and regional level. Activities include awareness raising in local communities on the risks of irregular migration for children; training on the protection of children and young migrants at risk of exploitation; improving access to protection for child migrants in vulnerable situations; support for voluntary return and sustainable reintegration for migrant children; improving data collection and analysis as well as governments' ownership of data collection and information sharing. As another example, EU-funded justice reform programmes ensure that the national legislation and regulations recognise and respect the right of the child especially those in conflict with justice.

Points 18 and 24: *Children in migration are exposed to risks and have often suffered from extreme forms of violence, exploitation, trafficking in human beings, physical, psychological and sexual abuse before and/or after their arrival to the territory of the European Union.*

They may risk being marginalised and drawn into criminal activity or radicalisation. The Commission is well aware that criminal groups may seek to exploit those most vulnerable, notably children, and in particular those who have gone missing and are therefore no longer protected. The Commission, however, does not have data on the number of migrant children that have become involved in criminal activities and/or have become radicalised.

The early integration of minors, including granting them access to mainstream education, is crucial to prevent absconding. It is also a social investment to minimise risks with regard to possible criminal activity.

Point 20: *The Commission fully supports the points raised by the Camera Deputaţilor on difficulties in assessing the best interest of the child in the absence of accurate information about the country of origin and the situation of the child's family there. The Commission welcomes the work that the European Asylum Support Office will carry out by the end of 2017 for providing guidance to Member States' authorities on how to apply the best interest of the child in the various procedures and circumstances that are relevant for the status determination of migrant children.*

Point 22: *It needs to be clarified that Europol has not reported or issued any statement about 10,000 missing migrant children. This information, which was published by the media¹, was not confirmed by Europol. Having said this, the phenomenon of migrant children going missing is a reality, and the fight against the trafficking of human beings is a form of serious crime which falls under Europol's competence. Europol supports Member States in cross-border investigations in the field of trafficking of human beings. Preventing the exploitation and abuse of missing unaccompanied children by organised criminal gangs is one aspect of Europol's broader action against trafficking of human beings.*

Unaccompanied children represent a particularly vulnerable category of victims. Europol is therefore also actively cooperating with non-governmental organisations and international organisations to address best practices, challenges and recommendations for safeguarding unaccompanied children from going missing. In this framework, Europol closely follows the phenomenon of missing unaccompanied children with the final aim of promoting successful strategies related to the prevention and the response to these disappearances.

Point 29: *In the proposal for an Asylum Procedures Regulation,² the Commission has proposed to render accelerated procedures compulsory for cases where (among others) the applicant makes clearly inconsistent or false representations, or misleads the authorities with false information. Similarly, an application should be examined under the accelerated examination procedure where it is clearly abusive.*

¹ See *The Guardian* article of 30 January 2016 at <https://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees>

² COM(2016) 467 final.

That proposal also provides that Member States may request total or partial reimbursement of any costs incurred where the decision to incur such costs was taken on the basis of false information supplied by the applicant – such as would be the case where expenses are incurred because an age assessment is performed on the basis of false age declarations of the applicant.