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**COMMISSION STAFF WORKING DOCUMENT**

**Implementation of the Action Plan on UAMs (2010-2014)**

*Accompanying the document*

**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE  
EUROPEAN PARLIAMENT**

**The protection of children in migration**

{COM(2017) 211 final}

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## **I. INTRODUCTION**

Protecting unaccompanied migrant children and ensuring that their best interests are respected has been a priority for the Commission over the last decade. The Action Plan on Unaccompanied Minors (2010 – 2014)<sup>1</sup> ('the Action Plan') was designed to provide a comprehensive framework for the concrete responses to the challenges posed by the arrival of unaccompanied children on EU territory.

In September 2012, the Commission issued a Mid-term Report on the Action Plan on Unaccompanied Minors<sup>2</sup> highlighting the developments between May 2010 and June 2012 and identifying the areas which required more attention and targeted action during the following years.

The migratory crisis has exacerbated the challenges posed by the arrival to the EU of vulnerable migrants, and in particular of migrant children, including the unaccompanied ones. The European Agenda on Migration<sup>3</sup> and the Communication of February 2016 on the state of play in its implementation<sup>4</sup> indicate that the protection of migrant minors, and especially of the unaccompanied ones, is a priority for the EU. The overall increase of the number of migrant minors, including unaccompanied ones, calls for a comprehensive approach to their protection.

This Staff Working Document ('SWD') provides an overview of what was achieved in the implementation of the Action Plan over the period from mid-2012 to end 2014,<sup>5</sup> and of some of the key developments that occurred in the main areas covered by the Action Plan in 2015 and 2016. The structure of the SWD follows the four main lines of action that were identified in the Action Plan: data collection; prevention of unsafe migration and trafficking; reception and procedural guarantees in the EU, and finding durable solutions.

For actions implemented at EU level, the document is based on information provided by the European Commission, the European External Action Service (EEAS), and EU Agencies – in particular the European Asylum Support Office (EASO), the European Union Agency for Fundamental Rights (FRA) and European Border and Coast Guard Agency (EBCGA). Concerning developments which have taken place in the Member States, the SWD relies on information available in the Study by the European Migration Network (EMN) of 2015 on "Policies, Practices and Data on Unaccompanied Minors" ('the 2015 EMN Study'),<sup>6</sup> and on information facilitated by some Member States (Austria, Belgium, Bulgaria, the Czech Republic, Greece, Spain, Hungary, Ireland, Italy, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Sweden, and the Slovak Republic) for 2015, and by the Commission and the EU Agencies (EASO, FRA, Frontex) for 2016.

The 2015 EMN Study provided a comparative analysis of Member States' policies and practices to safeguard unaccompanied children from the moment they are intercepted on the

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<sup>1</sup> COM(2010) 213 final

<sup>2</sup> COM(2012) 554 final

<sup>3</sup> COM(2015) 240 final.

<sup>4</sup> COM(2016) 85 final.

<sup>5</sup> The period between May 2010 and June 2012 was covered by the Mid-term Report on the implementation of the Action plan on Unaccompanied Minors – COM (2012) 554 final – available at [http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam\\_report\\_20120928\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf).

<sup>6</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_study\\_policies\\_practices\\_and\\_data\\_on\\_unaccompanied\\_minors\\_in\\_the\\_eu\\_member\\_states\\_and\\_norway\\_synthesis\\_report\\_final\\_eu\\_2015.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_policies_practices_and_data_on_unaccompanied_minors_in_the_eu_member_states_and_norway_synthesis_report_final_eu_2015.pdf).

EU territory and until when a durable solution has been found for them. The Study distinguishes (where possible) between unaccompanied children applying and those not applying for international protection, including those who entered irregularly and child victims of trafficking. It also covered the issues of unaccompanied children who abscond or go missing, and arrangements to support the transition to adulthood for unaccompanied children turning 18 years of age. The Study highlighted good practices in the Member States, but also pointed to gaps and challenges that still need to be addressed in order to ensure that all unaccompanied children, regardless whether or not they are seeking asylum in the EU, benefit from the same level of protection.

## **II. DATA COLLECTION**

The Action Plan underlined the need for comprehensive, reliable and comparable data on unaccompanied children arriving on the territory of the Member States, as an essential factor for assessing the phenomenon of unaccompanied children, finding durable solutions and ensuring our policy is adapted to the needs on the ground.

In particular, the Action Plan established that: (a) Member States should use the full potential of current and additional disaggregation of the Regulation (EC) No 862/2007 Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (the Statistics Regulation) to gather comprehensive data on unaccompanied children – or alternatively, collect such data directly from the administrations in the Member States; (b) the EU and the Member States should use the EU Agencies (EASO, Frontex, Europol) and networks (European Network On Migration, EMN) to improve data collection and the exchange of information on unaccompanied children.

The Action Plan has helped build awareness of the importance of gathering and exchanging quantitative and qualitative data, and progress was made in practice on both strands. However, gaps and limitations remain, and efforts need to continue. The objective is to ensure that the presence of unaccompanied children in the EU is known to the full extent, to ensure their full traceability from the point of arrival and regardless of their legal status, to prevent that they go missing and to ensure that there is information available to support their tracing.

### **II.1 Actions at EU level**

#### *(a) Collection of data at EU level under the Statistics Regulation*

At EU level, Eurostat continued to require Member States to provide data<sup>7</sup> not only on unaccompanied children seeking asylum but also on those irregularly present including victims of trafficking.<sup>8</sup>

The Commission's Annual Reports on Immigration and Asylum<sup>9</sup> provide specific data referring to unaccompanied children as a vulnerable group, with equal focus being placed on

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<sup>7</sup> Based on Regulation (EC) No 862/2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers, OJ L 129 of 31.07.2007 as well as the Technical Guidelines revised by the Commission in 2011.

<sup>8</sup> Eurostat, First permits issued for other reasons by reason, length of validity and citizenship, at [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_resoth](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_resoth)

those who apply for international protection and those who do not. The need for consistency and comparability for the latter is highlighted.

Eurostat collects and publishes annual data of persons applying for asylum considered to be unaccompanied children since 2008 reference year on the basis of Article 4 of the Statistics Regulation. These data are broken down by citizenship, age (groups) and sex. The tables below show the main figures for the timeframe of the Action Plan and the year 2015.<sup>10</sup>

Under Article 6 of the Statistics Regulation, Eurostat collects since 2010 data on first residence permits issued to unaccompanied children for non-asylum related reasons. However, due to the non-availability of information on the specific types of authorisations issued to unaccompanied children in some Member States or the lack of possibility to distinguish such permits from other types, such data are currently not reported by all countries.

In 2015, only 6,234 such permits were reported by Member States, compared to 4,512 in the previous year. More than two thirds of all such permits were issued in Italy (4,365 in 2015 and 3,400 in 2014). Significant numbers of such permits were reported by the United Kingdom, Spain, Sweden and Finland.

In 2015, most of residence permits issued to unaccompanied children not related to asylum were issued to unaccompanied children being citizens of Albania (1,514), Egypt (1,076) and Bangladesh (518).<sup>11</sup>

Evolution in the number of unaccompanied child asylum applications in the EU 2010-2014-2015

Eurostat: *Unaccompanied child asylum applicants evolution 2010-2015:*

Year	Number of unaccompanied child asylum applicants
2010	10,610
2014	23,150
2015	96,465

*Applicants for international protection considered to be unaccompanied minors in the EU28 by age group, 2015*

<b>Number of applicants considered to be unaccompanied minors in 2015 below the age of 14</b>	12,455
<b>Number of applicants considered to be unaccompanied minors in 2015 aged 14-15</b>	27,775
<b>No of applicants considered to be unaccompanied minors in 2015 aged 16-17</b>	55,970
<b>Number of applicants in 2015 considered to be unaccompanied minors of unknown age</b>	265
<b>TOTAL</b>	96,465

<sup>9</sup> [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/nationalreports\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/nationalreports_en) .

<sup>10</sup> <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database> - Data set: [migr-asyunaa]

<sup>11</sup> <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database> Dataset: migr\_resoth

*Applicants for international protection considered to be unaccompanied minors*

<b>GEO/TIME</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Austria</b>	695	1,040	600	1,005	1,375	935	1,975	8,275
<b>Belgium</b>	470	705	860	1,385	975	415	470	2,850
<b>Bulgaria</b>	15	10	20	25	60	185	940	1,815
<b>Czech Republic</b>	35	10	5	10	5	0	5	15
<b>Denmark</b>	300	520	410	270	355	350	815	2,125
<b>Germany</b>	765	1,305	1,950	2,125	2,095	2,485	4,400	14,440
<b>Estonia</b>	0	0	0	0	0	5	0	0
<b>Ireland</b>	100	55	35	25	25	20	30	35
<b>Greece</b>	295	40	145	60	75	325	440	420
<b>Spain</b>	10	20	15	10	15	10	15	25
<b>France</b>	410	445	610	595	490	365	270	320
<b>Croatia</b>	-	-	-	-	70	55	10	5
<b>Italy</b>	575	415	305	825	970	805	2,505	4,070
<b>Cyprus</b>	70	20	35	15	25	55	50	105
<b>Latvia</b>	5	0	5	0	0	5	0	10
<b>Lithuania</b>	0	5	10	10	5	0	5	5
<b>Luxembourg</b>	0	10	20	20	15	45	30	105
<b>Hungary</b>	175	270	150	60	185	380	605	8,805
<b>Malta</b>	20	45	5	25	105	335	55	35
<b>Netherlands</b>	725	1,040	700	485	380	310	960	3,855
<b>Poland</b>	375	360	230	405	245	255	185	150
<b>Portugal</b>	5	0	5	5	10	55	15	50
<b>Romania</b>	55	40	35	55	135	15	95	55
<b>Slovenia</b>	20	25	25	60	50	30	65	40
<b>Slovakia</b>	70	30	5	20	5	5	10	5
<b>Finland</b>	705	535	315	150	165	160	195	2,535
<b>Sweden</b>	1,510	2,250	2,395	2,655	3,575	3,850	7,045	35,250
<b>United Kingdom</b>	4,285	2,990	1,715	1,395	1,125	1,265	1,945	3,255
<b>Iceland</b>	0	0	0	0	5	0	0	5
<b>Liechtenstein</b>	0	15	0	0	0	0	0	5
<b>Norway</b>	1,045	1,820	630	635	705	670	940	5,050
<b>Switzerland</b>	595	415	220	310	495	355	775	2,670
<b>EU (28 countries)</b>	11,695	12,190	10,610	11,690	12,540	12,725	23,150	96,465
<b>Total</b>	13,335	14,435	11,465	12,630	13,745	13,755	23,150	104,195

In March 2017, Eurostat published a compilation of annual data on Asylum applicants considered to be unaccompanied minors by citizenship, age and sex, covering the period 2011-2016.<sup>12</sup> The data shows that, out of 56,000 unaccompanied minors who applied for asylum in the EU28 in 2016, around 50,000 were boys, of which around 40,000 aged over 16.

<sup>12</sup> [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyunaa&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en).

A compilation of data on children in migration collected from other institutional and non-governmental sources is also available on the Commission's website.<sup>13</sup>

To sum up, the data communicated by Member States to Eurostat continues to be very fragmented. Moreover, the precise numbers of unaccompanied children who go missing or abscond from reception and care facilities are not known.<sup>14</sup> FRA reported an average of 28 children disappearing daily in Italy as of October 2016,<sup>15</sup> and one in four unaccompanied children disappearing from their accommodation in Sweden in January and March 2016.<sup>16</sup> Some of these shortcomings were discussed at the Eurostat Annual Working Group on Asylum and Managed Migration (19-20 October 2016).

#### *(b) EU Agencies and networks*

The EU Agencies, international organisations and networks such as the EMN have also been working to improve the availability of data and statistics regarding unaccompanied children.

The European Asylum Support Office started collecting monthly data on unaccompanied minor applicants in March 2014, in the context of the Early Warning and Preparedness System ('EPS').<sup>17</sup> The EPS is a data collection system gathering information under specific indicators that cover all key stages of the Common European Asylum System (CEAS). However, the information available is limited and access to it is restricted. EASO data cover persons claiming to be unaccompanied children, whereas Eurostat data cover persons that are confirmed to be unaccompanied minors.

Countries provide monthly provisional data to EASO within 15 days, with all 30 EU+ countries (EU Member States plus Norway and Switzerland) contributing.<sup>18</sup> For this reason, the data provided to EASO by the EU+ countries might differ from the official statistics submitted to Eurostat in the framework of Regulation (EC) No 862/2007. The EPS data inform of persons claiming to be unaccompanied children according to two indicators: (i) applicants for international protection and (ii) withdrawn applications for international protection.<sup>19</sup> Given the short timelines for submitting these operational data, EASO considers a person to be an unaccompanied minor applicant if they claim to be below the age of 18 years.

Information on unaccompanied children who have withdrawn their applications (implicitly or explicitly) during the reference period is also collected in the framework of the EPS. The implicit withdrawals can be taken into account, amongst other factors, for estimates in relation to child trafficking, provided that other available information on the phenomenon is duly considered, including for what concerns trends, gender dimension, age groups. However, the

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<sup>13</sup> [http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/data\\_children\\_in\\_migration.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf).

<sup>14</sup> In 2013, a Commission- study on *Missing children in the European Union: Mapping, data collection and statistics* provided data on the numbers of missing unaccompanied children in 12 Member States.

<sup>15</sup> <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/october-2016>.

<sup>16</sup> See <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/december-2015> and

<http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/february-2016#child-protection>.

<sup>17</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/docs/non-paper\\_art33\\_dublin\\_regulation\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/docs/non-paper_art33_dublin_regulation_en.pdf).

<sup>18</sup> See <https://www.easo.europa.eu/information-analysis/analysis-and-statistics>.

<sup>19</sup> <https://www.easo.europa.eu/sites/default/files/Latest%20Asylum%20Trends%20September%20-%20final.pdf>.

information available is limited and access to the system is restricted. Currently this data is not public, but it is available to the Member States, the Commission and EU Agencies.

According to EASO, in September 2016<sup>20</sup> the EU+ countries recorded 125,809 applications for international protection. Since the beginning of 2016, 1,013,053 applications have been recorded in the EU+. 2% of all applicants claimed to be unaccompanied minors<sup>3</sup> when lodging an application. 27% of all unaccompanied minor applicants were Afghan citizens, 12% Syrian and 9% Eritrean.

EASO continued the development of Country of Origin Information (COI), and recently opened to the public the COI Portal, including information on the situation of children in certain countries of origin, to assist asylum practitioners. Several COI reports have been developed<sup>21</sup> and are available to officials dealing with applications for international protection, researchers, policy-makers and decision-making authorities. Some of the reports listed below included one or several sections on children:

- Afghanistan: Security Situation
- Afghanistan: Taliban Strategies Recruitment
- South and Central Somalia country overview
- Chechnya: Women, Marriage, Divorce and Child Custody
- Pakistan: Country Overview.
- South and Central Somalia country overview with attention a Forced recruitment of girls/Early marriage/female genital mutilation (FGM);
- EASO Practical Guide on “Researching the situation of lesbian, gay, and bisexual persons (LGB) in countries of origin”.

In addition to the reports, EASO also organised two conferences on Afghanistan: in December 2012, with a session devoted to Child-Specific COI, and in December 2015, on the situation of unaccompanied children.

In October 2015, a COI workshop was held on Nigeria. The topics of female genital mutilation and early marriages were covered by an external expert from the field.

The United Nations International Children's Emergency Fund (UNICEF) has developed a child-focused country of origin report about Afghanistan as a pilot project in 2012. The EU funded (under the European Return Fund<sup>22</sup>) the UNICEF Child Notices project, which also sought to address the lack of child-specific country of origin information.<sup>23</sup> Child Notices on the situation in Afghanistan, Albania, Guinea, Morocco and Sudan contain valuable background information for policy-makers as well as caseworkers, lawyers and other professionals in Europe, such as demographic and statistical data on children, basic legal information, general principles, civil rights and freedoms, basic rights (e.g. education, healthcare), family environment and alternative care, special protection measures, returning separated or unaccompanied children and families. The project also provided valuable learning on the gathering of child-specific country of origin information.

<sup>20</sup> <https://www.easo.europa.eu/sites/default/files/Latest%20Asylum%20Trends%20September%20-%20final.pdf>

<sup>21</sup> <https://easo.europa.eu/asylum-documentation/easo-publication-and-documentation>.

<sup>22</sup> Decision No 575/2007/EC (OJ L 144, 6.6.2007, p. 45).

<sup>23</sup> <http://www.unicef.nl/wat-doet-unicef/kinderrechten-in-nl/child-notices/english/>.



The European Union Agency for Fundamental Rights has started in the last quarter of 2015 to collect data on the fundamental rights situation of migrants and persons in need of international protection in those Member States that had been particularly affected by large migration movements.<sup>24</sup> In particular, FRA started collecting data for the situation in Austria, Bulgaria, Croatia, Germany, Greece, Hungary, Italy, Slovenia and Sweden, as these were assessed by FRA as the most affected countries (covering the main entry, transit and destination countries). As of October 2016, FRA has expanded the number of Member States covered in the regular overviews on refugee and immigration situation from 8 to 16, including Denmark, Finland, France, the Netherlands, Poland, Spain and the Slovak Republic. The first<sup>25</sup> and following reports contain specific references to children, particularly when referring to "child protection" within the challenges and developments concerning reception conditions of new arrivals, including detention. These references exemplify how the different Member States consulted address the main challenges regarding children in migration, such as identification and registration of unaccompanied and separated children, the appointment of guardians, the number of unaccompanied children who disappear from their accommodation, and the legal and operational path for those who apply for international protection. In addition to the regular overviews, FRA has started to publish thematic focus reports on unaccompanied and separated children.<sup>26</sup>

The European Border and Coast Guard Agency<sup>27</sup> continued to collect on an ad hoc and voluntary basis statistics on the persons who illegally crossed the border, which however does not provide for age and gender disaggregation. As a result of the experience gained through its activities in 2007 (Joint Operation (JO) Agelaus 2007), 2010 (JO Agelaus 2010) and 2011 (JO Hammer), it began to develop an indicators compilation and good practice handbook on children on the move at risk (namely "*Vega Handbook: Children at airports*") in cooperation with its Fundamental Right Officer, its Consultative Forum representatives and Terre des Hommes. The guidance was tested in 2014 in the first Vega Children joint operations before being published in August 2015.<sup>28</sup> Frontex planned to extend its VEGA Handbook also to land and sea borders. The VEGA Handbook on land borders will be available in 2017.

The European Migration Network<sup>29</sup> compiles data related to migration and asylum including on unaccompanied children. The EMN publishes reports and studies, Ad-Hoc Queries, policy briefs, bulletins and factsheets. The *EMN comparative studies*<sup>30</sup> have proven to be a useful tool for mapping data collection sources and systems in the Member States, for identifying best practices and remaining gaps and divergences among the Member States regarding data collection on unaccompanied children.

The 2015 EMN Study on policies, practices and data on unaccompanied children/children in the EU Member States and Norway provided a comparative overview of practices and policies on several key aspects related to the treatment of migrant unaccompanied children

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<sup>24</sup> Two Focus Reports (March and December 2016) were dedicated to the situation of unaccompanied and separated children respectively. FRA monthly data collection March 2016, [thematic focus: children](#); FRA monthly data collection December 2016, [thematic focus: separated children](#).

<sup>25</sup> <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/december-2015>.

<sup>26</sup> In March and December 2016 respectively.

<sup>27</sup> According to Recital (11) of Regulation (EU) 2016/1624, the Agency will continue to be commonly referred to as Frontex.

<sup>28</sup> <http://bookshop.europa.eu/en/vega-handbook-pbTT0415470/>.

<sup>29</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm).

<sup>30</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/index_en.htm).

before, during and after status determination. Annex 1 to the 2015 EMN Study compiled the following types of data:

- Table A1.1 Statistics on applications for international protection by unaccompanied minors in the (Member) States (2009-2014).
- Table A1.2 Total number of applications for international protection submitted by unaccompanied minors in the (Member) States in each reference period, disaggregated by their sex and age (2009-2013).
- Table A1.3 Statistics on results of application for international protection by unaccompanied minors in the (Member) States (2009-2013).
- Table A1.4 Status granted to unaccompanied minors out of the total number of positive asylum decisions (2009-2013).
- Table A1.5 Statistics on grounds for permits granted application for international protection by unaccompanied minors in the (Member) State (2009-2013).
- Table A1.6 Total number of unaccompanied minors not applying for international protection in the Member State (2009-2013) (data for 6 Member States only).
- Table A1.7 Total number of unaccompanied minors NOT applying for asylum in the Member States in each reference period, disaggregated by their sex and age (2009-2013) (data for 4 Member States).
- Table A1.8 Total number of residence permits granted to unaccompanied minors not in the asylum system, disaggregated by sex (2009-2013) (data for 4 Member States).
- Table A1.9 Asylum-seeking unaccompanied minors that abscond and/or are reported as missing from the asylum system (including those then accounted for) (2009-2013).
- Table A1.10 Non-asylum seeking unaccompanied minors that abscond and/ or are reported as missing from the care of public authorities (including those then accounted for) (2009-2013).
- Table A1.11 Total number of unaccompanied minors in the care of the public authorities in each reference period (2009-2013).
- Table A1.12 Total number of unaccompanied minors in the care of the public authorities in each reference period, disaggregated by their sex and age (2009-2013).
- Table A1.13 Total number of unaccompanied minors in detention pending return in each reference period, disaggregated by their sex and age (2009-2013).
- Table A1.14 Total number of unaccompanied minors returned as part of forced return measures in each reference period (2009-2013).
- Table A1.15 Total number of unaccompanied minors returned as part of voluntary measures in each reference period (2009-2013).
- Table A1.16 Total number of unaccompanied minors returned as part of assisted voluntary return measures in each reference period (2009-2013).

Under the EMN 2017-2018 Work Programme, Member States should start collecting weekly operational data on return, disaggregated *inter alia* by vulnerable groups, including unaccompanied children, with a view to exchanging it within the Integrated Return Management Application.

International organisations are also involved in the sharing and monitoring of statistical data on unaccompanied children. The United Nations High Commissioner for Refugees

(UNHCR),<sup>31</sup> the International Organisation for Migration (IOM) and UNICEF<sup>32</sup> provide regularly updated data compilations.

To ensure visibility of data on children in migration collected from some institutional and non-governmental sources, the Commission published this information on its website.<sup>33</sup>

In the context of the migration crisis, the *Integrated Political Crisis Response (IPCR)* arrangements were launched in November 2015 under the Presidency of the Council of the EU.<sup>34</sup> IPCR proved to be a very useful tool enabling prompt collection and (non-public) exchange of relevant data in relation to unaccompanied children.<sup>35</sup>

## II.2 Actions in EU Member States

A Commission study of 2013 on *Missing Children in the European Union: Mapping, data collection and statistics*<sup>36</sup> provided data on the numbers of missing unaccompanied children in 12 EU Member States: Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Italy, Luxembourg, the Slovak Republic, Slovenia, Spain and Sweden. The numbers of missing children ranged from 1,754 in Italy to 1 in Cyprus (2012). This study also revealed that responses to missing unaccompanied children are often different from responses to missing national children. The precise numbers of unaccompanied children who go missing or abscond from reception and care facilities are not known, which makes it difficult to provide an adequate assessment of the issue of absconding in the Member States, as well as at EU level.

The 2015 EMN Study also highlighted the lack of comprehensive and comparable data on the numbers of and outcomes for unaccompanied children receiving some form of protection in the EU other than international protection. The current obligation for Member States to provide annual data only for unaccompanied children applying for international protection was one of the causes of the data shortage. The lack of comprehensive and comparable data impedes a proper assessment of the real scale of specific problems affecting asylum- and non-asylum seeking unaccompanied children alike, such as the risk of absconding from reception and / or care facilities.

The EMN Study concluded that more systematic data collection by the Member States, using common definitions on unaccompanied children, is needed for informing policies addressing this particularly vulnerable group. It was suggested that this may include:

- The systematic collection of annual disaggregated data on unaccompanied children who are not applying for international protection (by age and sex, grounds for

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<sup>31</sup> UNHCR, <http://data.UNHCR.org/mediterranean/regional.php>, 22/12/2015.

<sup>32</sup> [http://www.iom.int/sites/default/files/press\\_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf](http://www.iom.int/sites/default/files/press_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf).

<sup>33</sup> [http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/data\\_children\\_in\\_migration.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf).

<sup>34</sup> <http://www.consilium.europa.eu/en/documents-publications/publications/2014/eu-ipcr> .

<sup>35</sup> Since April 2016, information is being collected related to the number of arrivals of unaccompanied children, the number of unaccompanied children that each Member State has registered, the availability of adequate accommodation and other alternative accommodation facilities, and the main obstacles to relocation of unaccompanied minors.

<sup>36</sup> [http://ec.europa.eu/justice/fundamental-rights/files/missing\\_children\\_study\\_2013\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/missing_children_study_2013_en.pdf).

residence permits granted to non-asylum seeking unaccompanied children or other possible outcomes for such children - e.g. return).

- The development of a standardised EU-wide method to record the disappearances with annual data collection on the total number of unaccompanied children reported as missing and/or absconding from the care of asylum or other public authorities (and those then accounted for), disaggregated by age, sex, nationality, type of disappearances in terms of the migration status of the minor, including a distinction between the numbers of children and numbers of cases of disappearances.
- The development of common indicators on durable solutions/outcomes for unaccompanied children, both asylum- and non-asylum seeking;
- The development of common indicators on outcomes for unaccompanied children turning 18 years of age, disaggregated by sex and type of outcomes (e.g. permanent/temporary residence permit, return, education/ employment, etc.).

The 2015 EMN Study showed that data collection on unaccompanied children continues to be insufficient in many Member States, mainly due to the fact that different administrations and institutions are in charge of children's reception and care. At the same time, many Member States do not compile at all statistics on the number of unaccompanied children who do not apply for international protection.

However, the 2015 EMN Study provides data on the numbers of (i) unaccompanied children applying for international protection and/or those who have been granted international protection, and (ii) unaccompanied children not applying for international protection, including those who entered irregularly and/or child victims of trafficking. These numbers can be found in the Synthesis Report of the 2015 EMN Study.

#### *Further developments in the Member States in 2015*

Several Member States have indicated the following data for 2015<sup>37</sup>

GEO/TIME EU (28 countries)	2015	Age -disaggregated			Top 5 countries of origin	Sex-disaggregated	
		<14	14- 15	16- 17		Males	Females
Austria	6,171 <sup>38</sup>	404	5,767		Afghanistan (4,012) Syria (834) Iraq (284) Somalia (208) Pakistan (203)		
Belgium	3,099	399	1,265	1,435	Afghanistan (2,013) Syria (467) Iraq (185) Somalia (108) Guinea (60)	2,836	233
Bulgaria					Afghanistan (940)		

<sup>37</sup> Countries which did not provide data are marked in grey.

<sup>38</sup> Between January and September 2015.

	1,816	255	603	968	Iraq (532) Syria (284) Pakistan (40) India (7)	1,706	110
Czech Republic	14	4	10		Afghanistan (5) Syria (3) Ukraine (3) Egypt (1) Iraq (1) Nigeria (1)	10	4
Denmark							
Germany							
Estonia							
Hungary	8,804	2,915	2,234	3,671	Afghanistan (4,875) Syria (2,238) Kosovo (746) Iraq (310) Pakistan (212)	7,534	1,270
Ireland	32	1	5	26	Afghanistan Albania Democratic Republic of Congo Zimbabwe Iraq	4	28
Greece							
Spain	65	15	10	40	Morocco Algeria Syria	48	17
France							
Croatia							
Italy <sup>39</sup>	3,959				Gambia (1,171) Nigeria (564) Senegal (437) Bangladesh (420) Mali (310)		
Cyprus							
Latvia							

<sup>39</sup> The Italian authorities provided an age-disaggregation of the 11,921 unaccompanied children who arrived in Italy in 2015: 43 was under 6; 896 between 7-14; 1,312 were 15; 3,238 were 16; 6,432 were 17. The data reveals that most of the unaccompanied who arrived in Italy in 2015 (a) did not apply for asylum and (b) were close to maturity age. The Italian authorities also reported the forthcoming implementation of a new information system dedicated to unaccompanied children, which would allow the monitoring and tracing of unaccompanied children throughout Italy and facilitate the harmonisation of the national protection system throughout the country.

Lithuania							
Luxembourg							
Malta	42						
Netherlands	3,890	230 <sup>40</sup>	3,610 <sup>41</sup>		Syria (1,640) Eritrea (1,270) Afghanistan (490) Iraq (130) Iran (50)	3,270	630
Poland	149	107	13	29	Russian Federation (103) Vietnam (13) Tajikistan (7) Afghanistan (5) Iraq (5)	82	67
Portugal	49		49		Mali Guinea Democratic Republic of Congo	32	17
Romania	40	10	30		Afghanistan Syria Bangladesh Iraq Somalia	35	5
Slovenia	44	6	14	24		44	0
Slovakia	3			3	Pakistan (1) Vietnam (2)	1	2
Finland							
Sweden	35,369		35,369		Afghanistan Syria Somalia Eritrea		
United Kingdom							
Iceland							
Liechtenstein							
Norway							
Switzerland							
Total							

### **III. PREVENTION OF UNSAFE MIGRATION AND TRAFFICKING IN HUMAN BEINGS**

<sup>40</sup> Children of age: 0 – 12.

<sup>41</sup> Children of age: 13 – 18.

### III.1 Prevention

Preventing unsafe migration and child trafficking remains the first step of a strategy to tackle the phenomenon of unaccompanied children. On this account, the Action Plan had identified priority actions to be undertaken at EU and national levels in four main areas: (a) funding; (b) relations with third countries; (c) fight against trafficking in human beings ('THB'); and (d) visas and information. Significant progress was made since 2010 as result of increased cooperation with third countries, including under the new Partnership Framework and the implementation of the EU Strategy towards the eradication of trafficking in human beings 2012-2016. These efforts need to be sustained and further increased.

#### *(a) Funding*

##### **Actions at EU level**

The first implementation report of the Action-Oriented paper on strengthening the EU external dimension on action against trafficking in human beings ('THB'),<sup>42</sup> adopted in 2011, gave an overview of projects addressing THB in non-EU countries funded by the EU and Member States.

Awareness-raising information campaigns concerning the serious risks and dangers faced by migrants, and especially by unaccompanied children attempting to reach the EU through irregular channels, have been intensified. In 2014, the EU has launched two information campaigns in Niger (targeting Western Africans) and Ethiopia/Sudan (targeting Somalis and Eritreans)<sup>43</sup>. These countries are crucial in the smuggling of human beings which takes place from key regions in crisis, and have an impact on the flow affecting the Central Mediterranean route. These are important origin and transit countries for trafficking in human beings which takes place from key regions in crisis, and through the Central Mediterranean route. These campaigns were financed by the EU under the Asylum, Migration and Integration Fund (AMIF) 2014 Annual Work Programme.<sup>44</sup>

In 2015, the Commission has published a call for proposals under AMIF<sup>45</sup> aimed at funding actions addressing the integration and the safe and sustainable return of victims of trafficking in human beings, further focusing on the early identification and protection of children, including unaccompanied children, as well as adults victims of trafficking for all forms of exploitation in high-risk sectors (such as, for example, sex industry, agriculture, fisheries, construction, textile, sex industry, domestic work).

Following the call HOME/2015/AMIF/AG/THBX, the project "Trafficking along Migration Routes: Identification and Integration of Victims of Trafficking among Vulnerable Groups and Unaccompanied Children is co-financed with EUR 498,741.74.

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<sup>42</sup> [http://ec.europa.eu/anti-trafficking/EU+Policy/Action\\_Oriented\\_Paper\\_on\\_strengthening\\_the\\_EU\\_external\\_dimension\\_on\\_action\\_against\\_THB](http://ec.europa.eu/anti-trafficking/EU+Policy/Action_Oriented_Paper_on_strengthening_the_EU_external_dimension_on_action_against_THB).

<sup>43</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/legal-migration/general/docs/sdw\\_implementation\\_of\\_the\\_communication\\_on\\_the\\_work\\_of\\_the\\_task\\_force\\_mediterranean\\_part\\_1\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/legal-migration/general/docs/sdw_implementation_of_the_communication_on_the_work_of_the_task_force_mediterranean_part_1_en.pdf).

<sup>44</sup> See pages 6-7 of AMIF Annual Work Programme 2014 [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/call\\_2014/docs/c\\_2014\\_5652\\_wp\\_2014\\_union\\_actions\\_emergency\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/call_2014/docs/c_2014_5652_wp_2014_union_actions_emergency_en.pdf).

<sup>45</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/calls/2015/thbx/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/calls/2015/thbx/index_en.htm).

Protection of children is one of the main objectives of the "Strengthening child protection, reducing the risk of sexual and gender base violence and improving protection for refugees and asylum-seekers in Sudan, Ethiopia and Kenya" project which is supported under the 2015 AMIF grant for the Regional Development and Protection Programme in the Horn of Africa (the maximum AMIF contribution is EUR 4,966,112.53). Apart from the child protection related activities, the project covers also activities related to the prevention of the sexual and gender based violence in Sudan, Ethiopia and Kenya.

Some child related activities are also covered by the 2015 AMIF grant for the Regional Development and Protection Programme in North Africa, in particular in Mauritania. The overall maximum AMIF contribution to the Regional Development and Protection Programme in North Africa is EUR 9,997,627.90 and the budget of the sub-action for Mauritania (which does not cover only child related activities) is EUR 1,298,913.17.

Via a sub-delegation of the budget from the Commission to Eurostat (under the AMIF 2016 Annual Work Programme<sup>46</sup>), on the basis of a memorandum of understanding, additional statistical data is financed, amounting EUR 375,000. Data tables collected specifically about children and when feasible all other relevant datasets shall always provide for inclusion of the disaggregation by sex/age and figures on children who are unaccompanied.

**Under the AMIF Annual Work Programme 2016, the Call for proposals to support transnational projects to integrate third country nationals will co-finance (EUR 9,500,000) two priorities, and children are among the targets:**

Priority 1: Promoting active participation in society overall.

Integration goes beyond having a job. Active participation in other aspects of society is equally important, in particular in educational activities and social activities, including for children. Not only does this contribute to the smooth integration of third-country nationals, it also helps promote a positive image of migration, combat stereotypes, communicate real facts and change the 'narrative' on migration.

Priority 2: Pre-departure and post-arrival support for the integration of persons in need of international protection who are being relocated within the EU or resettled from a third country.

The Commission has continued to provide funding for projects targeting child victims of trafficking in the EU under several programmes, e.g. Prevention and Fight Against Crime and DAPHNE,<sup>47</sup> but also to projects addressing THB in non-EU countries and regions. In particular, the EU is currently implementing the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants,<sup>48</sup> with specific actions dedicated to children and other vulnerable migrants. It is a four-year (2015-2019) joint initiative by the European Union and the United Nations Office on Drugs and Crime ('UNODC') being

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<sup>46</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/union-actions/docs/awp\\_union\\_action\\_c\\_2016\\_4570\\_1\\_annex\\_v2\\_p1\\_856662\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/union-actions/docs/awp_union_action_c_2016_4570_1_annex_v2_p1_856662_en.pdf)

<sup>47</sup> [https://ec.europa.eu/anti-trafficking/eu-projects\\_en?f%5b0%5d=im\\_field\\_programme%3A316](https://ec.europa.eu/anti-trafficking/eu-projects_en?f%5b0%5d=im_field_programme%3A316).

<sup>48</sup> [https://ec.europa.eu/anti-trafficking/launch-global-action-prevent-and-address-trafficking-persons-and-smuggling-migrants\\_en](https://ec.europa.eu/anti-trafficking/launch-global-action-prevent-and-address-trafficking-persons-and-smuggling-migrants_en).



implemented in partnership with the IOM and UNICEF. The programme is part of a joint response to address trafficking in human beings and smuggling of migrants and it is expected to be delivered in up to 15 strategically selected countries across Africa, Asia, Eastern Europe and Latin America. The focus will be on assistance to governmental authorities, civil society organisations, victims of trafficking and smuggled migrants. The programme aims to assist the selected countries in developing and implementing comprehensive national counter-trafficking and counter-smuggling responses aims and objectives.

In East Africa, the programme 'Addressing Mixed Migration Flows (AMMF)', implemented by Expertise France in partnership with the IOM, the Danish Refugee Council and the Regional Mixed Migration Secretariat has as one of its main objectives to tackle organised crime networks active in migrant smuggling and trafficking in human beings with a specific focus on vulnerable groups and children. Other specific objectives include to set up and strengthen safe and rights-respectful centres for migrants and to promote the provision of livelihoods and self-reliance opportunities for displaced persons and host communities. The project runs for 36 months over the period 2016-2019 and covers Djibouti, Eritrea, Ethiopia, Egypt, Kenya, Somalia, Sudan, South Sudan.

Tailor-made technical assistance interventions to improve country legislation on trafficking in human beings and smuggling of migrants are also currently provided to partner governments in the framework of two EU-funded initiatives on capacity building: **MIEUX**<sup>49</sup> (Migration EU Expertise, a global initiative implemented by the International Centre for Migration Policy Development (ICMPD)) and the ACP-EU Migration Action<sup>50</sup> (to support the implementation of the ACP-EU Dialogue on Migration and Development and implemented by IOM). Both programmes will run up to 2019.

Consultations under the IOM implemented project “Migrants in Countries in Crisis: Supporting an Approach Based on the Facts for Efficient and Concerted Action of the States<sup>51</sup>” highlighted the importance of reflecting the vulnerabilities of migrant children, in particular unaccompanied minors. It is currently being explored how capacity building activities under the project can integrate such aspects.

Following the Council Conclusions of 10 March 2016<sup>52</sup> and in line with the EU Action Plan against Migrant Smuggling 2015-2020,<sup>53</sup> the Commission, together with the relevant Member States and EU Agencies, is mapping ongoing and planned projects across EU Member States with a view to collecting best practices and developing new, targeted campaigns in countries of origin and transit, including in the Horn of Africa and the Silk Route region.

### *EU Trust Fund for Africa*

Under the EU Emergency Trust Fund for Africa, a number of projects approved since 2015 are contributing to the implementation of the Action Plan on Unaccompanied Minors.

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<sup>49</sup> <https://www.icmpd.org/our-work/capacity-building/multi-thematic-programmes/mieux-iii/>

<sup>50</sup> <http://www.acpeumigrationaction.iom.int/>

<sup>51</sup> <https://micicinitiative.iom.int/>

<sup>52</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/10-council-conclusions-on-migrant-smuggling/>

<sup>53</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu\\_action\\_plan\\_against\\_migrant\\_smuggling\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf)

Firstly, the project ‘Better Migration Management’ (EUR 46 million), aimed at improving migration management at regional level in the Horn of Africa, will provide specialised protection to unaccompanied and separated minors who have fallen prey to human trafficking and smuggling networks. Foreseen activities in Sudan, Djibouti, Ethiopia and Somalia include facilitating dialogue between child protection providers in the relevant countries, establishing multidisciplinary child protection teams and conducting trainings on standard operating procedures in child protection such as family tracing or reunification. The project is implemented by a consortium of EU Member States’ agencies led by Gesellschaft für Internationale Zusammenarbeit (GIZ), and commenced its activities in April 2016.

Secondly, under the Regional Development and Protection Programme (RDPP) framework, for which projects are on-going in Ethiopia (EUR 30 million), Kenya (EUR 15 million), Somalia (EUR 50 million), Sudan (EUR 15 million) and Uganda (EUR 20 million), a specific focus is put on the protection of unaccompanied minors. As its overall objective, the RDPP aims to create evidence-based, innovative and sustainable development and protection solutions for both refugees and their host communities, including access to and provision of basic rights and services. For example, in Uganda, a project implemented by EU Member State agencies and NGO consortia provides protection in four refugee-hosting areas where youth are particularly vulnerable to abduction or recruitment into sex slavery and child soldiering, with one component dedicated to providing technical vocational, education and training (TVET) and promoting apprenticeships for youth. In Ethiopia, activities are specifically targeted at providing protection and assistance to Eritrean refugees of whom many are young men and unaccompanied minors, for instance through access to primary education and apprenticeship programmes.

The RDPP North Africa as well as the RDPP Horn of Africa focus on the protection needs of vulnerable persons, in particular unaccompanied minors. The RDPP Middle East aims to enhance protection against the worst forms of child labour.

In Cameroon a Trust Fund project is dedicated to strengthening the capacities for a better migration management in order to protect children migrants against exploitation and trafficking (EUR 3 million). A similar project is implemented in Nigeria (EUR 3.2 million) to invest in the safety and integrity of Nigerian girls. In the same country, a project is dedicated to strengthening psychosocial support mental health, reintegration and protection services for children in Borno, including children associated with Boko Haram (EUR 5 million).

Many others projects are supported under the Trust Fund to prevent migration through improving youth employability and creating job opportunities, among them: socio-professional insertion project for youth Chadians in vulnerability (EUR 10.3 million); youth employment opportunities in Mali (EUR 20 million); creating job opportunities in cross-border and peripheral areas in Burkina Faso (EUR 7 million); countering rural emigration and reintegration in the peanut plant basin through developing rural economy in Senegal (EUR 18 million); decent jobs and job strengthening for youth and potential migrants in the fishery sector in Mauritania (EUR 14 million); support to agricultural sector in Niger (EUR 30 million); boosting economy and supporting communities in Mali (EUR 10 million); job creation in Senegal through the reinforcement of competitiveness of enterprises in departure zones in Senegal (EUR 40 million); reducing migration through rural job creation and setting individual and village agricultural farms in high-potential migration areas in Senegal (EUR 20 million); resilience and employment in Lake Chad (EUR 27 million); promoting employment and reinforcing resilience in North Cameroon (EUR 7 million); strengthening training and

professional insertion of young boys and girls in Agadez and Zinder for socioeconomic development in Niger (EUR 6.9 million); insertion and socioeconomic stabilisation of youth and women in Seno in Burkina-Faso (EUR 5.2 million); countering illegal migration through supporting the private sector and job creation in Senegal (EUR 10 million); job creation and development of micro-enterprises through fair trade and selected value chains (regional project, EUR 10 million); investing for local economic development in the extreme North of Cameroon to favour youth employment and insertion (EUR 10 million); supporting a Gambia Youth Empowerment Scheme (EUR 11 million); improving employability of youth and capacities of medium and small enterprises through developing the construction industry relying on local materials in Mauritania (EUR 3.2 million); supporting professional competences, entrepreneurship and agribusiness for youth in rural area in Burkina-Faso (EUR 8 million); promotion of jobs and strengthening living conditions of fishermen, youth and women in North Mauritania (EUR 10 million). Other are focusing on addressing nutritional and food insecurity as push factor for migration.

### *Violence against children*

A specific EUR 41 million Call for Proposals was launched in 2013 on child protection and tackling violence against children. 32 projects were selected worldwide, focusing mainly on establishing stronger child protection systems and establishing protection, assistance and referral mechanisms through local and national actions.

### *Others*

In 2016, the EU launched a comprehensive development assistance package (EUR 92 million) to support sustainable reintegration of returnees in Afghanistan, Bangladesh and Pakistan. This measure is also aimed to help local authorities develop adequate policy frameworks for rights-based and development-focused migration policies and sustainable reintegration of returnees. Particular attention is given to vulnerable groups, including unaccompanied minors, who will be assisted by local authorities and IOM in the framework of the EU-funded reintegration programme through effective referral and support systems, which include post-arrival assistance, enhanced access to livelihood services, support to educational needs, skills development and/or income generating activities.

The "Civil Society Action for Promoting Migrants' Rights",<sup>54</sup> implemented by the International Federation of the Red Cross, is aiming to reinforce Civil Society Actors' capacities to set up protection mechanisms for migrants with focus on children at risk and other vulnerable groups. The main objective is to contribute towards eradicating human trafficking in targeted countries, corridors and regions, in the frame of a globally coordinated civil society action, providing direct support and protection to migrants and their families, promoting and raising awareness of their rights at all levels through prevention actions, assistance services, rescue operations, reintegration assistance.

The Commission is supporting the project "Strengthening regional multi-national coordination for increased protection of vulnerable and trafficked migrant children travelling through the Gulf of Aden Migration Route", implemented by the IOM and taking place in Yemen, Ethiopia and Djibouti (EUR 1.25 million). It supports the coordination efforts of the governments of the 3 countries to protect and promote the human rights of unaccompanied

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<sup>54</sup> <http://www.ifrc.org/en/what-we-do/migration/rights-of-migrants-in-action/>

minors and separated children along their migration route (cooperation and policy dialogue, advocacy, enhancing information, identification and direct assistance, awareness-raising).

### *European Instrument for Democracy and Human Rights*

Through the European Instrument for Democracy and Human Rights, the Commission is providing support to several projects selected in 2015 under the lot on "support to migrants, including asylum seekers in third countries, internally displaced persons and stateless persons". Among them, a project in Serbia and the former Yugoslav Republic of Macedonia is aiming at community monitoring and advocacy: improving the position of refugees and other migrants, especially children and women on local communities. Another project focuses, mainly in Libya, on the protection of migrants and asylum seekers, especially children, and women coming from Nigeria and victims of trafficking. In India, a project aims at preventing, protecting and promoting the rights of internally displaced children and their families through increased state policies and protection of their rights. Children are also among main beneficiaries of projects in Cambodia aiming at supporting and advocating Cambodian's migrants' rights in Thailand, preventing violations and human trafficking; and in Lebanon, Jordan and Turkey, aiming at supporting the rights of Dom and other related minorities from Syria.

Moreover, in 2016 the Commission allocated a direct grant (EUR 1.2 million) to UNHCR for global technical assistance and capacity-building to prevent the detention of children and to protect children and other asylum seekers in detention (Indonesia, Iraq, the former Yugoslav Republic of Macedonia, Malaysia, Mexico). Country-wide immigration detention monitoring and capacity building programmes as well as technical assistance and awareness raising activities for immigration officials (border guards, airport staff etc.) and child protection actors, stakeholders and Civil Society Organisations are provided in order to reinforce expertise on international standards.

### *Direct support to civil society*

Since 2016 the Commission is providing support to Civil Society Organisations through the signature of Framework Partnerships Agreements (FPA) in their capacities of implementing agents and actors of governance at regional and global levels. An FPA has been signed with the International Federation for Human Rights (FIDH) to defend and protect the enabling environment of civil society in particular regarding the rights of migrants, women and Human Rights Defenders. Another FPA has been signed with La Via Campesina (LVC) to increase the capacity of small-scale food producer's organisations and notably empower youth and ensure them a future in the country-side.

### *Education*

The EU invests around EUR 1.7 billion (2014-2020) in country allocations to fragile states to improve access to quality education for all children and youth. 60% are fragile countries out of the 45 countries where education is a focal sector for EU support. The EU also supports education through the Global Partnership for Education (GPE) which aims to strengthen education systems in developing countries in order to dramatically increase the number of children who are in school and learning. The GPE is increasingly focussing support on fragile countries, with around 50% of funding going to these countries. The EU is the biggest donor to the GPE Fund with a pledge of EUR 375 million (2014-2020). The EU collectively (EU and the Member States) provide around 63% of the financing to the GPE Fund. The EU is also actively engaged in the Education Cannot Wait Fund (ECW), which was launched at the

World Humanitarian Summit in 2016. The ECW's goal is to ensure that children and youth in conflict-affected countries or have been forcibly displaced have access to safe, free and quality schooling.

Civil and birth registration

The Commission is supporting as a priority the establishment of strong Civil Registration and Vital Statistics Systems, and notably quality birth registration services, in third countries. Ensuring children's access to an identity at birth participates to a better protection from violence all along their life. The project "Towards universal birth registration in Africa" (EUR 4 million) is implemented by UNICEF in Burkina-Faso, Cameroon, Uganda and Zambia. In Mali, a EUR 25 million support is given to the strengthening of a national secured and civil registration system. In Senegal, the Commission supports the consolidation of the civil registration system and the creation of a national file of biometric identities.

**Actions at the level of the Member States**

As highlighted in the 2015 EMN Study, over the period 2012-2014 several Member States have implemented prevention and development projects in third countries to address the circumstances of unaccompanied children (and migrants in general) who seek to travel to the EU. These projects focused on:

- Investments in education in third countries (by Belgium, France, Hungary, Luxembourg, Slovenia). Educational aspirations constitute one of the reasons for fleeing third countries and seeking protection in the EU. It is important to provide access to educational resources in those countries. This could help reduce poverty and increase the possibilities for employment.
- Measures aimed at the prevention of recruitment of child soldiers, prostitution and establishment of protection centres (Germany).
- Measures for prevention of trafficking in human beings (the United Kingdom).
- Awareness-raising campaigns on migration and asylum procedures in the EU in general and (Member) States in particular (Belgium, Cyprus, Luxembourg, the Netherlands, Poland, Slovenia and Norway).

The 2015 EMN Study points to a set of good practices identified in this respect.

Member States	Promising practices reported
<b>Belgium</b>	Several awareness-raising missions were carried out to countries of origin of important groups of migrants, such as countries in the Balkan region, Guinea and Congo. These missions aimed at explaining the Belgian migration policies and asylum system to the local populations, in order to counter false expectations and dissuade possible victims of trafficking or smuggling, including unaccompanied children, from heading to Belgium.
<b>Netherlands</b>	A project was run in Afghanistan from January 2013 to June 2014. The project was implemented by UNHCR and developed an awareness-raising campaign geared towards preventing vulnerable children from abuse and improving this group's access to protection services. The most important activities that took place in various parts of the country were:

	<ul style="list-style-type: none"> <li>- dialogue with local communities about child protection (abuse, violence, exploitation and neglect);</li> <li>- providing information in the form of theatre plays (due to illiteracy) about the risks of irregular migration;</li> <li>TV and radio campaigns about irregular migration and the vulnerability of unaccompanied children during such travel; and</li> <li>- campaign about the forced marriages of children.</li> </ul>
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Directive 2011/93/EU on child sexual abuse and exploitation<sup>55</sup> provides another legal instrument which sets minimum levels for criminal penalties for such crimes and facilitates reporting, investigation and prosecution. It extends national jurisdiction to cover abuse by EU nationals abroad, gives child victims easier access to legal remedies and includes measures to prevent additional trauma from participating in criminal proceedings.

*(b) Relation with Third Countries*

Awareness- raising information campaigns in Countries of Origin and of Transit

In 2016 a call for proposals was launched under the Global Public Goods and Challenges thematic programme on Migration to support the implementation of the Rome Programme (Rabat Process)<sup>56</sup>. Among the selected awarded projects, three Civil Society Organisations' implemented initiatives are focusing on child protection in West Africa region.

Foreseen activities include: awareness rising in local communities on the risks of irregular migration for children (with a specific focus on identified communities with children at risk); training for relevant actors on the protection of children and young migrants at risk of exploitation; reinforcing existing child protection mechanisms and improve access to protection for child migrants in vulnerable situations; support voluntary return and sustainable reintegration for migrant children; improve data collection and analysis and improve governments' ownership on data collection and information sharing.

The EU-Africa Action Plan on Migration<sup>57</sup> foresees the organisation of information campaigns in countries of origin, transit and destination, to raise awareness amongst the general public and potential migrants and victims on the dangers of trafficking in human beings and smuggling of migrants and their recruitment processes. This included campaigns through public broadcasting services programmes aimed at informing about the migratory situation in Europe.

Furthermore, in the EU Action Plan against migrant smuggling (2015-2020),<sup>58</sup> the Commission announced new information and prevention campaigns in key countries of origin or transit for migrants.

<sup>55</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

<sup>56</sup> <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=25&orderby=upd&orderbyad=Desc&searchtype=RS&aofr=150632>

<sup>57</sup> <http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/>.

<sup>58</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu\\_action\\_plan\\_against\\_migrant\\_smuggling\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf).

## Cooperation projects

The EU and Member States continued to work towards increasing the protection capacities in third countries, along the main axes of intervention identified in the Action Plan. The vulnerability of this group of migrant children continued to be regularly addressed in the framework of migration and mobility dialogues with third countries.

With the newly-established Partnership Framework approach, migration is fully embedded into EU foreign policy, with the aim to address its root causes, to combat smuggling of migrants and address trafficking in human beings, to improve cooperation including for the purposes of return and readmission. This also includes the protection of children in priority partner countries, and mobilising different kinds of EU support.

The protection needs of unaccompanied minors are addressed for instance in the Political Declarations of the Mobility Partnerships and Common Agendas on Migration and Mobility.

Practices and experiences in dealing with unaccompanied migrant children were shared in a number of meetings with third countries and regions such as the United States. This subject was discussed in the framework of the EU-US Cooperation Platform on Migration and Refugee issues, and the Latin America and Caribbean partners at the occasion of the IX High Level Meeting of the EU-CELAC Dialogue on Migration.

Specific issues such as birth registration and statelessness among children are key concerns in a number of the priority countries. The EU, through the EEAS, is working with UNHCR to identify the countries mostly affected by the problem of statelessness, in order to raise the issue with the governments concerned. For this purpose, UNHCR provided training for key EEAS and Commission staff in July 2015.

The Declaration of the High Level Conference on the Eastern Mediterranean and the Western Balkan Route,<sup>59</sup> which took place in Luxembourg on 8 October 2015, reflects the commitment of the EU and the partner countries along this route to support and protect the more vulnerable victims of migrant smuggling and trafficking in human beings, with special attention to children.

This concern was also raised by the leaders of the EU and Africa, gathered at the EU-Africa Summit on Migration, held in Valletta on 11-12 November 2015. The EU-Africa Action Plan on Migration adopted in Valletta<sup>60</sup> foresees a number of actions to prevent children from finding themselves in situations of risk and to ensure that they receive the adequate protection.

Furthermore, this issue has also been approached in the framework of the European Parliament Panel on Migration and Asylum. A dedicated expert workshop on unaccompanied children seeking asylum took place in Kiev on 21-22 October 2015. The workshop allowed practitioners from the EU Member States and the Eastern partners to hold an open discussion about protection of children seeking asylum, ensuring their rights and to address child-specific needs throughout the asylum procedure.

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<sup>59</sup> <http://www.consilium.europa.eu/en/press/press-releases/2015/10/08-western-balkans-route-conference-declaration/>.

<sup>60</sup> <http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12>.

The Human Rights Dialogues with third countries, covering also children's rights and trafficking in human beings, have continued, and cover at present about fifty countries worldwide. Children's rights are regularly addressed in subcommittees on Justice, Freedom and Security and human rights informal working groups. Recently, in these different configurations, children's rights and in particular child protection systems were raised with Belarus, Ukraine, the Association of Southeast Asian Nations and the United Arab Emirates.

The EU continued to implement the 2007 EU Guidelines on the Promotion and Protection of the Rights of the Child.<sup>61</sup> In the context of the ongoing review of these Guidelines further emphasis is placed on unaccompanied children. The EU Action Plan on Human Rights and Democracy (2015-2019),<sup>62</sup> adopted in July 2015, renewed the commitment to attend to the needs of unaccompanied children. The Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019 state in action 24.e) that "Support improved access to justice and health for migrants in countries of origin and transit; promote improved conditions of detention for detained migrants and alternatives to the use of detention for irregular migrants in third countries; pay particular attention in this regard to vulnerable migrants including unaccompanied minors."

Likewise, the 7th, 8th and 9th editions of the European Forum on the Rights of the Child<sup>63</sup> helped to inform the Commission and other EU institutions for mainstreaming children's rights across EU policies.

Furthermore, the European Migration Forum<sup>64</sup> – the dialogue platform on migration, asylum and migrant integration – met for the first time on 26 and 27 January 2015. The main theme of this meeting was "Safe routes, safe futures. How to manage the mixed flows of migrants across the Mediterranean?". The result was a set of policy recommendations, which were presented by four rapporteurs.<sup>65</sup>

### *(c) Addressing trafficking in human beings*

Trafficking in human beings is a grave violation of human rights and a serious form of organised crime, explicitly prohibited by Article 5 of the EU Charter of Fundamental Rights and with treaty references in Article 83 (organised crime) and Article 79 (irregular migration) TFEU. Children are a particularly vulnerable group<sup>66</sup> to trafficking into the EU, within the EU and within individual Member States, as well as to re-trafficking and secondary victimisation. Child trafficking is reported by Member States as one of the trends that is increasing most sharply in the EU. The statistical data for 2013-2014 show that out of the 15,846 persons registered victims of trafficking in the EU, at least 2,375 were children. 2013-2014 show that out of the 15,846 registered victims of trafficking in the EU, at least 2,375 were children.<sup>67</sup>

<sup>61</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/16031.07.pdf>.

<sup>62</sup> [https://eeas.europa.eu/human\\_rights/docs/eu\\_action\\_plan\\_on\\_human\\_rights\\_and\\_democracy\\_en.pdf](https://eeas.europa.eu/human_rights/docs/eu_action_plan_on_human_rights_and_democracy_en.pdf).

<sup>63</sup> [http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/index_en.htm).

<sup>64</sup> <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-european-migration-forum-1>.

<sup>65</sup> [http://www.eesc.europa.eu/resources/docs/1st-european-migration-forum\\_workshop-conclusions.pdf](http://www.eesc.europa.eu/resources/docs/1st-european-migration-forum_workshop-conclusions.pdf).

<sup>66</sup> Further information can be found in the Study on high risk groups for trafficking in human beings: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_children\\_as\\_high\\_risk\\_groups\\_of\\_trafficking\\_in\\_human\\_beings\\_0.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf).

<sup>67</sup> Report on the progress made in the fight against trafficking in human beings [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report\\_on\\_the\\_progress\\_made\\_in\\_the\\_fight\\_against\\_trafficking\\_in\\_human\\_beings\\_2016.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_on_the_progress_made_in_the_fight_against_trafficking_in_human_beings_2016.pdf)



Although child trafficking is prevalent in situations unrelated to migration, the information in the Report on the progress made in fight against THB suggests that the phenomenon has been exacerbated by the ongoing migration crisis, during which the number of children arriving in the EU increased. A significant proportion of those children are unaccompanied, travelling to and in the EU without a responsible adult, or left unaccompanied after entering the EU and are a high risk group for trafficking in human beings.<sup>68</sup>

### **Actions at EU level**

Since the adoption of the Action Plan, special efforts have already been implemented to collect data on trafficking in human beings. In April 2013, the Eurostat published the first Working Paper on Trafficking in Human Beings in Europe, including data for the years 2008-2010<sup>69</sup>. In February 2015, a revised edition of the Working Paper was issued on statistics on trafficking in human beings for the years 2010-2012.<sup>70</sup> The totals<sup>71</sup> and percentages in the Working Paper are based on data from the 28 EU Member States and Montenegro, Norway Serbia, Switzerland and Turkey.

According to the Eurostat statistical data for 2013- 2014 provided by Member States:

- A total of 15,846 victims of trafficking were registered in the EU. Out of them, 2,375 were children.
- Trafficking for the purpose of sexual exploitation continues to be the most widespread form (67%), followed by labour exploitation (21%).
- The top five EU countries of citizenship for registered victims continued to be Romania, Bulgaria, the Netherlands, Hungary, and Poland, as for the years 2010-2012.
- For non-EU citizens, the top five countries with the highest number of victims were Nigeria, China, Albania, Vietnam and Morocco.

The EU has developed a comprehensive legal and policy framework to address THB, which is human rights centred, gender specific and child sensitive: the Directive on preventing and combating THB and protecting its victims<sup>72</sup>, and the EU Strategy towards the Eradication of THB 2012-2016<sup>73</sup>. On the basis of the Directive, the EU Anti-trafficking Coordinator (EU ATC) holds the mandate of monitoring implementation, improving coordination and coherence between EU institutions and agencies as well as between Member States and international actors, and contribute to the development of existing or new EU policies and strategies relevant to addressing trafficking in human beings.

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<sup>68</sup> Further information available, see Commission Staff Working Document accompanying the Report on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, SWD(2016) 159 final [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/commission\\_staff\\_working\\_document.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/commission_staff_working_document.pdf)

<sup>69</sup> [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/trafficking\\_in\\_human\\_beings\\_-\\_dghome-eurostat\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/trafficking_in_human_beings_-_dghome-eurostat_en_1.pdf)

<sup>70</sup> [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat\\_report\\_on\\_trafficking\\_in\\_human\\_beings\\_-\\_2015\\_edition.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat_report_on_trafficking_in_human_beings_-_2015_edition.pdf)

<sup>71</sup> The number of identified and presumed victims registered by police, NGOs and other agencies are disaggregated by gender and detailed age.

<sup>72</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011.

<sup>73</sup> COM (2012) 286 final.

The Anti-Trafficking Directive sets out a number of provisions based on the principle of the ‘best interests of the child’, which require that Member States take into account the specific needs of child victims of trafficking ensuring child-sensitive support and protective measures.

On 2 December 2016, the Commission issued two Reports under Article 23 of the Anti-trafficking Directive, with relevance also for unaccompanied children: a Report assessing the extent to which Member States have taken the necessary measures in order to comply with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims in accordance with Article 23 (1), and a Report assessing the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings, in accordance with Article 23 (2) of the Directive 2011/36/EU<sup>74</sup>.

The first Report,<sup>75</sup> under Article 23 (1), concluded that, while all Member States notified full transposition of the Directive, significant room for improvement still remains for measures related to child victims, such as specific child protection measures, presumption of childhood and child age assessment, the protection before and during criminal proceedings, access to unconditional assistance, compensation, non-punishment, assistance and support to the family member of a child victim as well as prevention. The Second Report, under Article 23 (2), concluded that Member States should step up their efforts to ensure more unified and dissuasive action against the cross-border crime of trafficking in human beings.

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016<sup>76</sup> recognised that comprehensive child-sensitive protection systems, ensuring interagency and multidisciplinary coordination are crucial in catering to the needs of child victims of THB. A mid-term report of its implementation was published in October 2014 including specific references to the work delivered focusing on children within the anti-trafficking context.<sup>77</sup>

The EU Anti-trafficking Strategy included specific deliverables related to children, including unaccompanied minors.<sup>78</sup> In the context of the EU Civil Society Platform against trafficking in human beings,<sup>79</sup> an open dialogue on child trafficking was promoted, bringing together participants from across the EU to discuss current problems and exchange practices. An electronic platform was launched as a complement to the Platform, to enable the continuity of the discussions beyond the biannual meetings in Brussels and to ensure that these are broadened by including a larger number of organisations. Furthermore, in 2015 the Commission published a *Study on children as a high risk group within trafficking in human*

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<sup>74</sup> [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report\\_on\\_impact\\_of\\_national\\_legislation\\_related\\_to\\_thb\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_on_impact_of_national_legislation_related_to_thb_en.pdf).

<sup>75</sup> Section 2.2.4 Assistance and support to child victims (Article 14), at p 12 of the Report and Section 2.2.6 Assistance, support and protection for unaccompanied child victims of trafficking in human beings (Article 16).

<sup>76</sup> Communication on *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016* (COM (2012) 286 final).

<sup>77</sup> [http://ec.europa.eu/anti-trafficking/eu-policy/commission-staff-working-document-mid-term-report-implementation-eu-strategy-towards\\_en](http://ec.europa.eu/anti-trafficking/eu-policy/commission-staff-working-document-mid-term-report-implementation-eu-strategy-towards_en).

<sup>78</sup> For more information on deliverables related to children, see Mid-term Report of the implementation of the EU Anti-Trafficking Strategy, [http://ec.europa.eu/anti-trafficking/eu-policy/commission-staff-working-document-mid-term-report-implementation-eu-strategy-towards\\_en](http://ec.europa.eu/anti-trafficking/eu-policy/commission-staff-working-document-mid-term-report-implementation-eu-strategy-towards_en)

<sup>79</sup> [https://ec.europa.eu/anti-trafficking/videos/eu-civil-society-platform-against-trafficking-human-beings-statement-cecilia-malmstr%C3%B6m\\_en](https://ec.europa.eu/anti-trafficking/videos/eu-civil-society-platform-against-trafficking-human-beings-statement-cecilia-malmstr%C3%B6m_en).

*beings*, which examines the factors that render children vulnerable and resilient to trafficking in human beings.<sup>80</sup>

The Commission has also worked closely with the EU Agencies with a view to developing practical/operational guidance relevant for children. The EU Anti-trafficking Strategy stressed that effective guardianship systems are instrumental in preventing abuse, neglect and exploitation.

In June 2014, FRA published "*Guardianship for children deprived of parental care: A handbook*", which was designed to help harmonise guardianship practice in the Member States while ensuring that they are better equipped to deal with the specific needs of child victims of trafficking. The Handbook provided Member States with guidance and recommendations for strengthening their guardianship systems, by setting out the core principles, fundamental design and management of such systems.

In October 2015, FRA published a report on "*Guardianship systems for children deprived of parental care*", based on research carried out in 2013, with a particular focus on the role of guardianship systems in responding to child trafficking.<sup>81</sup> This report provides a comparative overview of national guardianship systems in EU 28 Member States pointing out disparities between the types of guardianship provided to children in and within the EU Member States and identifying main protection gaps. It explores the key features of guardianship systems put in place to cater for the needs of all children in need of protection. This includes child victims of trafficking in human beings or of other forms of exploitation and those at risk of becoming victims, such as unaccompanied children. The report helps to better understand the strengths and weaknesses of national guardianship systems and could also assist decision makers in taking measures to promote the effective protection of all children.<sup>82</sup>

EASO also aims at supporting the EU Strategy towards the Eradication of Trafficking in Human Beings (2012–16) and its coherent implementation. For this purpose, it has been working since 2013 on a set of specific activities addressing the issue of victims of trafficking in human beings in the context of asylum procedures, including asylum seeking children. In this context, EASO is currently finalising the development of the EASO Training Module on THB. The module builds on two levels of learning, aimed at raising awareness of asylum officials who can come across a potential victim of THB and developing skills in interviewing and assessing applications for international protection from victims of THB. The EASO online platform on Trafficking in Human Beings has been launched to support the work of the EASO Network on Trafficking in Human Beings. (EASO THBNet). The platform provides for EASO tools and resources, relevant materials from meetings expert workshops, details of upcoming meetings and contact details of the network members.

In addition, EASO organises Annual Conferences on Trafficking in Human Beings (held in March 2014, May 2015 and June 2016), as well as practical workshops, for instance on Trafficking and Nigeria (October 2015).

Frontex developed a toolkit on combating trafficking by first and second line officers. Frontex now implements "train-the-trainer" courses based on the developed toolkit.

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<sup>80</sup> <http://ec.europa.eu/anti-trafficking/node/4921>.

<sup>81</sup> <http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care>.

<sup>82</sup> See above.

Child trafficking has been identified as one of the priorities under the European Multidisciplinary Platform against Criminal Threats on Trafficking in Human Beings, within the framework of the EU Policy Cycle for organised and serious international crime.<sup>83</sup> Operationally, the Commission further provided policy and financial assistance, and conducted joint operations across the EU for cracking down on networks of child trafficking.

### **Actions in the Member States**

In the majority of Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Greece, Finland, Hungary, Ireland, Latvia, Luxembourg, Malta, the Netherlands, Poland, Portugal, the Slovak Republic, Spain, Sweden, the United Kingdom, Norway) border guards/police authorities receive special training to help identify children, in particular THB victims.

The EMN Study of 2015<sup>84</sup> provided an overview of prevention and development projects implemented by Member States in third countries. Several Member States have implemented prevention and development projects in third countries to address the needs of unaccompanied children (or migrants in general) who seek to travel to the EU. The projects focused on:

- Investment in education in third countries to improve access (educational aspirations constitute one of the reasons for fleeing third countries and seeking protection in the EU), reduce poverty and increase the possibilities for employment (Belgium, France, Hungary, Luxembourg, Slovenia).
- Measures for prevention of recruitment of child soldiers, prostitution and establishment of protection centres (Germany).
- Measures for prevention of trafficking in human beings (United Kingdom).
- Awareness-raising campaigns on migration and asylum procedures in the EU in general and (Member) States in particular (Belgium, Cyprus, Luxembourg, Netherlands, Poland, Slovenia and Norway).

The 2015 EMN Study also illustrates selected best practices on account of prevention by some Member States. For example, from January 2013 to June 2014 the Netherlands ran a project in Afghanistan, implemented by UNHCR that developed an awareness-raising campaign geared towards preventing vulnerable children from abuse and improving this group's access to protection services. The most important activities that took place in various parts of the country were:

- Dialogue with local communities about child protection (abuse, violence, exploitation and neglect);
- Providing information in the form of theatre (due to illiteracy) about the risks of irregular migration;
- TV and radio campaigns about irregular migration and the vulnerability of unaccompanied children during such travel; and
- Campaign about the forced marriages of children.

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<sup>83</sup> Council Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime, doc.15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94.

<sup>84</sup> Section 2.3, at p. 14 of the Synthesis Report

The 2015 EMN Study also informs that the measures put in place by Member States to prevent disappearances have focused on a range of strategies, from building relationships of trust with the unaccompanied children, through close monitoring to involving multiple stakeholders who may come into contact with the children.

Some Member States (Belgium, Finland, France) have reported that they focus on developing relationships with unaccompanied children staying in state residences. For example, Finland and France report aiming to establish a safe atmosphere, trust-based relationships with adults and peer support. A good practice example of efforts made to prevent absconding of unaccompanied children from the Minor-Ndako reception centre in Belgium.<sup>85</sup>

Various Member States have set up systems to register and monitor unaccompanied children.<sup>86</sup> In some Member States, such as Finland and the Netherlands, presumed victims of trafficking are placed in protected reception, whereas intensive supervision takes place over those residing at the open/campus location. In Portugal, unaccompanied children are required to ask permission to leave an open centre and are usually accompanied by an assistant.

Actions and alerts in cases of missing children, including unaccompanied children, are in many Member States coordinated by NGOs. The practice in most Member States is that once the police are notified, they are responsible for undertaking a preliminary/ full investigation of the disappearance of a minor, launching a missing persons' alert, etc. Examples of how Member States deal with disappearances are presented in the 2015 EMN Study. Special prevention measures, fast-track asylum procedures or guidance for national authorities in Belgium, Norway and the United Kingdom, aiming to reduce the disappearance of unaccompanied children, are examples of good practice in the protection of this group highlighted in the Study.

One of the primary challenges associated with the issue of unaccompanied children who go missing or abscond is prevention, i.e. ensuring their safety – both those in reception and care and missing/absconding unaccompanied children who run the risk of being trafficked or smuggled – along with early identification of victims of trafficking.<sup>87</sup> The lack of data on this group is also pointed out by most Member States as a main challenge.

Some Member States (Belgium, Hungary, Sweden) call for more coordination at national level, a clear allocation of responsibilities and better information sharing between relevant actors (e.g. police, child protection authorities, NGOs, etc.) when preventing and dealing with disappearances. Other Member States, such as Hungary, have criticised the lack of adequate legal representation by the case guardian during the asylum procedure, as well as late appointments of both case and child protection guardians which has hindered the protection of unaccompanied children and often led to disappearances.

The 2015 EMN Study identifies prevention measures as one of the most important areas of intervention when it comes to disappearances of unaccompanied children, with the first 24 hours upon arrival of an unaccompanied minor in such a facility seen as critical for

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<sup>85</sup> Further details at p. 30 of the 2015 EMN Study.

<sup>86</sup> Further details at p. 30 of the 2015 EMN Study.

<sup>87</sup> Report on the progress made in the fight against trafficking in human beings [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report\\_on\\_the\\_progress\\_made\\_in\\_the\\_fight\\_against\\_trafficking\\_in\\_human\\_beings\\_2016.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_on_the_progress_made_in_the_fight_against_trafficking_in_human_beings_2016.pdf).

establishing a relationship of trust with the child and reducing chances of his/her disappearance. Member States report the need for greater collaboration between all authorities dealing with this vulnerable group who may be prone to disappear. To date, a few (Member) States, including Ireland, Spain and the United Kingdom have established protocols between authorities in order to prevent and/or respond to the issue, and these are considered to be a good practice.

The Table below lists examples of good practices in the area of prevention that were reported by some Member States.

<b>Member States</b>	<b>2015 promising practices reported</b>
<b>Belgium</b>	Enhanced activities in trainings given to other partners engaged with the phenomenon of unaccompanied children and victims of human trafficking
<b>Ireland</b>	Irish authorities reported that they are about to publish a new National Action Plan, containing a number of actions which are aimed at ensuring that a comprehensive child-sensitive protection system is in place.
<b>Romania</b>	<p>The majority of third country children discovered at border crossings with forged or falsified documents or attempting to illegally cross the border, seek for asylum or other protection in Romania.</p> <p>There are support programs for child victims of THB, developed by the competent institutions: National Agency Against Trafficking in Persons, National Authority for Child Protection and Adoption, etc. with duties in taking over, identification, counselling and repatriation of children who are victims of trafficking in human beings. Romania - the General Inspectorate of Romanian Police - engaged in 2015 in carrying out training sessions focusing on preventing trafficking in human beings/migrants within the Mobility Partnership EU - Jordan.</p>
<b>Slovak Republic</b>	A national project called " <i>Promotion of the Integration of Aliens in the Facilities for Social and Legal Protection of Children and Social Curatorship</i> " was in preparation. It should include activities aimed at early identification of victims of human trafficking with an aim to ensure the protection and re-integration of children.
<b>Sweden</b>	<p>A survey on children suspected of being victims of human trafficking was pursued. In the survey, 210 suspected cases of children being victims of human trafficking were identified during the period 2012-2015. The majority of the children were 15-17 years old and it was almost as many boys as girls. The most common purpose behind suspected cases of human trafficking of children is sexual exploitation (50%), whereas 60% were girls and 39% boys. Unaccompanied children were a particular vulnerable group (64% of the suspected cases).</p> <p>According to data provided by the Swedish authorities, the number of internal reports of suspected cases of human trafficking</p>

	has increased during 2015. Out of 195 internal reports, 66 related to children. The most likely explanation is an increased competence among employees concerning the identification of suspected victims of human trafficking.
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*(d) Visa applications submitted on behalf of children*

The Action Plan foresaw that Member States' consular services should thoroughly assess visa applications submitted on behalf of children.

As indicated in the 2015 EMN Study, unaccompanied children not seeking asylum are subject to the entry conditions applicable to third country nationals wishing to enter the EU, which include a valid visa and travel document. Asylum-seeking unaccompanied children will always be allowed entry into the EU territory, regardless of whether they meet the entry requirements – in line with international humanitarian law.

For non-asylum seeking unaccompanied children, the 2015 EMN Study distinguishes between Member States that *can* refuse entry to all third country nationals who do not fulfil the entry conditions, including unaccompanied children, and those that apply a special policy to unaccompanied children based on humanitarian grounds and always grant those who are not asylum seekers access to the territory, regardless of whether they fulfil the entry conditions. Where no special policy applies, non-asylum seeking unaccompanied children who do not fulfil the entry conditions may be ordered to return to their country of origin (subject to conditions set out in Directive 2008/11/EC<sup>88</sup> being met). See also further below for details on return actions.

In order to prevent illegal migration of travellers obtaining Schengen visas by presenting forged or counterfeited passport and/or breeder documents, Frontex has developed a training tool for visa section staff embassies and consulates in third countries.

Since February 2016, the Visa Information System (VIS) is operational worldwide, therefore fingerprints are, as a general rule, collected from visa applicants from the age of 12 years, helping to prevent identity fraud and protecting children from falling victims of trafficking.

The EU Commission is addressing as a priority the protection of children against recruitment and use by armed forces, groups and gangs. Inter alia, 6 projects are under implementation in Colombia, the Democratic Republic of Congo, the Palestinian Territories, Sudan, Lebanon and Jordan for the release and sustainable socioeconomic and psychosocial reintegration of children taken out of armed forces, and for the prevention against recruitment.

#### **IV. RECEPTION AND PROCEDURAL GUARANTEES IN THE EU**

Ensuring adequate standards on reception and procedural guarantees for all unaccompanied minors reaching the territory of the Member States remained a key priority for the EU. Considerable steps have been taken towards strengthening both the EU legislative framework

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<sup>88</sup> Directive 2008/115/EC <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF>.

and the operational support provided to those Member States mostly affected by the migration and refugee crisis (such as *via* the hotspots in Greece and Italy). These efforts need now to be stepped up, with the current legislative reform proposals embedding child protection standards in all relevant procedures being adopted by co-legislators and with full implementation being guaranteed by the Member States. In parallel, operational support by the Commission and the relevant EU agencies to certain Member States needs to be continued, so as to ensure that child protection standards are upheld in all situations.

#### **IV.1 Procedures at first arrival and standards of protection**

##### *(a) Legislative action at EU level*

The reform of the CEAS<sup>89</sup> adopted in 2011-2013, has significantly increased the protection standards that Member States should grant to unaccompanied children and other vulnerable groups seeking to obtain international protection in the EU. In particular, the principle of the best interests of the child has been explicitly embedded in the CEAS instruments<sup>90</sup> and key provisions on unaccompanied children have been strengthened, guaranteeing *inter alia* the right to family reunification, enhanced procedural safeguards throughout the asylum procedure, suitable accommodation, prompt access to health and education, protection against arbitrary detention which is allowed only in exceptional circumstances, and never in prison accommodation.

A compilation of EU *acquis* on the rights of the child lists and links all legislation and proposals is available on the Commission's website.<sup>91</sup>

The Commission has launched several studies assessing completeness and compliance of Member States' legislations with the asylum *acquis* standards, and it continuously monitors Member States' practices and legal obligations.

The 2015 EMN Study has also shown that, while the CEAS asylum *acquis* and international law provide numerous guarantees for unaccompanied children applying for international protection, unaccompanied children who are not in the asylum procedure do not benefit from the same level of protection and guarantees.<sup>92</sup> Other gaps that were identified concern the cooperation and coordination between different authorities dealing with unaccompanied minors in the Member States and across borders, and in particular protracted procedures for family tracing and reunification based on the Dublin rules.

#### Guardianship

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<sup>89</sup> Comprising: the recast Qualification Directive (Directive 2011/95/EU); the recast Asylum Procedures Directive (Directive 2013/32/EU); the recast Reception Conditions Directive (Directive 2013/33/EU); the Eurodac Regulation (Regulation (EU) No 603/2013 of 26 March 2013) and the Dublin III Regulation (Regulation (EU) No 604/2013 of 26 March 2013).

<sup>90</sup> Art. 6 (1) of Dublin III Regulation, recital 35 of Eurodac Regulation, recital 33 of the recast Asylum Procedures Directive, recital 18 of the recast Qualification Directive, recital 9 and article 23(2) of the Reception Conditions Directive.

<sup>91</sup> [http://ec.europa.eu/justice/fundamental-rights/files/acquis\\_rights\\_of\\_child.pdf](http://ec.europa.eu/justice/fundamental-rights/files/acquis_rights_of_child.pdf)

<sup>92</sup> For example, some Member States do not have guardianship arrangements in place for unaccompanied children (other than legal representation arrangements for the asylum procedure), and this holds particularly true for unaccompanied children who are not asylum applicants.



The FRA Handbook on Guardianship provides guidance on ways to strengthen guardianship systems, setting forth the core principles, fundamental design and management of such systems. Further information on Member States' practices of guardianship, including distinction between the concepts of 'guardian' and '(legal) representative', may be found in the outputs of the CONNECT project,<sup>93</sup> and the National Reports produced for the 2015 EMN Study.<sup>94</sup>

The EU-funded CONNECT project reference document provides a useful overview table of most of the key asylum and migration laws regarding unaccompanied children, with different entry points, reflecting all legislation adopted up to 2014, with child-related provisions.<sup>95</sup>

The 2015 EMN Study emphasised the diversity of arrangements in the Member States in terms of the type of representative i.e. guardian, lawyer, and/or both, the timing for the appointment of a representative.

The March 2016 Commission on Report on the progress made in the fight against trafficking in human beings<sup>96</sup> also revealed many challenges and gaps in the area of guardianship, including on aspects such as training, qualifications, the mandate and the role of appointed guardians and the monitoring of their performance.

The 2015 EMN Study also pointed to existent gaps and shortfalls in terms of providing for a prompt and effective guardianship for the unaccompanied children, which is essential for safeguarding their rights. Significant challenges in the guardianship national systems have been identified also in the FRA comparative research on the topic,<sup>97</sup> such as the shortage of qualified guardians in some Member States, the need to provide the necessary training to the guardians, and the lack of monitoring mechanisms for the performance of guardians.

These issues should be partly remedied by the further reform of the CEAS proposed by the Commission in May and July 2016.<sup>98</sup> In particular, the proposal for an Asylum Procedures Regulation<sup>99</sup> contains provisions to strengthen the guardianship systems in the Member States (including prompt appointment, availability of guardians in function of the number of children needing their protection, ensuring that guardians have suitable qualifications, introducing systems for monitoring the performance of guardians). The proposal for a recast Dublin Regulation<sup>100</sup> aims to secure quicker determination of the Member State responsible, making the best interests of the child assessment more operational and promoting closer cooperation between Member States.

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<sup>93</sup> <http://www.connectproject.eu/>.

<sup>94</sup> Available at [www.emn.europa.eu](http://www.emn.europa.eu).

<sup>95</sup> [http://www.connectproject.eu/PDF/CONNECT-EU\\_Reference.pdf](http://www.connectproject.eu/PDF/CONNECT-EU_Reference.pdf).

<sup>96</sup> At [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/docs/commission\\_report\\_on\\_the\\_progress\\_made\\_in\\_the\\_fight\\_against\\_trafficking\\_in\\_human\\_beings\\_2016\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/docs/commission_report_on_the_progress_made_in_the_fight_against_trafficking_in_human_beings_2016_en.pdf).

<sup>97</sup> See FRA report of June 2014 on Guardianship for children deprived of parental care at [http://ec.europa.eu/dgs/home-affairs/e-library/docs/guardianship\\_for\\_children/guardianship\\_for\\_children\\_deprived\\_of\\_parental\\_care\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/guardianship_for_children/guardianship_for_children_deprived_of_parental_care_en.pdf), and FRA Handbook of October 2015 on Guardianship systems for children deprived of parental care in the European Union at <http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care>.

<sup>98</sup> See [http://europa.eu/rapid/press-release\\_IP-16-1620\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1620_en.htm) and [http://europa.eu/rapid/press-release\\_IP-16-2433\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2433_en.htm).

<sup>99</sup> COM(2016) 467 final.

<sup>100</sup> COM(2016) 270 final.

*(b) Guidance from the EU Agencies*

EASO has put in practice several tools regarding the reception conditions, asylum procedures and integration of unaccompanied children. More precisely, in the reporting period the Agency has developed several training modules for asylum officers on:

- Interviewing children - provides asylum officials with:
  - knowledge and skills in children's development stages;
  - specific techniques for interviewing children;
  - knowledge and skills on how to assess the information given by a child;
- Interviewing vulnerable persons, which takes the participant through the process of preparing and conducting an interview with a vulnerable person in a professional, respectful and emphatic manner. Furthermore, the module focuses on specialised knowledge on indicators of vulnerability, mental and physical impairments; and provides advice on addressing difficult situations, as well as the interviewer's own needs.
- Gender, Gender Identity and Sexual Orientation, which aims to raise awareness and knowledge on applicants for international protection, including children, whose human rights are being violated because of their gender, gender identity or sexual orientation. The upgraded version of the EASO Training Module on COI presents an enhanced, section on child-focused COI (research tools, sources).

In 2014, EASO launched its Network on Activities on Children aimed at facilitating the exchange of relevant information, best practices among the practitioners with thematic meetings organised on Best Interest of the Child, Age Assessment, Family Tracing, Children and the Dublin Regulation and Trafficking of Children.

In 2015, EASO completed a comprehensive mapping of national mechanisms for the identification of persons with special needs, the special procedural guarantees and respective reception conditions in place for all categories of persons with special needs as per the Reception Conditions Directive, including unaccompanied children. The 'Quality Matrix Report: Identification of persons with special needs' (2015) is available for internal use to Member States, EASO, the Commission and other relevant institutions of the EU, as well as UNHCR.

In addition, EASO developed a practical tool for identification of persons with special needs, including unaccompanied children. The tool provides practical information necessary for timely identification, as well as generic guidance on special procedural guarantees and reception support. The guidance is based on the standards of the EU asylum *acquis* and commonly agreed good practices.<sup>101</sup>

In 2013, FRA and EASO signed a bilateral cooperation agreement, which covers the provision of training, quality support, operational cooperation, research, information and analysis, as well as horizontal cooperation. FRA is supporting EASO's work related to

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<sup>101</sup> <https://ipsn.easo.europa.eu>.

vulnerable groups of persons, including unaccompanied children, and the development of EASO training material and tools on children.

FRA “*Checklist to act in compliance with fundamental rights when obtaining fingerprints for Eurodac*” includes child specific safeguards. It suggests that no fingerprints for Eurodac should be obtained from children if there is doubt concerning whether or not they have reached 14 years of age.<sup>102</sup> Furthermore, the weekly, and as of January 2016 monthly, reports produced by FRA in 14 Member States,<sup>103</sup> including information on reception conditions for children and safeguards at registration and in asylum and return procedures, are shared with EASO and Frontex.<sup>104</sup>

As regards Frontex, the amendments introduced to the Schengen Borders Code and the Schengen Handbook (Practical handbook for border guards) in 2013 made it obligatory to the Member States to nominate national contact points for consultation on children and to use them in case of doubt (e.g., in case there is a need to check if an unaccompanied minor is not leaving against the wish of the person(s) having parental custody). In this regard, the common core curricula has been amended by Frontex to include further fundamental rights considerations for the daily work of border guards in any circumstance, with specific emphasis on vulnerable groups such as unaccompanied children and the need to promptly refer them to the competent protection authorities. The curriculum sets the basic standards of education for any border guard function within the EU.

Frontex included in its working arrangements with third countries clauses covering fundamental rights. In the last working arrangement negotiated, the standard clause dealing with fundamental rights reads as follows: 'In the implementation of the intended cooperation, Frontex and the Third Country involved, in their respective capacities, afford full respect for human rights, as enshrined in international laws and principles.' The working arrangements to be concluded with third countries also cover vulnerable groups, including children, as well as the status agreements for staff deployed in activities of the Agency in third countries.

The recently adopted European Border and Coast Guard Regulation<sup>105</sup> provides that the Agency, in cooperation with the appropriate training entities of Member States, EASO and FRA, should develop specific training tools, including specific training in the protection of children. In addition, migration management support teams shall include staff with expertise in child protection.

Frontex Training Unit organises “*Trainings on advanced skills for the detection of falsified documents*”. The concept of the training is based on the “train the trainer” principle. The target group for this level of training is the officers operating in the back-offices who are responsible for checking, in further detail, travel documents that have aroused the suspicion of the frontline officers. Two main groups of officers are targeted: Experienced Advanced level officers or Specialist Level Officers as specified in the Framework for harmonised programme for the training of document examiners (Council Doc. No. 9951/07).

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<sup>102</sup> <http://fra.europa.eu/en/publication/2015/fundamental-rights-implications-obligation-provide-fingerprints-eurodac>.

<sup>103</sup> As of November 2016.

<sup>104</sup> <http://fra.europa.eu/en/news/2015/fra-weekly-reporting-people-seeking-international-protection>.

<sup>105</sup> OJ L 251, 16.9.2016, p. 1.

*(c) Border-related measures regarding unaccompanied children*

**Actions at EU level**

The treatment of children at the external borders is assessed in the context of the Schengen evaluation visits. During the evaluation visits particular attention is paid to the respect of fundamental rights in the application of the Schengen *acquis*. Experts participating in evaluations receive appropriate training on fundamental rights in Schengen evaluation border management. In all Schengen evaluation visits, the general rules of the Schengen Borders Code on children are to be verified (e.g. availability and implementation of VEGA Handbook). The Standard Questionnaire which covers the relevant legislation, commonly agreed recommendations and best practices, also refers to situations and procedures involving unaccompanied children. The experts then verify the application of the Schengen *acquis* during their on-site visits.

Frontex offered its Fundamental Rights training for Border Guards to a number of third countries in the context of the implementation of technical assistance projects and of the Working Arrangements that Frontex has with those states.

Frontex has also developed the Vega Handbook: Children at Airports (finalised July 2015, to be tested as a pilot phase first) aimed at increasing border guards' awareness of children and situations of risk for children crossing the external air borders of the EU, unaccompanied or not. It can improve identification of children on the move at risk at airports, while ensuring respect for child rights and enhancing activities against criminal threats to their safety. In the 2014 Joint Operation Vega Children (17 September 2014 – 18 November 2014) Frontex tested the aforementioned handbook at air borders. Following the testing phase, in the course of 2015 and upon the recommendations collected during the evaluation phase of the activities, Frontex implemented two phases of the Vega Children joint operation at air borders (from 12 June 2015 until 8 July 2015 and from 26 August 2015 until 5 October 2015) corresponding to the end and beginning of school periods, when children are mostly expected to travel. Frontex will deliver the public version of the Handbook to Third Country authorities that have signed a working arrangement and/or a cooperation plan with the agency. The involvement of the same authorities in the Joint Operation Vega Children 2016 is also planned.

In 2012, a study was undertaken at the request of the Commission to look at the requirements specific to children, travelling alone or accompanied, legally entering or leaving the Member States/associated countries.<sup>106</sup> In the follow-up to the study, the Commission published in 2013 a report on the requirements for children crossing the external borders of the Member States.<sup>107</sup> The report looks at the legislation at the EU and national level as well as practices with regard to the requirements for crossing borders, including the questions of parental authorisation. The report encouraged the Member States to develop appropriate national coordination mechanisms for travelling children and to inform the border crossing points about these mechanisms so that border guards know whom to contact in which situation and what the responsibilities between the different actors are.

Frontex has implemented a basic fundamental rights course for its staff that makes specific reference to the need to carefully deal with children and unaccompanied children during

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<sup>106</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/general/docs/final\\_report\\_home-2010-ebfx-pr-1001\\_pdf.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/general/docs/final_report_home-2010-ebfx-pr-1001_pdf.pdf).

<sup>107</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013DC0567>.

border management activities. The course has now been running for 3 years and the Agency is committed to its continuation. Further development of specialised courses for Frontex staff will follow.

Furthermore, explicit mentions of children and unaccompanied children are included throughout the Manual on Fundamental Rights for Border Guards. Conditions for the protection of unaccompanied children are specifically foreseen in the areas of reception and assistance, as well as in interviewing. The aforementioned Manual highlights the international and European standards in the area of deprivation of liberty, noting these can only be used as the last resort and only for the shortest possible period of time.

The internal Guidelines for Frontex debriefing activities specifically exclude intelligence gathering with children under 18 years to avoid any interference with the rights of the child and the principle of best interest.

Operational plans of Frontex Joint Operations include basic mentions of unaccompanied children' referral mechanism in operational areas, so that guest officers deployed familiarise themselves with the protection mechanism in the host Member State. Pre-deployment briefings include mentioning unaccompanied children as an especially vulnerable category where in case of doubt, "presumption of minority" should be the approach taken.

The recently adopted European Border and Coast Guard Regulation addresses a number of strengthened child protection aspects. The Agency should fulfil its tasks in full respect for fundamental rights and relevant international law, including the United Nations Convention on the Rights of the Child. The child's best interests are to be a primary consideration in the activities of the Agency. The code of conduct applicable to all border control operations coordinated by the Agency and all persons participating in the activities of the Agency shall lay down procedures intended to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on children and unaccompanied children.

In addition, a complaints mechanism is to be set up to monitor and ensure the respect for fundamental rights in all the activities of the Agency. The Agency shall ensure that information about the possibility and procedure for making a complaint is readily available, including for vulnerable persons or any party representing such persons.

The European Border and Coast Guard Regulation also calls for a revision of the Fundamental Rights Strategy and action plan, including on children in migration to be adopted in 2017. Particular actions on children in migration will be included in the action plan, to ensure that sufficient attention and specific needs of children, specially unaccompanied, are covered during Agency's activities.

FRA has pursued research on *Treatment of third-country nationals at the EU's external borders: Surveying border checks at selected border crossing points*. This research presents the human rights situation at the EU's borders where asylum seekers as well as victims of trafficking for labour and sexual exploitation and for organ extradition may also first enter the EU. Three reports were published by FRA presenting the human rights situation at the EU's southern sea borders (October 2013), the EU's air (October 2014) and the EU's land borders (November 2014) where asylum seekers as well as victims of trafficking for labour and sexual exploitation and for organ extraction may first enter the EU:

- Fundamental rights at Europe's southern sea borders;<sup>108</sup>
- Fundamental rights at airports: border checks at five international airports in the European Union Summary;<sup>109</sup>
- Fundamental rights at land borders: findings from selected European Union border crossing points.<sup>110</sup>

The reports covered also the treatment of children and revealed challenges and gaps in the identification, registration and treatment of children at the borders, including detention practices and lack of referral of children to child protection authorities.

The FRA *Handbook on European law relating to the rights of the child*<sup>111</sup> aims to raise awareness and improve the knowledge of the legal standards that protect and promote children's rights in Europe. It is a point of reference on both EU and Council of Europe ('CoE') law related to these subjects, explaining how each issue is regulated under EU law, including the Charter of Fundamental Rights of the European Union, as well as under the European Convention on Human Rights, the European Social Charter and other CoE instruments.

The *Handbook on European law relating to asylum, borders and immigration* was jointly produced by the European Court of Human Rights and FRA. It examines relevant law in the field of asylum, borders and immigration stemming from both European systems: the European Union and the Council of Europe. It provides an accessible guide to the various European standards relevant to asylum, borders and immigration. Chapter nine is devoted to persons with specific needs and covers unaccompanied children.<sup>112</sup>

(d) *Age assessment*

### **Actions at the EU level**

As migrants often arrive to Europe undocumented, it is sometimes necessary to perform age assessment in order to assess whether a migrant is a minor and therefore in need of special protection. The grounds, timing and methods used across the Member States for age assessment vary widely. The Asylum Procedures Directive provides some minimum safeguards for the benefit of the asylum-seeking minors, including the need to obtain his/her and the guardian's consent to performing medical examinations, and the obligation to treat the person as a minor whenever the age assessment is inconclusive. Age assessment should only be used where there are grounds for serious doubt about an individual's age. Recognising that age assessment is not absolutely precise, in cases of doubt, authorities should treat the person as a child and grant the right to appeal age assessment decisions.

<sup>108</sup> [http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13\\_en.pdf](http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13_en.pdf).

<sup>109</sup> [http://fra.europa.eu/sites/default/files/fra-2014-third-country-nationals-airport-border-checks\\_summary\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-third-country-nationals-airport-border-checks_summary_en.pdf).

<sup>110</sup> [http://fra.europa.eu/sites/default/files/fra-2014-third-country-nationals-land-border-checks\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-third-country-nationals-land-border-checks_en.pdf).

<sup>111</sup> <http://fra.europa.eu/en/project/2014/handbook-european-law-rights-child/publications>.

<sup>112</sup> FRA, 2014, Handbook on European law relating to asylum, borders and immigration: <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration>.

In 2013, EASO published its study on Age Assessment Practice in Europe (2013).<sup>113</sup> This publication seeks to highlight the key points and procedural safeguards, in accordance with international, European and national legislations, which should be taken into consideration when undertaking age assessment. It includes several reference tools to support users including; a SWOT analysis of the age assessment methods in use, checklists, a mapping of the methods used by EU+ countries, instances of Member State practice and expert recommendations, a glossary and a summary of the legal provisions on the issue.

In 2016, EASO began the development of a new edition of the publication EASO Age assessment practice in Europe. This revised edition is aimed at exploring new methods to assess the age in full compliance with the best interest of the child and the necessary procedural safeguards. It will include practical recommendations and provide guidance for age assessment process following a holistic approach. It will finally present an updated mapping of the current methods in use in the EU+.

EASO has also provided operational support to Cyprus and Bulgaria regarding issues related to unaccompanied children (age assessment, guardianship and representation, identification of vulnerable persons).

FRA research<sup>114</sup> has shown that age disputes lead to delays in the appointment of a guardian, since in practice often it is necessary to complete age assessment procedures before a guardian is appointed. Age disputes and ineffective age assessment procedures, as well as a lack or disregard of safeguards, may also result in detention of unaccompanied children.

Age assessment procedures are also important in the context of child trafficking, as children are sometimes instructed by traffickers and criminal networks to state that they are adults. The Anti-trafficking Directive sets forth the presumption of childhood.

### **Actions in EU Member States**

The 2013 EASO study on Age Assessment Practice in Europe<sup>115</sup> provides further information on age assessment arrangements and practices in the Member States. The new edition will include an update mapping of the current methods in use.

Romania reported that if the asylum seeker claims to be minor and there are no serious doubts about this claim, he/she will be considered a minor. In case the unaccompanied minor cannot prove his age and there are serious doubts, a forensic assessment of age determination of the applicant is conducted. Prior consent in writing of the minor and of the legal representative is requested. If the asylum seeker and/or his/her legal representative refuse the forensic age assessment and no conclusive evidence are brought, he/she will be considered an adult.

#### *(c) Funding*

According to the Action Plan, the Commission has provided EU funding in order to support several initiatives and projects such as European networks of guardians, exchange of good

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<sup>113</sup> [http://www.google.be/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwiXmfgic\\_KAhUCxxoKHQr0BHwQFggMAE&url=http%3A%2F%2Fwww.refworld.org%2Fpdfid%2F532191894.pdf&usg=AFQjCNGkozCJoL2n4S9-YT2CZXFxVCbFpA&bvm=bv.113034660,d.d2s](http://www.google.be/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwiXmfgic_KAhUCxxoKHQr0BHwQFggMAE&url=http%3A%2F%2Fwww.refworld.org%2Fpdfid%2F532191894.pdf&usg=AFQjCNGkozCJoL2n4S9-YT2CZXFxVCbFpA&bvm=bv.113034660,d.d2s).

<sup>114</sup> See above.

<sup>115</sup> See footnote 132. [this does not seem to be correct]

practices and the development of guidelines, common curricula and training, etc. Several projects have been EU- funded under the Fundamental Rights and Citizenship Programme, the Rights, Equality and Citizenship Programme and the Justice Programme. Some of them target migrant unaccompanied children.<sup>116</sup>

The EU has also provided financial support to Member States in order to establish reception facilities meeting the specific needs of unaccompanied children. The reinforcement of EU Member States' reception capacities, including adequate reception facilities for unaccompanied children, is among the funding priorities of most of the Member States' national programmes under the AMIF for the period 2014-2020, including particularly frontline Member States, who are facing particular challenges regarding unaccompanied children. Support to an effective guardianship system is also mentioned as a funding priority at least for some of them. In addition, through emergency assistance under AMIF funding has also been provided to increase such type of reception facilities in countries such as Greece since the beginning of 2015.

*(e) Children going missing*

An increasing number of minors who reach Europe abscond or disappear within a short period after arrival. The phenomenon of missing children gives rise to serious concerns, and the information on these children is incomplete and fragmented. The 2013 Study on missing children<sup>117</sup> revealed that responses to missing unaccompanied children are often different across Member States, and suggested a provisional set of common EU-wide indicators on missing children that could be used for comparative analysis.<sup>118</sup>

The topic of missing children was discussed with the informal expert group on the rights of the child in February 2014 and in December 2015.<sup>119</sup>

The EU has funded several projects on missing unaccompanied children which assessed the phenomenon and made several recommendations:

- [Italian SIS SIRENE project - VIGILA ET PROTÉGÉ –](#) to search for and protect unaccompanied minors– fight against invisibility

This document contains information about the current situation of unaccompanied children as well the work done through the project, which has tried to identify solutions as necessary, for changes to the SIRENE Manual and to the catalogue of best practices both of Schengen Information System (SIS)/SIRENE and Police Cooperation and by creating technical solutions to facilitate and ensure completeness of the information transferred in case of a hit about an unaccompanied minor.

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<sup>116</sup> A compilation of all EU- funded projects on rights of the child and violence against children from the Fundamental Rights and Citizenship Programme (2007-2013), the Rights, Equality and Citizenship Programme (2014-2020), and the Justice Programme (2014-2020), from 2013 to present is available at [http://ec.europa.eu/information\\_society/newsroom/image/document/2016-49/compilation\\_previously\\_funded\\_projects\\_rights\\_of\\_the\\_child\\_and\\_violence\\_against\\_children\\_40298.pdf](http://ec.europa.eu/information_society/newsroom/image/document/2016-49/compilation_previously_funded_projects_rights_of_the_child_and_violence_against_children_40298.pdf).

<sup>117</sup> See [http://ec.europa.eu/justice/fundamental-rights/files/missing\\_children\\_study\\_2013\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/missing_children_study_2013_en.pdf).

<sup>118</sup> Including among others: the number of cases of children reported missing per 100,000 children, the proportion of females and of children aged 0-12 and 0-14 in the total number of cases; the number of applications to the central authorities for the Hague Convention per 100,000 children; and the proportion of runaways in the total number of missing children cases.

<sup>119</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2884>.



The project concluded amongst others that fingerprint identification of all unaccompanied children without age limit upon their entry into the EU is a primary tool to ensure their subsequent identification and protection. This should include all unaccompanied children and not only those who have gone missing. The EU databases however only partially provide this possibility due to their specific scope *i.e.* SIS only covers *missing* children. In Eurodac the age limit for registration of fingerprints of children is 14 years and only the data of asylum seekers and persons crossing the border irregularly are registered. Moreover, due to the legal restrictions in Eurodac children who do not launch any asylum application will remain undetected if they abscond, as their fingerprints cannot be compared with the fingerprints of children found on the territory in irregular circumstances.

The project also identified the challenges related to the identification of unaccompanied children in SIS and the need to develop a fingerprint recognition functionality. To this end the Commission has adopted a report pursuant to Art. 22 c) of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System.<sup>120</sup> The implementation is to be expected by the end of 2017.

- [The SUMMIT project .eu/SUMMIT](#)

The project Safeguarding Unaccompanied Migrant Minors from going Missing by Identifying Best Practices and Training Actors on Interagency Cooperation co-funded by the EU under the Pilot Project “Analysis of reception, protection and integration policies for unaccompanied minors in the EU, was launched in October 2014 . The project specifically looked to combine the experience of both the actors which primarily deal with the care of unaccompanied children and those which focus on disappearances of children, including law enforcement and hotlines for missing children. A Report on best practices and key challenges for interagency cooperation to safeguard unaccompanied children from going missing<sup>121</sup> was published in March 2016.

SIS II is an important instrument for cross-border cooperation and protection of missing unaccompanied children that needs to be used to its full in order to facilitate identification of missing children. A SIS II alert on a missing child is within seconds made available to police officers and border guards in all 29 EU and Schengen countries participating in SIS II. It contains information to identify the missing child (with the possibility to add pictures and fingerprints) and an instruction on what to do when the child has been found. In case of a missing child, the instruction is always to place the child under protection. Supplementary information on the details of the case (for example, that it concerns an unaccompanied child) are exchanged through the national SIRENE Bureaux, 24/7 operational Single Points of Contact in all countries participating in SIS II.

While most Member States appear to include alerts on missing children in SIS II, in at least four Member States missing children would only be included if there are reasons to believe that the child has been taken abroad. In 2015, there were 55,989 alerts for missing children in

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<sup>120</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:93:FIN>.

<sup>121</sup> <http://missingchildreneurope.eu/Portals/0/Docs/Best%20practices%20and%20key%20challenges%20for%20interagency%20cooperation%20to%20safeguard%20unaccompanied%20migrant%20children%20from%20going%20missing.pdf>.

SIS II.<sup>122</sup> However, it is not known how many related to unaccompanied children. There is currently no distinction in SIS II between missing unaccompanied children and other types of child disappearances. Therefore it is not possible to provide data on the number of unaccompanied children for whom an alert has been issued in SIS II.

The identification and registration of children, including unaccompanied children, entering EU territory are key factors contributing to their protection and to address the issue of children going missing. However, formal registration procedures in some Member States do not always allow for their identification when they cross borders. One of the challenges with regards to missing unaccompanied children is that sometimes the authorities do not have enough information on the missing child to issue an alert (the name and date of birth of the child forms the basis for the alert and sometimes this information is not known or not confirmed). Therefore it is important to add at least a photograph of the child to the alert. Also fingerprints are very important and the most reliable identifiers as, contrary to name details, they cannot be modified. At the moment, fingerprints in SIS II can only be used to verify and confirm the identity of a person who has been identified upon an alphanumeric check (name and date of birth). Under the Commission's new Eurodac proposal, the fingerprints and facial images of children would be taken from 6 years onward - an age at which research has shown that fingerprint recognition of children can be achieved with a satisfactory level of accuracy.<sup>123</sup>

The implementation of an Automated Fingerprint Identification System in SIS II is foreseen for 2017.

The SIRENE manual related to missing children has been updated in 1 February 2015, and now it In addition, the Commission adopted on 15 December 2015 a Recommendation<sup>124</sup> for the correct application of SIS with a specific focus on unaccompanied minors, strongly recommending to Member States the creation of a missing person alert in SIS when the case involves minors.

Based on the outcome of the Italian SIS SIRENE project "*Vigila et protege*" the Commission has implemented the following measures to ensure a better use of SIS II for protecting missing unaccompanied children:

- The SIRENE manual related to missing children has been updated in February 2015, and now it explicitly recommends to the Member States to use the term "unaccompanied minor" when the missing minor is unaccompanied<sup>125</sup> in order to insure that all SIRENE Bureaus are aware that the alert concerns an unaccompanied minor (the term "unaccompanied minor" needs to be indicated in the form used for exchanging supplementary information).
- In December 2015, the Commission adopted a Recommendation establishing a catalogue of recommendations and best practices for the correct application of SIS

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<sup>122</sup> Source EU LISA.

<sup>123</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/eurodac\\_proposal\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/eurodac_proposal_en.pdf).

<sup>124</sup> Commission Recommendation of 16.12.2015 establishing a catalogue of recommendations and best practices for the correct application of the second generation Schengen Information System (SIS II) and the exchange of supplementary information by the competent authorities of the Member States implementing and using SIS (C (2015)9169 final).

<sup>125</sup> OJ L44, 18.2.2015, p. 75.

II with a specific focus on unaccompanied children.<sup>126</sup> Within the catalogue, the creation of a missing person alert in SIS II is always strongly recommended when the case involves children, especially unaccompanied children.

- An evaluation of SIS is underway and a legislative proposal was adopted in December 2016.<sup>127</sup> This ongoing review envisages the clear categorisation of missing persons. This will not only help gather more data on missing unaccompanied children but will also allow national law enforcement authorities to carry out more targeted investigations, as well as will aid in visibility of using this SIS for missing unaccompanied children.

FRA is currently researching “Biometric data in large EU IT-systems in the areas of borders, visa and asylum – fundamental rights implications”. The ongoing research examines both negative as well as positive fundamental rights implications of the use of biometric data and/or other data stored in Eurodac, SIS II and VIS. The final reports will be published in 2017.<sup>128</sup>

The 2015 EMN Study documented Member States' responses to the phenomenon of missing migrant children and provided several examples of good practices, such as the smooth functioning of the reception system for unaccompanied minors in the Netherlands *via* NIDOS<sup>129</sup>, which demonstrates how integrated reception and guardianship procedures may help preventing that children go missing.

The measures that (Member) States have put in place to prevent disappearances focus on a range of strategies from building relationships of trust with the unaccompanied children, through close monitoring to involving multiple stakeholders who may come into contact with the children.

Some Member States (Belgium, Finland, France) reported that they focus on developing relationships with unaccompanied children staying in state residences by the adoption of a safe environment in order to build trust with the adults as well as peer support.

Member States	Promising practices reported
<b>Belgium</b>	<p>The reception centre Minor-Ndako in Belgium accommodates extremely vulnerable children (children less than 12 years old, victims of trafficking) who have a high risk of absconding. It is a protected but not closed reception centre and as such it has established a good balance between securing its premises on the one hand and ensuring unaccompanied children' right to freedom on the other hand.</p> <p>The reception centre is organised into small living units</p>

<sup>126</sup> Commission Recommendation of 16.12.2015 establishing a catalogue of recommendations and best practices for the correct application of the second generation Schengen Information System (SIS II) and the exchange of supplementary information by the competent authorities of the Member States implementing and using SIS (C (2015)9169 final).

<sup>127</sup> [http://europa.eu/rapid/press-release\\_IP-16-4402\\_en.htm](http://europa.eu/rapid/press-release_IP-16-4402_en.htm).

<sup>128</sup> <http://fra.europa.eu/en/project/2014/biometric-data-large-eu-it-systems-areas-borders-visa-and-asylum-fundamental-rights>.

<sup>129</sup> Nidos is an NGO, financed by the Dutch Ministry of Justice, with an independent board, which is responsible for all unaccompanied minors in the country.

	<p>(maximum of 10 unaccompanied children in one group) and has specially trained staff in: estimating the risk of absconding (based on a checklist developed with the police and Child Focus); standard reception procedure aiming to prevent disappearances (picture taken and identification list); first encounter/conversation with the child. At the beginning of each shift, one educator/assistant is assigned to monitor the minor/situation. In addition, all staff at the centre, including kitchen and cleaning staff, are encouraged to get to know the children and interact with them. The centre also tries to prevent children from absconding in the first 24h, by washing their clothes and choosing the longest washing and drying programme to buy time.</p> <p>The centre provides unaccompanied children with a cell phone/SIM card and money to buy phone credit; it also encourages them to open an e-mail account – all means by which they can be contacted or get in touch with the centre if they go missing. In 2013, one minor went missing from Minor-Ndako and in 2014 no cases of disappearances of children occurred.</p>
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The 2015 EMN Study showed that several Member States set up systems to register and monitor unaccompanied children. Belgium, Croatia, Ireland, Malta, the Netherlands, the Slovak Republic and Spain each take fingerprints and/or photographs of unaccompanied children at first contact with border guards/police to serve as an aid for tracing of disappearances. (In Belgium they only do this for children aged above 12 years, in the Netherlands for children below the age of 12 too, in the Slovak Republic fingerprints are taken for those aged above 10 years and in Ireland only when it is in the child’s best interests). In some Member States, such as Finland and the Netherlands, unaccompanied children suspected to be (potential) victims of trafficking are placed in protected reception (see Box 10 in Section 4 of the 2015 EMN Study), whereas intensive supervision takes place over unaccompanied children residing at the open/ campus location. In Portugal, they are required to ask permission to leave an open centre and are usually accompanied by an assistant.

## IV.2 Relocation

Following the publication of the European Agenda on Migration in May 2015, in September 2015, the Council adopted decisions to relocate 160,000 people from Greece, Italy and other Member States directly affected by the refugee crisis within two years.<sup>130</sup> Under the Decisions, Member States must give priority is to the relocation of vulnerable persons, including unaccompanied children, provided that a previous assessment of the best interest of the child has been made.<sup>131</sup> The Commission has been constantly encouraging Member States to pledge relocation places accordingly.

<sup>130</sup> <http://www.consilium.europa.eu/en/meetings/jha/2015/09/22/>.

<sup>131</sup> In order to support the national authorities to operationalise the relocation scheme, EASO has developed The Practical Guidance Tool on Best Interests Assessment for the Purpose of Relocation. This particular tool focuses solely on establishing whether it is in the best interests of the child to be relocated to another Member

Commission personnel, including staff tasked to follow vulnerabilities and children is deployed in Italy and Greece to assist Member States in the implementation of **the hotspot approach**. Those countries receive the support of EASO, Frontex and Europol to swiftly identify, register, fingerprint and provide information to incoming migrants. According to the current Eurodac legislation, children under the age of 14 cannot be fingerprinted and in case of doubts regarding the age, a migrant should be considered as a child. In any case, a photograph is taken to complete identification.

In hotspot locations and disembarkation areas, authorities are supported by International Organisations and NGOs in the individuation of vulnerabilities, for referral to competent national authorities, and in the provision of information on EU and national law on immigration and asylum. Hotspot Standard Operating Procedures (SOPs) defining hotspot process and the role of each actor involved were published in Italy in 2016, including specific provisions on vulnerable persons and unaccompanied children. In Greece, the SOPs are being drafted and will be adopted in the near future. The Commission continues supporting national authorities in ensuring that dedicated assistance for children is present. Regular discussions take place on how to respond to present and possible further needs. After disembarkation, first assistance, first identification and provision of information, children and other vulnerable persons are referred to competent national authorities for activation of dedicated protection procedures (e.g. appointment of a guardian, transfer to dedicated reception facilities etc.).

The Commission is also working with national authorities to facilitate the implementation of Council Decisions 1523/2015 and 1601/2015 for eligible unaccompanied children.<sup>132</sup> EASO has also been supporting the national authorities to operationalise the Relocation scheme. EASO has recently developed a Practical Guidance Tool on Best Interests Assessment for the Purpose of Relocation (BIA). This particular BIA tool focuses solely on establishing whether it is in the best interests of the child to be relocated to another Member State in the framework of the relocation procedure. It is made available to the front line Member States for relocation.

The BIA tool is divided into two sections: the first section provides an overview of the best interests principle with the relevant preconditions and safeguards, and the second section presents a comprehensive checklist designed to ensure that all key steps are completed by the responsible authorities, and appropriately considered when assessing the child's inclusion in the relocation process.

The Commission's regular Reports on Relocation and Resettlement as well as the meetings organised with Member States under the Relocation and Resettlement Forum and the Liaison Officers Meeting in Greece and in Italy have been used for disseminating this message, and in order to encourage further efforts, including by addressing procedural bottlenecks.

### **IV.3 Safeguards for unaccompanied children in judicial proceedings**

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State in the framework of the relocation procedure. It is made available to the front line Member States for relocation. The tool's first section provides an overview of the best interest principle with the relevant preconditions and safeguards, and the second section presents a comprehensive checklist designed to ensure that all key steps are completed by the responsible authorities, and appropriately considered when assessing the child's inclusion in the relocation process.

<sup>132</sup> See the Commission's 10th Report on Relocation and Resettlement, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302\\_tenth\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_tenth_report_on_relocation_and_resettlement_en.pdf).

An appropriate legal framework to deal with the issues concerning guardianship and legal representation of unaccompanied children is provided by Council Regulation (EC) No 2201/2003 of 27 November 2003, concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility and by the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children, to which all Member States are Parties.<sup>133</sup>

When unaccompanied children are present in a foreign state, it will in most cases be necessary to appoint a guardian for them and take other protective measures as required.

As for refugee children and children internationally displaced because of disturbances occurring in their country of origin, both the Regulation (Art. 13) and the 1996 Hague Convention (Art. 6) which is also part of the EU *acquis*,<sup>134</sup> give jurisdiction to the Member State in which the child is present. The conditions for, and content of, the measures to be taken, e.g. the appointment of a guardian, depends on national law. Moreover, the Regulation and the Convention also provide a procedure for the cross-border placement of a child in a foster family or an institution in another Member State or Contracting State of the 1996 Hague Convention, and for obtaining a social report. Central Authorities under the Regulation and the Convention have been established to cooperate across borders on child protection matters.

Several soft law measures (exchange of good practices, better cross-border cooperation between authorities, awareness-raising) have also contributed in this period to improve cooperation between administrative (child protection) authorities in the different Contracting States and to facilitate the implementation of the Regulation and the 1996 Convention, such as the following:

- The Commission's Practice Guide on the Regulation;<sup>135</sup>
- The Practical Handbook developed by the Hague Conference on Private International Law, of which the European Union is a full Member since 2007;<sup>136</sup>
- Training on Brussels II Regulation/1996 Hague Convention for Judges, Central Authorities appointed under the Regulation and the Convention and child welfare authorities;
- Annual meetings of the Central Authorities under the Brussels IIa Regulation.

Furthermore, the Commission has developed several projects regarding these judicial guarantees for children.

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<sup>133</sup> Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ 2003 L 338, p. 1).

<sup>134</sup> Council Decision of 5 June 2008 authorising certain Member States to ratify, or accede to, in the interest of the European Community, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children and authorising certain Member States to make a declaration on the application of the relevant internal rules of Community law, (2008/431/EC), OJ L 151/36, 11.6.2008.

<sup>135</sup> Practice Guide for the application of the Brussels IIa Regulation, 2014.  
[http://ec.europa.eu/justice/civil/files/brussels\\_ii\\_practice\\_guide\\_en.pdf](http://ec.europa.eu/justice/civil/files/brussels_ii_practice_guide_en.pdf).

<sup>136</sup> Practical Handbook on the operation of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, <http://www.hcch.net/upload/handbook34en.pdf>.

The first one is "Children's involvement in criminal, civil and administrative judicial proceedings in the 28 Member States of the EU" (June 2015). Using the international and European children's rights standards as a framework, this policy brief presents the findings of the study in an accessible manner and examines the extent to which children are guaranteed effective access to, and adequate treatment in, criminal, civil and administrative judicial proceedings across Europe.

The second is "Children's involvement in administrative judicial proceedings" (June 2015) – providing an EU Summary and 29 country reports. The promotion of the protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. This report is part of a study to collect data on children's involvement in criminal, civil and administrative judicial proceedings in the EU. It supports the implementation of the 2011 EU Agenda for the rights of the child, which identified the lack of reliable, comparable and official data on the situation of children in the Member States. The main aim was to gather and publish all available international and national data available, which is published on dedicated website<sup>137</sup>. The study also gathered information on legislation and policy to support interpretation of the data.

The EU Summary complements the results already published in June 2014 on children's involvement in criminal justice proceedings. It was drawn up on the basis of the information provided in individual Member State reports. It provides an overview of the number of children affected, describes general elements of child-friendly justice, procedural rules affecting children's access to justice, and describes legislations and policies in place to protect the rights of the child. It includes examples of good practice and summarises information on common and uncommon safeguards in the EU Member States, and provides useful comparative tables. As the study also covered migration and asylum law, the findings should be noted in the context of unaccompanied children.

A two-year project supported and co-funded by the Commission (Rights, Equality and Citizenship Programme, 2014 call on rights of the child) has also been developed by the AIRE Centre (Advice on Individual rights in Europe) It is called "*Separated children in judicial proceedings- promoting a joined up child-centred approach by judicial and legal professionals to separated children*". The project partners are Belgium (Child Circle), Ireland (University College Cork) and Croatia (Centar za zene zrtve rata ROSA).

The objective of the project is to build the capacity for legal professionals (including judges) to become more aware of the need for child centred justice in all judicial proceedings involving separated children. Moreover, to benefit from the knowledge and tools provided, so as to ensure that the conduct and outcomes of such proceedings always take full account of the best interests of the child as a primary consideration. The expected results are: an increase in the incidence of child centred justice for separated children, as a consequence of the heightened awareness of its importance, and a familiarity with the relevant tools brought about by the project activities.<sup>138</sup>

#### **IV.4 EU Financial support provided**

*Actions related to unaccompanied children co-financed by various European Funds*

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<sup>137</sup> [www.childreninjudicialproceedings.eu](http://www.childreninjudicialproceedings.eu).

<sup>138</sup> See more at <http://www.airecentre.org/pages/separated-children-in-judicial-proceedings.html>.

Project title/ Promoter and Partners	Fund/Instrument Amount Implementation period	Objectives	Expected results and deliverables
<p><i>The Separated Children in Europe Programme (SCEP)</i> Promoter: Defence for Children (the Netherlands)</p>	<p>EU Project funded by the DAPHNE Programme 2 consecutive projects ended 2014<sup>139</sup></p>	<p>To improve the situation and recognition of separated children through research, shared policies and advocacy at national and regional levels.</p>	<p>The SCEP Statement of Good Practice provides 12 guiding principles to protect separated children from discrimination, violence and other abuses of their rights. - The aim was to provide this Statement in 20 languages and to support national activities.</p>
<p><a href="#">The "CONNECT" project</a><sup>140</sup> <i>"Identifying good practices in, and improving, the connections between actors involved in reception, protection and integration of unaccompanied children in Europe"</i></p> <p>HOME/2012/PPUAM/4097 Promoter: Save the Children (Sweden) Partners: UNHCR's Bureau for Europe NIDOS (the Netherlands) Coram Children's Legal Centre (the United Kingdom) Save the Children (Italy) Don Calabria (Italy) The Italian Ministry of</p>	<p>The Commission 1 October 2013 – 1 October 2014</p>	<p>This project aim to identify good practices in, and improve, the connections among actors involved in reception, protection and integration of unaccompanied children in Europe.</p>	<p>The project delivered the following practical outputs: - It developed an EU Reference Tool which sets out the body of EU law and policy which relates to unaccompanied children, as an important support for policy makers and practitioners. - The project mapped how actors work, individually and in cooperation with each other, in four Member States (the Netherlands, Italy, Sweden and the United Kingdom). National reports set out the findings in each country. - A comparative report identifies common challenges across the four countries and national good practices.</p>

<sup>139</sup> <http://www.scepnetwork.org/>.

<sup>140</sup> [www.connectproject.eu](http://www.connectproject.eu) - Reference Document providing a compilation of relevant EU laws and policies on UAMs: [http://www.connectproject.eu/PDF/CONNECT-EU\\_Reference.pdf](http://www.connectproject.eu/PDF/CONNECT-EU_Reference.pdf).



<p>Labour and Social Policies The Country Administration in Västra Götaland (Sweden)</p>			<p>- The project developed five practical tools addressing key aspects of actors' work together, to be used across a number of issues, including: first encounter, reception, guidance to actors working with children, promoting child participation, and ensuring decision-making procedures better fulfil the rights of the child to be heard.</p>
<p>The Pilot Project "<i>Analysis of reception, protection and integration policies for unaccompanied children in the EU</i>"<sup>141</sup>  HOME/2012/PPUAM/4113</p>	<p>The Commission 16 September 2013 - 16 September 2014</p>	<p>To contribute to the implementation of the 2010 Commission Action Plan on Unaccompanied children (2010-2014) and the actions specified thereof. - The main objective is to identify good practices on prevention, reception, protection and integration policies for unaccompanied children.</p>	<p>The Pilot Project is entirely managed by the Commission (central management) on the basis of an annual work programme and calls for proposals.</p>
<p><a href="#"><u>"In Whose Best Interest? Exploring Unaccompanied Minors' Rights Through the Lens of Migration and Asylum Procedures."</u></a><sup>142</sup></p>	<p>Co-funded by the Pilot Project Unaccompanied Minors (PPUAM) 2013 of the EU<sup>143</sup> EUR 261,948.30 15 June 2014 – 15</p>	<p>The research project is carried out in four Member States (Slovenia, Austria, France and the United</p>	<p>In order to contribute to fulfilling the national obligations as set out by international law, the main aim is to identify and recommend better</p>

<sup>141</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/other-programmes/pilot-project-unaccompanied-minors/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/other-programmes/pilot-project-unaccompanied-minors/index_en.htm).

<sup>142</sup> <http://www.minasproject.eu/>.

<sup>143</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/other-programmes/pilot-project-unaccompanied-minors/calls/call-2013/docs/ppuam\\_2013\\_list\\_of\\_awarded\\_projects\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/other-programmes/pilot-project-unaccompanied-minors/calls/call-2013/docs/ppuam_2013_list_of_awarded_projects_en.pdf).

<p>HOME/2013/PPUAM/AG/5320</p> <p>Coordinator: Up, Science and Research Centre (SI)</p> <p>Partners: University of Brighton (the United Kingdom) University of Vienna (Austria) CNRS – National Center for Scientific Research (France) Slovene Philanthropy (Slovenia) IRSSV Social Protection Institute of the Republic of Slovenia (Slovenia)</p>	<p>December 2015</p>	<p>Kingdom.</p> <p>The project examines unaccompanied children reception, protection, asylum and return procedures, with a focus on:</p> <ul style="list-style-type: none"> <li>- The best interest of the child (BIC)</li> <li>- The formal processes of best interests determination (BID)</li> </ul>	<p>protection measures for unaccompanied children.</p> <ul style="list-style-type: none"> <li>- 4 country reports and a comparative state of the art report sought to contribute to a more solid basis for proper implementation of BIC and BID in practice.</li> </ul>
<p><i>"Best practice in Determining and implementing Durable Solutions for Separated Children in Europe"</i></p> <p>HOME/2013/PPUAM/AG/5323</p> <p>Coordinator: Irish Refugee Council Limited (IRC)(Ireland)</p> <p>Partners: Greek Council for Refugees (Greece) Church of England Children's Society (the United Kingdom) HFC "Hope For Children" UNCRC Policy Center (Cyprus) Stichting Defence for Children International Nederland ECPAT Nederland (DCI-ECPAT (the Netherlands) The Human Rights League (Slovakia) The People for Change Foundation (Malta)</p>	<p>Co-financed by PPUAM 2013 EUR 237.375,00 15 May 2014 – 14 November 2015</p>	<p>The main objective is a research focused on the methodology that will explore durable solution in the context of separated children, in terms of return and reintegration</p>	<ul style="list-style-type: none"> <li>- Desk research and focus groups with stakeholders (including children and young people)</li> <li>- National Reports from 10 countries.</li> <li>- Tool for service providers working with separated children to be developed based on findings and best practice identified in the International report</li> <li>- Best Practice Guide for the identification, implementation and review of the durable solution for separated children.</li> <li>- Lead partners to discuss best practice guide and checklist with European Parliamentarians in Brussels. Lead partners to present findings to EASO. All partners to present findings at the national level and</li> </ul>

<p>Bureau d'Accueil et de Defense des Jeunes (B.A.D.J), Service Droit de Jeunes (S.D.J) (Belgium)  University College Dublin, National University of Ireland – (Ireland)  Bundesverband Unbegleitete Minderjährige Flüchtlinge (Germany)  Child and Family Agency (TUSLA) (Ireland)</p>			<p>encourage stakeholders to adopt the checklist and best practice guide</p> <ul style="list-style-type: none"> <li>- International Conference to present findings. The conference will be designed to be cost negative to not only present findings to stakeholders, but also to disseminate the information to other influential stakeholders, such as academics and those working for advocacy groups.</li> </ul>
<p>HOME/2013/PPUAM/AG/6441  <i>"SUMMIT - Safeguarding Unaccompanied Migrant Minors from going Missing by Identifying Best Practices and Training Actors on Interagency Cooperation"</i></p> <p>Coordinator:  European Federation for Missing and Sexually Exploited Children (Belgium)</p> <p>Partners:  University of Portsmouth (the United Kingdom)  Kentro Merimnas Oikogeneias kai Paidiou (KMOP) (Greece)</p> <p>Stichting Nidos (the Netherlands)  Child and Family Agency (Ireland)  Child Circle (Belgium)</p>	<p>Co-financed by PPUAM 2013  EUR 215,177.08  24 October 2014 – 23 April 2016</p>	<p>The general objective of the project is to reduce the numbers of unaccompanied migrant children who will go missing and to protect the rights that they are entitled to. The concrete actions aimed at:</p> <ul style="list-style-type: none"> <li>- Identifying risk factors to prevent the disappearance of unaccompanied minors from reception centres.</li> <li>- Developing a guidance on best practices for interagency cooperation in the event of a disappearance.</li> </ul>	<p>Establish best practices in the prevention of &amp; response to the disappearance of unaccompanied minors by:</p> <ul style="list-style-type: none"> <li>- Producing well researched results identifying and categorising risk factors and developing a framework for action in response to missing unaccompanied minors.</li> <li>- Developing a guidance dictating effective procedures in terms of interagency cooperation in the event of the disappearance of an unaccompanied minor.</li> <li>- Contribute substantially to reducing the number of children disappearing from reception centres by ensuring better cooperation between actors and tailored responses to specific risks.</li> <li>- Improve the abilities</li> </ul>

Stichting Defence for Children International Nederland - ECPAT Nederland (the Netherlands)			of guardians, reception centre professionals and hotlines for missing children in dealing with the issue.
<p><i>"No Longer Alone: Advancing Reception Standards for Unaccompanied Children"</i><sup>144</sup></p> <p>HOME/2013/PPUM/AG/6445</p> <p>Coordinator: European Council on Refugees and Exiles</p> <p>Partners: Magyar Helsinki Bizottsag (Hungary) Hungarian Helsinki Committee Scottish Refugee Council Terre d'asile (France) Stichting Nidos (the Netherlands) Rädda Barnens riksförbund (Sweden) Groupement d'intérêt public 'Justice Coopération International (France) The Scottish Government (the United Kingdom)"</p>	Co-funded by PPUAM 2013 <sup>145</sup> EUR 240,152.95 3 November 2014 – 3 May 2016	An in-depth study carried out in 5 Member States (France, Sweden, the Netherlands, Hungary and the United Kingdom), with the main aim to: - Contribute to the improvement of reception standards for unaccompanied children and to ensure that accommodation and reception are adequate to the needs of the children.	<p>- To raise awareness on this issue by conducting an in depth study of reception models/practices and underlining key challenges and solutions for improvement.</p> <p>- A compendium of selected practices and a tool on organising Meeting Places and youth participation in the reception process.</p>
<i>"Improved capacity of Italian territory to accept unaccompanied foreign minors, with particular reference to areas most affected by exceptional migratory flows"</i>	AMIF EUR 11,949,660.00 20 March 2015 – 22 February 2016		691 places have been made available for unaccompanied children.

<sup>144</sup> <http://www.ecre.org/component/content/article/63-projects/1005-no-longer-alone.html>.

<sup>145</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/other-programmes/pilot-project-unaccompanied-minors/calls/call-2013/ppuam2/docs/list\\_of\\_awarded\\_projects\\_under\\_home2013cfppuam2\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/other-programmes/pilot-project-unaccompanied-minors/calls/call-2013/ppuam2/docs/list_of_awarded_projects_under_home2013cfppuam2_en.pdf) .

<p>HOME/2014/AMIF/A G/EMAS/02/IT<sup>146</sup> Coordinator: Ministry of Interior (Italy) Partners: Italian Red Cross UNHCR IOM Save the Children Italia Onlus ANCI (Italy)</p>			
<p>"Closing a protection gap 2.0" Coordinator: Defence for Children (the Netherlands) Partners: Asylkoordination Osterreich (Austria) Bundesfachverband UMF e.V. Berlin (Germany) Defence for Children (Italy) Hope for Children UNHCR Policy Centre (Cyprus) Irish Refugee Council Plate-forme Mineurs en exil (Belgium) Portuguese Refugee Council Slovene Philanthropy</p>	<p>EU Project funded by the DAPHNE Programme</p>	<p>The project aims to harmonise the protection separated children receive from their guardian by focusing on the qualifications of the guardian.</p>	<p><u><a href="#">The Core Standards</a></u> and indicators developed from the perspective of 127 separated children and 68 guardians<sup>147</sup>. -The Migration Committee of the Council of Europe will appoint a rapporteur as a response to a motion to support the elaboration and development of the 'Core Standards for guardians of separated children in Europe'' and urge the Committee of Ministers to adopt a recommendation on the standards. - The Core Standards are endorsed by Separated Children in Europe Programme and referred to in the FRA Handbook on guardianship.</p>
<p>"Rights to Justice: Quality Legal Assistance for Unaccompanied Children" Promoter:</p>	<p>The Fundamental Rights and Citizenship Funding Programme (FRC) 1 December 2012 – 1 July 2014</p>	<p>The availability of free legal assistance for children in all migration and asylum related</p>	<p>The results aimed to: - Contribute to a common approach guaranteeing unaccompanied minor's right to justice.</p>

<sup>146</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/union-actions/docs/amif\\_emas\\_list\\_of\\_awarded\\_projects\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/union-actions/docs/amif_emas_list_of_awarded_projects_en.pdf).

<sup>147</sup> [www.corestandardsforguardians.com](http://www.corestandardsforguardians.com).

<p>The European Council on Refugees and Exiles (ECRE) Partners: Asylkoordination Austria The British Refugee Council The Danish Refugee Council The Legal clinic for Refugees and Immigrants in Bulgaria The Italian Council for Refugees The Immigration Law Practitioners Association Associate partner: UNHCR</p>		<p>procedure is crucial to guaranteeing their right to justice and access to effective remedies. The research, examined the legislation and practice in Austria, Belgium, Bulgaria, Denmark, Italy, Spain and the United Kingdom and included interviews with unaccompanied children<sup>148</sup>.</p>	<p>- Raise awareness and promote good practices and guidance on legal assistance to unaccompanied children among legal advisors and professionals working with children - A comparative report based on the research and guiding principles on quality legal assistance for unaccompanied children and their measuring indicators</p>
<p><u>"Dublin support for guardians"</u> Promoter: The European Network of Guardianship Institutions (ENGI)<sup>149</sup> Partners: NIDOS (the Netherlands) Caritas International France Terre d'Asile (France)</p>	<p>Co-financed by the Commission 2013-2014</p>	<p>To formulate steps for each Member State for reuniting an unaccompanied minor with his family and to offer support to guardians and other representatives in Dublin cases of unaccompanied children.</p>	<p>An improvement of the service of guardians in Dublin procedures in the EU and insights in the transposition of Dublin III in the national contexts.</p>
<p><u>"Reception and living in families"</u><sup>150</sup> The European Network of Guardianship Institutions (ENGI)<sup>151</sup> Led by: NIDOS (the Netherlands) Partners: Counter Human Trafficking Bureau</p>	<p>Co-financed by the Commission 1 September 2013 – 1 March 2015</p>	<p>To map the current practice and promote the reception of unaccompanied children in families.</p>	<p>The project promoted the reception of unaccompanied minors within families by increasing knowledge available throughout the EU, offering country-by-country strategies on increasing family reception of and promoting good</p>

<sup>148</sup> <http://ecre.org/component/content/article/63-projects/325-right-to-justice.html>.

<sup>149</sup> <http://engi.eu/projects/dublin-support-for-guardians/>.

<sup>150</sup> <http://engi.eu/wp-content/plugins/download-attachments/includes/download.php?id=595>.

<sup>151</sup> <http://engi.eu/projects/reception-and-living-in-families/>.

<p>(CHTB, the United Kingdom) SALAR (Sweden)</p>			<p>practices. Delivered results: A research report which analyses how the family reception system works in all the EU Member States as well as in Norway and Switzerland. It i) maps the current practices, ii) promotes the reception of unaccompanied children in families in places where this is not a common practice and iii) further stimulate the development of knowledge in places where good practices are already in place or are emerging.</p> <p>2 workshops held in the United Kingdom and Sweden for- raising awareness with stakeholders from several countries that have experience with reception in families (the United Kingdom, Sweden, Switzerland, Italy, Austria, Germany, France, the Netherlands as well as the Baltic Sea States).</p> <p>A final conference held in Amsterdam in January 2015 presented the main findings of the project and its previous research work.</p>
<p>The <i>Mario</i> Project “<i>Protect children on the move</i>”<sup>152</sup> Core partners:</p>	<p>Co-financed by the EU Daphne III Program and the Oak Foundation</p>	<p>Improving the level of protection of Central and South Eastern</p>	<p>The project seeks – through transnational outreach research, advocacy, trainings and</p>

<sup>152</sup> <http://www.marioproject.org/>

<p>Neglected Children's Society (ECPAT, Bulgaria)  Nobody's Children Foundation (ECPAT, Poland)  Save the Children  Terre des Hommes  Associate partners:  ARSIS (Greece)  Associazione 21 Igulio (Italy)  Open gate – La Strada (MK)  Defence for Children International (ECPAT, the Netherlands)  Advocacy partners:  Save the Children  North West Balkans  Terre des Hommes International  Federation</p> <p>ECPAT International  The organisation for Aid to Refugees (the Czech Republic)  The Children's Rights Centre  The Center for Youth Integration (Human Rights League (Slovakia)</p>		<p>migrant children who are vulnerable to abuse, exploitation and/or trafficking.</p>	<p>direct support to professionals and empowerment of at-risk migrant children – to find multilateral solutions to the problems that children face prior, during or after migration and that require coordinated protection</p> <ul style="list-style-type: none"> <li>- Services which protect at-risk migrant from abuse, exploitation or other violations of their rights will be provided with a strong emphasis put on child participation.</li> <li>- Activities at national and regional levels, coupling field work with a strong research component will aim at fostering inter-institutional and transnational collaboration while promoting evidence-based and European solutions.</li> <li>- In its framework, the European Public Conference "<i>Closing a protection gap for European children on the move</i>" was organised on 5 March 2015<sup>153</sup>.</li> </ul>
<p><i>PRUMA – “Promoting Family Reunification and Transfer for Unaccompanied Minor Asylum Seekers, under the Dublin Regulation”</i></p>	<p>European Refugee Fund (Community Actions Call for proposals 2012)<sup>154</sup>  EUR 380,739.20</p>	<p>PRUMA aimed at facilitating family reunification for migrant unaccompanied children arriving</p>	<p>The goal is to streamline and expedite the reunification process envisaged by EU law for unaccompanied</p>

<sup>153</sup> <http://www.marioproject.org/news/european-conference-focused-on-invisible-and-unprotected-european-children-on-the-move/7235>.

<sup>154</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund/transnational-actions/docs/grants\\_awarded\\_2012\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund/transnational-actions/docs/grants_awarded_2012_en.pdf).



<p>Promoter: Missione OIM (Italy)</p> <p>Partners: IOM (Germany, France, Greece, Malta, the United Kingdom, Norway) Save the Children (Italy) Civico Zero (Italy) British Refugee Council Praksis (Greece) Bund-UMF (Germany) Ministry of Interior (Italy)</p>		<p>in the EU to seek international protection and who have relatives living in one of the EU Member States.</p>	<p>children seeking asylum, in order to protect them from the risk of becoming victims of trafficking or exploitation. For this reason standard procedures will be developed with the purpose of strengthening the cooperation among the national Dublin Units and relevant authorities.</p> <ul style="list-style-type: none"> <li>- These standard procedures will be elaborated by a committee of experts and proposed to the competent authorities in Italy, Malta, Greece, France, the United Kingdom and Germany).</li> <li>- The procedures will inter alia be aimed at speeding up the steps of the reunification process, from the time the child is identified to the transfer, all in the best interest of the child.</li> </ul>
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The CONNECT project covered areas concerning reception, protection and integration policies for unaccompanied children of third country origin, focusing on how actors work both individually and together to adequately safeguard the rights of the child in line with the principles as afforded under the Convention on the Rights of the Child and EU law. The analysis was carried out through country mappings and by developing tools to contribute to concrete and practical measures supporting the actors in addressing the needs and rights of the child.

The mapping process of the project focused mainly on the actors who had formal roles towards unaccompanied children and several key features causing challenges for the organisation and fulfilment of responsibilities were identified. The project identified that gaps in responsibilities and service provisions exist due to the fragmentation of law into different legislative instruments for different groups of children. It proposed that a more integrated approach should be ensured.

The CONNECT project delivered a range of recommendations for the EU and Member States, taking a bottom-up approach to the implementation of EU obligations, drawing on the perspectives of the actors and based on a comparison of operational practice across countries. The analysis of the projects priority areas starkly illustrates the need for increased efforts to involve better equipped actors in the situation of unaccompanied children and the cooperation between these should be enhanced. The recommendations therefore in particular emphasise the need for specialised skills, practical tools and inter-agency cooperation.

#### **IV.5 Actions in the EU Member States for ensuring protection of unaccompanied children**

The 2015 EMN Study identified a number of gaps and challenges that still need to be addressed to ensure all unaccompanied children benefit from the same level of protection. While many provisions and measures are available for asylum-seeking unaccompanied children and those granted international protection (under the EU *acquis* and international legislation), this is not always the case for non-asylum seekers. At present, these do not appear to benefit from the same level of protection either in law or in practice.

The Study highlights a number of good practices which have been adopted by some Member States since 2009. For example, the Netherlands offers a particular good practice of the timely appointment and establishment of contact between the child and a guardian.<sup>155</sup> To facilitate a guardian's prompt appointment, NIDOS signed a memorandum of understanding with the migration services to ensure that it would be contacted immediately when the services identify an unaccompanied minor. The first contact between NIDOS and the unaccompanied child must take place on the day of his or her arrival at the application centre. From that moment, NIDOS fulfils the role of a guardian and asks the court to appoint it to act as guardian until the court appoints a specific guardian for the child.

Most Member States also provide a representative to non-asylum seeking unaccompanied children. For this, some Member States (Austria, Belgium, Bulgaria, Cyprus, Estonia, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Poland, the Slovak Republic, Spain, Sweden) apply the same guardianship system also to non-asylum seeking unaccompanied children, and thus have one guardianship system for all of them (whether they are asylum-seeking or non-asylum seeking).

A number of Member States provided information on protection actions undertaken in 2015, as described below.

In Austria, as of October 2015 about 4,400 unaccompanied children were supported and taken care of within the framework of the basic services programme, 97% of them in organised accommodation and 3% in private homes. Only 4.3% of all unaccompanied minor refugees in care are female. Unaccompanied children are accommodated separately from other asylum seekers and special support is ensured.

In Austria many accommodation facilities are provided by private companies. An example of this is ORS Service, a company responsible for taking care of unaccompanied minor refugees.

ORS is responsible for providing different services:

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<sup>155</sup> See page 20 et seq. of the 2015 EMN Report.

- Support and safeguarding of the interests of unaccompanied child refugees.
- Psychological support, conveying social competence, conflict prevention and comprehensive structuring of the day (German-language and integration courses, education programmes, leisure activities and preparation for an independent way of living).
- Continuous documentation of the support measures, e.g. in the case of psychological counselling and support, medical counselling including informative talks regarding access to reproductive medical and HIV/AIDS treatment, with reference to topics like, for example, genital mutilation and contraception, in the case of assistance regarding reunification of families and tracing of family members or in planning the day's structure and leisure activities, etc.

Belgium reported an increase of the number of reception places for unaccompanied children in 2015.

Since 23 July 2015, a new reception trajectory for unaccompanied children who have been granted a right of residence has been effective. Unaccompanied children residing in a collective reception structure and who have received a right of residence for more than three months (including before 23 July 2015), are assigned to an individual reception structure (an NGO, or a local reception initiative) for six months (with the possibility of extension) where they are supported in their search for an accommodation, with their transition to financial support and integration into society.

Projects undertaken in 2015:

- Implementation of a pilot project on a specific reception trajectory for unaccompanied children reaching majority and with no perspective of regular stay in Belgium. The trajectory focusses on empowering them for the future by providing specific education programs and information sessions on future possibilities.
- Implementation of a project on foster families for unaccompanied children. At this stage of the project terms and conditions for the selection of families and unaccompanied children have been agreed upon, a call for candidate families has been issued and candidate unaccompanied children have been screened.

In relation to guardianship, the Belgian authorities reported that the provision of a guardian also to unaccompanied children of other EU Member States was implemented in December 2014.

#### **Good practice: Belgian reception of unaccompanied children – Guardianship**

In April 2015 the Belgian authorities established a coaching programme for guardians, in collaboration with the Red Cross and Caritas International. This program consists of three parts: a) a helpdesk for guardians, available for practical and specific questions regarding their guardianship; b) individual support to the guardian, that he/she can request in order to assist specific or complex guardianship cases, such as unaccompanied children who are at the border or in detention, those that have been arrested or need urgent medical assistance, victims of human trafficking, unaccompanied children with serious psychological issues or without reception place, or those ones for whom it is difficult to find a durable solution or

who want to voluntarily return; c) internship of 8 hours and information sessions for new and inexperienced guardians.

Finally, since June 2015, access to the database of the Guardianship Service has been provided to the Belgian Public Prosecutor's Office, the Immigration Department, Asylum authority and Reception Agency in order to ensure that they all receive more swift and accurate information on the place of residence, the state of play regarding the age assessment of the child and the contact details of the guardian.

The Czech Republic reported the adoption of laws to implement the provisions of the recast asylum procedure directive as well as recast reception condition directive including provisions concerning unaccompanied children.

Italy reported changes in the national reception system for unaccompanied children in 2015. In the first level of reception, children are accommodated in reception centres where they are identified, subjected to medical examination and age assessment for no more than 60 days. In the second level of reception, children are moved to the reception centres of the SPRAR network (hosting structures managed by local authorities with the partnership of civil society, and coordinated by the Ministry of Interior) where they are offered specific programmes to facilitate their integration at local level. There is no distinction between asylum-seeking children and non-asylum seeking children.

Malta reported about the implementation in 2015 of an European Refugee Fund funded project called "*Information Sessions to residents of Open Centres*" where all unaccompanied children attended six information sessions on the following topics: education and employment, health, housing, budgeting, hygiene and social skills.

**Good practice - Dutch reception of unaccompanied children – prevention of children going missing – integrated reception and guardianship procedures**

As reported by the Dutch authorities, in 2014, **the Netherlands'** reception and asylum procedures for unaccompanied children were amended. Now, on arrival in the open Reception Centre in Ter Apel (the sole reception centre in the Netherlands), the unaccompanied child has an intake interview with Nidos, the police and the Immigration and Naturalisation Service to apply for asylum. This means that applications for asylum are initiated on Day 1, as opposed to after a couple of weeks. Unaccompanied children up to -15 years of age are hosted in foster families, under the auspices of Nidos. Unaccompanied children aged 15 and above are housed in small group homes, clustered in groups, hosting a maximum of 16-20 children, where 24-hour supervision is assured. Unaccompanied children of 17.5 years and above are housed in small group homes so that, once they reach adulthood, if they are eligible for residency, they can be admitted to appropriate housing. According to this new model, unaccompanied children who have obtained a residence permit are transferred by Nidos from the Dutch Central Agency for the reception of asylum seekers (COA) facility to a family setting or to small-scale care facilities to enable integration.

In the case of a third-country national minor under 14 years of age, his interests will be protected by a legal representative, and in the absence of such, one will be appointed according to Romanian law.

In 2015 a new initiative regarding supported housing for persons between 16-20 years was introduced in Sweden. Unaccompanied children can be targeted by the social services for placement in such supported accommodation. Within the Swedish Migration Authority quality follow-ups and trainings in all asylum functions involved with asylum applications from children were continued.

## **V. FINDING DURABLE SOLUTIONS**

Identifying the most appropriate durable solution for an unaccompanied or separated child<sup>156</sup> has a fundamental and long-term impact on the child's future. It therefore requires a careful balancing of many factors, may involve different agencies and authorities, and should take account of the child's views, with due weight accorded to his or her age and maturity. Thus, before taking any such decisions, a best interests determination should be carried out based on an individual assessment of the circumstances of each child. Work has been carried out in the Member States and at EU level on all strands identified in the Action Plan as possible durable solutions: return and reintegration of the unaccompanied minor in the country of origin; solutions for facilitating integration in the Member State of residence; and resettlement.

The 2015 EMN Study informs that in the majority of Member States a durable solution for a unaccompanied minor is not defined in legislation. Member States seek to identify durable solutions for them, including **return and reintegration** (Belgium, Cyprus, Estonia, Germany, Ireland, Latvia, Luxembourg, Malta, the Netherlands, Poland, Slovenia, Spain, Sweden, the United Kingdom, Norway) where such action is deemed to be in the best interests of the child.

The 2015 EMN Study also highlights efforts to bring about **family reunification** in several Member States (Austria, Belgium, the Czech Republic, Germany, Ireland, the Netherlands, the Slovak Republic, Spain, Sweden).

**Integration** in the (Member) State as a durable solution is highlighted in Belgium, Czech Republic, Finland (where family reunification is not possible), France, Germany (where family reunification is not possible), Malta, Poland, Spain (where return is not possible), and Sweden.

In several Member States (Belgium, Cyprus, Germany, France, Ireland, Latvia, Slovenia, Slovak Republic, Spain, United Kingdom), a best interests determination procedure is in place to support the competent authority's decision on a durable solution for the unaccompanied minor. Whilst it may be in the best interests of the child to find a durable solution as quickly as possible, in reality the timeframe for the determination procedure varies across Member States, and in most cases, is not limited. Examples of average timeframes include an average of under 3 months (Norway); 3-6 months (Germany); and 4-6 months (Slovenia).

FRA research has also shown that, in most Member States, no standardised procedure to determine the most appropriate durable solution based on the best interests of the child has

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<sup>156</sup> As defined by the UN Committee on the Rights of the Child (CRC) General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, <http://www.refworld.org/docid/42dd174b4.html>.

been set up. Furthermore, national legislation does not always clearly define the tasks and duties of the guardian concerning the identification of a durable solution.<sup>157</sup>

## **V.I Family tracing**

### **Actions at the EU level**

Family tracing in and outside of the Member States is crucial for providing a durable solution for the unaccompanied children arriving to the EU, and should be carried out irrespective of the legal status of the minor.

The project 'Supporting UNHCR Greece Emergency Response Plan and strengthening the capacity of the Asylum Service' has, between its objectives, standardised and comprehensive provision of children and family protection services. The operation of Children and Family Support Hubs (i.e. Blue Dots) and child friendly spaces on the islands (Lesvos, Chios, Samos, Leros and Kos) will be supported, as a key tool to improve children and family protection. Child protection activities will include the implementation of the pilot operation of Blue Dots, including legal support and assistance. Provision of alternative care arrangements for unaccompanied and separated children, as well as vulnerable cases, will be ensured and access to education increased through innovative approaches and support to Ministry of Education.

Increased protection for unaccompanied and separated children, vulnerables, family reunification cases through provision of alternative care arrangements for unaccompanied and separated children, as well as vulnerable cases, including reception centres for them or other type of accommodation/guardianship in line with the national referral system for them and the UNHCR Child Protection Guidelines on the islands, and longer term accommodation facilities in the mainland.

FRA's Handbook on Guardianship has underlined the role of guardians in family tracing procedures and for the identification and implementation of durable solutions for unaccompanied children, including through family reunification and Dublin procedures. Updates on family tracing and family reunification should be included in future monthly reports by FRA on the asylum and migration situation, providing therefore useful guidance to the Member States.

EASO has published in July 2016 a Practical Guide on Family Tracing to support national authorities to establish tracing processes.<sup>158</sup> The publication includes a set of reference and guidance materials on the family tracing process (including a flow chart model, a glossary, a set of recommendations, as well as a mapping of family tracing policies and practices carried out in the EU+ States).

### **Actions in EU Member States**

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<sup>157</sup> FRA, 2015, Guardianship systems for children deprived of parental care in the European Union - With a particular focus on their role in responding to child trafficking.

<sup>158</sup> <https://www.easo.europa.eu/sites/default/files/public/EASO%20Practical%20Guide%20on%20Family%20Tracing.pdf>.

Family reunification for unaccompanied children who receive a form of protection is based on the best interests of the child. Tracing the family of the asylum seeking unaccompanied minor is conducted as soon as possible.

For the year 2015, Italy reported that approximately 440 family tracing activities were conducted in countries of origin and in third countries Italy reported 17 voluntary return decisions issued in 2015.

Sweden reported on partnerships with children’s rights organisations, such as “African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN)” in Uganda or “Bayti”, an organisation for the protection of children in Morocco as well as dialogues with organisations in Somalia and Afghanistan.

## V.2 Return and reintegration in the country of origin

### Actions at the EU level

Return to the country of origin may in certain cases, be in the best interest of the unaccompanied minors. It may also be an important deterrent from coming to the EU by undertaking perilous journeys, often using smugglers' services.

#### (a) Funding

Projects under the European Return Fund:

Project title/ Promoter and Partners	Fund/instrument Amount Implementation period	Objectives	Expected results and deliverables
“The European Return Platform for Unaccompanied Minors.”  HOME/2009/RFX/CA/1001	Co-funded by the Return Fund 2009 EUR 979,235.21 15 January 2011 – 31 December 2012		
“ <a href="#">Addressing the needs of UAMs in Greece</a> ”  HOME/2011/RFX/CA/EA/4 002 Coordinator: IOM (Greece)	Co-funded by the return Fund Emergency Assistance 2011 and Sweden, the Netherlands, Denmark and the United Kingdom EUR 1,052,190.07 1 February 2013 – 31 October 2014	The programme aims to assist and protect the rights of all unaccompanied children in Greece, who wish to voluntarily return to their countries of origin <sup>159</sup> .	- Identify unregistered unaccompanied children and channel them to relevant authorities for protection and BID process - Supporting the authorities in the BID process, family-tracing, coordinate family

<sup>159</sup> [http://www.oijj.org/sites/default/files/greece\\_good\\_practice\\_-\\_addressing\\_the\\_needs\\_of\\_unaccompanied\\_minors\\_uams\\_in\\_greece-1.pdf](http://www.oijj.org/sites/default/files/greece_good_practice_-_addressing_the_needs_of_unaccompanied_minors_uams_in_greece-1.pdf).

			assessment and provide support for the minor if they wish to return to their country of origin
<p><i>“Enhancing capacities in EU Member States and third countries to promote durable solutions for unaccompanied minors”</i></p> <p>HOME/2011/RFXX/CA/1007</p>	<p>Co-financed by the Return Fund 2011, Austrian Federal Ministry of the Interior, the Belgian Federal Agency for the Reception of Asylum Seekers and the Dutch Ministry of the interior and Kingdom Relations</p> <p>EUR 444,281.26</p> <p>1 January 2013 – 30 September 2014</p>	<p>To identify good practices in family tracing and assess the provision of an enhanced reintegration approach<sup>160</sup>.</p>	<p>To build synergies within family tracing procedures and methodologies in the EU Member States and enhance the sustainable reintegration and family support for unaccompanied children choosing to return voluntarily to their countries of origin.</p>
<p><i>“Monitoring of returned minors project” (MRM)</i></p> <p>HOME/2011/RFXX/CA/1004</p> <p>Promoter: The European Network of Guardianship Institutions (ENGI)</p> <p>Partners: NIDOS (the Netherlands) Micado Migration The University of Groningen</p>	<p>Co-financed by the Return Fund</p> <p>1 November 2012 – 30 April 2014</p>	<p>This project started from the conviction that independent, systematic, methodology-based monitoring of returned children would enable better decision-making and assistance for the children<sup>161</sup>.</p>	<p>MRM aimed at developing a monitoring and evaluation instrument that contributes to a more sustainable and safe return of children</p> <p>- The project culminated in a presentation of the outcomes in the European Parliament in February 2014</p>
<p><i><u>“Ad-Hoc Query on Return of Unaccompanied Minors”</u></i><sup>162</sup></p> <p>Promoter: EMN</p>	<p>13 November 2012 – 10 January 2013</p>	<p>- To assess the number of unaccompanied children in the</p>	

<sup>160</sup> <http://www.iomvienna.at/en/enhancing-capacities-eu-member-states-and-third-countries-promote-durable-solutions-unaccompanied>.

<sup>161</sup> <http://engi.eu/projects/monitoring-of-returned-minors/>.

<sup>162</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/ad-hoc-queries/return/439\\_emn\\_ad-hoc\\_query\\_on\\_return\\_of\\_uam\\_13november2012\\_wider\\_dissemination.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/return/439_emn_ad-hoc_query_on_return_of_uam_13november2012_wider_dissemination.pdf)



		<p>Member States and the number of them removed to their country of origin.</p> <p>- To determine the conditions under which a removal can be carried out and the specific arrangements applied or not applied to unaccompanied children compared to the common law procedure.</p>	
<p><u><a href="#">“Good practices in the return and reintegration of irregular migrants: Member States’ entry bans policy and use of readmission agreements between Member States and third countries”</a></u><sup>163</sup></p> <p>Promoter: EMN</p>		<p>To analyse the Member States’ use of entry bans and readmission agreements with a specific focus on their practical application and effectiveness, also identifying good practices, including possible synergies with the implementation of reintegration measures.</p>	<p>- Presenting the main findings of the focused study relating to the Member States’ entry bans policies and use of readmission agreements.</p> <p>- This could serve to further inform the Member States’ return policies, securing, in full compliance with the Charter of fundamental rights, the dignified, effective and sustainable return.</p>
<p><u><a href="#">“Ad-Hoc Query on detention and removal of minors”</a></u><sup>164</sup></p> <p>Promoter: EMN</p>	<p>2014 – 19 January 2015</p>	<p>To understand what is foreseen in theory and in practice in other Member States</p>	<p>For Belgium to have an understanding of the practice in other Member States relating to the</p>

<sup>163</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_study\\_reentry\\_bans\\_and\\_readmission\\_agreements\\_final\\_december\\_2014.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_reentry_bans_and_readmission_agreements_final_december_2014.pdf).

<sup>164</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/ad-hoc-queries/return/2014\\_631\\_emn\\_ahq\\_detention\\_and\\_removal\\_of\\_minors\\_19january2015\(wider\\_dissemination\).pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/return/2014_631_emn_ahq_detention_and_removal_of_minors_19january2015(wider_dissemination).pdf).

		on detention of children and to review statistics of detained children and of which how many have effectively been removed.	detention and removal of children.
<i>“The West African Network”</i>	Co-financed by the Commission through its Thematic Cooperation with Non-EU Member Countries in the area of migration and asylum	To strengthen the capacities of West African countries in order for them to better assist nationally and transnationally the vulnerable children on the move and ensure their social, education or vocational reintegration.	To prevent risky displacement of children, to identify and protect them and to reintegrate them in a family environment supported by an educational or professional project <sup>165</sup> .

In addition to this, the curriculum for training European Return Liaison Officers (EURLO) is being prepared by the EURLO project, an initiative coordinated by Belgium and co-financed by AMIF. The project aims at increasing the efficiency of joint return operations for all EU Member States by posting EU Return Liaison Officers in non-EU countries and improving existing Immigration Liaison Officers networks.

*(b) Legislative monitoring*

In October 2013, a Final Report on the evaluation on the implementation of the Return Directive (2008/115/EC) was adopted.<sup>166</sup> The contractor was a consortium led by Matrix, including ICMPD, the Odysseus Network, ECRE and the Centre for European Policy Studies, as well as a number of individual experts, was contracted in December 2012 aiming to analyse how the benchmarks (common standards) fixed by the Directive had been implemented by 31 countries, including 25 Member States, 4 Schengen Associated Countries as well as the United Kingdom and Ireland.

The Commission adopted on 1 October 2015 a Recommendation establishing a European Commission Return Handbook<sup>167</sup> to be used by Member States' authorities when carrying out return-related tasks, including guidance on returning unaccompanied children, for the purpose of training and as a point of reference for Schengen Evaluations on return.

<sup>165</sup> [http://www.resao.org/en/le\\_reseau\\_afrique\\_de\\_louest](http://www.resao.org/en/le_reseau_afrique_de_louest).

<sup>166</sup> <http://ec.europa.eu/smart-regulation/evaluation/search/download.do?documentId=10737855>

<sup>167</sup> Commission Recommendation C 2015/6250 final, of 1.10.2015; [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return\\_handbook\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf)

Many sections of the Return Handbook relate directly to the situation of unaccompanied children in the EU and their special protection needs.

The Return Handbook covers in particular the following child-related issues:

- Need to pay attention to the needs of vulnerable persons (including children) in all stages of the return procedure (section 1.8);
- Safeguards for vulnerable persons (including children) in border procedures (section 2.2);
- Respect of fundamental rights in apprehension practices (section 5);
- Extension of voluntary departure periods for family or school related reasons (section 6.1)
- Best interest assessment in return procedures (Section 10);
- Assistance by bodies responsible for care and protection of children in return procedures (section 10.1)
- Adequateness of reception facilities in third-countries (section 10.2);
- Safeguards pending postponed return, such as: schooling, healthcare, basic subsistence (section 13)
- Criteria for possible regularisation (section 13.2);
- Safeguards in relation to detention (section 16).

The Handbook bases itself, to a large extent, on the work conducted by Member States and the Commission within the "Contact Group Return Directive". It does not create any legally binding obligations upon Member States. Only the legal acts on which it is based can be invoked before the courts. The main message given by the Handbook is that efficiency and respect for fundamental rights are no contradictions.

In the framework of the Schengen evaluation visits on Return,<sup>168</sup> the treatment of unaccompanied children in return procedures is always verified, to ensure that the principle of the best interests of the child is duly taken into account. A FRA risk analysis submitted to the Commission on the basis of a request under Article 8 of Regulation (EU) No. 1052/2013 in preparation of Schengen evaluations of the EU return *acquis* identifies several risks for children in return procedures, relating, for example to the detention of families with children and unaccompanied children (separation of families, lack of procedural safeguards, conditions, duration, lack of alternatives), the apprehension of children at schools, the availability and qualification of guardians, and the lack of safeguards particularly for older children.

Where necessary, based on the findings of the evaluations, recommendations were made to Member States in order to ensure that the best interests of the child, including the option of return, is duly considered States. In the framework of these missions, meetings are usually conducted with youth welfare authorities or organizations in charge of ensuring guardianship and the Schengen evaluation expert teams visit the facilities where unaccompanied children are held in case they exist. Continued attention will be given to this issue in future Schengen evaluations.

To ensure that all return operations carried out by the newly-established European Border and Coast Guard Agency respect children's rights, the European Border and Coast Guard

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<sup>168</sup> Schengen Evaluation Mechanism EU/1053/2013.

Regulation, provides that the Agency acts in accordance with the respect of fundamental rights and general principles of Union and international law, including children's rights. When assisting in return operations involving children, the Agency should make available forced-return monitors, forced return escorts and return specialists with specific expertise in child protection from the respective pools set up with the contribution of the Member States. The Agency should develop specific training tools, including specific training in the protection of children.

Frontex included further good practices on the treatment of children within family groups during joint return operations in their Guide on Joint Return Operations. It is to be noted that Frontex does not return unaccompanied children in these operations.

### *(c) Detention*

In some instances, children have been accommodated in closed facilities due to a shortage of suitable alternative reception facilities. States must do everything possible to ensure the availability and accessibility of a viable range of alternatives to the administrative detention of children in migration.<sup>169</sup> FRA Fundamental Rights Report 2016 and its focus chapter on asylum and migration in the EU in 2015, discusses key challenges and protection gaps in addressing the specific needs of children, pointing out among other issues to use of detention practices and insufficient guardianship arrangements.

Under EU law, administrative detention – and especially the detention of children – is only allowed in exceptional circumstances, for the shortest time possible, and never in prison accommodation. Article 17 of the Return Directive (2008/115/EC) provides that detention measures of children within the return procedure should be a “measure of last resort and for the shortest appropriate period of time”. Moreover, while detained, unaccompanied children shall have the possibility to access leisure activities which are appropriate to the age of the minor as well as education, depending on the duration of stay before return; In addition, they should be, as far as possible, provided with accommodation in institutions with personnel and facilities which take into account the needs of persons of their age.

The 2015 EMN Report shows that the legislation of most of the Member States provides for the possibility to detain unaccompanied children, albeit special conditions and guarantees apply. A considerable number of Member States may also subject them to forced return procedures. Further, whilst most Member States provide appropriate safeguards under which unaccompanied children may be returned voluntarily or detained, they do not consistently report on the extent to which reintegration programmes may be adapted to the needs of children overall and their specific circumstances.

Around half of the (Member) States adopt detention measures for unaccompanied children awaiting return, according to national legislation (Austria, Croatia, the Czech Republic, Finland, Greece, Latvia, Luxembourg, Malta, the Netherlands, Poland, Slovenia, Sweden, the United Kingdom, Norway). In several Member States unaccompanied children cannot be detained whilst awaiting return (Belgium, Bulgaria, Estonia, France, Hungary, Ireland, Italy, Lithuania, Portugal). Belgium and France do not detain children awaiting return except in limited situations. In Germany, the possibility of detaining an unaccompanied minor before return differs across Federal Länder. Further information about the detention of

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<sup>169</sup> See background reading, UNHCR standards on detention, and Items 84-88 under “Alternatives to detention” [http://ec.europa.eu/newsroom/document.cfm?doc\\_id=42359](http://ec.europa.eu/newsroom/document.cfm?doc_id=42359).

unaccompanied children whilst awaiting return is also available in the 2014 EMN, EU Synthesis report on the use of detention and alternatives to detention in the context of the immigration policies.<sup>170</sup>

FRA is conducting research on migration detention of children in the 28 EU Member States. The research includes a collection of information on immigration detention of children, both unaccompanied and children with their parents or guardian, who are deprived of liberty under the EU asylum or return *acquis*. It focuses on selected aspects which can be seen as indicators of immigration detention practices in the EU Member States, covering issues such as access to health and education, monitoring of detention facilities and ensuring the children's wellbeing. FRA's work on migration detention is conducted in close cooperation with CoE, *inter alia* within the context of its work on developing European standards on the conditions of migration detention.

In the context of its work in the area of migration, asylum and borders, FRA published a compilation on "Alternatives to detention for asylum seekers and people in return procedures", addressing unaccompanied children and families<sup>171</sup>. The compilation of existing sources seeks to provide guidance to policy makers and practitioners on the use of measures regarding children and families in asylum and return procedures to avoid unnecessary detention and to safeguard the best interests of the child, in accordance with international and European law<sup>172</sup>.

FRA Fundamental Rights Report 2016 and its focus chapter on asylum and migration in the EU in 2015, discusses key challenges and protection gaps in addressing the specific needs of children, pointing out among other issues to use of detention practices and insufficient guardianship arrangements.<sup>173</sup>

### **Actions in the Member States**

The 2015 EMN Study provided an overview of return arrangements and practices in the Member States, including measures for the reintegration of the returned children in their countries of origin.

As indicated in the 2015 EMN Study, most Member States provide for the possibility of voluntary return of unaccompanied children (Austria, Belgium, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, the Slovak Republic, Slovenia, Sweden, the United Kingdom).<sup>174</sup> For an overview of Member States programs to support return and reintegration in third countries, see the EMN Return Experts Group Directory "Connecting Return Experts across Europe".<sup>175</sup>

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<sup>170</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_study\\_detention\\_alternatives\\_to\\_detention\\_synthesis\\_report\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_detention_alternatives_to_detention_synthesis_report_en.pdf).

<sup>171</sup> <http://fra.europa.eu/en/publication/2015/alternatives-detention-asylum-seekers-and-people-return-procedures>.

<sup>172</sup> <http://fra.europa.eu/en/news/2015/fra-publishes-paper-alternatives-detention>.

<sup>173</sup> <http://fra.europa.eu/en/publication/2016/fundamental-rights-report-2016>.

<sup>174</sup> Further details available in Annex 4 to the 2015 EMN Report.

<sup>175</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_reg\\_directory\\_final\\_28102014.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_reg_directory_final_28102014.pdf).

Member States apply special circumstances under which unaccompanied children may return voluntarily to countries of origin: in order to protect the minor, responsible authorities perform an inquiry regarding the situation and conditions in the country of origin paying particular attention to the best interests of the child. Since December 2013, UNICEF National Committees in some Member States (e.g. Belgium, the Netherlands and Sweden) have developed child-specific country of origin reports as part of a project financially supported by the Commission. Such Child Notices describe the situation of children in countries of origin.

Some Member States also perform family tracing, and the family situation in the country of origin, living conditions and family's capability to take care of the minor (Cyprus, Ireland, the Slovak Republic, the United Kingdom).

Member States set up different measures and arrangements in order to ensure the best interests of the minor during the return procedure, for example:

- Verification that the minor will be handed over to a parental authority or an appropriate institution/ care centre (Austria, Estonia, Finland, France, Germany, Latvia, Lithuania, the Netherlands, Poland, the Slovak Republic and Sweden).
- Written agreement of a parent/relative or a legal appointed guardian (Austria, Belgium, Finland, Germany, Poland, Slovenia, Norway), who has to pick up the minor at the arrival destination and take care of him/ her.
- Assistance provided by appropriate services before departure, different from those dealing with the return of adults (Greece).
- Very young children are accompanied to the country of origin or another third country by the appointed guardian (e.g. Belgium, Poland), or in the case of Finland children below the age of 15 are escorted by the IOM.

Several (Member) States (Austria, Belgium, Croatia, Cyprus, Estonia, Germany, Hungary, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Slovenia, Sweden, the United Kingdom and Norway) may (forcibly) return unaccompanied children provided that the conditions laid down in the Directive are satisfied. More specifically:

- All (Member) States provide for adequate assistance, as well as a prior assessment of the best interests of the child before returning an unaccompanied minor. Upon return, the minor has to be handed over to a family member, an appointed guardian or an appropriate care centre.
- In Belgium and Germany, the authority further assesses whether the minor needs to be accompanied when leaving the territory and until the arrival at the country of destination.
- In Lithuania, the competent authority takes into consideration the needs, age and level of independence of the unaccompanied minor before deciding on the return.

More than half of the Member States provide reintegration support in countries of origin to unaccompanied children who (voluntarily) return (Austria, Belgium, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Malta, Poland, the Slovak Republic, Slovenia, Sweden, the United Kingdom, Norway), as opposed to seven (Member) States (Bulgaria, Croatia, Cyprus, Czech Republic, France, Lithuania) where reintegration plans have not been implemented or information was not provided.<sup>176</sup>

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<sup>176</sup> See further information at p. 37 et seq. of the 2015 EMN Report.

As regards the year 2015:

- Hungary reported to return one male unaccompanied minor as a part of assisted voluntary return measures and one male unaccompanied minor as a part of forced return measures.
- In Malta, the Children and Young Persons Advisory Board forms part of the Ministry for Family and Social Solidarity. No unaccompanied children have been returned against their will. In recent years there were some children who did opt to return voluntarily under an Assisted Voluntary Return and Reintegration programme to Egypt, following an assessment conducted by the IOM including their families and the conditions of return. When it could not be ascertained that care would be taken in the country of origin, the voluntary return was not affected. However in one case this was successfully conducted.

#### **Good practice – assistance to unaccompanied children in Greece**

Regarding return and reintegration of unaccompanied children, **Sweden** has, together with the Commission and certain Member States, provided funding for the IOM programme “*Addressing the needs of unaccompanied children in Greece*”. The programme began in 2013 and a final report was presented in June 2015. Through the programme, IOM was given a unique opportunity to learn more about and offer assistance to unaccompanied children in Greece. As a result, IOM is now preparing a detailed guide on return and reintegration of unaccompanied children in Greece which is based on the data collected under the programme.

### **V.3 International protection status, other legal status and integration of unaccompanied children**

Integration of legally present unaccompanied minors into the host societies is key in view of protecting children's rights, ensuring their development and preserving social cohesion while at the same time preventing secondary movements and the phenomenon of missing children. Member States continued to develop their integration policies to different degrees, depending on their respective national contexts.

Early access to inclusive and non-segregated education, health care and an adequate standard of living are key elements for the integration of unaccompanied children in the host countries. The child's best interests – as well as the child's individual background, needs and experiences, need to be considered in the identification and selection of durable solutions. Quality services and care needs to be ensured. Improvement of living conditions and healthcare (including mental healthcare) provision is critical, and reception and care in foster families or adequate reception facilities is also capital. It is essential that any person in direct contact with children receives initial and continuous training. Guardians also have a key role to play when it comes to building trust with the child and facilitating integration. Supporting measures preparing the transition from childhood to adulthood should be further promoted.

#### **Actions at the EU level**

At EU level, the Commission continued to promote close cooperation between Member States in this area, facilitating exchanges of best practices and providing financial support to pilot projects on unaccompanied minors. For instance, the CONNECT project led to a series of tools useful for all actors involved in the protection, reception and integration of this particularly vulnerable category of migrants.

The Commission has recently adopted its Action Plan on the integration of third country nationals,<sup>177</sup> followed by Council conclusions<sup>178</sup> on the topic, in which Member States committed to increased efforts in this area.

The Action Plan sets out around fifty priority actions to further the integration of migrants across the EU, including of migrant children. Ensuring and promoting early and effective access to education is amongst the most powerful tools for integration of children, fostering social cohesion and mutual understanding. The Action Plan identifies in this respect several key actions, promoting both formal and non-formal learning activities such as welcome classes, use of online educational platforms, recognition of academic qualifications and integration into higher education, as well as supporting the school community in developing an inclusive and tailored made education.

The Commission has already started the implementation of the Action Plan in close cooperation with the Member States. Among the key steps achieved to this day are several calls for proposals that have been launched across policy areas with integration of third-country nationals as a main priority, as well as the establishment of the European Integration Network with representatives from all Member States, Norway and Iceland, whose mandate will be to foster the coordination among all actors working on integration and to facilitate mutual learning.

#### *(a) Funding*

The Commission has financed several projects targeting unaccompanied children under the Programme Solidarity and Management of Migration Flows, which covered the period 2007-2013. Both the European Refugee Fund and the European Fund for the Integration of third country nationals supported projects on unaccompanied children included linguistic and civic education, extra-curriculum activities in schools and other measures aimed at facilitating the education and the social inclusion of unaccompanied children. Since 2014, unaccompanied children became a horizontal priority under the new AMIF and several projects have been successfully implemented in this area.

Several projects have been funded by the EU in order to support this objective. Most of them do not focus explicitly on unaccompanied children as a targeted group but contain transversal references to them although not from an explicit approach.

Among EU funded projects aiming at the integration of migrants as a durable solution, the **NET 4 U** project<sup>179</sup> (Networks for unaccompanied children's integration) considered the integration of a specific target group, namely unaccompanied children, from a variety of perspectives, including education. Its main objective was to improve the integration of

<sup>177</sup> COM(2016) 377 final.

<sup>178</sup> <http://data.consilium.europa.eu/doc/document/ST-15312-2016-INIT/en/pdf>.

<sup>179</sup> <http://www.oijj.org/en/net-for-u-introduction>.



unaccompanied children with appropriate training and education, but also to propose leisure activities for them, including opportunities to participate in cultural life in the host country and country of origin, strengthening their social networks. To achieve this, the project drew up an intervention programme for unaccompanied children and new forms of transnational cooperation within and between services and stakeholders.

Other EU Funds, the European Structural and Investment Funds (ESI funds) can support the effective long-term integration of migrants and refugees, including migrant children, in the context of general social inclusion and education measures. Comprised in particular of the European Social Fund and the European Regional Development (ERDF), the ESI Funds' total allocation for inclusive growth priorities for the 2014-2020 programming period is EUR 44.4 billion. The total allocation of the ERDF inclusive growth priorities in the 2014-2020 programming period is EUR 21.4 billion.

ESI funds can invest in a broad range of measures, including social, health, education, housing, childcare, etc., to address the specific needs of migrant children. Investments in health, for instance, could support service providers (doctors, nurses, social workers) addressing the trauma suffered by refugee children or the gaps in vaccinations and nutrition programs. In line with the principles of non-segregation and de-institutionalisation, investments should not be used for detention centres or to create segregated neighbourhoods and schools. Support, financial or other, can be given to non-governmental organisations representing unaccompanied migrant children and to encourage local authorities to work in partnership with them.

The Commission is supporting a EUR 92 million reintegration package in Asian countries to support the sustainable reintegration of returnees, as already described part III on the prevention of unsafe migration and trafficking.

A specific example of the use of ERDF funding is the Italian Operational Programme **Sicurezza**,<sup>180</sup> which has so far financed 99 projects for setting up multifunctional centres for legal migrants in the four regions covered by the programme (Sicily, Campania, Calabria and Puglia). The ERDF allocation for this programme is EUR 79 million. The actions supported by the programme include setting up of areas for temporary accommodation of immigrants with recreational and sports areas, language labs and activities aiming at improving integration and social inclusion of immigrants. Accompanying services also include healthcare and psychological support provided through special arrangements with local health centres.

The 2011 European Agenda for the Integration of Third-Country Nationals<sup>181</sup> called for actions related to the situation of migrant children. Especially efforts in the education system are mentioned:

The average educational level of third-country nationals is below that of EU nationals. Young people with a migrant background are at greater risk of exiting the education and training system without having obtained an upper secondary qualification. Additional efforts are needed to prevent migrant youth from leaving school early. Furthermore teachers and other staff should receive training for managing diversity.

<sup>180</sup> <http://www.sicurezzasud.it/>.

<sup>181</sup> [http://ec.europa.eu/dgs/home-affairs/news/intro/docs/110720/1\\_en\\_act\\_part1\\_v10.pdf](http://ec.europa.eu/dgs/home-affairs/news/intro/docs/110720/1_en_act_part1_v10.pdf).

In 2014, the Justice and Home Affairs Council reaffirmed the EU Common Basic Principles for Immigrant Integration Policy adopted in 2004, which set out a common approach to the integration of third country nationals across the EU, including children as well<sup>182</sup>.

Other initiatives and sources on integration of unaccompanied children can be found on the European Website on Integration.<sup>183</sup>

### Legal entry

FRA has published a document on legal entry channels to the EU for persons in need of international protection: a toolbox,<sup>184</sup> which suggests that functioning family reunification systems, including extended family members, is needed to promote the implementation of durable solutions in the best interests of the child and to end family separation.

### **Actions in EU Member States**

As indicated in the 2015 EMN Report, during their stay on EU territory, unaccompanied children seeking protection may be granted an EU harmonised protection status or a country-specific, non-EU harmonised, protection status, which is not covered by the EU acquis (e.g. based on humanitarian grounds). Different types of stay/residence permits may be delivered, depending on whether they are applying for asylum and/ or are victims of trafficking in human beings.

During the assessment of a claim for international protection, in some Member States (Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Germany, Greece, Ireland, Latvia, Lithuania, Malta, Poland, Slovenia, the Slovak Republic, Spain) unaccompanied children are granted temporary residence permits, certificates, or registration cards. In accordance with the recast Qualification Directive, unaccompanied children who have been granted international protection receive residence permits based on refugee status or subsidiary protection. On the basis of national law, a type of humanitarian status is also possible.

Based on Directive 2004/81/EC,<sup>185</sup> Member States may issue residence permits to victims of trafficking in human beings or to persons who have been the subject of an action to facilitate irregular immigration, in exchange for their cooperation with the competent, as well as to witnesses of crimes related to trafficking in human beings. Some Member States (Belgium, Greece and Poland) may also issue unconditional residence permits to children who were victims of trafficking.

Most Member States (Austria, Belgium, Croatia, Cyprus, the Czech Republic, Estonia, Finland, Germany, Greece, France, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, the Slovak Republic, Slovenia, Spain, the United Kingdom, Sweden, Norway) may also grant residence permits to non-asylum seeking unaccompanied children, or to those of them whose claims for asylum have been rejected.

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<sup>182</sup> Council conclusions of the Justice and Home Affairs Council of 5-6 June 2014:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/82745.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf).

<sup>183</sup> <https://ec.europa.eu/migrant-integration/index.cfm?action=furl.go&go=/home?lang=en>.

<sup>184</sup> <http://fra.europa.eu/en/publication/2015/legal-entry-channels-eu-persons-need-international-protection-toolbox>.

<sup>185</sup> <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>.

Section 4 of the 2015 EMN Study provides an overview of the reception arrangements in place in the Member States for asylum-seeking and non-asylum seeking unaccompanied children, including how reception systems are organised, types of facilities, as well as an overview of the basic reception conditions, such as access to healthcare, education and employment. The same section offers examples of good practices, and identifies gaps in the protection of unaccompanied children in comparison to the level of protection to other children in the care of the state.

More information on reception and integration measures for asylum-seekers, including unaccompanied children, is provided in the 2013 EMN focused study on ‘The Organisation of Reception Facilities for Asylum Seekers in different Member States’.<sup>186</sup>

Developments in 2015: In Italy, social services define for each minor an educational and professional path aimed at facilitating the integration. At the age of 18, unaccompanied children can submit their request to remain in Italy.

#### **Good practice – integration of unaccompanied children– transition to adulthood in Italy**

In order to support unaccompanied children’ integration in the transition period to adulthood, especially in the light of ensuring the continuation of their stay in Italy once they turned 18, the Italian Ministry of Labour and Social Policies intends to implement a project aimed at promoting 1,000 individual grants in order to enable children to attend vocational and educational trainings defined on the basis of their skills and needs. This action aims at supporting unaccompanied children through empowering their skills and potentials, and enabling them to access the labour market and become an active member of the society.

#### **Good practice – integration of unaccompanied children in Malta**

In Malta, in 2015, the Agency for Welfare of Asylum Seekers ran an ERF-funded project called ‘Information Sessions to residents of Open Centres’ (ERF 2013/04) where all unaccompanied children attended six information sessions on the following topics: education and employment, health, housing, budgeting, hygiene and social skills.

In Romania the National Authority for Child Protection and Adoption is responsible for the treatment of unaccompanied children. The best interest of the child is always carefully evaluated. Cultural orientation sessions are organised with the purpose of making the children acquainted with the traditions, habits and cultural values of the Romanian culture and of offering practical information regarding the Romanian society.

Counselling sessions are carried out in order to inform children about their rights in Romania and the concrete way of exerting these rights. These include the right to a workplace, the right to social assistance, the right to medical assistance, access to education and the right to housing. Psychological counselling supports children who were granted a form of protection in Romania during the process of acquiring the abilities and the knowledge necessary for adapting to the Romanian society.

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<sup>186</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_second\\_focussedstudy2013\\_organisation\\_of\\_reception\\_facilities\\_final\\_version\\_28feb2014.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_second_focussedstudy2013_organisation_of_reception_facilities_final_version_28feb2014.pdf).

In 2013, there were 13 unaccompanied children that obtained a form of protection who benefited from these assistance measures, compared to 5 unaccompanied children in 2014, and 4 in 2015.

Within the framework of the European Refugee Fund, and in cooperation with UNHCR, Romania has implemented the project "Ensuring effective responses for vulnerable asylum applicants including children: Promoting appropriate standards for identifying and addressing people with special needs requests" in order to establish a mechanism for early identification of vulnerable asylum seekers to provide appropriate responses to their needs.

In 2015, representatives of the Slovak administration participated in the activities of the Advisory Committee and the Expert Team in implementing the international durable solutions project "Best practice in identifying and implementing durable solutions for separated children in Europe". The outcome was the drawing up of the National Report for the Slovak Republic "Durable solutions for separated children in Europe", which was presented by the League for Human Rights on 11 December 2015.

Another project towards integration of migrants including children, with explicit attention paid to eradicate hate and extremism, is run in the UK. The project is called "**Educate against hate**". The purpose of this website is to provide practical advice and support to help all individuals with an interest in keeping children safe from the dangers of hate and extremism.

#### **V.4 Resettlement**

Resettlement plays a key role in responding to the challenges of the displacement crisis characterised by irregular, dangerous, and selective arrivals. It is one of the three UNHCR durable solutions, together with local integration and voluntary repatriation. Resettlement is designed to ensure a more orderly, secure and fair system of protection management between states and for persons in need of international protection.

Many Member States have set up their own resettlement programmes, which may include specific references or priority to children or unaccompanied children given their vulnerability.

Unaccompanied children may fall within several of the UN vulnerability categories which are to be taken into account when identifying the persons eligible for resettlement. They may therefore be eligible for resettlement conducted through Member States' national resettlement programmes as well as under the ongoing European resettlement schemes established by the Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20,000 persons in clear need of international protection<sup>187</sup> of 20 July 2015 and the EU-Turkey Statement of 18 March 2016 respectively.

The priority regions for resettlement under the Conclusions of 20 July 2015 included North Africa, the Horn of Africa and the Middle East, in particular the countries covered by the RDPPs. However, following the EU-Turkey Statement<sup>188</sup> it is expected that most resettlement in the framework of this scheme should take place from Turkey. In total, around EUR 153

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<sup>187</sup> 11130/15.

<sup>188</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>.

million were made available from the EU budget to support resettlement efforts of Member States under the scheme<sup>189</sup>.

Resettlement of unaccompanied children is particularly encouraged through financial incentives provided for by the Union resettlement programme established by the AMIF Regulation.<sup>190</sup> Under that programme, unaccompanied children are designated as one of the vulnerable groups for resettlement. If a Member State resettles a person falling within one of these groups it is entitled to a lump sum of EUR 10,000 for each person resettled as opposed to the standard lump sum of EUR 6,000.

Eurostat statistics collects data on resettlement on a yearly basis. Since 2015, this data collection includes three new variables: (1) '*Country of residence*', meaning the country in which the refugee was hosted and from which he/ she is resettled. (2) '*Decision*' (refugee status, subsidiary protection, or other positive decision) and (3) '*Resettlement scheme*', (whether persons have been resettled within the conditions of the Council Conclusions of 22 July 2015 or within other resettlement frameworks). In the framework of the request for the payment of the annual balance (in accordance with Article 44 of the AMIF Regulation), Member States need to report on resettled and relocated persons, including how many of these persons are unaccompanied children.

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<sup>189</sup> This comes on top of the EUR 140 million that was allocated to Member States for resettlement under the 2014-2015 pledging period of the Union resettlement programme.

<sup>190</sup> Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund.