11th European Forum on the rights of the child

7-8 November 2017

Children deprived of their liberty and alternatives to detention

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Background reading

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1. EU LEGISLATION, POLICY DOCUMENTS AND REPORTS

1.1. Rights of the child

1. Compilation of EU acquis on the rights of the child lists and links all legislation and proposals

2. EU Agenda for the rights of the child (2011)

3. Commission Communication of 12 April 2017 on the Protection of children in migration

4. Children's involvement in criminal, civil and administrative judicial proceedings in the 28 Member States of the EU policy brief (European Commission, 2015)

5. Summary of contextual overviews on children's involvement in civil and administrative judicial proceedings in the 28 Member States of the European Union (European Commission, 2015) - Sections 5.3 on safeguards applying to children in placement in care, family law, migration law, health law and education law

6. Study on children's involvement in criminal judicial proceedings (European Commission, 2014)

7. Summary of contextual overviews on children's involvement in criminal judicial proceedings in the 28 Member States of the European Union (European Commission, 2016)

8. Data on children in Judicial Proceedings - criminal justice and civil & administrative justice (European Commission)

1.2. Asylum and migration

1. Commission Communication of 12 April 2017 on the Protection of children in migration

2. Commission Recommendation (EU) 2017/432 of 7 March 2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council

3. Vulnerability of unaccompanied and separated child migrants (European Parliament, December 2016)

4. Extract of child-specific provisions in the current Common European Asylum System (CEAS) and in the proposals for its reform of 4 May and 13 July 2016

5. 7 June 2016 Commission Communication on Action Plan on the integration of third country nationals

6. Arbitrary detention of women and children for immigration-related purposes (European Parliament, March 2016)

7. 10 February 2016 Commission Communication on the state of play of implementation of the European Agenda on Migration

8. Annex 6 to the 10 February 2016 Communication – list of planned actions contributing to the protection of children in migration

9. European Commission Return Handbook to be used by Member States' competent authorities when carrying out return related tasks (2015)

10. The European Migration Network (EMN) June 2015 – Study on policies, practices and data on unaccompanied children/minors in the EU Member States and Norway

11. EMN June 2015 study on unaccompanied children in the EU and Norway - annexes

12. European Migration Network, EU Synthesis report on the use of detention and alternatives to detention in the context of immigration policies (2014)

13. EU action plan on unaccompanied minors mid-term report 28.09.2012

14. EU Action plan on unaccompanied minors mid-term report 28.09.2012 – staff working document

15. EU action plan on unaccompanied minors (2010-2014)

16. 26 March 2012 Commission report of the EU expert group on unaccompanied minors in the migration process on the issue of family tracing

17. 21 June 2011 Commission report of the EU expert group on unaccompanied minors in the migration process on the subject of 'guardianship'

18. Comparative study on practices in the field of the return of minors (report and checklist for MS), ECRE and Save the Children on behalf of DG HOME, December 2011

19. European Migration Network (EMN) comparative study: policies on reception, return and integration arrangements for unaccompanied minors, May 2010

1.3. Violence against children

20. First report on progress made in combating trafficking in human beings (European Commission, 2016)

21. Study on high-risk groups for trafficking in human beings (European Commission, 2015)

22. EU Strategy towards the eradication of trafficking in human beings 2012-2016

23. Study to collect data on missing children in EU27 (European Commission, 2013)

24. Communication on the elimination of Female Genital Mutilation (COM(2013) 833 final)

25. Guidance document related to the transposition and implementation of the Victims rights' Directive

2. EU FUNDAMENTAL RIGHTS AGENCY

2.1. Children in conflict with the law

26. Criminal detention and alternatives: fundamental rights aspects in EU cross-border transfers - p. 71 detention and people on situations of vulnerability (FRA, 2016)

2.2. Detention of children in the context of migration

27. European legal and policy framework on immigration detention of children (2017)
28. Handbook on European law relating to asylum, borders and immigration, FRA, 2014 – see Chapter 9.1 on unaccompanied children
29. Handbook on European law relating to the rights of the child (FRA, 2015)

2.3. Guardianship

30. Guardianship systems for children deprived of parental care - mapping (FRA, October 2015)
31. Guardianship for children deprived of parental care: a handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking (European Commission and FRA, June 2014)

2.4. Migration thematic focus reports

32. FRA – Regular overviews of migration-related fundamental rights concerns
    a. FRA – Migration thematic focus report: Trafficking, May 2016
    b. FRA – Migration thematic focus report: children, February 2016
33. FRA - Key migration issues: one year on from initial reporting**.** Key issues in need of priority action: Unaccompanied children; Safety and protection at reception facilities Impact on local communities, Violence and hate speech against migrants **October 2016.**
34. Report on separated asylum-seeking children in EU Member States, 2011, EU Fundamental Rights Agency
35. Fundamental Rights of Migrants in an Irregular Situation in the European Union (2011)
36. Separated, Asylum Seeking Children in the European Union Member States (2010)
37. Detention of Third-Country Nationals in Return Procedures (2010)

2.5. Child protection systems

38. Mapping of national child protection systems in the EU (FRA, 2015)
39. Violence against children with disabilities: legislation, policies and programmes (2015)
40. Child-friendly justice - Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States (2017)

3. EUROPEAN ASYLUM SUPPORT OFFICE

41. EASO Handbook on age assessment practice in Europe (EASO, December 2013 – a revised version including guidance will be published in 2017
42. EASO Practical guide on family tracing, March 2016

43. EASO tool for identification of persons with special needs

4. FRONTEX – EUROPEAN BORDER AND COAST GUARD AGENCY

44. Frontex VEGA Handbook on identification of children at risk of trafficking at air borders

5. COUNCIL OF EUROPE

45. Council of Europe Draft Recommendation for the Committee of Ministers on Children With Imprisoned Parents (forthcoming, 2018)
46. Migrants in detention (ECHR, April 2017)
47. Thematic Report on migrant and refugee children, prepared by the Special Representative of the Secretary General on migration and refugees (CoE Committee of Ministers, 10 March 2017)
48. Immigration detention Factsheet (CPT, March 2017)
49. Council of Europe Action Plan on protecting refugee and migrant children (2017-2019) (2017)
50. Letter of the Commissioner for Human Rights to the Secretary of State for Migration and Asylum of Belgium warning against resuming the practice of detaining migrant families with children (12 December 2016) and Reply of the Belgian authorities (16 December 2016)
51. Protecting children affected by the refugee crisis: A shared responsibility (Council of Europe Secretary General's proposals for priority actions, 4 March 2016)
52. Council of Europe Strategy for the Rights of the Child 2016–2021
53. Juveniles deprived of their liberty under criminal legislation CPT/Inf (2015)
54. Report on Violence in Institutions for Juvenile Offenders (Council of Europe (PC-CP), 2014) [Country concerned: The Netherlands]
55. Commissioner for Human Rights of the Council of Europe on Migration and Refugee Issues - Issue Papers, Country Work, Third party interventions and positions
56. Council of Europe Guidelines on child-friendly justice
57. Council of Europe Convention on preventing and combating violence against women and domestic violence (notably Chapter VII) (CoE, 11 May 2011)
58. Resolution 1707 (2010), Detention of asylum seekers and irregular migrants in Europe, para 9.1.9 on detention of unaccompanied minors (PACE, 2010),
59. The detention of asylum seekers and irregular migrants in Europe (PACE, 11 January 2010)
60. Commissioner for Human Rights Positions on the Rights of Minor Migrants in an Irregular Situation (Commissioner for Human Rights CoE, 25 June 2010)
61. Council of Europe Recommendation No 11 on the European rules of juvenile offenders subject to sanctions and measures (2008)

62. 2007 Council of Europe Convention Protection of Children against Sexual Exploitation and Sexual Abuse

63. Recommendation Rec(2006)2 on the European Prison Rules

64. Council of Europe Recommendation Rec(2005)5 on the rights of children living in residential institutions (16 March 2005)

65. 2005 Council of Europe Convention on Action against Trafficking in Human Beings

66. 2003 Council of Europe Convention on Contact concerning Children

67. 1961 The European Social Charter

68. 1950 European Convention on Human Rights

69. Commissioner for Human Rights: country and thematic work on children's rights (including on immigration detention, children in institutions, children in conflict with the law)

70. Children's rights and the European Committee for the Prevention of Torture (Council of Europe)

6. UNITED NATIONS STANDARDS

71. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Resolution 2010/16, "the Bangkok Rules")

72. The United Nations Standard minimum rules for the treatment of prisoners (General Assembly Resolution 70/175, 2015, "the Nelson Mandela Rules")

73. The UN Guidelines for the Alternative Care of Children (A/RES/64/142), 24 February 2010

74. The United Nations Basic principles on the use of restorative justice programmes in criminal matters, ECOSOC Resolution 2002/12 (2002)

75. The United Nations guidelines on the administration of juvenile justice ("the Vienna Guidelines", 1997), ECOSOC Resolution 1997/30

76. The United Nations Rules for the protection of juveniles deprived of their liberty ("the Havana Rules", 1990)

77. The United Nations Minimum rules for non-custodial measures ("the Tokyo Rules", 1990)

78. The United Nations Guidelines for the prevention of juvenile delinquency ("the Riyadh Guidelines", 1990)

79. The United Nations Standard minimum rules for the administration of juvenile justice ("the Beijing Rules", 1985)

7. UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD

80. General Comment No 21 (2017) of the UN Committee on the rights of the child on children in street situations – see paragraph 44 "Deprivation of liberty, for example, in detention cells or closed centres, is never a form of protection."

81. 2 November 2016 Statement by the UN Committee on the rights of the child on the situation of children in Calais

82. General Comment No 19 (2016) of the UN Committee on the rights of the child on public budgeting for the realisation of children's rights (Article 4)

83. General Comment No 14 (2013) of the UN Committee on the rights of the child on the right of the child to have his or her best interests taken as a primary consideration (Article 3, para 1) - see Section B Procedural safeguards to guarantee the child's best interests

84. Report of the UN Committee on the rights of the child: 2012 General Day of Discussion on the rights of all children in the context of international migration

85. General Comment No 13 (2011) of the UN Committee on the rights of the child on the right of the child to freedom from all forms of violence

86. General Comment No 12 (2009) of the UN Committee on the rights of the child on the right of the child to be heard

87. General Comment No 10 (2007) of the UN Committee on children's rights in juvenile justice

88. General Comment No 6 (2005) of the UN Committee on the rights of the child on the treatment of unaccompanied and separated children outside their country of origin

8. UNODC

89. Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (UNODC, 2015)

90. Justice in Matters Involving Children in Conflict with the Law: Model law on juvenile justice and related commentary (UNODC, 2013)

91. Joint report of the OHCHR, UNODC and Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system (UN General Assembly, 27 June 2012)

92. Handbook of basic principles and promising practices on Alternatives to Imprisonment (UNODC, 2007)

9. UNHCR

93. National Action Plans and Progress Reports on detention (UNHCR)

94. Stateless Persons in Detention: A tool for their identification and enhanced protection (UNHCR, June 2017)

95. UNHCR's position regarding the detention of refugee and migrant children in the migration context, January 2017

96. UN High Commissioner for Refugees (UNHCR) Beyond Detention – 18 August 2016 Baseline Report and Progress Report

97. Vulnerability Screening Tool – Identifying and addressing vulnerability: a tool for asylum and migration systems (UNHCR, IDC and OAK Foundation, 2016)

98. Policy on Detention Monitoring (UNHCR, 3 December 2015)

99. Options for governments on open reception and alternatives to detention (UNHCR, 2015)

100. UN High Commissioner for Refugees (UNHCR), *Options Paper 1: Options for governments on care arrangements and alternatives to detention for children and families*, 2015, available at: http://www.refworld.org/docid/5523e8d94.html

101. Monitoring Immigration Detention: Practical Manual (UNHCR and APT, 2014)

102. Safe and sound: what States can do to ensure respect for the best interests of unaccompanied and separated children (UNICEF and UNHCR, 2014)

103. Why do children undertake the unaccompanied journey? (UNHCR, 2014)

104. The heart of the matter, assessing credibility when children apply for asylum in the European Union (UNHCR, 2014)

105. Building Empirical Research into Alternatives to Detention: Perceptions of Asylum-Seekers and Refugees in Toronto and Geneva (UNHCR, June 2013)

106. Detention Guidelines (UNHCR, 2012)

107. UNHCR, 26 June 2012, A framework for the protection of children

108. Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention (UNHCR, 2012)

109. Collateral Convicts: Children of incarcerated parents – Recommendations and good practice from the UN Committee on the Rights of the Child Day of General Discussion 2011 (United Nations Office Human Rights and Refugees Publications, March 2012)

110. Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees, 2014-2019 (UNHCR, 2014)

111. Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants (UNHCR Alice Edwards, April 2011)

10. UNICEF

112. A familiar face: violence in the lives of children and adolescents (UNICEF, November 2017)

113. Harrowing journeys: children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation, (IOM and UNICEF, 3 September 2017)

114. Estimating the number of children in formal alternative care: challenges and results (Petrowski, N., Cappa, C., Gross, P., 1 June 2017)

115. Life in a detention centre in Libya: Jon's story – video (UNICEF, 28 February 2017)

116. Vulnerability Screening Tool - Identifying and addressing vulnerability: a tool for asylum and migration systems (UNHCR and IDC, 2016)

117. State of the World's Children: children with disabilities (UNICEF, 2013)

118. UNICEF (2015) – Children's rights in return policy and practice in Europe, a discussion paper on the return of unaccompanied and separated children to institutional reception or family

119. UNICEF and OHCHR: Judicial implementation of Article 3 on the convention on the rights of the child in Europe – the case of migrant children including unaccompanied children, June 2012

120. UNICEF 2012 – Silent Harm – a report assessing the situation of repatriated children's psycho-social health (UNICEF Kosovo)

121. UNICEF Guidelines on Protection of the Rights of Child Victims of Trafficking

122. Child Trafficking in the Nordic Countries: rethinking strategies and national responses, UNICEF, 2012

123. Moving forward: Implementing the 'Guidelines for Alternative care of Children' (UNICEF, 2012)

124. Guidance for legislative reform on juvenile justice (UNICEF, 16 May 2011)

125. Administrative detention of children: a global report (The Children's Legal Centre and UNICEF, February 2011)

126. Toolkit on Diversion and Alternatives to Detention (UNICEF, 2010)

127. Unfairy tales: animated films telling the stories of Syrian refugee children - video

128. UNICEF, Child Notices – country reports describing the situation of children in countries of origin of migrant children

129. Violence against children in care and justice institutions (UNICEF)

11. OHCHR

130. OHCHR Recommended Principles and Guidelines on Human Rights at International Borders

131. OHCHR Study to the Human Rights Council on the situation of migrants in transit (2016)

132. OHCHR report to the Human Rights Council on the promotion and protection of the human rights of migrants in the context of large movements (2016)

133. Human Rights of Undocumented Adolescents and Youth (OHCHR/SR on migrants, UNICEF, University of Lanus and PICUM – chapter on detention, March 2014)

134. OPCAT Annual Report 2012 (Danish Parliamentary Ombudsman, 2013) [Country concerned: Denmark]

135. The rights of vulnerable children under the age of three: ending their placement in institutional care (OHCHR, 2011)

136. Forgotten Europeans, Forgotten Rights (OHCHR, 21 October 2010)

12. WHO

137. Promoting rights and community living for children with psychosocial disabilities (WHO, 2015)

138. Better health, better lives: children and young people with intellectual disabilities and their families (WHO, 26-27 November 2010)

13. IOM

139. Immigration Detention and Alternatives to Detention (IOM, 2017)

140. Harrowing journeys: children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation, (IOM and UNICEF, 3 September 2017)

141. IOM - Report on victims of trafficking in mixed migration flows arriving in Italy by sea, April 2014 - October 2015

142. IOM – Addressing the Needs of Unaccompanied Minors (UAMs) in Greece

143. IML information note on international standards on immigration detention and non-custodial measures (IOM, October 2016)

144. International Dialogue on Migration N° 24 Migration and Families (IOM, 2014)

14. UN SG SPECIAL RAPPORTEUR ON VIOLENCE AGAINST CHILDREN

145. Safeguarding the rights of girls in the criminal justice system (SRSG on Violence against Children, 2015)

146. Promoting Restorative Justice for Children (SRSG on violence against children, 2013)

147. Safe and child-sensitive counselling, complaint and reporting mechanisms to address violence against children (SRSG on Violence against Children and the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, 2012)

15. UN SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

148. 5 March 2015 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on children deprived of their liberty (A/HRC/28/68) (international legal framework and standards protecting children deprived of their liberty from being subjected to torture or other ill-treatment and from experiencing developmentally harmful and torturous conditions of confinement; specific statutes and standards applying to prevent torture and ill-treatment of children deprived of liberty, and shortcomings in the practical implementation of legal standards).

16. CASE LAW

149. Table 7 of the FRA June 2017 report on immigration detention of children: examples of detention conditions scrutinised by the ECtHR (2017).

150. Factsheet - Migrants in detention (ECtHR, October 2017)

151. Detention of Children (The Aire Centre)

152. ECtHR case law has affirmed deprivation of liberty *inter alia* in the case of French airport transit zones (*Amuur v. France*), Italian CPSA (*Khlaifia v. Italy*) and Hungarian land border transit zones (*Ilias and Ahmed v. Hungary*).

153. CJEU Opinion of Advocate General CJEU C-367/16 Criminal Proceedings Dawid Piotrowski, 6 September 2017 – first case on minor fugitive and European Arrest Warrant

154. Swiss Federal Court, *2C_1052/2016 and 2C_1053/2016*, 26 April 2017.

155. CJEU, *C-528/15, Policie ČR, Krajské ředitelství policie Ústeckého kraje, odbor cizinecké policie v. Salah Al Chodor and Others*, 15 March 2017, on the detention for the purpose of transfer

156. ECtHR, *Khlaifia v. Italy*, Application No 16483/12, 15 December 2016

157. ECtHR, *A.B. and Others* v France, *A.M. and Others v France*, *R.C. and V.C. v France*, *R.K. v France*, *R.M. and Others v France*, Application Nos. 11593/12, 24587/12, 76491/14, 68264/14, 33201/11, 12 October 2016

158. ECtHR, *Stoyanov and Others v. Bulgaria*, Application No 55388/10, 31 March 2016

159. ECtHR, *Alexey Petrov v. Bulgaria*, Application No 30336/10, 31 March 2016

160. ECtHR, *Petrov and Ivanova v. Bulgaria*, Application No 45773/10, 31 March 2016

161. ECtHR, *Ilias and Ahmed v. Hungary*, Application No. 47287/15, 14 March 2017 on the lawfulness of detention (breach of Article 3 ECHR)

162. ECtHR, *O.M. v. Hungary*, Application number 9912/15, 5 July 2016 on arbitrary and unjustified detention (breach of Article 5(1) ECHR)

163. Case of *P v Cheshire West and Chester Council and P and Q v Surrey County Council* (UKSC, 19 March 2014) on the "acid test"

164. ECtHR, *Case of Centre for legal resources on behalf of Valentin Câmpeanu v. Romania*, Application No 47848/08, 17 July 2014

165. ECtHR, *Çoşelav v. Turkey*, No. 1413/017, 9 October 2012 on detention of a minor in an adult prison and the authorities' failure to conduct an effective investigation (breach of Article 2 ECHR)

166. ECtHR, *Austin and Others v. the United Kingdom*, No. 39692/09 40713/09 and 41009/09, 15 March 2012 on the possibility that the deprivation of liberty be justified by the "common good"

167. ECtHR, *Case of Centre for legal resources on behalf of Valentin Câmpeanu v. Romania*, Application No 47848/08, 17 July 2014

168. ECtHR, *Nencheva and Others v. Bulgaria*, Application No 48609/06, 18 June 2013

169. ECtHR, *R.M.S. v. Spain*, Application No 28775/12, 18 June 2013

170. ECtHR, *Kanagaratnam and Others v. Belgium*, No. 15297/09, 13 December 2011 on the detention of an asylum-seeking mother and her three children in a closed centre for aliens in an irregular situation (breach of Articles 3 and 5 ECHR)

171. ECtHR, Rahimi v. Greece, No. 8687/08, 2011 on effective remedies to challenge conditions of detention (breach of Article 3, Article 5 paragraphs 1 and 4 and Article 13 ECHR)

172. ECtHR, *Popov v. France*, Nos. 39472/07 and 39474/07, 19 January 2012 on administrative detention of a family for two weeks at the Rouen-Oissel centre in France pending their removal to Kazahstan (breach of Article 3, Article 5 and Article 8 ECHR)

173. ECtHR, *Muskhadzhiyeva and Others v. Belgium*, No. 41442/07, 19 January 2010 paras. 74–75 on the detention of a mother and her four children in a closed transit centre (breach of Article 3 ECHR)

174. ECtHR, *Güveç v. Turkey*, No. 70337/01, 20 January 2009 on detention of a minor in an adult prison and inadequate medical care (breach of Article 37(c) CRIC and Article 3 ECHR)

175. ECtHR, *Saadi v. The United Kingdom*, No. 13229/03, 29 January 2008 on the characteristics that make a deprivation of liberty arbitrary (breach of Article 5(2) ECHR)

176. European Court Of Human Rights, *Nart v. Turkey*, No. 20817/04, 6 May 2008 on the pre-trial detention of a minor (breach of Article 5(3) ECHR)

177. S v M (CCT 53/06) [2007] ZACC 18.

178. ECtHR, *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, No. 13178/03, 12 October 2006 on detention of an unaccompanied child to prevent unauthorised entry (breach of Article 3, Article 5 and Article 8 ECHR)

179. Human Rights Committee, *Bakhtiyari v. Australia*, Communication No. 1069/2002, UN Doc. CCPR/C/79/D/1069/2002 (2003)

180. ECtHR, *Bouamar v. Belgium*, No. 9106/80, 29 February 1998 on the hearing of applicant's detention (breach of Article 5(4) ECHR)

181. ECtHR, *Rahimi v. Greece*, Application No 8687/08, 5 July 2011

182. ECtHR, *Nielsen v. Denmark*, No. 10929/84, 28 November 1988 on the placement of children in institutions

183. ECtHR, *Guzzardi v Italy*, No. 7367/76, 6 November 1980 on the criteria for assessing whether applicants have been objectively deprived of their liberty

17. THEMATIC FOCUS

17.1. Children deprived of their liberty (general)

184. Today's Children Tomorrow's Parents: an interdisciplinary journal Children Deprived of Liberty No. 45-46 (The Centre of Research in Child-Parent Interaction CICOP, August 2017)

185. Towards Pre-trial Detention as Ultima Ratio: working Paper – 1st Austrian National Report (IRKS, 2016)

186. Bulgarian Helsinki Committee: Children deprived of liberty in Central and Eastern Europe: between legacy and reform (2014) – systematic overview of the closed institutions where children are deprived of liberty in BG, HU, PL and RO

187. Children deprived of liberty: the need for a global study (GSCDL, 2014)

188. Picking up the Pieces: The Rights and Needs of Children and Families Affected by Imprisonment (Irish Penal Reform Trust - IPRT, 19 November 2012)

189. Deprivation of Liberty of Children in Light of International Human Rights Law and Standards (T. Liefaard, 2008)

190. Children deprived of liberty: rights and realities (Geert Cappelaere with the assistance of Anne Grandjean and Yasmin Naqvi, 2005)

191. Time to remove the shackles: the legality of restraints on children deprived of their liberty under international law (John William Tobin, 2001)

192. Bulgarian Helsinki Committee, *Human rights in Bulgaria: Annual reports of the Bulgarian Helsinki Committee*

17.2. Children in conflict with the law

193. **James' story**

A compelling case for early intervention for children in contact with the law was made in the UK Youth Justice 2004- a review of the reformed youth justice system Audit Commission Report and James' Story costing actual interventions (up to age 16) against missed opportunities to intervene. The audit mapped the real costs in James' case (£153.687) and recorded what early interventions would have cost assuming the crime route was avoided (£42.243).

194. Children's Rights Behind Bars: National reports on the implementation of juvenile detention facilities' monitoring and complaints mechanisms (AT, BE, EE, FR, IE, IT, LV, LU, NL, PL, RS, RO, ES)

195. DCI Belgium: children's rights behind bars Phase 2: training of practitioners and more effective participation of children, January 2017

196. Bulgarian Helsinki Committee (2017), The role of the youth lawyer in the juvenile justice system in Bulgaria – National report

197. State of Child Rights in the Western Balkans (Childpact, 2017)

198. Children in Custody 2015-16: An analysis of 12-18-years-olds' perceptions of their experiences in secure training centres and young offender institutions (HM Inspectorate of Probation, 2016)

199. Desistance and young people (HM Inspectorate of Probation, 2016)

200. Alternatives to detention for juvenile offenders: manual of good practices in Europe (Kilkelly, Forde and Malone, 2016)

201. Practical Guide Monitoring places where children are deprived of liberty (DCI, 2016)

202. Alternatives to detention for young offenders' course, Italy (Silvia Randazzo, 2016)

203. The use of alternatives to detention in the Netherlands (Inge Gerrits, 2016)

204. Alternatives to custody for young offenders - The Portuguese jurisdiction and the use of alternatives to detention (OIJJ Maria João Leote de Carvalho, 2016)

205. Detention of Children: International Standards and Best Practice (Irish Penal Reform Trust – IPRT, 20 December 2016)

206. Understanding the educational background of young offenders (Ministry of Justice UK, December 2016)

207. Today's Children Tomorrow's Parents: an interdisciplinary journal - Child-care best practices: what's new? No. 43 (The Centre of Research in Child-Parent Interaction CICOP, July 2016)

208. Research Report: The Practice of Pre-trial detention in Ireland (Irish Penal Reform Trust – IPRT, 30 April 2016)

209. I owe them my life… they put me back on track: What is the best way to rehabilitate young offenders? BBC London's home affairs correspondent Nick Beake travels to southern Spain to see how a new approach to youth justice is turning lives around. (BBC, 31 March 2016)

210. DCI Belgium: Practical Guide: monitoring places where children are deprived of liberty, 2016

211. Unlocking potential: a study of the isolation of children in custody in England (Children's Commissioner, 10 February 2016) [Country concerned: England]

212. Twelve: children's right to participation and the juvenile justice systems (Defence for Children International (DCI), February 2016) [Country concerned: Italy]

213. Isolation and Solitary Confinement of Children in the English Youth Justice Secure Estate (Children's Commissioner and Associate Development Solutions, September 2016)

214. British Association for Adoption and Fostering: Alternatives to custody for young offenders – good overview of use of foster care for children in conflict with the law, 2015 (http://www.oijj.org/en/activities/projects/alternatives-to-custody-for-young-offenders-developing-intensive-and-remand-fost) and http://www.oijj.org/en/alternative-to-custody-results (24 national reports, comparative report and additional project materials)

215. Alternatives to custody: developing specialist fostering for children in conflict with the law (BAAF, 2015)

216. Alternatives to custody for young offenders and the influence of foster care in European juvenile justice (Andrea Păroşanu, Ineke Pruin, Joanna Grzywa-Holten, Philip Horsfield)

217. Prison bullying and victimisation (Birmingham Law School - Dr Kate Gooch and Dr James Treadwell, 2015)

218. Implementation of the UN Convention on the Rights of the Child: Children deprived of their liberty, the situation in France (Contrôleur général des lieux de privation de liberté (CGLPL), 27 February 2015)

219. OFSTED Inspection report Rainsbrook Secure Training Centre, February 2015 (Question Q1.8: proportion of residents who had previously been in alternative care: 57%)

220. World Congress on Juvenile Justice Final Declaration (Geneva, Switzerland, 20 January 2015)

221. Keeping Youth Away from Crime: Searching for Best European Practices, Volume I – Findings from a comparative study on youth crime and early prevention strategies (IJJO and Providus – Centre for public policy, 2014)

222. Keeping Youth Away from Crime: Searching for Best European Practices, Volume II – Compendium of Ten Best European Practices (IJJO and Providus – Centre for public policy, 2014)

223. Young lives behind bars: the health and human rights of children and young people detained in the criminal justice system (British Medical Association, 2014)

224. Presumption of Guilt: The Global Overuse of Pre-trial Detention (Open Society Justice Initiative, September 2014)

225. Children in Custody 2013-2014 (Her Majesty's Inspectorate of Prisons Youth Justice Board, 2014) [Country concerned: England]

226. Tough love: is this a model prison for children? (The Guardian: Eric Allison and Simon Hattenstone, 7 November 2014)

227. Custody and resettlement: section 7 case management guidance (Youth Justice Board of England and Wales, 2014)

228. Children and detention (ICRC, November 2014)

229. Protecting children's rights in criminal justice systems: a training manual and reference point for professionals and policymakers (UK Aid and Penal Reform International, 2013)

230. Creating a non-violent juvenile justice system: Report 2013 (The International NGO Council on Violence Against Children, 2013)

231. Alternatives to detention for juvenile offenders: manual of good practices in Europe (OIJJ, J.O.D.A, Casa San Benedetto, 2013)

232. The impact of incarceration on juvenile offenders (Lambie, I., and Randell, I., 2013)

233. From the inside. Children and young people on life in police cells and remand prisons (The Ombudsman for Sweden, 2013)

234. Save money, protect society and realise youth potential: improving youth justice systems during a time of economic crisis (ECJJ, and OIJJ, 2013)

235. Measures of Deprivation of Liberty for young offenders: how to enrich International Standards in Juvenile Justice and promote alternatives to detention in Europe (European Council for Juvenile Justice)

236. Restorative Justice, Diversion and Social Control: Potential Problems (Diarmuid Griffin, 9 March 2012)

237. Nobody made the connection: The prevalence of neurodisability in young people who offend (Office of the Children's Commissioner, England, 2012)

238. Repairing Shattered Lives: Brain injury and its implications for criminal justice (Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance, 2012) [Country concerned: Global]

239. Concept Note - Parallel Event on Human Dignity during Detention (Human Rights Council, 21st Regular Session, 10 – 28 September 2012 – Human Rights Council (HRC)) [Country concerned: Global]

240. Rules of engagement, changing the heart of youth justice (The Centre for Social Justice, January 2012)

241. Policing, young people, diversion and accountability in Ireland (Ursula Kilkelly, 2011)

242. Twisted: the use of force on children in custody (The Howard League for Penal Reform, 2011)

243. Juvenile Diversion Guidebook (Models for change, 1 March 2011)

244. Early Intervention: Securing good outcomes for all children and young people (UK department for children, schools and families, 2010)

245. Listening to children about justice: report of the Council of Europe consultation with children on child-friendly justice (Ursula Kilkelly, 5 October 2010)

246. Protecting the rights of children in conflict with the law: research on alternatives to the deprivation of liberty in eight countries (DCI, 2008)

247. Mental health resources for young offenders: Volume I and Volume II (OIJJ)

248. The Voice of Children & Young People: Experiences by children and young people of the police and youth justice system in Northern Ireland – videos (OIJJ)

17.3. Detention of children in the context of migration

249. A study of immigration detention practices and the use of alternatives to immigration detention of children (End Immigration Detention of Children and CoE, October 2017)

250. Visiting places where children are deprived of their liberty as a result of immigration procedures (Council of Europe, October 2017)

251. Immigration detention of children: coming to a close? (Conference hosted by the Czech Chairmanship of the Committee of Ministers of the Council of Europe, 25 September 2017)

252. Child Immigration Detention in Europe (Quaker Council for European Affairs (Quaker Council for European Affairs, 17 July 2017)

253. The detention of asylum seekers in Europe: constructed on shaky grounds? (AIDA/ECRE, June 2017)

254. Wrong counts and closing doors: The reception of refugees and asylum seekers in Europe, March 2016, (AIDA/ECRE) pp 11-14

255. Putting Immigration Detention in Interdisciplinary Perspective (Michael Flynn, 31 May 2017)

256. Immigration Detention and Statelessness (Mariette Grange, 31 May 2017)

257. Unlocking Childhood: current immigration detention practices and alternatives for child asylum seekers and refugees in Asia and the Pacific (Save the Children, May 2017)

258. The ECtHR Ruling in Ilias and Ahmed: 'safe third country' concept put to the test (Denise Venturi, 13 April 2017)

259. The detention of asylum seeking children in Hungary: Dire tendencies in upholding the basic rights of children (Zsolt Szekeres, 8 March 2017)

260. Preliminary draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration CDDH-MIG(2017)02 (Drafting group on migration and human rights, February 2017)

261. Detention of vulnerable persons in international protection proceedings in Poland (Karolina Rusiłowicz, 8 December 2016)

262. ENGI Alfaca 2015-2016, Training for child protection authorities working with foster families for unaccompanied children – training manual and e-learning tools available November 2016

263. At what cost? The Human, Economic and Strategic Cost of Australia's Asylum Seeker Policies and the Alternatives (Save the Children Australia and UNICEF Australia, September 2016)

264. Summary of normative standards and recommendations on ending child immigration detention (IAWG to end child immigration detention, August 2016)

265. Migrant detention in the European Union: a thriving business (Migreurop, July 2016)

266. Illegal detention of migrant children in Switzerland: a status report (Terre des Hommes, June 2016)

267. GDP Annual Report 2014-2015 (GDP, 30 May 2016)

268. ICRC policy on immigration detention (ICRC, 16 April 2016)

269. Detention of Asylum Seekers and Irregular Migrants and the Rule of Law (European Law Institute)

270. Sampson, R., Chew, V., Mitchell, G., and Bowring, L. There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised), (Melbourne: International Detention Coalition, 2015)

271. The Uncounted: the Detention of Migrants and Asylum Seekers in Europe (GDP and Access Info Europe, 17 December 2015)

272. Immigration Detention in the Gulf (GDP, 15 December 2015)

273. Children in Immigration Detention: Challenges of Measurement and Definition (GDP, 1 June 2015)

274. The alternatives to immigration detention of children Doc 13790 – Reply to Recommendation 2056(2014) (Committee of Ministers – PACE, 15 May 2015)

275. Does detention deter? (IDC, April 2015)

276. Detention of Migrant Children: Sameer's Story – video (Human Rights Europe, 21 April 2015)

277. The Detention of Asylum Seekers in the Mediterranean Region (GDP, 16 April 2015)

278. "As Though We Are Not Human Beings" Police Brutality against Migrants and Asylum Seekers in Macedonia (Human Rights Watch (HRW), 21 September 2015) [Country concerned: Macedonia]

279. The Detention of Asylum Seekers in the Mediterranean Region (Global Detention Project, 16 April 2015) [Country concerned: Mediterranean Region]

280. PICUM, 2015 Protecting undocumented children-Promising policies and practices from governments - See page 26 on child detention

281. ENGI project: Reception and living in families for unaccompanied children, 2015

282. Alternatives to Immigration and Asylum Detention in the EU. Time for Implementation (Odysseus Network, 2015)

283. There are alternatives: a handbook for preventing unnecessary immigration detention (IDC, 2015)

284. "Dad, have we done something wrong?" Children and parents in immigration detention"? (Amnesty International / Defence for Children / Stichting INLIA / Kerk in Actie / Stichting Kinderpostzegels Nederland / Stichting LOS / UNICEF and the Netherlands and the Dutch Council for Refugees, January 2014) [Country concerned: The Netherlands]

285. ENGI Reception and living in families for unaccompanied children – Final Report, February 2015

286. How and Why Immigration Detention Crossed the Globe (Michael Flynn and GDP, 1 April 2014)

287. Monitoring Immigration Detention: Practical Manual (UNHCR and APT, 2014)

288. Invisible picture show – short screener video (End Child Detention, 2014)

289. The alternatives to immigration detention of children Doc 13597 (Committee on Migration, Refugees and Displaced Persons - PACE, 15 September 2014)

290. The hidden face of immigration detention camps in Europe (Migreurop, 22 July 2014)

291. Containment Plan: Bulgaria's Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants (Human Rights Watch (HRW), 29 April 2014) [Country concerned: Bulgaria]

292. Stop Making Children Criminals (Child Rights International Network, 2013)

293. Alternatives to detention: open family units in Belgium (Liesbeth Schockaert, September 2013)

294. Global trends in immigration detention and alternatives to detention: practical, political and symbolic rationales (Robyn Sampson and Grant Mitchell, 2013)

295. The impact of immigration detention on children (Forced Migration Review, September 2013)

296. Immigration Detention and the Rule of Law Safeguarding Principles (Binhham Centre for the Rule of Law, June 2013)

297. Young Adult Manifesto: The need for a distinct and radically different approach to young adults in the criminal justice system; an approach that is proportionate to their maturity and responsive to their specific needs (Transition to Adulthood Alliance (T2A), 2012) [Country concerned: Global]

298. Captured Childhood. Introducing a new model to ensure the rights and liberty of refugee, asylum seeker and irregular migrant children affected by immigration detention, International Detention Coalition, 2012

299. Boat Ride to Detention (Human Rights Watch (HRW), 18 July 2012) [Country concerned: Malta]

300. Not a minor offence: unaccompanied children locked up as part of the asylum system (Refugee Council, May 2012)

301. From Deprivation to Liberty: Alternatives to detention in Belgium, Germany and the United Kingdom (Jesuit Refugee Service Europe, December 2011)

302. Immigration Detention in Switzerland (Global Detention Project, October 2011) [Country concerned: Switzerland]

303. Detention at the Borders of Europe (Global Detention Project, 17 November 2010) [Country concerned: Switzerland]

304. Stories from children in detention (End Immigration detention of children) - videos

17.4. Children in institutions

305. Reflections on secure care (CYCJ). Secure Care in Scotland: young people's voices (Alison Gough, Secure Care National Project CYCJ, October 2017)

306. From institutions to community living - Part I: commitments and structures, Part II: Funding and budgeting and Part III: outcomes for persons with disabilities (FRA, October 2017)

307. Committee on the Rights of Persons with Disabilities concludes its 18th session, (Panama, Morocco, Montenegro, Latvia, Luxembourg and the United Kingdom), 31 August 2017

308. Do secure units punish or protect? Ellen Maloney questions society's approach to care when it uses secure units against the young (TFN, 24 August 2017)

309. I was labelled a bad kid in care. That really hurt – Ellen Maloney is a care experienced adult (The Guardia, 16 August 2017)

310. Institutions are places of abuse: experiences of disabled children and adults in State care (Brigit Mirfin-Veitch and Jenny Conder July 2017)

311. Deinstitutionalisation in Europe 2016: 16 country reports (Opening Doors for Europe's Children)

312. The Howard League for Penal Reform: Ending the criminalisation of children in residential care, July 2017

313. Criminalisation of children in residential care should be "a national concern" (Howard League for Penal Reform, July 2017)

314. Mental capacity and deprivation of liberty (Law Commission Reforming the law, 13 March 2017)

315. Children with disabilities: Deprivation of liberty in the name of care and treatment (HRW, 7 March 2017)

316. A training manual for care professionals working with children in alternative care (SOS Children's Villages, 2016)

317. Realising children's rights: a training manual for care professionals working with children in alternative care (Eurochild, 3 October 2016)

318. Secure Care in Scotland: looking ahead (Centre for youth & criminal justice, 28 October 2016)

319. UK Law Society**:** Identifying a deprivation of liberty: a practical guide (2015), for individuals who lack capacity to consent; Chapter 9 deals specifically with 16 and 17 year olds but other chapters are relevant on what DOL means in an institutional context

320. Promoting rights and community living for children with psychosocial disabilities (WHO, 2015)

321. Mapping institutional and residential care for children in Greece (Eurochild, 28 September 2015)

322. The science of early adversity: is there a role for large institutions in the care of vulnerable children? (Anne E Barens, MSc, Prof Charles A Nelson, PhD, 28 January 2015)

323. Children, orphanages and families: a summary of research to help guide faith-based action (Faith to action initiative, 2014)

324. Deinstitutionalisation and quality alternative care for children in Europe – Lessons learned and the way forward working paper (Eurochild, Hope & Homes for Children, 2014)

325. Are European Structural and Investment Funds opening doors for Europe's institutionalised children in the 2014-2020 programming period? (Opening Doors for Europe's Children Campaign)

326. Opening Doors for Europe's Children , Deinstitutionalisation Myth Buster (Opening Doors for Europe's Children)

327. Ending the era of institutional care in Europe - Call for Action (Opening Doors for Europe's Children)

328. The Charm Toolkit (MDAC) The CHARM Toolkit was developed between 2015-17 as a comprehensive methodology on identifying and preventing abuse against children with mental disabilities in Europe.

   a. The Charm Toolkit: the child human rights abuse removal monitoring toolkit

   b. The Charm Toolkit piloted: findings from monitoring visits in Bulgaria, Czech Republic, Hungary and United Kingdom

329. Report on Violence in Institutions for Juvenile Offenders (Council of Europe (PC-CP), 2014) [Country concerned: The Netherlands]

330. Ending the institutionalization of children (*LUMOS, 2014) [Countries concerned: Moldova, the Czech Republic and Bulgaria]*

331. Dispatches: Greece – No Excuse for Caging Children (HRW, 18 November 2014)

332. Toolkit on the Use of European Union Funds for the Transition from Institutional to Community-based Care (European Expert Group on the Transition from Institutional to Community-based Care, June 2014)

333. Deinstitutionalising and transforming children's services: a guide to good practice (Lumos, 2012)

334. Deinstitutionalisation – A Human Right Priority for Children with Disabilities (Georgette Mulheir, September 2012)

335. Define acceptable: how can we ensure that treatment for mental disorder in detention is consistent with the UN Convention on the Rights of Persons with Disabilities? (The International Journal of Human Rights, 30 August 2012)

336. Disability, torture and ill-treatment: taking stock and ending abuses (The International Journal of Human Rights, 30 August 2012)

337. Disability, torture and ill-treatment: taking stock and ending abuses (The International Journal of Human Rights, 30 August 2012)

338. Young people in St. Patrick's institution (Ombudsman for Children and Young people in Ireland, 2011)

339. Romani Children in State Care in Romania (European Roma Rights Centre, June 2011)

340. Functioning Conditions of the Social Care Center for children with disabilities "Children's Care Center of Lechaina" (The Greek Ombudsman Independent Authority, March 2011)

341. Stereotypies in Children with History of Early Institutional Care (Karen J. Bos; Charles H. Zeanah Jr, MD; Anna T. Smyke, PhD; Nathan A. Fox, PhD; Charles A. Nelson III, 2010)

342. Report of the Ad Hoc Expert Group on the transition from institutional to community-based care (EC, 2009)

343. The Risk of Harm to Young Children in Institutional Care (Better Care Network and Save the Children UK, 2009)

344. Keeping children out of harmful institutions: why we should be investing in family-based care (Save the children, 2009)

345. Policy brief: institutional care – the last resort (Save the Children, 2009)

346. Children in institutions – Lumos videos

17.5. Children of parents in prison

347. European Journal of Parental Imprisonment archives

348. Making children count: improving data collection for children with imprisoned parents (European Journal of parental imprisonment, 2017)

349. The special edition EU funded newsletters focused on Justice for Children of Prisoners - Prisons across Europe; Prison visits and families; Police, judges and sentencing; Looking forward (COPE)

350. Raising a Child through Prison Bars: publications and outputs (www.mothers-in-prison.eu)

351. Children of incarcerated parents: concluding observations of the UN Committee on the Rights of the Child - Working Group on Children of Incarcerated Parents database of relevant Concluding Observations from the UN Committee on the Rights of the Child

352. Bouregba, A. (forthcoming). I legami famigliari alla prova del carcere. Bambinisenzasbarre.

353. Awareness-raising videos and campaign videos of Children of Prisoners Europe

354. Children of imprisoned parents and their coping strategies: a systematic review (Stephanie Heinecke Thulstrup and Leena Eklund Karlsson, 24 May 2017)

355. Expert Group Family Relations: Good Practice Collection - The Family Relations Expert Group has drafted the Good Practice Collection in cooperation with Children of Prisoners Europe (COPE). The Collection comprises chapters on visiting facilities, community involvement, communication, intervention programmes and staff training. (Europris, September 2017)

356. Hutton, Marie (2017) The legally sanctioned stigma of prisoners' families. In: Condry, Rachel and Scharff Smith, Peter (eds.) Prisons, punishment & the family. Oxford University Press.

357. Knudsen, Else Marie. 2018 forthcoming. The invisibility of children of prisoners. In Rachel Condry and Peter Scharff-Smith, eds., Prisons, Punishment and the Family. Oxford: Oxford University Press

358. Table 7 of the FRA June 2017 report on immigration detention of children, covers the ages from and up to which a child can stay in prison with the parent, under criminal law (2017).

359. Can anyone hear me? Participation of children in juvenile justice: a manual on how to make European juvenile justice systems child-friendly (OIJJ, 2016)

360. Il diritti dell'infanzia e dell'adolescenza in Italia (UNCRC Working Group Italy, 2016)

361. Children of Prisoners: Their Situation and the Role in Long-Term Crime Prevention (Jones, A. et al, University of Huddersfield, 2016)

362. Children of imprisoned parents: European perspectives of good practice (2016) (COPE Network)

363. Supporting Families and Children Living in the Shadow of Prisoners (Vuvuane Schekter, Marcello Ienca, Bernice S. Elger, 6 August 2016)

364. Understanding the policy gap for children affected by parental incarceration: why the transposition of their rights to family life and well-being is lagging (Ayre, E., 2015)

365. Children of Incarcerated Parents International Standards and Guidance (QUNO, April 2015)

366. I bambini alla prova del carcere - video (Bambinisenzasbarre, 5 January 2015)

367. Bornand, L. & Schekter, S. (2015). Anlaufstelle für Kinder von Gefangenen. In von Fellenberg, M. & Jurt, L. (Hg.). *Kinder als Mitbetroffene von Gewalt in Paarbeziehungen* (pp. 296-306). Wettingen: eFeF-Verlag [Country Concerned: Switzerland].

368. Children of Imprisoned Parents: European Perspectives on Good Practice (Children of Prisoners Europe, 2014)

369. Italian Memorandum of Understanding between the Ministry of Justice, the national ombudsman for childhood and adolescence and the NGO Bambinisenzasbarre ONLUS on children of imprisoned parents, 2014

370. European Parliament Resolution of 27.11.2014 calls on the Commission to assess the impact of detention policies and criminal justice systems on children; points out that across the EU children's rights are directly affected in the case of children living in detention facilities with their parents; underlines the fact that an estimated 800 000 children in the EU are separated from an imprisoned parent each year, which impacts on the rights of children in multiple ways.

371. When the innocent are punished (Danish Institute for Human Rights, 2014) [Country concerned: Global]

372. Power, perceptions and incarceration: an analysis of Spain's new external units for imprisoned mothers and children, (Sophie Feintuch, 2013)

373. Children of Prisoners: interventions and mitigations to strengthen mental health (University of Huddersfield, 2013)

374. Children of prisoners: interventions and mitigations to strengthen mental health (University of Huddersfield, 2013)

375. Schekter, V. (2013). Les Relais Enfants Parents Romands : une experience d'interdisciplinarité, in CJS, vol. 14, p. 197, 2013 [Country Concerned: Switzerland].

376. Collateral Convicts (Quaker United Nations Office (QUNO), March 2012) [Country Concerned: Global]

377. Children of Imprisoned Parents (University of Ulster and Bambinisenzasbarre, European Network for Children of Imprisoned Parents and The Danish Institute for Human Rights, 2011)

378. Strengthening mutual trust in the European judicial area – a Green Paper on the application of EU criminal justice legislation in the field of Detention (COM (2011) 327/3) - Consultation response by the European Network for Children of Imprisoned Parents (EUROCHIPS)

379. Séparés par des barreaux. La situation des enfants dont les parents sont détenus (Colette Frere, Octobre 2008)

17.6. Vulnerabilities of children deprived of their liberty

380. The Disabilities Trust annual reviews

381. Neurodevelopmental maturity and crime – the need to account for adversity and brain injury in the criminal justice system (Professor Huw Williams)

382. Repairing shattered lives: brain injury and its implications for criminal justice (Professor Huw Williams)

383. Des vies à reconstruire: le traumatisme crâniens et ses incidences pour la justice pénale (Proffesor Huw Williams)

384. Children with disabilities: deprivation of liberty in the name of care and treatment (HRW, 7 March 2017)

385. Refugee children's sandplay narratives in immigration detention in Canada (Rachel Kronick, Cécile Rousseau, Janet Cleveland, 22 June 2017)

386. The concept of vulnerability in European asylum procedures (AIDA/ECRE, 7 September 2017)

387. Repairing shattered lives: brain injury and its implications for criminal justice – Professor Huw Williams, Centre for Clinical Neuropsychology Research, University of Exeter

388. Straight Jackets and Seclusion: An investigation into abuse and neglect of children and adults with disability in Hungary (Mental Disability Advocacy Centre, 18 April 2017) [Country concerned: Hungary]

389. Institute for Public Policy Research (IPPR), UK, press release on children excluded from school, the majority of whom have mental health issues; 54 000 of 86 000 people in prison had been excluded; half of excluded children have mental health issue. Report - Not by degrees: Improving student mental health in the UK's universities.

390. Traumatic brain injury and offending (Centre for Mental Health, 2016)

391. Young people with traumatic brain injury: An evaluation of a Linkworker Service for Barrow Cadbury Trust and The Disabilities Trust (2016)

392. Great Expectations: towards a better learning outcomes for young people and young adults in custody (Prisoners' Education Trust, 1 September 2016)

393. Hear our voices: Undocumented children and young people share their stories, PICUM (2016)

394. "It is My Dream to Leave This Place": children with disabilities in Serbian institutions (*Human Rights Watch (HRW)*, 8 June 2016) *[Country concerned: Serbia]*

395. Vulnerability Screening Tool – Identifying and addressing vulnerability: a tool for asylum and migration systems (UNHCR, IDC and OAK Foundation, 2016)

396. Juvenile Incarceration and Health (E.S. Barnert R. Perry et al, March 2016)

397. Romania's Abandoned Children: Deprivation, Brain Development and the Struggle for Recovery (Nelson, Ch., Foz, N., Zeanah, Ch. 2014) – the link includes a video on the story of Izidor Ruckel

398. Children and young people with neuro-disabilities in the criminal justice system – British Psychological Society, March 2015)

399. Caring for Youth with Mental Health Needs in the Juvenile Justice System: Improving Knowledge and Skills (Meservey and Skowyra, May 2015)

400. Professor Ravi Kohli: Protecting asylum-seeking children on the move, 2014

401. Children of prisoners: interventions and mitigations to strengthen mental health (University of Huddersfield, 2013)

402. Nobody made the connection: the prevalence of neurodisability in young people who offend (Office of the Children's Commissioner, October 2012)

403. Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies (Jones L, Bellis MA, Wood S, Hughes K, McCoy E, Eckley L, Bates G, Mikton C, Shakespeare T, Officer A., 12 July 2012)

404. Repairing Shattered Lives: Brain injury and its implications for criminal justice (Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance, 2012) [Country concerned: Global]

405. Psychiatric outcomes in young children with a history of institutionalization (Bos K, Zeanah CH, Fox NA, Drury SS, McLaughlin KA, Nelson CA., 2011)

406. Life sentence: romani children in institutional care (European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Šimečka Foundation and Osservazione, June 2011)

407. The rights of vulnerable children under the age of three: ending their placement in institutional care (OHCHR, 2011)

408. Romani Children in State Care in Romania (European Roma Rights Centre, June 2011)

409. "Once You Enter, You Never Leave": deinstitutionalization of persons with intellectual or mental disabilities in Croatia (Human Rights Watch (HRW), 23 September 2010) [Country concerned: Croatia]

410. Becoming vulnerable in Detention: civil society report on the detention of vulnerable asylum seekers and irregular migrants in the European Union (JRS Europe, June 2010)

411. Designing effective local responses to youth crime (IYJS, 2009)

412. Cognitive Recovery in Socially Deprived Young Children: The Bucharest Early Intervention Project (Nelson C et al., 2007)

17.7. Violence against children

413. A Familiar Face: Violence in the lives of children and adolescents (UNICEF, November 2017)

414. Emergency within an emergency: the growing epidemic of sexual exploitation and abuse of migrant children in Greece (Harvard University, 13 April 2017)

415. Violence against women and girls Crime Report 2015-16 (Crown Prosecution Service, 2016)

416. Extreme Measures: abuses against children detained as national security threats (HRW, 28 July 2016)

417. Speaking freely. Children and young people in Europe talk about ending violence against children in custody. Research report (OIJJ, 2013)

418. Speaking freely. Children and young people in Europe talk about ending violence against children in custody. Campaign Report (OIJJ, 2013)

419. Speaking freely: Children and young people in Europe speak about ending violence against children in custody. Research report (CRAE, Children's Rights Alliance for England, 2013

420. Speaking freely: Children and young people in Europe take action on ending violence against children in custody. Campaign Report. (CRAE, Children's Rights Alliance for England, 2012)

421. Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies (Jones L, Bellis MA, Wood S, Hughes K, McCoy E, Eckley L, Bates G, Mikton C, Shakespeare T, Officer A.. 8 September 2012)

422. Challenging violence against children: a handbook for NGOs working on follow-up to the UN Study (Peter Newell, 2008)

17.8. Torture and ill treatment of children deprived of their liberty

1. Protecting children against torture in detention: global solutions for a global problem (Center for Human Rights & Humanitarian Law Anti-Torture Initiative, 2017): over 30 articles, expanding on 2015 Report from the Special Rapporteur on Torture on the torture and ill treatment of children deprived of liberty (applicable legal frameworks; children in conflict with the law; children deprived of liberty in non-traditional contexts (migrant, asylum-seeker and refugee children; children in institutions and orphanages; children in armed conflict).

17.9. Undocumented and stateless children

423. Stateless Persons in Detention: A tool for their identification and enhanced protection (UNHCR, June 2017)

424. Protecting stateless persons from arbitrary detention: an agenda for change (European Network on Statelessness, 2017)

425. Immigration Detention and Statelessness (Mariette Grange, 31 May 2017)

426. Immigration Detention, the Right to Liberty, and Constitutional Law: Global Detention Project Working Paper No. 22 (Daniel Wilsher, 30 March 2017)

427. When is Immigration Detention Lawful? The monitoring practices of UN Human Rights Mechanisms Global Detention Project Working Paper No. 21 (Izabella Majcher and Mariette Grange, 22 February 2017)

428. Briefing on Multi-national Companies that Provide Immigration Detention Services (GDP, 30 November 2016)

429. Detention of Migrant Children in Switzerland: A Status Report (Terre des Hommes with the Global Detention Project, 22 June 2016)

430. European Network on Statelessness, 'Ending Childhood Statelessness – A Comparative Study of Safeguards to Ensure the Right to a Nationality for Children Born in Europe', May 2016

431. Hear our voices: Undocumented children and young people share their stories, PICUM (2016)

432. Protecting stateless persons from arbitrary detention: a regional toolkit for practitioners (European Network on Statelessness, 2015)

433. Protecting undocumented children-Promising policies and practices from governments, PICUM, 2015

434. European Network on Statelessness, 'No Child Should be Stateless', September 2015

435. Protection Undocumented Children (PICUM-Platform for International Cooperation on Undocumented Migrants, February 2015) [Country concerned: Europe]

436. Undocumented children in Europe: invisible victims of immigration restrictions, Platform for International Cooperation on Undocumented Migrants (PICUM), 2009

17.10. Unaccompanied children

437. L'expérience des centres d'accueil et d'orientation (CAO) et des centres d'accueil et d'orientation pour mineurs isolés (CAOMI) en France (UNHCR, Octobre 2017)

438. Rapid assessment of mental health, , Psychosocial Needs and Services for Unaccompanied Children in Greece (UNICEF, 20 October 2017)

439. SOS Children's Villages refugee and migrant crisis webpage

440. Vulnerability of unaccompanied and separated child migrants (European Parliament, December 2016)

441. "Why Are You Keeping Me Here?" Unaccompanied Children Detained in Greece (Human Rights Watch (HRW), 8 September 2016) [Country concerned: Greece]

442. UK House of Lords EU Home Affairs Sub-Committee Inquiry on unaccompanied children in the EU, 26 July 2016

443. UK House of Lords Report: Children in crisis: unaccompanied migrant children in the EU (UK House of Lords, July 2016)

444. Safeguarding unaccompanied migrant minors from going missing by identifying best practices and training actors on interagency cooperation (SUMMIT Project), Missing Children Europe, 2016

445. ENGI Alfaca 2015-2016, Training for child protection authorities working with foster families for unaccompanied children – training manual and e-learning tools available November 2016Addressing the Needs of Unaccompanied Minors (UAMs) in Greece (IOM, 2015)

446. UNICEF (2015) – Children's rights in return policy and practice in Europe, a discussion paper on the return of unaccompanied and separated children to institutional reception or family

447. ENGI project: Reception and living in families for unaccompanied children, 2015

448. 9th European Forum on the rights of the child report: see page 28 report of presentation by Professor Ursula Kilkelly on the State's duty with regard to child protection, as referenced in ECtHR case law, 3-4 June 2015

449. ENGI Reception and living in families for unaccompanied children – Final Report, February 2015

450. Standards to ensure that unaccompanied migrant children are able to fully participate: a tool to assist actors in legal and judicial proceedings (Nadine Finch, 2014)

451. Why do children undertake the unaccompanied journey? (2014, UNHCR)

452. Safe and sound: what States can do to ensure respect for the best interests of unaccompanied and separated children (2014, UNICEF and UNHCR)

453. The CONNECT Project: Identifying good practices in, and improving the connections between actors involved in reception, protection and integration of unaccompanied children in Europe, 2014

454. CONNECT project reference document (tables start at page 48) overview of current EU asylum and migration law relevant to children, 2014

455. Inter-Agency, Inter-Agency Guiding Principles on Unaccompanied and Separated Children, January 2004, available at: http://www.refworld.org/docid/4113abc14.html

456. Professor Ravi Kohli: Protecting asylum-seeking children on the move, 2014

457. ECRE: Quality legal assistance for unaccompanied children (2014)

458. Unaccompanied migrant and Refugee Children Alternatives to Detention in Malta (UNHCR, 27 April-1 May 2014)

459. UNICEF and OHCHR: Judicial implementation of Article 3 on the convention on the rights of the child in Europe – the case of migrant children including unaccompanied children, June 2012

460. Not a minor offence: unaccompanied children locked up as part of the asylum system (Refugee Council, May 2012)

461. Separated Children in Europe Programme, *SCEP Statement of Good Practice*, March 2010, Fourth edition, March 2010

462. European Migration Network (EMN) comparative study: policies on reception, return and integration arrangements for unaccompanied minors, May 2010

17.11. Roma children

The Fundamental Rights Agency (FRA) is the main source of statistical data conducting research on Roma since 2007. Its extensive work is available online at http://fra.europa.eu/en/theme/roma.

Furthermore, all relevant EU legislative and policy documents on investing in children and child protection also applies and is particularly relevant for Roma children, as they are particularly vulnerable to violence (including trafficking and forced begging). These are available at http://ec.europa.eu/justice/discrimination/roma/index_en.htm

Council of the European Union

463. Council Conclusions (EPSCO) of 19th May 2011 n an EU Framework for National Roma Integration Strategies up to 2020

464. Council Conclusions (EPSCO) of 16 October 2016 on the European Court of Auditors report ("EU policy initiatives and financial support for Roma integration: significant progress made over the last decade, but additional efforts needed on the ground")

465. Council Conclusions of 8 December 2016 on accelerating the process of Roma integration

466. Council Recommendation (EPSCO) of 9th December 2013 on effective Roma integration measures in the Member States

467. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

European Commission

468. COM(2016)424 Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on effective Roma integration measures in the Member States — 2016 and joint SWD(2016)209

469. COM(2015)299 Report on the implementation of the EU Framework for National Roma Integration Strategies 2015

470. 2014, Report, European Commission, Discrimination of Roma children in Education COM(2014)209 Report on the implementation of the EU Framework for national Roma integration strategies and joint SWD(2014)121COM(2013)454 on steps forward in implementing national Roma integration strategies

471. COM(2012)226 on a first step in the implementation of the EU Framework and joint SWD(2012)133

472. COM(2011)173 on an EU Framework for national Roma integration strategies

Others

473. Romani Children in State Care in Romania (European Roma Rights Centre, June 2011)

474. Life sentence: romani children in institutional care (European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Šimečka Foundation and Osservazione, June 2011)

17.12. Guardianship

475. SAFEGUARD - Safer with a Guardian - Transnational report Europe - 2016

476. Guardianship systems for children deprived of parental care: with a particular focus on their role in responding to child trafficking (FRA, 2015)

477. Guardianship for children deprived of parental care - a handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking (FRA, 2014)

478. GATE - Guardians Against Trafficking and Exploitation - European report - 2013

479. CLOSING A PROTECTION GAP - Core standards for guardians of separated children - 2011

480. Towards a European Network of Guardianship Institutions, ENGI Report, 2010 - see also www.epim.info

18. EU-FUNDED PROJECTS ON CHILD-FRIENDLY JUSTICE, CAPACITY-BUILDING FOR PRACTITIONERS IN ALTERNATIVE CARE, ETC.

481. Compilation of EU-funded projects mainly focused on capacity-building covering some of the issues discussed