



DDCP-YD/ETD (2017) 190

Strasbourg, 19 September 2017

Group of Experts on
**Guidelines for supporting young
refugees in transition to adulthood**

Held in the framework of the Summer School
Young refugees as actors for social inclusion and intercultural dialogue
co-organised with the Global Platform for Syrian Students

Braga, Portugal
30 August - 1 September 2017

Report

Summary

The meeting was designed to prepare a set of policy guidelines to support refugees in transition to adulthood. Over the course of two days, a group of experts from various Council of Europe programmes and departments and other organisations met to discuss key challenges facing young refugees and asylum seekers in transition, and to identify policy changes needed in order to address these challenges. In particular, the group was interested in identifying ways in which youth work and the youth sector could provide support and assistance, and to formulate demands on governments of member states which would enable and support them to do this.

The group spent much of the first day discussing key issues facing this target group, building on experience and research from members of the expert group. Proposals for addressing these issues were incorporated into a draft set of Policy Guidelines on the second day, to be further refined after the meeting. The intention was to have a final draft document ready for the Joint Council to consider in October 2017.

The meeting concluded successfully, with a draft document consisting of two sections, one directed specifically towards the work of the youth sector in supporting young refugees and asylum seekers in transition, and the other containing more general proposals for member states. Further revisions from the group were to be incorporated into the document and circulated to the group before being sent to the Joint Council for consideration.

Background to the meeting

The original proposal to develop a set of guidelines was part of the Council of Europe Action Plan on protecting refugee and migrant children (2017-2019), and the meeting was convened by the Joint Council on Youth and confirmed by the Programming Committee on Youth, as part of the Youth for Democracy programme.

The meeting, and the proposal to draw up a set of guidelines, emerged from a series of discussions and actions conducted over a number of years, directed towards addressing the issues facing young refugees and asylum seekers in transition to adulthood. Young refugees and asylum seekers after the age of 18 have been recognised as being particularly vulnerable, partly because of the overnight change in legal status, as a result of moving out of the protection of the Convention on the Right of the Child.

In 2015, the Joint Council on Youth issued a Statement on the refugee crisis in Europe, which highlighted this particular vulnerability, and led to further debate on addressing the issue. As a consequence of the Joint Council Statement and the succeeding debate, the decision was made to convene a group of experts who would draw up a set of guidelines to be put to the Committee of Ministers or to the Joint Council (to be decided).

It was against this background that the group met in August/September.

Mission of the group

The group of experts were tasked with drafting specific policy guidelines for supporting young refugees and asylum seekers in transition to adulthood, taking into account:

- The documents and outcomes of activities carried out by the Youth department in cooperation with youth organisations, the Parliamentary Assembly and the UNHCR
- The objectives of the Action Plan on protecting refugee and migrant children
- The findings and conclusions of the study being conducted by the partnership.

Participants' profile

Invited participants were drawn from a number of different sectors and organisations, representing different fields of expertise. There were 14 participants in total (see Appendix for a list of participants).

From the Council of Europe, there was representation from the European Steering Committee on Youth, the Advisory Council on Youth, the Education Department, and the Youth Department. Representatives from the Partnership between the European Commission and the Council of Europe in the field of youth were also present, as was a researcher from the Erasmus+ project 'Become Part of Europe'.

Refugee groups and organisations were represented both through the presence of individuals in the group, in a personal capacity, and through organisations such as *Voices of Young Refugees in Europe* (VYRE), the *Global Platform for Syrian Students* and the UN High Commissioner on Refugees.

Also in attendance was the Consultant who had prepared the report on Minors in Transition, designed to serve as a basis for the discussions.

Apologies were accepted from the Council of Europe Children's Rights Division and the Team of the Special Representative of the Secretary General on Refugees and Migration. Both Departments expressed their interest in maintaining links with the group and being kept updated on progress.

Process of the meeting

The first day of the meeting was devoted to participants' introductions, presentation of various programmes and the context for the meeting, and discussion of general issues facing young refugees and asylum seekers in transition to adulthood, partly based on the report prepared in advance of the meeting by consultant Lana Pasic ('Minors in Transition'). The second day was devoted to detailed discussion of a preliminary draft for a set of policy guidelines.

Day 1

The context and background for the meeting were outlined, including the different stakeholders involved in the process leading to the decision to draw up a set of Guidelines (see the section on Background to the meeting, above).

The relation of this work to the Youth for Democracy Programme in general was noted, together with a reminder that this Programme has a focus directed towards awareness raising, education, and supporting youth organisations. With that in mind, there was general agreement that the Guidelines should refer to youth work and youth policy specifically – although they should perhaps not be confined to this.

The Council of Europe Action Plan was also presented, again partly to set the context for the meeting and the proposed Guidelines. The Action Plan primarily undertakes collection and coordination of existing initiatives, and it was noted that there might be funding through the Action Plan to carry forward the outcomes of this meeting.

A number of other programmes and initiatives were outlined, in their relation to issues facing young refugees and asylum seekers in transition to adulthood. These included:

- The partnership between the European Commission and the Council of Europe in the field of Youth:
- The Council of Europe Education Department's project on competences of refugees.
- The Erasmus+ K3 project on youth work and refugees.
- The European Youth Forum
- Voice of Young Refugees in Europe (VYRE).
- UNHCR

The afternoon's discussion took a more thorough look at issues of process and content for the proposed Guidelines. As an introduction to this discussion, the paper '*Young Refugees' Transition to Adulthood* was presented by the author, Lana Pasic. This presentation opened a rich discussion on key issues to be addressed in the Policy Guidelines (some of these are noted in the section on *Issues arising*, below).

It was agreed that this important and well-researched document would form the basis of the Policy Guidelines, in particular the concluding recommendations.

The group also referred to the joint Council of Europe / UNHCR report *Unaccompanied and Separated Asylum-Seeking and Refugee Children Turning Eighteen: What to Celebrate?* It was recognised that this report also offered useful considerations and recommendations.

The final part of the first day addressed issues relating to working process and the structure and aims of the Guidelines.

- The group recalled the importance of addressing youth work and youth policy directly through the Guidelines, but also of including recommendations which addressed other challenges faced by young refugees and asylum seekers in transition.
- It was noted that the Guidelines were mainly designed to cover issues specifically relating to the period of transition to adulthood, however this was not to preclude more general concerns facing young refugees and asylum seekers below the age of 18.

- The question of whether the Guidelines were to be issued in the name of the Joint Council, or whether they were to be formulated as a recommendation by the Committee of Ministers was left to be decided by the Joint Council at its meeting in October 2017. For the purposes of this meeting, both options were to remain on the table.
- It was recognised that given the current climate, and the very different standards and approaches across EU countries, the possibility of the Guidelines being adopted as a recommendation by the Committee of Ministers, and of their being implemented across the continent, was certainly a challenge. However, this was felt to be a very important initiative which was badly in need of being addressed, and where it was felt that the youth sector could make an important contribution.
- It was decided that an initial draft document would be presented for groups to work on during the second day of the meeting. This would be based primarily on the report *Young Refugees' Transition to Adulthood*.

Day 2

The initial draft of the Guidelines was briefly presented at the start of the second day, and the decision was made to split the guidelines into two sections, to be dealt with by two working groups. The first working group discussed and formulated guidelines for actions or policies which were needed in order for member states to better support the youth sector in working with refugees and asylum seekers in transition to adulthood. The second working group considered the general legal and political context affecting young refugees and asylum seekers, and produced a series of guidelines to improve and harmonise this across member states.

The two groups came together to review and revise the proposed sections drafted by each other. These revisions were discussed, and agreed or modified as appropriate. It was decided that these modifications would be incorporated into a subsequent draft by the group's Rapporteur, and this modified version would then be sent out to members of the expert group, in time for them to comment further before the meeting of the Joint Council in October. A final version would be presented to the Joint Council, in order for them to make a decision about further action.

Issues arising from the discussions

Most of the issues discussed over the course of the two days ended up, in some form, in the final set of Policy Guidelines. For a more comprehensive account of issues discussed, it is recommended that readers refer to this document. The items below do not constitute a complete list of all issues discussed. They were issues that either deserved a more detailed discussion at the meeting, or were deemed to be particularly important and therefore worthy of inclusion in the final document:

Vulnerability and extreme human rights violations

- The particular threats and challenges facing this group was something that was repeatedly raised over the course of the two days. These threats and vulnerabilities, together with the absence of proper protections after the age of 18, constituted the

main rationale for the meeting, and were reflected in the *consideranda* to the draft Guidelines.

- Many of the proposals within the Guidelines were designed to ensure no abrupt break in services for young refugees and asylum seekers when they reach the official 'age of majority'. With this in mind, a transition period was proposed, lasting from 18 – 25, during which years members of this group of young people continue to benefit from the specific protections and safeguards applicable to children.
- It was noted that certain groups of young refugees and asylum seekers may be more vulnerable than others, and even more likely to face threats which might endanger health or even life. In particular, the group raised issues faced by unaccompanied refugees and asylum seekers, but also by young women, those who have already suffered abuse or torture, or other frequently targeted groups such as LGBT.
- Given the likelihood of past traumatic experiences, and the possibility that some of these young people may still be targets of abuse, trafficking, grooming etc., the group recognised the importance of specialised training for personnel, such as youth workers, who may need to be able to respond to threats and to recognise, if not address, mental health concerns.
- Similarly, but not only for the particularly vulnerable, the group emphasised that detention of young asylum seekers and refugees because of their status was a human rights concern, and unacceptable under any circumstances.

Age assessment

- This was an issue that was given a significant amount of attention in discussions. The group noted that the loss of protections after the age of 18 became even more critical because of the unreliability of age assessments – and the unwarranted trust that most member states place in these assessments. This can result in frequent occurrences of young people who are legally still children being treated as full adults.
- There was a recommendation not to undertake age assessment at all, unless there can be shown to be a clear necessity. In no cases should medical methods of assessing age be used, and best practice should look at vulnerability, not just chronological age.
- At the core of the proposed Guidelines, was a proposal to recognise a 'transition phase', from the age of 18 – 25. However, it was also recognised that this could possibly lead to a further perceived need for 'age determination' at the edges of this phase.

Refugees and asylum seekers should not just be seen as beneficiaries:

- It was felt to be important to reflect the importance of their active involvement and participation in groups and society as a whole - for their benefit, for the benefit of society, but also because they are equally *entitled* to contribute and participate.

Education and learning

- It was recognised that some mechanism for assessing the qualifications of young refugees and asylum seekers was essential, ideally resulting in a standard that could be accepted across borders.
- The overall importance of HRE and education for citizenship for young refugees was emphasised, with a strong proposal to include these in the recommendations, together with some reference to the competences for a democratic culture.
- Peer-to-peer learning was applauded as being beneficial both to ‘teacher’ and ‘learner’: the group discussed how to encourage and facilitate the practice.
- The importance of good language learning was recognised, even after the end of formal education, in order to promote better inclusion. In a similar vein, failure to find places for young refugees and asylum seekers in mainstream education had negative implications both for inclusion and for language learning.
- It was noted that young refugees and asylum seekers often learn more informally than they do formally or non-formally, and some recognition should be given to this.

Youth workers and the youth sector

- The importance of support and training for youth workers was a recurrent theme, particularly given some of the mental health challenges that may be present for this group of young people. However, it was also recognised that youth workers should not be expected to deal with all such concerns, and there must be proper specialist help available for young refugees and asylum seekers.
- The important role to be played by the youth sector was also recognised throughout – indeed, the existence of multiple valuable roles and functions formed the backbone of the second half of the draft document, which dealt with youth work and youth policy specifically. The need for youth workers to be supported, assisted and properly trained for these multiple roles was acknowledged by all.
- The right to leisure was given some attention in discussions, noting the importance of play for relaxation and psycho-social reasons, among others. It was recognised that youth work can help to satisfy this role.

Conclusions and follow-up

There was general agreement from all members of the group that the proposed Guidelines were an important step towards addressing current gaps in human rights protection for young refugees and asylum seekers in transition to adulthood. It was recognised that this was a group of young people who both needed and deserved adequate treatment, and who were often not receiving it - mainly because of an arbitrary cut-off point at the age of 18, after which they were instantly treated as being capable of leading independent lives, and after which state support often came to an abrupt end.

There was remarkable consensus among members of the group on the issues in most need of being addressed, and on the approach to be taken. As a result, although the meeting was intense, it was also very productive, resulting in the basis for a set of formal Guidelines on young refugees and asylum seekers in transition to adulthood after just two days' work. Some further work remained to be done on the document, incorporating final recommendations and comments, so the group agreed on a timetable so that further feedback could be sought before the final document was submitted to the Joint Council.

The formulation of the text allowed for the document to be endorsed and issued either by the Joint Council, or by member states. The final decision as to the most appropriate forum was to be made by the Joint Council at their next meeting in October 2017.

Appendix 1 – Programme

AGENDA

Thursday 31 August, 09:30 – 18:00

1. Opening and welcome words
2. Introduction of participants and specific expectations towards the meeting
3. The context of the meeting in relation to ongoing projects on young refugees
 - a. The Youth for Democracy programme
 - b. The Council of Europe Action Plan on protecting refugee and migrant children (2017-2019)
 - c. The partnership between the European Commission and the Council of Europe in the field of Youth
 - d. The Council of Europe Education Department's project on competences of refugees
 - e. The Erasmus+ K3 project on youth work and refugees
 - f. The European Youth Forum
 - g. Voice of Young Refugees in Europe
 - h. ...
4. Specific objectives, outcomes and working methods of the meeting
5. Refugee minors in transition to adulthood: the issues from a human rights and youth work perspective – introduction by Emin Mammadli and Abdi Adow – Voice of Young Refugees in Europe
6. Study on Young refugees transition to adulthood – presentation by Lana Pasic, researcher with the partnership between the European Commission and the Council of Europe in the field of Youth
7. What can youth policy and youth work do for refugee minors in transition to adulthood? – Introduction to the draft Guidelines by Lana Pasic and Rui Gomes

Friday 1 September, 09:00 – 17:00

1. Discussion and revision of the guidelines – in 2 working groups
2. Presentation and discussion of the guidelines proposals
3. Other points or measures to introduce, support or complement the guidelines
4. Preparation of the presentation to the Joint Council on Youth
5. Other measures and proposals to strengthen the role and visibility of youth work and youth policy measures to support the inclusion of young refugees.
6. Any other business
7. Evaluation and closing of the meeting

Optional

17:00 – 21:00

Closing session and dinner with the participants of the summer school Young refugees as actors for social inclusion and intercultural dialogue

Appendix 2 - List of Participants

Council of Europe

European Steering Committee on Youth (CDEJ)

Jan Vanhee, International Youth Policy – EU Youth affairs attaché, Permanent Representation of Belgium to the EU, Belgium

Jorge Orlando Queirós, Director for Information, Communication and International Relations, Portuguese Institute for Sport and Youth, Portugal

Advisory Council on Youth (CCJ)

Emin Mammadli, Voices of Young Refugees in Europe

Matic Germovšek Ž, Youth of European Nationalities

Carmen Fischer, Austrian Youth Council - *apologised*

Education Department

Olena Styslavska, consultant

Children Rights Division

Apologised

Team of the Special Representative of the Secretary General on Refugees and Migration

Apologised

Secretariat of the Youth Department

Rui Gomes, Head of Division Education and Training

Katalin Ormos, Administrative Assistant

Partnership between the European Commission and the Council of Europe in the field of youth

Lana Pasic, consultant

Tanya Besarab, secretariat

European Youth Forum

Carina Autengruber, member of the Bureau

United Nations High Commissioner on Refugees

Karen Whiting, Senior Advisor for Child Protection

Voices of Young Refugees in Europe

Abid Adow, Sweden

Global Platform for Syrian Students

Helena Barroco, Secretary General

Erasmus+ Project Become Part of Europe

Alvaro Chaves Ribeiro, researcher

Rapporteur

Ellie Keen, consultant with the Council of Europe