



Building a Europe
for and with children
Construire une Europe
pour et avec les enfants



CDENF(2023)12rev3

18 April 2023

Steering Committee for the Rights of the Child (CDENF)

Outline and questionnaire for the implementation review of Recommendation CM/Rec(2019)11 on Effective guardianship for unaccompanied and separated children in migration

At its 7th plenary meeting (Reykjavík, 28-29 March 2023), the CDENF reviewed and approved the Outline and questionnaire for the implementation review of Recommendation CM/Rec(2019)11, subject to last comments in written proceedings.

CDENF members, participants and observers are invited to fill in the questionnaire through SurveyMonkey (<https://eu.surveymonkey.com/r/T7V2VS9>). Any additional information might be sent via e-mail to children@coe.int.

children@coe.int

www.coe.int/cdenf

IMPLEMENTATION REVIEW ON RECOMMENDATION CM/REC(2019)11 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON EFFECTIVE GUARDIANSHIP FOR UNACCOMPANIED AND SEPARATED CHILDREN IN THE CONTEXT OF MIGRATION

DRAFT OUTLINE

- I. Executive Summary**
- II. List of Annexes**
- III. Concepts and terminology**
- IV. Introduction and background of the review**
 - a. Brief introduction.
The need to provide specific protections and safeguards in guardianship systems to ensure that the rights of unaccompanied and separated children are fully upheld.
 - b. Relevant international and European standards
 - c. Brief description of:
 - i. The Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration and its Appendix.
 - ii. The Explanatory Memorandum adopted by the Council of Europe's Steering Committee for the Rights of the Child (CDENF).
 - d. Importance of the review.
 - e. Instruction by the Committee of Ministers to undertake the implementation review.
 - f. Objectives of the review.
 - g. Methodology.
- V. Impact assessment of the implementation of the principles of the Recommendation in member States.**

All information gathered after the analysis of the questionnaire responses and interviews with relevant stakeholders will be presented following the structure established by the questionnaire.

Each subsection will include description of findings; good/promising practices; and challenges, obstacles or limitations in the implementation of the recommendation.

In addition, the content of each sub-section will try to follow the implementing guidelines for an effective guardianship system for unaccompanied and separated children in migration. On this basis, we should be able to conclude each subsection with an assessment of which implementing guidelines are best followed and which are the most challenging.

 - a. Overarching implementation measures of Recommendation CM/REC(2019)11.
 - b. Principle 1 – Protection of the rights of unaccompanied and separated children in migration through guardianship.
 - c. Principle 2 – Guardianship frameworks and measures.
 - d. Principle 3 – Appointment or designation of guardians without undue delay.
 - e. Principle 4 – Legal responsibilities and tasks of guardians.
 - f. Principle 5 – Information, access to justice and remedies, including child-friendly complaint mechanisms.
 - g. Principle 6 – Institutional measures.
 - h. Principle 7 – Resources, recruitment, qualifications and training.
 - i. Principle 8 – Co-operation and co-ordination at national level.
 - j. Principle 9 – International co-operation.
- VI. Guardianship for unaccompanied and separated children fleeing Ukraine.**
- VII. Conclusion and next steps.**
 - a. Recommendations for law and policy makers at national, regional and local levels to improve the implementation of the Recommendation in member States

These recommendations will be presented following the structure used in Part V. Impact assessment of the implementation of the principles of the Recommendation in member States, for a better understanding.

- i. Overarching implementation measures of Recommendation CM/Rec(2019)11.
 - ii. Principle 1 – Protection of the rights of unaccompanied and separated children in migration through guardianship.
 - iii. Principle 2 – Guardianship frameworks and measures.
 - iv. Principle 3 – Appointment or designation of guardians without undue delay.
 - v. Principle 4 – Legal responsibilities and tasks of guardians.
 - vi. Principle 5 – Information, access to justice and remedies, including child-friendly complaint mechanisms.
 - vii. Principle 6 – Institutional measures.
 - viii. Principle 7 – Resources, recruitment, qualifications and training.
 - ix. Principle 8 – Co-operation and co-ordination at national level.
 - x. Principle 9 – International co-operation.
 - xi. Guardianship for unaccompanied and separated children fleeing Ukraine.
 - xii. Challenges and good practices.
- b. Recommendations for further action at the Council of Europe level.
 - c. Suggestion of options for collaboration with civil society.

VIII. Annexes.

- a. Questionnaire.
- b. Responses to the questionnaire.
- c. Other relevant annexes.

DRAFT QUESTIONNAIRE

BACKGROUND

The Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration (the “Recommendation”, adopted by the Council of Europe’s Committee of Ministers in 2019, is a ground-breaking soft law instrument firmly anchored in international and European human rights standards, setting clear guiding principles for the protection, assistance and safety of children on the move through guardianship.

Unaccompanied and separated children face additional barriers and vulnerability factors which make it necessary to provide specific protections and safeguards in guardianship systems to ensure their rights are fully upheld. The Appendix to the Recommendation provides detailed guidance to member States on the requirements for an effective guardianship system as well as for its implementation so that the specific needs of children in migration are catered for at every level, through nine Guiding principles and implementing guidelines.

The Explanatory Memorandum of the Recommendation, adopted by the Council of Europe’s Steering Committee for the Rights of the Child (CDENF) in 2022, deepens the guiding principles and implementing guidelines by illustrating different ways of organising guardianship for unaccompanied and separated children in migration in member States.

PURPOSE OF THE QUESTIONNAIRE

The continued implementation of the Recommendation is supported by the Council of Europe’s Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) and its Strategy for the Rights of the Child (2022-2027).

The aim of this questionnaire is to initiate the implementation review on the Recommendation CM/Rec(2019)11 by member States, three years after its adoption, as recommended by the Recommendation itself.

The questionnaire has been divided into eleven sections:

- An introductory section on overarching implementation measures.
- Nine sections that aim to collect good practices related to legislation and policies in member States which contribute to the implementation of the nine Guiding principles, in line with the implementing guidelines and the Explanatory Memorandum.
- A section on specific measures adopted by member States on guardianship for unaccompanied and separated children fleeing Ukraine.
- A final section where identified challenges and good practices regarding guardianship for unaccompanied and separated children can be indicated.

KEY TERMS AND DEFINITIONS

According to the appendix to the Recommendation CM/Rec(2019)11, for the purpose of the Recommendation and therefore this questionnaire:

- **“child”** refers to any human being below the age of 18 years.
- **“unaccompanied child”** refers to a child who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.
- **“separated child”** refers to a child who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

- **“guardian”** refers to a person who is appointed or designated to support, assist and, where provided by law, represent unaccompanied or separated children in processes concerning them. Where an institution or organisation is appointed or designated as a guardian to support, assist and exercise the legal capacity for a child, it should designate a natural person to carry out the duties of guardian as set out in these guidelines. The guardian acts independently to ensure that the child’s rights, best interests and well-being are guaranteed. The guardian acts as a link between the child and all other stakeholders with responsibilities towards him or her. This operational definition takes into account that the term used, as well as the function and manner of appointment of a guardian, vary from jurisdiction to jurisdiction.
- **“guardianship authority”** refers to an authority exercising its responsibility for the management of guardianship for unaccompanied and separated children in migration, including case management and support. This definition takes into account that there are different ways in which States define “guardianship” and organise the discharge of guardianship.
- **“sustainable, rights-based solution”** refers to a comprehensive, secure and sustainable solution which ensures that the child is able to develop into adulthood, in an environment which will meet their needs, and safeguards their rights, as defined by the United Nations Convention on the Rights of the Child, and will not put the child at risk of discrimination, violence, persecution or any other serious harm. Such a solution involves that a thorough best-interests determination be carried out and that the child’s views be taken into account in the development and implementation of a durable solution.
- **“life projects”** refers to an integrated policy tool, available to member States in order to meet the needs of unaccompanied and separated children in migration, and the challenges arising out of their migration.

0. OVERARCHING IMPLEMENTATION MEASURES OF RECOMMENDATION CM/REC(2019)11 ON EFFECTIVE GUARDIANSHIP FOR UNACCOMPANIED AND SEPARATED CHILDREN IN THE CONTEXT OF MIGRATION.

0.1. Has your country set out a comprehensive and consistent framework of measures with respect to guardianship for unaccompanied and separated children in migration? (Multiple responses possible)

- No.
- Yes, a specific framework for guardianship for unaccompanied and separated children in migration is established.
- Measures regarding guardianship for unaccompanied and separated children in migration are included in the general child protection framework.
- Measures regarding guardianship for unaccompanied and separated children in migration are included in the general framework of migration/asylum policies.
- Comments.

If there is such framework, please provide a reference/link to the specific regulation.

If the framework is translated into English or French, please provide a copy via e-mail (children@coe.int).

0.2. Has there been any review of domestic legislation or policies to ensure the necessary reforms to implement the Recommendation?

- No
- No, but measures have been taken in this direction. Please specify.
- Yes. Please specify.
- Comments

0.3. Has your country allocated resources to ensure the necessary reforms to implement the recommendation?

- No
- No, but measures have been taken in this direction. Please specify.
- Yes. Please specify.
- Comments

0.4. Has this recommendation been translated and disseminated among competent national authorities, relevant professionals and stakeholders, and non-governmental actors?

- No
- No, but measures have been taken in this direction. Please specify.
- Yes. Please specify.
- Comments.

1. PRINCIPLE 1 – PROTECTION OF THE RIGHTS OF UNACCOMPANIED AND SEPARATED CHILDREN IN MIGRATION THROUGH GUARDIANSHIP.

States should have in place an effective system of guardianship which takes into account the specific needs and circumstances of unaccompanied and separated children in migration in order to protect and promote their rights and secure their best interests.

1.1. Is the principle of the best interests of the child provided for in national law and implemented without discrimination?

- No
- Yes. Please provide a reference to the national law and its specific provisions enshrining the principle of the best interests of the child.
- Comments

1.2. Has your country established best interests of the child assessment and determination procedures? (Multiple responses possible)

- No.
- Yes, there are best interests of the child assessment and determination procedures. Please describe when and how these procedures take place (e.g., in writing, with the support of standardised operational procedures, with forms, with notification to the child, with the possibility of challenging the decision, etc.).
- Yes, there are best interests of the child assessment and determination procedures specifically adapted to unaccompanied and separated children in migration. Please describe when and how these procedures take place (e.g., in writing, with the support of standardised operational procedures, with forms, with notification to the child, with the possibility of challenging the decision, etc.).
- Comments

1.3. Has your country established vulnerability assessment procedures?

- No
- Yes, there are vulnerability assessment procedures. Please describe when and how these procedures take place and which authorities are responsible to undertake and partake in them.
- Yes, there are vulnerability assessment procedures adapted to the specific case of children in migration. Please describe when and how these procedures take place and which authorities are responsible to undertake and partake in them.
- Comments

1.4. Has your country established risk assessment procedures?

- No
- Yes, there are risk assessment procedures. Please describe when and how these procedures take place and which authorities are responsible to undertake and partake in them.
- Yes, there are risk assessment procedures adapted to the specific case of children in migration. Please describe when and how these procedures take place and which authorities are responsible to undertake and partake in them.
- Comments

1.5. When vulnerable cases are identified as a result of the vulnerability and risk assessment procedures mentioned in the questions above, is there a follow up to those cases?

- No
- Yes. Please specify how the follow up is done.
- Comments

1.6. Does the legal and policy framework applicable to guardianship for unaccompanied and separated children in migration specifically address the special needs and circumstances of separated children?

- No.
- No, as there is a different framework applicable to separated children in migration. Please specify.
- Yes. Please specify the provisions that specifically address separated children's special needs and circumstances.
- Comments

1.7. Does the legal and policy framework applicable to guardianship for unaccompanied and separated children in migration specifically address the special needs and circumstances of: *(Multiple responses possible)*

- Unaccompanied and separated girls. Please provide a reference to the relevant provisions.
- Asylum seeking and refugee children. Please provide a reference to the relevant provisions.
- Child victims of trafficking or exploitation. Please provide a reference to the relevant provisions.
- No, there is a different framework applicable to asylum seeking, and refugee children. Please specify.
- No, there is a different framework applicable to child victims of trafficking and exploitation. Please specify.
- Comments.

2. PRINCIPLE 2 – GUARDIANSHIP FRAMEWORKS AND MEASURES.

States should adopt and implement adequate legal, policy, regulatory and/or administrative frameworks to ensure the provision of guardianship for unaccompanied and separated children in migration.

2.1. Please briefly describe the guardianship model in your country with regard to unaccompanied or separated children in migration.

2.2. If competences on guardianship are decentralised (organised at local or regional level), please indicate whether there are guidelines to follow from the national level.

2.3. Who is appointed or designated as guardian for unaccompanied or separated children in migration in your country? *(Multiple responses possible)*

- Natural person.

- Public institution.
- Private organisation (enterprises, NGOs).
- Hybrid. Please specify.
- Other. Please specify.
- Comments

2.4. Please select the main characteristics of your country's guardianship model for unaccompanied or separated children in migration: (Multiple responses possible)

- Guardians are paid professionals.
- Guardians are volunteers.
- Guardians can be both professionals and volunteers.
- Guardianship works through formal guardianship arrangements.
- Guardianship works through ad hoc or informal guardianship arrangements.
- Guardianship can work through both formal and ad hoc/informal arrangements.
- Permanent guardians are appointed.
- Temporary guardians are appointed.
- Both permanent and temporary guardians can be appointed.
- Others. Please specify.
- Comments.

2.5. Is there an identifiable guardianship authority that is mandated to supervise guardians for unaccompanied and separated children in migration?

- No.
- Yes, there is a guardianship authority which supervise guardians in general. Please specify.
- Yes, there is a guardianship authority specifically mandated to supervise guardians for unaccompanied and separated children in migration. Please specify.
- Comments.

2.6. If you have selected "yes" in the previous question, please describe how the guardianship authority is organised in your country (i.e.: body or institution, organisation chart, territorial distribution)

2.7. Which elements does the guardianship framework for unaccompanied and separated children in migration in your country include? (Multiple responses possible).

Please describe how these elements are regulated in the framework in the comments.

- Professional standards, requirements, and qualifications for guardians.
- Screening, vetting, recruitment, and appointment procedures of guardians.
- Duties, rights, and responsibilities of guardians.
- Training requirements for guardians.

- Procedures for ensuring that children’s views are expressed, taken into consideration, and given due weight at every stage of relevant procedures.
- Individual complaint mechanisms available for children and related procedures.
- Interagency and multidisciplinary co-operation and coordination mechanisms and processes at national level.
- Interagency and multidisciplinary co-operation and coordination mechanisms and processes at international level.
- Confidentiality and data protection requirements.
- Monitoring, supervision, and oversight of the guardian by the guardianship authority.
- Monitoring of the guardianship arrangements (e.g., decisions to appoint/designate or change of guardian) for children.
- Monitoring by an independent authority.
- Others. Please specify.
- Comments.

2.8. Which of the following procedures are prescribed by law in your country? (Multiple responses possible)

- Appointment or designation of a guardian.
- Change or removal of a guardian.
- Termination of guardianship.
- None.
- Others. Please specify.
- Comments.

3. PRINCIPLE 3 – APPOINTMENT OR DESIGNATION OF GUARDIANS WITHOUT UNDUE DELAY.

States should ensure that an unaccompanied or separated child in migration has a guardian appointed or designated without undue delay, taking into account individual characteristics, to provide support to the child until the age of majority, and that care and support are available through guardianship or other means for a transitional period after reaching 18 years of age, as may be deemed appropriate in specific situations.

3.1. When is a guardian for unaccompanied and separated children in migration appointed or designated in your country? (Multiple responses possible)

- When a person is identified and there is certainty that the person is an unaccompanied or separated child.
- When a person is identified and there is uncertainty as to whether the person is an unaccompanied or separated child.
- In case of doubt as to the minority of a person, only when they are officially assessed to be an unaccompanied or separated child, after an age assessment procedure has been conducted.

- Even after the national age assessment procedures have been conducted, if there is still uncertainty as to whether the person is a child.
- A guardian is only appointed/designated if the unaccompanied or separated child applies for asylum.
- Other. Please specify.

3.2. In average, what is the average time to appoint or designate a permanent guardian since the identification of an unaccompanied and separated child?

3.3. In case of delay in the designation or appointment of a guardian, which measures are in place to ensure that there is no gap in the possible exercise of rights or in the effective protection of the unaccompanied or separated child?

3.4. In case of separated children (who are accompanied by an adult family member who is not their primary or customary caregiver or by a known adult), please explain how guardianship arrangements are organised.

Please indicate whether there is the possibility to appoint the accompanying adult as guardian, or if a different guardian is appointed. In the latter case, please specify how the tasks are divided up between the appointed guardian and the accompanying adult.

3.5. If an unaccompanied or separated child applies for asylum, is a different guardian appointed or designated?

- No.
- Yes. Please specify the legal provisions and the differences between both guardians in this regard.
- Comments.

3.6. Are unaccompanied and separated children in migration involved in the decision-making process for the appointment or designation of their guardian?

- No
- Yes. Please specify how the child is heard and involved in the process.
- Comments.

3.7. Are unaccompanied and separated children in migration able to request a change in guardian?

- No
- Yes. Please specify how and when.
- Comments.

3.8. Does the legal and policy framework applicable to guardianship for unaccompanied and separated children in migration include specific measures for their transition into adulthood?

- No
- Yes. Please specify how and when the protection (in terms of reception, shelter or economic support) is extended.
- Comments.

4. PRINCIPLE 4 – LEGAL RESPONSIBILITIES AND TASKS OF GUARDIANS.

States should take measures to empower guardians to inform, assist, support and, where provided by law, represent unaccompanied and separated children in migration in processes affecting them, to safeguard their rights and best interests and to act as a link between the child and the authorities, agencies and individuals with responsibilities for them. States should ensure that guardians enjoy the independence and impartiality appropriate to their role.

4.1. According to your national guardianship framework for unaccompanied and separated children in migration, the role of guardians include: *(Multiple responses possible)*

- Ensuring that children are informed of, and understand, their rights.
- Informing the competent child-protection system in cases where children are subject to violence, abuse, neglect or exploitation, and requesting and/or facilitating the provision of appropriate protection and care to children.
- Safeguarding children's well-being and development by, inter alia, listening to the child and taking into consideration their views, through supporting their access to adequate care, accommodation, health care, education and professional training, and any other relevant professional support services.
- Guiding children in their transition to adulthood, including through individualised life projects.
- Preparing children/ensuring children have access to, and have the opportunity to participate in, procedures and decision-making processes concerning their status and the realisation of their rights.
- Complementing children's limited legal capacity.
- Supporting children in accessing representation, and if required, legal counsel, in administrative proceedings.
- Supporting children in accessing representation, and if required, legal counsel, in judicial proceedings.
- Reporting cases of missing children.
- Co-operating with competent authorities to ensure the child's best interest in identification and age assessment processes.
- Co-operating with competent authorities to ensure the child's best interest in family tracing processes.
- Managing assets and goods on behalf of the child.
- Assessing whether there are any grounds for additional protection measures to be provided to the child, including the extension of the duration of such measures, and advise the guardianship authority in this respect.
- Others. Please specify.
- Comments.

4.2. Which of the following actions are guardians authorised to undertake under the guardianship framework for unaccompanied and separated children in migration? *(Multiple responses possible)*

- Assess the child's best interests in all actions in their regard.

- To initiate the process for the appointment of a lawyer/legal representative for the child for the purpose of representing the child in relevant legal proceedings.
- Challenge authorities for failures to safeguard the child's best interests.
- Others. Please specify.
- Comments.

4.3. Under the guardianship framework for unaccompanied and separated children in migration in your country, guardians are specifically foreseen to be involved in: (Multiple responses possible)

- Vulnerability and risk assessments.
- Best interests' assessments and determinations.
- Age assessments.
- Guardianship procedures.
- Family tracing procedures.
- Tracing of missing children.
- Immigration procedures.
- Asylum procedures.
- Administrative proceedings.
- Judicial proceedings.
- Others. Please specify.
- Comments.

4.4. Are there specific provisions on confidentiality rules under the guardianship framework for unaccompanied and separated children in migration?

- No.
- Yes. Please specify.
- Comments.

4.5. Are guardians allowed to undertake other responsibilities relating to the child simultaneously to those of the guardian? Please indicate whether the guardian might hold other responsibilities in relation to the child (e.g., being a staff member/social worker of the reception centre where the child is accommodated).

- No.
- Yes. Please specify.
- Comments.

4.6. Are guardians subject to any instructions from any agency in relation to the child's situation (for example, police or migration agencies)?

- No.
- Yes. Please specify.
- Comments.

4.7 How are independence and impartiality of guardians guaranteed in your country?

Please explain, in particular, how independence and impartiality are guaranteed in cases when the guardianship authority also holds other responsibilities with respect to children in migration (for instance, undertaking vulnerability assessments, decisions on accommodation, etc).

5. PRINCIPLE 5 – INFORMATION, ACCESS TO JUSTICE AND REMEDIES, INCLUDING CHILD-FRIENDLY COMPLAINT MECHANISMS.

States should ensure that unaccompanied and separated children in migration are provided with relevant information and advice, and that they have access to an independent complaint mechanism and remedies to effectively exercise their rights or act upon violations of their rights.

5.1. Please select which of the following means are made available to guardians by the guardianship authority to ensure that unaccompanied and separated children in migration are provided with relevant information and advice: (Multiple responses possible)

Please indicate in the comments whether any of these means are particularly difficult to access.

- Interpretation services.
- Language resources.
- Cultural mediators.
- Female professionals (e.g., interviewers, interpreters, cultural mediators, psychologists).
- Training in child-sensitive communication.
- Child-friendly information resources.
- Child-friendly information resources available online.
- Others. Please specify.
- Comments.

5.2. Please select which of the following mechanisms are available to guarantee that unaccompanied and separated children in migration have access to an independent complaint mechanism and remedies to effectively exercise their rights or act upon violations of their rights: (Multiple responses possible)

Please indicate in the comments whether any of these mechanisms are particularly difficult to access.

- Existence of accessible complaint mechanisms within the guardianship system.
- Access to an effective remedy with regard to excessive delays in appointing a guardian.
- Access to an effective remedy with regard to the exercise of guardianship powers by the guardian.
- Access to an effective remedy with regard to the conditions in which the guardianship has been brought to an end.
- Free legal advice.
- Free legal assistance.
- Access to ombudspersons.

- Access to administrative proceedings.
- Access to judicial proceedings.
- Child-friendly justice mechanisms.
- Access to alternative dispute resolution mechanisms.
- None.
- Others. Please specify.
- Comments.

5.3. Please provide the number of complaints against guardians recorded during the last 3 years.

2022:

2021:

2020:

6. PRINCIPLE 6 – INSTITUTIONAL MEASURES.

States should ensure that a competent authority is in place with responsibility for the management of guardianship for unaccompanied and separated children in migration taking into account the manner in which responsibilities for guardianship are organised in member States.

6.1. Please select which procedures, support measures or services guardians for unaccompanied and separated children in migration are provided with by the guardianship authority in your country: (Multiple responses possible)

- Initial and continuous administrative support, advice and assistance measures or services.
- Training and development.
- Standards for the operational procedures for the conduct of guardians.
- Child-safeguarding policies.
- Mechanisms for communication, networking and self-help among guardians.
- Mechanisms for co-ordination between guardians and other relevant authorities.
- Harmonised procedures and processes for guardians for reporting and recording cases of children going missing or suffering from violence, abuse, trafficking or exploitation.
- Measures to ensure that guardians are responsible for a manageable number of cases.
- Harmonised procedures and standards for data protection and confidentiality.
- Others. Please specify.
- Comments.

6.2. Please indicate:

- Average number of children per guardian:
- Maximum number of children per guardian (as established in the national regulatory framework):
- Comments.

6.3. Please select which of the following child-friendly information materials guardians for unaccompanied and separated children in migration are provided with by the guardianship authority in your country: (Multiple responses possible)

- Materials on the functions, rights and duties of guardians.
- Materials on accessibility of the guardian.
- Materials on confidentiality of communication principles.
- Materials on international protection procedures.
- Materials on individual complaint mechanisms available to the child.
- Materials on available assistance and protection measures and service providers.
- Materials on roles and duties of other stakeholders (other relevant authorities, NGOs)
- Materials on relevant criminal, administrative and civil proceedings.
- None.
- Others. Please specify.
- Comments.

7. PRINCIPLE 7 – RESOURCES, RECRUITMENT, QUALIFICATIONS AND TRAINING.

States should allocate adequate resources to ensure effective guardianship for unaccompanied and separated children in migration, including ensuring that guardians are adequately screened, reliable, qualified and supported throughout their mandate.

7.1. Is there a comprehensive data collection system on unaccompanied and separated children in migration in your country?

- No
- Yes. Please specify.
- Comments.

7.2. If you have selected yes in the previous question, please select which kind of data your country's collection system on unaccompanied and separated children in migration include:

- Quantitative data.
- Qualitative data.
- Both.
- Comments.

7.3. Does your country's collection system include information disaggregated by different categories? If yes, please select them: (Multiple responses possible)

- Age.
- Sex.
- Gender.
- Nationality.

- Procedures in which unaccompanied and separated children have been involved (i.e.: age assessment, guardianship procedures, asylum procedures, etc).
- Specific protection needs such as needs of asylum-seeking children, trafficking, or exploitation victims.
- Information on the manner in which services have been provided.
- Others. Please specify.
- Comments

7.4. Is the guardianship authority provided with sustainable and adequate financial, human and technical resources in your country?

- No.
- Yes. Please specify.
- Yes, but it is challenging to plan resources in the face of fluctuating arrivals of children.
- Comments

7.5. Are there any defined criteria for qualifications or requirements for guardians in case of unaccompanied or separated children in migration?

- No
- Yes
- Comments

7.6. If you have selected “yes” in the previous question, please indicate which kind of criteria for qualifications or requirements for guardians in place: *(Multiple responses possible)*

- Specific qualifications and professional requirements.
- Mere compliance with certain standards.
- Other. Please specify.
- Comments.

7.7. Please select which of the following areas of expertise are specifically included among the requirements for guardians under the guardianship framework for unaccompanied and separated children in migration: *(Multiple responses possible)*

- Child rights, childcare and protection and child development
- Understanding of potential differences in religious and cultural backgrounds
- Gender approaches (for instance, in terms of gender equality)
- Supporting children with different linguistic backgrounds
- Alternative care arrangements and procedures for children in care (such as risk assessments, referrals, or reporting of violence or disappearance)
- Age assessment procedures
- Family tracing procedures
- Asylum procedures.
- Others. Please specify.

- Comments.

7.8. Are guardians for unaccompanied and separated children in migration provided with initial and continuing education and training in order to carry out their functions effectively?

- No
- Yes. Please specify how (type of training, length, regularity, etc.).
- Comments

8. PRINCIPLE 8 – CO-OPERATION AND CO-ORDINATION AT NATIONAL LEVEL.

States should, in accordance with their domestic systems, establish mechanisms and take measures to ensure effective co-operation and co-ordination between people exercising responsibilities towards unaccompanied and separated children in migration, and the guardian and/or guardianship authority.

8.1. Are the roles, tasks and responsibilities of the guardian and of the guardianship authority in relation to other competent authorities and stakeholders specifically defined with respect to unaccompanied and separated children in migration? (i.e.: youth and social services, migration authorities, law enforcement, health and education professionals, reception centre staff and others)

- No
- Yes. Please specify.
- Comments

8.2. Is there any operational co-ordination mechanism in place regarding unaccompanied and separated children in migration?

- No
- Yes.
- Comments

8.3. If you have selected “yes” in the previous question, please indicate which of the following operational co-ordination mechanisms are in place: *(Multiple responses possible)*

- Strategy. Please specify.
- Protocol. Please specify.
- Co-ordinating agency. Please specify.
- Others. Please specify.
- Comments

8.4. Has your country developed protocols, agreements, standard operational procedures and/or referral mechanisms to enhance co-operation and co-ordination on a regular basis between relevant stakeholders to protect unaccompanied and separated children in migration?

- No
- Yes.
- Comments

8.5. If you have selected “yes” in the previous question, please indicate which of the following co-operation and co-ordination mechanisms are in place: *(Multiple responses possible)*

- Protocols. Please specify.
- Agreements. Please specify.
- Standard operational procedures (SOPs). Please specify.
- Referral mechanisms.
- Other. Please specify.
- Comments

8.6. Do the inter-agency frameworks, protocols and referral mechanisms include clear provisions for the manner and limits of data sharing, and the manner in which data protection obligations are fulfilled?

- No
- Yes. Please specify.
- Not all of them. Please specify.
- Comments

8.7. Are guardians and other stakeholders provided with multi-agency and multidisciplinary training and tools on a regular basis?

- No
- Yes. Please specify.
- Comments

8.8. Are there any monitoring and evaluation mechanisms of co-operation and co-ordination between relevant stakeholders regarding unaccompanied and separated children in migration available in your country?

- No
- Yes. Please specify.
- Comments.

8.9. If you have selected yes in the previous question, please indicate whether monitoring and evaluation mechanisms include child participation

- No
- Yes
- Comments

9. PRINCIPLE 9 – INTERNATIONAL CO-OPERATION.

States should rapidly, constructively and effectively provide the widest range of international co-operation in relation to unaccompanied and separated children in migration, including for family tracing and identifying and implementing sustainable, rights-based solutions, and involve in appropriate ways their guardianship authority and/or guardians.

9.1. Is there any specific legal framework which provides for international co-operation in relation to unaccompanied and separated children in migration?

- No
- Yes. Please specify.
- Comments.

9.2. If you have selected “yes” in the previous question, please indicate which of the following situations are covered by this legal framework: (Multiple responses possible)

Please describe how these elements are regulated in the framework in the comments.

- Family tracing
- Transfer of care and custodial responsibilities
- Establishing a sustainable rights-based solution
- Preventing and combatting/investigating child trafficking and exploitation.
- Preventing disappearances.
- Tracing missing children
- Others. Please specify.
- Comments

9.3. Are there clear channels or mechanisms for the transmission and execution of requests for information or other types of assistance with respect to unaccompanied and separated children in migration?

- No
- Yes. Please specify.
- Comments

9.4. Are there clear provisions on the role and responsibilities of guardians and the guardianship authority in the context of international co-operation? (Multiple responses possible)

- No
- Yes. The role and responsibilities of guardians in the context of international co-operation are regulated. Please specify.
- Yes. The role and responsibilities of the guardianship authority in the context of international co-operation are regulated. Please specify.
- Comments

9.5. Is your country participating in any international mechanism to promote the regular sharing of knowledge, experience and good practices with respect to guardianship of unaccompanied and separated children in migration?

- No.
- No, but measures have been taken in this direction. Please specify.
- Yes. Please specify.
- Comments.

10. GUARDIANSHIP FOR UNACCOMPANIED AND SEPARATED CHILDREN FLEEING UKRAINE.

10.1. Has your country adopted any specific measure regarding guardianship for unaccompanied and separated children fleeing Ukraine? *Please share any relevant information on this issue in the comments, including on particular situations such as children coming from Ukrainian institutions arriving with their Ukrainian guardians and recognition and support provided to the latter*

- No
- No, but measures have been taken in this direction. Please specify.
- Yes. Please specify.
- Comments.

10.2. Is there any good practice regarding responses to unaccompanied and separated children from Ukraine that could be applied more generally to children in need of, or receiving support, from a guardian?

11. CHALLENGES AND GOOD PRACTICES

11.1. Are there any specific challenges regarding that the guardianship system for unaccompanied and separated children in your country is currently struggling with?

Please kindly provide any examples and information you would like to share or send relevant reports and materials via e-mail (children@coe.int)

11.2. Are there any outstanding success factors, innovative aspects, or projects in relation to the guardianship system for unaccompanied and separated children in your country that you would like to point out?

Please kindly provide any examples and information you would like to share or send relevant reports and materials via e-mail