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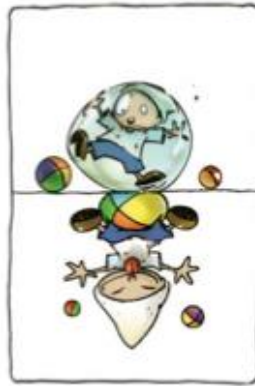
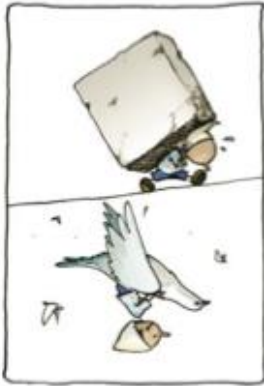
CDENF(2024)06add  
Strasbourg, 17 September 2024

## **Steering Committee for the Rights of the Child (CDENF) CONSULTATION OF CHILDREN AND YOUNG PERSONS**

**Appendix to the Implementation Review of 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**

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# Report

**on the Consultation of children and young persons in the framework of the implementation review of the Council of Europe 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**



## Summary

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## Executive summary

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This report presents the findings of consultations conducted in Portugal and Cyprus with 20 unaccompanied and separated children and young persons who benefited from guardianship measures during their childhood. These consultations provided insights on children's experiences with guardianship systems informing the Implementation Review of 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.

The consultations employed the GATE Game, a participatory tool designed to facilitate discussions and gather individual narratives from the participants' experiences with guardianship systems. The game was adapted around five domains directly stemming from CM/Rec(2019)1: Adequacy, Presence, Capacity, Relationship, and Independence of the guardian in relation to the child. For each domain, participants shared improvements that inform overall recommendations.

**Adequacy** refers to the extent to which guardians effectively respond to the specific needs and rights of unaccompanied children, ensuring their best interests are safeguarded. The consultations revealed mixed assessments of the support provided by guardians. While some children reported positive experiences, others expressed dissatisfaction with inadequate assistance in accessing essential services and navigating legal processes. To address this, recommendations include standardising legal frameworks, guardianship guidelines and training.

**Presence** is the degree to which children feel that their guardians are available and have dedicated enough time to support their rights and needs. This domain emerged as a critical concern, many children felt neglected due to a lack of consistent engagement from their guardians. Limited interactions hindered effective communication and support and exacerbated feelings of isolation and insecurity among children. To improve Presence, recommendations include prioritising regular communication and engagement and fostering trust and relationships between guardians and children.

**Capacity** refers to whether children believe their guardians possess the necessary knowledge, competencies, and abilities to support them effectively and help them realise their needs and rights. Participants expressed some doubts about guardians' competence to provide necessary information and assistance revealing discrepancies between theoretical knowledge and practical implementation. To address this, recommendations include developing and disseminating comprehensive training for guardians on children's rights and how to access tailored support services.

**Relationship** is the extent to which children believe they can form meaningful, trust-based relationships with their guardians. The consultation highlighted that relationships between children and guardians are often strained, lacking trust and meaningful connections in many cases. Participants emphasised the importance of trust, empathy, and effective communication in building positive relationships. To improve relationships, recommendations include prioritising meaningful relationships, empathy and transparency, fostering open and honest communication channels, and involving children in decision-making processes.

Finally, **Independence**, which refers to the guardian's ability to act independently while prioritising the child's best interests, was identified as a key challenge in some contexts. Delays in decision-making and limited proactive advocacy hindered children's ability to navigate legal and social systems in some cases. Recommendations to address this domain include developing and disseminating child-friendly complaint mechanisms and clear referral mechanisms.

These consultations highlight that guardians play a pivotal role in the lives of unaccompanied and separated children, serving as their legal representatives and primary sources of support. However, the extent to which guardians fulfill their duties varies, impacting children's experiences differently.

Across each pillar, children discussed recommendations for the guardianship system to improve the guardians' provision according to their needs and rights. These recommendations are summarised into four areas of improvement:

- Presence and transparency: guardians should be consistently present in the children's lives, dedicating sufficient time to understand their needs and building a trust-based relationship with the child. Also, guardians should always be transparent about issues concerning the child. One child noted, *"I want her to spend more time with me and not lie to me, tell me the truth about something that concerns me, for example, my Dublin case, and not tell me that she does not know."*
- Multi-disciplinary support: guardians should cooperate with other professionals and be proactive in helping children regarding primary needs and navigating the legal and social systems. They should ensure that problems raised by children are listened to and promptly and effectively addressed with respect to their views. One child stated, *"Sometimes the [professional who is] responsible [for the young person] does what he thinks it's good for the young person and not what the young person wants, sometimes he doesn't explain what is better for the young person."*
- Personalised approach: Guardians should focus on addressing the specific needs of each child, offering personalised support and ensuring that all aspects of the child's wellbeing are considered. One child specifically requested, *"I want her to come see me more often to be able to know her and trust her that what she will do is good for me."*
- Empathy and understanding: Guardians should care about the children, listen to their concerns without judgment and help them find solutions, guiding the child in their best interest. Also, guardians should take an interest in the children's dreams and aspirations, helping them to develop and pursue their goals. One child highlighted, *"I want her to care about me and listen about what I have to say, not judge me and find ways to help me when I do not know what to do."*

In conclusion, this report summarises key findings from the consultations with children in Portugal and Cyprus and highlights the importance of addressing gaps across the five domains in the guardianship system. Moreover, it provides recommendations for guardianship systems to enhance communication and engagement with children, provide for the primary needs of the children, invest in training and capacity-building initiatives, foster positive, personal relationships, and promote children's independence and agency, in line with the principles established in CM/Rec(2019)11. Regular monitoring and defining performance indicators and accountability mechanisms can also support member-states in the effective implementation of the CM/Rec(2019)11 to ensure that the rights of unaccompanied and separated children are upheld throughout their guardianship journey. Lastly, feedback from children should continue to be a key component of this process, ensuring that their perspectives and experiences inform ongoing improvements. By implementing these recommendations, the Council of Europe Member States can work towards establishing effective guardianship and safeguarding the rights and well-being of all unaccompanied and separated children.

## Introduction

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Unaccompanied and separated children arriving in Council of Europe Member States often face complex challenges, including navigating unfamiliar legal systems and accessing essential services. Effective guardianship is critical in ensuring these children receive the necessary support and protection.

Throughout the years, several recommendations and resolutions to further enhance the protection of unaccompanied and separated children have been adopted, contributing to the creation of a robust international framework.

In 2019, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2019)11 on Effective guardianship for unaccompanied and separated children in the context of migration. This Recommendation is strongly based on international and Council of Europe human rights standards and sets out clear guiding principles for the protection, assistance, and safety of children through guardianship. It includes guiding principles and implementing guidelines, complemented by an explanatory memorandum and checklists for policymakers, guardianship authorities and guardians to support the Recommendation's implementation.

In order to contribute to the implementation review of CM/Rec(2019)11 and understand the experiences of children within the guardianship system, the Council of Europe initiated a consultation process with children in Member States. Defence for Children Italy, in close cooperation with the CDENF Secretariat, was tasked to support the consultation of unaccompanied and separated children and young persons who entered Council of Europe Member States under this status as of 2020 on their experience with the guardianship system.

This report presents the outcomes of consultations conducted in Portugal and Cyprus to assess the experiences of unaccompanied and separated children with guardianship systems in the context of migration. The consultations employed the GATE Game tool, developed by DCI to facilitate open discussions and gather firsthand insights from children about their interactions with guardians.

The objectives of the consulting project were threefold: first, to gather individual narratives from unaccompanied and separated children regarding their experiences with guardians; second, to evaluate children's understanding and perceptions of guardianship systems, aligning with the principles outlined in Recommendation CM/Rec(2019)11; and third, to identify strengths, weaknesses, challenges, and success factors of existing guardianship systems, with the ultimate aim of informing policy and practice improvements. Key findings indicate variations in guardianship experiences across different European contexts, with particular attention to Portugal, where the legal framework differs from other Council of Europe Member States.

It is important to note that, despite the limited number of participating member-states and the small number of children consulted, this research yields valuable qualitative insights into the experiences of children within the guardianship system. Increased collaboration and engagement from National Delegations have the potential to drive positive changes and establish a more secure and supportive environment for unaccompanied and separated children across Europe.

By examining children's perspectives and experiences, this report aims to contribute valuable insights to the ongoing efforts to strengthen guardianship systems and ensure the rights and well-being of unaccompanied and separated children in the context of migration.

## The methodology

The methodology employed for these consultations was developed by Defence for Children Italy, drawing upon international and Council of Europe standards, including the UN Convention on the Rights of the Child and Recommendation CM/Rec(2019)11. It stemmed from Defence for Children Italy's longstanding and continuous theoretical reasoning together with practical experience with children, guardians, and stakeholders of different European guardianship systems within Defence for Children Italy's main activities of analysis, policy development, training, and direct consultations with children. The recent European Union Agency for Fundamental Rights (FRA) "Guardianship for unaccompanied children - A manual for trainers of guardians" provided a framework.

Given the challenge of directly representing the Council of Europe Recommendation CM/Rec(2019)11 in a manner that is accessible and meaningful to children – given it being addressed to Member-States - , the principles outlined in the Recommendation were adapted into five domains that summarise the role of the guardian in the child's life: Adequacy, Presence, Capacity, Relationship, and Independence. These domains are directly connected to the principles outlined in the Recommendation.

The extent to which these principles are observed through the children's experiences with the guardianship system were analysed. By examining these five domains, it was possible to gather insightful data on how effectively the principles are being implemented in practice. This approach allowed to translate the broad and systemic principles of the Recommendation into specific, relatable aspects of the guardian-child interaction that children can realistically assess.

### THE GATE GAME

Created by Defence for Children Italy in collaboration with the artist Max Frezzato, the game features 16 cards representing essential aspects of life encompassing a comprehensive and relevant range of variables. Each image represents needs and rights that can solicit and evoke memories and elements of our history or that of any real or imaginary person. The possible randomness through which each card can be arranged, drawn or grouped together with others proposes a simple yet powerful and meaningful device. The positive and negative polarities (e.g. food or lack of food) carve out a space that empowers individuals to choose what they wish to share with the group about their experience. The cards can be used to recall, narrate or consider the past, but at the same time, they can suggest considerations about the present or orientations for the future. This straightforward game reveals meaningful aspects of personal stories that reveal insights about guardianship and its core functions. The game can help build a timeline biography or support light-hearted conversations on sometimes difficult subjects. By listening to the experiences and perspectives of peers, participants are provided with useful elements to interpret their own personal experiences and history in a broader, systemic framework. Today, the tool has been used and tested in many situations with children, young people and adults.

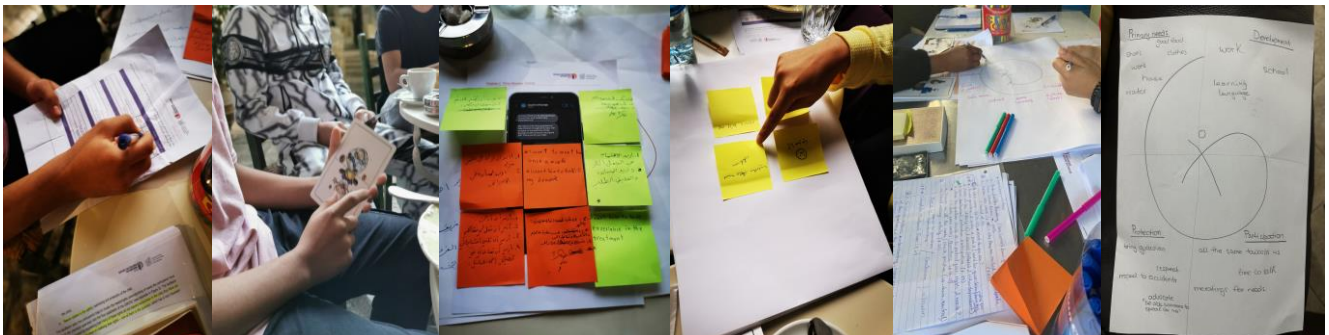


A tool called the "Gate Game"<sup>1</sup> helped facilitate the discussions with children. This tool, designed to solicit individual narratives related to participants' stories and personal lives, provided a framework for meaningful dialogue. For these consultations, the Gate Game was adapted. Five cards were selected from the game, each representing one of the five domains: Adequacy, Presence, Capacity, Relationship, and Independence.

In the consultation process, a child from the group would select a card, and the selected card would be discussed through guiding questions within its respective domain. This encouraged participants to reflect on their experiences and offer insights into their interactions with their guardians. At the end of the discussion, the card was oriented in its positive, negative, or neutral position, reflecting the child's overall evaluation of that domain.

The consultation process unfolded smoothly in Cyprus and Portugal. Despite differences in legal frameworks, the consultations provided valuable insights into the experiences of unaccompanied and separated children within the guardianship system.

The following sections of this report detail the findings from these consultations, shedding light on the challenges faced by children, the strengths and weaknesses of existing systems, and recommendations for improving guardianship practices in Council of Europe Member States.



*Images of the consultation sessions in Cyprus*

<sup>1</sup> Defence for Children Italy, GATE project - Guardians for separated children Against Trafficking and any form of Exploitation: Standards and Training for the qualification of guardians for separated children against trafficking and exploitation" <<https://www.defenceforchildren.it/en/news-126/gate>>. See also Defence for Children Italy, Gate European Report <<https://www.defenceforchildren.it/en/news-242/gate>>. DCI Italy is available to send the GATE GAME tool through mail to the participant delegations.



## The consultation process

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In Cyprus, the guardianship system is organised at the national level within the protection system. In general, the Institution Social Welfare Services is automatically appointed as guardian by law; thus, there is a high number of children per guardian.<sup>2</sup> The consultation process involved three face-to-face consultations with three groups of children, facilitated in collaboration with local stakeholders and coordinated by Hope for Children. The sessions were held in December 2023, with participants ranging from 14 to 17 years of age. Twelve children, primarily from Syria and Somalia, shared their experiences, offering invaluable insights into the Cypriot guardianship system.<sup>3</sup>

Portugal, although lacking the legal guardianship structures as defined by CM/Rec(2019)11, participated in the consultation process. Children and young people who arrive in Portugal unaccompanied or separated from their families in the context of migration are usually placed in residential care institutions whose director is designated as their legal representative by the Public Prosecutor. In turn, the director of the residential care institution assigns each child/young person a professional who will assume the responsibility for the latter and the legal process and who, in practice, will take on the role usually played by a “guardian” in the countries in which the figure of “guardian” is legally established and defined in the corresponding national legal framework as of the Recommendation CM/Rec(2019)11.<sup>4</sup>

Two consultations were conducted in March 2024 in Lisbon with collaboration from the National Commission for the Promotion of Rights and the Protection of Children and Young People. Eight children and young persons from diverse backgrounds were engaged in discussions to understand their experiences and needs with the Portuguese system.

This report presents an overview of the consultations, highlighting the experiences, challenges, and recommendations voiced by unaccompanied and separated children in Cyprus and Portugal. By providing firsthand insights, this initiative aims to contribute to ongoing efforts to strengthen the protection of children's rights across Council of Europe Member States, reaffirming the Council's commitment to upholding the rights and well-being of all children, regardless of their migration status.


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<sup>2</sup> FRA, *Guardianship systems for unaccompanied children in the European Union. Developments since 2014.* (2022) Pag. 47.

<sup>3</sup> Findings of the report submitted by Hope For Children on 9 January 2024, developed by Dr Emma Mesika-Jørgensen and Ms Arianna Tortelli. Everyone involved in the facilitation of the consultations as well as reporting has gone through relevant background checks and is familiar with and adheres to HFC's child safeguarding policy. For the complete report please see: CM\_Rec(2019)11 Consultations\_HFC REPORT

<sup>4</sup> Findings of the report submitted by the National Commission for the Promotion of Rights and the Protection of Children and Young People, on 19 April 2024, developed by Sonia Lourenço Costa and Célia Chamiça, Director of HFC's Research and Development division, together with Ms Arianna Tortelli, Project Manager in HFC's R&D division. Everyone involved in the facilitation of the consultations as well as reporting is familiar with and adheres to CNPDPCJ child safeguarding policy. For the complete report please see: CM\_Rec(2019)11 Consultations\_CNPDPJ REPORT

## Findings of the consultations and analysis of the results

ADEQUACY		
CARD	CONCEPT	PRINCIPLE OF THE CM/Rec(2019)11
	<p><b>Adequacy:</b></p> <p>The child considers that the guardian has done everything possible in order to respond to his/her specific needs and rights, safeguarding the child's best interests.</p>	<p>Principle 1 – Protection of the rights of unaccompanied and separated children in migration through guardianship</p> <p>Principle 4 – Legal responsibilities and tasks of guardians</p> <p>Principle 5 – Information, access to justice and remedies, including child-friendly complaint mechanisms</p>

Adequacy refers to the extent to which guardians effectively respond to the specific needs and rights of unaccompanied children, ensuring their best interests are safeguarded. This concept aligns with several of the principles of the Council of Europe's Recommendation CM/Rec(2019)11, including Principle 1 – Protection of the rights of unaccompanied and separated children in migration through guardianship, Principle 4 – Legal responsibilities and tasks of guardians and Principle 5 – Information, access to justice and remedies, including child-friendly complaint mechanisms.

In both Portugal and Cyprus, the consultations revealed mixed perceptions about the adequacy of guardianship systems to meet the needs of unaccompanied and separated children. While some children expressed satisfaction with the support provided by their guardians, others highlighted significant gaps and shortcomings.

### Cyprus

The consultations in Cyprus revealed significant concerns. Half of the participants provided negative feedback, indicating that their guardians do not fully understand their needs or make sufficient efforts to do so. This lack of understanding and engagement led many children to feel unsupported and doubt their guardians' commitment to their well-being and future. One child noted, *"We have difficulties even getting a meeting with our guardian, and when we met them, they didn't know who I was."*

Basic needs such as clothing and living conditions were highlighted as areas where guardians fell short. Children reported receiving clothes infrequently or clothes inadequate for the winter weather. They also reported experiencing poorly maintained living spaces, which led to health issues such as scabies. Participating children expressed that limited contact with their legal guardians, coupled with the shelter workers' restricted authority, contributed to a lack of respect for their rights. Children also noted that they wanted more opportunities to participate in

*"There should be elections for legal guardians."*

*"My legal guardian doesn't even know who I am."*

*"We have difficulties even getting a meeting with our guardian, and when we met them, they didn't know who I was."*

*"She understands my needs."*

organised, outdoor activities.

Despite the predominant negative feedback, positive experiences were reported, particularly in one of the participating shelters. One child described effective communication with their guardian who was responsive and helpful. Other children reported feeling supported by their guardians, particularly when important decisions had to be made.

Participants across sessions in Cyprus suggested that guardians should visit more frequently and spend more time with the children to understand their needs better. They also emphasised the importance of honesty from guardians, even when delivering unpleasant news. Children expressed a desire for more organized activities, improved healthcare access, and advanced language lessons in English and Greek.

In one shelter, the final evaluation of the adequacy card was negative, reflecting the overall dissatisfaction with guardian engagement. However, another session yielded a neutral evaluation, suggesting room for improvement but recognizing some positive aspects. The third session concluded positively, with participants acknowledging their guardians' efforts to protect their best interests.

## Portugal

In Portugal, the concept of adequacy was explored through questions about how adults responsible for children ensure their safety, well-being, and support. Many children highlighted the importance of respect, care, and attentiveness from their caregivers. They valued caregivers who listened to their concerns, shared experiences about living in Portugal and provided clear guidance on navigating new environments, such as attending school and accessing healthcare.

Positive experiences were common, with children recalling instances where caregivers proactively explained necessary steps for integration and addressing their needs. For example, one child appreciated detailed advice on how to manage finances and save for the future. Another highlighted the crucial support received from a caregiver in finding housing and employment.

However, notable criticisms arose regarding initial reception conditions. Some children reported

*“When I arrived in Portugal, I didn't expect to have someone to help me and when I arrived in Portugal I had, and that was useful.”*

*“When I arrived here and had to know what the future was [going to be], I was told what I needed to do in the beginning, how to go to school, health [how to go to the hospital].”*

inadequate food quality and poor sleeping arrangements. Another child described the stress and poor health conditions resulting from insufficient financial support and inadequate living conditions. Such experiences underscored the variability in the adequacy of care provided.


Children expressed that understanding their situation and future planning were critical aspects

of feeling adequately supported. Many felt that caregivers helped them understand their current circumstances and provided practical advice for the future. However, some children did not feel adequately prepared or supported in planning for their future, indicating a need for more consistent and comprehensive guidance.

## Conclusion

Overall, the consultations highlighted the crucial role of attentive and proactive caregivers in ensuring the adequacy of care. In particular, findings suggest that the adequacy of support is influenced by various factors, including guardians' knowledge and training, clarity on the role of the guardian, resources available to support children and

the effectiveness of communication channels between guardians and children. Improving adequacy requires a multifaceted approach, including comprehensive training for guardians on children's rights and their role, access to tailored support services and enhanced communication strategies to ensure children are informed and empowered to assert their rights. Implementing guidelines for an effective guardianship system, Principle 4 – Legal responsibilities and tasks of guardians of the Recommendation CM/Rec(2019)11 of the Committee of Ministers and Explanatory Memorandum is essential to safeguard the best interests of unaccompanied children, adequately address their needs and rights and ensure a uniform standard of care and engagement from all caregivers.

PRESENCE		
CARD	CONCEPT	PRINCIPLE OF THE CM/Rec(2019)11
	<p><b>Presence:</b></p> <p>The child feels that the guardian was there for them when they needed and that the guardian dedicated a sufficient amount of time to contribute to the realisation of the rights of the child.</p>	<p>Principle 3 – Appointment or designation of guardians without undue delay</p> <p>Principle 4 – Legal responsibilities and tasks of guardians</p>

Presence refers to the degree to which children feel that their guardians are available and dedicated enough time to support their rights and needs. This concept aligns with Principle 3 – the timely appointment of guardians, and Principle 4 – the legal responsibilities and tasks of guardians as outlined in CM/Rec(2019)11.

### Cyprus

The consultations in Cyprus highlighted significant issues with the presence of legal guardians. Initially, some participants agreed that a guardian should care for their well-being, assist with their needs, and listen to their feelings. However, many children expressed a limited understanding of the guardian's role, especially in legal matters. This confusion stemmed from - in the views of the participating children - limited access and infrequent communication with their guardians, with some children reporting having met their guardians only once.

Participants also expressed skepticism about the honesty and transparency of their guardians. Some children felt that their guardians did not clearly explain matters that related to them. Some participants expressed that they did not feel like the guardian was interested in their future and that the officers in their accommodation were the ones who enquired about the future.

According to participants' experience, the discomfort was exacerbated by changes in their legal guardians. Children expressed reluctance to share personal information with the new guardian, due to fear of further changes. This instability resulted in a lack of perceived support and presence, contributing to feelings of being "ignored" and

treated as “just numbers within the system”.

The children’s experiences varied based on their place of residence. For instance, participants from one shelter noted that their guardian rarely visited, and when he/she did, interactions were brief and superficial. In contrast, children living in a different shelter reported fruitful and frequent interactions with their legal guardian. One participant mentioned that her guardian was always available, providing her personal and work contact numbers and promptly responding.

Children suggested that guardians should spend more time with them and establish better communication channels. They expressed a desire for guardians to engage with their lives genuinely and provide consistent support.

*“We only see legal our legal guardian when we do something wrong.”*

*“I need her to ask me what I feel, how I think and what help I want.”*

*“She helped me from the hotel to the shelter and from the shelter to a house, also she helped with my Dublin case.”*

The final evaluations of the presence card varied across consultations. The first two consultations resulted in negative evaluations, with participants

feeling that their guardians were largely absent. However, in the third consultation, the evaluation was positive, and the children expressed gratitude towards an available and supportive guardian.

## Portugal

In Portugal, the concept of presence was explored through children’s awareness of their caregivers and the frequency and quality of interactions. Many participants knew who their caregiver would be within a day or two of arrival. They were informed how to contact their caregivers, typically via mobile phone, and received immediate introductions upon arrival.

The frequency of interactions varied. Some children reported regular weekly meetings and felt comfortable contacting their caregivers as needed. Others had less frequent contact, depending more on personal needs and emergencies. One participant noted that while regular interactions were generally positive, language barriers sometimes hindered effective communication and support.

Overall, children in Portugal expressed a relatively positive view of their caregivers' presence. They

*“The person who was responsible [for me] informed me that was going to accompany my process, right in the first day, when I arrived.”*

*“The person who was responsible did not have enough time because there were many boys [in the facility].”*

*“The person who was responsible had a lot of time [to talk to us], we even used to see her too many times.”*

felt that caregivers were available and supportive, helping them navigate various challenges, including dealing with immigration services and daily living needs. Some children, however, pointed out issues such as insufficient time spent together due to a high number of children under the care of each caregiver and highlighted once more that language barriers coupled with a lack of translators for non-Portuguese speakers


sometimes hindered effective communication and support.

The final evaluation of the presence card in Portugal was generally positive. Children appreciated the caregivers' availability and support, drawing upon personal stories to highlight instances where caregivers played a crucial role in their adjustment and well-being. One child referenced an Afghan proverb, “Without an old man, you won’t go far,”

to underscore the importance of having a reliable and present caregiver.

### Conclusion

The consultations in both Cyprus and Portugal revealed diversified experiences regarding the presence of guardians. These findings underscore the need for consistent and meaningful engagement from guardians to ensure the well-being and rights of unaccompanied children. Enhancing presence requires guardians to prioritize regular communication and engagement with children, actively listening to their concerns and providing timely support. Establishing clear communication channels and regular check-ins can help foster trust and rapport between guardians and children, ensuring that children feel supported and empowered to navigate their circumstances effectively.

CAPACITY		
CARD	CONCEPT	PRINCIPLE OF THE CM/Rec(2019)11
	<p><b>Capacity:</b></p> <p>The child considers that the guardian has/had the necessary knowledge, competences and capacities to undertake his/her role and support them in realizing their needs and rights.</p>	<p>Principle 5 – Information, access to justice and remedies, including child-friendly complaint mechanisms</p> <p>Principle 6 – Institutional measures</p> <p>Principle 7 – Resources, recruitment, qualifications and training</p>

The concept of capacity refers to whether children believe their guardians possess the necessary knowledge, competencies, and abilities to support them effectively and help realize their needs and rights. This concept is connected to Principle 5 - Information, access to justice, and remedies, including child-friendly complaint mechanisms, Principle 6 - Institutional measures, and Principle 7 - Resources, recruitment, qualifications, and training of CM/Rec(2019)11.

### Cyprus

In Cyprus, children generally acknowledged that their guardians appeared technically trained and prepared. However, there was a significant gap between this perception and the practical support provided. Most children reported feeling unsupported in realising their rights and needs, indicating a disconnect between the theoretical capacity of the guardians and their practical application. Many participants felt that their guardians did not adequately inform them about their rights, and some children mentioned that their guardian's promises of help were often unfulfilled, leading to a perception of inaction.

However, participants reported some positive experiences. One child mentioned that his guardian was

knowledgeable and communicative, often consulting with a lawyer to provide accurate information. Other participants stated that their rights were never explained to them, but their guardian always asked questions to understand better and meet their needs.

*"I don't feel like I am being helped by my legal guardian, the child protection officer helped me a lot more."*

*"Of course, she knows how to work, but just don't care."*

*"She never explained my rights, but she asks questions to understand better my needs."*

The consultations also revealed significant communication barriers, especially for Arabic-

speaking children, who often lacked interpreters during meetings with their guardians. The barriers in communication led to misunderstandings and a sense of being unsupported, as private matters could not be effectively conveyed.

Overall, children expressed a desire for their guardians to spend more time with them, listen to their needs, and provide consistent support. They also stressed the importance of having interpreters available to facilitate better communication.

The final evaluations of the capacity card varied: one group rated it negatively due to perceived neglect, another group neutrally, due to mixed experiences, and a third group positively, though with a noted need for better communication facilitated by interpreters.

### Portugal

In Portugal, the children generally viewed their caregivers as well-prepared and capable. They appreciated the caregivers' ability to assist with various needs, such as well-being and academic support.

Participants mentioned positive interactions where caregivers helped with everyday problems and more significant issues, such as dealing with unhelpful teachers. However, some noted that while the caregivers were supportive, systemic issues such as slow bureaucratic processes and political factors sometimes hindered the effectiveness of the support provided.

The participating children also acknowledged that caregivers may not be able to address certain personal issues fully, especially those related to their past traumas, personal stories, or migration journeys. Although they

*"My caregiver helps me in everything."*

*"They were well prepared to help me, even in what I didn't want them to."*

recognised that talking with a responsible adult can help, they also pointed out the limits of what caregivers could achieve, given the complex and deeply personal nature of some problems faced by the children.

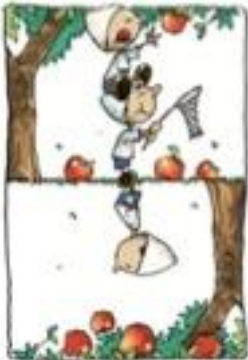
Despite these challenges, the children's consensus was that the caregivers in Portugal were doing their best within the constraints they faced. The final evaluations of the capacity card were mostly neutral to positive. Children felt that their caregivers were generally able to fulfill their roles, although there was room for improvement, particularly in addressing more profound and sensitive issues.

### Conclusion

The consultations in Cyprus and Portugal reveal varied experiences regarding the capacity of guardians and caregivers. These findings highlight the need for more effective training, better communication strategies, and a

focus on meeting both the basic and complex needs of unaccompanied children to ensure their well-being and the realisation of their rights. Enhancing guardians' capacities requires comprehensive training programs and ongoing adequate support to ensure they have the knowledge, skills, and resources to fulfill their duties effectively.

Training should cover key areas such as child development and children's rights, the relevant legal procedures and protection systems, the available services, cultural competencies and trauma-informed care to empower guardians to advocate on behalf of children and provide holistic support. This is expressed in Section IV, "Implementing guidelines for an effective guardianship system," Principle 7 – Resources, recruitment, qualifications and training of the Recommendation CM/Rec(2019)11 of the Committee of Ministers and Explanatory Memorandum.

RELATIONSHIP		
CARD	CONCEPT	PRINCIPLE OF THE CM/Rec(2019)11
	<p><b>Relationship:</b></p> <p>The child considers that there was the possibility to create a meaningful and trust-based relationship with the guardian.</p>	<p>Principle 4 – Legal responsibilities and tasks of guardians</p> <p>Principle 5 – Information, access to justice and remedies, including child-friendly complaint mechanisms</p>

The Relationship domain refers to the extent to which children believe they can form meaningful, trust-based relationships with their guardians. This concept aligns with Principle 4 - Legal responsibilities and tasks of guardians and Principle 5 - Information, access to justice, and remedies, including child-friendly complaint mechanisms of CM/Rec(2019)11.

### Cyprus

In Cyprus, the consultations revealed a complex and often difficult relationship between children and their legal guardians. Many children expressed a significant difference between the support provided by their legal guardians and other individuals working with unaccompanied children. While they appreciated the support from these other individuals, children expressed a sense of distress, highlighting a need for more substantial assistance from their legal guardians, particularly regarding their "refugee status" or other international protection. The participants felt that their cases were not progressing as promised, and poor communication with their legal guardians made it challenging to address their concerns about the fairness of their situations. One participant noted that the guardian had only visited once in two years.

A common theme the participants noted was the lack of communication and information from their guardians. Many children reported that their guardians did not inform them about their rights and that language barriers exacerbated



this issue. For instance, when guardians visited, they rarely arranged for translators, leaving non-English-speaking children unable to communicate effectively. This lack of communication was perceived as guardians trying to minimise their time with the children. Consequently, children felt their dreams, goals, and hopes for the future were not discussed with their guardians or considered. The consulted children expressed a strong desire for their guardians to make more of an effort to connect with them. They believed these efforts would foster trust, making it easier for them to open up and share their thoughts and concerns.

*"In two and a half years, I have only seen my legal guardian once."*

*"I don't share my hopes and dreams with her, I've never thought of doing that, but I trust her."*

*"I have a good relationship with my legal guardian."*

Despite these frustrations, some children expressed positive sentiments. All participants in

one of the consultation sessions, from the same shelter, reported a positive and trusting relationship with their guardians. However, they did reiterate the need for Arabic interpreters to improve communication. These mixed experiences highlighted a partial gap in trust and effective communication between the children and their guardians. Many children felt unsupported and required more proactive assistance to address day-to-day issues and legal and status-related challenges.

The final evaluations of the relationship card varied. In the first and second groups, the evaluations were negative, with children feeling disconnected from their guardians and unable to identify them if they met them outside of formal settings. These children pointed out significant gaps between what their guardians should do and what they actually do. In contrast, the third group had a positive evaluation, with all participants reporting feeling connected to and comfortable speaking with their guardians.

## Portugal

In Portugal, children generally had a more positive view of their relationships with caregivers. Many noted that their primary caregivers were supportive and close to them, akin to family members. The caregivers were seen as essential figures who help the children navigate daily challenges and provide emotional support. This is especially true in contrast to other adults working with unaccompanied children, who were sometimes perceived as less helpful or even "indifferent."

Some children highlighted specific positive interactions such as caregivers helping them understand

*"In two and a half years, I have only seen my legal guardian once."*

*"I don't share my hopes and dreams with her, I've never thought of doing that, but I trust her."*

*"I have a good relationship with my legal guardian."*

their rights or supporting them through difficult situations. For example, when children had issues with teachers or needed guidance on their educational paths, caregivers were there to assist and provide necessary information. However, not all children had the same experience. Some felt that their rights were not always fully explained, and they wished to participate more in the


decisions concerning them: *"Sometimes the [professional who is] responsible [for the young person] does what he thinks it's good for the young person and not what the young person wants, sometimes he doesn't explain what is better for the young person."*

Despite these discrepancies, the overall view of the relationship card in Portugal was positive. Children felt that

they could trust their caregivers to help them and make decisions in their best interest. This trust, according to the participating children, is crucial for fostering a supportive environment where children are valued.

### Conclusion

The consultations in Cyprus and Portugal highlight significant differences in the perceived relationships between children and their guardians or caregivers. These findings emphasise the importance of building strong, trust-based relationships through effective communication, cultural sensitivity, and a genuine interest in the children's well-being and future aspirations. Improving relationships requires guardians to prioritise intentional meetings with children to listen to their concerns and demonstrate empathy and understanding. Additionally, cultivating open and honest communication channels, fostering a supportive and nonjudgmental environment and involving children in decision-making processes can help strengthen relationships.

INDEPENDENCE		
CARD	CONCEPT	PRINCIPLE OF THE CM/Rec(2019)11
	<p><b>Independence:</b> The child considers that the guardian acts/acted with independence, considering the centrality of the child and acting in their best interests.</p>	<p>Principle 4 – Legal responsibilities and tasks of guardians Principle 8 – Co-operation and co-ordination at national level</p>

The concept of independence refers to the guardian's ability to act independently while prioritizing the child's best interests, aligning with Principle 4 - Legal responsibilities and tasks of guardians and Principle 8 - Co-operation and co-ordination at the national level of CM/Rec(2019)11.

### Cyprus

In Cyprus, the consultations highlighted a significant gap between the children's expectations of their legal guardians and the reality of their interactions. Many participants in the first two consultations expressed disappointment with the guardians' lack of involvement and delayed support. Children felt that their guardians did not act in their best interests, often siding with the system rather than advocating for the children's needs. They did not feel their guardians cared about their feelings or actively helped with important decisions, making it difficult for them to implement their own decisions independently.

The third consultation group presented slightly different findings. While two participants struggled to grasp the concept of "independence," they agreed that their guardians acted with their best interests at heart. One child reported that her guardian was supportive during critical decision-making processes, and another mentioned that her guardian played a crucial role in improving her behavior and giving her a second chance by trusting her.

Despite these positive notes, most children felt a lack of disconnection between theoretical support and practical action underscored the guardians' ineffectiveness in genuinely advocating for the children's rights and needs. The children suggested that their guardians should engage more with them to discuss matters and find solutions together.

advocacy from their guardians. This perceived

*"I am not being helped."*

*"She gave me another chance as she saw I was behaving well."*

*"I say I need clothes she says ok ok but never say or help or bring anything."*

The final evaluations of the independence card were predominantly neutral. The first two groups recognised that the inherent connection of the legal guardian and "the system" alongside their lack of relationship with the children, prevented the guardian from making informed independent decisions. The last consultation group also opted for a neutral evaluation, largely due to their difficulty understanding the concept of independence, although their related feedback was positive.

### Portugal

In Portugal, the consultations revealed a generally more positive perception of the caregivers' independence. Many children felt that their caregivers were supportive and present during significant moments and helped them navigate important decisions, such as moving houses or continuing education. They appreciated that caregivers were there to discuss options for the future and provide ideas, reflecting a supportive and collaborative approach. This was particularly important for those facing language barriers, as caregivers often facilitated language learning by arranging for teachers to help them learn Portuguese.

*"I had problems with the language and the adult [who is responsible] helped me, looked for a teacher to come to the house to teach me Portuguese."*

*"Yes, I talk with them first because it's easier to solve. We could make it, but sometimes the language doesn't help. If I know that the situation is difficult, I go to them and ask them so I can know how to solve it."*

Furthermore, the participants expressed they felt comfortable seeking help from their caregivers when dealing with complex situations. They noted that caregivers would advocate for them and communicate with other adults to resolve issues, ensuring that the children's best interests were always considered.

The final question on card positioning revealed that the children generally felt positive or neutral about their caregivers' independence. They believed that their caregivers were usually by their side and trusted them to help make decisions that were in their best interests.

### Conclusion

The consultations in Cyprus and Portugal highlight contrasting experiences regarding the independence of guardians. These findings emphasise the need for guardians to be more involved and proactive in advocating for the children's best interests, ensuring that their actions align with the principles of independence and child-centered

support. Promoting independence requires guardians to prioritise children's autonomy and agency, empowering them to make informed decisions and assert their rights effectively. Guardians should provide children with the necessary information, resources, and support to navigate their circumstances independently. Additionally, they should advocate on their behalf to ensure their best interests are upheld. Establishing clear decision-making processes, promoting transparency and accountability, and fostering a culture of empowerment can help facilitate children's independence and resilience in guardianship systems.

## Conclusions and recommendations

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The analysis of the findings from the consultations in Portugal and Cyprus highlights the complex challenges and opportunities inherent in guardianship systems for unaccompanied and separated children in the context of migration. By examining the domains of Adequacy, Presence, Capacity, Relationship, and Independence, key areas for improvement are identified. The consultation results can inform targeted interventions to improve the implementation of CM/Rec(2019)11, enhancing the effectiveness of the guardianship and protection systems and providing better support to unaccompanied and separated children.

Overall, children's guardianship experiences varied widely, in part, due to the differing legal and practical frameworks in each country. In Cyprus, children frequently reported challenges in communication and support from their legal guardians. Participants expressed a desire for more active involvement from their guardians in addressing their cases and spending more time together, highlighting the need for a more personalised relationship. Conversely, in Portugal, where the legal concept of "guardian" as defined by the Recommendation CM/Rec(2019)11 does not exist, children are typically placed in residential care institutions. The director of these institutions, designated as the legal representative, assigns a professional to assume guardianship responsibilities. Despite this different structure, children in Portugal reported overall positive experiences in the current setting. Many participants reported feeling well-supported by their designated professionals, while some children highlighted gaps in advocacy and support.

The main challenges identified from the results of the child consultations include gaps in:

- Communication and trust: children emphasised the need for better and more frequent communication and trust-building between themselves and their guardians or designated professionals. Many felt their voices were not heard, and their needs were not adequately addressed.
- Adequacy of support: there is a notable gap in the active support and advocacy provided by guardians including for legal or specialized matters and basic needs such as food, safe sleeping arrangements and adequate clothing.
- Legal and institutional frameworks: the differences in legal and institutional frameworks across countries create inconsistencies in the guardianship experience. In Portugal, the lack of a legally defined guardianship system means that the quality of support can vary significantly depending on the child's placement and the professional assigned. However, a lack of monitoring cannot ensure a standard of procedure even when the legal framework is present.
- Training and independence: guardians require adequate training to fulfill their roles effectively. This includes understanding legal processes, communication skills, and cultural competence to support children from diverse backgrounds. In addition, guardians should act in the best interests of the child at all times. They should provide children with the necessary information, resources, and support to navigate their circumstances independently while also advocating on their behalf and ensuring their rights are upheld.
- Cultural and language barriers: language and cultural barriers pose significant obstacles. Children reported difficulties understanding their rights and accessing necessary services due to these barriers.

Based on the findings and the main challenges that emerged, several actionable recommendations can address the identified issues and improve the guardianship systems for unaccompanied and separated children in Council

of Europe Member-States. These proposals align with the current child-rights international framework and guidelines at the European level and the Council of Europe's recommendations, specifically Recommendation CM/Rec(2019)11 on Effective Guardianship for Unaccompanied and Separated Children in the Context of Migration.

### **1. Standardise legal frameworks, guardianship guidelines and training:**

Establish standardised guidelines for the roles and responsibilities of guardians across Member States, according to Principle 4 – Legal responsibilities and tasks of guardians of CM/Rec(2019)11. These should be included in comprehensive rights-based training programs to ensure guardians are well-equipped with the necessary knowledge and skills to support unaccompanied and separated children effectively. Training should cover children's rights, the protection system and the available services, cultural competencies and trauma-informed care.<sup>5</sup>

### **2. Foster trust-based relationships:**

Guardians should prioritise building strong, trust-based relationships with the children they support through active listening, showing empathy, and being responsive to needs and concerns. Structured and consistent engagement, including regular check-ins and feedback mechanisms, should be implemented to ensure children feel heard and supported.

### **3. Promote child participation and independence:**

Guardians should facilitate opportunities for children to express their views and preferences and involve them in decision-making processes. Providing children with information about their rights and helping them understand the implications of various choices can enhance their autonomy and independence.

### **4. Address Language Barriers:**

Ensure that language barriers do not impede effective communication between guardians and children. Children and guardians should have access to qualified interpreters and cultural mediators to facilitate understanding and ensure that children can fully express their needs and concerns.

### **5. Improve coordination and collaboration:**

Enhance cooperation and coordination among all stakeholders involved in the guardianship system, including social workers, legal professionals, residential care facilities staff, educational staff and guardians. Establishing multi-disciplinary teams can help ensure a holistic approach to supporting unaccompanied and separated children. Clear communication channels and referral protocols should be developed to facilitate effective collaboration and information sharing.

### **6. Monitor and evaluate guardianship frameworks and practices:**

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<sup>5</sup> Defence for children International Italy developed, in collaboration with the European Union Agency for Fundamental Rights a all-encompassing manual for trainers of guardians on Guardianship for unaccompanied children designed to help institutions, organisations and individuals to train guardians of unaccompanied children or to deliver 'train-the-trainers' courses. It can be used in a range of training contexts, such as professional and academic training, on-the-job training and continuing training. The manual is based on human and fundamental rights principles and ethical standards and recognises that the child and the guardian have their own personal stories, resources and capacities. It enhances guardians' confidence to promote the child's rights and best interests. It also enhances their confidence to act independently and impartially in relation to different state officials, service providers and other community members. The parallel web-based learning platform for guardians of unaccompanied children, built on Moodle, complements the manual. It is an online resource with presentations, videos and exercises. It supports distance learning and allows trainers and participants to access additional material through the digital platform. More information available [here](#).

Implement regular monitoring and evaluation of guardianship practices to assess their effectiveness and identify areas for improvement supporting Member States in implementing the CM/Rec(2019)11 effectively. Feedback from children should continue to be a key component of this process so that their perspectives and experiences inform ongoing improvements. Establishing clear performance indicators and accountability mechanisms can help ensure that guardianship systems are responsive to the needs of children.

### **7. Develop complaint mechanisms for children:**

In conjunction with a monitoring framework, implement a process for children to submit formal and anonymous complaints that are addressed quickly and adequately. Professionals trained and equipped to handle complaints should be appointed, and a timeframe for addressing complaints should be established so the child has clear expectations about the process. The complaint mechanisms should be child-centred, and the professional should involve the child, when possible and adequate, to understand how best to address the complaint and ensure the child's needs are met. In extreme cases, a process for immediate removal from the guardian's care should be enacted, appoint another guardian without delay.

Addressing these issues requires a concerted effort from all stakeholders, including policymakers, guardians, and care institutions. Moving forward, continued collaboration and dialogue among stakeholders including government agencies, NGOs, and child welfare professionals, will be essential in implementing the recommended actions and driving positive change in guardianship practices. By addressing the identified challenges and leveraging the strengths of their respective systems, Member States can create environments where unaccompanied and separated children feel supported, empowered, and able to thrive.

Increased collaboration and engagement from National Delegations has the potential to drive positive changes and establish a more secure and supportive environment for unaccompanied and separated children across Europe.

## Recommendations made by children

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Based on the quotes from children during the GATE Game discussions and the “direct messages” activity, here are four recommendations made by unaccompanied children to the authorities of the Member-States of the Council of Europe regarding the characteristics and actions of guardians:

- ➔ Presence and transparency: guardians should be consistently present in the children’s lives, dedicating sufficient time to understand their needs and building a trust-based relationship with the child. Also, guardians should always be transparent about issues concerning the child. One child noted, *“I want her to spend more time with me and not lie to me, tell me the truth about something that concerns me, for example, my Dublin case, and not tell me that she does not know.”*
- ➔ Multi-disciplinary support: guardians should cooperate with other professionals and be proactive in helping children regarding primary needs and navigating the legal and social systems. They should ensure that problems raised by children are listened to and promptly and effectively addressed with respect to their views. One child stated, *“Sometimes the [professional who is] responsible [for the young person] does what he thinks it’s good for the young person and not what the young person wants, sometimes he doesn’t explain what is better for the young person.”*
- ➔ Personalised approach: Guardians should focus on addressing the specific needs of each child, offering personalised support and ensuring that all aspects of the child’s wellbeing are considered. One child specifically requested, *“I want her to come see me more often to be able to know her and trust her that what she will do is good for me.”*
- ➔ Empathy and understanding: Guardians should care about the children, listen to their concerns without judgment and help them find solutions, guiding the child in their best interest. Also, guardians should take an interest in the children's dreams and aspirations, helping them to develop and pursue their goals. One child highlighted, *“I want her to care about me and listen about what I have to say, not judge me and find ways to help me when I do not know what to do.”*

In addition to these recommendations, the children emphasised the following important characteristics guardians should have.

In the words of children, guardians should...

- ... *“be knowledgeable”* and *“have experience in the system”*;
- ... *“be more professional in their work”*;
- ... *“be present, help and listen to our needs”*;
- ... *“care for the people they are responsible for”*;
- ... *“be hardworking”*;
- ... *“be nice”*;
- ... *“be kind”*;
- ... *“be caring and respectful”*.



