



Presentation :
**Implementation review report
of the
CM/Recommendation(2019)11**

All photos by: Maria Portway

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Migration Correspondents' Meeting

Anne Kayser – Attuil, Co-Secretary of the Steering Committee for
the Rights of the Child



**Building a Europe
for and with children**



Implementation review report on recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration

Overarching
implementation
measures

Principle 1 – Protection of
the rights of
unaccompanied and
separated children in
migration through
guardianship.

Principle 2 –
Guardianship
frameworks and
measures.

Principle 3 –
Appointment or
designation of
guardians without
undue delay.

Principle 4 – Legal
responsibilities and
tasks of guardian.

Principle 5 –
Information, access to
justice and remedies,
including child-friendly
complaint mechanisms.

Principle 6 –
Institutional
measures.

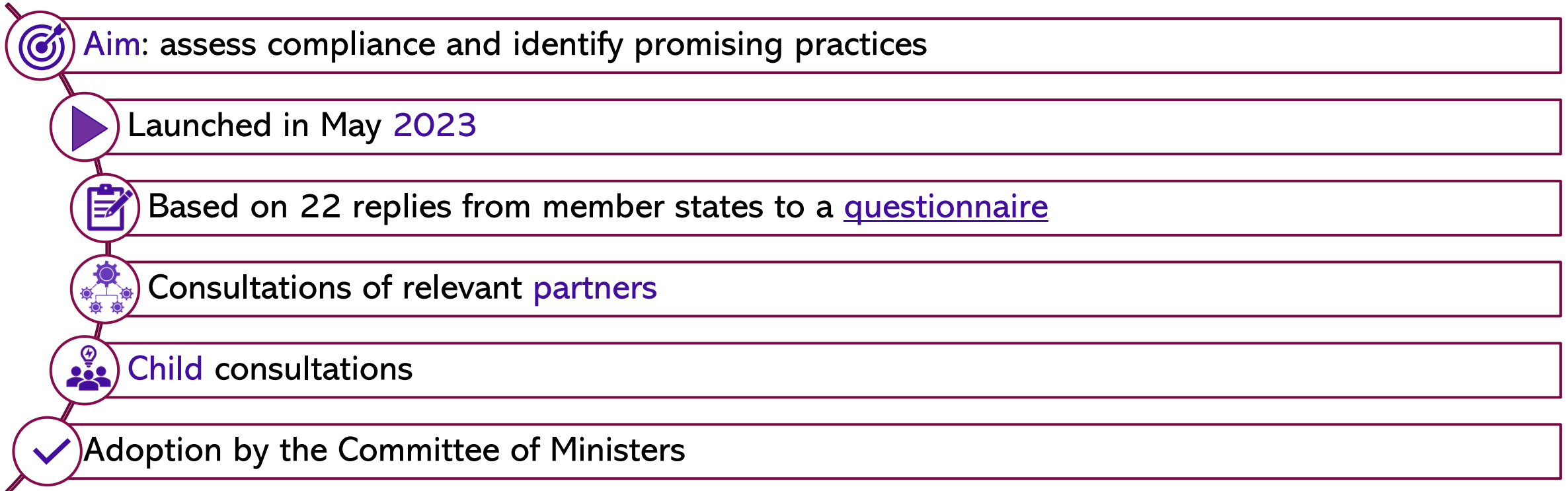
Principle 7 –
Resources,
recruitment,
qualifications and
training.

Principle 8 and 9 –
Co-operation and co-
ordination at national
and international
level.

**Challenges and good
practices.**

**Guardianship for
unaccompanied and
separated children
fleeing Ukraine.**

Implementation review process



FINDINGS and CONCLUSIONS

Overarching implementation measures



Consider **review** of the existing legal and policy frameworks and **identify gaps** on the legal status of guardians



Allocate **resources** to ensure implementation



Increase **translation** and **dissemination** of the Recommendation

1) Protection of the rights of unaccompanied and separated children in migration through guardianship



The **best interest of the child** is a primary consideration, provided for in national legislation – establish protocols



Specific migration-related risks, **vulnerabilities** or protection needs generally addressed – need awareness raising materials



Better address the specific needs of **separated children**

2) Guardianship frameworks and measures

The **diversity** of **guardianship models**, both across and within countries, poses a significant challenge to **effectively implementing the recommendation**.

However, any model can align with Principle 2 if it is **adaptable** and addresses the **full range of circumstances** that children might encounter.



Simplify guardianship models to make them more accessible



Establish legal or policy provisions to **clearly identify the guardianship authority** and the guardian, their role, functions, and responsibilities



Consider formalising guardianship arrangements to be as **permanent** as possible



Establish or strengthen **interagency and multidisciplinary co-ordination** mechanisms in decentralised models of guardianship, at international level and monitoring by an independent authority

3) Appointment or designation of guardians without undue delay



Appointment or designation of a guardian **for all children**, regardless of the immigration status.



Appointment or designation of a guardian **without undue delay**.

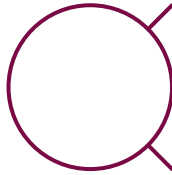


The **child's right to be heard** in guardianship proceedings.



Allow for the possibility of extending certain protection measures to unaccompanied and separated children **after reaching 18 years of age**, where appropriate.

4) Legal responsibilities and tasks of guardian



Clarify the **responsibilities** and **task** of guardians



Involvement of guardians in **proceedings affecting the child**



Create conditions for a **trusting relationship** between the guardian and the child.



Independence and **impartiality** of guardians.

5) Information, access to justice and remedies, including child-friendly complaint mechanisms



Develop **child-friendly** material



Provide **information** and support to **guardians** that is accessible and adapted to the specific circumstances of children.



Independent and effective **complaint mechanisms** and remedies for children.

6) Institutional measures



Ensure that guardians are responsible for a **manageable number of cases**.



Strengthen the provision of mechanisms for **communication, networking, and self-help among guardians**



Support civil society organisations to develop and update initial and continuous **training for guardians**.

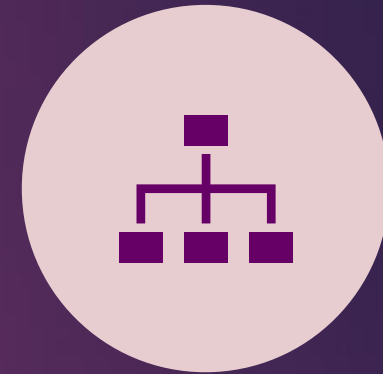
7) Resources, recruitment, qualifications and training



Financial, human and
technical resources



Qualifications and
requirements for guardians



Identification and allocation
of sufficient resources

8) Co-operation and co-ordination at national level

Ensure effective operational co-ordination between all actors involved in the protection of unaccompanied and separated children. The value of a model that clearly defines the responsibilities of all actors involved.

Co-ordination mechanism which clearly identifies the **role of each competent authority** involved in protection of children in migration.



Designate an **authority or institution** that could **assess and guide** stakeholders, especially those **outside the guardianship system**.



Promote **regular multi-agency and multidisciplinary training**.

Monitoring and evaluating co-ordination



Data sharing provisions

9) International level

International co-operation is essential to ensure children protection and best interests

Provide by law the **widest range of international co-operation.**



International and/or regional **mechanisms for co-operation** and promote the **regular sharing** of knowledge, experience and best practices.

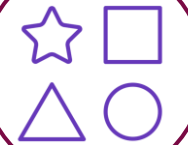
Establish **clear channels or mechanisms** for the **transmission and execution of requests** for information or other types of assistance beyond those related to trafficking.



Challenges



High influx of unaccompanied and separated children.



Diversity of guardianship models and legal nature of guardians



Lack of monitoring and evaluation mechanisms, both for children and for guardians and the guardianship authority.

Focus on Ukrainian children

15 out of 22 responding countries adopted **specific measures** on guardianship or protection for unaccompanied and separated children fleeing Ukraine.



Informations
on the
specific legal
frameworks



Co-ordination
mechanisms



Specific
protocols



Flexibility in
the
appointment
of guardians



Specific
information
provision
mechanisms

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]."

Consultation of Children and Young persons

see [Full report](#)

Collaboration with :

**DEFENCE FOR CHILDREN
INTERNATIONAL**



*"My caregiver **helps** me in everything."*

ADEQUACY



CAPACITY



RELATIONSHIP



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

PRESENCE



INDEPENDANCE



"I need her to ask me what I feel, how I think and what help I want."

Conclusions

1. Involvement of the guardians and **proactivity** in advocating for **their best interests**.
2. Guardianship models should be **simplified** to be more accessible, and the responsibilities of the guardianship authorities **clarified**.
3. Guardians should be swiftly appointed, **consistently present** in the children's lives, **actively listening** to their concerns, providing timely support, **dedicating sufficient time** to understand their needs.
4. Guardians should care about the children (...) help them **find solutions**, guiding the child in their **best interest**, and build a **strong, trust-based relationship** with the child.
5. It is crucial to provide children with information adapted to **their age, maturity** and in a **language** they can understand.
6. The adequacy of support of a guardian is influenced by various factors, including **clarity on the role of the guardian**.
7. Enhancing guardians' capacities requires **comprehensive training** programs and ongoing **adequate support** to ensure they have the knowledge, skills, and resources to **fulfil their duties effectively**.
- 8 and 9. Enhance national and international **cooperation**

Actions to be taken at the CoE level

Support MS in the **dissemination of the Rec.** by developing information materials

Provide **technical assistance** through **co-operation projects** to review legal and policy frameworks

Further disseminate and develop new **training courses and modules from CoE** and relevant international agencies or organisations

Strengthen the exchange of **knowledge, experience and good practices between MS** within existing **international co-operation mechanisms** on guardianship.

Monitor and evaluate the implementation of measures taken **in the context of the Ukrainian conflict** in co-operation with the **Consultation Group on the Children of Ukraine (CGU)**.

Do you have any
question



Thanks for
your
attention 😊

▶ Anne Kayser

Co-Secretary of the Steering Committee for the
rights of the child (CDENF)

▶ anne.kayser@coe.int