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STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**DRAFTING GROUP ON MIGRATION AND HUMAN RIGHTS
(CDDH-MIG)**

Compilation of relevant material on family-based care¹

¹ The compilation is non-exhaustive and indicative.

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Legal Standards, Guidelines, Recommendations, Resolutions, Reports, etc.

Non-exhaustive and indicative list

I. COUNCIL OF EUROPE

1. European Court of Human Rights

[*SH.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia*, No. 14165/16, 13 June 2019](#) (available in French only)

[*H.A. and Others v. Greece*, No. 19951/16, 28 February 2019](#) (available in French only)

[*S.F. and Others v. Bulgaria*, No. 8138/16, 7 December 2017](#)

[*Abdullahi Elmi and Aweys Abubakar v. Malta*, Nos. 25794/13 and 28151/13, 22 November 2016](#)

[*A.B. and Others v. France*, No. 11593/12, 12 July 2016](#)

[*A.M. and Others v. France*, No. 24587/12, 12 July 2016](#) (available in French only)

[*R.M. and M.M. v. France*, No. 33201/11, 12 July 2016](#) (available in French only)

[*R.K. and Others v. France*, No. 68264/14, 12 July 2016](#) (available in French only)

[*R.C. and V.C v. France*, No. 76491/14, 12 July 2016](#) (available in French only)

[*Tarakhel v. Switzerland*, No. 29217/12, 4 November 2014 \[GC\]](#)

[*Mahmundi and Others v. Greece*, No. 14902/10, 31 July 2012](#) (available in French only)

[*Popov v. France*, Nos. 39472/07 and 39474/07, 19 January 2012](#)

[*Kanagaratnam v. Belgium*, No. 15297/09, 13 December 2011](#) (available in French only)

[*Rahimi v. Greece*, No. 8687/08, 5 April 2011](#) (available in French only)

[*Muskhadzhieva and Others v. Belgium*, No. 41442/07, 19 January 2010](#) (available in French only)

[*Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, No. 13178/03, 12 October 2006](#)

2. European Committee of Social Rights (ECSR)

[International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece, Complaint No. 173/2018, 23 May 2019](#)

[European Committee for Home-Based Priority Action for the Child and the Family \(EUROCEF\) v. France, Complaint No. 114/2015, 24 January 2018](#)

[European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands, Complaint No. 86/2012, 2 July 2014](#)

[Federation of Catholic Family Associations in Europe \(FAFCE\) v. Ireland, Complaint No. 89/2013, 12 September 2014](#)

[Conference of European Churches \(CEC\) v. the Netherlands, Complaint No. 90/2013, 1 July 2014](#)

[Defence for Children International \(DCI\) v. Belgium, Complaint No. 69/2011, 23 October 2012](#)

[Defence for Children International v. the Netherlands, Complaint No. 47/2008, 20 October 2009](#)

[International Federation of Human Rights Leagues \(FIDH\) v. France, Complaint No. 14/2003, 8 September 2004](#)

3. Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

[Special report, Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, adopted by the Lanzarote Committee on 3 March 2017.](#)

4. Committee of Ministers (CM)

[Recommendation \(2005\)5 of the Committee of Ministers to Member States on the Rights of Children Living in Residential Institutions, 16 March 2005.](#)

[Recommendation Rec\(2003\)5 of the Committee of Ministers to member states on measures of detention of asylum seekers, Adopted by the Committee of Ministers on 16 April 2003 at the 837th meeting of the Ministers' Deputies.](#)

[Recommendation No. R \(87\) 6 of the Committee of Ministers to Member States on Foster Families \(Adopted by the Committee of Ministers on 20 March 1987 at the 405th meeting of the Ministers' Deputies\).](#)

5. Parliamentary Assembly (PACE)

[Resolution 2020\(2014\) The alternatives to the detention of children, 3 October 2014.](#)

[Resolution 1810\(2011\) Unaccompanied children in Europe: issues of arrival, stay and return, 15 April 2011.](#)

6. Special Representative of the Secretary General on migration and refugees

Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Spain, 18–24 March 2018, 3 September 2018.

Thematic Report on migrant and refugee children prepared by the Special Representative of the Secretary General on migration and refugees, 10 March 2017.

Report of the fact-finding mission on the situation of migrants and refugees in Calais and Grande-Synthe, France by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, 12–13 and 21–23 September 2016, 12 October 2016.

7. Commissioner for Human Rights

Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe, following his visit to Slovenia from 20 to 23 March 2017, CommDH(2017)21, 11 July 2017.

Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe following his visit to Bulgaria from 9 to 11 February 2015, CommDH(2015)12, 22 June 2015.

Commissioner for Human Rights, Positions on the rights of minor migrants in an irregular situation, CommDH/Position Paper (2010)6, 25 June 2010.

II. EUROPEAN UNION

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), L 180/31.

Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), 29 December 2011, L337/9.

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, L 348/98.

Council Directive 2004/83/EC of 29 April 2003 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or

[as persons who otherwise need international protection and the content of the protection granted, OJ L 304/12.](#)

1. European Commission

[Key actions by the European Commission and EU agencies on the implementation of the Commission Communication of 12 April 2017 on the protection of children in migration, 6 March 2018](#)

[Communication from the Commission to the European Parliament and the Council, The protection of children in migration \(COM\(2017\) 211 final\), 12 April 2017.](#)

[Ten Principles for Integrated Child Protection Systems \(presented at the 2015 European Forum on the Rights of the Child\), 2015.](#)

[Commission Recommendation of 20 February 2013 Investing in children: breaking the cycle of disadvantage \(2013/112/EU\) OJ L 59/5.](#)

[Communication from the Commission to the European Parliament and the Council, Action Plan on Unaccompanied Minors \(2010 - 2014\), COM\(2010\)213 final, 6 May 2010.](#)

2. European Parliament

[Committee on Civil Liberties, Justice and Home Affairs, Report on the situation of unaccompanied minors in the EU \(2012/2263 \(INI\)\), Rapporteur: Nathalie Griesbeck, A7-0251/2013.](#)

3. Council of the European Union

[Council Resolution on unaccompanied minors who are nationals of third countries, 26 June 1997.](#)

III. UNITED NATIONS

[Guidelines for the Alternative Care of Children, Resolution adopted by the General Assembly, 24 February 2010.](#)

1. Treaty-based bodies

Committee on the Rights of the Child (CRC)

[Joint general comment No. 4 \(2017\) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 \(2017\) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017.](#)

[General comment No. 20 \(2016\) on the implementation of the rights of the child during adolescence, 6 December 2016.](#)

[General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\), 29 May 2013.](#)

[Committee on the Rights of the Child, Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration, 2012.](#)

[General comment No. 13 \(2011\): The right of the child to freedom from all forms of violence, 18 April 2011.](#)

[General comment No. 12 \(2009\): The right of the child to be heard, 20 July 2009.](#)

[General Comment No. 6 \(2005\): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005.](#)

2. High Commissioner for Refugees (UNHCR)

[Guidelines on Assessing and Determining the Best Interests of the Child, November 2018.](#)

[Report of the United Nations High Commissioner for Refugees Part II, Global compact on refugees, A/73/12 \(Part II\), August 2018.](#)

[Options Paper 1: Options for governments on care arrangements and alternatives to detention for children and families, 2015.](#)

[Detention Guidelines – Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012.](#)

[Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, February 1997.](#)

[Working with Unaccompanied Children – A Community-based Approach, Community Service Guidelines, May 1996.](#)

[UNHCR Guidelines on Protection and Care of Refugee Children, 1994.](#)

3. United Nations Children’s Fund (UNICEF)

[A child is a child – Protecting children on the move from violence, abuse and exploitation, 2017.](#)

[Refugee and Migrant Crisis in Europe: A home away from home for refugee and migrant children, Advocacy Brief, August 2016.](#)

IV. BACKGROUND DOCUMENTS

Council of Europe

[Immigration Detention of Children: Coming to a Close? Conference Report, Prague, 25-26 September, 2017.](#)

Council of Europe / UNHCR

[Unaccompanied and separated asylum-seeking and refugee children turning eighteen: what to celebrate? UNHCR / Council of Europe field research on European State practice regarding transition to adulthood of unaccompanied and separated asylum-seeking and refugee children, March 2014.](#)

European Commission

[Abstract of selected proposals, Directorate-General Justice and Consumers, 8 January 2018.](#)

European Commission / Eurochild

[FORUM for Unaccompanied Minors: transfer of knowledge for professionals to increase foster care, Advocacy Toolkit- Better care services for unaccompanied and separated migrant children in Europe, May 2018.](#)

[FORUM for Unaccompanied Minors: transfer of knowledge for professionals to increase foster care, Guidance on Minimum Standards for provision of Foster Care for Unaccompanied Migrant Children, February 2019.](#)

[FORUM for Unaccompanied Minors: transfer of knowledge for professionals to increase foster care, Foster Care Provision for Unaccompanied Migrant Children: Shortlist of Good Practices in Europe, March 2019.](#)

[10th European Forum on the rights of the child, 29-30 November 2016, The protection of children in migration, Forum Report.](#)

European Union Agency for Fundamental Rights (FRA)

[Guardianship systems for children deprived of parental care in the European Union – Summary, 2018.](#)

[European legal and policy framework on immigration detention of children, 2017.](#)

[Key migration issues: one year on from initial reporting, October 2016.](#)

[Mapping child protection systems in the EU, February 2015.](#)

[Guardianship for children deprived of parental care-A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking, June 2014.](#)

[Separated, asylum-seeking children in European Union Member States, December 2010.](#)

European Asylum Support Office (EASO)

[EASO Guidance on reception conditions for unaccompanied children: operational standards and indicators, December 2018.](#)

European Migration Network (EMN)

[Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway – Synthesis Report, July 2018.](#)

[The use of detention and alternatives to detention in the context of immigration policies – Synthesis Report for the EMN Focussed Study, 2014.](#)

[Policies on Reception, Return and Integration arrangements for, and numbers of, Unaccompanied Minors- an EU comparative study, 2010.](#)

European Expert Group on the Transition from Institutional to Community-based Care

[Common European Guidelines on the Transition from Institutional to Community-based Care: Guidance on implementing and supporting a sustained transition from institutional care to family-based and community-based alternatives for children, persons with disabilities, persons with mental health problems and older persons in Europe, November 2012.](#)

European Network of Guardianship Institutions (ENGI)

[Reception and Living in Families: Overview of family-based reception for unaccompanied minors in the EU Member States, 2015.](#)

[J. Van Wijk, J. Murk, Care for Unaccompanied Minors – Minimum standards, risk factors and recommendations for practitioners, ENGI – Guardianship in practice – Final report, 2011.](#)

European Council on Refugees and Exiles (ECRE)

[No Longer Alone: Advancing Reception Standards for Unaccompanied Children \(NLA\), 2016.](#)

International Organisation for Migration / European Union

[IOM/EU, Fostering Across Borders \(FAB\) - A project to support, improve and promote family based care for unaccompanied migrant children in Austria, Belgium, Greece, Luxemburg, Poland and the United Kingdom, September 2019.](#)

[IOM/EU, Mapping of Existing Training for Professionals in Poland, Family-based care for unaccompanied migrant children in Poland: mapping report on existing training for professionals, inclusive of country-specific analysis of gaps and needs, November 2018.](#)

[IOM/EU, Mapping of Existing Trainings for Family-Based Care Providers in Poland, Family-based care \(FBC\) for unaccompanied migrant children in Poland: mapping report on existing trainings for FBC providers, inclusive of country-specific analysis of gaps and needs, Fostering Across Borders \(FAB\) Project, November 2018.](#)

[IOM/EU, Mapping of Existing Training for Professionals in Belgium, Family-based care for unaccompanied migrant children in Belgium: mapping report on existing training for professionals, inclusive of country-specific analysis of gaps and needs, November 2018.](#)

[IOM/EU, Mapping of Existing Training for Family-Based Care Providers and for Professionals in the United Kingdom- Family-based care \(fostering\) for unaccompanied migrant children in the United Kingdom: mapping report on existing training for foster carers and social workers, inclusive of country-specific analysis of gaps and needs, August 2018.](#)

[IOM/EU, Mapping of Existing Training for Professionals in Austria, Family-based care \(FBC\) for unaccompanied migrant children in Austria: mapping report on existing training for professionals, inclusive of country-specific analysis of gaps and needs, June 2018.](#)

[IOM/EU, Mapping of Existing Training for Family-Based Care Providers in Austria, Family-based care \(FBC\) for unaccompanied migrant children in Austria: mapping report on existing training for FBC providers, inclusive of country-specific analysis of gaps and needs, June 2018.](#)

[IOM/EU, Mapping of Existing Training for Professionals in Luxembourg, Family-based care \(FBC\) for unaccompanied migrant children in Luxembourg: mapping report on existing training for professionals, inclusive of country-specific analysis of gaps and needs, May 2018.](#)

UNHCR

[Roundtable on Reception and Care Arrangements for Asylum-Seeking Children, Bangkok, Thailand, 10-11 October 2018, Summary of discussions.](#)

[Alternative Care, Child Protection Issue Brief, January 2014.](#)

[UNHCR, 2014 -2019 *Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees*, 2014.](#)

[UNHCR, A Framework for the Protection of Children, 2012.](#)

[Discussion Paper on Recommended Reception Standards for Asylum-Seekers in the Context of the Harmonisation of Refugee and Asylum Policies of the European Union, 2000.](#)

UNHCR / UNICEF

[Safe & Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe, October 2014.](#)

Safe the Children / UNHCR / UNICEF

[Statement of Good Practice – 4th Revised Edition: Separated Children in Europe Programme, 2004.](#)

International Committee of the Red Cross (ICRC)

[Inter-agency Guiding Principles on unaccompanied and separated children, January 2004.](#)

SOS Children's Villages / International Social Service

[Guidelines for the alternative care of children – A United Nations framework, November 2009.](#)

SOS Children's Villages / Eurochild

[Let Children Be Children: Lessons from the Field on the Protection and Integration of Refugee and Migrant Children in Europe, November 2017.](#)

Quality4Children

[Quality 4 Children Standards for Out-of-Home Child Care in Europe, June 2007.](#)

CONNECT

[CONNECT Project Report-Identification, Reception & Protection of Unaccompanied Children, 2014.](#)

Child Protection Working Group

[Minimum standards for child protection in humanitarian action, 2012.](#)

International Detention Coalition (IDC)

[D. Corlett, G. Mitchell, J. Van Hove, L. Bowring, K. Wright, Captured Childhood, 2012.](#)

Platform for International Cooperation on Undocumented Migrants (PICUM)

[L. Keith, M. Levoy, Protecting undocumented children: Promising policies and practices from governments, 2012.](#)

Odysseus Network

[P. De Bruycker, A. Bloomfield, E. Tsourdi and J. Pétin, Alternatives to Immigration and Asylum Detention in the EU, January 2015](#)