

34th SESSION

CG34(2018)13final
28 March 2018

Unaccompanied refugee children: the role and responsibilities of local and regional authorities

Current Affairs Committee

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Summary

Following the assessment of the Council of Europe Strategy for the Rights of the Child 2016-2020 according to which children affected by migration are one of the most vulnerable groups in Europe, the report looks at how local and regional governments, as public authorities on the frontline of refugee reception, can protect refugee children's rights by developing services, enforcing quality standards and encouraging positive community attitudes towards refugees. It underlines that local and regional authorities have a key role in ensuring access to rights and child-friendly procedures, enhancing the integration of children.

The Congress invites all levels of government to adopt a child-rights-based approach (non-discrimination, best interests of the child, right to life, survival and development and the right to be heard) towards every child for the duration of their stay in a country. It calls on member States to end the detention of children and develop suitable alternative care arrangements for unaccompanied and separated children. It invites governments to fast-track asylum applications from vulnerable children and families, recognising them as a priority group in all national health, education and protection strategies.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

RESOLUTION 428 (2018)²

1. Since 2015, more than a million children have arrived in Council of Europe member States seeking refuge from war, conflict and poverty. Although numbers dropped in 2017, children and their families are still risking hardship, violence and abuse on their way to Europe, to find a better life. However, because children's services in most States were not prepared for the scale of the influx or the scope of the issues they have had to address, the majority of children have not yet achieved family stability and security. On the contrary, the lack of an appropriate response in many countries is putting children at risk and undermining social cohesion.

2. The Council of Europe *Strategy for the Rights of the Child (2016-2021)*³ underlines that children affected by migration are one of the most vulnerable groups in Europe, and has offered support and guidance to member States' efforts to protect refugee children through a series of papers and reports, culminating in the conference of ministers' adoption of the *Action Plan on protecting refugee and migrant children in Europe* in May 2017 in Nicosia, Cyprus.

3. Although response-planning for refugees usually falls under the remit of central government authorities in line with national asylum law and policies, the provision of care, accommodation and education services to refugees usually falls, in practice, to local and regional authorities.

4. Local and regional authorities have the authority, capacity and responsibility to protect refugee children's rights by developing services, enforcing quality standards and encouraging positive community attitudes towards refugees. This gives them a key role in ensuring access to rights and child-friendly procedures, providing effective protection and enhancing the integration of children who wish to remain in Europe.

5. States across Europe are still adapting legislation, policies and strategies to the consequences of the increased flow of refugees into Europe since 2015. Local and regional authorities in many countries are developing new models to support, facilitate and extend refugees' access to quality health, education, welfare and protection services. Such models need to adopt a child-rights-based approach to be effective, sustainable and maximise impact for the child and the community.

6. The Congress of Local and Regional Authorities of the Council of Europe has underlined the special attention that should be given to the interests and fundamental rights of refugees and migrants and adopted a report entitled "From reception to integration: the role of local and regional authorities facing migration" in March 2017.⁴ The aim of the present resolution is to offer local and regional authorities guidance on how they can further strengthen the protection of refugee children and unaccompanied minors, and ensure that the time spent by the latter in the host countries is a positive experience.

7. In light of the above, the Congress, while recognising that each State has a sovereign right, subject to its international obligations, to determine whom to admit to its territory, invites the local and regional authorities of the member States to:

a. adopt a child-rights-based approach (non-discrimination, best interests of the child, right to life, survival and development and the right to be heard) towards every child for the duration of their stay in a country, regardless of their legal status or position in the asylum process and aim to facilitate rapid referral to, and absorption into, mainstream child and family services, rather than create parallel or alternative systems, structures or services as these maintain a divide between host and refugee communities, thereby slowing down integration efforts;

b. be aware when developing policies and taking action of the common elements observed in successful local initiatives which include strong engagement with NGOs and civil society, close co-operation between the various levels of government, as well as across government departments, provision of support services and removal of administrative and practical barriers to services;

c. invite local and regional authorities to develop alternatives to detention for families and suitable alternative care arrangements for unaccompanied and separated children, taking into account the relevant guidelines (notably on age-assessment, guardianship and alternatives to detention of

² Debated and adopted by the Congress on 28 March 2018, 2nd sitting (see Document [CG34\(2018\)13](#), explanatory memorandum), rapporteur: Nawel RAFIK-ELMRINI, France (L, SOC).

³ *Council of Europe Strategy for the Rights of the Child (2016-2021)* (March 2016) Strasbourg, p9

⁴ Resolution 411-2017) Recommendation 394-2017):

https://search.coe.int/congress/Pages/result_details.aspx?ObjectId=0900001680703e5e

children) and the compilations of good practices and other resources (handbooks and training materials) that will be produced in the context of the Council of Europe Action Plan to protect refugee and migrant children in Europe (2017-2019);

d. be involved in the preparation of national dispersal plans so that they will be better able to prepare services, communities and professionals for refugee children's arrival (through training, recruitment of support staff, preparation of guidelines etc.) and commit to reach out to unaccompanied and vulnerable children to ensure their full access to health, education and protection services when they arrive, and to support for their full integration into local communities in the long term;

e. encourage regional authorities, whose mandate includes education, to ensure that the minimum education package for refugee children encompasses immediate access to mainstream schooling and provision of appropriate language and learning support services, including teaching assistance;

f. encourage regional authorities, whose mandate includes health care, to adopt core health packages that encompass automatic inclusion in basic national health programmes, counselling services and emergency treatment and care, as well as core social protection packages to give access to basic social assistance, family benefits and housing assistance for families with children; delinking provision of material assistance from asylum conditionality or residence requirements;

g. work together with communities and civil society to remove barriers for refugee families to access health, education and protection services (for example addressing the 3 month gap in many countries before asylum seeking children can enrol in school or including all mothers and children in local mother and child health services automatically), and to develop outreach and support services to facilitate easy and early access to mainstream services and encourage rapid integration into local communities (including cultural mediators, translation services, language training, and possibly training and orientation of existing staff, professionals and managers);

h. remove restrictions on access to homeless shelters and other local facilities, based on residence and/or visa status, and develop facilities for refugee and migrant survivors of sexual and gender-based violence;

i. co-operate with local child protection agencies with regard to their oversight and management and ensure that any child held in such a facility is formally under the care of the local child protection authorities, and in order to develop alternative care and living services to prevent, mitigate, shorten and reduce placement of children in closed facilities;

j. encourage local authorities to develop and maintain local guardianship services appropriate to the local context and resources and to put in place specific guardianship boards to promote the service, provide support, back-up and training, run recruitment campaigns and mediate disputes and difficulties.

RECOMMENDATION 414 (2018)⁵

1. Since 2015 more than a million children have arrived in Council of Europe) member States seeking refuge from war, conflict and poverty. Although numbers dropped in 2017, children and their families are still risking hardship, violence and abuse to find a better life in Europe. However, because children's services in most States were not prepared for the scale of the influx or the scope of the issues they have to address, the majority of children have not yet achieved family stability and security. On the contrary, the lack of an appropriate response in many countries is putting children at risk and undermining social cohesion.

2. The Council of Europe has long recognised that children affected by migration are one of the most vulnerable groups in Europe, and acknowledged this fact in its *Strategy for the Rights of the Child (2016-2021)*.⁶ The Council of Europe has offered support and guidance to member States' efforts to protect refugee children through a series of papers and reports, culminating in the conference of ministers' adoption of the *Action Plan on protecting refugee and migrant children in Europe* in May 2017 in Nicosia, Cyprus.

3. States across Europe are still adapting legislation, policies and strategies to the consequences of the increased flow of refugees into Europe since 2015. The response-planning for refugees usually falls under the remit of central government authorities in line with national asylum law and policies. The rising numbers of women and children involved, as well as the longer periods of time they are spending in the reception country before a decision on their asylum claim is taken, inevitably puts pressure on local child-related agencies to integrate them into mainstream services, and support families' independent living outside asylum and refugee centres.

4. Besides provision of clear, explicit and enabling legislative and policy frameworks at national and local level, other factors that contribute to the success or failure of various responses to refugee children's needs include public attitudes towards refugees; the strength of the country's child-rights institutions; societies' experience of migration and asylum; the perceived value of migrants to the local economy and the financial, human and other resources available.

5. The Congress of Local and Regional Authorities of the Council of Europe has underlined the special attention that should be given to the interests and fundamental rights of refugees and migrants and adopted a report entitled "From reception to integration: the role of local and regional authorities facing migration" in March 2017.⁷ The aim of the present recommendation is to propose measures that can further strengthen the protection of refugee children and unaccompanied minors, and ensure that the time spent by the latter in the host countries is a positive experience.

6. In light of the above, the Congress invites the member States of the Council of Europe to:

a. urgently undertake an assessment of national migration and asylum processes to determine where children are most at risk and where they are most in need of protection (as defined by the United Nations Convention on the Rights of the Child), and follow it by a joint programme of action between child protection and migration/asylum bodies to eliminate risks and strengthen safeguards;

b. urgently agree, at the international level, on a common definition of 'detention' and map all locked facilities on their territories, making sure they are subject to international standards of care and protection, regular external oversight and open public accountability and that all children held within them are able to access free legal advice and support, and develop alternatives to detention for families and suitable alternative care arrangements for unaccompanied and separated children;

c. set policies and standards that ensure consistent provision of quality, cost-effective services that meet children's needs and respect their rights;

d. commit to accepting unaccompanied minors or separated children and work together to fast-track asylum applications from vulnerable children and families, recognising them as a priority group in all national health, education and protection strategies and Action Plans, and allocating resources accordingly;

⁵ See footnote 2

⁶ *Council of Europe Strategy for the Rights of the Child (2016-2021)* (March 2016) Strasbourg, p9

⁷ Resolution 411-2017) Recommendation 394-2017):

https://search.coe.int/congress/Pages/result_details.aspx?ObjectId=0900001680703e5e

- e. clearly and explicitly define what constitutes the core package of entitlements for migrant or refugee children, regardless of their legal status in order to prevent restrictions on access due to inconsistent treatment or confusion about entitlements, and make that information available to incoming refugees and asylum-seekers;
- f. ensure, in a similar vein, that the minimum education package encompasses immediate access to mainstream schooling and provision of appropriate language and learning support services, including teaching assistance;
- g. ensure that refugee children have full access to the justice system and are provided with proper and adequate legal representation at all stages of the asylum process, in order to allow guardians to focus on guidance, care and support of the child;
- h. enable local child protection agencies across Europe to take proactive action to set common standards for reception centres, transit and detention facilities in their area, develop protocols, reporting and accountability mechanisms and provide on-going training and support;
- i. encourage these agencies to develop new community-based, child-focused services, and promote rights-based models of work that draw on the strengths and resilience of local and refugee communities.

EXPLANATORY MEMORANDUM⁸

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⁸ This explanatory memorandum is based on the document prepared by the Council of Europe consultant Kevin BYRNE (Ireland). The written contribution is available from the Secretariat upon request.

1. INTRODUCTION

A. Aims, objectives and process

1. Since 2015, more than a million children have arrived in Council of Europe (CoE) Member States seeking refuge from war, conflicts and poverty. Although numbers dropped in 2017, children and their families are still risking hardship and violence in the hope of finding a better life in Europe. However, because children's services in most countries were not prepared for the scale of the influx or the scope of the issues they have had to address, the majority of these children have not yet achieved family stability and security. On the contrary, the lack of an appropriate response in many countries is putting children at great risk and undermining social cohesion.

2. The Council of Europe has long recognised that children on the move or otherwise are one of the most vulnerable groups in Europe,⁹ and this is acknowledged in its *Strategy for the Rights of the Child (2016-2021)*.¹⁰ The Council has offered support and guidance to Member States' efforts to protect refugee children through a series of papers and reports,¹¹ culminating in the conference of ministers' adoption of the *Action Plan on protecting refugee and migrant children in Europe*¹² in May 2017 in Nicosia, Cyprus. The Special report of the Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Committee) on the "Protecting Children Affected by the Refugee Crisis from Sexual Exploitation and Sexual Abuse" published on 3 March 2017, is a particularly valuable guide in this respect, as it includes 37 concrete recommendations that could be of use to local and regional authorities in their work to protect refugee and migrant children.¹³

3. Although response-planning for refugees usually falls under the remit of central government authorities in line with national asylum law and policies, provision of care, accommodation and education services to refugees is usually the responsibility of local and regional authorities. This gives them a key role in following through on all three pillars of the Action Plan – ensuring access to rights and child-friendly procedures; providing effective protection; and enhancing the integration of children who wish to remain in Europe. Admittedly, the governance structures in some countries e.g. Spain, Germany, allow regional authorities to significantly influence and shape the overall national response to the challenges reception and integration poses. In general, all local authorities have the authority, capacity and responsibility to protect refugee children's rights by developing services, enforcing quality standards and encouraging positive community attitudes towards refugees.

4. The Congress of Local and Regional Authorities of the Council of Europe (the Congress) has underlined the special attention that should be given to the interests and fundamental rights of refugees and migrants and adopted the report entitled "Reception and integration of migrants and refugees at local and regional level" in March 2017.

5. The present report attempts to take a closer look at how local and regional authorities can strengthen the protection of refugee children and unaccompanied minors, and ensure a human

9 See SG/Inf (2015)33, *Migration challenges for Europe: need for collective action*.

10 *Council of Europe Strategy for the Rights of the Child (2016-2021)* (March 2016) Strasbourg p9

11 These include (i) **Parliamentary Assembly** - Doc. 14142 | 26 September 2016 | *Harmonising the protection of unaccompanied minors in Europe* <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-en.asp?FileId=23017> ; Doc. 13505 | 23 April 2014 | *Migrant children: what rights at 18?* <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileId=20589&lang=EN> ; Doc. 13985 | 16 February 2016 | *The need to eradicate statelessness of children* <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=22496&lang=EN&search=c3RhhdGVsZXNzbnVzc3xib3JwdXNfbmFtZV9lbjoiT2ZmaWNpYWwgZG9idW11bnRzIz> (ii) **Information Documents from the Secretary General** - SG/Inf(2017)13 | 10 March 2017 *Thematic Report on migrant and refugee children* https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806fdd08 ; SG/Inf (2016) 9 final | 4 March 2016 | *Protecting children affected by the refugee crisis: A shared responsibility* | *Secretary General's proposals for priority actions*

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c5ee7 (iii) **Commissioner for Human Rights** - Issue paper | June 2017 | *Realising the right to family reunification of refugees in Europe* <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0> (iv) **Lanzarote Committee** - T-ES(2016)17_en final | 13 March 2017 | *Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse* <https://rm.coe.int/168070cab1> 12 - CM(2017)54-final | 19 May 2017 | *Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe* https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168071484e

13 <http://rm.coe.int/doc/090000168070cab1>

rights and children's rights approach on the one hand, and that their time in the host countries is a positive experience on the other.

A. Child-rights-based approach

6. The Strategy for the Rights of the Child¹⁴ stipulates that all children in CoE States are entitled to enjoy the full range of human rights safeguarded by the European Convention on Human Rights (ECHR) and the UN Convention on the Rights of the Child (UNCRC). It outlines how member States can apply the UNCRC's principles – non-discrimination; best interests of the child; right to life, survival and development; and the right to be heard – to their efforts to support and protect vulnerable children. Applying this rights-based approach to the Action Plan implies that local and regional authorities' responses to refugee children should be:

(i) child-centred: The Committee on the Rights of the Child (CRC) has emphasised that “a child is first and foremost a child, whatever the condition he or she may find himself or herself in”¹⁵ and that the best interest of the child should always be the primary factor influencing legislative, policy and service responses to refugee children, rather than their legal status.

(ii) equivalent: The non-discrimination principle implies that all children in country should enjoy full access to their rights, irrespective of the child's or parents' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, sexual orientation, gender identity, legal or other status. Local authorities should therefore try as hard as possible to provide the same level of access to services for refugee children as is enjoyed by nationals and strive to reduce barriers that restrict equal access e.g. language, location.

(iii) inclusive: Although full integration into host communities may not be feasible for every asylum-seeking child, authorities should adopt an inclusive approach towards every child for the duration of their stay in a country, regardless of their legal status or position in the asylum process. Ideally, local authorities should aim to facilitate rapid referral to, and absorption into, mainstream child and family services, rather than create parallel or alternative systems, structures or services. The latter maintains a divide between refugees and the local community, and put quality of services at risk because parallel services are outside the national or local regulatory framework. The most relevant examples are classes and pre-schools run in reception centres. These are sometimes run by volunteers or local NGOs who do not have the skill, training, resources or experience to provide the full curriculum available elsewhere to the same standard. Providing these services in the local school or preschool would enable provision of a fuller, better quality learning experience for the children; and would enable better preparation by teachers and educators, facilitating eventual integration.

(iv) participative: involving children as far as possible in decision-making at individual, family, organisation and policy level is not just key to realising their rights, it also enables more effective and efficient action. At a minimum, children should be enabled to express their concerns, make their opinions heard and comment on the options available to them and adult decision makers should give due weight to the child's opinions according to their age and maturity.. Of necessity this requires provision of qualified interpreters, experienced in communicating with children; and of feedback mechanisms that allow children's voices to be heard.

2. CONTEXTUAL BACKGROUND

A. Patterns and profiles

7. Although the increase in the number of refugees entering Europe is part of a historical trend, the sharp rise in numbers in 2015, the blending of migrant and refugee streams, the increased use of high risk, high visibility routes, and the rising proportion of women and children (particularly unaccompanied children) has significantly changed the pattern of European migration. The number of children arriving can vary considerably from month to month. In

¹⁴ *Strategy for the Rights of the Child (2016-2021)* op cit p9

¹⁵ See *REPORT OF THE 2012 DAY OF GENERAL DISCUSSION ON THE RIGHTS OF ALL CHILDREN IN THE CONTEXT OF INTERNATIONAL MIGRATION* CRC (2012) Geneva

2015/2016¹⁶ the percentage of children ranged between 20% and 35% of the total influx but this had dropped to 16.66% between January and June 2017.¹⁷ However, Eurostat and the European Parliamentary Research Service (EPRS)¹⁸ estimate that the overall average of child arrivals since 2015 is around 30%.

8. The profile of asylum seekers in Europe has also changed significantly. Previously, the majority of asylum seekers in the EU came from Kosovo*, Albania and Serbia but in 2015 they were surpassed by Syrians (25%), Afghanis (11%) and Iraqis (8%).¹⁹ The same pattern is evident in relation to children. In 2015, 49% of child asylum claims were by Syrian, Afghani and Iraqi children²⁰ but by 2016, the figure was 70%.²¹ Changes in the national and cultural profiles of those arriving since 2015 has created language barriers and other challenges for social institutions in host countries and sometimes led to negative stereotyping and public resistance to incoming refugees.

9. The pattern of dispersal continues to be unbalanced with some countries accepting a disproportionate number of applicants while others are far from meeting their share. In 2016, about two-thirds of all children seeking asylum in Europe applied in Germany; the remainder applied in Austria, Hungary, Sweden, France, Greece, Italy and UK.²² Asylum systems are becoming increasingly efficient – in May 2017, EU+ countries²³ issued 115,540 first-instance decisions, 31% more than in April.²⁴ Although 59% of the positive decisions led to refugee status rather than subsidiary protection (41%), overall the EU+ recognition rate dropped to 37% which means an asylum rejection rate of 63%. The highest recognition rates related to applicants from Syria (97%) and Eritrea (89%).

10. Despite increasing efficiency, achieving a final asylum decision is still a lengthy process. There were 595,490 cases still awaiting a first instance decision at end of May and the share of cases pending for longer than six months was 59%. Besides the 69,200 child asylum seekers registered in EU countries in May 2017, UNICEF also notes²⁵ 22,633 children stranded in Greece, Bulgaria, Serbia, Macedonia, Croatia and Slovenia. Turkey hosts over 3.3 million displaced refugees,²⁶ 32% of whom are children.²⁷ Although counting methodologies can be inconsistent, it is clear that there are more than a million vulnerable refugee children within CoE boundaries, and that they are likely to remain here for some considerable time.

A. Response frameworks

11. EU interior ministers in September 2015 approved the relocation of 120,000 asylum-seekers (increased to 160,000 in October)²⁸ across Europe over two years, despite outright rejection from some States.²⁹ On the ground, civil society groups' efforts to improve the reception of refugees was visible through the diversity of voluntary actions that were developed (providing housing, food, etc.). However, by March 2016, many States had openly abandoned Common European

* All reference to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

16 UNHCR *Information portal for the Mediterranean* accessed at <http://data.unhcr.org/mediterranean/regional.php> quoted in *Byrne, Beirens, Clewett and Fabris The Legal Entitlements of Refugee and Migrant Children in 33 European States* UNICEF (April 2016) Geneva

17 UNICEF *Refugee and Migrant Crisis in Europe. Humanitarian Update No. 24* (July 2017) Geneva

18 Figures quoted in CoE, *Thematic report on refugee and migrant children. prepared by the Special Representative of the Secretary General on migration and refugees* (March 2017) Strasbourg

19 EMN *Inform* European Migration Network (2015) Brussels

20 Figures from IOM and UNICEF quoted in UNHCR *Information portal for the Mediterranean* p2 accessed April 2016

21 UNICEF *UPROOTED. The growing crisis for refugee and migrant children* (September 2016) NY p92

22 Eurostat, <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database> accessed August 2017 quoted in UPROOTED *ibid*

23 EU+ comprises the EU28 plus Norway and Switzerland

24 Statistics in this paragraph are drawn from EASO (May 2017) accessed August 2017 at <https://www.easo.europa.eu/sites/default/files/Latest-Asylum-Trends-May-2017.pdf>

25 UNICEF *Humanitarian Situation Report No.24* op cit

26 UNHCR *Turkey Facts and Figures* (May 2017) <https://data.unhcr.org/syrianrefugees/download.php?id=13630> accessed August 2017.

27 UNHCR *Turkey Key Facts and Figures* (September 2016)

28 See *Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration* EC (October 2015) Brussels

29 See Banulescu-Bogdan N. and Fratzke S. *Europe's Migration Crisis in Context: Why Now and What Next?* MPI Europe (2015)

Asylum System (CEAS) principles and practice³⁰ and even countries with a strong humanitarian tradition³¹ imposed tighter border controls. In March 2016, the EU and Turkey agreed³² that all irregular migrants crossing from Turkey into Greece will be returned to Turkey as of 20 March 2016, if they did not ask for asylum or if their asylum requests were considered unfounded or inadmissible, in return for each returnee, the EU would receive one Syrian refugee resettled from Turkey. This has slowed the pace of arrivals and reduced the number of deaths at sea but resettlement has continued to be disappointingly slow. By February 2017, only 1,487 migrants had been returned to Turkey and only 7,379 children³³ had been relocated from Greece and Italy under the EU relocation scheme by mid-June 2017. The reluctance of some countries to accept refugees has led to an imbalance, and municipalities in many border areas have been left to support an unequal share in the reception of new arrivals.

12. The rapporteur underlines that pro-active preparations by local and regional authorities across Europe could encourage a more positive attitude towards refugee children and speed up fair, equal and reasonable distribution of new families. If local and regional authorities are more involved in the preparation of national dispersal plans, they will be better able to prepare services, communities and professionals for refugee children's arrival (through training, recruitment of support staff, preparation of guidelines etc.) and commit to reach out to unaccompanied and vulnerable children to ensure their full access to health, education and protection services when they arrive, and to support for their full integration into local communities in the long term

1. RISKS AND VULNERABILITIES

A. Migration risks and hazards

13. The evidence that children on the move to Europe suffer extreme hazard and risk r seems undeniable. The European Network of Ombudsmen for Children (ENOC) notes³⁴ the risk of separation from parents; sexual abuse and violence at transit centres; the risk of falling prey to traffickers; extortion and sexual exploitation. The Lanzarote Committee has noted the hazards faced by children in its Special Report on the situation in 41 European States (see footnote 10). The report set down a hierarchy of procedures to be applied to unaccompanied children as follows: "(i) family reunification, (ii) foster care, independent/supported accommodation for older children or other forms of non-institutional care; (iii) placement in small scale units in institution."

14. While the number of children travelling to Europe fell in 2017, their risk increased - more are travelling via the riskier Central Mediterranean route (an estimated 300 children have drowned since January 2017)³⁵ and more of them are unaccompanied. UNICEF reports³⁶ increasing accounts of violence, abuse and exploitation experienced or witnessed by children in Libya, and other actors note³⁷ instances of attacks on refugee camps in Greece, assault and sexual abuse of child refugees, and increasing insecurity, particularly for girls and young women.

30 Austria, Croatia, Denmark, Hungary, Slovakia, and Slovenia refused to take part in the relocation mechanism. See EC, *State of Play: Members' Support to Emergency Relocation Mechanism*, March 8, 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf. On March 10, 2016, following a period of five days in which no (or negligible numbers of) migrants or asylum seekers arrived in the country, Slovenia indicated it would begin relocation in April. See Reuters, "Slovenia to accept first migrants in relocation quota in April," Reuters, March 10, 2016, <http://www.reuters.com/article/us-europe-migrants-slovenia-idUSKCN0WC204>.

31 See "Sweden checks trains for migrants in first border controls in 20 years" Reuters (November 2015) accessed 01/03/2016 at <http://www.reuters.com/article/us-europe-migrants-sweden-idUSKCN0T128720151112>

32 European Commission, 'Implementing the EU-Turkey Agreement – Questions and answers', Press release, Brussels, 4 April 2016.

33 IOM and Italian Ministry of the Interior (23/06/2017) quoted in UNICEF Situation Report No.24 op cit

34 Fagerholm K. et al *Safety and Fundamental Rights at stake for Children on the Move* ENOC (January 2016) Amsterdam/Stockholm

35 UNICEF *Humanitarian Situation Report No. 24* op cit

36 ibid

37 See <https://www.theguardian.com/world/2017/jun/17/syria-refugee-children-abandoned-forgotten-chios-greece-beatings-rape-knife-attacks> accessed July 2017

15. The Council's Group of Experts on Action against Trafficking in Human beings (GRETA) has expressed³⁸ grave concern about the scale of child-trafficking in Europe, particularly among refugees, and notes that a quarter of trafficking victims are sexually exploited children, children in forced labour or forced marriages. In Greece, Serbia and Bulgaria, 40% of all stranded refugees are children,³⁹ and faced with an uncertain future and inadequate living conditions, many are resorting to smugglers to continue their journey, putting themselves at greater risk of being trafficked.

16. The March 2016 Agreement has also put considerable pressure on the Turkish child protection system which was already overloaded as a result of the conflict in Syria. Government measures to integrate families under international protection into mainstream services include issuing thousands of work permits since January 2016;⁴⁰ issuing IDs to facilitate children's access to public schools;⁴¹ accrediting temporary education centres;⁴² and exempting Syrian children from the requirement to present a Turkish residence permit to register for school.⁴³ These measures have resulted in a 50% increase in enrolment in formal education, but 60% of Syrian refugee children were still out of school in September 2016⁴⁴ and thousands of children remain in a vulnerable situation.

17. In Scotland, the Syrian Vulnerable Person Resettlement Scheme implemented since 2014 is a local authority led scheme supported by COSLA and the Scottish government which addresses among others children and adolescents at risk. The scheme is underpinned by the "New Scots" refugee integration strategy launched in 2017 and now renewed for 2018-2022 which aims to make it possible for refugees to build a new life from the day they arrive in Scotland. The strategy builds on the Equality Act 2010 which imposes duties on public authorities that apply to refugees and migrants as well as citizens of the United Kingdom.

18. In Italy, where more than 25,000 minors have arrived since 2016, the law on the "Provisions on Protective measures for Unaccompanied Foreign Minors (Law No. 47)", adopted by the Parliament on 29 March 2017, entered into force on 6 May 2017. It introduced precise procedures for identifying minors, verifying their age, requiring their transfer to a specific reception centre within 30 days of their arrival, placing them in foster care and guaranteeing their access to care and education. Accordingly, when a foreign unaccompanied minor first comes into contact with a government official, an inquiry must be made to determine the personal and family history of the minor in order to adopt the best protective measures. Local city administrators (questore) are required to grant residence permits (art. 10(1)(a) to any foreign unaccompanied minor who is 14 years of age or younger based on family-reunion grounds, or to those minors subject to the custody of an Italian citizen with whom they live, or to minors older than 14 years of age and in the custody of and living with foreigners who are legal residents of Italy.

A. Unaccompanied and separated children⁴⁵

19. All refugee children are vulnerable but unaccompanied and separated children (UASC)⁴⁶ also lack adequate parental guidance and guardianship. The number⁴⁷ of UAMs seeking asylum in the EU has increased steadily since 2010, reaching 24,075 in 2014, although the number of

38 See <http://www.coe.int/en/web/anti-human-trafficking/-/states-must-act-urgently-to-protect-refugee-children-from-trafficking> accessed July 2017

39 UNICEF *Humanitarian Situation Report No.24* op cit

40 UNHCR *Turkey Key Facts and Figures September 2016* accessed 07/10/2016

41 Noted in Fabris *A Republic of Turkey Entitlements of Refugee and Migrant Children* UNICEF CEE/CIS (2016) unpublished

42 Human Rights Watch, 2015 quoted by Fabris A ibid

43 Fabris A op cit

44 UNHCR *Turkey Key Facts and Figures September 2016* op cit

45 For a good practice guide to supporting UASC, see *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe* UNHCR/UNICEF/IRC (July 2017) available at <https://data2.unhcr.org/en/documents/download/58434>

46 For more in-depth analysis of UAMs' situation see (i) *Separated, asylum-seeking children in European Union Member States: A Comparative Study* FRA (2011) Luxembourg; (ii) *Policies, practices and data on unaccompanied minors in the EU Member States and Norway: Synthesis Report May 2015* EMN (2015) Brussels; and (iii) O'Donnell R. et al *Identification, Reception and Protection of Unaccompanied Children. The COONNECT Project Report* CONNECT (2014) Brussels available at <http://www.connectproject.eu/>

47 Figures in this paragraph are from *Policies, practices and data on unaccompanied minors in the EU Member States and Norway: Synthesis Report May 2015* op cit

UASCs who arrive in Europe and do not seek asylum is unknown. Although the absolute number of children arriving in Europe is now dropping, the number of UASC seems to be on the rise with 11,406 registered in Italy alone between January and June 2017.⁴⁸ EASO data⁴⁹ indicates that as of May 2017, UASCs constituted 3% of all asylum applicants in Europe.

20. Although most European States recognise the increased vulnerability of UASCs in their asylum processes,⁵⁰ there is no expedited procedure for them within the asylum procedure and they may have to wait a long time in country before any final decision is made on their asylum application. Analyses made by the Fundamental Rights Agency of the European Union (FRA)⁵¹ indicate that clear guidance and qualified staff to identify children at risk continue to be often missing at registration and first reception. Children continue to encounter legal and practical obstacles to access asylum procedures.

21. There has also been a backlash⁵² against UASCs in some countries, partly driven by general anti-refugee feelings but also linked to perceived abuses of asylum procedures. For instance, the UK government in 2016 reversed its commitment to accept 3,000 minors after helping just 480.⁵³

22. ENOC notes that many UASCs, may not disclose that they are children at the registration stage for fear that they may be detained⁵⁴ and this seems to be borne out by the latest reports⁵⁵ from the Italian hotspots. Children may thus actively avoid protection mechanisms in order to keep moving towards their destination. Determining a child's protection needs at a border crossing therefore requires a proactive approach and full cooperation between asylum and child protection agencies at local level to ensure that the necessary protocols, mechanisms, structures and systems are in place. All border crossings should have the capacity to undertake a best interest assessment, which requires access to a pool of legal guardians;⁵⁶ competent legal advice; trained interpreters skilled in communicating with children; and a safe, child friendly interview space that enables children to participate in the assessment process.⁵⁷

23. ECRE also notes⁵⁸ the continuing need to strengthen age assessment procedures and align them with the CRC's position⁵⁹ that they should be underpinned by the best interest principle and respect the child's dignity. Rights-based and effective age assessment should take into account the physical appearance of the child and his/her psychological maturity and be conducted in a scientific, safe, child-friendly, gender-sensitive manner that avoids invasive medical procedures that risk violating the child's physical integrity of the child. UNHCR has recently produced guidance⁶⁰ to encourage consistent application of good practice in age assessment that supplements and updates EASO's original guidelines.⁶¹ The Ad Hoc Committee for the Rights of the Child (CAHENF), responsible for overseeing the implementation of the Council of Europe Strategy for the Rights of the Child, has published a report on age assessment procedures and practices in Council of Europe member States based on a survey and a literature review (this was published in September 2017).⁶²

48 UNICEF Humanitarian Update No.24 op cit

49 EASO Latest asylum trends – May 2017 accessed August 2017 at <https://www.easo.europa.eu/sites/default/files/Latest-Asylum-Trends-May-2017.pdf>

50 CONNECT Project has compiled an overview table of relevant EU legislation and policies available at http://www.connectproject.eu/overview_table.html

51 <http://fra.europa.eu/en/publication/2016/key-migration-issues-one-year-initial-reporting/main-findings>

52 See for instance <http://www.telegraph.co.uk/news/worldnews/europe/sweden/12131919/Do-we-really-want-them-here-asks-divided-Sweden-on-refugee-children.html>

53 See <https://www.theguardian.com/world/2017/jun/17/syria-refugee-children-abandoned-forgotten-chios-greece-beatings-rape-knife-attacks>

54 Information from interviews with advisors at UNHCR, UNICEF, Save the Children quoted in ENOC (2016) op cit

55 Strengthening NGO involvement and capacity around EU 'hotspots' development ECRE (July 2017) p8 accessed at http://www.asylumineurope.org/sites/default/files/update_report_cir.pdf?utm_source=ECRE+Newsletters&utm_campaign=d8cbAAF7ad-EMAIL_CAMPAIGN_2017_07_07&utm_medium=email&utm_term=0_3ec9497afd-d8cBAaf7ad-422298729

56 DCI, Irish Refugee Council, Save the Children et al., Core Standards for guardians of separated children in Europe

57 UN Committee on the Rights of the Child General Comment No. 12

58 ECRE (July 2017) op cit

59 General Comment 6 (2005) on the Treatment of Unaccompanied and Separated Children Outside Their Country of Origin (V)(a)(31)(A).

60 See The Way Forward op cit for a fuller discussion of good practice in relation to age assessment.

61 EASO Age assessment practice in Europe (2013) Brussels

62 <https://rm.coe.int/age-assessment-council-of-europe-member-states-policies-procedures-and/168074b723>).

24. UNICEF and UNHCR recommend that unaccompanied and separated children should preferably be provided with family-based care, and if this is not possible, accommodation in institutions or supervised group care with personnel and facilities which take into account the needs of children their age.⁶³ ENOC⁶⁴ however found that unaccompanied children are sometimes accommodated in locked facilities and may have to remain in them for a long time, without access to social services or education. Recent UNICEF⁶⁵ assessments indicate that this trend is continuing. Authorities in both Greece and Italy are making laudable efforts to create safe spaces for UASC in open accommodation sites, and to limit reception in locked facilities.⁶⁶ These efforts must continue. In Bulgaria, both accompanied and unaccompanied children are detained upon interception and spend 13 days on average in closed facilities.⁶⁷ In this context, the Rapporteur would also mention the launched by the Parliamentary Assembly of the Council of Europe.⁶⁸

25. Lack of alternative community-based accommodation is one reason for the increase in locked facilities, but another reason is concern that the child may disappear – at least 10,000 unaccompanied children disappeared in 2015 within hours of being registered⁶⁹ with many feared to be exploited for sexual or labour purposes. Furthermore, the proportion of migrant children reported missing more than doubled in 2016⁷⁰ from 2% to 7%. While more missing migrant children are being reported to hotlines, the number reported to hotlines or the police still fall short of the actual figures of children leaving centres,⁷¹ as reported by other sources.

26. Unfortunately, there is no consistent approach across Europe to missing unaccompanied refugee children. In Estonia these cases are investigated immediately by local police but in Denmark they receive a lower priority than general cases, and in Belgium there is a fixed 'no action' period before police start investigating. The police in Slovenia will work with the reception centre to investigate the circumstances of any unaccompanied child who disappears, but if the child has not returned in three days, their application for asylum is 'withdrawn' and no further action is taken.⁷² A consistent approach across countries, a statutory pan-European register based on common reporting criteria, and agreed protocols could significantly reduce the phenomenon of child disappearances and improve response.

27. In light of these extremely worrying facts and referring to Resolution 411 of the Congress, the rapporteur once again reminds local authorities that prioritised action is indispensable for children in refugee reception centres (whether they are accompanied or not), including prioritising UASCs asylum processing, improving cooperation between local asylum and child protection agencies, strengthening age assessment procedures⁷³ and creating alternative community-based accommodation to avoid both detention of UASCs and disappearances. These cover a large area of action where local authorities can take the initiative.

A. Girls

28. In a recent OSCE review⁷⁴ of national responses to the mixed migration flow, some agencies⁷⁵ noted the absence of adequate gender mainstreaming in European responses despite early assessments⁷⁶ that identified instances of sexual and gender based violence

63 UNICEF and UNHCR Safe and Sound (2014)

64 Fagerholm K. et al op cit ENOC (2016)

65 UNICEF Update No.24 op cit

66 ECRE op cit (July 2017) p9

67 UNICEF Update No.24 op cit

68 <http://website-pace.net/web/apce/children-in-detention>

69 Europol figure quoted in Annual Report 2015 Missing Children Europe accessed 13/10/2016 at

<http://missingchildreneurope.eu/Portals/0/Docs/Annual%20and%20Data%20reports/Missing%20Children%20Europe%20Annual%20Review%202015.pdf> quoted in Byrne K. Law. policy and practice affecting refugee and migrant children in Europe (November 2016)

70 Figures and Trends 2016 Missing Children Europe (November 2016)

71 Ibid

72 See Missing Children in the European Union. Mapping, data collection and statistics EC/ECORYS Nederland (2013) Brussels accessed August 2017 at http://ec.europa.eu/justice/fundamentalrights/files/missing_children_study_2013_en.pdf

73 <https://rm.coe.int/age-assessment-council-of-europe-member-states-policies-procedures-and/168074b723>)

74 Fry H. A Gender Sensitive Response to the Migrant and Refugee Influx in Europe is Needed OSCE PA (June 2016)

75 See for instance comment by Tirana Hassan, Crisis Director Amnesty International quoted in Fry/OSCE op cit

76 See Lander T. (ed) Serbia: assessing health-system capacity to manage sudden large influxes of migrants Ministry of Health of Serbia/WHO (2015) Copenhagen and Eapen R. et al Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis UNHCR/UNFPA/WRC (December 2015)

(SGBV) including early/forced marriage, transactional sex, domestic violence, rape, and sexual harassment. SGBV was noted as both a reason for leaving the country of origin in the first place, and as an on-going experience along the route. These assessments acknowledged countries' failures to comply with Inter-Agency Standing Committee (IASC) guidelines⁷⁷ and noted the lack of SGBV identification and treatment facilities at points of entry and the need for greater investment in mental and reproductive health programmes⁷⁸ along refugee routes.

29. The Lanzarote Committee, in its Special Report mentioned above, made concrete recommendations which range from the provision of child-friendly information about support services (rec3), addressing child disappearances (rec5), provision of child-sensitive counselling mechanisms, support for victims of sexual violence (rec 7-10; 29), and guardianship (rec25) (see footnote 10).

30. UNHCR has noted⁷⁹ that violence and abuse, including sexual abuse, are risks in overcrowded reception sites and other locations where refugees and migrants gather, including parks, train and bus stations and roadsides. Reception centres may also lack lighting and separate spaces for women and families with children⁸⁰ who may, as a result, have to share washrooms and/or sleeping spaces with strange men, and run the risk of being assaulted on the way to the toilet.⁸¹ Some reception centres were considered so unsafe that women chose to sleep in the open because they felt safer.⁸²

31. Many families are still trapped in unsuitable accommodation in transit countries where women and girls are at increased risk of domestic violence, as the stresses of migration impact negatively on family dynamics.⁸³ Yet refugee women are likely to face greater difficulties accessing protection services because of language, social isolation, cultural factors, distance from point of service, visa dependence on spouses, reduced entitlement and limited availability. The capacity to identify and respond appropriately and effectively to SGBV issues among refugee populations needs to be strengthened, not just in the early stages, but also as an integral element of national child protection and gender equality plans, strategies and programmes. Capacity building should enable local child protection agencies to proactively lead on this issue, and facilitate early disclosure and immediate and appropriate response.

1. IMPROVING THE SITUATION OF REFUGEE CHILDREN IN EUROPE

32. In this section the rapporteur proposes to focus on three essential aspects of the problems unaccompanied and separated children face as they move across Europe, namely protection, health and education, being aware at the same time that there certainly are other, significant issues which cannot all be examined in this report in detail.

A. Education

33. Access to quality education and training are recognised as a key factor in successful integration of refugee families. Attendance at schools is not just essential for children's development it is also a key protection mechanism and acts as an important focus for integration and social cohesion. Yet the amount, type and quality of schooling offered to refugee children often depends more on where they are at in the asylum process than on their educational needs.

77 IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery (2015) Geneva p2

78 See Lander T/WHO op cit and Eapen R et al op cit. See also Policies, practices and data on unaccompanied minors in the EU Member States and Norway: Synthesis Report May 2015 Annexes. EMN (2015) Brussels Table A3.5 pp54-55.

79 Melissa Fleming UN News Centre, UN refugee agency appeals for protection against sexual abuse of women and children on move in Europe, 23 October 2015 quoted in Fry H OSCE op cit

80 UNHCR Briefing Notes (23 October 2015) quoted in Fry/OSCE op cit

81 Save the Children, Multi-sector Needs Assessment of Migrants and Refugees in Greece, Athens, Lesbos, Chios, Kos, (5–18 July 2015) p5. See also Human Rights Watch, Greece: Chaos, Insecurity in Registration Center: Information, Attention to Vulnerable Groups Urgently Needed, (12 October 2015) all quoted in Fry/OSCE op cit

82 Amnesty International Female refugees face physical assault, exploitation and sexual harassment on their journey through Europe (January 2016)

83 Shreeves R. Gender aspects of migration and asylum in the EU: An overview European Parliamentary Research Service (2016) quoted in Fry/OSCE op cit

Although education authorities in many countries can legally postpone asylum-seeking children's access to school for up to three months, more and more States are trying to facilitate rapid entry into mainstream schooling, apprenticeship, and vocational training for refugee children⁸⁴, although not always under the same conditions as nationals and sometimes without access to education-related social benefits.⁸⁵

34. Since responsibility for delivery of education services in most countries is delegated to the regional and local level, these authorities can take practical measures to reduce barriers to access and speed up refugee children's integration into mainstream schooling. Establishment of a clear and explicit firewall between education and immigration services needs to be prioritised in order to give families, teachers and educators a sense of security and the freedom to operate creatively without the risk of negative consequences. Resources also need to be allocated from central and local budgets, in line with national integration strategies, to ensure that schools have the human, material and financial resources to respond appropriately and speedily. Training for the staff of education establishments to provide them with all the tools they need to respond to the specific situation of refugee children, with full respect for their fundamental rights, must be strongly encouraged.

35. The vade-mecum "Welcoming refugees with dignity", prepared on the initiative of the City of Strasbourg and the European Network of Cities of Solidarity lists examples of good practice observed in some twenty European cities, not only in the field of education but also in terms of access to health care, the labour market, integration into social and cultural life, etc.⁸⁶

36. Ensuring speedy access to mainstream education needs to be an integral element of all national integration strategies, and may require provision of practical support, and perhaps new models of schooling, that draw on the skills, knowledge and experience of the refugee population. Besides legal and policy restrictions, practical barriers to refugees' access to education can include: distance from school;⁸⁷ poor infrastructure; language; lack of school records; non-acceptance of foreign qualifications or school grades; and absence of programmes of pre- and post- enrolment support. Obstacles to recruitment of teachers, teaching assistants and learning support staff from among the refugee population, also need to be overcome quickly so that local education authorities can tap into their potential.

37. Two main project streams have evolved to support children's speedy integration into education. One is teacher training and support including development of specific training modules and materials e.g. the JRS project in Malta and the Step Together Project in Hungary.⁸⁸ The other is provision of support services⁸⁹ to ensure that refugee children are supported to integrate into local schools and enjoy positive learning experiences as quickly as possible. These can include language training, catch-up classes, and appointment of teaching assistants.

38. The rapporteur underlines that support services need to be in place before, during and beyond enrolment in school, if refugee and migrant children are to receive the quality education they deserve, and schools are to contribute as they can to social integration.

39. The value of early education to refugee children, their parents and the overall integration process needs to be acknowledged, strengthened and expanded in national integration plans, and some governments have already done so.⁹⁰ In Belgium, the Flemish Ministry of Education conducted an information campaign⁹¹ aimed at improving participation in early-age education

84 See for instance, Educational support for newly arrived migrant children: Austria Case Study Report PPMI (2013) Brussels

85 See for instance CJEU, C-9/74, Donato Casagrande v. Landeshauptstadt München, 3 July 1974. Subsequently confirmed in CJEU, C-3/90, M.J.E. Bernini v. Minister van Onderwijs en Wetenschappen, 26 February 1992.

86 <http://media.strasbourg.eu/alfresco/d/d/workspace/SpacesStore/3dede2c5-de91-4ef5-9951-41ff74025c31/VADEMECUM-accueil-refugi%C3%A9s.pdf>

87 Galonja A. et al Children on the Move NGO Atina (2013) Belgrade

88 For a description of both see Caruana M. & Francalanza J. One of Us; Full Integration of Refugee Children in Local Schools JRS (2013) B'Kar and Success Stories from the Migration and Home Affairs Fund EC (2016) Brussels

89 For a fuller discussion of the various models see Runcius D et al Study on school support for newly arrived migrant children. PPMI (2013) Vilnius accessible at <http://www.sirius-migrationeducation.org/wp-content/uploads/2013/09/Educational-Support-for-NAMS.pdf>

90 For a fuller examination of various models see Runcius D et al Study on the effective use of early childhood care and education in preventing early school leaving .PPMI (2014) Vilnius accessible at http://skytte.ut.ee/sites/default/files/ec/ppmi_final_report_ecec.pdf

91 See www.kleuterparticipatie.be

(ages 3-6) by children with foreign language mother-tongues, and subsidy is available. In France, the law allows all children to be enrolled in a pre-school near their residence and the Ministry for National Education clarifies that there can be no discrimination regarding admission of foreign children.⁹² The municipality of Florence has also acknowledged the right of all children, regardless of legal status, to attend nursery school⁹³ and other Italian cities have followed suit.⁹⁴

40. Other positive examples in Europe bear witness to the efforts made by local authorities to overcome these challenges. In Athens, the development of "Open Schools" program promotes access to education for young refugees. Launched in 2015 by the municipality, it aims to transform the city's public schools into educational, recreational, cultural and sports centres for all Athenians, adults or children.

41. In Germany, local authorities are working on the establishment of "welcome classes", modeled on the "Willkommensklassen", financed in Berlin by the local authorities. These transition classes, centered on language learning, should enable children to be integrated in the classical curriculum after one year.

42. In France, the City of Strasbourg joined the European Commission's Online Linguistic Support for Refugees in July 2017 in order to promote the learning of the language of newcomers. The approach is based on a linguistic platform ordinarily accessible for Erasmus + participants and provides the skills needed for successful integration. At European level, 100,000 refugees are expected to benefit from this initiative within three years.⁹⁵

43. It is equally important to promote initiatives to support integration of young refugees not in employment, education or training (NEETs) into vocational education, apprenticeships, training or the labour market. Hungary for instance⁹⁶ has implemented vocational training for refugees but some countries still deny vocational training to young asylum-seekers on the basis that this constitutes work rather than education. This denial is not just a serious setback to young people's integration. It is also at odds with countries' commitment to UNCRC (Article 28) which identifies vocational training as a formative part of a young person's education. It can be a barrier to the integration for young people in their transition to adulthood. The Council of Europe recommendation to member States on life projects for unaccompanied migrant minors is a useful tool that local authorities can use to prepare children for adulthood (CM/Rec(2007)9).

A. Health

44. Across Europe, refugees are guaranteed access to emergency health care but the services included under emergency health care vary between countries and even between municipalities. A clear division of responsibilities between the different levels is essential to ensure that refugee children's rights to health care are effectively guaranteed.

45. Lack of information about entitlements, by families and service providers, can act as a significant barrier to good health care delivery, especially when combined with absence of medical records, language and other obstacles. At present there seems to be no clear understanding of what constitutes the "core package" of services available to refugee families in-country. A number of studies⁹⁷ make it clear that excessive costs are another major barrier to healthcare for refugee families across Europe; so projects to improve refugee health need to be coordinated with social welfare and protection systems.

92 Article L-113-1 of the National Education Code, op cit.; Circular letter of 6 June 1991 concerning general guidelines for the establishment of regulations for departmental pre-schools and elementary schools (Circulaire 91-124 du 6 juin 1991 "Directives générales pour l'établissement du règlement type départemental des écoles maternelles et élémentaires" quoted by PICUM op cit

93 La Repubblica, "Materne comunali per baby clandestini", 12 March 2010. See PICUM Newsletter, March-April 2010, p13.

94 La Stampa, Padoin: "Siaifiglideiclandestini al nido, lo dice la legge", 1 April 2010 and Elvio Pasca, "Bologna. Asili nido vietati ai clandestini", 8 April 2010.

95 Dernières Nouvelles d'Alsace, "Strasbourg s'associe au dispositif de cours en ligne gratuits pour les réfugiés" <http://www.dna.fr/actualite/2017/07/20/strasbourg-s-associe-au-dispositif-de-cours-en-ligne-gratuit-pour-les-refugies>, 20 juillet 2017.

96 See Success Stories from the Migration and Home Affairs Fund : Solidarity and Management of Migration Flows (2007-2013) DG Migration and Home Affairs (2016) Luxembourg p20

97 See Keith L. and LeVoy M. Protecting undocumented children: Promising policies and practices from governments PICUM (2015) Brussels; and Spencer S. and Hughes V. Outside and In: Legal Entitlements to Health Care and Education for Migrants with Irregular Status in Europe COMPAS (2015) Oxford

46. Most countries provide a health screening for refugees during registration and then follow up on any medical issues identified, but refugees' entitlement to access general health services varies considerably. There is a particular knowledge gap in relation to access to Mother and Child Health (MCH). It would seem to make sense to admit all mothers and children, regardless of their legal status, into the country's MCH system, not alone to safeguard the family's health and welfare, but also to safeguard public health and reduce costs in secondary care interventions in later years. Recent changes in Italian law⁹⁸ enable full integration of UAMs into the National Health Service. Extended this initiative to all refugee mothers and children is not just equitable in terms of children's rights but is likely to prove more cost-effective in the long run. Yet much of the discourse around refugee health continues to focus on one-off interventions rather than long term integration.

47. Most refugee children in the current flow would qualify as especially vulnerable, having been exposed⁹⁹ to physical and psychological trauma, dehydration, nutrition disorders, hypothermia and infectious diseases on their journey. They continue to endure stress and trauma due to their uncertain legal and economic status, low income, family stress and housing conditions. Many are coming from countries where vaccine coverage is low. A recent assessment¹⁰⁰ of refugees' health in Serbia found that children's vaccination records were often absent or deficient. In the absence of proof of vaccination, the public health institutes (PHI) in Serbia put a programme of vaccination of all children in place, using the normal vaccination schedule. It would seem likely that the other countries on the migrant route also need to initiate coordinated, large-scale programmes of vaccination.

48. Countries are also seeking to strengthen counselling, mental health and SGBV services as the nature of the hardships endured by women and children during migration is increasingly recognised.¹⁰¹ The Center for Protection and Assistance to Asylum Seekers in Belgrade in May 2015¹⁰² noted that almost every child referred to them had experienced some kind of trauma or violent treatment either in their country of origin or on the way to Serbia; and in the Former Yugoslav Republic of Macedonia and Greece, UNHCR/UNFPA/WRC¹⁰³ identified instances of sexual and gender based violence (SGBV) including, but not limited to, early and forced marriage, transactional sex, domestic violence, rape, and sexual harassment.

49. There is therefore a need, not just for increased mental health and SGBV services, but also for increased access to HIV testing and treatment services all along the migration route. Although many of the refugees in the current flow come from countries with generalised HIV epidemics, not all States allow refugees to access free screening for HIV or infectious diseases such as tuberculosis (TB). This is completely counter-productive in terms of public health as well as a severe breach of children's rights.

50. A good example of regional cooperation comes from the Eurodistrict Strasbourg-Ortenau, a Franco-German territory with communes located on both sides of the Rhine. To carry out their share of responsibility in supporting traumatised young refugees, they set up a specific fund for children and adolescents refugees. Having been allocated a budget of € 30,000 for 2016 and € 50,000 for 2017 and in 2018, the objective of this fund is to support projects and/or activities to facilitate the integration of children and adolescents between the ages of 0 and 18 years on the territory, allowing them to gather new positive experiences after a long and often traumatic period. Among the actions supported in this framework is the criticism after a long, often traumatic period.¹⁰⁴

A. Child protection

51. There is a distinct lack of research data relating to refugee children's use of child protection services. Based on their heightened vulnerability due to the trauma experienced during their

98 See ECRE (July 2017) op cit p4

99 See Lander T. (2015) op cit p4

100 Ibid

101 Dublin Rape Crisis Centre has developed training for work with asylum seekers. For this and other models see Success Stories (2016) op cit for details

102 B92 29 May 2015

103 Eapen R et al op cit

104 Voir <http://www.eurodistrict.eu/fr/fonds-enfants-r%C3%A9fugi%C3%A9s-2017-liste-des-projets-retenus>

journey, and their weakened protective environment in the host State, they need to be prioritised by local child protection agencies.

52. Even where no specific violence against them is recorded and they continue to live in a stable family environment, language and cultural barriers, social isolation, lack of documentation, breakdown of traditional community safeguarding mechanisms and pre-existing trauma weaken their protective environment and leave refugee children at greater risk of exposure to abuse, neglect, exploitation and violence. These risks are intensified when children lack proper documents, and/or are unaccompanied or separated from families, and/or they lack access to basic services. While girls are at even greater risk as they may have been sexually exploited or forced into sex work during the journey and could as a result be stigmatised within their community – boys are also at risk of sexual violence and exploitation.

53. For these reasons, the rapporteur notes that local child protection units need to strengthen, adapt and extend their services and work with local and refugee partners to develop outreach and support services to refugee communities in order to ensure that refugee children receive the same level of protection and support as every other vulnerable child in the municipality. A key tool for outreach would be the use of child-friendly information strategies to inform and empower children directly of their rights and on the procedures and safeguards that are in place to protect them.

54. Local child protection units are also likely to need support to meet their additional responsibilities in relation to protecting children in the asylum system. Cooperation between child protection and asylum agencies have been developing rapidly to meet children's needs but the initial response to the influx demonstrated just how fractured many European child protection systems are, and the limited child focus in most asylum systems. The over-riding importance of legal status as a determinant of entitlement in asylum systems is at odds with the child-centred, rights-based approach recommended by the UNCRC and usually adopted by most child protection agencies. Asylum processes are still for the most part posited on the primacy of the adult male in the nuclear family with less weight given to women's or children's issues.¹⁰⁵ This is changing gradually but at present there are still clear child protection risks inherent in asylum processes and procedures that child protection agencies need to address.

55. In Leicester, United Kingdom, the "After18" Foundation has developed a support network for young asylum seekers, via telephone helplines offering information, referrals to other relevant organisations, and through activities for young adults with a view to socialising them and teaching them new skills.

56. In the last two years, Italian municipalities have undertaken numerous actions to help unaccompanied children to develop their basic knowledge and to facilitate their relations with the host society. These activities include the organisation of Italian language courses as well as the availability of a linguistic and cultural mediator and assistance in enrolling children in compulsory education. Other activities are carried out in the field of children's health such as daily hygiene practice.

i. Oversight of care and reception facilities

57. A 2013 survey reported¹⁰⁶ significant differences between reception facilities across Europe, in terms of the services provided, the actors involved, and their suitability for children. Most States provide designated areas within existing facilities for children;¹⁰⁷ some have created separate facilities;¹⁰⁸ some provide a combination of both. Other States also make use of initial/transit facilities to house applicants during admission/registration procedures. But overall, placement in a collective reception facility is the most common model, which is not ideal for children. The risks inherent to children through placement in institutional facilities has long been recognised by child protection professionals, and the current upsurge in use of institutional

¹⁰⁵ See Fry H. OSCE PA op cit

¹⁰⁶ The Organisation of Reception Facilities for Asylum Seekers in different Member States EMN Inform (January 2014)

¹⁰⁷ Policies, practice and data on unaccompanied minors in the EU member States and Norway: Synthesis Report (2015) op cit p23

¹⁰⁸ Ibid p23

facilities for refugee children, coincides with a successful switch away from this model for all other categories of children, all across Europe. It is vital that local child protection agencies fully assume their oversight and quality assurance responsibilities in relation to all institutions in their area, including migration centres.

58. Many States increasingly involve NGOs and the private sector in managing reception facilities and this raises further questions about the type of staff training, use of child protection policies, access to independent monitoring and complaints mechanisms. To ensure quality standards, most States have adopted internal control mechanisms, such as on-site inspections by responsible government bodies or special commissions, but only a few States apply external control mechanisms e.g. review by the National Ombudsman or by UNHCR. This should be encouraged by child-focused agencies as it has proved effective in raising standards and encouraging a rights-based approach in institutions and facilities for other categories of vulnerable children.

59. Ideally reception centres should be also open but secure facilities, as there is some evidence that reception facilities in some countries have been targeted by criminal networks involved in human trafficking¹⁰⁹ and EMN also notes¹¹⁰ a high rate of UAMs going missing from reception facilities. According to UNICEF,¹¹¹ the Italian Special Commissioner for Missing People reported that the number of unaccompanied children absconding from reception centres in 2016 reached 28,000 children just last year and that this trend has continued throughout 2017.

60. Obviously local authorities should ensure that reception centres follow the recommendations of the Lost in Migration Conference of January 2017,¹¹² the level of security in reception facilities may not be the most important factor in preventing absconding. Informing children of the procedures and their rights in a way that they can understand will enable them to make informed choices and may reduce the numbers of children absconding from such facilities. Studies¹¹³ in Ireland have attributed a significant drop in the number of UASCs absconding to the closure of hostel-type accommodation and raising the level of care to that provided to other children. Similarly, a 2012 report¹¹⁴ from Italy suggests that children's immediate integration into 'bridge facilities' played a major role in reducing disappearances. While there have been number of initiatives to refurbish, extend, upgrade and adapt reception facilities in many countries across Europe to make them more child friendly,¹¹⁵ there has been less emphasis on developing new family-based facilities in local communities, or supporting fostering or other alternative care arrangements within refugee communities, and this is another area where local authorities can and should take a lead.

ii. Guardianship¹¹⁶ and legal representation

61. A guardian that functions as the agent and voice of the child can ensure that the best interests of the child are considered at every stage in the asylum seeking process, counter the influence of smugglers, traffickers and criminals, and facilitate the child's cooperation and participation. However, although speedy appointment of a guardian is universally acknowledged as good practice, not all European States have incorporated guardianship into their national child protection systems and many lack sufficient qualified guardians to meet current demand. At present, guardians may take a long time to be appointed; many are overstretched; they may not

109 Galonja A. et al Children on the Move NGO Atina (2013) Belgrade

110 EMN (May 2015) op cit

111 UNICEF Update No.24 op cit

112 See http://lostinmigration.eu/Conclusions_Lost_in_Migration_Conference.pdf

113 Charles K. Separated children living in Ireland: A report by the Ombudsman for Children's Office. Office of the Ombudsman for Children (2009) Dublin. Barnardos (2011). Missing Separated Children in Ireland available at <http://www.barnardos.ie>.

114 Quoted in EMN (May 2015) op cit p28

115 See Success Stories (2016) op cit for a description of various initiatives using ERF funding in Czech Republic, Lithuania, Portugal, Slovenia and Spain

116 See The Way Forward op cit for a fuller discussion of good practice in relation to guardianship. See also Policies, practice and data on unaccompanied minors in the EU member States and Norway: Synthesis Report European Migration Network (EMN) (May 2015) Brussels; and Overview of guardianship systems for unaccompanied minor asylum-seekers in Central Europe IOM (2012). The FRA handbook also provides guidance on how to establish and run national guardianship systems, including core principles, fundamental design and management of such systems. See also the outputs of the CONNECT project op cit, as well as the National Reports produced for the EMN Study which include further information on States' policy with regard to e.g. qualifications/ training, types of guardians, their tasks, etc;

be thoroughly screened; receive little training; and lack appropriate guidance and institutional support.¹¹⁷

62. Also, countries have different understandings of the guardianship role. The FRA Handbook¹¹⁸ recommends that guardians should serve as the primary focal point for the child and serve as a link between the child and the host community, relevant authorities and services providers. However, many States define their primary role as the child's legal representative. As a result, guardians frequently play a dual role, which can lead to a lack of clarity and ineffective support for the child.

63. Access to quality free legal assistance and representation is essential¹¹⁹ for child asylum-seekers to participate in the asylum process efficiently, and legal assistance should be provided as early as possible in order to build their trust in the system and ensure that they are prepared for the various hearings and procedures that they have to go through. However, guardians should not be seen as an alternative to proper legal representation for the child and resources need to be in place to support both roles. Children interviewed in a FRA study¹²⁰ were often critical of the quality of their appointed legal representative and some suggested that guardians and legal representatives should be better trained and qualified. They also stressed the importance of adequate, professional interpretation during legal proceedings.

64. An adequately resourced, efficient and effective guardianship service is a resource for vulnerable children that all child protection systems should invest in. It can save resources while strengthening the child's protective environment. Investment in guardians should be a key priority for national, regional and local authorities, regardless of whether or not they are affected by the refugee influx.

65. While there are already well-established guardianship models in Europe that can be adapted, countries and even municipalities may need to develop models suited to their own context, capacity and resources, while ensuring that these meet international quality standards¹²¹ and link coherently and consistently to neighbouring systems and structures. Although volunteer guardianship schemes are being developed, there has been little work done to date on developing, supporting or strengthening guardianship within the refugee population itself.

66. In Strasbourg, an innovative mentoring project was launched in 2017, at the initiative of the association Makers for Change and with the support of the municipality, which aims to enable people with a migrant background to gain self-confidence on the basis of their potential, to improve their level of French and to promote exchanges with the inhabitants of Strasbourg. It involves pairing young residents of a district assigned priority status by city council policy with newly arrived residents in that district who speak a foreign language.

67. The participants propose and realize cultural activities open to all as well as tutorials accessible to the general public on social networks (in particular YouTube and Facebook), where good practices of the project can be shared. The topics proposed and around which activities revolve are sport, agriculture, cooking, sewing and music.¹²²

iii. Detention

68. The detention of migrant children has been addressed in the context of Articles 3 and 5 of the ECHR and several cases¹²³ before the ECHR have highlighted the illegality of detaining children, even when the child was accompanied by its parents. Allowing detention of children, even as a measure of last resort, directly breaches the principles of the UN Convention on the Rights of the

117 CAHENF is developing guidelines which will be submitted to the Council of Europe Committee of Ministers for adoption in 2018. These guidelines should enhance the guidance and support available to guardians in member States.

118 FRA Guardianship for children deprived of parental care EU (2014) Luxembourg available at <http://fra.europa.eu/en/publication/2014/guardianship-children-deprived-parental-care-handbook-reinforce-guardianship>

119 Quoted in Pollet K. et al Mind the Gap Asylum Information Database (2014) Brussels

120 FRA (SEPA) (2011) op cit Vienna

121 The Way Forward op cit UNHCR/UNICEF/IRC (2017)

122 <http://makersforchange.org/>

123 For more details see Handbook on European law relating to the rights of the child FRA (2015) Luxembourg pp171-174

Child and the CRC has clarified that detention can never be justified as being in a child's best interests. Yet by 2014, 17 EU member states reportedly detained unaccompanied children and 19 detained children with families.¹²⁴ Even more worrying is the results of a two-year study¹²⁵ by Access Info Europe (AIE) and the Global Detention Project (GDP) in 33 countries, which shows that it is impossible to obtain a true picture of the number of asylum seekers being held in detention across Europe, or the conditions under which they are held, because the information is often not available. The research found huge variance in the definitions of detention being used by local agencies and in the data and details they compiled. This lack of basic data raises real concerns for children around accountability for their well-being.

69. Alternatives to detention are being explored and developed. Legal reforms in Italy have reduced immigration detention from 18 to 3 months and, in Greece, the Government has announced a policy change to reduce detention times. A number of countries have also moved towards more open reception facilities, particularly for children and families, and local and regional authorities could follow these models.

70. The rapporteur takes note of the information gathered by the Fundamental Rights Agency of the European Union (see: <http://fra.europa.eu/en/publication/2017/child-migrant-detention>), according to which these authorities do not take an active part either in deciding whether or not a child should be detained, or in monitoring detention facilities, and recommends that until such time as a total ban on detention is in place, local child protection authorities should establish clear guidance on what constitutes a situation of last measure. They should also provide minimum standards and conditions to be met before any facility can be used to detain child asylum seekers, whether unaccompanied or with their family.

5. CONCLUSIONS AND RECOMMENDATIONS

71. States across Europe are still adapting legislation, policies and strategies to the consequences of the increased number of refugees arriving in Europe since 2015. The rising numbers of women and children involved, as well as the longer periods of time they are spending in country before a decision on their asylum claim, inevitably puts pressure on local child-related agencies to integrate them into mainstream services, and support families' independent living outside asylum and refugee centres.

72. Local and regional authorities in many countries are developing new models to support, facilitate and extend refugees' access to quality health, education, welfare and protection services. Such models need to adopt a child-rights-based approach to be effective, sustainable and maximise impact for the child and the community.

73. Although there has been insufficient time yet for rigorous evaluation of the various models piloted to date, some of the common elements within the successful local initiatives are – multi-sectoral, multi-disciplinary area-based approaches; strong engagement with NGOs and civil society; close cooperation between the various levels of government, as well as across government departments; provision of support services and removal of administrative and practical barriers to services; establishment of core packages of services in key thematic areas, aligned as far as possible with national standards and entitlements in these areas; and extension and strengthening of existing services, rather than development of parallel structures or systems.

74. Besides provision of clear, explicit and enabling legislative and policy frameworks at national and local level, other factors that contribute to the success or failure of various responses to refugee children's needs include public attitudes towards refugees; the strength of the country's child-rights institutions; societies' experience of migration and asylum; the perceived value of migrants to the local economy; and the financial, human and other resources available.

75. The rapporteur would recommend that all European States commit to accept UASC and work together to fast-track asylum applications from vulnerable children and families, with

124 Quoted in Keith L. and LeVoy M. op cit p5

125 The Uncounted: Detention of Migrants and Asylum Seekers in Europe Access Info Europe/Global Detention Project (2015)

adequate safeguards to ensure an effective remedy. Refugee children (and particularly UASC) should be explicitly recognised as a priority group in all national health, education and protection strategies and Action Plans, and resources should be allocated appropriately.

76. The rapporteur also advises that local and regional authorities throughout Europe commit to proactively reach out to UASC and vulnerable children and adopt a formal plan to ensure their full access to health, education and protection services when they arrive, and to support for their full integration into local communities in the long term.

77. To prevent restrictions on access due to inconsistent treatment or confusion about entitlements, it should be recommended that each European State clearly and explicitly define what constitutes the core package of entitlements for migrant/refugee children, regardless of their legal status, and make that information available to incoming refugees and asylum-seekers in a child-friendly format. Child-friendly information is a really useful tool to reach out directly to children and communicate directly with them about their rights, the procedures affecting them and services. Such services could be developed by local child protection mechanisms.¹²⁶

78. The minimum package for refugee children should be as close as possible to what is available for citizens in the host State. The minimum education package should encompass immediate access to mainstream schooling, from ECE up to and including final State exams; entitlement to the same measures of financial support as are available to national students; and provision of appropriate language and learning support services, including teaching assistance.

79. The core health package should encompass automatic inclusion in national MCH, reproductive health, child development and vaccination programmes; access to testing and treatment for HIV and infectious diseases, mental health and counselling services; as well as emergency treatment and care. The core social protection package needs to encompass access to basic social assistance, family benefits and housing assistance for families with children; and delinking provision of material assistance from asylum conditionality or residence requirements.

80. Local and regional authorities should work together with communities and civil society to remove barriers to access to services for refugee families, to develop outreach and support services to facilitate easy and early access to mainstream services and encourage rapid integration into local communities. This will require extension and adaptation of existing services as well as development of new models of work including cultural mediators, translation services, language training, and possibly training and orientation of existing staff, professionals and managers. Restrictions on access to homeless shelters and other local facilities, based on residence and/or visa status, need to be urgently removed (and the substantial gap in most EU member states between legal entitlements under national law and actual practice concerning housing and shelter for undocumented migrants urgently addressed) and facilities need to be developed for refugee and migrant survivors of SGBV with appropriately qualified and trained staff.

81. The rapporteur draws attention to the need for all States to urgently undertake an assessment of national migration and asylum processes to determine where children are most at risk and where they are most in need of protection (as defined by the UNCRC). The importance of a rigorous enforcement of prosecution laws for crimes against these children should be part of this assessment. This needs to be followed by a joint programme of action between child protection and migration/asylum bodies to eliminate risk and strengthen safeguards.

82. Local child protection agencies across Europe should take proactive action to set common standards for reception centres, transit facilities and detention facilities in their area; develop protocols, reporting and accountability mechanisms; and provide on-going training and support. Most importantly, local agencies need to develop new community-based, child focused services to replace institutional facilities for children, and promote rights-based models of work that draw on the strengths and resilience of local and refugee communities. The reason child protection services have moved to reduce reliance on institutional services in favour of family based, and

¹²⁶ IOM Hungary has recently piloted an interesting project to develop child-friendly information about asylum procedures and child protection services in cooperation with 5 other States: <http://www.iom.hu/childprotection>

community based services is due to the perceived higher risk of abuse that children in institutions endure as well as doubts about their effectiveness, cost efficiency and sustainability.

83. It is also necessary for States to urgently agree a common definition of 'detention' and map all locked facilities on their territories. All such facilities should be subject to international standards of care and protection; regular external oversight; and open public accountability. All children held within them should be able to access free legal advice and support. States should also urgently develop community based alternatives to detention for children.

84. The rapporteur is of the opinion that local protection agencies are the groups to lead in oversight and management of all such facilities and any child held in any such a facility should be formally under the care of the local child protection authorities and appointed a guardian. These agencies should be expected to produce an individual care plan for each child held there, no matter how short their stay, and must be mandated to enforce standards. Local child protection agencies should also develop alternative care and living services to prevent, mitigate, shorten and reduce placement of children in closed facilities (see the Council of Europe recommendation to member States on life projects for unaccompanied migrant minors).

85. As regards guardianship, national and local child protection bodies need to invest in development of guardianship and fostering services, and work together to develop appropriate models suited to local contexts and resources, that are in line with international standards of good practice. National bodies should set policies and standards that ensure consistent provision of quality, cost-effective services that meet the child's need and respect their rights. It is particularly important that national governments ensure that refugee children have full access to the justice system and are provided with proper and adequate legal representation at all stages of the asylum process, in order to allow guardians to focus on guidance, care and support of the child. Local authorities need to develop and maintain local guardianship services appropriate to the local context and resources.

APPENDIX I**Abbreviations and acronyms**

1951 Convention	Convention relating to the Status of Refugees
AIDA	Asylum Information Database
AIE	Access Info Europe
B92	Serbian News Service
BIA	Best Interest Assessment
BID	Best Interest Determination
CEAS	Common European Asylum System
CEE	Central and Eastern Europe
CIS	Commonwealth of Independent States
CJEU	Court of Justice of the European Union
CoE	Council of Europe
COMPAS	Centre on Migration, Policy and Society (Oxford University)
CRC	UN Committee on the Rights of the Child
CRIN	Child Rights Information Network
CSO	Civil society organisation
DCI	Defence for Children International
EASO	European Asylum Support Office
EC	European Commission
ECD	Early childhood development
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECRE	European Council on Refugees
EEA	European Economic Area
EMN	European Migration Network
ENOC	European Network of Ombudsmen for children
	EPRS European Parliamentary Research Service
ERF	European Refugee Fund
ESC	European Social Charter
EU	European Union
EU28	Member States of the European Union
EU+	EU28 + Norway and Switzerland
FRA	European Agency for Fundamental Rights
GDP	Global Detention Project
GRETA	Group of Experts on Action against Trafficking in Human Beings
HIV	Human Immunodeficiency Virus
IASC	Inter-agency Standing Committee
IOM	International Organization for Migration
IRC	International Rescue Committee
JRS	Jesuit Refugee Service
MCH	Mother and child health
MPI	Migration Policy Institute
NEET	Not in employment education or training
NGO	Non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Cooperation in Europe
PHI	Public Health Institute
PICUM	Platform for International Cooperation on Undocumented Migrants
PMMI	Public Policy and Management Institute
SEPAC	Separated Asylum-seeking Children in EU Member States
SGBV	Sexual and gender based violence
TB	Tuberculosis

TIP	Trafficking in Persons
UAM	Unaccompanied minor
UASC	Unaccompanied or separated child
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	UN High Commissioner for Refugees
WHO	World Health Organization
WRC	Women's Refugee Commission

APPENDIX II

Glossary

In this report, the terms 'child' and 'children' follow the definition laid down in the UN Convention on the Rights of the Child and refers to every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier. Otherwise, the report uses terms as defined by international bodies such as UNICEF, UNHCR, the Council of Europe or the European Migration Network except when drawing on national or other sources that utilise non-specific or generic terms.

'Asylum Seeker (or applicant for international protection)' refers to those who have lodged an application for protection and are awaiting its outcome (i.e. they have not yet exhausted the national asylum procedure).

'Beneficiary of International Protection' refers to children with refugee or subsidiary status; accompanied or unaccompanied.

'Best Interests Assessment' is an assessment made by staff taking action with regard to individual children, except when a BID procedure is required, designed to ensure that such action gives a primary consideration to the child's best interests. The assessment can be done alone or in consultation with others by staff with the required expertise and requires the participation of the child.

'Best Interests Determination' (BID) describes the formal process with strict procedural safeguards designed to determine the child's best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option

'Child' refers to every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

'Council' refers in this report to the Council of Europe.

'Durable solution' is a sustainable solution which ensures that the child is able to develop into adulthood, in an environment that will meet his or her needs and fulfil his or her rights as defined by the UNCRC and will not put the child at risk of persecution or serious harm. Devising and developing such a solution involves a thorough best interests determination.

'Emergency care' consists of lifesaving measures as well as medical treatment necessary to prevent serious damage to a person's health.

'Gender mainstreaming' as defined by the UN's Economic and Social Council is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

'Guardian' is defined as an independent person appointed to support and assist unaccompanied and separated children in asylum processes and procedures concerning them; to safeguard the child's best interests and well-being; and to act as a link between the child and the agencies and individuals with responsibilities for them.

'Migrant' is defined in the global context as a person who is outside the territory of the State of which they are nationals or citizens and who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate.

'Primary care' includes essential treatment of relatively common minor illnesses provided on an outpatient or community basis (e.g. services by general practitioners).

'Refugee' in the global context, means either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country; or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In this report, the terms 'refugee' and 'refugee child' covers asylum seekers; applicants for international protection; unaccompanied and separated children (UASC) and those defined by law as unaccompanied minors (UAMs); beneficiaries of international protection; and children subject to return proceeding, as well as those children assigned refugee status in country;

'Separated children' refers to children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

'Stateless person' is defined as a person who is not considered as a national by any State under the operation of its law.

'Subject to an order to leave' refers to failed asylum seekers who have exhausted the national appeal procedure, as well as third country nationals overstaying their travel visa. Their return may be voluntary or forced, assisted or spontaneous.

'Subsidiary protection' is granted for a limited period of time to a third-country national or a stateless person who does not qualify for refugee status.

'Unaccompanied or separated child (UASC)' refers to children arriving at or residing within national borders without parents or an appropriate adult who, by law or custom, is responsible for their care.