

Working Group 11:

Protecting children on the move

Background

The rights of children are constantly violated during migration, regardless of whether they are alone or with their families. Along the migration route, they are continuously exposed to risks such as violence, including in reception/transit centres; physical and/or sexual abuse; and trafficking for sexual or other exploitation. They also go missing or become separated from their families. Many of them have already been affected by war and violence, and are often seeking protection and fleeing from persecution and war zones. These experiences can leave them traumatised and in need of specialised support.

The number of children arriving in the EU has risen exponentially. They can be unaccompanied, separated from, or travelling with their parents. According to the UN's Refugee Agency, over one million refugees and migrants in Europe arrived by sea in 2015. Of those, 31% were children, 19% women and 50% men. Trends indicate that the number of children among sea arrivals is increasing, rising from 16% in June 2015 to 34% in January 2016. In the first quarter of 2016, approximately 150,000 people arrived in Greece by sea, and more than 38% were children.

The European Commission's [communication on migration](#) from February 2016 stated that work on a comprehensive approach for protecting children throughout the migration chain is underway. The Communication also provides an insight into the current EU actions relating to child protection along the migration route, guardianship for unaccompanied children, and the right to education for migrant children inside and outside the EU.

FRA is systematically collecting data on the current situation in the EU, focusing on those Member States most affected by refugee and migration flows. A number of child protection system gaps relating to entry, transit and destination have been identified in the Member States. These require urgent action from the EU and its Member States. Included are areas such as: screening procedures; identification and registration of children (including unaccompanied children); referral mechanisms to specialised services for children and families; guardianship; reception conditions and facilities that meet key standards and safeguards for children; and shortages of qualified child protection staff. At the same time, national child protection systems – as well as healthcare and education systems – are overwhelmed. National, regional and local authorities are struggling to respond to the needs of children and to fulfil their obligations to offer adequate protection and support to children and their families.

Objectives

The workshop sought to address child protection gaps in the current refugee and migrant crisis. It did so by exploring how the obligation to respect the rights of the child and relevant child protection safeguards can be met when developing and implementing asylum and migration law and policies in the EU and Member States. All the while, it must be ensured that this is done in line with the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights.

Within the context of the current migration situation in the EU, the workshop covered the situation of children at external-internal borders, in transit, and in destination countries.

Workshop participants also discussed the risks faced by children at borders and during the first phase of reception, along with challenges related to integration and inclusion. This included looking at the most recent analyses of the situation, along with promising practices. With regard to first reception centres, the workshop focused particularly on: measures to ensure adequate reception conditions for children and families; security and safety measures for preventing violence and abuse in these centres; and measures to prevent child disappearances and minimise the risk of trafficking.

On the theme of integration, the focus was on how to strengthen child protection systems to address the rights and needs of children in the context of migration and to support their integration, particularly in terms of education and health.

Speakers

- Margaret Tuite, Coordinator on the rights of the child, Directorate-General Justice, European Commission
- Noala Skinner, Director, UNICEF Brussels
- Helmut Sax, member of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) Council of Europe
- Marc Dullaert, Chair and founder of Kids Rights Foundation
- Hans Karlsson, Head of Health and Social Care, Swedish Association of Local Authorities and Regions
- Stefania Pizzolla, Public Official – child rights policy;
- Miriam Lewek, Federal Association for Unaccompanied Minor Refugees, Germany
- George Moschos, Deputy Ombudsman for Children’s Rights in Greece

Main messages

1. A comprehensive approach to child protection is needed. The EU and its Member States need robust and integrated child protection frameworks. They must be inclusive and include short-, medium- and long-term measures, which aim to strengthen national child protection systems. When developing and implementing the legal and policy framework at national and EU level, authorities must ensure that they conduct a child rights impact assessment.

2. A fundamental rights approach should be incorporated into all stages of the process. Child protection safeguarding policies (e.g. vetting and codes of conduct) should be in place from first arrival and must apply to all actors involved. Monitoring policies and measures (e.g. standards) should be implemented to oversee all actors. This should include oversight of reception facilities and the conditions there.
3. Consultation with children is essential when formulating law and policies that affect them. Measures to empower children's participation and strengthen their capacity to cope with their situation should include the provision of information and awareness-raising activities.

Promising Practices

- Mainstream education has been provided to refugee children within 2 weeks. Measures for supporting teachers have also been introduced, the Netherlands.
- Mobile teams have been set up to support the identification and registration of vulnerable cases, such as those at risk of trafficking and absconding, various Member States.
- Child safeguarding policies are a condition for accessing funding, European Commission Directorate-General for Justice and Consumers.
- A dedicated website to facilitate the exchange of promising practices has been developed, National Association of Regional and Local Authorities, Sweden.
- Networks of day care centres have been set up - "Willkommen Konkret" and "Willkommenskitas", Germany.

Next steps

- Member States should develop a comprehensive child protection approach and strengthen national child protection systems.
- The EU and Member States should include a child rights impact assessment when developing and implementing laws and policies at national and EU level.
- The EU and Member States should embed child protection safeguarding policies and measures at all stages of procedures for receiving migrants - from first reception, to asylum application assessment and resettlement or return.
- The EU and Member States should facilitate cross-border cooperation of national child protection authorities.
- Member States should strengthen cooperation and coordination of various child protection actors at the national, regional and local level. This could be achieved through protocols of cooperation and national frameworks.
- The EU and Member States should prioritise resettlement, relocation and legal avenues to enter the EU, including family reunification.
- A comprehensive European Union policy on children should be developed.
- The prompt appointment of guardians for all unaccompanied children and access to legal assistance should be ensured by Member States.
- The EU and Member States should improve data collection.

- Member States should strengthen monitoring and oversight mechanisms, and create standards for reception, accommodation and emergency transit facilities.
- Measures to ensure access to quality education and vocational training beyond compulsory schooling should be developed; teacher support services require investment.
- Access to health services should be guaranteed, particularly mental health. This could include the provision of information and translation services.
- Member States need to ensure transparent mechanisms for allocating and managing funds.