

Refugee and Migrant  
**RESPONSE**  
 IN EUROPE

unicef   
 for every child



© UNICEF/UN037434/GILBERTSON VII PHOTO

# Building on promising practices to protect children in migration across the European Union

Photo caption: Lilas Alzaeem came to Norway as a refugee from Syria, Damascus five years ago. She now lives in Oslo and attends the medical faculty in the university.

## Background

Large numbers migrant and refugee children have arrived in the European Union in recent years, fleeing from civil wars, poverty and persecution or search for better opportunities. Authorities at national and EU level, as well as inter-governmental organizations (IGOs), non-governmental organizations (NGOs) and civil society, are actively working to address a number of difficult challenges around the migration of children.

These include the challenge of how to count how many children are arriving and when, in what circumstances and what types of services they need. They concern how to establish or scale up care and custodial arrangements to protect children. They involve ensuring people working with these children have the right training and skills. They also mean bringing together a range of actors with different responsibilities to work and coordinate in a way that put child protection front and centre, while addressing the migration issues that shape each child's situation. And often overlooked – or under-resourced – is the challenge of how to keep children informed about the procedures and services available, and to listen to their views and experiences.

While these challenges remain severe, a solid body of promising practice and valuable experience is emerging across Europe. This paper highlights five practices from within the EU, all of which illustrate promising responses to protecting children in migration. Taken together, these five practices aim to address the needs of both children within families and children who have become separated from their families, and include all children, regardless of their immigration status.

The practices include reception and care arrangements, procedural safeguards to support and assist children and ways to improve the identification of durable solutions for each child. They have a common focus on strengthening both child protection systems and access to those systems. Four of the five have been developed or supported by the European Union institutions or by national and/or local authorities with UNICEF involvement, enabling UNICEF to share insights into both the practical challenges and opportunities involved in their development and implementation. One promising practice draws on UNICEF's work on the need to tackle children's lack of access to basic services because of their status as migrants.

By highlighting these practices, UNICEF hopes to encourage a transfer of expertise and knowledge between countries. Several have already been – or could quickly be – initiated in other EU countries affected by migration. Identifying and highlighting such innovative action within the EU can also support better outcomes under the future Global Compacts on migration and refugees, as well as under the EU's bilateral arrangements with third countries concerning migrant and refugee children. These practices, some of them supported by EU funding, also demonstrate the importance of EU support for pilot projects to better protect children involved in migration across the region. UNICEF recommends that the lessons learned from these practices should inform future EU policy making and implementation.



© UNICEF/UN09362/PROMENZI

Nine-year-old Syrian refugee Maryam (left), nine-year-old Syrian refugee Badiaa (centre) and nine-year-old Italian Noelle walk near where Maryam and Badiaa live in Trento, Trentino province, Italy. Badiaa and Maryam, who are both originally from Homs, Syria, arrived from Lebanon through a humanitarian corridor.

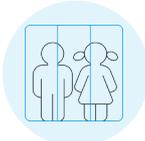
## UNICEF Agenda for Action

UNICEF calls on world leaders to embrace a six-point Agenda for Action<sup>1</sup> that puts children at the heart of the global compacts for refugees and migration.



**1. Protect uprooted children from exploitation and violence.**

**2. End the detention of refugee and migrant children by creating practical alternatives.**



**3. Keep families together and give children legal status.**



**4. Help uprooted children to stay in school and stay healthy.**

**5. Press for action on the causes that uproot children from their homes.**



**6. Combat xenophobia, discrimination and marginalization.**

One key goal for UNICEF<sup>2</sup> is to show that protecting migrant, displaced and refugee children is not only right in principle, it is also right in practice. This paper, which focuses on promising practices in the European Union is part of a series of resources examining this issue worldwide.

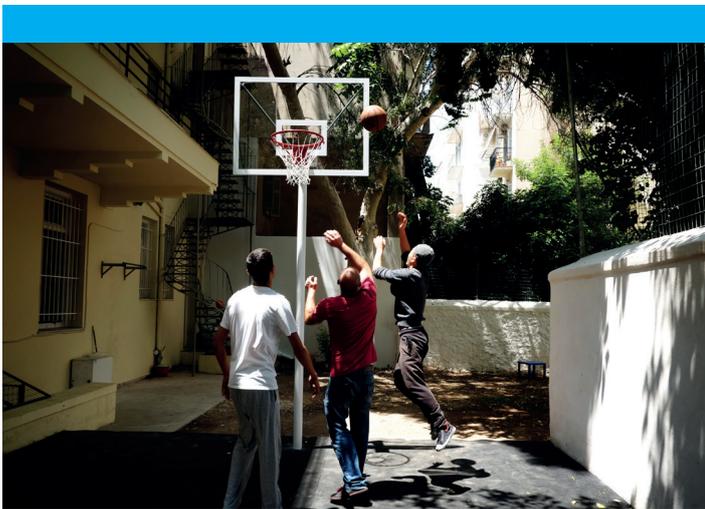
## Promising Practices

The five promising practices in this document concern:

- i. Extending the type of reception arrangements available for unaccompanied and separated children through models of community-based care in Greece
- ii. Ensuring quality standards in reception arrangements for children and their families in Germany
- iii. Building guardianship systems in Italy and ensure the views of children are heard
- iv. Ensuring children have access to health, education and child protection services, regardless of their immigration status
- v. Supporting the identification of better informed durable solutions for children through child-specific information on their countries of origin

<sup>1</sup> <https://www.unicef.org/children-uprooted/agenda-for-action>

<sup>2</sup> <https://www.unicef.org/children-uprooted>



Unaccompanied children from Afghanistan and Algeria play basketball with an employee in the courtyard of the SOS Children's Villages shelter, a UNICEF-partner which receives funding from the European Union Civil Protection and Humanitarian Aid Operations, Athens, Greece. As of November 2018, Greece is host to an estimated 25,700 refugee and migrant children, of whom 3,800 are unaccompanied children.

### **(i) Extending the type of reception arrangements available for unaccompanied and separated children through models of community-based care in Greece**

The national child protection system in Greece has been struggling to cope with the growing number of unaccompanied and separated refugee and migrant children (UASC) arriving in the country. To date, medium-sized residential shelters – hosting on average 25-30 children each – have been the primary model of care for these children. However, current demand continues to out-pace supply, even though shelter accommodation capacity nearly tripled between March 2015 to the end of May 2018 from 423 available places to 1,091 places. As of 31 May 2018, Greece was hosting an estimated 3,500 UASC, with over 2,745 on the waiting list for placement. Meanwhile, there are new arrivals each day on the country's islands and in mainland Greece.

While shelters are one way to provide for UASC, there is a recognized need to expand the range of accommodation and care options for them in line with international and EU standards. UNICEF and other actors aim to ensure the provision of additional types of alternative care in Greece, based on the best interests of the child.

Community-based care, rather than institutionalization, tends to provide the best outcomes for children. Supported Independent Living (SIL) for UASC aged 16 to 17 is one example of a community-based model of care for children who show higher levels of self-sufficiency and will soon be too old to stay in the shelters. The SIL model places up to four children in apartments, with each child supported by a multi-disciplinary team (including, for example, a social worker, carer and legal representative) to give them individual support, facilitate their access to a range of

services (health, education, legal or psychosocial) and work with them to build independent living skills. Each child has access to 24/7 emergency support as needed and works with the care team to develop a personal action plan. Each multi-disciplinary team can support up to 24 UASC across six SIL apartments.

UNICEF, in partnership with the Greek NGO METAdrasi, launched the first ever pilot SIL care model in Greece in January 2018, with the placement of the first unaccompanied child. By end of June 2018, two pilot SIL apartments were fully occupied and a third was being established. The pilot initiative plans to expand to six SIL apartments in Athens and Thessaloniki in its first year, accommodating a total of 24 UASC in total during 2018. While this initial pilot is of limited scale, the overall aim of this project is to enhance quality community-based care for a greater number of UASC in Greece. This will be achieved by expanding this alternative model and establishing SIL as one of the key means of care for UASC available within the national child protection system in Greece.

Before launching the SIL pilot in Athens, UNICEF and partners had to address two key obstacles to such placements. The first obstacle related to ensuring stakeholders had an accurate picture of the situation of UASC in Greece, including an analysis of its scale, scope, trends, and of the capacity of the country's protection system to respond. The existing system for referral and placement, which resulted in fragmented information on the location and number of UASC in Greece and their vulnerability, as well as the absence of a national strategy for these children, led to challenges in planning an effective response.

UNICEF's entry point was the establishment of a partnership with the National Centre for Social Solidarity (EKKA) – the state actor that oversees the national system for referral and placement of UASC in reception facilities. UNICEF supported EKKA to develop a data strategy and an analysis framework, as well as seconding several staff to EKKA to help manage the overloaded referral system. UNICEF worked with EKKA to compile, analyze, publish and disseminate its data on the numbers and locations of referrals of UASC, available places, and UASC on the waiting list. Bi-weekly dashboards on trends became a critical tool for understanding UASC and reception trends and have been used to inform advocacy and improve planning. These revealed that the trends of arrivals of UASC were surpassing the capacity of the system to respond despite an increase in places, strengthening the argument for expanding the options for care.

The second obstacle related to the lack of a procedural framework to regulate SIL and the related challenge of securing the approval of stakeholders. These included, in particular, Public Prosecutors acting by law as temporary guardians for UASC, who needed to agree to the placement of UASC in pilot SIL apartments, which had been unknown and untested in Greece before this project.

UNICEF's entry point was to approach the Supreme Court Public Prosecutor, who is well respected by Public Prosecutors across the country and who proved to be a strong ally. Under her guidance, UNICEF and partners developed a set of standard operating procedures (SOPs) and frameworks to guide the SIL pilot, drawing from good practices from other EU countries, and adapting them to the Greek context.

UNICEF and partners then organized a national roundtable on SIL in Greece, bringing together public prosecutors, IGOs and NGOs from around Greece, as well as professionals from other EU countries, to share their experiences with this model of care, and present the proposal for its roll out in Greece. The Roundtable generated support from all stakeholders on the importance of community-based care and on the viability of this particular model of SIL.

Professionals from Italy, Netherlands and the UK shared experience and expertise on Supported Independent Living arrangements in their countries at the round table.

After the Roundtable, public prosecutors consented to the placement of children in the pilot SILs. UNICEF is now working closely with implementing partners to shepherd and document this pilot phase, aiming to refine the approach and prepare it for national-level scale up in 2019.



Amr Rasland, 7, and his brother, Karam, 4, and sister Jannat, 7, play outside their new home at a refugee shelter in Mariendorf, Berlin, Germany. Between 2015 and 2018, some 1.5 million people seeking protection from war and violence have applied for asylum in Germany – over one third of them were children and adolescents.

## ii) Ensuring quality standards in reception arrangements for children and their families in Germany

Since 2015, some 1.4 million people have applied for asylum in Germany – around three quarters of them children and adolescents.

This large number of refugees and migrants overstretched the country's existing systems and created a huge backlog of asylum claims. Despite a sharp drop in new arrivals after the biggest influx in 2015 and early 2016, the fixing of the backlog in 2017 and concerted efforts by politicians, the authorities and civil society to support those arriving, the rights of refugee and migrant children and their families are still not fully protected. Many children and their families remain in initial reception centres for many months and sometimes more than two years, particularly those from countries deemed 'safe' for returns by the German Government, as well as those with little prospect of staying and gaining protection in Germany. Conditions in reception centres often pose significant protection risks to children, hinder their full development and prevent them from accessing services that are essential for their well-being and social inclusion, such as education. In addition, there are still no nationwide policies and standards to safeguard children and their families in refugee centres.

To protect refugees and migrants living in refugee centres, UNICEF and the German Ministry for Family Affairs, Senior Citizens, Women and Youth launched a national, multi-partner initiative in early 2016 that has, to date, benefited more than 25,000 refugees and migrants (one-third of them children) living in refugee centres.

The initiative aims to improve the protection and care provided to refugees and migrants in these centres and support their integration. The initiative focuses, in particular, on vulnerable groups, such as children; adolescents; women; lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people; and people with disabilities. One major achievement has been the development of the Minimum Standards for the Protection of Refugees and Migrants Living in Refugee Centres ([https://www.gewaltschutz-qu.de/themen/die\\_mindeststandards/](https://www.gewaltschutz-qu.de/themen/die_mindeststandards/)).

*The Standards were developed in a participatory process that involved over 30 partners. These included five major welfare organizations that are key service providers of child welfare and refugee centre services in Germany, as well as the German Institute of Human Rights, the Independent Commissioner for Child Sexual Abuse Issues, Save the Children Germany, Plan International Germany and many other civil society and community-based organizations. In addition, more than 130 young refugees and migrants were engaged in the process through a series of participatory workshops.*

The standards have six major components:

1. key principles for developing a site-specific protection plan
2. key personnel measures
3. internal structures, an external independent complaints and counselling body and active involvement of local external partners

4. standard procedures for addressing violence and suspected violence
5. humane and protective conditions
6. monitoring and evaluation of the implementation of the protection plan.

They also include two annexes to guide the implementation of the Standards for LGBTIQ persons and persons with disabilities.

To put the standards into practice, the German Ministry of Family Affairs funded the post of protection coordinator in 100 refugee centres taking part in the initiative nationwide. Each protection coordinator helps their centre's management team to develop, implement, monitor and evaluate the centre's protection plan. Their roles vary across the 100 centres from 'change agent' to an integral member of the provider's support structure and/or the centre's management team. UNICEF provides technical support to the managers and protection coordinators remotely and on-site, and has initiated regional networking mechanisms for the protection coordinators through which they connect regularly, exchange experience and advocate together for changes in their regions.

Translating the standards into actionable centre-specific protection plans often proved challenging for both managers and protection coordinators, who have to overcome many structural barriers that require policy advocacy. Regulations in some of Germany's federal states, for example, do not allow children who live in refugee reception centres access to the regular school system. Also, while the standards provide guidance on what refugee centres should aim to achieve, they do not provide a 'blueprint' for how to go about it. As a result, UNICEF developed practical guides in 2018 based on the experience of implementing the standards in the 100 centres over the previous two years, and is also offering webinars on topics that most centres have found challenging, such as the participation of refugees and migrants. UNICEF has also developed training materials and tools to ensure the effective implementation and monitoring of the standards.

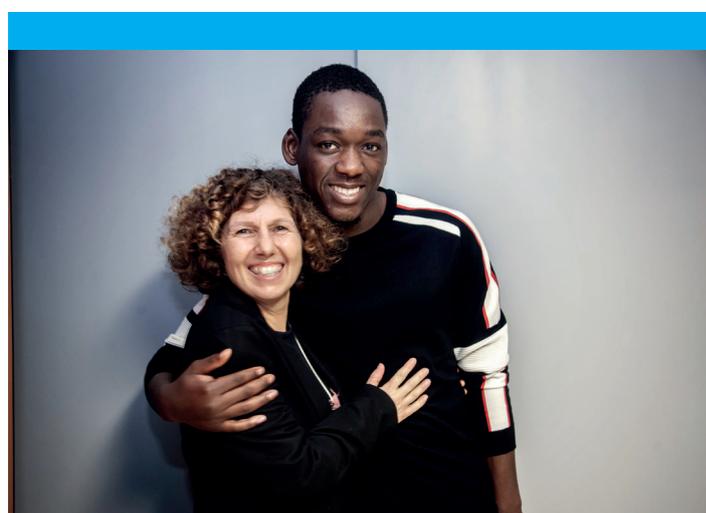
*Over 2,500 refugee centre managers, protection coordinators and staff in the 100 refugee centres across Germany received initial training from trainers who had been trained by UNICEF. There is a need for ongoing training of staff in all centres on topics related to the standards, as staff turnover is high.*

The initiative generated a broad political debate on the need for protection plans for Germany's refugee centres. UNICEF introduced representatives of federal states, municipalities and local support organizations to the standards through a series of regional conferences and supported the partners of the initiative in embedding the standards into their own structures. While the standards are not yet binding, the German Government presented a new draft national law in 2017 that would require all refugee centres to develop and

implement protection plans. A year later, this draft law has yet to pass the Federal Council of Germany.

The initiative faced a number of overall challenges. Working in a country with a decentralized structure means significant differences in the reception, accommodation, care and protection of refugee and migrant children across the nation and a lack of coherent systems and structures to, for example, monitor the situation of refugee and migrants and generate comparable data. Working in a high-income country that did not declare an emergency, even though it faced an unprecedented influx of refugees and migrants, also required a response from UNICEF that contrasted with its response in other countries affected by the crisis.

UNICEF's focus on strengthening the existing systems and capacities of partners in Germany has been crucial for the initiative's successful outcomes. This takes trust and time, but also ensures the sustainability of the initiative's results.



Sidi Soukoula (17) poses with his legal guardian Bernarda "Benni" Monaco in Palermo, Italy. As Sidi's legal guardian, she's responsible for helping him navigate the Italian legal system, for ensuring he can go to school, and for making sure he can see a doctor when he needs to. But their relationship is not just on paper. "It's like I'm her son," he says. In one week, he will move in with a foster care family in Lombardia, in the north of Italy. There he'll start nursing school. But he plans on staying in touch with Benni via What's App. In June 2017, UNICEF co-founded the guardianship project in Palermo, where locals volunteer to help young unaccompanied migrants navigate everyday bureaucracy – going to school, making the request for a longer-term residency permit, receiving healthcare. As of December 2018, the project has paired together 150 children with guardians.

### **(iii) Building guardianship systems in Italy and ensuring the views of children are heard**

Italian Law 47/2017 established a revised legal framework for the protection and care of UASC, and included a model of voluntary guardianship services that are integrated into the existing system of reception and protection for migrant children.

Under the Law, volunteer guardians are citizens appointed in coordination with the Juvenile Courts where official registers of guardians should be created. They are selected and trained by the Regional Ombudspersons

Offices for children, specifically mandated to monitor and promote children's rights. The Regional Ombudspersons are in charge of their training before appointment, while the National Ombudsperson has responsibility for their monitoring.

During training, volunteer guardians are given information on how to help UASC with legal paperwork and on the international protection application. They are strongly encouraged to develop a bond of trust and care with UASC and support them in their social inclusion process. The National Ombudsperson has published and shared guidelines for the training with the Regional Ombudspersons to harmonization the training process.

To support the operationalization of the Law and create good practice that can be expanded, UNICEF has invested in establishing a Guardian Support and Monitoring Office within the Ombudsperson's facility in Palermo, Sicily: a region that has hosted more than 50 percent of all UASC in the Italian reception system. The Office has already created a positive precedent for the establishment of mechanisms to support the guardians and monitor their work.

The Office aims to accompany, support and monitor the situation of the guardianship system by providing technical support and guidance to the volunteer guardians on four areas, in particular:

1. legal paperwork, including the international protection application
2. referral of vulnerable cases
3. a listening and participatory approach
4. cases that require extensive investigation and management.

The Office works each day on a guardianship referral system in coordination with the Social Services, Juvenile Court and Prefecture at the Municipal level. The Office also plays a strategic role in promoting cooperation between guardians and reception centres, as well as cooperation with local public and civil services, and provides direct contact with the Ombudsperson's office for children and adolescents. It also aims to mobilize the host community to provide the best possible care for each child, including through the promotion of alternative care mechanisms (particularly foster care) and social inclusion opportunities.

Through this practice, UNICEF aims to assist in strengthening the guardianship system, in line with the guidance from the Fundamental Rights Agency (FRA) on guardianship for children deprived of parental care, namely: guardianship that ensures the child's wellbeing, safeguards their best interests, exercises legal representation and complements the child's limited legal capacity.

*"Before I knew L. I always felt angry because since I arrived I stayed in the centre without knowing anything about what to do here", Bankaye, 17.*

*In a recent U-Report poll, over 60 percent of those children who know their legal guardian feel they are supported in health, legal and education procedures, and over 80 percent feel they are being heard. The volunteer guardian is not only perceived as help in case of need (25 percent), but over 50 percent look on them as friends or familiar figures on whom they can rely.*

In Palermo, as of June 2018, 120 volunteer guardians had been trained and 74 had received support and monitoring from the Guardian Support Monitoring Office. This has already resulted in better support for more than 50 UASC in Palermo, with the expectation that many more children will be supported by trained guardians in the future.

2018 saw the scale-up of the experience of Palermo with the opening of two additional offices, and the on-going expansion of the initiative in other regions (Calabria, Latium and Sardinia). This work will continue to be carried out in partnership with the Regional Ombudsperson of Sicily and in coordination with the National Ombudsperson. The Regional Ombudsperson, with the endorsement of the National Ombudsperson, has agreed to work with UNICEF to ensure the sustainability of this initiative beyond 2018.

The presence of an Ombudsperson for Children and Adolescents at municipal level who could push this agenda forward has been critical for the success of the Palermo pilot. The pilot has also benefited from good cooperation between different actors, through a Memorandum of Understanding covering the Ombudsperson, the Juvenile Court and the social services of the municipality.

UNICEF's work in this area has been informed by U-Report on the Move,<sup>3</sup> which was launched in Italy by UNICEF in 2017 to enable UASC to speak out on issues that matter to them. Since April 2017, about 700 U-Reporters use the digital tool, with an average 30 percent response rate to its polls. While these do not generate a statistically representative sample, they do provide a participation tool to enable UASC to express their opinion on their protection, care and social inclusion and access information they need. Information is collected through bi-monthly polls and through the messages sent by UASC each time they want to share new issues and concerns.

<sup>3</sup> <http://unicefstories.org/2017/09/06/migrant-and-refugee-u-reporters-in-action-in-sicily/>



Narguez and Hadi, who are both 11 and from Afghanistan, head home after school in Greece.

#### **(iv) Ensuring children have access to health, education and child protection services, regardless of their immigration status**

The legal and policy frameworks in many EU countries ensure that all children have access to health, education and child protection services, regardless of their immigration status. In Finland and Sweden, for example, national law grants asylum-seeking children the same entitlement to health care as children born in those countries.

In practice, however, migrant children may experience difficulties in accessing national services, with obstacles to their access often linked to their migration status. This can happen if, for example, reimbursement for such services to migrant and asylum-seeking children is controlled by the migration authority, rather than the health services.

*“Perceptions that police enforce asylum regulations and that asylum seekers cannot access homeless shelters, and fears of detention, deportation or asylum being refused if they report violence, all serve to trap asylum seekers in situations of labour exploitation and/or domestic/community violence.”*  
**Protected on Paper, UNICEF**

One consistent finding in UNICEF’s report *Protected on Paper*,<sup>4</sup> which reviewed the responses of the Nordic countries to asylum-seeking children was the late involvement of mainstream child protection services in the asylum process. As a result, the report recommended that these children should be in the charge of child protection and welfare services, rather than immigration services more generally.

<sup>4</sup> <https://www.unicef-irc.org/publications/940-protected-on-paper-an-analysis-of-nordic-country-responses-to-asylum-seeking-children.html>

One solution to this problem lies in the establishment of ‘firewalls’ that keep information from being shared between service providers and immigration authorities. These firewalls promise confidentiality and security that can encourage migrant and refugee children – even those without the proper paperwork – to access quality services without fear, and have been implemented to enable access to health and education services (sometimes by local authorities).

Such firewalls are recommended for use in the Council of Europe’s ECRI General Policy Recommendation No. 16 on Safeguarding Irregularly Present Migrants from Discrimination 2016.

The Recommendation calls for the creation of firewalls, which it defines as effective measures to prevent state and private sector actors denying human rights to migrants whose presence is irregular prohibiting the sharing of the personal data of, or other information about, people suspected of irregular presence or work, with the immigration authorities for purposes of immigration control and enforcement.

*In Italy, Florence, Turin and Genoa publicly extended access to education by granting all children the right to attend nursery school regardless of immigration status. Similarly, in Germany, the Hesse region has allowed children to enroll in school without proof of local residence since 2009, and several municipalities, including Frankfurt, Hamburg and Munich have lifted the obligation of staff working in the education sector to report irregular migrant children who are present in their schools.*  
**Examples from the European Commission against Racism and Intolerance Recommendations**

Firewalls are necessary to ensure that children’s access to these basic services is not prohibited in policy or practice. Furthermore, the majority of asylum-seeking children are often at heightened risk of violence, abuse and exploitation and need to be prioritized by national child protection systems whose overarching goal is to protect children from violence.



“This looks like Agadez, like the desert,” said Ablie as he walked onto the beach during outing from a government hot spot—a reception center that doubles as a lodging station for unaccompanied minors in Pozzallo, Sicily. The boys created a crew they named “Do it or die”, which consists of the seven Gambian boys that met while they were waiting for a boat in Tripoli to take them to Italy. Their name describes the sacrifice they feel they made to get to Italy. Back in Gambia, the boys said they were fleeing political persecution, and likely violence.

#### **(v) Supporting the identification of better informed durable solutions for children through child-specific information on their countries of origin**

Authorities and actors working with children in migration often lack proper information on the situation of children in their countries of origin to inform international protection or immigration procedures, when States need to identify durable solutions for these children. Such information is essential to determine whether there are child-specific forms of persecution and whether it is in the best interests of the child to stay in the host country or return to their country of origin.

When implementing the return of children, it is also important to have legal and practical information from authorities in the country of return to provide assurance that necessary services are in fact available to children. At present, however, detailed information on the situation of children is rarely available in the country of origin reports (COI) that are often used by national authorities to determine whether a migrant child would be in danger in their own country.

With EU funding, UNICEF National Committees in Belgium, the Netherlands and Sweden worked with partners to develop child-specific country of origin reports (Child Notices<sup>5</sup>) between 2013 and 2016. Working closely with national authorities in all three countries, as well as the European Asylum Support Office (EASO) and key stakeholders, including IGOs and NGOs, UNICEF identified the key information on the living conditions of children that should be available to immigration authorities, legal guardians, mentors, lawyers and judges, as well as a

<sup>5</sup> <https://www.unicef.nl/ons-werk/nederland/child-notices>

<sup>6</sup> COMMISSION RECOMMENDATION of 7.3.2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council, Brussels, 7.3.2017 C(2017) 1600 final

methodology for its compilation.

The project also piloted the methodology by compiling and publishing Child Notices for Afghanistan, Albania, Guinea, Morocco and Sudan. Child Notices are also being developed for Ethiopia and Somalia.

The Notices bring together in one place detailed legal and practical information on issues such as access (or potential refusal of access) to education and health care, the system of care provided by governments to unaccompanied children, the situation of children in armed conflict, the juvenile justice system and the risks of trafficking.

*The need for child-specific country of origin information (COI) has been recognized in the work of the European Asylum Support Office. The Dutch authorities have used the Child Notices to update their COI on Afghanistan and Sudan in particular. Organizations, such as the Dutch guardianship organization (Nidos) and the Dutch Refugee Council, as well as lawyers, now contact UNICEF to receive information on conditions for (unaccompanied) children in countries of origin or return.*

Importantly, they also include information on the availability of child protection services in a country, including how the child protection system is funded and monitored, the organizations working on child protection and where services are available (for example, throughout the country or only in the capital city). This helps authorities understand whether essential safety nets are in place for UASC, given their particularly vulnerable situations, through available social services in the country of return.

The Child Notices provide valuable tools that demonstrate the legal provisions and safeguards that should be in place to inform decisions on durable solutions for children.

The need for child-specific COI has become all the more acute in Europe. The European Commission Recommendations on Return<sup>6</sup> have emphasized that Member States should “establish clear rules on the legal status of unaccompanied minors allowing either to issue return decisions and carry out returns or to grant them a right to stay”, rather than being left in legal limbo. Any increase in return decisions for unaccompanied children – or indeed children in families – is likely to increase the judicial scrutiny of the basis for any decisions. This should add to the pressure on national authorities and actors that support children to ensure that they have reliable and specific information on countries of return.

The Child Notices, and their underlying methodology, are one way to achieve this, and have the potential to become common resources for EU Member States. They offer a solid example of the successful deployment of EU funding to develop an important methodology and pilot tools, as well as demonstrating the importance of a regional approach on this issue, based on collaboration across key stakeholders, EU agencies and national authorities.



(Left) Barbera, 7, from Ivory Coast, draws with an Italian friend, (centre) Ariana, 20, a volunteer in the Oratorio Santa Chiara, a community space devoted to local residents by the churches father, Padre Enzo, in the Ballaro district of Palermo, Sicily, Italy. Here, migrants are able to cultivate their own traditions at the same time as integrate into the local community.

## Lessons Learned from the Promising Practices

These five promising practices showcase the efforts of many different actors to address obstacles and fulfil responsibilities under the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights to protect children in migration. Looking at them collectively also allows us to recognize some of the key common challenges that States have faced, and to identify the types of action that have consistently upheld respect for the rights of migrant and refugee children.

### *Lessons on the key challenges faced by States*

1. Asylum, child protection and education systems have been overwhelmed in several European countries by the numbers of migrant and refugee children, including unaccompanied children for whom they must cater.
2. The situation of migrant and refugee children has usually been handled by immigration services, while child protection authorities have been involved only in the later stages of the process.
3. More broadly, national measures, and actors, have yet to put in place consistent processes to ensure that the best interests of the child is a primary consideration in all actions and decisions that concern migrant and refugee children.

These key challenges have caused a series of practical difficulties that have an impact on the current response:

- States and actors have often been absorbed in responding to frontline crises, confronting the acute and

immediate needs of children in migration and acting without important information they need to identify durable solutions. Responses have often been guided by short-term needs, rather than longer-term goals.

- Mobilizing and sustaining resources in a dynamic situation has been a challenge, including when scaling up or down reception capacity or when changing responses from first reception to integration or finding other sustainable solutions.
- Beyond *material resources*, it has been difficult to ensure the sustained availability of all necessary resources, in particular adequate knowledge and expertise as a result of staff burn out and rotations.
- There have also been difficulties in connecting the many actors who are involved in building practices to protect children in migration (including national, local, regional authorities, policymakers, social, legal, medical and educational professionals). This can be all the more challenging in decentralized systems.

### *Lessons on promising practices*

- 1. Data:** Compiling accurate data has been shown to improve and accelerate referrals of the most vulnerable unaccompanied children to essential services such as shelters, and to support planning, advocacy and the mobilization of resources (as seen in Greece). It is important to produce data in real time. For example, having information on the number of children placed in protective custody in police stations is really helpful

to ensure that red flags are raised promptly where necessary. No one wants to keep children in police custody simply because there is nowhere else to place them.

**2. Pilot initiatives:** The practices also demonstrate the need – and opportunity – to mobilize pilot approaches and processes (such as SIL in Greece, guardianship in Italy and protection coordinators in Germany) to improve the protection of children. We have seen how these can be developed through learning from the experiences of children and/or direct input from children.

We also see that responses may be most successful – and sustainable – when they are achieved by strengthening national child protection systems. Ultimately, such actions benefit all vulnerable children, nationals as well as migrants and refugees, accompanied and unaccompanied. More broadly, a focus on how children can access child protection services, whether in Europe or in third countries, will achieve better outcomes for children, wherever their future lies.

**3. Exchange of experiences from local to national and across countries:** Initiatives by frontline actors in all countries, bottom-up from local to national, can reinforce the case for national approaches. Sharing knowledge and experience from other countries can persuade local actors to try new and innovative solutions in their own settings.

**4. Multidisciplinary teams:** Bringing the right actors together will move things along more quickly and effectively. For example, bringing together child protection actors and migration and justice services often ensures the greater effectiveness of actions. Success here often depends on the willingness and ability of actors to work together, in line with their individual responsibilities, while ensuring the best interests of the child as a primary consideration across all measures. To this end, investing in knowledge and skills is vital, through training and support processes for actors working with children.

**5. Common resources and guidance:** Guidance and other tools from the EU agencies, including the Fundamental Rights Agency and the EASO, provide practical support on protecting the rights of children and contributing to the work of the practitioners who work with them.

**6. Firewalls:** The vital role of firewalls has been underlined to ensure non-discrimination in practice and to prioritize children's rights, regardless of their migratory status.

**7. Conditions of countries of origin:** The need, and means, to understand conditions for children in their countries of origin has been recognized and can be achieved through Child Notices as well as through the involvement of child protection authorities to assess the best interests of the children and find sustainable solutions for them.



© UNICEF/GREECE 2016/SOLOMON

A boy in Skaramagkas Open Accommodation Site in Athens, Greece during a UNICEF event celebrating International Day of Friendship.



© UNICEF/UN0126146/GILBERTSON VII PHOTO

(Centre) Karam Raslan, 5, paints with other children at the Four Seasons Kindergarten, a private kindergarten that does not charge students in Berlin, Germany

## Looking Forward

Although arrivals of asylum and migrant children have dropped from their 2015-2016 peak, they will continue for the foreseeable future. The EU and Member States, often in partnership with IGOs and NGOs, need to ensure that children receive assistance and support when in Europe and that durable solutions, in the best interests of each individual child, are found, whether those solutions lie in Europe or elsewhere.

Drawing from these promising practices in Europe, UNICEF has two key recommendations for the EU, its Member States and all stakeholders:

- Actively promote promising practices across Europe that will lead to concrete and immediate progress in respecting the rights of children in migration and continue to fund and develop innovative practices across the region.
- Translate key lessons into future EU policy, including through policies that support the rapid implication of child protection authorities in responses, on a national and cross border basis.

### 1. Actively promote promising practices across Europe while continuing to fund and develop innovative practices

UNICEF recommends that, at the regional level in Europe, promising practice is exchanged actively, promoted vigorously and built upon.

Experience shows that exchange of experience and expertise stimulates progress and facilitates solidarity between States. It helps to foster the development of specialized arrangements and boost the professional expertise needed to respond to this vulnerable group of children. Such exchange can lead to the more targeted use of funding to further develop or extend promising practices across EU Member States. It can also inform regional measures of support from EU agencies, such as the guidance and tools that equip authorities and actors to do their work effectively, and enhance inter-agency cooperation.

UNICEF welcomes the new database on good practices for the protection of children in migration in Europe, which is being developed by the European Commission.<sup>7</sup> We encourage the EU, Member States and stakeholders to support the development of this tool, given its potential to ensure that stakeholders can benefit directly from the knowledge and experience of other sectors and countries.

UNICEF also recommends that EU funding continue to stimulate the piloting of innovative approaches that can be scaled up and replicated in other countries, while informing necessary legal and policy reform work. In particular, EU funding should be shaped by the growing policy focus within the EU on child protection, child safeguarding and child participation in line with the European Commission communication<sup>8</sup> on children in migration and its principles on integrated child protection system principles.

<sup>7</sup> <https://webgate.ec.europa.eu/protecting-children-in-migration/>

<sup>8</sup> EC Communication, April 2017  
<https://eur-lex.europa.eu/legal-content/DE/ALL/?uri=COM:2017:211:FIN>

UNICEF recommends that the EU prioritize and resource the development of European tools by the EU agencies that focus on the needs and rights of children, such as guidance and toolkits. For example, UNICEF recommends that resources should be found, in particular, to create and update Child Notices, with the involvement of the child protection authorities of children's countries of origin. Recent updates have been possible only through ad hoc funding from UNICEF Netherlands, rather than being embedded in Country of Origin Information (COI) work by either national immigration authorities or by the EASO.

## 2. Translate key lessons into future EU policy

It is vital that the knowledge and lessons learned from promising practices should be translated into the proper implementation of EU measures and to the shaping of future EU measures and bilateral agreements between States. These practices should encourage EU action to address the situation of all children in migration as children, regardless of their migratory status.

UNICEF welcomed the adoption by the European Commission in April 2017 of the Commission Communication on the protection of children in migration, which aims "to provide a series of coordinated and effective actions to the pressing protection gaps and needs that children face once they reach Europe, ranging from their identification, reception, implementation of procedural safeguards, as well as establishment of durable solutions." UNICEF encourages the EU and its Member States to monitor and report regularly on the implementation of the Communication. The annual report on the EU migration agenda should reflect the recommendations from this monitoring and identify both opportunities for progress and emerging priorities. UNICEF also urges all stakeholders to commit adequate resources to ensure a determined, concerted and coordinated follow-up to the Communication at the EU and national, regional and local levels."

EU law and policy remains under intense review and negotiation, including through the implementation and reform of the common European Asylum System, the EU Anti-Trafficking measures, EU border management measures, the EU Return Directive, and EU relations with third countries. Children need to remain in focus during these discussions, drawing on the practical experience of identifying common challenges and effective responses.

This is an acute need in the discussion of newly emerging policy proposals, including search and rescue planning and any development of disembarkation zones and/or controlled zones. The lessons learned in recent experience on the needs of children whether they are unaccompanied or in families during mass arrivals should be brought to the fore and must shape new plans from the outset to avoid serious violations of the rights of children.

Promising practices can also reinforce the cross border cooperation generated by EU measures, in particular for trafficked or missing children, where cases of individual children should be of direct and active interest to more than one country. UNICEF welcomes the development of the European Guardianship Network, funded by the EU, and recommends that it take regular stock of innovative, bottom-up initiatives.

## Conclusion

These two recommendations aim to achieve both tangible and lasting improvements to the lives of refugee and migrant children. The stakes are not only high, they are vital. Respecting the rights of these children will help to ensure their immediate protection, find durable solutions that are in their best interests, and secure the common future of all our children. These goals should be at the very heart of our common efforts for children within the European Union.

*This document has been developed by the UNICEF Office for Relations with EU Institutions by an editorial team consisting of Natalia Alonso, UNICEF Brussels Office and Rebecca O'Donnell, independent expert, who authored the paper. It is based on reports and contributions from country experiences from UNICEF Germany, UNICEF Greece, UNICEF Italy, UNICEF Netherlands, and UNICEF Sweden and from UNICEF offices in Geneva and New York. In particular, it benefits from support, insights and expertise from Laurent Chapuis, Severine Jacomy Vite, Majorie Kaandorp, Verena Knaus, Julie Lebegue, Anna Riatti, Sebastian Sedlmayr, Anja Teltschik, Elizabeth Wabuge and Galit Wolfensohn.*