



# Protecting children on the move

Addressing protection needs through reception,  
counselling and referral, and enhancing cooperation  
in Greece, Italy and France.



Funded by the European Union



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## Disclaimer

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of UNHCR, France Terre d’Asile, Save the Children and PRAKSIS and can in no way be taken to reflect the views of the European Union.

Photo by © Mathias Depardon / October 2010.  
*The well-protected harbour of Patras is a gateway to the industrialized world for some.*

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# Contents

<b>Section 1 - Introduction</b>	Pag 5
The project “Protecting children on the move” and its objectives	Pag 5
The partners	Pag 7
The target group	Pag 8
Objectives of this report	Pag 11
Methodology applied in the analysis of the interventions and practices	Pag 11
<b>Section 2 - Relevant Legal Framework and Standards</b>	Pag 13
International context	Pag 13
European Union context	Pag 14
Greece	Pag 16
Italy	Pag 22
France	Pag 27
<b>Section 3 - Good practices and interventions</b>	Pag 33
Introduction	Pag 33
Local contexts	Pag 35
Greece	Pag 35
Italy	Pag 36
France	Pag 38
The interventions: Common Features	Pag 38
A. Outreach	Pag 41
B. Provision of information	Pag 45
C. Legal counselling and follow-up	Pag 50
D. Expressive workshops	Pag 55
E. Profiling interviews and best interests assessment (BIA)	Pag 59
F. Referrals	Pag 63
<b>Section 4 - Best interest determination: Proposal for tools and methodologies in Italy</b>	Pag 69
Introduction	Pag 69
Procedural safeguards in the determination of the best interests of the child	Pag 70
Authorities involved in the assistance of unaccompanied children	Pag 71
Durable solutions for unaccompanied children	Pag 72
<b>Conclusion and recommendations</b>	Pag 75
Main project findings and lessons learned	Pag 75
Recommendations	Pag 78
<b>Abbreviations</b>	Pag 83
<b>Glossary</b>	Pag 87
<b>Annex:</b> child-friendly information material	Pag 91





*A group of young men arrive in Greece just after dawn.  
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# Introduction

## The project “Protecting children on the move” and its objectives

In recent years, an increasing number of unaccompanied and separated children (hereafter unaccompanied children) have entered and transited through the European Union (EU). They endeavour to secure a better and safer future, education and work, often joining family or community members already in the EU. Reaching an envisaged destination in Europe has become increasingly dangerous for many unaccompanied children, whose migration project is built on decisions taken by their family and on expectations based on biased information obtained largely through informal networks.

Many of these children tend to avoid entering any national protection mechanism, or abandon their reception facilities shortly after arrival, for fear of jeopardizing their migratory plan to reach the envisaged destination. Independent information is often not available or accessible to this target group and the absence or fragmentation of structures or services which could offer protection to such children along their routes severely compounds the problem.

Unaccompanied children on the move, who fall outside any existing protection and assistance framework represent an extremely vulnerable group requiring proactive age and context specific interventions to address their protection needs and reduce their exposure to violence, abuse, exploitation and neglect.

This project builds upon research on unaccompanied children on the move undertaken by the United Nations High Commissioner for Refugees (UNHCR) and other organizations,<sup>1</sup> as well as information collected by project partners in the field. The project intended from the beginning to focus on the practical implementation of the knowledge acquired, providing operational responses to the target group, assisting individual beneficiaries and identifying common response measures tailored to the specific needs of unaccompanied children on the move. Such common and tailored responses, which are lacking at national and European level, are deemed crucial for guaranteeing comprehensive protection.

For these reasons, a transnational partnership covering one of the most frequently travelled routes of unaccompanied children on the move in the EU - through Greece, Italy and France was established, and project activities implemented in the main transit points of Patras, Rome and Calais. It was decided to focus mainly on Afghan children, who represent the vast majority of unaccompanied children on the move in Europe.

The project intended to develop and promote common measures to provide unaccompanied children on the move with assistance, counselling and referral. In particular, the project aimed to strengthen information exchange and cooperation among project partners and stakeholders working with the target group and to develop and further strengthen interventions.

Throughout the project, implemented from July 2011 to July 2012, the following activities were implemented:

- Collection and exchange of information and data on the target group.
- Development of a comprehensive information strategy including child-friendly information materials.
- Outreach activities and the establishment of safe, low-threshold drop-in centres providing assistance, information, legal and health counselling, social mediation, best interests assessment, follow-up on individual cases and referral to protection mechanisms.
- Networking and cooperation among relevant governmental institutions, non-governmental organizations and project partners, and exchange of experiences and good practices.
- Development, analysis and promotion of good practices with regard to assistance, counselling and referral of the target group.
- Development of tools and methods to support the identification of long-term solutions for children, in particular regarding best interests determination procedures jointly with the appropriate government authorities.

The findings of the joint work of the partners in the three major transit countries in Europe, namely Greece, Italy and France, should inform the development of relevant approaches at the EU level.

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<sup>1</sup> See among others Christine Mougne, *Trees only move in the wind*, United Nations High Commissioner for Refugees Policy Development and Evaluation Service, PDES/2010/05 June 2010; Simone Troeller, *In the migration trap: unaccompanied migrant children in Europe*, Human Rights Watch, January 2010; Kerry Boland, *Children on the move: a report on children of Afghan origin moving to western countries*, UNICEF Kabul, February 2010.

## The partners

The project, which is funded by the European Refugee Fund Community Actions (ERF), is a multi-country project implemented by UNHCR in partnership with the Ministry of Interior and Save the Children in Italy, the Ministry of Health and Social Solidarity and PRAKSIS in Greece, and France Terre d'Asile in France.

PRAKSIS is an independent, non-profit, non-governmental organization. Its overall objective is the mitigation of social exclusion and the provision of support to vulnerable groups such as: legal and undocumented migrants, refugees, asylum seekers, victims of trafficking, Greek citizens facing economical and social exclusion, Roma people, street children, unaccompanied children, sufferers of HIV and former prisoners. Support takes the form of medical, legal, social, psychosocial, and employment promotion services. PRAKSIS provides public health services through mobile medical units at Greece's borders, mostly for migrants, and other mobile units for free rapid HIV and Hepatitis C testing for targeted population. PRAKSIS is a member of many networks at national and EU level, involved in the design and implementation of programs for vulnerable groups, raising awareness activities, horizontal and mainstreaming activities, lobbying and policy oriented proposals to relevant public bodies.

For the project "Protecting Children on the Move", PRAKSIS established a drop-in centre in the city of Patras, the second main port of Greece and the main exit point for migrants in an irregular situation in Greece. The drop-in centre focuses on unaccompanied children, covering protection needs through reception, counselling, temporary hosting and referral to reception centres. The drop-in centre also offers legal assistance, medical and pharmaceutical services and psychosocial support. Creative and sports activities are an integral part of the approach of the street work team who locate and inform unaccompanied children of their rights. Children are further provided with basic need items (such as meals, hygiene kits, sleeping bags). They also have the opportunity to communicate with their families and relatives with the help of the centre's social mediator. The drop-in centre has established a very good communication network with the local authorities regarding the best possible services that should be provided to unaccompanied children.

Save the Children is the world's largest independent organization promoting and upholding children's rights. First established in 1919, it works in over 120 countries in a network of 28 national organizations with one international coordinating office, the International Save the Children Alliance.

Save the Children implements a project called *CivicoZero* which aims at providing support, advice and protection for migrant children (including those originating from new Member States) in marginalised conditions and at risk of exploitation, abuse and delinquency in the city of Rome. The project has a low-threshold drop-in centre, *CivicoZero* Centre, for children from 12 to 18 years of age. The Centre runs outreach activities, counselling and workshops which lead to training, networking and participation possibilities for the youth involved, both within the Centre and across the city. Children can use the amenities provided (to rest, shower, wash clothes) and receive information on their rights and the possibility of accessing the city-wide network of child-specific services, recreational activities, workshops and activities based on a participatory model. Furthermore, the Centre provides internet access, legal consultation, health advice and assistance in school and work placement.

The project "Protecting children on the move" is particularly targeted at children in transit, particularly of Afghan nationality, funding assistance, counselling and referral interventions which are carried out at the Centre. Staff working for the project "Protecting Children on the Move" include educators, a legal advisor and an Afghan cultural mediator.

France Terre d'Asile is a non-profit organization founded in December 1970, which acts to protect and develop the French system of asylum, as well as to guarantee the application and respect of all



relevant international conventions. France Terre d'Asile (FTDA) welcomes, informs and directs asylum seekers based on identified needs (emergency shelter, food, clothes) and provides them with administrative and social support during the asylum procedure, including access to reception centres for asylum seekers (CADA). FTDA is also in charge of the direct management of 29 CADA, providing accommodation, social and administrative support.

The goal of the Direction for Protection of Unaccompanied Migrant Minors (DPMIE) within France Terre d'Asile is to reinforce acquired expertise in this complicated domain. Other than Welcome Centers which orient and house the children, the DPMIE also monitors and informs the French debate on questions related to unaccompanied children. The DPMIE advocates also in international settings for the protection of these children.

In June of 2009, after the opening of an “guichet asile” (to introduce an asylum claim) in the Calais Sous-Préfecture, FTDA partnered with the UNHCR, to open a sub-office to provide information and support to asylum seekers in the North Pas de Calais region. The aim of this partnership is to inform individual asylum seekers in migrant camps and squats of their rights and to develop projects to support asylum seekers in the process of requesting asylum. Since January 2010, FTDA is also present at the Administrative Detention Centre of Coquelles, to inform and support illegal immigrants.

In the framework of the project “Protecting Children on the Move”, FTDA set up a mobile drop-in unit to reach unaccompanied children who mainly live in precarious conditions in squats and camps in the Nord-pas de Calais region (in Calais, Tatinghem, Steenvoorde and Norrent-Fontes, Tétéghem and Grande Synthe). Four people, including a legal officer, a social worker and two mediators/interpreters who speak Pashto/Farsi/Urdu and Arabic compose the mobile drop-in unit team.

The team provides assistance, general information on child rights and protection mechanisms and ensures referral to assistance providers and local authorities in an effort to enhance child protection and to prevent child trafficking.

## The target group

The project targets unaccompanied children on the move, who are often in transit in an attempt to reach their final destination, generally in Northern European countries.

Reliable and comprehensive data on unaccompanied children on the move in project countries is scarce. The collection of data is fragmented, common definitions, criteria and indicators are lacking and statistics and information are not regularly exchanged among authorities and stakeholders at national and transnational level. In addition, the dynamics of transit increase the obstacles in assessing the real trends of arrivals, since unaccompanied children may pass undetected through project countries, bypassing identification and registration. The lack of relevant data leads to difficulty in formulating appropriate responses that cater to the size and status of the population.<sup>2</sup>

In Greece, the statistics provided by the Ministry of Citizen Protection refer only to the unaccompanied children who seek international protection and not to all unaccompanied children entering the country. According to the statistical data in 2011 there were 59 asylum seeking children. Among them, the great majority are Pakistani and Afghan boys between 16 and 17 years of age.

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<sup>2</sup> Communication from the Commission to the European Parliament and the Council of 6 May 2010 – Action Plan on Unaccompanied Minors (2010 – 2014), COM(2010) 213 final [www.gcr.gr/sites/default/files/evros.pdf](http://www.gcr.gr/sites/default/files/evros.pdf)

However, according to reports from non governmental organizations (NGO) and UNHCR border monitoring activities, the actual number of unaccompanied children entering the country and present on the territory is much higher,<sup>3</sup> most of them originating from Afghanistan. Other countries of origin are Pakistan, Syria, Guinea, Somalia, Iraq, Bangladesh, Morocco, Iran and Eritrea.

In Italy, there is fragmentation of statistics, with data collected by different authorities based on their competence for specific population groups (unaccompanied children asylum seekers or non asylum seekers). According to the Committee of Foreign Minors (the competent authority for unaccompanied children non asylum seekers), 7,750 such children were present in Italy at the end of 2011, 1,094 of whom were Afghan nationals.<sup>4</sup> Recent data also shows that about 50% of the Afghan children entering the Italian protection system upon arrival disappear after registration. The percentage dramatically decreases for other nationalities. With regard to asylum applications, 827 unaccompanied children asylum seekers were registered in 2011, the great majority (719) being boys between 16 and 17 years of age and the largest nationality group being Afghan (125 children). UNHCR considers that at least 550 unaccompanied children from Afghanistan arrived at the Italian south-eastern coasts in 2011. However, this data is partial and UNHCR is not in the position to estimate how many unaccompanied children entered undetected during the same year.

In France no detailed statistics on unaccompanied children are available. French authorities estimated that the number of unaccompanied children present in France in 2011 was about 6,000.<sup>5</sup> Unaccompanied children identified in France come from various countries, mainly Eastern Europe, Maghreb, Sub-Saharan Africa and the Middle-East. A very large majority are boys between 16 and 18 years of age. The French Office for the Protection of Refugees and Stateless Persons (OFPRA) reported a total number of 595 unaccompanied children in the asylum process in 2011.<sup>6</sup> Confirming data from previous years, the four main countries of origin were the Democratic Republic of the Congo (31,4%), Afghanistan (13,9 %), Guinea (11,3%) and Angola (7,2%).<sup>7</sup>

K. is 14 years old boy originating from Nangarhar Province of Afghanistan. He left his home village and parents in Afghanistan for security as well as socio-economic reasons. K. planned to join his uncle who had acquired British citizenship in the United Kingdom, where K. was intending to continue studying. K. left home, on his own, in November 2011, and crossed the border from Afghanistan to Pakistan. He then passed through Iran and crossed Turkey, Greece and Italy before reaching Calais (France) in January 2012. His trip has been paid for by his father in Afghanistan. K. was met by the mobile unit of France Terre d'Asile during outreach activities in the informal settlement in Tatinghem, in the Calais area, where he had broken his arm. He was referred to a medical structure and the surgeon who operated him explained that if K. returned to the settlement there was a risk that his health would deteriorate further. Nonetheless the child insisted on returning to the Tatinghem settlement. Only after having contacted his uncle in the UK and having obtained his authorization, the child accepted to be referred to a reception centre where he stayed for approximately two months. The child was later met again in the settlement in Tatinghem and he explained that he was determined to reach the UK otherwise he would have considered the possibility of asking for international protection in France. K. has left the settlement probably in an effort to reach the UK. It is not possible for project staff to find out if K. reached his final destination safely.

<sup>3</sup> As a reference, according to a report published by the Greek Council for Refugees, it is estimated that the unaccompanied children detained from March 2011 to March 2012 only at Orestiada, in the Evros region, one of the main entry points at the Greek - Turkish borders, were 650 - 700. Greek Council for Refugees, *Unaccompanied Minors in the Greek-Turkish Borders: Evros Region*, March 2011- March 2012.

<sup>4</sup> Source: Ministry of Labour and Social Policies, Comitato Minori Stranieri, 31 December 2011

<sup>5</sup> Isabelle Debré, *Les mineurs isolés étrangers en France*, May 2010, available at <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/104000220/0000.pdf>

<sup>6</sup> OFPRA, *Rapport d'activité 2011*, available at [http://www.nouvellecour.com/espace\\_client/ofpra2/](http://www.nouvellecour.com/espace_client/ofpra2/)

<sup>7</sup> Ibid.

In an attempt to profile a specific target group, the project focused on Afghan children, since they make up the majority of project beneficiaries. Information was collected from a variety of sources, including official statistics, NGOs working with unaccompanied children as well as qualitative and quantitative information collected by project partners throughout the implementation of activities with beneficiaries. It should be noted that the high turnover of children entering into contact with project staff limited the possibility of collecting in-depth information since it was difficult to establish a relationship of trust with each child. Consequently this also limited the quality of the information gathered, in particular on the background and personal situation of the children.

Most of the Afghan children were boys between 15 and 17 years old. However, the age of children encountered during project implementation varied between 9 and 18 years of age. Only three cases of Afghan girls were reported.

The increasing number of Afghan children reaching Europe has to be understood in the context of massive displacement from a country that has experienced conflict and war for over 30 years with dramatic consequences on the living conditions of its population: persecution, violence and ethnic discrimination, severe poverty, lack of a public service system, lack of educational opportunities and dramatic levels of unemployment. The decision to leave Afghanistan seems, in most cases, to be taken by the child's family. Afghan children may spend a period of time in Pakistan or Iran before moving to Europe.

The main route taken by the children leads from Afghanistan, to Pakistan and Iran, and from there to Turkey, Greece, Italy and France. At present, children generally enter Greece from the northern border with Turkey (Evros River) and exit from the west coast of Greece, from both official ports such as Patras and Igoumentisa, where they hide in trucks, on ferries or containers and on cargo ships. Other travel routes leave from prefectures of Etolokarnania (Astakos) and Ileia as well as the islands of Zakynthos and Corfu (Ionian Islands). Most of them reach the Italian ports of Ancona, Venice or Apulia region. Recently some other routes such as Turkey-Italy (southern coasts of Apulia or Calabria) by sea or Greece-North of Italy through the Balkans have been reported. The meeting point for most Afghans arriving in Italy is Rome, where they contact agents or smugglers in order to organize the next leg of their trip towards northern countries or France, where they generally reach Paris and Calais in an attempt to cross to the United Kingdom.

Children met in Patras and Rome state that their final destinations are Norway, Sweden, Denmark, Germany, Belgium and Austria, while most of the children met in Calais aim to reach the United Kingdom.

The reasoning behind their intent to continue towards Northern European countries is affected by a combination of factors, including expectations in relation to employment, education and integration opportunities, often based on incomplete or misleading information obtained largely through informal networks; pressure by smugglers and families; the prospect of joining parents or, more often, other family or community members already settled in destination countries.

Shortcomings in the protection system available in project countries contribute to the decision to move onwards, notably: the length of the refugee status determination procedure and/or procedures for obtaining a residence permit; insufficient reception standards and integration perspectives in relation to housing, vocational training, education and access to work (particularly for Greece and Italy); influence by co-nationals.

It is also to be noted that due to the restrictive definition of family members at EU level and the difficulties in the effective implementation of family reunification, children often prefer not to avail themselves of the available, legal opportunities and to continue their journey alone, to achieve a *de facto* reunification with their relatives.

In addition, fear of being identified and returned under the Dublin II Regulation<sup>8</sup> having reached the destination, seems to keep children away from official protection mechanisms, even during their transit through project countries.

## Objectives of this report

This report aims to provide an overview of the practices and interventions in assistance, counselling and referral, developed or enhanced by project partners to address the protection needs of unaccompanied children on the move. It will focus on the lessons learned throughout the project implementation, with the view to highlight the elements of success and the challenges project partners consider should be taken into consideration for future interventions addressing this target group.

The practices considered in the report were implemented within the drop-in centres or through street work, and include the following interventions: provision of information, outreach activities, expressive workshops, legal counselling, profiling interviews, best interests assessment, referral to formal and informal protection mechanisms, networking and capacity building.

To facilitate a better understanding of the practices developed within the project, section 2 will provide some information on the applicable international, EU and national legal frameworks and standards, including some considerations on protection gaps in Greece, Italy and France. Section 3 will present the analysis of the practices and interventions, preceded by a general description of country contexts and external factors considered to have an impact on the successful implementation of the practices.

Some considerations on the impact of the intervention on the protection of unaccompanied children on the move, with reference to the situation before the implementation of project activities, will follow, highlighting success and limits.

Despite the differences in the local contexts and national protection frameworks, the project reached common findings based on qualitative and quantitative information collected during the project. Such information proved that children on the move have similar needs and face similar problems in all countries, supporting the idea that transnational interventions and solutions are necessary. Based on project findings, the conclusions will seek to make recommendations for more effective and durable solutions for enhancing the protection of children in transit.

## Methodology applied in the analysis of the interventions and practices

The analysis seeks to evaluate the extent to which the practices and interventions impacted on unaccompanied children's protection, and to highlight some of the lessons learned by considering the constraints, elements of success and challenges that should be taken into account during future interventions.

In the first phase of the project, partners further developed and improved the codification of the intervention, specifying methodology, objectives, qualitative and quantitative indicators meant to assess the impact of the project's intervention on child protection.

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<sup>8</sup> Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

On this basis, partners proceeded with the collection of data and information on the practices, according to some agreed indicators. Information included: the content of the practice, the location and implementation period, the existing needs, the methodology and guiding principles applied, the resources needed; the obstacles met and how they have been addressed. Quantitative data was collected through different instruments such as databases of the drop-in centres, country monthly reports, and individual case files. Qualitative data was based on and measured by a combination of tools including discussions and interviews with unaccompanied children, analysis of project documents and elaboration of methodologies and principles applied, local contexts and constraints.

All the information collected was then analyzed on the basis of five common criteria:

- Success: Does the practice meet the desired results?
- Effectiveness: Is the practice cost-effective?
- Replicability: Can elements of the practice be replicated in another situation/ location?
- Sustainability: Is the practice financially sustainable in the long term? Does it rely on a comprehensive strategy and a smooth coordination system involving all relevant actors with a view to long-term financial viability?
- Innovation: Does the practice include innovative components?

Throughout the analysis it was verified that the two general guiding principles, i.e. child participation/empowerment and child rights based approach, were of the uppermost importance during the implementation of the practices.

The analysis of practices implemented within the project was carried out at a transnational level rather than country by country. The analysis of each practice on the basis of five common criteria was crucial to better understand the strengths and weak points of each practice and to encourage project partners to evaluate their progress, reflecting on aspects for improvement.

A summary of the analysis of the intervention, highlighting the needs and context of each practice and its operational aspects, including challenges and mitigating measures adopted, is presented in section 3.



*A young man scaling the fence of Patras harbour in his quest to reach Western Europe.  
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# Relevant Legal Framework and Standards

## International context

The Convention on the Rights of the Child<sup>9</sup> was adopted on 20 November 1989 by the UN General Assembly and strengthened by two Optional Protocols<sup>10</sup> adopted on 25 May 2000. It is the treaty which incorporates the most comprehensive standards concerning children (including civil, cultural, economic, political and social rights). The Convention comprises 54 articles and has been ratified by 193 countries.

The core principles of the Convention are the following:

- Non-discrimination (Art.2): “States Parties shall respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective

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<sup>9</sup>Convention on the Rights of the Child, adopted by General Assembly Resolution 44/25 of 20 November 1989.

<sup>10</sup>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Adopted by General Assembly resolution A/RES/54/263 of 25 May 2000 and entered into force on 18 January 2002.  
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Adopted by General Assembly resolution A/RES/54/263 of 25 May 2000 and entered into force on 12 February 2002.

of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members”.

- Best interests of the child (Art. 3): “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.
- Right of the child to life, survival and development to the maximum extent (Art. 6): “States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child”.
- Right of the child to express his/her views freely (Art. 12): “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law”.

In order to monitor the implementation of the Convention, and in accordance with its Art. 44, States submit reports to the Committee on the Rights of the Child, established in 1991 pursuant to Art. 43 of the Convention. In 2005 the Committee issued General Comment No. 6 on the “Treatment of Unaccompanied and Separated Children outside their Country of Origin”<sup>11</sup> which aims to draw attention on this particularly vulnerable group of children. It provides guidance on the protection, care and proper treatment of unaccompanied and separated children on the basis of the legal framework provided by the Convention on the Rights of the Child, with particular reference to the principles of non-discrimination, the best interests of the child and the right of the child to express his or her views freely.

With regard to children in need of international protection a reference should be made also to the 1951 Convention relating to the Status of Refugees<sup>12</sup> and its 1967 Protocol,<sup>13</sup> the standards of which apply to children in the same way as to adults. In 2009 UNHCR published Guidelines on Child asylum claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, which outline the principles to be followed when carrying out refugee status determination.<sup>14</sup>

## European Union context

Specific provisions for unaccompanied children are set at European Union (EU) level through regulations and directives on asylum and migration, which make reference to the child's best interests and the non-discrimination principles set in the Convention on the right of the Child.

<sup>11</sup> UN Committee on the Rights of the Child, *General Comment No. 6 (2005) Treatment of Unaccompanied and Separated Children outside their Country of Origin*, CRC/GC/2005/6.

<sup>12</sup> The Convention relating to the Status of Refugees was adopted by a Conference of Plenipotentiaries of the United Nations on 28 July 1951, and entered into force on 21 April 1954.

<sup>13</sup> The 1967 Protocol relating to the Status of Refugees was opened for accession on 31 January 1967, and entered into force on 4 October 1967.

<sup>14</sup> UN High Commissioner for Refugees, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08.

The provisions at EU level most relevant to unaccompanied children are the following:

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification: the Directive grants children the right to reunify with their parents legally residing in the territory of an EU Member State and holding a residence permit valid for at least one year.<sup>15</sup>
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals: this Directive lays down standards for detention and return of irregular migrants, and ensures special treatments for vulnerable persons, in particular unaccompanied children.

Special provisions for unaccompanied children seeking asylum are also set forth in the following EU directives:

- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (Reception Directive).
- Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (Qualification Directive).
- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (Procedures Directive).

These binding instruments, as transposed into national law in EU Member States, envisage specific provisions for unaccompanied children, including accommodation, legal representation, access to education, health assistance and family tracing. Specific procedural guarantees for unaccompanied children, on account of their vulnerability, are also envisaged. In particular, unaccompanied children shall be represented or assisted during the examination of the asylum application, they shall be informed by their representative about the meaning and possible consequences of the personal interview and accompanied during the interview.

In addition, the “Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national” (Dublin II Regulation) contains specific reference to asylum applications lodged by an unaccompanied child. Art. 6 of the Regulation states that “Where the applicant for asylum is an unaccompanied minor, the Member State responsible for examining the application shall be that where a member of his or her family is legally present, provided that this is in the best interest of the minor.” The same article also specifies that “In the absence of a family member, the Member State responsible for examining the application shall be that where the minor has lodged his or her application for asylum”. The best interests of the child should always be a primary consideration and any Member State may decide to examine an asylum application, even if such examination is not its responsibility under the criteria of the Regulation. In this regard, Art. 15 specifies that if the unaccompanied minor asylum seeker has “a relative or relatives in another Member State who can take care of him or her, the Member State shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor.” The Dublin II Regulation is applied with the support of a fingerprint database established through the Eurodac Regulation.<sup>16</sup> The database includes fingerprints of asylum seekers and persons who have

<sup>15</sup> This directive does not apply to a third-country national applying for recognition of refugee status whose application has not yet given rise to a final decision or who is under a temporary form of protection.

<sup>16</sup> Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.



been apprehended in connection with an irregular crossing of an external border of the EU. Such data is collected for persons who are above 14 years of age, therefore including children.

Important policy documents concerning unaccompanied children at European Union level are the following:

- The “Action Plan on Unaccompanied Minors for the years 2010-2014”, issued in 2010 by the European Commission<sup>17</sup>, which proposes an approach in addressing the needs of unaccompanied children arriving in EU territory based on three main strands for action: prevention of unsafe migration and trafficking, reception and procedural guarantees in the EU and identification of durable solutions. Protection and the principle of the best interests of the child should be mainstreamed throughout all actions.
- The “Council Conclusions on unaccompanied minors”, adopted by the Council of the European Union,<sup>18</sup> which, in accordance with the Stockholm Programme, has adopted conclusions encouraging Member States and the Commission to take measures with regard to: the knowledge of the phenomenon, the prevention of unsafe migration and the trafficking in human beings, the reception and procedural guarantees in the EU, the cooperation with third countries, the return and reintegration in the country of origin.

## Greece

**Introduction.** The legal framework for the protection of foreign children in Greece is found in the national law regulating the asylum procedure and containing explicit provisions for the protection of children requesting international protection as well as in the national migration law, which comprises clauses for the protection of specific categories of children who do not apply or seek asylum, such as victims of trafficking or children in need of protective measures who are accommodated in institutions, provided that their return to a safe environment is not feasible. Both the child protection mechanisms stipulated in the law on the asylum procedure as well as in the migration law have proven to be insufficient and ineffective in addressing the protection needs of unaccompanied children. The weaknesses and gaps in the two systems have been criticized by different actors, including national and European organizations,<sup>19</sup> as leaving children exposed to risks without taking all necessary measures to address their needs. Many unaccompanied foreign children in Greece do not enjoy even basic rights and remain invisible and voiceless at present.

**First screening, identification and registration.** Specific screening procedures for third country nationals entering Greece in an irregular manner, through which unaccompanied children could be identified, are currently not in place in Greece. The identification of children forms part of the registration procedure which the Hellenic Police conducts at border locations for foreigners who do not carry any

<sup>17</sup> Communication from the Commission to the European Parliament and the Council of 6 May 2010 - Action Plan on Unaccompanied Minors (2010 - 2014), COM(2010) 213 final.

<sup>18</sup> Council conclusions on unaccompanied minors, 3018th Justice and Home Affairs Council meeting Luxembourg, 3 June 2010.

<sup>19</sup> See ECtHR, *Rahimi v. Greece*, Judgement 5.3.2011 (App. No. 8687/08); Amnesty International, *Greece: Irregular migrants and asylum seekers routinely detained in substandard conditions*, July 2010 <http://www.amnesty.org/en/library/asset/EUR25/002/2010/en/07291fb2-dcb8-4393-9f13-2d2487368310/eur250022010en.pdf>; Human Rights Watch, *Updated Submission to the Committee on the Rights of the Child on Greece*, April 2012 <http://www.hrw.org/news/2012/04/25/human-rights-watches-updated-submission-committee-rights-child-greece>; Greek Ombudsman, *Summary of interventions of the Greek Ombudsman on issues of unaccompanied children, 2004-2007* (in Greek) <http://www.synigoros.gr/?i=childrens-rights.el.asynodeutoi.30018>.

identification documents. The police authorities register, upon declared data, and in some cases determine, the nationality and age of persons upon entry into the country. Registration practices as they are currently conducted by the police (in most cases without interpreters and under pressure of significant numbers at border locations), gives rise to discrepancies in the recording of personal details and causes a series of challenges regarding the further treatment of those arriving in Greece. In some cases, this results in unaccompanied children being registered as accompanied by any adult with whom the child may have travelled, but has no family or guardianship link. The referral of unaccompanied children to reception centres and to further protection mechanisms is faced with additional administrative challenges, such as the low capacity of the reception centres, the need to escort the child and to complete a medical screening before transfer to an appropriate facility.

In 2011, Law 3907/2011<sup>20</sup> was adopted, establishing a First Reception Service under the authority of the Ministry of Citizen Protection, with territorial competence for the entire country. This Service will operate as a Directorate and has the responsibility to effectively establish conditions of first reception, including screening mechanisms, for third-country nationals entering Greece in an irregular manner. It is constituted by a Central Authority, Emergency or Mobile Units of First Reception and First Reception Centres that will operate in selected entry points of the country. The Central Service was established in 2011, and the first “First Reception Centre” is expected to be operational in 2012. According to Art. 7 of Law 3907/2011, “All third-country nationals arrested entering the country without legal formalities are subjected to first reception procedures. The first reception procedures for third-country nationals include: a) a verification of their identity and nationality, b) their recording, c) their medical check and the provision to them of any required care and psychosocial support, d) their update on their rights and obligations, in particular with regard to the conditions under which they may be placed under international protection status and e) the care for those belonging to vulnerable groups, so that they are subject to the procedure laid down for such cases”.

**Age assessment.** Presidential Decree 114/2010, which regulates the asylum procedures in Greece for a transitional period and until a newly established Asylum Service becomes operational, stipulates that “The competent authorities to examine applications may use medical examinations to determine the age of unaccompanied minors” (Art. 12, par. 4) and comprises additional provisions, *inter alia*, regarding the necessary consent for conducting the examinations and the different consequences arising from the results. Furthermore, Art. 12 par. 5 stipulates that in cases in which the “results of the medical examination are not firmly conclusive that the applicant is adult, s/he shall be treated as a minor”.

Due to the lack of a formalized procedure for medical assessments of age as per the provisions of the law, the lack of specifically trained hospital personnel and also due to purely practical reasons (including challenges in referrals to hospital), the vast majority of unaccompanied children arriving in Greece are not age assessed in cases when the declared age is disputed.

Many organisations, including the National Commission for Human Rights and the Office of the Greek Ombudsman, have expressed concerns about the consequences of the lack of a formal age assessment procedure. There have been cases of unaccompanied children registered as adults, either because the child has been told to declare him or herself as an adult in order to be “released” (from detention following illegal entry) earlier, or because the police failed to register them as children, despite the fact that they declared themselves as such. Police authorities may register the age according to their personal judgment taking into consideration the physical appearance of the person.

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<sup>20</sup> This Law transposes into Greek Legislation Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Additionally, it foresees the establishment of an Asylum Service, a body independent from the Police, and the First Reception Service.

Due to the lack of necessary safeguards in the age registration procedures, many unaccompanied children do not enjoy their rights as children and are exposed to protection risks, including exploitation. In addition, the absence of reliable statistical data regarding unaccompanied foreign children entering or found in Greece renders the adoption of responses adequate to meet existing needs difficult. On the other hand, many adults declare to be children in order, as they perceive it, to receive privileged treatment and be referred to child protection mechanisms. As a result, adults benefit from reception centres that are organized to host only children and, due to the limited available spaces, children are left without accommodation.

**Referral to services and reception.** Art. 19 par. 2 of Presidential Decree 220/2007 (transposing the Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers) obliges the authorities responsible for receiving and examining the asylum applications of unaccompanied children to take immediate measures to ensure that their accommodation needs are addressed (foster families and accommodation centres).

In practice, not only unaccompanied children seeking asylum are referred to reception centres. In many areas of Greece, in particular in the region of Evros, the police inform both the prosecutor's office (acting as temporary guardian by law) and the Unit for the Protection of Refugees and Asylum Seekers<sup>21</sup> (the competent authority for reception in the Ministry responsible for social welfare) about the presence of unaccompanied children, regardless of whether or not the child has applied for asylum. When the Unit allocates an available space, the prosecutor issues an order for the transfer of the child to the centre.

In other cases, law enforcement authorities may inform the prosecutor's office, which should take further steps to refer the child to a reception centre, but does not always do so. However, this scenario may differ in areas where NGOs are active, since their direct intervention may enhance the prosecutor's involvement and facilitate the child's referral to a safe and protected place. In some cases referrals of unaccompanied children to reception centres have taken place directly through NGOs to the above mentioned Unit.

In July 2011 the Ministry of Health and Social Solidarity transferred the responsibility of managing the referral mechanism for unaccompanied children and asylum-seekers to the National Centre of Social Solidarity (NCSS). NCSS is expected to establish an electronic and centralized system of referral that will improve the transparency, fairness and efficiency of the referral of children to reception structures. A common online database is currently being developed and will be run by the NCSS. The online database will provide updated information on a regular basis about availability of spaces in reception centres and all the institutions and actors who wish to refer unaccompanied children, may apply online so as to complete the referral process.

**Residence permit.** Art. 24 of Presidential Decree 96/2008 (transposing the Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted) stipulates that "a third country national or stateless person granted refugee status shall be issued by the competent authority...a residence permit of a five-year validity which is renewable" and "a third country national or stateless person granted subsidiary protection status shall receive a residence permit valid for two years. This permit shall be renewed following a relevant application by the person concerned, by decision of the Determining Authority". As regards leave to remain on Greek territory on humanitarian grounds, Art. 28 par. 2 of Presidential Decree 114/2010 states that "such leave ... is granted to an applicant in particular taking into account the objective impossibility of removal or return of the applicant to his/her country of origin or usual

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<sup>21</sup> This Unit is at the Directorate of Social Solidarity of the Ministry of Health and Social Solidarity (L. 3918/2011).

residence due to *force majeure*, such as serious health reasons of the applicant ..., international embargo imposed on his/her country, civil war followed by mass violations of human rights, or the fulfilment of the requirement of the *non-refoulement* clause of Art. 3 ECHR...”. Such leave to remain is issued for 2 years and the rights of persons are similar to those of persons granted subsidiary protection. Furthermore, according to Art. 44 par. 1 d) of the Law on Aliens 3386/2005 (amended by Art. 42 of the Law 3907/2011) “...residence permits may be issued on humanitarian grounds to third-country nationals ... minors, whose custody is entrusted by a Greek court decision...to Greek families or to third country nationals’ families...”. In practice, most of these cases concern children under the age of 14, who - for different reasons - were taken from the custody of their parents and were placed by court order in a Greek public shelter.

According to the same provision of the Law on Aliens, residence permits may also be issued on humanitarian grounds to third-country national children : i) par. 1 e) “...when the minor is in established need of protective measures and hosted by relevant institutions or other charitable entities, provided that their return to a safe environment is impossible”, ii) par. 1 g) “...when the minor is hosted in a boarding school, which operates under the supervision of the competent ministries”.

For asylum-seeking children, NGOs report that, in many cases, their asylum applications are examined and their status is determined when they become adults rather than during their minority. This may lead to a completely different assessment of the case, as child-specific forms of persecution are not examined. Additionally, such a delay in the procedure does not respect the best interests of the child and does not lead to assessing a durable solution in accordance with the child’s needs and profile.

**Appointment of a guardian.** Legal guardianship is regulated by the general provisions of the Greek Civil Code (Art. 1589 – 1665). Art. 24 states that Greek Courts may appoint a legal guardian for a foreigner who has his or her usual residence in Greece. The guardian’s duties include the obligation to take care of the child, to represent the child in any legal or judicial proceeding, to discuss any decision with the child prior to making it and to act in the child’s best interests (Art. 1647 and 1648 of the Greek Civil Code). The guardian is also responsible for the child’s upbringing, education and housing (Art. 1518, 1606, 1647-1648 of the Greek Civil Code). According to the law, the exercise of guardianship is monitored by a supervisory council (Art. 1634 of the Greek Civil Code).<sup>22</sup> Furthermore, Art. 64 and 66 of Law 2447/1996 provide for the development of the guardianship system in Greece through the establishment of new social services. However, the required social services were not established.

Regarding unaccompanied children, Art. 19 of the Presidential Decree 220/2007 provides that the competent authorities should take the appropriate measures to ensure the child’s necessary representation through the appointment of a legal guardian irrespective of the child’s status as asylum seeker. Therefore, law enforcement authorities inform the Public Prosecutor for Minors, or in the absence of the latter, the territorially competent First Instance Public Prosecutor, who acts as temporary guardian and takes the necessary steps in order to appoint a permanent guardian for the child. According to this provision, all unaccompanied children in Greece are entitled to temporary guardians, who are public prosecutors by law.

However, this provision is rarely implemented in practice, due to a number of difficulties which

<sup>22</sup> Centre for European Constitutional Law, Themistocles and Dimitris Tsatsos Foundation, European Migration Network, *Policies on reception, return, and integration arrangements for, and numbers of, unaccompanied minors – an EU comparative study, Report on GREECE*, Study submitted to the Ministry of Internal Affairs, Directorate for Migration Policy, August 2009, p.12.

prosecutors experience while assuming responsibility as temporary guardians and in their attempt to appoint a permanent guardian. Among those difficulties are the sheer volume of work that the prosecutors' offices face, the limited human resources within the court's existing services who can follow up the cases and the limited number of Public Prosecutors exclusively competent for minors. Furthermore, there is no relevant institution or body the prosecutors can refer to in order to appoint permanent guardians and individuals cannot easily assume the guardianship due to the fact that the target group very often absconds and is difficult to be traced. There are cases where the prosecutors pass the full guardianship to the directors of the reception centres or to social workers of state institutions (i.e. municipalities, courts), although this practice is not always effective, considering the existing obstacles. The prosecutor may, thus, appoint an adult to execute a specific act of guardianship, for instance only for school registration.

Due to these challenges, there is no standardized practice followed by prosecutors in Greece. It seems that the procedures followed in order to ensure the representation and protection of unaccompanied children depends on the discretion of the prosecutor and on the supporting services that the prosecutor may have at his or her disposal (such as NGOs, social services).

Many organisations point out that the actions of the prosecutors differ when children are under 14 years of age; in these cases, children can also be referred to reception centres hosting Greek children. These reception centres are units for social care which operate under the supervision of the Ministry of Health and Social Solidarity. Their target group is made up of children between 3-12 years of age, who are not protected and are deprived of family care.

**Integration prospects.** Art. 72 par. 3 (d) of the Law on Aliens 3386/2005 guarantees access to primary and secondary education for all migrant children living in Greece, irrespective of their residential status in the country. Furthermore, Art. 9 of Presidential Decree 220/2007 states that it is a child's unconditional right to have access to primary and secondary education.

Despite these provisions unaccompanied children experience difficulties when trying to enrol in schools due to the problematic functioning of the guardianship system. For those who are hosted at reception centres, a staff member may be appointed by a proxy to proceed with the school enrolment. For other children who do not benefit from such service, registering in schools remains a challenge. In some locations in Greece, there is an attempt to provide special reception classes aimed at encouraging the integration of foreign children into the school environment. Language barriers and lack of classes targeting illiterate children, coupled with a lack of cultural mediators, are some of the challenges to reduce drop-out of foreign children.

Art. 14 of the Presidential Decree 220/2007 (transposing Art. 15 of the Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers) provides that asylum-seekers shall receive the necessary health, pharmaceutical and hospital care free of charge, if they are uninsured and financially dependent. According to par. 2 of the same provision, emergency medical care shall be provided free of charge. Art. 14 par. 3 stipulates that special medical assistance will be provided to persons with special needs, including unaccompanied children.

However, the fact that interpretation or cultural linguistic mediation are quite new in the Greek context, and as a consequence not very developed, may challenge access to and interaction with health care providers. Due to different measures taken to address the financial crisis in Greece, a circular<sup>23</sup> was issued by the Ministry of Health and Social Solidarity, which provided for a narrow interpretation of the legal provisions and was not clear as to whether unaccompanied foreign children

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<sup>23</sup> Issued in August 2011.

have access to health care in all cases or only in emergency situations. On 2 May 2012, a corrected version of the last circular was issued, following interventions, including by UNHCR, which clarified that all children, unaccompanied or not, independently from of their status or a possible lack of documents have access to health care.

Children are allowed to work in Greece under the conditions stipulated in Directive 94/33/EC on the protection of young people at work <sup>24</sup> (transposed into Greek law by Presidential Decree 62/1998). Decision 130621/2.7.2003 of the Minister of Labour and Social Security lists the different types of employment children are not allowed to undertake. In Art. 3 of Law 1837/1989 on the protection of young people at work, the employment of children under the age of 15 years is prohibited. Furthermore, Greece ratified the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, through Law 2918/2001. A fundamental requirement for the employment of children in Greece is their representation by parents or legal guardians. Additionally, Greek law permits asylum seekers and refugees to work provided that they obtain the relevant work permit (Presidential Decree 189/1998).

A child hosted in a reception centre may receive relevant counselling by staff, prior to and during work engagements (including in applying for a work permit). However, for the children who do not live in such centres the situation differs. Given the challenges in the guardianship system, many children engage in the informal labour market, which exposes them to serious protection risks and often results in their engagement in work which is not suitable to their physical or mental development.

**Family tracing and Family reunification.** Presidential Decree 220/2007 enshrines the right of unaccompanied children seeking asylum to be reunited with their family. Art. 19 par. 2 provides for the obligation of the authorities to make efforts to “trace, as soon as possible members of the minor’s family”. Family reunification may also be possible under the criteria for the determination of the EU Member State responsible for the examination of an asylum application set in the Dublin II Regulation. Council Directive 2003/86/EC on the right to family reunification is also transposed in Greek law by Presidential Decrees 131/2006 and 167/2008, providing for the criteria and procedures for family reunification of migrants and refugees, respectively.

An increasing number of cases of unaccompanied children, who have been separated from their parents at some point during their journey are identified by NGOs in Greece. As a result, cases concerning family reunification have been increasing. However, the provision for family reunification under the Dublin II Regulation only covers members of the nuclear family. Many children wish to be re-united with members of their extended family in other EU Member States and thus continue their journey in an irregular manner.

**Asylum procedure.** According to Art. 4 par. 3 and 4 of Presidential Decree 114/2010 “A minor whether unaccompanied or not, aged above 14 years, can lodge an application on his/her own behalf, if the above mentioned competent authorities deem that the child has the maturity to understand the consequence of his or her actions” and, if not full filling the criterion of maturity (of 14 years of age), “may lodge an application through his or her representative”.<sup>25</sup> In practice, usually NGO staff is authorized by the prosecutor for minors to submit and follow-up on the asylum application. Additionally, Art. 17 of Presidential Decree 220/2007 refers to the need of “special treatment of applicants who belong to vulnerable groups, such as ... unaccompanied minors”, while Art. 18 states that the “best interests of the child shall be a primary consideration” for the competent authorities. Although Art. 12 of Presidential Decree 114/2010<sup>26</sup> provides that “applications lodged by unaccompanied

<sup>24</sup> Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

<sup>25</sup> Transposition of Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

minors shall always be examined as a priority and according to the regular procedure”, in practice, in many cases, no international protection status is granted before the child reaches the age of 18. In cases where such status is granted, Art. 30 of Presidential Decree 96/2008 includes provisions for the competent authorities to take measures in order to ensure the representation of children in the most efficient way and to regularly assess their condition and specific needs.

## Italy

The following findings are the result of an analysis of existing documents and reports on the condition of unaccompanied foreign children in Italy conducted by international organizations and NGOs, as well as of several bilateral and multilateral meetings with authorities and staff of civil society organizations involved in the identification, reception and protection of unaccompanied children in Rome, Venice, Ancona and in the Apulia region. In addition, a focus group discussion and 24 interviews with unaccompanied Afghan children have been conducted, with the assistance of a cultural mediator, in different locations in Italy.

**Introduction.** According to the relevant legal framework in Italy, any child who is unaccompanied or separated from his or her parents and without appropriate care is entitled to protection, regardless of nationality and legal status. Civil law establishes that any person who comes into contact with a child in state of abandonment may refer him or her to the public authority. All public officials and civil servants are required to refer the child immediately to the Juvenile Court.<sup>27</sup> Moreover, when a child is in a situation of danger to his/her physical and psychological wellbeing, public authorities will place him or her in a safe location until a long term solution is found.<sup>28</sup> The Juvenile Court or the Guardianship Judge will appoint a guardian. Thus, children may be placed into the custody of a foster family or, when this is not possible, in a residential care facility (children’s home).<sup>29</sup> Foreign unaccompanied children cannot be expelled from Italian territory<sup>30</sup> nor be detained for reasons of their irregular entry or presence on Italian territory.<sup>31</sup> The legal framework for the protection of unaccompanied children in Italy is based on various international conventions, transposed into national law.<sup>32</sup>

<sup>26</sup> Transposition of Council Directive 2005/85/EC, Article 17.

<sup>27</sup> Law 184/1983 “Diritto del minore ad una famiglia”, Art. 9; Italian Civil Code, Art. 403.

<sup>28</sup> Italian Civil Code, Art. 403.

<sup>29</sup> In some regions, unaccompanied children are placed in “short term first reception centres” before a suitable accommodation is found in a children’s home.

<sup>30</sup> Legislative Decree/Decreto Legislativo 286/1998 “Testo unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero”, Art. 19 par. 2.

<sup>31</sup> Legislative Decree/Decreto Legislativo 25/2008, as modified by Legislative Decree/Decreto Legislativo 159/2008, “Attuazione della direttiva 2005/85/CE recante norme minime per le procedure applicate negli Stati membri ai fini del riconoscimento e della revoca dello status di rifugiato”.

<sup>32</sup> Law 184/1983 “Diritto del minore ad una famiglia”; Law 39/1990 “Conversione in legge, con modificazioni, del DL 30 dicembre 1989, n. 416 recante norme urgenti in materia di asilo politico, di ingresso e soggiorno dei cittadini extracomunitari e di regolarizzazione dei cittadini extracomunitari ed apolidi già presenti nel territorio dello Stato. Disposizioni in materia di asilo.”; Legislative Decree/Decreto Legislativo 140/2005 “Attuazione della direttiva 2003/9/CE che stabilisce norme minime relative all’accoglienza dei richiedenti asilo negli stati membri”; Legislative Decree/Decreto Legislativo 251/2007 “Attuazione della direttiva 2004/83/CE recante norme minime sull’attribuzione, a cittadini di paesi terzi o apolidi, della qualifica di rifugiato o di persona altrimenti bisognosa di protezione internazionale, nonché norme minime sul contenuto della protezione riconosciuta”; Regulation/D.P.R. 303/2004, “Regolamento relativo alle procedure per il riconoscimento dello status di rifugiato”; Administrative Guidance of the Ministry of Interior and Ministry of Justice of 7 December 2006/ Direttiva sui minori stranieri non accompagnati richiedenti asilo del Ministro dell’Interno d’intesa con il Ministro della Giustizia 7 Dicembre 2006; Ministry of Interior Circular Note of 13 November 2000/ Circolare del Ministero dell’Interno 13 novembre 2000 sul permesso di soggiorno per minore età; Ministry of Interior Circular Note of 9 April 2001/ Circolare del Ministero dell’Interno 9 Aprile 2001 sul permesso di soggiorno per minore età. For international and European Conventions see section on international legal framework.

While the legal framework in Italy ensures protection for all unaccompanied children, shortcomings in the identification process may result, in some instances, in the detention of an unaccompanied children, in the referral of a child to a reception facility for adults or, in a number of cases, in the return of a child to Greece.<sup>33</sup> An additional challenge is posed by the fact that significant numbers of unaccompanied children do not want to stay in Italy and prefer to continue their travel to other EU Member States (in order to join family or community members or because they believe that they may find better integration prospects elsewhere). These children thus fear that being identified as an unaccompanied child, registered and fingerprinted in Italy would lead to their subsequent enforced return to another EU Member State under the Dublin II Regulation. As a result, they do not enjoy the protection offered by the Italian system, since fingerprinting by Italian police authorities is a requirement for their identification and registration. The lack of identification and registration affects their access to accommodation, emergency care and preventative health measures, to which, according to the law, all identified and registered unaccompanied children are entitled.

**First screening, identification and registration.** If unaccompanied foreign children, intercepted by law enforcement authorities, are over 14 years of age, they are fingerprinted and their personal data included in the AFIS (Automated Fingerprint Identification System) and Eurodac database. When children have no valid identification documents, law enforcement authorities initiate identification procedures, including age assessment if the age is disputed. Once a child has been identified as being under age, the judicial authorities, namely the Guardianship Judge or Juvenile Court,<sup>34</sup> initiate the procedure for the appointment of a guardian. When the child is not an asylum seeker, the diplomatic representatives of his or her country of origin shall also be informed. Furthermore, law enforcement authorities will contact the social services department of the relevant municipality, which is responsible for the child's placement in a centre tailored to his/her needs. Once the child is in a safe place, the Committee for Foreign Minors (*Comitato per i Minori Stranieri* - CMS) is notified.<sup>35</sup>

In Italy, the CMS is the national body responsible for unaccompanied foreign children who are not applying for nor seeking international protection. The CMS is in charge, *inter alia*, of undertaking family tracing and of monitoring conditions of reception of children in Italy. Unaccompanied children who have applied for international protection are referred to the Protection System for Asylum Seekers and Refugees<sup>36</sup> (*Sistema di protezione richiedenti asilo e rifugiati* - SPRAR) for accommodation in one of the centres part of the SPRAR protection system established by Law 189 of 2002.<sup>37</sup>

One of the main issues raised during the field research is the lack of procedural safeguards and standard operating procedures for the identification and registration of unaccompanied children. It has also been reported in some cases that a child's personal data were collected with mistakes (in particular with reference to the child's name and age) in the absence of a cultural mediator.

**Age assessment.** When there are doubts about the age of the presumed child, because of a lack of identification documents, because there is no possibility to verify the age through the

<sup>33</sup> Under the Bilateral agreement between Greece and Italy, signed in Rome on 30 March 1999.

<sup>34</sup> According to the Italian Civil Code and Law 183/84, with however some differences at local level.

<sup>35</sup> The CMS has been created by Law 40/98 in order to monitor the condition of stay of the foreign children temporarily present on the Italian territory and to coordinate the activities of the relevant administration. The tasks of the CMS have been established by the subsequent Regulation/D.P.C.M. 535/1999 "Regolamento concernente i compiti del comitato per i minori stranieri".

<sup>36</sup> Direttiva sui minori stranieri non accompagnati richiedenti asilo del Ministro dell'Interno d'intesa con il Ministro della Giustizia 7 Dicembre 2006.

<sup>37</sup> Law 189/2002, "Modifica alla normativa in materia di immigrazione e di asilo", Art. 32.



diplomatic/consular representative of the country of origin, namely when the child is seeking international protection, or because of a dispute about the claimed age, Italian law enforcement authorities will take the child to a hospital for medical age assessment including a paediatric evaluation. The child should be informed about the reasons why age assessment is initiated<sup>38</sup> and all examinations should respect the dignity of the child. The benefit of the doubt in favour of a child being underage shall be applied<sup>39</sup> and a margin of error provided on an Age Assessment Report.<sup>40</sup> If the Medical Assessment Report required by law enforcement authorities indicates that the child is over 18, the latter is identified as adult and an expulsion order (with the obligation to leave the country) is notified. At this point, a legal representative may be appointed in order to support the person in lodging an appeal against the expulsion order and the age decision.

Despite recommendations - also by the Committee for the Right of the Child<sup>41</sup> - to conduct age assessment through a multidisciplinary approach (considering medical, psychological and sociological aspects), age assessment procedures in Italy vary between different locations, with no comprehensive and holistic approach. While in some places age assessment is mainly based on the results of wrist X-rays,<sup>42</sup> in others, the assessment is conducted by non-specialized staff of hospital emergency wards without the support of cultural mediators and without assessing the psychological needs and vulnerabilities of the child. Moreover, subjective criteria for deciding when an age assessment should be carried out are often applied and there is no uniform interpretation whether an authorization by a judicial authority is required, since during this initial phase of the identification of a child, a guardian is not yet appointed and the child is not assisted by any caregiver. Moreover, children are not always informed in a understandable way about the meaning of the age assessment procedure, their consent may not be sought and the medical report often does not specify a range of compatible ages (margin of error).

**Referral to services and residential care facilities.** When identification procedures are completed, the child is placed in a children's home.<sup>43</sup> The legal representative of the children's home has the child in custody until a guardian is appointed<sup>44</sup> and has the duty to present a formal request for a permit of stay for the child and to initiate the procedure for the appointment of a guardian, contacting the Guardianship Judge. An application for international protection may only be presented after the appointment of a guardian. If in the meantime the child expresses the intention to apply for asylum, the competent law enforcement authority shall be notified. A lack of standard referral procedures to accommodation and care has been identified at local and national level in Italy. It was observed that in many locations a substantial role is played by the social services department of the municipality where the child is found, while in others locations the social services departments do not have a central role in the referral, and it is up to law enforcement authorities to identify available reception centres and to inform social services upon the child's placement.<sup>45</sup> Access to legal counselling is not always granted promptly and provided by qualified legal officers. Children do not always seem to understand the difference between their

<sup>38</sup> European Convention on the Exercise of Children's Rights, Strasbourg, 25.1.1996, Art.3 and 11, ratified and implemented by Law 77/2003 "Ratifica ed esecuzione della Convenzione europea sull'esercizio dei diritti dei fanciulli, fatta a Strasburgo il 25 gennaio 1996".

<sup>39</sup> Presidential Decree/D.P.R 448/1988 "Approvazione delle disposizioni sul processo penale a carico di imputati minorenni", Art.8.

<sup>40</sup> Ministry of Interior Circular Note of 9 July 2007.

<sup>41</sup> Committee for the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations to Italy, October 2011.

<sup>42</sup> As already stressed by several NGOs and IGOs, the medical tables of reference used for age assessment by way of X-rays are related to characteristics of Northern European children which are different from those of children grown up in Asia or Africa.

<sup>43</sup> Children's homes are small facilities hosting a maximum of ten people (plus two more children under special circumstances) created in order to offer the child a "family atmosphere" and better care. Children's homes must have medical professionals, psychologists and cultural and linguistic mediators.

<sup>44</sup> Law 184/83, Art. 3.

<sup>45</sup> Reportedly, some reception centres happened to refuse the children for fear of delayed payments from the relevant municipalities who may not have adequate resources to cover the costs of the child's maintenance.

duties, the rules applied by the reception centres, the rights they are granted in Italy and protection procedures. In particular, delays in providing information, which may also be due to language barriers, seem to have a strong effect on children, creating a high level of frustration and concern with regards to their immediate future. Concerns have also been raised with regard to the quality of the reception services, with standards varying considerably depending on location and availability of funding.

**Residence permit.** Any unaccompanied child in Italy is entitled to obtain a residence permit on the basis of being under age or of being in foster care. Before turning 18, a child can request the conversion of the residence permit to a permit for study or work.<sup>46</sup> However, there is a lack of common procedures regarding the issuance of residence permits to unaccompanied children upon arrival and identification. In some cases, the residence permit is issued only following the appointment of a guardian, several months after the child's arrival. Delays in issuing the residence permit seem to create a feeling of frustration and stress shared by most of the children interviewed.

**Appointment of a guardian.** Guardianship is regulated by the Italian Civil Code and Law 184/1983. When both parents are deceased or cannot exercise parental authority for any reason, a guardian should be appointed and an adult able to support the child in his or her education should be identified for the role. The guardian has to ensure the child's protection and care and legally represents the child in all his/her interaction with public institutions. For instance, the guardian must collaborate with the children's home in completing the request for a permit of stay and provide support in all decisions concerning the life of the child, including with regard to individual support provided by the social services department.

The guardian plays a key role in the asylum application procedure, as the confirmation and formalization of the child's application for international protection is undertaken by the guardian, who accompanies the child to the hearing before the Territorial Commission, the body in charge of the examination and decision of an asylum application in Italy.<sup>47</sup> The length of time which often passes before the appointment of a guardian is one of the most critical issues faced by unaccompanied children, delaying their access to the asylum procedure, to documentation, to school or vocational training and to integration measures, causing a high level of frustration and stress among children. The limited availability of guardians in comparison to the number of children also poses challenges: it is a frequent occurrence that the same person is appointed guardian for many children, with negative consequences on the possibility of establishing a relationship of trust and of a careful and attentive guardianship.

**Integration prospects.** With the referral to and placement in a children's home, unaccompanied foreign children in Italy have access to support, care and integration prospects. According to Art. 32 of the Italian Constitution all children have the right to health. Hence, unaccompanied foreign children are entitled to receive any essential and urgent medical services even prior to having obtained a regular permit of stay, through a special health card for foreigners temporarily living in Italy (STP).<sup>48</sup> Once the children's home registers the child with the National Health Service (*Servizio Sanitario Nazionale* - SSN), the child is entitled to all other health services, not merely urgent ones, just like any Italian national. Foreign children have the right to education and have the obligation to complete mandatory schooling, like Italian children.<sup>49</sup> Furthermore, according to the legal framework in place in Italy, children under 15 years of age and/or children who have not completed

<sup>46</sup> The conversion of the residence permit can be obtained upon positive opinion of the CMS in case of children in foster care/under legal guardianship, or when the child has been in Italy for at least 3 years and has been involved in a social integration project for at least 2 years. (Legislative Decree 286/98, Art. 32).

<sup>47</sup> The Territorial Commissions are 10 and are composed of an official of the Prefecture, a State Police official, a representative of the local authority and a representative of UNHCR.

<sup>48</sup> Legislative Decree 286/98, Art. 35 par. 3.

<sup>49</sup> Art. 1 point 622 of Law 296/2006 establishes that "the education given for at least 10 years is compulsory and should allow obtaining an upper secondary school degree or a professional qualification of at least three years before reaching 18 years of age".

mandatory schooling can neither be employed nor perform a work activity.<sup>50</sup> Children's homes also have the duty to enrol children in school and in language courses and, as appropriate, facilitate their participation in vocational training activities. Despite the fact that access to education is guaranteed by law, children are not always promptly enrolled in school and access to secondary education has proved very difficult in practice. This seems to affect especially Afghan children's decisions to remain in Italy and their level of success during the integration process. Difficulties in accessing vocational training and the job market also seem to be an obstacle to integration. This adds to the lack of long-term solutions for children when they turn 18, since reception for the period from 18 to 21 years of age is provided only in a very limited number of cases. Foster care, which often facilitates integration after 18, is a solution applied very rarely and in most of the cases only within families of the same origin, thus not applicable to those without strong national communities in Italy.

**Family tracing and family reunification.** According to the current law, in Italy unaccompanied children may return to their country of origin for the purpose of family reunification if, on the basis of the family tracing, it is established that their parents can provide the necessary protection. However, in the absence of possibilities of family reunification through assisted voluntary return, the Committee for Foreign Minors (CMS) in Italy regularly decides not to proceed with return to the country of origin and reports its decision to the relevant social services and judicial authorities (Guardianship Judge and Juvenile Court). While the necessary legal framework for family reunification with a foreign child's family residing in other EU Member States is in place, instances of family reunification of unaccompanied foreign children living in Italy with family members residing in other EU Member States have not been common so far. If family tracing reveals the presence of relatives legally residing in Italy and possessing a regular work contract and appropriate housing,<sup>51</sup> the guardian and the social services may present a request for family reunification. If the child's parents can be found, the social services shall present such a request to the Guardianship Judge supported by the parent's acceptance. In the parents' absence, family reunification shall be decided upon by the Juvenile Court (Art.4 of Law 184/1983 and Art. 330 of the Italian Civil Code). With regard to unaccompanied foreign children seeking asylum in Italy - a case which falls outside the competence of the CMS (which has an arrangement with the International Organization for Migration for the implementation of the family tracing activities) - no practical arrangements are in place to ensure that family tracing activities are undertaken. In general, information on family members of asylum seeking children is gathered by social workers of the reception centre or the municipality where the child is hosted.

**Asylum procedure.** Italy has transposed into national law the EU directives on minimum standards for qualification, asylum procedures and reception of asylum seekers.<sup>52</sup> These instruments, together with the consolidated immigration law<sup>53</sup> and an Administrative Guidance on unaccompanied asylum seeking children,<sup>54</sup> provide for specific protection measures for those children. All unaccompanied foreign children detected at borders or on the Italian territory shall receive all relevant information concerning the right to seek asylum and the relevant consequences in compliance with the applicable law, as well as the right to express their views on the matter, with the assistance of a cultural linguistic mediator or an interpreter.<sup>55</sup> Application for asylum shall be lodged with the border

<sup>50</sup> The protection of children in relation to child labour is guaranteed by the Constitution and Law no. 977 of 17 October 1967 on the "Protection of Children and Adolescents at Work" which laid down the first regulation on child labour in Italy, and then by Legislative Decree/Decreto Legislativo 4 agosto 1999 n. 345 "Attuazione della direttiva 94/33/CE relativa alla protezione dei giovani sul lavoro".

<sup>51</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification; Legislative Decree 3 October 2008, n. 160 - Modifying Legislative Decree 8 January 2007, n. 5, transposition of directive 2003/86/CE on the right to family reunification; Legislative Decree 8 January 2007, n. 5.

<sup>52</sup> Legislative Decree 251/2007; Legislative Decree 25/2008; Legislative Decree 140/2005.

<sup>53</sup> Legislative Decree 286/98.

<sup>54</sup> Direttiva sui minori stranieri non accompagnati richiedenti asilo del Ministro dell'Interno d'intesa con il Ministro della Giustizia 7 Dicembre 2006.

<sup>55</sup> Direttiva 7 Dicembre 2006, Art.1.

police or at provincial police headquarters (*Questura*). If an unaccompanied child expresses the intention to apply for international protection, this shall be recorded by the competent police authority, who shall suspend the asylum procedure, notify the Juvenile Court and the Guardianship Judge for the appointment of a guardian (who should be appointed within 48 hours) and entrust the child to the social services department of the municipality where the child is found. The CMS should also be informed.<sup>56</sup> Based on availability, the child shall be accommodated in special facilities for unaccompanied children within the SPRAR or in dedicated facilities for children under the responsibility of the social services departments of the municipality. Children cannot be detained and shall be accommodated only in specific centres for children.<sup>57</sup> As mentioned above the body responsible for the examination and decisions on asylum applications is the Territorial Commission for International Protection, which examines each application after hearing the asylum seeker. Unaccompanied children shall only be interviewed in the presence of their guardian.<sup>58</sup> Applications made by children shall be given priority.<sup>59</sup> Italian legislation also specifically recognizes and refers to acts directed against children as possible forms of persecution.<sup>60</sup>

If any of the child's parents or guardian is identified as legally residing in another EU Member State, the asylum procedure in Italy is suspended until the responsibility for the further examination of the asylum application is decided, according to Art. 6 of the Dublin II Regulation. Problems linked to the implementation of Art. 6 of the Dublin II Regulation have been identified. The procedures for transferring the responsibility for examining a child's asylum application to the Member State in which the parents have been traced are often not clear and may be extremely slow, requiring a number of supporting documents and proofs. The lack of prompt and exhaustive information on international protection and the delays in appointing a guardian have been identified as possibly jeopardizing the effective access to the asylum procedure. It has also been reported that unaccompanied children are not always informed about the possibility to apply for international protection (particularly where reception centres are not proactive in assisting children) and, as a consequence, they do not present any application or present it at a later stage. In this regard, it is noteworthy that the database of the CMS includes records of a large number of unaccompanied children in Italy who originate from refugee producing countries such as Afghanistan and Eritrea. This may be due to the fact that the CMS is not always notified when an unaccompanied child who had been referred to them earlier, subsequently applies for international protection, as well as to an effective gap in access to the asylum procedure. In other cases, children turn 18 before being heard by the Territorial Commission, with the consequence that all the procedural safeguards and favourable criteria relevant to children no longer apply.

## France

The following overview on the relevant legal framework and protection situation of unaccompanied children in France is based on information generated through field work with partners in and around Calais, as well as research reviews and other publications, including a report on the reception of unaccompanied children of 2010, published by France Terre d'Asile, the Institute for Rights, Equality and Diversity (Greece) and *Consiglio Italiano per i Rifugiati* (Italy)<sup>61</sup> and a report entitled "*Les mineurs isolés étrangers en France*" by Isabelle Debré, member of Parliament.<sup>62</sup>

<sup>56</sup> Legislative Decree 25/ 2008, Art. 26 par. 5; Direttiva 7.12.2006, Art.1 par. 3 and Art 2 par. 1.

<sup>57</sup> Legislative Decree 25/ 2008, Art. 26 par. 6; Directive 7.12. 2006, Art.2.

<sup>58</sup> Legislative Decree 25/ 2008, Art. 13 par. 3.

<sup>59</sup> Ibid., Art. 28. par. 1.

<sup>60</sup> Legislative Decree 251/2007, Art. 7 par. 2.

<sup>61</sup> France Terre d'Asile, CIR, i-RED, *The reception and care of unaccompanied minors in eight countries of the European Union. Comparative study and perspectives of harmonization*, October 2010, available at <http://www.france-terre-asile.org/childrenstudies>.

<sup>62</sup> <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/104000220/0000.pdf>.

**First screening, identification and registration.** French legislation considers any child present on French territory without a legal representative or guardian, as potentially at risk.<sup>63</sup> The Act of 2 January 2004 on reception and protection of childhood (*Loi N°2004-1 relative à l'accueil et à la protection de l'enfance*) introduces the concept of the overriding importance of the interests of the child in court decisions. According to this Act, juvenile court judges are required to take into account the child's overall best interests from the beginning of the process, through initial screening and age identification. The first contact between unaccompanied children and a government official is a decisive moment, since it constitutes the basis for a relationship of trust between the child and the authorities (namely the border police in airports or elsewhere). On arrival, unaccompanied children may be intercepted while trying to enter the country in an irregular manner. They may then be held (just like adults) in a waiting area (*zone d'attente*). 95% of the unaccompanied children who arrive by air, land in Roissy airport and the rest in Orly airport. In 2011, only 44 asylum requests have been examined by OFPRA in the frame of the special asylum procedure established at the border and its positive advice rate has been 20,5%.

**Protection Measures and Procedures for Victims of Trafficking in Human Beings.** In order to provide protection against possible human trafficking, including of unaccompanied children, France has created three administrative units for victim protection: the *Office central pour la répression de la traite des êtres humains* (OCRTEH); the *Office central pour la répression de l'immigration irrégulière et de l'emploi des étrangers sans titre* (OCRIEST) and the *Brigade de protection des mineurs* (BPM).

While all three units may come across children, no specific distinctions are made between child and adult victims of trafficking. This is because children represent only a small percentage of victims of human trafficking (8 out of 822 victims were children as identified by OCRTEH in 2009).<sup>64</sup> Given insufficient monitoring, in particular at the borders, and a lack of training in the identification of possible victims of trafficking, risks of children being returned or ending in exploitation networks continue to exist and are a serious concern.

**Age assessment.** Age assessment is an important aspect in addressing the situation of unaccompanied children, since the recognition of minority affects the care afforded and determines the applicable legal framework. In France, the first evidence of minority is the identity document, in particular and if available, a birth certificate. The civil status documents provided by a child must be taken into account when determining his or her age, unless the document is clearly false. Unaccompanied children who do not carry any official civil status documents to prove their age or whose declared age is disputed are, at times, required to undergo age assessment procedures at the request of the Public Prosecutor. This may be requested at any time, upon arrival or during the take-into-care procedure. According to Art. 371-1 of the French Civil Code, the child's consent is required for this assessment but this is not often the case in practice.<sup>65</sup> The method of age determination varies depending on the practices of the local authorities. Given that there is no standardized age assessment procedure in France, the number of requests to carry out age assessment varies from area

<sup>63</sup> Art. 375 and 375-5 of the French Civil Code.

<sup>64</sup> A meeting on 28 August 2009 of the Groupe de travail interministériel sur les mineurs isolés étrangers, *Projet de Rapport, Diagnostic et Comptes- Rendus*, October 2009, p.35.  
Also in OCRTEH, *Rapport sur les Droits de l'Homme en France en 2009*.  
<http://photos.state.gov/libraries/france/45994/reports/hr2009french.pdf>.

<sup>65</sup> «Art. 371-1. Parental authority is a combination of rights and responsibilities which have as a final goal the general interest of the child. It is up to the father and the mother until majority or otherwise the child's emancipation age, to protect him or her in terms of security, health and morality, to ensure his or her education and allow for his or her development, keeping in mind the respect related to the child's person. ("L'autorité parentale est un ensemble de droits et de devoirs ayant pour finalité l'intérêt de l'enfant. Elle appartient aux père et mère jusqu'à la majorité ou l'émancipation de l'enfant pour le protéger dans sa sécurité, sa santé et sa moralité, pour assurer son éducation et permettre son développement, dans le respect dû à sa personne. Les parents associent l'enfant aux décisions qui le concernent, selon son âge et son degré de maturité»).

to area. In the Calais area, X-rays to determine age are not routine and the authorities accept the statement made by the child concerned.

**Detention.** French legislation exceptionally allows for the detention of unaccompanied children in the airport transit zone upon arrival for a maximum of 20 days. Otherwise, the detention of unaccompanied children is not allowed under French law. The majority leave the waiting zone rather early, because their asylum request has been accepted, because their release is ordered following review by a judge (most often after four days of detention but it may be also after twelve days) or because they are sent back. In 2010 (last data available), out of 518 minors, 101 were sent back. French law provides for an “*ad hoc administrator*” to be appointed to represent and assist children, for both asylum and non asylum seekers,<sup>66</sup> in all procedures related to entry into French territory. This representation by an ‘ad hoc administrator’ is the only legal provision specifically applicable to children at the border.

If unaccompanied children can be subject to deportation to their country of origin or to the country of direct provenance from the “transit” airport zone, once on French territory and according to the law, since 1981 (art. L. 511-4 and Art. L. 521-4 of the *Code de l’entrée et du séjour des étrangers et du droit d’asile*, CESEDA), unaccompanied children cannot be subject to forced removal. Furthermore, they are unlikely to be returned to another Member State of the EU under the Dublin II Regulation as France refrains from applying to children the Dublin II Regulation.<sup>67</sup>

**Referral to services and reception.** Unaccompanied children currently in France are entitled to the same social protection as French children, on the basis of the provisions for those at risk. The protection measures must be ordered by the Public Prosecutor and then implemented by the departmental services responsible for the protection of children through the Social Aid for Children (*Aide Sociale à l’Enfance*, ASE). The latter organises accommodation, foster families and overall care (housing, schooling, training, healthcare and legal aid for residency requests). Only a few *départements* have set up systems specifically for the protection of unaccompanied children, in order to deal with the specific challenges resulting from their situation. Despite the social protection system for children and irrespective of their nationality, due to a lack of resources and trained staff, difficulty in identifying such children as well as limited access to vocational and language training, integration in France of unaccompanied children may be deemed as rather difficult.

To respond to the influx of unaccompanied children, the French government has established a few reception and guidance centres for under-age asylum seekers. The General Councils (the elected committees ruling administratively the *département*) are also responsible for assessment, guidance and assistance of unaccompanied children in France.

In Calais, the Border Police (PAF) is administratively responsible for coordinating the children referral to reception centres. When a child is “administratively detained” or requests assistance to remain in France, he or she must be placed into the custody of the PAF, which is responsible for liaising with the Public Prosecutor. Upon an *Ordonnance de Placement Provisoire* (OPP), the child is oriented towards the Centre for Reception and Orientation of Foreign Minors (CAOME) which finds a place in a reception centre. Generally, the children themselves are not heard during the process. Furthermore, family or community links are not considered. Groups of children are separated and sent to distant locations, which often heightens their feeling of isolation. The involvement of the

<sup>66</sup> Code de l’entrée et du séjour des étrangers et du droit d’asile” (CESEDA), Art. L. 221-5.

<sup>67</sup> This is the result of an informal practice, recognized by the former Minister of Immigration, who declared in a 2010 press statement that “when not so required by Community legislation, France will refrain from delivering, to other Member States of the Union, asylum-seeking minors that had submitted their application therein before arriving in France”. In Ministry for immigration, integration, national identity and cooperative development, “*Visit to a reception centre for unaccompanied minors detained in Calais: Eric Besson hails the success of the established system*”, 1 October 2009.

PAF as the gatekeeper for asylum and social services for unaccompanied children is sometimes seen as a barrier by the children who look for assistance as most of them are rather reluctant to be placed in police custody. It is rather difficult for children to understand why the police might suddenly try to help them to find a place in a reception centre. Indeed, in their experience, the police is often perceived more as a threat than an agent of protection.

**Residence permit.** Unaccompanied children under 16, without family links in France, are entrusted to the care of the ASE and entitled to a renewable temporary residence permit of one year which mentions the “private and family life” as the official ground. While the law stipulates that the issuance of the residence permit is subject to certain criteria (such as the level of integration into French society and links with family in the home country),<sup>68</sup> proof of ASE guardianship before the age of 16 is, in practice, sufficient to obtain the residence permit on the ground of “private and family life”, as detailed in Article L313-11-7° of the CESEDA. On the other hand, if an unaccompanied child is entrusted to ASE after the age of 16, there is no provision for a residence permit on such ground. However, since the obligation to have a residence permit does not apply to unaccompanied children, their stay in France is automatically legal.

When they reach the age of 18, refugees duly recognized are provided with a residence permit and the ones who benefit from the subsidiary protection receive a yearly renewable residence permit which refers to the ground of “private and family life”. At the age of 18, young adults who did not or do not apply for asylum or whose asylum claim has been rejected may apply for a residence permit at the competent prefecture. However, according to the 2005 report of the General Inspector for Social Affairs (*Inspection générale des affaires sociales*), “the weight of the legal uncertainty regarding their future is a burden on the integration efforts of minors, it undermines them and harms the motivation of social workers. The random nature of the regularisations for children who reached 18 leads to clandestine residency for young people undergoing integration”.<sup>69</sup>

**Support from Cultural Linguistic Mediators.** There is a lack of interpreters or social mediators who would be able to facilitate communication between the child and the reception centre and contribute to increase awareness of the child’s cultural background. The lack of sufficient and suitable reception centres with staff aware of the unaccompanied children’s particular situation is a major obstacle in the protection of children. As a result, many unaccompanied children do not understand the reasons for being accommodated in such facilities and leave them after very short periods of time, thus exposing themselves to renewed protection risks. To illustrate this major problem and according to the local authorities of the *département* of Pas-de-Calais, 98% of the children ‘ran away’ from child care facilities in the *département* in 2011.

**Integration prospects.** In France, unaccompanied children are required, just like French nationals, to go to school until the age of 16. There is no distinction between French and foreign nationals with regard to public education.<sup>70</sup> Given that unaccompanied children have very different levels of schooling, literacy and needs, integrating unaccompanied children into French schools can be difficult. Special schools, such as the CASNAV centres (*centres académiques*

<sup>68</sup> Art. L. 313-11 2°bis of the CESEDA governs the delivery of a “private and family life” residence card to a young person taken into care by the ASE before the age of 16 years upon 3 criteria: the “real and serious nature” of the training that has been undertaken by the child, the “nature of his links with his family still in the country of origin”, which means in practice the absence of any effective link with the family, and the “host structure’s opinion on this foreigner’s integration into French society”.

<sup>69</sup> Inspection Générale des Affaires Sociales (IGAS), *Analysis mission and proposals on the reception conditions for isolated foreign minors in France*, report n°2005 010, January 2005, p. 4.

<sup>70</sup> Circular n°2002-063 of 20 March 2002.

*pour la scolarisation des nouveaux arrivants et enfants du voyage*), have been established for newly arriving children around the country, with a view to support their integration. However, supply does not meet the demand, neither for education nor for vocational training, particularly for children aged 16 and above. For example, there are only 15 to 20 places in the integration classes in the city of Lille. The children are regularly quite motivated and want to start school or language training straight after their arrival. This is usually not possible. An uncertain future and the absence of educational and professional possibilities discourages unaccompanied children and often results in them continuing their journey, therefore exposing themselves to greater protection risks.

Unaccompanied children can also benefit from the healthcare system, through the social security system. They are considered to be persons of limited means, for which the applicable system is the one called universal medical coverage (*couverture médicale universelle* - CMU). Furthermore, even children who may have difficulties (for any reason) to access to the regular healthcare system have still access to emergency care in hospitals. Unaccompanied children under the protection of ASE or the Judiciary Protection of Youth (PJJ) are entitled to benefit from the basic CMU and possibly also from the complementary CMU.<sup>71</sup> However, unaccompanied children who are not under the protection of ASE and PJJ, with no links, no support from any structure, benefit only from state medical assistance (*Aide Médicale d'Etat*) on their own name without the intervention of a legal representative.<sup>72</sup> The childhood protection system can also be extended to those under the age of 21 who experienced “social integration difficulties due to a lack of resources or sufficient family support”,<sup>73</sup> which makes it possible to extend protection to unaccompanied children who become of age. This is renewable over a year’s period until the age of 21. The signing of such an agreement, known as the “young adult contract”, allows the user to extend his integration efforts while still enjoying protection for the period necessary to become self-reliant. With regard to residency, living in France as an unaccompanied child does not automatically guarantee the right to residency when reaching adulthood. However, it should also be mentioned that unaccompanied children who are entrusted to the ASE before the age of 15 are entitled to apply for French nationality.<sup>74</sup>

**Family tracing and family reunification.** Unaccompanied children can request to trace their family members in their country of origin or EU Member States through institutions like the French Red Cross. Many unaccompanied children have family links or connections in the United Kingdom and are more interested to join them than to obtain some kind of protection in France. However, the procedure of family reunification may be quite lengthy and rather complicated. More efficient procedures would contribute to the identification of solutions for many unaccompanied children.

**Voluntary return.** Children taken into the care of child protection services may express the wish to return to their families, including to third countries if the family lives there. The return, in such cases, is organized by the Children’s Judge and the French Office of Immigration and Integration (OFII) as per the Inter-ministerial Circular of 7 December 2006.

<sup>71</sup> «La couverture maladie universelle complémentaire (CMU-C) est une protection complémentaire santé gratuite accordée aux personnes remplissant certaines conditions de résidence et de ressources».

<sup>72</sup> «L’aide médicale d’État (AME) est une disposition de la loi pour l’universalité de la protection sociale qui permet aux étrangers en situation de séjour irrégulier d’être pris en charge médicalement. Sous conditions de ressources et de résidence, l’AME dispense de l’avance des frais. Une condition de ressources: le bénéficiaire ne doit pas disposer de ressources supérieures à un montant fixé (Art. R. 861-2 et R. 861-3 du Code de la sécurité sociale); une condition de résidence: le bénéficiaire doit résider depuis trois mois ininterrompus sur le sol français».

<sup>73</sup> Art. L 222-5 of the Social Action and Families Code.

<sup>74</sup> Art. 21-12 of the French Civil Code.



**Asylum procedure.** Unaccompanied children are represented in their asylum process at the prefecture. There are different procedures with regard to records in the AGDRED database (*Application de gestion des dossiers des ressortissants étrangers en France*) and fingerprinting (according to Art. 4.1 of EURODAC Regulation, depending on whether the child is below the age of 14). The “*ad hoc administrator*”, appointed by the Public Prosecutor has sole authority to sign the asylum application form and send it to OFPRA within 21 days. All interviews of unaccompanied children in the asylum procedure are conducted in the presence of the “*ad hoc representative*” and sometimes also of the child’s social referent. If the first instance decision on the asylum application by OFPRA is negative, an appeal can be submitted within one month to the CNDA (*Cour nationale du droit d’asile*). In 2011, OFPRA took 97 positive decisions on asylum application of unaccompanied children out of 590, and the global recognition rate (with the CNDA decisions) has been of 36,6%.



*Young men in Greece chase a truck that might be their ticket to another country in Europe.  
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# Good practices and interventions

## Introduction

**C**hildren on the move represent an extremely vulnerable group. Throughout their journey unaccompanied children are continuously exposed to risks of violence, abuse, exploitation and neglect. Being in transit, avoiding identification and inclusion in child protection mechanisms as they attempt to continue their journey, these children often fall outside any existing protection and assistance framework provided by national authorities. Enhancing the protection of children on the move requires proactive, age- and context-specific interventions, in order to be able to effectively address their protection needs by identifying specific responses tailored to their situation and guided by the child's best interests.

Based on these considerations, the project "Protecting Children on the Move" adopted an operational approach, aimed at addressing protection needs of unaccompanied children by developing and establishing, in Greece, Italy and France, a common set of interventions and good practices on first assistance, counselling and referral.

Through the project, drop-in centres for unaccompanied children were established in Greece and France.

In Greece, the drop-in centre was fully operational in September 2011. In France, since spontaneous settlements are located in an area of about 100 km around Calais and children would not be able to reach a drop-in centre in Calais city, it was decided to set up a mobile drop-in unit in order to reach unaccompanied children in the region. In Italy, the drop-in centre *CivicoZero* in Rome had already been operational for several years. The services provided in the framework of the “Protecting children on the move” project specifically focused on Afghan children, which constitute the highest number of unaccompanied children on the move in the three countries participating in the project.

Since the beginning of the project and for its duration, the drop-in centres and mobile drop-in unit implemented a set of interventions and provided services related to assistance, counselling and referral. These interventions comprised outreach activities, provision of information, first assistance, including – on a small scale – the provision of meals, showers, hygiene kits, clothes and blankets, recreational activities and expressive workshops, legal and health counselling and social mediation with families. The teams also undertook profiling interviews, best interests assessment (BIA), referral to protection mechanisms, provided health services and temporary accommodation and followed-up on specific individual cases, as required and when feasible.

A total of 1,094 children were assisted in the drop-in centres and mobile drop-in unit during a 10 month period (from August 2011 to the end of May 2012), including some 539 children who continued to benefit from project services in the months following their first registration. In addition, a total of 1,083 were reached through 216 outreach sessions.

Project partners are not in a position to cross-check statistics collected through outreach activities and those related to access to the drop-in centre. This is due to the fact that outreach is an informal activity in which the data pertaining to the children is not formally recorded, thus not all names are always collected. In addition, the same staff are not always present during outreach and in the drop-in centre, thus they are not in the position to fully monitor access to the centre of children contacted during outreach. For this reason, the number of children met in outreach and the number of children registered by the drop-in centres do not have to be added, since the same child could have been counted twice. This is however different in the case of the project interventions in France, where all activities are carried out through the mobile drop-in unit, thus the number of children met in outreach corresponds to the number of children met during the project, with the exception of few cases of children (15) directly assisted in reception centres.

With regard to Italy, the statistics collected concern only Afghan children, so as to distinguish the specific intervention carried out in the framework of this project from other activities of the drop-in centre, already operational before the present project. Statistics collected by the partners in Greece and France encompass all nationalities, Afghan children representing the great majority (381 in Greece, 109 in France).

All children met were in need of basic assistance, including health assistance, meals, showers, clothes, blankets and hygiene kits. 85 contacted their families through social mediation activities, 323 children benefited from legal counselling and 75 children from individual follow-up (for issues related to age assessment, family reunification, citizenship and other legal questions concerning their situation). In relation to referrals, 37 children were referred to official protection mechanisms 76 to health services, 270 to temporary accommodation and 46 (during a 5 month period from January to May 2012) were interested by other kind of referral, including children referred by authorities or other stakeholders to drop-in centres.

It should be noted that not all interventions were prioritized and carried out from the outset of the project, thus some statistics were collected from January 2012 onwards. This concerns profiling interviews (233 children) and best interests assessments (142 children). In the same way, the

provision of information was recorded only from January 2012, when the need to obtain more detailed statistics, with a view to the development of supporting information material arose. From January 2012 onwards, statistics on children receiving socio-legal information were recorded. These statistics therefore do not reflect the total number of children who benefited from the services and interventions provided through the project.

Exchange study visits were organized with the aim of enhancing the exchange of experiences and good practices among drop-in centres. Staff working in the drop-in centres visited project locations in Patras and Rome and assisted in carrying out activities, including providing services of the centres and participating in outreach, and in meeting other relevant stakeholders involved in the referral system at local level. The aim of these exchange study visits was to facilitate a better understanding of the specific context in which each partner is working, to jointly review strengths and weaknesses in common interventions and identify possible solutions to overcome challenges. The need for such an exchange was identified during project implementation, in consideration of the specific constraints identified in the local context in Patras and the necessity to support the team in Greece to address these. The long-standing experience of Save the Children Italy with the drop-in centre in Rome was considered useful in providing input to identify solutions to some specific challenges, which the team in Patras was facing, including the limited presence of relevant stakeholders and of services available in the area and the high presence of adults in need of basic services.

## Local contexts

### Greece

The city of Patras, an urban area with a population of about 220,000 inhabitants, where project activities have been implemented, is located on the Western Coast of Greece and hosts the main commercial and tourist port connecting Greece to Italy. Daily departures of at least four large ferries (passenger, vehicle and lorry carrying ships) take place from Patras to Italy. Patras is the capital of the wider region of Achaia. There are first instance and appeal courts, Police and Port Authorities, and elected Regional and Township (Mayor) Authorities. Patras has two large public general hospitals and a few smaller medical units. It also hosts one of the biggest regional universities in Greece. Patras has, for more than ten years, been a pole of attraction for many migrants in an irregular situation who intend to continue their journey to other countries in Europe, no matter the circumstances and challenges faced in order to reach their country of destination. The new port of Patras started operating in 2011 with strict surveillance and security measures to prevent irregular movement, but this has not discouraged persons from gathering in Patras with the hope that one day they will manage to leave Greece.

Undocumented third country nationals (including persons with a refugee profile and registered asylum seekers) are found in Patras in varying numbers at any given time. There is a high turn-over in the migrant population whose situation is characterized by general destitution. The migrant and refugee population stays in ad hoc settlements in run-down industrial areas, abandoned houses, or in the streets in appalling conditions. Persons may stay in such conditions prolonged periods of time until they successfully make their way to Italy. Among the population there are also persons who were detected in the ports of Italy and were returned to Greece, waiting to re-attempt crossing to Italy. During the project implementation the team intervened in three main ad hoc settlements: an abandoned old factory, a municipal parking area and an olive field, as well as in other locations, such as the old port and the marina.

The main nationalities of the migrant population concentrating in Patras have varied over time. Until 2003, there were significant numbers of Iraqi Kurds, followed by Afghans. In the last two years the number of persons from Central, East and North Africa, in particular Sudanese, Somalis and Eritreans has been increasing. The number of undocumented foreigners in Patras is, currently, estimated to comprise 400 to 500 persons, at any given time. There is no organized Special Holding Centre for Irregular Migrants in Patras, nor an open Reception Centre for asylum seekers or unaccompanied children. The detention facilities in Patras are regular police cells (of the Police Directorate and of police stations in Patras and the wider Achaia region) which are inappropriate for long-term detention. Persons arrested in Patras are either detained in these cells or transferred to other parts of Greece.

Regular police sweeps often result in movement of migrants to other ad hoc settlements. Therefore, the identification of new ad hoc settlements, where unaccompanied children were gathering, as well as the establishment of a good working relationship with the police with a view to reach children in detention, were important in the implementation of the outreach activities of the project.

Returns from Italy on the basis of the bilateral Readmission Agreement between Greece and Italy, continued in high numbers and, in a number of cases, concerned persons registered as unaccompanied children by the Greek authorities. Therefore, the implementation of the Readmission Agreement by the two countries was closely followed up by the project actors, in order to assess protection concerns and to minimize protection risks arising from secondary movements of unaccompanied children.

The main focus of the authorities in Patras is to combat irregular migration and limited efforts have been undertaken to address the humanitarian situation of the many third country nationals, present in the Patras area, many of whom in precarious conditions, or to profile the population in accordance with their international protection needs. With regard to unaccompanied children in particular, there have been no systematic, coordinated and effective measures to identify and protect such children, except for some time-limited projects, mostly with European funds, implemented by the Hellenic Red Cross or by other non-governmental organizations. The provision of information and services to unaccompanied children has been very challenging, with limited resources at the local level and in the absence of a central holistic protection mechanism, offering sustainable and child-protection tailored solutions.

The project 'Protecting Children on the Move' was launched in Patras at a time when no other project was operational. The identification of unaccompanied children and their needs, through outreach activities and the operation of a daily drop-in centre, was followed and supported by the development of an informal local network of actors, who, through constant consultations, have been mobilised and started responding positively towards the project's requests for the provision of specific services to children. The network has been also expanded at the national level, in particular due to the need to refer children to reception centres throughout Greece (due to the lack of any appropriate structure in Patras or within the broader Region of Achaia).

### Italy

In Italy children in transit are mainly Afghan boys. They arrive from Greece in the Italian ports of Ancona, Venice or Apulia region, hidden in trucks on ferries or in containers on cargo ships. Others arrive directly from Turkey on the southern coasts of Apulia or Calabria by boat. A few children arrive in Northern Italy via the Slovenian or Austrian borders.

Italy is considered a transit country by most Afghan children. Some are headed toward France to continue on to the Netherlands or the United Kingdom, but the majority intend to reach Scandinavian

countries through Austria or Germany. Those who are intercepted by law enforcement authorities and identified as unaccompanied children are generally placed directly in residential care facilities for children. However, many run away from such facilities shortly after their placement. Children try to avoid contact with authorities in Italy for fear of being fingerprinted and, thus, jeopardizing their 'migratory' plan due to the possibility of being returned to Italy under the Dublin II Regulation.

The meeting point for significant numbers of Afghans arriving in Italy is in Rome in the vicinity of the Ostiense train station. Until December 2011, at Ostiense, adults and children lived in a precarious spontaneous settlement, in tents provided by the NGO *MEDU* (Doctors for Human Rights), with no access to water or cooking facilities. They also used emergency services (for showers or food), counselling and referral services offered by churches, various types of civil society organizations and NGOs.

Since December 2011, the situation of children in transit in Rome has changed for two reasons: firstly, an emergency overnight shelter has been opened, with 22 places for children, offering the possibility of accommodation without being fingerprinted and registered by law enforcement authorities. This emergency overnight centre, called *A28*, is open from 10 pm to 8 am every day of the year and provides children on the move with improved protection. *A28* is coordinated by the NGO *Intersos*, in collaboration with *Save the Children (Italy)*, and is run by *CivicoZero Cooperative*. *CivicoZero Cooperative* is the same cooperative managing the drop-in centre funded by the ERF Project yet the *A28* centre provides a separate range of services with a separate budget.

A second change in the local context concerns the opening of a temporary authorized settlement for asylum seekers and refugees in Rome, in the *Tor Marancia* suburb. Opened on 21 February 2012 by the Municipality of Rome (V Department – Social Policy and Health) and one of its boroughs (*Municipio XI*), with the support of the network of civil society organisations, the facility was created to respond to the accommodation needs of Afghan asylum seekers and refugees staying in the spontaneous settlement in Ostiense and consists of a large tent facility (tensile structure) with heating system, which can provide accommodation for 150 people.

Most civil society organisations offering services and facilities to unaccompanied children on the move are part of a network and, after the opening of the temporary night centre for children, they are able to offer protection to children in transit 24 hours a day. The drop-in centre *CivicoZero* is in charge of coordinating referral to the temporary night centre *A28*, which is exclusively for children. All other actors in the network are informed about the role of *CivicoZero* in coordinating referral to *A28* and about the requirements for accessing the temporary overnight centre. To involve institutions in a formal network has been difficult. However, the drop-in centre has established an informal agreement with the law enforcement authorities (*Questura Centrale Ufficio Minori*) and a standard procedure for the placement of unaccompanied children in reception centres has been agreed. In order to ensure that the services offered by the network target only children, the tent facility in *Tor Marancia* is also part of the network and adults are referred to this facility.

Since March 2012, only some civil society organizations providing food assistance continue to be present at Ostiense. As a matter of fact, some adults and a few children spend some time there in the early evenings, before being provided accommodation at the night centre *A28* or at the tent facility. The presence of Afghan adults at night is minimal but some continue to sleep there, when the temporary tent facility for adults is full.

Monitoring activities carried out through project outreach interventions have shown that most of unaccompanied children, following their arrival in Rome, do not even spend one night in the streets. The procedure of referral to *A28* has become a systematic activity not only of the drop-in centre, but also of other actors of the local referral system.

### France

In France, the number of unaccompanied children transiting through Calais and the northern coast has fluctuated over the years. Local actors estimate that, in August 2011, some five hundred migrants were gathered in the area, including approximately 10-15% unaccompanied children. Most of the children stay in the area for weeks or months before they succeed to move onwards to the United Kingdom or Nordic countries. A small proportion may desist after several failed attempts. Their situation is a source of concern due to their vulnerability, as they could be victims of abuse, exploitation, violence and trafficking. Specific reception measures are thus needed to address their needs.

Most of the children met by the team during the implementation of the project “Protecting Children on the Move” were from Afghanistan, with others, in smaller numbers, from Sudan, Iraq, Iran and Eritrea. Most of the children are boys and are between 15 and 17 years old. They left their countries of origin for different reasons. Many of them fled general insecurity and violence, some are trying to join a close family member (father, mother, brother and sister), a relative (cousin uncle, etc) or friends, and some are sent by their family to Europe to work or study. The overwhelming majority of the unaccompanied children met by the mobile drop-in unit in the different informal camps in the area around Calais spoke of the debt incurred by their families because of their travel.

Unaccompanied children, like adults, are dispersed and found in different sites, “jungles” (Farsi/English word used by the migrants to designate their makeshift camp) and squats in and around Calais with limited access to information and often under the control of smugglers who provide wrong information about their rights and obligations (especially as far as the asylum request process is concerned) in France and conditions in the United Kingdom.

Unaccompanied children are also in direct contact with staff from local civil society organizations or NGOs giving assistance to migrants and information provided is often not child-specific and often varies, depending on who provides the information.

In Pas de Calais department unaccompanied children referred to local authorities are sent to reception centres, which are not used solely by unaccompanied children and thus do not have in-house specific expertise and know-how on migration and asylum procedures. The limited reception facilities pose serious challenges. Around 95% of the unaccompanied children identified in the area of Calais, referred and sent to existing reception centres, run away from such centres within 72 hours of their arrival. Many children are afraid that, going to a reception centre is an irreversible decision and that it will not be possible to change their mind and continue their journey at a later stage.

In order to address the protection needs of unaccompanied children, the mobile drop-in unit / project team in Calais developed an information strategy to inform children on their rights and protection mechanisms available in France, strengthened coordination with local actors including local authorities and civil society organizations, assisted children with appropriate legal counselling, reinforced the capacity-building of child social services officials and participated in the dissemination of the best interests of the child principles.

## The interventions: Common features

The project aimed to implement and reinforce good practices in first assistance, counselling and referral of unaccompanied children on the move in the three project countries, Greece, Italy and France.

While interventions were tailored to the specific contexts and needs characterizing each project location, an effort was made to encourage the development of common measures to effectively address the protection needs of unaccompanied children. Thus, the analysis that follows seeks to describe the practices by highlighting common aspects, positive results, challenges and lessons learned during their implementation, in an attempt to provide suggestions for future

implementation in other contexts and by other actors, whenever dealing with unaccompanied children on the move.

There are some important general considerations on the approach and steps in developing and implementing interventions addressing unaccompanied children on the move:

- **Assessment of the situation on the ground**, regarding possible direct and indirect beneficiaries and their networks. Such an assessment should target unaccompanied children on the move and map all stakeholders who may be involved in the protection of the target group. Meetings with all stakeholders should be organised so as to understand their competency and capacity for intervention, and to obtain a better picture of the working relationships that could be established.
- **Definition of the project's general and specific objectives**. Objectives must be directly linked to the mapping and assessment, so that they are not responding to theoretical needs of the beneficiaries, but are based on a coordinated approach with realistic targets. The definition of project aims should involve all staff and, as far as possible and appropriate, the beneficiaries themselves.
- **Definition of the methodology**. For each of the objectives pursued by a project or an intervention, the methodology needs to be tailored to the target group, to the assessed needs and to the situation on the ground. The methodology should take into consideration the short time available for interventions, the possible sudden departures of children for other destination countries and the high turn-over of the target group. The methodology should be well understood and agreed to by all staff.
- **Creation of a network**. All stakeholders that have been assessed as relevant should be actively sought out, informed and updated about project objectives, methodology and developments. In developing interventions, activities carried out by other stakeholders need to be taken into consideration, encouraged, complemented and supported with a view to ensure coordination, maximize resources and synergies and avoid duplications.
- **Assessment of available resources**. An assessment of available resources should include an evaluation of what can be achieved with the resources in the context in which they are utilized.
- **Establishment of an intervention strategy**. Prior to implementing interventions, it is important to set priorities, taking into account the resources, the context and the project objectives.
- **Continued monitoring and evaluation** of interventions and developments with regard to the target group. To ensure that the priorities are consistent, and interventions remain effective, regular monitoring and adjustment of the interventions, indicators and impact is crucial. The monitoring should be both internal, i.e. of the team and its work, and external, i.e. of the network and stakeholders whose participation should be sought in the identification of solutions to challenges faced.

Some principles of a low threshold methodology have been generally applied to all interventions carried out during the project. This methodology has been developed and tested by the staff of the drop-in centre in Rome, *CivicoZero*, throughout the years working with vulnerable and marginalized children. During the project, partners attempted to apply this methodology at different levels and with different peculiarities, according to their own experience and to the local contexts.

The interventions were established on two interconnected levels. The interventions aimed at providing assistance to children in need, with a view to reduce the negative impact that may be caused by the situation in which they live and the creation of a relationship with the child and referral to more specialized services, aimed at addressing protection needs in a more comprehensive way.



In developing and implementing interventions, an attempt was made to put into practice the following basic concepts:

- Creation of a setting suitable to the needs of the child, based on **easy access** for all children, with no specific requirements apart from being under age. Obstacles that may prevent children approaching or entering the drop-in centre or unit are reduced to a minimum or removed. Children are not required to hold any identification documents, undertake any registration or to respect any specific pact or path. They are simply asked to follow some basic rules of co-habitation.
- The principle of **informality** in the relationship between the child and the staff. The physical barriers between the staff and children are reduced to a minimum in the organization of the space and the staff tries to spend most of its time among the children, limiting the perception of any hierarchy and “distance” in their rapport and showing that the centre is an accessible and secure place. Through an informal approach, staff is able to get to know children at a more personal level, and continuously assess their situation and the dynamics between children. The cultural mediator plays a key role in the establishment of a rapport with the children and in the functioning of the drop-in centre.
- **Multidisciplinary** staff, to whom a child can go to for all services without specific and standardized roles. Cultural mediators have a key role in making staff colleagues credible and trustworthy to the beneficiaries.
- **Empowerment of the child and promotion of their active role**, based on the child’s **participation** and a **child rights** based approach, with particular attention to the right to be heard and express an opinion. Children are given the opportunity to speak freely about their needs and are then made aware of their vulnerable situation and entitlement to rights, with the aim of providing the child with the instruments to make individual and informed choices.
- **Flexibility** and responsiveness to the needs of the child through continuous assessment of the reality on the ground, the needs and available resources, as well as interventions tailored to the target group.
- **Networking and coordination** with all relevant stakeholders at local level, to avoid overlapping, ensure consistency in the intervention and foster capacity building.

Some criteria to be fulfilled within a successful and efficient intervention have also been identified. In particular:

### Effectiveness

- All staff working in the drop-in centre, outreach and mobile drop-in unit (social workers, legal officers, doctors, participation officers and cultural mediators) are involved in almost all activities, based on a multidisciplinary approach. This makes the intervention cost-effective, since the cost of human resources is absorbed through the employment of such staff in all activities of the drop-in centre and mobile drop-in unit.
- The low threshold approach, according to which children in the drop-in centre may occupy themselves with tools and activities not requiring constant individual supervision.

### Sustainability

- The multidisciplinary and multitasking approach reduces costs since it facilitates the replacement among colleagues in case of absence or in case staff reduction may become necessary, thus contributing to reduce the impact that future budgetary cuts may have on the implementation of the practice.
- The materials and tools, for example the child-friendly information material, were developed in a format that can be easily reproduced and updated in the future at limited cost.
- The establishment of a continuous collaboration and smooth coordination system with other actors involved in the provision of services to the target group ensures a coordinated, consistent and sustainable intervention. The project staff worked in close cooperation with other project partners as well as local stakeholders, ensuring mutual support, exchange of knowledge and experiences and capacity building. Information flow has been ensured by smooth coordination with local actors and direct contacts with beneficiaries.

### Replicability

The variety of contexts in which the intervention was carried out shows that the practices can be replicated as long as they are characterized by flexibility, are based on an assessment of the needs and the situation on the ground through, *inter alia*, consultation and active participation of the beneficiaries. This should inform a continuous monitoring, evaluation and adjustment of the intervention and the methodology applied.

### Innovation

- The intervention offers an immediate response to the needs of unaccompanied children on the move by providing them with assistance and counselling, without forcing them to enter into the official protection mechanism. The system, which will be described in detail in the following sections, filled a long standing gap in the protection of children in transit who, unwilling to register with the authorities, were forced to sleep rough in spontaneous settlements with adults, prey to smugglers and traffickers.
- The combination of a low threshold methodology with the attention accorded to each child's specific needs and to the identification of tailored solutions, the active role accorded to children in the decision making process and the use of child-friendly tools, constituted an innovative approach.

## A. Outreach

### The needs

Unaccompanied children who transit through any of the three project countries generally remain outside the network and mechanisms of protection available in the countries and do not get in touch with local authorities and other stakeholders for fear of being identified and of jeopardizing their original plans of reaching a particular destination country. Children live in precarious, unsafe and insalubrious conditions, with no access to services and assistance due to the lack of information or opportunities. Their vulnerable condition and social marginalization make them extremely exposed to violence, exploitation and risks of contracting diseases.

### The objectives

Outreach seeks to respond to such needs through an intervention tailored to the target group and its specific vulnerabilities, with the aim of increasing their protection against violence, abuse, neglect and exploitation, to promote their wellbeing and empower them. In particular the intervention aims to:

- Reach unaccompanied children on the move who do not get in touch with the drop-in centre or other professionals and the available forms of assistance and protection.
- Respond to emergency situations and concrete dangers that may arise, such as violence or clashes;
- Reduce the negative social and health consequences of irregular migration by responding to health and first assistance needs and referring unaccompanied children promptly to the drop-in centres.
- Inform unaccompanied children about the services available within the drop-in centres and mobile drop-in unit as well as the assistance provided by other local stakeholders.
- Improve knowledge and awareness of unaccompanied children of their rights, opportunities and available forms of protection, of the risks of illnesses and diseases, trafficking and exploitation.
- Gather updated information and gain an understanding of the experiences and needs of unaccompanied children on the move during their stay in the project countries and of the complex phenomenon and mechanisms behind the migration and transit process, including situations of exploitation by smugglers, traffickers or other adults.

### The activity

Outreach activities include all those interventions implemented outside the drop-in centres to reach unaccompanied children on the move in all locations where they gather or live. The main interventions, often carried out in a combined and integrated way, include:

- Provision of socio-legal information
- Referral to the drop-in centre
- First assistance
- Street animation and education.

Provision of information in outreach is tailored to the characteristic of a street context. While outreach activities offer the chance to reach a large number of unaccompanied children and especially the most vulnerable ones, who are outside any network, the context does not usually allow for the creation of a trustful relationship with project staff and a positive attitude of listening. The street is therefore less apt to the provision of detailed information, thus staff refer children to the drop-in centre in order to carry more in depth information activities there. Nonetheless, if the staff detects favourable conditions and a welcoming atmosphere, socio-legal information may be given, especially during informal discussion with unaccompanied children.

In Greece and Italy, where drop-in centres were set up, outreach often entails an invitation to unaccompanied children to visit the centre so as to receive more detailed information, counselling and assistance, highlighting the fact that the service does not require identification and registration with the authorities. In France, where no drop-in centre was established, provision of information, assistance and counselling is carried out in outreach by the mobile drop-in unit. A more detailed description and analysis of these activities is provided in the following sections.

In particular in France, first assistance is provided through distribution of hygiene kits, blankets and clothes. In France and in Italy food distribution is not carried out since other civil society organizations provide hot meals daily. In France and Greece some snacks were, at times, distributed during outreach.

Street entertainment, which includes games, dance or music, is intended as the basis for the creation of a relationship between unaccompanied children and members of staff, to decrease the distance between them. The activity is always organized by taking into consideration specific characteristics identified in the target group. For instance, when the group met in outreach and previously expressed an interest in music, the outreach staff used drums and other simple instruments as a way to involve the children. The specific conditions in Patras and Calais did not facilitate the implementation of such activities, even if in Patras occasionally football, volleyball and cricket matches were organized. In Italy, this methodology has been tested on this target group but throughout the project the conditions in the field, for instance the changes in settlement location, limited the possibility and necessity to carry out structured workshops.

Considering the specificities of the context in which outreach is carried out, additional particular working methods should be applied to outreach. In particular, contacts with the target group must be initiated in a sensitive and proactive manner that take into consideration the specific setting, characterised by many disturbing factors (possible presence of smugglers, traffickers). In addition, the staff must be able to give space to unaccompanied children to express their feelings and frustration. This has proven to be an effective way to establish a relationship of trust and has become the basis for the creation of an alliance. Thanks to this space, unaccompanied children can rely on the project's staff in times of need.

The staff is reachable on a 24 hours basis, 7 days a week through a mobile number. The staff is able to respond to any call by both children and authorities, as it is the case in Greece when unaccompanied children are identified. Outreach activities are organized, as much as possible, with a fixed schedule of locations, places and hours. This allows children to have a clear reference to when and where the intervention will take place weekly. However, the staff has flexible working hours and such flexibility is deemed crucial to carrying out emergency interventions.

The continuous assessment of the context, based on information gathering and analysis, is a key aspect on which outreach is focused. Outreach is also the result of a fundamental activity of continuous networking and coordination carried out with the relevant authorities and civil society organizations providing services to unaccompanied children in all the project countries. This aims to coordinate assistance and responses according to the specific specialization of each stakeholder (medical assistance, provision of food, others) but also to share information, strategies and solutions so as to avoid overlapping and ensure a constant presence and the highest protection possible.

### **The impact**

Statistics on unaccompanied children contacted through outreach have been gathered from the beginning of the implementation of the project activities. In a 10 month period, the number of unaccompanied children contacted during outreach was 1,083, and the total number of children registered at the drop-in centres and mobile drop-in unit amounts to 1,094.

By comparing the number of unaccompanied children contacted through outreach with the number of unaccompanied children estimated to be present during project implementation in the three locations, project's staff considers that this intervention reached a great majority of unaccompanied children in precarious conditions.

The high number of unaccompanied children registered at the drop-in centres in Italy and Greece is also a useful indirect indicator of the success of this practice. Although it has not been possible to assess exactly how many children contacted in outreach also arrived at the drop-in centres (not including children who have been referred to the drop-in centre by other organizations), the visits of unaccompanied children to the drop-in centre may be considered as a direct or indirect result of outreach. Visits to the centre by children in transit who learnt about the drop-in centre from their peers can be considered as an indirect result of outreach, while a direct result are those who visit the drop-in centre after having been contacted directly during outreach.

Thus, the intervention has been successful in improving the immediate protection of the target group through the provision of first assistance, socio-legal information, health assistance and opportunities for counselling and referral to protection mechanisms.

This activity has also contributed to the collection of updated information on the target group and the continuous assessment of their specific needs. Outreach is considered as a natural process that allows the team to identify and understand the needs of the target group and on this basis make a more targeted referral to the drop-in centre and tailor the services of the latter to the needs of the target group.

In March 2012, thanks to the continuous networking and coordination carried out by project staff with the relevant local authorities, the drop-in centre team was informed, by the Port Organization of Patras, of the presence of an unaccompanied 13 years old child from Afghanistan in an abandoned factory (Piraiki-Patraiki), previously identified as a location where a large group of migrants were staying. In the following days, during outreach sessions, the project team identified the child, who was called M. and tried to make contact with him to create a relationship of trust. They provided M. with material assistance and information. In particular, the cultural mediator informed M. about the risks of staying in the factory, his rights and opportunities as a child in Greece and the possibility of approaching the drop-in centre and the opportunity to be placed in a reception centre for children. For about one month, M. was only contacted during outreach until he finally accepted the team's invitation to approach the drop-in centre. At the centre, after a profiling interview, legal counselling and a best interests assessment, M. agreed to be referred to a reception centre.

### Challenging factors

**Challenge: Children may be very distrustful toward the outreach team.**

- ✎ When approaching unaccompanied children during outreach activities, it should be kept in mind that children might not be able to understand the information they receive or establish a relationship with the interlocutors.

The psychological and physical conditions of unaccompanied children on the move can be very different, in relation to the length of their stay in the country, their living conditions and the experiences they have faced prior to and during their journey. In order to cope with the different attitudes and behaviours the children might have towards the outreach team, once a group of unaccompanied children has been contacted, members of staff tried to make an initial connection with them by introducing themselves. If they sensed a welcoming reaction, children were invited to the drop-in centre, otherwise staff listened to the negative feelings and frustrations of the group, trying to reduce possible tensions and to point to their role as an “ally”. Only after this phase, an invitation to the drop-in centre was made.

**Challenge: Interference of smugglers and adults with negative experiences in project countries.**

- ✍ When encountering unaccompanied children during outreach, staff should consider that the presence of adults can jeopardize the trust that unaccompanied children may accord to project staff and the information they provide. In particular, adults who have had a negative experience in the country could challenge the information provided by staff, in particular with regard to access to housing, the job market and other integration opportunities after turning 18 years of age.

In order to try to limit the negative influence of adults during outreach activities some safeguards have been put in place during the project's implementation:

- Try to isolate the children from adults and speak to them when adults withdraw from the settlements.
- Try to gain the trust of the adults, who often have children under their supervision.
- Invite unaccompanied children to go to the drop-in centre where more information and services can be provided in a child-specific and child-friendly environment. Linking outreach activities to referral to the drop-in centres is considered crucial.

**Challenge: Unaccompanied children may move from one settlement to another for fear of being arrested or forcibly fingerprinted. This is likely to affect the trust unaccompanied children have in the outreach staff, when they may incorrectly link police interventions with NGO staff field visits.**

The outreach teams tried to cope with this challenge in several ways:

- Through discussions with the children in order to make them understand the meaning and the sense of the activities carried out by the staff and the fact that they are not related to law enforcement interventions.
- By explaining to children the important role played by law enforcement authorities in child identification and placement in reception facilities.
- By adapting outreach plan in order to identify the new ad hoc settlements.

**B. Provision of information**

**The needs**

Provision of information responds to the lack of knowledge or the inaccurate knowledge identified among unaccompanied children regarding available services, protection and long term opportunities in project locations and project countries. The reasons behind this knowledge gap are manifold and are mainly identified in:

- Limited presence or absence of local actors providing information.
- Lack of cultural mediation support and a child-friendly approach when providing information.
- Inconsistencies in the information provided in contexts where a number of different actors are in contact with the target group.

- Erroneous and misleading information on project countries and destination countries disseminated within the children's network, which includes co-national children and adults, family members as well as smugglers and traffickers.

### The objectives

The provision of information aims at increasing the protection of unaccompanied children on the move by improving the possibility for them to exercise their rights, enhancing their participation and active role in decisions regarding their future, and, thus, empowering them. In particular:

- Improving children's knowledge, awareness and understanding of their rights, the available services and opportunities as well as the risks linked to irregular migration, trafficking, exploitation, health issues and diseases.
- Deconstructing the myths regarding destination countries which are constantly being nourished within children's networks. Children interviewed during the project reported that they had been informed by their friends living in some destination countries that accommodation and pocket money (the amounts mentioned varied from 50 to 750 Euro per month) are provided continuously until economic independence is achieved; the residence permit is issued immediately along with a travel document with validity worldwide; education is granted in any school at all levels; regular residence is allowed even after turning 18 until employment is found; and that the whole system in general is much better in destination countries, even if children appeared not to have a clear idea of what that meant exactly.
- Providing children with the instruments for making more informed choices.
- Facilitating unaccompanied children's access to first assistance, counselling and referral services provided by project partners.
- Promoting and facilitating unaccompanied children's access to existing protection mechanisms.

### The activity

Through the practices developed in the project, children are provided with socio-legal information relevant at local, national and European level. This includes: the rights unaccompanied children are entitled to in project countries; the services they can access at the local level; the national reception systems; the right to apply for international protection and the relevant procedures; information on the Dublin system; opportunities and procedures for family reunification; opportunities for local integration; health and hygiene issues, for instance the risk of contracting diseases; awareness of the risks inherent to irregular migration, such as trafficking and possible exploitation. The level and amount of information provided varies according to the situation, the needs and the requests of the child.

In Italy and Greece information is provided at the drop-in centres and during outreach. In France, information is only provided during outreach activities with their mobile drop-in unit. For the latter activity, when feasible, staff in the three countries prefers to inform children about the drop-in centres or mobile drop-in unit, where in-depth information can be provided in a more protected environment. Information is provided in an informal way during the implementation of other services and activities or in a more structured way through individual discussions taking place during profiling interviews or through information sessions.

All staff is involved in provision of information, based on a multidisciplinary approach. The staff, who is not specialized in legal matters should have a satisfactory level of knowledge on the legal protective framework, thus continuous trainings and updates carried out by the legal officers are ensured, so as to guarantee the quality and precision of the information provided to children. For instance, in Italy one session per month of the weekly staff meeting is dedicated to updates by the legal officers on new laws and regulations affecting unaccompanied children.

The information provided was supported by the distribution of child-friendly leaflets developed during project implementation. The information material was distributed by project partners through outreach activities and within the drop-in centre as well as by other local stakeholders dealing with unaccompanied children at a local level or at the main entry points (ports) of unaccompanied children on the move, including the authorities. This included border police, NGOs in charge of provision of information at entry points, staff of reception centres, NGOs providing various types of assistance in spontaneous settlements (food distribution, health care, socio-legal information), child welfare social services. Stakeholders were given the printed as well as electronic version of the information material, to promote its distribution and use even beyond project implementation. Stakeholders also found such material helpful in their daily work with children, since it provides a immediate support whenever operators or cultural mediators are not available for discussion with newly arrived children.

### **The impact**

Quantitative data can be used to make a first assessment of the impact of the intervention.

In a 5 month period (January - May 2012), a total of 604 children were registered at the drop-in centre and mobile drop-in unit, and a total of 474 were met during outreach activities. In the same period, a total of 584 received information through individual or group sessions. This data is very similar in the three project countries, and project staff estimates that a similar percentage can also be considered for the previous months of implementation.

The statistics show that the great majority of children met by project staff received information; in addition, almost the same number of children met during outreach also accessed the services provided at the drop-in centres and mobile drop-in unit. Although it is too early to fully appreciate the actual effect of the provision of information, the increased access of unaccompanied children to assistance, counselling and referral, with the consequent positive impact on their immediate protection can already be considered as a positive outcome. The number of times children have been counted accessing services other than first assistance seems to suggest an improvement in children's understanding of their rights and opportunities in Greece, Italy and France. It is hoped that the information provided will contribute to increasing their capability of making informed choices.

However, despite the assumption that one of the causes of the continuation of the journey to other European countries without taking advantage of the protection opportunities available in the transit countries is the lack of prompt, accurate and child-friendly information on available protection, a very small number of children (37) who received information actually agreed to enter protection mechanisms provided by national authorities in the three project countries.

At this stage it is hard to fully evaluate the impact of the distribution of the child-friendly information material due to the late stage of its finalization. However, quantitative and qualitative data collected so far shows that the mere provision of information to unaccompanied children is not enough to improve protection of children in terms of reducing continued transit, given the importance that other sources of information play in the child's migration, in particular their families and co-



nationals. This is the case despite the fact that the information is provided with the support of cultural mediators and other *ad hoc* instruments promptly and in a child-friendly manner.

One evening in the month of May 2012, project staff, including one Afghan cultural mediator, went to Ostiense station, the meeting point of Afghans in Rome. The project team intercepted six children already known to them and started a friendly conversation with the group. A few Afghan adults also joined the children and after some chitchat, project staff decided to distribute to all of them the child-friendly leaflets developed during the project. Reading the leaflets, in Farsi and Pashtu, the adults reacted strongly and started to make comments about the rights of children in Italy. "This is not true, they are lying to you!" one of them said loudly and scrunched the leaflet up. Following this episode project staff decided to continue to provide information in outreach only orally and to distribute the leaflets only at the drop-in-centre in the absence of adults.

### Challenging factors

#### Challenge: The information circulating within the child's network.

- ✍ When providing information, stakeholders should take into consideration the influence played by co-nationals surrounding the child and try to counteract its negative effects.

The following methodology was applied during the project and considered efficient in counteracting such influence:

- Creating children-only spaces, where information can be provided, i.e. in the absence of adults, in a child-friendly and secure setting. In France this was achieved by, for example, accompanying the children to specific services provided outside the camps where the children live. In Greece, where there was a significant challenge associated to a lack of alternative services for adults in need. Staff prioritized their actions in order to work more exclusively with children by providing limited assistance to adults both during outreach and at the drop-in centre. In Italy, the low threshold approach<sup>75</sup> favoured the informal provision of information by all staff at the centre, also through the use of material such as posters, maps on the walls, books and magazines stimulating the curiosity of the child. In addition, children were referred to a temporary night accommodation centre, where in a quiet and friendly atmosphere the social workers and cultural mediators introduced informal discussion with the children while eating, playing games and using the internet.
- Establishing a relationship of trust with children is deemed necessary to ensure that the provided information is effectively received. Indeed it is essential that the child perceives and regards the source providing information as legitimate and trustworthy.

#### Challenge: The child's level of understanding or appreciation of the information received.

- ✍ When providing information, stakeholders should make sure that the latter is understood by the child. Provision of information should be child-friendly and tailored to the target group. In addition, a continuous evaluation of the beneficiaries evolving needs and a constant assessment of the dynamics within the target group and at the location where information is provided is deemed necessary.

<sup>75</sup> More details on the low threshold approach are provided in the introduction to this section.

During the project it was ensured that new information material was tailored to the target group in the following ways:

- The information material was developed on the basis of an assessment of the legal framework, available protection mechanisms and shortcomings identified in each project country. The material was also developed based on the needs expressed by the target group and the local specificities identified during project implementation.
- Children were constantly consulted on the material developed and their reactions and considerations with regard to content, style, form and design were taken into consideration.
- An assessment of the distribution of the material was done. In Italy project staff realized that when distributed during the outreach activities the leaflet was discredited by the adults. In addition, when left to be picked-up freely by children, many leaflets were thrown away since not all languages spoken within the drop-in centre were included. It was therefore decided to use the leaflet as support material following the oral provision of information, and this seemed to be more successful with the target group. In France the material was developed in several languages and widely distributed by the mobile drop-in unit at sites where children live, since distribution met with a positive response even from those who were not able to read, who wanted to keep the leaflet as reference to be read with other children.
- The leaflets were developed by using drawings and the content was expressed in a simple language, balancing to the extent possible the necessary simplicity with the exhaustiveness of the information inserted within it. The layout and format tried to make them appealing and straightforward. In Italy a video on the experiences and rights of children was developed through a participatory activity. The active involvement of children in all the phases of realisation of the video, from the development of the script, to acting, shooting and editing resulted in a greater awareness of the children involved of their rights. To raise interest and facilitate access, the video has music, including a rap in farsi language, and is shown on a computer screen inserted in a plexiglass box. Children have the chance to pick up the box, place it on their lap and watch on their own or with co-nationals.

### **Challenge: The pressure exercised by the family in the country of origin and destination.**

- ✍ When considering the implementation of an information strategy stakeholders should take into consideration that information provided to children may not suffice if it does not also reach the key actors who are behind the child's migration project.

Project staff tried to reach children's families in the country of origin and destination through social mediation activities. Upon full agreement of the child, the social worker, the cultural mediator and the child contact the latter's family over the phone to discuss his/her situation, the migration project, the risks linked to the continuation of the journey and the protection he/she could have access to in project countries. The full agreement of the child and a trust relationship were proven necessary preconditions to avoid unexpected consequences of the phone call, such as family members warning the children not to trust project staff and asking to avoid further contact. While this was not undertaken by the project, partners considered that communities in the countries of origin and destination should be also targeted through information and awareness raising campaigns regarding the risks of migration and the protection available in project countries.

**Challenge: The limited integration opportunities in project countries, mainly those in relation to access to education, vocational training and the job market.**

- ✍ When planning the implementation of a comprehensive information strategy, ways to address the impact of structural shortcomings should be evaluated.

Since the children receive information on destination countries from co-nationals that tend to embellish reality, underestimate risks and deny protection concerns, project staff challenged these myths through *ad hoc* recreational activities and successful experiences of peer educators in project countries.

### C. Legal counselling and follow-up

#### The needs

Unaccompanied children on the move, who are outside protection mechanisms, have very limited access to reliable and accurate information, available services and actual opportunities for addressing their protection needs. In addition, reception facilities may lack the specialized staff or resources necessary to identify and respond to specific needs of unaccompanied children. The activities undertaken were first aimed at identifying and consequently responding, to the extent possible and given circumstances, to children's individual protection needs, which are mainly listed below:

- Accessing reception facilities and other protection mechanisms
- Obtaining documents including residence permit and citizenship
- Protecting against abuses and exploitation carried out by smugglers and traffickers
- Supporting in lodging appeals against expulsion orders of children wrongly identified as adults
- Being assisted in case of forced return to Italy or France through the Dublin system
- Being granted a proper identification and age assessment
- Appointment of a guardian
- Accessing refugee status determination procedures
- Follow-up on progress after child's referral to protection mechanisms
- Family reunification within and beyond the Dublin system
- Being assisted in case of arrest and detention.

#### The objectives

Legal counselling is intended to provide legal advice on forms of protection and opportunities available at local, national and international level, on an individual basis. Legal counselling may be supported by individual follow-up, which aims to provide specific individual assistance and legal support, whenever the need arises.

Legal counselling and follow-up aim therefore to promote and fulfil the rights of unaccompanied children on the move, in particular by:

- Providing children with the necessary knowledge and instruments for making informed decisions and exercising their rights.
- Promoting unaccompanied children's access to and use of available legal services.
- Recognizing unaccompanied children's specific protection needs and identifying tailored solutions.
- Taking appropriate actions through individual support, legal follow-up and representation when needed.

### The activity

Legal counselling is generally provided upon the child's request or whenever specific legal issues are identified during discussions or individual interviews. Information provided through legal counselling is detailed, exhaustive and tailored to each single case.

Upon initial assessment of his/her specific situation and needs, the child is advised on the possible solutions, the risks of secondary movement and the right to protection in the project country, including the issues that may arise.

The service follows the provision of first assistance and information provided upon the fulfilment of the child's basic needs (food, hygiene, health issues, and accommodation in temporary night centres). This service is provided at the drop-in centres, inside the mobile drop-in unit or in the partner's office in the case of France (due to the absence of the drop-in centre), in a secure environment guaranteeing the necessary quiet and privacy. Access to legal counselling is facilitated by the informal setting of the premises, including a mobile drop-in unit able to reach each child in his/her own location, and the informal approach adopted by the legal officers. In France, when the child is referred to the national child protection services, legal counselling is also provided in reception facilities, which are not specialized centres for unaccompanied children. Therefore project staff supports and work side by side with the social workers of the facility in following up specific issues.

The lawyer or the legal officer are supported by a cultural mediator. The discussion is confidential and information is provided in a simple way that can be easily understood by the child.

Upon assessment of the specific needs and the identification of the possible solutions, the child is given time to reflect so as to make an informed choice on whether to take legal action or initiate a procedure and to decide which available option is preferred. The active role accorded to children in the decision making process is considered central, taking into account the level of maturity and age of the child. In most cases, children counselled are adolescents (15-17 years old); for children of a younger age, different procedures are followed, which include the active engagement of the child's guardian.

Upon the child's agreement to initiate a procedure, the lawyer or legal officer supports the child in the implementation of the identified path and follows up on the evolution of the case whenever needed. Legal advice and individual follow-up varied according to the country.

In Greece, most of the children were advised, supported or legally represented: in lodging an asylum application and during the asylum procedure for the preparation of the case file; in view of their placement in reception facilities regarding reception conditions and integration path; upon their arrest by law enforcement authorities in an attempt to leave the country or upon arrival at the port following return from Italy; in the request of appointment of the guardian to the Public Prosecutor for Minors. There were also a small number of cases where support was given to children who expressed the will to return to the country of origin, although no assisted voluntary returns took place in the framework of the project.

## Good practices and interventions

In Italy, most of the cases of legal advice and follow-up regarded children returned to Italy under the Dublin II Regulation, despite having been recognised as minors in the destination countries. Reasons for returning the child were mainly related to previous identification in Italy as adults by law enforcement authorities or to previous applications for asylum introduced in Italy. Incorrect identification and age assessment were among the main reasons for requesting legal advice. The majority of cases which were followed up involved new age assessments and the lodging of appeals against the identification by law enforcement authorities as adults.

In France most cases of legal advice and individual follow-up were in relation to: asylum applications and procedures, both in the case of unaccompanied children on the move and unaccompanied children in reception facilities; family reunification (most of the time with parents in the United Kingdom); applications for residence permits and French nationality.

When the mother of M. died in 2010, he decided to leave Afghanistan with his brother to join his father who was living in the UK and who had become a British citizen. When he left his home country, M. was 16 years old. His grand-father helped M. and his brother and paid for the trip to the UK by selling two houses, paying the smugglers directly. When the two boys left Afghanistan, their other three brothers also left the country to try to reach the UK via Russia. M. and his brother crossed the border from Afghanistan to Pakistan on foot and reached Iran by bus. The two brothers stayed together until their arrival in Turkey, but when they tried to cross to Greece, the smugglers decided to separate the children (apparently because they did not pay enough). M. was in Greece alone. He explained that when he arrived, he was arrested by the border police and placed in detention for two months, after which he was released and arrived in France through Italy. In France, he stayed in the so-called "Calais jungle", close to the city of Dunkerque, where he tried to cross the border to reach the UK and his father. During field visits conducted at different sites in and around Calais, the mobile unit met the child and provided him with legal counseling, especially on family reunification and protection measures. The child accepted to be referred to the border police to be placed in a child reception centre. The project staff started the process to trace M's father and complete the documentation needed for the family reunification process. The family reunification request was introduced first under the Dublin II Regulation and a second time under the family reunification program of the British Council, to which M. had already applied when he was in Pakistan in 2010. At that time, the British authorities declared that the resources of the father were too limited to proceed with the reunification. In October 2011, the office completed the process and the files for the family reunification application of the child. M. had an interview at the British Council and the British authorities assessed the situation of the child and father in the UK. On the 25 January 2012, the British authorities approved the reunification and provided M. with the visa to join his father. On 1 February M. and his father travelled together from France to London, where they are now living together.

### The impact

In a 10 month period, a total of 1,094 children were registered at the drop-in centre and mobile drop-in unit, and a total of 1,083 were met in outreach. In the same period, a total of 323 children received legal counselling, and 75 cases were followed-up by project staff and legal actions undertaken.

The statistics show that about 30 % of children who entered into contact with project staff were in need of legal advice. Project partners state that the total number of children who sought legal advice had full access to the service both in terms of counselling and individual follow-up. Availability of legal counselling to children is therefore deemed fundamental for the detection of specific protection needs and the identification of tailored solutions, considered that most of the cases regarded children on the move who had no other chance to address their issues otherwise. This kind of intervention is important in increasing children's understanding of concrete options for their needs, thus empowering

them and giving them the necessary instruments to make more informed choices. It also provides an opportunity to access and exercise the rights children are entitled to, protection options and solutions.

In addition, partners consider that legal counselling and individual follow-up may indirectly and in the long term have a positive impact on sensitization of relevant stakeholders as well as on State actors' recognition of their positive obligation in protecting and fulfilling children's rights under the Convention on the Rights of the Child.

Yet, it is likely that a much higher number of children were in need of legal advice, thus the success of the practice is limited. This is also true with regard to the number of cases that were followed-up after legal counselling. This is due to the fact that many of the children who were advised decided not to undertake any of the legal actions proposed by the lawyer. Experience demonstrates that children who expressed their interest in identifying legal responses to their needs, were discouraged by the length family reunification and asylum procedure take to complete. In addition, as already mentioned in the section on provision of information, children may be influenced in their decisions whether to remain in project countries or to continue their journey by their families and co-nationals, thus seek legal counselling but then refusing any follow-up action.

After attending the drop-in centre in Rome for a few days, S. a 16 years old Afghan child, opened up to staff and revealed more details about his migration path. According to the child's account, he had arrived from Greece in Apulia (Italy) where he had been intercepted by law enforcement authorities and placed in a reception centre for children. S. told project staff that in Apulia he had received information about international protection but he had decided not to apply for asylum because of the length of the procedure. S. also said that he had run away from the reception centre and headed to Rome a few days after his arrival. In order to gather more information about S., drop-in centre staff called the reception centre in Apulia. Despite attempts to create a rapport with the child and the information gathered from the reception centre, the drop-in centre staff did not manage to convince S. to allow the cultural mediator to assist him in communicating with his family and to explain them his situation and rights in Italy. The child called his family from the drop-in centre without the assistance of the cultural mediator and told project staff that his family had encouraged him not to stay in Italy and to continue his journey to Sweden. S. said that his family had encouraged him to leave Italy on the basis of the fact that he had not yet received international protection.

### Challenging factors

In order to respond to the challenges above, project partners implemented legal counselling in combination with other interventions, considered as complementary and necessary so as to maximize the efficacy of the intervention and minimize the negative effects of external challenging factors. In particular:

**Challenge: Children are determined to reach other destination countries and are influenced by their families and co-nationals.**

- When providing legal counselling, stakeholders should take into consideration the influence of the child's environment on his or her decisions.

The following methodology was applied during the project and considered efficient in counteracting such influence:

- Provision of information and basic assistance services preceded legal counselling. By fulfilling his/her basic needs, the child is put in a more favourable condition for discussing specific

protection needs with the staff. General information may stimulate the child's curiosity and interest in further exploring protection opportunities.

- The participation of the legal officers in the daily activities of the drop-in centres and mobile drop-in unit helped establish a relationship of trust. This is considered facilitating children in approaching staff and sharing personal information which leads to the identification of protection needs.
- Social mediation with families in countries of origin and destination was carried out. Social mediation is intended to facilitate communication or resolve conflicts arising between children and their families or communities. This is particularly important where a child may not wish to continue his journey but may feel pressure from his family to continue. It is offered where a child agrees with or expresses a desire to contact his family members regarding his current situation. It is important to understand as much as possible about the child's situation before attempting to intervene with his/her family.

A., a 10 years old Afghan child, requested information on the EU legislation on family reunification to understand how to be reunited with his mother living in Germany. During the counselling session with the lawyer and the cultural mediator, the child was given, in a simple way, information about the possibility of staying in Italy and of reuniting with his mother in a legal way. A. was also informed about the risks of irregular travel to Germany, and the positive protection aspects inherent in staying in Italy. Yet, A. openly admitted to be reluctant of staying in Italy and to follow the procedure for family reunification mainly because of the length of the procedure. Being aware of the influence of the child's family on his decisions, and on the basis of the rapport that had been created with the child, project staff invited A. to contact his brother in Greece to discuss the possibility of staying in Italy and the idea of initiating the procedure for family reunification. A. accepted to make the call with the support of the cultural linguistic mediator, but probably due to the lengthy and difficult procedure, A.'s brother said that the child should not stay in Italy. Following this intervention, A. was not seen again at the drop-in centre.

**Challenge: Family reunification and refugee status determination procedures are lengthy and difficult to be implemented.**

- 🔗 When providing legal counselling, stakeholders should take into consideration the discouraging effect that structural shortcomings may have on the child.

During the project implementation staff tried to reduce the discouraging effect by:

- Promoting the child's active participation during legal counselling, ensuring children understand the pros and cons of each option and that they are given the time to reflect on the importance of addressing protection needs through legal paths. The child should be a leading actor in the decision making process.
- Legal counselling was supported by follow-up and continuous support provided to the child during the implementation of the procedure. The staff tried to discuss with the child shortcomings, delays or specific issues arising, promptly addressing them in the attempt to reduce the negative effects that such constraints may have on the child. Counsellors were frank with the child and stressed the importance of patience during this process, emphasizing the benefits of the legal procedure.

**Challenge: Children may be wrongly identified by law enforcement authorities as adults. In some cases children destroy papers or orders received by the authorities for fear of being detected before or after reaching the destination country.**

- ✎ Legal counselling should be accompanied by legal representation services in order to challenge decisions such as alleged incorrect identification, expulsion or return, through litigation.

Project staff provided followed up on individual cases also through legal representation, by ensuring that new age assessments or identification were carried out and appeals challenging relevant decisions were lodged.

Project staff also carried out advocacy activities with national authorities and relevant stakeholders for the adoption of multidisciplinary age assessments and standard operating procedures (SOPs) for children's identification, in particular at the borders.

H., a 15 years old Afghan child was referred to the staff of the drop-in centre by police authorities in Eghio (a city 35km from Patras). The project team informed H. about his rights, including the possibility of an application for international protection and offered to support him throughout the asylum-procedure, clarifying its complexity and long term duration. The child, following the information provided by the legal counsellor of the project, decided to lodge an asylum application. With the support of the legal advisor, the child renewed his asylum seeker documentation, the so-called "pink card" (the renewable individual document that authorities issue to asylum seekers in Greece, allowing them to remain in Greece for the duration of the asylum procedure) and also attended the first instance asylum interview. Unfortunately, as months passed, project staff did not see H. at the drop-in centre or during outreach. According to other beneficiaries, the child was said to have left for Italy while the decision on his asylum request in Greece is still pending.

#### D. Expressive workshops

Recreational activities were carried out in Greece, Italy and France with variations in the frequency, type of activity and approach.

In France the absence of a drop-in centre limited recreational activities to what could be carried out inside the mobile drop-in unit in the settlements where children live. This included some drawing and painting, listening to music and access to the internet whenever possible. Children also painted the van used by the mobile drop-in unit, with the aim of fostering a feeling of participation and belonging.

In Greece, due to a combination of factors such as limited space in the drop-in centre, limited human resources and precedence given to the provision of services, the team chose not to prioritize such intervention. Accordingly, recreational activities were mainly regarded as a way to give children a constructive and creative occupation during their stay in the drop-in centre, while their specific cases could be addressed individually. Activities carried out included film screening, drawing, table games, access to the internet and a few workshops in which children were encouraged to talk about themselves and their country of origin through images, pictures and videos found on the web and a writing workshop in their mother tongue. Some football matches were also organized at spontaneous settlements during outreach.



During the study visit exchange, the drop-in centre's staff in Patras expressed an interest in strengthening such intervention through more tailored and structured workshops and methodology. *CivicoZero* in Rome, where expressive workshops with specialized staff have been carried out for several years, shared its experience and know-how with PRAKSIS staff, for possible future implementation to be considered.

This section focuses, therefore, on expressive workshops implemented in Italy, since they provide a more detailed picture of the lessons learned while implementing this type of intervention.

### The needs

On their way to EU countries, unaccompanied children on the move generally experience a long, exhausting and dangerous journey, with constant exposure to violence and abuse. Upon arrival in Greece, Italy and France, their living conditions remain precarious and the pressure exercised on them by their families and smugglers adds to the urgency to find accommodation, food, clothes and to get money to continue their journey. Their psychological wellbeing is constantly threatened by the traumatic experiences they may face during their migration journey as well as those they faced in their country of origin. Responses, which should be tailored to the age and maturity of children, should therefore address their material needs as well as their psychological wellbeing and development, empowering children and supporting them to discover their inner resources and skills.

### The objectives

Going beyond mere assistance, expressive workshops aim to provide unaccompanied children with an opportunity to express their needs, feelings and wishes through tailored recreational activities. In particular the intervention aims to:

- Promote the psychosocial wellbeing of unaccompanied children on the move.



*Photo by Mohammed Keita, taken during expressive workshops at CivicoZero*

- Support unaccompanied children in the expression of “the self”.
- Improve children’s awareness and understanding of their rights, opportunities and skills.
- Empower unaccompanied children by strengthening their abilities and resources.

### The activity

Structured and unstructured workshops take place mainly in the drop-in centre, even if, as mentioned in the outreach section, some ad hoc recreational activities may also be organized during outreach. Expressive workshops organized during project’s implementation included:

- **Story telling.** Upon selection of a subject, unaccompanied children on the move are encouraged to narrate a story in the form best suited to each of them. Most writing products of this workshop, such as letters, short stories, poetry or songs (rap) are then included in the journal of the centre, *Griot*. The journal is usually shared with actors outside the daycentre, including local schools, that children may visit to read extracts from their work. This activity provides children with a chance to express themselves and to improve their self esteem and it may also contribute to strengthen the level of information of Italian students on the experiences of unaccompanied children.
- **Collage artistic workshops.** Children are encouraged to choose pictures from books or magazines which remind them of their journey and migratory experience. After choosing the pictures, cutting them out and arranging them in a collage, a discussion between children may stem spontaneously or children may be invited to engage in a discussion by project staff, sharing their positive and negative feelings about the journey, the life in the country of origin, past experiences and expectations.
- **Art and crafts workshops.** Children are invited to experiment with art and create objects of daily use or from their country of origin. Among Afghan children the construction of kites, which is very popular in their country, is very appreciated and becomes an occasion to talk about their culture and life experiences in their country of origin.
- **Cinema forum or internet video forum.** Films or short clips from the internet are shown to groups of children who are invited to make comments in a group discussion chaired by members of staff. Films are chosen according to the preferences expressed by children and they are usually about migration, adolescence or intercultural relations. Clips from the internet are chosen directly by children and they offer precious insights into the world of unaccompanied children on the move.
- **Visits to the Museum.** Group visits to the Museum of Oriental Art in Rome are often organized for Afghan children. The visit is guided with the support of a multimedia lecture and a discussion on the visit follows. Also in this case the guided discussion gives unaccompanied children on the move the chance to share their positive and negative feelings, especially about life in the country of origin, past experiences and expectations. After the visit, some children write down their impressions and comments. Children generally express their high appreciation of these visits, since the Afghan section makes them proud of their country with a consequent positive impact on their self esteem.
- **Video workshop.** Participants have the chance to learn the basic notions of video making and to use video cameras, also outside the centre. The images they shoot are discussed and analysed in group, identifying the main issues participants want to explore with further filming. The clips are edited during the workshop and children can learn the basic technical and visual methods necessary to construct a story.
- **Photography workshop.** New comers have the opportunity to be introduced to photography, while others practice by taking photographs. During some workshops, participants get the chance to use the darkroom, learning to develop the pictures they have taken. Participants may also take the camera with them and take pictures to show their life in Rome.

In the drop-in centre there are also some permanent services available for children, in particular gym equipment, games and computers through which unaccompanied children can access the internet, either individually or in groups, according to the availability of devices. These activities are supervised by the staff.

### The impact

In a 5 month period, 209 unaccompanied children participated in the recreational activities in Italy.

Workshops helped professionals working at the drop-in centre to create a personal interaction with children, facilitating the discussion and the establishment of a relationship of trust. Often during the workshops children disclosed stories and details about their life and their journey. In these instances, project staff happened to identify possible violations of rights and unexpressed needs, which were addressed with the child.

Children were thereby provided with the instruments to express their feelings, needs, fears, frustrations or wishes, which was a first step to address and overcome them. The intervention is therefore considered as having a positive impact on the wellbeing of children, improving their own knowledge of themselves and strengthening their self esteem and ability to communicate their needs and wishes.

In April, on his second visit to the drop-in centre, H. was invited to take part in an expressive workshop together with other four Afghan children. Following the instructions of project staff, he searched for pictures representing his country of origin or his travel experiences. Flipping through magazines, H. found a melancholic picture of mountains that struck him very much, reminding him of his journey through the Balkans. He spontaneously started to talk about his journey, saying that he had passed through the Balkans and was held in prison in Hungary for about one month, which had been a particularly traumatic experience for him. In fact, until that moment H. had informed project staff that he had arrived in Italy via Greece, just like most of the other children.

### Challenging factors

**Challenge: The permanence of unaccompanied children on the move in a specific place may often turn out to be of a very short duration and, consequently, the long-term character of certain activities may in some cases weaken their motivation and, as a result, discourage them from participating.**

- Given the target group –unaccompanied children on the move-, which is characterized by its mobility, recreational activities should be set up in a way that is appealing and that facilitates their involvement even in the short term.

In the attempt to overcome this limitation, the staff of the drop-in centre structured the workshops in such a way that they can be accessed and left at any point by any child, since self expression is encouraged from the very beginning and each session may stand alone including a conclusion and wrap-up. Access to the activities is also fostered by the nature of the spaces in which they take place, i.e. a sort of open space where all children pass by. Most of the instruments and tools available (camera, writing materials, books, magazines) can be freely accessed and used by the children even outside the centre.

Children are also given the possibility to be involved in such activities as much as they want in terms of personal engagement and time. Children are not forced to participate or to share more than they

are willing to. Flexibility, easy access and individualized approach make the expressive workshops tailored to the needs and skills of each child participating and in general of children in transit.

**Challenge: Children attending the recreational activities might be from different countries, speaking different languages and with different backgrounds.**

- ✎ When recreational activities are set up for children of different origins and backgrounds, particular attention should be paid to the language and cultural differences among the children, in order to be accessible to the maximum extent to all children.

The staff of the drop-in centre put a big emphasis on the use of images and music in order to face the language barriers among children from different countries. In particular, the use of musical instruments, cameras or drawing facilitates unaccompanied children's expression and communication with the staff of the centre and with the other children.

## E. Profiling interviews and best interests assessment (BIA)

### The needs

Unaccompanied children arrive in Greece, Italy and France alone. Since the children are in transit, they may, thus, remain beyond the care of the national authorities and are alone in making all decisions with regard to their immediate future. Separation and isolation are compounded by the burden of expectations families put on them and the pressure exercised by their community, smugglers and traffickers.

Whenever identified and placed in reception facilities, many unaccompanied children in transit leave their assigned accommodation within a very short time. Children met by project staff reported the inadequacy of the reception centres in meeting their expectations and finding solutions as one of the reasons for leaving.

### The objectives

A BIA is an assessment made by staff taking action with regard to individual children, except when a best interests determination procedure<sup>76</sup> 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.<sup>77</sup>

A BIA is not used to find durable solutions, but to provide advice on what is in a child's best interests in the immediate future. In the context of unaccompanied children on the move, a BIA tries to

<sup>76</sup> For a definition and more information on best interests determination procedure, see section 4.

<sup>77</sup> UN High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, available at: <http://www.unhcr.org/refworld/docid/48480c342.html> [accessed 4 July 2012];

Art. 3 of the CRC states that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision".

support children in transit in making the best informed decisions on their immediate future, taking into consideration their rights, their views and the existing opportunities. Assessing the best interests of these children is fundamental in order to efficiently address their needs and to avoid their departure from the reception centres and the consequent abuse, violence and exploitation they may suffer continuing their journey.

A BIA is carried out on the basis of the information collected through profiling interviews with children. Profiling interviews and BIA aim to:

- Obtain, to the greatest extent, information on the child, necessary to understand his/her accurate profile.
- Support children in the expression of themselves and in being active subjects in the decision making process affecting them.
- Identify the child's protection needs and respond appropriately, including by way of specific referral to services and stakeholders according to those needs.
- Ensure the respect of the child's best interests in all circumstances and that the best solutions for the child's immediate future are found.

### The activity

Profiling interviews are conducted when project staff needs to obtain information on a child, necessary to the completion of a BIA at a later stage or for the provision of tailored information on legal procedures and protection options. Interviews are not carried out with all children met by project staff, but rather with those who have sought additional support or have expressed their interest for additional services upon fulfilment of the immediate health and security needs.

The establishment of a trust relationship with the child is preferable before the interview is carried out, in order to encourage the child to feel more open to speak about him/herself. However, children generally transit through the three project countries swiftly, thus project staff attempt to carry out interviews within a short time frame after first assistance, information and counselling are provided.

Interviews are conducted by a legal officer or a social worker, with the support of a cultural mediator. Interviews are voluntary and are carried out respecting the principles of security, confidentiality and impartiality.

The child is informed that the information will remain confidential and will only be shared with authorized personnel for the provision of necessary services. The interviews take place in a secure and child friendly space, such as at the drop-in centres or, in their absence, in the office of the project partner in France, in a separate room that ensures the privacy and comfort of the child. The interviewer tries to collect all necessary information on the child so as to outline an accurate profile of his/her origin, background and expectations, including information on the child's family, life in his or her country of origin, migration path and project and protection needs.

The information gathered and the views expressed by the child are the basis for assessing the child's best interests. The latter is evaluated on an individual basis, taking into account the specific features of each case and some basic criteria i.e. the child's views and opinion (Art. 12 CRC), safe environment, family and close relationships (Art. 5, 7, 9 and 10 CRC), development and identity, needs and rights (Art. 6 CRC).

The assessment should identify what solutions are in a child's best interests in the immediate future. It is thus completed before any action affecting a child is undertaken.

The assessment does not require specific formalities or procedural safeguards and can be done by staff with the required expertise, considering all the information on the child at hand and with the participation of the child.

According to the outcome of the assessment, children are referred to health services, temporary accommodation or the relevant authority according to the identified solutions.

In a few cases children registered as unaccompanied and referred by law enforcement authorities to the staff in Greece have claimed to be accompanied by adults who presented themselves first at the drop-in centre and then to the District Attorney declaring to be close relatives and responsible for the child. In these cases the team, with the direct involvement of the District Attorney, conducted an additional profiling interview with the alleged family member and compared the information collected through the child's narration. A BIA followed and in all cases (all cases involved adolescents) the child was reunited with the family member following the District Attorney's order.

In Italy, BIA are conducted principally by the legal adviser when a child asks for specific legal counselling. Profiling interviews and BIA are a necessary requirement for referral to the night centre, assessing the age and particular vulnerabilities of the child to ensure that temporary night accommodation is an appropriate referral in the circumstances.

In France BIA are conducted upon the child's placement in official reception centres, with the aim of supporting the centres' and social welfare staff in identifying the best administrative path for unaccompanied children whenever the staff is not specialized in migration and asylum matters. The team assists these actors during the BIA and in the planning and provision of services for the child's well being in the short and long term.

### **The impact**

In a 5 month period, 604 children were registered at the drop-in centres and mobile drop-in unit, and 233 profiling interviews and 142 BIA have been carried out. On the basis of these activities, 162 unaccompanied children have been referred to temporary accommodation (data does not include France), 24 entered official accommodation, 7 reunified unofficially with their family members and 17 were channelled into specific procedures, i.e. asylum procedure and family reunification procedure.

The total number of children undertaking profiling interviews and BIA is fairly low compared to the number of children registered at the drop-in centres and mobile drop-in unit in the same period. However, when evaluating the impact of the activity, the reasons for which children on the move refrain from looking for protection solutions in all three countries, as illustrated in detail in the framework of the previous analysis, should be taken into consideration. In addition, the very short length of the stay of the target group within the drop-in centres or reception centres do not facilitate the establishment of all conditions necessary to carry out interviews and BIA.

It is however to be highlighted that whenever concrete and tailored solutions could be proposed, for example temporary accommodation, the number of children willing to undertake interviews and BIAs increased dramatically. In addition, it is to be noted that all children referred to official reception centres in France undertook interviews and solutions were found based on the assessment of their best interests.

What seems more relevant here is the qualitative assessment of the impact of such activities. The approach and methodology applied during the interviews respected the child's rights and the principle of the child's participation and empowerment. All immediate solutions identified were based on the full consideration of the child's views and will, which facilitate their implementation and their sustainability. For all children who agreed to undertake interviews for BIA purposes, concrete solutions were identified and implemented.

M., a 13 years old child of Iraqi/Kurdish origin was found by the Coast Guard of Patras accompanied by an elderly foreign man who attempted to embark M. on a ship going to Italy, without travel documents. The adult was arrested and the port authorities called project staff following a verbal order by the Public Prosecutor, to pick up the child and to accommodate him temporarily in a hotel until a parent or somebody acting as a guardian could be found. Coordinated actions took place between the project team, the coast guard and prosecution authorities to gather information on M. At this point, another adult appeared claiming to be the uncle and guardian of the child, but with no legal documents to prove it. In assessing the claim of the alleged uncle, project staff together with the Public Prosecutor assessed the best interests of the child, including his right to family unity, and advised the uncle to provide appropriate legal documents if he wished to obtain custody for M. In the meantime, M.'s BIA was assessed, resulting in referral to a reception centre while the uncle's claims and documents were verified. The project team requested authorization by the Deputy Public Prosecutor for Minors in Patras in order to proceed to this referral. Before the child was referred to a reception centre, M.'s uncle presented himself to the Deputy Public Prosecutor for Minors' Office and provided a certificate issued by the Embassy of the Republic of Iraq proving his relationship with the child (uncle and guardian). The Public Prosecutor for Minors contacted the Embassy to verify the validity of the certificate and eventually the child's custody was given to the uncle.

### Challenging factors

**Challenge: Determined to continue their trip, children may not agree to undertake profiling interviews and BIA or may provide false information.**

In order to increase the chances of conducting profiling interviews and relevant BIAs with the highest number of unaccompanied children, project staff chose a discreet approach, avoiding putting children under pressure and seeking to establish a relationship of trust in a relaxing and friendly environment. The staff tried to foster the child's participation by encouraging him/her to speak out freely. The collection of information was often completed through several short interviews as well as through more informal discussions, according to the child's situation, his/her willingness to speak and the circumstances in the drop-in centres.

**Challenge: Lack of resources, know-how and available options may prevent stakeholders from carrying out a BIA and identifying the best solutions for unaccompanied children, with consequent failures in their implementation.**

Within the project, support was provided to staff at the reception centres in undertaking interviews and BIAs, supported also by the conduction of meetings and training. This facilitated capacity building of local relevant stakeholders and contributed to the dissemination of the principle of the child's best interests and child participation. A close relationship was also established with all relevant stakeholders, ensuring that identified children were referred to project staff for an assessment of their needs and the identification of tailored solutions.

## F. Referral

### The needs

Unaccompanied children in transit may have limited or no access to assistance, accommodation and services offered by official or alternative protection mechanisms on a local and national scale. In the project countries reception centres for children can only be accessed upon identification and registration with law enforcement and other authorities. Where emergency temporary reception services are accessible to adults, children are not admitted since they should be placed in official children accommodation upon a regular identification procedure. In Italy this includes automatic fingerprinting, in the case of Greece health screening and in France identification by the Border Police without automatic fingerprinting. Children on the move live therefore in informal settlements, sleeping rough, with no access to sanitation, health care, legal counselling and any kind of assistance or protection.

In addition, whenever services are available, they are provided by different actors with no coordinated intervention, structured referral or coordination mechanisms. The impact and efficacy of the intervention is not discussed within local organizations and authorities, thus the need of setting up a clear referral mechanism arose in order to coordinate and improve the use and efficiency of the available resources.

### The objectives

Referrals aims to:

- Facilitate the access of unaccompanied children on the move to primary reception, counselling and referral services.
- Increase the number of unaccompanied children benefiting from protection mechanisms offered in the project countries.
- Develop a network involving relevant authorities, NGOs, IGOs and actors providing support and services to unaccompanied children and establish cooperation among them.
- Establish smooth and efficient procedures of referral to formal and informal protection services;
- Increase awareness and participation of the authorities in the referral system ensuring that all relevant stakeholders take full responsibilities on protection of unaccompanied children on the move.

### The activity

Referrals includes all types of interventions aimed at referring unaccompanied children on the move to specific assistance and services provided by different stakeholders, according to the child's needs and best interests. For the purpose of rationalizing data collection in the framework of this project, referral was divided in three main categories:

- Referral to official protection mechanisms such as: law enforcement authorities and public hospitals for the child's identification and screening functional to inclusion in reception facilities, or to initiate the asylum procedure; Child Welfare Social Services; authorities and UNHCR for family reunification.
- Referral to health services such as clinics, medical centres, private volunteer doctors and NGOS.
- Referral to temporary and alternative accommodation facilities.



It is important to highlight that the specific referral mechanism and the related networks put in place by each partner depend on the different contexts, pre-existing conditions and available services in project countries. Accordingly, each country has focused more on specific forms of referral.

In Greece, due to the lack of an integrated protection system for children, referral was developed in different directions. If the child wishes to apply for international protection, s/he is referred to the competent law enforcement authorities. When the child is willing to enter the official protection mechanism, referral demands several steps: referral to public hospitals for issuing the mandatory health certificate, referral to the Ministry of Health for identification of a place in a reception centre, referral to the Public Prosecutor for the appointment of a guardian, transfer of the child to a reception centre. Due to the scarce availability of places in reception centres, the team has developed a system of referral to temporary accommodation, namely hotel rooms, where the child remains for a limited period, when needed accompanied by the social worker. During this stay, provision of meals is ensured in cooperation with the local church on a daily basis.

In addition, the Greek team has developed a system of referral from police and port authorities to project staff when children are questioned in the street, at spontaneous settlements and in the port, as well as in cases of return from Italy. The mechanism works on a 24/7 basis and the team carries out direct visits to the child, speaks with him or her, helps the authorities in the child's identification with the support of the cultural mediator and provides the child with information about the protection systems in Greece and the services offered by the drop-in centre. Upon the visit of the project staff, the child is generally released if no juvenile justice issues are involved. The child is then invited to go to the drop-in centre where more information is provided.

In Italy referrals to child protection mechanisms involve accompanying the child to law enforcement authorities for the identification of the child as a minor. Following this procedure, law enforcement authorities are responsible for the subsequent steps leading to the placement of children in a reception centre for children, which is identified by the relevant Municipality's Social Services Department. All consequent procedures are then carried out by the Child Welfare Services of the Municipality and the responsible persons in the reception facility. *CivicoZero* has developed, in collaboration with local law enforcement authorities, an informal standard procedure for the placement of unaccompanied children in the official reception system. However, referral to law enforcement authorities is often feared by children in transit, in particular because of compulsory fingerprinting. Therefore children who are not willing to enter into the official protection mechanism choose spontaneous settlements, where they are exposed to risky and dangerous situations, rather than accommodation services.

On this basis, *CivicoZero* has developed a local referral system providing "alternative protection". This referral system offers services on a 24 hour basis with the aim of providing assistance and facilitating the protection of unaccompanied children who had entered the country with the intention of proceeding elsewhere and, thus, not willing to enter official protection mechanisms. This also by raising awareness on and increasing opportunities to access the available protection opportunities and providing an option to reconsider their migration project. Beyond the drop-in centre *CivicoZero*, the system involves associations of volunteers and NGOs providing material assistance and counselling to unaccompanied children and other migrants and asylum seekers, a local hospital and a newly established temporary night accommodation centre for children in transit, *A28*, run by the NGO *Intersos*. The centre opened in December 2011 and offers overnight accommodation and basic services on a temporary basis for up to 22 children in transit, mainly Afghans. In order to guarantee high standard of protection, *CivicoZero* has developed a selection procedure for accessing it and is in charge of coordinating referral to this centre. Children, encountered during the outreach activities are sent by the project staff or by other stakeholders to the drop-in centre, where their situation is assessed through individual interviews before

admission to the A28. The assessment is based on the following criteria: minor age, health conditions, unaccompanied status, duration of their permanence in Rome and existence of a network around the child, i.e. whether the child is travelling alone or with referent adults. Staff operating in the day centre monitor the turnover of children at the night centre and the availability of places. While being outside the official reception system envisaged in Italy, A28 operates under an agreement with the Municipality of Rome, within an emergency and temporary framework.

In France, just as in Italy, inclusion in child protection mechanisms passes through identification by law enforcement authorities. In Calais the responsible authority is the Border Police. Children are then placed in reception centres, which are not used solely by unaccompanied children and thus do not have in-house specific expertise and know-how on migration and asylum procedures. Project staff decided therefore to focus on the establishment of a networking system with the aim of sharing good practices on child assistance and protection, enhancing the coordination mechanism and strengthening capacity building of local authorities and civil society organizations. Accordingly, after referral to reception centres, project staff ensured follow-up on all necessary procedures (asylum application, French nationality, family reunification) through referral of single cases to the competent authorities.

M., a 17 years old Afghan child was met during outreach in Rome in April 2012 and referred to the drop-in centre. Indeed, the following day, he went to the drop-in centre where project staff provided him with socio-legal information and referred him to the temporary night reception centre in Rome. After a few afternoons at the drop-in centre, M. asked to speak to the legal advisor and during the counselling session he reported that, after having been identified as a child in Ancona, he had left for Switzerland where he was again identified as a child and issued an expulsion order. The legal advisor informed M. about his rights in Italy and protection options, as well as the procedure for entering a children's home and for requesting international protection. M. asked for some time in order to consider the possibility of staying in Italy. For 10 days he stayed in the night centre, and during the day spent his time between the various services that are part of the local referral system in Rome for children in transit. Given time to reflect on his situation, M. decided to enter the national protection system for children. Drop-in centre staff took the child to the law enforcement authorities who are in charge of placing children in reception facilities in Italy.

### The impact

The referral mechanisms put in place in the project countries managed to involve all stakeholders playing a role in child protection at local level, establishing comprehensive referral systems. NGOs, law enforcement authorities, child protection authorities, medical services and reception centres were all involved with the aim of responding to the needs of the target group in an integrated and coordinated manner. The system was established through an assessment of the local reality, needs and available resources, continuous networking and dialogue with relevant stakeholders both at national and local level. This has facilitated the child's referral to specialized services in order to provide the best assistance tailored to each child's needs, taking into consideration the child's opinion, active participation and will. This system proved to be innovative, in particular in locations where no network or coordination among the different stakeholders was in place.

In Greece, the well established cooperation with port authorities for the referral of children to project partners was the result of a proactive activity of networking and advocacy, which resulted in a good practice likely to be pursued and strengthened in all future interventions. In addition, project partners tried to involve all relevant stakeholders, putting in place a more regulated system and increasing the authorities' participation and awareness of their responsibilities in child protection.

In Italy, the alternative integrated referral mechanism established improved immediate protection of unaccompanied children who refuse to be included in official protection mechanisms, reducing their abuse. Children were granted continuous assistance based on provision of services on a 24 hours basis, tailored to the specific needs of the target group. Children were “followed” throughout the day by the different actors involved in the referral system, each of them providing specific interventions in an integrated manner, thus avoiding overlap or lack of services. Children had, thereby, the chance to follow a “protection cycle” starting with breakfast in A28, continuing with recreational activities and lunch provided by civil society organizations, afternoon activities in the drop-in centre, dinner and medical services provided by NGOs. By the late evening, the cycle comes to an end with night accommodation in A28. Since December 2011, 245 children have been referred to the temporary night accommodation centre. The system filled a long lasting gap in the immediate protection of children in transit who, not willing to be registered with the authorities, were forced to sleep rough in spontaneous settlements with adults, smugglers and traffickers.

In France the constant and proactive networking activities carried out by the project’s staff with local stakeholders had a very relevant impact on the existing referral system, with a new reception mechanism envisaged in the Pas-de-Calais Department from July 2012. An emergency reception centre for unaccompanied children will open in the department and will be run by France Terre d’Asile based on an agreement with the local authority responsible for protection and care of children. In the new reception system, referral through border authorities will be replaced by referral through France Terre d’Asile. Law enforcement authorities would also refer intercepted unaccompanied children on the move to France Terre d’Asile. In the emergency shelter, which will have a capacity of 30 places, unaccompanied children will receive first assistance, food and night accommodation and will have the possibility to access the day-care centre, where their situation and needs will be provisionally assessed. After 5 days of consecutive presence, unaccompanied children who will agree to stay will be issued a Temporary Placement Request by the competent authorities and will be placed in a long term reception centre. Yet, they will keep enjoying the assistance of the day-care centre where they will be able to follow a French language program and to receive assistance for their legal and administrative needs.

In a 10 month period, a total of 37 children agreed to be referred to official protection mechanisms. Considering that 1094 children were registered by the drop-in centres and mobile drop-in unit, a great majority of them having received information, 323 enjoyed legal counselling and follow-up and 270 were referred, to temporary accommodation, the percentage of those who finally entered protection in project countries is very low. This percentage is similar in the three countries, despite the different specific legal frameworks and contexts.

It is still premature to make an overall evaluation of the impact of all services provided through project intervention, since some of them, have been established and undertaken only recently. In Italy the alternative referral system for children on the move was established only in December 2011, while the interventions in the form of a mobile drop-in unit and a drop-in centre in Patras and France were established only in September 2011. Accordingly, no assessment of the impact of the intervention in the long-term can yet been completed. However, the quantitative data mentioned above show that, despite providing assistance and protection services, information about rights, protection opportunities and tailored legal counselling, the intervention had a very limited impact on reducing children’s transit through project countries.

The reasons behind this are manifold and, as already discussed in previous sections, they include influence from co-nationals, the pressure exercised by the family, the length of the refugee status determination procedure and/or procedures for obtaining a permit of stay as well as insufficient

reception standards and scarce integration perspectives. Qualitative data collected through discussions and interviews with children highlighted that the limited integration opportunities in transit countries with regard to access to secondary education, vocational training and the job market play an important role in preventing children from remaining in Greece, Italy and France. Many children who entered protection mechanisms left after a short time due to the unsatisfactory reception conditions and prospects for integration especially in comparison to real or false information they had about reception conditions in other EU MSs. Their negative experience has a strong influence in other children's decision to enter accommodation and protection mechanisms.

### Challenging factors

**Challenge: children may not be willing to be referred to authorities due to their fear of being identified and fingerprinted and, thus, being returned from their chosen “destination country” to, what they consider to be, ‘transit’ countries in accordance with the Dublin Regulation. Even when services are available to them, children may disappear without enjoying them.**

- ✍ When establishing referral and reception systems, stakeholders should carefully assess the child's will and needs and identify possible tailored and effective solutions.

As explained above, project partners tried to address it by establishing a coordinated referral system built on the assessment and consideration of the needs of unaccompanied children on the move. Conscious of the reasons preventing unaccompanied children on the move from enjoying protection provided by the authorities, project partners piloted and will envisage new forms of referral and temporary reception. While the result on increasing protection of this target group in a more comprehensive way may be evaluated in the future, the impact on immediate protection of children cannot be denied, since children are given an immediate alternative to the street during their permanence.

Before carrying out referral, the project staff tried to identify the best available solution for each child. In order to understand the child's wishes and needs, profiling interviews were conducted. The child's opinion was taken into consideration during every step of the referral procedure, and his/her needs constantly assessed by the project's staff. Listening to the child's opinion and properly assessing her/his needs have proved to be the most efficient and successful way of referral to other stakeholders, since it ensured the child actual availability to be referred and the effective access and enjoyment of the services provided.<sup>79</sup>

One afternoon in mid January 2012, N., a 17 years old Afghan unaccompanied child, arrived at the drop-in centre and requested to enter the national protection system for children. He said that he had decided to remain in Italy, in agreement with his family, who were not able to support him financially any longer. Given the time of day, which was outside the opening hours given by the police in Rome in charge of identifying children prior to their placement in care, project staff could not accompany him immediately. Therefore he was referred that night to the temporary reception centre, A28. The following day N. returned to the day center and said that, after having spoken to his co-nationals at Ostiense station, he had changed his mind. N. said that his co-nationals had advised him to continue his journey towards Northern Europe, where asylum seeking children receive better protection.

<sup>79</sup> For a detailed analysis of profiling interviews and best interests assessment, see section 3.E.

### **Challenge: Lack of standard operating procedures (SOPs).**

➤ The project staff tried to compensate the lack of SOPs regulating the activities and interventions of the different stakeholders involved in the referral mechanism by establishing a clear referral chain and in particular:

- Clarifying the different roles of the actors involved and the services provided.
- Arranging regular meetings among the stakeholders involved.
- Guaranteeing the availability of project staff on a 24/7 basis.

### **Challenge: Lack of essential services available to adults could affect the full access of unaccompanied children to tailored services. Services envisaged for unaccompanied children could be claimed by adults who are not receiving assistance otherwise.**

➤ During the project providers already offering services to children and/or adults in the territory were mapped and an effort was made in order to:

- Include all relevant actors in the network and refer adults to appropriate services, ensuring that the services offered targets only children.
- Identify gaps in the services for adults and promote the allocation of resources to services targeting adults, knowing that promoting these services will have an indirect impact on the services provided to children, by avoiding unwarranted requests from adults.



*Photo by Mohammed Keita,  
taken during expressive workshops at CivicoZero*

# Best interests determination: Proposal for tools and methodologies in Italy

## Introduction

**A**s described in detail in the previous section, among the project's other activities, best interests assessments (BIA) have been carried out by project staff before undertaking any action affecting a child, in order to assess the best option for the child's immediate future.<sup>80</sup>

A BIA 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.

BID is a formal process with strict procedural safeguards designed to determine a child's best interests for particularly important decisions affecting the child, including durable solutions such as local integration, return or a third country solution. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant

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<sup>80</sup> For an in depth analysis of the BIA as carried out within this project, refer to section 3.E.

factors in order to assess the best options. The process must be documented.<sup>81</sup>

The BIA and BID procedures should be part of a comprehensive child protection system which should include mechanism to identify the best interests of the child, and which may range from an assessment of which option is in the best interests of the child to a formal process with strict procedural safeguards.<sup>82</sup>

In EU Member States systematic and comprehensive BID procedures do not appear to be in place.

UNHCR and UNICEF, in consultation with a reference group of organizations which included, among others, Save the Children, the International Organization for Migration, NIDOS and the Separated Children in Europe Programme (SCEP), are finalizing the Guidance for determining the best interests of the child in industrialized States, with particular reference to the European context. In view of the upcoming Guidance and since the debate on a BID procedure in Italy is at a very early stage, the considerations included in this paragraph should be considered as a preparatory work for the development of a tool and methodology to carry out a BID procedure in Italy.

The Guidance has been developed on the basis of preliminary surveys conducted in some European countries including Italy in consultation with relevant stakeholders and will be published in late fall 2012.

In this framework, in Italy, an effort has been made to identify the applicable institutional and legal framework regulating the assistance and care of unaccompanied children, as well as the actors responsible for making decisions in the child's best interests, as the basis for the development and implementation of a BID procedure, in cooperation with relevant authorities. This aimed at ensuring a realistic and flexible approach, considering the existing national system and available resources while at the same time encouraging stakeholders to discuss possibilities for gradual improvements in line with international child protection standards.

The development of a BID tool for the Italian context focused therefore on 3 aspects:

- The identification of procedural safeguards and criteria in the determination of the best interests of the child.
- The identification of authorities already in charge of making decisions related to children and the possible role that they might have in a BID procedure.
- The identification of durable solutions for unaccompanied children.

## Procedural safeguards in the determination of the best interests of the child

In order to define the procedural safeguards to be followed when conducting a BID process, it has been essential to define the procedures already in place in the reception and assistance of unaccompanied children in Italy and in the identification of the durable solutions available for unaccompanied children. On the basis of the experience of the organizations involved in the project, some procedural safeguards in the reception, assistance and referral of unaccompanied children have been identified as fundamental for the determination of the child's best interests.

These safeguards have been identified as follows:

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<sup>81</sup> UNHCR BID Guidelines, *ibid*, p.59.

<sup>82</sup> *Ibid*.

- **Identification (including age assessment):** prioritized identification of unaccompanied children as soon as their presence becomes known to the authorities.<sup>83</sup> Age assessment should be carried out only where there is doubt about the child's age.
- A **cultural linguistic mediator/interpreter** should be made available to allow the child to express him or herself.
- **Registration and documentation:** unaccompanied children should be registered and their presence communicated to the competent authorities.
- **Provision of information:** children should be informed, with the assistance of a cultural mediator, of the possibility to apply for international protection and on all rights and protection unaccompanied children are entitled to in Italy.
- **Legal representation:** a guardian or adviser should be appointed as soon as the unaccompanied child is identified and maintained until the child has either reached the age of majority or has permanently left the territory and/or jurisdiction of the State.<sup>84</sup> Children should be provided with a legal representative or temporary guardian also during the identification process (including age assessment).
- **Information gathering and documentation:** a dossier including all the information on the child should be filled and constantly updated, it should contain all the information provided by the child, the parents or caregivers and the experts dealing with the case.
- **Children's placement and care:** any decision on a child's placement and care should be taken in the child's best interests.
- **Right of the child to participate:** the views of the child should be given due weight in accordance with the age and maturity of the child as envisaged by art. 12 of the UN Convention on the Rights of the Child.
- **Reasoned decisions** on a durable solution in the best interests of the child should be issued in writing.
- **Right to appeal:** all decisions taken in a child's best interests, especially those involving durable solutions, but equally the age assessment findings, should be subject to judicial review before a competent judicial authority.

## Authorities involved in the assistance of unaccompanied children

The legislation on unaccompanied children and on children in need<sup>85</sup> in Italy envisages several authorities responsible for making decisions for all children. These authorities should also be involved in the assistance of unaccompanied children. In particular, the following actors have been identified as having primary responsibility in this regard in the Italian context:

- The Juvenile Court
- The Ordinary Court - Guardianship Judge
- The guardian

<sup>83</sup> General Comment No. 6, par. 31, *ibid.* p.14.

<sup>84</sup> General Comment No. 6, par. 33-38, *ibid.* p.14.

<sup>85</sup> The Italian Civil Code and the Law 184/1983 envisage the provisions related to the guardianship, adoption and foster care of all children, Italian and foreign.



- The social services
- The Committee for Foreign Minors.<sup>86</sup>

In line with the UNHCR Guidelines,<sup>87</sup> according to which a multi-disciplinary, gender balanced panel, comprising persons with professional expertise in child development and child protection should have the function of assessing the available options and deciding which option or durable solution is in the child's best interests,<sup>88</sup> in Italy efforts have been focused on the identification of the most suitable authority for undertaking this role among those already envisaged by Italian law.

The two bodies that have been preliminary identified, for their composition<sup>89</sup> and mandate, are the Committee for Foreign Minors and the Juvenile Courts.

## Durable solutions for unaccompanied children

The identification of durable solutions in the child's best interests depends on the national context and on the possibilities envisaged by the Law.

Given the fact that unaccompanied children in Italy can legally remain in the country and obtain a residence permit since they are underage,<sup>90</sup> **integration** in Italy has been identified as the first durable solution that could be envisaged for the child once his/her legal status has been defined.

If the child is willing to return in his/her country of origin on the basis of the result of the family tracing activities, it should be evaluated if **assisted voluntary return** could be the durable solution for the child in his/her best interests.

A third durable solution possibly envisaged in Italy is the **reunification of a child with a family member legally residing in a third country** provided that it is in the child's best interests and according to the national and international legislation.<sup>91</sup>

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<sup>86</sup> For an overview of the competencies of the mentioned subjects please refer to section on the relevant legal framework and standards.

<sup>87</sup> UNHCR BID Guidelines, *ibid.* p. 59.

<sup>88</sup> *Ibid.*

<sup>89</sup> The Juvenile Court is composed of 4 members: two professional judges ("giudici togati") and two honorary members (one female and one male) selected among professional psychologists, anthropologists, pedagogues or experts in childhood. The Committee for Foreign Minors is an inter-institutional body established by the Ministry of Labour, Health and Social Policy. It is composed of 9 Members, including representatives of: the Ministry of Labour, Health and Social Policy; the Ministry of Foreign Affairs; the Ministry of the Interior; the Ministry of Justice; ANCI (National Association of Italian Municipalities), UNHCR, Union of Italian Provinces, and an NGO.

<sup>90</sup> As described in the Legal framework, children in Italy are entitled to receive a residence permit and cannot be expelled (Legislative Decree/Decreto Legislativo 286/1998 "Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero", Art. 19.2). If a child has applied for international protection he/she could receive a residence permit for refugee, subsidiary protection or for humanitarian reasons.

<sup>91</sup> In this regard the definition of family members with whom an unaccompanied child may be entitled to reunite, should include close relatives who are legal or customary primary caregiver and child and adult siblings, provided that it is determined to be in the child's best interests to reside with them. See Inter-agency Guiding Principles on Unaccompanied and Separated Children, January 2004, available at [http://www.unicef.org/violencestudy/pdf/LAG\\_UASCs.pdf](http://www.unicef.org/violencestudy/pdf/LAG_UASCs.pdf).





# Conclusion and recommendations

## Main project findings and lessons learned

The absence of comprehensive data on unaccompanied children on the move in the project countries Greece, Italy and France hampers the formulation of appropriate responses. Therefore, it was decided to make an effort, in the framework of the project, in gathering quantitative and qualitative data through project interventions. While the data gathered in the context of the project will not capture the full picture of the concerned population, they can be considered a representative sample, based on the fact that Patras, Rome and Calais are among the main transit locations of the project's target group, as illustrated by the following figures:

In a 10 month period (August 2011 – May 2012), project partners met at least 1,094 unaccompanied children in transit, the majority in Patras (407) and Rome (520). There were a lower number of contacts (167) in Calais, where – unlike in Patras and Rome - only children headed for the United Kingdom are found.

The majority of the children met in Greece (328 out of a total of 407) and France (127 out of a total of 167) continued to benefit from project services for up to 5 months following their first registration with project partners. In Rome children seem to remain for only an average of two weeks, possibly because it is relatively easy to organize onward travel from Italy.

The analysis illustrated in section 3 of this report, indicates that the intervention established through the project had a remarkable impact in terms of immediate protection of unaccompanied children in transit in Patras, Rome and Calais. As described in section 3 on the local context, in Patras and Calais, the establishment of the drop-in centre and mobile drop-in unit permitted daily, consistent and effective assistance interventions in locations where tailored services were not previously available for this target group. In Italy the already established intervention was enhanced, testing specific responses tailored to children in transit or strengthening existing ones, such as profiling interviews or the provision of information. In all locations outreach activities allowed for contact with 1,083 children.

Almost all children met by staff in drop-in centres and mobile units were provided with socio-legal information on their rights under national law and protection opportunities. All children received some kind of first assistance, tailored to their needs, as well as facilitated access to safe places, i.e. drop-in centres. This contributed to reducing the time children spent in the street and, thus, the risks of being neglected and subject to violence and abuse. Children were offered the opportunity to access more tailored services such as legal and health counselling, profiling interviews, best interests assessment based on individual profiling interviews, individual follow-up and referral, all of which contributed to foster their awareness, participation and empowerment. A detailed analysis of these interventions, the number of beneficiaries and the impact is presented in section 3.

## Conclusion and recommendations

The project had on the other hand a limited impact on what one could call the long term protection of unaccompanied children on the move, in relation to the number of children entering the national protection and care mechanisms existing in project countries and in terms of reducing voluntary onwards movements and related risks. Statistics on referrals to official protection mechanisms show that, despite the significant number of children in transit in need of assistance and support, only 37 of them, equivalent to about 4% of the children reached through the project, accepted referral to protection mechanisms following project intervention (16 in Greece, 7 in Italy and 14 in France).

The limited impact in this regard is determined by both, systemic factors and inadequacies, as well as by the particular characteristics of the target group, combined with causes of their migration. Project findings, confirmed through direct information obtained from children, have demonstrated that several factors encourage and determine the decision of children to continue their journey, most importantly the child's network as well as other factors pertaining to the national level (in Greece, Italy and France) and to the European Union (EU) Level:

### THE CHILD'S NETWORK:

- The **pressure** exerted by family members both in the country of origin and of destination, who expect that the child complete the original migration project.
- The **influence** exercised by the immediate environment of the child, including co-nationals, who allegedly had negative experiences in project countries and smugglers, who have an economic interest in encouraging onward migration.

### AT NATIONAL LEVEL IN GREECE, ITALY AND FRANCE:

The most important factors determining children's decisions to continue their journey to European countries, other than Greece, Italy and France, are:

- **Children's expectations and believes regarding integration opportunities, in relation, *inter alia*, to access to education, vocational training and the job market.** Independently from their needs of international protection, children in transit and their families have specific expectations regarding their immediate future, in particular access to secondary school and vocational training. Among the ultimate objectives is to find decent jobs allowing them to support their families and themselves. Since protection measures in project countries apply to children because of their age, rather than because of their status, most of the children in transit arriving in project countries close to 18 years of age have limited opportunities for accessing integration programs. In particular once they turn 18 they are generally required to leave reception facilities with no further support since there are no viable transitional measures to mitigate the difficult passage to early adulthood.
- **Inadequacy or the absence of reception facilities and social services to promptly respond to children's needs and to meet their expectations. In some locations in project countries** reception is critical in terms of availability and support offered. Standards vary from place to place and, thus, they do not always ensure respect of fundamental rights of the child, such as recreational and educational opportunities, prompt provision of information, sufficient communication with the relevant officers and responsible persons, participation of children in the decisions making process. These were noted as the main causes of disappearance of children from reception centres.

- **Lack of reception responses tailored to children in transit.** The identification procedure which is required to access reception facilities plays a deterrent role for children, who fear being identified, registered and fingerprinted. Heading towards Northern European Countries, they want to avoid any procedure that may entail the risk of being returned, under the Dublin II Regulation, to countries where they do not intend to remain. During their presence, they therefore opt not to benefit from existing protection measures. Instead they remain homeless and, consequently, continue being exposed to dangers and abuses inherent to the smuggling networks and to living conditions in hazardous and unsafe environments.
- **Inadequate age assessments and identification procedures.** Age assessments procedures are either lacking or they are carried out without a uniform and systematic methodology; they do not adopt a holistic nor a multidisciplinary approach; margin of errors are seldom taken into consideration and children's rights (to be informed about the procedure and the consequences of the age assessment and to give their informed consent to it) and their representation through a guardian or other legal representative are not always ensured.
- **Lengthy and inefficient procedures for the appointment of the guardian.** Guardianship provisions face considerable challenges in all three countries, and are not sufficiently designed or structured to meet the needs of all unaccompanied children.
- **Delays in obtaining access to the asylum procedure and the overall slow determination of the legal status of unaccompanied children.** Children who nevertheless decide to enter protection schemes and to remain in the country where they are identified, are discouraged by the long waiting periods as well as the insecurity and uncertainty of their legal status. Given, *inter alia*, the particular vulnerability of children their legal status needs to be determined timely. Legal regimes regulating legal stay of unaccompanied children in the three countries, vary in requirements, substance and procedures.

### AT EU LEVEL:

- **The interpretation of Article 6 of the Dublin II Regulation and the consequent possible return of children the authorities of their chosen destination countries.** According to the information collected through partners and counterparts in European countries as well as individual cases encountered by project partners, children may be returned to Member States they have transited through under Art. 6 of the Dublin II Regulation. The reasons are not always clear and may be subject to interpretation by Member States, with an outcome which does not take into account the child's best interests. Reasons may include previous identification and fingerprinting as adults in other Member State, despite the child's recognition as such in destination countries, as well as previous submission of an asylum application in the relevant Member State by a child recognized as being underage in both countries.
- **The limited legal opportunities for reaching relatives in other EU Member States, due to the restrictive definition of family members in EU laws.** The majority of the children encountered in the framework of this project who wished to reach their family in other European countries had older siblings, uncles and cousins in that country. Such family members are not considered by EU laws, in particular the Dublin II Regulation and the Family Reunification Directive, and most of the national legislations regulating for family reunification.
- **The length and complexity of the legal procedures for family reunification.** The cases supported during the period of project implementation showed prolonged procedures mainly due to the inquiries of the enquiring or receiving countries to prove the family link.

### Recommendations

The European Commission has acknowledged the challenging and growing phenomenon of unaccompanied children, departing alone from their countries of origin, undertaking an unsafe migration exposing themselves to risks of violence and abuses, and has issued an Action Plan for concrete solutions. States, having the ultimate responsibility of providing protection to children, are encouraged to do all that is within their power to effectively improve the protection situation and reduce the continuous exposure of children to violence and abuse. It is therefore recommended:

#### GENERAL RECOMMENDATIONS:

- To identify and implement tailored and effective responses at national and EU level for unaccompanied children in transit. Such responses should envisage short term solutions by guaranteeing access to assistance and reception services and long term solutions by ensuring concrete opportunities for local integration or transfer in other Member States, through measures such as effective family reunification.
- To ensure that the best interests of the child is always and truly the primary consideration in all actions affecting an unaccompanied child. To this aim, a clear binding provision stating that the best interests of the child should be the primary consideration for Member States with respect to all procedures affecting unaccompanied children, should be included in all national and EU laws related to unaccompanied children.
- To ensure that children are heard and their views are properly taken into consideration.
- To establish best interests determination procedures and to ensure that durable solutions are identified and implemented. In the determination of the child's best interests, States should adopt a multidisciplinary approach involving the opinion of independent experts.
- To ensure that specific information and awareness-raising activities are carried out in countries of origin, transit and destination and encompass family members and children's communities.
- To intensify efforts in the collection of disaggregated data and comprehensive statistics on unaccompanied children by developing common criteria and indicators. The collection of this data will enable the formulation of appropriate responses catered to the size and the status of the population.

#### RECOMMENDATIONS TO GREECE, ITALY AND FRANCE:

- To identify a single National Authority or body with responsibility for all unaccompanied children, regardless of their status. Such authority should facilitate the coordination among the various State institutions and bodies, and should suggest the adoption and actual implementation of appropriate measures for the protection of unaccompanied children.

#### Age assessments and identification:

- To develop a single set of operational guidelines on the timely identification of unaccompanied children and their specific vulnerabilities and protection needs immediately upon arrival. The guidelines should also provide indications on how best to identify specific protection measures in the best interests of each child.
- To ensure that age assessment is carried out as a measure of last resort where there are grounds for serious doubt and where other approaches, such as gathering documentary evidence, have failed

to establish the individual's age<sup>92</sup> and through multidisciplinary methods and standard procedures which are uniform nationally and preferably across the EU. A holistic and multidisciplinary approach should be adopted; a margin of error should be indicated and the benefit of the doubt applied; the child should be properly informed and his or her guardian or legal representative be present; procedural safeguards and the right to appeal against the decision should be ensured.

### Reception:

- To identify innovative solutions for reception systems tailored to the needs of unaccompanied children in transit. Tailored forms of reception should prevent their isolation and promote their access to accurate information and to protection mechanisms available at national level.
- To guarantee minimum common care standards for reception of unaccompanied children, to ensure the quality and conditions that are conducive to the child's development, able to guarantee the enjoyment of children's rights and promote the child's full and harmonious development.<sup>93</sup> This reception system should be centrally coordinated, sustainable in terms of funding and subject to a monitoring mechanism.

### Information:

- To ensure that unaccompanied children are promptly informed about their rights and protection opportunities, in a child-friendly manner and with the support of cultural mediators. Information should be provided throughout all procedures and information.
- To ensure that children are informed on decisions of the authorities, which shall be communicated in the presence of the children's guardian or legal representative and in a child-friendly manner so that children can understand them.

### Appointment of the guardian and issuance of legal documents:

- To guarantee that a guardian is appointed immediately for all unaccompanied children after identification, with the aim of ensuring that all children are advised accurately and their protection and welfare are properly guaranteed in all contexts.
- To establish a functional and effective guardianship system for all unaccompanied children, including through legislative amendments as appropriate. Such system should ensure that guardians can effectively act as guardians, with reference to know-how, expertise and capacity to individually follow each child they are appointed to. This system should foresee training, continuous supervision and appropriate legal assistance, and may be coordinated by independent authorities.
- To ensure that all unaccompanied children are timely granted a legal status and that legal documents are promptly issued.

### Integration opportunities:

- To improve prospects for integration by way of increasing funding for social policies to support integration pathways for unaccompanied children. Integration opportunities should be concrete

<sup>92</sup> With this purpose, see *SCEP Statement of Good Practice* 4th revised edition, p. 25.

<sup>93</sup> See UN General Assembly resolution on Guidelines for the Alternative Care of Children, A/RES/64/142, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/470/35/PDF/N0947035.pdf?OpenElement>.



## Conclusion and recommendations

and sustainable and should encompass education opportunities, vocational training and access into the job market as appropriate and according to relevant legislative provisions for the protection of the child's rights. Integration measures should be made available to all children promptly, independent of their legal status. The State should facilitate the recognition of children's previous studies and school certificates allowing children to access further studies in Europe.

- **To provide opportunities for integration for unaccompanied children upon turning 18** by promoting measures for accompanying them in such transition. For this purpose, specific provisions on the conversion of the residence permits should be envisaged so as to avoid that children fall into an irregular situation when turning 18.

### RECOMMENDATIONS TO THE EUROPEAN UNION

#### Transfer of children under the Dublin II Regulation:

- **Unaccompanied children are particularly vulnerable. In this respect, it is recommended that in the absence of a family member or of another relative, whenever a child has applied for international protection in more than one Member State, the Member State responsible for examining his or her application is the Member State where the child is present, provided that this is in the best interests of the child and that the child's views and opinions have been taken into due consideration.** This is in line with Article 8 (4) of the Proposal to Recast the Dublin II Regulation currently under negotiation. UNHCR encourages the Council and the European Parliament to reflect this recommendation in the final text agreed.
- **To ensure that the interpretation<sup>94</sup> and implementation of Article 6 paragraph 2 of the Dublin II Regulation<sup>95</sup> is anchored in best interests considerations.** Formal and comprehensive assessment procedures should be carried out before any decision regarding the determination of the responsibility for examining an asylum application of unaccompanied children. Transfers back to the Member State in which children first lodged an asylum application should take place only if this is clearly shown to be in the child's best interests.<sup>96</sup>
- **UNHCR recommends to establish a legal obligation for Member States to assume responsibility over the claim of an unaccompanied child who has a close relative on whom the child may be economically, socially or emotionally dependent and who can take care of him or her in such Member State, provided that this is determined to be in the child's best interests.<sup>97</sup>**
- **To ensure that procedural guarantees in all transfers are clearly defined, including the effective availability of legal remedies against any decision, the provision of proper information and the access to free legal assistance.** No transfer should take place pending an appeal.

<sup>94</sup> With this regard, see Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) (United Kingdom) made on 19 December 2011 – *MA, BT, DA v Secretary of State for the Home Department* (Case C-648/11). This concerns the interpretation of the second paragraph of Art. 6 of the Dublin II Regulation, i.e. which Member State is responsible under paragraph 2 for determining the application for asylum where an unaccompanied child has lodged an application in more than one Member State.

<sup>95</sup> Art. 6 par. 2 of the Dublin II Regulation states: "In the absence of a family member, the Member State responsible for examining the application shall be that where the minor has lodged his or her application for asylum." See the original Regulation on <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF>.

<sup>96</sup> UN High Commissioner for Refugees, *The Dublin II Regulation. A UNHCR Discussion Paper*, 2006, pp. 23-25.

<sup>97</sup> UN High Commissioner for Refugees, UNHCR comments on the European Commission's Proposal for a recast of the Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person ("Dublin II") (COM(2008) 820, 3 December 2008) and the European Commission's Proposal for a recast of the Regulation of the European Parliament and of the Council concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [the Dublin II Regulation] (COM(2008) 825, 3 December 2008), 18 March 2009, p.7- 9, available at: <http://www.unhcr.org/refworld/docid/49c0ca922.html> [accessed 2 July 2012].

### Family reunification:

- **To include in the definition of family members with whom an unaccompanied child may be entitled to reunite, close relatives who are legal or customary primary caregiver and child and adult siblings, in cases where a parent of the applicant is not present in the territory of a Member State, provided that it is determined to be in the child's best interests to reside with them.**<sup>98</sup> This extension reflects children's vulnerability and is consistent with States' obligations under international law.<sup>99</sup>
- **To speed up national family reunification procedures, including by introducing standard operating procedures and ensuring the mutual recognition of respective national decisions, including child custody.** In the requirements of proofs of the parental link or dependency situations, the child's best interests and wellbeing should be the primary consideration and children and parents should not bear an excessively heavy burden of proof of family link or dependency.<sup>100</sup>

<sup>98</sup> See *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, January 2004, available at [http://www.unicef.org/violencestudy/pdf/IAG\\_UASCs.pdf](http://www.unicef.org/violencestudy/pdf/IAG_UASCs.pdf).

<sup>99</sup> See CRC, Articles 3, 9, 10, 18 and 22; General Comment No. 6, *Ibid.*, p. 14.

<sup>100</sup> UNHCR comments on the Proposal for a recast of the Dublin II Regulation, pp.8-9, *Ibid.*, p. 80.



# Abbreviations

**AFIS:** Automated Fingerprint Identification System

**AGDRED:** *Application de gestion des dossiers des ressortissants étrangers en France* (Database for the management of the records of foreign citizens in France)

**BIA:** Best Interests Assessment

**BID:** Best Interests Determination

**BPM:** *Brigade de protection des mineurs* (Brigade for the protection of minors)

**CADA:** *Centre d'Accueil pour Demandeurs d'Asile* (Reception centre for asylum seekers)

**CAOME:** *Centre Accueil et Orientation Mineurs Etrangers* (Centre for Reception and Orientation of Foreign Minors)

**CASNAV:** *Centres Académiques pour la Scolarisation des Nouveaux Arrivants et enfants du Voyage* (Academic centre for the education of new arrivals and children of travellers)

**CESEDA:** *Code de l'Entrée et du Séjour des Etrangers et du Droit d'Asile* (code of entry and residence of foreigners and of the right of asylum)

**CMS:** *Comitato Minori Stranieri* (Committee for Foreign Minors)

**CMU:** *Couverture Médicale Universelle* (Universal medical coverage)

**CNDA:** Cour Nationale du Droit d'Asile (National Court on the right to asylum)

**CRC:** United Nations Convention on the Rights of the Child

**DPMIE:** *Direction Protection Mineurs Isolés Etrangers* (Directorate for the Protection of Unaccompanied Foreign Minors within France Terre d'Asile)

**ERF:** European Refugee Fund

**EU:** European Union

**FTDA:** France Terre d'Asile

**IGAS:** *Inspection Générale des Affaires Sociales* (Office of the General Inspector of Social Affairs)

**IGO:** Inter Governmental Organization

**NCSS:** National Centre for Social Solidarity (Greece)

**NGO:** Non Governmental Organization

## Abbreviations

**OCRIEST:** *Office Central pour la Répression de l'Immigration irrégulière et de l'Emploi des Etrangers Sans Titre* (Central office for the fight against irregular immigration and employment of undocumented foreigners)

**OCRTEH:** *Office Central pour la Répression de la Traite des Etres Humains* (Central Office for the fight against trafficking in human beings)

**OFPRA:** *Office Français de Protection des Réfugiés et Apatrides* (French Office for the Protection of Refugees and Stateless Persons)

**OPP:** *Ordonnance de Placement Provisoire* (Temporary Placement Order).

**PAF:** *Police aux Frontières* (Border Police)

**PJJ:** *Protection Judiciaire de la Jeunesse* (Judiciary Protection of Youth)

**SCEP:** Separated Children in Europe Programme

**SOPs:** Standard Operating Procedures

**SPRAR:** *Sistema di Protezione Richiedenti Asilo e Rifugiati* (Protection System for Asylum Seekers and Refugees)

**SSN:** *Servizio Sanitario Nazionale* (National Health Service)

**STP:** *Straniero Temporaneamente Presente* (health card for foreigners temporarily living in Italy)

**UNHCR:** United Nations High Commissioner for Refugees





# Glossary

**Child:** As defined in Article 1 of the Convention on the Rights of the Child (CRC), child means “every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier”.

**Unaccompanied children** (also called **unaccompanied minors**) are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

**Separated children** are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

**Unaccompanied and separated children:** In the framework of this publication, this definition comprises both categories, children who are unaccompanied and children who are separated. They will be referred to as “unaccompanied children” throughout the publication.

**Unaccompanied children on the move:** in the framework of this publication, the term indicates unaccompanied and separated children originating from third countries, who are in transit through Europe heading towards Northern European Countries.

**Best Interests Assessment (BIA):** 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 options. The process must be documented.

**Protection:** Taking the child best interests in primary consideration, prevent and respond to abuse, neglect, exploitation and violence against children and protect children rights as set in the CRC.

**Child best interests:** The term best interests broadly describes the well being of the child which is determined by a variety of individual circumstances, such as age, the child’s level of maturity, the presence or absence of parents, the child’s environment and experiences. Its interpretation and application must conform with the provisions of the CRC and other international legal norms as well with the guidance provided by the Committee on the right of child and its 2005 General Comment n. 6 on the treatment of unaccompanied and separated children outside their country of origin.



**Child rights based approach:** A child rights and human rights based approach makes reference to all relevant principles of the CRC (the best interests of the child, non-discrimination, right to protection, right to life, survival and development, right to participation, right to family unity, respect for cultural identity and cultural linguistic mediation, right to seek, receive, impart information), as well as all relevant international norms and pre-existing soft law and guidelines.<sup>101</sup>

**Child participation and empowerment:** The right to participation is paramount and children's views should be taken into consideration in all decisions regarding them. Any child, who is capable of forming his/her own views has the right to express those views freely in all matters affecting the child, his/her opinion being given due weight in accordance with his/her age and maturity. This is relevant both in informal and formal settings, such as judicial proceedings. Where possible, children should therefore be involved in decisions affecting them and they should be supplied with adequate and age-appropriate information, for example, in relation to procedures of identification and support (Art.12, 17 CRC).

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<sup>101</sup>Among others: *Universal Declaration of Human Rights (UDHR)* adopted by General Assembly on 10 December 1948; *International Covenant on Civil and Political Rights (ICCPR)*, adopted by General Assembly on 16 December 1966 and entered into force on 23 March 1976; *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, adopted by General Assembly on 16 December 1966 and entered into force on 3 January 1976; *International Convention on the Elimination of All Forms Of Racial Discrimination (CERD)*, adopted by General Assembly on 21 December 1965; *UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000; *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, adopted by General Assembly on 25 May 2000 and entered into force on 18 January 2002; *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*. Adopted by General Assembly on 25 May 2000 and entered into force on 12 February 2002; *Council of Europe Convention on Action against Trafficking in Human Beings* opened for signature on 16 May 2005 and entered into force on 1 February 2008.





# Annex: child-friendly information material

CHILD-FRIENDLY MATERIAL PRODUCED IN ITALY

## Are you under 18? Are you alone in Italy?

You have the right to:

- ▶ Not be expelled (deported) from the country
- ▶ Not be taken to a centre where there are adult migrants
- ▶ Live in a children's home where you can sleep, eat, go to school and be assisted to get a permit of stay
- ▶ Have a permit of stay and renew/convert it when you turn 18 to a permit for study, work, or job search
- ▶ Receive medical care even if you have no documents
- ▶ Be informed of your rights in your own language

## What happens if I have no documents?

- ▶ The police have to declare you a child
- ▶ A doctor may conduct a medical visit to understand if you are in fact a child
- ▶ If the doctor declares you to be under 18 you will go to live in a children's home
- ▶ If the doctor declares you are over 18, you may receive an official document saying you must leave Italy or you should go to a centre for adult migrants
- ▶ In the centre for adults tell staff if you are under 18 to get help

## What happens if the police take my fingerprints?

- ▶ Fingerprints are used to identify who you are and place you in a children's home where you can be protected
- ▶ The law says that:
  - You can apply for international protection in any European state where you arrive
  - If you are identified as a minor, this state should examine your application, even if your fingerprints have been taken in another European state

In order to better understand your situation, ask a legal consultant.

## How can I be placed in a children's home?

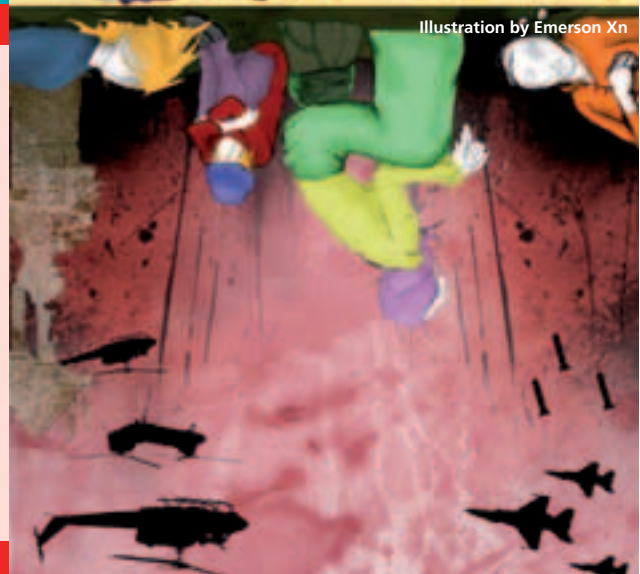
- ▶ You can ask for help from an association (civil society organisation) or the police
- ▶ If you are over 14 years of age the police will take your fingerprints and your photograph
- ▶ The police will accompany you to the children's home

## What should I do if I'm in danger?

If you have been tricked into coming to Italy or you have been brought here against your will, if you have been threatened or harmed...don't be afraid to ask the police or an association for help because you have the right to be protected and to receive a permit of stay even if you don't have documents



Illustration by Emerson Xn



## When can I ask for international protection? What does it mean?

- ▶ If you have been persecuted or you are fleeing from war or a violent situation or if you think your rights have been or might be violated, you can ask for international protection
- ▶ You can apply for international protection at any stage, even when you have just arrived and directly to the police
- ▶ You will be assisted to write your story in your own language
- ▶ A group of people will listen to and assess your story
- ▶ You may receive a specific permit of stay

## If I have a family member in another European country, who can I ask for help to reach them?

- ▶ You should ask the staff in a children's home or an association who can help you to contact your family members
- ▶ Even if you have asked for international protection in Italy you still have the possibility to join your family in another country



## Notes

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**Useful phone numbers**  
**CivicoZero - Rome and other Regions**  
 Tel. +39 06 98386049  
 Cell. +39 347 2434799

**Save the Children Italy**  
 Apulia +39 346 7807123  
 Calabria +39 345 5511559  
 Sicily +39 340 9760166

از حقوق خود آگاهید؟

**CONOSCI I TUOI DIRITTI?**

Do you know your rights?

**Tu connais tes droits?**

د حقونو خخه باخبر یی؟



The views expressed in this leaflet do not necessarily reflect the views of the European Commission and the responsibility lies with the authors



Co-funded by the European Union



CHILD-FRIENDLY MATERIAL PRODUCED IN FRANCE

**PROTÉGER LES ENFANTS EN MOUVEMENTS  
CES DROITS SONT TES DROITS**

**PROTECTING UNACCOMPANIED CHILDREN  
THESE RIGHTS ARE YOUR RIGHTS**

حماية الأطفال في التنقل  
هذه حقوقك حقوقك

حفاظت اطفال كه د رحركت هستند  
اين حقوق ، حقوق تو است

د هغو ماشومانو خونديتوب چې په حرکت کې دي  
دا حقوق ستا حقوق دي



## PROTECTING UNACCOMPANIED CHILDREN THESE RIGHTS ARE YOUR RIGHTS

This brochure was created to inform you about your rights, the protection system and to guide you in case of emergency.

Read this, speak about it with your friends and contact us if you have any questions:

France terre d'asile: 06 01 13 03 87 or 03 21 19 66 09

Your rights are laid out about in the United Nations Convention on the Rights of the Child which protects all children around the world:

All children have the same rights – All children are free to express themselves and have the right to be respected – All children have a right to health – All children have a right to education – All children have the right to be protected.

If you are under 18 years of age, you are outside your country of residence or of origin, and you are not with your parents or your legal representative, you are defined as an unaccompanied child!

An unaccompanied child is an individual who is particularly vulnerable and you can be considered as a child "in danger" by the French Authorities.

Once you are recognized as a minor based on your interviews, your identity documents you present or your medical needs, you can then be taken care of in France, either temporarily or longer-term.

### *Do you want to contact your parents?*

Various organizations can help you reconnect with your family. You can ask France terre d'asile to help you contact your family by phone or the Internet!

### *Do your parents live in another European State?*

If your father or mother legally reside (asylum seeker, refugee, citizen, with a visa) in another European country, you can be supported to request family reunification with your parents.

### *What are your rights in France?*

As a minor under 18 years of age, you do not need any visa to reside legally in France. You CANNOT be sent back by the French Authority in your country of origin. However, a European regulation called Dublin II determines which European country is responsible for an asylum request. For a minor, if you request asylum in another European country or have a family member who legally resides in another member State in Europe, you can be allowed to be transferred to that State. In practice, until today, France has not applied these types of transfers to unaccompanied minor children.

In case of arrest or ID control, do not forget to mention that you are younger than 18 years old!



## UNHCR PROJECT IMPLEMENTED BY ITS PARTNERS IN FRANCE, GREECE AND ITALY

You can ask to be supported by joining a housing centre, and we can also help you...

We will then accompany you to the Border Police to find housing for you, and where you can rest and benefit from health care and counselling. You will be able to meet other young people, also of your nationality, and discuss with social workers what type of project you wish to undertake. All received services are professional and free of charge and your interview is confidential. If there is no interpret available in your native language, ask the housing centre to contact us!

### *Do you have a life-long plan in France?*

You will be taken care of by our Child Care Protection Services and will be housed in a centre. You will have access to school and professional trainings, as well as to healthcare. You will live with other youth and social workers will help you recreate plans as well as support you in your future choices.

### *What will be your status in France?*

Depending on your personal situation, you have the possibility to request the following:

-If you have escaped persecutions based on race, religion, belonging to a social or political group or fear serious threat due to armed conflict in your country of origin, you can request for asylum in France. If you obtain the refugee status, you will be granted a ten year long visa that, that will allow you to also be able to work. If your request was rejected, you can always ask for another type of visa.

-Under certain conditions, you can ask for a visa (employee, private or family ties, health issues). This request is examined by the Prefet associated with where you reside based on French law criteria.

-If you have been taken care of by the Child Protection services when you were 15 years old and were followed for over 3 years, you can ask for French nationality, right before turning 18.

### *Risks and dangers in the camps and on the road!*

In case of emergency, you can contact the fire-fighters by dialling 18 or 112

- Do not attempt to enter into a refrigerated truck or in a tank truck. You risk being blocked inside, being exposed to chemical products or even worse dying frozen.

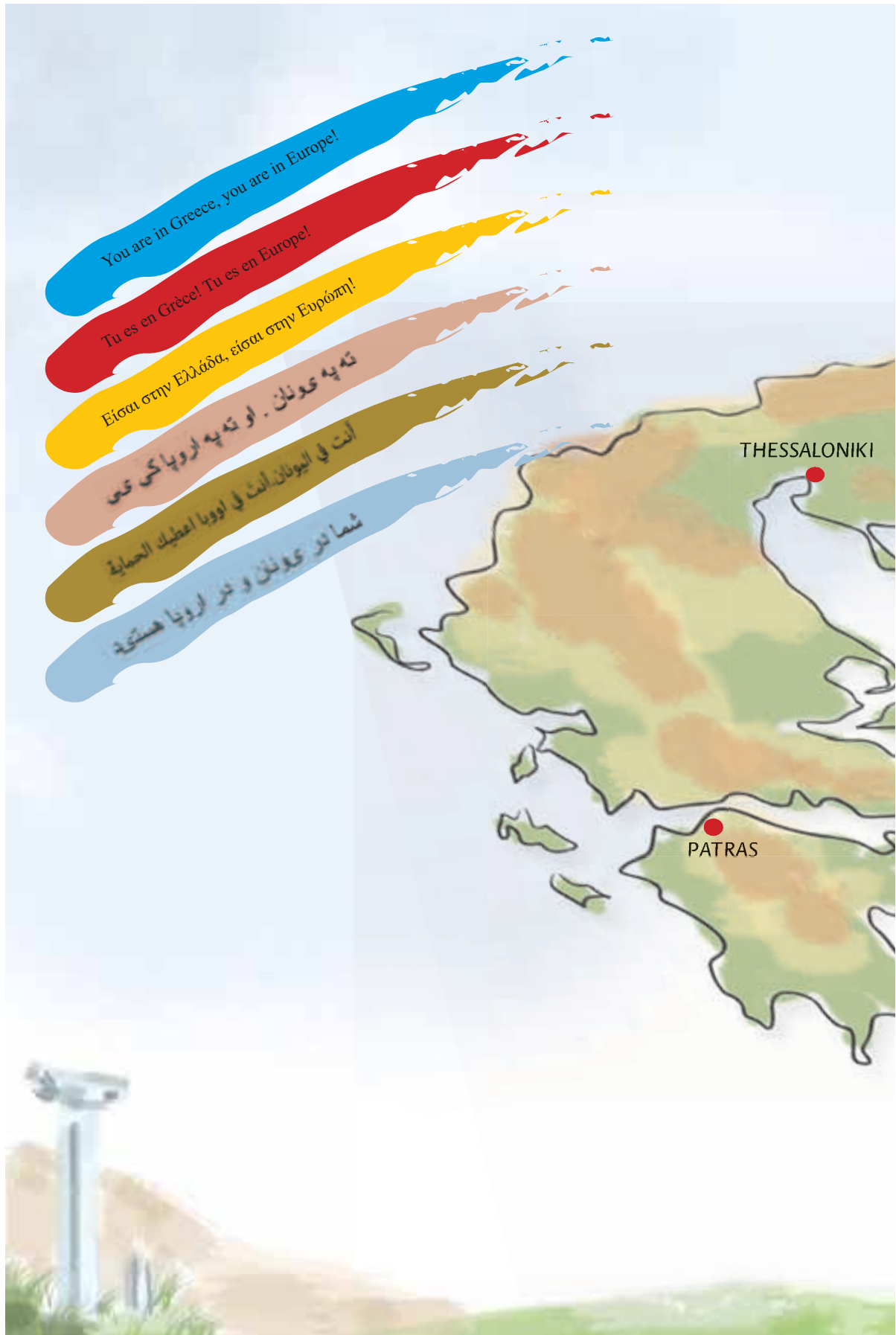
- Do not run on the motorway because you risk being run over

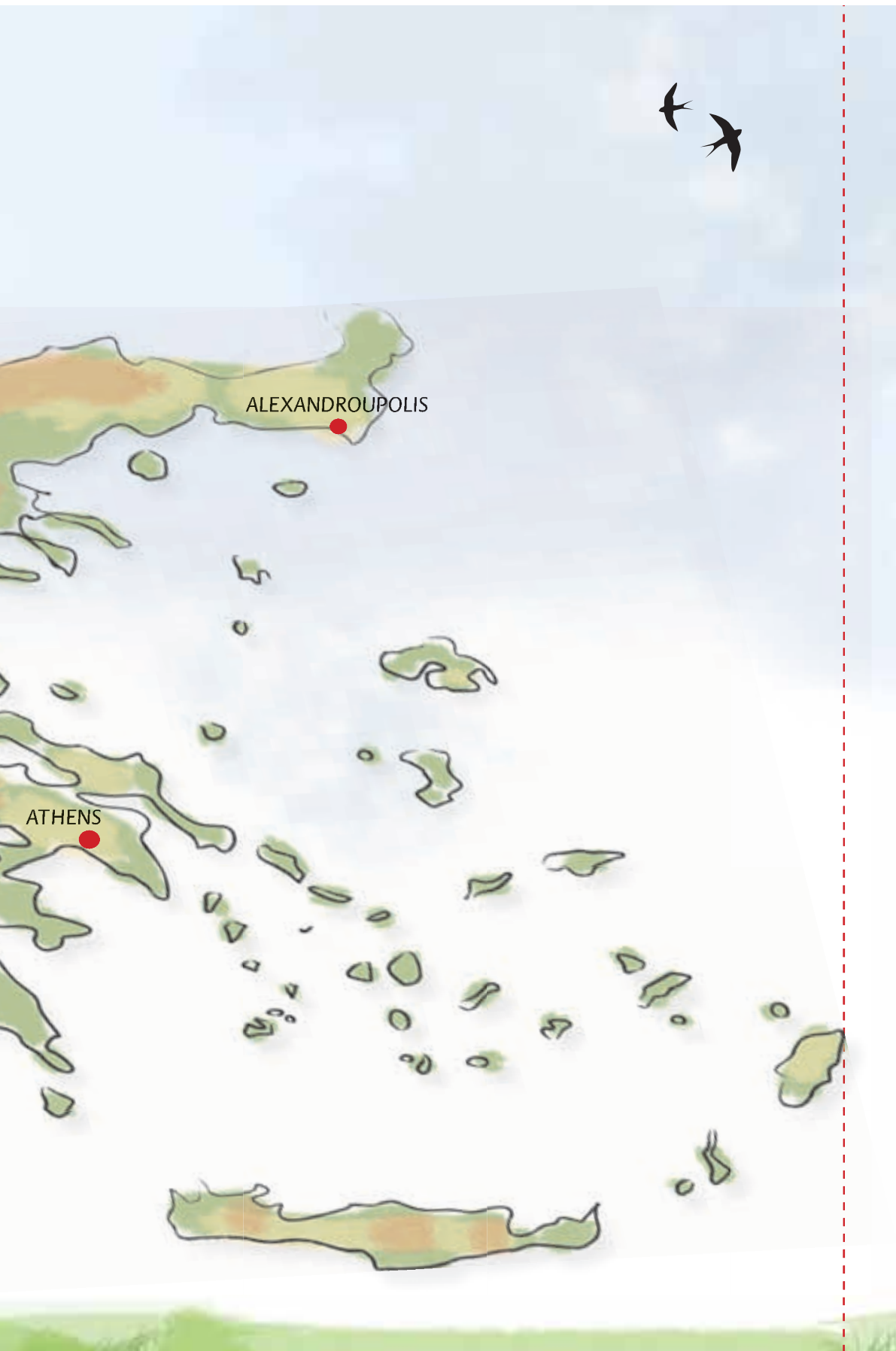
- Do not walk on railway tracks because you might be hit by a train

- In the camp, do not burn yourself with the fire or inflammable products. Do not use electric material near water as you might be electrocuted.

CHILD-FRIENDLY MATERIAL PRODUCED IN GREECE







I am 16 years old and alone in Greece.  
I do not know anyone here! Who can I ask for help in Greece?

Police? I do not want to go to the Police; they will imprison me or send me back to my country.  
I cannot go back because it is too dangerous for me.

I would like to go to school and find work.

I heard about asylum,  
but I do not know what this is and how to apply for it.

What should I do if I have a family member in another European country?

The illustration features a young man in a green t-shirt and blue jeans standing on a grassy field with a brown backpack. To his left, there are two birds flying in the sky. To his right, there are several icons: a police officer, two open books, a chef with a rolling pin and bread, and a clipboard with a red checkmark. The background is a light blue sky with soft clouds.

*If you are under 18 and not with an adult family member, the Greek authorities and independent organizations can inform you about your rights for housing, school, medical assistance and work opportunities etc. The Greek authorities may ask you to take a medical examination to prove that you are a child. Remember that they need your consent!*

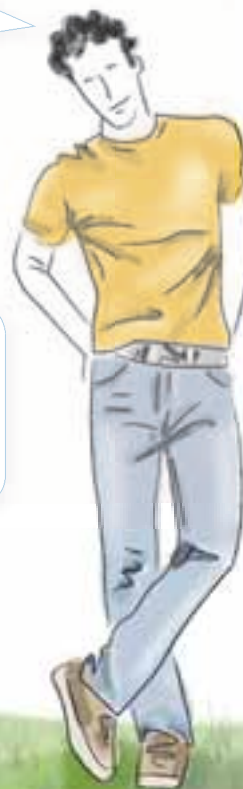
*The organizations will find a place for you in a shelter for children where you can stay until you are 18. Here you can meet more children from your country, speak your language and talk to people who will advise and assist you in the issuance of different documents and in your daily life. The Police know about these organizations and they can put you in contact with them.*

*This is not exactly true. The Greek Police are allowed to keep you in detention only until a safe place is found for you. The Law says that: "Before a child is sent back to his/her country, authorities should ensure that he/she will be returned to a family member or to an appropriate Centre". Always ask to speak to someone from an organization!*

*You can register in a Greek public school and start learning the Greek language. Depending on your age you can attend vocational training and get a specialization that may help you to get a better job. In Greece children can work only if they are over 15 and have legal documents. Don't start working before getting advice from the people at the shelter or an organization.*

*If you have left your country of origin because you were in danger, you can ask for international protection in Greece (asylum). People who seek protection are called asylum seekers. There are a few organizations that specialize in the asylum procedures and can advise and assist you throughout the process. Besides these organizations, as an unaccompanied child you have the right to a guardian; this person must protect your rights. You can learn more about the guardian by asking the people at the shelter or other organizations.*

*According to European Law there is a legal way to join your family! It may take time, but it is the safest way. You need to be advised by a specialized lawyer who will assist you in all the necessary procedures. Ask the organizations for this! Bear in mind that you may be asked to undergo medical examinations in order to prove your relationship with the person you wish to be reunited with.*



Remember:

- Always declare your true age in order to be treated accordingly!
- Express your views and ideas! Nobody judges you on these!
- You have the possibility to be reunited with your family!
- There are shelters ready to host you and provide you with services according to your age!
- As a minor you have the right to free medical care and education!
- Be patient with administrative procedures and do not hesitate to ask questions related to your rights (asylum, education, health, work etc)!



Always be careful ... :

- ✓ .. ask for help when you feel that you are in danger or someone is forcing you to do something that you do not want to!
- ✓ .. some people, who you do not know well, may try to take advantage of you because you are young and alone!
- ✓ .. never sign documents when you do not understand the language!
- ✓ .. traveling in hiding may put your life at risk!
- ✓ .. living outdoors exposes you to many dangers that you may not always be able to foresee (e.g. become victim of theft or violence etc)!





Definitions

What is ...

**... an unaccompanied child**

*is a person younger than 18, who is a foreigner or stateless person and is in Greece, alone, without his/her parents or other close relatives to take care of him/her.*

**... a guardian**

*is a person appointed to represent unaccompanied children in order to help and advise them during their stay in Greece*

**... a refugee**

*is a person who has fear of prosecution if she/he returns to her/his country*

What is ...

**... a reception centre**

*is a place where unaccompanied children are hosted until they turn 18*

**... the asylum procedure**

*is the procedure that determines if you are refugee or not*

Where to ask for help:

**GREEK COUNCIL FOR REFUGEES**

ATHENS, Solomou 25, tel: 210 3800 990  
THESSALONIKI, Mitseon 7, tel: 2310 25 00 45

**ECUMENICAL REFUGEE PROGRAM**

of the Church of Greece  
ATHENS, Iridanou 20, tel: 210 7295926-7-8

**PRAKSIS**

ATHENS Central Offices, Stournari 57, tel: 210 520 5200  
ATHENS Policlinic, Peoniou 5, tel: 210 82 13 704  
THESSALONIKI Policlinic, Arkadioupoleos 1 & Ag.Dimitriou, tel: 2310 55 61 45  
PATRAS Drop in Center, Korai 40 & Karaiskaki, tel: 2610 321933

**HELLENIC RED CROSS**

ATHENS Multifunctional Center for Social Integration and Support of Refugees,  
Timaïou 5, tel. 210 5126300  
PATRAS Mobile Support and Information Unit for Asylum Seekers, tel. 2610 273955, 2610 620774

**ARSIS – Association for the Social Support of Youth**

ATHENS, Derigni 28-30, tel: 210 8259880, 210 8259881  
THESSALONIKI, Ptolemeon 35 & Sigrou, tel: 2310 526150, 2310 552813  
ALEXANDROUPOLIS, Voulgaroktonou 3, tel: 2551550002





