Lost in Migration
Working together in protecting children from disappearance

Background, speeches and conference conclusions
26-27 January 2017
Verdala Palace, Malta

#lostinmigration
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1 Overview

Thousands of unaccompanied children have gone missing after being placed in reception centres in the European Union. These children have gone through long and dangerous journeys, to end up in countries that are unprepared and often unwilling to take responsibility for their protection and to ensure respect of their fundamental human rights.

To step up for the rights of children in migration, the conference “Lost in Migration: Working together to protect children from disappearance” was organised in Malta. The conference brought together key stakeholders to effectively prevent and respond to the disappearance of children in migration, including policy makers and child protection actors who work or support these children.

Coinciding with the informal Justice and Home Affairs Council, Missing Children Europe joined hands with the Maltese President’s Foundation for the Wellbeing of Society to bring together key stakeholders concerned with the protection of migrant children’s rights across Europe at the event held the 26-27 January 2017. The event featured high level speakers, including Her Excellency Marie-Louise Coleiro Preca, President of Malta, President of Malta; Maud de Boer-Buquicchio, UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and President of Missing Children Europe; Dimitris Avramopoulos, European Commissioner for Migration, Home Affairs and Citizenship; Carmelo Abela, the Maltese Interior Minister on behalf of the Maltese Presidency of the EU; Rob Wainwright, the Director of Europol; Jose Carreira, the Director of EASO, high level representatives from UNICEF, UNHCR and IOM and, Members of the European Parliament, Hilde Vautmans and Caterina Chinnici.

Credit: Jeff Malo, jeffmalo.com, Greece
In addition to panel discussions, the event featured testimonies from young adults who arrived as unaccompanied children in Malta, a “living library” bringing stories and expertise from Italy, Greece, Belgium and Germany, workshops organised by frontline professionals and the screening of the film “Kakuma”. The event was preceded by the launch of a blog collecting articles on the analysis of specific protection challenges and stories from the field.

At the conference, 160 professionals took stock of the situation and the current challenges of this children’s rights crisis. Based on the discussions, research, expertise and recommendations put forward by stakeholders at the “Lost in migration” conference, including the findings of the SUMMIT report on missing migrant children, the conference developed forward looking operational and policy recommendations to decision makers, aiming at supporting the adoption of a comprehensive approach to prevent and respond to the disappearance of migrant children. The endorsement and implementation of these recommendations is essential to improving the situation of migrant children in Europe and to offer them a fair chance for a better future.

The 10 operational and policy recommendations and 7 cross-cutting recommendations on the overall policy framework, data and funding, collected in the conference conclusions, were used as one of the sources for the European Commission’s Communication on the protection of children in migration.

We need a better reception in place than a detention centre for unaccompanied minors. We also need to educate everyone involved on the type of protection needed for these children. There needs to be more synergy between NGOs and the government. Finally, I hope everyone starts putting humanity first and feel the pain experienced by people like us. People in power need to provide such children with the ability to speak out and be proactive.

Wedeb (Arrived in Europe as an unaccompanied child)
2 Background*

Definition, data, focus

1. Children in migration: Definition

The term ‘children in migration’ covers all third country national children who migrate from their country of origin to and within the territory of the EU in search of survival, security, improved standards of living, education, economic opportunities, protection from exploitation and abuse, family reunification or a combination of these factors. They may travel with their family or independently or with an extended family or a nonfamily member. They may be seeking international protection, family members, dependents of labour migrants, victims of trafficking, and/or undocumented migrants.[1]

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.[2]

Separated children are children who have been 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.[3]

A child means every human being below the age of eighteen, as defined in article 1 of the UN Convention on the Right of the Child.

2. Children in migration: Key data

While inconsistent data management and challenges in identification prevents us from knowing exactly how many children arrive in Europe, it has been reported that:

» In 2016, more than 63,000 unaccompanied children applied for protection in the EU, and 96,465 in 2015.[4] This number does not include unaccompanied children who did not apply for asylum.

» In 2016, one in four people seeking asylum in the EU were children.[5] More than half of them are under the age of 14.[6]

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1 Taken from the background note of the 10th European Forum on the Rights of the Child, see file:///C:/Users/MCE/Downloads/10thEuropeanForumontherightsofthechild-Generalbackgroundpaper%20(1).pdf
2 Taken from General Comment 6 of the UN Committee on the Rights of the Child on the treatment of unaccompanied and separated children outside their country of origin, see http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf
3 Idem

* Please note that this document was written at the time when the conference took place. For updated data and information please refer to Eurostat and to the most recent reports of the Commission (for example, on relocation and resettlement)
Of the 361,712 people who arrived to Europe by sea, 26% were children; many of them unaccompanied.\(^7\)

In Italy, children who arrived unaccompanied make up 91% of the population of children and comprise 15% of arrivals to Italy since January 2016. The proportion of children below the age of 12 is increasing in the overall migrant population.\(^8\)

Children now make up more than half of the world’s refugees and over 25% of the total migrant population.\(^9\)

Our vision

All children should be treated as children first, irrespectively of their migration status. All children are entitled to the full protection of their rights.

3. Conference focus: Missing Children in migration

The conference ‘Lost in Migration’ focused on children in migration who go missing. This may include children who are assumed to have left on their own accord (even if, as in other cases the level of choice may be questionable) and children who have, for any reason, been forced to leave care or protection.

While the majority of children missing in migration are understood to be unaccompanied children, it may also include separated children, or children who were first travelling with family. The conference will focus on causes, challenges and risks related to the disappearance of any child in migration.

Our vision

The disappearance of children in migration is intimately linked with broader underlying protection challenges.

4. Missing children in migration: Key data

According to Europol, at least 10,000 unaccompanied migrant children have disappeared in Europe in 2015 within hours of being registered, and only a handful have been found since.\(^10\) As data is not collected in a systematic, uniform and comparable way, exact figures on the extent of the problem are however not readily available. Various credible sources nevertheless confirm the gravity of the situation.

In Sweden, 7-8 unaccompanied children are reported missing from their accommodation each week\(^11\), and some children are reported to end up exploited in prostitution\(^12\). In the last three and a half years, 1829 asylum-seeking unaccompanied children have disappeared in Sweden\(^13\), according to a report on Missing Unaccompanied Minors in Sweden. Recent research indicated that 64%...
of suspected victims of trafficking were unaccompanied children\(^\text{[14]}\).

- In **Slovenia**, an estimated 80% of children disappear from the open Asylum Home in 2016\(^\text{[15]}\).

- In **Italy**, authorities report that 6,503 unaccompanied children went missing in the first 10 months of 2016\(^\text{[16]}\). Oxfam furthermore reported in September 2016 that 28 unaccompanied children go missing in Italy every day\(^\text{[17]}\).

- In **Germany**, the Federal Criminal Police (BKA) reported in August 2016 to have lost trace of 8,991 children registered entering the country as unaccompanied asylum-seekers, including 867 aged 13 or younger\(^\text{[18]}\).

- In **France**, almost one in three child refugees who moved from the Calais refugee camp after camp demolition went missing\(^\text{[19]}\).

- In **Greece**, the number of unaccompanied children who disappeared from reception facilities has decreased. However, Greece has been reported to detain children in police custody, together with adults and criminal detainees to prevent absconding, pending placement in specialised facilities\(^\text{[20]}\).

> “The situation is serious, the number of missing children is most probably much higher and the problem needs to be addressed with absolute care if we are really concerned about the welfare of these children,”

**Michael Moran**, assistant director of Interpol’s Human Trafficking and Child Exploitation Unit, interview with Politico, September 2016\(^\text{[21]}\).

Despite the enormous risks to which unaccompanied migrant children are exposed, their disappearance is usually underreported. Data collected by Missing Children Europe\(^\text{[22]}\) from the network of hotlines for missing children\(^\text{[23]}\) in Europe show that disappearances of unaccompanied children made only 2% of the caseload reported by 116,000 hotlines in 2015, while the proportion of the caseload increased to 7% in 2016. The network registered cases of **missing migrant children between the ages 0 and 17**. In 2016, the peak age has fallen to 13 years of age, from 15-16 in 2015. The lack of systematic reporting of missing migrant children however hampers the hotlines from having a clear overview of the scale of the problem.

**Our vision**

When children go missing, protection falls. A comprehensive child protection approach is needed to prevent and support children from falling through the protection cracks and going missing.

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15 FRA Thematic focus: Children (February 2016)

16 Rapporto Mensile minori stranieri non accompagnati in Italia, published on 31 October 2016, by the Italian Ministry of Labour and Welfare


18 Neue Osnabrücker Zeitung, on 28 August 2016


20 FRA Thematic focus: Children (February 2016)


23 Hotlines for missing children are operated across Europe through the same telephone number, 116 000, and provide 24/7 free, emotional, psychological legal and administrative support in cases of child disappearances. More information at http://missingchildreneurope.eu/116000hotline
Missing in migration: Underlying causes

Children go missing in migration for various interconnected reasons, including:

1. Poor reception conditions

Across Europe, including in countries of arrival, a large number of children in migration face simply inhumane conditions. Children of all ages are put to live in tents, containers, or warehouses unsuited for their needs. Over 1000 unaccompanied children in Greece are waiting for a placement in a shelter for unaccompanied children, while others are being detained. Children miss out on education and basic medical care, aggravating the trauma and mental health issues faced. With the Balkan route having been closed, scarce and strained emergency provisions have to improvise the long-term facilities required. The rudimentary nature of some reception facilities precludes any efforts to build up trust with unaccompanied children and to allow space to provide reliable information to children, including to counter that of traffickers/smugglers. More than 90% of the arrivals to the EU had been facilitated, mostly by members of a criminal network.24

“Human Rights Watch found, first, that unaccompanied children face routine, arbitrary detention. (…) Second, the report finds that children face unsanitary and degrading conditions and abusive treatment, including detention with adults and ill-treatment by police. (…) Third, the report finds that children detained in police custody are not provided with critical care and services”


2. Lack of information

Guardianship systems provided for by law to safeguard them are, in many countries, poorly organized or non-existent. At all phases and stages of procedures, children lack child-friendly and reliable information on their rights, and feel stranded in a situation of limbo where too often their most trusted source of information will be the smugglers or traffickers who brought them into the country, rather than the authorities. In these conditions, children may consider that they have no other option but to continue their journey in unsafe conditions, and go missing.

“Lack of information, which I personally consider as one of the most important challenges and shortcomings may result in serious limitations of other rights, including family reunification.”

Tomas Bocek, Special Representative on Migration and Refugees of Council of Europe, 29 November 2016 – EU Forum on the Rights of the Child, Brussels(26)

“They’re vulnerable, they’re in a country they don’t speak the language. They don’t know where they are. They don’t know where they’re situated, where they’re going, what’s what. They’re just transferred from one place to the other after going through tremendous difficulties and adverse conditions and obviously they’re very, very susceptible and vulnerable to any type of very well organised criminal attempt and approach.”

Piji Protopsaltis, Head of the National Centre for Missing and Exploited Children, The Smile of the Child, Greece, in an interview with Euranet in April 2016(27)

3. Slow and complex procedures for protection

Professionals interviewed in a Missing Children Europe and University of Portsmouth study on safeguarding missing unaccompanied children in 2016(29) (‘SUMMIT’ study) stated that in many cases, children go missing as they are discouraged by the length and complexity of legal procedures that would allow them, for instance, to be reuniﬁed with their families. While the procedures exist, their implementation is too slow.

“The issue of missing unaccompanied children is a serious one that is linked to many other aspects, starting with identiﬁcation and registration … Another aspect is the provision to children of reliable and accessible information, including to counter whatever they might have been told by traffickers.”

Margaret Tuite, EC Coordinator on the Rights of the Child, quoted in the House of Lords report “Children in crisis: unaccompanied migrant children in the EU”, July 2016(28)

“The bureaucratic process takes too long and contributes to the phenomenon of missing children. In many cases, they land in the hands of traffickers. (…) Many of these children who were hoping to find survival are exploited in the darkest ways we can imagine.”

Lucio Melandri, UNICEF’s Refugee and Migrant Cell Coordinator in Geneva in a radio interview with Euranet(30)

26 See http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=34456
27 See http://euranetplus-inside.eu/where-are-the-10000-missing-migrant-kids/
28 http://www.publications.parliament.uk/pa/id201617/ldselect/ldeucom/34/34.pdf
29 See http://missingchildreneurope.eu/Portals/0/Docs/Best%20practices%20and%20key%20challenges%20for%20Interagency%20cooperation%20to%20safeguard%20unaccompanied%20migrant%20children%20from%20going%20missing.pdf
30 https://soundcloud.com/search?q=lucio%20melandri
Other children go missing out of fear of being sent back or transferred to the first country of arrival. According to Save the Children[31], the rate of disappearance in Sweden substantially decreased when Dublin transfers to Greece were suspended, which demonstrates the impact of these impending transfers on disappearances. Dublin transfers to Greece are planned to resume from March 2017 onwards[32], despite the poor reception conditions, prolonged detention, lack of primary and specialised healthcare, delay in asylum and other procedures, and slow identification and protection procedures that continue to affect unaccompanied children in Greece[33]. The Commission’s recent proposal for a review of the Dublin directive does not provide for an alternative solution[34]. The impact on children going missing remains to be seen, in particular from March onwards when transfers to Greece will be resumed[35].

4. Lack of training

Missing Children Europe’s aforementioned research also highlighted the lack of training of frontline professionals across the 7 countries researched. For instance, none of the interviewed law enforcement representatives participating in the study recalled having received training in preventing or responding to missing unaccompanied children. 22% of the guardians or carers interviewed having been trained in prevention, with only 12% of them having been trained in responding to missing unaccompanied children. Guidelines, training modules and evidence-based good practices have been identified. They however too often do not reach the beneficiaries for which they were compiled.

“Professionals working on cases of missing children, especially law enforcement agencies, would additionally benefit from receiving specific training in relation to unaccompanied children, the problem of “missing” and what the general procedures are in response to the disappearances of children in the country where they work. This could help reduce bias against the disappearances of migrant children and improve staff’s knowledge and skills to react to these types of disappearance.”

Dr. Karen Shalev-Greene, Director of the Centre for Missing Persons, University of Portsmouth, blogpost "Lost in migration"[36]

5. Lack of coordination at national and cross-border level

The SUMMIT study furthermore underlined a general lack of systematic and consistent procedures to prevent the disappearance of unaccompanied migrant children: where procedures exist, they mostly only apply locally, and are often not sufficiently known or understood by those concerned. This includes the absence of systematic risk assessments for children arriving, which are needed to design and adapt care plans and prevent disappearances. Procedures for reporting disappearances are furthermore simply not known or too time consuming – with many missing unaccompanied

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31 Information provided in context of the “SUMMIT” research
33 See FRA Regular overviews of migration-related fundamental rights concerns, October 2016 Edition
34 See also http://missingchildreneurope.eu/news/Post/1058/WorldRefugeeday-An-important-opportunity-to-protect-unaccompanied-children-at-risk-of-going-missing
36 See http://lostinmigration.eu/blog
either not being reported, or reported too late. Biometric and alphanumerical data may be incomplete, hampering any potential attempts to find a missing child.

When reported, follow-up on the case including investigation is not systematic – and in many cases tools in place for all missing children, such as the network of hotlines for missing children, the SIS or Interpol Yellow notices, are not being tapped into for this specific group. Clear ownership of missing children cases and cross border procedures need to be defined, to facilitate prevention and response: while some of the children might very well have been found or have found protection in another country, no-one knows.

“The head of the Malmö border police once told me ‘we only look for the missing refugees whose asylum request has been rejected, as those are the ones we want to find.’ They simply don’t care much,”

Katja Wagner, co-author of a book on refugees, interviewed by POLITICO, September 2016

Cooperation also needs to be reviewed for cross-border exchange; when a child leaves the country, efforts to exchange information and continue the search are rarely undertaken. If an unaccompanied child who has gone missing leaves the country, all efforts usually stop.

“There can often be frustrating delays around cross-border cooperation. Sometimes countries hide behind the bureaucracy and need formal notification before they do anything and this takes time to make sure everything is completed correctly, and it means you’re losing information and the opportunity to potentially locate the child. I’m certainly aware of frustration about the speed with which some countries respond.”

Law enforcement officer from the UK, quote from the study Best practice and key challenges for interagency cooperation to safeguard unaccompanied migrant children from going missing

“We cannot work with the authorities of other countries, and this is Europe. We know that children are going to these countries but we never have the proof that they arrived. As legal guardian, if we could just get a call to say the child has arrived, it would be ok.”

A Belgian guardian, quote from the study Best practice and key challenges for interagency cooperation to safeguard unaccompanied migrant children from going missing

38 See http://missingchildreneurope.eu/catalog/categoryid/9/documentid/348
39 See http://missingchildreneurope.eu/catalog/categoryid/9/documentid/348
Missing in migration: Symptom of a malfunctioning system

The problem of children missing in migration is intimately connected to underlying and preventable problems. Efforts are needed to tackle these in a coordinated and integrated manner, and to provide children in migration with the basic protection required for any child.

Risks of trafficking and exploitation

Some children may go missing to pursue their own migration plan towards the north of Europe or to join their family in other countries. However, data shows that children do not only go missing in countries of first arrival, but also in Germany, the UK and Sweden. Protection gaps when missing remain extremely high in all cases: during the time outside the protection system, children may face situations of exploitation, violence, starvation, homelessness and be exposed to serious risks for their mental and physical health.[40] Considering the lack of reporting of cases of missing unaccompanied children, the problems related to data collection and the lack of an appropriate follow up on the disappearances, any assumption and underestimation is extremely dangerous for the children involved.

“The number of unaccompanied children who disappeared [in Sweden] is equivalent to 2 classes of children disappearing every month. What sort of society would accept this?”

Amir Hashemi-Nik, Development Manager at the Stockholm County Administrative Board, see the national study on missing unaccompanied children in Sweden, November 2016[41]

Of specific concern is the link between going missing and exploitation, which may take various forms, including trafficking for sexual or labour exploitation.

At European level, the Europol report on Human Smuggling, published in May 2016[42], says that children are increasingly targeted by traffickers and that unaccompanied children specifically are increasingly victims of facilitators coercing them into criminal activities and exploitation. In 2015, 20% of the smugglers identified by Europol were also linked to trafficking in human beings. This cross-over between smuggling and trafficking represents a huge risk for all children, including those who went missing with as an aim to reach family or other acquaintances in another country. These concerns find confirmation also in the European Commission Report on the progress made in the fight against trafficking in human beings (2016), stating that recently child trafficking increased sharply due to the migration crisis.[43]

In the UK, the report “Heading back to Harm”[44] from ECPAT UK and Missing People, the UK member of Missing Children Europe, again confirms the links between trafficking and children going missing. The researchers report that local authorities who

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40 According to a risk analysis by the Swedish national authorities, 20% to 30% of unaccompanied children show signs of mental health issues, says FRA in the Regular overview of migration-related fundamental rights concerns, May 2016 Edition.
accommodate these children are aware of their trafficked/unaccompanied status, but are not obliged to record the numbers of these children on their systems, or to report the numbers to any national agencies. Similarly, ineffective recording also leads to the problem that police forces are not all able to count how many of the children who are reported missing to them are trafficked and/or unaccompanied. It is as such difficult to know how many trafficked and unaccompanied children are looked after in the UK, and how many of them are in danger. This is confirmed by the fact that while the most recent National Crime Agency report suggests that 113 children went missing in 2014-15 because they were asylum-seekers or because they were trafficked, the research found that in reality 167 trafficked and 593 unaccompanied children went missing in a similar time period, and considers this as an underestimate.

In addition, only 45 of 217 local authorities could tell the researchers how many of their trafficked and unaccompanied children had gone missing from care and not been found. Across these 45 areas, 207 children remained missing, and many of the others were missing for long time.

▶ In Sweden, according to FRA human trafficking rapidly increased during the first half of 2016, primarily for suspected sexual exploitation, but also forced labour and forced begging. About a third of the reported cases concerns children.

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**House of Lords report “Children in crisis: unaccompanied migrant children in the EU”, July 2016**

The evidence we have received suggests that, across the EU, the high-level issues discussed in the previous chapter intersect to create a complex set of very tangible, practical challenges for unaccompanied migrant children. These fall into four broad categories:

- the deplorable reception conditions they face;
- the phenomenon of ‘living in limbo’;
- vulnerability to smugglers and traffickers;
- and large numbers of missing children.

From the perspective of the authorities, there is a fifth key challenge: the inability to capture, record and analyse good quality data. This undermines the ability of the authorities, whether at national or EU level, effectively to address the ongoing crisis.

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My friend Abdi (aged 15) who was in Malta with me wanted to study but when he was in Malta he started working to save up for a ticket to go to Germany since he did not want to stay in Malta. He was so overcome with stress, because was not allowed to go to Germany that he decided to end his life.

Ibrahim (Arrived in Europe as an unaccompanied child)

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45 See FRA Regular overviews of migration-related fundamental rights concerns, October 2016 edition
46 See http://www.publications.parliament.uk/pa/ld201617/ldselect/ldeucom/34/34.pdf
Missing in migration and at risk of exploitation

Too often, the disappearance of children in migration is seen as a voluntary act of the child, with little or no assessment of risks or of safer alternatives for the child to reach his/her destination. Children missing in migration face many risks, including those related to trafficking and exploitation, and efforts are needed to facilitate safe alternatives, in the best interests of the child.

EU response to protect children in migration

The European Union has responded to the migration crisis with a variety of actions and initiatives, including to some extent to challenges related to children in migration.

> The number “116 000” was reserved for the purpose of a European hotline for missing children by the European Commission in 2007. Today, the network of missing children hotlines is operated by national NGOs in 27 EU Member States, Albania, Serbia and Switzerland. Children and families calling the 116 000 European hotline for missing children receive free and immediate emotional, psychological, social, legal and administrative support 24/7 in cases of child disappearances. The hotlines offer high quality services for missing children and their families before, during and after a child disappearance. The hotlines also cooperate with law enforcement authorities in many countries through official protocols of cooperation, thus acting as the contact point for families of missing children and the police officers responsible for investigations alike. The EC funded SUMMIT looked at improving cooperation between actors which primarily deal with the care of unaccompanied children and those which focus on disappearances of children, including law enforcement and hotlines for missing children.

> Closer ties need to be forged between authorities working on asylum and migration and those on child protection. To this end, in April 2015 the European Commission has proposed 10 principles for integrated child protection systems. These principles represent a contribution to ensuring that national child protection systems form a protective environment around all children in all settings, responding to all forms of physical and mental violence as listed under Article 19 of the UNCRC, and provide a framework for the protection of children in migration.

> The European Agenda for Migration launched in May 2015 emphasised the need to protect children and to follow up on the Action Plan on Unaccompanied Minors (2010-2014), and announced the development by the European Commission of a “a comprehensive strategy” – essential to set the objectives of the European Union in ensuring an effective protection of children in migration in policies and law. Annex 6 of the Communication from the Commission on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration provides an overview of ongoing actions contributing to the protection of children in migration. The announced “comprehensive strategy” has, to date, still not been published.

48 http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf
49 file:///C:/Users/MCE/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/811DWJ8R/managing_the_refugee_crisis_state_of_play_20160210_annex_06_en.pdf
In 2015, the European Commission furthermore proposed to relocate 160,000 people in clear need of international protection from Member States under extreme pressure to other Member States of the European Union—showing concrete solidarity between EU Member States. At the same time, with a view to addressing the global migratory crisis comprehensively and to show solidarity with third countries equally affected, the Commission recommended an EU resettlement scheme for 20,000 people in need of international protection. Despite commitments adopted by the Council in July and September 2015, only 148 unaccompanied and separated children had been relocated from Greece at the end of November 2016, and none from Italy. However, as at 7 December 2016, only 71 unaccompanied children and 100 separated children had been relocated from Greece and one separated child had been relocated from Italy to the Netherlands. In December 2016, the European Council called on Member States to further intensify their efforts to accelerate relocation, in particular for unaccompanied children.

A number of key European instruments are currently undergoing a review. In May 2016, the European Commission presented a new proposal to amend the Dublin Regulation. Completing the reform of the Common European Asylum System, the European Commission presented a proposal for the creation of a common procedure for international protection, uniform standards for protection and rights granted to beneficiaries of international protection and the further harmonisation of reception conditions in the EU on the 13 July 2016. The proposed replacement of the Asylum Procedures Directive with a Regulation and stronger provisions in the Reception Conditions Directive acknowledge, among others, that disparities among Member States regarding guardianship systems for unaccompanied children leads exposure to risk and disappearances, and proposes strengthened provisions on guardianship.

The Maltese Presidency is set to raise some of these issues, as announced in the 18 month programme of the Council, with particular attention to “the “smart borders” package and the implementation of the actions identified in the Commission’s Communication on a European Agenda on migration of May 2015 and in the June and October 2015 EC conclusions, including work on the future development of the Common European Asylum System, efforts on relocation and resettlement, return and readmission, border management, stepping up the fight against human smuggling, and taking forward work in relation to legal migration.

In November 2016, the EU Forum on the Rights of the Child focused specifically on the protection of children in migration, including high level commitments and breakout sessions on identification and protection, reception and asylum procedures and durable solutions. A side event was also organised on guardianship. The event brought together over 300 participants from across Europe, and included a clear call for action to protect children in migration.

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50 40,000 from Greece and Italy in the first implementation package and 120,000 from Greece, Italy and Hungary in the second implementation package, see i.a. http://europa.eu/rapid/press-release_MEMO-15-5698_en.htm
55 Webstreamed sessions, background documents and data collected in view of the Forum are available at http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=34456
No time to waste

› Vision, guidance and leadership are needed to prevent uncoordinated and fragmented action which puts children at risk. To that end, the comprehensive strategy on children in migration promised by the EU Agenda on Migration is urgently needed.

› Unaccompanied and separated children are among the most vulnerable migrants. Member States are failing them day by day when not committing and implementing relocation of these children, and increasing chances of disappearance.

Call for a comprehensive approach for all children in migration

Ahead of the EU Forum on the Rights of the Child, over 80 civil society organisations co-signed a joint statement urging EU leadership and immediate action, in cooperation with civil society. The statement called for the adoption of an EU Action Plan on all refugee and migrant children, the prioritisation of children in all migration and asylum policies and law, including the reform of the CEAS and funding and a better protection of children across borders.

I would like to study to improve my future, because in the past I have struggled to study while I was in Malta because I was stressed about what my status was. I was rejected from getting the status for protection twice. Here I found a lot of help from my social worker Antoine, who helped me to find a job and invest my money. Now I work at the Mater Dei Hospital cafeteria. Getting this job helped not feel alone anymore, I found I could finally integrate and have friends.

Said [Arrived in Europe as an unaccompanied child]
3 Opening speeches

Opening speech by Her Excellency Marie-Louise Coleiro Preca, President of Malta and Member of Missing Children Europe’s Patrons’ Council

[Salutations]

Let me once again welcome you to this conference, entitled “Lost in Migration - Working Together to Protect Children from Disappearance.” I wish Queen Paola could be here, to see the fruit of our hard work and to participate in this united effort. On behalf of us all, I wish her a full and fast recovery.

I would like to take this opportunity to thank Missing Children Europe and the President’s Foundation for the Wellbeing of Society, and other stakeholders, for facilitating this conference.

It is this kind of synergy, bringing different organisations and groups together to work for one common cause that I hope shall inspire our work over the next two days.

Thanks to Missing Children Europe, we have a much-needed opportunity to highlight the uncertainty faced by the thousands of children who go missing as a result of migration.

Furthermore, I note with satisfaction that the recommendations that will be extracted from our conference shall be presented, by the President of Missing Children Europe, Maud Buquicchio, and the Director General of the President’s Foundation, Ruth Farrugia, at the ongoing informal meetings being held by the European ministers of Home Affairs and ministers of Justice.

The wellbeing of migrant children must be a top priority on our national and global agendas, especially because the phenomenon of migration will only increase in importance over the coming decades.
We must work together, on approaches that proactively respond to the realities of migration. We must have one voice, emphasising the need for policies and strategies that are driven by our shared commitment to vulnerable children and their families.

Many countries are still not adequately equipped to effectively address the growing numbers of refugees and migrants. As a result, social tensions are increasing.

National and international support systems, where they exist, are struggling to provide effective outreach. Thousands of unaccompanied asylum-seeking children are getting lost because of failing systems.

We cannot allow quite a percentage of European funds, which are dedicated to provide assistance and support to migrant children, to continue being swallowed up by bureaucratic processes. Rather, they must be channelled into direct actions, which respond to the real needs of unaccompanied children.

We cannot allow the fundamental rights of children to be compromised. The dignity of children cannot be a fairy tale or simply a platitude. It must be a lived reality, experienced by each and every child who forms part of our global family.

“We cannot allow the fundamental rights of children to be compromised. The dignity of children cannot be a fairy tale”

Unaccompanied children are particularly vulnerable to abuses of their fundamental rights. They stand more risk of going missing because they have no access to parental care. They experience intersectional vulnerability due to their age, the uncertainty of their status, and their position as migrants.

As we all know, unaccompanied children are more exposed to harm and exploitation. Furthermore, they are targets of sexual violence and contemporary forms of slavery. According to the UN Office of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography (and Maud can tell us more), children have been particularly affected by a rise in human trafficking across Europe.

Children are being taken advantage of, with deceptive promises of a better and safer future.

We must be vociferous in calling for systems and structures which can meet the material needs of our children, including suitable accommodation, food, and essential medical care.

Moreover, we must also address the social and educational needs of every child. We must provide psychosocial support, alongside crucial information about, and meaningful access to, their rights.

The lack of a unified and effective policy or strategy that is able to consistently provide safety for unaccompanied children who are seeking refuge in European countries, is proof of the lack of solidarity which is at the root of our concern.

Unaccompanied children, caught up in the migration tragedy unfolding across our borders, cannot be ignored. We, in the Mediterranean, continue to have a first-hand experience of the horrors endured by children during migration. They cannot be forgotten.

“If a child from our own families goes missing, the world stops”

If a child from our own families goes missing, the world stops.

We do all that is within our power to secure the wellbeing and the safe return of that child. Why, then, do our authorities not feel that same sense of urgency when it comes to the unaccompanied migrant child?

“It is up to civil society to supply the social conscience that seems, I am sad to say, in increasingly short supply. Alarming statistics from Europol, UNICEF, IOM, and UNHCR
show that disappearances of unaccompanied children are on the increase.

Europol estimates that 27% of last year’s arrivals, fleeing situations of war, of environmental devastation, and extreme precarity, were children, and that at a minimum 10,000 unaccompanied children are now unaccounted for. This means that we have lost all trace of an estimated 10,000 children.

We also know that these are conservative figures. It is a source of shame that, in 2017, even as many as 10,000 refugee children are missing.

“Europol estimates that 27% of last year’s arrivals, fleeing situations of war, of environmental devastation, and extreme precarity, were children, and that at a minimum 10,000 unaccompanied children are now unaccounted for. This means that we have lost all trace of an estimated 10,000 children.”

Even one single child is too many.

Where is the self-described safety and prosperity, of which we are so proud, as Europeans? Where is the solidarity, upon which our European Union was founded? Where is the hope, which it is our sacred duty to instil in our children?

I believe that now is the time for us to make more concrete efforts to work together, as organisations, as nations, and as people of goodwill, to intensify our collaboration across borders and sectors.

We must do all that we can to prevent vulnerable children from going missing.

“Now is the time for us to make more concrete efforts to work together, as organisations, as nations and as people of good will, to intensify our collaboration across borders and sectors.”

We can no longer accept that even a single child is lost. Unaccompanied migrant children are entirely dependent on our governments, our authorities, and our policies. They are entirely dependent on us.

It is our responsibility to motivate and sustain the necessary political will. It is our responsibility to find collaborative ways to reinforce effective and united strategies that safeguard children’s wellbeing; strategies that respect and enforce their rights, in full accordance with the UN Convention on the Rights of the Child (CRC).

Furthermore, Article 7 of the CRC enshrines a child’s right to a nationality, which is being denied to vulnerable children by our very systems which should protect their rights.

We cannot go on creating a missing generation of young people. We must persuade our European family of nations to see the benefits and the potential in taking decisions, and promoting policies, that regularise and safeguard the wellbeing of every child.

“We cannot go on creating a missing generation of young people”

In one of its latest reports on relocation and resettlement, the European Commission recommended an intensification of its efforts to relocate and resettle unaccompanied children. However, a lot has yet to be done for such programmes to meaningfully meet the many and varied demands of asylum seeking children.

For this reason, deeper coordination between governments and agencies, at both a national and transnational level, is essential. I believe that we must now secure a holistic policy, which is based on long-term cooperation between all stakeholders.

Responsibilities for the safety of children must be shared between us, to produce and successfully implement a pan-European policy.

While I was Minister of the Family and Social Solidarity, I met with a young Syrian refugee called Mohammed. He was a seven
year old boy who had seen his entire family drown in the Mediterranean Sea. Thanks to the collaborative efforts of the Red Cross, UNHCR Malta, and other stakeholders, Mohammed was eventually reunited with his uncle.

Mohammed’s experience is proof of the beneficial change that we can achieve, by working together and sharing our resources and efforts.

More recently, the President’s Office was approached by a young Syrian man who came to Malta as an unaccompanied child. He had fallen through the cracks in our system, and told me that he was separated from his family, engaging in precarious work, and lacking the necessary support.

Thanks to the united efforts of a team of professionals, working together on his behalf, we are addressing his case for reunification, while also opening opportunities for dignified employment and psychosocial care.

These examples serve to show that it is essential for individuals, for you and I, in our roles as the makers and implementers of policy, to create the change we wish to see in our society.

Over the next six months, I hope that Malta’s Presidency of the Council of the European Union shall provide opportunities for us to commit to a unified European action plan, of benefit to unaccompanied migrant children.

Furthermore, Malta shall be the only Mediterranean country to hold the Presidency of the Council for the next few years. Therefore we must keep giving visibility to the fact that the Central Mediterranean is the most deadly route for migrants seeking entry into Europe.

We must use all opportunities to make sure that the fundamental human rights of vulnerable children remain a priority on our national and international political agendas. We must listen to their voices, taking practical action to secure their best interests.

“We must listen to their voices, taking practical action to secure their best interests”

Let me conclude by expressing my hope that this conference not only fosters greater synergy amongst us, but provides a platform from which we can continue developing cohesive strategies, for the benefit of all our children.

I am confident that with the combined strength of the academics, practitioners, policymakers, and stakeholders present here, we can make a difference.

Together, we can create a European approach to migration that respects and secures the dignity of vulnerable children. Together, we can prove that the love we feel for our children is unconditional, crossing all borders and barriers, to protect and nurture the wellbeing of every child.

Thank you.

The lack of a unified and effective policy that can provide for the safety of unaccompanied children seeking refuge in Europe, is proof of the lack of solidarity which is at the root of our concern.

Her Excellency Marie-Louise Coleira Preca, President of Malta
Speech by Maud de Boer-Buquicchio, President of Missing Children Europe and UN Special Rapporteur on the sale of children, child prostitution and child pornography

[Salutations]

Dear colleagues, ladies and gentlemen,
Your Excellency,

On International Missing Children’s Day 2016, you invited Missing Children Europe to join you in organising a conference on children in migration, during the term of your country’s Presidency of the Council of the EU.

Your ambition was to make a decisive contribution to protect children migrating to Europe from being subject to all sorts of harm resulting from their disappearance, by bringing together all stakeholders from across Europe.

Your concern, which I share, was that these children too often fall through the cracks due to fragmented, ad hoc responses, addressing temporary needs, but forgetting about the child behind the migration status.

Your wish was that this conference would allow us to discuss procedures, responsibilities and communication lines between actors involved at national and transnational level. Your hope was also that we would listen to children, and make sure their voices are heard when we craft responses, which is the first thing we will do today. So here we are.

“Your hope was also that we would listen to children, and make sure their voices are heard when we craft responses, which is the first thing we will do today.”

Your Excellency, thanks to your leadership, we have gathered over 150 experts from European and beyond: child protection professionals, social services, migration and asylum officials, law enforcement au-
authorities, guardians, lawyers, hotlines for missing children, international governmental agencies and many more. I thank you all for having travelled from afar for this important event.

We all agree that the starting point for our discussion today is the commitment of every single member state of the EU to abide with the principles enshrined in the CRC. The CRC should be the canvas on which any policy, guideline, legislation or action relating to children is drawn. Only such rights based approach can provide the protection needed to prevent children from being lost in migration. Children cannot wait. They need us to do better, to do more, to give them a chance of being a child and to be protected as such.

“Children cannot wait. They need us to do better, to do more, to give them a chance of being a child and to be protected as such.”

Although we lack precise and segregated data, the available evidence does not lie. 30% of all people seeking protection in Europe are children, with more than half under the age of 14. We are all aware of the huge burden on countries of first arrival, which the so-called “refugee crises” entails. Personally I would rather refer to this phenomenon as a “refugee tragedy”, as the suffering of migrants should be at the forefront of our concerns. In Greece, 38% of the migrants who arrived in since January 2016 are children, and in Italy 91% of the children arrived unaccompanied…and then what?

Moreover, we cannot ignore the thousands of people, of which 46% are children and 20% are unaccompanied, who are waiting in Serbia in the snow, at Europe’s borders while their fingers literally freeze off.

“Moreover, we cannot ignore the thousands of people, of which 46% are children and 20% are unaccompanied, who are waiting in Serbia in the snow, at Europe’s borders while their fingers literally freeze off.”

The challenges are vast and complex, but not unsurmountable. Children most often go missing due to underlying protection problems including poor reception conditions, lack of information, lengthy and complex procedures for family reunification or for appointment of a guardian, out of fear of being sent back to their country of origin or transferred to the first country of arrival. Problems are exacerbated when children lack identity documents. Risks related to going missing also increase due to a lack of training of professionals at all levels, as well as to a persistent lack of coordination at national and cross-border level. And let us not forget, the existence of these protection gaps is a fertile ground for criminal exploitative behaviour.

That is not to say that nothing is being done to address this issue in our member states. Thanks to committed volunteers, local authorities, and civil society, many good practices exist, but are too often not implemented consistently. To help disseminate these good practices, Missing Children Europe recently published a handbook for guardians, carers, hotlines for missing children and law enforcement working on cases of missing children in migration, in particular unaccompanied children. The guidance starts from the European Commission’s
principles on integrated child protection system and provides for definitions, guiding principles for preventing and responding to disappearances of unaccompanied children, information on unaccompanied children as a specific target group, practical templates and tools for prevention, response and aftercare, and a template allowing partners to define interagency cooperation ownership over the different stages and actions needed.

But beyond these much-needed good practices for those working at the grassroots, it is clear that a European coordinating framework is needed to yield real, sustainable and consistent results across the different member states. A framework of action, a strategy, an EU action plan – semantics don’t matter in this case - preferably adopted at the highest possible European level. This framework is needed to ensure that all children, both alone and with their families and regardless of their status, are protected throughout their migratory journey and upon arrival in their country of destination. It is needed, not because we ‘just love action plans in the Brussels’ bubble’ as was suggested recently, but because the current lack of coordination leads to fragmentation, inconsistency, disharmony and even contradiction. It is also needed to ensure that funding is earmarked and used effectively.

A European action plan can also help systems of child protection to talk to each other, over and beyond national borders, using some of the tools that have already been put in place, such as hotlines for missing children. There is a lot to build on, and previous achievements - among others through the EU Action Plan on Unaccompanied Minors - should give us the drive to go on. A great start for a robust European plan was given with recent EU Forum on the Rights of the Child and we’re looking forward to the conclusions and next steps.

Let me just add however that for any European strategy to work or even to be agreed upon, the national level needs to follow, or even lead the way. Sadly, it has often been at this level, the national level, that progress was blocked. The more promising Dublin review of the article establishing which country is responsible for the protection of unaccompanied children, tabled earlier by the European Commission was for instance withdrawn following a lack of political will among national authorities in charge. The relocation plan proposed by the Commission is another example, where initiatives were taken but not followed with the swift action required from the member states – with only 171 unaccompanied and separated children relocated from Greece, and one from Italy to date. Afraid of popular anti-migration sentiment, children are forgotten by our national authorities, unmentioned in policies that are expected to define their safety, their wellbeing and future.

“Afraid of popular anti-migration sentiment, children are forgotten by our national authorities, unmentioned in policies that are expected to define their safety, their wellbeing and future.”

Over the past two years the political agenda in Europe and beyond has been fed by a narrative of fear. Responding to recent terrorist attacks, economic instability and other challenging global issues, security has been pushed ever higher on the agenda – and sadly in a way that seems to go against needs of protection of a community of vulnerable children. Protection however, is one of the key building blocks needed in a safe and secure society. It is high time for a change in narratives, for political will to defeat some of the dangerous populist policies around Europe, in particular when it comes to children.

And as we are gathering here over the coming two days, national ministers of Home Affairs and Migration will be discussing migration and asylum policies on the other
side of the island at the Informal Justice and Home Affairs meeting. I am very pleased to have been invited by the Maltese Presidency, along with our friends from the President’s Foundation for the Wellbeing of Society, to present the concerns of this conference on both days, which demonstrates a willingness to need to step up in the protection of migrant children. So our conference is not just a talking shop: we can and should make a difference!

Children have been a footnote in European policies – and you can indeed take this quite literally – for much too long. As a member of Missing Children Europe’s Patrons Council wrote: all children have the right to have rights.

I invite you, with us, to demand change, to make children a headline rather than a footnote, but a headline of hope, and not of despair.
4 Living library: Experiences of children and youth on the move
The long road to protection and inclusion

The Living library sessions of the conference on “Experiences of children and youth on the move: the long road to protection and inclusion” were organised by the European Programme for Integration and Migration (EPIM) and local civil society organisations from Germany, Belgium, Italy and Greece. The Living library sessions invited the conference participants on an interactive thematic walk through some of the stages many children and youth go through on their journey in Europe. Small rounds of discussions with local civil society organisations aimed to bring participants close to the experiences of children and youth on the move in Europe and with the organisations’ critical work.

Three themes were discussed:

> THEME 1: “Arrival: identification and reception conditions”
Three discussions led by: Faros (Greece), Praksis (Greece) and Cooperazione Internazionale Sud Sud (Italy)

> THEME 2: “On the move: protection across states and effective guardianship systems”
Two discussions led by: Metadrasi (Greece) and Save the Children Italy

> THEME 3: “Inclusion and participation in society: reaching adulthood, emancipation and empowerment”
Four discussions led by: Minor-Ndako (Belgium), Deutsche Kinder- und Jugendstiftung (Germany), Jugendliche ohne Grenzen (Germany) and Dedalus Social Cooperative (Italy)
5 Workshops

1. Missing unaccompanied children and links with trafficking – legal obligations on protection and areas for improvement

Coordinated by Birds Solicitors, Garden Court Chambers and Simpson Millar Solicitors

Conclusion and recommendations:

1. More protection for child victims of trafficking at risk of going missing

There already exists a number of legal obligations within the EU (and in particular the UK) which are currently not being effectively adhered to and implemented to prevent migrant and refugee children from going missing. The existing legal obligations are triggered as soon as authorities come into contact with children and young migrants who have been trafficked into Europe and who go missing or are at risk of going missing when they first arrive to the country, when they are intercepted by the authorities, when they are released from custody or detention or whilst under the care of local authorities/social services.

2. Non-prosecution of victims of trafficking

All too often victims of human trafficking, in particular child victims of trafficking who have entered the criminal justice system, having been compelled to commit offences by their traffickers or as a result of their trafficking and exploitation, continue to face prosecution as a result of unlawful prosecutions and poorly informed defence lawyers. A number of international, regional and domestic legal instruments already exist that are designed to protect victims of human trafficking against prosecution when involved in forced criminality, these however are not consistently applied. Professionals coming into contact with victims of trafficking, who may not have been identified as such, are duty bound to consider their circumstances and any indicators of trafficking. Failure to identify these individuals when they enter into the criminal justice system, leads to a high rate of re-trafficking and safeguarding issues.

3. The role of age assessments in safeguarding children

The fair and lawful determination of age is a gateway into a considerable body of legal safeguards and protections for unaccompanied child asylum seekers and therefore the importance of getting it right cannot be overstated. Recommendations were made for age assessment to be viewed as a child protection issue for which there should be a harmonised set of procedural and substantive standards of fairness set across Eu-
rope which move away from unreliable and unethical invasive medical examinations and move towards a holistic assessment of age conducted by independent bodies whose decision can be challenged in front of an independent tribunal. There should also be a strengthening of the ‘benefit of doubt’ in favour of the child and the cut off age of 18 years old should be relaxed for this highly vulnerable group.

Speakers:
Philippa Southwell, Birds Solicitors
Maria Moodie, Garden Court Chambers
Silvia Nicolaou Garcia, Simpson Millar Solicitors

Insight from a youth’s perspective: Sarah Bouhlel (INSITE)

The workshop focused on the legal aspect of trafficked and missing young migrants. Trafficked children are forced into criminality like theft, pick pocketing, forced begging and immigration offences by their traffickers. They are also forced to work in domestic houses adapted for the purpose of drug production as well as transportation and supply of drugs. So when these children come in contact with the authorities, they are taken into detention centres.

The problem in these situations is the difficulty for lawyers to prove to judges that these children were forced to do what they have done. And that they are actually being trafficked and exploited. After serving their sentence, these children get picked up by traffickers from detention centres or foster families and get re-trafficked again.

There are many ways we can protect these children from trafficking and going missing. The most important thing to be done to save them is to identify trafficking cases quickly. To do so, the EU needs to have effective legislations and common administrative frameworks, to help recognize these cases. The children also need to get assessed as soon as they arrive to the country for the authorities to be aware of their needs and collect relevant data about them so that it would be easier to find them when they go missing. Finally, EU countries need to share information on trafficking patterns in different countries across Europe to stop children from becoming victims of trafficking.

Credit: Jeff Malo, jeffmalo.com, Greece
2. The enhancement of practical inter-state cooperation in the context of Dublin procedures

Coordinated by UNHCR

The Dublin Regulation is a key instrument to enable unaccompanied and separated children (UASC) to reunite with their family within the EU. Delays in the provision of guardianship and legal assistance, lack of clarity as to the role and responsibilities of the actors involved as well as the lack of standardized approaches in areas such as best interest assessments (BIAs) and family tracing create significant challenges and duplication of assessments. Despite a clear duty to cooperate between Member States (MS) in assessing the best interests of children (Art. 6(3) of the Dublin Regulation), cooperation between MS in this context is often limited. These challenges can result in lengthy delays in family reunion procedures concerning UASC which often mean that they disappear to join their families in other MS outside the framework of the Dublin system.

Recommendations

> Enhanced cooperation in the assessment of the best interests of children in Dublin procedures is essential. To this end, common templates, guidance as well as Standard Operating Procedures (SOPs) should be in place for enhancing cooperation between Member States as well as to ensure meaningful participation of all relevant actors. Additionally, guardians and liaison officers in other Member States’ Dublin Units should more systematically be employed to enhance dialogue and cooperation.

> Guardians are key in assisting children with providing all relevant information for a swift and correct determination of responsibility in accordance with the Dublin Regulation. Guardians should systematically be involved in procedures concerning children and appropriate frameworks should be put in place to identify roles and responsibilities to ensure that they are involved in the procedures to the fullest extent possible.

> Member States have a duty, under the Dublin Regulation, to proactively trace the family members, siblings and relatives of a child. To assist in ensuring swift family reunion and thus also reduce disappearance of children during such procedures, Member States should closely cooperate with each other in conducting family tracing and verifying family links. To that end, appropriate guidance and common tools and standards should be developed. A common understanding between Member States and consequent smooth functioning of Dublin procedures for swift family reunion is in the interest of children and Member States alike.
3. When is ‘return’ to the country of origin in the best interests of the child?

Coordinated by PICUM

Key concerns

In line with the UN Convention on the Rights of the Child, states are obliged to consider, as a primary consideration, the best interests of each child in every decision affecting them - including decisions on return. To determine whether return to a child’s country of origin is in a child’s best interests, there needs to be individual and robust best interests’ determination procedures, documented and done by professionals with independence from migration authorities. The Committee on the Rights of the Child has reiterated that general immigration control interests cannot take precedence over the child’s.

The political prioritisation of achieving ‘effective returns’ is likely to lead to an increase in the number of children and families subject to removal orders. Against this background, participants in the workshop discussed how current deportation policies and practices harm children before, during and after deportation, drawing on specific examples of cases of children deported from Germany to Kosovo (with input from Verena Knaus, UNICEF) and children in deportation proceedings in the UK (with input from Frances Trevena, Coram Children’s Legal Centre).

Before:

- Fear of deportation negatively impacts on children’s health, development and well-being.
- Fear of deportation may prevent children (and their parents) from accessing essential services such as education or health care, for fear – and risk – of apprehension.
- Fear of deportation is also a key driver for ‘disappearances’ as children and families disengage with immigration authorities and procedures.
- In practice, return decisions are usually issued to families with children (who constitute the majority of children deported) without any meaningful assessment of the child’s best interests and the impact removal would have on the child. Children are often treated as if they were the “luggage” of their parents. When considered, the parents’ level, or lack of integration, whether or not they have ever held documents, or committed any crimes can all outweigh the children’s best interests (See for example, a recent case from the UK (RA v SSHD 2015) where the courts ordered a family deported from Nigeria to be brought back to the UK as the Home Office had ignored the family court’s best interests assessment).
During:
› Forced removals are highly traumatic for children (as evidenced by research), as they involve night-time raids by uniformed personnel, exposing children to experience and/or witness violence involving parents or siblings, administrative detention or long waits at collection centers and/or airports. Forced removals – often during the school year – also result in children’s education being interrupted and their deportation without school certification.

› Increasing powers given to immigration authorities to effect removals and detention is in some cases leading to increased data-sharing between health authorities, schools, banks and immigration enforcement. This undermines children’s access to essential services and violates their rights, but is being justified by the increased focus on increasing deportation rates.

After:
› Few reintegration programmes focus on the specific social, educational or health needs of children returned and there is a near-total lack of independent monitoring to assess the sustainability of return and reintegration programmes.

› Post-return monitoring of children deported from Germany to Kosovo found that 1 out of 3 children were exhibiting signs of Post-Traumatic Stress Disorder. 44% had clinical depression. 26% thought about suicide. 1/3 of families had re-migrated within a year due to discrimination in access to services, lack of housing or income.

› Agreed reintegration assistance is often not made available in practice. For example, in the case of RA v SSHD [2015] above, even the funds allocated to the mother to pay for accommodation for the first few days were not available to her.

Recommendations
› A formal, individual and robust procedure to determine the best interests of the child must precede any decision to issue a return decision/order to leave the territory for an unaccompanied or separated child or family with children. The decision on return should be guided by the findings of the procedure and focused on finding sustainable solutions – including integration in the country doing the assessment/of current residence, return to the child’s country of origin, or integration in a third country (e.g. for family reunification).

› The procedure should be multidisciplinary, impartial, with procedural safeguards (legal representation, etc), and consider every possible sustainable solution for the child regardless of the asylum/immigration decision, in line with their best interests.

› Ensure availability and accessibility of clear procedures for children to access secure residence status, on grounds including the best interests of the child.

› At no point should a child be detained for immigration purposes – States should develop alternatives to detention focused on engagement and case management where children can live in the community with their families or suitable alternative care (where possible, family-based, group homes, etc).

Speakers:
Lilana Keith, PICUM
Verena Knaus, UNICEF
Hil Nrecaj, NGO Monitor
Frances Trevena, Coram Children’s Legal Centres
Migrant families’ live long years in fear and uncertainty of deportation. They fear contact with the police to the extent of not reporting cases of abuse and violence. The reason behind this is that once they have contact with the police, the latter will know about their uncertain position in the country and therefore they will start deportation procedures. Authorities inform families of their deportation so some families have their suitcases prepared for months if not years. These families live every day in fear and uncertainty of going back. While other families do not believe the claim of the authorities and get deported without much mental and physical preparation.

Some countries deport one member of a family at a time to pressure the rest into going back ‘voluntarily’. In countries like Germany, parents get deported and children get to stay with ‘Legal guardians’. The voice of the child in these kind of situations is never heard or taken into consideration. These authorities use the phrase ‘best interest of the child’ as a justification for these kind of actions, however this is only lip service. The child’s best interest is served when he/she is with the family.

The child feels a lot of anxiety and fear due to the undetermined position they hold in the host country and the possibility of being sent back. However deportation can be even be more harmful. In fact, 1 in 5 children suffer from PTSD when they return to their home country according to a UNICEF research.

4. Guardianship: minimum standards

   Coordinated by Seperated Children in Europe (SCEP) and Save the Children

Unaccompanied children receive a far worse living conditions and care services than other children in Europe. The road to the full guarantee and implementation of the rights of unaccompanied children includes primarily guaranteeing enhanced common standards in Europe’s guardianship system.

The guardian is a key figure in the fulfillment of children rights, they should be a bridge between the child and the other actors involved; should function as the child’s reference person; and act as a link between the child and specialist agencies, individuals and service providers. The guardian should coordinate the various service providers and ensure that the network of services supporting the child functions effectively.

Guardianship systems are essential in providing elementary protection for children, upon their arrival to Europe. There is a great disparity between guardianship systems in different member states, which the EU is now trying to tackle by harmonising guardianship in the in the Commission’s proposal for a Procedures Regulation. Every child is entitled to a functional and effective guardianship system with qualified and trained independent guardians who have the know-how, expertise and capacity to support each child they are appointed to.
Separated Children in Europe Programme (SCEP) developed the Core Standards for Guardians of Separated Children in Europe with the effort of harmonizing guardianship systems in Europe. The ten standards are:

1. The guardian advocates for all decisions to be taken in the best interests of the child, aimed at the protection and development of the child.
2. The guardian ensures the child’s participation in every decision which affects the child.
3. The guardian protects the safety of the child.
4. The guardian acts as an advocate for the rights of the child.
5. The guardian is a bridge between and focal point for the child and other actors involved.
6. The guardian ensures the timely identification and implementation of a durable solution.
7. The guardian treats the child with respect and dignity.
8. The guardian forms a relationship with the child built on mutual trust, openness & confidentiality.
9. The guardian is accessible
10. The guardian is equipped with relevant professional knowledge and competences.

A well-managed protection system for unaccompanied children can refer to qualified volunteers. It is therefore of primary importance to ensure that, whenever volunteers are appointed as guardians, the same standards apply to them as to professional guardians. This includes qualifications, vetting procedures, training, monitoring mechanisms and accountability measures. Codes of conducts and written guidance on recruitment, training, monitoring, evaluation and supervision developed for professional guardians should also be used for volunteer guardians.

Furthermore an effective guardianship system is key in addressing some of the main reasons why unaccompanied children go missing, including:

1. children’s decision to leave reception centres where they find inadequate material conditions and no support for integration: guardians contribute to, and advocate for good quality accommodation and integration programmes and support the children in getting a legal status
2. children’s decision to leave in order to reach other European States, irregularly crossing EU internal borders rather than waiting for lengthy family reunification procedures under the Dublin Regulation or relocation: the swift appointment of a guardian allows the child to quickly apply for asylum, thus making the procedures for transfer under Dublin Regulation / relocation faster
3. involvement in trafficking and exploitation: guardians are key in protecting the child from trafficking and exploitation

If I would have been born in Syria, I would also sit on the boat to look for a better life. We have to look for legal ways of migration.

Hilde Vautmans, Member of the European Parliament
Recommendations

› The guardian should be appointed as soon as possible and in any case within 48 hours of the child arrival in the country and assist and represent them at all hearings, ensure their best interests are met and exercise legal capacity where necessary. Each guardian should represent a limited number of children in order to ensure a personal and appropriate care.

› It is essential that guardians are independent in the sense of having no conflict of interests which could affect the exercise of their function.

› Any new guardian system should foresee training for guardians and ensure that unaccompanied children receive continuous supervision and legal assistance, and are granted legal status promptly.

› Implement the Core Standards for guardians of separated children in Europe in policy and practice. Use it as a monitoring tool for your work as a guardian or the guardianship system in your country.

› recognise that children are not merely passive victims but should be involved in decision making – and reliable information should be available to them to aid this decision making process and thus reducing the likelihood of re trafficking.

Speakers:

Jantine Walst, Defence for Children
Terry Smith, Separated Children in Europe (SCEP) Advisor
Matteo Delmonte, Save the Children
Elena Rozzi, ASGI
Konstantinos Kazanas, Save the Children

5. Establishing mechanisms for transnational child protection

Coordinated by Save the Children, World Vision and NSPCC Child Trafficking Advice Centre

The workshop aimed at discussing gaps in current child protection systems and identify where they fail in protecting children on the move across borders. Currently, there is a lack of comprehensive guidance to EU Member States on the nature of the specific transnational coordination mechanisms that help ensure the protection of children in the context of migration.

The workshop was structured in two parts: In the first part, the coordinating organizations gave an overview of their experience with cross-border child protection. Save the Children’s Daniela Reale set the scene by presenting key examples of cross border coordination that Save the Children has supported in various regions and how these have improved the protection of children on the move. She also gave insight into some preliminary findings of a series of studies she is currently conducting on this issue in various regions.

The child protection expert Weihui Wang discussed the issue in a very practical manner by giving insight into World Vision’s work along the Western Balkans route. She identified gaps in protection that mostly resulted from the absence of a cross-border referral system of unaccompanied or separated children. She specifically
elaborated on the need to set up an Inter-Agency Child Protection Case Management System in order to avoid that children fall through the cracks of national child protection systems.

The NSPCC Child Trafficking Advice Centre presented their model of multi-agency, cross-border working, the trends the service sees in terms of child trafficking and missing children and case studies of how the service works nationally and across borders to protect children as a multi-agency team of social workers, national crime agency and immigration.

In the second part of the workshop, participants split into three groups in order to discuss concrete policy and practical recommendations. The first group put an emphasis on the need to establish a cross-border case management system. One of the recommendations discussed was to establish MoUs between different countries including non-EU Member States. Concerning the collaboration and information sharing between NGOs, participants recommended the increasing “sharing” of staff from different points of the migratory route: By integrating staff members from countries of origin in responses in transit countries and host communities, information could be adequately shared between the different stages of migration. Another group discussed the importance of hotlines for missing children across Europe and the need for a single point of contact for children on the move in every country. The last group emphasized the need for the sharing of quality information and the loss of trust into state authorities by children on the move due to lengthy procedures.

At the end of the workshop, participants reconvened to discuss concrete recommendations to ensure that a continuum of protection, care and support is in place in the EU for all children involved in cross-border migration, regardless of their migration/residence status. The final recommendation consisted in the following 5 points:

1. We need a common framework, such as a EU Action Plan, for all migrant and refugee children that brings together all responsible agencies around a common agenda.

2. We need to build a robust system of registration and information collection and sharing which respects privacy and data protection. This should be separate from asylum and migration systems. Options to separate registration from fingerprinting should be explored.

3. A system of national focal points should be established. These focal points working at the operational level and would become the reference points known and contactable by key actors across borders. They should be mandated and enabled to refer children to the national protection system. This would mean that actors from other countries know who to go to. Options for child protection staff to work in countries along the migration routes should be also explored. Awareness on existing reporting tools and cooperation mechanisms should be raised to address the phenomenon of missing unaccompanied children, and enhancing the capacity of existing networks with expertise and experience in the protection of vulnerable children, including the network of hotlines for missing children, to work together.

4. Key Procedures should be harmonized across borders. This would include for example age assessment and Best Interests Assessment procedures. A common European Assessment Framework would be particularly useful in this regard as would a European Network of Guardians.

5. Common Standard Operating Procedures and common frameworks and cooperation mechanisms should be put in place for the purpose of family reunification. Family reunification is a protective measure and should be expanded not restricted.
Speakers:
Daniela Reale, Save the Children
Weihui Wang, World Vision
Charlotte Jamieson, NSPCC Child Trafficking Advice Centre
Harmesh Raju, NSPCC Child Trafficking Advice Centre

Insight from a youth’s perspective: Sarah Bouhlel (INSITE)

Migrant families’ live long years in fear and uncertainty of deportation. They fear contact with the police to the extent of not reporting cases of abuse and violence. The reason behind this is that once they have contact with the police, the latter will know about their uncertain position in the country and therefore they will start deportation procedures. Authorities inform families of their deportation so some families have their suitcases prepared for months if not years. These families live every day in fear and uncertainty of going back. While other families do not believe the claim of the authorities and get deported without much mental and physical preparation.

Some countries deport one member of a family at a time to pressure the rest into going back ‘voluntarily’. In countries like Germany, parents get deported and children get to stay with ‘Legal guardians’. The voice of the child in these kind of situations is never heard or taken into consideration. These authorities use the phrase ‘best interest of the child’ as a justification for these kind of actions, however this is only lip service. The child’s best interest is served when he/she is with the family.

The child feels a lot of anxiety and fear due to the undetermined position they hold in the host country and the possibility of being sent back. However deportation can be even be more harmful. In fact, 1 in 5 children suffer from PTSD when they return to their home country according to a UNICEF research.

6. How to prevent and respond to unaccompanied children going missing

Coordinated by Child Focus, hotline for missing children in Belgium and Minor Ndako, reception centre for minors in Belgium

The aim was to let people come up with solutions to certain problems faced in cases of missing unaccompanied children.

It started off by asking everyone to give one word that describes unaccompanied minors for them. Words that were used were resilience, brave, compassion, amongst others.

Next people were asked to discuss the five worst practices when it comes to preventing unaccompanied children from going missing in their respective organisations or countries.

Then people paired up to quickly present their five worst practices. These we clustered into several categories: housing, registration and information, cooperation, notifying of and response to a disappearance. This was followed by a discussion in groups on how to turn the bad practices into good practices.
The group was then asked to work on a case study testing their bad practices turned good on this case and how those would impact the case outcome.

**Good practices discussed:** A good guardianship program, making sure that each child has a well informed and trained guardian; small scale reception centres where each child can receive individual care and attention; give the migrant child the information they need but make sure to use language they understand; when a migrant child does disappear make sure to notify the right authorities immediately; work together with the authorities and other organisations; treat the disappearance of a migrant child seriously.

**Speakers:**
- Sofia Mahjoub, Child Focus
- Pieter Vanholder, Child Focus
- Semma Groenendijk, Minor Ndako

7. The role of quality care in encouraging children and youth on the move in Europe to seek support in protected spaces

*Coordinated by EPIM and the Migration Policy Institute, with the participation of the European Council on Refugees and Exiles (IECRE)*

At the heart of the workshop is the question of how to provide quality of care that is tailored to the mandate of each child and perceived as such by the individual. Reception facilities, guardianship systems, foster families, communities and health, education and vocational training institutions that seek to protect and empower the development of the child and are able to convey that objective to the child are a key predictor in the child’s likelihood of staying where they have arrived.

The hypothesis that quality of care, and the child’s perception thereof, matter in the prevention of children going missing has recently gained support. In the wake of the refugee crisis, the closure of the Greek border as well as the disappearance of children in countries of destination have reconfirmed that the reasons for children and youth leaving reception facilities are more diverse than the aim to move on. Reasons, such as fearing a negative decision on the asylum application, poor conditions in shelters, ineffective guardian systems or being at the mercy of a smuggling or trafficking gang also play a significant role.

In this workshop, representatives from civil society organisations in Belgium, Germany, Greece and Italy who work with (unaccompanied and separated) children discussed the practices they have adopted in pursuit of providing quality care to the target group they are working with and ensuring that this resonates with the child’s mandate for his/her journey to Europe. Workshop participants gained insight into those practices, how these are tailored to the (shifting) profile of the child, the dilemmas that practitioners have – and continue to face – in this respect, and the transferable lessons that can be drawn for other Member States and the EU as a supportive environment. The workshop also included the perspective and voices from children and youth who are or have been in care while on the move in Europe, with the aim to inform a set of recommendations to serve as guidelines for the care of children and youth on the move across Europe.
Key conclusions and recommendations

In order to prevent children from going missing from care settings, workshop participants emphasised the value of the following approach: Making quality care available is a first fundamental step for encouraging child migrants to seek support in reception facilities or protective spaces and to stay there; ensuring that children perceive the care offered as of high quality and responsive to their needs, motivations and broader interests is a second one.

Affecting the perspective of the child so as to have him/her trust in the care offered and grasp its (medium-term) value, can be pursued by:

> Reducing the ‘confidence trajectory’ of the child (e.g. deploying staff with a migration background; introducing the new arrival to his/her peers at the reception centre, who may be able to reassure him/her that the staff can be trusted);
> Communicating information in a swift, effective and child-friendly manner (e.g. using videos in which young people explain what the new arrival may expect with regard to reception, the asylum procedure, etc. those very first days or weeks);
> Involving children in the development and assessment of care packages, via a variety of consultation and participatory methods; and
> Doing this in a manner that duly recognises the strengths and resources that children bring along and build upon that in the reception context.

These are the main recommendations and conclusions of the workshop. The complete workshop conclusions and recommendations can be found here.

Speakers:
Hanne Beirens, Migration Policy Institute Europe (Facilitator)
Wilke Ziemann, Deutsche Kinder- und Jugendstiftung gemeinnützige GmbH
Maria Gkioka & Kenneth Brant Hansen, Faros
Mohammed Youni, Jugendliche ohne Grenzen
Semma Groenendijk, Minor-Ndako
Elona Boskhi, European Council on Refugees and Exiles (ECRE)

8. Assessing the best interest of the child to identify durable solutions

Coordinated by the County Administrative Boards of Sweden (CABS)

The purpose of the workshop was to present a model of cooperation on the prevention and response to unaccompanied children going missing and to involve the participants in discussing and developing the draft recommendation built on the experiences of the model.

Recommendation from the workshop
Children’s own voices and experiences

> Partnership with NGO’s that meet undocumented children
> Integrating their stories in all parts of the process
> The importance of trust -legal guardian
The role of a coordinating actor

- Coordination on all levels and across all sectors – Holistic solutions
- Provide a platform for discussions and cooperation for stakeholders

National mapping

- As a starting point for cooperation
- To raise awareness both to authorities and to the public opinion
- Comparative data on EU level

**Insight from a youth’s perspective: Mel McElhatton (INSITE)**

This workshop was led by Stockhold Stadsmission, a Swedish non-profit which focusses on social care, healthcare, education, and labour integration. One of its projects is Project BABA, which was initiated in April 2016. The aim of Project BABA was to contact unaccompanied children and youth, in particular those who do not receive other forms of support. Through this initiative, Stockhold Stadsmission wanted to increase its knowledge of the experience of these unaccompanied minors.

To understand the best interests of the child we need expertise and guidance of the children themselves.

This was the principle behind project BABA, and the benefits of such a method was experienced by participants themselves, when two short comments were shared by participants of BABA – one of whom admitted to having tried to commit suicide as they see no way out of their situation, and another who agreed to work for €2 per hour because ultimately, it was still money.

And at the end of the day, how can the voices of youth be heard? One cannot expect them to just speak, but writing down their stories, and then receiving feedback from others about these stories.

**Speakers:**

Amir Hashemi-Nik, the County Administrative Boards of Sweden (CABS)

Elin Blomberg, the County Administrative Boards of Sweden (CABS)

Roshna Mahmoudi, Social Worker

Helena Wihlborg, Stockholm City Mission

**Education is key, as well as giving unaccompanied minors the opportunity to be in contact with their families back home.**

Ibrahim, arrived in Europe as an unaccompanied child:
Creating a Culture of Trust: Separated and trafficked children missing from care in the UK

Coordinated by ECPAT UK, Missing People and Children’s Society

This workshop comprised of three presentations which explored key areas for improvement in the UK approach to trafficked, unaccompanied and separated children who go missing from care.

The first was responding to risk, which looked at the risks faced by missing children, the response of statutory agencies such as social workers and police to this risk (before, during and after a missing incident), as well as the role of specialist accommodation and training for foster carers on caring for separated and trafficked children.

The second presentation concerned the systems of guardianship in the UK for trafficked and unaccompanied children, highlighting the differences between the planned schemes across the jurisdictions in UK, and their impact on the child’s protection needs including the response to disappearances. Guardians or advocates were said to play a key role in supporting migrant and trafficked children to remain visible to statutory agencies, particularly when they went missing.

Finally, a talk on creating durable solutions for trafficked and migrant children examined some of the challenges faced by local government when supporting young people navigating the UK’s complex immigration law. The session reflected on how these challenges might vary between transit and destination countries in ensuring a positive long term outcome for trafficked and unaccompanied children.

On the day, workshop participants agreed that to prevent trafficked, unaccompanied and separated children from going missing from care, and to create durable solutions in the child’s best interest, professionals and carers must create a culture of trust in which everyone in contact with these children recognises risk, responds appropriately, and coordinates their response with others.

The overall recommendation from this session was to focus on creating a culture of trust with young people, which is best supported by multi-agency coordination, the use of appropriate and specialist accommodation (for example, with trained foster carers or support workers) and the timely provision of state-appointed Child Trafficking Advocates/Guardians.

Speakers:
Lucy Holmes, Research Manager, Missing People
Andrea Simon, Campaigns Officer, ECPAT UK
Lucy Leon – Service Manager; Trafficking, The Children’s Society

We had fled from Somalia as a group, the youngest being aged 13. Some of them died at sea, others in hospital. When I arrived in Malta, I felt tension. I was not expecting to be put straight into detention after thinking I had found freedom.

Ibrahim [Arrived in Europe as an unaccompanied child]
Insight from a youth’s perspective: Sarah Bouhlel (INSITE)

This workshop discussed ways on how to respond to risks of children going missing, guardianship in the UK and its challenges and how to creating durable solutions.

Children go missing because they fail to build a relationship of trust with their guardian, they suffer from social isolation and debt bondage (sometimes these young people feel pressured to return to their traffickers to ‘pay their debt’). These children need to have guardians and safe accommodation so that their traffickers will not find them, and a long and secure attachment. The guardian needs to seek professionals that look out for indicators of re-trafficking to prevent the child from going missing.

The long delays on receiving decision from asylum application makes it difficult to create durable solutions. There is also no consistency with the people who these children are working with, which creates trust issues and feelings of helplessness. These children want a person who can stay with them, look out for their best interest and show them all the options they have so they can decide on what to do.

Usually young people between the age of 15 and 25 decide on their future, but these children don’t even know if they are staying in the country they are in. They can get deported to their country, where there might be war, or experience abuse and violence and have no family. However, these children are always thriving and want an education, they’ve been through a lot of negative situations but they’ve made a lot of positive decisions.
10. Setting minimum standards for the interagency cooperation to better protect children in migration from harm

Coordinated by the Smile of the Child

“The Smile of the Child” (Greece) coordinated and moderated one of the workshop sessions of the Conference with the participation of Child Focus and Telefono Azzurro, the 116000 hotline national operators in Belgium and Italy, respectively, focusing on the minimum standards needed for the interagency cooperation to better protect children in migration.

“The Smile of the Child”, shared with the participants the good practices and tools used in Greece in preventing and responding to child disappearances in the midst of the migration protection crisis in the country, but also analysed the difficulties and challenges that result to inefficiencies in dealing with the phenomenon. Two specific cases of missing refugee minors that the organization recently handled were discussed, in order to showcase what has worked well and what has not. The organization explained that the majority of cases are not reported and as a result the mechanisms for the search for these children available through the 116000 European Hotline and the competent authorities remain inactive. Consequently, children stay unnoticed running the risk of falling victim to smugglers or traffickers.

“Child Focus” discussed a particular case handled by his organization, related to the disappearance of a 15-year old Afghan boy, and shared the details of the case in order to emphasize the role of the 116000 Hotline, the ways in which it collaborated with the relevant actors and authorities, but also in order to expose what worked well, and what did not work. Child Focus presented the formal protocol of cooperation with all stakeholders, the existing close collaboration of “Child Focus” with the relevant authorities, as well as the extensive experience and track record of the organization in handling such cases. On the other hand, with regards to the gaps, it was recognized that there is still a problem of delay in reporting, as well as the fact that the disappearance of a refugee minor is not considered as worrying as that of any other minor.

“Telefono Azzurro” echoed other speakers’ concerns over the low number of cases being referred to the hotline. Their projects “JUST 2015” and “Poste Insieme Onlus”, comprise actions such as mapping all relevant services, developing MoUs to consolidate partnerships, and training Hotline professionals, with the goal of creating a network of all relevant stakeholders for preventing and responding to the disappearance of migrant children, and equipping Hotline staff to support the capacity building process of the stakeholders.

Recommendations:

› Missing unaccompanied children should be treated first and foremost as missing children by all actors and authorities and they should be entitled to the same protection and rights;

› Quick reporting of cases of missing unaccompanied minors to the Police and the existing network of 116000 European Hotlines is crucial for the search and protection of unaccompanied minors;

› Formal and well-established cooperation with public authorities and other relevant actors and agencies is key in preventing and addressing cases of disappearances;
> There is a need for certified procedures and proper information sharing among all actors (authorities, NGO professionals and other actors) involved in dealing with these cases;
> The provision of accurate information on existing tools and mechanisms of protection among children and the actors involved will help to improve the efficiency in responding timely and successfully in cases of missing unaccompanied minors;
> Cross-border cooperation and exchange of information is a prerequisite to deal with the cases of missing unaccompanied minors;
> Advocacy and lobbying should be enhanced within the Member States on mobilizing existing systems and protocols in place.

Speakers:

Piji Protopsaltis, The Smile of the Child (moderator)
Costas Yannopoulos, The Smile of the Child
Pieter Vanholder, Child Focus
Rosalba Ceravolo, Telefono Azzurro
Alain Remue, Belgian Police

11. Durable Solutions for Children on the Move

Coordinated by KOPIN

The workshop entitled “Durable Solutions for Children on the Move” was jointly implemented by Terre des Hommes (TdH)[57], International Social Services (SSI)[58] and Kopin[59], all members of the Destination Unknown Campaign[60] about the rights of children who are on the move or otherwise affected by migration.

The Destination Unknown Campaign for the rights and protection of Children on the Move (CoM). Its seventh demands that “[L] states should make a case per case decision, aiming at finding a durable solution for the child and respecting the child’s view. A risk assessment should be conducted and documented prior to any decisions of repatriation and family reunification. Repatriation is not an automatic option, but one among others.” Based on this, the DUC has set up a Working Group on Durable Solutions (DUC DS WG), which over the past months elaborated recommendations and procedures concerning durable solutions for CoM.

Following the introducing to the Campaign and the “Recommended Principles for Children on the Move and other Children affected by Migration”[61] through Terre des Hommes, the Durable Solutions WG’s recommendations were presented by SSI’s representative. Kopin’s representatives then presented the case of Farah Abdi,[62] a young Somali refugee who, departing from Kenya aged 15, reached Malta as a 16-year old demanding protection on grounds of his sexual orientation.

57 http://www.terredeshommes.org
58 http://www.iss-ssi.org
59 http://www.kopin.org
60 http://destination-unknown.org
61 https://principlesforcom.jimdo.com
62 https://www.youtube.com/watch?v=sd-yU0aceRD
In groups of two, and based on the viewing of the video “Farah’s Destination Unknown”, the participants were then invited to elaborate on Farah’s case following the “8 Step Procedures for Durable Solutions”.

The aim of the exercise was to bring different stakeholders together in a participatory simulation to establish durable solutions of a real Child on the Move, who today is one of the key spokespersons for the rights of migrating children.

The workshop, which targeted stakeholders active in the protection of CoM, was jointly facilitated by Dominik Kalweit and William Grech (Kopin), Vincent Tourmeuillert (TdH) and Olivier Geissler (SSI).

**Recommendations presented to the workshop participants:**

1. **Work towards mainstreaming the development of durable solutions for each child:** States should establish a durable solution for each child to ensure they grow up in a safe and stable environment, with prospects for the future. Considering the best interest of the child, an individual care plan should be established taking into account social integration and the personal, educational and professional development of the child.

2. **Reinforce the social integration of children on the move & facilitate the development of their resources and potential:** States should strengthen their efforts to integrate these children and collaborate effectively with civil society in order to (re)build a social support network for such children. The development of stable social relationships should be fostered, including, but not limited to the provision of access for children to adequate schooling and professional skills training irrespective of whether integration is temporary or permanent. The development of personal skills & capacities builds resilience, and will facilitate social (re)integration whether the durable solution is in the host country, the country of origin or a third country.

3. **Strengthen families and local communities in their care and custodial capacities and livelihoods:** When the local context provides conditions for adequate care and future prospects, child migration becomes a choice rather than a necessity. States should partner with local communities of countries of origin, transit and destination for implementing and monitoring future prospects for children on the move. Investment in socio-economic development and livelihood opportunities are a prequisite for making a solution for the migrant child durable.

4. **Provide continuity of support to children on the move beyond their transition into adulthood:** Children who turn 18 on their migration journey should receive support to prepare for and transition into adulthood. Specific protection and care measures should not abruptly end with the 18th birthday. Youngsters should have the opportunity to complete the education or vocational training they initiated, even in cases where they are confronted with a return decision. Such training represents important social capital and is essential to ensuring smooth (re)integration in the country of origin. In case of return, specialized reintegration projects should be elaborated with the youngster before departure. Concrete future prospects are key to making return and reintegration durable.

5. **Base the identification of a durable solution on a careful assessment of the situation of the child and the family:** States should carefully consider the per-
sonal situation of the child and the situation in the country of origin. Assessments of the social and family situation of the child are an essential pillar in determining a durable solution. By considering the opinion of both the child and their family members, such assessments aim to arrive at a comprehensive understanding of the personal and migration experience of the child, including an evaluation of the existence of an adequate care environment, the risks and opportunities in the country of origin and the possibility family reunification. Accurate, quality information should also support an asylum or migration procedure in the best interests of the child.

6. Establish genuine transnational collaboration and coordination among protection and care actors: States should take responsibility and collaborate better, in order to secure continuity of care for children on the move. Therefore, in order to ensure the exchange of relevant information and the provision of adequate support for children being transferred from one national protection system to another, the work of care professionals should be linked across borders.

7. Develop contextualized and harmonized quality standards for the care and protection of children on the move: The international principles and guidance on the protection of, and provision of durable solutions for, children on the move needs to be translated into national contexts, in order to be relevant for national care authorities and service providers. As durable solutions are implemented across two or more countries, practical guidelines should be developed at the transnational level, to ensure harmonized quality and continuity of care.

8. Develop a joint methodology for cross border case management: States should develop joint case management and information sharing systems, which facilitate the determination, implementation and monitoring of the durable solution for each child on the move.

Speakers:
Dominik Kalweit, Kopin
William Grech, Kopin
Olivier Geissler, SSI
Vincent Tournecuillert, Terre des Hommes

Insight from a youth’s perspective: Damian Cuschieri (INSITE)

In this workshop, led by Destination Unknown Campaign, the discussion revolved around the concept of finding a durable solution. Finding a durable solution is something we mention a lot, without really knowing what it is or how to do it. It’s all about going beyond protection, and looking at long term solutions for the children. A durable solution aims to establish a continuity of care in a safe and nurturing environment as well as the development of stable social relationships that allow the child to develop prospects for the future. Of course this is just a general definition and the process is quite a long and complex one, often involving more than one country and transnational collaboration of the relevant actors.

There are many challenges to be considered, such as the lack of incentives, the problem of the states having to share responsibility for the child and the harmonization of standards, among others.
Film screening: The Invisible City [Kakuma]

Kakuma ("nowhere" in the local language) is a refugee camp in the middle of the Turkana desert (Kenya). However, after 20 years of existence, it has become the fastest growing city in the region—200,000 people. Among them, many unaccompanied minors. With limitless energy, these children grab all opportunities in the camp to rebuild their life.

Nyakong (8 years old) has recently been brought to Kakuma by her mother, who then went back home to South-Sudan. While waiting for her mother to return, Nyakong starts to go to school and gradually settles into her new life. Subsequently, at the age of 17, teenagers like Claude and Khadijo build their own house, get a job, compete for an international scholarship.

Filmmaker Lieven Corthouts (Belgium) decided to stay in one of the toughest places on earth and make a camp his home. While filming his friends for more than 4 years, he unveils the true dynamics of today’s refugee camps.

The film, the Invisible City [KAKUMA] gives an inside view into that life phase, where children are on the verge of adulthood and make decisions about their life and future. Can a camp really offer a future? or is it just a waiting room, where the only option is to plan your journey to Europe?

With his unique access and caring point of view, Lieven Corthouts manages to humanise refugees, who have all too much been degraded to statistics and ‘problems’ over the last years. With THE INVISIBLE CITY [KAKUMA], Lieven advocates for a more humane, sustainable and long-term vision within migration policy.

To reunite the enormous number of unaccompanied children with their families, Lieven developed a community-led, community-driven mobile search app “FIND ME”. He started developing this grassroots app in 2015 and proved the need for a tool for refugee communities, independent of top-down decision making. The app FIND ME is currently in testing phase in Kakuma. The objective is to roll it out in other camps and among unaccompanied minors in Europe.

Link to the app: https://vimeo.com/163090699
7 Closing speech

Opening speech by Her Excellency Marie-Louise Coleiro Preca, President of Malta and Member of Missing Children Europe’s Patrons’ Council

Let me begin by thanking you all, for your work over the past days. I am so proud of you for this display of dedication. You inspire me with hope.

I must extend special thanks to Maud. Throughout your distinguished career, you have helped to create a path, to empower meaningful advocacy in this sector.

Delphine, you represent our hope for the future, taking up this responsibility as a role model for your generation.

I would also like to thank Maud and Ruth for trying so hard to present our recommendations during the informal meetings of European Home Affairs and Justice ministers.

We must work together, to ensure that these recommendations are not left to gather dust. We must, each one of us, in whatever capacity, endeavour to disseminate them to all relevant stakeholders across Europe. Most importantly of all, we have the responsibility to ensure that our message of hope for the future of missing migrant children is heard by the peoples of our nations.

"Most importantly of all, we have the responsibility to ensure that our message of hope for the future of missing migrant children is heard by the peoples of our nations."

We must ensure that these reforms and policies will have direct effects on our communities, and the mentalities and attitudes of our peoples. We must do all that we can to ensure that the core values of solidarity, of peace, and of wellbeing, which are at the heart of our organisations and institutions, are well understood within our societies. We must work together to ensure that these values are truly and credibly reflected in all our communities.

I am pleased to note that this process of dialogue between us has show how steadfast we are in our commitment to end the contravention of Human Rights, which occurs as a result of failing systems. These systems have proven themselves unable to meet the standards of care which our nations are duty bound to provide.

We cannot celebrate agreements and compacts which offer short-sighted solutions. I believe that this process of dialogue is giving us the strength to boldly say that half-baked solutions and lip-service are unacceptable. We have come together to affirm that what is needed are long-term, deep-rooted reforms of our status quo.

I feel that this two-day dialogue has created a strong bond between us. It sends a powerful message against the status quo, which continues to create a missing generation of children. These children have heard the promises of our democratic societies but do not receive the protection, and effective access to Human Rights, which is, after all, their due.

We cannot allow the empty rhetoric of extremists, with their false patriotism and dangerous populism, to cloud the judgement of the governments of our nations.
“We cannot allow the empty rhetoric of extremists, with their false patriotism and dangerous populism, to cloud the judgement of the governments of our nations.”

Our work is not easy. We must transcend the petty divisions of partisan politics. We must transcend national borders. We must transcend the boundaries imposed by our different roles. We must be united in synergy, to send one message; to promote one mission; to safeguard one human family.

We must continue to make visible the fact that children are the largest and most vulnerable migrating group. We must continue to prioritise the voices and the experiences of children. These must be at the centre of a common European action plan on migration.

We must ensure the importance of placing the wellbeing of all children at the centre of a socially inclusive Europe. Our dialogue has affirmed that the needs and the dignity of children must be a top priority in all European policies on migration.

I think I can speak on behalf of all of us, when I say that we are facing a global challenge and that, in response, we need a powerful global solution. Let us work to make our politicians realise that Europe’s role, as a founder and promoter of democracy and Human Rights, should not be put to history.

“Let us work to make our politicians realise that Europe’s role, as a founder and promoter of democracy and Human Rights, should not be put to history.”

Let us therefore continue to work, to make the authorities realise that Europe has a duty to be a credible force for the full implementation of universal Human Rights and freedoms, both within our nations and amongst the international community.

Watching yesterday’s documentary “The Invisible City: Kakuma” with its story of child migrants, and their desire for a better life through education and empowerment, I was reminded of a powerful personal experience. Last year, on an official visit to Australia, I was honoured to meet with Maltese-Australians who arrived in that country during the 1950s and 60s. They were sent to Australia in order to improve their education, and arrived as unaccompanied Maltese child migrants.

I heard their experiences of suffering, of fear, and of loneliness. Many of them faced exploitation, rape, and neglect. Many of these survivors still carry the scars of their terrible experiences. We are very much aware that such experiences are still occurring, in real time, and affecting children from across the world.

Watching “Kakuma” made me realise that what happened sixty years ago, to Maltese child migrants, is still happening today to other innocent children. What happened to European children then, is still happening now.

I would also like to take the opportunity to thank the young people who shared their experiences of migration, as unaccompanied children, during this conference. Their bravery and openness is an example, to us, to our authorities, and our communities.

“Watching “Kakuma” made me realise that what happened sixty years ago, to Maltese child migrants, is still happening today to other innocent children.”

Let me also say that each one of us, wherever and whoever we are, derive our deepest humanity and our most powerful mandate, as citizens of this world, from our ability to love.

I have spoken about the duty we share as members of one European Union and one human family. Please permit me to speak directly to the people of Malta, as this is a moment of great importance in the life of my country.

We, as a Maltese nation, have, throughout our history, survived great oppression and struggles. We have become strong enough to play a role of significance, reaching out to other countries and cultures.
from our home, here in the centre of the Mediterranean Sea.

We are a people of welcome, as we welcomed the shipwrecked apostle, Paul. We are a people of care, as we demonstrate in the great outpouring of generosity at L-Istrina each year.

Let us also be a people of love. Let us show our children that every child deserves the peace, the wellbeing, and the hope which we wish to see in our families, our communities, and our nation.

To paraphrase the words of Nelson Mandela, there is no clearer reflection of a society’s soul than the way in which it treats the children in its care.

“Let us also be a people of love. Let us show our children that every child deserves the peace, the wellbeing, and the hope which we wish to see in our families, our communities, and our nation.”

Malta’s Presidency of the Council of the European Union gives us the opportunity to show our worth. To show our children that solidarity and love can transform our nation, our region, and the world.

Finally, I must reiterate my heartfelt thanks to all of you, for participating so strongly during this conference.

It is my deepest wish that the momentum we have created will continue to gain strength. It is my hope that we shall create a meaningful change in policy, in strategy, and in perspective, both within our nations and the European Union, and also across our world.

Let us never stop doing all that we can to empower, to nurture, and to celebrate the dignity and wellbeing of each and every child. The centre of the European presidency may be in Valletta, but thanks to your incredible passion, the heart of Europe is here with us in Verdala.

I have been living in Malta now since 2002, and I consider myself to be one of the lucky ones. But I know mothers still in their home country who have no idea what has happened to their children after they migrated, and who ask but never get answers.

Wedeb [Arrived in Europe as an unaccompanied child]
8 Conference conclusions

10 operational and policy recommendations to better protect children in migration and enhance the respect of their rights

1. **Better accommodation and reception.**

Reception arrangements must meet the rights and needs of children, including in families, in line with their best interests, and be provided to all children and families in need and in a formal procedure. They should include swift and child friendly registration and information, suitable accommodation, nutrition, access to health services, play facilities, psychosocial assistance, independent legal assistance and referral to specialised services where needed. Efforts should be undertaken to provide accommodation for unaccompanied and separated children in small scale reception centres, family units or with foster families. Where relevant, especially in cases of child victims of trafficking and/or exploitation, children should be placed in protective accommodation with personnel trained on these matters specifically. Children, including those in families, should never be detained for migration related reasons; detention is never in the best interests of the child and always a violation of their rights. In addition, fear of detention is one of the reasons why children go missing from state services.

- **Member states:** Central authorities need to improve conditions and close-ly monitor that national reception systems respect the aforementioned basic standards, including when reception is outsourced to private entities. An assessment of whether there is a de facto deprivation of liberty under Article 5 of the European Convention on Human Rights (ECHR) therefore needs to be undertaken, regardless of the name or characterisation given to a particular place or type of accommodation. Authorities should prohibit and swiftly end the detention of migrant children for reasons linked to migration.

- **EU institutions and agencies:** Funding should be channelled to support member states, local authorities, and civil society to provide quality accommodation and reception arrangements. Common qualitative benchmarks should be developed to verify that standards of quality of accommodation are similar throughout the European Union. EASO’s forthcoming benchmarks on reception of unaccompanied children would contribute to more uniform quality standards in this regard if described in clear and unambiguous terms.

2. **More efficient procedures and international cooperation, including in the application of international protection and Dublin procedures.**

- **Quality best interest assessments and decision making, front-loading of resources and consideration of all possible applicable pathways,** with the ultimate aim to find a durable solution for the child, can reduce delays, costs and streamline procedures. This would contribute to preventing child disappearan-
ces and would reduce the risks of them being subject to harm.

- **The best interests of the child should guide all decisions concerning him or her** (see also below on best interests). This should include decisions in the framework of the Dublin Regulation and decisions on the country responsible for examining applications for international protection of children (including as dependents).

- **Children who do not have a family member in the member state where they are should always be able to apply for asylum in that country, unless it can be demonstrated that it is in their best interests** for the claim to be heard in another country, as stated by the European Court of Justice.

- **All procedures should be explained clearly, in a child-friendly manner, to the child in all their steps.** Children should receive all necessary information about available and ongoing procedures in a timely manner (e.g. as early as possible to be able to benefit from family reunion possibilities under the Dublin Regulation). To this end, they should be assisted by a guardian with the necessary qualifications and expertise from the earliest possible stage and should be kept informed on the progress of their case. Member states should proactively trace the family members, siblings and relatives of a child, with their consent and in accordance with duties under the Dublin Regulation.

- **Member states:** Focus on quality initial-decision making in all immigration and asylum procedures. Applications for international protection and family reunification involving children, in particular unaccompanied children, should be treated with priority and in accordance with these recommendations. Member states should endeavour to cooperate to the fullest extent possible in the assessment of the best interests of a child, in conducting family tracing and in the verification of family links, to assist in ensuring swift family reunion, in particular in Dublin procedures.

- **EU institutions and agencies:** Support the development of standardised approaches in areas such as best interests’ assessments and family tracing, as well as enhanced cooperation between member states, to ensure the efficient functioning of the Dublin procedures for swift family reunion, which is in the interest of children and member states alike. To this end, liaison officers in other member states’ Dublin Units, common templates, guidance as well as Standard Operating Procedures (SOPs) should be in place to facilitate cooperation and ensure participation of all relevant actors. Institutions and agencies should also ensure that the system expected

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64 CJEU, case C-648/11 MA and Others vs. Secretary of State for the Home Department delivered on 6 June 2013. The Court of Justice of the EU (CJEU) ruled in 2013 on the ambiguous provisions on unaccompanied children who have no family, siblings or relatives on the territory of the member states under the Dublin Regulation. It stated that in these cases, where the asylum application was lodged in more than one member state, the member state responsible for examining it will be that in which the minor is present after having lodged an application there, in order to avoid unnecessary transfers that would delay a child’s access to an asylum procedure. According to the Court, that conclusion follows from the context and objective of the Regulation, which seeks to guarantee effective access to an assessment of the applicant’s refugee status, while focusing particularly on unaccompanied minors. According to the CJEU, since unaccompanied children form a category of particularly vulnerable persons, it is important not to prolong more than is strictly necessary the procedure for determining the member state responsible, which means that, as a rule, unaccompanied children should not be transferred to another member state. After this ruling, the European Parliament voted in favour of the right for a child to apply for asylum in the country where he or she is, without being transferred back to the first country of arrival.

65 Cfr. infra – point 4

66 Cfr. infra – point 3
to replace the current Dublin Regulation strengthens best interests assessments in Dublin procedures and maintains the principle that children should stay in the member state where they are present, unless this is not in their best interests, as unnecessary transfers under the Dublin Regulation add trauma for an already vulnerable child, and often constitute a reason for children going missing.

3. **Qualified and trained guardians to be swiftly appointed for all unaccompanied and separated children.**

A guardian should be appointed immediately after the child’s arrival, before proceedings take place, as one of the main safeguards for his or her best interests and wellbeing. The guardian should assist and represent children in all proceedings, including in Dublin proceedings, ensure their best interests are respected, that their views are taken into account and exercise legal capacity where necessary, also when children do not apply for asylum. Guardians should be independent, trained, vetted, sufficiently supported and funded and held accountable to safeguard the child’s best interests. They should participate in inter-agency coordination, meetings and deliberations concerning services and proceedings involving the child. While children with their parent(s) have their legal guardian present, they should be appointed an independent case worker to fulfil similar functions to a guardian.

**Member states** are encouraged to appoint a guardianship authority to organise the functioning of a guardianship service as required by the Asylum Procedures Directive. The authority should recruit, train and support guardians in their work. An independent monitoring system of guardians as well as accountability mechanisms, including a child friendly complaints mechanism, should be put in place.

**EU institutions** should monitor the effectiveness of national guardianship systems against the qualitative benchmarks identified by the FRA Handbook on Guardianship for children deprived of parental care. Further development and a continuous support to networks of guardianship services (e.g. ENGI) is important to promote exchange of good practices and information across countries.

4. **Better information for children and respect of the right to be heard.**

Children should be empowered to express their views on and participate in all decisions concerning them, in accordance with their age and maturity.

**Member states:** Providing clear, comprehensive, up-to-date and timely information to children, including follow up information, tailored to their ability to understand (age-friendly, in the language that they understand) and complemented with appropriate support and assistance, is essential to assess their needs and best interest, for them to trust formal systems in the EU and to enable them to make informed decisions about their future, in accordance with their age and maturity. As well as information, this requires adapted procedures, and provision of qualified and independent legal assistance, as well as guardians for unaccompanied and separated children.
EU institutions and agencies: Organising consultations with civil society which include also direct participation of children. This would ensure that any actions taken have been duly assessed in terms of the impact for children. In addition, it will be important to incorporate child expertise in the team of officials working on migration matters.

5. Identification and implementation of durable solutions for children, in line with their best interests.

The ultimate aim in addressing the situation of each child in migration is to identify a durable solution that addresses their protection needs in a holistic manner, takes into account the child’s views, in accordance with their age and maturity and, in cases of unaccompanied and separated children, reunites them with parents or other primary caregivers wherever possible and in their best interests. This should ensure that every child is able to develop into adulthood, in an environment that will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child and will not put the child at risk of persecution or serious harm. Best interest assessments should be multidisciplinary, robust and include participatory procedures, which should involve the views of the child and those of his or her guardian. Such a procedure is not only a legal obligation, but would also address children’s fear of migration systems and deportation, and ensure that any transfer of the child to another country is in their interests. Family reunification can be facilitated in the country of current residence, country of origin or a third country according to the best interests of the child.

Member states: The identification and implementation of durable solutions for each child should occur without undue delay. Decisions must be based on formal procedures with sufficient safeguards, assessing and determining the best interests of the child, and be carried out by professionals with the required expertise, because the durable solution will have fundamental long-term consequences for the child. If the durable solution is determined to be in the country of current residence, a secure residence status should be provided that does not expire at the age of 18.

EU institutions and agencies: Existing tools in best interests’ assessments and determination procedures, including those developed by EASO, UNHCR and UNICEF should be used, improved and adapted as needed to provide practical tools for member states to introduce systematic and robust procedures in their migration and asylum structures, with the direct involvement of child protection actors.

See General Comment No 6 on Treatment of unaccompanied and separated children outside their country of origin
6. **Support for children to move safely and regularly from one country to another when in their best interests.**

Reinforcing the system of Dublin transfers towards the first country of arrival is not a solution to the issue of unsafe movements of children across borders. Instead, as mentioned above, the Dublin Regulation is a key instrument to enable unaccompanied and separated children to reunite safely with their families within the EU, as it prioritises families reunification. In addition, children should have unhindered access to relocation as a tool for protection when in their best interests, and more possibilities should be made available for children to travel to the EU regularly, and for families to migrate together.

**→ Member states:** Current commitments on relocation need to be extended and implemented. Additionally, member states should reduce restrictions to qualify for family reunification, reduce waiting times, and speed up procedures to make it possible for children to reunite with their families already in the EU, including with extended family members, both within Dublin procedures and family reunification procedures. Increasing the quotas of resettlement of refugee children from third countries is also a way to avoid children embarking on dangerous journeys, as well as reviewing labour migration policies and restrictions imposed on family members and family unity.

**→ EU Institutions and agencies:** The EU should monitor that the reasons for migrant children to go missing or move unsafely across borders are properly addressed in the EU legislation and policy. The EU can also play a vital role by looking at mechanisms that exist between Member states and improving cross-border cooperation that protects children. A revision and expansion of the family definitions under the Dublin Regulation should be considered as a way to prevent children from going missing and to ensure family unity and the best interests of the child. The review of the EU regular migration framework should identify strengths and weaknesses regarding the facilitation of family migration and family reunification.

7. **More resources for awareness raising and training of all professionals working with children.**

This should include for state services on first contact/encounter and in reception or accommodation centres, law enforcement, immigration and asylum authorities, health professionals, carers and school personnel. Training should be tailored to the type of contact that the professional has with the child. Training modules available should include:

- Training modules on risk assessment to target care and protection depending on the individual needs of the child, with a specific focus on early identification of victims of trafficking and/or exploitation and abuse
- Training on good practices to prevent disappearance, including in cases of victims of trafficking (e.g. child friendly communication, building of trust with the child, etc.).
- Training on assessing and determining the best interests of the child
- Training for law enforcement to ensure that all cases of missing unaccompanied children trigger appropriate responses

69 From the conclusions of the 10th Forum on the rights of the child
training of communicating with and interviewing children and providing information on procedures and rights to which they are entitled in a child friendly way.

8. Formalisation of the cooperation between professionals involved in the situation of a missing unaccompanied child.

Formalisation of cooperation would lead to substantial improvement of the cooperation, as well as faster and more appropriate responses where needed. This is also important to ensure that necessary procedures and protocols are in place to systematically report and respond to instances of unaccompanied children going missing. The best interests of the child must be the guiding principle when structuring this cooperation and mechanisms need to be in place for data protection. Missing refugee and migrant children must be treated as missing children first and foremost.

→ **Member states** should ensure that the cooperation between actors involved in the protection of migrant children is formalised, allowing for a clear division of tasks, accountability and clear procedures. A child protection authority should play the main role in coordinating the cooperation, including when children are asylum seekers. National child protection organisations with expertise in providing administrative, legal and operational support to parents and guardians in managing cases of missing children should be supported, as an essential complementary resource to the role played by the police. Member states should also standardise practices for the assessment of risks, including enhanced efforts to identify children who are or have been victims of exploitation and/or human trafficking, and appropriate training on trafficking in human beings and risk assessments. A more systematic and efficient risk assessment could allow to prioritise (scarce) resources to the cases of those children who face the most urgent risk to their safety and for whom it is essential to take swift decisions in their best interests to prevent harm.

→ **EU Institutions and agencies:** Support the further development and sharing of good practices and interagency cooperation efforts developed at local level to prevent and respond to missing children in migration and foster their implementation consistently within the country.

We need to ask why smuggling exists in the first place, and why children are seeking smugglers rather than the state for safety. We often chase these criminal activities, but we rarely ask why these activities exist in the first place.

Nicholas Millet, Coordinator, Be Aware and Share

70 From the conclusions of the 10th Forum on the rights of the child.
9. Stronger cross border cooperation in child protection, on both governmental and non-governmental levels, including when responding to disappearances.

Existing networks with expertise and experience in the protection of vulnerable children should be enhanced, including the network of hotlines71 for missing children - an important ally in ensuring that every child moving across borders is accounted for - as well as the network of guardianship institutions. Collectively, these networks can provide a continuum of protection, care and support for all children involved in cross-border migration, regardless of their migration/residence status, whether in forced displacement or voluntary, and through all stages of their migration journey. European cooperation should seek to develop child protection systems that ensure that children have access to the full range of rights they are entitled to in accordance with European and international law wherever they are.

**Member states:** It is essential to provide financial support to strengthen the national civil society organisations that are part of cross-border networks providing essential services to migrant children. For example, member states have an obligation, under the Universal Service Directive (2009/136/EC, art.27a4), to make every effort to ensure that citizens have access to a service operating a hotline to report cases of missing children. The hotline shall be available on the number “116000”. Member states shall also (art.27a3) ensure that citizens are adequately informed of the existence and use of services provided under the “116” numbering range, in particular through initiatives specifically targeting persons travelling between Member States. It is essential, to that end,

> to provide support, including financial support, to the national members of the international network of hotlines for missing children,

> to support the efficiency of its existing case management system to protect children across border,

> to improve awareness on the availability of the number, in order to improve swift reporting of missing children in migration,

> take due account of their obligations in assigning the number “116 000” to an organisation capable of providing the high-quality support needed for all missing children.

**EU institutions and agencies:** Awareness should be raised on existing networks, reporting tools and existing cooperation mechanisms, also through expert meetings and tailored funding, aiming at ensuring the sustainability of the results of previous projects. Cross-border case management services and information sharing should be developed to effectively channel information between NGOs and national child protection systems across borders and to ensure that the best interests of the child remains central in the management of international missing cases. The development of standard operating procedures and joint investigations is also essential in combating crime against the person, including trafficking. With regard to

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71 Hotlines for missing children, operated through the telephone number 116 000, have been set up following EC Decision 2007/116/EC. These hotlines provide free 24/7 administrative, psychological, social and legal support to children and adults in cases of child disappearances. Cross-border cooperation procedures set up by Missing Children Europe as well as extensive quality criteria and indicators allow for swift and efficient support over and above national borders. While hotlines responded to over 850 000 calls in the past 5 years, only 2% concerned unaccompanied children missing in migration – due to lack of reporting of these disappearances to the hotlines. For more information, see http://missingchildreneurope.eu/116000hotline
the aforementioned hotline for missing children, the European Commission’s proposal for a Directive establishing a European Electronic Communications’ Code (COM (2016) 590 final) provides for a new opportunity to strengthen the provisions regarding the service operated through 116 000 across member states. The proposed new Article 90 (1) which emphasizes Member States’ obligations should be kept as such. In addition, measures needed to achieve the ‘effet utile’ of the Directive should be considered so as to ensure delivery of the necessary quality of the service from the organisation to which the number is assigned\textsuperscript{72}. Due efforts should also be undertaken regarding the review of transposition and implementation of the Directive.

10. **Any personal data of children should be used exclusively for the sake of protection, never in the aim to manage migration or return of children.**

Eurodac is not a data system designed to protect children or manage cases of missing migrant children, as its primary purpose is for management of migration, including the return of asylum seekers under Dublin and irregular migrants. The existing tool for missing children included in the Schengen Information System (SIS), when and if adapted to managing cases of missing migrant children across national borders, could be a useful instrument to ensure protection across border only if data on children is **used exclusively for protection**. Putting forward a dual purpose which includes managing return, as pursued in the ongoing reform, contradicts evidence on the reasons for migrant children going missing, and puts them at risk of rights violations. Furthermore, this will discourage reporting of a missing cases for fear of the consequence that this will have on the child and of the use of data included in the report. It is essential for strict operational limitations to be implemented and enforced on collection of data, access to and use of data and data retention. Any personal data including fingerprints of children should be used exclusively for the sake of protection, never in the aim to manage migration or return children. Necessary child protection safeguards in this respect should be included in the implementing regulations of all European data systems that hold data on migrant children. Appropriate rules on the collection of data, access to the data and its use, and data retention should be enforced.

- **Member states** should ensure strict operational limitations in line with data privacy and child protection are in place, and monitor their implementation in practice. Steps should be taken towards a ‘firewall’ to ensure that personal data on children collected in the context of child protection or the provision of public services cannot be accessed for immigration purposes.

- **EU Institutions and agencies** should ensure child protection safeguards in the revision of Eurodac and SIS. Tools for the protection of children across borders, like the SIS, remain to be used exclusively for the purpose of protection, never within the aim to manage migration or return children. Data on children should be stored separately in these systems with restricted access, to ensure that data is used exclusively in their best interests.

\textsuperscript{72} The European Commission is furthermore encouraged to update the Communication COM(2010) 674 based on the 69 criteria for quality service of hotline operators identified and implemented in a project recently carried out by Missing Children Europe.
7 cross-cutting recommendations on the overall policy framework, data and funding

1. An **EU Action Plan on all refugee and migrant children** is necessary to coordinate actions and mobilise resources. It would represent EU commitment at the highest level, effectively bring together the various responsible authorities, agencies and civil society in Member States and in the EU, and develop tangible and resourced processes and actions for all refugee and migrant children. Within this framework, national action plans could be developed on promoting the well-being of all refugee and migrant children, and the impact of every aspect of migration and asylum policy and practice on children systematically addressed. The EU has several tools at its disposal. The Action Plan on Unaccompanied Minors 2010-2014 provides a useful foundation and many of its priorities remain relevant. However, the next Action Plan should expand its focus to all refugee and migrant children and bring together the EU’s internal and external policy tools. A rights and needs-based approach will enable a response that takes into consideration specific aspects such as gender, ethnic origin, religion, health and disability.

2. The ongoing **reform of the Common European Asylum System** offers a significant opportunity to improve the situation of refugee and asylum-seeking children. Guardianship, best interests assessment, the definition of family, age assessment, and criteria for obtaining international protection for child related forms of persecution are key elements of the instruments under reform, which also provide for quicker access to education, preferably within 30 days of a child’s arrival. These provisions should be maintained and strengthened in the negotiations. Due attention should be paid to harmonising and speeding up the processes of family reunion, resettlement and relocation. Compliance with identification and registration procedures will be improved if children see their rights guaranteed within the system. There is an opportunity to bring EU asylum law in line with international standards by prohibiting the detention of asylum-seeking children and families. On the other hand, proposals to punish onwards movements with material and procedural restrictions on rights, reinstating the concept of sending children to the country of first arrival or a third country, thereby dismissing existing jurisprudence, and limiting the rights of beneficiaries of subsidiary protection and the length of residence permits, would violate children’s rights and push more children and families into destitution and irregularity. These provisions must therefore be changed. The European Commission, the European Parliament and Council of the European Union must ensure that any reforms guarantee the highest level of protection for children.

3. Return is increasingly presented as a key pillar of the EU’s asylum, migration and foreign policy. **Any decision on return must be based on children’s rights**, not a political agenda, and include an individual determination of the child’s best interests. The impact of cooperation with third countries of the rights of children must be assessed and addressed. Any future reform of EU law and policy on return, including the update of the EU Action Plan on Return, must ensure essential safeguards for children and families, and prohibit the use of immigration-related detention.

4. **Policies should be matched by resources.** Funding needs to be made available to support an innovative, integrated response by the European Commission, member states and civil society both
within and outside the EU. Various EU financing instruments could earmark resources to address issues related to refugee and migrant children. Investment is needed to support both mainstream and targeted services to ensure the rights of refugee and migrant children in the countries where they are residing, regardless of the length of time. EU and national agencies dealing with refugee and migrant children should receive adequate funds to invest in capacity-building on child rights and sound referral mechanisms. The Commission should work with member states to monitor how EU funds are being spent, making sure that EU funds are targeted towards the best interests of children. EU funds should be used in line with EU policy and the guiding principles of human rights law, including non-discrimination, as also enshrined in the Charter of fundamental rights of the EU.

5. A common approach concerning all children, regardless of status, should be included in both the Global Compacts, namely that for safe, orderly and regular migration and that on refugees. States have commitments to “comply with our obligations under the Convention on the Rights of the Child” (New York Declaration, para. 32) and the comprehensive and rights-based approach called for by the Committee on the Rights of the Child should be respected, not be fragmented, through the Global Compact process.

6. The European Commission 10 principles on integrated child protection systems should be at the heart of the comprehensive strategy on children in migration expected from the European Union. Integrated national child protection systems in the EU and in third countries should be established and strengthened in line with the UN Convention on the Rights of the Child and the 10 principles. Discussions and actions around the EC Recommendations on Investing in Children, justice, health, education, human rights, development and youth employment should all systematically include the specific situation of all refugee and migrant children, and advance their equal access to protection, public services (e.g. education, health) and justice.

7. Collect and publish better and disaggregate data. There is a real lack of disaggregated data on refugee and migrant children in Europe. For example, there are only a few countries where the number of children in immigration-related detention is publicly available. Cooperation among authorities, but also with the European Commission and Eurostat is needed to increase visibility, reliability, comparability and timeliness. Member states should regularly collect - at a minimum - age, gender, disability and nationality disaggregated data (on arrivals, asylum, relocation, family reunification, detention, voluntary return and forced removal), and make it publicly available. Member states should use the full potential of the Statistics Regulation (Regulation EC/862/2007) with a focus on disaggregation by age, gender, disability and residence status. The available data and evidence should be used to inform the development and reform of policy and practice.

Of the 25,000 children that arrived in Italy only a few thousands are eligible for protection if they are lucky. Relocation through Dublin is good, but it’s not enough. Children who lose trust in the system, we will have lost completely. We need to create a system that identifies who these children are, and quickly, but also give them alternative possibilities to detention, allow them to find legal pathways to re-unify with their families, and harmonise present systems.

Ambassador Laura Thompson, Deputy Director General of IOM
9 Impact of the conference

**Conference conclusions:** At the conference, 160 professionals took stock of the situation and the current challenges of this children rights crisis. Based on the research, expertise and recommendations put forward by stakeholders at the “Lost in migration” conference, forward looking operational and policy recommendations were developed for policy makers, which are available in the previous chapter of this publication and online.

These recommendations include 10 operational and policy recommendations and 7 cross-cutting recommendations on the overall policy framework, data and funding. They have been drafted and endorsed together with over 50 child rights organisations. The recommendations include aspects on improving accommodation and reception conditions, ensuring access to trained guardians for children, the right for children to be heard and informed and more. These conclusions were shared with EU and national Ministers, Commissioners and Heads of States and policies will be monitored over the next year to see whether progress has been made to protect children in light of these recommendations. An event will take place in early 2018, one year after the conference, to take stock of progress and highlight areas which remain problematic.

**Debate in the plenary of the European Parliament:** On 1 March 2017 an important debate on missing migrant children took place in the European Parliament (EP) plenary in Brussels (view here), following an oral question to the European Commission, which was submitted by the major political groups of the EP as an outcome of the Lost in Migration conference. Intervening MEPs recalled the importance of the Lost in Migration Conclusions and underlined the need of a strategic document adopted at European level to set up a framework of action and objectives to improve the current situation. At the end of the debate, Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos committed to building a comprehensive approach on children in migration based on the outcomes of the Lost in Migration conference conclusions as well as the EU Forum on the Rights of the Child.

**European Commission Communication on the protection of children in migration:** The Communication, published in April 2017, proposes a number of priority areas for Member States to focus on, supported by the Commission and EU Agencies, to improve the protection of children in migration and ensure a closer link between the asylum and child protection services. The content of the document have been based explicitly, among others, on the conclusions from the Lost in Migration conference.

**Media and awareness:** Over 40 news and media outlets in at least 10 countries have published information and data on the issue of missing migrant children through the Lost in Migration conference.

**#Mentiontheunmentioned campaign:** To raise awareness about the thousands of children in migration who have gone missing towards the public and to urge politicians to take action, Missing Children Europe launched “Mention the unmentioned”. The campaign invited the public to take action themselves, using Facebook to ask national ministers in charge to respect the rights of children in migration. The public was made aware of how a simple notification of mentioning their relevant minister can have a real impact on saving the lives of these children. The media reach was significant including radio, TV, print and online media for a total of over 394,000 euros in earned media.
Organisers and funders

Missing Children Europe is the European federation for missing and sexually exploited children, representing 29 organisations from 26 European countries. We provide the link between research, policies and organisations on the ground, to protect children from any kind of violence, abuse or neglect that is caused by, or results from, them going missing.

The President’s Foundation for the Wellbeing of Society aims to produce relevant, appropriate and timely research by seeking innovative methodologies to engage with society for the promotion of peace and unity.

The Foundation creates the space to listen, explore, discuss, research, and learn about ways of enhancing human relationships. The Foundation seeks to cultivate hope, particularly through engaging with minority and marginalized groups within our society and building bridges with society at large.

The European Programme for Integration and Migration (EPIM), an initiative of currently 14 Partner Foundations and 11 associated Foundations, has the goal of strengthening the role played by civil society in advocating for constructive approaches to migration in Europe. This is done through grant-making, capacity development and networking.

“Never Alone – Building our future with children and youth arriving in Europe” is a collaborative funding initiative established as a sub-fund in EPIM. The fund aims to support civil society organisations and public bodies/authorities seeking to address policy and practice issues, arising from increasing arrivals of children and youth in Europe, and the struggle for communities to provide adequate protection as well as long-term perspectives for their life in Europe.

With the financial support of the “Rights, Equality and Citizenship 2014-2020” Programme of the European Union. Sole responsibility of this publication lies with Missing Children Europe.
## Acronyms

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<td>CEAS</td>
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<td>FRA</td>
<td>Fundamental Rights Agency</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>MoU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>THB</td>
<td>Trafficking in Human Beings</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
</tbody>
</table>

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