

Lost in Migration: working together to protect children from disappearance, from European priorities to local realities

Edition II, conclusions and recommendations

[#Lostinmigration](#)

On 11-12 April 2018, [Missing Children Europe](#) and the [Maltese President's Foundation for the Wellbeing of Society](#) brought together more than 170 key stakeholders concerned with the protection of migrant children's rights across Europe. The event was organised with the support of the European Programme on Integration and Migration (EPIM), the Alliance for Liberals and Democrats for Europe (ALDE), the Brussels-Capital Region and the "Rights, Equality and Citizenship 2014-2020" Programme of the EU, and in cooperation with the Intergroup on Children's Rights of the European Parliament and the Urban Agenda for the EU.

The discussion involved experts from NGOs working at European and local level, professionals working with national and European Institutions and frontline child care givers, who came together to exchange expertise and, most important, elaborate strategies and recommendations for decision makers, with the final goal to make sure that young newcomers feel safe, integrated and respected in Europe. Participants included H.E. Maria Louise Coleiro Preca, President of Malta; Maud de Boer-Buquicchio, President of Missing Children Europe and UN Special Rapporteur on the Sale and Sexual Exploitation of children; Věra Jourová, European Commissioner for Justice, Consumers and Gender Equality; Member of the European Parliament Anna Maria Corazza Bildt, Hilde Vautmans, Cecilia Wikstrom, Nathalie Griesbek; Myria Vassiliadou, EU Anti-Trafficking Coordinator, European Commission; high level representatives from UNICEF, UNHCR, OHCHR, IOM and Europol.

The aim of the conference was to take stock of the progress achieved since the adoption of the [2017 Lost in Migration conference recommendations on the protection of the rights of children in migration, in particular the reasons why children 'go missing'](#)¹ from state care, the appropriate responses, and the implications for policy and practice, with special focus on what happens at local level. The conference also evaluated the [implementation of the EC Communication on the protection of children in migration](#), published exactly 12 months before. Since the adoption of the EC Communication, more investments have been made by member states and NGOs in support of children in migration in Europe in different domains, such as age assessments and projects by key partners. However, the gaps remain stark and implementation of many actions at national and local level is still lagging. [Conference participants interrogated through a poll system at the beginning of the event judged the progress achieved by the communication "slow" and "urgent"](#). Participants also highlighted the need for more awareness on the EC Communication, which otherwise would remain invisible to many important actors in charge of its implementation. At the end of the event, participants had the possibility to discuss in small groups what should be the recommendations that this edition of Lost in Migration should bring forward.

¹ Migrant children are considered missing when they are registered with state authorities and go missing from the reception/accommodation centers provided for them. Children disengage from these services for numerous reasons (including inadequate and ill-adapted reception, inefficient procedures, fear of deportation, desire to join family or friends in another country etc). Some are abducted, and an increasing number ends up victim of (re-) trafficking. While much necessary focus is on missing unaccompanied children, it is important to consider that children may join family in Europe, and that children and families also go missing from reception centres. All face numerous risks while travelling and residing irregularly in Europe.

Prior to and as part of this conference, Missing Children Europe, the Urban Agenda for the EU and the University of Leiden partnered to conduct a research project on this topic. It was carried out as a [pilot study to investigate the progress achieved in terms of the protection of children in migration at the local level²](#), especially in light of the guidance provided by the EC Communication, to identify examples of successful and promising initiatives as well as challenges in the implementation of European commitments and to draft initial recommendations.

[Both the conference participants and the study reconfirm the validity of most of the recommendations of the first edition of Lost in Migration](#), especially considering the ongoing negotiations of the Common European Asylum system's legislative files. This again demonstrates how little progress has been achieved so far and the long road ahead of a successful implementation of the Communication. Recommendations have been however reviewed and completed in light of the most recent developments.

[The conference urges European, national and local decision makers to review existing policies and laws in accordance to these recommendations, to improve the situation of children in migration in Europe and the respect of their rights](#). For specific conclusions on the role of local authorities in the protection of children in migration, we refer to the Urban Agenda for EU's Recommendations for improving the protection and social inclusion of migrant and refugee children in European cities, to be published in November 2018.

[The conference conclusions outlined in this document are open for endorsement by civil society, NGOs, international organisations, politicians and academics who subscribe to the proposed recommendations. To endorse the conclusions, please access \[this link\]\(#\).](#)

Many thanks to the numerous organisations that participated to the event and contributed to the drafting of these conclusions.

[The third edition of the Lost in Migration conference will take place on February 20-22 2019. For further details, see \[www.lostinmigration.eu\]\(http://www.lostinmigration.eu\).](#)

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

1. Better accommodation and reception for all children, and NO DETENTION.

² Challenges and progress in implementing the European Commission Communication on the Protection of Children in Migration: Providing effective protection and enhancing integration, M. Buddenbaum and Dr. S. Rap, University of Leiden, in cooperation with Missing Children Europe and the Urban Agenda for the EU

> Reception arrangements must meet the rights and needs of children, including within 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 centers, 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.

> According to the study on “Challenges and progress in implementing the European Commission Communication on the Protection of Children in Migration”, integration into the local society should start the day the child arrives. If integration efforts are initiated only after the child obtains a residence permit, not only will valuable time be lost, but also these efforts will be less effective.

> Children, including those in families, should never be detained for migration related reasons; detention is never in the best interest of the child and always a violation of their rights, as confirmed by the Joint General Comment No 22 (2017) on the general principles regarding the human rights of children in the context of international migration and No 23 (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return of the UN Committee on the rights of the child. Fear of detention is one of the reasons why children go missing from state services and it is unacceptable to justify detention as a measure to prevent children from going missing, also according to the UN Committee on the Rights of the Child.

- ➔ Member states: Authorities should prohibit and swiftly end the detention of migrant children for reasons linked to migration. Central authorities need to improve conditions and closely 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. In general, more support is needed, also in terms of financial support, to local organisations and authorities, who continue to be at the forefront of reception and integration efforts.
- ➔ EU institutions and agencies: Funding should be channelled to support member states, local authorities, and civil society to provide quality accommodation and reception arrangements. EASO’s forthcoming “Guidance on reception conditions for unaccompanied children: standards and indicators” would contribute to more uniform quality standards in this regard if described in clear and unambiguous terms. The application of these qualitative benchmarks will need to be periodically closely monitored throughout the European Union. EU funding should never be used to financially support detention centres for children and families, in light of the aforementioned general comments.

2. An individual care plan for each child who came to Europe

The situation of each child coming to Europe is extremely diverse, first and foremost because of the individual vulnerabilities and risks that result from each child’s background and personality, but also the circumstances in which (s)he has left the familiar environment and the migration path so far. However, responses by authorities in the receiving countries tend to differentiate between children depending on their status, through labels that aim at comprehensively representing a very heterogeneous group of children with their own experience and vulnerabilities, expectations and needs. Therefore, a protection system based on a common definition of a homogeneous group of children in need of care is

bound to be ineffective and there is an urgent need to move from a system providing care based on general definitions to a system that allocates resources and develops care plans on an individual assessment and individual needs, where the child's best interest should be a prominent feature.

→ Local authorities: Training and resources should be available to support the development of an individual care plan for each child through an approach based on a long-term vision. These plans should be developed together with all actors who are involved with the child, including also social workers, guardians, health professionals, psychologists, educators, according to the needs of the child. Such an approach should be aimed at establishing a relationship of trust with the children, ensuring that their views are heard and duly taken into account.

→ Member States: Support should be provided to building the capacity of carers to develop such an approach, through funding and platforms to exchange expertise and practices.

3. 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 disappearances 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 interest for the claim to be heard in another country, as stated by the European Court of Justice³.

> All procedures should be explained clearly to the child, in a child-friendly manner and step by step. Children should receive all necessary information⁴ 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 guardian⁵ 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 qualitative initial decision-making in all immigration and asylum procedures. Applications for international protection and family reunification involving children, in

³ 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.

⁴ Cfr. infra – point 4

⁵ Cfr. infra – point 3

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 interest 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 interest's 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 to replace the current Dublin Regulation strengthens best interest 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 interest, as unnecessary transfers under the Dublin Regulation add trauma for an already vulnerable child, and often constitute a reason for children going missing.

4. Support for children to move safely and regularly from one country to another when it is in their best interest.

Reinforcing the system of Dublin transfers towards the first country of arrival is not a solution for 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 family reunification. In addition, more possibilities should be made available for children to travel to the EU regularly, and for families to migrate together.

- ➔ Member states: A strong solidarity mechanism, on the blueprint of the relocation system should be 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. The revision and expansion of the family definitions under the Dublin Regulation should be supported in ongoing and future negotiations as a way to prevent children from going missing and to ensure family unity and the best interest of the child.
- ➔ EU Institutions and agencies: The EU should properly address the reasons why migrant children go missing or move unsafely across borders in the EU legislation, but only in terms of child protection, and never in terms of dissuasion for migration management. 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.

5. 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 interest and wellbeing. The guardian should assist and represent children in all proceedings, including in Dublin proceedings, ensure their best interest is 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 interest. 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 as 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. It will be also important that Member States support and participate in the European Network of Guardianship Institutions, as a key tool to promote exchange of good practices and information across countries.
- EU institutions and agencies should provide continuous support to the European Network of Guardianship Institutions that will be developed and monitor the effectiveness of national guardianship systems against the qualitative benchmarks identified by the FRA Handbook on Guardianship for children deprived of parental care. In countries where guardianship systems are not up to FRA standards, EU institutions and agencies should provide targeted financial support through AMIF.

6. Better information for children and respect for 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 a 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. This requires information, adapted procedures and provision of qualified and independent legal assistance, as well as guardians for unaccompanied and separated children.
- EU institutions and agencies: Invite civil society in expert meetings with representatives of Member States and organise regular consultations which include also direct participation of children, including for the development of EU policies. This would ensure that any actions taken have been duly assessed in terms of the impact on children. In addition, it will be important to incorporate child expertise in the team of officials working on migration matters.

7. 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 interest⁶. 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

⁶ See [General Comment No 6 on Treatment of unaccompanied and separated children outside their country of origin](#)

in their interest. Family reunification can be facilitated in the country of current residence, country of origin or a third country according to the best interest of the child.

In addition, to maximize long-term effectiveness of programs tailored to migrant minors, support should be provided throughout the transition into adulthood. Most unaccompanied minors who arrive in Europe are close to legal adulthood and yet these children are often not yet self-sufficient or independent. It is therefore necessary to provide a smooth transition into adult support services. Minor and adult programs should be aligned in a way that no information or time is lost during this transition. Prolonged support can be given in many different ways, for example, by extending systems of assisted living (i.e. foster care, co-housing and/or special group homes for unaccompanied minors), guardianship and education, as well as by helping young adults in building a social network and searching for and finding employment.

- ➔ 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 interest 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 interest 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.

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

This should be applicable to state services on first contact/encounter and to 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 child⁷. Training modules available should include:

- > 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 interest of the child
- > training for law enforcement to ensure that all cases of missing unaccompanied children trigger appropriate responses⁸
- > training of communicating with and interviewing children and providing information on procedures and rights to which they are entitled in a child friendly way.

9. Formalisation of the cooperation between professionals involved in the situation of a missing 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

⁷ See *Heading Back to Harm* http://www.ecpat.org.uk/sites/default/files/hbth_report2016_final_web_0.pdf

⁸ From the conclusions of the 10th Forum on the rights of the child

and protocols are in place to systematically report and respond to instances of unaccompanied children going missing.⁹ The best interest 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, accompanied or unaccompanied, 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 interest 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.

10. 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 hotlines¹⁰ 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. Efforts have been done to improve the role that the Schengen Information System could play in protecting children in migration across borders. However, the new functionalities could positively impact the protection of children in a situation of risk only if applied with full respect for the best interest of the child, and not for migration management. (see more below)

- ➔ 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*

⁹ From the conclusions of the 10th Forum on the rights of the child.

¹⁰ 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://missingchildreuneurope.eu/116000hotline>

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 borders,
- > 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.

In addition, Member States should train local police and Sirene Bureaux on how to use the SIS II in full respect of child protection needs and best interest. Member States should refrain from using missing children alerts for any reason incompatible with this approach and with the nature of this system.

- 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 interest 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 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 to ensure delivery of the necessary quality of the service from the organisation to which the number is assigned¹¹. Due efforts should also be undertaken regarding the review of transposition and implementation of the Directive.

In addition, the Commission should monitor that the original objective of the SIS Missing Children Alerts, meaning child protection, is respected, even if the mandate of the system will be expanded.

11. Any personal data of children should be used exclusively for the sake of protection, never with the aim to manage migration or the 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 the management of migration, including the return of asylum seekers under Dublin and irregular migrants. On the contrary, the missing children alerts of the Schengen Information System (SIS) are primarily for protection. The expansion of the scope of the SIS II to manage returns of irregular migrants, pursued in the reform, should remain unrelated to missing children alerts. A different approach will discourage the reporting of missing cases for fear of the consequences 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 the collection of data, access to and use of data and data retention. Any personal data including fingerprints of children should

¹¹ 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.

be used exclusively for the sake of protection, never with the aim to manage migration or return children. Child protection safeguards should be respected, including no use of coercion when collecting fingerprints or other data.

- ➔ 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 monitor the correct implementation of child protection safeguards included in Eurodac and SIS. Tools for the protection of children across borders, like the SIS, remain to be used exclusively for protection, never with 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 interest.

12. Improve the support to local level

While national governments hold the reins of immigration policy, managing the details of national policy typically fall to local and regional authorities, who are expected to provide a rapid response, often with reduced resources and in the context of political tension and, in many cases, without a clear legal framework. More needs to be done to support local authorities, especially on two points:

- > provide nationwide standards and policies to ensure coordination and support in all areas that are under the responsibility of local authorities (including reception, guardianship, access to services etc)
- > improve transparency of procedures and access to national and EU funding for local authorities responsible for several aspects of the situation of a child under the responsibility of the community.

For more specific recommendations on this issue, we refer to the Recommendations for improving the protection and social inclusion of migrant and refugee children in European cities of the Urban Agenda for the EU, to be published in November 2018.

> 5 cross-cutting recommendations on the overall policy framework, data and funding

1. The **Commission Communication on Protecting children in migration** needs to be fully implemented at national level. An annual stocktaking exercise by country would allow us to better understand how European policies have impacted and potentially improved the situation of children at local and national level.
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 interest 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 quicker access to education. These provisions should be maintained and strengthened in the ongoing negotiations. 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.

Whilst negotiations seem to have settled on allowing for the use of coercion and detention of children in duly justified and exceptional cases, there is still the possibility to make EU asylum law compliant with international standards by prohibiting the detention of asylum-seeking children and families. 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, and a proposal for the recast of the Return Directive was put forward by the Commission. **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 interest. An assessment of the risk of absconding should only be used for child protection purposes, and never to justify the use of detention or other measures against the rights of the child. The impact of cooperation with third countries of the rights of children must be assessed and addressed.
4. **Policies should be matched by resources.** EU 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. Investment is needed to strengthen national child protection systems, to ensure that support is provided through both mainstream and targeted services, tailored to children's needs ensuring their protection in the countries where they are residing, regardless of the duration. 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 next EU Multi-Annual Financial Framework presents a unique opportunity for the European Union to champion the rights of children in migration, regardless of whether they reside in or outside the EU's borders. In the next programming period, the EU should ensure that EU funds are used in line with EU policy and the guiding principles of human rights law, including non-discrimination, as enshrined in the Charter of Fundamental Rights of the EU and the UN Convention on the Rights of the Child.

The EU should ensure that EU funds are invested towards:

- > The strengthening of national child protection systems;
- > The development of alternative forms of care for unaccompanied children and children in families;
- > Early integration measures such as tailored support in accordance with the needs of children, including access to inclusive and non-segregated quality education and care;
- > Child and youth-centred approaches that are participatory, empowering, and innovative;
- > Mechanisms for cross-border cooperation in order to ensure that children are protected both within the EU and externally.

EU funding should never be used for detention of children in migration, their segregation, institutionalisation or social exclusion.

5. **Collect and publish better and disaggregated 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.