



Save the Children

PUTTING CHILDREN AT THE FOREFRONT

Save the Children's recommendations
for a child-centred EU agenda on migration

Every child has the right to a future. Save the Children works in Europe and around the world to give children a healthy start in life, and the chance to learn and be safe. We do whatever it takes to get children the things they need – every day and in times of crisis.

This policy brief is the result of team work led by Save the Children's Mediterranean Advocacy Group on Migration, which was set up in 2015 following the EU's adoption of the European Agenda on Migration to coordinate Save the Children's advocacy work and communications on the Mediterranean migration crisis.

Cover photo: A mother and her children walking along train tracks running from Serbia into Hungary. Tighter border controls between the two countries have left hundreds of refugees stranded in Serbia. (Photo: Jonathan Hyams/Save the Children)

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Glossary

Child: A child is any person below the age of 18 years. *Anti-Trafficking Directive (2011/36/EU) Article 2 (6)*; see also *UNCRC, Article 1*

Migrant: A person who moves from one country to another and whose legal status has not yet been assessed.

Asylum-seeker: A person who has applied for asylum under the 1951 Refugee Convention on the Status of Refugees on the grounds that if he/she is returned to his/her country of origin he/she has a well-founded fear of persecution on account of race, religion, nationality, political belief or membership of a particular social group. He/she remains an asylum-seeker for so long as his application or an appeal against refusal of his application is pending. *UNHCR*

According to EU Law, an asylum-seeker is a third-country national or stateless person who has made an application for asylum in respect of which a final decision has not yet been taken. *Reception Conditions Directive (2003/9/EC) – continues to apply in UK (but not in Denmark or Ireland)*

Refugee: According to EU Law, a refugee is a person who fulfils the requirements of Article 1(A) of the Geneva Convention (*Reception Conditions Directive (2003/9/EC) – continues to apply in UK, but not in Denmark or Ireland*) as well as a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply. *Qualification Directive 2004/83/EC – continues to apply in Ireland and the UK, but not in Denmark*

Smuggling of migrants: ‘The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.’ *Article 3, Smuggling of Migrants Protocol supplementing the United Nations Convention against Transnational Organized Crime*

Trafficking: ‘The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’ *Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Supplementing the United Nations Convention against Transnational Organized Crime*

Child victim of trafficking: A child who has been subject to trafficking in human beings as defined in Article 3 of the *EU Anti-Trafficking Directive*

‘Where the age of the [victim] is uncertain and there are reasons to believe that the victim is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection.’ *Anti-Trafficking Directive (2011/36/EU), Article 13 (2)*

In particular, according to *Article 3, paragraph (c) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons*:

‘The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose

of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article’ (refer to the above definition of trafficking).

Unaccompanied child: An ‘unaccompanied minor’ is a child ‘who arrives in the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a [child] who is left unaccompanied after he or she has entered the territory of the Member States.’ *Qualification Directive (2011/95/EU), Article 2 (l)*

Separated child: A ‘separated child’ is a child outside their country of origin who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. Some children are totally alone while others may be living with extended family members who are not necessarily their customary or primary caregivers.¹ *UN Committee on the Rights of the Child General Comment No. 6 CRC/GC/2005/6 and the UN Guidelines for the Alternative Care of Children (UN Alternative care guidelines A/HRC/11/L.13), paragraph 8*

The Separated Children in Europe Programme (SCEP) uses the word ‘separated’ rather than ‘unaccompanied’ because it more accurately defines the essential problems that such children face, namely that they lack the care and protection of their parents or primary caregiver and, as a consequence, suffer socially and psychologically from this separation. In its handbook, the term ‘unaccompanied’ is used to refer to both unaccompanied and/or separated children, in order to be in line with the terminology ‘unaccompanied’ used in EU law and avoid possible confusions and inconsistencies.

Guardian: A guardian is an independent person who safeguards a child’s best interests and general wellbeing, and to this effect complements the limited legal capacity of the child. The guardian acts as a statutory representative of the child in all proceedings in the same way that a parent represents his or her child. *UN Committee on the Rights of the Child General Comment No. 6 CRC/GC/2005/6 and the UN Alternative care guidelines A/HRC/11/L.13*

Guardianship authority: The ‘guardianship authority’ is the institution or organisation or other legal entity that has the responsibility for recruitment, appointment, monitoring, supervision and training of guardians. The role of the guardianship authority or organisation should be laid down in the law. *UN Alternative care guidelines, A/HRC/11/L.13 and UN Committee on the Rights of the Child, General Comment No. 6 CRC/GC/2005/6*

Representative (sometimes referred to as legal representative): ‘A person or organisation appointed by the competent bodies in order to assist and represent an unaccompanied [child] in [international protection] procedures with a view to ensuring the best interests of the child and exercising legal capacity for the [child] where necessary.’ *Reception Conditions Directive (2013/33/EU), Article 2 (j)*

Representatives or legal representatives differ from the qualified lawyer or other legal professional who provides legal assistance, speaks on behalf of the child and legally represents him or her in written statements and in person before administrative and judicial authorities in criminal, asylum or other legal proceedings as provided in national law.

CHILDREN ON THE MOVE

‘Children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement, while it may open up opportunities, might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence.’²

This definition highlights how children who are on the move for different reasons often move in and out of specific categories within the same journey. They therefore have common needs

and can face common challenges, including lack of access to basic services such as education, healthcare, housing and protection.

While different protection measures exist for different categories of children (refugee, trafficked, etc), this definition makes it clear that all children on the move, including economic migrants and environmentally displaced children, need responses that protect them and support that is child-focused, coherent, and coordinated both within and between countries.

GENERAL LEGAL PRINCIPLES

PROVISIONS SET OUT IN THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

- 1) **Best interests of the child** (Article 3): In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the **best interests of the child shall be a primary consideration.**
- 2) **Non-discrimination** (Article 2): the rights set forth in the Convention shall be ensured to each child without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- 3) **Inherent right to life** (Article 6): States Parties shall ensure to the maximum extent possible the survival and development of the child.
- 4) **Right to be heard**³ (Article 12): States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Introduction

Recent years have seen a dramatic rise in the numbers of refugees and migrants arriving in Europe, the vast majority coming from Syria, Afghanistan and Iraq. Almost one-third of those arriving are under 18 years of age. Thousands have come via neighbouring countries, such as Jordan and Lebanon, where refugees now make up 20% and 30% of the country's population respectively.⁴

The proportion of children among those arriving in Europe is rising. Between January and mid-July 2016, about 241,000 people arrived in Europe by sea, 31% of them children.⁵ Of the 1,248,365 people who applied for asylum in the European Union (EU) in 2015, 29% were children. Almost 90,000 of these children were unaccompanied, more than half from Afghanistan. This is four times as many as in 2013.⁶ In Italy, 56.6% of asylum-seeking children were unaccompanied.⁷

Almost all the children arriving in Europe have used dangerous, illegal routes to get here. Most have crossed the Mediterranean on small boats, mainly from Turkey to Greece, or from northern Africa to Italy. Between 1 January and 15 June 2016, 137 children lost their lives on the journey.⁸

In response to the refugee crisis, the European Union (EU) has proposed a number of measures to manage migration. In May 2015 a European Agenda on Migration⁹ was adopted, addressing both the internal and external dimensions of migration; the Agenda constitutes the basis for all new policies that have been announced. Proposals have been made for an immediate response with relocation and resettlement schemes, a European border and coastguard, trust funds and compacts to address the root causes of migration and secondary movements.¹⁰ There is also a proposal to reform the existing asylum rules, including the Dublin

regulation, and a package for legal migration. A specific statement was agreed between the EU and Turkey with the intention of stopping refugees from reaching Europe via Greece in return for visa liberalisation and resettlement.

The EU must remain a global leader on children's rights. It has always been a driving force for strong policies and programmes that include guarantees to protect children in various domains, including asylum and migration, and in its relations with third countries it has often addressed the need to establish national child protection systems. Based on the Treaty of Lisbon and on the Charter of Fundamental Rights (which enshrines the EU's responsibility to promote, protect and fulfil the rights of the child in all relevant EU policies and actions), the EU developed a child rights agenda¹¹ and an Action Plan on Unaccompanied Minors,¹² both valuable initiatives with strong and concrete proposals. However, the action plan expired in 2014 and has not yet been renewed.

There is widespread concern that Europe as a whole and individual countries within it are putting immigration restrictions before their duty to protect children. This is particularly the case in Greece, which, since 2015 has been the entry point into Europe for more than 1 million refugees and migrants seeking safety and security. With the border between Greece and the Former Yugoslav Republic of Macedonia (FYRoM) officially closed, more than 57,000 people are stranded in Greece: approximately 48,600 on the mainland and more than 8,600 on the islands, where they are being held as part of the EU agreement with Turkey. As more informal routes open up, and refugees and migrants become dispersed, there is a risk that greater numbers will 'disappear' and become even more vulnerable. The longer people are in transit, the more it will cost them and the more likely they will be to run out of money to meet their basic needs.

Children on the move face huge protection risks, **including separation from their parents, extortion by smugglers, sexual abuse and exploitation, violence and trafficking.** They also experience a **severe education gap.** Especially during winter, they are prone to **diseases including pneumonia and hypothermia.**

Many unaccompanied children go missing just before they reach the age of 18. They disappear below the radar because they have not been properly identified and registered. Some children burn their fingerprints in order to avoid being registered in the EURODAC fingerprint database. They run away from the facility centres they are placed in, choosing instead to make the journey on their own. But it is not only unaccompanied minors who are at risk. Children travelling with their families often become invisible and do not receive appropriate services.¹³

Transit and reception centres are often badly equipped with few or no facilities for children. Upon arrival, unaccompanied children are not always automatically assigned **a legal guardian and are often placed in detention,** for example in Greece. Detention can range from a few hours to days or even months, depending on the country. **Methods to assess children's age** differ widely between countries and do not always take the child's best interests into account. Psychosocial care is often lacking.

Generally, children are allowed to attend school in EU Member States, but **newly arrived children may have to wait a long time before they can access education,** and schools do not have the right systems in place to accommodate large groups of refugee children. Children are often **unaware of**

their rights, and few countries apply child-friendly methods to inform children of their rights and listen to their needs.

People in regions of origin are becoming increasingly vulnerable. Currently, more than 4.7 million Syrian refugees are living in Egypt, Iraq, Jordan, Lebanon and Turkey, 51% of them children. This number is expected to rise by the end of 2016. Children arriving in host countries such as Jordan, Lebanon and Turkey face protection risks including child labour, violence at home and at school, early marriage, sexual and gender-based violence, recruitment into armed groups, limited access to birth registration, and separation from parents and families. They have a higher chance of becoming ill and malnourished. Refugees residing in regions of origin have very few legal income-generating opportunities, leading to an accumulation of debts, which in turn negatively affects **children, who may be forced to work to provide for their families or to marry early**^{14,15} so they are no longer a burden to their families.

Based on experience from our work on the ground, Save the Children has identified a number of key issues that urgently need to be addressed by the EU and its Member States to ensure better management of mixed migration flows for children and their families.

All children on the move, including economic migrants and environmentally displaced children need responses for their protection and support that are child-focused, coherent and coordinated both within and between countries.

1 Reducing the dangers of irregular migration and returns

Whatever the reason for their journey to and within Europe, children are dying. Urgent measures must be taken to stop this from happening.

Children migrate for various reasons. Some are asylum-seekers fleeing war, armed conflicts, discrimination or persecution in their home countries. Others are victims of trafficking and slavery. Some come to Europe seeking education and employment opportunities. Others are sent away by their families to escape poverty.

1.1 SAVING LIVES AT SEA

Saving lives, not border control, must be the priority for operations in the Mediterranean.

Between the start of 2016 and early July, over 241,000 desperate people completed the perilous journey across the Mediterranean¹⁶ and more than 2,900 died or have gone missing. Of those attempting to cross the central Mediterranean from North Africa in the first five months of 2016, one in every 23 died – almost double the figure for 2014.¹⁷

The use by smugglers (seeking to maximise their profits) of overcrowded boats with limited fuel supplies or no engine and faulty life jackets puts children and their families' lives at risk.

Save the Children is calling on EU Member States and European institutions to:

- coordinate efforts and capitalise on the efficient use of all available resources in the overall framework of search and rescue activities and operations in the Mediterranean
- ensure that all personnel involved in search and rescue operations are trained in children's rights and the minimum standards of child protection
- ensure that these operations have adequate capacity and the mandate needed to deal with the rising scale of the problem.

1.2 COMBATING SMUGGLING AND TRAFFICKING

Unaccompanied and separated children are among the most vulnerable and the most at risk of smuggling and trafficking.

According to the United Nations Office on Drugs and Crime (UNODC), globally **one in five victims of human trafficking is a child.**¹⁸

Human trafficking and human smuggling are distinct criminal activities. However, smuggling situations may often descend into trafficking situations. This is especially the case for people seeking international protection who remain stuck in overburdened asylum systems across Europe. The US Department of State *Trafficking in Persons Report (2016)*¹⁹ has reported a significant increase in the number of victims of trafficking due to the dramatic rise in flows to Europe since the beginning of 2015.

Before the 32nd Human Rights Council session in June 2016, the Special Rapporteur on Trafficking in Persons, Especially Women and Children clearly underlined that:

*“People fleeing conflict [are] constantly exposed to the risk of trafficking any time during their journey. For such migrants, internally displaced persons, refugees and asylum-seekers, the clandestine nature of their journey, the often unscrupulous and corrupt conduct of their facilitators, and **the extent to which some States will go to prevent their departure, transit or arrival, all operate to create or exacerbate opportunities for traffickers who prey on their precarious situation. Therefore, even if they were not trafficked from the very beginning of their journey, they can become victims of trafficking at some point in their journey or at their intended destination.**”²⁰*

Children are increasingly falling victim to smugglers and traffickers. When children arrive at the various border locations in Greece, they are not

assessed by trained staff according to best interests principles, including age and family links, and are not appointed legal guardians. Particularly in urban areas and in the north of the country at the border with FYRoM, smuggling networks pose high risks for unaccompanied and separated children. These include irregular and unsafe migration, sexual exploitation, extortion and human trafficking.²¹

Children who are victims of trafficking or who are at risk of becoming so cannot receive adequate protection and assistance if they are not identified and informed about the risks. Failure to do so may lead to further denial of their fundamental rights.

Save the Children works in many countries to prevent children being trafficked. We run advocacy campaigns, conduct awareness-raising activities and training in schools, and support public authorities in developing policies aimed at preventing child labour and sexual exploitation. In Italy we publish an annual dossier²² on child trafficking and exploitation, describing the profiles of victims and offenders, reporting their stories, producing annual data and making recommendations for the protection of children at risk.

Given the complexity of the two distinct but connected crimes of human smuggling and trafficking, sustained and intensive efforts are needed by Member States and the EU to conduct outreach activities to: identify people, including children, who have been trafficked; improve law enforcement and the capacity of government actors to cooperate with service providers in the rescue and referral of people who have been trafficked; and increase the delivery of services to assist trafficked children.

Save the Children is calling on EU Member States and European institutions to:

- **Improve cross-border cooperation mechanisms** and international efforts to combat smuggling and trafficking in persons, by strengthening cross-border cooperation between law enforcement agencies and promoting community awareness and engagement in countries/corridors where smugglers and traffickers are active.
- **Provide safe and legal routes into Europe to tackle trafficking and people smuggling.** Resettlement, humanitarian visas, increased flexibility in family reunification processes, private sponsorship programmes and student scholarship

schemes can significantly reduce the incentive to turn to smugglers or traffickers. These measures should all ensure minimum protection standards, especially for children, and must recognise child-specific forms of persecution – such as under-age recruitment into armed groups and female genital mutilation – as the basis for asylum claims.

- **Empower children and their families with information about their legal status and rights and the risks and consequences related to human trafficking and migrant smuggling.** Information on the practicalities of movement along the route, on the legal implications and requirements of the refugee/migration process and on how to access the services available en route and in destination countries is critical to avoid children and their families, especially vulnerable groups, being abused and exploited. Furthermore, along with the provision of legal and safe routes to Europe, awareness programmes, particularly for unaccompanied minors, on the risks related to the journey, living conditions in the host countries and the ways in which refugees and migrants may be exploited, are critical to combating human trafficking and smuggling.

1.3 RETURN OF UNACCOMPANIED AND SEPARATED CHILDREN

Many Member States are adopting new legislation to allow the voluntary or forced return of migrants and asylum-seekers to unsafe countries such as Afghanistan, Iraq and Somalia. Returning implies serious risks for children. They could be rejected by their societies or recruited by military groups and end up alone and isolated from their family and their community.

In its General Comment No. 6, the Committee on the Rights of the Child clearly states that in case of the return of unaccompanied children, ‘non-rights based considerations, such as those relating to general migration control, cannot override best interests considerations.’²³

An effective common EU return policy is one of the priorities under the European Agenda on Migration. In 2015 the Commission presented an *EU Action Plan on Return*²⁴ along with the *Handbook on Return*,²⁵

aimed at supporting Member States with common guidelines, best practice and recommendations, and strengthening the implementation of the return directive.

However, more attention should be paid to the forced and voluntary return of children. Save the Children's programmatic experience shows that considerations on the best interests of the child are too often absent from decision making about returns that affect children on the move. This includes decisions relating to migration control policies and detention, restrictions on family reunification procedures, and access to basic services.

Save the Children is calling on EU Member States and European institutions to ensure that:²⁶

- **The best interests and safety of the child** are guaranteed and that they will be safe and secure upon their return. A child's return should not be considered safe simply because their country of origin has been designated a 'safe country of origin'.²⁷ Risk must be assessed both within the context of external and internal conflict situations and with regard to more localised factors such as abusive family relationships. Persecution and ill-treatment may be caused by non-state actors. In such cases there should be a careful assessment of the state's willingness and ability to offer protection.
 - **Family reunification is supported when this is in the child's best interests.** Family reunification²⁸ is the most important factor in favour of a child's return. Conversely, if family reunification is not in the child's best interests, this is an important factor against that child's return. To decide whether return and family reunification are in a child's best interests, it is necessary to: trace the child's family; assess whether the family is responsible for violence, abuse or neglect; find out if the family agrees to provide immediate and long-term care for the child; and take into account both the child and family's views on the child's return.
 - **The views of the child are taken into account when assessing whether return is in their best interests.** The return of unaccompanied or separated children, regardless of their status, should be on a voluntary basis.
- Where it is believed that there are exceptional circumstances, the decision to return an unaccompanied or separated child against their will should always be made in a court setting under the jurisdiction of child welfare rather than immigration procedures.
- Forced return is unlikely to lead to a durable solution. If the child does not want to return, they may well seek out new opportunities to gain entry to a third country, thus remaining a separated child. Another potential consequence of forced return is that the child may not be welcome in their country of origin and may be at risk of neglect, harm, abuse and (re)trafficking.
- Finally, return cannot be considered truly 'voluntary' if the child agrees to return simply because they are not given any alternative by the host country's authorities. This could be the case when a child is held in detention because of their immigration status or is not given any chance to receive a residence permit.
- **The views of the child's legal guardian and carer are taken into account in deciding whether or not return is in the child's best interests.** The child's legal guardian and carer should be in contact with and involved in the child's daily life and should act in their best interests.
 - **The socio-economic conditions in the child's country of origin are considered when deciding whether it is in a child's best interests to return,** taking into account both the family's position and the wider situation in the area where the family lives. This assessment should cover access to food, housing, clothing, healthcare, social security, education, vocational training and employment opportunities.
 - **The child's level of integration in the host country is considered** in making an assessment to decide whether return is in their best interests. In particular, the following should be taken into account: the length of time the child has been living in the host country; the degree of their social and cultural integration, both objectively (school, knowledge of language(s) spoken in the host country, vocational training and employment) and subjectively (the child's identity and self-perception); the child's emotional ties within the host country (eg, with a foster family).

SAVE THE CHILDREN IN SYRIA

More than 11.4 million people in Syria have been forced to flee their homes. Over 6.6 million are internally displaced within the country and more than 4.7 million are living as refugees, mainly in Lebanon and Jordan.

Since the start of the conflict there have been 4,000 attacks on schools, with one in four having been damaged, destroyed or occupied. More than 2 million children are out of school, and 7.5 million have grown up knowing nothing

but war. One-quarter of children are at risk of developing mental health disorders.

Save the Children supports local organisations in besieged and hard-to-reach areas in central and southern Syria, and provides early childhood care, basic education and programmes for young people in the north. We are also distributing emergency hygiene kits and carrying out vaccination programmes.

Zahra,* 11, with her sister Fatima,* 3, in the doorway of their family's temporary shelter in Idlib, north-west Syria. The building where Zahra and Fatima are sheltering used to be a coal store so they are constantly covered in coal dust.

* Not their real names



PHOTO: AHMAD BAROUDI/SAVE THE CHILDREN

2 Protecting children's rights externally

The EU's current approach to managing migration externally appears to be oriented towards guaranteeing security rather than human rights.

2.1 TACKLING THE ROOT CAUSES OF MIGRATION

Understanding the drivers of migration is essential to ensure that children on the move and their families receive adequate support. **Protecting children and their families from unsafe and forced migration does not mean preventing movement per se. When possible, it should focus on preventing the need for unsafe or forced migration. It includes interventions in children's home communities to increase individual and community resilience to shocks and reduce vulnerability, including through the provision of relevant and useful information.** It also implies developing those practices and institutions that have a protective function for children who are already on the move and which protect them along the way.

Save the Children is calling on EU Member States to prioritise the following in relation to countries of origin:

- Focus **efforts on ending the conflict in Syria.** More focus and international pressure must now be brought to bear on parties to the conflict and those who support them.
- Focus **efforts on supporting countries and regions of origin,** including Syria's neighbours. With the majority of Syrian refugees looking for protection in neighbouring countries, where regional responses remain woefully underfunded, more needs to be done to meet humanitarian needs so that refugees do not have to travel further afield to seek protection.
- Set up **structures for cross-border cooperation** between child protection actors.

- **Set up and strengthen community programmes** that monitor, protect and refer children and families at risk.
- **Provide more funding aimed at strengthening national child protection systems** in third countries.
- **Provide and share better information about the risks of unsafe migration** to enable children and families to mitigate the risks of migration.

2.2 WORKING WITH THIRD COUNTRIES

THE EU-TURKEY DEAL: A DANGEROUS PRECEDENT

The 'statement' agreed between the EU and Turkey in March 2016²⁹ is often hailed as an example for further EU cooperation with third countries. This was also outlined in the communication released in June by the EU Commission on establishing a new partnership framework with third countries under the European Agenda on Migration which was released in June.³⁰

Save the Children has witnessed the dire consequences of the EU-Turkey deal for children, in particular unaccompanied children. In Greece, children are experiencing severe psychosocial trauma due to the precarious situation they find themselves in.

- 22,000 refugee children are stranded in Greece and are sleeping in makeshift camps, with no access to basic healthcare, nutrition, shelter, protection or warm or hot water. Mothers have had to wash their babies with wipes for weeks.
- Hotspots on the Greek islands were turned into detention centres overnight after the implementation of the deal, leaving children and their families locked for weeks behind barbed wire fences in unsafe conditions.
- Fear of detention and a lack of proper age assessment procedures leads to unaccompanied

children often being registered as accompanied or as adults, which prevents them from accessing the services and protection they are entitled to.

- Hundreds of unaccompanied children have been detained in Greece for months without being registered in the asylum system. Many of these children have the right to be reunited with their families. At the current speed of registering asylum-seekers and processing asylum claims, it could take up to two years for children to be reunited with their families. Even though a large static population of refugees has been created, no integration plans or structures are in place. Many children have been out of formal and informal education for months.

EUROPEAN PARTNERSHIPS WITH THIRD COUNTRIES

In June, the European Council endorsed the **European Commission's communication on a new partnership framework with third countries**. The communication proposes an approach that aims to use existing EU and Member States' external cooperation instruments and tools to stem migration to Europe. This new partnership framework risks cementing a shift towards a foreign policy that serves one single objective: to curb migration, at the expense of European credibility and ability to defend fundamental values and human rights. **The wider repercussions of this should not be underestimated. It is hard to see how Europe can ask partner countries to keep their doors open, to host large-scale refugee populations and prevent further movements while at the same time Member States refuse to shoulder their fair share of responsibility for protecting people who flee their homes.** The right to asylum is being significantly undermined, and it will become more and more challenging for civilians in conflict zones to seek international protection.

Despite the stated commitment to respect the principle of *non-refoulement*, there are no safeguards envisaged to ensure that human rights, rule of law standards and protection mechanisms are in place. As a result, people risk being deported to countries where their rights are not safeguarded.

Another major concern is the financing of the proposed partnership framework, which would represent a wholesale re-orientation of Europe's

development programming towards stopping migration. This is an unacceptable contradiction to the commitment to use development cooperation to eradicate poverty, as enshrined in the Lisbon Treaty. **Aid is for the benefit of people in need, and should not be used as a bargaining tool for migration control. EU funding should be transparent and adhere to clearly established principles, such as the Busan principles for effective development.**³¹ In addition, striking 'migration management' agreements with countries where grave human rights violations are committed is not only totally unacceptable, it will be counterproductive in the longer term – undermining human rights around the globe and perpetuating the cycle of abuse and repression that causes people to flee.

Save the Children is calling on Member States and European institutions to:

- **Develop a sustainable long-term and evidence-based strategy for migration management**, in consultation with civil society and experts.
- **Ensure that cooperation between the EU and third countries is aimed at strengthening child protection systems.** This should include structures for: cross-border cooperation between child protection actors; community programmes that monitor, protect and refer children and families at risk in regions of origin and transfer; funding aimed at strengthening national child protection systems; and information sharing about the risks of unsafe migration, to enable children and families to mitigate risks of migration.
- **Facilitate safe mobility by opening and strengthening safe and regular channels to Europe**, both for those in need of international protection and for other migrants, including through resettlement, humanitarian admission and humanitarian visas, family reunification, worker mobility across skill levels and student visas.
- **Exclude any conditionality based on migration control indicators in the allocation of development aid to third countries.** Development aid is a tool to fight poverty and inequality, not to manage migration. Vulnerable populations should not be punished because of concerns that are largely political.

- **Not enter into migration management agreements with countries that violate fundamental rights and stop any readmissions or removals of people by the EU to a third country that violates – or risks violating – fundamental rights and the rule of law**, including the principle of *non-refoulement*. Ensure access to protection, justice and effective remedy for all people in migration and asylum procedures.
- **Ensure transparency in the development of any instruments to manage migration** and accountability for human rights violations resulting from EU migration policies.
- **Commit to a foreign policy and action focused on preventing and unlocking protracted crises**. While the communication mentions the need to address the root causes of displacement in the long term, it does not include engagement to prevent and manage crises.

LEBANON AND JORDAN*

With the conflict in Syria now in its sixth year, almost 5 million refugees living in neighbouring countries, and a stalled political process, the plight of refugees and the communities hosting them will become even more precarious unless urgent action is taken. The EU showed great leadership by pledging up to two-thirds of the funding committed at its Supporting Syria and the Region conference held in London in February 2016. But funding and other economic incentives alone are not enough. We need fundamental strategic changes.

In its negotiations with those countries, the EU should therefore:

- ensure that sufficient resources, capacity and funding are made available to support refugee children and host communities (particularly for health and education)
- ensure that civil society is systematically involved in relevant coordination structures to protect children and encourage governments to see non-governmental organisations (NGOs) as collaborative and supporting partners
- increase funding for income-generating schemes, including cash-for-work programmes that address the needs of refugee children and vulnerable host communities
- support governments in building flexible high-quality education systems
- work with respective governments to ensure all obstacles are removed for refugee children to legally register, make use of national services and gain full access to the labour market.

* The ongoing negotiations with Jordan to define the 2016–20 Partnership Priorities, including an annexed 'compact' looking specifically at refugees, offer the EU the possibility to lead in terms of encouraging the policy reforms needed to assist Jordan in better coping with the crisis, and to ensure refugees and host communities are protected, have access to basic services and, ultimately, have their rights respected.

3 A strong and fair migration and asylum framework

The current refugee crisis has highlighted to varying degrees the limited capacity of frontline states to respond to the humanitarian needs of refugees. The lack of capacity in terms of human resources, which has prevented governments from scaling up their response to the crisis, in some cases has also been matched by limited knowledge of fundamental humanitarian and human rights principles, including those that are specific to children.

All Member States need to agree to a sustainable framework to manage migration jointly.

The reformed asylum regulations should ensure that all EU members contribute to and share responsibility for ensuring that child migrants receive similar levels of protection wherever they go, guaranteeing the strongest possible protection for children.

An accountability mechanism needs to be put in place to ensure that Member States comply with their legal commitments. Harmonisation of asylum procedures is crucial, but should never lead to lowering standards of protection.

Upon arrival in Europe, children should be immediately **informed** in a clear and child-friendly way about their rights and options. They need to have access to proper shelter, education and healthcare. **Reception** facilities must meet the needs of children, and in particular unaccompanied children. **Registration** should be quick and efficient without coercion being applied. **Best interest assessments** should be clearly defined, formalised and harmonised across Member States in all relevant asylum legislation. **Children's views** need to be taken into consideration when an assessment

is made. Child-friendly methods should be applied to **assess the age** of the child. Every child deserves an **individual assessment** of their application and appeal, whether under the Dublin regulation, the asylum procedure or in the case of a return decision. Member States should be granted discretionary power to take charge of asylum-seekers based on **humanitarian and compassionate grounds**, as this practice has been proven to be beneficial for children (eg, children suffering from chronic illnesses). Children, along with other vulnerable groups, should be **exempt from lengthy admissibility procedures** or any kind of additional procedural requirements that could prevent them from lodging an asylum claim.

3.1 IMPROVING FIRST RECEPTION CONDITIONS

Based on direct experience, Save the Children believes that too often reception procedures are not based on the best interests principle or on child-friendly approaches. These procedures include those for determining children's identity, assessing their age, establishing the nature of the relationship between a separated child and an accompanying adult, and identifying children's specific needs, as well as identifying a guardian or arranging temporary care solutions for unaccompanied children. Authorities lack the ability to act in a way that is child-sensitive and culturally aware, for example when dealing with children on the move who speak a different language.

Save the Children's believes that:

- **Immigration detention of children should be eliminated.**³² Detention cannot be justified either on the basis of children's or their parents' immigration status or on their status as unaccompanied or separated children. Administrative immigration detention of children is always a violation of their rights and alternatives to detention must always be

found for children and their families. Detention of children can cause serious psychosocial harm, even if detention is for a very short time.

The European Union Agency for Fundamental Rights (FRA)'s report on *Alternatives to detention for asylum seekers and people in return procedures*³³ could provide Member States with a number of alternatives to detention.

- **Reception facilities must meet the needs of children, and in particular unaccompanied children.** The number of suitable reception facilities, including for unaccompanied children, should be increased to meet need. Adequate reception conditions for children should include: child-friendly information about their rights, healthcare and shelter; quick and efficient registration procedures without coercion being applied; vulnerability and health screening upon their arrival; an individual care plan for each child based on a best interests assessment; and an accommodation and reception response tailored to each individual child. Children should stay in a safe environment that is not overcrowded.

Reception facilities should also include: equal access to healthcare; an open space and opportunities to play; and psychosocial assistance and the possibility of referral. Research by Save the Children has shown that a lack of activities has a serious impact on children's psychosocial wellbeing.

HOTSPOTS

In the European Agenda on Migration, the Commission introduced the so-called hotspot approach, which is currently being implemented in both Italy and Greece. Its aim is to provide local authorities with support from European agencies – the European Asylum Support Office (EASO), EU border agency (Frontex), EU law enforcement agency (Europol) and EU Judicial Cooperation Agency (Eurojust) – to swiftly implement first reception procedures, such as the identification, registration and fingerprinting of incoming migrants.

Save the Children is deeply concerned by the current implementation of the hotspot approach.

In Greece, following implementation of the EU-Turkey deal, hotspots have been turned into detention centres. The result is that refugees and migrants, including children, are placed in immigration detention, contrary to Article 37 of the UNCRC.³⁴

Child protection monitoring is necessary to ensure that unaccompanied and separated children are identified and registered correctly to avoid unlawful re-admission/deportation to Turkey and that they receive the support, care and protection they are entitled to. The number of suitable reception facilities, including for unaccompanied children, should be increased to meet need.

In Italy, the hotspot approach has been introduced in different areas and in different types of centre – such as reception and identification centres and those providing first medical assistance.³⁵ Standard operating procedures apply but since these have no legal basis, they refer to the European Agenda and the Roadmap introduced by the Italian government in September 2015.³⁶

In May 2016, Save the Children reported cases of unaccompanied children being kept in overcrowded and unsafe conditions alongside adult men for more than one month, as well as cases where children claimed to be adults believing that this was the only way to continue their journey towards northern Europe.

The hotspot system could lead to the prolonged detention of refugee and migrant children; violation of rules governing the identification and reception of child migrants, in particular age assessments; and to the inappropriate use of summary procedures.

Save the Children is calling on EU Member States and European institutions to:

- **End child detention immediately and provide appropriate and safe alternative accommodation facilities.** An immediate end to unjustified detention. Safe and appropriate alternatives are needed, with priority given to families and children, including unaccompanied and separated children.
- **Provide consistent, unrestricted access to the hotspots for child protection actors**, including Save the Children and partner NGOs so that they can support children and families at risk.
- **Improve identification and registration procedures for unaccompanied and separated children.** Many unaccompanied and separated children are still not identified or are incorrectly registered as accompanied or as adults. Identification of separated children (living with distant relatives) needs to be increased and appropriate best interests and family links

assessments should be carried out. Furthermore, once unaccompanied children turn 18 they should continue to be provided with the necessary support and not separated from their peers.

- **Provide consistent information.** Basic information should be immediately and readily available in all hotspots. This should include legal information, information about asylum and age-appropriate information for unaccompanied and separated children.
- **Provide legal aid and unrestricted access to the hotspots for lawyers. Priority should be given to unaccompanied and separated children** in order to find durable solutions, such as asylum or family reunification, in accordance with the best interests of each child, including unaccompanied and separated children.
- **Scale up the delivery of basic humanitarian services**, including the provision of nutritious food and access to healthcare to ensure that people's basic needs are met and prevent rising protection risks.
- **Provide training for local authorities working in the hotspots** who in general do not have experience in or basic knowledge of children's rights, child protection and safeguarding, and communicating with children. Save the Children and partner NGOs can provide regular basic training according to agreed training/orientation plans.
- **Improve coordination** between EU representatives, local authorities and humanitarian actors in all hotspots to enhance emergency child protection activities.
- **Create concrete and sustainable integration opportunities for all children, independent of their legal status.** These should include access to education, vocational training and (for those who are old enough) the job market. Children's previous studies and school certificates should be recognised, allowing them to access further studies in Europe.

GUARDIANSHIP

Guardianship systems can play a role in preventing secondary movements of children but vary greatly between Member States. **Every child is entitled to a functional and effective guardianship system**³⁷ with qualified and trained independent

legal guardians who have the know-how, expertise and capacity to support each child they are appointed to.

Save the Children's recommendations:

- A guardian should be appointed immediately after the child's arrival and assist and represent them at all hearings, ensure their best interests are met and exercise legal capacity where necessary.
- Where an institution has the overall mandate for representation, an individual should be responsible for carrying out the duties of the representative.
- 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.
- There should be sufficient funding to support Member States in implementing guardianship schemes.
- The EU could consider establishing a European guardianship authority to create a centre of operational expertise on unaccompanied children.
- The European Union Agency for Fundamental Rights' handbook on guardianship for children deprived of parental care in the EU³⁸ should be used as a binding guiding instrument.

AGE ASSESSMENT

The European Asylum Procedures Directive (APD) establishes that children (confirmed or alleged) should be carefully screened when they arrive to establish their identity, age and specific protection needs, including if they have been trafficked. However, not all countries have proper guidelines on how such screening should be carried out and the current crisis has resulted in hasty and arbitrary decisions, putting children at further risk.

Save the Children's recommendations:

- There should be clear and exhaustive provisions concerning age assessment, detailing conditions under which age assessment may be allowed, methods to be applied and the need of

detailed protocols therein, key safeguards, possible outcomes and possibilities to appeal against results.

- The techniques used to conduct such an assessment must be based on multidisciplinary investigation methods that take into consideration the physical and psychological development of the child and their ethnic and cultural identity.
- Any age assessment procedures should be undertaken as a measure of last resort, and only when there are grounds for serious doubt. Such procedures should always give the benefit of doubt to the individuals whose ages are assessed.

3.2 CREATING REGULAR AND SAFE CHANNELS TO AND WITHIN EUROPE

In response to the crisis situation in Greece and Italy, in September 2015 the EU's Justice and Home Affairs Council adopted two decisions to relocate 160,000 asylum-seekers from Italy and Greece, and resettle 22,000 people from third countries. To date, relocation and resettlement efforts have been slow and inadequate. Up to 35,000 people in Greece are entitled to relocation but it is unclear if, when and how this process will take place.

There are very few legal ways to reach Europe, even though both the right to asylum (Art. 18 of the Charter of Fundamental Rights of the EU) and the responsibility to combat irregular migration and trafficking (Art. 79 of the Treaty on the Functioning of the EU) are deeply engrained in the European treaties.

If people can make their way to the EU in an organised and orderly manner, this can decrease the likelihood of children absconding and disappearing into the irregular circuit. It enhances Member States' control over migration procedures and reduces incentives to turn to smugglers. The workload will be more evenly divided between Member States and the public perception of chaotic arrivals of migrants might change.

European countries can and must do much more to offer refuge to people in need of protection – they have a legal, political and moral obligation to do so.

RELOCATION

The EU has a duty to protect. Children, alone or with their family, and other vulnerable groups should be given priority in ongoing relocation efforts.

Save the Children's recommendations:

- **Relocation procedures should be child-friendly, clear, swift and efficient.** Children's best interests should guide the decision to relocate. Additional places for unaccompanied children should be provided.
- **The EU should design an incentive structure to ensure that Member States comply with relocation commitments.** This should include strong budgetary and political implications in case of non-compliance.
- **Member States should develop an easy and flexible framework for family reunification.** Especially in Greece and Italy, many children disappear underground due to inefficient family reunification procedures. Family reunification should be fast-tracked in emergency situations.
- **New relocation mechanisms should take into account the needs, skills and preferences of asylum-seekers.** If asylum-seekers' needs are taken into consideration, they are less likely to move to other countries.

RESETTLEMENT

Resettlement is one of the most important channels for children to reach Europe in a safe way. In 2013, around 21 countries committed to resettling 98,400 refugees worldwide, mainly to the US, Australia and Canada, while only 4,840 refugees were resettled in Europe. Resettlement commitments made under the EU agenda on migration and EU-Turkey deal remain largely inadequate.

Save the Children's recommendations:

- The EU should **commit to resettling at least 10% of refugees from Syria by the end of 2016. It should also lead by example by making significant contributions to global resettlement schemes.**
- **Better accountability mechanisms** need to be put in place to ensure all Member States take part in resettlement schemes and comply with pledges made. A financial incentive system connected to the Asylum, Migration and Integration Fund could contribute to this.

- **Humanitarian admission** is a form of resettlement that does not necessarily apply only to refugees. Humanitarian admission schemes could play an important role to **protect internally displaced people who cannot apply for resettlement as they are not entitled to refugee status. They could also offer temporary protection to people facing specific humanitarian risks.**
- **Humanitarian visas:** Embassies can provide vulnerable groups, including families with children, with humanitarian visas. At the moment, procedures for humanitarian visas vary between Member States. **A procedure for a harmonised European-wide humanitarian (Schengen) visa would improve access to international protection and enhance security for Member States.**

FAMILY REUNIFICATION

Many people undertaking the perilous journey to reach Europe are entitled to family reunification. New regulations adopted by Member States should not undermine or go against the protection offered

by the family reunification directive. **Family reunification is one of the most important ways to prevent children from ending up in the hands of smugglers or traffickers, or risking their lives trying to reach their countries of destination.**

Save the Children's recommendations:

- **Migrant children should be given the immediate opportunity to apply for family reunification** under the Dublin regulation, if this is in their best interests. In case of emergency, family reunification should be fast-tracked for children and vulnerable groups.
- **A flexible approach needs to be used for the assessment of family ties.** Personal relationships, as assessed by the child, need to be taken into consideration.
- **All those applying for family reunification should be entitled to an individual review of their application.** The family reunification directive should broaden its scope to also include sponsors that have subsidiary protection status.



PHOTO: ANNA PANTELAS/SAVE THE CHILDREN

Amira,* with her children and niece in Cherso refugee camp near the Greek border with the Former Yugoslav Republic of Macedonia. Heavy fighting and bombing forced them to leave their home in the city of Daraa, south-western Syria. They are now waiting to be reunited with Amira's husband who is already in Germany.
* Not her real name

4 Conclusion and overarching recommendations

The EU and its Member States have been champions of children's rights globally.

Regrettably, Europe is not following its own laws and recommendations and is in fact abandoning or overturning measures that previously offered refugee and asylum-seeking children protection and access to services. Despite the clear legal framework obliging the EU and all Member States to guarantee rights to all children under their jurisdiction, key institutional bodies have underlined severe and systematic violations of refugee and migrant children's rights, including the right to life.

Events during 2015 and in the early months of 2016 have shown the harmful effects on refugees when Europe as a whole and individual states make decisions, including the introduction of new legislation, that put immigration control before children's rights. New laws and border closures are placing children at further risk, prolonging family separation, extending the length of time spent in camps, and increasing the risk of trafficking. The solution to the current crisis is not to add obstacles, danger and uncertainty to the lives of some of the world's most vulnerable children but to work together to manage the crisis effectively and humanely.

Save the Children therefore recommends the development of an **EU Strategy for Children on the Move** that consolidates and strengthens existing EU law and responds to current and emerging challenges in ways that protect the rights of children on the move. Attention must be paid to all refugee and migrant children – unaccompanied, separated and those travelling with their families. We strongly encourage broadening the scope of the strategy to include children moving within the EU.

Save the Children is calling on European states to:

1. Adopt and implement an ambitious, comprehensive European action plan for all refugee and migrant children

Concrete and measurable policy initiatives must be suggested in order to provide a continuum of protection, care and support for all children on the move involved in cross-border migration, regardless of their legal status, whether it is forced or voluntary, and through all stages of their migration journey. The plan should also include strengthening national child protection systems in EU Member States and systems to ensure that children have access to the full range of rights they are entitled to in accordance with European and international law in countries of origin, transit and destination.

2. Establish a European fund for refugee and migrant children

Policies should be matched by resources. Funding needs to be made available to support an innovative, comprehensive operational response by the Commission and Member States both within and outside the EU and to identify proper solutions for refugee and migrant children in countries of origin, transit and destination, including access to healthcare, education and protection.

Various financing instruments such as the European Endowment for Democracy, European Development Fund, the European Neighbourhood and Partnership Instrument, the European Refugee Fund, the Asylum Migration and Integration Fund and the Instrument for Pre-accession Assistance could earmark resources to address issues related to children on the move.

- 3. Harmonise better standards of protection**
 The reformed asylum regulations should ensure that all EU members contribute and share responsibility for ensuring that child migrants receive similar levels of protection wherever they go, guaranteeing the strongest possible protection for children. Harmonisation of asylum procedures is crucial, but should never lead to lowering standards of protection. The best interests of the child should guide the decision-making process to determine which state is responsible for processing a child’s asylum claim.
- 4. Ensure thorough assessment of the protection risks faced by children in migration**
 There is insufficient knowledge of the concrete protection risks faced by children in countries of destination, origin and transit. Investing in more effective platforms of information exchange, research and programmes identifying the needs of children in migration, both outside and within Europe, will enable the EU to develop policies to better address their needs.
- 5. Strengthen Member States’ accountability**
 More accountability mechanisms need to be put in place to ensure that Member States comply with their legal commitments. The new European asylum agency should be mandated to develop effective instruments to hold Member States accountable.
- 6. Establish and ensure more safe and regular ways to reach Europe**
 The EU and members states should ensure safe and legal routes such as increased resettlement aimed at the most vulnerable, humanitarian visas, increased flexibility in family reunification processes, private sponsorship programmes, and student scholarship schemes. These should all ensure minimum standards of protection, especially for children, and must recognise child-specific forms of persecution – such as under-age recruitment into armed groups, child trafficking and female genital mutilation – as the basis of asylum claims.
- 7. Develop an external migration policy guided by human rights, not political interests**
 The EU should develop a rights-based migration governance framework, with the aim of opening up more legal channels to ensure a humane and orderly management of mixed migration flows. Migration has many drivers, and any cooperation to manage migration should take into consideration this complex and multi-faceted reality, be evidence and needs-based, and ensure that the benefits of migration are maximised and the risks are mitigated. Development aid is a tool to fight poverty and inequality, not to manage migration. It should not be made conditional to migration control indicators.

SAVE THE CHILDREN’S RESPONSE – A BRIEF OVERVIEW

Save the Children is one of the few organisations present at every step of the refugee or migrant child’s journey to and within Europe.

We run programmes in their countries of origin, and in transit and destination countries, protecting them as they flee alone or with their families.

We run child-friendly spaces for children and young people where they can play, feel safe, and engage in activities that help them to forget the stress and trauma of their experiences back home and along their journey.

We distribute food, tents, winter clothes and baby clothes, and we provide support to pregnant women and mothers travelling with young infants.

We also work with children travelling alone and refer them to appropriate services in each country.



A Save the Children worker plays with a child in Idomeni camp on the border between Greece and FYRoM, where more than 10,000 refugees are stranded. Save the Children is providing food and support to families, and a safe place for children to learn, play and recover from the distressing events they have witnessed.

Notes

- ¹ Save the Children, UNHCR and UNICEF (2009) *Statement of Good Practice – Separated children in Europe programme*, 4th revised edition
- ² Save the Children (2008) *Away From Home: Protecting and supporting children on the move*
- ³ In principle, all countries recognise the child's right to be heard, but not all countries have a specific procedure to ensure that this happens in the case of refugee and migrant children.
- ⁴ <https://www.euractiv.com/section/global-europe/interview/world-bank-middle-east-director-libya-and-jordan-have-got-into-serious-debt-to-host-refugees/>
- ⁵ <http://data.unhcr.org/mediterranean/regional.php>
- ⁶ <http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf>
- ⁷ http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf
- ⁸ <http://dtmodk.iom.int/docs/WEEKLY%20Flows%20Compilation%20No19%2030%20June%202016.pdf>
- ⁹ 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
- ¹⁰ Compacts with Lebanon and Jordan are being negotiated to prevent secondary movements of refugees.
- ¹¹ http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index_en.htm
- ¹² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:en:PDF>
- ¹³ European Network of Ombudspersons for Children (2016) *Safety and Fundamental Rights at Stake for Children on the Move* <https://www.dekinderombudsman.nl/ul/cms/fck-uploaded/2016KOM.00%20Safetyandfundamentalrightsatstakeforchildrenonthemove.pdf>
- ¹⁴ In Jordan, the number of marriages where the bride is under 18 rose from 12% in 2011 to as high as 32% in the first quarter of 2014. Save the Children (2014) *Too Young to Wed: The growing problem of child marriage among Syrian girls in Jordan*: https://www.savethechildren.org.uk/sites/default/files/images/Too_Young_to_Wed.pdf
- ¹⁵ UNICEF (2014) *A study on early marriage in Jordan*: http://www.unicef.org/mena/media_9469.html
- ¹⁶ UNHCR (15 July 2016) *Refugees/Migrants Emergency Response – Mediterranean*: <http://data.unhcr.org/mediterranean/regional.php>
- ¹⁷ Global Migration Data Analysis Centre (June 2016) *The Central Mediterranean Route: Deadlier than ever*, Data Briefing issue 3: https://publications.iom.int/system/files/pdf/gmdac_data_briefing_series_issue3.pdf
- ¹⁸ <https://www.unodc.org/toc/en/crimes/human-trafficking.html>
- ¹⁹ US Department of State (June 2016) *Trafficking in Persons Report*: <http://www.state.gov/j/tip/rls/tiprpt/>
- ²⁰ Statement by Special Rapporteur on Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, before the Human Rights Council 32nd session, Geneva, 14 June 2016
- ²¹ Save the Children Greece (March 2016) *Unaccompanied and Separated Children Greece: Current issues, statistics and protection recommendations*
- ²² Save the Children Italy (2015) *Piccoli Schiavi Invisibili. Le Giovani Vittime di Tratta e Sfruttamento*: http://images.savethechildren.it/IT/ffimg_publicazioni/img273_b.pdf?_ga=1.44274148.1553786460.1464520290
- ²³ Committee on the Rights of the Child, General Comment No. 6, *Treatment of unaccompanied and separated children outside their country of origin*, Thirty-ninth session 17 May–3 June 2005
- ²⁴ European Commission (September 2015) *Communication from the Commission to the European Parliament and to the Council, EU Action Plan on Return*: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_from_the_ec_to_ep_and_council_-_eu_action_plan_on_return_en.pdf
- ²⁵ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf
- ²⁶ For more details on separated children's returns please refer to: Save the Children, UNHCR and UNICEF (2009) *Separated Children in Europe Programme Statement of Good Practice*, 4th Revised Edition: <http://www.separated-children-europe-programme.org/images/18/219.pdf>
- ²⁷ In addition to the Convention relating to the Status of Refugees, the European Convention on Human Rights, the Charter of Fundamental Rights of the EU, the Convention against Torture and other Cruel, Inhuman or Degrading treatment or Punishment, where children are concerned, the provisions of the UNCRC apply, in particular those concerning the right to protection from violence, abuse, exploitation, trafficking, unlawful deprivation of liberty and direct involvement in armed conflicts (Arts. 9, 19, 32, 33, 34, 35, 36, 37, 38).
- ²⁸ The UNCRC provides that children should grow up in their families and should not be separated from their parents against their will, except when this is in the best interests of the child. The parents have the primary responsibility for the upbringing and development of the child (Preamble, Arts. 7, 8, 9, 10, 18, 27). It also provides that, in the case of separated children, states should trace the family for reunification purposes, and that children deprived of their family should be entitled to special protection and assistance (Arts. 20, 22).
- ²⁹ <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>
- ³⁰ Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank to the European Parliament, the European Council, the Council and the European Investment Bank: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf
- ³¹ At the 4th High Level Forum on Aid Effectiveness in Busan, 29 November–1 December 2011, a set of principles for all development actors was agreed: ownership of development priorities by developing countries; a focus on results; partnerships that recognise the diversity and complementarity of different actors; and transparency and accountability to all citizens. Busan Partnership for Effective Development (July 2012): <https://www.oecd.org/dac/effectiveness/Busan%20partnership.pdf>
- ³² The UNCRC provides that the detention of children, including children in the context of migration, should be avoided (Art. 37). 'No child shall be deprived of his or her liberty unlawfully or arbitrarily.' In 2005, in General Comment No. 6, the Committee on the Rights of the Child (CRC) clarified the obligations of states regarding Article 37. It affirmed that 'unaccompanied or separated children should not, as a general rule, be detained', and 'detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof.' In their 2012 report on the Day of General Discussion on the Rights of All Children in the Context of International Migration, the CRC further affirmed the prohibition of child immigration detention.
- ³³ <http://fra.europa.eu/en/publication/2015/alternatives-detention-asylum-seekers-and-people-return-procedures>
- ³⁴ The UNCRC provides that the detention of children, including children in the context of migration, should be avoided: 'No child shall be deprived of his or her liberty unlawfully or arbitrarily.' (Art. 37)
- ³⁵ The CPSA (Centro di Primo Soccorso e Accoglienza) in Lampedusa, the former CIE (Centro di Identificazione ed Espulsione) in Trapani, the CPSA in Pozzallo and the harbour in Taranto.
- ³⁶ Ministero dell'Interno (26 September 2015) *Roadmap Italiana*: <http://www.statewatch.org/news/2015/dec/no-279-Italian-Road-Map-2015.pdf>
- ³⁷ Committee on the Rights of the Child, General Comment No. 6
- ³⁸ European Union Agency for Fundamental Rights (FRA) (2015) *Guardianship for children deprived of parental care in the EU: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*: https://ec.europa.eu/anti-trafficking/sites/anti-trafficking/files/guardianship_systems_for_children_deprived_of_parental_care_in_the_european_union_en.pdf



Save the Children

PUTTING CHILDREN AT THE FOREFRONT

Save the Children's recommendations for a child-centred EU agenda on migration

Recent years have seen a dramatic rise in the numbers of refugees and migrants arriving in Europe, nearly one-third of them children. Children are risking perilous journeys to reach Europe, many travelling alone without their families. They face extortion by smugglers, sexual abuse and exploitation, violence and trafficking. Although Europe has been a global leader in children's rights, there are growing concerns that the EU and individual countries are increasingly putting immigration restrictions before their duty to protect children. Children on the move have specific needs and vulnerabilities. Any new policy devised by the EU needs to acknowledge and address these.

In *Putting Children at the Forefront*, Save the Children presents a number of key issues and recommendations that urgently need to be addressed by the EU and its Member States to make sure that children moving across borders have access to the full range of rights they are entitled to – in their countries of origin, and in transit and destination countries. This document aims to pave the way for a comprehensive EU strategy in response to the refugee and migrant crisis that puts the protection of children first.