



## **“Operationalising EU Child Protection Commitments In The Case Of Missing Unaccompanied Migrant Children”**

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Many thanks to Missing Children in Europe for the invitation to Child Circle to speak today at the conference.

Child Circle is an organisation which focusses on contributing to EU action on child protection and its implementation around Europe. And protecting children from violence, abuse, exploitation and neglect is at the heart of our discussion today.

This morning I have been asked to talk about operationalising EU child protection commitments to prevent and respond to disappearances of unaccompanied children.

Let’s start by looking at some of the experiences across Europe that emerged from recent EU funded project, CONNECT. CONNECT examined the roles and responsibilities of the actors who work with unaccompanied children and how they work together nationally and transnationally. One of the issues prioritised was disappearances. The SUMMIT Project will look into this in further detail.

I’d then like to explore with you at the potential of recent EU measures to help prevent and respond to disappearances; in other words let’s look at where we are at EU level and what future action might be necessary.

As a starting point, there is a word which we need to put firmly into context when we talk about operationalising EU child protection commitments: location.

Location is of course a key dimension of an unaccompanied child’s situation. Not being in the home country. Moving between countries. From a migration control perspective, location is often seen as *the* key dimension of the child’s situation which needs to be resolved. Has the child a right to be here? Which country is responsible for the child? To which country should the child be transferred?

From a child protection perspective, the location – or dislocation – issues of unaccompanied children can pose particular challenges. And the issue of disappearances of unaccompanied children bring these out very clearly. But it also brings into focus the potential that EU actions hold to responding to these problems.

First: from the perspective of prevention, is there anything that we can do to make location less significant to the child to make a child less inclined to disappear? Are there safeguards that can encourage a child to engage with the protection system? To discourage children from taking matters into their own hands and moving on, or surrendering themselves into the hands of those that would exploit them?

The developing EU framework of rules provides some improved common obligations to engage with children and respond to their situation. From provisions on representation, information for children and assessing the best interests, common EU obligations should help ensure that the child will receive similar assistance and protection, regardless of where they are. Things are slowly moving in the right direction. But it is very important in the next policy cycle to start carefully prioritising what still needs to be done.

Second: how does the issue of location affect how we *respond* to disappearances? When it is an unaccompanied migrant child that disappears, one might say that a child who perhaps was not legally entitled to remain here has now gone. Might that perspective colour our attitudes towards the situation? Does it affect our sense of responsibility for these children? Does it affect our sense of whether we can successfully find them?

These questions are real dilemmas, not trick questions. But as we will see from the CONNECT Project, and again here in SUMMIT, we need to shine a spotlight on our assumptions and challenge ourselves to address them properly.

When a child moves from one EU country to another, let's think about what steps we take to work together across borders to protect the child. In other words, we should consider Europe as the relevant location and we should have a European, rather than a national, response. There is developing transnational cooperation but we need to be committed to achieving cooperation across a broader spectrum of issues. Again the EU can play a special role.

#### **I. Recent Research into How Actors Prevent and Respond to Disappearances.**

So now turning to the recent research. The CONNECT Project spoke with some of the actors involved in preventing and responding to disappearances, including guardians, reception centre employees and police.<sup>1</sup> The research was carried out in four countries so let me give you a few words on each.

The mapping showed that that the nature and extent of responses to disappearances will often depend on whether the authorities believe that a child who has disappeared is the subject of a crime or faces a specific risk or whether they believe the child to be voluntarily absent. In the latter situation, follow up action can be limited and cooperation between child protection and migration actors can be difficult.

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<sup>1</sup> The CONNECT project was led by Save the Children Sweden in partnership with UNHCR, Nidos in the Netherlands, UNHCR, Save the Children Italy and the Coram in the UK. ([www.connectproject.eu](http://www.connectproject.eu))

In Sweden, the Migration Board and the Social Services can share information with the Police if requested but there is no *systematic* information sharing in place, meaning that there are *no formal national procedures* to gather information about the child's circumstances.

An interviewed Police officer said that the general procedure is to ask the person who reports the child missing some questions to gather information about the child's name, age, nationality, name of a contact person and the contents of the conversations with the child before the disappearance. The Police ask these questions to assess whether the child might have been subject to a crime or if there is a risk of suicide. If an unaccompanied asylum-seeking child is seen as disappearing in order not to comply with the return procedure, the case is simply often forwarded to the Border Police.

A Swedish law enforcement official felt that more limited information is available on the situation of the child when compared with the situation of a national child who has gone missing. Other stakeholders suggest that a greater effort needs to be made to find out more about the child from actors who have been involved with them such as the guardian.

A somewhat similar situation exists in the Netherlands where a child disappears from an ordinary reception centre.

However there are also protected centres in the Netherlands with special services for children believed to be at risk from trafficking. Disappearances of children from the protected centres (a handful each year in the last few years) are typically treated more rigorously than disappearances of children from other kinds of accommodation, given the belief that children in the protected centres are at risk of trafficking.

The mentors start searching the surroundings of the reception centre - which are located in small villages - as soon as someone is missing. Mentors and/or guardians of disappeared pupils from the protected reception immediately inform the regional police and the district's human trafficking and prostitution team.

Mentors will have made a file of each newly arrived pupil. It includes the indications that once led to the referral in protected reception, a picture and a description of specific features of the child. If the child disappears, the file is directly shared with the police. Police invest more in the 'scene of disappearance': DNA is taken from toothbrushes, telephones which were taken in upon arrival in the protected reception are scanned for useful data. Guardians at times send around pictures to their nation-wide colleagues.

Practice in the UK is markedly different, as *all* disappearances tend to be addressed in line with general procedures for children missing from care, including citizen children on the basis that all missing children are presumed to be at risk of abuse and exploitation.

An interesting feature of UK practice is that some local authorities have established a Multi-Agency Safeguarding Hub, staffed by professionals from a range of agencies including police, probation, fire, ambulance, health, education and social care to address general child protection issues, including disappearances.

The London Borough of Hillingdon's Service Manager for Safeguarding Children indicated that the number of unaccompanied migrant children which had gone missing from its care had reduced from 79 in 2007 to 8 in 2009 after it adopted a similar multi-agency approach.

A notable feature in Italy is that stakeholders point to the fact that most of the children (especially Eritreans and Afghans) disappear from care in Italy in order to find family members and relatives elsewhere in Europe. They stress the need to promote family reunification under the recast Dublin III Regulation.

So CONNECT showed a wide range of challenges and some developing good practices in the field. And we can expect the SUMMIT Project to build up the picture further.

## **II. The Potential of EU Measures to Strengthen Child Protection**

Turning to recent EU developments, let's see what potential they have to help move the situation forward. As background, we are here mainly talking about the recent EU asylum and migration law and policies.

Now it is beyond the scope of this presentation to dissect all of the ways in which recent changes might affect movement of children around Europe so let me simply highlight some key provisions which directly affect the moments around disappearances.

### **1. Prevention**

*Have children enough support upon arrival?*

The immediate appointment of a qualified representative or guardian, who has the responsibility to further the best interests of the child, is an important step in helping children work through their situation. The national systems of guardianship across Europe are patchy but recent EU provisions should improve this in several key ways. The Fundamental Rights Agency handbook on guardianship provides important guidance to boost standards of practice.

*Are children being given enough information?*

A particular example is the development of a specific EU information leaflet for unaccompanied children on how the Dublin system works. It will be important to road test it and make sure that it is in an effective format.

*Can children reunite with their family and relatives in other Member States?*

Better family reunification provisions will reduce the risk that children will simply keep moving on their own until they find their family. The Dublin III Regulation marks significant progress in this. But Member States must work well together to respect the Regulation. If these procedures take too long and are not sufficiently successful, children and their family members in other countries will not trust in them.

*Are the special needs of children properly screened?*

This is critical to ensure that services are offered which truly assist them. In CONNECT, actors talked about how ill equipped they felt to identify whether a child is vulnerable to trafficking. New EU asylum and trafficking provisions focus attention on these screening processes and tailored services. These provisions will need to be backed up by dedicated resources.

*What concerns are to the fore in responses to disappearances?*

Recent EU measures explicitly require that the best interests of the child at the heart of actions in their regard. In a nutshell, this means that authorities should be focussed on the situation of the child as a whole. And the need to work together in an inter-agency and multi-disciplinary way ... around child protection concerns, and not only migration control concerns, is an important message from the ongoing work at EU level on child protection. The adoption of EU Guidance on integrated child protection systems in the coming years may be very helpful in promoting this approach.

Again better training for authorities working with these children is an important feature of getting responses right. The asylum instruments require such training.

Moreover, the EU can and does play a unique role in establishing transnational mechanisms as regards children who are of concern to more than one country. The Dublin III rules are a prime example of this. But we need to do more, on additional fronts, to ensure a common sense of responsibility for unaccompanied children. As an example, this might include transmitting information on disappearances of children to countries where they are known to have family members. We should also think about which actors liaise across borders on unaccompanied children and give a role to child protection service and not only border control or law enforcement actors.

## **Conclusion**

There is so much more to examine, and we will hope to do that in the SUMMIT project. So just one final word.

We can see that the EU framework is evolving – but how sturdy is it? And does it evolve far and fast enough? And are Member States implementing the rules properly?

That is a difficult question to answer and austerity plays a role. But one very heartening development is the recent spate of judgements from European Courts focussing on the best interests of the child. These judgements show that authorities increasingly will be held to account where they fail to demonstrate that their actions are in the child's best interests.

So let's act together to scale up actions which bring about real improvements. Thanks to the EU for funding the SUMMIT Project which hopes to do so.