



HOUSE OF LORDS

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Witnesses: Jana Hainsworth, Bruno Vanobbergen, Jean Pierre Verhaeghe and Verena Knaus

Members present

Baroness Prashar (Chairman)
Lord Condon
Lord Soley

Examination of Witnesses

Jana Hainsworth, Secretary General, Eurochild, UNICEF, **Bruno Vanobbergen**, European Network of Ombudspersons for Children (ENOC), **Jean Pierre Verhaeghe**, Policy Adviser to the Flemish Children's Rights Commissioner and **Verena Knaus**, Senior Policy Adviser, UNICEF

Q121 The Chairman: Good morning. On behalf of the Committee, I extend a very warm welcome to all of you. Thank you for your time this morning. This evidence session is being recorded and there will be a transcript, of which I will be given a copy, of course. You will get an opportunity to see the transcript and make any corrections, if you so wish. If there is any further information you feel you want to submit after you have seen the transcript, please feel free to do so. Before we begin, we will introduce ourselves, and it would be helpful if you can introduce yourselves and say a little bit about your organisations. My name is Usha Prashar. I chair the EU Sub-Committee on Home Affairs.

Lord Condon: Paul Condon, a Member of the House of Lords and a member of the Committee.

Lord Soley: Clive Soley, a Member of the House of Lords and a member of the Committee.

Jana Hainsworth: My name is Jana Hainsworth. I am secretary general of Eurochild, which is a European umbrella network of civil society organisations working on children's rights and well-being across Europe. We have members across 33 European countries and our members are those working with and for children.

Bruno Vanobbergen: My name is Bruno Vanobbergen. I am the Flemish Children's Rights Commissioner. Our office has two main tasks. We are an ombudsperson for children and young people. There are quite a lot of children and young people on the move who contact our office with several complaints. We can discuss this later on. Next to our ombudswerk we do policy recommendations. We write policy recommendations for the Flemish Parliament, and also for the Federal Parliament as this is a federal topic in Belgium. This is Jean Pierre Verhaeghe. He is policy adviser at our office. You probably know that there was a report by ENOC. Jean Pierre wrote the contribution for our office to the report.

Verena Knaus: Good morning, my name is Verena Knaus. I am here at the UNICEF office in Brussels. Our office here is specifically responsible for our policy dialogue and relationship with the EU institutions. I am also pleased to be able to speak on behalf of UNICEF's broader response to the refugee and migrant crisis - which is happening in both countries of origin, countries of transit and across the European Union - in the form of support, advocacy and monitoring as National Committees of UNICEF, such as the one in the UK, are doing; trying to provide evidence and arguments in favour of the rights of children.

Q122 The Chairman: Thank you. We have about an hour and we have got quite a bit of ground to cover, so if one of you answers a question there is no need for someone to repeat it. If you agree with them, just say that you agree so that we can cover the ground we need to cover. I should like to start by asking what you think are the key challenges faced by minors in the European Union. Do they differ according to age and nationality? Who would like to start?

Jana Hainsworth: There are a lot of data out there, as you have probably heard. For us, a key challenge right now is that there is totally inadequate material conditions for children and young people, in transit and in destination countries. There are serious issues of malnutrition and lack of psychosocial support. We are hearing from our Greek member organisations of the conditions that many of these children are facing, and also in Bulgaria, such as lack of access to effective healthcare, education and leisure, and any mechanisms for effective family tracing and reunification. One of our key concerns is a real risk of reinstitutionalisation. We have done a lot of work on promoting personalised responses for children in the care system. That has progressed massively across Europe but now, with the refugee and migration crisis, it has re-emerged as one of the big challenges of children remaining in large-scale institutions, where they are also very vulnerable and at risk of disappearing. Trafficking is very high. Also, in regard to the professional competences, there is a lack of training among professionals to deliver on broad child rights personalised response and a complete lack of political will, adequate resources and enforcement of minimum standards in countries across the EU.

Verena Knaus: I agree with everything that has been said already. I think if one looks across Europe, some common challenges emerge that affect children in very direct ways. The first is the delays that children fear along the journey. This causes them to often not report and to try to avoid being identified. This then puts them at greater risk. That is related to the issue of distrust. There is a lot of distrust in existing systems and instruments that are actually designed to protect and facilitate family reunification and family tracing. But children perceive it as not working and as a result this fear of delay and distrust causes them not to turn

to protection institutions or authorities. That is then compounded by the weaknesses of the current application and implementation of the Dublin treaty provision.

I would like to highlight a number of weaknesses where we would like to see greater attention to the implementation of what already exists in law, in particular, to reduce the waiting periods and the time that it takes for children effectively to be able to use the provisions for gathering and reunifying the family. At the moment, as we are seeing, 11 months is too long. We would like this be shortened to a maximum of three months. There are problems with providing information to children. We know of many children who leave care or contact with authorities who have not been provided with information as to their rights under the Dublin provision. We would like information to be provided within 72 hours at a minimum. There are discretionary clauses in the provision that are not being applied to the full. The definition of family is, in practice, too narrow and does not reflect the best interests of the child, their needs and their relationships, which the provision refers to but in practice it is too limited and too narrow. We are also seeing worrying trends in many member states to further limit statutory rights for family reunification—not scaling it up but actually reducing it. This has the effect that there are fewer legal safe channels for children to reunify and reconnect with family members. Another common problem is data. The issue of data feeds into the discussions about the large numbers of missing children. We have made a lot of progress across the European Union with making data on unaccompanied and separated asylum-seeking children more visible. We know that data protect children, and the lack of data on the broader number of children who are on the move across Europe—where they are, in what conditions they are, what category they have, what happens to them after entering a system after seeking asylum or dropping out of the system again—is cause for concern. We hope that not all of them are at direct risk, but many are. The lack of data is a huge protection gap where common European action can help redress.

Bruno Vanobbergen: Of course, I fully agree, but I have something to add concerning children on the move to and through Europe. We see in different countries that many unaccompanied children do not want to disclose to the authorities that they are children because they are afraid of being locked up. We have reports of children burning their fingertips to avoid giving fingerprints to the authorities. Next to this, we need to pay more attention to the violence and abuse. Quite a lot of youngsters report in ombudswerk that they have been abused or have been victims of violence during their trip to Europe. In several European destination countries we see how age assessment procedures do not comply with general comment 6 on of the Convention on the Rights of the Child. We also see quite a lot of

differences between legal guardian systems. We can elaborate on this later on but for us it is an important topic.

The access to psychological help is, in many countries and for the majority of children, a really big problem. Information about children with disabilities is very incomplete.

Q123 The Chairman: It is evident that there are different challenges facing different countries in Europe, but against that background is a common European response feasible or even desirable?

Verena Knaus: If I may give you a quick answer, from UNICEF's perspective, we see a lot of added value in a common European response. These are transnational challenges. These are challenges that relate to data-sharing and closer co-operation among child protection authorities, migration authorities and other services in different countries. This is best done in a common, co-ordinated way because if we try to do it piecemeal, as we see at the moment, we leave a lot of protection gaps open. There are many good examples, including the unaccompanied minors action plan, that have been adopted at EU level. There are many implementation challenges. We are far from being able to tick it off but the plan provided an important step. The Commission has promised to explore a comprehensive approach to protect children in migration; we would like to see this happen. A proposal was made in February this year in response to the high number of children, who now make up one-third to 40%, in some cases, of those arriving. This comprehensive, Europe-wide approach is what we need.

Bruno Vanobbergen: For us, two important issues need much more attention. First, when it comes to putting children in detention, we see different practices in different countries. We see many problems; for example, in Poland and Estonia, children have been locked up for quite a long time, for many months. Secondly there is the question of a legal guardian. In countries where they work with a legal guardian, this has quite a lot of advantages for the children because it makes it possible to create chances to go to school and have access to healthcare, but also to look for a long-term, sustainable solution regarding their legal status. The system of working with a legal guardian is something that we think Europe should really focus on.

Jana Hainsworth: From our side, it is both feasible and desirable. From civil society's perspective, there is a real urge—also for ombudsmen—to work with an EU framework. As Verena said, the EU action plan provided that framework. It lacked implementation but we would like to see that framework being renewed and civil society being empowered to support and monitor it and hold Governments accountable to the agreements they have made.

Q124 The Chairman: From your point of view, is the EU doing enough? What more would you like to see at EU level to meet this challenge?

Verena Knaus: I will pick out one or two points. First, in parallel to the crisis of the past few years, a lot of progress has been made at EU level in proposing and defining how an integrated child protection system should look like at EU level. We would like to see the child rights framework that exists—the child protection guidelines and an emerging consensus—become part of the migration and asylum system. We need to narrow the gaps that we still have between a common EU migration and asylum response and policy framework and a separate, stand-alone child rights framework. With high numbers of children among those who are on the move—as I said, between one-third to 40%, in Greece, are children—we cannot afford to have these policy frameworks living in isolation. Child protection has to be an integral part of the EU migration agenda.

There is an opportunity to remedy what was on the table last year. Last year's EU migration agenda referred to children more or less only in footnotes. There is now an opportunity to rectify this, to move in the direction of a comprehensive approach that covers all children in migration, so we continue to build on, draw, monitor and implement the provisions we have in place for the specific group of unaccompanied and separated children. But we know that separate, stand-alone systems do not work. We need inclusive child protection and integrated responses. We need a framework that works for all children so that trafficked children, unaccompanied children and children in families have their rights guaranteed. We also know that children fall between categories. They move from one category to the next. They may be identified as separated, then as being missing. They may end up being identified as a victim of trafficking. We need systems that can be more inclusive. There is an opportunity.

The big debate on a system overhaul, with Dublin reform being on the table, with the general discussion on increasing convergence of asylum standards, is an opportunity to raise standards. We need to ensure that we are not running a race to the bottom and lowering standards to create so-called convergence and to prevent secondary movements. We have an obligation to make sure that we increase and protect safeguards and ring-fence the provisions that we have. In our view, the European Union has a lot of contributions to make in improving the monitoring of the child rights situation, in bringing the legislative and policy frameworks closer together, and in improving data—Eurostat and other member states and other agencies working together. EASO, FRONTEX, FRA, as three critical agencies, need to scale up their own child rights and child protection capacities in line with the scaling up of their operational

capacities and mandates. These are all areas where more common EU action would lead to better protection of children.

Bruno Vanobbergen: It is also important to make children and young people more visible. Visible means at least two things. First, the right for children to be heard during procedures is so important. There are so many cases in our ombudswerk in which children say, “People do not talk to us. They talk to our parents but we are regarded as something that is part of the family but not an essential part of the family”. When decisions are taken about families, we see that the best interests of the child are not the first concern and sometimes are not really taken care of. Therefore, all over Europe it is important to give children a voice in the different procedures that are important for them now and for their future.

Secondly, we need to collect much more comprehensive data about children. For example, in Belgium we asked our authorities in February and March this year for an overview of all the minors who entered our country in 2015. It was nearly impossible to get the information, just about the number of the children—imagine if we had asked questions about, for example, children with disabilities or serious psychological problems. It is very difficult to receive clear data on the number of children but also the state of the children. If you want to take decisions about the future of these children, you need more comprehensive data.

Jana Hainsworth: I would simply echo what Verena said about why and how the EU could do more. One additional point is that last month the EU put on the table a proposal for an EU pillar of social rights, which is intended to provide a holistic framework to support member states in strengthening social rights. Eurochild is certainly interested in exploring how this would apply and help join up some of the dots in relation to migration and children’s rights more generally. But I totally echo Verena in terms of the holistic framework that is needed; it is too piecemeal right now.

Q125 Lord Soley: You have touched on some of this already, but I would like to clarify a bit. A number of European Union measures emphasise the primacy of the child’s best interests. It is a question of how that is converted into reality from that point to the individual practice of the nation states and other organisations and individuals who are required to do that. Can you say a bit more about how the EU could bring in a better respect for that in nation states? Is it that some nation states are doing very well and others need help? You have touched on that already, but could you expand on it a bit more?

Verena Knaus: I have a few points to make on this, and I am sure that colleagues will add to them from their practice. (I think that) UNICEF and UNCHR joined forces and we presented *Safe and Sound*, a report in 2000. We tried to provide some of the guidance and experiences

that already exist at member state level in some of the countries on how to assess and determine the best interests of unaccompanied and separated children.

There is also already work in progress at EASO to develop further guidance and how to apply the best interest in practice. Good examples are already in place on ensuring and fostering peer-to-peer learning. The Belgian Migration Authority has a very advanced system of trying to institutionalise internally some of the best-interest determination processes and techniques that are required. But, building on those good first important steps, there is too little standardisation of what it means in practice. At the moment, especially in the recast legislation, all refer more or less to best interests. Dublin III refers to the best interests. It even defines more detailed guidance that involves consideration of family, well-being, and the right of the child to express their own views and opinions. That is still a grey area where we need to build on the practices we have.

There are many different examples. In Sweden, checklists are in place. There is training in Finland. In Belgium there are practices of providing best-interests guidance. Like *Safe and Sound* there is step-by-step support on what that entails. In the UK there is an advanced work in progress for best-interests determination at national and local level. We often tend to separate the experience from youth welfare authorities, where best-interests assessment is common practice from the field of migration and asylum. If we bring together more closely the already existing practice of social workers' best-interests assessments, if we make sure that we have social worker and child protection expertise, and guidance, which can often represent that missing link, involved from the first day and throughout the procedure to the point of resolution, we will be able to bridge the gap and speed up the learning as we go.

With the General Comment 14 of the Committee on the Rights of the Child, the enigma of what the best-interests principle means is now solved. We know that we have to have procedures. It is a legal right. Policies need to be in place. We no longer have an excuse to say that it is nice in principle but hard to implement. We would like to see the General Comment 14 find its way into an EU legal guiding document with standards that can be monitored and rolled out. It will take time, but as my colleagues have already said, the best-interests policy is not a luxury; it has long-term implications for the role of the child in society, whether it is in Europe, the home country or as we move on. So it could cost us dearly if we do not grapple with this.

Lord Soley: Would I be right in assuming that the primacy of the child's best interests that ought to be the primary interest is trumped by a number of other interests, not least

independent nation states' migration policies? If so, what other things trump it? Are there other areas that trump the primacy of the child's rights in practice?

Verena Knaus: Migration control

Lord Soley: That is a major one. Any others?

Verena Knaus: Lack of resources often at the level of the institutions interacting with the child. The prioritisation of where money is put. We are scaling up now EASO and FRONTEX capacities, but we do not yet see in the legislative proposals a commensurate scaling up to build the capacity so that police officers, border control officers and migration control authorities can actually do what they need to do when they first come into contact with the child along the entire migration chain.

Bruno Vanobbergen: Also the public image of the refugee child plays an important role. The Government's discourse on refugee children is that they are dangerous children, while they are children in danger. A lot of people look at these children and refugees in general as dangerous people.

Lord Soley: Who are looking at them as dangerous?

Bruno Vanobbergen: They are often presented in the media as dangerous because they are related to terrorism, criminality, and so on.

Lord Soley: Sorry to interrupt you, but the media presentation is always a bit wary and not always attractive. Does that really translate to organisations and individuals saying, "These kids in front of me are dangerous"?

Bruno Vanobbergen: On a policy level, we often hear politicians talk about refugees. They focus in their policies on attacking terrorism and criminality. For example, in their return policies it is often stressed, "We will all send the criminal refugees out of our country". That creates a discourse and an image of refugees in terms of dangerous persons.

Lord Soley: But for children?

Bruno Vanobbergen: For children it is very important, too. In our office we see parents who contact us. For example, a couple of weeks ago, a father called us and said that the next week a Syrian 11 year-old girl would be joining his daughter's class. He said that he was thinking of removing his daughter from the school because Syrians are dangerous, and they will probably be dangerous in our schools, too. There is a perception that influences how we translate the best interests of the child. Schools, youth care centres, and so on are influenced by that discourse and that perception, too.

Jana Hainsworth: In asking our members, we had responses from member organisations in countries that are receiving very low levels of refugees. That is also because of a national

discourse to prevent and not open borders. Therefore, there is definitely a national interest trumping the rights and well-being of children in terms of receiving a more equal or more balanced redistribution of children and young people. That is very much a national discourse and is very tangible in many countries. Civil society is active in trying to challenge that but it is not always an easy position.

Verena Knaus: Just to add to that, I think the manifestation of these challenges that have just been outlined is a concerning criminalisation of migrants that often leads to detention as part of national response. We know of a lot of children who are unaccompanied or with families who are in detention, in administrative detention or other forms of custody because of the argument about danger and criminalisation of national interests that is trumping by far the legal provisions in place of considering the best interests of the child.

A second point of importance is that we are seeing increasing trends to deny children the right to access international protection—to even enter countries, claim asylum, and have access to a procedure where the best interests will be considered. That is a very worrying trend that we see in different parts of Europe. We also see a great reluctance to extend the provisions of the best interests of the child to all children. A lot of EU policy instruments narrow this to unaccompanied and separated children as a particular group, and for UNICEF, it is very important that on the one hand, we make sure that not only is it applied more widely, but that the best-interests principle applies to all children, including children in families. It is important not to consider children as the luggage of their parents while sitting with them in the room when taking decisions that affect them—whether those are return, protection or relocation decisions or decisions about access to services. The primacy of the best interests should apply to every single child. A lot of the time, the response from authorities is that that would be too costly and too difficult, so there is a deliberate reluctance and narrowing of it down only to specific groups of children.

Jana Hainsworth: Just to add something on best interests, Verena has talked about the standardisation, but in practice the whole implementation is about training professionals and adults. The biggest trump against the children's best interests is that the adult who is supposed to be protecting thinks they know best. It is very difficult to discern. One of the interesting dynamics we look at is, for example, in the intellectual disability movement, where increasingly we are trying to understand the autonomy of the person regardless of their capacity.

There is quite a lot of work to do, not only on the standardisation and the legal norms but how children are perceived in society.

Lord Soley: This is also a training issue.

Jana Hainsworth: A training and sensitisation issue, yes.

Bruno Vanobbergen: Can I just add another small thing? It is also important to translate the best interests of the child in a long-term process. It is not just about the decision you take today about the child, such as whether it is possible for them to stay or whether will they be forced to leave together with their parents. It is also important to translate this into a long-term process. For example, if you decide today that a child or a family with children can stay for the coming five years, you know that is a good thing for that family and those children, but within five years you will be confronted with a huge problem, because these children will be integrated—they will be going to school and have friends over here—and it will be very problematic not to take this into account. At a certain point, we see decisions being taken about families who have been staying in Belgium for eight, 10 or even 12 years, after which it is decided that the families have to leave. Sometimes, most of the children are born in Belgium. The long-term perspective is very important.

Q126 Lord Soley: I understand that. Can I turn to unaccompanied minors who go missing from care? There does seem to be a recognition that it is very hard to find the numbers and know how big a problem it is. I suspect it is also a problem of how we co-ordinate across the various countries on trying to identify missing children, or even understand what has gone missing, if you like. Can you fill us in on that at all?

Bruno Vanobbergen: One very important thing is the punctual registration of children. In Belgium, for example, this does not happen all the time. For a couple of months, there was the problem of delayed registration: children went to the migration office and then received two letters, one stating that they had to come back within a week or two, for example—it was not clear what would happen during those two weeks: where they have to go, where they have to wait and what they have to do—and, at the same time, they received a letter discouraging them from registering. The fact that the moment they arrive they have to register punctually, but then this is delayed, is very problematic.

Lord Soley: If they do not register—which I suspect often happens, because they will not necessarily come back a second time—what efforts do you make or could be made to find them?

Bruno Vanobbergen: The NGOs play a very important role. For many weeks, NGOs were present in the surroundings of the migration office building, just to ensure that in the evening these children were picked up by friendly people who would give them a place to stay at

night. Many NGOs booked hotel rooms for those children, just to avoid these children being on the street during the night.

Lord Soley: I understand that, and I am sure the NGOs do a good job on it, but if I am the civil servant or whoever registering the child, and the child does not come back again, what are my duties? Is it to report to someone and say this child must be found, or does that not happen? I know you are talking about Belgium, and I will ask others about the wider picture. What happens?

Jean Pierre Verhaeghe: Nothing happens. That is the whole point. Under the law, if a person presents himself to an immigration office, he should be registered immediately. What actually happens is the two letters: one saying that they have to come back in a few days and the other telling them, “Well, applying for asylum in Belgium may be is not the best thing for you”. They are not directly told they had better go to the Netherlands or to Germany, but at least they are given the opportunity to do so. At that moment they are not officially registered—that means Dublin III, is not heard of at that moment in time. They are not immediately registered, so when the Minister is confronted with that practice—which he installed—in the Parliament, his reply is, “Other countries do this as well, so why should we bother?”. These refugees get the opportunity to think it over twice: “Do you really want to be here? Maybe this neighbouring country, which is only 50 or 80 kilometres away, might be better for you. So we take your fingerprints, but just to find out whether you are a criminal or not. We do not put them in the European database, so you are not registered yet”. The letter also tells them that they have not registered yet: they have to come back. When do they have to come back? At a time announced on Migration Office’s website, or on the wall of this emergency transit centre next to the Migration Office. So they have to find out. This is also done with unaccompanied minors, including 15 year-old children, who cannot read French or Dutch and who may not be able to read the English version either. They do not have a lawyer at that moment and, because they have not been registered yet, do not have a legal guardian either. So they do not have anything at all.

Lord Soley: Does what you have just heard ring bells for other countries, too?

Verena Knaus: I would echo that. At UNICEF, we are working with a number of countries in the European Union that are transit or destination countries, working with Governments in Germany, Austria, Italy and now Greece, as well as Slovenia. It definitely rings a bell. The uncertainty over the number is fuelled by everything that you describe, which is multiplied by 28. There is no immediate registration; there are very different practices as to how registration officially begins; and there is not adequate provision of information to children, even about

their right to register or what it implies or means. We know that, in many of the transit countries, there were deliberate efforts by authorities to discourage the provision of information—for example, that this is maybe a good place to apply for asylum and how to do it, hoping that they would move on to another country. Then, in some cases, where children do get registered, they do not know what that implies in terms of Dublin III provisions. Is it full registration, or is it just fingerprinting?

The question for us is: what is the solution to this? There are a number of possible steps that could be taken. One of them would be integrated services at first point of arrival, where children come into contact with authorities. This needs to be embedded in the hot-spot procedures for example. We need to have child protection—the independent guardian systems, the social workers—embedded at the point where children come into contact with the police or border guards. Let us be realistic: the police will not be able to do it. They have a security check and the quick health check, so there must be a staggering of services. As UNICEF, we are trying to provide, together with UNHCR and the ICRC, such integrated packages of support in Blue Dots, which are the child and family support hubs which we are trying to set up in Greece and along some of the key points along the route so that children have access to information in a proper format, to legal counsel, to psychosocial support that they can turn to immediately. They can also have access to child protection services and to health and nutritional support, as well as support for children with disabilities and adequate support for small children, such as special baby-appropriate food.

All these things can be designed, and the first step towards designing them is to recognise that this is a crisis for children. We have such large numbers of children arriving, and we need to have the appropriate services in place. Now, at the end of April 2016, the authorities can no longer claim to be surprised, so we can prepare better for the coming summer season, and we should prepare better for the future.

Maybe one additional point at the heart of it is the sense of responsibility for those children's well-being. At the heart of a lot of this ping-pong—passing children on and letting them pass through—is that many countries do not feel responsible for protecting the rights of every child who is in their territory.

Bruno Vanobbergen: Or they do not feel responsible for certain groups.

Verena Knaus: Yes, or for certain groups. I think this is at the heart of it, because in principle there needs to be a missing child alert for a child who is registered in a reception centre and disappears.

Jana Hainsworth: We have not had the echoes around the authorities, but I can believe that this is not isolated to Flanders. What we have heard from the NGOs is that often children and young people are passing misinformation among themselves. There is a lot of fear among children and young people about not wanting to be registered. Good practice, for example, is for an NGO to say to children, “Okay, we’re going to keep you here just to wash your clothes so that at least you have a safe space”, and during that time they can explain the situation, because often children themselves do not want to be registered and resist that. There are good practices that enable children to feel safe and enable the adults concerned to find time to explain to the children what their rights are and what advantages there would be in being registered.

Q127 Lord Soley: I want to move on, but before I do it would be helpful if you could send us an English copy of the two letters to which we have referred.

I want to get a final view on the European Union action plan on unaccompanied minors. Should it be renewed and, if so, what should its focus and priorities be? Or should we not renew it?

Verena Knaus: As a very quick response to that, UNICEF would like to see it folding into a comprehensive approach to protect children in migration. We would like the pillars of the action plan that have proven to provide a critical nudging of authorities to improve protection—the co-operation on data, the co-operation on guardianship, the co-operation on strengthening protection systems—to be retained and further implemented. But we would like this to be broadened to include all children in migration and to become part of an integrated and more comprehensive approach. So it should no longer be a separate, stand-alone unaccompanied minors action plan but a European action plan on how to protect all children in migration.

Bruno Vanobbergen: I fully agree, with a special focus on the mental health of children and young people, because this is a really big problem.

Jana Hainsworth: And, for us, with a special focus on implementation, because the key issue is lack of implementation.

The Chairman: That was very clear.

Q128 Lord Condon: You have raised all the challenges and problems, but perhaps I could take you back into one or two of them again. In February this year, the Commission adopted a communication on the state of play of the implementation of the agenda on migration, and made a lot of references to the treatment of unaccompanied minors. It said that the key next step should be that member states should devote particular attention to the needs of

unaccompanied minors when implementing the hot-spot approach and carrying out the relocation. From what you and others have said, it is hard to see what the response has been to that. But are you seeing any evidence that member states are paying particular attention to unaccompanied minors, particularly in relation to hot spots and relocation? Is there any good news, any movement, any progress?

Verena Knaus: I would just share our surprise that, in a subsequent Commission publication, when the state of play of the relocation process was unveiled, there was a reference to maybe two or four unaccompanied minors having been relocated. I think that speaks a lot about the lack of deliberate and focused attention that in practice has so far been dedicated to trace, identify, promote and support higher numbers of unaccompanied children benefiting from the relocation procedure. It is a combination of factors. Sometimes there are not enough offers from member states, because they know that it is more complex to receive an unaccompanied child. There is clearly a lack even of identifying them at the point where relocation begins. There are challenges in terms of providing them with the right information so that the children themselves trust the relocation procedure. So the short answer is that the intention is very important and very welcome, but I think that we are yet to see it being implemented in practice.

Jana Hainsworth: For us, the good practices that we hear are from some civil society organisations, but in terms of the administrations we are not receiving any positive news in that respect.

Bruno Vanobbergen: I can add two good examples from Belgium—on a small scale, but I think they are good examples. The first one is the creation of specific small-scale houses for unaccompanied minors—teenagers living together in small groups, paying attention to, for example, mental health, and so on. But that is for only 150 unaccompanied minors, whereas nearly 5,000 unaccompanied minors arrived in our country last year. So it is a good example but a small-scale one. The next example of good practice is the My Future project. This, again, is a very small-scale project for about 20 unaccompanied minors, in which they are guided in many domains, trying to prepare them for what will happen once they reach the age of 18—just to give a bit of hope.

Jean Pierre Verhaeghe: Especially for those who did not get a permanent residency permit.

Verena Knaus: We have been hearing that the first training specifically for personnel involved in hot-spot operations has taken place recently provided by Commission services.

Lord Condon: Where was that?

Verena Knaus: That was just recently on child protection aspects of the hot-spot operations. There is an effort to draft standard operating procedures that would clarify the child protection aspects and approaches that need to be in place to meet what had been promised and stated. So I think the will is there at Commission level to drive that forward, but as we know it has to be an interagency effort, involving member states and national authorities, in order to deliver.

Q129 Lord Condon: To move back to independent guardianships, we have heard of the resource challenges and having no common standards and so on. Is there anything else that you can add or tell us about in relation to guardianship—how it is improving, the level of assistance and advice to unaccompanied minors, and if there are any particular examples of good practice? It would be helpful either to be told about that now or if you could send us information on it.

Jana Hainsworth: From our perspective, we are particularly concerned around the proliferation of institutional care and the need for much more individualised care and support for foster care families and kinship care. We have heard about good practice. We had a round table¹ where Nidos in the Netherlands presented the research they had been doing. I think that is really helpful if you do not already have it². There is also the European Network of Guardianship Institutions—ENGI—which also reviews the differences³. Bruno referred to the massive discrepancies across different member states on how this works and whether there is even provision for allowing foster care placements for unaccompanied children. That exists only in a few countries.

Bruno Vanobbergen: Two things are important when you work with guardians. It is important to focus on the now but also on what will be next and how we see the future of that young girl or boy in a couple of years—so not only focusing on finding appropriate housing and appropriate schools but also exploring the sustainable solution for what will happen next. This is important. Further to this, in Belgium, we have systems of voluntary guardians and professional guardians. In practice, we do not really see a difference between the two systems.

¹ Eurochild along with SOS Children's Villages organised on 1st March at the Committee of the Regions the round table debate "From Emergency to Sustainable Solutions; Providing Family and Community Based Care to Unaccompanied Children in the EU. The message launched by this roundtable was that "Migrant status should not lead to institutionalisation of children". Eurochild and SOS Children's Villages are now preparing a paper which will function as a tool for CSOs working on the field. For more information please follow this link [http://www.eurochild.org/news/news-details/article/migrant-status-should-not-lead-to-institutionalisation-of-children-brussels-event-highlights/?tx_news_pi1\[controller\]=News&tx_news_pi1\[action\]=detail&cHash=3e7fee7ec482db58f4b65157b0ad896a](http://www.eurochild.org/news/news-details/article/migrant-status-should-not-lead-to-institutionalisation-of-children-brussels-event-highlights/?tx_news_pi1[controller]=News&tx_news_pi1[action]=detail&cHash=3e7fee7ec482db58f4b65157b0ad896a)

² NIDOS Report: Reception and Living in Families. Overview of family based reception for unaccompanied minors in the EU Member States <http://www.scepnetwork.org/images/21/276.pdf>

³ <http://engi.eu/>

The only thing you have to avoid is that some guardians have 20 or 25 pupils, due to a lack of guardians. This is not a very good way to deal with children.

Jean Pierre Verhaeghe: What is stressed in Belgium by the people involved is that our legal guardians fall under the authority of the Minister of Justice, the justice department, and not the immigration department, which makes them independent of immigration policies.

Verena Knaus: I think that Nidos is an interesting example. The figures from Dutch colleagues also confirm that the quick appointment of a guardian seems to be an important contribution to reducing the number of children going missing. If that is a concern, it is not enough to cry foul that children should not go missing; there are practical steps that can be taken, and which need to be resourced, to make sure that children can make an informed choice.

There are promising examples in bigger countries such as Germany, where they have recently changed the law whereby unaccompanied children are treated in exactly the same way as national children temporarily deprived of parental care. This is reducing some of the parallelism that we often have and, from our perspective, this is the way forward. We would like to see national protection systems open up to all children in the country's territories, regardless of their status, as the most effective way—and, in the long run, the most cost-effective way—to provide adequate protection. In the UK, in practice, it is also the case: at the local level, children fall under the local child protection system. That is a promising practice. There are a number of countries where it would be important for this to become the standard on which Europe converges.

Q130 Lord Condon: The final point for me is on your own organisations. How do the EU institutions engage with civil society regarding unaccompanied minors? Do you feel that the contributions of your organisations are sufficiently reflected in their policy-making?

Verena Knaus: Well, I am not really representing civil society in the truest sense, but as UNICEF and—with the two hats that I would like to present here—also from the perspective of UNICEF National committees, such as the one in the UK, which is a civil society organisation, there is great openness at the EU level to engage with partners. Now that the crisis is stabilising to some extent in terms of the numbers, we will have to knock back on doors again for the longer-term discussions on some of the reforms that are on the table.

In principle, at the technical level with the European Commission services, there is a good exchange and interest and willingness to hear views and to facilitate financially the dialogue with civil society organisations and international organisations, such as UNICEF. The principle and the practice is there. Oftentimes, in this context, decisions are of course taken at

member state level. A lot of the times, there may have been good consultation and exchange with European Union institutions, but the final decision at the Council may not reflect adequately what had been consulted on and discussed. I think that what also needs to be considered is the way that the voices of children and of civil society and international organisations can carry over into the late-night discussions when the Council meets.

Jana Hainsworth: Yes, from our perspective, generally in the EU institutions, particularly in the Commission, and with the recent establishment of the intergroup on children's rights in the European Parliament, there is a lot more reflection and visibility, perhaps not as much as we would like, but it has still been a helpful development. I echo Verena; for us, the key issue is the national level. We see a real need to build the capacity of civil society organisations. Those organisations are about innovating and providing quality of service, but they are also about trying to reflect on what is best practice, sharing best practice, and enabling that to influence the policies and, most importantly—if we are to have a renewal of the EU action plan, in whatever form that takes—on implementation and holding Governments to account on what they have committed and promised to do. For us, that is a capacity issue. Civil society in many European countries does not have capacity to co-ordinate and to advocate. Where we play a role as Eurochild is in strengthening national coalitions of children's rights organisations and helping them to work together, join forces, and come together with common positions—the sorts of things that are very important if you want to influence Governments.

The Chairman: Could I just ask a follow-on to that? You said earlier that it is the parents who speak and that they rarely put children at the centre. How do you ensure that unaccompanied minors have the opportunity to inform your work directly and how do you ensure that the EU decision-makers take their views into account? In other words, how do you involve them directly?

Bruno Vanobbergen: We have many contacts with schools and youth care institutions, where children and young people on the move live. We are also making this issue very visible in the media. We often present really important cases of children. This makes it possible—well, children and young people do find us and they know that they can reach us with their complaints, their questions and their fears. We work together with quite a lot of NGOs, which are working with these children and young people, so this network makes it possible for children to contact us.

Jana Hainsworth: For us, this is absolutely paramount. In terms of how we are strengthening our membership to be more participatory—so always making decision with children—that is

an ongoing process, and it refers back to the best interest principle and how you ensure that children have a say in decisions that are taken about their lives. In terms of bringing that voice into EU institutions, we have been doing that for some years and trying to enable our members to support children coming to Brussels and we have had events in the European Parliament. This year is the first year that we have a conference⁴ organised in partnership with children and it is also focused on children on the move. We are really involving children who have experienced migration and we have an advisory group—one young lady is from Sweden who was an Afghan unaccompanied child. We are trying to enable them to contribute, from their experience, to our reflections on how we advocate for their rights. That is very much part of our vision.

The Chairman: Very good—on the dot we have finished. I just want to say thank you very much indeed for your time this morning. As I said at the outset, you will receive a transcript of what you have said and if there is anything that you want to supplement once you have read it, that would be very helpful. As Lord Soley requested, if you can send the English version of those two letters, I think that it would be useful to see them. Our profound thanks to you all.

⁴ Eurochild's Conference "Children's Rights Matter: Why Europe needs to invest in children" will take place from 5-7 July 2016 in Brussels. For more information please visit our website <http://www.eurochild.org/events/eurochild-conference-2016/>