



Separated Children in Europe Programme

HUMAN
RIGHTS
WATCH



General Recommendations for EU Action in relation to Unaccompanied and Separated Children of Third Country Origin

“Addressing the protection gap for unaccompanied and separated children in the EU: role of the Stockholm Programme”, organized by Save the Children under the auspices of the Swedish Presidency, Brussels, September 15, 2009

Call for EU action on the situation of unaccompanied and separated children of third country origin to be recognised as a ***policy priority*** for the EU in the Stockholm Programme;

Call for such EU action to be founded on a ***rights based approach***. This implies that EU action affecting children in the field of asylum, migration and trafficking should consider these children as children first and foremost. Their the rights and protection needs should be the starting point for identifying policy responses;

Call for a ***horizontal and integrated approach to all unaccompanied and separated children*** of third country origin to address their common rights and needs to special protection and assistance in a coherent way across EU asylum, migration and trafficking policies;

Call for ***EU institutions and agencies, the Member States, international organizations and non-governmental organizations to work together across a range of activities:***

EU Law

- ***Continue to improve the protection and assistance afforded to unaccompanied and separated children in the implementation and revision of existing EU legislation, including improving provisions relating to the appointment of guardians, the provision of legal aid and the avoidance of detention of children;***
- ***Further the interpretation of how EU law must be applied in a manner which complies with children’s rights, including through European Court of Justice rulings on EU provisions.***

General Recommendations for EU Action in relation to Unaccompanied and Separated Children of Third Country Origin

- *Explore the need for coherent EU legislation* in relation to the protection and assistance of *all* unaccompanied and separated children of third country origin;

Practical Tools of Support for Member States

- *Further develop EU mechanisms for exchange of information and good practices on the identification, reception and assistance of unaccompanied and separated children.* Such exchange should involve all relevant actors, including IGOs and NGOs;
- *Develop guidelines on key issues*, such as procedures for the assessment of the best interests of the child, which will inform decisions on solutions for the child. EU guidelines could also address family tracing procedures and procedures for age assessment. The development of these guidelines should include consultation with a broad group of stakeholders and allow for regular review;
- *Develop tools to support efficient and comprehensive best interest assessments*, including but not limited to cooperation on assessing the situation in country of origin and development of regional expert support for the conduct of best interest assessments;
- *Develop regional training on child rights and working with migrant children.* This could build, for example, on the experience of the European Asylum Curriculum;
- *Develop cooperation with third countries in relation to return and reintegration processes* which ensure that child protection concerns and the need for durable solutions guide all actions as regards the child, both within the EU and in third countries;

Funding

- *Continue EU funding for networking of relevant organizations and actors in the field and practical projects*, including the provision of services to unaccompanied and separated children;

Data Collection, Research and Evaluation

- *Ensure more comprehensive data is collected in the EU.* Better data collection and compilation would serve a series of purposes and in particular would allow for proper planning, funding and regional cooperation in relation to the reception of unaccompanied and separated children.
- *Deepen ongoing regional research into the situation of unaccompanied and separated children;* engage in expert consultation on the specifications and means of future research and ultimately on possible actions based on research results;
- *Carry out regular and effective evaluations of the impact of EU policies on the situation of unaccompanied and separated children;* timely evaluations should take place not only of transposition of EU law into national law, but also of the practical application of such law;
- Ensure the participation of children in research, evaluations and policy development.