



Save the Children

# CHILDREN AT THE FOREFRONT

Administrative reinforcement of first reception service – 15  
december 2016  
Athens



# CHILDREN AT THE FOREFRONT

Children are children, before being refugees or migrants: starting from this core principle, it is urgent to establish a proper protection system and setting the European and national political agendas from a child perspective



# CHILDREN AT THE FOREFRONT

## 3 key issues at national and European level

- 1) The protection of children on the move, throughout their route to and
- 2) The need of a coordinated **EU Action Plan** on children in migration
- 3) **First reception** in protection systems of MSs and minimum standards at EU level



# 1/ The protection of children on the move, throughout their route **towards Europe** and **within Europe**

**Over 700 children lost their lives in the Mediterranean since the start of the year**



We must ensure safe and legal routes, alternative to those used by smugglers, even through

**humanitarian visas and even within Europe**

Return of unaccompanied children, regardless of their status, should be on a voluntary basis and based on their best interest

## 2/The need of a coordinated **EU Action Plan** on children in migration

**A new Action Plan for a coordinated and comprehensive system to protect migrant children.**

The actual framework is deeply inconsistent

It's crucial to overcome this fragmentation in order to implement an *integrated system of child protection, complying with the CRC and the 10 Principles on "Integrated child protection systems"*



## 2/The need of a coordinated **EU Action Plan** on children in migration

The **best interests of the child** should be the primary concern of all actions concerning **migrant children**

**No migrant child should be detained**

**Age assessment and legal guardianship should be consistent at European level and within Member States.**

**Harmonization of procedures is crucial but should never lead to lowering standards of protection.**

### 3/ First reception in protection systems of MSs and minimum standards at EU level

#### 1. Preventing child detention



**Even if in Italy child detention for migration reasons is forbidden by law, the length of stay of unaccompanied children in hotspots can vary from 10 to over 60 days, leading to a *de facto* detention.**

**In some cases a promiscuity among children and adults is reported.**

### **3/ First reception in protection systems of MSs and minimum standards at EU level**

#### **1. Age assessment**

**Age assessment of migrant children is not regulated by law and the procedure can strongly vary in different territories.**

**Law (L. 142/2015) establishes that identification of unaccompanied children must be carried out in Governmental first reception centres, but it doesn't happen at the moment.**

**Children or supposed ones haven't got the right to benefit from legal assistance in the procedure and cannot appeal against the result of medical examinations.**

**Whilst strong difficulties in application for international protection procedure in hotspots may lead to adults declare themselves as children, there are a lot of reported cases of children declaring themselves as adults to apply for relocation. The pledges concerning relocation must be available for unaccompanied migrant children, foreseeing priority procedures for them.**



### 3/ First reception in protection systems of MSs and minimum standards at EU level

#### 2. Guardianship



**Many cases of migrant children without a legal guardian are reported. Guardians are appointed after many months following children arrival.**

**In many cases migrant children cannot apply for international protection and relocation or for another permit to stay without a guardian.**

**A guardian should be appointed as soon as possible after the child arrival (and not from his or her application for asylum).**



THE ITALIAN BILL  
OF LAW FOR A  
CONSISTENT  
SYSTEM OF  
RECEPTION AND  
PROTECTION OF  
UNACCOMPANIE  
D CHILDREN ON  
THE MOVE  
(no.2583/2016)

### **3/ First reception in protection systems of MSs and minimum standards at EU level**

#### **The Italian bill of Law**

- **A standard, multi-dimensional procedure to assess age, with support of cultural mediators.**
- **A national reception system and Government reception centers devoted to unaccompanied minors (for a maximum 30 days stay)**
- **A “social folder” for each unaccompanied migrant child**
- **Family tracing for all unaccompanied minors based on their best interest**
- **Voluntary legal guardians and legal capacity to children to apply for a permit to stay**
- **Enhancement of foster care**
- **Stronger safeguard of education and health rights from the first moment they arrive**
- **Right to be heard during administrative and judiciary procedures (age assessment, asylum application,...) and the right to legal assistance through free legal aid**
- **CSOs may intervene in administrative proceedings and in relevant judicial proceeding regarding violations of child rights**
- **Enhancement of protection for children at high risk of trafficking**

# CHILDREN AT THE FOREFRONT



*I'm tired.  
My head can't deal with all this.*

Eritrean girl 17 years old