



**Declassified** <sup>1</sup>

AS/Soc (2016) PV03add2

30 May 2016

Asocpv03add2\_2016

## Committee on Migration, Refugees and Displaced Persons

## Committee on Social Affairs, Health and Sustainable Development

# Minutes

## of the joint hearing of the Committee on Migration, Refugees and Displaced Persons and the Committee on Social Affairs, Health and Sustainable Development on “Missing unaccompanied migrant children” held on Monday, 18 April 2016, in Strasbourg

### *Opening of the meeting*

**Ms Sahiba Gafarova**, the Chairperson of the Committee on Migration, Refugees and Displaced Persons greeted the Chairperson of the Committee on Social Affairs, Health and Sustainable Development, Ms Stella Kyriakides, and welcomed Mr Jean-Claude Legrand, Regional Adviser for Child Protection with UNICEF, Geneva, Ms Federica Toscano, Project Officer, Focal Point on Missing Unaccompanied Children with the Missing Children Europe NGO in Brussels and Mr Gert Westerveen, Representative of the United Nations High Commissioner for Refugees to the Strasbourg-based European Institutions in Strasbourg, thanking them for their participation in the hearing. She noted that the hearing was based upon the context of the report by Europol according to which at least 10 000 unaccompanied child refugees had disappeared after arriving in Europe, as well as the report of Mr Di Stefano which was under way on the protection of unaccompanied migrant children.

**Ms Gafarova** also drew attention to the Council of Europe Secretary General's proposals for action to protect children affected by the refugee crisis published in March of which copies were available in the room.

**Ms Kyriakides** underlined that the issue of missing unaccompanied migrant children was becoming a major concern in the European Union, as the number of disappeared minors was growing. There were rising concerns about human traffickers taking advantage of the chaos caused by the current refugee crisis: many children could have become victims of exploitation by criminal organisations, particularly by gangs forcing refugees into sex work, slavery or begging. The recent developments had shown that there was a serious lack of registration and control procedures upon the arrival of children, as quite often authorities were ignorant of where and with whom the migrant children were.

<sup>1</sup> Draft minutes approved and declassified by the Committee on Social Affairs, Health and Sustainable Development at its meeting on 2 June 2016 in Paris.

## ***Exchange of views***

### **Mr Jean-Claude Legrand, Regional Adviser for Child Protection, UNICEF, Geneva (Switzerland)**

**Mr Legrand** specified that the issue of missing unaccompanied migrant children was not new in Europe, and that missing children had been on the agenda of human rights organisations for many years. The current refugees and migrants crisis had just brought it to a new dimension, as 95,000 unaccompanied migrant children had sought asylum in Europe in 2015.

The expert explained that for the time being the main focus was on children who were unaccounted for or had disappeared from child welfare radars. Many children decided to go “missing” or abscond as a result of two main factors – delays and detention.

Referring to delays, the expert considered child protection systems too slow and cumbersome. Due to the inefficiency of such systems, children were placed under the protection of social welfare services. Individual follow-up and case management was extremely challenging for social workers, while guardianship systems to secure children’s rights to information and access to justice were non-existent. As a result, children had to hide their age, simply to keep moving. At the same time, Dublin III procedures (a European Union (EU) law that determines the EU Member State responsible for examining an application from asylum seekers seeking international protection) defined an unreasonably long eleven months period for the completion of the family reunification procedure.

Additionally, due to the lack of space in child protection centres and the limited capacity for identifying community-based solutions, many children had been placed in detention facilities under police custody.

**Mr Legrand** revealed the negative effect of the implementation of the EU – Turkey agreement on the current problem of missing migrant children. The expert welcomed the recently adopted Greek law which exempted vulnerable groups from deportation operations to Turkey – children with disabilities, single mothers, pregnant mothers, unaccompanied and separated children could benefit from this law.

In conclusion, **Mr Legrand** strongly recommended that more sustainable solutions be identified in order to tackle the current problem:

- Any kind of centre established along the route, as a first reception centre, or as an accommodation centre for migrant and refugee children pending decisions on their cases, should be a protected and open centre;
- Any claim made by children should be prioritised and procedures needed to be accelerated in a way that respects the best interests of the child. The right to appeal the decision should be guaranteed;
- Every child at risk needed a trusted and qualified person of reference made available to him/her with a translator when necessary. It should be a social worker and/or a qualified guardian from civil society.
- The expert noted that social work practices in this crisis had faced many challenges such as an unprepared and over-stretched protection system with limited outreach capacity; limited experience of working with people on the move, staff burnout, etc.

### **Ms Federica Toscano, Project Officer, Focal Point on Missing Unaccompanied Children, Missing Children Europe NGO, Brussels (Belgium)**

**Ms Federica Toscano**, Project Officer, Focal Point on Missing Unaccompanied Children, Missing Children Europe NGO, Brussels, presented the work of the organisation, in particular the new publication entitled “Best practices and key challenges on interagency cooperation to safeguard unaccompanied children from going missing” and the training courses organised for actors in the field (police and social services).

She explained that the mission of “Missing Children Europe” was to improve prevention, provide support to national services and enhance protection of missing children. In the past, the majority of

these had been within national borders, but the proportion of refugees and migrants was increasing rapidly.

One of the main tools was a missing children 24/7 telephone hotline with the same number in 29 countries, which had received over 250 000 calls in 2014, a quarter of which were cross-border cases. An encouraging percentage of children were subsequently found (67%). Despite these figures, it was estimated that only 1-2% of cases were reported through the hotlines.

The situation had become very serious and required urgent attention, as for instance Sweden had reported between 1 000 and 1 700 missing children and Germany over 4 700, with an exponential rise in other European countries.

One of the main tasks of the NGO was to bring together missing children experts with carers responsible for protecting missing children. This was done principally in the framework of an EU-funded programme, SUMMIT (Safeguarding Unaccompanied Migrant Minors from going Missing by Identifying Best Practices and Training Actors on Interagency Cooperation), which focused on prevention and interagency cooperation. The training programme developed under this project was already yielding good results, which would be assessed during 2016 and 2017 in order to build further co-operation on both emergency prevention measures and sustainable protection of missing children.

### **Mr Gert Westerveen, Representative of the United Nations High Commissioner for Refugees to the Strasbourg-based European Institutions, Strasbourg (France)**

**Mr Westerveen** agreed with the previous experts, saying that the issue of missing unaccompanied children was not a new phenomenon in Europe. The issue had been addressed in several studies, in particular in the 2013 Report by the European Commission on Missing Children in the European Union, as well as in the 2015 report by the European Migration Network.

The expert indicated a major problem – the lack of information exchange among institutions: if a child went missing and then appeared somewhere else, as a rule, there was no available data to keep track of her/him, as the institutions simply did not communicate with each other. Therefore, the expert welcomed the adoption of a new law in Germany, which aimed at facilitating the exchange of information.

Among the possible solutions, Mr Westerveen mentioned the improvement of registration practices, data exchanges, and family implication procedures. The expert also stressed the importance of enlarging the definition of the family.

As far as the trafficking issue was concerned, Mr Westerveen referred to a recent report by the Group of Experts on Action against Trafficking in Human Beings (GRETA's 5th General Report: Urgent need to protect children from human trafficking and exploitation), which expressed concern that significant numbers of unaccompanied minors – including child victims of trafficking – went missing shortly after being placed in reception centres.

### ***Discussion***

**Ms Fataliyeva** deplored the absolute uncertainty of the fate of many missing children, including trafficking, sexual abuse, organ trafficking and other crimes. She wished to know from the experts: (1) who were the children going missing, (2) who generally called the hotlines, (3) how the cross-border movements of children were followed, and (4) what were the positive examples of children being traced and safe places for them.

**Ms De Sutter** referred to the project of the European Union, proposed in 2007, which was to help monitor unaccompanied children; whereabouts did European stakeholders stand with this project?

**Ms Strik** realised that family reunification procedures were very complicated, what (other than Article 8 of the European Convention on Human Rights) were the international standards to invoke and how could procedures be simplified in practice?

**Mr Di Stefano** wondered what the interactions were between European institutions and agencies today, including Europol and Interpol who were tracing missing children.

**Mr Siebert** wondered if a central registration system for migrants, as requested by many, could be set up and become a useful tool for tracing unaccompanied children.

**Mr Westerveen** only knew about one case in France where Article 8 of the Convention had been invoked. In the face of complicated family reunification procedures, many families, in practice, found their own informal ways around them. A central registration system certainly was a good idea but very difficult to put into practice (not least due to the many different languages used in Europe).

**Ms Toscano** confirmed that, indeed, many children *decided* to go missing, for example to go and find their families themselves or to engage in criminal activities to pay off their debts taken on to pay the journey to Europe, but this was, of course, not a free decision on their behalf. Positive examples could notably be found when legal and administrative procedures were explained to the unaccompanied children in a child-friendly manner.

**Mr Legrand** admitted that co-operation between different institutions and stakeholders in the refugee crisis had slightly improved most recently; for him a possible cross-border guardianship could be a useful tool to follow children across borders in the future.

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