

**Questionnaire on
Unaccompanied Minors in the migration process**

Expert Meeting, Brussels 17th November 2009

The European Commission is currently developing an Action Plan on Unaccompanied Minors, as announced by the Commission in its Communication 'An area of freedom, security and justice serving the citizen', adopted on 10 June 2009 as the Commission's contribution to the incoming 'Stockholm Programme'. Unaccompanied minors arriving from third countries represent an important challenge for Member States and raise issues of common concern. In this Action Plan the Commission would like to address concrete problems faced by the children themselves, by the Member States receiving them and by the personnel dealing with these children at different levels, and try to put forward possible responses.

In preparation for the Commission's expert meeting with NGOs and international organisations dealing with children and immigration issues on the 17 November 2009, this questionnaire has been created in order to receive valuable information from experts dealing with unaccompanied minors and to serve as the basis for the discussions. All feedback received will be greatly appreciated for the development of the Action Plan. If possible we would appreciate receiving comments ahead of the meeting: however, as the deadline is very short, these would be also greatly welcomed if sent afterwards, by 24 November at the latest. Please send your contributions to Ms Stefania Pasquetti in DG JLS, Unit B.1- Immigration and Integration (tel.: +32/2/29.50.593, stefania.pasquetti@ec.europa.eu).

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2. What are your Organisation's objectives and usual activities with regard to unaccompanied minors?

Brief Description

The Save the Children Europe Group has twelve member organisations in Europe, all of which work in the field of child rights. Many of its members have experience and expertise working with, or for, child migrants, including unaccompanied and separated children of third country origin in Europe. Save the Children has also founded as a joint initiative with UNHCR the Separated Children in Europe Programme ("SCEP") which has network

members in over thirty countries in Europe, all of whom are organisations working with separated children. For more information on SCEP, please see the website: <http://www.separated-children-europe-programme.org/index.html>.

The Save the Children Alliance also has members active in many countries of origin and transit for children making journeys to Europe.

The Save the Children Brussels Office, which is managed by the Europe Group, is working, inter alia, on policy and advocacy in the field of EU asylum, migration and anti-trafficking policies. Our website contains detailed recommendations from Save the Children concerning the recent EU Returns Directive, the revision of the EU Trafficking Framework Decision and the revision of the EU asylum measures. We have also made recommendations in relation to the upcoming Stockholm Programme in December 2008 and subsequently in July 2009; these recommendations include a call for a more coherent and integrated EU policy in relation to unaccompanied and separated children of third country origin. Working towards the Stockholm Programme, we organised a conference in Brussels under the auspices of the Swedish Presidency in September 2009 on the protection gap in EU policies for unaccompanied and separated children. We were grateful for the Commission's engagement in the conference. Relevant papers and presentations have been forwarded to the Commission separately. These include the Background Paper to the conference and Save the Children presentations at the conference reviewing the situation of unaccompanied and separated children and EU policy in the field, as well as general recommendations for EU action from Save the Children, UNHCR, UNICEF, SCEP, and Human Rights Watch in relation to unaccompanied and separated children of third country origin.¹ See publications on www.savethechildren.be.

We welcomed the mandate from the Justice and Home Affairs Council of September 21 to the Commission to prepare an EU action plan in relation to unaccompanied minors.

Introductory Remarks to Our Responses Below

We thank the Commission for organising this consultation during the preparation of its Communication on an EU action plan for unaccompanied minors. Save the Children was glad to participate in the meeting on Tuesday November 17 and we take the opportunity to summarise and add to our contribution at the meeting through the response below.

Given the time limits for preparing this response, it is not a comprehensive statement of the experience and recommendations of our organisation in this field. We understand, in any event, that the Commission is currently seeking orientations on key issues which will then be fully explored in the context of the action plan over the next five years, in consultation with all relevant actors (including civil society). We refer once more our general recommendations on EU action in the field. We focus here primarily on proposing concrete and practical steps which the EU might take to explore and respond to the key challenges as regards: (1) the prevention of unsafe migration, (2) improved protection and assistance of unaccompanied and separated children within the EU and (3) identifying and achieving durable solutions for these children, including return to and reintegration in a country of origin, where this is in the best

¹ We also refer the Commission to additional presentations at the conference by UNHCR, UNICEF, Human Rights Watch, the Swedish Presidency, the European Commission, Lothar Krappmann of the UN Committee on the Rights of the Child, the Spanish and Belgian Ministries, the Children's Commissioner for England, International Social Services, Jean Lambert MEP, the Fundamental Rights Agency and the Council of Europe.

interests of the child. We will of course continue to provide any additional information where this may be useful. We also look forward to contributing further to the achievement of the action plan once adopted.

The Principles Underlying An EU Action Plan

As a preliminary remark, we recommend that the action plan expressly identify certain principles that will inform all actions taken under it.

1. A rights- based approach

As noted in our general recommendations, the EU action plan should expressly take a rights based approach. This implies that, in asylum, migration and trafficking policies, EU action should consider migrant children as children first and foremost, who must benefit from their rights as children without discrimination. In particular, the rights and protection needs of unaccompanied and separated children, rather than migration control, should be the starting point for identifying policy responses in this action plan.

The European Court of Justice has noted that EU law must take due account of the UN Convention on the Rights of the Child (“UN CRC”). In this regard the core principles of the best interests of the child, non discrimination, the right to life and survival and the right to participation are particularly relevant, as are Articles 20 and 22 on children separated from their parents and refugee children. We also point to General Comment No 6 of the UN Committee on the Rights of the Child on the treatment of children of unaccompanied and separated children outside their country of origin which provides useful guidance on the application of the UN CRC to these children.

2. Horizontal & integrated approach to all unaccompanied and separated children

We understand and welcome that the intention of the EU action plan is to adopt a more horizontal and integrated approach to unaccompanied and separated children and thereby address their common rights and needs in a coherent way.

3. Realities, not assumptions

The EU should invest in qualitative and quantitative research to ensure that its action plan is founded in realities, rather than assumptions. It should also look to see how current EU and national policy works *both* in theory *and* in practice, so as to identify the actual challenges that should be addressed.

4. “Bottom up” development of policy

In order to identify challenges and explore appropriate solutions, the EU should (directly or via national administrations) enter into a dialogue with relevant actors locally, nationally and regionally. In particular, where countries have been identified as having good practices or where they face exceptional challenges, this dialogue should be initiated to ensure that concrete and practical solutions are identified and shared across the EU. A bottom up approach is particularly important in this sector where frequently it is the local authorities that are tasked with organising reception, or some elements of it, of

unaccompanied and separated children, and where such reception often relies on coordination between a variety of actors, including NGOs.

5. Added value of EU action

Action at EU level will add value where expertise and resources can be leveraged across Europe to create the necessary tools to address the situation of unaccompanied and separated children properly.

Consequently EU actions should include, inter alia:

- arriving at common definitions, including, for example, a definition of “unaccompanied and separated children” and “family members”;
- identification and exchange of good practices;
- development of EU guidelines, for example, on family tracing;
- regional training;
- EU expert support to certain national processes;
- EU mechanisms to gather relevant information on the situation in countries of origin;
- EU dialogue, agreement with and action in third countries;

Certain transnational mechanisms may need to be developed to underpin action in the field, including, for example, procedures for contacts between actors such as guardians, where transfer of an unaccompanied or separated child from one Member State to another is necessary.

It may be possible to build on existing EU actions where appropriate or relevant, for example, the European Asylum Curriculum training modules on interviewing children.

The action plan should also consider developing institutional processes within the EU which will promote coherence and an integrated approach across the internal and external policy areas (including the work of the fundamental rights unit).

Actions concerning unaccompanied and separated children, both within the EU and in third countries, should be given prominence under existing EU funding. A coherent use of funding under different funding streams would allow for the situation of children from their country of origin to the EU and onwards to be addressed through child protection measures. In the future, dedicated EU funding to unaccompanied and separated children may facilitate certain types of actions.

6. Harmonisation of Standards throughout the EU

As noted above, a whole range of EU actions should be considered. And we would urge the Commission not to exclude any options in advance. EU legislation may be an option for the action plan to explore, perhaps as an ultimate step, following evaluation of the implementation of existing relevant legislation and the progress achieved using “softer” measures. Indeed, some of the key challenges that the action plan aims to address - including disappearances, vulnerability to exploitation and unsafe movement of children across the EU - can be triggered or exacerbated by differences in national standards on certain key issues (such as availability of legal assistance or access to health, education and services). Consequently it may - over time - become increasingly clear that

harmonisation of core standards in relation to all unaccompanied and separated children (and not just asylum seeking unaccompanied and separated children) through binding obligations at EU level is necessary.

3. After a preliminary assessment, the Commission has identified what it believes to be the most important challenges in the context of unaccompanied minors. These are listed below (not in order of priority). Would you agree with this assessment? Are there other aspects of this problematic that should be addressed in this Action Plan?

- a. Procedures applied when the unaccompanied minor arrives in the EU, i.e. Age assessment, Family tracing, etc.**
- b. The standards of reception and available procedural guarantees for unaccompanied minors and their consistency throughout the EU.**
- c. Need for increased cooperation between the EU Member States and the countries of origin (and transit), in particular on prevention and reintegration.**
- d. The recurring risks associated with being particularly vulnerable subjects i.e. smuggling, trafficking and disappearance of unaccompanied minors.**

While this preliminary assessment certainly captures many key challenges at EU level, we suggest that the Commission Communication also identify the following issues:

- **More data and better statistics on key issues;** better data compilation across the EU, based on common definitions to ensure comparable data, would serve a series of purposes and, in particular, would allow for proper planning, funding and regional cooperation in relation to the reception of separated children. Data collected and shared at regional level (with due respect for data protection considerations) might include anonymised information, giving, for example, the total number of separated children attempting to enter the country, the number of those children admitted, the number of requests for asylum or other forms of protection, suspected cases of trafficking, children affected by armed conflict, assignment of a guardian, assignment of legal representation, legal and migration status, living arrangements, enrolment in school or vocational training, disappearances, family reunification, return to country of origin, transfers within the EU (including Dublin II transfers) and transfer to a third country.
- **Research** into the situation of children both in countries of origin and transit and in countries within Europe; engage in expert consultation on both the specifications and means of future research and ultimately on possible actions based on the research.
- **Studies of policy, law and actual practice** in relation to the reception and assistance of these children within the EU. For example, the SCEP Statement of Good Practice has in the past been used to benchmark actual policies and practices at national level;
- **Opportunities for legal migration** (including, for example, access to education and vocational training);

- **Enhanced family reunification possibilities**; we understand the Commission will be publishing its Green Paper on family reunification in due course.
- **A framework for exploring durable solutions** in the best interests of the child, potentially involving return to a country of origin, transfer to another country (for example, for family reunification purposes) or integration in the host country. (See response to question 8 below.)
- **The development of transnational procedures within the EU**, for example, contact between guardians in different Member States as regards Dublin II or other procedures such as transnational anti-trafficking mechanisms; exploring family reunification processes; disappearances of children;
- **Consulting with children** on their situation in order to identify effective solutions; the work of the Fundamental Rights Agency in its upcoming study is very welcome and may provide a useful starting point for further periodic consultation;
- The challenge of children **“aging out”** or turning 18 and what happens to them at that point;
- **Expert training** to ensure that children’s views are properly elicited and evaluated; although children may often be the only source of information on their situation, currently in some Member States, insufficient attention, resources and priority is placed on interviewing children.
- More generally, the **conclusions of the UN Committee on the Rights of the Child** in its country reports to date and in the future may also provide additional input for identifying challenges across Europe.
- Complementing and reinforcing the work of other regional actors, including **the Council of Europe’s life projects initiative**, should also be explored.

4. As concerns the procedures applied when an unaccompanied minor arrives in the EU or is found on the territory of a Member State, the main problems appear to be:

- a. **Age assessment;**
- b. **Establishment of the identity of the unaccompanied minor;**
- c. **Identification as a victim of trafficking or access to asylum procedures;**
- d. **Family tracing within and outside the EU;**
- e. **Representation (ex. guardianship).**

Besides controlling the implementation of relevant EU acquis, a possible solution to these problems could be to hold technical seminars involving Member States, NGOs dealing with these issues, scientific and legal experts with a view to develop a common approach based on best practices and possibly agreed guidelines at EU level. As concerns family tracing, this issue could be included in the dialogue with third-country, i.e. making a more focused use of the instruments of the Global Approach to Migration. Would you agree with the above analyses? Could you put forward additional or alternative proposals for action, based on your experience and taking into account that no new common legislation is to be put forward on these issues for the time being?

Would you have information to share with the Commission on these specific issues?

We highlight a number of additional points for the Commission to consider in relation to procedures.

We suggest that *identification of the child as unaccompanied or “separated” from a primary caregiver* is a distinct relevant step. Procedures should also include a *screening of the child’s needs* and the systematic provision to the children of *information* which they can understand in relation to the system and services available. Children should be provided with access to *health, educational and vocational services*. Children should also benefit from the provision of *legal assistance*. An independent guardian, with a clear mandate to pursue the best interests of the child and with the qualifications necessary to do so, is a central element of the procedures.

We also suggest that the action plan foster the provision of *outreach services*, intended to provide information and assistance to those children who do not become known to the authorities either when they enter or are present in the state (such as drop in centres).

As regards how to explore these issues further, we would suggest that key steps in general are as follows:

- (a) mapping what already exists at EU and national level, including by drawing on existing studies or through initiating new studies; identifying key actors to consult with;
- (b) setting out the parameters to be explored in a “concept” or green paper on each key issue;
- (c) engaging in a structured consultation on these issues with relevant actors to reach common definitions and identify possible EU action;
- (d) hosting expert workshops at regional level to recommend possible EU action and to develop EU guidance on process and substance where necessary;
- (e) building on, or extrapolating from, existing EU actions where appropriate or relevant, e.g. age assessment processes in the asylum instruments or training modules in the European Asylum Curriculum on child interviews;
- (f) sharing standards emerging from litigation nationally and from the European Court of Human Rights and the European Court of Justice on relevant points.

In relation to each of these issues, we already make some suggestions for further consideration by the Commission.

Age assessment

We recognise the need for Member States to engage in age assessment; we also recognise the benefit of mutual recognition by Member States of their age assessments where appropriate.

The SCEP Statement of Good Practice outlines key principles on age assessment, as does Save the Children’s comments on the Commission’s revision of Dublin II Regulation. We will not repeat them in their entirety here. However, clearly, a central safeguard is the appointment of a guardian prior to the age assessment. The benefit of the doubt is also an important precautionary principle

We believe the EU could support the establishment of a clear age assessment process. The EU Asylum Procedures Directive already provides some general provision in relation to age assessment. However, the use of certain age assessment methods may raise concerns. We also urge Member States to question their rationale for conducting age assessments in certain circumstances.

The EU might consider making a call for projects to evaluate the methods used (in terms of reliability, validity, conformity to the standards of professional ethics) and develop a set of appropriate methods to determine age, taking into account the effects of ethnicity, social background, gender and other relevant factors. Equally, this topic might be one where the EU could engage a series of experts in a regional discussion, taking into account the presentation of Sir Al Aynsley Green (a paediatric endocrinologist, who is also the Children's Commissioner for England until February 2010) at the September 15 conference. If the EU were to develop guidelines on the topic, the method for developing an age assessment protocol in Italy, with the involvement of all relevant actors, might serve as inspiration.

Indicators to identify an unaccompanied or separated child

It may be useful to develop EU indicators to use in identifying a child as “unaccompanied” or “separated” from a primary caregiver where there are reasons to doubt the relationship of an accompanied child with the accompanying adult. See also our comments in relation to the revision of the EU Reception Directive.

Establishment of the identity of the unaccompanied minor

Exchange of best practices around establishing the identity of a child could be welcome, including practice for dealing with foreign consular bodies. The EU could explore whether appropriate identification procedures might be included in agreements with third countries either at EU or bilateral level. In the case of children who have travelled between EU Member States, it may also be possible to share information between authorities as to steps taken to identify the child.

Identification as a victim of trafficking or access to asylum procedures;

The Commission might explore the systematic use by Member States of EU trafficking indicators in this regard, taking into account the definition of trafficking of children. The EU should also encourage the use of both transnational and national referral mechanisms. We recommend that the EU should define more closely the protection that should be granted to trafficked children who are unaccompanied or separated. We refer the Commission to our comments on the revision of the EU trafficking framework decision and in relation to the Commission's recommendations in October 2007. The Commission team working on the action plan should also have regard to the recommendations from the Commission's Expert Groups on trafficking in this regard.

On access to asylum procedures, we would add “or access to other status determination procedures” (see more in question 8 on durable solutions below). On access to asylum procedures, please see our comments in relation to the revision of the EU Reception Directive. We will not repeat them in their entirety here but emphasise that access to legal assistance and the role of an independent qualified guardian are key.

Regional training of key actors on these issues would ensure that policy can be translated into practice.

Family tracing within and outside the EU;

We recommend that the EU engage in further consultations on the questions around family tracing, including the circumstances in which it should be initiated, the actors which should be involved and the objectives of the process (which could go to family reunification but may also fall short of reunification and aim simply, or initially, to restore family contacts). The International Red Cross, organisations dealing in transnational children's situation such as the International Social Services, IOM and NGOs with broad international presence are actors with whom the EU should engage on the issue. Clearly, an EU model procedure could assist Member States in ensuring that efforts are made to trace the family where it is safe to do so and to restore contacts where it is in the best interests of the child.

Representation (ex. Guardianship)

We believe the guardian should play a key role in any system of protection and assistance.

We refer the Commission to our recommendations on guardianship contained in our submissions on the revision of the EU Reception Directive and on the proposed Commission revision on Dublin II Regulation. These address the role, independence and qualifications of guardians.

We welcome the ongoing empirical research by Nidos, the Dutch guardianship organisation, into guardianship systems in several European countries. We also welcome future research by SCEP members into guardianship systems from a child rights based approach. We believe the EU should consider supporting a guardianship network around Europe, bringing together guardians with similar roles and qualifications and also facilitating liaison between guardians and other actors, including NGOs, across Europe. The EU could also encourage exchange of good practices between Member States in relation to guardianship systems and potentially explore EU guidelines on guardians.

5. Although existing instruments in the asylum and immigration field foresee specific rights for unaccompanied minors, gaps seems to exist as concerns standards of reception and assistance. These gaps are either due to poor implementation of the acquis, or to the lack of legal standards. One example of a gap of the second category, is that the obligation to appoint a guardian does not concern all unaccompanied minors that arrive in the EU territory, but only those who fall within the scope of the EU asylum and immigration instruments, namely unaccompanied minors that have lodged an asylum application or are subject to a return procedure.

Besides that example, issues of concern are the level of information to be granted to children on their rights, the role, powers and qualification of guardians (when appointed), meeting the special needs of the children, including specialised legal (and where necessary psychological) assistance, appropriate accommodation, education and vocational training, health care.

Would you have suggestions for an EU and/or Member State's level action to tackle these problems? Please do not limit your suggestions to legislative action (directives), but try to pay attention also to the implementation aspects as well as soft law tools.

As a preliminary remark, it is worth noting that the Returns Directive does not explicitly require the appointment of a guardian. We refer to our input for the Contact Committee meeting concerning the implementation of Article 10(1).² We believe that the Commission's role in fostering and monitoring good implementation of the Return's Directive in compliance with child rights will be an important task and should continue to receive attention and resources.

However, it is also apparent that the formulation in Article 10 is succinct and very general. Nor is it wholly clear when such assistance starts or ends. We believe there may be a legislative gap which gives rise to a protection gap for children. Nonetheless, a series of practical measures could go some way to mitigating it. Certain EU measures on key aspects of assistance to unaccompanied children may prove useful to Member States. This may include EU guidelines, including guidelines concerning best interests' assessments. The UNHCR Best Interests Determination Guidelines may provide an excellent starting point in this exercise. EU training and expert support might also be made available at national level to ensure that the best interests of the child are properly considered. Equally, as noted above, EU procedures relating to family tracing, gathering and assessing information in countries of origin, and potentially contacts between guardians, could be useful. Creating EU wide templates of information to be delivered to children, ideally working with youth input, could also supply resources to Member States. (This could draw inspiration from the information provided in Belgium.) More generally, assistance to children in relation to the development of plans for integration or reintegration might ensure that any ultimate decision leads to a sustainable solution. We look forward to discussing this further with the Commission.

6. There are recurring risks associated with being particularly vulnerable subjects, i.e. disappearance of unaccompanied minors who should be in the care of Member States' authorities. Some of these children (re-)fall prey of traffickers, others try to join with members of their families already residing in the EU and/or end up living in degrading situations. Can you provide any relevant data on this issue, as well as possible suggestions to tackle this phenomenon?

In our experience, there are a wide range of factors underlining disappearance. Examples of sources of information for us on the topic include the monitoring by Save the Children Italy of reception conditions in Sicily and information from hotlines. These factors include:

- overcrowding of accommodation facilities;
- desire to search for family;
- desire to go to another country;
- fear of Dublin II procedures;
- lack of information;
- prior detention;
- aging out concerns;
- desire to work;
- vulnerability to traffickers;

² Article 10(1) provides that , before deciding to issue a returns decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing the return shall be granted with due consideration being given to the best interests of the child.

Clearly this is not an exhaustive list. We would encourage the Commission to commission further research in the field with a view to reaching recommendations to Member States on all relevant parameters, including, for example, the deployment of foster families or small scale provision of accommodation and fostering peer to peer information. See further 7 below. We will be happy to contribute further to this process.

7. As a general rule, children should not be detained. Detention should be the last resort and these children should be provided with appropriate accommodation and care which is age-specific and takes their particularly vulnerable situation into consideration. Could you share with the Commission viable alternatives to detention, taking into account, however, the issue raised in point 6?

Save the Children has addressed detention in its recommendations concerning the revision of the EU Reception Directive.

We believe that detention facilities are not achieving greater protection for children exposed to risk. here are a range of possible alternatives to detention and we refer to the recommendations of Save the Children UK in its report “No Place for a Child”. The Commission should also gather experience in those countries where detention is no longer used. Funding might be set aside to engage in pilot projects relating to provision of safe houses. We will be happy to contribute further to this process.

8. Durable solutions should be found for these children based on the individual assessment of their best interest. Do you think the EU has a role to play in this? If yes, what could it be: guidelines, exchange of best practices, other?

As noted above, we believe that the EU should consider measures at EU level concerning durable solutions, addressing in particular the criteria which should underlie their identification and the processes by which they should be determined. The European Migration Network Study on non-harmonised protection statuses in European countries may provide useful background in due course. The Commission might also refer to its current proposals on the revision of the EU asylum instruments which identify factors to be taken into consideration in relation to best interests’ assessments.

We refer the Commission to our submissions on the Commission’s Green Paper on the Future of the Common European Asylum System and our submissions concerning the revision of the Reception Directive.

We also reiterate our comments throughout this paper on best interests’ assessments which should inform the decision on a durable solution and in particular EU guidelines and expert support on best interests’ assessment, EU mechanisms in relation to family tracing and country of origin information; and EU support for integration/reintegration measures.

9. What suggestions can be made to improve the relationships between the EU and its Member States on the one hand and the countries of origin on the other in order to prevent this phenomenon, control the migration of unaccompanied minors and reduce risks that children fall prey of smugglers and traffickers?

We recommend that the Commission expressly identify the issue as one of prevention of *unsafe* migration. In relation to prevention, we believe the EU must focus on ensuring that there are opportunities for children in countries of origin, as well as general child protection systems which protect children at risk. The EU may also explore the availability of legal migration possibilities, including for the purpose of education and vocational training. We would welcome a fuller consultation with the Commission on this issue and believe that the action plan should set an early date to address this crucial issue. Save the Children will provide additional expertise and insights into this issue from its work in different regions outside the EU.

10. As concerns prevention – and besides broader policies aimed at promoting and supporting the democratic and economic development of the countries of origin – do you believe information and awareness raising campaigns specifically aimed at children and their families could have a significant impact in reducing this phenomenon? Could you put forward additional suggestions for EU action and/or best practices?

Once more we would welcome a fuller consultation with the Commission on this issue, based on a mapping of existing work in this field. However, already we note that, in our experience, information and awareness raising “campaigns” are not always been successful in achieving their goals. It may be useful to assess the impact of such prevention activities more systematically.

More customised work, including work within the community, interacting with the family and supporting peer to peer activities, can have a greater impact in terms of informing children and their family and community of the risks and sometimes the misinformation on the situation in Europe as well as the alternative opportunities. It would also be useful to consult with children on what information they already have and their wishes and needs and look to empower children in relation to whom to turn to in case of danger or where they need information. Once more, Save the Children can provide additional information on its relevant programmes.

11. In line with international standards, children may be returned to their country of origin if this is determined to be in their best interest and if adequate care is available to them upon their return. How can the EU support countries of origin that do not have sufficient structures in place to supervise and manage the return of unaccompanied minors with full respect for their rights? Which measures/structures should be in place to facilitate smooth and durable reintegration in the country of origin?

As we have indicated in our recommendations, child protection concerns should be the informing principle of all support to third countries in relation to return and reintegration. We believe the action plan should foresee a full and useful consultation on this issue. We will be happy to contribute further.

In relation to the establishment of reception facilities supported by the EU in countries of origin (an issue which has been raised by a number of countries), we would raise a number of questions and issues to explore in a fuller consultation on the issue. These include: do such centres amount to the “secure and concrete arrangements of care and custodial responsibilities” envisaged under General Comment No 6? Can such centres provide a sustainable solution? There frequently exist considerable practical challenges to establishing such centres at least in certain countries. Moreover, there have been some experiences that

centres like this act as a magnet for traffickers in some countries. In other countries, where these centres may be an oasis compared to anything else available under national child protection systems, might they actually encourage children to leave their countries in order to be able to access them on return?

In summary, we would suggest that the issue be fully explored from all the relevant dimensions, including: what type of centres are being considered? Is it practically possible to set them up and run in the country of origin? What is the purpose and timeframe around institutionalizing the children? Is return to institutional care in the best interests of the child? May they raise child protection concerns? Do they achieve sustainable returns?

We would also encourage the Commission to examine the experiences of Member States in relation to such centres and to establish indicators for evaluation of their success.

We look forward to discussing further with the Commission.

12. In your work with unaccompanied minors what countries of origin have you found to be the most prevalent and/or the most problematic?

We are happy to provide a fuller answer in due course on the current situation in Europe.

The problems relating to particular countries may concern the number of children arriving in the EU, the situation in which these children find themselves in the EU, the reasons for which they left their countries of origin and the difficulties in working with countries of origin where the political or social situation is precarious.

We emphasise that, given the nature of these problems, the answer to this question inevitably changes over time.

13. How would you evaluate in general terms the level of reception and care provided to unaccompanied minors in the Member States of the EU?

The general level of reception and care provided to unaccompanied minors varies considerably, depending on the Member States involved and depending on the groups of children involved.

In the coming year, the SCEP network hopes to engage in a benchmarking exercise, where they will examine the policy and practice in Member States against the practices set out in the newly revised Statement of Good Practice of SCEP (due to be published in December 2009).

We will be happy to provide further information in due course.

14. Which should be the role of civil society in respect of this problematic? In which specific areas would the contribution of NGOs and other relevant stakeholders have, in your view, the chance of impacting more on the drafting and implementation of specific policies/actions?

NGOs play a variety of roles in this area, including acting as a source of information on the situation on the ground in Member States, providing services in Member States, coordinating and interacting with other actors at EU level, engaging in policy and practice recommendations locally, nationally and at European level and engaging with partner organisations in other countries around Europe or in countries of transit or origin. NGOs can also act as independent monitors.

The EU should seek to involve NGOs fully (and encourage Member States to involve them fully) in action plan processes taking account of their capacities and expertise. Their expertise can provide insights into the challenges and possible solutions across almost all of the issues identified by the Commission in this questionnaire.

15. Would you have other specific suggestions/comments to put forward?

Please see introductory remarks above.