



European Federation for Street Children

Policy comment on the growing phenomenon of unaccompanied minors in Europe – EFSC puts the European Commission’s Action Plan (2010-2014) into perspective.

The European Federation for Street Children is an EU-level platform of NGOs which commits to the protection of the most vulnerable children, particularly street children, in the EU. One crucial objective of the organization is to act as a dynamic and multi-faceted interface between different EU institutions (Commission, European Parliament) and between its member organizations. This helps EFSC achieve a better inter-institutional co-ordination in the design and implementation of all social policies relevant to children. In this case, and in view of achieving such objective, this document will explore the actual situation of unaccompanied minors in Europe and take a closer look at the European Commission’s Action plan 2010-2014, designed to address what has now become a shared European problem that thus needs joint European action.

It is becoming increasingly clear that the challenge of unaccompanied minors represents a growing concern. In fact, the European Federation for Street Children carried out a fact-finding workshop (29.06.2010) with representatives from Central and Eastern Europe to address this issue and examine the actual situation regarding street and separated children. Many people below the age of 18 arrive in the EU unaccompanied by a responsible adult and even though statistics at the moment are not widespread or consistent, the data available is still alarming. According to the European Migration Network there were in 2008 a total of 11 292 applications for asylum issued by unaccompanied minors in 22 Member States. Such figure represents an increase of +40.6% to that of 2007 (when 8 030 asylum applications were lodged). The reasons behind the arrival of such children into, in many cases Member States, vary; some escape from war conflicts, poverty or natural catastrophes, discrimination or persecution; others are sent by the family in the expectation of a better life or in order to access education and welfare, including medical attention; some are victims of trafficking and destined to exploitation. For this reason, and in spite of an improvement in the overall child welfare indicators in Central and Eastern Europe, the Commission realizes that there is still work to be done and thus, it outlined in its June 2009 Communication, the further development of the EU strategy on the rights of the child and announced an action plan on unaccompanied minors. The Stockholm Programme, welcomed this development and stressed the importance of establishing an EU Action Plan that can address issues such as protection, durable solutions in the best interests of the children and cooperation with third countries.

The Action Plan identifies the prevention of unsafe migration and trafficking of children as the first step to take in order to address this issue. In addition to this, four axes of intervention are stressed;

- i. **EU Member States** must continue to **integrate migration** (particularly of unaccompanied minors) in development cooperation of key areas (poverty reduction, education, health, labour, etc) to address the root causes of migration.

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- ii. **Targeted awareness raising activities** and training to be promoted in countries of origin and transit.
- iii. **Informing** children and families about **the risks that unsafe migration entails** and about **alternative possibilities** of studying or working in the country. Also, specifically **trained personnel** must be in the main areas of emigration and trafficking in order to **asses risk** situations and **take immediate action**.
- iv. Involving diasporas in the EU in the awareness raising activities, use informal channels of communication within the communities of origin, and continue to promote the development of child protection systems.

In many cases, trafficking in human beings is inexorably linked to unsafe migration. For this reason, the Action Plan also states that EU Member States should reinforce actions regarding child victims of trafficking in human beings. Also, the capacities of third countries to combat this crime should be reinforced as to protect and assist unaccompanied minors in their best interest and under the international standards and conventions. The European Federation for Street Children however, identifies the dialogues and cooperation between origin and destination countries as key in the process of effectively addressing the problem. EFSC understands that it is clear, not only through the available data on unaccompanied minors and child trafficking but also by the facts, figures and first hand information provided by its MOs working directly with these children, that better migration policies between origin and destination countries must be established to ensure that upon arrival, unaccompanied minors will receive the treatment and undergo the procedures, that are in their best interest. The Action Plan in fact concludes that the EU and Member States should address child protection issues in human rights and migration dialogues between EU and third countries on a regular basis. It must also introduce, in agreement with third countries, concrete provisions addressing migration and enable cooperation on prevention, family tracing, return or reintegration.

Minors should not be forced to embark on risk journeys to the EU in order to seek international protection and this is why the Action Plan stresses the importance of continuing to set up and finance programs for this matter. EU and Member States should also support third countries in improving their legislative and administration capacities to identify minor asylum seekers and victims of trafficking. Agencies working in the field (e.g. FRONTEX) are invited to contribute through training programs and activities as well as exchange of expertise.

The European Federation for Street Children and its Member Organisations welcome the adoption of this Action Plan on Unaccompanied Minors, particularly because it intends to address many of the issues and concerns discussed at the EFSC's Conference held on 24.-25.09.2009 in Budapest on *Migration of unaccompanied children: The increasing challenge to a Social EU. The origin countries in Central and Eastern Europe after the first years of EU membership* (<http://www.efsc-eu.org/index.php?pid=104>). It intends to achieve a long-needed greater and more effective legislative framework for EU Member States to work in, also in pro-active cooperation (through improved dialogues) with third countries, national institutions and agencies regarding the situation and rights of unaccompanied minors arriving in EU territory. The Plan intends to respond to the challenges that the yearly arrivals of significant number of unaccompanied minors in EU represents, while ensuring that any subsequent action taken upon such arrival, will be done with the sole intention of achieving what is in the child's best interest

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Altogether:

- We call upon the European Commission to undertake a facilitator role towards a **comprehensive and co-ordinated data collection effort** EU-wide, in order to follow-up on the recommendations contained in the European Commission Report “Child Poverty and Well-Being in the EU”, to improve the collection of data regarding vulnerable children. This requires a fundamental multi-level co-operation ranging from the EU level, in order to ensure comparability among data; among Ministries at National level; and among all actors involved in child protection at local level;
- We call upon the European Commission to activate specific measures of protection and guardianship and social re-inclusion programs through **targeted EU funding for unaccompanied foreign minors and also for street children inserted in the juvenile justice system for being in conflict with the law**. While of course maintaining a co-operation between the national Ministries of Justice and the NGOs operating in the protection of children in conflict with the law
- We call upon the European Commission to closely link the upcoming **EU Strategy on the Rights of the Child with the Communication on Unaccompanied Minors**;
- We call upon the EU Member States to adopt common standards based on the UNCRC at EU level for the **protection from criminalization** of unaccompanied minors.
- We call upon the European Union that all new Member States comply with the clauses of the international conventions they have signed on the protection of children’s rights, in particular of vulnerable children, notably the treatment of unaccompanied minors and children victims of trafficking (see the relevant recent studies of the Fundamental Rights Agency on this). In particular to ensure the prevalence of the principle of prevention over detention.
- We call upon the social policy makers within the EU Member States, and particularly the national authorities in charge of preparing the National Action Plans for Social Inclusion (NAPs), to ensure that **spending levels for social projects of child protection are maintained in spite of the economic downturn**, in order to protect those extremely excluded children who are most vulnerable to economic volatility. In addition, for the sake of guaranteeing that the rights and needs of the most excluded children are adequately addressed, we call upon the EU Member States to establish **procedures systematically to involve local authorities and NGOs, particularly those representing the most affected groups such as street children and the Roma children, in the elaboration of social and child protection policies and of the NAPs in particular**. In this context, it is essential to maintain the political independence of NGOs while ensuring that their voice is fully represented;

NOTE:

The Commission will report on the implementation of the Action Plan by mid-2012 and by 2015. A revision of the Plan might also be proposed.

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This conference is supported by the European Community Programme for Employment and Social Solidarity (2007-2013) PROGRESS. This programme is managed by the Directorate-General for Employment, social affairs and equal opportunities of the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries. PROGRESS mission is to strengthen the EU contribution in support of Member States' commitment. PROGRESS will be instrumental in:

- *providing analysis and policy advice on PROGRESS policy areas;*
- *monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;*
- *promoting policy transfer, learning and support among Member States on EU objectives and priorities;*
- *and relaying the views of the stakeholders and society at large*

For more information see: <http://ec.europa.eu/progress>

The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

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