



## **The Stockholm Conference**

**PROMOTING GOOD PRACTICES IN PROTECTING MIGRANT AND ASYLUM SEEKING CHILDREN, ESPECIALLY UNACCOMPANIED CHILDREN, AND FINDING SOLUTIONS FOR THE CHILDREN, FAMILIES, SOCIETIES AND STATES**

**8-9 December 2016**

**Meeting Report**

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## Background

On 8 and 9 December 2016, the Council of the Baltic Sea States (CBSS) hosted a cross regional conference to promote good practices in protecting migrant and asylum seeking children, especially those who are unaccompanied. The conference was organised in cooperation with the Central European Initiative (CEI). The two regional inter-governmental organisations comprise 11 member States in the Baltic Sea Region and 18 member States in Central and South-Eastern Europe. Many of them are countries of origin, transit and destination of migrants and asylum seekers, including children. By organizing this conference, the CBSS and the CEI aimed to enhance the protection of boys and girls on the move in their member States and to safeguard their human rights as afforded under international, European and national law.

Sixty representatives from almost all countries in the two macro regions, national ministries, UN Agencies, international and local organisations participated in the conference. They shared their knowledge, experience and good practices in the reception, care and protection of migrant and asylum seeking children with the aim of finding solutions for migrant and asylum seeking children and especially unaccompanied children, families and the societies and states of origin and destination.

At the conference, the CBSS Guidelines Promoting the Human Rights and the Best Interests of the Child in Transnational Child Protection Cases were officially launched.

The Stockholm Conclusions as the outcome document from the conference were developed in a consultative and inter-active process. Prior to the conference, representatives of ministries, agencies and organisations were invited to hand in their specific recommendations. The draft conclusions incorporated their input, were circulated during the conference, updated in light of the presentations and discussions, and finalised in a joint review during the final plenary. The Stockholm Conclusions identify standards in quality that will enhance the protection of children departing, transiting and arriving in the CBSS and CEI member States and safeguard their human rights. The Stockholm Conclusions reflect the joint experience and recommendations expressed by the participants and country representative. They will guide the work of the Council of the Baltic Sea States and the Central European Initiative in this area in 2017 and beyond.

The Icelandic Presidency of the Council of the Baltic Sea States and the Bosnia and Herzegovina Presidency of the Central European Initiative met on the sidelines of the conference. They took note of the Memorandum of Understanding between the two regional organisations and discussed future cooperation on the themes of sustainable development, science cooperation, the prevention of human trafficking and the protection of children at risk.

## Welcome and introduction to the conference

The conference was opened by the Presidency representatives of the Council of the Baltic Sea States and the Central European Initiative. On behalf of the ***Icelandic Presidency of the CBSS, Ambassador Guðmundur Árni Stefánsson*** welcomed the representatives from almost all member States of the two regional intergovernmental organisations as well as representatives of national NGOs, international organizations, the OSCE and UN Agencies and national Ombudsoffices. The Icelandic Presidency of the CBSS took office in July 2016 with the aim of promoting democracy and equality in the region and safeguarding children. In this broader context, attention is given to migrating and asylum seeking children, especially unaccompanied

children. In addition, the Barnahus (Children's House) model is being promoted, which has been widely recognised as a good practice in enabling child victims of violence to access justice, care and treatment. The first Barnahus was established in Iceland in 1998 and since then, many more have been set up in the Nordic countries and all over Europe, including with the support of the Council of the Baltic Sea States. In Iceland, the model is increasingly being used to interview migrant and asylum seeking children as well as child victims of trafficking. The positive outcomes of working with this model, and its professionalism in communicating with children in a child-friendly environment, is appreciated not only by the children but also by the service providers and the authorities involved in the case, including immigration authorities, law enforcement and the judiciary. This conference offered an important opportunity to present and discuss this and many other good practice examples and to develop a set of conclusions that will guide the work of the two regional organisations in the near future.

**Ambassador Milos Prica, representing the Bosnia and Herzegovina Presidency of the Central European Initiative**, noted how the cooperation between the two macro regions was essential. During the past years, the cooperation on matters of migration and asylum has gained particular attention. Under the Austrian Presidency of the Central European Initiative, the CBSS and the CEI signed a Memorandum of Understanding, which is currently being revisited with a view to strengthen it even further in many areas that are of common interest to both macro regions. Migration remains high on the agenda and has been a key theme for the Bosnia and Herzegovina Presidency during the year 2016. One of the goals was to identify and document good practice examples for the integration of migrants in the countries of arrival. In addition to the partnership with the Council of the Baltic Sea States, the Central European Initiative has engaged in close cooperation with many organizations and initiatives such as MARRI, ICMPD and the OSCE. Within this cooperation, a particular interest is to strengthen the protection of unaccompanied children who are moving within or through the region. Several member States of the Central European Initiative are still countries of origin for children migrating to other countries in Europe for better living conditions or leaving situations where they are at risk of violence. This conference represents an important point of reference for the continued work in the region.

**Ugo Poli, Project Manager at the CEI Secretariat**, opened the conference on behalf of Margot Klestil-Löffler, Alternate Secretary General of the Central European Initiative, underlining how important the issue of migration management has become for the CEI since the appointment received in 2015 by the Ministries of Foreign Affairs to cope with the challenges of the increasing flows of migration. The Central European Initiative and its member States have committed resources to continue engaging in a meaningful debate on sound migration policies in the given situation. In the context of a special campaign led by the CEI, there have been many opportunities for consultations on migration management. These opportunities for debate, exchange and networking have been very fruitful and have helped the actors in our macro regions to connect and to collaborate for many years to come. The Central European Initiative has increasingly positioned itself as an innovative player in the European discussion on the role of migration governance, in dialogue with specialised organizations. A few issues are emerging as pivotal from the CEI campaign and the consultations held in this context, that is the territorial dimension of the reception and care of migrant and asylum seeking children, the important role of local authorities and the critical role that education has for the welfare and development of children and adolescents. These subjects need to be mainstreamed across all areas of migration

and asylum policies and practice and the Central European Initiative is actively engaged to deliver concrete input in these areas to the decision makers of our member States.

On behalf of the Deputy Director General of the Council of the Baltic Sea States Secretariat and the CBSS Expert Group on Children at Risk, **Turid Heiberg, Head of the CBSS Children at Risk Unit**, noted that this conference was important to foster collaboration and exchange among the two macro regions. This holds opportunities to strengthen the collaboration between countries of origin, transit and destination and the continuity of programmes, solutions and measures that we develop for and with children on the move.

The conference launched the CBSS Guidelines for promoting the human rights and the best interests of the child in cross-border child protection cases and the Practical Guide for caseworkers and officers. The Guidelines and Practical Guide have been tested during 2016 and, on that basis, have now been complemented with an Addendum incorporating recent developments in Europe and internationally, including with regard to some key themes such as interviewing children and the principles around guardianship.

Complementary to the Guidelines, the CBSS Secretariat is also formally launching the Wiki Portal on Transnational Child Protection. The Portal covers key themes and issues concerning the human rights and best interests of children in cross-border situations, and offers an easy access to the content of the Guidelines. On average, the portal receives almost 500 visits per day, which shows clearly the strong interest in the theme as well as the need to access clear information on a range of issues. All the participants were encouraged to look into the Guidelines and the Portal, to share them within their networks and complement them with relevant tools, studies and other material.

**Sara Roxell, Political Adviser to the Swedish Minister for Children, Senior Citizens and Gender Equality**, opened the meeting on behalf of the Ministry. In 2014, the newly elected Prime Minister declared that Sweden should be one of the best countries to grow up in. This vision has activated a process toward the incorporation of the UN Convention on the Rights of the Child (CRC) into Swedish law. Today, we have come a long way towards this goal and a proposal for enacting the CRC will be presented for adoption in 2018. Unaccompanied children are a particularly vulnerable group and their rights are not always safeguarded in practice. Communities have an important role in safeguarding and protecting children and unaccompanied children have the same rights to protection, health care and education as other children living in Sweden. They have a right to be heard and to express their views in a personal interview. Many children have come to Sweden in a very hard journey, many are traumatised and need therapy. Support from adults is particularly important as well as a social context with contact to local children, appropriate accommodation, education and services that meet the child's needs.

The Swedish Government has earmarked 1 billion SEK to increase the number of social workers in child and youth care in the years 2016-2019. As a result, children shall benefit from better care, including unaccompanied children. Children on the move need to be informed about sexual health and reproductive rights; the Swedish Agency for Youth and Society is supporting organisations to work towards this goal. Men's violence against women must stop. Women, men, boys and girls must all have the same rights to be protected in their physical inviolability. Children on the move are facing many challenges, such as honour related violence, exploitation

and trafficking, as well as sexual violence. Child marriage entraps children in forced relationships and deprive them of their rights to safety and development. There is still room to improve our effective practices and this includes protecting the arriving children from gender based violence. The school is pivotal to promote the integration of children, through quality education and a fair chance for each child. This is the best precondition for every newly arrived child and we allocate funds to attract more teachers to schools, to ensure that the school principals are prepared to assess which grade the newly arriving children shall be referred to and that each child becomes targeted support at school. Municipalities have an important role in receiving migrant and asylum seeking children. Some municipalities have received a large proportion of asylum seekers as compared to their inhabitants, others have not received any. We have introduced new laws ensuring that all municipalities receive a fair share of the new arrivals.

In June 2016, the Swedish Government decided on a new action plan to protect children from sexual violence and abuse, which includes special consideration for asylum seeking children. In addition, the Government has provided for concrete measures to prevent that children go missing from care and reception centres. The Children's Ombudsman was commissioned to listen to children who have returned after having gone missing in order to learn about their motivations and to design targeted prevention measures on that basis.

We continue to strengthen the consideration to the human rights and the protection of children on the international agenda. In this context, the Government of Sweden has committed to collaborate with the Global Partnership for ending violence against children. Sweden is piloting as a pathfinder country, which entails a commitment to document good practice. The Global Partnership offers a crucial platform for national governments, the academia, civil society and international organizations to exchange knowledge, share responsibility and strengthen the international cooperation in this field.

## **Recommendations from unaccompanied children and young people**

### ***Hamza Ibrahim, Chair of the Association for Unaccompanied Children, Sweden***

The Association for Unaccompanied Children in Sweden is politically independent. It has 3,000 members who have come to Sweden as unaccompanied children from different countries as well as Swedish members who support the Association as volunteers. The Association's objective is to lobby for the interests of unaccompanied children and to provide support to them, to reach out and build a large network of youth. The number of migrants and asylum seekers arriving in Sweden has increased over the past year and many of them are children or youth. There are many ways for children to find themselves alone, some become separated from their parents on the way, others depart alone and yet others are orphans before they leave their home country. Many of these children experience violence and exploitation on the way or are at risk. Many children go missing from care and reception centres after they have arrived in Sweden. Recently, the Stockholm municipality released a report, which stated that almost 500 boys and girls have gone missing from the municipal institutions for unaccompanied children during 2015. But there is hardly any follow-up to these cases, nobody accounts for the missing children. If they were Swedish children missing, the reactions would be very different.

The Association is still young and is in the process of building up its professional networks with other organisations working with and for unaccompanied children in Sweden. Currently, we are not aware of similar organisations in other countries, so our network is at present mainly focused

on contacts within Sweden. Many children and youth arrive from countries where the civil society is weak and from authoritarian states with a limited culture of civil society engagement. Participating in the Association is therefore an important learning process for them, and the active civil society in Sweden is an important source of inspiration for the Association.

The Association organises meetings with its members to discuss issues of concern to the boys and girls. It started as an initiative to set up a football club for unaccompanied children who were not welcome in the local football club of their host community. Many unaccompanied children have nothing to do during the day, but learning, sports and recreational or social activities helps to give them hope and orientation and to inspire them. The Association has currently 17 offices in Sweden and has received a three-year grant from a Swedish Foundation.

The Association has also established a good contact with municipalities, national authorities and ministries, in particular the Social Department and the Migration Board. These contacts became more active during 2015 when the number of unaccompanied children arriving in Sweden was particularly high. The Association discusses with the state authorities the issues that are important for the organisation and its members and provides recommendations based on their experience.

An issue that the Association for Unaccompanied Children is very concerned about is the ongoing law reform process in Sweden and Europe that will lead to stricter asylum regulations, especially with regard to family reunification. Children do have a right to live with their families and the risk is that these new laws will traumatise children and make them more vulnerable. Another strongly contested issue in Sweden are the age tests. Medical doctors have started to refuse conducting these tests because they are not done in a scientific way and the results are not considered reliable. Having to undergo these tests has made children feel rejected in the asylum process as the tests affirm the general distrust towards the child and his or her statement about their age. There is generally a strong focus on their age. Many children who are arriving are assessed as adults and are referred to adult accommodation although they are still young. They lose all the support when they are not assessed as a child, including the right to a guardian and appropriate care and accommodation.

### **Council of Europe Action Plan for migrant and refugee children, including unaccompanied children**

#### ***Cagri Cakir, Senior Advisor to the Special Representative on Migration and Refugees, Council of Europe***

Today, one in 10 children lives in a country affected by armed conflict and violence. The number of children affected by poverty remains high and half of the global refugees are children. Approximately 30% of the migrants and asylum seekers who have arrived in Europe in 2016 are children. Children arrive by sea or land and most of the migrants who die at sea are children. We are going through a humanitarian tragedy and children are particularly vulnerable. There is a struggle between migration management and safeguarding the human rights of these children and we see a difference between values and the reality.

The Council of Europe Special Representative on Migration and Refugees has been appointed 10 months ago. The Special Representative is visiting countries, right now mainly front line countries such as Greece, Italy, Turkey and France (Calais). On the basis of the Special

Representative's visit, we develop a report and identify areas where the Council of Europe can support these countries to confront the urgent challenges. During the visits, we hear the stories of children and adults. Many of them say, "you will arrive alive, if you are lucky", and they live in poor conditions with very little opportunities.

At the moment, the Council of Europe is in the process of preparing a thematic report on migrant and refugee children. This report will inform the development of an action plan for the Council of Europe. The action plan shall make migrants more visible and the shortcomings in the current responses to migrant children should be overcome. The action plan will be guided by the principle that all children are to be treated as children, regardless of their background or status. The action plan adopts a holistic approach as it refers to all migrant and refugee children, including unaccompanied children. It will be developed for a period of three years.

The shortcomings and challenges that the report and action plan shall address include the following: Migration management systems are not child-friendly; there are temporary solutions for children but often they are protracted and becoming permanent. If there is no child protection officer present when a child is first met, there will likely be problems with referring the child to appropriate accommodation and services. The right to be heard is another problem as children need support and a qualified person to conduct the first interview in a language that the child understands. Where this does not take place, child-specific causes of persecution might not be heard and understood. Lack of information hinders children's access to different rights, including family reunification, which is key to ensure their protection, safety and support. Administrative detention for migrants is still being used, including for children. Children are placed in administrative or immigration detention, which should be a measure of last resort but in practice, this is not the case. The Council of Europe is working to find alternatives to detention and there are some cases pending at the European Court of Human Rights.

With regard to unaccompanied children, particular challenges have been identified in relation to age assessment procedures and legal guardianship. Sometimes, legal guardians are not appointed and there is currently no effective guardianship system across Europe. There is a need for a transnational network of guardians.

A limited access to education affects the children's integration into the new societies. The report revealed that most families lack financial resources, especially single mothers. These families sometimes depend on children's work, which might prevent children from attending school regularly. In practice, we know that there are laws to ensure access to education but there are also many invisible barriers. Children can access school, for instance, only once they have completed their registration, but in some cases, registration takes several months. Another barrier is that no proactive measures are taken to enable access to school. The report notes that there is a need for more incentives to ensure children's full integration in school. Sometimes social incentives can be helpful to achieve this.

Safety will be another pillar of the action plan. Many children are exposed to violence along the journey. When we met with migrant children in the camps, they were telling us about the violence that they saw during the journey. Violence is a reality not only during the journey and in the boats, but also in the camps. The camps do not protect children effectively from violence although that is a responsibility of member States.

Children are also exposed to sexual exploitation and trafficking. The Council of Europe Convention on the Protection of Children from Sexual Abuse and Sexual Exploitation needs to be ratified and implemented. The provisions on sexual exploitation and trafficking need to be revised specifically to apply also to children on the move. In 2017, the Lanzarote Committee will issue a report on this issue, including promising practices to address and prevent sexual violence against children on the move.

For unaccompanied children, the risks are multiplied in all areas. They should be assisted in family tracing and states must ensure that they have access to circles of trust where there is no risk of violence. Camps need to be safe for children, which can be achieved through basic measures.

Right now, many member States lack the capacity to address these issues. Migration management systems had not expected to receive such high numbers of persons. Based on this experience, many member States are revising their laws and regulations and in this context, it is important not to lower the standards for children. Children on the move need to enjoy the same rights as their peers, and we cannot afford to fail as the stakes are too high. It is about defining their future and our future in Europe.

The action plan has been informed by international standards, including Council of Europe Conventions, which are legally binding, as well as Council of Europe recommendations and guidelines, the consultations and discussions with different stakeholders in the member States and promising practices that have been identified across the different countries. The action plan provides for specific objectives of states. The development of the action plan is taking place in close contact with the EU and the UN in order to ensure that the various initiatives promoted by each are mutually complementary. The action plan will be structured according to three 3 pillars: Ensuring access to rights and services; ensuring effective protection from violence; and promoting integration, resilience and empowerment. While the thematic report is to be finalised in January 2017, the action plan will be presented in early 2017.

### **Good migration governance as a tool to empower migrant youth and prevent exploitation: The OSCE/OCEEA experience**

#### ***Teresa Albano, Office of the Coordinator of OSCE Economic and Environmental Activities***

The Organisation for Cooperation and Security in Europe (OSCE) has 57 participating States and reaches from Vladivostok to Vancouver. The broad OSCE region includes therefore the regions of the CBSS, the CEI, the European Union and the Council of Europe. OSCE partner countries are located in the Mediterranean region and Asia and include Afghanistan, Australia and Japan. The OSCE is promoting stability, peace and democracy. It adopts a comprehensive concept of security, which is based on three pillars, the prevention of conflicts through cooperation in field of political and military issues; economic and environmental security through cooperation for good governance and economic development towards shared prosperity; and the human dimension working towards the respect for human rights and functioning democratic institutions.

Within the OSCE, the Office of the Coordinator of Economic and Environmental Activities has been addressing migration as a driver for economic development, growth and prosperity.

Decisions that create the mandate or tasks of the organisation to act are taken by consensus of all 57 participating States. This bestows a particular political strength to the decisions that are taken at the OSCE Ministerial Conferences. During this week, the representatives of the participating States are gathered in Hamburg as Germany holds the Chairmanship and migration was among the priority themes selected by the German Chairmanship.

The reality confirms that minors under 18 years old represent a considerable proportion of the global migrant stock. It is important to prevent them from becoming a lost generation, before and after the migration experience. My office promotes a vision and a mandate that depicts migration as an opportunity and in positive terms, which is very difficult to convey in this political climate where migration is constantly depicted as a crisis and a threat. We see it as an opportunity and in line with international Conventions and commitments that should be translated into national laws and practice and guide the political willingness to act.

Speaking about migration forces us to think about the recent and less recent conflicts that are often behind the movement of people, the many shortcomings of the globalization process that seems to be managed for the benefit of few. We have to try to look at this crisis as an opportunity to rethink and to reflect about what has worked and not, to rethink policies and tools that have been manifestly inadequate and reflect honestly on the impact of the current migration policies at the global level. We must admit that the progressive restriction of migration policies such as closing borders has led to perverse effects. When you close borders, you do not stop the movements, you just increase the price of smugglers. Another perverse effect of restrictive policies is that migrants are blocked inside transit and destination countries, which also blocks return.

People will not return voluntarily or consider it as an option, not because they are not willing to but because the migration experience has been so expensive and costly from many points of views that the idea of redoing that journey is simply not an option.

These perverse effects have been demonstrated by tons of economic and social literature. Discriminating against labour migrants is also putting at risk the rights of our citizens and national workers. By having a sub-class of people who have no rights, we create a two-tier labour market and that in turn leads to a situation where national workers find themselves in the position to accept lower offers. That is known as social dumping. We should protect the migrants' rights not only out of humanitarian concerns but also due do selfishness because by protecting their rights, we protect also our rights.

In many regions of the world, we have agreements that facilitate the movement of people. States have understood the economic advantages of regular migration and labour migration. We have looked at the tools and approaches of regular migration, gender sensitive migration, to understand the specific needs of men and women who migrate, including children.

We must complement emergency with structural longer-term considerations; we are now in an emergency modus, but we need to look at also at the investments that need to be made in the longer term. The lack of legal, flexible and safe migration channels is part of the crisis; so the crisis is not only defined by numbers, but it is also a crisis of tools, approaches and practices.

In this process of rethinking, it is important to ask ourselves who these migrants are. Who are these children, these unaccompanied minors, are they the victims we think they are? What are their aspirations?

I would like to quote an Afghan unaccompanied boy who wrote a book about his story. The smugglers were his passport, they were not as bad as we envisage them, but they enabled his journey from Afghanistan to Italy. When he was asked if he felt as a victim he said no, I feel that I am a courageous guy who was so resilient to live through so many difficult moments and experiences.

These people are resources and as long as we treat them as resources, they will act as that. We speak a lot about enabling their access to education but we also need to be educated to who they are and how to receive them. We need to discuss what the terms mean to us, what means 'victim', the 'right to migrate', an 'unaccompanied minor'. If you ask a person from Afghanistan to leave Afghanistan in a legal way, his passport allows him to access only just over 20 countries.

On 14 December 2016, the OSCE Economic and Environmental Affairs Office is organizing an event to discuss the possible contribution of the OSCE to the Global Compact on safe, regular and orderly migration. The development of the Global Compact is a result of the high-level meeting organised by the United Nations in New York on 19 September 2016. This offers again the opportunity for us as states and as civil society to change the attitudes of states. That requires a lot of energy, synergy and joined efforts.

The New York Declaration is an important step forward in addressing migration. It was the first time that the UN General Assembly discussed migration. It decided to develop a framework of commitment for 2018 for two important areas, migrants and refugees. Refugees already have important rights, in particular the 1951 Convention Relating to the Status of Refugees. There is no comparable Convention concerning the human rights of migrants. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families has entered into force but has been ratified only by emerging states and mostly countries of origin. The New York Declaration has set an important political signal although it is mainly reiterating the existing international standards. The civil society was hoping to achieve a more courageous declaration with more innovation. The Declaration remains silent, for instance, on the right to enter a country of destination because migration takes place in this difficult prerogative of the state that decides who enters their territory and the right of individuals to ask for asylum and to be protected from threat to life. The Declaration forms the basis for more constant and coherent action in view of the development of the Global Compact, which will not be an international convention but a set of commitments and guidelines for the behaviour of states.

As of 1<sup>st</sup> January 2017, a number of UN Agencies are tasked to facilitate consultations in order to develop the language and content of the two Global Compacts. The OSCE is a regional organisation and we feel we have to facilitate the consensus building, to push participating states to agree upon the Global Compact. There are many similarities with existing conventions and the constituting documents of the OSCE. The Global Compact promotes many principles that are already contained in the OSCE Ministerial Decisions and other documents, including with regard to the migration of youth. It could be interpreted in a very progressive way and that depends largely on the way it will be worded and on our capacity to support and assist states to that end. The protection of migrants shall be seen not as a burden or as humanitarian assistance but as an investment and an opportunity. We are aiming to change the perception of what we are talking about and language does evoke perceptions and actions.

## **Challenges and good practices in the reception of unaccompanied children – Perspectives from Norway**

***Professor Berit Berg, Department of Social Work and Health Science, Norwegian University of Science and Technology***

The large-scale movement of persons is both, a humanitarian crisis and an opportunity, it is important to see both. When addressing the situation of refugees, the humanitarian aspects of their situation in countries of origin and arrival needs to be considered.

International conventions are necessary but they are implemented and interpreted differently in different states and even within the same state. There are changing priorities over time and it has become increasingly difficult to get political asylum in European countries.

My presentation is based on two research projects funded by the Norwegian Ministry of Children and Equality, the Ministry of Justice and the Norwegian Directorate for Children, Youth and Family Affairs. The research aimed to monitor the living conditions and quality of life of unaccompanied children in Norway, with a specific focus on the children's perspective. The research was implemented between 2013 and 2016 at my University and in collaboration with the Research Institute NTNU Social Research.

The study aimed to analyse how the children reflect on their experiences and situations. This was new, as previous research has always focused more on the perspectives of professionals and officials working with and for them. The study was composed of case studies in 12 municipalities where we conducted interviews with relevant service providers and professionals as well as unaccompanied children in different age groups, home visits and case studies in reception and care centres.

Unaccompanied children who arrive in Norway are a very diverse group; they are boys and girls who come from different countries and fall into different age groups. Compared to the children arriving in previous years, those who arrived during 2015 and 2016 were younger. In 2015, one in four children were under 15 years of age, two thirds are from Afghanistan and 80% are boys. There are only few girls and young women and they are in a particularly vulnerable situation.

Previous experience of talking with unaccompanied children has taught us that a traditional interview setting may not be the right method to use when we seek to encourage children to tell us their stories. We need different methods to talk to children, to listen to them and hear their stories.

The UN and the EU have developed lists of persons who are to be considered as vulnerable groups among the asylum seekers. They include in particular children and youth, unaccompanied children, women who have been exposed to extreme violence and control, traumatised refugees and asylum seekers with chronic diseases or disabilities. Unaccompanied children fall in many of these groups at the same time, and not only girls are vulnerable to sexual violence but also boys. Sometimes the refugee situation is masking the other factors, for instance it might be overlooked that an arriving child has a disease. So the determinants of vulnerability should not be considered as mutually exclusive but many could overlap and it is important that the needs of children are identified and met at reception centres.

In Norway, unaccompanied children aged 15 years or older live in reception centres, sometimes in special departments or units, while the younger children are referred to childcare centres.

The data that we gathered in the context of this study project shows that in many aspects of life, unaccompanied children score as other children in Norway. Yet, in the area of emotional challenges, they score critically worse. They are worried, depressed, they report nervousness and fear, they suffer from headaches and stomach pains. These are all so-called emotional problems and over 50% of the unaccompanied children who participated in our study reported this. We have a good national database on the wellbeing of children who have grown up in Norway, so we can make the comparison between Norwegian children and unaccompanied children and we have also made a comparison with the situation of unaccompanied children reported from other countries. These comparisons have confirmed that the vulnerability of this group has to do with the emotional part of life. The main conclusion resulting from this analysis is that unaccompanied children are in need of closer follow-up, more support from adults and assistance to handle emotional challenges.

The debate on unaccompanied children in Norway is not only looking at good practices but also controversial issues. Recently, more and more unaccompanied children receive limited residence permits that are valid up to their 18<sup>th</sup> birthday. Upon turning 18 years old, the young people have to leave the country. Recently, there have again been cases of young Afghans who were returned to Afghanistan. This is a very challenging situation. In addition, the age assessment procedures are highly contested. They are known to be unreliable and yet have a strong influence on the decisions that are being taken with regard to accommodation, care and support. We know about cases where persons who were visibly children have been assessed as adults and returned to their countries of origin as adults with very little support.

Many young asylum seekers are given a residence permit that confines them to stay in the reception centres rather than being referred to the municipalities. Some of them have to stay in the centres for many years. The consequences are harsh for them, regardless of whether they can stay in Norway or have to return to their country of origin. It is not good for anyone to return after having spent a period of inaction in the country of destination. The possibilities for building up their lives are much better for persons who have been active and learning new skills.

Unaccompanied children are facing many challenges, especially while they are waiting for a decision on their asylum application. In our study, they reported loneliness and struggles in everyday life. They were experiencing a high degree of independency but at the same time felt the need for help and support. It is difficult for them to build social support networks and to meet Norwegian youth because they are often sent to schools that are segregate from Norwegian mainstream schools so the possibilities for making contacts at school and in after school activities are limited, although this would be essential for their integration and settlement in Norway. Another main concern was the tight budget they had available for making a living.

It is useful to think of these children not only as victims but also as survivors, they are not only asylum seekers or refugees but also children or youth. They are still dependent on support but have to lead a very independent life in many contexts. They are facing many problems but also have resources to offer. There are many controversial aspects in their life and it is important to understand how they handle this dualism and how we are handling it. Being part of a category

can create limitations. The children obviously want to be more than a category and we want them to be more than that – a whole person who is struggling for a normal life.

Unaccompanied children in Norway are today accommodated in a variety of housing arrangements to meet the different needs according to age, gender, different situations and differences in the municipalities. The majority of unaccompanied children are hosted in shared housing. Some live in studios or studios with or without follow-up, in family homes, foster care or with relatives, and others live in institutions.

As of June 2016, a new law makes it possible for all young migrants to have a combined and age-specific education, which includes Norwegian language courses, early education, elementary and secondary school. In ensuring education for unaccompanied children, it has been a dilemma to decide where to start, whether to offer first language training, then school education and preparation for the work life consecutively or in a combined approach. In Norway, we have found that the combined approach was a good solution.

To conclude from our research, we can identify the following recommendations:

There is a need for better assessments and mapping prior to resettlement. The children's cases are being assessed in the care centres and a good assessment is a precondition for tailor made responses.

At the structural level, we need to strengthen the legislation, organisation and capacities in receiving unaccompanied children. Municipalities are able to focus on both, the child welfare services and the asylum reception services and to make a good combination of services for unaccompanied asylum seeking children. The service providers should organise their work in a combined model and with a more holistic approach where housing, school, health and integration are seen in a connected way.

Unaccompanied children need more adult support than they have thus far received. They have no parents or friends here, so many of them feel very lonely. Municipalities that have well-staffed housing arrangements have succeeded better in this regard and supported the children in building support networks, to go to school, engage in leisure time activities and normalise their daily lives.

After-care for the time after the child turns 18 years old is important but there are currently different approaches to providing after-care. The unaccompanied children cannot be left simply to him- or herself upon turning 18. When receiving unaccompanied children and planning their care arrangements, there is a need to take into consideration their past, present and future and to enable coherence between the past, the present and the future.

We can see that investments in these areas will support unaccompanied children to continue with their lives, to activate their resources for themselves and the society.

**Supporting sustainable return in safety and dignity: European Red Cross Return Initiative, a joint initiative involving the Red Cross in UK, Bulgaria, Denmark, Germany, Sweden and Switzerland**

***Ewa Jonsson, Senior Adviser, Swedish Red Cross***

Why is the Red Cross and Red Crescent movement involved in assisting returnees? In my presentation, I will provide the background and examples of a European project that was rolled out a few years ago.

The Swedish Red Cross experienced in the 1990s that many of the persons who had fled from the Balkans to Sweden wanted to return to their home country after the Dayton Agreement. Many persons who had received a residence permit in Sweden wanted to return voluntarily but had a need for information and counselling. In this context, the Swedish Red Cross started to offer support to returnees.

We were approached by a high number of persons and realised that we could identify some very substantial needs and specific vulnerabilities before and after their return. In light of this situation, the Swedish Red Cross initiated a pilot project together with the Red Cross societies in Bosnia and Herzegovina and Serbia. We started to gather return related information from these countries and provided this information to the returnees so that they knew what to expect upon return and for them to prepare accordingly. It turned out that there was a need for specific support measures for specific groups of returnees, including for children.

In 2009, the Red Cross and Red Crescent movement adopted a policy on migration, which states that the assistance of the movement can be of value in the return process. The Red Cross and Red Crescent movement has to provide return assistance as an independent actor, only on behalf of the person who is returning and not representing any state interests.

As we started to develop our programmes, approaches and methods, we found out that our sister national societies in Europe were facing similar issues. Therefore, we launched a joint project involving the British, Bulgarian, Danish, German, Swedish and Swiss Red Cross Societies and the Red Cross EU-Office. Over a two-year period, the purpose of this project was to map the activities, capacities and processes of the RC's involvement in return, to strengthen networking and collaboration within the movement and with external actors. As part of this project, the movement developed working routines and methods for assisting returnees and specific recommendations to states.

The recommendation resulting from this project were guiding the development of good practices in assisting returnees. Prior to return, there was clearly a need for counselling on legal and practical matters concerning the return, specific information with regard to the country of return and practical assistance in preparing the return. Many returnees have been away from their countries of origin for years and find it difficult to access reliable information, especially because there are many rumours concerning the situation in the country. With regard to the assistance upon return, experience has shown that it is important to ensure support through different phases, initial support, including that someone meets the returnee upon arrival, and assistance in finding housing and other first steps after arrival. Subsequently, longer-term support is needed, including income generating support.

Today, many European national Red Cross societies are working in this area. The combined experience shows that returnees are often facing a particular vulnerability in their country of origin that is different and sometimes higher than the vulnerability of the mainstream local population. Many persons returning from Western or Northern European countries are confronted with false preconceptions about their experience abroad. They are often expected to come back as rich persons and being able to support the communities and families they return to. The awareness of the needs of returnees is still limited and there are only few mechanisms in place to respond to their needs. Children are particularly vulnerable in the return process, regardless of whether they are unaccompanied or accompanied by their families. They require special measures, including with regard to practical preparations, counselling and mental preparedness. We have seen that parents are often not in a position to support their children before, during and after return due to their own precarious situations.

Based on our support to returnees, we have identified several success factors. It is crucial to link up the assistance given in the destination country with the assistance in the country of return. There should always be an individual focus to identify and respond to the specific needs and situation of the person in order to make return and reintegration sustainable. It is important to use structures that are already in place and support the development of sustainable working methods in cooperation with the relevant authorities, service providers and actors in the country of return, while working solely on behalf of the returnee.

Sweden has thus far not returned unaccompanied children even when their asylum applications have been rejected. Usually, they are returned after turning 18 years old. From our contacts with unaccompanied children, we have noted a great sense of despair; many are worried and afraid of what will happen when their applications are rejected and when they have to return.

In practice, the return of children in families is often organised from an adult perspective. It is our mission to take on also the children's perspectives. That means to take into account child-specific practical considerations and preparations, such as medical and mental health aspects, school marks and certificates, priorities for the children before and after return as for instance being able to say goodbye to friends or teachers, to discuss this in school, to make sure the child can continue to play basketball after return, to exchange email addresses with friends and to have photos of their favourite places in Sweden. The Red Cross and Red Crescent movement is working to promote more attention to the children's perspectives and needs in the return process.

### **Protecting the safety and needs of children in reception, accommodation, care and integration: Considerations and solution**

The Session was moderated by *Gisela Thater, Senior Regional Legal Officer, UNHCR*. The High Commissioner for Refugees announced yesterday the urgency to protect refugee children. Children are vulnerable to violence, exploitation and statelessness and many are suffering from the uncertainty not knowing what is going to happen with their asylum application and if they will see their families again. The New York Declaration adopted in September 2016, includes several important commitments concerning children.

In Europe, the number of asylum seekers and migrants who have arrived during 2016 has decreased compared to the previous year, but the proportion of children has increased. Much attention has been given to children and their specific vulnerabilities, which have been

documented and analysed extensively. To ensure an informed protection response, UNHCR has cooperated with other agency on the study “This is who we are”, which reflects the motivations of unaccompanied children from Afghanistan, Pakistan and Iran for leaving their home country and coming to Sweden. Education is an important factor for them to come to Sweden and the purpose of the study is to identify solutions for countries of destination, transit and origin.

UNHCR, UNICEF and IRC have engaged in a process to develop a roadmap of recommendations to strengthen policies and practices in this area. Four priorities have been identified due to their fundamental nature and the impact they have on children: appropriate identification and registration Europe-wide, including age assessment procedures; the establishment of a rapid and effective guardianship system; strengthening access to age appropriate care arrangements, including psychosocial support; and the development of standard operating procedures that ensure that children do not fall through the care arrangements. There are many recommendations and guidance documents but we know that the challenge remains to translate them into practice, so it will be important to hear some more practical examples from the panellists.

***Karin Fagerholm, Lawyer, Children’s Ombudsman, Sweden***

“Our lives are in danger here, we do not want to stay here” – this is a quote from a child whom we met at a reception centre that we visited in 2015. The Swedish Children’s Ombudsman listened to 420 children during a one month period and learned a lot about the reception and care system for unaccompanied children that we thought would work rather well.

The Children’s Ombudsman in Sweden is a governmental authority tasked mainly to monitor the implementation of the UN Convention on the Rights of the Child and to represent the interests and rights of children in Sweden. The Ombudsman cannot receive individual complaints from children, although there is now a proposal pending that might change this. During 2016, our thematic focus has been on migrant and asylum seeking children, so we have met with about 150 children who are either unaccompanied, arrived with their families or live in Sweden without papers. A report on the children’s voices will be published in March 2017. I will give you an overview of what the children have said.

It is important for the children to understand the system in Sweden. When the children arrive, they are placed in an emergency centre where they should stay only 48 hours but where many stay for weeks or months. The places are however not suitable for the children. The state is tasked to refer the children to municipalities where they receive access to education, health care, guardianship and all other services. During 2015, we found out that the guardianship services did not work effectively. We have met children who did not have a guardian for months, while others who did benefit from a guardian and a special social worker appreciated this support a lot and it was a main protection factor for them. The appointment and active support of a guardian is in many regards essential for unaccompanied children to access services. In the light of the large number of arrivals during 2015, there have been many challenges in ensuring that children get access to guardianship and other services. Access to education and schools is often delayed and the social services, which have a critical role for ensuring the wellbeing and protection of unaccompanied children, have been understaffed and underfinanced.

It remains difficult to ensure access to health care and psychological assistance for asylum seeking children, especially during the emergency placement during the first months after arrival where many children are in fact denied access to health care. We found however that the dental health care has worked well. We noticed how the civil society stepped up when the system failed. There are many organisations and many more were formed in 2015. Some provide legal advice, teach Swedish, introduce children to the Swedish society, and all of this has meant a lot to the children.

Age assessment procedures are perceived as a concern for children as the procedures are not reliable. Many children have to wait a long time to get a decision on their asylum applications. The uncertainty during the waiting period has a negative impact on their health and wellbeing. They also worry a lot about what will happen when they get a negative decision and when they have to return.

In Sweden, there are still high numbers of children who go missing from reception and care. Currently, no one knows why that is so because no one has talked to the children. The Children's Ombudsman has received state funding to talk to the children who have been missing and who returned to care or reception centres. We hope to understand why they went missing and what could be done to keep the children in the system.

The children remind us that they come with the hope of a better future, better education and dreams of working and providing for the new society where they want to live in the future.

***Lisa Wolfsegger, Director, Asylkoordination, Austria***

Asylkoordination ('Asylum Coordination') is a coordinating organisation in the area of asylum in Austria. It gathers information, conducts analyses and disseminates to all relevant organisations and actors in Austria.

The numbers of asylum seekers has increased significantly in Austria. In 2015, the country registered 88,151 applications and just over 10% were filed by unaccompanied children who are mostly between 14 and 18 years old. Afghanistan is the main country of origin, other important countries are Somalia, Pakistan and Nigeria.

When the children arrive in Austria, they are referred to the initial reception and approval procedure. During this initial phase, the age assessment procedure takes place and most children who are confirmed as being under 18 years old are then transferred to the asylum procedure. From the first reception centre, the children are subsequently referred to the municipalities, where the standards of reception and care change to the better. There are however many differences in how unaccompanied children are treated and a lot depends on their status. The differences are visible in the ratio between care workers and children, the state budget allocated for accommodation and care, the access to guardianship services and education.

There are several good practices in Austria, for instance children under 14 years of age are under the responsibility of the child welfare services and are accommodated in the same type of placement as Austrian children who are deprived of parental care. Some provinces have set up special units for unaccompanied minors and there is one special unit offering psychological care, which can however receive only 6 children. Guardianship standards differ from province to province and is working well only in few provinces. Since 2015, foster care has been provided

for approximately 150 children and the experience with this form of placement has thus far been very positive. Legal representatives are in place to prepare the children for the asylum procedure and interview. In every province, NGOs are organising a system of 'godparents' for unaccompanied children, which provides important support.

Despite the good practice, many challenges remain. They relate for instance to the age assessment procedure, which takes often months, is very costly and often unreliable. Unaccompanied children experience very unequal treatment; there are many differences in the quality of care, depending on the province that the children are referred to, and a stark difference between the type and quality of services offered to unaccompanied children versus Austrian children. Overall, there is a dearth for psychological care and a need to speed up family reunification procedures. Children can apply for family reunification only three years after they have been granted subsidiary protection and have to pay for the procedure themselves. Only about 10% of the unaccompanied children manage to bring their families to Austria. During the initial reception and approval procedure, children are offered legal counselling but no guardianship, although the guardian's support should be available from the moment of first identification of the child. It is hard for unaccompanied children over 15 years to enrol into mainstream schools and once they turn 18 years old, they are facing immense problems as they lose important support services.

***Pippo Costella, Director, Defence for Children, Italy***

The guardian is key for safeguarding and protecting unaccompanied children and has a central role in assuring quality and continuity of care. Our work in this area over the past years has revealed that guardianship is highly different in every part of Europe and even within the same country. While guardianship services are mentioned in many international and European standards, the practice is often very far from these standards. In Europe, the situation is characterised by emergency response and a paradigm, where we are talking about children's rights in the context of migration control. That creates a lot of ambiguity. Guardianship can however be a way to reiterate and reinforce child rights standards in the context of migration and asylum.

We are oftentimes considering the unaccompanied child as a category. However, each unaccompanied child has an identity, has a story that needs to be considered in its own specific context and continuity. The existing systems for migration management and asylum reception are however fragmenting the child and his or her story and rarely provide the possibility for the child to make sense of his or her own story. Denying the continuity in the story of the child is one of the conditions that are determining the vulnerability of the child. The persons working with the child are often considering the child in light of his or her needs but are rarely considering the reasons why the child is here nor the child's background and home.

There was a decision to leave. In some cases, it was not a decision but the child was forced by the necessity of the situation. The child departed from a universe that was known to him or her to a place that is completely different and unknown. The departure marks a very important moment in the child's life, the travel can take a week, several months or years. When we meet the child in the place of arrival, we are not considering the journey and we are not capable of appreciating what happened in order to shape our interventions accordingly. Unless we know and understand the child's story, it will not be possible to offer services that enable the continuity of the child's story, the centrality of the person and of his or her story.

The guardian can help to reconnect these elements and support the child in connecting with the system and the society in the place of arrival. The guardian becomes part of the child's story and vice versa. Guardianship is therefore far more than a bureaucratic function of the system, which is often very poorly understood by the child. The guardian is also someone who is there to support the child and to promote his or her best interests.

If we consider the best interests of the child, we cannot deny that there are other interests that influence these considerations such as interests of the state, the private sector, the border control, economic interests, such as the economic interests of private service providers in the reception system. In practice, the influence of these interests is rarely recognised.

I think that we should consider children's rights in a more principal way, for instance with regard to the principle that relates to the right to life and development, the principle of non-discrimination and the right to be heard. The guardian is there to ensure that these rights, and not only the needs, of the child are considered by the system and that they make sense in the context of the child's story.

We tend to recognise children as a priority but that is often merely rhetoric. We have to consider their human rights as a priority and the guardian is there to make sure that this priority is maintained in practice for each boy and girl.

Guardianship is a key measure provided for in many different international and European standards but there are no provisions on the qualification of this function. Throughout Europe, we have very different approaches in providing guardianship services. There are professional institutional and volunteer guardians. In some places, the guardian is a mayor who is dealing with very many cases in his or her city. The independence and autonomy of the guardian is critically important to guarantee an effective guardianship mandate.

In this sense, the guardian holds not only a function towards the child but also towards the system, in order to ensure the implementation of the standards that we have already enshrined into our laws and policies and to make them applicable also in the context of migration and asylum. The guardian can help to recall the UN Convention on the Rights of the Child with all its civil, political, cultural, social and economic implications.

Guardianship was highlighted also at the recent European Forum on the Rights of the Child as a key measure in the reception and care of unaccompanied children. This understanding is still rather new, especially as it now comes with an effort to define quality standards of guardianship as well as training and support for guardians and an independent leading guardianship institution.

***Bragi Guðbrandsson, Director, National Child Protection Authority, Iceland***

Iceland has received around 1,000 asylum applications in 2015, including a few applications from unaccompanied children. The number of unaccompanied asylum seeking raised to 15 in 2016. When this emerged, we discussed how to develop a systematic approach and response. The issue of non-discrimination as a central issue in that context. The UN Convention on the Rights of the Child states clearly that unaccompanied children should enjoy the same protective and participatory rights as other children, this is very important for us. It implies that unaccompanied children should have access to the child protection system. The child should be listened to and the child's story shall be heard. The Convention is also of particular relevance

with regard to its provisions on alternative care for children who are deprived of their caregivers. These standards apply to unaccompanied children and we need to decide on the appropriate form of alternative care for this group. In Article 20, the Convention provides for the principle of suitability of alternative care. In order for us to be able to decide about a suitable form of alternative care and choose an appropriate form of accommodation, we need to understand the child's needs. In Iceland, we assumed that foster care would presumably be the most suitable for most children and we recruited foster care families, because we thought that they would be well prepared to offer emotional support and a stable environment, which could help children handle their trauma. When we advertised to look for foster families for unaccompanied children, we received expressions of interest from 30 families in the first round and another 30 in a second round, which were far more than we had expected. So we developed a training for the foster families to take on this huge responsibility. While we do realise that this may not be an option in situations like Sweden, which received a very high number of unaccompanied children, however it was important to note that there are many more families offering to foster unaccompanied children than we had expected.

Unaccompanied children are a very diverse group and may not have many things in common as they come from different countries, have different stories, experiences and reasons for leaving. However, one thing most of them have in common is the trauma. This is what we need to address in our system. If the system is not child-friendly, there is a high risk of re-traumatisation. When we reflected upon how to include unaccompanied children in our child protection system, we knew we would need a system that is child-friendly and likely to be effective in dealing with the issues. That led us to decide to do a pilot with our Children's House.

Barnahus is a child-friendly multidisciplinary and interagency facility to investigate child abuse and neglect and provide the necessary services to the child under one roof. The basic aim is to prevent revictimisation through repetitive interviews by different agencies. The idea and the core of Barnahus is the child's story. The disclosure of the child and the child's narrative should be at the centre of all our actions as it plays a fundamental role for our assessments and the ways in which we can work with the child. Enabling and supporting the child to tell his or her story in a safe and child-friendly environment is crucial in terms of winning over the child's trust, which is the key to many things. We are not likely to have the child disclose experiences of exploitation or trafficking, for instance, unless we gain the child's trust. Barnahus is child friendly and has professionals who are experienced in interviewing children and who can give an affectionate and professional response to the child's concerns. Referring unaccompanied children to the Barnahus was therefore an ideal response.

We made an agreement with the Directorate of Immigration at the beginning of the year 2016 and have thus far had 15 asylum seeking children in the Barnahus for interview and needs assessment. Some of them have disclosed sexual exploitation and abuse but it is clear that all of them are traumatised and it is important to deal with that, not only from child protection perspective but also from the immigration perspective. The immigration officials have expressed their great satisfaction with the outcome of the forensic interviews, especially with regard to the richness of information and data from the children that we can elicit through these investigative interview techniques.

At the Barnahus, we apply a forensic interviewing protocol with open-ended questions and avoiding closed or leading questions. Through this method and in a single interview, we are capable of getting a very detailed and clear account of the child's story from the home, the

departure and travel through to the arrival in our country. We can avoid that the child is subject to repetitive interviews in different agencies, like border control, police, the reception centre, medical and childcare staff and others. On the basis of the interview, we know what the next steps should be and we are able to act according to the best interests of the child.

### **Challenges and good practices for transit countries in protecting unaccompanied children**

The session was moderated by **Ugo Poli, Project Manager, Central European Initiative**. Through the extraordinary campaign launched by the CEI last year and the many related media events, we recorded a number of stories that demonstrated the commitment of the civil society and the public administrations at the local and national levels to provide the best possible solutions to the humanitarian needs of migrants and asylum seekers. In the months and years ahead, we should support further the active engagement of communities, leading persons, social volunteers and public officials. Our aspiration must be to strengthen and smoothen the cooperation of public authorities, private service providers, the national administrations at all levels as well as NGOs and the civil society.

We have in mind the potential that rests in promoting the dialogue among the countries in our macro regions. Working with the Parliamentary dimensions of the Presidencies, we are in a good position to bring good practice examples to the attention of the Parliamentarians of member States and to promote the debate for taking good practices to scale.

#### **Jovan Andonovski, Deputy Ombudsman, Macedonia**

In the Republic of Macedonia, the Ombudsman is also responsible for children's rights. Macedonia is primarily a country of transit as most of the migrants and refugees do not intend to stay or to seek asylum in Macedonia but continue their journey further North and West. In 2014, 86 unaccompanied and separated children were registered in Macedonia, while the number increased to almost 18,000 children in 2015. At one point during the year, 11,072 persons were registered in a single day. In the first three months of 2016, 228 unaccompanied and separated children were identified. After Turkey closed its borders in early March 2016, Greece followed and subsequently more and more countries on the Western Balkan route closed their borders.

In 2014, all unaccompanied and separated children who were identified in Macedonia were appointed a guardian by the Ministry of Labour and Social Protection. During 2015 and 2016, a guardian was appointed only for the children who remained in Macedonia.

Although Macedonia is not a member of the European Union, it has started to follow the laws and regulations issued by the European Commission. On that basis, the state developed Standard Operating Procedures (SOPs) for unaccompanied and separated children, which were adopted in December 2015. There are also Standard Operating Procedures in place for vulnerable non-nationals and for addressing gender-based violence.

With regard to unaccompanied and separated children, the SOPs regulate the relevant procedures step by step: the identification and referral; care and initial assistance; regulating the stay; family reunification and return; local integration with long-term assistance; and criminal procedures where applicable.

The migrants who arrive in Macedonia get access to services and formal and informal education. The government delivered a questionnaire to the migrants and asylum seekers and received thereby information on their needs and aspirations. Most of the persons were eager to learn German or English, which attests to the interest of moving on to these countries later on.

Currently, we have two centres where we place unaccompanied children, a transit centre near the Greek border and one near the Serbian border as well as a safe house. At the moment, there are four unaccompanied children in Macedonia and all of them have been appointed a guardian.

For each unaccompanied or separated child, a best interests' determination procedure is to be conducted in line with the SOP. There are three possible scenarios, return, stay or resettlement to a third country. The key actors supporting the return of a child to the country of origin are the Centre for Social Work, IOM and the Red Cross. They are developing a special programme and procedure for voluntary repatriation of children that defines all steps required, on the basis of the best interests' determination.

With regard to local integration, the key actors are the Centre for Social Work, the Centre for the Integration of Foreigners, which has been established in 2009, the local self-government authorities and the employment agency. The Government of Macedonia developed a strategy for the integration of refugees and foreigners for 2009-2015, which is currently being re-drafted for the period 2016-2020. Several relevant laws are being amended or are in process of revision to incorporate new provisions related to integration. The option of resettlement in a third country has thus far only been used for cases of family reunification.

In practice, there are still several challenges in receiving unaccompanied and separated children. Language and cultural differences pose barriers to effective communication and information. We are doing our best to assist the migrants, in particular the children, to learn our language and local culture as early as in the transit centres, but providing education for all remains a challenge. On the side of the local government, we are struggling with a low interest, limited capacities and the fear of the unknown. There have been cases of municipalities with 20,000 inhabitants receiving approximately 18,000 migrants and refugees on a single day. Another area where we see need for improvement is the cooperation with the countries of origin and the preparation for the documentation required for voluntary repatriation or resettlement.

***Rados Djurovic, Executive Director, Asylum Protection Centre, Serbia***

The Asylum Protection Centre in Serbia provides support and assistance to migrants and asylum seekers. On their route through the Western Balkans, some migrants and refugees are arriving from Greece and Macedonia, others from Turkey and Bulgaria. In 2015, Serbia registered 577,995 asylum seekers, including 10,664 unaccompanied children. In 2016, the numbers have fallen to 10,203 asylum seekers registered thus far, including 144 unaccompanied children. The main countries of origin are Syria, Afghanistan, Iraq, Iran, Pakistan and Somalia.

Although national borders along the Western Balkan route were closed in early 2016, there are many signs indicating that the route is still active, people are still passing through and it has become more difficult for Serbia to handle this as many persons are now remaining in Serbia for longer periods of time and the structures are not prepared for such high numbers. During 2015, the unaccompanied children used to stay only for a few hours or days, while nowadays

they tend to remain in Serbia for several weeks. Many persons are however waiting desperately to continue their journeys.

We have noticed that there is a general lack of staff capacities, for instance of social workers, mobile teams, guardians and interpreters. The state institutions are lacking technical capacities in handling the cases of unaccompanied children. We are still experiencing the situation as a crisis.

The national statistics show that the number of children who are identified as accompanied or unaccompanied has decreased but it is questionable if there are really less children coming or if the system is simply not identifying them. It is particularly difficult to identify unaccompanied children because many are escorted by relatives or by non-related adults. Many children travel in groups so that it is very difficult to verify family relations or to identify parents, or even traffickers accompanying children on the journey.

The national data are not exhaustive as the Serbian state is not registering all persons who are entering the country. In consequence, there are no reliable data on the number of persons who are entering or staying in Serbia and responses are therefore difficult to plan and to monitor.

There are several problems that we are facing in Serbia, including with regard to accommodation, guardianship, access to health care and education. Many children are living in the streets due to the limited capacities of the accommodation centres. The existing centres are insufficiently equipped; there are not enough beds and only cold water in the bathrooms. There are not enough mobile teams working in the streets to assist these children and refer them to services. Guardianship services are in place but as long as unaccompanied children are not correctly identified, registered and referred to the accommodation centres, they have little chances of having a guardian appointed. Without a guardian, children cannot access the asylum procedure and vital services such as health care. By law, asylum seeking children are entitled to elementary and high school education but in practice, the state is lacking the capacity to ensure children's effective access and integration into school education. In practice, children have to enter the asylum procedure in order to get access to services. There are however many children who are transiting through Serbia or who are facing difficulties or delays in accessing the asylum procedure. For them, the access to services is therefore obstructed.

***Anesa Agovic, Director, Centre for Social Research, Bosnia and Herzegovina***

The Centre for Social Research is a non-profit non-governmental organisation based in Sarajevo, Bosnia and Herzegovina. The organisation combines different disciplines and professional backgrounds, including students, who work jointly towards improving the quality of life and safety through empowering communities, promoting a culture of non-violence and building a society based on a culture of peace, justice and equality. Against this background, the organization recognized the necessity to prevent the criminalization of the 'migration crisis' and to promote the protection of children's rights in this context. It collaborates also closely with diaspora organisations of persons from Bosnia and Herzegovina all over the world.

While Bosnia and Herzegovina is not a member of the European Union, its national laws and regulations derive from the standards defined by the EU as well as the United Nations, including general standards concerning the rights of the child and the protection of children from all forms of violence. Apart from these international and European standards, there are no specific legal

regulations or policy plans in place to address large-scale migration and asylum reception in Bosnia and Herzegovina.

There are nonetheless specialized human resources and NGOs that have experience in working with migrants and refugees, abandoned children and other vulnerable groups. There are some specialized centres in place that focus on the reception and accommodation of non-nationals. They provide temporary accommodation, including in family apartments. The Immigration Centre, for instance, has a capacity of 80 beds in the men's department, 12 beds in the women's department and two family suites. Since the opening of the centre in 2011 until mid-2016, the Center has hosted over 2,000 persons and more than 100 children. The number of persons hosted at the centre has overall decreased.

While Bosnia and Herzegovina has not had the same experience as Serbia and Macedonia with regard to the high numbers of migrants and refugees transiting or staying in the country, some analysts think that the numbers will increase in the near future. Hearing about the experience from other countries in the region is therefore important to plan and to be prepared.

***Katja Vukotić, Senior Adviser, Ministry of Labour and Social Welfare, Montenegro***

Montenegro is primarily a country of transit for migrants and refugees. The country is aiming to manage the situation by maintaining migration control and fully respect and meet the needs of children in transit.

In Montenegro, only 21 unaccompanied and separated children have been registered since the asylum centre has been opened in 2007. Although the number is very low, the relevant national institutions do face some problems in their work.

The Ministry of Interior is overall responsible for border control. At the border crossings, there are problems with the identification of children in terms of language and communication. UNHCR has a particularly important role in this context and provides interpreters to facilitate the communication with children at the borders and their identification.

After a child has been identified as unaccompanied at the border, the Ministry of Interior contacts the Centre for Social Work, which is responsible for determining a guardian for the child. The guardian is an employee of the Centre but often, the guardians are not perfectly skilled and qualified to work with unaccompanied or separated children. They can therefore support the child only in a temporary solution.

Previously, there were two institutions in place that would care for unaccompanied and separated children; the Centre for Asylum, which hosted younger children, and the Centre for Youth and Adolescents, where older children were placed. When the Centre for Asylum opened, this division by age was overcome and all children and youth are now placed at this centre.

The Centre for Asylum offers some activities for the unaccompanied and separated children and adolescents who are staying there, including language training for the children to learn Montenegrin, sports and craft training, in order to structure the days and make the time spent in the institution quality time.

Due to the low number of unaccompanied and separated children identified in Montenegro, there are several administrative problems. They relate mainly to the fact that the staff are

inexperienced in handling these cases. There is also a need to strengthen the national legislation and ensure that it is fully applied and implemented in practice.

### **Protecting unaccompanied children abroad: The perspectives of countries of origin on transnational cooperation in child protection cases**

***Tanya Stihari, Child Rights Information Centre, Moldova***

The Republic of Moldova is a small country with 3.5 million inhabitants. Shortly after its independence in 1991, Moldova ratified the UN Convention on the Rights of the Child. The ratification prompted a group of mayors to start a movement to promote the implementation of the Convention in practice. The Child Rights Information Centre in Moldova was founded in 1998 and works to ensure that children and professionals working with and for them know about these rights and are actively engaged in promoting children's rights in practice. The Centre supports, among others, children who are left behind by parents working and travelling abroad and conducted research to better understand the situation of these children.

The research revealed that one third of the school-aged children living in Moldova have at least one parent abroad. The public authorities in charge of child protection do not consider children left behind as a vulnerable group as the existing social policies address primarily the vulnerability determined by the material and financial needs. The quality of services for children, caregivers and parents is very weak, mainly due to the limited financial and human resources and capacities. As a result, practitioners are not prepared to respond to the needs of children in an appropriate way, including specifically for children left behind. Children left behind express themselves a strong will to migrate abroad in the future. Their motivations relate to the parents' migration, a general lack of opportunities to provide for themselves life in Moldova, and the will to join their families abroad.

Our research has also revealed some recent trends. The visa liberalisation has been positive but also encourages many parents to leave the country in search of work abroad, leaving their children behind. Visa liberalisation and new technologies make it easier for the migrant parents to remain in contact with their children in Moldova. We have observed that among the children who accompany their parents abroad, some succeed to integrate into the new communities while others find it very difficult. Many children and families return to Moldova where they are in need of targeted support. At present, we see that the public opinion is starting to be more sensitised to the situations of the children left behind, but there are still no specialised structures and professionals to respond to their needs in an appropriate way. The research revealed also that many parents are actively seeking information and access to parental education programmes and this is true for both, those who are migrating and those who remain in Moldova. This interest offers important opportunities for us to work with parents and families and strengthen positive parenting, child-sensitive communication, childcare and child rearing skills. There is also an increased openness for skills training for children, for instance to learn about how to manage their emotions and prepare for an independent life.

Based on these research findings, the Child Rights Information Centre is raising the public awareness of the consequences of the parents' departure on the children's development. We work a lot with the media and would like to educate them to reflect and report on children's issues on the news and to be aware of ethical standards in reporting on children in a sensitive way. The public awareness raising and media engagement are important for the development

of national and local policies and practices in support of children and families. The research revealed also that there is a need to develop the community infrastructure and qualitative services for children and adults at the local level, including counselling services and opportunities to participate. Children and parents need access to programmes for life skill development focusing on skills such as self-administration, communication and relationships, and management of resources and emotions. Professionals working with children on the other hand need to be trained to meet children's needs and to respect their rights.

In response to these findings, the Child Rights Information Centre developed a series of training and education materials. The material is targeting parents, caregivers and professionals working with children such as social workers, teachers and representatives of schools, district councils and child protection services. The subjects focus on how to support children left behind, how to manage the class when the majority of the children have parents who have migrated abroad. The teachers do not always know how to interact with the children who can, at times, show different reactions and behaviours caused by emotional problems. We encourage teachers to engage the children in different social activities, to use assertive communication methods, support children at school and in preparation for the work life and be particularly aware of the need to prevent violence against the children.

The Child Rights Information Centre has developed guides for teachers, parents, children, caregivers and legal guardians. Each guide addresses issues that are specific for the target group. Overall, the guides address the consequences of parents' migration on children, different forms of assistance for parents, children and caregivers, the legal framework to protect children left behind, as well as concrete skills development, including life skills, social and coping skills and communication skills. The guides are available in two languages, Moldavian and Russian.

***Altin Hazizaj, Director, Children's Human Right's Centre, Albania***

The population of Albania is estimated to range between 3.8 and 4.2 million persons, with at least one third of the population living abroad. The main countries of destination are Greece, Italy, Germany, UK and the USA. Children and young people make up for approximately 40% of the population, while the youth unemployment is at 30% the highest in Europe. 20-30% of the active workforce are estimated to be unofficially employed, which concerns mostly women and youth.

The national legal framework on child rights is quite strong but the level of implementation in practice remains very low. The poverty rate is very high in Albania, with 40% living on 1-2 USD per day, including an estimated 100,000 children. Although the economic growth rate is promising, the wealth is mostly concentrated in the hands of very few. Roma and Gypsies are two of the most socially excluded groups. They live mainly at the margins of urban areas with very few opportunities to access education and employment. Social services and child protection services are very weak and almost incapable of responding to the high needs and demands of the population.

Albania has experienced two waves of migration from the country. The opening of the country in the early 1990s prompted many to leave and migrate to Italy, Germany and other European countries. Many succeeded to find work and integrate into their new societies. A high rate of undocumented migration brought about phenomena of exploitation and trafficking of Albanian citizens, including children. The economic and financial crisis in Europe affected also Albanian

migrants living abroad. A prolonged lack of opportunities for work and social support made it impossible for them to support their families back home. These developments brought about a second wave of migration that culminated when high numbers of refugees from Syria and Afghanistan transited through Greece and the Western Balkan route. Estimates suggest that as a minimum 100,000 children and adults, mainly from Roma and Gypsy communities, departed from Albania in 2014 and 2015 in order to migrate to Western European countries.

Estimates suggest that approximately 5,000 children have been trafficked from Albania and over 2,500 children are living in a street situation in Albania, mainly involved in begging. The state budget for the year 2017 will however only be able to assist around 820 children in difficult circumstances.

Also in Albania, many children were left behind by their parents who left in order to work in another country. In many cases, the parents migrated without the required documents. When parents succeed to enter the regular labour market in another European country, they often manage to send remittances home and their children are often quite well off compared to others.

The Children's Human Rights Centre in Albania has been made aware of a case that illustrates the numerous problems involved in supporting and assisting unaccompanied children abroad and after their return to Albania. This is the story of Genti, an 11 years old Roma boy who migrated with other friends to Italy without the required travel documents. A young Albanian man had promised them employment and a salary. Once they arrived in Italy, the man asked the boys to beg on the streets of Rome and to hand over all the money to him at the end of each day, as he would distribute it back to them equally. The boys were never able to recuperate their money from the man and were only provided with food and shelter. One night, Genti was stopped by the police who took him in and returned him to his family in Albania. As the family was living in extreme poverty, they enrolled Genti in a social programme offered by an NGO, which promised food and shelter at night for children. While Genti was staying in this shelter, he was exposed to sexual violence from two or more adult men working in the shelter.

After the shelter had been operating for over two years, the Government closed it and arrested two non-national men working there. They were charged for sexual violence against children and are serving a prison time in Albania. It was estimated that more than 40 boys and girls had been sexually abused and exploited in this shelter. Most of the victims are still in the streets begging or involved in sex work. Also Genti went back to the streets in order to beg and to pay for his food and support his family. Several social workers report that they believe he is involved in sex work.

Despite many attempts from social services to support Genti with shelter and financial aid, the street has become part of his life and he does not enrol permanently in any programme that supports street children. He does not know how to read and write. In 2014, with the new wave of migration, Genti moved to Germany where we believe he worked as a sex worker. After the change of legislation in Germany, he was again returned to Albania, where he is still involved in begging and we believe that he is working as a sex worker. His family does not know about this and they believe he makes his money only by begging.

The Child Rights Information Centre has launched a programme that give hope and create perspectives for children like Genti and prevent them from getting involved in street work and sexual exploitation. The programme "Every Roma Child in Kindergarten" is a joint initiative of

three national NGOs and is funded by UNICEF Albania and the Swiss and Austrian cooperation agencies. It aims to ensure that all Roma children are integrated into kindergarten where they get access to education. The programme provides a parenting model, created a Roma parents' club, brought parents inside the kindergartens and schools and engaged them in planning the future of their children together. Over a three-year period from 2013 to 2016, 1,364 Roma children have been integrated into kindergartens all over Albania. By the final year of the programme, 375 children had registered in compulsory education, 599 children had been vaccinated and 220 children had been registered at the Civil Registration Office. In total, 9,639 parents in the Roma communities have been periodically contacted and received information about the importance of their dedicated support to their children during early childhood development. 149 parents' clubs of Roma and non Roma parents have been established.

Based on our experience, we would like to share the following recommendations: There is a need to support reintegration programmes for children and young adults who return to countries of origin, including social programmes and direct support. There is a general need to increase funding opportunities for countries of origin to improve their capacities to provide better and more coordinated services. In Albania, we would like to see more support to local CSOs and NGOs to scale up their capacities to work with families and parents and to strengthen social networks to protect children. Local governments also need support to provide services and social support to children and young people who are at risk of exploitation or planning to depart on precarious migration projects. In addition, it would be important to enhance the use of technology to collect and analyse data on the migration of children and families.

***Radoslav Stamenkov, Head of Office, IOM, Bulgaria***

Bulgaria is not only a country of origin and transit but also of destination. Located at the external border of the EU, Bulgaria is one of the gates into the European Union for many migrants and refugees. Before 2013, Bulgaria was mainly a country of origin of persons migrating to other European countries. That changed in light of the situation in the Middle East. In 2015 and 2016, many migrants and refugees found themselves stranded in Bulgaria due to the tightened border controls. Between January and end of November 2016, over 15,000 migrants and refugees attempted to enter or exit the country without any travel documents or are residing irregularly in Bulgaria. In the same period, Bulgaria received 5,000 asylum applications. The main countries of origin are Afghanistan, Syria, Iraq and Pakistan, and there are also many stateless persons. The situation is however very dynamic and during 2016, there have been more children from Pakistan and Afghanistan entering into Bulgaria.

The national legal framework incorporates the main international and European standards and laws, including provisions on guardianship and alternative care, access to the asylum procedure, appropriate accommodation, and access to education. The Law on Child Protection provides for a definition of 'children at risk' and of the principle of the 'best interests of the child' as well as the child's right to be heard and to participate in procedures. Unaccompanied children cannot be placed in detention centres according to the Law on Foreigners.

Despite the advanced legal framework, there are still challenges in meeting the needs and safeguarding the rights of unaccompanied children. The procedure for appointing a guardian or representative for unaccompanied children has been followed only in few cases. The national law provides that the guardian shall act only as a representative to complement the limited legal capacity of the unaccompanied child. The specific role and tasks of a guardian still need to be

defined and clarified in more detail. There remains a legal gap regarding the guardianship for separated children who are accompanied by close relatives or spouses and their rights to support remain unaddressed. Many unaccompanied children are accommodated in general facilities that are not adequate for them and where they face risks of violence and trafficking. Some are detained together with unrelated adults. Age assessment procedures are posing problems as they are often unreliable. When conducting a best interests' determination for an unaccompanied child, it is often difficult to gather information from the country of origin and to assess the child's family situation.

Among the children arriving in Bulgaria, many are adolescents and close to turning 18 years old. For these adolescents, the decisions are often taken close to adulthood and they leave the care services soon after their arrival. They need support also as young adults in order to succeed in making a living and integrating into the society. In Bulgaria, as in other countries, a high number of children are missing from care and there is very little knowledge about their situations. The risks of trafficking and exploitation are high. Many children who have arrived in Bulgaria are reluctant to participate in integration and language courses and prefer to study other languages than Bulgarian, often English, which attests to the fact that they consider Bulgaria as a transit country. For the state institutions, it remains a struggle to reconcile international obligations concerning child rights and child protection with the state responsibilities to address irregular migration.

IOM is operating several programmes and activities for the protection of migrant and refugee children in Bulgaria, including capacity building and technical assistance provided to the Government of Bulgaria; support to family tracing and reunification; the Assisted Voluntary Return and Reintegration of children; and support to the integration in the country of asylum.

Based on IOM's experience in Bulgaria, we have identified several proposals and solutions to protect children in the context of migration and asylum. A priority area is the prevention of violence against children and respect for their rights along the migration route, from points of entry, in the hotspots, while in transit and in the reception centres. In order to achieve this, it is important to strengthen the development and operation of integrated national child protection systems and to build the capacity for child protection among all relevant professional groups and institutions involved in the reception and care of migrant and asylum seeking children, including asylum and migration professionals, NGOs, others working for and with children as well as volunteers and cultural mediators. There is also a need to collect information on refugee and migrant children and to monitor their situation.

***Mihai Sebe, Project Coordinator, European Institute of Romania***

Romania used to have a very low proportion of non-nationals living within the country. In 1990, 0.6% of the population were immigrants and by 2013, the rate was only slightly higher (0.9%). Most of the non-nationals at the time were citizens of Moldova and many of them of Romanian descent, so there are barely any cultural differences. Romania has traditionally received also very few asylum applications. Between 1991 and 2014, the total number of applications registered amounted to 26,606. In 2015, however, 1,266 asylum applications were received and the number has risen further during 2016.

Due to its history, Romania has strong ties with the Syrian people and there is a large Syrian diaspora of persons who have been living in Romania for many years and who are well

integrated. With the beginning of the armed conflict in Syria, many Syrians came to Romania in order to live with their family members and relatives from Syria. They arrived however, as migrants with valid visas, which was possible since Romania had maintained its diplomatic ties with Syria. These persons did therefore do not figure in asylum statistics.

Romania has seen a noteworthy trend in the political discourse and public debate. Although three quarters of the population were against receiving asylum seekers and refugees in Romania in December 2015, no extremist party has entered the Romanian Parliament in this year's elections. When the asylum seekers arrived, large parts of the population changed their attitudes. The political discourse had from the very beginning a strong condemnation of any form of xenophobia and hate speeches. The fact that we accepted refugees was discussed as an important opportunity and a positive development for the country and the people. Nonetheless, we observe a lot of hate speech and false information distributed through social media.

In response to the unusually high numbers of asylum seekers, the cooperation between the state authorities at the central and local level, NGOs and the civil society became stronger and closer and developed into a fruitful partnership that had previously not existed in this form. The representatives of different state and non-state actors started to gather regularly and included representatives of the main national minority groups and refugees. In the second half of 2015, the National Council for the Integration of Refugees was established. The main priorities for the Council are to facilitate the learning of the Romanian language as language skills are key to effective integration of migrants and asylum seekers. In addition, the Council is tasked to find solutions for the registration and documentation of asylum seekers as many did not have any identity documents but require papers in order to enter the labour market in Romania.

During 2015 and 2016, only 542 refugees have been relocated to Romania. During 2015, 55 unaccompanied children were relocated to Romania, most of them were boys and their countries of origin are Afghanistan, Syria and Bangladesh. We see the main challenges not so much with ensuring accommodation but rather in ensuring their access to medical services, temporary identity papers and effective integration. There is a general lack of language trainers and interpreters and cultural integration programmes. The children also need legal representation for the asylum procedure. The public budget allocated to each refugee or migrant amounts only to approximately 150 Euro, which is a small amount and explains why many want to move on.

For many years, Romania has been primarily a country of origin and has faced many challenges with children left behind by their migrating parents. In 2012, there were 79,901 children left behind and 22,993 of them had both their parents abroad. We had cases of adolescents aged 15 or 16 years old who took care of their younger siblings and received money from their parents abroad but had not state support. In light of this situation, Romania has modified its legislation to the effect that parents who migrate abroad and leave their children behind have to notify the local council of their departure. The law provides for special protection measures for the children left behind as well as for children returning from abroad.

During the financial and economic crisis of 2009-2010, we observed a reversed movement as many families returned to Romania. Many of the children had serious problems in reintegrating into the school system. Many of the children had not been asked about their opinion concerning the migration of their parents or the family's return to Romania. There were difficulties in the family communication and the children were having psychological problems.

In response to these developments, we noted that it is important to develop the grass root networks of social workers and to mobilise the support of local communities. Many problems have been solved through the initiative of school teachers who provided leisure time and recreational activities and school clubs for children who have been left behind together with other children so they could socialise.

Solving the challenges and problems facing the children who are coming to Romania as migrants or refugees, as well as Romanian children returning from abroad or left behind by their migrating parents, is about our future. We need to have a grass roots approach where we support local communities and authorities in promoting social and cultural integration as the key to success. In addition, there is a need for a strong and strategic communication campaign, based on facts and evidence, and an intensified public and political advocacy process.