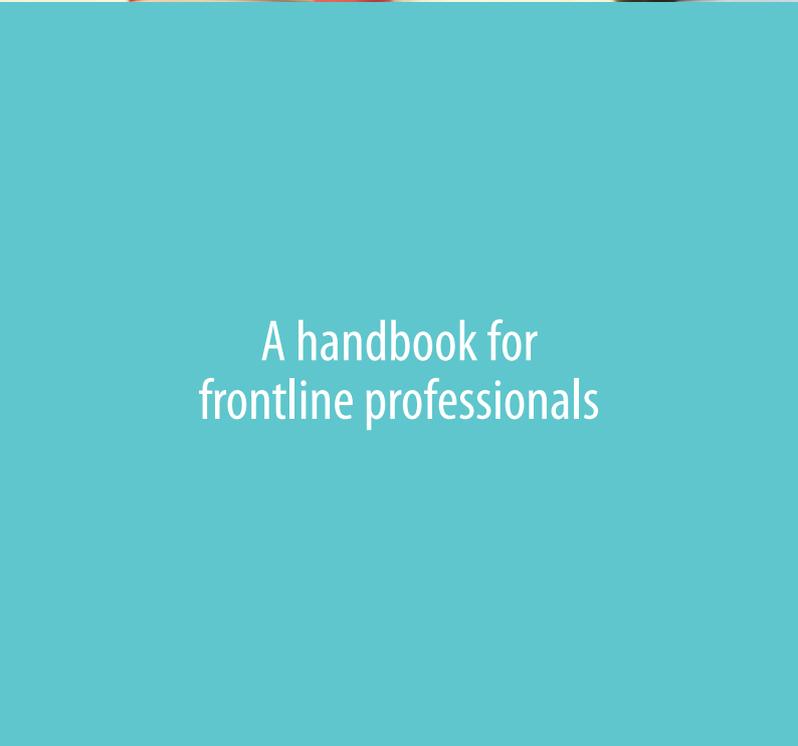




How to convey child-friendly information to children in migration



A handbook for
frontline professionals



Building a Europe
for and with children
www.coe.int/children



The opinions expressed in this work are the responsibility of the author(s) and do not necessarily reflect the official policy of the Council of Europe.

All rights reserved. No part of this publication may be translated, reproduced or transmitted, in any form or by any means, electronic (CD-Rom, Internet, etc.) or mechanical, including photocopying, recording or any information storage or retrieval system, without prior permission in writing from the Directorate of Communication (F-67075 Strasbourg Cedex or publishing@coe.int).

Cover, layout and Illustration: www.theportcreative.com

Cover Photo: © Council of Europe

Council of Europe Publishing
F-67075 Strasbourg Cedex
<http://book.coe.int>

Edited by Naomi Trewinnard
© Council of Europe, December 2018
Printed at the Council of Europe

How to convey child-friendly information to children in migration

A handbook for
frontline professionals

Council of Europe

Contents

Acknowledgments	03
About the authors	05
Foreword	07
Introduction	09
1 Transversal concepts	15
What does child-friendly information mean?	16
When do children need child-friendly information?	22
How can you communicate in a child-friendly way?	23
Relationship of trust	23
Pay attention to non-verbal communication.....	26
Tools for child-friendly information	27
Adapting information to address the child's vulnerabilities.....	30
Child-friendly procedures.....	36
2 Arrival at the borders, external and internal	37
Who should give information upon arrival?	40
What information do children need to receive upon arrival?.....	41
How can information be communicated in a child-friendly way in an arrival setting?	43
Specific vulnerabilities	47
3 Age assessment and identification	49
Who should give information?	52
What information does the child need about age assessment?.....	53
• <i>The reasons why authorities undertake age assessment</i>	53
• <i>Information about the child's status during the age assessment procedure</i>	55
• <i>Information about the procedure itself</i>	55
• <i>Informed consent and the right to be heard</i>	56
• <i>Specific information needs</i>	56
When does the child need to receive information?.....	62
How can you effectively inform children about age assessment?.....	62
Pay attention to the information needs of children with specific vulnerabilities	62

4 Child protection: provision and care63

Who should give information about child protection, care and reception?66

What information do you need to give the child?67

- Accommodation67

- Health care73

- Education, vocational training, apprenticeships, work76

- Leisure, culture, sport, volunteering78

Specific vulnerabilities79

5 Access to guardianship and legal advice81

Who should give information?83

What information do children need?84

- Access to a guardian or lawyer84

- Roles and responsibilities of guardians and lawyers85

- Participation in the decision-making process88

- Planning for the future89

Specific vulnerabilities90

6 Immigration and asylum procedures and durable solutions93

Who should provide information about immigration and asylum procedures and durable solutions to children in migration?95

What information should be provided?97

- Information on asylum and immigration97

- Specific information about procedures applied in the host state98

- Legal issues101

- Practical issues102

- Points of transition104

- Children detained on the basis of immigration status105

- Durable solutions107

- Returns108

Conclusions 111

Annex 1 Factsheets 113

Factsheets for emergency response and arrival situations 114

- Remember that your priorities are not the same as the child's 114

- Information you will need from the child 115

Factsheet for child-friendly information and the child-protection system 116

Factsheet for age assessment 117

Tool for guardians to communicate with children 118

Communication tips about durable solutions 119

Additional information considerations in detention 120

Annex 2 Table of Key Standards 121

Annex 3 References 127

Acknowledgments

This practical handbook for professionals working with children affected by migration or otherwise on the move has been prepared by the Council of Europe Children's Rights Division in the context of the Council of Europe Strategy for the Rights of the Child (2016-2021) and the Council of Europe Action Plan on Protecting Refugee and Migrant Children (2017-2019).

Many individuals, children and professionals in various Council of Europe member states have collaborated with the Children's Rights Division in the development of this handbook. Our special thanks go to the participants who took part in the round table on child-friendly information for children in migration, which took place in Strasbourg on 29 and 30 November 2017, to all those who participated in the call for examples of promising practices of child-friendly information held in November 2017 and to all the children who took part in the consultations that took place in October and November 2017 with children in five Council of Europe member states.

The Council of Europe thanks the working group of experts who co-authored this handbook based on their own expertise as well as the findings and recommendations of the round table, selected examples of promising practices received and the views expressed during the child consultations.

The Council of Europe would also like to thank the following organisations for participating in the drafting and review process:

The United Nations High Commissioner for Refugees (UNHCR), the European Youth Information and Counselling Agency (ERYICA), the Partnership between the European Commission and the Council of Europe in the field of Youth, the European Union Fundamental Rights Agency (FRA) and the European Border and Coast Guard Agency (FRONTEX).

About the authors

Guillaume Coron

Head of Service,
First Reception Centre,
France.

Guillaume Coron is Head of Service at a first reception centre for unaccompanied children in France. He has been working with children in migration for the last 20 years and recently contributed to the National Agency for Social and Socio-Medical Evaluation (ANASEM) recommendations for good practices for professionals for the reception and support of unaccompanied children in France. The reception centre also provides care to children who cannot (or no longer) be cared for in mainstream alternative care institutions due to their personal circumstances or due to the degree of their psychological or psychiatric condition.

Silvana Leonforte

Social Worker Co-ordinator,
Prefecture of Ragusa, Sicily,
Italy.

Silvana Leonforte is Social Worker Coordinator for the PUERI project of National Foundation of Social Workers in Ragusa, Sicily, coordinating the emergency response to the arrivals of child refugees and migrants arriving to Sicily by sea. As a specialist social worker in emergency responses, with expertise in social integration for migrants and refugees, protecting victims of trafficking in human beings and victims of sexual exploitation and children in conflict with the law, Silvana also contributes to research on the educational needs of unaccompanied children in Sicily with the University of Palermo.

Daniel Senovilla Hernandez, Ph.D

Research fellow CNRS
(Ingénieur de Recherche CNRS)
MIGRINTER, University of Poitiers, France.

With a PhD in Migration studies at the University of Comillas, Madrid and an EA and a Master in International migration, Daniel Senovilla Hernández applies a multidisciplinary approach combining legal analysis and social research at a comparative level. Since 2004 he is based in France hosted by the research centre MIGRINTER (CNRS). He is currently in charge of the Observatory on the Migration of Minors (OMM: <https://omm.hypotheses.org/>) and the main editor of the electronic journal "Children and young people on the move – Jeunes et Mineurs en Mobilité".

Anna Skehan

Immigration Solicitor,
Islington Law Centre,
United Kingdom

Anna Skehan is a specialist children and young person's immigration solicitor at the Migrant and Refugee Children's Legal Unit (MiCLU) in the UK, and has been practising immigration and asylum law since 1998. She has specialised in representing children and young people since 2010 and has helped to establish MiCLU's child-centred practice in representing migrant children and to develop child-friendly information and materials for children migrating to the UK.

Ellen Van Vooren

Researcher and Policy Adviser,
Kenniscentrum Kinderrechten vzw (KeKi)
– Children’s Rights Knowledge Centre

Ellen Van Vooren works for the Children’s Rights Knowledge Centre which aims to gather, make available, disseminate and stimulate scientific knowledge on children’s rights. Having studied Criminology at Ghent University and International Development at Katho-Howest she has worked with women and children’s rights in Peru, as a prevention worker in the mental health sector and the Study and Policy Service of Fedasil, the federal agency for the reception of asylum-seekers. Ellen has followed continuous training in forensic behavioral sciences at the UGent.

Information:

The promising practices contained herein have been referred to with the author’s permission for the purpose of illustrating child-friendly information examples. All hyperlinks were working and up to date at the time of publication.

Foreword

Lack of accurate information disempowers refugees and migrants. Without trustworthy sources of accurate information, refugees and migrants experience additional stress and anxiety; they feel lost and have no understanding of what is happening or what will happen to them. Lack of accessible information also puts states in competition with smugglers and other criminal networks on communicating about migration pathways.

The problem is even more serious when it comes to refugee and migrant children, especially if they are unaccompanied or separated from their families. To provide information to children is more than handing them a brochure on rights and procedures. It means talking to them in a way that they understand, depending on their age, gender and culture. It means building a relationship of trust. It means helping them make sense of what they are facing when they arrive in Europe. The reality is that information, when it is available, most often is not provided in a child-friendly and age-appropriate manner.

This is why Council of Europe member states adopted, in May 2017, an Action Plan on Protecting Refugee and Migrant Children in Europe to provide a comprehensive response to various problems identified in terms of access to rights and procedures and protection from different forms of violence and integration. As a priority action it aims to support Council of Europe member states in promoting good migration policies by ensuring that all children in a migration context are provided with relevant information on their rights and on procedures, in a child-friendly manner.

In this sense, this handbook is a practical guide for frontline professionals on how to accompany a child at each stage of his or her journey: from arrival at our borders to finding durable solutions towards integrating into the host country. The handbook offers food for thought and practical applications to encourage professionals to think critically about how they communicate with children and to encourage the respect of their rights, including the right to be heard and to participate in the procedures affecting them.

Empowering children to access their rights through child-friendly information is a key step towards increasing their protection from all forms of violence, abuse and exploitation. It is taking them out of a precarious and dangerous situation and steering them to a safer future.

Tomáš Boček

Special Representative of the Secretary General on migration and refugees

Introduction

Migrant and refugee children continue to be one of the most vulnerable groups in Europe today.¹ Access to information has repeatedly been found to be inadequate, with the consequence that children and teenagers cannot access their rights or understand the procedures affecting them (Council of Europe 2017a). This handbook has been developed to equip professionals and volunteers who interact with migrant and refugee children to communicate in a child-friendly way about their rights and the procedures affecting them. Through this handbook, professionals and volunteers will understand how to apply international children's rights in national contexts. The concrete steps outlined in this guide explore how professionals and volunteers can serve the best interests of the child by ensuring the child's right to information and their right to be heard are effective.



Terminology

As a general rule we have chosen to refer to migrant and refugee children and young people under the age of 18 simply as children throughout this handbook.

The principles and guidance in this handbook apply to any information or communication with a child on the move who is under the age of 18 including young children, teenagers and young-people in transition to adulthood. It is important to communicate with children in a child-friendly way whether they are unaccompanied, separated or accompanied by their parents or caregiver.

This handbook pays specific attention to the needs of unaccompanied and separated children because of their high number and their specific vulnerabilities.

It is important to bear in mind that children accompanied by their families need information too. We recommend that if you work with accompanied children you adapt the guidance contained in this handbook to the needs of those children as well.

1. Council of Europe Strategy on the Rights of the Child 2016-2021, available at <https://rm.coe.int/168066cff8>.

Why was this handbook developed?

The United Nation Convention on the Rights of the Child (UNCRC) applies to all children within the jurisdiction of a member state without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, including immigration status.² Every child has the right to be heard and to receive adequate information about their rights and the procedures affecting them.³



'Child'

Includes all children under 18: including young children, teenagers and young people in transition to adulthood.

Children should not be detained for immigration purposes.⁴

Given that children continue to find themselves in situations of detention we would like to give some guidance to professionals about how to communicate with children in this particularly vulnerable situation and how to help children to overcome the situation of detention and realise their right to their liberty. Such advice is integrated into each section where relevant.

2. UN Convention on the Rights of the Child 1989, *Article 2*.

3. UNCRC, Article 12. UN Committee on the Rights of the Child (CRC), General Comment No. 12 (2009), *The right of the child to be heard*, 20 July 2009, CRC/C/GC/12

4. Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and the Members of their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, para. 10.

5. Committee of Ministers Recommendation on Youth Information, CM/Rec(2010)8.

**‘Child-friendly information’
means information that
is adapted to the child’s
age, maturity, language,
gender and culture.**



Age, maturity



Language



Gender



Culture

Council of Europe Committee of Ministers
Guidelines on child-friendly justice adopted
on 17 November 2010, guideline 2.

The Committee of Ministers Recommendation
on Youth Information provides a framework
for the provision of information.⁵

Children must be informed of their rights to a life free from violence, to seek asylum, to non-refoulement, to family reunification and to liberty. In addition, children have an actionable right to an effective remedy against the unlawful interference with their rights. Children must be informed that this right to an effective remedy is independent of any such right belonging to any accompanying adult.⁶

1. Children have the right to be informed about their rights

Children, whether they are unaccompanied, separated or accompanied, all have the right to receive age-appropriate and adapted information irrespective of their immigration status.

2. Without child-friendly information children cannot access their rights

The right to information is a pre-condition for the effectiveness of all the rights of the child. Children in migration face additional barriers in access to rights due to linguistic, cultural and other barriers; child-friendly information is key to unlocking access to rights and procedures.

3. Without child-friendly information children are at risk

Children on the move are acutely vulnerable; without adequate child-friendly information about their rights they cannot make informed decisions or access help. Lack of information can result in feelings of insecurity and increase vulnerability to trafficking in human beings and other forms of exploitation or abuse.

It is in the best interests of the child to receive child-friendly information to empower them to participate in the procedures affecting them. They must therefore be informed about relevant procedures and the consequences so that they may express an informed opinion that will be given due weight according to their maturity and understanding.⁷

Best interests of the child aims to ensure the full and effective enjoyment of the rights of the child and the holistic development of the child. It is threefold:

- 1) a substantive right of the child to have their best interests taken as a primary consideration in all matters concerning them;
- 2) a principle whereby the interpretation of a rule that is most favourable to the child must be applied;
- 3) a rule of procedure whereby adults must evaluate the impact of any procedure or decision on the child and balance this against their best interests.⁸

6. European Convention on Human Rights 1950, *Article 13*.

7. UN Convention on the Rights of the Child 1989, *Article 3, Article 12*.

8. UN Committee on the Rights of the Child (CRC), General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (*Article 3, para. 1*), 29 May 2013, CRC/C/GC/14.

Communicating with children about best interests assessments

The best interests assessment can be complex. It should be fact-specific and evidence-based.

The UNHCR Guidelines on Determining the Best Interests of the Child (2008) indicate that adequate participation of the child is essential as a basic procedural safeguard. It is essential to inform the child about:

- their right to participate in the best interests assessment;
- how their best interests will be assessed and by whom;
- how their views will be listened to and communicated;
- how much weight will be placed on the child's views;
- what other factors will be considered and what weight will be given to these including: the child's personal background, family situation, past experience/situation in the country of origin and journey, his/her development, the mental and physical health of the child, adequacy of concrete care arrangements, the safety available to and the risks the child is/was exposed to, including the risk of gender-based violence and sexual violence, and any immigration or asylum procedure;
- how the child can be supported to identify what is in their best interests;
- the role of their guardian in the best interests assessment;
- any obligations on other actors (local authorities, medical experts, educational establishments) to provide evidence in relation to the child's best interests.

How was the handbook developed?

This handbook was developed by and for those who communicate with children on the move. It is a practical and advisory tool to provide professionals and volunteers with food for thought, advice and guidance on communicating with children in migration about their rights and the procedures affecting them.

The contents were developed by a working group of experts, building on the recommendations of stakeholders working to safeguard children in migration at every level, including government and local authorities, ombudspersons for children, national experts and professionals working with children in migration (Council of Europe 2018a). The handbook also contains views expressed by children affected by migration: the children's recommendations referred to throughout the text were gathered during workshops in five member states across the Council of Europe, these are shown in yellow boxes (Council of Europe 2018b). The handbook also includes examples of promising practices provided by stakeholders in response to an open call.

How to use this handbook?



Promising practices

The handbook does not seek to be exhaustive but to give practical guidance to enhance professional practice. It was developed at the Council of Europe level and does not address the specific national contexts of each member state; the authors seek to draw on overarching principles that can be used in national and local contexts.



Practical tip

The handbook is addressed to professionals and volunteers working with refugee and migrant children across Council of Europe member states. Each chapter is tailored to the communication challenges facing professionals working with children at each stage of the child's journey from arrival through identification and reception to status determination procedures and integration with a durable solution.



Points to consider

The handbook includes examples of **promising practices** implemented around Europe that the reader may find inspiring when considering how to implement the handbook in their day-to-day practice. The text also includes **practical tip** boxes to highlight ways to implement this guidance in the reader's everyday practice as well as particular **points to consider** in drawing the reader's attention to specific situations or risk factors. Each chapter contains a list of **questions children may have** in the context of the chapter, **quotes from children**, **children's recommendations** and a section on the **golden rules** for child-friendly information in that context.



Questions children may have



Quotes from children



Children's recommendations



Golden Rules

The factsheets included in the annexes of the handbook have been designed to aid the reader to implement the guidance contained herein when interacting with children about their rights and relevant procedures.

01

Transversal concepts



Golden rules

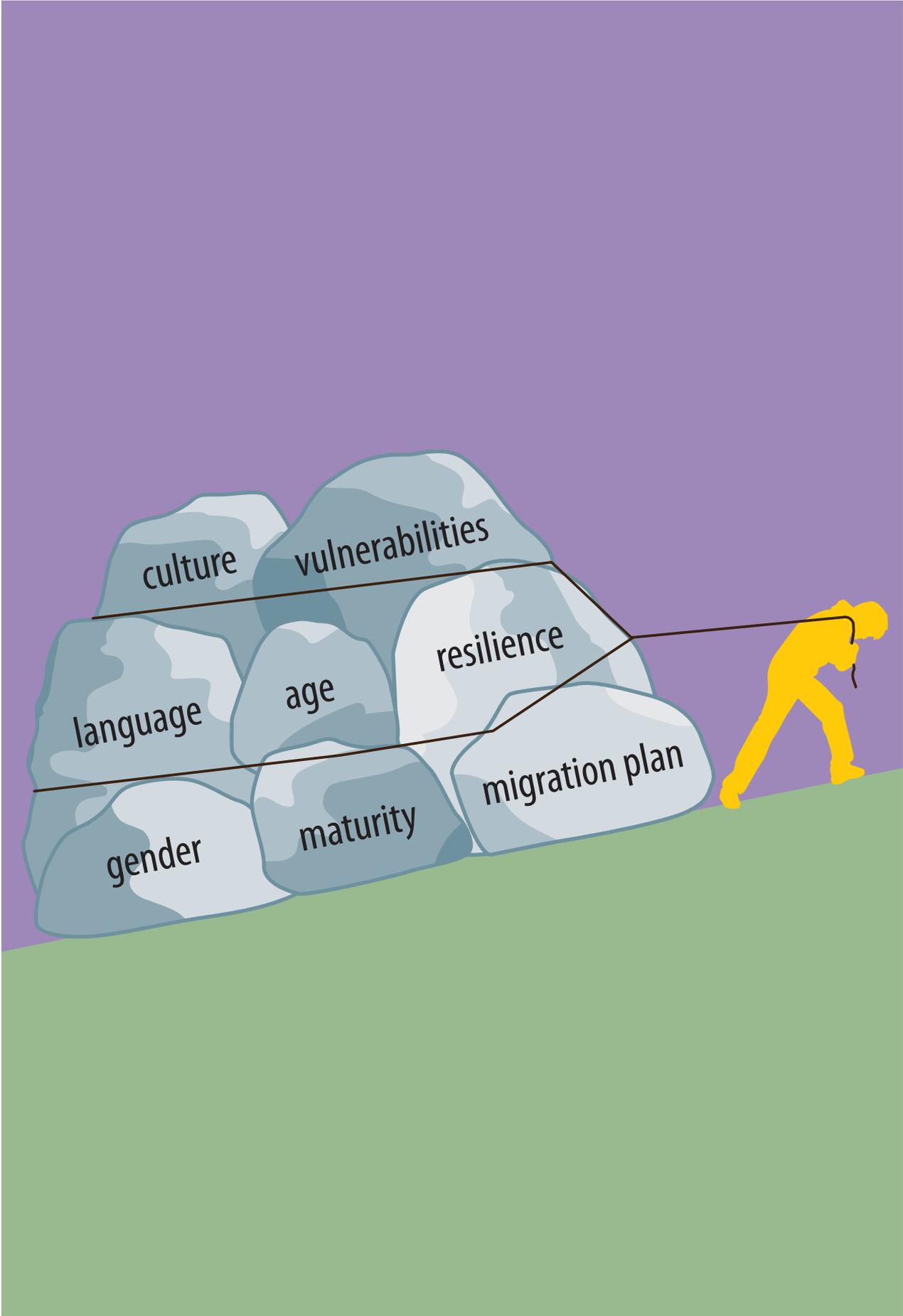
- adapt information to the situation of the child;
- empower children by providing information that gives them strength and resilience;
- ensure children understand what information is confidential and what you are obliged to disclose;
- use non-judgmental vocabulary;
- use open questions;
- do no harm;
- give the child all necessary information even if it might only be useful at a later stage.

What does child-friendly information mean?

‘Child-friendly information’ means that information must be adapted to a child’s age, maturity, language, gender and culture.⁹ This will require the information provider to adjust the information and complexity of their communication according to each individual child’s situation right up to the age of 18. These elements should be taken into account cumulatively.

Any information can be rendered child-friendly by the information provider, including generic information on rights and youth information. This can be achieved by adapting the information accordingly.

9. Council of Europe Committee of Ministers Guidelines on child-friendly justice, adopted on 17 November 2010, *guideline 2*.





Information should be adapted to the **child's age and maturity** to take account of their level of understanding of their rights and the relevant procedures. The age and maturity of the child will be relevant when considering the content of the information to be communicated and the complexity of the terms that may be adopted.

For example, a very young child will probably not understand complex technical vocabulary linked to legal procedures whereas a 17-year-old in transition to adulthood may have the maturity to understand this vocabulary.



Practical Tip

Giving a young child an information leaflet written for adults will probably indicate that you have not provided child-friendly information, even if the information is written in the child's own language, because it will not be using vocabulary or terms that are adapted to the child's age and maturity.



Adapting the information to the **child's language** means that the information should be communicated in a language that the child understands. This implies translating the information into the language spoken by the child using appropriate vocabulary. Use interpreters and cultural mediators wherever possible to communicate with children to ensure they understand the information given and are able to participate in the procedure. If the child speaks a minority language or a regional language it is preferable to communicate with them in this language because the child may not speak the official language of their country of origin.

Children have expressed feelings of stress and lack of trust towards interpreters from their culture of origin especially when communicating about international protection needs or situations of abuse and vulnerability.



Practical tips to build trust with interpreters

1. check that the child and the interpreter understand each other;
2. start by explaining who you are and what the interpreter's job is;
3. make sure the child understands that the interpreter should not judge them or tell other members of their community the details of your conversation;
4. give the child a choice about the gender of the interpreter.



Ensuring information is adapted to the **child's gender** is of particular importance when communicating with a child in person, during an interview or a workshop. Adapting information to the child's gender may have repercussions on the content of the information as girls, boys and lesbian, gay, bisexual, transgender and intersex (LGBTI) children will need to be informed about relevant gender-based protection and help available. The way information is provided should also be appropriate. For example, consider how you should adjust information to address the different vulnerabilities and resilience of boys and girls who have survived sexual abuse according to their gender; if possible, give the child the choice of whether to talk to a man or a woman.



Adapting information to the **child's culture** is of particular relevance in the context of child-friendly information for children in migration because the children encountered will come from a wide range of cultures and backgrounds. To communicate in a culturally sensitive way, familiarise yourself with the child's culture of origin to build a relationship of trust and enhance the trust placed in the information by the child. Cultural insensitivity may stigmatise the child and make them more vulnerable to victimisation, especially when communicating about sensitive subjects such as sexual exploitation or abuse.

Respecting the child's culture does not mean that harmful practices should be tolerated. Particular care should be taken when communicating with the child about their rights and relevant procedures in relation to harmful so-called traditional practices to ensure that the child is informed and empowered, not judged or blamed.



Practical tip

Female Genital Mutilation (FGM) amounts to a form of gender-based persecution. When informing a child about their right to international protection on this ground or the relevant social and health services available to them as a survivor of FGM or child at risk, pay particular attention to communicate in a culturally sensitive way:

- use appropriate vocabulary and avoiding blaming words (the person who performed the FGM may have been known to the child and may even be a family member);
- ensure that your body language remains neutral to avoid intimidating or distressing the child;
- listen to the child's views about their experience without asking the child to go into detail about the violence and suffering they have endured, refer the child to specialised help;
- ensure the child understands what procedures apply and how they will be protected.

Pay attention to the information needs of accompanied as well as unaccompanied and separated children.



Consider

- How can you ensure that every child is informed of their rights and the procedures affecting them?
- How can each child exercise their right to participate in the procedures affecting them?
- How can each child exercise their right to be heard?
- In the case of accompanied children, is it appropriate for them to exercise those rights through their parent or caregiver?



To uphold the **child's right to be heard**:

- i. explain which parts (if any) of a procedure are voluntary and which are compulsory;
- ii. explain the consequences of participation or non-participation where this is something the child can choose between;
- iii. explain the mechanisms and procedures for expressing an opinion;
- iv. explain what options are available if the child's wishes are not followed and how to access these;
- v. make the child aware of any complaints process and its effectiveness.

In this context, ensuring the child receives gender-appropriate information may be particularly relevant where the child is accompanied and at risk of not receiving the relevant information due to cultural understandings of the child's role within the family unit. Professionals may find that they need to communicate using different methods with girls and boys according to their age and culture and the content of the information.

Remember that children affected by migration are, first and foremost, children. This means that they have the right to access their rights and relevant services without discrimination, including some services provided to nationals.



Practical tip

If you have developed an information leaflet or awareness-raising video about services available to children consider whether these tools may be adapted to communicate with children affected by migration by translating them into specific languages. It is not always necessary to create completely new information tools.



OUTCOMES

IDENTIFICATION

RECEPTION
DETENTION

ARRIVAL

PREPARING FOR LIFE AFTER 18

DURING PROCEDURES

RETURN TO COUNTRY OF ORIGIN

When do children need child-friendly information?

As a general rule, child-friendly information about the procedures affecting children on the move should enable the child to be informed about:

- 1) their substantive rights within the procedure, including the right to be heard;
- 2) the procedure itself;
- 3) any complaints mechanisms available.

Information should be given promptly, that is, as a matter of priority, bearing in mind that children have a different perception of time from adults. Children may feel overwhelmed by the vast amount of information they are expected to absorb and understand.

Give information in manageable amounts and don't be afraid to repeat information given on a previous occasion. When information is provided about a new issue, it would also be appropriate to review and revisit relevant information that has already been provided.



Practical tip

Make sure the child understands whether you are giving them information about their rights or advice that they should rely on.

The ability of the child to engage with the information provided to them will be affected by numerous internal and external factors, including the impact of trauma, the child's age and development and the length of time they have been in a particular setting. Information may therefore need to be broken down and delivered over a greater number of shorter information sessions than would be the case for an adult.



Promising practice

End Child Prostitution and Trafficking (ECPAT)

Brochure: *'Unaccompanied migrant children in France: what are your rights?'*

<https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2017/04/brochure-react-anglais-ilovepdf-compressed.pdf>

How can you communicate in a child-friendly way



Golden rules

- information should be provided in the child's primary language;
- information must be provided directly to the child;
- the environment in which information is provided affects the extent to which it is child friendly;
- methods of communicating information other than through language (verbal and written) should be considered to ensure universal applicability;
- involve children in the development and evaluation of any tools or materials;
- minimise the length of text and use easy vocabulary, pictograms and colours;
- use reflective and open questions;
- clearly define the group of children you are trying to reach with your information;
- remember that children of different ages and with different vulnerabilities will respond to different forms and methods of communication.

Relationship of trust

Children affected by migration have been dislocated from their points of reference. They may be isolated and suffering from trauma inflicted in their country of origin, during their journey and/or within the host state. The particular vulnerability of these children and the likelihood that they will have suffered severe violations of their rights means that they may feel that they do not know whom to trust, or where to find help or reliable information.

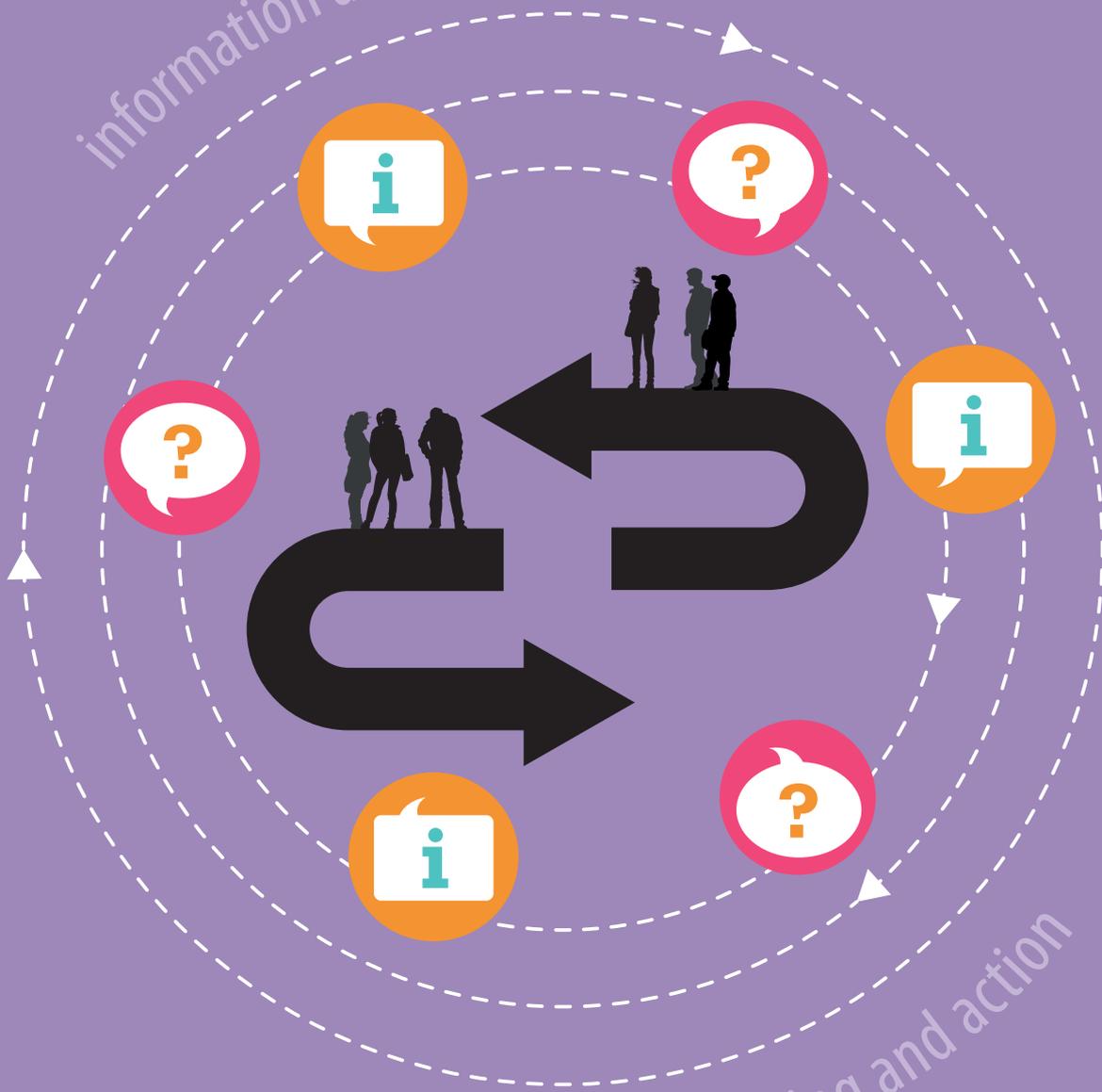


Children's recommendations

When discussing difficult topics, children primarily spoke about needing to be given space and to feel safe; a relationship of trust with the professional was identified as important.

You can create an atmosphere where children can integrate information in an everyday environment by being available and reliable and using less formal methods of communication. At the same time it is important to be aware of your personal cultural prism and that the child may interpret information through a culture or gender prism that is different to yours. Listen to the child's views without prejudice. Trust can be built up as part of an on-going exchange of information.

information and advice



understanding and action



Practical tip

Building up a relationship of trust takes time.

Respect the child's silence: if they are not ready to talk to you about something, make sure that they understand your duty to act in their best interests and do not put them under pressure to talk to you.

Respect the child's subjective version of the truth; it may take time before the child feels safe enough to depart from their original story.

Remember to identify the boundaries of the relationship of trust, including if you are under an obligation of confidentiality and the extent to which you may or must make a disclosure about something that the child tells you.



Practical tip

Helping the child to understand your role, the extent of your responsibility and the limits of your professional obligations/powers will protect the child from false expectations.

Giving the child assurances when you cannot be certain of the outcome of a procedure means you probably have not achieved this balance.

If you are a volunteer, or if you train volunteers, be conscious of the limits of your role and inform children reliably.

Practical considerations to optimise communication include:

- ensuring that appointments are given at a time that does not disrupt the child's need to access basic necessities such as food, accommodation and education as far as possible;
- ensuring that the child is able to understand the information by adjusting the use of language and using interpreters in the child's main language;
- ensuring that the information is provided in a situation that maintains confidentiality including, where necessary, confidentiality from adults having care of the child, particularly where their interests may conflict with those of the child;
- ensuring some continuity of care between services and ensuring co-ordination between actors and authorities where transition is required, will increase the prospect that information provided to the child in that context will be considered child-friendly.

Even if you will only meet the child once it is still important to communicate reliable information in a child-friendly way to protect children from unreliable information sources such as smugglers or trafficking networks. Providing information in the context of a relationship of trust will reduce the risks of the child running away, disappearing, going missing or becoming a victim of criminal networks.

Pay attention to non-verbal communication

As an information giver, you need to be aware that it can be very confusing if your non-verbal signals are inconsistent with the information you are giving the child verbally or in writing. Cultural considerations may play a big role in the interpretation of non-verbal signals. The environment in which the information is given will also influence the receptivity of the child.



Practical tip

The professional's body language, including physical conduct, tone of voice, posture and use of eye contact are all important elements.

All the elements of child-friendly information will be relevant. For example if the child appears uncomfortable maintaining eye contact with you, think about the child's culture: perhaps it is a sign of respect to avoid eye contact with an adult, or with a person of the opposite sex.



Consider

- Remember that at all times you must do no harm in line with your organisation's child-safeguarding policy. If the child appears distressed or overwhelmed by the information you are giving them, STOP.
- Ask the child what they need.
- Ask yourself what is in the best interests of the child.
- Should you interrupt the interview, use different vocabulary, take a break, refer the child onto a specialist service, or communicate with them in a different way, perhaps in the presence of a trusted person or through a cultural mediator?



Training tips

If you train volunteers or emergency response workers make sure that they pay attention to their non-verbal communication, body language, the cultural implications of their body language and words/behaviour and the sex of the interpreter or interviewer.

Tools for child-friendly information

Different tools can be used to inform children, including using verbal, visual and written supports. Using a combination of these can ensure that information is integrated and properly understood by the child.

Think about the child you are trying to communicate with: if they are illiterate, a written brochure on its own will not help them understand their rights, in which case the information must be accompanied with visual support or an interview/discussion as appropriate. Children who cannot read may still want to receive written information that they can discuss with peers or members of their community.



Children's recommendations

Children recommend using leaflets in combination with interviews and animations or pictures to make sure they can understand the information given.

Information provided via the internet may be provided in several ways, including videos, websites, questions and answers supported by advice from an expert, mobile phone apps, information about helplines and useful addresses. Use of audio sound bites and video clips may be useful to communicate information to children with differing levels of literacy or maturity.



Practical tip

Bear in mind that information can be transmitted individually or collectively.

Collective sessions allow for efficient use of time and human resources and can provide basic responses to children's needs for information relating to different topics including: age assessment, access to care and social rights, immigration asylum, becoming an adult.

Information that is transmitted collectively should be complemented with individual exchanges in order to adapt the general information provided in collective sessions to respond to the individual needs of the child.



Promising practice

Collective information workshop, France

The Organisation for Migrant Minors (OMM) runs workshops for unaccompanied children. The collective workshops are used as an opportunity to inform children about their rights and discuss the procedures facing the children with them. The workshops are run by specialists in immigration law and provide a space for children to ask questions, share their experiences and deepen their understanding about their rights. It's a safe space where children can ask questions freely, without feeling threatened.

<https://omm.hypotheses.org/1>

Regardless of the technique used, always consider the following when transmitting and making information child-friendly (non-exhaustive list):

- present yourself/your institution: explain carefully who you are and what your role is;
- use adapted language and vocabulary;
- use an interpreter/cultural mediator (ensure that the interpreter/cultural mediator transmits the information in a child-friendly way and that there is no conflict of interest or perceived conflict of interest and avoid using other persons present in the facility to interpret);
- avoid jargon: translate complex and technical vocabulary into simple language that the child can understand;
- avoid complex metaphors;
- pay attention to the context in which you are communicating with the child. Only discuss elements of the child's story that are necessary for the procedure at hand;
- respect confidentiality in all exchanges and make sure the child understands this;
- ask the child if they have any questions and check they have understood the information you have given them by asking them to explain in their own words what you have just told them.



Promising practice

Brighter Futures London, UK

This is an example of peer-to-peer information. Children who have experienced immigration and asylum procedures in the UK explain the procedures and the rights to other children who are currently undergoing such procedures.

www.brighterfutureslondon.co.uk



Promising practice

Network for children's rights: Bird song

This is an example of peer-to-peer information, this video was made by children to express their views about their journey to Europe.

www.youtube.com/watch?v=G5yF11oxtgQ

Informal ways of communicating with children may be very effective to help the child retain the information given. Consider communicating through games, peer-to-peer communication, mentoring schemes and the use of drama groups and creative workshops to educate groups of children about their rights.



Promising practice

EF Ensamkommande Förbund, Sweden

EF is a non-political and non-religious union that consists of and is run by self-organised unaccompanied youth from different countries living in Sweden. The activities include peer-to-peer information about the asylum procedure in Sweden given to newly arrived unaccompanied children in their mother tongue. The association also has a buddy system and works with about 40 organisations such as the Red Cross and Save the Children, offering activities including Swedish and English lessons, homework help, football and theatre projects and classes to teach children to read and write in their mother tongue.

<http://ensamkommandesforbund.se>

Professionals should also consider how to adapt their communication to use relevant technologies including the channels children are already using. General information about rights and procedures may be made available to a wide audience via social media and online discussion forums. Such forms of communication would not however be appropriate for communication of confidential or case-sensitive information due to lack of data protection and confidentiality.



Promising practice

Miniila App

Missing Children Europe

This is an application to provide information through smartphones for children in a language they understand about their rights and where to find help in the member state they are in. The app includes information about rights, services, legal assistance, guardianship and awareness raising about how to avoid risks.

Information video: www.youtube.com/watch?v=sO9SQgMit6s

Adapting information to address the child's vulnerabilities



Consider

As well as being very vulnerable, remember that children are resilient. Make sure you give information to protect children's vulnerabilities and empower their resilience.

Vulnerability is a broad notion. Vulnerabilities may manifest themselves to different degrees with each child and can change over time, therefore the child's information needs will also change over time. Each child will have vulnerabilities and coping mechanisms, meaning that no child is purely vulnerable. When communicating with a child or young person in transition to adulthood it is vital to adapt the information provided and the way in which you communicate to address their vulnerabilities.



Practical tip

Don't limit your understanding of vulnerabilities to the definition contained in national law.

The things that accentuate a child's vulnerability may not always be visible. External factors that may make a child more vulnerable include but are not limited to: poverty, physical or mental health problems, lack of formal education, illiteracy, isolation from a social network and lack of language skills. Factors such as these may particularly influence how you chose to communicate with the child.

Children with specific risk factors will also require additional information to be communicated in an appropriate manner according to their vulnerabilities. The more vulnerability factors the child cumulates, the more elements you should take into account when giving information to that child.





Consider

Risk factors

- did the route expose the child to harm?
- does the child's age mean they are particularly vulnerable?
- isolation: being unaccompanied makes the child vulnerable;
- is the child a victim of trafficking in human beings?
- is the child a victim of sexual exploitation and abuse?
- is the child a victim of torture and other forms of violence?
- is the child at risk of becoming a victim of forced marriage?
- is the child a victim or a witness of domestic violence and abuse?
- is the child a young mother or pregnant?
- does the child have a physical or mental disability?
- does the child belong to a minority group (including religious minorities, ethnic minorities, LGBTI)?
- does the child's gender increase their exposure to harm?



Consider

The specific information needs of LGBTI children

An LGBTI child must be informed of their right to protection from discrimination and their right to access protection, including international protection.

LGBTI children risk being victims of discrimination in the host country at the hands of members of their community and the host community.

It is therefore vital to communicate information in a way that does not identify or stigmatise them.

These children should also receive information about the specific support that exists for victims of hate crimes, such as hotlines and helplines for victims of homophobia and hate crime, support groups for victims of violence, and non-governmental organisations (NGOs) working to support access to rights for LGBTI people.



Practical tip

Adapt your communication to the child's vulnerability and resilience.

For instance, a teenager who does not speak the language or have any community ties may be very vulnerable. Perhaps you notice that the teenager is very artistic and copes with their feelings of isolation by drawing cartoons. You should adapt your communication with that teenager by taking into account their vulnerability (isolation and lack of language) and resilience factors (artistic talent) by giving the child relevant information in an adapted format; perhaps there is a storyboard or an animated video you could show them. Invite them to participate in a way that is meaningful to them. Perhaps they want to draw while they listen to the interpreter or while they communicate their needs to you.

Information should be adapted to the specific needs of girls, including information on gender-specific rights and procedures. Adapt the distribution of information to overcome the particular challenges faced by girls. As discussed earlier, accompanied girls and boys within families are also in need of specifically adapted information.



Consider

Victims of trafficking in human beings

A child victim of trafficking may act in an unexpected way because they fear their traffickers. This may make them appear less vulnerable when you first meet them.

Take into account the impact of the child's situation on the information you should provide and the impact on the reception of the information (they might not take your advice because they are a victim of trafficking in human beings).

Consider what information can be useful if they are thinking of escaping in the future (tell them what trafficking is, what protection is available, etc.) to empower them to escape their position in the future.

Illustrate by talking about a fictional situation or an indirect situation; use indirect speech and questions to help the child feel less victimised.



Practical tip

For further guidance on the identification of children at risk of trafficking at borders see FRONTEX (2015).



Consider

Married girls

Think about how to give information about:

- the child's rights within the marriage; such information must be adapted to the age and maturity of the girl;
- the child's right to consent in the context of their marriage and in the context of immigration procedures, and if their husband is their guardian, whether he has the right to consent on the girl's behalf;
- the child's right to sexual and reproductive health, including where the child is pregnant;
- the protection and safeguarding services available to the child, including victims of violence, victims of forced marriage, victims of trafficking in human beings and victims of domestic violence to access residence status;
- their rights as a child: to education, to health care, to suitable accommodation, to be protected from all forms of violence;
- whether or not you are under an obligation to disclose their situation to child protection services.

If you are not the right person to give the child information about any of the above, make sure you refer the child to the appropriate service so they can access help and information about their rights.

Pay particular attention when communicating with married girls who may face additional barriers in receiving information about their individual situation even though, as a child, they have rights that are independent to those of their husband and may be entitled to access procedures independently of their husband's immigration or asylum status. Remember that these children have rights in their capacity as children and also as girls.

Remember that children in detention, including young people in transition to adulthood, are acutely vulnerable to all forms of violence and abuse. Professionals who interact with children who are deprived of their liberty should bear this in mind when communicating with them.

Adapt information to the specific needs of children with disabilities in accordance with all of the elements of child-friendly information explored above. Be careful with the choice of words used to ensure that the vocabulary used is not pejorative or insulting, especially when working with interpreters.

The way you communicate with the child about their vulnerabilities will be an important element to build a relationship of trust and enable an exchange with the child.



Practical tip

Using indirect questions and neutral vocabulary to ask a child about their vulnerabilities will help put the child at ease and not feel (re)victimised due to feeling pointed out or discussed.

For example: a girl at risk of forced marriage may be afraid to talk about this issue with you due to fear of repercussions if you confront her family or potential husband. Empowering the child to understand their rights and the safeguards available to them as well as your role and obligations will build up a relationship of trust that may help the child to talk about these risks.

Equally, boys and girls who are at risk of sexual exploitation and abuse or who have survived sexual exploitation and abuse are at risk of being stigmatised and ostracised due to their victim status. It is important to protect them from stigmatisation or ostracising them when communicating about these risks. One way to do this is to inform children in a group about the risks and the help available.



Consider

When you communicate:

- avoid words that could be understood as blaming the victim;
- make sure they know where they can get help: put a poster on the wall with the phone number of the helpline or give every child a leaflet with the phone number on it so that you do not mark out any child.

If you suspect a child is at risk, act on it! Ask a colleague for help and put the child in touch with the relevant service that can help them, for example by setting up an appointment with a doctor, or informing the child's guardian or social worker of your concern.

Special attention should be paid to adapting communication to the specific needs of child survivors of violence to ensure that they receive the information they need to access specialised help and procedures, including victims of trafficking in human beings, sexual exploitation and abuse, domestic abuse and violence (including police violence, violence at the borders and forced marriage). Consider whether it may be appropriate to communicate with the child through experts, such as psychologists and using a cultural mediator rather than an interpreter. The interview environment should also be adapted to the needs of the child.

Child-friendly procedures

Child-friendly information is a vehicle to access rights and procedures. Policy makers should be aware that without child-friendly procedures, access to rights will be limited even if the child has received accurate child-friendly information. Child-friendly procedures will be explored in a separate publication.

Some of the key characteristics of a child-friendly procedure are outlined below, the list being non-exhaustive.

A) Access to rights: the urgency principle is a key element of child-friendly procedures

A prompt and fair decision will always be in the best interests of the child. The urgency principle applies to access to the procedure and to the length of the decision-making process.

B) Right to be heard: the participation of the child in the decisions affecting them is a corollary to information

It is not enough simply to inform the child of their rights and the procedures affecting them. Children have the right to participate in the procedures affecting them and their opinions should be given due weight according to their age and maturity.

C) Effective remedies: children have the right to an effective remedy

The right to an effective remedy extends to the failure by the state to inform the child about their rights and the procedures affecting them in a manner that is adapted to their age and maturity.¹⁰

In order to be effective, the remedy itself must also be child-friendly:

- the child must understand that the remedy exists. Therefore, they must be informed of the remedies available;
- the child must be able to exercise their right to an effective remedy. Therefore, the procedure must be accessible and adapted to the capacity of the child;
- the child must be able to understand the proceedings and the outcome resulting from the exercise. Therefore, the proceedings must be physically and intellectually accessible to the child and they must be able to understand the decision affecting them.

10. Rahimi v. Greece No. 8687/08 (2011), European Court of Human Rights.

02

Arrival at the borders, external and internal





Golden rules

- give preliminary information about the rights of the child;
- be mindful of how you give information;
- raise awareness about risks and empower children to recognise harmful behaviours;
- use anonymous ways of giving information about violence and abuse to avoid stigmatising victims;
- give information about what is happening at the border, where the child will be transferred and what will happen next;
- give information promptly (this does not mean immediately).

By meeting children upon arrival and informing them in a child-friendly way of their rights, professionals and volunteers can contribute towards preventing victimisation and reduce risks of trafficking or re-trafficking in human beings, dispersion and other risks.



Questions children may have

- What is happening?
- Is this place safe?
- Am I in prison, am I in trouble?
- Why do you need my fingerprints or to photocopy my passport?
- Where am I being transferred?
- Why can't I be transferred with the adults who I travelled with in the boats?

Children arrive in member states in a variety of manners, including through: regular border crossing points, hotspots, disembarkation points, commercial harbours through beach landings and green borders, border fences and transit zones. Every child needs to receive information about their rights upon arrival regardless of the place of arrival on the territory. Children in detention also need prompt and adequate information.



Promising practice

'Boxes of wonder'

Save the Children Serbia

'Boxes of wonder' are toolkits for information sessions to be given in an improvised child-friendly space about rights and participation in decision making. One of the boxes contains a journey-mapping activity designed to help children recognise and appreciate their own strengths and resilience, deal with traumatic experiences and recognise potential risks including introducing strategies to mitigate risks. This model allows professionals and volunteers dealing with arrivals of children at green borders and border fences, or airports or other places where they are not equipped with permanent installations, to provide information in an appropriate environment.



Promising practice

Mobile child-friendly spaces:

Turkish Red Crescent (Kizilay)

The Turkish Red Crescent uses mobile child-friendly spaces to conduct prevention activities including awareness raising about the rights of the child, peer violence and sexual violence (relationship intimacy). The mobile units can be used to respond to emergency situations, to allow identification of children who are particularly at risk of violence and exploitation in a child-friendly environment and to provide child-friendly information.

Who should give information upon arrival?

Those who meet children upon arrival: border guards, police authorities, international staff, governmental and non-governmental organisations with specific missions to give information, including lawyers, emergency response volunteers, asylum and public authorities, are all responsible to ensure children receive appropriate information upon arrival. Governmental and local organisations such as youth information and counselling services may also be relevant information providers at this arrival stage.



Practical tip

Think about your clothes and the messages they send to children upon arrival. It is important that all professionals and volunteers present at arrival are identifiable by special clothes so that the children can recognise them quickly. However, don't forget that children may have negative associations with uniforms.



Promising practice

Individual interviews

PUERI project, Italian National Foundation of Social Workers, Italy

Multidisciplinary teams composed of a social worker, a psychologist and a cultural mediator welcome children in individual interviews upon arrival. This project is implemented in the hotspots in Italy. Cultural mediators help other professionals to understand both the verbal and non-verbal communication of the child and communicate information to the child in a culturally sensitive way.

What information do children need to receive upon arrival?

It is essential that children are met by trained professionals who are able to meet their needs and answer their questions.



“[Information on] football, photography, school was really good, for hospital, No and I couldn’t find the address”

Sara, 16

Children need to be informed that their best interests must be a primary consideration in all matters concerning them from the moment of arrival. They need to understand how their best interests will be taken into consideration. All professionals or volunteers involved in this phase have an important role to play to help the child be informed of their rights and the upcoming procedures. The child will need to be informed that they will undergo lots of procedures including fingerprinting and health screening, so they should receive information about the steps and purposes of these procedures.

The child may have been given false information by smugglers; by giving them correct information from the moment of arrival, you will reassure the child and help them trust the services and professionals they meet, protecting them from the risk of going missing.



Practical tip

Inform the child whether they have the right to be accompanied during registration procedures by a person of trust or an ad hoc guardian.

Children may feel overwhelmed if given too much information. It is important to identify key information that must be given to the child promptly upon their arrival and information that can be given once their basic needs have been met.

Make sure that the child understands:

- they have the right not to be pushed back: everyone should be protected from being pushed back. For children this means they should not be sent to another country before an individual assessment of their best interests;
- they have the right to a life free from violence: nobody is allowed to beat or hurt them and if it happens it is illegal and they can ask for help and the perpetrators should be punished;
- they have the right to have their basic needs met;
- they are entitled to special protection, such as the appointment of a guardian, access to age-appropriate accommodation and education;
- where they will be moved to: a reception centre, or another state (for example under a relocation agreement or family reunification procedure);
- that they should promptly make themselves known to authorities to be registered as a child to avoid being considered as an adult: border guards can play a particularly important role here by informing children that they have specific rights and protections;
- why their fingerprints are taken and what happens with this data afterwards: explain to the child that fingerprints are part of the identification procedures and not a punishment or a constraint;
- what procedures will apply and the consequences of registering as a child or an adult, including preliminary information about family reunification, internal relocation procedures within the state and the European relocation procedure.



Consider

Child victims of trafficking in human beings.

If you think a child may be a victim of trafficking in human beings, make sure that they understand that they have the right to special protection and that they will not be punished for anything that the traffickers made them do.

This may be the only opportunity for authorities to interact with these children, so it is crucial to ensure that children are informed at this stage of their rights and where to get help.



Practical tip

To avoid victimisation give information about the rights and special protection available to victims of violence and trafficking in human beings in a group setting. Define what these terms mean.

Make sure that information about helplines is readily available in the arrival setting by putting up a poster with victim support hotlines or website addresses of victim support associations. Include a QR code that the child can scan or photograph to access the information later.

If you identify a potential child victim, refer that child to specialist services; they can give more detailed information and advice about their rights and provide specialist help to the child.



Promising practice

European Hotline for missing children 116 000

HAMOGELO, Greece

Leaflets with information in several languages about the European Hotline for Children have been developed. These can be given out upon arrival to inform children about where to find further help if they are in danger, or separated from their parents. Children who call the hotline will be able to receive information and advice in their own language.

www.hamogelo.gr/gr/en/home

How can information be communicated in a child-friendly way in an arrival setting?

The support of a cultural mediator is fundamental in an arrival setting to understand the language, but also the non-verbal communication and culture of the child. Inform the child if they can choose the gender of the cultural mediator.



“Thanks to the presence of Lamiae [the cultural mediator], talking in my language helped me to feel more free to talk. Everything you explained to me has been useful to me.”

Chlarifda, 14



Practical tip

Even in an emergency setting, take the time to reassure the child if you are bound by a duty of confidentiality and about your disclosure obligations. This will help the child feel safer to speak with you.

Explain the different roles of the people working with the child during this arrival phase, the professionals the child will meet once they have started a procedure including lawyers, their guardian (and the difference between these two roles), social workers, psychologists, cultural mediators and so on.



Children's recommendations

“Make them understand very slowly and kindly”

“With drawings to understand, very kind way to talk”

“I can take the child to the place he/she wants to go or bring him to [an NGO] that I trust to help him/her.”

Teenagers' recommendations on how to give information to younger children upon arrival.

The conditions of the child's arrival must influence communication with them. Factors such as the child's reason for migrating, their health upon arrival, expectations, dreams and migratory project will influence the information they seek upon arrival.



Practical tip

If the child appears too tired or stressed to understand the information you are giving to them, it is better to first respond to their basic needs – sleeping, eating and resting – and invite the child to come back later for an interview to receive information when they are in a fit state to understand and retain it.



“Sometimes we just need time to forget what we went through before talking about it.”

Amara, 14

Children often are not ready to talk about trauma and difficult life events upon arrival. Your role at this early arrival stage is to ensure that they have the necessary information and are in touch with relevant services to access help and procedures at appropriate times.

Above all, respect the child’s boundaries. Respect the child’s right to be heard, listen to the child’s priorities and give them preliminary information about the procedure that may be best suited to their needs.

Make sure you inform children that they have the right to be protected from exploitation, including child labour. Children may experience different emotions upon learning that they do not have the right to work. They may feel betrayed or hopeless at the thought of how they will repay their migratory debts. Be prepared for such reactions when you inform the child about their rights to protection from child labour.



Practical tip

Pay attention to your non-verbal communication, especially in stressful, emergency arrival settings.

An inappropriate tone of voice, posture and general attitude in front of the child could trigger traumatic memories in this stressful situation.

The use of images or digital communication could be useful at this stage to give children a snapshot of the procedures to come and to reduce the uncertainty facing the child.



Practical tip

The use of posters to raise awareness of things that are “not ok” to allow children to inform themselves in an anonymous way and to empower them to be able to refer to this material themselves may be useful at this stage.

Visual tools that do not require linguistic knowledge are useful for the presentation of information, such as posters, leaflets and videos. Equally, the use of digital communications empowers children to access links at a later stage. Using self-activating links may allow the child to access information at key moments at a later stage.



Promising practice

Information map of procedures

Oxfam, Italy

A map is used to illustrate the procedures the child will follow from the moment of disembarkation to a decision about their status. The map includes illustrations of the different stages of the registration procedure, the services available and the different types of decision that the child could receive. The map also includes information about rights, helplines and the contact details of organisations that could help the child.



Promising practice

Leaflet for unaccompanied children

International Organization for Migration (IOM)

The IOM has developed leaflets and posters for unaccompanied children. The leaflets include information about helplines, the child's rights in the country, available procedures, where to find help and the asylum procedure. The leaflets have been adapted to the national situation in five states and translated into several commonly spoken languages.



Practical tip

During the transfer phase or simply during the phase where for security reasons unaccompanied children and adults may be separated after disembarkation, inform the children and young people about why they are being separated, how long the separation will last and where they will be taken.

Adequate information during this separation will reduce feelings of stress and anxiety.

The moment of arrival, followed by identification, is one of the first challenges for the unaccompanied child: to decide whether to make themselves known to the authorities as a child or not. Some children may try not to be identified as a child to pursue other goals. The next chapter will explore these elements in detail.

Specific vulnerabilities

In order to communicate effectively with the child, it is important to detect their vulnerability characteristics at this very early stage. Upon arrival particular attention should be paid to girls, children who need special health care and children with other vulnerability characteristics such as illiterate children, who may experience difficulties accessing certain kinds of help.



Practical tip

Inform all children about special care available. Children may pass this information on to other children who they know could benefit from this specific information.

Information about the special procedures applicable to vulnerable groups should also be provided at this early stage.

Help the child to recognise harmful behaviours even at this early arrival stage, for example if a smuggler or trafficker has confiscated their identity documents or if they are being prepared for a marriage against their will.

Separate group sessions with girls and boys may be appropriate at this stage in order to tailor information to the specific needs of each vulnerable group, such as children at risk of forced marriage, boy victims of sexual abuse, girl victims of sexual abuse, child victims of exploitation, or LGBTI children who are victims of hate crime. Providing space for children to be informed about these risks in a single-sex environment may improve communication and resilience.



Consider

Explain that rape and sexual violence/abuse are crimes and that the child should be protected from such violence. Explain that the child victim will not be punished or blamed; help them to understand that the cultural attitude towards these crimes may be different from that in their home culture. Bear in mind that the child may come from cultures that penalise the victim rather than the perpetrator.

Children need information about the risks of being forced into prostitution and sexual violence even at this early arrival stage. Such information needs to be given at external and internal borders and in closed facilities where children are especially vulnerable.

Inform the child that continuing their journey by unofficial means puts them at a higher risk of sexual violence and other forms of violence. This may include attempting to cross borders by their own means or with smugglers (in trucks, on the roof of trains, jumping barriers, crossing mountains without equipment for the weather, etc.).

If the place of arrival is a closed centre and amounts to detention remember that this makes children more vulnerable to all forms of violence and abuse. The child still needs to be informed about their rights and the procedures affecting them. The way that you communicate with the child and the contents of the information should be adapted to the closed nature of the arrival setting.



Practical tip

If you use posters in a closed setting to inform the child about child lines and helplines, make sure the poster is at a height that the child can read. Put the poster somewhere the child can see it casually, without being identified by the other detainees or staff.



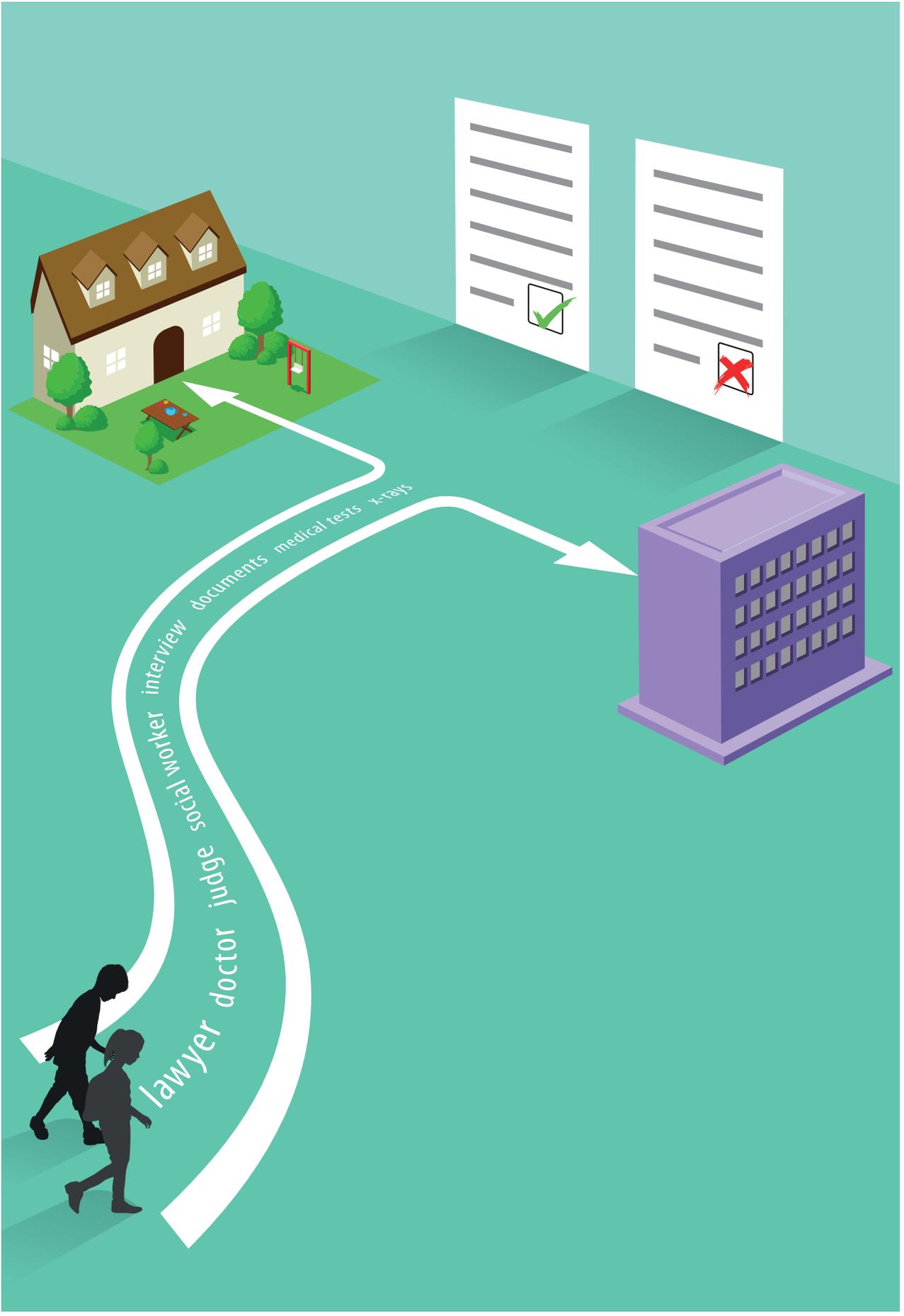
“I would send my little bird to greet all people who welcome me for their kindness. [...] for food, clothes, shoes, protection...”

All this made me forget problems I had during my journey such as the lack of water in the desert, the traffickers in Libya. I’m happy to have you as my supporter far from my country. God bless you.”

Yaya

03

Age assessment and identification





Golden rules

- inform the child that they should have the same access to rights and should be treated as a child throughout the procedure (presumption of minority);
- inform the child that they should be protected from humiliation; the procedure should not violate their dignity;
- before the age assessment takes place, the child must be informed about the aim of the procedure and the method;
- during the age assessment the child needs information about their rights, their right to consent or refuse to consent and the consequences;
- after a decision has been made, inform the child about the consequences of the decision, any available appeals or reviews;
- empower the child to act if their rights are violated and inform them of the effective remedies available and how to access them;
- adapt information to the specific vulnerabilities of the child.

In accordance with international consensus, any individual undergoing age assessment must be presumed to be a child and benefit from all the rights of the child throughout the age assessment procedure. It is therefore important to inform the child of this right. In accordance with this presumption we shall use the term “the child” throughout this chapter.

The child may believe that being unaccompanied involves losing their parents or legal guardians. It is therefore important that professionals take the necessary time to explain what being an unaccompanied child means in law and practice. Professionals must inform children that they have the right to know and to be in touch with relatives or friends in the host country and that this should never be used as an argument to deprive them of institutional care, including guardianship, if they are unaccompanied or separated from their parents or legal guardians (see the Chapter 4 on guardianship for more details).



Consider

Accompanied children have the right to information, just as unaccompanied children do. Think about how you can ensure that children in families are informed about their rights throughout the identification and age assessment procedure.

This chapter will explore the information needs of children undergoing identification and age assessment procedures. It contains excerpts from field research carried out in France (Bailleul and Senovilla Hernández 2015).

Who should give information?

During age assessment and identification procedures, the child will meet a range of professionals including: authorities in charge of border control (including police officers), reception staff, asylum and immigration authorities, guardians, legal representatives, and judicial staff including judges, private legal counsellors and lawyers. Each professional has a duty to inform the child about their role and should be trained to use adapted information in a child-friendly way when dealing sporadically or on a regular basis with children in migration.



Practical tip

Avoid using technical or legal terms, complex notions or acronyms as much as possible. If there is no alternative, these should be carefully explained.



“Mamadou and his lawyer come out from the hearings room of the Paris Children’s Court. Mamadou shows no emotion, no relief, no spite. It is impossible to read on his face the judge’s decision regarding his minority; in reality he has not understood it. His lawyer begins to explain the verdict to the accompanying adult. He is provisionally placed under the protection of the Children’s Welfare services in Paris. A few minutes later, the lawyer explains the decision to Mamadou but using complex terms, still no reaction on his face. [The accompanying adult will] have to explain to him once again later in a more suitable and adapted way before he sketches out his first smile.”

*Excerpt from fieldwork notebook,
Paris, Bailleul and Senovilla, April 2015*

Professionals who are independent of the state and/or local authorities in charge of reception should provide information to answer the questions these children may have about the age assessment and identification procedures they undergo.



Promising practice

InfoMIE, France

InfoMIE (Centre ressources sur le mineurs isolés étrangers) is a national platform aimed at professionals from institutions, reception centres and NGOs working directly or indirectly with unaccompanied children. One of the main missions of InfoMIE is facilitating the exchange of relevant information between professionals at a national level. InfoMIE runs a website operating as a platform of resources providing information as well as a mailing list where professionals can ask questions often responded to by other peer professionals experiencing similar situations in their daily practice.

www.infomie.net

What information does the child need about age assessment?



Questions children may have

- Why do I have to do an age assessment?
- What is my status during the age assessment procedure?
- When will the age assessment take place?
- How long will the age assessment take?
- Where will the age assessment take place?
- How will the authorities assess my age?
- Who will be involved in the age assessment, can I bring someone I trust to the examination?
- What will happen when the decision is made about my age?
- What if I do not want to undergo age assessment?

The reasons why authorities undertake age assessment



Children's recommendations

Some children reported that they felt offended. They were told that they were lying about their age or disadvantaged because of the lack of documents.

Children must be informed about why authorities undertake age assessment. Help the child to understand that age assessment is linked to global policies and that they are not being targeted individually.



Promising practice

Booklet, 'Welcome to Germany. A guide for unaccompanied minors'

BumF, November 2016

The booklet includes information about the age assessment procedure, why it is undertaken and how. The booklet also sensitises children to their rights and to the fact that they should discuss any errors in recording their age with their lawyer.

www.kommgutun.info

Explain how the age assessment will take place.



Consider

On occasion children, voluntarily or under the influence or threat of adults, declare themselves to be adults. For instance, a child victim of trafficking in human beings may be instructed by their traffickers to declare that they are an adult.



Practical tip

Avoid directly challenging the child's declared age so as not to undermine their trust in your advice. Instead, advise them about the consequences of declaring an inappropriate age (minor or adult). Inform them about the entitlements and possibilities of protection they have both as children and as adults, including the right not to be punished for anything that traffickers have made them do.

Ensure that the child is informed about available helplines and victim support services, including for victims of trafficking in human beings.

Information about the child's status during the age assessment procedure

Children must be adequately informed about their administrative situation and their entitlements (including to accommodation, education, social support) while the age assessment procedure takes place and until a definitive decision on their age is reached. This includes their right to have a guardian appointed, even if it is only on a temporary basis.

The child must also receive information about available social support and their legal status if they choose to challenge the decision about their age.

Information about the procedure itself

Age assessment practices vary among member states. The child may have already undergone age assessment in another state; don't assume that it was the same procedure. They should be informed when the age assessment will take place, the likely duration of the procedure and the estimated time that the decision will take.

The child must be accurately informed about the place where the assessment will take place, especially if this place is unfamiliar to the child. They must be also informed about whether they have the possibility of being accompanied by a trusted adult, such as their guardian, during the assessment.

Age assessment can be an extremely stressful procedure for the child. Understanding which professionals are involved and whether they are working directly with the institution in charge of the assessment or with the immigration authorities will help reduce the stress experienced.



Practical tip

Explain the roles and responsibilities of each actor involved.

Help the child understand that they are sometimes subject to the conflicting priorities of child protection authorities and immigration authorities.

The child must be informed of the language that will be used during the age assessment procedure and of the possibility of requesting the assistance of an interpreter during the procedure. This is of particular importance when age assessment takes place during an interview.

The child should also receive information about the methods that will be used (see below), the degree of accuracy, the margin of error and the possibility of combining different methods at different stages of the procedure.

Informed consent and the right to be heard



Practical tip

Make sure the child understands that they have the right to be heard in the context of the age assessment procedure. Each child must be informed of the extent to which their consent will be sought and whether any adult, such as their guardian, may consent on their behalf. The child must also be informed whether they have a right to refuse to participate in the procedure and the consequences of such a refusal.

Informed consent is a precursor to any medical examination or processing of personal data. To give informed consent, the child must understand the medical and legal consequences linked to the examination. The 1997 Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine sets out a general obligation to obtain the informed consent of the person undergoing a medical examination or, in the case of a child, if they are unable to consent, that of their guardian (Articles 5 and 6).

The right to be informed and to rectify personal data files is safeguarded by the 1981 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Article 8).

A child who refuses or withdraws their consent to the age assessment must be objectively informed that they have the right to do this but also of the potential consequences in terms of the negative outcome on the decision regarding their minority. The child should be informed if any adverse inferences will be drawn from their refusal to consent to a medical examination for age assessment purposes such as an automatic decision that they are an adult or an automatic rejection of their asylum claim.

Specific information needs

The child should be informed that they have the right to protection from degrading treatment and treatment that is incompatible with their dignity.

Make sure the child understands that the authorities are under a duty, including during age assessment procedures, to take their best interests as a primary consideration.

- **Biometric identifiers**

Every time a child's fingerprints or facial images are registered, they must be informed of the purposes and consequences of giving this data, how the data will be stored, who will have access to it and how long it will be accessible. Particularly where several different fingerprint databases are used and will be accessible to several different authorities, including at an international level through international co-operation mechanisms, the child needs to understand who has access to their data and how.

- **Interviews**

All interviews need to be well prepared. This helps reduce stress and avoids mistakes.



“When we see the evaluator, we are afraid. So when he asks questions we fail to answer properly.”

Ousmane, 17

Where age assessment takes place via an interview to assess the child’s background and psychological maturity, the child will need to prepare carefully. Preparing for the interview will involve knowing the structure and the kind of questions that will be asked.

If you are implementing the interview or assisting children to prepare remember that reconstructing previous traumatic experiences can be a major source of stress for the child. Before starting the interview, inform the child of your role, whether the information they give you will be confidential and what the purpose of the interview is. Children are not always ready to provide information about their journey, or may have forgotten or erased elements from their memory.



“We are under a lot of stress and we make mistakes. In Africa we are not used to this kind of interview, so we freak out.”

Amadou, 16

Help the child to understand the risks of using a story prepared by another person such as a smuggler or a trafficker.



Consider

Children may not have received information during their journey other than information given by smugglers or traffickers.

Bear in mind at the age assessment and identification stage that providing information to the child will build trust and help the child to disclose their story. Such disclosures may allow you to identify the child’s protection needs and vulnerabilities at this early stage, enabling you to give the child information about where to get further help and access appropriate protection.

- **Documentary evidence**

In some contexts, child protection services may request an assessment of the validity of identity documents by a relevant authority. If this is the case, help the child understand what is happening. The child's identity documents may have enormous significance for them and they may feel very insecure without them.



Practical tip

Children must be informed about the serious consequences (including the possibility of criminal proceedings) of providing false identity documents.

Help the child to evaluate their documents. If they were given their documents by a smuggler or a trafficker, inform the child of the possibility that the document has been tampered with. Help the child to understand that they may want to talk about this before the documents are assessed.

Considering that a great number of children are not registered at birth, it is possible that the child will not have a birth certificate or other documents. Inform the child about how to establish their identity, for example by obtaining a judgment in the host state to establish their date of birth. At the same time inform the child of the risks of relying on peers, traffickers or smugglers to obtain identity documents.

The child should also be informed that it is possible to provide other documentary evidence (such as school records, sports club cards) that will provide further confirmation of their age.

- **Medical examinations**



“It’s something which is not good. It does not tell the truth. In my case, they scanned everything, even my sex. They didn’t ask my permission, they just did it. When they finished doing that, the doctor told me ‘you are not 16’, and I answered ‘your machine does not work properly, your machine is sick’. He was mad when I told him that. When they gave me the results the day after, they told me ‘No, you are over 19.’”

Amadou, 16 (Her declared age was later confirmed by a judge)

Explain carefully the different medical examinations that the child will undergo including the possible consequences for their health and legal status. Pay particular attention to communicate this information in a language the child understands, using vocabulary adapted to their maturity, culture and gender.

Being gender and culture sensitive is of particular importance when explaining the nature and purpose of the different medical methods; for example, if the child needs to partially undress to undergo the examination help them to understand that this is for the purposes of the examination; the medical practitioner should not judge them and should not do anything to make them feel humiliated or ashamed.



Practical tip

“Persons having to undergo an age assessment medical test should be informed about the nature of the medical test and the possible health and legal consequences, especially as regards their legal status as international protection seekers. This information should be provided by competent national authorities in a child-friendly manner and in a language that they understand. To ensure that the rights of the child are respected, it is essential that before an age assessment procedure, national authorities appoint a guardian to support and represent the person undergoing the assessment.”

FRA (2018)

The medical practitioner should also make sure that the child understands the method to be used and the duration of the examination as well as the margin of error associated with that type of medical age assessment. The child will also need to understand whether, in case of doubt, the lower age will be attributed to them.



Practical tip

Check if the child has any questions.

A number of children confuse other medical examinations taking place immediately after reception, such as general health check-ups, with medical age assessments.

Help the child understand if the medical age assessment method is implemented as a measure of last resort. Explain why the other elements of the procedure were inconclusive and why this examination is considered to be compatible with their best interests. This can be achieved by explaining the implications and consequences of the medical examinations for age assessment and any side effects. This exchange of information must take place in a child-friendly context allowing the professional to communicate and evaluate potential vulnerabilities and situations that might indicate that a medical method is in fact unsuitable for a child. A child cannot give informed consent unless they have received adequate information.



Golden rules

- Inform the child of their right to dignity and that degrading treatment is prohibited.
- Ensure that the child understands that identification and age assessment procedures must respect their dignity.



Practical tip

Inform the child which types of age assessment are forbidden in the host state. For example, if sexual maturity examination is prohibited make sure that the child knows that this type of examination is prohibited.

Inform the child that they have the right to say NO if a practitioner seeks to humiliate them in the context of the age assessment procedure.



Promising practice

Information given to children prior to medical examination for age assessments

During 2014 a series of age assessments were performed at Sachsska Children's hospital in Stockholm. The examinations took place in a youth clinic, where all other patients were also teenagers and the environment was adjusted to this age group.

Information about the content of the examination was sent to the young person and his/her carer via their migration officer. Before the examination began, information was given about the content of the examination, the right to discontinue at any time and that no information other than the overall assessment was to be shared with the Board of Migration.

(Hjern 2016)

- *Consequences and available remedies*

Children must be informed about the consequences of the identification and age assessment procedure and on the different levels of decision making including the administrative level and judicial level.



Promising practice

Booklet, 'Your asylum procedure in Austria'

(UNHCR 2016)

This booklet is bilingual (English and German) and includes information about the age assessment procedure, why it happens and the results. The booklet also seeks to inform the child that they have the right to challenge the age assessment decision.

www.unhcr.org/dach/wp-content/uploads/sites/27/2017/02/AUT_UNHCR-UMF_D_E_2016.pdf

If the child is recognised as a child they must promptly be informed of their rights in terms of access to care and social rights (including accommodation, education, health care, educational and social support), legal representation and guardianship and immigration and asylum status, as well as the services available when they leave care when they turn 18.



Practical tip

The child must be notified that when a positive decision recognising their minority is issued, administrative authorities may appeal and, consequently, there is still a potential risk of their status being challenged if the appeal decision does not confirm their age.

When the age assessment procedure recognises the individual as over 18, they must carefully and adequately be informed about the following:

- the possibilities and time limits to appeal the decision and who can provide legal support and advice during the appeal process;
- the fact that the decision does not necessarily change their subjective identity but does have legal and administrative consequences. The young person concerned must also be informed about the existing possibilities to re-establish their identity documents (particularly if these documents have been confiscated);
- the immediate consequences of this decision in terms of leaving care services or accommodation reserved for children;
- the young person's administrative status following the negative decision (this may need to be clarified), regardless of whether or not there is a possibility of appeal;
- the reasons of law and fact on which the decision is based, to allow them to understand why their declared age has been challenged.



Practical tip

In case of a decision recognising the individual as an adult, inform them about social services and the contact details of the relevant private or public institutions that might assist them to find accommodation, health care, social support and legal counselling.

Children and young people with current or previous mental health conditions or illnesses might be at particular risk following a decision recognising them as an adult. Professionals must be particularly sensitive, empathetic and supportive when informing these individuals about the outcome of the decision (taking into account the risk of disappearing and, exceptionally, the risk of self-harm).

When does the child need to receive information?

Information must be provided prior to the start of the identification or age assessment procedure to allow the child to prepare properly for interview questions and to understand the purpose and implications of any other procedures.

During the procedure, inform the child about waiting times and next steps. This is also an opportunity for the child to ask any remaining questions and to provide feedback. Such follow-up may be achieved through individual interviews.

Children must be carefully informed once they receive decisions or registration documents regardless of whether it is a positive or negative decision, in order to prepare them for the consequences and the following stages of any procedure, if for example they have been registered as an asylum seeker.

How can you effectively inform children about age assessment?

General preliminary information about age assessment can be given through a collective session where no direct individual questions are asked. Other good strategies include inviting other young people who have already been through age assessment to attend collective sessions so that they can explain with their own words and ideas how the assessment takes place. Invite children to attend follow-up interviews on an individual basis in order to respond to more individual or private questions linked to each child's situation. This would be the time to identify any particular vulnerabilities that would render a particular age assessment method inappropriate to that child.

Such vulnerabilities should not be discussed in public, to avoid victimisation or stigmatisation of the child.

Pay attention to the information needs of children with specific vulnerabilities

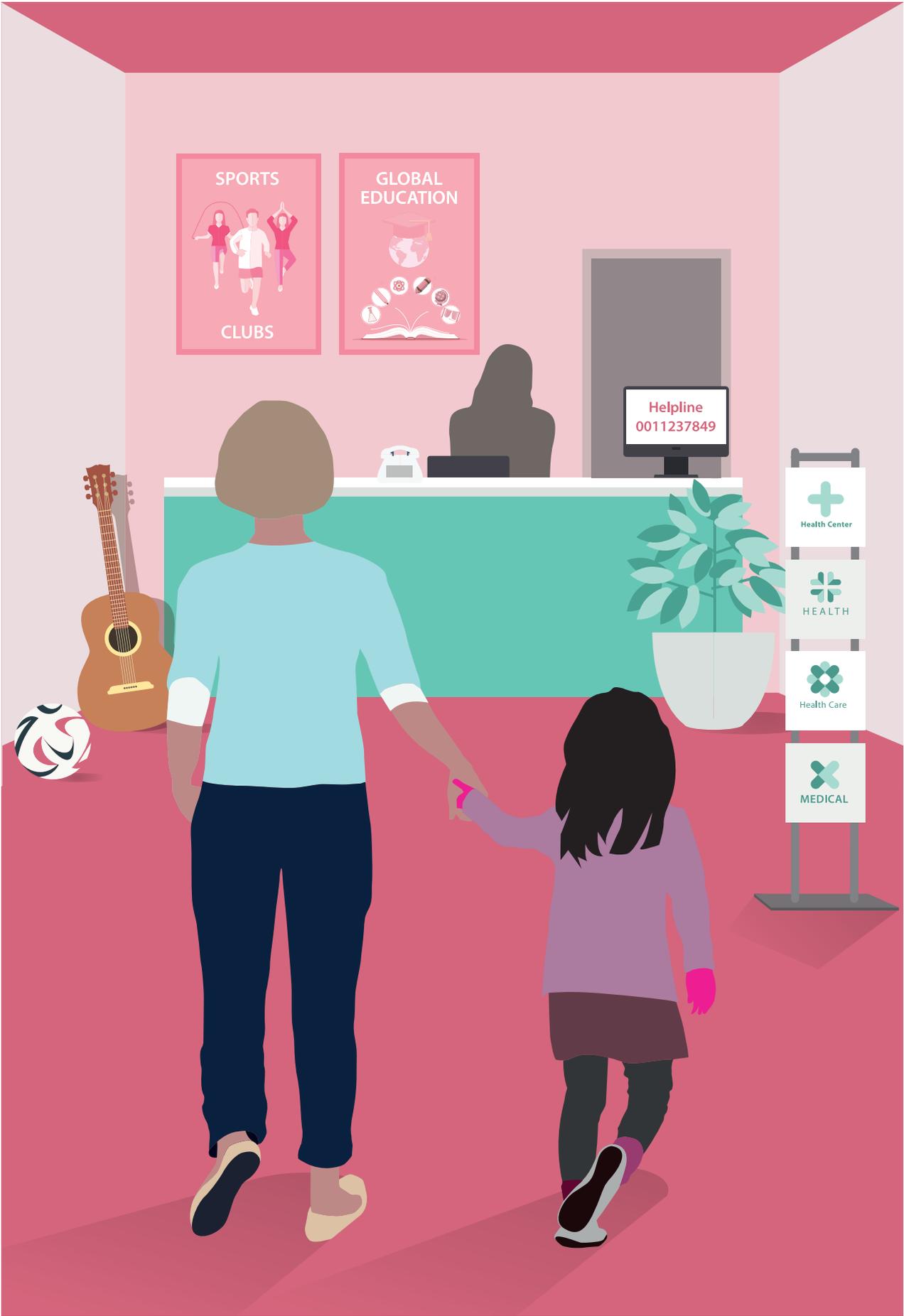
Children suffering from trauma and mental health conditions and illnesses and children with disabilities may find identification and age assessment procedures particularly stressful. It is important to ensure that these children receive information that is adapted to their maturity and vulnerabilities in accordance with the best interests of the child.

Children in other situations of particular vulnerability, such as pregnant children, must be informed that they have the right to be protected from practices that would be harmful to their particular state of health and that if they suffer any complications as a result of inappropriate age assessment they have a right to an effective remedy.

Children who are detained are acutely vulnerable. In this context remember to inform the child that they should be protected from inhuman and degrading treatment. This means that any identification and age assessment procedures that take place in detention must respect their dignity. Ensure that they have the information they need to access help and effective remedies if they have been a victim of discrimination or degrading treatment.

04

Child protection: provision and care





Golden rules

- inform the child about their substantive rights to care, accommodation, health care, education, leisure;
- inform the child about whether any care provisions are conditional and how long they will last;
- empower the child to participate in procedures;
- enhance participation in the host society by informing the child about recreational activities where they can meet local children and young people.

Child-friendly information in reception should be seen as an on-going, continuous process aimed at providing informative social support to children who are in a vulnerable position. In this context information should also seek to boost the child's resilience characteristics.



Promising practice

Newspaper, Migratory Birds

Network for Children's Rights,
UNICEF, European Commission and the Foreign Federal Office of Germany

Newspaper written by and for children. Articles include information about rights, procedures, testimonies about experiences and drawings. This is an example of child participation and peer-to-peer information.

As a general rule children should be informed about the child protection system in the host country including the fact that this is free of charge, that they have a right to be taken care of, the extent of care available, the institutions involved, rights to gender/need-specific care and how the child can participate. Furthermore, the child must be informed about realistic timelines and the likelihood that the reality may differ from the legal provision.



“We didn't find any info, we just followed the people, we didn't know where we were going until we reached camp and registered our names.”

Ayzan, 15

This information will be discussed thematically in this chapter. Information needs may differ considerably depending on the stage of the child's migration journey and the regulatory frameworks in place in each member state.



Practical tip

Children need information as a matter of urgency and as an on-going process to anticipate their future and feel empowered to seek further information as per their evolving needs.

All information should serve to empower the child, from the moment of arrival in Europe, to build their "Life Project" in accordance with their best interests.

A Life Project is a plan drawn up and negotiated between the child and the authorities in the host country. Life Projects are holistic, personalised and flexible tools for integration.

www.coe.int/t/dg3/migration/archives/Source/ID10053-Life%20projects_GB.pdf

(Council of Europe 2010)

Who should give information about child protection, care and reception?

This chapter is particularly addressed to professionals who work closely with children on a daily basis. This includes the professionals or volunteers working in reception centres. As frontline staff, you are usually charged with providing preliminary information about the rights and procedures the children are or will be concerned with. Future co-operation between frontline professionals and the authorities is key to enhance the on-going provision of child-friendly information and access to rights.



“There was a young newcomer with whom I shared my room in the reception centre. The first night he asked me a lot of questions about how things would go. So I told him that he would go to a school where all the children coming to the centre must go. I told him that he would go there to learn a little French for a while, before going to school.

When I arrived at the reception centre, I was given a document where I found almost all the rules, all the explanations. I read it and asked questions to the educators about what I did not understand.”

Souleymane, 15

Children themselves are a good “vehicle” to spread information (peer to peer). In order for this to be constructive, very precise information must be provided to them.

What information do you need to give the child?

Accommodation

Arrival in the reception facilities is often a time of anxiety and uncertainty. It is all the more so since the child may have experienced other reception arrangements during their migratory journey. It is advisable to inform the child precisely and without delay of the legal and material conditions of their reception. It can be useful to divide information into categories and distribute it in stages.



“The best way is to show photos or use interpreters and it depends whether you are talking to a boy or a girl. If it’s a girl, it’s easier for us to talk to them, if it’s a boy, it’s a little bit difficult.”

Amina, 14



Practical tip

When it is not possible to find an interpreter or cultural mediator in the child's first language try to overcome this practical barrier by using non-verbal tools.

Information leaflets should be used as a complementary means of communicating information already provided by professionals verbally.



“With a boy or girl who can’t speak the local language it’s better to speak to them with symbols and also treat them in a friendly way so that they can express themselves without any hesitation, it’s better to be in touch with them about what they want.”

Ahmed, 14

Provide information about what the accommodation arrangements will be like, daily life, the rules applicable, who will be present, where the child will sleep, where the child will eat, access to hygiene facilities, how to obtain clothes, how to phone their family abroad and where the child can keep their belongings safe.



Promising practice

Reception centre ‘Le Charmeyran’, France

A specific booklet has been created as a non-autonomous support to visually reinforce verbal exchanges between professionals and children. User-tested, it seeks to respect the child's agenda and not only that of the professional. It combines info-graphics and text information (translated into six different languages) about procedures in France, vulnerabilities, rights, access to rights and daily life in the reception centre. Some pages give information and others allow the collection of information about the child (their identity, family links, health, etc.).

Some children may not understand why the front door of an open reception centre is locked at night. In order to avoid misunderstandings, it is important that the child residents understand the nature of the centre and their rights and liberties within the centre.



Questions children may have

- Am I in an open or a closed centre?
- Can I go out even when the doors are locked?
- Who should I ask for permission to go outside?
- What are the exit times?



Promising practice

Video about daily rules in a reception centre, Hungary

The staff in a reception centre in Hungary have created a short video with only a few words of text. It presents the daily rules in the reception centre. It doesn't require linguistic skills to understand but provides some very concrete information about the reception centre.

The video follows a resident of the centre as he follows the daily routine, showing information about where to get toiletries, where to eat and introduces staff members including the social workers, nurse and teachers.

The possibilities and means offered by the accommodation to enter or stay in contact with their families must be explained to the child, for example how to access an internet connection. Make sure you inform the child about privacy matters when using online methods of communication.



Questions children may have

- What are the daily rules in the reception centre?
- How do I get clothes?
- How can I phone my family abroad?
- How can I keep my belongings safe, can I put them in a locker?
- Is it possible to go out of the centre without an adult?
- What time should I go to bed?
- How can I practice my religion?
- What can I eat if I can't eat meat?
- How can I access the internet?



Consider

Children in particular situations of vulnerability, such as child victims of trafficking, need to be sensitised to the risks of being identified online by their former traffickers.

For ideas of activities to educate children about how to stay safe in the online environment see the Council of Europe (revised) digital literacy handbook:

<https://rm.coe.int/internet-literacy-handbook/1680766c85>

(Council of Europe 2017b)

It is necessary to clarify the roles and the occupations of the employees the child will meet in the reception centre. Explain who is bound by confidentiality and who is the child's guardian or designated social worker, as well as who the child can turn to for help. Consider organising information sessions in the centre where the different actors can present information to the children and enhance co-ordination this way.



Promising practice

'Who is Who?'

Migrant & Refugee Children's Legal Unit (MiCLU), UK

Who is Who? is designed for unaccompanied asylum-seeking children in the UK, to explain who the many different professionals they are likely to encounter are, how they can help them, what their rights are and where they can go to seek further help.

Children can read the booklet directly in their own language, or support workers can read it with them. The booklet is available in several different languages including English, Arabic, Albanian, Romanian, Farsi and, soon, Chinese.

<https://miclu.org/who-is-who>



Practical tip

Give the child a card with the address of the centre to ensure that they have the necessary information to communicate about their identity and their address when they are out and about in the host community. This can be really useful to obtain help if they get lost and do not speak the language of the host country.

Children need information to orient themselves. Details of the most frequent journeys the child will have to make, as well as the methods of using public transport, will have to be explained, for example how to identify a bus line or direction and how to ask for a stop or validate a ticket. Beyond providing oral information consider making the journey once with the child to demonstrate how things work.



Consider

Make sure children have sufficient information about where to get help if they feel insecure or uncomfortable in the centre.

Reasons why children may feel insecure in reception centres:

- traumatic memories from previous experiences in other reception centres;
- accommodation not adapted to the age of the child;
- gender imbalance;
- proximity to adult residents;
- child victims or witnesses of domestic violence or abuse in the reception centre;
- presence of children with psycho-social or psychiatric disorders or with difficult behaviour;
- survival strategies between children (violence, intimidation, theft);
- pressure to marry;
- pressure from smugglers or traffickers;
- infiltration by criminal networks.



“The first day I came to France, I lived in the street for a week. I was found by the Red Cross and then I was put in a shelter and I had some age assessment interviews and then I was driven to a hotel. I spent a month in another town then I was sent to another association, now I live in an apartment with other children.”

Souleymane, 16

Information about the different accommodation possibilities available must be given to the child as soon as possible. If a transfer is planned, the child must be informed as soon as possible about the reason why the transfer will happen, where they will go and the type of accommodation provided.

The child must be precisely informed and encouraged to express their views in order to adapt to or even reject the transfer. For example, discussing the transfer will allow the professional to identify whether the accommodation proposed is appropriate and in accordance with the best interests of the child.

If the transfer is ordered, the child must be informed about the legal continuum of their rights when they arrive in the new accommodation, underlining what will be the same and what will be different. A specific information tool like the brochure proposed by ECPAT (see Introduction) may be useful here. This can also be a good opportunity to sensitise the child to their right to an effective remedy, internal complaints mechanisms and the right to contact the ombudsperson for children.

“[At the reception centre], I asked for news of my papers, I was still waiting for the answer [to my asylum request], since ... my hearing. On my receipt, the expiry date was approaching. I went to [the prefecture] to renew my residence permit. They asked me for the mail ... containing the decision. I told them that I had not received anything, they told me that the reception centre had to have received the answer. I went back to the centre, they explained to me: “We received nothing, maybe the prefecture was wrong”.

I waited a week, I went back to the administration of the reception centre. They admitted that they had mail ... but they had forgotten to give it to me. They refused to give me this letter, claiming the absence of the director. I spent unbearable weeks, I was anxious, I could not sleep, I had a headache ... I felt lost...

I ran everywhere, I did not know how to get out of this situation, I wanted to go see [the Guardianship Service Manager]. I did not understand why they did not give me this letter though it was addressed to me. I insisted on having an appointment with her ... it was urgent, I knew that there was a delay of 30 days to appeal the decision ... In the meantime the [Guardian Service] phoned the reception centre to say that I was unhappy, that I was going to make a scandal. They were furious. The educator called me, he was very angry, he reproached me for going [to the Guardian Service] without warning them. I just wanted to recover this mail. He said to me, “If you’re not happy, clear off!”

*Abdulmalik Faizi, Je peux écrire mon histoire
(Faizi, Meichker and Bearboz 2014)
(unofficial translation)*

Health care



“I’ve got itching all over the body. I also have toothache. Two teeth are broken. One because of a smuggler’s rifle-butt knock in the desert. One because of a jail guard in Libya.”

Mamadou, 15

Inform children about the health care available to treat symptomatic diseases. Visual media may be useful to facilitate communication, for example to represent a cough or a blood test. Be mindful that children may have suffered trauma. Some images may trigger difficult memories. Help the child understand that they may also undergo screening tests. It should also be explained that certain diseases can be the subject of mandatory declarations (e.g. tuberculosis).



Questions children may have

- Why should I see a doctor when I am not sick?
- What happens to my blood test?
- Why do I need to have a chest X-ray, I don’t feel unwell?
- If I have an infection, will you send me back to my country?
- What is a psychologist/psychiatrist?
- Is a psychologist the same as a marabout (holy man)?



Practical tip

If the child refuses to co-operate with the medical screening listen to their concerns and try to find out why.



“In my country, when you go to the hospital, you don’t come back home.”

Daouda, 15

Explanations must be given in a precise but cautious manner, ensuring that they have been understood. Some medical practices are not always part of the cultural references of the child, which can lead to feelings of stress and misunderstanding. Some treatments, especially those concerning asymptomatic infections, can provoke anxiety or even be refused.



“I did blood exams in Italy. I did it several times, because they sell our blood.”

Moussa, 15

Children need information about sexual and reproductive health. They may have been victims of sexual exploitation and abuse. Medical consultations can be valuable opportunities to provide information about contraception, sexually transmitted infections and sexuality. It is very important to give this information in a culturally sensitive way without judging the child; this may also allow some children to report physical, psychological or sexual abuse, including FGM.

Children may be suffering from post-traumatic stress disorder, depression and anxiety. Uncertainty about the future can aggravate these symptoms. Help the child anticipate future steps in their integration or administrative journey.



“When the nurse spoke about sexuality and contraception, I understood that to have sex with the two sons and all their friends in the family in which I was hosted in Greece was not normal. I didn’t know I could refuse.”

Sonia, 13



Practical tip

Ensure children receive information about the mental health services available.

Many children will have been victims of abuse and violence at the hands of traffickers, smugglers or armed groups on their way to the host country and sometimes within a member state. Children are at high risk of having been detained, subject to torture and inhuman and degrading treatment, sexual violence and forced labour along their journey.

All of these factors increase the child's vulnerability to mental health disorders. Information about specialist help and care services available must be adapted to the specific needs of these children to avoid re-traumatisation.



“In class, there are some who are a little embarrassed, others who are shy and others who are ashamed of not knowing. They feel stuck, blocked. Everyone has his story. There are some who are there, they are in class but in their head they are elsewhere. They think of their past. Sometimes people are scared, their situation is very complicated, it’s not easy.”

Hafidjou, 15



Promising practice

‘Mind-Spring Junior’

Psycho-Educational Group Offer For Young Refugees, Paul Sterk, the Netherlands

The programme increases the mental resilience of young refugees, drawing on their own strengths and helps them tackle the future. The group is supervised in their own language by a specially trained Mind-Spring tutor and a professional social worker.

The working methods used within Mind-Spring are psycho-educational group discussions and relaxation exercises.

During six two-hour meetings, the participants look for ways to work on their future in their own language. They gain insight into common psychosocial and psychological complaints and acquire skills to deal with them. The programme devotes extensive attention to adapting to the new situation and (re)finding a positive, “new” identity for refugees.



Consider

Specific attention must be paid to children with mental health disorders. Children with autism and communication disorders may require information to be adapted according to their specific needs. These children will also require adequate information about specialised services available to provide support.

Education, vocational training, apprenticeships, work



“At the school of the reception centre, I was the only one coming from Nigeria but I was feeling good in class. My classmates were kind to me. There was a boy in class who also spoke English. He is my best friend since I arrived here.

For me, the school of the reception centre is a very very good experience. Being here, being part of this establishment ... I’m so happy and I’m so glad to have common contacts with people ... where the organisation provides everything we need I’m happy. I’m glad. They really believe in people like me. I feel lucky having met and having been in contact with this school.”

Taylor, 15

Schooling and professional training can represent a pressing concern for children in migration and are a powerful means to feed the child’s resilience. Much more than a simple right, school can be an excellent vehicle for integration and intercultural interactions between children from different horizons.

The child must be informed about their right to education and the laws, rules and systems in place in the host country.

Special attention may be necessary with children who want to work above all.



Practical tip

Protect children from exploitation by informing them that they are protected from child labour and of the risks associated with working without a permit. Lack of information about their rights increases the child’s vulnerability, exposing them to dangerous and illegal activities and exploitation.

Provide unbiased information about professional or vocational training as well as further education opportunities. Ensure that the child understands their right to conventional schooling and the material help they could continue to benefit from in the host country should they pursue these education pathways, such as the DAFI (Albert Einstein German Academic Refugee Initiative) programme offering scholarships for refugees pursuing further education.

Provide information about non-formal education opportunities too, such as language courses, opportunities to develop life skills and other activities provided by the youth sector or community groups. These might be in the form of intercultural activities or simply homework help or buddy programmes.



Promising practice

Unaccompanied Minors Unit, Bergen, Norway

The Unaccompanied Minors Unit in Bergen runs a programme for unaccompanied refugee children to pair up with a former unaccompanied child who can give cultural and social support in addition to the guardianship service.

Migrant Youth Helsinki, Finland

A buddy school system has been set up to promote learning through peer teaching and learning.

Sometimes, the child will not know what is expected from a pupil in the host country: how to ask a question to a professor, how to use a handbook or homework notebook and so on. Providing some preliminary information about schooling habits in the country can mitigate these cultural differences and help the child adapt their behaviour accordingly.



Promising practice

Transcultural Conversation Workshops

Reception centre "Le Charmeyran", France

The workshops are organised weekly with teenagers as informal education before the children can integrate into state school (often whilst they undergo an age assessment). Access to such informal education has considerably reduced anxio-depressive disorders among children as well as served to strengthen the basic cultural skills they need for smooth social insertion.

Teaching methods are adapted for pupils without homogenous profiles using adapted tools including videos, audio recordings and photos. The objectives are to improve the children's language skills and their social knowledge to empower them to function in the host society.

The workshops always begin by considering the human rights and access to rights of the child before going on to cover topics present in current affairs and history.

The workshops allow for interesting exchanges, allowing the children a space to discuss difficult experiences, including FGM and gender equality.

Leisure, culture, sport, volunteering

Children in migration are resilient and bring richness to society. More than a right for each child, leisure, sport, cultural activities and volunteering provide powerful support for their resilience and empowerment by facilitating their self-expression and development.

The child must be informed about opportunities to participate in activities organised by reception centres and by external providers. Inclusive activities in society can avoid “ghettoization” or victimisation and stimulate significant experience sharing, increase the child’s self-esteem and feeling of belonging. It may be a fundamental first step towards a durable solution.



Practical tip

Youth information and counselling centres will be a rich source of information for children to find out about activities and services available locally.



Promising practice

Video: First steps for young unaccompanied refugees in Germany

German Children and Youth Foundation

Video made by young people living in Germany to describe the procedure of integration and arrival in Germany to other children.

www.youtube.com/watch?v=FKAlbMrrWZs

STEP-by-STEP Together

Council of Europe and European Commission

The handbook “STEP-by-STEP together” offers practical information for youth work with young refugees, focusing on the following themes: intercultural learning; access to social rights; young women refugees; and youth participation and mental health and trauma.

<https://pjp-eu.coe.int/en/web/youth-partnership/young-refugees>

(Henriques and Lyamouri-Bajja 2018)

Inform the child about opportunities for them to participate in society and contribute their skills.



Promising practice

Promising practices

Tandem, Belgium

An initiative to create opportunities for refugees and asylum seekers in Brussels to contribute their skills and experience in European-level NGOs through short-term volunteer placements.

Foyer Oberholz, France

This reception centre supported a group of young refugees to create an NGO to support other unaccompanied children. The NGO "Le pensé critique" organises cultural projects to offer children space for self-expression.

Specific vulnerabilities

Child victims of exploitation may enter the child protection system after an encounter with the police or law enforcement. As a result, they may find it difficult to distinguish between protection systems and repressive systems. Always make sure that the child understands who you are and what your role is. These children may stay in the reception centres for a very short time before running away or going missing.



“I have transited in several reception centres through Italy. Yet, it was the first time, here in this French reception centre, that I have heard information about trafficking and most commonly about fundamental rights and access to rights.”

Mamadou, 15

The words and attitudes of the staff in reception centres can be “push” factors or “pull” factors for children to stay or leave. Sensitise the child to the risks of continuing their journey or becoming involved with criminal networks and help them recognise harmful behaviours. Rather than confiscating their mobile phone to prevent the child from escaping, it may be better to ensure that the child registers the phone number of the reception centre in their phone so that they can call for help if need be. In this way you will be creating a relationship of trust and opening communication channels.



Consider

Children at risk of radicalisation need information to prevent them becoming isolated and to help them recognise harmful behaviours.

Vulnerable children may be at particular risk of radicalisation. By keeping communication channels open with these children you can be part of a protective network to prevent these children becoming radicalised. If you think a child is at risk refer them to a specialised service where they can receive specialist advice and counselling.

Remember to adapt your information to the child's maturity and culture, being careful not to insult their point of view or stigmatise them.

Give the child information about trafficking in human beings and other harmful behaviours at an early stage. Ensure they understand at least that exploitation is prohibited by law and that they can ask for help without fearing punishment for their actions. The child must absolutely be informed about how to get in touch with specialist associations or organisations.



Promising practice

Hors la Rue, France

The NGO Hors la Rue provides outreach to unaccompanied children in Paris who are in situations of isolation or danger. The association has:

- a mobile team that goes around in the days and the evenings to different places (housing and activities spots) in the Paris area, for example camps, subways, train stations and streets, to reach out to children at-risk.
- a day-care centre where children can learn French and access cultural, sporting or artistic activities. Children can meet professionals to discuss their situation, resolve occasional issues and get back in touch with their families. The team at the day-care centre works with every child and young person on their "street exit" project through educational means.

Child victims or witnesses of domestic violence and abuse need information about help that is available and how to access such help. Such information should be suitably displayed in the reception centre so that the child can inform themselves in an anonymous way without being stigmatised.

05

Access to guardianship and legal advice





Golden rules

- build trust;
- tailor information to the child's needs;
- be available and reliable;
- inform the child about your role and responsibilities and the limits of your mandate;
- inform the child about what to do if they encounter difficulties with your services and where to get independent legal advice.

As mentioned in the introductory chapter, building a relationship of trust should always be a starting point whenever providing child-friendly information. A positive relationship is essential when providing information so that it is received, understood and acted upon.

This chapter will focus on the role of guardians and lawyers in informing children in migration in a child-friendly way about their rights and the relevant procedures. The term “guardian” is used broadly to include guardians or legal representatives appointed to support and assist a child in the absence of a parent or other adult who by law or custom is responsible for caring for that child. The term “lawyer” is also used broadly to include lawyers and legal advisors who provide legal assistance or advice to the child including in the form of making representations before administrative or judicial authorities.

Who should give information?

Guardians and lawyers are key information providers for children in migration. It is important to ensure that the child understands your role and responsibilities as well as the duration and limit of your mandate.

Other actors of protection such as asylum and guardianship organisations and/or authorities and staff in reception centres and detention centres, should also ensure that the child is informed about how to contact a guardian or lawyer as appropriate.

Good communication between the different authorities and actors is key to guarantee access to accurate and child-friendly information. A guardian who keeps in contact with all relevant actors ensures that he or she remains informed about all decisions that have an impact on the child and can act as a bridge between these services and the child.

What information do children need?



Questions children may have

- Who will take care of me when my parents are not here?
- Why do I need a guardian or a lawyer?
- Where can I find a guardian or lawyer? Do I have to find them myself?
- Do I have to pay for this?
- What if I don't like the guardian or lawyer assigned to me?
- Will my opinion be taken into account before the appointment of a guardian?
- Can I ask for a male or female guardian or lawyer?
- What is the difference between a guardian, a social worker and a lawyer?

Access to a guardian or lawyer



“All this time I had to look after myself. No one helped me. Now they tell me Do this! Do that! You can't go anywhere alone.' I am not stupid but they think I can't do anything.”

Khalid (15)

Inform the child how and when the guardian is to be appointed and why.

Inform the child about their rights to legal advice and help them to exercise these rights.



Practical tip

Remember that approaches to childhood vary between cultures and persons. The child might not understand why they need a guardian when they have managed to journey all the way to the host state alone.

If there is a delay in the appointment of a guardian or lawyer, explain why this is the case and where the child can ask for information if they want to stay updated on their case.



Promising practice

Access to legal assistance

Refugee Council Children's Panel, UK

The Children's Panel provides assistance to unaccompanied children seeking asylum by, among other things, facilitating access to legal advice.

www.refugeecouncil.org.uk/what_we_do/childrens_services

Once the guardian or lawyer is appointed, agree on practical methods of communication: how the child should contact them and what to do if there is a problem at the weekend or in the evenings when you or the guardian or lawyer would normally be unavailable.

Roles and responsibilities of guardians and lawyers

Be careful to inform children with past experiences in asylum and reception centres in other member states of any differences in the guardianship system when they arrive in the host state.



Practical tip

Be transparent about your role. This will help the child to have realistic expectations about what you can and cannot do for them. Help them understand that you must act in their best interests.

Explain the difference between the guardian and lawyer and explain if and how you will co-operate or communicate with each other.



Promising practice

Brighter Futures

London, UK

Children and young people who have experienced asylum and immigration procedures in the UK have created a video to explain the roles and responsibilities of a lawyer.

www.youtube.com/watch?v=UyTOMYjpuHs

Explain and discuss your duties. If there is a brochure that explains this, read it with the child, adapt the language to their level of maturity and understanding, and try to elaborate on this by giving concrete examples of what this means in practice for the child.



Promising practice

Guide for unaccompanied minors who apply for asylum in Belgium

This brochure contains a section explaining who a guardian is, when guardianship will end, what the guardian will do and highlighting that the guardian is an information provider.

www.cgrs.be/sites/default/files/brochures/brochure_unaccompanied-foreign-minor_2017_english_0.pdf

(CGRS 2017)

It is essential that guardians and lawyers inform the child about the duration and limit of their mandate. Useful information for the child is likely to include:

- whether or to what extent your role is independent of the state authorities;
- what continuity of guardianship or legal assistance the child can expect. If there is a change of guardian or designated lawyer, explain to the child why this is happening in order to prevent a breakdown of the relationship of trust;
- whether and to what extent you have a duty of confidentiality to the child, explained in simple language;
- any limits to your duty of confidentiality, for example if you must make a disclosure to keep the child or another child safe;
- the circumstances in which your mandate starts and ends, including whether your mandate is temporary, linked to the duration of the asylum or age assessment procedure or whether your mandate is linked to their age;
- awareness regarding their rights when they will reach adulthood;
- practical arrangements regarding when you will be present or absent (in case of vacation or sickness).



Practical tip

Explain that there may be a need to change guardians if a conflict of interest arises, or if the relationship breaks down.

Especially for guardians: explain the circumstances in which your mandate will end. For example, where the child becomes an adult, is assessed as an adult, is reunited with family members who can take over guardianship of the child, or successfully requests an alternative guardian.



Questions children may have

- How often will you come and visit me?
- Who will attend appointments with me?
- Will you be present during the asylum interview?
- Will you attend medical appointments?
- Can I call you or e-mail you?
- What do I do in an urgent situation when I need your advice?
- Will you help me with my homework?

Make sure the child understands that you must act in their best interests. Help the child understand that their views are important. As their guardian or lawyer, your job is to make sure they can participate in the procedures affecting them. Inform the child that their views will be given weight, but will not necessarily be the only decisive factor.



Promising practice

Information helpdesk for guardians

Nidos, the Netherlands

This helpdesk provides information about family reunification under the Dublin Regulation: making the best interests of the child concrete, help with getting insight into the factors that are important in a reunification process, providing contact details, information about the process in any EU country and the position of the guardian in the Dublin procedure.

To help the child understand the best interests assessment you may want to discuss the following elements with them:

- when adults and authorities make decisions, they must take into account how their decisions will affect the child;
- an assessment of the child's best interests must take into account the views, opinions and broader needs of the child;
- their best interests will be taken into account in everyday decisions and in more formal procedures;
- acting in the best interests of the child is not only something you do as guardian or lawyer but may require feedback from different actors (doctors, social workers, teachers). Explain to the child who is involved and how.

Children should also be informed of existing complaints mechanisms and monitoring or evaluation mechanisms, including how to complain about their guardian or lawyer. Help them understand how these mechanisms work and how to access them.



Practical tip

Children could be afraid of expressing their dissatisfaction to you personally. Reassure them that any formal complaint will not have an impact on their asylum procedure.

Inform the child about the existence of the ombudsperson for children and how to contact them, including relevant helpline numbers and the procedure to file a complaint.



Promising practice

Project Feedback

Federal Guardianship Service, Belgium

The Guardianship Service conducted a listening exercise on the experiences of unaccompanied children in the guardianship system in Belgium. Children were asked to give feedback on how the guardianship system and the guardian met their basic needs.

Participation in the decision-making process

An informed child is empowered to participate in all decisions related to their situation and able to manage their expectations.



Consider

- The child has the right to express their views. It is not an obligation; it is a choice for the child to participate or share their views.
- If a child doesn't want to share their views, explore why this is the case and help them to understand why it is important to express their opinions.
- It is important that the child understands that they can voice anything concerning their safety or any danger that they feel.



Promising practice

'Welcome among friends'

Refugee and youth empowerment and consultation workshops

German Children & Youth Foundation and Federal Ministry of Family Affairs Senior citizens Women and Youth, Germany

The workshops usually inquire about the hardships children and young people face in their daily life in Germany, what they dream about and wish for and which next steps should be taken, according to them. Topics cover access to education, jobs and leisure activities, housing situations, health, social relationships, rights and procedures in Germany and opportunities for participation and empowerment. Workshop participants are informed from the start about what will happen with the results of the workshops. After the workshop, the results are presented to the public administration, sometimes by the participants themselves.

Planning for the future

The guardian and lawyer both play important roles in informing the child about how their rights and entitlements will evolve, including once they turn 18. This may include informing the child about asylum or immigration procedures and durable solutions available (these are explored in Chapter 5). As a guardian or lawyer representing a child in transition to adulthood remember to inform the child about the challenges they may face when they turn 18, including any entitlements that will cease and how to mitigate this.

Where the child is not in contact with family members, guardians and lawyers should inform the child about the possibilities of family tracing and how to access these. Information should include:

- methods of tracing and which information can be helpful during the tracing;
- difficulties when tracing family;
- what can happen after a positive or negative outcome;
- the involvement of the child in the tracing process;
- what kind of protection systems are put in place to guarantee confidentiality during the process.



Practical tip

Gathering or providing information on family tracing is a sensitive matter and should be handled with care, ensuring adequate emotional support throughout the process.

If contact is made with family members, the guardian should discuss with the child how to maintain contact with them (in accordance with their best interests), including whether the child has any entitlement to financial or practical support (such as accessing telephone calling cards).



Promising practice

AccoglieRete

Italy

AccoglieRete matches guardians with children according to skills and the child's needs. The promotion of the role of the voluntary legal guardian as a child's "anchor" aims to reduce feelings of disorientation. Within this organisation guardians share experiences with each other.

<https://thraedable.com/en/accoglierete>

Specific vulnerabilities

As a guardian, safeguards should be strengthened whenever working with unaccompanied children in transition to adulthood, such as a care leaving plan. This should include information about adult social services.

If you are the guardian or lawyer of a victim of trafficking in human beings or a survivor of sexual exploitation and abuse, beyond helping the child to participate fully in the relevant procedures, inform the child about opportunities for their future integration.

For further reference see the European Union Agency for Fundamental Rights handbook "Guardianship for children deprived of parental care", FRA (2014)

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/guardianship_for_children/guardianship_for_children_deprived_of_parental_care_en.pdf

Children in return procedures should receive information about the risks of re-trafficking and the help that is available if they are in danger in their home country. The guardian and lawyer must both provide information about the child's right to non-refoulement and the right not to be exposed to inhuman or degrading treatment to ensure that the child can access relevant immigration or asylum procedures.



Practical tip

Inform the child who they should contact if something happens to put them in danger. They should contact the emergency services and also contact you.

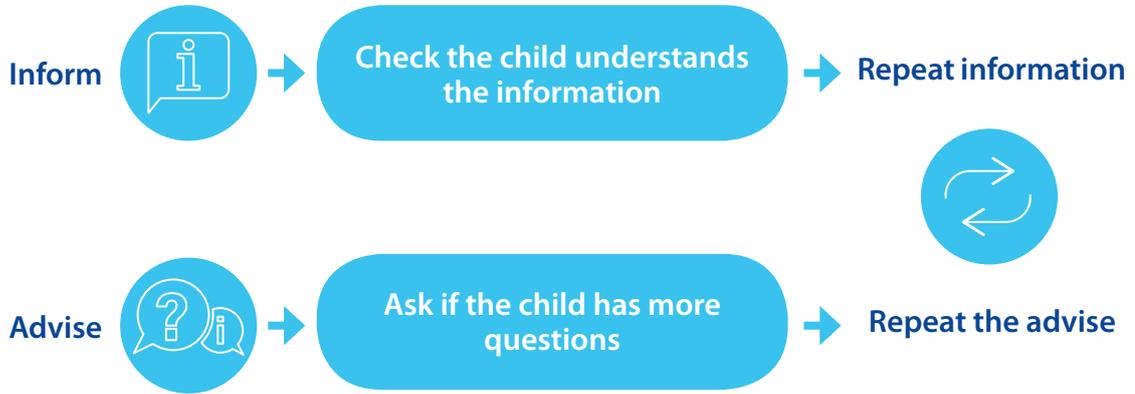
Where a child is also a parent or is pregnant, give them additional information about support and care for their own child or infant.



Practical tip

Instead of giving all information to the child orally, you could also ask the child what he or she wants to know and look it up together on the computer or in an encyclopaedia. In this way the child not only has the information, but also knows how and where to look for accurate information.

Provide information, check the child understands and if not, repeat the information.



Summary of who should give what information		
Everyone	Guardian	Lawyer
Accessing a guardian or legal aid provider Complaint mechanisms	The function, role and responsibilities of a guardian Children's rights Best interest of the child Effective participation Everyday practical issues	The function, role and responsibilities of a lawyer Children's rights Best interest of the child Effective participation in legal procedure

06

Immigration and asylum procedures and durable solutions

Asylum and
immigration procedures

family reunification

study permit

leave to remain

work permit





Golden rules

- explain the procedures available and which procedure would be in the child's best interests;
- use scenarios and role play to help the child to understand procedures;
- information should be adapted and repeated to fit the child's current context, including the stage of the applicable procedure that they have reached;
- empower the child to participate in immigration procedures and the determination of best interests and durable solutions.

There are significant challenges in the provision of child-friendly information about immigration and asylum procedures. These relate to the difficulty of providing straightforward explanations of complex concepts of procedures to an audience that is not homogeneous in terms of presentation, development or experience. However, for procedures to be fair and effective, those to whom they are applied must be able to understand and engage with them.

Who should provide information about immigration and asylum procedures and durable solutions to children in migration?

This chapter is primarily aimed at government actors and professionals (including guardians and lawyers) who will engage with children in migration in the "host" country in order to register and process their asylum application or application for a residence permit in due consideration of their best interests.



*“My lawyer did not even look me in the eye.
He talked to my social worker and he looked at her.
He did not want to know what I had to say.
I felt like I was no one to him, like I was not important.”*

Artan, (16)

As we saw in Chapter 4, guardians and lawyers also have a primary duty to ensure that information provided to their child clients is understandable. Failure to do so has the potential to render such information meaningless to the child leaving them confused, frustrated and isolated. Children must be enabled to express their views effectively and these views should be captured and communicated to the relevant authorities so that they can inform decisions on best interests and the appropriate

arrangements for the child's long-term care, in addition to being taken into account in relation to the application to remain in the host state. Legal professionals are reminded that it is the child who is their client, rather than adults having care of or advocating for the child; it is to the child that they owe their professional duties, including the duty of confidentiality. This remains the case whether advice and representation is provided directly by lawyers, or where NGOs have the responsibility for the provision of advice in a particular context.



Promising practice

Brighter Futures and Kids in Need of Defence

Video made by children who have experienced migration for lawyers about how they should communicate with them about procedures.

www.kidsinneedofdefense.org.uk/news/brighter-futures-working-with-children-and-young-people



Questions children may have

- What is a lawyer?
- What is a law?
- Who is going to decide what happens to me?
- How does the government know about me?
- What is the right answer for me to give?
- What is an interview? Will I be able to speak in my own language?
- Why are you writing down everything I say? Is what I tell you private?
- Do you believe me?
- What is the difference between a lawyer and:
 - a decision maker?
 - a guardian?
 - a social worker?
- Will they let me stay here?
- Where should I go if they won't let me stay?
- How long will this take?
- Do I have to pay you?

What information should be provided?



“My client had never seen a computer before he came to this country. One of the other boys told him that the computer would know if he was telling the truth or not and would underline any lies in red. He could not read the words on the page as we drafted his statement together, but he could see the red underlining [caused because the computer did not recognise words from his language] and was terrified.”

Susan, lawyer, UK

The information should take into account the fact that children from different countries or different environments are likely to have different levels of understanding of concepts such as law and order, the rule of law, state involvement in the lives of citizens and even the concept of “childhood”. Tailor information to the experience of the child in question as far as possible.



Practical tip

The information below is aimed at specialist practitioners and the content is likely to be state-specific. If you are not a specialist, your role should be to help the child to access specialist advice where they can receive specialist information.

At a minimum, child-friendly information should be provided that is sufficient to communicate effectively the following basic concepts.

Information on asylum and immigration

Give the child an overview of the available procedures – unpack and communicate this information in a simple and meaningful way. It is important to remember, as set out in the introduction to this handbook, that children require detailed information about whether and how they can participate in the procedures applied to them. Children are also entitled to have information about the recording and holding of their personal information.



Promising practice

Information desk

Plan International Germany

An information desk provides information about asylum procedures, public transport and access to social rights with the participation of young refugees through a combination of oral information and leaflets.

Explain that a system exists to determine whether the child will be allowed to remain in the state to which they have applied for asylum or a residence permit. Take into account the context of the child and whether they will understand concepts such as the “state” or a “procedure”. Use analogies with the child’s context or culture that can assist you in your explanation – most children will, to some extent, understand the concept of being a national versus being a foreigner, and this can be expanded to provide a more detailed description of the process in the host state.



Practical tip

Check the child understands whether they have made (or will have to make) a specific request to remain in the host country (either by making a formal asylum claim, or by making an application for another immigration status).

Inform the child about whether they have the right to access information held about them, and if so, how to access it. You may have to explain the concept of “information held about you” to the child before this advice is meaningful. You may also have to explain why this information may assist the child now or in the future and should not assume that a child will understand what information is necessary or why.



Practical tip

Consider whether the child requires the consent of an adult in order to access this procedure and the potential for conflict of interests between the child and the relevant adult.

Specific information about procedures applied in the host state

The child must be aware of the procedures that will be applied to them during their time in the host state in order to be able to participate in these procedures.

Inform the child about the overall procedure applicable in the country where they are applying for immigration or asylum status.

Make the information meaningful for the child by explaining where they are in the process at the point you are providing the information and identify where they hope to be when the process is complete.

Ensure that the child understands the various procedures that may be available to them including:

- asylum procedures;
- family reunion and family reunification;
- immigration status: leave to remain, residence permits and possibilities as looked-after children;
- relocation agreements and arrangements including the Dublin Regulations;
- resettlement (pre- and post-refugee status determination decision and within Europe);
- appeal mechanisms/opportunities to challenge decisions.



Practical tip

Providing information about family reunification and family reunion early on may help identify possibilities for the child to be reunited with family members in another state without the need to make an asylum claim in the country of arrival.



Promising practice

Child-friendly video about asylum procedures

UNHCR, Italy in co-operation with the Ministry of Justice have developed a video to explain the asylum procedure in a child-friendly way.

Ensure that the child understands the benefits and implications of each procedure including:

- the consequences of pursuing each possible route to obtaining a residence permit;
- the consequences of any contact with the embassy or consulate of their country of origin/nationality;
- the implications of the form of residence permit applied for or obtained and their prospects of being able to return to their country of origin or nationality;
- the consequences of refusal of their application for a residence permit;
- the possibility of appealing against refusal of their application and further challenges.

Inform the child about the likely duration of each procedure. Help the child to understand what is supposed to happen in theory and what will happen in reality, why this is so and that they are not to blame. Help the child understand if there is any way to make things go faster and the possible consequences of this on the outcome of the procedure.



Practical tip

If the child asks you a question to which you don't know the answer, don't be afraid to tell them that you don't know.

For example, if they ask you what the outcome of the procedure will be, be truthful.

Inform the child about the consequences of refusal of an asylum or immigration application:

- ensure that the child understands which parts of the application have been accepted and which have been rejected if appropriate;
- explain the short- and long-term consequences of refusal, including for their life project and durable solutions;
- explain how to challenge the refusal decision and the implications of deciding to challenge or deciding not to challenge the decision;
- explain the availability of funding for legal advice and representation in relation to any challenge, and any conditions attached to the funding;
- where relevant, inform the child about the possibility of detention in the long and short term.



Promising practice

Video and booklet: Seeking asylum in Ireland

Irish Refugee Council

This organisation has developed a video and booklet to explain the asylum procedure and also where to get further help for other procedures, such as contact details of child protection organisations.

Video: <https://vimeo.com/85515034>

Booklet: www.irishrefugeecouncil.ie/wp-content/uploads/2013/05/IRC-Video-Guide-for-Young-People-1.pdf



Consider

It is vital that children are told the truth in this situation, but that this is done in a sensitive and gentle way.

Where there are potential remedies these should be explained promptly.

Other possible alternatives and opportunities should also be explained so that the child is able to form a realistic view of their future prospects.

Legal issues

Legal issues in relation to status determination can be extremely complex. However, the laws applicable to their situation are fundamental to the protection of the child's rights and it is essential that children are provided with sufficient information. It is necessary to consider the extent to which the child's cultural context will affect their ability to engage with the concept of legal advice and the concept of advice that is free at the point of delivery (including the extent to which a child may believe that free advice is likely to be of poor quality).

At a minimum, children will require information about the following issues:

The definitions and concepts that may apply to their situation including:

- Refugee Convention reasons for seeking asylum;
- subsidiary protection;
- the concept of safe third countries;
- well-founded fear of persecution in their country of origin;
- trafficking in human beings;
- victims of exploitation;
- victims and witnesses of domestic violence;
- private and family life; right of residence linked to childhood status.
- private and family life.
- right of residence linked to childhood status.



Practical tip

It is important that children understand that an asylum case or immigration application that might not succeed for an adult may nevertheless succeed for a child because of the different threshold for harm.

This may particularly be the case for a girl child, where gender and child-specific persecution combine to create a greater level of risk.

It is vital to communicate this in order to counter-balance "advice" that a child may receive from an adult from their own country with experience based on the assessment of their own (adult) case.



Promising practice

ECPAT ReACT

Information about rights and procedures of victims and children at risk of trafficking in human beings and exploitation is available in a child-friendly video and leaflet. These resources are available in several languages.

Video: www.youtube.com/watch?v=dkFGdfW_RDg

Leaflet: www.ecpat.org.uk/Handlers/Download.ashx?IDMF=6d17d2e3-62bb-42da-83a6-d24efd82c497

Inform the child and their family that even if they are accompanied they may have a child-specific asylum claim that is independent of any claim made by their parents or family members. This applies also to married children who may have an asylum claim independent to that of their spouse.

Consider how information can be provided to children with whom you have little or limited contact and for whom most contact is mediated through a parent or caregiver, or a spouse in the case of a married child.

Practical issues

In addition to complex legal concepts and definitions, there will be practical considerations relating to the provision of information to children in migration in relation to immigration and asylum procedures. Communication about these issues is essential to enable the child to participate fully and provide informed consent in relation to practical matters.

- ***Providing documents***

Enable the child to understand the relevance of providing documents for immigration procedures and asylum claims.

Help the child understand why documentation is required and what aspects of their application(s) the documents will support. Any information about obtaining documents must also inform the child of the risks and consequences of providing false or forged documents in the course of their application. Reassure the child if they are unable to obtain documents because they come from a state in armed conflict or where there is no functioning government that this can be explained to the relevant authorities. Inform the child about the regulations applicable for obtaining documents; perhaps they cannot obtain documents without parental authority.

- ***Interacting with authorities***

Children need information about their interactions with status determination authorities. Consider ways to ensure that the child understands the purpose and consequences of any interactions, whether these are in-person interactions or in writing via a third party (including via their lawyer). In relation to in-person interactions consider what preparation will be meaningful for the child, including:

- role play;
 - videos of similar interactions;
 - testimony from other children who have already been through the procedure;
 - pictures of the location (including the room in which the interaction is likely to take place);
 - the provision of decisions by decision makers (at both first instance and appellate level) that are written in simple, child-friendly language;
 - the provision of advice and information that is written in simple, child-friendly language.
-



Promising practice

Informing children about the asylum procedure

Danish Refugee Council

A smartphone app has been developed to inform children about the asylum procedure in Denmark.

<https://drc.ngo/asylumdk>

- **Integration**

As regards information about integration and inclusion bear in mind whether you are providing information before or after a decision has been made.



Consider

- What inclusion support services or opportunities are available to the child to assist them to adjust to the host state and engage with local children and young people?
- What are the consequences for the child if they do not have a right to remain in the host country permanently?
- Are there any skills that have been or can be acquired that will make it likely that any return to the country of origin will result in more positive outcomes for the child?
- What are the expectations held by the host state?

Children also need realistic advice about the likely weight that the host state will place on attempts to integrate – this requires sensitive handling as children may blame themselves if they feel that they have not been allowed to stay in a state because they have not integrated “enough”.



Practical tip

A legal specialist may not have specialist knowledge of services that support young people. However, it is important that you are at least able to signpost your child clients to relevant youth organisations that can assist with this.

See www.eryica.org/our-network

Points of transition

Children will have a particular need for clear and understandable information at points of transition in their legal status in the host country including changes in residence status, asylum status and the transition to adulthood.

Inform the child about the consequences of being granted asylum status or immigration status.

Where a child has been given permission to remain or a residence permit, they should be provided with information that sets out:

- the terms of that asylum or immigration status;
- the basis on which it was granted;
- any actions by the child or others that may result in loss of that status;
- any actions that the child will need to take in order to maintain that status, including to extend or renew their status;
- whether it is possible to obtain a different or more advantageous form of immigration or asylum status by challenging the decision granting the current status, together with advice on the consequences of such a challenge.



Promising practice

Individual interviews about rights and procedures

Thémis, France

Thémis receives unaccompanied children in individual interviews to inform them about their rights and the procedures they are undergoing. A legal adviser provides advice and support to the child about their options and how to realise their right to participate in the procedures, how to access an effective remedy and where to get help with social services.

Inform the child about rights and entitlements in relation to reunion with family members. Children require not only advice about the existence of family reunion rights, but also practical information about:

- how such rights can be accessed;
- any time limits within which an application must be made;
- the timeframe for preparation of the application and consideration of the application, up to the point of actual reunification with family members;
- the effect that family reunion may have on their own immigration status in their host country.

Although for most children going through immigration proceedings to remain in their host state, family reunion rights may not be exercisable until they have obtained a residence permit, it is vital that children understand that information that they have provided in the context of their immigration applications may be relevant to the prospects of succeeding in being reunited with family.

Inform the child of the changes in their status and the consequences on the child's access to rights. Where a child obtains a residence permit that is contingent on their childhood status, it is important that they understand this and can plan for the future. In order to plan for the future the child will need to understand the range of options that they have, the likelihood of each option being successful and the short- and long-term consequences of choosing a particular option.

Children need to understand the obligations on adults and authorities responsible for them and the extent to which these are contingent on:

- the child's age;
- the form of status they have in the host country;
- any other relevant factors.

Children require information that distinguishes between their fundamental rights and rights that are contingent upon their immigration status or their status as a child.

Remember that the main aim of child-friendly information is to empower children to participate in procedures and ensure access to rights. It is also important to note that the environment in which information is provided can have a significant impact on whether or not that information can be considered child-friendly.

Children detained on the basis of immigration status

Help the child understand their right to liberty:

UN Convention on the Rights of the Child 1984, Article 37(b)

"States Parties shall ensure that: ...

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."

General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005 (CRC/GC/2005/6) – paragraph 61: "Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof."

Joint General Comment UNCMW3/UNCRC23 (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, paragraph 5: "Any kind of child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice."

European Convention on Human Rights, Article 5:

“Everyone has the right to liberty and security of person.”

The European Court of Human Rights has made clear on a number of occasions that the detention of children for immigration purposes may amount to degrading treatment contrary to Article 3 of the European Convention on Human Rights.

Irrespective of the legality of the detention, it will always be in the best interests of the child to receive information in a child-friendly way, including during detention. Therefore, it is especially important that adults who interact with children in detention about their immigration or asylum status implement all of the guidelines outlined in this handbook.

Children who are detained due to their immigration status are exceptionally vulnerable and so it is imperative for the staff and lawyers to inform them in a child-friendly way about the immigration and asylum procedures and effective remedies available promptly and as an on-going process throughout their detention.

**Consider**

The information that should be provided to a detained child must include:

- the reasons for the child’s detention;
- the child’s rights during detention;
- how the child can challenge detention (including effective information about how to access legal advice in this regard);
- the likely duration of the period of detention;
- an explanation of any difference in treatment between unaccompanied children and children in families.

Such information should enable the child to access the procedures necessary to end the detention situation and at the very least empower the child to understand their situation, the possible outcomes and likely duration.



Questions children may have

- Why am I here?
- Did I do something wrong?
- Who put me here?
- How long will I stay here?
- Can I still go to school?
- Can I contact my family?

Durable solutions

Child-friendly information in relation to durable solutions will only be child friendly where the process itself is adapted to ensure that the views of the child are heard and given due weight. Decisions in relation to durable solutions must be reached with rather than about the child. The child cannot participate if they do not know:

- that they are entitled to participate;
- what options are available to them:
 - in relation to integration in the host state;
 - in relation to relocation within Europe;
 - in relation to resettlement in a third country;
 - in relation to resettlement or reintegration in their country of origin;
- how to make their views known;
- who will make the decision;
- what weight will be placed on their views;
- what other factors will be considered;
- what weight will be given to those other factors;
- what steps the child can take if their views are not taken into account;
- what steps the child can take if inappropriate weight is given to other relevant (or irrelevant) factors;
- whether the child is entitled to representation or assistance during the process;
- whether there is funding for representation or assistance through the process;
- where the child can seek free legal advice in this regard.

When discussing the durable solutions most appropriate to the child be sure to discuss their best interests with them. For guidance on how to discuss the best interests of the child in a child-friendly way, see the Introduction.



Promising practice

Promising practice

Booklet on Relocation, European Asylum Support Office (EASO)

EASO has developed a booklet in child-friendly language about relocation procedures. The booklet is distributed by EASO staff on the ground and is therefore accompanied by an oral explanation of the procedures described therein.

Returns

To ignore the possibility of removal is to provide incomplete information to children about the potential outcomes for their migration journey. Whilst the child may not wish to return to their country of origin, where this is the situation applicable for the child, they do require information in relation to return. Failure to provide information will not prevent return, but may have the effect of making the process of return significantly more distressing for the child.

Inform the child of the ending of any right to remain or residence permit in the host country, and the arrangements for return to the child's country of origin. Lawyers and guardians will both play a role in keeping the child informed throughout this procedure. Once the decision is final and not subject to further suspensive appeal or review, help the child anticipate what will happen to reduce feelings of stress and anxiety.



Questions children may have

- Which country and which city will I be sent to?
- When will I have to leave?
- How will I travel? Will I have to take a plane? Will I be escorted or handcuffed during the journey?
- Will there be anyone to meet me when I arrive?
- How will my family know I am coming?
- Will I be detained before I am removed?
- Will I be allowed to come back here one day?

Inform the child whether they can access any practical support such as funding or training to prepare the child for return (including supporting the child to establish or continue contact with family in the country of return). Inform the child if they will be assisted to remain in contact with professionals, their guardian, friends or family in the host state post-return. Make sure the child understands the consequences if they resist or fail to comply with removal procedures.



Consider

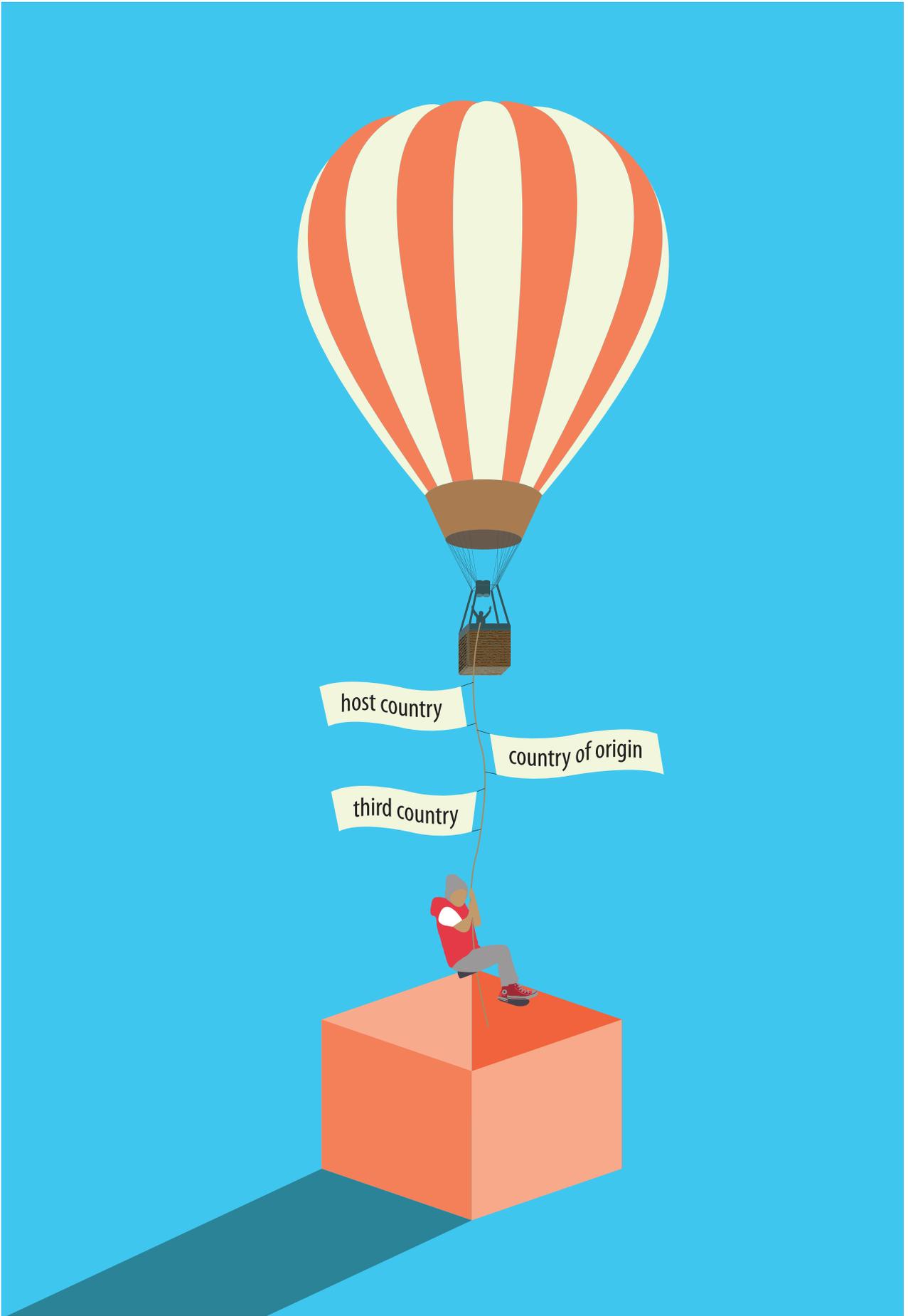
It is vital that information about returns is provided gently and with the understanding that the child may perceive that they have “failed” in some way in not being allowed to remain in the country to which they have chosen to migrate.

It is important to appreciate the different impacts of a return that is arranged at the request of the child (a voluntary return) and one that is arranged by the host state (a forced return) on the ability of the child to engage with the process. Whilst the underlying content may be similar, different tools and approaches are likely to be required to provide information in relation to voluntary return as opposed to a forced return. Whilst a child making a voluntary return may seek out information, a child facing forced return may actively avoid or reject such information.

Accompanied children may have had the truth of their situation hidden from them and be profoundly shocked at being told of their imminent removal. Conversely a child who is returning to their country alone may have no one with whom they are able to discuss their fears and will be contemplating a return to a situation in which their needs for immediate care and protection may not be met. This is particularly the case for age-disputed children.

It is vital that children are provided with information that allows them to understand whether removal from the host state is taking place:

- a procedural outcome in the context of an immigration/asylum application procedure that has now come to an end with a final decision that the child has no lawful basis to remain in the host state;
- as a punitive measure related to criminal or other sanctioned behaviour by the child or an adult family member or caregiver upon whom they are dependent;
- as a durable solution following a detailed assessment of the best interests of the child, resulting in a decision that it is in their best interests to return to their country of origin.



Conclusions

The way you communicate with a child will determine to a great extent the way in which a child is able to engage with and act on the information you are providing. Building a relationship of trust is essential for the child to be able to give due weight to the information you provide. Child-friendly information does not necessarily take more time or cost more money but it does require a conscious effort by adults to adapt their communication to the needs of children.

Each and every one of you can play an important role in helping a child access their rights by ensuring they have access to adequate information and, if you are unable to provide such information, by your referring them to the appropriate information provider. Remember that children are vulnerable and children in migration cumulate several vulnerability characteristics, therefore you should double your efforts to ensure that each child is informed of their rights and about where to get further help at a future time.

Any form of information can be made child-friendly by adapting the content and method of communication to the child's age, level of maturity, gender and culture, as well as providing it in a language that they understand. Children with particular vulnerabilities may require specific information about specific procedures that are available and specific rights that are applicable to their situation.

Accompanied children also need to be informed about their rights.

Annex 1

Factsheets

Remember that your priorities are not the same as the child's

Information the child will want to know



Immediately upon arrival

Where can I find: doctors, food, clothes? 

Where can I sleep? 

Where am I? (give the child a map) 

How can I phone my family to tell them I am safe? 

How can I connect to the internet? 

At a secondary stage

Who will I meet? (guardian, social worker, border guards, police officers to register me and take my fingerprints) 

Emergency contact numbers? 

Where can I get more information? 

What will happen next and what are my options? 

What social activities are available? 

Information you will need from the child

Try to differentiate information you will need immediately when the child arrives from the information you can ask the child once they have had some time to rest and recuperate.

Is the child travelling alone?



Is the child in danger or afraid of anyone else travelling with them?



Registration details

(name, age, nationality)



Does the child need urgent medical attention?



Why did the child leave their country

(should they apply for asylum, or is another procedure more appropriate)?

Does the child have any documents?



Where are the child's family members?



Be attentive to the vulnerabilities and characteristics of the child and give them information about specialist organisations: youth organisations for girls, support groups for LGBTI children, support groups from a religious minority, etc.



Accommodation

- Inform the child about the accommodation and why they have been placed there
- Explain where the child can store their things in a safe place
- Explain to the children the daily rules in the reception centre
- Explain and clarify the different roles of the professionals they will meet
- Explain what the staff will do with the identity documents if they need them
- Inform them about the other children they will meet and if they will have specific problems (complaints mechanisms if they are in conflict with another)
- Inform them if it is a temporary or permanent facility
- Inform them if they have the possibility to change accommodation
- Explain if their situation will need a transfer, including the reason and the modalities and the timing of the transfer
- Talk about vulnerabilities and the risk of trafficking



Personal links, leisure and interests, places of worship

Inform the child that they have the right to development/play/leisure including:

- sports (available clubs that are open to children, in the reception centre and in the community);
- religious institutions (inform the child about the rules relating to religious practice in the state and in the reception centre. Where can the child pray? Where can the child express their religious identity through their clothing? Where can the child express their religious opinions?);
- support groups for LGBTI children;
- youth work organisations/youth information centres and information points;
- how to maintain links with family members and friends in the host country and abroad (visitation rights);
- access to culture (music, dance, theatre clubs);
- maintaining cultural links to the home country;
- activities to encourage the child's self-expression.



Health

- Differentiate health examinations and medical examinations for age assessment (help the child understand the doctor will have different roles)
- Help the child understand the health system
- Tell the child it is ok to see a doctor of the opposite sex or to ask to see a doctor of the same sex
- Listen to the child's fears and anxieties and provide information that addresses these (e.g. blood tests are for screening or medical purposes)
- Provide preventive information on STIs, sexuality education, etc.
- Explain the specificities of medical confidentiality and informed consent



Education

- Tell the child about the education system in the host state
- Listen to the child's goals and give them the information necessary to respond to their aspirations
- Inform the child about the duration of the right to education: how long will the child be able to go to school? Will they be able to complete their qualification even if they turn 18?
- Tell the child if schooling exists in their own language

Before	During	After
<p>Tell the child why age assessment takes place: explain what 'minority' means and the entitlements associated with the status of being a child.</p> <p>Questions children may have:</p> <ul style="list-style-type: none"> • how long does it take? • in which setting will it take place? • which professionals will implement it (language barriers and use of interpreters)? • is it possible to be accompanied by a trusted adult? 		
<p>Communicating: take into account the child's way of calculating their age (if they use a different calendar or if they calculate their age from the beginning of the year). Talk to the child about how they measure time.</p> <p>Inform the child of their legal status during the age assessment procedure, including their entitlements during the procedure (accommodation, education and health care).</p> <p>Inform the child about their rights and entitlements regarding refusing to participate and the consequences of this, including in the context of medical examinations.</p> <p>Help the child understand if exercising their right to refusal will mean they will automatically be classed as an adult, blocked from proceeding with their asylum claim or other administrative and judicial consequences.</p>		
<p>Informed consent:</p> <ul style="list-style-type: none"> • provide advice to the child: can they say "I don't remember"? Is this better than making up a date? Remind them that it is necessary to be precise; • help the child understand that it is important to be coherent. 		
<p>Prepare the child for the age assessment according to the method:</p> <ul style="list-style-type: none"> • if it is an interview: inform them about the questions they might be asked during the interview; • if it is a medical examination: inform them about the method, aims and informed consent (with a sexual maturity examination, explain their right to refuse and recall their right to dignity); • if it is by documentary evidence: inform them of the risks of false documents and official methods to obtain official documents; • if it includes fingerprint checks inform them of the use and storage of their data. <p>Prepare the child to reassure them so they know what to expect, how it will work, what the professional is not allowed to do and what the child can refuse.</p>		
<p>The child is not powerless: they have the right to make a complaint if they suffer unprofessional conduct – if they felt their treatment during the age assessment was inappropriate. Advise the child to talk to their guardian, to the ombudsperson for children, their lawyer and/or an NGO. Don't blame! Reassure the child it is not their fault. Be culturally sensitive: children might be afraid to say something negative about an adult's behaviour.</p>		<p>Inform the child about the effective remedies available if they do not agree with the outcome of the age assessment. Explain the consequences of the outcomes (vulnerabilities: statelessness).</p>

Pay particular attention to vulnerabilities, e.g. for victims of sexual violence (retriggering experiences of violation of consent), pregnant girls, children suffering from PTSD

What the child needs to know about you

- Who are you?
- Who are you not?
- Tell the child everything you do must be guided by what is best for them.
- What are your powers, what is the limit of your authority?
- How long will you be their guardian?
- What can the child do if they feel you have acted unfairly? Can the child change guardians?
- That the child's identity and story is safe with you, their data will be protected, you will keep it confidential and the limits of your professional secrecy obligations.
- How can they contact you?

Communicate in light of the child's

- Identity (age and language)
- Family situation (unaccompanied, separated, orphaned, accompanied)
- Vulnerabilities (suggestibility, trauma, perception)
- Needs (health, education, legal, leisure)

How can you communicate?

- Listen to the child.
- Listen to the child's non-verbal signals: are they showing signs of abuse, stress, trauma; are they pregnant; are they afraid of a particular person?
- Build up a relationship of trust by participating in activities together or accompanying the child to important meetings (set small goals and achieve them).
- Pay attention to your body language.
- Use simple language.
- Ensure the child understands the role of the interpreter.

When should all this happen?

- When you meet the child.
- When their situation changes help them understand the change, new rights or rights that cease to apply to their case.
- When they can participate in a decision help them understand what is at stake and how to give their informed opinion in a meaningful way.

What the child needs to know

- What does childhood mean in the host country?
- They have the right to be safe, to special protection and assistance.
- They have the right to be heard: they can have a say in the decisions affecting them.
- They have the right to develop their individual potential including: access to health care, education and leisure.
- They have the right to maintain contact with their family (you may need to refer them to a legal specialist to discuss family reunification or family tracing).
- Help the child understand the procedures they are currently in, why it is happening, how long it will take, what the consequences will be.
- Make sure the child understands any conditions attached to these rights. Will the guardianship end when they reach 18?
- If the child is approaching 18 help them plan what will happen once they are an adult.

Lifelines

- Make sure the child knows they have the right to protection against neglect, violence or any violation of their rights.
- Give the child your office number and police or hotline numbers for child protection services.
- Explain the non-formal remedies for other issues that the guardian can support the child with.
- Explain the complaints mechanisms available. If the child has a difficulty with the guardian and how they can access them.
- Tell the child about the ombudspersons for children. Explain how they can contact them.

Possibilities and opportunities to be included in society: start a path for inclusion.



Inform the child about scenarios and future perspectives:

- different destinations;
- different possibilities (integration in host state, resettlement in a third state, family reunification, resettlement in the country of origin);
- conditions for accessing a 'durable solution' and what makes a solution durable.



Review possibilities: inform the child about how permanent the solution is, whether the 'durable solution' will evolve and under what conditions (e.g. when the child turns 18, gets married, protection needs).



Inform the child about the professionals involved in the process, and what each professional's role and decision-making power is.



Listen to the child's plans, desires and vulnerabilities; give them relevant information in light of these.



Inform the child about how they are involved in the process, what their role is and what is expected of the child. Also explain how the child will be heard and what weight will be given to their view.



Inform the child that the solution will be based on skills and needs assessment and what this implies.



Help the child understand what they can do if they do not agree with the 'durable solution' or the procedure.



Timescale: inform the child about the duration of procedures.



If the child wants to go back to their country of origin inform the child about the help available to return to their country of origin.

If the child is nearing 18

Prepare the child for adulthood: how to access a durable solution once they are 18 years old, what help is available, how to access this help (refer the child to youth information services, youth counselling services, adult counselling services, etc.).

Help the child to prepare for the reality they will face once they are 18. Availability of adult safeguarding services, for example: will the child be excluded from services because they are not a national of the member state?

This guidance can be relevant whatever the type of detention.

Questions children might have:

- Why am I here?
- What did I do wrong?
- I'm not a criminal, what am I doing here?
- Is this prison?
- Am I being punished?
- Who put me here?
- How long will I be here?
- Who can I contact?
- How can I contact someone who can help me?
- What happens to me when I get out of here?

What the child will be feeling:

- scared and sad;
- disorientated;
- alone;
- helpless;
- stressed.

Things you (staff in a detention centre) must absolutely help the child understand:

- the child's rights;
- complaints mechanisms;
- who to talk to for more information or help;
- right to make a complaint;
- do they have a right to a guardian or legal advisor? How can they contact them or have one appointed?;
- how to access legal procedures, asylum procedures, procedures after detention.

Rights of the child:

- right to protection (a life free from violence or inhuman and degrading treatment);
- right to non-discrimination;
- right to have their best interests taken as a primary consideration;
- right to be heard and have their views given due weight;
- right to legal advice;
- right to health care;
- right to education, leisure and development;
- right to privacy (private and family life);
- right to complain (effective remedy).



Mental health concerns

A child who has experienced torture or inhuman treatment in detention in another context (e.g. their home country or during their journey) may be afraid that this will happen again in this detention context.

Children in detention are at greater risk of self-harm, suicidal thoughts, mood swings and aggressive behaviours.

Provide children with information and counselling to protect their mental health.



Annex 2

Table of key standards

Provision	Right	Consequences
United Nations Convention on the Rights of the Child, 1989		
Article 12	Right to be heard and to participate in the procedures affecting the child	<ul style="list-style-type: none"> In accordance with the best interests of the child they should be fully informed throughout the procedure along with their guardian or legal representative. To allow for effective participation and well-informed expression of their views, the child should be provided with all relevant information. Children should be provided with information in a manner that is appropriate to their maturity and level of understanding. All relevant information in the context of migration includes information on the rights of the child, the services available, the means of communication, complaints mechanisms, immigration and asylum processes and their outcomes.
Article 42	State obligation to inform the child of their rights under the UNCRC	<ul style="list-style-type: none"> The state must inform the child of their rights as a child as conferred by the UNCRC.
European Convention on Human Rights, 1950 ETS No. 5		
Article 3	Prohibition of torture, inhuman and degrading treatment	<ul style="list-style-type: none"> The child has the right to be informed of their right to a life free from violence and the effective remedies available in case of violation.
Article 5 Para. 2	Right to be informed of reasons for detention	<ul style="list-style-type: none"> Children in detention have the right to receive child-friendly information about the reasons for their detention.
Article 5 Para. 4	Right to an effective remedy to challenge the lawfulness of detention	<ul style="list-style-type: none"> The child has the right to receive child-friendly information about effective remedies available and how to access them.
Article 13	Right to an effective remedy	<ul style="list-style-type: none"> The child has the right to receive information on available remedies and how to access them.
Articles 3 and 4, Protocol 4	Protection against collective expulsion	<ul style="list-style-type: none"> The child has the right to receive information about their right to protection from collective expulsion and how to access effective remedies.

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108)		
Article 8	Additional safeguards for data subjects to establish the existence of personal data files, to access personal data files, to obtain rectification or erasure of data processed contrary to the provisions of domestic law and Articles 5 and 6 of the Convention and to access an effective remedy	<ul style="list-style-type: none"> The child has the right to be informed of how their personal data will be used and stored, and how to access, rectify and obtain erasure of data that has been processed in violation of their rights.
Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (CETS No. 164)		
Article 5	General rule that interventions in the health field may only be carried out with the informed consent of the person concerned	<ul style="list-style-type: none"> Informed consent is required before medical examinations may take place.
Article 6	Persons not able to consent, including minors. The medical intervention may take place with the consent of the child's representative or an authority or person provided for by law. The child's opinion shall be taken into consideration in proportion to their age and degree of maturity.	<ul style="list-style-type: none"> If, according to law, the child cannot give consent to a medical examination their guardian or legal representative may do so on their behalf. The child has the right to be heard and have their opinion given due weight in the context of medical examinations.
Convention on Action against Trafficking in Human Beings, 2005 (CETS No. 197)		
Article 12	Victims of trafficking have the right to assistance including counselling and information about legal rights and services available, in a language they can understand	<ul style="list-style-type: none"> A child victim of trafficking has the right to receive information and counselling in a language that they understand about their legal rights and the services available to them.
Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007 (CETS No. 201)		
Article 31	Child victims of sexual exploitation and abuse have the right to protection including receiving information about their rights and services available, being informed if they or their family is in danger, the right to be heard and supply evidence, the right to privacy and protection against the dissemination of any information	<ul style="list-style-type: none"> A child victim of sexual exploitation and abuse has the right to be informed of their rights and the support services available. They also have the right to information about relevant judicial and administrative proceedings.

Convention on preventing and combating violence against women and domestic violence, 2011 (CETS No. 210)		
Article 19	Victims have the right to receive adequate and timely information on available support services and legal measures in a language they understand	<ul style="list-style-type: none"> • Child victims of violence against women or domestic violence have the right to receive information about the support services available. • Such information must be adequate, timely and provided in a language that they understand.
Article 59	Right to apply for autonomous residence status	<ul style="list-style-type: none"> • Child victims of domestic violence have the right to request an autonomous residence permit in the cases outlined in this article.
Article 60	Right to apply for asylum on gender specific grounds	<ul style="list-style-type: none"> • States should recognise gender-based violence against women and girls as a specific form of persecution. • Girls should be informed of their right to claim asylum on gender-specific grounds and to access gender-sensitive procedures.
Article 61	Non-refoulement	<ul style="list-style-type: none"> • Girls are specifically protected against return to a country where their life would be at risk or where they may be subject to torture or inhuman or degrading treatment or punishment due to gender-based violence.
Council of Europe Committee of Ministers guidelines on child-friendly justice CM/Rec(2007)9		
Guideline IV.A.1	Right to child-friendly information and advice	<ul style="list-style-type: none"> • The child has the right to receive information that is adapted to their age and maturity, in a language that they can understand and that is gender and culture sensitive.
Council of Europe Committee of Ministers Recommendation on children's rights and social services friendly to children and families CM/Rec(2011)12		
Guideline V.A.1	Right to information and advice on available social services	<ul style="list-style-type: none"> • The child has the right to receive information and advice in a child-friendly language about social services available. • The child has the right to information about their rights within social services including the procedures and effective remedies available.

Parliamentary Assembly Resolution 1810 (2011): Unaccompanied children in Europe: issues of arrival, stay and return		
Para. 5.6	Principle that children should be informed immediately upon arrival or interception, individually and in a language and form they can understand about their right to protection and assistance, including the right to seek asylum or other forms of international protection	<ul style="list-style-type: none"> Child-friendly information should be provided immediately about the child's right to seek asylum or other forms of international protection, the necessary procedures and their implications.
Parliamentary Assembly Resolution 2136 (2016): Harmonising the protection of unaccompanied minors in Europe		
Para. 8.2.4	The Parliamentary Assembly urges states to provide child-friendly information and trained interpreters and counsellors for children upon arrival	<ul style="list-style-type: none"> Children should have access to information and trained interpreters and counsellors upon arrival.

Annex 3

References

- Accorinti M. (2016), *"Unaccompanied foreign minors in Italy: a political and social analysis"*, Institute for Research on Population and Social Policies (IRPPS-CNR), Rome.
- Alikhan S. and Floor M. (2007), *"Guardianship provision systems for unaccompanied and separated children seeking asylum in Europe"*, Initial mapping, Geneva.
- Bailleul C. and Senovilla Hernández D. (2016), *"Dans l'intérêt supérieur de qui ? Enquête sur l'interprétation et l'application de l'article 3 de la Convention Internationale des Droits de l'Enfant dans les mesures prises à l'égard des mineurs isolés étrangers en France"*, MIGRINTER, Poitiers.
- Bailleul C. and Senovilla Hernández D. (2015), *"In whose best interests? Exploring unaccompanied minors' rights through the lens of migration and asylum processes: France national report"*, Projet MINAS.
- CGRS (2017), *"Guide for unaccompanied minors who apply for asylum in Belgium"*, Commissioner General for Refugees and Stateless Persons, available at www.cgrs.be/sites/default/files/brochures/brochure_unaccompanied-foreign-minor_2017_english_0.pdf, accessed 30 October 2018.
- Council of Europe (2010), *"Life Projects for unaccompanied migrant minors – A handbook for front-line professionals"*, prepared by Drammeh L., Council of Europe Publishing, Strasbourg.
- Council of Europe (2017a), *"Thematic report on refugee and migrant children"*, SG/Inf(2017)13, Council of Europe Special Representative of the Secretary General on Migration and Refugees, 10 March 2017.
- Council of Europe (2017b), *Internet literacy handbook. Supporting users in the online world*, Council of Europe Publishing, Strasbourg.
- Council of Europe (2017c), *"Age assessment: Council of Europe member states' policies, procedures and practices respectful of children's rights in the context of migration"*, prepared by Wenke D., Council of Europe Publishing, Strasbourg.
- Council of Europe (2018a), *"Child-friendly information for children in migration"*, round table conference report, Strasbourg, 29 and 30 November 2017, Council of Europe Publishing, Strasbourg.
- Council of Europe (2018b), *"Child-friendly information for children in migration, 'What do children think?'"*, prepared by Marku K., Council of Europe Publishing, Strasbourg.
- Defence for Children-ECPAT, the Netherlands (2011), *"Core standards for guardians of separated children in Europe: goals for guardians and authorities"*.
- Faizi A., Meichker F. and Bearboz (2014), *Je peux écrire mon histoire*, Médiapop Editions, Mulhouse.
- FRA (2014), *Guardianship for children deprived of parental care*, European Union Agency for Fundamental Rights, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/guardianship_for_children/guardianship_for_children_deprived_of_parental_care_en.pdf, accessed 30 October 2018.
- FRA (2018), *"Age assessment and fingerprinting of children in asylum procedures. Minimum age requirements concerning children's rights in the EU"*, European Union Agency for Fundamental Rights, available at <http://fra.europa.eu/en/publication/2018/minimum-age-asylum>, accessed 30 October 2018.
- FRONTEX (2015), *VEGA handbook: children at airports*, European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Warsaw.
- Gaultier S., Demazure G. and Pinsault N. (2017), *"Dealing with difference: a scoping review of psychotherapeutic interventions with unaccompanied refugee minors"*, European Child & Adolescent Psychiatry Vol. 12.
- Gernet S. (2015), *"Passions ordinaires' des jeunes mineurs isolés étrangers: l'exemple de la pratique sportive comme processus de transformation identitaire"*, Jeunes et Mineurs en Mobilité/Young People and Children on the Move Vol. 1.
- Guerra V. and Brindle D. (2017), *"Promoting the social inclusion of migrant children and young people: the duty of social services"*, European Social Network, Social Service in Europe.
-

- Henriques A. and Lyamouri-Bajja N. (2018), *"STEP-by-STEP together. Support, Tips, Examples and Possibilities for youth work with young refugees"*, Council of Europe Publishing, Strasbourg.
- Hjern A. (2016), *"Implementing a holistic paediatric age assessment in a hostile political environment – The Swedish story"*, conference report "Best practice for refugees", Berlin, 6 and 7 June 2015, Deutsche Sektion der Internationalen Ärzte für die Verhütung des Atomkrieges (IPPNW), pp. 38-43.
- International Juvenile Justice Observatory (2016), *"Can you hear me? Participation of children in juvenile justice: a manual on how to make European juvenile justice systems child-friendly"*.
- Irish Refugee Council (2013), *"Seeking asylum in Ireland: a guide for children and young people"*, Dublin, available at www.irishrefugeecouncil.ie/wp-content/uploads/2013/05/IRC-Video-Guide-for-Young-People-1.pdf, accessed 29 October 2018.
- Kohli R. (2014), *"Protecting asylum seeking children on the move"*, Revue Européenne des Migrations Internationales Vol. 30.
- Lloyd McGarry S. (2017), *Emergency within an emergency: the growing epidemic of sexual exploitation and abuse of migrant children in Greece*, the Harvard FXB Center for Health and Human Rights, Cambridge.
- Pastoor de Wal L. (2015), *"Unaccompanied young refugees from uprooting to resettlement in Norway: the crucial role of schools in enhancing well-being, adaptation and integration"*, Jeunes Mineurs en Mobilité/Young People and Children on the Move Vol. 1.
- Piano Accoglienza (2016), *"Tavolo di coordinamento nazionale sui flussi migratori non programmatici"*, Ministero dell'Interno.
- Rozzi E. (2008), *"The situation of EU and non-EU separated children in Italy"*, E-migrinter Vol. 2.
- Save the Children (2017a), *"Children come first: intervento in frontiera"* available at <https://www.savethechildren.it/cosa-facciamo/progetti/children-come-first-intervento-frontiera>.
- Save the Children (2017b), *"Atlante dei minori stranieri non accompagnati"*, available at www.savethechildren.it/sites/default/files/AtlanteMinoriMigranti2017.pdf, accessed 29 October 2018.
- Separated Children in Europe Programme (2012), *"Position paper on age assessment in the context of separated children in Europe"*, May 2012.
- Terres des Hommes (2017), *"Guida al Modello FARO Salute mentale e supporto psicosociale a minori migranti non accompagnati e a famiglie con bambini in prima accoglienza"*.
- Touzenis K. (2006), *Unaccompanied minors. Rights and protections*, XL Edizioni, Rome.
- UNHCR/UNICEF/International Rescue Committee (2017), *"The way forward to strengthened policies and practices for unaccompanied and separated children in Europe"*.
- UNHCR (2008), *"Guidelines on determining the best interests of the child"*, available at www.unhcr.org/4566b16b2.pdf, accessed 29 October 2018.
- UNHCR (2016), *"Your asylum procedure in Austria"*, UNHCR Austria and Federal Office for immigration and Asylum, available at www.unhcr.org/dach/wp-content/uploads/sites/27/2017/02/AUT_UNHCR-UMF_D_E_2016.pdf, accessed 29 October 2018.
- UNHCR (2018), *"Desperate journeys – January 2017 to March 2018"*, March 2018, available at <https://data2.unhcr.org/en/documents/download/63039> accessed 29 October 2018.
- UNICEF (2017a), *"Sperduti. Storie di minorenni arrivati soli in Italia"*, May 2017, CNR-IRPPS, Rome.
- Vettolina G. G. (2015), *I minori stranieri non accompagnati in Italia. Sfide e prospettive*, McGraw-Hill Education, Milan.
- World Health Organisation (1998), *"Health promotion glossary"*, Geneva.

Full of practical tips, examples of promising practice and questions children might have about their rights, this handbook provides guidance and food for thought for professionals and volunteers on how to talk to unaccompanied, separated and accompanied children in migration about their rights and the procedures affecting them. This handbook unpacks ways and methods to communicate about current standards and children's rights and how to improve practice by ensuring children access understandable information that helps them on their journey.

Developed by the Children's Rights Division to reinforce access to rights and child-friendly procedures, this work was co-authored by practitioners who work with children in migration in Council of Europe member states and integrates recommendations made by children during consultations that took place in five member states.

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.