



Interact: Towards a more efficient cooperation across borders for the protection of children in migration from trafficking and exploitation

Report on multi-agency practical simulations on fictional cases in Belgium, France, Greece, Italy, The United Kingdom and Sweden



Missing
Children
Europe



H&M FOUNDATION



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Executive Summary

This report was produced independently by Missing Children Europe and ECPAT UK, based on the Interact simulations and thanks to inputs from the Interact project partners. Any recommendations expressed within the report do not necessarily represent the official views of the public authorities involved in the project partnership, including: the Home Office, the Belgian Migration Office, the Office of the National Rapporteur against Trafficking in Greece, and the County Administrative Board of Stockholm.

Missing children in migration and the risks of exploitation and trafficking

More than 30,000 children went missing after their arrival in Europe between 2014 and 2017, according to the European Migration Network. The majority disappear before filing an asylum claim or during the asylum procedure. Member States and stakeholders do not collect data in a systematic, uniform and comparable way, and very often the disappearance of a child in migration is not reported or reported only for administrative reasons. The real figure is therefore unknown, but it is expected to be much higher.

Often, cases children in migration going missing are either not followed up or given low to no priority from authorities and law enforcement. In many cases, this happens because information available on the child and the case is very limited, and authorities are not trained to respond appropriately. In 2018, only 25% of the young newcomers reported to the

116 000 hotlines for missing children were traced. The fate of the other children remains unknown.

Europol raises concerns over the risk of trafficking and exploitation for children in migration and says traffickers will likely target them increasingly in the future. In the United Kingdom, 1 in 4 trafficked children and 1 in 6 unaccompanied children placed in care are reported missing; in Italy unaccompanied children as young as 13 have been identified as child victims recruited into sexual exploitation and child labour.

Research and practice prove that protecting children in migration from exploitation and trafficking depends on effective multi-agency and cross-border cooperation and on making the best interests of the child the primary consideration in all actions taken.

The INTERACT project: an innovative methodology to identify cooperation gaps

The INTERACT project is part of Missing Children Europe's AMINA programme, a comprehensive multi-annual programme supported by the H&M Foundation. The programme aims to close the protection gaps that lead to disappearance and exploitation of children in migration and contribute to creating such an environment in which primary consideration is given to the best interest of the child.

INTERACT's innovative methodology uses simulations of cases of missing children in migration to test practices and procedures for multi-agency collaboration at national and cross-border level.

90 professionals from 6 countries worked together in two fictionalized disappearance cases based on the stories of real children. The case of Abena, who escaped child marriage in Eritrea, involved Italy, France and Sweden; the case of Quiro, an Iraqi Kurdish boy who fled the war, involved Greece, Belgium and the United Kingdom. Through a series of

simulations/table-top exercises, professionals made real time judgement calls on how to cooperate with partners in and outside their country in these cases, using existing tools and procedure, drawing on their knowledge and expertise.

This report illustrates the implementation and the results of the simulations. It also includes an overview of the national context in the countries participating and presents procedures, good practices and challenges in national and cross border collaboration, as identified by the professionals who participated in the simulations. In addition, the national partners developed a roadmap for progress with specific goals to be achieved by 2024 in each country participating in the project.

This publication is accompanied by a handbook with practical guidance on effective mechanisms, procedures, tools and good practices for national and cross-border cooperation in cases of missing unaccompanied children at risk of (re)trafficking.

Key findings: barriers to cross-border cooperation

Lack of clear procedures within and between Member States – Few Member States have specific legal or procedural regulations regarding missing children in migration and practice may differ from the written procedures.

Legal and procedural gaps in protecting the child's information when cooperating across borders –

Fear of breaching GDPR often deters authorities from information sharing, even though experts are clear that this fear is unfounded, especially if there are safeguarding concerns, as long as information is processed fairly and lawfully. On the other hand, there is a legitimate fear amongst children in migration that agencies will share information for the purpose of immigration enforcement and/or in the context of the criminal justice system. Traffickers use that fear to control children by threatening deportation and/or imprisonment if the child does not comply, or reports their abuse. Similarly, professionals working with children may fear that reporting a missing child might lead to immigration enforcement, detention or transfer to another country once the child has been found.

Guardians – Not all Member States have a guardianship system in place, and scope and quality differ across Europe. Qualified, trained and timely appointed guardians are essential to

effectively engage with unaccompanied children in migration and prevent them from going missing. When children move between countries, guardians appointed for the same child do not communicate, creating delays in identifying important issues (e.g. signs of trafficking, abuse background) and swiftly build an appropriate individual care plan.

Lack of legal provisions and multi-agency cooperation in finding a durable solution for the child – the EU Anti-trafficking Directive includes the legal obligation to find a durable solution for children victims of trafficking based on an individual assessment of the best interests of the child, and even if they haven't applied for international protection. Member States have not transposed this duty in their national systems.

Training for frontline professionals – Despite the high number of disappearances, there are few law enforcement professionals who have been trained in dealing with these cases, therefore signs of trafficking or abuse are often missed. As a result, unaccompanied children found in contexts that suggest they had been engaged in criminal activity are often considered perpetrators and not victims, and not referred to the appropriate services to support their disengagement from criminal networks.

Key recommendations

Based on the gaps, obstacles and good practices identified through these simulations, the partnership elaborated 10 key recommendations on how to improve cross-border collaboration for the protection of children in migration:

1. Ensure that a firewall is in place between immigration enforcement, child protection and other services when handling data of children in migration. Apply **strict limitations on the use of and access to children's personal data collected in the context of child protection or service provision** and safeguard the personal data of children in tools for the protection of children across borders (e.g. when placing alerts for missing children in migration on the Schengen Information System).
2. Collect and exchange data on missing children in migration in a harmonized and systematic way, including for children at risk of trafficking.
3. Intensify efforts to ensure that all unaccompanied children are appointed a qualified, trained and independent guardian as soon as they are identified.
4. Ensure that any system that replaces the current Dublin Regulation strengthens **best interest assessments** in Dublin procedures and maintains the principle that children should stay in the Member State where they are present, unless this is not in their best interests.
5. Ensure a continuum of non-discriminatory care and protection along the journey, by providing the **same quality of child care and child protection procedures in all EU countries** and by working towards faster transposition and implementation of the child protection standards included in EU law, including the Common European Asylum System.

6. **Support children to move safely from one country to another when it is in their best interests**, for instance by:
 - a. refraining from applying Dublin transfers towards the first country of arrival,
 - b. ensuring the efficient functioning of the Dublin procedures for swift family reunion. To this end, liaison officers in other Member States' Dublin Units, common templates, guidance, sufficient resources as well as Standard Operating Procedures (SOPs) should be in place to facilitate cooperation and ensure participation of all relevant actors,
 - c. developing a strong solidarity mechanism on the blueprint of the relocation system,
 - d. increasing and efficiently implementing quotas of resettlement of refugee children from third countries, and
 - e. creating more possibilities for children to travel to the EU regularly, and for families to migrate together, including for work, study, family reunifications and protection purposes.
7. **Develop cross-border case management services and information sharing** to effectively channel information between NGOs and national child protection systems across borders and to ensure that the best interests of the child remain central in the management of international cases of missing children, with proper data protection safeguards.
8. **Formalise the cooperation nationally and across borders between stakeholders involved in cases of missing, exploited or trafficked children or involved in family tracing activities**, for instance by clarifying roles and responsibilities and establishing protocols of cooperation.
9. **Support access to funding for national civil society organisations that are part of cross-border networks** providing essential services to migrant children.
10. **Develop and raise awareness** on existing initiatives, tools, standard operating procedures and joint investigations, including in cases of trafficking.

Glossary of terms

AMINA	Safeguarding Migrant Children Across Europe
CONNECT	Identifying good practices in, and improving, the connections between actors involved in reception, protection and integration of unaccompanied children in Europe (Project)
EASO	European Asylum Support Office
EC	European Commission
EU	European Union
EUROPOL	European Union's law enforcement agency
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
IMPACT	Improving Monitoring and Protection Systems Against Child Trafficking and Exploitation (Project)
INTERPOL	International Criminal Police Organization
IOM	International Organisation for Migration
KMOP	Family and Childcare Centre
LEA	Law Enforcement Agency
MASH	Multi-Agency Safeguarding Hubs
NGO	Non-Governmental Organisation
NRM	National Referral Mechanism
PTSD	Post-traumatic stress disorder
UN	United Nations
SUMMIT	Safeguarding unaccompanied children from going missing by identifying best practices and training actors on interagency cooperation (Project)
UNICEF	United Nations Children's Fund
UNCRC or CRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees

1. Missing children in migration and the risks of exploitation and trafficking

Missing children in migration

Children in migration are continuously exposed to various risks than can lead to or arise from being missing; such as violence, abuse, starvation, homelessness, being separated from their families, mental health conditions, exploitation and trafficking¹. According to a study published by the European Migration Network (EMN), at least 30,000 unaccompanied children went missing between 2014 and 2017². In Italy, 2,440 children went missing in 2017³. It is impossible to ascertain the actual number of children in migration who go missing and the abuse they encounter, as there is no consistency between Member States and between professionals in the meaning given to 'missing children'. Data is inaccurate as it is not collected in a systematic, uniform and comparable way⁴. All this considered, the real number of children missing in migration is expected to be much higher.⁵

The problem of missing children is often mistakenly scaled down to a phenomenon involving children who move to pursue their own migration plan towards a specific country in Europe or to join members of their family in other countries. However, data shows that children do not only go missing in countries of first arrival, but also in Germany, the UK and Sweden, among others⁶. In reality, children in migration go missing for various interconnected

reasons such as poor reception conditions, lack of access to information on their rights and the support available, slow and complex procedures to obtain status, protection and family reunification, lack of training of frontline professionals to respond to difficult issues such as mental health problems, lack of coordination at the national and cross-border level and trafficking⁷. The risks to which these children are exposed when missing remain extremely high in all cases⁸. Any assumption and underestimation is extremely dangerous for the child involved. However, there is a lack of reporting of cases of missing unaccompanied children, problems related to data collection and a lack of appropriate follow up on child disappearances⁹.

The link between going missing and exploitation is of specific concern with regard to children in migration. The Europol situation report published in October 2018¹⁰ states that children in migration and unaccompanied children are at higher risk of trafficking and exploitation, and that they are likely to be targeted by people wishing to exploit them. Europol found that an increase in the prices of facilitation services for movement also raises the risk of exploitation in countries of transit and destination as their debt increases. These concerns find confirmation also in the European Commission

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- 1 European Commission. (2017). *The protection of children in migration*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0211&from=en>. (Accessed 12/11/2019).
 - 2 European Migration Network. (2018). *Approaches to unaccompanied minors following status determination in the EU plus Norway*. Available at: http://emn.ie/files/p_201808090907072018_emn_synthesis_unaccompanied_minors_09.08.2018.pdf (Accessed 12/11/2019).
 - 3 Ibid.
 - 4 Sigona, N. and Humpris, R. (2017). *Child Mobility in the EU's Refugee Crisis: What Are The Data Gaps And Why Do They Matter?*. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/01/child-mobility-eu> (Accessed 12/11/2019).
 - 5 Ibid.
 - 6 Fundamental Rights Agency. (2019) *Migration: Key Fundamental Rights Concerns*, 3rd Quarterly Bulletin 2019. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-migration-bulletin-3_en.pdf. (Accessed 12/11/2019).
 - 7 Missing Children Europe. (2015). *SUMMIT REPORT Best practices and key challenges on interagency cooperation to safeguard unaccompanied children from going missing*. Available at: <http://missingchildreneurope.eu/Portals/0/Docs/Best%20practices%20and%20key%20challenges%20for%20interagency%20cooperation%20to%20safeguard%20unaccompanied%20migrant%20children%20from%20going%20missing.pdf>. (Accessed 12/11/2019).
 - 8 According to a risk analysis by the Swedish national authorities, 20% to 30% of unaccompanied children show signs of mental health issues. Fundamental Rights Agency. (2016). *Regular overview of migration-related fundamental rights concerns*. Available at: <https://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-trafficking>. (Accessed 12/11/2019).
 - 9 Missing Children Europe (2018), *figures and trends, from hotlines for missing children and cross-border family mediators*, available at: <http://missingchildreneurope.eu/Portals/0/Figures%20and%20Trends%202018.pdf>. (Accessed 12/11/2019).
 - 10 Europol. (2018) *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*. Available at: <https://www.europol.europa.eu/publications-documents/criminal-networks-involved-in-trafficking-and-exploitation-of-underage-victims-in-eu>. (Accessed 12/11/2019).

Second Report on the progress made in the fight against trafficking in human beings (2018)¹¹, which found that identifying child victims and helping them access their rights, irrespective of their country

of origin, remains a challenge across Member States. The increased precarity faced by children in migration has meant they are at increased risk of exploitation and abuse.

Risk of exploitation and trafficking in the countries participating in the project

A child who has gone missing for reasons linked to trafficking or exploitation is a child who has slipped through the nets of child protection, despite the obligation of every member state of the European Union to protect children against exploitation, as foreseen by the UN Convention on the Rights of the Child. It is essential to improve the response to reports of missing children in migration because these children are very vulnerable to exploitation. It is equally important to enhance the prevention of disappearance, including protection of victims, to avoid re-victimisation. Few countries have specific legal or procedural regulations on children in migration who go missing; these include Austria, Finland, Ireland and Romania¹². Moreover, throughout the European Union, accurate data remains a significant issue. The data below provides for a limited but still meaningful picture of the problem in the countries that participated in the INTERACT project.

In Belgium, the exploitation risks faced by unaccompanied children are on the rise due to the fact that many consider this country only a transit country, rather than a destination. The media reported that 487 unaccompanied children went missing from state reception centres (Fedasil) in Belgium during 2018¹³. Practitioners are deeply concerned with the trafficking of Nigerian girls for sexual exploitation, the labour and criminal exploitation of migrant children from various nationalities, as well as child marriages and child

sexual exploitation. Although Belgium is usually well experienced in instances of trafficking, the 2017 Group of Experts on Action against Trafficking in Human Beings (GRETA) report underlines that improvements are needed when it comes to the protection of child victims.¹⁴ Clear and systematic referral pathways are needed for children in migration identified as at risk of trafficking at their first encounter with public authorities, including strategies to build trust and specialised reception facilities, in order to avoid children going missing.

In France, the government reported identifying 2,412 victims of exploitation in 2018. Of these, approximately 12 per cent were children, although stakeholders agree that the number of children identified is well below the true prevalence of child exploitation¹⁵. Reports suggest a prevalence of Nigerian girls trafficked for sexual exploitation and boys from Northern Africa exploited for labour and criminal exploitation¹⁶. GRETA reported in 2017 that child victims of forced begging and criminality were being arrested and prosecuted without being screened for trafficking indicators by law enforcement officials¹⁷. Practitioners reported that signs trafficking are often not identified or recognised, frontline staff are not trained on child protection and trafficking and reception capacities are unable to meet the need for their services. All these factors place children further at risk of going missing and being (re)trafficked. For children in migration, traumatic or misleading age assessment procedures and lack of

11 European Commission. (2018). *Second report on the progress made in the fight against trafficking in human beings*. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_com-2018-777-report_en.pdf. (Accessed 12/11/2019).

12 Sigona, N. and Humpries, R. (2017) *Child Mobility in the EU's Refugee Crisis: What Are The Data Gaps And Why Do They Matter?*. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/01/child-mobility-eu>. (Accessed 12/11/2019).

13 Clerix, K and Carlens, C. (2019) *Minderjarige vreemdelingen blijven verdwijnen: 'Jammer genoeg zijn het "maar" migrantenkinderen*. Available at: <https://www.knack.be/nieuws/belgie/minderjarige-vreemdelingen-blijven-verdwijnen-jammer-genoug-zijn-het-maar-migrantenkinderen/article-longread-1457903.html> (Accessed 12/11/2019).

14 Group of Experts on Action Against Trafficking in Human Beings GRETA. (2017). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium*. Available at: <https://rm.coe.int/greta-2017-26-frg-bel-en/1680782ae0>. (Accessed 12/11/2019).

15 ONDRP et MIPROF. (2019). *La traite des êtres humains en France, Profil des victimes suivies par les associations*. Available at: https://inhesj.fr/sites/default/files/ondrp_files/publications/pdf/3e_enquete_annuelle.pdf?fbclid=IwAR1GooNIQndQ6cDWX4Uk98MHdE-A3J7c5XYUCGUYBy8bEswWPOq5TO-TY. (Accessed 12/11/2019).

16 Ibid.

17 Group of Experts on Action Against Trafficking in Human Beings GRETA. (2017). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France*. Available at: <https://rm.coe.int/greta-2017-17-fgr-fra-en/16807454bf>. (Accessed 12/11/2019).

access to services are aggravating factors driving these risks.

In Sweden, 57 potential victims of trafficking were identified by National Task Force Against Human Trafficking (NMT) in 2018, and 107 children were reported by the Swedish Migration Agency, of which 66% were unaccompanied children. A worrying trend concerning the disappearances of children has been detected in Sweden, as in the first two months of 2018 alone, 223 child migrants disappeared as detailed in figures from the Swedish Migration Agency (Migrationsverket). Forced begging, forced marriage, labour exploitation and sexual exploitation are the most common crimes faced by child victims of trafficking who are foreign nationals in Sweden¹⁸. GRETA notes that the figures detailing the number of children identified probably do not reflect the real scale of child trafficking in Sweden, given the high number of unaccompanied and separated children disappearing.¹⁹ Experts remark that children receiving negative asylum applications and children arriving in Sweden without a guardian²⁰ are extremely vulnerable to exploitation and the risk of going missing²¹. Young people in Sweden are particularly vulnerable also as they transition into adulthood or when are wrongly assessed as being over 18²². Legislative changes introduced since 2015 resulted in significant drops in the quality and availability of the support to which child migrants are entitled once they turn 18²³. A survey conducted by four non-profit organisations²⁴ in Stockholm with young people who had arrived in Sweden as unaccompanied children and are now over 18 found that this group was at significant risk of

exploitation and abuse. Of those who participated in the survey, 42% reported to have been already victims of exploitation. In addition, another recent law²⁵ requires municipalities to cease support as young people turn 18, forcing them out of municipally arranged youth housing into state-run adult facilities. These are often large barracks where they are cut off from rights to care, social assistance and legal representation²⁶.

In Italy, there is no data on the numbers of potential child victims of trafficking or exploitation identified every year, due to the absence of a uniform identification system²⁷. European data collection on trafficking reports that at least 111 children have been identified as victims of trafficking in Italy in 2016, with the vast majority being girls. Experts view these figures as a significant underrepresentation of the actual scale of child trafficking in Italy, particularly if considered that the number of unaccompanied or separated children present in Italy at the end of August 2018 was 12,457²⁸. As of June 2019, 4,700 unaccompanied children were registered as 'absconded'²⁹ as they had left formal reception facilities or care arrangements. It is not possible to know whether they are still present in Italy. The shortage of places in reception and accommodation facilities for children creates additional risks of trafficking and exploitation for children in migration. According to the report by the Special Commissioner for Disappeared Persons, 18,721 children in migration went missing in 2016 and 2017 and were never found³⁰. Sexual exploitation is the most commonly identified form of exploitation, followed by forced begging and

- 18 Nationellt metodstödsteam (NMT). (2018). *Misstänkta fall för människohandel i Sverige 2018*. Available at: <https://www.jamstalldohetsmyndigheten.se/wp-content/uploads/2019/04/statistik-manniskohandel-2018-barn.pdf>. (Accessed 12/11/2019).
- 19 Group of Experts on Action Against Trafficking in Human Beings GRETA. (2018). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden*. Available at: <https://rm.coe.int/greta-2018-8-fgr-swe-en/16808b1cd7>. (Accessed 12/11/2019).
- 20 The Ombudsman for Children in Sweden. (2017). *We left everything behind – Voices of children and young people on the move*. Available at: <https://www.barnombudsmannen.se/globalassets/dokument-for-nedladdning/english/publications/we-left-everything-behind-stras.pdf>. (Accessed 12/11/2019).
- 21 Akbar, A, Gustafsson, A, Kullander M, Tönnes Lönnroos, L and Verstandig, N. (2017). *Lost in Migration – a Report on Missing Unaccompanied Minors in Sweden*. Available at: <https://www.lansstyrelsen.se/download/18.570d3e071634a145608677/1526069022760/Rapport%202016-28%20Lost%20in%20Migration.pdf>. (Accessed 12/11/2019).
- 22 The Ombudsman for Children in Sweden. (2017). *Unaccompanied Minors who go Missing*. Available at: <https://www.barnombudsmannen.se/globalassets/english/unaccompanied-minors-who-go-missing.pdf>. (Accessed 12/11/2019).
- 23 Narbutaité Aflaki, I and Freise, M. (2019). Challenging the Welfare System and Forcing Policy Innovation? Unaccompanied Asylum-seeking Children in Sweden and Germany, *Journal of Refugee Studies*. Available at: <https://doi.org/10.1093/jrs/fez036>. (Accessed 12/11/2019).
- 24 Röbbäck de Souza, K (2018). *Barnens röster*. Available at: <https://barnrattsbyran.se/wp-content/uploads/2019/05/Barnens-röster-Stockholm-2018.pdf>
- 25 SFS 2017: 193
- 26 Narbutaité Aflaki, I and Freise, M. (2019). Challenging the Welfare System and Forcing Policy Innovation? Unaccompanied Asylum-seeking Children in Sweden and Germany, *Journal of Refugee Studies*. Available at: <https://doi.org/10.1093/jrs/fez036>. (Accessed 12/11/2019).
- 27 Department of Equal Opportunities (DEO) gathers statistics only on the number of trafficking victims who benefit annually from assistance, protection and social integration programmes.
- 28 EU Commission. (2018). *Data collection on trafficking 2018 in human beings in the EU*. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf. (Accessed 12/11/2019).
- 29 The Ministry of Labour and Social Policies defines the term 'absconded' as children who leave reception facilities where they are accommodated. Children are defined as 'absconded' until they are found in Italy or reach the age of 18.
- 30 Ministero dell' Interno. (2019). *Relazioni periodiche del Commissario straordinario del Governo per le persone scomparse*. Available at: <http://www.interno.gov.it/it/sala-stampa/dati-e-statistiche/relazioni-periodiche-commissario>. (Accessed 12/11/2019).

labour exploitation. Save the Children reports that unaccompanied children go missing from reception centres in order to raise money for their travel and send money back home to repay the debt incurred on their journey. Children work for little pay and are exploited in car washing, begging, vending and other activities, as well as subjected to sexual abuse and/or trafficking for sexual exploitation³¹. Children arriving in Italy report that, in the absence of safe and legal channels to migrate, they experience severe exploitation and abuse during their journey towards Europe³²; risking their lives in traumatic and often fatal crossings which may also lead to recruitment into various forms of exploitation once they arrive in Europe. Children in migration are likely to go missing even before being identified by authorities (or in the identification process) and hence they go missing under the radar of the protection system. The lack of a consistent identification procedure, centralised data on missing children in migration, lack of training for frontline professionals and lack of cross-border cooperation are aggravating factors in children going missing in this way.

In the United Kingdom, there were 3,137 referrals of potential child victims of trafficking in 2018. Research has consistently shown that unaccompanied and separated children are vulnerable and often excluded from the protections available for all children³³, they face significant barriers accessing mental health care³⁴ and are at significant risk of going missing³⁵. ECPAT UK and Missing People conducted research on missing children and found that 1 in 4 child victims of trafficking in state care went missing in 2017³⁶. The report also points out

that almost 17% of the total number of trafficked and unaccompanied children reported missing had not been found. In addition, children encounter complex immigration, criminal justice and social care processes that they face alone, without independent support and with limited specialist provision³⁷. These risks are further heightened by lack of identification, inappropriate accommodation and lack of consistent support by a trusted and specialist individual. Unaccompanied children will also be at heightened risk of going missing and recruited into exploitation as they transition to adulthood; particularly those with a precarious immigration status. Fear of deportation and removal pushes young people out of the protection system, leaving them vulnerable to destitution, exploitation and abuse³⁸.

In Greece, the authorities reported the identification of 38 victims of trafficking in 2017, of which 14 were children. Experts note these figures do not accurately represent the reality, which is characterised by a prevalence of children being trafficked in Greece, due to lack of proper identification processes, problems with data collection, and insufficient attention to trafficking for the purpose of labour exploitation³⁹. It is reported that 4 out of 10 children in migration living in Greece are victims of exploitation⁴⁰. Sexual exploitation, forced begging, and forced labour are the most common forms of exploitation faced by children in migration in Greece. The EU-Turkey statement of 2016 on steps to end the irregular migration from Turkey to the EU further exposed families and unaccompanied children to exploitation and trafficking, as the

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- 31 Save the Children. (2018). *Young Invisible Enslaved*. Available at: <https://www.savethechildren.net/sites/default/files/libraries/young%20invisible%20enslaved%204%20low.pdf> (Accessed 12/11/2019).
 - 32 UNICEF and IOM. (2017). *Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation*. Available at: https://www.unicef.org/publications/files/Harrowing_Journeys_Children_and_youth_on_the_move_across_the_Mediterranean.pdf. (Accessed 12/11/2019).
 - 33 Humphris, R and Sigona, N. (2017). Outsourcing the 'best interests' of unaccompanied asylum seeking children in the era of austerity, *Journal of Ethnic and Migration Studies*, 45 (2), p. 312-330; Kelly, E. and Bokhari, F. (2012), *Safeguarding children from abroad: Refugee, Asylum seeking and trafficked children in the UK*, Jessica Kingsley, London and Philadelphia.
 - 34 The Children's Society, (2018), *Distress Signals: Unaccompanied Young People's Struggle for Mental Health Care*. Available at: <https://www.childrensociety.org.uk/sites/default/files/distress-signals-report.pdf>. (Accessed 12/11/2019).
 - 35 ECPAT UK and Missing People, (2016) *Heading back to harm: A Study on trafficked and unaccompanied children going missing from care in the UK*. Available at: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=875b65b5-08d4-4e9f-a28c-331d1421519f>. (Accessed 12/11/2019); Setter, C. (2017). *Unaccompanied Asylum-Seeking Children and Trafficked Children*, in Shalev Green, K. and Alys, L. (Eds.) *Missing Persons: A Handbook of Research*, Routledge, London and New York.
 - 36 ECPAT UK and Missing People. (2018). *Still in Harm's Way, An update report on trafficked and unaccompanied children going missing from care in the UK*. Available at: https://www.missingpeople.org.uk/files/PandR/Still_in_Harms_Way_Final.pdf. (Accessed 12/11/2019).
 - 37 Hynes, P. (2010). *Global Points of Vulnerability: Understanding the Processes of the Trafficking of Children into, within and out of the UK*, *International Journal of Human Rights*, Vol.14 (6), p.949-967.
 - 38 Hynes, P. (2017). *Gender and trafficking of children and young people into, within and out of England*, in Lombard, N. (Ed.), *Ashgate Research Companion to Gender and Violence*, Ashgate Publishing Ltd., Farnham, Surrey.
 - 39 Sigona, N., Chase, E., Humphris, R. (2017) *Understanding causes and consequences of going 'missing', Becoming Adult Brief no. 6*, London: UCL.
 - 40 Group of Experts on Action Against Trafficking in Human Beings GRETA. (2017). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece*. Available at: <https://rm.coe.int/greta-2017-27-fgr-gre-en/168075f2b6>. (Accessed 12/11/2019).
 - 40 Statistics available from the official site of Hellenic Police. The low reported numbers are partially explained by the only recent existence of a National Referral Mechanism (2019).

restriction of entry procedures and the closing down of borders has forced many to raise larger sums of money for their journey and attempt more dangerous ways to reach Greece⁴¹. Children in refugee camps in Greece are particularly vulnerable to the risks of trafficking and of going missing. Because of the inadequacy of identification procedures (especially for unaccompanied children), this results in some children in migration being held

in inhumane conditions in police cells, aggravating their vulnerability⁴². Professionals are particularly concerned for children in migration who live outside of child protection arrangements and who struggle daily for survival, ending up performing exploitative and hazardous work⁴³. Lack of information provision for children, low levels of reporting and lack of identification of trafficking victims increase the risks faced by children.

The need for improved cross-border cooperation

A study carried out by the SUMMIT project in 2015⁴⁴ and earlier by Terre des Hommes in 2009⁴⁵ found that a significant reason why unaccompanied children disengage from available processes is the lengthy and burdensome procedure for being transferred to another country, especially in cases where the child is trying to reunite with family members. In some of these cases, children give up on the process and prefer to travel by their own means. Children moving alone across borders are inevitably exposed to several risks, including homelessness, high levels of stress and anxiety, smuggling, exploitation and trafficking. The lack of access to safe and legal routes to move safely across borders is therefore a major factor exposing children to danger, and effective cross-border cooperation is important to avoid exposing children to risk.

Evidently, cross-border cooperation is also essential when investigating and responding to the disappearance of children in migration in Europe. When a child goes missing from care and is suspected to be in another country, cooperation between national authorities is necessary to follow

up on the situation and make sure that the child is safe in the new location, or that necessary steps for protection are taken as appropriate.

This means that effective cross-border cooperation is necessary to prevent and respond to the exploitation and trafficking of children in migration. In practice, this concerns information sharing between relevant actors, identification of (potential) victims and registration processes, and procedures that require the collaboration of authorities from different countries.

The identification of child victims of trafficking is particularly complex and there are significant obstacles to their identification. Member States have an obligation to take the necessary measures to establish mechanisms to identify those who have been trafficked as early as possible⁴⁶, but research shows that identification and disclosure⁴⁷ are rarely singular events; instead they are staggered over time and will only occur when the child has a trusted, secure relationship with a practitioner⁴⁸. Significant barriers to the disclosure of abuse by

41 Strik, T. (2016). Refugees at Risk in Greece, Committee on Migration, Refugees and Displaced Persons. Parliamentary Assembly of the Council of Europe. Available at: <http://websitepace.net/documents/19863/2057396/20160603-Rapport+Strik-EN.pdf/9eb602e2-9434-4850-8636-055b5ea75fc1>. (Accessed 12/11/2019).

42 HA. and Others v. Greece (application no. 19951/16)

43 Group of Experts on Action Against Trafficking in Human Beings GRETA. (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece. Available at: <https://rm.coe.int/greta-2017-27-fgr-gre-en/168075f2b6>. (Accessed 12/11/2019).

44 Missing Children Europe. (2015). SUMMIT REPORT, Best practices and key challenges on interagency cooperation to safeguard unaccompanied children from going missing. Available at: <http://missingchildreneurope.eu/Portals/0/Docs/Best%20practices%20and%20key%20challenges%20for%20interagency%20cooperation%20to%20safeguard%20unaccompanied%20migrant%20children%20from%20going%20missing.pdf>. (Accessed 12/11/2019).

45 Terre des Hommes. (2010). Disappearing, departing, running away: A surfeit of children in Europe? Available at: <https://www.tdh.ch/en/media-library/documents/disappearing-departing-running-away-surfeit-children-europe>. (Accessed 12/11/2019).

46 Article 11.4 of the EU Anti-Trafficking Directive

47 Disclosure by a child or young person who has been trafficked takes time. Details are rarely available when they first become known to a public authority. Research shows that disclosure of trauma, abuse or exploitation often only occurs after a relationship of trust has been built up between the practitioner and the child or young person.

48 Pearce, JJ., Hynes, P. and Bovarnick, S. (2009). *Breaking the Wall of Silence: Practitioners' Responses to Trafficked Children and Young People*. Available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.360.5409&rep=rep1&type=pdf>. (Accessed 12/11/2019).

children in migration may include fear of retribution, debt bondage⁴⁹, spiritual abuse⁵⁰, fear of arrest, fear of deportation and immigration detention or an overwhelming feeling of shame⁵¹. For these reasons, children are unlikely to disclose their exploitation on initial encounters with a public authority, and practitioners may be unaware of pertinent information held by professionals in other Member States through which the child travelled, that may aid in identifying the child as a victim.

As mentioned above, cross-border cooperation is also essential when responding to cases of disappearances or trafficking. Information sharing is crucial to proactively inform other Member States of the potential trajectory of a child, or to inform another Member State of the presence of a child in their territory, hence allowing that country to work on the case. In these cases, it is above all important to reduce the number of similar processes that a child goes through when moving across borders, such as being interviewed and having to tell their story multiple times.

Following identification or during aftercare, cooperation may also be needed to ensure that the child receives support and protection according to their best interests, and that their individual care plan built and initiated in a country is continued (and if needed, adapted), in the other country. Guardians or professionals in charge of medical or psychosocial monitoring should be able to communicate with their counterparts the situation

and needs of the child, in order to ensure the child's best interests are respected.

If the child is a victim of trafficking, law enforcement investigations may also require cross-border cooperation to aid their investigative capacity and bring perpetrators to justice. The European Commission⁵² reports that cross border cooperation and joint investigations in cases of human trafficking in Europe are on the rise, with Eurojust addressing an increasing number of cases, and Europol receiving a growing number of requests and contributions from its partners over the last two years. However, cross-border cooperation in cases of children in migration going missing for reasons linked to trafficking tend to remain largely insufficient and are the exception rather than the rule. Member States⁵³ stress the need to strengthen international cooperation and coordination between relevant intelligence, law enforcement, prosecutorial and judicial authorities in order to intensify exchange of information and facilitate conducting of investigations.

The conclusions of the three editions of the Lost in Migration Conference (2017-2019) further highlighted that formalising cooperation between professionals involved in responding to missing children in migration is highly recommended. This formalisation would lead to substantial improvement of cooperation in child protection responses, on both governmental and non-governmental levels, including when responding to disappearances as well as faster and more appropriate responses when needed.

⁴⁹ For more information on debt bondage, please see ECPAT UK's FAQ's, p.18. Available at: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=4589c2b3-70ca-41ed-81cc-fe1aae9d8fc0>

⁵⁰ For more information on spiritual abuse, please see ECPAT UK's FAQ's, p.19. Available at: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=4589c2b3-70ca-41ed-81cc-fe1aae9d8fc0>

⁵¹ ECPAT (2016). *Better support, better protection: Steps lawyers and guardians can take to better identify and protect trafficked children*. Available at: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=a7777e73-bd40-44a1-b7f5-a9dd76b4afbe>. (Accessed 12/11/2019).

⁵² European Commission. (2018). Staff Working Document accompanying the Second report on the progress made in the fight against trafficking in human beings. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018SC0473>. (Accessed 12/11/2019).

⁵³ Ibid.

Current barriers to cross-border cooperation

Significant challenges hinder cross-border cooperation in myriad ways. There are significant legal and structural gaps and unclear procedural obligations to protect children in migration amongst Member States. Like dominoes, these ineffective or inexistent procedures may render children increasingly vulnerable to exploitation or fail to identify a child who has been exploited and provide them with the support they require to recover from trauma.

Within the context of child protection, information sharing is vital to safeguard and promote the welfare of children⁵⁴. The General Data Protection Regulation (GDPR)⁵⁵ places duties on organisations and individuals to process personal information fairly and lawfully. These regulations are not a barrier to sharing information where the failure to do so would cause the safety or wellbeing of a child to be compromised. Similarly, human rights concerns such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns.

There is a legitimate fear amongst children in migration that information sharing between agencies can be used for the purposes of immigration enforcement and/or in the context of the criminal justice system. Practices of this

kind have led to the use of data in the context of health, policing and education⁵⁶, such as the agreement from December 2016 in which the UK Department for Education shared data from the National Pupil Database – collected through the School Census – with the Home Office for immigration enforcement purposes⁵⁷. In the UK, the national legislation that sets out the duties under GDPR is the Data Protection Act 2018. This legislation contains an exception for data sharing under ‘immigration control’⁵⁸. It is well documented that fear of immigration and law enforcement is consistently used by traffickers to control children by threatening deportation and/or imprisonment if the child does not comply or reports their abuse. Similarly, professionals working with children may fear that reporting a missing child might lead to immigration enforcement, detention or transfer to another country once the child has been found. For this reason, it is essential that a firewall⁵⁹ is in place between immigration enforcement, child protection and other services when handling information relating to children in migration, and also that the firewall is clearly communicated to the child and the stakeholders responsible for their protection, especially in light of the recent EU regulation on the Interoperability of the EU Information Systems.⁶⁰

⁵⁴ Department for Education. (2016). *Information sharing to protect vulnerable children and families* A report from the Centre of Excellence for Information Sharing. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/554128/Information-sharing-to-protect-vulnerable-children-and-families.pdf. (Accessed 12/11/2019).

⁵⁵ Or, when it comes to the protection of personal data in the law enforcement context (e.g. investigation or crime prosecution) Data Protection Law Enforcement Directive.

⁵⁶ Bradley, GM. (2018). *Care don't share, Hostile environment data-sharing: why we need a firewall between essential public services and immigration enforcement*. Available at: <https://www.libertyhumanrights.org.uk/sites/default/files/Liberty%20%27Care%20Don%27t%20Share%27%20Report%20280119%20RGB.pdf>. (Accessed 12/11/2019).

⁵⁷ Memorandum of Understanding Between The Home Office And Department for Education In Respect of the Exchange Of Information Assets 7 October 2016. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774071/MoU_between_HSCIC_Home_Office_and_DH.pdf. (Accessed 12/11/2019)

⁵⁸ Data Protection Act 2018 Schedule 2, Part 1, paragraph 4.

⁵⁹ For more explanations on what we mean by firewall, please see: <https://picum.org/firewall-3/>

⁶⁰ Regulation (EU) 2019/817 on establishing a framework for interoperability between EU information systems in the field of borders and visa, OJ L 135, 22.05.2019

2. Legislation and policy context

At the EU level

This report builds on existing international legal frameworks and is rooted in the fundamental rights of children as set out in the United Nations Convention on the Rights of the Child (UNCRC)⁶¹, the Optional Protocols⁶², the guidance on implementation by the Committee on the Rights of the Child, European Convention on Human Rights⁶³ and the EU Charter of fundamental Rights. The six countries this project covers have ratified the Council of Europe Convention on Action against Trafficking in Human Beings and the EU Anti-Trafficking Directive 2011/36/EU along with the communication on the follow up to the EU Strategy towards the eradication of trafficking in human beings⁶⁴. There are a wider range of international instruments which signatory member states are required to follow in their efforts to protect children and young people, although there is wide discrepancy with regard to their application and the responses in practice⁶⁵. Both the Court of Justice of the EU (CJEU) and the European

Court of Human Rights examined important aspects of the protection of children in migration, including an important ruling on family reunification of an unaccompanied child⁶⁶.

This report builds on the work done by the Council of Europe in the framework of its Action Plan on Protecting Refugee and Migrant Children in Europe as a follow up to the Special Representative of the Secretary General on Migration and Refugees' thematic report on migrant and refugee children, particularly highlighting the urgent need to prevent and respond to violence, trafficking and exploitation⁶⁷, and the Lanzarote Committee's special report⁶⁸ on protecting children affected by the refugee crisis from sexual exploitation and sexual abuse (which highlights the significant risks faced by children in migration), leading to the Council of Europe's Resolution 2295 (2019) to stop violence against, and exploitation of, migrant children⁶⁹.

Family reunification within Europe

unaccompanied and separated children in Europe may be reunited with family members through a European regulation known as Dublin III, which establishes the method for deciding which signatory state should process a claim for international protection. Under this Regulation, signatory states shall

try to identify the family members of children present in other signatory states. In practice, children accessing transfers through Dublin III experience significant delays, mainly due to either human resources constraints or complicated and exceedingly lengthy administrative practices and evidentiary processes. Evidence shows

61 The United Nations Convention on the Rights of the Child. Available at: <https://www.unicef.org/uk/rights-respecting-schools/wp-content/uploads/sites/4/2017/01/UNCRC-in-full.pdf>

62 Optional Protocol on the sale of children, child prostitution and child pornography, Optional Protocol on the involvement of children in armed conflict, and Optional Protocol on a communications procedure.

63 European Convention on Human Rights. Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf

64 European Commission. (2017) Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/docs/20171204_communication_reporting_on_follow-up_to_the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings.pdf. (Accessed 12/11/2019).

65 UN Declaration of Human Rights – Article 4, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Girls, Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, ILO Forced Labour Convention, UN Convention on the Elimination of all Forms of discrimination Against Women, UN Convention Relating to the Status of Refugees, Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

66 A. and S. v. Staatssecretaris van Veiligheid en Justitie (C-550/16)

67 Council of Europe: Committee of Ministers. (2017) Thematic Report on migrant and refugee children Prepared by the Special Representative of the Secretary General on migration and refugees, SG/Inf(2017)13. Available at: <https://www.refworld.org/docid/58d527154.html>. (Accessed 12/11/2019).

68 Lanzarote Committee: Special Report. (2017). Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse. Available at: <https://rm.coe.int/special-report-protecting-children-affected-by-the-refugee-crisis-from/16807912a5>. (Accessed 12/11/2019).

69 Council of Europe: Special Report. (2019). Stop violence against, and exploitation of, migrant children. Resolution 2295. Available at: <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnVveG1sL1hSZWYyWDJlURXLW4dHlYXNwP2ZpbGVpZD0yODA2MCZsYW5nPUVO&sl=aHR0cDovL3NlbiVudGlicGJjZS5uZXQvWHNsdC9QZGYWVFJlZi1XRC1BVC1YUwYUERGlnhzbA==&slstparams=ZmlsZWlkPTI4MDYw> (Accessed 12/11/2019).

that there is a lack of prioritisation of the best interests of the child and uneven interpretation of legal provisions. Other tools for family reunification may also exist, for example through Central Authorities provided for in the Brussels IIa Regulation. However, Member States are not currently making full use of them.

The ongoing revision of the EU international protection instruments are proving protracted and

contentious, especially because of the difficulty in finding compromises on the **Dublin Regulation**. However, the recent change of policy cycle and political terms in both the European Parliament and the European Commission is an opportunity that may breathe new life into the Common European Asylum Reform – an opportunity that should be taken up to promote and strengthen cross-border cooperation mechanisms.

Safe and legal routes

Other children in migration might not have any family members or anyone with parental responsibility for them within signatory states. Currently, unaccompanied children have limited means to access safe and legal options to move between EU Member States. Solidarity and cooperation is essential, such as in the case of the United Kingdom, where after significant public pressure, the government committed – under Section 67 of the Immigration Act 2016 (**the Dubs Amendment**⁷⁰) – to accept a specified number of unaccompanied children from within Europe, where

they are at significant risk of exploitation. However, this agreement is currently limited⁷¹ and due to uncertainty around the future of Brexit, cross-border cooperation between the UK and the EU remains unclear. In the meantime, unaccompanied children as young as 13 have been identified in Italy as child victims recruited into sexual exploitation and child labour who, in the absence of safe and legal channels, report exploitation and abuse on their journeys⁷²; risking their lives in traumatic and often fatal crossings which may also lead to recruitment into various forms of exploitation.

Guardianship

International standards call for a guardian to be in place for all unaccompanied and separated children⁷³. Article 14.2 of the EU Trafficking Directive⁷⁴ calls for all unaccompanied child victims of trafficking to be appointed a legal guardian to safeguard their best interests. Guardians represent, assist and support unaccompanied children by safeguarding their best interests and wellbeing. In some countries, guardians also provide for the child's basic needs and assist them in asylum and family tracing procedures. However, guardianship

schemes are not in place in all Member States and when there is a scheme, these may not be of the right scope or quality. Research on guardianship standards in twelve Member States suggests that there is a need for considerable improvements, such as timely appointment and clarifying roles⁷⁵. By not investing in ensuring that guardians are qualified, trained⁷⁶ and appointed swiftly, European and national authorities lose key opportunities to build trust with children and help prevent them from going missing.

70 Scheme launched by the UK to enable a number of unaccompanied children to travel safely to the UK from other EU member states. It is called the Dubs Amendment, named after the man who led the scheme being introduced, Lord Alf Dubs.

71 Grant, H. (2019, May). Transfer of vulnerable child refugees from France to UK to end, charities say. The Guardian. Available at: <https://www.theguardian.com/global-development/2019/may/17/transfer-of-vulnerable-child-refugees-from-france-to-uk-to-end-charities-say-home-office>. (Accessed 12/11/2019).

72 UNICEF and IOM. (2017). *Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation*. Available at: https://www.unicef.org/publications/files/Harrowing_Journeys_Children_and_youth_on_the_move_across_the_Mediterranean.pdf. (Accessed 12/11/2019).

73 European Union Agency for Fundamental Rights (2015) *Guardianship for Children Deprived of Parental Care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*. Available at: <http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care/>. (Accessed 12/11/2019).

74 Directive 2011/36/EU on combating and preventing trafficking in human beings and protecting its victims. Article 14(2)

75 European Migration Network. (2018). *Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway*. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_synthesis_report_unaccompanied_minors_2017_en.pdf. (Accessed 12/11/2019).

76 Grierson, J. (2019, March). Calais child refugees went on hunger strike after UK transfer delays. The Guardian. Available at: https://www.theguardian.com/world/2019/mar/31/calais-child-refugees-hunger-strike-uk-transfer-delay?utm_source=ECRE+Newsletters&utm_campaign=c4ce5c313c-EMAIL_CAMPAIGN_2019_04_01_12_39&utm_medium=email&utm_term=0_3ec9497afd-c4ce5c313c-422328957. (Accessed 12/11/2019).

The ongoing development of a **European Guardianship Network** (EGN) is a positive development. The EGN is a project that started in September 2018, funded by the European Commission and managed by Nidos, which aims to develop a network of institutions and

agencies who work in the area of guardianship for unaccompanied and separated children. The Network has great potential to have a key role in improving cross-border cooperation between guardians and other actors, including in cases of Dublin transfers, trafficking and disappearances.

European Information Sharing Systems

Eurodac Regulation

The revision of the **Eurodac regulation** poses significant risks as well as potential improvements regarding the protection and rights of children. The proposed revision of the Eurodac Regulation expands the purposes of the Eurodac database to also identify and track secondary movement and enforce decisions on return. It also lowers the age at which a child must be registered from fourteen to six and introduces the use of coercion to obtain fingerprints for children above 14. The lowering of the age of registration could be used to better coordinate the protection of children, but data will also be used to enforce restrictions on secondary movement and return decisions, which may run contrary to the best interests of the child and cause more children to avoid and disengage from contact with state authorities.

has brought some positive changes in the use of SIS alerts in cases of missing children. For instance, it is now possible to differentiate between

- Runaways
- Unaccompanied children in the context of migration
- Children abducted by a family member

However, in the case of missing child migrants, the competent authorities may move the child to a safe place in order to prevent them from continuing their journey, if so authorised by national law. Migration authorities are now also authorised to access the database, including article 32 alerts. The SIS dual purpose of finding missing persons and managing return puts the protection of children at risk and may discourage reporting. A strict firewall between protection and migration enforcement is necessary.

Schengen Information System

The **Schengen Information System** has potential for making cooperation between Member States in cases of missing children in migration more efficient but also poses significant risks for child protection. The revision of the Schengen Information System

There are many opportunities for improvement at the EU level, including reform of key EU laws, better implementation of common procedures, systematic training and tools, as well as through the work of the Sirene bureaux and European networks such as the EASO Dublin Network, hotlines for missing children and the newly established European Guardianship Network.

Special Issue – Brexit and cross-border cooperation

Leaving the European Union may have a profound impact on the United Kingdom's ability to safeguard children. During the drafting of this report, the participation of various mechanisms and agencies is still significantly uncertain. Coverage and political statements on cross-border cooperation have largely focused on continuing intelligence sharing and joint operations for the purposes of disrupting crime and terrorism, but what has been absent from

the Brexit discourse is the immediate impact this could have on the safety of children and young people. The UK Government initially indicated that it would like future cooperation with the EU on all the EU police and criminal justice measures it currently participates in⁷⁷. It was later reasoned during the course of the EU Withdrawal Bill debates in 2018 that domestic law was robust enough to protect children whilst in the UK and thus additional safeguards were not needed.

⁷⁷ Miller, V, et al. (2019) *What if there's no Deal Brexit?* Commons Briefing papers CBP-8397. Available at: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8397>. (Accessed 12/11/2019).

As it currently stands, the future of cooperation will depend on the agreements struck in any deal. If the UK leaves the European Union without a deal, it will cease to be a member of Europol and Eurojust and would therefore be unable to access and share information via SIS II, and would only participate in Joint Investigation Teams (JIT) as a third country. Other losses could include access to European Criminal Records Information System, European Protection Order and the European Arrest Warrant. The UK would then rely on information sharing and cooperation through Interpol, which would be significantly more time-consuming and inefficient in these complex transnational cases.

There is also the possibility that the UK government will repeal Brussels IIa, particularly in the context of a no deal Brexit. A statutory instrument has been produced to deal with jurisdiction in family cases after a no-deal Brexit. The draft Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 will come into force on exit day if there is no deal and it will repeal Brussels IIa in its entirety. This sharp change in law could lead to a lack of clarity over pending court cases as well

as delays in the enforcement process due to this sudden procedural change.

Most significantly, there is currently a significant risk to family reunification within Europe under the Dublin III regulation. This agreement means that asylum seeking people in Europe have a right to be reunited with their families and allows for the transfer of children seeking asylum within the EU to join families in other States. In the case of a no deal exit from the EU, **the UK will no longer be aligned to the Dublin Regulations, and no alternative arrangements are yet in place.** This means that vulnerable children across Europe, who are separated from their family may be unable to be reunited with their families.

The EU Trafficking Directive⁷⁸ provides a range of provisions to protect children from trafficking and further entitlements to support which insofar have not been embedded within the domestic regulatory framework in the form of primary and secondary legislation. While the current withdrawal bill makes reference for the EU directive to be transposed, it contains no guarantee that the Government will transpose the rights set out in the Directive into the Great Repeal Bill.

Priorities at the national level

Greece

There are serious systemic flaws in Greek law, policy and practice which deprive separated and unaccompanied children in Greece from access to housing, health, medical assistance, education, and legal protection. More than half of the 3,741 unaccompanied and separated children in Greece lack appropriate accommodation. Many are simply without shelter or accommodated in overpopulated and inherently unsuitable facilities⁷⁹. A new asylum bill in Greece allows for the asylum claims of unaccompanied children to be processed under “accelerated” border procedures which has caused concerns about poor quality and rushed decision making. It also perpetuates the detention of unaccompanied children⁸⁰.

Accommodation and reception of children

Under Greek law, the Department for the Protection of Unaccompanied Minors at the National Centre for Social Solidarity or EKKA (Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης), has the responsibility of guaranteeing safe accommodation for unaccompanied children and evaluating the quality of services provided in such accommodation⁸¹. Secondary legislation such as Ministerial Decisions and standard operating procedures that are required by law in order to further regulate, inter alia, the functioning of the Registry of Guardians and the best interests of the child determination procedure, has not been issued as of March 2019. Currently, priority will be given for all unaccompanied and separated children

⁷⁸ Directive 2011/36/EU

⁷⁹ International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece Complaint No. 173/2018. Available at: <https://rm.coe.int/cc173casedoc1-en/168090390c>

⁸⁰ Human Rights Watch. (2019, October) Greece: Asylum Overhaul Threatens Rights. Available at: <https://www.hrw.org/news/2019/10/29/greece-asylum-overhaul-threatens-rights>. (Accessed 12/11/2019).

⁸¹ Article 27 L 4540/2018

to enter appropriate accommodation. There is a commitment to provide a rapid provision of at least 2,000 places in adequate accommodation for unaccompanied and separated children, as well as finalising and implementing a comprehensive national strategy to ensure full protection for unaccompanied children⁸². If that happens, unaccompanied and separated children can be immediately transferred there. People are currently being transferred from Moria Camp to Malakasa Camp due to significant incidents of violence⁸³. The European Court of Human Rights issued a decision which indicates to the Greek Government that they must transfer unaccompanied children who applied to the Court and are detained at police stations, to suitable accommodation and ensure that reception conditions are compatible with Article 3 of the Convention and the children's particular status⁸⁴.

Family reunification under Dublin

Accessing and navigating family reunification procedures in Greece under Dublin III can be extremely challenging for children. Research findings indicate that children arriving in Greece and applying for family reunion are waiting an average of 16 months from arrival until transfer, far exceeding the maximum of 11 months provided for in the Dublin Regulation⁸⁵. There are exceedingly high evidentiary requirements and lengthy re-examination processes which research shows to be significant factors in children going missing once in the procedure and are considered a failure of the Dublin III.

Effective guardianship

The guardianship law adopted by the Greek Government in July 2018⁸⁶ aims to improve the existing system by providing professional guardians for unaccompanied children. Public authorities who come into contact with unaccompanied and separated children in Greece shall inform the closest Public Prosecutor office, the General Directorate of Social Solidarity of the Ministry of Labour, Social Security and Social Solidarity, which is responsible for initiating and monitoring the appointment of a guardian and ensuring that their best interests are met at all times⁸⁷. According to the law, a guardian will be appointed to a foreign or stateless person under the age of 18 who arrives in Greece without being accompanied by a relative or non-relative exercising parental responsibility. The Public Prosecutor for Minors or the local competent Public Prosecutor if no Public Prosecutor for minors exists, is considered as the temporary guardian of the child. This responsibility includes, among others, the appointment of a permanent guardian of the child⁸⁸. The guardian is selected from a Registry of Guardians under EKKA⁸⁹. The law also provides for a best interest of the child determination procedure⁹⁰. In practice, the system of guardianship is still not operating. The European Court of Human Rights has requested a response from the Greek government on what concrete measures have been taken concerning the appointment of a guardian for each child who applied to the Court regarding their detention at the Kolonos Police Station⁹¹.

⁸² European Commission. (2019). Progress report on the Implementation of the European Agenda on Migration. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190306_com-2019-126-report_en.pdf. (Accessed 12/11/2019).

⁸³ Ετικέτες. (2019, October). 570 migrants transferred out of Moria camp. ekathimerini.com. Available at: <http://www.ekathimerini.com/245239/article/ekathimerini/news/570-migrants-transferred-out-of-moria-camp>. (Accessed 12/11/2019).

⁸⁴ ECtHR – Sh.D. and others v. Greece, Austria, Croatia, Hungary, Northern Macedonia, Serbia and Slovenia (no. 141165/16)

⁸⁵ Safe Passage and PRAKSIS. (2018). *Caught in the Middle*. Available at: <http://safepassage.org.uk/wp-content/uploads/2019/07/Caught-in-the-Middle-FINAL-2019-3.pdf>. (Accessed 12/11/2019).

⁸⁶ Greece, Law 4554/2018 on Guardianship of Unaccompanied Minors (Εφημερίδα της κυβερνήσεως της ελληνικής Δημοκρατίας), 18 July 2018

⁸⁷ Article 22 L 4540/2018

⁸⁸ Article 16 L 4554/2018.

⁸⁹ Ibid

⁹⁰ Article 21 L 4554/2018.

⁹¹ On 20 September 2019, the Intervention Team in Detention of ARSIS – Association for the Social Support of Youth, have found all the unaccompanied children being detained at the Kolonos Police Station under conditions which constitute inhuman and degrading treatment. No guardian had been appointed for any of them.

Italy

The legal framework in Italy significantly improved in May 2017 as new legislation regarding protection measures for unaccompanied children came into force⁹². This law filled significant gaps by introducing important provisions such as protections in age assessment procedures⁹³ and improved existing provisions regarding the legal status of non-asylum seeking unaccompanied children. Three main cities in Italy have also developed 'firewalls'⁹⁴ which has granted extended access to education services to all children regardless of their immigration status.

Accommodation and reception of children

At the end of 2018, there were 1,374 reception facilities hosting unaccompanied children. Out of the 10,787 accommodated unaccompanied children, 3,032 were in first reception centres and 7,294 were in second-line reception facilities (which include SIPROIMI⁹⁵ facilities and other facilities at municipal or regional levels). Evidence⁹⁶ shows conditions of reception facilities, in particular first-line reception facilities, were significantly unsuitable; having issues such as lack of hot water and heating, abuse by social operators, inadequate clothing (cases of children wearing the clothes they had during disembarkation) and poor quality nutrition. In the specific case of girls and young women, overcrowding and lack of separation between children of different genders has also been reported. In addition, more than 5,000 registered unaccompanied children primarily from Eritrea, Tunisia, Somalia and Afghanistan were living outside of the formal reception system⁹⁷. Research found instances of unaccompanied children who had left

reception centres before obtaining the outcome on their asylum claim due to the facility conditions⁹⁸.

Family reunification under Dublin III and international protection procedures

Research has shown that many unaccompanied children will leave reception facilities to reach family members in other EU countries due to the slow and cumbersome process of family reunification under the Dublin III Regulation⁹⁹. These long waiting times, in addition to the lack of clear information on the issue, are major obstacles and key drivers for children going missing as they may give up and decide to leave for the desired destination, facing significant risk of abuse and exploitation along the journey. The research also detailed that networks for moving to other countries are very attractive for young people because they offer the possibility of travelling immediately and quickly. Another significant issue is the long waiting time for a hearing by the Territorial Commission for the recognition of international protection. Following the removal of the residence permit for humanitarian protection¹⁰⁰, unaccompanied children seeking asylum in Italy have been negatively impacted due to the loss of significant protection measures formerly provided.

Preventing exploitation and abuse

As detailed by Save the Children, the overwhelming majority of unaccompanied children arriving in Italy have already been exploited on their journey¹⁰¹. Discrimination has also been well-documented against children in Italy, where they face racism and exclusion¹⁰². In a 2017 study in Ventimiglia,

⁹² Law n. 47/17

⁹³ The law provides for a procedure to be ordered by the judicial authority on an age assessment only where there are well-founded doubts about the age declared and it is impossible to establish their age through documentary evidence. It stipulates the procedures must be carried out through a multidisciplinary approach and the result must indicate the margin of error. The final decision on age, adopted by the judicial authority, must be issued to both the person concerned and the guardian, thus allowing for an appeal.

⁹⁴ Recommendation 16/2016 of the Council of Europe for the creation of such firewalls allows state and private sector actors to respect human rights of migrants whose presence is irregular, by prohibiting the sharing of personal data and other sensitive information with immigrant authorities.

⁹⁵ Second-line accommodation facilities funded by AMIF

⁹⁶ LasciateCIEntrare, 'Minori non accomoagnati nei centri calabresi, situazione drammatica', 2 January 2018, available in Italian at: <http://bit.ly/2rlCm2l>.

⁹⁷ International Organization for Migration. (2018). *Migrant Children in Italy*, Issue No. 4.

⁹⁸ UNHCR. (2019). *At a crossroads: Unaccompanied and separated children in their transition to adulthood in Italy*. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Report_ENG.pdf. (Accessed 12/11/2019).

⁹⁹ Ibid.

¹⁰⁰ Id.113/2018

¹⁰¹ Save the Children Italy. (2017). *Piccoli Schiavi Invisibili: Minori Stravieri Vittime di Tratta e Sfruttamento in Italia*. Available at: <https://www.savethechildren.it/sites/default/files/files/uploads/pubblicazioni/piccoli-schiavi-invisibili-2017.pdf>. (Accessed 12/11/2019).

¹⁰² A 2018 study found that, of a random sample of 503 refugees and migrants in Italy, 46.5% reported having experienced some form of violence at least once since arrival in Italy. Napolitano, F, et al. (2018). *Violence Experience Among Immigrants and Refugees: A Cross-Sectional Study in Italy*. BioMed Research International.

boys and young men reported sexual abuse by police¹⁰³. Further research reveals that young people experience widespread exploitation, especially in the industries of construction, agriculture and catering. In Sicily, for example, a young person's desire to earn money is used to recruit them into agricultural work, which is often the first job they are offered, and where they are exploited by criminal networks and face the risk of committing offences. Educators confirm the risks that many unaccompanied children face, even if they

are still hosted in reception facilities, of being actively recruited into criminal exploitation by drug-dealing networks¹⁰⁴. Specific protection for trafficked children is provided¹⁰⁵ for specific long term programmes of reception and assistance (including their transition to adulthood) but this law has not led to the development of operations aimed at assistance which guarantee adequate conditions of reception, access to health, psychosocial and legal support for child victims.

France

Currently in France, children in migration are facing significant challenges. Many are subjected to flawed age assessment procedures and denied access to their most basic needs. Many reports have detailed the failures of the French authorities to provide unaccompanied and separated children with care following the dismantling of the camps set up in Northern France as well as significant violence faced by children from the French Police.

Age Assessments

Under French law, unaccompanied children must be supported and accommodated by the child protection authorities, the Service de l'aide sociale à l'enfance (ASE). As a first step, they require children to undergo age assessments before they are recognised as a child. International standards¹⁰⁶ call for age assessments to be used only as a last resort when there is significant doubt about a person's declared age¹⁰⁷ and young people should be afforded the benefit of the doubt. In France, bone examinations continue to be implemented as a means of determining the age of unaccompanied and separated children. In particular, those above 16 are often subjected to various medical examinations, yet none of these methods can currently determine the exact age of a person¹⁰⁸. The most significant consequence of a negative age assessment is eviction from emergency shelter for

unaccompanied children, even when the decision is pending review before a judge. Children in France report seeking shelter in squats run by volunteer networks, shelters for adults or being destitute. The review process can take months, which in turn may affect their eligibility to regularise their immigration status as they transition to adulthood. The 2018 asylum and immigration reform provided for the creation of an automated data processing system for unaccompanied and separated children, aiming at "better guaranteeing child protection and at the prevention of illegal entry and stay of foreigners in France"¹⁰⁹. This decree does not provide for child protection measures, but instead introduces the systematic transfer of personal data of all those who receive negative age determinations to authorities seeking their removal from France; potentially before they have had an opportunity to seek review by the juvenile court¹¹⁰.

Accommodation and reception of children

Children and young people in France have faced significant issues in accessing adequate and appropriate accommodation. In the *EUROCEF v. France* decision, the European Committee of Social Rights determined that France had violated the rights of unaccompanied and separated children to social, legal and economic protection on several grounds¹¹¹ due to

¹⁰³ Refugee Rights Europe. (2017). *In Dangerous Transit: Filling Information Gaps Relating to Refugees and Displaced People in Ventimiglia, Italy*. Available at: https://refugee-rights.eu/wp-content/uploads/2018/08/RRE_InDangerousTransit.pdf. (Accessed 12/11/2019).

¹⁰⁴ Ibid.

¹⁰⁵ Law No. 47/2017 on unaccompanied children, Article 17

¹⁰⁶ The Committee on the Rights of the Child stated that age assessment procedures "should accord the individual the benefit of the doubt such that if there is a possibility that the individual is a child, she or he should be treated as such." Committee on the Rights of the Child, General Comment No. 6, para. 31(i). See also Joint General Comment No. 4

¹⁰⁷ Article 25(5) of the recast Asylum Procedures Directive

¹⁰⁸ EASO. (2018). *Practical Guide on Age Assessment, Second Edition*. Available at: <https://www.easo.europa.eu/sites/default/files/easo-practical-guide-on-age-assessment-v3-2018.pdf>. (Accessed 12/11/2019).

¹⁰⁹ Decree n. 2019-57 of 30 January 2019 on methods of evaluation of persons reporting as unaccompanied minors and authorising the creation of a personal information data-file concerning those persons.

¹¹⁰ https://www.hrw.org/sites/default/files/report_pdf/france0919_web_0.pdf. (Accessed 12/11/2019).

¹¹¹ Violations of Article 17 (1) of the European Social Charter

shortcomings in the national shelter assessment, the allocation system and the detention of children in waiting areas and hotels. One such space located in an empty office building in Toulouse housed almost 300 people, including children, and was crawling with insects and a flooding sanitation system¹¹². In Northern France, following the destruction by authorities in 2016 of the informal Calais camp, a series of harsh conditions have been imposed¹¹³ to create an inhospitable environment with the stated purpose of dissuading people to come. This deterrence policy has left children and young people in extremely vulnerable circumstances.

Effective guardianship

Currently, France does not have a guardianship system in place in line with the Guidelines of the Fundamental Rights Agency¹¹⁴. Unaccompanied

and separated children do not have any legal capacity and must be represented during all asylum procedures, including Dublin III. They are appointed a 'guardian' by the guardianship judge before placement in care. If no guardian has been appointed, the Public Prosecutor appoints an *ad hoc* administrator (legal representative) who will represent them throughout the process¹¹⁵. The *ad hoc* administrator is meant to represent the child only in judicial and administrative procedures related to the asylum claim. This person's role is **not to ensure the child's welfare** the way a guardian must. These *ad hoc* administrators receive no specific training of asylum procedures or other vital skills needed to support vulnerable children. Currently, many children are forced into significant delays while these are appointed; waiting until they transition to adulthood to lodge their claim for asylum at OFPRA.

Belgium

Belgian legislation is largely, but not fully, in line with European regulations and human rights treaties. Challenges remain when it comes to child detention, which was only recently suspended in Belgium¹¹⁶; age assessments (which are mostly based on medical assessment in contradiction with the Fundamental Rights Agency guidance)¹¹⁷ or reception conditions.

Cross-border case management services

In 2017, a protocol of cooperation was developed in the city of Brussels to clear responsibilities in cases of disappearances of children in migration, between the Law Enforcement, the 116 000 hotline, guardianship institutions, migration agencies and relevant stakeholders. In practice, however, cooperation at the national level is not always the rule, and the protocol is not always applied. Responsibilities remain unclear and, in consequence, reporting remains low¹¹⁸. Such a protocol is a good

leading step in the formalisation of cooperation and the clarification of procedures, but only if efficiently applied, regularly updated and extended to the rest of the country. A clearly established framework for cooperation at the national level is key to laying the ground for the formalisation of cooperation at the European level, and the creation of a cross-border case management system between child protection and social services.

Swift appointment of qualified, trained and independent guardians

In Belgium, the Guardianship law¹¹⁹ defines the role and entitlements to a guardian for unaccompanied children. The guardianship system is based on the Guardianship Service attached to the Ministry of Justice, and on a network of professional guardians from associations having signed a formal agreement with the guardianship service (e.g. Caritas International Belgium). The Guardianship service is

¹¹² Chrisafis, A. (2019, April). UN urges France to act on 'dire' living conditions of refugees, The Guardian. Available at: <https://www.theguardian.com/world/2019/apr/12/un-france-dire-living-conditions-refugees-calais-migrants-human-rights>. (Accessed 12/11/2019).

¹¹³ The UK government have given funding for security walls

¹¹⁴ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-guardianship-systems-in-the-eu_en.pdf. (Accessed 12/11/2019).

¹¹⁵ As provided by Article 17 Law of 4 March 2002 on parental authority and by Article L741-3 Ceseda.

¹¹⁶ RTBF. (2019). Enfants détenus en centre fermé: le Conseil d'Etat suspend en partie l'exécution de l'arrêt royal. Available at : https://www.rtbf.be/info/belgique/detail_enfants-detenus-en-centre-ferme-le-conseil-d-etat-suspend-en-partie-l-execution-de-l-arrete-royal?id=10188103. (Accessed 12/11/2019).

¹¹⁷ Fundamental Rights Agency. (2018). Age assessment and fingerprinting of children in asylum procedures – Minimum age requirements concerning children's rights in the EU. Available at: <https://fra.europa.eu/en/publication/2018/minimum-age-asylum>. (Accessed 12/11/2019).

¹¹⁸ Steffes, E. (2019, March). Le nombre de mineurs non-accompagnés disparus n'a jamais été aussi élevé, VRT. Available at : <https://www.vrt.be/vrtnws/fr/2019/04/30/le-nombre-de-mineurs-non-accompagnes-disparus-na-jamais-ete-aussi/>. (Accessed 12/11/2019).

¹¹⁹ Law of the 24th of December 2002 (said «Loi Tabita») and modified by the law of the 27th December 2004 M.B. 31/12/04) by royal decree of the 22nd December 2003 (modified by the royal decree of the 9th January 2009, M.B. 25/01/05).

composed of a multidisciplinary team comprising professionals with a law or social background. The guardian must be available 24/7 and fulfil its tasks of legal representation and assistance with the wellbeing of the child in accordance with the guardianship law. Despite a highly professionalised system, gaps remain with regard to the operation of the guardianship service, such as delays in appointing guardians that may occur or the high number of children assigned per guardian.

Harmonised and systematic data recording

Child Focus, the 116 000 hotline, records reporting of cases of missing children in migration in its protected database. The police hold its

own records of missing children in migration. Despite close cooperation between the hotline and law enforcement, enshrined in a formal cooperation agreement, both agencies do not necessarily use the same classification, record the same information, or receive the same number of calls. The police may receive a higher number of reported cases. Other stakeholders may hold important information on children in migration, such as the guardianship system, the reception system, or social workers. There is no system to date in Belgium that allows sharing of information in a formalised way across the various data systems, nor a centralised way to collect data, in respect of the child's rights for data protection, or the firewall.

Sweden

Swedish laws are, on the whole, consistent with international standards. Unaccompanied and separated children in Sweden are not detained and they are entitled to access accommodation and education. The local municipalities are responsible for appointing a guardian to look after the child's interests as well as providing children with accommodation, health care and education. If the child applies for asylum, the Migration Agency appoints them a lawyer.

Accommodation and reception

Before 2015, the infrastructure in Sweden for reception and accommodation of unaccompanied and separated children was, in comparison to other member states, relatively well established¹²⁰ and embedded in their overarching welfare structures. However, significant numbers of children entering Sweden in 2015 meant that the existing special youth accommodation was insufficient¹²¹ and not always adapted to their needs. Furthermore, there were considerable problems recruiting guardians and other professionals, in particular psychologists¹²². Through the implementation of short-term solutions, existing standards were significantly reduced. In practice, professionals report systemic discrimination between national children in care and children in migration with regard to their accommodation and entitlements to material subsistence.

Formalising cooperation

In 2016, Sweden launched an updated and strengthened National Action Plan to protect children from human trafficking, exploitation and sexual abuse. The NAP ended in 2018 and hasn't yet been updated, so at this moment there is no specific action plan regarding children exposed to trafficking and exploitation. Although in 2018, the government adopted a new National Action Plan to combat prostitution and trafficking in human beings.

Since January 2018, the national coordination against all forms of trafficking in human beings was transferred from the County Administrative Board of Stockholm to the newly established Swedish Gender Equality Agency. The specific commission to the Gender Equality Agency to coordinate trafficking in children ended in December 2018, which led experts in this field with specific knowledge and expertise pertaining to children to leave the agency¹²³. The National Board of Health and Welfare released guidance for social services that clarifies the responsibilities for children that are suspected to be exploited or abused in human trafficking¹²⁴.

During 2016-2017, the County Administrative Boards had an assignment, which, among other

¹²⁰ Justitiedepartementet 2011; Socialstyrelsen 2013

¹²¹ Walin Adersjö 2015

¹²² Grannestrand 2015

¹²³ Jernberg, B. (2019). Slutrapport om utvärdering av rättsuppdrag till samordna arbete mot människohandel och exploatering av barn. Available at: <https://www.jamstalladhetsmyndigheten.se/wp-content/uploads/2019/05/barn-i-manniskohandel-slutrapport-2019-04-30.pdf>. (Accessed 12/11/2019).

¹²⁴ Socialstyrelsen. (2018). Barn i internationell människohandel och exploatering: Vägledning för socialtjänsten. Available at: <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/vagledning/2018-10-1.pdf>. (Accessed 12/11/2019).

things, entailed carrying out a national investigation on missing unaccompanied children, as well as suggesting measures to prevent disappearances. The assignment was coordinated by the County Administrative Board of Stockholm. During 2018, the County Administrative Boards had the assignment to produce uniform regional routines for activities related to working with missing children. The County Board of Stockholm continued to coordinate this assignment, but since the end of 2018 no state agency has the responsibility to coordinate this work.

A 'firewall' approach between protection and migration management

Following reports of Swedish police raiding a summer camp organised by the Church of

Sweden where five undocumented families were found and subsequently deported¹²⁵, there have been increased calls from child protection professionals and NGOs supporting children in migration to ensure child protection responses do not contribute to immigration enforcement efforts. The law has changed in recent years to ensure access to health care is guaranteed and free for all children under 18 without any requirement to provide documents. The government also implemented rules on confidentiality for non-citizens for access to education and health care; creating a firewall in the sphere of health¹²⁶. This firewall must be extrapolated to all child protection efforts, including the investigation and responses to children in migration going missing.

United Kingdom

There is much uncertainty in the UK with regard to future collaboration with other EU Member States following Brexit¹²⁷. Under current law, the Dublin regulation is the only route to safe and legal reunification with family members in the UK although it is limited in scope. The regulation does not allow for children over 18 to join their families and does not apply if someone previously held refugee status and has now gained British citizenship. It also does not give the right to parents outside the UK to join their refugee children under the age of 18.

Long term, sustainable arrangements into adulthood

Article 16(2) of the EU Anti-Trafficking Directive requires States to take the necessary measures with a view to finding a durable solution based on an individual assessment of the best interests of

the child¹²⁸. This means putting in place a process to ensure that there is a long term, sustainable arrangement¹²⁹ for each child. **No such process is in place in the UK¹³⁰**. Research by UNICEF UK in 2015 identified this to be a major protection gap for child victims of trafficking in the UK¹³¹. A durable solution means one that protects the long term best interests and welfare of the child and is sustainable and secure from that perspective. The outcome should ensure that the child is able to develop into adulthood, in an environment that will meet their needs and fulfil their rights as defined by the CRC and will not put the child at risk of persecution or serious harm. When assessing possible solutions for a child, States have a responsibility to investigate the implications of the options under consideration¹³². As clearly highlighted in this definition, 'durable solutions' is a broad concept, encompassing but not limited to immigration considerations. First and

¹²⁵ The Local. (2017, August). Swedish police defend actions after church migrants raid. Available at: <https://www.thelocal.se/20170827/swedish-police-raid-church-activity-for-undocumented-migrants/>. (Accessed 12/11/2019).

¹²⁶ Van Durme, C. (2017, December). 'Firewall': A Tool for Safeguarding Fundamental Rights of Undocumented Migrants, PICUM. Available at: <http://picum.org/firewall-tool-safeguarding-fundamental-rights-undocumented-migrants/>. (Accessed 12/11/2019).

¹²⁷ See Brexit section

¹²⁸ DIRECTIVE 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

¹²⁹ Sigona, N, Chase, E, Humphris, R. (2017) Protecting the 'best interest' of the child in transition to adulthood. *Becoming Adult Brief no. 6*, London: UCL. Available at: <https://becomingadultproject.files.wordpress.com/2017/12/ba-brief-3-low-res.pdf>

¹³⁰ ECPAT UK (2017), *Lighting the Way: Steps that lawyers, legal guardians and child trafficking advocates in the UK can take to better identify and protect children who may have been trafficked*. Available online: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=1dcfd01-44fd-4b0f-90c3-ccbc36649a80>. (Accessed 12/11/2019).

¹³¹ UNICEF UK. (2015). *Achieving a Durable Solution for Trafficked Children*. Available at: https://www.unicef.org.uk/wp-content/uploads/2016/01/Unicef_DurableSolutions_Report2015.pdf. (Accessed 12/11/2019).

¹³² There is no universally recognised legal definition of a 'durable solution'. The definition used here is drawn from the definition of a 'comprehensive, secure and sustainable solution' as defined by the Committee on the Rights of the Child in Joint General Comment No. 22 (para 32(j)). Previously in General Comment No. 6 (para 84), the Committee describes a durable solution for unaccompanied and separated children as addressing all their protection needs, taking into account the child's view and, wherever possible, leading to overcoming the situation of a child being unaccompanied or separated. 'Durable solutions' is used for the purpose of this document, as durable solutions also referred to in EU law in relation to children as found in the EU Anti-Trafficking Directive.

foremost, it requires that the response to child trafficking is addressed as a child protection issue within the child protection framework¹³³.

There are particular barriers to trafficked children securing a durable solution in the UK, particularly as the immigration system has conflicting objectives. Under the current system, a child who is refused asylum is usually given limited leave to remain (Unaccompanied Asylum Seeking Child or UASC leave) until the age of 17 ½. The cut off at this point undermines the ability of the child, or the local authorities supporting the child, to make long term plans¹³⁴. This can leave the young person destitute, homeless or highly physically and emotionally vulnerable. There is no grant of leave to remain in the UK provided specifically for child victims of trafficking. Instead many child victims who want to regularise their status often apply for asylum. However, it can be particularly difficult for these children to be granted asylum: their personal histories do not always meet the Refugee Convention definition, and they often face difficulties disclosing their experiences and fail to present as 'credible'¹³⁵. This has often been shown to be the case with Vietnamese children, who are often subject to debt bondage by their traffickers¹³⁶. Young people become particularly vulnerable as they transition to adulthood. Many are forced into destitution after being discharged from services¹³⁷ or they might go missing and intentionally chose to disengage from statutory services at 18 because of fear of detention and forced removal¹³⁸.

Guardianship extended to all separated and unaccompanied children

International standards¹³⁹ state that a guardian should be appointed to every unaccompanied and separated¹⁴⁰ child to protect their rights, advocate for their best interests and help them to access support¹⁴¹. This is well established as a measure to assist in the identification of and prevention of child trafficking¹⁴². However, this measure has only been partially adopted across the UK, with the model outlined in law in England and Wales limited to supporting children already identified as trafficked, rather than all unaccompanied and separated children. **Northern Ireland's** 'Independent Guardians' model, is the most comprehensive. The law provides for an individualised service for all unaccompanied and separated children or children who have been trafficked in Northern Ireland. The **Scottish** Guardianship Service was introduced in 2010 and is run in partnership with the Scottish Refugee Council and Aberlour Child Care Trust, supporting all unaccompanied children in Scotland. An evaluation of the service found widespread benefits, including its role in facilitating young people to make disclosures of trafficking and exploitation.

Guardians should be appointed as soon as possible¹⁴³ after the identification of an unaccompanied or separated child in order to defend the interests of the child from the outset and provide a single point of contact throughout all

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- 133 UNICEF UK. (2015). Achieving a Durable Solution for Trafficked Children. Available at: https://www.unicef.org.uk/wp-content/uploads/2016/01/Unicef_DurableSolutions_Report2015.pdf. (Accessed 12/11/2019).
 - 134 The Children's Society. (2015). Not just a temporary fix: the search for durable solutions for separated migrant children. Available at: https://www.childrensociety.org.uk/sites/default/files/Durable%20solutions%20draft_FINAL%20DRAFT_0.pdf. (Accessed 12/11/2019).
 - 135 ECPAT UK. (2017). Lighting the Way: Steps that lawyers, legal guardians and child trafficking advocates in the UK can take to better identify and protect children who may have been trafficked. Available at: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=1dcfdd01-44fd-4b0f-90c3-ccbc36649a80>. (Accessed 12/11/2019).
 - 136 ECPAT UK. (2017). Lighting the way: Steps that lawyers, legal guardians and child trafficking advocates in the UK can take to better identify and protect children who may have been trafficked. Available at: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=1dcfdd01-44fd-4b0f-90c3-ccbc36649a80>. (Accessed 12/11/2019).
 - 137 Coram Children's Legal Centre. (2013). Growing up in a hostile environment: the rights of undocumented migrant children in the UK. Available at: https://www.childrenslegalcentre.com/wp-content/uploads/2013/11/Hostile_Environment_Full_Report_Final.pdf. (Accessed 12/11/2019).
 - 138 Sigona, N., Chase, E., Humphris, R. (2017) Understanding causes and consequences of going 'missing', Becoming Adult Brief no. 6, London: UCL. Available at: <https://becomingadult.net/2017/12/12/six-new-research-briefs-launched-today/>. (Accessed 12/11/2019).
 - 139 Convention on the Rights of the Child, General Comment 6 (paras 33-38); Directive 2011/36/EU, Article 16; Directive 2001/55 Article 16 (1); Directive 2011/95/EU Article 31 (1).
 - 140 The definitions as set out by the UN Committee on the Rights of the Child where separated migrant children are: 'children, as defined in Article 1 of the Convention on the Rights of the Child (i.e. under 18 years), who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other family members.' While unaccompanied migrant children are: 'children, as defined in Article 1 of the Convention (i.e. under 18 years), who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.' Source: United Nations Committee on the Rights of the Child (2005) General Comment No. 6 on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin.
 - 141 Directive 2012/29 victims of crime directive Article 24 (1); and Directive 2011/92 sexual exploitation directive, Article 20(1)).
 - 142 European Union Agency for Fundamental Rights (2015) Guardianship for Children Deprived of Parental Care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking <http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care/>. (Accessed 12/11/2019).
 - 143 Evaluation of Independent Child Trafficking Advocates trial: Final Report guidelines stipulated that the children should be referred to the advocacy service within two hours or as soon as practically possible. In practice, referral within 2 hours only occurred in just under one-fifth (19%) of cases. These delays may in part be due to the trial design, which required allocation to either, the advocacy or comparator groups. Once referred to the service, 84% of the children were allocated to a named advocate within 24 hours. Some professionals in this first trial spoke about the first 24 hours being crucial to avoid children going missing.

types of legal proceedings. Evidence in Parliament from 'Children in Crisis: Unaccompanied migrant children in the EU'¹⁴⁴ showed that: "It is important that the child is appointed an independent representative, without delay, who can act in the child's best interests and help the child negotiate the complex asylum and migration procedures while at the same time looking after the child's wellbeing". Early appointment is also essential in the context of preventing disappearances. Nagalro, the professional association for social work practitioners, told the Committee: "Many unaccompanied children disappear after arrival so the promptness of appointment of an independent legal guardian is essential"¹⁴⁵.

Specialist accommodation

Central government funds an annual £9m contract for the delivery of specialist support in England and Wales for adult victims. Yet there is currently no central funding available nationally for the specialist care of trafficked children who are instead supported by local authority children's services. Support for trafficked children through the local authority has been shown to be inadequate to meet the needs of child victims of trafficking and unaccompanied or separated children at risk of trafficking. A 2017 report commissioned by the Home Office and Department for Education found that there was limited availability of specialist provision for children in migration who are identified as potential victims of modern slavery by local authorities¹⁴⁶. GRETA's report also found that local authority approaches to supporting child victims of trafficking in the UK were 'inconsistent' and that provision of support was 'patchy.'¹⁴⁷

Research by ECPAT UK and Missing People into the numbers of unaccompanied and trafficked children going missing from care in the UK has highlighted the significant challenges at the local authority level for children's services in protecting these children from harm¹⁴⁸. It showed that, in 2017, 1 in 4 (24%) trafficked children and 15% of unaccompanied children were reported as going missing from care and 190 children had not been found¹⁴⁹. Average missing incidents for each trafficked child increased from an average of 2.4 to 7.4 times between 2014-15 and 2017. This demonstrates increasing challenges for local authorities to adequately safeguard these children. There is a lack of agreed safety standards for accommodating child victims of trafficking. Accommodation provision for trafficked children varies significantly across the UK – from residential care homes, shared flats and houses, bedsits, bed and breakfast emergency housing, and foster care. Some of these are unsafe and unsuitable for children who are victims or are at risk of trafficking and can contribute to them going missing¹⁵⁰. More widely, there has been a 28% increase over the past eight years in the number of under 18s placed by councils in so-called independent living accommodation, which lacks live-in staff support and includes unsupervised B&Bs¹⁵¹. This type of accommodation continues to be used for children who are unaccompanied, separated or trafficked, despite guidance stating this is unsuitable¹⁵². The number of over 16 year olds placed in unregistered accommodation has also increased dramatically¹⁵³. This type of accommodation may place children at greater risk of exploitation by criminal gangs.

¹⁴⁴ Lords Select Committee on Children in Crisis: unaccompanied migrant children in the EU. Available at: <https://publications.parliament.uk/pa/ld201617/ldselect/ldcom/34/3408.htm>. (Accessed 12/11/2019).

¹⁴⁵ Ibid.

¹⁴⁶ Cordis Bright. (2017). *Local authority support for non-EEA migrant child victims of modern slavery*. Department for Education and Home Office. Available at: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=d92d5fc2-ad40-4c25-a1e0-f362c3a2311c>. (Accessed 12/11/2019).

¹⁴⁷ Group of Experts on Action against Trafficking in Human Beings (GRETA). (2016). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom*. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806abdc>. (Accessed 12/11/2019).

¹⁴⁸ ECPAT UK and Missing People, (2018) *Still in Harm's Way: An update report on trafficked and unaccompanied children going missing from care in the UK*. Available at: <https://www.ecpat.org.uk/still-in-harms-way>. (Accessed 12/11/2019).

¹⁴⁹ Ibid.

¹⁵⁰ ECPAT UK and Missing People, (2016) *Heading back to harm: A Study on trafficked and unaccompanied children going missing from care in the UK*. Available at: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=875b65b5-08d4-4e9f-a28c-331d1421519f>. (Accessed 12/11/2019).

¹⁵¹ Wall, T. (2019, January) *Revealed: councils send teens in care to live in squalid B&Bs and bedsits*. The Guardian. Available at: <https://www.theguardian.com/society/2019/jan/06/vulnerable-children-housed-unsupported-in-bedsits-and-bed-and-breakfast>. (Accessed 12/11/2019).

¹⁵² Department for Education. (2017). *Statutory guidance for local authorities: Care of unaccompanied migrant children and child victims of modern slavery*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf. (Accessed 12/11/2019).

¹⁵³ Razzall, K. (2019, May) *Teens in care 'abandoned to crime gangs'*. BBC News. Available at: <https://www.bbc.co.uk/news/uk-48300157>. (Accessed 12/11/2019).

3. The INTERACT Project

3.1 The Amina Programme – Safeguarding migrant children across Europe (2017 – 2020)

Missing Children Europe's work on the problem of missing children in migration led to the identification of several areas in which additional efforts are needed to achieve durable change and improvement in the protection of this group of children at risk. These areas include providing targeted support to children on the move, improving cross-border child protection and information exchange between actors and strengthening the political will to invest in children coming to Europe.

Therefore, Missing Children Europe developed a comprehensive multi-annual plan named the AMINA Programme, to close the protection gaps that lead to disappearance and exploitation of children in migration and contribute to creating an environment in which policy and legislative processes give primary consideration to the best interest of the child. The programme was supported by the H&M Foundation and implemented with several national and European partners.

A Four-prong ambition

Through this comprehensive three-year programme, Missing Children Europe and its partners are working towards:

1. Children having access to child friendly, up to date and accessible information on their rights, procedures and the available support wherever they are, so that they are empowered to take the right decisions rather than forced to trust those profiting from their vulnerability, and therefore are better protected while on the move in Europe;
2. Actors working with children being better trained in responding to the protection needs of children in migration and working together more effectively across national borders on the basis of trialled and tested procedures, so that that children be better protected from disappearance and trafficking;
3. The general public being sensitised to the situation and needs of children in migration, and for the narrative regarding children in migration to change into a more positive discourse avoiding alienation and helping children integrate into their new society;
4. Policy makers at the national and EU level prioritising children in migration policies so that all decisions regarding children be based on their best interest as a primary consideration, including those related to law making and public funding.

This publication is part of the activities undertaken in the framework of the second objective of the Amina programme, implemented through a project called INTERACT.

3.2 The project

In the autumn of 2018, NGOs, migration authorities, police forces and local authorities in six EU countries (Greece, Italy, France, Belgium, the United Kingdom and Sweden) worked together to respond to the cases of Abena and Qiro. They engaged in a series of simulations/

table-top exercises which brought them to make real time judgement calls on how to cooperate with partners within and outside of the country, drawing on their knowledge and expertise to respond appropriately to reports of them going missing.

Abena and Qiro – fictional stories based on real cases

Abena is a young girl who was forced to leave Eritrea when confronted with an impossible choice as she approached her 14th birthday: being forcibly married to a 35-year old man or enrolled in the military. She decided to escape with her brother and embarked on a dreadful journey to Europe, but they ended up being separated and Abena arrived alone to Italy.

Qiro is a 15-year-old Iraqi Kurdish boy who was forced to flee his country when the bombing in his town intensified rapidly. He arrived on the shores of Greece by himself after being separated from his parents in Turkey.

Abena and Qiro have gone missing since arriving in Europe and are thought to be at risk of trafficking and exploitation.

The objectives of the simulations were multiple:

1. To improve the day-to-day practice of professionals working on transnational cases of unaccompanied children at risk in Europe
 2. To improve the national and international procedures on preventing and responding to cases of missing children in migration
 3. To improve the national and international procedures on preventing and responding to cases of children (at risk of) being trafficked or exploited
 4. To raise awareness on the gaps and needs in transnational cooperation for the response to missing children in migration and cases of trafficked or exploited children in migration
- the INTERACT Handbook: guidance dictating effective mechanisms, procedures and tools for national and cross-border cooperation in cases of missing unaccompanied children at risk of (re)trafficking based on good practices (i.e. information collection, analysis and exchange; clarification of roles and tasks of those involved)
 - A cross-border network of key stakeholders (including child protection authorities, civil society, law enforcement and agencies such as Europol, Interpol and Eurojust) empowered to better cooperate in preventing and responding to cases of missing child migrants
 - A conference and training at the end of 2019 that presents the results and trains professionals on the new guidance

Practical outcomes of these exercise are the following:

- A simulations report addressing gaps in law and policy hindering efficient collaboration at national and cross-border level (this publication)

These exercises are the first step towards an improved and more systematised practice, where all actors involved in the protection of the child can work better together at national level and across borders, in the best interest of the child and in full respect of their rights.

Benefits of simulations

- the opportunity to exchange in a multi-agency setting
- the opportunity to better understand each other's priorities, procedures and limitations in handling such situations
- trigger discussions on existing processes, issues to be solved and challenges
- steer the commitment, motivation and positive attitudes of all parties for an improved practice

"The interaction between the different actors was good. They were glad to have the opportunity to ask other professionals their questions, to better understand the work practices of each professional and share the difficulties they might have or currently have on their own. It was for them an occasion to talk safely and without judgment."

ECPAT France

"Everybody was engaged in the exercise and committed in sharing best practices that worked for them. For some of them it was a rare occasion to meet and work with stakeholders they normally don't engage with"

Telefono Azzurro, Italy

Bringing the simulations to the next level – what is needed?

- Regularity of the exercise (e.g. biannually) to evaluate progress
- More resources and time to allow for a full simulation experience based on role plays and real life acting

3.3 The partnership

The INTERACT project counts on the support of partners at both the civil society and governmental level to make sure changes to the cross-border cooperation frameworks are sustainable and lasting.

Country	Civil Society Partner	Governmental level
Belgium	Child Focus	Belgian Migration Office
Italy	Telefono Azzurro	
Greece	The Smile of the Child	Office of the Rapporteur on Human Trafficking
UK	ECPAT UK	The Home Office Modern Slavery Unit
France	ECPAT France	La Sprene
Sweden	The Child Rights Bureau	The County Administrative Board of Stockholm

3.4 Methodology and tools

The first phase of the project was focusing on testing the practice to identify gaps, and elaborate suggestions and guidelines for improved and faster cooperation between competent authorities.

Participants

In total, close to 90 participants from 54 organisations took part in the simulations, representing civil society, law enforcement, reception centres, hotlines, guardians, asylum and migration authorities, lawyers and/or legal assistance providers, and international organisations. The list of participating organisations and agencies is available in Annex 1.

Country	Date	Organisations and agencies represented
Greece	8 October 2018	10
Belgium	15 October 2018	8
UK	17 October 2018	14
Italy	12 October 2018	6
France	19 November 2018	8
Sweden	19 October 2018	8

A table-top exercise in each country

The table-top exercise is organised as a meeting to discuss a simulated case. Members of the exercise review and discuss the actions they would take in a particular situation, testing their procedures and systems in an informal, low-stress environment. For these simulations, participants are gathered in one room, around a table or at separated desks, and are guided in their actions based on the scenario and their own briefing or fiche. Their actions are guided by the coordinator. There is also an observer who assists participants with instructions and takes detailed notes of the steps taken.

- Advantages: low stress environment, low cost, ongoing evaluation, facilitated group discussion of problem areas

- Disadvantages: lacks realism, provides only a superficial review

- Participant expectations:
 - Be willing to engage in the conversation
 - Challenge yourself and others in a cordial manner
 - It is ok to not have an answer
 - Accept the scenario and work within the presented parameters
- Coordinator expectations:
 - Control pace and flow of exercise
 - Stimulate discussion; draw out answers and solutions from the group
 - Identify strengths and areas of improvement
 - Assist in the development of After Action Report

Tools

Scenarios

A detailed scenario was developed for each of the two fictional cases, taking into account the background of the child, their story, and their medical and psychological status. Based on real cases, their pathways through the different countries were developed and included the different experiences, barriers and risks faced by children.

Flowcharts

For each country, detailed flowcharts were created based on the scenarios. The flowcharts described the key expected actions to be taken by the different participants and stakeholders according to the national systems and procedures in place. The flowcharts were the basis for the taskforce to evaluate each action taken during the exercise.

Briefings and injects

Based on the scenarios and the flowcharts, the taskforce developed tailored briefings for each participant. In real life, stakeholders involved in a missing child or trafficking case only hold partial information, gathered through their encounter with the child or through cooperation with various stakeholders. This is what

each briefing reflects. Briefings were complemented by injects, which are new pieces of information thrown in the simulation by the taskforce, to influence, redirect or change the course of the exercise. For instance, an inject can be a phone call from a guardian in another country, bringing more information to participants about the case of the child.

Handbook

A handbook was created for participants, including information such as definitions or necessary materials, GDPR support, and tools and resources available (e.g. templates, agencies, online tools).

Contact booklet

A contact booklet was created and put at the disposal of all participants from the 6 countries, with the goal to ease communications and potentially foster cross-border cooperation. The booklet included:

1. Name, position and organisation of each participant
2. Contact details such as phone number and emails

3.5 Results

In many countries, simulations highlighted that stakeholders know fairly well the national procedures and how to cooperate across agencies in their respective countries, even if in some cases gaps were identified and can now be singled out and addressed to improve practice. However, major

gaps remain in relation to the implementation of cross-border cooperation. The following table displays an overview of what procedures were triggered and in which countries, while below you can read in detail the cases and how they were addressed in each one of the countries involved.

	Belgium	France	Greece	Italy	Sweden	UK
Best interest determination						
Assessment of the risk of going missing		x	x	x	x	x
Assessment of trafficking indicators	x (not at first encounter)	x	x		x	x
Mental health check	x	x	x	x	x	x
Assessment of the willingness to apply for asylum	x	x	x	x	x	x
Assessment of the willingness to be reunited with their families	x	x	x	x	x	x
Access to services (accommodation, medical and mental health support, legal assistance)	x	x	x	x	x	x
Access to specialised reception facilities or foster care				x		
Identification of the child	x	x	x	x	x	
Registration of asylum request			x		x	
Check of Eurodac database	x	x			x	x
Initiatives for family tracing		x	x	x	x	
Initiatives for family reunification			x	x		x
Placement of a SIS alert following the disappearance	x				x	x
Check of the SIS database at reception of the child						
Involvement of the hotline in the follow up to the disappearance	x		x	x		
Involvement of Cross-border Law Enforcement Cooperation bodies (Europol, Interpol)						

	Belgium	France	Greece	Italy	Sweden	UK
Communication across borders between migration authorities		x				
Communication across borders for child protection purposes (follow up on the missing child, gathering or sharing more information on the case, etc.)						
Launch of investigation of trafficking crimes						x

Looking for Abena – the simulation in Italy, France and Sweden

Italy

Abena was rescued from the boat to Italy. She was registered, informed of her rights and assessed by social workers and cultural mediators as vulnerable and at risk of being a victim of trafficking. She was transferred to a shelter and redirected to the necessary services, including a mental health assessment. Efforts were made by the shelter to insert Abena in specific programs and support groups to deal with her vulnerability, trauma and depression. Preventive measures were carried out, such as providing information and improving self-awareness of the exploitative situation, but no other specific protection measures were taken. Her fingerprints were not taken as Abena refused and was under 14.

Observations:

After a few days, Abena went missing. A case was opened and remains open in the country. As a result, the risks that she might be facing remain worrying. Cooperation in country, including referral to adequate services, worked well. However, lack of coordination at hotspots¹⁵⁴, lack of coordination at the national level (different practices between the North and the South of the country) and lengthy and excessive bureaucratic processes were flagged as areas for improvement. Although the national procedures have been applied, there was no follow-up to

the missing alert, and no further information was received from the other countries she travelled through. There were no requests from subsequent Member States when she became known to public authorities there. An international collaboration would have contributed to closing the case and making sure Abena is safe. No alert was placed on the Schengen Information System II (SIS II) and the cross-border cooperation was very limited.

Challenges encountered

The limited protection measures against (re) trafficking in Italy can be explained by the limited margin of action of the anti-trafficking expert organisation, Proxima. They are only able to act with preventative measures by giving relevant information to the child. As they explained, most children who find themselves in situations of trafficking are not aware of being in danger. Being cognisant of exploitative situations is an important step that can be undertaken by informing children on how to spot potentially dangerous situations.

The lack of cross-border cooperation initiatives is explained by the participants and coordinators as a consequence of the lack of awareness of the existing European tools and their use by frontline professionals. After the child went missing, the

¹⁵⁴ The term 'hotspots' refers to first reception facilities at the external borders of the European Union. For further information, please see: European Parliament. (2018) Briefing: Hotspots at EU external borders. Available at: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS_BRI\(2018\)623563_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS_BRI(2018)623563_EN.pdf). [Accessed 13/11/19]

reception centre reported the case to the police but there was no follow up on the case. It was said that most participants were not able to resonate

with the EU systems and processes such as SIS or Eurodac. These were regarded as too foreign to the caseworkers.

France

Abena travelled with a man to France by train. In Lille, she lived with him and was exploited by him and his family for months. She escaped and slept on the streets. She was taken to la SPRENE, which took the time to listen to her and encouraged her to tell her story. Abena stayed quiet and didn't talk about what happened in the family where she has been exploited and raped. La SPRENE's mission was to conduct a minority evaluation in order to know set out the protection based on her specific case. She was referred to child welfare (ASE) and adequate services such as medical support. Abena slowly disclosed her story and, as a 14 year old Eritrean girl who was threatened with forced marriage, she was placed in a shelter quickly.

In Lille, a request was made to the Red Cross Family Tracing System, but nothing more was done to try and reconnect Abena to her brother, despite the fact that the child has informed professionals multiple times of her need to meet with her brother in Sweden. As a result, Abena went missing in Lille. She was found months later in Paris by the police as she appeared to be involved in criminal activities. Despite her first disappearance, she was not assessed again in Paris as at risk of disappearing. An investigation was launched, and Abena was kept in police custody. The police reviewed the wanted persons database from the missing people database, but they didn't find her there as her file was in the disappeared persons section. Based on her interviews and information gathered, she was referred back to child welfare for protection and accommodation. She was identified as at risk of trafficking and assigned a lawyer. She made disclosures to her lawyer, who reported her situation and rape to the prosecutor, but Abena disappeared after a few days.

Observations

Despite the fact that most of the participants identified the child at risk of trafficking, no concrete measures were implemented to safeguard her. She underwent multiple interviews by different participants, both in Lille and in Paris, which risked contributing to her re-traumatisation.

All participants knew what their responsibilities were, they paid attention and reported the

risks they had assessed. However, the lack of information sharing, cooperation and follow up on the case lead to insufficient protection. For instance, a mental health assessment was conducted but the results were not explicitly communicated to the first shelter, and as the child fled before the nomination of a guardian, nobody had the opportunity to take the assessment results into official account. Cross-border cooperation did not take place, meaning that the missing person case remains open in France. With the exception of the immigration office who checked the Eurodac system and inquired whether an asylum application had already been made elsewhere, no contact was taken to either inform of the presence of the child in France, or to inform Sweden about her possible arrival.

Challenges encountered

Many of the shortcomings regarding national cooperation such as non-transmission of information regarding the health of the child, their needs, and the failure to immediately appoint a guardian, were explained by the non-application of the law and the political developments in France regarding unaccompanied children. These predispose official policy to regard the child primarily as a foreign national rather than a child. Furthermore, there is no system allowing all information regarding the child (such as judicial file, personal history, medical and psychological assessment) to be rationalised toward one database, body or person.

Despite the child having gone missing once, there was no further assessment of the risk of going missing again when the child was found. There was no follow up to the reporting of the disappearance by the police or the hotline, who weren't contacted.

The lack of concrete protection measures can be explained, among others, by the lack of immediate appointment of a guardian. In France, the appointment of a guardian is only possible for children applying for asylum. It was reported that the participants failed to take specific action towards reunifying the child with her brother because the majority of professionals lack the capacity to take action and lacked training on what steps to take or whether mechanisms existed.

Sweden

In Sweden, Abena was found in Malmö and transferred to Stockholm, where she was informed about her rights and referred to the emergency social services by the Stockholm City Mission. Social services conducted risk assessments and identified the child as at risk of going missing, vulnerable and suspected to have been a victim of exploitation. The following day she was accompanied to the migration office where her claim was received, her photograph and fingerprints taken. The migration office was concerned about potential signs of exploitation and arranged a second meeting in subsequent weeks. Social services arranged Abena's transportation to her assigned municipality by accompanied travel to Boden and initiated the search for a foster family to ensure her protection.

In Boden, social services gathered information on Abena's situation and started the process of assigning a guardian, which can take up to two weeks. Besides these actions, no additional specific measures based on her vulnerability were taken to protect her. The participants acted out of concern and all tried to identify the same risks, however by asking very similar questions many times throughout the first few days of Abena's stay in Sweden. The interviews also took place at an early stage and didn't allow enough time for a follow up and deeper disclosure. The structure of the system thus proved to be an obstacle to ensure trust was built with a specialist practitioner in order for disclosure to take place.

Living in Boden was never part of Abena's life project. Hence, while in Sweden, she faced two episodes of disappearances. First, she went missing from Boden where she was found in a vulnerable situation in Stockholm by the police who subsequently found out about her experiences in France and Italy. Second, she went missing from Stockholm Social Services, and hasn't yet been found.

Observations

The national cooperation mechanisms and procedures in place seemed to be well-functioning, which proved the existing cooperation network in Stockholm to be efficient despite the challenges of the bureaucratic processes. On the other hand, no one took the initiative to cooperate across borders. As a result, no one knew Abena's location after she went missing from Stockholm, nor whether she was safe from harm.

Additionally, whether Abena had found her brother remained unanswered. In Italy, the Red Cross initiated the search for her brother, but it didn't lead to results. In Sweden, the family reunification process was not triggered, as it appeared it would have been too early in the process. However, information was given about the Red Cross "Restoring Family Links" programme and a search was initiated within the Migration Agency System.

Challenges encountered

The limited protection measures against trafficking are explained by the participants as owing to the lack of information on the child's situation. Social services would normally assess the risk that Abena is a victim of trafficking against a list of indicators of human trafficking, after which they would report the case to the police if they found there were suspicions of trafficking. In this case, it was said they would not report the case based on the information available.

Whereas the risk of going missing was assessed and the participants were concerned about the child wanting to stay in Stockholm and search for the brother, they could not change the assigned municipality through the Migration Agency. In these situations, the city of Stockholm has a protocol in place that includes taking into account information and motivations of the child that facilitates close cooperation with the receiving municipality. They would, for instance, convince staff in Boden to come to Stockholm to pick her up. However, participants were concerned that this process does not successfully reduce the risk of going missing and taking the child's views into consideration.

The cross-border cooperation initiatives were extremely limited because almost no participants felt that they had the responsibility to contact other actors in other countries. The only exception was the Migration Agency who stated they would have contacted the relevant countries had she been a case under Dublin III. The challenging issue of trusting professionals in other countries played a significant role, as there is no system to verify whether the stakeholders are trustworthy. It is harder to know who to trust in a cross-border context, and therefore it is hard to undertake this type of contact. Another obstacle was that the Migration Agency does not have the possibility to share information after the disappearance of a child unless they receive consent from the person before the disappearance.

The limitations to the initiatives of family tracing are explained by the challenges of existing services. While the Red Cross service is free and has an extensive database, the outcome is often unknown and dependent on the available information in the system. Once the application has been sent, it is a matter of waiting, which can be discouraging. Human error when encoding the data can also be noted, as well as the differences in the way different countries manage records, both within the EU and in

developing countries. It has also been noted that a verification system is needed when relying on other cooperating systems, such as direct cooperation with NGOs in different countries, to make sure the counterparts abroad are trustworthy. While the 116 000 cooperation process and templates take those risks into account, the system suffers from a lack of awareness. In Sweden, the number is additionally managed by the law enforcement, which makes it more difficult to apply in practice.

Looking for Qiro – the simulation in Greece, Belgium and the United Kingdom

Greece

After being rescued in the boat by the coastguard, Qiro was transferred to the hotspot in Chios, where he received information on his rights, was registered by the police and was informed about asylum. Qiro was diagnosed with PTSD and assessed as vulnerable. He also expressed his wish to apply for asylum. Protective measures were taken to transfer him from Chios to a specialised shelter where he received psychosocial support, education opportunities, food, clothing and information on family reunification. Because of the lack of housing capacity in the country, Qiro had to wait a long time in Chios, followed by a long period in a safe zone, before being transferred to a specialised shelter for unaccompanied children run by the Smile of the Child on the mainland where he was given specialised support by professional staff.

After a month, Qiro went missing from the shelter he was transferred to. The Smile of the Child 116 000 hotline was alerted. They opened a case in cooperation with the police and launched the search. Since then, his case remains unsolved in the country. As a result, the risks that he might be facing remain worrying. He has in fact gone missing because he was forced to work and live on a farm in southern Greece in order to repay the debts incurred when he was smuggled to Europe.

Observations

Whereas national coordination works well in theory, participants highlighted that in practice there were issues. The national procedures for referral, support and cooperation were effectively known and applied, however the length and complexity of these procedures increased the child's vulnerability and the risk of exploitation and

trafficking by leaving him out of the protection system waiting for accommodation.

When Qiro went missing in Greece, the procedures to search the child were clear and efficiently applied nationally. However, very limited cooperation efforts were initiated across borders and no alert was placed on the Schengen Information System II (SIS II).

Challenges encountered

The lack of guardians, interpreters and appropriate accommodation partially explain the protection issues and coordination difficulties at the national level, which in turn increases the risks for unaccompanied children. A significant issue was the overload of the prosecutors' case load, that can sometimes reach thousands of unaccompanied children's cases for one prosecutor. This therefore delays the guardian's appointment procedure and increases the risk of exploitation and trafficking for children. Another difficulty is the fact that the law for guardianship was issued very recently and is not yet enforced. As a consequence, Qiro was moving from area to area with a different prosecutor responsible for him in each location. In general, it was noted that almost all services are understaffed and available places are overcrowded.

When it came to cross-border cooperation, the procedures to work with the SIS II were described by police but were not initiated during the simulation. It was noted that procedures are different and not homogeneous when the police needs to contact non-EU countries such as Turkey. The 116 000 hotline developed the cross-border cooperation form but it was not sent to the hotlines in Belgium or the United Kingdom.

Belgium

Later, Qiro managed to travel to Belgium through various countries, mostly hiding in trucks. When he finally arrived in Belgium, Qiro was intercepted three times by the police, always under a different name. The third time, he was intercepted by the police on a trailer on his way to the UK. He disclosed his real name and age. The police alerted the migration office who took his fingerprints, proceeded with full registration and referred him to the guardianship service. He was then transferred to an orientation shelter in Fedasil, a state agency. Despite suspicions by the Migration Office of potential exploitation, he was not assessed as victim of human trafficking by frontline professionals and none of the professionals identified that he had been a victim of forced labour in Greece. The suspicion of exploitation was communicated to the other stakeholders, but no special measure was taken to further protect the child. Qiro subsequently went missing from the shelter two days later.

Observations

The national cooperation framework works well in Belgium, with a good level of awareness and use of multi-agency tools. National cooperation mechanisms such as the shelter's file to report missing children and the national registration form to report the presence of an unaccompanied child to the Guardianship Service worked effectively. However, the practice proves that the system is not a "one size fits all" solution and is not efficient for all individual cases, such as children who are very distrustful of the system and/or children who do not want to apply for asylum in Belgium. The cross-border cooperation

aspects also remain a challenge. For instance the SIS system was not checked once the boy was found and his biometrics were taken. Following his disappearance, an alert was placed on the system and the 116 000 hotline was contacted, but no cross border initiative was taken to inform the UK through the police, the hotline or any other stakeholder. None of the participants decided to assess the risk that the child might go missing.

Challenges encountered

The suspicion of exploitation was detected and communicated by the Migration Office to the partners in the guardianship service and the shelter, however after some delay and not after the first encounter with the child by frontline actors and the police. Following communication of the suspicion that he had been trafficked, no specific measures were taken to further protect the child. A more systematised and individualised process therefore seems needed, together with more training for frontline professionals.

It was also noted that the way the case was treated felt highly dependent on many external factors, such as the moment of interception. If the child had been found outside of office hours, the procedures might have taken longer and put the child further at risk. The context of interception and the expertise of the frontline actors were seen as compounding the child's vulnerability. The lack of cross-border cooperation proved to be due to a lack of clear procedures, a lack of ownership and a lack of knowledge of the practices and existing tools.

United Kingdom

Qiro was subsequently found by the police in the UK after he was dropped off by a truck at a petrol station on the highway. The National Referral Mechanism was triggered and the child was referred to local authority children's services. At the first encounter, the police obtained his biometrics and conducted a welfare interview. He was placed in semi-independent accommodation and soon after, Qiro indicated his wish to apply for asylum. However, he went missing before he got the chance to enter the process. He was reported missing to the police who proceeded to investigate his disappearance. Qiro was subsequently found in the London area presumably stealing a bicycle and was arrested. During the interview that took place at the police station, the police learnt that Qiro

had been beaten by the men who recruited him for criminal exploitation and that in the location he was being kept, there were indicators that three girls were being sexually exploited.

Observations

The National Referral Mechanism was directly activated. However, it appeared that the high number of forms and complex procedures impeded safeguarding procedures. Multi-agency cooperation worked well but strong focus was placed on the investigation of the crime and the exploitation elements rather than on the protection of the child and the prevention of re-trafficking. What also seemed to be unaddressed is, as for

Greece and Belgium, the need for cross-border cooperation. Although Immigration Enforcement checked Eurodac for immigration purposes, no communication was initiated by child protection with these countries to make informed determinations on risk and appropriately address his needs.

Challenges encountered

The evaluation of the information obtained worked well, but the transfer between localities with regard to the missing investigation proved challenging. Social services and civil society seem to have minimal input in the investigation processes besides informing the initial assessment of risk, which would have assisted with building trust with the child, responding to his immediate needs and preventing another missing episode.

The lack of cross-border cooperation efforts was justified by the fact that the case was focused on the missing incident at the moment of Qiro's disappearance, so the stakeholders were focused on finding Qiro rather than making detailed cross-border inquiries. However, cross-border cooperation efforts could have taken place further upstream, as soon as he was found. For instance, social workers could have initiated contact to report the presence of Qiro in the UK, hence reassuring stakeholders in previous countries and collecting information that could correlate with their own, including to avoid unnecessary interviews.

As a next step, a strategy meeting should take place and the investigation into the suspicions of

exploitation and organised crime would take place. How would Qiro be safeguarded? Would there be a risk assessment made for the risk of re-trafficking and going missing? Would additional measures be taken to better protect the child from exploitation, such as considering foster care accommodation rather than semi-independent living? How would he access long term support? If these questions were answered, Qiro would have greater chances to recover from his traumatic journey and start his new life in the UK.

Throughout the simulation, the search for his brother and attempts to reconnect them were very limited. In Greece, family tracing process were initiated with the police and the Red Cross, which proved unsuccessful, and a family reunification process was initiated to reunite him with his parents. Very little was done to try to reconnect Qiro with his brother. In Belgium, Qiro received some information once at the shelter, about the possible legal procedures to be reunited with his brother. However, no concrete actions were taken to try and trace him, despite the information Qiro carried with him consisting of two small pieces of paper written in Arabic and Greek, with one of them displaying a phone number. In the UK as in the other countries, it seems that very little was done to find his brother who was eventually found 'by chance'. During the investigation, the UK police officers found his brother in the country, allegedly involved in criminal activities. They had arrested him. Qiro was also worried he would be charged with a crime even though he was criminally exploited.

Abena and Qiro Case Review

Proactive cross-border cooperation

Participants in Belgium and the UK had knowledge of some trafficking indicators and ascertained through interviews that Qiro had been in other countries before. At this stage, child protection could have proactively contacted the stakeholders in these Member States, such as his guardian or legal representative. This would have facilitated the development of better-informed risk assessments to ensure appropriate accommodation and support was provided.

Greater ownership of efforts for family tracing and reunification could also have better supported and protected Qiro. By informing him of his rights

and demonstrating that efforts were being made to reconnect and reunite him with his family, his trust in the system could have been enhanced. In Greece, this could have translated as informing and asking for help from the Red Cross Family Tracing programme. In Belgium as in the UK, it could have translated into greater ownership of cooperation and efforts to create contact, while remaining vigilant about trust issues. An earlier appointment of a guardian or legal representative would have helped in all cases.

Participants in France and Sweden had knowledge through various interviews that Abena had been

in other countries before she arrived. Professionals could have proactively contacted stakeholders in the other countries such as her guardian, legal representative and shelter representative. This would have allowed professionals to gather vital information on the child to inform the assessment of risk and complement an assessment of need. Distinct from a real case, in the simulation a booklet was provided to stakeholders with the contact details of relevant professionals across the

various countries. Significantly, the contacts were still not utilised.

Following this exercise, our goal is to make such a booklet available to frontline professionals by mapping all relevant agencies involved in such cases and including their contact details. To make the use of such a tool effective, a clarification of roles and responsibilities is needed, alongside a proactive attitude to cooperation.

Special and early measures to protect Qiro and Abena from exploitation and/or re-trafficking

Some important measures could have been taken to prevent the disappearance and the (re) victimisation of the children. First of all, an immediate safeguarding response from all parties involved, as reactive time is essential in these cases. Then, it would have been important to catch indicators that the child was a victim of trafficking/exploitation at the earliest stage, as this has an important

impact on all subsequent decisions on care and status, including appropriate accommodation. The immediate appointment of a guardian trained to care for children who have been victims of trafficking or exploitation would have also been appropriate. All this considered, it is obvious that training of all professionals entering in contact with potential victims is key.

Follow up early on the missing alert

The case of a missing child does not end with a missing alert. A regular and more intensive follow up could have further supported Abena and Qiro, such as closer

cooperation with the local police, cooperation across borders and the use of the existing tools, such as the hotlines, the SIS II system and one-to-one cooperation.

Avoid re-traumatisation

It has been said that despite the good intentions of social workers and carers of Qiro and Abena, re-traumatisation is a risk based on the continual request to share personal information at every stage. Asking a child that might have been through exploitation and trafficking to tell their story multiple times can be difficult and may discourage disclosure. It is counterproductive to both addressing their recovery and to further

an investigation. Similarly, asking a child multiple times for their biometric information within the same territory does not contribute to a welcoming environment. Further cooperation and exchange of information at the national and international level could have helped avoid this situation. This alone is also not sufficient and must go along with structural improvements of the way cross-border cooperation is now enabled.

Take into account the best interest of the child as a primary consideration and listen to their voice

The protection and migration systems should always take the best interest of the child as a primary consideration. In this specific case, this could have been improved by, for example, taking account of Abena's choices while assigning a municipality in Sweden. Knowing her wish to stay in Stockholm

yet transporting her to Boden contributed to her first disappearance and put her further at risk. Further efforts to reunite her or reconnect her with her brother could also have contributed to better protection, by improving her wellbeing and trust in the system.

A more systematic use of existing European and international tools

An alert could have been placed on the SIS II in each of the countries she went missing from. Doing so could have allowed the authorities in the following countries where she found herself to both help close the case in the country that placed the alert and gain pertinent information for the purposes of safeguarding. This is on the condition that the system was verified once Abena became known to public authorities. Even though the alert was not placed in Italy, France and Sweden were given an inject to

indicate an alert had been placed to determine the outcome. Even then, no cross-border initiative took place. Further training on available tools including the use of SIENA¹⁵⁵ and Interpol was identified as essential to equipping professionals to utilise these tools in the best interest of Abena. Unfortunately, the use of the SIS system currently has a firewall in place to guarantee that the information is not used for other purposes rather than child protection, such as for immigration enforcement.

A more systematic use of the 116 000 hotline and its cooperation framework

The 116 000 hotlines have a role to play in assisting with cooperation across borders and to help find a child. Based on their networks across Europe and their expertise in managing cases of disappearances, including collaboration with the police, the hotline is very well positioned to assist with cooperation. Hotlines should proactively share information about

a case when there is clear indication that there is an added value in informing counterparts abroad. The 116 000 hotlines can also play a role in matching, across Europe, family members looking for their child and a child looking for their family. This process can be triggered as a complementarity tool to the Red Cross Family Tracing Programme.

¹⁵⁵ Secure Information Exchange Network Application (SIENA) enables the swift and user-friendly exchange of operational and strategic crime-related information among Europol's liaison officers, analysts and experts, Member States and third parties with which Europol has cooperation agreements.

4. Conclusions and recommendations

The simulations shed light on significant gaps in cross-border cooperation between professionals concerned with cases of missing or trafficked children in migration. According to the debriefing in the different countries where the simulations took place, the initiatives that were taken across borders were assessed as “poor”. So were the initiatives taken towards family tracing and family reunification, whereas national cooperation was assessed as “sufficient” to “good”. The response to the trafficking or exploitation risks was in average assessed between “poor” and “sufficient”.

It is therefore clear that efforts need to be taken to not only foster a culture of cooperation across borders, but to radically improve the way stakeholders cooperate by improving and setting up clear procedures, improving awareness of existing tools and coming up with innovative ones tailored to the protection needs of children on the move at risk of trafficking or exploitation.

It is also crucial that necessary reception conditions

and procedures are in place, systematic and harmonised, so as to ensure the wellbeing of the child is met and their rights are respected, and that prevention measures are in place.

For concrete examples of best practices and methods relating to the following recommendations, please consult the INTERACT Handbook, available at: <http://missingchildreneurope.eu>

1. A ‘firewall’ approach between protection and migration management boards when handling data of children in migration

Implementing a firewall approach means putting children’s rights above the enforcement of immigration rules. This is necessary to always respect the privacy of data concerning children in migration, which should be used exclusively for the sake of protection and never with the aim to manage migration or any other aim which is not in the best interests of the child. Doing otherwise may lead to less reporting of missing and trafficked children out of fear for their residency status and/or the protection of the child.

A. Member States and local authorities should ensure that strict operational limitations in line with data privacy and child protection are in place under their existing data collection systems, and should monitor their implementation in practice. Steps should be taken towards ensuring that children’s personal data collected in the context

of child protection or the provision of public services cannot be accessed for immigration enforcement purposes. Child protection safeguards should always be respected when handling data of children in migration, including in collecting biometrics or other data.

B. EU Institutions and agencies should monitor the correct implementation of child protection safeguards included in Eurodac and SIS. They should also ensure that tools for the protection of children across borders, like the SIS, remain to be used exclusively for protection, never with the aim to manage migration or return children. Data on children should be stored separately in these systems with restricted access, to ensure that data is used exclusively in their best interest, especially in light of the new regulation on the Interoperability of EU Information Systems.

2. Harmonized and systematic data recording and management for the protection of children in migration going missing, including for reasons linked to trafficking

At the moment, there is no harmonised data management system across the European Union whose focus is primarily on the protection of children,

including children at risk of trafficking and going missing. Each professional working with a child holds a piece of information and, without the firewall

approach mentioned above, they may fear sharing it with other stakeholders in contact with the child.

- A. Member States: unless it can be ensured that the strict operational limitations above are in place and monitored on existing systems, separate data management or information sharing tools should be put in place for cases of missing children in migration, including children at risk of trafficking.

- B. European institutions and agencies: unless correct implementation of child protection safeguards included in Eurodac and SIS can be monitored, funding and support should be given to Member States to develop a harmonised and separate system allowing for the collection, storage and exchange of information on cases of missing children in migration, including children going missing for reasons linked to trafficking.

3. Qualified, trained and independent guardians to be swiftly appointed for all unaccompanied and separated children

A guardian should be appointed immediately after the child's arrival, before proceedings take place, as one of the main safeguards for his or her best interests and wellbeing. The guardian should assist children in all proceedings, including in Dublin proceedings, ensure their best interest is respected, that their views are taken into account and exercise legal capacity where necessary. This should also apply when children do not apply for asylum. Guardians should be independent, trained, vetted, sufficiently supported, funded and held accountable for safeguarding the child's best interest. They should participate in interagency coordination, meetings and deliberations concerning services and proceedings involving the child.

- A. Member States must appoint an authority to organise the functioning of a guardianship service as required by the Asylum Procedures Directive. The authority should recruit, train and

support guardians in their work. An independent monitoring system of guardians, as well as accountability mechanisms including a child friendly complaints mechanism, should be put in place. Member States should support and participate in the European Network of Guardianship Institutions, as a key tool to promote exchange of good practices and information across countries.

- B. EU institutions and agencies should provide continuous support to support the European Network of Guardianship Institutions and monitor the effectiveness of national guardianship systems against the qualitative benchmarks identified by the Fundamental Rights Agency Handbook¹⁵⁶ on Guardianship for children deprived of parental care. In countries where guardianship systems are not up to the standards set out, EU institutions and agencies should provide targeted financial support through AMIF.

4. Better accommodation and reception for all children

Reception arrangements must meet the rights and needs of children, including within families, in line with their best interests and be provided to all children and families in need and in a formal procedure. They should include swift and child friendly registration and information, suitable accommodation, nutrition, access to health services, leisure facilities, psychosocial assistance, independent legal assistance and referral to specialised services where needed. Efforts should be undertaken to provide accommodation for unaccompanied and separated children in small-scale reception centres, family units or with foster

families. Where relevant, especially in cases of child victims of trafficking, children should be placed in specialist accommodation with personnel trained on these matters.

Holistic and consistent support to medical and mental health services should be guaranteed to all children in need. Stakeholders in contact with the child, including (non-medical) professionals on mental health, should receive adequate training on trauma-informed practice with particular regard to issues affecting children from refugee backgrounds.

¹⁵⁶ Fundamental Rights Agency. (2015). *Guardianship systems for children deprived of parental care in the European Union*. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-guardianship-systems-in-the-eu_en.pdf. (Accessed 12/11/19).

EU funding should be channelled to support Member States, local authorities and civil society to provide quality accommodation and reception arrangements, including education, medical support and access to mental health services. European Asylum support Office (EASO) “Guidance

on reception conditions for unaccompanied children: standards and indicators”¹⁵⁷ contributes to more uniform quality standards in this regard. The application of these qualitative benchmarks will need to be closely monitored throughout the European Union.

5. Child friendly, fast and effective procedures, including in the application of international protection and Dublin procedures

Quality best interest assessments and decision-making, front-loading of resources and consideration of all possible applicable pathways with the ultimate aim to find a durable solution for the child, can reduce delays and costs, and streamline procedures. This would contribute to preventing child disappearances and reduce the risks of them being subject to harm. We welcome the use of harmonised Best Interest Assessment Tools in Greece and call on Member States to adopt similar approaches.

Children who do not have a family member in the member state where they are should always be able to apply for asylum in that country, unless it can be demonstrated that it is in their best interest for the claim to be heard in another country, as stated by the European Court of Justice¹⁵⁸. All procedures should be explained clearly to the child, in a child friendly manner and step-by-step.

Member States: Focus on qualitative initial decision-making in all immigration and asylum procedures. Applications for international protection and family reunification involving children, in particular unaccompanied children, should be treated with priority and in accordance with these

recommendations. Member states should endeavour to cooperate to the fullest extent possible in the assessment of the best interests of a child, in conducting family tracing and in the verification of family links, to assist in ensuring swift family reunion, in particular in Dublin procedures.

EU institutions and agencies: Support the development of standardised approaches in areas such as best interests assessments and family tracing, as well as enhanced cooperation between Member States, to ensure the efficient functioning of the Dublin procedures for swift family reunion, which is in the best interest of children. To this end, liaison officers in other member states’ Dublin Units, common templates, guidance, and Standard Operating Procedures (SOPs) should be in place to facilitate cooperation and ensure participation of all relevant actors. Institutions and agencies should also ensure that the system that will replace the current Dublin regulation strengthens best interest assessments in Dublin procedures and maintains the principle that children should stay in the member state where they are present, unless this is not in their best interest, as unnecessary transfers under the Dublin Regulation add trauma for an already vulnerable child, and often constitute a reason for children going missing.

¹⁵⁷ EASO. (2018). *Guidance on reception conditions for unaccompanied children: operational standards and indicators*. Available at: <https://www.easo.europa.eu/sites/default/files/Guidance-on%20reception-%20conditions-%20for-unaccompanied-children.pdf>. (Accessed 12/11/19).

¹⁵⁸ CJEU case C-648/11 *MA and Others vs. Secretary of State for the Home Department* delivered on 6 June 2013. The Court of Justice of the EU (CJEU) ruled in 2013 on the ambiguous provisions on unaccompanied children who have no family, siblings or relatives on the territory of the member states under the Dublin Regulation. It stated that in these cases, where the asylum application was lodged in more than one member state, the member state responsible for examining it will be that in which the minor is present after having lodged an application there, in order to avoid unnecessary transfers that would delay a child’s access to an asylum procedure. According to the Court, that conclusion follows from the context and objective of the Regulation, which seeks to guarantee effective access to an assessment of the applicant’s refugee status, while focusing particularly on unaccompanied minors. According to the CJEU, since unaccompanied children form a category of particularly vulnerable persons, it is important not to prolong more than is strictly necessary the procedure for determining the member state responsible, which means that, as a rule, unaccompanied children should not be transferred to another member state. After this ruling, the European Parliament voted in favour of the right for a child to apply for asylum in the country where he or she is, without being transferred back to the first country of arrival.

6. Ensuring a continuum of non-discriminatory care and protection along the journey

Although children may be subject to different status determinations regarding their immigration status or have individual needs that should be met, they all have equal rights as children. However, many children fall through the gaps in this piecemeal system, and children are usually treated very differently according to their status, in violation of their rights, particularly when they are undocumented.

The difference of treatment of children in migration and the protection gaps they face during their journey is also due to the fact that numerous international standards for child protection are unequally transposed or implemented in the national legislation of EU Member States.

A. Member States: For a continuum of care and protection it is necessary harmonise the procedures applicable to children in migration,

through faster transposition and implementation of the child protection standards included in the Common European Asylum System.

B. EU institutions and agencies: children going missing shouldn't be discriminated against when they are migrant children as opposed to national children. Resolving these issues means implementing a comprehensive approach to all children in migration, applicable in all EU member states. The European Union should take the opportunity of the new legislative term and the reform of the CEAS system to make sure that children's rights remain high on the agenda. They should equally take these opportunities to ensure that the European Commission Communication on the protection of children in migration (2017) is effectively implemented at the local level in all EU Member States

7. Support for children to move safely from one country to another when it is in their best interest, for example in cases of family reunification

Reinforcing the system of Dublin transfers towards the first country of arrival is not a solution for unsafe movements of children across borders. Instead, as mentioned above, the Dublin Regulation is a key instrument to enable unaccompanied and separated children to reunite safely with their families within the EU, as it prioritises family reunification. In addition, safe and legal routes should be made available for children and families to migrate together.

A. Member States: A strong solidarity mechanism following the blueprint of the relocation system should be implemented. Additionally, Member States should reduce restrictions to qualify for family reunification, reduce waiting times and speed up procedures to make it possible for children to reunite with their families already in the EU, including with extended family members, both within Dublin procedures and within family reunification procedures. Increasing the quotas

for resettlement of refugee children from third countries ensures children are not embarking on dangerous journeys, as does reviewing labour migration policies – in particular restrictions imposed on family members and the family unity. The revision and expansion of the family definitions under the Dublin Regulation should be supported in ongoing and future negotiations as a way to prevent children from going missing, to ensure family unity and the best interest of the child.

B. EU Institutions and agencies: The EU should properly address the reasons why migrant children go missing or move unsafely across borders in EU legislation, but only in terms of child protection and never in terms of dissuasion for migration management. The EU can also play a vital role by looking at mechanisms that exist between Member States and improving cross-border cooperation that protects children.

8. Develop cross-border case management services and information sharing between NGO and national child protection systems across borders

It is necessary to develop child protection systems that ensure children have access to their rights in accordance with European and international law wherever they are. Cross-border case management services and information sharing should be developed to effectively channel information between NGOs and national child protection systems across borders to ensure that the best interests of the child remain central to the response to international missing children and trafficking cases.

The blueprint of transnational referral mechanisms, already in pilot in a few European countries, can be adapted and implemented. However, these mechanisms should not solely be used in the framework of return, but should be adapted and enhanced with the view to safeguard children at risk of missing or trafficking, at the very initial stages of interception, risk assessment and in the development of individual care plans that take durable solutions into account.

9. Formalisation of the cooperation between professionals involved in the situation of a missing child

Formalisation of cooperation would lead to substantial improvement of the cooperation, as well as faster and more appropriate responses where needed. This is also important to ensure that necessary procedures and protocols are in place to systematically report and respond to instances of children going missing in migration¹⁵⁹. The best interest of the child must be the guiding principle when structuring this cooperation and mechanisms should be in place for data protection. Missing children in migration, accompanied or unaccompanied, must be treated as missing children first and foremost.

A. Member States: Ensure that the cooperation between actors involved in the protection of child migrants is formalised, allowing for a clear division of tasks, accountability and clear procedures. A child protection authority should play the main role in coordinating the cooperation, including when children are seeking asylum. National child protection organisations with expertise in providing administrative, legal and operational

support to parents and guardians managing cases of missing children should be supported as an essential complementary resource to the functions of the police. Member States should also standardise practices for the assessment of risks, including enhanced efforts to identify children who are child victims of trafficking. A more systematic and efficient risk assessment could allow prioritisation of resources.

B. EU institutions and agencies: Support the further development of good practices and interagency cooperation efforts to be developed at the local level with the goal of preventing and responding to missing children in migration. Foster their implementation consistently within the country. The development of standard operating procedures and joint investigations is also essential in combating crimes against the person, including trafficking. In addition, the Commission must review SIS Missing Children Alerts to ensure they are utilised only for its original objective: child protection.

¹⁵⁹ From the conclusions of the 10th Forum on the rights of the child.

10. Support existing cross-border networks providing essential services to children in migration

In some Member States, the 116 000 hotline is not legally allowed or does not have the resources to respond and follow up on cases of missing children in migration, despite the central role the hotline can play in making the link between the different child protection agencies and with authorities. Existing networks with expertise and experience in the protection of vulnerable children should be supported, such as the European Guardianship Network and the network of hotlines for missing children. Collectively, these networks can provide a continuum of protection, care and support for all children involved in cross-border migration, regardless of their immigration status.

A. Member States: It is essential to provide financial support to strengthen the national civil society organisations that are part of cross-border networks providing essential services to child migrants. For example, Member States have an obligation, under the Directive (2018/1972) establishing the European Electronic Communications Code (EECC), art 96, “to make every effort to ensure that citizens have access to a service operating a hotline to report cases of missing children. The hotline shall be available on the number “116000”. Member states shall also “ensure that end-users are adequately informed of the existence and use of services provided under the numbers ‘116000’ and, where appropriate, ‘116111’”, and shall also “take appropriate measures to ensure that the authority or undertaking to which the number ‘116000’ has been assigned allocates the necessary resources to operate the hotline”.

It is essential to:

- Provide support, including financial support, to the national members of the international network of hotlines for missing children
 - Support the efficiency of its existing case management system to protect children across borders
 - Improve awareness of the availability of the number, in order to improve swift reporting of missing children in migration
 - Take due account of their obligations in assigning the number “116 000” to an organisation capable of providing the high-quality support needed for all missing children.
- B.** EU institutions and agencies: Awareness should be raised on existing networks, reporting tools and cooperation mechanisms. This could be done through expert meetings and tailored funding, aiming to ensure the sustainability of the results of previous projects. With regard to the aforementioned hotline for missing children, measures needed to achieve the ‘effet utile’ of the EECC Directive should be considered to ensure delivery of the necessary quality of the service from the organisation to which the number is assigned¹⁶⁰. Due efforts should also be undertaken regarding the review of the transposition and implementation of the Directive.

¹⁶⁰ The European Commission is furthermore encouraged to update the Communication COM (2010) 674 based on the 69 criteria for quality service of hotline operators identified and implemented in a project carried out by Missing Children Europe.

5. Roadmap for progress

Priority recommendations	Goal for 2024
Greece	
Priority 1: Better accommodation and reception for all children	Ensure all children are transferred to appropriate accommodation and that no child is detained in police cells or immigration detention.
Priority 2: Child friendly, fast and effective procedures, including in the application of international protection and Dublin procedures	Ensure the prioritisation of children's claims through child friendly and robust procedures and decisions are made on the best interests of the child as a primary consideration.
Priority 3: Effective guardianship	All children in migration in Greece must have access to a qualified, independent guardian, education and the public health system
Italy	
Priority 1: Better accommodation and reception of children	Ensure all children are transferred to child-appropriate accommodation
Priority 2: Child friendly, fast and effective procedures, including in the application of international protection and Dublin procedures	Ensure the prioritisation of children's claims through child friendly and robust procedures and decision are made with the best interests of the child as a primary consideration
Priority 3: Preventing exploitation and abuse	Ensure there is an effective national policy on interventions to safeguard children victims of trafficking
France	
Priority 1: Overhaul of the age assessment processes	Young people must be given the benefit of the doubt regarding their stated age and should only be age assessed if there is significant doubt regarding this information. The age assessment process must be in line with international standards.
Priority 2: Accommodation and reception of children	Ensure children and young people can access appropriate accommodation immediately, even pending an assessment of their age.
Priority 3: Qualified, trained and independent guardians to be swiftly appointed for all unaccompanied and separated children	Every child, even if undergoing an age assessment, must have a qualified, independent guardian appointed within 24 hours of becoming known to public authorities

Priority recommendations	Goal for 2024
Belgium	
Priority 1: Develop cross-border case management services and information sharing between NGOs and national child protection systems across borders	Ensure special points of contact are established in each EU country to exchange information on and resolve concrete cases of missing and/or trafficked children.
Priority 2: Qualified, trained and independent guardians to be swiftly appointed for all unaccompanied and separated children	Every child must have a guardian appointed within 24 hours of becoming known to public authorities.
Priority 3: Harmonised and systematic data	A common database is set up and used by all Belgian stakeholders involved in cases of missing children in migration, with the caveat that the firewall is respected between the migration and child protection boards.
Sweden	
Priority 1: Accommodation and reception for all children	Establish a holistic approach (such as the Barnhaus model) within the migration system, for the reception of unaccompanied children.
Priority 2: Formalisation of cooperation between professionals involved in the situation of a missing child	An independent National Rapporteur for unaccompanied children going missing is appointed by the government with responsibility for cooperation between relevant actors.
Priority 3: A 'firewall' approach between protection and migration management	An operating protection system is put in place where children can receive help and protection without their information being used for immigration enforcement.
United Kingdom	
Priority 1: Long term, sustainable arrangements into adulthood	Ensure a process to find a long term, sustainable arrangement for each child is established, including providing each child with an immigration decision that is based on their best interests.
Priority 2: Guardianship extended to all separated and unaccompanied children	Expand the Independent Child Trafficking Guardian service in England and Wales to all unaccompanied children.
Priority 3: Specialist accommodation	Ensure access to specialist accommodation placements (such as specialist foster care) for child victims of trafficking.

Annex 1: Participants to the simulations (October and November 2018)

Position	Organisation
Head of Programme, Children in Migration	Missing Children Europe
Junior Project Officer	Missing Children Europe
Greece	
Coordination of Programs	The Smile of the Child
Clinical psychologist	The Smile of the Child
Expert advisor	Office of the National Rapporteur on Trafficking in Human Beings
Social worker	Shelter the Smile of the Child
116000	The Smile of the Child
Child Protection Manager	GCR
Prosecutor	Prosecution of Thiva
Prosecutor	Prosecution of Chalkida
Prosecutor	Prosecution of Pireaus
Prosecutor	Prosecution of Korinthos
Department of Migration / Police Officer	Hellenic Police
Department of Public Security / Police Officer	Hellenic Police
Department of Reseach / Police Officer	Hellenic Police
Petty Officer	Coast Guard
Petty Officer	Coast Guard
Social worker	EKKA (National Center for Social Solidarity – responsible for accommodation)
Protection / Field Coordinator	IOM
Italy	
Field Officer	Telefono Azzurro
Senior Advisor	Telefono Azzurro
Social workers	Coop. Soc. Filotea (reception center)
Lawyer – legal representative	Coop. Soc. Filotea (reception center)
Educator	Coop. Soc. Filotea (reception center)
Psychologists	Coop. Soc. Filotea (reception center)
Cultural mediator	Coop. Soc. Filotea (reception center)
Director of RFL (restoring family links) service	Red Cross
Emergency unit coordinator	Red Cross

Position	Organisation
ASP	Immigration Office
ASP	Immigration Office
Judge	Juvenile Court
Social services	Municipality of Ragusa
Vice Prefect	Municipality of Ragusa
Psychologist	Proxima
Belgium	
Policy Analyst	Child Focus
Project Manager	Child Focus
Attaché – Bureau MINTEH	Belgian Immigration Office
Attaché – Bureau MINTEH	Belgian Immigration Office
Policy Officer for unaccompanied minors	Fedasil (Federal Agency for the Reception of Asylum seekers)
Guardian	Guardianship Service
Marine Police/ Brussels	Law Enforcement
Director	Minor Ndako
Guardian	Rode Kruis
Researcher	CESSMIR University of Gent
France	
Advocacy Project Manager	ECPAT France
Intern	ECPAT France
Head of Mission on Vulnerable applicants	OFPRA (Office français de protection des réfugiés et apatrides) Division of the Judicial, European and International Affairs
Coordinator of Secours Catholique – Caritas France	Secours Catholique
Lawyer	Antenne des Mineurs
Deputy Public Prosecutor Parquet des mineurs	Tribunal de Grande Instance de Paris
Social and Education responsible person Reception Centre for Children (ASE)	EPDSAE (Etablissement public départemental pour soutenir, accompagner, éduquer)
Former Educator	Protection Judiciaire de la jeunesse
Senior Executive Age assessment of Unaccompanied Minors	SPReNE
United Kingdom	
Senior Policy and Research Officer	ECPAT UK
Director of Programms	ECPAT UK
Project Coordinator	ECPAT UK

Position	Organisation
Modern Slavery Unit	Home Office
Modern Slavery Unit	Home Office
Detective Constable	MET Police
Detective Constable	MET Police
Sergeant	Herts Police
Social Worker	Herts Children's Services
Modern Slavery and Human Trafficking Unit	National Crime Agency
Head of Children's Services	Refugee Council
CIO	Immigration Enforcement
Vulnerability Lead	Immigration Enforcement
Independent Child Trafficking Guardian (ICTG)	Barnardo's
Duty Line	NSPCC
Duty Line	Missing People
National Lead Safeguarding and Modern Slavery	Border Force
Sweden	
Jurist and Secretary General	The Child Rights Bureau (Barnrättsbyrå)
National Coordinator for Missing Unaccompanied Minors and Development Manager	The County Administrative Board of Stockholm
Social services	Sollentuna Municipality
Legal guardian	Stockholm city
Social Worker, UAM	Stockholm city, Social emergency unit
Youth section, mobile team	Stockholm city
Regional coordinator trafficking children	Stockholm city
Project manager	Stockholm city mission/NGO
Case manager	Stockholms City Mission
Project manager	Stockholm city mission – Shelter coordination
Coordinator	Save the children Sweden/NGO
Case manager	Save the children Sweden/NGO
Expert, Dublin Unit	Swedish Migration Agency
Expert	National board of health and welfare
Development Manager	County administrative board
Police officer	The Police Agency

