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4.6.5. Children in the reception system

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The continued high number of applications from unaccompanied children across several EU+ countries prompted several changes in their reception. Many issues persisted and reception conditions for children were often sub-optimal. Legislative and policy changes aimed to speed up processes and ensure suitable support, with NGOs highlighting risks that these derogations may mean in practice.

The Austrian BBU developed and published its child protection concept to ensure a safe environment for all children in its care and ensure that a child's best interests are structurally assessed throughout their reception. The concept is implemented with the support of UNICEF, for example by supporting managers with the implementation of specific actions and raising awareness of the importance of a child-oriented reporting chain. UNICEF also cooperated in the development of an online training course on basic knowledge related to child protection, which became mandatory for all BBU staff. Child protection officers continue to receive yearly training on specific issues, such as children's self-neglect or working with a parent in the country of origin. Monthly online meetings were established to discuss specific cases and propose solutions to specific challenges.1098

In Italy, legislative amendments prescribe that unaccompanied minors are accommodated in SAI facilities, following an initial stay in a government reception facility. In the event of mass arrivals of unaccompanied children when reception cannot be provided by a municipality, the prefect must activate dedicated temporary structures for minors. When these structures are momentarily not available either, youngsters above the age of 16 may be accommodated in special sections of facilities foreseen for adults for a maximum of 90 days.1099 Earlier in 2023, the Department of Civil Protection had already issued an ordinance on increasing reception capacity for unaccompanied children by derogation from capacity limits set by regional or local legislation.1100

Legislative amendments in Croatia clarified that children in reception must be offered appropriate recreational activities, including outdoors.1101 Establishing specific sports activities for children in reception has been an increasing trend in recent years, and for example, in 2023 a new project was started in Bulgaria with support from the Norwegian UDI.1102

The Bulgarian SAR organised a public event with UNHCR and UNICEF to discuss emerging good practices and challenges in supporting applicant and beneficiary children, as the country has a high share of applications submitted by children (both accompanied and unaccompanied) compared to the overall number of applications.1103 SAR developed a child-friendly video to inform unaccompanied children about the social services which are available in the country. Caritas Sofia continued with its project to support children in reception, which was launched in 2022 and has offered assistance to over 900 children.1104 The Council of Refugee Women in Bulgaria highlighted some gaps in the reception process, for example in a particular instance when an unaccompanied child arrived over the weekend and there were no staff to register and subsequently accommodate him and instances when transfers to residential social services took place without preparing the child.1105

Fedasil in Belgium continued to increase the number of reception places for unaccompanied children, which reached a record high of 3,500 dedicated places by May 2023.1106 The agency also funded specific projects to support unaccompanied children, such as the Xtra MENA project (implemented by Caritas International since 2019). In 2023, Fedasil financed a project coordinator who worked on a new reception project for unaccompanied minors with a street profile. The intention is that the project can be operationalised in 2024. In addition, a roadmap was created with input from a special working group on disappearances of unaccompanied minors, as a result of collaboration between Fedasil, the Immigration Office, the Guardianship Service, the public prosecutor, the police and ChildFocus.1107

The Finnish Immigration Service tendered new reception units, ‘group homes’, for children, which started their operation in November 2023.1108

In order to accelerate the transfer of unaccompanied minors from the Greek islands to the mainland, dermatological and tuberculosis examinations prior to the departure were discontinued. The authorities noted that the lack of specialised care in public hospitals on the island created significant delays in the process, and if children tested positive for tuberculosis they risked being left on an island without specialised care.

The Danish Refugee Council-Greece expressed concern about the impact on children of the termination of the ESTIA II project.1109 The organisation noted that children needed to leave familiar communities and schools when moving to a government-run reception site. The organisation was also concerned that there was a decrease in services and protection actors in reception facilities.1110

The ECtHR found a violation of the ECHR, Article 3 in the case of a minor who arrived to Greece in November 2018, but his application for international protection was only registered in May 2019, and he was homeless and without a legal guardian in the period in-between. The court acknowledged the complexity for national authorities given the high number of unaccompanied children who arrived at that time but highlighted the absolute character of Article 3 that could not absolve the state’s obligations.

The Spanish Children's Platform, Save the Children and UNICEF Spain expressed concern over the conditions of unaccompanied children on the Canary islands and sent recommendations to relevant authorities to urgently improve the situation. The organisations especially underlined the need for swift and accurate identification of children following disembarkation and increased resources for their care afterwards.1111 The Spanish Ombudsperson also urged authorities to double the allocated resources to improve reception conditions on the Canary Islands, especially for the proper care of children.1112 CEAR in Spain reported that there were no standard procedures in place to provide information on the asylum procedure to unaccompanied minors, while their arrivals by sea were increasing.1113 Currently, civil society organisations actively work with asylum seekers to inform them of their rights and prepare them for the personal interview.

More unaccompanied children than expected arrived in the Netherlands, and COA and Nidos called municipalities to arrange places more rapidly for this profile. The organisations emphasised the need for a sustainable solution. The COA director appreciated the support received from many municipalities and civil society organisations.1114 The State Secretary for Justice and Security noted that a shortage of reception places for unaccompanied children and adequate support staff (guardians and mentors) remained a pressing issue throughout 2023. 1115 To support the provision of information for unaccompanied children in reception, COA produced a new video (in Dutch) in which staff present their daily work and describe how accommodation, daily life and support are organised for the children.1116

UNHCR published a study carried out with the participation of unaccompanied children staying in Luxembourg and through consultations with professionals. It makes recommendations to improve the reception of children in several areas, including in the initial reception system, care, access to information, training for professionals, the legal representation system, schooling, psychological support, the examination of applications for international protection, age determination and family reunification.1117

The International Protection Accommodation Services (IPAS) in Ireland published a leaflet on Internet safety which was targeted at both staff and parents of children who are housed in accommodation centres. The information note, which is available in eight languages, presents common dangers with online activities and provides contact details if immediate help is required.1118

Under the Empowering Children Foundation project, the Office for Foreigners in Poland published educational material in several languages targeted at children and parents.1119 The topics include the impact of smartphones and tables on the wellbeing of children, stress management and protecting children against sexual abuse.

The Irish High Court allowed the appeal of an Afghan minor who slept on the streets without food in February 2022, as he was believed to be an adult and thus was not offered a place in reception. In addition, the Irish Ombudsperson for Children expressed concern about access to quality mental health services for vulnerable children – including applicant children and child beneficiaries of international protection – following the publication of the Independent Review of

Child and Adolescent Mental Health Services by the Mental Health Commission.[1120]

In Czechia, the civil society organisation Organization for Aid to Refugees (OPU) started a 2-year AMIF-funded project to support unaccompanied minors and young adults in institutional care to facilitate their integration and transition to independent adulthood.[1121]

Concerns around the detention of children continued in 2023 as well. The Lithuanian Child Rights Protection Controller conducted several investigations into the situation of unaccompanied minors at the border and travelling through the country, particularly noting their detention. It made several recommendations to the authorities, for example, to the SBGS on ensuring swift identification and registration of children and to the Ministry of the Interior to ensure that authorities under its responsibility align their practices with international and legal acts.[1122]

The Helsinki Foundation for Human Rights reported on a change in the division of roles among guarded centres for foreigners in Poland, as unaccompanied children were transferred to a new family building at a different location. While staff at the previous location had valuable experience in working with unaccompanied children, the staff at the new location lacked experience.[1123] The Polish Border Guard added that all officers and employees performing tasks in guarded centres where families and unaccompanied children stay are trained on an ongoing basis and individual staff members improve their qualifications during dedicated workshops and courses to ensure that they have the most up-to-date knowledge.

The ECtHR indicated interim measures to the government of Malta to ensure that the conditions were sufficient for an unaccompanied minor, according to the ECHR, Article 3. While the Aditus Foundation interpreted the measure as ordering the authorities to release the children from detention,[1124] the Maltese authorities clarified that the court did not order the release of a group of people claiming to be minors. The authorities underlined that when asked, all seven applicants claimed to be adults, two presented passport copies showing they were adults and all were declared to be adults by the the Agency for the Welfare of Asylum Seekers (AWAS) in the age assessment procedure.[1125]

In another case, the court found violations of Articles 3, 5(1) and 13 for the illegal detention, detention conditions and lack of an effective remedy to challenge the detention decision for an applicant who arrived to Malta in 2021 and claimed to be a minor. It underlined that the applicant’s claims to be a minor were not reasoned to be unfounded or unreasonable at the domestic level, and there were no indications to believe so, and the court considered that it was not its task to speculate about the applicant’s minority at the time of his arrival. The Maltese authorities indeed highlighted after the judgment that the age assessment confirmed that the person was an adult, as concluded by the medical report. This was also confirmed at the domestic appeal stage.

The court also concluded that the ECHR, Article 3 was violated for children due to the conditions in transit zones in Hungary in cases relating to 2017 and 2018, and a violation of Articles 5(1) and (4) as the families were illegally detained there.[1126]

In a landmark ruling, the Polish Constitutional Court clarified the rules on the detention of minors and provided guidance on assessing the need for detention pending a return.

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