



Protection of asylum-seeking and refugee children

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*Protection of asylum-seekers and refugees with specific needs
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Discussion Session 1

Identification and access
to procedures of asylum-
seeking and refugee
children





Council of Europe Strategy for the Rights of the Child (2022-2027)

Strategic objectives relevant for asylum-seeking and refugee children:

- 6: Children's rights in crisis and emergency situations
- 2: Equal opportunities and social inclusion for all children
- 4: Child-friendly justice for all children





Where does **child-related action** take place in the CoE?

The **Steering Committee for the Rights of the Child** (CDEF) is...

- The CoE's **main coordination and intergovernmental body** responsible for the **standard-setting and implementation activities in the field of the rights of the child**
- 2 main recommendations relevant for asylum-seeking and refugee children:
 - Recommendation CM/Rec(2019)11 on Effective **guardianship** for unaccompanied and separated children in the context of migration and its Explanatory Memorandum
 - Recommendation CM/Rec(2022)22 on human rights principles and guidelines on **age assessment** in the context of migration and its Explanatory Memorandum





Specific needs of asylum-seeking and refugee children



- Migrant children = amongst the most vulnerable groups in the migration context
- Risk of violation of their fundamental rights and freedoms
- Specific characteristics, circumstances and needs which should be taken into account by migration and international protection, child protection and guardianship systems
- Aggravated risks of discrimination, neglect, exploitation, sexual, physical or psychological abuse, violence and trafficking in human beings
- Trauma or specific physical or mental health needs
- **Intersectionality** if multiple vulnerability: unaccompanied or separated, LGBTI, disabilities, trafficking, etc.



Council of Europe standards and tools relevant for asylum-seeking and refugee children

- [Recommendation CM/Rec\(2019\)11](#) on effective guardianship for unaccompanied and separated children in the context of migration
- [Recommendation CM/Rec\(2022\)22](#) on human rights principles and guidelines on age assessment in the context of migration and its Explanatory Memorandum
- [Checklist to protect children affected by refugee crisis from sexual abuse](#) (2022)
- [Handbook on the protection of children against sexual exploitation and sexual abuse in crisis and emergency situations](#) (2022)





Identification of asylum-seeking and refugee children and their needs

- Prompt **identification** of children **upon arrival** is vital,
- Make sure that their needs are assessed and covered promptly and without delay.
- Authorities should also identify whether children are **unaccompanied or separated**, as well as whether they have **international protection needs**.
- **All actors** involved with children are responsible for such identification and referral to the child protection authorities





Identification of asylum-seeking and refugee children and their needs

- **State Security Forces and Corps**
- **Personnel from the educational centres**
- **Personnel from the child protection service of each Autonomous Community**
- **Public Prosecutor's Office**
- **Public defence lawyers from the Bar Associations, specialised organisations and private lawyers**
- **Specialised organisations such as, for example, the Immediate Emergency Response Teams (ERIE) of the Red Cross, as well as, for example, organisations specialised in the care of victims of trafficking in human beings.**
- **Staff of the National Health System**
- **Staff of the Temporary Assistance Centres for Foreigners (CATE).**
- **Staff of emergency centres, humanitarian reception centres, temporary stay centres for migrants (CETI).**





Identification of asylum-seeking and refugee children and their needs

- For an effective needs identification, migration authorities should be **trained** and have the **qualifications** and expertise in:
 - Child development
 - Children's rights
 - Safeguarding children and vulnerable young people
 - How to work with children from different cultural backgrounds, whose first language might not be the official language of the host State
 - The child's rights to access independent legal advice
- They should also be knowledgeable about the **child-welfare and protection system and services available**





Identification of asylum-seeking and refugee children and their needs

- Identification of child protection needs can take place in **any phase of the migration proceedings**:
 - During the screening and filiation carried out by the Local or National Police.
 - During their referral to the first reception centre of the child protection system
 - During their stay in child protection centres
 - During the age assessment procedure



Individual needs assessment and best interests assessment



- Once children are identified, an **individual needs and best interests assessment** should take place, before reaching any other decision.
- Article 2 of the Ley Orgánica de Protección Jurídica del Menor 1/1996
- Interviews by trained staff (including interpreters), in a child-friendly manner, ensuring the availability of female staff to girls.
- Do not to jump to conclusions or be guided by preconceived ideas.
- The child's account should be heard (also about the accompanying adult, in order to detect any risk of violence or potential conflict of interest)
- Complex scenarios such as child marriage, risks of sexual abuse and other forms of gender-based violence such as female genital mutilation (FGM) or forced marriage, or domestic abuse
- Specific gender-sensitive consideration should also be given to the needs of pregnant girls and children who are parents.





Provision of guardianship

- If children are unaccompanied or separated, a **guardian** should be appointed promptly after identification without undue delay
- Crucial for safeguarding their rights and ensuring their best interests.
- Without undue delay means that the guardian should be appointed from the moment when the child is first encountered and identified as unaccompanied or separated
- This applies also when there is uncertainty as to whether a person is a child (even after age assessment procedures are conducted), in accordance with the principle of the presumption of minority
- Where a permanent guardian cannot be appointed without delay, (ex. high numbers of arrivals) → appointment of a temporary guardian
- Where an authority/institution is appointed as guardian, an individual person should be assigned to the child to discharge the duties of the guardian. A child should have one reference person.
- The number of cases per guardian should be limited.





Provision of guardianship

- Children should be **informed and have their views taken into consideration in the process of appointment of a guardian**, taking into account their age, maturity, evolving capacities, language and need for interpretation and mediation
 - Early provision of information, support and assistance is a vital safeguard to uphold their rights and put an end to any violation of their rights
 - They should also receive information about their right to complain about a guardian or apply for a change in guardian.
- **An effective guardianship system** is an essential safeguard for the protection of the rights of unaccompanied and separated children.
 - Guardianship systems should take into account the specific needs and circumstances of each child, including circumstances of particular vulnerability (gender, cultural and linguistic differences, etc.) and bearing in mind that needs have an evolving nature.





Sustainable rights-based solutions

- The main objective with regards migrant and refugee children should be to identify **sustainable rights-based solutions** without delay.
- Care and support should be available through guardianship or other means for a transitional period after 18 years of age.





Access to procedures

**Not only ACCESS, but also meaningful
PARTICIPATION in procedures.**





Access to and participation in procedures

- [Council of Europe Guidelines on Child-friendly Justice](#)
- Migrant and refugee children should be able to participate in **all procedures and decision-making processes concerning their status and the realisation of their rights:**
 - On their age and identity,
 - On guardianship arrangements,
 - International protection
 - Sustainable, rights-based solutions.
- **Legal representatives should be independent and impartial**, and act as a link between the child and the authorities





Access to and participation in procedures: Provision of information and assistance

- Asylum-seeking and refugee children should be **informed, assisted, supported and duly represented** in migration and asylum procedures.
- Children should be **prepared** before participating in any procedures, to ensure that they can meaningfully participate.
- Information and advice should be provided **on their rights and procedures** that concern them, such as:
 - The scope of guardianship, the role of a guardian and of the guardianship authority,
 - Complaint processes and mechanisms, court proceedings or alternatives, and on the decisions or judgments affecting them.
 - Age assessment procedures, including on their right to refuse to participate and the consequences.
 - Any procedures such as asylum, immigration and family reunification applications, as well as appeals.
 - Prevention and protection from violence, including sexual exploitation and abuse
- In a **language that they understand**, and in a **child-friendly manner**.
- The **understanding should be verified** by the authority.
- The language should be **adapted to their age and gender**.
- **Printed and non-verbal information material**.





Access to and participation in procedures: Provision of information and assistance

Some child-friendly resources:

- [Video animation on age assessment](#) (available in 13 languages, including Spanish, English, French, Arabic, Bambara, Wolof, Moroccan Arabic, Dari, Pashto, Punjabi, Somali and Tigrinya)
- [Handbook for professionals on how to convey child-friendly information to children in migration](#), it includes good practices on information guides and materials from other member States
- Child-friendly leaflet [“Your rights in the age assessment procedure – Information for children in migration”](#)
- At the end of the Guardianship Recommendation, you will find “key information for children concerned with guardianship”





Access to and participation in procedures: Provision of information and assistance

- **Interpretation services:**

- Authorities should have access to interpretation services and language resources necessary to communicate with the child.
- Children should be assisted by a qualified and impartial interpreter.
- The interpretation provided should be **culturally sensitive** and of a quality sufficient to ensure efficient and effective communication and to safeguard the fairness of the procedure.





Access to and participation in procedures: Right to express their views freely

- Children should be able to **express themselves freely** in all procedures
- **Have their views be given due weight** in accordance with their age and maturity.
- The **guardian or migration authority should facilitate the child's participation**, including by providing them with every opportunity to express their needs and worries in an open and non-confrontational setting.



Access to and participation in procedures: Independent complaint mechanisms and remedies



- **Independent complaint mechanisms** and remedies should be available for children to effectively exercise their rights or act upon violations of their rights
 - Mechanisms should be easily accessible, child-friendly and transparent and accompanied by appropriate safeguards to ensure confidentiality.
 - The mechanisms should be available in a language understandable for children in migration.
 - Decisions should be explained in a child-friendly manner.
 - The Lanzarote Committee has also called on State Parties to set up helplines for refugee children and persons wishing to help them, where they can seek advice confidentially, including to report on violence against children





Children in international protection procedures

- **Asylum Law 12/2009** contains the bases for the constitution of a complete international protection regime guaranteeing fundamental rights, based on the 1951 Geneva Convention and the 1967 New York Protocol on the Status of Refugees.
- The Regulation implementing this law has not been adopted, which means in practice the absence of regulatory development on the measures to be adopted to attend to the specific needs of asylum seekers in general and children in particular.





Children in international protection procedures

- Asylum procedures are the same for children and for adults. However, the Law establishes a number of **guarantees to consider when the application is filed by a child**:
 - The best interests of the child should be the guiding principle and must motivate any decision
 - The Asylum Law establishes:
 - Urgent processing procedure for applications submitted by unaccompanied children → reducing the processing time by half (from six to three months) – article 25.1.(b).
 - The need to adopt the necessary measures to give differentiated treatment to asylum seekers and beneficiaries of subsidiary protection with specific needs, such as children – article 46.
 - In the case of unaccompanied children pending age assessment, the refusal to undergo a medical examination will not prevent a decision on the application for international protection – article 48.2.





Children in international protection procedures

- **When is a child a refugee?** All same elements of the 1951 Geneva Convention remain. However, they should be **analysed from a child-rights approach**. For instance:
 - The well-founded fear of prosecution should be analysed considering the personal circumstances of the child in the country of origin, including whether a child protection system exists.
 - Children might not express their fear or might express it differently from adults.
 - Professionals should objectively assess the risk to return to the country of origin.
 - Regarding persecution, in the case of children, discrimination might amount to persecution when the treatment suffered or feared has very harmful consequences for the child concerned. Harm must be evaluated from the children's perspective.
- During the international protection proceedings, a **multidisciplinary team** for the management of individual cases with experts in different areas should be in place.





Children in international protection procedures

Access to international protection proceedings:

- There are 2 steps to access the proceedings:
 - Expression of the will to apply for asylum: either at the Asylum and Refugee Office, at border posts or at the authorised foreigners' offices or police stations.
 - Formalisation of the application is formalised through the completion of a form and a personal interview by the National Police Force
- Persons undergoing age assessment should be allowed to formalise the asylum application as children, even if the age assessment procedure has not been finalised yet.
- The police do not decide on the application, they only collect it. There should be no impediment to applying for asylum:
 - Unaccompanied children can always apply for international protection, regardless of their nationality or the grounds they claim
 - No need for the child to be in care.
 - It is a regime perfectly compatible with the child protection regime.
- There should not be a disproportionately long period of time between the expression of will and the formalisation of the application. Applications made by children should be prioritised as the Asylum Act provides for urgent processing (3 months).





Children in international protection procedures

- **IMP! During international protection procedures:** the child should have specialised legal assistance throughout the procedure → Guarantee adequate access and formalisation of the applications and a differentiated and age-appropriate treatment
- A **multidisciplinary team** for the management of individual cases with experts in different areas should be in place.





Age assessment procedures (CM/Rec(2022)22 on age assessment)

- [Recommendation CM/Rec\(2022\)22](#) on human rights principles and guidelines on age assessment in the context of migration and its Explanatory Memorandum
- Fundamental principle: respect for the dignity of each child:
 - The best interests of the child should be the primary consideration
 - Any method involving nudity or the examination, observation or measurement of the genitalia or intimate parts should be prohibited.
 - Principle of proportionality:
 - Only where it is necessary to ensure the appropriate treatment
 - When conducted: with the minimum interference.
 - Should not take place as a routine, only following a referral by a competent authority, when there are reasonable doubts about the age and the assessment is necessary to determine the rights and applicable procedures.
 - Informed consent before proceeding with an age assessment,
 - Right to refuse to participate in an age assessment.





Age assessment procedures (CM/Rec(2022)22 on age assessment)

- The person should be duly informed, in a child-friendly manner, about his or her rights, the reasons for the referral, the procedure, the roles of the professionals and authorities, the likely duration, the possible outcomes and consequences, the remedies available, etc.
- When considering making contact with the authorities of the country of origin or former residence of a person undergoing age assessment, the authorities should act in accordance with **international law** to ensure the safety of the person or their family and take into account consular delays.
- **IMP! Where a person may be in need of international protection, no contact should be made with the authorities of the country of origin** unless and until the application for international protection has been assessed by the asylum authorities.
- Persons undergoing age assessment should **not be deprived of their liberty, neither be subject to coercion, force or restraint.**





Age assessment procedures (CM/Rec(2022)22 on age assessment)

- A person who undergoes age assessment is **presumed to be a child** unless and until determined otherwise through the age assessment procedure.
 - During age assessment, the person should have access to appropriate child protection services without discrimination or delay
 - If reasonable doubts remain, the person should be considered to be a child
 - The margin of error applicable to the procedure should be applied in favour of the child.
- **Multidisciplinary approach, grounded in evidence-based knowledge**, methods and practice, and which is child-centred
 - Elements: physical, psychological, developmental, environmental and socio-cultural
 - Examination of the documentation available + interview by qualified professionals
 - Documents should be considered to be determinative of age, unless considered invalid in line with procedures set out in law for verification of a person's identity documents
 - Interviews should take place in a child-friendly setting
 - The person undergoing age assessment should be able to be accompanied by a person of trust, unless this would be contrary to the best interests of the child. The legal representative/guardian should be present throughout the procedure.





Age assessment procedures (CM/Rec(2022)22 on age assessment)

- A medical examination for age assessment should only be undertaken when reasonable doubts remain about the person's estimated age once the other measures have been exhausted (documentation + interview), with the informed consent and with due respect for the principles of proportionality and the best interests of the child
 - Authorities should use the **least invasive medical methods available: no** unnecessary radiation or methods which entail risks or detrimental effects for physical and mental health
 - Inaccurate medical methods should be excluded
 - Children suffering from post-traumatic stress disorder, pregnant girls and victims of trafficking or violence, including sexual exploitation and sexual abuse.
 - Choose the sex of the medical professional, and of the interpreter
- Age assessment should be carried out by designated professionals, in accordance with relevant professional obligations and standards, and appropriate professional training should be provided for all professionals
- The age assessment decision should be notified in a child-friendly manner and, where appropriate, to the parent, guardian or legal representative, and include details of the factual reasons for the decision, and information on remedies available. The decision should be open for review or appeal before an independent authority.





Discussion Session 2

Referral system and
reception arrangements
for asylum-seeking and
refugee children





Referral system

- Professionals who work in immigration detention centres, reception centres or other types of accommodation facilities, including health care professionals, have an important role in **identifying individuals who are or appear to be under 18 years of age.**
- Where professionals are concerned that a person may be a child while being detained or placed in a reception centre together with unrelated adults, they are responsible for following the applicable procedures for reporting and referral.





Referral system

- Professionals should be **trained** in the identification of children victims of **violence or exploitation**, their needs, available services, and how to use relevant mechanisms for reporting these cases and referring to appropriate support and assistance services.
 - To encourage children to disclose abuse, the methods used for counselling, interviewing and reporting, need to be child-sensitive, safe, and known to all children. By creating a safe and trustworthy environment, children will be more willing to break pre-conceived perceptions they may have as to the consequences of their disclosure and therefore report their abuse.
 - Handbook on the protection of children against sexual exploitation and sexual abuse in crisis and emergency situations: examples of measures and good practices from States.
 - In March 2022, the Lanzarote Committee considered Spain not to be in compliance with the requirements of its “Recommendation 11”, which refers to the provision of adequate protection to child victims, including children affected by the refugee crisis, irrespective of where the abuse/exploitation occurred. This assessment was done according to the information submitted by Spain ([Compliance report concerning Recommendation 11 on protection to child victims](#)).
 - Upcoming Recommendation on reporting systems for professionals on violence against children.





Referral system

- There should be **harmonised procedures and processes** to report and record cases of children going missing or suffering from violence, abuse, trafficking or exploitation.
 - o Authorities across Europe have revealed that they have very little information about what happens to the large number of children who go missing from reception facilities. According to evidence submitted by the European Commission in the previous refugee crisis, between 25% and 60% of unaccompanied children affected by the refugee crisis had gone missing from certain EU reception facilities ([Handbook on the protection of children against sexual exploitation and sexual abuse in crisis and emergency situations](#)).
- State should develop **protocols, agreements, standard operational procedures and referral mechanisms** to enhance co-ordination and co-operation on a regular basis between guardians, the migration authorities and all other relevant stakeholders on asylum, trafficking in human beings and disabilities.





Referral system

- **Multidisciplinary and interagency coordination** is vital.
- **Effective cooperation and communication channels** among the carers, the child's legal representative(s), education professionals, social workers and social services, health professionals, reception-centre directors, police, law-enforcement and judicial authorities, migration authorities, victim support services and community services.
- A child presenting with **multiple complex needs** may require a greater level of co-operation between professionals than a child with relatively low risk profile.
- Lanzarote Committee has found Spain to be partially compliant to its "Recommendation 13" on co-ordination and collaboration of actors who work with children affected by the refugee crisis to ensure that preventive and protection measures in regards to protection from sexual exploitation and abuse are in place, as it was unclear if there are any actions, projects, initiatives or procedures of prevention and protection against sexual exploitation and abuse targeting specifically, or involving explicitly, children affected by the refugee crisis; and it was unclear whether the Framework Protocol on Unaccompanied Foreign Minors addresses specifically the issues of sexual exploitation and sexual abuse against unaccompanied children ([Compliance report concerning Recommendation 13 on coordination and collaboration of different actors](#))





Referral system

- **Referral mechanisms between agencies that involve immediate action** in situations of risk, including disappearances from care and situations where a child is a victim or is at risk of violence, abuse, human trafficking or exploitation are of particular importance.
 - Council of Europe Convention on Action against Trafficking in Human Beings: competent authorities as well as support organisations should collaborate to identify trafficked persons (Article 10).
 - Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse (Lanzarote Convention): requires States to take necessary measures to ensure multi-disciplinary co-ordination at national level to protect children from sexual abuse and exploitation.
 - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): guidance for member States on protecting migrant, refugee and asylum-seeking women and girls from gender-based violence, including gendered aspects of asylum and the forms of violence that migrant girls may be particularly confronted with, such as FGM or forced marriage





Referral system

- Role **guardian and guardianship authority** in cases of disappearance of a child, and in situations where the child is a victim or at risk of becoming a victim of violence, abuse, trafficking or exploitation. In such cases, guardians should request the provision of appropriate protection and care to the child.
- Guardians should also co-operate with competent authorities to ensure that the children's best interest is duly considered when family tracing, or in identification and age assessment procedures.
- All inter-agency frameworks, protocols and referral mechanisms need to address the **manner and limits of data sharing**, and the manner in which data protection obligations are fulfilled.
 - Clear provisions should define what, when and how information will be shared, with appropriate procedures to ensure that confidentiality and the protection of personal data is ensured and respected at all times.
 - States may find inspiration in general inter-agency child protection case management systems or multi-agency practices in other areas, such as inter-agency cooperation in the area of child victims of violence (Barnahus).





Referral system

- The **child's views should be sought** before making a referral to the child protection authorities.
- The professional should follow up, in a child-friendly manner, with the child to help understand how their views were considered by the decision maker and any reasons why the decision maker has reached a particular decision about a child.





Referral system

- **Referral to age assessment** should be clearly regulated in the national framework. Before referral to age assessment, the person's safety and immediate protection needs should be met:
 - Legal representation
 - Material assistance
 - Medical treatment
 - Translation and interpretation services
 - Counselling and information in child-friendly language, including on the right of access to legal advice and assistance when participating in age assessment
- The **best interests of the child should be assessed before referral to age assessment**, paying attention to identifying children in situations of particular vulnerability.
- Referral to age assessment should only take place following a **reasoned decision statement by a competent authority** that explains any doubts about the age.
- **Preclude the repeated referral of a person to age assessment**, including the repetition of interviews, for instance in the case of a person's transfer or relocation within or between States, unless the repetition of the assessment is considered to be in the best interests of the child.





Reception arrangements

- Children should be placed in **open accommodation facilities** which are child-friendly to ensure their protection and assistance, with the objective of effectively preventing neglect, trafficking for the purpose of sexual or other forms of exploitation, involvement in criminal activities, unlawful or arbitrary deprivation of liberty, torture, inhuman or degrading treatment, involvement in armed conflicts, child and forced marriage, and other harmful practices or forms of violence, including gender-based violence.
- When staying in overcrowded reception centres, makeshift camps or detention centres, children are at a higher risk of falling victims of sexual abuse and exploitation.
- **Accompanied children** should be placed with their families, in suitable open accommodation facilities in the reception system for international protection (Sistema de acogida de protección internacional).





Reception arrangements

- **Unaccompanied children** should be placed within the child protection system:
 - in a childcare centre separated from adults (with a range of staff responding to their day-to-day needs),
 - in a foster family (where the foster family caters to the child's daily needs),
 - in supported independent living arrangements (where a guardian may be more central to supporting the child's daily activities).
- In the case of **asylum-seeking unaccompanied children**, even if they are placed in the child protection system and not in the international protection reception system, their reception conditions should be compliant with the Reception Directive 2013/33/EU, given that they are asylum-seekers.





Reception arrangements

- Accommodation should take into account a **child's immediate safety and well-being** and be adapted to the specific needs of the child, including their presumed minority, their sex, their cultural background and any particular vulnerabilities, such as when they have been a victim of violence, trafficking or other form of exploitation or abuse, or have any form of disability.
- The Lanzarote Committee has identified that the provision of safe reception facilities, including age-appropriate placements, can **prevent sexual violence and exploitation**.
 - It recommends the following prioritisation, when choosing the accommodation for unaccompanied children: (i) family reunification, (ii) foster care, supervised independent accommodation for older children or other forms of non-institutional care; (iii) institution placement in small-scale units (Special Report on Protecting Children affected by the Refugee Crisis from Sexual Exploitation and Sexual Abuse, 3 March 2017, recommendations 23 and 24).
 - All persons in contact with children in migration should be screened to verify whether they have been convicted of acts of child sexual exploitation and/or sexual abuse ([Checklist to protect children affected by refugee crisis from sexual abuse](#)).





Reception arrangements

- To determine the type of accommodation, a **case assessment and best interests determination should be conducted**, taking the views of the child into consideration, including with regard to the right of the child to preserve family ties and maintain contact where the child has family members or relatives in the country.
- Lanzarote Committee: accommodation facilities for children affected by the refugee crisis should be **solutions of quality help to eliminate risks of sexual abuse**, with attention to:
 - Better lighting and child-friendly spaces;
 - Separation of unaccompanied children from adults;
 - Separation of single women and their children from men to whom they are not related;
 - Separate facilities for extremely vulnerable children and children at risk of going missing (Every room should be lockable, and an emergency number prominently displayed)

[\(Checklist to protect children affected by refugee crisis from sexual abuse\)](#)





Reception arrangements

- Children should be **informed**, in a child-friendly language, about any **changes in the accommodation**.
 - This information should be provided also to the child's parent or guardian.
 - The views of the child and their legal representatives on such changes should be taken into account where possible. The views of the child should be given due weight in accordance with the child's evolving capacities and maturity.
- Children should have access, without discrimination, to **adequate care, education, leisure activities, healthcare, psychological and rehabilitation treatment, welfare support and professional trainings, and any other relevant support services**, including for persons undergoing age assessment.
- Children should also be guided in their **transition to adulthood**, including through individualised life projects (see Recommendation CM/Rec(2007)09 on life projects for unaccompanied migrant minors)





Reception arrangements

- For the prevention of all forms of violence children should not be accommodated together with unrelated adults.
- **Persons undergoing age assessment** should therefore be placed in separate units or sections of accommodation centres, also separate from adults who are unrelated to them.
 - Where the age assessment decision concludes that the person is a child, if he or she has been accommodated for the duration of the procedure in specific accommodation for persons undergoing age assessment, referral to child-specific accommodation should be ensured promptly.
 - Where the age assessment decision concludes that the person is an adult, the person should be referred to appropriate accommodation and services for adults, taking into account any situation of vulnerability. Continuity of service provision for persons assessed to be over 18 years old is essential, also with a view to preventing homelessness.





Reception arrangements

Transition between the child protection system and the international protection reception arrangements (Sistema de acogida de protección internacional)

- Unaccompanied asylum-seeking and refugee children that turn 18 have the right to access the international protection reception system (Asylum Law and [Reglamento por el que se regula el sistema de acogida en materia de protección internacional](#)).
- For this transition to be configured as an opportunity in the continuation of protection, it is important to conduct a best interests assessment in order to ensure the continuity of the inclusion path initiated. Elements to take into account:
 - the availability of places for adults in the place of residence,
 - that the scope of the foster care system is national and not autonomous,
 - the type of resource,
 - the maintenance of the training itineraries that have been initiated,
 - the roots developed, etc.
- Actors that should participate in this decision-making process:
 - The child
 - The public protection entity
 - Ministry of the Interior
 - Ministry of Inclusion, Social Security and Migration.
- Adequate coordination to make the transition and referral as smooth as possible and adapted to the profile of the asylum-seeker or refugee who is turning 18.





Some practical information



- The Guardianship recommendation as well as the Handbook on the protection of children against sexual exploitation and sexual abuse in crisis and emergency situations include **good practices** from Council of Europe member states.
- The Guardianship recommendation contains a **Checklist** at the end with questions per principle to analyse the guardianship system in place for:
 - Policy makers
 - Guardianship authorities
 - Guardians
- The CDENF is undertaking an implementation review of the guardianship recommendation in Council of Europe member states. By the end of 2023, the CDENF is mandated to adopt the report, where good practices on guardianship will also be highlighted.



Council of Europe resources on migrant and refugee children

- Dedicated website: <https://www.coe.int/en/web/children/migration>
- [Checklist to protect children affected by refugee crisis from sexual abuse \(2022\)](#)
- [Handbook on the protection of children against sexual exploitation and sexual abuse in crisis and emergency situations \(2022\)](#)
- [Age assessment for children in migration - A guide for policy makers \(2019\)](#)
- [Your rights in the age assessment procedure - Information for children in migration \(2019\)](#)
- [We are children, hear us out! Children speak out about age assessment \(2019\)](#) Report on consultations with unaccompanied children on the topic of age assessment
- [Promoting child-friendly approaches in the area of migration - Standards, guidance and current practices \(2019\)](#)
- [How to convey child-friendly information to children in migration: A Handbook for frontline professionals \(2018\)](#)
- [Child-friendly information for children in migration: What do children think? \(2018\)](#)
- [Guide for Parliamentarians: Visiting places where children are deprived of their liberty as a result of immigration procedures \(2017\)](#)
- [A study of immigration detention practices and the use of alternatives to immigration detention of children \(2017\)](#)
- [Age assessment: Council of Europe member states' policies, procedures and practices respectful of children's rights in the context of migration \(2017\)](#)
- [Living library - Close the chapter on child detention \(2015\)](#)
- [Life projects for unaccompanied migrant minors: A Handbook for frontline professionals \(2010\)](#)





Thank you for
your attention!

www.coe.int/children

<https://www.coe.int/en/web/children/migration>

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