

**TRAINING NEEDS ANALYSIS AND GOOD PRACTICES  
REPORT ON SAFEGUARDING UNACCOMPANIED AND  
SEPARATED REFUGEE AND MIGRANT CHILDREN'S RIGHTS  
THROUGH THE EU CHARTER OF FUNDAMENTAL RIGHTS**



**SUN**

SAFEGUARDING UNACCOMPANIED  
AND SEPARATED CHILDREN'S RIGHTS  
THROUGH THE CFREU



Co-funded by  
the European Union



**Terre des hommes**  
Helping children worldwide.



## Training needs analysis and good practices report

on

### Safeguarding unaccompanied and separated refugee and migrant children's rights through the EU Charter of Fundamental Rights

I. INTRODUCTION AND METHODOLOGY .....	3
II. INSTITUTIONAL FRAMEWORK .....	5
III. NATIONAL LEGISLATION, POLICIES AND PRACTICES SAFEGUARDING UASC'S RIGHTS .....	8
1) National regulations/measures that address the CFREU rights, (e.g. dignity, well-being, safety), prevent and address any physical or psychological harm of UASC during various stages of migration and integration processes. ....	8
2) Regulations/measures that address the prohibition of torture and inhuman or degrading treatment or punishment and mechanisms to investigate and prosecute any violations of these rights.....	10
3) Practical implementation and effectiveness of the existing legal instruments.....	11
4) Differences in the treatment/access to basic rights of migrant and refugee children and the reasons for these differences.....	12
5) Family reunification and alternative care arrangements .....	13
6) Right to education. Specific policies or programs to promote UASC's access to education and facilitate integration into the education system.....	14
7) Right to social and housing assistance and right to healthcare. ....	15
8) Provision of necessary information, representation and assistance in administrative, legal and/or judicial proceedings related to the asylum procedure/temporary protection.....	16
9) Detention of UASCs and safeguards to prevent arbitrary detention.....	16
10) Removal, expulsion or extradition and the principles of non-refoulement and the best interests of the child.....	17
IV. DETECTED OBSTACLES AND CHALLENGES .....	18



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



1) Barriers that prevent UASCs from accessing fundamental rights.....18

2) Improvement of the national system on the legislative, institutional or practical level..20

V. TRAINING NEEDS .....23

1) Training needs and specific knowledge and skill gaps. Training areas. ....23

2) Strengths and weaknesses of existing training initiatives .....26

VI. GOOD PRACTICES.....28

VII. CONCLUSIONS.....32

1) Main outcomes .....33

2) Main challenges.....33

3) Conclusions and recommendations.....34

*January 2024*



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children’s Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



Terre des hommes  
Helping children worldwide.



## I. INTRODUCTION AND METHODOLOGY

This report is developed under the project *Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights (SUN)*, which promotes the effective enjoyment of rights stipulated in the CFREU by unaccompanied and separated refugee and migrant children (UASC). The report aims to identify and analyse good practices and training needs in safeguarding UASC's rights through the CFREU **in Bulgaria, Greece, Italy, the Netherlands, Spain and Romania**. It has as its benchmarks the following CFREU rights applicable for UASC: human dignity, right to life, right to integrity of the person, prohibition of torture and inhuman or degrading treatment or punishment, right to liberty and security, respect for private and family life, right to education, right to asylum, protection in the event of removal, expulsion or extradition, non-discrimination, prohibition of child labour and protection of young people at work, right to social and housing assistance, health care, right to good administration and right to an effective remedy and to a fair trial.

As members to the EU, all of the above-mentioned countries are bound by the CFREU, as well as to the UN Convention of the Rights of the Child (CRC). However, certain differences occur regarding the mechanisms for implementing the provisions. For example, in **Spain** all autonomous communities of the Spanish State have autonomous child protection laws. These laws contemplate to a greater or lesser extent the specificity of the UASC but there is no specific legislation regarding them.

In **Greece** the creation of the *National Emergency Response Mechanism (NERM)* for UASCs, along with the abolition of protective custody for minors, reinforced the safeguarding of the aforementioned CFREU rights. However, there is still room for improvement, e.g., the implementation of the guardianship law and a special residence permit for UASCs. Furthermore, the situation concerning reception conditions at the Greek–Turkish borders is still alarming.

The situation in **Bulgaria** is also problematic. Although the national legislation in theory provides safeguards to ensure the access to fundamental rights of UASC, in practice the mechanisms are not always applied. UASC are not ensured “special protection”<sup>1</sup> when placed in the *State Agency for Refugees' (SAR)* reception centres.<sup>2</sup> Although they are placed in separate so-called safe zones, operated by the International Organisation for Migration (IOM), currently there are only two such zones in Sofia, and they are overcrowded. There are a number of

<sup>1</sup> Art. 5(1) of Child Protection Act, Bulgaria

<sup>2</sup> Anniversary volume: Current Issues in Refugee and Migration Law, Foundation for Access to Rights - FAR, Unaccompanied and separated children: Legal and Institutional framework, Rositsa Atanasova(2023)

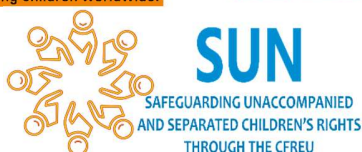


Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



challenges, obstacles and imperfections in the reception and care system that prevent children from fully enjoying their rights. Moreover, the CFREU is not recognised as an applicable instrument that can influence the practice of the national authorities by some Bulgarian practitioners.

In 2017 **Italy** adopted its first comprehensive legislation that establishes that unaccompanied foreign minors are entitled to the same rights of minors with Italian citizenship<sup>3</sup>. Additional safeguards are established with regards to reception and living conditions to ensure that the best interests of minors are taken on priority<sup>4</sup>.

In **Romania**, in practice, UASC are treated primarily in light of their status as asylum seekers/ beneficiaries of international protection and less as children and in compliance with the principle of the best interests of the child, despite what is stipulated in the national legislation.

What is specific for the national context of **the Netherlands** is that the national law regulates a national (family) guardianship institution - Nidos, that carries out guardianship for UASCs. The reception of unaccompanied children is governed by EU law, in particular the Reception Directive. A new customised reception model came into effect in 2014. In this model, small-scale is paramount. Children under the age of 15 are cared for in foster families. Children over the age of 15 go to reception centres of the Central Agency for the Reception of Asylum Seekers (COA). These are fairly large-scale shelters with room for about 80 young people. COA mentors supervise the child 24 hours a day, seven days a week. Children who receive a residence permit go to two types of shelters of Nidos contract partners - Children's Residential Groups (KWG) for children who are not yet so self-reliant and small-scale shelters (KWE) for children who are already relatively self-reliant.

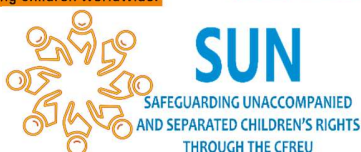
Taking into consideration the overall national context of **Bulgaria, Greece, Italy, the Netherlands, Spain and Romania** this report thoroughly examines the child protection systems of each of these countries in order to identify and analyse good practices and training needs in safeguarding UASC's rights through the CFREU. It is based on respective national thematic reports developed under a common research methodology. On one hand, through desk research, case law, policies, reports, legislation, statistics, specialised literature regarding the UASC, data from similar projects and others were thoroughly examined. On the other hand, through field research, information was also accumulated by conducting one-on-one interviews and focus groups with professionals and practitioners in the child protection field, as well as with UASC. For this purpose, questionnaires and additional guidelines were developed to be used among the

<sup>3</sup> Law nr. 47/2017

<sup>4</sup> Legislative Decree 142/2015



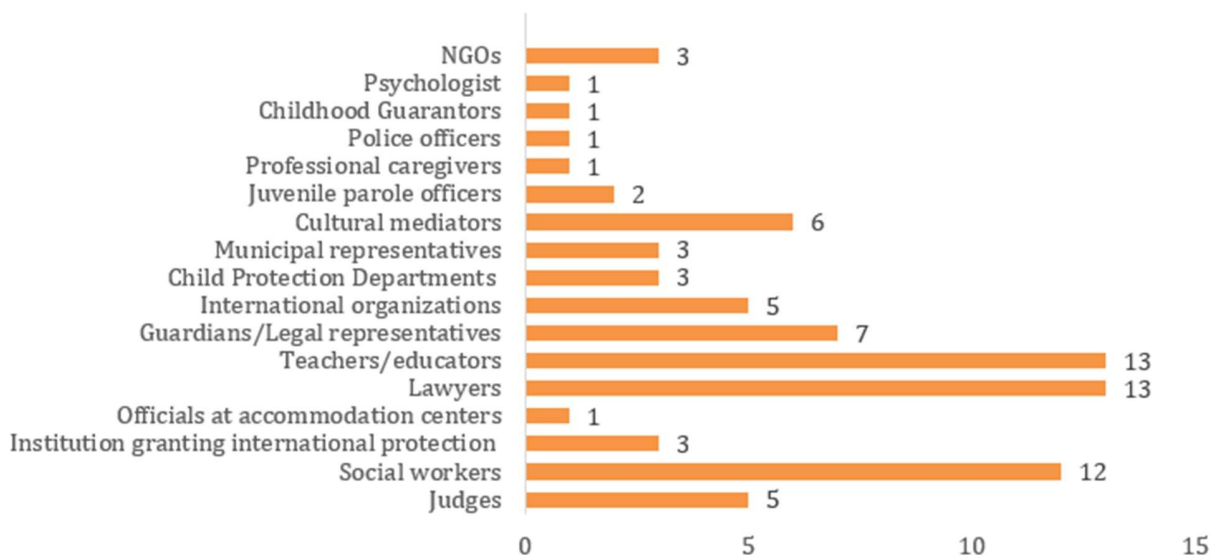
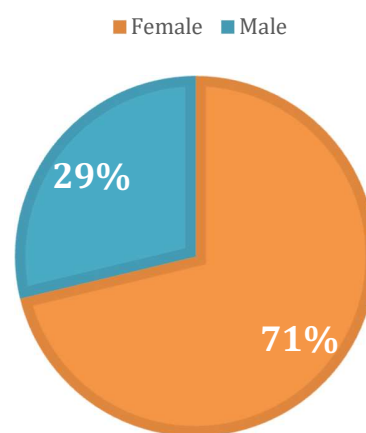
Co-funded by  
the European Union



project partners. The national reports include a relatively identical ratio between the emphasis on the desk research and field work. The principles of confidentiality and consent are complied with in the process.

Among the 80 interviewed professionals and practitioners working with UASC, there are judges, immigration and refugee lawyers, social workers including such working the national child protection bodies, directors of national institutions and departments, educators and teachers, representatives of NGOs, representatives of international organisations, as well as cultural mediators. The least common groups of experts, which were interviewed are guardians (in **the Netherlands** and **Bulgaria**), juvenile parole officers (**Greece**), police officers (**Italy**) and municipal representatives (**Bulgaria**). Guardians of UASC, were not interviewed in Greece due to ongoing lack of implementation of national laws regarding guardianship.

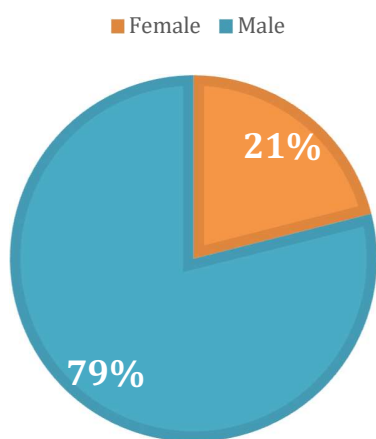
Figure 1: Professionals interviewed by gender



Co-funded by the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.

Figure 3: UASC by gender



Additionally, 57 UASC's opinions are also taken into consideration to compile this report. This number includes predominantly boys between the ages of 16-18, and fewer minors and girls. Most of the interviewed children are currently unaccompanied and/or separated. In the Netherlands and Bulgaria information was also collected from former UASC. The children come from different countries of origin such as Syria, Somalia, Republic of Moldova and Ukraine. The current status of the interviewed UASC varies in the different national reports: some are currently residing in the country which conducted the research, some are asylum seekers, while others have already been granted asylum or a residence permit.

## II. INSTITUTIONAL FRAMEWORK

The protection of the rights of UASC in Bulgaria, Greece, Romania, Italy, Spain and Netherlands is entrusted to multiple institutions, bodies and organisations. The aim of those entities is to cooperate and ensure the well-being of the UASC. However, the level and effectiveness and cooperation in the above-mentioned countries varies.

For instance, in Greece the *NERM*, which is under the *General Secretariat for Vulnerable Persons & Institutional Protection of the Greek Ministry of Migration & Asylum*, is responsible for tracking down, identifying and protecting UASC and coordinates actions for each UASC, ensuring a comprehensive and timely response. The development of such a mechanism is proven to be effective regarding the protection of UASC's rights under CFREU, as it ensures constructive cooperation and a space for beneficial dialogue between the responsible bodies/institutions. In addition, the local public prosecutors act as guardians for all UASC, and have a crucial role in ensuring their rights and interests. The *Reception and Identification Service (RIS)* is responsible for the safe and dignified reception of UASC upon their arrival and provides information about their rights, access to education, healthcare, and other essential services during the initial stages of their stay.

In Spain the reception and protection of UASC is under the responsibility of the departments for the protection of minors of the different *Autonomous Communities (ACs)*, which generally outsource these services to NGOs, while the central government is responsible for



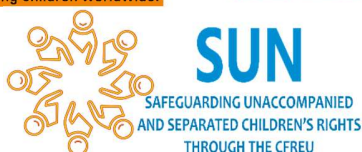
Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



Terre des hommes  
Helping children worldwide.

NIDOS  
guardianship for refugees



foreigners, immigration and international protection. This leads to difficulties in coordination between the Communities, especially those with a higher number of UASC (Canary Islands, Ceuta, Melilla and Andalusia) because the national law establishes that UASC will be under the guardianship of the Autonomous Community in which they are identified. It is necessary to deepen coordination mechanisms and shared responsibility among the different ACs to establish an equitable distribution of the UASC that arrive on the territory, so that they can receive equal treatment and the systems of some regions do not collapse.

The identification of UASC is under the responsibility of *National Police Corps (NPC) (Mossos d'Esquadra in Catalonia)* and the *Prosecutor's Office for Minors* and the processing of residence and work permits as well as applications for international protection corresponds to the *Ministry of the Interior* through the NPC. The provincial *Prosecutor's Offices for Minors* are also responsible for the control of the public administrations in charge of the protection of minors. The *State Security Forces and Corps* have the obligation to notify the *Juvenile Prosecutor's Office* and the competent public administration of any situation of lack of protection of minors. The *Juvenile Prosecutor's Office* orders UASC to be admitted to the juvenile protection system of the Autonomous Community in which they are located.

In **Italy** territorial social services operate at municipal or regional level and provide direct support and day-to-day assistance to unaccompanied minors. In addition to that the *Institute of Voluntary Guardians* is proven to be of significance to the protection of the rights of UASC under CFREU, as the voluntary guardians provide psychological, representative, administrative and other assistance. They cooperate with the competent authorities and organisations to protect the interests of the children. The list of guardians is provided by *the Guarantor for Childhood and Adolescence*, which is an independent authority in charge of monitoring and promoting the rights of minors in Italy, including unaccompanied migrant children. The authority plays a supervisory and oversight role on policies and practices related to unaccompanied minors.

In **the Netherlands**, Nidos, as the organisation primarily responsible for safeguarding UASC, is responsible for UASC's development and is authorised to intervene if the development is at risk. This mechanism of safeguarding UASC is proven to be in compliance with the provisions of CFREU, as Nidos has created an efficient network for work with UASC, either through contracts or based on frequent meetings with the responsible entities.

On the other hand, in **Bulgaria** the coordination between the responsible bodies/institutions occasionally lacks effectiveness, due to the lack of a unified mechanism and cooperation from the authorities.



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.

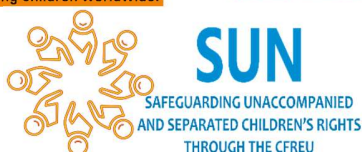




**Terre des hommes**  
Helping children worldwide.

**NIDOS**  
guardianship for refugees

**CCAR**  
Comissió Catalana  
d'Acció  
pel Refugi



Overall, the different institutions/bodies have various responsibilities during different stages of the stay of UASC in the country. Those responsibilities are derived from the UNCR, CFREU and national laws. Commonly, the police authorities are responsible for notifying the competent authorities, when locating a UASC. For instance, in **Greece** the *Hellenic Police* is obliged to collaborate with NERM in ensuring the safety and documentation of the UASC. In **Romania**, the *Border Police* is responsible for the identification, detection and escort upon entry of all foreign individuals, including UASC.

As for the development of the national strategies and policies, regarding the UASC in **Italy** and **Bulgaria** the competent authority is the *Ministry of Labour and Social Policy*. However, the process of implementation of such policies is shared between institutions and organisations. For instance, the *State Agency for Refugees at the Council of Ministers (SAR)* in **Bulgaria**, the specialised *juvenile courts* in **Italy**, the *Immigration and Naturalization Services* in **the Netherlands** and the *General Inspectorate for Immigration* in **Romania** are competent to review applications of UASC for international protection. The *Regional Asylum Offices* in **Greece** and the central government in **Spain** share the same competence.

The competent authorities in granting protection in **Bulgaria, Romania, Greece, Netherlands, Spain** and **Italy** are in close contact with the child protection services/departments, legal representatives and voluntary guardians of the UASC. For instance, the SAR and Child Protection Departments in **Bulgaria** are working together in placing UASC in residential type of care, safeguarding the best interest of the child, etc. A similar approach is evident also in **Greece**. However, the development of the connection between the legal representatives (who are lawyers) and SAR in **Bulgaria** is stagnant, despite its recent improvement in 2022. The legal representatives in Bulgaria do not participate in the meetings between SAR and the National Legal Aid Bureau (NLAB), which appoints the representatives, but only provide opinions when asked.

In **the Netherlands**, all children are assigned a lawyer who specialises in immigration law. Commonly, the judicial institutions in the examined EU countries are responsible to review the lawfulness of the actions of national authorities and bodies, as well as the placement of the children within a family of relatives, a foster family, etc. However, in **the Netherlands** the juvenile judge does not review decisions of Nidos when it comes to placement in a foster family or reception center. Nidos is appointed as the legal guardian and therefore has the authority to make decisions on its own. Only when Nidos wants to transfer the guardianship over the UASC to another party then the juvenile judge reviews if this is in the best interests of the child. In case of criminal implications for UASC, the *Juvenile Probation Officers* in **Greece** come into action to provide the *Court for Minors* information about the case. The *Juvenile Probation Officers*



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



communicate with UASC and establish connections with their protective framework, which is in accordance with the best interest of the child. In **the Netherlands**, all children are assigned a lawyer who specialises in immigration law.

The process of integration is a responsibility of municipalities in **Bulgaria**, while in **the Netherlands** they provide residence and education.

In terms of capacity building, trainings are organised and conducted by Nidos, the Foundation for Access to Rights - FAR and ARSIS respectively in **the Netherlands, Bulgaria and Greece**. In the Netherlands, Nidos provides training to guardians on a regular basis as guardians are also obliged to be trained on a yearly basis in order to stay registered in the register for social workers. NGOs from Greece - Metadrasi and Praxis in particular, are going to appoint guardians for all UASC and they will also be responsible for training these guardians.

The significant importance of international organisations and non-governmental organisations (NGOs) is also evident. In **Romania**, for instance, Terre des hommes (Tdh), The Jesuit Refugee Service (JRS), AIDRom and Save the Children Romania assist in providing shelter, education, medical assistance, and legal support. In the examined countries, UNICEF and UNHCR also have a significant contribution by collaborating directly with the national governments, and providing financial and technical resources. IOM in Bulgaria provides 24/7 support and care for the UASC in the so called “safe zones”, regardless of this not being their legal obligation. Other organisations and NGOs (such as FAR, ARSIS, etc.) provide legal and administrative aid to UASC.

Overall, **Romania, Netherlands, Italy and Greece** indicate a rather efficient cooperation between the responsible institutions/bodies. However, **Bulgaria** indicates delays or lack in/of actions/replies when issues are raised from the NGOs before national authorities. In **Romania** there is a need to establish a national network of inter-institutional support dedicated to assisting UASC. All of the above-mentioned issues are a reason for improvement in the coordination of the responsible entities and indicate a need for training on different aspects of working with UASC.

### III. NATIONAL LEGISLATION, POLICIES AND PRACTICES SAFEGUARDING UASC’S RIGHTS

- 1) **National regulations/measures that address the CFREU rights, (e.g. dignity, well-being, safety), prevent and address any physical or psychological harm of UASC during various stages of migration and integration processes.**

In **Bulgaria** the major regulations that address CFREU rights are: the *Law on Asylum and Refugees (LAR)* that regulates the reception of asylum-seekers, including children, the asylum



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children’s Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



procedure, as well as the legal representation of UASC; the *Law on Foreigners in the Republic of Bulgaria (LoF)* which regulates measure taken towards non-asylum seeking UASC and provides for a regularisation mechanism<sup>5</sup>. Although there is a Regulation on Integration of Refugees it fails to propose sufficient measures to create more favourable conditions for integration in local communities.<sup>6</sup> The Child Protection Act (CPA) outlines the rights of the child in line with the CRC and is applicable to all children in Bulgaria, regardless of their status.<sup>7</sup> In November 2022, the Bulgarian government adopted the national Child Guarantee action plan, officially called Action plan implementing Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee 2030<sup>8</sup>. It identifies as a target group refugee and migrant children, with a focus on unaccompanied children or those with a minority ethnic background; children in alternative care outside the family, especially those in residential care, including children and young people leaving alternative care; children in precarious family environments including children of migrant parents, etc. The plan has 14 specific objectives, including reducing the share of children at risk of poverty and social exclusion, reducing the share of school drop-outs, etc.<sup>9</sup>

Similarly, several Laws and Ordinances in **Romania** address specific measures regarding UASC. Law no. 272/2004 on the protection and promotion of children's rights provides that public authorities, accredited private providers, as well as individuals and legal entities responsible for child protection are obliged to respect, promote and guarantee children's rights established by the Constitution and laws, in accordance with the provisions of the UN Convention on the Rights of the Child, and other international treaties Romania is party to (article 1(2)). In the interpretation of the laws, the Constitutional Court of Romania ruled that unaccompanied children have a different legal treatment than of accompanied ones in order to avoid discriminatory situations, thus they are provided with all the means to protect their interests. The same Court stated that foreigners are not equal with citizens before the law and public authorities, because the constitutional text only considers Romanian citizens<sup>10</sup>. Law no. 122/2006 on Asylum in Romania provides for specific procedural guarantees for unaccompanied/separated children as a vulnerable category, including the non-refoulement

<sup>5</sup> Art. 28a LoF

<sup>6</sup> UNHCR cited in Amnesty International, Amnesty International Report 2017/18 - Bulgaria, 22 February 2018, available at: <https://www.refworld.org/docid/5a9939384.html>

<sup>7</sup> Art. 3 and 15, Chapter 2 of the Child Protection Act

<sup>8</sup> Bulgaria, Council of Ministers (Министерски съвет), Action plan implementing Council Recommendation (EU) 2021/1004 establishing a European Child Guarantee 2030 (План за действие в изпълнение на Препоръка (ЕС) 2021/1004 на Съвета за създаване на Европейска гаранция за детето 2030), 9 November 2022.

<sup>9</sup> Franet National contribution to the Fundamental Rights Report 2023, [https://fra.europa.eu/sites/default/files/fra\\_uploads/frr\\_2023\\_bulgaria\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/frr_2023_bulgaria_en.pdf)

<sup>10</sup> Decision 323 of 14 June 2005 Constitutional Court of Romania





**Terre des hommes**  
Helping children worldwide.



principle for those at risk. The Ordinance no. 44/2004 provides for prevalence of the best interest of the child principle, and maintaining cultural identity for UASC, while included in the national child protection system, with specific individual plan of intervention aiming integration in each case (article 35). The Emergency Ordinance no. 100/2022 regarding the approval and implementation of the National Plan of Measures regarding the protection and inclusion of displaced persons from Ukraine, beneficiaries of temporary protection in Romania provided for the protection from abuse, neglect, exploitation and all forms of violence as one of the measures to be taken in the area of children and youth. In 2023, the National Authority for the Protection of the Rights of the Child and Adoption reportedly developed two procedures that are relevant in enhancing the protection of refugee children: one on violence against unaccompanied children in Romania and the other one on identification, evaluation, assistance and monitoring of unaccompanied children.<sup>11</sup>

**Greece** addresses various rights of unaccompanied minors (including the right to education, accommodation, the best interest principle, guardianship etc.) in the Law, L.4939/2022, as well as in the Greek constitution (art. 21, 16, 28). Despite the legislator's focus on unaccompanied children as asylum seekers, advocacy persists for an independent residence permit for all UASC in **Greece**, emphasising the direct implementation of children's rights from international conventions, EU law, and the Greek Constitution, irrespective of their asylum status.

In **Italy** the rights of unaccompanied foreign minors and the procedures that concern them are governed by specific regulations (law no. 47/2017, Zampa law) and partially by the national legislation concerning minors<sup>12</sup> and the rules on immigration and asylum<sup>13</sup>. The “Zampa law” has introduced important provisions on the age assessment of UASC. For instance, it lays down a multidisciplinary approach in the assessment procedures and the treatment of the child as a minor until the conclusion of the procedure. It provides that a social and medical age assessment procedure may be ordered by the judicial authority, when there are well-founded doubts about the age declared by a presumed unaccompanied minor and it is impossible to establish his or her age through documentary evidence. The child must be informed about the objectives, methods and consequences of the age assessment and must be treated as a minor until the conclusion of the procedure. According to the law, age assessment procedures must be carried out with a multidisciplinary approach, by professionals with appropriate expertise, involving a cultural mediator. The result must indicate the margin of error and the benefit of the

<sup>11</sup> Romania Child Protection Sub Working Group, Minute of the Meeting, 02.06.2022, <https://data.unhcr.org/en/documents/details/94848>

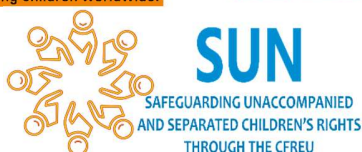
<sup>12</sup> Civil code, law no. 184/1983

<sup>13</sup> Legislative decree 286/1998, legislative decree 142/2015



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



doubt must be granted to the child and in case the individual is considered a minor. The final decision on the individual's age, adopted by the judicial authority, must be issued to both the person concerned and the guardian, thus allowing for an appeal.

The **Netherlands** has not adopted national regulations and measures, aiming to prevent physical or psychological harm during various stages of migration and integration process, as the CFREU is directly applicable in migration law cases.<sup>14</sup> Furthermore, if a child is threatened in his development, e.g. due to the duration of an asylum procedure, then Nidos as guardian has to intervene to safeguard the child's development.

In **Spain** there are two groups of regulations: 1) laws that apply to all minors, regardless of their national origin and immigration status<sup>15</sup>; and 2) laws that apply especially to unaccompanied foreign minors<sup>16</sup>. There are no specific regulations or measures preventing or addressing the physical or psychological harm to UASC during the different stages of the migration process and the general law for all children applies.

## 2) **Regulations/measures that address the prohibition of torture and inhuman or degrading treatment or punishment and mechanisms to investigate and prosecute any violations of these rights**

In **Bulgaria**, under the CPA, every child has the right to protection of their physical, mental, moral and social development and every child has the right to protection against methods of upbringing that violate their dignity, physical, mental or other violence and forms of influence contrary to their interests. Violations of those rights are reported to the "Child Protection" departments of "Social Assistance" Directorate. If a child is the subject of crimes or there is an immediate danger to their life or health, a police protection measure is applied. Moreover, there is a 24/7 hotline for children, which, however, is only available in Bulgarian and English.

Similarly, torture is expressly forbidden by the **Greek** constitution and criminalized under the Greek Penal Code. Pushbacks may constitute various criminal offences as well under the Greek Penal Code. What is more, Greek law has addressed discrimination in the labour market in L. 4443/2016. Regarding the enforcement of the provisions, dedicated units within the Hellenic Police are tasked with combating racist violence. Complaints of such instances can be

<sup>14</sup> See CJEU's ruling *Van Gend and Loos* (C 26/62)

<sup>15</sup> Organic Law 1/1996, of January 15, 1996, on the Legal Protection of Minors.; Organic Law 8/2021, of June 4, on the comprehensive protection of children and adolescents against violence.; Organic Law 10/2022, of September 6, on the comprehensive guarantee of sexual freedom.

<sup>16</sup> Organic Law 4/2000, of January 11, on rights and freedoms of foreigners in Spain and their social integration; Royal Decree 557/2011, of April 20, 2011, implementing Organic Law 4/2000, of January 11.





**Terre des hommes**  
Helping children worldwide.



addressed to the National Mechanism for the Investigation of Arbitrary Behaviour of the Police, the Hellenic Coast Guard, the Fire Brigade, and Staff of State Penitentiaries.

In **Romania** there are no specific regulations on prohibition of such acts in relation to UASC. Law no. 272/2004 provides that a child cannot be subject to any physical punishment or other humiliating or degrading treatment (art. 33). Law no. 122/2006 introduces two categories of asylum-seekers (applicant for international protection and vulnerable persons) and requires special procedural guarantees. In **Spain**, there is a national law, 8/2021, for the comprehensive protection of children and adolescents against violence without distinction between minors. The objective of the law is to guarantee the fundamental rights of children and adolescents to their physical, mental, psychological and moral integrity against any form of violence, ensuring the free development of their personalities, and establishing comprehensive protection measures<sup>17</sup>. Additionally, the existing mechanisms to investigate and prosecute crimes of torture and cruel, inhuman or degrading treatment in **Spain** are those provided for in the national criminal legislation. The risk of suffering these human rights violations, as well as the possible difficulties in investigating them, are inherent to institutionalised spaces in which there might be a lack of transparency.

In **Italy**, the rejection and expulsion of unaccompanied migrant children is forbidden and their detention is unlawful under Legislative Decree 142/2015. Moreover, all UASC should be accommodated in reception facilities for minors until they are 18 years old, unless they applied for international protection. In **the Netherlands**, almost without exception, UASCs apply for international protection, which (by its definition) includes the prohibition of torture and inhuman treatment.

### 3) Practical implementation and effectiveness of the existing legal instruments

Regarding the practical implementation and effectiveness of the legal instruments listed, **Bulgaria** and **Greece** indicate some positive developments. For instance, NERM in Greece plays a crucial role in safeguarding UAM rights and contributed to ending detention of UAMs under the “protective custody” scheme. Furthermore, in 2022 an agreement between SAR and UNICEF was achieved in **Bulgaria** on funding a third safe-zone for UASC to be opened in the Harmanli reception centre in south Bulgaria, which is one of the biggest camps in the country.<sup>18</sup>

However, there are some alarming practices that prevent the full and effective implementation of the existing legal documents. For instance, in some reception centres in

<sup>17</sup> See more here: <https://www.boe.es/buscar/act.php?id=BOE-A-2021-9347>

<sup>18</sup> AIDA, Country report: Special reception needs of vulnerable groups, Bulgaria, Bulgarian Helsinki Committee, last update 21.04.2023, <https://asylumineurope.org/reports/country/bulgaria/reception-conditions/special-reception-needs-vulnerable-groups/>

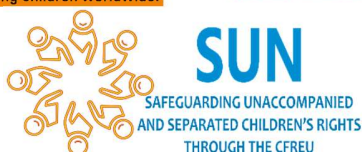


Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children’s Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



**Bulgaria** accommodation is provided in mixed dormitories and in many cases in rooms with unrelated adults. These children often complain of being deprived of sleep due to noise, gambling or alcohol consumption during the night by the adults accommodated in their rooms, or by being forced to run errands for them such as shopping, or cleaning. Many also complain that their food or possessions are often taken away. There are also reports for border violence, abuse and illegal push-backs. Further UASC are subject to immigration detention and excessive interviewing by migration police even when they are asylum seekers. In **Greece** there is lack of frequency, inadequate outcomes and sluggish responses by the Hellenic Police, the judicial authorities and the Coast Guard.

**Italy**, on the other hand, has an issue with the implementation of the multidisciplinary age assessment process in all regions. Often it depends on the police forces or social workers that are in charge of the specific child to ask for the age assessment process to begin. It also happens that in some cases age assessment is carried on only using x-rays and not the multidisciplinary team. In addition to that due to the shortage of places in the dedicated reception centres, more and more unaccompanied minors in **Italy** are illegally placed in overcrowded reception facilities for adults<sup>19</sup> and hotspots.

In the **Netherlands**, although the CFREU is directly applicable in migration law procedures, there are still lawyers who mainly refer to national policies and laws and not to the CFREU. When a lawyer does not mention breaches of articles of the CFREU, then these breaches are not examined by the Immigration Authorities and later on during the judicial review. Also, the investigation to reception in the country of origin in the asylum procedure is now being carried out **in the Netherlands**. However, it is unclear how it will be conducted and what are the reception requirements. Additionally, the principle of the child's best interest is not defined in national law so, as a consequence, it may not always be fully respected. Last but not least there is a significant difference in the treatment of UASC who participate in alien law proceedings compared to those who participate in family law proceedings. In the latter, children speak one-on-one with a judge, the child is invited personally to a court hearing and the language is more child friendly. This is not the case in alien law proceedings.

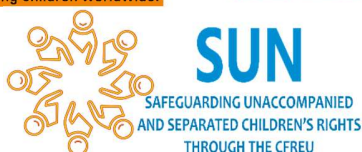
In **Spain**, child protection legislation protects all children regardless of their nationality or origin, however, the legislation on foreigners does not comprehensively address the specific situation of UASC.

<sup>19</sup> See, ECtHR, Darboe and Camara 18 January 2017, application [5797/17](https://hudoc.echr.coe.int/eng/?i=001-172034), <https://hudoc.echr.coe.int/eng/?i=001-172034>



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



In most instances, foreign minors who arrive in **Romania** are identified upon their entry into the country by Border Police personnel. If unaccompanied foreign minors express their desire to seek international protection, they engage with the competent authorities for asylum matters, namely the General Inspectorate for Immigration. Their asylum requests can be lodged by their legal representatives, and minors who are at least 14 years old have the option to submit applications independently. The General Inspectorate for Immigration (IGI) is informed of the situation through the territorial structure. For identification purposes, minors are separated from the other group members and are accommodated in a specifically designated room. It is ensured that the minor is accompanied by a person of the same gender from the group who can provide interpretation. If the minor lacks documents or does not meet the legal requirements for crossing the border (such as lacking a visa, being unable to prove accommodation, or lacking means of subsistence) and requests a form of protection, they are asked to complete an application, and contact is established with the Directorate General for Social Assistance and Child Protection (DGASPC) for the minor's transfer.

#### 4) Differences in the treatment/access to basic rights of migrant and refugee children and the reasons for these differences

In **Greece**, one of aims is to establish a residence permit granted to all UAMs, similarly to **Italy** and **Spain** to ensure fair treatment. Countries such as **the Netherlands, Bulgaria** and **Romania** mostly apply the international protection procedure as a regularisation of UAMs.

In **Bulgaria**, although UASCs are identified as children at risk, they practically are not treated as such, as they are most often not accommodated initially in a social service or in alternative care, respectively do not receive the specialised care they need. What is more, differences in treatment is reported between Syrian and other children - Syrian children receive international protection faster and can reunify faster, and Ukrainian children, for instance, do not have access to international protection, but have easier and free access to specific services (e.g. language classes, free public transportation etc.).

In **Romania** and **Bulgaria** UASC's access to education appears to be problematic as the school systems are not entirely prepared to cater to their unique needs and circumstances. Specifically, school enrolment is impossible in some cases in **Bulgaria** for older children who have never attended school in their country of origin or does not have a school certificate, because they cannot be placed in classes with much younger children in lower grades. The exception is the evening form of education, but very few schools offer classes for non-Bulgarians. Access to health care may be interrupted for a certain period for refugee children after receiving international protection if the child is not immediately issued with a personal number. Obtaining a personal number may be delayed in cases where a court order for placement







in residential care (Family Type Centre) is delayed. The general problem of inability to register migrants and refugees for family doctors is also valid for unaccompanied children.

The main difference, pointed out by **Spain**, is regarding the access to the labour market in the public administration, the access to housing and the existence of xenophobia and racism in the country.

In **Romania**, representatives of NGOs report that UASC's access to their rights is often characterised as sluggish and highly bureaucratic, further intensifying the challenges they face.

### 5) Family reunification and alternative care arrangements

In **Spain**, **Bulgaria** and **Greece** family reunification procedures frequently appear to be slow. Instances of technical mistakes, lack of prioritisation of the procedures for children, the requests for DNA tests and the international administrative collaboration are some of the obstacles reported.

Family surveys and family investigations are carried out in **Italy**, and family tracing in **Romania**. In **the Netherlands**, the IND takes the necessary steps to trace the family, however, sometimes Nidos carries out the tracing procedure with the help of the Red Cross or the IOM.

Regarding the alternative care arrangements, its beneficial contribution is acknowledged. However, some methods are rarely implemented. For instance, only 109 children were placed in foster care families in **Greece** in 2022 and in **Spain**, foster care for UASC is still a pending task. It is also cumbersome to place UASC with granted international protection in family type reception centres in **Bulgaria**. These centres are away from the SAR reception centres where the application for family reunification is reviewed and might be in places where there are not any refugee communities. **Romania**, **Italy** and **Greece** point out the significance of the opinion of the child and the family during the family reunification procedure. For instance, the *Greek Dublin Unit* receives declarations from both the adults and the minor. In **Italy**, IOM conducts family surveys and interviews with the families of UASC. The opinion of the child is taken into account and given due weight in all cases of initiation of the procedure in **Romania**. In practice, UASCs in **Bulgaria** are consulted before their families are contacted, which is usually a process mediated by IOM. Furthermore, the best interest of the child principle is applicable in all researched countries throughout the procedure. If a child cannot be reunited with family members, in the **Netherlands** Nidos falls back on its care model.





## 6) Right to education. Specific policies or programs to promote UASC's access to education and facilitate integration into the education system

In **Bulgaria, Spain, Italy, and the Netherlands** education is compulsory until the age of 16 (in the Netherlands from the age of 5) and in **Greece** until the age of 15. For 16-18 years old children in the **Netherlands** a qualification requirement applies, meaning that persons in this age group who do not have a middle school diploma, still need to study for their 'start qualification'. Thus, in all examined countries UASC should be enrolled in school, regardless of their immigration status. In **the Netherlands**, municipalities are responsible for ensuring an available education for migrant children and need to discuss with schools in the area whether they are willing to provide education for migrant children. The *Coordination of Refugees Education in Greece* oversees every educational directorate with an existing refugee population. In most cases the figure of the legal guardian is the one responsible to enrol children in the educational system.

For secondary education in the **Netherlands** there are special schools for migrant children called international transition classes<sup>20</sup>, which are focused on learning the Dutch language and are specifically developed to facilitate the integration into the Dutch educational system. In **Italy** as well, Italian language courses are provided and school enrollment can take place at any time of the school year.

In **Spain** children over 16 years old, must enrol in the Basic Vocational Training (FPB) - a specific free training for 2 years, regulated in the law, which allows the validation of these studies with the title of compulsory education. This training, includes work practices, with the aim of promoting the inclusion in the labour market of UASCs.

With regards to access to education, the most common obstacle, pointed out in **Bulgaria, Romania and Spain**, is the language barrier. There is also a lack of "resource teachers", who can support the UASC in **Bulgaria**. In **Romania and Bulgaria**, the school system is unable to facilitate the integration of UASC. Issues occur particularly with older children who have passed the age of 14 and no longer attend school because they see no purpose. There are also reports of bullying.

While challenges persist, such as issues related to transportation and delays in forming reception classes, in **Greece** accessing the educational system is generally more straightforward for UASC residing in shelters and alternative accommodations, compared to children in camps with their parents.

Participation in the educational process, appears to be of even greater importance for UASC and former UASC in **Greece** as they might be potentially eligible for a 10-year residence

<sup>20</sup> ISK in Dutch





permit under the New Migration Code, effective since April 1, 2023<sup>21</sup>. However, the practical implications of this regulation remain to be verified, considering the current legal constraint that young adults cannot enrol in high school if not previously enrolled as minors. To address this, ongoing advocacy efforts focus on establishing a "bridge of regularisation" that facilitates the enrolment of young adults aged 20 to 23 in high schools, while ensuring that those attending high schools are not at risk of detention for deportation purposes.

#### 7) Right to social and housing assistance and right to healthcare.

There are no specific measures implemented in **Romania** to assure the right to social and housing assistance. In **Bulgaria** and **Spain**, almost all cases UASC are placed respectively in reception centres (if they are asylum seekers) or child protection centres and alternative care. In **Bulgaria**, however, conditions in the refugee reception centres are reportedly inappropriate (small rooms, insects, no private space, and tasteless food). Within two of SAR's reception centres in Sofia, IOM facilitates the so-called Safe zones for unaccompanied children. Nevertheless, it is reported the conditions there are also not sufficient enough and the zones are often overcrowded. There is a limited number of special social services directed to UASCs that provide accommodation in better conditions. It is recommended that more programs on municipal level are needed to address housing needs of UASC (and refugee families in post-reunification phase).

Despite constant rejections, positive judicial practice in **Bulgaria** allows children to access the social assistance benefits. Healthcare and accommodation are free for the children in **Bulgaria**. The right to social assistance does not apply for children in **the Netherlands**.

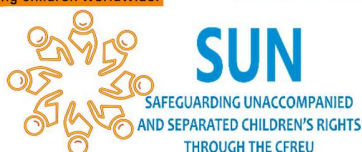
In **Spain** and **Bulgaria**, a lack of psychological care in the protection system is identified.

In **Greece**, the UASC are referred to an Emergency Accommodation Facility, and then transitioned to a Long-Term Housing plan, which contains both 24-hours accommodation shelters and semi-independent living apartments. In 2023 **Italy** abolished the concept of "suitable reception facility", laid down in Decree No. 191/2022. In this sense, when no possibility of reception in a facility for minors is possible, minors who have reached the age of 16 can be placed in a facility for adults.

In all the countries, UASC's right to healthcare is guaranteed. In some cases, however that might be limited to UASC who are undergoing an asylum procedure or are granted international/temporary protection (e.g. **Greece, Bulgaria**) whereas in other cases they have access regardless of their status (e.g. **Italy**). In **Romania** the national healthcare system provides

<sup>21</sup> See Article 162, paragraph 3 of the New Migration Code.





medical care, including preventive and curative services, by request and as much as the need arises. Specialized medical and psychological support may be offered to address the specific needs and vulnerabilities of UASC, especially those who have experienced trauma

Screenings and medical assessment is made in **Greece** to identify UASC needs, and they are granted a social number with which they can access every medical institution. In **Italy** health training for UASC in cooperation with professional associations of doctors and nurses is foreseen in the law. However, even if UASC have access to healthcare, often there is a language barrier during visits to hospitals and practitioners. Additionally, issues related to buying prescribed medicines that UASC cannot afford financially, unless additional financial support is offered by NGOs were also reported (**Bulgaria**).

**8) Provision of necessary information, representation and assistance in administrative, legal and/or judicial proceedings related to the asylum procedure/temporary protection.**

Overall, the provision of necessary information, representation and assistance is guaranteed to participate in any administrative, legal, and/or judicial procedure. In this sense, the role of the legal representatives/guardians is of significance. For example, although in **Greece** ARSIS, other NGOs and international entities offer information and legal representation, the absence of guardians has a potential impact on the legality of certain processes, which require guardian presence.

It is identified that in the countries where the research was conducted, representatives of NGOs and international organisations provide complementary services, including counselling in the refugees' native languages or with interpreters. In most cases information provided by NGOs is accessible. For instance, in **Bulgaria** UNHCR, UNICEF together with BRC, FAR and the Bulgarian Helsinki Committee established Blue Dots, where they provided information, legal, social and other assistance to Ukrainians. In 2024 these Blue Dots were closed and new Community centres accessible to everyone and not only Ukrainians are supposed to open doors.

On the other hand, the information and assistance provided by the public administrative authorities is reported to be rather insufficient. UASC in **Bulgaria** do not receive enough information by the State Agency for Refugees about the status of their proceedings. There are also reports of an intentional slowdown of the procedure. In **Romania** children are made aware of the opportunity to seek international protection in a way that they can understand, with guidance provided both by NGOs and the Police. Romanian NGO representatives, however, also highlight that refugees are not always adequately informed by state authorities about the necessary procedures, due to challenges related to the lack of language support or UASC's confusion regarding the proper institutions to be addressed in case of need.





**Terre des hommes**  
Helping children worldwide.



Nidos, in the **Netherlands**, monitors the asylum procedure and informs the children on their procedure. The lawyers are always available for further questions, however, it is noted that frequently UASC in **the Netherlands** do not read the information brochures, provided by the Immigration and Naturalization Service (IND), because they find the information in them too complicated. In **Spain**, the Child Protection Agency is responsible for informing the UASC on their rights and according to their age and development, they can have a direct impact on them. Likewise, in **Italy**, the public or private entities are responsible for providing UASC with all the information and assistance they need. Moreover, the procedure of appointing a guardian in **Italy** is fast and the minors are entitled to receive free legal assistance for as long as the procedure for examining the asylum application lasts.<sup>22</sup> Free legal assistance in Italy is provided by the Ministry of the Interior, through the State Attorney.

With regards to the active participation of the child in the decision-making processes and taking into consideration their opinion, it is observed that sometimes legal representatives and state officials in **Bulgaria** do not prioritise the effective inclusion of the child in these processes. In contrast, civil society organisations (CSOs) always try to consider the opinion of the children before offering any support to establish their needs, their long and short-term plans, their past and what is important to them.

### 9) Detention of UASCs and safeguards to prevent arbitrary detention

Detention and protective custody are prohibited for UASC in **Italy** and **Greece**. Specific legislative safeguards are ensured in **Greece**, to prevent detention of UASC. Brief detention periods may be evident in **Greece**, however, it lasts a few days and is due to a delayed entry in the child protection system. In **Romania** minors cannot be taken to public custody, which is de facto a detention regime, unless they are accompanied by at least one of their parents or their legal representative. Additionally, UASCs, as asylum seekers who require special procedural guarantees are not subject to border procedures in **Romania**, that may involve up to 20 days of accommodation at the checkpoints for crossing the state border, which is de facto detention in the transit zone.

Similar approach is followed in **Bulgaria** where detention of UASC is prohibited, however, accompanied children can be kept in detention for up to three months together with their parents. In case of detention of UASC, the child must be handed over to the Child Protection Units, however, this practice mainly applies to UASC under the age of 14. Unfortunately, no prohibition is available regarding asylum-seeking accompanied or unaccompanied children. The Bulgarian law also does not provide a maximum period for such

<sup>22</sup> Article 15 of Law No. 47/2017



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



detention. By law UASC can be detained in **the Netherlands**, only in the event of compelling interests, such as a previous disappearance of the child, a suspicion or conviction of a crime or a departure to the country of origin. However, no UASC are placed in detention in practice.

Detention is a last resort measure. Even so, UASC are detained in some countries such as **Spain** and **Bulgaria**, especially due to errors in the age assessment. The Spanish Ombudsman has addressed the reported detentions as well as of women with young children, especially the need for them to be kept separately from other adults in order to protect their integrity and safety.

In situations of refusal to conduct age assessment, with due respect to the principle of the best interests of the child in **Romania**, placement of asylum-seeking children in specially arranged closed areas is possible.

#### 10) Removal, expulsion or extradition and the principles of non-refoulement and the best interests of the child

Expulsion of UASC in **Italy**<sup>23</sup> and **Spain** is prohibited if they would face a risk of persecution or serious harm in their home country. In **Bulgaria, Greece, Italy, Romania, the Netherlands** and **Spain** the non-refoulement principle and the best interest of the child are applicable and incorporated either through national legislation or directly derived from the Return Directive and CJEU's practice (e.g. in the **Netherlands**). Thus, an assessment prior to the removal, expulsion or extradition should be made in each country with regards to place of return, time and people to whom the child would be returned, existence of suitable reception structures in the destination country, with a focus on the child's welfare.

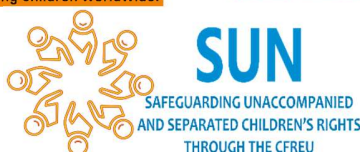
In **Greece**, even in the rare instances when a deportation order against a UASC is issued, the return almost never occurs authorities do not facilitate communication with the country of return. Therefore, in the majority of cases the removal orders for UASC are not issued or if issued, they are often annulled. The issue arises when UASC reach the age of 18, as removal orders may be issued or pre-existing ones activated, sometimes accompanied by pre-removal detention. In rare cases where a removal order is issued against a UASC, the child has recourse to administrative justice against both the removal decision and any associated detention.

In **the Netherlands** a rejected application for international protection is made equal to a return decision. This means that the IND when reviewing the asylum application must also consider whether an unaccompanied child is able to return to a family member, guardian or adequate reception facilities<sup>24</sup>. This entails that UASC are protected against being deported or extradited without prior investigation. Moreover, according to the Council of State in the

<sup>23</sup> Legislative Decree n. 142/2015, Italy

<sup>24</sup> CJEU's *TQ* judgment (C441/19)





Netherlands a removal decision may be postponed in the event that the examination of adequate reception is not yet finished. Therefore, similarly to Greece, in practice in the Netherlands return decisions issued to minors are not executed.

In **Italy** expulsions are allowed when there are serious reasons of public order or state security. This is considered as a solution to the so-called phenomenon of “false minors” who lie about their age. The law also gives the possibility of hosting those who are between 16 and 18 years old in reception centres for adults in case there are no places in facilities for minors.

Similarly to the Netherlands, the *National Mechanism for the identification and referral of victims of human trafficking* in **Romania**, approved in 2023, ensures that no repatriation can be done without a prior assessment. What is more, if the family members of the child cannot be identified, or they are not accepted in the country of origin, the child is granted the right of permanent residence.

Although, during the proceedings the UASC have the right to be heard and listened to there are systematic violations of these rights (**Spain, Bulgaria**). In cases of repatriation carried out in **Spain**, not all safeguards are complied with.

#### IV. DETECTED OBSTACLES AND CHALLENGES

##### 1) Barriers that prevent UASC from accessing fundamental rights

Common barriers to the access to fundamental rights of UASC, identified in all six countries (the Netherlands, Romania, Bulgaria, Greece, Italy, and Spain), are the **language barrier** and the **shortage of interpreters and translators**, which can hamper the children’s access to information and assistance, including healthcare.

**Obstacles in accessing education** are observed in Italy, Bulgaria, Romania, Greece, and the Netherlands. In the Netherlands, the current high influx of refugees causes a reception crisis, which has a negative impact on children’s access to education as they are constantly on the move and end up on waiting lists for schools. In Bulgaria, Romania and Greece there are **no educational programs to meet the needs of refugee and migrant children**, including proper integration classes. In Bulgaria, another problem constitutes the fact that **Ukrainian children with temporary protection and low or no income are unable to continue their university education**, because they are required to pay high fees as third country nationals unlike children with refugee or humanitarian status.

The **lack of an effective foster care system** and the difficult access to **alternative care** familiar with the specifics of working with refugee UASCs is a common issue in Bulgaria, Greece and Italy. In Bulgaria, there is **no good referral system**, since children are not referred to



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children’s Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



day centres and community-based social services when the reception centres are full, and they are not directly accommodated in such social services.

The **lack of proper age assessment procedure for UASCs** is another barrier in Bulgaria, Greece and Spain, which can have a very harmful effect on the unaccompanied minors including detention.

The **shortage of qualified staff and specialised facilities** capable of providing adequate support to migrant children as well as the **deficient cooperation** between authorities, the lack of uniform standards and transparency are barriers common for the Bulgarian, Romanian and Greek context, which prevent UASCs from accessing their rights and individual care.

In Bulgaria and Romania there is limited **communication between unaccompanied minors and their legal representatives**, thus not all children receive the information they need in an accessible way. In Italy and Spain there is a **lack of prompt legal assistance** to the minors (e.g. because UASC are not identified promptly or they do not have the proper information to seek a lawyer), while in Bulgaria there is a **shortage of sufficient legal representatives** who by serve as the UASC's guardians and are lawyers, registered in the National Bureau for Legal Aid.

The **cultural differences** between the children and the professionals working with them constitutes a challenge in Bulgaria and Romania and can hinder the process of building a relationship of trust with each child separately. This can develop into an obstacle in accessing services and exercising rights.

A common barrier in Romania, Spain and Bulgaria is the **insufficient funding** which hinders the development of suitable and specialised social services for UASC.

Further, there are **deficiencies in the national legislation** of Romania, Greece and Bulgaria. For example, according to the Greek legislation, Turkey is defined as a safe third country, which poses a serious risk for the effective protection of UASC in the event of removal.

The **negative attitude of the society** towards UASC in Bulgaria, Spain and Italy is a factor that can lead to their discrimination and stigmatisation and may discourage them from seeking assistance and services.

The **lack of identity documents** can be an obstacle in the process of family reunification in Romania and in accessing services in Italy. **Complex administrative procedures and bureaucratic hurdles** are identified as a barrier to the exercise of the fundamental rights of UASC in Romania.

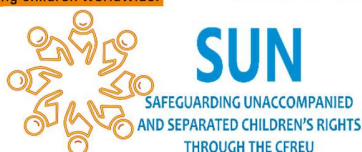
In Italy, the **migration status of UASC** may cause challenges in accessing fundamental rights, as their right to many basic services and rights is often linked to their status.



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.





It is reported that **allegations of pushbacks** at the border area in Greece and Bulgaria can be a serious obstacle if proven true, as these actions violate the right to asylum, protection against removal, and the principle of non-discrimination.

## 2) Improvement of the national system on the legislative, institutional or practical level



Overall, there is a need for improvement of existing laws in the examined countries, so as to address more comprehensively and adequately the situation of UASC. Per country the following suggestion for legislative improvements are made:

Country	Legislative improvements
Bulgaria	<p>Legal issues to be resolved, in the area of accommodation, legal representation and issuance of documents for UASCs.</p> <p>Strategic and policy documents in the field of asylum and migration shall be elaborated.</p> <p>A national care mechanism for the children should be established by the government to encourage UASCs to stay in Bulgaria.</p>
Greece	<p>Legislative changes to ensure special residence permit for UASCs regardless of their international protection status, strictly on the basis of their age and vulnerability as minors, as well as the abolition of the definition of Turkey as a safe third country.</p>
Italy	<p>Clear and effective procedures and practices for the identification, registration and care of unaccompanied foreign minors need to be established and governed by the principle of the best interests of the child.</p>
The Netherlands	<p>Implementing equal treatment of children during family law proceedings and during alien law proceedings as well as the need for equal treatment of the Dutch children and the unaccompanied migrant minors when it comes to youth care.</p> <p>The existing provision regarding the research on the reception possibilities in the country of origin during the asylum procedure should be clarified including the provisions regarding the reunification possibilities of migrant children who are not entitled to international protection.</p> <p>The principle of the child's best interest (stipulated in Art. 24, para. 2 CREU) should be incorporated into the Dutch law.</p>

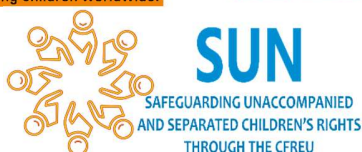


Romania	Clarification of the responsibilities of the legal representatives appointed to unaccompanied minors.  The Romanian legal framework for temporarily protected and separated children demands enhancements as well, including the determination of specific categories in need of special protection.
Spain	Needed change in the system used to determine the age of minors as the current one has proven to have major flaws. A national law is necessary for determining age that does not allow differences in the origin of minors.



Within the needs of improvement on institutional level, there is a need for better cooperation between the institutions working with UASCs and for the establishment of specialised facilities providing access to services for them. Per country the following suggestion for institutional improvements are made:

Country	Institutional improvements
Bulgaria	Establishment of a centralised entity to lead the state policy on questions concerning UASC. There is also a need for a main coordinator/case manager of each individual case of UASC who would have the full picture;
Greece	Provision of a better access to education via Reception Classes in primary and secondary schools as well as establishment of specialised shelters able to host UASCs with psychiatric challenges or substance addiction;
Italy	Increase of the resources, staff training and collaboration between different governmental agencies and non-governmental organisations. Implementation of changes in the reception and integration of minors – language learning programmes, access to education, safe accommodation and health services should be provided in this regard.
The Netherlands	Institutional measures to be taken to avoid the unnecessary relocation of the children as it affects negatively their development, for example because of a lack of continuity of education.
Romania	Better collaboration between the Directorate General for Social Assistance and Child Protection (DGASPC), the General Inspectorate for Immigration (IGI) and the NGOs working with UASCs.



	<p>Establishment of a separate center for UASC offering age-specific services and an environment compatible with their fundamental rights.</p> <p>Support and allocation of resources to unaccompanied and separated migrant children with better field involvement by the DGASPC.</p> <p>Adoption of an educational system in which the children receive language courses from the very beginning without delay in order to integrate better into the Romanian educational system;</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Other improvements suggested to address the practical realities in each country include:

- **In the Netherlands**, ex officio examination of the possible breaches of articles in the CFREU by the Dutch Immigration Authorities and the respective judicial authorities even if the UASC's lawyers have not explicitly referred to the CFREU;
- **In Spain**, practical solutions would include: access a legal assistant specialized in asylum law; renovating the facilities where UASC live and expanding the psychological assistance offered to them in their mother tongue; placing the centres for male minors in more accessible locations closer to their educational and health centres; implementation of itineraries of social and psychological accompaniment adapted to the needs of each young person; workshops in schools that tackle racist and xenophobic attitudes; support of teachers or translators to minors who are not yet fluent in Spanish or Catalan in following their school curricula; workshops in the health centres aimed to inform the UASC about the functioning of the Catalan health system;
- Suggestions for improvements **in the Greek context** include: the effective investigation concerning reports on pushbacks and proper reception and identification conditions; appointing a guardian for every UASC, including persons stating that they are minors undergoing an age assessment procedure; implementation of the age assessment requirements applicable in the reception and identification framework to the criminal procedure;
- **In Bulgaria**, unaccompanied children should be directly accommodated in an appropriate social service by an accommodation order issued by the regional court within an accelerated procedure. Measures for the social inclusion of UASCs from the Middle East are also needed;



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



- **In Italy** a support network needs to be created involving various stakeholders, including non-governmental organisations, religious institutions, local communities and volunteers.

## V. TRAINING NEEDS

### 1) Training needs and specific knowledge and skill gaps. Training areas.

The knowledge about the CFREU among the professionals working with UASCs varies from none to sufficient. Some of the interviewed Dutch specialists assess their knowledge about the fundamental rights as sufficient, while others would like to expand it and further develop it. The existing training curricula in many organisations working with or for UASC in **the Netherlands** include fundamental rights in some way. In contrast, there is practically no internal training on the protection of the rights of UASC among the Spanish professionals and they lack sufficient training at a global level. In **Romania** there is a pressing need for highly specialised training initiatives tailored to the unique circumstances of unaccompanied asylum-seeking children. Training should be continuous and adapted to the evolving needs of minors and communities and should focus on the application of the knowledge into practice.

With regards to the organisational aspects of the training one suggestion is to organize a **training in two parts**, whereby the first one is optional and in the form of self-study with a handbook about the CFREU, and the second part is in-depth and attended by different professionals who work with or for UASCs. A collective brainstorm during the training for each fundamental right is suggested in order to match the institutions involved in the protection of the discussed right and to determine the way each professional can put the knowledge into their practice.



Another recommendation is to organize **training for both UASC and the professionals**. However, the training for UASC needs to be adapted to attract their attention - games, videos etc.

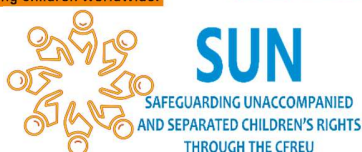
Trainings need to be **interactive** and not to consist of only of theoretical lectures and presentation of case practice. **Presenting and solving real life cases, discussions, role play in small mixed groups is strongly encouraged**. Working in **mixed groups** with people from different institutions contributes to building networks and understanding what stays behind specific decisions of state authorities on specific cases in which several institutions are involved and have different standpoints.



## IDENTIFIED TRAINING AREAS:

- **Legal framework:** in-depth training on national immigration and asylum law and international law concerning children's rights, focusing on CFREU in order to understand the rights and responsibilities towards UASC and how they can be applied in practice.
- **Safeguarding and child protection:** training on child protection covering the identification and management of cases of abuse, exploitation, neglect or violence against children in care, their prevention and ensuring the child's safety and well-being, as well as a specialised training on recognising victims of domestic violence, school bullying and PTSD.
- **Human rights and non-discrimination:** training focused on respect for human rights and the principle of non-discrimination with regard to UASC.
- **Cultural competency:** training on cultural diversity and interculturalism can help practitioners better understand the cultural background, norms, and traditions of the migrant child and the experiences of unaccompanied foreign minors in order to create a welcoming environment. This encompasses also information about countries of origin, how the institutions there function (or not), what is the political situation, family hierarchy, etc.
- **Effective communication:** training to overcome language barriers and improve communication, including how to communicate legal information with children, since building effective communication is essential to establish trust with UASC and to enable them to express their needs and concerns.
- **Psychological and social support:** professionals should be trained to recognise and address the psycho-social needs of UASC, including any experience trauma, or mental health issues and how to provide psychological support.
- **Education and skills development:** training should include best practices for education and skills development of minors, taking into account their needs and backgrounds, as well as strategies for enrolling migrant children in schools and providing educational support – with a focus on the fact that education is mandatory for all children irrespective of their immigration status.



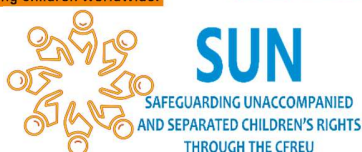


- **Reception procedures:** professionals should be trained on reception procedures, including the asylum application process, registration protocols, documentation requirements, guardianship, age assessment and care planning, with focus on the specific challenges faced by UASCs.
- **Strategic litigation and advocacy:** legal and advocacy stakeholders need to be trained in strategic litigation with focus on identifying and challenging systemic issues affecting UASCs.
- **Inter-institutional cooperation:** practitioners should be trained on effective cooperation between different agencies and institutions involved in assisting unaccompanied foreign minors, as fostering skills on collaboration and networking leads to improved quality of care.
- **Ethical values and professionalism:** training should promote ethical values, understanding and professionalism among practitioners, along with stress and burnout management.
- **Healthcare and medical needs:** training focused on understanding healthcare access and medical needs, especially for children with preexisting conditions.
- **Crisis intervention and conflict resolution:** training on skills to manage challenging situations and conflicts that may arise when working with migrant children.
- **Assessment and determination of the best interests of the child in decision-making processes**
- **Online child protection:** a training to equip stakeholders with knowledge on digital literacy, identification of warning signs, efficient reporting mechanisms, legal frameworks for online child protection, cybersecurity measures, and collaboration with the tech industry to create a safer online environment.

In addition to the above-mentioned areas, in Spain there is a specific need for training for professionals focused on **how the public administration works** with the UASC, so that they can better respond to their needs. **Training on existing resources and services in municipalities** where the UASC reside is also needed. Therefore, a good practice would be for the public administration itself to establish a common continuous training plan for the workers of all the organizations that manage the reception of UASCs with focus on the particular reality experienced by these minors.

In Bulgaria, a training need is identified regarding the **responsibilities of different national institutions** as well as a **specialised legal training for crimes against/performed by minors**. It





was reported that not all social workers in Bulgaria have a degree in social work or social work with refugees, thus more general training is needed in that area.

## 2) Strengths and weaknesses of existing training initiatives

- lack of specificity
- focus only on one area/right
- resource constraints
- lack effective mechanisms for evaluation and feedback
- overly theoretical
- lack of controllability of knowledge acquisition
- frequent turnovers in teams prevents creating a training program that can fulfil all needs.

### Weaknesses



- CFREU used as a common thread
- multidisciplinary expertise and know-how within the training organization
- foster collaboration/networking among various stakeholders
- likely to integrate best practices from both national and international contexts
- Holistic approach with multiple topics
- Help solve real life problems

### Strengths



The strength of the trainings that **Nidos** carry out in the Netherlands is that **the charter, or topics thereof, are used as a common thread** – e.g. the principle of the best interests of the child is always taken into account. The internal **expertise within the Dutch organization** is another strong facet. The different departments have their own expertise – the legal department, the behaviour scientists department, the reception department and the foster care department. Generally, trainings organized in the Netherlands follow the training curriculum of the EU Asylum Agency, with topics on Interviewing children and Interviewing Vulnerable persons for example. UNHCR in the Netherlands has a lot of internal trainings available, such as child protection and the best interest of the child, and have the fundamental rights of UASC incorporated into these trainings.

**In Romania**, the weakness of the current training initiatives is the **lack of specificity** particularly in areas crucial to safeguarding the rights of UASC. Some trainings on safeguarding and child protection touch upon the topics of refugees, migrants and unaccompanied children, but there is a need for targeted training. The recruitment of individuals without prior experience in the intricacies of working with migrants underscores the urgency for specific training.



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



**In Spain** most social organizations working with UASC have continuous training plans for their workers on topics related to the protection of children and adolescents. Their weakness, however, is that they **do not address the specificity of foreign minors who migrate without family references**.

The strength of the trainings in international protection that the CCAR (Spain) conducts is that they are provided to workers at protection centres and are **mainly focused on the detection of cases of potential applicants for international protection**. These regularly held trainings are part of the agreement between the CCAR and the Directorate General for Child and Adolescent Care of Catalonia (DGAIA) to carry out the legal accompaniment of applications for international protection of UASCs who are sheltered in the child protection system of Catalonia.

The existing training initiatives in **the Greek framework** are either run internally by NGOs aiming at their personnel, or by international bodies like UNHCR or A-21. The effectiveness of initiatives that **foster collaboration among various stakeholders** such as governmental agencies, NGOs, and international organizations is one of their strengths. A valuable consequence of a successful training program is the **likelihood to integrate in practice best practices that have been shared during the training**. Another strength of the trainings is their **holistic approach, addressing a range of topics** such as legal frameworks, trauma informed care and cultural competence.

Many training initiatives in Greece, however, face **resource constraints**, limiting the depth and breadth of the training provided. Inadequate resources can hinder the development of comprehensive programs and ongoing support. Another weakness is **fragmentation of trainings with different initiatives focusing on specific aspects of UASC rights**. Some initiatives **lack effective mechanisms for evaluation and feedback**, which makes it rather difficult to assess the impact of the training and to make necessary adjustments for improvement.

**In Bulgaria**, the strengths of the existing training initiatives are that they **help build networks, solve real life problems** in a wider multidisciplinary group. In some cases a **cultural mediator is invited to trainings to clarify cultural aspects** of the children, what emotional baggage they carry and what assessment they have of the situation in which they find themselves. The weaknesses of these trainings consist of the **overly theoretical content** and the **lack of controllability**, meaning that many trainees attend, but a few actually implement what they have learned even if they have understood it.

The strength of **trainings of Volontarius (Italy)** is that they are part of a deep-rooted organisation that has been dealing with children for years. They **have the know-how** on the social part of the work that must be carried on. What they identify as a weakness is the **frequent**



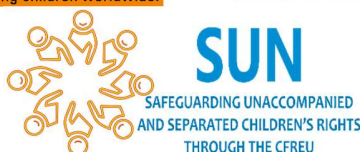
**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.





**Terre des hommes**  
Helping children worldwide.



turnovers that Volontarius teams are subject to, which prevents them from creating a training program that can fulfil all of the needs.

## VI. GOOD PRACTICES

Within this report the term "good practice" refers to established and effective approaches, policies, and actions that prioritize the well-being, safety, and rights of all children including UASC and achieve long-term, lasting results. It involves adhering to the rights envisaged in CFREU, ethical standards, international laws, and conventions to ensure the provision of appropriate care and support, legal support, and social integration, while minimizing any potential harm or discrimination. A crucial aspect of a good practice in this context is the attention to individual needs of UASC and the implementation of methods that encourage the development of skills for independent living. The practices that are listed below aim to create a supportive environment that promotes the dignity and rights of UASC in accordance with human rights principles.

### BULGARIA

- **The programme “House of opportunities” of the Foundation for Social Change and Inclusion (FSCI)**

This is a network of family-type houses for young people who leave alternative care for children deprived of parental care after turning 18 years old. The programme is open for both Bulgarian and refugee UASC. It aims to foster skills for independent living of UASCs in order to become dignified and contributing members of the society. The programme offers young people 2 years of residential care and support in: finding and keeping a suitable job; managing of personal finances; housekeeping; personal health; development of social skills and skills for building positive and sustainable relationships; adaptation to independent living; as well as an ongoing support after leaving the programme. Learn more here: <https://www.fscibulgaria.org/en/>

- **Placing children in alternative care for refugee UASCs under the Bulgarian child care system**

Such examples are the Family Type Center in the town of Pazardzhik that provides good care for accommodated refugee children. The key elements for the success of the center are that the director of the Center is open to dialogue, readily accepts advice and seeks help to improve the care.

- **The IOM Safe Zones**

They provide: uninterrupted social support; 24/7 security guards on site; interpretation and cultural mediation services; social, legal, and psychological support; access to general



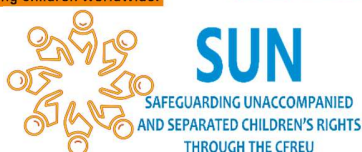
**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.

**NIDROS**  
guardianship for refugees



practitioner/medical assistance. Information sessions on various topics are organized there, including the support provided by IOM, the rights and obligations during the proceedings for international protection, the safety zone house rules, proceedings under the Dublin Regulation and other important information regarding UASC. The Safe Zones also provide support to minors who attend school and distribute non-food items, such as clothing, hygiene supplies and other items, if necessary. It has cultural, art and sports activities organized for the children.

- **Foundation Fond Dobro.**

Established by Ukrainian volunteers, supported by UNICEF, it aims to support the integration and socialisation of Ukrainian refugees in Bulgaria by providing educational and sports activities for children. The project Dobro-hub is the largest educational space in Bulgaria for Ukrainian refugee children and consists of 4 centres for children located in Sveti Vlas, Sunny Beach, Nessebar and the SKY STAR sports school in Sveti Vlas. Fond Dobro is a successful example because it manages to impact a large number of children and supports the integration of the children in the Bulgarian educational system, providing them with a close-to-school environment, and communication with other children within a safe environment. It also shows the power of the community to solve upstanding issues.

All the above mentioned practices, examined **in Bulgaria**, boost the child's motivation to stay in the country, learn and develop themselves and give them an actual chance to integrate. They provide specialised individual care for the children and support without prejudice.

## GREECE

- **Mobile Units**

The Mobile Units of ARSIS and the Network for Children's Rights specifically focus on tracking and identifying UASCs especially when they are unregistered and unaware of their rights and the procedures safeguarding them. The success of the Mobile Units can be attributed to their proactive outreach and flexibility. These mobile units, equipped with trained personnel that can adapt to diverse environments, engage directly with communities, thus building an information network, and perform outreaches in abandoned buildings in order to identify and reach out to UASCs.

- **National Emergency Response Mechanism (NERM)**

NERM coordinates actions among various actors. This ensures a centralized approach, streamlining efforts and facilitating better collaboration. The success of the multi-agency collaboration observed in Greece is due to the centralized coordination, information sharing



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



among agencies and resource optimization, resulting from the efficient resource allocation ensured by the centralized coordination.

- **Long-term accommodation facilities of ARSIS,**

They contribute significantly to the overall care of UASCs. These facilities provide a stable and secure environment for UASCs, ensuring their ongoing well-being and fostering a sense of stability. One key element ensuring the success of the long-term accommodation facilities is their stability and security, as they provide UASCs with a stable and safe environment. The comprehensive care provided by these facilities aligns with a holistic approach and addresses extended range of needs. The continuum of the care ensures sustained positive impact on UASCs' lives.

- **Mentorship programs run by the Ministry of Migration and Asylum and ARSIS**

They provide essential support and guidance to UASCs and volunteer mentors, thus aiding UASC in navigating the complexities of their new environment. The key components for their success is the provided guidance for UASCs to navigate challenges, the personalized mentorship which empowers the UASCs, and the role of the supporting volunteer mentors who foster the integration of the mentees and their social cohesion.

- **Advocacy efforts and strategic litigation led by ARSIS**

This plays a crucial role in addressing systemic issues and legal challenges faced by UASC. This proactive approach contributes to broader positive changes in the legal and policy framework. The success of the ARSIS advocacy and strategic litigation lies in the collaboration with legal experts in search of comprehensive solutions, in the proactive approach when addressing issues as well as in the achievement of lasting results.

## ITALY

- **Residence Permit for Unaccompanied Minors,**

It can be obtained in three different ways: by application for international protection; by application for minor age permit; or by application for family or foster care reasons. For the evaluation of the choice, the guardian must assess all the options, considering each aspect individually in the best interest of the minor. Upon reaching the age of 18, the UASC may convert their residence permit. If they follow a course of study, they may apply for a residence permit for study, whereas if they are employed, they will be entitled to apply for a residence permit for work. If they do not fall into the above categories, they can still apply for a residency permit for pending employment.



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



- **Right to access housing possibilities**

The new legislation adopted in 2020 sets out that **access to integrated reception services of the Reception and Integration System (SAI)** can be provided to refugees, asylum seekers, unaccompanied foreign minors, foreigners entrusted to the social services on reaching majority age.

- **Volunteer Guardianship system**

The guardians of UASC are voluntary and not remunerated. To become a guardian (or 'tutore') the interested person needs to participate in a training, promoted by the regional authorities for children and adolescents. Her/his designation is formalized by the Juvenile Court

The key element contributing to the success of the above-mentioned good practices is the possibility to access regularisation mechanisms using one of the three possibilities for a residence permit, which is fundamental to guarantee the protection of UASC. Another important aspect how the reception system such as the one offered from the SAI functions. It plays a crucial role in guaranteeing minors a safe and welcoming environment where they can feel safe and can develop their skills and abilities.

## THE NETHERLANDS

- **Intercultural Mediators working at Nidos**

They support the guardians in their work with UASC. The mediators share the same language and come from the same cultural background as the UASC and have thorough knowledge of the country of origin and of the journey of the child to the Netherlands. Their role is to help the guardian to better understand the child and to gain his/her trust as well as to help the child with understanding the Dutch culture, the laws and regulations and his/her fundamental rights. This helps building a relationship of trust between the mediator and the child. Practice shows that sharing the same language or ethnicity is not always sufficient for the young person. It is important for unaccompanied children to be able to recognize themselves in the intercultural mediator

- **European Guardianship Network (EGN) with its seven key principles and its cross border working group**

EGN is a form of professional guardianship among the EU member states. EGN aims to improve the working standards of guardians and – by doing so – safeguard the fundamental rights and well-being of UASC by assisting in the development of guardianship systems, offering



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



support to individual guardians or social workers and exchanging good practices. It organizes exchange activities and two Network meetings per year where all members and partners come together to share current trends, best practices and ideas. An important role in safeguarding the rights of UASC plays the cross border working group which is responsible for supervising if their rights are protected when crossing borders and protect them from trafficking and abuse. The working group has also developed a checklist of points to consider when there are signs that a child is going to move cross-border.

## ROMANIA

- **Transforming the central pavilion of Romexpo into a temporary residence for Ukrainian refugees as a response to the war in Ukraine.**

Due to the war in Ukraine the Bucharest City Hall and the Social Assistance Directorate initiated the rapid transformation of the central pavilion of Romexpo into a potential residence for Ukrainian refugees. This initiative serves as an example of a prompt action taken by the authorities and supported by various NGOs, who joined their efforts to contribute and enhance the facility's amenities and services.

- **The provision of dedicated legal representatives of UASCs**

This helps to bridge potential gaps in their legal support.

- **The collaborative working groups**

The collaborative working groups play an important role in Romania as they involve various organizations in partnership with UNHCR, which provides increased cooperation among organizations as well as a beneficial opportunity for advocacy through the UNHCR's engagement with government representatives.

## SPAIN

- **Good cooperation between the Catalonia administration and the civil sector in relation to UASC**

Firstly, the autonomous administration has an agreement with CCAR, which is specialized in international protection, to provide legal accompaniment for foreign minors without family references who are under its guardianship. Secondly, organizations specialized in child care outside the child protection system are allowed access to protection centres in order to carry out activities with minors.

- **The municipal service "Servició de Detección e Intervención (SDI), Catalonia.**



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



It is formed by social street educators who are responsible for monitoring and reaching out to unaccompanied minors in the streets and assist them in accessing the child protection system if they have not yet done so or to re-enter if they have left voluntarily.

- **Residence and work permits**

Important measures that prevent administrative irregularity and contribute to the safeguarding of UASCs rights have been introduced in Catalonia. Since 2021 it has been easier for unaccompanied foreign minors, as well as for young people formerly under guardianship, to **obtain and renew their residence and work permits**.

One of the key elements contributing to the success of the Spanish best practices pointed out by is the proper coordination between the different public administrations with competence in child protection, as well as coordination between these administrations and the social organizations that manage the reception of these minors. Another key factor is the continuous and specialized training of all professionals who intervene with unaccompanied migrant children, including social intervention personnel, legal operators (lawyers, prosecutors, judges), police in charge of border control and migration and immigration procedures, etc. Adequate funding of services for the reception and protection of minors is also of great importance as well, as it ensures that children and adolescents live in adequate conditions and that they are provided with quality services. The proper working conditions of the professionals in charge of ensuring the protection of the unaccompanied children should also be taken into account.

## VII. CONCLUSIONS

### 1) Main outcomes

When it comes to safeguarding UASC's rights, the Netherlands, Spain, Bulgaria, Greece, Romania and Italy exhibit a complex landscape. In various dimensions, encompassing legal, administrative, educational, and social realms improvements are needed. The nuanced nature of these impediments requires a comprehensive understanding to develop effective strategies and interventions to ensure the fulfilment of UASC's rights and the provision of adequate support. Fundamental rights, although regulated in the national legislation, are still problematic to fully access in practice. Key elements for UASC's protection and integration are language training, access to education, employment and healthcare and regularisation mechanisms.

Despite the challenges and needs for improvements, however, overall, the countries demonstrate commitment to ensuring the rights and well-being of UASC. For instance, the gathered information highlights Italy's comprehensive approach to safeguarding children's rights, including diverse options for residence permits, prioritizing the best interests of unaccompanied minors. The emphasis on education, healthcare, volunteer guardianship, and housing further



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.



reinforces the commitment to ensuring a holistic and supportive environment for young individuals.

In the Netherlands, there is a well-organized child protection system which makes sure that when an unaccompanied child that arrives, they do not end up in a situation that conflicts with the fundamental rights as described in the Charter. The child is immediately assigned a guardian from Nidos and is able to start an asylum procedure after arriving in the Netherlands. Also, they are able to stay in foster families or more independent forms of residence supported by a mentor, they are obliged to go to school and there are special transition classes available to learn the Dutch language in order to promote their integration, they have access to healthcare, the possibility to start a family reunification procedure or trace their family and they are protected in the event of removal, expulsion or extradition.

A concerning issue are the violent and humiliating experiences of children at the Turkish-Greek and Turkish-Bulgarian border which lead to violations of fundamental rights such as the right to dignity, the prohibition of inhumane and degrading treatment, the right to asylum, protection against removal, and the principle of non-discrimination.

It is evident that the vast majority of professionals working with UASC exhibit gaps in understanding UASC rights through the CFREU. Although the level of knowledge of the CFREU provisions varies from extensive to basic and there are already some training possibilities on national levels concerning fundamental right, a need for specialized training is identified and encouraged.

## 2) Main challenges

The main challenges vary, depending on the national context of the research countries.

In the **Netherlands**, the current reception crisis causes many UASC to move from place to place and harms their educational learning curve. Along with that another challenge is the transition of the UASC into adulthood and the still existing difference in the extended youth care applied to Dutch citizens and to migrants. A positive legislative change in this regard was introduced in the beginning of 2023 allowing children with an asylum permit to prolong extended assistance until the age of 21. However, minors without a permit are not entitled such assistance, which is problematic. Additionally, the application of the new presents a challenge for Nidos and the municipalities since they need capacity and time investment to learn the new rules.

In **Romania** and **Bulgaria** there are various legal, administrative, educational, and social challenges to the effective access and enjoyment of the rights of UASC. The collaboration and coordination mechanisms between the different governmental and civil society actors working with unaccompanied and separated children needs serious improvement. In **Romania** NGOs



**Co-funded by  
the European Union**

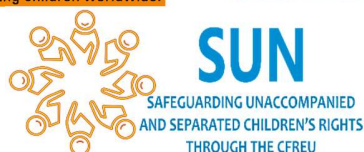
The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



**Terre des hommes**  
Helping children worldwide.

**NIDROS**  
guardianship for refugees

**CCAR**  
Comissió Catalana  
d'Acció  
pel Refugi



supporting migrant children encounter challenges in administrative procedures, resource inadequacy, and difficulties in regular access to the children.

There are procedural challenges in handling disappearances of UASC. Other serious issues include the bureaucratic hurdles and inadequacies in the school system, as well as the social exclusion and verbal harassment experienced by migrant and refugee children. Moreover, in some countries there is shortage of specialized facilities and of quality and permanent staff. The negative attitudes of hosting societies also contribute to shortcomings in the national child protection systems. Their rights are also hindered by the language barriers and lack of translators. Access to education in some countries is also challenging because there are no school integration mechanisms and special educational programs. In **Romania** minors face also challenges regarding their family reunification due to the lack of identity documents. In light of these challenges, there is a pressing need for highly specialized training initiatives addressing the situation of the UASC.

In **Bulgaria** and **Greece** alternative care system is available, however rarely used. In **Greece** the absence of guardians has a potential impact on the legality of processes, which requires their presence. Not all countries have legislation arranging residence permit for UASC, which is granted in **Italy** and **Spain** for instance.

In **Italy** a lack of prompt legal assistance is indicated, as well as obstacles with accessing fundamental rights regarding the migration status, as there is often a link between the two. Another obstacle, which is indicated in Italy, but occurs in other countries as well, is the implementation of the multidisciplinary approach in the age assessment procedure,

### 3) Conclusions and recommendations

Based on the exhaustive findings and assessments presented in this report and to address the multifaceted challenges faced by UASC, several key recommendations have been identified with the objective of ensuring the safeguarding, well-being, and integration of unaccompanied and separated refugee and migrant children across the EU countries:

To commence, the **establishment and improvement of effective guardianship programs**, mirroring successful examples in countries such as the Netherlands and the European Guardianship Network, are essential. In addition to that, ensuring that **legal support** is readily accessible during asylum and other administrative and judicial procedures, emphasizing the inherent rights of UASC, is also crucial.

Furthermore, prioritizing the **development of adequate accommodation in appropriate social services** is highly recommended. Such facilities would provide a safe and nurturing environment tailored to the specific needs of UASC.



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.





Terre des hommes  
Helping children worldwide.



Recognizing the importance of **child participation**, mechanisms that facilitate the active involvement of UASC in decision-making processes, affecting their lives should be strengthened, with special focus to the right of UACs to be heard. This also includes promoting the establishment of child-friendly spaces within reception centres, fostering an environment conducive to open communication.

In terms of **stakeholder coordination**, there is a clear need to enhance collaboration among governmental and civil society actors. This collaboration is essential to address legal, administrative, educational, and social challenges comprehensively. Active engagement of state institutions competent in the field of child protection is crucial for an effective and coordinated approach.

Regarding legal aspects, **standardizing residence permit regulations** across Member States is paramount. Timely and fair processes for UASC should be ensured, alongside advocacy for legislation granting residence permits in alignment with best practices observed in Italy and Spain.

Education emerges as a key element for UASC integration. Therefore, it is recommended to implement and **expand educational support programs**, such as the international transition classes in the Netherlands, that can facilitate a seamless integration of UASC into formal education systems.

**Professional training for individuals working with UASC** is identified as a critical aspect. This involves developing specialized training initiatives that comprehensively cover the rights of UASC under the Charter of Fundamental Rights of the European Union (CFREU). Continuous training opportunities are essential to ensure a standardized level of knowledge among professionals.

Another recommendation is to **allocate sufficient resources to support UASC**, that could ensure access to essential services, legal assistance, and psychosocial support. Facilitating collaboration between governmental and non-governmental organizations is integral to enhancing resource efficiency.

Lastly, **the best interests of the child must be a primary consideration in all actions taken**. It encourages the incorporation of a child-rights approach in policymaking and implementation, fostering a protective and nurturing environment for UASC.

Overall implementing these measures will contribute to a more robust and unified approach to safeguarding the rights and well-being of UASC across the EU Member States.



Co-funded by  
the European Union

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.



*The content of this document represents only the views of the team of experts that developed it and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.*



**Co-funded by  
the European Union**

The Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights – SUN project is funded by the Citizens, Rights and Values Program of the European Commission. The European Commission does not accept any responsibility for use that may be made of the information it contains. Project Number: 101084990.