

**Conference**  
**"European Migrant Children: What protection?"**

**European Parliament - May 26<sup>th</sup> 2011**

**Final Recommendations**

On the 26<sup>th</sup> of May 2011, the conference "European Migrant Children: What Protection" hosted by MEP Mariya Nedelcheva was organized by ECPAT Bulgaria, ECPAT the Netherlands, the Nobody's Children Foundation, Save the Children in Albania and Terre des hommes in the framework of the Mario project. The conference aimed at drawing the attention of European institutions and EU Member States to the lack of protection of migrant children who hold citizenship of one EU Member State and who are involved in street based activities in another Member State, either travelling alone or within their families.

A research report was presented outlining the vulnerability of Bulgarian children in Greece to trafficking and exploitation. Drawing on these findings as well as on evidence of similar situations in other EU Member States, an open discussion took place with Members of the European Parliament, European Commission officials, Bulgarian and Greek government representatives and NGOs.

In the course of the debate, the positive commitments of the EU to children's rights as enshrined in the Treaty of Lisbon and the EU Charter on Fundamental Rights were recognized whilst acknowledging the lack of general competence of the EU on national child protection systems.

Participants however referred to a series of EU policy instruments designed to guide EU action in the upcoming years to foster the protection of children.

Among others, the European Commission (EC) communication "An EU Agenda for the rights of the Child" is considered as a useful starting base as it sets out a number of political priorities and aims at mainstreaming children's rights in all EU policies.

The recently approved "Europe 2020 strategy" and the "EU framework for National Roma integration strategies" recently issued by the European Union are also relevant when addressing the issue of European children who leave their place of origin.

The Mario project partners wish to reflect on these different policies and on relevant EU primary and secondary law<sup>1</sup>, as well as on the discussions held during the conference, to recommend actions that could bring about positive changes in the lives of vulnerable European children who moved from one Member State to another.

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<sup>1</sup> Such as Article 24 of the European Union Charter of Fundamental Rights, Article 3 of the Treaty on the European Union and Articles 10, 45, 79, 83 and 20 of the Treaty on the Functioning of the European Union as well as the Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States; and directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

## To the European institutions: European Commission, European Parliament and the Council

### **1) Promote knowledge- and evidence-based actions:**

The experiences of Mario project partners in their work in Central and South Eastern Europe have given them reasons to be concerned about the protection of European children in vulnerable situations moving between European countries. Reflecting on the EU Agenda on the rights of the child which outlines the need for building evidence-based policy making, the EU should **promote further research on children and family movement trends**. This would allow better plans and programming as well as adequate and specific actions to be implemented.

### **2) Make the most of available funding:**

The right of the child to protection and care as it is necessary for his/her well being is enshrined in Article 24 of the Charter of Fundamental Rights of the European Union. Ambitious actions to promote protection of these children have become a requirement and the EU should **identify and implement actions that aim at providing opportunities for children and their families in their areas of origin. These should include both economic incentives as well as support and protection measures for vulnerable children. Funding programmes, including structural funds, should be used for this as well as for the strengthening of child protection structures.**<sup>2</sup>

The EU should also better integrate the issue of EU children in vulnerable situations moving between European countries in its social inclusion and protection policies and promote better coordination between Member States. The Open Method of Coordination on Social Protection and Social Inclusion may prove useful in that regard.

### **3) Foster protection of children in a freedom of movement context:**

EU citizen children (either within their families or alone) benefit from the provisions – subject to certain restrictions - of the directive on the right to move and reside freely in the territory of another Member State. The EU should **explore how to support child protection safeguards in the context of this movement, including in relation to the assessment of children’s best interests when return to their country of origin is being considered.**

<sup>2</sup> For example, the previous [EQUAL Community initiative](#), funded under the European Social Fund presented programmes fostering the [inclusion of Asylum Seekers](#). The European Commission also contributed to a better protection of migrant children through funding initiatives of networks such as “Dynamo” and “PICUM”. These initiatives should be strengthened and enlarged.

#### **4) Trafficking action and protection of migrant children**

The provisions on assistance and support to child victims in the recent EU anti trafficking directive and the forthcoming anti trafficking strategy need to be made available without restrictions. The EU should **ensure that EU anti trafficking prevention and protection activities - such as early identification - pay particular attention to the situation of all children who have been trafficked or are at risk of trafficking and explore possibilities for a coordinated prevention and protection mechanism at European level, with child protection and the best interests of the child at its core.**

Moreover, **after the release of the EU anti trafficking strategy, a proper implementation of its provisions should be ensured with specific attention given to the particular vulnerability of migrant children.** The roles of the European Commission, the EU Anti Trafficking coordinator as well as the network of national rapporteurs will be paramount to achieve the ambitious goals that need to be set in the strategy.

#### **5) Mainstream child participation in all potential actions:**

It is the Mario project partners' view that child participation should be at the centre of any decision that has an impact on children. As outlined in the research and recalled in numerous EU policy documents, the child concerned should have the opportunity to express his/her views over matters affecting his/her situation. The EU should therefore **explore available opportunities to ensure participation of children in decisions that affect their lives and take children's views into account in policies and programmes that impact the lives of children who move between countries.**

#### **6) Migration of children in the enlargement strategy:**

All the above mentioned recommendations should also be integrated in the enlargement requirements adopted with candidate countries by the EU. **Guiding documents and financial support should strengthen efforts aiming at the social inclusion of vulnerable groups** to curb unsafe migration driven by lack of economic opportunities and/or widespread discrimination of ethnic minorities.

Additionally, **support for effective, sustainable and inter connected child protection systems should be prioritized.**

## To National governments:

### **1) Protection of non national children and non discrimination:**

Member States are primarily responsible for the overall protection of children on their territory. Based on the UNCRC provisions, and especially in the light of its article 2, non national children should benefit from the same level of protection as nationals.

**Member States should therefore put in place adequate child protection measures to address the situation of vulnerable non national children and their families who have moved to their territory.**

### **2) Implementing a human rights based and gendered approach:**

Street based activities involving children are often organized around their mother or a female relative who have to conciliate child care with economic activity. The specific role they play and their difficult situation should be reflected in actions aiming at the implementation of child protection measures. **Member States should therefore implement a human rights approach - including a gender perspective - in all actions aiming at the protection of migrant children and their families in vulnerable situations.**

### **3) Developing transnational and multi stakeholder collaboration:**

The research identified as a critical pre condition for an adequate protection the need to put in place transnational collaboration schemes. **Therefore such transnational collaboration, including all relevant public and private stakeholders, should aim to find adequate short and mid term as well as durable solutions for children migrating alone or with their families.**

## To Donors:

The difficulty to fund innovative approaches and campaigns related to migration issues is a challenge for NGOs. **Donors are called on to fund awareness raising activities to prevent unsafe migration of children, be it internal or cross border, and to provide solutions for safe movement. Donors should focus on those actions that are based on the views of the child.**

## To Non Governmental Organizations:

NGOs often play a fundamental role in the protection of vulnerable children outside their country of origin where state authorities are not in a position to offer adequate protection to them. The role of NGOs ranges from direct service provision to advocacy work addressing the gaps in national child protection systems. **NGOs should therefore (continue to) develop projects that contribute to the protection of children in situations of vulnerability, when informed by well devised situation analyses, researches, empirical evidence and the views of concerned children and their families. They should also ensure better (trans) national collaboration and multi stakeholder approaches, including state agencies and the academia.**