



REFERENCE DOCUMENT ON UNACCOMPANIED CHILDREN

IDENTIFICATION
RECEPTION
PROTECTION &

OF UNACCOMPANIED
CHILDREN

A COMPILATION OF RELEVANT EU LAWS & POLICIES



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FOREWORD

Every year, thousands of unaccompanied children travel to Europe seeking a new life. The majority has fled from difficult living conditions, from wars and conflicts. They have travelled through many countries, without their families, facing extreme difficulties and horrible conditions on their way. Some have suffered from abuse, have been victims of trafficking, or have lost family members along the way.

The arrival of unaccompanied children from third countries is not a temporary phenomenon, but a long-term feature of migratory flows to the EU. In 2013, there were 12 690 asylum applications by unaccompanied minors across the 28 Member States, a number that confirms the trend of past years and that is unlikely to decrease in the future. The vast majority of these applications were submitted to few Member States, with Sweden receiving the greatest amount (3 850). But statistics provided by some Member States suggest that the children submitting an asylum application are not the biggest percentage. In Belgium, the number of unaccompanied minors not applying for asylum in 2013 was more than three times bigger than the number of those who did apply. In Italy and Spain together, the number of unaccompanied children who did not apply for asylum exceeded 10 000 only last year.

Whilst the majority still comes from Afghanistan, 2013 saw a dramatic increase in the number of children coming from Somalia, Eritrea and Syria, as a consequence of the migratory crisis in these regions of the world.

These children arriving alone to our borders are among the most exposed and vulnerable in our societies.

Since the adoption of the EU Action Plan on Unaccompanied Minors in 2010, much has been done both at EU and national level to better receive and protect these children, including through legislation, policy and practical measures of support. The EU has played a significant role in supporting policy and practice which respect and protect the rights of all unaccompanied and separated children, regardless of their status. The EU Action Plan on Unaccompanied Minors noted that "it is fundamental to ensure that any child needing protection receives it and that, regardless of their immigration status, citizenship or background, all children are treated as children first and foremost." The Action Plan also contributed to foster many practical measures of support in recent years, including through the important work of the EU agencies.

In recent years, several key legislative instruments directly addressing the situation of these children were adopted, including, most recently, the completion of the recast EU Asylum instruments. The existing EU legal framework provides good instruments to ensure the protection of these vulnerable children and the respect of their rights. Nevertheless, it is not always straightforward for national authorities and practitioners to navigate through the complexity of legal provisions scattered across several legal instruments. The European Parliament pointed this out in its 2013 Resolution on the situation of unaccompanied children, which called for “a handbook drawing together these various legal bases, addressed to Member States and to all practitioners, in order to facilitate proper implementation by Member States and to strengthen the protection of unaccompanied minors”.

The Reference Document produced by the CONNECT project comes indeed at the right time. This document, which constitutes a broad array of EU law, policy and practical measures, should serve as a valuable resource to support policy makers, practitioners and wide range of stakeholders in this field throughout the European Union.

We have so far succeeded in setting the legal framework. Now is the time to focus on implementation, to make sure this progress really brings about changes to children’s lives.

Cecilia Malmström

EU Commissioner for Home Affairs

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I. INTRODUCTION

Thousands of unaccompanied and separated children from third countries are currently present in the EU and every year there are substantial numbers of new arrivals.¹ Although the origin and numbers of these children fluctuate from year to year, the arrival and presence of these children in the EU is a long term feature of asylum and migration flows into the EU.

Unaccompanied and separated children in the EU find themselves in a variety of different situations. Some unaccompanied and separated children are seeking asylum or protection, because of a fear of persecution, armed conflict or disturbance in their own country. Other unaccompanied and separated children are the victims of trafficking for sexual or other exploitation. Others have travelled to Europe to escape conditions of serious deprivation or human rights violations. Some children come to look for new opportunities or a better life. Unaccompanied and separated children also arrive in Europe seeking family reunification with family members already present. Children may be in transit from one EU country to another and their circumstances may also change over time e.g. they may be looking for family reunification and they may also have been trafficked.

Regardless of their nationality or immigration status or the category into which they fall, these children have common rights under the UN Convention on the Rights of the Child to special protection and assistance.

This EU Reference Document originates in the CONNECT Project, funded by the EU under a call for proposals for pilot projects on unaccompanied minors (2012), the funds for which had been allocated by the European Parliament. The Project focused on the wide range of actors involved in responding to the situation of unaccompanied children arriving in Europe and the issues with which they are engaged. The essential goal of the CONNECT Project was to examine the roles, responsibilities and resources of actors responding

¹ In 2013, there were 12 690 asylum applications by unaccompanied children across the 28 Member States. Less data is available on unaccompanied children who are not applying for asylum but national statistics indicate that there are a significant number of these children, for example, exceeding in Italy and Spain together, 10 000 in 2013.

to the situation of these children and how they work together, by mapping the situation in four countries (the Netherlands, Italy, Sweden and the United Kingdom). The CONNECT Project also aimed at the development of several practical tools to support actors in working together to fulfil their EU obligations, in line with the UN Convention on the Rights of the Child. The results of the mapping and the development of the tools contributed to recommendations concerning how to ensure effective implementation and application of new EU obligations.

1.1 EU LAW & POLICY ON UNACCOMPANIED CHILDREN

This EU Reference Document was developed to provide a common and complete understanding of the scope of these obligations and supporting policy measures.

It is an opportune moment to create a compilation of the EU measures.

In recent years, the EU has adopted several legislative instruments directly addressing the situation of these children, including, most recently, the completion of the recast EU asylum instruments (2011-2013), EU Anti-Trafficking Directive (2011) and the EU Return Directive (2008). The European Parliament Resolution on the situation of unaccompanied children in 2013 called for “a handbook drawing together these various legal bases, addressed to Member States and to all practitioners, in order to facilitate proper implementation by Member States and to strengthen the protection of unaccompanied minors”.

Moreover, apart from establishing common legal safeguards for specific situations such as asylum and trafficking, the EU also plays a role in fostering an integrated approach to respecting and protecting the rights of unaccompanied and separated children, regardless of their status. Consequently, this

Reference Document also serves as a compilation of the broad array of EU policy measures concerning unaccompanied children and practical measures of support from the EU agencies. In particular, the EU Action Plan on Unaccompanied Minors, adopted by the European Commission and welcomed by the Council in conclusions adopted in June 2010 set out a common approach *“based on the respect for the rights of the child as set out in the EU Charter of Fundamental Rights and the UNCRC, in particular the principle of ‘the best interests of the child’ which must be the primary consideration in all action related to children taken by public authorities. It is fundamental to ensure that any child needing protection receives it and that, regardless of their immigration status, citizenship or background, all children are treated as children first and foremost.”*

The EU Agenda on the rights of the child has also provided important impetus to the EU’s work in the field, including through ensuring a focus on children in justice proceedings concerning them. This Reference Document also identifies the growing support from the EU for the national child protection systems which play a central role in responding to children in vulnerable situations. In line with the EU Strategy on Eradicating Trafficking in Human Beings, the European Commission is currently developing guidance on the EU’s role in supporting child protection systems. The Annual EU Forum on the rights of the child in both 2012 and 2013 have contributed to the growing recognition of the EU role in contributing to national child protection responding to children in vulnerable situations, including workshops on children on the move.

In conclusion, the Reference Document should serve as a key resource for policy makers, practitioners and wide range of stakeholders in this field throughout the European Union.

I.2 KEY FEATURES OF THE EU REFERENCE DOCUMENT

The scope of the EU Reference Document covers:

- All unaccompanied children of third country origin, whether they are seeking asylum, trafficked, seeking to reunite with family members, or in Europe for other reasons;
- All relevant EU legal instruments addressing the situation of these unaccompanied and separated children;
- Key EU legal instruments which may affect the protection of the rights of these children when involved in investigations and proceedings, in particular, focussing on sexual abuse and victims' rights;
- International law which informs the application of EU measures;
- Jurisprudence of the European Court of Justice and the European Court of Human Rights directly focussing on the situation of unaccompanied children of third country origin;
- Key EU policy discussions relevant to unaccompanied and separated children; and
- EU practical measures, including the work of the EU agencies, which is directly relevant to these children.

The EU Reference Document can be used to support the work of both policy makers and practitioners regionally, nationally and locally and is drafted for use by both specialist and non-specialists. It provides a listing of relevant instruments as well as references to further useful background materials.

Whilst this Reference Document aims to identify the key EU measures relevant to unaccompanied children as of July 2014, it is not exhaustive. In particular it should be borne in mind that, alongside specific provisions relating to unaccompanied children, general EU provisions may also be relevant to their situation.

OUT OF SCOPE

The EU Reference Document does not cover EU measures relating to unaccompanied children who are EU nationals; their situation is largely addressed by different EU policy areas. Nor does the EU Reference Document directly cover children of third country origin travelling with parents or adults responsible for them. Instead it focuses on the particular responsibilities arising where a third country national child in the EU is separated from their parents. However, all of groups of children share common rights as children, in particular, that their best interests are a primary consideration in all actions in their regard. Consequently, the Reference Document may be a useful source of inspiration on provisions that exist or might be envisaged for these other groups of children.

I.3 TERMINOLOGY

The term “**child**” is used throughout the Reference Document in line with the UN Convention on the Rights of the Child, with the following definition “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

The term “**unaccompanied and separated children**” are used throughout this document in line with the definition provided in General Comment No. 6 of the UN Committee on the Rights of the Child, on the treatment of unaccompanied and separated children outside their country of origin, as follows: “**Unaccompanied children**” (also called unaccompanied minors) are children, as defined in Article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. “**Separated children**” are children, as defined in Article 1 of the Convention, who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

The term “**minor**” is defined under a number of EU asylum instruments as “a third country national or stateless person below the age of 18 years old”.

The term “**unaccompanied minor**” is defined under a number of EU asylum instruments as “a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States.”

Other relevant definitions are contained in the Table of EU obligations.

2. EU LEGAL FRAMEWORK

The situation of unaccompanied and separated children from third countries arriving in the European Union is primarily covered by specific instruments which address the situation of these children either as children seeking asylum, as trafficked children, as children seeking family reunification or as illegally staying third country national children who are subject to return. Aspects of their situation may be affected by other EU legal instruments, such as the directives dealing with sexual abuse and sexual exploitation and victims' rights.

These instruments in large part take the form of general obligations in directives which must be transposed into EU law and implemented by Member States in full respect of fundamental rights, including the rights of the child. In this regard, specific provisions of the Treaty on the European Union and the European Charter of Fundamental Rights are particularly relevant, as is the European Convention on Human Rights, as well as international law obligations which apply in the Member States, in particular, the UN Convention on the Rights of the Child. The European Court of Justice is the ultimate arbiter of the interpretation of EU law and provides interpretative rulings on the application of EU law. Judgements of the European Court of Human Rights are also relevant, in particular upon the accession of the EU to the European Convention of Human Rights.

In [Section 2.1](#), we set out the primary EU law directly relevant to child rights, migration and asylum, including the Charter of Fundamental Rights.

In [Section 2.2](#), the key secondary EU legal instruments are indicated, with reference to related EU policy discussions which focussed on unaccompanied and separated children.

This listing can be linked to the EU Reference Document Table contained in [Chapter 4](#) which provides an indication of where specific issues (such as age assessment or representation) are addressed in the EU legislative instruments and allows comparison of how they are addressed across the different instruments. It links these issues to the fulfilment of the rights in the UN

Convention on the Rights, thereby facilitating the process of ensuring that EU provisions are implemented and applied in line with the rights of the child.

Section 2.3 sets out key international conventions and related interpretative guidance, of particular relevance to the situation of unaccompanied and separated children.

Section 2.4 focuses on judgments of the European Court of Justice and the European Court of Human Rights dealing directly with the situation of unaccompanied children of third country. Other key judgments addressing children in migration are also referenced as illustrations of the Courts' general approaches to children's rights in this field.

2.1 PRIMARY EU LAW

This section addresses the primary EU law (including relevant provisions of the Treaty on the European Union and the Charter of Fundamental Rights) that is particularly relevant to the application of EU provisions relating to unaccompanied and separated children.

2.1.1 TREATY PROVISIONS CONCERNING THE RIGHTS OF THE CHILD

Article 3(5) of the Treaty on the European Union

“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”



<http://eur-lex.europa.eu/collection/eu-law/treaties.html>
<http://goo.gl/vy07ZT>

The Charter of Fundamental Rights recognises a range of personal, civil, political, economic and social rights of EU citizens and residents, enshrining them into EU law. In December 2009, with the entry into force of the Lisbon Treaty, the Charter was given binding legal effect equal to the Treaties. The general provisions of the Charter are applicable to children and of specific relevance to the rights of children is Article 24:

- ❶ Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
- ❷ In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
- ❸ Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

European Convention on Human Rights

At the time of writing the European Union is working towards EU accession to the European Convention on Human Rights. Although it contains very limited specific references to the situation of children, its provisions are consistently interpreted in line with the UN CRC. Provisions of particular relevance to unaccompanied and separated children include Article 3, Article 5 (1) and (4) and Article 8.



<http://goo.gl/QZtoC>

2.1.2 TREATY PROVISIONS CONCERNING ASYLUM, TRAFFICKING AND MIGRATION

Article 67, 2 Treaty on the Functioning of the European Union addresses the fact that the EU shall:

“[...] frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals. For the purpose of this Title, stateless persons shall be treated as third-country nationals.”

Article 77, Treaty on the Functioning of the European Union addresses:

*“ (a) the common policy on visas and other short-stay residence permits;
 (b) the checks to which persons crossing external borders are subject;
 (c) the conditions under which nationals of third countries shall have the freedom to travel within the Union for a short period;
 (d) any measure necessary for the gradual establishment of an integrated management system for external borders;
 (e) the absence of any controls on persons, whatever their nationality, when crossing internal borders.”*

Article 78, Treaty on the Functioning of the European Union provides that:

“ Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.”

Article 79, Treaty on the Functioning of the European Union notes that:

“ Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.”

Article 79(3) provides that:

“ Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States.”

Article 82, Treaty on the Functioning of the European Union provides, inter alia, for the establishment of minimum rules at EU level concerning:

*“ (a) mutual admissibility of evidence between Member States;
 (b) the rights of individuals in criminal procedure;
 (c) the rights of victims of crime;*

(d) any other specific aspects of criminal procedure which the Council has identified in advance by a decision; for the adoption of such a decision, the Council shall act unanimously after obtaining the consent of the European Parliament.

Article 83, Treaty on the Functioning of the European Union inter alia provides for the establishment at EU level of “*minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis*” including as regards trafficking in human beings and sexual exploitation of women and children.



<http://goo.gl/BWpQIm>

2.2 SECONDARY LAW: EU LEGAL INSTRUMENTS

This section compiles the EU secondary law that is most relevant to the situation of unaccompanied children.

Under the section “related documents”, this publication identifies EU documents associated with the development, implementation or interpretation of legislative provisions relating to unaccompanied and separated children, as well as indicating cross references to the policy framework in [Chapter 3](#) below where relevant.

GENERAL RESOURCES:



- The Handbook on European law relating to asylum, borders and immigration is jointly produced by the European Court of Human Rights and the EU Fundamental Rights Agency (FRA). It examines the relevant law in the field of asylum, borders and immigration stemming from both European systems: the European Union and the Council of Europe. <http://goo.gl/nrxtk7>

2.2.1 SCHENGEN BORDERS CODE

Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council.

This regulation provides for the absence of border control of persons crossing the internal borders of the Schengen area and establishes rules governing border control of persons crossing the external borders of the EU. In relation to children, under the Schengen Borders Code Member States have obligation to include in the training curricula for border guards specialised training for detecting and dealing with situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking. Annex VII, point 6 of the Schengen Borders Code provides for rules on checks carried out on minors crossing the border, either accompanied or unaccompanied. Also, Member States must nominate national contact points for consultation on minors. A list of these national contact points is made available to the Member States by the Commission. The consultation of these national contact points is mandatory for the border guards in case of a doubt.



<http://goo.gl/kwBDUm>

RELATED DOCUMENTS:



- Report from the Commission to the European Parliament and the Council on the requirements for children crossing the external borders of the Member States, COM(2013) 567 final, <http://goo.gl/XfU6JZ>
- Recommendations of the Belgian EU Presidency Conference “Unaccompanied children: children crossing the external border in search of protection, December 9/10 2010, <http://goo.gl/hw3hyU>

2.2.2 EU ASYLUM LEGISLATION

Recast EU asylum legislation

The following directives have been adopted and have been, or shortly will be, transposed by all Member States, save in Denmark, Ireland and the UK. For the EU asylum directives which are applicable in these countries, please see under original EU asylum legislation below. More generally, the original Eurodac, Asylum Procedures Directive, Reception Conditions Directive referred to in (ii) below will continue until the entry of the recast instruments. The Dublin III Regulation noted below applies in all Member States from its adoption (including Ireland, the UK and Denmark).



Explanatory leaflet of the European Commission as regards the recast EU asylum instruments: <http://goo.gl/Vqi9gC>

Qualification Directive (Directive 2011/95/EU): The Qualification Directive establishes common grounds to grant international protection. Its provisions also foresee a series of rights on protection from refoulement, residence permits, travel documents, access to employment, access to education, social welfare, healthcare, access to accommodation, access to integration facilities, as well as specific provisions for children and vulnerable persons.



<http://goo.gl/IeUBZI>

Asylum Procedures Directive (Directive 2013/32/EU): The Asylum Procedures Directive establishes common standards of safeguards and guarantees to access a fair and efficient asylum procedure. It creates a coherent system, which ensures that asylum decisions are made more efficiently and more fairly and that all Member States examine applications according to common high quality standards.



<http://goo.gl/Q3ht8Z>

Reception Conditions Directive (Directive 2013/33/EU): The Reception Conditions Directive establishes common standards of conditions of living of asylum applicants. It ensures that applicants have access to housing, food, health care and employment, as well as medical and psychological care.



<http://goo.gl/Oq7mHs>

Dublin Regulation (Regulation (EU) No 604/2013): The Dublin Regulation establishes the Member State responsible for the examination of the asylum application. The criteria for establishing responsibility run, in hierarchical order, from family considerations, to recent possession of visa or residence permit in a Member State, to whether the applicant has entered EU irregularly, or regularly.

Applicable to applications for international protection lodged as from 1 January 2014; applicable to any request to take charge or take back in the Dublin procedure as from 1 January 2014 (Art. 49 and Art. 41 on transitional measures). Will also apply to Norway, Iceland, Switzerland and Liechtenstein.



<http://goo.gl/xZSuI3>

In relation to above regulation, note: Statement by the Council, the European Parliament and the Commission: The Council and the European Parliament invite the Commission to consider, without prejudice to its right of initiative, a revision of Article 8(4) of the Recast of the Dublin Regulation once the Court of Justice rules on case C-648/11 MA and Others vs. Secretary of State for the Home Department and at the latest by the time limits set in Article 46 of the Dublin Regulation. The European Parliament and the Council will then both exercise their legislative competences, taking into account the best interests of the child. The Commission, in a spirit of compromise and in order to ensure the immediate adoption of the proposal, accepts to consider this invitation, which it understands as being limited to these specific circumstances and not creating a precedent.

Commission Implementing Regulation (EU) No 18/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;



<http://goo.gl/Chn8u0>

Eurodac Regulation (Regulation (EU) No 603/2013): The EURODAC Regulation establishes an EU asylum fingerprint database. When someone applies for asylum, no matter where they are in the EU, their fingerprints are transmitted to the EURODAC central system. EURODAC has been operating since 2003 and has proved a very successful IT tool. Some updates were however required, in particular to reduce the delay of transmission by some Member States, to address data protection concerns and to help combat terrorism and serious crime.



<http://goo.gl/1IOlFQ>

Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.



<http://goo.gl/Gbmzo9>

Regulation EC/439/2010 of 19 May 2010 of the European Parliament and of the Council establishing a European Asylum Support Office.



<http://goo.gl/E5QkIc>

RELATED DOCUMENTS:



- Materials from ongoing meetings of Contact Committees relating to EU asylum instruments which may be relevant to provisions on unaccompanied children or encompassing unaccompanied children. See Register of Commission expert groups and other similar entities: <http://goo.gl/YeUqmd>
- See activities of EASO (interviewing children, age assessment, family tracing and country of origin information) as well as FRA (guardianship) in Chapter 3 below.

Original EU asylum legislation

Directive 2005/85/EC of the Council of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, OJ L 326/13, 13 Dec. 2005 (Asylum Procedures Directive). *Continues to apply in Ireland and the UK (not in Denmark).*



<http://goo.gl/RWkBgq>

Directive 2003/9/EC of the Council of 27 January 2003 laying down minimum standards for the reception of asylum seekers, OJ L 31/18, 6 Feb. 2003 (Reception Conditions Directive). *Continues to apply in UK (but not in Denmark or Ireland).*



<http://goo.gl/rSbGh2>

Directive 2004/83/EC of the Council of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, OJ L 304/12, 30 Sep. 2004 (Qualification Directive). *Continues to apply in Ireland and the UK (not in Denmark).*



<http://goo.gl/LX3Dmw>

Regulation EC 2725/2000 of the Council of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention, OJ L 316, 15 Dec. 2000 (Eurodac Regulation). *Continues to apply in the UK (but not in Ireland or Denmark).*



<http://goo.gl/FqjENK>

2.2.3 EU ANTI-TRAFFICKING LEGISLATION

Directive 2011/36/EU of the European Parliament and of the Council on preventing and combatting trafficking in human beings and protecting its victims

The Directive makes explicit that the definition of trafficking in human beings covers also trafficking for forced begging, for the exploitation of criminal activities, for the removal of organs as well as for illegal adoption or forced marriages. The instrument also introduces tougher penalties for traffickers, provisions regarding the prevention of trafficking, as well as better protection of and assistance to victims. It establishes specific safeguards for children in criminal proceedings, and requires Member States to take necessary measures to provide durable solutions for unaccompanied children.



<http://goo.gl/qNvEBN>

RELATED DOCUMENTS:



- Materials from Contact Committee Meeting as relevant to unaccompanied children under the EU Anti-Trafficking Directive. See Register of Commission expert groups and other similar entities: <http://goo.gl/YeUqmd>
- See activities of EU agencies in [Chapter 3](#) below.

ADDITIONAL USEFUL PUBLICATIONS:

- “Prevent. Combat. Protect”, the joint UNHCR, OHCHR, UNICEF, UN-ODC, ILO and UN Women commentary on selected articles of the EU Directive on preventing and combating trafficking in human beings and protecting victims.” See <http://goo.gl/jDB9G6>

Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

This Directive introduces a temporary residence permit intended for victims of trafficking in human beings or, if a Member State decides to extend the scope of this Directive, to third-country nationals who have been the subject of an action to facilitate illegal immigration, to whom the residence permit offers a sufficient incentive to cooperate with the competent authorities while including certain conditions to safeguard against abuse.

Third country nationals concerned should be informed of the possibility of obtaining this residence permit and be given a period in which to reflect on their position. This should help put them in a position to reach a well-informed decision as to whether or not to cooperate with the competent authorities, which may be the police, prosecution and judicial authorities (in view of the risks this may entail), so that they cooperate freely and hence more effectively. Article 10 includes specific provisions to be applied to the children in the event that Member States elect to apply the Directive to children.



<http://goo.gl/TGzmfo>

RELATED DOCUMENTS:



- Report from the Commission to the European Parliament and the Council of 15 October 2010 on the application of Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities [COM(2010) 493 final], <http://goo.gl/CQS3rk>

2.2.4 EU FAMILY REUNIFICATION DIRECTIVE

Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification

The Directive aims to establish common rules of law relating to the right to family reunification. It enables family members of third-country nationals residing lawfully on the territory of the European Union (EU) to join them in the Member State in which they are residing, provided they fulfil certain conditions. The objective is to protect the family unit and to facilitate the integration of nationals of non-member countries. Article 10(3) notes that if the refugee is an unaccompanied minor, the Member States shall authorise the entry and residence for the purposes of family reunification of his/her first-degree relatives in the direct ascending line without applying the conditions laid down in Article 4(2)(a) of the Directive and may authorise the entry and residence for the purposes of family reunification of his/her legal guardian or any other member of the family, where the refugee has no relatives in the direct ascending line or such relatives cannot be traced. The Directive provides that Member States may apply its general provisions in situation of family reunification between an unaccompanied minor arriving independently in the EU, with its family that is living already in the EU, for as long as they are not effectively taken into the care of the family (Article 2(f)).



<http://goo.gl/dztHnx>

RELATED DOCUMENTS:



- Communication from the Commission to the European Parliament and the Council of 3 April 2014 on guidance for application of Directive 2003/86/EC on the right to family reunification, COM(2014) 210 final, <http://goo.gl/W2MuAT>
- Commission GREEN PAPER on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC). See: <http://goo.gl/KxvBpZ>
- Report from the Commission to the European Parliament and the Council of 8 October 2008 on the application of Directive 2003/86/EC on the right to family reunification, <http://goo.gl/pAmSVn>

2.2.5 EU RETURN DIRECTIVE

Directive 2008/115/CE of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals

This directive provides Member States with common standards and procedures for returning third-country nationals staying illegally on their territories, with certain exceptions. In all cases, Member States must respect the principle of non-refoulement and take into consideration the best interest of children (Article 5), family life and the health of the person concerned. Article 10 contains specific provisions relating to the return of unaccompanied minors.

RELATED DOCUMENTS:



- Return Handbook (anticipated in 2014): This will contain common guidelines, best practice and recommendations to be used by Member States' competent authorities when carrying out return-related activities and as a point of reference for return-related Schengen evaluations. It will refer to the EU return acquis and relevant international standards such as those developed by the European Committee for the Prevention of Torture and the UN Committee on the rights of the child General Comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration.
- Communication from the Commission to the Council and the European Parliament on EU Return Policy (COM/2014/0199 final), <http://goo.gl/FDdIxf>
- Return Contact Committee Workshops on Article 10 (1) and 10 (2), November 2009 and February 2010; see summaries contained in the Register of Commission expert groups and other similar entities: <http://goo.gl/rkKZ5E>
- European Commission, Directorate General Home, Comparative Study on Practices in the Field of Return of Minors, Home/2009/RFX/PR/1002. See: <http://goo.gl/7G5GWu>

2.2.6 STATISTICS

Regulation EC/862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection

This Regulation establishes common rules for the collection of Community statistics on migration by European Union (EU) countries. It concerns statistics relating to immigration to and emigration from an EU country, citizenship and country of birth of persons resident in the territories of EU countries, and administrative and judicial procedures relating to migration.



<http://goo.gl/cZ7KEx>

Revised Guidelines for data collection under Article 6 of Regulation No 862/2007

The revision of these guidelines enabled additional information to be gathered on a further category of unaccompanied minors, namely the residence permits granted to unaccompanied minors who are not seeking asylum and who have not been granted a residence permit as victims of human trafficking.



<http://goo.gl/JTAJ1>

2.2.7 EU JUSTICE INSTRUMENTS

Unaccompanied and separated children may find themselves the victim of crimes and in some cases may find themselves in conflict with the law. A series of EU Justice legislative instruments may be relevant to their situation.

Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography

This Directive establishes provisions to protect children in general against sexual abuse, child pornography and sexual exploitation. It addresses the definition of offences, sets minimum levels for criminal penalties, and facilitates reporting, investigation and prosecution. It extends national jurisdiction to cover abuse by EU nationals abroad, gives child victims easier access to legal remedies and includes measures to prevent additional trauma from participating in criminal proceedings. Offenders will be subject to risk assessments, and have access to special intervention programmes. Information on convictions and disqualifications are to circulate more easily among criminal records, making controls more reliable. The Directive prohibits organising child sex tourism and provides for education, awareness raising and training of officials. See EU acquis document noted in [Chapter 3.4](#) for an indication of further features of the Directive.



<http://goo.gl/F6hcDy>

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

The purpose of the Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. It includes several provisions on children, including Article 1.2 (best interests of the child and child-sensitive approach), Article 10 (right

to be heard), Article 21 (right to protection of privacy), Article 22.4 (individual assessment of victims to identify specific protection needs), Article 23 (right to protection of victims with specific protection needs during criminal proceedings), Article 24 (right to protection of child victims during criminal proceedings).



<http://goo.gl/tMjOAv>

Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order

This Directive concerns the manner in which protection for victims of crime stemming from certain protection measures adopted under the law of one Member State can be extended to another Member State in which the protection person decides to stay. Recital 15 and Article 7 address child suspects of a European protection order (needs of particularly vulnerable victims such as children).



<http://goo.gl/hFes4g>

Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings

This Directive focuses on requiring Member States to ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings. It does not contain any specific separate provisions for children but applies to child suspects.



<http://goo.gl/yFsJxC>

Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings

This Directive requires Member States to ensure that the information provided for under paragraph 1 shall be given orally or in writing, in simple and accessible language, taking into account any particular needs of vulnerable suspects or vulnerable accused persons. According to Recital 26, when providing suspects or accused persons with information in accordance with this directive, competent authorities should pay particular attention to persons who cannot understand the content or meaning of the information, for example because of their youth or their mental or physical condition.



<http://goo.gl/zmtB8o>

Proposal for a directive of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest

See EU acquis document for further information in [Chapter 3.4](#).

Commission proposal of 27 November 2013 for a directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings

This proposal aims to ensure that children have mandatory access to a lawyer at all stages (Article 6), are promptly informed about their rights (Article 4), are assisted by their parents (or another appropriate person) (Articles 5 and 15), are not questioned in public hearings (Article 14), have the right to a medical examination (Article 8) and an individual needs assessment (Article 7). It also includes provisions on deprivation of liberty, legal aid, training and data collection.

2.2.8 MAIN FUNDING INSTRUMENTS

Main Internal EU Funding instruments

Regulation of the European Parliament and of the Council establishing the Asylum, Migration and Integration Fund (2014-2020)

The Regulation on the Asylum and Migration Fund brings together financial support for integration, migration, asylum and return management and addresses the needs of different target groups of third country nationals, including unaccompanied minors, in a more comprehensive and coordinated way.

Regulation EU/1382/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020.

The general objective of the Programme shall be to contribute to the further development of a European area of justice based on mutual recognition and mutual trust, in particular by promoting judicial cooperation in civil and criminal matters. The specific objectives of the Programme shall include, inter alia... “(b) to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture; and (c) to facilitate effective access to justice for all, including to promote and support the rights of victims of crime, while respecting the rights of the defence”. The new fund consolidates a series of previous funds in the area, including the Fundamental Rights and Citizenship Programme and the Daphne III Programme.

External Funding instruments

There are a range of external funding instruments that may be of relevance to activities concerning unaccompanied children. The package of external financing instruments for 2014 to 2020 comprises seven separate regulations, including Common Implementing Rules; Instrument for Pre-Accession Assistance; European Neighbourhood Instrument; Partnership Instrument; Instrument for Stability and Peace (the former Instrument for Stability); European Instrument for Democracy and Human Rights; and the Instrument for Development Cooperation. For more information, see: <http://goo.gl/2sxn50>

2.3 RELEVANT INTERNATIONAL LAW CONVENTIONS

This section lists those international law instruments, including those of the United Nations, the Council of Europe and the Hague Conference, which are of particular relevance to the application of EU law addressing the situation of unaccompanied children.

2.3.1 UN INSTRUMENTS

UN Convention on the Rights of the Child of 20 November 1989

The Convention comprehensively sets out universally-recognized norms and standards for the protection and promotion of children's rights. It covers a full range of civil, political, economic, social and cultural rights. It sets out general principles, including the principle of non-discrimination, the best interests of the child, the child's right of participation and the child's right to life, survival and development. It also contains a range of specific rights addressing issues such as basic health and welfare, family environment and alternative care, education and leisure as well as special protection rights. All EU Member States have ratified the UN CRC.



<http://goo.gl/sQh6cy>

RELATED DOCUMENTS:



- The implementation of the UN Convention on the Rights of the Child is monitored by the UN Committee on the Rights of the Child, composed of independent experts, who amongst other activities, issue authoritative interpretative guidance on provisions of the UN CRC, all of which can be found: <http://goo.gl/XytMUZ>

The most relevant of these for the situation of unaccompanied children are as follows:

General Comment No. 5 (2003), General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42, and 44 para. 6):

“The Committee on the Rights of the Child has drafted this general comment to outline States parties’ obligations to develop what it has termed “general measures of implementation. ... The general measures of implementation identified by the Committee and described in the present general comment are intended to promote the full enjoyment of all rights in the Convention by all children, through legislation, the establishment of coordinating and monitoring bodies - governmental and independent - comprehensive data collection, awareness-raising and training and the development and implementation of appropriate policies, services and programmes”



<http://goo.gl/N1NpBh>

General Comment No. 6 (2005) CRC/GC/2005/6 on the “Treatment of Unaccompanied and Separated Children outside their country of origin”

“The objective of this general comment is to draw attention to the particularly vulnerable situation of unaccompanied and separated children; to outline the multifaceted challenges faced by States and other actors in ensuring that such children are able to access and enjoy their rights; and, to provide guidance on the protection, care and proper treatment of unaccompanied and separated children based on the entire legal framework provided by the Convention on the Rights of the Child (the “Convention”), with particular reference to the principles of non-discrimination, the best interests of the child and the right of the child to express his or her views freely.”



<http://goo.gl/y3sdKk>

General Comment No. 12 (2009) on the right of the child to be heard

“The overall objective of the general comment is to support States parties in the effective implementation of article 12.” It addresses the fact that “Article 12 of the Convention establishes the right of every child to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child’s age and maturity. This right imposes a clear legal obligation on States parties to recognize this right and ensure its implementation by listening to the views of the child and according them due weight. This obligation requires that States parties, with respect to their particular judicial system, either directly guarantee this right, or adopt or revise laws so that this right can be fully enjoyed by the child.”



<http://goo.gl/MWgxlv>

General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence

“The present general comment seeks [inter alia] (a) To guide States parties in understanding their obligations under article 19 of the Convention to prohibit, prevent and respond to all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation of children, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child, including State actors;



<http://goo.gl/t66ZLS>

General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)

“The main objective of this general comment is to strengthen the understanding and application of the right of children to have their best interests assessed and taken as a primary consideration or, in some cases, the paramount consideration (see paragraph 38 below). Its overall objective is to promote a real change in attitudes leading to the full respect of children as rights holders.”



<http://goo.gl/dbRyN1>

UN CRC Day of General Discussion 2012: The Rights of All Children in the Context of International Migration

The purpose of the Days of General Discussion is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. The overall objective of the 2012 DGD was to promote, at the international and national levels, the rights of all children in the context of international migration.



Background Papers & Conclusions: <http://goo.gl/ZmCxbV>

UN Convention Relating to the Status of Refugees 1951 and the Protocol Relating to the Status of Refugees 1967

The Convention of the Status of Refugees established an international legal framework defining who are considered to be refugees, their rights and the obligations of States in their regard.



<http://www.unhcr.org/pages/49da0e466.html>

RELATED DOCUMENTS:



- UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Minors Seeking Asylum, 1997. “The purpose of this note is threefold: to promote awareness of special needs of unaccompanied children and the rights reflected in the Convention on the Rights of the Child; to highlight the importance of a comprehensive approach; and to stimulate discussions in each country on how to develop principles and practices that will ensure that the needs of unaccompanied children are being met.” <http://www.refworld.org/docid/3ae6b3360.html>
- UNHCR Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees “The guidelines offer substantive and procedural guidance on how to carry out refugee status determination in a child sensitive manner. They highlight the specific rights and protection needs of children in asylum procedures” <http://www.refworld.org/docid/4b2f4f6d2.html>

- UNHCR Guidelines on Determining the Best Interests of the Child (2008) and forthcoming UNHCR/UNICEF Guidance on Determining the Best Interests of the Child in Industrialised Countries. Building on the practice of domestic child protection systems, the UNHCR Guidelines on Determining the Best Interests of the Child - BID (2008) offers guidance on how to apply the best interests' principle in practice, and defines the three situations in which UNHCR must undertake a BID. These include the identification of the most appropriate durable solution for unaccompanied and separated refugee children, temporary care decisions for unaccompanied and separated children in certain exceptional circumstances, and decisions which may involve the separation of a child from parents against their will. <http://goo.gl/uASd7V>

The 2008 Guidelines were developed largely for use in the field. The forthcoming UNHCR/UNICEF Guidance on Determining the Best Interests of the Child in Industrialised Countries is aimed primarily at policy makers, but also practitioners and the judiciary and provides direction on how the best interests principle of art. 3.1. CRC can be applied in practice when identifying durable solutions for children who are outside their country of origin or habitual residence by offering flexible approaches transforming real issues into concrete mechanism, building on elements of noteworthy practices in EU Member States and EFTA countries.

- UNHCR A Framework for the Protection of Children, 26 June 2012. The Framework applies a child protection systems approach that includes actions for duty bearers at all levels – family, community, national and international – to mitigate and respond to the protection risks children are facing. This recognizes that all actors contribute to the comprehensive protection of children. <http://www.refworld.org/docid/4fe875682.html>

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime

The Protocol is the first global legally binding instrument with an agreed definition on trafficking in persons, facilitating convergence in national approaches with regard to the establishment of domestic criminal offences and supporting efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.



<http://goo.gl/sDNXPP>

2.3.2 COUNCIL OF EUROPE INSTRUMENTS

Apart from the European Convention on Human Rights referenced in Chapter 2.1.1, several Council of Europe conventions have a direct bearing on unaccompanied and separated children, including:

- **The European Social Charter (revised) 1996** (ETS No. 163) which guarantees fundamental social and economic rights of all individuals in their daily lives, including the right to health and housing;
- **The European Convention on the Exercise of Children's Rights 1996** (ETS No. 160), which provides for measures which aim to promote the rights of the children, in particular in family proceedings before judicial authorities. Among the types of family proceedings of special interest for children are those concerning custody, residence, access, questions of parentage, legitimacy, adoption, legal guardianship, administration of property of children, care procedures, removal or restriction of parental responsibilities, protection from cruel or degrading treatment and medical treatment.

- **The Council of Europe Convention on Action Against Trafficking in Human Beings 2005**, (ETS 197) which focuses on the protection of victims of trafficking and the safeguard of their rights. It also aims at preventing trafficking as well as prosecuting traffickers.
- **The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse 2007** (ETS 201) which, inter alia, establishes the various forms of sexual abuse of children as criminal offences, including such abuse committed in the home or family, with the use of force, coercion or threats. It includes preventive measures, protective provisions for victims of abuse and special procedures to protect child victims during judicial procedures.



These Conventions are available at: <http://goo.gl/oSHiwo>

RELATED ACTIVITIES:



Other activities of the Council of Europe also provide substantial impetus for national measures in the field, in particular:

- Council of Europe Guidelines on Child Friendly Justice. For further information, see: <http://goo.gl/1G8TXH>
- European Commissioner for Human Rights highlighting violations of children's rights. For further information, see <http://goo.gl/4gI9Pq>
- Activities of the committees of the Parliamentary Assembly of the Council of Europe and the Committee of Ministers, most recently, Resolution 1810 (2011) of its Parliamentary Assembly entitled 'Unaccompanied children in Europe: issues of arrival, stay and return', <http://goo.gl/tFZSE9>
- Recommendation of its Committee of Ministers to Member States on life projects for unaccompanied migrant minors (CM/Rec(2007)9) and the handbook on life projects for unaccompanied minors. <http://goo.gl/dO305u>

2.3.3 OTHER INTERNATIONAL INSTRUMENTS: HAGUE CONFERENCE OF PRIVATE INTERNATIONAL LAW

Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children

The Hague Convention covers civil measures of protection concerning children, ranging from orders concerning parental responsibility and contact to public measures of protection or care, and from matters of representation to the protection of children's property.



<http://goo.gl/ekdZgS>

2.4 ECJ AND ECHR JURISPRUDENCE

2.4.1 EUROPEAN COURT OF JUSTICE CASE LAW

Addressing unaccompanied minors:

MA, BT, DA v. Secretary of State for the Home Department, case C-648/11, 06 June 2013 (preliminary ruling). **Key words:** transfer, Dublin II, asylum procedure, best interest.



Judgment: <http://goo.gl/seukeM>

Addressing children's rights in the context of migration:

Family reunification directive:

European Parliament vs. Council, Case C-540/03. **Key words:** family reunification, right to family life, right to non-discrimination.



Judgment: <http://goo.gl/oMPV1g>

Gerardo Ruiz Zambrano v. Office national de l'emploi (ONEm), case C-34/09, 08 March 2011. **Key words:** right to family life, expulsion, preliminary ruling, child of third-country national, Union citizenship.



Judgment: <http://goo.gl/bTd5sl>

O, S v. Maahanmuuttovirasto and Maahanmuuttovirasto v. L, joint cases C-356/11 and C-357/11 (preliminary ruling), 06 December 2012. **Key words:** right to family life, Algeria, Ghana.



Judgment: <http://goo.gl/cS6hxD>

2.4.2 ECHR JURISPRUDENCE

Addressing the situation of unaccompanied children:

Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, application n° 13178/03, 12 October 2006. **Key words:** detention, separated children, return, reunification, DRC.



Judgment: <http://goo.gl/1EhdDp>

Rahimi v. Greece, application n° 8687/08, 05 April 2011. **Key words:** detention, best interest, Afghanistan.



Judgment: <http://goo.gl/Dlsuwu>

Housein v. Greece, application n° 71825/11, 24 October 2013. **Key words:** detention, Afghanistan.



Judgment: <http://goo.gl/uJ3GOw>

A wide range of other ECHR judgments relate to the rights of children in migration and may be relevant to the interpretation of the law relating to unaccompanied and separated children. See under Chapter 3.5.6 below: FRA, Handbook of European Law on the Rights of the Child (forthcoming 2015). The handbook, inter alia, will provide legal professionals with an accessible summary and analysis of the relevant case law of the Court of Justice of the EU, the European Court of Human Rights and the European Committee of Social Rights with the objective of improving the implementation of children's rights in Europe.

3. THE EU POLICY FRAMEWORK

This section provides an introductory overview to the EU policy framework that concerns unaccompanied and separated children. This introduction is followed by a compilation of key policy measures.

This section takes as its starting point the policy developments which directly contributed to, and flowed from, The Stockholm Programme — An open and secure Europe serving and protecting citizens (2010-2014) adopted by the European Council to establish the next five year programme in the field of EU justice and home affairs.



<http://goo.gl/mrttSO>

In June 2009, the Commission Communication to the European Parliament and the Council entitled ‘An area of freedom, security and justice serving the citizen – Stockholm programme’ COM (2009) 262 final noted that:

“Unaccompanied minors that entered the EU territory illegally staying present another challenge that needs to be studied in depth. This will be followed by an action plan to underpin and supplement the relevant legislative and financial instruments and strengthen forms of cooperation with countries of origin, including cooperation to facilitate minors’ return to their countries of origin”.

In November 2009, the European Parliament responded to the Communication and urged Member states to ensure that the EU asylum, migration and trafficking policies treat migrant children as children first and foremost. It also called for “special attention to be paid to minors, whether accompanied or not, in order to ensure that they are not held in any form of detention”. The Parliament called for the EU to identify “actions which will support Member States in finding a secure, concrete and durable solution for each child in the child’s best interests.



<http://goo.gl/lhDE4A>

The Stockholm Programme noted that:

“Unaccompanied minors arriving in the Member States from third countries represent a particularly vulnerable group which requires special attention and dedicated responses, especially in the case of minors at risk. This is a challenge for Member States and raises issues of common concern. Areas identified as requiring particular attention are the exchange of information and best practice, minor’s smuggling, cooperation with countries of origin, the question of age assessment, identification and family tracing, and the need to pay particular attention to unaccompanied minors in the context of the fight against trafficking in human beings. A comprehensive response at Union level should combine prevention, protection and assisted return measures while taking into account the best interests of the child.”

It further noted that:

“European Council therefore welcomes the Commission’s initiative to “develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return. The action plan should underline the need for cooperation with countries of origin, including cooperation to facilitate the return of minors, as well as to prevent further departures. The action plan should also examine practical measures to facilitate the return of the high number of unaccompanied minors that do not require international protection, while recognising that the best interests for many may be the reunion with their families and development in their own social and cultural environment.”

Taking into account the European Resolution and the Stockholm Programme, the Commission adopted the ‘Action Plan on Unaccompanied Minors (2010-2014)’, further described in [Section 3.1](#) below.

Another important policy framework anticipated in the Stockholm Programme is the EU Strategy for Eradicating Trafficking in Human Beings adopted in 2012 which prioritised the situation of trafficked children and

provided for key actions in their regard. This is further described in [Section 3.3](#) below.

Moreover, the Stockholm Programme highlighted the need for the EU to act to secure the rights of the child more generally as follows, and this led to the adoption of the EU Agenda for the rights of the child in 2011, which is further described in [Section 3.4](#) below:

“The rights of the child (...) must be systematically and strategically taken into account with a view to ensuring an integrated approach. The Commission Communication of 2006 entitled “Towards an EU Strategy on the rights of the child” reflect important considerations in this regard. An ambitious Union strategy on the rights of the child should be developed.”

As regards EU practical measures of support in relation to the situation of unaccompanied children, the EU Agencies, in particular, the Fundamental Rights Agency, FRONTEX and the European Asylum Support Office, have been actively engaged in issues concerning unaccompanied and separated children, carrying out studies, producing training tools and guidance of various kinds. These, alongside relevant activities of the European Migration Network, are described in [Section 3.5](#).

As regards external measures, the Action Plan and the report on its implementation discuss EU actions, including political dialogue and development cooperation, focussing on addressing the external dimension of the situation of unaccompanied children arriving in Europe. See further [Section 3.6](#) below.

Unaccompanied and separated children have also been increasingly prominent in EU funding. For illustrations of funding activities, see [Section 3.7](#) below.

In March 2014, in anticipation of the Strategic Guidelines on the future of justice and home affairs by the European Council in June, the Commission published a Communication entitled ‘An open and secure Europe: making it happen’ (COM 2014) 154. Of particular relevance to unaccompanied children it noted that:

“Vulnerable migrants, in particular women, young migrants and unaccompanied minors should receive targeted support and a ‘best interest of the child’ approach should be practically applied in accordance with the UN Convention on the Rights of the Child. Building on previous work in the field of integration, successful policies could be identified and best practices disseminated. Further work will be necessary on capacity building and on engaging with local and regional authorities, which are at the forefront of integration policies.”

With respect to trafficking and sexual exploitation, the Communication noted:

“Trafficking in human beings is becoming more and more sophisticated. The implementation of the (EU Anti-Trafficking) strategy must be completed, including aspects relating to human trafficking in third countries. A post-2016 Strategy should be established, covering among others prevention, assistance to victims, safe-return and reintegration, and the role of the internet. The need to criminalise the intentional use of services of human trafficking victims should be examined. To reach those objectives, the position of EU Anti-Trafficking Coordinator should be prolonged.

Sexual exploitation and abuse of children cause life-long damage to its victims. The EU Directive targeting on-line exploitation must be transposed and implemented as a matter of priority. The importance of protecting children against sexual crimes should be more mainstreamed into other EU policy areas, and the need for a comprehensive EU strategy examined.”

More generally as regards external affairs, the Communication noted that:

“Home Affairs issues need to be embedded in the EU’s overall external policy, allowing for reinforced dialogue and cooperation with third countries. Consistency and coherence with the external policy will help in anticipating challenges, better reaching the EU’s objectives, promoting its values and fulfilling its international human rights obligations.”

3.1 EU ACTION PLAN ON UNACCOMPANIED MINORS (2010-2014)

The EU Action Plan on Unaccompanied Minors “aims to provide concrete responses to the challenges posed by the arrival of significant numbers of unaccompanied minors in the EU territory, while fully respecting the rights of the child”. It placed “the standards established by the UN Convention on the Rights of the Child at the heart of any EU action concerning unaccompanied minors”. The Communication recognises that the EU has a significant role in responding to the situation of these children and aimed at a global and integrated approach across its policies. It addressed the challenges of insufficient data, and then three main strands for action: prevention, regional protection programmes, reception and identification of durable solutions.

Some priorities emphasised in the Action Plan include achieving “higher standards of protection for unaccompanied children” in EU law and evaluating “whether it is necessary to introduce targeted amendments or a specific instrument setting down common standards on reception and assistance for all unaccompanied minors regarding guardianship, legal representation, access to accommodation and care, initial interviews, education, etc”. It also indicates the need for best practice guidelines on issues such as age assessment and family tracing, encourages the introduction of mechanisms to review the quality of guardianship and speaks of funding European networks of guardians. The Plan also aims to ensure the availability of better data on the situation of these children as well as to finance projects for the integration of unaccompanied minors who are granted legal status. The Communication calls for cooperation with third countries to prevent unsafe migration and trafficking, inter alia, through funding projects that provide “alternatives in the country/region of origin that aim to benefit children” and promoting “the development of child protection systems”. It emphasises the need for “enhanced cooperation with expert civil

society organizations and international organizations” and considers that the Plan should “be regarded as the starting point in a long-term process”.



<http://goo.gl/Y7ktx>

After a public debate, the Council adopted conclusions on the subject of unaccompanied minors coming to the EU regardless of whether they are asylum seekers, illegal migrants or victims of trafficking in human beings. The conclusions address particularly the following five issues:

- A knowledge of the phenomenon (e.g. improving data collection);
- B prevention of unsafe migration and trafficking in human beings (e.g. financing of preventive actions at local level; training for border guards);
- C reception and procedural guarantees (e.g. assessing whether the current EU legislation offers unaccompanied minors sufficient protection to guarantee that minors are treated as such; quick decisions in the best interest of the child; exchange of best-practice guidelines; combating the phenomenon of disappearance);
- D cooperation with third countries (e.g. relevant agreements; cooperation on prevention, family tracing, return to the family or to reception centres and reintegration in the countries of origin or return);
- E return and reintegration in the country of origin (e.g. making a study of existing practices and legislation throughout the EU; practical cooperation between member states, countries of origin as well as international and non-governmental organisations; financing of special reception centres). (IP/10/534).



<http://goo.gl/SMfdLB>

In September 2012, the Commission reported to the European Parliament and the Council: ‘Mid-term report on the implementation of the Action Plan on Unaccompanied Minors’. The Report was accompanied by a Staff Working Document identifying specific developments and activities of the EU institutions and the Member States. Both the mid-term report and the staff accompanying documents are key resources to identify relevant activities in the field.

The Mid-Term Report concluded that:

“The EU Action Plan on Unaccompanied Minors and the Council conclusions have been important steps in shaping a common, rights-based EU approach to this group of migrant children. The common EU approach has enabled more effective cross-cutting policy reflections on how to address the situation of children, regardless of their migratory status, and has facilitated discussions among EU institutions, national authorities, inter-governmental and nongovernmental organisations in different policy arenas, allowing enhanced exchange of knowledge and practices concerning unaccompanied minors. The common EU approach ensured that greater prominence was given to funding measures to address the situation of those children. The explicit recognition of the best interests of the child as the guiding principle has contributed to provisions that ensure increasing protection in the new EU legislative instruments for this particularly vulnerable group of migrants.... During the past two years, the Commission has paid particular attention to ensuring better coordination and consistency among the various legislative, financial and policy instruments relating to unaccompanied children. The actions implemented have contributed to the improvement of data collection, the prevention of unsafe migration and trafficking, the protection of children once they are in the EU and the identification of durable solutions.[...]”

The Report also emphasises that a common EU approach is an “on-going and incremental process”. It notes that *“The arrival of unaccompanied children on EU territory is not a temporary development, but a long-term feature of migration into the EU. There is and will continue to be a need for a common EU*

approach to unaccompanied minors in order to continue to respond effectively and in full respect of the rights of the child to this complex and transnational challenge at both national and European level.” It calls for further efforts in terms of sharing knowledge, designing and implementing legislative and non-legislative actions, in particular, for improving methods of finding durable solutions. In it the Commission committed to continue to prioritise funding projects in the field within the EU and to continue to fund initiatives in third countries and regions through its instruments for external assistance on issues relating to unaccompanied minors. The Report encourages other EU institutional actors and international governmental and non-governmental organisations are encouraged to continue to contribute to the implementation of the common EU approach. With regard to third countries, the Report called for stronger efforts by the EU and its Member States to collaborate with non-EU countries of origin, transit and destination in advancing a common EU approach to unaccompanied children, including on issues such as re-establishing family unity, ensuring safe return and preventing unsafe migration with development and cooperation aid.



Mid term report: <http://goo.gl/E3DeMq>
Staff working document: <http://goo.gl/GC5Zy2>

Before mid-2015 the Commission will report to the Parliament and the Member States on the status of implementation of the Action Plan. Proposals for further actions shall be made based on the outcome of the implementation's report, and the needs that will be identified.

RELATED ACTIVITIES:



- In the context of the EU Action Plan, the Commission established an Expert group on unaccompanied minors in the migration process (E02402). <http://goo.gl/mFdZsd>

The meetings are attended by experts from EU Member States, non-governmental organisations, international organisations, EU institutions and agencies. The EU Expert Group has had two thematic meetings to date (June 2011 on guardianship and March 2012 on family tracing). Insert links to reports from the meetings.

- Relevant Presidency Conferences:
 - a. Save the Children Conference under the auspices of the Swedish Presidency, Addressing the Protection Gap for Unaccompanied Children in the European Union: the role of the Stockholm Programme, September 2009 <http://goo.gl/FzBwrb>
 - b. Recommendations from the Belgian EU Presidency Conference: Unaccompanied children: children crossing the external border in search of protection, December 9/10 2010, <http://goo.gl/tm3YXp>
 - c. Joint Conference of the Danish Presidency and Save the Children, “Unaccompanied Minors Arriving in Europe, Recent Developments and Practical Tools”, June 2012, See: <http://goo.gl/7pq6JB>

3.2 EUROPEAN PARLIAMENT RESOLUTION ON THE SITUATION OF UNACCOMPANIED MINORS

On September 12, 2013, the European Parliament adopted a resolution on the situation of unaccompanied minors in the EU, on the basis of an own-initiative report by Natalie Griesbeck MEP, in which the European Parliament called for further action by the Commission.

It emphasised “that an unaccompanied minor is above all a child who is potentially in danger and that child protection, rather than immigration policies, must be the leading principle for Member States and the European Union when dealing with them, thus respecting the core principle of the child’s best interests”. It identified priority areas for action, including cooperation with third countries, and called for the Member States and European Commission to take a number of measures, including strategic guidelines on the best interests and common minimum standards as well as a handbook of EU measures, which this EU Reference Document provides.



<http://goo.gl/84aTVs>

3.3 EU STRATEGY TOWARDS THE ERADICATION OF TRAFFICKING IN HUMAN BEINGS

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 contains a variety of general provisions which are relevant to children as well as provisions which are specific to children.

These include, in particular, 2.1. *PRIORITY A: Identifying, protecting and assisting victims of trafficking* addresses the establishment of national and transnational referral mechanisms, guidelines for the identification of victims, provision of information on the rights of victims.

It also contains *Action 3: Protection of Child Victims of Trafficking*. This notes that:

“Children are particularly vulnerable to victimisation and re-trafficking. To better protect children, the Commission will in 2014 fund the development of guidelines on child protection systems. ...Member States should strengthen child protection systems for trafficking situations and ensure where return is deemed to be the child’s best interest, the safe and sustainable return of children to the country of origin, in and outside the EU, and prevent them from being re-trafficked. In addition, with respect to child trafficking, there is at present no uniform definition of a guardian and/or representative across the Member States and their roles, qualifications and understanding of competences vary from one Member State to another. In 2014, together with the European Union Agency for Fundamental Rights, the Commission intends to develop a best practice model on the role of guardians and/or representatives of child victims of trafficking.”

In addition, the EU Strategy prioritises: *Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings, and within that focuses, inter alia, on Developing knowledge relating to the Gender Dimension of Trafficking and Vulnerable Groups, with unaccompanied children included within “vulnerable groups”.*



<http://goo.gl/WfyR7g>

RELATED DOCUMENTS:



- Council Conclusions of 25 October 2012 on the new EU strategy towards the eradication of trafficking in human beings 2012-2016, <http://goo.gl/0snNPG>

- Guidelines on identification of victims.

The guidelines consist of a Commission Reference document on the Guidelines for the identification of victims of trafficking in human beings especially for border guards and consular services. The document provides for a list of indicative guidelines, refers to the existing handbooks and manuals and lists the projects on the identification of victims, in particular those targeting consular services and border guards and thus encourage their systematic use by the respective officials. See further: <http://goo.gl/eS946g>

- ‘The EU rights of victims of trafficking’: In order to better assist practitioners and authorities in the Member States to deliver the assistance and protection to victims, the European Commission publishes this document in all official EU languages. The EU approach places the victim and its human rights at the centre of its coordinated, multidisciplinary action to work towards eradication of trafficking in human beings. This document provides a practical and comprehensive overview of victims’ rights based on the Charter of Fundamental Rights of the European Union, EU

directives, framework decisions and European Court of Human Rights case law. The overview will be used by victims and practitioners working in the field of trafficking in human beings and will contribute to the effective realisation of these rights by helping authorities in the Member States to deliver the assistance and protection that victims need and deserve. See: <http://goo.gl/KUpkQ7>

- Council Conclusions of 13 June 2013 on an EU framework for the provision of information on the rights of victims of trafficking in human beings
- Further information on EU anti-trafficking policy and measures is available on the EU Anti –Trafficking of Human Beings website: <http://goo.gl/oWT1JZ>
- FRA handbook on “Guardianship for children deprived of parental care. A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking” (2014), see [Section 3.5 on FRA below](#)
- Upcoming Commission Communication on integrated child protection systems, see [Section 3.4 below](#)

3.4 THE EU AGENDA FOR THE RIGHTS OF THE CHILD

The EU Agenda for the rights of the child presents general principles that should ensure that EU action is exemplary in ensuring the respect of the provisions of the Charter and of the UNCRC with regard to the rights of children. In addition, it focuses on a number of concrete actions in areas where the EU can bring real added value, such as child-friendly justice, protecting children in vulnerable situations and fighting violence against children both inside the European Union and externally.



<http://goo.gl/F9tWQF>

RELEVANT ACTIVITIES:

- **Annual European Forum on the rights of the child:** The annual European Forum on the rights of the child brings together a broad range of stakeholders on the rights of the child and provides a platform for exchange of views and reflection on rights of the child and EU actions. The 7th and 8th European Forum on the rights of the child (November 2012 and December 2013 respectively) focused on how implementation of the EU Agenda could support national child protection systems (CPS), offering a platform for the exchange of good practice among various actors across different settings to deliver on the protection needs of children, especially those who are vulnerable. At each forum, there was a working group on children on the move, addressing the situation of children in migration, including unaccompanied children.
- **Commission Communication on integrated child protection systems:** Public consultation - EU guidance on integrated Child Protection Systems. As mentioned above, the last two meetings of the Forum looked at the role of integrated child protection systems across a range of

situations that children encounter, with a view to developing guidance on where and when the EU can support the EU countries, and where individual Member States can contribute to EU activities. The importance of developing such guidance was also reflected in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. The Commission held a consultation to allow as wide a range of stakeholders and organisations as possible to contribute to the development of guidance on integrated child protection systems.



<http://goo.gl/tPw3w2>

- **Compilation of EU acquis and policy documents on the rights of the child.**



<http://goo.gl/0Go40k>

- **Commission study on children's involvement in criminal, civil and administrative judicial proceedings EU28** – criminal justice results to be published May 2014, civil and administrative justice results autumn 2014.
- **Commission study on child participation** (UNCRC Article 12): In November 2012, the Commission started a study to map legislation, policy and practice on implementation of the child's right to be heard in EU28.
- **116 000 hotlines for missing children:** In February 2007, the Commission adopted a Decision requiring EU countries to reserve the six-digit number range starting with 116 for services of social value in the EU. 116 000 was the first telephone number reserved in all EU countries as a hotline to report missing children, including in the case of unaccompanied children of third country origin. The revised Universal Service Directive, adopted in 2009, introduced new obligations for the EU countries concerning the 116 000 hotline. It adds a specific obligation for the EU countries to “make every effort to ensure that citizens have access to

the 116 000 hotline service”. In November 2010 the Commission adopted a Communication ‘Dial 116 000: The European hotline for missing children.



<http://goo.gl/jnJxs4>

- **Commission study on missing children in the European Union** (EU27): mapping, data collection and statistics (2013) – includes data and recommendations on missing unaccompanied children.



<http://goo.gl/4DbT8H>

- The Agenda also supports and encourages the development of training activities for judges and other professionals at European level regarding the optimal participation of children in judicial proceedings.
- Commission informal expert group on rights of the child: this group, chaired by a representative of the Commission and composed of delegates from national authorities, has as a mission statement to establish closer cooperation between the Commission and Member States on various issues relating to the protection and promotion of the rights of the child. Furthermore, it aims to support Member States’ efforts to ensure the respect of the rights of the child by facilitating exchange of information, experience and good practice with and among national authorities responsible for protecting and promoting the rights of the child.



<http://goo.gl/DrwTnv>



DG Justice website: <http://goo.gl/Om0f5C>

3.5 WORK OF THE EU AGENCIES AND NETWORKS

3.5.1 EUROPEAN ASYLUM SUPPORT OFFICE

EASO’s mission is to organise and coordinate operational cooperation and to provide support in the area of asylum. EASO contributes to the development of a common European asylum system by facilitating, coordinating and strengthening practical cooperation among Member States as an independent centre of expertise. Its principal activities of relevance to unaccompanied children comprise:

In 2011 and 2013, EASO updated the **EASO Training Curriculum module on ‘Interviewing Children’**. This module addresses the training needs of asylum officials on issues of gender, trauma and age and aims to ensure that interviews with minors are conducted in a child-sensitive manner. This module highlights the principle of the best interest of the child, which must be a primary consideration in actions concerning children. The objectives of this module are: to provide the participants with knowledge and skills in children’s development stages; to provide specific techniques for interviewing children; and to provide knowledge and skills on how to assess the information given by a child. The update in 2013 focused on ensuring the module was consistent with the changes to legislation following the recast instruments of the CEAS.



<http://goo.gl/kbpiBu> and <http://goo.gl/aNzubz>

EASO Age Assessment Practice in Europe Publication: the purpose of this publication is to provide practical support to Member States in the field of age assessment. The publication is a non-binding tool for the interpretation and implementation of the EU acquis and should serve as a reference tool to support policy makers and officials active in the development, implementation or review of age assessment procedures. Translations in German, Greek, French, Italian and Spanish are available on the website. It is also possible to provide feedback on the publication via a survey.



<http://goo.gl/cW7Q91>

Family Tracing: Following a series of expert meetings on family tracing during 2013 and 2014, it was agreed that, in collaboration with Member State administrations and other experts, EASO would identify the top 10-15 words relevant to family tracing and collect and develop definitions for them as part of defining terminology on family tracing. Further to this, it was decided to develop the key findings document from the EASO family tracing questionnaire with input from the Member States and other organisations, so as to have an overview of current family tracing practice.

Child Specific Country of Origin Information: In November 2012, EASO held a workshop on the development and use of child specific country of origin information as part of the Afghanistan COI meeting. Since then the relevance of child-specific COI has been addressed in expert meetings on Family Tracing and the Best Interests of the Child within International Protection claims. EASO also contributes to the development of child-specific COI as a members of the advisory board to UNICEF on their Child notices project.

In December 2013, **EASO hosted its first annual conference on unaccompanied minors.** It was attended by EU Member States, European Commission, UNHCR, members of civil society including representatives from courts and tribunals. The meeting focused on review and evaluation of EASO's activities undertaken in the field to date; discussions on support tools; and strategic planning for the efficient and productive organisation of work in this field in

2014 and beyond. EASO's work on unaccompanied minors has been carried out within the framework of the EASO work programmes 2011-2013 and the European Commission Action Plan on Unaccompanied Minors (2010-2014). Discussions included: an in depth reflection on the thematic of age assessment and family tracing, the introduction of trafficking concerns in a child context, an update from the Commission on Action Plan on Unaccompanied Minors and the CEAS and discussions on the 2014 work programme.

Development by EASO of a network of actors: Since commencing its work on children in 2011 EASO has developed and facilitated good cooperation with Member State administrations and actors within civil society. Representatives from both MS administrations and civil society have expressed a wish to continue and further develop collaboration where possible. To facilitate this, EASO is creating a platform and forum to facilitate the exchange and sharing of information, including instances of good practice. Via the platform members of the network shall be able to access the following:

- EASO tools and resources;
- Relevant materials from previous meetings (agendas, presentations, background documents, minutes, questionnaires etc);
- Details of planned and upcoming meetings;
- Contact details of meeting participants and/or network members.

Membership of the network is currently open to all Member State administrations and those expert organisations who have participated in and contributed to EASO's activities on children.

Sharing and monitoring of data on unaccompanied children: EASO is considering how it might speed up and supplement current data collection, by requesting data on a monthly basis direct from MS on applications for asylum made by those claiming to be unaccompanied minors and also withdrawals of asylum applications (either implicit or explicit) by unaccompanied minors. If Member States agree to such a data collection, in the first instance this will be, like other such operational data collection, invalidated and restricted.

However, overall EU-level figures could be made public with the agreement of Member States and Associated Countries.

After the adoption of the ‘asylum package’ by the European Parliament on 12/06/2013, a new **EU legislative framework** was created setting out common standards aiming towards the implementation of the Common European Asylum System (CEAS). The revised Reception Conditions Directive comes to add on the already established minimum standards for the reception of asylum seekers within Europe and aims to guarantee the highest and most harmonised standards within the Union. In this framework, EASO will develop a new Training Module on Reception with a particular reference to the provision of special reception conditions to persons with special reception needs, including separated or unaccompanied children. For the development of the Module, which is envisaged to be completed in April 2015, EASO has engaged content experts for an estimated period of one year.

3.5.2 EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway. The EU Commission provides EMN NCPs with 80% co-financing for the implementation of EMN activities.

In 2008-2009, the European Migration Network undertook the comparative study “Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors”. This study provided, for the first time, policy-makers and practitioners, as well as the general public, with a comprehensive overview of (Member) States’ policies and practices relating to different elements of the migration process affecting unaccompanied minors, such as entry procedures, the asylum process, reception and integration arrangements as well as return.



<http://goo.gl/ZSfZJw>

In 2014, the EMN will produce a new study on the topic of policies, practices and data on unaccompanied minors. The study should be issued towards the end of the year.

Ad hoc Inquiries: EMN Ad-Hoc Queries are a means by which EMN NCPs and the Commission can collect comparative information from each Member States in a relatively short time on a wide range of asylum- and migration-related issues, e.g. legal migration, irregular migration, borders, return, visas etc. The EMN produces compilations of the responses to Ad-Hoc Queries, which rapidly assess the perspective of responding Member States in relation to a specific topic.



<http://goo.gl/1Zb319>

3.5.3 EUROJUST

Eurojust stimulates and improves the coordination of investigations and prosecutions between the competent authorities in the Member States and improves the cooperation between the competent authorities of the Member States, in particular by facilitating the execution of international mutual legal assistance and the implementation of extradition requests. Eurojust supports the competent authorities of the Member States to render their investigations and prosecutions more effective when dealing with cross-border crime.

Eurojust deals with serious crimes concerning two or more Member States, particularly when the crimes are organised. If, in a specific case, there is an essential interest in cooperation, it is possible for Eurojust to assist even when the case does not concern organised crime or is not within its ordinary mandate (Articles 3 and 4 of the Eurojust Decision). When a serious crime against a child or children has been committed, there is often an essential interest for Eurojust to cooperate. Since its establishment, Eurojust has played an active role in fighting criminality related to children, even when those crimes appear

not to be perpetrated in an organised way. As a result, a Contact Point for Child Protection Issues was appointed at Eurojust.



<http://goo.gl/v3E44y>

3.5.4 EUROPOL

Europol is the European Union law enforcement agency that handles the exchange and analysis of criminal intelligence. Its mission is to improve the effectiveness and cooperation between EU law enforcement authorities in preventing and combating serious international crime and terrorism, with the aim of achieving a safer Europe for all EU citizens.

Europol is active in operational projects concerning both trafficking in human beings (Focal Point Phoenix) and facilitated illegal immigration into the EU (Focal Point Checkpoint), although neither deal specifically with unaccompanied children.

3.5.5 FRONTEX

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established in 2004 to reinforce and streamline cooperation between national border authorities. Frontex has several areas of activity including conducting joint operations conducted using Member States' staff and equipment at the external borders (sea, land and air); developing common training standards and specialist tools for border guards; engaging in risk analysis on the ongoing situation at the external borders; research; a pooled resource in the form of European Border Guard Teams (EBGT) and an extensive database of available equipment in full readiness in case of a crisis situation at the external border; and developing and operating information systems enabling the exchange of such information, including the Information and Coordination Network es-

tablished by Decision 2005/267/EC and European border surveillance system. Frontex also works with the border-control authorities of non-EU/Schengen countries – mainly those countries identified as a source or transit route of irregular migration – in line with general EU external relations policy.

Aegalus (2007): To raise awareness about and gather data on the entry of unaccompanied minors (under 18) to the EU.



<http://goo.gl/LDFUsO>

Unaccompanied Minors in the Migration Process (December 2010):

Frontex released the results of its first Tailored Risk Analysis into unaccompanied minors in European migration. The analysis, conducted in response to a request by the European Commission, was intended to identify the extent and nature of the phenomenon, the profile of groups most at risk, the 'pull' and 'push' factors involved and the Member States most concerned, as well as providing a medium-term forecast of trends and offering recommendations for action.



<http://goo.gl/sMwSAB>

Hammer (2011): Joint Operation Hammer 2011 was carried out at regional level seeking primarily to improve the practices and procedures on irregular migration involving children (including potential victims of trafficking) and secondarily to face the increased abuse and misuse of Schengen visas and transit concession without visas. Hammer 2011 also aimed at further developing cooperation with Partner Organisations. It resulted in operational guidelines on how to deal with children, including unaccompanied children, at the external borders.



<http://goo.gl/DHXkkL>

Anti-Trafficking Training for Border Guards, a Trainers Manual, including a Tool Kit (2011): The anti-trafficking training for border guards – Trainers’ manual was developed by the Frontex Training Unit with the active participation of a multidisciplinary team comprising experts from 12 EU Member States and one Schengen associated country (Belgium, Bulgaria, Cyprus, France, Latvia, the Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Sweden and the United Kingdom), as well as experts from CEPOL and Eurojust. The international organisations IOM, OHCHR, OSCE, UNHCR and UNICEF also contributed to the development of the manual to ensure the reflection of international standards and a human rights-based approach. This anti-trafficking trainers’ manual was developed in line with the latest international and European standards, emphasising that the fundamental rights of the trafficked person are at the centre of all efforts addressing trafficking in human beings. Particular attention is paid to the situation of vulnerable groups, such as children and persons in need of international protection. The main goal is to support national trainers in their efforts to train the border guards to ‘do the right things right and better every day’. It aims to assist the national trainers to equip border guards with the special skills needed to effectively fight trafficking in human beings. The training should provide border guards with practical guidance, tailored to their scope of work and focusing on awareness raising of trafficking in human beings and the identification and interviewing of potential victims and perpetrators.



<http://goo.gl/yI8Fzc>

VEGA Children (2014): The project takes its name from the existing Vega Handbook; a practical guide for border guards on the detection and disruption of human trafficking at air borders. But while Vega outlines common *modi operandi*, signs to look for, measures for first- and second- line border control as well as for follow-up and investigation, it has no provisions specifically for the phenomenon of child trafficking. Hence the need for a specialised version for minors — Vega Children. The main output of the Vega Children Handbook is to gather an EU comprehensive approach on children trafficking by collecting best practices from air border authorities having already sys-

tems in place at airports. These practices have been merged in an EU Manual focusing on law enforcement perspective, to be shared with a wide range of stakeholders and non law enforcement operators.



<http://goo.gl/8nEYYJ>

3.5.6 FUNDAMENTAL RIGHTS AGENCY

The central task of the EU Fundamental Rights Agency is to provide EU institutions and Member States with independent, evidence-based advice on fundamental rights. Its essential aim is to contribute towards ensuring full respect for fundamental rights across the EU by collecting and analysing information and data; providing assistance and expertise and communicating and raising rights awareness. Its principal activities of relevance to unaccompanied children include:

FRA Report on “Separated, asylum-seeking children in European Union Member” (2010). The study examines the living conditions, provisions and decision making procedures in selected EU Member States through child centred participatory research. The study looked at the prospects and experiences of unaccompanied children in 12 EU Member States. It identified good practices and shortcomings of the existing systems in relation to aspects such as accommodation, access to healthcare, education and training, legal representation, the role of social workers, age assessment, family tracing and reunification.

FRA Study on “Child Trafficking in the EU - Challenges, perspectives and good practices” (2009). The study was based on desk research in all EU MS. The report reveals that the disappearance of children from shelters and similar facilities is widespread, and that there is a high risk of these children falling victim to trafficking. Among other recommendations made it is suggested that protection and care (standards of living, education, health care, family tracing) of victims of child trafficking should be made obligatory for Member States. Victims of child trafficking need to be ensured of appropriate guidance from legal guardians with satisfactory professional backgrounds, and enough time to develop personal contact with them.



<http://goo.gl/KFEq5A>

FRA handbook on “Guardianship for children deprived of parental care. A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking” (2014). As a follow-up to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, in July 2014 FRA jointly with the European Commission will publish a handbook on Guardianship for children deprived of parental care to reinforce guardianship systems to cater for the specific needs of child victims of trafficking. The handbook aims to strengthen the protection of children by assisting national authorities and other stakeholders across the EU to further develop existing guardianship systems. The handbook seeks to clarify the role of the guardian and promotes a shared understanding of the main principles and features of a guardianship system. The handbook will be jointly launched by DG Home and FRA, June 2014.

FRA Mapping Child Protection Systems (2014). The European Commission asked FRA to develop an overview of national child protection systems. FRA will examine the scope and key components of national child protection systems across the EU. The focus will be on the systems’ laws, structures, actors and how the systems function, as well as human and financial resources and the existing accountability mechanisms. The research will explore how these systems operate and how they address the specific needs of particular groups of children, examining also national and transnational coordination and interagency cooperation. FRA is currently conducting research on child protection systems through FRANET collecting information and data on the key components of child protection systems across the 28 EU Member States. Findings will be communicated to the European Commission to feed into its work on the development of EU guidelines on child protection systems at the end of June 2014. More information:



<http://goo.gl/P4nCkh>

FRA, Research on Children and Justice (2014). The project looks at the treatment of children in the justice systems of the European Union (EU), which is an important issue of concern for EU institutions and Member States. The research will identify forms of child participation in criminal and civil judicial proceedings, as well as collect promising practices, in 10 EU Member States. The research will mainly be based on interviews with professionals and children involved in such proceedings.

While the research does not focus in particular on unaccompanied children, it addresses the situation of all children that might be involved in criminal or civil proceeding as victims of witnesses. This is very often the case with child victims of human trafficking. Findings from the interviewees with professionals will be available at the fourth quarter of 2014.



<http://goo.gl/c82ObU>

FRA, Handbook of European Law on the Rights of the Child (forthcoming 2015). FRA, the Council of Europe and the European Court of Human Rights have agreed to conclude a handbook which aims at synthesising the European and national legislation, case law and jurisprudence in the field of the rights of the child in order to raise awareness and knowledge amongst judges and legal practitioners at national and European level, including national child protection authorities/institutions. The handbook will provide legal professionals with an accessible summary and analysis of the relevant case law of the CJEU, the ECtHR, and the ECSR with the objective of improving the implementation of children's rights in Europe.

FRA, Report on “Fundamental rights at Europe’s southern sea borders” (2013). This report, examines the conditions at Europe’s southern sea borders with respect to the most fundamental rights of a person, the right to life and the right not to be sent back to torture, persecution or inhuman treatment. It examines practices across the EU Member States researched – Cyprus, Greece, Italy, Malta and Spain. The situation of unaccompanied children and families at the borders is addressed.



<http://goo.gl/jeOTAV>

Treatment of third-country nationals at the EU’s external borders: Surveying border checks at selected border crossing points. In the second half of 2014 FRA will be launching the results of research on the treatment of third-country nationals at border crossing points (6 large land borders) and airports (5 large airports). Drawing on primary information collected through interviews with third-country nationals, border guards, and other persons the reports will identify possible shortcomings as well as good practices in the way border checks are conducted, seeking to assist policymakers and practitioners to enhance the quality of border checks at crossing points. The issue of identification of vulnerable groups at the borders and in particular the treatment of unaccompanied children are addressed.



<http://goo.gl/WNZoKa>

FRA report on the “Fundamental rights of migrants in an irregular situation in the EU” (2011). FRA work in this area examine the legal and practical challenges facing EU Member States as they strive to guarantee such migrants’ fundamental rights and proposes ways to incorporate those rights into the policies, laws and administrative practices that affect migrants in irregular situations. The report examines, for instance, the situation of those that could not be removed and who may risk remaining in legal limbo for many years. The report presents data on access to education, health and housing for unaccompanied children and families with children.



<http://goo.gl/lsH6Fz>

FRA report “Migrants in an irregular situation: access to healthcare in 10 European Union Member States” (2011). This report explores the access to healthcare granted to irregular migrants in 10 EU Member States. It focuses on migrants who are present in an irregular situation, namely those who do not fulfil conditions for entry, stay or residence. The report presents data on access to health for unaccompanied children and families with children.



<http://goo.gl/3X8qfe>

Apprehension of migrants in an irregular situation – fundamental rights considerations. The obligation under Article 6(1) of the Return Directive to issue a return decision to any third-country national staying illegally on their territory is subject to the principle of proportionality expressly recognised by the Return Directive. But, certain practices to detect irregular migrants may disproportionately discourage them from accessing essential services, such as health, education and legal services. Do’s and don’ts for law enforcement officials on apprehension practices were developed with the involvement of Member State experts, the Platform for International Cooperation on Undocumented Migrants (PICUM) as well as the European Commission.



<http://goo.gl/wTUDkq>

FRA report: Detention of third country nationals in return procedures. In 2010 FRA examined law and practice in the EU 27 on the deprivation of liberty of irregular migrants pending their removal against the applicable international human rights law framework. The 2012 FRA annual report, published in 2013 includes an overview of the use of alternatives to detention in the EU. The report addresses in particular the situation of unaccompanied children and of families.



<http://goo.gl/UTIk1J> and <http://goo.gl/XcJ7PK>

Handbook on European law relating to asylum, borders and immigration. Developed in cooperation with the European Court of Human Rights, the handbook examines the relevant law in the field of asylum, borders and immigration stemming from both European systems: the European Union and the Council of Europe. It provides an accessible guide to the various European standards relevant to asylum, borders and immigration. The handbook is regularly up-dated, and the next version will be ready June/July 2014. Unaccompanied children are covered in a separate chapter. More information:



<http://goo.gl/nrxtk7>

Forced marriages. On request of the European Commission, FRA reviewed the legal and policy responses provided by EU MSs to fight forced marriage and highlighted some promising practices implemented in 5 MSs (FR, NL, DE, SE and UK). The report examines different ways of using criminal, civil, private and international, as well as migration and asylum law to address forced marriage (e.g. using family reunification procedures). The report will be published the third quarter of 2014.

FRA research on “Victims of severe form of labour exploitation”

(SELEX). Through fieldwork interviews and desk research, the project will collect information about the situation on the ground with regard to: the forms and frequency of labour exploitation incidents; the economic areas affected; common risk factors that contribute to labour exploitation; prevention measures aimed to reduce the risk of labour exploitation; and the obligations of specific organizations involved in preventing labour exploitation and supporting victims and the cooperation that exists between them. The research will begin by seeking a general overview of the situation of victims of labour exploitation in all 28 Member States. It will examine national legislation criminalizing labour exploitation and what forms of exploitation are covered (and what gaps exist). Potential areas of high risk for labour exploitation will also be identified. The fieldwork will involve interviews and focus group discussions in selected EU Member States with various professional groups such as the police, labour inspectorates and victim support organizations. Case studies will also be collected. The study, although not in particular targeting children, addresses issues related to child victims. The project assesses legislation in place at MS level criminalising the exploitation of child labour and in addition looks into the role of youth welfare organisations in countering the exploitation of migrant children. The results will be launched in the first half of 2015.



<http://goo.gl/WG6uNF>

FRA research on “Victim Support Services in the EU: An overview and assessment of victims’ rights in practice”. Based on desk research and qualitative interviews to confirm the research findings, the project collected summary overviews of victim support systems from each Member State. This was followed up with more detailed data collection on and analysis of existing systems and services – including details about support services offered by both states and NGOs. Alongside a general overview of victim support services, the research identify promising practices with respect to generic services, available to victims of all types of crime) victim support services, including some examples from specific victim support services (available to, for in-

stance, victims of human trafficking). The study concerns support to victims of crime in general and not children explicitly. The results will be launched in the third quarter of 2014.



<http://goo.gl/1LixEh>

3.6 EXTERNAL AFFAIRS MEASURES

The EU is engaged in a variety of different activities with and in third countries to address a range of different aspects of the situation of unaccompanied children. The Mid Term Report on the implementation of the Action Plan makes reference to the ongoing EU funding in the field of prevention of unsafe migration, child protection and capacity building. It also identifies moments where unaccompanied children were addressed in political dialogue and Migration and Mobility dialogues. Specific actions concerning unaccompanied minors are also listed in the 2012-2016 Action Plan of the Prague Process. It notes other international cooperation in the form of exchange of practices and experiences by receiving countries in the context of the G8 and the EU-US Platform for Cooperation on Migration and Refugee issues. In order to improve information for prospective migrants, the Commission included a reference to unaccompanied children in the EU Immigration Portal launched in November 2011.

The Plan also underlines the need for “continuous and stable engagement with countries of origin and transit” in the future and notes the importance “that such cooperation should not be limited to prevention measures, but should also address other relevant issues such as restoring family links, ensuring the safe return of children, and re-trafficking risks.

RELATED DOCUMENTS:



- EU Guidelines on Promotion and Protection of the Rights of the Child, <http://goo.gl/TpwLk3>
- Global Approach to Migration and Mobility: the GAMM, renewed in November 2011, is the overarching framework for the EU external migration policy, complementary to the EU foreign policy and development cooperation. Dialogue and cooperation with non-EU countries in the context of the GAMM is based on the identification of common interests and challenges. Respect for the rights and dignity of migrants is an essential cross-cutting dimension of this policy framework. <http://goo.gl/cZMcJ9>
- Staff Working Document on migration and development

3.7 FUNDING

The Staff Working Document accompanying the Commission’s mid-term report on unaccompanied minors contained a listing of projects funded by the EU in the area. Sources of funding include the European Refugee Fund, the Return Fund, the Integration Fund, the Fundamental Rights and Citizenship Programme, Daphne Programme and ISEC funding. In 2012, the European Parliament released funding for a call for pilot projects which has been issued twice in 2013 and again in 2014.

4. TABLES OF KEY OBLIGATIONS TO UNACCOMPANIED CHILDREN AND HOW THEY ARE ADDRESSED IN EU LAW

The Tables serve as a compilation of the key EU provisions addressing the situation of unaccompanied children of third country origin in the European Union. They are intended to allow policy makers and practitioners easily find and navigate the range of EU provisions set forth across different instruments. They also allow for a comparative reading and analysis of those provisions. They link the EU provisions with rights in the UN Convention of the Child to facilitate their implementation, application and interpretation in line with the UN CRC, as required under EU law.

4.1 SCOPE

4.1.1 LEGAL INSTRUMENTS

The Tables contains relevant provision from the Schengen Borders Code, the recast EU asylum instruments (namely, the recast Reception Conditions, Asylum Procedures and Qualification Directives, the recast Dublin Regulation with its Implementing Regulation and the Eurodac Regulation) the Anti-Trafficking Directive, the Directive on Residence permits for victims of human trafficking, the Family Reunification Directive and the Return Directive.

The transposition dates of all of these instruments are contained in “General Measures of Implementation”.

The Tables do not contain the original EU asylum instruments, nor do they contain the EU Anti-Trafficking Framework Decision that preceded the EU Anti-Trafficking Directive. The EU provisions contained in the Tables do not apply in their entirety to the following countries:

- **Denmark:** no application of the Anti-Trafficking Directive, the Directive on Residence permits for victims of human trafficking or the asylum recast legislation.
- **Ireland:** no application of the Schengen Borders Code, the Directive on Residence permits for victims of human trafficking, the Return Directive or the asylum recast legislation with the exception of the Dublin III Regulation.
- **The UK:** no application of the Schengen Borders Code, the Directive on Residence permits for victims of human trafficking, the Return Directive or the asylum recast legislation with the exception of the Dublin III and Eurodac Regulations.

4.1.2 TYPES OF PROVISIONS

The Tables identify the provisions which are specific to unaccompanied children, as well as those provisions which relate more generally to children. The Tables further indicate general provisions which may be particularly relevant to the fulfilment of children's rights.

It is important to bear in mind that, whilst the Tables focus on the fulfilment of children's specific needs and rights, other general provisions from the instruments which are not identified in the Tables may have a bearing on the situation of an unaccompanied child.

4.2 FORMAT

The Tables contain a Guiding Table, an Overview Table and the Detailed Table which addresses specific issues in more detail.

4.2.1 GUIDING TABLE

It serves as an aid to the use of the Tables and contains a list of issues of relevance to children in chronological order (i.e. as they take place from first encounter of an unaccompanied child on the territory of a Member State, to reception and assistance, to the implementation of durable solutions and their monitoring, including integration, transfer to another EU or third country or return to country of origin). The Guiding Table shows where these issues are addressed in the Tables that follow.

4.2.2 THE OVERVIEW TABLE AND DETAILED TABLE

The legislative provisions are grouped by reference to the thematic clusters of the UN CRC, with which Member States will be familiar from the UN CRC reporting requirements (see General guidelines regarding the form and content of initial reports to be submitted by States Parties under article 44, paragraph 1(a), of the Convention). According to the reporting guidelines, issued by the Committee on the Rights of the Child, the thematic clusters used in the tables are:

- **General Principles**, containing the four UN CRC core principles, which must inform all provisions on minors' rights and protection and their interpretation. Only cross-cutting provisions are considered under this cluster;
- **Civil Rights and Freedoms**, including identification and documentation;

- **Family Environment and Alternative Care**, including restoration of family links, assistance to and rehabilitation of particularly vulnerable children, and reception staff specific training;
- **Health and Welfare**, including access to healthcare and welfare, rights of disabled children, accommodation and material support;
- **Education, Leisure and Culture**, including the right to education and play;
- **Special Protection Measures**, with particular emphasis on procedural measures: provision of guardianship/representation, legal information and assistance, access to procedures and appeals, durable solutions, safeguards on detention and data protection;

- **General Measures of Implementation**, which includes measures of implementation in relation to the instruments considered, as well as actors' general training and qualification requirements and complaints procedures.

The Overview Table contains references to the provisions under each cluster and related rights, while the Detailed Table examines each cluster in more detail across the instruments, including subheadings to highlight different elements and reproducing the content of the relevant provisions. Further to note, the definitions cluster contains the relevant definition from the CRC, i.e. a child. Further definitions are contained in a Glossary table.

Both the Overview and the Individual Tables can be read per cluster/right or per instrument.

Whilst the Cluster approach enables some general categorisation of rights, it is the case that all rights are indivisible and interdependent. Specific points to note in this regard:

- **Some provisions may be directly relevant to several clusters** and therefore are referenced under several clusters. (e.g. Articles 21-22 of the recast Reception Conditions Directive, which appear under “Civil rights and freedoms” in “Identification as child/ unaccompanied child” and under “Basic health and welfare” in the subheadings “Accommodation” and “Rights of disabled children”);
- **Under the General Principles cluster:**
 - This typically identifies legislative provisions which contain reference to each of the four core CRC principles: non-discrimination; best interests of the child; right to be heard/right to participation; right to life, survival and development, whether expressed as an overarching principle for the application of the whole instrument considered (e.g. Preamble (9) of the recast Reception Conditions Directive under “Best interest”) or in relation to specific contexts (e.g. Article 24 of the recast Reception Conditions Directive, where the best interest of the child is mentioned in the context of the duties of the representative).
- Other provisions relevant to securing general principles may be found under other clusters. For example, with respect to “Right to life, survival and development”, besides the general principles which relate to the right to life, survival and development (contained for example in Preambles (18) and (45) of the recast Qualification Directive or Article 11.5 of the Anti-Trafficking Directive), specific provisions may be relevant (e.g. Article 10.2 of the return Directive under “Right to adequate standard of living/material support “in the cluster “Basic Health and Welfare”).
- “Right to be heard/Right to participation” focuses on two subheadings: “Right to information” and “Interview”. Other provisions which are relevant to securing the right to be heard/right to participation may be found under other clusters. In particular, “Special Protection Measures” (e.g. “Guardianship/Representation”; “Access to procedures”; “Appeals”) (Cluster VII);
- **Under “Right to adequate standard of living/material support”,** Article 10.2 of the Return Directive is listed; however it is worth noting that Article 10.2 concerns an adequate standard of living/material support in the country of return.

Guiding table to the overview table of key EU provisions on Unaccompanied Minors

GENERAL ISSUE FOR CHILD	UN CRC CLUSTERS	RIGHTS
PRINCIPLES TO BE TAKEN INTO ACCOUNT IN ALL ACTIONS REGARDING CHILDREN	II. General principles	Non-discrimination
		Best interest (BI)
		Right to be heard/ Right to participation
		Right to life, survival and development
QUALIFICATION AND TRAINING OF ACTORS INVOLVED IN SITUATION OF CHILDREN	IV. Family environment and alternative care	Reception staff specific training
	VIII. General measures of implementation (GMI)	Actors training and qualifications
BORDER CROSSING, FIRST ENCOUNTER, IDENTIFICATION AND INITIAL SCREENING	I. Definitions	Child
	III. Civil rights and freedoms	Identification as child/ unaccompanied child
		Registration and documentation
	VII. Special protection measures	Child sensitive procedural measures
	Glossary	Unaccompanied child
		Applicant with special reception needs
		Vulnerable persons/ Vulnerability
INFORMATION	II. General Principles	Right to be heard/ Right to participation
GUARDIANSHIP/ REPRESENTATION	IV. Family environment and alternative care	Periodic review of placement and treatment
	VII. Special protection measures	Guardianship/Representation
	Glossary	Guardian/Representative
AGE ASSESSMENT	I. Definitions	Child
	III. Civil rights and freedoms	Registration and Documentation
ACCESS TO RECEPTION, INCLUDING ACCOMMODATION, EDUCATION, TRAINING, HEALTH SERVICES	IV. Family environment and alternative care	Periodic review of placement and treatment
		Rehabilitation and reintegration of victims of violence
		Assistance to victims of trafficking/ violence
	V. Basic health and welfare	Access to health services
		Accommodation
		Rights of disabled children
		Right to social security
		Right to adequate standard of living/ material support
	VI. Education, leisure and cultural activities	Right to education
		Right to rest, play and participate in artistic and cultural activities
	Glossary	Applicant with special reception needs
		Vulnerable persons/ Vulnerability

GENERAL ISSUE FOR CHILD	UN CRC CLUSTERS	RIGHTS
DETENTION	VII. Special protection measures	Safeguards on detention
RESTORING FAMILY LINKS	IV. Family environment and alternative care	Restoring family links
	Glossary	Family Members Relative
TRANSFER TO ANOTHER EU COUNTRY, INCLUDING UNDER DUBLIN III	IV. Family environment and alternative care	Restoring family links
COMPLAINTS MECHANISM FOR CHILDREN	VIII. General measures of implementation (GMI)	Complaints
ACCESS TO PROCEDURES	VII. Special protection measures	Access to protection procedures
		Child sensitive procedural measures
LEGAL INFORMATION, ASSISTANCE AND REPRESENTATION	II. General Principles	Right to be heard/ Right to participation -> Right to information
	VII. Special protection measures	Legal information, assistance and representation
INTERVIEWS	II. General Principles	Right to be heard/ Right to participation -> Interview
CHILD SENSITIVE PROCEDURAL MEASURES	IV. Family environment and alternative care	Periodic review of placement and treatment
	VII. Special protection measures	Child sensitive procedural measures
PROVISIONS ON INFORMATION GATHERING	II. General Principles	Right to be heard/ Right to participation > Right to information
	VII. Special protection measures	Child sensitive procedural measures
		Data protection
DECISION-MAKING PROCESSES AND APPEALS	VII. Special protection measures	Child sensitive procedural measures
		Appeal (against negative decisions)
DURABLE SOLUTIONS AND THEIR MONITORING, INCLUDING INTEGRATION, TRANSFER TO ANOTHER EU OR THIRD COUNTRY, RETURN TO COUNTRY OF ORIGIN	V. Basic health and welfare	Right to adequate standard of living/ material support
	VII. Special protection measures	Durable solutions
AGING OUT	VI. Education, leisure and cultural activities	Right to education

	CLUSTER HEADING	CLUSTER SUBHEADING
GENERAL ISSUE FOR SYSTEM	VIII. General measures of implementation	Implementation obligations
		Actors training and qualifications
		Respect for existing higher standards
		Data collection and reporting
		Monitoring and review
		Complaints

Overview table of key EU provisions on Unaccompanied Minors

UN CRC Clusters	RIGHTS	CRC	Schengen Borders Code (Regulation 562/2006)	Recast Reception Conditions Directive (Directive 2013/33/EU)	Recast Asylum Procedures Directive (Directive 2013/32/EU)	Recast Qualification Directive (Directive 2011/95/EU)	Recast Dublin Regulation (EU Regulation 604/2013)	Recast Eurodac Regulation (Regulation 603/2013)	Anti-Trafficking Directive (Directive 2011/36/EU)	Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Family Reunification Directive (Directive 2003/86/EC)	Return Directive (Directive 2008/115/EC)
	MENTION OF THE CRC			Preamble (9) (18)	Preamble (33)	Preamble (18)	Preamble (13)	Art. 3.5	Preamble (8), (22)			Preamble (22)
I. Definitions	MINOR/CHILD	Art. 1		Art. 2(d)	Art. 2(l)	Art. 2(k)	Art. 2(i)		Art. 2.6		Embedded in Art. 2(f)	
II. General principles	NON-DISCRIMINATION	Art. 2	Art. 6.2	Preamble (8)		Preamble (17)				Preamble (7)	Preamble (5)	Preamble (21)
	BEST INTEREST (BI)	Art. 3.1		Preamble (9), (22), Arts 2(j), 11.2, 23, 24	Preamble (33), Arts 2(n), 25.1(a), 25.6	Preamble (18), (19), (27), (38), Arts 20.5, 31.4-5	Preamble (13), (16), (24), (35), Arts 2(k), 6, 8, 20.3	Preamble (35)	Preamble (8), (22), (23), Arts 13, 16.2	Art. 10(a)	Art. 5.5	Preamble (22), Arts 5(a), 10.1, 17.5
	RIGHT TO BE HEARD/ RIGHT TO PARTICIPATION	Art. 12		Arts 5, 9.4, 10.5 (in relation to detention)	Preamble (22), Arts 8.1, 12.1(a), 19, 21 (general provisions), 25.4	Art. 22	Art. 4; Preamble (4), Annex XI Implementing Regulation 118/2004		Art. 11	Art. 5	Art. 5.4	Arts 7.1, 12
	INTERVIEW			Art. 23.2	Art. 34.1	Preamble (18)	Art. 5		Art. 15		Art. 5.2	
III. Civil rights and freedoms	IDENTIFICATION AS CHILD/ UNACCOMPANIED CHILD			Arts 21, 22	Preamble (22), Art. 25.5				Preamble (23)	Art. 10(c)		
	REGISTRATION AND DOCUMENTATION	Arts 7, 8		Art. 6		Art. 25 (travel documents)					Art. 5.2	
IV. Family environment and alternative care	RESTORING FAMILY LINKS	Arts 10, 22.2		Art. 24.3		Art. 31.5	Arts 6.4, 8; Art. 1(7), Annex II LIST A(I) I, LIST B(I) I Implementing Regulation 118/2004			Art. 10(c)	Preamble (9), (12); Arts 4, 10.3	Arts 5, 10.2
	PERIODIC REVIEW OF PLACEMENT AND TREATMENT	Art. 25										
	REHABILITATION AND REINTEGRATION OF VICTIMS OF VIOLENCE	Arts 19, 39		Art. 23.4		Art. 30.2			Preamble (18), (22)	Arts 6.1, 7, 9		
	ASSISTANCE TO VICTIMS OF TRAFFICKING/VIOLENCE	Arts 19, 39		Arts 23.4, 25.1		Art. 30.2			Arts 13, 14, 17	Arts 6.1, 7, 9		
	RECEPTION STAFF SPECIFIC TRAINING			Arts 18.7, 24.4, 25.2		Art. 31.6			Preamble (25)			
V. Basic health and welfare	ACCESS TO HEALTH SERVICES	Art. 24		Art. 19		Preamble (40), (46), Art. 30	Art. 31.2(a)		Art. 11.5	Arts 7, 9		Art. 14.1(b)
	ACCOMMODATION	Art. 27.1-.3		Arts 21, 22, 24.2		Arts 31.3, 32			Art. 11.5	Arts 7, 9		
	RIGHTS OF DISABLED CHILDREN	Art. 23		Arts 21, 22	Preamble (29)	Arts 20.3, 30.2	Art. 32.1		Art. 11.7			Art. 14.1(d)
	RIGHT TO SOCIAL SECURITY	Art. 26				Preamble (45), Art. 29						
	RIGHT TO ADEQUATE STANDARD OF LIVING/MATERIAL SUPPORT	Art. 27.1-.3		Arts 17, 18, 20, 23.1		Preamble (45)			Art. 11.5	Arts 7, 9		Art. 10.2
VI. Education, leisure and cultural activities	RIGHT TO EDUCATION	Art. 28		Art. 14		Art. 27.1			Art. 14.1	Art. 10(b)		Arts 14.1
	RIGHT TO REST, PLAY AND PARTICIPATE IN ARTISTIC AND CULTURAL ACTIVITIES	Art. 31		Arts 11.2, 23.3								Art. 17.3

UN CRC Clusters	RIGHTS	CRC	Schengen Borders Code (Regulation 562/2006)	Recast Reception Conditions Directive (Directive 2013/33/EU)	Recast Asylum Procedures Directive (Directive 2013/32/EU)	Recast Qualification Directive (Directive 2011/95/EU)	Recast Dublin Regulation (EU Regulation 604/2013)	Recast Eurodac Regulation (Regulation 603/2013)	Anti-Trafficking Directive (Directive 2011/36/EU)	Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Family Reunification Directive (Directive 2003/86/EC)	Return Directive (Directive 2008/115/EC)
	MENTION OF THE CRC			Preamble (9) (18)	Preamble (33)	Preamble (18)	Preamble (13)	Art. 3.5	Preamble (8), (22)			Preamble (22)
VII. Special protection measures	GUARDIANSHIP/ REPRESENTATION	Arts 18.1, 20		Art. 24.1	Art. 25	Art. 31	Art. 6; Art. 1(7) Implementing Regulation 118/2004		Preamble (23), (24), Art. 16.3	Art. 10(c)		Art. 10.1
	LEGAL INFORMATION, ASSISTANCE AND REPRESENTATION	Arts 37(d), 40.2(ii)		Arts 9.6, 26.2-3-6	Arts 19, 20, 21, 22, 23, 25.4		Arts 26.2, 27		Art. 15.2	Arts 10(c), 7.4		Art. 13.3-4
	ACCESS TO PROTECTION PROCEDURES				Art. 7.3-4		Arts 3, 6, 8		Arts 11.5-6, 12.3			
	DURABLE SOLUTIONS					Arts 31.3, 32, 34, 35			Preamble (23), Arts 14, 16.2			Arts 5, 10
	CHILD SENSITIVE PROCEDURAL MEASURES	Arts 3, 12, 19	Art. 19, Annex VII (6.)				Art. 8		Arts 8, 15.3, 12.3	Art. 10(a)	Art. 5.5	
	SAFEGUARDS ON DETENTION	Art. 37		Arts 9.5-6, 11.2-3	Arts 8.1, 26		Art. 28.4					Art. 17
	APPEAL (AGAINST NEGATIVE DECISIONS)	Art. 26		Art. 12.1(f)		Art. 27 (against transfer decision)					Art. 18	Art. 13
	DATA PROTECTION			Arts 18.7, 24.3-4, 25.2	Preamble (52), Arts 30, 48	Arts 31.5, 37	Preamble (26), Arts 34, 40; Preamble (4) Implementing Regulation 118/2004	Arts 16, 23	Preamble (33)	Art. 7.2		
VIII. General measures of implementation (GMI)	IMPLEMENTATION OBLIGATIONS	Art. 4		Art. 31.1	Art. 51	Art. 39			Art. 22	Art. 17	Art. 20	Art. 20
	ACTORS TRAINING AND QUALIFICATIONS		Arts 15, 16.4 Schengen Borders Code	Art. 29.1	Preamble (16), (26), Arts 4.3, 6.1, 14.1, 25.3, 34.2	Arts 31.6, 37	Arts 6.4, 35.3	X	Preamble (15), (25), Arts 9.3, 15.3, 18.3			
	RESPECT FOR EXISTING HIGHER STANDARDS	Art. 41		Preamble (28), Art. 4	Preamble (14), Art. 5	Art. 3				Art. 4	Art. 3.4-5	Art. 4
	DATA COLLECTION AND REPORTING			Art. 30	Art. 50	Art. 38	Art. 46	Art. 40	Art. 19	Art. 16	Art. 19	Art. 19
	MONITORING AND REVIEW			Preamble (30), Arts 28, 30	Preamble (55), Art. 50	Art. 38	Preamble (28), Art. 46	Art. 40	Art. 23		Art. 19	Art. 19
	COMPLAINTS							Art. 29				

Glossary

DEFINITIONS	CRC	Schengen Borders Code (Regulation 562/2006)	Recast Reception Conditions Directive (Directive 2013/33/EU)	Recast Asylum Procedures Directive (Directive 2013/32/EU)	Recast Qualification Directive (Directive 2011/95/EU)	Recast Dublin Regulation (EU Regulation 604/2013)	Recast Eurodac Regulation (Regulation 603/2013)	Anti-Trafficking Directive (Directive 2011/36/EU)	Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Family Reunification Directive (Directive 2003/86/EC)	Return Directive (Directive 2008/115/EC)
UNACCOMPANIED MINOR			Art. 2(e)	Art. 2(m)	Art. 2(l)	Art. 2(j)			Art. 2(f)	Art. 2(f)	
FAMILY MEMBERS			Art. 2(c)		Art. 2(j)	Art. 2(k)					
RELATIVE						Art. 2(h)					
GUARDIAN/REPRESENTATIVE			Art. 2(j)	Art. 2(n)		Art. 2(g)					
APPLICANT WITH SPECIAL RECEPTION NEEDS			Arts 2(k), 21, 22								
VULNERABLE PERSONS/VULNERABILITY								Art. 2.2			Art. 3.9

Detailed table

	I. Definitions	II. General principles		
	MINOR/CHILD	NON-DISCRIMINATION	BEST INTEREST (BI)	
Schengen Borders Code (Regulation 562/2006)		Art. 6: 2. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.		
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 2: (d) 'minor': means a third-country national or stateless person below the age of 18 years	Preamble (8): In order to ensure equal treatment of applicants throughout the Union, this Directive should apply during all stages and types of procedures concerning applications for international protection, in all locations and facilities hosting applicants and for as long as they are allowed to remain on the territory of the Member States as applicants.	Preamble (9): In applying this Directive, Member States should seek to ensure full compliance with the principles of the best interests of the child and of family unity [...].	Art. 23: 1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. [...] 2. In assessing the best interests of the child, Member States shall in particular take due account of the following factors: (a) family reunification possibilities; (b) the minor's well-being and social development [...]; (c) safety and security considerations [...]; (d) the views of the minor in accordance with his or her age and maturity."
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 2: (l) 'minor': means a third-country national or a stateless person below the age of 18 years		Preamble (33): The best interests of the child should be a primary consideration of Member States when applying this Directive [...]. In assessing the best interest of the child, Member States should in particular take due account of the minor's well-being and social development, including his or her background.	Art. 25: 6. The best interests of the child shall be a primary consideration for Member States when implementing this Directive.
Recast Qualification Directive (Directive 2011/95/EU)	Art. 2: (k) 'minor': means a third-country national or stateless person below the age of 18 years	Preamble (17): With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party, including in particular those that prohibit discrimination.	Preamble (18): The 'best interests of the child' should be a primary consideration of Member States when implementing this Directive, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.	Preamble (38): [...] In exceptional circumstances, where the close relative of the beneficiary of international protection is a married minor but not accompanied by his or her spouse, the best interests of the minor may be seen to lie with his or her original family.
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 2: (i) 'minor': means a third-country national or a stateless person below the age of 18 years		Preamble (13): [...] the best interests of the child should be a primary consideration of Member States when applying this Regulation. In assessing the best interests of the child, Member States should, in particular, take due account of the minor's well-being and social development, safety and security considerations and the views of the minor [...]. In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.	Preamble (24): Member States should [...] ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child [...].
Recast Eurodac Regulation (Regulation 603/2013)			Preamble (35): The best interests of the child should be a primary consideration for Member States when applying this Regulation. Where the requesting Member State establishes that Eurodac data pertain to a minor, these data may only be used [...] in accordance with the obligation to give primary consideration to the best interests of the child.	
Anti-Trafficking Directive (Directive 2011/36/EU)	Art. 2: 6. For the purpose of this Directive, 'child' shall mean any person below 18 years of age		Preamble (8): [...] Children are more vulnerable than adults and therefore at greater risk of becoming victims of trafficking in human beings. In the application of this Directive, the child's best interests must be a primary consideration [...].	Preamble (22): [...] Member States should ensure that specific assistance, support and protective measures are available to child victims. Those measures should be provided in the best interests of the child and in accordance with the 1989 United Nations Convention on the Rights of the Child. [...] Art. 13: 1. [...] In the application of this Directive the child's best interests shall be a primary consideration.
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)		Preamble (7): Member States should give effect to the provision of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or belief, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation.	Art. 10: (a) Member States shall take due account of the best interests of the child when applying this Directive.	
Family Reunification Directive (Directive 2003/86/EC)	Art. 2: (f) 'unaccompanied minor' means third country nationals or stateless persons below the age of eighteen, [...].	Preamble (5): Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation.	Art. 5: 5. When examining an application, the Member States shall have due regard to the best interests of minor children.	
Return Directive (Directive 2008/115/EC)		Preamble (21): Member States should implement this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinions, membership of a national minority, property, birth, disability, age or sexual orientation.	Preamble (22): In line with the 1989 United Nations Convention on the Rights of the Child, the 'best interests of the child' should be a primary consideration of Member States when implementing this Directive. [...]	Art. 5: When implementing this Directive, Member States shall take due account of: (a) the best interests of the child; (b) family life; (c) the state of health of the third-country national concerned, and respect the principle of non-refoulement."

	II. General principles		
	RIGHT TO BE HEARD/ RIGHT TO PARTICIPATION		
	RIGHT TO INFORMATION		INTERVIEW
Schengen Borders Code (Regulation 562/2006)			
Recast Reception Conditions Directive (Directive 2013/32/EU)	Art. 5: 1. Member States shall inform applicants, within a reasonable time not exceeding 15 days after they have lodged their application for international protection, of at least any established benefits and of the obligations with which they must comply relating to reception conditions. [...]	Art. 9: 4. Detained applicants shall immediately be informed [...] of the reasons for detention and the procedures laid down in national law for challenging the detention order, as well as of the possibility to request free legal assistance and representation.	Art. 23: 2. In assessing the best interests of the child, Member States shall in particular take due account of the following factors: [...] (d) the views of the minor in accordance with his or her age and maturity.
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Preamble (22): [...] applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances.	Art. 8: 1. Where there are indications that third-country nationals or stateless persons [...] may wish to make an application for international protection, Member States shall provide them with information on the possibility to do so. [...]	Art. 25: 4. Unaccompanied minors and their representatives shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also in the procedures for the withdrawal of international protection provided for in Chapter IV. Art. 34: 1. Member States shall allow applicants to present their views [...] before the determining authority decides on the admissibility of an application for international protection. To that end, Member States shall conduct a personal interview on the admissibility of the application. [...]
Recast Qualification Directive (Directive 2011/95/EU)	Art. 22: Member States shall provide beneficiaries of international protection, as soon as possible after refugee status or subsidiary protection status has been granted, with access to information, in a language that they understand or are reasonably supposed to understand, on the rights and obligations relating to that status.		Preamble (18): [...] In assessing the best interests of the child, Member States should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 4: As soon as an application for international protection is lodged within the meaning of Article 20(2) in a Member State, its competent authorities shall inform the applicant of the application of this Regulation, and in particular of: (a) the objectives of this Regulation [...]; (b) the criteria for determining the Member State responsible, [...]; (c) the personal interview. [...] 2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is reasonably supposed to understand. [...]	Preamble (4) Implementing Regulation 118/2004: A common leaflet on Dublin/ Eurodac, as well as a specific leaflet for unaccompanied minors, [...] are not provided for in Regulation (EC) No 1560/2003. Consequently, new provisions should be added. Annex XI is also relevant.	Art. 5: 1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 4. [...]
Recast Eurodac Regulation (Regulation 603/2013)			
Anti-Trafficking Directive (Directive 2011/36/EU)	Art. 11: 5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include [...] necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate. 6. The information referred to in paragraph 5 shall cover, where relevant, information on a reflection and recovery period pursuant to Directive 2004/81/EC, and information on the possibility of granting international protection pursuant to Council Directive 2004/83/EC [...] and Council Directive 2005/85/EC [...].		Art. 15: 3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that [...]: (a) interviews with the child victim take place without unjustified delay [...]; (b) interviews with the child victim take place, where necessary, in premises designed or adapted for that purpose; (c) interviews with the child victim are carried out, where necessary, by or through professionals trained for that purpose; [...] (f) the child victim may be accompanied by a representative or, where appropriate, an adult of the child's choice [...].
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art. 5: When the competent authorities of the Member States take the view that a third-country national may fall into the scope of this Directive, they shall inform the person concerned of the possibilities offered under this Directive. Member States may decide that such information may also be provided by a non-governmental organisation or an association specifically appointed by the Member State concerned.		
Family Reunification Directive (Directive 2003/86/EC)	Art. 5: 4. The competent authorities of the Member State shall give the person, who has submitted the application, written notification of the decision as soon as possible and in any event no later than nine months from the date on which the application was lodged. In exceptional circumstances linked to the complexity of the examination of the application, the time limit referred to in the first subparagraph may be extended. Reasons shall be given for the decision rejecting the application. Any consequences of no decision being taken by the end of the period provided for in the first subparagraph shall be determined by the national legislation of the relevant Member State.		Art. 5: 2. [...] If appropriate, in order to obtain evidence that a family relationship exists, Member States may carry out interviews with the sponsor and his/her family members and conduct other investigations that are found to be necessary. [...]
Return Directive (Directive 2008/115/EC)	Art. 7: 1. A return decision shall provide for an appropriate period for voluntary departure [...]. Member States may provide in their national legislation that such a period shall be granted only following an application by the third-country national concerned. In such a case, Member States shall inform the third-country nationals concerned of the possibility of submitting such an application.	Art. 12: 1. [Decisions] shall be issued in writing and give reasons in fact and in law as well as information about available legal remedies. 2. Member States shall provide, upon request, a written or oral translation of the main elements of decisions [...]."	

	II. General principles			III. Civil rights and freedoms		
	RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT			IDENTIFICATION AS CHILD/ UNACCOMPANIED CHILD		REGISTRATION AND DOCUMENTATION
Schengen Borders Code (Regulation 562/2006)						
Recast Reception Conditions Directive (Directive 2013/33/EU)	Preamble (11): Standards for the reception of applicants that will suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down.	Art. 17: 2. Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.	Art. 23: 1. [...] Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.	Art. 21: Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors [...] in the national law implementing this Directive.	Art. 22: 1. In order to effectively implement Article 21, Member States shall assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs. That assessment shall be initiated within a reasonable period of time after an application for international protection is made and may be integrated into existing national procedures. [...] 2. The assessment referred to in paragraph 1 need not take the form of an administrative procedure. [...]	Art. 6: 1. Member States shall ensure that, within three days of the lodging of an application for international protection, the applicant is provided with a document issued in his or her own name certifying his or her status as an applicant or testifying that he or she is allowed to stay on the territory of the Member State while his or her application is pending or being examined.
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Preamble (33): [...] In assessing the best interest of the child, Member States should in particular take due account of the minor's well-being and social development, including his or her background.			Preamble (29): Certain applicants may be in need of special procedural guarantees due, inter alia, to their age, [...]. Member States should endeavour to identify applicants in need of special procedural guarantees before a first instance decision is taken.	Art. 25: 5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for international protection where, following general statements or other relevant indications, Member States have doubts concerning the applicant's age. If, thereafter, Member States are still in doubt concerning the applicant's age, they shall assume that the applicant is a minor:	
Recast Qualification Directive (Directive 2011/95/EU)	Preamble (18): [...] In assessing the best interests of the child, Member States should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.		Preamble (45): Especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with adequate social welfare and means of subsistence, without discrimination in the context of social assistance.			Art. 25: 1. Member States shall issue to beneficiaries of refugee status travel documents, in the form set out in the Schedule to the Geneva Convention, for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require. 2. Member States shall issue to beneficiaries of subsidiary protection status who are unable to obtain a national passport, documents which enable them to travel outside their territory, unless compelling reasons of national security or public order otherwise require."
Recast Dublin Regulation (EU Regulation 604/2013)	Preamble (13): [...] In assessing the best interests of the child, Member States should, in particular, take due account of the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity, including his or her background. [...]					
Recast Eurodac Regulation (Regulation 603/2013)						
Anti-Trafficking Directive (Directive 2011/36/EU)	Art. 11: 5. The assistance and support measures [...] shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.			Preamble (23): Particular attention should be paid to unaccompanied child victims of trafficking in human beings, as they need specific assistance and support due to their situation of particular vulnerability. From the moment an unaccompanied child victim of trafficking in human beings is identified and until a durable solution is found, Member States should apply reception measures appropriate to the needs of the child and should ensure that relevant procedural safeguards apply.		
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)				Art. 10: (c) In the case of third-country nationals who are unaccompanied minors, Member States shall take the necessary steps to establish their identity, nationality and the fact that they are unaccompanied. [...]		
Family Reunification Directive (Directive 2003/86/EC)						Art. 5: 2. The application shall be accompanied by documentary evidence of the family relationship and of compliance with the conditions laid down in Articles 4 and 6 and, where applicable, Articles 7 and 8, as well as certified copies of family member(s)' travel documents.
Return Directive (Directive 2008/115/EC)						

	IV. Family environment and alternative care	
	RESTORING FAMILY LINKS	PERIODIC REVIEW OF PLACEMENT AND TREATMENT
Schengen Borders Code (Regulation 562/2006)		
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 24: 3. Member States shall start tracing the members of the unaccompanied minor's family, where necessary with the assistance of international or other relevant organisations, as soon as possible after an application for international protection is made, whilst protecting his or her best interests. [...]	
Recast Asylum Procedures Directive (Directive 2013/32/EU)		
Recast Qualification Directive (Directive 2011/95/EU)	Art. 31: 5. If an unaccompanied minor is granted international protection and the tracing of his or her family members has not already started, Member States shall start tracing them as soon as possible after the granting of international protection, whilst protecting the minor's best interests. If the tracing has already started, Member States shall continue the tracing process where appropriate. [...]	
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 6: 4. For the purpose of applying Article 8, the Member State where the unaccompanied minor lodged an application for international protection shall, as soon as possible, take appropriate action to identify the family members, siblings or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child. To that end, that Member State may call for the assistance of international or other relevant organisations, [...].	Art. 1(7) Implementing Regulation 118/2004: 4. Where in the application of the obligations resulting from Article 8 of Regulation (EU) No 604/2013, the Member State carrying out the process of establishing the Member State responsible for examining the application of an unaccompanied minor is in possession of information that makes it possible to start identifying and/or locating a member of the family, sibling or relative, that Member State shall consult other Member States, as appropriate, and exchange information, [...]
	Art. 8 1. Where the applicant is an unaccompanied minor, the Member State responsible shall be that where a family member or a sibling of the unaccompanied minor is legally present, provided that it is in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present. 2. Where the applicant is an unaccompanied minor who has a relative who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, provided that it is in the best interests of the minor.	
	Annex II LIST A(I)1, LIST B(I)1 Implementing Regulation 118/2004 are also relevant.	
Recast Eurodac Regulation (Regulation 603/2013)		
Anti-Trafficking Directive (Directive 2011/36/EU)		
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art. 10: (c) In the case of third-country nationals who are unaccompanied minors, Member States [...] shall make every effort to locate their families as quickly as possible [...].	
Family Reunification Directive (Directive 2003/86/EC)	Preamble (9): Family reunification should apply in any case to members of the nuclear family, that is to say the spouse and the minor children.	Art. 10: 3. If the refugee is an unaccompanied minor, the Member States: (a) shall authorise the entry and residence for the purposes of family reunification of his/her first-degree relatives in the direct ascending line without applying the conditions laid down in Article 4(2)(a); (b) may authorise the entry and residence for the purposes of family reunification of his/her legal guardian or any other member of the family, where the refugee has no relatives in the direct ascending line or such relatives cannot be traced.
	Preamble (12) and Art. 4 are also relevant.	
Return Directive (Directive 2008/115/EC)	Art. 5: When implementing this Directive, Member States shall take due account of: (a) the best interests of the child; (b) family life; [...]	Art. 10: 2. Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

	IV. Family environment and alternative care			
	REHABILITATION AND REINTEGRATION OF VICTIMS OF VIOLENCE	ASSISTANCE TO VICTIMS OF TRAFFICKING/VIOLENCE		RECEPTION STAFF SPECIFIC TRAINING
Schengen Borders Code (Regulation 562/2006)				
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art 23: 4. Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counselling is provided when needed.	Art. 23: 4. Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counselling is provided when needed.	Art. 25: 1. Member States shall ensure that persons who have been subjected to torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.	Art. 24: 4.Those working with unaccompanied minors shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work. Art. 18: 7. Persons working in accommodation centres shall be adequately trained [...]. Art. 25: 2.Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their needs [...].
Recast Asylum Procedures Directive (Directive 2013/32/EU)				
Recast Qualification Directive (Directive 2011/95/EU)	Art. 30: 2. Member States shall provide, under the same eligibility conditions as nationals of the Member State that has granted protection, adequate healthcare, including treatment of mental disorders when needed, to beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict.	Art. 30: 2. Member States shall provide, [...] adequate healthcare, including treatment of mental disorders when needed, to beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict.		Art. 31: 6.Those working with unaccompanied minors shall have had and continue to receive appropriate training concerning their needs.
Recast Dublin Regulation (EU Regulation 604/2013)				
Recast Eurodac Regulation (Regulation 603/2013)				
Anti-Trafficking Directive (Directive 2011/36/EU)	Preamble (18): [...] Member States should provide for resources to support victim assistance, support and protection.The assistance and support provided should include at least a minimum set of measures that are necessary to enable the victim to recover and escape from their traffickers. [...] Preamble (22): Member States should ensure that specific assistance, support and protective measures are available to child victims. [...] Assistance and support measures for child victims should focus on their physical and psycho-social recovery and on a durable solution for the person in question. [...]"	Art. 14: 1. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment [...], taking due account of the child's views, needs and concerns with a view to finding a durable solution for the child. [...] Art. 17: Member States shall ensure that victims of trafficking in human beings have access to existing schemes of compensation [...].	Art. 13: 1. Child victims of trafficking in human beings shall be provided with assistance, support and protection. [...]	Preamble (25): Member States should adopt a gender perspective and a child-rights approach. Officials likely to come into contact with victims or potential victims of trafficking in human beings should be adequately trained to identify and deal with such victims. [...]
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art 6: 1. Member States shall ensure that the third-country nationals concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities. Art. 7: 1. Member States shall [...] attend to the special needs of the most vulnerable, including, where appropriate and if provided by national law, psychological assistance. Art. 9: 2. Member States shall provide necessary medical or other assistance to the third-country nationals concerned, who do not have sufficient resources and have special needs, such as [...] minors."	Art 6: 1. Member States shall ensure that the third-country nationals concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities. Art. 7: 1. Member States shall [...] attend to the special needs of the most vulnerable, including, where appropriate and if provided by national law, psychological assistance. Art. 9: 2. Member States shall provide necessary medical or other assistance to the third-country nationals concerned, who do not have sufficient resources and have special needs, such as [...] minors.		
Family Reunification Directive (Directive 2003/86/EC)				
Return Directive (Directive 2008/115/EC)				

	V. Basic health and welfare				
	ACCESS TO HEALTH SERVICES		ACCOMMODATION		RIGHTS OF DISABLED CHILDREN
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 19: 1. Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses and of serious mental disorders. 2. Member States shall provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed.		Art. 21: Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, [...] in the national law implementing this Directive. Art. 22 is also relevant.	Art. 24: 2. Unaccompanied minors who make an application for international protection shall, [...] be placed: (a) with adult relatives; (b) with a foster family; (c) in accommodation centres with special provisions for minors; (d) in other accommodation suitable for minors. Member States may place unaccompanied minors aged 16 or over in accommodation centres for adult applicants, if it is in their best interests, as prescribed in Article 23(2).	Art. 21: Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, [...] in the national law implementing this Directive. Art. 22: 1. In order to effectively implement Article 21, Member States shall assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs. [...]
Recast Asylum Procedures Directive (Directive 2013/32/EU)					Preamble (29): Certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence. Member States should endeavour to identify applicants in need of special procedural guarantees before a first instance decision is taken. Those applicants should be provided with adequate support [...].
Recast Qualification Directive (Directive 2011/95/EU)	Preamble (40): [...] Member States may lay down that the granting of benefits with regard to access to employment, social welfare, healthcare and access to integration facilities requires the prior issue of a residence permit.	Preamble (46): Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection.	Art. 30: 1. Member States shall ensure that beneficiaries of international protection have access to healthcare under the same eligibility conditions as nationals of the Member State that has granted such protection. [...]	Art. 31: 3. Member States shall ensure that unaccompanied minors are placed either: (a) with adult relatives; (b) with a foster family; (c) in centres specialised in accommodation for minors; or (d) in other accommodation suitable for minors. Art. 32: 1. Member States shall ensure that beneficiaries of international protection have access to accommodation under equivalent conditions as other third-country nationals legally resident in their territories.	Art. 20: 3. When implementing this Chapter, Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people [...]. Art. 30: 2. Member States shall provide, under the same eligibility conditions as nationals of the Member State that has granted protection, adequate healthcare, including treatment of mental disorders when needed, to beneficiaries of international protection who have special needs, such as pregnant women, disabled people, [...].
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 31: 2. The transferring Member State shall [...] transmit to the Member State responsible any information that is essential in order to safeguard the rights and immediate special needs of the person to be transferred, and in particular: (a) any immediate measures which the Member State responsible is required to take in order to ensure that the special needs of the person to be transferred are adequately addressed, including any immediate health care that may be required;				Art. 32: 1. For the sole purpose of the provision of medical care or treatment, in particular concerning disabled persons, [...], the transferring Member State shall, in so far as it is available to the competent authority in accordance with national law, transmit to the Member State responsible information on any special needs of the person to be transferred, which in specific cases may include information on that person's physical or mental health.
Anti-Trafficking Directive (Directive 2011/36/EU)	Art. 11: 5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include [...] necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.		Art. 11: 5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include [...] necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.		Art. 11: 7. Member States shall attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, a mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered.
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art. 7: 1. Member States shall ensure that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence and access to emergency medical treatment. [...]	Art. 9: 1. Member States shall ensure that holders of a residence permit who do not have sufficient resources are granted at least the same treatment provided for in Article 7. 2. Member States shall provide necessary medical or other assistance to the third-country nationals concerned, who do not have sufficient resources and have special needs, such as [...] minors.	Art. 7: 1. Member States shall ensure that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence and access to emergency medical treatment. [...]	Art. 9: 1. Member States shall ensure that holders of a residence permit who do not have sufficient resources are granted at least the same treatment provided for in Article 7. 2. Member States shall provide necessary medical or other assistance to the third-country nationals concerned, who do not have sufficient resources and have special needs, such as [...] minors.	
Return Directive (Directive 2008/115/EC)	Art. 14: 1. Member States shall, with the exception of the situation covered in Articles 16 and 17, ensure that the following principles are taken into account as far as possible in relation to third-country nationals during the period for voluntary departure granted in accordance with Article 7 and during periods for which removal has been postponed in accordance with Article 9: [...] (b) emergency health care and essential treatment of illness are provided;				Art. 14: 1. Member States shall [...] ensure that the following principles are taken into account as far as possible in relation to third-country nationals during the period for voluntary departure granted in accordance with Article 7 and during periods for which removal has been postponed in accordance with Article 9: [...] (d) special needs of vulnerable persons are taken into account.

	V. Basic health and welfare		VI. Education, leisure and cultural activities	
	RIGHT TO SOCIAL SECURITY	RIGHT TO ADEQUATE STANDARD OF LIVING/MATERIAL SUPPORT		RIGHT TO ADEQUATE STANDARD OF LIVING/MATERIAL SUPPORT
Schengen Borders Code (Regulation 562/2006)				
Recast Reception Conditions Directive (Directive 2013/33/EU)		<p>Art. 17: [...] 2. Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health. Member States shall ensure that that standard of living is met in the specific situation of vulnerable persons, in accordance with Article 21, as well as in relation to the situation of persons who are in detention. [...]</p>	<p>Art. 23: 1. [...] Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.</p>	<p>Art. 14: 1. Member States shall grant to minor children [...] access to the education system under similar conditions as their own nationals [...]. Such education may be provided in accommodation centres. [...] Member States shall not withdraw secondary education for the sole reason that the minor has reached the age of majority. 2. Access to the education system shall not be postponed for more than three months from the date on which the application for international protection was lodged by or on behalf of the minor. [...]</p> <p>Art. 11: 2. [...] Where minors are detained, they shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age.</p> <p>Art. 23: 3. Member States shall ensure that minors have access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 18(1) (a) and (b) and to open-air activities.</p>
Recast Qualification Directive (Directive 2011/95/EU)	<p>Preamble (45): Especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with adequate social welfare and means of subsistence, without discrimination in the context of social assistance.</p> <p>Art. 29: 1. Member States shall ensure that beneficiaries of international protection receive, in the Member State that has granted such protection, the necessary social assistance as provided to nationals of that Member State. [...]</p>	<p>Preamble (45): Especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with adequate social welfare and means of subsistence, without discrimination in the context of social assistance. [...]</p>		<p>Art. 27: 1. Member States shall grant full access to the education system to all minors granted international protection, under the same conditions as nationals.</p>
Anti-Trafficking Directive (Directive 2011/36/EU)		<p>Art. 11: 5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance [...].</p>		<p>Art. 14: 1. [...] Within a reasonable time, Member States shall provide access to education for child victims and the children of victims who are given assistance and support in accordance with Article 11, in accordance with their national law.</p>
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)		<p>Art. 7: 1. Member States shall ensure that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence [...].</p> <p>Art. 9: 1. Member States shall ensure that holders of a residence permit who do not have sufficient resources are granted at least the same treatment provided for in Article 7. 2. Member States shall provide necessary medical or other assistance to the third-country nationals concerned, who do not have sufficient resources and have special needs, such as [...] minors.</p>		<p>Art. 10 Directive: (b) Member States shall ensure that minors have access to the educational system under the same conditions as nationals. Member States may stipulate that such access must be limited to the public education system.</p>
Return Directive (Directive 2008/115/EC)		<p>Art. 10: 2. Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.</p>		<p>Art. 14: 1. Member States shall [...] ensure that the following principles are taken into account as far as possible in relation to third-country nationals during the period for voluntary departure granted in accordance with Article 7 and during periods for which removal has been postponed in accordance with Article 9: [...] (c) minors are granted access to the basic education system subject to the length of their stay;</p> <p>Art. 17: 3. Minors in detention [...] shall have, depending on the length of their stay, access to education.</p> <p>Art. 17: 3. Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age [...].</p>

	VII. Special protection measures					
	GUARDIANSHIP/ REPRESENTATION					
	APPOINTMENT		QUALIFICATIONS/ TRAINING	MANDATE AND ROLE		CONFLICT OF INTEREST/ INDEPENDENCY
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 24: 1. Member States shall as soon as possible take measures to ensure that a representative represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The unaccompanied minor shall be informed immediately of the appointment of the representative. [...] In order to ensure the minor's well-being and social development referred to in Article 23(2)(b), the person acting as representative shall be changed only when necessary.		Art. 24: 1. [...] The representative shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 23(2), and shall have the necessary expertise to that end.	Art. 24: 1. Member States shall as soon as possible take measures to ensure that a representative represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. [...]		Art. 24: 1. [...] Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives.
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 25: 1. [...] Member States shall: (a) take measures as soon as possible to ensure that a representative represents and assists the unaccompanied minor [...]. The unaccompanied minor shall be informed immediately of the appointment of a representative. [...] The person acting as representative shall be changed only when necessary. [...] The representative may also be the representative referred to in Directive 2013/33/EU; [...] 2. Member States may refrain from appointing a representative where the unaccompanied minor will in all likelihood reach the age of 18 before a decision at first instance is taken.		Art. 25: 1. [...] The representative shall perform his or her duties in accordance with the principle of the best interests of the child and shall have the necessary expertise to that end.	Art. 25: 1. [...] Member States shall: (a) take measures as soon as possible to ensure that a representative represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive.		Art. 25: 1. [...] Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives.
Recast Qualification Directive (Directive 2011/95/EU)	Art. 31: 1. As soon as possible after the granting of international protection Member States shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.					Art. 31: 2. Member States shall ensure that the minor's needs are duly met in the implementation of this Directive by the appointed guardian or representative. The appropriate authorities shall make regular assessments.
Recast Dublin Regulation (EU Regulation 604/2013)			Art. 6: 2. [...] The representative shall have the qualifications and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. [...]	Art. 6: 2. Member States shall ensure that a representative represents and/or assists an unaccompanied minor with respect to all procedures provided for in this Regulation. [...] Such representative shall have access to the content of the relevant documents in the applicant's file including the specific leaflet for unaccompanied minors.	Art. 1(7) Implementing Regulation 118/2004: The authorities carrying out the process of establishing the Member State responsible for examining the application of an unaccompanied minor shall involve the representative referred to in Article 6(2) of Regulation (EU) No 604/2013 in this process to the greatest extent possible.	
Anti-Trafficking Directive (Directive 2011/36/EU)	Preamble (23): The necessary measures should be taken to ensure that, where appropriate, a guardian and/or a representative are appointed in order to safeguard the minor's best interests.	Preamble (24): When, in accordance with this Directive, a guardian and/or a representative are to be appointed for a child, those roles may be performed by the same person or by a legal person, an institution or an authority.	Art. 16: 3. Member States shall take the necessary measures to ensure that, where appropriate, a guardian is appointed to unaccompanied child victims of trafficking in human beings.			
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art. 10: (c) In the case of third-country nationals who are unaccompanied minors, Member States shall [...] take the necessary steps immediately to ensure legal representation, including representation in criminal proceedings, in accordance with national law.					
Return Directive (Directive 2008/115/EC)	Art. 10: 1. Before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be granted with due consideration being given to the best interests of the child.					

	VII. Special protection measures				
	LEGAL INFORMATION, ASSISTANCE AND REPRESENTATION		ACCESS TO PROTECTION PROCEDURES		DURABLE SOLUTIONS
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 9: 6. In cases of a judicial review of the detention order provided for in paragraph 3, Member States shall ensure that applicants have access to free legal assistance and representation. [...]	Art. 26: 2. In cases of an appeal or a review before a judicial authority referred to in paragraph 1, Member States shall ensure that free legal assistance and representation is made available on request in so far as such aid is necessary to ensure effective access to justice. [...]			
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 19: 1. In the procedures at first instance provided for in Chapter III, Member States shall ensure that, on request, applicants are provided with legal and procedural information free of charge [...]. Art. 20: 1. Member States shall ensure that free legal assistance and representation is granted on request in the appeals procedures provided for in Chapter V. [...]	Art. 25: 4. Unaccompanied minors and their representatives shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also in the procedures for the withdrawal of international protection provided for in Chapter IV.	Art. 7: 3. Member States shall ensure that a minor has the right to make an application for international protection either on his or her own behalf, if he or she has the legal capacity to act in procedures according to the law of the Member State concerned, or through his or her parents or other adult family members, or an adult responsible for him or her, whether by law or by the practice of the Member State concerned, or through a representative. 4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC [...] have the right to lodge an application for international protection on behalf of an unaccompanied minor [...].		
Recast Qualification Directive (Directive 2011/95/EU)					Art. 34: In order to facilitate the integration of beneficiaries of international protection into society, Member States shall ensure access to integration programmes which they consider to be appropriate so as to take into account the specific needs of beneficiaries of refugee status or of subsidiary protection status, or create pre-conditions which guarantee access to such programmes. Art. 35: Repatriation Member States may provide assistance to beneficiaries of international protection who wish to be repatriated. Arts 31.3 and 32 are also relevant
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 26: 2. The [transfer decision] shall contain information on the legal remedies available [...]. Member States shall ensure that information on persons or entities that may provide legal assistance to the person concerned is communicated to the person concerned [...].	Art. 27: 5. Member States shall ensure that the person concerned has access to legal assistance [...]. 6. Member States shall ensure that legal assistance is granted on request free of charge where the person concerned cannot afford the costs involved. [...] Member States may provide that free legal assistance and representation not be granted where the appeal or review is considered [...] to have no tangible prospect of success.	Art. 3: 1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter III indicate is responsible.	Art. 6: 1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation. 2. Member States shall ensure that a representative represents and/or assists an unaccompanied minor with respect to all procedures provided for in this Regulation. [...] Such representative shall have access to the content of the relevant documents in the applicant's file including the specific leaflet for unaccompanied minors. [...]	
Anti-Trafficking Directive (Directive 2011/36/EU)	Art. 15: 2. Member States shall, in accordance with the role of victims in the relevant justice system, ensure that child victims have access without delay to free legal counselling and to free legal representation, including for the purpose of claiming compensation, unless they have sufficient financial resources.		Art. 11: 5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis [...]. 6. The information referred to in paragraph 5 shall cover, where relevant, [...] information on the possibility of granting international protection pursuant to Council Directive 2004/83/EC [...] and Council Directive 2005/85/EC [...].	Art. 12: 3. Member States shall ensure that victims of trafficking in human beings receive appropriate protection on the basis of an individual risk assessment, inter alia, by having access to witness protection programmes or other similar measures [...].	Preamble (23): A decision on the future of each unaccompanied child victim should be taken within the shortest possible period of time with a view to finding durable solutions based on an individual assessment of the best interests of the child, which should be a primary consideration. A durable solution could be return and reintegration into the country of origin or the country of return, integration into the host society, granting of international protection status or granting of other status in accordance with national law of the Member States. Art. 16: 2. Member States shall take the necessary measures with a view to finding a durable solution based on an individual assessment of the best interests of the child. Art. 14 is also relevant
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art. 10: (c) In the case of third-country nationals who are unaccompanied minors, Member States shall [...] take the necessary steps immediately to ensure legal representation, including representation in criminal proceedings, in accordance with national law.	Art. 7: 4. Member States may provide the third-country nationals concerned with free legal aid, if established and under the conditions set by national law.			
Return Directive (Directive 2008/115/EC)	Art. 13: 3. The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance. 4. Member States shall ensure that the necessary legal assistance and/or representation is granted on request free of charge in accordance with relevant national legislation or rules regarding legal aid, and may provide that such free legal assistance and/or representation is subject to conditions as set out in Article 15(3) to (6) of Directive 2005/85/EC.				

VII. Special protection measures				
	AUTHORITIES SPECIFIC TRAINING		CHILD SENSITIVE PROCEDURAL MEASURES	APPEAL (AGAINST NEGATIVE DECISIONS)
Schengen Borders Code (Regulation 562/2006)	Art. 15: 1. [...] Member States shall ensure that the border guards are specialised and properly trained professionals, taking into account common core curricula for border guards established and developed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States established by Council Regulation (EC) No 2007/2004. Training curricula shall include specialised training for detecting and dealing with situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking.		ANNEX VII: 6. Minors: 6.1. Border guards shall pay particular attention to minors, whether travelling accompanied or unaccompanied. Minors crossing an external border shall be subject to the same checks on entry and exit as adults, as provided for in this Regulation. [...]	
Recast Reception Conditions Directive (Directive 2013/33/EU)				Art. 26: 1. Member States shall ensure that decisions relating to the granting, withdrawal or reduction of benefits under this Directive or decisions taken under Article 7 which affect applicants individually may be the subject of an appeal within the procedures laid down in national law. At least in the last instance the possibility of an appeal or a review, in fact and in law, before a judicial authority shall be granted. [...]
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 25: 3. Member States shall ensure that: (a) if an unaccompanied minor has a personal interview on his or her application for international protection as referred to in Articles 14 to 17 and 34, that interview is conducted by a person who has the necessary knowledge of the special needs of minors; (b) an official with the necessary knowledge of the special needs of minors prepares the decision by the determining authority on the application of an unaccompanied minor.			Art. 12: 1. With respect to the procedures provided for in Chapter III, Member States shall ensure that all applicants enjoy the following guarantees: [...] (f) they shall be informed of the result of the decision by the determining authority in a language that they understand or are reasonably supposed to understand when they are not assisted or represented by a legal adviser or other counsellor. The information provided shall include information on how to challenge a negative decision [...].
Recast Qualification Directive (Directive 2011/95/EU)				
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 6: 4. [...] The staff of the competent authorities referred to in Article 35 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.		Art. 8: 1. Where the applicant is an unaccompanied minor, the Member State responsible shall be that where a family member or a sibling of the unaccompanied minor is legally present, provided that it is in the best interests of the minor: [...] 2. Where the applicant is an unaccompanied minor who has a relative who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, provided that it is in the best interests of the minor: [...] 4. In the absence of a family member, a sibling or a relative as referred to in paragraphs 1 and 2, the Member State responsible shall be that where the unaccompanied minor has lodged his or her application for international protection, provided that it is in the best interests of the minor.	Art. 27 (against transfer decision): 1. The applicant or another person as referred to in Article 18(1)(c) or (d) shall have the right to an effective remedy, in the form of an appeal or a review, in fact and in law, against a transfer decision, before a court or tribunal.
Anti-Trafficking Directive (Directive 2011/36/EU)	Preamble (25): Member States should adopt a gender perspective and a child-rights approach. Officials likely to come into contact with victims or potential victims of trafficking in human beings should be adequately trained to identify and deal with such victims.	Art. 15: 3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations and proceedings [...]; (c) interviews with the child victim are carried out, where necessary, by or through professionals trained for that purpose;	Art. 12: 3. Member States shall ensure that victims of trafficking in human beings receive appropriate protection on the basis of an individual risk assessment, inter alia, by having access to witness protection programmes or other similar measures [...]. Art. 8 is also relevant	Art. 15: 3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations and proceedings [...]; (c) interviews with the child victim are carried out, where necessary, by or through professionals trained for that purpose; [...] (f) the child victim may be accompanied by a representative or, where appropriate, an adult of the child's choice [...].
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)			Art. 10: If Member States have recourse to the option provided for in Article 3(3), the following provisions shall apply: (a) Member States shall take due account of the best interests of the child when applying this Directive. They shall ensure that the procedure is appropriate to the age and maturity of the child. In particular, if they consider that it is in the best interest of the child, they may extend the reflection period.	
Family Reunification Directive (Directive 2003/86/EC)			Art. 5: 5. When examining an application, the Member States shall have due regard to the best interests of minor children.	Art. 18: The Member States shall ensure that the sponsor and/or the members of his/her family have the right to mount a legal challenge where an application for family reunification is rejected or a residence permit is either not renewed or is withdrawn or removal is ordered. The procedure and the competence according to which the right referred to in the first subparagraph is exercised shall be established by the Member States concerned.
Return Directive (Directive 2008/115/EC)				Art. 13: 1. The third-country national concerned shall be afforded an effective remedy to appeal against or seek review of decisions related to return, as referred to in Article 12(1), before a competent judicial or administrative authority or a competent body composed of members who are impartial and who enjoy safeguards of independence.

	VII. Special protection measures					
	SAFEGUARDS ON DETENTION			DATA PROTECTION		
	GUARANTEES		REVIEW OF TREATMENT	FACILITIES		
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 11: 2. Minors shall be detained only as a measure of last resort and after it having been established that other less coercive alternative measures cannot be applied effectively. Such detention shall be for the shortest period of time and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors. The minor's best interests, [...] shall be a primary consideration for Member States. Where minors are detained, they shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age. [...]		Art. 9: 5. Detention shall be reviewed by a judicial authority at reasonable intervals of time, ex officio and/or at the request of the applicant concerned, in particular whenever it is of a prolonged duration, relevant circumstances arise or new information becomes available which may affect the lawfulness of detention. 6. In cases of a judicial review of the detention order provided for in paragraph 3, Member States shall ensure that applicants have access to free legal assistance and representation. [...]	Art. 11: 3. [...] Unaccompanied minors shall never be detained in prison accommodation. As far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons of their age. Where unaccompanied minors are detained, Member States shall ensure that they are accommodated separately from adults.	Art. 18: 7. Persons working in accommodation centres shall [...] be bound by the confidentiality rules provided for in national law in relation to any information they obtain in the course of their work.	Art. 24: 3. [...] In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety. 4. Those working with unaccompanied minors shall [...] be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work. Art. 25.2 is also relevant."
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 8: 1. Where there are indications that third-country nationals or stateless persons held in detention facilities [...] may wish to make an application for international protection, Member States shall provide them with information on the possibility to do so. In those detention facilities and crossing points, Member States shall make arrangements for interpretation to the extent necessary to facilitate access to the asylum procedure.	Art. 26: 1. [...] The grounds for and conditions of detention and the guarantees available to detained applicants shall be in accordance with Directive 2013/33/EU.			Preamble (52): Directive 95/46/EC [...] on the protection of individuals with regard to the processing of personal data and on the free movement of such data governs the processing of personal data carried out in the Member States pursuant to this Directive.	Art. 30: For the purposes of examining individual cases, Member States shall not: (a) disclose information regarding individual applications for international protection, or the fact that an application has been made, to the alleged actor(s) of persecution or serious harm; [...] Art. 48: Member States shall ensure that authorities implementing this Directive are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.
Recast Qualification Directive (Directive 2011/95/EU)					Art. 31: 5. [...] In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis.	Art. 37: Member States shall ensure that authorities and other organisations implementing this Directive have received the necessary training and shall be bound by the confidentiality principle, as defined in the national law, in relation to any information they obtain in the course of their work.
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 28: 4. As regards the detention conditions and the guarantees applicable to persons detained, in order to secure the transfer procedures to the Member State responsible, Articles 9, 10 and 11 of Directive 2013/33/EU shall apply.		Art. 28: 4. As regards the detention conditions and the guarantees applicable to persons detained, in order to secure the transfer procedures to the Member State responsible, Articles 9, 10 and 11 of Directive 2013/33/EU shall apply.	Art. 28: 4. As regards the detention conditions and the guarantees applicable to persons detained, in order to secure the transfer procedures to the Member State responsible, Articles 9, 10 and 11 of Directive 2013/33/EU shall apply.	Preamble (26): Directive 95/46/EC [...] on the protection of individuals with regard to the processing of personal data and on the free movement of such data applies to the processing of personal data by the Member States under this Regulation. Art. 34: 1. Each Member State shall communicate to any Member State that so requests such personal data concerning the applicant as is appropriate, relevant and non-excessive [...]. 9. The applicant shall have the right to be informed, on request, of any data that is processed concerning him or her. Art. 40 is also relevant.	Preamble (4) Implementing Regulation 118/2004; [...] a standard form for the exchange of relevant information on unaccompanied minors, uniform conditions for the consultation and exchange of information on minors' and dependent persons, a standard form for the exchange of data before a transfer; [...] are not provided for in Regulation (EC) No 1560/2003. Consequently, new provisions should be added.
Recast Eurodac Regulation (Regulation 603/2013)					Art. 16: 1. Each set of data relating to a third-country national or stateless person as referred to in Article 14(1) shall be stored in the Central System for 18 months [...]. Upon expiry of that period, the Central System shall automatically erase such data. [...]	Art. 23: [...] 4. The Agency [...] shall: (a) adopt measures ensuring that persons working with the Central System process the data recorded therein only in accordance with the purposes of Eurodac [...]; (b) take the necessary measures to ensure the security of the Central System [...].
Anti-Trafficking Directive (Directive 2011/36/EU)					Preamble (33): This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably [...] the protection of personal data [...].	
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)					Art. 7: 2. Member States shall take due account of the safety and protection needs of the third-country nationals concerned when applying this Directive, in accordance with national law	
Return Directive (Directive 2008/115/EC)	Art. 17: 1. Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time. 3. Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have, depending on the length of their stay, access to education. 5. The best interests of the child shall be a primary consideration in the context of the detention of minors pending removal.					

	VIII. General measures of implementation (GMI)			
	IMPLEMENTATION OBLIGATIONS		ACTORS TRAINING AND QUALIFICATIONS	
Schengen Borders Code (Regulation 562/2006)			Art. 15: 1. [...] Member States shall ensure that the border guards are specialised and properly trained professionals, taking into account common core curricula for border guards established and developed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States established by Council Regulation (EC) No 2007/2004. Training curricula shall include specialised training for detecting and dealing with situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking.	Art. 16: 4. Member States shall provide for training on the rules for border control and on fundamental rights. In that regard, account shall be taken of the common training standards as established and further developed by the Agency.
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 31: 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1 to 12, 14 to 28 and 30 and Annex I by 20 July 2015 at the latest. They shall forthwith communicate to the Commission the text of those measures. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. [...]		Art. 29: 1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary basic training with respect to the needs of both male and female applicants.	
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 51: 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1 to 30, Article 31(1), (2) and (6) to (9), Articles 32 to 46, Articles 49 and 50 and Annex I by 20 July 2015 at the latest. They shall forthwith communicate the text of those measures to the Commission. 2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(3), (4) and (5) by 20 July 2018. They shall forthwith communicate the text of those measures to the Commission. 3. When Member States adopt the provisions referred to in paragraphs 1 and 2, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. [...]		Preamble (16): It is essential that decisions on all applications for international protection be taken [...] by authorities whose personnel has the appropriate knowledge or has received the necessary training in the field of international protection.	Art. 4: 3. Member States shall ensure that the personnel of the determining authority referred to in paragraph 1 are properly trained. To that end, Member States shall provide for relevant training [...].
Recast Qualification Directive (Directive 2011/95/EU)	Art. 39: 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1, 2, 4, 7, 8, 9, 10, 11, 16, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 by 21 December 2013. They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. [...]		Art. 31: 6. Those working with unaccompanied minors shall have had and continue to receive appropriate training concerning their needs.	
			Art. 37: Member States shall ensure that authorities and other organisations implementing this Directive have received the necessary training [...].	
Recast Dublin Regulation (EU Regulation 604/2013)			Art. 6: 4. [...] The staff of the competent authorities referred to in Article 35 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.	
			Art. 35: 3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.	
Anti-Trafficking Directive (Directive 2011/36/EU)	Art. 22: 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 6 April 2013. 2. Member States shall transmit to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Directive. 3. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.		Preamble (25): Member States should adopt a gender perspective and a child-rights approach. Officials likely to come into contact with victims or potential victims of trafficking in human beings should be adequately trained to identify and deal with such victims. [...]	Preamble (15): Law enforcement officials and prosecutors should be adequately trained, in particular with a view to enhancing international law enforcement and judicial cooperation.
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art. 17: The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 6 August 2006. They shall immediately inform the Commission accordingly. When the Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.			Art. 18: 3. Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.
Family Reunification Directive (Directive 2003/86/EC)	Art. 20: Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by not later than 3 October 2005. They shall forthwith inform the Commission thereof. When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.			
Return Directive (Directive 2008/115/EC)	Art. 20: 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 December 2010. In relation to Article 13(4), Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 December 2011. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. 2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.			

VIII. General measures of implementation (GMI)		
	RESPECT FOR EXISTING HIGHER STANDARDS	DATA COLLECTION AND REPORTING
Recast Reception Conditions Directive (Directive 2013/33/EU)	Preamble (28): Member States should have the power to introduce or maintain more favourable provisions for third-country nationals and stateless persons who ask for international protection from a Member State.	Art. 30: By 20 July 2017 at the latest, the Commission shall report to the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary. Member States shall send the Commission all the information that is appropriate for drawing up the report by 20 July 2016.
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 5: Member States may introduce or retain more favourable standards on procedures for granting and withdrawing international protection, insofar as those standards are compatible with this Directive.	"Art. 50: No later than 20 July 2017, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send to the Commission all the information that is appropriate for drawing up its report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every five years. [...]"
Recast Qualification Directive (Directive 2011/95/EU)	Art. 3: Member States may introduce or retain more favourable standards for determining who qualifies as a refugee or as a person eligible for subsidiary protection, and for determining the content of international protection, in so far as those standards are compatible with this Directive.	Art. 38: 1. By 21 June 2015, the Commission shall report to the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary. Those proposals for amendment shall be made by way of priority in Articles 2 and 7. Member States shall send the Commission all the information that is appropriate for drawing up that report by 21 December 2014.
Recast Dublin Regulation (EU Regulation 604/2013)		Art. 46: By 21 July 2016, the Commission shall report to the European Parliament and to the Council on the application of this Regulation and, where appropriate, shall propose the necessary amendments. Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest six months before that time limit expires.
Recast Eurodac Regulation (Regulation 603/2013)		Art. 40: 1. The Agency shall submit to the European Parliament, the Council, the Commission and the European Data Protection Supervisor an annual report on the activities of the Central System, [...]. 5. Member States shall provide the Agency and the Commission with the information necessary to draft the annual report referred to in paragraph 1.
Anti-Trafficking Directive (Directive 2011/36/EU)		Art. 19: Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting. EN L 101/10 Official Journal of the European Union 15.4.2
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art. 4: This Directive shall not prevent Member States from adopting or maintaining more favourable provisions for the persons covered by this Directive.	Art. 16: 1. No later than 6 August 2008, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States [...]. The Member States shall send the Commission any information relevant to the preparation of this report. 2. After presenting the report referred to in paragraph 1, the Commission shall report to the European Parliament and the Council at least every three years on the application of this Directive in the Member States.
Family Reunification Directive (Directive 2003/86/EC)	Art. 3: 4. This Directive is without prejudice to more favourable provisions of: (a) bilateral and multilateral agreements between the Community or the Community and its Member States, on the one hand, and third countries, on the other; (b) the European Social Charter of 18 October 1961, the amended European Social Charter of 3 May 1987 and the European Convention on the legal status of migrant workers of 24 November 1977. 5. This Directive shall not affect the possibility for the Member States to adopt or maintain more favourable provisions.	Art. 19: Periodically, and for the first time not later than 3 October 2007, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose such amendments as may appear necessary.
Return Directive (Directive 2008/115/EC)	Art. 4: 1. This Directive shall be without prejudice to more favourable provisions of: (a) bilateral or multilateral agreements [...]; (b) bilateral or multilateral agreements between one or more Member States and one or more third countries. 2. This Directive shall be without prejudice to any provision which may be more favourable for the third-country national [...].	Art. 19: The Commission shall report every three years to the European Parliament and the Council on the application of this Directive in the Member States and, if appropriate, propose amendments. The Commission shall report for the first time by 24 December 2013 and focus on that occasion in particular on the application of Article 11, Article 13(4) and Article 15 in Member States. [...]

	VIII. General measures of implementation (GMI)		
	MONITORING AND REVIEW		COMPLAINTS
Recast Reception Conditions Directive (Directive 2013/33/EU)	Preamble (30): The implementation of this Directive should be evaluated at regular intervals.		
	Art. 28: 1. Member States shall, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established. [...]	Art. 30: By 20 July 2017 at the latest, the Commission shall report to the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary. Member States shall send the Commission all the information that is appropriate for drawing up the report by 20 July 2016.	
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Preamble (55): The implementation of this Directive should be evaluated at regular intervals. Art. 50: No later than 20 July 2017, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send to the Commission all the information that is appropriate for drawing up its report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every five years. [...]		
Recast Qualification Directive (Directive 2011/95/EU)	Art. 38: 1. By 21 June 2015, the Commission shall report to the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary. Those proposals for amendment shall be made by way of priority in Articles 2 and 7. Member States shall send the Commission all the information that is appropriate for drawing up that report by 21 December 2014. 2. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive at least every 5 years.		
Recast Dublin Regulation (EU Regulation 604/2013)	Preamble (38): The effective monitoring of the application of this Regulation requires that it be evaluated at regular intervals.		
	Art. 46: By 21 July 2016, the Commission shall report to the European Parliament and to the Council on the application of this Regulation and, where appropriate, shall propose the necessary amendments. Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest six months before that time limit expires. After having submitted that report, the Commission shall report to the European Parliament and to the Council on the application of this Regulation at the same time as it submits reports on the implementation of the Eurodac system provided for by Article 40 of Regulation (EU) No 603/2013.		
Recast Eurodac Regulation (Regulation 603/2013)	Art. 40: [...] 4. By 20 July 2018 and every four years thereafter, the Commission shall produce an overall evaluation of Eurodac, [...]. The Commission shall transmit the evaluation to the European Parliament and the Council. [...] 8. On the basis of Member States and Europol annual reports provided for in paragraph 7 and in addition to the overall evaluation provided for in paragraph 4, the Commission shall compile an annual report on law enforcement access to Eurodac and shall transmit it to the European Parliament, the Council and the European Data Protection Supervisor.		Art. 29: [...] 14. In each Member State any person may, in accordance with the laws, regulations and procedures of that State, bring an action or, if appropriate, a complaint before the competent authorities or courts of the State if he or she is refused the right of access provided for in paragraph 4. 15. Any person may, in accordance with the laws, regulations and procedures of the Member State which transmitted the data, bring an action or, if appropriate, a complaint before the competent authorities or courts of that State concerning the data relating to him or her recorded in the Central System, in order to exercise his or her rights under paragraph 5. The obligation of the national supervisory authorities to assist and, where requested, advise the data subject in accordance with paragraph 13 shall subsist throughout the proceedings.
Anti-Trafficking Directive (Directive 2011/36/EU)	Art. 19: Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. [...]		
	Art. 23: 1. The Commission shall, by 6 April 2015, submit a report to the European Parliament and the Council, assessing the extent to which the Member States have taken the necessary measures in order to comply with this Directive, including a description of action taken under Article 18(4), accompanied, if necessary, by legislative proposals. 2. The Commission shall, by 6 April 2016, submit a report to the European Parliament and the Council, assessing the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings, accompanied, if necessary, by adequate proposals.		
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)			
Family Reunification Directive (Directive 2003/86/EC)	Art. 19: Periodically, and for the first time not later than 3 October 2007, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose such amendments as may appear necessary. These proposals for amendments shall be made by way of priority in relation to Articles 3, 4, 7, 8 and 13.		
Return Directive (Directive 2008/115/EC)	Art. 19: The Commission shall report every three years to the European Parliament and the Council on the application of this Directive in the Member States and, if appropriate, propose amendments. The Commission shall report for the first time by 24 December 2013 and focus on that occasion in particular on the application of Article 11, Article 13(4) and Article 15 in Member States. [...]		

	Glossary		
	UNACCOMPANIED MINOR	FAMILY MEMBERS	RELATIVE
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 2: (e) 'unaccompanied minor': means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States.	Art. 2: (c) 'family members': means, in so far as the family already existed in the country of origin, the following members of the applicant's family who are present in the same Member State [...]: • the spouse of the applicant or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals; • the minor children of couples referred to in the first indent or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law; • the father, mother or another adult responsible for the applicant whether by law or by the practice of the Member State concerned, when that applicant is a minor and unmarried;	
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 2: (m) 'unaccompanied minor' means an unaccompanied minor as defined in Article 2(l) of Directive 2011/95/EU.		
Recast Qualification Directive (Directive 2011/95/EU)	Art. 2: (l) 'unaccompanied minor' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States.	Art. 2: (j) 'family members' means, in so far as the family already existed in the country of origin, the following members of the family of the beneficiary of international protection who are present in the same Member State [...]: • the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals; • the minor children of the couples referred to in the first indent or of the beneficiary of international protection, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law; • the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;	
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 2: (j) 'unaccompanied minor' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her; whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States.	Art. 2: (k) 'representative' means, insofar as the family already existed in the country of origin, the following members of the applicant's family who are present on the territory of the Member States: • the spouse of the applicant or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals, • the minor children of couples referred to in the first indent or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law, • when the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present, • when the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for him or her whether by law or by the practice of the Member State where the beneficiary is present.	Art. 2: (h) 'relative' means the applicant's adult aunt or uncle or grandparent who is present in the territory of a Member State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law.
Recast Eurodac Regulation (Regulation 603/2013)			
Anti-Trafficking Directive (Directive 2011/36/EU)			
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)	Art. 2: (f) 'unaccompanied minors' means third-country nationals below the age of eighteen, who arrive on the territory of the Member State unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the Member State.		
Family Reunification Directive (Directive 2003/86/EC)	Art. 2: (f) 'unaccompanied minor' means third country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they entered the territory of the Member States.	Art. 4: 1. The Member States shall authorise the entry and residence, pursuant to this Directive [...], of the following family members: (a) the sponsor's spouse; (b) the minor children of the sponsor and of his/her spouse, including children adopted [...]; (c) the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her. Member States may authorise the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement; (d) the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him or her: [...]	
Return Directive (Directive 2008/115/EC)			

	Glossary		
	GUARDIAN/ REPRESENTATIVE	APPLICANT WITH SPECIAL RECEPTION NEEDS	VULNERABLE PERSONS/ VULNERABILITY
Recast Reception Conditions Directive (Directive 2013/33/EU)	Art. 2: (j) 'representative': means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary. Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out the duties of representative in respect of the unaccompanied minor, in accordance with this Directive.	Art. 2: (k) 'applicant with special reception needs': means a vulnerable person, in accordance with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive. Note: Arts 21 and 22 are also relevant for the definition of 'applicant with special reception needs'.	
Recast Asylum Procedures Directive (Directive 2013/32/EU)	Art. 2: (n) 'representative' means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary. Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out the duties of representative in respect of the unaccompanied minor, in accordance with this Directive.		
Recast Qualification Directive (Directive 2011/95/EU)			
Recast Dublin Regulation (EU Regulation 604/2013)	Art. 2: (g) 'representative' means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary. Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out its duties in respect of the minor, in accordance with this Regulation.		
Recast Eurodac Regulation (Regulation 603/2013)			
Anti-Trafficking Directive (Directive 2011/36/EU)			Art. 2: 2. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.
Directive on Residence permits for victims of human trafficking (Directive 2004/81/EC)			
Family Reunification Directive (Directive 2003/86/EC)			
Return Directive (Directive 2008/115/EC)			Art. 3: 9. 'vulnerable persons' means minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence."