

Background note on ways to prevent unaccompanied migrant children from going missing

Based on a speech delivered by FRA to the European Parliament's Civil Liberties, Justice and Home Affairs Committee in Brussels on 21 April. It was part of an exchange of views on unaccompanied children that go missing from reception facilities and are at risk of trafficking.

The phenomenon of unaccompanied children that go missing from reception facilities and child care institutions is not new. FRA has been working on this issue since 2009. In its earlier report on child trafficking, FRA highlighted the risks of abuse and exploitation these children face. Recently, FRA has provided evidence on unaccompanied children that go missing in its monthly reports on the refugee situation in nine EU Member States. Its current research on the use of biometric data also looks at whether the Schengen Information System (SIS II) could possibly be used for tracing missing unaccompanied children and what changes would be necessary, for example to grant child protection authorities access to such information to enhance the protection of children.

How many children go missing in the EU and from where?

The exact number is not known. To explain why, a better understanding of who should report the disappearances to whom and what is really happening is needed.

Children upon arrival should be registered with a competent national authority and should be appointed a guardian who should be responsible for reporting a child's disappearance to the police, as parents do for their own children. This is often not the case. Estimates on the number of missing unaccompanied children that are currently available are often drawn from the number of children that go missing from specific reception facilities where they are placed and are not necessarily reported to the police. So, what are the issues here?:

1. First, there is a dark figure, an unknown number of unregistered unaccompanied children that could be missing from somewhere but are not reported at all.
2. Second, the absence of a central registry results in double registrations.

This means that the same child could be reported missing from different reception facilities within the same Member State, giving rise to duplicate numbers. The same child might also be 'reported' as missing in more than one Member State. Let me give you an example: A child arrives on the island of Lesbos, goes missing from Lesbos and then from mainland Greece; later on the same might occur in Germany or Sweden.

How many children are found and where?

Some of the children that will go missing from Greece or Italy, for example, end up in another EU Member State e.g. Austria. Currently, Austrian authorities will not know if this child is 'missing' from Greece and Greek authorities will not know that the child was found in Austria.

For initiating a tracing process a report should be submitted by the child's guardian – or another competent authority when specified in national law- to the police or another authority.

The lack of reporting or extreme delays in reporting makes these children untraceable. For many of these children, no guardian has been appointed. Moreover, the reporting obligations of appointed guardians or, in the absence of them, of reception facilities are not always clearly provided in law.

Under the SIS II rules (Article 32), an alert for missing people can be included in SIS II. Most Member States will include missing children in SIS II; However, in at least 4 EU Member States missing children will only be included if they think that there are reasons to believe that the child has been taken abroad.

In 2015, there were 55,989 alerts for missing children in SIS II. However, it is not known how many related to unaccompanied children.

For cases of unaccompanied children that are reported to the police very often there is no tracing and follow up, due to the absence of evidence and data that could facilitate the tracing process such as a photo of the child, personal data, fingerprints etc.

How can tracing procedures and data collection be improved?

First there is a need to ensure that all cases of missing unaccompanied children are reported to the police authorities and are entered in SIS II. Prompt assignment of a guardian with clear reporting obligations within 24 hours will contribute to this. Furthermore, in order to make unaccompanied children visible, a separate category could be added to SIS II. Including searchable fingerprints in SIS II may also improve the tracking of missing children - provided that data protection and security safeguards for the IT-system are in place. Finally, to enhance the protection of children, an effective system for granting child protection authorities direct or indirect access to SIS II would have to be designed.

There is also a need for a better understanding of why unaccompanied children go missing and what can be done to prevent their disappearance. This will help avoid creating a vicious cycle where children are found and go missing again. It will also effectively protect them from violence, abuse and exploitation.

Why do unaccompanied children go missing?

Although there is no comprehensive study on this and although each case should be addressed individually, many unaccompanied children leave reception facilities to meet parents or extended family members and friends living in another Member State.

Lengthy official procedures, administrative burdens as well as a lack of trust in the authorities, along with insufficient information provided to children contributes to their decision to travel alone. This makes them vulnerable for recruitment by criminal networks, smuggles and traffickers.

Inadequate reception conditions and detention practises also act as push factors. No child wants to stay behind fences or in big reception centres, packed with unrelated people, without adequate care and information, and where they can become victims of physical or other form of violence.

The fear their asylum claim may be rejected and uncertainty about their future also affects their decision. This also makes them more vulnerable to exploitation. Older children try to survive alone in the community, earning their own money supporting themselves and often their family back home.

What we can do to prevent disappearances?

1. First, ensure that all actors involved, including asylum and migration authorities, law enforcement, judicial and child protection authorities, work together.
2. Second, ensure that all such authorities fully respect the principle of the best interests of the child in all their actions. This means creating a safe environment for unaccompanied children, offering them care, and living conditions that meet their needs and vulnerabilities, and offer effective protection.
3. Third, redouble efforts to fight criminal networks smugglers and traffickers.

In conclusion:

Children are far less likely to leave places that care for them. Four measures can significantly help reduce the number of missing unaccompanied children:

1. **Provide reception and accommodation in foster care and small units.** Reports indicate that the proportion of children that go missing from foster care and small family units is lower compared to reception centres and institutions. Existing guidance and child protection standards (e.g. UN Alternative Care Guidelines) should be used to facilitate the implementation of international and EU law on the accommodation and reception of unaccompanied children.
All services provided to unaccompanied children should be mainstreamed in the national child protection system; Child protection authorities should have a leading role in ensuring equity of care for all children lacking parental care; protection of children shouldn't be left solely to migration and law enforcement authorities.
One of the measures applied by many Member States is placing children in so-called 'safe or protective houses'. Such measures are proven effective in cases of children that are 'controlled' by their traffickers in the sense that children are detached from them and specialised staff can gain the trust of the child. However, it should be ensured that when such measures apply they should be based on an individual risk assessment, followed by a formal decision issued by competent judicial authorities for a pre-defined period of time and be subject to frequent reviews. It should also be clear that safe and protective facilities doesn't mean closed facility and detention-like conditions. Children shouldn't be locked in against their will, in the name of their safety. Such practices in most cases postpone disappearance of detained children and act as push factors for the disappearances of others that want to avoid detention.
2. **Ensure prompt appointment of trained and qualified guardians** for all unaccompanied children. FRA's guardianship handbook, developed together with the European Commission, provides guidance on how to strengthen guardianship systems. Trained guardians should be able, for example, to prevent disappearances by identifying early children that are at risk of disappearance and/or risk of trafficking.
3. **Build-up trust:** Children have the right to be informed and they should be informed in a way that takes into consideration their age and maturity - An 8 year old cannot be informed in the same way as a teenager. In order to gain trust they need to be told the truth, engaged, and have their fears and concerns listened to.
4. Finally, measures to ensure **prompt family reunification** procedures should be considered. The early identification and implementation of **durable solutions** for unaccompanied children will also reduce feelings of uncertainty and desperation.