



NGOs call for a new public-private partnership framework and better harmonized EU legislation for the protection of migrant children in Central and Eastern Europe.

The European Federation for Street Children (EFSC) together with a number of child rights NGOs from Central, Eastern and Western Europe, experts and practitioners from EFSC member organisations, representatives of Ministries, local governments and research institutes have renewed their call to the European Union to urgently react on the burning issue of street children and the migration of unaccompanied minors from the “new” EU Member States in Central and Eastern Europe to the “old” ones, as well as from outside the EU to the new Member States. The Participants of the European Forum on Street children 2009 held in Budapest on 24-25 of September 2009 have signed a joint declaration in which they expressed the strong need to stop the criminalization of street children, to adopt a better coordinated legislation and policy on the EU level, to develop appropriate strategies on the national levels and to create a new public-private partnership framework for the protection of migrant children in Central and Eastern Europe.

The Forum was organised in Budapest by the European Federation for Street Children in close co-operation with its member organisations in Hungary (Megálló Group Foundation for Addicts), Bulgaria (Alliance for Children and Youth) and Romania (Romanian Foundation for Children, Community and Family).

The first day of the conference focussed on presenting the main challenges involved in the migration of unaccompanied children. During the Forum and within the presentations of the speakers the fact that the European dimension of the phenomenon of street children and the migration of unaccompanied minors is increasing was highlighted. As expressed in the joint declaration *“The increasing freedom of circulation of separated children within the EU following the removal of barriers as a consequence of the Schengen agreement, makes the phenomenon an increasingly European one with the recent access of Bulgaria and Romania to the European Union posing particular challenges.”*

At the same time, as highlighted by **Reinhold Müller, Director of EFSC**, a fundamental effort to give voice and visibility to these children is necessary: Following a recent UNICEF report, 1.7 million children of Roma origin are not even registered in Central and Eastern Europe and thus face serious hindrances in having their voices heard. He also highlighted the importance of starting from the children themselves considering them essentially as human beings and of an integration which starts from the mutual respect. To this fundamental approach, specific and targeted measures should be appointed to improve the situation of unaccompanied children in general and street children in particular, as it is clear that normal intervention strategies are not sufficient or can hardly reach them.

Reinhold Müller also underlined the important role of the European Union in better co-ordinating Member States’ policies in this field through the Open Method of Coordination, a process which is still underway and where specific attention should be paid to those children who lack access to social services, such as street children. The activities of the European

Commission in this field, such as the Green Paper on Migration and Mobility: challenges and opportunities for the EU educational systems” are encouraging signs which should always be confronted with the evidence coming from the operational level. EFSC member organisations, indeed, report that compared to the hopes and promises of the enlargement process, the results has so far been limited.

Reinhold Müller recalled the existence of two parallel waves of migration of street children: one originating from Central and Eastern European Member States to Western European Member States, and one from non-EU countries in Eastern Europe and Asia to Central and Eastern European Member States. Moreover children living in poverty and exclusion are extremely vulnerable to violence and are at high risk of becoming victims of forced begging and labour, sexual exploitation and trafficking. These children experience different aspects of migration, such as forced, illegal or unaccompanied migration as well as abandonment by migrating families within EU and from outside the EU.

These developments require that the issue must be comprehensively addressed by all EU Member States and cooperation between origin and destination countries must be strengthened. **Mrs. Kristina Touzenis from the International Organization for Migration** gave an overview of the legal framework in the protection of children while stressing that all EU Member States are legally bound to the protection of childhood by the international conventions they have agreed to. Moreover she marked that child-specific legislation should be promoted, as well as consideration of children as children, before considering them as migrants or criminals. She recalled the centrality of the child’s best interests in the UNCRC, and the particularly complex issue of protecting the rights of migrant children from social and economic exploitation. She stressed that street children and migrant children who are alone are particularly vulnerable, but at the same time particularly resourceful.

The important achievement of the freedom of movement within the EU is unfortunately also giving better conditions for child trafficking. In this case unaccompanied minors or even more street children are in bigger risk. As stressed by **Mrs. Eva Kerpel, Vice President of Missing Children Europe**, Central and Eastern European Member States are not yet prepared to face this problem in an appropriate way and there are no data at all to support the activity of the authorities. Children are particularly vulnerable to political unrest or instability, war, poverty, family conditions and social care; and the sudden changes in political environment, in the social and economic situation of individuals and families, in the values and the process of adjustment of social care systems in Central and Eastern Europe are particular risk factors for children in this region to become a victim of child trafficking. This is how strong movements of children, including trafficking, from East to West, as well as child prostitution, child begging and organized crime became apparent in Europe. As stressed by Mrs. Kerpel more guidance from the EU is needed, including the harmonization of the data collection, centralization of legislation and, most importantly, protection and care of victims. She highlighted several practices adopted by the Missing children member organisations which aim at pro-actively reaching out to children, such as through mobile medical units, mobile schools, and training programmes for parents.

Mr. Niraj Nathwani from the Fundamental Rights Agency addressed that policy of non-punishment of victims should be implemented, stating that in half of the Member States no formalised policy on non-criminalization is pursued: thus, trafficked children could be prosecuted for border offences or other offences such as illegal prostitution. Punishment for child traffickers, on the other hand, is virtually non-existent: as he reported, only in 4 Member

States of the EU convictions have been detected; and in some Member States not a single case of trafficking was ever identified nor prosecuted, i.e. no one was ever found responsible of trafficking. Mr. Nathwani concluded that the principle of best interest of the child is a general principle also of EU law and protection of the child victim should be prioritised instead of criminalizing unaccompanied minors, and he called on the EU to ensure that in its legislation a child who is believed to be a victim of trafficking should not be detained as a matter of principle.

Serenella Pesarin, Director-General for the Implementation of Legal Provisions at the Italian Ministry of Justice presented the Inter-governmental agreement concluded between the governments of Italy and Romania for the protection of unaccompanied minors. She highlighted in this context the difficulties entailed by the non-comparability of the definitions of unaccompanied minors in the two countries, as well as in the collection of data, which are often not even coherent within the different Ministries of the same country. She called for the establishment of a specific Commissioner for Juvenile Justice in Europe, to harmonise Member State's policies in the field of juvenile justice, something which is missing at the moment.

The conference was reported in different TV reports and a press conference was held at the end of the first day, where representatives of EFSC member organisations answered the questions of the press. The interventions focussed on the situation of street children in the EU, the impact of the economic downturn on social spending for the benefit of street children, the difficulties entailed in the collection of data on the most marginalised groups of children, and on the role of the EU in the protection of these children. At the end of the press conference, a musical-theatre show titled "Who is perfect in this world?", presented by the children of Megálló Group was held. The children had the opportunity after the show to speak to the media and to tell their stories.

During the second day the responses by the different actors to the challenges posed by the migration of children were analysed.

Nadejda Petkova, Chief Expert in Section "Social Services" Department of Social Protection and Social Inclusion of the Ministry of Labour in Bulgaria, presented the ten-year "National Children's Strategy 2008-2018" adopted by the government, which directly addresses the issue of street children, thereby showing how an holistic approach combined with targeted measures can significantly improve the social services provision for this group of extremely marginalised children. This entails the revision of the relevant sectoral regulations, the setting of targets and of monitoring mechanisms as well as the adequate budgetary provision for the different institutional levels involved, from the national to the local level.

The joint intervention of **Tommaso Diegoli, Save the Children Norway**, and **Mirsada Poturkovic, Director of the Centre for Social Work in Canton Sarajevo**, also highlighted the importance of inter-institutional co-operation as a means to ensure sustainability to support project for children at risk and street children in particular. The presentation of the Child Trafficking Response Programme (Phase III) showed a brilliant example of a research, good practice and needs-based project which analysed the needs of the local context and developed a solution which filled an institutional gap at the local level. In consideration of the increasing dimension of domestic trafficking, the widespread absences from school, and the increasing number of working children, it was considered as appropriate to provide a drop-in centre for school drop-outs and children at risk of trafficking and of begging, where children and family could find support – by involving the local institutions since the very beginning. A by-product of this partnership is the important facilitation of the registration procedures for the children

attending the drop-in centre. The project involves the important issue of cultural mediation in the form of peer educators from the Roma community to deal with children, and the issue of combining outreach work – a “mobile school” – with the availability of the drop-in centre.

The issue of illegal street work by children opened the debate about the need for basic standards combined with a culture-sensitive approach when dealing with child labour. The debate also highlighted the important issue of data collection and the particular issues involved in the collection of data about nomad Roma communities in Bosnia and Herzegovina, whose mobility makes normal collection methods insufficient.

The presentation of **Denisa Pochová, Advisor of the RAMAD (Association of Roma Youth and Children in Slovakia) for the Health of Roma Children** showed the effects of adverse living conditions on the overall health status of Roma children in Eastern Slovakia. Socio-economic problems and unhealthy lifestyles of the parents tend to impact on the health of the children, whose infant mortality rate is on average three times higher than that of the children of the majority group (with a slightly decreasing tendency since 2004). The proportion of hospitalised Roma children is 80% under the first year of age, and is constantly decreasing in older age groups. This is linked to the bad infrastructural provision in segregated villages, which makes it “nearly impossible to satisfy the minimum hygienic standards of children”, and to a lack of adequate care from the parents’ side. In order to change this situation, Ms. Pochová underlined the need for a “systematic, well-managed attitude as well as co-ordinated co-operation of the state with the legislation, social sphere, insurance companies, health sector, communal sphere and the third sector. She also underlined the importance of prevention and the fact that the individual activities are interconnected and that it is useful when they are not performed solely by medical personnel, but rather in co-operation with the social workers. The increasing awareness on this issue and the positive reactions of the families has to be considered as positive steps towards this objective.

Bernadett Gelsei, Director of the Megálló Group Foundation for Addicts and co-organiser of the conference presented her organisation’s answer to the increasing challenges of social inclusion and drug abuse among migrant children and youth in Hungary. She presented the features of drug abuse among these children, such as the khat plant used by migrants from Africa, which is often causing mental health problems. She admitted that the increasing migration of non-EU citizens seeking asylum in Hungary pose unprecedented challenges which require a cultural-sensitive approach. Megálló’s approach is individualised and aims at involving the families in as far as possible. It provides alternative day-care services focussing on arts and sports, but also promoting the children’s personal involvement in volunteering activities, important for providing a safe environment for building trust and confidence in themselves and towards their peers.

Following the request of some participants, videos brought by young people working with street children were presented to the audience, one presenting the “Mobile Schools” approach presented by Rob Sweldens, Belgium, aiming at bringing the school to the children by means of a mobile blackboard, and one, by Volkan Yuca, Turkey, reflecting on the different life conditions and expectations of street children and “mainstream” children, showing the central role of love and motivation in the street work.

In closure of the conference, representatives from different key organisations and institutions dealing with street children and children at risk at different levels participated in a **panel discussion** animated by Spitzer Gyöngyi. These were: Marek Stavinoha, European

Commission; Nadejda Petkova, Bulgarian Ministry of Labour; Dora Giusti, UNICEF Innocenti Research Centre; Mariana Pisarska, Alliance for Children and Youth, Bulgaria; Jaroslaw Utrat-Milewski, University of Warsaw and Society of the Friends of Children, Poland; Edona Berisha Kida, University of Pristine and Centre for the Protection of Victims and Prevent Trafficking with Human Beings, Kosovo. The discussion addressed the topic of the inter-institutional co-operation in the protection of unaccompanied children from different sides, highlighting the role of the local authorities as key actors in bringing about a concrete difference in children's lives, in particular by fostering the active participation of children and their families in the decision-making process. The discussion highlighted the importance of capturing the attention of the media on the extreme marginalisation of children by making it a "social problem", i.e. by mobilising the general public's attention on the issue, vis-à-vis the difficulties entailed in the data collection process. Another fundamental condition of a successful intervention strategy is an active civil society, particularly the invaluable contribution of volunteers. The participants highlighted in this context the importance of respecting the culture of the beneficiaries and of a professionalisation of volunteers' support. With respect to the impact of the EU integration for the "new" Member States, the participants and the public raised the issue of an often insufficient support from the governmental authorities to child rights NGOs in spite of the promises emerged during the enlargement process, and of the problematic consequences of decentralised awarding of EU funding via national and local administrations.

The role of the European Commission was highlighted during the debate, and Mr. Stavinoha provided interesting information about several Commissions' initiatives aiming at ensuring higher standards of protection of the rights of asylum seeking children and of separated children. In the process of revision of the asylum package, the Commission adopted amending proposals to the "asylum directives" aiming at ensuring that the special needs of a child applying for international protection are identified and addressed, and at improvement of the conditions for accessing health care. These proposals specify that children shall not be detained unless it is in their best interests, while unaccompanied children shall never be detained. Mr. Stavinoha also informed about the two proposals recently adopted by the Commission on revising the Council Framework Decision on Combating Trafficking in Human beings and the Framework Decision on combating the sexual exploitation of children and child pornography, which are aimed, as mentioned above, at better protecting the victims from criminalisation. He also stressed that, as part of the EU strategy on the Rights of the Child, meetings of experts will be organised on the topic of on "invisible" children to identify protection gaps, gaps in information, figures, and providing knowledge.

One major outcome of the European Forum on Street Children was the joint call for a co-ordinated multi-stakeholder action in the protection of unaccompanied children and street children in particular, which emerged in a number of speeches, discussions and interventions and which referred to different levels of action, including the co-ordination between the EU policies in the protection of childhood, the inter-governmental co-ordination in the protection of unaccompanied minors, the data collection level, the use of a common definition of street children, and the concrete intervention levels, whereby safe and meaningful child participation and the participation of community-based organisations representing children and their families plays a central role. Those present agreed to the core requirement to achieve protection instead of criminalization of unaccompanied children.

A Joint Declaration was adopted on the need for a new public-private partnership framework, which lists a number of core requirements both towards the EU and the Member States to ensure a better protection of migrant children in Central and Eastern Europe as well as within

the EU as a whole. Starting from the requirement to make the European Parliament goal to end the phenomenon of street children by 2015 a reality, the declaration asks the European Commission to play a fundamental co-ordinating role in bringing together origin and destination countries and in a comprehensive and co-ordinated data collection effort, while ensuring protection of children against criminalisation. More specifically, it calls for the establishment of an Open Method of Co-ordination with focus on children and of specific funding programmes for supporting street children and unaccompanied minors in conflict with the law, and for ensuring a close link between the Lisbon agenda post-2010 with the upcoming EU strategy on the Rights of the Child.

The declaration also calls upon the social policy makers at national level to ensure that the levels of social spending are maintained in spite of the economic downturn and to establish procedures systematically to involve local authorities and NGOs, particularly those representing the most affected groups such as street children and Roma children, in the elaboration of social and child protection policies and of the National Action Plans for social inclusion in particular. Finally, the declaration calls upon the local authorities to establish networks with NGOs, the private sector and all relevant stakeholders to ensure that children and their families are systematically consulted and involved with a view to achieving a sustainable improvement of their living conditions.



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