



THE VOICES OF CHILDREN

IN ADMINISTRATIVE PROCEDURES WHEN APPLYING FOR INTERNATIONAL PROTECTION

BY



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Child friendly justice in action !

Ten years have now passed since the adoption of the Guidelines on Child-Friendly Justice (CFJ). Six partners of the Child-Friendly Justice - in Action ! project, an initiative of the Child-Friendly Justice European Network analysed the administrative proceedings involving migrant children in their countries to assess the extent to which they take into account the CFJ guidelines.

Across the European Union, every year, tens of thousands of children are involved in **migration-related administrative justice procedures** that determine the exercise of their rights. Almost 200.000 children [1], whether accompanied or not, were involved in an asylum procedure across the twenty-seven European member states in 2019. This represents almost one third of the total amount of people seeking asylum in the European Union that year.



A **child is always and above all a child**, regardless of his or her migration status or that of his or her parents. In this sense, he or she has rights (mainly under the CRC) which must be both the starting point and the guiding thread of any action concerning him or her.

This document brings together the **voices of children who have shared their experience of administrative justice** in the course of applying for international protection with the different implementing partners. These testimonies highlight the challenges of applying child-friendly justice in the context of migration.



Participatory workshops and online questionnaires with more than **50 children**

*The children's testimonies could not be given orally. Therefore, no quotes will be given for this country

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This document gathers significant excerpts (from national reports) from children's **testimonies** in Belgium, France, Spain, Italy, the Netherlands and Greece, linking them to some of the main **European challenges and issues** concerning child friendly justice in migration context.

A lack of information and child-friendly information

Our findings : Children involved in migration-related administrative or judicial proceedings are generally **not sufficiently informed, including about their rights**, or they are informed in a manner that is not sufficiently adapted and does not allow them to really understand the information and its implications. This lack of information has a significant impact on their right to participation.

I had no idea what my rights were. My dream was to go to school with French children, but I wondered if I had the right to do so.

Unaccompanied child, France


When I first went to the asylum office, they just gave me a paper with information in many languages. I was 15 years old back then and I did not really understand what I should do next. I told the interpreter to ask the asylum office gentleman some questions I had. He replied "It is all on the paper. I tried to ask the interpreter himself for help, but the employee told him not to help me because the line was very long.

Unaccompanied child, 17 years, Greece


In Belgium, more than one in two children surveyed would have liked to receive more information about their rights. Among the information they would like to receive, some would like to know what will happen if they cannot stay in Belgium. This uncertainty has a major impact on their development, since they cannot build a future without knowing what will be done tomorrow.

I could not get an appointment for registration. One day, the police caught me with no papers and took me to the police station. They put me in a cell with other children. I did not know what was happening and I was so scared. [...] . They moved me to another police station. Then to another. I was so confused and no one was telling me what was going on or what my options were.

Unaccompanied child, 16 years, Greece




I was homeless and unregistered for months after I arrived in Greece. [...] I was an invisible person. I wish I had some information when I first arrived in Greece.




Unaccompanied child, 15 years, Greece


Lack of child-friendly communication: having the opportunity to understand and be understood




If I could go back in the process, I would like to express myself better, tell my problem and my story.




Accompanied child, 11 years, Belgium




Sometimes I was feeling that nobody cares about me. There were people that supported me but others were treating me like a criminal. My application was so long. I also believe that they could have different more nice rooms when interviewing children. Registration process is like interrogation.




Unaccompanied child, 16 years, Greece




As a child you are often not informed about what will happen during such a conversation. The questions that are asked are very detailed. Often the questions were also complicated. If I did not know certain answers, I referred them to my lawyer, but this is not allowed. I had to answer the question



Unaccompanied child, The Netherlands



It is a caregiver who received me. I submitted my papers, proving that I was 16 years old, but I was not taken in. I don't know why. They told me to go back, that I would be brought in later for an evaluation. Awaiting that evaluation, I had to live for three weeks under a bridge. It is very bad there. You always have to watch your things. You spend your day looking for food, looking for a place to wash. When I was too scared or too cold, I slept in trains.




Unaccompanied child, France

Lack of staff and neglect of child migrants


Professionals play a vital role in ensuring that the rights of children going through a procedure for international protection are respected.

A lack of staff results in the inability to handle cases properly and on time, which leads to the neglect of the principles of child friendly justice.

 I travelled from the Camp to the asylum office (2 hours) and when I got there, they told me that due to problems they had to change my date. And rescheduled it for two years later! I was devastated! Only with the help of the lawyer they changed my date for this year. If I did not have one, like so many other children, I would have to wait.

Unaccompanied child, 17 years, Greece 

As legal representatives, **guardians play a crucial role** for unaccompanied young people in defending their rights. They support and accompany them while looking after their best interests. Due to a lack of adequate funds, there is a wide gap between the national laws that generally require the registration and placement of a guardian for every unaccompanied child, and their actual implementation in practice. As a consequence, one single guardian is often in charge of a large number of unaccompanied children.

 I had a guardian, she was ok, but she also was responsible for many other children. She was not by my side and she did not have the time to explain to me what was going on and what I should do next.

Unaccompanied child, 16 years, Greece 

Cultural mediators and interpreters play a vital role in ensuring that the rights of children going through a procedure for international protection are respected. Unfortunately, many children have testified that they were not able to express themselves in their mother language during the procedure

At the asylum office they only had an Urdu interpreter. I speak Pashto. When I mentioned I don't completely understand him, they told me he was the only one available and that Pashto and Urdu are almost the same. There are similarities, of course, but they are definitely not the same language

Unaccompanied child, 17 years, Greece

I didn't understand anything, I didn't speak the language, I didn't have an interpreter

Unaccompanied child, France

Psychological consequences of non CFJ proceedings on children

The Child-Friendly Justice Guidelines state that in all proceedings, children should be treated with respect for their age, their special needs, their maturity and level of understanding, and bearing in mind any communication difficulties they may have [2]. Of particular importance is the language used. The language should be appropriated to children's age and understanding [3] Yet migrant children are still treated first and foremost as migrants rather than as minors with specific needs. The risk if the procedure is not adapted is that these particularities become vulnerabilities.

They said you have plenty of time just to think about it, but I thought, yes, I just want to answer a question as soon as possible. And because I just want to get rid of it quickly and because I was thinking, if I keep thinking about it for a long time, maybe they think, okay, she's thinking about her answer now, so she's going to lie.

Unaccompanied child, The Netherlands

There was a lot of noise, a lot of people. A lot of waiting. Parents came in but not the children

Accompanied child, 13 years, Belgium

In Belgium, unlike the other countries, the research focused on the situation of accompanied children. The results show that **accompanied children are often left aside** by professionals who only address themselves to the parents.

The guardians also help your thoughts. When you don't have anyone to help you, you think a lot, you think about much bigger things than yourself. If you have a guardian, you find someone who says, 'Don't worry, I'm here'. The guardian gives you peace of mind. And it's important because if you don't have peace of mind, you go crazy.

Former unaccompanied child, Italy

I cried a lot at the time, because I told far too intense things. So I just wanted to sit down, do nothing, sort of just really don't talk to anyone. I have talked enough for today, nothing now.

Unaccompanied child, The Netherlands

Between us and the residential care facility, it's like there's a contract. When you leave, the contract ends and everyone goes their own way. When I left my old residential care facility all the operators wrote me not to send messages anymore.

Former unaccompanied child, Italy

[1] Exactly 198,855 children, see online table "Asylum seekers and first-time asylum seekers by nationality, age and sex. Aggregated annual data (rounded)", Eurostat, website updated on 02-04-2020.

[2] § 54 Child-Friendly Justice Guidelines

[3] § 56 Child-Friendly Justice Guidelines