



TRAINING MANUAL

UPHOLDING LEGAL RIGHTS FOR UNACCOMPANIED CHILDREN



Fostering Quality Legal Assistance in the Asylum Procedure



Co-funded by the Rights,
Equality and Citizenship (REC)
Programme of the European Union



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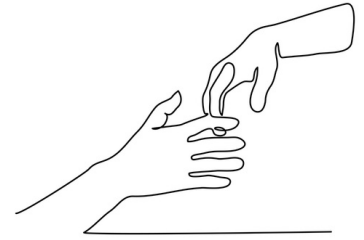
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About the Project

This project, called « Upholding Legal Rights for Unaccompanied Children by Fostering Quality Legal Assistance in the Asylum Procedure », aims at ensuring that unaccompanied children in need of international protection fully access their rights and effectively participate to every stages of the asylum procedure.

Given the recent increase in arrivals of unaccompanied children in Europe, the European Union (EU) has adopted asylum laws, known as the EU Asylum Acquis, that seek to address special protection and reception needs of asylum-seeking children given their particular vulnerability.

As highlighted by the recent jurisprudence of the European Court of Human Rights (ECtHR), unaccompanied asylum-seeking children (hereafter UASC) are considered vulnerable both as children and as asylum seekers.

Ensuring that asylum procedures are accessible and effective for UASC is a challenge at the European level. There was indeed an increase in unaccompanied children's asylum claims in 2015 with almost 90,000 applications, three times more than in 2014. Consequently, Member States are still at an early stage of applying recast EU obligations, and systematically implementing them at a national level.

Nevertheless, many unaccompanied children in need of international protection do not necessarily seek asylum. Several reasons explain this situation: some children coerced by companions, smugglers or family members are on the move, others are exploited and trafficked and thus unable to access legal support and advice. In addition, unaccompanied children do not apply for asylum due to a lack of information and protection or because they automatically receive temporary leave to remain until their 18th birthday.

Overall, the evidence shows that despite the adoption of higher EU standards in June 2013, unaccompanied children still face a bleak situation in many EU Member States and protection gaps have exacerbated¹.

As highlighted above, providing legal support for these children requires competency in children's rights in order to better tackle the childcare system and the specificities of the asylum judiciary and administrative procedures. In addition, legal assistance must be tailored to each child's personal circumstances. It must determine the best interests of the child by taking into account factors including the age, gender identity and sexual orientation of the child, as well as the needs of trafficked, traumatised or disabled children and the level of maturity and educational background of the child². It also requires skills to communicate in a child-friendly way.

Recent researches³ and a pre-diagnosis assessment conducted in the 5 countries involved in this project⁴, revealed that legal advisors/lawyers⁵ and legal representatives need knowledge and skills to correctly apprehend both asylum and migration law and children's rights.

1. A previous project founded by DG Justice showed the heterogeneity of law and practices in asylum right for Unaccompanied Children, despite the intention to harmonize the implementation of asylum right within the European Union. France terre d'asile, Hungarian Helsinki Committee, CIR, International humanitarian initiative, terre des Hommes, I-Red, Right to asylum for unaccompanied minors in the European Union – Comparative study in the 27 Eu countries, August 2012

2. UNHCR, "C'est bien qu'on nous écoute. Intérêt supérieur, accès à une protection et à une solution durable, expériences et points de vue d'enfants non accompagnés étrangers en France", December 2018 (in French), available at: <https://www.unhcr.org/fr-fr/5c17cd034.pdf>

3. ECRE, "Right to Justice: Quality Legal Assistance for Unaccompanied Children. COMPARATIVE REPORT" (July 2014), online: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=54047b224&skip=0&query=ecre>; The CONNECT Project, online: <http://www.connectproject.eu/>

4. [Uprights project pre diagnosis training needs assessment](#) (May 2017)

5. ECRE, "Right to Justice: Quality Legal Assistance for Unaccompanied Children. Annex 1 GUIDING PRINCIPLES FOR QUALITY LEGAL ASSISTANCE FOR UNACCOMPANIED CHILDREN" (July 2014), Principle 6 at p 15, online: https://www.ecre.org/wp-content/uploads/2016/03/Annex1_guidingprinciples_righttojusticeEN.pdf



European Multi Partners' Project

Partners of the project are all professional organisations involved in the support of asylum seekers: **ECRE** – European - is the Alliance of 90 NGOs defending refugee rights; **Forum réfugiés-Cosi (FRC)** - France - supports unaccompanied children seeking asylum with legal support and orientation and trains French professionals; **The Immigration Law Practitioners Association (ILPA)** – UK - is a professional association of mainly barristers, solicitors and advocates; **Flemish Refugee Action (FRA)** – Belgium - provides training to lawyers and other professionals assisting refugees including children, also in the framework of EU-funded projects. It runs a legal helpdesk **The Hungarian Helsinki Committee (HHC)** – Hungary - which has taken several national and EU-level initiatives to improve the quality of services for unaccompanied asylum-seeking children in Hungary; **Italian Council for Refugees (CIR)** – Italy - provides training to various stakeholders in the asylum field.

A Training Package

The Training Objectives

1. To build the capacity of legal practitioners and other professionals to (a) improve their knowledge of children's rights and the principles laid down in international and EU legal instruments (b) improve their contribution to the implementation of these rights and principles.
2. To build the capacity of legal practitioners and other professionals on the principles and practice of child-centred justice, including how to put the child at the centre of judicial proceedings and how to use child-friendly working methods and communication.

The Main Target Group is practitioners representing unaccompanied children in different asylum procedures, including lawyers/legal advisers and legal representatives, specifically guardians and social workers. **The ultimate beneficiaries** of the project are unaccompanied children in need of international protection.

The Modules

To address the gaps highlighted during the diagnostic, five substantive modules and one training manual have been developed and constitute a training package at the disposal of trainers, professionals and legal representatives working with unaccompanied children.

They provide key concepts and principles to professionals, legal representatives and other bodies working with unaccompanied children. The modules have been elaborated both as reference documents for trainers who will deliver trainings to professionals working with unaccompanied children seeking international protection, and as background documents for individuals interested in learning by themselves about these topics. While explaining fundamental notions on the different topics covered, the modules also indicate further materials that can be consulted by trainers when carrying out the training or by individuals who wish to deepen their knowledge. Each module can be used or read separately.

The Training Manual aims at giving training tools to trainers and proposing avenues to transmit the content of the modules to trainees, with a participatory approach. The proposed sequencing in the training manual as well as the tools are suggestions made to the trainers, who can pick and choose the elements most relevant to their national contexts and to their audience. In this way, each trainer can tailor the training material according to the profile and the background of the trainees.

The targets for the training manual are trainers, legal professionals representing unaccompanied children in legal proceedings, social workers accompanying children, volunteers working with children, associations.



About this Section

The information in this section is intended to guide you in using the manual and running the training sessions. It will help you in gaining an overview of the course, and in understanding:

- The learning objectives
- The course structure
- The methodology used.

Learning Objectives

The context for the training is detailed in the Introduction.

The overarching aim is for professionals working with unaccompanied children including guardians, legal representatives and social workers, to acquire knowledge regarding unaccompanied children's fundamental rights, as well as the skills required to respect and implement these rights.

The learning objectives are described at the top of each sessions.



Structure of the Training Manual

The manual includes five sessions of about three hours each. Each session is based on a module which describes the theoretical aspects of the topic.

The five sessions are:

SESSION 1

Reviews key concepts and guiding principles on unaccompanied asylum-seeking children

SESSION 2

Covers some fundamental procedural and substantive rights for unaccompanied asylum-seeking children in the asylum procedures

SESSION 3

Explores the right to family unity in EU law and explains the distinction between asylum-seeking children and children who have been granted international protection

SESSION 4

Legal avenues and remedies

SESSION 5

Child-friendly and intercultural approach

You can choose to deliver trainings on specific aspects of the sessions, without covering all the topics, according to what is relevant to your national context and appropriate for your audience.

However, all trainees should at least be made aware of unaccompanied children's fundamental rights and be given the opportunity to learn about the Convention on the Rights of the Child (CRC) and other procedural rights guaranteed by EU Directives such as:

- Unaccompanied children's right to be appointed a guardian;
- Their right to legal representation when they apply for asylum;
- Their right to be reunited with their relatives for the purpose of determining the Member state responsible for the examination of their international protection claim;
- Their right to family reunification when they have been granted refugee status.



Training Methodology

The methodology proposed in this manual relies on several instruments and tools:

- Trainers (or persons who read these materials for themselves) should become familiar with the materials contained in the modules;
- Trainers should then elaborate the content of the training, by selecting the content relevant to the context and the audience;
- To deliver the content of the modules in a participative and engaging way, trainers can rely on training tools that have been developed for the course, including Prezi, Powerpoint presentations, videos, and evaluating tools such as quizzes, case studies, exercises, etc.
- Trainers should share with the participants the content of the modules and the other key reference documents mentioned and gathered for each session under “Background resources”.

Training Softwares

The training manual includes training tools such as Prezi presentations and quizzes on the Kahoot! Platform. Both softwares aim at being user-friendly, and can be used as training tools and as tools for self-learning.



TRAINING MANUAL

Direct access

SESSION 1 Key Concepts and Guiding Principles 	SESSION 2 Fundamental Procedural Rights 	SESSION 3 Right to Family Unity 	SESSION 4 Legal Avenues and Remedies 	SESSION 5 Child-friendly and intercultural approach 
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Key Concepts and Guiding Principles Regarding Unaccompanied Asylum-Seeking Children

The core reference document for this session is:
Module 1: “Key Concepts and Guiding Principles
on Unaccompanied Asylum-Seeking Children”.



The main training tool is the Prezi presentation:
“Key Concepts and Guiding Principles on
Unaccompanied Asylum-Seeking Children”



SUMMARY

This session allows participants to learn about key definitions in the field of asylum law and unaccompanied children. It also enables participants to become knowledgeable about the best interests of the child in practice and about how each child's uniqueness requires an individualised assessment. This session also addresses the issue of age assessment.

SESSION PLAN



1. What do I know about Unaccompanied Asylum-Seeking Children (UASC)? Key Definitions



2. Learning About: Best Interests of the Child



3. Learning About: The Vulnerability of UASC and Individualised Assessment



4. Learning About: Age Assessment (Principles and Standards)



LEARNING OBJECTIVES

To understand **core definitions** that will be used throughout the training modules

To gain a clear **understanding of basic concepts** related to international protection

To understand the importance of the **principle of the best interests** of the child, especially in relation to UASC

To become familiar with the **main legislative instruments** and standards at international and EU level when ensuring the rights of UASC

SESSION 1

KEY CONCEPTS AND GUIDING PRINCIPLES



PREPARATION AND MATERIALS NEEDED



- Flipchart papers and markers



- Video projector



- Copies of the pre-evaluation tool and of the True/false exercise if done in person



- Online connection to allow participants to complete the online exercises

INSTRUCTIONS FOR THE SESSION

Some participants will be more familiar with some definitions and concepts. As a trainer, feel free to identify which concepts are less known (for e.g. intersectional vulnerability of children and individualised assessment) and to focus on them to make the training more useful and interactive.

BACKGROUND RESOURCES



- **On the definition of refugee status**
 - [UNHCR Handbook and Guidelines on procedures and Criteria for Determining Refugee status](#)
 - [UNHCR Protection Training Manual for European Border and Entry Officials](#)
- **On the principle of non-refoulement**
 - [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)
 - ECtHR case law, inter alia,
 - [Soering v. United Kingdom, ECtHR, 1/1989/161/217, 7 July 1989](#)
 - [Hirsi Jamaa and Others v. Italy, \[GC\], ECtHR, Application No. 27765/09 23 February 2012](#)
 - [M.S.S. v. Belgium and Greece \[GC\], ECtHR, Application No. 30696/09, 21 January 2011](#)
 - [Committee on the Rights of the Child; General Comment No. 6 \(2005\)](#)
 - [Joint General Comment No. 3 \(2017\) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 \(2017\) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017, paras. 45 - 47](#)
- **On the factors to determine the best interests of the child**
 - [UNHCR Guidelines on Determining the Best Interests of the Child](#)
 - [UNHCR, Best Interests of the Child \(2007\)](#)
 - [IOM Training Manual for Guardians and Social Workers dealing with unaccompanied minor asylum seekers 2012](#)



- **On the elements to be taken into account when assessing the child's best interests:**
 - [General Comment No. 14](#), Committee on the Rights of the Child, paras. 52 – 79
- **On the procedural safeguards:**
 - [General Comment No. 14](#), Committee on the Rights of the Child, paras. 85 – 99
- **On the concept of vulnerability in European asylum procedures:**
 - AIDA (Asylum Information Database), [The Concept of Vulnerability in European Asylum Procedures \(2017\)](#)
- **For an annex on medical literature and report advocating against the use of medical examination for age assessment purposes**
 - [Compilation of Expert Medical Opinions on the Use of Medical Examinations for Age Assessment of Non-National Children](#), Annex No. 11 to the AIRE Centre, DCR and ECRE's Third Party Intervention in the case 'Darboe and Camara' before the ECtHR (still pending in January 2019)

TRAINING TOOLS

For sequences

all

- **Reference document: module 1:** [“Key Concepts and Guiding Principles on Unaccompanied Asylum-Seeking Children”](#)
- **Prezi presentation** entitled “Key Concepts and Guiding Principles on Unaccompanied Asylum-Seeking Children”

For sequence

1

Exercise: Key Concepts Definition

- Done either through the [Online Quiz on the Kahoot! platform](#) entitled “What do I know about UASC?”
- Or on paper using the document entitled [“Session 1.1 Exercise: Key Concepts Definitions”](#)

For sequence

2

Exercise: True/False on the BIC

- Done either through the [Online Exercise on the Kahoot! Platform](#) entitled “True/False on the Best Interests of the Child”
- Or on paper using the document entitled [“Session 1.2 True/False Exercise on the BIC”](#)

For sequence

3

Exercise: Definition of Vulnerability

- Individual or collective exercise using the document entitled [“Session 1.3 Exercise: Definition of vulnerability”](#)

For sequence

4

Exercise: Age Assessment: Concerns and Safeguards

- Collective exercise using the document entitled [“Session 1.4 Exercise: Age assessment - Concerns and Safeguards”](#)



SESSION SEQUENCING

Sequence

1

Introduction: What do I know About Unaccompanied Asylum-Seeking Children - Key Definitions



30 min

Sequencing

- 1 If you have little time and an internet connection, you can start the sequence with the quiz on key concepts (5 min), and then directly move to step 3.
- 2 If you have a bit more time (15 min), you can propose to the participants to do the exercise of definitions on paper.
- 3 Correct or complete the participants' understanding by developing the concepts of international protection, refugee status, and subsidiary protection, the principle of non-refoulement, the definition of an unaccompanied child.

Training Tools

- ✓ Quiz on line: invite participants to do the [Online Quiz on the Kahoot! platform](#) entitled "What do I know about UASC?"
- ✓ Exercise: refer to the document entitled "[Session 1.1 Exercise: definitions](#)" for instructions
- ▶ [Prezi presentation](#): refer to the bubble "Key definitions"

Sequence

2

Learning About:
Principle of the Best Interests of the Child



45 min

Sequencing

- 4 If you have an online connection, you can propose the true/false exercise on the BIC.
- 5 Alternatively, you can propose the exercise on paper.
- 6 Develop the BIC and introduce the best interests assessment and determination. You can thereby correct and complete the participants' knowledge in these areas.

Training Tools

- ✓ True/False on line: invite participants to do the [Online Exercise on the Kahoot! Platform](#) entitled "True/False on the Best interests of the child"
- ✓ Exercise: refer to the document entitled "[Session 1.2 True/False Exercise on the BIC](#)"
- ▶ [Prezi presentation](#): refer to the bubble "The Principle of the Best interests of the Child"



SESSION SEQUENCING

Sequence **3**

Learning About: The Vulnerability of Unaccompanied Asylum-Seeking Children



Sequencing

- 7 To introduce the sequence on vulnerability, ask participants to reflect on this concept in relationship with UASC.
- 8 Develop the concepts of vulnerability, intersectional vulnerability and individualised assessment in relationship with UASC.
- 9 You can show participants the video of the REACT project on children victims of trafficking.
- 10 Introduce the concept of individualised assessment.
- 11 Exchange around the theme in light of the participants' professional experience.

Training Tools

✓ Exercise: refer to the document entitled "[Session 1.3 Exercise: Definition of vulnerability](#)" for instructions

▶ **Prezi presentation:** refer to the bubble on "Vulnerability of UASC and Individualised Assessment" for the introductory video, and then to the bubbles on "Intersectional vulnerability of UASC"

▶ Video: the REACT project video is available on the **Prezi presentation** under the bubble "Other factors exacerbating UASC's vulnerability" or directly on [Youtube](#)

▶ **Prezi presentation:** Refer to the bubble on "Individualised assessment"

Sharing experience and exchange

Sequence **4**

Learning About: Age assessment (Legal Framework and Safeguards)



Sequencing

- 12 Ask participants to reflect on the use of medical examinations to determine a child's age in small groups, to see if there are concerns and which safeguards should be in place.
- 13 The trainer can then build on the elements identified by the groups – regarding safeguards that should be put in place – and complete the information.

Training Tools

✓ Exercise: refer to the document entitled "[Session 1.4 Exercise: Age assessment: Concerns and Safeguards](#)" for instructions

▶ **Prezi presentation:** refer to the bubbles under the "Age assessment" bubble



Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children

The core reference document for this session is:
“Module 2 - Fundamental Procedural Rights for
Unaccompanied Asylum-Seeking Children”.

MODULE 2

The main training tool is the Prezi presentation :
“Procedural Rights for Unaccompanied Children”

PREZI

SUMMARY

This session covers some fundamental procedural and substantive rights for unaccompanied asylum-seeking children in the asylum procedures: access to the asylum procedures; the right to be heard; UASC’s right to be appointed a guardian, a representative and a lawyer and to have access to child-friendly legal aid; the right to an effective remedy; the time-limits which apply to asylum procedures and the urgency principle in all matters affecting children.

SESSION PLAN

1. Learning About: The Asylum Procedures and Procedural Safeguards
2. Learning About: The Right to be Heard
3. Learning About: The Right to be Protected and Accompanied by a Guardian, a Representative and a Lawyer
4. Learning About: The Right to Legal Representation and Legal Aid
5. Learning About: The Right to an Effective Remedy
6. Learning About: Time Limits in the Asylum Procedures and the Urgency Principle in All Proceedings related to Children



LEARNING OBJECTIVES

To learn about the asylum procedures for UASC, and the related necessary safeguards

To be aware of the scope and the implications of the child’s right to be heard in asylum procedures

To learn about the right to be protected and accompanied by a guardian, a representative and a lawyer, and about child-friendly legal aid

To learn about the right to an effective remedy

To be aware of time-limits for the asylum procedure and the urgency principle in all matters affecting children



PREPARATION AND MATERIALS NEEDED



- Flipchart papers and markers

- Post-its

- Paper sheets of two different colours for the exercise on the Asylum Procedures



- Copies of the exercises



- Hard copies of the Convention on the Rights of the Child, the Asylum Procedures Directive, the Anti-Trafficking Directive, the Dublin III Regulation, the EU Charter of Fundamental Rights, Brussels II Regulation



- Projection material to show videos and Prezi presentation



- Internet access to see online videos

INSTRUCTIONS FOR THE SESSION

- In the asylum procedures, specific procedural and substantive rights are triggered for unaccompanied children: it is important to know about them in order to ensure that the proper safeguards are in place when accompanying or representing unaccompanied children in their asylum applications.
- These procedural rights impose concrete obligations on professionals: allow participants to reflect on how they take into account and implement these rights in their daily work with children.
- Allow some time during the training for group discussions on sharing good practices and concerns.



BACKGROUND RESOURCES

 **MODULE 2**

 **PREZI**

• International Law

- [European Convention on Human Rights, 1950](#)
- [Convention relating to the Status of Refugees, 1951](#)
- [Protocol relating to the Status of Refugees, 1967](#)
- [Convention on the Rights of the Child, 1989](#)
- [ECtHR Guide on Article 6 of the European Convention on Human Rights \(2017\)](#)
- [International Covenant on Civil and Political Rights \(1966, entered into force 1976\)](#)

• EU Law

- [Charter of Fundamental Rights of the European Union, 2000](#)
- [Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection \(or recast Asylum Procedures Directive\)](#)
- [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted \(or recast Qualification Directive\)](#)
- [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection \(or recast Reception Conditions Directive\)](#)
- [Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA \(or recast Anti-Trafficking Directive\)](#)
- [Dublin III Regulation \(604/2013\)](#)
- [Council Regulation \(EC\) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation \(EC\) No 1347/2000 \(Brussels II bis Regulation\)](#)
- [Parliamentary Assembly of the Council of Europe Resolution 1810 \(2011\): Unaccompanied children in Europe: issues of arrival, stay and return](#)

• Key International Comments, Guidelines and Reports

- [UN Committee on the Rights of the Child, General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, UN Doc. CRC/GC/2005/6 \(1 September 2005\)](#)
- [UN Committee on the Rights of the Child, General Comment n°12 \(2009\): The right of the child to be heard UN Doc. CRC/C/GC/12](#)
- [UN Human Rights Committee General Comment no. 32, on Article 14 of the ICCPR, Right to equality before courts and tribunals and to fair trial, UN Doc. CCPR/C/GC/32 \(2007\)](#)
- [Human Rights Committee, General Comment No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 \(2004\)](#)
- [UN Guidelines for the Alternative Care of Children, Resolution adopted by the UN General Assembly \(2010\) A/RES/64/142](#)
- [UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime](#)



- [UNHCR Procedural Standards for Refugee Status Determination under UNHCR's Mandate](#)
- [UNHCR, "The Heart of the Matter - Assessing Credibility when Children Apply for Asylum in the EU" \(2014\)](#)
- [UNHCR, "Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum February" 1997](#)
- [Report of the UN High Commissioner for Human Rights on Access to justice for children \(A/HRC/25/35\), 16 December 2013](#)
- [Council of Europe, Guidelines of the Committee of Ministers of the CoE on child-friendly justice](#)
- [United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#)
- [UNICEF, "A Call for Effective Guardianship for Unaccompanied and Separated Children", Advocacy Brief, Refugee and Migrant Crisis in Europe, August 2016](#)
- [ECRE, Right to Justice: Quality Legal Assistance for Unaccompanied Children. Comparative Report, 2014](#)
- [ECRE, Information Note on Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection \(recast\)](#)
- [ENGI \(European Network for Guardianship Institutions\) \(2011\), Care for unaccompanied minors: Minimum standards, risk factors and recommendations for practitioners, Guardianship in practice, final report, Utrecht](#)

• Training Material

- [G. Gyulai \(ed\) et al, "Credibility Assessment in Asylum Procedures. A Multidisciplinary Training Manual" Volume 1 \(2013\), online](#)
- [HELP Course, "Child-Friendly Justice and Children's Rights", online](#)
- [International Commission of Jurists, Fostering Access to Immigrant Children's Rights \(FAIR Project\), module "Access to fair procedures for migrant children including the right to be heard and to participate in proceedings"](#)
- [Handbook for Professionals and Policymakers on Justice in matters involving child victims and witnesses of crime and more specifically:](#)
 - > [Implementation checklist 4: the right to be informed \(p. 37\)](#)
 - > [Implementation checklist 5: the right to be heard and to express views and concerns \(p. 46\)](#)
- [Fundamental Rights Agency \(FRA\), "Guardianship for Children Deprived of Parental Care. A Handbook to Reinforce Guardianship Systems to Cater for the Specific Needs of Child Victims of Trafficking" \(2014\)](#)
- [FRA, CoE and the Registry of the ECtHR, "Handbook on European law relating to the rights of the child" \(2015\)](#)
- [Asylum Information Database AIDA's website](#)

• Awareness Raising Material

- [« My Lawyer, My Rights - Every child in conflict with the law needs a good lawyer » of Defence Children International](#)
- [FRA's video « Children and justice: your right to protection and legal representation »](#)
- [FRA's video on children's right to be heard](#)
- [FRA's video on children's right to information](#)



TRAINING TOOLS

For sequences

all

- **Reference document:** ["Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children"](#)
- **Prezi presentation** entitled: ["Procedural rights for Unaccompanied Children"](#)
- [Online Quiz on the Kahoot! Platform](#) entitled ["Recapitulative Quiz on Procedural Rights for Unaccompanied Asylum-Seeking Children"](#)
- ["Session 2_ Sequence 6_Evaluation Quiz"](#)

For introducing the session

- The video of the REACT project of ECPAT: available on the Prezi presentation or on [Youtube](#)

For sequence

1

- ["Session 2.1.1 Exercise on the Asylum Procedure"](#)
- ["Session 2.1.2 Exercise on the Personal Interview"](#)

For sequence

2

- ["Session 2.2.1 Exercise: Searching provisions relevant to the right to be heard in International and EU Law"](#)
- ["Session 2.2.2 Exercise: The River Sides on the Right to be Heard"](#)
- [FRA's video on children's right to be heard](#)
- [FRA's video on children's right to information](#)

For sequence

3

- ["Session 2.3.1 Exercise on Defining the Roles of Guardians and Representatives"](#)
- ["Session 2.3.2 RECAP on the international and EU Legal Framework on Protection_for the trainer"](#)
- [Online Quiz on the Kahoot! Platform](#) entitled ["Roles of guardians and representatives for unaccompanied asylum-seeking children"](#)
- ["Session 2.3.3 Quiz "Roles of guardians and representatives"](#)

For sequence

4

- Video [« My Lawyer, My Rights - Every child in conflict with the law needs a good lawyer »](#)
- Video [« Children and justice: your right to protection and legal representation »](#)

For sequences

5 & 6

- **Prezi presentation** entitled: ["Procedural rights for Unaccompanied Children"](#) under the bubbles ["The Right to Appeal and to an Effective Remedy"](#) and ["Time Limits and the Urgency Principle"](#)



SESSION SEQUENCING

Sequence **1**

Learning About: the Asylum Procedures and Procedural Safeguards



2H

Sequencing

- 1 To introduce the session on the asylum procedures, invite participants to do the exercise on the national asylum procedures and the relevant procedural safeguards. This will allow them either to learn about – or to revise their knowledge about – the asylum procedures in their countries.

- 2 After the exercise, as a debriefing, clarify the different steps of the asylum procedures in your country.

- 3 Develop the procedural safeguards that must be in place for unaccompanied asylum-seeking children in their asylum procedures:
 - Access to the territory,
 - Access to information,
 - Right to a qualified and free interpreter
 - Right to be appointed a representative
 - To introduce the personal interview safeguard, move to step 4.

- 4 When introducing the procedural safeguard of the personal interview, you can propose to the participants to reflect on the necessity of such an interview by referring to the corresponding exercise.

- 5 To wrap up on the importance of the personal interview, and describe the limited evidence generally available in asylum procedures, you can give to the participants elements developed in Module 2 and in the training manual on “Credibility Assessment” of the Hungarian Helsinki Committee as part of the CREDO project.

Training Tools

✓ Exercise: Refer to the document entitled [“Session 2.1.1 Exercise on the Asylum Procedure”](#) for instructions

For background information, you can refer to the [Asylum Information Database AIDA’s website](#) which includes country reports and describes the asylum procedures in many European countries

Prezi presentation: Refer to the bubbles under “The Asylum Procedure and its Procedural Safeguards”
 ✓ Background document: [“Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children”](#), section 1

✓ Exercise: Refer to the document entitled [“Session 2.1.2 Exercise on the Personal Interview”](#) for instructions

✓ Background document: Refer to G. Gyulai (ed) et al, [“Credibility Assessment in Asylum Procedures. A Multidisciplinary Training Manual”](#) Volume 1 (2013) at p 11

✓ Background document: [“Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children”](#), section 1



SESSION SEQUENCING

Sequence **2**

Learning About: The Right to be Heard



2H

Sequencing

- 6 To introduce the right to be heard and what it implies for children and professionals working with them, ask participants to define what “the right to be heard” means for UASC.

- 7 Then ask participants in small groups (3-4) to identify legal sources of the right to be heard for unaccompanied children in international, EU and national law, using the hard copies available or the online versions of the texts.

- 8 Wrap up by checking if all the relevant sources have been identified, referring to the Prezi presentation.

- 9 Then ask participants to reflect on what the right to be heard means in practice for them and the children they work with:
What do they have to do as professionals to respect the children’s right to be heard, in particular in legal proceedings such as the asylum procedures?

- 10 Inform participants of the Committee on the Rights of the Child’s 5 steps implementation of the right to be heard, which can serve as a guidance.

- 11 To finish sequence 2, invite participants to do the river sides exercise on the right to be heard.

- 12 OPTIONAL: Inform participants about tools of the Fundamental Rights Agency (FRA) to inform children of their procedural rights.

Training Tools

- ✓ Exercise: Ask one or two participants to write down the main ideas on the flipchart

- ✓ Exercise: Refer to the exercise entitled [“Session 2.2.1 Exercise: Searching provisions relevant to the right to be heard in International and EU Law”](#)

- ▶ **Prezi presentation:** refer to the bubbles “Sources of the right to be heard”

- ✓ Exercise: ask one or two different participants to write down the main ideas on the flipchart (ideally to group ideas under main topics)

- ▶ **Prezi presentation:** refer to the bubble on “Implementing the right to be heard” and the “5 steps implementation” bubble
 ✓ Background document: [“Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children”](#), section 2.2

- ✓ Exercise: refer to the exercise entitled [“Session 2.2.2 Exercise: The River Sides on the Right to be Heard”](#) for instructions

- ✓ **Prezi presentation:** refer to the bubble “To go further: Related videos” on the Prezi presentation under “The right to be heard”
 - ▶ a) FRA’s [video on children’s right to be heard](#)
 - ▶ b) FRA’s [video on children’s right to information](#)



SESSION SEQUENCING

Sequence **3**

Learning About:
the Right to be Protected and Accompanied
by a Guardian, a Representative and a Lawyer



1H30

Sequencing

13 To introduce this sequence on the need of protection for unaccompanied asylum-seeking children, ask participants to reflect on the need for such protection: Why should UASC get specific protection?

14 As a debriefing, remind participants of the concept of intersectional vulnerability seen in Session 1, and inform participants of the legal sources of protection.

15 For participants who do not have a legal background, move directly to **step 18**.

16 For participants who have a legal background: ask participants to look at EU Directives and key international reports to identify the legal sources defining and describing the roles of guardians and representatives. Refer to the corresponding exercise.

17 As a debriefing for the exercise “Session 2.3 Exercise on Defining the Roles of Guardians and Representatives”, you can show on the screen the completed chart with the relevant information to remember, so that participants can complete and/or correct their own RECAP document. Then move to **step 20**.

Training Tools

✓ Exercise: Ask one participant to write down the main ideas on the flipchart

✓ Background document: [“Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children”](#), section 3.1

▶ **Prezi presentation:** Refer to the bubble on “Sources of the right to protection” under the bubble “The right to be protected”

✓ Reminder: You can also refer participants to the [Prezi presentation](#) of session 1, under the bubble “Vulnerability of UASC”

✓ Exercise: Refer to the exercise entitled [“Session 2.3.1 Exercise on Defining the Roles of Guardians and Representatives”](#)

✓ Give each participant a copy of the empty table in the document entitled [“Session 2.3.2 RECAP Exercise on Defining the Roles of Guardians and Representatives”](#)

✓ Background resource: Refer to the document entitled [“Session 2.3.2 RECAP on the international and EU Legal Framework on Protection - for the trainer”](#)

▶ **Prezi presentation:** You can also show them the bubble “Mandate of the Guardian”



Sequence **3**

Learning About: the Right to be Protected and Accompanied by a Guardian, a Representative and a Lawyer



1H30

Sequencing

- 18** For participants who do not have a legal background: propose them to do the Quiz on Kahoot! or orally to assess their background knowledge about the roles of guardians and representatives for UASC.

Training Tools

- ✓ Exercise: [Online Quiz on the Kahoot! Platform](#) entitled “Roles of guardians and representatives for unaccompanied asylum-seeking children”
- OR
- ✓ Refer to the document entitled “[Session 2.3.3 Quiz on the Roles of guardians and representatives](#)”

- 19** As a debriefing, describe the EU Legal Framework and the international guidelines regarding guardianship, showing the overlapping roles of guardians and representatives in some contexts under EU Law. You can use the RECAP document and Module 2 section 3.2 to elaborate.

- ✓ Background resources:
 - a) Refer to the completed chart in the document entitled “[Session 2.3.2 RECAP Exercise on Defining the Roles of Guardians and Representatives](#)”
 - b) Section 3.2 of “[Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children](#)”,

- ▶ **Prezi presentation:** Refer to the bubble of “the Mandate of the Guardian”

- 20** To introduce the section on the preconditions for an effective guardianship, ask participants to briefly reflect on the preconditions for a guardianship/representation to be effective based on their experiences. You can guide them by asking them to think about the following aspects:
- a) the way and the moment when they were appointed;
 - b) their qualifications;
 - c) their relationships with the children and the institutions they work for;
 - d) their awareness (or absence thereof) regarding specific children’s vulnerabilities.

- ✓ Open exchange

- 21** To wrap up and conclude this sequence on the right to protection, show participants the preconditions on the Prezi presentation.

- ▶ **Prezi presentation:** Refer to the bubble of “the Preconditions for an Effective Guardianship” under “The Right to be Protected”



SESSION SEQUENCING

Sequence

4

Learning About: The Right to Legal Representation,
Legal Assistance and Legal Aid




30 mins

Sequencing


- 22 To introduce the sequence on legal representation and legal aid, invite participants to reflect on:
- Why legal aid is important for UASC?
 - What are the benefits of having quality legal aid at an early stage of the asylum procedures?


- 23 Wrap up and complete the answers given by the participants by referring to the Prezi presentation and the background documents, and develop the sources of the right to legal aid.

- 24 OPTIONAL: If time allows, inform participants of the following videos. You can invite them to watch them and to inform the children they work with about their existence as well.
-  The Video entitled "[Every child in conflict with the law needs a good lawyer](#)" was produced as part of the project "My Lawyer, My Rights" coordinated by Defence for Children International Belgium, with the support of the European Commission.

Training Tools

- ✓ Exercise: Ask one or two participants to write down the main ideas on the flipchart

-  **Prezi presentation:** Refer to the bubbles under "The Right to Legal Aid"
- ✓ Background documents:
- ["Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children"](#), section 3.2.3
 - [ECRE ELENA Legal Note on Access to Legal Aid in Europe](#), November 2017

-  Videos are available on the [Prezi presentation](#) and below:
- Fundamental Rights Agency's video on "[Children and justice: your right to protection and legal representation](#)":
 - On the topic of "the right to legal representation in the context of judicial proceedings", see the video "[Every child in conflict with the law needs a good lawyer](#)"



SESSION SEQUENCING

Sequence 5

Learning About: The Right to an Effective Remedy



15 mins

Sequencing

- 25 To introduce the sequence on the right to effective remedy, refer to the Prezi presentation and the background module. You can develop the specificities of the appeal procedure in the asylum procedures of your country here.

Training Tools

- ▶ **Prezi presentation:** Refer to the bubbles under “Right to Appeal and Legal Remedy”
- ✓ Background document: [“Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children”](#), section 5

Sequence 6

Learning About: Time Limits in the Asylum Procedures and the Urgency Principle in All Child-Related Proceedings



15 mins

Sequencing

- 26 To introduce the sequence on time limits in the asylum procedures, refer participants to the text of the [recast Asylum Procedures Directive](#) and ask them to identify the time limits set by EU Law for the examination procedure:
- For participants who have a legal background, you may not give the number of the provision.
 - For participants who do not have a legal background, you can refer them directly to Article 31 of the Directive.

Training Tools

- ✓ Exercise: Ask participants to consult a hard copy of the [recast Asylum Procedures Directive](#) or to look at it online

- 27 As a debriefing, you can show participants the Prezi presentation.

- ▶ **Prezi presentation:** Refer to the bubbles under “Time Limits in the Asylum Procedures and the Urgency Principle”
- ✓ Background document: [“Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children”](#), section 6



Sequence

6

Learning About: Time Limits in the Asylum Procedures and the Urgency Principle in All Child-Related Proceedings



15 mins

Sequencing

- 28 To conclude the sequence on the urgency principle ask participants to reflect on why specific attention must be paid to the delays in child-related proceedings.

- 29 As a debriefing, refer participants to the Prezi presentation and the background document of the module 2.

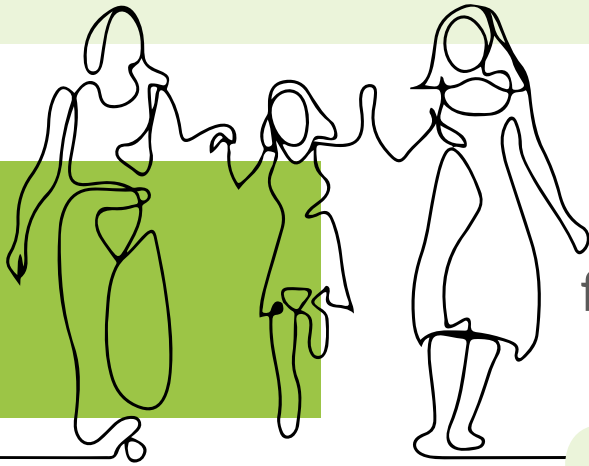
- 30 Recapitulative evaluation: Invite participants to complete the quiz online, or if no internet access, on paper.

Training Tools

- ✓ Exercise:
Write down the main ideas on the flipchart

- ▶ **Prezi presentation:** Refer to the bubble “the Urgency Principle”
✓ Background document:
[“Module 2 - Fundamental Procedural Rights for Unaccompanied Asylum-Seeking Children”, section 6](#)

- ✓ Exercise:
[Online Quiz on the Kahoot! Platform](#) entitled “Recapitulative Quiz on Procedural Rights for Unaccompanied Asylum-Seeking Children” OR
✓ Document entitled [“Session 2_ Sequence 6_ Evaluation Quiz”](#)



The Right to Family Reunification for Unaccompanied Asylum-Seeking and Refugee Children in Europe

The core reference document for this session is: "Module 3: The right to family reunification for unaccompanied asylum-seeking and refugee children in Europe".



The main training tool is the Prezi presentation : "The Right to Family Reunification for Refugees and Asylum-Seeking Children in Europe"



SUMMARY

This session covers the right to family unity for children as provided by EU law, distinguishing unaccompanied asylum-seeking children's rights from unaccompanied refugee children's rights.

SESSION PLAN



1. Introduction: The Right to Family Unity for Unaccompanied Children



2. Learning About: Family Reunification for Unaccompanied Children Applying for International Protection: The Dublin III Regulation



3. Learning About: Family Reunification for Unaccompanied Children who have been Granted International Protection: The Family Reunification Directive



LEARNING OBJECTIVES

To learn about States' obligations regarding family tracing for unaccompanied asylum-seeking children

To learn about the binding criteria for determining the member state responsible for determining the substantive application

To learn about the rights of unaccompanied refugee children regarding family unity and reunification



PREPARATION AND MATERIALS NEEDED



- Flipchart papers and markers



- Projection material to show the videos and the Prezi presentation



- Copies of the case studies

INSTRUCTIONS FOR THE SESSION

- This session relies heavily on the EU Family Reunification Directive and the Dublin III Regulation.
- Adapt the content of the presentation to your audience: while it is important for non-legal professionals to know about the rights to family life, family tracing and family reunification of unaccompanied asylum-seeking children and refugee children, only legal professionals may directly implement the Dublin III Regulation procedures and the Family Reunification Directive in their work.



BACKGROUND RESOURCES



• International Law

- [United Nations Convention on the Rights of the Child \(UN CRC\)](#)
- [European Convention on Human Rights \(ECHR\)](#)
- [Universal Declaration of Human Rights \(UDHR\)](#)
- [The 1951 Convention relating to the Status of Refugees](#)

• EU Law

- [Charter of Fundamental Rights of the EU \(CFR EU\)](#)
- [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection \(or recast Reception Conditions Directive\)](#)
- [Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection \(or recast Asylum Procedures Directive\)](#)
- [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted \(or recast Qualification Directive\)](#)
- [Regulation \(EU\) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person \(recast\) \(Dublin III Regulation\)](#)
- [Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals \(Returns Directive\)](#)
- [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 \(Temporary Protection Directive\)](#)
- [Directive 2003/86/EC of 22 September 2003 on the right to family reunification \(Family Reunification Directive\)](#)
- [Commission implementing Regulations - Commission Regulation \(EC\) No 1560/2003 as amended by Commission Implementing Regulation \(EU\) No 118/2014](#)

• International Reports, Guidelines and Comments

- [European Commission, Green Paper on the right to family reunification of third-country nationals living in the European Union \(Directive 2003/86/EC\), 2011](#)
- [UNHCR Family Reunification in Europe \(Brussels, October 2015\)](#)
- [UNHCR Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union \(Directive 2003/86/EC\), UNHCR Bureau for Europe \(February 2012\)](#)
- [UNHCR Guidelines on Reunification of Refugee Families \(July 1983\)](#)
- [ECRE/Red Cross EU Office, Disrupted Flight: The Realities of Separated Refugee Families in the EU \(2014\)](#)
- [CoE, Realising the right to family reunification of refugees in Europe \(2017\)](#)



TRAINING TOOLS

For
sequences

all

- **Reference Document:** [“Module 3: The right to family reunification for unaccompanied asylum-seeking and refugee children in Europe”](#)
- **Prezi presentation** [“The right to family reunification”](#)
- [“Session 3.3.1 Recapitulative case-studies_Dublin III regulation and Family Reunification”](#)
- [“Session 3.3.2 Elements for discussion regarding obstacles to family reunification in practice for unaccompanied refugee children”](#)

For
sequence

1

- [“Session 3.1.1 Exercise on the Right to Family Unity”](#)
- [“Session 3.1.2 Exercise on the Sources of the Right to Family Life and the General Principles on Family Reunification”](#)
- ▶ [Video 1: “General principles that apply to family reunifications” \(2'49”\)](#)

For
sequence

2

- ▶ [Video 2: “Criteria for determining which member state is responsible for examining an application for international protection” \(4'30”\)](#)

For
sequence

3

- ▶ [Video 3: “Family reunification for Unaccompanied Refugee Children” \(3'29”\)](#)



SESSION SEQUENCING

Sequence **1**

Introduction: The Right to Family Unity for Unaccompanied Children and General Principles Applying to Family Reunifications



Sequencing

- 1 To introduce the right to family unity for unaccompanied children, invite participants to reflect on the importance of family reunification in the context of forced displacement.

- 2 For participants who have a legal background: ask participants to identify the sources of the right to family unity, and the general principles that apply to family reunification. Allow participants to complete their findings written on the large sheets using the Prezi presentation as a debriefing.

- 3 For participants who do not have a legal background: you can show them directly the Prezi presentation on the sources of the right to family life and the general principles applying to family reunifications.

- 4 To go further, show the video on “What are the general principles that apply to family reunification of migrant children?” to the participants.

Training Tools

- ✓ Exercise: Refer to the document entitled [“Session 3.1.1 Exercise on the Right to Family Unity”](#) for instructions

- ✓ Exercise: Refer to the document entitled [“Session 3.1.2 Exercise Sources on the Right to Family Unity and General Principles that apply to Family Reunification”](#) for instructions
- ▶ [Prezi presentation](#): “The right to family reunification” under the bubble “Right to Family Unity for Unaccompanied Children”

- ▶ [Prezi presentation](#) “The right to family reunification” under the bubble “Right to Family Unity for Unaccompanied Children”

- ▶ [Video 1: “General principles that apply to family reunifications” \(2’49”\)](#)



SESSION SEQUENCING

Sequence **2**

Learning About: Family Reunification for Unaccompanied Children Applying for International Protection: The Dublin III Regulation



30min

Sequencing

- 5 To introduce the sequence on the Dublin III Regulation, start with the Prezi presentation, following the steps below.
- 6 On the bubble “Implementation of the Dublin III Regulation”, ask questions to the participants as the text appears on the bubble.
- 7 On the bubble “Definitions”, you can ask participants to look for the definitions of family members and relatives in the Dublin III Regulation (either on the hard copies or on internet) before showing them the text of the Regulation.
- 8 Ask participants to find the general principles applicable when implementing any part of the Regulation looking at Article 6 of the Dublin III Regulation, before showing them the answers on the Prezi presentation.
- 9 To introduce the criteria for determining which member state is responsible for analysing an international protection claim, show the second video to the participants.
- 10 You can then show the bubbles on the Prezi presentation describing the different steps, to allow participants to complete their notes.
- 11 Briefly mention the existence of a discretionary clause, the right to a remedy, and the Commission regulations detailing how the Dublin III Regulation should be implemented relying on the Prezi presentation.

Training Tools

- ▶ **Prezi presentation:** “The right to family reunification” under the bubble “Family Reunification for Unaccompanied Asylum-Seeking Children”
- ▶ **Prezi presentation:** “The right to family reunification” under the bubble “Implementation of the Dublin III Regulation”
- ✓ Hard copies of the Dublin III Regulation and online access to the [Dublin III Regulation](#)
- ▶ **Prezi presentation:** “The right to family reunification” under the bubble “Definitions”
- ✓ Hard copies of the Dublin III Regulation and online access to the [Dublin III Regulation](#)
- ▶ **Prezi presentation:** “The right to family reunification” under the bubble “General principles applicable when implementing any part of Dublin III Regulation”
- ▶ **Video 2:** “[Criteria for determining which member state is responsible for examining an application for international protection](#)” (4’30”)
- ▶ **Prezi presentation:** “The right to family reunification” under the bubble “Criteria for determining the member state responsible”
- ▶ **Prezi presentation:** “The right to family reunification” under the bubbles “Discretionary Clause”, “Remedy” and “Commission Implementing Regulations”



SESSION SEQUENCING

Sequence **3**

Learning About: Family Reunification for Unaccompanied Children who have been Granted International Protection: The Family Reunification Directive



1H30

Sequencing

- 12** To introduce the sequence on family reunification for unaccompanied refugee children, ask participants to reflect on the following questions in small groups:
- Have refugee children the right to family reunification?
 - What about unaccompanied children who have been granted subsidiary protection?
 - Under which instruments?

- 13** After a few minutes, ask each group to share the main points of their reflections, and write the main ideas on the paperboard.

- 14** Show the video on: "Family Reunification for Unaccompanied Refugee Children" to the participants.

- 15** You can develop the rights provided by the Qualification Directive using the Prezi presentation.

- 16** You can then develop the rights provided by the Family Reunification Directive using the Prezi presentation.

- 17** As recapitulative exercises, ask participants to do the case studies in small groups.

- 18** As part of the debriefing and the conclusion of this session, refer to the debriefing elements listed for each case study. Allow then participants to reflect on their experiences of family tracing and family reunifications, and to identify the obstacles they faced in practice for implementing reunification for unaccompanied refugee children.

Training Tools

- ✓ Discussion in small groups

- ✓ Group discussion

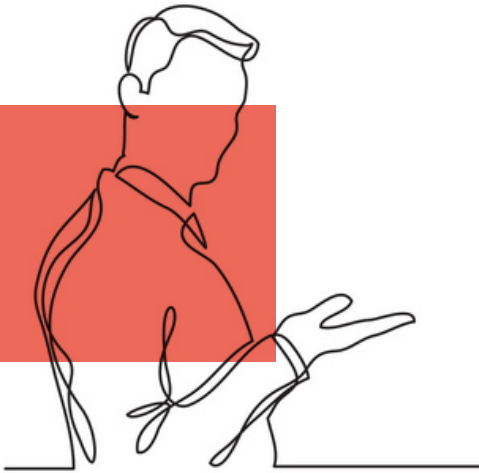
Video 3: ["Family reunification for Unaccompanied Refugee Children" \(3'29"\)](#)

Prezi presentation: "The right to family reunification" under the bubble "Rights provided by the EU Qualification Directive"

Prezi presentation: "The right to family reunification" under the bubble "Rights provided by the Family Reunification Directive"

- ✓ Exercises: Refer to the document entitled ["Session 3.3.1 Recapitulative case-studies - Dublin III Regulation and Family Reunification"](#) for instructions and elements of debriefing.

- ✓ Discussion: Refer to the document entitled ["Session 3.3.2 Elements for discussion regarding obstacles to family reunification in practice for unaccompanied refugee children"](#) for instructions



Legal Avenues and Remedies

The core reference document for this session is:
Module 4 - "Legal avenues and remedies".



The main training tool is the Prezi presentation :
"Redress through International Human Rights Bodies and Mechanisms"



SUMMARY

This session provides a general overview of the different types of international human rights mechanisms to which child migrants might turn for redress. It describes the issues that each body may consider; who may bring a complaint before each body; and the admissibility requirements that must be fulfilled before a complaint is examined on the merits by each of the bodies or mechanisms. It also describes the procedures used by the various types of international human rights redress mechanisms for examining a complaint.

SESSION PLAN



1. Introduction to the Different Types of International Redress Mechanisms



2. Learning About: The Preliminary Requirements and the Admissibility Requirements



3. Learning About Strategy: The Choice of an International Redress Mechanism



LEARNING OBJECTIVES

To learn about the different types of international human rights mechanisms, their preliminary and admissibility requirements

To learn about strategy in choosing an international redress mechanism



PREPARATION AND MATERIALS NEEDED



- Projection material to show the Prezi presentation and the case study



- A copy of the debriefing notes for the trainer

INSTRUCTIONS FOR THE SESSION

- This session is technical and is addressed to lawyers and legal experts.
- The legal team of the NGO ECRE is available for providing legal information and support to persons who would like to use international Redress mechanisms.

BACKGROUND RESOURCES

- Child Rights International Network (CRIN)'s publications:
 - [Using the Law for Children's Rights](#)
 - [CRC Complaints Mechanisms Toolkit](#)
 - [Guide to Strategic Litigation](#)



TRAINING TOOLS

For
sequences

all

- **Reference document:** [Module 4 "Redress Through International Human Rights Bodies and Mechanisms"](#)
- **Prezi presentation** entitled "[Redress through International Human Rights Bodies and Mechanisms](#)"

For
sequence

3

- "[Session 4.3 Ilias' case study](#)"



SESSION SEQUENCING

Sequence **1**

Introduction to the Different Types of International Redress Mechanisms



Sequencing

- 1 To introduce the session on international human rights mechanisms, ask participants to think about existing domestic human rights mechanisms and to discuss about their usefulness (e.g. Ombudsmen, Human rights commissions, etc.).
- 2 You can then ask participants about the international human rights mechanisms that they can think of, and present the various types of international redress mechanisms using the Prezi presentation.

Training Tools

- ✓ Group discussion

- ▶ **Prezi presentation:** “International Human Rights Mechanisms”, under the bubble “International Redress Mechanisms, Individual and Collective Complaints”

Sequence **2**

Learning About: The Preliminary Requirements and the Admissibility Requirements



Sequencing

- 3 For the preliminary requirements applying to most international human rights treaty bodies and redress mechanisms, use the Prezi presentation.
- 4 For the admissibility requirements, use the Prezi presentation.

Training Tools

- ▶ **Prezi presentation:** “International Human Rights Mechanisms”, under the bubble “Preliminary requirements”
- ▶ **Prezi presentation:** “International Human Rights Mechanisms”, under the bubble “Admissibility requirements”



SESSION SEQUENCING

Sequence **3**

Learning About Strategy: The Choice of an International Redress Mechanism



50min

Sequencing

- 5 Invite participants to look at Annexes I and II of the [Module 4](#) while showing on the screen the recapitulative bubbles on the Prezi presentation. The objective is to help them think about the different aspects to take into account before choosing one or another international redress mechanism.

Training Tools

- ▶ **Prezi presentation:** “International Human Rights Mechanisms”, under the bubbles “The choice of an international redress mechanism”

- ✓ Background documents:
Annex I - [Access to Justice for Migrant Children](#)
Annex II - [ICJ Tool on Use of International Redress Mechanisms](#)

- 6 Ask participants to read the case study of Ilias and to reflect in small groups on the questions asked. As a debriefing, ask the small groups to share their views with the whole group, before completing their answers using the debriefing notes.

- ✓ **Exercise:** Show on the screen the case study developed on the [Prezi presentation](#) under the bubble “Ilias’ case study”

- ✓ Background document:
[“Session 4.3 - Ilias’ case study”](#)



Child-Friendly and Intercultural Approach

The core reference document for this session is:
Module 5 - "Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures: Practical Dimensions".



The main training tool is the Prezi presentation:
"Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures".



SUMMARY

This module aims to encourage and support legal professionals in ensuring that child-friendly processes are in place in cases concerning unaccompanied children. It also aims to support legal professionals in learning to engage with unaccompanied children, including how to communicate with asylum-seeking children.

SESSION PLAN



1. Ensuring Child-Friendly Processes
2. Engaging With Unaccompanied Asylum-Seeking Children
3. Understanding Cultural Differences and Inter-Cultural Communication
4. Addressing the Individual Circumstances of an Unaccompanied Child
5. Communicating With the Child: Practical Tips



LEARNING OBJECTIVES

<p>Learn about child-friendly justice guidance and resources in general</p>	<p>Identify practical issues which may arise when seeking to ensure the application of specific safeguards for unaccompanied children seeking international protection</p>	<p>Understand what a multidisciplinary approach to justice proceedings for unaccompanied children entails</p>	<p>Learn about procedural pathways: how to ensure that the child's situation as a whole, and their best interests, are considered</p>	<p>Get the specialized knowledge required to engage with unaccompanied children</p>	<p>Learn how to communicate with children and what ethical issues might be at stake</p>
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PREPARATION AND MATERIALS NEEDED



- Projection material to show the Prezi presentation



- An Internet connection to show the Youtube videos



- Plan about 10 post-it notes for two participants for the various small group reflection exercises



- Paperboard

INSTRUCTIONS FOR THE SESSION

The content of this session is more about interpersonal skills in a multicultural context. It is also a time to deconstruct prejudices and stereotypes about unaccompanied minors, and migrants in general. As a trainer, facilitate exchanges between participants while remaining vigilant about the content of the exchanges.

BACKGROUND RESSOURCES



• International Instruments

- UN Committee on the Rights of the Child [General Comments](#) (in particular GC [5](#), [12](#), [13](#) and [14](#))
- [EU Trafficking Directive](#) - Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
- [EU Return Directive](#) - Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals
- [EU Directive on sexual abuse and exploitation of children](#) - Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography
- [EU Directive on victim's rights](#) - 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
- [EU Directive on victim's rights and the EU Directive on the rights of child suspects or accused of crime](#) - Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings



- [European Commission Directorate General Justice webpage on Child Friendly Justice](#)
- [Fundamental Rights Agency Child Friendly Justice studies](#)
- [EU recast Reception Conditions Directive - Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection](#)
- [Commission Reflection Paper on integrated child protection systems](#)
- [Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence](#)
- [Council of Europe Recommendation on children's rights and social services friendly to children and families](#)

• Key international comments, guidelines, reports and training materials

- [ALTERNATIVE FAMILY CARE \(ALFACA\), 'Manual for staff working with reception families and unaccompanied children living in reception families'](#)
- [Council of Europe Guidelines on Child Friendly Justice](#)
- [Council of Europe Online courses on Child-friendly Justice and Children's Rights, on Refugee and Migrant Children \(Council of Europe Children's Rights Division and the Human Rights Education for Legal Professionals, HELP\)](#)
- [EASO's practical guide on family tracing](#)
- [EASO Training Platform: Module on Interviewing children](#)
- [EASO Practical Guide on Age Assessment](#)
- [FRA Handbook on guardianship of children deprived of parental care](#)
- [Hungarian Helsinki Committee, Credibility Assessment in Asylum Procedures, A Multidisciplinary Training Manual, Volume 2, 2015](#)
- [ICJ FAIR PROJECT, 2018, Practical Handbook for Lawyers When Representing a Child Training Materials on Access to Justice for Migrant Children, Module 6](#)
- [ILPA 2011, 'Working with Refugee Children'](#)
- [ILPA 2011,' Resources Guide for Legal Practitioners Working with Refugee Children'](#)
- [UNHCR, Handbook for Interpreters in Asylum Procedures](#)
- [UNHCR Guidelines UNHCR Child Asylum Claim Guidelines](#)
- [UNHCR, "The Heart of the Matter - Assessing Credibility when Children Apply for Asylum in the EU" \(2014\)](#)

• Scholarship

- Bhabha and W.Young, "Not adults in Miniature: Unaccompanied Child Asylum Seekers and the New U.S Guidelines", *International Journal of Refugee Law*, 11/1 (199), 84-125
- J. Conger and A. Petersen, *Adolescence and youth: Psychological development in a changing world*, New York, 1984
- Kroeber A.L. and Kluckhohn D., *Culture, a critical review of concepts and definitions*, 1952.
- Fazel, V. Reed, Panter-Brick, Stein (2012)
- D. Trickey, A. Siddaway, R. Meiser-Stedman, L. Serpell, & A. Field, "A meta-analysis of risk factors for posttraumatic stress disorder in children and adolescents", *Clinical Psychology Review*, 32, (2012), 122-138
- ["The Cognitive Interviewing of Children" by the Institute of Forensic Expert Opinion, Krakow](#)



TRAINING TOOLS

For
sequences

all

- [Module 5](#) “Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures: Practical Dimensions”
- [Prezi presentation](#) “Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures”.

For
sequence

1

- Exercises: Small groups discussion, using post-its

For
sequence

2

- Exercise: Group discussion using the paper board
- Video “Job interview for children”, Youtube Ads Leaderboard, on the [Prezi presentation](#) or on [Youtube](#)

For
sequence

3

- Exercise: “[Session 5 – Exercise 1 – Cultural Shock Analysis Grid](#)”
- HSBC ad videos on the [Prezi presentation](#) or on [Youtube](#)

For
sequence

4

- Exercise: Small groups discussion using post-its

For
sequence

5

- Exercise: “[Session 5 – Exercise 2 - Mock interview](#)”



SESSION SEQUENCING

Sequence **1**

Ensuring Child Friendly Processes



45min

Sequencing

- 1 To introduce the sequence on child friendly processes, ask participants to brainstorm in small groups regarding the meaning of child friendly justice and its components. Provide participants with post-its.

- 2 Complete the participants' finding by developing the definition proposed by the Council of Europe using the Prezi presentation.

- 3 Inform participants about the additional resources that can inform the way they engage with children (General Comments of the UN Committee on the Rights of the Child; EU resources; FRA).

- 4 As a reminder about key procedural safeguards dealt with in Module 2, ask participants to identify the key procedural elements that are involved regarding UASC. You can then use the Prezi presentation to review the different key procedural safeguards and give them more relevant resources.

- 5 Ask participants to reflect in small groups on the different actors working with unaccompanied minors – in particular in the status determination process – and to list them, before showing them the table on the Prezi presentation.
Allow participants to discuss about their current collaboration with other professionals and how they could improve it.

Training Tools

✓ Exercise: Small groups discussion

▶ **Prezi presentation:**
under the bubble “Child-Friendly Justice”

▶ **Prezi presentation:**
under the bubble “Child-Friendly Justice”

✓ Exercise: Small groups discussion using post-its

▶ **Prezi presentation:**
under the bubble “Child-Friendly Justice”,
subsection “Key Procedural Safeguards
Regarding Children Seeking Asylum”

✓ Exercise: Small groups discussion

▶ **Prezi presentation:**
under the bubble “Child-Friendly Justice”,
subsection “Multidisciplinary Approach”



SESSION SEQUENCING

Sequence

2

Engaging With Unaccompanied Asylum-Seeking Children



20min

Sequencing

- 6 To introduce the notion of child development, key to interview a child properly and to obtain the most reliable information according to the developmental stage of the child without re-traumatizing the child, ask participants to think about the different interactions that influence children's development. On the paperboard, you can write their answers. You can then complete their statements using the Prezi presentation and show them the table regarding how and when developmental changes happen.
- 7 Then to illustrate the importance of having notions about child development while interviewing children, you can show them the 2'57" Youtube video (Job Interview for Children).

Training Tools

- ✓ Exercise: Small groups discussion using the paperboard
- ▶ **Prezi presentation:** under the bubble "Engaging with Unaccompanied Asylum-Seeking Children" in the subsection "Understanding Child Development"
- ▶ Video: "Job interview for children" (Youtube Ads Leaderboard) on the [Prezi presentation](#) or on [Youtube](#)



SESSION SEQUENCING

Sequence **3**

Understanding Cultural Differences and Inter-Cultural Communication



Sequencing

- 8** To begin this sequence, ask participants to research in small groups and write on the post-its examples of cultural differences on the following themes:
- The definition of self
 - Gender relations
 - The relationship with the body, time and space
 - Sociability
 - Meals
 - Educational practices
 - The relationship with the spiritual, the sacred
- Ask each small group to cover one or two topics depending on the number of participants, so that all topics are covered.

- 9** After a few minutes, gather the different answers by themes and ask other groups to contribute. Complete their answers using Module 5 - “Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures: Practical Dimensions”.

- 10** As an illustration of cultural differences, show the participants the HSBC ad videos on the Prezi presentation.

- 11** Explain to the participants the 3 steps that may contribute to a more effective intercultural communication with children referring to the Prezi presentation.

- 12** In order to experiment the three steps identified above, ask participants to do the exercise on cultural shocks in small groups, referring to the instructions provided in the corresponding training tool.

Training Tools

✓ Reference document: [Module 5 - “Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures: Practical Dimensions”](#)

✓ Reference document: [Module 5 - “Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures: Practical Dimensions”](#)

▶ Videos: HSBC ad videos, on the [Prezi presentation](#) under the bubble “Engaging with Unaccompanied Asylum-Seeking Children” in the subsection “Intercultural Communication” or on [Youtube](#)

▶ [Prezi presentation](#) under the bubble “Engaging with Unaccompanied Asylum-Seeking Children” in the subsection “Intercultural Communication”

✓ Exercise: Refer to the document entitled [“Session 5 – Exercise-Cultural Shock Analysis Grid”](#) for instructions



SESSION SEQUENCING

Sequence

4

Addressing the Individual Circumstances
of an Unaccompanied Child



20min

Sequencing


- 13** As a reminder or if you have not yet covered the content of Module 2, ask participants to think about what makes asylum-seeking unaccompanied children vulnerable and to write it down on post-its.


- 14** As a debriefing, complete their statements using the Prezi presentation and referring to section 2.4 of Module 5.

- 15** You can then develop the notion of health issues and their impacts on credibility assessment, as well as the other factors affecting the general situation of unaccompanied asylum-seeking children (attachment disruption, fear, guilt/stigma, gender, education) relying on the Prezi presentation.

Training Tools

- ✓ Exercise: Small groups discussion

-  **Prezi presentation**
under the bubble “Addressing the Individual Circumstances of an Unaccompanied Child”
✓ [Module 5 - “Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures: Practical Dimensions”, section 2.4](#)

-  **Prezi presentation**
under the bubble “Addressing the Individual Circumstances of an Unaccompanied Child”
✓ [“Credibility Assessment in Asylum Procedures, A Multidisciplinary Training Manual”, Volume 2, 2015, G. Gyulai, ed, from p 100](#)



SESSION SEQUENCING

Sequence **5**

Communicating With the Child: Practical Tips



Sequencing

- 16 This sequence is more about you providing content to the participants. Relying on the Prezi presentation and Module 5 section 2.5, introduce to participants the pre-interview considerations and the interviewing techniques.

- 17 Regarding the cognitive interviewing technique, invite participants to read the corresponding section in Module 5 to get a full description of the five phases, and to use it during the interview exercise at the end of this sequence.

- 18 To conclude this session, invite participants to do a mock interview in order to apply what they have learned.

Training Tools

- ▶ [Prezi presentation](#) under the bubble “Communicating With the Child”
 - ✓ [Module 5 - “Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures: Practical Dimensions”, section 2.5](#)

- ✓ [Module 5 - “Ensuring a Child-Friendly Approach To Unaccompanied Children in Asylum Procedures: Practical Dimensions”, section 2.5](#)

- ✓ Exercise: Refer to the document entitled [“Session 5 - Exercise 2 - Mock interview” for instructions](#)



Acknowledgements

Thanks are due to the lead authors of the training manual and its modules – Anne-Claire Gayet, Forum réfugiés-Cosi, Denise Venturi and Elona Bokshi, the European Council on Refugees and Exiles (ECRE), and Rebecca O'Donnell, Child Circle. The training manual and the project team have relied greatly on the expertise and inputs provided by Julia Zelvenska, ECRE. We highly appreciate the International Commission of Jurists (ICJ) for providing the content for the module 'Access to international human rights mechanisms' which has been particularly relevant to the beneficiaries of this project.

We would also like to thank the project leading team – Elona Bokshi, ECRE project leader, and Sabine Himbert, Forum réfugiés-Cosi project coordinator – for their management, feedback and support. Special thanks also go to the project partners expert team: Anikó Bakonyi and Zsolt Szekeres, Hungarian Helsinki Committee (HHC), Celina Kinarmbrust and recently Becca McNulty, Immigration Law Practitioners' Association (ILPA), Maria de Donato, the Italian Refugee Council, Petra Baeyens and Helena De Vylder, and recently Jolien Potemans, the Flemish Refugee Council (FRA), and Claire Legrand Forum réfugiés-Cosi – for their valuable inputs in assessing the training needs in each country and for successfully organising trainings at the national level. The project coordination team and its partners give special thanks to the interviewees who contributed with their valuable information and insight during the training needs assessment phase.

This project has also benefited from the involvement of our advisory group – Karolina Babicka, ICJ, and Rebecca O'Donnell, an expert on children's rights, Child Circle. Additionally, the trainers (project partners) substantially benefited from the coaching of Gábor Gyulai, HHC, who kindly shared his time and expertise with regards to training methods and effective and innovative training techniques, and Geertrui Serneels, Solentra, who also provided her expertise on child development and child-friendly and intercultural communication skills.

Special thanks are also offered to the graphic designers of the training manual Samy Kahia and Rym Hamza from Alkantara, France, and to Sadaf Soofi, Protection Associate for UNHCR in Paris, France, for her valuable feedback and editing. Last but not least, we would like to extend special thanks to Valentina Boz, project coordinator of HELP e-learning Training Platform who kindly made it possible to host the e-Learning platform of the UPRIGHTS project.

The platform already hosts many other related courses increasing the likelihood that the target audience will find and use the open-access online course developed under the project.

Disclaimer

The project is co-financed by the Rights, Equality and Citizenship (REC) Programme of the European Commission. The views in this publication are those of the authors, and do not necessarily reflect the views of the European Commission.



Co-funded by the Rights,
Equality and Citizenship (REC)
Programme of the European Union

