

Improving the child protection system to protect refugee/migrant children on the territory of Serbia

Conclusions and recommendations of the expert conference held in Subotica on 27 and 28 November 2015

Introduction:

One of the major challenges that Serbia was faced with in 2015 is the increased number of refugees and migrants transiting our country on their way to the European Union countries. The share of children in the refugee-migrant populations varies, at times even exceeding 30%. Children can become more exposed to safety and health risks or can face challenges in fulfilling their existential needs for different reasons. A part of the refugee population consists of minors traveling without adults, which makes them vulnerable and in need of additional attention. Some children become separated from their parents in the course of the journey, and this requires urgent interventions for the purpose of providing accommodation for these children and initiating cooperation with organizations that provide tracing and family reunification services. Most children travel accompanied by adults, but even in these cases they can become victims of violence, neglect or trafficking. The priority for Serbia is to ensure the safety and protection of children, and the particularity of the situation requires a tailored response by the social protection system and all other stakeholders that provide support to refugee and migrant children passing through Serbia.

The conference in Subotica was organized to discuss the challenges that the specificities of this refugee crisis impose from the perspective of the rights of the child, with the aim of contributing to improved cooperation of the various stakeholders, but also defining the areas in which there is room for improvement which can be jointly addressed by the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Interior, the Commissariat for Refugees and Migrants, international organizations and the civil sector.

The expert conference was organized by the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Interior in cooperation with UNHCR and UNICEF. The event was attended by representatives of the aforementioned organizers, representatives of the Commissariat for Refugees and Migrants, the Red Cross, the International Organization for Migrations, representatives of the centres for social work, the centres for unaccompanied minors, institutions for children and youth and the representatives of non-governmental organizations delivering various types of services and support to this group of children.

The conclusions and recommendations formulated at this conference concern areas that were identified as a priority and in which there is room for enhancing cooperation between all of the stakeholders that provide support to refugees and migrants transiting Serbia.

Conclusions and Recommendations:

Since the beginning of the migrant crisis, the Republic of Serbia employed all of its available resources to help people in need, i.e. refugees/migrants transiting the country. The efforts of the Government of the Republic of Serbia were acknowledged by the domestic and international community alike. From the start, special attention was devoted to the welfare of children and to ensuring their safety, covering their existential needs and protecting the health of each vulnerable refugee or migrant child on the territory of our country. However, the specificities of this refugee crisis, such as the fact that this is a fast-moving population, that refugee-migrants do not wish to remain on the territory of Serbia, the number of stakeholders involved in providing support to refugees at the country's entry and exit points, the changing refugee routes and other factors, all imposed new challenges for the child protection system and required an adjusted response of the system in order to act efficiently and in line with the principles of the rights of the child. The following conclusions must be taken into account in order to enable the system to respond to the child's needs in the best interest of the child:

Terminology-related challenges:

- All involved stakeholders, both local and international, need to have a common understanding of the terminology and use the same definitions when unaccompanied minors, separated children and children at high risk are concerned.

Deciding in the child's best interest:

- There is a need for adopting common understanding of operative procedures and defining indicators for identifying unaccompanied minors and children at high risk so that the attention and interventions of outreach workers and service providers can focus on the vulnerable child. It is important that all stakeholders on the ground have a clear understanding of the mandate of the social protection system, including when and under which circumstances the guardianship authority must be involved, in other words, when it is important to decide whether to place the child in the formal care system or let the child continue his/her journey.
- In situations when the child is at high risk, the best interest of the child must be determined in the given fact-based circumstances. One cannot equate the widely accepted principle of the "child's best interest" in normal circumstance with the situation of fast-moving columns of refugees, when the refugees' priority is to reach their final destination in the shortest possible time. One of the key principles of emergency intervention pertaining to child protection should not be forgotten, and that principle entails not taking steps that could result in putting the child at additional risk. The principle of involving the child in decision-making, depending on the level of maturity of the child, should be respected. Cooperation of the guardianship authority with organizations providing support to children at risk and organizations with the mandate to assist in reunification of the child with the family are crucial.

Support to frontline workers and service providers in the reception centres and refugee/migrant aid points:

- The special needs of the child and increased risk can usually be taken care of on the ground, by referring the child to a physician, providing additional information, psychological first aid or legal aid, by providing space for respite, rest or overnight accommodation, food and clothing, as well as technical communication requirements. Frontline workers delivering these services should have clear roles and responsibilities, adequate training for and support in their work. The organizations delivering these services should provide their staff with a clear job description, training and support to prevent burn-out. It is important to provide information to refugees and migrants in their own language, as well as interpreters on the ground, without whom services cannot be delivered adequately.
- The importance of delivering services to children according to the 24/7 principle is essential, with service delivery in line with conditions on the ground, where refugees are on the move twenty-four hours a day. For the services provided, such as child friendly spaces, mother and baby corners and youth spaces, it is important to develop programmes that respond to the needs of the various target groups.
- The frontline workers of the centres for social work should have a clearly designated place, or container, where they can conduct interviews and assess the best interest of the child, where case conference or other meetings that are important when making decisions on each individual child in need of additional support can be held.

Accommodation and care of refugees and migrants:

- A decision concerning the child's accommodation should be taken in accordance with domestic regulations, using the Instructions for the guardianship authority on issues related to refugee-migrant children, whilst relying on indicators and procedures that are adjusted to the specific refugee crisis.
- Despite the language barrier, the opinion of the child must be taken into account, depending on the child's age, and decisions on accommodation must not increase the risk to the safety of the child. One should take into account that children, in particular older minors, have left the formal care system without consulting the guardian and that they do not want to remain in these places for long.
- Regulations on asylum should be aligned so that younger children cannot be placed in centres that do not have a defined structure for child care, if they are not accompanied by responsible adult persons.
- Work programmes should also be defined for institutions providing accommodation, including institutions for unaccompanied children, shelters, children's homes or asylum centres. These programmes should recognize the particularity of the situation, the need for interpreters, the need for ensuring cross-border communication with the family, the need for programmes that will address the trauma of the child, as well as other needs and rights that every child placed in the formal protection system has.

- When it comes to providing foster care, the placement of refugee or migrant children is a special form of urgent foster care that should be developed further. Foster care has to be developed on the refugee/migrant route, i.e. on the points of entry into or exit from the country, which entails the recruitment and training of foster families in these places. Linking the centres for foster care and adoption with the resources of nongovernmental organizations is important to cover the needs for translation, legal aid, timely information provision and continuous communication of children with their families in the country of origin or final destination. Cooperation with the Red Cross and UNHCR should be constant when the process of locating the parents or guardians is in progress.

Coordination:

- There is a need to improve coordination of activities related to the protection of refugee-migrant children. Setting clearly defined roles and responsibilities of all stakeholders is vital, thorough understanding of the different roles is equally important, and so is knowing who makes important child protection related decisions and in which situations.
- A system of communication between the exit and entry points should be defined to exchange information on children who are at higher risk so that they are prioritized when it comes to access to various services, or reassessment of the risk if necessary, and informing services in the next neighbouring country. The cross-border exchange of information on high risk should be in place and in this respect the child protection system can cooperate with UN agencies and other international organizations.
- Team work, coordination of activities and the collaborative approach of all stakeholders on the ground is vital. It is important that all stakeholders understand the mandate of the different state agencies, and that they respect and support that mandate and not act independently.