

RECOMMENDATIONS FOR THE PROTECTION AND INTEGRATION OF UNACCOMPANIED AND SEPARATED CHILDREN AT SPAIN'S SOUTHERN BORDER



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The content of this document corresponds to the recommendations of the report on “The Rights of Unaccompanied and Separated Children at Spain’s Southern Border,” by the Spanish National Committee for UNICEF (2019). These recommendations are based on documentary analysis and field work carried out at various places on Spain’s southern coast (Melilla, Ceuta, and provinces of Andalusia), between 20 September and 16 October 2018. This involved visits to 20 different types of child protection and migrant reception facilities, in addition to semi-structured interviews with unaccompanied and separated children, young migrants who had previously been in child protection centers, public officials at state, regional, and local levels, the judiciary, civil society, ombudspersons, and United Nations agencies.

These proposals are specifically related to the situation of unaccompanied and separated children. However, since several of them are closely linked to the challenges and weaknesses of the child protection system in general, their implementation may require the adoption of several modifications (regarding policies and programs), which would be applicable to all children, irrespective of their nationality, or whether or not they are migrants.

Edited by:

Spanish National Committee for UNICEF. Calle Mauricio Legendre, 36. 28046 Madrid. Tel. (+34) 913 789 555

Spanish National Committee for UNICEF (2019): The Rights of Unaccompanied and Separated Children at Spain’s Southern Border (written by Pablo Ceriani and coordinated by Sara Collantes from the Spanish National Committee for UNICEF; with contributions by colleagues from the Spanish National Committee for UNICEF, the UNICEF’s Office of Emergency, the UNICEF Private Fundraising and Partnerships Division and the UNICEF Regional Office for Europe and Central Asia). <https://www.unicef.es/ninos-migrantes-no-acompanados>.

Translation: Helen Hadley
Graphic Design: Rex Media SL
Legal Deposit: M-16721-2019

Madrid, February 2019.



Regulated via the main legal, procedural, and human resources training tools, all policies, initiatives, and actions, adopted with regards to unaccompanied and separated children (both general and specific), should be guided by the following principles:

1 The **best interest of the child** must be central to policy design, the development and implementation of procedures and initiatives, and the adoption of decisions on unaccompanied and separated children. Therefore, it is necessary to guarantee, by means of regulatory, procedural, and operational tools, the carrying out of a **best interest assessment** to inform any decision which may individually impact the rights of the child. All other rights and principles must be guaranteed through the carrying out of this evaluation, in particular the right to be heard.

2 Norms and policies seeking comprehensive protection of the rights of unaccompanied and separated children should ensure the recognition and enjoyment of these rights on the basis of the **principle of non-discrimination**. The nationality or migration status of a child should in no case be grounds to justify the non-fulfillment of their rights.

3 In every best interest assessment, particularly with regards to the individualized reception plan for each unaccompanied and separated child, the competent authorities should specifically and explicitly consider the **impact on their right to life, survival, and development**, both in the short and long term.

4 Ensure by way of legal, procedural, human resources, and other mechanisms, that unaccompanied and separated children can participate in and be **duly heard** at proceedings during which decisions regarding their reception and integration are made. On the basis of the principle of progressive autonomy, such involvement should be gradually increased based on the age and maturity of each individual child.

5 Ensure that at every proceeding in which decisions are made regarding the rights of unaccompanied and separated children, all guarantees of **due process** are considered. This includes:

5.1. Regularly providing all relevant **information** regarding the proceeding, its progress, and any possible outcomes, clearly and concisely, in a language the child understands, and by means of trained and sensitized professionals. This process is key to enabling the children to express their opinion and be heard. Their view has to be adequately taken into consideration.

5.2. Guaranteeing **free legal assistance** for all proceedings from arrival, especially in those regarding best interest and age assessment, applications for international protection, guardianship, residence and working permits, protection against trafficking, etc.

Without prejudice to the legal assistance that can be provided by specialized personnel from the child protection systems, in order to guarantee free and independent legal assistance, the Bar Associations should have a specific group of lawyers who specialize in children's rights in the context of migration. In the same way, civil society institutions, which can provide free legal support to unaccompanied and separated children, should be promoted.

5.3. Ensuring representation by a **legal advocate (*defensor legal*)**, in all cases where there are conflicts of interest between the child and the public entity in charge of their guardianship (child protection regional authority).

5.4. In the framework of administrative or judicial proceedings concerning the rights of unaccompanied and separated children, their right to appeal against decisions must be guaranteed, including the right of access to justice.

5.5. From rescue, detection, and reception operations onwards, unaccompanied and separated children are able to count on the assistance of cultural mediators who ensure an appropriate understanding of those processes, their meaning, objectives, and possible results.

5.6. Designating an independent and specialized legal representative (counselor or guardian who individually assists a child; in the Spanish guardianship system, the formal guardian is the regional child protection general director) for each unaccompanied and separated child. The legal representative will ensure respect for their rights and best interests during the time in which they are in the child protection system, in line with the recommendations of the Committee on the Rights of the Child and the European Commission.

6 Ensure adequate training of professionals from all state and autonomous agencies with direct or indirect competence in all matters related to the protection of the rights of unaccompanied and separated children, such as: a) people who are part of the rescue, reception, identification, and referral operations; b) child care center staff; c) members of the security forces; d) representatives from educational institutions or entities specialized in work integration, or any other actor who plays a part in the integration of these children; e) professionals who intervene in residency, work and age assessment procedures; f) representatives from the judiciary, and in particular from the prosecutor's office and courts with jurisdiction over children.

TOWARDS A NATIONAL ACTION PLAN FOR THE PROTECTION AND INTEGRATION OF UNACCOMPANIED AND SEPARATED CHILDREN IN SPAIN

The adoption of this Plan requires an agreement between the State and Autonomous Communities, and the involvement of all competent public institutions, civil society organizations, specialized United Nations agencies, and technical and academic experts. This Plan is essential to guarantee the implementation of a national common public policy seeking to guarantee the rights of unaccompanied and separated children in Spain.

The challenges identified throughout the investigation demonstrate a need to carry out a series of reforms by all public actors, each from their respective responsibility and competence. These reforms must be carried out within a common political framework, based on the Convention on the Rights of the Child and other applicable international treaties ratified by Spain.

The Plan must include specific commitments on behalf of multiple public institutions at administrative, legislative and judicial levels, and must pursue the following general objectives:

- An integrated and harmonized regulatory framework for the protection of the rights of unaccompanied and separated children.
- Procedures adapted to the rights of unaccompanied and separated children.
- Family and residential care conditions that ensure the integral protection of the rights of unaccompanied and separated children, in accordance with international standards.
- Full educational, social and labor integration, in cases in which the permanence of the child in Spain is determined, based on a best interest assessment.

1 Adapt the State and regional legal frameworks to international standards applicable to unaccompanied and separated children.

a) At State level

1.1. Modification of the Law on the Legal Protection of Children

Include all the principles and standards concerning children's rights in the context of migration and, those that regulate all aspects related to unaccompanied and separated children, expanding on what is currently included in Spanish immigration regulations. Also modify article 14, on immediate attention, so that the public entity assumes ex officio provisional guardianship from the moment an unaccompanied and separated child is identified.

1.2. Abolish Article 12.4 of the Law on the Legal Protection of Children

The establishment of criteria of "reliability or non-reliability" (through a "proportionality test") of the ID

documentation provided, as foreseen in this article, means that the prosecutor may decide to conduct age determination tests even when unaccompanied and separated children are in possession of authentic documentation. This runs counter to the recommendations of the Committee on the Rights of the Child and the Spanish Supreme Court's case law.

1.3. Adoption of the Decree of the Law on the Legal Protection of Children

These provisions should guide the policies on the protection of unaccompanied and separated children, establishing minimum common standards regarding their reception, care and integration.

1.4. Amendment of the Aliens Act

Following the reform of the Law on the Legal Protection of Children, the immigration regulations should be modified accordingly.

However, while not proceeding to regulate all aspects related to the fundamental rights of unaccompanied and separated children by the Law on the Legal Protection of Children, it is necessary to:

1.4.1. Modify Article 35 of the Aliens Act and Article 190 of the Aliens Decree.

In line with the recommendations of the Committee on the Rights of the Child to Spain regarding the age assessment of unaccompanied and separated children, the Aliens Act should:

- Explicitly state the right of unaccompanied and separated children to have a legal representative (individual counselor or guardian) during the age determination proceedings.
- Foresee the use of interdisciplinary methods to assess age (including an interview with children) in cases in which there is no valid documentation and there is still a substantiated doubt concerning their age minority.
- Guarantee the possibility of a direct and automatic judicial appeal against age determination decisions, in addition to the possibility of bringing actions against the consequences of the application of said decision.

1.4.2. Formally foresee the possibility of alternative precautionary measures to the systematic separation of children and accompanying adults during the carrying out of DNA testing, when there is no risk of trafficking or exploitation.

1.4.3. Abolish the Tenth Additional Provision of the Aliens Act (introduced by the First Final Provision of the Citizens Security Law) that provides for the "special return regime" at the borders of Ceuta and Melilla, insofar as it is impossible for such a succinct procedure, to comply with legal safeguards applicable to children: case by case best interest assessment (including family tracing) in an adequate environment and carried out by specialized personnel, with legal and interpreting assistance, information adapted to age and maturity, and possibility of appeal.

1.4.4. Elimination of the requirements for work authorization at age sixteen, provided by article 41.1 j) of the Aliens Act.

Beyond the requirements set forth in the General Statute of Workers' Rights for all children under eighteen years of age, the current law requires that "unaccompanied and separated children" apply for a work permit except for those activities which favor their integration, "at the proposal of the guardian (child protection authorities) and while they remain in a situation of guardianship".

1.4.5. Formal prohibition of detention of unaccompanied and separated children, as well as migrant families (children with their parents), during sea and land reception operations and police registration.

1.5. Adoption of the Asylum Decree

This Decree should to adequately regulate the exercising of the right of unaccompanied and separated children to asylum, with all the procedural guarantees, as well as to incorporate a specific procedure to allow children to independently apply for asylum.

1.6. Abolish article 172.5 c) of the Civil Code, in relation to the possible termination of guardianship, in the case of voluntary abandonment of the center by the child for six months and unknown whereabouts of the child.

Abolishment of this article to ensure that the guardianship of an unaccompanied and separated child is not terminated in one Autonomous Community until a new guardian is named in another.

1.7. Modification of the Law on Education

As provided for in the Single Article of the Draft Law which modifies Law 2/2006, of May 3, on Education, it is necessary to amend article 4 on "Basic Education" to ensure that "minors who have reached the age of 16, receive some form of academic education or professional training ". In addition, it has to be provided that this training allows access to post-compulsory education (vocational training), or completion of the Spanish Secondary Obligatory School Certificate (ESO).

1.8. Adoption of the Law on the Protection of Children and Adolescents against Violence

The current Draft includes a specific section on child protection centers, which mentions the obligation to adopt protocols and prevention and victim identification plans, as well as the monitoring of centers by public prosecutors on a bi-monthly basis.

It also provides for the creation of specialized prosecutors for children, and for new Child, Family and Disability Courts.

1.9. Adoption of a specific Law on Trafficking which considers the specific needs and rights of children.

This law must address the exploitation that many children experience, whether as direct victims or as children of trafficking victims. The attention to their specific needs must be translated into specialized facilities and personnel.

The law must create a National Coordination and Referral Mechanism for victims of trafficking, similar to those in

force in other countries. They coordinate the efforts of all the actors involved in the prevention, identification and protection of victims, as well as on the fight against the exploiters, always putting the needs of victims at the center of their actions.

To this end, it would also be necessary to implement a victim estimation tool which helps to create better policies and provides intercountry access to comparable data and information, based on the Multiple Statistical Estimation System. This system uses lists of identified victims to estimate the number of unknown ones.

b) At regional level

The Autonomous Communities, within the framework of their respective competencies, must modify the applicable regional regulatory instruments in the shortest possible time, in order to adapt them to the objectives and provisions of the National Action Plan and to the existing national legal framework, as well as to guarantee its development and implementation.

In the case of Andalusia, at the date of publication of this report, the adoption of the new draft law on children and adolescents was still pending. This law provides for the protection of all the rights of unaccompanied and separated children, and their access to all services and benefits, especially to health, education, social services, employment, and professional and occupational training.

2 Ensure comprehensive and coordinated policies among all competent actors at different administrative levels: State, regional, and local.

That is, entities with competence on matters related to children's rights, education, health care, employment and professional training, migration, asylum, access to justice, trafficking, gender equality, youth, social protection and any other area necessary to ensure integral protection.

The existing coordination tool at the state level (the Framework Protocol on Determined Actions regarding

Unaccompanied Foreign Minors), should be reviewed to ensure adaptation to the current context and to broaden its scope (without going so far as to regulate fundamental rights). This and other tools have to be developed and adapted at the regional and local level, in order to guarantee effective coordination.

3 Guarantee common standards that ensure unified protection of the rights of unaccompanied and separated children throughout Spanish territory.

3.1. Adoption of a common and specific procedure for the best interest determination of unaccompanied and separated children.

This procedure must be based on international standards, should incorporate all guarantees of due process, and have a multidisciplinary approach. It should also be adequately regulated and have sufficient budgetary and human resources for its implementation. All procedural steps and stages, as well as professionals involved, should be child, migrant, ethnic and gender sensitive.

The regulations and their implementation must ensure that, through best interest determinations, an individualized follow-up and support plan is prepared in each case, in order to guarantee a durable solution, including transition to adult life, and full social inclusion in an independent and autonomous manner.

3.2. Adoption of child rights-based guidelines for rescue, reception operations, identification, referral, guardianship and processing of documentation and permits for unaccompanied and separated children.

To this end, it is essential to amend the Framework Protocol previously mentioned, so as to achieve effective implementation (considering the current context), as well as ensuring that this Protocol is used solely as a coordination instrument, (as established by the Supreme Court). In no case should it be used as a means to regulate fundamental rights.

Within this regulatory framework, as in other alternative coordination instruments that could be considered, it is

necessary to guarantee, among others, the following aspects:

3.2.1 Information and presence of representatives from the child protection system at these points from the beginning, including during police registration.

3.2.2 Strengthening of the monitoring mechanisms so that unaccompanied and separated children are not subject to push back practices, or any other return mechanisms contrary to child international standards.

3.2.3 Interviews with girls to be (including at first contact) carried out by personnel specialized in child trafficking.

3.3.4. Guarantee that temporary guardianship is assumed ex officio from the moment of identification, and that the guardianship procedure is initiated without delay.

3.2.5. Ensure that there will be no termination of guardianship or temporary guardianship, unless it is assumed by another Autonomous Community or there is certainty of the presence of the child in another country.

3.2.6. Guarantee that the processing of the residence permit is initiated as soon as a situation of risk is declared.

3.2.7. Clear and harmonized criteria for the Government Delegations to ensure access to documentation and permits for unaccompanied and separated children and young migrants who were in the child protection system as provided by law.

3.2.8. Avoid separation of children and accompanying adults during DNA tests, which should always be justified in their best interests. Prioritize other protection measures that jointly protect the best interests of the child and their right not to be separated from their parents.

3.2.9. Ensure that the needs for international protection recognized by the Asylum Law are identified by specialized personnel.

3.2.10. Ensure that priority consideration is given to the management of residence permits for unaccompanied and separated children.

3.2.11. Guarantee free legal assistance to migrant children, including legal representation in administrative and judicial proceedings that affect their rights.

3.3. Adoption of a national common protocol for age assessment, which takes into account the following aspects:

3.3.1. Full respect of the presumption of minority age (benefit of the doubt), and the adoption of precautionary measures, such as the entry of the alleged child into specific areas of child care centers.

3.3.2. Guarantee that age tests are carried out when there is a substantiated doubt and as a last resort. Ensure that age procedures are not carried out whenever valid documentation is available.

3.3.3. Ensure that the age methods are multidisciplinary in nature and that age assessment procedures are carried out by specialists in various disciplines: pediatrics, psychology, age assessment-specific radiology, and forensic medicine.

3.3.4. Ensure all procedural guarantees: access to adapted information in a language they understand, free legal assistance at all times and the possibility of direct judicial appeal (not only against the consequences of the implementation of the decision on majority).

Guarantee that, if justified, age determination procedures are carried out within a maximum period of two weeks, to avoid delays in best interest assessments and in the processing of guardianship and residency permits.

3.4. Adoption of child rights-based minimum standards for centers at national level, in accordance with the Convention on the Rights of the Child. These minimum standards should be provided for by the Decree of the Law on the Legal Protection of Children.

The following aspects should be included:

3.4.1. The phases of the protection period, the timing of the protection measure, and the action pattern in case of modification of the specific protection measure chosen.

3.4.2. Models to be used when intervening with unaccompanied and separated children in child care centers.

Care provided in centers, like foster care, cannot only be seen as a mere administrative measure but a real opportunity for life that aims to restore a safe space and guarantee unaccompanied and separated children's full development. This opportunity arises through emotional ties between children who are suffering and the teams, who seek to give them this opportunity.

Therefore, it is necessary to ensure that the center creates a safe space on four different levels:

- Physical protective environment: design and size of the infrastructures (including bathrooms), areas and materials, location of the center, and security of access.
- Emotional protective environment: to ensure that the center is home-like by taking care of the design, and ensuring physical warmth, in addition to the creation of outdoor areas which enable contact with nature.
- Adults are conscious of being guarantors of this safe space. It is necessary to ensure that "affective consciousness" is included among the professional skills required.
- Leading role of children and adolescents (in daily routines, decision-making, or other mechanisms and initiatives).

Children should also be adequately and regularly informed about their rights in all matters concerning reception center conditions, including the available complaint mechanism.

Likewise, the intervention must take into account the characteristics and specific needs of children who are victims of trafficking, asylum seekers, and children with addiction, behavioral or mental health problems. In all these cases, it is essential to guarantee specialized

psychosocial support, as well as other complementary measures both inside and outside child protection centers.

3.4.3. The type and size of the centers

- It must be guaranteed that each facility fulfills its specific function as a first reception center, a long-term residential center, or a facility to enable transition to adulthood. The measures taken within a contingency plan should not alter the role of each center.
- Child protection centers should host Spanish and migrant children, always taking into account the characteristics and specific needs of both groups. Temporary reception in residential centers exclusively for unaccompanied and separated children will only be possible in a first reception phase, for a limited period, and as far as it is in their best interest.
- It is also necessary to create new specialized facilities in response to specific needs: children who are victims of trafficking, asylum seekers, and children with addiction, behavioral, and mental health issues.

3.4.4. Minimum standards on hygiene, infrastructure, food services, accessibility and safety, among others.

3.4.5. Types of professionals and ratios disaggregated by speciality.

- An adequate ratio of professionals must be established according to the number of children and the type of facility.
- It is necessary to guarantee a sufficient number of specialists according to the type of facility and the services that must be provided to ensure the effective protection of the rights of children. Cultural mediation, specialized psychosocial care, legal assistance, intercultural education, language training, healthcare, among others, must be provided for in all centers.
- Guarantee the permanent presence of cultural mediators at all child protection centers. These professionals should be able to converse with the children in a language they understand and be trained in the rights of children and the rights of

migrants and refugees. It is also necessary to set out specific requirements that these professionals must meet.

- In addition, it is essential that at each center there be at least one permanent staff member who is able to communicate satisfactorily in Arabic, French and English.
- Guarantee the permanent presence of professionals specialized in child psychology (with particular emphasis on migrant children, trafficking and international protection). The number of these specialists must be sufficient to meet all children's needs.
- Ensure the presence in each center of professionals that provide free legal assistance and, if necessary, exercise their legal representation in procedures. To this end, it could be considered the provision of specialized training, and agreements with Bar Associations and civil society organizations.
- Ensure the regular presence of health professionals, particularly pediatricians at each center, especially during periods of high occupation. Likewise, it must be ensured that children have access to the public health system as quickly as possible.
- Develop common criteria for the hiring of all professionals, both in centers run by public and private entities, ensuring: a) the hiring of people who meet all the necessary requirements in terms of experience, training (in child rights in the context of migration and in relationship, trauma, and systemic psychology); record of sexual offences; and core emotional skills; b) the existence of flexible hiring procedures, particularly in the framework of a contingency plan; and c) the presence of enough specialists (in numbers and diversity).

3.4.6. Support and monitoring mechanisms for professionals.

Measures should be taken so that, according to the characteristics of each center, as well as the conjunctural needs (for example, in a contingency plan), the personnel of the centers will have access to psychological assistance services aimed at preventing work stress or similar situations.

3.4.7. The baselines of the rules of cohabitation, applicable sanctions, and containment measures.

- The daily development of activities in the center and the process of integration of children cannot be determined by a disciplinary approach. On the contrary, adopted strategies should be based on a relational and educational approach, not on a contingency-based one. In addition, failure to comply with the rules should not be a reason for restricting or denying children's fundamental rights.
- Child participation, their right to be heard, as well as solutions centered on individual and collective dialogue must be prioritized. Educators, mediators and other professionals must be specially trained in conflict resolution through non-punitive strategies.

3.4.8. Complaint mechanisms, as well as prevention and action to be taken in cases of abuse and mistreatment.

- Children must be informed in an adequate and periodic manner about the complaint mechanisms available in case care conditions are not met in some way, including with regards to guardianship, residence permits and social, educational and/or labor integration.
- The complaints mechanisms against abuse, violence and any other form of child rights violations, should be available in centers and must be independent, agile, accessible, safe and effective.
- Measures should also be taken to prevent all types of verbal and physical abuse, and to ensure a thorough, agile and independent investigation, as well as providing appropriate protection for children who file a complaint against one of their peers, and especially against authorities or center staff.

3.4.9. Common plan of specialized training.

- To ensure adequate training for professionals, it is essential to carry out periodic training initiatives on the rights of children, and in particular on children in the context of migration.

- It is necessary to include evaluation and monitoring of said training, and to ensure that it is provided by experts.
- It should address human and children's rights (particularly migrant and refugee children), the gender perspective, tools for the identification and protection of victims of trafficking and sexual exploitation, as well as tools to identify possible applicants for international protection (asylum and subsidiary protection). It should also include specialization in disability, sexual orientation and identity and all forms of discrimination, as well as any other key aspect based on the Convention on the Rights of the Child and international standards on the rights of children in the context of migration.

3.4.10. Criteria for referrals among centers

Referrals to other child care centers will take place after a best interest assessment is carried out, taking into account their specific needs (for example, in cases of trafficking victims, age, gender, disability and other aspects related to the protection of their rights) and the implementation of the individualized plan. Competent authorities should refrain from referring children from long-term residential centers to those intended for first reception, as well as any other referral based on criteria that are not in the best interest of the child or that could affect their rights. Likewise, repeated referrals must be avoided.

3.4.11. Guidelines that guarantee that the procedures of guardianship and residence permits are carried out in due time and are given priority consideration.

4 Promotion of foster care

It is essential to strengthen policies, resources and practices aimed at promoting and facilitating the family care of unaccompanied and separated children in extended and third-party families. It is also necessary to strengthen the monitoring mechanisms.

Adapt procedures and protocols aimed at finding relatives of unaccompanied and separated children

present in Spain or in another European country, in order to explore the possibility of foster care by extended family, provided that it is in their best interest.

5 Establish a National Referral Mechanism

5.1. A single, comprehensive and coordinated system of quantitative and qualitative data.

The information should allow for the individualized monitoring of each child throughout the different phases, and effectively guarantee their protection at all times, irrespective of the region in which they live. This register should ensure that the best interest of the child is always a prior consideration for the adoption of each and every decision.

This system should also offer information on the occupation levels of child protection facilities in all Autonomous Communities, and facilitate referrals among them.

This information should form the basis for the design and evaluation of policies to protect the rights of unaccompanied and separated children, as well as to guide the decisions of each public entity.

To achieve these objectives, it would be necessary to carry out an in-depth review of the current Registry of Unaccompanied Foreign Minors (RMENAS) or to create other specific data tools.

5.2. Protocol or mechanism for the transfer of unaccompanied and separated children to different Autonomous Communities, following a best interest assessment (and with enough resources to make it operational).

These referrals will be based on the information provided by the unified data registry.

Without prejudice to the need to identify available places as quickly as possible (especially in the framework of a contingency plan and in the phase of first reception), referrals between centers and Autonomous Communities will be guided by the needs

of each child, based on the best interest determination and the possibilities of social integration.

6 Adopt a contingency plan in case of the arrival of a high number of migrant children

This plan must be supported by the National Referral Mechanism.

7 Measures aimed at guaranteeing the right to education

Education authorities at all governmental levels, must promote the regulatory, legislative, and operational changes necessary to guarantee access to education on equal terms to unaccompanied and separated children, as well as to prevent and address situations of school failure and dropouts.

7.1. Guarantee adequate coordination between the child protection systems and the education authorities, to achieve the agile and adequate school enrollment of unaccompanied and separated migrant children, above all in contexts of high levels of occupation.

7.2. Elaborate a reception plan at schools, after a psycho-pedagogical assessment of their learning needs, with the aim of charting educational itineraries, assigning the center and the educational level, and achieving educational integration.

The assignment to a specific educational level should not occur automatically based on age, but based, above all, on the psycho-pedagogical assessment of their educational needs.

In no case can age assessment tests be used to determine an educational level.

The individualized plan should contemplate aspects such as their practical experience and previous training, skills, and preferences in order to promote an adequate educational and work process.

7.3. Educational insertion of unaccompanied and separated children should begin with a period of adaptation to the school, in which the psycho-pedagogical evaluation and educational specific activities are carried out in order to facilitate their integration. Linguistic training, and other pedagogical resources of educational reinforcement and psychosocial support must also be promoted. It is essential that first reception centers guarantee the learning of Spanish through permanent and specialized courses.

7.4. Guarantee that students over 16, who have not achieved the general objectives of basic education, can continue their academic or professional training and, through this program, access post-compulsory education (basic or intermediate vocational training), or even obtain the Spanish Secondary Obligatory School Certificate (ESO).

7.5. Adopt support measures to prevent school failure and dropouts among unaccompanied and separated children and encourage access to post-compulsory education (Baccalaureate, intermediate and higher levels of vocational training, and university studies).

7.6. Design specific and flexible educational itineraries for children who arrive with an age close to 18. These strategies should seek to ensure rapid social and labor integration, and prevent social marginalization, also allowing them to continue in the regulated vocational training system.

7.7. Ensure that protection centers comply with existing guidelines on safe school routes in every municipality, city, or Autonomous Community.

7.8. Develop pedagogical tools and action protocols with a view to preventing xenophobia and bullying of migrant children and other children who are in the child protection system.

The coordinator of welfare and protection at the school, as set out in the Draft Law on the Protection of Children

and Adolescents against Violence, should play a fundamental role in the protection of children who are particularly at risk of discrimination and xenophobia. This coordinator should also be in charge of the reception plan for these children.

7.9. Guarantee access to education for migrant and asylum-seeking children who arrive in Ceuta and Melilla accompanied by their families and are hosted in Temporary Stay Centers for Immigrants (CETI). Education should take place outside the CETI, based on an itinerant model incorporated into the mainstream education system.

8 Other measures to achieve social and labor integration, as well as transition to adult life

There must be an explicit commitment between all the actors involved at all administrative levels (in the fields of children's rights, youth, employment, education, and social protection), which is supported by concrete measures aimed at guaranteeing that these children and young people are not left behind in relation to their right to work and achieve both an adequate transition to adult life and full social integration in Spain. For this, it is necessary to:

8.1. Guarantee and speed up access to documentation, and residence and work permits, including work permits for people over 16 years of age.

8.2. Ensure a formal recognition by the education system of the skills acquired, which allows them not only to access employment, but also to continue their studies.

8.3. Strengthen agreements or joint initiatives with civil society institutions and private actors that promote vocational and occupational training, and access to work for children over 16 years of age.

8.4. Promote sports, recreational, artistic, leisure and other activities that contribute to the

social integration of unaccompanied and separated children and youth at community and local levels. Child protection systems, municipal bodies, education and training centers, civil society organizations, and other private actors should be involved.

8.5. Expand programs and resources to support all children in the protection system in their transition to adult life.

8.6. Extend the programs of accommodation, training, psychosocial support, cultural mediation, and legal and labor counseling to guarantee an extension of the residence permits (beyond 18), and to strengthen the processes of transition and progressive autonomy.

8.7. Include young migrants who were previously in the child protection system among the categories of beneficiaries of certain social protection programs which favor access to housing, employment, vocational training, social services or scholarships. Ensure coordination with municipal social protection programs, including those involving the homeless.

8.8. Establish indicators related to education inclusion, access to work, working conditions, access to housing, and other relevant aspects to assess the transition to adulthood and their process of social integration in Spain.

9 Set goals and indicators to periodically assess progress

The central and regional governments must develop and implement a tool of short and long-term goals and indicators in order to periodically assess the impact and progress of the policies of first reception, protection, education and integration of unaccompanied and separated children. These indicators should be based on the principles and standards of children's rights in the context of migration. They should also collect disaggregated information based on age, nationality,

gender, disability, and other criteria to ensure that said measures are in no way discriminatory.

10 Strengthen monitoring and accountability mechanisms

10.1. The strengthening of mechanisms for transparency and accountability regarding protection policies for unaccompanied and separated children also requires establishing minimum standards for dissemination and access to information. This must be done in such a way that it guarantees the rights of children, including their right to preserve their identity and privacy.

Public information should also be provided on the measures adopted and their impact, in particular, on the budgetary resources used, duly disaggregated both quantitatively and qualitatively.

10.2. The monitoring mechanisms for child protection systems, especially for unaccompanied and separated children, need to be strengthened. Issues related to reception, care and procedures (including age assessment, guardianship, permit processing and schooling) must be subject to regular, adequate and independent monitoring.

10.2.1. The supervisory role of the Prosecutor must be reviewed and strengthened.

It is essential to avoid conflicts of interest, and to ensure that the prosecutor initiating actions against children in conflict with the law is not the same person monitoring child rights in the center (since in Spain they have a double function).

It is necessary to strengthen the role of these prosecutors (and eventually of the Child, Family and Disability Courts, provided by the Draft Law on Violence against Children), with regard to the protection of the rights of children and the monitoring of the conditions of child protection centers.

This includes aspects, such as the work team, the infrastructures, the rules of cohabitation, the activities that are carried out, educational inclusion and training, among others. The prosecutors must visit each of the centers with the frequency established. The Draft Law on Violence against Children provides that said visits should be carried out every two months "to meet with children and adolescents, monitor compliance with the action protocols, and follow up on the complaints mechanisms on situations of vulnerability, risk or violence."

- Regulate the functions of prosecutors (and, eventually judges from Child, Family and Disability Courts, should they be created), in order for child protection authorities to implement preventive and reparatory measures, in the event of inadequate conditions, or the improper handling of residency permits, age determination procedures, etc.
- Facilitate public access to evaluations and reports on the child protection system issued by the prosecutors, including the conditions of reception centers, while preserving the privacy, identity and other rights of resident children.
- Expand the prosecutor's budgetary, human and other resources (as well as those of the new Child, Family and Disability Courts and other actors) that are necessary to ensure full compliance with their tasks as the guarantor of rights of children in the protection system.

10.2.2. Guarantee the right of unaccompanied and separated children to have access to justice and effective judicial protection, with the objective of comprehensively protecting their rights.

10.2.3. Within each Autonomous Community, and following unified criteria at national level, the existence of independent mechanisms of a different nature must be guaranteed to monitor and evaluate the implementation of policies for the protection of unaccompanied and separated children.

Among these mechanisms, it is necessary to include the following:

Internal mechanisms of the child protection authority with sufficient autonomy to periodically inspect the work of the competent authorities and the social organisations and private institutions that manage child protection facilitates and ensure a child rights-based approach.

State and regional public human rights institutions, in particular Ombudsperson Offices and/or Children's Ombudsperson Offices. The necessary mechanisms must be strengthened to ensure compliance by the authorities with the recommendations emanating from these control institutions.

Measures should be adopted to facilitate monitoring and evaluation by civil society organizations specializing in the rights of children and/or migrants and refugees. In this sense, these institutions should have active legitimacy to bring actions to defend the rights of children within administrative or judicial proceedings that affect unaccompanied and separated children.

11 Foster international agreements and develop international cooperation mechanisms

11.1. International cooperation is necessary to facilitate the processing of documentation. Likewise, to facilitate family tracing and the referral of children to other countries for the purpose of family reunification, based on best interest assessments.

Family reunification in the country of origin can only be carried out if the international standards on child rights are respected:

- Prior best interest assessment. This includes research (also in the country of origin) that addresses the situation of children and their families, the child protection system, and the possibilities of reintegration with respect to their rights.

- Organize reception by a member of their family, and the child protection system of the country of origin;
- Ensure that the return does not generate risk of exploitation, violence or trafficking;
- Ensure access to basic services in the country of origin (education, health, basic social protection) is guaranteed.

11.2. In order to address root causes of migration of unaccompanied and separated children.

It is necessary to strengthen international cooperation with other countries, with the aim of addressing the structural causes of migration (especially those related to discrimination, violence and exploitation, and any another form of violation of rights that impede the realization of the right to life, survival and development), through bilateral or global agreements and instruments such as the UN Global Compact for Safe, Orderly and Regular Migration.

11.3. To strengthen the protection of migrant children in the EU, through the mechanisms foreseen in the 2017 Communication from the European Commission on the Protection of Children in Migration, such as:

- Data tools that allow the exchange of comparable data that facilitate the location of children in other countries and the verification of family ties.
- The creation of a European network of guardians to develop guidance and identify good practices.
- Guidelines that give priority to the management of cases that affect children.
- Guidelines for prioritizing migrant children in national programs funded by the European Asylum, Migration and Integration Fund.

12 Plan to combat racism and xenophobia

The central and regional governments must develop action plans, with short and long-term goals, for the prevention of xenophobia, stigmatization and all forms of social and communicational criminalization of migrant children, particularly those who are unaccompanied and separated.

13 Provide the National Plan with predictable and sustainable budget support

It is necessary to ensure, in a stable manner, by both the regional and central governments, the budgetary and material resources required to guarantee the implementation of this Plan.

