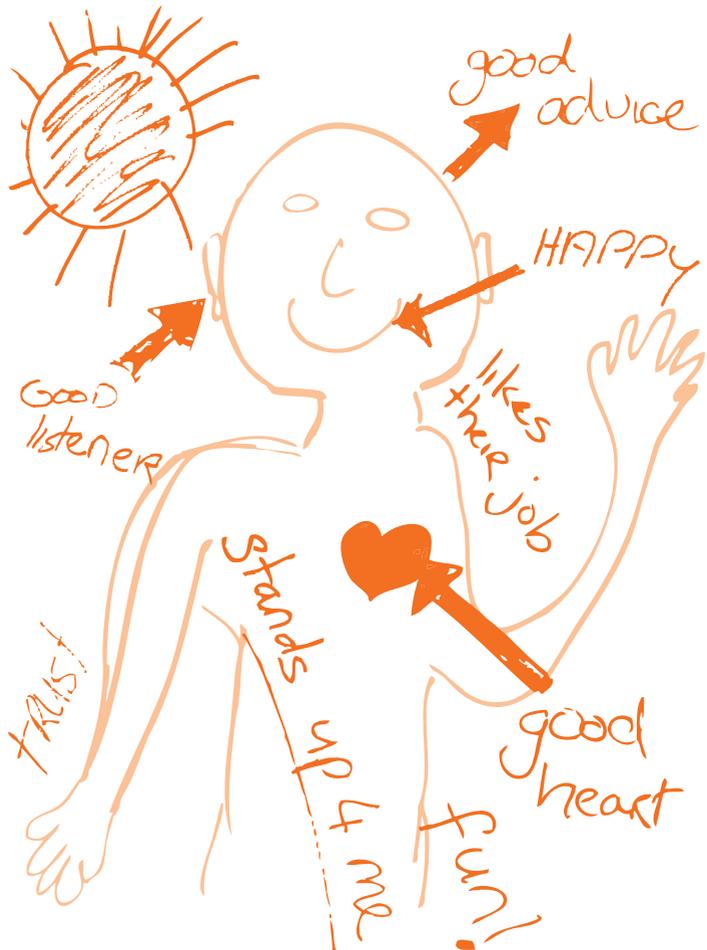


CLOSING A PROTECTION GAP

Core Standards for guardians of separated children



“The guardian stands up for me, if there is any issue or something, they would be there straight away.”

Separated child, Ireland.

CLOSING A PROTECTION GAP: GUARDIANS EMPOWERED

“I feel that it is the duty of the representative to be a spokesman for the young people. You feel obligated to very thoroughly understand the legislative issues and it is important to study these legislative issues”. Guardian, Denmark.

“It’s hard to be alone, you know. I think a good guardian is someone who understands and who does not only think about you as a refugee, who came from another country, who is not from here. The guardian is someone who really looks at you as a person who needs help, who needs to be protected”. Separated child, Slovenia.

“The role of the guardian is clearly a role which implies an emotional involvement. At the very beginning of the experience I was worried about that, but finally I have found out it is life that gives us “rules” and I have realised that it is very important for children to have some focal points, even from an emotional point of view”. Guardian, Italy.

Separated children have the right to a guardian who protects their rights and best interests. The type of protection and care a separated child receives from a guardian depends upon the country which the child has (often randomly) entered and it can differ depending on the fact if the child asks for asylum or not. The current differences in the level of protection separated children receive in European countries is not acceptable. All European countries have ratified the Convention on the Rights of the Child (CRC) and have the obligation to take into account the special needs of separated children.

These Core Standards aim to empower you as a guardian to work as a watch dog dedicated to defending and promoting the rights of the child. You are one of the key persons in the life of the separated child and you are essential in assisting the child through the process of identifying a durable solution, whether that be integration into the host country, transfer to another country or return to the country of origin. As a guardian you can put the Core Standards into practice. All parties involved in the life of the child should respect your role and acknowledge your responsibilities as a guardian and support you with the implementation of the Core Standards.

Core Standards developed with input from children and guardians

The Core Standards for guardians have been developed based on the input in eight national reports from separated children and guardians. Separated children were asked what they need from their guardian and what they would do if they were a guardian. Guardians were asked what they would need from their guardian if they were a separated child. The Core Standards are a result of an analysis of the most significant messages expressed by the children and guardians. The views of the children and guardians were measured against the UN Convention on the Rights of the Child and other relevant documents. The Quality4Children standards for Out-of-Home Child Care have been an inspiration for the project and an instrument to develop the indicators for the Core Standards. For a legislative framework and references to the outcomes of the national researches, we refer to the international report and eight national reports, available at: www.defenceforchildren.nl/english.

The Commissioner for Human Rights supports you

As a guardian, you have the support of the Commissioner for Human Rights of the Council of Europe, Mr. Thomas Hammarberg. In his powerful preface to the international report on the Core Standards for Guardians (available at www.defenceforchildren.nl/english) he writes about the key role of the guardian in the life of the separated child. According to the Commissioner the ten Core Standards can be an effective tool to strengthen guardians' abilities to improve a child's protection, by focusing on key aspects of the process.

'The goals set for guardians and policy makers are ambitious, but not impossible to attain. It is all about applying systematically these standards in all policies on separated children and using them holistically to ensure child safety, to provide adequate assistance and to promote a sound development of these children.'

Mr. Hammarberg from the preface of the international report: Closing a protection gap: Core Standards for guardians of separated children in Europe'.

HOW YOU CAN USE THE CORE STANDARDS

The Core Standards are developed as a tool for guardians in practice. The Core Standards should inspire you in your daily work and they offer a goal for you to work towards.

Guardianship systems differ extremely within the European Union and there is no clear definition of a guardian. Guardians can be volunteers, freelancers or paid professionals appointed by a government agency and/or by a Non Governmental Organisation. In some countries specialised guardianship institutions and legislation apply to separated children, in other countries guardians work in the same Youth Care framework as for national children. Responsibilities, tasks and qualifications can vary per guardian and their caseload can vary from one child up to two hundred children. Furthermore the mandate of the guardian to make decisions based on the best interest of the child differs amongst European countries. Due to factors within the current guardianship systems in some European countries there are a lot of hurdles to overcome for guardians in order to successfully implement the Core Standards. Guardians with a very high caseload, for instance, are confronted with multiple dilemmas. They want to be present for the children and provide adequate support to them but they do not have the capacity to do this due to their caseload. And in some countries the guardians do not have the mandate to make decisions or give advice on durable solutions for the child.

The purpose of the Core Standards is not to frustrate you. If you cannot fulfil all the Standards immediately, you can incorporate the Core Standards as a guideline for your work. The Core Standards can be used as a checklist to monitor your current practice and set objectives. You can feel empowered to advocate for change at your organisation and responsible State authority when you are not able to fulfil a Core Standard.

We would appreciate your feedback. If you have any comments, suggestions or questions on how to use the Core Standards you can contact Defence for Children at: info@defenceforchildren.nl.

CORE STANDARDS AND INDICATORS



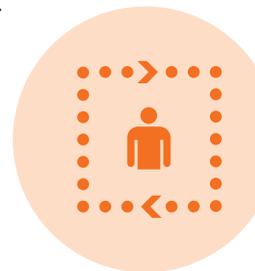
STANDARD 1:

The guardian advocates for all decisions to be taken in the best interests of the child, aimed at the protection and development of the child.

Indicators:

The guardian:

- A) Makes an assessment on the best interests of the child, for example before decisions are taken about:
 - Legal procedures,
 - The choice of a lawyer,
 - Housing accommodation and placement,
 - Education,
 - (Health)care,
 - Leisure activities,
 - Other support.
- B) Makes sure that an assessment on the best interest of the child is based on the views and opinions of the child and on individual circumstances.
- C) Involves all relevant actors in the determination of the best interest of the child in decisions impacting upon the child to ensure a multidisciplinary approach.
- D) Avoids having a conflict of interest concerning the child and works independently from other actors who make decisions about the welfare and status of the child.
- E) Adjusts the assessment of the best interests of the child regularly, while taking at a minimum into account:
 - The child's personal background and past experience in the country of origin and journey,
 - His/her development,
 - Family situation,
 - Duration of stay in the host country,
 - Phase of residence procedure or immigration status.



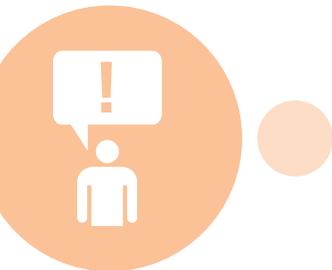
STANDARD 2

The guardian ensures the child's participation in every decision which affects the child.

Indicators:

The guardian:

- A) Provides the child with all relevant information concerning his/her rights and information needed for his/her participation in a language the child understands and in a child friendly way, repeats this information as often as necessary and checks if the child understands and recalls the information.
- B) Listens carefully to the child and takes his/her views into account in the most appropriate way in accordance with his/her age, development and evolving capacities.
- C) Informs the child of the outcome of the decision making process and explains how his/her views were considered.
- D) Manages expectations of the participation of the child.
- E) Makes sure that action or development plans are based on the views of the child and shared with the child.
- F) Ensures that appointments are made with the informed consent of the child.
- G) Informs the child about complaint procedures concerning the guardianship and is open to feedback from the child.
- H) Uses creative tools, like visual materials, where necessary to ensure participation.



Indicators:

The guardian:

- A) Gives the highest possible priority to the child's safety and ensures that his/her own conduct does not put the child at risk.
- B) Makes sure the child knows he/she is welcome to voice anything concerning his/her safety or any danger that he/she feels.
- C) Keeps all information about and from the child confidential unless it is necessary to break confidentiality to keep the child or another child safe and informs the child, when possible, about a confidentiality breach.
- D) Can identify the signals of child abuse and trafficking, acts upon signals of any harm or danger to the child and reports those signals to the relevant child protection authorities.
- E) Is aware of the additional pressure, dangers and risks presented by those who facilitated the child's journey.
- F) Ensures that if a child is a victim of violence, abuse or trafficking the child gets appropriate treatment.
- G) Always reports the disappearance of a child.
- H) Is open about being monitored on his/her own behaviour.



STANDARD 4

The guardian acts as an advocate for the rights of the child.

Indicators:

The guardian:

- A) Is an assertive, committed and brave watchdog, dedicated to defending the rights of the child.
- B) Is not afraid of taking different points of view from the authorities and acts independently, solely based on the best interests of the child.
- C) Opposes decisions which are not taken in the best interests of the child and pursues fair procedures concerning the child.
- D) Shows emotional strength to deal with wearing situations, frustrations and hostility or pressure through third parties.
- E) Is present during the determination of the best interest of the child at important decisions.



STANDARD 5

The guardian is a bridge between and a focal point for the child and other actors involved.

Indicators:

The guardian:

- A) Keeps in contact with and is the focal point for:
 - The lawyer,
 - Reception and social workers (mentors),
 - (Psycho)social and medical care givers,
 - Migration authorities,
 - School teachers,
 - Foster parents,
 - Social Services,
 - (Extended) family members in the host country and/or the country of origin,
 - Other relevant actors.
- B) Informs the child about his/her rights and obligations in relation to the other actors.
- C) Assists in establishing links with the child's community and developing key one on one relationships that give the child a sense of belonging to a family or group.
- D) Ensures that he/she is informed about decisions which have an impact on the child and is present at key meetings and interviews where decisions are made.



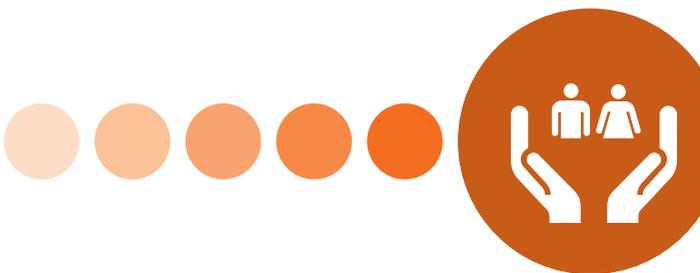
Indicators:

The guardian:

- A) Challenges others to prove their proposed solutions and implementation plan take the best interest as a primary consideration, while taking at least the following into account:
 - The child's family situation,
 - The situation in the country of origin,
 - The adequacy of concrete care arrangements to ensure a safe and secure environment,
 - The safety and risks the child is exposed to,
 - The level of integration in the host country,
 - The mental and physical health of the child,
 - The possibilities of development in the various options.
- B) Supports the reunification of the child with his/her family when this is in the best interest of the child taking into account any danger related to the exile grounds for the child or his/her family.
- C) The guardian has personal contact with family members and organizations in the country of origin after consent of the child, and checks their abilities to take care of the child in a safe and appropriate way,
- D) Considers the signals of trafficking related to the role of family members.
- E) Supports the integration of the child in the host country when this is in the best interests of the child, giving particular consideration to:
 - Language,
 - Social contacts,
 - Education and employment.
- F) Supports a safe return to the home country when this is in the best interest of the child.
- G) Depending upon the wishes of the child, accompanies the returning child or he/she arranges somebody else to do this.
- H) Oversees the preparation and monitoring of a life project/

reintegration plan before and after the return.

- I) Tries to be informed about the well being of the child after he/she is returned to the home country.
- J) Prepares the child for all predictable changes which will occur after he/she turns eighteen.



STANDARD 7

The guardian treats the child with respect and dignity.

Indicators:

The guardian:

- A) Treats the child with an unprejudiced, open attitude.
- B) Listens to the child's views and concerns and takes them seriously.
- C) Demonstrates the appropriate behaviour and attitude he/she expects from the child too.
- D) Shows interest in the child's life by asking questions without being too obtrusive.
- E) Is sensible to cultural and/or religious differences.
- F) Respects the child's right to privacy and informs the child about the possibility to see other professionals on his/her own.
- G) Supports the child in maintaining and/or creating his/her identity and self-esteem.
- H) Shows a flexible approach tailored to individual needs of the child.
- I) Does not breach the right of the child to maintain his/her physical and mental integrity.



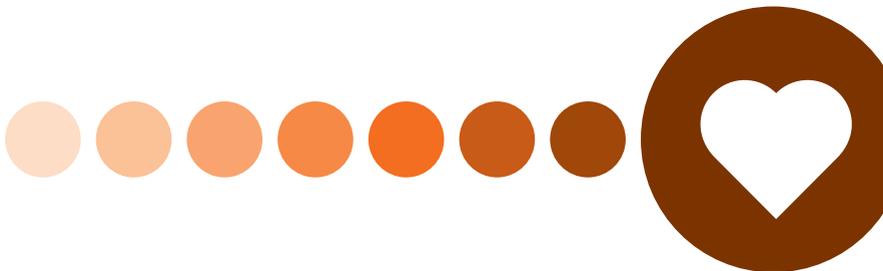
STANDARD 8

The guardian forms a relationship with the child built on mutual trust, openness & confidentiality.

Indicators:

The guardian:

- A) Knows the child personally.
- B) Keeps all information about and from the child confidential unless it is necessary to break confidentiality to keep the child or another child safe and informs the child, when possible, about a confidentiality breach.
- C) Does not judge the child's reasons for exile or allow this to effect his/her relationship with the child.
- D) Is always honest with the child and keeps his/her promises.
- E) Gives clear information about his role and limitations in a way that the child understands and can recall.
- F) Demonstrates to the child that he/she really cares for the child – that he/she works from the heart – and that he/she feels responsible for the child.
- G) Makes clear to the child that a child who disappears is always welcome to contact to the guardian.
- H) Pays attention to verbal, nonverbal and emotional communication.
- I) Is empathic towards the child and gives moral and emotional support.



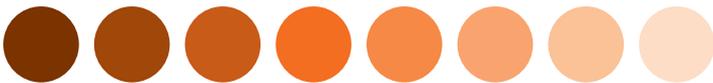
STANDARD 9

The guardian is accessible.

Indicators:

The guardian:

- A) Sees the child as soon as possible after his/her appointment in a face to face talk.
- B) Pays visits to the child on a frequent basis.
- C) Can be reached easily by the child by phone or E-mail.
- D) Communicates in a way which fits the age and development of the child.
- E) Should make use of interpreters when necessary.
- F) Lives near enough to the child to be able to respond quickly to difficulties.
- G) Informs the child where and when they can meet.
- H) Contacts the child from time to time to keep in touch also when there is no specific need to do so.



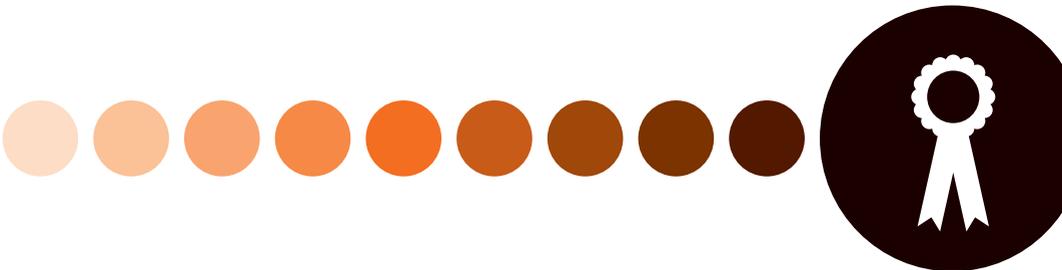
STANDARD 10

The guardian is equipped with relevant professional knowledge and competences.

Indicators:

The guardian:

- A) Has working knowledge about:
 - Children's rights,
 - Migration and asylum law,
 - Child developmental psychology,
 - Trauma,
 - Trafficking,
 - Intercultural communication,
 - Child abuse and protection,
 - Social welfare,
 - The situation and life in the home country of the child.
- B) Knows his/her personal and professional limits and is open to improve his/her knowledge, methodology and attitude.
- C) Is proactive in identifying learning and development needs and requests training when necessary.
- D) Manages his/her caseload to give due attention to all the children he/she works with.
- E) Is well organized, keeps records and is accountable.
- F) Can manage costs and available resources.
- G) Works according to a set methodology.
- H) Seeks support and counselling whenever necessary and exchanges experiences with his/her colleagues on a regular basis.
- I) Is open to supervision and monitoring.
- J) Reflects on his/her actions, role and motivation.



USEFUL CONTACTS

FOR INFORMATION:

Barnardos Ireland

Christchurch Square, Dublin 8

Phone: (01) 453 0355 Callsave: 1850 222 300

The Health Service Executive Team for Separated Children

Phone: (01) 669 9542

Irish Association for Young People in Care (IAYPIC)

7 Red Cow Lane, Smithfield, Dublin 7

Phone: (01) 8727652

Irish Society for the Prevention of Cruelty to Children (ISPCC)

29 Lower Baggot Street, Dublin 2

Free phone: 1800 666 666

Ombudsman for Children's Office

Millennium House, 52-56 Great Strand Street Dublin 1

Free phone: 1800 202040

United Nations High Commissioner for Refugees (UNHCR)

Merrion House, Suite 4, 1-3 Lower Fitzwilliam Street, Dublin 2

Phone: (01) 631 4613

FOR INDEPENDENT LEGAL ADVICE:

Free Legal Advice Centre

13 Lower Dorset Street, Dublin 1

Phone: 1890 350 250

Immigrant Council of Ireland

2 St. Andrews Street, Dublin 2

Phone: (01) 674 0202

Irish Refugee Council

2nd Floor Ballast House, Aston Quay, Dublin 2

Phone: (01) 764 5854

FOR INFORMATION ON DRUG EDUCATION:

Drugs Awareness Programme

The Red House, Clonlife College (Holycross College), Drumcondra,
Dublin 3

Phone: (01) 836 0911 Helpline: 1800 459 459

FOR HELP IN FAMILY TRACING:

Irish Red Cross

Irish Red Cross Head Office, 16 Merrion Square, Dublin 2

Phone: (01) 642 4600

FOR INFORMATION ON RETURN TO HOME COUNTRIES:

International Organization for Migration

7 Hill Street, Dublin 1

Phone: (01) 878 7900

FOR EDUCATION SUPPORT:

Separated Children Education Service (CDVEC)

Parnell Adult learning centre, Parnell Square, Dublin 1

Phone: (01) 878 6662

FOR EMOTIONAL SUPPORT:

Childline

Free phone: 1800 666 666.

On the web: www.childline.ie

Samaritans

112 Marlborough Street, Dublin 1

Phone: (01) 671 0071

Teenfocus

Phone: (01) 676 7960

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