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Methodology Guidance on Child Notice

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INTRODUCTION

This document is meant to give guidance for the research and writing of a Child Notice report. A Child Notice is a Country of Origin Information (COI) report providing information on the situation of children in a country of origin.

The Methodology Guidance on Child Notice has been developed by UNICEF The Netherlands, UNICEF Sweden and UNICEF Belgium, as part of the project "Better information for durable solutions and protection" financially supported by the European Return Fund of the European Commission.[1]
An advisory group with independent experts and representatives of UNHCR and the European Asylum Support Office (EASO) provided input and feedback to the Methodology Guidance.

The target group for the Child Notice are policy-makers as well as case workers, lawyers, COI researchers and other professionals who work with children on the move, primarily in the fields of asylum and migration.

The research for the Child Notice is done on the basis of an extensive list of **research questions**. These questions have been inspired by the 1989 UN Convention on the Rights of the Child and the General Guidelines regarding the form and content of initial reports to be submitted by states parties under article 44, paragraph 1 (a) of the Convention (CRC/C/5, 1991) and the UNHCR child specific forms of persecution (UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, 22 December 2009, HCR/GIP/09/08).

By answering the research questions in a detailed and comprehensive manner, one should be able to generate a holistic picture of the situation of children in the country concerned. The information collected should be used to:

1. Obtain background information on the situation of children in the county of origin.

2. Identify potential (child and gender-specific) forms and manifestations of persecution.

3. Identify other factors relevant to decisions as to whether remaining in the host country or return is in the best interests of the child, including local responses to returnees.

4. Provide input for a Best Interest of the Child Determination; to ensure decisions concerning children have been given due consideration to the best interest of the child.

Information should be as detailed as possible, disaggregated to region, age, sex, ethnic, religious and risk groups.

The research for the Child Notice takes into account the quality standards and principles formulated in the *ACCORD Manual Researching Country of Origin Information-2013 edition*[2] and the EASO COI Report Methodology[3]. This is described in the section **Guidelines for the development of a Child Notice** and in **Annexes A** and **B**.

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[1] A brief summary of the project can be found at the end of this publication.
[2] The training manual is developed by the Austrian red cross/ACCORD and can be downloaded here:
      http://www.ecoi.net/blog/2013/10/new-accord-training-manual-on-researching-country-of-origin-information-published/?lang=en
[3] EASO *Country of Origin Information report Methodology* (July 2012).

GUIDELINES FOR THE DEVELOPMENT OF A CHILD NOTICE

A   General instructions

Researcher

A Child Notice should be developed by a, preferably, local COI researcher with knowledge and experience in the field of children's rights, child welfare and migration issues. Furthermore the researcher should have experience in (Country of Origin Information) data collection, research and drafting of reports and have good writing and analytical skills. If it is not possible to find a person with all abovementioned qualifications, more than one author can write the report. It is recommended to always involve at least one person from the country in question, who has local expertise.

Length

The Child Notice has a length of approximately 100 pages.

Quality standard

A Child Notice should take into account the quality standards and principles that apply to Country of Origin Information (COI) research (*Chapter 2 ACCORD Manual Researching Country of Origin Information-2013 edition and EASO COI report Methodology (2012) where relevant*[4]):

- Relevance.
- Reliability and balance.
- Accuracy and currency.
- Transparency and traceability.
- Neutrality and impartiality.
- Equality of arms regarding access to information.
- Using publicly available information[5].
- Data protection.

Quality check or control

The information collected for the Child Notice should be validated by local experts (including country offices of UNICEF and UNHCR) in a meeting or through written consultation.

Sources[6]
- The Child Notice uses a variety of (reliable) sources:
    - International and intergovernmental organisations (IGO).
    - Governmental organisations.
    - Non-governmental organisations (NGOs) and other civil society organisations.
    - Media.
    - Academia.

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[4]   The training manual is developed by the Austrian red cross/ACCORD and can be downloaded here: http://www.ecoi.net/blog/2013/10/new-accord-training-manual-on-researching-country-of-origin-information-published/?lang=enEASO *Country of Origin Information report Methodology* (July 2012).

[5]   When a source would like to remain anonymous, the source should be described so as to give background information on the source's experience.

[6]   ACCORD *Training Manual on Researching Country of Origin Information* 2013 edition (July 2012), chapter 4 and 7, EASO *Country of Origin Information Report Methodology* (2012).

- Distinguish between primary and secondary sources. A primary source is a person or institution providing first-hand testimony or observations on the events or issue in question. A secondary source is a person or institution referring to primary or other secondary sources. The researcher should, to the extent possible, refer to the primary source.
- To the extent possible, cross-check information by using different sources (preferably 3 different sources).
- To be able to assess whether a source can be considered reliable, a researcher should do a source assessment by answering these questions:
  - Who provides the information?
  - What information is provided?
  - Why is the source providing this information?
  - How is the information generated?
  - When was the information gathered and when was it provided?
- Be cautious in using social media since information provided via social media channels is often unregulated and less likely to have had an editorial control than 'conventional' media sources. Information on social media changes quickly and might be subjective or incomplete. Be sure not to confuse the actual source and the social media platform on which it was retrieved.[7]
- If no information is found, it should be stated and references should be made to the main sources consulted.
- If information from only one source can be found, it should be stated and the context should be explained.
- If contradictory information is found, the contradiction should be made explicit.
- Conduct a systematic advanced search on **Refworld** and **Ecoi.net** for all Child Notices (keywords= Child* + select the relevant country of origin – sort by date to see the most recent COI products first).

Referencing
- Reference each piece of information.
- Use the referencing method provided in Annex A.
- Use footnotes.
- Collect the following details for all sources used/consulted:
  - Name of the source (author and/or institution).
  - Title of the publication.
  - Date of the publication (additionally, if applicable, period covered).
  - Page(s) or paragraph(s) or section heading of the specific piece of information.
  - Internet link (URL) with date of access.
- In case of oral sources (interviews/meetings) full referencing is necessary. Collect the following details:
  - Name, title, organization.
  - Date of telephone conversation/email/meeting/..).
  - In case a source wishes to remain anonymous, describe the source briefly (field of expertise). Make clear why the source was chosen.
- It is recommended to briefly describe a source when it is mentioned for the first time in the report, especially when using a less known source (e.g. a local organization or a local media).

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[7] ACCORD Training Manual on Researching Country of Origin Information (July 2012) 2013 edition chapter 6.

Quotation/Translation/Paraphrasing
- When quoting, ensure to remain faithful to the primary source.
- For quotations, refer to Annex B.
- When translating or paraphrasing ensure that the content and meaning of the information are not distorted.

Bibliography
- Provide an alphabetically organized bibliography or list of references at the end of the report.
- Preferably, distinguishing between sources consulted and used AND sources consulted but not used.

B   Table of content of the Child Notice

Table of Content

List of acronyms

Disclaimer

Introduction

Reader's Guide
    How to read the Child Notice?
    How to use the Child Notice?
    Child-specific asylum and migration policy
    Child-specific grounds for persecution
    Best interest determination
    Child protection systems
    Return

Summary

Main text
1. Demographic information/statistical data on children
2. Basic legal information
3. General principles
    1. Non-discrimination (including children of minorities and indigenous people)
    2. Best interests of the child
    3. Right to life and development
4. Civil rights and freedom
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C Research questions

For each chapter of the main text, research questions are provided to guide the researcher in his/her work. Some of the questions below remain unanswered depending on the availability of information and/or their relevance. Cross-referencing is encouraged.

Summary
An overview of the most important findings of the report on circumstances in which children live, societal environment, current events affecting children or related to children, difficulties children face in the country and the political context.

1   Demographic information/statistical data on children
- Total number of children disaggregated by age, gender and region.
- Percentages in relation to the total population.
- Existence of ethnic, religious, linguistic minorities or indigenous groups and number of children belonging to these groups.
- Family structure. Cross-reference with section 6, when appropriate.
- Political developments (governmental structure, recent elections, possible political conflicts).

2   Basic legal information
- Which conventions (and protocols) on children's rights and human rights have been signed, adopted and ratified, including Private Law (i.e. Hague Conventions)? Have any key reservation(s) been made?
- Is a Children's Code or national strategy/plan on children and youth in place?
- Is specific budget allocated to implement the national strategy or plan?
- Is there a coordinating governmental body on children's issues and children's rights? If so, which?
- Is there an independent national human rights institution such as an ombudsman, including specifically for children?
- Are there relevant non-governmental organizations/civil society such as child rights coalitions?
- Is there legislation and policy protecting children in the legal system (justice for children)? If so, which?
- Is there a birth registration process in place in the country as a whole? If so, to what extent is birth registration taking place?
- What is the legal age of majority?
- At what age is a child considered legally competent and in which field of law?
- Can a child receive an independent travel and /or identity document? If so, from what age?
- Can a child request these documents independently or is consent and /or supervision by an adult necessary?
- What is the legal age to vote?
- What is the legal age for deprivation of liberty (including juvenile justice, immigration, education and welfare institutions)?

3   General principles

3.1   Non-discrimination
- Are rights recognized in law for all children without discrimination?
- Are there any differences between girls and boys in law and policies?
- Are there reports/evidence about state authorities or others discriminating against certain groups of children? If so, what is the situation they face?
- To what extent are children of certain ethnical, religious, linguistic or indigenous minorities able to develop themselves (concerning culture, religion and language)? If not, what are the obstacles they face?
- Are children of ethnic, religious, linguistic or indigenous minorities able to receive (partly) education in their own language? If not, what obstacles do they face?
- Do children of ethnic, religious, linguistic or indigenous minorities have equal access to the health system? If not, why? If not, what obstacles do they face?
- Can children of ethnic, religious, linguistic or indigenous minorities be heard in any proceedings affecting them? If not, what obstacles do they face?
- Are the rights of homosexual or transgender persons guaranteed by law or specifically mentioned in the law? Is homosexuality punishable by law?
- Is homosexuality socially accepted? Are there reports/evidence on state authorities or others discriminating against homosexuals? If so, what is the situation they face?

3.2   Best interests of the child
- Is the principle of the best interests of the child reflected in the Constitution or other relevant legislation? If so, how?
- Are the best interests of the child central in the decision-making with regards to the child and how, and is the child in any way involved in the decision-making process? How does this apply in practice?

3.3   Right to life and development
- Is the right to life, survival and development of the child embedded in national legislation?
- What are the birth and death rates for children?
- Are deaths of children (including homicides) investigated and reported?
- Is the rate of teenage pregnancies recorded and reported? Provide numbers.
- Is the rate of teenage suicide recorded and reported? Provide numbers.
- Do children face specific severe risks due to the fact they are children and do they have to fear for their lives?
- Are there reports available on the level and prevalence of gang violence and its impact on children and adolescents?
- Are the homicide rates concerning children analyzed by age and by groups?
- What cultural, social, or traditional norms and practices or policies affecting children prevail in the country?
- Are there reports on harmful traditional practices affecting children based on tradition, culture, religion and superstition and are they affecting girls and boys differently (e.g., FGM, forced/underage child marriages, witchcraft accusations, ritual/honour killings,..)? Cross-reference with section 7, when appropriate.

4   Civil rights and freedom

- Is freedom of expression, freedom of thought, conscience and religion and freedom of association and peaceful assembly available for all children without discrimination? If not, explain.
- Are children able to express themselves freely (without any risks) in practice?
- Do children have access to adequate information, through books, television, internet?
- Do children have access to appropriate (legal) advice?
- Do children have access to independent complaints procedures?
- Are children protected by law against interference with their privacy?
- Are children protected by law against torture, or other cruel, inhuman or degrading treatment or punishment? Are there known cases of children (how many, in which region, what age, sex) that have been subjected to torture or other cruel, inhuman or degrading treatment or punishment?
- Is there evidence of harassment, intimidation, detention or threats against children because of their affiliation with parents/relatives that hold a certain political opinion, or because of their membership in a particular (social) group?

5   Basic rights (health/water/food/education)

Food, water, housing
- Are there any reports on the denial of food, water and housing to (certain groups of) children?

Health
- What is the most recent under-5-mortality rate? What is the rate in the neighboring countries?
- What is the number of hospitals/health centers in the country and what is the geographical distribution?
- Is information available on the number of active health workers and geographical distribution?
- Are there reports on the accessibility and quality of basic and specialist health care for children?
- Do disabled children receive special attention, assistance and care, in order to let them lead a life as self-reliant as possible and where they can participate actively in the community?

Education
- What is the legal age to start with school? Up to what age does compulsory education apply?
- Is primary education free for all children?
- Is data available on the state budget for education?
- What are the enrollment rates, disaggregated by gender, age and regions? What is the completion rate?
- Are educational facilities available and accessible, in all parts of the country?
- Do all children, e.g. girls and boys, rural/urban, children from minorities, children with disabilities, immigrant and refugees, unaccompanied and separated children, internally displaced people (IDP) children and children in detention, … have equal access to education under law and in practice? Are special education programs for weaker students available?
- Are all teachers qualified by training?
- What is the teacher/student ratio?
- How many schools are in the country and what is the geographical distribution?
- Is there a form of informal education, outside the formal education systems?

6 Family environment and alternative care

Provide information on the status/place of the child in the family/society/culture by providing answers to the following questions:

- Who is the head of the family (family structure)?
- On average, how many children are in a household?
- In general, do children have specific household responsibilities and is this different for boys and girls?
- Do children have their own space in the home?
- Are traditions such as polygamy, levirate and/or sororat[8], blood feud, … common? If so, does this occur in all regions in the country or more common for certain regions, if so: which regions?
- Who traditionally takes care of orphans or children separated from their parents and family?

Provide information on the child protection system by answering the following questions and please distinguish between different risk groups:

Legislation and policy
- Is there legislation and policy protecting disadvantaged and vulnerable groups of children?
- Is legislation in place protecting children from physical and mental violence and abuse (in the family, in alternative care and institutions)? How is this legislation implemented in practice?

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[8] Levirate is a custom where a deceased brother's brother marries the widow. Sororate is the custom where a widower marries the sister of his deceased wife.

- Is legislation in place regulating adoption and fostering?
- Is legislation in place prohibiting and criminalizing the abduction of children?
- Is legislation in line with international standards?
- Is there a legal definition of parental responsibilities, duties and rights? How is this defined?
- Do children born outside marriage have the same rights as other children?
- Which state authority (ministry) is responsible for the overarching child protection system/ services (policy, budget)?
- Is the child protection system organized centrally (national) or is it decentralized (regional or at community level)?
- Does a national policy exist on the provision of alternative care for children, in line with international standards?

Application/implementation
- Are child protection/social services available, by whom (state/non-state) and what assistance do they provide?
- Are child protection/social services available and accessible in all regions of the country? Are there any regional and rural/urban differences? How many social workers are there?
- Are there specific groups of children overrepresented in the child protection system and if so, why?
- Do all groups of children and their families have equal access to social services/child protection services?
- How are social services financed?
- Are there children's hotlines or other services so that they can report any abuses?
- Is the hotline operated by an independent entity or a service provided by the State?
- Are family homes, shelters or other forms of alternative care available in all regions of the country and accessible for all children in need? Please specify which form of alternative care. Is a periodic review done and by whom?
- Is staff working in the family homes/shelters/other forms of alternative care qualified (received appropriate education/training)?
- How are family homes, shelters and other forms of alternative care financed (private, public)? Is the way alternative care is financed in any way limiting access for all children?
- Are children placed in institutions only when necessary and suitable, following appropriate procedures?
- Is there an explicit prohibition of corporal punishment as a disciplinary measure in alternative care institutions?
- Is a support system in place for families who are excluded?
- Is a functioning foster care system in place in all regions of the country and is a periodic review done of the system and the families/communities involved?
- Is family tracing available for orphans/separated children and through what means?
- Is the child protection system in practice adequate in terms of quality, capacity and monitoring, in accordance with the international norms and standards on child protection and alternative care for children?

Statistics
- How many children are in the child protection system (officially, unofficially)?
- Are statistics available on the number of orphans (children who lost one or both parents) and are cared for in the alternative care system?

7   Special protection measures

7.1   Children in conflict with the law

Legislation and policy
- What is the age of criminal responsibility?
- Is capital punishment and life imprisonment prohibited below the age of 18? If not, have capital punishment and life imprisonment been implemented for children or can children be sentenced to death but the sentence is only implemented after the child turns 18?
- Is a specialized juvenile justice system in place?
- Is legal advice and the provision of legal representation accorded to all children accused of a crime? To children witnesses and victims?
- Are there legal provisions for alternatives to detention?
- Are rehabilitation or aftercare services available for children after their sentence?

Application/implementation
- Do all children have equal access to the juvenile justice system?
- Do all children, in conflict with the law, have equal access to legal advice?
- Are any alternatives to detention (e.g. community services for older children) considered for petty crimes for example?
- Are children who have served their sentence subject to discrimination? In what way?

Statistics
- How many children are in detention? For what reason? Are these children separated from incarcerated adults? Are children of different genders accommodated/detained separately?
- Are specific groups of children overrepresented in the juvenile justice system? If so, which?

7.2   Victims of child trafficking

Legislation and application
- Did the country ratify the optional protocol on the sale of children, child prostitution and child pornography?
- Did the country ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children?
- Is human trafficking prohibited by national law and are perpetrators prosecuted? Are witnesses in criminal proceedings by national law protected against offenders?
- What is the authority/unit/department in charge of protecting child victims of trafficking?
- Are children protected by national law and policy against sale, trafficking and exploitation? How is this done in practice? How is the law enforced?

Identification, registration, prevention, protection
- Are there procedures to identify and/or protect child victims of trafficking?
- Are identified victims of child trafficking registered?
- Do the authorities intervene against child trafficking (prevention)?
- Is care and assistance available for victims of child trafficking in practice? What kind of care and assistance is available?

Trafficking situation
- Is child trafficking taking place? What are the patterns relating to the exploitation and trafficking of children in the country of origin?
- Is the sale of children taking place?
- How many children are victims of human trafficking (disaggregated by sex) and under what circumstances?
- Which types of exploitation do victims of child trafficking face and how/where/under what circumstances were these children recruited by traffickers?
- Are there reports on possible complicity of parents, other family members or caregivers in arranging or consenting to the trafficking?
- Are there reports of child victims of trafficking being placed in debt bondage?

7.3   Children in armed conflict

Legislation and application
- Did the country ratify the optional protocol on the involvement of children in armed conflict and is it applied in practice?
- What is the legal age of (forced and voluntary) recruitment in the armed forces and is it enforced?
- Does the state have a policy in place to prevent and counter underage recruitment?
- Within the framework of the UN Security Council resolutions on children and armed conflict has an action plan be signed by the government or non-state entity to end recruitment and use of children?

Situation
- Are children involved in armed conflicts (regional/national)? Does under-age recruitment for fighting take place? Does recruitment of children for sexual services or forced marriage with the military take place? Do other forms of direct or indirect participation in hostilities take place?
- In what way are children recruited and by which group(s)?
- Who are the recruiters? Are they state or non-state actors?
- To what extent do children associated with armed forces and armed groups have the opportunity to end their activities as a child soldier?
- Is there appropriate assistance, guidance and counseling available for ex-child soldiers, for their physical and psychological recovery and social reintegration?
- Are (former) child soldiers prosecuted? If so, are the circumstances, level of development and the age of the child taken into consideration?
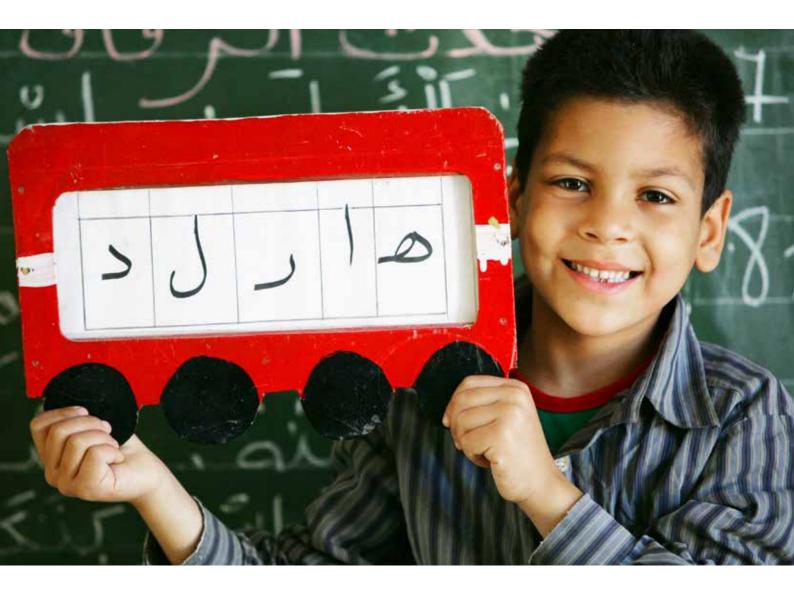
7.4   FGM/C

Legislation and policy
- Is national legislation and policy in place prohibiting the use of FGM?
- Does the state take measures to prevent FGM? Are other organizations (such as NGOs) involved in combatting FGM?
- Are persons involved in the practice of FGM legally prosecuted?

Situation

- Is FGM a (widespread) phenomenon in the country of origin?
- Is data available on the number of girls who have been subjected to FGM? If possible, disaggregated by age and region?
- In what regions is FGM practiced and in which cultural/ethnic/religious groups is it reported to have occurred?
- Which type of FGM is applied?
- At what age does FGM take place?
- Does FGM re-occur after women have given birth or for other reasons?
- Can girls refuse FGM?
- Can parents refuse FGM for their daughters? If so, are there any possible consequences for the daughters and parents?
- Are there reports of girls/women who face discrimination and loss of social status because they have not been subjected to FGM?
- If so, how does this manifest in their daily life?
- Can parents who oppose FGM effectively protect their daughters upon return?

7.5 Forced and underage/child marriage

Legislation and policy
- Is there legislation and policy protecting children from forced and underage/child marriage?
- What is the legal age of marriage and is this standard adhered to in practice? Is it different for girls and boys?
- What is the age of sexual consent?
- Does the state take preventive measures against forced and underage/child marriage? What kind?

Statistics
- Are there reports of children (girls, boys) being forced to marry? Is this a regional (which regions, or among which ethnic or religious groups) or a national phenomenon?
- Is data available on the number of children (girls and boys) being forced to marry or being married before the age of 18?

7.6 Domestic violence

Legislation
- Is there legislation and policy protecting children from child abuse?
- Are there national provisions referring to domestic violence? Are they enforced?

Situation
- Does domestic violence against children (e.g., battery, sexual or other physical abuse in the household, incest, violence/crimes committed against children in the name of honour, psychological abuse, etc.) take place?

7.7 Child labour and other forms of exploitation

Legislation
- Is there legislation and policy protecting children from child labour?
- What is the legal working age and are the standards enforced?
- Is child prostitution prohibited by law? What happens to children who are of have been involved in prostitution?

Situation
- Do child labour and slavery take place?
- Do debt bondage and other forms of forced labour take place?
- Are there reports on the use of children in prostitution or pornography, or on the use of children in illicit activities such as drug trading?
- Is a child's full development and education inhibited by the kind of labour performed? Is the labour likely to harm the health and safety of a child?

7.8 Children living and/or working on the streets
- Are there reports of children living and/or working on the streets being harassed, ill-treated and/or arrested by police or other state agents (or others) and on the treatment they receive upon and after arrest?

- Are children living and/or working on the streets in danger of forced recruitment in armed forces (regular or non-state)?
- Are there any shelters for them? Are there any organizations involved in the protection of children living and/or working on the streets?

7.9 Refugee children and internally displaced people (IDP)
- How many unaccompanied and separated refugee children are in the country and registered?
- Which countries have they fled?
- How many children have fled their country with their family?
- Which country have they fled?
- Where do refugee children live?
- Do refugee children have access to education and health services?
- How many IDP children are registered?
- From which regions do IDP children come?
- Where do IDP children live?
- Do IDP children have access to education and health services?

8 Returning separated or unaccompanied children and families

Return agreements
- Which countries have signed return agreements with the country of origin?

Family tracing/family reunification for unaccompanied and separated children in country of origin
- Is family tracing available for unaccompanied children who have left the country and wish to return?
- Is family reunification possible and how is the prospect of family reunification assessed and by whom, in terms of whether it is in the best interests of the child?
- Are counseling or mediation services available to assist children in re-establishing contact with their family? By whom?

Conditions for return
- Are children and their families allowed to settle where they would like upon return?
- Have children been exposed to abuse, intimidation or violence upon return? Give examples if possible.
- Are returnees ever detained for illegal emigration? Give examples if possible.
- Are returned children and their families discriminated? By whom and how?
- Does the state or non state actors provide for special reintegration programmes for children and their families upon return after a long stay outside the country? What do these programmes provide and for how long? Are these programmes accessible in practice?
- Is there any monitoring mechanism in relation to return?
- Are there reports on returned children who have no access to school or drop-out of school because of problems with language, absence of appropriate documentation, etc?
- Do returned children have access to health care, including mental health care and rehabilitation, or is there any form of discrimination upon return?
- Are there mechanisms in place to ensure that children returning have all necessary documentation (identity, citizenship, education and medical records)?

9   Country specific issues that affect children

- Are there any judicial, environmental or cultural factors which are country specific and have an impact on the rights of children and the situation of children (such as epidemics affecting the country, natural disasters etc)?
- What measures is the government taking to divert possible negative effects on children?

Statistics

Number of children, disaggregated by age, gender and region
Statistics on child mortality and mother mortality
Statistics on child protection indicators

Bibliography

List of contact organizations/persons

Glossary

ANNEX A   REFERENCING[9]

Collect the following details of the sources used:
- Name of the source (author and/or institution)
- Title of the publication
- Date of the publication (additionally, if applicable, period covered), if no date known state n.d.
- Page(s) or paragraph(s) or section heading of the specific piece of information
- Internet link (URL) with date of access

Books
- When a book is referred to, the author/s' name/s must be given as follows in both the footnotes and the bibliography: Smith J.D., not John D. Smith or Smith John D.
- In a *reference* the co-authors of any work (book, article, chapter) take an ampersand: Smith & Dlamini. Cite up to three authors: Smith, Dlamini & Pillay. Thereafter use 'et al'. When referring to authors in an ordinary sentence the ampersand is not used: 'Smith and Dlamini believe that . . .'.
- If the named person is the editor, then the abbreviation (ed) or (eds) must appear after the name.
- Book titles take the title case and appear in italics.
- If the book is in an edition after the first, the number of the edition must appear after the title: 2 ed, 3 ed, 4 ed – but not 2nd or 3rd ed. If it is the first edition of the book, then no edition need be referred to; it will be assumed that it is the first edition.
- The year of publication must appear in brackets after the title (first editions) or edition.
- The precise page number where the authority was found comes next, if necessary. If the book operates by paragraphs or sections (to be connoted by 'para'), then this will be a sufficient reference. If it is necessary to refer to both paragraph/section and page, then do so as follows: para 27 160. This latter method should be used only where absolutely necessary. Where the reference is generally to a chapter in the book, this should be indicated by the abbreviation 'ch' (unless the word chapter starts the sentence, in which case it must be in full).

Examples:
Smith J. D. & Dlamini S. *Hand's Law of Arbitration 5* ed (2006) p. 115.
Smith J. D. & Dlamini S. *Hand's Law of Arbitration 5* ed (2006) pp. 5-9.
Boberg P.Q.R. *The Law of Delict: Aquilian Liability* (1984) ch 3.

Journal articles
The name of the author(s) must appear as indicated for the author/s of a book.
The title of the article must appear in sentence case, in roman, and within single inverted commas.
The year (in brackets), the volume (where relevant) and the title of the journal must be supplied. The title of the journal must be in italics.

Examples:
Dube J. 'The new Consumer Protection Act: An introduction' (2002) 119 *SALJ* 700 p. 725.
Moyo S.P. 'The decline and fall of constitutionalism' (1998) 23 *SAJHR* p. 456.

Where the periodical carries no volume number, the year is not placed in brackets, e.g. 2006 *Acta Juridica* p. 43; 2003 *TSAR* p. 89; 2004 *Annual Survey of South African Law* p. 776.

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[9]   Taken from: Liefaard T. & Sloth-Nielsen J. *Referencing and Style Guide Conference Book 25 Years CRC* 2014.

Reports and policies of governmental bodies
- Use the governmental body as the 'author' and list title and year as if it were a book. In the bibliography, add publisher and place (as if it were a book).

Examples:
Ministry for Provincial Affairs and Constitutional Development *White Paper on Local Government* (1998) p. 25.
International Organisation for Migration *World Migration Report 2010 – The Future of Migration: Building Capacities for Change* (2010) pp. 22-29.
In bibliography: Ministry for Provincial Affairs and Constitutional Development *White Paper on Local Government* (1998) Department of Constitutional Development: Pretoria.
International Organisation for Migration *World Migration Report 2010 – The Future of Migration: Building Capacities for Change* (2010) International Organisation for Migration: Geneva.

Newspapers
Jones A. 'Nuclear reactor in trouble' *The Star* 24 May 2005 2.

The Constitution
The new long citation (used when referring to the Constitution for the first time) is simply Constitution of the Republic of South Africa, 1996. The interim Constitution remains the Constitution of the Republic of South Africa, Act 200 of 1993.

Legislation
In the first reference give the short title, number and year of a statute without any punctuation: the Judicial Service Commission Act 9 of 1994. Thereafter variants may be used: the Judicial Service Commission Act, the Act, Act 9 of 1994.
Use abbreviations for sections, subsections, paragraphs and subparagraphs, but never at the start of a sentence: chapter = chap, section = s, sections = ss, subsection = subsec, paragraph = para, subparagraph = subpara, article = art. (Plurals: subsecs, paras, subparas, arts.)
Use italics as shown to avoid confusion: s 45(2)(b)(i)(aa).

Internet references
Where an internet reference is to be used, it must appear as follows:
Bringardner J. 'IP's brave new world' available at *http://www.law.com* (accessed 12 May 2008).
NB: the URL must appear in italics and must be underlined.

Bibliography
- Create categories for the various kinds of materials. List contents for category in (author) alphabetical order. Add place of publication and name of publisher for books and similar works.
- Create as many categories as are required (in alphabetical order), and do not use all-inclusive categories. Common categories include: Books; chapters in books; articles; legislation (with different countries in alphabetical order); treaties and conventions; internet sources; newspaper articles.

Example:
Robinson O.F., Fergus T.D. and Gordan W.M. *An Introduction to European Legal History* (1985) Abingdon: Professional Books Limited.

Footnotes

Do not use: ibid, item, op cit, loc cit and supra; repeat full reference or use acceptable abbreviation for the title of the work.

Example:

Steiner H.J. & Alston P. *International Human Rights in Context. Law, Politics, Morals. Text and Materials* 2ed (2000) p. 29 (hereafter *International Human Rights*).

Steiner H.J. & Alston P. *International Human Rights*, p. 55.

ANNEX B   QUOTATIONS

- Quotations are reproduced exactly, including all original italics and original punctuation.
- Quotations appear in single quotation marks. Quotations within quotations appear in double quotation marks.
- Short quotations appear as part of the text. Long quotations, i.e. quotations of more than three lines or more than one sentence, are isolated from the text by being indented from the margin. It is permissible to isolate a shorter quotation for emphasis.
- Whenever a quotation is introduced with a colon, the quotation itself should begin with a capital letter (using square brackets to indicate an alteration where necessary). If no colon is used, the quotation should start with lower case. Where the quotation begins with a capital letter, the closing full stop should normally appear inside the closing quotation mark. But if the quotation forms part of the larger sentence, the full stop should appear after the closing quotation mark.
- Ellipses need not be used at the start of a quotation but must be used in the middle and at the end of a quotation to indicate missing words. Use three dots for any missing word/s and a fourth dot to show any missing full stop. (The placement of the dots indicates where the full stop appeared, so it will be … . or . …).
- Square brackets are used for all changes and interpolations.

ANNEX C   USEFUL SOURCES FOR CHILD-SPECIFIC COUNTRY INFORMATION

UN Documents

1. *State Reports to the UN Committee on the Rights of the Child* to be found at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=29&DocTypeCategoryID=4 (Accessed 9 October 2015)

2. *Committee on the Rights of the Child – Concluding Observations* to be found at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=5 (Accessed 9 October 2015)

3. *Committee on the Rights of the Child – General Comments* to be found at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11 (Accessed 9 October 2015)

4. *Committee on the Rights of the Child – Decisions* to be found at http://www.ohchr.org/EN/HRBodies/CRC/Pages/Decisions.aspx (Accessed 9 October 2015)

UNICEF

1. *State of the World's Children* to be found at www.unicef.org

2. Annual country reports and contact details UNICEF Country offices to be found at www.unicef.org

3. *Multiple Indicator Cluster Surveys (MICS)* to be found at http://www.unicef.org/statistics/index_24302.html (Accessed 9 October 2015)

4. UNICEF research publications of the UNICEF Office of Research-Innocenti to be found at www.unicef-irc.org

UNHCR

Refworld documents related to children, including legal, policy and background information to be found at http://www.refworld.org/children.html (Accessed 9 October 2015)

Reports Non-governmental Organisations

1. *NGO reports on the implementation of the UN Convention on the Rights of the Child* to be found at www.crin.org

2. Other child-focused publications by country to be found at the website of Child Rights International Network (CRIN) www.crin.org

ANNEX D   READER'S GUIDE TO THE CHILD NOTICE

How to use the Child Notice?

The information in the Child Notice can be used:

1. To obtain background information on the situation of children in the county of origin.
2. To identify potential (child and gender-specific) forms and manifestations of persecution.
3. To identify other factors relevant to decisions as to whether remaining in the host country or return is in the best interests of the child, including local responses to returnees.
4. As input for a Best Interest of the Child Determination; to make sure decisions concerning children have been given due consideration to the best interest of the child.

Child-specific asylum and migration policy

With many children applying for an international protection status, the need for child-specific asylum- and migration legislation and policies, guided by the principles and provisions of the UN Convention on the Rights of the Child, is clear.

At the heart of the protection of children who apply for asylum is article 22 of the UN Convention which states:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

These rights are intertwined with the right to special protection for children who live outside the family (article 20), the right to health care (article 24) and the right to education (article 28).

The basis for the child protection of each minor asylum seeker are formed by the following articles:

Article 2: non-discrimination
Article 3: the best interest of the child
Article 6: the development of the child needs to be promoted
Article 12: the rights of children to be heard

Child-specific grounds for persecution

Each child has the right to make an independent refugee claim, regardless of whether he or she is accompanied or unaccompanied. Even being part of a family and at a young age, a child might be considered the principal asylum applicant. A child can derive a refugee status from the recognition of his or her parents as a refugee. At the same time, parent(s) can derive status from their child's refugee status.

In order to assess children's claims to asylum and make decisions, one needs to have an up-to-date analysis and knowledge of the child-specific circumstances in the country of origin, including of existing child protection services. Children themselves might not be the perfect source of information. This information can be derived from the Child Notice.

Just as adults, child applicants for a refugee status must establish that he or she has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion conform the 1951 Refugee Convention.
As the UN Committee on the Rights of the Child[1] and the UNHCR[2] have pointed out age and factors such as rights specific to children, a child's stage of development, knowledge and/or memory of conditions in the country of origin, and vulnerability, also need to be considered to ensure an appropriate and child-friendly application of the eligibility criteria for refugee status. The 2011/95 EU Qualification Directive states in article 9.2 that 'Acts of persecution can take the form of… (f) acts of a gender-specific or child-specific nature'[3].

UNHCR's Executive Committee has recognized that children may be subjected to specific forms of persecution that are influenced by their age, lack of maturity or their vulnerability. The sole fact that the claimant is a child might be principal in the harm inflicted or feared. The UNHCR Guidelines on international protection[4] highlight child-specific forms of persecution as under-age recruitment, child trafficking and female genital mutilation, as well as family and domestic violence, forced or underage marriage, bonded or hazardous child labour, forced labour, forced prostitution and child pornography, and violations of economic, social and cultural rights.

Best Interests Determination

In all decisions taken in procedures concerning children the best interests of the child should be a primary consideration.
In a migration procedure a durable solution should be sought for the child involved. A durable solution will be long-term and sustainable and ensures that the child is able to develop into adulthood in an environment which will meet his or her needs as well as fulfil her/his rights as defined by the UN Convention and will not put the child at risk of persecution or harm. The durable solution will be informed by the Best Interest Determination (BID).

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[1] UN Committee on the Rights of the Child *General Comment No.6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin* CRC/GC/2005/6 (September 2005).

[2] UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

[3] Directive 2011/95/EU of the European Parliament and 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 (recast).

[4] UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

According to General Comment No. 14, the specific, factual circumstance of the child is the point of departure for assessing the best interests of the child. Elements, which among other aspects relevant to the specific child, may be taken into account when assessing and determining a child's best interests include:

A. **Child's identity**
   Age, gender, sexual orientation national origin, religion and beliefs, cultural identity, personality, current needs and evolving capacities (including level of education).
B. **Child's view**
   The child's view on his/her identity and on the options available. Include also the view of (foster) parents or (current) caregiver's views.
C. **Preservation of the family environment, maintaining relationships**
   Significant relationships (location), quality and duration of child's close relationships, effect of separation from significant relationships, capacity of parents or other care-givers, possibilities of family reunification, preference of care within family environment in order to ensure the full and harmonious development of a child's personality.
D. **Care, protection and safety of the child**
   Safety from harm, well being in broad sense (basic material, physical, educational and emotional needs, needs for affection and safety, recognizing that socio-economic circumstances may be quite diverse in in country of origin, possibility of future risk and harm and other consequences of the decision for the child's safety).
E. **Situation of vulnerability**
   Individual physical or emotional needs, specific protection needs including for victims of trafficking and trauma, role of continuity of feelings of security and stability.
F. **Child's right to health**
   Actions required to provide for his/her heath condition, including mental health.
G. **Access to education**
   Educational needs and opportunities for development.

These elements need to be balanced in an assessment of best interests. The content of each element will necessarily vary from child to child and from case to case, depending on such things as the concrete circumstances. Child-specific information on the country of origin, as provided in the Child Notice, will give valuable input for an assessment of above-mentioned elements but cannot provide information on a particular situation of a particular child.

A Best Interests of the Child Determination (BID) results in a recommendation for the child's future based on his or her best interests. A BID procedure is a holistic assessment of all possible long-term solutions that could meet the best interests of the child and address his or her individual rights and needs, particularly any need for international protection and adequate care arrangements. This assessment is holistic in considering many factors and goes beyond an assessment of international protection needs based on existing legal instruments. A BID should be a formal process with strict procedural safeguards.

Child protection systems

The Child Notice includes information about the provision of child protection services by state and non-state actors. Thorough knowledge of the existing child protection system in a country of origin or the lack of it, is vital while making a decision on international protection, possible return and assessing return conditions or designing reintegration programs in the country of origin.

A child protection system (CP system) consist of 'certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children'[5]. The importance of a CP system is to create a protective environment where laws and policies, services, behaviors and practices minimize children's vulnerability and strengthens children's own resilience[6]. There is however not one template for a child protection system that could be copied to every country around the world.

A child protection system should consist of a few basic elements:

• Child protection laws and policies should be compliant with the UNCRC and other international and regional standards.
• Governments have an oversights function and the ultimate responsibility over the child protection system, which involves coordination and engagement of multiple CP actors, including civil society.
• There is a centralized data collection system on both prevalence and knowledge of child protection issues and good practices.
• There are preventive and responsive services that are focused on supporting the families in protecting and caring for their child. Prevention should, besides the child at risk, focus on all the risks that play a factor.
• Children will be involved and will have the opportunity to express their views in responses and interventions deployed to protect them and in the development of child protection policies.

A protective environment encourages the development of a child, improves their health, education and well-being. Besides, it improves their capacities to be parents and productive members of their societies. The main importance of a child protection system is that it provides protection against the risks and vulnerabilities underlying many forms of harm and abuse: 'Sexual abuse and exploitation, trafficking, hazardous labor, violence, living and/or working on the streets; the impact of armed conflict, including children's use of armed forces and groups; harmful practices such as female genital mutilation/cutting (FGM/C) and child marriage; lack of access to justice; and unnecessary institutionalization among others'[7].

The EU Action Plan for Unaccompanied Minors[8] states the importance of a functional child protection system as follows:

'Finally, the EU will continue promoting the development of child protection systems, which link the services needed across all social sectors to prevent and respond to risks of violence, abuse, exploitation and neglect of children, to support children who are not in the care of their families and

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[5]   UNICEF, UNHCR, Save the Children, World Vision *A Better Way to Protect All Children* (2012) Conference report p. 1.
[6]   UNICEF *UNICEF Child Protection System UN-Document* E/ICEF/2008/5 (2008).
[7]   UNICEF *UNICEF Child Protection System UN-Document* E/ICEF/2008/5 (2008).
[8]   European Commission *Action Plan on Unaccompanied Minors (2010-2014)* COM (2010) 2313/3.

to provide protection to children in institutions. The EU will also continue supporting birth registration systems which, through ensuring that all children have a legal identity and thus access to their legal rights, play an important role in child protection.'

Return

The durable solutions that are often considered are geographically shaped:

1. Voluntary or forced return to the country of origin.
2. Local integration in the country of destination, or
3. Resettlement to a third country in situations where it is impossible for a person to go back home or remain in the country of destination.

In order for return to take place in a safe manner, there are many considerations, including child protection needs, to be taken into account.

UNICEF published in 2014 a discussion document[9] on children's rights in return policy and practice in Europe. This document enumerates the following considerations for government practice in the return process for children:

1. Assess the security situation carefully, on a country and local basis and specifically for children.
2. Carry out a Best Interest Determination (BID) to identify a durable solution for every separated child.
3. Develop and use child rights-based procedures for tracing and contacting families.
4. Respect the best interest of children in returning to families.
5. Work on possibilities for long-term development and durable solutions.
6. Conduct public consultations now on policy provisions needed to accompany emerging practices.
7. Do not return children to institutional reception unless the recommended safeguards are in place.

Although the discussion document has been written with separated and unaccompanied children in mind, some of these considerations are also valid while considering return of children and their families.

In order to assess the security situation and to consider and develop specific reintegration programs, child-specific country of origin information which can be found in the Child Notice is paramount.

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[9]   UNICEF *Children's rights in return policy and practice in Europe; a discussion paper on the return of unaccompanied and separated children in institutional reception or family* (2014) Voorburg.

ANNEX E   PROJECT DETAILS

The project "Better information for durable solutions and protection", financially supported by the European Return Fund of the European Commission, is implemented by UNICEF The Netherlands, UNICEF Belgium and UNICEF Sweden in 2013-2016. UNHCR and UNICEF offices in Brussels and Geneva are advisory partners.

The project generates child-specific country of origin information analysis (Child Notices) on five countries of origin of children on the move to Europe. The Child Notices describe the situation of children in the countries of origin providing legal and practical information on education, health care, child protection, armed conflict, juvenile justice, trafficking etc. The Child Notices have been developed based on this Methodology Guidance on Child Notice.

Weighing up migration flows of children (with and without families), return figures, EU and national priorities, Child Notices have been developed on Albania, Guinea, Morocco, Afghanistan and Sudan.

The project benefits from an advisory board of international experts in the field of migration, Country of Origin information and children on the move:

Rebecca O'Donnell
Child Circle, Expert on child protection, asylum, migration, EU policies and legislation

Lise Pénisson
EASO, COI Officer Center for Information, Documentation & Analysis (CIDA)

Vidar Ekehaug
UNHCR Associate Research and Information Officer, Protection Information Unit, Division of International Protection

Andrea Vonkeman
UNHCR, Senior Policy Officer

Katja Fournier
Coordinator Platform Children on the move Belgium, Separated Children in Europe programme

Ravi Kohli
University of Bedfordshire UK, Professor in Child Welfare

Ron Pouwels
UNICEF Regional Advisor Child Protection Asia (2013-2014)
Chief Child Protection UNICEF China (2014-2015)

Karin Kloosterboer
UNICEF the Netherlands, expert on child rights

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