

Transnational Exchange Workshop on procedural rights of migrant and refugee children in legal proceedings

**Brussels, Belgium
16-17 September 2025**

The workshop will serve as a collaborative space to address how legal frameworks can better align with the rights of migrant and refugee children under international human rights law. Discussion will dive into the effective participation of migrant and refugee children in asylum and migration-related proceedings. Through a combination of expert-led discussions and case examples, participants will focus on legal representation and procedural safeguards through specific sessions including:

- > Legal guardianship and child-sensitive procedures
- > The role of EU institutions and legislative reforms under the new EU Pact
- > Comparative national practices and advocacy strategies

This transnational workshop will convene experts and practitioners with extensive experience working in the field of legal proceedings and child participation, including lawyers, social workers, probation officers, intermediaries, persons providing support in proceedings to children with specific vulnerabilities, judges and prosecutors from the Czech Republic, Slovakia, Malta, Austria and the Netherlands. This in-person workshop, part of a three-part transnational exchange series held in Belgium, will feed into a report serving as a practical guide for child-friendly justice and procedural rights.

DAY 1

9:00-9:30 COFFEE AND REGISTRATION

9:30-9:45 WELCOME AND INTRODUCTIONS

Introduction of the project, agenda, and key themes

Karolína Babická, Senior Legal Adviser, International Commission of Jurists (ICJ)

9:45-11:30 INTERNATIONAL LEGAL FRAMEWORKS: THE RIGHTS OF MIGRANT AND REFUGEE CHILDREN IN LEGAL PROCEEDINGS

9:45-10:15 **Procedural safeguards in asylum and migration procedures**

- > International legal standards and UN CRC case-law

Mikiko Otani, ICJ Commissioner, Former Member and Chair of the UN CRC Committee

10:15-10:45 **Q&A and discussion**

10:45-11:15 **The role and responsibilities of guardians in proceedings**

- > Definition, typology of different models, and ongoing reform
- > The work of the European Guardianship Network (EGN) for unaccompanied or separated children
- > Guardianship as a tool within the child protection system

Rebecca O'Donnell, Member and Director of Child Circle, Senior EU Policy Adviser, European Guardianship Network (EGN)

11:15-11:45 **Q&A and discussion**

Moderator: Karolína Babická, ICJ

11:45-12:15 COFFEE BREAK

12:15-13:00 NATIONAL LEGAL PRACTICES IN ASYLUM AND MIGRATION PROCEDURES

12:15-13:00 **Breakout groups by countries**

Discussion on national practices and challenges in ensuring the rights of migrant and refugee children in legal proceedings

- > How is guardianship ensured for unaccompanied minors (UAMs)?
- > Is there individual access to a lawyer in your country ensured for children in immigration / refugee determination proceedings?
- > What role do child protection systems play in asylum and migration-related cases? What inter-agency procedures / services are in place in your country?
- > What child-friendly information is available in your country?

- > Are (mandatory) professional trainings available in your national system?

13:00-13:30 **Reporting back**

Moderator: Laura Duchamp, Legal Researcher, ICJ

13:30-14:30 LUNCH BREAK

14:30-15:30 EU LEGAL FRAMEWORK: THE RIGHTS OF MIGRANT AND REFUGEE CHILDREN IN LEGAL PROCEEDINGS

14:30-15:00 **The child's procedural rights in immigration proceedings in EU law and under the new EU Pact on migration and asylum**

- > Best interests of the child and new legislative reforms

Isabela Atanasiu, Legal Officer, DG HOME, European Commission

15:00-15:30 **Q&A and discussion**

Moderator: Laura Duchamp, ICJ

15:30-16:00 **COFFEE BREAK**

16:00-17:00 THE RIGHT TO BE HEARD OF MIGRANT CHILDREN WITH FAMILIES

16:00-16:30 **The right to be heard of accompanied migrant children**

Mikiko Otani, ICJ

16:30-17:00 **Q&A and discussion**

Moderator: Laura Duchamp, ICJ

19:30 DINNER

DAY 2

9:30-13:00 ENSURING ACCESS TO REPRESENTATIVES IN PROCEEDINGS AND IN DETENTION

9:30-10:15 **Access to representation by a guardian and a lawyer in detention**

- > International standards and prohibition of children detention
- > Access to representation while in detention

Frankie McClean, Legal Officer, European Council on Refugees and Exiles (ECRE)

10:15-10:45 **Q&A and discussion**

10:45-11:15 **COFFEE BREAK**

11:15-12:00 **Breakout sessions**

Discussion on advocacy for the rights of migrant and refugee children

- > How can the main barriers be overcome in your jurisdiction? Are there legal and / or practical barriers / challenges?
- > How can interdisciplinary collaboration (among lawyers, guardians, interpreters) be strengthened to support migrant children?
- > What national remedies are available when the rights of a child are denied in legal proceedings, and how accessible and effective are they?

12:00-12:45 **Reporting back and discussion on strategies**

- > Feedback and group insights

Feedback and comments by:

Mikiko Otani, ICJ

Frankie McClean, ECRE

12:45-13:00 **Closing**

Moderator: Laura Duchamp, ICJ

13:00 LUNCH

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