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## Unaccompanied minors in Europe: issues of arrival, stay and return

### Motion for a recommendation<sup>1</sup>

tabled by Ms Corien W.A. JONKER and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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At any one time there may be up to 100 000 unaccompanied minors in Europe. Some of these are asylum seekers and many are irregular migrants.

These unaccompanied minors are particularly vulnerable to human rights abuses and are in need of urgent protection. They may have fled to escape poverty, family abuse, the lack of educational and employment opportunities, persecution or armed, ethnic or religious conflict. They may have been trafficked. Once they arrive in Europe, they are not necessarily safe.

The Assembly has in the past looked at the particular needs of children seeking asylum (see [Recommendation 1703 \(2005\)](#)). The Council of Europe has put the needs of children high on its agenda and is currently running a campaign entitled "Building a Europe for and with children". The Assembly can contribute to this ongoing work by looking more closely at the arrival, stay and return of unaccompanied minors, whether they be irregular migrants or asylum seekers.

In terms of the arrival of unaccompanied minors, it is of utmost importance that minors are identified and treated separately from adults. Accurate age assessment is essential to ensure that all minors are treated as such from their arrival onwards. They should also be given the opportunity of lodging asylum claims.

In terms of the stay of unaccompanied minors, it is essential that adequate reception and care facilities are made available. These facilities should provide for the basic needs of minors and in particular their health and educational needs. Guarantees should be in place to ensure that unaccompanied minors do not face abuse, bullying or any other type of ill treatment while in care facilities. Detention should only be used as a last resort. Some unaccompanied minors end up on the streets of Europe and steps need to be taken to protect them from trafficking and other criminal networks.

If unaccompanied minors are to be returned to their countries of origin, adequate reception facilities should be guaranteed in their home country, wherever possible with their family members. Returns should only be organised when in the best interest of the child and ensuring the dignity and safety of the child.

The Assembly recognises that the challenge for European society today is to ensure that these unaccompanied minors are guaranteed their rights and that the cornerstone of all policies is their "best interests".

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1. Referred to the Committee on Migration, Refugees and Population, for report, and to the Social, Health and Family Affairs Committee, for opinion: Reference No. 3460 (19th Sitting, 23 June 2008).



In the light of the above, the Assembly recommends that member states of the Council of Europe:

- only detain unaccompanied minors in exceptional circumstances;
- ensure that unaccompanied minors are able to claim asylum;
- review the conditions in which minors are held in care and detention;
- tackle the trafficking networks handling unaccompanied minors;
- ensure that where unaccompanied minors are returned that proper reception facilities are available for them in their countries of origin and preferably within their families.

Furthermore the Assembly recommends that the Committee of Ministers:

- develop guidelines on age determination of unaccompanied minors;
- develop guidelines on minimum standards for care facilities holding unaccompanied minors;
- develop guidelines on return of unaccompanied minors to their countries of origin;
- reconstitute the ad hoc Committee of Experts on Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR) in order to examine some of these issues.

*Signed (see overleaf)*

*Signed<sup>2</sup>:*

JONKER Corien W.A., Netherlands, EPP/CD  
ACKETOFT Tina, Sweden  
ÇAVUŞOĞLU Mevlüt, Turkey, EDG  
CILEVIČS Boriss, Latvia, SOC  
GJUL Gunn Karin, Norway  
GREENWAY John, United Kingdom  
HAJIBAYLI Gultakin, Azerbaijan, EPP/CD  
HANCOCK Mike, United Kingdom, ALDE  
LAMBERT Geert, Belgium  
TÜRKÖNE Özlem, Turkey, EPP/CD

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2. ALDE: Alliance of Liberals and Democrats for Europe  
EDG: European Democrat Group  
EPP/CD: Group of the European People's Party  
SOC: Socialist Group