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

### Opinion<sup>1</sup>

Social, Health and Family Affairs Committee

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### A. Conclusions of the committee

1. The Social, Health and Family Affairs Committee of the Parliamentary Assembly welcomes and supports the draft resolution and draft recommendation presented by the Committee on Migration, Refugees and Population and prepared by Ms Mailis Reps (Estonia, ALDE). The report highlights the special situation of unaccompanied children in Europe and underlines the need for committed and co-ordinated action aimed at protecting, supporting and finding durable solutions for them. The draft resolution in particular is a very complete piece of work, which follows a systematic approach and establishes 15 common principles that represent an important step towards further political action. Such further action should, in particular, consist of committed implementation of existing strategies, such as the European Union Action Plan on Unaccompanied Minors, but also of developing more far-reaching common standards for all Council of Europe member states.

2. Despite its general support for the texts proposed to the Assembly, the committee wishes to present a few amendments to the draft resolution and draft recommendation. These are aimed at setting these texts into the context of previous work of the Parliamentary Assembly, to insist more strongly on the aspect of prevention as well as on the reinforcement of child protection mechanisms in the children's home countries, and to emphasise some of the social implications that deserve being referred to in more detail.

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## **B. Proposed amendments**

### **to the draft resolution**

#### *Amendment A (to the draft resolution)*

In the draft resolution, after paragraph 3, insert the following paragraph:

*“The Assembly insists on the importance of prevention strategies in the context of international migration. Action aimed at supporting certain countries, member states of the Council of Europe or others, in reinforcing social cohesion and in generating an environment allowing children to grow up in their home countries with a respectable quality of life and good perspectives for their personal development, should be included in the political agendas of all Council of Europe member states. In this context, the Assembly draws attention to its [Resolution 1779 \(2010\)](#) on co-operation between the Council of Europe and the Maghreb countries in the field of social cohesion, in which the Assembly suggested that non-member states of the Council of Europe, such as the Maghreb countries, be supported in their policies aimed at developing social cohesion, democratic structures and ensuring the full protection of human rights.”*

#### *Amendment B (to the draft resolution)*

In the draft resolution, at the end of paragraph 5.11, add the following sentence:

*“Administrative and judicial procedures within member states should be conceived and applied in a child friendly manner, according to the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice adopted in November 2010, thus also applying the rules set out by this tool to unaccompanied children.”*

#### *Amendment C (to the draft resolution)*

In the draft resolution, at the end of paragraph 5.13, add the following text:

*“Moreover, unaccompanied children should be able to benefit from comprehensive programmes of child welfare. These should, where necessary, take into consideration their emotional needs following traumatic experiences and should, beyond the immediate psychological assistance to be provided (see paragraph 5.6), comprise measures such as targeted educational assistance, placement in foster families or specialised residential care, or integration assistance for children with disabilities.”*

### **to the draft recommendation**

#### *Amendment D (to the draft recommendation)*

In the draft recommendation, at the end of paragraph 4.3, add the following words:

*“taking the format of a new recommendation by the Committee of Ministers;”*

#### *Amendment E (to the draft recommendation)*

In the draft recommendation, paragraph 4.4, after the words “the transversal project ‘Building a Europe for and with children’”, insert the following words:

*“under its current strategy 2009-2011 and into any future activities undertaken within the framework of this programme;”*

#### *Amendment F (to the draft recommendation)*

In the draft recommendation, at the end of paragraph 4.5, add the following words:

*“and, in the context of ongoing reform processes, ensure that the fate of unaccompanied children is sufficiently taken into account by future intergovernmental action of the Council of Europe;”*

### C. Explanatory memorandum by Ms Coleiro Preca, rapporteur for opinion

1. The issue of unaccompanied children has been covered extensively by the European Commission and European Council in recent years, notably through their Action Plan on Unaccompanied Minors and related texts. These can be considered as the excellent results of a comprehensive work process and certainly merit the attention of all European countries, thus all Council of Europe member states, whether they are members of the European Union or not.

2. However, the Committee on Migration, Refugees and Population rightly points out in its report that the European Union Action Plan leaves gaps with regard to the full protection of unaccompanied minors who belong to the most vulnerable groups of people arriving in our societies. It is suggested that the Parliamentary Assembly should draw member states' attention to these gaps and also ask the Committee of Ministers to take relevant action. With regard to such arguments, the Assembly is backed up by the positions taken earlier by various non-governmental organisations, such as Human Rights Watch which – in commenting on the European Union Justice and Home Affairs Council conclusions – pointed out that these statements focus too much on how to send minors back to their countries of origin and too little on how to guarantee their safety.<sup>2</sup>

3. I therefore fully support the draft resolution and draft recommendation proposed by my colleague and would in particular like to congratulate her for having developed such a systematic approach to the issue including 15 guiding principles that could become a central reference for co-ordinated European action in the future and thus intelligently complete the European Union Action Plan.

4. I nevertheless propose a few amendments to the draft resolution and draft recommendation: Amendment A to the draft resolution refers to work previously accomplished by the Parliamentary Assembly and the Council of Europe in general, notably on the issue of support to be given to non-member states of the Council of Europe for their social and economic development, the development of democratic structures and the full protection of human rights. The interdependencies between Council of Europe member states and with third countries are numerous, which generates a reciprocal responsibility also comprising the future fate of children who are among the most vulnerable members of our societies. The mass arrival of immigrants from crisis-shaken Libya on the small Italian island of Lampedusa at the beginning of 2011 once again illustrates the responsibility that European countries have to support neighbouring regions in their development as well as the need to act in a cohesive manner when it comes to dealing with numerous refugees and to finding durable solutions for them.

5. Compared to some of the other “common principles” proposed, the ones described under paragraphs 5.11 and 5.13 are very succinct; the social services and measures aimed at the protection and support of unaccompanied minors certainly merit more attention. Many countries have already undertaken detailed studies about the particular difficulties encountered by unaccompanied minors and suggested comprehensive action plans.<sup>3</sup> At the Council of Europe, recent work has led to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers on 17 November 2010 (1098th meeting of the Ministers' Deputies). Further work is currently under way on child and youth participation and on child-friendly social services with a view to preparing draft recommendations of the Committee of Ministers for the end of 2011. Amendments B and C are therefore aimed at raising the draft resolution of the Parliamentary Assembly to the level of existing expertise and at inviting all countries concerned to strengthen their co-operation and exchange of best practice in this field.

6. In 2006, my own country, Malta, was urged by the United Nations Committee on the Rights of the Child to revise its practice of detaining unaccompanied children and minors in some cases, although at the same time the efforts undertaken to offer better shelter and services to unaccompanied asylum seekers under 18 in a special residence called “Dar is-Sliem” in B'Kara were recognised.<sup>4</sup> However, the efforts in favour of unaccompanied minors need to be pursued by all our countries, which is why more exchanges of best practice should be organised within the Council of Europe with a view to preparing the future guidelines to be developed in close collaboration with other organisations.

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2. Human Rights Watch, EU: Defer Hasty Returns of Migrant Children, Better Safeguards Needed for Children who Arrive in Europe Alone, 4 June 2010, [www.hrw.org](http://www.hrw.org).

3. See, for example, Bernd Parusel, Unaccompanied Minors in Germany, Reception, return and integration arrangements, Research Study II/2008 in the framework of the European Migration Network (EMN), Working Paper 26 of the Federal Office for Migration and Refugees of Germany, 2009.

4. Committee on the Rights of the Child, 43rd Session, Consideration of reports submitted by state parties under Article 8 of the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, concluding observations, Malta, CRC/C/OPAC/MLT/CO/1, 17 October 2006.

7. The intention of Amendments D, E and F to the draft recommendation is to strengthen the message to be sent to the Committee of Ministers. This is done by completing the text proposed by the Committee on Migration, Refugees and Population with a stronger reference made to future action of the Council of Europe and beyond ongoing activities under the programme “Building a Europe for and with children”, the current strategy of which (2009-2011) does not explicitly mention the issue of unaccompanied minors and, in fact, will soon come to an end.