



**Doc. 12333**

07 July 2010

## Undocumented migrant children in an irregular situation: a real cause for concern

### Motion for a resolution

tabled by Ms Mailis REPS 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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The United Nations Convention on the Rights of the Child and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families clearly protect the rights of children irrespective of whether or not they are migrants and whether or not they are regular.

Nevertheless, the Council of Europe Commissioner for Human Rights described the situation perfectly when he said: “migrant children are one of the most vulnerable groups in Europe.”

In the wider context of the criminalisation of migration in Europe, undocumented migrant children are not being spared by the alarming measures introduced by member states to “manage” migration. Although these measures are not aimed directly at them, this trend creates uncertainty and fear for these vulnerable children, who should never be held in detention.

Children should never be deprived of the right to go to school nor denied access to a doctor. Children should never have to sleep under a bridge. Children should never be deprived of everything and have to suffer further from a situation of which they are already victims. In a period of economic crisis when native families are themselves having difficulty in securing their basic rights, the situation of undocumented families is critical. The European Committee of Social Rights has found that states parties must provide adequate shelter for children living unlawfully on their territory as long as they come within their jurisdiction (Complaint No. 47/2008).

The precarious situation of undocumented migrant children should be one of the main focuses of the Council of Europe campaign “Building Europe for and with children” and be the subject of a Parliamentary Assembly report.

*Signed (see overleaf)*



*Signed*<sup>1</sup>:

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1. ALDE: Alliance of Liberals and Democrats for Europe  
EPP/CD: Group of the European People's Party  
SOC: Socialist Group  
UEL: Group of the Unified European Left