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Harmonising the protection of unaccompanied minors in Europe

Committee Opinion¹

Committee on Social Affairs, Health and Sustainable Development

Rapporteur: Mr Valeriu GHILETCHI, Republic of Moldova, Group of the European People's Party

A. Conclusions of the committee

The Committee on Social Affairs, Health and Sustainable Development welcomes and supports the report prepared by the Committee on Migration, Refugees and Displaced Persons. It congratulates its rapporteur, Mr Manlio Di Stefano (Italy, NR), on tackling this most urgent matter aimed at protecting the human rights of a particularly vulnerable group of children, the unaccompanied migrant minors who are currently reaching Europe in great numbers. The committee also congratulates the Migration Committee for its previous activities in this field, including several texts debated by the Assembly and, since 2015, the Parliamentary Campaign to End Immigration Detention of Children.

The report submitted to the Assembly by the Migration Committee covers most aspects related to the protection of unaccompanied minors in a comprehensive manner, calling both for harmonisation of European legislation and practice and for national measures aimed at protecting and supporting migrant children.

Whilst fully agreeing to the scope of operational measures suggested by the Migration Committee, the Committee on Social Affairs wishes to propose a small number of amendments to better emphasise a few specific aspects related to the protection of unaccompanied migrants. All proposals are made in the light of the Social Affairs Committee's own activities and experiences, in particular the parliamentary dimension of the ONE in FIVE Campaign to stop sexual violence against children (2011-2016).

B. Proposed amendments

Amendment A (to the draft resolution)

After paragraph 8.2.1, insert the following new paragraph:

“assigning responsibilities to institutions specifically in charge of implementing programmes for the protection of unaccompanied migrant minors and for supervising and co-ordinating their asylum procedures involving various public authorities and services as well as civil society organisations;”

1. Reference to committee: [Doc. 13646](#), Reference 4099 of 26 January 2015. Reporting committee: Committee on Migration, Refugees and Displaced Persons. See [Doc. 14142](#). Opinion approved by the committee on 10 October 2016.



Amendment B (to the draft resolution)

In paragraph 8.2.2, after the words “dedicated accommodation”, add the words:

“protection against any form of violence and abuse (including sexual abuse and exploitation and human trafficking),”

Amendment C (to the draft resolution)

In paragraph 8.2.2, replace the words “which minimise their physical and psychological predicament” with the words:

“which are conducive to their rapid recovery from physical and psychological hardship;”

Amendment D (to the draft resolution)

In paragraph 8.2.3, after the word “interpretation”, insert the words:

“and counselling”

Amendment E (to the draft resolution)

In paragraph 8.2.3, after the word “confusion”, add the word:

“; re-traumatisation,”

Amendment F (to the draft resolution)

At the beginning of paragraph 8.2.8, replace the words “with respect to missing migrant children” with the following new words:

“to prevent unaccompanied migrant children from going missing,”

C. Explanatory memorandum by Mr Valeriu Ghiletschi, rapporteur for opinion

1. As rapporteur of the present opinion and long-standing member of the Committee on Social Affairs, Health and Sustainable Development, I very much appreciate the large and far-reaching approach taken by the Committee on Migration, Refugees and Displaced Persons, thus following the lines suggested by my colleague, Manlio Di Stefano (Italy, NR). In a well-reflected manner, the report calls for targeted action to respond to the urgent situation of unaccompanied migrant minors reaching Europe in great numbers (estimated at 90 000 in the European Union in 2015). Among action to be taken, the report by the Migration Committee promotes better co-ordination of law-enforcement agencies, better harmonisation of legislative and administrative frameworks and absolute avoidance of immigration detention in favour of alternative solutions which are in the best interest of the child.

2. With a view to measures to be taken at the national and regional levels, the report covers the whole range of procedural steps involved when welcoming unaccompanied minors on a given territory to avoid that they go missing and to ensure that they are being dealt with in the most child-friendly manner when identified and taken into the care of social services. As a member of the Social Affairs Committee, I can only welcome this very comprehensive approach which reflects great respect for the principles that have always been promoted by my own committee, including effective legal and administrative frameworks, primary consideration of the best interest of the child, and child-friendly procedures.

3. However, in the migration process and especially when travelling on their own, many children face dangers which threaten their safety and physical and mental integrity. Against the background of the work undertaken by my own committee for many years and when referring to the risks children are facing, I would suggest going slightly beyond the general term of “protection of children from trafficking and criminal activities” (see paragraph 8.1.2 of the draft resolution).

4. Under the ONE in FIVE Campaign to stop sexual violence against children and its parliamentary dimension (2011-2016), we have seen that children in vulnerable situations very often fall victim to sexual abuse and exploitation, either directly in asylum homes or in places they have been trafficked to for this purpose. With regard to such crimes and possible earlier trauma caused by violent conflicts or extreme poverty in their countries of origin, they need special psychological support and counselling. In any case, their

re-traumatisation must be avoided when going through lengthy asylum procedures managed by strangers and involving repeated questioning by foreign authorities. For these reasons, I am suggesting some small and very specific amendments to the relevant paragraphs of the draft resolution (Amendments B, C, D and E).

5. With regard to the co-ordination between all public and private agencies involved, the draft resolution presented by the Migration Committee calls for “responsibilities [to be] transferred seamlessly during the different stages”. Although I would fully subscribe to this call, I am not convinced that such an auto-managed transfer between different agencies will be effective in all cases. I would therefore like to promote the idea that specific national authorities should be given responsibility for supervising the arrival and asylum processes of unaccompanied minors; generally, these can be existing institutions but which would receive a special mandate for paying special attention to the individual cases of unaccompanied minors. Consequently, I would suggest the addition of a new dedicated paragraph 8.2.2 quite high up in the operational part of the draft resolution (Amendment A).

6. In paragraph 8.2.8, I simply see the need for a linguistic change introducing the important notion of “prevention” and thus yet further strengthening the message conveyed by this paragraph (Amendment F).