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Unaccompanied and separated migrant children: the need for effective guardianship

Motion for a recommendation
tabled by the Committee on Migration, Refugees and Displaced Persons

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

Large numbers of unaccompanied and separated migrant children have arrived in Europe in recent years escaping military conflicts, violence and poverty and often seeking to join their families. According to UNICEF, in 2016, unaccompanied children accounted for nine out of 10 people arriving to Italy irregularly.

These children are one of the most vulnerable groups in Europe today and are easy prey for smugglers and traffickers. Their vulnerability continues as they are confronted with administrative procedures they may not understand and may perceive as physically and psychologically invasive (which is, unfortunately, sometimes the case).

The United Nations Convention on the Rights of the Child makes States responsible for protecting the life of these children on their territory and for providing them with special protection and assistance. As the Parliamentary Assembly has stated in several reports, individualised guardianship is the best way of assisting unaccompanied migrant children during reception and status determination. The United Nations Committee on the Rights of the Child also calls on States to ensure the appointment of guardians for unaccompanied or separated children immediately upon their identification.

In Europe, where guardianship systems differ significantly from country to country, the appointment of guardians or legal representatives is a challenge, particularly due to the increase in arrivals, lack of adequate guardianship systems and lack of trained guardians which causes delays in appointment, amongst others.

The Assembly considers that States should be urged to put in place effective guardianship systems. It welcomes the efforts of the Ad hoc Committee for the Rights of the Child (CAHENF) to develop guiding principles and guidelines for effective guardianship for unaccompanied and separated children in migration and wishes to encourage the Committee of Ministers of the Council of Europe to take measures to promote international cooperation and effective guardianship systems.