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Effective guardianship for unaccompanied and separated migrant children

Reply to Recommendation¹: Recommendation 2190 (2020)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2190 \(2020\)](#) – “Effective guardianship for unaccompanied and separated migrant children”, which it has forwarded to the Steering Committee for Human Rights (CDDH) and to the Steering Committee for the Rights of the Child (CDENF) for information and possible comments.
2. The Committee of Ministers underlines the importance of having effective guardianship systems in all Council of Europe member States, especially regarding unaccompanied and separated children with a view to ensuring protection and assistance to such children which are among the most vulnerable individuals. It welcomes the Assembly’s support in this objective.
3. Regarding the specific recommendation in paragraph 2.1 of the recommendation, the Committee confirms that the new Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025), adopted by the Committee of Ministers on 5 May 2021 (cf. [CM\(2021\)67-final](#)), includes several actions which aim to promote the implementation of Committee of Ministers’ Recommendation [CM/Rec\(2019\)11](#) on effective guardianship for unaccompanied and separated children in the context of migration. These include the preparation of an explanatory memorandum to that recommendation (cf. paragraph 4 below) as well as the development of targeted action to support its implementation; the development of guidance on family-based care for unaccompanied and separated children; the strengthening of mechanisms for the timely identification and referral of unaccompanied children, to address gaps which allow for children to go missing; and support for member States in implementing operational guardianship systems for unaccompanied children.
4. With regard to paragraph 2.2 of the recommendation, the issue of promoting European best practices in the guardianship of unaccompanied and separated migrant children is already included as a main task in the CDENF’s terms of reference which is required to “facilitate exchanges of good practices” and as a specific task to organise “exchanges on the implementation of Recommendation [CM/Rec\(2019\)11](#) on effective guardianship for unaccompanied and separated children in the context of migration”. The CDENF progressed with the examination of the above-mentioned explanatory memorandum to this recommendation during its meeting in September 2021 and expects to complete it in 2022. This document will contain elements to promote good practices in relation to guardianship of unaccompanied and separated children and point to already existing good practices in Council of Europe member States. Furthermore, preparations are under way to design a road map for the CDENF for the review of the implementation of Recommendation [CM/Rec\(2019\)11](#), that is to be undertaken three years after its adoption. The review is expected to result in the identification of good practices among member States and to provide guidance on appropriate action to be taken for a successful implementation of the recommendation.
5. A draft recommendation on human rights principles and guidelines on age assessment for children in the context of migration is also under preparation for adoption by the Committee of Ministers in 2022.

1. Adopted at the 1420th meeting of the Ministers’ Deputies (8 December 2021).



6. As regards the suggestion for the CDENF to study the possibility of setting up a mechanism for the relocation of unaccompanied migrant children, the Committee of Ministers notes that this does not fall within the current or future terms of reference of the CDENF. However, it will give due consideration to the possibility of addressing those aspects of the issue that fall within the competence of the Council of Europe. The Committee considers that appropriate measures may also be explored by member States at the national level and notes the intensified efforts by the European Union to establish “an effective, humanitarian and safe European migration policy”.²

7. Finally, the Committee of Ministers agrees with the Assembly on the need to explore the possibility of increasing dialogue on international and national multidisciplinary co-operation with a view to improving the protection of unaccompanied and separated children in the context of migration. The Council of Europe Network of Focal Points on Migration could play a role and contribute in reaching the goal of ensuring effective guardianship systems in Council of Europe member States, especially regarding unaccompanied and separated children. The Network was set up with the objectives to facilitate the sharing of information of mutual interest and relevance to address human rights challenges in the field of migration, as well as to exchange good practices. The new Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe includes as a specific activity for the Network of Focal Points to hold thematic discussions on child-friendly approaches and procedures in migration “including in follow-up to the Recommendation CM/Rec(2019)11 on effective guardianship”.

2. <https://www.consilium.europa.eu/en/policies/eu-migration-policy/>.