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Steering Committee for the Rights of the Child (CDENF)

Opinion on PACE Recommendation 2190 (2020) on “Effective guardianship for unaccompanied and separated migrant children”

Document prepared by the CDENF Secretariat

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Opinion

by the Steering Committee for the Rights of the Child (CDENF)

on PACE Recommendation 2190 (2020) on Effective guardianship for unaccompanied and separated migrant children

1. Following the adoption on 4 December 2020 of Recommendation 2190 (2020) on “Effective guardianship for unaccompanied and separated migrant children” (Appendix I) by the Parliamentary Assembly of the Council of Europe (hereafter “PACE”), the Committee of Ministers adopted the decision “to communicate it to the Steering Committee for the Rights of the Child (CDENF), for information and possible comments by 12 March 2021” (see *document [CM/Del/Dec\(2021\)1392/3.2](#) of 14 January 2020*).
2. The Bureau of the CDENF examined the Recommendation by applying the procedure set out in Article 13 of [CM/Res\(2011\)24](#), and approved the following comments concerning those aspects of PACE Recommendation 2190 (2020) which are of particular relevance to its Terms of Reference and shared it with the CDENF for tacit approval.
3. The CDENF takes note of the invitation by the PACE for the CDENF to promote European best practices in guardianship of unaccompanied and separated migrant children. This dimension is already covered by the CDENF’s mandate, as set out in main task (ii) on facilitating exchanges of good practices and specific task (v) on organising exchanges on the implementation of Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration.
4. The CDENF will hold a Plenary session devoted to migration issues on 22-23 June 2021, in which the draft Explanatory Memorandum of Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration will be reviewed and potentially adopted. The relevant Explanatory Memorandum is expected to 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. Any action undertaken by the CDENF in this area is also regularly coordinated with the Council of Europe [Special Representative of the Secretary General on Migration and Refugees](#).
5. Preparations are underway to design a roadmap for the CDENF to review the implementation of Recommendation CM/Rec(2019)11, to be undertaken three years after its adoption, which includes the identification of good practices among member States. It is the intention of the CDENF to advise in due time the Committee of Ministers on appropriate action to be taken for a successful implementation of Recommendation CM/Rec(2019)11 and for ensuring a holistic protection of children affected by migration and for upholding their rights in Council of Europe member States.
6. The CDENF also takes note of the invitation by the PACE for the CDENF to study the possibility of setting up a mechanism for the relocation of unaccompanied migrant children. However, the CDENF considers that this invitation exceeds the current CDENF’s terms of reference, competences and field of intervention and that such measures should rather be explored and taken in the realm of the European Union, where efforts are currently being intensified to establish “an effective, humanitarian and safe European migration policy” (e.g. by the [Council of the European Union](#)).

Appendix I

Recommendation 2190 (2020) Provisional version

Effective guardianship for unaccompanied and separated migrant children

Parliamentary Assembly

1. Referring to its Resolution 2354 (2020) “Effective guardianship for unaccompanied and separated migrant children”, the Parliamentary Assembly emphasises the importance of the creation of effective guardianship systems in all Council of Europe member States with particular focus on unaccompanied and separated children, with the aim of ensuring their protection and providing them with assistance as soon as they arrive in Europe.

2. Welcoming the adoption by the Committee of Ministers of Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration, the Assembly, with a view to its successful implementation, recommends that the Committee of Ministers:

2.1. include in the new Council of Europe Action Plan in the field of migration and human rights (currently under preparation) those activities which will facilitate its successful implementation;

2.2. invite the Steering Committee for the Rights of the Child (CDENF) to promote European best practices in guardianship of unaccompanied and separated migrant children, and to study the possibility of setting up a mechanism for the quick and safe relocation of unaccompanied migrant children to countries with the most developed child protection systems in accordance with their best interests;

2.3. invite the Drafting Group on Human Rights and Migration (CDDH-MIG) to study the issue of foster care for unaccompanied and separated migrant children and explore the possibility of creating a European register of foster care families with the aim of finding rapid solutions for the protection of unaccompanied and separated migrant children;

2.4. invite the Network of Focal Points on Migration to explore the possibility of increasing dialogue on international and national multi-disciplinary co-operation in view of improving the protection of unaccompanied and separated children in the context of migration, including improving data collection and exchange on this group in Council of Europe member States.

See also related documents:

- [PACE Resolution 2354 \(2020\) on Effective guardianship for unaccompanied and separated migrant children](#)
- [PACE Report 15133 on Effective guardianship for unaccompanied and separated migrant children](#)