

**34th SESSION****Unaccompanied refugee children: the role and responsibilities of local and regional authorities**

Recommendation 414 (2018)<sup>1</sup>

1. Since 2015 more than a million children have arrived in Council of Europe member States seeking refuge from war, conflict and poverty. Although numbers dropped in 2017, children and their families are still risking hardship, violence and abuse to find a better life in Europe. However, because children's services in most States were not prepared for the scale of the influx or the scope of the issues they have to address, the majority of children have not yet achieved family stability and security. On the contrary, the lack of an appropriate response in many countries is putting children at risk and undermining social cohesion.

2. The Council of Europe has long recognised that children affected by migration are one of the most vulnerable groups in Europe, and acknowledged this fact in its *Strategy for the Rights of the Child (2016-2021)*.<sup>2</sup> The Council of Europe has offered support and guidance to member States' efforts to protect refugee children through a series of papers and reports, culminating in the conference of ministers' adoption of the *Action Plan on protecting refugee and migrant children in Europe* in May 2017 in Nicosia, Cyprus.

3. States across Europe are still adapting legislation, policies and strategies to the consequences of the increased flow of refugees into Europe since 2015. The response-planning for refugees usually falls under the remit of central government authorities in line with national asylum law and policies. The rising numbers of women and children involved, as well as the longer periods of time they are spending in the reception country before a decision on their asylum claim is taken, inevitably puts pressure on local child-related agencies to integrate them into mainstream services, and support families' independent living outside asylum and refugee centres.

4. Besides provision of clear, explicit and enabling legislative and policy frameworks at national and local level, other factors that contribute to the success or failure of various responses to refugee children's needs include public attitudes towards refugees; the strength of the country's child-rights institutions; societies' experience of migration and asylum; the perceived value of migrants to the local economy and the financial, human and other resources available.

5. The Congress of Local and Regional Authorities of the Council of Europe has underlined the special attention that should be given to the interests and fundamental rights of refugees and migrants and adopted a report entitled "From reception to integration: the role of local and regional authorities facing migration" in March 2017.<sup>3</sup> The aim of the present recommendation is to propose measures that can further strengthen the protection of refugee children and unaccompanied minors, and ensure that the time spent by the latter in the host countries is a positive experience.

6. In light of the above, the Congress invites the member States of the Council of Europe to:

a. urgently undertake an assessment of national migration and asylum processes to determine where children are most at risk and where they are most in need of protection (as defined by the United Nations Convention on the Rights of the Child), and follow it by a joint programme of action between child protection and migration/asylum bodies to eliminate risks and strengthen safeguards;

b. urgently agree, at the international level, on a common definition of 'detention' and map all locked facilities on their territories, making sure they are subject to international standards of care and

<sup>1</sup> Debated and adopted by the Congress on 28 March 2018, 2nd sitting (see Document [CG34\(2018\)13](#), explanatory memorandum), rapporteur: Nawel RAFIK-ELMRINI, France (L, SOC).

<sup>2</sup> *Council of Europe Strategy for the Rights of the Child (2016-2021)* (March 2016) Strasbourg, p9

<sup>3</sup> Resolution 411-2017) Recommendation 394-2017):

[https://search.coe.int/congress/Pages/result\\_details.aspx?ObjectId=0900001680703e5e](https://search.coe.int/congress/Pages/result_details.aspx?ObjectId=0900001680703e5e)

protection, regular external oversight and open public accountability and that all children held within them are able to access free legal advice and support, and develop alternatives to detention for families and suitable alternative care arrangements for unaccompanied and separated children;

*c.* set policies and standards that ensure consistent provision of quality, cost-effective services that meet children's needs and respect their rights;

*d.* commit to accepting unaccompanied minors or separated children and work together to fast-track asylum applications from vulnerable children and families, recognising them as a priority group in all national health, education and protection strategies and Action Plans, and allocating resources accordingly;

*e.* clearly and explicitly define what constitutes the core package of entitlements for migrant or refugee children, regardless of their legal status in order to prevent restrictions on access due to inconsistent treatment or confusion about entitlements, and make that information available to incoming refugees and asylum-seekers;

*f.* ensure, in a similar vein, that the minimum education package encompasses immediate access to mainstream schooling and provision of appropriate language and learning support services, including teaching assistance;

*g.* ensure that refugee children have full access to the justice system and are provided with proper and adequate legal representation at all stages of the asylum process, in order to allow guardians to focus on guidance, care and support of the child;

*h.* enable local child protection agencies across Europe to take proactive action to set common standards for reception centres, transit and detention facilities in their area, develop protocols, reporting and accountability mechanisms and provide on-going training and support;

*i.* encourage these agencies to develop new community-based, child-focused services, and promote rights-based models of work that draw on the strengths and resilience of local and refugee communities.