

34th SESSION

Unaccompanied refugee children: the role and responsibilities of local and regional authorities

Resolution 428 (2018)¹

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 on their way to Europe, to find a better life. 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 had 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 *Strategy for the Rights of the Child (2016-2021)*² underlines that children affected by migration are one of the most vulnerable groups in Europe, and 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. Although response-planning for refugees usually falls under the remit of central government authorities in line with national asylum law and policies, the provision of care, accommodation and education services to refugees usually falls, in practice, to local and regional authorities.

4. Local and regional authorities have the authority, capacity and responsibility to protect refugee children's rights by developing services, enforcing quality standards and encouraging positive community attitudes towards refugees. This gives them a key role in ensuring access to rights and child-friendly procedures, providing effective protection and enhancing the integration of children who wish to remain in Europe.

5. States across Europe are still adapting legislation, policies and strategies to the consequences of the increased flow of refugees into Europe since 2015. Local and regional authorities in many countries are developing new models to support, facilitate and extend refugees' access to quality health, education, welfare and protection services. Such models need to adopt a child-rights-based approach to be effective, sustainable and maximise impact for the child and the community.

6. 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 2017.³ The aim of the present resolution is to offer local and regional authorities guidance on how they 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.

1 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).

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

3 Resolution 411-2017) Recommendation 394-2017):

https://search.coe.int/congress/Pages/result_details.aspx?ObjectId=0900001680703e5e

7. In light of the above, the Congress, while recognising that each State has a sovereign right, subject to its international obligations, to determine whom to admit to its territory, invites the local and regional authorities of the member States to:

- a. adopt a child-rights-based approach (non-discrimination, best interests of the child, right to life, survival and development and the right to be heard) towards every child for the duration of their stay in a country, regardless of their legal status or position in the asylum process and aim to facilitate rapid referral to, and absorption into, mainstream child and family services, rather than create parallel or alternative systems, structures or services as these maintain a divide between host and refugee communities, thereby slowing down integration efforts;
- b. be aware when developing policies and taking action of the common elements observed in successful local initiatives which include strong engagement with NGOs and civil society, close co-operation between the various levels of government, as well as across government departments, provision of support services and removal of administrative and practical barriers to services;
- c. invite local and regional authorities to develop alternatives to detention for families and suitable alternative care arrangements for unaccompanied and separated children, taking into account the relevant guidelines (notably on age-assessment, guardianship and alternatives to detention of children) and the compilations of good practices and other resources (handbooks and training materials) that will be produced in the context of the Council of Europe Action Plan to protect refugee and migrant children in Europe (2017-2019);
- d. be involved in the preparation of national dispersal plans so that they will be better able to prepare services, communities and professionals for refugee children's arrival (through training, recruitment of support staff, preparation of guidelines etc.) and commit to reach out to unaccompanied and vulnerable children to ensure their full access to health, education and protection services when they arrive, and to support for their full integration into local communities in the long term;
- e. encourage regional authorities, whose mandate includes education, to ensure that the minimum education package for refugee children encompasses immediate access to mainstream schooling and provision of appropriate language and learning support services, including teaching assistance;
- f. encourage regional authorities, whose mandate includes health care, to adopt core health packages that encompass automatic inclusion in basic national health programmes, counselling services and emergency treatment and care, as well as core social protection packages to give access to basic social assistance, family benefits and housing assistance for families with children; delinking provision of material assistance from asylum conditionality or residence requirements;
- g. work together with communities and civil society to remove barriers for refugee families to access health, education and protection services (for example addressing the 3 month gap in many countries before asylum seeking children can enrol in school or including all mothers and children in local mother and child health services automatically), and to develop outreach and support services to facilitate easy and early access to mainstream services and encourage rapid integration into local communities (including cultural mediators, translation services, language training, and possibly training and orientation of existing staff, professionals and managers);
- h. remove restrictions on access to homeless shelters and other local facilities, based on residence and/or visa status, and develop facilities for refugee and migrant survivors of sexual and gender-based violence;
- i. co-operate with local child protection agencies with regard to their oversight and management and ensure that any child held in such a facility is formally under the care of the local child protection authorities, and in order to develop alternative care and living services to prevent, mitigate, shorten and reduce placement of children in closed facilities;
- j. encourage local authorities to develop and maintain local guardianship services appropriate to the local context and resources and to put in place specific guardianship boards to promote the service, provide support, back-up and training, run recruitment campaigns and mediate disputes and difficulties.