Situation of unaccompanied minors in the EU

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The European Parliament adopted a resolution on the situation on the situation of unaccompanied minors in the EU.

Parliament recalls that an unaccompanied minor is above all a child who is potentially in danger and that child protection, rather than immigration policies, must be the leading principle for Member States and the European Union when dealing with them, thus respecting the core principle of the child's best interests. It also recalls that any person below the age of 18 years, without exception, is to be regarded as a child and thus as a minor. It points out that unaccompanied minors, particularly girls, are twice as susceptible to problems and difficulties as other minors as they are often the principal targets of sexual exploitation, abuse and violence.

Parliament also points out that unaccompanied minors in the EU are frequently treated by the authorities **as delinquents** who have infringed immigration laws rather than as individuals who have rights on account of their age and particular circumstances

Parliament strongly condemns the existing *lacunae* in the protection of unaccompanied minors in the European Union and denounces the often deplorable conditions in which such minors are received and the numerous breaches of their fundamental rights in certain Member States. It emphasises the pressing need for the EU and the Member States to come up with a coherent response to protect unaccompanied minors, with full respect for their fundamental rights.

Although it welcomes the adoption by the Commission of an action plan on unaccompanied minors (2010-2014), it deplores the fact that the Commission's approach is not based more on protecting the fundamental rights of such minors. It calls for new measures for the comprehensive protection of unaccompanied minors. It considers that the EU must go beyond the Action Plan proposed by the Commission so that the fundamental rights of unaccompanied minors are genuinely reinforced.

Parliament considers that the Union and its Member States should, above all, address the **root causes of migration** and integrate the issue of unaccompanied minors into development cooperation, thus contributing to the creation of safe environments for children to grow up in their countries of origin. **The Commission should, moreover, ensure that the status of 'legal guardian' in the EU and partner countries** is strengthened and draw up a monitoring plan in cooperation with countries of origin and any transit countries in order to ensure that the child is properly protected after returning to and being reintegrated into the country of origin.

Fragmented measures: Parliament regrets the fragmentation of the European provisions concerning unaccompanied minors and urges the Commission to compile a handbook drawing together these various legal bases, addressed to Member States and to all practitioners, in order to facilitate proper implementation by Member States. It also wants more targeted information and statistics in this field.

Parliament calls in particular for:

- the stepping-up of cooperation with third countries of origin and transit concerning unaccompanied minors in a series of fields, such as the care of minors but also the prevention of their exploitation;
- the coherent development of **EU policies on immigration, asylum and children's rights** taking due account of their impact on developing countries;

- the integration of child protection and the issue of unaccompanied minors into development and cooperation policies;
- public awareness-raising campaigns in the countries of origin, transfer and destination of unaccompanied minors on the risks related to child migration, and particularly on the exploitation of minors and organised crime;
- greater vigilance and more effective implementation of the existing texts (Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography and Directive 2012/29/UE establishing minimum standards on the rights, support and protection of victims of crime);
- strengthened police and judiciary cooperation, including with third countries, to deal with the growing problem of child trafficking.

Noting that the arrival of a large number of minors is as a result of **forced marriages**, Parliament also calls on the European Union to take action to combat this phenomenon.

More funding: Parliament calls on the Commission to take **specific account of unaccompanied minors** in the European Asylum and Migration Fund in order to afford long-term guarantees concerning the protection of children, including in relation to the sections concerning refugees, asylum seekers, the external borders and return, and in the European Social Fund. All staff with a responsibility for children (border guards and police authorities) should receive appropriate training.

Strategic guidelines: Parliament calls on the Commission to draw up strategic guidelines for Member States which should, based on best practices, take the form of common minimum standards and address each stage in the process, from the arrival of a minor in European territory until a durable solution has been found for him/her, in order to ensure his/her proper protection. It also calls on the Member States to adopt national strategies for unaccompanied minors, based on these strategic guidelines, and to designate a **national contact point** responsible for coordinating the implementation of these measures and actions.

In this regard, Parliament urges the Member States to comply strictly and without fail with the fundamental obligation never to place a minor in detention and call on the Commission to take great care when applying the provisions of EU law on the detention of minors.

Additional measures are proposed to ensure that unaccompanied minors are provided with the necessary social and educational services, that they are addressed in a language and in a form that they understand, that they are not subjected to intrusive medical tests to determine their age and that all is done to ensure that a guardian or a person responsible for accompanying them is appointed.

Parliament recalls that **no child may be denied access to the territory of the EU** and insists that the Member States must comply with the international and European obligations which apply in the field. In this context, Parliament urges the Member States to comply strictly and without fail with the fundamental obligation **never to place a minor in detention** and calls on the Commission to take great care when applying the provisions of EU law on the detention of minors. In addition, Parliament calls on the Member States to set up compulsory gender-specific training for personnel receiving unaccompanied minors.

Reception standards: Parliament calls on Member States to provide unaccompanied minors, irrespective of their status, with the following:

- access to appropriate accommodation, with adequate sanitary conditions;
- adequate material, legal and psychological support from the moment they are identified as unaccompanied minors;
- the right to education, vocational training and socio-educational advice and immediate access thereto;

- the right to health and effective access to adequate basic health care;
- access to information and use of the media (radio, TV, internet);
- the right to leisure, including the right to engage in play and recreational activities;
- the right of all unaccompanied minors to the continued use and development of their own identity and values, including their mother tongue;
- the right to manifest and practise their religion.

Parliament urges Member States, as far as possible, to exempt unaccompanied minors from **accelerated procedures and from procedures at the border** when they arrive on a Member State's territory. Parliament stresses that it is crucial, given the specific needs of unaccompanied minors, that their asylum applications be given priority so that a fair decision can be taken as quickly as possible. It emphasises that any decision concerning unaccompanied minors should be taken on the basis of an **individual assessment** and with due respect for the best interests of the child. It stresses firmly that the ultimate aim, once an unaccompanied minor has arrived in EU territory, must be to seek a **durable solution** for him/her, which respects his/her best interests, giving priority to family reunification, in and outside the EU.

Specific measures are called for to ensure that no decision to return a minor may be taken, if it is not in the child's best interests or endangers the minor's life, physical and mental health, and well-being, security or fundamental rights or those of his or her family.

Lastly, Parliament calls on the Member States to introduce an obligation for public authorities to take action with regard to unaccompanied minors who are **victims of begging**, taking the view that the exploitation of minors in relation to begging should be prevented at all costs.