



TEXTS ADOPTED

P8_TA(2018)0201

Protection of children in migration

European Parliament resolution of 3 May 2018 on the protection of children in migration (2018/2666(RSP))

The European Parliament,

- having regard to the Commission communication of 12 April 2017 on the protection of children in migration (COM(2017)0211),
- having regard to the Council conclusions of 8 June 2017 on the protection of children in migration,
- having regard to the UN Convention on the Rights of the Child,
- having regard to the resolution adopted by the UN General Assembly on 19 September 2016, the ‘New York Declaration for Refugees and Migrants’¹,
- having regard to paragraph 44 of the UN Committee on the Rights of the Child’s General Comment No 21 (2017) on children in street situations of 21 June 2017²,
- having regard to the EU Guidelines of 6 March 2017 for the Promotion and Protection of the Rights of the Child: Leave no child behind,
- having regard to its resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child³,
- having regard to its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration⁴,
- having regard to its resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic

¹ UN Resolution A/RES/71/1,

² http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1

³ <https://www.streetchildrenresources.org/resources/general-comment-no-21-2017-on-children-in-street-situations/>

⁴ OJ C 289, 9.8.2016, p. 57.

OJ C 58, 15.2.2018, p. 9.

violence¹,

- having regard to the judgement of the Court of Justice of the European Union of 12 April 2018 in case C-550/16, *A and S v Staatssecretaris van Veiligheid en Justitie*²,
 - having regard to the question to the Commission on the protection of children in migration (O-000031/2018 – B8-0016/2018),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas according to UNICEF, there are an estimated 5,4 million migrant children living in Europe³; whereas according to the latest figures from the UN High Commissioner for Refugees (UNHCR), 32 039 children arrived in Greece, Italy, Spain and Bulgaria in 2017; whereas 46 % of these were unaccompanied or separated children (UASC), while the remaining 54 % were accompanied by their parents or other caregivers; whereas as of 1 September 2016, 821 children were reported as held in detention in nine Member States; whereas the majority of Member States neither provide nor systematically collect data on children in immigration detention⁴;
- B. whereas one year on since its publication on 12 April 2017, Member States are still facing challenges implementing the recommendations of the Commission communication on the protection of children in migration;
- C. whereas a lack of reliable information, and lengthy family reunification and guardian appointment procedures, together with the fear of being detained, sent back or transferred, is resulting in children absconding, leaving them exposed to trafficking, violence and exploitation;
- D. whereas the lack of child protection services and activities for children at reception sites has a detrimental impact on children's mental health;
- E. whereas the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child require that the 'best interests of the child' be the primary consideration of all actions affecting children;
- F. whereas according to recent comparative research⁵, Member States are integrating child asylum seekers into schools at different speeds, and in some cases after more than three months from the lodging of the asylum application, with older children facing particular problems;
- G. whereas according to a 2016 Asylum Information Database Report, access to asylum

¹ Texts adopted, P8_TA(2017)0329.

² ECLI:EU:C:2018:248.

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https://www.unicef.org/publications/files/Uprooted_growing_crisis_for_refugee_and_migrant_children.pdf

⁴ <http://fra.europa.eu/en/publication/2017/child-migrant-detention>

⁵ '#Backtoschool' by the Global Progressive Forum, Migration Policy Group and the SIRIUS European Policy network, www.globalprogressiveforum.org/backtoschool

procedures is often problematic and can lead to further significant delays¹;

- H. whereas some Member States still face challenges in age assessments and in protecting children who do not apply for asylum;
 - I. whereas a recent report by the International Organisation for Migration (IOM) on arrivals of sexually exploited migrants estimates that 80 % of girls arriving from Nigeria through the Central Mediterranean route – whose numbers have soared from 1 454 in 2014 to 11 009 in 2016 – are the potential victims of trafficking for sexual exploitation; whereas Member States are encountering difficulties in identifying and supporting girl victims of trafficking and sexual exploitation;
 - J. whereas childhood statelessness poses serious human rights challenges, and hence delays the process for determining the status of children in the European Union, denying children access to basic services and rights;
1. Underlines the fact that all children, irrespective of their migration or refugee status, are first and foremost entitled to all the rights enshrined in the UN Convention on the Rights of the Child;
 2. Strongly believes that the Commission should assist Member States in adopting and properly implementing a holistic rights-based approach in all child-related policies;
 3. Stresses the importance of building an individual plan based on the needs and other specific vulnerabilities of each child, taking into account the fact that children's quality of life and well-being also require early integration, a community support system and having the chance to fulfil their full potential; takes the view that such an approach has also proven effective in preventing children from going missing;
 4. Calls on the Member States to implement the principle of the best interests of the child for all decisions concerning children, regardless of their status;
 5. Stresses that all the necessary information about children's rights, procedures and opportunities for protection should be available to children in a child-friendly and gender-sensitive manner and in a language they understand; calls on the European Asylum Support Office to assist Member States in producing adequate reception material to inform children;
 6. Urges the Member States to speed up procedures for appointing guardians or temporary guardians for unaccompanied children upon their arrival;
 7. Urges the Member States to ensure that all children have access to child protection officers upon their arrival, including in hotspots and facilities hosting children and at border-entry points;
 8. Calls on the Member States to guarantee that everyone, and unaccompanied children in particular, has access to dignified accommodation and healthcare, and to ensure full access to formal and inclusive education under the same conditions as national children, including preparatory measures such as language classes, in order to ensure that children integrate into the host societies for the entire duration of their presence in the

¹ 2016 AIDA report (p. 3).

territory of the Member State;

9. Recalls that unaccompanied children should be hosted in separate facilities from adults in order to avoid any risk of violence and sexual abuse;
10. Calls for the relocation of the remaining unaccompanied children from Greece and Italy who are eligible under the EU relocation decisions to be prioritised; calls for structures to be put in place to continue relocating children from arrival Member States when this is in their best interest;
11. Acknowledges the essential role played by local and regional authorities, which are at the forefront of the reception and integration of migrant children, despite limited resources; calls on the Member States to build capacity and allocate adequate resources for the reception of migrant children, in particular unaccompanied children;
12. Calls on the Member States to allocate adequate and continued funding and support to local and regional authorities, and to ensure access to European funding, such as the Asylum, Migration and Integration Fund (AMIF);
13. Urges the Member States to proceed with all pending family reunification procedures without further delay;
14. Emphasises that children must not be detained for immigration purposes and calls on the Member States to accommodate all children and families with children in non-custodial, community-based placements while their immigration status is processed;
15. Takes the view that the Commission should enact infringement procedures against Member States in instances of protracted and systematic immigration detention of children and their families, so as to ensure compliance with children's fundamental rights;
16. Stresses the need for the Member States to urgently invest in psychological and psychiatric support and rehabilitation for the purposes of addressing children's mental health issues;
17. Underlines the importance of establishing a robust identification and registration system based on the best interests of the child, in order to ensure that children enter and stay in national protection systems, with a child-focused approach throughout the entire procedure, in full compliance with the UN Convention on the Rights of the Child; emphasises that Member States shall not use coercion for the purposes of taking children's biometric data;
18. Calls on the Member States to share best practices on age assessment procedures with a view to setting high standards for the age assessment process across the EU; stresses that medical examinations on children should be carried out in a manner that is not intrusive and respects children's dignity;
19. Calls on the Member States, furthermore, to step up efforts and cross-border cooperation among law-enforcement and child-protection authorities to find and protect missing children, while ensuring that the best interests of the child are always a primary consideration;

20. Deplores the continued and widespread phenomenon of childhood statelessness; calls for the EU and its Member States to ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 of the UN Convention on the Rights of the Child;
21. Acknowledges the progress made by the Member States and the Commission on the EU Guardianship Network and calls on the Member States to support it;
22. Stresses that all actors working with children must not have a verified criminal record, especially with regard to any child-related crimes or offences; calls on the Member States to provide continuous and appropriate training on the rights and needs of unaccompanied minors, including on any applicable child safeguarding standards;
23. Calls on the Member States to step up efforts, including cross-border cooperation, to identify child victims of trafficking, abuse and all forms of exploitation and to ensure equal access to victim support services for all child victims; recognises that there is a particular issue regarding the exploitation of girls for prostitution;
24. Stresses that the creation of new safe and legal routes would enable the Union and the Member States to better address protection needs, particularly for children, and to undermine the business model of smugglers;
25. Recognises the humanitarian contribution made by a number of national and European NGOs, including those carrying out search and rescue operations, towards achieving the best interests of children;
26. Calls on the Member States, as a matter of urgency, to step up efforts to jointly tackle various forms of organised crime, including child trafficking, to combat impunity, and to ensure that the perpetrators of such crimes, be they EU or non-EU nationals, are swiftly prosecuted;
27. Believes that the rights of children in migration should be prioritised in the post-2020 budget period, in the spirit of the 2017 Commission communication on the protection of children in migration, the Sustainable Development Goals, and the Commission toolkit on the use of EU funds for the integration of people with a migrant background;
28. Calls on the Member States to increase cross-border cooperation, information-sharing and coordination among different services within the Member States, in order to fill the gaps and to ensure that child protection systems are adequate and not fragmented;
29. Instructs its President to forward this resolution to the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy.