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*Committee on Development*

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**2012/2263(INI)**

24.4.2013

# **OPINION**

of the Committee on Development

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of unaccompanied minors in the EU  
(2012/2263(INI))

Rapporteur: Charles Goerens

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## SUGGESTIONS

The Committee on Development calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Underlines the importance of a coherent development of the EU policies on immigration, asylum and children's rights – concerning both minors in the EU and in third countries – taking due account of their impact on developing countries; recalls the obligation of Policy Coherence (PCD) enshrined in the Lisbon Treaty;
2. Recalls that one of the objectives of the EU Action Plan on Unaccompanied Minors was for the EU and its Member States to 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; underlines the need to develop further the preventive dimension of EU policies concerning unaccompanied minors by focusing more on efforts in poverty eradication, health and labour policies, human rights and democratisation, as well as post-conflict reconstruction;
3. Stresses that action to combat trafficking in human beings and to prevent illegal immigration by addressing its root causes is a vital prerequisite in addressing the issue of unaccompanied minors; takes the view that measures to protect unaccompanied minors should be extended to encompass international adoption procedures;
4. Recalls the need to consider children as particularly vulnerable and emphasises that the principle of 'the best interests of the child' must take precedence over all other considerations when dealing with unaccompanied minors;
5. Points to the obvious protection gap at EU level as regards the reception of and provision of assistance to unaccompanied minors; recalls in this context that ensuring the security and health of unaccompanied minors, regardless of the length of their stay in the EU, is the responsibility of the respective Member States; considers that, in view of this, the EU should continue: (a) to provide increased resources to support full implementation of improvements in recent EU legislation and policies, including strengthened implementation of the current EU Action Plan on Unaccompanied Minors; (b) to plan for renewing efforts in this field by means of a further action plan post-2014, and (c) to introduce a common and binding regulatory framework, based on a common definition of unaccompanied minors, and with clear rules to address the challenge in its entirety, in order to correct the current shortcomings and the disparities existing between Member States, such as age assessment, guardianship, access to services and the identification and implementation of sustainable solutions;
6. Points out that, regardless of the nationality of the child, and of whether this nationality is recognised, the Member State in which the unaccompanied child finds him or herself must act as the child's guardian and provide him or her with the highest degree of protection;
7. Regrets that child protection is significantly and consistently underfunded in comparison with other humanitarian sectors; encourages all Member States to establish best practices

to safeguard the protection of the human rights of unaccompanied minors, in particular, the right to health and the right to education, as established in the UN Convention on the Rights of the Child;

8. Calls for improved cooperation between the countries of origin, transit and destination on issues such as family tracing, monitored return – provided that the child’s family circumstances make it possible or advisable – reintegration and identification of suitable solutions, with a view to advancing towards a common EU approach and establishing lasting solutions; encourages exchanges of information and good practices as well as special training of border staff and authorities on how to sensitively deal with children with traumatic backgrounds; 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; stresses, in particular, the need to strengthen the status of ‘legal guardian’ in the EU and partner countries, and considers it extremely important to 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;
9. Stresses that it is also important for the Action Plan to pay due account of the full integration of unaccompanied minors in host countries;
10. Stresses that preventing the need for, and reducing the risks of unsafe migration, identification, family tracing, assessing family circumstances, fostering opportunities for return and reintegration where this is in the best interests of a minor, combating trafficking in human beings and strengthening child protection systems are matters to be discussed in the EU’s regular dialogues with partner countries and must form an integral part of the agenda of the European External Action Service and of the Commission delegations;
11. Considers it essential to introduce a coordinated EU-wide method of data collection, including both quantitative and qualitative data, by reinforcing the role of Frontex and Europol and with the involvement of the European Migration Network.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	23.4.2013
<b>Result of final vote</b>	+: 21 -: 0 0: 2
<b>Members present for the final vote</b>	Michael Cashman, Ricardo Cortés Lastra, Nirj Deva, Leonidas Donskis, Charles Goerens, Eva Joly, Filip Kaczmarek, Gay Mitchell, Norbert Neuser, Bill Newton Dunn, Andreas Pitsillides, Jean Roatta, Michèle Striffler, Alf Svensson, Keith Taylor, Patrice Tirolien, Ivo Vajgl, Anna Záborská, Iva Zanicchi
<b>Substitute(s) present for the final vote</b>	Enrique Guerrero Salom, Cristian Dan Preda, Judith Sargentini, Jan Zahradil