



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Committee of Ministers
Comité des Ministres

**Recommendation CM/Rec(2007)9
of the Committee of Ministers to member states
on life projects for unaccompanied migrant minors**

*(Adopted by the Committee of Ministers on 12 July 2007
at the 1002nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity among its member states;

Recalling the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its Protocols;

Recalling the 1996 European Social Charter (revised) (ETS No. 163);

Recalling the 2005 Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);

Recalling the 1989 United Nations Convention on the Rights of the Child and its two optional Protocols;

Recalling the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol;

Recalling the 2000 United Nations Convention against Transnational Organised Crime and its two Protocols;

Having regard to General Comment No. 6 (2005) of the United Nations Committee on the Rights of the Child on the treatment of unaccompanied and separated children outside their country of origin;

Having regard to the Inter-agency Guiding Principles on Unaccompanied and Separated Children adopted by the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the International Rescue Committee (IRC), the Save the Children UK (SCUK) and the World Vision International (WVI) in 2004;

Having regard to the 1997 Guiding Principles of the United Nations High Commissioner for Refugees (UNHCR) on policies and procedures applicable to unaccompanied children seeking asylum, and the 2006 UNHCR Guiding Principles on Formal Determination of the Best Interests of the Child;

Considering the recommendations of the Parliamentary Assembly of the Council of Europe, Recommendation 1596 (2003) on the situation of young migrants in Europe and Recommendation 1703 (2005) on protection and assistance for separated children seeking asylum;

Having regard to the Twenty Guidelines on Forced Return adopted by the Committee of Ministers of the Council of Europe in 2005;

Considering the Statement of Good Practice of the Separated Children in Europe Programme adopted by the International Save the Children Alliance in Europe and the United Nations High Commissioner for Refugees in 2004;

Taking account of the work of the Council of Europe Regional Conference entitled "Migration of unaccompanied minors: acting in the best interest of the child", held in Málaga (Spain) on 27 and 28 October 2005 and in particular its conclusions;

Considering that there are in the member states of the Council of Europe or at their borders an increasing number of unaccompanied migrant minors who find themselves alone, in situations of vulnerability, far from their family environment, separated from their parents or families and exposed to multiple risks;

Considering that migration policies in general, and in relation to unaccompanied migrant minors in particular, require a range of measures that go beyond border controls and action against irregular migration;

Stressing the necessity to improve the management of migration of unaccompanied minors in order to overcome the difficulties of member states in taking care of them;

Considering the need to reduce the risks faced by unaccompanied migrant minors that endanger their health, their development and in some cases their lives;

Considering the need to support the efforts of countries of origin in providing information on the risks, dangers, and vulnerabilities relating to the situation of unaccompanied migrant minors and in preventing their migration;

Considering that the best interests of unaccompanied migrant minors should be the primary consideration in all decisions relating to them and that any action taken in relation to them must protect their rights and safety and promote their personal development;

Stressing that the diversity and heterogeneity of the situation of unaccompanied migrant minors based on their origin, gender, personal history, cultural diversity, legal status or any other condition, must be taken into account in accordance with an individualised, multidisciplinary and participatory approach;

Being convinced that the member and non-member states of the Council of Europe can, by strengthening their co-operation, contribute to finding lasting solutions for and with unaccompanied migrant minors that will help them to build life projects guaranteeing them a better future,

Recommends that the governments of member states:

- a. take steps to implement in their policy, law and practice the principles and measures set out in the appendix to this recommendation;
- b. promote the implementation of these principles and measures by the relevant governmental agencies and authorities dealing directly or indirectly with the elaboration and implementation of national policies regarding non accompanied migrant minors;
- c. ratify as soon as possible the 2005 Council of Europe Convention on Action against Trafficking in Human Beings if they have not yet done so.

Appendix to Recommendation CM/Rec(2007)9

I. Concepts

Life projects

1. Life projects aim to develop the capacities of minors allowing them to acquire and strengthen the skills necessary to become independent, responsible and active in society. In order to achieve this, life projects, fully in accord with the best interests of the child, as defined in the Convention on the Rights of the Child, pursue objectives relating to the social integration of minors, personal development, cultural development, housing, health, education and vocational training, and employment.
2. Life projects are individual tools, based on a joint undertaking between the unaccompanied migrant minor and the competent authorities for a limited duration. They define the minor's future prospects, promote the best interests of the child without discrimination and provide a long-term response to the needs of both the minor and the parties concerned.
3. Life projects are a lasting solution for both member states and the minors themselves, meeting the challenges arising out of the migration of unaccompanied minors. They shall therefore be an integrated

policy tool available to member states in order to meet the needs of such minors and to tackle the many difficulties arising out of this migration.

Unaccompanied migrant minors

4. This recommendation concerns unaccompanied migrant minors who are outside their country of origin, regardless of their status, irrespective of the reasons for their migration and whether or not they are asylum seekers. The expression 'unaccompanied migrant minors' includes separated children and minors who have been left to their own devices after entering the territory of the member state.

5. Unaccompanied minors are children under the age of 18 who have been separated from both parents and other relatives and are not in the care of an adult who, by law or custom, is responsible for doing so.

6. Separated children are children under the age of 18 who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. They may, therefore, be children accompanied by other adult family members.

II. Life projects: an integrated policy tool

7. Every life project is based on a comprehensive, integrated and therefore multidisciplinary approach.

8. Drawing on a holistic approach, every life project should take account of the child's specific situation. It should take account of several elements, in particular:

i. the minor's personal profile: age, gender, identity, legal status, culture of origin, level of education, mental development and maturity, possible traumas suffered, health, vocational experience and skills;

ii. the minor's migration itinerary: factors influencing his or her departure, circumstances of the journey, duration of residence and living arrangements in countries of transit and in Europe;

iii. the minor's family environment and particularly the nature of his or her family relations;

iv. the minor's expectations, wishes and perceptions;

v. the situation in the country of origin: the political, legislative, socio-economic, educative and cultural context, the human rights situation (taking account of ethnic, religious and sex discrimination and other potential dangers), the availability of appropriate care and support, including reception;

vi. the special guarantees afforded to unaccompanied minors seeking asylum, in particular regarding *non-refoulement* and the identification of durable solutions;

vii. the situation in the host country: the political, legislative and socio-cultural context; availability of opportunities for the minor, including level and degree of support available; possibility of remaining in the host country; opportunities in terms of integration in the host country.

9. Unaccompanied migrant minors should be able to enjoy all rights recognised by the relevant international and European standards and in particular the United Nations Convention on the Rights of the Child, which are preconditions for the realisation of their life projects. In order to ensure effective access to these rights the member states should take action, in particular, in the political, legal, social, health, educational, economic and cultural areas.

10. In order to contribute to the full realisation of life projects, the co-ordination of policy and practice should be a priority. Accordingly, member states should take the action set out below:

i. establish and/or support national bodies for co-ordinating the various agencies dealing with unaccompanied migrant minors and, where appropriate, allocate the requisite material, human and financial resources for creating such bodies;

ii. create and operate European networks for information exchange involving not only origin, transit and host countries but also the relevant international organisations and representatives of civil society;

iii. strengthen co-operation with the non-member states representing the main countries of origin of unaccompanied migrant minors with a view to establishing long-term relations of trust based on a clear definition of the respective responsibilities in implementing the minors' life projects.

11. Bilateral agreements should set out minimum conditions under which unaccompanied migrant minors can implement their life projects in their countries of origin and provide for exchanges between social workers specialising in the care of minors.

12. Within the framework of their co-operation, the member states should refrain from divulging information on asylum seekers and refugees.

13. Alongside national schemes for co-operating with the countries of origin, exchanges between local authorities or NGO representatives directly involved in providing for unaccompanied minors should be supported and further developed.

14. Member states, along with countries of origin, should foster public information and awareness-raising campaigns on the risks linked to child migration, particularly the dangers of networks involved in clandestine immigration, exploitation of minors and organised crime.

III. Life projects: a mutual commitment

15. Life projects should be formalised by a written agreement setting out the respective commitments of both parties and signed by them and/or by the guardian of the unaccompanied migrant minor.

16. Life projects should comprise individualised, open-ended objectives which the minor undertakes to pursue, the arrangements for monitoring their implementation and a regular assessment based on exchanges between the minor and the competent authorities. They should take account of the unaccompanied migrant minor's personal profile and expectations, as well as the opportunities provided for him or her in the host country and the country of origin.

17. The competent authorities should undertake to ensure that the life project comprises measures to protect the minors in order to help them achieve the aforementioned objectives. These measures should include access to:

- appropriate accommodation;
- specialised support provided by properly trained personnel;
- appointment of specially trained guardians and/or legal representatives;
- clear and full information about his or her situation in a language that he or she understands;
- basic services, including food, medical care and education.

18. The competent authorities should undertake as soon as possible an analysis of the unaccompanied migrant minor's family situation and prioritise the search for the parents or legal or customary guardian in order to establish, as appropriate and always respecting the child's best interests, direct or indirect contacts with a view to possible family reunion.

19. The competent authorities should ensure the funding of all action to identify, accommodate, assess the situation and protect unaccompanied migrant minors.

20. Life projects should create favourable conditions for guaranteeing genuine dialogue between the competent authorities and the unaccompanied migrant minors in order to enable them to understand the opportunities they are being offered and to guarantee their participation and involvement in all stages of the formulation and implementation of their life project.

IV. The conditions required to implement life projects

21. Member states should define the responsibilities of each partner, in particular national and local authorities, welfare services, youth workers, families and legal representatives, in implementing and monitoring life projects and ensuring their co-ordination. Member states should provide in particular for appropriate funding and distribution of funds.

22. The member states should establish or reinforce procedures guaranteeing the identification and registration of unaccompanied migrant minors and the issuing to them of the necessary documents, including, if necessary, proper travel documents.

23. Special attention should be given to the case of unaccompanied minors seeking asylum. Asylum procedures should not affect the effective preparation and implementation of life projects for these minors, for whom enhanced protection is necessary, in particular with regard to the principle of *non-refoulement*.

24. The life project may, depending on its particular objectives, be implemented either in the host country or, alternatively, in the host country and in the country of origin, or in the country of origin. In specific cases, in particular in the case of family reunion with parents residing lawfully in a third country, the life project might be implemented in this country. In this case, in addition to the measures mentioned in paragraphs 28 and 29, the member states should facilitate the minor's departure and implementation of his or her life project in this country.

Life projects in the host country

25. For as long as the life project is implemented in the host country, the member state should guarantee access for the unaccompanied migrant minor to classes in the language of the host country, to education and/or to appropriate vocational training on an equal footing with nationals. The minor should also have the possibility of entering the labour market.

26. Where a minor involved in the implementation of his or her life project attains the age of majority and where he or she shows a serious commitment to their educational or vocational career and a determination to integrate in the host country, he or she should be issued with a temporary residence permit in order to complete the life project and for the time necessary to do so.

Life projects in both the host country and the country of origin

27. Where the life project begins in the host country and continues in the country of origin, member states should take all practical steps to ensure its continuity and satisfactory conclusion.

Life projects in the country of origin

28. Where the life project is implemented in the country of origin, member states should define the conditions that will guarantee its success. These conditions should include at least the following:

- i. consideration of the needs corresponding to age and degree of maturity of the minor;
- ii. reception, protection and appropriate care and support in the country of origin, guaranteed either by the parents or guardian and/or other legal guardian, or by governmental or non-governmental authorities, always respecting the best interests of the child;
- iii. involvement of the local authorities in implementing the life project in the country of origin, including protective measures for the minor, social, health and educational services and the selection of local bodies (for example, NGOs) capable of helping implement and monitor the life project;
- iv. funding, as far as possible, of training courses for specialist staff or local bodies assisting with the life project.

29. Where the minors return to their country of origin, member states should request the support of non-governmental organisations or relevant international organisations in this field, such as the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the International Organisation for Migration (IOM), in accordance with their respective mandates.

V. Communication strategy and follow-up to the recommendation

30. Member states should take specific measures to identify and inform professionals working, in particular, in agencies and institutions in charge of the reception, social assistance, protection and monitoring of unaccompanied migrant minors. This could be carried out through awareness-raising campaigns, training courses, conferences and seminars, networks to exchange experience (partnerships) or any other way that might improve their knowledge of life projects and expertise in implementing them. Member states should inform the competent authorities from origin and transit countries of the principles of this recommendation.

31. With a view to promoting life projects, member states should also widely disseminate the principles of this recommendation, especially to media, non-governmental organisations and other actors. The objective is to raise awareness in public opinion concerning migration and the unavoidable presence of unaccompanied minors in the member states, their fragility and the risks that a precarious situation entails for them, as well as the need for the competent authorities to take care of them through life projects.

32. Member states are encouraged to devise indicators to gauge the formulation, implementation and evaluation of life projects in their respective countries.

33. Where possible, member states are encouraged to list the measures taken to implement the recommendation in their respective national reports on the implementation of the United Nations Convention on the Rights of the Child.