



Council of the
European Union

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NOTE

From: Presidency

To: Council

Subject: Draft conclusions of the Council of the European Union and the representatives of the governments of the Member States on the protection of children in migration

Delegations will find in the annex the conclusions of the Council of the European Union and the representatives of the governments of the Member States on the protection of children in migration, for adoption by the Council at its 3546th meeting on 8 June 2017.

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

RECOGNISE that the number of children in migration arriving in the European Union, many of whom are unaccompanied, has increased in a dramatic way and has put national migration management and child protection systems in some Member States under pressure;

EMPHASISE that protecting all children in migration is a priority at all stages of migration;

WELCOME the Commission Communication on “the protection of children in migration” of 12 April 2017¹;

RECALL the Conclusions on the promotion and protection of the rights of the child of 18 November 2014², in which the Council invited the Member States and the Commission "to give full recognition to children as rights holders and ensure respect for the principle of the best interests of the child in all policies affecting children";

REAFFIRM that the European Union is implementing a comprehensive approach to manage migration and that the protection of children is a mainstreamed element of this approach;

RECALL the objectives of addressing the root causes of migration, the fight against smugglers and traffickers so that migrant children, including unaccompanied minors, do not move irregularly to Europe, risking their lives during the journey;

RECALL the Conclusions on the promotion and protection of the rights of the child of the 3 April 2017³ that welcome the revised Guidelines on the Promotion and Protection of the Rights of the Child⁴;

¹ Doc. 8297/17.

² Doc. 15559/14.

³ Doc. 7775/17.

⁴ Available at <https://www.consilium.europa.eu/uedocs/cmsUpload/16031.07.pdf>

UNDERLINE that the best interests of the child must be a primary consideration in all actions or decisions concerning children and in assessing the appropriateness of all durable solutions; resettlement, integration or return depending on their specific situation and needs;

RECOGNISE the need to swiftly protect children from violence, exploitation and trafficking, and to quickly and reliably assess their age to avoid abuses and to protect their rights, in accordance with EU law and international obligations;

UNDERLINE the importance of raising awareness and of the involvement of local communities in relation to the protection of children in migration;

UNDERLINE that actions taken by the European Union and its Member States should aim at further analysis and prevention of the use of vulnerability of children by parents or other holders of parental responsibility in order to obtain the possibility of legal entry to the European Union, without prejudice to the existing EU acquis in this area concerning the right to family reunification, family unity and the specific rights of the child, including those for unaccompanied minors, and the child's best interests;

INVITE Member States to take or implement actions, as appropriate, to protect children at all stages of migration, building on, *inter alia*, the recommendations presented in the Commission Communication on “the protection of children in migration”;

INVITE Member States to take fully into account the specific situation and best interests of children, and in particular unaccompanied children as an especially vulnerable category, in all ongoing discussions on legislative proposals on the reform of the Common European Asylum System;

INVITE the Commission and the relevant EU Agencies to support Member States including by using available funding and providing increased training, guidance and operational support with a particular focus on the Member States which face the biggest challenges;

INVITE the Commission to regularly report to the European Parliament and the Council on the implementation of these actions.