

## RESOLUTION ON

### MINORS ON THE MOVE: THE ROLE OF THE OSCE AND THE OSCE PARLIAMENTARY ASSEMBLY IN BUILDING AN EFFECTIVE PROTECTION FRAMEWORK

1. Recalling OSCE commitments in the field of migration, as enshrined in the Helsinki Final Act's chapter on economic co-operation, which calls for optimizing the economic and social benefits for countries of origin and destination as well as for migrants themselves, and includes a recommendation to OSCE participating States to enable migrant children to receive education under the same conditions as children of the host country as well as supplementary education in their own language, national culture, history and geography,
2. Reaffirming that all individuals who have crossed or are seeking to cross international borders are entitled to due process in the assessment of their legal status, entry and stay, and expressing concerns about government policies that criminalize cross-border movements,
3. Also recalling previous Parliamentary Assembly resolutions in the field of migration, in particular the Resolution on Ensuring a Coherent, Shared and Responsible Governance of Migration and Refugee Flows (2017), as well as Ministerial Council Decision No. 3/16 on the OSCE's Role in the Governance of Large Movements of Migrants and Refugees (2016),
4. Underlining that, by adhering to the New York Declaration for Refugees and Migrants (2016), OSCE participating States have also committed to strengthen and enhance mechanisms to protect people on the move, and to specifically protect the human rights and fundamental freedoms of all refugee and migrant children regardless of their status, giving primary consideration at all times to the best interests of the child,
5. Emphasizing the opportunity which the elaboration of the global compact on refugees and the global compact for safe, orderly and regular migration represents to achieve common understanding and to create new, shared protection, regulation, co-ordination and implementation mechanisms, in which the OSCE, as a regional arrangement under Chapter VIII of the United Nations Charter, has a key role to play,
6. Welcoming the prioritization by the 2018 Italian OSCE Chairpersonship of the challenges and opportunities arising in the Mediterranean, including migration, as stressed at the OSCE Mediterranean Conference in Palermo on 24 and 25 October 2017,
7. Noting with concern the ongoing challenges faced by children on the move, in particular unaccompanied and separated children (UASC), who for example constituted 92 per cent of all children arriving in Italy through the Central Mediterranean Route in 2017, and their particular vulnerability to trafficking and sexual and other forms of exploitation, as well as the need to promote a comprehensive regional strategy to ensure their protection and develop durable solutions tailored to each individual's needs,
8. Alarmed that "zero tolerance" immigration enforcement policies try to deter migration by individuals fleeing violence and persecution in their home countries by pushing countries to endorse actions which fail to protect children even if they are possibly

eligible for asylum, such as family separation, denying children's rights under international and domestic laws, and which may inflict irreversible damage on children's health and well-being,

9. Welcoming the sustained efforts of the OSCE PA Special Representative on Human Trafficking Issues, the action-oriented recommendations of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings contained in the report *From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows*, notably with respect to sharing effective practices of assisting unaccompanied minors, as well as the efforts led by the Office of the United Nations High Commissioner for Refugees based on consultations with a broad range of stakeholders including children themselves, to develop comprehensive guidelines for the protection of UASC in Europe,
10. Drawing attention to best practice at the national level in the area of unaccompanied minors in a number of OSCE States, such as Italy and Belgium,

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11. Calls on the Foreign Ministers of the OSCE meeting at the 2018 Ministerial Council in Milan to adopt a clear decision providing for an enhanced mandate with accompanying resources for the OSCE to comprehensively address the issue of migration, with a view to tackling the root causes and stemming the flow of irregular migration, based on its accumulated expertise in all three dimensions and drawing upon the OSCE's presence in the field, and in close co-operation with other relevant international organizations and agencies;
12. Calls upon OSCE participating States and their respective national parliaments to take a leading role in the effective implementation of the global compact on refugees and the global compact for safe, orderly and regular migration, due to be adopted at the end of 2018, for example through the establishment of parliamentary oversight mechanisms;
13. Urges OSCE participating States to implement adapted reception frameworks for unaccompanied minors which take into account their specific needs (for example, through specialized facilities for pregnant girls), their gender, their age but also their level of dependency, and which prioritize foster care and small reception structures over large reception centres, and aim to provide them with greater autonomy and life skills;
14. Calls on participating States to put in place and/or strengthen migration policies that advance the best interests of children seeking refuge or asylum or migrating to the country, in part by ensuring that children are not placed in detention, needlessly separated from their families by immigration officials, remain with a parent at all times, if possible, and/or are reunited with their families as quickly and expeditiously as possible;
15. Stresses the importance for OSCE participating States to provide to all unaccompanied minors quality and comprehensive information, including proper access to their personal information and personal files, as well as expert guidance and legal advice, including by appointing at the earliest stage possible a qualified legal guardian with specific knowledge in the field of migration, asylum procedures and child protection who can

assist the minor in every step and take the necessary decisions according to the minor's best interests;

16. Reiterates the call for OSCE participating States to better co-ordinate their procedures and harmonize their guidelines with respect to minors, keeping the minor's safety and best interests in mind, and with a view to achieving:
  - a. greater uniformity with respect to age determination methods, based on a combination of medical and supplementary psychosocial and developmental examinations;
  - b. better exchange of information on minors in transit between the various countries concerned;
  - c. better exchange of "best practice" and policies in the areas of reception, family reunification, access to education and integration;
17. Encourages OSCE participating States to consider granting unaccompanied minors who do not qualify for asylum or subsidiary protection a special protection status until a durable solution can be found;
18. Also encourages OSCE participating States to involve, to the extent possible, children themselves in the decision-making processes concerning them and to put into place a complaints mechanism to ensure quality of care and an effective remedy;
19. Also recommends that OSCE participating States:
  - a. provide free primary and secondary education, including instruction in the official language(s) of the host country, to all children regardless of status;
  - b. work together with parents, teachers and qualified experts to identify and address economic, social, cultural and psychosocial obstacles to the child's school attendance, for example through the implementation of non-formal educational programmes for children within schools;
  - c. enable supplementary education in the child's mother tongue, national culture, history and traditions;
  - d. continue to provide guidance, legal advice and support to unaccompanied minors after they reach the age of 18 and for a reasonable period of time, even if the applicable procedure changes;
20. Calls upon OSCE participating States to protect children against human trafficking, exploitation and violence by:
  - a. taking measures to strengthen their systems for the protection of children, for example by co-operating with professional groups and non-governmental organizations;
  - b. establishing clear guidelines for officials who decide on the status of the child to prevent children from being sent back to a country where they might be persecuted or at risk;
21. Recommends that OSCE participating States:

- a. speed up and simplify family reunification procedures for unaccompanied minors, while ensuring that the child's best interests are the primary consideration in all decisions;
  - b. ensure that, for the purposes of applying for family reunification, a child is regarded as such as long as the application is submitted before he or she turns 18;
  - c. prevent the separation of children and their relatives at border controls and during any other procedures in line with national and international legislation and agreements;
22. Encourages OSCE participating States to pay as much attention as possible to the background and culture of both the child and the family when matching children and foster parents in line with national and international legislation and agreements;

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23. Recommends that the European Union incorporate in the Common European Asylum System adapted procedures and practices with respect to UASC seeking asylum;
24. Demands more forceful and efficient action by participating States and international bodies active in the fight against criminal organizations involved in human trafficking, particularly of minors, for sexual or labour exploitation or any other purposes. To that end, active co-operation with the countries of origin or transit is essential.