

SUPPORTING YOUNG REFUGEES IN TRANSITION TO ADULTHOOD



Recommendation CM/Rec(2019)4

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

SUPPORTING YOUNG REFUGEES IN TRANSITION TO ADULTHOOD

Recommendation CM/Rec(2019)4
adopted by the Committee of Ministers
of the Council of Europe
on 24 April 2019

French edition:
*L'aide aux jeunes réfugiés
en transition vers l'âge adulte*

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*(Adopted by the Committee of Ministers on 24 April 2019
at the 1344th 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 a greater unity between its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Reaffirming the principle of equal dignity of all human beings and the principle of full and equal enjoyment of human rights and fundamental freedoms by anyone subject to a State's jurisdiction, regardless of his or her nationality, migration, residence or other status;

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the protocols thereto, the European Social Charter (ETS No. 35 and its revised version, ETS No. 163), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210), and other European and international legal instruments;

Having regard to States' obligations towards children and young people, as defined in the United Nations Convention on the Rights of the Child and the United Nations Convention Relating to the Status of Refugees and its 1967 protocol;

Having regard to the Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration; and the Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return;

Recalling Resolution [CM/Res\(2008\)23](#) on the youth policy of the Council of Europe, Recommendation [CM/Rec\(2017\)4](#) on youth work, Recommendation [CM/Rec\(2016\)7](#) on young people's access to rights, and Recommendation [CM/Rec\(2010\)7](#) on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education;

Recalling Recommendation [CM/Rec\(2007\)9](#) on life projects for unaccompanied migrant minors;

Recalling Parliamentary Assembly Resolution 1810 (2011) "Unaccompanied children in Europe: issues of arrival, stay and return", Resolution 1996 (2014) "Migrant children: what rights at 18?", Resolution 2136 (2016) on harmonising the protection of unaccompanied minors in Europe, and Resolution 2159 (2017) on protecting refugee women and girls from gender-based violence;

Bearing in mind the Council of Europe Strategy for the Rights of the Child (2016-2021), the Council of Europe Gender Equality Strategy 2018-2023 and the Statement by the Council of Europe Joint Council on Youth on the refugee crisis in Europe (2015);

Recalling also the New York Declaration for Refugees and Migrants (2016), the United Nations Resolution A/RES/70/1 "Transforming our world: the 2030 Agenda for Sustainable Development" and the Sustainable Development Goals, in particular Goals 4, 5 and 16, and the United Nations Security Council Resolution 1325 (2000) on women, peace and security and Resolution 2250 (2015) on youth, peace and security;

Considering the Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019);

Acknowledging the importance of achieving coherence and synergy with the efforts of all relevant stakeholders, in particular with the European Union;

Deeply concerned that young refugees are among the most vulnerable groups, due to experiences that may have involved violence, exploitation and trauma, as well as the continuing risk of violation of their human rights and fundamental freedoms, in particular those who are not accompanied or have been separated from their families;

Deeply concerned that young refugee women are at a higher risk of human rights violations, given their higher vulnerability to different forms of violence against women, such as rape, sexual assault, sexual harassment, domestic violence, forced marriage, female genital mutilation and human trafficking for the purpose of sexual exploitation;

Deeply concerned that, on reaching the age of majority, being no longer under the protection of the United Nations Convention on the Rights of the Child, young refugees no longer have access to the same rights and opportunities as they had as children and that many of them, as adults, are likely to face an abrupt change in their ability to access services and support across many sectors, including welfare, education, health care and psychosocial support, leisure and recreational activities, housing and special accommodation, information on relevant administrative procedures, and other essential services;

Conscious that the lack of support and difficulties in accessing their rights may lead young refugees to go into hiding, thus putting their safety at risk, exposing them to violence, exploitation and/or trafficking in human beings;

Conscious that the best interests of the child are a primary consideration in any decisions concerning children until the age of 18, and that after this age a young person's best interests may cease to be the primary consideration;

Acknowledging the challenges faced by all young people in transition to adulthood and an autonomous life, and noting the particular demands and difficulties facing young refugees, notably the uncertainty over pending claims for asylum and future residence status, as well as numerous obstacles to successful integration in a new society, often including harassment and discrimination;

Noting that education, accommodation, employment and health care, including access to psychosocial support, are not only rights but also serve to facilitate social inclusion of young people and help reduce their risk of exposure to violence, exploitation and abuse, including gender-based violence and discrimination;

Recalling that member States are under obligations to ensure respect for all human rights, as well as for other rights under national and international law, and these obligations extend to young refugees in their jurisdiction;

Noting that the Council of Europe's youth policy aims to provide opportunities for all young people, without discrimination or preconditions and on an equal basis, to participate fully in all aspects of society, and noting the need for co-ordinated responses to the treatment of young refugees in transition to adulthood;

Aware of the important role played by youth work and non-formal education/learning in supporting the inclusion of young refugees, and in developing competences of active citizenship and democratic participation,

Recommends that the governments of the member States:

1. promote and apply the guidelines proposed in the appendix to this recommendation, aimed at ensuring that young refugees receive additional temporary support after the age of 18 to enable them to access their rights, and at recognising and strengthening the role of youth work and the youth sector in promoting better access to these rights, including through their work to build social cohesion and inclusion;
2. take due consideration to the specific needs and situations of young women and of young men in the implementation of these guidelines;
3. take into consideration these guidelines, where appropriate, when reviewing domestic legislation, policies and practices to advance the necessary reforms to implement this recommendation;
4. widely disseminate these guidelines throughout the youth sector and among relevant national authorities, professionals and stakeholders, in particular those working for and with children and young people;
5. make use of existing mechanisms or, where appropriate, establish new ones, both nationally and at European level, to promote, review and share progress on the implementation of these guidelines, involving organisations that work with refugees and young people in the process.

Appendix to Recommendation CM/Rec(2019)4 of the Committee of Ministers to member States on supporting young refugees in transition to adulthood

Guidelines

I. Scope and purpose

1. For the purpose of this recommendation, “young refugees in transition to adulthood” refers to young people having reached the age of 18 who arrived in Europe as children and have obtained or qualify for refugee status under the United Nations Convention Relating to the Status of Refugees, or for subsidiary protection under European Union or national legislation.
2. Member States are also encouraged to apply this recommendation to young people having reached the age of 18 who arrived in Europe as children and who have applied for refugee status under the United Nations Convention Relating to the Status of Refugees, or for subsidiary protection under European Union or national legislation.
3. The duration of additional temporary support should be defined in accordance with national or regional policy frameworks and according to the individual needs of the young refugees concerned.
4. Nothing in the present recommendation shall affect any provisions contained in national law or international law in force in the member States which are more favourable to young refugees, nor shall it prejudice the exercise of young refugees’ rights as adults.

II. Safeguarding the rights and opportunities of young refugees in transition to adulthood

Legal framework

5. Member States are encouraged to improve the legal framework for young refugees in transition to adulthood.
6. In order to plan and facilitate the transition of young refugees to adulthood, member States should, when necessary, foster comprehensive interdisciplinary co-operation between institutions in areas such as child protection, youth, health, education, social protection or welfare, migration, justice and gender equality, including between national, local and regional authorities, as appropriate. Information sharing between these institutions should improve

the co-ordination of services and young people's access to the services they need.

Non-discrimination and protection

7. Member States should provide young refugees in transition to adulthood the support and protection they require, without discrimination, and should give due consideration to the needs of all young refugees at risk, such as survivors of sexual and gender-based violence, trafficking in human beings or exploitation. Member States should adequately address the discriminatory practices faced by young refugees in transition to adulthood.

Social services, accommodation and welfare benefits

8. Where appropriate and necessary, member States should ensure that young refugees in transition to adulthood have access to social services that provide them with support and assistance to enable effective access to their rights and to mainstream social services. Such support and assistance should include cultural and gender-sensitive considerations, as relevant, and where possible ensure the continuity of the relationship with the contact person, in accordance with the views of the young refugees themselves.

9. Member States should ensure that young refugees, where necessary, can access welfare benefits and accommodation throughout their transition period so that they benefit from an adequate standard of living.

10. Appropriate accommodation, with all necessary facilities, should be provided with due regard to respect for privacy and the necessity to protect young refugees in transition to adulthood from all forms of violence. Such accommodation should allow access to adequate educational opportunities and foster social integration, including in family or community-based accommodation, where this is appropriate and in accordance with the wishes of all parties involved.

11. Before placing young refugees in transition to adulthood in accommodation, member States are encouraged to pay due regard to geographic proximity to social and community ties established during their time in child-care accommodation.

12. Member States should, in accordance with their national law, avoid placing young refugees in transition to adulthood in detention facilities, including *de facto* detention.

Access to education

13. Member States should provide young refugees in transition to adulthood with education in accordance with their national laws and regulations, to support their integration and inclusion into society.

14. Member States should, in accordance with their national laws and regulations, ensure continued access to educational paths for young refugees in transition to adulthood in which they enrolled as children, and prevent school dropout.

15. Member States should, in accordance with their national laws and regulations, continue to provide language education and, if possible, certify language competences of young refugees throughout the transition period, according to their needs and in order to facilitate their integration and inclusion in society.

16. Member States are encouraged to provide, in compliance with their national laws and regulations, opportunities for young refugees in transition to adulthood to benefit from European educational programmes, including, where these involve travel, by providing the appropriate travel documents.

17. Member States should provide, in accordance with their national laws and regulations, access to and opportunities for vocational training and apprenticeship for young refugees in transition to adulthood, as a means of furthering skills development and learning and ensuring greater employability.

18. Member States should recognise and certify, in accordance with their national laws and regulations, young refugees' previous education experience and qualifications, in line with established systems for recognition and Lisbon Recognition Convention Committee Recommendation on Recognition of Qualifications held by Refugees, Displaced Persons and Persons in a Refugee-like Situation.

19. Member States should, in accordance with their national laws and regulations, provide opportunities for young refugees in transition to adulthood to receive education for democratic citizenship and human rights education in both formal and non-formal education/learning settings.

Health care and psychological support

20. Member States should provide young refugees in transition to adulthood with free and comprehensive health care, including mental health care, in accordance with their national laws and regulations.

21. Member States should provide psychological support for young refugees in the same conditions as nationals, including specialised mental health services, with particular attention to the stress of displacement, experience of gender-based violence, the uncertainty of the asylum procedures, in addition to the difficulties experienced in their transition to adulthood.
22. Member States should pay particular attention to the health and psychological needs of young refugees who arrived in Europe as unaccompanied and separated children, due to their particular vulnerability.
23. Member States should provide young refugees in transition to adulthood with access to education relating to sexual and reproductive health.

Access to information and legal advice

24. Member States should provide young refugees with timely, clear and transparent information about any changes in or consequences for their rights and responsibilities as a result of reaching the age of majority, including all the rights referred to in the present recommendation.
25. Member States should make all such information and advice available in an accessible form that is gender and culture sensitive and provided in a language that is understood by the individuals concerned; support or counselling should be offered, where appropriate.
26. Member States should, when necessary, provide young refugees in transition to adulthood with access to free legal advice on their immigration status and access to rights.

Right to family reunification

27. Member States should safeguard the right to family reunification for young refugees in accordance with their obligations under the European Convention on Human Rights and international law, and strive for efficient administrative procedures to ensure this right.

Employment

28. Member States should, in accordance with their national law, provide access to the labour market for young refugees in transition to adulthood in the same conditions as nationals.
29. Member States should, where appropriate, and in accordance with their national law, provide young refugees in transition to adulthood with

employment information, guidance, opportunities for skills development, including ICT and digital skills, and other support in seeking and securing employment.

Life projects

30. Where young refugees in transition to adulthood have developed a life project before attaining the age of majority, they should as a starting point be able to complete it under the conditions laid out in Recommendation [CM/Rec\(2007\)9](#) on life projects for unaccompanied migrant minors.

III. Recognising and supporting the role of youth work in assisting young refugees in transition to adulthood to access their rights and in furthering their inclusion in society

Recognising and supporting the role of youth work

31. Member States should promote the inclusion and integration of young refugees in transition to adulthood by mobilising the potential of youth work, based on holistic approaches which support their personal and social development and their intercultural competences. Member States and other youth sector stakeholders are encouraged to learn more about and understand better the situation, experiences and aspirations of young refugees in transition to adulthood and how the youth sector can support them.

32. Member States are encouraged to promote and support youth work and non-formal education/learning targeted at young refugees in transition to adulthood that aim to:

- i. provide opportunities for education in democratic citizenship and human rights education in both formal and non-formal education/learning settings;
- ii. develop their skills and competences for intercultural and interreligious dialogue and social inclusion in diverse societies;
- iii. develop digital and information literacy and leadership;
- iv. support the development of language and communication skills;
- v. support their expression in cultural or social projects and initiate self-led projects;
- vi. provide opportunities for mentoring and peer education/learning;
- vii. provide opportunities for sports, culture, art, drama and recreational activities;

- viii. make use of and develop young people's competence in using online learning;
- ix. develop long-term strategies for their inclusion based on equal opportunities;
- x. develop their confidence, resilience and trust in building positive relationships;
- xi. enable access to national and European learning and mobility programmes.

33. Member States should ensure that youth work activities with young refugees in transition to adulthood support their mental well-being, bearing in mind the possible emotional challenges resulting from past experiences, and those involved in integrating into a new society. Where necessary, young refugees in transition to adulthood should be referred to structures which are able to provide such support.

34. Youth workers should, in accordance with national laws and regulations, receive specific training, including in mental health first aid, to enable them to respond to the particular needs of young refugees in transition to adulthood and provide them with appropriate support.

35. Member States are encouraged to support youth organisations and youth work offering non-formal education/learning opportunities for young refugees in transition to adulthood, through the funding of programmes and projects and the creation of specific and relevant training opportunities for youth workers, including peer learning and the exchange of practices.

36. Youth organisations and youth work should be supported and encouraged to deliver appropriate leisure and recreational activities for young refugees in transition to adulthood which support their growth, development, mental well-being and integration into society.

37. Member States are encouraged to promote and facilitate the involvement of young refugees in transition to adulthood, including those held in detention centres, in all youth work and non-formal education/learning activities for young people, without discrimination and irrespective of their legal status, and should ensure that access to such programmes and activities is unhindered.

38. Member States are encouraged to provide spaces to carry out youth work in or near all places where young refugees in transition to adulthood reside, no matter how transitional such arrangements might be; whenever

such facilities are not available, young refugees should benefit from the support of a mobile team of youth workers, if and where appropriate.

39. Member States should promote and make available information about the role of youth work and non-formal education/learning in fostering social inclusion and participation of young refugees in transition to adulthood among the institutions and organisations concerned.

40. Member States are encouraged to provide information on youth work and non-formal education/learning opportunities to young refugees in an accessible form that is gender and culture sensitive and in a language that is understood by the individuals concerned.

41. Member States should make sure that national and European youth programmes are effectively accessible, and also tailored to the needs of young refugees in transition to adulthood where relevant, in order to develop their skills and capabilities and engage them in the wider society. Information about these programmes should be made available to young refugees in transition to adulthood, who should be supported and encouraged to apply.

42. Member States should work together with relevant youth organisations, youth work providers, local authorities and other institutions involved with young people and non-formal education/learning to exchange good practice examples of youth work and non-formal education/learning targeted at young refugees in transition to adulthood.

43. Member States should encourage co-operation between youth work, migration and other sectors, as relevant, in order to deliver appropriate services to young refugees in transition to adulthood.

Participation in society and decision-making processes

44. Member States and other youth work and youth policy stakeholders should help build, according to national legislation and practice, the capacity of young refugees in transition to adulthood by providing spaces where they can organise and express themselves, interact with young people of the hosting country and participate in a meaningful way, including by supporting the establishment of organisations led by them.

45. Specific support should be considered to enable the participation of young refugees in transition to adulthood that may be less active, invisible or subject to harassment or discrimination.

46. Member States and local authorities should aim at developing sustainable short-, mid- and long-term programmes which link young refugees in transition to adulthood with the local population in order to promote their inclusion and participation in the local community.

47. Governmental and non-governmental youth policy stakeholders and other State authorities are encouraged to actively engage with young refugees in transition to adulthood and to support them to become culturally, politically and socially active, including by fostering their participation in various forums and civil society initiatives, particularly on issues that directly concern them.

48. When designing policies and projects affecting, or directed towards, young refugees in transition to adulthood, member States should consult and involve national youth councils and youth organisations, including those representing young refugees themselves.

49. National youth councils and youth organisations should be encouraged to include young refugees in transition to adulthood in their programmes and within their organisations.

Awareness raising

50. Member States are encouraged to undertake and support awareness-raising activities or campaigns to combat misconceptions, stereotypes, prejudice and discrimination against young refugees, and to foster an intercultural and interreligious approach to a deeper understanding of the specific situation of young refugees in transition to adulthood.

Young refugees are among the most vulnerable groups, due to experiences that may have involved violence, exploitation and trauma, as well as the continuing risk of violation of their human rights and fundamental freedoms, in particular those who are not accompanied or have been separated from their families.

On reaching the age of majority, young refugees no longer have access to the same rights and opportunities as they had as children and many of them, as adults, are likely to face an abrupt change in their ability to access services and support across many sectors.

This recommendation aims to safeguard the rights and opportunities of young refugees in transition to adulthood (i.e. young people having reached the age of 18, who arrived in Europe as children and have obtained or qualify for refugee status).

Ensuring their access to education, accommodation, employment and health care serves to facilitate their social inclusion and to reduce their risk of exposure to violence, exploitation and abuse, including gender-based violence and discrimination.

Youth work in all its diversity can also provide a strong foundation for the social inclusion of young refugees, and should be encouraged and supported in its efforts to specifically integrate young refugees in transition to adulthood.

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