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**Regional Conference on “Migration of unaccompanied minors:
acting in the best interests of the child”**

Torremolinos, Malaga - Spain
27-28 October 2005

UNACCOMPANIED MINORS

**Ms Consuelo Rumi
Ministry of Labour and Social Affairs**

Dear friends,

I would first like to bid you a very warm welcome to our country. I trust that, in the course of these two days, as well as accomplishing useful work, you will also be able to get to know the region of Andalusia which, throughout history, has been a land of welcome and of co-existence between different cultures.

On behalf of the Government, I would like to extend sincere thanks to the Council of Europe for its initiative in holding this regional conference on unaccompanied immigrant minors here in Spain. As well as being a true honour, this choice on the part of the Council of Europe – and I would like to stress this to the Council of Europe officials present here – also gives a great boost to those of us, whether in the various Spanish government bodies or in the non-governmental organisations working with minors, who are joining forces and devising strategies to address the phenomenon of trafficking in minors in a country which, as everyone knows, is subject to considerable migratory pressure.

I do not intend to speak at length because I am convinced that the value of the conference will derive principally from the exchange of experience and ideas in which experts from many countries will be engaging over these two days. I will confine myself to outlining the way the Spanish Government views the problem under consideration and the strategies we are devising and putting into practice in such a way as to achieve effectiveness in our actions while at the same time upholding the rights of the child as protected by the International Convention of 1989 and the European Charter of 1997, as well as by a range of Spanish legislative instruments.

I would therefore like to begin by acknowledging the seriousness of the problem with which we are faced. Over the last few years, in parallel with the growth in migratory pressure towards Spain, there has been a marked increase in the number of unaccompanied immigrant minors, the majority of whom are undoubtedly brought in through illegal people trafficking networks.

The phenomenon is increasing as Spain reinforces its systems for detecting and intercepting, for example, boats heading for its Mediterranean or Atlantic coasts, and at a time when effective co-operation has been established between Spain and Morocco in combating illegal immigration. In other words, when the possibilities for adults are reduced and the outlook is virtually immediate repatriation, the traffickers have recourse to minors to continue reaping profits from the organisation of illegal entries.

Against this background, I would like to put this first thought to you: the illegal immigration of minors is not a problem that can be solved by adopting maximalist positions, in other words by having recourse to expulsions of doubtful legality or by consolidating this mode of migration as a sure path to legality in the destination country. Accepting either of the two options which I have presented in simplified terms here would quite simply mean losing the battle against a phenomenon which, in a nutshell, is a head-on violation of the rights of the child and a matter of serious, and timely, concern to the countries of origin and the destination countries.

It is therefore necessary to devise and implement a wide-ranging and complex strategy. May I digress for a moment to say that my Government's plan is based on a comprehensive approach to immigration policy since it has become clear that its various aspects are closely interlinked. Hence, in our experience, it is impossible for the active fight against illegal immigration to achieve any significant success if, at the same time, we are incapable of managing legal entries both intelligently and effectively: these must be matched to each country's demand for labour and they ultimately provide valuable evidence of the fact that illegality is a risky and unnecessary venture and that alternatives do exist.

Where immigration by unaccompanied minors is concerned, it is too late to rely on unilateral solutions and I believe a comprehensive approach must be adopted, comprising early prevention, safeguards as to the protection of minors and, lastly, their assisted return where possible. You know very well that there are no simple recipes and I am convinced that if we are capable of striking an ever difficult balance between the three principles which I have just mentioned, then we shall be advancing in the search for realistic solutions to this problem.

I am laying particular emphasis on the prevention aspect as it is the most powerful instrument we have at our disposal for combating organised trafficking in minors and it must include effective co-operation between the countries of origin and the destination countries in such areas as support for social and economic development in the children's regions of origin and steps to make children, families and society at large aware of the risks of emigration in general.

Repatriation should be a prime objective because the minor's return to his or her family represents an imperative goal for public policy, to which all the legal instruments available to us must be harnessed. Of course, as I have already mentioned, this must be done with strict regard to the child's best interests, which is the supreme criterion.

However, particular importance must be attached to the assistance aspect to ensure the success of the return process. We might therefore say that, contrary to what is usually assumed, the repatriation process has hardly begun at the time when the minor is returned to his or her environment, but continues until fully satisfactory integration has been achieved. This requires care and support, and a key role in this falls to the non-governmental organisations, which possess a fund of knowledge and skills which must not be wasted.

In my opinion, this is the only possible ground on which we can and must operate to address one of the most serious major problems accompanying the upsurge in migratory flows, which have intensified in the age of globalisation. I suggest that we should avoid undue alarmism and adopt a positive outlook based on the need for co-operation between the countries affected to ensure the success of our strategies, which – and I would like to lay particular emphasis on this – must never lose sight of the fact that repatriation must be the preferred outcome for these children, whose loneliness is the most obvious reflection of a collective failure.

In this connection, I should like to talk to you briefly about the experience of co-operation between the Governments of Spain and Morocco, who have identified the problems and are making what I would venture to describe as highly satisfactory progress in establishing effective solutions. For months we have been working together in an ad hoc committee. I am in a position to announce that, barely a week ago, this committee reached some very important agreements regarding the new legal instruments which we shall have at our disposal – with a bilateral agreement replacing the memorandum in force hitherto – and the implementation of solutions in terms of the provision of more centres and assistance in the area of training.

However, without underestimating the importance of the agreements reached, what seems more crucial to me is the fact that both governments see eye to eye on the diagnosis of the situation and the comprehensive strategy, to which I have already referred, for jointly tackling this undesirable phenomenon. This is a vitally important step forward which proves that the experience of the last few years and the thinking to which it has inevitably given rise have led us to draw very similar conclusions which, I feel, are inevitably going to become increasingly difficult to ignore in all fields.

I am coming to my conclusion. Immigration, and I am sure you all share this view with me, represents a wealth of opportunities which, nevertheless, entails risks which it is impossible to overlook and which confront public policies with inescapable challenges. Properly channelling the flows which give rise to migratory pressure is the primary task of a responsible policy which we must pursue with all due determination.

The sudden emergence of the problem of unaccompanied immigrant minors is a reality on which we cannot turn our backs and which we cannot try to resolve in ways that violate the principle of legality. Making sure that minors do not leave the country is the first and most valuable contribution towards reducing its scale. Framing a comprehensive policy that is based on early prevention and also includes assisted return along with full guarantees is the essential pre-condition for following that path successfully.

In any event, the issue of unaccompanied immigrant minors is no longer just a secondary issue and has become a priority in terms of the institutional attention focused on it. To be precise, it has become a high-profile issue in our societies and therefore needs to be placed higher on the national and international political agenda. So that is a serious and very firm commitment on the part of my government.

I wish you every success in your work over the coming two days. Be assured that we shall be looking carefully at your conclusions.

Thank you very much.