

## Vulnerability in the legal context

There is **no current legal definition of vulnerability and this concept has no legal basis in international law**. However, **Human Rights Courts, such as the European Court of Human Rights, do recognise the vulnerability of migrant children** in their case-law.

The European Court of Human Rights takes into account the wider context of migration and the multiple risks to which children are particularly exposed to. It also acknowledges that the principle of best interest of the child play an important role in everything that relates to the protection of these migrant children's rights (see key decisions summaries).

### Composite vulnerability

**A composite form of vulnerability can be identified: migrant children are in a vulnerable situation not only because they are children, but also because they are aliens, sometimes in an irregular situation in a foreign country, sometimes not even accompanied by an adult. Unaccompanied or separated girls may be also exposed to a greater risk of sexual violence while migrating and when placed in detention camps. Disabled migrant children are also more frequently exposed to different forms of abuses.**

That's why **their rights must be protected adequately and their composite form of vulnerability should be analysed in light of their specific situation**. Identifying their vulnerability can lead to a more tailored approach to protection and care. **It should not lead to stigmatisation of vulnerable groups. On the contrary, it should be a useful tool to recognise specific needs and to address their particular situation.**

### More information

Ana Beduschi, "Reassessing the Concept of Vulnerability in the European Court of Human Rights' Jurisprudence: Implications for the Protection of Migrant Children's Rights" (2017, forthcoming – [more information here](#))