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Stop violence against, and exploitation of, migrant children

Committee Opinion[1]
Committee on Social Affairs, Health and Sustainable Development
Rapporteur: Ms Sevinj FATALIYEVA, Azerbaijan, European Conservatives Group

A. Conclusions of the committee

1. The Committee on Social Affairs, Health and Sustainable Development welcomes the excellent and timely report prepared by Ms Rósa Björk Brynjólfsdóttir (Iceland, UEL) for the Committee on Migration, Refugees and Displaced Persons. It fully supports the report's recommendation that the Council of Europe member States need a common strategy on how to combat violence against migrant children in all its forms and to ensure the broad and comprehensive protection of their rights.

2. As pointed out in the report, migrant children are among the most vulnerable groups in our societies. We must not accept as inevitable the violence and exploitation that many of them endure. All Council of Europe member States made a commitment to protect children's rights under the United Nations Convention on the Rights of the Child (CRC) and they must honour their obligations. The 30th Anniversary of the CRC in 2019 provides a good opportunity to draw attention to the situation of migrant children and to promote stronger action, thus contributing to the Target 16.2 of the Sustainable Development Goals (SDGs), to end abuse, exploitation, trafficking and all forms of violence and torture against children.

3. The Social Affairs Committee wishes to propose a few specific amendments to reinforce the text.

B. Proposed amendments

Amendment A (to the draft resolution)

In paragraph 8.1.1, after "safe, legal and regular migration," add:

> *"such as flexible, prompt and effective family reunification procedures, increasing the quota for migrants' resettlement and the granting of humanitarian visas,"*

Amendment B (to the draft resolution)

After paragraph 8.1.2, insert the following paragraph:

> *"supporting the development of alternatives to detention of migrant children – such as foster care and supervised independent living with reporting obligations – and the setting out of a clear roadmap to end the practice of detention of children in a migration context";*

1. Reference to committee: Doc. 14363, Reference 4323 of 13 October 2017. Reporting committee: Committee on Migration, Refugees and Displaced Persons. See Doc. 14905. Opinion approved by the committee on 24 June 2019.

Amendment C (to the draft resolution)

In paragraph 8.1.3., after "asylum procedures", add:

> *"and guarantees that children are provided with child-friendly and age-appropriate information about asylum possibilities and other rights."*

Amendment D (to the draft resolution)

After paragraph 8.2, add the following paragraph:

> *"As regards public opinion, strengthening support for better protection of migrant children against violence through public debate, awareness-raising campaigns and education on human rights-based perspectives on migration."*

Amendment E (to the draft resolution)

After paragraph 9, add the following paragraph:

> *"The Assembly urges the European Parliament to review the European Union's targeted support and outsourcing of migration management to third countries, from the perspective of the CRC, with a view to protecting migrant children from inhuman and degrading treatment, violence and exploitation."*

Amendment F (to the draft recommendation)

In paragraph 6.2, after the words "European standards for", add the word "non-custodial".

C. Explanatory memorandum by Ms Sevinj Fataliyeva, rapporteur for opinion

1. First of all, allow me to congratulate Ms Rósa Björk Brynjólfsdóttir (Iceland, UEL) on the excellent and timely report she has prepared for the Committee on Migrants, Refugees and Displaced Persons.

2. As the Assembly's rapporteur on "Ending child poverty in Europe",[2] "Protecting children affected by armed conflicts"[3] and "Preventing the radicalisation of children by fighting the root causes",[4] I attach utmost importance to the protection of children's rights, and I feel honoured to contribute to this important text. In all these reports, I gave special attention to the root causes of situations where children's rights were not respected. I therefore appreciate that this was also the starting point of Ms Brynjólfsdóttir's report.

3. Indeed, the numbers of unaccompanied minors among the migration population are growing at an alarming speed. The percentage of 96% of migrant children arriving unaccompanied in Italy in the first half of 2017 is shocking. The extremely difficult conditions for migration of families, on one hand, and either perceived or real advantage for migrant children, on the other hand, create the context for this disturbing phenomenon. Some countries are reluctant to improve the situation of migrant children because of fear of this becoming a pull-factor. But is it an acceptable solution to this problem? While it might seem to be an effective deterrent, it has not prevented thousands of children from ending up in prison-like conditions on European soil. Leaving aside the human cost of this approach, it is also likely to fuel violence and conflict within our societies and growing resentment towards "Fortress Europe" in many parts of the world.

4. The proposed long-term European Union budget for migration is €1 135 billion over the period from 2021 to 2027. Substantial funds are also devoted by individual member States to developing their responses to migration. Europe has enough resources to ensure the minimum level of protection to every child. What is needed is stronger political commitment and priority to children's well-being. Ensuring protection of children's rights, with special attention to the most vulnerable, allows us to build a "Europe with a human face" and a safer world.

5. I welcome the rapporteur's emphasis on creating channels for safe, legal and regular migration, thereby strengthening safeguards for children and their family members (paragraph 8.1.1 of the draft resolution). Indeed, there are no better protection measures than creating such channels, and family reunification is an essential part of this process. Mr Nils Muižnieks, former Council of Europe Commissioner for Human Rights,

2. Doc. 13458, Ending child poverty in Europe.
3. Doc. 14461, Protecting children affected by armed conflicts.
4. Doc. 14010, Preventing the radicalisation of children by fighting the root causes.

pointed out that the European Union Family Reunification Directive's application is often contested and that the Dublin Regulation is not effective in guaranteeing family unity. He cited many barriers, including waiting times, short deadlines, strict evidential requirements, financial cost barriers and barriers in the region of origin. Mr Muižnieks made 36 recommendations on reviewing relevant laws, policies and practices, and highlighted the importance of abolishing the restrictions in this area.[5] I would like to encourage all of us to make full use of these recommendations when reviewing relevant legislation in our countries. Furthermore, increasing the quota for migrants' resettlement or the granting of humanitarian visas are other examples of how safe migration could be supported (**Amendment A**).

6. As mentioned by the rapporteur, in the context of migration many alternative measures are being introduced by different countries and are showing positive results. This includes foster care, supervised independent living and reporting obligations. While these measures remain marginal compared to the mainstream policies, they have enormous potential for improving the well-being of the children concerned, as well as of our societies. In Italy, by May 2018, there were 4 110 applications from citizens offering to be voluntary guardians for unaccompanied children.[6] Both political commitment and resources should be geared towards developing such measures, and relevant policies need to be implemented, as a matter of priority (**Amendment B**).

7. When providing legal safeguards for migrant children regarding their access to asylum procedures, such safeguards need to be supported by ensuring that children are provided with child-friendly and age-appropriate information about asylum possibilities and other rights. Too often, such information is not easily accessible, and children do not know about the existing possibilities and cannot use them (**Amendment C**).

8. I believe that violence against, and exploitation of, migrant children cannot be effectively addressed in this context without raising awareness among the public about migration in general and about the situation of children. Regretfully, too many politicians are turning towards populist discourse. Statistics are often manipulated, and the public is misled. At the same time, research shows that many people are not comfortable with either "open borders" or "closed borders" concept. What they demand is the government's ability to manage migration effectively.[7] Providing reliable facts and figures, discussing the real "costs" and "benefits" of migration, as well as the role of Europe in the world are essential. It is important to show the human tragedy behind migration and to share practical and cost-effective solutions. This should not take the form of well-intended "propaganda" but must be part of an open and respectful public debate (**Amendment D**).

9. Furthermore, I would also suggest that the Assembly should call on the European Parliament to review the European Union's targeted support and outsourcing of migration management to third countries, which has led to inhuman and degrading treatment of migrants in such countries, with their most basic needs not being met, and with children being exposed to extreme levels of violence and deprivation. A recent legal submission to the International Criminal Court (ICC), which includes an allegation of "crimes against humanity", is one of the latest initiatives to draw attention to the horrific situation of migrants in such countries. The submission targets the European Union and the member States that played a prominent role in the refugee crisis: Italy, Germany and France. It states that: "In order to stem migration flows from Libya at all costs (…) and in lieu of operating safe rescue and disembarkation as the law commands, the European Union is orchestrating a policy of forced transfer to concentration camp-like detention facilities [in Libya] where atrocious crimes are committed"[8]. Reportedly, children are held with adults in the same squalid conditions in such facilities.[9] While these children are not located in Europe, their situation is a consequence of EU policies and it is a responsibility of EU member States to take necessary action (hence the proposed **Amendment E**).

10. I fully welcome the call on the Council of Europe member States to ensure "the compliance of national legislation with international standards for the protection of migrant children, in particular prohibiting their detention" (draft resolution, paragraph 8.1.2). However, I am concerned that the call on the Committee of Ministers to "ask the Steering Committee for Human Rights (CDDH) to consider the possibility of developing standards for reception centres for migrant children" (draft recommendation, paragraph 6.2) might be misunderstood as justifying detention in some form. The Assembly has long been campaigning against

5. Council of Europe (2017), Realising the right to family reunification of refugees in Europe, www.coe.int/en/web/commissioner/family-reunification.
6. Save the Children Italia, Atlas on unaccompanied migrant and refugee children in Italy.
7. More in Common (2018), Attitudes towards national identity, immigration and refugees in Italy, www.thesocialchangeinitiative.org/wp-content/uploads/2018/07/Italy-EN-Final_Digital.compressed.pdf.
8. www.theguardian.com/law/2019/jun/03/icc-submission-calls-for-prosecution-of-eu-over-migrant-deaths.
9. www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24037&LangID=E.

detention of children in the context of migration. This is also the approach of the United Nations High Commissioner for Refugees and the United Nations Committee on the Rights of the Child. In my view, it is important to specify that such reception centres should be non-custodial, open structures (**Amendment F**).