

Resolution 2295 (2019)¹

Stop violence against, and exploitation of, migrant children

Parliamentary Assembly

1. Amongst the migrants arriving in Europe since 2015, many are children, and many of them are unaccompanied. Children migrate to escape violence, armed conflict, persecution, the ravages of climate change and natural disasters, and poverty. Many young migrants set out to find opportunities for work or education. In other cases, children leave home to avoid the threats of forced marriage, female genital mutilation or gender-based violence (in the case of girls) or forced military conscription (in the case of boys).
2. The Parliamentary Assembly is very concerned about the serious threats that migrant children face on their way to Europe, and important gaps in policies and procedures, which limit the legal opportunities for migration in Europe and put these children at risk of falling into the hands of smugglers and traffickers. After arriving in Europe, migrant children can also be subject to abuse in detention centres or transit zones, sexual assault and violence, or be forced to live on the streets in order to avoid deportation, especially if they entered a European country illegally. They are also at risk of being sexually exploited by criminal gangs engaging in human trafficking, or of being exploited as undocumented workers. They also often face discrimination and xenophobia in host countries.
3. The Assembly recalls its [Recommendation 2117 \(2017\)](#) and [Resolution 2195 \(2017\)](#) on child-friendly age assessment for unaccompanied migrant children, [Resolution 2136 \(2016\)](#) on harmonising the protection of unaccompanied minors in Europe, [Resolution 2128 \(2016\)](#) on violence against migrants and [Resolution 2174 \(2017\)](#) on the human rights implications of the European response to transit migration across the Mediterranean, which raised specific issues related to the violation of the rights of migrant children. It regrets that a number of European signatories to the United Nations Convention on the Rights of the Child continue to violate their obligations by not providing adequate protection to migrant children and not safeguarding their rights.
4. The member States of the Council of Europe must abide by the principles of the Convention on the Rights of the Child, which includes prioritising the child's best interests and ensuring that a best interests determination procedure is legislated and implemented for each migrant child.
5. The Assembly underlines that local and regional authorities bear a major responsibility in providing necessary protection to migrant children at places of arrival and ensuring access to their rights and child-friendly procedures, as highlighted in [Resolution 428 \(2018\)](#) "Unaccompanied refugee children: the role and responsibilities of local and regional authorities" of the Congress of Local and Regional Authorities of the Council of Europe.
6. The Assembly reiterates its position condemning violent practices such as detaining migrant children and using invasive methods in age-assessment procedures, which may have devastating effects on the child's physical, emotional and psychological development. It welcomes the activities of the Parliamentary Campaign to End Immigration Detention of Children in promoting alternatives to immigration detention and encouraging a holistic approach to age assessment.

1. *Assembly debate* on 27 June 2019 (25th and 26th Sittings) (see [Doc. 14905](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Rósa Björk Brynjólfssdóttir; and [Doc. 14919](#), opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Sevinj Fataliyeva). *Text adopted by the Assembly* on 27 June 2019 (26th Sitting).

See also [Recommendation 2160 \(2019\)](#).



7. The Assembly is convinced that there is a need for a common strategy to be adopted by the governments of the member States of the Council of Europe on how to combat violence against migrant children in all its forms and to ensure the broad and comprehensive protection of their human rights. Such a strategy should include proposals on how to ensure safe and legal entry for migrant children from other States to limit the risk of trafficking and abuse.

8. The Assembly urges the Council of Europe member States to prevent all cases of violence against migrant children by:

8.1. as regards legislative measures:

8.1.1. creating channels for safe, legal and regular migration, such as flexible, prompt and effective family reunification procedures, increasing the quota for migrants' resettlement and the granting of humanitarian visas, thereby strengthening safeguards for children and their family members;

8.1.2. ensuring the compliance of national legislation with international standards for the protection of migrant children, in particular prohibiting their detention and ensuring the best interests of children and their right to participate in decisions affecting them;

8.1.3. supporting the development of alternatives to the detention of migrant children – such as foster care and supervised independent living with reporting obligations – and the setting out of a clear road map to end the practice of detention of children in a migration context;

8.1.4. providing legal safeguards for migrant children regarding their access to asylum procedures and guarantees that children are provided with child-friendly and age-appropriate information about asylum possibilities and other rights;

8.1.5. ensuring that national legislation provides protection for migrant children from all forms of exploitation and provides child victims of exploitation or violence with the status of victims of crime;

8.1.6. ensuring that national legislation prohibits invasive age-assessment practices;

8.1.7. ensuring that mechanisms are introduced allowing migrant children to denounce violence committed against them;

8.1.8. ensuring that national legislation incorporates the principle of the child's best interests and that a best interests determination procedure is legislated and implemented for each migrant child;

8.1.9. for parliaments of member States which have not yet done so, signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention");

8.2. as regards policy implementation:

8.2.1. refraining from pushback practices in particular in relation to migrant children;

8.2.2. allocating necessary resources in the national budgets to the protection of migrant children and the provision of child-friendly services, including the training, education and capacity building of child-protection professionals;

8.2.3. incorporating gender awareness in national responses to asylum-seeking children;

8.2.4. providing special training for law-enforcement and immigration officers, and border guards on international humanitarian law and the main international standards on the treatment of migrant children;

8.2.5. involving non-governmental organisations working with migrant children in governmental programmes aimed at the prevention of violence against them;

8.2.6. putting in place specific policies to achieve full inclusion of migrant children in the host country's society, and to prevent any form of discrimination or marginalisation that could result in violence and abuse;

8.2.7. promoting joint projects between national law-enforcement authorities, Interpol and Europol on the identification of organised crime and human trafficking networks involved in the exploitation and abuse of migrant children;

8.2.8. adopting proactive and inclusive strategies towards migrant children who have been victims of violence and abuse, addressing their mental and physical health issues;

8.2.9. creating asylum units specialised in assisting migrant children and providing child-friendly information in the child's native language;

8.2.10. training local child-protection networks in identifying and following migrant children at risk of being exposed to violence and exploitation;

8.3. 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.

9. The Assembly invites the Council of Europe, in co-operation with the European Union and Europol, to develop a unified registration system of unaccompanied migrant children entering Europe, with the aim of safeguarding their rights and duties.

10. 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 United Nations Convention on the Rights of the Child, with a view to protecting migrant children from inhuman and degrading treatment, violence and exploitation.