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Impact of labour migration on left-behind children

Reply to Recommendation¹: Recommendation 2196 (2021)

Committee of Ministers

1. The Committee of Ministers has carefully considered Parliamentary Assembly [Recommendation 2196 \(2021\)](#) concerning the “Impact of labour migration on left-behind children”. It has forwarded the text to the European Committee of Social Rights (ECSR), to the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), to the Group of Experts on Action against Trafficking in Human Beings (GRETA) and to the Steering Committee for the Rights of the Child (CDENF), for information and possible comments, as well as to the Commissioner for Human Rights, for information.

2. The Committee of Ministers acknowledges the importance of the impact of poverty-driven labour migration on children left behind. It shares the Assembly’s view regarding the need to ensure that these children and their rights are fully protected, as set out in the United Nations Convention on the Rights of the Child, but also in Council of Europe instruments, such as the European Convention on Human Rights, the European Social Charter, the Convention on Preventing and Combating Violence against Women and Domestic Violence, and the Convention against Trafficking in Human Beings.

3. In line with paragraph 2 of the Assembly’s recommendation, the Committee of Ministers encourages the relevant bodies of the Council of Europe, as listed in paragraph 1 above, to systematically bear in mind the issue of left-behind children in their work and to take it into account when appropriate. In this respect, it recalls that, under its terms of reference, the CDENF is already committed to consider situations of vulnerability for children across all priority areas of the Strategy for the Rights of the Child.

4. With regard to the European Social Charter, the Committee of Ministers recalls that the Charter contains a wide range of rights protecting children, in particular Article 17 (the right of children and young persons to social, legal and economic protection) and Article 7 (the right of children and young persons to protection – special protection against the physical and moral hazards to which they are exposed). The Committee of Ministers notes that, in accordance with the appendix to the Charter, persons covered by these Articles include foreigners only insofar as they are nationals of other Contracting Parties lawfully resident or working regularly within the territory of the Contracting Party concerned. When monitoring the implementation of Articles 7 and 17, the ECSR pays particular attention to the situation of vulnerable children, such as children whose families are unable to care for them and unaccompanied or separated migrant children. States Parties must in particular provide appropriate care services in family-based and community-based family-type settings and take all necessary measures to protect such children from neglect, violence, exploitation or child labour, as well as from being revictimised. The specific situation of “left-behind” girls must be taken into consideration. Special attention should be drawn to their protection from violence, their access to education and regarding their share of unpaid care and household work at their homes. The ECSR also recalls that, in many cases, family reunification may, in some circumstances, be in the best interest of children left behind.

5. With respect to the Assembly’s reiterated call (paragraph 3 of the recommendation) for the “possible creation of bodies or committees to support co-operation among the member States in the area of migration”, the Committee of Ministers will continue to bear the Assembly’s recommendation in mind.

1. Adopted at the 1417th meeting of the Ministers’ Deputies (10 November 2021).



6. In response to paragraph 4 of the recommendation, the Committee of Ministers takes note of the Assembly's suggestion regarding the European Convention on the Legal Status of Migrant Workers (ETS No. 93) for possible future consideration.

7. Finally, and taking into account the considerations outlined in paragraph 5 above, the Committee of Ministers would recall that, on 5 May 2021, it adopted a new Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025). The action plan provides a means to: (i) assist in building stronger asylum and migration systems based on human rights instruments in the area (such as relevant Council of Europe conventions and Committee of Ministers' recommendations), while bearing in mind recommendations of monitoring bodies as well as recommendations and resolutions of the Council of Europe Parliamentary Assembly and Congress of Local and Regional Authorities; (ii) place migration in transversal action within the Council of Europe and with partners; (iii) take new action together with member States in priority areas; and (iv) develop further synergies with key international partners, when appropriate. The co-ordination of the effective implementation of the Action Plan, which includes the Organisation's priority actions in the field, currently falls within the remit of the Special Representative of the Secretary General on Migration and Refugees. In addition, the Committee of Ministers recalls that a Network of Focal Points on Migration was set up in 2019, which currently includes members appointed by 43 member States. The objectives of the Network are to facilitate the sharing of information and good practices addressing human rights challenges in the field of migration, as well as to enhance co-ordination on migration issues within member States, and to liaise with other Council of Europe intergovernmental and expert bodies.