Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15730
21 March 2023

Assistance in exchanging data on unaccompanied and separated Ukrainian children

Reply to Written question[1]: Written question No. 778 (Doc. 15666)
Committee of Ministers

1. The Committee of Ministers is acutely aware of the terrible human consequences of the Russian aggression against Ukraine and deplores the fact that so many children and families have undergone and continue to endure such suffering.

2. The Committee of Ministers recalls the importance that has long been given in the Organisation to protecting refugee and migrant children, including unaccompanied and separated children. This has been done notably through the implementation of the Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019). It would also underline the relevance and importance of the Committee of Ministers' Recommendation CM/Rec(2019)11 to member States on effective guardianship for unaccompanied and separated children in the context of migration, together with its Explanatory Memorandum.

3. The text of the recommendation outlines the key principles, with guidelines to translate general provisions into practical legal, policy, institutional and resources arrangements able to secure effective protection for children through guardianship. These concern the appointment of guardians, their role, responsibilities and tasks, access to information and child-friendly complaints mechanisms, institutional measures and co-ordination at national level as well as international co-operation. The recommendation was the first soft law instrument setting out clear standards for effective guardianship. It continues to guide and support Council of Europe member States in their processes aimed at reinforcing the protection of refugee and migrant children, while taking into consideration the diversity of guardianship models in member States.

4. Its continued implementation is supported by the Council of Europe's Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) and the Council of Europe's Strategy for the Rights of the Child (2022-2027). It should be noted that the Explanatory Memorandum of the Recommendation on guardianship, prepared by the Council of Europe's Steering Committee for the Rights of the Child in 2022, illustrates different ways of organising guardianship in our member States, so that the specific needs of children in migration are catered for at every level.

5. The Committee of Ministers would also draw attention to the work of the Special Representative of the Secretary General (SRSG) on Migration and Refugees, and in particular her fact-finding missions and subsequent reports and recommendations in the context of the Russian aggression against Ukraine. In this respect, the situation of children, unaccompanied and separated children was addressed during all five missions of the present SRSG to date – to the Czech Republic, the Slovak Republic, Poland, the Republic of Moldova and, most recently, to Romania. The report of the latter visit will be examined by the Committee of Ministers in the coming weeks.

1. Adopted at the 1460th meeting of the Ministers' Deputies (15 March 2023).

6. Finally, it should be noted that since the aggression of the Russian Federation against Ukraine on 24 February 2022, the situation of people fleeing Ukraine, due to the war of aggression, is regularly addressed in the Network of Focal Points on Migration, chaired by the SRSG on Migration and Refugees, with representatives of all 46 member States of the Council of Europe, including Ukraine.

7. The Committee of Ministers will continue to follow this issue, notably in the context of its exchanges of views with the SRSG.