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## **Stop violence against, and exploitation of, migrant children**

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## A. Draft Resolution

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, ravages of climate change and natural disasters, as well as 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 (regarding 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 the 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 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) 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.

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 third States to limit the risk of trafficking and abuse.
8. The Assembly urges the Council of Europe member States in order 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, 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 the child and their right to participate in decisions affecting them;
    - 8.1.3. providing legal safeguards for migrant children regarding their access to asylum procedures;
    - 8.1.4. ensuring that national legislation provides protection for migrant children from all forms of exploitation and

**Amendment 1****Tabled by the Committee on Social Affairs, Health and Sustainable Development**

*In paragraph 8.1.1., after the words "safe, legal and regular migration," insert the following words:*

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

**Amendment 2****Tabled by the Committee on Social Affairs, Health and Sustainable Development**

*In 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;"*

**Amendment 3****Tabled by the Committee on Social Affairs, Health and Sustainable Development**

*In the draft resolution, paragraph 8.1.3, after the words "asylum procedures", insert the following words:*

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

- provides child victims of exploitation and violence with the status of victims of crime;
- 8.1.5. ensuring that national legislation prohibits invasive age-assessment practices;
  - 8.1.6. ensuring that mechanisms allowing migrant children to denounce violence committed against them are introduced;
  - 8.1.7. 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;
  - 8.1.8. for those parliaments of the 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 Conventions on Action against Trafficking in Human Beings (CETS No. 196) and on the Protection of Children against Sexual Exploitation and Sexual Abuse (ETS No. 201, "Lanzarote Convention");
  - 8.2. as regards policy implementation:
    - 8.2.1. refraining from push-back 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 these children;
    - 8.2.6. putting in place specific policies in order 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

#### **Amendment 4**

#### **Tabled by the Committee on Social Affairs, Health and Sustainable Development**

*In the draft resolution, after paragraph 8.2, insert 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"*

networks involved in the exploitation and abuse of migrant children;

- 8.2.8. adopting proactive and inclusive strategies towards migrant children who were 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.
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.

**Amendment 5**

**Tabled by the Committee on Social Affairs,  
Health and Sustainable Development**

*In the draft resolution, after paragraph 9, insert 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."*

## B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution ... (2019) "Stop violence against, and exploitation of, migrant children".
2. It welcomes the work done by the Council of Europe in the framework of its Action Plan on Protecting Refugee and Migrant Children in Europe as a follow-up to the Special Representative of the Secretary General on Migration and Refugees' Thematic Report on migrant and refugee children, and in particular the chapter on preventing and responding to violence, trafficking and exploitation.
3. The Assembly acknowledges the work done by the Lanzarote Committee in monitoring the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention") and in supporting the European States to adopt specific legislation and take measures to prevent sexual violence against children, to protect the victims, including migrant children, and to prosecute the perpetrators. In particular, it welcomes the Lanzarote Committee's special report on "Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse".
4. It also welcomes the work of the monitoring mechanism of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), the Group of Experts on Action against Trafficking in Human Beings (GRETA), aimed at the implementation by the member States of the obligations to provide rights for victims of trafficking, including migrant children, for example the right to be identified as a victim, to be protected and to be assisted.
5. The Assembly also supports the work of the Ad hoc Committee for the Rights of the Child (CAHENF), in particular through its Parliamentary Campaign to End Immigration Detention of Children, and welcomes its current work to develop guidelines on children's rights and safeguards in the context of migration, notably on guardianship and age assessment.
6. The Assembly therefore calls on the Committee of Ministers to:
  - 6.1. adopt as soon as possible the guidelines on guardianship and age assessment in order to provide appropriate safeguards for children in the context of migration, and invite the CAHENF and other relevant Council of Europe bodies to promote them among the member States;
  - 6.2. ask the Steering Committee for Human Rights (CDDH) to consider the possibility of developing European standards for reception centres for migrant children;

**Amendment 6**  
**Tabled by the Committee on Social Affairs,**  
**Health and Sustainable Development**

*In the draft recommendation, paragraph 6.2, after the words "European standards for", insert the following word:*

*"non-custodial"*

- 6.3. call on the member States that are Parties to the Lanzarote Convention and have not yet done so, to take action to comply with the recommendations of the Lanzarote Committee's special report on "Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse".