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## **“Missing refugee and migrant children in Europe” Parliamentary Assembly Recommendation 2172 (2020)**

(Reply adopted by the Committee of Ministers on 8 December 2020  
at the 1391<sup>st</sup> meeting of the Ministers' Deputies)

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1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2172 (2020) on “Missing refugee and migrant children in Europe”. It has forwarded it to the Steering Committee for the Rights of the Child (CDENF), to the European Committee on Crime Problems (CDPC) and to the Group of Experts on Action against Trafficking in Human Beings (GRETA), and communicated it to the Special Representative of the Secretary General on Migration and Refugees for information.
2. The Committee of Ministers welcomes the continued attention given by the Assembly to the protection of refugee and migrant children in Europe, which remains a priority for the Organisation. It underlines the necessity to provide special protection to these children in view of their vulnerable situation stemming from multiple grounds, as children, as people fleeing war or violence, and in view of the fact that, often, they are unaccompanied or separated from their families. The special protection to be provided to children is widely recognised in the case law of the European Court of Human Rights and includes, among many others, specific safeguards in respect of reception conditions, alternatives to immigration detention, respect for family life, as well as border and return procedures with primary consideration of the best interests of the child. There is also a wealth of case law about member States' positive obligations to prevent harm to children more generally, and possibly also to prevent harm which could result from children disappearing from specialised care facilities or reception centres.
3. With regard to paragraph 3 of the Assembly's recommendation, the Committee of Ministers recalls that the completion of the implementation of the Action Plan on Protecting Refugee and Migrant Children (2017-2019) resulted in concrete protection measures aiming to prevent children from going missing. These include practical tools to promote child-friendly approaches in communicating with children and in interacting with them throughout migration and asylum-related procedures.
4. Other relevant work was also carried out under the Action Plan, such as that of the Steering Committee for Human Rights (CDDH) in view of promoting alternatives to immigration detention, as well as its ongoing work on family-based care arrangements for refugee and migrant children.
5. Furthermore, based on information provided by State Parties to the Lanzarote Convention, the Lanzarote Committee adopted on 6 June 2019 an evaluation report of the measures taken following the five “urge” recommendations of its Special Report on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse” from 3 March 2017. The report concluded that 33 European States have complied with all five “urge” recommendations, yielding a selection of good practices, which can further inform exchanges of information and experiences. The Secretariat of the Lanzarote Committee is currently preparing a “checklist” to help practitioners dealing with children on the move in reception, transit and destination countries to know what the Lanzarote Convention requires States to do and/or to have in place to prevent sexual violence against children on the move; to identify and provide support to any alleged victim of such violence; and to report the suspicion of sexual violence against children on the move and prosecute the alleged offenders.

6. Another pertinent contribution to preventing refugee and migrant children from going missing are the support measures described in the Committee of Ministers' Recommendations CM/Rec(2019)11 on effective guardianship for unaccompanied children in the context of migration and CM/Rec(2019)4 on supporting young refugees in transition to adulthood. The effective national implementation of these recommendations is instrumental in tackling protection gaps which result in migrant and refugee children disappearances in Europe. In this respect, the Committee of Ministers encourages the CDENF to bear in mind the recommendation of the Assembly set out in paragraph 2.4.

7. On 2 July 2020, the Special Representative on Migration and Refugees launched a handbook "Family reunification for refugee and migrant children – Standards and promising practices". Promoting family reunification is vital to ensure respect for children's rights and their best interests. Furthermore, providing child-friendly information in the context of a relationship of trust will reduce the risks of a child running away, disappearing, going missing or becoming victim of criminal networks. The Handbook for professionals on how to convey child-friendly information to children in migration, prepared in the context of the Council of Europe's Strategy for the Rights of the Child (2016-2021) and the Council of Europe Action Plan on Protecting Refugee and Migrant Children (2017-2019), is a further practical tool aimed at supporting professionals in member States on how to accompany a child at each stage of his or her journey.

8. The Committee of Ministers was pleased to take stock of these and other achievements of the Action Plan with the presentation of the final report on 26 February 2020. Following this, the Committee and the Secretary General agreed to mandate the Special Representative on Migration and Refugees to draft a new action plan to reflect developments and lessons learned so far in the field of migration. A possible dimension of this new Action Plan could address the vulnerabilities of refugees and migrants, including missing refugee and migrant children, building on the achievements of the Action Plan on Protecting Refugee and Migrant Children (2017-2019).

9. On 19 June 2020, GRETA issued a Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection, which also addresses access to asylum and more generally to protection for child victims of trafficking, in order to break the links with traffickers and minimise the risk of children going missing.

10. In addition, the Gender Equality Strategy (2018-2023) addresses the particularly vulnerable situation of refugee, migrant and asylum-seeking girls, among which is the risk to disappear in trafficking for various purposes. The Gender Equality Commission is to start in autumn 2020 the drafting of a new recommendation on refugee and migrant women, which may address the existing protection gaps for refugee, migrant and asylum-seeking women and girls.

11. The Committee of Ministers also refers to its reply to Recommendation 2141 (2018) of the Parliamentary Assembly on "Family reunification of refugees and migrants in the Council of Europe member States" which addresses elements of protection from trafficking.

12. Finally, in light of the above, and the need to continue to address the crucial issue of missing refugee and migrant children in Europe, the Committee of Ministers invites the States Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30) to bear in mind the specific recommendations of the Assembly (paragraphs 2.1 and 2.2). Like the Assembly, the Committee would also encourage the Congress of Local and Regional Authorities of the Council of Europe to continue to keep this issue on the agenda of their activities.