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Strasbourg, 30 September 2021
CDENF(2021)AR02

Steering Committee for the Rights of the Child (CDENF)

Plenary session dedicated to the rights of children in migration

Abridged Report

Strasbourg, 16 – 17 September 2021

By videoconference

Prepared by the Children's Rights Division

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Abridged report

Meeting details

The Steering Committee for the Rights of the Child (CDENF; here-after “the Committee”) held a plenary session dedicated to the rights of children in migration, on 16-17 September 2021, with Ms Maria-Andriani Kostopoulou (Greece) in the Chair. The meeting was held online, with the Chair being present in the meeting room in Strasbourg, alongside the Secretariat.

1. Opening of the meeting

The Chair **opened** the meeting and welcomed all CDENF members, participants and observers as well as the consultants.

2. Adoption of the agenda and order of business

The Committee **adopted** its agenda and order of business; the agenda appears in Appendix I.

3. Statement by the Chair and the Secretariat

Regína Jensdóttir, Head of the Children's Rights Division, briefly **introduced** the CDENF Secretariat, that had recently been joined by new staff members and a trainee; she also welcomed Carolina Lasen-Diaz and Anne Kayser from the Office of the Special Representative on Migration and Refugees, as well as the consultants following the work on the draft texts to be examined at the present meeting, Daja Wenke and Naomi Trewinnard.

Katrin Uerpmann, CDENF Secretary, **drew attention** to the first terms of reference of the CDENF coming to a close towards the end of the year and the need to look into the work programme for the new, four-year terms of reference of the Steering Committee (the draft of which was currently being examined by the Committee of Ministers, along with those of other intergovernmental committees). She briefly reminded all participants of the last meetings to take place before the end of 2021, as noted in the revised work programme.

4. Age assessment for children in migration (for examination and approval) (Specific task v)

The Chair explained the working methods proposed for the examination of all texts at the present meeting, on the basis of the comments which had been submitted in advance, and reminded all members that the principles at the beginning of this specific text should be kept short.

The Committee

- **examined and revised principles 1 to 9 of the draft Recommendation on age assessment**, with the exception of principle 7, which was adjourned for further consideration in the context of the review of the relevant paragraphs in the appendix;
- **included** a number of editorial and substantial changes to the text, on the basis of comments submitted by members, participants and observers in advance of the meeting;

- examined and revised the Appendix to the draft Recommendation until principle 1, paragraph 17 (included);
- noted the following comments presented by particular delegations on specific issues or paragraphs in the Appendix:
 - Following a proposal by one Delegation, a large majority of Delegations agreed to include a direct quote from the [Handbook on access to rights, child-friendly information, and procedures for children in migration](#) in the definition of the term “child-friendly information” (paragraph II. 4 h: “*child-friendly information*” is information that is “adapted to a child’s age, maturity, language, gender, and culture”), while three Delegations (Hungary, the Russian Federation and Turkey) expressed their disagreement with the reference to the word “gender” in this context;
 - In reply to the proposal made by one Delegation to delete paragraph III (3.) (“Any method involving nudity, or the examination, observation or measurement of the genitalia or intimate parts should be prohibited during the process of age assessment”), a great majority strongly approved the original text. One Delegation (Denmark) suggested an alternative phrasing (“Any method involving nudity, or examination, observation or measurement of the genitalia or intimate parts should be carried out under conditions which are compatible with the respect for human dignity and should be accompanied by relevant safeguards.”). As the proposal did not enjoy the support of other Delegations, the Delegation of Denmark expressed its disagreement with the paragraph as it stands;
 - Regarding paragraph III (4) (“Age assessment should take place in accordance with the law”), one Delegation pointed to the fact that not all member States had specific legislation on age assessment for children in migration. To address this concern, it was agreed to add a reference in the Explanatory Memorandum clarifying that this provision exclusively referred to the existing legal framework;
 - The Committee, by a majority, decided to delete Principle 1 (9.), second sentence, (“Refusal [to participate in an age assessment] should not give rise to any adverse interferences on their asylum, immigration or other application”);
 - Eight Delegations (Belgium, the Czech Republic, Denmark, Finland, Iceland, the Netherlands, Norway, and Sweden), indicated their preference to replace the term “sex” with “gender” throughout the document. In reply, it was recalled that it had been agreed that no new drafting proposals would be considered at this stage of negotiations.
- **decided to adjourn** the consideration of the written proposal made by one Delegation to delete Principle III (8.) of the Appendix on informed consent, in order to consider this comment in the context of the related provisions on medical examination;
- **decided to adjourn**, for lack of time, the further examination of the draft Recommendation (Title, Preamble, Principle 7 and Appendix as from paragraph 3 (18), as well as the approval of the draft Recommendation and its Appendix, to a further meeting;
- **instructed the Secretariat** to prepare a revised version of Document (2021)15, including the changes agreed and retaining only those written comments which had been submitted in advance of this meeting and which had not yet been examined by the Committee.

5. Guardianship for unaccompanied and separated children in migration (for examination and approval) (Specific task v)

The Committee

- **examined and revised part of the draft Explanatory Memorandum of Recommendation CM/Rec(2019)11 of the Committee of Ministers to member States on Effective guardianship for unaccompanied and separated children in the context of migration** as it appears in the restricted document CDENF(2021)10 until its paragraph 46 (included);
- **included** a number of editorial and substantial changes to the text, on the basis of comments presented by delegations, observers and experts;
- **noted** in particular that - under *Principle 1 – “Protection of the rights of the unaccompanied and separated children in migration through guardianship”* para 15 – six delegations (Azerbaijan, Bulgaria, Hungary, Poland, the Russian Federation and Turkey) expressed their preference to replace the word “gender” with “sex”. This proposed change was not approved by a majority of delegations;
- **decided to adjourn**, for lack of time, the further examination of the draft Explanatory Memorandum, as from its paragraph 47, as well as its approval, to a further meeting;
- **instructed the Secretariat** to prepare a revised version of Document (2021)10, including the changes agreed and retaining only those written comments which had been submitted in advance of this meeting and which had not yet been examined by the Committee.

6. Council of Europe Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025): CDENF-related activities

The Committee

- **heard** a presentation by Ambassador Drahoslav Štefánek, Special Representative of the Secretary General on Migration and Refugees, on Council of Europe action in favour of migrants and refugees, especially in support of children as a vulnerable group of migrants, as reflected in his Power Point presentation (shared via the chat and following the meeting).

7. Review of Recommendation CM/Rec(2019)11 on Effective guardianship for unaccompanied and separated children in the context of migration: workplan (Specific task v)

The Committee

- in the light of other priority items to be covered at the present session and the upcoming plenary meeting in October, **decided to adjourn** this item to its fifth plenary meeting to be held in the first semester of 2022 (date yet to be decided).

8. Point for information only: Information on other relevant Council of Europe initiatives

The Committee

- **was informed** about the Joint CoE-European Asylum Support Office (EASO) video animation on age assessment for children in migration, available in additional languages, and other publications related to children in migration.

9. Any other business

Participants did not raise any other business.

10. Date and place of next meeting

The Committee

- **took note** of the dates of its upcoming 4th Plenary meeting to be held on 13-15 October 2021 (online), to be dedicated to the approval of the new draft Strategy (2022-2027);
- **was informed** that it would receive, in due time, proposals for a date of a next session dedicated to children in migration (in 2022) and the final examination of the texts considered at the present meeting in view of their approval.

11. Approval of the Abridged report of the session

Due to lack of time at the end of the meeting, the abridged report was sent to Delegations after the session, for approval by written procedure.

Appendix I

Agenda

1.	Opening of the meeting	
		CDENF(2021)OJ2
2.	Adoption of the agenda and order of business	CDENF(2021)OJ2ANN CDENF(2021)LOP2
3.	Statement by the Chair and the Secretariat	<u>Reference document:</u> CDENF(2020)21rev4 Revised work programme and timetable
		<u>Working documents:</u> CDENF(2021)08 Restricted Draft recommendation on age assessment CDENF(2021)09 Restricted Draft explanatory memorandum on age assessment
4.	Age assessment for children in migration (<i>for examination and approval</i>) (Specific task v) <ul style="list-style-type: none">- Draft Recommendation of the Committee of Ministers on Human Rights Principles and Implementing Guidelines on age assessment for children in migration- Draft Explanatory Memorandum of the Recommendation	<u>Reference documents:</u> CAHENF(2019)LD2 CAHENF(2019)LD1 “Age assessment for children in migration: a guide for policy makers” Report on consultations with unaccompanied children on the topic of age assessment
5.	Guardianship for unaccompanied and separated children in migration (<i>for examination and approval</i>) (Specific task v) <ul style="list-style-type: none">- Draft Explanatory Memorandum of Recommendation CM/Rec(2019)11 on Effective guardianship for unaccompanied and separated children in the context of migration	<u>Working document:</u> CDENF(2021)10 Restricted Draft explanatory memorandum on guardianship <u>Reference document:</u> Recommendation CM/Rec(2019)11

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6. **Council of Europe Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025): CDENF-related activities**

Reference documents:

[Action Plan](#)

CDENF(2021)11

Overview of CDENF related activities in the Action Plan

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7. **Review of Recommendation CM/Rec(2019)11 on Effective guardianship for unaccompanied and separated children in the context of migration: workplan (Specific task v)**

It is proposed to adjourn this item to the fifth CDENF plenary meeting in 2022

Point for information only:

Information on other relevant Council of Europe initiatives

8. - Joint CoE-European Asylum Support Office (EASO) video animation on age assessment for children in migration, available in additional languages.
- Other publications related to children in migration

[Website of the Children's Rights Division dedicated to children in migration](#)

[Joint CoE-European Asylum Support Office \(EASO\) video animation on age assessment for children in migration](#)

[Video animation on age assessment](#)

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9. **Any other business**

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10. **Date and place of next meeting**

- 4th CDENF plenary meeting: 13-15 October 2021

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11. **Approval of the abridged report of the session**
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