

CDDH comments on the Parliamentary Assembly Recommendation 2160(2019) – STOP VIOLENCE AGAINST, AND EXPLOITATION OF, MIGRANT CHILDREN

92nd meeting - 26–29 November 2019 - CDDH(2019)R92

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2160 (2019) – “Stop violence against, and exploitation of, migrant children”. It draws attention to the work envisaged by its drafting Group on Human Rights and Migration (CDDH-MIG) which could help to find solutions to stop violence against, and exploitation of, migrant children: in 2020, the Group is expected to draft a non-binding document on family-based care for unaccompanied and separated children. This document will outline the relevant international legal standards and key practical considerations for effective implementation. Given the diversity of situations, it will contain a selection of good national practices in this area. The text should be adopted by the CDDH in November 2020 for transmission to the Committee of Ministers.
2. The particularly vulnerable situation of non-accompanied and separated children will be the backdrop for this work which could, as appropriate, provide a basis for considering the possibility raised by the Assembly in paragraph 6.2. of its Recommendation.

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Text of Recommendation 2160(2019)

“STOP VIOLENCE AGAINST, AND EXPLOITATION OF, MIGRANT CHILDREN”

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 2295 (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 non-custodial reception centres for migrant children;
 - 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".