PICUM / SAVE THE CHILDREN WEBINAR

Council of Europe standards and tools: Protecting undocumented children

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Key points:

➢ **Rights** of (all) children in the (47) CoE member states

➢ **Barriers/Gaps** to effective enjoyment of rights in practice

➢ Compounded **vulnerabilities** of undocumented children (precedence over migration status)

➢ The **best interests of the child** should be a primary consideration in all decisions/actions (involving children)

➢ **Main issues** affecting undocumented children: education, health care, housing, detention, exploitation ...
Relevant CoE Conventions

✓ European Convention on Human Rights: Arts. 2, 3, 4, 5, 8, 13, 14 + relevant case-law from the European Court on HR

✓ European Social Charter: Arts. 7, 11, 16, 17, 19
(health care must be available to all children without discrimination, including children of undocumented migrants, *FIDH v. France, 14/2002*)

✓ CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (*Lanzarote Conv.*)
“Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”, *Special Report (2017)* and follow-up to recommendations (2019 and 2021)

✓ CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (*Istanbul Conv.*)
GREVIO monitoring reports and relevant resources

✓ CoE Convention on Action against Trafficking in Human Beings — GRETA monitoring reports + Guidance Note on international protection
Other relevant CoE standards

✓ CM Recommendation **CM/Rec(2019)11** on effective guardianship for unaccompanied and separated children in the context of migration

✓ CM Recommendation **CM/Rec(2019)4** on supporting young refugees in transition to adulthood

✓ CM Recommendation **CM/Rec(2007)9** on life projects for unaccompanied migrant minors

✓ ECRI’s **General Policy Recommendation No. 16** on Safeguarding Irregularly Present Migrants from Discrimination

Relevant CoE tools:


✓ Family reunification for migration and refugee children - Standards and promising practices

✓ Promoting child-friendly approaches in the area of migration – Compilation of standards, guidance and current practices

✓ Handbook for frontline professionals: “How to convey child-friendly information to children in migration” (+video with migrant children)
Relevant CoE tools (cont.):

(i) Age assessment:
✓ Leaflet: “Your Rights in Age Assessment Procedures”
✓ Report: Policies, procedures and practices in member states
✓ EASO-CoE video on age assessment
✓ Report: Consultations with unaccompanied children

(ii) Law and Justice:
✓ Guidelines on child-friendly justice
✓ HELP course on Refugee and Migrant children (for legal professionals and other relevant professionals)
In the pipeline for 2022 (and beyond ..... )

✓ A **CM Recommendation** (+ Explanatory Memorandum) on human rights principles and guidelines on age assessment

✓ An **Explanatory memorandum** for the 2019 Recommendation on effective guardianship

✓ A **CM Recommendation** on migrant, refugee and asylum-seeking women and girls

✓ A new **CoE Strategy** for the Rights of the Child (2022-2027), with priority areas: “equal opportunities and social inclusion for all children” and “children’s rights in crisis and emergency situations”.
In the pipeline for 2022 (and beyond ..... )

➢ Work on reception conditions for refugee and migrant children, with a focus on family-based care for unaccompanied and separated children

➢ Practical guidance on administrative detention (for relevant professionals)

➢ Practical guide+training for educators in schools with refugee children

➢ Support the linguistic integration of migrants and refugees

➢ Measures to promote fair access to healthcare for vulnerable groups (incl. migration and asylum)

➢ + many more actions under the Action Plan!
Office of the Special Representative of the Secretary General (SRSG) on Migration and Refugees

✓ Set up in 2016
✓ SRSG: Ambassador Drahoslav Štefánek (since Jan. 2020)

Mandate:
✓ Carry out fact-finding missions
✓ Strengthen co-ordination of the relevant activities within the Council of Europe
✓ Establish communication and co-ordination channels with our international partners
THANK YOU!!

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www.coe.int/migrants
www.coe.int/en/web/children/migration
www.echr.coe.in (top left: Quick Links: Factsheets & Country Profiles (for case-law)
www.coe.int/en/web/european-social-charter