

**HUMAN RIGHTS,  
DEMOCRACY  
AND THE RULE OF LAW**

**COUNCIL OF EUROPE**



**CONSEIL DE L'EUROPE**

**DROITS DE L'HOMME,  
DÉMOCRATIE  
ET ÉTAT DE DROIT**

## 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**
- ✓ PACE Recommendation 1985 (2011) “**Undocumented migrant children in an irregular situation: a real cause for concern**”

## Relevant CoE tools:

- ✓ CoE Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)
- ✓ Previous: CoE Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019)
- ✓ 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
- ✓ Guide for policy-makers: “Age assessment for children in migration: A human rights-based approach”
- ✓ 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](http://www.coe.int/migrants)

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[www.echr.coe.in](http://www.echr.coe.in) (top left: Quick Links: Factsheets & Country Profiles  
(for case-law))

[www.coe.int/en/web/european-social-charter](http://www.coe.int/en/web/european-social-charter)