
127th Session of the Committee of Ministers (Nicosia, 19 May 2017)

Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe

INTRODUCTION

The mass arrivals of those seeking refuge in Europe from war and persecution, as well as the continuing movement of persons across the Mediterranean and Turkey, act as a constant reminder of the precarious situation refugee and migrant children find themselves in; as well as the human rights violations they are confronted with. All Council of Europe member States are affected by the refugee/migration flows, either directly or indirectly, as countries of origin, transit, destination or resettlement.

The Council of Europe is committed to playing a key role in assisting its member States in building strategies to respond to the many problems affecting refugee and migrant children, with special focus on those who are unaccompanied or have been separated from their families. Its conventions, monitoring and advisory bodies and tools for providing expert assistance, all help to shape a structured human rights-based approach to the plight of all refugee and migrant children. From dealing with frontline emergency situations to helping children build their future, various measures proposed by the Council of Europe can provide the foundations and vital support for the action that member States are persistently called upon to take in this field. To enhance the impact of all its relevant activities, the Council of Europe has decided to put together one single Action Plan with the title Protecting Refugee and Migrant Children in Europe.

The Action Plan is based on a clear principle: in the context of migration, children should be treated first and foremost as children. It concerns all children in migration who arrive/have arrived in the territory of any Council of Europe member State, including asylum-seeking, refugee and migrant children. The concrete activities proposed thereunder are based on existing norms. The aim of the Action Plan is not to create new human rights standards.

Each child is treated according to its status and protection needs. The Action Plan considers as “refugee children” all those who would qualify as such under the 1951 Geneva Convention and its Protocol. The term “migrant children” includes children whose asylum applications will be eventually rejected. It goes without saying that refugee children have a special status under international law. At the same time, there are Council of Europe norms that guarantee rights to all migrant children without discrimination based on their nationality or migration status. The Action Plan takes all the above considerations on board, its guiding principle being, of course, “the best interest of the child”.

The Action Plan on Protecting Refugee and Migrant Children, with a special focus on unaccompanied children, has three main pillars:

- 1) ensuring access to rights and child-friendly procedures;
- 2) providing effective protection;
- 3) enhancing the integration of children who would remain in Europe.

The Action Plan outlines concrete actions for the benefit of refugee and migrant children, according to their rights and adapted to their specific situations. The aim of these actions is to contribute to achieving the objectives figuring under each pillar. They will take place within the 2017-2019 time period.

These actions focus on areas where the Council of Europe has clear added value. The Council of Europe acknowledges in this connection the important work that has been already carried out or is well underway in other organisations, such as the UNHCR, UNICEF, the World Food Programme, the WHO, the IOM, as well as the EU. It also takes note of the outcome of the World Humanitarian Summit held in Istanbul on 23-24 May 2016. Moreover, the Council of Europe considers that the follow-up to the New York Declaration for Refugees and Migrants of 19 September 2016 and the process leading up to the adoption in 2018 of two global compacts (one on refugees and one for safe, orderly and regular migration) offer a great opportunity for improving the collective handling of migration issues worldwide.

As a result, the Action Plan concentrates on issues that have not yet received sufficient attention by the Organisation's strategic partners; also issues in respect of which solutions are needed over which all Council of Europe member States can claim ownership. It is in this spirit that the Council of Europe will continue co-operating closely, in the implementation of the Action Plan, with the European Union, the United Nations, competent agencies of each of these organisations, as well as relevant Non-Governmental Organisations (NGOs) and other key stakeholders. This will ensure complementarity and could bring about collective initiatives, whenever necessary. Moreover and by extension, the Council of Europe can provide constructive and pragmatic input towards developing the Global Compact on Migration, in order to reach concrete and operational commitments and an appropriate follow-up mechanism.

Given the dynamic and unpredictable nature of migration, the Council of Europe will continue its active consultation and co-ordination with its partners throughout the period of the Action Plan. It will take further targeted action as the circumstances require. Moreover, the Council of Europe aims at convening, in 2019, a high-level meeting, involving its member states and partners, to foster dialogue on and promote the results achieved under the Action Plan.

Finally, several of the elements included in this Action Plan will be complementary to the Council of Europe Strategy for the Rights of the Child (2016-2021), the Council of Europe's Action Plan on Building Inclusive Societies (2016-2019) and its Action Plan on the fight against violent extremism and radicalisation leading to terrorism (2015-2017).

1. ENSURING ACCESS TO RIGHTS AND CHILD-FRIENDLY PROCEDURES

Refugee and migrant children should be treated first and foremost as children. They should enjoy rights guaranteed to them under existing norms without discrimination. They should also receive accurate child-friendly information and have access to child-friendly procedures and services (including support for the victims of exploitation and abuse). The best interests of the child should be the primary consideration in all actions and decisions affecting them. Migrant and refugee children should be assisted in addressing the challenges that they face and in finding sustainable durable solutions to their situation which promote and safeguard their human rights.

1.1. To ensure access to information and to child-friendly procedures

Proposed immediate action in 2017

- A roundtable/seminar on child-friendly migration-related information to be organised, bringing together government authorities and other stakeholders, such as Ombudspersons for Children and NGOs, to identify best practices and make recommendations.
- A training module on the rights of refugee and migrant children to be developed.

Proposed further action for 2018-2019

- A compilation of good practices on migration-related procedures that are child-friendly to be prepared; these include judicial proceedings, administrative appeals, the first-instance examination of asylum applications, as well as deportation, expulsion and other law-enforcement procedures, including procedures for the support of victims of exploitation and abuse.
- A handbook on promoting child-friendly information for refugee and migrant children on access to rights and relevant procedures, including good practices, to be drafted and translated into several languages.

- Training on child-friendly procedures to be carried out, targeting a wide range of relevant professionals working with children.
- A training module on the European Social Charter and migrant children to be developed and implemented.

1.2. To ensure that every child has a nationality

Proposed further action for 2018-2019

- Implementation in practice of the principle of avoiding statelessness in relation to child migrants to be examined; appropriate solutions to be identified in the form of practical guidance. For this purpose, the Committee of Ministers may establish a committee of experts as appropriate – the terms of reference to be limited to 2 years.

2. PROVIDING EFFECTIVE PROTECTION

Refugee and migrant children must be effectively protected, according to existing norms protecting their human rights and depending on the specific needs and status of each child. The measures to be taken in this connection include ensuring appropriate accommodation in line with established standards (in particular for unaccompanied and separated children), prompt responses to disappearances, restoring family links, making every effort to avoid resorting to deprivation of liberty on the sole ground of a child's migration status and protection from trafficking, sexual abuse and other forms of violence.

2.1. To establish an effective guardianship system in each member state

Proposed further action for 2018-2019

- New guidelines regarding age assessment and guardianship to be presented to the Committee of Ministers.
- Follow-up activities may be identified by the Ad hoc Committee for the Rights of the Child (CAHENF), after their adoption.

2.2. To ensure appropriate shelter for children and their families during emergencies and mass arrivals

Proposed immediate action in 2017

- The Council of Europe Development Bank will continue to provide emergency support in favour of migrants and refugees via the Migrant and Refugee Fund, focusing in particular on the needs of the most vulnerable groups, including unaccompanied children.

Proposed further action for 2018-2019

- A draft Recommendation to be submitted to the Committee of Ministers on appropriate standards for the reception and accommodation of refugee and migrant children (in open structures, i.e. in a non-custodial environment).

2.3. To assist children and families in restoring family links and reunification, in accordance with existing norms

Proposed further action for 2018-2019

- A handbook on standards and good practices to restore family links and reunify families to be published.
- A training module on family reunification to be developed and training provided to relevant authorities in member States.

2.4. To avoid resorting to the deprivation of liberty of children on the sole ground of their migration status

Proposed immediate action in 2017

- A conference to be organised within the framework of the Czech Chairmanship of the Committee of Ministers on topics relating to the detention of migrant children, bringing together government authorities and other relevant stakeholders, including Ombudspersons for Children and NGOs, to identify best practices and draw up recommendations.
- A Guide for monitoring places where children are deprived of their liberty as a result of migration procedures to be issued and training to be organised for Parliamentarians and National Ombudspersons (and other stakeholders, if relevant) in the framework of the Parliamentary Campaign to End Immigration Detention of Children.
- The factsheet on immigration detention published by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on 15 March 2017 to be translated into several languages.

Proposed further action for 2018-2019

- Guidance on alternatives to immigration detention and/or a compilation of good practices to be submitted to the Committee of Ministers.
- A training module on alternatives to detention may thereafter be developed and training conducted.

2.5. To ensure that children are protected from violence, including trafficking and sexual exploitation

Proposed immediate action in 2017

- A seminar to be organised for national associations of local authorities on the Congress Pact to combat sexual exploitation of children.
- In co-operation with other relevant actors, a conference to be organised to develop strategies aimed at preventing and suppressing the smuggling of migrants, including children. Follow-up activities will be planned, depending on the outcome of the conference; these could include technical assistance.

Proposed further action for 2018-2019

- A compendium of good practices in the fight against child trafficking to be produced and kept updated; good practices on co-operation with countries of origin or transit could be included eventually.
- Monitoring of the application of the Council of Europe Convention on Action against Trafficking in Human Beings, through the Group of Experts on Action against Trafficking in Human Beings (GRETA), to identify gaps in the current procedures in terms of proactively identifying victims of trafficking among migrant and refugee children and providing them with appropriate assistance.
- New activities to be envisaged based on the findings and recommendations of the special report (adopted on 3 March 2017 by the Lanzarote Committee) on protecting children affected by the refugee/migration crisis from sexual exploitation and sexual abuse.

3. ENHANCING THE INTEGRATION OF CHILDREN WHO WOULD REMAIN IN EUROPE

The social inclusion of all refugee and migrant children should be enhanced through education and training opportunities. Additional measures should promote the integration of children who would remain in Europe. Welcoming and inclusive societies should help refugee and migrant children grow up in a nurturing environment and provide them with support for their transition into adulthood. Participatory work with such children is vital to supporting their development and combating radicalisation. Integration through sport and promotion of diversity in media will help to build an inclusive society.

3.1. To ensure that refugee and migrant children are provided with education

Proposed immediate action in 2017

- A toolkit for volunteers offering language support to refugees to be developed, piloted and published in six languages.

- A pilot project on the assessment of qualifications held by refugees to be carried out in co-operation with the Greek authorities and the ENICs (national recognition centres) of Greece, Italy, Norway and the United Kingdom.

Proposed further action for 2018-2019

- A draft Recommendation on the linguistic integration of migrants to be submitted to the Committee of Ministers.
- Surveys of member States' experience on provision of education to migrants and refugees and on integrating them into mainstream education systems to be conducted through the Steering Committee for Educational Policy and Practice (CDPPE). A conference to identify good practices to be held and a guide to be developed. Co-operation activities will then be provided.

3.2. To provide opportunities for refugee and migrant children to participate in society

Proposed immediate action in 2017

- Application of existing media-diversity tools, such as Media in Europe for Diversity Inclusiveness (MEDIANE), to mainstream media and creation of counter-narratives to be promoted. Exchanges of good practices between community media and mainstream media to be facilitated, including practices involving the active participation of young refugees and migrants.
- Media Against Hate campaign to be supported. Results to be disseminated through the promotion of networks and training of media practitioners.

Proposed further action for 2018-2019

- A North-South conference to be organised on protecting child and young athletes from the dangers associated with migration.
- Initiatives to be taken to raise awareness about the possible contribution of sport as a tool for the integration of migrants.
- Review of the Recommendation CM/Rec(2007)9 of the Committee of Ministers to member States on life projects for unaccompanied migrant minors to be carried out; related training tools to be created.
- Policy recommendations on assisting young refugees and migrants, in particular unaccompanied minors, in their transition from childhood to adulthood to be prepared in co-operation with the relevant stakeholders.

IMPLEMENTATION

Methodology: In 2017, ongoing and planned activities will address the urgent priority concerns identified by the Secretary General and his Special Representative on Migration and Refugees. Following further consultations internally and externally with key partners, the Action Plan may incorporate, in the period 2018-2019, new strategies and actions seeking to meet the objectives outlined above.

The proposed actions take into account complementarity and co-operation with the European Union and other key partners. The civil society dimension is mainstreamed, whenever relevant, throughout the activities.

A gender sensitive approach will be ensured in all actions proposed in this Action Plan. Girls are particularly vulnerable to the risk of abuse, exploitation and harmful practices and attention will be paid to ensure that they benefit in practice from the protection provided by relevant human rights standards.

Co-ordination: The co-ordination of the Action Plan, internally and with external partners, will be ensured by the Special Representative on Migration and Refugees.

Funding: The implementation of activities in 2017 will be covered by existing budgetary allocations and existing voluntary contributions. For the 2018-2019 activities, funding will be provided from the Council of Europe's Ordinary Budget, as well as voluntary contributions subject to the discussions on the Council of Europe Programme and Budget for the relevant period. The budgetary appropriations necessary for the implementation of the Action Plan are set out in the Appendix to the Action Plan.

Reporting: The Committee of Ministers will receive regular updates on the progress and results of the Action Plan through interim and final reports. The Secretary General will submit to the Committee of Ministers an interim report on the progress and results of the Action Plan by mid-2018 and a final report by the end of 2019.

APPENDIX: FINANCIAL TABLE OF THE COUNCIL OF EUROPE ACTION PLAN ON PROTECTING REFUGEE AND MIGRANT CHILDREN 2017-2019 (all amounts in Euros)

	Objectives	TOTAL ACTION PLAN BUDGET	2017		2018 - 2019		Note
			OB	Extra budgetary resources (available)	OB	Extra budgetary resources (available or required)	
1.	ENSURING ACCESS TO RIGHTS AND CHILD-FRIENDLY PROCEDURES						*
1.1	To ensure access to information and to child-friendly procedures	540 800	132 000		15 000	393 800	
1.2	To ensure that every child has a nationality	120 000			120 000		
2.	PROVIDING EFFECTIVE PROTECTION						**
2.1	To establish an effective guardianship system in each member state	217 200	39 600		87 800	89 800	
2.2	To ensure appropriate shelter for children and their families during emergencies and mass arrivals	280 000			280 000		
2.3	To assist children and families in restoring family links and reunification	15 000			15 000		
2.4	To avoid resorting to the deprivation of liberty of children on the sole ground of their migration status	380 000	50 000	225 000		105 000	
2.5	To ensure that children are protected from violence including trafficking and sexual exploitation	158 700	80 700		78 000		
3.	ENHANCING REFUGEE AND MIGRANT CHILDREN'S INEGRATION						
3.1	To ensure that refugee and migrant children are provided with education	1 093 900	276 400	220 000	97 500	500 000	
3.2	To provide opportunities for refugee and migrant children to participate in society	233 500	68 000		72 000	93 500	
	TOTAL	3 039 100	646 700	445 000	765 300	1 182 100	

* Includes 274 000 for all HELP courses

** Table to be updated following identification of the new activities by the Lanzarote Committee

*** Part of the budgetary resources (€10K in 2017 and €40K in 2018-2019) concerns the EPAS Budget