








Procedure file

Basic information		
INI - Own-initiative procedure	2022/2197(INI)	Procedure completed
The situation of children deprived of liberty in the world		
Subject 4.10.03 Child protection, children's rights		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Foreign Affairs	 RODRÍGUEZ RAMOS María Soraya	13/07/2022
		Shadow rapporteur	
		 LEGA David	
		 ARENA Maria	
		 MIRANDA PAZ Ana	
		 URBÁN CRESPO Miguel	
European Commission	Commission DG International Cooperation and Development	Commissioner URPILAINEN Jutta	

Key events			
19/01/2023	Committee referral announced in Parliament		
16/11/2023	Vote in committee		
23/11/2023	Committee report tabled for plenary	A9-0371/2023	Summary
13/12/2023	Results of vote in Parliament		
13/12/2023	Decision by Parliament	T9-0464/2023	Summary

Technical information	

Procedure reference	2022/2197(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	AFET/9/10916

Documentation gateway					
Committee draft report		PE751.831	17/07/2023	EP	
Amendments tabled in committee		PE752.855	06/09/2023	EP	
Committee report tabled for plenary, single reading		A9-0371/2023	23/11/2023	EP	Summary
Text adopted by Parliament, single reading		T9-0464/2023	13/12/2023	EP	Summary

The situation of children deprived of liberty in the world

The Committee on Foreign Affairs adopted the own-initiative report by María Soraya RODRÍGUEZ RAMOS (Renew, ES) on the situation of children deprived of liberty in the world.

The deprivation of liberty is any form of detention, keeping of a person against their will or imprisonment, or the placement of a child in a public or private custodial setting, from which the child is not permitted to leave at will, by order of or de facto under any judicial, administrative or other public authority or by a criminal or terrorist organisation.

Children deprived of liberty include children deprived of liberty in the administration of justice, for migration-related reasons, in institutions, including institutions for children with disabilities, in prison with their primary caregivers, in the context of armed conflicts, and on national security grounds. Children should not be detained for migration-related reasons and they should not be housed in closed migration centres without the possibility of leaving them, because migration is not a crime, so there is no justification for applying measures such as for people who have committed a crime.

Monitoring

The committee noted that there is a lack of comprehensive, updated and disaggregated data on the number of children who are currently deprived of liberty in the world, particularly in the context of migration, institutions, national security and armed conflict. It stressed the need to develop and maintain an international database on this. In this regard, Members called for the development of an effective system of independent monitoring of all places of detention for children which ensures that the results of monitoring visits are made publicly available.

The report strongly condemned the smuggling and exploitation of people, including children and called for the elimination of harmful practices inflicted on children, such as forced marriage or faith- and religion-based deprivation of liberty, including actively contributing towards the elimination of such practices whenever they occur.

Children with disabilities

Members called urgently for an end to discrimination against children with disabilities in all laws, policies and practices that relate to the right to personal liberty. They support awareness-raising campaigns and training programmes, particularly for policy makers, public officers, service providers and the media, about the right to liberty and security of children with disabilities, including combating stereotypes, prejudices and harmful practices.

The report highlighted that some of the EU candidate countries still use closed institutions for people, including children with disabilities. Members repeated their call on EU candidate countries for further progress to ensure that the rights of persons with disabilities are upheld and that decent living conditions for people, including children, with disabilities are ensured.

Gender identity

The report condemned all forms of punishment leading to the deprivation of liberty of children based on their sexual orientation or gender identity, on having obtained an abortion or for consensual and non-exploitative sexual activities between adolescents of similar ages, as well as the deprivation of liberty stemming from honour-based abuse.

Children within the administration of justice

Members called on the EEAS and Commission to:

- propose in all its cooperation programmes on rule of law and justice capacity-building a specific chapter focused on supporting third-country authorities to establish effective child justice systems;
- further develop, together with third-country partners, training programmes for justice and law enforcement staff to develop child-friendly hearings and proceedings.

Children in migration

The report recalled that migrant children should, as a rule, not be detained but be placed in accommodation with special provisions for minors. States are called on to put in place appropriate safeguards to protect all children in migration present on their territory. Reception conditions need to be adapted to the specific situation of minors and their special reception needs, whether unaccompanied or with their families, taking account of their security, including against sexual and gender-based violence, physical and emotional care and encourage their general development.

Children affected by conflict

The report noted that in 2022 more than one out of six children lived in a conflict zone. Members condemned the horrific acts perpetrated by intelligence and security forces, including the detention of children, and additionally the torture, rape and other sexual violence against child protesters in custody in order to punish and humiliate them and deter them from becoming involved in nationwide protests.

Children detained in the context of occupation or armed conflict must be considered first and foremost as victims and must never be detained or punished solely for their membership of armed forces or groups. It stressed the need to develop adequate mental and psychosocial care, as well as education, to enable children to reintegrate into communities and find their place in post-conflict society as a means of preventing and disrupting the transmission of violence to the next generation and to avoid peace-building efforts being undermined.

The Commission and the VP/HR are called on to intensify efforts to prevent and end grave violations against children affected by deprivation of liberty in armed conflicts, including brutal oppression, forced deportation, separation from their family and adoption, as these amount to crimes against humanity and are a serious risk of genocide.

The EU and the Member States, together with the international community, are urged to take urgent action to facilitate the return of children who have been forcibly deported, separated from their families or adopted to their legal guardians or country of origin.

Lastly, the European countries are called on to set up reintegration programmes for EU national children born in fighters or prison camps.

The situation of children deprived of liberty in the world

The European Parliament adopted by 486 votes to 23, with 127 abstentions, a resolution on the situation of children deprived of liberty in the world.

Putting an end to the detention of children

The resolution stated that the deprivation of liberty of children also deprives them of their childhoods and their futures. The right of children to unhindered access to education and well-being activities, which are the best means to alleviate the effects of poverty and ensure a better future for them, their families and their communities. The relevant institutions to ensure this right is effectively applied.

Members also stressed that deprivation of liberty may itself constitute a form of torture or cruel, inhuman or degrading treatment, or punishment of children, which violates international law, is explicitly prohibited by the Convention on the Rights of the Child. They called for the repeal of any legislation and practice which continue to allow children's life imprisonment and corporal punishment. Moreover, children under the age of 18 years should not, under any circumstances, be recruited by armed groups or persons involved with them or participate in hostilities.

Deploing the detention of children, Parliament believes that the international community should redouble its efforts to end the detention of children by 2030 through the use and explicit legal recognition of diversion, and explore other non-custodial and restorative justice measures.

The resolution called on EU institutions and Member States to take the lead and launch a global campaign to reduce the number of children held in detention, including through the creation of a UN monitoring mechanism.

Parliament also strongly condemned the trafficking and exploitation of people, including children. It encouraged Member State embassies and EU delegations to ensure that civil society organisations, local community leaders and religious actors are included in discussions with the authorities with a view to eliminating harmful practices against children, such as forced marriages or deprivation of liberty based on faith or religion.

Children within the administration of justice

Parliament invited the EEAS and Commission to propose in all its cooperation programmes on rule of law and justice capacity-building a specific chapter focused on supporting third-country authorities to establish effective child justice systems. It called for intensified efforts to ensure that all children in detention can enjoy the rights enshrined in the UN Convention on the Rights of the Child and are treated with humanity and with respect for the inherent dignity of the human person. In addition, Members should refrain as much as possible from detaining primary caregivers with very young children.

Children with disabilities

Members called urgently for an end to discrimination against children with disabilities in all laws, policies and practices that relate to the right to personal liberty. The resolution highlighted that some of the EU candidate countries still use closed institutions for people, including children with disabilities. Members repeated their call on EU candidate countries for further progress to ensure that the rights of persons with disabilities are upheld and that decent living conditions for people, including children, with disabilities are ensured.

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need to be adapted to the specific situation of minors and their special reception needs, whether unaccompanied or with their families, taking account of their security, including against sexual and gender-based violence, physical and emotional care and encourage their general development.

Children affected by conflict

Pointing out that in 2022, more than one child in six was living in a conflict zone, Members reiterated that children detained as a result of occupation or armed conflict must be considered first and foremost as victims and must never be detained or punished solely for belonging to armed forces or groups. They stressed the need to put in place educational measures to enable children to reintegrate their communities and find their place in society after conflict, in order to prevent and prevent the transmission of violence to the next generation.

Parliament called on the Commission and the VP/HR to redouble their efforts to prevent and put an end to the serious violations committed against children deprived of their liberty in the context of armed conflicts, in particular brutal oppression, deportation, forced separation of families and forced adoption, which amount to crimes against humanity and represent a serious risk of genocide. Lastly, European countries are invited to set up reintegration programmes for EU national children born in fighters or prison camps.

Transparency				
RODRÍGUEZ RAMOS María Soraya	Rapporteur	AFET	28/11/2023	Défense des enfants - International Belgique
LEGA David	Shadow rapporteur	AFET	17/07/2023	Hope and Homes for Children PICUM