The situation of children deprived of liberty in the world

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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 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.