



A9-0371/2023

23.11.2023

REPORT

on the situation of children deprived of liberty in the world
(2022/2197(INI))

Committee on Foreign Affairs

Rapporteur: María Soraya Rodríguez Ramos

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT	22
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE	23
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	24

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the situation of children deprived of liberty in the world (2022/2197(INI))

The European Parliament,

- having regard the Universal Declaration of Human Rights, to the International Covenant on Civil and Political Rights (ICCPR), to the International Covenant on Economic, Social and Cultural Rights, and to the Convention on the Elimination of All Forms of Discrimination against Women,
- having regard to the UN Convention on the Rights of the Child of 20 November 1989, in particular to Articles 37(b) and 40 thereof, and to its Optional Protocols,
- having regard to the UN Convention on the Rights of Persons with Disabilities of 13 December 2006 (CRPD), and to its Optional Protocol,
- having regard to the UN Guidelines for the Alternative Care for Children of 18 December 2009,
- having regard to the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment of 9 December 1988,
- having regard to the UN Rules for the Protection of Juveniles Deprived of Liberty ('Havana Rules') of 14 December 1990,
- having regard to the UN Standard Minimum Rules for the Administration of Juvenile Justice ('Beijing Rules') of 29 November 1985, to the UN Guidelines for the Prevention of Juvenile Delinquency ('Riyadh Guidelines') of 14 December 1990, to the UN Standard Minimum Rules for Non-custodial Measures ('Tokyo Rules') of 14 December 1990, to the Guidelines for Action on Children in the Criminal Justice System ('Vienna Guidelines') of 21 July 1997, and to the UN Standard Minimum Rules for the Treatment of Prisoners ('Nelson Mandela Rules') of 17 December 2015,
- having regard to Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return,
- having regard to the General Comments of the UN Committee on the Rights of the Child (CRC), and, in particular, to General Comment No. 24 (2019) on children's rights in the child justice system,
- having regard to the UN Global Compact for Safe, Orderly and Regular Migration of 19 December 2018, in particular to objective 13(h) thereof, and to the UN Global Compact on Refugees of 17 December 2018,

- having regard to the UN Global Study on Children Deprived of Liberty of 11 July 2019,
- having regard to the UN resolution entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’ adopted by the General Assembly on 25 September 2015,
- having regard to the UN Development Programme report of April 2021 entitled ‘Leaving No One Behind: Impact of COVID-19 on the Sustainable Development Goals (SDGs)’,
- having regard to UNICEF’s Child Protection Strategy (2021-2030) and Strategic Plan (2022-2025), and to its Reimagine Justice for Children Agenda (2021-2030),
- having regard to the Treaty on European Union, in particular to Articles 3(5) and 21 thereof,
- having regard to the European Convention on Human Rights, in particular Article 8 thereof,
- having regard to of the Charter of Fundamental Rights of the European Union, in particular to Article 14 thereof,
- having regard to the Commission proposal of 23 February 2022 for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 (COM(2022)0071),
- having regard to the Council of Europe’s Recommendation CM/Rec(2018)5 of the Committee of Ministers to member states concerning children with imprisoned parents, adopted on 4 April 2018,
- having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child of 6 March 2017,
- having regard to Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee¹,
- having regard to the Commission communication of 24 March 2021 entitled ‘EU strategy on the rights of the child’ (COM(2021)0142),
- having regard to Council conclusions of 9 June 2022 on the EU Strategy on the Rights of the Child,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 25 March 2020 entitled ‘EU Action Plan on Human Rights and Democracy 2020-2024’ (JOIN(2020)0005),
- having regard to the African Charter on the Rights and Welfare of the Child of 11 July 1990,

¹ [OJ L 223, 22.6.2021, p. 14.](#)

- having regard to the Charter of the Organization of American States of 1948, in particular to Article 49 thereof,
- having regard to the African Charter on Human and Peoples’ Rights of 27 June 1981, in particular to Articles 17 and 25 thereof,
- having regard to the Association of Southeast Asian Nations Human Rights Declaration of 19 November 2012, in particular to Article 31 thereof,
- having regard to the joint statement by the Organization for Security and Co-operation in Europe (OSCE) of 4 May 2023 on the Report by the Rapporteurs under the OSCE Moscow Mechanism on the Forcible Transfer and/or Deportation of Ukrainian children,
- having regard the report of the UN Secretary-General of 5 June 2023 on children and armed conflict,
- having regard to its resolution of 26 November 2019 on children’s rights on the occasion of the 30th anniversary of UN Convention on the Rights of the Child²,
- having regard to its resolution of 11 March 2021 on children’s rights in view of the EU Strategy on the rights of the child³,
- having regard to its resolution of 3 May 2022 toward an EU strategy to promote education for children in the world: mitigating the impact of the COVID-19 pandemic⁴,
- having regard to its resolution of 7 April 2022 on the EU’s protection of children and young people fleeing the war in Ukraine⁵,
- having regard to its resolution of 15 September 2022 on human rights violations in the context of the forced deportation of Ukrainian civilians to and the forced adoption of Ukrainian children in Russia⁶,
- having regard to its resolution of 15 June 2023 on the torture and criminal prosecution of Ukrainian minors Tihiran Ohannisian and Mykyta Khanhanov by the Russian Federation⁷,
- having regard to its resolution of 9 June 2022 on the human rights situation in Xinjiang, including the Xinjiang police files⁸,
- having regard to its resolution of 3 May 2022 on the persecution of minorities on the grounds of belief or religion⁹,

² [OJ C 232, 16.6.2021, p. 2.](#)

³ [OJ C 474, 24.11.2021, p. 146.](#)

⁴ [OJ C 465, 6.12.2022, p. 44.](#)

⁵ OJ C 434, 15.11.2022, p. 50.

⁶ OJ C 125, 5.4.2023, p. 67.

⁷ Texts adopted, P9_TA(2023)0240.

⁸ OJ C 493, 27.12.2022, p. 96.

⁹ OJ C 465, 6.12.2022, p. 33.

- having regard to its resolution of 19 May 2022 on the fight against impunity for war crimes in Ukraine¹⁰,
 - having regard to the Council of Europe Resolution CM/Res(2023)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine,
 - having regard to the Council of Europe Reykjavík Declaration entitled ‘United around our values’ adopted at its fourth Summit of Heads of State and Government of 16 and 17 May 2023,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A9-0371/2023),
- A. whereas according to Article 1 of the UN Convention on the Rights of the Child ‘a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier’; whereas a child is first and foremost a child, irrespective of ethnic origin, gender, nationality, religion, social and economic background, ability, migration or residency status or of whether they have a disability; whereas every child needs special protection and is entitled to all of the rights enshrined in the UN Convention on the Rights of the Child;
- B. whereas 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;
- C. whereas the age of criminal responsibility differs between states; whereas the UN Global Study on Children Deprived of Liberty recommends at least 14 years as the minimum age of criminal responsibility; whereas the Convention on the Rights of the Child Committee General Comment No. 10 has recommended that the minimum age of criminal responsibility should not be below 12 years of age;
- D. whereas arbitrary deprivation of liberty is prohibited, any arrest and detention of human beings must not be manifestly disproportionate, unjust or unpredictable, and the specific manner in which an arrest is made must not be discriminatory;
- E. whereas when state authorities decide to detain children, they have the positive obligation to ensure that these children can enjoy the rights enshrined in the UN Convention on the Rights of the Child; whereas Article 10(1) of the ICCPR provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person;
- F. whereas ‘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

¹⁰ OJ C 479, 16.12.2022, p. 68.

context of armed conflicts, and on national security grounds; whereas the consent of the parents or the child does not determine whether a child is or is not deprived of liberty;

- G. whereas according to Article 37(b) of the UN Convention on the Rights of the Child, the deprivation of liberty of children should be used only as a measure of last resort, for the shortest possible period of time, limited to exceptional cases and subject to review; whereas although General Comment No. 24 of the CRC states that exceptions should only be for genuine public health and safety, experience during the COVID-19 pandemic showed that these exceptions may have been overused;
- H. whereas according to the UN Global Study on Children Deprived of Liberty, depriving children of their liberty means exposing them to a form of structural violence; whereas in Agenda 2030 states committed to end all forms of violence against children;
- I. whereas the deprivation of liberty of children as a punishment for their sexual orientation or gender identity, among other things, or as an honour' crime, is never in the best interests of a child, can never meet the high standard of a measure of last resort under Article 37(b) of the Convention on the Rights of the Child and is never in the best interests of the child;
- J. whereas 'children deprived of liberty in the administration of justice' refers to children in police custody, pre-trial detention, pending trial and upon conviction;
- K. whereas 'children living in prisons with their primary caregiver' refers to children who live with a detained or imprisoned primary caregiver, and who are de facto deprived of their liberty;
- L. whereas 'children deprived of liberty for migration-related reasons' refers to any setting in which a child is deprived of their liberty for reasons related to their, or their parents', migration status, regardless of the designation and reason given for the action of depriving a child of their liberty, or the name of the facility or location where the child is deprived of liberty; whereas unaccompanied and separated children should not be deprived of their liberty and detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof;
- M. whereas according to several reports, in particular the UNICEF Working Paper on Alternatives to Immigration Detention of Children of February 2019, the provisions on the detention of children (as a 'measure of last resort') in the Convention on the Rights of the Child are not applicable to immigration proceedings and therefore cannot be used to justify the detention of children for immigration-related reasons; whereas unaccompanied or separated children are particularly vulnerable in this context ; whereas the UN Global Study on Children Deprived of Liberty recommends that children's deprivation of liberty in connection with migration should be prohibited in all cases;
- N. whereas children should not be detained for migration-related reasons; whereas children 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; whereas according to the UN Global

Study on Children Deprived of Liberty ‘regardless of the conditions of detention, deprivation of liberty for migration purposes is detrimental to the physical and mental health of children and exposes them to the risk of abuse and sexual exploitation’;

- O. whereas some countries are instrumentalising migration against the EU for their political interests, exploiting humanitarian situations and particularly harming children;
- P. whereas ‘children deprived of liberty in institutions’ refers to children, including children with disabilities, who are separated from their families and deprived of their liberty in institutions, and who cannot leave at will for a variety of reasons;
- Q. whereas ‘children deprived of liberty in the context of armed conflict’ refers to children recruited and/or forced by armed forces and armed groups to serve as combatants, guards, spies, messengers, cooks and in other roles, including sexual exploitation; whereas armed groups and terrorist organisations recruit children as members of their organisations, depriving them of their liberty. and with the intention of providing ideological preparation to ensure consistent and unified political views; whereas these organisations target very young children and deploys them in combat roles on the front lines;
- R. whereas Article 38 of the Convention on the Rights of the Child and the Additional Protocol to the Geneva Conventions oblige states and armed groups to refrain from recruiting children under the age of 15 into their armed forces and ensure they do not take part in hostilities; whereas human rights law declares 18 as the minimum legal age for recruitment in armed conflicts; whereas the recruitment of children under the age of 15, whether by states or by armed groups, is considered a war crime under the Rome Statute;
- S. whereas a number of countries around the world continue to execute prisoners for the crimes they are alleged to have committed when under 18;
- T. whereas ‘children deprived of liberty on national security grounds’ refers to children recruited by terrorists or armed groups, or those who have been charged under national security laws for exercising their right to assembly and association, for example during protests; whereas according to the UN Global Study on Children Deprived of Liberty, the vast majority of states have adopted new counter-terrorism laws or have amended existing national laws, often extending their scope in ways that adversely affect children; whereas these measures place children at increased risk of deprivation of liberty for alleged offences against national security; whereas, some intelligence and security forces have been alleged to commit horrific acts of torture, including rape and other sexual violence, against child protesters in custody to punish and humiliate them and to deter them from becoming involved in protests;
- U. whereas a child in conflict with the law is any child who comes into contact with law enforcement authorities because they are alleged to have, have been accused of or have been recognised as having infringed criminal law;
- V. whereas the child or juvenile justice system comprises the legislation, norms, standards, guidelines, policies, procedures, mechanisms, provisions, institutions and bodies

specifically applicable to children in conflict with the law, who are at or above the minimum age of criminal responsibility;

- W. whereas children who are below the minimum age of criminal responsibility at the time of the commission of an offence cannot be held responsible in criminal law proceedings; whereas children at or above the minimum age of criminal responsibility at the time of the commission of an offence, but who are younger than 18, can be formally charged and subjected to child justice procedures, including deprivation of liberty, in full compliance with the Convention on the Rights of the Child;
- X. whereas children interact with justice systems for many reasons – as victims or survivors, as witnesses, when accused of an offence, as an interested party, or because an intervention is needed to ensure their proper care, protection, health or well-being;
- Y. whereas children’s access to justice covers all judicial and administrative proceedings affecting children, including customary and religious justice mechanisms, alternative dispute resolution and quasi-judicial mechanisms, and applies to constitutional, criminal, civil, public, private, administrative and military law at national and international level;
- Z. whereas the best interests of the child must be a primary consideration in all decisions affecting a child, including on whether to deprive a child of personal liberty while at the same time actions with criminal consequences by a child must never be overlooked; whereas the principle of the best interests of the child must be assessed by the competent authorities and requires the reintegration of children who have committed a criminal offence to be a priority; whereas this means that children should be supported in order to assume a constructive role in society;
- AA. whereas the right to education is a basic human right; whereas worldwide an estimated 244 million children and youth are still out of school for social, economic and cultural reasons; whereas girls are more likely than boys to be deprived of access to education, especially in developing countries, which significantly limits their freedom and opportunities for an equal start in adulthood;
- AB. whereas access to justice requires the legal empowerment of every child and must take into account their age, maturity and developing capacity;
- AC. whereas diversion is the conditional channelling of children in conflict with the law away from formal judicial proceedings towards a different way of resolving the issue that enables many to be dealt with by non-judicial bodies, thereby avoiding the negative effects of formal judicial proceedings such as the stigma of conviction and a criminal record, provided that human rights and legal safeguards are fully respected;
- AD. whereas the UN Global Study on Children Deprived of Liberty published in July 2019, is laudable and marks a milestone in ending the invisibility and overcoming the vulnerability, stigmatisation and social exclusion of children deprived of liberty;

- AE. whereas according to this UN Global Study, more than 7 million¹¹ children are deprived of liberty worldwide;
- AF. whereas according to the UN Global Study, of all children deprived of liberty about 94 % are boys and 6 % are girls, and about 5.4 million children are placed in institutions, which are inherently harmful to children and their development; whereas roughly 1.4 million children are deprived of liberty in police custody, pre-trial detention and prisons;
- AG. whereas at least 330 000 children are detained for migration-related reasons, either unaccompanied or with their families; whereas a minimum of 19 000 children live with their primary caregivers, almost exclusively their mothers, in prison;
- AH. whereas 35 000 children are currently detained in the context of armed conflicts and at least tens of thousands have been forcibly deported, separated from their families or adopted; whereas in 2022 alone, 2 496 children were deprived of liberty for their actual or alleged association with parties to conflicts, including armed groups and terrorist organisations; whereas a minimum of 1 500 children are currently detained on national security grounds in countries without conflict in their territories, including for activities such as peaceful protests, expressing political opinions online, involvement in banned political groups and gang activities; whereas among the countries in conflict situations with the highest rates of child detention reported by the UN Global Study, some have managed to significantly reduce the number of children in detention, while in other cases the number of children in detention has only increased; whereas in conflict contexts children are born to mothers who fight at the front and remain in prisoners' camps; whereas according to UNICEF at the beginning of 2020 approximately 160 million children were involved in child labour ;
- AI. whereas the Russian authorities continue to deliberately target and oppress Ukrainian children; whereas, according to Ukraine's Children of War platform, at least 488 Ukrainian children have died as a result of Russia's invasion, with at least 1 016 injured, around 19 500 deported to Russia and 3 924 reported missing;
- AJ. whereas depriving children of their freedom for expressing their beliefs and political views or for participating in demonstrations and rallies is a violation of the right to express opinions to which every child has the right under Article 12 and 13 of the UN Convention on the Rights of the Child; whereas children detained for political reasons are often treated as adults, even held in the same prisons as adults and subject to the same rules and procedures;AK. whereas countless children are placed in inhuman conditions and adult facilities in clear violation of their human rights; whereas detention conditions include overcrowding, lack of separation between children and adults and/or girls and boys, systemic invasion of privacy, lack of child and youth psychosocial support, including contact with family and the outside world, and insufficient access to education, healthcare, recreational and cultural activities; whereas children deprived of liberty are victims of further human rights violations, such as violence, rape and sexual assault, and acts of torture and cruel, inhuman or degrading treatment or punishment;

¹¹ All data mentioned above is from the UN Global Study on Children Deprived of Liberty.

- AL. whereas CRC General Comment No. 24 states that some children with disabilities should not be in the child justice system, even if they have reached the minimum age of criminal responsibility; whereas Article 14 of CRPD states that the existence of a disability can in no case justify deprivation of liberty; whereas CRC General Comment 24 states that accommodation should be made for children with disabilities, which may include physical access to court and other buildings, support for children with psychosocial disabilities and assistance with communication and the reading of documents; whereas children with disabilities are over-represented in institutions, experience disability-specific forms of deprivation of liberty, and they are more likely to be subjected to exploitation, violence, abuse, torture and other forms of ill-treatment; whereas 50-75 % of children who come into contact with the justice system are already suffering from some form of mental health disorder, abuse or neglect; whereas the deprivation of liberty usually produces or exacerbates mental and cognitive health problems;
- AM. whereas children with disabilities have specific rights and needs, should not be placed in closed centres and should be provided with conditions to function independently through the support of third parties, such as personal caregivers;
- AN. whereas according to the UN Global Study, children who come from a deprived economic background, with disabilities or with a migrant background, or who are part of the LGBTIQ+ community are over-represented in detention all around the world;
- AO. whereas according to the UN Global Study, children are also targeted for arrest and detention based on their religion, ethnicity, tribal identity or place of origin; whereas cases of deprivation of liberty, such as forced marriage, abduction and forced conscription into militia and criminal gangs, have also been documented as being based on ethnic and religious tensions and prejudices towards religious and belief minorities in the society in some countries; whereas armed groups and terrorist organisations, as well as some states, have targeted children from religious and ethnic minorities and abducted thousands of women, girls and boys, subjecting many to systematic sexual violence and rape, forced marriage and coerced abortions;
- AP. whereas girls in some traditions are particularly at risk of honour crimes, depriving them of their liberty and resulting in murder and ‘honour killings’; whereas 12 million girls are married before reaching the age of 18; whereas forced marriage is another form of deprivation of liberty regardless of age and regardless of when a country’s national law determines the age of majority; whereas LGBTIQ+ children under family house arrest who are compelled to undergo conversion therapies are also deprived of liberty;
- AQ. whereas according to UNICEF, globally between March 2020 and October 2021, more than 45 000 children were released from detention in at least 84 countries as a COVID-19 measure against infection, showing both that ending detention is possible and that countries which do not use detention are better prepared to handle some aspects of public health emergencies;
- AR. whereas the EU already plays a leading role in protecting and supporting children globally by strengthening access to education, services and health, and by protecting

them from all forms of violence, abuse and neglect, including in the humanitarian context;

1. Recalls that childhood is a stage of life during which children develop their personality, their emotional relationships with others, their social and educational skills and their social competencies, and stresses, therefore, that the deprivation of liberty of children also deprives them of their childhoods and their futures; stresses 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; calls on the relevant institutions to ensure this right is effectively applied;
2. Recalls that the UN Committee on the Rights of Persons with Disabilities has deemed institutionalisation to be a form of arbitrary deprivation of liberty; recognises that although no globally accepted definition of 'institutions' exists, institutions are inevitably harmful to children's development and psycho-social attachment because features such as depersonalisation, rigid routines, lack of individual support or personal treatment and residents' lack of control over their lives and over decisions affecting them;
3. Stresses 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 Article 37(a) of the Convention on the Rights of the Child and/or may result in the violation of the right of the child to life, survival and development enshrined in Article 6 of the Convention on the Rights of the Child; urgently calls for domestic legal frameworks to completely prohibit and punish all forms of torture and cruel, inhuman or degrading treatment or punishment; calls for the repeal of any legislation and practice which continue to allow children's life imprisonment and corporal punishment, despite their absolute prohibition under Article 37(a) of the Convention on the Rights of the Child; recalls that the imposition of the death penalty on an individual who was a child at the time of the commission of an offence is prohibited by international human rights law; urgently calls for domestic legal frameworks to completely prohibit the death penalty for child offenders;
4. Recalls that 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;
5. Notes that according to UNICEF, the COVID-19 measures have shown that countries can act quickly when there is a clear and compelling justification to do so, in this case a public health emergency, to protect at-risk population groups, such as those in confined spaces, and that diversion and other measures involving alternatives to detention could be used explicitly for children; calls for improved possibilities for parents, families or caregivers to visit and interact with their children when it is in the best interest of the child;
6. Deplores the detention of children; considers 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 non-custodial alternatives and restorative

justice measures, given the irrefutable evidence that deprivation of liberty is harmful to children's well-being and is overused;

7. Stresses that the people or organisations that have instructed and/or trained the child to commit a crime must be punished and held accountable in line with the damage caused;
8. Underlines that depriving a child of their liberty should never be considered as a means of achieving rehabilitation and/or reintegration into society, as required by international law; calls therefore on the Commission and European External Action Service (EEAS) to encourage third-country partners to follow the recommendation of UN Global Study on the minimum age of criminal responsibility ; urges third countries not to reduce the minimum age of criminal responsibility and to decriminalise vague concepts such as children's 'immoral' or 'disruptive' behaviour;
9. Notes 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; stresses the need to develop and maintain an international database on this; underlines that, when appropriate, these numbers should be broken down according to category of crime and reason for deprivation of liberty;
10. Calls 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; stresses the key role of journalists and non-governmental organisations in providing information on the number and situation of children deprived of liberty, especially in the case of countries in conflict or where cooperation with governments on this issue is difficult or impossible;
11. Calls, therefore, for the EU institutions and the Member States to take the lead and launch a global campaign to reduce the number of children held in places of detention, including through the establishment of a UN follow-up mechanism to ensure the full implementation of the UN Global Study's recommendations which can contribute to the effective release of children in detention; calls on the Commission and the EEAS to actively support, including through funding when appropriate, initiatives taken by the authorities of third country partners and/or by local organisations in order to address the root causes leading to the deprivation of liberty in a systematic and holistic manner;
12. Welcomes the Commission's EU Strategy on the rights of the child of 2022 as a means of strengthening the EU's position as a key global player, of improving child protection capacities within the EU delegations by designating youth focal points and of ensuring the protection and the fulfilment of the rights of the child through the EU's external policy in all contexts; asks the Commission to provide further details and updated information on EU delegations' role and activities with the aim of improving public communication, reinforcing the effectiveness of their role and strengthening their mandate, also, when possible, through parliamentary diplomacy tools (e.g. official Parliament missions);
13. Recalls the importance of the EU and the Member States supporting the strengthening of regional human rights systems, including through financial assistance and cross-regional exchanges of experience; strongly believes in the role these regional systems

must play in addressing the situation of children deprived of liberty and in their complementarity with the UN human rights system;

14. Calls on the Commission and the EEAS to draw up a comprehensive policy of deinstitutionalisation by supporting third-country authorities and local organisations in developing national action plans with concrete measures and clear timelines aimed at reducing the number of children deprived of liberty and at prioritising non-custodial solutions and family-type settings over detention; asks the Commission and the EEAS to stand ready to provide support to third-country and local organisations engaged in deinstitutionalisation;
15. Recalls that the EU declared its commitment to supporting the transition from institutional to family and community-based care in its external action in the Neighbourhood, Development and International Cooperation Instrument (NDICI), the Instrument for Pre-Accession Assistance (IPA III), the EU Action Plan on Human Rights and Democracy 2020-2024 and the global dimension of the EU Strategy on the Rights of the Child 2021-2024; urges the EU institutions to not to fund institutions, including their refurbishment, building or renovation, if they are not part of a deinstitutionalisation process;
16. Highlights that some of the EU candidate countries still use closed institutions for people, including children with disabilities; repeats its 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;
17. Calls for the adoption of an EU list of priority countries which could include areas in conflict, occupied territories, areas of heightened displacement or those where armed groups or terrorist organisations are present, among others, where the EEAS, the Commission and the Member States should step up their action in support of children deprived of liberty and engage with local authorities in introducing or improving protection mechanisms and specific legislation aimed at guaranteeing the protection of children; insists that this priority list should be prepared by the EEAS, in close consultation with stakeholders and Parliament, and updated on an annual basis; calls further on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to provide an annual public report on actions carried out in priority countries;
18. Strongly condemns the smuggling and exploitation of people, including children;
19. Encourages Member States' embassies and EU Delegations to ensure the inclusion of civil society organisations, local community leaders and faith actors when engaging in discussions with the authorities on 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; recognises that in some countries deprivation of liberty is known to be based on ethnic, religious and gender stereotypes;
20. Recalls that regardless of the conditions in which children are held, studies show that detention has a profound and negative impact on child health and their physical,

emotional and mental development, and that this damage can occur even if the detention is of a relatively short duration; demands that adequate resources are allocated and a child-centred, trauma-informed, age and gender-sensitive approach is adopted to mitigate increased risks to vulnerable groups, including children with disabilities and those from indigenous, ethnic and minority communities; emphasises that the existence of a disability can never justify the deprivation of liberty;

21. Calls urgently for an end to discrimination against children with disabilities in all laws, policies and practices that relate to the right to personal liberty; calls on the EU delegations to support third-country authorities in mainstreaming the rights and needs of children with disabilities in all areas of law and policy which are directly or indirectly relevant to preventing and eliminating unlawful and/or arbitrary detention, and to ensure the full and effective participation of children with disabilities in all decision-making processes, including all phases of policy development aimed at ending the deprivation of liberty of children; encourages and supports 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;
22. Reiterates its call on the Commission, the EEAS and the EU Member States to support third-country authorities in ensuring that all children are able to enjoy their right to primary education and to take action to ensure that secondary education is available and accessible; insists, therefore, that children deprived of liberty are properly included; stresses that all education and school material must comply with UNESCO standards on education; calls, furthermore, on the Commission, the EEAS and the Member States to support third-country authorities in developing and implementing digital teaching and learning methods, and to facilitate internet access for all children;
23. Calls for greater awareness of and greater control over online content involving children, accessed by children or created by children; notes that the threats resulting from the development of digitalisation and the lack of appropriate control often lead to the exploitation of minors, exposing them to loss of life or health and even depriving them of liberty;
24. Stresses that to combat the root causes of children's deprivation of liberty, states must invest significant resources in reducing inequalities and helping families to empower them to foster children's physical, mental, spiritual, moral and social development; urges to take action towards social protection for all children;
25. Condemns 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; urges the Commission and the EEAS to support the relevant UN agencies and local civil society actors involved with third-country authorities to address all discriminatory laws against adolescents on the basis of their sexual orientation and gender identity, and stresses that proper care and protection from all forms of discrimination, violence and sexual exploitation must be ensured in places of detention;

26. Condemns any form of punishment leading to deprivation of liberty based on religion, ethnicity or tribal identity; underlines that the right to freedom of thought, conscience and religion includes the freedom to choose what to believe or not to believe and the freedom to found, adhere to, change or abandon a religion or belief without any constraints;
27. Stresses that the over-representation of boys in detention must be addressed by all possible means, including by promoting diversion at all stages in the criminal justice system and by proportionally applying non-custodial solutions to boys and girls; considers it urgent to introduce a gender dimension into child justice systems and to address the disparities between sexes in accessing child justice services;
28. Notes that the significant gender gap affecting children in detention also responds to particular and, sometimes, more invisible forms of oppression and deprivation of women and girls' rights and freedoms, including specific forms of violence such as honour killings and forced marriage, among others; calls on the Commission to analyse further actions to address these specific forms of violence in the context of the EU Gender Action Plan III mid-term review, including innovative perspectives within political and human rights dialogues with third countries;
29. Calls on the EU and the Member States to support third countries in providing specialised training to the relevant authorities, including judges, on children's rights and needs;
30. Notes that girls living on the street are particularly vulnerable, as they are often arrested and detained on charges related to prostitution, and that studies on the arrests of girls show that, unlike boys, they are far more likely to be arrested for status offences; condemns the fact that in countries where abortion is criminalised, girls risk detention simply for their decision to terminate a pregnancy; condemns the fact that while deprived of their liberty, girls are particularly exposed to sexual harassment, among other forms of gender-based violence;
31. Notes that in several countries, young LGBTIQ+ people are more likely to be arrested and detained for status offences and other non-violent offences and that they are often held in gender inappropriate detention facilities and are particularly vulnerable to violence;
33. Stresses the need to decriminalise status offences;
34. Calls on the Commission and EEAS to encourage third-country partners to ratify the Optional Protocol to the Convention against Torture and to establish independent and effective National Preventive Mechanisms with particular expertise to conduct visits to places where children are, or may be, deprived of liberty; welcomes the fact that the Convention on the Rights of the Child is the most ratified human rights convention and calls for its full and universal ratification as a matter of urgency; urges all countries to ratify the third Optional Protocol to the Convention of the Rights of the Child on a communications procedure, enabling children to seek redress for violations of their rights;

35. Calls for intensified action on behalf of missing or abducted children through the exchange of information at regional and international level and joint efforts to return children to their parents or legal guardians;
36. Recalls that public policies are effective when designed on the basis of complete, timely and trustworthy data; encourages the EU and its Member States to propose tailor-made assistance and methodological support to third-country authorities on data collection, including technical means and legal frameworks, in order to facilitate data sharing between state institutions, as well as with relevant non-state actors (for example international organisations); underlines the need to systematically collect disaggregated data to better understand the pathways of boys and girls leading to detention in all situations of the deprivation of liberty of children;
37. Regrets the fact that since the adoption of the EU Guidelines on the Promotion and Protection of the Rights of the Child in 2017, no review has been conducted by the EEAS; considers that launching an impact assessment of how the EU delegations are implementing the guidelines in third countries is a matter of urgency;
38. Calls on the Commission and EEAS to include children's rights systematically in the political dialogue with partner countries, as is already being done in the context of accession negotiations and the stabilisation and association process;

Children within the administration of justice

39. Calls 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, which would include applying diversion from the very beginning and at every stage of the criminal procedure, maintaining or increasing the age of criminal responsibility in line with the recommendation of the UN Global Study, decriminalising status offences, ensuring child-friendly information and child participation mechanisms and consider ways to shorten the length of detention to the minimum when detention is unavoidable;
40. Calls 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; calls for the prohibition of physical and psychological violence as means of discipline in detention;
41. Calls on the EEAS and Commission to further develop, together with third-country partners, training programmes for justice and law enforcement staff to develop child-friendly hearings and proceedings, and to determine how best to obtain children's views, as they are entitled to participate in and appeal against decisions leading to the deprivation of their liberty; underlines the right for all children to have access to free legal aid, representation and services, including access to mental health and psychological support, child experts and trusted legal practitioners who can make a difference to a child's experience of the justice system and the outcome of the case;

Children and their primary caregivers

42. Underlines that states should refrain as much as possible from detaining primary caregivers with very young children and, if this is not done, to develop child-friendly ‘parent-child units’ in prisons, establish special accommodation for pre-natal, peri-natal and post-natal care and treatment, and to aim to release children together with their parents; recalls that all necessary measures must be taken to ensure the safety, dignity and development of any child living with a parent in prison and that protection from violence, trauma and harmful situations must be ensured at every moment;
43. Recalls the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Punishment on facilitating the imposition of alternatives to detention as regards pregnant girls and young mothers in order to avoid situations where children live in detention;
44. Stresses that authorities should incorporate assessments of the best interests of the child into all decision-making processes in which the detention of a parent could result in the deprivation of liberty of a child, which includes pre-trial decisions, sentencing decisions and any kind of decision addressing whether and for how long a child is supposed to live with a primary caregiver in prison;
45. Calls on partner countries to enact laws and regulations that support and prioritise non-custodial solutions for parents of dependent children over custodial solutions, and promote a judicial evaluation of each individual case based on the criteria of necessity, proportionality and reasonableness when considering pre-trial and sentencing detention decisions;
46. Calls on the Commission and the EEAS to support partner countries in shaping rehabilitation programmes for primary caregivers inside prisons, which should include protection mechanisms for the child to prevent stigmatisation, and to encourage building cooperation and coordination between the relevant public departments and civil society organisations for the purpose of reintegrating children into society after they leave detention centres;

Children in migration

47. Recalls that migrant children should, as a rule, not be detained but be placed in accommodation with special provisions for minors, including where appropriate in non-custodial, community-based facilities; stresses that states should put in place appropriate safeguards to protect all children in migration present on their territory, including by adopting measures to ensure that children are provided with safe and appropriate accommodation as well as necessary support services to ensure their best interests and well-being are safeguarded;
48. Expresses concerns about the increasing number of countries that hold migrants, asylum seekers and refugees, among them children, in various temporary or permanent settings, such as prison accommodation or other facilities destined for law enforcement purposes, or in other various temporary or permanent settings which they have no possibility of leaving or can only leave at certain times under certain conditions, and which do not fulfil the minimum safety and hygiene standards; stresses that 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;

49. Deplores cases of children being separated from their parents and legal guardians or placed in centres away from them, which only deepens the trauma of migration, increases the sense of threat and insecurity and has a negative impact on the development of separated children; emphasises that family separation or immigration detention are never in the best interest of a child; underlines that the detention of families and children, whether accompanied or unaccompanied, separated or held together with their family, is never in their best interest and is always a violation of the children's rights;
50. Considers that unaccompanied children should be provided with alternative care and accommodation in accordance with the UN Guidelines for the Alternative Care of Children and that states should provide refugee children with access to asylum procedures, adequate protection and humanitarian assistance, including family reunification, education and healthcare;
51. Considers that safe and legal pathways and non-custodial and community-based solutions must be found to stop the detention of child migrants and their families; believes that the issue of whether or not a child is deprived of liberty does not depend on the name or classification assigned by the state to the institution where the child is being detained, but on whether the reality and severity of the restrictions imposed amount to deprivation of liberty; calls for the adoption of child-sensitive migration identification and referral procedures; calls, in this context, on the EU Member States to lead by example and support transit and destination countries in ending this practice;
52. Stresses that families with children cannot be expelled to countries where there is a high risk of forced marriages;
53. Underlines that detaining or criminalising minors for immigration-related reasons is never in the best interests of the child; recalls the state's obligation to protect and respect the rights and best interests of the child at all times, regardless of their migration status or that of their parents, by ensuring the availability and accessibility of a viable range of alternatives to detention in non-custodial contexts, favouring community-based care arrangements which ensure access to education and healthcare and respect their right to family life and family unity, and by working to limit with a view to ending the practice of child detention in the context of international migration;
54. Notes with concern the existence of cases where migrant children are treated as adult migrants and deprived of their liberty owing to a lack of birth registration and the inability to determine their age; calls on partner countries to ensure prompt, child-friendly and gender-sensitive comprehensive assessments of the child's development carried out by specialist paediatricians and other medical professionals, whose decisions it should be possible to appeal against with full legal guarantees;

Children affected by conflict

55. Notes that in 2022 more than one out of six children lived in a conflict zone; recalls that 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; stresses 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; underlines the need to promote equal access to reintegration and rehabilitation assistance for boys and girls formerly associated with armed forces and armed groups and to ensure reunification with their families; stresses that persons and organisations responsible for depriving children of their liberty and basic rights must be held accountable;
56. Underlines the importance of condemning armed groups and terrorist organisations that use children to pursue their goals;
57. Welcomes the new set of joint EU-UN priorities for 2022-2027 and the joint commitment to include children affected by armed conflict as cross-cutting priorities; stresses the need to create paths for the reintegration and reparations of children whose rights have been violated and that the UN agenda on children and armed conflict must be included in all of the EU's external actions;
58. Calls on the Commission and the VP/HR 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; stresses the importance of advancing the children and armed conflict agenda in the EU's external action and counter-terrorism and security policies, focusing in particular on territories and countries where armed groups and terrorists organisations are active, and of integrating it into common security and defence policy operations, security sector reforms and mediation; calls for the EU and the Member States, together with the international community, 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;
59. Calls for the EU and its Member States to take all necessary steps, in accordance with the UN Convention on the Prevention and Punishment of the Crime of Genocide, to put an end to these atrocities and ensure accountability for these crimes, including through international accountability mechanisms;
60. Takes note of the findings of the UN Secretary-General's latest report on children and armed conflict, which illustrates how the detention of children continues to be used as a political weapon in many countries; welcomes the inclusion of the Russian armed forces on the annual list of parties to conflicts that have committed grave violations against children's rights;
61. Insists that those responsible for grave human rights abuses, including war crimes and crimes against humanity, must be held accountable; welcomes the EU's global human rights sanctions regime (the EU Magnitsky Act), and calls for an expansion of the EU

sanctions list in this regard, in particular to include all entities and persons identified as responsible for the preparation and organisation of forced deportations and forced adoptions of children;

62. Underlines that children associated with groups designated as terrorists or violent extremists are victims and not perpetrators; recalls that states bear the responsibility for their child nationals detained abroad; calls on the EU Member States concerned to ensure the protection and the repatriation of children who are their nationals and who are imprisoned or detained in third countries; deplores the fact that some armed forces and groups detain children as a punishment and/or hold children as hostages, according to the UN Global Study;
63. Calls on European countries to set up reintegration programmes for EU national children born in fighters' or prison camps;
64. Believes that states should explicitly exclude children from national counter-terrorism and security legislation and ensure that children suspected of crimes against national security are dealt with exclusively within juvenile justice systems;
65. Condemns 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;
 - o
 - o
 - o
66. Instructs its President to forward this resolution to the Council and the Commission.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Race & Equality
Réseau International des Droits Humains
UNRWA
UNICEF

The list above is drawn up under the exclusive responsibility of the rapporteur.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	16.11.2023
Result of final vote	+: 39 -: 2 0: 7
Members present for the final vote	Alexander Alexandrov Yordanov, François Alfonsi, Maria Arena, Petras Auštrevičius, Anna Bonfrisco, Reinhard Bütikofer, Susanna Ceccardi, Włodzimierz Cimoszewicz, Anna Fotyga, Giorgos Georgiou, Raphaël Glucksmann, Andrius Kubilius, Ilhan Kyuchyuk, Antonio López-Istúriz White, Jaak Madison, Thierry Mariani, Marisa Matias, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Alessandra Moretti, Kostas Papadakis, Tonino Picula, Isabel Santos, Mounir Satouri, Jordi Solé, Dominik Tarczyński, Hilde Vautmans, Charlie Weimers, Isabel Wiseler-Lima
Substitutes present for the final vote	Dacian Cioloș, Georgios Kyrtzos, Gabriel Mato, Juozas Olekas, Pina Picierno, María Soraya Rodríguez Ramos, Mick Wallace, Elena Yoncheva
Substitutes under Rule 209(7) present for the final vote	Karolin Braunsberger-Reinhold, Charles Goerens, Eero Heinäluoma, Maria-Manuel Leitão-Marques, Dan-Ștefan Motreanu, Paul Tang, Eugen Tomac, Lucia Vuolo, Juan Ignacio Zoido Álvarez

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

39	+
PPE	Alexander Alexandrov Yordanov, Karolin Braunsberger-Reinhold, Andrius Kubilius, Antonio López-Istúriz White, David McAllister, Gabriel Mato, Vangelis Meimarakis, Francisco José Millán Mon, Dan-Ștefan Motreanu, Eugen Tomac, Lucia Vuolo, Isabel Wiseler-Lima, Juan Ignacio Zoido Álvarez
Renew	Petras Auštrevičius, Dacian Cioloș, Charles Goerens, Georgios Kyrtos, Ilhan Kyuchyuk, María Soraya Rodríguez Ramos, Hilde Vautmans
S&D	Maria Arena, Włodzimierz Cimoszewicz, Raphaël Glucksmann, Eero Heinäluoma, Maria-Manuel Leitão-Marques, Sven Mikser, Alessandra Moretti, Juozas Olekas, Pina Picierno, Tonino Picula, Isabel Santos, Paul Tang, Elena Yoncheva
The Left	Marisa Matias, Mick Wallace
Verts/ALE	François Alfonsi, Reinhard Bütikofer, Mounir Satouri, Jordi Solé

2	-
ECR	Charlie Weimers
ID	Thierry Mariani

7	0
ECR	Anna Fotyga, Dominik Tarczyński
ID	Anna Bonfrisco, Susanna Ceccardi, Jaak Madison
NI	Kostas Papadakis
The Left	Giorgos Georgiou

Key to symbols:

+ : in favour

- : against

0 : abstention