

MINORS IN MIGRATION CRISIS: CHALLENGES AND SOLUTIONS TO PROTECTION FROM ABUSE AND EXPLOITATION

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Abstract

The paper explores focuses on the minors' protection within the forced migration development towards and across Europe. The phenomenon is under scrutinized study within various areas, ranging from political solutions to social response and tools.

The research aims to analyze major challenges and provide preliminary solutions to minors' protection from abuse and exploitation within the contexts of increasing migration across Europe.

The research methodology rests on the comparative analysis of national legislations and national government bodies' reports in respect to issues under study.

The research materials included the special report of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on the Convention. This report elaborates on the Lanzarote Convention Committee opinions regarding the situation with the protection of minors affected by the migration crises during 2015 and 2016. The report accumulates the data of the monitoring round of the national practices related to the protection of refugee children in the Member States (Urgent monitoring round 2016). The research findings confirmed that such topics as minors' age identification procedure, special training for professionals engaged in working with refugee children, forms of support for refugee children deserve particular attention.

The comparative analysis also allowed us to specify a number of promising legislative and enforcement practices regarding refugee minors' support.

The author of the paper in her capacity of the Russian delegation member has taken part in the activities of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse during 2015-2017.

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Keywords: Migration Crises, Minors' rights, children's abuse and exploitation, Lanzarote Convention

1 INTRODUCTION

"Safety and security don't just happen; they are the result of collective consensus and public investment.

We owe our children, the most vulnerable citizens in our society, a life free of violence and fear."

Nelson Mandela, Former President of South Africa

The current years have come across one of the most complicated challenges that cover the phenomenon of forced migration that moves towards and across Europe. The phenomenon is under scrutinized study within various areas, ranging from political solutions to social response and tools.

International statistics underlines that at the end of 2015 there were 65.3 million forcibly displaced people. The number of child refugees has more than doubled in the last decade. Growing numbers of children are crossing borders alone. In 2015, more than 100,000 unaccompanied minors applied for asylum in 78 countries - triple the number in 2014 (Europe's refugee and migrant crisis in 2016).

The UNICEF data also underlines that "today, nearly 1 in every 200 children in the world is a child refugee, about 10 million child refugees are hosted across the world, and overall, the refugee population is much younger than the migrant population"(Uprooted....2016:2).

Across history every humanitarian crisis data confirms that minors turn out to be the most vulnerable population. Moreover, children are often either travel without their parents or relatives or get separated from them in the course of hard journey. Minors often become subject to threats, exploitation and abuse despite the fact there is a solid international legislation regarding the issue (Convention on the Rights of the Child 1989, Lanzarote Convention 2007, Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse 2007, etc.).

Top international officials strive to enhance society engagement and foster international agreements on the issue. Forced migration goes hand in hand with human rights abuse, humans' illegal trafficking and exploitation. Minors 'protection within the above context requires particular attention (UNO Summit for Refugees and Migrants 2016).

The above international context laid grounds to the research goal that aims to identify major challenges and possible solutions to minors' protection from abuse and exploitation within the contexts of forced migration across Europe.

2 METHODOLOGY

The research methodology stood on the comparative legal analysis of European countries legislations and national government bodies' reports in respect to issues under study.

The research based on the special report of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on the Convention. This report presents the Lanzarote Convention Committee views on the situation with the protection of minors affected by the migration crises during 2015 and 2016. The report grounds on the monitoring round of the national practices related to the protection of refugee children in the Member States (Urgent monitoring round 2016). A special questionnaire was agreed on and offered to the state-members of the Lanzarote Committee to fill in. The comparative analysis of the member states' replies made it possible to identify a number of key issues that require most urgent solutions.

3 RESEARCH FINDINGS AND DISCUSSION

The research revealed a number of challenging issues.

First, age verification procedure of those who cross the borders requires attention and careful consideration. The Lanzarote Committee analysis revealed that there are children that prefer to be treated as adults as they hope for more rights and independence. Nonetheless according to the international legislation the Committee underlined the importance to treat as minors and provide them with the full bulk of the corresponding rights those who are under the age verification procedure (Urgent monitoring round 2016:8)

Special emphasis was laid on the concept of unaccompanied children.

The survey revealed that the Member States interpret the concept in different ways and apply different scopes to its meaning. For instance, some countries consider the concept of the accompanied minor as that one including the child accompanied by adults who hold parental custody/guardianship status, see explanations from Belgium, Croatia, Montenegro (State replies 2016).

Meanwhile other countries consider minors as accompanied in case they cross their borders with persons who are closely related to the child or entrusted to accompany them, see comments from Denmark, Germany, Liechtenstein, Slovak Republic (State replies 2016). The above situation adds uncertainty and leads to disproportion in the international procedures.

That is why it seems reasonable to accept the flexible case-by-case approach that can be found in Switzerland, This country considers the child as accompanied one if he or she arrives with the relative who "lived in the same household as the child in the country of origin". Nonetheless, the European Union Agency for Fundamental Rights mentions those identifying and protecting children who arrive with adults not being their parents or primary helpers is really challenging as the adults can turn out to be traffickers or smugglers.

The next challenge to be mentioned concerns data collection and statistics regarding refugee minors. The monitoring round revealed that that the State-Members have statistic instruments to track the numbers of refugee minors. Nonetheless the report underlines that "Parties may face difficulties in identifying children when they cross their borders, in particular those which are Parties to the Schengen Agreement on free movement of persons" (Urgent monitoring round2016:16).

Due to the above we support the report statement on the importance of sharing practice to effectively collect data on the refugee children. Although it seems to complicate things even more if the national databases will be counting differently (unaccompanied children; asylum-seeking children; total number of children affected by the refugee crisis in transit). The above three proposed parameters might overlap each other in data thus making statistics inaccurate.

What really matters for each hosting country is the number of accompanied refugee minors, the number of unaccompanied minors, the number of asylum-seeking children and the number of minors moving to another country.

Another important issue concerns the missing children. The figures are really alarming and specific measures should be taken (Urgent monitoring round2016:17).

Austrian approach to deal with the issue at the municipal level and supervise each potentially missing child refugee in the local municipal refugee centers and inform the police about each case seems to be productive due to its concrete visible steps that are implemented (State replies 2016).

One of the most sensitive topics is the identification of refugee minors as those who became victims of child sexual abuse and exploitation. Partly it happens due to the fact that national legislations often focus on the data confidentiality or tackle the abuse cases when regarding those who obtained residence status (State replies 2016).

It should be underlined that most member States underline that their refugee minors sexual abuse prevention and protection systems are embedded within national legislations, action plans, etc. that aim to protect all children on the country territory. It seems timely to mention in this regard that in the Russian Federation all children with no limits to their status as that of citizens, asylum-seekers, refugees, etc. have the same right for the protection (On refugees 1993).

Nonetheless, mention should be made on the promising practices in those countries that ensure specialized programs within the context of reception, accommodation and integration of children affected by the refugee crisis, see such projects AGIRE (Austria, Greece, Italy and Romania), RAVOT (the Netherlands, Hungary Belgium), (State replies 2016).

In terms of prevention minor refugees abuse prevention plays one of the key roles and adequate measures should be on track. Refugee minors face problems with another language, culture, social and legal environments (Alloush 2016). The above specificities should be explained through

-specific instruments that combine visual and verbal forms of explanations

-specific formats that include interactive trust building activities (workshops, games, etc.).

Moreover, the monitoring round revealed that the Member States are still in process of shaping a comprehensive system of training professionals who engage in work with refugee minors. The Lanzarote Committee members agree on the importance of the tailored training for the above mentioned professionals

(State replies 2016), though the countries' approach differs regarding the concrete list of those who needs training and ranges from police and border officers (all respondents mentioned) to any person who is expected to encounter with refugee minors (Greece, Lithuania, Turkey), see State replies 2016.

Moreover, the study of state replies confirms that special measures are required to elaborate on the tailored content for the above training. Particular emphasis should be laid on ways for different categories of professionals to deal with supposed minor refugee victim. It is obvious from the examples provided by the monitoring round participants that border officers, asylum case workers, refugee camps officials, doctors need not only general but also specific training and recommendations to work with minors in particular contexts (Urgent monitoring round2016:33). Promising practices in the field include, for example, Austrian experiences in training employees of the Municipality of Vienna, the training of staff of the Belgium, Federal Agency for the Reception of Asylum Seekers, etc.

The study of materials also revealed general trends in providing assistance to child victims of sexual exploitation and abuse. Among a number of instruments it seems important to mention those Member States (Denmark, Iceland, Lithuania, Russian Federation, and Albania, Cyprus, in progress) that provide concrete information about inter-agency approach and co-ordinated efforts between "social services, police, therapeutic services and health services that are offered with the purpose of providing the abused child with co-ordinated and professional help in a child friendly environment" (Urgent monitoring round2016:44). The examples set forth by the mentioned countries can be followed by all those interested.

Moreover, with regard to the Russian Federation experience some activities can be mentioned as examples of ways to engage care workers and parents in the process of refugee child rehabilitation after multiple traumas. Thus, the site of a Sunday school provides a number of activities that help children step away from painful memories and feelings (Sunday school 2016).

Among other NGO projects to help refugee minors integrate in the hosting community the activities run by the Committee on civil contribution (2016) can be cited as example.

4 CONCLUSION

The research findings and discussion confirm that refugee minors' protection from sexual abuse and exploitation should be viewed as a specific international goal. There is international legislation in force regarding the issues (Convention on the Rights of the Child 1989, Lanzarote Convention 2007, Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse 2007, etc.).

Nonetheless, up-to-date activities are required to ensure children rights in the changing world, that affect minors with new emerging contexts that are not always child-friendly and contribute to his-her best interest implementation.

Such activities should be conducted as field research that aggregates data regarding current practices in various countries.

This trend seems to be really important as refugee minors protection from sexual abuse and exploitation can bring some concrete results only if relevant activities are implemented internationally and involve major stakeholders concerned.

Meanwhile the monitoring activities means the first step towards identifying problems and tracing preliminary solutions. It is rather symbolic that a considerable number of the Lanzarote Committee Member States pointed out that "in the absence of cases of abuse or sexual exploitation of children affected by the refugee crisis during the reference period (1 July 2015 – 30 June 2016), there was no concrete need or opportunity to co-operate with other Parties" (Urgent monitoring round..2016:48).

The above situation requires further observation, progress report implementation, recommendations follow up analysis.

REFERENCE LIST

- Alloush, A.(2016). The language 'question' and the refugee crisis. URL: <http://solomon.gr/project/the-language-question-and-the-refugee-crisis>
- Committee on civil contribution (2016). URL: <http://refugee.ru/projects/dostup-k-obrazovaniyu-i-adaptatsiya/>
- Convention on the Rights of the Child (1989). URL: <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>
- Europe's refugee and migrant crisis in 2016. In numbers. URL: <https://www.weforum.org/agenda/2016/12/europes-refugee-and-migrant-crisis-in-2016-in-numbers>
- Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007). URL: <https://rm.coe.int/16800d3832>
- FRA, Key migration issues: one year on on from initial reporting (2016). URL: <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-one-year#children>
- Lanzarote Convention (2007). URL:<http://www.coe.int/en/web/children/convention>
- On refugees (1993). The RF Federal Law. <http://base.garant.ru/10105682/>
- Sunday school (2016) Psychological help to children who witnessed war. URL: http://voskresnaya-shkola.ru/metodi_vospitaniya_detey/psihologicheskaya-pomocsh-detyam-bezhencam-s-ukrainy-perezvivshim-vidvshim-voynu.html
- State Replies (2016). URL: <http://www.coe.int/en/web/children/state-replies-of-urgent-monitoring-round>
- UNO Summit for Refugees and Migrants, September 19, 2016 (2016) , <https://refugeesmigrants.un.org/summit>
- Uprooted THE GROWING CRISIS FOR REFUGEE AND MIGRANT CHILDREN. Statistical-snapshot. UNICEF (2016). URL: <https://data.unicef.org/wp-content/uploads/2016/09/uprooted-statistical-snapshot.pdf>
- Urgent monitoring round: Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse (2016), the Committee of the Parties to the Convention on the Protection of children against Sexual Exploitation and Sexual Abuse, <http://www.coe.int/en/web/children/urgent-monitoring-round>