



General Assembly

Distr.: General
21 February 2022

English only

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



No violence against children is justifiable; all violence against children is preventable

APG23 welcomes the Annual report of the Special Representative of the Secretary-General on Violence against Children, Dr Najat Maalla M'jid. As it has been highlighted in the report, violence against children has increased around the world. The COVID-19 pandemic crisis has exacerbated marked inequalities, marginalizing and putting at risk millions of children living in need. Often, children are left alone, facing unbearable challenges and suffering many violations.

Sadly, violence makes no noise, inequalities keep growing up affecting the most deprived and marginalized children.

Among them "children on the move are exposed to heightened risks of violence and other adverse childhood experiences that take a heavy toll on their wellbeing" as the SRSR underlines in the report.

More than 33 million children have been forcibly displaced at the end of 2020; unaccompanied and separated migrant children, refugee children as well as asylum-seeking children, are paying the highest price of many humanitarian crises around the world.

In this regard, APG23 wants to emphasize the human rights violations they suffer in the administrative confinement camps, in the asylum and reception procedures, as well as in any other practice contrary to the international law.

The best interest of the child has to be the core principle concerning every policy involving children on the move; instead, restrictive migration strategies often prevail over child protection. Many children are still detained in "protective custody" at police stations and in "pre-departure detention centres", simply because they are not holders of proper documents or because they belong to families of migrants in an irregular status. In some States, they are subjected to penal and administrative sanctions because of their status, deprived of their family support and protection, and denied of some fundamental rights, such as access to food, health, education, as well as the right to play.

Legislations aimed at forbidding the detentions of migrant children have been carried out by different countries, as underlined by Dr M'jid in the report; indeed, alternative measures to child detention as well as foster care have been introduced in some national migration policies, even aimed at reaching the target defined by the Agenda 2030 for Sustainable Development.

Unfortunately, despite the improvements in law and practice, tens of thousands of migrant children are still at risk of detention; it is imperative to underline that immigration detention is never in the best interest of the child, causing irreparable physical and mental harm and putting at risk the child's wellbeing and future.

APG23 insists on banning detention of all children for the purpose of immigration control and recommends the introduction of penalties in case of violation. Strict measures and responsibilities need to be defined and applied, in order to make child detention illegal. Furthermore, special attention must be paid to the situation of children on the move along Balkan route and in the Aegean islands.

Migrant children, in their attempt to reach European countries, have to face several difficult challenges and obstacles, exposing them to the risk of abuses, exploitations and even death; the indiscriminate use of violence by the border authorities, the lack of respect for procedures, as, inter alia, the widespread practice of registering asylum-seeking children as adults, put millions of children in danger every day. According to our information, many times children have seen the access to asylum procedures denied or their asylum claims have not been handled in an age-sensitive manner. Indeed, as migrant children told in their testimonies collected by APG23 volunteers, they are often registered as adults without getting the opportunity to conduct relevant and probative clinical examinations to verify their age and without taking into account the best interest of the child, as stated in Art 3 of the CRC and Art 24 of the Charter of Fundamental Rights of the EU.

In addition, more and more children and youths through “the game” (1) try to reach European countries along the Balkan route; they are pushed back several times and beaten by the border police; therefore, the number of unaccompanied migrant children, blocked at EU borders, without the possibility of moving on to the countries of final destination, is increasing and this exposes refugee children to situations of extreme vulnerability and to terrible risks. They often remain alone, far away from their family environment, without the support of their parents or relatives; these children could be subjected to human trafficking and sexual exploitation, drug trafficking and forced labour; a certain number of children disappear during the journey. Moreover, according to testimonies collected on the Aegean islands, children living in refugee camps are deprived of guarantees and safeguard; they often suffer from panic attacks, anxiety and aggressive outburst; high cases of self-harm and suicide attempts among them are remarkably observed. Many other minors are left in a state of abandonment on the streets without any protection.

APG23 is highly concerned over the condition of these children who come from traumatizing situations and live in totally unsafe conditions.

The signs of physical injury they suffered are visible on their bodies; instead, the emotional and psychological harm they experienced, leaving no visible scars, will indelibly affect their emotional, social and human development.

However, the restrictive purpose of many migration strategies on the one hand, and the lack of capacity of the national child protection and alternative care systems, on the other hand, are still the common denominator in many migration policies.

APG23 considers a priority reducing the risks to which unaccompanied migrant children are exposed by safeguarding, first of all, their life, health and harmonious development.

Governments, Member States, have to put the best interest of the child as a priority by promoting the effective implementation of the UN Convention on the Rights of the Child, and by developing appropriate child sensitive migration policies, in line with the 2030 Agenda for Sustainable Development, and the Global Compact for Safe Orderly and Regular Migration. The implementation of both, calls for deep and long-term commitment to safeguarding the child’s wellbeing, regardless of their migration status.

As the UN SRSG underlines in her report, “children often lead many actions in order to fight abuse and create support action”, in many situations they are “agents of change”.

Supporting these words, APG23 strongly urges each State to formulate child-sensitive migration-related legislation, policies and practices at national, regional and international level by using children’s participation as a key strategy.

Measures should be taken so that migrant children may be the main actors of their own development, by recognizing their dignity and promoting in every way their participation in the adoption of strategies concerning their well-being and life.

In this regard, the realization of the right to development plays a key-role in shaping a better future for our children. Both article 3 and article 8 of the Declaration on the Right to Development should provide a fundamental legal framework in order to fully realize the rights of the child. Indeed, by eliminating obstacles and ensuring equality of opportunity for all, children should be the protagonists of their own life, they should not be forced to escape from their home because of war, fear and famine. They should be listened to and taken seriously and involved in all matters, which affect them. Children should have the opportunity to participate in and contribute to development, in order to shape their own future.

“No violence against children is justifiable; all violence against children is preventable”.

With this sentence, Mr Pinheiro started his report on violence against children in 2006 (2). After sixteen years these words are still relevant. Violence, that is “too often justified, socially accepted or authorized”, has to be fought back with strategies, policies, cooperation among states and international actors, investments and substantial funds, all aimed at eliminating its impact on children and directed towards their own wellbeing.

- 1) Minca Claudio & Collins Jessica. (2021, October). *The game: Or, 'the making of migration' along the Balkan route*. ScienceDirect.com | Science, health and medical journals, full text articles and books.
- (2) [https://documents-ddsny.un.org/doc/UNDOC/GEN/N06/491/05/PDF/N0649105.pdf?](https://documents-ddsny.un.org/doc/UNDOC/GEN/N06/491/05/PDF/N0649105.pdf?OpenElement)
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