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## Committee on Social Affairs, Health and Sustainable Development

### Minutes

#### Public hearing on the “Impact of labour migration on left-behind children”, held in Strasbourg, on Monday, 27 January 2020

In the framework of the report currently in preparation on “Impact of labour migration on left-behind children” Rapporteur: Mr Viorel Badea (Romania, EPP/CD), the Committee held a public hearing with the participation of:

- ✓ Ms Elena Madan, Country Director, *Terre des Hommes* Moldova
- ✓ Ms Tatiana Puiu, Member of the European Committee of Social Rights of the Council of Europe

**Mr Badea** presented his revised introductory memorandum. Following the deterioration of the economic situation in Eastern Europe, many people had migrated in search of employment and had had to sacrifice their family life. The left-behind children often suffered from emotional instability, isolation, low self-esteem and aggressiveness. In the worst cases they committed suicide. It was estimated that approximately 500.000 children had been left behind in EU countries. Attempts to take legislative measures had had limited success. NGOs dealing with these issues had identified many problems. The UN Convention on the Rights of the Child stipulated that every child should grow up in a family environment, and that a child deprived of such an environment was entitled to special assistance to be provided by the State. The International Convention on the Protection of the Rights of All Migrant Workers was an important treaty, which aimed to protect and assist migrant workers and their families. It also aimed at promoting co-operation among States in order to identify illegal migrant workers and to support the legal reunification of families. No EU country had ratified or signed it so far. The European Social Charter guaranteed the right of children and young persons to appropriate protection, as well as the right of migrant workers and their families to protection and assistance. In his report, Mr Badea intended to examine the current situation and propose actions to be taken both in the countries of origin and destination of labour migration in order to improve the situation of the left-behind children.

**Ms Madan** briefly introduced her organisation. *Terre des Hommes* was a leading Swiss child relief agency. In Europe, it had 7 offices that aimed to strengthen child protection systems. Left-behind children were often included in the interventions but were not specifically targeted. In Ukraine, no interventions had taken place yet, as this was a new office. Common interventions for the countries concerned were being designed. In the Republic of Moldova, a 3-D animated movie “In Exile” had been produced, to show the impact of labour migration on a left-behind child. Materials for professionals and parents had been developed and workshops had been organised.

Not a lot was known about how labour migration affected children. To address this gap, a qualitative survey had been organised in the Republic of Moldova, Romania and Ukraine in November-December 2018. Quantitative reports on this topic had existed prior to this survey. This survey had shown that the departure of one or both parents was a radical change in the life of children. Nevertheless, responses to the situation of these children were fraught with ambiguity. Sometimes it was perceived as a good situation for children, as they benefitted from remittances and had better clothes and other material goods. As a result, teachers did not necessarily consider them as vulnerable. These children were often discriminated against by their peers. At the same time, they were clearly emotionally disadvantaged. Psycho-social consequences of a parent's departure included feelings of sadness, loneliness, insecurity and the child's inability to show emotions. There were substantial differences in the impact of such a departure, depending on who was leaving, whether it was both parents or just one of them, and what his/her role in the family had been before the departure. Other differences related to whether the parent's employment abroad was legal or illegal, short- or long-term,

<sup>1</sup>The minutes were approved and declassified by the Committee on Social Affairs, Health and Sustainable Development at its meeting on 19 May 2020, held by videoconference.

existence / level of remittances, possibility of reunification, regularity of communication and who the caregivers were (and whether they were the child's relatives or not). When the caregiver was the father (rather than the mother), the negative influence on school attendance was more significant. The living environment had a considerable influence on the situation of the child. The frameworks with respect to policies, legislation and interventions were very different in the three countries. In Ukraine, many left-behind children were placed in residential institutions.

The existing interventions focused on supporting single stakeholders and were not comprehensive. Left-behind children did not want to be targeted as such. Access to quality services for left-behind children and their families should be ensured across the continuum of care. Possible interventions included lobbying, campaigning and structural changes. Interventions aimed at empowerment had to address children and families together. More capacity-building opportunities were needed for public institutions and for NGOs. With respect to prevention, social media should be used. Children and families should be supported outside of schools.

**Ms Puiu** discussed the situation of left-behind children from the perspective of the European Social Charter. The European Committee of Social Rights (ECSR) played a leading role in supervising the compliance of States Parties with the provisions of the Charter by means of an annual reporting procedure by all States Parties (which focused each year on 1 out of 4 thematic groups), and a collective complaints procedure. In 2020, the ECSR was to present its conclusions on Thematic Group 4: Children, families, migrants (Articles 7, 8, 16, 17, 19, 27 and 31).

The ECSR stressed the importance of treating children as individual rights holders as well as of granting children specific rights, such as the right to shelter, the right to health, the right to education, protection of the family and the right to family reunion, protection against danger and abuse, prohibition of child labour for those under the age of 15 and specific working conditions for those aged between 15 and 18.

With respect to the right to social security, the position of the Committee was that it applied to foreigners insofar as they were nationals of another State Party lawfully resident or working regularly within the territory of the State Party concerned. As regards child benefits, the Committee held that a condition that the child concerned should reside on the territory of the paying state is compatible with the Charter. In this case the child should be entitled to family benefits on an equal footing with the nationals of the country concerned. In cases where there was no condition of residence and where children were not residents of the same country, the level of benefit could be reduced (if justified in specific circumstances).

Under Article 17.2 of the Charter, the States undertook to provide children and young persons with free primary and secondary education. The ECSR had confirmed several times in its case law that minor migrants had the right to education, regardless of their status. Article 19 provided the right to family reunion for children. It also required that family members of the migrant worker (including children) should not be deported as an automatic consequence of the deportation of the migrant worker. Article 19 of the Charter provided that migrant children should have the possibility of learning both their language of origin and the language of their host country. Automatic teaching of the language of the host country in primary and secondary school was deemed not to be sufficient. States Parties should provide additional assistance for children of migrants, free of charge.

More had to be done by Council of Europe member States, starting with the acceptance of relevant provisions of the Charter and ratification of the Charter by those that only had signed it. The Charter was a living instrument that could evolve and adapt to the rapidly changing environment.

**Mr Schennach** said that he had come across this issue when travelling across the Moldovan countryside. There were no support structures and no kindergartens. Many children lived on the street. These children were exposed to violence, sexual abuse and drugs. Mr Schennach thanked *Terre des Hommes* for their valuable work. This report was very important. Three years ago, Mr Schennach had gone to the Republic of Moldova for the last time, and the situation had been very difficult. He had spoken to the Minister of Justice and the Minister of Social Affairs. They did not seem to want to look closer at the situation of these children. The EU Danube Programme, which promoted stronger co-operation between the countries of this region, allowed different countries to take different responsibilities. The Austrian government was responsible for co-ordinating work in three priority areas, including investing in people and skills.

**Baroness Massey** enquired about the role of schools in addressing the situation of left-behind children.

**Mr Kalashnikov** noted that a lot had been said about the responsibilities of the public authorities and asked whether the responsibilities of the family had also been considered in this context.

**Ms Zaburanna** expressed appreciation of the efforts aimed at improving the situation of left-behind children. Indeed, these problems existed in the countries of the region. Another important social issue to be addressed in this context was how children lived without their parents because of aggression by the Russian Federation. In future, this situation should also be investigated.

**Ms Madan** thanked the participants for their feedback. Her organisation would look into the activities supported by Austria. As for the role of schools, teachers were not adequately prepared. The first intervention was delivered by NGOs in most cases. Psychological support was not available to the children concerned. With respect to the question concerning Ukraine, *Terre des Hommes* was working there now and would look into it. **Ms Puiu** responded that the European Committee on Social Rights monitored the respect of obligations by the member States.

**The Chairperson** warmly thanked the experts for their contribution and closed the hearing.

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