

## URGENT CALL REGARDING THE PROTECTION OF THE RIGHTS OF UNACCOMPANIED CHILDREN ON THE MOVE IN EUROPE

Sofia, 5th April 2016

Mr. Donald Tusk, President of the European Council  
Mr. Jean-Claude Juncker, President of the European Commission  
Mr. Martin Schulz, President of the European Parliament  
Ms. Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy  
Mrs. Caterina Chinnici and Mrs. Anna Maria Corazza Bildt, Co-chairs of the Intergroup for children at the European Parliament

Dear Madams, Dear Sirs,

We, the European Network of Ombudspersons for Children (ENOC) write to you to express our deep concern about the situation of unaccompanied children in Greece. Taking into consideration the existing exceptional conditions and the crisis situation in Greece, the increasing number of unaccompanied minors staying in the country and the insufficiency of appropriate and specialized shelters / homes for their placement, we believe that there should be **an additional provision for the immediate relocation of a large number of unaccompanied minors**, in addition to the general population, in order to guarantee their safety and their fundamental rights.

Previously, on 25.1.2016 ENOC sent an open letter to you, titled "[Safety and fundamental rights are at stake for children on the move](#)". In this letter we informed you about a [study](#) conducted by our Network on the situation of children on the move in Europe and urged EU institutions to take all necessary actions in order to protect their rights. We also recommended that the European Commission initiates a comprehensive European Action Plan for Children on the Move that will include the following:

- Prioritizing children in the EU relocation scheme
- Making better use of legal opportunities for children to enter the EU
- Strengthening of a child right's perspective in humanitarian aid
- Setting of minimum standards for reception and transit centres
- Comprehensive data collection

Following this intervention and considering the latest Agreement signed between the members of the European Council and their Turkish counterpart, titled “[EU-Turkey Statement](#)”, we have noted that there is no direct reference to children and the protection of their rights. This could mean that all recognised children’s rights and practices for their protection are still in effect.

Further, we, European Ombudspersons for Children would like to stress the obligations deriving from the UN Convention on the Rights of the Child and other international human rights instruments and ask EU to issue more concrete guidelines regarding the treatment of unaccompanied children, stressing in particular the following fundamental principles:

- During first reception procedures, attention should be given so that all unaccompanied children should be screened, interviewed, with the help of interpreters, and well informed about their rights and about the procedures of application for international protection and family reunification;
- Age assessment procedures, when necessary, should take place, by combining medical and psychological methods. In borderline cases the benefit of the doubt should apply;
- Applications for international protection should be examined in full accordance with internationally approved standards and principles, as set out by UNHCR;
- Irregular migrants who are minors should not be detained, solely on the basis of their residence status. Restriction of their liberty, in the sense of their protective custody, should be considered as legitimate only for the minimum necessary period, for their initial recording, interview, provision of appropriate information and transition to a safe accommodation environment;
- Forced returns of unaccompanied children should not be implemented. Repatriation to the country of origin should take place only when, after careful assessment, it is considered to be in their best interests and it does not cause risks to their safety;
- Unaccompanied minors should be placed in specialised protected shelters, residential homes or other alternative forms of care (such as foster care) at least until they become 18 years old or are reunited with their families. Particular measures should be taken to protect them from any risks of trafficking or abuse. Full access to education, health care and social participation should be ensured;
- Reunification with members of the child family residing in EU countries should take place safely and in the quickest possible way;
- Unaccompanied children should be prioritised in relocation schemes, with a view to their best interests.

As a European Network, we remain at your disposal to contribute with our expertise and in any other possible way, both at European and at national level, in order to guarantee the protection or the rights of all children on the move in Europe.

Yours sincerely,



On behalf of the ENOC Bureau

Edita Ziobiene  
ENOC Chair  
Ombudsperson for Children's Rights of Lithuania