

Paris statement 28th of June 2016

We, Ombudspersons and Mediators, and children's rights defenders, gathered in Paris on the 28th of June 2016 on the occasion of a special meeting "Children, Europe, Emergency. Protection and future of migrant children: a challenge for Europe";

Recalling that Ombudspersons and Mediators play an essential role in the protection of the rights and fundamental freedoms, and that they have an obligation to address child protection issues in accordance with the Convention on the Rights of the Child (CRC) adopted by the General Assembly of the United Nations in its 44/25 resolution of November the 20th, 1989 and especially the principles of the best interests of the child and of non-discrimination, the right to life, the survival and development, the right to express freely their opinions and the right to a specific protection;

Recalling the various activities of Ombudspersons and Mediators, of the European Network of Ombudspersons for Children (ENOC), the Association of Mediterranean Ombudsmen (AOM), the Association of French Speaking Ombudsmen (AOMF), and the International Institute of Ombudsmen (IIO) and also of the activities of the European Union, its agencies and the Council of Europe, United Nations recommendations, and the extended experience of non-governmental organizations present on the field;

Particularly worried by the situation of migrant children in Europe and in particular by the unaccompanied or separated minors held in Greece since the signing of the EU-Turkey agreement and the closure of the borders of the Former Yugoslav Republic of Macedonia;

Worried by the significant failures of the European, national and local policies to effectively take into consideration the needs and best interests of these children, to ensure their protection;

Recalling that migrant children are above all vulnerable children and it is the responsibility of the States, and the moral and legal responsibility of each of us to protect them from the numerous dangers they are exposed to during their migratory journey, in particular the risks they incur from the smugglers, the risks of separation from their family, kidnapping, violence, sexual abuse and human trafficking;

Recalling that inalienable, fundamental rights of children, and principles concerning them must be fully integrated in national policies as well as in the drafting and implementation of national legislation and procedures in accordance with the rights and principles enshrined in the CRC and its optional protocols, the European Convention of Human Rights, Charter of fundamental rights of the European Union, the Convention of the Council of Europe on the protection of children against exploitation and sexual abuse and in all other relevant instruments or applicable international and European standards;

Recalling that effective access of migrant children to all their fundamental rights, without discrimination, is an essential prerequisite to their integration in their host country and that, everywhere, sustainable policies must be set up to allow young people to develop and to build their own life plan;

Aware that the best results can only be at the European and international levels given the scope of migration flows and the issues raised in our respective countries,

We, Ombudspersons and Mediators, children's rights defenders,

I. Commit to:

1. Develop and disseminate adapted **information tools** (about rights, procedures and the competent bodies of every country) aimed at migrant children and at professionals. These tools should be accessible and translated into all relevant languages.
2. Strengthen the **cooperation between Ombudspersons and Mediators** with regards to: improving the protection and promotion of the rights of migrant children; developing better exchange of information for the effective follow-up of family reunification or child protection cases in order to accelerate their resolution.
3. Ensure, in our respective States, the promotion of the accurate international and European instruments as well as the cooperation with the international and European bodies.
4. Ensure, in our respective States, **the implementation of this statement.**

II. Urge:

1. All States and the European Union to develop and facilitate legal immigration mechanisms in order to prevent children putting themselves in danger by using irregular immigration routes, and in particular they should accept more applications for family reunification.
2. All States and the European Union to set up **adapted and reliable systems of identification, and registration** of migrant children upon their arrival in Europe and at each stage of their route, through the harmonized collection of data (full name, age, nationality, sex, whether accompanied or not by a legal representative, entry point, relatives within Europe).
3. All States, the Council of Europe and the European Union, to implement strengthened cooperation to ensure effective follow-up of the route of these children and to protect them against any disappearance, violence, carelessness, trafficking or exploitation. To this end States have to take protective measures by setting up mechanisms of prevention, orientation, and follow-up of children to answer every case of migrant children disappearance.
4. All European States, to put **a definitive end to any form of detention** of migrant children, whether accompanied or not, regardless of the immigration procedure they are submitted to.
5. All States to guarantee **migrant children appropriate and adapted reception conditions**, taking into account their fundamental needs; providing permanent care and support their development, their protection against any form of danger and

violence; and taking into account their cultural values. This care has to include in particular safe accommodation where they can find the security their state of vulnerability requires

6. All States, the Council of Europe and the European Union, to ensure to all children, from their arrival and during all the steps of their migratory route, an effective access to their fundamental rights, and more particularly to health care adapted to their physical and psychological needs and to education, in the same way as the other children being a matter of the jurisdiction of the reception State.
7. All States to designate a **qualified and independent guardian or a legal representative** to defend effectively the interests of unaccompanied or separated children from their registration, accompanying, advising and representing them to authorities and in procedures involving them until they reunify with their family or until they are granted appropriate protection.
8. All Public authorities to provide all children and especially in the framework of administrative and judicial procedures, **free and comprehensive information about their rights, adapted to their age and in a language they can understand**, with the help, if needed, of a translator.
9. All States to guarantee to the child the right to be heard on any question interesting him/her and in particular in any legal or administrative procedure involving him/her according to the article 12 of the CRC.
10. **All States, the Council of Europe and the European Union to set up and fund adequate training of all professionals in contact with migrant children** (social workers, guardians, healthcare professionals, psychologists, police officers, frontier officers, judicial authorities, lawyers, teachers...), with, if applicable, the assistance of the European and international authorities. Personnel should be properly trained to respect migrant children's fundamental rights, to understand their specific needs, their cultural identity.
11. All States and the European Union to engage in **enhanced cooperation** to facilitate and accelerate the exchange of information, the progression of casework and facilitation of family reunification or relocation requests, to expedite quick access to protection and legal security.
12. All States to proactively cooperate and coordinate, with civil society organisations as well as international organizations operating on the ground, and ensure that a chain of responsibility is clearly defined and identified regarding reception, assistance and protection of migrant children.
13. All States and the European Union to apply all the commitments already taken in particular the relocation scheme which has to prioritize unaccompanied migrant children.

14. All States to strengthen the powers and means of action of all Children's Rights Institutions, and, where necessary, to provide them with the competence to deal with individual complaints.
15. The Council of Europe, the European Union and States to adopt a global action plan concerning all migrant children, accompanied or not, to ensure at the European and national level an approach based on the rights of the Child in future actions.
16. The European Union to support States in the organisation of all mechanisms and implementation of measures ensuring migrant children the access to all of their rights.

We invite all involved actors, European organisations and NGOs to circulate and promote this statement.