

## ENOC STATEMENT

24 April 2019

ENOC concerned by the situation of children on the move on rescue vessels in the Mediterranean waiting for safe disembarkation

The 1989 United Nations Convention on the Rights of the Child ("the UN Convention"), the most ratified Convention in the world codifying children and adolescents' fundamental rights, states that: "*States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status*" (Article 2, para 1).

The UN Convention also establishes that "*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration*" (Article 3, para. 1).

We are very concerned about the condition of all children on the move, whether accompanied or unaccompanied, who often, in recent times, are in the open sea and in internal waters, waiting for safe disembarkation. Such practice does not comply with the principle of solidarity, humanity and the protection of children and adolescents, and has to be stopped immediately.

The internationally recognized principle of *non-refoulement* shall always be ensured for unaccompanied minors, as they are children first and foremost.

International, European and national sources of law provide for the rights of migrant minors to an adequate reception, to have a guardian promptly appointed, for the rights to be heard, to be included, to family reunification, to foster care, to be informed in a language they can understand and in a child-friendly manner.

Ombudspersons and Commissioners for children and young people have the task to ensure the protection and promotion of the rights of migrant minors in compliance with international conventions, EU legislation and laws in force at the national level.

For this reason, we urge our Governments:

- To ensure, first of all, that safe disembarkation and reception procedures are immediately carried out as these are the most basic of all the rights that migrant children and adolescents have to be granted;
- To immediately stop the practice of preventing safe disembarkation of children and the practice of keeping them on the vessels, where their life, health and wellbeing is in danger;
- To protect all children on the move, whether accompanied or unaccompanied, the most vulnerable among the vulnerable persons, adequately and immediately upon their arrival in internal waters, in compliance with international, European and national legislation;

- To ensure that all the rights enshrined in the UN Convention – right to equality, to life, to development, to family, to education, to health – be fully and effectively respected and implemented. As far as unaccompanied minors are concerned, all those rights shall be ensured by an adequate reception, on the basis of their best interests, to be assessed case by case, through hearing children and adolescents, through promptly appointing a guardian, through immediate social inclusion and appropriate durable solutions;
- To consider unaccompanied minors as minors and to activate age-assessment procedures, through a holistic approach, only in the case of reasonable doubts about their minor age.