

Safety and fundamental rights are at stake for children on the move

Amsterdam, 25 January 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,

As members of the Bureau of the European Network of Ombudspersons for children (ENOC) acting on behalf of the ENOC membership, we are deeply concerned about the critical situation of children on the move in Europe. We urge EU and Council of Europe institutions to act now to protect this highly vulnerable group of children.

The European Network of Ombudspersons for children (ENOC), consisting of 41 Independent Children's Rights Institutions, representing 34 Council of Europe Member States, including 22 EU States, aims at ensuring that the rights of the child as set out in the UN Convention on the Rights of the Child (UNCRC), ratified by all European countries, are fulfilled. In 2013, ENOC released a public statement¹, warning that children on the move experience violence, trafficking, trauma, poor health and death. Since then, the situation for these children has worsened. Therefore, on 24 September 2015, ENOC formed a Taskforce² to monitor the fulfillment of the rights of children on the move in Europe. Ombudspersons for Children, members of the Taskforce, contributed to the release of its first report.

Children on the move are children first and should be considered as such. As holders of human rights, they should be well protected all over Europe. Accordingly, fundamental principles with regard to children's rights need to be mainstreamed into the development, implementation and monitoring of laws, policies, procedures and practices affecting these children. The key principles in this regard as set out in the UN Convention on the Rights of the Child are: children's rights to non-discrimination; children's right to have their best interests treated as a primary consideration in all actions and decisions affecting them; children's rights to life, survival and development; and children's rights to express

¹ See ENOC's 2013 statement on ["Children on the move: Children first!"](#).

² See ENOC's 2015 statement on ["Children on the move"](#).

their views freely in all matters affecting them and to have their views taken into account in accordance with their age and maturity.

Violation of children's rights

Our study shows that Europe violates these fundamental principles of children's rights and is failing to protect children travelling through Europe. Children are dying at sea and at the shores of Europe and they are at risk of trafficking, exploitation, statelessness, sickness and separation. While travelling with their families or unaccompanied, children often face malnutrition, physical and mental suffering, health and welfare problems, lack of information and insecurity. Reception and transit centres are not equipped to host people in winter conditions. Once they have arrived in the country of destination, access to a safe living environment, education and psychological counselling is not assured. Children stay in an unstable environment for too long, preventing them from starting the recovery from what they have endured. Such delays in the development within a child's lifespan are unacceptable. In some countries there is no legal guardianship, and different forms of detention of children on the move are still common.

Children are not central in EU response

The situation for these children can only improve if every single child's best interests are a central consideration in all policies on migration, if it is enshrined in every process affecting them. Children have the right to have their best interests taken as a primary consideration in all policies that concern them, including migration policies. In practice, in the European response to the increased influx of refugees, children are merely a footnote. There is too little attention for the best interests of children in asylum procedures, border controls and humanitarian aid to European and third countries. Children accompanied by their parents seem practically invisible in EU actions.

Take action now!

As individual ombudspersons, we will call upon our governments to ensure access to education, healthcare and a safe environment, put an end to detention based on residence status and implement legal guardianship systems. As members of the Taskforce on Children on the Move, we appeal to the European Commission to initiate a **comprehensive European Action Plan for children on the move**, covering all children on the move – accompanied and unaccompanied, asylum seekers and non-asylum seekers. We urge the European Council and European Parliament to give their full support to create and implement this action plan.

We recommend that this action plan includes, among others, the following measures:

1. Prioritize children in the EU relocation scheme

It was decided in September 2015 that 160.000 people will be relocated to the different member state. As children are among the most vulnerable groups, they should be prioritized in this relocation scheme.

2. Make better use of legal opportunities to enter the EU

This includes, for example, increasing the possibilities for family reunification, increasing the resettlement quotas and issuing humanitarian visas .

3. A child right's perspective in humanitarian aid

The conditions for financial assistance to third countries should include a child rights perspective, such as ensuring the right to education and having child protection systems in place.

4. Set minimum standards for reception and transit centres

Reception and transit centres should be made winter-proof without delay. Subsequently, the EU and the European Council should develop minimum standards for emergency reception and transit centres, and provide assistance to member states and non-EU countries to meet those standards. This included provision of heating, warm water, warm clothing, food and practical and medical assistance by trained workers. Child friendly spaces should be guaranteed as well as child safeguarding protocols. These standards should be a guiding principle for the Hotspots that will be set up in Italy and Greece.

5. Comprehensive data collection

In order to improve conditions for children on the move, it is essential that comprehensive data is collected and shared on the European level.

We emphasize that the rights and views of children should be at the core of all policy decisions that affect them. We gladly offer any assistance needed to make this a reality and are expecting a reply from the different institutions.

Yours sincerely,

On behalf of the ENOC Bureau,



Marc Dullaert,
ENOC Chair
The Netherlands' Ombudsman for Children