



Kinder  
rechten  
commissariaat  
Geeft kinderen een stem



**Joint statement from Ombudspersons for Children of France, Luxembourg, Belgium Flanders, Belgium Wallonia/Brussels**

**Endorsed by the ENOC Bureau represented by Ombudspersons and Commissioners for Children of Greece, Iceland, Scotland, Belgium Flanders, Jersey, Croatia, and Georgia**

**26 November 2021**

**Children On The Move : Children First**

At least 5 children lost their lives in the tragedy which unfolded a few nautical miles away from Calais last Wednesday. An inflatable boat, carrying dozens of people thrown on the roads of exile, suddenly sank, plunging all of its occupants into the icy waters of the English Channel.

For many years, our Institutions have continuously denounced the serious breaches of the fundamental rights of children on the move, whether they are unaccompanied, accompanied or separated. We regret that their most basic rights are violated on a daily basis: the right to life, the right not to be subjected to inhuman or degrading treatment, to be protected from all forms of violence, the right to seek asylum, to enjoy decent living conditions, the right to access care and accommodation and to see their best interests prevail in all circumstances, in every decision affecting them. These rights must be guaranteed to all children, everywhere, all the time, whatever their nationality or administrative situation is.

However, in each of the countries where we are responsible for ensuring the implementation of the UN Convention on the Rights of the Child, we are facing serious shortcomings which, without having the dramatic impact of the tragedy that has just unfolded, cause considerable damage to the lives of many innocent children already fragile among the fragile.

Whether they are unaccompanied or accompanied, whether they come from war-torn countries, or from countries geographically closer to ours, driven by poverty or by the first noticeable effects of the climate crisis, the situation of children on the move is nowhere enviable and worsens from day to day given the constant increase of security measures taken against them, in a form of equanimity which is extremely concerning.

From the contours of the Mediterranean to the beaches of Calais or Douvre, and everywhere on our territories, it is the same sadness: children on the move are left behind, without assistance, in detention camps or sleeping on the streets without any assistance or support. Others who wait for months, often years, for a regularisation of their situation without which no life project is possible.

The numerous repressive measures these children are subject to, including those which tend to restrict their mobility, constitute grave infringements of the rights recognised to all children in the world. In this regard, the Council of Europe Commissioner for Human Rights, Dunja Mijatovic, recently recalled that “member states (should) take a stand against border pushbacks and firmly oppose attempts to legalise this practice<sup>1</sup>”. The regular obstacles to the humanitarian aid offered by associations on the ground exhaust children on the move, reinforce their uprooting, thwart any prospect of integration and feed the circle of misery in which they find themselves. Seeing no other prospect than escaping those horrid living conditions, those children expose themselves to all dangers.

The recent tragedy, and the death of several children whom we mourn, must remind us that it is illusory to build walls or erect barricades. The world's problems always catch up with us if we refuse to consider them in all their gravity. This tragedy, among many others that could have been avoided, forces us to question ourselves on our humanity but also on the migration policy of the European Union: as long as Europe and its Member States seek to escape their responsibility, these dramas will repeat themselves, and multiply. As long as we refuse to see that the migratory phenomenon is inevitable, irreversible, in the course of history, and that we continue to adopt ineffective and dangerous protectionist measures, instead of planning and anticipating the reception of people and children on the move, whatever the reasons for their exile, lives will be destroyed and children will die.

Gathered around the mourning of these child victims of too much indifference, the signatory Ombudspersons and Commissioners for Children, call for a surge of responsibility against any violation of the rights of the child. They reiterate the non-refoulement principle and denounce and refuse any pushback policies which are detrimental to children's safety and well-being. They recommend that the set up of a sufficient number of quality accommodation structures for children and their families is anticipated and reinforced. And, above all, they urge the competent authorities to formally apply, in all circumstances, the best interests of the child principle, regardless of children's legal or administrative status. The physical integrity, safety and life of children on the move must outweigh any external considerations, political divisions and any other priority. Our mission is to protect children, all children. And we recall with strength and determination that children on the move are first and foremost children.

---

<sup>1</sup> Council of European Commissioner for Human Rights statement from 21 October 2021:  
<https://www.coe.int/en/web/commissioner/-/european-states-must-stand-up-against-pushbacks-and-the-attempt-to-legalise-them>