

## **Children cannot wait: 7 priority actions to protect all refugee and migrant children**

78 organisations active in the field of children's rights strongly welcome that this year's European Forum on the Rights of the Child focuses on protecting children in migration. Children represent a significant proportion of migrants and refugees. At least 1 in 3 people arriving to Greece by sea in 2016 were children. In the same year, the number of unaccompanied children arriving to Italy has doubled compared to 2015. However, actions for children have remained uneven and insufficient. Responses to migration cannot be effective or protect children unless they systematically take into account their best interests and specific needs.

A broad range of monitoring bodies and civil society organisations have been calling for a comprehensive and rights-based approach to all refugee and migrant children for several years. The initiative taken by the European Commission, and in particular Commissioner Jourova, to put a focus on the rights of all refugee and migrant children is timely and essential. Governments [re-committed](#) to protect the rights of all refugee and migrant children at the UN High-level Summit of 19 September 2016. The growing challenges facing refugee and migrant children across Europe now require renewed political commitment and much more action at European level.

Some of the rights violations that refugee and migrant children face daily en route to, and within, the EU include lack of safety, food and access to services, such as health care and shelter; separation from their parents; extortion, violence and exploitation as well as injury and death. Across Europe, we are continuously witnessing the harsh conditions under which children have to survive, deprived of basic rights such as health care, education, birth registration and housing, as well as due process and justice in immigration and asylum procedures, legal representation, and effective guardianship for unaccompanied children. The risks of apprehension, detention and forced removal, as well as statelessness, are increasing. Children may face such challenges when they are unaccompanied, separated or with parents, and at different stages of immigration and asylum procedures and residence. Children themselves confirm that education, information about their rights and insecurity about their residence status are among their key concerns.

These children grow up in our societies, becoming future EU citizens. They should be considered as children first, regardless of their migration status. We need to invest in them, and empower them to fulfil their potential as equal participants in their communities.

We acknowledge the work that is being done across Europe by different governments, EU institutions and agencies to address these challenges. The Forum is a key moment to discuss the positive policies and practices to be adapted and disseminated. However, these initiatives are not enough.

**We urge EU leadership and immediate action, in cooperation with civil society, in the following priority areas:**

### **1. Adoption of an EU Action Plan on all refugee and migrant children**

**A comprehensive, coordinated action approach is needed to ensure that children, both alone and with their families and regardless of status, are protected throughout their migratory journey and upon arrival to their country of destination.** Too many children fall through the gaps in national and transnational protection systems. An EU commitment at the highest level and action plan on all refugee and migrant children is needed to effectively bring together the various responsible authorities, agencies and civil society in Member States and in the EU, and develop tangible and

resourced processes and actions for all refugee and migrant children. Under this framework, national action plans could be developed on promoting the well-being of all refugee and migrant children. The EU has several tools at its disposal. The Action Plan on Unaccompanied Minors 2010-2014 provides a useful foundation and many of its priorities remain relevant. However, the next Action Plan should expand its focus to all refugee and migrant children and bring together the EU's internal and external policy tools. A rights and needs-based approach will enable a response that takes into consideration specific aspects such as gender, ethnic origin, religion, health and disability.

## **2. Reforming the asylum legislation**

The upcoming reform of the Common European Asylum System offers a significant opportunity to improve the situation of refugee and asylum-seeking children. Guardianship, best interests' assessment and determination, the definition of family, age assessment, and criteria for obtaining international protection are addressed in the current proposals. They also provide for quicker access to education, preferably within 30 days of a child's arrival. These provisions should be maintained and strengthened in the negotiations. Due attention should be paid to harmonising and speeding up the processes of family reunification, resettlement and relocation. Identification and registration will be improved if children see their rights guaranteed within the system. On the other hand, proposals to punish secondary movements with material and procedural restrictions on rights, reinstate the concept of sending children to the country of first arrival or a third country, thereby dismissing existing jurisprudence, and limiting the rights of beneficiaries of subsidiary protection and the length of residence permits, would violate children's rights and push more children and families into destitution and irregularity. These provisions must therefore be changed. The European Commission, the European Parliament and Council of the European Union must ensure that any reforms guarantee the highest level of protection for children.

## **3. Prioritising children in all migration and asylum policies**

Every decision made on asylum and migration affects children. Return is increasingly presented as a key pillar of the EU's asylum, migration and foreign policy. Any decision on return must be based on children's rights, not a political agenda, and include an individual determination of the child's best interests. Genuine, fair and effective procedures should be urgently developed and implemented by independent and qualified child protection actors, including legal professionals, to ensure that every decision concerning a child is based on comprehensive assessment and determination of the best interests of the child. This should include substantive family tracing when in the best interests of the child. Effective remedy has to be guaranteed in all cases. Children and families must never be detained, and investment in community-based alternatives to detention should be made a key priority. Unaccompanied and separated migrant and refugee children should be provided quality guardianship and placed in family and/or community based settings where their individual needs will be met. Safe housing solutions need to be provided for families. All children must be provided equal access to services in the community. The evaluation of the EU regular migration framework (REFIT) is also a clear opportunity to set out next steps to improve the safe and regular ways for children and families to migrate.

## **4. Funding for strengthening child protection systems**

Policies should be matched by resources. Funding needs to be made available to support an innovative, integrated response by the European Commission, Member States and civil society both within and outside the EU. Investment is needed to support both mainstream and targeted services to ensure the rights of refugee and migrant children in the countries where they are residing, regardless of the length of time. EU and national agencies dealing with refugee and migrant children should receive adequate funds to invest in capacity-building on child rights and sound referral mechanisms.

Various financing instruments such as the Asylum Migration and Integration Fund (AMIF), European Structural Investment Funds (ESIF), the European Neighbourhood and Partnership Instrument, the European Development Fund, Instrument for Pre-accession Assistance, the Fund for the European Aid to the Most Deprived (FEAD), and the Fund for Humanitarian Aid (ECHO) could earmark resources to address issues related to refugee and migrant children. The Commission should work with Member States to monitor how EU funds are being spent, making sure that EU funds are targeted towards the best interests of children. EU funds should be used in line with EU policy and the guiding principles of human rights law, including non-discrimination.

## **5. Addressing refugee and migrant children in all areas**

The EU and Member States work together in numerous areas affecting the rights of refugee and migrant children where their interests and rights should also be advanced. Integrated national child protection systems in the EU and in third countries should be established and strengthened in line with the UN Convention on the Rights of the Child and the [10 principles](#). Discussions and actions around the [EC Recommendation Investing in Children](#), justice, health, education, human rights, development and youth employment should all systematically include the specific situation of all refugee and migrant children, and advance their equal access to protection, public services (e.g. education, health) and justice.

## **6. Protecting children across borders**

Investing in transnational child protection is essential to prevent children from going missing, to identify children at risk of exploitation and trafficking, and to support children to move safely and regularly from one country to another when in their best interests. The EU should ensure that the system in place responds to the rights and needs of refugee and migrant children, to address reasons for disappearances and unsafe onward movement, and to provide appropriate care. The EU can also play a vital role by looking at mechanisms that exist between Member States and improving cross-border cooperation that protects children. For example, the Dublin Regulation is a key instrument to enable unaccompanied and separated children to reunite with their families within the EU. Standardised approaches in areas such as best interests' assessments and family tracing, as well as enhanced cooperation between Member States, are vital to ensure the efficient functioning of the system. Current commitments on relocation need to be extended and implemented. Children should have unhindered access to relocation as a tool for protection when in their best interests. Additionally, Member States should speed up family reunification procedures and make it possible for children to reunite with their families, including with their extended families in destination countries.

## **7. Ensuring and using quality data and evidence**

There is a real lack of data on refugee and migrant children in Europe, due to gaps in data on migration and asylum, incomparability of data across Member States, and lack of disaggregation. For example, there is no accurate data on the numbers of children dying at Europe's borders. There are only a few countries where the number of children in immigration-related detention is publicly available. Member States should regularly collect - at a minimum - age, gender and nationality disaggregated data (on arrivals, asylum, family reunification, relocation, detention, voluntary return and forced removal), and make it publicly available. Cooperation among authorities, but also with the European Commission and Eurostat is needed to increase reliability, comparability and timeliness. In particular, Member States should use the full potential of the Statistics Regulation (Regulation EC/862/2007) with a focus on disaggregation by age, gender, and residence status. Investing in more effective platforms of information exchange, research and programmes identifying the needs of refugee and migrant children, both outside and within Europe, will also enable the EU to develop policies and tools to better

address children's needs. The available data and evidence should be used to inform the development and reform of policy and practice.

**Signed by**

1. Aitima
2. ASGI- Associazione per gli Studi Giuridici sull' Immigrazione
3. Caritas Europa
4. CCME - Churches' Commission for Migrants in Europe
5. Centre for Youth Integrated Development Finland
6. Centre interdisciplinaire des droits de l'enfant - Interdisciplinary center for children's rights
7. Cesvi Fondazione Onlus
8. Child Circle
9. Child Helpline International
10. Child Rights International Network (CRIN)
11. COFACE – Families Europe
12. Coram Children's Legal Centre
13. Defence for Children – ECPAT Netherlands
14. Defence for Children International - Italia
15. Defence for Children International Czechia - Spolek zastánců dětských práv
16. Defence for Children International, Spain
17. Défense des enfants International Belgique - Defence for Children International Belgium
18. Défense des enfants International France – Defence for Children International France
19. Doctors of the World - Médecins du monde International
20. Don Bosco International
21. Dynamo International
22. EASPD – European Association of Service providers for Persons with Disabilities
23. ECPAT Albania - Children's Human Rights Centre of Albania - Albanian National Child Helpline- ALO 116
24. ECPAT Austria
25. ECPAT Belgium
26. ECPAT France
27. ECPAT Germany
28. ECPAT International
29. ECPAT Luxembourg
30. ECPAT UK
31. Empowering Children Foundation - ECPAT Poland
32. Eurochild
33. Eurodiaconia
34. European Anti-Poverty Network (EAPN)
35. European Association for the Defence of Human Rights (AEDH)
36. European Council for Refugees and Exiles (ECRE)
37. European Network Against Racism (ENAR)
38. European Network of Migrant Women
39. European Network on Statelessness
40. European Patients Forum
41. European Women's Lobby (EWL)
42. FAPMI-ECPAT Spain
43. Global Campaign to End Child Detention
44. Greek Forum of Refugees
45. IFSW - International Federation of Social Workers Europe

46. Immigration Council of Ireland
47. International Association for Steiner/ Waldorf Early Childhood Education (IASWECE)
48. International Catholic Migration Commission (ICMC)-Europe
49. International Child Development Initiatives (ICDI)
50. International Commission of Jurists
51. International Detention Coalition
52. International Falcon Movement- Socialist Educational International
53. International Federation of Medical Students' Associations (IFMSA)
54. International Organisation for Migration (IOM)
55. International Youth Association for Training and Inter-employment Programs (TIP)
56. Jesuit Refugee Service - Europe
57. KISA - Action for Equality, Support, Antiracism
58. Maisha e.V.- African Women in Germany
59. Mental Health Europe
60. Migrant Rights Centre Ireland
61. Missing Children Europe
62. Nasc, the Irish Immigrant Support Centre
63. Norwegian Refugee Council
64. Office of the High Commissioner for Human Rights (OHCHR) - Regional Office for Europe
65. Oxfam Italia
66. Platform for International Cooperation on Undocumented Migrants (PICUM)
67. Platform Kinderen op de vlucht – Plate-forme Mineurs en exil
68. Red Acoge
69. Refugees Welcome, Denmark
70. Reseau Educations Sans Frontieres
71. Save the Children
72. Separated Children in Europe Programme (SCEP)
73. SOS Children's Villages International
74. Terre des Hommes International Federation
75. UNHCR
76. UNICEF
77. World Organisation of the Scout Movement (WOSM)
78. World Vision