



Call for European Protection of Unaccompanied Children



All organisations and institutions working with the European Union are invited to sign

The European Union was built on the common values of justice, liberty and security. Despite any apprehensions some may occasionally have about the EU, the ratification of the Treaty of Lisbon shows that that Europeans support a system which offers protection and reinforces these key values. We believe that the ideals of humanism, of unity, and of protection should drive every policy which affects the continent's most vulnerable populations. Today, the European Union is working towards a Community legislative framework for unaccompanied children. Given this new framework, we want to reaffirm the fundamental rights laid out in the Convention on the Rights of the Child, and particularly emphasise the idea that the best interests of the child should be a primary consideration.

In the European Union, there are around 100,000 children unaccompanied by a legal representative, although the exact number is uncertain. Be they in transit during their migration or settled on a long term basis, or whether they are at the gates of Europe, or in Spain, Greece, Italy, France, or the United Kingdom, unaccompanied children are currently present in the 27 member States of the European Union. Whether they are fleeing persecution or conflict in their countries of origin, whether they are victims of slavery and exploitation, whether they are looking for decent living conditions or whether they crossed borders to join their families, their status as children means they need special attention.

Yet the reception and care of these children varies widely from State to State. There are major disparities in both legislation and practice, and these minors are often subject to immigration laws. The lack of harmonisation means that protection of unaccompanied minors is variable from country to country, which influences their migration and settlement choices, to the detriment of real life project.

Current Community provisions regarding unaccompanied children are insufficient for true European protection. These provisions stem from the European Union's powers in terms of asylum and immigration, and do not providing the guarantees which these children need for protection. These provisions are scattered in a way which makes them difficult to interpret and also blocks their effective application by member States.

We are calling for the adoption of a reference text by European Union institutions, based on internationally recognised standards and particularly the Convention on the Rights of the Child. The text must cover every situation unaccompanied children face within the European Union, and be based on a standard of high-level protection built around the following principles:

TO ACCEPT

Access to the Territory

1. Ensure that all children presenting themselves at the borders of a member State receive any care and material support necessary to satisfy their essential needs, and arrange for assistance from an interpreter if necessary
2. Never apply measures involving deprivation of liberty based on immigration law to unaccompanied children
3. Ensure that a legal representative has been chosen before any deportation at the border, that the minor has been informed of their right to claim protection and asylum, that their safety on arrival is guaranteed and that return is in the best interests of the child

TO RESPECT

Determination of Identity and Legal Representation

4. Put into place procedures to determine the identity of the minor based on the presumption of minority and involving a multidisciplinary evaluation over a period of time
5. Exclude the possibility of using medical methods to assess age, which are not scientifically proven to be precise, and ensure that the minor or their legal representative be able to refuse such steps without compromising the child's protection
6. Adopt a legal framework to enable immediate and systematic appointment of a legal representative, specialised in child protection and the law on foreigners

TO SUPPORT

Care and Support on the Territory

7. Allow unaccompanied children, with the help of an interpreter if necessary, to receive protection adapted to their needs, to enable the elaboration of life plans taking into

account individual circumstances. The child's origin, nationality or residency status should not be taken into account

8. Provide access to education services and appropriate healthcare without consideration of origin, nationality, or residency status
9. Set up a European fund for the protection of unaccompanied children by redeploying money set aside for securing borders

TO PROTECT

Right to Asylum

10. Put in place a special asylum procedure for unaccompanied foreign minors. The system must be run by specialised child protection officers, with systematic help from legal representatives who must be promptly assigned
11. Organise appropriate housing for unaccompanied minors who seek asylum
12. Provide specialised medical help, in particular psychological treatment for children who are victims of persecution, inhumane or degrading treatment, or acts of torture

TO REUNITE

Repatriation and Movement in the European Area

13. Put into place procedures guaranteeing that repatriation is in the child's best interest, particularly with regard to the reception conditions in the country of origin
14. Look for family members and promote the reuniting of children and their parents in other member States when they have been separated
15. Ensure that any repatriation procedure be organised with the agreement of the children and take into serious account the child's life project.