

Justice and Home Affairs Council, 9-10 December 2021: Leading human rights groups call for renewed commitment to solidarity and action to protect children in migration at EU borders.

The humanitarian and protection needs at various EU borders, including of unaccompanied children and those with families, are escalating at the onset of winter.¹ Recent developments in Afghanistan heightened these needs, with roughly half of the asylum applications of unaccompanied children in the EU coming from Afghan individuals in August 2021.² Moreover, amid increased arrivals at various EU maritime³ and land borders,⁴ most recently those of Poland,⁵ Latvia and Lithuania,⁶ children, travelling with families or alone, are at risk of human rights violations including refoulement and in urgent need of humanitarian assistance as well as access to asylum procedures, dignified reception conditions and adequate support.⁷

Rather than introducing derogations to the EU asylum acquis⁸ that undermine the right to asylum,⁹ **we urge the EU institutions and Member States to improve migration management and ease tensions at various borders through the use of current responsibility sharing mechanisms.** We recognise that ongoing Pact negotiations are exploring future solidarity mechanisms, however **existing family reunion procedures and further voluntary relocation should be used to protect children and families on the move now.** Indeed, the recent voluntary relocation scheme in Greece,¹⁰ demonstrated that, **with the necessary political will, swift and effective transfers are procedurally and operationally possible.**¹¹ The EU now has the opportunity to build on this experience and expertise¹² by developing operational tools that will strengthen both current responsibility sharing mechanisms, and those being considered for adoption under the new Pact.¹³

Leading human rights groups urge EU institutions and Member States to bring responsibility sharing back to the forefront of the political agenda. This will significantly contribute to:

- **Reducing the number of children stuck at border areas,**¹⁴ in overcrowded containment camps¹⁵ or living on the street, often lacking sufficient food, accommodation, legal assistance¹⁶ and education as well as medical and psychosocial support.¹⁷

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<https://www.unicef.org/media/104191/file/Refugee%20and%20Migrant%20Crisis%20in%20Europe%20Humanitarian%20Situation%20Report%20No.40,%2030%20June%202021.pdf>

2 <https://www.easo.europa.eu/latest-asylum-trends>; <https://www.easo.europa.eu/news-events/afghans-lodge-72-more-asylum-applications-eu>

3 <https://www.spiegel.de/international/europe/europe-s-brutal-and-illegal-approach-to-migration-our-orders-are-clear-nobody-gets-through-a-2b65b102-46ce-4160-b8c4-7970cf631229>; <https://news.un.org/en/story/2021/07/1095872>; <https://euomedrights.org/publication/pushbacks-from-cyprus-to-lebanon-leads-to-chain-refoulement-to-syria/>

4 <https://www.france24.com/en/live-news/20211008-croatia-admits-violent-migrant-pushbacks-greece-to-probe-reports>; <https://www.amnesty.org/en/latest/press-release/2021/06/greece-pushbacks-and-violence-against-refugees-and-migrants-are-de-facto-border-policy/>

5 <https://ecre.org/poland-parliament-approves-legalisation-of-pushbacks-council-of-ministers-adopt-bill-to-construct-border-wall-another-life-is-lost-at-border-with-belarus/>

6 https://www.euractiv.com/section/politics/short_news/migrants-starving-in-belarus-next-to-lithuanian-border-ngo-says/

7 <https://euobserver.com/migration/153114>

8 <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021PC0752&from=EN>

9 <https://ecre.org/editorial-commission-proposal-leaves-little-solutions-but-plenty-of-contradictions/>

10 <https://greece.iom.int/sites/greece/files/211019.pdf>

11 1,601 children were relocated from Greece, Italy and Malta to other European countries in 2020, including 574 UASC, see <https://data2.unhcr.org/en/documents/details/87693>.

12 <https://reliefweb.int/report/greece/relocation-greece-lessons-learned-and-looking-ahead>

13 Stepping Stones to Safety, Child Circle KIND [Report](#), December 2021

14 <https://www.savethechildren.net/news/hundreds-unaccompanied-minors-and-children-families-are-trapped-balkans-facing-pushbacks>

15 https://refugee-rights.eu/wp-content/uploads/2021/05/RRE_UnaccompaniedChildrenAtTheGatesOfEurope.pdf

16 https://www.gcr.gr/media/k2/attachments/GCR_SCI_GREECE_-_Children_on_the_Move_Sept_Oct_2021.pdf, p. 10

17 https://displacement.iom.int/system/tdf/reports/Refugee%20and%20Migrant%20Children%20in%20Europe%202020%20-%20final_0.pdf?file=1&type=node&id=11881

- **Reducing the number of children who remain unidentified or go ‘under the radar’** as they attempt to reach other EU countries irregularly to join family members or seek adequate protection.¹⁸
- **Strengthening legal pathways and transnational case management while removing systemic deficiencies¹⁹ in Dublin family reunion procedures**, which leave unaccompanied children in legal limbo, exposed to multiple risks including trafficking and other forms of exploitation.
- **Strengthening trust and cooperation between Member States by alleviating the pressure and mitigating political tensions at EU borders**, which put the lives and safety of children and families at risk.

Concrete actions include:

1. EU Member States, with support from the European Commission, should **accelerate family reunion and initiate further voluntary relocation of unaccompanied children from EU border areas and Member States particularly affected by arrivals of individuals seeking protection** at the onset of winter.
2. EU institutions and agencies should develop a **transparent operational framework for transnational procedures within the EU, including family reunion and relocation**. This can be applied by all actors involved across the EU. The framework should include **EU principles for model standard operating procedures for transnational procedures. Practical guidance on procedural safeguards and child-centred inter-agency case management concerning unaccompanied children** should also be developed. The framework should further include action and designate resources to strengthen and increase the availability of **quality guardianship and free legal assistance** for unaccompanied children.
3. The European Commission should **appoint an EU Relocation Coordinator**, namely an office with the objective to facilitate the work of national stakeholders involved in relocation and to build on working group practices of past relocations. The Coordinator’s office should provide a **platform for regular exchange** before, during and after ongoing transfers. It should involve relevant civil society and child protection agencies, who have specialised expertise and often know the children and their needs best, which is crucial to assessing and prioritising their best interests. The office should also develop and promote processes for improved cross-border networking of actors involved in transnational procedures. It should further support Member States with identification, eligibility criteria and other key aspects, in close cooperation with civil society, EU and UN Agencies.

Solidarity and responsibility sharing in the EU asylum and migration system must prioritise safe routes to family reunion and international protection, not containment, pushbacks and returns.

Signatories:

Caritas Europa	ICMC Europe/ SHARE Network
Child Circle	International Rescue Committee
Defence for Children – ECPAT Netherlands	Irish Refugee Council
Defence for Children Greece	Kids in Need of Defense (KIND) Europe
Defence for Children International (DCI) - Belgium	Lumos
Defence for Children Italia e International Social Service Italia.	Methoria
Dutch Council for Refugees	Missing Children Europe
Eurochild	Oxfam
European Lawyers in Lesvos (ELIL)	Refugees International
FOCSIV - Italian Federation Christian Organisations for voluntary international service	Safe Passage International
	Save the Children
	SOS Children’s Villages International

¹⁸ More than 18,000 children in migration have gone missing since arriving in Europe between 2018-2022, see <https://missingchildreneurope.eu/over-18-000-missing-children-in-migration/>, <https://www.theguardian.com/global-development/2021/apr/21/nearly-17-child-migrants-a-day-vanished-in-europe-since-2018>

¹⁹ https://asylumineurope.org/wp-content/uploads/2020/11/aida_dublin_update_2019-2020.pdf