



General Assembly

Distr.: General
2 June 2016

English only

Human Rights Council

Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by Save the Children International, a non-governmental organization in general consultative status, the International Detention Coalition Inc., Terre Des Hommes Federation Internationale, non- governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-08941(E)



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Unaccompanied and separated children (UASC) stranded and detained in the Western Balkans

Introduction

Since the beginning of 2015, Greece has been the main entry point into Europe for close to one million refugees and migrants seeking safety for themselves and their families. From January 2015 to April 2016 almost 38% of those arriving in Greece were children¹. Since last September more than 340 children, many of whom were infants, drowned in the Eastern Mediterranean² making the journey between Turkey and Greece one of the deadliest routes in the world for refugees and migrants.

Until 8 March 2016, when the Western Balkans route was officially closed, the vast majority of the refugees and migrants arriving in Greece continued onwards. On 18 March, the EU and Turkey reached an agreement under which all new 'irregular' migrants crossing from Turkey to Greece as of 20 March would be returned to Turkey. As a result of this agreement and with the border between Greece and FYROM officially closed, approximately 55,000 refugees and migrants are stranded on the Greek mainland and islands³ in deplorable conditions, unable to continue their journey, while new arrivals are detained on Greek islands as part of the EU-Turkey agreement. Particularly, 8,521 people, including children with families, are stranded and detained on Greek islands⁴ with poor hygiene conditions and lack of access to basic services, official information and protection.

In the meantime, thousands of people, including UASC, are left stranded along the Western Balkans route in transit facilities which are unable to humanely host large numbers of people for prolonged periods of time, amounting to a violation of State obligations under International Human Rights Law.

Unaccompanied and separated children in Greece

In the last years, significant numbers of UASC have arrived in Greece. In light of the current border closure and changing migration policy and practice after the EU-Turkey agreement, the number of UASC stranded in Greece is increasing. According to UNICEF, 22,000 children are currently stranded in Greece and an estimated 2,000 UASC who travelled alone to Europe or lost their families along the way are now stranded in the country⁵, whilst only 477 shelter spaces are available for these children countrywide. This data only represents a small proportion of the actual number, due to the shortcomings in their identification in first line reception areas. Additionally, many children are reluctant to reveal their age and status, fearing detention; while others may be registered incorrectly as accompanied or adults. The EU-Turkey agreement also caused an increase in the numbers of UASC in detention given all arrivals were put in closed centers⁶. UASC have been locked for weeks or even months in cramped conditions behind barbed wire fences. Save the Children, as well as other NGOs operating in Greece, have documented that some children have even been locked in dirty facilities without access to legal information and aid, proper care and are often subjected to brutal treatment by authorities⁷.

¹See: http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf.

²See: <http://www.unhcr.org/56c707d66.html>.

³See: http://www.media.gov.gr/images/prosfygiko/REFUGEE_FLOWS-24.5.2016.pdf.

⁴See: http://www.media.gov.gr/images/prosfygiko/REFUGEE_FLOWS-24.5.2016.pdf.

⁵See: http://www.unicef.org/media/media_90818.html

⁶ See Human Rights Watch report under the title: 'Greece: Asylum Seekers Locked Up. Wretched Conditions for People in Need', available at: <https://www.hrw.org/news/2016/04/14/greece-asylum-seekers-locked> (14.4.2016) and Amnesty International report under the title: 'Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal', available at: <https://www.amnesty.org/en/latest/news/2016/04/greece-refugees-detained-in-dire-conditions-amid-rush-to-implement-eu-turkey-deal/>, (7.4.2016).

⁷See Amnesty's International report under the title: Trapped in Greece, available at: http://www.amnesty.eu/content/assets/Docs_2016/ReportsBriefings/Trapped_in_Greece_final_140416.pdf (April 2016).

In Edomeni, at the Northern border with FYROM, hundreds of UASC have gathered since the closure of the Western Balkan route. After their registration, they are kept under policy custody and reports of prolonged detention and ill-treatment are common. In the Attika region hundreds of UASC remain stranded in overcrowded camps and closed facilities under appalling living conditions, where healthcare services are insufficient and hygiene is lacking. The conversion of ‘hotspots’ on the Aegean islands into detention centres as part of the EU-Turkey agreement caused a significant deterioration in the situation on the islands. In Lesbos, there are now 88 UASC held in a detention centre with dirty rooms, not enough beds and no access to legal services or other types of basic support⁸. Children are frequently sick and there are serious concerns about their mental and physical wellbeing. In Samos, Chios and other Aegean islands hundreds of UASC are stranded - some of them under detention - in inadequate care facilities, with poor quality of food and no access to legal aid and appropriate medical care.

Unaccompanied children in FYROM

Over 1,200 people remain stranded in FYROM nearly half of them are children⁹. There are also UASC among them, stranded in these camps for weeks. These children are particularly vulnerable as there is little hope of borders opening in front of them, increasing a sense of hopelessness and frustration, and they have little information on their legal status and options available to them.

Unaccompanied children in Bulgaria

Given the closure of the Western Balkans route, Bulgaria will likely become a more frequently used route. However, with increased patrols at Bulgaria’s borders among law enforcement officials but also, worryingly, among local vigilante groups aimed at capturing refugees who attempt the crossing, coupled with the difficult terrain in the country and ongoing reports about sub-standard reception conditions, the route remains full of challenges for those who embark on it. All of those apprehended, including UASC, by border police are taken to detention centers. A recent report by the Bulgarian Ombudsman revealed that there were several cases of UASC being kept in immigration detention centres and the mechanisms for their identification are clearly insufficient.

Unaccompanied children in Serbia

After closing the Balkans route, over 2,000 refugees and migrants became stranded in Serbia¹⁰ and almost all of them have turned to smugglers to be able to proceed with their journey to Europe¹¹. Serbia estimates between 100 to 300 new arrivals daily from FYROM and Bulgaria¹², many of whom are children. Some 10 to 20 UASC are identified each week in Belgrade¹³, while the actual number of UASC passing through Serbia is probably higher. Reports from Save the Children field staff in Serbia attest to continued irregular crossings. As an example, there was a recent reported arrival of 20 children up to 14 years of age after 10 days of walking and eating grass to survive or the arrival of a group of 48 Afghan migrants, which includes 15 children, after 14 days of walking through FYROM¹⁴.

Recommendations and call for action:

Unaccompanied and separated children (UASC) in the Western Balkans are in urgent need of safety, care and protection. There are a number of immediate steps that need to be taken in order to improve the support and protection

⁸See ‘EU compilation of data, situation and media reports on children in migration’ at: http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf (26.4.2016) and the article of Independent under the title: ‘Child refugees being detained in dirty police cells due to severe shortage of safe shelters in Greece, charity (Save the Children) warns’, available at: <http://www.independent.co.uk/news/world/child-refugees-being-detained-in-dirty-police-cells-due-to-severe-shortage-of-safe-shelters-in-a6987006.html> (16.4.2016).

⁹See at: <http://www.bbc.com/news/world-europe-35763101> (9.3.2016),

<http://www.ksl.com/index.php?nid=235&sid=39233545&title=the-latest-1200-migrants-in-limbo-in-macedonia> (8.4.2016).

¹⁰See at: UNHCR Serbia Daily Update, 13 March 2016.

¹¹Please note the difference in numbers from UNHCR Serbia Daily Updates from March and from UNHCR Serbia Daily Updates from May. The calculation takes into account the continuing daily arrivals to Serbia and the limited access to asylum procedures on the border with Hungary.

¹²See at: UNHCR Serbia Daily Update, 15 May 2016.

¹³See May reports from Save the Children’s partner organization, Center for Youth Integration that runs the Drop-In Center for children and their families in the Belgrade’s Asylum Info Center.

¹⁴See reports from Save the Children’s Field Coordinator in Presevo, Serbia, from 9 May and 10 May 2016.

provided after the border closure and the entry into force of the EU-Turkey agreement. **To that end, Save the Children calls on EU Member States to take immediate action to:**

- 1. End unlawful and unjustified detention of unaccompanied and separated children.** Detention of children can cause extremely high levels of distress with a risk of long-term harm and trauma and is never in the best interests of the child¹⁵. It should be fully eliminated and cannot be justified on the basis of children's or their parent's immigration status or on their status as unaccompanied or separated children. In parallel, an increased accommodation capacity is urgently needed to provide alternative measures which comprehensively protect the rights of the child, including safe and appropriate community-based accommodation. The Human Rights Council should reaffirm the view of the UN Committee on the Rights of the Child that child and family immigration detention is never in the best interests of the child, exceeds the requirement of necessity and should not tacitly accept the detention of children or the closure of borders as a regular EU or State policy.
- 2. Develop and implement effective regional policies to protect children and respond to their needs once they are on the move.** An integrated cross-country system of identification and data collection on children should be put in place to ensure better protection and allow for access to individualized solutions. The strengthening of cross-border cooperation will be important to ensure that children are supported for the whole duration of their journey.
- 3. Improve identification and registration procedures in front-line and transit countries.** The provision of information to UASC is also crucial to ensure they have access to asylum and family reunification and are informed about their rights and to prevent them from falling victim to abuse and exploitation. Likewise, every UASC should have access to a legal guardian and best interest assessments in order to provide procedural safeguards regarding decisions and actions affecting them in the short and the long term.
- 4. Put an end to dangerous deterrence policies and provide safe and legal channels for people seeking asylum.** While the above interventions will go a long way towards protecting and supporting vulnerable children who are in Europe on their own, they cannot be safe as long as they are embarking on unsafe journeys. Europe's deterrence policies have only served to increase the demand for smuggling networks and push people, including children, towards even more dangerous and illegal routes.
- 5. Ensure access to viable legal solutions for children stranded alone in the Western Balkans.** Europe should provide durable legal solutions such as access to asylum and family reunification processes for children stranded alone in the Western Balkans. UASC are in particular need of a stable family environment to safeguard the development of their skills and there is an immediate need for acceleration of the procedures for the reunification with their families located in other EU Member States.
- 6. Put in place an integration policy for unaccompanied and separated children.** With thousands of UASC stranded in Balkan countries after the EU-Turkey deal, States should proceed with the development and implementation of a holistic integration policy for these beneficiaries of international protection with the priority to be given to the right to education, so that no child is out of school for more than one month. Raising awareness for the promotion of multiculturalism is needed to combat xenophobia and conflicts with local population and to accomplish their effective integration into local societies.

In conclusion, the Human Rights Council should call on Europe to make every effort so that it remains a *safe haven* for the children in need and not a *fortress* where they are imprisoned in its walls.

¹⁵ See UN Committee on the Rights of the Child, Report of the 2012 Day of General Discussion on the Rights of Children in International Migration (paragraphs 78-79) and the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, of 5 March 2015 (A/HRC/28/68) (paragraph 80).