The “Juncker” European Commission and the Rights of the Child

The new “Juncker” European Commission (EC) has raised the political and institutional profile of “Human Rights”, “Fundamental Rights”, “Child Rights” and “Migration” policies. This is one of the novelty of the new EC architecture. Indeed, EC Vice-President Frans Timmermans, as “right hand” of President Juncker, will have the political authority to ensure that the European Union’s policy comply with the principles of the EU Charter of Fundamental Rights, which in turn includes key principles of the UN Convention on the Rights of the Child (UNCRC) in its Article 24, namely the respect for the best interests of the child and the right of children to participate in all decisions affecting them (Article 24).

In such perspective, Terre des Hommes have been calling the new European Commission to develop a second EU Strategy for the Rights of the Child, as the first one is at its final term in 2014. Ahead of Frans Timmermans’ hearings in the European Parliament, Terre des Hommes together with others child rights NGOs (Child Rights Action Group) invited Members of the European Parliament to ask Timmermans how the EC will meet its treaty obligation to promote and protect children’s rights in all EU action and stressed out the need to develop comprehensive strategy on the rights of the child. Considering that 2014 marks the 25th Anniversary of the United Nations Convention on the Rights of the Child ratified by all 28 EU Member States, the question is encompassing a clear political relevance. In other terms, how will the EU comply with legal obligations towards the UN Human Rights system for child rights?

At his EP hearing, Timmermans stressed on the new triangular relationship that he will establish by coordinating EC Justice and Home Affairs policy with Commissioners Dimitris Avramopoulos (Migration and Home Affairs) and Vera Jourova (Justice, Consumers and Gender Equality) to integrate the respect for fundamental rights in all EC and Member States JHA policy, including for the implementation of the so called EU Strategic Guidelines on Post-Stockholm Program adopted in June 2014. Moreover, we expect (and recommend) that Timmermans ensures an enhanced policy coherence with the UE High Representative for Foreign and Security Policy Federica Mogherini for a coherent EU policy on human rights both in Europe and worldwide. However, Timmermans did not propose any concrete measures to ensure protection of children’s rights and did not answer directly to the question posed by the group of child rights NGOs. We will therefore continue to address him such questions via further policy dialogue the EC.

In September 2014 Terre des Hommes together with others child rights NGOs sent an open letter Open letter to the new European Commission President: Realising the Rights of Every Child Everywhere is available at: http://www.childrightsmanifesto.eu/open-letter-to-the-new-european-commission-president to the new President of the European Commission, Jean Claude Juncker, asking him to reaffirm the EU’s role as a global champion of children’s rights and to guide the Commission to set a clear path for the mainstreaming of children’s rights in all its work throughout your five-year mandate. We also invited President Juncker to meet children and child rights NGOs on next 20th November 2014 to celebrate the 25th
Anniversary of the UNCRC and explain what will be his commitment for children during his mandate as EC President.

**The “Juncker” European Commission and Migration**

From “Home Affairs” to “Migration and Home Affairs”, a renewed EC Directorate General is put in place. Here again, the “Juncker” Commission is showing a “scale up” of the EU Migration policy in the institutional and political agenda architecture. Surely a sign that migration is one among the top policy priority for the new EU Commission. New Commissioner for Migration and Home Affairs, Dimitri Avramopoulos (Greece), though we know that no new portfolio or mandate will be added in practice. It can appears as a “cosmetic change”, we believe this shows that Migration has become a policy on which the European Commission will have to invest with due engagement, based on evidence, data, independent research and reliable statistics rather than “anecdotal information and or political fears”.

During its EP Hearing, Commissioner Avramopoulos stressed that guiding principles of his work on Migration will be:

- Protection of children is a legal and political obligation
- Opposition to the notion of ‘Fortress Europe’
- Protection to refugees fleeing war or persecution, respect the rights of asylum seekers and, in particular, respect human beings’ lives and the right of non-refoulement in all circumstances.
- opening up channels for legal and safe migration for people seeking international protection through European embassies in third or origin countries
- revision of some aspects of the EU Dublin asylum system
- detention of migrants beyond 18 months as unacceptable and importance of ending child detention

Such policy framework could lead an improved human-rights based EU Migration policy providing the European Commission and EU Member States understand and accept the crucial necessity to stop the “artificial linkage between migration and asylum with other unrelated security policies, including the “fight against crime and terrorism”

**From Mare Nostrum to Triton: the gift of the EU to children for the 25th Anniversary of the UN Convention on the Rights of the Child?**

E., a young teen from Gambia rescued by one of the Mare Nostrum ship last 5th March 2014 wrote a letter to Terre des Hommes staff to thank Italy. “I wish to thank the Italian Government and all Italians: since I am here I can enjoy peace, freedom, food and protection”. We are in the Centro di Prima Accoglienza Papa Francesco Priolo Gargallo, in the Syracuse Province, Sicily, where Terre des Hommes is operating since last Spring with the Faro Project to provide care and psycho-social support to children arrived unaccompanied to Sicily. E. really needed protection and support, beyond the fact that he entitled to it, being only 16-years old. His journey started eight months before he arrived to Italy, from Gambia, through the desert, and Lybia where he was kept in a “connection house” for one month before crossing the sea on a boat. He was rescued by a “Mare Nostrum” ship.

“Governments that do not support the search and rescue efforts have reduced themselves to the same level as the smugglers. They are preying on the precariousness of the migrants and asylum seekers, robbing them of their dignity and playing with their lives.” This what François Crépeau, UN Special Rapporteur on the human rights of migrants stressed on 30th October in Geneva when commenting the low commitments of EU Government to support the new Triton operation that is supposed to replace Mare Nostrum. On the following day, 31st October, the Italian Government officially announced the end of the Mare Nostrum operation.
“Migrants are human beings and just like the rest of us they too have rights. They too have the right to live and thrive,” Mr. Crépeau said. “To bank on the rise in the number of dead migrants to act as deterrence for future migrants and asylum seekers is appalling. It’s like saying, let them die because this is a good deterrence.”

The UN estimates that more than 130,000 migrants and asylum seekers have arrived in Europe by sea so far this year, compared with 80,000 last year, and that over 800 people have died in the Mediterranean so far this year. Despite good initiatives like the increase in search and rescue operations which have saved many lives, the emphasis remains on restricting the entry of migrants rather than on creating new legal channels for migration.

“Sealing international borders is impossible, and migrants will continue arriving despite all efforts to stop them, at a terrible cost in lives and suffering,” the Special Rapporteur said reiterating his message on border management, stated in an Open Letter to the EU published last month.

In addition, millions of children worldwide are affected by immigration detention, which has been shown to have long-lasting mental and physical health implications. “Children should not be detained based on their migratory status or that of their parents as this constitutes a child’s rights violation, said Francisco Carrion Mena, Chair of the UN Committee on Migrant Workers on Friday 24th October.

These strong positions taken by UN High Representatives are reflecting a crude reality on how the tragedies of thousands of migrants drowning in the Mediterranean Sea. Against that background, the announcement of the end of the Mare Nostrum operation by the Italian Government on 31st October 2014 is raising huge concerns. We expect tragedies like the “Lampedusa” one to continue happening, especially in the light of the new EU Triton operation that will have much limited capacity than Mare Nostrum. Triton is far from being a common European rescue operation, we know that only part of the European Governments engaged in resourcing Triton financially and logistically. This is what clearly stated “ending” European Commissioner for Home Affairs Cecilia Malmström in an exclusive interview released to Farah, a young 19-years-old Somali refugee at the conference she organized on 23rd October 2014 in Brussels.

Tragedies will continue, children on the move are not adequately protected in Europe, they risk being exploited or detained. This is showing to which extend the upcoming celebration of the 25th Anniversary of the UN Convention on the Rights of the Child has a “sweet and sour” taste, for children, and for child rights organisations such as Terre des Hommes. UNCRC represents a powerful instrument that enabled millions of children accessing their rights over the two and a half decades. On the other hand, the reality of children today oblige us to confess we are still very far from the concrete objectives set forth by the UNCRC. From our daily field work perspective, the UNCRC has not aged a day!

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