

Refugee crisis: Will the EU live up to its responsibility?

Written by Mariela Baeva on 13 July 2018



The terrible images of families being separated at the US-Mexico border have highlighted the plight of migrant children around the world, writes Mariela Baeva.

The US is the only country that has not ratified the Convention on the Rights of the Child. It also recently withdrew from the UN Human Rights Council.

We have all seen the shocking images of families being separated and children being incarcerated at the US-Mexico border. This has been a humanitarian crisis since October 2017. Several thousands of young children, initially kept in ‘tender age shelters’, have been dispersed throughout the country, with no clear procedures and records in place to facilitate reunification with their families. The parents may be deported, incarcerated, or lack the resources to find their children.

On the other side of the Atlantic, under EU law, it is stipulated that the administrative detention of underage migrants should be used only as a last resort, “in exceptional circumstances, only where strictly necessary, for the shortest time possible, and never in prison accommodation.” This is to say that preference should be given to alternatives to detention. The purpose is to ensure that the child’s right to development is fully respected.

In EU countries, child protection teams have been appointed to tackle specific migration issues. In Greece, for example, they have been trained in all the hotspots to avoid or prevent human rights violations.

National authorities focus on a range of alternatives that ensure children's best interests are reflected in the decisions and actions concerning them. The approach also embraces timely access to health care, including preventive care, and psychosocial support and education. EU funds are available to support this objective.

In April, in a motion for a resolution on the protection of children in migration, the European Parliament expressed the belief that "the rights of children in migration should be prioritised in the post-2020 budget period."

EU and human rights law prohibit automatic detention. Ordering detention needs an individual examination. Such examination must assess if deprivation of liberty is necessary and how or whether it is proportionate in the individual case.

Apart from the dramatic development of cases with children detained at the US border, there has been a significant increase in the number of refugee and migrant children moving alone around the world. A recent report by the UN Refugee Agency revealed that there have been over 300,000 separated or unaccompanied children recorded in 80 countries in the last three years. The unrecorded number is even bigger. 52 per cent of the 68.5 million forcibly displaced people across the world are under the age of 18.

Countries, organisations, and individuals, dedicated to justice, and the preservation and protection of human rights need to find ways to have their voices heard when speaking for the shattered families at the US-Mexico border or family reunification concerns in some EU countries.

There are proposals for designating or creating committees within respective international organisations to investigate possible actions and remedies that may be in their power to enact and contribute solutions to safeguarding children's and family rights.

The US administration recently decided to end its participation in the negotiations for a Global Compact for Safe, Orderly and Regular Migration. There are calls for the EU to show leadership in this process. Will the EU live up to this responsibility?

About the author

Mariela Baeva is a former MEP

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