

BARCELONA DECLARATION TOWARDS HATE SPEECH, RACISM AND STIGMA AGAINST UNACCOMPANIED CHILDREN

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The EU Council Directive on the right to family reunification (2003/86/EC) defines so-called unaccompanied minors as:

“third country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they entered the territory of the Member States”.

The arrival of unaccompanied children to Europe has remained steady during recent years. There are a myriad of reasons why these children come: war in their country, risks related to their national origin, lack of opportunities, extreme poverty, etc. We could summarize all these reasons under one heading: extreme vulnerability.

Indeed, we know that most of the unaccompanied minors come from unstable countries. According to Eurostat, in 2018 half of the unaccompanied minors applying for asylum came from 6 countries: Afghanistan, Eritrea, Syria, Pakistan, Guinea and Iraq. But, whatever the country of origin of the children, the European countries are bound by the UN Convention on the Rights of the Child that establishes in article 3 that “the best interests of the child shall be a primary consideration”. The Charter of Fundamental Rights of the EU complements the UN Convention in article 24.2 stating: *“In all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration.”*

Despite the clarity of the EU Charter or the UN Convention, there are still different groups of States opposing UN treaties, European and national laws. These groups, mostly related to far-right movements, want to deprive the unaccompanied children arriving in Europe of their status as children. These children are immediately categorised not only as different but also as unsuitable. They are accused of the worst crimes and are linked to insecurity and delinquency sometimes even before they have spent 24 hours in Europe. Often their crime is nothing more than being different and vulnerable. Their crime is rapidly punished through hate speech, racism and stigmatization.

However, the stigma is not only a matter for the far right or racist movements. Unfortunately, the national authorities that are responsible for asylum policy, are not always able to guarantee the newcomers with full access to their human rights as children. Indeed, we find different problems reproduced throughout Europe when applying asylum policy: lack of safe reception and reception capacity, insufficient budgets, administrative detention often in inappropriate conditions, some aggressive age determination procedures, subjected to suspicion and stigma from the very beginning or lack of legal advice and support, among others.

Finally, we must not forget that children in migration and unaccompanied minors are at higher risk of trafficking and exploitation and therefore cooperation among public authorities, law enforcement bodies and the judiciary must be strengthened to fight criminal networks.

For all these reasons, we, the representatives of the cities of the European Coalition of Cities Against Racism, will keep on working to:

1. Development and application of policies and strategies directly aim to fighting slander, racism and stigma suffered by these children.
2. Denunciation of any attitude, speech or rights violation suffered by the unaccompanied children due to direct or indirect causes.
3. Demand that our states fulfil their legal obligations concerning a duty of care in relation to these children.
4. Protecting the unaccompanied children arriving in our cities with all the available public policies under our competency.