

Law means obligation!

A Statement on the Humanitarian Crisis of Children and Adolescents at the Polish-Belarusian Border

At the border between Belarus and Poland, children's and human rights have been violated and neglected now for months. The strategy of bringing refugees to the EU border with Poland in order to pressurise the EU is inhumane and exploits the desperate situation of the refugees. The EU is exacerbating this distress with a rigid and violent border policy and is disregarding international law and EU agreements - this must be stopped immediately.

The people in the woodlands in the border region of Belarus and Poland have become the pawns of international conflicts. Among them are numerous children, young people and families. They have had to flee from war and threats, have lost relatives and are now finding themselves in a hopeless and life-threatening situation. The children's well-being is seriously jeopardised by the EU policy. According to local and international reports and statements, individuals - even unaccompanied children and adolescents - are being brought back to Belarus in the border area without their asylum applications or reasons for entry being reviewed, using coercion and violence at the European borders - so-called pushbacks. Young refugees from the border region of Poland and Belarus who have arrived in Germany in the care of the authorities, report experiences of massive violence and violations of their rights at the border (IGfH Fachgruppe Inobhutnahme expert panel on 11 November 2021). Only with the help of traffickers have a few managed to escape this life-threatening situation. At least 15 people have died in recent weeks, including a one-year-old child. Whereas Poland, the EU and Belarus, between mutual condemnations and a power-political tug-of-war, are not taking responsibility for the humanitarian emergency and the well-being of the children¹.

Law means obligation! All of us have the same inalienable human rights. The UN Convention on the Rights of the Child (UN CRC) substantiates these indivisible fundamental rights to promotion, protection and participation for children and young people, which have been fully ratified by many EU states and states from other continents. International organisations such as the United Nations and the European Parliament strongly emphasise the urgency of enforcing these rights. Not only against this background is there an unconditional mandate for taking action, but also due to the self-imposed goals of the EU to strengthen children's rights through the EU Strategy on the Rights of the Child of 23 March 2021.

Expert associations and representatives of child and youth welfare in Europe and worldwide call on Poland, the EU and their national governments to live up to their responsibility and not to disregard and weaken human and children's rights. We demand immediate recognition and realisation of the rights of young people as well as families. This means using all available resources to influence the Polish government as a member of the European Union and the community of values to finally open the borders and to evacuate the young migrants and families from the border region to other EU countries.

As expert organisations for children, young people and families, we therefore call with insistence upon those responsible in the EU to:

Ensuring immediate, humanitarian local support.

It must immediately be ensured that the people affected are provided with food, medical care, clothing and shelter. The special needs of minors and families must urgently be considered. Local and international aid organisations must be given access to the people for adequate support.

Recognition of asylum applications and initiation of asylum seeking proceedings as well as access to counselling and support services to enforce individual rights.

European law as well as conventions ratified by the EU on the rights of the child must be safeguarded. Asylum applications must be considered and access to fair trials must be ensured. The special needs of minors and young people with families must be recognised and the implementation of their rights must be ensured. To this end, access of refugees to counselling and support by independent organisations to enforce their individual legal rights must be guaranteed.

Recognising the admission of refugees as a European task. Support Poland in caring for the young people and families.

The refugees fled to the EU and not to Belarus. The political conflict has stranded them at the border in what is effectively a legal vacuum. It is the responsibility of the Polish government, but also of the European Union, to help these people and to protect their rights. The EU must ensure that the rights of the refugees are recognised and implemented in Poland - being a member state - and to support Poland in ensuring welfare. The EU is the addressee and actor in this conflict and it must pro-actively intervene in what is happening with all the resources at its disposal - (young) people are dying!

All EU member states must evacuate refugees and their families and initiate access to fair asylum application procedures.

The EU member states must ensure the rapid evacuation and shelter of people in distress. Instead of always finding new arguments for not helping, concrete humanitarian and child welfare solutions must be provided. The Council of the European Union is in a position to decide on the admittance of refugees in various EU countries, as it did on 22 September 2015.² However, the member states do not have to wait for such an EU Council decision, because national legal systems can also allow for immediate admittance, such as in Germany via § 23 AufenthG. The silence of the EU and member states cannot be justified.

Child and youth welfare services continue to be responsible.

The respective national child and youth welfare services must remain responsible for providing accommodation and support. As early as spring 2020, various EU countries, as well as numerous municipalities, federal states and youth welfare organisations in Germany, indicated their

willingness and free capacities to take in young people in connection with the humanitarian disaster in Moria, Greece.³ In national and international expert discussions in the field of child and youth welfare, the great desire to help young people and families is expressed again and again. This desire is based on a strong professional attitude to stand up for the rights of all young people. Child and youth welfare is and remains responsible for standing up for the rights of children and young people and for turning these rights into reality.

Act immediately! The European Union has allowed children, young people and families to become pawns in international conflicts at its borders. People have already died and hundreds are still in a life-threatening situation as a result of the rigid closure policy, which does not recognise human rights. The EU has the duty to find solutions to the abhorrent situation at its border, which can only be realised through the enforcement of the inalienable rights of the refugees. This is to be ensured through admission to further countries and through support in the form of child and youth welfare services as well as family assistance.

Signatories:



¹ See Pro Asyl (2021, 13.11.): An der polnischen Grenze: »Eine Politik, die Menschen einfach sterben lässt«. Marta Górczyńska (Helsinki Foundation for Human Rights, Rechtsanwältin mit dem Schwerpunkt Asyl) im Interview. Online in <https://www.proasyl.de/news/an-der-polnischen-grenze-eine-politik-die-menschen-einfach-sterben-laesst> (01.12.2021). (In German only)

² See Council Decision (EU) 2015/1601 of 22 September 2015. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:2301_7 (08.12.2021)

³ See Karpenstein, Johanna/Rohleder, Daniela (2020): Die Situation Geflüchteter junger Menschen in Deutschland. Online-Umfrage des BumF e.V. S.5. URL: https://b-umf.de/src/wp-content/uploads/2021/04/webversion_onlineumfrage2020.pdf (02.12.2021). (In German only)