



Collectif de soutien des exilés du X^{ème} arrondissement de Paris

exiles10@rezo.net

www.exiles10.org et <http://actu.exiles10.org/>

Open letter to Mrs Versini, Ombudsman for Children.

Paris, April 14th 2009

Madam

Once again, we wish to draw your attention to the situation of unaccompanied foreign minors in the 10th arrondissement.

More and more of these young people, mainly from Afghanistan, are arriving in Paris. In 2006, we met 450, 483 in 2007 and 668 in 2008. During the first three months of this year we have seen 223, around fifty more than the same period in 2007 and 2008.

As you know, they do not come here for pleasure, or because the conditions of welcome are attractive but because they are fleeing a situation which, after thirty years of war, is getting worse every month. The refusal to acknowledge the developments in Afghanistan, and to insist, as do the public authorities, on the myth of Europe's magnetic pull seems irresponsible.

It is just as unreal to speak of "minors in transit" determined to continue to some other destination. These young people, as was rightly pointed out by Madame Gueydan at the meeting of 12 December 2007, are seeking first and foremost to build their future in the country that will host them under the best conditions. And if France creates acceptable conditions, it may well be here..

These young unaccompanied minors must also be first considered as young people at risk who must be protected, not as foreigners. However, the ad hoc working group recently created by the Ministry of Immigration, Integration, National Identity, Solidarity and Development reverses the problem. In this administrative framework, they will be first understood as aliens before finally being treated as minors. It would have been more appropriate, and perhaps led to a more correct emphasis, had responsibility been given to the Department of Labour, Social Affairs, Family, Solidarity and Cities.

From our perspective, the French law on child protection and the International Convention on the Rights of the Child should be given priority and enforced, and yet currently, this law and this convention are disregarded. Due to the failures of the ASE to ensure the protection of unaccompanied minors, derogations from ordinary law are increasing, creating a more and more precarious situation for these young people.

The extension of the Paris plan for the initial reception of this group (increasing the number of places at the hostel without providing the human resources needed for adequate socio-educational support) was already wholly inadequate as a response. Young people accommodated in hotels managed by France Terre d'Asile are not "taken into care". They are merely given shelter, without the necessary support that might persuade them to stay safely in France rather than prolonging their journeys with all the risks that entails. They are left to fend for themselves, without schooling, spending their days in the streets for lack of a suitable day centres, many forced to queue for meals at Paris's soup kitchens.

When some do decide to stay, they wait three months or more before being taken in charge by the child welfare. Discouraged, some again take to the road. Others of those wishing to remain in France, decide to go directly to ASE. They are then systematically subjected to medical expertise to determine their age. And most are declared to be adults.

The current system does not adequately protect young people in the 10th arrondissement and we have regularly raised the issue of the approximately twenty minors often left to sleep on the street. The response of the social welfare authorities (DASS) is unacceptable. On 10th February 2008, we sent a letter in which we exposed a first attempt to provide precarious protection for these children by turning day centres for homeless people into night shelters for minors. We argued then that it was "a new cache-misère" which breached the authorities obligation to protect these endangered children by offering appropriate accommodation and the right to information and socio-educational support. This year, the same strategy has been employed, this time using the Salvation Army. It is in its fourth month of existence. Young people hosted in precarious conditions from 8 pm to 7.30 am, are de facto abandoned each morning. They have no socio-educational support, no provision of meals and very little information. They do not even have any official document certifying that they have taken to care, which could indicate that a process to support and care for them had begun. Moreover, despite this scheme, every night underage children remain in the street. On the 10th April there were a dozen forced to have to sleep outside.

Why should these young people decide to remain in France? How could they believe that they have a future here, with rights guaranteed by law, if the laws that are supposed to protect them are not enforced? The extension of this ad hoc and inadequate system seems designed to discourage them and to send them back as soon as possible on the roads of exile.

It is urgent that the current reception and protection provision for unaccompanied foreign minors in Paris is rethought. It is vital that the scheme is brought into line with legal obligations and the increasing precarization of these young people is ended. No child should be left unprotected, and hotel accommodation cannot be an acceptable solution if the necessary human and financial resources are not provided. It should be possible to establish, in the 10th arrondissement, one or more community homes where these young people could be hosted, supported by educators and provided with the information and time for reflection on their future after months of wandering. Enfants du Monde Droits de l'Homme, for example, voiced its willingness to do this at the meeting in December 2007. It could be managed by ASE in Paris, with the assistance of the State.

Finally, we reiterate what we said to Myriam El Khomri:

We must ensure the protection of all unaccompanied foreign minors who are in the 10th arrondissement without restrictions. It is up to the system to adjust and not to abandon minors to dangerous situations.

The période of initial reception should allow young people to rest and recover from their journeys, and furnish them with the information and time required to take a decision on their future

This requires, not merely a shelter, but real care and socio-educational support, which requires the urgent release of the necessary funds and human resources. If FTDA is unable to perform this task other organizations should be included in this scheme.

The presumption of minority should be the rule applied by associations responsible for this initial reception.

The documents of civil status must be accepted by the prosecutor and the judge for children, if there is no evidence that there was forgery.

The use of medical expertise should be abandoned given the proven limited reliability of such examinations.

The application of the common law must occur quickly as soon as the young person manifests the desire to remain and the decision of the judge must also follow quickly. It is unacceptable that young people who decide to stay in France have to remain in limbo in a hotel and without schooling for three months.

An assessment of the initial reception scheme in Paris should be carried out by an independent inquiry. This evaluation should include an analysis of the fate of young people who have passed through the scheme (such as the one Hors la Rue did for the young Romanian person)

We would be happy to discuss this further and await your reply.

Yours sincerely,