



Terre des Hommes International Federation

*For children, their rights
and equitable development*

INTERNATIONAL DIALOGUE ON MIGRATION (IDM) 2014 Inter-sessional Workshop, 7-8 October 2014 MIGRATION AND FAMILIES

Session II: Conditions, challenges and rights-based responses to support families and children in the context of migration

7th October – 15:00 to 16:30

Ignacio Packer - Secretary General - Terre Des Hommes IF – ignacio.packer@terredeshommes.org

Views and opinions of children

Talking about his experience a 16-year-old migrant from West Africa shared with the Terre des Hommes staff in charge of the Faro Project in South Italy:

“They do to us whatever they like. They treat us like animals, with no reason, just to play. I would like that there are cameras. I know you could then see with your own eyes because it is impossible to explain”.

Migrant children are often victims of abuse and exploitation at the hands of adults. And because of their migration status, migrant children often face additional barriers to enjoy their rights.

The views and opinions of children are a powerful and necessary reminder that our work here in Geneva has real impacts on the lives of children worldwide.

Legal framework

States have a clear legal framework obliging them to guarantee all the rights enshrined in the Convention on the Rights of the Child to all children under their jurisdiction regardless of status. All States have ratified the Convention to the exception of 3.

The Committee on the Rights of the child reports on 35 recommendations following the 2012 Day of General Discussion.

In its report, the CRC puts the primacy of the Convention on the Rights of the Child in addressing the rights of the child in the context of international migration and therefore the need for the Convention to be integrated in migration-related frameworks and/or measures at the top of the agendas. Particular attention is to be placed on the Convention principles regarding the best interests of the child and non-discrimination (articles 2 and 3). The Committee’s General Comment Number 6 on the *Treatment of Unaccompanied and Separated Children* and the General Comment Number 12 on the right of the child to be heard are recalled in this respect.

In this light, a holistic and comprehensive process to identify and address the needs of children affected by migration must be based on all provisions and principles of the

International Secretariat

31, Ch. Frank Thomas – 1223 Cologny / Geneva-Switzerland
Phone: +41 22 736 33 72 – Fax: +41 22 736 15 10 – E-mail: intl-secr@terredeshommes.org
Bank account: Banque Cantonale de Genève - Account no. T3100.25.97

An international non-governmental network in consultative status with the United Nations ECOSOC, UNICEF, the ILO and the Council of Europe.

Convention and avoid categorisation or distinction of different types of rights. All children involved in or directly affected by international migration are entitled to the enjoyment of their rights, regardless of age, gender, ethnic or national origin and economic or documentation status, in both voluntary and involuntary migration situations, whether accompanied or unaccompanied, on the move or otherwise settled, documented or undocumented or any other. A single child may fall into several categories over time and therefore rigid definitions or categorization are of limited help and can be detrimental.

The UN High Level Dialogue, the GFMD and the Post 2015 Agenda

Civil society brought to the HLD on 3rd and 4th of October 2013 a unity message, one carved out of national and regional consultations. An 8 point agenda to work with governments over a 5 year period. An agenda where children have not been left out.

At the High Level Dialogue, UN member states adopted a declaration which did not leave children behind. This seems obvious but, until very recently, the global agenda was ignoring children and the social cost of migration on families and children. UN member states committed to *“protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, and to provide for their health, education and psychosocial development, ensuring that the best interests of the child are a primary consideration in policies of integration, return and family reunification”*.

The 2nd HLD represented a significant advance for how the issues of children affected by migration are approached. This has been confirmed by several key moments since then including the GFMD in Stockholm this year. Children are now visible on the agenda and there is a growing focus on the most urgently needed changes in current policies and practices.

One of the many urgent current policy challenges is making the case for migration in the Post-2015 agenda. In these crucial months of debate on the Post-2015 at global and national level, civil society organisations are engaged in making the case for migration in the development agenda and to reaffirm the critical importance of child protection with a specific concern for children on the move.

Challenges for NGOs faced in protecting children on the move

The focus here is on the NGO sector, seeking to demonstrate why they currently struggle with the challenge of whether and how best to assist and protect children on the move. It is based on an article by Mirela Shuteriqi of Terre Des Hommes. The focus given here is therefore not directly on interventions, current or intended, by government-run organizations, nor a focus on the strategies developed by the children themselves, their families or communities to ensure that they continue to be protected while on the move.

While recognizing the phenomenon of child migration and its increasing scale, on the whole, NGOs feel challenged by the political debate occurring around the topic of migration, and are also affected by their own perceptions of migration and the dilemmas it presents.

The general rise of a sometimes deep-rooted, irrational hatred towards foreigners creates a complex environment where governments are not taking immediate measures to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance as it is urged in the Vienna Declaration and Programme of Action. A rights based approach is generally far too weak and we express here a specific concern on the lack of child rights approach.

NGOS with a strong individual donor base are themselves sometimes reluctant in speaking out or reluctant to engage in public awareness around issues relating to migration. This is triggered by fear of losing donors that overweighs the societal responsibility.

Beyond funding concerns, the political climate also tends to reduce the space for NGOs in an increasing number of countries. This is the case for instance for some European countries where NGOs are not entitled to access the centres for children and services are provided by Government or outsourced by them with a lack of accountability mechanisms. The services to migrant children is become a “business” in an increasing number of countries.

A key gap at the international level identified by the members of the Inter-Agency Group on Children on the Move (IAG CoM) pertains to the lack of explicit or comprehensive guidance to States on the nature of the specific international coordination mechanisms that will help ensure the protection of children in the context of migration and the fulfilment of the associated human rights obligations.

A was presented at the side event earlier today organised by the Permanent missions of Italy and Mexico, the Inter Agency Group on Children on the Move, Save the Children and Terre Des Hommes, a global study on transnational coordination mechanisms has been initiated. It could make a substantial contribution to further the debate on strengthening international cooperation for the protection of children on the move.

Despite the existence of NGO actors working in the communities from which children migrate and also of NGOs that assist children once they reach a new destination, a geographical disconnect between NGO activities in the places of origin and destination has been identified as one of the main gaps. There are too few NGO initiatives that have sought to respond to this gap.

In 2012, the TDH launched an international campaign entitled ‘Destination Unknown to protect Children on the Move.’ The 40 DU campaign members are active in some 30 countries, advocate in regions and at global level. This is complementary to other constituencies in which TDH is a member such as the Inter Agency Group on Children on The Move chaired by Save the Children, The Inter Agency Working Group to End Child Immigration Detention and campaigns such as the “End Child Detention Campaign” under leadership of IDC. Coordination between civil society organisations has enabled to move from a civil society shopping list of demands to governments to a more focussed and limited demands or suggestions. I refer again for example to the 8 point agenda to work with governments over a 5 year period.

One of the objectives of the Destination Unknown Campaign is to ensure that, on a number of identified routes, children get access to appropriate protection and services along the way.

Other objectives of the campaign revolve around the need to change the current paradigm by developing a better understanding of the risks and opportunities for a child before, during and after movement. The advocacy is constructed around 10 demands, which include: enhancing alternatives to migration for children and their families back home; bringing an end to detention and deportation procedures involving migrant children; finding a durable solution according to the best interests of the child; listening to the views of the child; enhancing the evidence base of policies aiming at protecting children on the move, and so on.

In line with the United Nations Convention on the Rights of the Child, the NGO communication has to continue shifting away from a 'silo' approach (focusing on just one form of abuse suffered by children) and investing in supporting integrated protection systems to benefit all children.

The measurable results of the Destination Unknown Campaign highlight the approaches for greater impact on which it is based: 1. Enhancing services (direct implementation); 2. Influencing systems change; 3. Harnessing the private (formal and informal) private sector and 4. Working on the child protection systems with multisector action.

Terre des Hommes, along with other NGOs and agencies, thinks that building child protection systems guarantees protection for a large category of children today, and is therefore a more efficient way of responding to their needs, as well as managing the limited resources available to do so. The focus is on national protection systems, but systems in different countries need to be linked to ensure a continuum of protection and services for children on the move.

The last, but not least, of the challenges identified concerns the BID for a child on the move. The Committee of the Rights of the Child commented on the process by which states should determine the best interests of unaccompanied and separated children outside their countries of origin (General Comments n°. 6 and n° 12). One way forward, in the assessment of the best interests of a child on the move would be to give due weight to his or her views and opinions. Listening to the experiences of children on the move, the reasons that made them leave home and go abroad in the first instance, as well as their expectations of NGOs and other actors responsible for protecting children, would help address many of the challenges identified.

This presentation explored some of the factors that hinder NGOs today in assisting and protecting children on the move. It reviewed operational challenges as well as challenges specifically connected with making a best interests determination or assessment. There are existing promising practices developed by NGOs around the world. Ways forward include: 1. having a system approach; 2. a system accessible for all including migrant children; 3. Able to successfully provide specific services for specific groups of children; 4. keeping up the awareness within societies on the need to address xenophobia and discrimination and work in solidarity.