

Inter-Agency Group on Children on the Move¹

The UN High Level Dialogue on Migration and Development 2013: Why children matter

Background Paper, April 2013

Introduction

Children make up a significant part of the large-scale and complex population movements currently taking place in many parts of the world and the number of children who are 'on the move'² is growing dramatically. It is estimated that there are approximately 750 million internal migrants and 214 million international migrants globally today - a number expected to grow to 400 million by 2040. Each typically supports many family members back home, which also helps to lift entire communities. Almost half of all migrants are female.³ Many of these migrants are children or young people moving either alone or with their parents, on a permanent or on a seasonal basis. It is estimated that 33 million international migrants worldwide are under the age of 20 (representing around 16 per cent of the total migrant population) and 11 million are children between the ages of 15 and 19 years. Of these, approximately 60 per cent live in the least developed and developing countries (UNICEF 2012). Child migration is also a growing phenomenon regionally. Child and adolescent migrants are a significant proportion of the total migrant population in Africa (28 per cent), followed by Asia (21 per cent), Oceania (11 per cent), Europe (11 per cent), and the Americas (10 per cent).(UNICEF 2012)⁴.

Yet, migration is still only marginally part of the development agenda and, despite the growing mobility of children, development, migration and National and International child protection laws and policies are not adequately addressing the specific needs of children on the move or responding to the violations of rights that these children often experience during migration.

The High Level Dialogue on International Migration and Development which will take place in October 2013 represents an important opportunity to discuss why migration and child migration in particular are central for the development agenda and share experiences on policies and concrete and coordinated measures and actions within and across countries.

This document highlights why child migration matters in the migration and development agenda by outlining the benefits, the risks and the challenges faced by the millions of children who are on the

¹ The Inter-Agency Group on Children on the Move was formed in 2011 following a global Conference on Children on the Move held in Barcelona in October 2010. It includes the following agencies: ILO, IOM, UNHCR, UNICEF, Plan International, Save the Children, Terre des Hommes, the African Movement of Working Children and Youths (AMWCY/MAEJT), Environmental Development Action in the Third World (ENDA), World Vision, the Oak Foundation and individual experts and academics.

² See definition on page 2

³ IOM Gender and Migration Fact Sheet at

http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/brochures_and_info_sheets/gender_factsheet_en.pdf

⁴ There are regional variations among migrants under 20 years of age. In Europe & Northern America, Africa and Oceania, 15 to 19 year-olds represent 39, 34, and 32 percent of the total migrant population under the age of 20, respectively. In Asia, 10 to 14 year-olds represent 26 percent of all migrants under 20, while in Latin America and the Caribbean, 5 to 9 year-olds account for 27 percent of the total migrant population under 20 years of age. Victor Abramovich.V., CerianiCernadas, P., and Morlachetti, A., [Migration, Children and Human Rights: Challenges and Opportunities, UNICEF Social and Economic Policy, Working Paper, 2010](#)

move today. It also looks specifically at the themes of the four multi-stakeholder roundtables planned for the High Level Dialogue to highlight the importance of the needs and rights of child migrants.

The opportunities and the challenges that children's movement poses cannot be ignored. Making migration part of the post-2015 framework will have a meaningful impact on the lives of migrants. A stronger focus on the rights of children involved in migration will have a meaningful impact on the lives of the millions of children who are on the move today and the many millions that are likely to migrate in years to come.

Children on the move: risks and challenges

Given the commonality in the protection needs of children involved in mixed migration flows, agencies members of the Inter-Agency Group on Children on the Move which work directly to protect and support children affected by migration, have adopted a holistic focus on child migration, using the following umbrella definition of children on the move:

'children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement while it may open up opportunities might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence'.

While not exhaustive, this definition brings together children who have been trafficked; children seeking asylum; children who migrate (e.g. to pursue better life opportunities, look for work or education or to escape exploitative or abusive situations at home); and children displaced by conflict or natural disasters.

This definition highlights how children who are on the move for various reasons, often move in and out of different categories within the same journey or over time and, as such, they need protection and support mechanisms that are holistic, coherent and coordinated within and between countries.

The reasons, patterns and consequences of children's movement are diverse and complex. For many children, leaving their home communities promises the chance of a better life, an escape from poverty, abuse, violence or conflict and a better opportunity to access jobs, education and basic services.

However, unless they are escaping violence and abuse, children on the move, especially if they are traveling unaccompanied, may lack the protective ties normally available in families and communities. Once children move, particularly in the absence of protection services and support, they can become highly vulnerable to violence, abuse and various forms of exploitation either during their journey, or once they reach the new destination.

They may also face discrimination and, because of their migration status, they often face additional barriers when trying to seek assistance, protection and basic services such as education and health. Children who may have international protection needs may face difficulties in accessing asylum procedures because of the lack of specific measures such as child-friendly asylum procedures and accessible information to support them.

A range of studies on children on the move indicate that policies often do not adequately respond to the specific needs of these children or are applied in ways that are not reflective of the best interests of the child.⁵

Lack of coherence between migration and child protection policies is compounded by the lack of coordination in protection systems that channel different categories of children on the move into different category-oriented protection responses and services which are subject to often conflicting political priorities.

The UN Convention on the Rights of the Child remains the main international instrument to address the rights of children including children involved in migration, as also recently observed by the Committee on the Rights of the Child.⁶ To this extent, the UNCRC Monitoring Body has recommended that “States should ensure that the rights enshrined in the Convention are guaranteed for all children under a State’s jurisdiction, regardless of their own or their parents’ migration status and address all violations of those rights”.⁷

Despite being obliged under the UN Convention on the Rights of the Child to respect, protect and fulfill the rights of all children - irrespective of their status or place of origin - many governments still perceive children on the move as threats or offenders against migration laws, leaving them without adequate protection and often subject to prosecution, detention or unsafe return.⁸

Why Children Matter: Thematic Focus of Roundtable 1 of the High Level Dialogue on Migration and Development: ‘Assessing the effects of international migration on sustainable development and identifying relevant priorities in view of the preparation of the post-2015 development framework’.

Migration needs to be a key part of the development debate. It is often one of the few strategies that many children and their families have left to counter poverty and access important opportunities. Children make up a significant part of the large scale movement taking place today globally, an estimated 33 million representing around 16 per cent of the total international migrant population and a far higher number moving within countries from rural to urban areas. For this reason, the debate on migration and development should include a focus on the specific needs and rights of children on the move. While opening up opportunities, migration can also expose children to violence, abuse and exploitation. The protection of children and the promotion of their well-being are closely linked to the development and well-being of their societies. On the

⁵ Dottridge, M., Kids abroad: ignore them, abuse them or protect them, Terre des Hommes International Federation 2008; Feneyrol, O., Quelle protection pour les enfants concernés par la mobilité en Afrique de L’Ouest?, BIT, Plan, Enda jeunesse action, Mouvement Africain des Enfants et Jeunes Travailleurs, IOM, Save the Children, Terre des hommes, Unicef, 2011; Plan and Consortium for Street Children (2011) Still on the street – still short of rights. Analysis of policy and programmes related to street involved children; Reale, D. (2008) Away from Home, Save the Children; UNHCR Guidelines on the Best Interests of the Child, 2008; World Vision International, 2010, 10 Things You Need to Know About Labour Trafficking;

⁶ CRC Report of the 2012 Day of General Discussion on the rights of all children in the context of international migration, para. 12.

⁷ Idem.

⁸ The UNCRC consolidates provisions included in other international human rights instruments insofar they apply to children. These include the other core international human rights instruments, namely: International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Other relevant international instruments include: the International Convention on the Protection of All Migrant Workers and Members of their Families; ILO Conventions No 97 and No 143 on the rights of Migrant Workers; ILO Conventions No. 138 and 182 on minimum age and worst forms of child labour; Convention relating to the status of Refugees; Convention on Reduction of Statelessness; Palermo Protocol on Trafficking of persons; and regional instruments and other regional instruments, including the 1999 African Charter on the Rights and Welfare of the Child.

basis of the vital importance of human rights, equitable development and the centrality of human security, children on the move, both internationally and internally, must be recognized as an integral part of the post 2015 development framework.

The HLD could promote recognition of the need for the post-2015 framework to:

- **Include a specific goal and indicators on child protection, in recognition of the importance of well-resourced child protection systems in responding to the situation of children affected by migration. The following goal has been suggested by a group of Agencies involved in Child Protection: ‘All children live a life free from all forms of violence, are protected in conflicts and disasters, and thrive in a safe family environment.’⁹**
- **Specifically aim at developing explicit outcomes for children in the context of migration. These could involve: investing in communities in ‘sending’ areas, lowering the economic and social costs of migration and ensuring that migrant children enjoy the legal protection and the rights recognized to all children by the UNCRC and other international standards irrespective of their migration status.**
- **Become the catalyst for countries and bilateral, multilateral and other donors to increase resource allocation on child protection across emergency and development settings and invest substantive resources for comprehensive child protection indicators, including data on children who do not live in families, like children on the move.**

Clearly, this will not be achieved in isolation but together with other provisions in the framework addressing conflict, the environment and climate change and the decent work for all agenda. Similarly, the likely future focus on greater equality of outcomes for all will help to ensure that children impacted by migration all gain from any progress being made while being protected from potential harm.

It is essential that the post-2015 framework includes mechanisms to monitor how progress impacts the different sections of the population that are made vulnerable by changing population dynamics like migration. This will help to ensure that children affected by migration, gain from any progress being made, and are protected from violence, abuse and exploitation.

Why Children Matter: Thematic Focus of Roundtable 2 of the High Level Dialogue on Migration and Development: ‘Measures to ensure respect for and protection of the human rights of all migrants, with particular reference to women and children, as well as to prevent and combat the smuggling of migrants and trafficking in persons and to ensure orderly, regular and safe migration’.

Despite obligations under the UN Convention on the Rights of the Child (UN CRC) to protect all children irrespective of their status, too often children on the move are perceived first and foremost as irregular migrants, leaving them without adequate protection. They may be denied the right to seek international protection, denied access to basic services, be placed in immigration detention or forcibly deported. Many children, including children whose parents are irregular migrants, lack documentation or any possibility of accessing birth registration documents. This means that they become stateless which may have devastating effects on children, young people and their families’ ability to access services, go to work, own property, and move freely within the country.

The UN HLD presents an opportunity to:

⁹ Save the Children (2012), *Ending poverty in our generation, Save the Children’s vision for a post-2015 framework*, Family for Every Child, Save the Children et al (2013), *Protect my future, The links between Child Protection and Population Dynamics in the Post-2015 Development Agenda*.

- Ensure that the respect, protection and fulfillment of the rights of children on the move become a key priority in the migration and development debate in a way that ensure coherence between migration, child rights and child protection policies in line with Human Rights standards and the UNCRC.
- Acknowledge the application of the UNCRC in full to children involved in migration, including the obligation not to discriminate against these children, regardless of their nationality and migration status. In particular, migration control concerns should never displace the requirement to make the best interests of the child a primary consideration in all actions in their regard.
- Acknowledge the importance of encouraging and ensuring that due account is taken of the views of these children, and promoting their right to life, survival and development, and ensuring that migrant children enjoy the legal protection and the rights recognized to all children by the UNCRC and other international standards irrespective of their migration status, and that these rights include the right to be free from economic and sexual exploitation and trafficking (see Art. 32, 24 and 35 of the UN CRC).
- Acknowledge the importance of child-rights-centered protection systems at national level for ensuring the accurate listening and protection of all children on the move and to guarantee them the full protection, promotion and fulfillment of their rights as human beings and as children, independently of their immigration status. These systems should also include specific procedures and tools to identify, protect and assist children at risk or victims of trafficking while recognizing that children move in and out of different categories of vulnerability within the same journey and over time and, as such, need protection and support mechanisms that are holistic and coordinated. In addition, tailored measures should be adopted for the girl child and different categories of vulnerable children.

Why Children Matter: Thematic Focus of Roundtable 3 of the High Level Dialogue on Migration and Development: ‘Strengthening partnerships and cooperation on international migration, mechanisms to effectively integrate migration into development policies and promoting coherence at all levels’.

All States have an obligation to respect and ensure the human rights of all children, including children on the move. An appropriate response to the needs of children who move across international borders often relies not only on *national* laws and policies but also on effective *transnational* cooperation between public and private actors, based on the best interests of the child.

Equally, preventing the need for unsafe migration, including reducing the risks associated with it, is a fundamental building block of an international system that respects human rights. A range of social and economic development interventions – which would benefit from transnational cooperation – are therefore required.

The UN HLD presents an opportunity to:

Explore how public and private actors can work together transnationally to address the situation of children who are in movement across countries of origin, transit and destination. It is vital for transnational cooperation to be rooted in a common child protection agenda, and thereby allow for better and more sustainable outcomes for children in migration. It is necessary to think about *concrete proposals for normative, institutional and procedural solutions* to build effective national and transnational coordination frameworks to protect children on the move; those mechanism and frameworks, must include children and youths networks.

The Inter-Agency Group submitted a joint statement on this topic to the UN CRC during its Day of General Discussion in 2012:

http://resourcecentre.savethechildren.se/docs/IAG%20CoM%20Joint%20Statement%20for%20the%202012%20ODGD_Final.pdf.

Why Children Matter: Thematic Focus of Roundtable 4 of the High Level Dialogue on Migration and Development: International and regional labour mobility and its impact on development

For many children, leaving their homes, with or without their parents or a trusted adult, promises the chance of a better life, an escape from poverty and the opportunity to access education, employment and other basic services that would not be available at home.

The United Nations Human Development Report 2009 (UNDP 2009) shows that most families who migrate, both internally and internationally, get significant gains by moving in terms of increased income, access to health services, education and employment opportunities and improved prospects for their children. Research conducted with children in various parts of the world, including Southern Africa, South East Asia and Eastern Europe shows that children value these opportunities especially when migration helps them contribute to their family's income, develop new skills or realise other aspirations.

Their numbers are likely to grow driven by global migration trends fuelled by factor such as poverty, the rise in global youth unemployment rates fuelled by the global economic crisis and other demographic, political and economic trends (ILO 2012). Yet as research shows, the isolation of young migrant workers makes them particularly vulnerable. Recent evidence suggests, for example, that migrant children in child labour face more adverse working conditions than non-migrant child workers when comparing working hours, exposure to work hazards, bondage, violence and isolation (ILO 2012).

The UN HLD presents an opportunity to:

- **Highlight the importance for the international debate on migration and development to properly take into account the interface between issues of child mobility and youth employment and build on the opportunities that migration opens up to children and their families, while guarding against the risk of child labour. It needs to recognize that many young people migrate because of the lack of opportunities at home and that finding work elsewhere is a survival and growth strategy for many of them. Strategies focusing simplistically on trying to stop the movement of young people are not likely to be effective or adequate. Instead it is key to focus on protecting children and young people from the risks of unsafe migration in accordance with international standards, ensuring access to services in transit and at destination and protection from exploitation and abuse.**
- **Highlight the importance of concrete measures that include partnerships to bolster national child protection systems and foster educational, training and employment opportunities for children and young people in countries of origin. Transnational cooperation in these partnerships involves collaboration between actors in countries of destination, transit and origin to develop, children and youth networks, and finance appropriate structures that provide young people with opportunities to flourish.**

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