

Child Rights Report – GFMD Civil Society Days

The place child rights have found in previous GFMD Civil Society Days (CSD) has been limited. However, this year the rights of children were integrated into the discussions to a whole new level. All of the sessions discussed children's rights within the context of migration and sought to bridge each subject of the workshops and children's rights. Moreover, the initiatives of this year's CSD to incorporate a Rapporteur on Children, and preparing a series of bridging papers looking at different points of the 5-year Action Plan for Collaboration from a child rights perspective, have not only been well-received by the participants, but have also had significant impact on the overall discussion during the CSD. There were many interesting points worth considering during the discussions; not only issues and challenges, but also concrete solutions to move forward. It must nevertheless be remembered that there is still a lot of work that has to be done within this area, and that this positive trend must be sustained.

Currently there are 232 million international migrants all over the world, 20% that are children, and it is evident that their rights are being greatly affected, both positively and negatively. The impact on the child varies to different degrees, and is dependent on a number of factors, such as the age and maturity of the child, the conditions under which the child migrates, the legislation and policies in the States of origin, transit and destination and also their implementation. However, regardless of the reasons for migration or the legal status of a child, it must be remembered that children are—first and foremost—children, and that their best interests must be a primary factor in any decision affecting the child.

The United Nations Committee of the Rights of the Child—the foremost body of child rights experts in the world—has explained to the 197 Member States of the Convention on the Rights of the Child (CRC) what it means to comply with the convention. A General Comment was written in 2006 and a Day of General Discussion on “The Rights of All Children in the Context of International Migration” took place in 2011. Together, these documents explain the particular rights and, therefore, the obligations of States, with regard to migrant children. The Committee is continuing its work on the rights of migrant children. Currently, together with the United Nations Committee on the Protection of the Rights of all Migrant Workers and Members of their Family, they are working to produce a Joint General Comment on “The Rights of All Children in the Context of International Migration” which will further clarify and strengthen the international legal framework with regards to child migrants. Civil society organisations that participated in this GFMD CSD already gave some contribution to this process.

Some States have also recently taken positive steps to protect the rights of children in context of migration, for example by seeking to end the practice of child immigration detention or by adopting child protection frameworks that seek to comprehensively protect the rights of the child. Nevertheless, the situation remains problematic and there is a lot that needs to be done to ensure the well-being of children.

Furthermore, collaboration and support between Civil Society, intergovernmental organisations, NGOS, state agencies etc. is key in order for States to fulfil their obligations towards the children. For instance, the work contributed by civil society organisations is substantial and can only, in several different ways, be seen as a great benefit. The efforts and services that diaspora-, migrant-, child rights-organisations etc. provide to meet the needs of the children within the particular context are vital. For instance, their roles in influencing States to translate the obligations of treaties into national legislation and policies in a way that maximizes the rights of migrant children is an absolute necessity. Organizations, such as Atikha Overseas Workers and Communities Initiative ensure that children have access to health, education and protection and work with second-generation youth migrants.

Today there is an increased number of stranded migrants, and they often don't have any access to adequate nutrition, clean water, healthcare (including psychosocial support) and accommodation. While any migrant can be stranded, most of them are undocumented and in the last years, the number of children among them has increased significantly. They include separated and unaccompanied children, asylum-seeking children and victims of trafficking. We heard about potential cases of children being kidnapped while on the way. Their rights to life and survival are continuously threatened, many of them are detained only because of their migration status, and the level of violence they experience is high; all of which have serious impact on the psychosocial wellbeing of the children. Child migrants should not have their life threatened, their rights violations should be brought to an end and immediate assistance and support should be provided to help them deal with the violence suffered. The Sustainable Development Goals (SDG) targets ask States to address all forms of violence against children and ensure well-being for all. In addition, implementing the SDGs in practice will have several positive effects in the long term, such as economic, social, cultural etc. that can prevent future costly disasters from taking place.

Despite their age, children also migrate on their own for labour purposes. The labour migration of young aged children is another example illustrating how the lack of development opportunities pushes children and youth to migrate. Labour migration can bring benefits to the children concerned, but it can also expose them to abuse and exploitation. Most of the labour migrant children end up working in the informal sector, out of the reach of labour inspectors and support of labour units. The combination of their age and nationality often exclude them from access to justice even when they are severely abused and exploited by the employers. More efforts by all actors, including migrants and the formal and informal labour units, are needed in order to reach out to migrant working children. These children should be assisted to access their basic rights, including health care, education and justice, as well as be free from abuse and violence if they do work. Furthermore, a gender approach should be included in all migration and asylum intervention of all actors, States and CS included. For example, migrant girls are more vulnerable as they can be considered to face a triple deficit based on their migratory status, age and gender.

The majority of children are nonetheless affected by migration in the context of their parents' labour migration. This impact is significant both when children move with their parents to a country of destination and when they are left in the country of origin. While it remains challenging to determine such an impact, evidence shows that there are a number of factors playing a role. For instance, if a child's parents are given decent labour conditions, they can save money to send home, travel back home to visit the family, or perhaps have the rest of the family join them etc. Evidence also shows that when there is enough support for the caregiver and the child left behind, there are no real differences between the health and well-being of children of migrants, and children of non-migrant parents. Furthermore, the children who have migrated with their parents experience an increase in discrimination and xenophobia in the country of destination that does not make it easy for the children to be integrated into the host society.

There are several measures that must be taken into consideration in order to guarantee the well-being of all children. It cannot be neglected that the experience these children and youth possess, is a significant form of knowledge that must be taken into account. By listening to them, one does not only respect their right to be heard, but one can also understand their needs and aspirations, facilitating the work of drafting better policies and consequently, targeting their needs. The CSD has taken considerable steps in the right direction as increased attention of the rights of children in the context of migration has been taken to a new level. However, it is now vital that the work continues, involving more children and youth concerned in this process, and that all stakeholders keep up the momentum, guaranteeing a brighter future for all children in the world.

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