



## Protecting and empowering children in the context of mobility

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Action theme 2: Migrant rights and protection

On the basis of immigration status, children are detained, deprived of liberty. Children are not guaranteed access to services (such as health care or quality education). Children are not guaranteed access to protection and justice. Why? Because of their immigration status.

“*The future We want for All*”, really?

What kind of society are we building if we accept or resign ourselves to the fact that children are detained, don't go to school or don't have access to medical care due to migration status? At different scales, this is happening in almost all countries.

Migration affects children in many different ways, whether a migrants s themselves, as children in left-behind households, or as children born to migrant parents. There are some 33 million international migrants under the age of 20, who represent around 16% of the total migrant population.

We welcome developments since the 1<sup>st</sup> HLD. Since 2006, children, adolescents and youth in the context of migration have become more visible in global discussions, in policy implementation initiatives and in country programmes. Very importantly, this moves beyond a protection agenda, to base the approach to children in the context of migration on a **comprehensive human rights-based, gender-sensitive approach, with a focus on equity.**

We welcome unprecedented efforts by some states to allocated resources and engage politically in improving the situation of the rights of children in the context of migration. Best practices exist. We are not talking about the impossible, far from that.

However, despite being bounded by the Convention on the Rights of the Child, states do not consider every child involved in international migration first and foremost as a child. Today, Child Rights are still largely absent in migration policies and practices and directly violated by some national laws.

**We recall that 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 Sates 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. We focus here on two of them to highlight **two changes most urgently needed in current policies and practices**.

**1. A child must be guaranteed access to services, protection and justice regardless of migration status**

States should review and reform all migration and social laws, policies and practices which limit access to services, protection from violence, exploitation and abuse and mechanisms for legal redress in the case of rights violations, according to migration or residence status. This must include a clear separation from immigration control in law, policy and practice.

**2. Immigration detention of children must stop**

States should expeditiously and completely **cease the immigration detention of children**: children should never be detained and detention cannot be justified either on the basis of their parent's immigration status or their status as unaccompanied or separated children.

Signs are that the 2<sup>nd</sup> HLD will represent a significant advance for how the issues of children affected by migration are approached. **A language similar to the one used in this brief presentation in an output document from the HLD would represent the urgently needed progress from 2006.**

We want to alert you to these points that we consider as benchmarks against which we will assess the content of the High Level Dialogue in our public responses when the HLD outcome document is released.

As civil society organizations, we believe we have the responsibility to promote the highest level of ambition possible, rather than promoting or accepting the compromises likely to be preferred by member states. We will support and encourage the UN and states to push for the best outcomes for the rights of children in the context of migration. This is part of the Future we Want.