

**UN CRC Committee Day of General Discussion  
The Rights of All Children in the Context of International  
Migration. 28 September 2012**

**Transnational Coordination Mechanisms for the Protection of  
Children on the Move in the Context of International Migration and  
the Fulfilment of their Human Rights**

**Submission by Save the Children**

## **Introduction**

Addressing the rights and needs of children involved in international migration requires first of all that their rights and needs as *children* are fully recognised. Increasingly States, particularly countries of transit or destination of migration flows, are recognising their child rights obligations to children on the move.

However, much more needs to be done to translate this into a real difference to the lives of these children. It is therefore timely and very welcome that the United Nations Committee on the Rights of the Child's Day of General Discussion is putting the situation of these children under the spotlight, and will consider carefully how their rights under the UN Convention on the Rights of the Child can be realised.

While international law defines a child as "every human being below the age of eighteen", no single international legal definition of a migrant – and therefore of a migrant child – exists. Nevertheless, many discrete types of child migration – family-based, unaccompanied, irregular, trafficked, asylum-related – have been the focus of national, regional and international attention. Despite the differences, they all include situations where children might be at risk of being exposed to abuse, neglect, violence or exploitation.

The circumstances of migrant children who are unaccompanied by or are separated from their normal carers has been a particular concern. Nevertheless, children on the move who are accompanied by their normal carers may also have protection needs, particularly where their carers are irregular migrants or where the family are destitute, conflict-affected refugees who have not adapted to their new surroundings.

Given the commonality in the protection needs of children involved in mixed migration flows, Save the Children adopts a holistic focus on child migration, using the following umbrella definition of children on the move:

*“Those 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 might place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence”.*

This definition brings together children who have been trafficked; asylum seeking children, children who migrate (eg, to pursue better life opportunities; to look for work or education; to reunite with family; or to escape exploitative or abusive situations at home); children displaced by conflict and natural disasters; and children who live and work in the streets.

## **The need for transnational cooperation to protect children on the move**

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. Situations requiring transnational cooperation between a range of actors occur throughout the migration cycle, yet insufficient attention has so far been paid to what is needed to facilitate and support this transnational collaboration.

Drawing on Save the Children's field experience, this paper reflects on the impact and implications of transnational cooperation on the protection and promotion of the rights of children on the move. Rather than providing definitive answers it aims to suggest points for reflection among the many stakeholders involved on the scope of transnational cooperation between States, and to prompt a common consideration of how the human rights of children on the move can be more effectively fulfilled through such cooperation.

## ***Achieving transnational cooperation to fulfil the rights of children on the move: the challenge***

Appropriate responses to protect and promote the rights of children on the move often require interventions at each stage of their journey and implicate a range of actors often in different countries. Effective coordination between these actors across different countries is often crucial to prevent or reduce the risks of unsafe international migration; ensure that children are properly identified, receive immediate assistance and have their care needs met; and find and implement durable solutions.

Transnational cooperation – across disparate legal, political and linguistic boundaries – is complex. As a result it occurs less frequently and less effectively than required. Indeed, this lack of transnational cooperation is sometimes used by States as an excuse to justify their failures to protect children on the move. We wish to underline that the absence of transnational cooperation can never justify the failure of a country of transit or destination to provide temporary assistance and care, nor can it justify the summary deportation or detention of a child.

Equally, Save the Children believes that engaged stakeholders should reflect carefully together on how to ensure more systematic attention is paid to surmounting the obstacles to transnational cooperation, based on a common child rights and child protection agenda.

Our experience suggests that the existence and efficacy of transnational cooperation vary considerably because of a variety of factors. Some regional mechanisms and bilateral agreements affect certain categories of children on the move – in particular, trafficked children. However, many categories of children on the move remain outside protection mechanisms. As a result, States' obligation to promote, protect and fulfil these children's human rights remains unrealised.

In some instances obstacles to transnational cooperation derive from the absence of a common understanding between States of what child rights and protection issues are involved. On other occasions, actors lack the capacity – and the resources – to communicate effectively across their respective linguistic, legal and geographical borders.

Failure to cooperate on child protection concerns is sometimes the product of powerful migration control pressures in the political agenda which obscures the urgency of the child rights issues at stake. In particular, national child protection systems and actors are frequently not engaged with each other transnationally to respond to the situation of these children. Failure can also occur because of an absence of facilitatory international mechanisms, backed up by appropriate training and transnational capacity building. Transnational cooperation may also be impeded by sensitivities in situations where children are escaping persecution, or where there are other harm or data protection concerns.

The sections that follow is a reflection on the legal and practical challenges to transnational cooperation and their implications for the protection and fulfilment of the rights of children on the move.

## ***The international legal framework for transnational cooperation and the rights of children in international migration: a brief overview***

What follows is an initial overview – rather than a comprehensive analysis – of the underlying principles and guidelines emerging from key instruments within the international legal framework governing the protection of children and migrants. Its aim ultimately is to stimulate pointers for future research and inquiry.

## **The UN Convention on the Rights of the Child**

The UN Convention on the Rights of the Child addresses the rights of all children falling within the jurisdiction of a State, regardless of their nationality or immigration status. It consolidates provisions in other international treaties insofar as they are relevant to children.<sup>1</sup> Although the UNCRC does not contain specific provisions concerning the rights of migrant children in general, it does contain some specific provisions on certain groups of children on the move, including refugee children, children who have been trafficked, and children who have been deprived of their family environment. However, its general provisions apply fully to migrant children without discrimination.

Some of the norms in the UN CRC that apply to all children are particularly relevant to children on the move, and to the question of States' obligations to engage in transnational cooperation to fully protect their rights and needs as required by the convention. Article 3 of the UNCRC – which requires State Parties to take the best interests of the child as a primary consideration in all actions in its regard – is a central provision and its full application requires in many cases effective transnational cooperation to ensure that appropriate care and protection solutions for all children, including children on the move are put in place.

Other relevant norms include: the prohibition on discrimination, both between adults and children, and between different groups (and ages) of children; the promotion and protection of the right to freedom of movement; the right to acquire a nationality, and the correlative obligation to avoid statelessness; the promotion and protection of a broad range of economic, social and cultural rights, and the rights to education, health and shelter; the prohibition of arbitrary arrest and detention, and the requirement that children only be subject to detention “as a measure of last resort and for the shortest possible period of time”, the protection from all forms of violence and the prohibition of use of torture or other cruel, inhuman or degrading treatment or punishment, the protection of family unity (which includes both the negative obligation not to interfere with family unity and the positive obligation to take all necessary measures to assure realization of the child's right to family unity).

Additionally, the General Comment No 6 of the UN Committee on the Rights of the Child on unaccompanied and separated children outside their country of origin addresses the application of the CRC as a whole specifically to these children, regardless of the reasons behind their movement. This guidance includes the recognition that at the earliest possible opportunity all children should be indentified; should have access to family tracing and restoration of family or community links where this is their best interests; should be assigned a competent guardian and access to legal assistance; should have a decision made concerning where they should be placed in the immediate and short-term; and should have access to justice. Transnational cooperation and collaboration is essential to ensure the realisation in practice of many of these obligations.

A number of provisions in the UN CRC explicitly address transnational cooperation between States. Some of them directly address provisions in the field of child protection, including the requirements of States to take all appropriate national, bilateral and multilateral measures to: protect children from sexual exploitation and abuse; prevent the abduction of, the sale of or traffic in children; ensure that inter-country adoption is carried out only by competent authorities; and ensure the appropriate protection for children who are seeking refugee status or who are considered a refugee (CRC Articles. 21, 22, 34, 35).

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<sup>1</sup> 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.

## Other international legal provisions relevant to transnational cooperation

Other special international instruments address the protection and transnational cooperation obligations that arise in relation to child refugees and child victims of trafficking. By requiring state parties to refrain from refoulement<sup>2</sup> and to engage in protection of substantive rights, these instruments may implicate transnational mechanisms. For example, these may be needed to elicit important information about the country of origin, and the harms that the migrant child has been exposed to in the past or the risks he or she might incur into in the future. This information may be important to explore where the best interests of the child lie, and they may be critical to efforts such as family tracing or identification, restoring family contacts, family reunification, or avoidance of the risk of re-trafficking.<sup>3</sup>

Some international legal instruments also address the rights of children who are internationally adopted or abducted. Both the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption<sup>4</sup> and the 1996 Hague Convention on parental responsibility and protection of children<sup>5</sup>, contain detailed references to transnational cooperation mechanisms designed to protect children moved in circumstances covered by their provisions.

## Multilateral and Bilateral Agreements

In addition to international covenants, multilateral and bilateral agreements exist between many sending, transit and receiving countries in order to direct the treatment of regular and irregular migrants, including children on the move and raising questions related to transnational cooperation.

These include European Union (EU) legislation addressing the transfer of children within the EU for the purposes of assigning responsibility to a Member State to examine an asylum application (Dublin II Regulation)<sup>6</sup>. The EU has also signed general Readmission Agreements with a variety of countries including Turkey and the Ukraine.

Other examples of multilateral or bilateral agreements affecting children on the move include Memoranda of Understanding (MoUs) between countries. Examples include: the MoUs concluded by the United Nations Mission in Kosovo (UNMIK), prior to the declaration of independence in 2008, regarding the readmission of irregular migrants and unsuccessful asylum applicants which gives particular attention to separated children without caregivers in Kosovo; the numerous MoUs developed between countries in the Greater Mekong Sub-Region<sup>7</sup> addressing trafficking and the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).<sup>8</sup> Some of them, such as the MoU between Vietnam, Lao and Myanmar with Thailand, aim at facilitating family tracing, safety assessment, and preparation for the return of victims of trafficking, including children, to their families.

However many of these agreements, or their implementation, have been criticized for either lacking adequate child protection safeguards or for gaps in their coordination mechanisms to ensure that such safeguards are

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2 'Refoulement' refers to the expulsion or return of a refugee from one state to another where his life or liberty would be threatened.

3 See in this respect provisions included in the 1951 Geneva Convention and 1967 Protocol Relating to the Status of Refugees, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, 2000; and the Council of Europe Convention on Action against Trafficking in Human Beings, particularly Artt 10 to 17 on Measures to protect and promote the rights of victims, guaranteeing gender equality.

4 Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption, 29 May 1993,

5 Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children

6 Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

7 The sub-region includes six countries along the Mekong river: Thailand, Myanmar, Laos, Cambodia, Yunnan Province of China and Vietnam.

8 These include: Lao PDR – Vietnam, MOU on Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking, 3 November 2010; Cambodia – Thailand, MOU on Bilateral Cooperation in Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking, 31 May 2003; Myanmar – Thailand, MOU on Cooperation to Combat Trafficking in Persons, Especially Women and Children, 2009; Cambodia – Vietnam, Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking; Thailand – Vietnam Cooperation to Eliminate Trafficking in Persons

implemented appropriately. In the case of the Kosovo agreements, for example, the coordination between readmission and reintegration segments remains inadequate, and as a result protection gaps persist<sup>9</sup>. To date “no legal provisions regulate family tracing, family care or other assessments in the context of children’s return”<sup>10</sup>.

This brief survey of the international legal framework shows that in order to fulfil many of the obligations included in international instruments that apply to children, including children on the move, transnational cooperation is often necessary. However, the lack of explicit and coordinated provisions for transnational cooperation that emerges from this analysis also raises questions as to what further steps are necessary to foster better and appropriate cooperation. Further considerations on the underlying principles of the international legal framework will help an exploration of the scope, and appropriate actors and means, for such cooperation.

## **Why International Cooperation Mechanisms Matter: evidence from Save the Children’s work**

Save the Children’s experience in working with children on the move in various regions shows that the protection and fulfilment of their rights often requires contacts and collaboration between public and private actors who work in different countries.

This section presents examples of key situations which demonstrate how transnational cooperation - or the lack of it - can affect actions aimed at guaranteeing the rights of children on the move. The examples and case studies presented below are based on Save the Children’s field experience. They are not intended to provide an exhaustive analysis of challenges and protection gaps. Rather, they exemplify situations where effective transnational cooperation between state and non state actors is crucial for the implementation of measures based on the best interests of the child. And they demonstrate how the absence of a framework that fosters proper cooperation between States, based on a common child rights and child protection agenda, hinders the realization of the rights of children on the move.

### **Preventing the need for, and mitigating the risks of, unsafe migration in countries of origin.**

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. These interventions include partnerships to bolster national child protection systems and to foster educational, training and employment opportunities for children and adolescents in countries of origin. Transnational cooperation in these partnerships involves collaboration between actors in countries of destination, transit and origin to develop and finance appropriate structures that provide young people with opportunities to flourish.

The preamble to the CRC notes “the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries”. In addition, many international and regional agreements on trafficking and migration refer to the importance addressing the ‘root causes of migration’. However, the allocation of budget lines to tackle these root causes is still scarce.

One example of international collaboration to prevent unsafe migration is the collaboration between the EU and the Government of Egypt that aims to improve the access and the quality of vocational training available for young people in Egypt. The TVET (Technical and Vocational Education and Training System) is intended to develop the skills and capacities of young job-seekers: it assesses labour market needs, and matches trainees with vacancies. It also involves the creation of a cadre of trainers, the upgrading of training centres, and a programme of internship and apprenticeship with key enterprises.

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<sup>9</sup> The European Council on Refugees and Exiles in strategic partnership with Save the Children (EU Office), Comparative Study on Practices in the Field of Return of Minors HOME/2009/RFX/PR/1002, pg. 108-109.

<sup>10</sup>The European Council on Refugees and Exiles in strategic partnership with Save the Children (EU Office), Comparative Study on Practices in the Field of Return of Minors HOME/2009/RFX/PR/1002,, pg. 111.

Although it is not yet possible to measure the impact of this programme on unsafe migration – and more could be done to link the programme with interventions specifically aimed at migrant youths – young people themselves consider building the quality of vocational training and improving job opportunities as a key strategy to tackle unsafe migration.

In addition, sharing practical information between actors in areas of origin and destination is important to reduce the potential risks of migration for young people. It requires effective communication and collaboration between actors in countries of destination, transit and origin. Consultations with children carried out by Save the Children have clearly shown that young people rely heavily on peers and diaspora groups to gather information before they leave and seek support while on the move. Transnational cooperation therefore requires programmes that facilitate contact and communication between young people in countries of transit and destination and children in areas of origin.

### **Linking children in the country of destination and in the country of origin**

A Save the Children programme between Italy and Egypt focuses on creating links between young people who may be planning to leave Egypt and youths who have migrated to Italy. Participatory research was conducted in Italy with Egyptian children who have migrated there, collecting stories about their journeys and their living conditions. And in Egypt evidence was gathered of the situations children live in and their reasons for seeking to migrate. Information materials have been produced and disseminated via youth and community groups including a documentary outlining the realities of migration for unaccompanied children. This cross-border collaboration has achieved important results in terms of improving the knowledge of children in areas of out migration as shown in the case below.

A. is an Egyptian girl, whose family has left for Europe and now lives alone in Egypt. She planned to embark on irregular migration to follow her family. However, after being involved in a peer to peer information campaign which used information received from peers in Italy highlighting the risks she might encounter during the travel, she decided that the risks were too great and started getting involved as peer educator. She is now actively involved in her community and informs other children and the community of opportunities and risks. She believes that information is crucial for young people so that they can make informed decisions and avoid dangerous situations.

### **Establishing the identity of a child**

The identification of a child on the move is a very sensitive activity, particularly in the case of unaccompanied and separated children. Determining children's identity, assessing their age, establishing the nature of relationship between a separated child and an accompanying adult, and identifying children's specific needs are all necessary steps to guarantee that they are referred to appropriate protection channels. If authorities miss the fact that they are dealing with a child, children's specific needs are likely to be overlooked and their safety and protection jeopardised. These procedures are often complex and may require the involvement of several actors in different countries in order to gather the right information.

In many circumstances, identification might be challenging because children's birth has never been registered or because they are stateless or because identification documents have been destroyed or confiscated during travel or at destination. Despite the UNCRC's requirement that all children should be registered immediately at birth, registering the birth of a child whose parents do not possess documents is often not possible. Subsequently regularizing the child's legal identity and status is also problematic unless the parents' status is first regularised. The failure of countries of origin and destination to collaborate to solve these issues results in enduring protection gaps for migrant children and children of migrant workers.

In Thailand for example, an estimated 300,000 children on the move are part of the community of migrant workers from Laos, Myanmar and Cambodia. The majority of these children lack legal documents. Children born to unregistered migrants become undocumented too so establishing their rights continues to be problematic across generations. Similarly, in Serbia, many children on the move have parents who fled during the Balkan war and still lack documentary proof of their own identity. This has affected the ability of their children to access

basic rights. In such cases, the involvement of several actors in different countries may be required to establish the identity, age and family relationships of the child.

The existence of an established channel of communication and cooperation between private and public actors across countries is also necessary when children's identity cannot be established because they have arrived at a border without documents to prove their identity. In Italy, for example, cooperation between the national authorities and the Tunisian Consulate has been key to determine the identity of several Tunisian children who arrived in Italy as a result of the 2011 North Africa crisis without any identification. Similar cooperation mechanisms have recently been set up between the Italian authorities and the Egyptian Consulate to identify Egyptian children migrating to Europe. Such coordination has helped avoid past mistakes whereby many Egyptian children were returned to Egypt after being wrongly identified as adults during the process of age assessment.

#### **Unjustified return: the case of D, age 16**

D. told police he was 16 years old when he first arrived in Italy. Police did not believe he was a child and subjected him to the radiological examination of the wrist bone, which determined that he was not a minor. In light of the bilateral agreement between Italy and Egypt, he was repatriated as irregular migrant.

D. did not receive a medical certificate or legal assistance and so was unable to appeal the age assessment – on the grounds of the two year margin of error and the benefit of the doubt considered appropriate in age-disputed cases – and to legally challenge the repatriation. There was no systematic call for documentation from relevant consulates, or onward referral for a more thorough assessment.

A year later D. migrated with his identity card and on this occasion he was accepted as a minor. The identity card could have been obtained during the first investigation if the Italian authorities had set in motion appropriate special assistance and protection procedures, contacted their Egyptian counterparts. This would have avoided a medically unnecessary x-ray and an unjustified return.

Cases of failure to promptly establish the relationship between the child and the accompanying adult also reflect a weakness in transnational cooperation mechanisms and procedures. In some cases, the failure to establish contact with authorities or non governmental organisations in the countries of origin or transit to gather documentary evidence about the child and the adult claiming to be caring for him have resulted in victims of trafficking being transferred to centres for migrants together with their exploiters.

#### **Identification and Implementation of Long-Term Solutions**

The identification and implementation of a long-term solution for each child involved in migration - being in the country of destination, the country of origin or in a third country- are complex activities. Information from multiple sources and in different geographical locations is required, including through transnational contacts between actors in different countries.

Such transnational information gathering is often essential to facilitate, for example, tracing family members and restoring family or community links where this is in the best interests of the child; assessing the circumstances of the family; gathering other important information on the background of the child and the circumstances in the area of origin; sharing the child's views and attitudes to the home environment; assessing the opportunities and resources available in the country of origin or third countries (where family members might be residing) to establish whether the protection and care of the child would be adequately ensured.

The phase of implementation of the durable solutions identified for the child also requires specific measures to ensure that the child has access to adequate care, education and training, protection and support and to monitor

progress in his or her integration. Transnational coordination and communication are often necessary to ensure that such measures are implemented.

Experience from programmatic interventions shows that failures in such transnational coordination between key actors - both at the identification phase and during the implementation of long-term solutions - can result in serious violations of children's rights.

For example, children on the move in South Africa are often repatriated to Mozambique by the South African border police without any information being gathered and shared either with the South African social services or the Mozambican authorities and without any risk assessment being conducted. In some countries affected by internal conflicts or tensions, family tracing and restoration of family links can be very difficult, not only for security reasons but also for lack of transnational coordination procedures involving either state authorities or other international non-governmental or intergovernmental actors.

### **South Africa, Mozambique and Zimbabwe: a cross-border coordination mechanism to protect children on the move**

Save the Children has helped set up cross-border coordination working groups in the borders of Mozambique and South Africa and of Zimbabwe and South Africa. The groups bring together state and non-state actors working at the border to identify and implement measures to return and reintegrate children on the move.

The working groups are working to improve coordination among actors to ensure that children involved in irregular migration get more effective help. The groups are also establishing more effective communication between social workers and law enforcement agencies on both sides of the border. They are also working to improve the protection of children during transit, when they are often exposed to abuse when travelling in an irregular way together with adults.

Finally, the groups also work to improve protocols and guidelines for family tracing and reunification and for the provision of psychosocial support both for children in shelters and for those who have recently returned to their families.

In many cases, including in post-conflict situations, return plans have been developed as the only long-term solution available. These have been implemented on a large scale, affecting hundreds of children, without any assessment being conducted on the negative impact that these plans could have on children's development and protection.

In Serbia, for example, as a consequence of the signing of Readmission Agreements with many EU countries, since 2008, thousands of former asylum seekers, including children, have been returned without any systematic rehabilitation and reintegration plan in place. Evidence shows that the returned children have struggled to integrate in Serbia where they do not feel they belong; suffered from discrimination or marginalization; often

### **Failure to protect: the case of H, age 16**

H. was deported unaccompanied to Serbia from Germany under the Readmission Agreement without any legal documents or funds, and speaking no Serbian. Upon arrival in Belgrade he was initially placed in an overcrowded Detention Centre and was then moved, after 10 days, to a children's home. Interviewed here, he revealed the presence of a father in Serbia who he had lost contact with when he fled to Germany with his mother. H's father was contacted but refused to accept responsibility.

H was involved in several disciplinary incidents in the children's home and was eventually transferred to another child care institution, where he attempted suicide. His mother was later traced in France and H was reunited with her there.

Germany's failure to investigate, through transnational networks, the family circumstances and protection opportunities available to this child led to a grave failure to protect his human rights.

embarked on highly unsafe migration in an attempt to return back to the countries from which they were deported.

When children on the move are due to be transferred from one country to another to be reunited with their family, for example, delays or failures in effective transnational cooperation can lead to a situation where the child faces serious risks. For example, if guardians fail to ensure appropriate transfer of care and custodial arrangements, children may decide to travel alone and in an irregular (and potentially risky) way in order to be reunited with their family, paying smugglers and running the risk of becoming victims of exploitation or violence.

Save the Children's programmes often witness examples of this kind of failure of transnational communication and cooperation. For example, in the border between Zimbabwe and South Africa, where cross border communication and procedures are often slow, children end up taking the initiative and migrating alone.

## **Conclusions and recommendations**

Save the Children's extensive experience in working directly with children on the move shows that many of these children are failed by a lack of appropriate systems of protection *within national borders* - before they start their journey, during transit and at destination - and because of a lack of adequate coordination and communication *across countries* between actors that have the responsibility for their protection and support.

Although the provisions of the UN CRC are clear about the obligations of State parties to promote, protect and fulfil the rights of all children under their jurisdiction – including children on the move- and some of its norms explicitly address transnational cooperation between States, their application remains haphazard, incoherent and is often not driven by a proper examination of the best interests of the child. This paper has presented examples where the lack of an effective *transnational cooperation* between public and private actors has resulted in inadequate protection for children and in some instances has even put their lives in danger.

Save the Children believes that key stakeholders should reflect together on how to ensure that States receive clearer guidance on how such transnational cooperation should be put in place, which obligations and principles this cooperation should be based on, what actors should be involved, which accountability mechanisms should support transnational cooperation and which resources would be needed. Save the Children hopes that the 2012 Day of General Discussion on the "Rights of all children in the context of international migration" will start addressing this fundamental dimension during the discussions and in its deliberation.

Considering that the enjoyment of human rights by all children who are on the move depends on coordination both at national and transnational levels, we call on the Committee to:

**1) Provide guidance to States on the measures required to establish a comprehensive and child-rights-centered systems at national level for ensuring the protection of all children on the move and to guarantee them the full protection, promotion and fulfilment of their rights as human beings and as children, independently of their immigration status.**

Such a system should ensure that laws and policies, individual measures and decisions which have an impact on children on the move are guided by the principles enshrined in the UNCRC, particularly best interests of the child, non discrimination, right to express their views, and non-criminalization for irregular migration.

**2) Provide guidance to States on the measures required to establish an effective transnational coordination framework between State and non-State actors in different countries when addressing the situation of a child who has moved from one country to another and suggest concrete proposals for normative, institutional and procedural measures.**

For this purpose, Save the Children encourages the Committee on the Rights of the Child to:

**3) Invite the Special Rapporteur on the Human Rights of Migrants and the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography to jointly conduct a Global Study on the transnational cooperation measures necessary to ensure the protection of children on the move and to guarantee their rights independently of their immigration status. Such a study should be guided by the Convention on the Rights of the Child and other relevant international standards and take full account of the recommendations that the Committee will adopt after this Day of General Discussion.**

This global study would:

- Provide clear examples of situations in which key gaps in the existing legal and policy instruments or in their implementation leave key groups of children on the move outside protection channels and measures because of an absence or failure in proper coordination between States or between the relevant (state or non-state) actors within and between States.
- Explore the types of measures that are or should be in place to achieve policy coherence and coordinated mechanisms and procedures within and across borders and between areas of origin, transit and destination. In particular, explore what kind of transnational coordination between countries is necessary when confronting the situation of a child in need who has migrated across national boundaries.

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