

**OHCHR CONSULTATION ON THE PROTECTION OF
THE RIGHTS OF THE CHILD IN THE CONTEXT OF MIGRATION
25 MAY 2010, GENEVA**

**Opening Remarks by Ms. Kirsi Madi
Deputy Regional Director for CEE/CIS, UNICEF**

Distinguished delegates,
Colleagues,

I am very pleased to speak on behalf of UNICEF today at this expert consultation on protecting the rights of the child in the context of migration and wish to thank the Office of the High Commissioner for Human Rights for organizing this very important and timely event.

I am joined today by Ms. Rhea Saab, our Social Policy Advisor from headquarters. She is the global focal point for migration in UNICEF and familiar to many of you.

The rights of migrant children - and all children affected by migration - have become an issue of great importance to the international community, particularly since the 2006 High-Level Dialogue on International Migration and Development.

The General Assembly and Human Rights Council have both recently stressed that protection of the human rights of all migrants is one of the most urgent human rights challenges today. The Special Rapporteur on the Human Rights of Migrants in his report to the Human Rights Council last year highlighted a range of challenges to protecting child rights in the context of migration. UNICEF welcomes the recent action by the European Commission adopting an action plan to enhance protection of unaccompanied minors.

International migrant children and adolescents comprise around 13% of the total migrant population. Children migrating **unaccompanied** and **irregularly** are undoubtedly among the most vulnerable migrants, and they are crossing borders in greater numbers. These children face serious risks at every stage of the migration process, including arbitrary detention and deportation, discrimination in access to economic, social, and cultural rights, as well as **trafficking, intimidation, abuse** and **exploitation** as they move across international borders. Given their age, we know that their ability to respond to or cope with risks when confronted with them during the migratory process is limited. Women migrating without documentation are also particularly vulnerable.

Children left behind are by far the most overlooked of children in migration debate. They are also left in vulnerable situations when one or both parents make the decision to migrate. Public policies often do not address the challenges faced by this particular group of children, who—depending on the age and circumstances in which they are “left behind”—may face a number of difficulties that can negatively impact their emotional and physical wellbeing. UNICEF country

studies suggest that children and adolescents left behind may be at greater risk of abuse and domestic violence, drug abuse, teenage pregnancy, psychosocial dysfunction and criminal behaviour. Children, especially girls, and women left behind must frequently take on excessive household responsibilities and endure social stigmatization.

Minimizing such vulnerability and raising awareness about the issues and dangers facing children and adolescents affected by migration as well as empowering them to deal with these challenges have never been more pressing than in today's globalized world. The push and pull factors for migration on the one hand, as well as restrictive migration policies on the other hand, result in a substantial number of people crossing borders irregularly.

In the context of the current **economic crisis**, the bias in migration policies against unskilled workers has substantially impacted migrant workers, as they have been among the first to be laid off. They have also faced increasing xenophobia and harsher migration control policies. This has severely impacted the capacity of migrants to send home remittances, further exacerbating the vulnerabilities of families left behind in countries of origin.

While the World Bank predicts a gradual recovery in remittances to developing countries during 2010 and 2011, growth will not be as rapid as in years prior to the crisis due to the uncertainty associated with job creation in major migrant destinations and in industries where migrants tend to be employed. In the wake of diminished remittances, families are forced to cut back on children's education and health-related expenses. In addition, children may be compelled to leave school and find work to supplement the family income as the result of the decline in remittances. A 2009 ILO-IPEC report highlights the risk of girls being forced into child labour as a result of the crisis, particularly in families that give educational preference to boys. We know only too well what this means for children in the immediate and longer-term.

Guided by the Convention on the Rights of the Child, the Universal Declaration of Human Rights, the Millennium Development Goals, the Millennium Declaration, as well as by the CEDAW, UNICEF is committed to working with governments, civil society and UN partner agencies to protect children the world over, including the millions of children affected by migration.

It is our view that the impact of migration on children must be fully accounted for so that potential vulnerabilities can be addressed and access to social services (such as access to food, health, gainful employment and education) may be secured as a basic principle of human rights. This position is also reflected in the recent Global Migration Group report entitled "International Migration and Human Rights". We are very pleased that a commitment to children's rights in the context of migration has been stated at the highest levels of OHCHR.

The goal of today's consultation is to "reach an understanding of the international norms and standards on the protection of the rights of the child in the context of migration, with particular attention to the challenges and best practices in the implementation of the international framework."

The work being done in the context of the study requested by the Human Rights Council in 2009, and today's consultation are crucial, as we must continue to work to identify practical and replicable examples of successfully protecting the rights of children. UNICEF believes this is an excellent opportunity to foster exchange on a number of important issues, including good practices. We very much look forward to working with OHCHR, and are committed to building on the current momentum in civil society and the international community to take up these issues.

Today's consultation is intended to highlight five issues in particular: (1) The situation of separated and unaccompanied migrant children; (2) Economic, social and cultural rights and access to social services of children in the context of migration; (3) Migrant children in detention and protections in the context of repatriation; (4) The criminalization of irregular migration; (5) The right to identity of migrant children, including the issue of birth registration.

These issues are immediate and real for children, adolescents and their families impacted by migration. However, we must recognize that they are by no means a comprehensive list of concerns. As mentioned above, one often overlooked issue is that of **children left behind**.

One of the major challenges in addressing children's concerns in the context of migration, including children left behind, is the general **absence of a child perspective within migration laws and policies**.

Distinguished delegates and colleagues,

Last year, we celebrated the 20th anniversary of the Convention on the Rights of the Child together with the 30th anniversary of the Convention on the Elimination of All Forms of Discrimination against Women. In that context, I would like to reiterate that child and gender perspectives need to remain at the core of our discussion of human rights in the context of migration.

It is also crucial to keep in mind that new challenges are constantly emerging and the threats to children's rights are also changing. Our responses will be tested repeatedly as issues such as increased migration due to **climate change** and **urbanization** as well as the **financial crisis** present new threats to the human rights of children and adolescents. We must not forget the unique challenges faced by **South-South** migration as well as **internal migration**.

In conclusion, UNICEF is committed to working effectively with Member States, civil society and the Global Migration Group to identify comprehensive strategies and operational responses to best address the rights of children, adolescents and women. UNICEF wishes to thank OHCHR once again for organizing this very important consultation and looks forward to ongoing collaboration—on the study and beyond—to tackle the human rights challenges presented by children in the context of migration. In that regard, we look forward in particular to continuing today's dialogue with a follow up consultation to be co-organized by OHCHR and UNICEF later this year.

Thank you.