OUR GOALS FOR THE U.N. GLOBAL COMPACTS
(scheduled for adoption in September 2018)

Draft proposals prepared by Professor Jacqueline Bhabha and Mike Dottridge for the Initiative for Child Rights in the Global Compacts, 11 May 2017

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LOBBYING TO INFLUENCE DECISIONS AT THE U.N.

• A paper summarizing commitments made in the New York Declaration for Refugees and Migrants in September 2017, which aimed to develop two “Global Compacts” by September 2018: one on refugees (the Refugee Compact) and the other for safe, orderly and regular migration (the Migration Compact)

• Supplemented by principles from international law and the Recommended Principles for Children on the Move and Other Children Affected by Migration, developed in 2016

• Citing examples of good practice

• And setting out Goals, Targets and Indicators on 6 topics
SETTING GOALS, TARGETS & INDICATORS ON 6 TOPICS

1. Non-Discrimination
2. Child Protection
3. Best interests of the child
4. Durable solutions for unaccompanied and separated children
5. Child immigration detention
6. Access to services for child refugees and migrants: shelter, education and health
1. NON-DISCRIMINATION

The New York Declaration (NYD) says

• We commit to combating xenophobia, racism and discrimination in our societies against refugees and migrants. We will take measures to improve their integration and inclusion, as appropriate, and with particular reference to access to education, health care, justice and language training
NON-DISCRIMINATION (2 PROPOSED GOALS)

• Adopt and implement measures to reduce xenophobia, racism and discrimination against refugees and migrants.
• Take action to improve access for child refugees and migrants to education, health care, justice and language training.
NON-DISCRIMINATION (Example of possible Targets)

1. By 2020, all provisions which discriminate against or between categories of migrant children in laws and policies, including in access to social protection systems, social, economic and political inclusion, birth registration or other tools for securing and proving legal identity, are eliminated;

2. Achievement of universal birth registration among children on the move by all states by 2020;

3. 50% increase in access to legal identity by 2020 and universal access to legal identity by 2024;

4. By 2020, all States ensure that specific measures are in place to ensure the enjoyment of rights among all children on the move...address intersectionality that most prominently affects girl children but may also affect migrant children from other vulnerable groups
2. BEST INTERESTS OF THE CHILD

*NYD says*

• We will protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child (para. 32).

*The draft proposes 1 GOAL*

• Ensure that decisions concerning all children on the move and other children affected by migration are governed by the best interests of the child principle. Ensure that accurate and comprehensive disaggregated data are regularly collected to ensure precise measurement of progress.
3. CHILD PROTECTION

NYD says (in the same para. 32)

• We will protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child. This will apply particularly to unaccompanied children and those separated from their families; we will refer their care to the relevant national child protection authorities and other relevant authorities. We will comply with our obligations under the Convention on the Rights of the Child.

• The NYD also contains a ‘Comprehensive Refugee Response Framework’ which outlines the standards for addressing the needs of all refugees and migrants from the initial reception period, along with their changing ongoing needs and culminating in a durable solution.
CHILD PROTECTION (1 Goal)

- Provide children with adequate social and legal services that constitute child protection in the context of migration, during the migratory journey, at reception and ongoing throughout the process of seeking a durable solution.

- [Explanation] Child protection in this context refers to, among others: Identification, registration and tracing of family members as appropriate; protection from violence, abuse and exploitation and appropriate recourse when it occurs; access to appropriate legal, consular and social assistance mechanisms; where necessary, appointment of a guardian as soon as practicable; access to information; and provision of basic services that include education, healthcare and psychosocial care. Accurate and comprehensive disaggregated data is collected to ensure precise measurement of progress.
4. DURABLE SOLUTIONS (or only ‘SOLUTIONS’)

NYD says

• We will actively promote durable solutions, particularly in protracted refugee situations...

• Annex I on “Comprehensive refugee response framework” contains eight more detailed points about durable solutions for child and adult refugees.

• The Declaration itself also contains guarantees that exclude certain options that are not regarded as legitimate durable solutions:

• Any type of return, whether voluntary or otherwise, must be consistent with our obligations under international human rights law and in compliance with the principle of non-refoulement. It should also respect the rules of international law and must in addition be conducted in keeping with the best interests of children and with due process
DURABLE SOLUTIONS (4 Proposed Goals)

- Adopt and implement procedures for determining what should happen to unaccompanied or separated children, which explicitly make the best interests of the child a primary consideration in the determination and require the views of a child for whom a durable solution is being sought to be taken into account in accordance with the child’s age and maturity.

- Agree and implement durable solutions for all unaccompanied or separated children, both refugees and others.

- Abandon the practice of issuing residence permits to unaccompanied children that are valid only until they reach the age of 18 and develop durable solutions which are of indefinite validity.

- Agree an internationally-recognized procedure for monitoring returns (of children, whether accompanied or unaccompanied) and for monitoring the subsequent re/integration (of such children) in their countries of origin.
5. CHILD IMMIGRATION DETENTION

NYD

• [W]e will use it only as a measure of last resort, in the least restrictive setting, for the shortest possible period of time, under conditions that respect their human rights and in a manner that takes into account, as a primary consideration, the best interest of the child, and we will work towards the ending of this practice

1 proposed Goal

• Progressively end the immigration detention of children.
CHILD IMMIGRATION DETENTION (2 Targets)

1. Enact legislation and/or policies to protect refugee and migrant children—whether accompanied or unaccompanied—from immigration-related detention;

2. Implement alternatives to detention that fulfil the best interests of the child and allow children to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved.
6. ACCESS TO SERVICES: SHELTER, EDUCATION AND HEALTH

NYD

• We will work to provide for basic health, education and psychosocial development and for the registration of all births on our territories. We are determined to ensure that all children are receiving education within a few months of arrival, and we will prioritize budgetary provision to facilitate this, including support for host countries as required (para 32).

• We stress the importance of addressing the immediate needs of persons who have been exposed to physical or psychological abuse while in transit upon their arrival, without discrimination and without regard to legal or migratory status or means of transportation (para 26).

• + various commitments only to children who are refugees
ACCESS TO SERVICES: SHELTER, EDUCATION AND HEALTH (6 GOALS)

1. Grant refugee and migrant children access to adequate shelter and to education and health services on a par with citizen children up to age 18, regardless of migration status.

2. Put special measures in place to ensure the inclusion of vulnerable children, including girl children, unaccompanied children and children with disabilities in housing and education systems.

3. Collect accurate and comprehensive disaggregated data regularly to ensure precise measurement of progress.
4. Grant access to health services to all children affected by migration (refugees and others) both in their countries of origin and abroad.

5. Strengthen and build resilient health systems (in line with Sustainable Development Target 3.8) with fundamental goals of achieving universal health coverage and universal access to quality essential health services for all, regardless of their legal status.

6. Make MHPSS part of the “basic health” provision guaranteed to refugees and to other migrant children.
Any contributions or good practice examples can be sent to

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