

# **Promotion of the CMW-CRC Joint General Comments on the Human Rights of Children in the Context of International Migration**

## **Concept Note**

### **1. Introduction**

In September 2017, the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted the following complementary joint general comments: (a) joint general comment No.3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No.22 of the Committee on the Rights of the Child on the Human Rights of Children in the Context of International Migration: General Principles; and (b) joint general comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.

These joint general comments aim to contribute to improving the protection of the human rights of children which are, in the context of international migration, in a particular situation of vulnerability. Specific goals of these general comments include elaborating for State Parties and other key stakeholders guidelines for developing migration, childhood and related policies aimed at protecting and realizing the rights of children in the context of international migration; promoting a clearly articulated interpretation of relevant provisions of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and Convention on the Rights of the Child (CRC) to assist in the further implementation of the Conventions at the domestic level in both law and in practice; highlighting the relevance of a rights-based approach in relation to the phenomenon of children in the context of international migration. While standing in their own right, the two joint general comments complement each other and should be read and implemented together. In addition, while these joint general comments are based on the provisions of both Conventions, it is important to underline that the human rights norms clarified therein are built on the provisions and principles of the Convention on the Rights of the Child. Therefore the authoritative guidance contained in these joint general comments are equally applicable to all State Parties of the Convention on the Rights of the Child and /or the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The adoption of these joint general comments at this particular time also provides a unique opportunity to inform the negotiating and drafting process of the Global Compact on Migration. Therefore, in order to ensure that the above goals are furthered, the joint general comments should be promoted widely through a number of initiatives and events, including launching events in New York and Geneva, and media campaigns, including social media. It should also be disseminated widely to all stakeholders.

### **2. Background**

The phenomenon of international migration affects all regions of the world and all people, and increasingly, millions of children. The root causes of migration are often directly related to severe and massive violations of human rights, including children's rights, recognized in several human rights treaties, especially the CRC. In the context of international migration,

children are in a situation of double vulnerability - as children and as children affected by migration in some way, either as migrants themselves, regardless of whether they are alone or with their families, or whether they are born to migrant parents in countries of destination or left behind in the country of origin and of transit.

Indeed, the extent and diversity of human rights abuses that increasingly impact children in the context of migration is very worrisome. This scenario has in many cases reached such alarming levels that it is possible to talk about a human rights crisis that particularly affects children. Both the CRC and the CMW contain legally binding obligations that relate both in general and specifically to the protection of the rights of children in the context of international migration. It is by virtue of these complementary mandates and shared commitment to strengthening protection of all children in the context of international migration that the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child decided to develop the joint general comments in relation to the human rights of children in the context of international migration.

In April 2015, a call for submissions was made to all interested stakeholders in order to obtain a wide range of perspectives to inform the drafting process. The Committees also held a series of consultations, between May and July 2017, with representatives of key stakeholders and experts, including children and migrant organizations, that took place in Bangkok, Beirut, Berlin, Dakar, Madrid and Mexico City in order to collect information and inputs on priority concerns and regional perspectives. In total, the Committees received more than 80 written contributions from States, United Nations agencies and entities, civil society organisations and other stakeholders from every region of the world between November 2015 and August 2017. The related concept note, written submissions and information on the consultations can be found at:  
<http://www.ohchr.org/EN/HRBodies/CMW/Pages/JointGeneralCommentonChildren.aspx>

### **3. Plans for promotion of the joint general comments**

#### **Distribution:**

The joint general comments were distributed to all relevant partners and stakeholders, including the Permanent Missions in Geneva, UN agencies and entities, the human rights treaty bodies, civil society organizations and national human rights institutions.

The texts of the two CMW-CRC Joint General Comments are available at the below links in Arabic, Chinese, English, French, Russian and Spanish.

- [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=11)
- [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11)

#### **Media:**

- A joint CMW-CRC press statement (Children must be top of global migration agenda) was released on 17 November 2017 and is available on the CMW and CRC webpages:
  - <http://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx>

- <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

## **Launching Events:**

1. 18 December 2017 (International Migrants Day) side event in New York: OHCHR in conjunction with UNICEF and IOM organized a side event during the Global Compact on Migration stocktaking meeting that focused on children in the context of international migration. The “talk-show” style event, which took place at UNICEF House, attracted over 200 participants and included the following speakers/panellists:

Moderator: Ms. Susanna Sottoli, Deputy Director, Programme Division, UNICEF

### Speakers/Panelists:

- Mr. Andrew Gilmour, Assistant Secretary-General for Human Rights, OHCHR
  - Mr. William Swing, Director-General of IOM
  - Mr. Pablo Ceriani, Vice-Chair of CMW Committee;
  - Ms. Mikiko Otani, Member of the CRC Committee
  - Ms. Anita Bay Bundegaard, International Advocacy Director, Save the Children International
  - Ms. Eva Akerman-Borje, Senior Policy Advisor, Office of the Special Representative of the Secretary-General on Migration
2. 16 April 2018 launching event in Geneva: OHCHR will organize a launching event, with the support of UNICEF and IOM, during the 28<sup>th</sup> session of CMW on 16 April 2018 from 3:00 to 5:00 pm in Conference Room 12 at the Palais des Nations. The “talk show” style event will consist of a panel with a moderator, as well as a questions and answers segment. The event will be open to States, UN agencies and entities, civil society and the general public and will take place during official meeting time and so interpretation will be provided.

Moderator: Mr. Orest Nowosad, Chief, Groups in Focus Section, Human Rights Council and Treaty Mechanisms Division, OHCHR

### Panelists:

- Mr. Pablo Ceriani, Former Vice-Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Mr. Benyam Dawit Mezmur, Member of the Committee on the Rights of the Child
- Mr. Laurent Chapuis, Regional Advisor Migration, UNICEF Regional Office for Europe and Central Asia
- Ms. Jill Helke, Director, Department of International Cooperation and Partnerships, IOM
- Ms. Anne Dussart, Caritas Internationalis Belgium
- Ms. Pinar Aksu, Global Campaign to End Child Immigration Detention Advocate