

**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**2012 Day of General Discussion, 28 September 2012**  
**The Rights of All Children in the Context of International Migration**

**GUIDELINES FOR PARTICIPANTS ON REGISTRATION AND  
SUBMISSIONS**

On 28 September 2012, the UN Committee on the Rights of the Child will hold a day of general discussion in Geneva on “**The Rights of All Children in the Context of International Migration**”. The discussion day is a public meeting at which representatives of governments, United Nations bodies and specialized agencies, civil society and other relevant organizations as well as individual experts and children are welcome.

Registration

For organizational purposes, all participants are asked to fill out a registration form, which can be downloaded from the OHCHR website:  
(<http://www.ohchr.org/english/bodies/crc/discussion.htm>).

The **deadline for registration** with the Secretariat by e-mail (crc-dgd@ohchr.org) or fax (+41 22 917-9008) is **10 September 2012**.

Due to limited space, please note that organizations are strongly encouraged to limit participation in this event to a maximum of three representatives. Please do not make any travel arrangements until you have received this final confirmation from the Secretariat of the Committee.

As this is a public meeting of the Committee on the Rights of the Child, there is neither a registration fee, nor does the Committee send out individual invitations. **The United Nations is not able to provide assistance with visa, travel or accommodation arrangements.** Participants are responsible for all expenses and arrangements related to their participation in the discussion day.

Logistics

The discussion day will take place on Friday 28 September 2011 from 10:00 am to 1:00 pm and from 3:00 pm to 6:00 pm at the Palais des Nations, Rooms XIX (where the plenary meeting is held) and XII, in Geneva. Participants, whose registration has been confirmed, are requested to bring their passport with them to the DGD in order to obtain a security badge to enter the Palais des Nations.

To ensure that they are able to clear security on time for the start of the DGD, **participants are advised to arrive at the security section at the Pregny Gate of the Palais des Nations (see map on the website) at least one hour before the DGD begins.**

For any additional information, please contact the Secretariat, Committee on the Rights of the Child, Office of the High Commissioner for Human Rights, UNOG-OHCHR: E-mail: [crc-dgd@ohchr.org](mailto:crc-dgd@ohchr.org) or Fax: (+41 22) 917-9008

### Background documents

The Committee will be releasing a Background Paper for facilitating participation in the DGD. This will be made available on the Committee's DGD website on 25 May 2012. All participants are strongly encouraged to read the Background Paper prior to the DGD.

In addition to this, participants may also wish to familiarise themselves with Human Rights Council Resolution 12/6 (2009) on Migration and Human Rights of the Child; and the Study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration (A/HRC/15/29) (2009).

### Participation and oral statements

Discussions on this day will consider the specific rights and needs of children in the context of international migration.

In order to facilitate the exchange of views, participants will be divided into two working groups to conduct discussions in the following two categories:

**Working Group 1 – The international legal framework on the rights of children in international migration situations, protection gaps and responsibility of States Parties in countries of origin, transit and destination.**

**Working Group 2 – National level measures to implement the rights of children in international migration situations in countries of origin, transit and destination**

The Committee asks participants to avoid presenting formal statements during the discussion day. Hard copies of written statements to the Committee may be distributed by participants during the discussion day.

### Submission of written contributions (Optional)

In addition to the general areas of discussion listed above, the Committee encourages the submission of written contributions on, for example:

#### *Working Group 1 – The International Legal Framework*

1. What policies and practices, including bilateral and multilateral cooperation, effectively ensure the realization of human rights of children in the context of international migration?

*(Including: institutionalized services and programmes, standardized procedures, minimum standards, training of officials, allocation of sufficient resources; access to basic services in countries of transit and destination)*

2. What are some examples of successful strategies and partnerships between countries of origin, transit and destination that guarantee the human rights of children in the context of migration?  
*(Particularly in relation to best interest determination procedures, due process safeguards, family tracing and reunification, consular assistance, etc.)*
3. What coordination mechanisms, and amongst which actors, are necessary to ensure that measures to guarantee the best interests of the child are applied at each stage of the migration process?  
*(From country of origin, through country of transit and during the entire stay in the country of destination)*
4. How can Convention on the Rights of the Child (CRC) principles and obligations be applied as a primary consideration in any migration procedure and decision that might impact child rights?
5. What are the main gaps in States parties compliance with their legal obligations under the current international framework applicable to all children in the context of international migration?  
*(What are the specific gaps in the international legal framework leaving key groups of vulnerable children affected by international migration outside protection channels and measures?)*
6. Which international fora/dialogue should include issues related to the human rights of children in the context of international migration?  
*(Particularly in relation to children left behind, ensuring improved cooperation, and information exchange between the appropriate actors and to develop concrete and innovative modes of cooperation)*
7. What is the role of and jurisprudence from international and regional courts, as well as other international and regional bodies established under relevant human rights instruments, in terms of protecting the rights of children in the context of international migration?
8. Should States and other stakeholders consider the elaboration and promotion of a CRC-based Model Legal Framework, including minimum standards for migration, child and social protection legislation, as well as of related instruments?
9. What are State obligations under international law to ensure that children in the context of international migration, whether unaccompanied or with their families, access their rights and basic services?  
*(Including but not limited to: education, health care, housing, child protection, family-based alternative care)*

10. What are the key principles, practices and policies in the international legal framework that should underline family reunification laws?  
*(How can family links be fostered in situations of circular migration? What are the obstacles to family reunification regimes that guarantee and effectively protect the right to family life and family unity for all children in the context of international migration, including in the context of States' responses to irregular migration?)*
11. What measures can be undertaken to establish and/or strengthen regular data collection and/or research by States parties on the human rights of children in the context of international migration?
12. What concrete steps should be taken by relevant international and regional bodies to advance enhanced international cooperation and shared responsibility between all States parties and actors involved throughout the international migration process.  
*(What steps could be taken by the international community to promote the collaboration and exchange of successful experiences between national institutions competent in the field of human rights promotion and protection, such as ombudspersons offices and other independent institutions?)*

#### *Working Group 2 – National Measures*

1. What measures have been taken by States parties to prevent forced or unsafe migration of children?  
*(For example through public information campaigns, increased education and employment opportunities in the country of origin, enhanced access to regular migration channels, etc.) (What are the lessons learnt from the implementation of these measures? In what ways are States parties responsible for empowering children and creating and strengthening a child protection system supporting children and families at risk of embarking in unsafe and risky migration as well as children left behind?)*
2. What special protection procedures and coordination mechanisms should be applied to children in the context of migration through national child protection systems, both in countries of transit and destination, to ensure that migration policies and practices abide by best interests determination procedures (in accordance with the CRC) and that children are not criminalized for illegal entry and ensured safe access to a State territory as well as first assistance?  
*(What actors should be involved and how can best interests (in accordance with the CRC) determination procedures be put in place in this context?)*
3. How can States parties guarantee in law and in practice that migrant children, including in relation to rescue at sea, have effective access to key procedural safeguards including free legal aid, and in case they are unaccompanied, to a guardian in migration procedures, and also ensure the rights of children to due process and to be heard in all migration procedures?

*(Which policies and programs should countries of origin put in place in order to ensure a child rights-based approach in consular assistance practices?)*

4. What actors, which procedures and policies, and what criteria should be applied to determine whether repatriation of unaccompanied children is the most appropriate measure and in their best interests?  
*(How should these criteria be set? What are solutions that protect the human rights of children in the context of migration and which are in line with the child's best interest? How to ensure that States parties refrain from deporting children in the context of migration as a punitive measure?)*
5. How to ensure that children in the context of international migration are not subject to administrative detention or criminalisation measures; what are child-rights-compliant alternatives to detention?
6. How and by which authorities are criminal records of children and adolescents officially handled by States parties?  
*(Inter alia: To what extent have criminal records had an impact on States parties policies and practices on return, repatriation and expulsion measures affecting children? To what extent are criminal records being used to justify such decisions, even in cases where the child has been integrated in the host country and has little connection with her/ his country of nationality, or in cases where it is in her/ his best interest to remain in the country?)*
7. What are the duties and responsibilities stemming from the CRC for States parties towards children born to parents in irregular migration situations?  
*(How can States parties ensure that all children in the context of international migration have access to birth registration, a nationality, and, in the case of ius soli, legal residence for parents on the grounds of the right to family unity, and to prevent statelessness?)*
8. What national laws, regulations or policies have States parties adopted to promote the integration of migrant children and children born to migrant parents in countries of transit and destination, and protect children from discrimination, xenophobia, abuse, violence and exploitation?
9. What examples exist of policies and practices aimed at ensuring the economic, social and cultural rights of those children, regardless of their or their parents' migration status?
10. To what extent have regularization programs impacted the rights of children in the context of international migration, including the right to development provided for in the convention?
11. What are good examples of tools and methods that are available or being developed to assess the situation and rights of children in the context of international migration? *(Are there good examples of child-rights impact assessments (CRIAs) used by State entities dealing with children in the context of international migration? How can it be encouraged that CRIAs are*

*undertaken whenever there are new policies, proposed legislation, regulations or budgets being adopted, as well as when there are administrative changes at the national, regional and local level that can have an impact on migrant children.)*

12. What are good examples of inter-institutional cooperation (guided by the CRC standards and principles, and including civil society and child participation) among child protection and related bodies including; immigration authorities; the judiciary; education, health, social protection and labour sectors; organizations that promote gender equality; and, human rights institutions?

*(These would, inter alia, include:*

- Coordination from ministerial to local authority and community level;*
- Periodical elaboration of progress indicators on the rights of migrant children, and granting public access to this information; and,*
- Independent monitoring mechanisms for policies and practices which have an impact on the rights of migrant children.)*

The Committee also encourages information on case studies that reflect the different challenges in implementing the rights of children in the context of international migration.

**Written contributions can be submitted in English, French and Spanish**, the three working languages of the Committee.

**Authors of written contributions are encouraged to present a maximum of five recommendations (no more than 5 lines) for actions the Committee can take in relation to the themes under discussion.** The recommendations, which should be attached to the submission as an annex, must be directly relevant to the themes of the discussion day as described above, and prioritized.

**The deadline for the submission of written contributions is 10 September 2012.** The Committee requests that written contributions be limited to a **maximum of seven pages (2,500 words)**.

Previously published materials may also be submitted to the Committee, or distributed during the discussion day to other participants. Sufficient copies must be provided, as the Secretariat does not have resources for reproduction and distribution. Where such previously published material exceeds 7 pages in length, participants are required to ensure that this material is accompanied by an executive summary and table of contents.

Please note that only written contributions received in **electronic form** will be circulated. Written contributions will be circulated in their original language only and posted on the CRC DGD Website and the Child Rights Information Network website (<http://www.crin.org>). The Committee reserves the right to refuse the publication of content that it considers inappropriate or containing abusive language.

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