

Special Rapporteur on the Human Rights of Migrants
UNICEF inputs

After one and half year: the impact of COVID-19 on the human rights of migrants

- 1) Please provide information on the **healthcare responses** taken by your Government to counter the pandemic providing migrants and their families' access to adequate health care on the same basis as nationals. These include equitable access to treatment, testing, vaccines, reproductive health, gender responsive health protocols, protective equipment and other health and basic services such as water, sanitation, and information. Please also indicate if adequate **firewall protections** and professional capacities are available to ensure that migrants who fear seeking medical support can access health services without risking immigration enforcement measures; as well as personal data protection measures.

Prior to the pandemic, migrants were already struggling to access basic services, including healthcare. Administrative barriers, such as social security numbers or IDs, limited access to reliable information and longstanding mistrust in government services, often stemming from discriminatory attitudes among service providers, frequently discourage migrants from accessing healthcare services. Access to universal health care, including child immunization, was often out of reach for children on the move. This has worsened: half of the countries where UNICEF has humanitarian operations reported a reduction in health care among displaced populations during COVID-19.¹ Even where migrants previously had access to health services, the COVID-19 pandemic has posed considerable challenges to maintain routine health services. UNICEF is working with partners to ensure that migrants and displaced persons can access national healthcare services and that firewalls are in place between healthcare service providers and immigration authorities.

In Peru, UNICEF contributed to the reactivation of prenatal check-ups and growth and development monitoring sessions through training for authorities and early childhood development (ECD) operators and facilitation of home-visits for at risk pregnant women and children, including children with disabilities and Venezuelan migrants.

It is critical that migrants are included in the rollout of COVID-19 vaccines, especially migrants working in sectors where they are at high risk of exposure, such as health workers, cleaners and care workers. However, out of 104 National Vaccine Deployment Plans reviewed by COVAX partners, only 29 explicitly included regular migrants and 17 included irregular migrants, while others put them last in line. Even when migrants are included, vaccine hesitancy and misinformation prevent them from accessing vaccines, while in other contexts, information might not be available in a language understood or the necessary infrastructure might not be in place to reach migrant communities. A lack of firewalls between immigration authorities and healthcare and vaccination providers may pose additional barriers as undocumented migrants may fear arrest, detention or deportation when accessing healthcare and vaccination sites. UNICEF continues to support Governments to ensure that vaccines are allocated in line with public health considerations as outlined in the Strategic Advisory Group of Experts on Immunization (SAGE) recommendations, and *not* migration status or nationality, and work with governments to address pre-pandemic barriers to healthcare access. The SDG3 Global Action Plan For Healthy Lives and Well-Being: Gender Equality Working Group, of which UNICEF is a part, has developed a Guidance Note and Checklist for Tackling Gender-related Barriers to Equitable COVID-19 Vaccine Deployment², which identifies migrants as a vulnerable group to be considered in vaccine deployment planning and vaccine delivery, and migration status as a variable in monitoring and evaluation systems.

The COVID-19 pandemic has further underlined the public health risks stemming from inadequate living conditions in informal settlements.

¹ UNICEF Press release: [COVID-19 has led to dramatic reduction in essential services and protection for migrant and displaced children in countries around the world](#) – 18 December 2020

²<https://www.gavi.org/sites/default/files/covid/Checklist-for-tackling-gender-barriers-to-COVID-19-vaccine-deployment.pdf>

In India, UNICEF with the government and implementing partners provided water, sanitation and hygiene (WASH) services for vulnerable communities, notably 4.3 million slum dwellers in urban hotspots. People on the move were supported through infection prevention and control initiatives.

In Panama, UNICEF scaled up its response in migrant reception centers and ensured availability of safe water for migrants, host communities and staff. In addition, water storage items have been delivered and hygiene kits have been distributed to migrant families and vulnerable indigenous host communities to prevent the spread of COVID-19.³

- 2) Please indicate what **solidarity measures and initiatives** have been put in place or are planned by the Government, the civil society and other relevant stakeholders to support migrants in the context of the pandemic.

UNICEF works with local governments⁴ as it is often municipalities which are responsible for meeting the immediate needs of migrant children and their families, including reception, safety, housing, education, healthcare and protection. Through the Child Friendly Cities Initiative⁵ UNICEF supports local governments to deliver services to migrant children and their families and promote social solidarity, mutual trust and understanding, and daily exchanges between migrant and displaced children and youth and their local peers.

UNICEF is also working with partners to ensure that children affected by migration are not overlooked in the COVID-19 response.

In Thailand, 21.2% of all children are estimated to not be living with either of their biological parents. A UNICEF Rapid Assessment revealed that children left behind by migrating parents – often women migrant workers – are among the most disadvantaged in their preparedness for distance learning necessitated by school closure, as well as at risk for disrupted financial support from remittances. The rapid assessment informed Government action and ensure they receive the support they need.⁶

- 3) In the context of **immigration detention**, please indicate if measures have been considered to minimize health risks associated with the COVID-19 transmission by reducing migrants' detention and opting for alternatives to detention and, if not, kindly elaborate on challenges preventing such options. Please indicate if immigration detention of children has been practiced during the pandemic.

It is estimated that more than 100 countries continue to detain children for immigration reasons,⁷ with children who are unaccompanied or separated from their parents or guardians particularly at risk of violence and abuse in places of immigration detention. The dangers of immigration detention, which is *always* harmful to children's wellbeing, have been heightened during the COVID-19 pandemic with many children held in confined and overcrowded spaces with inadequate access to nutrition, healthcare and hygiene services and staffing levels and care negatively impacted by the pandemic, increasing risks for neglect, abuse and Gender-Based violence.⁸ However, we have seen momentum build for community-based alternatives as a viable solution to mitigate public health concerns while ensuring access to human rights and essential services.⁹ UNICEF is working with partners to end child immigration detention by building on positive steps taken by States during the pandemic, documenting lessons learned and promoting a community of practice among States championing alternatives to detention.

In Thailand, UNICEF supported the development and distribution of a manual on the implementation of the government's inter-ministerial MOU on alternatives to immigration detention for children.

³ [UNICEF Global COVID-19 Situation Report No 12](#), September 2020

⁴ [Children Uprooted – What Local Governments Can Do](#) – UNICEF, 2020

⁵ <https://childfriendlycities.org/>

⁶ [A rapid assessment of children left behind during the COVID-19 pandemic situation: The challenges children and their families are facing](#) – Mahidol University Institute for Population and Social Research and UNICEF Report, October 2020

⁷ <https://endchilddetention.org/toolbox/issue-child-immigration-detention/>

⁸ [Children in detention are at heightened risk of contracting COVID-19 and should be released](#) - Statement by UNICEF Executive Director Henrietta Fore, 13 April 2020

⁹ [COVID-19 & Immigration Detention: What Can Governments and Other Stakeholders Do?](#) - UN Migration Network, February 2021

UNICEF is further supporting a ground-breaking national consultation of migrant children to inform implementation of the ASEAN Declaration on the Rights of Children in the Context of Migration.

In Malaysia, UNICEF in partnership with the International Detention Coalition developed a policy brief on children impacted by immigration detention during COVID-19. This brief informed engagement with the Government of Malaysia to work towards stopping arrests and immigration detention of children, particularly in the context of COVID-19. The Policy Brief also supported the statement by the UN Country Team for the Government to use alternatives to immigration detention and to ensure migrants, refugees and asylum-seekers have access to health services and assistance.¹⁰

- 4) Please provide information on actions taken to prevent and address **racial discrimination, hate speech, xenophobia** and related intolerance faced by migrants, particularly in the COVID-19 context.

Since the onset of the pandemic, children affected by migration and their families have faced increased stigmatization, discrimination and violence, with 39% of UNICEF country offices reporting an increase in social tensions.¹¹ UNICEF is concerned about increasingly negative perceptions and hostility expressed towards children affected by migration in light of the pandemic, a trend that is expected to intensify as the socioeconomic crisis generated by COVID-19 worsens and millions of migrants return home to countries with increasing rates of unemployment.¹² Tensions not only have the potential to spill over into violence and destabilize communities, but also deter migrants and displaced persons from accessing public services and push them into negative coping mechanisms.

UNICEF leveraged existing youth and child-led groups to involve children and youth to proactively advocate against xenophobia, stigma, and discrimination. In Romania, UNICEF's Children's Board, which includes members of different ages, some of them with migration background, created resources on distance and online learning and messages against stigma and discrimination towards migrants and refugees which were widely amplified through social media channels.¹³

In Guatemala, misinformation and stigmatization of returnees, including children, is being countered through radio awareness raising with the goal of distilling myths, misinformation, and fears and promoting greater tolerance among and between communities.¹⁴

- 5) Please provide information on any emergency measures or declarations or any special legislation activating extraordinary powers based on the COVID-19 pandemic taken by your Government at national or local level, and whether such measures have been temporary and proportional and tailored to migrants' human rights and fundamental freedoms.
- 6) Please provide information on any relevant legislation or policy adopted during the pandemic in relation to the regularization of migrants, including those in an irregular situation, through the adoption of for example **regularization** processes and pathways, extensions of work visas, and other appropriate measures for improving decent work and dignified living conditions, strengthening migrants' contributions and fostering cooperation. Please indicate if the regularization programs are devised as long-term solutions.

Mobility restrictions, including travel bans and border closures, have left many migrants stranded in countries of transit or destination, often with uncertainty about their visa status as governments have struggled to provide timely information on migration status and visa processing services have been restricted, exposing migrants to the risk of overstaying visas and associated penalties. Undocumented migrants and those losing their regular status have been largely excluded from accessing basic services or are reluctant to approach service providers for fear of arrest, detention or deportation.

¹⁰ [Taking and Inspiring Action: UNICEF Practices for Children on the Move during COVID-19](#) - July 2020

¹¹ [COVID-19 has led to dramatic reduction in essential services and protection for migrant and displaced children in countries around the world](#) - UNICEF press release, 18th December 2020

¹² *ibid*

¹³ [Taking and Inspiring Action: UNICEF Practices for Children on the Move during COVID-19](#) - July 2020

¹⁴ *ibid*

Pre-pandemic barriers to birth registration, such as discriminatory legal frameworks, gender discrimination in nationality laws, and gender-discriminatory policies and practices, led to many migrant children being excluded from COVID-19 response and recovery services.¹⁵

In Peru, UNICEF, IOM and UNHCR advocated together with the Ministry of Interior to enact Supreme Decree 010-2020-IN which approved exceptional and temporal measures to regularize foreigners whose stay permits expired or who entered the country irregularly.¹⁶

In Colombia, jointly with IOM and UNHCR, UNICEF continues to support the government in implementing the government-led initiative Primero la Niñez to prevent statelessness among children born in Colombia from Venezuelan migrant parents. UNICEF worked together with the government to strengthen technical capacities of public hospitals in border provinces -with the highest birth rates of Venezuelan children - to issue civil registries during the pandemic, ensuring that migrant children obtain the civil registry immediately and can access basic services.

7) Please indicate if your country has adopted or is planning to adopt a **COVID-19 socio-economic response and recovery plan**, and if a human rights-based approach and human rights and gender-sensitive indicators are considered to ensure that no one will be left behind. Please indicate which are the available mechanisms enabling different parts of the Government as well as civil society actors and other key stakeholders to participate at all stages of the response and recovery plans and to monitor them.

Children affected by migration and their families face large-scale exclusion from socio-economic recovery programmes. 50% of UNICEF Country Offices reported that refugees and asylum seekers were not covered under COVID-19 government social protection measures in UNICEF's socio-economic survey of September 2020.¹⁷ Such exclusion, coupled with loss of livelihoods, increases risks of child labour, child marriage and child trafficking as families are pushed into negative coping mechanisms. UNICEF is supporting Governments and local authorities to take COVID-19 recovery programmes as an opportunity to build sustainable and inclusive social protection systems, removing administrative barriers and expanding eligibility criteria to include migrants.

UNICEF's Technical Note on *Social Protection for Children and Families in the Context of Migration and Displacement during COVID-19*¹⁸ provides recommendations to mitigate the socio-economic impact of COVID-19 on children and families affected by migration and displacement. The Technical Note includes recommendations to address barriers that prevent access to social protection services, such as establishing firewalls to ensure undocumented migrants can access services without being detected, detained or deported by immigration authorities or law enforcement. The Note further highlights the importance of keeping remittances flowing by mitigating any operational impacts of COVID-19, and in the medium-term supporting new emerging remittance models to overcome regulatory and infrastructure barriers.

In Thailand, under a joint SDG Fund programme with ILO, IOM, and UN WOMEN, UNICEF was able to help bring about expanded social protection measures under COVID-19. Under this partnership, UNICEF co-launched a diagnostic review to incorporate a poverty and vulnerability analysis, mapping of existing social protection schemes and propose options for policy reform, including budgeting for a more integrated system. A needs assessment and gap analysis on COVID-19 and gender-based violence under COVID-19 that was organised in collaboration with UNFPA and UN Women identified key areas for multi-agency collaboration. Groups targeted by these initiatives include children left behind by migrant workers and children on the move having migrated to Thailand with their parents.

In India, UNICEF has been supporting the Government in ensuring national social assistance and cash transfers reach vulnerable families such as families of migrant workers and other vulnerable daily-

¹⁵ [UNICEF-UNHCR Gender Discrimination and Childhood Statelessness Report](#)

¹⁶ [RMRP 2021 Peru](#)

¹⁷ [COVID-19 has led to dramatic reduction in essential services and protection for migrant and displaced children in countries around the world](#) - UNICEF press release, 18th December 2020

¹⁸ <https://www.unicef.org/media/74031/file>

wage earners, especially impacted by COVID-19, by supporting additional social protection monitoring mechanisms. These mechanisms provide feedback loops for continuity of regular social protection delivery across 16 states, with a special emphasis on social protection packages including cash transfers for students and girls to prevent child marriage and child trafficking. UNICEF has also supported migrant workers' identification and account detail verification to enable them to access social protection schemes.¹⁹

In Suriname, UNICEF worked with the government to ensure that Shock-Responsive Social Protection Safety nets for vulnerable children include migrants. In response to COVID-19, UNICEF supported the design of fully integrated WASH, health, nutrition, Child Protection and Education services which were piloted in 5 classified high-risk communities and target Venezuelan migrants

- 8) Has the Government experienced specific challenges in protecting and fulfilling the human rights of migrants in the COVID-19 context - including their right to health, housing, education, information, social protection, basic services, safe and dignified return and sustainable reintegration and others? Kindly provide information on emerging practices and opportunities for strengthening the protection of migrants in the context of the COVID-19 pandemic.

The precondition to any return of a child – whether unaccompanied, separated or within a family – is that return is found to be a sustainable solution in the child's best interests. During the pandemic, thousands of children of all ages, unaccompanied, separated and with their families, have been sent back using approaches that lack child sensitivity (including child safeguarding protocols) and without conducting best interests procedures, vulnerability assessments or family tracing. This exposes children to violence, abuse and exploitation before, during and upon their return, as well as to stigma and exclusion in their communities of origin. Moreover, the high number of returns in the context of COVID-19 has resulted in little follow-up of returned children due to limited availability and capacity of child protection and social services in countries of return, coupled with a lack of access to services for reasons including increased insecurity and mobility restrictions in the context of lockdowns.

UNICEF is working with partners to put in place child-sensitive, cross-border case management to ensure a continuum of care and protection before, during and after return. Independent post-return monitoring of children and families' situations in the country of origin is also essential to ensure reintegration is sustainable. IOM and UNICEF have together developed a child sensitive module on reintegration assistance for returnee migrant children and their families – [A Child Rights Approach to the Sustainable Reintegration of Migrant Children and Families](#) – which is based on an integrated approach across the social, economic and psychosocial dimensions, while addressing the needs of returnee children and their families at the individual, community and structural levels.²⁰

In Gabon, with UNICEF's support, civil society organizations, public social welfare services, child protection police units, the Migration Police Unit and children's judges collaborate through a WhatsApp platform to support case management of migrant children, including the reintegration of returned children amid COVID-19. The platform allows child protection actors to remain connected and collaborate during COVID-19 and works as a tele-workshop to alert the actors of the system – such as police, justice or social services – about new child victims of violence, including migrant and displaced children. Actors then analyze a submitted case and advise about the next steps in the child's best interests. On the platform, actors exchange and decide on the child's individual case management action plan before transferring the case for further support concerning migrant and displaced children.²¹

The COVID-19 pandemic has led to pro-longed and widespread closure of schools and training centers, disrupting education, school feeding programmes and child protection services. Distance learning has disadvantaged migrant children who often do not have access to internet connection or a laptop and might not speak the host country language fluently. At least a third of the world's schoolchildren were

¹⁹ [Taking and Inspiring Action: UNICEF Practices for Children on the Move during COVID-19 - July 2020](#)

²⁰ [iom-reintegration-handbook-module-6.pdf](#)

²¹ [Taking and Inspiring Action: UNICEF Practices for Children on the Move during COVID-19 - July 2020](#)

unable to access remote learning during school closures²² and children on the move have been disproportionately affected with 58 per cent of UNICEF country offices surveyed reporting inadequate remote learning options for vulnerable child populations, including those living as refugees, migrants or internally displaced.²³ At the same time, the pandemic provides a unique opportunity to tackle the learning crisis. UNICEF is working with partners to close the digital divide by including children on the move in national digitization efforts to improve connectivity and fair access to digitally empowered education.

To ensure youth have continued access to education and skills training, UNICEF is working with partners to expand educational and employment opportunities for young people.

In Greece, UNICEF is supporting efforts to reach all children with distance and home-based learning, including non-formal distance learning through printed homework packages, as well as digital tools. Together with the Ministry of Education, UNICEF is supporting the registration of refugee and migrant children into the government's distance learning program, through translating informational materials to parents into multiple languages and providing physical support in the online registration process. UNICEF and the government's Institute of Educational Policy organised a series of online workshops for teaching personnel in view of documenting challenges and good practices in relation to distance learning activities during the COVID-19 pandemic.

²²[COVID-19: Are children able to continue learning during school closure: A global analysis of the potential reach of remote learning policies](#) - UNICEF, August 2020

²³[COVID-19 has led to dramatic reduction in essential services and protection for migrant and displaced children in countries around the world](#) - UNICEF press release, 18th December 2020