**Human rights of children in the context of migration: UN experts mark the fifth anniversary of their joint general comments**

GENEVA, 19 October 2022 – In 2017, the Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families s and Committee on the Rights of the Child jointly adopted two general comments directed at strengthening the protection of the human rights of children in the context of migration.[[1]](#footnote-1)

Marking the fifth anniversary of the joint general comments, the Committees warned that the full and effective implementation of the set of international standards on the rights of children in the context of migration is far from being achieved: “Violence and abuse, including sexual and labour exploitation, inflicted upon migrant children, immigration detention of children, illegal pushbacks at international borders and other forms of arbitrary returns and expulsion measures, are still shockingly prevalent in many parts of the world,” Edgar Corzo Sosa, Chair of the Committee on Migrant Workers, said after reviewing reports from stakeholders over the years.

Mikiko Otani, Chair of the Committee on the Rights of the Child, added that she “was deeply alarmed, in particular, about the increasing number of children who die, go missing or disappear on migration routes due to a lack of orderly, safe and regular migration channels.” Other remaining challenges for migrant children include discrimination against them in respect of access to social services based on their migration status

Highlighting the applicability of the numerous and critical standards included in both general comments to all Member States due to the almost universal ratification of the Convention on the Rights of the Child, the Committees urged States to strengthen their efforts to ensure their full implementation “States should integrate the primacy of children’s rights into gender-responsive and age-sensitive human rights-based legal frameworks, policies and strategies that are related to migration.”

“Child protection and welfare authorities should play a leading role in this regard.” – “The best interests of the child must be taken as a primary consideration on a case-by-case basis in migration, asylum and international protection procedures and children must be heard and enjoy the right to a guardian if they are unaccompanied.”

“There is an obligation of States to eradicate immigration-detention of children, whether alone or together with their families.”

The Committees also reminded States that they should take measures to ensure family reunification and facilitate regularization of the migration status of children in order to fulfil children’s rights.

The Committees welcomed the advocacy work and the numerous initiatives developed by stakeholders, including Governments, UN agencies, human rights institutions, and civil society organizations, that have been based on the joint general comments, as outlined at a side event during the recent sessions of the two Committees at the Geneva Academy of International Humanitarian Law and Human Rights. “On a positive note, there is growing evidence of the consideration of these standards in legislative reform and policy-making processes, and national courts’ jurisprudence.

The joint initiative evidenced the relevance of cooperation between human rights protection mechanisms and stressed the interdependence of human rights and the transversal character of both children and migrants’ rights.

ENDS

1. General comment No. 3 and No. 22 (CMW/C/GC/3-CRC/C/GC/22) on “the human rights of children in the context of international migration: general principles”, and general comment No. 4 and No. 23 (CMW/C/GC/4- CRC/C/GC/23) on “States’ obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return”. [↑](#footnote-ref-1)