

# A guide - children & the Global Compacts on refugees & migration

**Understanding what's in the Compacts and how to engage with them**



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## What is this guide about?

The guide analyses the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR) through a child rights lens and outlines the measures foreseen in these documents (the Global Compacts) for the protection of the rights of the child.

Although the Global Compacts are not legally binding, they have significant implications for everyone involved. Recognising the principle of State sovereignty, both compacts provide important guidance on measures to be undertaken for the benefit of refugees, migrants and the communities of host and destination countries. The Global Compacts are based on and reflect international law, including the United Nations (UN) Charter, refugee law and international human rights law. They both strongly build upon the Convention on the Rights of the Child (CRC) and, if properly implemented, would significantly improve the protection of the rights of children on the move and other children in the context of migration<sup>1</sup>.

Most of the measures foreseen by the Global Compacts have been implemented somewhere already. Many measures reflect existing good practices implemented by States and in many cases, there is consensus among the international community that replicating and scaling them up would strengthen responses to refugee and migration situations.

The COVID-19 pandemic has highlighted the urgent need for change and the Global Compacts remain relevant frameworks for addressing and mitigating the challenges that the pandemic brought for everyone, including refugees and migrants.

<sup>1</sup>The term “children on the move” refers to children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers. This includes: children displaced by conflict and natural disasters; children who move with their parents or migrate alone (e.g., to pursue better life opportunities, look for work or education or to escape exploitative or abusive situations at home); and children who are trafficked. “Other children in the context of migration” refers to children remaining in the country of origin after their parents have migrated, and to children living with their parents in the destination country.

### Who is this guide for?

This guide has been developed to support people, organisations and agencies working to protect children on the move to make better use of the Global Compacts in their daily work, to the benefit of children. It seeks to be comprehensive in terms of content, so that it can be useful for a range of stakeholders, whether governmental or non-governmental actors.

### Who developed this guide?

The tool has been developed by Destination Unknown to support its members and other agencies involved in implementing the compacts for and with children in the spirit of the whole of society approach outlined in the compacts. Destination Unknown is a global network of organisations and individuals including young people, united to champion the rights of children on the move. It is led by Terre des Hommes.

The development of this tool was possible because of the generous support of Oak Foundation.

### How can this guide help?

The aim of this guide is to support agencies and professionals working with children on the move to:

- *gain a solid understanding of the measures foreseen in the Global Compacts that are relevant for children and how the measures outlined in the compacts contribute to the realisation of the rights of the child in the context of international migration. Each section provides a clear overview of each Global Compact's provisions as well as a series of questions to test one's knowledge and understanding.*
- *reflect on further steps they and their agencies can undertake to support the implementation of the Global Compacts in a way that is beneficial to children. Each thematic section of the tool includes examples of ongoing interventions and guiding questions to encourage action-oriented thinking.*

## How to use this guide

This guide can be read in its entirety or by section. It outlines what is in the Global Compacts that is of relevance for children and the provisions for the implementation, monitoring and review of these frameworks. It also suggests ways of engaging with the implementation of the Global Compacts. The section 'The Global Compacts for Children' is divided into sub-sections. Each sub-section explains what is in the Global Compacts in relation to different children's rights and concludes with a self-learning questionnaire 'Test your Knowledge'. The questionnaire can help the reader check their understanding of the content.

'Guiding questions to translate knowledge into action' are included to help the reader to think through how the Global Compacts might be useful as a framework to further change and how they might engage with them.





## About the Global Compacts

## How did the Global Compacts come about?

In September 2016, recognising the challenges in adequately responding to large-scale population movements, the General Assembly (GA) of the United Nations (UN) adopted the New York Declaration for Refugees and Migrants (New York Declaration).

The New York Declaration contains a number of important commitments and concrete plans to realise these commitments, including the development and adoption of two Global Compacts. In its two annexes, the New York Declaration elaborates on the Comprehensive Refugee Response Framework (CRRF), which aims to establish collective action by engaging different actors and approaches and outlines the process to be followed towards the adoption of the Global Compact for Safe, Orderly and Regular Migration (GCM).

The two years that followed the adoption of the New York Declaration were critical. States negotiated the GCM and were formally consulted on the Global Compact on Refugees (GCR). Both compacts were voted on by States in December 2018<sup>2</sup>. Though not all States voted in favour, both Global Compacts were adopted or affirmed by the majority of States<sup>3</sup>.

<sup>2</sup>See respectively: Report of the United Nations High Commissioner for Refugees, Part 2 Global Compact on Refugees, UN GA, A/73/12; and Resolution adopted by the General Assembly on 19 December 2018, Global Compact for Safe, Orderly and Regular Migration, A/RES/73/19.

<sup>3</sup>For a full list of States that have adopted the Global Compacts see: <https://digitallibrary.un.org/record/1656414?ln=en> (GCM) and <https://digitallibrary.un.org/record/1656165?ln=en> (GCR)

## Zoom in...



### ...on the Global Compact on Refugees

The aim of the GCR is for more predictable and equitable responsibility-sharing in refugee protection through international cooperation. Its four key objectives are to:

- *ease the pressures on host countries;*
- *enhance refugee self-reliance;*
- *expand access to third-country solutions;*
- *support conditions in countries of origin for safe and dignified return [or in safety and with dignity].*

With 107 paragraphs, the GCR has four parts. The first part - the introduction - presents the background to and objectives of the GCR. The second part contains the CRRF as in the New York Declaration. The third part outlines the Program of Action and arrangements for enhancing responsibility-sharing and improving support throughout the process, from reception to solutions. The fourth and last part elaborates on the follow-up and review measures, which include the Global Refugee Forum, to be held every four years, the first one of which was held in 2019; an annual high-level officials meeting every two years between forums; and the High Commissioner's annual report to the General Assembly. Civil society organisations have the possibility to participate in and contribute to all of these follow-up and review mechanisms.

## Zoom in...



### ...on the **Global Compact for Safe, Orderly and Regular Migration**

The GCM is the first inter-governmentally negotiated document, prepared under the auspices of the United Nations, that covers all dimensions of international migration in a holistic and comprehensive manner. It is guided by the [2030 Agenda for Sustainable Development](#) and the [Addis Ababa Action Agenda](#) and informed by the [Declaration of the 2013 High-Level Dialogue on International Migration and Development](#). The aims of the GCM are to:

- *address all aspects of international migration, including humanitarian, developmental, and human rights-related aspects;*
- *make an important contribution to global governance and enhance coordination on international migration;*
- *present a framework for comprehensive international cooperation on migrants and human mobility; and*
- *set out a range of actionable commitments, means of implementation and a framework for follow-up and review among Member States (States) regarding international migration in all its dimensions.*

The GCM establishes 23 high level objectives and commitments that States are encouraged to take up. Under each objective, there is a list of actions that States can undertake to realise the objective.

In July 2019, the United Nations General Assembly adopted the resolution on the “Format and organisational aspects of the international migration review forums”. According to the resolution, the forums will be convened under its auspices, operate under its rules of procedure, take place during the first part of 2022 and thereafter every four years at UN Headquarters, will last for four days and be held at the highest possible political level, including Heads of State or Government. The participation and contribution of civil society is also foreseen by the resolution.



# Children and the Global Compacts

## 1. Serving child rights through the Global Compacts

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# 1. Serving child rights through the Global Compacts

Child rights language as enshrined in the Convention on the Rights of the Child (CRC) is reflected throughout the Global Compacts. A comprehensive and sustained implementation of the Global Compacts would therefore ensure greater respect, protection and realisation of the rights of refugee and migrant children. In addition to specific paragraphs focusing on children, other paragraphs of the Global Compacts outline measures which would indirectly contribute to the protection of children on the move – measures to improve protection, livelihoods, durable solutions and the participation of children’s parents and caregivers. By referring to the strengthening of national child protection systems and their accessibility to all children, regardless of migration status, the Global Compacts also importantly bring concrete opportunities to benefit national children as well as refugee and migrant children.

Although both Global Compacts are strongly rooted in child rights, each of them has a different structure, composition, and style and consequently the way each reflects child rights is distinctive. Already in its guiding principles, the GCM states: *“The Global Compact promotes existing international legal obligations in relation to the rights of the child, and upholds the principle of the best interests of the child at all times, as a primary consideration in all situations*

*concerning children in the context of international migration, including unaccompanied and separated children.”*

The GCR contains a specific paragraph dedicated to children and child rights are mainstreamed throughout the document, with considerations of age, gender and diversity underpinned throughout the Program of Action (GCR, paragraph 13). Since over half of refugees are children, paragraph 76 of the GCR summarises the main areas requiring international cooperation to ensure the rights of the child.

## **GCR Paragraph 76 focuses on children:**

**“... In support of host countries, States and relevant stakeholders will contribute resources and expertise towards policies and programmes that take into account the specific vulnerabilities and protection needs of girls and boys, children with disabilities, adolescents, unaccompanied and separated children, survivors of sexual and gender-based violence, sexual exploitation and abuse, and harmful practices, and other children at risk. Depending on the context, this will include resources and expertise to support integrated and age-sensitive services for refugee and host community girls and boys, including to address mental health and psychosocial needs, as well as investment in national child protection systems and cross-border cooperation and regional partnerships to provide a continuum of protection, care and services for at risk children. Capacity development for relevant**

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# 1. Serving child rights through the Global Compacts (continued)

authorities to undertake best interests determination and assessment to inform decisions that concern refugee children, as well as other child-sensitive procedures and family tracing, will be supported. UNHCR will work with States to enhance access by refugee boys and girls to resettlement and complementary pathways for admission.”

Despite differences in the outline and approach of the two Global Compacts, there are commonalities of how child rights are translated into concrete measures in both. The next section describes such measures and actions, and also outlines examples of ongoing work to implement them.





## Children and the Global Compacts

### 2. The principle of non-discrimination

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## 2. The principle of non-discrimination

### How does it apply to children?

The implementation of both Global Compacts should go hand in hand to ensure that no-one is left behind. Children are children first and foremost. According to international law, they are entitled to all the rights enshrined in the UN Convention on the Rights of the Child, regardless of their migration status. 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](#) in two [Joint General Comments](#)<sup>4</sup> (JGCs) emphasised that: “*All children involved in or affected by international migration are entitled to the enjoyment of their rights, regardless of the children’s or their parents’, legal guardians’ or family members’ age, gender, gender identity or sexual orientation, ethnic or national origin, disability, religion, economic status, migration/ documentation status, statelessness, race, colour, marital or family status, health status or other social conditions, activities, expressed opinions, or beliefs.*” The Joint General Comments also call upon State parties to ensure that “migrant children and their families are integrated into receiving societies through the effective realisation of their human rights and access to services in an equal manner with nationals.”

### The GCR and the principle of non-discrimination

The GCR refers to the principle of non-discrimination in a section focusing on the prevention of and addressing root causes (paragraph 9), in the elements underpinning the Program of Action (paragraph 13) and in the paragraph dealing with the relationship between refugees and host communities (paragraph 84). In paragraph 84, the GCR specifically recognises the power and positive impact of civil society, faith-based organisations, and the media, including social media. Sports and cultural activities, language learning, and education are highlighted as specific pathways which contribute to addressing prejudices and discrimination while fostering respect and inclusion.

### The GCM and the principle of non-discrimination

The principle of non-discrimination is reflected in the GCM as one of the guiding principles. As stated in paragraph 15 of the GCM: “*The Global Compact is based on international human rights law and upholds the principles of non-regression and non-discrimination.*”

<sup>4</sup>See Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration; and Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) 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 (hereinafter: [JGCs](#))

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## 2. The principle of non-discrimination (continued)

*By implementing the Global Compact, we ensure effective respect, protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle. We also reaffirm the commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance against migrants and their families.”*

The GCM also refers to the principle of non-discrimination when speaking about relations with societies of destination countries, and more specifically in objective 16 on inclusion and social cohesion.

To put all of this into practice, existing services for children at national level need to be made accessible to all children and adjusted as needed to respond to the specific needs of refugee and migrant children. It would also mean improving knowledge about migration and forced migration as well as promoting good practices of social inclusion, solidarity, and equal treatment of children regardless of nationality and migration status. Mechanisms should also be in place to monitor and analyse cases of discrimination. Resources should be mobilised and measures taken to counter such discriminatory practices.

A multi-stakeholder approach is crucial and both Global Compacts emphasise the role of civil society and the importance of working in partnership with various stakeholders.

### Examples

**The Settlement Program: Canada Federal Government Funds for organisations supporting social inclusion of refugees and migrants**

The Settlement Program - run by Immigration, Refugees and Citizenship Canada - assists immigrants and refugees to overcome barriers specific to their experience as newcomers so that they can participate in social, cultural, civic and economic life in Canada. The program focuses on five areas: needs assessment, referrals, information and orientation; language training and skills development; employment related services; and community connections. There are also support services such as transportation, childcare and interpreting to ensure people can access the programs. All services are designed and delivered by service provider organisations in Canada and overseas.

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## 2. The principle of non-discrimination (continued)

### **MINT - Mentoring for Integration of third country national children affected by migration project: Terre des Hommes**

Terre des Hommes (Foundation), in partnership with Ocalenie Foundation, Organization for Aid to Refugees and Slovene Philanthropy, implemented an innovative and replicable peer-to-peer mentoring programme. The programme trained local youth volunteers and paired them with newly arrived migrant and refugee children. The volunteers then supported the newly arrived children and facilitated their integration in the local communities by introducing them to other children in the community and organising common outdoor sports and socio-cultural activities, including visiting museums, watching popular national movies, and reading. Supported by the European Union's Asylum, Migration and Integration Fund (2014-2020), the project was implemented in Romania, Poland, the Czech Republic, and Slovenia.

A Mentoring Methodological Framework developed through this project, which incorporates learning from the project and other good practices, is a useful resource for any organisation setting up a mentoring programme for the integration of migrant children.

Read more about it [here](#).



# Test your knowledge



## About the Global Compact and the principle of non-discrimination

### 1. Which of the following statements is correct?

- A:** The Global Compacts were adopted respectively by the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).
- B:** The Global Compacts were adopted by Security Council Resolution.
- C:** The Global Compacts were voted and adopted / affirmed by States in the UN General Assembly.

### 2. Which of the following statements is correct?

- A:** The Global Compacts are legally binding documents.
- B:** The Global Compacts are not legally binding but provide guidance on measures that States, and other stakeholders can undertake.
- C:** The GCR is legally binding but not the GCM.

### 3. What are the main objectives of the GCR and GCM?

### 4. What does the principle of non-discrimination mean for children in the context of international migration?



# Test your knowledge (continued)



## Guiding questions to translate knowledge into action

1. Do you know if the State(s) you are working in has/have adopted a) the GCR and/or b) the GCM?

2. What is being done in the country you are working in to address potential discrimination against children because of their nationality or/and migration status?

3. What do you think the priority for action for the government should be to address such potential discrimination and could the Global Compacts be a useful framework that the government should prioritise putting into action?

4. What can your organisation/agency do to address potential discrimination against children because of their nationality or/and migration status? Who can you collaborate with?



## **Children and the Global Compacts**

### **3. The best interests of the child**

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### 3. The best interests of the child

#### What does it mean?

According to the Convention on the Rights of the Child (CRC), the best interests of the child should be a primary consideration in all actions concerning children. The right of the child to have his or her best interests taken into account as a primary consideration is a substantive right, an interpretative legal principle and a rule of procedure, and it applies to children as individuals and as a group. (CRC: [2014 GC](#), paragraph 6). The principle of the best interests of the child is crucial for rights-based migration governance and as such, is duly covered by both Global Compacts. Both Global Compacts acknowledge the importance of upholding and ensuring the best interests of the child.

The CRC has clarified that once assessed and determined, the best interests of the child might conflict with other interests (e.g. migration control) or rights (e.g. right to participate versus right to protection). These potential conflicts need to be resolved on a case-by-case basis, carefully balancing the interests of all parties and finding a suitable compromise. The fact that the best interests of the child is a primary consideration means that a larger weight must be attached to what serves the child best, both in the public and the private sphere. (CRC: [2014 GC](#), paragraphs 82 and 39).

According to the CRC 2014 [General Comment](#), a “best-interests assessment” involves evaluating and balancing all the elements necessary to make a decision in the specific situation for a specific individual child or group of children. A “best-interests determination” on the other hand, is a formal process with strict procedural safeguards designed to determine the child’s best interests on the basis of the best-interests assessment. In addition, assessing the child’s best interests is a unique activity that should be undertaken in each individual case, taking into account the specific circumstances of each child or group of children, including age, sex, level of maturity, whether or not the child or children belong(s) to a minority group and the social and cultural context of the child or children.

In the [Joint General Comments](#), 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 argue that a best-interests assessment should be carried out by actors who are independent of migration authorities and done in a multidisciplinary way, including with meaningful participation of authorities responsible for child protection and welfare and other relevant actors, such as parents, guardians and legal representatives, as well as the child.

### 3. The best interests of the child (continued)

The Global Compacts refer to specific situations where a determination of the best interests of the child is paramount in guiding decisions.

#### The GCM and the principle of the best interests of the child

The GCM refers to the best interests of the child under the guiding principles (the child-sensitive part- paragraph 15 of the GCM). The GCM makes the following substantial references to the best interests of the child:

- *The GCM refers to the best interests of the child specifically when referring to the right to family life, which includes prevention of family separation (objective 11, paragraph 27e) and the right to family reunification.*
- *The GCM encourages States to “facilitate access to procedures for family reunification ...through appropriate measures, including by reviewing and revising applicable requirements, such as on income, language proficiency, length of stay, work authorisation, and access to social security and services”. (Objective 5, paragraph 21).*
- *The GCM refers to the best interests of the child when calling for the establishment of alternatives to immigration detention (objective 13, paragraph 29 (h)); while also encouraging States to*

*carry out return and readmission processes involving children only after a determination of the best interests of the child (objective 21, paragraph 37(g)).*

- *For unaccompanied and separated children, the GCM calls upon States to provide sustainable solutions that are in their best interests (objective 7, paragraph 23f).*
- *The GCM (objective 7, paragraph 23e) also requires that “the best interests of the child are appropriately integrated, consistently interpreted and applied in coordination and cooperation with child protection authorities”.*

#### The GCR and the principle of the best interests of the child

- *The GCR reaffirms the best interests of the child under the elements underpinning the Program of Action (paragraph 13).*
- *The GCR includes references to the best interests of the child in paragraph 76, which focuses specifically on children.*
- *The GCR highlights the need to refer children for a best-interests assessment and/or best-interests determination in the section focused on reception and admission (paragraph 60).*

### 3. The best interests of the child (continued)

- *The GCR identifies the need to establish multidisciplinary teams to ensure the best interests of the child in reception and admission processes (paragraph 60).*

#### Best interests and non-refoulement

The principle of non-refoulement is part of States' obligations under international law. By endorsing this principle, States have agreed not to transfer or remove individuals (refugees, stateless persons or other non-nationals) from their jurisdiction or effective control when there are substantial grounds for believing that a person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violations.<sup>5</sup>

In relation to children, in addition to the above-mentioned obligation, States should also apply the best-interests determination to guide decisions on whether the child should return to his or her country of origin. Both 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 concluded in the Joint General Comments that "States parties are obliged, in line with article 3 of the

Convention on the Rights of the Child, to ensure that any decision to return a child to his or her country of origin is based on evidentiary considerations on a case-by-case basis and pursuant to a procedure with appropriate due process safeguards, including a robust individual assessment and determination of the best-interests of the child. This procedure should ensure, inter alia, that the child, upon return, will be safe and provided with proper care and enjoyment of rights."

It can thus be argued that the non-refoulement principle protects children against return when this would be in violation of their best interests.

#### The GCR, best interests and non-refoulement

- *The guiding principles of the GCR remind States of their obligation to refugee protection and human rights in accordance with international law (paragraph 5).*
- *Paragraph 76 of the GCR emphasises the need for "capacity development for relevant authorities to undertake best interests' determination and assessment to inform decisions that concern refugee children."*

<sup>5</sup> OHCHR, [The principle of non-refoulement under international human rights law](#), 2017

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### 3. The best interests of the child (continued)

#### The GCM, best interests and non-refoulement

- *In paragraph 37 of the GCM, States recognise the need to “uphold[ing] the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture, and other cruel, inhuman, and degrading treatment or punishment, or other irreparable harm”, in accordance with international human rights law obligations.*
- *Point ‘g’ of the same paragraph refers specifically to children and encourages States to ensure “that return and readmission processes involving children are carried out only after a determination of the best interests of the child, take into account the right to family life, family unity, and that a parent, legal guardian or specialised official accompanies the child throughout the return process, ensuring that appropriate reception, care and reintegration arrangements for children are in place in the country of origin upon return”.*

The Joint General Comments of 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 are a solid source of further guidance on how States can determine the child’s best interests in questions regarding return.

#### Best interests and family reunification

The CRC refers to the right of the child not to be separated from his or her parents against their will, except when competent authorities determine, according to the law, that such separation is in the best interests of the child. The CRC also states that every child separated from his/her family has the right to maintain personal relations and direct contact with both parents on a regular basis, except if this is contrary to the child’s best interests. Moreover, the CRC specifically recognises the right of the child to enter and remain in a territory so that the child can be reunited with his/her parents. As stated in the Joint General Comments: “*Protection of the right to a family environment frequently requires that States not only refrain from actions which could result in family separation or other arbitrary interference in the right to family life, but also take positive measures to maintain the family unit, including the reunion of separated family members.*” (CRC & CMW: 2017 JGCs, paragraph 27).

Both Global Compacts encourage measures to ensure the child’s right to respect for private and family life.

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### 3. The best interests of the child (continued)

#### The GCR, best interests and family reunification

The GCR proposes measures including capacity development of relevant authorities to undertake family tracing (paragraph 74), and facilitating effective procedures and clear referral pathways for family reunification as part of the three-year strategy on resettlement (paragraph 95).

#### The GCM, best interests and family reunification

- *The GCM refers to States' obligation under international law to uphold the right to respect for private and family life and encourages States to facilitate access to procedures for family reunification for migrants at all skill levels through appropriate measures that promote the realisation of the right to family life and the best interests of the child, including by reviewing and revising applicable requirements, such as on income, language proficiency, length of stay, work authorisation, and access to social security and services (paragraph 21.1).*

- *It considers family reunification policies as key elements of State policies on the integration of migrants and calls for broad partnerships to implement such policies (paragraph 32.c).*
- *With regards to children specifically, the GCM calls on States to protect family unity (paragraph 28.d), establish specialised procedures on family reunification (paragraph 23.f) and train “border officials on the rights of the child and child-sensitive procedures, such as those that prevent family separation and reunite families when family separation occurs.” (paragraph 27.e).*

#### Examples

##### The Zampa law: when a child can be reunified with the family in the country of origin

On 6 May 2017, a new [legislation regarding “Protection Measures for Unaccompanied Minors”](#) entered into force in Italy. The law bans the return of unaccompanied children at the border and provides that “assisted and voluntary return” of unaccompanied minors may be decided only by a Juvenile Court, when family reunification in the country of origin or a third country is in the child’s best interests. In deciding whether or not return is in the child’s best interests, the Juvenile Court needs to take into account the results of a social assessment of the family situation in the country of origin or third country, and the situation of the child in Italy, as well as listen to the child and his/her guardian.

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### 3. The best interests of the child (continued)

#### IOM Family Assistance Programme

According to the German Federal Office for Migration and Refugees (BAMF), nearly half a million Syrians have registered for asylum in Germany since 2015. Approximately 200,000 were granted asylum and qualify for family reunification.

Through the [IOM Family Assistance Programme](#), IOM has established family support centres in Istanbul, Beirut, Erbil and Amman to support family members of Syrians entitled to protection in Germany in their application for a family reunification visa. The aim is to help applicants with any questions they have relating to the visa application process and to ensure that they can submit all the necessary documents when they arrive at the embassy or consulate for their visa appointment. IOM has also initiated an Arabic-language outreach programme for Syrian family reunification visa applicants and is offering classes and information materials to facilitate integration in Germany. Over 90% of those reunited with families in Germany are women and children.



# Test your knowledge



## The best interests of the child

1. What do you understand by the principle of non-refoulement?

2. Does the principle of non-refoulement only protect refugees or also other non-nationals?

- A: Only Refugees
- B: Refugees and other non-nationals

3. What does the best interests of the child imply in the decision about whether or not a child is to be returned to the country of origin?

4. The GCM calls for collaboration between countries of destinations and origins. Why is this needed to respect the best interests of the child?

# Test your knowledge



## Guiding questions to translate knowledge into action

1. How do authorities in your country decide whether or not to return non-national children? Are such decisions and their implementation monitored by independent human rights bodies and by civil society?

2. Do you know what criteria need to be met in your country for a refugee and a migrant to be able to be joined by his or her family?

3. In your daily work, do you conduct children's best interests determination procedures? If so, in what situation(s)? What criteria are applied and which other actors are involved, if any?

4. If your organisation plays a role in determining a child's best interests in the context of international migration, what could help you and your organisation to further improve the work?

# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

5. Do you know of any case where the return of the child to the country of origin was not in the best interests of the child? Can you describe what you would have done differently if you had been in charge of the case?

6. What factors do you think can lead to children being separated from their family in situations of large-scale population movement in the context in which you operate? Do you think the provisions of the GCM and GCR could help address this?

7. Who do you consider to be part of the definition of a family? Compare this with the definition in your national legislation. Do you see any difference and how do you think they could impact cases concerning children? How do you think any inconsistencies can be addressed to ensure family reunification procedures align with the best interests of the child?



## **Children and the Global Compacts**

### **4. The right to a name, identity, and nationality**

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## 4. The right to a name, identity, and nationality

### Background

Article 7 of the Convention on the Rights of the Child stipulates States' obligation to ensure the implementation of the rights of a child to be registered, to have a name, to acquire a nationality and to know and be cared for by his or her parents. This right is often crucial in facilitating the child's access to other rights and services. When children are not registered at birth and deprived of their nationality, they are exposed to various child rights violations. They may not be able to go to school or access public health services. When these children migrate, they usually do so through irregular channels, which exposes them to further risks, including risks to their life, survival and development.

Moreover, statelessness may be both a cause and consequence of refugee movements. There are different reasons why children end up stateless:

- *Some children inherit statelessness from their parents. If both parents are stateless and the child is born in a country that does not recognise the jus solis (right to nationality of the country of birth), the child risks statelessness.*
- *Another reason is linked to discriminatory nationality laws. Even*

*though most States allow nationality to be passed from parent to child, regardless of the place or other circumstances of the birth of that child, some States do not. By 2018, a few States restricted the right of women to pass their nationality to their children on equal terms with men (UNHCR 2018). In a context of cross-border movement, where a discriminatory nationality law prevents a woman from passing her nationality to her child and where the child is born abroad in absence of the father, the child can end up being stateless.*

- *Lack of birth registration can also lead to statelessness. It does not automatically result in statelessness but increases the risk of statelessness as a person whose birth has not been registered may face difficulties, especially over time, to prove a link with the State of nationality. Many countries have poor services in place to ensure that all children are registered at birth. Children born to people who have migrated and who have an irregular status, might have difficulties in being registered at birth. They may not be entitled to it because of their status, or their parents may be reluctant to register them at birth for fear of being reported to migration authorities and related consequences, including detention and expulsion.*

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## 4. The right to a name, identity, and nationality (continued)

Positive action is needed to ensure the right to nationality and to register children at birth both in the country of origin and in transit/destination countries. Both Global Compacts outline provisions in specific paragraphs dealing with birth registration and addressing statelessness.

### The GCR and the right to a name, identity, and nationality

In paragraph 82, the GCR recognises that though *“it does not necessarily lead to conferral of nationality; birth registration helps establish legal identity and prevent the risk of statelessness.”*

Consequently, the GCR engages States in support of host countries, *“to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons, as appropriate, to civil and birth registration and documentation, including through digital technology and the provision of mobile services, subject to full respect for data protection and privacy principles.”*

Paragraph 83 of the GCR deals with statelessness and encourages States that have not yet acceded to the 1954 [Convention relating to the Status of Stateless Persons](#) and the 1961 [Convention on the Reduction of Statelessness](#) to do so. Whilst the 1961 Convention

provides for an obligation for States that have ratified it to grant its nationality to a person born in its territory who would otherwise be stateless, according to the 1954 Convention *“the Contracting States shall as far as possible facilitate the assimilation and naturalisation of stateless persons.”*

The GCR also calls upon States to develop national and regional and international action plans to end statelessness in line with relevant standards and initiatives, including [UNHCR’s Campaign to End Statelessness](#).

### The GCM and the right to a name, identity, and nationality

Objective 4 of the GCM seeks to ensure that all migrants have proof of legal identity and adequate documentation. A number of policy measures are foreseen to reach this objective, including:

- *Improving civil registry systems, with a particular focus on reaching unregistered persons and nationals residing in other countries;*
- *Strengthening measures to reduce statelessness, including by registering migrants’ births, ensuring that women and men can equally confer their nationality to their children, and providing*

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## 4. The right to a name, identity, and nationality (continued)

*nationality to children born in another State's territory, especially in situations where a child would otherwise be stateless, fully respecting the human right to a nationality and in accordance with national legislation;*

- *Revising requirements to prove nationality at service delivery centres to ensure that migrants without proof of nationality or legal identity are not precluded from accessing basic services or denied their human rights;*
- *Considering issuing registration cards with basic personal information to all persons living in a municipality, while not constituting entitlements to citizenship or residency.*

The consular offices play a crucial role in issuing timely travel and identity documents, facilitating birth registration, providing related information etc. This is recognised in the 1969 Vienna Convention on Consular Relations and in the GCM.

### Example

#### Rwanda pledges, October 2019

In 2019, during the UNHCR High-Level Segment on Statelessness, Rwanda made eight pledges including the following two:

- *The Government of Rwanda hereby commits to improve access to late birth registration for refugees in line with the principle of universal birth registration in order to ensure that all refugees born in Rwanda have their birth registered and have a birth certificate or civil status ruling. This commitment is already under implementation as the government of Rwanda in 2006 enacted a new law on persons and family in order to ensure that every child is registered immediately after birth and the condition of making late registration through the court is removed and the fine is waived for registering orphans. In the same context, it is planned to have regular Civil Registration week in refugee camps to raise awareness in registering new birth and give awards to Civil Registrar office that perform well. After every registration, a birth record will be issued and make sure that all adults have a refugee card. This action will be carried out by the Ministry of Emergency Management, the Ministry of Local Government and the Directorate General of Immigration and Emigration and though the action is continuous by the campaign and giving awards will be launched by 2020.*

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## 4. The right to a name, identity, and nationality (continued)

- *The Government of Rwanda hereby commits to granting or confirming nationality of all stateless persons and their descendants living on Rwanda territory. After amendment of the nationality law and getting the number and the profile of the stateless persons in Rwanda, the next action will be to naturalise all persons who will have been found stateless or at risk of statelessness in accordance with the provisions of the law. The persons with confirmed nationality will be connected to their country of origin to get documentation. The action of granting or confirming nationality of all stateless persons and their descendants living on Rwandan territory will be coordinated by the Directorate General of Immigration and Emigration by 2024.*



# Test your knowledge



## The right to a name, identity, and nationality

Read the following statements and consider whether they constitute actions to address statelessness and why:

1. The Nansen passport was issued to stateless persons as an identification document by the League of Nations and holders of such passport had a number of entitlements in the states recognising the passport.

2. Country X revises its legislation. It now grants its nationality to any child born on its territory that would have otherwise been born stateless;

3. In country Y, only the father can transmit his nationality to the child. An NGO is advocating the parliament to change the law and ensure that both parents can pass their nationality to the child on an equal basis;

4. NGOs are working in country Z to identify children who were not registered at birth and accompany them through the relevant procedures for registration.



# Test your knowledge



## Guiding questions to translate knowledge into action

1. Do you know if there are any limitations with the birth registration process in the country you are working in and what they are?

2. What steps do you think your organisation can take to improve or advocate for improvements to access to registration at birth?



# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

**3. Are there stateless children in the country you are working in and what are the challenges they face in realising their rights?**

**4. What actions need to be undertaken and by whom to address their situation and end statelessness? Can the Global Compacts help in identifying actions?**



## Children and the Global Compacts

**5. The right to liberty: ensuring non-custodial, community-based alternatives to child immigration detention**

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## 5. The right to liberty: ensuring non-custodial, community-based alternatives to child immigration detention

### Background

Currently, many States have banned the immigration detention of children in law, policy and in practice. In 2020, in response to the COVID-19 pandemic, a number of States stopped immigration detention and released people in migration who were detained due to their migration status. Various alternatives to detention were introduced. This demonstrated how quickly and easily such alternatives can be put in place.<sup>6</sup>

Some States continue to criminalise irregular border crossing and stay, and sentence people in migration, including children, to detention. In some States, the immigration detention of children is still permitted by law as a last resort for the shortest appropriate period of time. Various grounds are provided by these States to justify such cases including: the need to determine the identity of asylum seekers; to allow for verification of information provided by the person before making a decision on whether or not they have a right to enter and stay in the State's territory; a fear that the person would otherwise abscond; protection of national security or public order.

Yet a wide range of studies have shown the negative impact that detention has on the health and development of children, including risks of violence and ill-treatment, self-harm and even suicide.<sup>7</sup>

The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, has also stated that *"..the deprivation of liberty of children based on their or their parents' migration status is never in the best interests of the child, exceeds the requirement of necessity, becomes grossly disproportionate and may constitute cruel, inhuman or degrading treatment of migrant children."*<sup>8</sup>

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 concluded in their 2017 Joint General Comments that immigration detention of children conflicts with the right to development and the principle of the best interests of the child. The Committees also echoed their past statements that offences concerning irregular entry or stay cannot under any circumstances have consequences similar to those derived from the commission

<sup>6</sup>For an overview of Covid-19 and immigration detention, see: UN Network on Migration, Covid 19 and Immigration Detention: What Can Governments and Other Stakeholders Do?, 2020. <sup>7</sup>See among others: Lorek A, Ehntholt K, Nesbitt A, Wey E, Githinji C, Rossor E, et al. The mental and physical health difficulties of children held within a British immigration detention center: A pilot study. *Child Abuse & Neglect* 2009; 33:573-85; Steel Z, Momartin S, Bateman C, Hafshejani A, Silove DM. Psychiatric status of asylum seeker families held for a protracted period in a remote detention centre in Australia. *Australian and New Zealand Journal of Public Health* 2004; 2(6):527-36; International Detention Coalition (2012) *Captured Childhood Report*, p. 49. <sup>8</sup>Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (March 2015), A/HRC/28/68, para. 59-62.

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## 5. The right to liberty: ensuring non-custodial, community-based alternatives to child immigration detention (continued)

of a crime and concluded thereby that the possibility of detaining children as a measure of last resort based on article 37 (b) of the CRC may apply in other contexts such as juvenile criminal justice, but is not applicable in immigration proceedings.

When it is in the child's best interests for the family to stay together, the requirement not to deprive the child of his or her liberty extends to the child's parents and guardians. The Committees urge States to *"adopt solutions that fulfil the best interests of the child, along with their rights to liberty and family life, through legislation, policy and practices that allow children to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved and the children's best interests are assessed, as well as before return."*

Such alternatives to the immigration detention of children exist and are applied today by various States in collaboration with civil society organisations. Both Global Compacts guide States to end the practice of child detention and work on alternatives to detention.

### The GCR and the right to liberty: Ensuring non-custodial, community-based alternatives to child immigration detention

- The GCR states in paragraph 60: *"The development of non-custodial and community-based alternatives to detention, particularly for children, will also be supported."*

### The GCM and the right to liberty: Ensuring non-custodial, community-based alternatives to child immigration detention

- Objective 13 of the GCM, paragraph 29 h calls upon States to: *"Protect and respect the rights and best interests of the child at all times, regardless of their migration status, by ensuring availability and accessibility of a viable range of alternatives to detention in non-custodial contexts, favouring community-based care arrangements, that ensure access to education and healthcare, and respect their right to family life and family unity, and by working to end the practice of child detention in the context of international migration."*

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## 5. The right to liberty: ensuring non-custodial, community-based alternatives to child immigration detention (continued)

Effective implementation of this part of the Global Compacts would mean progressively reducing to zero the number of children in immigration detention, while increasing the number of refugee and migrant children benefitting from alternatives.

Where immigration detention of children is still allowed by national laws and policies, advocacy can be carried out to change laws and policies.

Alternatives to immigration detention need to be established, expanded or strengthened. Such alternatives should meet all the material, social and emotional conditions necessary to ensure the comprehensive protection of the rights of the child, allowing for children's holistic development, as well as be carried out by competent child protection actors engaging with the child and, where applicable, his or her family.

### Example

#### **Banning child immigration detention: The example of Ireland and Cyprus**

The Joint General Comments of 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 concluded that detention of children for migration control purposes always violates the best interests of the child. Within the European Union, Ireland is the only Member State that fully prohibits the immigration detention of children. Other Member States do not forbid it completely in law, though they may not apply it in practice. In Cyprus for example, the Ombudsperson, the Commissioner for the Rights of the Child and NGOs, persistently raised the issue of immigration detention of children when they were accompanied with their families. In Cyprus's 2015 response to the United Nations Committee against Torture (UNCAT) report of 2014, the authorities stated that, by means of a Ministerial Committee, they had decided not to detain parents of children irregularly residing in Cyprus. Detention has been replaced with alternatives, such as reporting regularly to a police station, submitting their travel documents and/or a financial guarantee.<sup>9</sup>

<sup>9</sup>See [European legal and policy framework on immigration detention of children](#), European Union Agency for Fundamental Rights, 2017.



## Test your knowledge



### **The right to liberty: ensuring non-custodial, community-based alternatives to child immigration detention**

1. Which child rights does the immigration detention of children conflict with?

2. What are some of the community-based alternatives to immigration detention you are aware of?

### **Guiding questions to translate knowledge into action**

1. In the country in which you work, are children detained when seeking refugee status, upon receiving it, or when otherwise entering the country irregularly? Is there any difference to the way in which accompanied children and those who are unaccompanied are treated in this regard?

## Test your knowledge



### **The right to liberty: ensuring non-custodial, community-based alternatives to child immigration detention** (continued)

2. What are the laws, policies and practices on child immigration detention in the country you are working in? Can you identify any which you think should change?

3. Are there alternatives to immigration detention of children in the country you are working in? What are they and which actors are involved?

4. What role can your organisation/agency play in supporting the establishment of alternatives to immigration detention of children? Try to classify these actions along the lines of advocacy and services. Who can you work with and how can the GCM and GCR help?



# Children and the Global Compacts

## 6. The right to education

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## 6. The right to education

### Background

The right to education is widely protected under international law.<sup>10</sup> States' core obligations under the right to education include: ensuring access to public educational institutions and programmes on a non-discriminatory basis; ensuring education objectives conform to human rights treaties; providing free compulsory education for all; adopting and implementing a national education strategy; and respecting the liberty of parents and, when applicable, legal guardians to choose education, as long as it is in conformity with the minimum education standards. (CESR, GC No. 13; CRC, GC No. 1).

Accessing safe and quality learning opportunities serves not only the right to education but also helps children create a normal routine which is important for their protection, development and well-being. Evidence shows that solid education from very early ages contributes to healthy growth and development throughout childhood and often leads to more opportunities in adulthood. Children and their parents often cite accessing quality education as a driver of migration.<sup>11</sup>

Moreover, in times of crisis and violence, schools become unsafe and children are deprived of their right to education. Attacking schools has become a weapon of war and, increasingly, armed groups sexually attack girls attending school.

In their Joint General Comments (JGCs), 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 clarified that *“all children in the context of international migration, irrespective of status, shall have full access to all levels and all aspects of education, including early childhood education and vocational training, on the basis of equality with nationals of the country where those children are living. [...] Migrant children should have access to alternative learning programmes where necessary and participate fully in examinations and receive certification of their studies.”* (CRC & CMW: 2017 JGCs, paragraph 59).

The JGCs also urge States to expeditiously reform regulations and practices that prevent children in an irregular situation from registering at schools and educational institutions. In this regard, it is

<sup>10</sup>See among others: Article 13 ICESCR; Article 5(e)(v) ICERD; Article 10 ICEDAW; Articles 28 and 29 CRC; Articles 12.4, 30, 43.1(a), 45.1(a) and 45.4 ICRMW; Article 24 CRPD; Article XII ADRDM; Article 17 ACHPR; Article 2 P1 ECHR; Article 17.2 ESCR; Article 11 ACRWC.

<sup>11</sup>See 'Quelle protection pour les enfants concernés par la mobilité en Afrique de l'Ouest et du centre: nos positions et nos recommandations?', projet régional mobilité West Africa 2012.

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## 6. The right to education (continued)

important to separate immigration enforcement activities from public service provision. Such a separation is often referred to as a firewall.

According to 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, “States should also develop effective firewalls between educational institutions and immigration authorities and prohibit the sharing of students’ data as well as immigration enforcement operations on or near school premises, as these practices limit or deprive migrant children or children of migrant workers in an irregular situation of their right to education.” (CRC and CMW, JGCs, paragraph 59).

Against this background, both Global Compacts include substantial measures on education. Education is a strong tool in easing the pressure on States and supporting refugees and migrants to become self-reliable.

### The GCR and the right to education

- The GCR outlines recommended measures on education in paragraphs 68 and 69.

- Among other things, the GCR encourages States to ensure that refugee children are allowed to access education as soon as possible, ideally within three months of arrival. The GCR also makes it clear that the best option is for refugee children to enroll in the national education system (paragraph 68).
- Therefore, the GCR asks for support with resources and expertise to host States, so that they can “expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee and host community children (both boys and girls), adolescents and youth to primary, secondary and tertiary education.”
- Paragraph 69 adds early childhood development opportunities and technical or vocational training to the list, thus taking a comprehensive approach to the right to education, also in line with the needs and aspirations of children and their families.
- The principle of non-discrimination with regards to access to education is further reflected in paragraph 69 of the GCR which asks States to address barriers to education for girls, as well as persons with disabilities and who have suffered psychosocial trauma.

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## 6. The right to education (continued)

To achieve these objectives, the GCR emphasises the need for:

- *developing and implementing national education sector plans that include refugees;*
- *supporting, as appropriate, refugees and members of host communities who are or could be engaged as teachers, in line with national laws and policies;*
- *exploring innovative methods to ensure the right to education, including online education;*
- *third countries to better explore granting scholarships and student visa to refugees as a complementary pathway to resettlement (paragraph 95);*
- *recognising the equivalency of academic, professional and vocational qualifications (paragraph 69). This enables children to continue their education at the level they have already attained and it supports them in adulthood to access decent jobs, thereby contributing to the sustainable development of the societies they live in.*

In 2019, UNHCR endorsed its [Refugee Education 2030 Strategy](#), which translates into action the education arrangements set out in the Global Compact on Refugees. The Strategy aims to foster the conditions, partnerships, collaboration and approaches that lead all refugee, asylum seeker, returnee and stateless children and youth and their hosting communities, including the internally displaced

in those communities, to access inclusive and equitable quality education that enables them to learn, thrive and develop their potential, build individual and collective resilience and contribute to peaceful coexistence and civil society. The three strategic objectives of Refugee Education 2030 are to:

1. *promote equitable and sustainable inclusion in national education systems for refugees, asylum seekers, returnees, stateless and internally displaced persons;*
2. *foster safe, enabling environments that support learning for all students, regardless of legal status, gender or disability;*
3. *enable learners to use their education toward sustainable futures.*

The 2030 strategy highlights approaches such as partnership, collaborative learning, capacity development, innovation, evidence and growth as necessary strategic approaches to reach the above mentioned objectives. Targets for pre-primary, primary and secondary education enrolment for 2030 will be measured at country level against the official net enrolment reported for host communities. These will be disaggregated by gender and increasingly children and youth with disabilities.

The tertiary education target for 2030 is to enroll 15% of college-eligible refugees in tertiary, technical and vocational education and

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## 6. The right to education (continued)

training or connected education programmes in host and third countries, and to achieve equitable gender representation across tertiary enrolments.

### The GCM and the right to education

■ Recognising the labour dimension behind migration, objective 18 (paragraph 34) is specific about investing in skills development and facilitating the mutual recognition of skills, qualifications and competences. Meant initially for members of the workforce, this objective is very relevant for young people but also children in the context of international migration as it encourages States among others to:

- a) develop standards and guidelines for the mutual recognition of foreign qualifications;
- b) promote inter-institutional networks and collaborative programmes for partnerships between the private sector and educational institutions in countries of origin and destination;
- c) engage in bilateral partnerships and programmes in cooperation with relevant stakeholders that promote skills development, mobility and circulation, such as student exchange programmes, scholarships, professional exchange programmes and apprenticeships.

- The GCM looks at education as a mean to promote social inclusion and address discrimination. Objective 16 of the GCM (paragraph 32.i) calls upon States to: “promote school environments that are welcoming and safe, and support the aspirations of migrant children by enhancing relationships within the school community, incorporating evidence-based information about migration in education curricula, and dedicating targeted resources to schools with a high concentration of migrant children for integration activities in order to promote respect for diversity and inclusion, and to prevent all forms discrimination, including racism, xenophobia and intolerance .”
- The same objective also recognises the importance of providing “basic language training, as well as orientation about social norms and customs in the country of destination” as well as developing national policies aiming at non-discriminatory inclusion of migrants in national education system.
- The GCM outlines concrete measures to ensure that migrant children access education regardless of their migration status. Objective 15 of the GCM, using language similar to that of the GCR, highlights the relevance of providing “inclusive and equitable quality education to migrant children and youth, as well as facilitating access to lifelong learning opportunities,

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## 6. The right to education (continued)

*including by strengthening the capacities of education systems and by facilitating non-discriminatory access to early childhood development, formal schooling, non-formal education programmes for children for whom the formal system is inaccessible, on-the-job and vocational training, technical education, and language training, as well as by fostering partnerships with all stakeholders that can support this endeavour”.*

- The GCM calls upon States “to ensure that cooperation between service providers and immigration authorities does not exacerbate vulnerabilities of irregular migrants by compromising their safe access to basic services or unlawfully infringing upon the human rights to privacy, liberty and security of person at places of basic service delivery.” This would cover schools and other places where education is provided.

### Examples

#### Switzerland: Access to education regardless of migration status

In Switzerland, the main responsibility for education lies with the cantons. They coordinate their work at the national level. The 26 cantonal ministers of education form a political body, the [Swiss Conference of Cantonal Ministers of Education \(EDK\)](#), to carry out this work. Legally binding, inter-cantonal agreements (known as concordats) form the foundation for the work of the EDK.

Through a concordat, EDK has prescribed that state-run schools must educate all children for the years of obligatory education - irrespective of their residence status. Schools and teachers are not permitted to pass on any information about children to the immigration authorities.

#### Uganda Education Response Plan

Uganda hosts one of the world’s largest refugee populations. Access to education remains a challenge with estimations that 57% of refugee children in Uganda (at least 353,000 children) and 34% of local children in refugee-hosting districts (around 171,000 children) do not have access to education. To address the situation, the Government of Uganda, Partners in Development, UN agencies and NGOs, launched a new [Education Response Plan \(ERP\)](#) in September 2018. The purpose of the ERP is to

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## 6. The right to education (continued)

set out a realistic and implementable plan to ensure improved learning outcomes for increasing numbers of refugee and host-community children and adolescents across Uganda. At a cost of USD 395 million and in line with potential levels of funding over 3.5 years, the Education Response Plan will reach just over 675,000 children from refugee and local communities per year.

### Hasheba Project, Mexico

[Hasheba Project](#) is a humanitarian civil society initiative in Mexico that creates higher education opportunities for young refugees and displaced people from around the world. In coordination with the Mexican Secretariat of the Interior (INM), the Ministry of Foreign Affairs (SRE) and UNHCR, the initiative aims to enable 100 refugees in four years to resettle to Mexico, to access higher education through a scholarship programme.

### Mapping education programmes for Rohingya Refugees in Bangladesh

Rohingya refugee children in Bangladesh still have no access to formal education. Many NGOs have responded to this situation by providing non-formal education programmes for the children in the refugee camps in southern Bangladesh. In 2019, the Peace Research Institute Oslo conducted a [mapping](#) and gave an overview of 126 non-formal education programmes being provided to Rohingya refugee children in the camps in Bangladesh.





# Test your knowledge



## The right to education

1. How do firewalls guarantee the right of education regardless of a child's migration status?

2. How do you see the role of education in promoting respect for the rights of the child, regardless of migration status?

## Guiding questions to translate knowledge into action

1. In the country in which you are working:

- a. Are refugee children entitled to access formal education?

- b. Are all children entitled to access formal education regardless of their migration status?

# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

- c. Are there any support programmes for non-national children to access formal education, including language courses?

- d. Is evidence-based information about migration included in education curricula?

## 2. Consider whether your organisation works or could work on the following five measures and how they contribute to the right of education for refugee and migrant children:

- a. Developing standards and guidelines for the mutual recognition of foreign academic, professional and vocational qualifications;

# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

- b. Facilitating non-discriminatory access to early childhood development and formal schooling;

- c. Providing and supporting non-formal education programmes for children for whom the formal system is inaccessible, on-the-job and vocational training, technical education, and language training;

- d. Supporting, as appropriate, refugees and members of host communities who are or could be engaged as teachers, in line with national laws and policies;

- e. Supporting access to civil and birth registration and documentation.



# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

3. Map the services available in the country in which you work that facilitate the right to education for refugee and migrant children. Are there any gaps? How do you think these gaps can be addressed concretely and how can the GCM and GCR help?



## **Children and the Global Compacts**

**7. The right to protection against exploitation, abuse, trafficking and other forms of violence**

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence

### Background

Children on the move are often exposed to various forms of violence including abuse, exploitation and trafficking. Many flee from countries of origin because of war, conflict and generalised violence. Moreover, measures taken in countries of origin - such as bans on girls or children to migrate - violate their right to leave their country (art. 12.2 ICCPR) and the principle of non-discrimination. Rather than preventing children from moving, such bans are more likely to push children to use irregular channels, leaving them more vulnerable to violence, abuse and exploitation.<sup>12</sup>

While on the move, children might experience new risks. As stated by the Joint General Comments (JGCs), *“children are at risk of experiencing violence by State or non-State actors or witnessing violence against their parents or others, particularly when travelling or residing in an irregular manner... (R)estrictive migration or asylum policies, including criminalisation of irregular migration, the absence of sufficient safe, orderly, accessible and affordable regular migration channels or lack of adequate child protection systems, render migrant*

*and asylum-seeking children, including unaccompanied or separated children, particularly vulnerable to suffering violence and abuse during their migration journey and in the countries of destination.”*

The JGCs also recognise that *“children face gender-specific risks and vulnerabilities which should be identified and specifically addressed. In many contexts, girls may be even more vulnerable to trafficking, especially for purposes of sexual exploitation. Additional measures should be taken to address the particular vulnerability of girls and boys, including those who might have a disability, as well as children who are lesbian, gay, bisexual, transgender or intersex persons, to trafficking for the purposes of sexual exploitation and abuse.”* (CRC & CMW: 2017 JGCs, paragraphs 39-41).

Children may also face risks in destination countries, with borders being closed, police preventing children from entering a country, or placing them in detention. Inadequate protection arrangements, centres without safety and privacy considerations and lacking child protection safeguards expose refugee and migrant children to further abuse and exploitation. Children in irregular migration situations often

<sup>12</sup>Dottridge, Mike, and Jordan, Ann, “Children, Adolescents and Human Trafficking: Making sense of a complex problem”, Issue Paper 5, American University, Center for Human Rights and Humanitarian Law, Washington, D.C., May 2012, p. 14.

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

lack access to crucial services for their age and development, which further contributes to the cycle of violence and rights' violations.

Against this background, the Global Compacts outline important measures for child protection. Their full and comprehensive implementation is as an opportunity to address many of the threats faced by children. The Global Compacts address issues of: identification of children; age assessment; unaccompanied and separated children and cross-border collaboration.

### Identification

Protection starts with identification. Identification of children as children, accompanied by a thorough analysis of their situation and needs is paramount to ensure their adequate protection and that a sustainable solution can be found.

*In their JGCs (paragraph 32 h), 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 call upon States to “ensure that children are identified promptly in border controls and other migration control procedures within the State’s jurisdiction, and that anyone claiming to be a child is treated as such, promptly referred to child protection authorities and other relevant services,*

*and appointed a guardian, if unaccompanied or separated.” To ensure prompt identification of children as a first step in their protection, in both Global Compacts, States are encouraged to invest adequate resources and expertise.*

### The GCR and identification

Registration and identification facilitate access to basic assistance and protection, including for those with specific needs. Children are a group with specific needs and therefore paragraph 60 of the GCR calls upon States and relevant stakeholders to “..contribute resources and expertise for the establishment of mechanisms for identification, screening and referral of those with specific needs to appropriate and accessible processes and procedures. ..This will include the identification and referral of children, including unaccompanied and separated children, to best interests assessment and/or determination, together with appropriate care arrangements or other services.” The GCR also refers to the establishment of multi-stakeholder response teams, which would help to put all of this into practice.

### The GCM and identification

The GCM measures include the establishment of “comprehensive policies and development of partnerships that provide migrants in

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

*a situation of vulnerability, regardless of their migration status, with necessary support at all stages of migration, through identification and assistance, as well as protection of their human rights, in particular in cases related to women at risk, children, especially those unaccompanied or separated from their families, members of ethnic and religious minorities, victims of violence, including sexual and gender-based violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, workers facing exploitation and abuse, domestic workers, victims of trafficking in persons, and migrants subject to exploitation and abuse in the context of smuggling of migrants.” (paragraph 23).*

The GCM also contains a specific objective (objective 12) on appropriate screening, assessment, and referral. Among the measures included in this objective are the following ones relating to children (GCM paragraph 28):

- *“Develop and conduct intra- and cross-regional specialised human rights and trauma- informed trainings for first responders and government officials, including law enforcement authorities, border officials, consular representatives and judicial bodies, to facilitate and standardise identification and referral of, as well as appropriate assistance and counselling in a culturally-sensitive way, to victims of trafficking in persons, migrants in situations of vulnerability, including children, in particular those unaccompanied or separated, and persons affected by any form of exploitation and abuse related to smuggling of migrants under aggravating circumstances”;*
- *“Establish gender-responsive and child-sensitive referral mechanisms, including improved screening measures and individual assessments at borders and places of first arrival, by applying standardised operating procedures developed in coordination with local authorities, National Human Rights Institutions, international organisations, and civil society”;*
- *“Ensure that migrant children are promptly identified at places of first arrival in countries of transit and destination”.*

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

### Examples:

#### UNICEF Response for Refugees and Migrants from Venezuela

As part of joint work with governments in the region, in 2019 as part of [UNICEF's response for refugees and migrants from Venezuela](#), UNICEF facilitated sessions on child protection in Brazil and worked with Panamanian national authorities to strengthen capacities to implement protocols for referring children in need of international protection. In Ecuador, UNICEF contributed to strengthening procedures on protection and support for migrant children through the establishment of a national protocol for unaccompanied and separated children.

### Age assessment

Age assessment can be part of the identification procedure. Further guidance on age assessment is provided to States by 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 in their JGCs: “States should undertake a comprehensive assessment of the child’s physical and psychological development, conducted by specialist pediatricians or other professionals who are skilled in combining different aspects of development. Such assessments should be carried out in a prompt, child-friendly, gender sensitive and culturally appropriate manner, including interviews of children

*and, as appropriate, accompanying adults, in a language the child understands. Documents that are available should be considered genuine unless there is proof to the contrary, and statements by children and their parents or relatives must be considered. The benefit of the doubt should be given to the individual being assessed. States should refrain from using medical methods based on, inter alia, bone and dental exam analysis, which may be inaccurate, with wide margins of error, and can also be traumatic and lead to unnecessary legal processes. States should ensure that their determinations can be reviewed or appealed to a suitable independent body.” (CRC & CMW: 2017 JGCs, paragraph 4).*

Both Global Compacts cover identification in general terms, without entering into detail of how age assessments are to be carried out. The GCM outlines that the process should be independent and child-sensitive.

### The GCM and age assessment

The GCM states that anyone legitimately claiming to be a child is treated as such unless otherwise determined through a multi-disciplinary, independent and child-sensitive age assessment (paragraph 28 d).

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

### Example

**UK<sup>13</sup>**

Immigration officials at the border are permitted to make an initial assessment when an unaccompanied young person is first encountered based on the individual's own statement, any available documents and the immigration official's in-person assessment of physical appearance and demeanour. This is not binding as it can be disputed or challenged by the individual. In addition, the immigration official may request further clarification of the view formed of the individual's age. In both these situations, if there is a challenge from the individual or a concern by the immigration official that the individual is under 18, then the principle of benefit of the doubt is applied and the individual is treated as a child. This means that they will be transferred to the children's services department of a local authority which will then be asked to conduct an age assessment. The means by which the local authority does this are not set out in legislation, but the practice has developed of using two social workers to assess the individual and to come to a determination based on that assessment. They will use their training and experience of working with young people to reach a conclusion.

### Unaccompanied and separated children (UASC) and guardianship

The Committee on the Rights of the Child defined UASC in its 2005 General Comment (GC): "Unaccompanied children" are children, as defined in article 1 of the CRC, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. "Separated children" are children, as defined in article 1 of the CRC, who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

As early as 2005, the Committee on the Rights of the Child recognised the crucial role played by guardians in the protection of UASC. It stated that "*the appointment of a competent guardian as expeditiously as possible, serves as a key procedural safeguard to ensure respect for the best interests of an unaccompanied or separated child.*" According to the Committee, "*the guardian should*

<sup>13</sup>As referred in EASO Practical Guide on Age Assessment, European Asylum Support Office, 2018.

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

*have the necessary expertise in the field of childcare, so as to ensure that the interests of the child are safeguarded and that the child's legal, social, health, psychological, material and educational needs are appropriately covered by, inter alia, the guardian acting as a link between the child and existing specialist agencies/individuals who provide the continuum of care required by the child.” (CRC: 2005 GC, paragraphs 21 and 33).*

For separated children, the Committee on the Rights of the Child advises to look at family solutions first. In these cases, “*guardianship should regularly be assigned to the accompanying adult family member or non-primary family caretaker unless there is an indication that it would not be in the best interests of the child to do so, for example, where the accompanying adult has abused the child. In cases where a child is accompanied by a non-family adult or caretaker, suitability for guardianship must be scrutinised more closely. If such a guardian is able and willing to provide day-to-day care, but unable to adequately represent the child's best interests in all spheres and at all levels of the child's life, supplementary measures (such as the appointment of an adviser or legal representative) must be secured.*” (CRC: 2005 GC, para. 33).

The Global Compacts also recognise the special protection concerns of UASC and generate States' engagement for better identification and programmes for them.

### The GCR, UASC and guardianship

The GCR refers repeatedly to unaccompanied and separated children (UASC) as a category among children and other groups with special protection concerns. In the section on ‘Addressing specific needs’ for example, the GCR refers to various forms of support to be provided to receiving States, by emphasising: “*This will include the identification and referral of children, including unaccompanied and separated children, to best interests assessment and/or determination, together with appropriate care arrangements or other services.*” (paragraph 60).

### The GCM, UASC and guardianship

The GCM refers to guardianship of UASC in various paragraphs. Paragraph 23.f highlights the need “*to protect unaccompanied and separated children at all stages of migration..., including by swiftly appointing a competent and impartial legal guardian, as essential means to address their particular vulnerabilities and discrimination, protect them from all forms of violence, and provide access to sustainable solutions that are in their best interests*”.

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

Also, paragraph 28.d dealing with the identification of migrant children at places of first arrival in countries of transit and destination, requires that if unaccompanied or separated, they are swiftly referred to child protection authorities and other relevant services as well as appointed a competent and impartial legal guardian.

### Example

#### Foster Care in West Africa

In West Africa, Save the Children is working with Governments and other actors to strengthen national foster care systems and to adapt existing practices to meet the needs of unaccompanied and separated children outside their country of origin. In Mali, Cote d'Ivoire and Burkina Faso, foster families have been identified and supported to care for unaccompanied migrant and refugee children, influencing the overall approach to appropriate care in the region.

### Strengthening child protection systems

Linked to the principle of non-discrimination and as in the case of education, both Global Compacts emphasise the need to strengthen national child protection systems and to ensure that all children, regardless of their migration status, can access and benefit from them. Both Global Compacts recognise the need to further invest

in child protection training and capacity development, including of border police, law enforcement and consular services to ensure that they are able to identify and respond to the protection needs of refugee and migrant children (see among other sections: 1.5, 2.5 and 3.1 of the GCR and paragraphs 27.e and 28.b of the GCM).

### The GCR and strengthening child protection systems

- Paragraph 66 of the GCR highlights that “wherever possible, the GCR will be delivered in a way that benefits both refugees and host communities. This will include efforts to deliver assistance through local and national service providers where appropriate..., instead of establishing parallel systems for refugees from which host communities do not benefit over time. Increasingly, refugees find themselves in urban and rural areas outside of camps, and it is important to also respond to this reality.”
- Paragraph 76 of the GCR which focuses specifically on children, strongly refers to investments in national child protection systems.
- The GCR recognises the need to invest in reception and transit areas that are sensitive to age, gender and disability, calling for alternatives to camps away from borders to be pursued (paragraph 54). In terms of child protection this means a shift from child

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

*protection in camp management to strengthening national child protection systems so they are accessible to all children.*

### The GCM and strengthening child protection systems

- *Objective 7 of the GCM on addressing and reducing vulnerabilities in migration, includes a specific measure to “account for migrant children in national child protection systems by establishing robust procedures for the protection of migrant children in relevant legislative, administrative and judicial proceedings and decisions, as well as in all migration policies and programmes that impact children, including consular protection policies and services.”*
- *Paragraph 28c of the GCM refers to the need to establish gender-responsive and child-sensitive referral mechanisms, including improved screening measures and individual assessments at borders and places of first arrival, by applying standardised operating procedures developed in coordination with local authorities, National Human Rights Institutions, international organisations and civil society. This is a call for engagement of not only child protection authorities but also of NGOs and other civil society organisations working on child protection and child rights.*

- *The GCM also has a specific focus on addressing child labour. Paragraph 22e of the GCM requires the adoption and implementation of “national laws that sanction human and labour rights violations, especially in cases of forced and child labour, and cooperate with the private sector, including employers, recruiters, subcontractors and suppliers, to build partnerships that promote conditions for decent work, prevent abuse and exploitation, and ensure that the roles and responsibilities within the recruitment and employment processes are clearly outlined, thereby enhancing supply chain transparency.”*
- *In various paragraphs, the GCM refers to the role of the child protection authorities in migration management when it concerns children, and in particular UASC (see above).*

### Example

**Strengthening protection for migrant children in Thailand**  
 The [Migration Report 2019](#) portrays Thailand as a country of origin, transit and destination for large numbers of documented and undocumented migrants, displaced persons and asylum seekers. There are estimated to be hundreds of thousands of migrant children. According to the report, care arrangements are delivered to migrant children by a range of public and private providers, though most institutions for the care of

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

migrant children are privately run. While clear guidelines and standards of care exist for government institutions, the system for registering and monitoring private institutions does not yet function effectively. Boarding houses along the Thai-Myanmar border have historically operated independently from the Thai Government's regulatory system. The Department of Children and Youth is currently working to better understand the situation of children in these institutions and to ensure that the houses meet minimum standards for care through strengthened oversight and support.

### Cross-border and regional cooperation, including in addressing smuggling and trafficking

Protection of children on the move requires strong cooperation between countries of origin, transit and destination. Recognising the need for international cooperation in protecting the human rights of children in the context of international migration, in their JGCs, 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 call upon States to establish cross-border case management procedures in an expeditious manner and in conformity with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto and the 1996 Hague Convention on Jurisdiction, Applicable

Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children. According to the JGCs, bilateral, regional and international initiatives “should be encouraged in order to facilitate family reunification, implement best interest assessment and determination, and guarantee children’s right to be heard and due process safeguards. Such initiatives should ensure access to justice in cross-border situations where children whose rights are affected in the country of transit or destination need it after they have returned to the country of origin or gone to a third country.” (paragraph 65 JGCs).

In addition to strengthening national child protection systems, both Global Compacts emphasise the need for strong cross-border and regional cooperation in child protection as well as in preventing child trafficking and protecting trafficked children. Both Global Compacts refer to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air. They call upon States to ratify them, which is important as both protocols enshrine important obligations for States including the non-criminalisation of smuggled persons.

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

### The GCR and cross-border and regional cooperation

- Paragraph 76 of the GCR refers specifically to investments in “cross-border cooperation and regional partnerships to provide a continuum of protection, care and services for at risk children.”
- The GCR speaks about international cooperation in addressing trafficking (paragraph 57) and highlights technical support and capacity development to respond to the specific needs of trafficking victims, though not focusing specifically on children (paragraphs 57-59).

### The GCM and cross-border and regional cooperation

- The GCM outlines cross-border frameworks to ensure the best interests of the child are appropriately integrated and consistently interpreted and applied (Objective 7).

- The GCM contains two objectives on fighting smuggling and trafficking, where it highlights among other points the need to “develop gender-responsive and child-sensitive cooperation protocols along migration routes that outline step-by-step measures to adequately identify and assist smuggled migrants, in accordance with international law, as well as to facilitate cross-border law enforcement and intelligence cooperation in order to prevent and counter smuggling of migrants with the aim to end impunity for smugglers and prevent irregular migration, while ensuring that counter-smuggling measures are in full respect for human rights.” (GCM, paragraph 25c).
- It requires “intra- and cross-regional specialised human rights and trauma-informed trainings for first responders and government officials, including law enforcement authorities, border officials, consular representatives and judicial bodies, to facilitate and standardise identification and referral of, as well as appropriate assistance and counselling in a culturally-sensitive way, to victims of trafficking in persons, migrants in situations of vulnerability, including children, in particular those unaccompanied or separated, and persons affected by any form of exploitation and abuse related to smuggling of migrants under aggravating circumstances.”

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## 7. The right to protection against exploitation, abuse, trafficking and other forms of violence (continued)

- *The GCM calls upon States to avoid the criminalisation of migrants who are victims of trafficking in persons for trafficking-related offences and ensure that the victim receives appropriate protection and assistance, not conditional upon cooperation with the authorities against suspected traffickers. Specific measures of protection and assistance for trafficked persons covered by the GCM include measures for physical, psychological and social recovery, as well as measures that permit them to remain in the country of destination, temporarily or permanently, in appropriate cases, facilitating victims' access to justice, including redress and compensation, in accordance with international law. (paragraph 26).*

### Example

#### **Reducing children's vulnerability to trafficking: CORAL project, West Africa**

Through [the CORAL project](#), Terre des Hommes (Foundation), ENDA-Youth-Action and the African Movement of Working Children and Youth (AMWCY) worked together with the Economic Community of West African States (ECOWAS), governments and Inter-Agencies Regional Group for Child Protection in West Africa (GRPE) to improve the protection of migrant children on the Abidjan to Lagos corridor of West Africa. The programme sought to reduce child migrants' vulnerability to various threats including exploitation and trafficking as well as to provide protection and support services for the identified trafficked and exploited children. Thirty-nine child centers, called 'Hope Points' have been created along the Abidjan-Lagos corridor, where children can rest, play, learn new skills, report situations and threats of abuse and exploitation, and receive personal support. Legal and medical assistance is provided, as well as information on countries of destination and emergency contact persons.

## Test your knowledge



### Protection against abuse, exploitation, trafficking and other forms of violence

1. Read each of the following statements and consider: a) Is it in line with the rights of the child? and b) Why or why not?

a. A specialist pediatrician was involved in assessing the child's age;

b. All the documents shared by the child and her family were reviewed and taken into consideration in determination of the child's age;

c. An assessment was carried out and concluded that person X was between 16 to 19 years old. This person was therefore considered an adult.

2. How would you define an unaccompanied child?



# Test your knowledge



## Guiding questions to translate knowledge into action

1. If you are working in a country facing large scale population movements, how are children identified among people on the move and what services are available to protect them against abuse and exploitation?

2. Has the State in which you are working ratified the UN Convention against Transnational Organised Crime, the Smuggling Protocol and the Protocol against Trafficking in Human Beings?

3. In the country in which you work, which services are available for foreign trafficked children?

# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

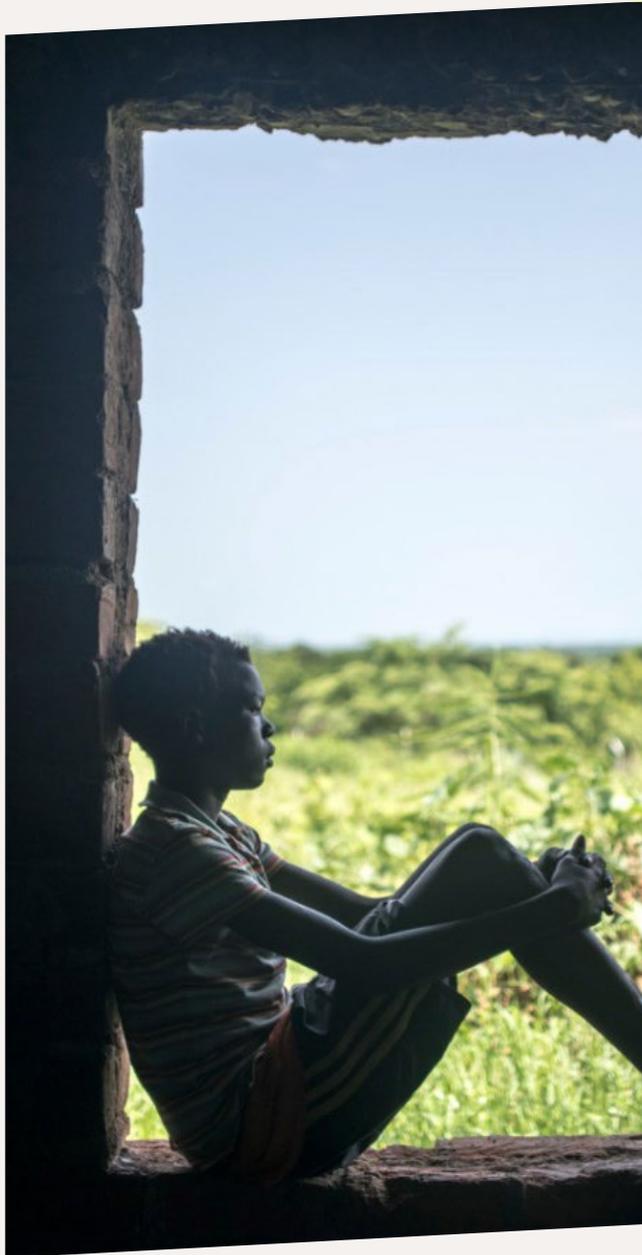
**4. In the country in which you work, do refugee and migrant children have access to the same protection services as national children? List any difference and explain whether it differs depending on the status of the child (accompanied vs unaccompanied, refugee vs asylum seeker, in irregular vs regular situation, etc.)?**

**5. List the services provided by your organisation or agency to refugee and migrant children and briefly consider how they contribute to the protection of the child? What else do you think is needed and can be covered by your organisation?**

**6. What steps are needed to ensure that your organisation can provide the required services?**



# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

7. What changes (up to three) would you prioritise in your advocacy towards the government to ensure that refugee and migrant children are better protected against all forms of violence?



## **Children and the Global Compacts**

**8. The right to be heard in any proceeding affecting the child**

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## 8. The right to be heard in any proceeding affecting the child

### Background

The Committee on the Rights of the Child recognises in its article 12.2 the right of the child to be heard *“in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”* The child’s right to access to justice is a *“fundamental right in itself and a prerequisite for the protection and promotion of all other human rights and as such it is of paramount importance that every child in the context of international migration is empowered to claim his/her rights.”* (CRC & CMW: 2017 [JGCs](#), paragraph 14). For many migrant children, access to justice is crucial in many instances. This can include when their age and/or status is determined, to ensure they are protected against discrimination, abuse, exploitation, trafficking and other forms of violence, for family reunification purposes, and to be able to remain in the territory.

When it comes to accessing justice in practice, migrant children can be in a situation of double vulnerability – because they are children

and migrants<sup>14</sup>. They might not be fully aware of what they are entitled to and how to seek remedy because of their age but also due to language barriers and lack of knowledge of the foreign system. Moreover, when in an irregular situation, children and their parents might be reluctant to seek justice due to fear of being identified by migration authorities and all the related consequences.

Access to justice and the right of the child to be heard in any proceedings affecting him/her are covered by both Global Compacts, which foresee specific engagement by the States and other stakeholders.

### The GCR and the right to be heard in any proceeding affecting the child

- *The GCR recognises that children will be heard in all measures regarding reception and admission, meeting needs and solutions (paragraph 51). This includes a vast number of administrative/or legal proceedings where, if children are concerned, they should be heard.*

<sup>14</sup> HRC: 2013 [Report on Access to Justice for Children by OHCHR](#) paragraph 17

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## 8. The right to be heard in any proceeding affecting the child (continued)

- Paragraph 71 of the GCR calls upon States to invest resources and expertise “to strengthen access to justice and the security and safety of women and girls, including to prevent and respond to all forms of violence, including sexual exploitation and abuse, sexual- and gender-based violence and harmful practices.”

### The GCM and the right to be heard in any proceeding affecting the child

- The guiding principles of the GCM (paragraph 15) recognise “**that respect for the rule of law, due process and access to justice are fundamental to all aspects of migration governance**”. Access to justice is referred to throughout the GCM text and in particular in the sections on: addressing vulnerabilities; preventing and fighting trafficking; establishing alternatives to immigration detention; and safe and dignified return and readmission.
- Paragraph 23c of the GCM encourages States to “develop gender-responsive migration policies to address the particular needs and vulnerabilities of migrant women, girls and boys, which may include assistance, health care, psychological and other counselling services, as well as access to justice and effective remedies, especially in cases of sexual and gender-based violence, abuse and exploitation”.
- It also calls upon States “to facilitate access for migrants in an irregular status to an individual assessment that may lead to regular status, on a case by case basis and with clear and transparent criteria, especially in cases where children, youth and families are involved, as an option to reduce vulnerabilities, as well as for States to ascertain better knowledge of the resident population.”
- Paragraph 37e recognises the need to ensure that “the return of migrants who do not have the legal right to stay on another State’s territory allows all applicable legal remedies to be exhausted, in compliance with due process guarantees, and other obligations under international human rights law”. The same paragraph refers to access to justice as one of the preconditions for sustainable reintegration back home. Furthermore, paragraph 26e refers to the need “to facilitat[e] access to justice and safe reporting without fear of detention, deportation or penalty”.
- With a view to addressing a lack of information impeding access to justice and participation, objective 3 of the GCM seeks the provision of accurate and timely information in all stages of migration. For children, paragraph 19c of the GCM specifies the need “to establish open and accessible information points along relevant migration routes that can refer migrants to child-sensitive support and

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## 8. The right to be heard in any proceeding affecting the child (continued)

*counselling, including opportunities to communicate with consular representatives of the country of origin”.*

- *Paragraph 19d calls upon States to provide newly arrived migrants “with targeted, gender-responsive, child-sensitive, accessible and comprehensive information and legal guidance on their rights and obligations, including on compliance with national and local laws, obtaining of work and resident permits, status adjustments, registration with authorities, access to justice to file complaints about rights violations, as well as on access to basic services”.*
- *In paragraph 23g, the GCM encourages States to ensure “migrants have access to public or affordable independent legal assistance and representation in legal proceedings that affect them, including during any related judicial or administrative hearing, in order to safeguard that all migrants, everywhere, are recognised as persons before the law and that the delivery of justice is impartial and non-discriminatory”. For unaccompanied and separated children, being supported by an independent and impartial guardian is another safeguard necessary to realise the right to information and to be*

*heard in any administrative and legal proceeding affecting them (see section 7, pages 59-61).*

### Examples

#### Mobile Legal Clinics in South Africa

Lawyers for Human Rights in South Africa, working with CORMSA, Jesuit Refugee Service, and Johannesburg Child Welfare among others with support from Terre des Hommes (Germany), provides a mobile legal clinic for children on the move. Lawyers for Human Rights’ legal advisors reach out to children and their communities, discuss migrant children’s situations with them, provide information about their rights and entitlements and explain the steps they need to take to claim such rights. When a child and his or her family agrees, the mobile clinic team assists families in claiming these rights through the justice system.

The cases brought to the mobile legal clinic have been documented and together provide an important picture of the various challenges faced by migrant children in accessing justice in South Africa. In partnership with other civil society organisations, Lawyers for Human Rights is using this evidence to advocate for changes in laws, policies and practices<sup>15</sup>.

<sup>15</sup> For more information, see M. Shuteriqi, [Making Life Better for Children on the Move Promising practices for working with and supporting children on the move](#), Destination Unknown 2018.

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## 8. The right to be heard in any proceeding affecting the child (continued)

### **Immigrant Child Advocacy Network, United States**

In the United States, thousands of children face immigration judges each year without appointed counsel. Therefore, the American Bar Association has established a Working Group on Unaccompanied Minor Immigrants. Its aim is to develop and implement an immediate response to the critical need for pro bono representation of children in removal proceedings. With representation, asylum seekers have a much greater chance of winning their case. In order to further that mission, the Working Group created the [Immigrant Child Advocacy Network \(ICAN\)](#).

### **Translators without borders**

[Translators without borders](#) is an NGO which offers language and translation support for humanitarian and development agencies, and other non-profit organisations. In the Middle East, it has developed an offline translation engine for Kurdish language, Sorani and Kurmanji. In Europe it is working with local and international agencies to provide translation services at the benefit of refugees and migrants in sic language. It has trained over 480 interpreters and translators and created the first humanitarian roster.



# Test your knowledge



## The right to be heard in any proceeding affecting the child

1. What are some of the barriers refugee and migrant children can face in accessing justice?

2. What are some of the main decisions (e.g. judicial/life/family) affecting refugee and migrant children you are aware of? Consider how access to justice works in such cases for the children concerned.

## Guiding questions to translate knowledge into action

1. Does your organisation provide information to refugee and migrant children? If yes, for the different types of information provided, how do you ensure it is accessible for the children concerned? What process(es) do you have in place to ensure its accessibility to all the children concerned?

# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

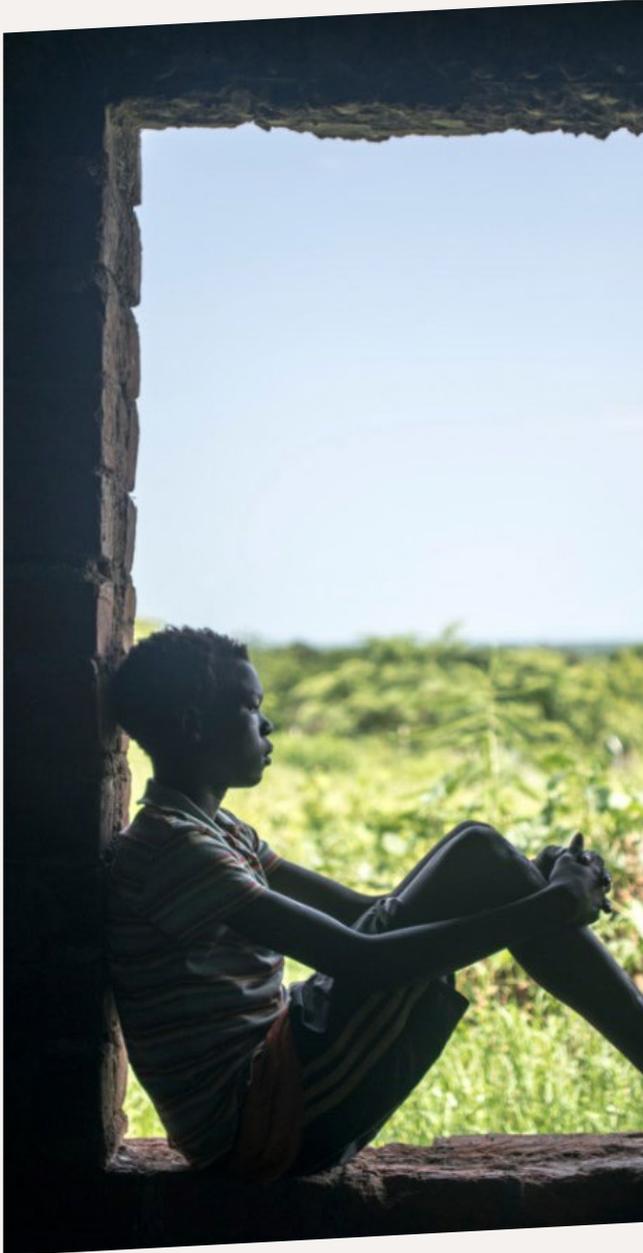
- 2. Does your organisation provide legal services to refugee and migrant children? If so, how do children get to know about such services? Do you think you are reaching as many children as possible with this approach? Could you do anything differently?**

- 3. Do you know of any other organisation that provides information and legal services to refugee and migrant children? Would it be beneficial for refugee and migrant children for your organisation to collaborate with them, and if yes how?**

- 4. In the country in which you work, which authority is in charge of considering asylum applications by children and/or deciding on the right to stay for migrant children? How do these authorities ensure the children concerned are listened to?**



# Test your knowledge



## Guiding questions to translate knowledge into action (continued)

5. In the country in which you work, do you follow decisions of national courts on the rights of refugee and migrant children? Can you think of specific cases where a child was not able to access national court because of his/her migration status? What should/could have been done differently in such a case?



# Children and the Global Compacts

## 9. The right to health

General

Non-discrimination

Best interests

Identity

Non-detention

Education

Protection

Participation

Health



## 9. The right to health

### Background

Article 24 of the CRC recognises the “*right of the child to the enjoyment of the highest attainable standard of health.*” The CRC has also clarified that the right to health includes both freedoms and entitlements. “*The freedoms, which are of increasing importance in accordance with growing capacity and maturity, include the right to control one’s health and body, including sexual and reproductive freedom to make responsible choices. The entitlements include access to a range of facilities, goods, services and conditions that provide equality of opportunity for every child to enjoy the highest attainable standard of health.*” (CRC: 2013 [GC No. 15](#), para. 23).

Both the GCR and GCM refer to the importance of migrant and refugee access to national health systems. Therefore, they provide specific guidance on how such systems could be further expanded and strengthened. They also refer to the [WHO Framework of Priorities and Guiding Principles to Promote the Health of Refugees and Migrants](#).

The COVID-19 pandemic demonstrates the urgent need to implement the health measures foreseen in both Global Compacts. As the virus continues spreading, a large number of refugees and migrants live in

unsanitary conditions. Many of them continue to suffer limited access to health services due to legal, language, cultural or other barriers. The UN Secretary General called it ‘a Child Crisis’ with refugee and migrant children being disproportionately affected by it.

### The GCR and the right to health

The GCR highlights the need “*to expand and enhance the quality of national health systems to facilitate access by refugees and host communities*” (paragraph 72).

In similar language as for education, it supports “*capacity development and training opportunities for refugees and members of host communities who are or could be engaged as health care workers in line with national laws and policies*”. Its proposed measures include further investment in some specific areas of health such as disease prevention; immunisation services; health promotion activities; access to adequate medicines and medical supplies; vaccines; diagnostics; and preventive commodities (paragraph 73).

In the measures outlined in paragraph 76 focused on children, the GCR also refers to dedicated services to address mental health and psychosocial needs.

General

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Health



## 9. The right to health (continued)

### The GCM and the right to health

The GCM mainstreams access to the right to health in several objectives:

- Objective 2 of the GCM on minimising the adverse drivers and structural factors that compel people to leave their country of origin highlights the need for investments in health (paragraph 18b).
- Health care, including psychological and other counselling services, are also considered by the GCM as paramount to reduce vulnerabilities in migration and to assist victims of sexual and gender-based violence (paragraph 23c).
- The GCM refers to access to health care services, including mental health at all stages of migration as a means to protect unaccompanied and separated children (paragraph 23f).
- The GCM outlines that health services should be accessible to migrants, including while in immigration detention (para 29f).
- The GCM considers health – together with other services – as contributing directly to the inclusion of migrants in societies of destination countries (paragraph 32c), and as part of the labour rights of migrant workers (paragraph 22i), including with regard to the portability of earned benefits (paragraph 32b).
- The GCM also encourages States to strengthen national health systems and incorporate the health needs of migrants in national and local health care policies and plans, such as “by strengthening capacities for service provision, facilitating affordable and non-discriminatory access, reducing communication barriers, and training health care providers on culturally-sensitive service delivery, in order to promote physical and mental health of migrants and communities overall.” (paragraph 31.e).

### Examples

#### Free access to health services for children under international and temporary protection, Turkey

In Turkey, the law prescribes the obligation to have a medical insurance coverage, whether public or private. However, for people who earn below a certain threshold, the healthcare coverage is free of charge. According to the [Law on Foreigners and International Protection](#), any persons seeking or qualified for international/temporary protection should benefit from free healthcare coverage, if lacking the financial means to afford medical services. Moreover, according to the [Turkish Health Implementation Directive](#), for some medicines, a percentage of the costs need to be paid by the patient. However, again there were some regulatory changes in 2018 to ensure that for long-term patients under international and protection regime, these costs are to be reimbursed.

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## 9. The right to health (continued)

### **Psychosocial services for children returning to El Salvador**

La Asociación de Capacitación e Investigación para la Salud Mental (ACISAM) works with children who have been deported from the United States to El Salvador. After deportation, many children feel hopeless, frustrated and angry. Without systematic support for their reintegration and with limited economic prospects, they are at a higher risk of becoming involved in drug trafficking or being recruited into armed gangs. Therefore, ACISAM seeks to strengthen the confidence of the children and provides services based on an analysis of the situation of each child and her/his expectations. ACISAM also works with communities for them to better understand the situation children and support their reintegration.

### **Health care services for women, newborns and children in refugee camps, Tanzania**

In three refugee camps hosted by the Government of the United Republic of Tanzania, Tanzania Red Cross Society with support from UNICEF coordinates 295 Health Information Teams that reach out to refugees with vital health and hygiene information. In each of the camps, the teams visit households and schools and organise public meetings to offer information and guidance on prenatal, newborn and child health care. The teams promote

good hygiene, breastfeeding, vaccination, growth monitoring, insecticide-treated mosquito nets, antenatal services and healthy infant and young child feeding practices – all life-saving interventions. They are trained to spot signs of malnutrition and common childhood illnesses during home visits so they can refer children and families to health care facilities. They are also able to bridge language and culture divides as the members of the teams are recruited from within the communities of refugees that have developed in three camps - Mtendeli, Nduta and Nyarugusu.

### **Examples of practices in addressing the health impact of COVID-19 on people on the move<sup>16</sup>**

- *The UK government announced that no charges will apply for the diagnosis or treatment of COVID-19 for all foreign visitors, regardless of their residency/immigration status.*
- *In Lebanon, humanitarian agencies and health partners undertook outreach campaigns to provide information to refugee populations on COVID-19.*
- *Peru approved temporary health coverage for refugees and migrants suspected of or testing positive for COVID-19.*
- *Thailand has, for a long time, allowed migrants in irregular situation to enroll in the national health insurance scheme, ensuring that they are provided with universal health care.*

<sup>16</sup> See UN SG Policy Brief COVID – 19 and people on the move; June 2020

# Test your knowledge



## The right to health

1. Do you know if refugees and migrants in the country where you are working are entitled to access public health services? Does it depend on the type of services or are there any other conditions attached to their access?

2. Are you aware of organisations and agencies that provide health services for refugee and migrant children? What type of services do they provide?

## Guiding questions to translate knowledge into action

1. Think of three to five key areas in need of improvement to ensure that refugee and migrant children have access to quality health services in the country in which you are working. Identify organisations and agencies that could address such needs. Do you see any role for your organisation and if yes how would you go about it?



**Implementation, monitoring and review of the Global Compacts**

# Implementation, monitoring and review of the Global Compacts

## In general

The COVID-19 pandemic and its impact on people who are migrating or affected by migration further highlights the urgent need to implement what is envisaged in the Global Compacts. To respond to the pandemic, many States increased or introduced measures in 2020 to protect the rights of refugees and migrants that are in line with the Global Compacts. Such measures range from enhanced access to health services to stopping and releasing migrants from detention.<sup>17</sup> In cases where effective measures were not taken, this was harmful not only for refugees and migrants but also for wider communities.<sup>18</sup>

The effective implementation of the Global Compacts is only possible with strong cooperation and collaboration of different actors at all levels – local, national, regional, and international. At local and national level, a whole-of-society approach is required. This means that different parts of government, civil society, the private sector and affected communities all need to join forces to implement the measures and realise the objectives of the Global Compacts. At the

regional and international level, cooperation between States and other actors is also required as no State can effectively respond to today's challenges in addressing large-scale population movements by acting alone.

The text of each Global Compact outlines specific mechanisms and processes for their implementation as well as the monitoring and review of the implementation.

## The GCM: at global level

The GCM refers to the decision of the United Nations (UN) Secretary General to establish the UN Network on Migration, with the aim of ensuring effective and coherent system-wide support for the GCM implementation in response to the needs of Member States. This includes the establishment of a capacity-building mechanism as well as follow-up and review mechanisms of the GCM. More concretely, the objectives of the UN Network on Migration are to:

- *ensure effective, timely, coordinated UN system-wide support to Member States in their implementation, follow-up and review*

<sup>17</sup> Ibid.

<sup>18</sup> See for example: [Greece Moria Camp Fire: What's next](#); HRW, 2020

*of the GCM, for the rights and wellbeing of all migrants and their communities of destination, origin, and transit;*

- *support coherent action by the UN system at country, regional and global levels in support of GCM implementation, where such action would add value, while ensuring well-defined linkages with UN structures at all levels;*
- *act as a source of ideas, tools, reliable data and information, analysis, and policy guidance on migration issues, including through the capacity-building mechanism established in the GCM;*
- *ensure Network actions promote the application of relevant international and regional norms and standards relating to migration and the protection of the human rights of migrants;*
- *provide leadership to mobilise coordinated and collaborative action on migration by the UN system, including by speaking with one voice as appropriate, in accordance with the UN Charter, international law, and the mandates and technical expertise of relevant UN system entities;*
- *ensure close collaboration with other existing UN system coordination mechanisms addressing migration-related issues, actively seeking out synergies and avoiding duplication;*

- *establish and provide support to the capacity building mechanism, as outlined in the GCM;*
- *engage with external partners, including migrants, civil society, migrant and diaspora organisations, faith-based organisations, local authorities and communities, the private sector, employers' and workers' organisations, trade unions, parliamentarians, National Human Rights Institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders at global, regional and national levels; and*
- *report to the Secretary-General as required on the implementation of the GCM, the activities of the UN system in this regard, as well as the functioning of the institutional arrangements, and support the Secretary-General's biennial reporting to the General Assembly, as called for in the GCM.*

The UN Network on Migration started its work in 2019. Its Coordinator is IOM (GCM paragraph 45) with IOM Director General or his/her designee serving in this capacity. The Network Coordinator is responsible for maintaining an effective Secretariat in support of the Network. The Secretariat is staffed by IOM and is also open to secondments from UN system partners.

Another important structure of the UN Network on Migration is its Executive Committee. The Executive Committee provides overall guidance on the work of the Network, setting strategic priorities to support Member States in the effective implementation, follow-up and review of the GCM, including in the International Migration Review Forum established in the GCM. The Executive Committee supports IOM in coordinating the work of the Network and provides overarching guidance for reporting by the Network to the Secretary-General. It also decides on the UN Network's annual workplan, determines the establishment, focus and composition of the Working Groups, including their chairperson arrangements; supports the development of their work plans; and develops collaborative processes by which to oversee their effectiveness and ongoing relevance. Executive Committee members are jointly responsible for the Network meeting its objectives and adhering to its working principles. They provide technical and/or human resources to the Network's Secretariat.

The GCM also establishes a **capacity building mechanism** at global level that supports Member State efforts to implement the Global Compact. Member States and other actors can contribute with technical, financial and human resources. The capacity building mechanism consists of: a **connection hub**; a **start-up fund** to realise project-oriented solutions; and a **global knowledge platform** as an online open data source. (Paragraph 43). The capacity building mechanism's connection hub and global knowledge platforms have been established.

A Start-Up Fund for Safe, Orderly and Regular Migration (or Migration Multi-Partner Trust Fund - Migration MPTF) called for by the Global Compact on Migration was adopted by the General Assembly in December 2018 and established in 2019 by the UN Migration Network. It is an important UN financing mechanism to assist Member States in their national implementation of the Global Compact. Although it is only open to Member States, funding requires Member States to call on the capacities and expertise of at least two UN entities, as well as develop partnership with local authorities and other non-UN stakeholders, including migrants and migrant organisations, where appropriate.

The UN Network on Migration Executive Committee oversees the capacity building mechanism's connection hub and global knowledge platform. Members of the Executive Committee also serve on the multi-partner decision-making body of the capacity building mechanism's Start-up fund.

The establishment of these structures were among the Core Priorities in the 2020 Workplan of the UN Network on Migration. Other Core Priorities include increased capacity of States to implement the GCM; speaking with one voice; and the support by the Network to institutional processes as called for by the GCM.

The UN Network on Migration has also established its thematic priorities as follows:

- *developing and implementing a global programme to build and enhance national capacities in data collection, analysis and dissemination;*
- *alternatives to detention are promoted and utilised;*
- *states' capacities are strengthened to expand regular migration pathways, including admission and stay, and to address and reduce vulnerabilities faced by migrants;*
- *pathways and opportunities for regular migration are enhanced*

*to contribute to decent work and bolster the benefits of migration through the development of global guidance on bilateral labour migration agreements (BLMAs) and other relevant arrangements piloted tested in migration corridors;*

- *ensuring returns are safe and dignified, and reintegration is sustainable;*
- *improved common understanding of safe and inclusive access to services for migrants;*

Updated information including on the Network's Annual Action Plan can be found on the [UN Network website](#).

To progress with such thematic priorities, working groups have been established where Civil Society Organisations (CSO) work hand in hand with the UN organisations.

As outlined in the GCM, the UN Secretary-General draws on the work of the UN Network on Migration, and reports to the General Assembly on a biennial basis on the implementation of the GCM, the activities of the UN system in this regard, as well as the functioning of the institutional arrangements (paragraph 46). The GCM also transforms what was formerly the High-level Dialogue on International Migration and Development, taking place every fourth session of the General

Assembly, into the “**International Migration Review Forum**” (IMRF). The objective of the IMRF is to serve as the primary intergovernmental global platform for Member States to discuss and share progress on the implementation of all aspects of the GCM, including insofar as it relates to the 2030 Agenda for Sustainable Development, and with the participation of all relevant stakeholders (paragraph 49). The IMRF will take place every four years beginning in 2022. In July 2019, the UN GA adopted the Resolution on the Format and organisational aspects of the international migration review forums.

### The GCM: at regional and country levels

Starting from 2020, relevant sub-regional, regional and cross-regional processes, platforms and organisations, including the UN Regional Economic Commissions and the Regional Consultative Processes were encouraged by the GCM to review the implementation of the GCM within the respective regions. The Global Forum on Migration and Development and other annual platforms and processes at global level are invited to provide a space for annual informal exchanges on the implementation of the GCM. The UN Migration Network supports the establishment of regional Network Working Groups and some selected UN Country Teams will be provided with tools and guidance to ensure the inclusion of migration

considerations in national development planning and budgeting, Common Country Analysis documents, and link migration with the 2030 Development Agenda.

Due to the COVID-19 pandemic, some of the regional review processes were postponed to 2021. Up to date information about the regional review meetings can be found here. A number of regional networks have been established in: Asia and the Pacific; East and Southern Africa; West and Central Africa; as well as a Special Coordination Mechanism for the Northern Countries of Central America and Mexico.

In addition to regional review processes and establishing regional networks, the GCM encourages States to develop ambitious **national responses** for the GCM implementation and to conduct regular and inclusive progress reviews at national level. This can be done by developing a national implementation plan. The reviews should draw on contributions from all relevant stakeholders, including parliaments and local authorities, and help prepare Member States’ inputs into the IMRF and other relevant fora. By March 2021, a number of national UN Migration networks had been established in Africa; in the Arab States; Asia and the Pacific; Europe and North America; and Latin America and the Caribbean.

The purpose of the regional reviews is to assess GCM implementation at national and regional levels and it is therefore important for all actors to contribute. The Mixed Migration Centre issued a discussion paper in 2020 exploring the GCM implementation at different levels and how COVID-19 had impacted it. The [paper](#) found that to respond to the many challenges brought by COVID-19, some of the response measures taken by a number of States were actually in line with measures prescribed by the GCM while they were not referenced as such.



# Test your knowledge



## Implementing the GCM

1. What are some of the mechanisms established under the GCM that contribute to its implementation and review? Briefly describe the function of each of them.

2. What is the purpose of the International Migration Review Forum (IMRF)?

3. How are the modalities and organisational aspects of the IMRF established?

4. What are some of the ongoing thematic priorities of the UN Network on Migration?



# Test your knowledge



## Guiding questions to translate knowledge into action

1. Do you know which State agency will coordinate the national response on GCM implementation in the country you work? Has such work started?

2. What elements do you think the national response should include?

3. What role do you consider your organisation can play in the GCM implementation and review at national/regional and global level?

## The GCR: at global level

The text of the GCR outlines provisions for its implementation, follow up and review. The GCR's success will be assessed in terms of progress towards the achievement of its four objectives and indicators for each objective. Follow-up and review will be primarily conducted through the **Global Refugee Forum** (GRF), to be held every four years, the first one of which was held in 2019. According to the GCR, *“Global Refugee Forums will provide an important vehicle for States and other relevant stakeholders to take stock of progress towards the achievement of the objectives of the global compact. Forums will also provide an opportunity for States and relevant stakeholders to exchange good practices and experiences, both with respect to specific country or regional situations, as well as on a global level, and to review the ongoing efficacy of the arrangements for burden- and responsibility-sharing. The stocktaking at the Forums will be informed by the results of the process coordinated by UNHCR to measure the impact arising from hosting, protecting and*

*assisting refugees”* (paragraph 48), and *“a mechanism for tracking the implementation of pledges and contributions, as well as measuring the impact of the GCR, established by UNHCR in close consultation with States and other relevant stakeholders.”* (Paragraph 103).

The first GRF, which took place in December 2019 in Switzerland, brought together approximately 3,000 people. Participants confirmed their engagement in implementing the GCR, by sharing over 400 good practices and making concrete pledges in various areas of the GCR. According to paragraph 18 of the GCR, pledges and contributions could take different forms, including: financial, material, and technical assistance; resettlement places and complementary pathways for admission; as well as other actions that States elect to take at national level in support of the GCR objectives. Over 840 pledges were made by different stakeholders during and following the first GRF covering important areas such as support for inclusive national policies, access to quality education, jobs and livelihoods and lasting solutions.<sup>19</sup> See the pledge tracking [dashboard](#) for the latest

<sup>19</sup> As October 2020. For more on the 2019 GRF, see: <https://www.unhcr.org/programme-and-practical-information.html>.

information about pledges and progress made towards meeting them.

In between Forums and starting from 2021, there will be **Biannual high-level officials' meetings** on the GCR, which will allow for “mid-term review” of progress, facilitate regular stocktaking and sustain momentum for implementation. The UN High Commissioner for Refugees will also provide the annual update, in his/her regular report to the UN General Assembly, on progress made towards the achievement of the objectives of the GCR (paragraphs 104-105).

An Asylum Capacity Support Group (ACSG) will act, upon the request of States, as a support framework to structure asylum system capacity development projects and initiatives in different countries targeting positive improvements in one or more of the four characteristics of a robust asylum system: fairness, efficiency, adaptability and/or integrity. A small ACSG Secretariat has been established within UNHCR and a guide to ACSG working Modalities has been developed.

The GCR also specifies that “a global academic network on refugee, other forced displacement, and statelessness issues will be established, involving universities, academic alliances, and research

*institutions, together with UNHCR and other relevant stakeholders”* (paragraph 43). The Global Academic Interdisciplinary Network (GAIN) was launched at the 2019 Global Refugee Forum and focuses on three objectives: i. research in support of the four objectives of the Global Compact on Refugees; ii. teacher training and knowledge sharing on refugee, forced displacement and statelessness issues; iii. solidarity of the academic community with forcibly displaced scholars and students through concrete support (e.g., scholarships). Partnership of child rights organisations with the GAIN and direct participation of youth in it will ensure an enhanced attention to the rights of child and youth refugees both in terms of knowledge and standards development as well as in terms of concrete actions on the ground.

Last but not least, the GCR also envisages the development of a three-year strategy on resettlement by UNHCR, States and relevant stakeholders. The 2019-2021 Strategy is built around three priorities: increasing resettlement places and countries; improving access and developing opportunities for complementary pathways; and promoting welcoming and inclusive societies. The Strategy is based on the whole-of-society approach and to achieve its objectives UNHCR works closely with partners to continually refine the global

action plan. As a driver for implementing the Strategy and achieving its goals, UNHCR and IOM are co-leading a multi-stakeholder initiative called the Sustainable Resettlement and Complementary Pathways Initiative (CRISP). Its aim is to support States and key stakeholders to establish, expand or renew resettlement programmes and advance complementary pathways for the admission of refugees.

### The GCR: at national and regional level

As with the GCM, a lot of emphasis is placed on national level implementation, where the GCR encourages the host States to establish **national arrangements** to coordinate and facilitate the efforts of all relevant stakeholders working to achieve a comprehensive response. The GCR also encourages the development of a **comprehensive plan** under national leadership, in line with national policies and priorities, with the assistance of UNHCR and other relevant stakeholders as appropriate. The comprehensive plan can set out policy priorities; institutional and operational arrangements; requirements for support from the international community, including investment, financing, material and technical assistance; and solutions, including resettlement and complementary pathways for admission, as well as voluntary repatriation. There is a

direct role for practitioners to influence and be part of such national arrangements and the development of comprehensive plans at the country level.

Another mechanism foreseen in the GCR that could be triggered at national/regional level to channel international support is the **Support Platform**. According to the GCR, the Support Platform can enable context-specific support for refugees and concerned host countries and communities and serve functions such as:

- *galvanising political commitment and advocacy for prevention, protection, response and solutions;*
- *mobilising financial, material and technical assistance, as well as resettlement and complementary pathways for admission, in support of the comprehensive plan (paragraph 21), where applicable, drawing on Global Refugee Forum pledges;*
- *facilitating coherent humanitarian and development responses, including through the early and sustained engagement of development actors in support of host communities and refugees; and*
- *supporting comprehensive policy initiatives to ease pressure on host countries, build resilience and self-reliance, and find solutions.*

The GCR clarifies that the Support Platform can be activated/deactivated and assisted by UNHCR upon the request of concerned host countries, or countries of origin where appropriate. Three concrete situations are referred to in the GCR to illustrate cases where the Support Platform can be activated, namely: a large-scale and/or complex refugee situation where the response capacity of a host State is overstretched; a protracted refugee situation where the host State(s) requires considerable additional support; and when a major opportunity for a solution arises. The support provided by the Platform could take various forms including initiating a solidarity conference to generate support for the comprehensive plan, where this would add value to rather than duplicate existing processes. The Support Platform would not be a fixed body or undertake operational activities but complement and interact with existing coordination mechanisms for humanitarian and development cooperation. Each would need to be supported by a number of States specific to the context (paragraphs 24-27).

The first Global Refugee Forum marked the launch of three Support Platforms:

a) support Platform for the Solutions Strategy for Afghan Refugees (SSAR);

b) the MIRPS Support Platform, focusing on the MIRPS countries (Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama) and seeking to offer protection and solutions to the forcibly displaced in Central America and Mexico; and

c) the IGAD Support Platform. Launched by the Intergovernmental Authority on Development (IGAD), a regional political body which includes Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda, as well as UNHCR, the platform aims to provide concrete financial and development support to refugees in the East and Horn of Africa.

While the Support Platforms are delivering on their mandate, it is too early to be conclusive on the overall progress with the development of national arrangements and comprehensive plans. UNHCR is however already in discussion with States to match the global pledges with some of the needs identified by host States. A report by Danish Refugee Council, Exploring the impact of COVID-19 on the Global Compact on Refugees, found that many actors in different contexts have a strong interest in and commitment to implementing the GCR. The GCR reconfirmed its relevance in view of the new pandemic. However, there remains a gap in the 'translation' of the GCR from global rhetoric to national and local implementation and this needs

to be addressed immediately. More information on specific country progress in GCR implementation can be found by contacting national asylum authorities and/or the UNHCR Office at the country level.



# Test your knowledge



## Implementing the GCR

1. What are some of the GCR indicators?

2. What is the purpose of the Global Refugee Forum?

3. What is the role of the Asylum Capacity Support Group?

4. What Support Platforms are currently operational and what is their purpose?

5. What are the objectives of the 2019-2021 Resettlement Strategy?

# Test your knowledge



## Guiding questions to translate knowledge into action

1. Has your organisation made any pledges for GCR implementation? If not, can you think of a potential pledge?

2. In the country in which you are working, how is the whole-of-society approach pursued in the implementation of the GCR?

3. In the country in which you are working, are refugees and asylum seekers affected by the COVID-19 pandemic and if yes, what measures are/should be undertaken to protect them?

4. What would be three to five areas where the implementation of the GCR can be further improved in your country of work? How can your organisation contribute to it?



**How to get involved**

This guide outlines the policy and service areas covered by the Global Compacts that are relevant for children to help organisations and individuals understand how they can be useful frameworks for change for refugee and migrant children and how to engage with them. Much work is undoubtedly needed to improve access to and the quality of services for refugee and migrant children. Efforts to strengthen and expand services should go hand in hand with knowledge-sharing and legislative and policy work. This will help ensure the relevance and sustainability of services and that they are inclusive and informed by good practice.

Both Global Compacts emphasise a whole of society approach, which means their implementation requires the active involvement of many different actors at different levels.

Many agencies and professionals have a role to play in the implementation of the Global Compacts and making them work for children. This includes governmental and non-governmental actors whose work to promote the rights of children can also benefit refugee and migrant children. It also includes agencies and organisations working on asylum and migration governance and business and private sector actors who may not typically or solely focus on children but whose services can help strengthen the livelihoods of refugee and migrant children and their families.

Both Global Compacts also emphasise the need to prioritise concrete changes at local and national level where necessary to benefit children. The involvement of local and national authorities therefore remains crucial. Since 2018, a [Mayor Mechanisms](#) is active and supporting peer-to-peer learning, networking, and the exchange of practices on migration and development.

The national and regional networks and support platforms as well as the review processes outlined in the Global Compacts are excellent avenues through which to share, build upon and expand on good practices developed at local and national level. Engaging with and contributing to these mechanisms will support the protection of the rights of refugee and migrant children as well as all children. It also enables local and national actors to influence decisions taken at the global level. Whilst the main responsibility for such decisions at the global level remains with States, civil society organisations can also influence such decisions by actively engaging.

Within civil society, there are a number of initiatives to coordinate action around the Global Compacts. The [Civil Society Action Committee](#), for example, is a membership-based global platform for collective civil society coordination and engagement on global policy and governance of migration, including advocacy and engagement with UN member states, UN agencies, the private sector, local

authorities, and other stakeholders and partners at the global level. The [International Council of Voluntary Agencies](#) is also a large and well-recongnised network of non-governmental organisations that sought to coordinate its members positioning during the GCR consultations and is now supporting its members to follow up and contribute to the implementation of the GCR.

The [Initiative for Child Rights in the Global Compacts](#) is a multi-stakeholder partnership, co-chaired by Terre des Hommes and Save the Children, which advocates for and supports child-sensitive and child-focused implementation of the Global Compacts having actively advocated for child rights to be upheld in the text of the Compacts. The Initiative, which brings together over 30 civil society organisations, UN agencies, UN special procedures, philanthropic foundations, trade unions, and individual experts, focuses on both Global Compacts, the link between them and other relevant initiatives and placing the rights of the child at the centre, regardless of his or her migration status.

Children and young people have also organised themselves to ensure better protection of their rights as children on the move and/or to assist refugee and migrant children arriving in their country. The [United Nations Major Group for Children and Youth](#) (UNMGCY), [UNHCR's Global Youth Advisory Council](#) (GYAC) and the [African](#)

[Movement of Working Children and Youth](#) are a few examples of many child and youth led initiatives contributing substantially to the Global Compact implementation. Working with them or other groups of children and youth – including Destination Unknown youth networks in different regions – can help you to hear directly from children and young people about how your work can serve them better.

There are many other relevant coordination platforms that contribute to the implementation of the Global Compacts and our hope is that these will continue to go from strength to strength. As the COVID-19 pandemic reminds us, many of the major challenges we face today affect every one of us, regardless of our migration status, and we need to join forces to address them. The implementation of the two Global Compacts should go hand in hand, cooperation between different actors should be enhanced, and investments to deliver on the commitments to children should be increased. And crucially, we need to do this with the children and young people and their families and communities who are affected.



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**Destination Unknown is a global network of civil society organisations and individuals, including youth ambassadors, united to champion the rights of children and youth on the move.**

Led by Terre des Hommes, it is an alliance of diverse organisations and people interested in joining forces to share expertise and experience to campaign for better policies and realities – with and for children and young people on the move. We work together to campaign at global, regional and national levels, share knowledge about what works, communicate realities, influence a shift to a more positive narrative about children and youth on the move, and empower children and young people to campaign for change.

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A campaigning network led by

**Terre des Hommes**  
International Federation

**DestinAtion** UNKNOWN  
Championing the rights of children on the move