

49th session of the Human Rights Council
2022 Annual Day on the Rights of the Child (ADRC)

Event date: 9 March 2022, from 10am-12pm CET (morning panel) and from 4pm-6pm (afternoon panel)

Recordings: [Morning Panel](#) / [Afternoon Panel](#)

Objectives: Identify the implications of a child rights approach to family reunification, especially to prevent the separation of children from their families, and to children affected in cross-border situations.

Morning panel: “Family reunification in the context of migration”

Opening remarks

Michelle Bachelet, United Nations High Commissioner for Human Rights

- **Migrant children are at higher risk of being separated** from their parents.
- **Children separated** from their families **face emotional pain**.
- Under the international law, **all children should have the right to family life**. **Separation increases the risk of abuse**, human traffic, exploitation and child labor.
- **Countries detain children** for migration-related reasons.
- States must **ensure that migrant families stay together** and must develop **child-sensitive** family reunification **procedures**.
- **All children have the same rights to family and security** and States must come together to develop framework on family reunification.
- **Children’s opinions and experiences should be taken into account** and the right to grow up in a family environment must be respected and fulfilled.

Panelists

Eduardo, Child advocate

- As a migrant child separated from his father in the course of migration, he **highlights the challenges of not being part of a family setup**: psychological issues, the lack of the child right to belonging, to be loved, and to have education and protection.
- The **main challenges migrant children face** are the lack of documentation, proper shelter, limited education opportunities, lack of love, and parental guidance and caring.
- It is important to **facilitate voluntary reunification**, assist positive parenting fostering reconciliation, and help children to deal with psychological issues.
- Governments and the UN should **address the causes of migration, improve conditions in countries marked by conflict**, assist children in reunification, and strengthen efforts in maintaining peace.

- He addresses two questions about what the UN CRC Committee is doing to address family separation and how organizations are supporting permanent reunification in Southern African countries.

Felipe González Morales, Special Rapporteur on the human rights of migrants

- **Ill-designed receptions or detentions arrangements fail to respect family rights.** Boys can be separated from mothers in places that only accept women. Separate children present psychological disturbances, trauma, separation, and anxiety.
- **Migration children are children first.** Maintaining family unity cannot justify detention of migrant children.
- Currently, **migrant children are not well integrated** in the foster care or social care systems.
- Children should be **repatriated only if it is in their best interest.**
- To address vulnerabilities, **it is key to expand the accessibility of safe and regular pathways** for family reunification.

Luis Ernesto Pedernera Reyna, Member of the Committee on the Rights of the Child

- It is key to ensure a **protection approach connected to the best interests of the child**, including regular rules-based procedure for family reunification.
- The focus on the rules should not be on the administrative aspects, but at a **rights-based approach**, to satisfy the human rights of the child. Defining the place of protection systems and ensuring a rights-based approach is a **preventive measure** to tackle children migrating alone.
- There are some questions at stake in this process: **How the best interest of the child is determined**, what it is, what is the time frame, and **how to ensure that the right of the child to be heard.**
- **Utilitarian aspects of the migration-based approach**, focused on resources preoccupation, **are fuel for risky channels of migration.**
- **Family reunification is a way to discourage risky migration.**
- Hannah Arendt “When refugees and migrants come to a country, they expand democracy. **Migrant children strength our democracy** because they require the strength of our democracy and human rights”.

Daniela Reale, Global Lead on Refugee, Migrant and Displaced Children, Save the Children

- Children can be left behind or separated in the way. Sometimes **laws lead to separation**: there are restrictive definitions of families, children do not have the right to sponsor their closest family members on reunification recognized or on the process of reunification. They turn 18 and are treated as adults, facing the threat of deportation.
- **Save the children works to prevent family separation**: carrying out training on reunification, identifying vulnerable children and reuniting separate children with their family and caregivers. It develops case management, psychosocial support, positive parenting, healthcare, and education.
- **The impact of family separation is profound.** Separated children have post-traumatic stress, low academic achievement and other impacts, which can affect in their adulthood.

- **It is key to expand pathways for families to migrate together**, broaden the definition of family, and incorporate other vulnerabilities into speedy family reunification, for instance, domestic violence.
- It is important to **avoid separation and definitely stop detention** of children.
- States should **invest in guidance and training for staff, strengthen cooperation across borders based on child protection agenda, and invest in data protection**.

Country speeches

BOSNIA: The CRC is the most ratified document, but many gaps still need to be addressed, including quality health care and clean water. Migration is one of the challenges faced by children. **Migrant children** are separated from their families, **are part of armed conflicts, and face extreme poverty**.

CHINA: Children are forcibly being taken away and put in immigration detention centers, with widespread abuse. **It is urgent to stop human rights violation in immigration detention centers**.

EUROPEAN UNION: Children's rights are human rights and children need support to have their best interests prioritized. The Convention on the Rights of the Child (CRC) is universal and includes the rights to an effective remedy and protection in the most vulnerable situations, including in migration. **It is urgent to end discrimination, and protect children from labor and exploitation**.

EGYPT: It is important to **guarantee the best interest of the child** and **develop plans** for the promotion of the rights of the child.

HOLY SEE: With the war in Ukraine, 7.5 million children are in danger. It is key to welcome, protect, promote and integrate them, **support simplifying procedures for family reunification**, and **protect unaccompanied minors from abuse**. **The best interests of the child** must be the point of departure.

IRAQ: Children must enjoy all their rights, including the right to a family. The delegation asks what the recommendations are regarding the reunification of children and their families.

LESOTHO: Children separated from their families get exposed to trafficking and other human rights violations. Policies should be designed considering the best interest of the child. **The right to family life is essential** for the well-being of human beings.

LUXEMBOURG (on behalf of Benelux): It is key to respect and protect the rights of all children, and guarantee a child-sensitive approach.

MAURITANIA: It is **family reunion** that allows children not only to feel safe, but to be **protected from abuse**.

NAMIBIA: The focus of this panel discussing is timely as the world witnesses **increased displacement of children**. It is important to **capture necessary information** that would allow refugees and migrants to **identify their families** and support the reunification program.

PAKISTAN (on behalf of Organization of Islamic Cooperation): Islamic law sees children as in need for love, and the family as the basic unit of the society. **It is urgent to develop steps to ensure reunification, creating strategies to protect children from their multiple vulnerabilities**.

POLAND: All children have the right to a nurturing and safe family environment. The Russian aggression against Ukraine is a denying of this right with the merciless assault to the 7.5. Ukrainian children. **Under no circumstance children should be recruited for armed activities**.

SIERRA LEONE: Children are incapacitated to seek legal remedies. Therefore, **it is important to define the best approach to family reunification.**

URUGUAY on behalf of a group of countries (Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay): All **children have the right to live in a family environment and the right to protection.** They must be respected without discrimination. It is key to **foster mechanisms that allow migrant children and their families to migrate together.**

UKRAINE: More than never, **children in Ukraine are denied the basic rights and needs.** As a result of the Russian aggression, **hundreds of thousands of Ukrainian families have been separated.** It is not a war against one country, it is a war against humanity.

YOUTH PARLIAMENT: the Danish Government introduced punitive measures against ghettos. Migrant children are obliged to go to primary school, while Danish families can send their children when they are 6 years old. **It is important to end discriminatory policies in Denmark.**

Other speeches:

CHILD RIGHTS CONNECT: world leaders must take action and uphold their obligations to prevent unnecessary child-family separation and ensure that children on the move, like all children, have the right to family life fully respected, protected and fulfilled without discrimination of any kind.

TERRE DES HOMMES: Mobility should never undermine the right to family life. It is important to use a broad definition of family, prevent unnecessary family separation, facilitate family reunification, provide mental health and psychosocial support.

DCI: It is key to always take the best interests of the child into consideration and guarantee child-friendly procedures.

Concluding Remarks:

Eduardo, Child advocate

- Reply to Uruguay: **once children are separated, they go through mental issues and become targets to exploitation.** Once children are unified with the family, it will be hard to bond and reconcile, requiring special therapy.
- Reply to Child Rights Connect: regarding the training for children on child rights participation, **there should be more platforms for children to raise their voice.**
- Governments and UN should make efforts to find solutions for family reunification.

Luis Ernesto Pedernera Reyna, Member of the Committee on the Rights of the Child

- Regarding the risks facing children, the specific dangerousness needs to be tackled specifically. Children can be most vulnerable to human trafficking and sexual exploitation; each should be addressed in one manner. **It is also vital to take measures to recover children who face vulnerabilities.**
- **Participation is an unavoidable procedure to ensure that the best interests of the child are applied.** This means that their voice must be present in all the procedures to develop policy for migration. The voice of children is essential.

- The CRC has come up with **recommendations to give guidance to States** with the issue on migration. It has also drafted recommendations based on states reports.

Daniela Reale, Global Lead on Refugee, Migrant and Displaced Children, Save the Children

- The solution is to **expand opportunities for families to move together safely and regularly, and avoid unnecessary family separation.**
- It is key to **establish reliable and integrated family trace** and abbreviation systems.

Afternoon panel: “Family reunification in the context of armed conflict and counter-terrorism”

Video: “A repatriated child tells his story” (interview with a 17-year-old boy who was repatriated to Uzbekistan in 2019)

- Those who are left in those camps, peers, friends, and sisters **must return to their homeland**, to their relatives and families.
- **Leaders of the countries must make the efforts to return their people back to their homeland.** I wish there to never be war in the world.

Panelists

Virginia Gamba, UN Special Representative of the Secretary-General for Children and Armed Conflict

- **Conflict is one of the main drivers of family separation. Children are the most vulnerable victims of conflict** and at risk of suffering multiple violations and abuses of rights, including separation from the parents or caregivers.
- **The risk for children to be recruited in armed conflicts was further exacerbated by the COVID 19 pandemic.** Once released from armed groups, children are often perceived and treated as perpetrators rather than as victims of violations of international law.
- **Children's fundamental rights are denied because of security reasons.** Detention is frequently used wrongfully as a first response measure and children in these conditions do not have access to essential services.
- We must ensure that the **child rights-based approach** is taken when dealing with children associated with armed groups. No matter what the context is, **every person under 18 years of age is considered a child** under the United Nations Convention on the Rights of the Child.
- An **alternative to detention** should always be prioritized.
- The **principles of non-discrimination and the best interests of the child** must be applied. **Children's voices must be heard**, and they must receive age and gender-specific support, including long term reintegration, family tracing and family reunification programs.
- **Safe and voluntary repatriation of children should be facilitated and prioritized** in line with international law principles.
- **Governments must endorse and implement the Paris principles and guidelines** on children associated with armed forces and armed groups.

Cornelius Williams, Associate Director of Child Protection, UNICEF

- In 2020, **UNICEF and partners registered over 180,000 unaccompanied and separated children across the world.** They are invisible and this number is much higher.
- Our data shows that **75% of children associated with armed forces or groups are boys**, many of whom are completely separated from their families.
- In many cases, children's **vulnerability** can be the reason why they decide to leave home or why they are targeted by traffickers.
- **Children's right to family life** is not being properly fulfilled by governments and duty bearers.

- **Government should provide social support**, inclusive education and livelihood opportunities, and should **develop a legal and policy framework that supports family resilience and prevents separation**, strengthening family-based care and institutionalization of children.
- Humanitarian care protection actors must **establish systems to identify unaccompanied and separated children and swiftly trace and restore links between them and their families** while also supporting safe and alternative care, and reunification and reintegration,
- Policymakers, security and justice actors must work together to **end the detention of children**.

Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

- An intersectional approach demonstrates how **discrimination and human rights abuses against children intersect** and are compounded by other social identities, including race, ethnicity, and religion.
- According to international law, **states must treat children primarily as victims**. Children must be always considered vulnerable and in need of special protection. **No child is responsible for the circumstances of their birth, nor should be punished or excluded from human rights protection**.
- **Children who are deprived of their liberty are victimized on multiple grounds** and they continue to be denied the protection. **There is no legal basis for detention policies**. There are over **10,000 children detained** in camps in Northeast Syria. These camps function as detention facilities and the **state has legal obligations to ensure that family repatriation is made**.
- For children allegedly associated with non-state armed groups, designated as terrorists, there is a shift in the discourse: **from protection to punishment and security threat**.
- **Repatriation, reintegration and family unification must be prioritized in line with the fundamental rights of the child**, no matter who the parents of that child are. The right of a child is to not be separated from their parents and to maintain direct contact with them.
- The impact of citizenship stripping has sizable and measurable effects on the rights of the child. I call for a **moratorium on citizenship stripping**, in the context of Northern Syria, not only to protect the rights of the adults but fundamentally, to protect the rights of the child.

Helen Durham, Director of International Law and Policy, International Committee of the Red Cross

- Children are recruited by armed forces or groups, separated from caregivers and communities, and **exposed to a multitude of violations**. They are detained due to the actual or alleged association with armed groups or their family's association with such groups, or even due to their religious backgrounds.
- This year marks the **20th anniversary of the entry into force of the Optional Protocol on children in armed conflict and 15 years of the Paris Principles**.
- **There must be prevention of separation in the first place**, which requests contact between family members and the provision of information of their whereabouts. Families should stay together. Foreign children should be repatriated together with their family members to countries of origin subject to the principle of non-refoulement.
- It is critical to make every effort to quickly **identify unaccompanied children**, which helps to ensure that cases are followed up and needs are met.

- **States should ratify the Optional Protocol on children in armed conflict** and endorse the Paris Principles on children associated with armed forces or armed groups.
- **A child is a child and there cannot be exceptions.**
- **Children** separated from their families, in conflict, whether detained, unaccompanied, or recruited, **have no time to lose.**

Country Speeches:

AZERBAIJAN: Policies to support family reunification in the context of armed conflict are vital to the realization of child rights. A particular concern has been the repatriation of 71 Azerbaijani children still missing since the war between Armenia and Azerbaijan. Families deserve to know the fate of their children. Family-based care is vital.

CUBA: The violation of rights of migrant children who are separated from their families and subjected to criminal procedures and punishment is concerning. It is key to **tackle causes of migration and prioritize the best interests of children**, having a **gender approach**.

EUROPEAN UNION: Condemns the recruitment of children used by armed forces and armed groups and further violations against children. It is important to **support family and community-based reintegration and rehabilitation**. The protection of children is a priority for the EU.

GHANA: All states need to **undertake effective measures to ensure that children are protected with maximum available resources**. Increasing cases **of sexual violence against children** worldwide are concerning. It is important to commit to the protection and promotion of children's rights.

INDONESIA: It is a priority to the safety and security of Indonesian nationals wherever they are. The country aims at **promoting children rehabilitation** and rehabilitation to the society. The **best interests of the child** are taken as a primary consideration.

IRAQ: Raises a question about what the best practices are to ensure **readaptation and rehabilitation of children adopted by armed and terrorist groups** so that they can be reintegrated into the society and do not become a new generation with the same extremist ideas. It is important to **focus on accountability**.

KAZAKHSTAN: It is important to **integrate children to develop their wellbeing**, and provide them with the access to basic services, citizenship and identity. The country is open to engage and share experiences in rehabilitating and reintegrating children into normal life.

PORTUGAL on behalf of CPLP: It is important to **eradicate any type of discrimination** and guarantee that all children have access to the means necessary to their full development, especially **the right of the child to live a family life** regardless of the origin of their immigration status.

QATAR: The family is the natural and optimal environment to raise a child and **the right to live in a family environment must** be guaranteed. Family reunification is a sine qua non condition to guarantee the best interests of the child.

RUSSIA: States parties should give children the right to express their views freely. **Children's views must be taken into account.**

UK: When children are separated from their families, **there are greater risks** of trafficking, exploitation, abuse, and neglect. The UK proves a legal route, bringing families together through a domestic family policy.

UZBEKISTAN: Repatriation should not end at the airport. The gradual reintegration of people into ordinary, peaceful life is crucial.

VENEZUELA: All children are equal in dignity and rights, and they cannot be overlooked nor can their rights be denied due to a specific situation such as being involved in armed conflict. It is key to ensure that they can meet their loved ones as soon as possible.

Other speeches

UN WOMEN: Children are exposed to gender-based violence and child marriage. The COVID-19 has increased the incidences of violence and girls are impacted disproportionately by conflicts. It is key to strengthening essential services. Children have the right to be with their families, safe from violence.

HAZTE OÍR: It is important to ensure respect for lives and rights of fundamental freedoms of children and defend the right to life from the first moment of conception of a child.

BEIJING CHILDREN'S LEGAL AID AND RESEARCH CENTER: Violence against children undermines their right to safety. It is key to take measures to eradicate violence against children, addressing the main causes of violence and step-up coordination measures to take care of victims of violence.

SAVE THE CHILDREN: Prevent unnecessary separation and facilitate child reunification, strengthen collaboration across borders. All children should be recognized as victims and have their rights upheld in line with their best interests. All children should be released from detention.

PLAN INTERNATIONAL: A family environment, in all its diverse forms, is essential for children to develop. It is urgent for the UN to guarantee the rights of these separated and unaccompanied children by ensuring that programs are inclusive, by investing in measures to combat discrimination, and ensuring that children have the right to identity protected.

AMNESTY INTERNATIONAL: It is urgent to release all children who have been arbitrarily detained in violation of international law, and to address the issue of forcibly family separation and reunification.

CHINA SOONG CHING LING FOUNDATION: It is important to safeguard children's rights and ensure child development.

Concluding Remarks

Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

- It is important to ensure the protection of children in all contexts. **Children should be considered as victims, no matter what context they find themselves in.**
- It is key to **eradicate discrimination.** Children should be treated equally.
- It is important to **protect children, guarantee accountability,** offer family-based care, and make sure families are brought back together.
- States must be committed to **sustained rehabilitation and reintegration** which are long-term processes.

Cornelius Williams, Associate Director of Child Protection, UNICEF

- On the ground, **covid measures delayed reunification** processes for children.

- **States must adopt the Optional Protocol OPAC** and adopt Paris principles, which guide States towards action.
- It is important to **assure community-based solutions and long-term reintegration** support and recognize the beneficial impact of child-centered responses.
- It is key to **ensure safe repatriation of foreign children** consistent with international law, including the principle of non-refoulement.
- Policies have a **gender implication** on the policies around citizenship.

Helen Durham, Director of International Law and Policy, International Committee of the Red Cross

- It is concerning to identify **children being treated as a matter of security**.
- Existing **human rights mechanisms are critical** to child rights to facilitate family reunification. These bodies require application of **protection without discrimination**. Currently, standards are applied selectively to different children.
- International Law provides a sober mechanism to cope with difficulties and represents a common ground to build protection for future generations. **All children who have been recruitment and used by non-state groups are legally entitled to protection** by the Optional Protocol.
- It is key to implement policies considering the best interest of children, ensuring **access to documentation** and essential services and protective mechanisms to family unit.

Federico Villegas, President of the Human Rights Council

- **Children should have greater levels of protection**. It is important to **guarantee an interdisciplinary approach** of the set of standards to protect boys and girls, including treaties ratified widely by states.