COMMITTEE ON MIGRATION ISSUES OEA/Ser.W

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SUMMARY OF REMARKS AND RECOMMENDATIONS

CAM THEMATIC SESSION

“MORE EFFECTIVE MECHANISMS TO ENSURE   
THE FULL EXERCISE OF THE RIGHTS OF MIGRANT CHILDREN”

March 14, 2023

* **Recommendations by the United Nations Children’s Fund (UNICEF)**

*Mr. Garry Conille, Regional Director for Latin America and the Caribbean,* *UNICEF*

* + Human mobility is both extracontinental and interregional in nature. Therefore, in order to address its structural causes, coordination must be promoted between countries of origin, transit, and destination.
  + UNICEF has issued five calls to action on this issue: (1) protect migrant and refugee children against exploitation and violence, particularly those who are unaccompanied, (2) cease detentions of migrant or asylum-seeking children, (3) keep families together as the most effective way to protect children and to straighten out their immigration status, (4) ensure that all migrant and refugee children continue to learn and have access to quality medical and other services, (5) bring pressure to bear for action on the underlying causes of large-scale displacements of migrants and refugees, and (6) combat xenophobia and discrimination in countries of transit and destination.
  + States must develop protocols to strengthen the protection of children and adolescents in contexts of human mobility, taking advantage of the instruments and mechanisms developed in forums such as the Regional Conference on Migration and the South American Conference on Migration.
  + The Declaration of Los Angeles offers an opportunity for states to deepen cooperation and pursue coordinated actions to jointly address the challenges of human mobility.
* **Recommendations by the Inter-American Court of Human Rights**

*Ms. Romina Sijniensky, Assistant Secretary, Inter-American Court of Human Rights*

* + The differentiated approach set out in the Inter-American Court’s advisory opinion No. 21 on migrant children addresses five issues: (1) the preeminence of child protection over migration policies, (2) the obligation of states to establish protection mechanisms, (3) the identification of protection needs, (4) the adoption of equitable justice measures in which the opinions of children and adolescents are taken into account, and (5) upholding the principle of not detaining children and adolescents when they are in a situation of irregular migration.
  + Regional solutions based on multilateralism and cooperation should be pursued, in keeping with the principle of shared responsibility.
  + The human rights approach should continue to be promoted through the development of jurisprudence and the implementation of outreach and training activities.
  + The protection of migrant children requires that their opinions are taken into account and that mechanisms for them to be heard directly are provided.
  + A compilation of good practices in the implementation of advisory opinion No. 21 should be assembled, to be used by states to further develop mechanisms for the protection of migrant children. In addition, questionnaires should be developed to gather information on the implementation of the standards for the protection of children and adolescents in the context of human mobility, in order to guide policies in this area.
* **Recommendations by the Migration and Asylum Program of Lanús National University’s Human Rights Center, Argentina**

*Mr. Pablo Ceriani, Coordinator of the Migration and Asylum Program at the Human Rights Center of Lanús National University.*

* + Institutions play a central role in the implementation of protection measures, and they should be supported by public policies for children as well as by other policies and agencies responsible for migration issues at the national and local levels.
  + The decision-making role of child protection systems must be strengthened.
  + The adoption of effective protection measures requires interconnections between states and children’s systems at different levels of government.
  + Cases of vulnerability among children and adolescents in the context of mobility must be halted and turned into opportunities for finding solutions from a perspective of interconnection and cooperation between states.
  + Avenues for regular migration must be created, with accessible and streamlined family reunification procedures and labor migration programs that include a family- and child-aware focus.
  + Mechanisms must be developed to identify children and adolescents in situations of human mobility and to uphold their best interests.
  + Immigration detention of children and adolescents and their families must be stopped, and their protection while in transit must also be guaranteed.
  + Technical assistance from regional and universal human rights protection agencies is essential to achieve the results to which the states aspire.
* **Recommendations by the Inter-American Dialogue**

*Mr. Álvaro Botero, Senior Fellow, Inter-American Dialogue*

* + The alarming numbers of migrants and refugees making their way across the Darien Gap demonstrate the transnational nature of migration and highlight the importance of this phenomenon for countries of origin, transit, and destination.
  + The areas where the most migrant deaths are reported are the migratory corridors of countries with harsh immigration policies.
  + The United Nations and inter-American systems are equipped with robust tools for the protection of migrant children. Those tools help states adapt their national practices to a human rights approach that places the best interests of the child at the forefront. The challenge is to ensure that those tools are translated and used at the national level.
  + Child migration involves all states. Thus, the best interests of children must be addressed multisectorallly and from the perspective of migration governance, which is characterized by the coordinated work of stakeholders to meet the differentiated needs of migrant children.
  + Migration by children and adolescents demands a new and broader understanding of its causes, dynamics, and effects, so that the needs of migrant children can be addressed with a differentiated approach.
  + At the regional level, minimum guidelines for action on how to protect and integrate migrant children and adolescents in the region need to be defined.
  + An excellent opportunity exists to build a regional consensus on common and practical minimum guidelines for the care, protection, and management of child migration. The OAS can play a fundamental role in coordinating the dialogue needed to reach consensus and agreements.
* **Recommendations by the Inter-American Commission on Human Rights (IACHR)**

*Mr. João Casagrande, Human Rights Specialist, Office of the Rapporteur on the Rights of Persons in the Context of Human Mobility, IACHR*

* + Coordination between actors at the national and regional levels must be strengthened in order to achieve sustainable results over time that help prevent the violation of children’s rights.
  + The construction of mechanisms for access to rights entails different levels of coordination, ranging from the regional and subregional. However, it must be borne in mind that the national level also plays a vital role in that construction.
  + Efforts to guarantee the best interests of children will not be possible without a broader context of protection for all migrants and refugees at borders, in transit regions, and at the local level.
  + Domestic dialogue and coordination with national authorities must be strengthened in order to generate more information on the effectiveness of mechanisms for the protection of migrant children.
  + Coordination between the different levels of government and strategic actors provides more information and a better understanding of trends in and demands for the attention, inclusion, and protection of migrant children and their families.
  + Action plans for the protection of migrant children and their families must be renewed in order to take account of the new contexts of human mobility in the region.

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