

INITIATIVE FOR CHILD RIGHTS IN THE GLOBAL COMPACTS

Initiative for Child Rights in the Global Compacts

Statement Round 6 – Multi-Stakeholder Dialogue with Co-Facilitators

Thank you co-facilitators for the opportunity to read this statement on behalf of the Initiative for Child Rights in the Global Compacts. We would like to lend our support to the joint statement from civil society.

We thank you for thus far crafting a Global Compact for Migration that gives significant attention to the specific needs of migrant children. Yet we wish to draw your attention to several areas that are in need of further strengthening in order to achieve a Compact that works for children.

The centrality of the principle of the best interests of the child as a primary consideration should be a core tenet of this Compact. We echo the concerns raised by some delegations yesterday on the deletion of the term “principle” under objective 7. We call for the reinstatement of the term as it creates the legal link to article 3 of the Convention on the Rights of the Child as an international principle which should guide all actions concerning children and be read in conjunction with the other rights enshrined in the CRC.

We also welcome the strengthening of language on national protection systems to account for migrant children in Objective 11 E and Objective 12 E. However we are deeply concerned by restrictions in language that would limit best interests determinations procedures and referrals to child protection authorities only to apply for unaccompanied or separated children, and by doing so lowering the protection standards for children with families. It is crucial that procedures for individualized needs and vulnerability assessments are accessible to all children, and that all children at risk are swiftly referred to child protection authorities irrespective of whether they are accompanied or unaccompanied.

We also renew our call for a clear reference to the best interests of the child in the chapeau of objective 21 on return, readmission and reintegration, as an overarching principle which should inform decisions on returns, and not solely a policy instrument. The wording of the text in Objective 21 G still falls short of fully applying child rights obligations.

Detention and Criminalization

The very nature of the GCM is to build on the commitments of the New York Declaration. Therefore, we appreciate the efforts to fully reflect this in the current wording of Draft Rev. 3 and urge you to ensure that the commitment to work to end child immigration detention stays in the Compact, protecting the rights and best interests of the child, by ensuring the availability and accessibility of effective alternatives to detention as the way forward. We also call for the inclusion of the language from the New York Declaration, which reaffirms that children should not be criminalized or subject to punitive measures because of their migration status or that of their parents

Uphold the principle of non-refoulement

We echo the calls from many Member States to reinstate the principle of non-refoulement in the text. The principle of non-refoulement applies to all migrants, not solely refugees, and is binding and non-derogable under customary international law and international human rights law. Moreover, the

current formulation does not fully encompass the principle, including that the principle is a *prohibition* and not merely a commitment to refrain.

Conclusion

Finally, we reiterate our consistent call for the inclusion of children and youth in both the Implementation and Follow Up and Review Sections. Child and youth are agents of change in their own right and in order for the Compact to take on a truly whole-of-society approach, the voices of children and youth must be included.

We thank you again for this opportunity and, as always, you can count on our continued support through the remainder of these negotiations and into Marrakech and beyond.