

The Initiative for Child Rights in the Global Compacts is a multi-stakeholder partnership bringing together over 30 civil society, trade union, UN and philanthropic organizations around a shared agenda: protection and care of children, making sure that children's rights are at the heart of the Global Compacts.

Most of the Initiative's observations refer specifically to EU policy, while acknowledging that the UNECE region is actually substantially larger than that; of course, EU policies (including the draft "Pact") do often have substantial influence beyond the EU's borders. So I wanted to flag here that the Initiative's calls in the submission have universal relevance throughout the UNECE region, even though the specific comments I'll share on related GCM implementation are focusing on Europe in particular.

The EU Pact has the potential to prioritize children in EU migration and asylum law, policy and practice, address systemic weaknesses and strengthen safeguards and child protection systems in Europe and along migratory routes. As the Initiative for Child Rights in the Global Compacts, we call for **aligning the European Migration Pact with child-sensitivity guiding principles, and with all the objectives and policy actions included in the GCM.**

I'm going to present 4 key priority areas for the Initiative: I'll address an issue in each area and then provide a corresponding recommendation. A more in-depth treatment of these issues can be found in our submission located on the website.

4 key priorities

- 1) **Best Interests of the Child: The EU Pact refers to the best interests of the child but implementation means that EU states on a national level have to establish and entrench safeguards** so that migration decisions affecting children are propelled *first* by what's in that child's best interest.

ISSUE: Asylum border procedures: how it's set up seems based on a binary approach whereby you're returned if you're denied asylum. Our concern here is that if safeguards to non-refoulement, bests interests of the child and protection of family and private life aren't made explicit, there's a real risk depriving people from being able to access other pathways for international protection or for regularization according to Member States' national legislation.

RECOMMENDATION: Full implementation of best interests of the child safeguards and making language understandable to children and including social or child welfare services in decisions—especially regarding durable solutions.

- 2) **Non-Detention of children: Our concern is that the Pact might lead to more immigration detention of children and not less, in contrast to GCM Objective 13 + 13(h) which recommend ensuring availability and accessibility of a range of alternatives to detention in non-custodial context + to work towards ending child detention in migration.**

ISSUE: for example our concern here in the pre-screening stage of irregular entry (even SAR), children and families could be detained up to 10 days. In some EU Member States, detention could become the norm for the whole duration of the asylum and return border procedures, which may last up to six or even ten months in cases of “exceptional mass influx” or risk of it. Research and field experience tell us that detention is damaging to children—even for a short period of time and in well-appointed facilities. But We also know that alternatives to detention *do work* as evidenced by a pilot project in Bulgaria, Cyprus and Poland. Please see our submission for more information on that.

ISSUE: another example border procedures and a child’s age. Children aged 12-18 who are accompanied by their parents or other caregivers must undergo border procedures, which could translate into detention and lack of access to regular pathways beyond asylum. Moreover children under 12 could be subject to border procedures due to “security concerns” which raises questions about scope + meaning leaving open interpretation.

RECOMMENDATION: The exclusive use of alternatives to child immigration detention **as well as a more explicit reference to the obligation for all Member States to prioritize alternatives to detention for all children under the age of 18—the age used for child status in the CRC--whether traveling alone or with their families.**

- 3) **Family Reunification:** The EU Pact points to strengthening the right to family reunification in 2 ways: 1) by putting in place accelerated procedures and 2) prioritizing unaccompanied children. Another good thing is that

Evidence requirements for family reunification under the ‘Asylum and Migration Management Regulation’ are made more flexible and siblings and families formed in transit will now also be covered by the definition of ‘family’. These are welcome developments.

CHALLENGE: But when administrative barriers such as complicated and costly procedures to prove a family relation (e.g. required DNA testing), short deadlines and high income requirements often mean that children and families struggle to access family reunification-- a key safe and regular route for them.

OUR RECOMMENDATION: **Increasing access to family reunification by eliminating administrative barriers and obstacles. Implementing these would be practical ways to align with Obj. 5 + 7 of the GCM for facilitating safe, regular, orderly pathways and reducing vulnerabilities.**

- 4) **COVID + Children: we are concerned that children are being left behind in education and that children and families aren’t getting the support they need.**

PROGRESS: We’re pleased to see that several EU member states have put in place measures to (temporarily) regularize migrants’ stay (such as Italy and Portugal) or grant safe access to healthcare regardless of status (Ireland). EU Member States have also released migrants from detention, as alternatives to immigration detention have emerged as a viable solution. to mitigate public health concerns while ensuring access to rights, rights, protection and essential services for migrants.

CHALLENGE: Children have had their education interrupted and we fear that some might not return, and that includes children who can’t access remote learning possibilities.

CHALLENGE : We’re seeing a great uptick in violence, exploitation and abuse against children, and of separation from their caregivers. At the same time, access to child protection and psychosocial services have decreased many European countries.

RECOMMENDATIONS: MHPSS and GBV services need to be strong and include migrant children. Families and children should be able to access and benefit from COVID 19 response and recovery programmes and measures without any discrimination based on residence or migration status, this includes facilitating enrolment in schools. Develop an appropriate child- and gender- sensitive long-term response to the pandemic that addresses the protection of children and families in migration, using the framework of the GCM.