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International Social Service and Network

Joint Submission

UN Committee on the Rights of the Child DGD 2012

The rights of all children in the context of international migration

Introduction

It is well documented that children in the context of international migration are highly susceptible to breaches of their rights. These rights are not only outlined in the Convention on the Rights of the Child (CRC), but supplementary protections are detailed in the Guidelines for the Alternative Care of Children (Guidelines).ⁱ This briefing note endeavours to:

1. Ensure that the Guidelines provide direction to the CRC Committee and other attendants at the DGD in any dialogue about better safeguarding the rights of children in the context of international migration - in line with objective 3 DGD.ⁱⁱ
2. Provide concrete examples of how these rights can be implemented through the work of International Social Service (ISS) and its partners – compliant with objective 2 DGD.ⁱⁱⁱ

Since its creation in 1924, ISS has acquired strong expertise in assisting and counselling children and families facing social and legal difficulties across borders through its network. By establishing a link between social services and relevant agencies in different countries, ISS' worldwide constituents enable the organisation to bring together all parts of a problem. By providing a comprehensive overview of all the available options, ISS is in a position to ensure that the best interests of each child are respected.

Guidelines for Alternative Care of Children - solutions in the context of international migration

Grounded in the CRC in particular, the Guidelines not only set out more detailed policy orientations regarding appropriate care provision for all children but, in addition, contain specific protections for children in the context of international migration. Some of these protections are set out below with an example of how they can be implemented through ISS and its network.

- ❖ **Protection 1:** Once a child in the context of international migration is taken into care, “all reasonable efforts should be made to trace his/her family and re-establish family ties, when this is in the best interests of the child and would not endanger those involved”.^{iv}

In working daily with children in the context of international migration, ISS has developed distinct know-how in tracing family members in their country of origin and assessing their current situation to re-establish family ties, when appropriate as well as building a long-term project for each child. The ISS General Secretariat has recently launched an updated version of its manual on intercountry casework to help its network.^v It includes tips of how to undertake tracing efforts. As an example, ISS Canada has been able to locate the child’s family from his drawing of where he used to live.

The Spanish Red Cross has merged its activities as ISS correspondent, with the Service for the Re-establishment of Family Contact (RFC). This programme provides individualised services to families dispersed in different countries, as result of migration, war or natural disaster – providing services in 186 countries - combining the Red Cross and ISS network. Restoring Family Links includes a wide range of activities such as exchange of family messages to assure communication with prisoners of war and detained civilians, searching for missing family members, family reunification and assisted resettlement. In 2011, this Service handled 528 RFC cases.

In accordance with U.S. Federal laws, ISS-USA ensures that children who have family in other countries are provided with comprehensive family finding activities even when s/he does not have appropriate documentation, or a parent has been deported. ISS-USA routinely provides case management services for family finding, home studies, criminal and child abuse background checks, document tracings and post-placement child welfare checks all around the world to aid in permanency planning for children in the American Foster Care system. ISS-USA also provides training and education to help administrators, social workers, lawyers, judges and local providers overcome policy and resource barriers to finding families in other countries.^{vi}

- ❖ **Protection 2:** When planning the future of a child in the context of international migration, the relevant authorities should obtain information in order to conduct an assessment of the child’s risk and social and family conditions in his/her country of habitual residence.^{vii}

Through its network of partners, ISS aims to find concrete solutions, after a careful evaluation, in the child’s country of origin. In the case that circumstances may hinder the return of the child to their country of origin where there are risks – such as trafficking, refugees or forced marriages –ISS will provide country specific services. To name but a few examples, ISS Germany^{viii} will offer counselling and information about the legal situation of the child, making referrals to special services in Germany if necessary. ISS Canada^{ix} conducts guardianship home studies where the child in care might be going back to mother or father overseas as well arranges kinship care in Canada, if possible. ISS Canada as well as other ISS partners often provide, child protection agencies plausible alternatives with extended family in another country, when re-unification is in the best interests of the child. ISS Switzerland has a programme focusing on unaccompanied refugee children^x who have immigrated to Switzerland to ensure that they have an environment where they can grow up safely - return to their country of origin if possible or finding a sustainable solution in Switzerland.

- ❖ **Protection 3:** Children must not be returned to their country of origin unless a suitable carer is identified and if the child’s safety and security are in danger..^{xi}

ISS Switzerland re-integration programme^{xii} targets migrants including children living in Switzerland without a permanent residence authorisation and who wish to return voluntarily to their country of origin by helping them to develop a permanency plan in their country of origin. Plans may involve creating a revenue-generating activity, taking a personal training course, or completing their education. ISS Switzerland offers some financial assistance and importantly works with local partners in the country of origin to ensure that the child has support upon his or her return.

- ❖ **Protection 4:** When dealing with children in the context of international migration, cooperation among the different actors including States, regions, local authorities and civil society associations should be promoted, strengthened and enhanced.^{xiii}

Throughout Southern Africa, thousands of children migrate through irregular channels each year. All efforts are made to fully integrate services rendered to foreign children who find themselves in South Africa. Few hot spots areas were however identified where large numbers of unaccompanied foreign children needed special actions. As a response Provincial Action Plans were developed in Limpopo and Gauteng to address the needs of unaccompanied foreign children in the border town of Musina as well as in Johannesburg. The ISS Affiliated Bureau in South Africa has been very involved in this process over the past few years as well as in the drafting of a national Guideline for unaccompanied and separated foreign children outside their country of origin.

RELAF and ISS have presented an “amicus curiae” - friends of the court -brief before the Inter-American Court of Human Rights in Colombia requesting a consultative opinion on child migration presented by the representatives of the governments of Argentina, Brazil, Paraguay and Uruguay, members of MERCOSUR in August 2011.^{xiv} Having regional guidelines should help improve cooperation between the multiple countries and agencies involved.

In West Africa^{xv}, ISS Switzerland has established a programme where its network’s goal is the protection and reinsertion, in professional and social life, of children who are displaced and in a vulnerable situation. By the end of 2012, it will include cooperation programmes between 15 countries including Benin, Burkina Faso, Gambia, Ghana, Guinea, Guinea Bissau, Ivory Coast, Mali, Niger, Nigeria, Senegal, Togo, Cape Verde, Sierra Leone and Liberia. This is innovative due to the involvement of the different actors at all levels, national and transnational, as well as the individualised follow-up of the child. It provides protection to minors in vulnerable situations, victims of slavery, traffic or other means of exploitation. 2000 minors have benefited since 2005.

- ❖ **Protection 5:** Regular communication between the child and his/her family should be facilitated, especially those responsible for the child’s welfare.^{xvi}

Regular contact with the family in the country of origin is facilitated by ISS Australia^{xvii}, firstly by using the ISS network to locate the family and secondly by identifying means to allow such communication. This involves coordinating the initial contact between the child, child protection authorities in Australia as well as ISS’ contact and the family in the country of origin. This involves ISS’ contact travelling to the family and has even involved in some cases providing their mobile phone so that authorities in Australia have a reliable contact number.

Kids In Between is an ISS-USA project seeking to develop and implement a unified strategy for child protection and assistance to children in Latin America.^{xviii} The programme focuses on the need for a coordinated system to care for vulnerable children of immigrant and displaced families. This programme aims to improve the exchange of information between the U.S. and Latin America helping children in the U.S can maintain relationships with family members in Latin America.

- ❖ **Protection 6:** Effective involvement of consular services and legal representatives of the country of origin should be foreseen, when this is in the best interests of the child.^{xix}

Children and Families Across Borders (ISS UK)^{xx} is planning an pioneering initiative which involves meeting with embassies & consular staff where the main theme is the placement of children overseas. One aim will be to discuss different approaches when dealing with children in this context with a view from learning from each other as well as identifying some helpful practices.

Recommendations:

ISS advocates that as part of the dialogue that the CRC Committee and other attendants of the DGD give careful consideration as to how the above protections can be implemented. With this overall objective, ISS recommends that the CRC Committee and its partners identify good practices that:

1. Encourage cooperation among the different actors including States, regions, local authorities and civil society associations as well as consular services
2. Include family tracing efforts in the country of origin that comply with the best interests of the child and do not place them in danger
3. Promote re-integration services that provide children sustainable options and durable solutions
4. Identify and capacity build services in all “countries of origin” who can link family members to children in another country

ISS would be willing to support the CRC Committee and other professionals in implementing these recommendations as well as identifying a centralised hub for storing such information.

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Further information:

- International Social Service (General Secretariat – Geneva) - <http://www.iss-ssi.org>
- Children and Families Across Borders (ISS-UK) - <http://www.cfab.org.uk/>
- International Social Service (Australia) - www.iss.org.au
- International Social Service (Canada) - <http://issc-ssic.ca/>
- International Social Service (Germany) - <http://www.iss-ger.de>
- International Social Service (Switzerland) http://www.ssiss.ch/en/the_swiss_foundation_of_the_iss_0
- International Social Service (Affiliated Bureau- South Africa)
- International Social Service (USA) - <http://www.iss-usa.org/>
- Red Cross Spain (ISS correspondent) - www.cruzroja.es/www.cruzroja.tv
- RELAF - <http://www.relaf.org/>

ⁱ To access Guidelines <http://www.iss-ssi.org/2009/index.php?id=25>

ⁱⁱ Address international standards protecting the rights of the child in the context of international migration etc

ⁱⁱⁱ Identify principles and examples of good policies and practices in relation to children in international migration situations

^{iv} Paragraph 146 Guidelines

^v For more information - Coordinator of Casework & Training, ISS, General Secretariat at nathalie.bussien@iss-ssi.org

^{vi} <http://www.iss-usa.org/site.asp?PageId=3&SubId=40>

^{vii} Paragraph 147 Guidelines

^{viii} <http://www.iss-ger.de>

^{ix} <http://issc-ssic.ca/>

^x http://www.ssiss.ch/en/unaccompanied_minor_refugees

^{xi} Paragraph 148 Guidelines

^{xii} http://www.ssiss.ch/en/re_integration_in_the_country_of_origin

^{xiii} Paragraph 149 Guidelines

^{xiv} <http://www.relaf.org/BoletinFeb12Contents.html>

^{xv} http://www.ssiss.ch/en/west_africa_network

^{xvi} Paragraph 151 Guidelines

^{xvii} www.iss.org.au

^{xviii} <http://www.iss-usa.org/site.asp?PageId=33>

^{xix} Paragraph 150 Guidelines

^{xx} <http://www.cfab.org.uk/>