



**Concept Note**  
**ASEAN Side Event at International Migration Review Forum (17-20 May 2022)**

**‘ASEAN Framework on Protecting the Rights of Children in the Context of Migration’**

20 May 2022, 19.30 – 21.00 hours (GMT+7) / 8:30-10:00 (GMT-4)

**Background**

In the General Assembly resolution A/RES/73/195, Member States agreed to review the progress made at the local, national, regional and global levels in implementing the Global Compact for Safe, Orderly and Regular Migration (GCM) in the framework of the United Nations through a State-led approach and with the participation of all relevant stakeholders.

Member States further decided that:

- The High-level Dialogue on International Migration and Development, currently scheduled to take place every fourth session of the General Assembly, shall be repurposed and renamed “International Migration Review Forum”;
- The International Migration Review Forum shall serve as the primary intergovernmental global platform for Member States to discuss and share progress on the implementation of all aspects of the Global Compact, including as it relates to the 2030 Agenda for Sustainable Development, and with the participation of all relevant stakeholders.

The first quadrennial International Migration Review Forum (Forum) will take place 17-20 May 2022. It will be held at the highest possible political level, including Heads of State or Government, and is open to the participation of all UN Member States and all members of specialized agencies that have observer status with the General Assembly.

In resolution 73/326 (“Format and organizational aspects of the international migration review forums”), the General Assembly decided that the Forum will consist of:

- four interactive multi-stakeholder round-tables during the first day and the morning of the second day,
- followed by a policy debate in the afternoon of the second day, at the beginning of which the technical summaries of the round-tables will be presented;
- the plenary will be held during the third and the fourth days.

This proposal is prepared in response to a call from the Office of the President of the General Assembly for member States, relevant stakeholders, as per para. 44 of the Global Compact (General Assembly resolution 73/195), United Nations partners, international organizations and others to submit side event concept notes.

The following synopsis of the side event is briefly specified:

1. **Title of the side-event:** ASEAN Framework on Protecting the Rights of Children in the Context of Migration
2. **Virtual platform:** Zoom
3. **Name of lead organization:** Government of Thailand through the Ministry of Social Development and Human Security
4. **Name of co-organizing partners:** UNICEF, UNHCR, IOM

This activity is listed as a priority for 2021-2022 under the ASEAN-UNICEF Framework for Agreement Joint Working Programme 2021-2025 endorsed by ACWC and SOMSWD on 15 March 2022.

## 5. Background

Worldwide millions of children are affected by migration, which can offer opportunities and benefits to them, their families, to the communities they join and the people they leave behind. But millions of child migrants and children of migrants continue to face risks.

International and domestic migration and displacement are not new phenomena. They affect every country in the ASEAN region. According to UNICEF, in 2020, countries in the ASEAN region were home to 1.3 million international child migrants. More of half of them – 700,000 – were refugees. In addition to these children displaced across borders mostly as consequence of conflict and violence, natural disasters led to 2.2 million internal displacements of children during 2020. Millions more children are left behind when parents migrate for work, leaving many at risk.

Migration and related child protection risks are a significant concern. The ASEAN region encompasses countries of origin, transit, destination and combination origin/destination, with internal and cross-border migration being significant features. The drivers of migration include: poverty, inequalities, social exclusion and discrimination, conflicts, insecurity and violence, disaster and persecution, better economic and educational opportunities, intra-regional migrant labour flows, trafficking, internal labour migration, the environmental impact of climate change, and increased regional connectivity and integration. Key child protection risks in the region include child immigration detention, lack of protection for refugee<sup>1</sup> and asylum-seeking children, unaccompanied and separated children, children who are stateless or at risk of statelessness, and children of migrant workers; discrimination in access to basic services (e.g., health, education, protection etc.); exploitation by smugglers and traffickers; the sale of children; millions of children remaining in origin countries while their parents migrate for work, facing risks of violence, abuse and exploitation; and lack of data on the situation of children in the context of migration contributing to their vulnerability.<sup>2</sup>

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<sup>1</sup> The Convention on the Rights of the Child (CRC) upholds the State's responsibility to fulfil the rights of all children in its territory, including refugee and asylum-seeking children (CRC Article 22). All ASEAN Member States have ratified the CRC and shall fulfill their obligations under this treaty, regardless of whether they are party to the 1951 Convention on the Status of Refugees and/or its 1967 Protocol.

<sup>2</sup> As noted in the ASEAN Declaration on the Rights of Children in the Context of Migration (Paragraph 6), children in the context of migration are particularly vulnerable to discrimination and certain types of violence, abuse, and exploitation, including forced and child labour, child marriage, sexual exploitation, gender-based violence, neglect, and domestic servitude.

ASEAN Member States (AMS) have committed to respect, protect and fulfill the rights of all children, including in the context of migration. A number of relevant regional efforts have been made, including the adoption of the ASEAN Declaration on the Rights of Children in the Context of Migration. At the 35<sup>th</sup> ASEAN summit on 2 November 2019 in Bangkok, Thailand, the ASEAN Leaders (led by the Royal Thai Government) adopted the ASEAN Declaration on the Rights of Children in the Context of Migration (the Declaration). The Declaration ensures that children's rights contained in the Convention on the Rights of the Child can be fully enjoyed by all children in the region, including those on the move.

The Declaration acknowledges the increased vulnerability suffered by children in the context of migration through greater risk of exploitation, deprivation and discrimination. It lays out the need for the development of mechanisms to protect these children's rights in order to ensure ASEAN Member States comply with already agreed upon international instruments, regional agreements and fulfilment of the Sustainable Development Goals.

The Declaration reaffirms the commitment to ensuring that the best interests of the child are a primary consideration in all relevant policies and practices in the context of migration. It acknowledges the need to further strengthen the national systems in child protection, education, health and justice, and to enhance their accessibility for children in the context of migration. It also encourages ASEAN Member States to guarantee that all children are registered at birth and to use case management to ensure children in the context of migration receive necessary and effective cross-sectoral services. Moreover, the Declaration emphasises the need for ASEAN Member States to develop alternatives to child immigration detention and, where possible, to keep families together in non-custodial environments.

The Declaration also encourages Member States to increase child and gender-sensitive cooperation on border governance policies and where feasible to develop bilateral cross-border agreements and standard operating procedures that protect children in the context of migration. Finally, the Declaration calls for increased data collection to build the evidence base regarding the experiences of children in the context of migration and appoints the ASEAN Ministerial Meeting on Social Welfare and Development with the task of monitoring the progress of the Declaration.

At the 38<sup>th</sup> ASEAN Summit in October 2021 under the ASEAN Chairmanship of Brunei Darussalam, and again led by the Royal Thai Government, ASEAN Member States took the Declaration one step further, by institutionalising the Regional Plan of Action (RPA) on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration. The RPA was noted by the ASEAN Leaders at the Summit. The time frame of the RPA is 10 years starting from 2021-2030. It covers five focus areas: i) access to child protection services; ii) access to other basic services, such as education and health; iii) capacity development of key actors; iv) evidence generation; and v) partnerships in implementing the Declaration. It contains 23 activities and 41 indicators to measure progress.

Reaching the consensus needed to develop and endorse the Declaration and the Regional Plan of Action is a significant achievement for ASEAN Member States. Technical support for their development was provided through the EU/UNICEF co-funded programme "Protecting Children Affected by Migration in Southeast, South and Central Asia".

Pursuant to the successful notation of the RPA by the ASEAN Leaders at the 38<sup>th</sup> ASEAN Summit, the Virtual Launch of the RPA was organised on 20 January 2022 in order to sensitise relevant ASEAN sectoral bodies and stakeholders on the RPA, as well as to galvanise them into taking action. The Virtual Launch event was organised in partnership between the Government of Thailand through the Ministry of Social Development and Human Security, UNICEF EAPRO and relevant partners. The event proved to be successful in achieving the objectives and was well attended by over 330 participants including the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) representatives and Focal Points, Senior Officials Meeting on Social Welfare and Development (SOMSWD) Leaders and Focal Points, concerned ASEAN Intergovernmental Commission on Human Rights (AICHR) Representatives, and specialists from UN Bodies, international organisations, civil society representatives, as well as representatives from relevant government and non-government agencies in Thailand.

**6. Scope:**

The proposed side-event will support the discussions of the International Migration Review Forum by providing an original, sub-regional perspective on how to advance the implementation of the Global Compact with a particular focus on the GCM's guiding principle of **child-sensitivity**. The side-event will demonstrate how sub-regional cooperation, specifically in the ASEAN region, can accelerate implementation of the Global Compact.

**7. Global Compact Objectives:**

Due to the cross-cutting nature of the GCM child-sensitivity guiding principle, the proposed side-event will address the GCM in its entirety, and not focus on specific Objectives only.

**8. Key questions:**

The following 4 key questions will be embedded in the side-event discussions:

- 1) What child rights concerns require particular attention in relation to children in the context of migration in the ASEAN region?
- 2) What are the key barriers/challenges for children in the context of migration in the ASEAN region to be protected from violence, abuse, exploitation and neglect, and what are the possible solutions?
- 3) What are the key barriers/challenges for children in the context of migration in the ASEAN region to access care and services, and what are the possible solutions?
- 4) How does the ASEAN Declaration on the Rights of Children in the Context of Migration, and its Regional Plan of Action accelerate the protection of the rights of children in the context of migration?
- 5) What are the key barriers/challenges for AMS countries to implement the ASEAN Declaration and Regional Plan of Action on the Rights of Children in the Context of Migration?

**9. 3-4 Key messages:**

- 1) The best interests of the child shall be a primary consideration in all relevant policies and practices in the context of migration.
- 2) The identification, referral and protection of, and assistance to all children in the context of migration, including those who have become victims of trafficking, refugees, asylum-seekers, and internally displaced children and all other children requiring protection and assistance, shall be enhanced.

- 3) Cooperation in the implementation of child-sensitive and gender-responsive border governance policies to augment the assistance to and protection of children in the context of migration shall be enhanced.
- 4) It shall be ensured that access to basic services such as health, a clean and safe environment, and psychosocial support services is provided for children in the context of migration.
- 5) States should work to develop effective procedures and alternatives to child immigration detention to reduce its impact, and ensure that, where possible, children are kept together with their families in a non-custodial, and clean and safe environment.

**10. Synopsis** of the side-event to be included in the list of side-events for the Regional Review:

*The Government of Thailand through the Ministry of Social Development and Human Security with support from ASEAN Member States will showcase the ASEAN Declaration on the Rights of Children in the Context of Migration (adopted by the ASEAN Leaders in November 2019), and its Regional Plan of Action, 2021-2030 (noted by the ASEAN Leader in October 2021), which ensure that the rights of the child contained in the Convention on the Rights of the Child can be fully enjoyed by all children in the region, including those in the context of migration.*

**11. Tentative Programme**

19:00-19.30 Bangkok / 8:00-8.30 New York	Test connection to the Zoom Meeting Room
19:30-19.45 Bangkok / 8:30-8:45 New York	Moderator: ASEAN Secretariat (TBD)  Opening Reflections:  1. Chair of ACWC (TBC); 2. Deputy Secretary-General of ASEAN for ASCC (TBC);  Video Presentation
19:45-20.45 Bangkok / 8:45-9:45 New York	Moderator: ASEAN Secretariat (TBD)  1. H.E. Mr. Wanchai Roujanavong, Thailand's ACWC Representative for Children's Rights ; 2. Professor Emeritus Vitit Muntarbhorn, Chulalongkorn University; 3. Youth speaker #1 ; 4. Youth speaker #2 ;

	<p>5. Southeast Asia Representative of Major Group on Children and Youth;</p> <p>6. Ms. Debora Comini, Regional Director, UNICEF East Asia and Pacific Regional Office;</p>
<p>20:45-20:55 Bangkok / 9:45-9:55 New York</p>	<p>Q&amp;A</p>
<p>20:55-21.00 Bangkok / 9:55-10.00 New York</p>	<p>Closing Remarks and Closing of the Meeting by ASEAN Secretariat</p>