

Position Paper

SAVE THE CHILDREN CALLS FOR URGENT ACTION TO PROTECT CHILDREN ON THE MOVE¹ FROM CENTRAL AMERICA TO THE UNITED STATES

The Crisis

Children from Guatemala, Mexico, El Salvador, Honduras and other Central American nations have been migrating to the United States for years. However, their numbers increased dramatically beginning in late 2013. Between October 2013 and May 2014, nearly 50,000 children, many unaccompanied, arrived at the U.S. border. This was a 92 percent increase from the prior year, according to U.S. Customs and Border Protection. Projections have suggested that the number of children arriving will increase to between 60,000 and 90,000 by the end of 2014.

This crisis is a complex phenomenon resulting from a mix of social and economic factors. However, violence is emerging as one of the major drivers behind the rising numbers. According to a recent study conducted by UNHCR in Central America, a significant number of children are being particularly affected by alarming levels of violence in their countries of origin. This is coupled with other regional trends including the lack of education and employment opportunities

The Impact on Children

Children are always among the most vulnerable in any emergency and this situation is no exception. Along the road of migration from El Salvador, Honduras, Guatemala, and through Mexico, children are exposed to the risks of neglect, abuse and exploitation. They risk being detained and they risk losing access to their basic rights to health care, nutrition, education and identity. After being detained by officials in Mexico or the United States, hundreds of children are being sent back to their countries of origin every week, often returning to the same conditions from which they originally chose to flee.

The current situation raises concerns about the conditions under which children are travelling. The accelerated migrant flow threatens to overwhelm agencies in transit and receiving countries, as well as in the countries of origin to which the children are being repatriated. The violence they were fleeing often still exists in their home communities where repatriated migrants are stigmatized and discriminated against, and many times children do not have a home or a family which to return to.

Recommendations

Non-Governmental Organizations (NGOs) like Save the Children have decades of experience in addressing the needs of children on the move in some of the hardest hit areas of the world. In order to ensure that children on the move are receiving treatment and care that meets international standards, Save the Children recommends take the following actions.

I. Strengthen national child protection systems

National systems that protect and promote children's rights in Central American countries and Mexico should properly attend to the protection of children on the move. National plans of action on child labor, trafficking, orphans and vulnerable children should also include protection responses for children on the move. A focal point should be identified at national level for the protection of

¹ Save the Children defines Children on the move as: "Those children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement might place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence".

children on the move, and clear guidelines and training should be put in place to guide government departments, agencies and local authorities in protecting them.

States should issue specific guidelines for ensuring that reception and screening practices at areas of arrival/transit such as airports and other points of entry are in full compliance with the Convention on the Rights of the Child and international human rights standards.

Bilateral and multilateral collaboration and strategic partnership should be promoted and supported at the international and regional levels, as well as between local authorities in areas where children move from, and areas to which children tend to move.

2. Best interests of the child

States should conduct individual assessments and evaluations of the best interests of the child at all stages of any migration process affecting children. Consultations should involve child protection professionals, the judiciary as well as children themselves.

States should make clear in their legislation, policy, and practice that the principle of the child's best interests takes priority over migration control and policy or other administrative considerations. In doing so, States should ensure that information on migrating procedures, risks and rights, health and psycho-social support, legal representation and guardianship, interviews and other processes are conveyed in a child-friendly and culturally-sensitive manner.

3. Meeting the needs of children at the border

The large influx of migrants poses huge challenges for local communities and border patrol agents charged with protecting the border. Despite these challenges, it is critical for local communities and government agencies to:

- Provide adequate sanitary conditions, and basic needs such as food, water, blankets, clothing and shelter.
- Prevent separation of mothers from young children where at all possible.
- Facilitate basic health services and mental health support for children who are in need of psychosocial support.

It is both important and obligatory under current national and international law to uphold the legal rights of children, especially those with a possible claim to refugee status. To this end, we ask governments to:

- Provide migrant children with adequate screenings and a fair judicial process to ensure that they are not being returned to life-threatening situations.
- Uphold provisions in existing laws that provide due process for unaccompanied children so that those with the right to stay are not short-changed and lost in the shuffle.
- Ensure children and their families are made aware of their legal protections and options.

4. Address root causes

Finally, any viable long-term strategy must include a robust effort to address the root causes for the migration surge and not focus only on its symptoms. To this end, we request that governments dedicate funding to address the multiple causes identified as migration drivers, with an emphasis on battling the high levels of violence and poverty, but also targeting the lack of education and employment opportunities.

States of Central America and Mexico must seek structural solutions to prevent and combat violence, focusing their efforts on the respect for human rights and strengthen state institutions, rejecting

repressive policies that may increase violence and cause children to flee from their homes and communities to seek safety and protection in other countries.

The following five recommendations are concrete examples of how States can address root causes related to children on the move. They all seek to prevent children from becoming vulnerable while at the same time impeding unsafe movement and increasing children's choices.

- 1) Develop anti-poverty strategies and employment, support: job counseling, education and training; social protection measures, cash transfers, pensions, child grants, social welfare and family support mechanisms.
- 2) Invest in education; invest in social capital, by making education relevant and of good quality.
- 3) Tackle abuse and exploitation at home and in the community through monitoring and awareness-raising of parents, teachers, health workers and children themselves with adequate provision of prevention and support services.
- 4) Address the inappropriate care of children through family support and appropriate alternative care.
- 5) Prevent migrations that put children at the most risk. This includes: raising awareness and providing relevant information on migration to children and their families about the potential for exploitation and other risks associated with migration, and how to avoid them.

5. General recommendations on legislation, policy and coordination

Governments, supported by intergovernmental agencies, intergovernmental regional bodies and international, national and regional civil society, should ensure that children on the move are visible in all relevant national and international policy discussions where Central American countries, Mexico and the United States are participating. The rights and needs of children on the move must be a key component and appropriately integrated into the development and implementation of national and international policies and programs on child protection, child labor, migration, poverty reduction, development and decent² work.

They must also address gaps in legislation, policies and services to protect and support children on the move, ideally with the full involvement of children themselves. A review of these instruments in Central American countries, Mexico and the United States should be carried out to ensure that children on the move are specifically mentioned and protected by legislation and its implementation. This includes ensuring that their right to access to basic services is recognized and provided, independently of an individual's immigration and documentation status; that children on the move are not discriminated against; and that they are not criminalized.

² The definition of decent work used by the ILO: It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men. <http://www.ilo.org/global/topics/decent-work/lang--it/index.htm>