



**49th Session of the UN Human Rights Council
Annual full-day meeting on the rights of the child
Theme: The rights of the child and Family Reunification**

9 March 2022

Joint Oral Statement

This statement is delivered on behalf of a group of NGOs.

Around the world, millions of children are forced to move, fleeing from conflicts, climate change, poverty, among other reasons. Migration and displacement frequently cause the separation of families, including for prolonged periods of time, due to existing barriers to accessible channels for family reunification.

The United Nations Convention on the Rights of the Child (UNCRC) addresses family reunification in cross-border situations, requiring States to deal with family reunification “in a positive, humane and expeditious manner”. In addition, several international and regional human rights instruments recognise children’s right to family life which requires that States not only reunify separated family members, but also refrain from taking actions that could result in family separation or arbitrary interference in the right to family life, and take positive measures to maintain the family unit, prevent separation, and maintain family contact when separation occurs. By preventing unnecessary family separation, States equally uphold the child’s right to identity in family relations and by fulfilling the child’s right to identity and nationality, States are enabling establishment and maintenance of family links.

Now, more than never, world leaders must take action and uphold their obligations to prevent unnecessary child-family separation and ensure that children on the move, like all children, have the right to family life fully respected, protected and fulfilled without discrimination of any kind. We urge UN Member States to:

- Recognize that children in migration context must be treated first and foremost as children with all the rights that attach to that status;
- Safeguard the right to family life by addressing the drivers of separation, including poverty;
- Ensure the recognition of various forms of family and the interpretation of family in a broad sense;
- Expand regular pathways for family reunification and enhance policy coherence and avenues for status regularization for migrants based on various grounds;
- Put in place robust best-interests assessment and determination procedures, with participation of child welfare authorities, aimed at identifying and applying comprehensive, secure and sustainable solutions in a case-by-case basis;
- Ensure that family reunification in the country of origin is not pursued where there is a reasonable risk that such a return would lead to the violation of the rights of the child; and
- Take measures to completely end the detention of all children based on their migration status as per the standards of the Committee on the Rights of the Child.

We would like to ask the panellists, how can States and UN entities ensure that the views of children in these contexts are taken into account, and that they are empowered to contribute to decision-making affecting them?

Thank you for your attention.

List of signatories:

1. Child Rights Connect
2. Make Mothers Matter
3. Franciscans International
4. Child Identity Protection
5. Institute on Statelessness and Inclusion
6. Defence for Children International
7. European Network on Statelessness