

**Save the Children's Response to the European Commission's Discussion Paper  
Migration and Mobility for Development**  
*Towards a migrant-centred approach*

Save the Children welcomes the opportunity to contribute to the ongoing development of a Commission Staff Working Paper on Migration and Mobility for Development by considering how EU policy in this field might most effectively promote the rights and protection of children affected by migration.

***Introduction***

Save the Children is a global child rights organisation, working in over 120 countries worldwide, in programmatic, policy and advocacy activities. One of our global priority areas is child protection, which addresses children at risk of violence, abuse, exploitation and neglect. Other key priorities include improving people's livelihoods, and their access to quality healthcare and nutrition, which are at the heart of the EU development policy.

In the EU, we are leading advocates in relation to how EU asylum, migration and trafficking policies address the situation of children, drawing on the experience and expertise of our colleagues globally and based on the view that the internal and external policies issues affecting migration are inextricably linked. We thus welcome a global approach to migration issues insofar as it is anchored in full respect for human rights.

We recognise the effects that migration has both on children left behind by migrating parents and the situation more generally of children in communities affected by migration. However, our comments in this paper will focus largely on the situation of children who themselves are in migration, either within the families or unaccompanied or separated from their primary caregivers.

As a further introductory remark, while we emphasise that migration can produce very beneficial effects for children, our comments here largely address the role of EU policy in preventing the need for, and reducing the risks of, unsafe migration of children. More generally, Save the Children urges the Commission expressly to address broader issues around the root causes of migration, including poverty reduction and social protection. We also believe that the EU has a key role to play both in fostering opportunities in countries of origin and in bolstering child protection systems in countries of origin, transit and destination. While reducing the need for unsafe migration, such activities also promote the possibility for children to return and reintegrate into their countries and communities where this is in their best interests in any individual case. We note in particular how the EU internal and external policies in relation to migration must work together in this regard to place the best interests of children at the centre of EU policy.

Finally our paper will offer some recommendations on the general approach which should be taken by the EU, including focusing on a systems approach, adopting a rights-based and evidence-based approach and ensuring policy coherence with other relevant DGs.

**Addressing the Root Causes of Migration**

Save the Children is concerned that the Discussion Paper does not expressly address the multiple root causes of migration. Such an analysis would permit a more targeted response to ensure that migrants, and their needs or concerns, really are central to the EU's approach. Children may migrate for a number of reasons, varying from fleeing persecution, conflict or a natural disaster in their country, to poverty (and a desire to improve their economic opportunities, for example, through better education or employment),

protection failures in their country of origin, reunification with a family member and so on. Clearly these varying causes of migration have implications for the EU's response in development cooperation terms.

The Commission itself recognises this in the EU Action Plan on Unaccompanied Minors where it notes that *"First, the EU and Member States need to continue their efforts to integrate migration, and in particular the migration of unaccompanied minors, in development cooperation, in key areas such as poverty reduction, education, health, labour policy, human rights and democratisation and post-conflict reconstruction. These efforts will help to address the root causes of migration and to create an environment allowing children to grow up in their countries of origin with good prospects of personal development and decent standards of living."*

### **Poverty Reduction**

As stated in the Consensus on Development (2005), poverty eradication is one of the main aims of the EC's development cooperation. Escaping poverty is also one of the main causes of migration, including unsafe or irregular migration. However, the Discussion Paper only refers to poverty in the context of a country's own Poverty Reduction Strategy Paper, rather than also considering the Commission's own role.

One of the key areas in which DG DevCo could play a crucial role in its development cooperation is to support pro-poor, pro-child inclusive growth in third countries. Growth must be explicitly geared to poverty reduction, with a distributive bias in favour of the poor. The EC should focus on the specific elements of pro-poor growth strategies, including macroeconomic stability, fiscal redistribution (including progressive taxation, rural infrastructure, essential services and social protection), asset redistribution (including land) and institutional reform. Save the Children submitted a full response to the Commission's Green Paper on Inclusive Growth, in which we highlight in much greater detail strategies to reduce poverty.<sup>1</sup>

### *Creation of Opportunities for Children in Countries of Origin*

Development assistance should also target the creation of opportunities for children and their families in countries of origin, including through education, training and work options, to reduce the need for unsafe migration for children within and outside of their countries. The views of children should inform the creation of these opportunities. The EU Action Plan on Unaccompanied Minors also identifies the need for the EU to foster these opportunities.<sup>2</sup>

Since children may have to, or want to, work, the Commission should adapt its policies on child labour in order to recognise that the fact of children working is not necessarily wrong – it is the conditions that accompany their work that need to be verified. For example, working hours should not be too long, the work environment should not be harmful and children should also be able to attend school.

By supporting an environment of opportunity and protection, EU development assistance may not only reduce unsafe migration, but may also foster a situation where return to their country of origin of children and children within families from a situation of irregular immigration in Europe may be in their best interests, to be determined on a case-by-case basis. Specific support should be provided where sustainable reintegration is possible.<sup>3</sup>

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<sup>1</sup> Please see [http://www.savethechildren.net/alliance/europegroup/europegrp\\_who.html](http://www.savethechildren.net/alliance/europegroup/europegrp_who.html)

<sup>2</sup> Save the Children is actively working on projects of these kind, most recently, through an EU-funded project in Italy and Egypt relating to unsafe migration of Egyptian children to Italy and which also addresses providing opportunities for children in Egypt. A key goal will be to contribute experience from these projects to inform both policy and funding discussions which will ensure tangible positive outcomes for children. We strongly encourage the EU to ensure that its policy draws from and builds on the experience of these types of projects.

<sup>3</sup> Of interest in this regard is that ECRE and Save the Children are currently working on a study commissioned by the European Commission examining return practices across Europe and in 8 countries of return. The study will be finalised in Autumn 2011.

Aid to education should also include possibilities for circular migration for the purpose of education. Legal migration possibilities to the EU for education specifically to promote the development of countries of origin should be strengthened, with specific activities undertaken to facilitate the return and reintegration of these children and opportunities created in the country of origin to capitalise on their education.

Similarly, *social protection mechanisms* play an important role in the lives of families: they are an important policy response to malnutrition, to the difficulties of access to healthcare and education, and to child poverty more generally. Social protection systems are also important in redistributing wealth in a society.

As such, social protection is crucial for enabling the most vulnerable in society to take part in the economy, by improving both human development outcomes and livelihoods. The EC should consider in which ways it can support the strengthening of the social protection systems of partner countries.

### **The Approach of EU Policy**

In order to ensure that the EU properly considers the actions and processes it should engage in when addressing migration in development policy, we urge the EU to adopt an integrated and comprehensive approach across the wide range of policies implicated. This approach should always be systems-based, rights-based evidence-based and should promote coherence between policies.

#### ▪ **Systems-based approach**

Save the Children advocates for specific measures to be accompanied by a more general systems-based approach. By investing in and supporting the systems of a country, rather than taking parallel or only issue-based actions, the Commission will ensure a longer-term, more sustainable approach which will work to benefit all children rather than a specific category of children who have been identified owing to a particular vulnerability.

Taking a systems approach means that “lasting solutions” can be put in place. We are well aware of how European countries can try to prevent migration through ineffective short-term activities (e.g. simple information campaigns against unsafe migration rather than fostering alternatives in countries of origin) or from too narrow a perspective (serving EU immigration or migration control interests rather than bolstering child protection systems in countries of origin).

For this reason, Save the Children welcomes the Commission’s acknowledgment that protection mechanisms in partner countries need to be promoted. However, we advise taking a systems approach, since this will better act as a preventive mechanism by addressing the vulnerabilities many children face, thereby avoiding their undertaking risky migration strategies.

### *Strengthening Child Protection Systems*

Child protection systems are made up of a set of components which, when properly coordinated, work together to strengthen the protective environment around each child. These components include a strong legal and policy framework for child protection, adequate budget allocations, multi-sectoral coordination, child-friendly preventive and responsive services, a child protection workforce, oversight and regulation, robust data on child protection issues, and so on. The European Commission is ideally placed to support countries in developing such child protection systems.

By putting in place mechanisms to serve all children, child protection systems go beyond specific interventions on behalf of a few children or of a category of children (such as migrants or potential migrants) and provide sustainable, longer term solutions. Strengthening child protection systems in countries of origin, transit and destination is critical to creating the necessary environment to protect children who may be affected by migration. It also acts to reduce the “market” for smugglers and traffickers of children to Europe.

Save the Children worked closely with the Commission on the development of the EU Action Plan on Unaccompanied Minors which recognises the need for, and the role of, the EU in addressing this issue in the migration context.<sup>4</sup>

#### ▪ **Rights-based approach**

While the Discussion Paper is extremely clear that the EC needs to take a migrant-centred approach, and despite a section on migrants' rights, it is not clear that a rights-based approach will guide the EC. Clearly, no migrant has a general "right" to enter another country. However States have a clear obligation to respect the human rights of all individuals falling within their jurisdiction, regardless of their immigration status. In the case of children, this implies that they should be treated as children first and foremost and benefit from all their rights as children, including access to services, such as health care and education, without any discrimination. Such recognition of children's rights should be set in the context of the UN Convention on the Rights of the Child (UNCRC).

Save the Children recommends that the Commission also refers to the four general principles set out in the Convention, which should guide the Commission's approach. These are:

- Best interest of the child (Art. 3)
- Survival and development (Art. 6)
- Non-discrimination (Art .2)
- Participation (Art. 12)

Furthermore, the UNCRC sets out very clearly the protection rights of children, and indeed about half the articles of the Convention are dedicated to protecting children. Those that pertain most particularly to the issue of migration include Articles 9-11, 20-22, 34 and 35. These include articles dedicated to the issue of special assistance and protection to children who are separated from their parents and also address the 'alternative care' of children, which is relevant in situations in which children migrate or are reintegrated in their country of origin or another country.

#### ▪ **Evidence-based approach**

Save the Children strongly encourages the Commission to recognise the need to ensure that their policies are informed by, and adapted to, ongoing evidence of the situation of children in migration and essential concerns. This includes:

- Working towards better collection of *disaggregated* data, of a quantitative and qualitative nature
- Fostering research on the experiences of children in migration
- Supporting projects which can work directly with children, families and communities and can contribute to developing successful approaches more widely across countries of origin, transit and destination.

#### ▪ **Policy Coherence for Development**

As children move from their countries of origin, through countries of transit to countries of destination, their circumstances will be affected in turn by both EU external policy (including development cooperation, humanitarian aid and trade, as well as, for example, the EU's energy, agriculture and fisheries policies as they affect third countries), and EU internal policy (including the EU Border Code, asylum, trafficking and migration) and then again potentially by external policy (including readmission agreements, agreements with countries like Libya, and once more development cooperation).

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<sup>4</sup> The EU Action Plan notes that «*the EU will continue promoting the development of child protection systems, which link the services needed across all social sectors to prevent and respond to risks of violence, abuse, exploitation and neglect of children, to support children who are not in the care of their families and to provide protection to children in institutions.*»

The Commission's Communication on Policy Coherence for Development (PCD) of September 2009 recognises the "growing impact of internal policies in external relations" and in a bid to "take a more strategic, systematic and partnership oriented approach to PCD" chose to focus on a number of areas. One of these was making migration work for development.

If the Commission is to address migration in a coherent manner, it would be helpful if the final policy on Migration and Development could include as clear a 'division of labour' between interested or implicated DGs, of which DG Home is key partner, as possible, in order to set out more clearly what DG DevCo's role and mandate will be on the subject. While we recognise that "the dividing line between external and internal policies is becoming more blurred sometimes to the extent of losing both its empirical evidence and its political value",<sup>5</sup> we would like to emphasise that the Commission has already highlighted that "the concept of PCD needs to be taken into account more systematically."<sup>6</sup> We would therefore also urge the Commission to find ways in which coherence and consistency between policies and actions can be ensured by all parties involved in dealing with migration to and from the EU.

### **Specific comments with reference to the Discussion Paper**

#### **Use of the Term "Minor"**

Save the Children urges the Commission to **refer to children as children** and not as minors, as the term minor generally focuses on the legal capacity of a child. Use of the term 'minor' can also lead to confusion owing to the lack of an internationally accepted definition of what constitutes a minor. On the other hand, the definition of a child as being any person under the age of 18, is set out in the UN Convention on the Rights of the Child, which has been ratified by every country in the world except two.

#### **Remittances**

Save the Children would like to sound a note of caution when it comes to relying on remittances as a 'lever for development'. In reality, the remittances that migrants send back to their families very often permit the family to lift itself out of abject poverty. And while they may indeed help a family and contribute to the longer term development of an economy, through permitting access to better nutrition, healthcare, education and so on, as well as acting as investment in the economy, partner governments should not be encouraged to rely upon these for that development. They should be a 'bonus' and not a reason for the government to reduce its funding of essential services, or alter pro-poor growth strategies. Furthermore, these payments are highly vulnerable to economic and financial crises and, as was seen during the latest crisis, risk drying up rapidly.

It is for this reason also that the Commission should work with partner countries to strengthen their social protection systems, so that remittances are indeed a 'bonus' and not a replacement for the social protection mechanisms that a government is responsible for establishing and maintaining.

#### **Mainstreaming**

Mainstreaming should not be confounded with PCD. Save the Children would welcome further thought on the ways in which migration and development issues may be mainstreamed in the EU's own tools and instruments. One obvious example would be to ensure that they are included in the upcoming Country Strategy Papers of relevant countries for the period 2014-2020. This in turn may permit the allocation of greater funding to the issue.

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<sup>5</sup>Commission Communication, *Policy Coherence for Development - Establishing the policy framework for a whole-of-the-Union approach*, September 2009

<sup>6</sup> *ibid*

## Recommendations

Save the Children urges the EU to:

- Address the root causes of migration in order to provide a targeted and comprehensive response.
- Invest in poverty reduction and promote pro-poor, inclusive growth strategies with partner countries.
- Foster opportunities for children and their families in their countries of origin as a means to reduce the risks for children making their way to European countries, including through education, training and work options.
- Include possibilities for circular migration for the purpose of education.
- Strengthen child protection systems in countries of origin, transit and destination in order to reduce the need for unsafe migration and the harm that comes to children in unsafe migration.
- Adopt an approach which is based on systems strengthening and human rights and grounded in evidence, including through improving the collection of disaggregated data.
- Ensure policy coherence for development is worthy of its name, by addressing this in the widest sense possible, including all policy areas that impact on children and their migratory potential.
- Children should be referred to as children and not as “minors”.

*For further information, please do not hesitate to contact:*

Rebecca O'Donnell : [Rebecca.odonnell@savethechildren.be](mailto:Rebecca.odonnell@savethechildren.be)

Tanya Cox: [tanya.cox@savethechildren.be](mailto:tanya.cox@savethechildren.be)