

2019 ASEAN DECLARATION ON THE RIGHTS OF CHILDREN IN THE CONTEXT OF MIGRATION

Adopted in Bangkok, Thailand on 2 November 2019

WE, the Heads of State and Government of the Association of Southeast Asian Nations (hereinafter referred to as “ASEAN”), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic (Lao PDR), Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, on the occasion of the 35th ASEAN Summit;

NOTING with deep concern the millions of children worldwide who are displaced from their homes, including by conflict, poverty, disaster, climate change, and environmental degradation, experience exploitation, deprivation and discrimination on their journeys within and across borders, and acknowledging the need for mechanisms to ensure the protection of their rights and access to services in all regions of the world, including the ASEAN region;

REFERRING to the adoption of the Convention on the Rights of the Child (CRC) which has been ratified by all ASEAN Member States, and recognising that the Convention on the Rights of the Child is the standard for the promotion and protection of the rights of the child, including in the context of migration;

RECALLING all other appropriate international instruments to which ASEAN Member States are Parties, including the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

RECALLING the 2030 Agenda for Sustainable Development, with its 17 Sustainable Development Goals (SDGs), adopted in New York, USA, in September 2015 including Goals 3, 4, 8, 10, 13, 16, 17, and in particular Target 10.7 to “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”, and Target 16.2 to “End abuse, exploitation, trafficking and all forms of violence against and torture of children”, in addition to many additional targets related to migration and the pledge that no one will be left behind and to reach the furthest behind first;

REAFFIRMING our commitment to the ASEAN Human Rights Declaration (AHRD) and the Phnom Penh Statement on the Adoption of the ASEAN Human Rights Declaration, the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, the ASEAN Regional Plan of Action on the Elimination of Violence against Children (RPA on EVAC), the ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth, as well as the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities;

FURTHER REAFFIRMING our commitment to the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, and the ASEAN Multi-Sectoral Work Plan, also referred to as the “Bohol TIP Work Plan”;

COGNISANT of our commitment under the ASEAN Socio-Cultural Community Blueprint 2025 towards an inclusive ASEAN Community that promotes and protects the human rights of its peoples including, among others, children, youth, migrant workers, and vulnerable and marginalised groups;

RECOGNISING the sovereignty of ASEAN Member States, and the principle of non- interference in the internal affairs of ASEAN Member States as enshrined in the ASEAN Charter, in determining their own policies relating to children in the context of migration, including determining entry into and departure from their territory and under which conditions they may remain;

REITERATING that ASEAN should make further progress as a cohesive and caring society committed to enhancing the quality of life and well-being as well as to strengthening cooperation in addressing the underlying causes of children in the context of migration, with an emphasis on the prevention of such causes;

DO HEREBY:

1. **REAFFIRM** our commitment as States Parties to the Convention on the Rights of the Child, to protect the rights of children and to ensure that the best interests of the child is a primary consideration in all relevant policies and practices in the context of migration;
2. **ACKNOWLEDGE** the need to further strengthen the national systems, including but not limited to child protection, education, health, and justice, in the ASEAN region, and to enhance their accessibility for children affected by migration, including those who are unaccompanied or separated from their families, those requiring protection and assistance, those who have become victims of violence, abuse, and exploitation, including gender-based violence and human trafficking, those living with life- threatening infections and diseases, and those with disabilities, among others;
3. **FURTHER ACKNOWLEDGE** the need to enhance 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;
4. **RESOLVE** national systems, including but not limited to child protection, education, health, and justice, to ensure that these address the rights and needs of children in the context of migration, and to facilitate this by ensuring the allocation of necessary resources, as well as well-trained and child- and gender-sensitive human resources;
5. **ENCOURAGE** ASEAN Member States to further enhance 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;
6. **CALL UPON** ASEAN Member States to further recognise that 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 and to cooperate and build partnerships with relevant stakeholders to address and prevent this;
7. **RESOLVE** to provide access to basic services such as health, a clean and safe environment, and psychosocial support services for children in the context of migration;
8. **AGREE** to coordinate with respective concerned consular offices/embassies/legal authorities in facilitating the registration of all births on our territories and the issuance of birth certificates, allowing for all children born in the territory to be registered in accordance to the respective prevailing laws and regulations;

9. **AGREE** that in order to promote the best interests of the child, 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. **ENCOURAGE** to further strengthen the evidence base on children in the context of migration by improving and investing in the collection and analysis of accurate, reliable, comparable data, disaggregated by sex, age, migration status and other characteristics relevant in national contexts, including contributing factors to the movement, where such data is available;

11. **ENCOURAGE** the incorporation of case management for children in the context of migration in standardised social work curriculum and guidance, and the capacity building of law enforcers, social workers, service providers, and civil society organizations and other relevant actors to be able to respond to the rights and needs of children in the context of migration;

12. **WELCOME** the exchange of experiences in protecting children in the context of migration, with a focus on gender-specific needs, case management, policy development, and cross-border collaboration, where appropriate, through the development of bilateral cross-border agreements and standard operating procedures;

13. **CALL UPON** international organisations, National Human Rights Institutions, ASEAN dialogue partners and other countries to extend support and assistance to the implementation of the measures contained in this Declaration; and

14. **TASK** the ASEAN Ministerial Meeting on Social Welfare and Development to monitor the progress of this Declaration.

ADOPTED in Bangkok, Kingdom of Thailand on this Second Day of November in the Year Two Thousand and Nineteen, in a single original copy, in the English language.