



Royaume du Maroc

Institution du Médiateur du Royaume



ASSOCIATION DES OMBUDSMANS ET
MÉDIATEURS DE LA FRANCOPHONIE

**TRAINING AND MEDIATION EXCHANGE CENTER OF RABAT
COMMON TRAINING SESSION OF COLLABORATORS
OF THE MEDIATORS MEMBERS OF THE AOMF AND
THE AOM**

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Summary Report

Common Training Session of the collaborators of the AOMF and the AOM

on:

«The Ombudsmen’s role in the protection of the rights of children on the move during their migratory journey»

Rabat on 22nd and 24th November 2016

Following a decision made during the meeting of the Bureau of the Association of the Ombudsmen and Mediators of the French speaking area (AOMF) held in March 2016 and on the occasion of the celebration by the international community of the International Day of the rights of the child, coinciding with November 20th, a common training session was held for the benefit of the collaborators of the Mediators, members of the AOMF, and their counterparts of the Association of the Ombudsmen of the Mediterranean (AOM), in Rabat from 22nd to 24th November 2016.

Hosted by the Center for Training and Exchange on Mediation, this session (18th for AOMF and 7th for AOM) chose as a theme « **The Ombudsmans' role in the protection of the rights of children on the move during their migratory journey**». Some 20 participants and 11 experts have animated the works of the session. Among the countries represented: one country from the Commonwealth (Canada), countries belonging to the « Mare Nostrum» (Malta, Turkey, Albania, Macedonia, France, Spain and Morocco) and others from the «cradle of Humankind» who are in majority French-speaking countries (Ivory Coast, Djibouti, Mauritania, Senegal, and Benin). United Nations (UN) agencies such as the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees (HCR), as well as that of international non-governmental organizations (INGOs) such as the International Organization for Migration (IOM), also shared their expertise during that training session.

Subsequent to the projection of some videos which highlighted the dangers faced by migrant children, an opening speech was delivered, on behalf of the Mediator of the Kingdom of Morocco, Mr. Abdelaziz Benzakour, by the Secretary General of the Institution, Mr. Mohammed Lididi.

We are in the habit of organizing training sessions for collaborators of Mediators, both of the AOM or the AOMF, which act as capacity-strengthening tool on a topical issue.

The current session was motivated by the recent evolutions of the migrants host countries, especially unaccompanied children. Therefore, children living under extreme vulnerability suffer from many problems relating to their accommodation, and their psychological and physical well-being. It is therefore the duty of Ombudspersons and Mediators to strengthen their efforts with all the civil society's components, in order to guarantee the conditions aiming at protecting the dignity of the child.

Ms. Fatima Kerrich, Head of the Communication, Cooperation and Training Unit has carried out the coordination and introduction of the objectives of the session:

- Sharing of experiences relating to this issue;

- Providing proposals and issuing recommendations aiming at mitigating the troubles endured by migrant children;
- Discussing the possibilities and the means of implementing in order to counter this issue.

Therefore, the works of this training session included six modules.

The UNICEF and the Institution of the Mediator of the Kingdom have separately presented a general introduction devoted to the international standards and to the diverse AOM and AOMF' Statements.

According to the Moroccan institution, this session, devoted to discussing the situation of the migrant children, will bring an added value to host and transit countries and represents an agora for debate, exchange and questioning concerning the weaknesses and strengths of the member States. While providing a definition of the migration, it has stressed that Francophone area has received more than 244 million people in quest of a better life and improved security.

The attention paid by Ombudsmen and Mediators to the theme of the current session is motivated by the recurrent crisis that those children suffer from: hunger, poverty, repeated wars and conflicts in some countries.

The Moroccan expert has asked the participants to suggest ideas/initiatives, as well as tools and/or approaches in a coordinated manner, in order to improve the programs, as well as their follow up and assessment concerning unaccompanied minors.

The representative of the UNICEF in Morocco introduced the normative framework for child protection in general, and for unaccompanied minor in particular, as well as the different criteria at international level which require a firm commitment for the protection of minor migrants' rights.

The international mechanism, set up following the adoption of the International Convention on the Rights of the Child (CRC), as well as its optional protocols, deserve further commitments for its implementation, in order to protect the children, given that

the number of migrants is increasing, in addition to the children's lack of access to their rights.

The child, as a legal person, must enjoy:

- A moral and legal acknowledgment of his/her emotional, physical and psychological vulnerability;
- A recognition of the obligation to respect his/her rights;

The first introductory module dealt with « Respect for the rights of the child in reception and transit centers ».

The HCR presented the competence of the UN agency in terms of protection of and assistance to migrant children/refugees, asylum seekers, displaced persons and stateless people. The HCR has centers for transit, reception, transportation, placement, in many countries experiencing high migration pressure. The process of minors' accompaniment is divided into eight stages, and the expert has insisted on the appropriate conditions to assure, in order to make the child at ease, in accordance with Article 3 of the Convention, which guarantees the principle of the best interest of the child.

According to the expert, there are several opportunities for cooperation between ombudsmen, Civil Society and INGOs.

The second module, which dealt with « the Family Reunification », was presented by the IOM.

Although major challenges are faced by the IOM with different stakeholders, (such as: lengthy procedure of processing cases of unaccompanied minor, non-access to magistrates and lack of accommodation for children) for the year 2015, the international organization has submitted its support for the benefit of 24% of unaccompanied migrant children.

Despite this fact, initiatives taken by NGOs succeed in receiving children and finding temporary solutions to their situations, until they go back home. More than

1400 cases of unaccompanied children have succeeded in joining their families in 2015.

Hence, according to the expert, there is a real need for action in order to guarantee an engaged and solidary support to all the actions of the governments and institutions.

Prior to embarking upon **module 3** which dealt with «**medical and psychological support of children in the move**», a summary presentation was prepared by the Ombudsman of Macedonia on the increasing number of migrant children, among more than 30 000 migrants and asylum seekers present in the territory of Macedonia.

Adopting a firm policy dealing with the migrants, based on the agreement signed between the European Union (EU) and Turkey, some hundred children as asylum seekers and refugees are divided in different transit centers. The Ombudsman tries to keep an eye on the conditions of these unaccompanied children according to the directives of the CRC.

During the 3rd module, a communication of the Moroccan National Council for Human Rights (NCHR) went through the evolution of the institution since its creation in 1990 and underpinned its prerogatives related to the protection of children.

Therefore, the NCHR has accompanied many actions and measures concerning migration in general, and that of children in particular: the new public policy in favor of the migrant children launched since 2013; the creation of the ministerial department in charge of migration; as well as the exceptional operation for regularizing the situation of foreigners in Morocco.

The NCHR organizes a number of activities and carries out a number of studies, thematic reports on the number of centers for childhood protection in Morocco, as well as numerous opinions in this regard. Backed up, notably by regional offices, the most recent activity was carried out in November 2016 and undertaken in the form of regional meetings involving many categories of children.

Thus, the discussions dealt with the rights of children, of migrant children and asylum seekers. The discussion was divided into four axes, being: access to information; access to health based on the World Health Organization's (WHO) standards; protection and follow up of children victims of violence; and participation of children.

The UNHCR expert dealt with the psychological protection for the migrant child. She also recommended to adopt an adequate terminology such as 'psychological distress' instead of 'trauma' which has a stigmatizing implication. She also underlined that the psychological and social support should be provided to children on the move and to their parents or guardians.

The expert also referred to the minimum standards of child protection, notably to the tenth point relating to psychological distress and mental disorders, and which requires information sharing on the situation of children, the coordination of all the sectors involved (education, protection and, agents helping with psychological support) and the training of the personnel providing the first psychological aid.

Concerning good practices, the expert reviewed few examples classified according to several components, while advocating that it is desirable that communication with children be done outside of the offices, in spaces adapted to their own specificities, so as not to destabilize them, to understand them and to put adequate and accessible facilities for their benefit.

Also, she has insisted on the know-how of the staff working in that field, regarding their skills and their relational ability with children. The place or reception unit should be child friendly and should adapt to the school schedule.

The expert has pleaded that mediation institutions and that of the Ombudsman would provide proposals that can serve as a common ground for a strategy to fight violence towards children.

The 4th module, on « Children participation », was tackled from the perspective of the Ombudsman of Benin, and by that of the Defender of Rights of France.

For the Mediator of Benin, the process of hearing the child is not sufficient, it is paramount to take his view into consideration. The child should not only participate in school but he should also be involved in associations and sometimes in the children parliament.

Among the initiatives that Benin Ombudsman undertakes:

- the betterment of the standard of living;
- the support of the government in the decision-making and specially concerning the education of girls in school;
- the implication at the level of the institution to put in place adequate policies in order to remedy to the sufferings of the migrant children.

After broadcasting a documentary of teenagers and adults that undergone their childhood during their migration pathway, an expert from the French Defender of Rights (*Défenseur des droits*) has insisted on the adaptation of children's needs in terms of school calendar and extra-scholar activities. Involving these children in work groups is essential to engage their participation so as to be active regarding their own project.

It should be recalled that the *Défenseur des droits* works in direct collaboration with the Children's Commissioner for England, especially in cases involving minors that lived in the Calais camp before it was evacuated.

Module 5 related to « access to education » and was presented by experts from Morocco from the department of Migration and that of National Education.

For the expert from the line Ministry of Migration in Morocco, the new migration policy in Morocco adopts a humanistic approach based on the right of the migrants. The objective of this is to better the capacities of migrants and refugees, through royal orientation, inter-ministerial programs and international partnerships and

different circular letters. In order to get more inclusion of the migrant child, several actions have been undertaken by different stakeholders: some institutional, other coming from the civil society. 'Vacation for all' is an example of actions done by the ministry of Youth and Sports in terms of summer camp, and 'Child to Child' is the best example of a civil society organization's initiative.

As far as the Ministry of National Education is concerned, the issue calls for a collective management of the migration. . It is the reason why many three-part agreements have been signed in order to undertake actions such as:

- The extension of classes of non-formal education;
- Educational support and participation to graduating courses;
- Social support (as for instance the 'Tayssir 'program);
- Canteens and boarding facilities;
- The image and the openness to the culture of the 'other' in school books.

Therefore, the expert from the Ministry of National Education mentioned the carrying out of migrant children profiling in different regions of Morocco, the highest rate being located in the region of Tangier-Tetouan Al Hoceima.

The 6th module dealt with « the respect of children's rights during the return procedure » and was presented by a representative from the Defender of the People of Spain.

In emphasizing the role of the website of the institution of the Defender of the People of Spain, the Spanish expert indicated that it includes a section on children's rights, characterized by the richness of the languages and the different tools that are child friendly, such as brochures, and other tools which the institution offers in order to better protect and to respond to several situations such as application for asylum or family reunification.

Afterwards, the expert presented a document that was elaborated by the UNICEF in September 2016, which gives an overview of return policies of the migrant

children, while taking into consideration, the country of origin, which are mainly Africans, and host countries, which are mainly of Europeans. The expert has also provided statistical data in terms of the migration phenomena of children seeking asylum, which shows that:

- 1 child out of 200 around the globe is classified as ‘refugee’;
- The number of refugees children has multiplied between 2005 and 2015;
- 7 children out of 10 are asylum seekers in Europe for the year 2015 - particularly coming from Syria, Iraq and Afghanistan.

The expert has also tackled the techniques used to conduct age assessment – namely, of X-ray examination. The expert also added that regarding a recommendation of the Defender of the People of Spain, that starting 2009 no child is placed in detention centers.

Several recommendations arose from the debate:

- Reinforcement of the role and the commitment of Ombudspersons in relation to family reunification;
- Enlargement and advocacy of cooperation and collaboration between ombudspersons and organizations of several countries’ civil society, in order to maintain a better protection at the national level;
- Population awareness on the dangers involved in crossing the sea;
- Implementation of judicial instruments related to the rights of the migrants and those for child protection;
- Awareness of the communities of origin on the risks linked to irregular migration.

Last but not least, the Moroccan university, represented during the session, has expressed its will to be involved in this issue of protection of the child and that of migrants.