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## International protection of children of concern

### Contents

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
I. Purpose of the report .....	1	2
II. Protection risks and challenges.....	2-4	2
III. Strategic directions .....	5-27	2
A. Mainstreaming child protection concerns .....	7-11	3
B. Child protection systems: thinking differently about child protection .....	12-18	4
C. Enhancing child protection through education.....	19-21	5
D. Enhancing partnerships and capacities for the protection of children of concern.....	22-27	6
IV. Conclusion.....	28-30	7

## **I. Purpose of the report**

1. This paper provides an overview of UNHCR's strategic direction for the protection and assistance of children of concern. It briefly describes some of the major protection challenges facing children of concern and provides an update on progress made since the previous report on this subject, which was submitted to the Standing Committee in 2006.

## **II. Protection risks and challenges**

2. Children are at greater risk of being exposed to violence, exploitation, abuse and neglect, when they are forcibly displaced from their homes, and particularly when they become stateless. Not all displaced children have specific protection concerns. However, poor socio-economic conditions, limited opportunities for post-primary education and livelihoods, and the disruption of family roles - which often result in the context of displacement - increase the risks of child labour, abuse, trafficking and gender-based violence. In many situations where UNHCR operates, girls are at risk of being exposed to harmful traditional practices, such as female genital mutilation, or under-age and forced marriages. For instance, in Dadaab refugee camp in Kenya, it is estimated that 97 per cent of girls below eight years of age are victims of female genital mutilation. The risk of recruitment by armed groups is another concern for refugee and internally displaced children living in the proximity of conflict, or near border areas.

3. Displaced children often lack the protection of their caregivers, and face particular dangers. The movement of unaccompanied and separated children across borders as part of mixed migration flows is a growing global challenge, notably in Europe where thousands of unaccompanied children have been arriving. These children are at risk throughout the process - as they leave their countries of origin, while in transit, and once they have reached their destinations. They are also put at risk if they are returned to their home or transit countries. UNHCR recognizes the efforts being undertaken by many States to address this issue, however it is clear that the scope and complexity of it goes well beyond the capacity, mandate and specific expertise of any one organization.

4. Important gaps persist in the area of individual documentation, with less than 50 per cent of newborn refugees in camps and urban areas being issued with birth certificates. Children who are not registered at birth are at increased risk of child labour; trafficking; sexual exploitation; illegal adoption; early marriage; recruitment into armed forces or armed groups; exclusion from education and health programmes; and treatment as adults when in contact with the law. Birth registration is therefore an important protection tool, including for the prevention of statelessness. Pursuant to the 1961 Convention on the Reduction of Statelessness and regional treaties in Africa, the Americas and Europe, more than 100 States have an explicit international obligation to grant nationality to children born on their territory who would otherwise be stateless. Yet, many States have not taken the necessary measures to incorporate this safeguard into their nationality legislation. Addressing this gap has therefore been included in UNHCR's global strategic priorities.

## **III. Strategic directions**

5. At its 36th meeting in June 2006,<sup>1</sup> the Standing Committee acknowledged the role that age, gender and diversity mainstreaming (AGDM) plays in strengthening the

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<sup>1</sup> *Report of the thirty-sixth meeting of the Standing Committee (26-28 June 2006), Annex III,*

protection and participation of children. Furthermore, the Committee requested UNHCR *inter alia*, to adopt a systematic approach to the protection of refugee children and to enhance its partnership with child protection agencies to build a common understanding of an effective child protection system. In 2007, the Executive Committee adopted Conclusion No. 107 (LVIII) on Children at Risk, calling on States to promote the establishment and implementation of child protection systems, in accordance with the international obligations of the States concerned, and to which children under their jurisdiction should have non-discriminatory access. The support provided by UNHCR and other relevant agencies and partners in helping States fulfil their obligations should supplement and strengthen the national child protection system in areas where gaps exist, and should be delivered in a spirit of partnership to reinforce the beneficial impact on the protection of children.

6. Against this background, UNHCR's efforts to implement its international protection mandate in relation to children of concern focus on the broad strategic directions indicated below.

### A. Mainstreaming child protection concerns

7. Given that children represent close to half of UNHCR's population of concern,<sup>2</sup> it remains imperative for UNHCR to ensure that its overall policies and programmes take into consideration the special needs of children.

8. The roll-out of the AGDM strategy has been key in improving UNHCR's own understanding of the different protection needs of persons of concern, depending on age, gender and other diversity factors, and crucial in mainstreaming the specific concerns relating to children into the Office's various activities and programmes. In particular, participatory assessments have helped give a voice to children of concern and ensure the right of children to have their views heard, notably in the development and improvement of programmes and protection responses. For instance, in the United Republic of Tanzania, a participatory assessment among children identified the lack of school uniforms as an obstacle to going to school. As a result, all school-aged children now receive uniforms. In Nepal, participatory assessments identified substance abuse as a recurrent problem, including glue-sniffing among children. The findings resulted in the development of a community-based task force to address substance abuse.

9. UNHCR's community mobilization activities - for example, those undertaken by UNHCR's partner Save the Children Sweden - have resulted in the establishment of community-based child protection networks, youth groups and children's committees, which have been useful in addressing specific child protection concerns. In Côte d'Ivoire, for example, 20 local child protection committees established in zones hosting refugees have been monitoring and reporting on child labour, trafficking and other child protection issues. Such mechanisms have also allowed for a more systematic participation of children and youth in various activities and programming, and have provided UNHCR with a better understanding of the child protection issues faced by refugee communities. Nevertheless, challenges remain in providing solutions for many of the child protection issues raised.

10. The publication of UNHCR's Handbook for the Protection of Women and Girls and the Guidelines on Determining the Best Interests of the Child have been important

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Decision on the Five Global Priorities for Refugee Children, operative paragraphs 2 and 5 (A/AC.96/1032).

<sup>2</sup> UNHCR, *2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, 16 June 2009.

steps in developing policy and establishing guidance for the Field. Despite progress made in implementing the Guidelines on Determining the Best Interests of the Child, particularly in camps, challenges remain, particularly with respect to their application in industrialized countries. The issuance in 2009 of the Guidelines on International Protection: Child Asylum Claims was also an important development in enhancing the protection of children in the context of asylum procedures. The Guidelines outline child-specific forms of persecution and offer substantive and procedural guidance on carrying out refugee status determination in a child-sensitive manner.

11. Specific challenges also remain with regard to mainstreaming children's protection issues into UNHCR's operations management cycle. Constraints include limited capacity and expertise in child protection, as well as insufficient human and financial resources to implement targeted actions that address the specific child protection needs identified through the AGDM process.

## **B. Child protection systems: thinking differently about child protection**

12. Following up on the call for UNHCR to help States fulfil their obligations by supplementing and strengthening national child protection systems, as provided for in Executive Committee Conclusion No. 107 (LVIII) on Children at Risk, and in line with the broader global child protection agenda as formulated by leading child protection agencies,<sup>3</sup> the Office has been moving towards a "systems approach" in the protection of children of concern.

13. For UNHCR, a "systems approach" means addressing in a comprehensive manner the protection of children of concern from violence, exploitation, abuse and neglect, as expressed in the global strategic priorities 2010-2011. This differs from an "issue-specific" approach, as it recognizes the protection needs of *all* children as opposed to selected categories of children (e.g. unaccompanied and separated children, street children, children associated with armed groups, etc.) It does not replace the need for issue-based expertise and targeted action, but rather approaches the question from a broader angle and seeks to eliminate the often fragmented approach to child protection.

14. Article 2 of the Convention on the Rights of the Child underscores States' obligation to ensure the rights of each child within their jurisdiction without discrimination of any kind. In line with this Article, the systems approach supports the non-discriminatory access of children of concern to national child protection systems; seeks to strengthen national capacities where they exist; and aims to ensure minimum standards of protection for children of concern where national child protection systems are inexistent or inaccessible. For urban refugees, including children, the roles of local authorities and existing local services are particularly important. The systems approach also supports enhanced partnerships and coordination at the country level, in particular with national institutions, the United Nations Children's Fund (UNICEF) and other child protection actors, to ensure the optimal use of available resources, capacities and expertise.

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<sup>3</sup> See UNICEF's Child Protection Strategy, May 2008, E/ICEF/2008/5/Rev.1

15. Between 2008 and 2009, UNHCR's efforts to operationalize a systems approach was spearheaded through a project aimed at developing guidance on effective child protection in emergencies, in close collaboration with Save the Children (SC) Sweden and SC Norway. Initial field testing in five pilot countries (Ecuador, Ethiopia, Nepal, Sudan and Yemen) and extensive internal and external consultations resulted in a draft tool on child protection systems. Four regional workshops held in 2009 provided an opportunity to introduce UNHCR's new approach on child protection to UNHCR staff, partners, relevant child protection agencies and national authorities in Africa, the Americas, Asia and the Middle East and North Africa.

16. In Ecuador, for example, the implementation of the child protection systems project led to the development of standard operating procedures on child protection both at capital level and in the Field. Cooperation with relevant stakeholders (including national authorities) has also been strengthened. Through the mapping of existing child protection agencies and services in the pilot countries, the project laid the groundwork for enhanced coordination between UNHCR and governmental and non-governmental counterparts.

17. In industrialized countries, UNHCR has been advocating for full compliance with international standards, including equal access to national child protection systems by children of concern – with particular emphasis on the protection needs and vulnerabilities of unaccompanied and separated children. The continuing practice of the detention of children in the context of mixed migration or asylum in some countries remains a major protection concern. Divergences in asylum practices (e.g. reception, guardianship, age assessment, child-friendly asylum procedures, etc.) among EU Member States may lead to the onward movement of children under circumstances that could exacerbate their exposure to violence, exploitation and abuse.

18. UNHCR's work in developing a systems approach is still at an early stage. Unfortunately, national child protection capacities are often overstretched, making advocacy for the inclusion of children of concern in national child protection systems all the more difficult.

### **C. Enhancing child protection through education**

19. Assuring children their right to a safe learning environment and to quality education is essential. Education is not only a basic human right, but also important for protecting children of concern and enhancing their self-reliance. Both formal and non-formal education, notably life-skills and vocational training, can contribute significantly to empowering children of concern, and pave the way for their involvement in future reconstruction and economic development upon return or support their local integration. In times of conflict, educational and recreational activities play a very important role in helping reintroduce a sense of normality; address psychosocial needs; and provide safe environments where children can be shielded from exploitation and abuse. Life-saving and other important messages can also be disseminated through educational activities on issues such as nutrition; sexual and reproductive health; HIV and AIDS; landmine security; water and sanitation; and the environment.

20. UNHCR statistics indicate that significant progress was achieved from 2007 to 2008 in relation to primary school enrolment rates: according to reports received, 34 per cent of camps and 24 per cent of urban settings showed an increased rate. The average secondary school enrolment rate increased in 29 per cent of the camps and in 36 per cent of the urban settings; however, despite this progress, access to quality education remains a challenge. According to a 2008 statistical report on UNHCR's progress in education, the average enrolment rate in primary education was 69 per cent for camps that submitted reports and 64 per cent for urban areas. The average rates for secondary education were 31 per cent in camp settings and 38 per cent in urban areas. Girls' enrolment in primary

education in camps was 63 per cent but remained alarmingly low at just 27 per cent in secondary education. Furthermore, the rate of students who actually completed their primary or secondary education was much lower than these figures.

21. To enhance the protection of girls and boys in the school environment, UNHCR has worked to promote safer learning environments through the development of the Safe Learning Environment Guidelines. Enhanced protection is also one of three objectives of the Office's Education Strategy (2010-2012), the other two being increased access and improved quality. Eleven countries have been selected for targeted support. Efforts are under way to enhance the access of children and youth to post-primary education through focused targeting in 20 countries, including fundraising. UNHCR's goal for 2010-2012 is to ensure the right to education for all people of concern by achieving universal primary education and to create increased opportunities for post-primary education (secondary, vocational training, non-formal and adult education) with a special focus on girls, as well as on urban and protracted situations.

#### **D. Enhancing partnerships and capacities for the protection of children of concern**

22. Given UNHCR's limited child protection capacity and expertise, partnerships remain a key strategic element of UNHCR's child protection work. These partnerships will be further strengthened over the next few years.

23. National authorities have traditionally been important partners for UNHCR. The systems approach to child protection opens new avenues for enhanced partnership with local authorities for the protection of all children of concern. For instance, in Jordan, UNHCR cooperates with the Government's Family Protection Department which comprehensively addresses cases of child abuse, treating refugee children on the same basis as nationals.

24. The United Nations Children's Fund (UNICEF) also remains a key partner. With a view to strengthening this partnership and making the 1996 UNHCR-UNICEF Memorandum of Understanding more relevant and operational, the two organizations are in the process of finalizing a joint work plan covering six key areas (child protection, education, resource mobilization, early warning preparedness and contingency planning, surge capacity, and logistics and supply). At the global level, UNHCR actively supports the work of the child protection working group, which is chaired by UNICEF and which operates under the UNHCR-led protection cluster. Partners include UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the INEE Network (Inter-Agency Network for Education in Emergencies). A new working group consisting of UNICEF, the International Organization for Migration (IOM) and UNHCR was established in May 2010 to enhance coordination in relation to the movement of unaccompanied and separated children.

25. Continued cooperation through standby agreements with SC Norway and Sweden enabled the deployment of 24 child protection officers to UNHCR operations between 2006 and the first four months of 2010. The deployment scheme has been a key element in strengthening UNHCR's child protection capacity through the provision of strategic and targeted technical advice and guidance. To address its limited capacity in the field of education, UNHCR relies on partners such as the Norwegian Refugee Council to boost field its capacity, including through secondment arrangements.

26. Cooperation with international, regional and local NGOs is also important for UNHCR's child protection work in the Field. For instance, UNHCR's implementing partner, Afrique Secours Assistance, has played a crucial role in preventing child labour among children of concern by obtaining an informal agreement with an agricultural company exploiting palm oil in Côte d'Ivoire to stop recruiting children on palm farms.

UNHCR's work on the Guidelines on Determining the Best Interests of the Child has been enhanced through a joint project with the International Rescue Committee that supports the roll-out and implementation of the Guidelines through workshops, the development of training materials and the deployment of two experts to selected operations.

27. In relation to the protection of children in armed conflict, UNHCR collaborates closely with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict in the implementation of Security Council Resolutions 1612 and 1882. UNHCR participates in several country-level task forces on monitoring and reporting on grave violations. In addition UNHCR supports efforts led by the Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF, to develop tools and guidance on the monitoring and reporting of grave violations against children in armed conflict. Following an intensive drafting process in which UNHCR was closely involved, the Council of Europe adopted a Recommendation on the Nationality of Children which included the setting out of a number of principles which help prevent and reduce statelessness among children.

#### IV. Conclusion

28. The last few years have seen considerable progress in the protection of children of concern, mainly through the implementation of the AGDM strategy; the shift towards a systems approach to child protection; and the issuance of key child protection guidance. The child protection systems approach opens the door for strengthened cooperation with national authorities and also seeks to support governments in fulfilling their obligations towards children of concern, as outlined in the Convention on the Rights of the Child. However, in spite of these efforts, many challenges remain.

29. The strategic directions outlined above serve as the basis for the way forward. Key steps include:

(a) Ensuring that children's issues and concerns are fully mainstreamed into policies and practice as well as into broader organizational processes.

(b) Operationalizing the child protection systems approach in order to ensure that staff and partners are able to prevent and respond to specific protection risks in a more systematic manner – an initiative which will be developed in parallel with complementary and mutually supportive global inter-agency child protection systems initiatives.

(c) Enhancing the provision of targeted protection and assistance measures for children of concern who are at risk. In this regard, capacities related to implementation of the Guidelines on Determining the Best Interests of the Child, which is a key tool for child protection case management, will continue to be built both among UNHCR and partner staff as well as in the inter-agency context.

(d) Building capacity around broader child protection issues, including by using the Inter-Agency Action for the Rights of Children (ARC) tool, and the Guidelines on Determining the Best Interests of the Child.

(e) Enhancing protection through safe access to quality education, will remain a priority for the Office as it continues to implement the Education Strategy 2010-2012.

30. Ensuring the protection of children of concern is a challenging task, as almost half of the 34.4 million people of concern to UNHCR are children and many of them are among the most vulnerable in the world. Significant positive changes can only be achieved through a collective undertaking by governments, international and national organizations and the affected communities. A sense of urgency is needed to ensure

tangible outcomes for all children of concern and to ensure that they enjoy the same rights as other children. Protecting children of concern is an investment in the future, laying the ground for reconciliation and ultimately for the attainment of durable solutions. Therefore, it is hoped that States will continue to strengthen and develop their national child protection systems in a way that contributes to the protection and assistance of children of concern worldwide.

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