

High Commissioner's Dialogue on Protection Challenges

Theme: *Children on the move*

Palais des Nations, Geneva, Switzerland

8-9 December 2016

SUMMARY

Thematic session 2 – Operationalizing children's rights

Co-Chairs:

- **Ms. Foni Joyce Vuni**
Youth Delegate

- **Mr. Volker Türk**
Assistant High Commissioner (Protection), UNHCR

Children on the move are children first

In the words of a Youth Delegate, children on the move are "wounded warriors masquerading as survivors". They are children first and foremost with specific rights and needs that require gender and age-appropriate responses.

An ethic of care and protection should guide responses to children

Participants emphasized the importance of regional and national laws, policies and practices for children on the move that are: 1) aligned with those that are applicable to national children; 2) monitored independently and robustly; and 3) enforced by legal action or binding decisions. Children's best interests can be given primary consideration when these are guided by an ethic of care and protection over one of enforcement and deterrence.

Implementation of the Convention on the Rights of the Child that is almost universally ratified

Participants further acknowledged that the Convention on the Rights of the Child was at the centre of the existing international legal framework supporting all children's rights. Despite its almost universal ratification, when it comes to children on the move, the Convention on the Rights of the Child is not always implemented effectively. Among other actions, States should consider lifting outdated reservations to reinforce the non-discriminatory application of the Convention of the Rights of the Child.

The right to liberty for children on the move

A strong consensus emerged from the discussion about the detention of children, which should never be used where the reason for detention is solely to control immigration. To support the development of alternatives to detention and the development of an evidence base required to effect policy change, UNHCR, States and other stakeholders were urged to give their full support to the United Nations-commissioned independent Global Study on Children Deprived of Liberty.

Education as a child's right and source of protection

Education is not only a child's right but also an important protection measure. As a mechanism through which protection risks can be addressed, States should prioritize free education for all children on its territory, regardless of documentation or migratory status.

Education should be documented, and participants further encouraged States to strengthen collaboration on the recognition of education certificates and accreditation across borders.

Children's views should be actively sought and considered

Participants noted that the experiences, fears and hopes of children on the move are insufficiently tapped. Children should be heard as well as involved in the design of laws, policies and procedures that affect them. With this in mind, UNHCR established a youth advisory board, a body that might be replicated by States and other organizations working with young people on the move.

More and better data about children on the move

Laws, policies and procedures can best protect children on the move when sufficient quality information and data is available. Participants called for all actors to pursue, collect and share information about children on the move in line with the best interest of the child and data protection principles.

Legal identity and documentation are necessary to realizing rights

Without legal documentation, children may see their rights compromised. Giving effect to children's right to have their birth registered is vital, regardless of their status. Administrative and physical hurdles, as well as discrimination, can often be overcome with little effort. With support of other actors, States were encouraged to explore ways to provide clear information, simplify procedures and establish more realistic timeframes. Participants noted that creative and innovative systems such as mobile registration units should be explored. They added that older children on the move also have needs to obtain documentation to prove their identity or status. Without it, children may be viewed with suspicion, are more likely to be detained, and less likely to access services, such as education and health care.

Ending childhood statelessness

"We live in a world of States, but somehow we still have stateless children." Statelessness is a cause and consequence of displacement, as well as a human right and development issue. It profoundly affects access to rights. Preventative, practical and affordable legal and policy measures, such as birth registration, are needed for children to gain nationality. Participants invited all stakeholders to join UNHCR and UNICEF's Coalition on Every Child's Right to a Nationality to develop, expand and strengthen international cooperation and raise awareness of the statelessness problem. Alignment with the Sustainable Development Goals of the 2030 Agenda is also a useful and important platform to achieve progress in this and other areas.

Increase collaboration between all actors for children on the move

There emerged a consensus on protection which can only be achieved through collaboration and responsibility sharing among actors at all levels, international, regional and national. Participants urged States to explore regional partnerships, arrangements, memorandums of understandings and methodologies to share good practices when implementing the New York Declaration. At the national level, with child protection authorities best placed to take the lead, inter-ministerial collaboration should also be sought to achieve an ethic of protection and care and relieve excessive burden on any one Ministry.

Integration of children once they stop moving

Specific integration measures are necessary particularly for unaccompanied children. Family unity is essential in this regard. Noting that there are some good practices already in existence, including initiatives undertaken by civil society, UNHCR can take the lead in creating a platform for sharing these with a view to documenting them and demonstrating how and where they work.

Realizing children's rights in their countries of origin

Participants noted that children on the move is a manifestation of child protection gaps at the national level. In order to make movement unnecessary and facilitate return when appropriate, all actors were encouraged to commit to strengthening child protection and children's rights in countries of origin. The outcomes of the Dialogue should inform the global compacts on refugees and migrants respectively.

END