

Concept Paper
High Commissioner's Dialogue on Protection Challenges

Children on the Move

(Geneva, 8-9 December 2016)

I. Introduction

1. The ninth annual High Commissioner's Dialogue on Protection Challenges, to be held in Geneva on 8 and 9 December 2016, will focus on the theme of "Children on the Move". This concept paper provides initial information on the theme and sets out the broad outline of the 2016 Dialogue. Further details will be provided as preparations progress.

II. Why "children on the move"?

2. The number of refugees, asylum-seekers and internally displaced persons (IDPs) has reached historic levels,¹ resulting in a significant increase in global attention, including on the situation of children. In 2015, children constituted more than half of the total refugee population,² with the number of unaccompanied and separated children on the move also growing dramatically. Some 98,400 asylum claims were lodged by unaccompanied and separated children in 2015 alone.

3. Throughout 2016, a number of events and initiatives have highlighted the problem of large-scale movements of refugees and other displaced persons, including with particular attention to the impact on children. These included: the World Humanitarian Summit; the global refugee youth consultations; UNHCR's annual consultations with non-governmental organizations; events organized on the protection of children on the move on the margins of the Human Rights Council; the United Nations General Assembly summit on addressing large movements of refugees and migrants in September 2016; as well as in the 2030 Sustainable Development Goals, adopted by the General Assembly in September 2015.

4. This year's High Commissioner's Dialogue will aim to complement discussions on this theme. The Dialogue will also provide a forum for a detailed analysis of the specific protection risks children face when they are on the move and promote concrete protection outcomes, building on a number of ongoing processes and proposals.

III. Who are "children on the move"?

5. The term "children on the move" encompasses persons under the age of 18 who have left their place of habitual residence and are either in transit – moving across international borders or within countries – or have already reached a place of safety. The term can therefore be applied to IDPs, asylum-seekers and refugees,

¹ The 2015 Global Trends report found that 65.3 million people were displaced by the end of 2015, including 40.8 million internally displaced, 21.3 million refugees, and 3.2 million asylum-seekers. See the Global Trends report, <http://www.unhcr.org/global-trends-2015.html>.

² Fifty-one per cent of the total refugee population are children below 18 years of age. See the Global Trends report, <http://www.unhcr.org/global-trends-2015.html>.

stateless persons, migrants, trafficked persons or child soldiers, for example. Children on the move travel voluntarily or are forcibly displaced; they are accompanied by parents, peers or others, while others travel alone. Those who fall in this category are displaced both temporarily and permanently. Many children on the move face detention as a matter of course upon their journeys, and can also be vulnerable to a range of protection risks, including sexual and gender-based violence, exploitation and the risk of statelessness.

6. The Dialogue will focus on children on the move falling under UNHCR's mandate. However, regardless of the circumstances and reasons for which they travel, all children on the move should, first and foremost, be treated as children who are entitled to specific rights and protections as such under national and international legal frameworks. This reflects the principle that while refugees are owed specific obligations under international law, all children, regardless of their legal status, must have their rights upheld, as dictated by human rights law, and be treated with respect and dignity.

IV. Objectives of the Dialogue

7. The broad objectives of the Dialogue are:
- To share good practices and lessons learned in promoting protection outcomes for children on the move;
 - To call for coordinated action in advocating a more comprehensive approach to public policies directly affecting children on the move;
 - To seek renewed commitment to principles governing protection and assistance to children on the move, including for renewed international solidarity in seeking solutions;
 - To take stock of the current initiatives focusing on unaccompanied and separated children on the move; and
 - To collate the information and recommendations from the Dialogue to inform the revision and updating of relevant UNHCR policies and guidelines in 2017.

V. Areas of thematic focus

8. Three themes have been identified for further exploration in light of current trends. As in past Dialogues, these will be discussed in three thematic sessions. A detailed background note will be drafted and shared in the coming months, setting out the themes and providing some guiding questions.

(a) Pursuing regional approaches to protect children on the move

9. Initiatives that combine both regional and country-specific interventions and that build upon and complement existing programmes are seen to be an effective means of addressing protection risks of individuals travelling in refugee and mixed migratory movements, including children. In 2013, UNHCR developed its first regional child protection initiative, "Live, learn & play safe", which is being implemented in Egypt, Ethiopia, Sudan and Yemen over a period of three years (2014-2016). So far, the initiative has resulted in greater regional cooperation on joint analysis of the movements of children in the region and on exchange of good practices and lessons learned. The initiative has also resulted in enhanced case management for children at risk and in ensuring greater access to services to address their basic needs.

10. This session will draw upon the “Live, learn & play safe” initiative as an example of the importance of regional approaches in strengthening child protection systems in countries of origin, transit and asylum. Activities are generally coordinated across a region, and programmes and strategies may include: increasing child protection capacity among government and other partners, including civil society; strengthening the protection response for unaccompanied and separated children; and enhancing key protection interventions, such as family tracing, and alternative care, development and livelihood initiatives and education opportunities.

11. This session will provide an opportunity to showcase good practices with a view to compiling a global catalogue. The session will also explore approaches to addressing the root causes of displacement that result in large-scale movements of children, and whether regional cooperation and/or approaches can support the development of actions to prevent, address and resolve the root causes of displacement and drivers of onward movement.

12. Participants will be invited to highlight innovative approaches and methods of working with children, adolescents, young people and their families to strengthen family and community support structures to protect children from violence, abuse, neglect and exploitation.

(b) Operationalizing children’s rights

13. The almost universal acceptance of the Convention on the Rights of the Child clearly shows a global commitment to advancing children’s rights, also evidenced by numerous legislative instruments and policies at regional and national levels. Despite the comprehensive legislative and policy protection, too many children still do not enjoy the full rights on par with their peers, and more must be done to ensure that displaced children are able to enjoy their full range of rights, wherever they are living. The effective application of these principles, combined with an adequate allocation of resources, are key in this regard.

14. Following an overview of current frameworks governing the rights of children, this session will examine the gap between policy and practice with a focus on children on the move in countries of transit and asylum. Participants will be invited to discuss alternatives to detention, child-friendly procedures, the right to a legal identity and legal documentation, while emphasizing that formal processes for assessing the best interests of the child are a key element of child-sensitive asylum and migration policies and procedures. The session will seek to develop recommendations for greater compliance with the relevant legal principles and procedural safeguards set out in existing international, regional and national legislative instruments.

(c) Securing solutions for children on the move

15. While an important part of the response to children on the move is to provide protection and assistance to them and their families in countries of origin, transit and asylum, the ultimate goal of UNHCR and partners is to find solutions that allow them to rebuild their lives. For many children, perceived lack of prospects for the future and inability to influence their own lives can heighten protection risks and lead to the adoption of harmful coping strategies. A comprehensive approach to achieving lasting solutions for displaced children is therefore an essential investment.

16. This session will focus on the importance of securing solutions for children on the move, with an overview of existing initiatives on resettlement, voluntary repatriation and local integration. It will discuss the importance of adopting a

comprehensive approach to solutions, presenting humanitarian pathways for admission, such as private sponsorship programmes for individuals in humanitarian need, special humanitarian visas and medical evacuation, as well as additional pathways for admission. This session will provide an opportunity to discuss ways to increase access to solutions for children on the move in line with the 2030 Sustainable Development Goals. The session will explore why the protection of children on the move is not only a legal and social responsibility but also an investment in the future.

VI. Intended outcomes

17. As in previous Dialogues, this one does not aim to elicit a negotiated outcome; however UNHCR will draw upon discussions in order to inform the revision of guidelines and policies related to this topic. To keep the deliberations as frank, interactive and informal as possible, discussions will not be attributed to individual participants or delegations. The High Commissioner will conclude the Dialogue, and UNHCR will make available an informal summary of the deliberations, in which salient findings and recommendations, including potential follow-up actions, will be captured.

VII. Participation, structure and organization

18. It is envisaged that the Dialogue will run for a day and a half, finishing at lunchtime on 9 December 2016.

19. UNHCR and partners will support the participation of 5-10 youth representatives from host, refugee, internally displaced and stateless communities, *inter alia*, who were involved in the global refugee youth consultations process. The High Commissioner will also extend invitations to member States of the United Nations, relevant partners in the United Nations system, intergovernmental and non-governmental organizations including faith-based organizations, academics, child protection experts and media representatives.

20. It is hoped that State participants will represent the Ministry(ies) responsible for migration, refugee and children's rights, and might also include parliamentarians, members of the judiciary or other parts of government having contributed to shaping national refugee child protection policy or who are conversant with challenges at national level.

21. The Dialogue will be opened by the High Commissioner, who will invite the youth representatives to present the key concerns and priorities for children on the move at regional and global levels. This will be followed by an exchange on challenges and opportunities to engage with young people as partners in responding to the protection and other concerns of children on the move. A high-level panel and opening plenary session will set the tone for the three thematic sessions in the afternoon.

22. On the second day, the plenary session will reconvene to discuss recommendations resulting from the thematic sessions. Side events will also be organized to complement the discussions held in the thematic sessions. The High Commissioner will close the Dialogue with the assistance of the co-Chairs and youth representatives.

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