

Initiative for Child Rights in the Global Compacts

Recommendations following Draft Two of the Global Compact on Refugees

The present contribution is submitted on behalf of members of the Initiative for Child Rights in the Global Compacts (hereafter “the Initiative”). The Initiative is a multi-stakeholder partnership bringing together 30 civil society, UN and philanthropic organisations around a shared agenda: to ensure that children’s rights are at the heart of the Global Compact on Refugees and the Global Compact for Safe, Regular and Orderly Migration, and to create a continuum of care, protection and support for refugee and migrant children.

The Initiative, which has shared concrete recommendations on the previous drafts of the Global Compact on Refugees (GCR), welcomes Draft Two of the GCR. We consider that Draft Two is a significant improvement and contains stronger references to the protection of the rights of the child throughout the text. We appreciate that many Member States have called for stronger language on age, gender and diversity considerations and commend the High Commissioner for Refugees for responding to such calls.

Whilst recognising the strengthened wording in Draft Two, we wish to draw the attention of Member States and UNHCR to a few crucial issues concerning children which need to be further addressed in the Programme of Action. More concretely, building on detailed recommendations we made on Draft One with explanations, we propose the following amendments and revisions to Draft Two to ensure that the GCR works for children (proposed edits in red):

Para. 5

...The refugee protection regime also draws, ~~where applicable,~~ from ~~relevant~~ international human rights instruments.

Footnote 6

Such as the Universal Declaration on Human Rights, ~~article 14~~ (A/Res/3/217 A); the Convention on the Rights of the Child (United Nations, Treaty Series, vol. 1577, No. 27531), ~~article 22~~; ~~and~~ the Convention against Torture (United Nations, Treaty Series, vol. 1465, No. 24841), ~~and the Convention on the Elimination of All Forms of Discrimination against Women article 3~~. See also Committee on the Elimination of Discrimination against Women, “General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.”¹

¹ All refugees are entitled to international human rights and the refugee protection regime was founded on international human rights principles. International human rights instruments should not be referred by a specific article. Children are entitled to all the rights guaranteed under the CRC at all times and in all settings. Similarly, General recommendation 32 by the Committee on the Elimination of Discrimination against Women, makes clear that the Convention on the Elimination of All Forms of Discrimination against Women applies in all settings and as such reference to Convention should be added.

Para. 7

enhanced protection, **self-reliance**, and socio-economic conditions for refugees and host communities, notably women and girls, children, older persons, people with disabilities, and others with specific needs, taking into account each country's capacities and resources; and

Para. 8

To achieve the objectives set out in para 7 above, the global compact will mobilize:

....

- increased investments in building human capital and resilience for host communities and refugees, including through **improved protection**, education **and vocational training**, livelihoods, and health care, pending the realization of durable solutions; and...

Para. 13

The programme of action is underpinned by a strong partnership and participatory approach, involving refugees and host communities, as well as age, gender, and diversity considerations, including: **promoting-ensuring** gender equality and empowering women and girls; ending **all forms of sexual and gender-based violence, including** sexual exploitation and abuse **and harmful practices**, responding to the needs of those with disabilities and older people; **addressing discrimination** and ensuring the best interests of the child.

Para. 33

...

humanitarian funding: States and humanitarian actors to ensure timely, adequate and needs-driven financing, **with specific regard for protection programming**, both for the emergency response and protracted situations, including flexible, unearmarked, and multi-year funding wherever possible.

...

maximizing private sector contributions: At the request of relevant countries and under their leadership, States and stakeholders, including the private sector itself, to explore opportunities for private sector investment and job creation in refugee-hosting areas and potential areas of return in countries of origin **with a specific focus on women and youth economic empowerment**.

Para. 35

...States and relevant stakeholders will explore how best to include refugees and members of host communities, particularly women, youth **and children**, in key fora, institutions, and decision-making processes, including by **supporting women, youth, child and refugee led organisations**, facilitating language learning, as well as access to information, for instance through low-cost mobile phone and internet subscriptions. Mechanisms to receive complaints and investigate and prevent fraud, **abuse** and corruption help to ensure accountability.

Para. 57

- identify and support the establishment of reception and transit areas, **safeguarding regulations and institutional capacities that are responsive** to age, gender and diversity (including disability) considerations;
- support efficient mechanisms to transfer new arrivals away from borders, and pursue alternatives to camps, where relevant and **including alternative care unaccompanied and separated children, that is in accordance with the UN Guidelines for the Alternative Care of Children**;

Para. 56

- develop contingency plans and put in place preparedness measures to rapidly address refugee movements **that address the distinct needs of vulnerable groups including; children, women, people with disabilities, and the elderly.**

Para. 60

- the development and implementation of programmes for protection **of all children against all forms of violence and abuse, including special care and assistance** to children formerly associated with armed forces and groups.

Para. 63

... Multi-stakeholder response teams, **led by child protection authorities**, could be established to facilitate this. This will include the identification and referral of children, including unaccompanied and separated children, **and victims and survivors of sexual and gender-based violence, such as girls and boys subject to child, early and forced marriage, and pregnant girls and child mothers, to a best interests of the child** assessment and/or determination, together with appropriate care arrangements other services.

Para. 64

Further, in support of host countries, States and relevant stakeholders will contribute resources and expertise for:

- the development of non-custodial and community-based alternatives to detention, particularly for children and their families;
- **access** to health care, including sexual and reproductive healthcare services and psychosocial support, **including particularly** for survivors of torture and trauma, sexual and gender-based violence, and those with medical needs....
- **ensuring access to adequate legal counselling and representation and child friendly justice**

Para. 72

In line with national education laws, policies and planning, and in support of host countries, States and relevant stakeholders will contribute resources and expertise to **ensure recognition of diplomas, certificates and skills attained prior to arrival**, expand and enhance the quality of national education systems to facilitate access by refugee and host community children and youth. More direct financial support and special efforts will be mobilized to minimize the time refugee boys and girls spend out of education, ideally a maximum of three months, **and to strengthen the provision of inclusive and quality education**.

Para. 73

More specifically, this will include resources and expertise to:

- **develop a global costed plan for financing refugee education, based on national costing estimates in refugee hosting countries using common costing benchmarks, to support resource mobilisation and planning in the spirit of responsibility sharing;**
- **ensure predictable, long-term, multi-year funding to support host countries to deliver safe, quality learning opportunities to refugees and host communities;**
- **support the development and implementation of national education sector plans which include refugees through joint technical and financial assistance from donors, the Global Partnership for Education, Education Cannot Wait and the World Bank;**
- support the expansion and enhanced quality of: gender, age and diversity responsive educational facilities and capacity, including for early childhood development; **vocational training**; teaching staff (including support for refugees and members of host communities who are or could be engaged as teachers, in line with national laws and policies); infrastructure; and education data management systems...
- meet the specific needs of refugee children and youth, (e.g. through accelerated education and other flexible certified learning programmes, “safe schools”, as well as adapted approaches for children with disabilities, **survivors of** psychosocial trauma or other specific needs) and overcome obstacles to their enrolment and attendance (e.g. those associated with the need for safe transport; **school-related gender-based violence; care-work and child labour; child, early and forced marriage; and early pregnancy**; health **and nutrition**; accreditation and documentation; and language and literacy support), especially for girls....

Para. 76

More specifically, this will include resources and expertise to...

- Facilitate access to relevant primary, secondary and tertiary health care, including for non-communicable disease; rehabilitative; **sexual and reproductive health**; maternal and infant, and mental health needs;
- Support refugees and members of host communities who are or could be engaged as health care workers, in line with national laws and policies, including through access to capacity development and training opportunities where needed, e.g., in mental health and

psychosocial support, **and sexual and reproductive health**, with particular attention to survivors of torture, trauma and sexual and gender-based violence....

Para. 77

Women and girls may experience particular gender-related barriers that **limit access to humanitarian assistance call for an adaptation of responses**. In line with international standards and national arrangements, States and relevant stakeholders will adopt and **adapt implement** policies and programmes to empower women and girls in refugee and host communities, and to **promote ensure equality and equity** of access to services and opportunities, as well as full enjoyment of their human rights – while also taking into account the particular needs and situation of men and boys. This will include contributions to:

- **Facilitate Ensure** the meaningful participation and leadership of women and girls, including by addressing barriers to such participation and leadership.

...

- Facilitate access to age and gender-responsive social **and healthcare** services, including through recruitment and deployment of female health workers, essential health packages, **including sexual and reproductive healthcare, maternal and infant, and mental health services, and** flexibility in timing of immunization services; and
- Promote, **protect and fulfil the rights of women and girls, through ensuring** gender equality, and strengthen the agency of women and girls among refugees and host communities, as well as on return to countries of origin, including by **promoting ensuring girls' and women's** economic empowerment and supporting girls' **and women's** access to education (including secondary and higher education).

Para. 78

... In support of host countries, States and relevant stakeholders will contribute resources and expertise towards policies and programmes that take into account the specific vulnerabilities of girls and boys, children with disabilities, unaccompanied and separated children and other children at risk, **particularly adolescent girls, married children, and child mothers**.

Para. 79

- Integrated **gender, diversity** and age-sensitive services for refugee, host community and **all children living in the territory**;
- investment in national child protection systems and developing cross-border cooperation and regional partnerships to provide a continuum of protection, care and services for at-risk children, **including through the promotion and utilisation of existing cross border mechanisms provided by private international law instruments**;
- Robust, multi-disciplinary and impartial best interests determination and assessment procedures **involving the active participation of children**, to inform decisions that concern refugee children
- capacity development for national and local authorities to **implement safeguarding regulations**, support child-sensitive procedures and prioritize cases that concern children;

- strengthening the capacity of professionals and first responders who come into contact with refugee children, including to communicate in a child-friendly manner, **listen to the children and work for their protection and empowerment**; and...

Para. 94

- the participation of refugees and returnees (notably women, **children** and youth) in relevant processes and decision-making, including peacebuilding activities; and

....

- **determination of the child's best interests to precede any voluntary repatriation of children, including extensive assessment of child rights in the country of origin and development of an individual plan for the child's sustainable return.**

Para. 95

To make voluntary repatriation sustainable, the international community, including development actors, will contribute resources and expertise to support countries of origin, including with respect to:

...

- **family tracing and assessment, assessment of child specific related risks, as well as continuum of care and monitoring of the situation of the voluntary returned children through ongoing post-return evaluations**

Para 99

In specific situations, in light of their proven value, resettlement core groups will continue to facilitate a coordinated response, to expedite processing **and to expand eligibility criteria**, with due regard to protection needs and security considerations.

Para 101

The three-year strategy on resettlement (section 3.2 above) will also include other pathways for admission, with a view to increasing significantly their availability and predictability. Contributions will be sought from States, with the support of relevant stakeholders, in the following areas, as appropriate:

- the establishment of simplified procedures, **wider eligibility criteria (including a case-by-case definition of family) and** clear referral pathways to **address practical and legal barriers and** facilitate **prompt** access to family reunification;

Para 105

In support of countries opting to provide local integration, the international community, including notably development actors, will, in close cooperation with national authorities of host countries, contribute resources and expertise to:

...

- strengthen capacity of relevant State institutions, local communities and civil society more broadly to support the local integration process (e.g. to address documentation issues; **ensure equal and safe access to quality and inclusive services regardless of status**; facilitate language and vocational training, including for women and girls);

Para 107

In close consultation with States and relevant stakeholders, UNHCR will develop a set of broad indicators ahead of the first Global Refugee Forum in 2019, in order to assess progress and outcomes of the global compact. These indicators **which will include also age, gender and diversity specific indicators**, will be measurable against the objectives set out in para 7 above and draw as much as possible on existing data collection and monitoring efforts, notably related to the Sustainable Development Goals.

We very much hope that our recommendations will receive due attention. The Initiative remains committed to contribute further to the development of a Global Compact on Refugees that serves refugee children, children of host communities and all children living on the territory.