

Joint NGOs messages

UNHCR informal thematic consultations for the Global Compact on Refugees

17-18 October 2017

Thematic discussion two (17 October): Measures to be taken at the onset of a large movement of refugees (Comprehensive refugee response framework pillar one)

This paper aims to highlight key messages from the Initiative for Child Rights in the Global Compacts for the thematic discussions two and three with the view of identifying actions, good practices and lessons learnt that we recommend should be incorporated into the Compact's "programme of action".

Ultimately, we call on member States to support a Compact's programme of action that entails child-focused and concrete measures for building systems that guarantee children's universal rights, notably focusing on education, child protection and integrated and durable solutions to refugee children based on the principles of the best interests of the child and non-discrimination.

Panel one: how can we better prepare for and respond rapidly to large movements of refugees?

EDUCATION MEASURES

With more than half of all the refugee children in the world – 3.5 million – that aren't in school because of their displacement, education is one of the key sectors of interventions that should be prioritized at the onset of large movements of refugees.

We call on States to take all possible measures to ensure that refugee children have access to quality education within 30 days of their arrival. The level and sustainability of support for refugee education must be increased. This means:

- **Increase access:** States should develop plans and enact policies to ensure that all refugee children are able to access relevant, quality, and inclusive learning opportunities which is part of and recognized by the national system of their host country. Host countries must be supported to remove policy, administrative and social barriers which prevent refugee children from accessing and attending education and other learning opportunities. ; These include gender-based obstacles to education, access of documentation amongst others.
- **Invest:** additional resources must be directed at improved planning and preparedness so that communities that receive refugees have what they need in place to provide additional services when refugees arrive
- **Improve quality:** this includes building teachers' capacity, including teachers from refugee communities so that teachers can support the learning and well-being of all of their students and establish firewalls between immigration enforcement and education provision so children, regardless of their legal status or the status of their parents, can freely attend school and learn.

CHILD PROTECTION MEASURES

Child-focused responses should be a central part of any response from the reception of the child to the identification of solutions in line with children's best interests. We call on member States to:

- Grant immediate access to appropriate services for refugee children, including relevant documentation such as birth registration.
- Establish effective mechanisms for individual gender- and age-sensitive vulnerability and needs assessments of children at borders and timely referrals, through child friendly and

child and gender-sensitive approaches carried out by qualified professionals. Immigration detention of children and other practices that result in the deprivation of liberty of children for immigration related reasons must be avoided.

- Invest in and strengthen national child protection systems that ensure refugee children's access to appropriate protection services, including for appropriate reception and care, procedures for assessing the best interests of children, effective guardianship and family reunification systems

Panel two: how can we support States to receive large numbers of refugees in a safe and dignified manner?

CHILD PROTECTION

- The best interests of the child must be a primary consideration in all matters concerning refugee children, whether they are accompanied or unaccompanied.
- The detention of children and families related to their migration status remains a growing feature of state migration management policies around the world. The programme of action must include a commitment to end the immigration detention of children and to implement child-sensitive alternatives to detention for migrant children and their families that respect the rights of the child and are in their best interests.
- Appropriate standards for the reception of children include age and gender-sensitive provisions of emergency care, psychosocial and legal information and support as well as Best Interests of the Child assessment or determination procedures to ensure short, medium and long term solutions for their protection, including mechanisms for family tracing and speedy reunification, when in the best interests of the child.
- Families should be supported to stay together. Unaccompanied and separated children should be helped to stay in contact with their family and reunite with them as quickly as possible unless this is not in their best interest. The implementation of family reunification provisions should be improved to fully respect the children's right to family.
- While family reunification is not possible, Unaccompanied and Separated children must be found suitable care placements as soon as possible after arrival or identification and cared for by suitably trained care-givers.

Panel three: how can we support States to identify persons in need of international protection?

CHILD PROTECTION:

- Effective mechanisms must be established for individual gender- and age-sensitive vulnerability as well as needs assessments of children at borders and timely referrals, through child friendly and child sensitive approaches carried out by qualified professionals
- Frontline workers need to be adequately trained on child protection, child rights, gender sensitivity, and interviewing survivors of trauma, and on key indicators of child protection risks, including those that may be less visible due to underlying gender norms and stereotypes, and that the best interests of the child take priority above migration control considerations.
- Unaccompanied and separated children are particularly vulnerable. For this reason, a **guardianship system** for all unaccompanied and separated children, including children victims of trafficking should be in place.
- During identification processes, the child's right to liberty and family unity must be upheld

Panel four: how can we address specific needs within large movements?

EDUCATION

- Gender-sensitive approaches are not optional: The particular challenges, experiences, as well as capacities and strengths of refugee women and girls must inform the approaches and policies to increasing refugees' access to education. More work is needed to understand and address the lack of refugee girls' enrollment in secondary and tertiary education opportunities. Potentially key to addressing this drop-off is adjusting and modifying teaching approaches to ensure girls have opportunities to excel and feel empowered in school. Nuanced, context-specific approaches to addressing the cultural, protection, economic and other challenges to increasing refugee girls' enrollment in school are critical.
- Increased investment in teacher training to respond to psychosocial support needs and academically, linguistically and culturally diverse classrooms¹, in establishing quality learning environments equipped with teaching and learning materials.. Age -appropriate learning opportunities including early childhood development, primary, and higher education opportunities should be in place for migrant and refugee children who are in camps, urban settings or in mainstream schools in countries of destination

CHILD PROTECTION

- Refugee children are routinely affected by policies and practices that do not take their best interests into account as a primary consideration. The programme of action must include an explicit mention that the best interests of the children will be a primary consideration in all matters concerning refugee children, whether they are accompanied or unaccompanied.
- Refugee children face heightened risk of violence, abuse and exploitation compared to national children, and may face specific risk based on gender or disability status. Starting from the time of first reception, child protection actors should bear responsibility for refugee children as regards to service provision and decision-making.
- A primary obligation of the child protection system for refugee children is to support family unity or reunification where this is in the child's best interests and to provide safe referral systems to appropriate services, information, assistance and protection.
- Measures should be taken to end child detention based upon the immigration status of children or their parents through legal and policy review, defining specific benchmarks and by piloting, implementing and monitoring child-sensitive alternatives to detention for refugee children and their families that respect the rights of the child and are in their best interests
- The protection of these children requires an operational framework and a system for protection where national authorities and agencies across sectors are able to respond, in a coordinated way, to protect these children from exploitation, abuse and violence. Such systems of protection need to be accessible to children independent from their migration or documentation status and responsive to the specific needs of these children, to the specific barriers they face and be culturally and gender sensitive.

¹ ibid

Thematic discussion three (18 October): Meeting needs and supporting communities

Panel one: how can we mobilize more resources for humanitarian and development assistance to host States?

EDUCATION:

It is essential to close the funding gap to ensure inclusive, relevant and quality educational provision for refugee and host community children

- There have been some efforts to increase reliable, sustainable funding for refugees' access to quality education and their inclusion within national education systems, particularly through the Global Partnership for Education and relatively new Education Cannot Wait. However, these commitments need to be accelerated alongside increased domestic financing within developing countries for their education sectors. Resources need to be invested in catalytic ways, fostering greater collaboration between humanitarian and development actors, increased investments by the private sector, and shifts in priorities and policies to achieve greater educational impact.
- Additional resources must be directed at improved planning and preparedness to ensure that host communities have what they need in place to provide educational services when refugees arrive
- Funding must go beyond short-term humanitarian support, and provide predictable, sustained funding to deliver holistic support of education systems in refugee hosting countries.

Panel two: how can we support the inclusion of refugee in national systems and services?

For this panel the messages outlined for Panel one on 17th October are also applicable

In addition:

EDUCATION:

- Host Governments must develop and actively implement inclusive policies which allow and actively encourage refugee children to access education and learning opportunities on a par with national children
- Host Governments should enact policies that allow and certify innovative non-formal or informal learning opportunities that meet quality standards for out-of-school children. These opportunities should be accredited or should have pathways into the accredited formal system so that children can transition as ready.

Panel three: how can we enhance economic inclusion and promote livelihood opportunities for refugees in a way that benefits host countries and communities?

Panel four: how can we bring innovation to humanitarian assistance to achieve greater efficiency, effectiveness and accountability?

EDUCATION:

- There are many promising innovative approaches being undertaken to overcome the barriers to refugees' accessing education, although more strategic and systematic ways to share these innovations across contexts and more investments in monitoring and evaluation to assess impacts are needed. There are considerable new technological innovations being employed to improve access to education, including for mobile populations, although the importance of developing contextualized approaches to best employ technologies cannot be overstated.

ALTERNATIVES TO DETENTION

- Significant cost savings have been experienced by States implementing implementing and monitoring child-sensitive alternatives to detention for refugee children and their families that respect the rights of the child and are in their best interests

For more on EDUCATION:

- “Losing Out on Learning” https://www.lostlearning.org/losing_out_on_learning.pdf
- “Restoring hopes, rebuilding futures: A plan of action for delivering universal education for South Sudanese refugees in Uganda.”
http://www.savethechildren.org.uk/sites/default/files/images/Restoring_Hope_Rebuilding_Futures2.pdf
- “Promising practices on Refugee Education”:
 - Synthesis report: <https://www.promisingpractices.online/synthesis-report/>
 - 20 case studies: <https://www.promisingpractices.online/case-studies/>
- Co-Chairs’ Summary Report and Executive Report from Expert-Level Meeting on Improving Refugees’ Access to Education, co-convened by the Government of Canada and Save the Children

For more on CHILD PROTECTION:

- “Child Rights in the Global Compacts: recommendations for protecting, promoting and implementing the human rights of children on the move in the proposed Global Compacts”
<http://www.childrenonthemove.org/wp-content/uploads/2017/02/Working-document-29-June-2017.pdf>

For more on ALTERNATIVES TO DETENTION

- “Captured Childhood” <https://idcoalition.org/wp-content/uploads/2016/01/Captured-Childhood.pdf>
- “There are Alternatives” <https://idcoalition.org/publication/there-are-alternatives-revised-edition/>