

Submitted by members of the  
**Initiative for Child Rights in the Global Compacts**

**Contribution to Thematic Discussion 5:  
Issues that cut across all four substantive sections of the comprehensive  
refugee response, and overarching issues (15 November 2017)**

The present contribution is submitted on behalf of the members of the **Initiative for Child Rights in the Global Compacts**. This initiative is a multi-stakeholder partnership bringing together 30 UN, civil society and philanthropic organizations around a shared agenda: to ensure that children's rights are at the heart of the two global compacts on migration and on refugees and to create a continuum of care, protection and support for migrant and refugee children.

This intervention is based on the position adopted by the members of the initiative and which is outlined in its [working document](#) entitled "**Protecting, promoting and implementing the human rights of children on the move in the proposed Global Compacts,**" which is available in printed form in this room and online on the UNHCR website.

We commend the work of the High Commissioner for Refugees for the leadership taken towards developing an effective and timely Global Compact on Refugees; for supporting the application of the Comprehensive Refugee Response Framework; and for the development of a Programme of Action.

This statement focuses on **issues that cut across all four substantive sections of the comprehensive refugee response, and overarching issues.**

**PANEL 1: How can we address the root causes of large movements of refugees?**

Over half of the world's refugees are children, and the root causes of large movements of refugees are complex, multi-layered. Root causes can include conflict, violence and deteriorating humanitarian situations, all of which have a profound effect on the future livelihoods, futures, physical and psychosocial health, and access to services of refugee children.

When aiming to address the root causes of large movements of refugees – e.g., through actions around early warning and prevention, preventing and responding to statelessness, and climate change and disasters – it is critical that measures taken are child-focussed and child-sensitive. These measures must be grounded on the principle of the best interests of the child and on the protection of child rights. In particular, measures and decisions should be tailored to suit the individual child.

When aiming to address the root causes of large movements of refugees, the Initiative recommends and recalls that:

1. **Conflict, human rights violations, persecution, natural disasters and climate change are growing causes of large flows of forced refugee movement and children are extremely vulnerable and likely to be amongst the most affected.**

Mitigation measures including those aimed at enhancing resilience of refugee and host communities and alleviate the effects of environmental degradation and disasters will need to be child focussed and include measures to guarantee the access of boys and girls to protection services, education, healthcare, family life, liberty, security and access to justice and recourse. Funding, resources and expertise should be mobilised for this purpose.

2. **Statelessness is at the same time a cause and a consequence of large displacement flows. It is critical to protect children's rights and recognize their increased vulnerability.** More specifically:

- Every child has a right to a nationality. Yet, a child is being born stateless every 10 minutes.<sup>1</sup>
- The best interests of the child in the context of migration and statelessness, pursuant to articles 3 and 7 of the CRC, entails the duty to take the interests of the child as a primary consideration and protect children from statelessness by realizing the child's right to acquire a nationality at birth or as early as possible after birth.<sup>2</sup>
- Statelessness leads to other serious human rights violations, as children without a nationality face barriers accessing education and healthcare, moving freely, enjoying their liberty and enjoying other basic human rights.
- Statelessness can increase children's vulnerability to be trafficked, as they are often invisible to governments and subject to marginalised living circumstances in their country of residence.
- Stateless children are also more vulnerable to arbitrary and protracted immigration detention, because their lack of a nationality makes it difficult to remove them from the country within a reasonable time period.

In light of this, the Initiative recommends that the Global Compact on Refugees and the Programme of Action:

- **Register the birth** of all refugee children without documentation with a civil authority and **provide refugee children with appropriate documentation** (to allow them to access services for which proof of identity is required).
- **Eliminate all provisions that discriminate** against refugee children, including children who are stateless, with regard to services and programs, in laws and policies, including those affecting stateless children.
- **Ensure equal access** to social, economic and political inclusion for refugee children, including for boys and girls who are stateless, on a par with national children, without legal or other repercussions on the grounds of their residence or nationality status.
- Remove administrative barriers and make available sufficient funding to ensure **equal access for all refugee children, including children who are stateless , to quality education** in destination and transit countries and their regular attendance, including formal schooling (pre-school, primary,

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<sup>1</sup> UN High Commissioner for Refugees (UNHCR), *I Am Here, I Belong: The Urgent Need to End Childhood Statelessness*, 3 November 2015.

<sup>2</sup> UN High Commissioner for Refugees (UNHCR), *Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*, 21 December 2012, HCR/GS/12/04, <http://www.refworld.org/docid/50d460c72.html>.

secondary and higher education); non-formal education programs for children for whom the formal system is inaccessible; adult education; on-the-job and vocational training; language training and lifelong learning opportunities. Emphasis must be placed on ensuring that girls are supported to equal access of safe and inclusive quality education.

- Ensure that refugee children, including children that are stateless, have access, on a par with national children, to **health care**, including national immunisation schemes, paediatric care, psychological and mental care and sexual and reproductive health care. Such access should go beyond access to only emergency care.
- Ensure administrative arrangements (known as “**firewalls**”) are in place between immigration enforcement and public services, thereby allowing refugee children and their families, including those who are stateless, to report crimes and have access to justice, housing, health care, education, police, social and labour services without fear of detection, detention or deportation.
- **Collect disaggregated data** about child refugee and stateless children as a tool in monitoring progress

3. **Gender and age are cross-cutting issues that must always be taken into account.** More specifically, it is important to:

- Ensure that measures are implemented to address the protection needs of girls and boys, with attention to the **specific needs and vulnerabilities of adolescent girls** in reception and asylum procedures, and that all such measures include provision of age and culturally sensitive and gender responsive safe spaces;
- Ensure that adequate **gender and age sensitive screening mechanisms** are implemented to identify new arrivals in order to make specific assistance and protection arrangements. It is essential to recognise the disparate needs of and risks faced by adolescent girls, who may be missed by screening mechanisms that target adult women and children.
- Ensure that both substantive and procedural aspects of the **Refugee Status Determination process are age and gender sensitive**,
- At the onset of a refugee influx, conduct a **comprehensive gender and age-sensitive needs assessment** as well as **assessments of existing local capacity** to address such specific needs and to understand the differential needs, vulnerabilities and risks for boys and girls of different ages and cultural background. Such assessment should inform policies and practice on resilience building and preparedness, early recovery, and sustainable development. .

4. **When it comes to addressing climate change and disasters, children can be effective agents of change.**<sup>3</sup> More specifically:

- **Children’s insights into and experiences of climate change and disasters** are different to those of adults, and should be integrated and considered in policy and practice, taking into account of their age and gender.

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<sup>3</sup> <http://www.childreninachangingclimate.org/about.html>

- Climate change **education** is an important investment for future generations.
- Children and young people can serve as effective **communicators** of risks and **drivers of change** in their communities.

## **PANEL 2: How can we ensure a whole-of-society response to large movements of refugees and protracted situations?**

A whole-of-society approach is crucial to engaging diverse stakeholders in responding to large movements of refugees and protracted situations, and it is imperative to providing long-term solutions. These stakeholders can include local authorities, international organisations, international and regional financial institutions, civil society actors (academia, faith-based organisations, trade unions and diaspora organisations), the private sector, the media and refugees themselves, including children and young people.

Furthermore, a whole-of-society approach requires a whole-of-government strategy whereby the protection of refugee children is integrated into the dossiers of all relevant ministries and in national development plans. For example, strategy would require ministries of education to ensure that refugee children are included in national education plans on a par with nationals, and that ministries of labour establish partnerships with the private sector to create enabling factors such that young refugees can access employment.

A whole-of-society approach also means a whole-of-community approach that empowers community and faith-based leaders, and community-based child protection networks to promote access to services for refugee children, including alternatives to detention, for example. When host communities are empowered, solutions are more long-term, refugees are more easily integrated into communities, where therefore leads to more positive attitudes towards refugees and reduced discrimination and social tension.

When aiming to ensure a whole-of-society approach, it is crucial that these various actors prioritise the protection of children's rights and their best interests. In particular, societal actors must work together to ensure children's robust access to services and that they are never criminalised based on their migratory status or that of their parents.

In view of this, the Initiative recommends and recalls that:

1. **In all actions concerning children – whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies – the best interests of the child shall be a primary consideration.** This is in accordance with the best interests principle, which is universal and one of four general principles articulated in the CRC.
2. Pursuant to the principle of non-discrimination, which is enshrined in the Universal Declaration of Human Rights and codified in many binding international treaties including the International Covenant on Civil and Political Rights and the UNCRC, **states should repeal all provisions that criminalise the provision of services to any refugee children or require service providers (public or private) to share personal data for immigration enforcement.**

3. **The New York Declaration commits states to combat xenophobia and racism**, and the intersecting forms of racism that affect children throughout the migration cycle and expose them to exploitation, abuse, violence, trafficking and contemporary forms of slavery. In combating xenophobia and racism, states should engage various actors, such as local authorities, the media, academia, community leaders and educators.
4. Across all stages of the migration journey, **states should provide technical, financial and holistic support to societal actors providing education, health, shelter, nutrition, water and sanitation, and access to legal and psychosocial support to refugee children**. These actors might include civil society and faith-based organisations, pro-bono legal firms, teachers, schools, the private sector, community and faith-based leaders, and community-based child protection networks.
5. **Related to the last point, refugee children needing an emergency response are likely to need suitable alternative care responses**. It is thus important to ensure that attention to immediate and urgent needs of refugee children do not overshadow the provision of suitable and quality sustainable solutions for children in their alternative care.
6. **In order to reach the goal of putting an end to child immigration detention, it is essential to implement community-based alternatives to detention**. These community-based alternatives are cheaper, more effective, more human rights-compliant and more humane.

### **PANEL 3: In what ways can regional institutions contribute to comprehensive refugee responses?**

Regional institutions can support initiatives within their ambit, which aim to improve responses to refugee children. This includes support to civil society, national governments, regional and local governments, etc.

The Programme of Action should support regional cooperation initiatives that aim to increase the protection, care, support and access to services for children involved and impacted by large movements regionally. In particular:

1. **Cooperation** between relevant child protection actors across borders should be based on a **child-focussed agenda** and founded on best interests assessments and determinations that include **child protection safeguards** and fully respect **data protection** to avoid potential exposure of children to harm. Cross-border cooperation is key, for example, to improving family tracing and reunification; ensuring appropriate transfer of care as children cross borders; establishing and strengthening case management across borders; and establishing common standards and exchange good practices.

An example of a promising regional initiative in this respect is the intersectional cooperation established by the **ISS West African Network across 15 ECOWAS countries and Mauritania**. The main activity of the network is the identification,

protection and reintegration of vulnerable children and young migrants in the host country, the country of origin or a third country following a common procedure based on harmonised standards. Since its inception, thanks to the involvement of different child protection stakeholders, this initiative has supported and integrated over 5,000 children. In each country, a NGO partner is responsible for developing the cooperation with the authorities, civil society and international partners. In addition, each year, the 15 ministries in charge of child protection meet in a steering committee to discuss the results, challenges and provide direction to the network.<sup>4</sup>

2. **In relation to safe and regular pathways for admission, different regions can also contribute promote and implement policies and practices aimed at:**

- Expanding options for families to move together safely and regularly and for family reunification;
- Increasing access to humanitarian admission and humanitarian visas;
- Facilitating worker mobility across skill levels;
- Expanding numbers of student visas and private sponsorship programmes;
- Implementing resettlement and relocation schemes;
- Establishing a cooperation framework for responsibility-sharing for refugees, based on human- and child-rights principles and allowing for a predictable, equitable, flexible and adequate response to major movements of children and families across borders.

3. The key role of **local authorities and local actors** should be supported and resources and capacities should be increased. National and regional stakeholders can play a key role in strengthening policy coherence and enhancing financial support to local governments, so that they can welcome, protect and empower every child in their local communities. Local authorities can put in place initiatives that promote the inclusion of refugee children and their families, and work with urban planners to tackle exclusion by facilitating inclusive access to local services. These local authorities should be provided resources to collect better quantitative and qualitative disaggregated data on refugee and migrant children, and to use this evidence for policy-making and city planning.

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<sup>4</sup> For further information, see: <http://www.resao.org/en/results/>