

# Initiative for Child Rights in the Global Compacts<sup>1</sup>

## **Making the Global Compact on Refugees work for children** ***Recommendations following Draft 1 of the Global Compact on Refugees***

Over half of the world's refugees are children. Yet, too often, their care and development needs go unmet and children are merely considered as an extension of adults. To protect refugee children and ensure their rights are respected, protected, and fulfilled, we must address all protection challenges and possible responses through the lens of children's specific needs and potential vulnerabilities. In any situation of displacement, these needs and vulnerabilities will vary depending on a myriad of factors, including a child's age, gender, ethnicity, nationality, physical and psychosocial health and disability status, educational level and whether the child is stateless, unaccompanied or has been separated from their family.

All sustainable solutions, services, policies, planning and mechanisms – locally, nationally and transnationally – must be responsive to age, gender and disability, as well as other intersecting factors, and founded upon the rights of the child and the child's best interests. A child is a child, and all children deserve protection and the opportunity to thrive regardless of their status.

The Initiative for Child Rights in the Global Compacts (hereafter referred to as “the Initiative”) **welcomes the improvements** made in Draft 1 of the Global Compact on Refugees, published on 9 March 2018. We welcome the explicit reference in the introduction indicating that the Programme of Action (PoA) is grounded in **existing legal frameworks and principles and human rights standards**. Furthermore, we are pleased to see that Draft 1 now refers to the **right to asylum and the principle of *non-refoulement* as being at its core and** contains **increased references to the Sustainable Development Goals (SDGs)**.

Draft 1 is a promising basis on which to build. We recommend that future iterations of the GCR will be strengthened through incorporating the following recommendations:

### **Foundations**

**We recommend more consistent references throughout the text to human rights standards, including the Convention on the Rights of the Child (CRC).**

We recommend that **responsiveness to age, gender and disability** be a guiding principle, together with the **commitment to upholding the best interests of the child** as a primary consideration at all times.

In line with a human rights-based approach, **the agency and participation of children and young people** must be recognized and promoted throughout the PoA. International protection claims submitted by children should be considered on their own grounds, and child-specific reasons for seeking international protection should be recognized and applied in procedures. When a child is concerned, the durable solution and follow-up arrangement should be built together with the child.

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<sup>1</sup> The Initiative for Child Rights in the Global Compacts (“the Initiative”) is a partnership of 30 civil society, UN and philanthropic organisations working together to ensure that children's rights are at the heart of the two global compacts on migration and on refugees and that they pave the way to guarantee a continuum of care, protection and support for migrant and refugee children. The Initiative is co-chaired by Save the Children and Terre des Hommes.

## Child protection

We welcome the reference in the introduction to the PoA being guided by age, gender and diversity considerations and informed by the best interests of the child. **We strongly recommend that references to the need for actions to be age- and gender-responsive be made throughout the text** to ensure that the necessary level of protection is maintained throughout the full displacement cycle, as well as to guarantee a continuum of protection and care across borders. Interventions and policy language that remain gender neutral, in particular, leave out recognition of how underlying gender norms and power structures interact with age and other factors to impact the distinct risks and protection needs faced by girls and boys.

We welcome the various references to addressing **the specific needs of children at risk** and the call for adequate care arrangements and services. We believe the PoA should contribute further to improving the **safety of children concerned** by calling for safeguarding standards to be included in the regulation of all structures hosting children, whether unaccompanied or not. These standards should be duly implemented and monitored, including by independent human rights mechanisms.

Staff working in any structure supporting children, including asylum authorities, should be **trained in children's rights and child protection**, be provided with managerial support in implementing safeguards and act according to the child's best interests. More resources should be invested in ensuring guardianship and/or legal representation for unaccompanied and separated children and national/local social systems working with children and families. We welcome the reference to multi-disciplinary teams and **call for the PoA to make clear that where children are concerned and where multi-disciplinary teams are involved, child protection authorities should have a leading role.**

## Alternatives to child detention

We welcome the inclusion of reference to alternatives to detention in Draft 1. Detention of a child in the context of displacement is never in their best interests. Research has shown the damaging impact that even short periods of detention have on a child's mental and physical health and development. To support the operationalization of the New York Declaration commitment to work towards ending child detention, the Initiative calls for a reference in the PoA to the availability of existing guidance and tools for countries of origin, transit and destination on developing alternatives that fulfill the best interests of the child and respect the child's rights to liberty and family life. Guided by the UN Guidelines for the Alternative Care of Children, family and community-based care alternatives should be promoted for unaccompanied and separated children.

Members of the Initiative have vast experience working with governments to develop alternatives to detention such as small-group homes, foster care and semi-independent living arrangements. We stand ready to share these practices and lessons learned as appropriate.

## Access to key services (such as education)

Approximately 3.5 million refugee children, more than half of all refugee children in the world, are not in school. Providing refugees with an opportunity to learn is the building block from humanitarian response to recovery, resilience and long-term development. Refugee children and their families often highlight education as a key priority. A recently published [briefing](#), supported by the Initiative, sets out key elements for inclusion in the PoA to ensure that refugee children can access their right to education, in accordance with the CRC and SDG 4. This briefing recommends steps to achieve: (a) the inclusion of refugees in national education systems; (b) financing education for refugees; and (c) ensuring refugee children are learning.

## Non-discrimination

The principle of non-discrimination is one of the fundamental pillars of the CRC. Children are children independent of their status, and their rights must be respected in line with binding international law. **Refugee children must be accorded their guaranteed rights and have the same levels of protection as national children.**

In addition, **there should not be any discrimination between refugee boys and refugee girls.** Analyzing the distinct impacts of the intersections of age and gender is a prerequisite to ensuring that interventions meet the needs of all children. Where girls may face increased protection risks or barriers to the achievement of their fundamental rights, concerted action is required to address these age and gender dynamics, under the principle of non-discrimination and international human rights law.

**The PoA should also include measures that foster an open and non-discriminatory society and prevent xenophobia, racism and discrimination against refugee children.** It should identify and promote measures that proactively support reciprocal inclusion between host and refugee communities, paying particular attention to the social inclusion of refugee children.

## Sustainable solutions in children's best interests

Promoting the quality and sustainability of solutions is as crucial as putting these solutions in place. **The Initiative is concerned that the sections on solutions do not make specific references to children and their rights, including their right to be protected from all forms of violence, the right to be heard and have their views taken into account, or a determination of the best interests of the child in assessing the appropriateness of different options.** Specific attention should be given to ensuring that the best interests of each child is upheld when decisions about their lives are made. Monitoring mechanisms should also be in place to ensure adjustments as needed.

Sustainable solutions include the traditional meaning of durable solutions (voluntary repatriation, resettlement and integration) as well as all efforts having a direct impact on children's self-reliance and resilience, such as education, training, health, including psycho-social support, and empowerment.

## Indicators and follow-up

A framework of age- and gender- responsive indicators will be crucial in measuring implementation and the achievement of the GCR's overarching goals. The Initiative has developed a set of goals, targets and indicators outlined in its document [Recommendations for protecting, promoting and implementing the human rights of children on the move in the proposed Global Compacts](#).<sup>2</sup> We share this set of goals, targets and indicators for use by negotiators during the ongoing consultations, and stand ready to participate in these discussions.

With a view to supporting the deliberations around the content of Draft 1, we have reviewed the text in detail, and have developed suggestions on how to ensure that child-focused responses – starting from the identification of children to implementing durable solutions for them – are in line with the child's best interests and the rights of the child.

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<sup>2</sup> Available at: [http://www.childrenonthemove.org/wp-content/uploads/2017/12/working\\_document\\_En\\_171201.pdf](http://www.childrenonthemove.org/wp-content/uploads/2017/12/working_document_En_171201.pdf)

## GCR DRAFT 1 INTRODUCTION

### BACKGROUND

#### (Para 1)

We recommend that the text refer specifically to the Convention on the Rights of the Child (CRC). We welcome the reference to the root causes of refugee movements and recommend including a reference to child- and gender-specific drivers. The background could also add a reference to demographic contexts and how these impact women and children, including through listing child- and gender-specific drivers such as child recruitment in armed forces, violence, including different forms of exploitation and abuse, sexual and gender-based violence, and harmful practices based on discriminatory gender norms. We recommend making clear that protection is a legal entitlement and not just a need for refugees: “Under international law, refugees are entitled to adequate protection, assistance and solutions to their plight in accordance with gender, age, and any other specificity.”

(Para 3) We welcome that refugees themselves are considered as key stakeholders and would like to see a specific reference to children. Children should be fully protected but also recognized and empowered as agents of change in their own lives. The obligation under the CRC to ensure that the voices of children are heard should be explicitly referenced. A specific mention of refugee, women, youth and child -led organizations would also be welcome.

(Para 4) We welcome the direct reference mention of the cardinal principle of *non-refoulement*, and call for an explicit reference to the CRC, which applies to all children in all contexts, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and to the Convention on the Rights of Persons with Disabilities (CRPD). The current draft states that international human rights instruments complement the refugee protection regime. We suggest this to be amended to clarify that the refugee protection regime is founded upon international human rights instruments.

#### (Para 5)

The GCR is establishing a framework for more predictable and equitable responsibility sharing together with relevant stakeholders. The term “burden-sharing” should in our view be replaced by “responsibility-sharing.” It should also be noted that States’ responsibilities towards refugees include investing in their capacity to thrive, contribute to and enrich host communities. Mechanisms leading to equitable and predictable responsibility-sharing must be centered on the best interests of the child; this should be stated here.

A significant indicator of success of the GCR will be in how it impacts the lives of refugee children, accounting for more than half of all refugees, and this indicator should be integrated into the goals. Goal 2 could be amended as follows: “strengthened national protection systems and response capacities worldwide that safeguard the rights of refugees, responding to current gaps in the protection of women, girls and boys, and persons with disabilities.”

#### (Para 6 and 7)

It is encouraging to see acknowledgement of the need for *“robust and predictable cooperation to achieve the goals and the need to mobilise: political will; strongly and more predictable humanitarian and development responses; and increased investments.”* It is unclear, however, how predictability will be achieved considering that each State and stakeholder will determine their contribution according to their respective resources, capacity and expertise. We recommend that this be clarified.

In addition to education, it is also important to increase investment in training and capacity building of refugees, so that they have the necessary tools to improve their lives. We therefore recommend that this be added to this section. ‘Protection’ should also be added.

### GOALS

PREVENTION AND ADDRESSING ROOT CAUSES

(Para 8 and 9)

We welcome the introduction of root causes in this draft as well as references to cooperation in conflict prevention and resolution, humanitarian law, poverty alleviation, the 2030 Sustainable Development Agenda and the promotion of and respect for human rights.

We recommend that it be made clear in these sections that the different pillars are intrinsically linked through human rights, by amending the section as follows: *“averting and resolving large movements of refugees are matters of serious concern to the international community as a whole: they require a human rights-based approach that ensures improved cooperation and complementarity among political, humanitarian, development and peace efforts.”*

Children are extremely vulnerable to, and likely to be the most affected by, growing causes of large flows of forced refugee movements. We recommend adding an explicit reference to this, e.g., *Measures to address root causes of large movements of refugees – including through actions around early warning and prevention of conflicts and widespread violence, poverty reduction, investment in social protection, preventing and responding to statelessness, and climate-change and disasters – must be child-focused and child-sensitive. Such measures must be grounded on the principle of the best interests of the child and on the rights of child.*

GCR DRAFT 1 PROGRAMME OF ACTION

A. Mechanisms for burden and responsibility sharing

GENERAL

(Para 11)

Mixed migration is referred to in a footnote as “other contexts as may be appropriate,” and we recommend that the reference to mixed migration be made explicitly in the text.

(Para 12)

It is encouraging to see that age as well as gender and diversity considerations guide all aspects of the PoA, and that it is informed by the imperatives of promoting gender equality and empowering women and girls as well as the best interests of the child. Rather than “responding to... the best interests of the child,” it would be more accurate for this to read: *responding to the vulnerabilities of children and respect for the best interests of the child as a primary consideration.*

We welcome the link between the PoA and broader efforts to end discrimination. However, we recommend deleting the specific grounds mentioned “based on race, colour, religion or creed” as these are too narrow in scope.

Consistent with the Universal Declaration of Human Rights, various human rights treaties and the Charter of the United Nations, the language *respect, protect and fulfill* should be used when qualifying the actions to be taken by States in relation to human rights.

This PoA should be ambitious and a tool to support efforts towards *achieving gender equality*, rather than only promoting it. This should be reflected in the language here.

*Sexual violence and all forms of gender-based violence and harmful practices* should be added together with exploitation and abuse. As recognized by the Inter-Agency Standing Committee, “[s]exual violence is the most immediate and dangerous type of gender-based violence occurring in acute emergencies.”

(Para 15)

A multi-stakeholder approach is important for the responsibility-sharing mechanisms that are outlined, but this is an approach rather than a tool, which should be made clear. To facilitate the meaningful participation of stakeholders, resources must be allocated, including for building capacity.

We therefore recommend the following amendment: “other key tools for burden- and responsibility-sharing include: funding; ~~a multi-stakeholder approach;~~ and better data and evidence, including “mapping” of the ~~cost and~~ impact of hosting refugees, resources to support meaningful participation of all stakeholders, including resources to increase capacity as needed.”

**(Paras 16, 17, 18)**

We would like to see greater clarity on the mechanisms for the Global Refugee Summits to understand the level of participation, particularly of UN States, and how needs are identified for which pledges are made.

**National Arrangements (Para 19)**

We welcome the provision of national arrangements to coordinate comprehensive responses to specific situations and an explicit reference to the inclusion of NGOs, local authorities and refugees themselves. We recommend that specific reference is made to fostering the participation of refugee children and youth. Child and young refugees should participate in and be consulted on the drafting of comprehensive plans at the national and local levels.

In supporting host countries to put in place mechanisms to devise national comprehensive responses, capacity building should cover the importance of capacity and financial support to local authorities and actors. For children, the role of local governments is crucial as they play a direct role in welcoming, protecting and empowering all children in their communities.

Capacity building should also cover supporting authorities in ensuring participation. This could be added as follows: “Capacity development, including on adopting a multi-sectoral approach, fostering the participation of refugees and sharing experiences about such arrangements, for relevant national authorities to undertake such work would be provided by UNHCR and other stakeholders, at the request of the host country.”

**Regional approaches (Para 21)**

Regional institutions can support initiatives that reinforce cross-regional dialogue and cooperation between a range of actors to ensure a continuum of care and support for children along displacement routes. Cross-border cooperation between relevant child protection actors is essential to: ensure the appropriate protection of children crossing borders, establish and strengthen case management across borders, establish common standards and exchange good practices, and improve family tracing and reunification, when in the child’s best interests. Cross-border cooperation should be based on a child-focused agenda and founded on best interests determinations that include child protection safeguarding and fully respect data protection. This could be included as follows: “Refugee movements often have a significant regional dimension, and regional leadership can be key in achieving comprehensive responses, including in ensuring a continuum of care and protection for children.” We recommend also that other stakeholders be added here.

**Global Support Platform (Paras 22-26)**

The participation of civil society and refugees themselves is key and should be included in plans for the Global Support Platform. In addition, more clarity would be welcome on the distinction between the Global Support Platform and the Global Solidarity Conferences.

It is encouraging to see that the country- and region- specific compacts allow for follow-up arrangements and progress measurement from an age perspective. It should be made clear that the compacts will require participation of refugees: “This would include follow-up arrangements and reporting on progress, including from an age, gender, and diversity perspective (see Part IV) as well as through the active participation of refugees, including children, in follow-up and reporting.”

TOOLS

**(Para 31)**

We welcome the commitment to engage with refugees and host communities when assessing their needs and designing appropriate responses for them, and we recommend adding a particular reference here to children. The participation of all refugees, including children, women, and youth is key in policy making, planning and evaluation processes. Refugee youth and children must also be specifically engaged in the development and implementation of the compact.<sup>3</sup>

A concerted effort must be made to ensure that gender-, age- and diversity- related barriers to participation are identified and addressed. We recommend that GCR implementation involve robust consultative processes with children using age- and gender-responsive tools and methods. We stand ready to support States in this.

**(Para 34)** The role of regional and international civil society organizations should also be recognized, and women-, youth- and child- led organizations deserve a specific mention under civil society organizations.

**(Paras 39 and 40)** We welcome the reference to age-disaggregated data and the reference to data protection policies. Common standards for the collection, analysis, and dissemination of data must include child protection and safeguarding considerations; this reference should be added.

**(Para 42)**

We specifically recommend referencing refugee, women, youth and child-led civil society organizations which can assist UNHCR as appropriate in measuring the impact of hosting, protecting and assisting refugees.

GCR DRAFT 1 PROGRAMME OF ACTION

B. Areas in need of support

RECEPTION AND ADMISSION

**Preparedness, contingency planning and early warning (Paras 44 and 45)**

We welcome the inclusion of preparation for large movements into the preparedness and contingency planning, local early warning and early action mechanisms, disaster risk reduction efforts and measures to enhance evidence-based forecasting of future movements.

We welcome the provision on capacity development support for local authorities for risk monitoring and other measures before a crisis. In preparedness plans, it is important to analyze capacity as well as risks and therefore we recommend revising as follows: *“Capacity development for local authorities will be supported, enabling them to put in place risk monitoring and contingency planning, capacity analyses, as well as other preparedness measures....”*

In order to ensure that no one is left behind in the risk monitoring and contingency planning response, it is essential for this to be done from an age and gender-perspective and that the needs of all in all their diversity are taken into account.

We recommend that mechanisms for forecasting of future movements and early warning mechanisms are geared towards the protection of vulnerable groups

Other preparedness measures should include *“age and gender sensitive conflict, context and risk analyses.”*

<sup>3</sup> See NGO Statement to Agenda Item 2 at March Formal Consultations available at <https://www.icvanetwork.org/resources/second-formal-consultations-towards-global-compact-refugees-ngo-statements>



### **Immediate reception arrangements (Para 46)**

Supporting host countries and communities to prepare for and deal with large numbers of people arriving, include providing adequate resources and sharing expertise for ensuring the best interests of each child. For example, information and services should be provided in a child-friendly and gender-responsive manner, taking account of varying literacy and language abilities. Women, girls, and boys should be interviewed and assessed in a child-friendly and gender-responsive environment, and all border, reception and admission staff and volunteers should be trained in child protection and child rights. In addition to identifying and supporting unaccompanied and separated children, it is important to identify specific needs of children travelling with families.

We recommend the following additions to the areas for which UNHCR, other States and relevant stakeholders will contribute resources:

- Ensure standards are in place that duly reflect gender, age and diversity needs;
- provide initial capacity building and training to ensure that all border, reception, and admission staff and volunteers are trained in child protection and child rights, trauma and gender-sensitivity, as well as in how to identify unaccompanied and separated children, and trafficking victims and survivors;
- “assist with initial registration and identification of specific needs, including protection risks notably of women and children and ensuring the best interests of the child as a primary consideration, (see sections 1.4 and 1.5 below);”
- “identify and support the establishment of gender, age and disability responsive reception and transit areas, with adequate protection and care arrangements for children and other persons with vulnerabilities and specific needs;”
- “ensure access to essential services while in reception areas, including clean drinking water and sanitation, nutrition, education and health-care and nutrition, including psychosocial, sexual and reproductive healthcare; as well as protection, including child protection and best interests assessments and determinations;”
- conduct regular independent monitoring of reception conditions and adjust to meet standards; and
- “conduct post-reception planning, including through collective arrangements or individual/community-based accommodation, taking into account all gender, age and disability related accommodation protection concerns, and in alignment with all international standards.”

### **Safety and Security (Para 48)**

We welcome the addition of reference to sexual and gender-based violence and smuggling/trafficking.

Protection-sensitive protocols should be referenced to include child-protection and child safeguarding-sensitive protocols. In addition to protection-sensitive protocols, it is essential to ensure capacity building and managerial support for those implementing them. This could be added to the second bullet point. Again, we emphasize the need to establish complaints mechanisms and ensure adequate monitoring through national human rights mechanisms, such as the Ombudsman for children.

This section emphasizes safeguarding national security while it is intended to be both about safeguarding national security and protecting refugees. We recommend therefore that this be reviewed, and the imbalance redressed.

This section refers to providing assistance and protection to children formerly associated with armed forces and groups. This should be broadened and allow for the identification, protection and assistance of all children with vulnerabilities and should be **moved into para 50: Addressing specific needs, including children at risk**. Our suggested language is as follows “the development, capacity-



building, and implementation of age and gender responsive programmes for protection and assistance to children formerly associated with armed forces and groups, in line with and informed by best practices and lessons learned and ensuring the best interests of the individual child remains paramount in all efforts.”

#### **Registration (Para 49)**

We welcome a number of improvements to this section including: the reference to individual registration and documentation, including for women and girls; the inclusion of reference to procedures for the identification of stateless persons; and the collection of quality registration data disaggregated by age/sex and specific needs.

It is essential that such systems are developed with protocols and data protection principles that fully include and implement child protection and child safeguarding standards and reflect the protection purpose for sharing of personal and biometric data. Training for those who will follow the protocols should also be envisaged. This could be incorporated as follows:

“procedures to assist with the identification of stateless persons and those at heightened risk of statelessness, including through targeted interventions to ensure that all refugee children are registered at birth or immediately after birth without discrimination of any kind, and to ensure adequate assistance at the earliest opportunity to refugees, regardless of age or gender, in obtaining other necessary documents; the collection of quality registration data, disaggregated by age, sex, specific needs, and location; and the establishment of and training on protocols for the sharing of personal and biometric data, in line with relevant data protection principles, and which cover the protection purpose of data sharing and explicitly refer to child protection and child safeguarding principles.”

#### **Addressing specific needs, including children at risk (Paras 50-51)**

We are pleased to see the inclusion of specific references to children at risk, resources and expertise for the identification, screening and referral, multi-stakeholder response teams and best interests assessment and/or determination procedures.

In addition to the list of areas for which States and other relevant stakeholders will contribute resources and expertise, we recommend adding the suggested revisions to strengthen the section further:

*In addition, other States and relevant stakeholders will contribute resources and expertise for:*

- “the establishment of “safe spaces”, including separate spaces which ensure the right of privacy and safety for women and children in arrival, transit, registration, and other communal areas;
- the strengthening of guardianship and/or legal representation for unaccompanied and separated children;”
- “the development of alternatives to detention, particularly for children that fulfil the best interests of the child, along with the child’s rights to liberty and family life. For unaccompanied and separated children, in accordance with the UN Guidelines for the Alternative Care of Children, family and community-based care alternatives should be promoted, such as foster care, small group homes and semi-independent living arrangements.”
- access to child friendly, gender and disability responsive legal information, counselling and representation;
- “the provision of, and access to, child and youth friendly, and gender and disability responsive counselling and medical assistance, including preventive care, psychosocial services, and essential sexual and reproductive healthcare for survivors of physical or psychological abuse, sexual and gender-based violence, other torture, and trauma, and those with medical needs;”
- “the establishment of arrangements to enable people with disabilities, including children with disabilities, and older adults to access registration and other services; and,”
- the provision of appropriate and integrated gender and age responsive, child protection care and services for all at-risk refugee children, starting from the time of arrival.

It is essential to implement community-based alternatives to detention. We suggest alternative language for footnote 38 which references alternatives to detention., particularly for children as follows:

*Footnote 38: Care arrangements and other services may include alternative temporary care arrangements (see “Guidelines on alternative care for children” (A/RES/64/142)), guardianships, psychosocial support, and family tracing. See also UNHCR “Field handbook for the implementation of UNHCR BID guidelines”; “UNHCR’s position regarding the detention of refugee and migrant children in the migration context” and the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Committee on the Rights of the Child. “Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return” (CMW/C/GC/4-CRC/C/GC/23).*

We recommend explicit reference in the text, rather than in a footnote to care arrangements and other services which may include alternative temporary care arrangements, guardianships, psychosocial support, and family tracing and reunification.

#### **Identifying international protection needs (Paras 52-54)**

We welcome the reference to adapting processes so that they are gender, diversity and child sensitive and recommend elaborating that assistance will also be provided for *“advice on arrangements and quality assurance for processing asylum claims...or other ways to recognize international protection needs..., including recognition of child and gender specific forms of prosecution as a basis for an asylum claim.”*

Guidance should also be provided to ensure that processes are adapted *“so that they are human rights-based, non-discriminatory and gender, diversity and child sensitive-responsive.”*

We recommend that the emphasis should be on how to ensure quality in asylum procedures including due process. It is critical that civil society is an integral part of the asylum capacity support group.

#### **Education (Paras 59 and 60)**

We welcome the commitment for host countries to include refugee children and youth in national education systems, and for refugee girls and boys to access education within three months of displacement. We welcome the inclusion of reference to early childhood development and reference to overcoming barriers to attendance, flexible learning programmes; approaches to cope with stress and trauma; and support for teachers including from refugee communities.

While we appreciate the recognition that girls in particular face specific obstacles to access education in refugee contexts, it is important to emphasize some of the most prevalent barriers, in addition to the need for safe transport and healthcare more broadly. They include *menstrual hygiene management needs; school-related gender-based violence; (unpaid) domestic labour and care-work and child labour within and outside the home; harmful practices including child, early and forced marriage; and early pregnancy.*

The Initiative encourages improvement in access to and **quality** of education, tackling barriers to education, and expanding the education system to include refugee children.

To operationalize this, the Initiative produced a [briefing](#) focused on education for refugee children. We recommend that the list of specific actions is expanded and strengthened to include, for example:

- **Inclusion** of refugees in national education systems through the development of national education plans which include provision for refugees.
- **Financing education for refugees:** provide predictable, long-term, multi-year funding to support hosting countries to deliver safe, quality learning opportunities to refugees and host communities
- **Ensuring refugee children are learning** and education serves integration by supporting education structures and staff in promoting respect for cultural diversity in society.

We would also like the PoA to better link education with jobs and livelihoods opportunities. We encourage support to States to ensure language, vocational and life skills training especially for children and youth refugees.

### **Health (Paras 62 to 63)**

Reference to health as a human right should be clearly made.

The PoA must ensure health service provision and training for healthcare workers includes a specific focus on children.

Resources and expertise to expand service delivery, should include support to ensure that health services are child and youth friendly and gender responsive.

The strengthening of national health data systems must include disaggregation by age, gender and disability as well. Disaggregation of data by age, gender and disability are key health indicators that must be considered in addition to refugee status. This disaggregation will be fundamental to inform and guide on the definition of policies and actions in the health sector.

The PoA should explicitly make clear that a basic package of health services must go beyond maternal and infant healthcare and include, psychosocial healthcare, and sexual and reproductive healthcare information and services, in line with the SDGs, the NY Declaration, and international human rights law.

Lastly, we recommend adding in a reference to resources and expertise to support measures that allow service providers to pursue professional ethics and independency by safeguarding users' confidentiality.

### **Gender (Para 64)**

We welcome the reference to a gender lens and gender-sensitive approach in the access and provision of key services including social services, health, education and safety.

This response should consider the evidenced barriers that girls and young women face in participating in both formal and informal decision-making processes. Girls and young women have the fundamental right to participate in decisions that affect their lives, yet unless the age and gender predicated barriers to their participation are addressed, their voices, agency, and vital insights and experiences will remain invisible.

The PoA could also be strengthened by referencing actionable and proven methods and mechanisms for preventing and responding to sexual and gender-based violence and sexual exploitation and abuse, including:

- Providing and maintaining safe and reliable public transport, footpaths, market places, public facilities, and shelters, in line with internationally agreed standards
- Identifying, challenging, and addressing gender-based discriminatory attitudes and social norms at all levels that condone violence against girls and women through developing, investing in, and implementing targeted and context-tailored policies and programming;

- Developing and maintaining safe reporting mechanisms for victims and survivors of sexual and gender-based violence, and ensuring gender and age-sensitive reporting and accountability mechanisms

In addition, we recommend ensuring that access to social services is both age and gender-responsive.

The provision of livelihood opportunities should explicitly include young women, and such livelihood opportunities should be “gender transformative and market responsive, in order to better promote gender equality and strengthen the agency of women and girls among refugee and host communities.”

#### **Civil registries (Para 71)**

We recommend adding to the explanation of the importance of birth and registration, revising it as follows:

“Birth registration and registration of other vital events is a fundamental human right critically important for all persons, including refugees, and a major protection tool for women and ~~girls~~ children, particularly girls and unaccompanied and separated children. Birth registration helps establish identity, age, and parentage, and prevent the risk of statelessness, while legal identity is key for a wide variety of activities, including enrolling in school and obtaining employment, housing, medical care, and other services. Where children are registered, and the records well kept, children can more easily access aid and family tracing for separated children is facilitated. Proof of age can help protect children or prosecute perpetrators of child marriage or child labour, including the worst forms of child labour. For refugees, recognition of identity is essential for attaining a durable solution. Proof of identity also helps States to have accurate information about the persons living on their territory for the purposes of security, as well as economic and social planning.”

“In support of host countries, other States and relevant stakeholders will contribute resources and expertise to strengthen the capacity of national civil registries to identify and address barriers to and facilitate access by refugees and stateless persons, as appropriate, including through information campaigns within the community and the provision of child-friendly information, cost reduction as well as through digital technology and the provision of mobile services.”

#### **Support for countries of origin and voluntary repatriation (Paras 74 to 78)**

While we welcome much of the detail that has been added to the PoA’s section on Solutions overall and the greater reference to the principle of non-refoulement in this section, **the Initiative is very concerned that the sections on solutions do not make any specific reference to children, child protection, child rights and determination of the best interests of the child in any form of durable solutions proposed, i.e. returns and reintegration, local integration and resettlement.** Any decisions relating to the potential return, local integration or resettlement of a child should be based on the outcome of a **Best Interests Determination procedure**.

We recommend including this as follows:

“While enabling voluntary and sustainable repatriation is first and foremost the responsibility of the country of origin towards its own people, coherent and sustained action and support by the international community is needed. The overriding priorities are to promote the enabling conditions for voluntary repatriation, to ensure the exercise of a free and informed choice, including gender, age and disability responsive information and processes, and to mobilize support to underpin safe and sustainable return. Where children are concerned, all decisions regarding durable solution and follow up support should be based on a sound and well-documented best interests determination procedure, led by child protection authorities.”

We are also concerned that the statement, “ ‘voluntary repatriation’ is not necessarily conditioned on the accomplishment of political solutions in the country of origin” could open the door for significant violation of the principle of non-refoulement.

In cases where, following the conducting and documenting of a best interest determination procedure, a child is voluntarily returned, the authorities of both States share a responsibility to ensure a ‘continuum of protection’.

We recommend adding the following to the list of areas in which States and interested parties will contribute resources and expertise:

- Promote the continuity of care and facilitate inter-country case management for children;
- Extensive child rights assessment in the country of origin including access to services such as education, counselling, psychosocial and livelihoods support, and protection from all forms of violence, before considering the return of a child;
- National and regional monitoring of the necessary continuums of protection and care;
- Child-focused reintegration support for children who are returned which take into account child-specific needs such as reintegration at school, access to psychosocial support, social inclusion etc.;
- The monitoring of returned children including a review of the effectiveness of reintegration support and involve child-rights bodies and civil society and of course the children themselves;
- Individual plans for the child’s sustainable return including support to prepare him/her for return as well as adequate and ongoing post-return evaluations that analyse the long-term impacts of the child’s return;
- Family tracing and reunification procedures; and
- Mainstreaming of procedures to respond to the urgent and emergency protection needs of children, and vulnerability criteria for children.

#### **Resettlement (Paras 79 to 80)**

Concerning resettlement, the list of areas for which contributions will be sought should be expanded to include the following:

- expand resettlement opportunities for women and children at risk;
- ensure that resettlement officers have the necessary training, skills, and capacities to identify, screen, and refer vulnerable and at-risk persons, especially women and children for resettlement; and
- expanded vulnerability criteria to assess the need for resettlement or other complementary pathways, including the incorporation of specific factors that compound children’s vulnerability, such as the risk of violence, including exploitation and abuse and gender-based violence, mental health, disability, domestic violence, single-headed households, statelessness, etc.

#### **Other pathways for admission to third countries (Paras 84 to 86)**

The initiative strongly welcomes paragraphs 84 to 89. We also strongly encourage these paragraphs to be further elaborated upon based on existing good practices from a human rights perspective. One crucial point we would like to see further elaborated on in these paragraphs is the right to family life, which includes family reunification. We hope that the PoA would further support measures that allow families to move together safely and regularly and **prevent unnecessary family separation with all related risks for all concerned.**

With regards to the right to family reunification, we welcome its reference under ‘admission to third countries pathways’. However, this is also crucial in terms of local reintegration of unaccompanied and separated children. When in the best interests of the child, the right to family reunification includes the possibility for the parents and other family members to join the child in the destination country.

Therefore, both in terms of ‘admission to third countries pathways’ and local integration, we would like to see references to:

- broadened eligibility criteria, and an expanded definition of family, in line with the child’s best interests. A more culturally-sensitive interpretation of family should allow children to join relatives that de facto cared and looked after them back home, which could include in addition to parents, adult siblings, grandparents, aunts, uncles and foster parents;
- accelerated and simplified procedures and priority to family reunification applications involving children;
- enhanced family tracing and reunification to ensure appropriate transfer of care as children cross borders, to establish and strengthen case management across borders, and to establish common standards and exchange good practice;
- targeted investments in guidance and training on child rights for officials who consider family reunification applications.

(Paras 79 to 89) We would also like to see in the PoA recommendations for strengthening efforts to address xenophobia and discrimination. Law enforcement and accountability measures should go hand in hand with identification and support and promotion of the many existing good practices of local communities welcoming and supporting refugees. Through their agency, children and youth from host communities are leading such efforts that the Initiative hopes will be duly recognized and supported through the PoA.

## GCR DRAFT 1 PROGRAMME OF ACTION

### Follow up mechanisms

#### FOLLOW UP

A framework of age- and gender- responsive indicators will be crucial in measuring implementation and the achievement of the GCR’s overarching goals. The Initiative for Child Rights in the Global Compacts has developed a set of goals, targets and indicators outlined in its document.<sup>4</sup> We share this set of goals, targets and indicators for use by negotiators during the ongoing consultations and stand ready to participate in these discussions.

This contribution is based on positions adopted by the members of the initiative and outlined in its publication “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”. This document is available at: [http://www.childrenonthemove.org/wp-content/uploads/2017/12/working\\_document\\_En\\_171201.pdf](http://www.childrenonthemove.org/wp-content/uploads/2017/12/working_document_En_171201.pdf)

<sup>4</sup> Available at: [http://www.childrenonthemove.org/wp-content/uploads/2017/12/working\\_document\\_En\\_171201.pdf](http://www.childrenonthemove.org/wp-content/uploads/2017/12/working_document_En_171201.pdf)