



Meeting the rights and
protection needs of
refugee children

*An independent evaluation
of the impact of UNHCR's
activities*

Evaluation and Policy Analysis Unit

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Summary of findings and recommendations

Refugee children, especially adolescents, are acutely at risk of being influenced by violence due to the role of conflict in their lives and dearth of positive development opportunities. This underscores the importance – to all host communities and the international community – of ensuring the protection needs of refugee children¹

UNHCR's policies and guidelines on refugee children² are strong and we found some good examples of work with refugee children. However, children, half of the Office's population of concern³, are often overlooked and considered 'on-the-sidelines' of core protection and assistance work.

UNHCR has taken a number of important steps towards meeting the rights and protection needs of refugee children. The Office's 1994 Guidelines remain highly regarded. The establishment of specialist postings at headquarters and regionally,⁴ strategic partnerships with Save the Children Norway and Sweden for community services and with the Norwegian Refugee Council for education, and recent training and capacity building initiatives⁵ have all improved the degree to which the protection needs of refugee children are met. In 1997 the Office adopted a constructive follow up strategy to the 'Machel Study' - the 1996 UN Study on the Impact of Armed Conflict on Children.⁶ This strategy emphasizes performance objectives on priority child protection issues -- adolescents, sexual exploitation, education, prevention and monitoring of military recruitment, and separated children.

These specific efforts of the Office towards meeting the protection needs of refugee children are of high quality, but organizational issues impede implementation. Throughout our interviews, field missions, focus groups and questionnaire, we found this to be due to three principal factors:

¹ Following UNHCR policy and the 1989 UN Convention on the Rights of the Child, the phrase 'refugee children' is inclusive of all children under 18 years of age of concern to the Office.

² "Policy on Refugee Children", 1993, E/SCP/82, and "Refugee Children: Guidelines on Protection and Care", 1994. Hereinafter referred to as the 1993 Policy and 1994 Guidelines.

³ 2000 statistics report that 47% of the Office's population of concern is under 18 years. (Cfr. 26 June 2001, UNHCR Population Data Unit, "Refugee population under the age of 18, end-2000.") Regional percentages range from 56% for Africa and 23% in Europe in 2000. Over time, the proportion of refugees under 18 years has consistently averaged near 50%.

⁴ We recognize that 'specialist staff' in UNHCR has particular meaning, notably non-rotation, but we use the term to define staff with particular technical expertise and roles. Specialist staff as regards refugee children in UNHCR are: the Senior Coordinator for Refugee Children, the Legal Advisor on Refugee Women and Children in the Department of International Protection and the four Senior Regional Advisors for Refugee Children.

⁵ Namely, the Action for the Rights of the Child (ARC) training initiative and the Separated Children in Europe Programme (SCEP).

⁶ "UN Study on the impact of armed conflict on children", UN Document A/51/306, as prepared by the then Expert of the Secretary General, Graça Machel. UNHCR's follow up strategy to the Machel Study was adopted by the Executive Committee (Conclusion No. 84 following standing committee report EC/47/SC/CRP.19 of 9 April 1997) and issued as a directive of the High Commissioner in IOM/40/FOM/47/97, "The Machel Study on the Impact of Armed Conflict on Children", 15 July 1997.

- Limited accountability;
- The dilemma of ‘mainstreaming’; and,
- Gaps in understanding and ‘operationalizing’ the protection of refugee children.

Accountability

Improving accountability is fundamental to UNHCR’s protection of refugee children. We stress accountability because in the absence of a firm commitment to improve accountability, recommendations on refugee children, or any other group, will not have the required impact.

The evaluation team was disheartened to note that earlier evaluations, including those looking at children’s issues, have also found accountability to be a key concern, but that their recommendations have not been followed up. In particular, we found the recommendations of the 1997 children’s evaluation and the 1999 compliance review of UNHCR’s policy priorities still relevant.⁷

For many years, the Office has designated refugee children and women as ‘policy priorities’, but such priorities have become mechanical rather than conveying genuine priorities of the organization. Some staff view the ‘policy priorities’ as priorities of donors, contributing to the sense that they are not fully ‘organizational priorities’.

We found accountability to be an underlying theme to organizational issues obstructing the implementation of stated policy. For example, the Department of International Protection and Division of Operational Support are responsible for policy and standards setting but Regional Bureaux and field managers are responsible for implementation, resulting in gaps between theory and practice. Sectors compete for visibility rather than work together to common, core protection objectives.

One problem for many staff is that there are simply too many priorities. There is consistent clarity that refugee women, children and the environment are policy priorities, but multiple issues or categories of refugees are noted as priorities in various documents and communications of the Office.⁸ Of more than ten different internal constraints to policy implementation cited in the evaluation’s questionnaire, competing priorities was ranked second behind funding/budget cuts. Field staff are overburdened as to where to focus their attention. The result is ‘management à la carte’.

There are frequently inadequate resources and support to ensure that child protection obligations are fulfilled. Indeed, many staff noted a sense of paradox that an evaluation regarding the protection of refugee children was undertaken at the same time that posts specific to children were under threat. Budget cuts were reported to disproportionately

⁷ 1997 IES, “Evaluation of UNHCR’s efforts to meet the protection needs of refugee children”, henceforth referred to as the 1997 children’s evaluation, and 1999 EPAU, “A survey of compliance with UNHCR’s policies on refugee women, children and the environment”, henceforth referred to as the 1999 compliance survey.

⁸ The most recent programme instructions, IOM/93/FOM/95/2000, included: older refugees, staff safety and camp security in addition to children/adolescents, women/gender equality and the environment as priorities. Other documents have additionally included HIV/AIDs, the disabled, female or child headed households, and survivors of violence or torture amongst priorities.

impact children. In the words of one questionnaire respondent, “budget reductions are seriously threatening the few programmes targeting refugee children.”

The dilemma of mainstreaming

Unresolved tensions remain in the Office’s long-running efforts to ‘mainstream’ the protection of refugee children, women and other groups at particular risk. Work to meet the specific protection needs of refugee children remains all too often outside of the core activities of field operations.

Tension and confusion remain between the need for special projects for refugee children and the view, or presumption, that their needs are met through the traditional sectors. We found the view that traditional sectors cover the needs of refugee children unsupported by situation analysis. While the survival rights of many refugee children will be met through traditional sectoral interventions, such as shelter and health, their full protection needs require specific tailoring or supplements to programmes. Gender and age analysis must cut across all sectors and issues. Most importantly, community services and education are inadequately supported, both financially and with human resources, and yet are amongst the most important sectors to meet the protection needs of refugee children.

We also consistently found confusion about the respective roles of general versus specialist staff in regards to work with refugee children. Where there has been progress in addressing the protection needs of refugee children, it is on the specialist side of this equation through the creation of specialist posts and recent training initiatives. In other words, mainstreaming has a long way to go.

To some extent, the expectations of mainstreaming are too high. The vast majority of UNHCR’s staff should not be expected to be, nor need to be, child specialists. On the other hand, the work of every staff member should reflect the fact that half of the population of concern, and in many instances the portion of that population most at-risk, are children. Staff members should be expected to know the key protection risks faced by children, to address those needs within their areas of work, including management and leadership, and to proactively seek the role of specialists. Refugee children have particular needs and protection risks that depend on appropriate and effective specialist staff roles within the Office.

Partnership and collaboration are also essential to solving the dilemma of mainstreaming. UNHCR’s specialist partnerships with Save the Children Alliance and the Norwegian Refugee Council have already been noted. More generally, UNHCR operations require more proactive engagement of the full range of partners: with UNICEF most importantly regarding the UN family, a wide range of government agencies, local and national NGOs and refugees themselves.

We are concerned that recent strategies of the Office in regards to refugee children may have unintentionally ‘stalled’ mainstreaming. For example, the four-year Action for the Rights of the Child (ARC) training initiative has produced high quality resource materials, but the sheer volume of ARC materials was found overwhelming and intimidating by generalist staff. Training has not reached generalist staff – Field Officers, Programme Officers or Heads of Office – nor the frontline national staff most engaged with refugee children.

Another element contributing to the sense that mainstreaming has stalled may be the Office's follow up strategy to the Machel Study. The strategy may have distracted attention from the Office's more holistic mandate for refugee children. For example, many of our field missions found that the five Machel follow up issues were understood to be the only protection issues for refugee children. In some cases, special reporting on the Machel follow up strategy has contributed to the sense that work with refugee children falls outside of the Office's core activities and regular resources.

Understanding and 'operationalizing' child protection

Throughout our field missions and interviews, we found confusion about what child protection meant or what the policy priority on refugee children entailed. We found four main elements behind the confusion about what child protection should mean for UNHCR:

- Limited understanding of child rights as the framework for child protection;
- A lack of situation analysis;
- Insufficient recognition of the social aspects of protection; and,
- Insufficient integration with community services and their work with community networks.

The role of child rights in the protection of refugee children is inherent to the Office's protection work. UNHCR explicitly recognizes the 1989 UN Convention on the Rights of the Child (CRC) as providing the normative framework for its work with refugee children.⁹ International protection is recognized as actions to defend and promote the rights of persons outside their country who can no longer benefit from the protection of their government. Thus, child protection within the mandate of UNHCR is defending and promoting the rights of refugee children.

The CRC covers all children and adolescents less than 18 years of age, without discrimination, thus extending in every way to refugee children. Thus the rights of refugee children include, *inter alia*, survival issues of health and nutrition as well as education, identity, family unity, and protection from exploitation and abuse of any form, including military recruitment.

Other elements behind the confusion about what the protection of refugee children should entail derive from the lack of situation analysis in programme planning and response. The current programme cycle of Country Operations Plans and Annual Protection Reports seems to be used as a matter of obligation rather than as a tool to analyze the situation and needs of refugees. The result is that child protection issues are 'invisible' from the first stage of the programme cycle and depend on great effort to be 'added' later.

Situation analysis is different than needs assessment in that it analyzes risks, opportunities and potential resources. The situation of refugee children, within a given context, is considered against their rights. Opportunities and resources – socio-cultural practices, community leaders, and political openings – are incorporated into the analysis. It should be noted that improved situation analysis was also amongst the strongest recommendations of the 1997 children's evaluation.

⁹ UNHCR's Policy on Refugee Children, 1993, paragraph 17.

Finally, effectively meeting the protection needs of refugee children requires social protection, as it complements and sustains the legal and physical approaches more traditional to UNHCR's protection work. While international protection is essential when government protection is unavailable, at a more every-day level, communities provide protection through social systems and hierarchies. This underscores that protection is a social as well as legal and physical concern.

The protection function in UNHCR must work more effectively with social systems and networks in order to achieve its child protection obligations and objectives. Particularly in our field missions, we found child protection to work best where there was active collaboration between community services and protection staff, complemented by pro-active support, mobilization and use of community networks. The Office's community services and education functions are thus pivotal to 'operationalizing' the protection of refugee children.

In summary, where the protection needs of refugee children have been effectively 'operationalized', it has been due to the following factors:

- The leadership and support of senior management and those with budgetary control to refugee children as a core priority of the Office;
- The degree to which protection staff include social as well as legal and physical aspects of protection and seek to integrate their work with community services and education;
- The degree to which community services staff mobilize and work respectfully with community-based social systems and networks; and,
- Strategic partnerships, especially collaboration with UNICEF and key NGOs.

Recommendations

Recommendations are presented throughout this evaluation report. In this summary, we highlight some of the recommendations on accountability, mainstreaming and operationalizing the protection of refugee children. While this evaluation report addresses many issues specific to the protection of refugee children, we found that many issues regarding the protection of refugee children hinge on more general issues that affect UNHCR as a whole.

The High Commissioner and senior management should make a clear statement that the protection needs of refugee children are an organizational priority and core activity of the Office. On the whole, the practice of designating issues as 'policy priorities' should be reconsidered as it has gained little meaning in practice.

Under the leadership of the Assistant High Commissioner and with support from the Senior Coordinator for Refugee Children, each Bureau should develop a training and mainstreaming work plan, including:

- A training schedule to ensure that all field protection and community services officers, including national staff, have a copy of the Guidelines and receive at a minimum, ARC training on situation analysis and community mobilization; and,
- Select one country for a pilot mainstreaming exercise to be carried out throughout the 2002-2004 programme cycle. The pilot mainstreaming exercise will emphasize situation

analysis of child protection issues, partnership and community network opportunities, and their incorporation into country operations plans. (This pilot exercise is detailed in the concluding recommendations and Annex 1.)

As part of the Global Consultations process, the Department of International Protection should convene a specific session on social protection. While the theme scheduled for 2002 is to be devoted to gaps in protection standards for refugee women and children, the primary element missing in protection work with refugee children concerns social protection. As a starting point for the session, a discussion paper should be commissioned exploring how the UNHCR protection function can better seize the potential of community services and education as tools of protection. Staff and representatives of refugee youth from at least two operations should be brought to participate in order to focus on practical ways in which protection, community services and community groups have effectively addressed key protection issues.

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Finally, sincere thanks to the many efforts of UNHCR staff and partners in Bosnia and Herzegovina, Côte d'Ivoire, Federal Republic of Yugoslavia (including Kosovo), Guinea, Liberia, Pakistan, Sierra Leone, and Tanzania in planning and supporting our field missions. In addition to field operation staff, our special thanks to the Senior Regional Advisors on Refugee Children in Abidjan, Ankara, Brussels and Nairobi.

Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
APRS	Annual Protection Reports (UNHCR)
ARC	Action for the Rights of the Child
BID	Best Interest Determination
CAR	Commission for Afghan Refugees
CASWANAME	Central Asia, South-West Asia, North Africa & Middle East (UNHCR)
CMS	Career Management System (UNHCR)
COPS	Country Operations Plans (UNHCR)
CRC	United Nations Convention on the Rights of the Child
CVT	Centre for Victims of Torture
DIP	Department of International Protection (UNHCR)
DOS	Division of Operational Support (UNHCR)
DRC	Danish Refugee Council
EPAU	Evaluation and Policy Analysis Unit (UNHCR)
HIV	Human Immuno-deficiency Virus
IATT	Inter-Agency Task Team, UNAIDS CCO
ICRC	International Committee of the Red Cross
INEE	Inter-Agency Network for Education in Emergencies
IRC	International Rescue Committee
JEN	Japanese Emergency Network
JPO	Junior Professional Officer
LCI	Liberian Children's Initiative
MOU	Memorandum of Understanding
NGO	Non-governmental Organization
NRC	Norwegian Refugee Council
OMS	Organizational Management System (UNHCR)
PARinAC	Partnership in Action (UNHCR)
PLA	Participatory Learning and Action
POP	People Oriented Planning (UNHCR)
PRA	Participatory Rapid Appraisal
RCCU	Refugee Children Coordination Unit (UNHCR)
RSD	Refugee Status Determination
SCEP	Separated Children in Europe Programme
SCF-US	Save the Children, US
SGBV	Sexual and Gender Based Violence
TRCS	Tanzanian Red Cross Society
UAMs	Unaccompanied Minors
UN	United Nations
UNAIDS	The Joint UN Programme on HIV/AIDS
UNAIDS CCO	UNAIDS Committee of Co-sponsoring Organizations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNICEF	United Nations International Children's Emergency Fund
UNHCR	United Nations High Commissioner for Refugees

WEM	Workshop on Emergency Management (UNHCR)
WFP	World Food Programme
WHO	World Health Organization

1. Introduction

1. The underlying question asked of this evaluation was whether UNHCR is effectively meeting the protection needs of refugee children. Despite a high level of awareness that children are a 'policy priority', in practice, children and children's concerns are inconsistently addressed and often regarded as something 'extra' to core protection and assistance work.

2. As an indicator on whether prioritization for refugee children has increased, 42% of questionnaire respondents reported that children receive a high priority today compared to 27% reporting that children received high priority three to five years ago. Comments indicate that this sense of priority is more in the area of policy statement than action in the field. In the words of one respondent, "... the priority given to children's issues is frequently of the "lip service" variety".

3. In discussions during the evaluation, some staff felt that how adults view children in society is carried to the job. In this sense, the perception that children and children's needs are superseded by those of adults undermines the degree to which the protection needs of refugee children are taken seriously. The same perception was reflected in the experience of the evaluation team. We found staff hesitant as to why they should meet with a team evaluating the Office's work with children. The view was that we should meet with the Senior Coordinator for Refugee Children, community services staff and NGOs working specifically with children. However, when we emphasized that it was important to have the observations of all staff, across any current or previous postings, most had specific examples to convey about the Office's efforts with refugee children.

4. In a global evaluation, we sought to highlight institutional policy, strategies and progress. Any individual child protection issue, set of guidelines, training initiative or field operation would have warranted an in-depth evaluation in its own right but our thematic evaluation concentrated on organization-wide patterns, shortcomings and successes. Our field missions sought to spotlight examples of where the Office was and was not making progress in meeting the protection needs of refugee children.

5. It was difficult to define and measure 'impact' as proposed in the evaluation title. On the one hand, the fact that refugee children face inordinate protection violations and risks might lead to the conclusion that UNHCR's activities have limited impact. On the other hand, the refugee protection regime is dependent on host and donor governments such that the impact of UNHCR's efforts must be seen within a fair analysis. Indeed UNHCR staff work in some of the world's most excruciatingly difficult situations, dependent on political solutions and good-will.

6. From the perspective of measuring impact through management tools and systems, UNHCR has only recently begun to develop and include indicators in its annual programme cycle such that the impact of any activity has any basis of measure. While the establishment of indicators will be important towards establishing progress, the 1993 Policy

and 1994 Guidelines remain the most fundamental baseline of objectives and standards expected of the Office for the protection of refugee children.

7. Our evaluation looked specifically at the protection of refugee children, but we found that many of the shortcomings regarding child protection hinge on organizational and management issues that affect UNHCR as a whole. Throughout our interviews, field missions, focus groups and field questionnaire, we found three principal factors behind the shortcomings and obstacles to making a reality of UNHCR's policy and guidelines on refugee children:

- Limited accountability;
- The dilemma of 'mainstreaming'; and,
- Gaps in understanding and 'operationalizing' the protection of refugee children.

Organization of the evaluation report

8. Following this analysis, we have organized our evaluation report to start with findings regarding actions specific to refugee children, followed by chapters addressing organizational issues. Thus Chapter 2 reviews UNHCR's policy and guidelines on refugee children and some of the key actions and strategies undertaken by the Office in regards to child protection. Chapters 3 and 4 then discuss the organizational issues constraining implementation of the protection of refugee children and consider aspects of 'operationalizing' protection.

9. The evaluation's terms of reference (Annex 2) asked that we "assess the content, dissemination and implementation of UNHCR's policy and guidelines in relation to the rights and protection needs of refugee children". In considering the content of UNHCR's work with refugee children, we were asked to emphasize the five priority areas identified for the Office's follow up strategy to the Machel Study: adolescents, sexual exploitation, education, prevention and monitoring of military recruitment, and separated children. Our review of UNHCR's policy and guidelines on refugee children and progress on the five priority areas of the follow up strategy to the Machel Study are presented in Chapter 2.

10. In considering implementation, we were asked to examine a broad range of organizational issues, including: "compliance, monitoring and reporting, staffing, training, resource mobilization and allocation, organizational structure, internal communications, partnerships and inter-agency coordination". We found accountability and the dilemma of mainstreaming to be the principal factors behind how these organizational issues constrain the protection of refugee children. These issues are discussed in Chapter 3. This includes discussion of specialist posts, the recent Action for the Rights of the Child training initiative and partnership issues with UNICEF, NGOs and other key actors in the protection of refugee children.

11. Related to organizational structure and internal collaboration, we found gaps in efforts to 'operationalize' protection. Gaps concern both conceptual issues in the understanding of child protection and approaches to operationalizing protection. Throughout our field missions, we found a key gap to be the omission of social protection and community services in operationalizing the protection of refugee children. This analysis is presented in Chapter 4.

Evaluation background and methodologies

12. Methodologies used in the evaluation included field missions, focus groups and a confidential field questionnaire. Extensive semi-structured interviews were held with more than 60 staff members at headquarters and we were able to meet all four, current Senior Regional Advisors on Refugee Children.¹⁰ Semi-structured interviews with key external stakeholders during field missions and at headquarter locations included donor and host governments, child protection experts, UNICEF and other UN family operational partners, international and local civil society organizations, and refugee representatives.

13. Field missions were conducted from March through July of 2001 and covered nine field operations: Bosnia and Herzegovina, Cote d'Ivoire, Federal Republic of Yugoslavia (including Kosovo), Guinea, Liberia, Pakistan, Sierra Leone, and Tanzania. In consultation with the evaluation's steering committee, field missions were selected to represent: geographic diversity; a range of operation situations including new refugee movements, longer term refugee camps or settlements, and repatriation or reintegration; and operations that featured particular projects or issues related to refugee children. A special field mission was taken to observe a training seminar of the Separated Children in Europe Programme (SCEP). Despite efforts at the onset of the evaluation and field mission scheduling, we were not able to coordinate any of our field missions with trainings under the Action for the Rights of the Child (ARC) project.

14. Each field mission included focus groups with refugee children and adolescents, resulting in 35 groups and more than 400 children (55% girls) across the nine field operations. The focus groups were mostly organized as groups of girls aged 12 to 15 and boys aged 14 to 17. A few focus groups were held as mixed gender groups. Additional focus groups were held with refugee adults. In working with staff and local organizations to convene the groups, criteria included that the children represent separated children as well as those with family members, and those in school and out-of-school.

15. A confidential questionnaire was extended to 62 field operations (Annex 3). In consultation with the evaluation's steering committee, countries for the questionnaire were selected to ensure: representation of each region; a cross-section of both large and small operations; both emergency, care and maintenance and reintegration/repatriation phases of operation; countries serving on the Executive Committee; and, those participating in special initiatives such as SCEP or ARC. The questionnaire was issued in English and French with responses sent directly to Valid International in order to ensure confidentiality. A strong cross-section of responses was received in terms of geography, gender and post level. Of 105 responses, only one sub-region had no responses (North Africa). Fifty-five per cent of the respondents were female and 53% were international staff. Twenty-seven per cent of the respondents held 'head of mission' level posts while 31% were in protection posts and 19% were in community services posts.

¹⁰ We met with the Senior Regional Advisors on Refugee Children based in Abidjan, Ankara and Nairobi as well as the Senior Coordinator of the Separated Children in Europe Programme who is based in Brussels. During the time period of the evaluation, the Senior Regional Advisor post in Damascus was being recruited.

2. Reviewing UNHCR's key actions

16. In undertaking an evaluation on the impact of UNHCR's activities in meeting the rights and protection needs of refugee children, we first reviewed UNHCR's policies, guidelines, strategies and actions specific to refugee children. Clearly, the establishment of policy, guidelines and strategies are important first steps to meet the protection needs of refugee children. The adoption of the 1993 Policy and issuance of the 1994 Guidelines have established a highly regarded baseline of policy and standards. Appropriate staffing, training and other resources are then pivotal to effective implementation and ultimate impact at the field level. As such, the roles of specialist staff on refugee children, training initiatives and partnership issues are reviewed in Chapter 3 as part of our analysis of organizational issues in implementation. This chapter discusses the evaluation's findings as to the 'content'¹¹ of UNHCR's policy and guidelines on refugee children, including achievements and shortfalls under the framework of the Office's follow up strategy to the Machel Study -- adolescents, sexual exploitation, education, prevention and monitoring of military recruitment and separated children.¹²

History of UNHCR efforts to meet the protection needs of refugee children

17. Requested by the Executive Committee of UNHCR in 1987,¹³ UNHCR first published "Guidelines on Refugee Children" in 1988. The adoption of the 1993 "Policy on Refugee Children" and issuance of the 1994 "Guidelines on the Protection and Care of Refugee Children" followed needs for revision, including the seminal international standards adopted by the 1989 UN Convention on the Rights of the Child. UNHCR's 1994 Guidelines are recognized internationally as an important source of standards and programme guidance on children affected by armed conflict. The development of the 1994 Guidelines drew on evaluations of the 1988 Guidelines and wide consultation with UNHCR field offices, Governments, UN agencies, NGOs and other experts.

18. The 1993 Policy and 1994 Guidelines benefited from the leadership provided by the first Senior Coordinator for Refugee Children, a post established by the Office in 1992.¹⁴

¹¹ 'Content' is considered inclusive of the 1993 Policy, 1994 Guidelines, objectives under the follow up strategy to the Machel Study (EC/SC/CRP.19) and other guidelines and directives of the Office, including the regular guidance issued by the Department of International Protection on developments in international law and standards affecting refugee children. For example, upon the adoption of Optional Protocols to the UN Convention on the Rights of the Child, DIP issued "Recent Developments in International Human Rights Law regarding Refugee Women and Children", IOM/86/FOM/88/2000, 29 November 2000.

¹² IOM/40/FOM/47/97, "The Machel Study on the Impact of Armed Conflict on Children", op.cit. and the strategy adopted by the Executive Committee (EC/47/SC/CRP.19, op.cit.) use this order of the five priority issues, but use the phrase 'unaccompanied children' rather than 'separated children'. Since 1998, along with other inter-agency partners, UNHCR has adopted the phrase 'separated children' to more inclusively address issues of family separation. These issues are taken up further in section 2.3.v.

¹³ EXCOM Conclusion No. 47 (XXXVIII) "Refugee Children".

¹⁴ The establishment of the posts for the Senior Coordinator for Refugee Children and, later, Regional Advisors, follows the same actions taken in regards to meeting the protection needs of refugee women. The post of Senior

The work of the Senior Coordinator is complemented by the post of the Legal Advisor for Refugee Women and Children in the Department of International Protection, a post created in 1994. Drawing on the experience of deploying a Regional Coordinator for Children for the Great Lakes region in 1995, four Senior Regional Children's Advisor posts were created in 1997 as a further measure to support the Office in meeting its obligations and objectives on refugee children. Senior Regional Advisors on Refugee Children are now based in Abidjan, Ankara, Damascus and Nairobi.

19. Special funding has been essential to specific actions to improve the degree to which the protection needs of refugee children are met. The specialist posts for children were made possible initially with special funds from the governments of Norway and the United States. Similar contributions have also been crucial to other special initiatives highlighted below.

20. In 1993, An Emergency Standby Agreement was established between UNHCR and Save the Children Sweden. Save the Children Norway joined the agreement in 1996. The agreement aims to ensure the capability of UNHCR to provide professional community services inputs in emergency situations with a particular focus on women and children.

21. Starting in 1995 with funds from Save the Children Sweden and a series of discussions between UNHCR and Save the Children, a training initiative to improve implementation of the 1994 Guidelines was begun. In 1997, the Senior Coordinator for Refugee Children was able to raise necessary funds and administrative support to launch the Action for the Rights of the Child (ARC) training project as a partnership with Save the Children Alliance. In view of the fact that the Executive Committee had called for UNHCR "to develop training materials to improve the capacity and effectiveness of field personnel in identifying and addressing the protection and assistance needs of refugee children"¹⁵ since 1989, ARC has been an important step towards future capacity building. Since 1999 the ARC partnership has expanded to include UNICEF and the Office of the High Commissioner for Human Rights.

22. Also in 1997, the Office adopted a special follow up strategy to the Machel Study. UNHCR's follow up strategy to the Machel Study adopted performance objectives and directed each field operation to address five priority issues concerning refugee children.

Assessing UNHCR's Policy and Guidelines on Refugee Children

23. As part of assessing content, we were asked to review "the extent to which UNHCR's policies and guidelines are clear, practical and relevant to the protection needs of refugee children". (See Annex 2.) We found policy and guidelines on refugee children to be of high quality and still of value in work towards meeting the protection needs of refugee children.

24. The 1993 Policy and 1994 Guidelines touch on all child protection issues highlighted in the course of our evaluation (specific child protection issues are discussed in the following section). Some issues, including asylum procedures, separated children and

Coordinator for Refugee Women was first established in 1989 while the first Regional Advisor on Refugee Women was fielded in 1995.

¹⁵ EXCOM Conclusion No. 59 (XL) "Refugee Children" adopted by the Executive Committee 40th session, 1989.

sexual violence, are addressed by additional guidelines of the Office. The new ARC resource materials further extend the guidance and best practice knowledge on key child protection issues. Most specifically, we found the 1994 guidelines highly practical in that each chapter includes checklists and cross references to legal standards and other resources.

25. Questionnaire respondents considered the various guidelines of the Office on refugee children to be very useful (56%) or fairly useful (37%). Questionnaire respondents cited some principles as particularly important: the best interests of the child, long-term perspective for children, and community based approaches. Guidelines were found to be used in the following ways, ordered by frequency of citation:

- The design of local priorities and programmes;
- Technical reference on individual cases;
- Training for UNHCR staff, partner agencies and governments;
- Advocacy and awareness raising for the rights of refugee children;
- Project appraisal and monitoring; and,
- Inter-agency coordination or collaboration between sectors.

26. Issues as to the clarity, practicality and relevance of the Office's guidelines on refugee children relate to the extent to which they are disseminated, implemented and the sheer volume of guidelines, rather than their content. Indeed, questionnaire respondents cited more than thirteen different sets of UNHCR guidelines that relate to refugee children's protection and care, in addition to the most basic reference of the Office, the 1994 Guidelines and 1993 Policy.¹⁶

27. In view of the volume of guidelines, the 1997 children's evaluation highlighted the need to develop a single set of programme guidelines for the Office, as well as to prepare a summary or checklist of the 1994 Guidelines for wide distribution in all relevant languages.¹⁷ Neither of these proposals has been undertaken, although the office of the Senior Coordinator for Refugee Children contributed to a 'checklist' for the Division of Operational Support (DOS) on mainstreaming the policy priorities on women, children and the environment.¹⁸

28. In our field missions, staff consistently asked for checklists on key child protection issues. Yet, just as there are multiple guidelines, a number of checklists already exist. For example, the Europe Bureau developed checklists for the review and preparation

¹⁶ The 13 additional guidelines cited by questionnaire respondents were: 1) 1997 Guidelines on Policies/Procedures dealing with Unaccompanied Children seeking asylum, 2) ARC (Action for the Rights of Children), 3) Working with Unaccompanied Children: a Community Based Approach, 4) UNHCR Guidelines on Repatriation, 5) 1996 Memorandum of Understanding between UNHCR/UNICEF, 6) SCEP Statement of Good Practice by UNHCR and Save the Children, 7) 1991 Guidelines on the Protection of Refugee Women, 8) Guidelines on Prevention and Response to Sexual Violence Against Refugees, 9) 1993 Policy on Refugee Children: Guidelines on Protection and Care, 10) Protection of Refugees: A Field Guide for NGOs, 11) Executive Committee conclusions and report, 12) UNHCR Resettlement Handbook, and 13) Handbook for Emergencies. It should be noted that in a number of cases, questionnaire respondents did not list a guideline document by its official title but we have sought to do so here for ease of reference.

¹⁷ 1997 children's evaluation, pp. 8 and 26.

¹⁸ Division of Operational Support, May 2000, "Integrating policy priorities into UNHCR overall programmes and documentation including COPs", internal document.

of Country Operations Plans (COPS) and Annual Protection Reports (APRS). (Chapter 3 further discusses the incorporation of child protection issues into COPS and APRS.) The Inspector General's Office developed a useful checklist to assist in their assessments of the implementation of policies and priorities in field operations. Other useful checklists include those in each chapter of the 1994 Guidelines, in each ARC resource pack, in the Emergency Handbook, and in People Oriented Planning.¹⁹ The five priority areas of the Office's Machel Study follow up strategy form a checklist, as do the performance objectives adopted by the Office as part of this strategy.

29. Another aspect of the practicality of guidelines relates to the degree to which they are made available in relevant languages. For example, the 1994 Guidelines are consistently published in English and French by headquarters but other languages, with translation led by particular field office or partner efforts, are unclear and uncentralized. Some staff members have mentioned Spanish, Russian, Serbo-Croatian and Arabic translations.

30. Thus, while UNHCR's 1994 Guidelines would usefully be updated, the more urgent need is for consolidation and implementation.²⁰ In the words of one questionnaire respondent, "Committed implementation is the single most important aspect to protecting children's rights. It is more important than policy revision." It is primarily experts and specialists that identify areas where the 1994 Guidelines require updating while our field missions found those working at the frontlines with refugee children to have gravely insufficient access to the basic guidelines and policies of the Office. (We discuss dissemination further in Chapter 3.)

31. In a large bureaucracy where it is difficult for an individual to have a real impact, there is a strong temptation to focus on aspects that are within a department's control. In this sense, it would be easy for the revision of guidelines to become an end in itself, rather than a means of improving the quality of child protection work in the field. In the near term, emphasis needs to be given to increasing the direct relationship between specialist staff and the field, rather than the preparation of further guidelines at headquarters.

Recommendation

32. At the earliest in 2004, the 1994 Guidelines should be updated with special reference to including examples, both of good practice and where projects have not been successful, and specific points of clarification, as identified by field-based staff. Revising the Guidelines after 2004 would allow the Office to draw on:

- Implementation experience with the ARC resource materials;

¹⁹ UNHCR, June 2000, "Handbook for Emergencies", Second edition. People Oriented Planning (POP) is the Office's training and planning framework to ensure programmes reflect important gender and age differences within a refugee population. Cfr. UNHCR, December 1992, "People Oriented Planning: A Framework for People-Oriented Planning in Refugee Situations Taking Account of Women, Men and Children."

²⁰ It should be noted that the various guidelines relevant to refugee children, such as those listed in the above footnote and especially the new ARC resource materials, are considered 'updates' and expansion of the 1994 Guidelines.

KEY ACTIONS

- Feedback from review meetings with implementing and operational partners, (see Chapter 3);
- A current project by the Refugee Children's Coordination Unit (RCCU)²¹ to document examples of good field practice;
- The Department of International Protection's (DIP) Global Consultation process; and,
- The forthcoming UN Special Session on Children.

The Machel Study follow-up strategy

33. Following the holistic approach of UNHCR's Policy and Guidelines on refugee children, there is, of course, a full range of issues to assess in regards to meeting the protection need of refugee children. This would include survival needs of, inter alia, health and nutrition, water and sanitation, as well as particular protection issues such as family separation, exploitation or abuse. We were asked to take the Office's 1997 follow up strategy to the Machel Study as a framework for our assessment.

34. However, before presenting our findings of progress and shortfalls on the five priority areas of the strategy -- adolescents, sexual exploitation, education, prevention and monitoring of military recruitment and separated children -- we find it important to note child protection issues excluded from this list and comment generally on the strategy. Indeed, the five priority areas for the strategy are some of the most critical protection issues for refugee children, but in some contexts, a different issue may be the most important. In fact, the top issue noted by the evaluation's questionnaire respondents was birth registration. The most important issues regarding refugee children were noted by questionnaire respondents to be:

Birth registration	37%
Education	16%
Protection from forced labor	14%
Family reunification	12%
Health care and psycho-social welfare	9%
Special needs	6%
Draft for military service	3%
Security	2%
Refugee Status Determination issues	1%

35. The above list was in response to an open question asking questionnaire respondents to list, in their own view, the most important policy points or issues for refugee children and adolescents.²² In discussing these results with the evaluation's steering committee, there was particular agreement that birth registration was of fundamental importance, especially in view of increasing issues of statelessness, and should have been

²¹ The office of the Senior Coordinator for Refugee Children is sometimes referred to as the Refugee Children Coordination Unit (RCCU).

²² Using the phrase 'refugee children and adolescents' may have precluded some questionnaire respondents from identifying adolescents as a separate issue.

given greater attention in the Office's follow up strategy to the Machel Study. Later we discuss priority issues other than the five chosen for the Machel follow-up strategy.

36. We were somewhat surprised to find that staff infrequently expressed concerns on 'survival' issues for refugee children. This may be due to perceptions that survival issues were 'outside the scope' of an evaluation concerning protection needs. In contrast, the 1997 children's evaluation devoted a significant amount of attention to shortfalls in the areas of nutrition and food security. We note this as part of our observation that a weakness of the Office's follow up strategy to the Machel Study has been a diminished holistic approach to refugee children.

37. Indeed, 'survival' issues are inter-linked with more specific concerns. For example, inadequate nutrition impacts on school participation, sexual exploitation and early marriage. On the other hand, extra rations or other benefits have been a factor in phenomena described as the 'creation' of unaccompanied children. In Tanzania, during a series of ration cuts in recent years, unaccompanied children, as well as other individuals considered 'vulnerable', continued to receive a 100% ration. The recommendation of a joint assessment with the World Food Programme²³ was to change vulnerability criteria from individual to household level in order to emphasize that unaccompanied children should be given the same treatment as other children in their household.

38. We are concerned that narrow interpretations, of the five priority issues let alone others, applied globally hinder analysis of child protection risks in a given context and flexibility of response. In many instances, we found the list to be seen as the only protection issues for refugee children. For example, in our Sierra Leone mission, we found that child protection was understood by a number of staff and partners to only mean separated children and child soldiers.

39. Segregating specific child protection issues, such as the five priority areas of the Office's Machel follow up strategy or any other child protection issue, obstructs the fact that the most effective response addresses such issues in harmonization. Firstly, the issues themselves are inter-related. For example, one might be a causal factor to the other, such as separated children being at special risk of military recruitment or sexual exploitation. Secondly, the resources for response are likely to be the same for a number of specific child protection issues. Indeed, the most effective response resources for all issues are common: social systems and community networks. Thirdly, especially in cases of sexual violence, exploitation and children involved in armed conflict, approaches must avoid stigmatizing the child. While requiring careful attention, response to such child protection issues is most effective through education, community services, health and other support mechanisms, rather than as special activities.

40. Overall, we found UNHCR's follow up strategy to the Machel Study to usefully build on the momentum of the Study to mobilize attention and effort on children's needs. However, due in part to the volume of guidelines over-burdening field offices, we found the strategy inadequately linked to overall implementation of the 1994 Guidelines. In this sense, the Office's Machel follow up strategy misses the underlying message of the 1996 Machel Study. The Machel Study highlights effective programme response within a three-part

²³ October 2000, "Joint WFP/UNHCR Household Food Economy Assessment in Lugufu."

frame of psychosocial well-being, education and health and nutrition, but emphasizes that child protection issues and programme sectors need to be seen together.²⁴

Recommendation

41. The performance objectives adopted as part of the Office's follow up strategy to the Machel Study should continue to be incorporated in the UNHCR Manual, emergency response, and full programme cycle of the Office. However, special reporting and activities under the Machel follow up rubric should be reoriented to system wide commitment to the protection needs of refugee children.

Adolescents

42. Despite the call of the Office's follow up strategy to the Machel Study, we found major gaps in protection attention, activities and resources for adolescents. In the words of one questionnaire respondent, "We believe the most neglected group from among the people of UNHCR concern is adolescents ... (we) strongly recommend more attention to this group, which is the near future of any country". The neglect of adolescents is alarming in face of the vulnerability of adolescents to finding no alternative to lives of violence and conflict.

43. In the few examples where we found positive efforts with adolescents, the common feature was the success of youth clubs. In a pilot project in Tanzania, a youth club was effectively reaching their peers with HIV/AIDs and other important health and protection messages. In one province in Pakistan, refugee social animators had just begun to support youth social clubs to engage out-of-school children in positive developmental activities. In Liberia, youth social clubs played an important role in preventing military recruitment. While not a partner of UNHCR, in Bosnia and Herzegovina we met with a youth group that produces a journal and radio programme influencing local policy and reconciliation efforts. In one questionnaire response, youth clubs initiated in Ethiopia following ARC training were cited as an opportunity for the Office to improve and expand its work with refugee children.

44. All of these examples feature activities targeted towards youth, due to insufficient formal education opportunities. Indeed, while post-primary education is a global concern,²⁵ youth clubs provide an effective and flexible mechanism to support adolescents in activities and roles that contribute to their development and community. Further, such measures are very inexpensive; even \$10,000 can support the material and other activity needs of a local NGO or other organization to support adolescents through youth clubs.

45. One of the most important first steps to improve UNHCR's efforts to meet the protection needs of refugee adolescents is to disaggregate data collection more purposefully than the Office's current 5 up to 18 year age group. In one of our field missions, staff relayed

²⁴ "UN Study on the impact of armed conflict on children", UN Doc A/51/306, paragraph 136.

²⁵ Article 28 of the Convention on the Rights of the Child provides the right to education for all children and obliges States to ensure that primary education be free, compulsory and available to all. The provisions for secondary education are less strong; States are obliged to encourage forms of secondary education accessible to all.

their frustration with the Office's system. After a thorough, individual screening exercise, staff found that they could not generate an age-based report to plan for education needs even though their data entry included individual age statistics. They reported that the Office's statistics system would only generate reports according to the age ranges of 'under 5' and 'under 18'. In this case, they resorted to going back through the registrations by hand. In other field missions and interviews, staff reported that 'bottlenecks' in the Office's population data system prevented them from targeting adolescents more effectively.

46. Adopting a division between 12 and 13 years was recommended by the 1997 children's evaluation²⁶ to improve monitoring and programming. Reasons given by headquarters for not implementing this recommendation focused on varying definitions of 'adolescents' and the time necessary for field offices and departments to change the format for global statistics.

47. Just as conceptions of childhood vary globally, adolescence is defined in varying ways as a combination of age, socio-cultural context and roles in the process of moving from childhood to adulthood. Adolescence is most often described as the 'second decade of life', from 10 to 19 years. Organizations such as WHO and UNICEF have recognized the extent to which definitions of adolescence (10-19), youth (15-24) and young people (10-24) overlap. Despite differences in ages, adolescence is recognized universally as a vulnerable and significant period in which young people develop identity and social meaning. For adolescents in contexts of displacement, such identity development and learning of roles and values is placed at great risk.

48. Fundamentally, the important differences between children and adolescents should be reflected in situation analysis and protection and assistance activities. Grouping children and adolescents into the 5 to 18 year category is clearly insufficient for education, reproductive health and protection programming purposes. Globally UNHCR would gain efficiencies if population data disaggregated adolescence into the cohorts used by other UN agencies and national demographic data sources. This would facilitate analysis to country of origin and host country provisions for children and planning for durable solutions.

49. Of note, UNICEF defines adolescents as 10 to 19 years. UNICEF acknowledges 18 years is the upper limit of the CRC, but accepts adolescents as up to age 19 because data is often given in cohorts of 10-14 years and 15-19 years. Allowing some data to go to 19 rather than 18 years is simply pragmatic in order to capture comparison between indicators, countries and across time. For example, literacy and reproductive health indicators for girls and women have been from age 15 for many years. Such cohorts have also been used by States in measuring goals from the World Summit for Children. For example, child labour is monitored according to children age 5 to 14 working inside or outside the home. UNAIDS use 15 years and older for prevalence data and many other indicators and have a new emphasis on developing tools and strategies specific for the 10-14 year age group.

50. We recommend UNHCR continue with 18 years as the upper limit for data on children but in some circumstances, using data up to 19 may simplify analysis and collaboration. Ideally, as refugee registration data is often individual, each field operation would adapt protection and programme analysis according to local conceptions of

²⁶ Page 97 of the 1997 children's evaluation. A May 1998 audit report stressed that this recommendation should be implemented so that UNHCR's planning would be "more realistic and purposive".

adolescence. This would allow field operations to adjust to specific programmatic and policy needs while at the same time, organizing data into global categories.

Recommendations

51. UNHCR should disaggregate analysis and data on refugee children into cohorts of: under 5 years of age, 5 to 9, 10 to 14 and 15 to 18 years. If a graduated introduction of further data disaggregation is necessary for the Office, we recommend at a minimum that cohorts of under 5, 5 to 9 and 10 to 18 be adopted.

52. Education approaches should be conceived more broadly to include non-formal activities for adolescents and a small budget reserved in each field operation to support youth clubs and other meaningful, organized activities.

Sexual exploitation

53. Although UNHCR's Machel follow-up priorities include sexual exploitation, the approach by country offices and the Office's reporting on this priority is often rather narrow in its interpretation, limiting this to work on sexual and gender-based violence. Sometimes this reporting has been further limited to projects where the work was focused predominantly on women rather than on those under 18 years old. In other words, we found strong work on 'sexual and gender based violence' (SGBV), but that work rarely extended to the full needs and rights of children and adolescents. In particular, there was insufficient attention to related issues of sexual exploitation and reproductive health for adolescents, including the urgent issue of HIV/AIDS. This section thus includes findings in the areas of SGBV programming and HIV/AIDS as well as sexual exploitation.

54. While sexual violence is a consistent protection risk and concern to refugee children, throughout our focus groups, children themselves identified sexual exploitation as an equal and occasionally more worrying problem. In one focus group in Tanzania, as part of discussions on ration cuts and the lack of opportunity for self-sufficiency, a girl stated, "I have no choice but to prostitute myself". One local NGO worker in West Africa stated, "not one of these men even needs to think about rape unless they are wicked. Any one can have any one of these girls for a little piece of food". In a number of focus groups with children themselves and other interviews in West Africa, aid workers and others with access to power and resources in the camps were identified as often responsible for the sexual exploitation of children.

55. We found attempts to address issues of sexual exploitation limited. Little analysis of the causes of sexual exploitation was evident, and where such analysis had taken place a sense of powerlessness seemed to prevent response. For example, although exploitation by national staff was reported to be common in West Africa, organizations seemed not to know how to respond. To provide a more positive example, in Tanzania some of the more complex issues were being tackled in constructive ways with positive outcomes. The programme addressed the risks of sexual exploitation in relation to child heads of household, separated children, unattended young girls, socio-cultural beliefs about the use of sex in healing HIV, and the impact of ration cuts.

56. Age and gender analysis is vital to effective programming on these issues. While much of our analysis in this section highlights the need to include very young children in

work on sexual violence, exploitation and health, we found important gender differences in our Pakistan mission. Amongst refugee 'street children' in urban areas, boys were more at risk due to cultural views and the types of environments in which they work on the street.

Sexual and gender based violence (SGBV)

57. We found some impressive work on SGBV undertaken by various offices in the West Africa region and in Tanzania. We found UNHCR's approach to SGBV programmes to incorporate high levels of community ownership, training, and education, balancing work with individuals with work with the community. In Tanzania there was a clear understanding that addressing sexual violence must incorporate far more than a reproductive health approach – that justice issues, physical security, psychosocial and economic issues must be tackled together. Staff working with the 'security package',²⁷ SGBV lawyers,²⁸ protection assistants, the community services teams, including refugees themselves, teachers and local justice structures work in harmonization to maximum effect. The pilot project for youth peer education teams on HIV and other nascent youth clubs are vital early steps to improving the reach of this work to those who need it most: out of school adolescents.

58. Despite the interesting work being done in this area, gaps remain in applying guidelines and best practice. For example, some of the stronger elements noted above of SGBV work in Tanzania are not reflected in the West Africa region. In one incidence in West Africa, a massive relocation exercise initiated some excellent child protection safeguards, including the deployment of child and gender specialists, but completely missed some of the basic physical security lessons outlined in UNHCR's guidelines on sexual violence.²⁹ One of UNHCR's implementing partners finally identified and rectified flaws in camp design.

The Tanzania SGBV programme faces formidable challenges. Rape statistics in Tanzania refugee camps for the April – December 2000 reporting period:

- * Out of 139 reported rapes around Kibondo, 61% of the victims were children; 10% were under the age of 12.
- * In camps around Kasulu, 30 out of 41 reported rape victims were children. Twelve of the victims were between 3 and 9 years old. 33% of alleged perpetrators were minors.
- * In Lugufu camp, 40% of assailants in reported rape cases were aged 12 to 18.

²⁷ The 'security package' of UNHCR's Tanzania operation comprises arrangements between the Office and the Tanzanian government, including military and police, to provide security and prevent militarization of the refugee camps. The 'package', costing some \$1.5 million per annum, includes an allowance for the approximately 275 police deployed to the camps and an allowance and support for a team of 'civilian police helpers', *sungusungu*, of whom 25% to 30% are women, recommended by community leaders in each camp.

²⁸ SGBV lawyers are local, women lawyers hired by the programme to work with protection staff specifically on SGBV cases.

²⁹ UNHCR, 1995, "Sexual Violence Against Refugees: Guidelines on Prevention and Response".

Hopefully, efforts such as the March 2001 inter-agency conference on SGBV programmes³⁰ will contribute towards the exchange of experience and application of best practice in new and future operations.

59. The biggest disappointment in relation to the SGBV work seen in West Africa is that UNHCR's implementing partners in many countries have not extended their programmes to reach children, although it is clear that they are an age group that is highly vulnerable to sexual violence.³¹ Indeed the prevalence of sexual violence against adolescent girls in West Africa is alarming. We found the orientation of most humanitarian staff and programmes to be counterproductive: the emphasis was on the difficulties of getting 'survivors' to come forward rather than starting with a psychosocial approach that avoided stigmatization and built relationships where women, girls and boys could begin to feel comfortable to seek help. The emphasis of SGBV programmes in West Africa on voluntary/self referral and on income generation activities expounds the exclusion of children.

60. Towards future practice, we found a positive example of including children and adolescents in SGBV programming in our Kosovo mission. In partnership with UNHCR, the Women's Commission for Refugee Women and Children and IRC supported a project where adolescents themselves interviewed their peers and prepared a series of recommendations to protect women and girls from sexual violence.³²

HIV/AIDS

61. In the context of UNHCR's efforts to follow up the Machel Study, it is important to note that HIV/AIDS was highlighted as a new, critical concern in the Machel Review report.³³ Although HIV/AIDS work was discussed by UNHCR in certain circumstances, it was more difficult to see concrete efforts in field operations. We found that the limited HIV/AIDS work with children that was taking place, was overly focused on the formal education system. Furthermore, there was little evidence that the methods employed (often health lectures for large groups of children) would truly equip children to protect themselves. In focus groups in Liberia for example, only the few children who were involved in formal education or in the social clubs were reached on this issue and they were not the children most at risk. Further, the children who had been involved in the work on HIV/AIDS spoke of a lack of available condoms and of their peers who 'understandably' weighed the risk of hunger against the risk of contracting HIV.

62. Work on HIV/AIDS needs to be better incorporated into activities undertaken with refugee children. Experience in other settings has demonstrated the value of 'peer-to-

³⁰ The report of this conference offers important lessons and resources, including annexes of a 'step-by-step' guide for protection officers and guidelines for community-based response. UNHCR, March 2001, "Prevention and Response to Sexual and Gender-Based Violence in Refugee Settings: Inter-agency Lessons Learned Conference Proceedings".

³¹ The same oversight in extending sexual violence programming to children was highlighted in an evaluation of the Kenya Victims of Violence programme. IES, March 1996, "A Review of UNHCR's Women Victims of Violence Project in Kenya."

³² A project report, "Making the Choice for a Better Life", 2000, can be obtained through the Women's Commission for Refugee Women and Children.

³³ "The Machel Review, 1996-2000", presented at the September 2000 conference on children affected by armed conflict in Winnipeg, Canada.

peer', or 'child-to-child', activities in HIV prevention. Formal and informal education systems have the potential to become the centre of non-stigmatizing HIV/AIDS awareness, prevention and care for all children and their families. This would include life skills curricula that offer nutrition and other survival skills.

63. We saw very little of such potential being explored or implemented during our field missions. However, some offices and organizations are beginning to look at more innovative ways of dealing with HIV/AIDS in a variety of refugee contexts. In this regard, we emphasize the importance of partnership and collaboration rather than a need for UNHCR to develop expertise on HIV programming. We are pleased to note two important steps at inter-agency partnership. First, a HIV/AIDS advisor seconded to UNHCR from UNAIDS helped develop a guidance paper issued this year: "HIV/AIDS Education for Refugee Youth: The Window of Hope". It should be noted that "Window of Hope" emphasizes the age group of 5 to 14 years as crucial to prevention, an age group often younger than reached by formal education-based HIV curricula. Second, and of growing importance, is UNHCR's participation in the UNAIDS Inter-Agency Task Team (IATT) on Children Affected by Armed Conflict.³⁴ Along with inter-agency partnership, the benefits of the IATT to refugee children will only be achieved through strong collaboration within the Division of Operational Support on cross-cutting issues as it is primarily the Office's reproductive health technical staff that participate in the HIV/AIDS work.

Recommendations

64. Work on sexual violence and exploitation with refugee children must be addressed more comprehensively. As such, it should emphasize: a) attention and advocacy on all risk factors including vulnerabilities to exploitation, b) education with an emphasis on informal modalities, such as theatre, that reach out-of-school youth, c) reproductive health, including HIV/AIDS and other sexual health issues and with special attention to access for adolescents, and, d) victim support approaches that emphasize appropriate community support structures and justice procedures.

65. The abuse and exploitation of refugee children by staff, including government, partner and national staff, is a serious concern that should be raised formally by protection officers in their work and should be explicitly addressed in agreements with government and NGO partners.

Education

66. The UNHCR policy and guidelines on refugee children, and the Office's priorities following the Machel Study, highlight the importance of education as a multifaceted response to meeting the rights and protection needs of refugee children. Indeed, shortfalls in education are directly linked to more acute protection problems of military recruitment, sexual violence and exploitation. Further, education is consistently a key issue in durable solutions.

³⁴ The Inter-Agency Task Team on Children Affected By Armed Conflict, a task force of the UNAIDS Committee of Cosponsoring Organizations (CCO), is convened by UNICEF and had their first meeting in August 2001. Although UNHCR is not a member of the UNAIDS CCO, their participation in the task force on children in armed conflict is vital to future progress on this issue.

67. Bosnia and Herzegovina exemplifies a positive reflection of education as a protection issue. Responding to the importance of access to education for minority return, a protection associate has been devoted to work on issues related to access to education and other services. During the team's mission, this associate had begun to build links with the High Representative's education team, UNICEF, the 'repatriation and return cells' of UNHCR, and local authorities.

68. Education has fortunately seen some improvement in recent years. For example, the education unit of UNHCR estimates that 44% of the 5 to 18-year age group of concern to the Office³⁵ had their primary education needs met in 2000 as compared to 36% in 1993. Although obstacles remain in respect to donor government and host country government support for education, UNHCR's work with the Inter-Agency Network for Education in Emergencies (INEE) has contributed to progress in securing recognition and funding for education as a fundamental element to humanitarian response and refugee protection. Under the framework of the 1999 standby agreement between UNHCR and the Danish Refugee Council (DRC) and Norwegian Refugee Council (NRC),³⁶ education specialists from NRC have also contributed to recent progress in education.

69. We found an increased level of attention to education, at least in the form of verbal discourse, throughout UNHCR. In each of our field missions, children, parents, NGO and UNHCR staff, particularly community services staff, saw education as a priority concern. We found especially positive work on education in Pakistan and Guinea, but in most of our field missions, education was weak or insufficient and the resources allocated to education programmes did not match the importance with which education was supposedly held. One staff member asked "why do we say education is important if it is always the first thing to be cut when resources are limited? Why is it always community services that has to fight the proposals to make those cuts?"

70. Other staff pointed to the very minimal staff resources in education as a measure of the lack of commitment by the Office. There are only three international staff in education and the NRC resources have only been deployed in five countries. In light of the greater education expertise of other partners and agencies, including NRC, UNHCR would perhaps only need to increase education staff at the regional level in order to cover quality issues and refugee education leadership. Education quantity issues however require more consistent inclusion in Country Operations Plans and budgets.

71. Even in the most successful programmes, there are large numbers of children out of school who are therefore less likely to be reached by any number of interventions - health messages, recreation, psychosocial support, special feeding programmes and the role of education in social protection. Yet these are the very children who are likely to be most in need of the protections offered through such work.

³⁵ As noted in the section on adolescents, education statistics have to be calculated based on the age group 5 up to 18 years because UNHCR's statistics do not provide a further breakdown that might be more reflective of primary school age children. On the other hand, it should be noted that young adults 18 years and over can sometimes also be found in primary education projects.

³⁶ "Agreement between the Danish Refugee Council, the Norwegian Refugee Council, and the Office of the United Nations High Commissioner for Refugees", October 1999. This agreement, overseen by the Emergency Preparedness and Response Section, also provides UNHCR with standby capacity in telecommunications, field security, logistics, protection and community services.

72. Informal education has huge potential as a vehicle for protection and operational efficiencies for children and communities. Child-to-child methodologies have proven especially effective and efficient in promoting nutrition and community health messages.³⁷ They also have significant 'side' benefits in that they provide refugee adolescents with a positive activity and role within their community. This requires that education be more consistently considered in its broadest sense rather than traditional primary schooling.

73. Another area requiring expanded attention concerns the incorporation of nutrition and life skills into education curricula. Linking life skills with nutritional support is one method of providing additional social and physical protection for particularly vulnerable groups of children – child headed households, children affected by HIV/AIDS, orphans etc. – without further stigmatizing them within the community.

74. We found key shortcomings in education to be in the areas of emergency education and secondary education. Shortcomings in the area of emergency education are of particular concern in view of the performance objectives adopted as part of the Office's Machel follow up strategy. The strategy called for 'rapid education' to be included in all emergency budgets and response.³⁸ In the most recent example, emergency education for the new emergency in Afghanistan and the sub-region was budgeted at a token \$30,000.³⁹ Amongst our field missions, Guinea was the most recent emergency visited; education funds were insufficient despite having a track record of being one of most positive elements of the operation.

75. Insufficient access to secondary schools comprises another element illustrating shortfalls in work with adolescent refugees. Although unfounded in written communications, we found an impression amongst staff that the Office's 2001 exercise reviewing core activities 'deprioritized' secondary education while retaining primary education commitments. (See Chapter 3 for more on the prioritization exercise and impact on refugee children.) Statistics on secondary education being compiled by the Office's education unit indicate that 3% of secondary education needs are met in refugee settings as compared to 18% in the same developing countries.⁴⁰ This is contrary to UNHCR's long-established standard that education be offered to refugees at least at the level of the host country population.

76. UNHCR has supported scholarships for around 100 beneficiaries through the Houphouet-Boigny Peace Prize scholarships since 1998, but clearly this does not even begin to meet demand. A more significant contribution to secondary education, in the long term, will be the new Refugee Education Trust, an organization devoted to raising funds for post-primary refugee education. The trust will primarily aim to support teacher incentives and learning materials.

³⁷ The ARC Community Mobilization resource pack has a reading on child-to-child approaches by the Child-to-Child Trust and describes their resource materials.

³⁸ Op. Cit. EC/47/SC/CRP.19, page 9.

³⁹ Comments from field staff in the process of preparing this report indicate that education received better attention in the first contingency plans but somehow fell to \$30,000 in later documents and planning. In the first contingency plans, education was budgeted in scenarios of \$540,000 for estimated needs of 20,000 pupils, \$2.75 million for 100,000 pupils or \$5.5 million for 200,000 pupils.

⁴⁰ In the context of the global challenge facing secondary education and the dearth of positive development opportunities for refugee adolescents, it is important to acknowledge that only primary education, to be free and compulsory, is obligated by the CRC [Article 28] and UNHCR's 1994 Guidelines, Chapter 9.

77. To turn to the positive example of the education work in Guinea, by UNHCR's partner IRC, over the last decade, it is an excellent example of what formal refugee education could encompass, and shows the importance of including parental concerns and active community engagement. Sierra Leonean and Liberian teachers and parents started the formal education systems in the refugee camps on a voluntary basis. Once the schools were in place, UNHCR support was enlisted and the school enrolment rose to 75,000 children in 135 schools. Enrolment of girls improved dramatically during the course of school development. This progress was disrupted by the relocation of refugee populations following disturbances in the Guinea border areas in late 2000. After the relocation, one of the first initiatives undertaken by the communities was to clear land and erect temporary structures so that classes could be held. However, despite UNHCR's commitment to primary education, throughout the decade of education work in Guinea, IRC has often had to seek other funding due to insufficient provisions by UNHCR.

78. Our field mission to Pakistan also found positive progress in education. UNHCR staff in Pakistan were proud to highlight that education comprises 34% of the budget. We would, however, caution the use of the budget percentage as an indicator of success in education. The percentage of school-age children actually attending school, differentiated by gender and education level, is rather the most important indicator.

79. Yet, Pakistan has achieved notable progress in recent years with current estimates that 50% of the children in the refugee villages go to school. In view of the considerable socio-cultural constraints, progress is especially notable in the access of girls to education. For example, UNHCR's partner in Baluchistan province, SCF-US, has increased the number of girls in primary education from 1,869 in 1997 to 5,117 in 2001. The number of boys increased from 5,700 to 10,475 during the same period.

80. Through UNHCR's partnerships with WFP and others, incentives to increase school enrolment, especially for girls, are often school meals or other commodities. These have been considered important factors in education achievements. The Office's efforts to address the sustainability issues inherent to such tactics and to guard against unintended consequences should be acknowledged. For example, if the school provides a snack rather than a family's expectations of a meal, an idea that was developed to protect the nutritional status of children, can end up endangering it instead.

81. We were also concerned to find insufficient cross-border or sub-regional approaches to education. One of the specific issues concerns the language of learning for refugee children. While the orientation of education to repatriation is often the most appropriate, many refugee situations continue for many years and the Office inadequately adjusts when local integration or other solutions become the choice. For example, most refugees in West Africa are from Sierra Leone or Liberia, where the language within schools is usually English, but many of these refugees are currently in Guinea or Côte D'Ivoire, where the language of instruction is French. Presently, decisions about language in refugee schools are being made on an ad hoc basis, but such decisions have major implications in terms of durable solutions. This is an old debate, but regular regional consultation on language issues, teacher training and accreditation would provide a mechanism to respond and adjust as refugee situations evolve. Tanzania provides an example where cross border cooperation, including with UNICEF, has led to educational benefits for Burundian and Congolese refugee children.

Recommendations

82. In view that education is a right of refugee children and is vital to their protection, at a minimum, adequate resources for primary education and informal opportunities for all refugee children should consistently be provided in all UNHCR programmes and budgets. This includes continuing the objective of ensuring emergency education in all initial emergency response.

83. The above recommendation emphasizes quantity issues in education. Adequate resources should also include specialist staffing resources at the regional level to support improvements on quality issues in education, emphasizing: increasing girls education, enriching education approaches with life-skills, peace education and child-to-child elements, addressing teacher training and material needs, and cross-border curriculum and accreditation issues.

84. The office of the Senior Coordinator for Refugee Children should facilitate consultation with NGOs experienced in child-to-child methodologies and support their incorporation in field operations. As emphasized in the section on adolescents, youth clubs provide an efficient and effective venue to redress post-primary education shortfalls and broaden the approach of education to include important life skill, health and personal security issues.

Prevention/monitoring of military recruitment

85. As noted in UNHCR's follow up strategy, the prevention of military recruitment of children from refugee camps was a key issue highlighted in the 1996 Machel Study. The use of children to perpetuate violence and conflict poses one of the most acute protection risks in face of insufficient attention to refugee adolescents. As stressed by one questionnaire respondent, "The priority must be to prevent the manipulation of children by factions. This is more than just about protection of the individual child - it is about long-term protection of whole societies". Indeed interviews in our field missions in the Balkans emphasized that youth are at considerable risk of manipulation and of perpetuating ethnic conflict. In Kosovo, the project with the Women's Commission for Refugee Women in Children was found especially valuable in giving youth a voice in how to address problems of insecurity in the future.⁴¹

86. The threat of forced recruitment is compounded by the danger of voluntary recruitment of children in camps when there is a lack of educational, vocational, economic or recreational activities, leaving children vulnerable to the blandishments of irresponsible adults. The link between opportunities for children and adolescents and their vulnerability to recruitment was often not found reflected in programming. However, we did find a positive example linking child protection work with prevention in Liberia. Prevention work drew on a Child Welfare Committee and youth 'social' clubs. Upon a blatant recruitment effort by an armed opposition group, the Child Welfare Committee and the youth social clubs visited each household to warn families and youth about recruitment efforts. In turn, UNHCR raised recruitment violations and concerns with government partners.

⁴¹ Women's Commission for Refugee Women and Children, "Making the Choice for a Better Life: Promoting the Protection and Capacity of Kosovo's Youth", January 2001.

Unfortunately, the positive experience in Liberia was not taken up by other field operations in the sub-region, who all face child recruitment challenges.

87. Underscoring the importance of linking programme elements, in our Guinea mission, a new NGO in the camps was planning a special project for former child soldiers when there were strong education and psychosocial projects and partners who could have been more efficiently and effectively oriented to improve support to such youth in the camps. This would be the preferable approach in view of the strong risk of stigmatizing and creating vulnerabilities for former child soldiers with targeted special projects.

88. Just as more harmonized work with partners would improve response to former child soldiers in the camps in Guinea, more harmonized cross-border programming is also needed. UNHCR staff in Sierra Leone were struggling with how best to address former child soldiers identified at reception points for repatriating refugees. At the time of our field mission, the former child soldiers were being referred to the national child soldier demobilization programme in Sierra Leone. In most cases, this seemed ill conceived as one of the first steps of the national programme is family reunification and most of the former child soldiers amongst this population had already found family members and were seeking a quiet approach to reintegration.

89. While the majority of UNHCR's work concerning child soldiers may be on prevention of recruitment from camp environments, it is also important that field operations apply international standards of best practice.⁴² We found confusion and inconsistent application of best practice as regards to which children comprised those recruited. For example, in West Africa, programmes seeking to support child soldiers excluded those who were not considered combatants, especially girls. In one field mission, a fifteen-year-old girl described being abducted by an armed opposition group at 11 years of age and held for four years. National NGO staff stated that she was not an ex-combatant because she had not fought and that she had not been sexually abused or sexually active because "she only did work in the home". When we discussed the situation further, given the plethora of information on the incidence of rape of young girls, the staff conceded that the girl had not been given an opportunity beyond her initial interview to discuss such issues and that the interview had been held by male workers.

90. Despite consistent expressions of concern by UNHCR staff and partners and the examples cited here, we found work with child soldiers and prevention of recruitment absent in many camp situations amongst our field missions. In some circumstances, the issue was denied or questions of combatants were considered not to be an UNHCR area of responsibility.⁴³ We are not advocating that UNHCR develop specialist expertise on child soldiers. Rather, more pro-active partnering efforts by the Office would more effectively cover the situational and programming relationships between combatants and refugees.

⁴² The 1996 Machel Study, pages 10-14, amongst other resources including ARC, provides an important reference on best practice in programming for child soldiers.

⁴³ In an example of a lost opportunity towards mainstreaming, a DIP note regarding combatant issues in refugee contexts in Africa made no mention of considerations for child combatants or related child recruitment violations known to be a frequent concern. "Guidelines on the issue of combatants and former combatants, with particular reference to the situation in Angola, DRC and Namibia", UNHCR, undated, internal DIP document.

Recommendations

91. Specialist staff, notably the Senior Coordinator for Refugee Children and Senior Regional Advisors for Refugee Children, and protection officers of UNHCR need to be more familiar with international best practice in work with child soldiers. They should particularly look to the ARC resource pack on child soldiers, UNICEF colleagues and other resources to improve their ability to provide guidance and other linkages on these issues to field operations. Further, protection or community services staff should participate in inter-agency workshops taking place at field level on work with child soldiers in order to more effectively include populations of concern to UNHCR in relevant programmes.

92. Related to previous recommendations, youth clubs and peer studies by children and adolescents are extremely valuable and should be supported.

Unaccompanied and separated children

93. Throughout our field missions and the questionnaire responses, there was strong recognition of the importance of separated children as a priority group. Of the five priority concerns identified for the Office's Machel Study follow up strategy, the issue of separated children has perhaps seen the most progress. Particularly since high levels of attention to the issue during the Great Lakes and Balkans emergencies, efforts to meet the protection needs of separated children have more consistently been included in UNHCR's emergency response and global operations. Another positive aspect of the Office's work on separated children is demonstrated by the increased utilization of the stand-by agreement with Save the Children Norway and Sweden for community services officers who are especially effective in establishing appropriate systems for separated children in emergencies.

94. However, we found continuing gaps in policy knowledge and practice. In one of the most striking examples, our field mission to Bosnia and Herzegovina found the field operation struggling to re-orient the work of an orphanage the field office had built in 1995. UNHCR's own guidelines are clear regarding non-institutional approaches: "The creation of orphanages should be discouraged."⁴⁴ Fortunately, more recently, UNHCR's partnership with Norwegian People's Aid for the orphanage has succeeded in shifting the function of the orphanage into an interim center for foster family placements and young, un-wedded mothers and their infants.

95. On the other hand, UNHCR had some positive experiences in regards to separated children in the Balkans in the mid-1990s. The guidelines on evacuation,⁴⁵ supported jointly by UNHCR and UNICEF, remain a vital resource internationally and the joint statements issued by UNHCR, UNICEF and the International Committee of the Red Cross (ICRC) regarding evacuation and the adoption of unaccompanied children⁴⁶ were

⁴⁴ 1994 Guidelines: "...institutional placements, such as orphanages, should be avoided as they generally cannot provide for children's developmental needs nor for their social and cultural integration into society. The creation of orphanages should be discouraged.", page 128.

⁴⁵ Everett M. Ressler, 1992, "Evacuation of Children from Conflict Areas: Considerations and Guidelines", Geneva: UNHCR and UNICEF.

⁴⁶ Internal guidelines issued by DIP on adoption have also been a highly important step by the Office regarding complex protection issues for refugee children. Cfr. IOM/59/95/FOM/62/95, 22 August 1995, "Adoption of Refugee Children".

highly effective in addressing these complex issues. Yet repeated efforts to promote and ensure the application of international standards have been necessary. During the Kosovo operation in 1999, it was necessary for the Department of International Protection and Division of Operational Support to remind field operations of policies and standards in regards to evacuation, the creation of institutions for separated children and the importance of birth registration.⁴⁷

96. Throughout our evaluation, we found the most consistent gaps regarding work with separated children to concern the roles of different agencies, appropriate interim care arrangements and cross-border or sub-regional programme approaches. On issues of the roles of different agencies, for example, in our Tanzania field mission, both UNHCR and UNICEF staff expressed frustration with more than four years of shortfalls in family tracing work by the Tanzanian Red Cross Society (TRCS), working under partnership with ICRC. Significant local efforts had been made, including a series of local Memorandums of Understanding since 1997.⁴⁸ But shortfalls continued, as did frustration with ongoing shortfalls in the TRCS. Yet we found a lack of awareness that UNHCR also had leadership responsibilities in ensuring effective work with separated refugee children or that mandate, policy and practice require supplementary roles from UNHCR and UNICEF to those of ICRC. Furthermore, these issues have been insufficiently followed up at the regional and headquarters level.

97. We were disappointed to find guidance and clarification on the roles of different agencies absent in the forthcoming "Inter-agency Guiding Principles on Unaccompanied and Separated Children".⁴⁹ Nonetheless, these guidelines will provide an important extension of the guidance currently available through UNHCR's 1994 Guidelines, the 1996 UNHCR/UNICEF Priority Actions Handbook on Unaccompanied Children and other guidelines and reference materials, including those published by NGOs with specialist expertise in this field.

98. Under international humanitarian law, refugee law and child rights law, separated children enjoy special protection. The organizations mandated under this legal framework have overlapping mandates and responsibilities in regards to separated children. ICRC has a particular mandate for cross border tracing and reunification, but UNHCR also has a particular mandate for refugee children and UNICEF has a mandate to promote the care and protection of all children. Of particular note, ICRC, and many NGO partners, may only undertake technical roles regarding family tracing while UNHCR, UNICEF and government partners have broader responsibilities concerning care and long-term decision-making for separated children. Working in cooperation with governments is an essential obligation of this framework. Effective partnership is essential to ensure all separated

⁴⁷ "Critical issues relating to women and children", April 1999, Memorandum to UNHCR Albania, Macedonia and Montenegro offices from Erika Feller, Acting Director, DIP, and Amelia Bonifacio, Director, DOS.

⁴⁸ "Guidelines for Tracing and Family Reunification in Tanzania", agreed between UNHCR, UNICEF, ICRC, Tanzanian Red Cross Society and community service NGOs, 15 October 1997. And comprising a revision of these 1997 Guidelines: "Memorandum of Understanding on Tracing and Reunification of Separated Burundian Refugee Minors in Western Tanzania between UNICEF, UNHCR, and ICRC", signed 25 September 1999. The next revision was March 2000: "Guidelines for Tracing and Family Reunification of Refugee UAMs in Tanzania: A Joint Programme of UNHCR, UNICEF, ICRC, TRCS, and community service NGOs."

⁴⁹ The forthcoming "Inter-Agency Guiding Principles on Unaccompanied and Separated Children" are to be issued as a joint publication by the International Committee of the Red Cross, UNHCR, UNICEF, International Rescue Committee, Save the Children Fund - UK, and World Vision.

children under 18 years are identified, provided appropriate care and have their best interest pursued through to durable solutions.

99. Returning to the example of Tanzania, this is important as one of the obstacles to the work with separated children include differing age criteria between the agencies. ICRC set an age limit of 16 years for Rwandan separated children and 15 years for Congolese separated children. UNHCR and UNICEF, and most other organizations and local partners, include all separated children less than 18 years in accordance with the CRC. This, and differing definitions concerning tracing for separated children who may currently be living with extended family members or neighbors, and therefore 'accompanied', are common issues of variance between agencies working with separated children. More positively in Tanzania, work with separated children was reported to have improved since UNICEF undertook lead responsibility for the Burundian caseload in late 1999 and a new agreement was signed by all agencies in 2001.⁵⁰

100. Complementary roles are also vital to appropriate interim care of separated children, the second consistent gap we found in our field missions. Staff often expressed concern about work with foster families. In a positive finding in our Tanzania mission, UNICEF had supported a team of trainers to work with UNHCR community services teams and partners on issues with foster families.⁵¹ Some early progress on policy and practice in this area has also begun in Rwanda, particularly by the NGO Concern Worldwide, but their experience has not been shared more broadly. Such exchange of programme experience is an especially important role of specialist staff such as the Senior Regional Advisors on Refugee Children.

101. As noted, the third consistent gap found in work with separated children concerns cross-border, sub-regional work with separated children. In some cases, shortcomings arose because of different partners leading family tracing work in different countries. But UNHCR needs to play a more active leadership role in setting policies and systems for cross-border and regional work. Expanding collaboration and support from UNICEF is also vital to the improvements needed in this area of work. There are some aspects of UNHCR field operation systems that seem to inhibit cross-border harmonization. In West Africa, some staff had made efforts to investigate how UNHCR registration systems could better harmonize with family tracing work but results and progress were slow. In other instances, field operations simply seemed to have a narrow conception of their 'area of work' rather than incorporating the broader dynamics of the population of concern.

Separated Children in Europe Programme

102. The Separated Children in Europe Programme (SCEP), launched by Save the Children Alliance and UNHCR in 1999,⁵² provides an example of an effective, regional approach to ensure international protection of separated refugee and asylum-seeking

⁵⁰ "Mode of Operation for Tracing and Family Reunification Activities in Tanzania Refugee Camps", UNHCR, ICRC and UNICEF, revision as of May 2001.

⁵¹ Following a two week workshop, the foster family training has produced a manual: "The Training Manual For Refugee Social Workers In Training Of Foster Families At Refugee Camps", 2001, by A.S.T. Mchomvu and C.C. Njimba with the National Social Welfare Training Institute.

⁵² International Save the Children Alliance and UNHCR, *Building Links Across Europe*, Programme Partnership agreement, December 1999.

children. Further, 'cross-border' exchange of experience has been extended to countries outside of the European Union through individual staff efforts with the Canada Bureau Office and through a recent conference⁵³ on separated refugee children in the United States.

SCEP has achieved a good deal in a short period of time:

The Statement of Good Practice, published jointly by Save the Children and UNHCR in 1999, covers principles and practice points based on the Convention on the Rights of the Child, Refugee Conventions and others. The Statement has been translated into fourteen European languages and has become an acknowledged reference document for European governments in their asylum processes as regards separated children. A network of NGOs across Europe, largely the initiative of Save the Children Alliance, support the efforts to build capacity and monitor the protection of separated children. This network has been instrumental in preparing 28 country analyses. Two summary reports have been produced: one for 17 Western European countries and one for 11 Central European and Baltic states. Lobbying the European Commission and Parliament to incorporate the rights of separated children during this important period of harmonization of European asylum policy has begun to see some success. In France, a judge cited the Statement in making an asylum decision. In Greece and Austria, the government has established reception centers for separated children. A training programme has been established to sensitize UNHCR, NGO and government staff to the rights of separated children. A number of local training events and four 'training of trainers' workshops have been held to date.

103. The founding of SCEP was driven by the war in the Balkans when thousands of children were taken outside the country without adequate records to ensure their family reunification. Growing concerns over insufficient capacity on the part of social agencies, child paedophile rings and an estimated 100,000 separated children, most smuggled or victims of trafficking, contributed to the need for comprehensive policy and follow up for separated children.

104. SCEP also provides an example towards effective 'mainstreaming' of refugee children's concerns. Through the Training of Trainers programme and a series of country visits by the programme coordinator, UNHCR is working to sensitize staff and improve work on separated children in 28 countries across Europe. This has been vital towards making a reality of UNHCR's 1997 "Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum." Refugee Law Trainers in Europe have been

⁵³ June 2001 conference in Washington DC: "Trans-Atlantic Workshop on Unaccompanied/Separated Children: Comparative Policies and Practices in North America and Europe", Georgetown University.

included in the Training of Trainers programme and the UNHCR SCEP programme coordinator has had the support of the head of the Bureau and other managers.

105. On the other hand, concerns over sustainability remain and the SCEP partnership with Save the Children Alliance underlines some of the difficulties that UNHCR experiences in partnerships.⁵⁴ (A later section takes up partnership issues further.) Funding is due to be phased out during the end of 2002. Sustainability is being undermined in that investments in training are being lost to staff cuts and it remains unclear if progress will continue without the coordination and impetus of the UNHCR and Save the Children Coordinator positions.

106. One difficulty in the partnership was that UNHCR had agreed to dedicate a staff member to the programme but did not fill the post for the first two years. Since the UNHCR staff member came into post in September 1999, relations have improved and UNHCR has been more dynamic. However, other difficulties in the partnership include an overall lack of transparency on the part of UNHCR and the sense that there is a need for UNHCR to have a dominant position in joint publications and activities. Save the Children Alliance was especially frustrated with the length of time required to have joint texts approved by the Office, resulting in one case with UNHCR's late withdrawal from an important, jointly commissioned publication.

Recommendations

107. A priority emphasis of the Senior Regional Advisors over the next two years should be the improvement of regional and sub-regional approaches to work with separated children; in particular the establishment of cross border tracing systems and facilitating consistent collaboration and understanding of roles between UNHCR, UNICEF, ICRC and relevant NGOs and government agencies.

108. The current project of the RCCU and the Lutheran Immigration and Refugee Service to document work on interim care and foster families should be linked with the similar project being conducted by Save the Children and widely disseminated to protection and community services staff at the field level. While the implementation of ARC will provide a vehicle of dissemination, it is vital that the lessons learned and guidance from these initiatives reach front-line staff more quickly.

109. UNHCR and Save the Children need to ensure that SCEP has a timeframe of two to three more years in order to: a) complete policy and advocacy work in harmonization with the European Union and Parliament, b) consolidate that work with training reaching national legal, judicial and social workers, and c) expanding the involvement of NGOs and key agencies to continue the sensitization work and monitor the implementation of policies for separated children and child asylum seekers.

⁵⁴ See *Programme Review Report*, Save the Children and UNHCR, Separated Children in Europe Programme, January 2000. Other SCEP programme documents and reports can be accessed on the project's website: www.sce.gla.ac.uk.

Other priority issues

110. As addressed above, child protection issues other than the five priority themes of the Office's follow up strategy to the Machel Study may be more important in a given context or over time. This section spotlights a number of specific child protection issues consistently emphasized in our field missions and by questionnaire respondents:

- Birth registration;
- Durable solutions;
- Status determination;
- Trauma and psychosocial well-being;
- Child labour and abuse;
- Harmful traditional or socio-cultural practices; and,
- Detention.

111. As noted earlier in this chapter, birth registration was noted by 37% of the questionnaire respondents to be a missing issue of priority concern. Indeed, birth registration is a fundamental starting point towards ensuring a refugee child's right to identity and status and is in turn linked to a host of other protection issues. Shortfalls in birth registration are not a matter of insufficient guidance from the Office; the 1994 Guidelines provide a clear step-by-step process and describe various mechanisms.⁵⁵

112. Amongst our field missions, Pakistan presented the most egregious example of shortfalls on birth registration. In a field operation of some 20 years and an estimate of more than two million refugees, the Office has never been able to persuade the government to register refugee births nor provided alternative forms of birth registration.⁵⁶ Hundreds of thousands of children have never seen their country of origin and have become a 'shadow' population. Constraints to birth registration have largely been on the side of the host government and local authorities but alternative measures through NGOs and health partners could have contributed a great deal to minimizing the problem.

113. Birth registration presents an issue of special note for expanding collaboration with UNICEF and host governments. As a host government should normally address birth registration, UNICEF's programme of cooperation with a host government may provide an important vehicle of support even if practical and financial inputs may still be required of UNHCR.

114. Insufficient consideration of durable solutions for refugee children is another fundamental concern throughout the Office. Although questions of education and separated children are frequently addressed in repatriation planning, we found the perspective of durable solutions to rarely feature in actions for refugee children at earlier stages. Taking a longer-term, child-welfare perspective is vital to the full development

⁵⁵ 1994 Guidelines, page 105. The ARC International Legal Standards resource pack also expands on this guidance.

⁵⁶ The 2000 Annual Protection Report for Pakistan simply states that UNHCR will continue to study the feasibility of birth registration for refugees.

needs and rights of children and becomes particularly crucial in decision-making for separated children.

115. The fundamental principle of the best interest of the child guides all actions and decisions but may be confusing because of the complexity of factors to weigh in determining 'best interest'. For example, in our Tanzania mission, staff raised concern regarding the 'dilemma' of Congolese refugee foster families arriving with Burundian unaccompanied children, following earlier conflicts and patterns of displacement. An important principle of work with separated children cautions against placing unaccompanied children with host country foster families. However, in this situation, the best interest of the child was, in most cases, to leave the Burundian child with the Congolese family. Not only does the Congolese family retain the most comprehensive knowledge of the child's identity and original displacement circumstances, but also the relationship developed between the child and foster family is essential to their protection and best prospects for development. That does not preclude the potential of tracing prospects amongst the Burundian refugee population in Tanzania. The frequent complexity of best-interest considerations for refugee children underscores the need for quality protection and community services staff as well as ensuring that specialist staff, partners and experts are made available.

116. UNHCR's recent protection work on best interest determination (BID) for Sudanese unaccompanied children in Kakuma refugee camp provides important lessons for future work.⁵⁷ Choosing third-country resettlement as the durable solution for some of the unaccompanied children is rarely considered in the best interest of refugee children, but the cases of many of the Sudanese unaccompanied children had become protracted with no solution. In the context of global work with refugee separated children, this is also a rare example of a child-specific BID process.

117. Ironically, the BID process, which was established to make resettlement decisions, exposed weaknesses from the last decade of work with separated children in the sub-region. Simultaneous to the BID process, a multi-agency, mass-tracing effort was launched between camps and sub-regional countries for all Sudanese unaccompanied children. Of positive note, the mass tracing effort followed an inter-agency, regional meeting on unaccompanied children, active technical support from the Senior Regional Advisor on Refugee Children and the effective use of specialist consultants. This also underscored the role of BID processes for wider child protection work rather than simply being a tool for resettlement. The planned evaluation of the BID process by the Office's resettlement section has not yet begun but it will be essential for UNHCR to widely disseminate the lessons learned for future application.

118. The status determination of refugee children, especially separated refugee children, presents issues that staff felt received inadequate support and resources from the office. Status determination procedures generally were criticized by some staff as insufficient on child-specific protection issues. While an assessment of the Office's recent Refugee Status Determination (RSD) project and procedures were beyond the scope of this evaluation, we were able to make some observations as to the incorporation of child

⁵⁷ The story of some 5,000 unaccompanied boys arriving to Kakuma, Kenya, "the lost boys of Sudan" between 1992 and 1994 and the resettlement of many of them to the United States in 2000 and 2001 has received wide press attention. Our field missions did not include Kenya but we were able to meet with the Senior Regional Advisor for Refugee Children based in Nairobi, review her mission reports, consultant reports and other documents from partners to the Kakuma programme.

protection concerns during our mission to Pakistan. Some staff involved in the RSD project recognized the importance, as a tool of refugee protection and information gathering, of identifying protection risks through the interviews. The link between information gathering and protection work, on such issues as forced recruitment, child labour and trafficking, is indeed vital but this needs to be more systematic and proactive, including the involvement of community services and NGOs. RSD staff in Pakistan confirmed that unaccompanied minors were a priority for RSD interviews and that caseworkers were encouraged to look at child-specific protection issues within a family interview⁵⁸ but we were not able to extend our evaluation to review this in practice more globally.

119. A number of UNHCR staff expressed concern that issues of trauma and psychosocial support were inadequately addressed by the Office. Rather, we found elements of psychosocial approaches to often be present in community services programming. Where community services featured strong community mobilization and networks, the fundamental role of families, communities and culture as psychosocial support was an inherent part of the response to refugee children. We found the 'JEN' network in Serbia and the refugee community workers working with community services teams in Tanzania to be especially good examples of where psychosocial support was an integral element of community mobilization. (These networks are described in the section on partnerships in Chapter 3.)

120. Some of the viewpoint that trauma and psychosocial response is inadequate stems from assumptions that trauma-specific approaches are needed. On the whole, this is an area where the majority of staff, both national and international, needs better orientation. Indeed, the 1996 Machel Study itself emphasized that the trend of expanding 'trauma' programmes was often inappropriate in view of cultural and other factors for displaced and war-affected children. Such international best practice principles need more consistent application in UNHCR programmes.

121. As concerns resources for the application of international standards and best practice, this is an area where expanded collaboration with UNICEF and key NGOs would be especially beneficial. Ensuring appropriate psychosocial supports features amongst UNICEF's "core corporate commitments" in emergencies as further discussed in Chapter 3. In addition to expanding collaboration, the most effective and efficient way for UNHCR to improve its role on psychosocial support concerns is by ensuring the consistent presence of community services and education functions in field operations.

122. Amongst the nine field operations we visited as part of our field missions, only Guinea featured specific psychosocial programmes, both led by international NGO partners.⁵⁹ Fortunately, both of these programmes were very much geared to children and emphasized culturally appropriate support and healing processes. Unfortunately, UNHCR support for these programmes had recently been cut in recent budget cuts and the NGOs were struggling to raise alternative funding.

123. Child labour and abuse were consistently raised as issues of special concern throughout our field missions. While some child labour, abuse or exploitative practices may have existed before flight, the refugee experience often exacerbates poverty and the degree

⁵⁸ This guidance is in accordance with the 1994 Guidelines, Chapter 8.

⁵⁹ The NGOs were CVT, a division of the Center for Victims of Torture, and Enfants Réfugiés du Monde.

to which families depend on the economic roles of their children. It is true that child work is not always abusive or exploitative and in fact can contribute positively to their learning and development. However, refugee circumstances create specific vulnerabilities to abuse and exploitation for children. This can range from an increase in domestic violence to exploitive labour to trafficking and links to issues of detention.

124. For example, in our Tanzania mission, field staff of UNHCR and UNICEF were investigating a number of cases where refugee children had been coercively recruited to work on large, distant tobacco farms in conditions of indentured servitude. Refugee youth are vulnerable to such recruitment because of the untenable combination of ration cuts and government restrictions in either subsistence farming or opportunities outside their camp. In a positive reflection of management support, it was a UNHCR head of sub-office who pushed staff and partners to improve the protection of separated children when the child labour cases were found, in part, to be related to cases of 'missing' unaccompanied children.

125. In our Pakistan mission, little support was being extended to the high proportion of refugee children among street children. While the policy has recently begun to change, UNHCR policy not to assist or protect the urban caseload has in effect ignored, or defined away, the plight of urban refugee children. Further, in our interviews, local human rights and government staff strongly advocated that UNHCR protection staff address the number of cases of refugee children in prison. Most refugee children in prisons were subject to arbitrary arrest or detention for minor infractions related to their undocumented status⁶⁰ and work on the street. Many of these refugee children were Afghans of ethnic minority and thus faced a host of discriminatory abuses. A number of NGOs – namely Save the Children and some very dynamic refugee and Pakistani local NGOs -- were working to advocate for street children and provide them with part-time informal schooling and other supports. These organizations provide an important network for UNHCR in reaching urban refugees. However, when UNHCR Pakistan has proposed adding financial support to work with urban refugees, this has regularly been the first victim of budget cuts as country plans have been finalized with headquarters.

126. Harmful traditional or socio-cultural practices, such as early marriage and circumcision rites, often present complex challenges to UNHCR staff working with refugees and have frequent overlaps to issues of exploitation and abuse. We did not encounter any specific projects in the course of our evaluation, but work on these issues may be more feasible than imagined. In focus groups where early marriage was reported to be a pattern, girls themselves all expressed the view that they wanted to wait until 18 and even 25 years to marry. This illustrates that there may be more opportunities to address such complex issues than imagined. One questionnaire respondent proposed that work by implementing partners and the Church in Kenya be documented as an example of good practice.

127. Sensitivity by UNHCR staff and programmes to socio-cultural issues generally requires careful work with national staff and partners. In fact, the multi-national and multi-cultural composition of UNHCR is a factor in how the Office's policies relate to one's personal experience and will require time and discussion by management in each office. In a positive example from our Pakistan mission, a comparative analysis of the Convention on

⁶⁰ Since 1997, Afghans in Pakistan were no longer considered *prima facie* refugees.

the Rights of the Child, Islamic law and local laws⁶¹ proved to be very helpful to staff and partners working to promote girls education and other child protection goals in the face of numerous constraints.

128. Both child labour and abuse and harmful traditional practices are complex issues that require regular discussion between protection, community services and other staff with national staff, partners and refugee social animators.

129. Often related to child labour, the detention of refugee children and their interactions with the justice system are often overlooked issues. Refugee children working on the streets and with precarious status are especially vulnerable to arbitrary arrest, ill-treatment, violence, exploitation, trafficking and the influence of armed groups. They are often un-represented in the justice system. For example, while the SGBV programme in Tanzania is of very high quality, the representation and treatment of minor offenders remains an outstanding concern. While this is a concern with the justice system in a great many countries, the role of the UNHCR 'security package' in the case of Tanzania augments the Office's responsibilities.

130. The detention of refugee children by Australia, the United States of America and other western governments as part of asylum practice has been a particularly urgent issue for UNHCR advocacy and intervention. On the other hand, we found some of the most positive examples of UNHCR's recent work with refugee children to be on this topic. The 1997 "Guidelines on Policies and Procedures in dealing with Unaccompanied Children seeking Asylum" have been well-received and the Separated Children in Europe Programme has accomplished a good deal in mainstreaming such concerns in Europe. Similarly, UNHCR offices in Canada and the United States have included such concerns as priorities for their work.

Conclusion

131. All five priority issues of the Office's follow up strategy to the Machel Study and other child protection issues highlighted require increased attention and improvements in programming approaches. As a priority:

- Statistics and data collection should be disaggregated by under 5, 5 to 9 years, 10 to 14 years and 15 to 18 years in order to improve the degree to which the protection needs of adolescents are addressed by the Office;
- Education budgets and programming approaches should be broadened to include non-formal opportunities for all adolescents, with special consideration for youth clubs and expanded curriculum linkages to sexual and reproductive health and life skills; and,
- Specialist staff, in particular Senior Regional Advisors for Refugee Children, should concentrate on improving cross-border and sub-regional policy, programme and partner harmonization and exchange of programme experience with an emphasis on separated children issues and resources for education.

⁶¹ Save the Children Sweden, Peshawar, 1994, "The United Nations Convention on the Rights of the Child, Islamic Law and Pakistan Legislation: A Comparative Study", by Shaheen Sardar Ali and Baela Jamil, the latter a UNICEF staff member.

