

## NOTE ON A CONCLUSION ON CHILDREN AT RISK

### I. Introduction

At the 38th meeting of the Standing Committee from 6-9 March 2007, UNHCR presented a Conference Room Paper on Children at Risk (EC/58/SC/CRP.7) as background in preparation for the drafting of a thematic ExCom Conclusion on this topic. A summary of the key points raised by delegations is outlined below.

### II. General remarks

- Unanimous support was expressed for a Conclusion on Children at Risk, which would be a timely and logical continuation of and complement to the 2006 Women and Girls at Risk Conclusion and UNHCR's Age, Gender and Diversity Mainstreaming (AGDM) strategy.
- The normative framework for the protection of children is to a great extent already in place: the problem lies in its implementation and the main challenge is how to operationalize existing standards. A Conclusion providing an operational framework would be welcome.
- UNHCR was asked to compile an inventory of good practices in the area of prevention, response and solutions strategies and interventions.

### III. Scope of a Conclusion on Children at Risk

- The need to be cautious in making the scope of a Conclusion too broad and overly ambitious was expressed, and selective prioritization was recommended, based on the standards and guidance already contained in other documents or those being developed in other fora.
- Inclusion of stateless children within the scope of the Conclusion was recommended.
- The Conclusion should contain responses which focus on the various categories of children covered, i.e., asylum-seeking, refugee, internally displaced and stateless children.

### IV. Specific issues

#### A. Wider environmental and individual risk factors

- More focus should be placed on the cumulative effects of exposure to several risk factors, which may place children at heightened risk.
- The Conclusion could help to achieve a common understanding of risk factors and recognize that both the wider environmental and individual risk factors need to be

addressed, including risks related to trafficking, violence, detention and malnutrition.

- In regard to identification of children at risk, challenges in identifying (ex-) child soldiers, as well as the fact that stigma or taboos related to various forms of abuse or exploitation may hamper identification, should be addressed in the Conclusion.
- Additional risk factors, not mentioned in the Conference Room Paper, which delegations have proposed to address in the Conclusion are:
  - proximity of camps to borders;
  - location of camps in remote areas;
  - statelessness as an individual risk factor;
  - differences in culture and social structures between the host community and refugees;
  - the erosion of values, traditions and norms; and
  - the lack of legal status.
- The Conclusion should also address the issue of sexual abuse of children by United Nations personnel.
- The protection of unaccompanied and separated children, including in relation to minimum reception standards, registration and documentation, as well as in regard to difficulties in identifying children who are accompanied by ‘false parents’, is a priority area to be addressed in the Conclusion.

## B. Responses and durable solutions

### *Best interests of the child*

- In relation to the best interests of the child principle, best interests determinations were recognized as important tools of child protection; however, it was underlined that mechanisms and procedures for determining a child’s best interests need to be flexible and adapted to the host country’s administrative structures and systems. In this context, it was recommended that the Best Interests Determination (BID) tool developed by UNHCR should be adapted or developed in order to enable its use also in industrialized States and in emergency situations.
- A key element of BID is recognition of the importance of the family and family support structures for the protection of children.
- The view that UNHCR can be relied on as an objective assessor of what is in the best interests of a child in a complex resettlement case was expressed.

### *Participation*

- The importance of child-participation and of participatory approaches was emphasized while acknowledging the challenges in implementing this fundamental principle in practice, especially in emergency situations.

### *Rights-based approach*

- The importance of using a rights-based approach in all actions vis-à-vis children was stressed.

- The importance of empowering children to understand their rights was emphasized.

#### *Child protection systems*

- There is a need to establish effective child protection systems and to expand protection to children in remote areas where adequate national structures cannot assure this.
- National laws and policies should allow for the integration of refugee children, to the extent possible, into national child protection systems.
- Children need to be provided with information on who to contact in case their rights are violated.

#### *Registration*

- Adequate and individual registration and documentation of children need to be assured and States should cooperate in establishing child-sensitive registration procedures.
- The usefulness of Project Profile/*ProGres* was raised.

#### *Age/Child-sensitive asylum procedures*

- The importance of age/child-sensitive asylum procedures, which recognize child-specific forms and manifestations of persecution, was highlighted.
- The need for simplified asylum procedures was also mentioned.
- UNHCR was asked to finalize its Guidelines on International Protection on the child-sensitive interpretation of the refugee definition and was encouraged to draw on existing guidelines on this topic which are available in some States.

#### *The civilian and humanitarian character of asylum and under-age recruitment*

- Camp management and the civilian character of camps should be addressed in the Conclusion.
- Children in armed conflict is a priority area, in particular for UNHCR's future work, where initiatives for the prevention of under-age recruitment, and responses to the needs of those who have been recruited, were particularly called for, and reference was made to the recently adopted Paris Commitments. The need for closer collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG/CAAC) was mentioned, in particular with regard to the Strategic Review of the Machel Study.
- The need to immediately separate civilians and armed elements, as well as children from parents belonging to armed groups, and the importance of addressing impunity by punishing those who recruit children, including the role of the International Criminal Court in this regard, were also raised.
- Guidance was requested on the application of the exclusion clauses in Article 1 of the 1951 Convention to former child soldiers as well as on minimum standards in regard to settlement and integration needs of former child soldiers in countries of first asylum or resettlement.

- The issue of challenges related to the protection of children who have been part of subversive groups was raised for consideration.

#### *Trafficking*

- Children of concern to UNHCR may be at heightened risk of being trafficked.
- Protection of and support for victims of trafficking was raised as a priority area.

#### *Education*

- The importance of education as a tool of protection, in particular girls' education, and thus the importance of giving education a strong focus in the Conclusion was highlighted. The need for tailor-made learning opportunities and non-formal education was also raised.
- Access to both primary and secondary education should be provided.
- UNHCR needs to play a key role in ensuring access to education, as well as to health services in refugee camps.
- There is a need for child-friendly spaces.

#### *Local integration*

- Children often play a key role in the integration of refugee families, including through their attendance in schools.

#### *Partnerships and the importance of building on standards set and recommendations made in other fora*

- The importance of partnership was stressed, especially with UNICEF, which has developed a protective environment framework, as well as the need for UNHCR and its partners (e.g. UNICEF, ICRC, UNFPA and relevant NGOs) to delineate their respective roles and key areas of responsibility to avoid overlaps and ensure complementarities, also within the work of the IDP clusters. A query was raised concerning the future of the Separated Children in Europe Programme (SCEP).
- One delegation proposed that the recommendations made in the Secretary-General's Study on Violence against Children, referred to in paragraph 13 of EC/58/SC/CRP.7, should be taken into consideration, including the one in Section C (Implementation and follow-up), paragraph 118, which states that: "Governments should consider establishing an ombudsperson or commissioner for children's rights in accordance with the Principles relating to the status of national human right institutions." Reference was also made to the joint thematic consultation on violence against refugee and other displaced children of April 2006 (UNHCR, Women's Commission and Secretariat of the United Nations Study), which generated a wealth of information that could be useful for the Conclusion.

#### *Training and competence of personnel working with children*

- The importance of training to enhance the competence of those responsible for identifying children at risk, and of those working with children, was mentioned.

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UNHCR - 23 April 2007*