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**Child protection including education**

*Summary*

This paper reviews progress made in protecting children of concern to UNHCR – children who are refugees, seeking asylum, stateless or internally displaced – since the report at the 56<sup>th</sup> session of the Standing Committee in 2012 (EC/63/SC/CRP.13). It highlights the Office's support of States' efforts to improve the accessibility and quality of child protection and education services, especially the inclusion of children of concern in national child protection and education systems.

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## I. Protection risks and consequences for children of concern

1. Globally, children constitute 46 per cent of the refugee population. Recent emergencies, such as those in the Central African Republic, South Sudan and the Syrian Arab Republic, have brought to the fore the severe impact of forced displacement upon children. These emergencies have also increased global concern about the additional risks faced by children who do not have access to protection and educational opportunities. Unfortunately, emergencies often evolve into protracted refugee situations, such as in Kenya, where over 10,000 third-generation refugees have been born in the Dadaab refugee camp. Many refugee children spend their entire childhood as refugees – a fact that underscores the importance of ensuring that they have access to national child protection and education systems and durable solutions that are in their best interests. Many child asylum-seekers are alone, a status that puts them at increased risk. Indeed, 21,300 unaccompanied and separated children (UASC) lodged asylum applications in industrialized countries in 2012.

2. Children of concern face increasingly complex protection risks, and new constellations of protection risks are emerging. Recruitment of children by armed forces and other armed entities, including terrorist groups, causes children to flee their country and seek asylum. Moreover, recruitment remains a risk for children in some countries of asylum. An increasing number of children are fleeing their homes due to fear of organized armed criminal actors, including drug cartels and gangs. A recent UNHCR study on children on the move in Central America showed that a large majority of the 400 UASC interviewed had escaped armed actors, generalized and targeted violence in their communities, or abuse in their homes. Many children seeking asylum travel alongside migrants; use the same clandestine channels; and are at risk of being sold, trafficked, sexually or economically exploited, or enslaved. A large number of children, including newborns and UASC, were among the 26,000 survivors rescued at sea through the Italian Mare Nostrum initiative since October 2013. Finally, 53 per cent of the world's refugees are now living in cities, and about half of them are children. Urban contexts pose additional protection challenges, such as discrimination, xenophobia, sexual exploitation, informal labour markets, gang activity and inaccessible or over-burdened education and protection services.

3. The consequences of violence against children are serious, long-term and costly. Forcibly displaced children are at greater risk of exposure to violence, including sexual and gender-based violence (SGBV); exploitation; abuse and neglect; and harmful practices such as female genital mutilation and early marriage. Mounting evidence indicates that adverse childhood experiences are linked to difficulties in adulthood, including mental, physical and social problems, such as depressive disorders, impaired work performance and aggressive behaviour. The social and economic costs to society are significant. Addressing protection needs of children also has a long-term impact on the stability of the community; thus, successful peace-building and conflict resolution require that the protection needs of refugee children be adequately addressed.

## II. The value of national systems

4. The primary responsibility for the protection and education of children under the *Convention on the Rights of the Child* (CRC) lies with States. National child protection and education systems have proved to be the most effective and sustainable way – even in emergency settings – to prevent and address the multiple protection risks that children face, and to ensure access to quality education. Since 2006, when the *World Report on Violence against Children*<sup>1</sup> recommended that States develop a multi-faceted, systematic framework to prevent and respond to violence against children, there has been a growing consensus

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<sup>1</sup> Available at: [www.unicef.org/violencestudy/reports.html](http://www.unicef.org/violencestudy/reports.html)

around the benefit of national child protection systems,<sup>2</sup> including community-based mechanisms, for the protection of forcibly displaced children. The protective benefits of education have also been widely recognized: education supports children in learning how to process information, think critically and solve problems, while also developing their potential for self-reliance and self-protection. Examples of countries enabling refugee children to access basic public services include the Islamic Republic of Iran, which provides access to public schools, literacy classes (for out-of-school children) and medical services; and Pakistan, where refugee villages in the Balochistan, Khyber Pakhtunkhwa and Punjab provinces have access to public schools and public health clinics.

5. The Committee on the Rights of the Child, interpreting the CRC and issuing concluding observations and recommendations on the periodic reports of States parties, has highlighted a number of areas related to children of concern to UNHCR. Working in support of States, it is in these areas that UNHCR strives for enhanced cooperation:

(a) ***Non-discriminatory access to protection and education services for all girls and boys.*** National legislation and policy should provide refugees and asylum-seekers with access to a full range of child protection services, including the judicial system and primary and secondary education.

(b) ***Special services for children with specific needs.*** Children who are unaccompanied and separated, who are survivors of SGBV or trafficking, who have been associated with armed groups, or who have disabilities, require special services on an urgent basis. UNHCR should work closely with national child protection authorities to ensure children's access to family tracing, best interests determinations (BID),<sup>3</sup> care arrangements, guardianship, legal advisory services, special education arrangements and physical, psychological and social support for recovery and reintegration.

(c) ***Primary and secondary education for all displaced girls and boys.*** Children of all ages should have access to a range of appropriate education programming, including early childhood education, non-formal skills training, literacy and language classes, and certified accelerated learning programs for over-age children.

(d) ***Universal birth registration.*** Every child has the right to be registered at birth, regardless of the nationality, migration or residence status of their parents. States have a unique role to play in birth registration. Access to birth registration can be facilitated by simplifying administrative procedures; integrating registration with services for childbirth and maternal-infant care, immunization and education; accessing populations in rural and remote locations through awareness campaigns and mobile units; and eliminating fees associated with registration.

(e) ***Child-sensitive asylum procedures.*** National entry systems should be protection-sensitive, including (1) staff who are trained to identify children who are in need of international protection within mixed migratory flows and to recognize children with protection concerns, and (2) child-sensitive immigration, asylum and administrative procedures.

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<sup>2</sup> A "child protection system" is understood as a set of components, including legislation, policy, knowledge, data, practical services and community mechanisms, that work together to strengthen the protective environment around each child and his or her family. Child protection systems must support families in order to support children.

<sup>3</sup> A "best interests determination" is a formal process with strict procedural safeguards, designed to determine the child's best interests for particularly important decisions. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option. See *UNHCR Guidelines on Determining the Best Interests of the Child* (2008).

### III. Progress in protecting children of concern

#### A. Protection and education for refugee children

6. Since the 2012 launch of *A Framework for the Protection of Children*, 12 priority country operations have received support to develop and implement country-level child protection strategies. Twenty-one countries have been similarly supported in their implementation of the *2012-2016 Education Strategy* since 2011. Integrated implementation of the two global strategies began in late 2012 through a combined monitoring and evaluation framework, the use of minimum impact indicators, and joint capacity building and strategy development training.

7. During the reporting period, a number of States extended legal protection to safeguard the rights of refugee children. For example, Rwanda adopted the *Law Relating to the Rights and Protection of the Child*, which stipulates that refugee children will receive protection and humanitarian assistance and specifies non-discriminatory application of the law to all children living in Rwanda, regardless of status. The companion *Rwandan Integrated Child Rights Policy* requires special efforts to ensure that refugee children receive all basic services, including education, health care and protection.

8. Several States have passed education legislation increasing access to education for refugees and asylum seekers. In 2012, Turkey revised its *Education Law*, which applies to all children including refugees and asylum seekers, to extend mandatory free education for children from 8 to 12 years. Kenya passed the *Basic Education Act* in 2013, confirming the right to free education for every child residing in Kenya.

#### B. Protection against all forms of violence, abuse, neglect and exploitation

9. Collaboration between UNHCR and State authorities enables the strengthening of referral pathways and care for refugee children requiring protection services. In Jordan, UNHCR has worked closely with child protection authorities to ensure services for refugees. For example, the Family Protection Department, a multi-disciplinary section within the Ministry of Interior, deals with abuse and addresses cases involving refugee children, just as it does for Jordanian children. The Office has cooperated with the Family Protection Department and others to develop emergency standing operating procedures for child protection and SGBV response among the refugee population.

10. In Rwanda, UNHCR has sought to include relevant government entities in refugee protection forums. UNHCR is fostering a close partnership with the National Commission for Children, within the Ministry of Gender and Family Promotion, in order to implement policies and services for UASC, including family tracing, reunification and alternative care arrangements. In Kenya, the Children's Department maintains offices near the Dadaab and Kakuma refugee camps to address protection issues for refugee children as well as host community children. The Magistrate's and the Children's Courts visit monthly. In Turkey, State orphanages and shelters for victims of violence operate on a non-discriminatory basis and provide protection services to refugee children.

#### C. Primary and secondary education

11. UNHCR has deepened collaboration with ministries of education to include refugees into existing national education systems, rather than establishing or maintaining parallel education efforts. In Mexico, an agreement between the *Comisión Mexicana de Ayuda a Refugiados* and the Ministry of Education ensures refugee children's access to the national education system, including those with special needs. In eastern Chad, after more than ten years of operating a parallel education system, in 2013 UNHCR began work with the Ministry of Education to transition refugee schools from the Sudanese to the Chadian (Arabic) curriculum, as a step toward inclusion of refugees in the national system. As part

of this process, refugee teachers are attending national teacher training institutes; local school inspectors are also monitoring refugee schools; and refugees are included in national education sector planning. Participatory assessments help ensure that refugees' concerns are addressed throughout the process. In Yemen, children have access to free primary and secondary education. The Ministry of Education, collaborating with refugee community leaders, will conduct a survey in Sana'a to identify out-of-school refugee children in order to facilitate their inclusion. UNHCR and the Rwandan Government are collaborating to include refugees in the national education system, in alignment with the Government's *Education Sector Strategic Plan 2013-2017*. Meanwhile, countries hosting Syrian refugees have made exceptional efforts to include refugee children in their education systems. In Lebanon, for example, 90,000 Syrian refugees have enrolled in public schools, making them 30 per cent of all enrolled students. The Lebanese Ministry of Education and Higher Education has opened second shifts in 79 schools, in order to accommodate all students enrolled. In Turkey, the Ministry of National Education, UNICEF and UNHCR are cooperating to ensure access to quality education and are exploring certification options.

#### **D. Birth registration**

12. Currently only about half of new-born refugees receive birth certificates. The Executive Committee's *Conclusion on civil registration*, No. 111(LXIV), adopted during the 65<sup>th</sup> plenary session, provided much-needed impetus for efforts to achieve universal birth registration for children of concern. The Conclusion provides a firm basis for continued partnership between governments and UNHCR to realize this goal. UNHCR is committed to reviewing and strengthening its operational engagement on birth registration, as called for in the *Conclusion*.

13. UNHCR has been working on a regional basis with intergovernmental organizations, such as the ASEAN Intergovernmental Commission on Human Rights (AICHR), to share examples of good practice in birth registration. UNHCR and the AICHR hosted a regional workshop in Bangkok and developed draft benchmarks and indicators to help States assess their progress toward realizing universal birth registration. At the national level, UNHCR's country operations in Lebanon and Jordan disseminated animated videos and print materials on birth registration to promote awareness among refugees; the offices also advocated with authorities for enhanced access to registration procedures. To facilitate the provision of birth certificates in Za'atari and Azraq Camps in Jordan, UNHCR has supported the establishment of offices of the Civil Status and Passport Department within the camps.

14. Several States have made significant progress in addressing barriers to universal birth registration. Following amendment of Thailand's civil registration law to allow all births on its territory to be registered regardless of the legal status of the parents, 9,974 birth certificates have been issued for new-born and previously un-registered refugee children since 2010. Ghanaian birth registration policies do not restrict birth registration to nationals; as a result, nearly 98 per cent of children less than one year of age in refugee camps were issued birth certificates in 2013. In Rwanda, significant progress has been made toward the systematic issuance of birth certificates, including retroactive issuance for refugees in Rwanda since 1996. In Kenya, a District Registrar makes monthly visits to Dadaab camp to register births and issue birth certificates.

#### **E. Child-sensitive reception and asylum procedures**

15. A number of States have strengthened migration and refugee legislation, policy and practice to explicitly reference child-friendly asylum procedures and treatment of UASC. In 2013, the Government of Peru, *Comisión Andina de Juristas* and UNHCR established referral pathways enabling the identification of children arriving in the country in need of international protection and the provision of services through the national child protection system. A protocol and standing operating procedures were also adopted. Turkey's new *Law on Foreigners and International Protection* includes provisions for UASC, considers

the best interests of the child,<sup>4</sup> and cross-references relevant legislation on national child protection. Forthcoming UNHCR-UNICEF guidance will provide support to States applying the best interests principle to UASC in Europe.

#### IV. The way forward

16. UNHCR's complementary protection strategies – *Framework for the Protection of Children, Education Strategy 2012-2016*, and *Action Against Sexual and Gender-Based Violence: An Updated Strategy* – recognize the pressing need to strengthen the protection of children of concern as an integral step toward achieving sustainable solutions and peace-building. BID procedures, for example, are fundamentally about durable solutions, including family-tracing and return; access to nationality to prevent statelessness; and resettlement, including formalized or permanent care arrangements. Meanwhile, quality education that builds relevant skills and knowledge enables refugees to live productive lives and build skills for the future. Education also cultivates skills for peaceful living, peace building and conflict resolution and an understanding of human rights and citizenship.

17. Cooperation and partnerships with States is at the core of UNHCR's complementary strategies. At the same time, the *Framework* commits UNHCR to further develop staff capacity for innovative programming and effective advocacy, and to strengthen effective community involvement. Guided by these strategies, field operations must be capacitated and resourced to include a broader range of government and civil society actors to better meet the needs of children of concern.

18. In the coming period, UNHCR will work with partners to enhance the protection of children of concern in the following ways:

(a) Working with States to ensure that national legislation and policy related to children, child protection and families grant refugees and asylum-seekers legal and practical access to basic services, including education, and that the services are sensitive to the special circumstances of refugees;

(b) Strengthening cooperation with line ministries handling matters relating to children, families and education to ensure that children of concern are reflected in national and local-level policies and plans of action;

(c) Reinforcing partnerships with States and other partners to support the inclusion of refugees in the national education sector;

(d) Working with States and other actors to identify obstacles to birth registration, take measures to overcome them, and facilitate the sharing of good practices;

(e) Supporting States' efforts to improve identification of children in need of international protection in mixed migratory flows and to ensure child-sensitive procedures that are guided by the best interests of the child as a primary consideration; and

(f) Continuing efforts to document and disseminate good practices by States in their protection of children of concern.

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<sup>4</sup> A fundamental aspect of child-friendly asylum procedures is inclusion of the child's best interests as a primary consideration.