

## Essential Language Strengthening to Ensure a Comprehensive Approach to the Protection of All Children’s Rights and Autonomy in the Global Compact on Refugees

In response to the third draft of the Global Compact on Refugees released on June 4<sup>th</sup> and following the 5<sup>th</sup> Formal Consultations, the Initiative for Child Rights in the Global Compacts<sup>1</sup> wishes to contribute this brief for the reference of both Member States and UNHCR to help ensure that the penultimate draft being prepared by June 26<sup>th</sup> addresses protection gaps and ensures that the best interest of the child is upheld.

The Initiative welcomed the interventions from several States during the 5<sup>th</sup> Formal Consultations calling for enhanced language in relation to children and strong calls **for the paragraph on children to be strengthened** and more specifically calls for the sections on ‘meeting needs’ and ‘solutions’ to include: a) safeguarding the best interests of children at all stages; b) child protection, child rights, including investing in national capacity building; c) sexual and reproductive health care and psycho social support; d) quality, inclusive and multi-level education, adequately funded; e) family reunification; and f) for the re-inclusion of special programs for children related to armed forces.

We also welcome the calls for the **section on solutions** to include best interest determination and for children’s participation including in relation to determining solutions. Furthermore, we echo the request from some States for the compact to aim for social cohesion and not just tolerance and peaceful coexistence.

Protection of the rights of children and the realisation of their agency and autonomy requires a comprehensive approach. Members of the Initiative have analysed and assessed the current draft of the compact in-depth in its entirety from a number of lenses including child protection and gender<sup>2</sup> and, in light of the discussions that took place during the 5<sup>th</sup> Formal Consultation, outline in the table below essential considerations for children which, if absent in the finalized Compact, will significantly undermine the protection of the rights of children in its implementation.

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<sup>1</sup> The Initiative is a multi-stakeholder partnership bringing together 30 civil society, UN and philanthropic organisations around a shared agenda: to ensure that children’s rights are at the heart of the Global Compact on Refugees and the Global Compact for Safe, Regular and Orderly Migration, and to create a continuum of care, protection and support for refugee and migrant children. The Initiative has shared concrete recommendations on the previous drafts of the Global Compact on Refugees (GCR), aiming at strengthening references to the protection of the rights of the child.

[www.childrenonthemove.org](http://www.childrenonthemove.org)

<sup>2</sup> A full briefing can be found at [https://www.childrenonthemove.org/wp-content/uploads/2018/03/Initiative-for-Child-Rights-in-the-Global-Compacts\\_Response-to-GCR-Draft-3\\_Final.pdf](https://www.childrenonthemove.org/wp-content/uploads/2018/03/Initiative-for-Child-Rights-in-the-Global-Compacts_Response-to-GCR-Draft-3_Final.pdf) and more responses from the Initiative at <https://www.childrenonthemove.org/advocacy/>

What the GCR needs to ensure	Para(s)	Language, currently absent or has been questioned, that is essential to ensure a comprehensive approach to the protection of the rights of the child	Why it is essential
Children are <b>protected at all times</b>	76-77	<ul style="list-style-type: none"> <li>✓ Strengthening child protection systems</li> <li>✓ Prioritizing cases involving children</li> <li>✓ Leading role for child protection authorities</li> <li>✓ Strengthening the child protection skills of all actors and specialized services</li> <li>✓ Child safeguarding regulations</li> <li>✓ Facilitating cross-border collaboration in child protection and continuum of care for children</li> </ul>	<p>Strengthening child protection systems is paramount to ensure that children can access protection and support. This includes strengthening the child protection skills of all actors and specialized services. Child safeguarding regulations and implementation measures are essential to ensure refugee children do not end up abused and exploited.</p> <p>Concrete responsibility sharing measures are also needed to facilitate cross-border collaboration in child protection and continuum of care for children and enhance alternative care - in accordance with UN Alternative Care Guidelines - and guardianship for unaccompanied and separated children, as well as to ensure access to justice that responds to age and gender considerations for all children.</p>
Children are not detained. The use of non-custodial measures and <b>community-based options</b>	60	<ul style="list-style-type: none"> <li>✓ The development of non-custodial and family and community-based alternatives to detention, particularly for children, will also be supported</li> </ul>	<p>Child immigration detention is never in the child's best interest and is always a violation of the rights of the child. The GCR should envisage support to all States to develop family and community-based alternatives.</p>
Quality sustainable <b>solutions in a child's best interests</b>	85-100	<ul style="list-style-type: none"> <li>✓ Any decision about solutions for children and their families, including returns, should be guided by robust, multidisciplinary and independent best interests' assessments and determination, led by qualified child protection personnel</li> <li>✓ Prioritization and extended eligibility criteria for children for resettlement, family reunification and other complementary pathways</li> </ul>	<p>In line with the Convention on the Rights of the Child, any decision, and in particular decisions about solutions for children and their families, including returns, should be guided by robust, multidisciplinary and independent best interests' assessments and determination, led by qualified child protection personnel with recognition and respect for the wishes and autonomy of children and their families.</p> <p>Because of their development needs, children should benefit from prioritization and extended eligibility criteria for resettlement, family reunification and other complementary pathways. All support programs, whether voluntary</p>

			repatriation, local integration or resettlement and complementary pathways should be designed with the population concerned and respond to the age and gender needs of the child.
Access to safe, quality and inclusive <b>education</b>	68-69	<ul style="list-style-type: none"> <li>✓ Identifying and overcoming barriers to enrolment and attendance</li> <li>✓ Ensuring inclusion of refugee education in national education plans</li> <li>✓ Special care for children with psychosocial trauma</li> <li>✓ Accelerated learning</li> <li>✓ Early childhood development</li> <li>✓ Vocational training</li> <li>✓ Ensuring quality education</li> <li>✓ Ensuring appropriate funding for education systems</li> </ul>	Barriers to enrollment in school and attendance can be hampered by a range of factors, including but not limited to: administrative barriers; violence and discrimination at school and in the community; gender considerations; socio-economic conditions of the family; health status of the child and care-giver; and the child's language and literacy skills. It requires inclusive and quality education and predictable and multi-year funding to support host countries, based on cost estimations of the development and implementation of national education sector plans that include refugees.
<b>Comprehensive healthcare</b> for children	59-60 72-73	<ul style="list-style-type: none"> <li>✓ Early recognition of and tailored support to aid recovery from health problems in refugee children</li> <li>✓ Sexual and reproductive health care</li> <li>✓ Dedicated resources and support for children living with disabilities</li> <li>✓ Mental health services</li> <li>✓ Psycho-social support</li> </ul>	Early recognition of health problems in refugee children, coupled with tailored support to aid recovery should be part of any public health strategy. Evidence shows that refugee children are exposed to high risks of sexual and gender-based violence and calls among others for strengthening investments in sexual and reproductive health care services, mental health and psycho-social support.
<b>Engagement and interaction between refugee and host communities</b> without social distinction, particularly between children and youth	13	<ul style="list-style-type: none"> <li>✓ Social cohesion</li> </ul>	Social cohesion – in keeping with the NY Declaration – is essential for the realisation of agency and autonomy for both refugee and host communities. Children need to live in societies where there is true and organic engagement and integration within the community, so they can develop to their full potential, free from violence and discrimination. To promote social cohesion, it is essential to build cooperation mechanisms within a State but also with other States through cross-border mechanisms, which can be facilitated by the use of private international law like the 1996 Hague Convention.