ARAB STRATEGY FOR THE PROTECTION OF CHILDREN IN ASYLUM CONTEXT IN THE ARAB REGION
Arab Strategy for the Protection of Children in Asylum Context in the Arab Region
Cover Photo: ©Hossein Fatemi/UNHCR
Well-established traditions in the Arab region recognize the need to protect refugee and forcibly displaced children from all forms of violence, abuse and neglect that stem from conflict situations, and to ensure that they are enjoying all their rights, including, the right to protection, registration, education, health and other specialized services, in line with the child’s best interest. The League of Arab States-Social Sector-Women, Family and Childhood Department, together with UNHCR and other partners have been working together to develop and promote a comprehensive regional strategy to guide Member States, including governmental bodies and civil society in all relevant sectors, as well as the affected communities themselves, in designing measures to protect refugee children, taking into consideration the best interest of the child.

The Arab region has demonstrated leadership in responding to crises, extending unprecedented hospitality to refugees, and inspiring innovative protection responses and solutions, including through the establishment of strategic linkages to the Sustainable Development Goals. Ahead of their time, these responses also foresaw some of the key elements of the New York Declaration on Refugees and Migrants and the Global Compact on Refugees (GCR), such as easing pressure through a “whole of society” approach, encouraging livelihoods, and opening the door to solutions offered by third parties.

Mr. Amin Awad  
Director  
UNHCR Bureau for the Middle East and North Africa

Ambassador  
Dr. Haifa Abu Ghazaleh  
Assistant Secretary General  
Head of Social Affairs Sector  
League of Arab States
The drafting and review team of
The Arab Strategy on Child Protection in Asylum Context in the Arab Region

United Nations High Commissioner for Refugees

Coordination and Drafting of the Strategy
- Mr. Kaidar Ayoub, Senior Liaison Officer

Strategy’s Drafting Team
- Ms. Nihad Gohar, Child Protection Expert
- Ms. Amanda Melville, Snr. Advisor (Child Protection)
- Ms. Holly Berman, Senior Regional Protection Officer (SGBV)
- Mr. Amit Sen, Senior Interagency Coordinator
- Mr. Tayyar Sukru, Deputy Director (DFAM/Controller’s Office)
- Ms. Annalaura Sacco, Senior Protection Coordinator
- Mr. Hy Shelow, Head of MENA Protection Service
- Ms. Grainne Ohara, Director of the Division of International Protection

Linguistic Review
- Ms. Maura Morandi, Reporting Officer
- Ms. Aline Mikhael, Senior Liaison Associate
- Ms. Hend Amin, Liaison Associate

League of Arab States

Coordination and Drafting of the Strategy
Women, Family and Childhood Department:
- Ms. Maggy Saad Mina

Strategy’s Review Team
Refugees, Expatriates and Migration Affairs Department:
- Mrs. Enas El Fergany, Minister Plenipotentiary, Director
- Ms. Lobna Essam Azzam
# Table of Contents

Executive Summary .................................................. 9

Preamble, Objective and Scope of Action for the Strategy .......... 11

Background ................................................................... 12

Basic Principles of Refugee Child Protection ....................... 19

I - Providing Protection of Refugee Children through the National Protection Systems .................................................. 25

II - Ensuring that Refugee Children can access the Specialized Services in line with the Child’s Best Interest ......................... 39

III - Supporting the Roles of Families, Guardians, and Communities in the Protection of Refugee Children ......................... 43

IV - Child Friendly Asylum Procedures and Access of Children and their families to Safety ................................................. 49

V - The Inclusion of Child Protection within the Other National Services .......................................................... 57

VI - Addressing Child Protection Issues and Providing Appropriate Services ....................................................... 65

General Recommendations ........................................... 79

Annex 1: International and Regional Conventions on Child Protection .......................................................... 85

Annex 2: Basic determinants for analysis of child protection systems .................................................. 95

Annex 3: Human Rights-related Conventions – Member States in the Arab Region ...................................................... 96

Annex 4: Glossary of Terms ............................................. 98
In recent decades, the Arab Region has witnessed regional conflicts that led to humanitarian crises in several countries in the region, while in the last six years, there has been an influx in the number of refugees and forcibly displaced individuals due to the eruption of wars. Refugee children comprise over half of the said number, and they are severely affected due to violence, conflicts and destruction. Although refugee children might find safety after fleeing to neighbouring countries, they still face risks of family separation, deprivation of basic services and exponential poverty, which lead to negative coping mechanisms, such as child marriage and child labour. On a different note, refugee children face risks of detention, trafficking and other forms of abuse during the several stages of their escape journey. Therefore, the League of Arab States is working, in collaboration with United Nations High Commissioner for Refugees (UNHCR) and other partners to protect refugee children through four main strategies:

1<sup>st</sup>: Investing in Child Protection National Systems and guaranteeing its accessibility to Child Refugees
The League of Arab States and its Member States, with the support of UNHCR and partners, aim at mainstreaming the national child protection systems to child refugees without discrimination, enhancing the system’s capacity and increase its ability to respond to increasing numbers of refugee children in the host countries, while developing the quality of services to align with that of the international standards.

2<sup>nd</sup>: Ensuring that refugee children can access the specialized services in line with the child’s best interest.
The League of Arab States and its Member States, with the support of UNHCR and partners, provide immediate specialized assistance to unaccompanied/separated children and children who were exposed to violence at home or at schools. In addition to that, support is provided to children who are involved in child labour, victims of trafficking, survivors of sexual and gender-based violence (SGBV), child marriage and children with disability.

3<sup>rd</sup>: Supporting the Roles of Families, Guardians, and Communities in the Protection of Refugee Children.
The League of Arab States and its Member States, with the support of UNHCR and partners, work to develop child and adult capacity building to assist children to overcome the effects of conflict, forced displacement, and to protect them from further exposure to violence, harm, neglect or abuse.

4<sup>th</sup>: Child-Friendly Asylum Procedures and Access of Children and their families to Safety.
The League of Arab States and its Member States, with the support of UNHCR and partners, work on sensitizing asylum procedures to be child-friendly, and to give priority to children, conduct best interest determination, family reunification, prevention of detention of children seeking asylum, while ensuring that detention
remains the last resort for children in conflict with the law, in addition to ensuring that proper documentation is given to child refugees and their families.

The League of Arab States and its Member States, with the support of UNHCR, aim at adopting the aforementioned strategies to address some special child protection challenges as follows:

**Child Refugee Legal Documentation/Birth Registration**

The League of Arab States and its Member States, with the support of UNHCR and partners, are working on removing the procedural challenges against birth registration and are attempting to gather support for policies recognizing every child’s right of birth registration, regardless of their status, as well as conducting awareness raising campaigns with refugees on how to register those newly born.

**Provision of Child Protection to Unaccompanied/Separated Children**

The League of Arab States and its Member States, with the support of UNHCR and partners, are working on immediate identification of unaccompanied/separated children, assessing the severity of family separation and the status of children affected, performing a best interest assessment for the children, while looking into family reunification through cross-checking and family tracing. Competent partners are focused on attaining family unity during all stages of forced displacement, meaning the avoidance of family separation on the borders or the secondary separation upon arrival to the country of asylum. In case family reunification is not feasible, partners adopt standing alternative care arrangements based on the best interest of the child.

**Child Marriage**

The League of Arab States and its Member States, with the support of UNHCR and partners, are working on adopting policies against child marriages, decreasing child’s risk factors to those, who have already been married. Prevention is made through a number of interventions, including assistance to the most vulnerable families on socio-economic level, supporting women, girls, boys and men to raise support to change the social norms that lead to child marriage, raising awareness on the risks accompanying child marriage, encouraging girls to access education and enhancing the legislative framework and policies against child marriage.

**Child Recruitment**

The League of Arab States and its Member States, with the support of UNHCR and partners, are working on the prevention of child recruitment, and assisting with child rehabilitation upon return.

**Child Labour**

The League of Arab States and its Member States, with the support of UNHCR and partners, are working on combating the root causes for the child labour phenomenon, including poverty and social values that support this practice. The strategy includes fighting poverty, technical trainings, ending illiteracy, and life skills, in addition to assisting the most economically vulnerable refugee families, in addition to formal and informal education, gathering support and capacity building of competent actors. The strategy contains as well enhancing the legislative framework and policies to protect children from child labour, while focusing on the worst forms of child labour, and ensuring that the children involved in child labour are benefiting from a variety of services.
The Member States of the League of Arab States are hoping that through this document, they will be able to provide refugee child protection in the region from all forms of violence, abuse and neglect. They also are ensuring that refugee children are enjoying all their rights, including the right to protection, registration, education, health and other. This strategy reflects the countries’ will to dedicate their experiences to ensure that all aspects of the refugee crisis in the region are covered, while providing a safe environment for children. It is important to adopt a precautionary approach to avoid more conflicts in the region.

Objective and Scope of Work of the Strategy

The strategy was developed in implementation of the recommendation laid out by the 12th meeting of the “Committee on Following up to Stop Violence against Children – General Secretariat November 2014, which stated that there is a request from the technical Secretariat to draft an Arab strategy for the protection of refugee children, together with UNHCR.

The strategy aims at improving the refugee children’s status in the Arab region, and handling their living standards, which calls for all partners to work together to find solutions and to save a generation from drenching conditions through several steps, including:

- Ensuring that best interest of the refugee child is taken into consideration in all decisions and interventions taken regarding children;
- Ensuring that protection is given to child refugees through enhancing the national capacities for child protection;
- Working on adopting a non-discriminatory approach for protection, responding to all needs of child refugees;
- Working with host communities and families to provide child protection against violence, neglect and abuse;
- Taking risks faced by the children into consideration, in accordance with their age, gender and special needs, including children with disabilities.

This strategy has been laid out with close cooperation between the League of Arab States and the United Nations High Commissioner for Refugees, in consultation with all partners in the field of child protection. And although the strategy mainly uses the term “refugee,” it also tackles asylum-seekers. Despite using general concepts, the recommendations can assist other groups, including forcibly displaced and stateless children. The strategy aims at covering the period from 2019 to 2024.
Background

For several decades, the Arab region has suffered from conflicts, in addition to the eruption of several other crises during the past six years, which led to unprecedented increase in the number of refugees and forcibly displaced persons, which had negative implications on the children as a result of the conflicts that erupted, which exposed them to many risks. Within a few years Leaders of the world came together to set out the broad lines for what is known to be the 2030 Agenda for Sustainable Development.

Unlike the Millennium Development Goals (MDGs), that did not address violence directly, some Sustainable Development Goals (SDGs) gave special attention to child protection.

For example, SDG target 5.2 states: Eliminate all forms of violence against women and girls; SDG target 5.3: Eliminate all harmful traditional practices, such as child, early and forced marriage, and female genital mutilations; in addition to SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, while SDG target 16.1, on the other hand, calls for significantly reducing all forms of violence and related death rates everywhere. SDG target 16.2 calls for ending abuse, exploitation, trafficking and all forms of violence against children, and target 16.9: Provide legal identity for all including free birth registrations.

However, at the same time, the new agenda admits that states are facing significant challenges while dealing with the increasing violence and natural disasters, which lead to increasing the number of forcibly displaced persons and refugees. The Universal Declaration of 2030 describes the international status as a world threatened by increase in numbers and intense natural disasters, spiralling conflict, extremism, terrorism and other humanitarian crises, and forced displacement of people, which threatens to reverse much of the development progress efforts made in previous decades. It is important to mention that the world leaders have confirmed their commitment to refugee protection, especially women and children. In the joint report issued by the Leaders’ Meeting on Refugee Protection, a number of world leaders have committed themselves to the protection of the millions of refugees, specially that the majority of them are women and children, who are subjected to more violence, neglect and abuse. The world leaders have also committed themselves to increased humanitarian aid, resettlement opportunities, while assuring the importance of supporting the humanitarian-development nexus.

On another level, many international conventions in the Arab region also address refugee-related issues in general, and refugee children-related issues in particular. This will be discussed in more detail in the concerned chapter on international conventions. Despite all the international and regional efforts to face the problems encountered by refugees in the region, there

are still many obstacles and challenges represented in the specific risks encountered by refugee children, particularly in the light of increasing conflicts in the region, as well as the challenges related to services and limited resources which affect the availability and the quality of these services.

According to UNHCR’s Global Trends Report on Forced Displacement, conflict and persecution have led to the escalation of forced displacement in 2015, reaching the highest level ever recorded. Around 68.5 million people were displaced at the end of 2017, compared to 59.5 million in 2014. The number of refugees worldwide reached 25.4 million increasing by 5.9 million over the trends recorded in 2017, thus marking the highest refugee total since the early 1990s.

It is important to note that children constitute 51 per cent of the world’s refugee population, many being separated from their parents or fleeing alone.

The Middle East and North Africa has witnessed the highest level of forced displacement, with the Syrian conflict driving at least 5.62 million people into exile as refugees and displaced (in addition to 6.6 million Syrians who are internally displaced). Considering also the 5.2 million Palestinian refugees registered under United Nations Reliefs and Works Agency (UNRWA’s) mandate in Lebanon, Syria, Jordan and the West Bank including Eastern Jerusalem and Gaza’s Strip, and close to 500,000 Libyans fleeing their homes, the Arab region is heading all other geographical regions pertaining the number of forcibly displaced persons.

On the other hand, a large number of refugees have crossed through the Mediterranean Sea to Europe, with the total number of refugees and migrants, who crossed through the sea, reaching 1,015,078 in 2015, and more than 360,000 in 2016, and 172,301 by the end of 2017, with the Syrians being the major nationality to cross, followed by the Afghans and the Iraqis.

The number of armed conflicts has also increased in the region, which led to the increased rates of violence against children. The conflict in Syria has led, on the span of six years, to the death of more than 250,000 persons including thousands of children. In Somalia the situation continued to be risky, with an increase of 50 per cent in the number of violations recorded against children in 2014, and hundreds of children recruited, and abused, killed and mutilated.

According to United Nations International Children Emergency Fund (UNICEF), in Yemen alone, there are ten million children in need for humanitarian assistance, including half a million children suffering from severe malnutrition. In Iraq, there are more than 3.2 displaced with increasing cases of grave violation of children’s rights. The number of children who dropped out of schools in the countries suffering from conflicts in the MENA region has amounted to more than 13 million children. The violence and the deteriorating conditions in many countries led to the biggest displacement movement since World War II.

---

3) UNHCR Global Trends Report, 2015
Arab Strategy for the Protection of Children in Asylum Context in the Arab Region

On the other hand, according to the UN High Commissioner for Refugees, due to the crisis in Syria, the number of Syrian refugees in the region has reached 5.62 million refugees, the figure including 2.1 million Syrians registered by UNHCR in Egypt, Iraq, Jordan and Lebanon, 3.56 million Syrians registered by the Government of Turkey, as well as more than 33,000 Syrian refugees registered in North Africa, while the number of Syrians in need for humanitarian assistance inside Syria has reached around 13.5 million persons. In Iraq, the number of the internally displaced has reached 3.3 million due to the deteriorating conditions in the country, where people flee to other regions to escape the risks of war. According to UNICEF, 3.6 million children in Iraq – one in five in the country – are at serious risk of death, injury, sexual violence, abduction and recruitment into armed groups, an increase of 1.3 million in 18 months. The findings show that 4.7 million children are in need of humanitarian aid – a third of all Iraqi children- and that almost ten per cent of Iraqi children – more than 1.5 million – have been forced to flee their homes because of the increasing violence since the beginning of 2014. Nearly one in five schools is out of use due to conflict and almost 3.5 million children of school-age are missing out on education.

Many have fled to Kurdistan, which hosts 95 per cent of the Syrian refugees in Iraq. The displacement of around 248,698 Syrian refugees and more than a million displaced Iraqis has led to increasing the burden on the host communities, particularly with regard to the labour market and the public services.

On the other hand, after six years of the Syrian crisis, the difficulties facing refugees from Syria and the host communities have increased. Although some countries of the region have taken steps to grant Syrian refugees work permits, the majority of the refugees still work informally, which exhausted refugees’ savings and belongings. This, in turn, leads to increasing the suffering of the most vulnerable groups, such as female-headed households, children, older persons, and people with disabilities. Statistics indicate that only 14 per cent of refugee families in Jordan and 11 per cent of those in Lebanon enjoy food security.

In light of the recent developments in the region and the increasing numbers of refugees and forcibly displaced persons, the risks encountered by the refugees, particularly refugee children, have increased. Refugee children in the region suffer immensely as a result of conflict and forced displacement. Children have often been wounded or killed and suffered the consequences of conflict, destruction and violence. When fleeing into neighbouring countries, refugee children may find safety but also uncertainty and daily struggles that are distressing both for the children and for their families. Separation from family members, difficulties in accessing basic services and increased

---

8) http://data.unhcr.org/syrianrefugees/regional.php
10) OCHA, as of May 2016, http://www.unocha.org/syria
12) UNICEF Press Release, 30 June 2016
13) http://www.unhcr.org/pages/4a02db416.html
14) http://reporting.unhcr.org/sites/default/files/regionalupdates/Inter-Agency%20Update-Syrian%20Refugees%20in%20Iraq%20%2028%20%20February%202016.pdf
16) The regional plan for refugees affairs and enhance the capacity to face crisis 2016-2017
poverty make it more likely that children will marry early, work before the legal age or in dangerous and exploitative conditions, drop out of school or face violence in their homes, communities or schools. They also face risks of detention, trafficking and other forms of exploitation during their displacement.

Perhaps one of the crises that mostly affects children in the Arab region is birth registration. Birth registration represents an access gate to all rights stipulated in the Convention on the Rights of the Child and the Refugee Convention. Without birth registration, refugee children face the risks of statelessness, may be unable to access basic services, are increasingly vulnerable to protection risks such as child marriage, trafficking, child labour, illegal adoption as well as sexual exploitation, in addition to the risks of being treated as adults and the increased risk of family separation.17 Challenges to registration include documentation or procedural requirements that limit the ability of refugees to register births (for instance, inability to register without father’s documents and/or presence), costly or lengthy registration procedures after the expiry of submission dates, legal impediments that might discriminate against some groups or against women, practical obstacles, such as distance as well as limited capacity of the civil registration administrations, and the policies that prevent unregistered children from accessing various services.

Child refugees are also exposed to physical violence in different settings. They can be subjected to increased degrees of domestic violence due to the detrimental conditions they are living under. They can be subject to physical violence during their forced displacement journey, in the host communities or even in schools they are attending in countries of asylum.

Refugee children, particularly girls, are vulnerable to the risks of sexual exploitation including rape and other forms of sexual violence, sexual exploitation, and trafficking. Children may be less likely to understand that what is happening to them is wrong or harmful, they are less likely to report sexual violence, they may be more easily coerced into situation of abuse or exploitation than adults and most importantly, children are dependent on adults for care and protection. Finally, children are exposed to abuse through relatives or those, who are close to them during conflicts.

According to UNICEF, around 120 million girls under the age of 20 (about one in ten) have been subjected to forced sexual intercourse or other forced sexual acts at some point in their lives. Boys are also at risk, although a global estimate is unavailable due to the lack of comparable data in most countries.18 Forms of sexual violence could include sexual harassment, rape, prostitution, slavery, sexual exploitation, and sexual abuse.

Notwithstanding the efforts made by governments in the region to decrease the risks of sexual violence that refugee children are subjected to, there remain gaps, including legal frameworks that may not provide children with full protection from sexual violence and do not systematically and sufficiently address critical issues, such as enacting laws for mandatory reporting or procedures that takes the needs of

17) Birth Registration brief, UNHCR Ex-Com 2010

children and survivors of sexual violence into consideration. Where laws exist, challenges often occur in implementation, and prevention and protection mechanisms, including awareness raising, monitoring and referral. Multi-sectoral services are often insufficient to address the nature and scale of the issue. Poor economic situation, lack of legal documentation and residency, living conditions, discrimination and high percentages of women-headed households increase the risk of sexual violence against refugee children.

On another note, refugee children are also at risk of being separated from their families during crises, which deprives them from the protection of responsible adults. This exposes them to a plethora of risks such as child recruitment, sexual and physical violence, trafficking, worst forms of child labour, among others. Additionally, their forced return to places, which they have fled, exposes them to serious protection risks, among others.

Refugee children, particularly teenagers, may be vulnerable to the risk of recruitment into armed groups. Such phenomenon is common in some Arab region countries, such as Syria, Yemen, Libya, Sudan and Somalia. Children can be recruited in their own countries or in the country of asylum or are, sometimes, at risk of cross-border recruitment, particularly if the refugee camps are near the border or if the civilian character of the camps is not respected.

On the other hand, the risk of child labour, particularly the worst forms of child labour, is another risk encountered by refugee children. Families of refugee children might resort to sending their children to work as a survival strategy. A protective framework that would ensure refugee children are protected from negative coping mechanisms and, thus, from being forced into the labour market would include national legislations that are in line with international conventions, strong implementation mechanisms and efficient human capacity to address the problem.

Some other forms of gender-based violence are widespread among refugees, such as early marriage. Some reports indicate that cases of child marriage among the Syrian refugees are increasing. Although this practice has been common in Syria and other countries in the region - for instance 17 per cent of girls married before the age of 18 within Syria prior to the conflict, and among some refugee communities rates for women marrying prior to 18 were over 50 per cent - the number of Syrian refugee girls who get married under the age of 18 and the risks associated with these marriages have increased as a result of increased poverty, family concerns about safety and security of girls, limited access to safe, quality secondary education, and uncertain future and limited alternatives.

Refugee children are often vulnerable to the risk of detention because of irregular entry to countries, whether in the company of their families or while arriving on their own, or for their violation of the law in one form or another. In some cases, they may also be vulnerable to separation from families against their will, either by being detained or referred to care institutions.

Finally, children are often exposed to discrimination in terms of accessing services (birth registration, education or health services), which violates the international conventions and increases exposure of this most vulnerable groups to previously listed risks. They might also experience discrimination both in schools and in the communities, subjecting them to physical, verbal and emotional violence from their peers and from members of the communities. Considering the refugee children’s special status and their exposure to the risks related to fleeing and living in camps or in rural or urban areas, under harsh conditions, concerned States shall ensure the necessary protection and access to services for refugee children. Such services include protection, health, education, psycho-social support as well as access to necessary documents for the refugees to register all civil status such as birth, marriage, divorce, and death. There is an increasing need to invest in the national health, education, and protection systems through the provision of the needed resources, training of cadres, raising communities’ awareness, modifying some legal frameworks and implementing simplified flexible procedures to provide necessary protection in all the above-mentioned areas that will be discussed in more detail through this Strategy.

It is important to notice that, while the refugee crisis has increased the burden on the host communities, it has allowed several opportunities for establishing partnerships, financial and technical resources allocation and the political attention to this topic.
Basic Principles for Refugee Child Protection
Basic Principles for the Protection of Refugee Children

There are a number of principles that were established internationally with regard to the provision of protection to refugee children. All efforts made to provide protection take this package of principles as a foundation stone, no matter how many issues there are to be faced by the states in their provision of protection to refugee children.

State’s Responsibility regarding Protection of Children

The principle of the state’s responsibility to protect children is outlined in many international conventions, most notably the Convention on the Rights of the Child referred to above, in addition to the International Humanitarian Law on conflicts affecting children. The Convention, in Articles 2, 3, and 4, stipulates the state’s responsibility to respect all the rights set forth in the Convention and to ensure their availability to every child under its jurisdiction, without any form of discrimination. The articles also stipulate that member states should take all appropriate measures to ensure children protection from all forms of discrimination. They should also undertake to ensure the child’s protection and care needed for his/her welfare, without prejudice to the parents’ and guardians’ rights and duties. The states should ensure that the institutions, the administrations, and the facilities concerned in child care and protection comply with the standards set by the competent authorities and in line with the International Human Rights Law. Finally, member states should take all legislative and administrative measures to enact all the approved rights contained in the Convention. They should also take, to the furthest possible extent allowed by its resources, all measures related to the economic, social and cultural rights. Thus, the state’s responsibility in protecting children revolves around setting out and enhancing national systems through legislation, policies, structures, financial and human resources besides preventive and response services.

The Child Best Interest

The principle of the best interest of the child is one of the most important principles of the Convention on the Rights of the Child as mentioned above and as will be elaborated below. In general, the principle refers to child’s welfare which is determined based on the child’s surroundings, such as the child’s age, level of maturity, the existence or absence of his/her parents, and the child’s environment and experience. This principle is interpreted by the member states to align with the spirit of the Convention on the Right of the Child (CRC), other international legal standards and general Commentary no. 6 of the UN Expert Committee on the Rights of the Child regarding the Treatment of Unaccompanied and Separated Children outside their Country of Origin. The Convention on the Rights of the Child has not given a specific definition to the best interest of the child, but it pointed out that the best interest of the child is the main criterion used for making child-related decisions, most notably those taken upon child adoption/foster (Article 21), or upon child’s separation from parents against their will (Article 9). The best interest of the child must be the main consideration (but not the sole consideration) for the private or public social care institutions, the judiciary, or the legislative or executive authorities in making child-related decisions (Article 3).
The general comment 14 (2013) of the Committee on the Rights of the Child to have his or her best interests taken as a primary consideration also refers to the best interest of the child as a right of the child to have his best interest assessed and taken as a primary consideration. This constitutes a legal principle that seeks the legal interpretation that serves the child’s best interest and a rule of procedure whereby a decision-making process concerning a child would contain a mechanism to evaluate the impact of the decision on the concerned child and adopting the procedural guarantees to determine the child’s best interest.

**Participation of Families and Concerned Communities**

Families and communities play an important role in caring for and protecting refugee children. Therefore, it is important to support both children and adults to assist children in overcoming the impact of conflicts and displacement and protect them from violence, abuse, negligence, and exploitation on the one hand. On the other hand, when community practices contribute to increasing the risks children face, it is important to cooperate with communities to change concepts in order to prevent violence, abuse, negligence and exploitation, and to provide services to children exposed to such risks. The development of communities contributes to ensuring a better life for refugees based on initiative and effective participation by refugee communities. Such community participation is enhanced through raising awareness, community mobilization, through focusing on the community’s ownership of all the initiatives taken to improve their situations.

**Immediate Responses in Emergencies**

The provision of children protection cannot be postponed. States and all concerned parties shall give priority to the provision of protection and all forms of assistance, help, and support to children through sustainable solutions to their problems on immediate basis. All state members and all parties concerned with the protection of refugee children should provide services immediately and effectively and all interventions, including attempts to trace families of separated children and making decisions that serve child’s best interests quickly and effectively. The refugee children’s right to access high quality education should be granted as quickly as possible during long-term crises and emergencies.

**Child Participation**

Child participation is an important principle addressed in the Convention on the Rights of the Child in Article12, as previously indicated. It is also indirectly referred to in many Articles of the Convention. According to the Convention, child participation takes many forms, for instance Articles 7.1 and 10 refer to the child’s social participation in the family, and Articles 15 and 17 refer to his/her participation in the community, while Article 23 refers to the participation of children with special needs, such as the children with disabilities. Since child-related decisions are based on the information about the child’s thoughts, feelings, and needs, children participation is important in making decisions and selecting the best course of action for children. On the other hand, child participation in the process of decision-making is good for his/her development and obtainment of decision-making skills,
and improves his/her self-confidence and abilities to use such skills more wisely. Child participation in decision-making increases with their development, degree of maturity, providing opportunities of age-appropriate decision-making and their participation within families and communities.

**Non-discrimination**

The principle of non-discrimination is one of the concepts stipulated for in the Convention on the Rights of the Child. Article 2 of the Convention stipulates that member states shall respect and ensure the rights set forth in the Convention to each child within their scope of jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other reasons.

The same article also states that member states shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment based on the status, activities, opinions, or beliefs of the child’s family.

The Convention on the Rights of the Child adopts the concept that children are born with basic freedoms and rights as all humans do; therefore, they should not be subject to discrimination for being children. In order to ensure non-discrimination, states should take many measures including, but not limited to, review of laws, planning, control, raising awareness, education, information dissemination campaigns, and assessment of measures taken to reduce disparities. Although the Convention recognizes that all social, cultural and economic rights, including rights to education, health, adequate standard of living and the rights to play can be achieved on a gradual basis due to limited resources, governments cannot justify discrimination due to the limitation of resources. Therefore, all forms of discrimination, such as discrimination in schools on the basis of gender, exclusion of children with disabilities or other forms of discrimination should be immediately addressed. On the other hand, Article 2 of the Convention is not intended to mean the necessity of providing the same treatment to all children. The Committee on the Rights of the Children recommends the adoption of some measures to effectively address disparities among different groups. Usually, the adoption of the preferential treatment for a short period often reflects the necessary measures to support the rights of members of groups subject to discrimination until all forms of disparities can be eliminated.

Finally, many international conventions address the principle of non-discrimination, including:

- The International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- The International Convention on the Elimination of All Forms of Discrimination against Women (1979);
- The International Convention on the Rights of Persons with Disabilities (2006);
- Convention against Discrimination in Education (UNESCO) (1960);
- Declaration on Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992);
Taking age, gender, and diversity into consideration

This principle is significantly related to the principle of non-discrimination. According to this principle, every person is unique, and the differences among people represent their personality traits that play a pivotal role in identifying opportunities available for the individual, his/her potentials, needs, and risks to be encountered.

On the one hand, age refers to the different stages of an individual life cycle. Identifying the age group of the target group is critically important as their potentials and needs change over time. An individual’s ability to claim his/her rights can be negatively or positively affected by the individual age group. For children, this refers to different needs and capacities of children of different ages, as well taking into account the specific needs, capacities and rights of children outlined above.

The concept of gender refers to the social roles of men and women. It is a pivotal concept of how an individual sees himself/herself and how the community sees him/her. The gender roles change by time and vary among different cultures. Gender refers to the obligations, responsibilities, constraints, opportunities and advantages that men and women enjoy within different communities. The equality between the two genders refer to the fact that rights, responsibilities, and equal opportunities the two genders enjoy. It also refers to respect the interests, needs, and priorities of each gender. For children, this means effectively addressing the specific needs of boys and girls while addressing gender discrimination and inequality in line with religious principles.

Finally, the concept of diversity refers to the differences in values, concepts, behaviours, beliefs, culture visions, nationalities, capabilities, health, social status, skills and other personal traits. Therefore, these differences should be recognized and respected to ensure protection of all groups.

The diverse protection risks, and the individual and community abilities can only be understood by analysing and considering the dimensions of age, gender and diversity. The concept of age, gender and diversity is a methodology based on human rights and community participation that should be taken into account when planning and implementing programs to ensure equality and participation of all groups. It has particular relevance for the protection of refugee children, as described above.
During crisis and conflict, risks threatening children increase, which necessitates providing greater protection for them. Yet, during such times, protection mechanisms, including family and community-based ones, are undermined and basic social services witness significant interruption. Refugee children and other displaced children are among children that are most in need for the protection provided by national child protection systems. In the Arab region, there are numerous risks to which refugee children can be exposed as detailed in the introduction. Therefore, addressing all risks affecting refugee children requires a comprehensive approach that is not restricted to addressing certain protection risk, so much as to find and promote an integrated system for child protection that provides children with comprehensive protection, starting from legislation, prevention and response, enhancing human and financial capacities and resources, strengthening the capacity of refugee and host communities community-based child protection mechanisms, and effective coordination among all relevant actors.

And to the enhancement of the child protection system a double-edged benefit, as it leads to capacity building of the systems to better respond to the needs of child refugees, and to build more sustainable systems for protection that should benefit all children. The longer the duration of the refugee crisis increases, the direr the necessity to invest in the enhancement of national child protection systems.

Child protection systems in refugee settings can therefore be defined as: legislations and policies; knowledge and data; coordination mechanisms; human and financial capacities; prevention and response services; and advocacy and awareness. Responsibility for child protection is commonly shouldered by more than one governmental entity, as services are provided by local authorities and non-governmental organizations, and community-based mechanisms. This requires coordination among different sectors, including the enhancement of inter-sectoral referral systems of various services. Enhancing protection systems requires putting emphasis on political reform, raising the capacity of institutions, planning, providing the necessary budgets, as well as ensuring the existence of follow-up mechanisms and information systems (see Annex II for more information).

In the countries that are affected the most with the conflict, the efforts to rebuild should include, attention that should be given to rebuilding the facilities that provide essential services to children, including schools, hospitals, entertainment facilities and civil registration offices that provide birth certificates and other.

**Legislative and Policy Framework**

The child protection legislative framework is one of the key components of the child protection system (note that refugee children also have rights to international protection as refugees – see section IV). It provides the legal framework to protect all children from

violence, abuse, exploitation and negligence, without discrimination. It also provides legal protection to children in conflict with the law, children who deal with justice as victims or witnesses to a crime as well as specific issues related to refugee children such as custody determination in cases when a parent is alive but uncontactable. On the other hand, the law emphasizes such protection by setting forth punishments for crimes against children. This legislative framework becomes particularly relevant during time of crises where the most vulnerable groups such as refugee children become in need for such legal protection. Therefore, the application of the international and national legal protection to refugee children is the foundation of their protection.

Key priorities to ensure that the child protection legislative framework protects refugee children include:

- One of the key principles under the CRC is non-discrimination (Article 2). As described above, under the CRC the state is responsible to guarantee the protection for all children on its territories, including refugee children. The state is also responsible for protecting refugee children from all forms of discrimination.22 Hence, states should ensure that the rights enshrined in the CRC (including the enjoyment of all rights and services with no discrimination) are fully respected and implemented in accordance with their national legal systems and should allocate the necessary financial and human resources wherever possible to ensure that children are provided with the necessary services. All relevant laws and regulations concerning child rights, benefits, services and protections should explicitly provide for the full and equal eligibility of refugee and asylum-seeking children, in line with the non-discrimination obligation of the Convention on the Rights of the Child. It is the mandate of UN agencies such as UNHCR and UNICEF, as well as the responsibility of other partners such as INGOs, to support states in fulfilling their obligations as per the CRC, through the strengthening of legal and policy frameworks and the strengthening of prevention and response services as well as in the provision of supplementary services as needed. The best interest of the child is a second key principle of the CRC. The convention stipulates the principle of giving child’s best interests the priority and implementing this principle in all child-related decisions. As per CRC General Comment No. 14, the best interest of the child is a substantive right. The right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered is a fundamental, interpretative legal principle. If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child’s best interests should be chosen. It is also a rule of procedure whenever a decision is to be made that will affect a specific child, an identified group of children or children in general. The decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned in order to reach a decision on the issue at stake.

---

22) CRC Article 2.
According to the CRC, the best interest of the child is the determining factor in a number of decisions such as adoption/foster (Article 21), separation of a child from its family against their will (Article 9), reunification of the family (Article 18), and is the key factor (but not the only one) in all decisions affecting the child whether undertaken by public or private care institutions as well as courts, administrative and legal authorities (Article 3). The Committee on the Rights of the Child has also provided specific guidance on the state responsibility to implement this principle to all children, without discrimination. It is of key importance to refugee children in all cases of children at risk including violence, detention, child marriage and is particularly important when children are separated from parents – for instance, in the assignment of a temporary guardian, alternative care solutions, custody, durable solutions etc. (see section VI for more details).

- States should review their national child protection systems to strengthen coherence with the principles and procedures to determine children’s best interest in line with Committee’s General Comment 14. For instance, judicial decisions on children’s care arrangements and custody decisions should be taken based on a thorough consideration of the individual circumstances of the child to determine their best interest, which includes balancing of various aspects of children’s best interest and the rights of others (e.g. parental rights).

- Defining the child pursuant to the Convention on the Rights of the Child as under 18 years old, unless the child has reached the maturity age according to the applied law, while ensuring that this age of maturity is consistent across all relevant legislations. This helps in protecting refugee children from a host of risks including early marriage, worst forms of child labour, detention as well as recruitment by armed forces or armed groups. Ensuring that refugee children have access to birth registration is important in providing proof of age and therefore ensuring that they receive the special protection they are entitled to under the CRC (see section VI).

23) Committee on the Rights of the Child, General Comment No. 14, paragraph 15.
Morocco ratified the CEDAW with reservation to Article 9 which stipulates equality between men and women regarding transmission of nationality to children. In 1992, civil associations carried out a campaign calling for equality in this regard. In 2001, the King, through senior religious and legal scholars, carried out a campaign to change the Family Code and give more equality between the two genders. Following the Family Code change, civil society organizations and reformist journalists re-carried out a campaign to modify the nationality law, highlighting the law's negative impacts, including exposure of children to statelessness. In 2005, the King carried out the campaign, the nationality law was modified, and Morocco withdrew the reservation to Article 9 of CEDAW.

Good Practices Removing Gender Inequality, UNHCR, Ending Statelessness within 10 Years.

Starting 2004, six countries in the Arab region have adopted legislative changes to grant women the right to transfer their nationality to their children, equally to men. These countries include the Arab Republic of Egypt, that modified the legislation in 2004, followed by Algeria in 2005, Iraq in 2006, Morocco 2007, Tunisia 2010 and Yemen 2010. All these countries have withdrawn their reservations to Article 9 of the CEDAW, which requires Member States to allow equal rights for women to transfer their nationality to their children, equal to men. For more information, please see the relevant UNHCR publication:


In Sudan, the National Council for Child Care, the National Commissioner for Refugees and UNHCR office in Sudan and some consultants through the Committee of Care are working for the best interest of the child refugees and asylum-seekers to join their families in the countries of asylum and recommends that children, who were separated from their families as a result of refuge, are given a chance to reunify with their families, if any are present in the country of asylum. It is noticed that most asylum requests are presented by nationalities of the countries of the Horn of Africa, for example Eritrea, Ethiopia, Somalia, Djibouti and South Sudan, to European countries, such as Italy, United Kingdom and Switzerland.

- Ensuring that national laws are in line with the above-mentioned international conventions on the rights of children in general and that refugee children have non-discriminatory access to those rights, while ensuring that the respective legal provisions in relation to children’s rights are implemented consistently and in a non-discriminatory manner, and that all relevant legislation concerned with the child’s rights are carried out in a non-discriminatory, consistent manner. If there are any conflicts between the laws and policies of a certain country, the article of most relevance to the objectives of the CRC should be followed, with the aim of enhancing the respect of all the rights mentioned in the Convention to the extreme possible, with no contradiction to the constitutional principles of the country.
- Ensuring that national refugee laws or legal provisions added in response to a refugee situation contribute to the protection of refugees.
- The relevant laws should define the minimum legal age of marriage at 18 for both genders. The legal recognition of marriages below this age should only be granted in exceptional circumstances and after a thorough and appropriate
assessment that the marriage is genuinely consensual on behalf of both parties and in the best interests of the child or children concerned.

- Domestic law should clearly reflect the principle of universal birth registration, undertaken immediately and without discrimination of any kind, in line with the requirements of Article 7 of the CRC and Article 14 of the ICCPR. Furthermore, to achieve universal birth registration in practice, dedicated measures should be established to simplify and ease access to birth registration for children born out of wedlock, children in remote areas and children who require late birth registration. Birth registration should, in principle, be free. Where costs are prescribed in the national civil registration system, they should not be prohibitive.

- Ensuring the right of the child to acquire a nationality, notably by reforming relevant legislation to recognize the right of women to confer nationality to their children on an equal basis as men (with no contradictions to the laws and legislations of each country).

- Defining the minimum age of criminal responsibility pursuant to the Convention on the Rights of the Child, ensuring that children, including refugee children, enjoy the special treatment provided for in the Convention, and ensuring that detention of children in conflict with the law is the last resort. In addition, ensuring that children and their families are never detained or otherwise penalized as a result of their immigration status, lack of residency or identity documents.

- Ensuring that national laws is harmonized with ILO Convention 138 on Minimum Age to ensure that the working age is in line with the Convention and that children are not deprived of their right to education, as well as Convention 182 on Worst Forms of Child Labour, to ensure that worst forms of child labour are identified within the national legal framework and refugee children are protected from economic and sexual exploitation.

- Ensuring that all national laws, protection and services for children at risk of or involved in child labour are non-punitive and that those services are accessible by refugee children.

- Facilitating and simplifying the issuance of civil documents related to marriage, divorce, birth, among others, to allow refugee children to access services and to overcome obstacles facing refugee children and their families, such as unfamiliarity with national processes, lack of relevant documents, language barriers. Availing refugees of pro bono or affordable legal assistance to deal with the whole spectrum of civil and criminal cases as well as refugee status determination cases (see Section IV).

- Ensuring that standard operating procedures (SOPs) developed for refugee response reflect national child protection laws and policies.

- Organizing awareness raising sessions to orient the refugee families about their legal rights and procedures, and the required measures to issue civil documentation.

- Ratifying of the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.
Supporting Mechanisms for Coordination among all Parties concerned with Child Protection

With the wide variety of parties concerned with child protection, whether governmental or non-governmental bodies, such as in the sectors of education, social welfare, health care, justice, there is an increasing need for coordination among all these bodies to avoid dualism in undertaking their jobs, rationalize resources, unify goals, develop mutual plans for strengthening the national protection system, agree upon priorities, set mutual strategies for advocacy and develop mutual plans to respond to crises. One of the key challenges facing child protection is the fragmentation of child protection systems and the fact that the responsibility for the protection of children is split among the various governmental organizations. It is therefore of utmost importance to strengthen the coordination role to guarantee that 1) child protection is well coordinated across the various sectors and that 2) refugee child protection issues are adequately addressed by these inter-sectoral child protection coordination mechanisms.

Hence, it is imperative to take the following priorities into consideration to ensure a strong coordination role in the field of child protection:

- Establish and strengthen the national coordination mechanisms in the area of child protection, and integrate response to the refugee situation in these mechanisms;
- Ensure that concerned governmental organizations and civil society partners play an active role in the child protection coordination mechanisms established for the refugee response;
- Support concerned governmental agencies play an effective role in coordinating the response to the refugee situation;
- In cases where there are separate government-led child protection coordination mechanisms and parallel child protection working groups, ensure there is adequate information sharing and coordination between the various entities;
- Where there is a child protection sub-sector or protection sector to coordinate the refugee response to child protection issues, ensure the creation of links to national child protection coordination bodies;
- Supporting the coordination mechanisms between the national governments and the civil society organizations to protect refugee children including the availability of technical support to set standards and mechanisms for government control on child protection services provided by the civil society and governmental entities.

Human and Financial Capacities Building

The capability of a child protection system includes its human and financial capacities. Thus, there is always a need to assess and build the capacity of all workers in the child protection system, whether they are child protection service providers working within the state agencies or within civil society. Strengthening the ability of the capacity of national child protection systems to protect refugees has two components:

1. Strengthen the overall capacity of the child protection system to respond to all children including refugee children. This can include improving the quality
of the services through capacity building for staff, increased budget, improving management of the child protection services, changes in policies or procedures, changing the nature and/or location of services etc. Funding and technical expertise as part of the refugee response can be used to strengthen the overall capacity of the child protection system which has dual benefit of increasing the protection offered to refugee children while providing strengthening national systems that benefit all children;

The Egyptian Child Law provides for the formation of committees at the Governorate and localities levels. Membership of the committees includes representatives from ministries of solidarity, education, health, and interior affairs. The committees assess the children’s situations and refer those at risk of violence, abuse and negligence. Partners have made efforts to ensure that these committees tackle refugee children issues. These include revision of the terms of reference for the committees to explicitly include refugees, capacity building of some of the committees on refugee issues and exploring types of refugee child protection cases that the committees are best placed to assist with.

The Sudanese Child Law of 2010 stipulates the establishment of common community protection committees between the police and the community of the neighborhood, village or city working together on child protection from all violations expected to happen. The law grants, as well, the authority to refer and take necessary social measures of monitoring to rehabilitate the delinquent child within the society once more.

2. Building the capacity of the child protection system to effectively respond to refugee child protection issues. National child protection systems may need capacity building to effectively respond to the specific situation of refugee children, to understand the key child protection issues facing refugee children and appropriate responses, for instance how to mitigate the risks of child labour when parents are not able to formally work. Policies and procedures may need to be adapted to be more flexible and appropriate to the needs of refugees, for instance to allow women to have custody of children when fathers are not contactable. In large scale refugee situations, additional financial support is needed to scale up services to respond to the increased number of children in need of protection and to scale up or establish services in locations with large numbers of refugees, there might also be a need to increase the staffing in police family protection units in towns with large numbers of refugees.

The aim of the abovementioned process is to refine the monitoring of the risks to which refugee children are exposed as well as strengthening the capacity of staff to work with refugee children, taking their opinion into consideration upon making a decision that concerns them, as well as supporting their capability to develop and design intervention plans to address the risks that refugee children are exposed to. On the other hand, there is a need to mainstream the concept of child protection within all the sectors overlapping with the protection system such as the health and education services, the economic empowerment, to ensure child protection needs of refugee children are taken into consideration.
On the other hand, the necessary financial resources should be available to cover the needs of the refugee and displaced children by the national child protection system.

*Therefore, for the national child protection system to be able to meet the protection needs for refugee children, the following priorities must be taken into consideration:*

- Allocate sustained and programmed technical and financial resources by international actors to strengthen the capacity of national child protection services, education, health and asylum in order to protect refugee children;
- Ensure state contribution to increased financial allocations for child protection services in the cases of refugee emergencies, which includes the allocation of convenient budgets for all relevant ministries; ensure continued and consistent fund to civil society organizations that provide child protection services;
- Cost analysis processes should be undertaken by countries that accept many refugees to ensure proper funding necessary for the child protection services provided by the governmental entities and the civil society organizations (CSOs).

Regarding human resources, in order to ensure that the national child protection system can respond to the protection needs of refugee children, the following priorities need to be considered:

- Develop capacity building and transition plans to gradually increase the capacity of national child protection actors to provide key child protection services such as case management;
- Building the capacity of case workers in concerned ministries and CSOs on the identification of cases of refugee children at risk and case management, which includes identification, designing of an intervention plan and referral to appropriate services, follow up and closure of the file;
- Develop a child protection case management coaching program to ensure case managers have the capacity to provide quality services to vulnerable children and their families;
- Building the capacity of child protection actors within state institutions or NGOs on the identification of cases of UASC, rapid intervention through family tracing, family reunification where possible, provision of appropriate alternative care to the refugee child, while taking their best interest into consideration and identification of durable solutions;
- Build the capacity of law enforcement officials to deal with cases of refugee children in conflict with the law, child victims and witnesses of crimes in line with international standards;
- Building the capacity of border authorities to protect refugee children, ensure child friendly procedures and reunify them with their families;
- Building the capacity of the judiciary to deal with cases of refugee children and raise the awareness of judges on the alternatives to detention, while keeping detention as a last resort for refugee children in conflict with law and ensuring that neither refugee children nor their families are detained because of their refugee status;
Building the capacity of NGOs, social workers, concerned ministries and their control bodies (for example the police) officials in charge of case awareness and labour inspectors on controlling and monitoring child labour cases, so that children are withdrawn from the worst forms of child labour and are rehabilitated through social and economic mechanisms, while avoiding punitive measures.

Knowledge and Information Management

Research and data-gathering is one of the most important components of child protection system. There is a plethora of challenges faced by the countries in the region in the field of knowledge and information management on child protection generally, and on protection of refugee children specifically. On the one hand, there is a dearth of data on child protection issues, particularly pertaining to the refugee child. There is also an absence of the necessary analysis of available information and data, not to mention gender, age and geographically disaggregated refugee data. On the other hand, in cases where data is available, there is the problem of lack of sufficient use of the data to inform policies and decision-making.

It is therefore imperative to take note of the following priorities:

- Regular and systematic inter-agency child protection data collection, analysis and reporting by organizations concerned with the child protection component of the refugee response;
- To the degree possible, harmonize data management systems used by national child protection actors with the data management systems used as part of the child protection response to the refugee situation, and ensure disaggregation of data within national child protection data management systems according to displacement status (refugees, displaced or not displaced);
- Ensure that national child protection assessments adequately address issues related to refugee children protection;
- Build the capacity of data collection agencies on covering refugee child protection issues in their national child protection assessments;
- Ensure that child protection issues are systematically and adequately addressed in broader assessments of refugee issues in the country;
- Ensure that child protection data collection systems allow for the disaggregation of data about refugees based on age, gender and geographical location;
- Promoting research and academic centres to conduct research to monitor the situation of refugee children and the risks they are exposed to;
- Update national child protection indicators and data sets to reflect the changed situation following arrival of significant numbers of refugees.

Prevention and Response Services

The quality of the services provided for child protection is also one of the criteria for measuring the efficiency of a national protection system. Raising the quality of these services will help ensure that refugee children access the prevention and response
services required to protect them during their flight, upon their arrival to the host country, or during their stay in camps or other places. There are several standards that are key to guarantee the access of refugee children to those vital services. The first criterion is the availability of services, which refers to all forms of prevention and response services and whether these are provided by the government or by civil society organizations; also, whether the necessary services for refugee children are provided by national service providers. It also refers to the efforts and investments made to make quality protection services available and the extent to which national child protection services are available within communities with significant numbers of refugees.

The second criterion is accessibility, which refers to the extent to which child protection services are available for refugee children and whether there are any obstacles to accessibility in the form of procedures or measures, and whether specific groups of refugee children do face procedural or operational hurdles that prevent their access to national child protection services.

The third important criterion is affordability, which translates into free or low cost services to all children within the concerned countries, the existence of hidden expenses that might form an obstacle to the access of all children within the state territory to those services, and whether there are additional expenses that are imposed on the refugees to access child protection services. It also refers to whether if there are fees or hidden costs, if these are prohibitively expensive for some or many refugee families.

The fourth criterion relates to the acceptability of the services, the degree to which refugee communities know and accept key child protection services in terms of attitudes and language and whether refugees do face specific challenges in knowing about the existing child protection services and the relevant laws and policies.

Finally, quality is another key criterion, which refers to the extent to which national child protection services are in line with international standards including the best interest of the child and the extent to which child protection actors have the necessary skills to provide high quality services and the necessary knowledge and skills to provide services to refugee children, as well as the availability of regular systematic training opportunities for child protection actors within the refugee communities (see section above on ‘capacity’).
At the preventive level, workers in the field of child protection must work on many levels. This includes campaigns to raise awareness of the risks to which refugee children are exposed and how refugee children and families as well as the broader community can protect refugee children from these risks. It involves mobilizing and supporting community dialogue and action to protect refugee children, and highlighting and supporting positive practices, values and initiatives, for instance, religious leaders speaking out on the benefits of waiting until adulthood for girls to marry.

Access to safe opportunities for children to play and learn also play a significant preventive role. Mechanisms for receiving complaints and referral to existing services must be established and local communities should become aware of their existence. The *refoulement* that forces the return of one or both parents from the country of asylum threaten the child and favours deprivation from family life and family unity. Bearing these in mind, prevention mechanisms should also include formal services and protection, such as ensuring the access of refugee children and families to international protection and protection from *refoulement* as well as respect for the principle of family unity, for instance by ensuring that border policies do not result in family separation.

UNHCR, Save the Children, UNICEF and the Government of Jordan have started the formulation of formal alternative care procedures for unaccompanied/separated children. Jordan has established the guidelines for the alternative care, among different agencies, as part of Standard Operating Procedures pertaining unaccompanied children. Through this initiative, as well, the procedures of temporary placement have been authorized by the Ministry of Justice and the Ministry of Social Development. UNHCR, Save the Children and UNICEF have undertaken procedures to organize alternative care for refugee children separated from their families, in collaboration with the Ministry of Social Development, as this initiative has laid out the main procedures to be taken, when placing a child in alternative care, especially foster families, in addition to care groups under the supervision of an adult. The Ministry of Justice and the Ministry of Social Development are considered the responsible entities when it comes to regularizing the alternative care procedures, with the support of UNHCR and UNICEF.

The National Council for Child Care, in collaboration with UNICEF’s office in Sudan and the Ahfad University for Women in Sudan (as a consultation entity), has developed a unified guideline for services providers of psychological and social care for children in emergency context, and the humanitarian work of researchers, social workers and psychological workers. The same entities have developed a guide to deal with adolescents, who happen to be present in homelessness, forced displacement, asylum and home or school dropouts situations.

In 2013, Sudan has prepared a guideline for standards of child protection in emergency context and humanitarian works. Nine of these standards have been adapted to the national norms, cultures and ethics. These standards are: (1) Coordination; (3) Outreach and advocacy; (5) Information Management; (8) Physical Violence and other harmful practices; (11) Children in ties with armed conflicts and forces; (23) Unaccompanied/Separated Children; (15) Case Management; (16) Social Mechanisms for Child Protection; and (20) Education in Emergency and Humanitarian Contexts.
The efforts for national systems enhancement have resulted in the Jordanian authority’s establishment of a juvenile police station inside Al Zaatari camp, to ensure adequate procedures are taken in cases of child refugees in conflict with the law, in a way that preserves their dignity, and aligns with the CRC. A legal court and a civil registry have also been established inside the camp, to register marriages and births to provide better protection for child refugees.

In Iraq, UNICEF and ICRC have presented technical and financial support to the Ministry of Labor and Social Solidarity to provide child protection services to refugee and displaced children in Kurdistan in Iraq. This included the establishment of child protection units inside refugee and displaced camps to provide psychosocial and case management services. The discussion is still present with the partners to review the Ministry’s role in managing child protection cases, especially within refugees, while placing a referral mechanism that explains the roles and responsibilities of the Ministry of Labor, UNHCR and non-governmental organizations that provide case management services.

While in Lebanon UNICEF has given support to the Ministry of Social Affairs, in partnership with the Ministry of Justice and the Ministry of Interior and supported several non-governmental organizations to establish Standard Operating Procedures and unified evidence for child protection case management, capacity building for national service providers on child protection case management. UNHCR and international non-governmental organizations in the field of refugee response, in collaboration with UNICEF and the Ministry of Social Affairs, have developed guidelines for refugee child protection case management, and have gathered support to incorporate it inside the national procedures.

and facilitate family reunification. It also includes the provision of livelihood opportunities and access to safe work to enable refugee families to earn a living and prevent them from resorting to negative survival strategies such as child labour or child marriage. They should also include access to health and education services as well as facilitating the access to necessary documentation.

At the response level, refugee children and their families must have access to multi-sectoral response services, including case management, education, health, legal/justice and psychosocial support. Child protection case workers and/or social workers24 must exist within the refugee communities. Those workers must be highly experienced in conducting case assessment and planning, referral to more specialized services such as health, psychological support, legal services, and other services that meet the refugee child needs, whether s/he is with his/her families or separated, and follow-up. Refugee children, families and communities should also be supported to better monitor, identify and refer cases of violence against children to appropriate service providers/authorities.

Thus, there are several priorities that must be focused on:

- Assessing the extent to which services are provided with fees that are affordable by refugees, how accepted they are and function in refugee settings in the region.

24) Many countries in the region do not have formally trained and accredited social workers working in the community. As such, community-based case managers in civil society organizations or UNHCR often fulfil this role.
what is the quality of these services, while placing long-term plans (longer than one year) to enhance the capacity of governmental and non-governmental child protection services for prevention and response to cases of child refugee protection.

- Expanding child protection services to reach the areas, where refugee numbers are highest.

- Ensuring the non-discriminatory access of refugee children to existing response services, be they governmental or non-governmental, such as health, legal and psycho-social support services, as well as educational opportunities. This also includes the removal of procedural or financial barriers for refugee to access these services, including the implementation of flexible, non-costly procedures, reaching out to communities, training and capacity building of workers on some refugee issues, and providing translation services whenever possible.

- Making the below services available for child refugees:
  - Child protection case management, best interest assessment and determination when needed;
  - Birth registration;
  - Child-friendly legal and police procedures, when dealing with a child who is a victim or a witness of a crime as well as children in conflict with the law, special cases relevant to family law, including cases of custody and inheritance. This includes supporting specialized units and profiles;
  - Legal support and legal representation when needed;
  - Alternative care based on family for unaccompanied/separated and other children who are targeted with the service;
  - Safe housing for children who are victims of violence and others;
  - Psychological support and mental health services to child refugees;
  - Family tracing and reunification services;
  - Safe and supportive education;
  - Child-friendly health services and forensic medical services to children survivor of violence, including sexual violence.

- Adopting minimal unified standards and procedures for protection and prevention services inside care institutions, and with regards to alternative care arrangements, to ensure the quality of services provided by the governmental institutions and non-governmental organizations; and working on the inclusion of the needs and procedures that are refugee-specific.
Since the efforts exerted to enhance the national child protection systems are long-term efforts, they should provide the ability to immediate response to refugee crises through building on existing national systems and the completion of these systems, while working on the capacity to immediately respond at the same time as national systems are being enhanced.

Refugee children need specialized services in dealing with the risks they are exposed to during the different stages of their displacement journey from their home due to conflicts and natural disasters. They may also get exposed to various types of risks as detailed earlier. Therefore, these exceptional risks require more specialized services to deal with such cases.

Specialized services which refugee children may require include best interest procedures, including integrated case management services that include Best Interest Assessment and, where relevant, Best Interest Determination, referral to multiple services such as education, psychosocial support as well as support for child survivors of GBV, including child marriage, livelihood for the families, health and legal services. Other specialized services may also include: a) family tracing and reunification as well as family-based alternative care for unaccompanied and separated children and other categories of children in need; b) legal aid for children and families in need of such help, such as judicial proceedings related to crimes or family law; as well as c) specialized services for special categories such as unaccompanied and separated children, children in conflict with the law or child laborers.

**Best Interest procedures and case management to respond to children exposed to different forms of violence, abuse and exploitation**

Children arriving by their own or accompanied by families may have been subjected to any form of physical or sexual abuse, may have been involved in illegal activities, prostitution or may have been victims of trafficking or recruitment by armed groups.

Such cases require quick and specialized response to protect these children in line with their best interests.

It is important to note that the best interest procedures and case management of child refugees is part of the broader protection response to individual refugees, which starts with the registration of the refugee, determination of the refugee status and then to the management of child protection cases and GBV cases should the need arise, ending with the arrival at a durable solution to the cases.

The following case management steps describe the best interest procedures for refugee children:

1. Identification and registration of the case;
2. Best Interest Assessment;
3. Case planning;
4. Implementation of the case plan, including referring the child to the
specialized services such as health, psychological and legal services when needed and direct services by the case manager;

5. When needed, conduct Best Interest Determination (see below for more details);

6. Follow up and review; and finally

7. Closure of the case.

In Lebanon, UNHCR and UNICEF worked with partners to develop a Practical Guidance on Child Protection to help standardize the response to individual refugee child protection cases while also supporting the development of national Standard Operating Procedures with the Ministry of Social Affairs and to integrate them into the national procedures.

In Jordan, the Standard Operating Procedures on child protection and sexual violence were updated in 2014 and 2015. The training responsibilities on these procedures were handed over to national partners, the National Council for Family Affairs and Jordan River Foundation. The importance of the participation of relevant actors as well as the inclusion of national policies and legislations in the procedures in both Jordan and Lebanon was proven to be of importance. The formation of committees including different agencies to manage these processes has also proven of importance in Jordan to ensure the national ownership of the process and its continuity.

In Egypt and Iraq, Standard Operating Procedures were laid out, and there is a plan to update them and train the implementers on them.

In Egypt, the Child Protection Working Group in 2015, has established Standard Operating Procedures on case management to ensure that all actors, including families and communities, are aware of the roles and responsibilities, when to refer for specialized services such as case management and follow up, referral mechanisms to protection, education, health services, financial support and specialized psychological support. The referral pathways also include the integration of existing protection systems, which are the child protection committees.

In Palestine, the primary responsibility to coordinate the child protection services falls on the Ministry of Social Development, which, in turn, established child protection units in all governorates of the region in West Bank and Gaza, which mounts up to 16 governorates. The Ministry has also established child protection networks in all governorates. These networks include the most prominent service providers (from the government and the civil society) in a specific area to support the coordination between them to provide child protection services. In areas where UNRWA functions, child protection cases that are reported are managed by the internal UNRWA’s SGBV protocols. The UNRWA child and family protection program in the West Bank has established case management committees. The committees include a psychologist, a social worker, a member of the communal committees and a trained mentor for response on child protection cases.
Dealing with the said cases and following the above-mentioned steps require special skills to be found at the case workers, be they from the government, civil, or international organizations, including but not limited to:

- Communication skills with children in a way that is appropriate to their age and maturity;
- Case-studying skills and the implementation of a multi-sectoral approach to the case covering the psychological, health, legal and educational aspects if necessary;
- Ability to implement the principle of the best interest of the child and ensure the child’s participation in the process, empowering children and their caregivers to make informed decisions and consulting with the child and/or caregiver before making any decision related to him/her;
- Skills in the implementation of children’s best interest based on standard operating procedures;
- Knowledge of all available services, whether they are provided by the government or by non-governmental bodies. Developing an intervention plan that covers all child’s needs;
- Ability to follow-up cases until the refugee child accesses all the services needed for his/her case and the closure of the file.

**Considering the specificity of risks children may be exposed to, following priorities are identified to ensure protection of refugee children**

**Development of tools and guidelines to help case workers:**

- Developing alternative care institutions for child survivors of asylum, displacement, forced recruitment and human trafficking. In the Member States, where such institutions are not present, temporary care entities are to be established to receive the children, and proper training is to be given to the social workers and mentors to provide psychosocial support services, alternative care for the children and family reunification;
- Set clear and specific guidelines to support case workers in identifying the best interest of the child and implement them in all child protection cases;
- Set mechanisms to identify and refer cases of at-risk children and build the capacity among various bodies to implement these referral mechanisms (schools, health units, community groups, etc.);
- Develop referral mechanisms and specific steps and standards through the development of SOPs that include clear referral mechanisms, roles and responsibilities of various actors, case prioritization tables and relevant national laws and procedures and train all relevant actors on them;
- Ensure the inclusion of SOPs and referral mechanisms to some special procedures that are specific to protection cases including child labour, child marriage, unaccompanied/separated children etc.;
- Developing national standards and clear requirements for case management to be disseminated to the governmental and non-governmental organizations that
work on specialized child protection case management to civil society organizations working with refugees;

- Set case management information systems about refugee children to enhance the ability to identify, track and monitor children at risk.

**Capacity building of case workers:**

- Build the national case workers capacities regarding refugee case management including referral to services;
- Build capacities of the workers in the field of child protection on the implementation of the principle of the best interest of the child, including the Best Interest Assessment and the Best Interest Determination (see below for more information on this);
- Training of those responsible for case management on special legislations, policies and procedures concerning the different child protection cases.

**Development of a protective policy framework and specialized services:**

- Ensure sectoral policies support the access of refugee children to health, educational, legal and psychological services provided by the state and the NGOs;
- Work closely with national authorities, partners and communities to ensure children with specific needs are prioritized and access appropriate services through timely referrals;
- Ensure that specialized services are in place, such as legal advice and, where needed, representation, as well as specialized programs for refugee children as required (for instance, child labour);
- Ensure that specialized expertise in providing services for child survivors of SGBV such as sexual exploitation and trafficking are available, either by child protection and/or SGBV actors with expertise in both SGBV and child protection;
- Ensure that a formal process for determining a child’s best interest is in place to ensure quality decisions concerning children. The process should be part of a comprehensive child protection system. The process should be undertaken by the government. However, in cases when the government is unwilling or unable to undertake the process, UNHCR should conduct the BID through the formation of a BID panel to help complement national child protection systems and, where possible and appropriate, involve the national authorities in the BID panel.
The participation of children, families and communities in all phases of protection interventions is critically important. Community-based child protection and psychosocial support aims to strengthen the capacities of communities, families and children to overcome the hardships they have experienced throughout their forced displacement journey; to protect the children from further violence, abuse and exploitation; and to increase the likelihood that children in need of services can access appropriate support. This approach is based on the principle that children, families and communities are well positioned to identify the protection threats that children are exposed to and to help identify solutions. It recognizes that most child protection issues are addressed at the community level without the support of formal service providers. Working within communities offers the best opportunities for sustainable change in values and practices as well as increased utilization of formal services where appropriate. The community-based approach aims at ensuring that boys and girls are consulted in matters that touch upon their needs, and that they participate actively through activities and education that build their skills and knowledge on protection and positive coping skills.

The community-based approach to child protection seeks to identify and build upon community assets and resources within the refugee and host communities. This can include positive values, practices and beliefs as well as community networks and advocates for the protection of refugee children. It also includes identifying common harmful practices or beliefs that undermine children’s protection, and promoting and supporting practical positive alternatives. This involves understanding the reasons for these practices and working with communities to find solutions. For instance, some practices such as child marriage or child labour, which existed to some extent in the countries of origin, have increased as a negative coping mechanism in response to the current difficult living situations of refugees. Other practices such as use of physical discipline as part of parenting may have been widespread and widely accepted prior to war and forced displacement and have been exacerbated due to the difficult living situations of refugees. As such, community-based child protection for refugees needs to work with communities, families and children to identify and promote and support positive values and behaviours and mitigate the risks facing refugee children. This can include action at the community level but also referral of children and families to formal services and advocacy with concerned government authorities.

Community-based protection should work to engage refugee and displaced communities during all protection intervention phases to provide the required protection. It is based on the adaptability of these communities, considering their abilities, skills, and resources to provide protection, solutions, and support to achieve the goals and priorities identified by community themselves. Authorities and organizations
should work towards engaging communities in all intervention phases, including initial assessment of the community situation, during diagnosis, priorities setting, program design and implementation, and during implementation, monitoring and evaluation. Community-based approach sheds light on the potential of those communities while taking their rights and dignity into consideration. Through consultations with members of the concerned communities, it becomes feasible to identify gaps in the provision of protection to strengthen local capacities and resources, and facilitate and support community dialogue and action to better protect refugee children and mitigate the risks they face.

The participation of the concerned communities-based approach cannot by any means be considered a short-term commitment, a part of a program being implemented, an output or an achievable result; it is, rather, a sustainable and ongoing approach for refugee protection. It requires building trust and ongoing genuine dialogue and cooperation between the governmental agencies and the operating organizations, on one hand, and the concerned community, on the other.

25 Community-based child protection strategies should focus on the following tenets and actions:

- Families and communities form the first layer of protection for refugee children;
- The involvement of the community in the identification of child protection issues, design and implementation of activities will ultimately lead to better acceptance and greater impact of child protection interventions;
- Working with refugee children, families and communities to promote positive values and practices to promote child protection and build the children’s resilience;
- Providing information and facilitating discussion on negative practices (such as physical punishment) in a sensitive and respectful way, while identifying and promoting positive alternatives and role models;
- Strengthening the engagement of communities in the protection and care of their children will support refugees to realize dignity;
- Facilitating community dialogue with parents, children and other community members on how a refugee child can be better protected;
- Providing information on children’s rights, legal issues and available services, and providing opportunities for refugee communities to discuss these rights and services;
- Enhance the refugee children and family’s abilities to initiate and participate, and strengthen their sense of ownership throughout all intervention phases.

In order to ensure the success of a participatory approach, it is essential that the concerned community participates in all the following steps:

- Initial and periodical analysis of the child protection risks, ensuring the adoption of an age, gender and diversity approach to assess the diverse risks facing children at different age groups and gender as well as those coming from diverse backgrounds. This approach would help in reaching a more comprehensive and representative assessment of the risks.

as well as an analysis of the existing community resources and potential. It is also important to ensure that the views and perspectives of diverse members of the community are identified in this process;

- Analysis and identification of the assets of the community in relation to child protection, including positive attitudes, values and behaviours as well as community networks and advocates for refugee child protection;
- Agreement on priorities regarding which child protection risks are to be addressed first and what solutions are to be adopted;
- Design and implementation of the needed interventions;
- Follow-up and monitoring of the interventions;
- Evaluation and reporting of results.26

**Consideration of age, gender, and diversity**

It is important to consider the following factors when adopting a participatory community approach: risks vary by age and gender. Traditionally, women and girls are less able to exercise their basic rights and to access various services such as nutrition, health care, housing, documentation and other resources. They are often marginalized during decision-making processes. Women and girls, including disabled and female youth, are more likely than boys and men to be exposed to sexual violence and gender-based violence. Boys and girls face significantly different protection risks, and these differences are particularly pronounced for adolescent children. For instance, adolescent girls are more likely to be exposed to early marriage, while adolescent boys are likely to be engaged in child labour, or to be recruited by armed groups, or even to be detained by law enforcement in the receiving countries. Groups with special needs, such as unaccompanied or separated children or children with disabilities, are more vulnerable to exploitation, particularly in cases of crises and emergencies.

In Lebanon and Iraq IRC adapted its evidence-based parenting programme that uses behavioural skills training to reduce harsh punishment, improve parenting practices and improve child development. The “Families Make a Difference program” consists of 10 weekly group sessions with a maximum of 20 caregivers. The focus is on coping strategies for parents, child development, nurturing parenting practices and providing support to children with psychosocial needs. The programme has shifted the focus from only raising awareness or sensitization activities to include structured skills building interventions that equip caregivers with concrete techniques they can use to manage their children’s behaviours without the use of violence.

In Egypt, the Psycho-Social Training and Services Institute (PSTIC) is a community-based local NGO operating in Greater Cairo, Alexandria and Damietta that provides a range of services to refugee families and children, including unaccompanied and separated children (UASC) and children with disabilities. Members from the various refugee communities are trained by PSTIC on community work and psycho-social support and then operate as psycho-social workers in their respective communities. The assistance is provided on a 24/7 basis and include psycho-social support and counselling, secondary and specialized care for mental health cases, housing, including safe housing, and accompaniment.

26) Understanding Community Based Protection, UNHCR, 2013.
In light of such diversification in the composition of the society, it is a must to take into consideration the general political context and to identify variation in the societal roles and the power relations between men and women, youth and older people, and minorities and majorities. It is also important to work with community leaders and also with all individuals in the community to increase respect of rights and equality and address inequalities, particularly between adults and children and between boys and girls, with no contradictions to the religious principles. Meanwhile changing social dynamics within communities, provide opportunities to strengthen new community structures that more fairly represent all the groups and that contribute to social cohesion. The education strategies and plans should include elements dedicated to capacity building on co-existence, peaceful solution to violence while enhancing the principles of tolerance and non-discrimination. As time passes, and after building bridges of trust between child protection actors and refugee communities, it becomes easier to identify and analyse the child protection risks that might be faced by the different groups according to their age, gender and backgrounds (including religion, race and ethnicity). It becomes thus easier to conduct a more accurate and balanced analysis that considers the needs of all the groups and to ensure that the interventions do not cause any harm to the most vulnerable.  

**Considering the importance of adopting this approach to ensure community engagement, concerned governments should consider the following priorities:**

- Conduct interagency assessments to understand the situation, composition of and dynamics in the concerned communities, community knowledge, attitudes and practices on child protection issues such as physical discipline, domestic violence, child marriage, child labour, as well as identify sources of risks, key community assets and resources that could be mobilized to provide protection to children and identify children at risk;

- Government, civil society and UN organizations support refugee and host communities’ efforts to protect refugee children and build their capacities in providing protection mechanisms for these children, including knowledge of positive alternatives, relevant services and laws as well as risks for their children;

- Ensure refugee community-based protection actors are appropriately trained and aware of the child protection issues, services and legal framework;

---

• Support existing community protection mechanisms to identify cases of children at risks of violence, abuse, etc., and monitoring and providing support for cases at lower risks;

• Support community-based child protection networks and refugee outreach volunteers to raise awareness on child protection; identify and ensure referral of children at risk; support community dialogue and action to better protect refugee children;

• Facilitate dialogue with refugee communities, build their skills and provide them with information about positive social norms, child rights and protection, psychosocial issues, how to provide support to their children, and how to refer identified cases to existing services;

• Build the capacity of refugee children and adolescents to enable them to protect themselves;

• Involve child refugees in all decisions pertaining their lives;

• Provide support to community centres that are child-friendly and making them available to refugees and other affected groups;

• Establish and develop child-appropriate evidences and guidelines on children issues in forced displacement context and Standard Operating Procedures that include a description of the role of community-based child protection in child protection to complement and link to formal services provided by government, UNHCR and partners;

• Workers in the field of child protection should make efforts to build bridges of trust with refugee communities, through engaging them in all steps starting with assessments, program design, implementation and evaluation, as well as taking their views and that of their children into consideration;

• Supporting refugee families in the provision of family-based alternative care for separated or unaccompanied children;

• Support to community-based child protection mechanisms, such as refugee outreach volunteers to identify and refer cases of children at risk of violence, abuse and exploitation, and the engagement of community advocates;

• Provision of structured parenting programs to help parents better support and protect children.

Several alternative care arrangements were adopted in Yemen, including foster care. Considering this policy, foster families are identified for boys and girls of age 0-11, while for girls aged 11-17, foster families are identified by child protection workers with the help of community leaders. After alternative foster care arrangements are agreed upon, financial support is given to the foster families to assist them to care for the children and no families can foster more than three children, unless there are siblings of higher number. In addition to that, a monitoring system was established, including home visits and school visits (in case children are enrolled) to ensure the well-being of the children.

Sudan provides health care assistances to survivors of refugee and displacement through temporary care institutions and foster families. There is an entire city that provides its services to homeless children, affected by the refugee and displaced situations in Khartoum. It is considered a model city that Sudan is aiming at replicating at the level of all other states and cities.
Child refugees have a right to international protection, as outlined in the 1951 Refugee Convention and reinforced in the Article 22 of the Convention on the Rights of the Child, which establishes that all refugee and asylum-seeking children shall receive appropriate protection and humanitarian assistance in the enjoyment of all rights set forth in the CRC and other applicable international instruments.

Refugee children and their families’ right to seek asylum and access to safety and the principle of non-refoulement should be respected. National border management and asylum systems should be protection-sensitive, including staff who are trained to identify children who need international protection and to recognize refugee children with protection concerns.

It is important to point out that, although refugees and asylum-seekers only form a small number of the individual movements around the world, they often move through states or countries alongside persons with diverse reasons for movement, which may not be relevant to protection. These movements are often illegal, meaning, they are performed without the necessary documents, in addition to the involvement of smugglers and traffickers. Usually, persons who perform such movements expose their lives to danger, may have to travel under unhumanitarian conditions, and can be exposed to exploitation or abuse. These cases arise worry amongst states. In light of these risks, steps should be taken to develop entry systems, capable of identifying newcomers who are in need of international protection, and find appropriate solutions for them, in line with solutions needed towards other groups who arrive among mixed movement flows.

The principle of family unity should also be respected to ensure that children and their families are not separated during or after displacement. Governments should also facilitate family reunification, including cross-border family reunification.

Children, due to their specific needs and vulnerabilities, should have access to age and gender-sensitive asylum procedures by national authorities or, where UNHCR conducts refugee registration and refugee status determination, by UNHCR. Child-sensitive asylum and administrative procedures include adapted relevant evidentiary requirements, child-sensitive interviewing procedures in line with the age approach tools, prioritized processing of cases of unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific forms of persecution, including underage recruitment, child trafficking and female genital mutilation.

Specifically, child-sensitive asylum procedures should include dedicated attention to the possible endangerment of rights specific to children.

---

in the country of origin, consideration of how a child’s age may make him or her especially susceptible to persecution, and attention to the child’s stage of development and how this may affect his or her ability to articulate a need for international protection. In light of these factors, a more liberal application of the benefit of the doubt may need to be applied to asylum claims lodged by children.  

States should strengthen asylum legislation, policy and practice to explicitly reference the adoption of child-friendly asylum procedures in cases of UAC. Furthermore, for unaccompanied and asylum-seeking children, a qualified guardian ad litem should be appointed at no charge to represent the child’s interests during asylum procedures and to help children with expressing their views and enjoying their right to meaningfully participate in asylum or related legal procedures affecting their status and protection in the country.

Therefore, countries receiving refugees should adopt more flexible procedures to identify children who are claiming asylum, considering the principle of the best interest of the child as described in the CRC. It is necessary to identify the principle of the best interest of the child and analyse the forms of harms a child may face and the breaches to the children rights, taking into account the child point of view. Moreover, the principle of the best interests of the child requires that the harm be assessed from the child’s perspective, including how the child’s rights or interests may be affected. In this respect, it should be noted that risks of ill-treatment which may not rise to the level of persecution for an adult can qualify as persecutory in the case of a child, thus requiring recognition and protection of the child as a refugee.
Countries’ responsibilities and commitment to provide security and safety to refugee children

As described above, Article 2 of CRC states that each country is responsible for each child under its jurisdiction. These state obligations cannot arbitrarily exclude any group or geographical zone from its protection. Moreover, the Committee on the Rights of the Child refers in its General Commentary no. 6 that state responsibility under the Convention apply within the borders of a state, including with respect to children who come under the state’s jurisdiction while attempting to enter the country’s territory. Therefore, the clauses of the Conventions are not limited to children who are citizens of a concerned party and must, thus, also be extended to include all children seeking asylum, irrespective of their nationality, asylum status or statelessness.33

Appropriate procedures for granting asylum to children

In light of the children asylum-seekers’ special needs, states should adopt what is called “procedural safeguards”, quickly decide on children’s asylum applications, and give priority to such applications. States must also take into account children’s right to seek asylum, whether the child is accompanied by his family or not.

Procedural safeguards include professionally conducting interviews by officials trained on dealing with children. Children should have access to age-sensitive information about reception, registration, refugee status determination and other procedures and services. Procedures and decisions relating to children should be informed by their age, maturity, gender, language, social and ethnic background and take into account the individual experience of the child. Consultation should take place in a confidential environment where children feel safe and are able to express their views. Children should not be detained for reasons related to seeking asylum or to their refugee, stateless or resident status. Age assessments should only be conducted in cases where the child’s age is in doubt and it remains a part of a comprehensive assessment that takes

33) Committee on the Rights of the Child, General Comment No. 6.
into consideration the child’s physical look and their emotional maturity. It is important that these assessments are made in a safe, child and gender sensitive manner with due respect for human dignity. The space given to age assessments should allow the consideration of individuals as children through all age assessment tools (when the age of the individual is not verifiable). Due to the different means of age assessment and the variation in their importance, caution should be exercised during credibility assessments procedures, in cases where some national or cultural standards might appear to raise or increase a child’s age. Clear information should be given to children on the purpose of the age assessment and its procedures, in a language that they can easily understand. An independent guardian should be assigned to the child, prior to the procedures of age assessment to give guidance to the child.  

Based on the principle of international partnership in responsibility sharing, countries outside the region should expand the opportunities of resettlement and other forms of allowing refugees inside the region. Programs should also provide resettlement opportunities for children at risks and UASC while adopting flexible procedures to facilitate family reunifications in third countries. Where children are not granted refugee status, it becomes necessary to find a solution that aligns with the principle of the best interest of the child as soon as the result of the application is verified, and to quickly implement the suggested solutions.  

It is important to note that refugee children, whether accompanied by their parents or not, face certain child protection risks that require the adoption of special procedural safeguards. In some sub-regions of the MENA region, refugee children may travel alongside adults in mixed movements and, thus, face increased risk of being trafficked, sold, sexually or economically exploited. Unaccompanied children are particularly at risks.

**Priorities to be adopted concerning the child-friendly procedures:**

- Best interest principle should be taken into consideration and translated to giving priority to processing requests of asylum, tracing and family reunification efforts, providing information that correspond to the age group (through graphic brochures) on asylum procedures, assigning guardians and legal representatives to children, especially for the cases of unaccompanied children;

- Finding appropriate alternative reception and care arrangements (including foster care), for example alternative foster care, societal support and supervision and open reception services adequate for age groups under appropriate supervision;

- Initial assessment and referral should take into consideration child’s privacy, referral of children to institutions and child protection organizations without delay, and ensuring they receive appropriate services and assistances (for example through best interest assessment and determination and care arrangements, while guaranteeing the child’s participation in all matters relevant to their life, and giving proper weight to the child’s participation with respect to their age and degree of maturity);


Border control systems should take into consideration the child protection needs and facilitate processing of the presented requests from child refugees and asylum-seekers, whether they were on their own or accompanied by their families. Child’s best interest should also be taken into consideration by applying the procedures that take into consideration the child’s needs and conditions.

**Detention of children**

Considering the risks to which children asylum-seekers are exposed, be they with or without their families, host countries must take into consideration the children’s special situation. However, children may sometimes end up detained by the authorities of host countries for their immigration status or due to their conflict with the law.

Children should never be detained solely on the basis of lacking legal status or documentation. The UN Committee on the Rights of the Child has held that:

*The detention of a child because of their or their parent’s migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child. In this light, States should expeditiously and completely cease the detention of children on the basis of their immigration status.*

If a child conflicts with the law, detention should be the last resort and for the minimum possible period, as stipulated in CRC Article 37. In particular, children must never be confined with adults. Hence, a variety of alternatives to detention and diversion programs (e.g. reporting obligations, directed residence or community supervision) needs to be made available to ensure the best interest of the refugee child who conflicts with the law.

The principle of non-discrimination applies in all matters related to the detention of children and no child must be detained as a result of profiling based on real or assumed gender, nationality, race, ethnicity, educational and social background or religion.

Unaccompanied or separated children should not be detained for their status as refugees; they should otherwise be released to be in the care of one of their relatives’ resident in the host country where possible. In case of the absence of family members, authorities must identify alternative care arrangements, such as alternative families or supported independent living so that the child gets the necessary supervision. On the other hand, the child’s physical and psychological needs and best interest must be taken into consideration. It is essential to promote alternatives to detention, such as the modification of national legislations on alternative care measures, to minimize the damage separated or unaccompanied children may suffer from. The UNHCR adopted several criteria on the detention of refugee children to ensure the adherence of countries and protection of asylum-seekers and children asylum-seekers in specific.

Key actions in relation to detention of refugee children:

- Legal and policy frameworks should ensure that refugee children in conflict with the law are not detained, aside from exceptional circumstances, as a measure of last resort, for a legitimate purpose and for the shortest possible period;
- Avoid resorting to detention due to asylum for children (including those with disabilities) and their families as well as immediate release of children in detention based on their immigration status, and their placement in other

---

forms of appropriate accommodation is coordinated amongst national agencies and, as appropriate, with UNHCR; 37

- Providing surveillance systems to detention facilities, proper legal representation and respecting other minimum standards concerning detained children, bearing in mind that the surveillance should be done through institutions that include national human rights institutions or national complaint offices;

- Establishing preventive programs to protect refugee children exposed to the danger of conflicting with the law.

**Children and their families’ obtainment of necessary documents**

Refugees often find themselves obliged to flee without their identification documents with them. Frequently, such documents may be lost or destroyed in the process of fleeing the country of origin or may be left behind in situations where individuals and families need to escape from danger immediately. Usually, when identifying asylum status, children and families are requested to show some official documents which they may or may not have. In all cases, authorities should refrain from asking asylum-seekers to obtain original documents from the country of origin in order not to expose them to risks. 38

The Executive Committee of UNHCR (EXCOM) has recommended the provision of the necessary individual documents for asylum-seekers and refugee children to identify their status, the registration of births, and the provision of birth certificates and other documents of identification. 39

Furthermore, the right to obtain documents is guaranteed by the UN as the United Nations Human Right Council (UN HRC) referred to the universal right of all children to birth registration, including through late registration where necessary, in cases where immediate birth registration is not possible, as a means to officially register and acknowledge the existence of every child as a person before the law. 40

Furthermore, the Convention on the Right of the Child recognizes the right of all refugee children to appropriate protection and humanitarian assistance to ensure that they enjoy all the rights contained in the CRC, including their right to registration upon birth and their right to acquire nationality. The registration of births is both a right unto itself and a foundation for ensuring that children enjoy a range of other key rights, including *inter alia* health, education, family unity, nationality, and protection from all forms of violence, abuse and exploitation. Marriage registrations also play a role in protecting refugees’ rights and in tackling all the actions that breach the law such as children marriage, trafficking and other breaches to refugees’ rights. In particular, marriage registration also safeguards women’s rights to alimony, inheritance, property, child custody and securing birth registration for their children.

The Executive Committee of the UNHCR recommends that states should adopt dedicated measures to ensure easy and accessible civil registration processes of all refugees’ vital events such as births, marriages and deaths to ensure their rights. 41

**In light of the importance of obtaining appropriate documentation for children**

41) UNHCR Executive Committee Conclusion on Civil Registration No. 111, 2013.
and their families, Member States must take into account the following priorities to ensure that refugee children obtain their rights:

- In case of absence of documents proving a child’s age and where the child’s age is in doubt, age assessments are conducted in a safe, child and gender sensitive manner with due respect for human dignity;

- In case of difficulty of verifying a child’s age, the age claimed by the child is accepted, pursuant to the principle of the benefit of the doubt, under which the statements and claims of refugees and asylum-seekers should be treated as true, even in the absence of corroborating documentation, if generally consistent with their claims and does not contradict known facts. It should be further noted that, when assessing the statements of children, the benefit of the doubt should be applied more liberally and those acting in an official capacity should assume more of the burden to help children to explain and substantiate their claims;\(^4^2\)

- Support family tracing mechanisms and ensuring that UASC have access to formal documents noting their legal identity, age, family composition, nationality and refugee status, in addition to any other required civil status documentation;

- Enhancing the legislation and the capacities of the entities in charge of law enforcement to more effectively deal with cases of human trafficking, deal with child survivors of trafficking and sale, and ensure the necessary legal stipulations for punishing the perpetrators are in place and are implemented;

- Build capacities of case workers and border guard officials and others on dealing with children;

- Governments help facilitate children and their families’ access to residency and other documentation through flexible, accessible and affordable procedures. When adult family members are not able to access legal documentation and renew their residency, this results in restrictions in movement and limitations on livelihoods, which in turn increases the risks of child labour, early marriage and other protection issues for children;

- Governments and civil society organizations, with international support where relevant, provide children and families in need with legal assistance to access relevant documentation;

- Governments across the sub-region refrain from subjecting children and their families to arbitrary arrest, administrative detention or deportation due to lack of identity or residency documents.


On 9 September 2016, the Moroccan government celebrated the third annual anniversary of the National Strategy on Migration and Refugee under the theme of “Third year for National Strategy on Migration and Refugees: Assessment and Perspectives.” A wide group of partners, including UNHCR, UNDP, UN Women, UNAIDS, UNESCO and IOM in Morocco, have signed a common operational framework to support the implementation of the strategy. The forum has admitted the active progress attained thus far in the field of refugee assistance and protection, including children, with a focus on additional ways to efficiently implement the national strategy and support the rights and dignities of all refugees.
Child protection is linked to child’s right to access all basic services. For instance, depriving a child from education, especially in asylum circumstances could expose him/her to the risk of child labour, especially the worst forms of child labour, child marriage, and increase his/her susceptibility to violence, abuses, negligence, or recruitment by armed groups. On the other hand, depriving a child from his/her right to health services is a violation of the child protection rights and can affect their ability to attend school and increase the associated risks described above. On the other hand, schools and health facilities represent important places through which children at risk of abuse, sexual violence, recruitment by armed groups, and other risks can be identified and referred to the appropriate services. Despite the importance of education and health services, there are still many challenges related to the accessibility of these services to refugee children. International statistics indicate that enrolment of refugee children to education is limited, especially of refugee girls, and especially at the secondary education level. Globally, primary schools’ enrolment rate for refugees reaches 76 per cent and decreases to reach 36 per cent in secondary schools.

The situation of Syrian refugee children is a case in point. Around 50 per cent of Syrian refugee children are out of school with the highest rates of out of school children in Lebanon and Iraq (69 per cent and 39 per cent respectively). Girls are more vulnerable to the risk of non-school enrolment; for instance, in the Horn of Africa, the proportion of refugee girls enrolled in schools is half of enrolled boys’ proportion.

Refugee children have the right to get quality, affordable education

A score of other international standards indicate the right of all persons to quality education:

According to Article 22 of the Convention Relating to the Status of Refugees:

The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

The Convention on the Rights of the Child = Article 28 recognizes children’s rights to education without discrimination as per following:

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

According to the Universal Declaration of Human Rights (1948, Article 26)

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory [...] higher education shall equally be accessible to all on the basis of merit.

The International Covenant on Economic, Social and Cultural Rights (1966, Article 13) also refers to the right of all humans to quality education:

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms.

In addition, the UN General Assembly issued resolution 64/20 on the right to education in emergency situations, which addresses education in all stages of humanitarian response as well as safe and protective educational environments.

Sustainable Development Goal No. 4 also addresses inclusive and equitable quality education and promotion of lifelong learning opportunities for all.

It is important to note that not only is quality education a child rights as stipulated by major international instruments, first among which the CRC, but it has direct impact on other rights of the child. Quality education would contribute to a reduction in maternal and infant mortality, reduction in early marriage and births as well as the improvement in children’s health and nutrition status, improvement of future employment opportunities, and improved tolerance and environmental protection.

Extensive efforts have been exerted by Syrian refugee children in the Kingdom of Saudi Arabia are allowed to enrol in public schools regardless of their residency status. In Mauritania, civil society organizations, in cooperation with UNHCR, have provided scholarships to assist refugee children to enrol in public and private schools, which helped 93 per cent of the refugee children to enrol in elementary schools.

Protection of Refugee Children in the Middle East and North Africa, UNHCR, 2014

Syrian refugees in Sudan are allowed to integrate directly within local communities and participate with citizens to receive all the services provided by the country, including formal education, health and medical services, despite the limited resources.
host countries to increase access of Syrian refugees to education. In Lebanon, the additional enrolment of 113,000 Syrian refugee children in public schools marked a 40 per cent increase in the 2015/2016 school year compared to the 2014/2015 school year. This was achieved through the increased enrolment in first shifts and the opening up of second shifts as well as the enrolment in publicly subsidized private schools. The Iraqi government has also installed prefabricated schools in host communities and camps and has opened additional classrooms in formal schools to expand the absorption capacity. Egypt has adopted a sector-response strategy, which focused on creating space for Syrian children in public schools, while establishing community-based pre-primary education opportunities.\textsuperscript{44} There remain however various obstacles preventing refugee children from their right to education, including limited availability, accessibility and affordability. Specific barriers include the absence of a legal framework that ensures their enrolment in the national education systems for some refugee groups in some countries, difficulties in obtaining the documents needed for the enrolment, language barriers, and financial barriers. In addition, protection issues include violence and discrimination against refugees in education settings, child labour, early marriage and other forms of violence, abuse and exploitation of children, including violence at home, create important barriers for children to enrol and remain in school.

The lack of clear accreditation frameworks for non-formal education to pathway in to formal education is also a challenge for all refugee children. For children who have missed periods of school, particularly those living in conflict areas, it is especially difficult to re-enter the formal system and to progress academically. Accredited non-formal education that provides pathways back to formal education and/or provides basic numeracy, literacy and life skills are crucial and should be scaled up, such as accelerated learning programs. Strengthened collaboration between governments, civil society and UN organizations in establishing standards and implementing such programs are needed.

The following considerations should be considered to ensure that refugee children, obtain quality, safe and appropriate education:

- **Accessibility to service:** ensure that refugee children can access education services on par with citizens of host country and with same costs;
- **Sustainability:** refugee children obtain sustainable education services within the national education systems whenever possible;
- **Quality:** ensure the quality of the education services and their compliance with the national and international standards. Provide safe and child-friendly environment. Provide the education service by teachers who have the skills of dealing with refugee children;
- **Protection:** Ensure education is safe and supportive by developing policies and procedures to prevent and respond to violence in the schools by: ensuring that reporting and referral mechanisms for children protection issues in school contexts are in place; providing on-

\textsuperscript{44} Syria Crisis Strategic Education Paper, London 2016 Conference.
going training programs for school staff on safe, peaceful schools and how to prevent and respond to violence; allocating age appropriate classrooms; and establishing life skills for children on conflict resolution, self-protection and non-violence. Education can also provide protection to the most vulnerable children within the refugee communities, such as the separated children, girls at risk, and children with special needs, by ensuring that they access the educational services and that education is adapted to their needs;

- **Community participation**: the participation of concerned refugee communities in the assessment, plan, and implementation of educational programs within urban areas;

**In light of the above, concerned countries should adopt the following priorities to ensure that refugee children access the appropriate education services:**

- Sustained advocacy to provide education opportunities for refugee and stateless children within national education systems as the most sustainable means to recognized and certified education; support national authorities to plan for refugee education in national and sub-national sector plans, including risk/capacity assessment, expansion of infrastructure/facilities, teacher recruitment and training, language classes, accelerated education;

- Review the educational legislations and policies to ensure all refugee children, irrespective of their country of origin, have the right to the national educational systems at par with nationals;

- Support the implementation of policies and laws that ensure the enrolment of refugee children in formal education. Work on addressing barriers preventing refugee children from accessing the education services such as additional expenses, language barriers or discrimination against children with special needs, or children who have lost their documents during their escape journey; implement flexible procedures for enrolment to ensure that refugee children are able to access education, such as placement exams and accepting range of identity documents, and facilitate the process of obtaining documents needed for enrolment in education;

- Promote students’ activities inside schools to enhance integration of refugee children with their peers in schools. Combat discriminatory practices by students such as bullying, violence, and racism through peace education and life skills programs, and implementation of mechanisms to hold students and education staff accountable for violence;

- Build capacities of teachers at schools receiving refugees to enhance their abilities to deal with refugee children and adopt interactive approaches that allow children to express their emotions and deal with their psychological problems, while respecting the national and cultural identity of child refugees;

- Set special strategies to promote refugee girls’ enrolment in education, including ensuring balance between male and female teachers in schools receiving refugees;

- Establish link between the national child protection and education systems
through mechanisms to monitor cases of violence, abuse, and negligence, and refer to appropriate services;

- Train teachers to provide safe environment to children, and to monitor cases of children at risk, such as risks of family violence, early marriage, or involvement in child labour, violence etc.;

- Ensure certified non-formal educational opportunities are available for refugee children and irregular education (irregular education in safe community centres and child friendly spaces) to reduce number of out of school children and increase opportunities for refugee children who had disrupted education to re-join schools, and to transition back into formal education, and to enrol in tertiary education at a later stage.

- Support concerned community’s participation in setting and assessing community educational programs, build communities’ capacities on dealing with the national educational system through their participation in parents’ councils and supporting extracurricular educational activities;

- Promote language support and classes for refugees to support them to enrol in the national education system;

- Support life skills programs provided by educational authorities, international organizations and NGOs to introduce children and youth to the skills needed for their preparation for life, such as the culture of peace, conflict resolution, self-protection skills, etc., as well as the active engagement of children in all matters relevant to their lives;

- Cooperate with donors, schools, and universities to provide scholarships to refugee children to enable them to obtain secondary and tertiary education.

**Refugee children right to quality health services**

Many human rights international mechanisms refer to the right of each individual, including refugees and forcibly displaced persons, to obtain quality health care. For instance, Article 23 of the Convention Relating to the Status of Refugees stipulates the following: “The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to relief and public assistance as is accorded to their nationals.”

The International Covenant on Economic, Social and Cultural Rights refers to the following rights in respect of individual health:

**Article 12**

*The States parties to the present Covenant acknowledge the right of everyone to enjoy the highest attainable standard of physical and mental health*8

Accordingly, states must take into account the rights of refugees, asylum-seekers and forcibly displaced persons to obtain health care, particularly due to their vulnerability to many risks resulting from their harsh living circumstances, which requires their access to prevention and response services to enable them to deal with these particular circumstances.

---

In addition to the right of refugee children to access general preventive and responsive health services as accorded by international conventions, it is important to note, that mental health and psycho-social support (MHPSS) are important elements of any child protection strategy for refugee children, given the interconnectedness between the risks that refugee children are subjected to and their mental health and psychosocial wellbeing.

Exposure to conflict and forced displacement poses significant long-term risks to children’s health, development and wellbeing. Child protection and psychosocial well-being are inextricably linked and mutually reinforcing. Protection risks may lead to mental health and psychosocial problems amongst children. Children experiencing psychological and mental health issues, combined with lack of psychosocial support, may be exposed to increased protection risks. It is imperative to ensure the access of refugee children to psychosocial support and specialized mental health services to children victims of violence, including SGBV.

Health services for refugees must also be able to identify, refer and respond to child survivors of violence, abuse and exploitation. This includes ensuring general health providers are trained in the identification and referral of child protection issues as well as that, within the health sector, specialised services are available to respond to violence against children, including gender-based violence. It also includes ensuring access to maternal health services and birth notifications to facilitate birth registration.

As noted above, the concerned countries should adopt the following priorities to ensure access to adequate health services for child refugees:

- Review legislations to ensure refugee children’s right to health care as well as supporting implementation of these rights;
- Ensure the presence of basic health care system which is accessible to refugee children, including periodic vaccination and immunization;
- Provide maternal and child care and raise awareness on the importance of spacing of children as well as about the impact of physical violence within the family on the health and welfare of the child;
- Scaling up access of pregnant women to maternal health care services, including the provision of birth notifications required to receive birth certificates in most situations;
- Raise families’ health awareness about risks and prevention methods of preventable diseases, including sexually transmitted diseases and AIDS, with special focus on refugee adolescents’ access to sexual and reproductive health services, including but not limited to married girls;
- Provision of parenting programs as part of post-natal care to prevent violence against children as well as accidental injuries, including vehicle accidents, especially for refugee children in urban settings;
- Provide health awareness with regard to harmful traditional practices such as Female Genital Mutilation/Cut (FGM/C) and child marriage, and the

---

health implications of early marriage and pregnancy on girls, with special focus on the services provided for adolescents, but add specific focus on refugees;

- Ensure the presence of affordable medical care and health services and their availability to all survivors of gender-based violence and violence against children. It is recommended to ensure the existence of such services in areas of high refugee concentration;

- Ensure access to health services for child survivors of violence and abuse, as a major part of the routine medical services to avoid social stigma;

- Providing specialized health services to refugee children with disabilities and ensuring that there are preventive services for those children;

- Ensuring adequate procedures are taken to eliminate all challenges to access health services for child refugees who are survivors of sexual and gender-based violence, including language challenges, social stigma connected to some cultural visions as well as documentation challenges;

- Ensure access of child refugees and their families to required information on services available for child survivors of violence against children and sexual and gender-based violence;

- Ensure that identification and support mechanisms for refugee children victims of violence are established in health units and hospitals that are serving refugees;

- Provide systematic and regular training to health practitioners on the identification of child protection cases, especially in relation to violence against children, including refugee children;

- Ensure that mental health services for child refugees who are victims of violence, abuse or exploitation, or those who are suffering from mental health issues, are provided within national mental health services to avoid perpetuation of protection risks;

- Prepare health units and facilities, and supply them with necessary equipment, resources and medicines to deal with rape cases, including post-exposure prophylaxis kit for rape survivors;

- Develop and enhance culturally acceptable national protocols on clinical management of rape cases and other forms of sexual violence, in line with the international protocols developed by the World Health Organization and the national legislation;

- Train workers in the health care and traditional practitioners on guiding principles and referral pathways for responding to violence against children and caring for survivors of gender-based violence and clinical management of rape (CMR) and sexual violence that take into consideration child needs;

- Set information systems and indicators to follow up on the outcomes of the health system and the quality of services provided to refugees, including tracking identification, services and referrals provided to child survivors of violence and SGBV;

- Establishing guidelines and Standard Operating Procedures for psychosocial services providers to children in cases of emergencies and humanitarian conditions.
The aforementioned strategies aim at responding to some specific child refugee cases, such as birth registration, unaccompanied/separated children, child marriage as well as child labour. Light has been shed on these four cases being the major risks on child protection, which face most child refugees in the region.

Giving each refugee child a legal identity/birth registration

Birth registration is a right for all children under international law, without exception. It is also the foundation for obtaining proof of a child’s legal identity, fostering the enjoyment of child rights and preventing statelessness, which affects all areas of the world. The Arab region is one, where statelessness is apparent in its forms.

On the other hand, there are many challenges that may constitute an obstacle to ensuring all refugee children have their births registered, consequently exposing children who remain undocumented and unregistered to the risk of becoming stateless. A birth certificate provides legal evidence of a child’s parentage and place of birth, the factors used by states to grant citizenship to children at birth. While the failure to register a child’s birth, taken alone, does not immediately make a child stateless, it places the child at risk of becoming stateless if there is no way for the child to prove its right to nationality. In MENA, this risk is heightened in situations where the child is separated from one or both of its parents, as countries in the region grant nationality to children on the basis of descent under a system known as *jus sanguinis*, meaning “the right of blood”.

Only few countries in the Arab region have ratified the international conventions on statelessness. Some laws in the region make it more difficult to register children born out of wedlock or children born to parents whose marriages are not approved by the state (as in the cases of some marriages between individuals of different religions or doctrines). Failure to register a child may expose the child to the risk of being deprived of nationality while also jeopardizing other fundamental rights. The lack of birth registration also endangers the right of the child to know and be cared for by its parents, as unregistered children are more difficult to properly trace and reunify with their families in cases of separation or in situations where there are disputes about family composition.

Failure to register a child also exposes him/her to a large number of risks related to lacking proof of age at legal status as a minor, such as recruitment into armed groups and forces, or in the worst forms of child labour, child marriage, deprivation of education and prosecution or detention as an adult. As noted, the failure to register a child’s birth can also lead to statelessness. Once stateless, children are also more vulnerable to the risks of trafficking, all forms of sexual and economic exploitation, poverty, illiteracy, exclusion and gender-based violence, which require special protection measures.

On the other hand, some nationality laws in the Arab region lack provisions that include the children’s right to nationality, where
some nationality laws in the Arab region grant only men the right to transfer their nationality to their children. This exposes the children to the risk of statelessness if the father is stateless or unable or unwilling to assist the child in obtaining his nationality, an increasing concern as conflict and forced displacement have left significant numbers of children forcibly separated from their fathers.

With the escalation of armed hostilities, rapid political transformations, and displacement of many groups in the Arab region, many of them being displaced, risks of statelessness have increased. Conflicts in Syria and Iraq have unprecedentedly increased the rates of forced displacement and child separation. For instance, 5.6 million Syrian children have been forcibly displaced, over 300,000 Syrian children were born in exile as refugees, and the number of refugee children under the age of four now exceeds 700,000.

The aggravation of the Syrian crisis has increased the risk of statelessness for those forcibly displaced from their residence. Additionally, with the destruction of a large number of hospitals, many women were forced to give birth under extremely harsh circumstances, without obtaining the necessary medical birth notification which is required to obtain birth certificates for their babies. On the other hand, the crisis in Iraq has increased the number of displaced and refugees traveling to neighbouring countries. In light of extremely serious developments, the adoption of a strategy to prevent child statelessness in the region becomes an urgent need. Countries of the region must take serious and immediate measures to ensure refugee children’s right to being registered upon birth to avoid statelessness on one hand, and to ensure their access to all their rights to protection, family unity, education, health and legal services on the other hand. Children’s access to obtainment of identification documents and legal identity is considered as a gateway to the enjoyment of all their rights, as these documents provide legal evidence of their age and identity as minors. It is also important to ensure that children who do not have identity documents can access all the services to which they are entitled under international law, while at the same time continuing the efforts to facilitate late birth registration and resolve their lack of documentation.

The Committee on the Rights of the Child referred in many of its general comments being addressed to a number of the countries of the region to the gaps in the legislative and political frameworks impeding registration of children upon birth, the delayed birth registrations, the legal impediments that discriminate between certain groups or against women, the distance and cost barriers, the human and financial capacities of the civil registration systems, the lack of...
programs for refugees’ registration in some cases, and the policies that prevent access to services in cases of lack of identification documents. Among LAS Member States, the Committee on the Rights of the Child has expressed concern in particular in relation to the continuing challenges in securing birth registration for children born out of wedlock and for children born to parents in inter-faith marriages which are not recognized as legally valid by the state.

UNHCR’s Global Action Plan for the elimination of statelessness outlines ten complementary steps to overcome the issue within ten years:

1. Working to solve all cases of statelessness;
2. Ensuring that no child is born stateless;
3. Removing all provisions within nationality laws that discriminate between gender;
4. Preventing all procedures that lead to any person being denied his nationality or losing it on discriminatory grounds;
5. Preventing loss of nationality in cases of State succession;
6. Granting protection status to stateless migrants and facilitating their naturalization;
7. Promoting birth registration for the prevention of statelessness;
8. Issuing nationality documentation to those who are entitled to it;
9. Accessing to the international conventions on stateless persons;
10. Improving quantitative and qualitative data on stateless populations.

Therefore, in light of the current situations in the region, and in line with the international standards and the recommendations issued by various UN organizations, most notably the Committee on the Rights of the Child, it is especially important that countries of the region adopt a number of measures to ensure the registration of refugee children and their enjoyment of all their rights recognized by the international conventions, in accordance with the national laws of each country:

- Enhancing national civil registration systems and adopting more flexible mechanisms such as mobile units to overcome obstacles of depriving remote areas from services, especially in cases of refugees living in urban or rural areas;
- Developing information systems and databases to ease the issuance and replacement of civil status documentation and improve the preservation and sharing of civil registration data;
- Building capacities of workers in civil registration services to ensure comprehensive and timely registration of all civil status events, with particular emphasis on ensuring that all procedures are accessible to refugees;
- Consistently applying positive articles in legislation, such as ensuring birth registration for free or with affordable costs;
- Reconsidering some articles on the transmission of nationality to children. Ensuring elimination of gender-based discrimination that deprive women of their right to pass nationality to their children, which sometimes leads to children suffering from statelessness;
- Reconsidering some articles related to the registration of children born out of wedlock, where the absence of a father or the inability to prove a marital relationship
provide women from registering their babies, which exposes the children to the risk of statelessness and deprivation of all their rights, especially in light of the exceptional circumstances refugees live in, where documentation proving marital status may be lost or destroyed, where there may be more births out of wedlock due to SGBV or sexual exploitation, and where refugees fleeing countries affected by conflicts may be unable to formally register new marriages due to a variety of reasons including the non-functioning of civil registration systems in their countries of origin;

- Mobilizing civil society, community and religious leaders and other concerned parties to raise awareness on the steps of birth registration, birth registration after the expiry of the legal periods, registration legal impacts, and the rights becoming available under the registration;

- Dealing more flexibly with cases of delayed registrations, as some countries in the region refer delayed registrations, which could be due to compelling reasons, to the judicial system to complete the registration process;

- Ensuring protection, education, health, legal, family tracing and other services to the groups who have not registered their children in order not to deprive those children their rights provided for in all the international conventions, while simultaneously continuing efforts to complete late birth registration procedures;

- Ratifying the International Conventions on Stateless Persons.

Provide protection to unaccompanied or separated children

Children separated from their parents and families because of conflict, disaster or forced displacement, or because of economic or social reasons, are at increased risk of violence, abuse, exploitation and neglect in an emergency. These children have lost the care and protection of their families at the moment when they need them the most. They may also be forced to hold adult responsibilities such as the protection and care of their younger siblings.

The Committee on the Rights of the Child defines in its general commentaries “unaccompanied children” are children separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. As for “separated children”, they are children who are below the age of 18 and have been separated from both parents, or from their previous legal or customary primary guardian, but not necessarily from other relatives. Therefore, such category may include children accompanied by other adult family members.49

Because of the number of risks these children are vulnerable to, the Convention on the Rights of the Child grants them the right to get special care, as Article 20 indicates the following:

1. A child temporarily or permanently deprived of his or her family environment, or

48) Unaccompanied child: a child who has been separated from both parents/caregivers and relatives and who is not being cared for by an adult who, by law or custom, is responsible for doing so. This means that a child may be completely without adult care or may be cared for by someone not related or known to the child, or not their usual caregiver e.g. a neighbour, another child under 18, or a stranger.

49) http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf you can also add in reference to the interagency guideline son separated children as well.
in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background.

General Comment No. 6 on the CRC outlines states’ obligations to protect unaccompanied children or children separated from families, including the principles and steps that should be taken into consideration in respect of this most vulnerable group. The general principles for dealing with separated and unaccompanied children outside their country of origin includes that the responsibilities emerging from the Convention vis-à-vis unaccompanied and separated children (UASC) apply to all children under the jurisdiction of the state without discrimination, and to all branches of the state (executive, legislative or judicial). The principle of the best interest of the child is above all other considerations to be taken into account when considering short-term and long-term solutions to the cases of these children and should be specifically taken into account in cases of forcibly displaced children at all stages of forced displacement. UASC rights to life, survival and development should be respected and that they must have the right to express their views freely. Confidentiality and non-refoulement principle should be respected. Country’s legal obligations require states not only to refrain from measures infringing on such children’s rights, but also to take measures to ensure the enjoyment of these rights without discrimination.

General Comment 6 on the CRC also outlines states’ responsibility to respond to the protection needs of UASC, provide access to legal safeguards and rights in relation to asylum procedures, and facilitate family reunification and durable solutions. States commitments include: establishing national legislations; administrative structures; data and information collection; and undertaking integrated training activities to support such measures. Such responsibilities are not only limited to the provision of protection and assistance to children who are unaccompanied or separated, but include measures to prevent separation, including the implementation of safeguards in case of evacuation. States are also required to take all necessary measures to identify children as being unaccompanied or separated at the earliest possible stage, including at the border; conduct assessments taking into account the child’s status, including his/her identity, nationality, cultural, ethnic, and language background to identify the child’s needs and provide access to education, health and adequate standard of living; ensure children have access to appropriate care arrangements and are appointed a legal guardian or legal representation; and protect UASC from various forms of violence, abuse and exploitation. States are also required to carry out tracing activities and, where possible and if in the child’s best interest, to reunify separated and unaccompanied children with their families as soon as possible, or otherwise identify durable solutions (see below for more information on responding to UASC). States also have obligations to ensure child sensitive asylum procedures and never detain refugee children, including UASC, on the basis of their immigration status (see the section “Detention of children” above). In particular, UASC should be provided with
free legal representation, UASC refugee applications should be given priority, and UASC should be interviewed by staff qualified in child friendly procedures, and their specific needs addressed.

The steps necessary to provide protection to this group of children are:

1. **Prevention** of separation of children from their families through raising families’ awareness of the steps that should be taken during crises to minimize risks of children separation, such as ensuring that children know their names, addresses and countries to facilitate tracing families in cases of separation, using identification cards for children in cases of forced displacement, and introducing families to the risks children may be exposed to if separated from their families. Border policies should be adopted, and proper monitoring mechanisms should be in place to avoid family separation and ensure family unity. Providing case management and material support to families to help prevent secondary separation. Avoiding creating “pull factors” for separation, or conditions under which parents might be tempted to register their own children as separated to access to particular services or benefits, for instance by providing financial assistance only to unaccompanied children and not to other child protection cases in need.

2. **Rapid identification** of cases of unaccompanied children or children separated from families upon children’s arrival to the host state, ensuring fast-track access to asylum procedures and refugee registration, providing them with identification documents to ensure their access to all their rights and available services, such as recognition as asylum-seeker or refugee, health, education, psychological support services, etc.

3. **Best Interest Assessment**: Assessing the child status, identify his/ her country of origin, identify children who need urgent care such as children who live alone or child-headed households, and identify habits and traditions in the child’s country of origin and local community and the available care mechanisms there, in order to deal with the case in line with the best interest of the child.

4. **Provision of appropriate alternative care**: Temporary care procedures should be undertaken, including identification of the legislative framework of the host state, considering the child’s opinion, and identifying available possibilities. Alternative care options, as per the UN guidelines on alternative care, include the following:
   a. Kinship care: family-based care within the child’s extended family or with close friends of the family known to the child, whether formal or informal in nature;
   b. Foster care: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children’s own family that has been selected, qualified, approved and supervised for providing such care;
   c. Other forms of family-based or family-like care placements;
   d. Residential care: care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations and all other short and long-term residential care facilities, including group homes;
   e. Supervised independent living arrangements for children, under the supervision of concerned entities.
5. Family Tracing and Reunification:
Putting in place mechanisms to ensure immediate tracing of the families of the children and reuniting them with their families.

_In light of the above, countries should take many steps to provide protection ways to unaccompanied children or separated children in line with the best interest of the child:_

- Ensuring the facilitation of the process of registration of all unaccompanied children or separated children on a priority basis;
- Ensure that upon tracing the family, that family reunification is facilitated as soon as the family relationship is verified, and upon ascertaining the willingness of the child and the family member to be reunified, based on a determination of the best interest of the child. Family reunification is generally in the best interest of the child and as such could be considered the most sustainable solution;
- Ensure border policies respect principle of family unity and facilitate family reunification;
- Improve understanding of secondary separation and challenges/benefits of kinship care;
- Government authorities and case management organizations should facilitate family reunification, including cross-border family reunification through the development of procedures for family reunification, in line with principle of the best interests of the child;
- Ensuring that national legislations include the principle of the best interest of the child and set up appropriate implementation mechanisms, which include the training of case managers on best interest, as well as the training of judges or government social workers responsible for formalizing placements on best interest implementation;
- Reviewing legislations and policies regarding alternative care and ensuring that refugee children can access any existing forms of alternative care, particularly family-based care in families from within their own community, when in their best interest;
- Undertaking survey of all possible alternative care within the refugee community, and developing and implementing efficient and flexible procedures to provide for a range of alternative care mechanisms for refugees, with focus on family-based alternative care, including support to spontaneous family-based care when in the child’s best interest, particularly kinship care by extended family members and/or family friends/neighbours;
- Where appropriate, formalizing temporary alternative care cases to be accredited as permanent solutions, if so is required by the best interest of the child;
- Cooperating with the civil society organizations to provide various flexible services, such as training services to train foster families on how to take care of unaccompanied or separated children;
- Setting unified standards and procedures to timely identify, manage and follow up on alternative care procedures and circulate them to all concerned parties;
- Supporting the process of tracing the child’s family to reunite the child with his/her family, collaborating with concerned agencies such as the International Committee of the Red Cross to ensure active tracing is conducted for at least two years;
- Ensuring that unaccompanied and
separated refugee children get integrated services through best interest procedures and “case management” as detailed above, in which all the child’s needs are identified, and the child is referred to an integrated system of services such as psychological support, education, health, family tracing and other protection services until a long-term solution is reached through the government social services or through cooperation with civil society organizations;

- Strengthening engagement of community in supporting low risk cases, such as supporting families caring for separated children and monitoring their situation;
- Establishing mechanisms to strengthen unaccompanied/separated child participation in decisions related to their lives, while giving their participation proper weight with respect to their age and maturity;
- Formulating national networks for family tracing and reunification, including all government entities and grassroots organizations working with family tracing and reunification.

**Child Marriage**

Child marriage is a form of gender-based violence. Many children in Arab countries, predominantly girls, are vulnerable to child early or forced marriage, which increases the risk of school drop-out, exposes girls to several risks such as domestic violence, limited opportunities and poverty. Adolescent girls are more likely to face complications during pregnancy and childbirth that may be fatal than girls in their twenties and their infants are more likely to die in the first month of their life. A girl under 15 years is five times more likely to die in childbirth than a grown woman; young girls are at increased risk of contracting HIV due to a lack of negotiation power for safe sex and are more likely to experience domestic violence than those who marry at an older age.50

On the other hand, girls who have continued their education rather than married before they reached the age of 18 were more likely to live healthier lives and to enjoy more economic security. They are more likely to prioritize the education of their own children, thus putting an end to a perpetual cycle of poverty.

Child marriage is an issue facing refugee populations in the MENA region. However, it has become more pronounced within the context of the Syrian refugee crisis due to the conflict, forced displacement and poverty as well as the fear of sexual violence. Domestic violence has also been a reason for some adolescent girls to enter into early marriages.

Child marriages increase during emergencies for two main reasons:

- Increased poverty, leading not just to an increase in child marriage, but also to girls getting married at a younger age, as families struggle to survive;
- Perceived threats to the ‘honour’ of the girl child: Child marriage can be seen by communities as a means to protect girls during conflicts and is therefore a reaction to increased levels of (or perceived increases in) sexual violence.51

This practice disproportionality affects girls and is also rooted in pre-existing gender inequalities52.

---

50) Interagency guidance Note, Prevention of and Response to Child Marriage in Kurdistan Region of Iraq.
51) To protect her Honour, Child Marriage in Emergencies, 2015, Care International.
According to UN Women, rates of early marriage among surveyed Syrian refugees in Jordan were high: 51.3 per cent among females and 13 per cent among males responded to have been married before the age of 18, bringing the average of those who had ever been married before 18 years old to 33.2 per cent. It is important to note that early marriage is practiced in some of the host communities. According to UNICEF, the percentage of women 20–24 years old who were married before age 18 amounted to 2.5 per cent in Algeria, 5 per cent in Djibouti, 16.6 per cent in Egypt, 6 per cent in Lebanon, 16 per cent in Morocco, 32.9 per cent in Sudan, 13 per cent in Syria and 43.6 per cent in Yemen.

According to UNICEF, in 2012, child marriage rate among Syrian refugees was 18 per cent of total marriages. In 2013, the rate reached 25 per cent and it increased to 32 per cent in early beginning of 2014, whereas the child marriage rate in Syria before the crisis was 13 per cent of total marriages. In some of the Kurdish areas in Iraq, child marriage has been cited by 24.06 per cent of the key informants as one of the most common forms of GBV.

Given the social, legal and health problems that can result from marriage below 18 years old, the Committee on the Rights of the Child strongly recommended that States enact legislative reforms to increase the minimum age of marriage to 18 years old both with and without parental consent.

According to the Committee’s comments on the periodical reports by Member States, legislation framework often lacks provisions that protect children, particularly girls, from this phenomenon. Legislations in some Arab countries grant judges the right to exclude children from the condition of the minimum age for marriage, pursuant to the CRC, which is 18 years. This creates a gap in the legal framework allowing for underage marriage within a legal frame.

Another important issue regarding child marriage among refugee communities is the fact that, in some areas, child marriages are unregistered. Reasons for this include the lack of knowledge of marriage laws in host countries, involved fees, or because families plan to register the marriage upon returning to their home countries. When the marriage of children remains unregistered, parents deprive their children from the legal safeguards set in the laws of countries that allow child marriage in exceptional cases. Again, failure to see the benefit of this safeguard or lack of awareness of the required procedures or the difficulty in accessing the necessary documentation have all been cited as reasons. This leads to the deprivation of child bride and any future children from any legal protection including the right to alimony, inheritance, the right to register a birth and sometimes child custody.

Therefore, host countries should adopt a comprehensive approach that includes raising awareness of families and communities on the harmful effects and alternatives to child marriages, while improving national prevention and response mechanisms to the needs of children at risk of child marriage as well as child survivors of early marriage.

Therefore, there is a need to adopt the following strategies to address the issue of child marriage:

54) http://www.childinfo.org/statistical_tables.html.
55) Interagency Child Protection Assessment, Erbil, Suleymaneyah and Duhok governarates, 2014.
• Reviewing national legislations on child marriage to ensure they are in line with international standards, including raising the age of marriage to 18 years;
• Supporting the national child protection systems to address the issue of child marriage through the implementation of existing legal frameworks that limit or restrict child marriage;
• Strengthening procedural safeguards and providing guidance to the judicial system to better implement the best interest of the child principle when reviewing applications regarding child marriage, where this is allowed under the existing national legal framework;
• Holding accountable actors who perform or arrange child marriages outside the existing legal frameworks, including those performed informally or marriages for the purposes of sexual or economic exploitation;
• Encouraging and supporting refugee girls to enrol and stay in schools, as education is one of the factors leading to delaying age of marriage;
• Cooperating with civil society organizations to provide formal and informal education as well as socio-economic programs, to assist female child dropout and decrease their child marriage risks;
• Scaling up income-generating opportunities and cash assistance programmes for vulnerable families of refugee girls, to prevent them from resorting to marrying off their daughters as a mechanism to deal with the deteriorating economic circumstances;
• Providing economic opportunities for girls upon their graduation from schools for the purpose of finding alternatives for them;
• Supporting children who are already married to access case management, psychosocial support and appropriate services (education, reproductive health, legal, among others);
• Working on raising awareness within refugee and host communities on alternatives to child marriage, the existing legal frameworks on child marriage as well as to the harmful effects of child marriage. This includes community and religious leaders, girls and boys, mothers and fathers and supporting refugees advocating against child marriage.

Child Recruitment

While the right to care and protection is granted for all children affected by armed conflicts, being a right granted by the CRC (Article 38) as well which guarantees the prevention and response to child recruitment and other risks, this practice remains widespread, despite its international conviction. Child recruitment takes several forms, including recruitment as fighters, for active support roles such as espionage, luggage carrying or mentoring and especially recruitment for sexual purposes. The harm affecting these children ranges from death to permanent disabilities and other forms of emotional and developmental harm on the long-term. These children, sometimes, volunteer under the temptation of empty promises or wrongful perceptions, others sometimes are forced to join armed groups through violence or threats of violence. Stigmatizing and isolation are some of the many serious repercussions of child recruitment, in addition to lost education and mental development opportunities.58

The concept of “mandatory conscription” has long been considered the widest spread form of child recruitment. Although this form of recruitment continues among many

armed groups, there are other push and pull factors that result in child recruitment. Poverty is one of the most important factors that might force children to join armed groups or forces. Providing one meal for the child could be a strong pull factor that can lead parents to hand their children in to armed groups, hoping they would provide food and shelter to them. Another factor is discrimination, where ethnic, tribal or religious identities could lead to the mobilization of whole communities, including children. Some children, who are exposed to viewing their parents or siblings being humiliated or tortured, might join armed groups for revenge. Families and societies might ask children to contribute to defending their communities. It should also be noted that forced recruitment and voluntary recruitment are hardly distinct since, even in case of child volunteers, this volunteerism is due to desperation and a struggle to survive.59

There are several international standards that were agreed on, to ensure international harmony on child protection from recruitment in cases of armed conflict by armed forces or groups. These standards are laid out in the ILO Convention No. 182 related to the elimination of the worst forms of child labour (detailed in annex), also the UN Security Council Resolution 1612 concerned with establishing a mechanism for monitoring and reporting grave violations to children, including child recruitment, and their use in the acts of war. The international standards include the Paris Principles60 as well, which aim at banning the illegal recruitment of children, facilitating the layoff of children connected to armed groups or forces and finding a safe environment for all children. These principles include, as well, non-discrimination, best interest of the child as well as children and justice (dealing with those accused of violating child rights as well as children accused of crimes under the operations of the international law), in addition to child’s right to lay off from armed groups or forces, the active participation of children and respecting their rights.

In light of the above on the phenomenon of child recruitment in the Arab countries and the international consensus on the necessity to combat this phenomenon, it is recommended to adopt the following priorities:

• Adopting policies to criminalize the recruitment and use of children by armed groups and enhancing the national policies in line with this principle;
• Ensuring the adoption of procedures to investigate the entities that recruit and use children, and present them to justice;
• Assigning experts on child protection inside the security forces;
• Layoff of all children, who were observed to be working within the security forces;
• Allowing child protection workers into camps to ensure that there are no children present within;
• Enhancing the layoff and rehabilitation programs;
• Enhancing the civil registry system and including mechanisms to verify age assessments within the recruitment procedure;61
• Adopting national campaigns to raise awareness and ban child recruitment.


Child labour
The international framework provides many provisions for the protection of children from the risk of labour in general, and the risk of the worst forms of labour in particular. Article 32 of the Convention on the Rights of Child refers to the children right to protection from economic exploitation. ILO Minimum Age Convention (No. 138) refers to the protection of children under 15 from work, and his/her right to compulsory education, while ILO Convention No.182 refers to the worst forms of child labour that are banned for all children under the age of 18 and should be eliminated as a matter of urgency.

On the other hand, the Optional Protocol on the involvement of children in armed conflict to the Convention on the Rights of the Child prohibits the involvement of children in armed conflicts, the recruitment of children under 18 by armed groups (whether voluntarily or by force), and the participation of children under 18 in armed conflicts. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography refers to the need to criminalize these serious breaches and to make serious efforts to combat this phenomenon.

Risks of children entering the labour market increases during the times of armed conflict and forced displacement, as children and families face severe economic difficulties, particularly with the lack of job opportunities for generating income. Particularly when adult members of refugee households are not legally allowed to work, households may resort to child labour, which often carries with it less or no legal sanctions but violates children’s rights and can expose them to grave hazards. This is apparent while studying the phenomenon of brokers “shuwaishiyah” in Jordan and Lebanon, who use child refugees in the worst forms of labour in return of giving them basic survival tools (land to stay on, tent, etc.). Many studies that were conducted in the region showed the deteriorating conditions faced by child refugees within the different works that they conduct.

Consequently, concerned states must take the following measures to protect refugee children from child labour in general and its worst forms in specific:

Legislative and policy framework:
- Working to harmonize the age for compulsory education and the minimum age for work;
- Ensure that all sectors and occupations in which child labour could occur are covered by national legislation, including hidden forms of work such as domestic workers and workers in agricultural sector, which could expose children to harmful substances and dangerous devices as well as exposing them to risks of sexual abuse and trafficking;
- Develop and implement national action plans to eliminate child labour which are inclusive of refugee children, and provide support by international organizations to national plans;
- Ensuring that responses to the worst forms of child labour become part of

62) A national plan of action was laid out to combat child labour in Lebanon by the Ministry of Labour and the Operational Committee to Combat Child Labor, which was founded by the President in 2003 at the beginning of the Syrian refugee crisis. In 2016, it was revised by all the relevant entities to add an annex on child labour among Syrian refugees.
humanitarian interventions, in particular in areas of child protection, education, social protection and economic recovery, by providing guidance and training to those working in these sectors;

- Adopting the ILO monitoring and referral systems to ensure the availability of the needed response and coordination on all forms of child labour matters;
- Facilitate access of refugee families to legal documentation, including residency and identity papers, through flexible affordable procedures and refrain from penalizing/detaining them because of lack of documentation. This allows adult family members to move freely;
- Ensure the mandate and terms of reference of national child protection systems include child labour among refugees.

Supporting available knowledge on the phenomenon to take action:

- Analyse the root causes that lead to children’s involvement in the worst forms of child labour (WFCL) while ensuring the disaggregation of data based on age and gender, and allocating specific sections to refugee children;
- Identify the child refugees that are most susceptible to the risk of the worst forms of child labour, such as minorities, unaccompanied children or separated children;
- Include the WFCL in child labour assessments and carry out, as appropriate, an extra in-depth study on the impact of crises on the extent and nature of the WFCL.

Human and Financial Capacity:

- Specify the possible monitoring entities for different worst forms of child labour - for example the field workers affiliated to the Ministry of Agriculture and agricultural syndicates to monitor child labour in agriculture, societal and police mechanisms for children working on the streets and other different worst forms of child labour - while building their capacity on response in accordance with the child’s best interest, guaranteeing that children and families are not criminalized for labour;
- Ensure enough supply of labour inspectors, build their capacity on child labour and ensure that their mandate covers all economic sectors and extends to all children, including refugees and migrants;
- Involve working children in the design, implementation and evaluation of interventions aimed at supporting them;
- Build the capacity of all education workers in refugee schools on child labour to identify indicators of child labour and drop out to support an early warning monitoring system, referral and follow up.

Prevention:

- Support families and communities to fulfil their children needs by economic empowerment and finding income-generating job opportunities, parent peer support and positive parenting initiatives. Provide community with social protection services and positive educational means and linking families to community protection programs to ensure that children remain in education and obtain health services;
- Provide needed trainings and skills concerning professional health and safety for adolescents and adults in
works allowed by the host communities, and coordinate the permission of them to work by the national and local authorities;

- Coordinate with other sectors, including education, social protection and economic empowerment sectors, and raise awareness of workers in these fields about the impact of the support programs on refugee child labour.

Response:

- Monitor cases of refugee children involved in the worst forms of child labour and provide necessary support to immediately withdraw children from the worst forms of child labour and finding alternatives for families and children, especially through establishing a monitoring system on child labour;
- Provide educational enrolment opportunities, as the main alternative for child labour, including formal and accredited non-formal education as pathways back to formal education;
- Non-formal educational opportunities such as accelerated learning programs, remedial classes and life skills should be adapted to the needs of refugee children involved in child labour to provide flexible options to continue relevant education;
- Provide multi-sectoral services specific for working refugee children and their families such as child protection, social protection and livelihood as well as educational and health services in a flexible way;
- Provide community support programs such as involvement in sports, cultural, artistic and community groups. Organize entertainment and cultural activities through the cooperation with the civil society associations;

The International Labour Organization and the Ministry of Labour in Lebanon, in partnership with BEYOND organization, have established community centres to combat child labour through providing coordination roles between the local communities, members of the municipalities, labour organizations, business owners, families of working children and working children, to lay off children from worst forms of child labour, provide rehabilitation services and ensure that children will not return to such labour activities.

- Reducing the economic vulnerability of the families by providing income-generating opportunities for families of working children and children above the minimum age of work;
- Provide community support programs and promote community mechanisms for child protection (such as parents groups, monitoring mechanisms in schools, youth committees and other peer support-based initiatives);
- Refugee children should not be detained as a result of work whether formally or informally.

Advocacy, mobilizing support and raising awareness:

- Raise families and communities’ awareness of the worst forms of child labour and alternatives to child labour using gender-sensitive messages;
- Cooperate with employers and employers’ organizations as partners in combating children labour through the adoption of codes of conduct, monitoring the supply chain to prevent child labour (where applicable) and programs to support the well-being of workers and children.
General Recommendations
Child Protection Legal and Policy Framework

- Review and revise national laws and policies to ensure they are in line with relevant international law and standards in particular the Convention on the Rights of the Child and relevant Optional Protocols. This includes ensuring that the definition of the child is 18 years and international standards for minimum age of criminal responsibility, marriage, working and recruitment into armed groups and forces are respected.

- Ensure that child rights and child protection legislation and policies are non-discriminatory and applicable to refugee children. Ensure that refugee children have the right to access all services including birth registration, education, health and child protection services available to the nationals of the country without discrimination.

- Revise legislation to ensure that the best interest of the child is a key consideration in all relevant decisions and implemented in line with the CRC and General Comment 14 on the right of the child to have his or her best interests taken as a primary consideration particularly in relation to criminal and family law and decisions adopted by social welfare sector actors.

- Develop guidelines on the elements to be considered when determining the best interest of the child and provide training to decision makers, judiciary and service providers on how to operationalize the best interest of the child.

- Remove gender discrimination from relevant legislation in relation to nationality which limits the right of women to confer nationality to their children.

- Remove legislative and policy limitations on birth registration to ensure they cover children born out of wedlock, children born to people of different faiths, children whose fathers are not present and other children at risk so that refugee children can access birth registration.

- Ensure policies for dealing with children in conflict with the law are in line with international standards, and that refugee children have access to national juvenile justice laws and procedures without discrimination.

- Revising national legislations for child protection to encompass the concept of child protection systems, community-based protection committees, and family tracing and reunification services.

- Establishing an “Arab Network for Exchange of Successful Experiences on the Sponsorship of Child Refugees.”

Refugee Legal and Policy Framework

- Ensure refugee families have access to civil status documentation including certificates of birth, marriage, divorce, remarriage and death.

- Ensure that refugee children and families have access to protection and basic services irrespective of asylum status or the presence or absence of other documentation.

- Ensure refugee children and their families can seek asylum and access safety and are protected from refoulement.

- Ensure child friendly asylum procedures, including respect for the principle of family unity, facilitation of family
reunification (inside or outside the region), identification and specific procedures for children at risk and UASC, and respect of child friendly interview procedures and techniques.

- Ensure that immigration detention is never used for refugee children and their families, and alternatives to detention are available. Refugee children and their families should not be detained on the basis of their immigration status or lack of documentation.

- Establishing national networks for tracing, verification and reunification.

- Adopting minimum standards for child protection in cases of emergency, which were prepared by the international working group on child protection in 2012.

**Child Protection Services**

- Conduct analysis of the availability, accessibility, affordability, acceptability and quality of child protection services and develop multi-year plans to strengthen the capacity of national governmental and non-governmental child protection services to prevent and respond to child protection issues for refugees.

- Scale up and support outreach of national child protection services in areas with significant numbers of refugees.

- Provide sustained and predictable technical and financial support from the international community to strengthen national child protection, education and health, and asylum systems to protect refugee children.

- Review national budgets with the aim to ensure the necessary investments for concerned ministries and civil society organizations to provide child protection and other services to all children including refugee children in equitable manner and without discrimination.

- Ensure access of all children to key child protection services and address specific barriers for refugee children to access these services, including implementation of flexible, affordable procedures, local community outreach, training and capacity building of staff on specific refugee issues, and provision of translation wherever possible.

- Ensure the following services are available to refugee children: Case management, birth registration, child-friendly police and judicial procedures, legal aid, alternative care arrangements based on foster care for unaccompanied/separated children, safe shelters for child survivors of violence as well as health and educational services to child refugees.

- Build the capacity of the following actors on protection of refugee children:

  1. Child protection case workers to respond to child protection cases and refer to relevant services;
  2. Teachers in refugee schools on dealing with children, adopting child friendly teaching methods, positive discipline, conflict management and life skills;
  3. Health workers on clinical management of rape, responding to cases of violence, abuse and exploitation of children;
  4. Labour inspectors to prevent and respond to cases of refugee child labour;
  5. Justice sector staff on international
6. Border authorities on dealing with refugee children, ensuring family reunification, identification and response to children at risk and unaccompanied and separated children, and facilitation of family reunification;


- Ensure livelihood opportunities are available for refugee families and children above the legal working age to avoid negative coping strategies such as child labour and child marriage.

- Develop, regularly update and build capacity on standard operating procedures on refugee child protection that include case management steps and prioritization, best interest assessment and best interest determination procedures, relevant national and international laws and standards, referral pathways as well as roles and responsibilities of relevant actors.

- Ensure national child protection data management systems and national assessments of child protection issues; provide disaggregated data on the child protection issues and needs for refugees.

**Recommendations on specific child protection issues**

- Supporting national civil registration systems and implementing flexible procedures to allow refugees in remote areas to register their children.

- Ensure specialized services are available to UASC such as identification, family tracing and reunification, BIA and BID as well as alternative care.

- Reviewing national legislations to ensure they are in line with international standards in relation to child marriage and supporting the judiciary to ensure the implementation of the best interest of the child when exercising discretion in cases of underage persons’ application for marriage in countries where this is allowed under existing national legislations.

- Ensuring effective legislation and legal enforcement against the worst forms of child labour, while setting up legal provisions and guidance for allowing light work that does not hamper children’s education or development (in accordance with ILO Convention No. 138).

- Facilitate access to social protection mechanisms as a preventive measure against child labour.

**Community-based child protection**

- Establishing national social protection systems and ensuring their inclusion within all agencies working in the child protection areas as well as provide support to communities to help them to better prevent and respond to violence, abuse, exploitation and separation of refugee children as well as promoting social cohesion and prevention of discrimination against refugee children, including:

  - Existing positive alternatives to common child protection issues
among the refugee communities such as separation, child labour, and child marriage;
- Risks facing refugee children such as SGBV, trafficking, worst forms of child labour, child marriage, child recruitment and the negative impacts of these on children and communities;
- Children’s rights under relevant national laws and procedures;
- How to identify and refer cases of child protection to relevant services;
- Support community dialogue, action and solutions on child protection issues.

• Build refugee children’s skills on self-protection and knowledge of their rights and available services, in addition to participation skills, to encourage their participation in all matters pertaining their lives.

• Map existing community assets resources positive knowledge, attitudes and practices as well as existing networks and advocates within the refugee and host communities to better protect refugee children.
There are many international conventions and protocols on children’s rights, which also vastly apply to the rights of refugee children. These international standards represent the legal framework for ensuring all children’s rights, in general, and refugee children, in particular. The ratification of these conventions requires the incorporation of these international obligations into the contracting state’s national legislation and implementation mechanisms. The following are some of the most significant international instruments related to these rights and the states’ dedication to commit at all times, with emphasis placed on the articles that are most relevant to the rights of refugee children and that take into consideration special risks that might be encountered by children in situations of conflict, and that forces them to flee whether on their own or with their families. The most important instrument related to child rights is the Convention on the Rights of the Child, which is universally ratified by all Member States of the League of Arab States. Refugee children also benefit from the rights outlined in the Refugee Convention (see section below).

**Convention on the Rights of the Child**

The Convention on the Rights of the Child (CRC) is the first international convention to outline an integrated approach to the human rights, including their civil, cultural, economic, political and social rights. It also covers some aspects of International Humanitarian Law and International Refugee Law, namely in relation to Article 22, which establishes the right of all refugee and asylum-seeking children to receive protection and assistance from a contracting state in which they reside. The Convention’s articles may be divided into four categories of rights and a set of governing principles. The significance of the Convention on the Rights of the Child is attributed to its near universal ratification by UN Member States, making the Convention a powerful instrument for mobilization and advocacy on child rights principles and standards that reflect a strong consensus within the international community.

The core principles on which the CRC is based on include: non-discrimination principle; the best interest principle; the child’s rights to life, survival and development; and the child’s right to participation, which also serve as the foundation for ensuring the enjoyment of all rights enshrined in the Convention. The CRC defines the child in Article 1 therein as a person “below the age of 18 years unless under the law applicable to the child, maturity is attained earlier”. The Committee on the Rights of the Child has clarified that all persons under the age of 18 are entitled to all the rights enshrined in the Convention. Furthermore, it advocates with states parties whose national legislation sets the age of maturity below 18 to raise the legal age of adulthood under the law.

Article 2 refers to the principle of non-discrimination as it stipulates that CRC applies to all children, irrespective of the child’s or his/her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
Article 3 establishes that the best interest of the child must be a primary consideration in making any decision related to children, including all decisions related to budgets, policies, and laws as well as individual decisions that may affect the well-being of a particular child or group of children.

Article 6 recognizes the child’s right to life, as governments bear the responsibility of ensuring children’s survival and development to the maximum extent possible.

Article 12 stipulates the need to respect children’s opinions as children should be listened to while making decisions related to them, since the Convention encourages adults to hear children’s opinion which requires ensuring the right of the child to be heard in any judicial or administrative matter affecting them. The Convention encourages adults to hear children’s opinions and involve them in the decision-making process, with the views of the child being given due weight in accordance with the age and maturity of the child. The CRC recognizes that the level of children participation must be appropriate to their maturity level.

A set of articles refer to the rights to survival and development, which is the set that refers to the right to access resources, skills as well as needed services for the full survival and development of a child. These articles recognize the right of the child to food, accommodation, clean water, formal education, primary health care, leisure time, entertainment as well as cultural activities and information that have the child introduced to their rights. This set of rights requires dedicated tools to ensure they are achieved and made available. In addition, the Convention includes dedicated articles addressing the situation of refugee children, children with disabilities as well as minority and indigenous children. While these articles address specific needs that are applicable to these particular groups of children, it should be noted that the Convention in its entirety applies to all children within the jurisdiction of a state party, including those who are refugees, minorities, indigenous, migrants, stateless or without legal residency status in the country.

As for the articles related to the rights to protection, they cover protection from all forms of child abuse, negligence, exploitation and cruelty, including the right to have special protection during times of wars and the specific rights of children within the criminal justice system. This includes avoiding the detention of children due to its fundamental incompatibility with their best interests, with detention to be used only as a measure of last resort and for the shortest period of time.

Another set of articles refer to the child’s right to participate. This includes the child’s right to enjoy free expression, the child’s right to information, and to enjoy freedom of assembly. Children’s enjoyment of these rights during their growth process helps them assert and enjoy other key rights and prepares them to play an effective role in the society.

Finally, there is a set of rights that covers human rights, as children and youth should enjoy the same basic human rights, similar to those enjoyed by adults, in addition to a set of special rights that recognize children’s special needs.

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

In 2001, the United Nations General Assembly called for all member states to sign the Optional Protocol to the Convention on the Rights to the Child on the Involvement of Children in Armed Conflict. All League of Arab States (LAS) member States ratified the Protocol except for
Mauritania and the United Arab Emirates (UAE). Article 1 of the Protocol called for the states parties to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities. Article 2 stipulates that state parties shall ensure that persons who have not attained the age of 18 years are not compulsorily conscripted into their armed forces.

Article 3 stipulates that state parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in para. 3 of Article 38 of the Convention on the Rights of the Child (which is under 15), taking into account the principles contained in that article and recognizing that, under the Convention, persons under the age of 18 years are entitled to special protection.

On the other hand, Article 4 of the Protocol states that armed groups distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years and that member states shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

Article 7 stipulates that member states shall cooperate in the implementation of the Protocol, including cooperating in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to the Protocol.


This Protocol is the second of two protocols to the Convention. This Protocol focuses on a specific category of risks that might be encountered by children, in general, and the most vulnerable groups, in particular. All LAS Member States ratified the protocol except for Somalia and the State of Palestine. Article 1 of the Protocol stipulates that state parties shall prohibit the sale of children, child prostitution and child pornography. Article 2 defines the meaning of such three terms as follows. The term “sale of children” means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. The term “child prostitution” means the use of a child in sexual activities for remuneration or any other form of consideration. The term “child pornography” means any representation, by whatever means, of a child engaged in sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Furthermore, Article 3 states that each state party shall ensure, as a minimum, to cover under its law the following acts and activities: the sale of child, child sexual exploitation, transfer of child organs for profit, forced child labour, mediation in improper and illegal consent for child adoption, offer, procure or provide a child for child prostitution, and producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography as defined in the Protocol.

Convention Relating to the Status of Refugees

The Convention Relating to the Status of Refugees was founded based on Article 14 of the Universal Declaration of Human Rights of 1948 that recognizes the right of any person to
seek asylum from persecution in any other state. Currently, the Convention adopted in 1951 is considered a key source of international protection of refugees. It entered into effect in 1954 and was amended in 1967 under a protocol to remove the geographical and time boundaries set by the Convention. Among LAS Member States, Algeria, Djibouti, Egypt, Mauritania, Morocco, Sudan, Tunisia, Yemen and Somalia are parties to the 1951 Refugee Convention or its 1967 Protocol. The Refugee Convention clarifies all the rights contained in all the refugee-related international conventions and their application on the international level. The Convention Relating to the Status of Refugees adopts a standard definition of a refugee in Article 1, highlighting the refugees’ right to protection from all forms of persecution. According to the Convention, a refugee is any person unable or unwilling to return to his/her homeland due to a well-founded fear of persecution for reasons related to race, religion, nationality, membership of a particular social group or political opinion. The Convention recognizes certain fundamental principles, including the right of all refugees and asylum-seekers to non-discrimination, non-penalization for seeking asylum and non-refoulement. It applies to all refugees, regardless to race, religion, country of origin or any other forms of discrimination. The Convention also establishes the principle that refugees should not be penalized for unlawful entry or stay in another country, as the necessities of seeking asylum might require violation of asylum laws and policies. It prohibits the imposition of penalties for violations related to asylum claim. The Convention include some guaranties concerning refugee expulsion, where the cornerstone of the Convention is the principle of non-refoulement, which obliges states to refrain from returning a refugee or asylum-seeker to their countries of origin or to any other territories where their life or fundamental freedoms would be threatened. This principle has since acquired the character of customary international law, meaning that it is binding on all states, including those which have yet to ratify the 1951 Refugee Convention or its 1967 Protocol. Additionally, prohibitions against refoulement can also be found in other international human rights instruments which are widely ratified among LAS Member States, such as the UN Convention Against Torture, Article 3 of which establishes that “no State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture”. The norm of non-refoulement is further reinforced by the International Covenant on Civil and Political Rights (ICCPR), Articles 6 and 7 of which respectively recognize the right of all persons to life and protection from torture, cruel, inhuman or degrading treatment or punishment, including in the context of protection against forcible return to countries or territories where individuals would be at risk of such abuses. The 1951 Convention also establishes several minimum standards of treatment of refugees, including, inter alia, the right to resort to the judiciary, children’s right to basic education, right to work and obtain official documents including passports and the right to health services, among other rights.

**Conventions Relating to Stateless Persons**

The Convention on the Reduction of Statelessness was adopted in August 1961 and entered into effect in late 1975. This Convention is complementary to the Convention of 1954 relating to the Status of Stateless Persons. It came in the wake of a decade of international debates on how to avoid the cases of statelessness. Together, these Conventions form a key component of the international legal framework on the issue of statelessness, the phenomenon that has extremely negative implications on the lives of millions of people around the world. The 1961 Convention
set out the principles of granting, retaining and not withdrawing a nationality, for the purpose of reducing the cases of statelessness in alignment with Article 15 of the Universal Declaration on Human Rights stipulating that every person has the right to a nationality and to be protected from arbitrary deprivations of nationality. The 1961 Convention recognizes that although every state has the right to draft its own citizenship laws, states shall adhere to certain international standards on nationality, including the principle of avoiding cases of statelessness. The Convention seeks to maintain balance between the individuals’ rights and the states’ interests, through prohibiting statelessness and permitting some exceptions.

Among the guarantees the Convention seeks to establish, there is the prevention of statelessness upon birth. The Convention does not call upon states to grant citizenship to all children born in their territories. Rather, it establishes a safeguard against statelessness at birth by obliging states parties to grant nationality to a child born in its territory in cases where the child would otherwise be stateless. This principle is reinforced by Article 7 of the Convention on the Rights of the Child, which establishes that all children have the right to acquire a nationality, and that states shall ensure the implementation of this right where the child would otherwise be stateless. However, Article 7 of the CRC does not necessarily require that a state provides its own citizenship to all children at risk of statelessness within its territory. Other key measures to prevent statelessness in this context include registering the birth of every child and taking efforts, in conjunction with other states to which the child has a link, to confirm and document the child’s nationality. The right of all children to a nationality and legal identity is further reinforced by Article 24 of the ICCPR, which also recognizes the right of all children to be registered and to acquire a nationality at birth.

The 1961 Convention on Statelessness also seeks to reduce the cases of statelessness in an individual’s latter stages of life by prohibiting the procedures of withdrawal of nationality from the State’s citizens due to nationality loss, renunciation or deprivation if such procedures would result in statelessness. Finally, the Convention obliges states to avoid statelessness in the cases of transfer of territories from one state to another. The Convention also provides reference for non-member states to monitor gaps in their nationality laws. Only a few LAS Member States have ratified these Conventions, as Algeria, Libya and Tunisia ratified the 1954 Convention, whereas Libya and Tunisia have also ratified 1961 Convention.

International Labour Organization Convention No. 182 - The Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

The Convention No. 182 on the Elimination of the Worst Forms of Child Labour was adopted in 1999. It calls for the prohibition and the elimination of the worst forms of child labour as soon as possible. The Convention defines the worst forms of child labour as follows:

- All forms of slavery such as the sale and trafficking of children, debt serfdom and other forms of forced labour, including recruitment for use in armed conflicts and wars;
- All forms of child sexual exploitation, including child prostitution, child pornography and pornographic performances;
- Involvement in any form of illicit activities particularly production and trafficking of drugs;
Any form of work which is likely to harm the health, safety or well-being of children (hazardous forms of labour).

The states that have ratified the Convention shall adopt the immediate measures to eliminate the worst forms of child labour. The Convention defines the child as any person under the age of 18 years. As for the hazardous labour, each state shall set its own legal interpretation of the acts that cause harm to the child health, safety or welfare, in order to provide the needed protection to children. The national lists of hazardous works shall be periodically updated. Given the vulnerability of refugee children and the deteriorating conditions they live in, refugee children are more vulnerable to involvement in the worst forms of child labour; therefore, they are in need of special protection from such forms of work. All LAS Member States have ratified this Convention.


This resolution addressed the international conventions on child recruitment such as the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflicts. On the grounds of these international standards, the Resolution strongly condemned the practice of child recruitment by parties to armed conflicts and their violation of international obligations in this regard, with child recruitment also resulting in killing and raping of children and to their exposure to all forms of sexual violence, particularly girls. Resolution 1539 also condemned the abductions, forced displacement, the blocking of humanitarian aid from reaching children, the armed attacks against schools and hospitals, trafficking, forced labour, all forms of slavery and all other violations against children affected by the armed conflicts. The UN Secretary General called for setting a comprehensive mechanism to monitor cases of recruitment and to collect information on such cases. The Resolution referred to the intention to take measures to minimize the link between illegal trade in natural resources, illegal trade in light weapons, cross-border abduction, recruitment and all the armed conflicts that might negatively affect children. The Resolution also stipulated the intention to impose gradual sanctions, through decisions, on specific countries ranging from bans from exporting light weapons and other military equipment, to the intention to prevent military aid, if parties to conflicts refuse to engage in a dialogue or fail to develop action plans or to adopt the obligations contained in the action plans.

**The Security Council’s Resolution 1612 (2005) on the establishment of a mechanism to monitor child recruitment**

This Resolution is particularly relevant to refugee children, who remain the most vulnerable to recruitment into armed forces and armed groups. Resolution 1612 was unanimously adopted by the members of the Security Council. The Resolution called for the establishment of a mechanism to collect accurate, neutral and reliable information on the armed forces and armed groups that recruit children, and for the commitment to certain time frames regarding the issues of child recruitment and violation of the relevant international laws. The mechanism to be established should provide information on six grave violations against children resulting from the armed conflicts: recruitment of children, killing and maiming of children, sexual violence against children, attacks on schools and hospitals, abduction of children and denial of humanitarian access. The mechanism should be activated with the participation of both
the national governments, the relevant UN bodies and concerned civil society organizations. The Security Council has established a working group to receive reports formulated using the said mechanism. The working group reviews the progress of the formulation and implementation of the action plans on the reduction of recruitment and the other grave child rights violations in armed conflicts.


This Protocol is supplementary to the United Nations Convention against Transnational Organized Crime and should be interpreted together with it. Article 2 of the Protocol stipulates that its purposes are to prevent and combat trafficking in persons, paying particular attention to women and children, as well as to protect and help the victims of such trafficking, respecting all their human rights and to promote cooperation among states parties in order to meet these objectives.

Article 6 of the Protocol stipulates the measures to be taken to protect victims of trafficking and to help them through health, psychological and social care; Articles 7 and 8 address the status of victims of trafficking in receiving countries and measures for victims’ safe and voluntary return. The Protocol also addresses means to prevent trafficking, international cooperation and protection-sensitive border control policies to deter human trafficking and to better identify and respond to trafficking incidents.


These principles were set by the international Child Protection Working Group in 2012, in admission of the need for an agreement on several minimum standards that all workers must commit to through their efforts to provide child protection services during crises. These standards aim at:

- Establishing common standards among workers in the child protection field;
- Enhancing the quality of programs concerned with child protection;
- Enhancing accountability in the framework of child protection;
- Providing contemporary examples to the best practices;
- Opening space for advocacy efforts on the child protection risks, needs and responses needed.

The following standards were agreed upon:

Standards related to the proper response services to child protection

Standard (1): Coordination;
Standard (2): Human Resources;
Standard (3): Communication, advocacy and mass media;
Standard (4): Programme Cycle Management;
Standard (5): Information Management.
Standards related to meet the child protection needs
Standard (7): Risks and Dangers;
Standard (8): Physical and emotional maltreatment;
Standard (9): Sexual and gender-based violence;
Standard (10): Psychological and mental distress;
Standard (11): Children associated with armed forces or groups;
Standard (12): Child labour;
Standard (13): Unaccompanied/separated children;

Standards related to setting active strategies in child protection:
Standard (15): Case management;
Standard (16): Community level approaches;
Standard (17): Strengthening families and caregiving environments;
Standard (18): Protection of vulnerable and marginalized children.

Paris Principles and Guidelines on Children Associated with Armed Forced or Armed Groups
The principles were laid out by a large group of competent entities to influence the behaviours of actors, including: States (those affected with conflict and donor countries), human rights organizations, workers in the field of humanitarian assistance, workers in the development field, workers in military forces or security forces (governments and non-governments), concerned organizations, including United Nations agencies and other international entities, national, international and community organizations. These principles aim at guiding all interventions with the aim of: banning illegal recruitment, use of children, facilitating the layoff of children associated with armed groups or forces, facilitating the rehabilitation of children associated with armed groups or forces, and ensuring the availability of a safe environment for all children.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty
These Rules were adopted in 1990 during the United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The objective of these rules is to establish the minimum standards acceptable by the UN to protect juveniles deprived of their liberty in line with human rights and the fundamental freedoms. These Rules shall be applied to all juveniles (children under the age of 18) without discrimination of any kind as to race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, economic, birth status, ethnic or social origin, and disability. States shall make these rules available to the workers in the field of juvenile justice in their native languages. Juveniles also have the right to get interpretation services in case of difference between their language and the language of workers in the field of juvenile justice. The Rules also stipulate that countries should include these rules in their legislations and monitor their implementation.
The Rules are reinforced by key provisions of the Convention on the Rights of the Child, including Article 27 prohibiting the arbitrary arrest or detention of children, and generally cautioning against the detention of children by clarifying that it should only be used as a “measure of last resort and for the shortest appropriate period of time”. Article 40 of this Convention outlines the procedural and protection safeguards which must be in place any time for children who are in conflict with the law. The rights of all persons, including children, to protection from arbitrary arrest and detention and to due process are also enshrined in Articles 9, 10, 14 and 15 of the International Covenant on Civil and Political Rights, which also takes note of the special needs of children in conflict with the law.


In addition, as noted above, the CRC (Art 2.2) states that children should not be subject to punitive measures because of their parents’ status. The UN Committee on the Rights of the Child has further concluded that “The detention of a child because of their or their parent’s immigration status constitutes a child rights violation and always contravenes the principle of the best interests of the child.”

**The Arab Charter on Human Rights**

The League of Arab States issued this Charter in May 2004. It addresses a comprehensive package of human rights inside the Arab world. It includes a number of articles that may apply to refugees in general and to refugee children in particular. For instance, Article 3 stipulates that every individual subject to the jurisdiction of a Member State shall have the right to enjoy all the rights and freedoms outlined in this Charter, without discrimination on the basis of race, colour, sex, language, religion, political opinion, national or social origin, wealth, birth, while also noting the equality of men and women.

Article 28 also recognizes the right of all persons to seek asylum in other countries fleeing persecution and that political refugees shall not be extradited. Article 29 recognizes that everyone has the right to a nationality and to be protected from arbitrary deprivations of nationality. Finally, Article 33 refers to the importance of the family as the core unit of society and the right of the family, mothers, children, and older persons to protection and care to be provided by the state.63

**The African Charter on the Rights and Welfare of the Child**

The African Charter on the Rights and Welfare of the Child was drafted in 1990 and entered into effect in 1999. The Charter addresses a comprehensive package of rights, starting with the definition of the child as every human being below the age of 18 years. The Charter covers a number of principles, most notably the best interest of the child and non-discrimination. Subsequently, it referred to the child’s rights, including the right to survival and development, right to nationality and registration at birth, right to freedom of expression, assembly and intellect, right to protection of privacy, right to education, right to educational environment that preserves dignity, rights to entertainment, and right to cultural activities. The Charter highlights the rights of children with special needs, and some articles refer to the child’s rights to health

---

services and protection against economic exploitation, abuse and torture. On the other hand, the Charter provides children with protection within the justice system. It also addresses children rights to family care and protection from harmful traditional practices such as early marriage. It also stipulates for protection from forced recruitment.

Article 23 highlights the rights of refugee children, as it stipulates that they should be protected, whether they are accompanied or unaccompanied by families, and providing them with all forms of protection granted by applicable international conventions and humanitarian laws, including instruments to which a State has acceded. The Charter also provides for the protection of children deprived of parental care, and protection from discrimination, sexual exploitation and trafficking. The Charter also refers to the child’s responsibility towards his/her family and community.

**Covenant on the Rights of Child in Islam**

The Organization of the Islamic Conference (OIC) adopted the Covenant in 2004 recognizing key child rights within the framework of Islam. Article 2 stipulates in paragraph 4 that all children irrespective of gender, nationality, religion, colour, birth or any other consideration have the right to free compulsory primary and secondary education to develop education through development of school curricula, training of teachers, and opportunities for vocational education. Paragraph 6 of the same article stipulates the need to provide the necessary care of children with special needs and those living in difficult conditions, which would include refugee children while addressing the causes of these conditions. Article 7 addresses the right of all children to a legal identity; it stipulates that every child, since birth, has the right to a name at birth, to be registered, and to acquire nationality, and that the state shall safeguard all the elements of the child’s identity, including his/her name, nationality, and family relationships and calls on state parties to resolve the issue of statelessness for all children born on their territories or to any of their citizens outside their territory. The article also stipulates that a child of unknown parents shall have the right to care and guardianship, without adoption. S/he shall have the right to a name, title and nationality. Article 8 that addresses family unity states that no child shall be separated from his/her parents against their will unless under extreme necessity, without prejudice to the best interests of the child and through legal justification of the concerned state, while providing the opportunity for both the child and his/her family to make their views known. Article 15 stipulates the provision of care for the child in all stages starting from the embryo stage through the provision of preventive medical services and the medical care to the mother and the child. Article 17 that addresses child protection stipulates the child’s right to protection from violence, abuse, sexual exploitation, trafficking as well as protection from recruitment into armed groups. Article 18 addresses the issue of child labour and the child’s right to the protection from the worst forms of labour noting that member states should fix a minimum age of labour. Article 19 stipulates the child’s right to protection when dealing with the judicial police system. Article 20 provides the protection against harmful traditional practices and the gender-based discrimination. Finally, Article 21 stipulates the need to provide protection for refugee children through the provision of protection frameworks within the national laws of member states.
### Annex II

**Basic determinants for analysis of child protection systems**

<table>
<thead>
<tr>
<th>The basic determinants to analyse child protection systems in the response process to the Syrian crisis.</th>
<th><strong>Legislative Framework and Policies:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supportive institutional environment</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- How far do the national legislations and policies align with international standards?</td>
</tr>
<tr>
<td></td>
<td>- How far do the national legislations and policies guarantee that child refugees enjoy the same protection rights, enjoyed by other children under the jurisdiction of a certain country?</td>
</tr>
<tr>
<td></td>
<td>- How far are national legislations and policies concerning child protection applied in a consistent form?</td>
</tr>
<tr>
<td></td>
<td>- Do refugees enjoy a non-discriminatory approach during the application of laws and policies concerning child protection?</td>
</tr>
<tr>
<td></td>
<td>- How far do border policies concerning refugees affect child refugee protection?</td>
</tr>
<tr>
<td></td>
<td>- Have the refugee crises provided an opportunity for reform or enhancement of legislative framework and policies relevant to child protection? Or had the policies and legislations adopted upon the refugee crises a negative impact on the children’s ability to access child protection services?</td>
</tr>
<tr>
<td></td>
<td>- How far have standard operating procedures reflected the national policies, legislations and services relevant to child protection?</td>
</tr>
<tr>
<td><strong>Financial/budgetary capacity and spending on child protection services</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- How far have the actors in the child protection field been able to obtain the necessary funding needed to respond to the increasing pressures on services due to the refugee crisis?</td>
</tr>
<tr>
<td></td>
<td>- Were any increased budgetary, needed to be spent on providing child protection services, covered through the national budget?</td>
</tr>
<tr>
<td><strong>Coordination and management on the national and local levels</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Is there a national mechanism for coordination in the child protection field in the concerned country? If yes, has refugee response been included in this mechanism?</td>
</tr>
<tr>
<td></td>
<td>- Do the special national mechanisms for child protection, which were established to deal with the refugee crises, include the government and the national partners? Are they playing an effective role in coordination?</td>
</tr>
<tr>
<td></td>
<td>- Is the government playing an effective role in coordinating the response to the refugee crisis?</td>
</tr>
<tr>
<td></td>
<td>- In case there are national mechanisms for coordination of child protection, child protection working groups, is there an information exchange and coordination mechanism between those entities?</td>
</tr>
</tbody>
</table>
### Annex III

**Human Rights-related Conventions – Member States in the Arab Region**

|----------------|-----------------------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|

(Annex III continues)
<table>
<thead>
<tr>
<th>State</th>
<th>N</th>
<th>N</th>
<th>N</th>
<th>N</th>
<th>N</th>
<th>N</th>
<th>N</th>
<th>P</th>
<th>N</th>
<th>N</th>
<th>N</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tunisia</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UAE</td>
<td>P</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>Yemen</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>P</td>
<td>N</td>
</tr>
</tbody>
</table>

- **N**: Not a party and non-signatory
- **S**: Signatory
- **P**: Party
- **Link**: Names of the States = The state of the reports on the position of the High Commissioner of Refugees
- **Titles of the Conventions** = The position relevant to the status of ratification
1- **Refugees:**

“Refugees are people fleeing conflict or persecution. They are defined and protected in International Law and must not be expelled or returned to situations where their life and freedom are at risk.” (Source: UNHCR). International law defines a refugee as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” 64

2- **Internally Displaced Persons:**

“Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.” 65

3- **Stateless Persons:**

“A ‘stateless person’ means a person who is not considered as a national by any State under the operation of its law.” 66

4- **Asylum Seekers:**

“An asylum-seeker is someone whose request for international protection has yet to be processed. The UDHR establishes that everyone has the right to seek and enjoy asylum. Asylum-seekers also enjoy the right to *non-refoulement*.” 67

---


Regional Plan of Action for the implementation of the Arab Strategy for the Protection of Children in Asylum Context in the Arab Region
Regional Plan of Action for the implementation of the Arab Strategy for the Protection of Children in Asylum Context in the Arab Region

The Regional Plan of Action aims at determining the steps that need to be taken at the regional level to enact the Arab Strategy for Child Protection in Asylum Context in the Arab Region, while encouraging the Member States of the League of Arab States to develop national plans of action. This Plan of Action suggests indicators on both the national and regional levels. The following indicators, in their whole, measure the progress attained at the state level, although some of them measure the progress attained at a regional level. On the other hand, some key activities refer to long-term interventions (from three to five years), while some other activities refer to short- or medium-term interventions (between one and two years), which will be clarified below.

<table>
<thead>
<tr>
<th>Strategic Objectives</th>
<th>Results</th>
<th>Key Activities</th>
<th>Indicators</th>
<th>Responsible Partners</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| National child protection systems have the capacity to prevail and respond to the protection needs of refugee children. | Legislative and policy frameworks capable of providing protection to refugee children. | • Ensure all child rights and child protection laws are applicable to refugee children (long-term plans).  
• Review child related legislations to ensure the definition of the child, age of marriage and age of criminal responsibility are in line with international standards and remove gender discriminatory clauses (long-term plans).  
• Put in place rigorous mechanisms for determining children’s best interest including through national laws and policies and involving national authorities in best interest determination (BID) panels for refugee children (medium-term plans).  
• Review labour and education laws to ensure the minimum working age is | • The degree of access for refugee children into national child protection systems.  
• # of legislative, regulatory or policy amendments securing protection for refugee children.  
• # of BID mechanisms implemented in collaboration with national authorities (regional indicators). | League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, ILO, concerned international and regional organizations, and civil society partners. | 2019-2024 |
<table>
<thead>
<tr>
<th>Strategies and Indicators</th>
<th>Numerical Data/Qualitative Outcomes</th>
<th>Organizations and Timeframe</th>
</tr>
</thead>
</table>
| Strong coordination mechanisms among all child protection actors for the refugee crisis response. | • Integrate refugee response into national child protection coordination mechanisms (medium-term plans).  
• Engage concerned governmental agencies in the coordination of the response to the refugee situation (short-term plans).  
• Establish information sharing mechanisms between concerned governmental child protection bodies and parallel coordinating bodies (medium-term plans). | League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners.  
2019-2024 |
| National actors have the capacity to provide high quality protection services to refugee children. | • Building the capacity of social workers or case managers in the concerned ministries and/or relevant civil society organizations to conduct case management for refugee children at risk (medium-term plans).  
• Building the capacity of child protection actors (governmental and non-governmental) to identify the most at-risk refugee children cases such as unaccompanied or separated | League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners.  
2019-2024 |
- Building the capacity of law enforcement actors to deal with cases of refugee children who are victims or witnesses of crime and children in conflict with the law, in line with international standards and children’s best interest (medium-term plans).

- Building the capacity of the judiciary to deal with cases of refugee children, including in relation to child victims and witnesses, family law and alternatives to detention (medium-term plans).

- Building the capacity of the legal system to deal with exploitative networks engaged in trafficking, slavery, recruitment or sexual exploitation of refugee children (medium-term plans).

- Building the capacity of labour inspectors to identify the worst forms of refugee child labour and intervene based on child’s best interest (medium-term plans).

- Developing unified minimum standards and Standard Operating Procedures (SOPs) for preventive and protective services, social care institutions, alternative care procedures to guarantee a high-quality service (short-term plans).

- # of guidelines and unified standards of protection services and social care institutions that have been developed.
<table>
<thead>
<tr>
<th>High quality preventive and protective services.</th>
</tr>
</thead>
<tbody>
<tr>
<td>● Conduct analysis of the availability, accessibility, affordability, acceptability and quality of child protection services to protect refugee children (short-term plans).</td>
</tr>
<tr>
<td>● Support scaling up, capacity building and outreach of child protection services in areas with significant numbers of refugee children (medium-term plans).</td>
</tr>
<tr>
<td>● Introducing policies and procedures to remove financial and procedural barriers to the access of refugee children to child protection and other multi-sectoral services (medium-term plans).</td>
</tr>
<tr>
<td>● Develop tools (SOPs and evidences) to assist governmental and non-governmental organizations in the protection of refugee children (short-term plans).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>National data systems capable of providing the necessary data for follow up, monitoring, and impact evaluation on protection interventions of refugee children.</th>
</tr>
</thead>
<tbody>
<tr>
<td>● Conduct inter-agency data collection, analysis and reporting by actors concerned with the refugee child protection sector (medium-term plans).</td>
</tr>
<tr>
<td>● Ensure national child protection assessments address the specific needs of refugee children (medium-term plans).</td>
</tr>
<tr>
<td>● Organize training workshops to build the capacity of staff of national data collection authorities to cover refugee issues.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2019-2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>League of Arab States, Members, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners.</td>
</tr>
</tbody>
</table>
| Refugee children have access to quality specialized services in line with the child’s best interest | Best interest determination procedures and case management services in place to respond to children exposed to different forms of violence, abuse and exploitation. | Child protection issues in the national assessments (short-term plans).  
- States to provide support to operationalize the monitoring and reporting mechanisms (MRM). |

- Develop SOPs and referral pathways, with clarified roles and responsibilities of all actors (short-term plans).  
- Build the capacity of case workers on case management and best interest procedures, including best interest assessment and best interest determination for refugees (medium-term plans).  
- Establish interagency BID panel with concerned entities to determine the child’s best interest in line with UNHCR BID guidelines where relevant (short-term plans).  
- Support specialized services in areas with high refugee children concentration (legal services, psycho-social services, etc.) (medium-term plans).  
- Interagency SOPs that include national and international standards for protecting refugee children in place and used by key actors (yes/partially/no).  
- BID panel functional in line with the minimum standards as outlined in UNHCR BID guidelines (yes, partially, no).  
- # of case workers capable of conducting case management.  
- # of refugee children at risk who received case management services in line with their best interests. |

| League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners. | 2019-2024 |
### Community-based Child Protection Strategies

- Conduct assessments of refugee communities capacities and their attitudes, knowledge and practices in relation to key child protection issues (short to medium-term plans).
- Develop SOPs that include a description of the role of community-based protection in the protection of children (short-term plans).
- Build the capacity of community-based actors on child protection issues, services and legal frameworks for protection of refugee children (medium-term plans).
- Build the capacity of refugee children including adolescents to protect themselves (medium-term plans).
- Build the capacity of parents on parenting skills to better protect their children (medium-term plans).
- Organizing awareness raising campaigns on the positive alternatives to protect children, risks facing refugee children, means of identification and orientation on available services (medium to long-term plans).

### Goals

- # of tools to guide community-based refugee child protection.
- # of assessments conducted that identify community capacities, attitudes, knowledge and skills in relation to refugee child protection.
- % of geographical areas with significant numbers of child refugees with sustained community-based child protection initiatives that benefit refugee communities.
- % of refugee children including adolescents benefiting from community-based child protection programmes or safe places to play and to entertain.
- # of refugee child participation mechanisms in place.
- # of refugee women and men participating in parenting programmes (sex disaggregated).

**League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners.**

**2019-2024**
| Refugee child-friendly asylum procedures are in place | • Adopt measures to prioritize asylum claims made by children and to provide child appropriate information and interviews (short-term plans).  
• Build capacity of border control officials to respect rights of refugee children (whether accompanied or not) (medium-term plans).  
• Use age assessments only when children's age is in doubt and in a manner consistent with their best interests respecting the benefit of the doubt principle (short-term plans). | • % of asylum officials trained in child friendly-asylum procedures.  
• # of UASC reunited with their families across international borders.  
• % of refugee families having access to legal work opportunities. | League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners.  
2019-2024 |
| --- | --- | --- | --- |
| Immigration detention prevented and detention of refugee children in conflict with the law is minimized and in line with international standards. | • Revise legislations to ensure no refugee children are detained based on their immigration status (long-term plans).  
• Revise legislations to ensure refugee children in conflict with the law are only detained in exceptional circumstances, for the shortest duration and as a last resort (long-term plans).  
• Build the capacity of the judiciary on alternatives to detention (medium-term plans). | • # of legislations or regulations preventing child detention due to immigration or providing alternatives to detention.  
• # of legislations stipulating detention of refugee children as last resort.  
• # of judges who refer refugee children in conflict with the law to alternatives to detention. | League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners.  
2019-2024 |
| Refugee children and families have access to necessary documentation and refugee children have access to legal identity. | • Support scaling up decentralised national civil registration systems, including birth registration, in areas with high concentrations of refugee children (medium-term plans). | • # of policy, regulatory or service measures adopted to facilitate access of refugee children and their families to documents. | League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States,  
2019-2024 |
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Introduce accessible, affordable and flexible procedures to ensure the access of refugee families and children to civil documentation (medium-term plans).</td>
<td>• % of refugee children with birth certificates (# of refugee children with birth certificates/# of refugee children born in asylum countries).</td>
</tr>
<tr>
<td></td>
<td>• Reviewing gender discriminatory legislations related to nationality, children born out of wedlock and children born to persons of different faiths (long-term plans).</td>
<td>• # of countries who have taken action to remove gender discrimination in national legislation and policies (regional indicators).</td>
</tr>
<tr>
<td></td>
<td>• Introduce policies to ensure access of refugee children without birth registration or other documentation to education, health, legal services, etc. (medium-term plans).</td>
<td>• # of policies and regulations ensuring access of refugee children without birth registration to basic services.</td>
</tr>
<tr>
<td></td>
<td>• Raise awareness of refugee communities on procedures for birth registration, early and late registration (short to medium-term plans).</td>
<td>• # of initiatives or regulations to introduce flexible birth registration procedures in asylum context.</td>
</tr>
</tbody>
</table>

UNHCR, UNICEF, concerned international and regional organizations, and civil society partners.
<table>
<thead>
<tr>
<th>Child Protection concerns mainstreamed within national education and health systems</th>
<th>Refugee children have access to quality education services.</th>
<th>Review the educational legislations and policies to ensure all refugee children, irrespective of their country of origin, have the right to the national educational systems (long-term plans).</th>
<th>% of refugee children benefiting from flexible enrolment measures.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Implement flexible steps and procedures for enrolment to ensure that refugee children are able to access education services (medium-term plans).</td>
<td>% of teachers capable of identifying cases of refugee children at risk of violence, abuse and exploitation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Build capacities of teachers at schools receiving refugees to enhance their abilities to deal with refugee children and adopt interactive educational approaches (medium-term plans).</td>
<td># of complaint mechanisms instituted at schools.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Introduce mechanisms within educational facilities to identify cases of violence, abuse, exploitation (including child labour) and negligence, and refer to appropriate services (medium-term plans).</td>
<td># of transitional non-formal education mechanisms within the communities of refugees.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Build capacities of teachers at schools receiving refugees to enhance their abilities to identify cases of children at risk and to refer to appropriate services (medium-term plans).</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Introduce community-based educational alternatives for refugee children (medium-term plans).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refugee children have access to quality health services that contribute to their protection.</td>
<td>Review policies to ensure refugee children have access to health services (medium-term plans).</td>
<td>Degree to which refugees have access to national health services under national policies and legislation stipulating the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Introduce measures to remove barriers to refugee access to health services.</td>
<td>League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2019-2024</td>
</tr>
</tbody>
</table>

Refugee children have access to quality education services.
<table>
<thead>
<tr>
<th>Services for child survivors of violence and sexual and gender-based violence (SGBV) (medium-term plans).</th>
<th>Right of refugee children to access health services (yes, partial, no).</th>
<th>Concerned international and regional organizations, and civil society partners.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Train health care workers on responding to violence against refugee children and caring for GBV survivors and clinical management of rape and sexual violence (short-term plans).</td>
<td>• # of measures to remove barriers and facilitated access of refugee children to health services for survivors of violence and other risks.</td>
<td></td>
</tr>
<tr>
<td>• # of health workers capable of responding to cases of violence and of conducting clinical management of rape cases in available services to which refugee children have access.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific child protection issues are addressed and services made available</td>
<td>Effective prevention and protection mechanisms against child marriage are in place.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>• Introduce mechanisms to facilitate the registration of UASC (short-term plans).&lt;br&gt;• Introduce border policies that respect the principle of family unity and facilitate family reunification (medium-term plans).&lt;br&gt;• Introduce mechanisms for systematic family tracing and reunification (medium-term plans).&lt;br&gt;• Adopt policies and procedures to ensure access of refugee children to family-based alternative care (medium-term plans).&lt;br&gt;• Train judges and government social workers responsible for formalizing referrals to care, in line with best interest principle and promotion of family-based alternative care (short-term plans).&lt;br&gt;• Legal systems provide immediate appointment of guardians for refugee unaccompanied and separated refugee children in line with children’s best interest (medium-term plans).</td>
<td>• Review national legislations to ensure setting the marriage age at 18 years without exceptions (long-term plans).&lt;br&gt;• Support judiciary to ensure the implementation of the best interest of the child when exercising discretionary power regarding child marriage in.&lt;br&gt;• The existence of legislative amendments setting the age of marriage at 18 years.&lt;br&gt;• # of countries in the region where the age of marriage is set at 18 years without</td>
<td>League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners. 2019-2024</td>
</tr>
</tbody>
</table>
| Establishing effective mechanisms to protect child refugees from recruitment | • Adopting policies to criminalize the recruitment and use of children by armed groups.  
• Adopting procedures to investigate the entities that recruit and use children, and presenting them to justice.  
• Enhancing the child lay-off and rehabilitation programs. | • # of policies adopted by the States to criminalize the recruitment and use of children.  
• # of investigations conducted with the entities that recruit children.  
• # of children who were laid-off and rehabilitated. | League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, concerned international and regional organizations, and civil society partners. | 2019-2024 |
|---|---|---|---|---|
| Effective protection mechanisms against child labour are in place. | • Include some hidden forms of child labour within national legislations such as domestic labour to avoid risks of sexual exploitation and trafficking (long-term plans). | • # of legislative amendments addressing domestic labour.  
• # of refugee children who benefit from programmes to prevent and respond to child labour. | League of Arab States, Women, Family and Childhood Department at LAS, concerned entities within Member States, UNHCR, UNICEF, | 2019-2024 |
| Adoption economic empowerment programs for families of refugee children and providing social protection services that are aligned with national social protection systems wherever possible (medium-term plans). | % of refugee children involved in worst forms of child labour identified and withdrawn or where risks were mitigated. |
| Monitoring cases of refugee children in worst forms of child labour and providing immediate support (immediate withdrawal of worst forms of child labour, provision of psychosocial services and introduction of alternatives to families and children) (short to medium-term plans). | The existence of community support programs for working refugee children. |
| Providing specialized services to refugee children involved in child labour such as flexible education and health services, community support programs, engagement in sports and entertainment, recreational activities and case management (medium-term plans). | The number of countries in which refugee children have access to national child labour monitoring and response systems (regional indicators). |
| Providing alternatives to child labour for refugee children such as tutoring, life skills and various forms of vocational training (medium to long-term plans). Raising the awareness of refugee families, and communities and employers on the hazards of worst forms of child labour and the value of education (long-term plans). | The existence of parallel education programs and life skills programs. |

- # of families that have access to income generating opportunities.