

**High Commissioner’s Dialogue on Protection Challenges: *Children on the Move***

**Joint Messages from the “Friends of the Dialogue”<sup>1</sup>**

**Geneva, 8-9 December 2016**

*This document was drafted in consultation with the ‘Friends of the Dialogue’, and attempts to reflect the diversity of views, expertise and operational experiences within the NGO community, including from*

**Summary:**

Increasing conflict, rising inequality and the growing impact of climate change are contributing to a mass displacement of children from their homes, endangering their survival, disrupting their education and exposing them to severe protection risks, including violence, abuse, neglect and exploitation. At the end of 2015, UNHCR estimated that 33 million of its persons of concern were children, added to tens of millions of migrant children needing protection and access to basic service. In this context, key issues have been identified and urgently need to be addressed by the international community to ensure children on the move can survive, thrive and have access to adequate protection, learning opportunities and quality essential services:

- **All children on the move need responses for their protection** and support that comply with international standards, are child-focused, coherent, holistic, and coordinated both within and between countries.
- **Children on the move should be considered children first and foremost, independent of their migration status and their best interests should be the primary consideration.** Children on the move, whether they cross an international border or not, are entitled to all the rights guaranteed by the UN Convention on the Rights of the Child. This also means an **end to the criminalisation** of children due to their migration status or the migration status of their parents and an **end to the immigration detention of children.**
- **Cross-border coordination is urgently needed:** States must strengthen cross-border coordination and cooperation in order to provide immediate and long-term protection care and support for children involved in mixed migratory flows at each stage of their journey; this coordination should include national and international authorities, agencies, the private sector, civil society organizations, and other relevant stakeholders.
- **Child Protection Systems need to be strengthened:** States should urgently provide Child Protection Systems, with sufficient economic and human resources, to make them accessible and effectively responsive to the specific needs of children on the move at all stages of the migration process.
- **All children have the right to live and thrive:** States should ensure that all children live in adequate conditions and have access to essential services once displaced. This includes investment in programs to improve livelihoods opportunities and access to quality health and education. In particular, **refugee children should have access to quality education within 30 days of their initial displacement.** Education sets children up for success. Quality education plays a critical protective and transformative role for children, young people and their communities during displacement. Education also ensures refugee children are better protected from early marriage, child labour and exploitation.
- **The protection of children on the move needs to be at the heart of the Global Refugee Compact.** The outcomes of the discussion and concrete proposals that emerge from the Dialogue should be fully integrated into the development of the comprehensive refugee response framework and the Global Compact on Refugees to be adopted in 2018.

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<sup>1</sup> The “Friends of the Dialogue” is a group of non-governmental organizations (NGOs) convened prior to each High Commissioner’s Dialogue on Protection Challenges. The group gathers ahead of the Dialogue to prepare NGO contributions, notably joint key messages.

some key non-governmental actors with established track record on providing protection and services to the most vulnerable children.

### 1. What are the key concerns regarding cross-border child migration?

#### The scale and scope of cross-border child migration

The world is currently witnessing an ever-growing movement of children across the globe. Increasing conflict, rising inequality and the growing impact of climate change are contributing to a mass displacement of children from their homes, endangering their survival, disrupting their education and exposing them to severe protection risks, including violence, abuse, neglect and exploitation.

In many cases, displacement results in a move across borders, into neighboring countries or across continents, as recent refugee crises in the Middle East, Africa, Europe and South East Asia show.

- Nearly 50 million children have been uprooted, including 28 million forcibly displaced by violence and conflict within and across borders, and about 20 million child migrants moving across borders in the hope of finding a better, safer life<sup>2</sup>.
- By the end of 2015, the number of forcibly displaced people had reached the highest level on record at over 60 million refugees, asylum seekers and internally displaced persons. **Half of the refugees are estimated to be children<sup>3</sup>.**
- Worryingly, **it is not only the magnitude of displacement that is rising, but also the pace of this increase.** The number of people displaced daily by conflict has increased nearly fourfold – from close to 11,000 in 2010 to 42,500 people forcibly displaced per day in 2014.<sup>4</sup>
- Moreover, for years to come, the ‘youth bulge’ witnessed in the developing world and conflict areas – combined with unemployment and lack of education – is likely to translate into further increased migration flows of youth in search of better opportunities.

#### Definition

While we understand the scope of the Dialogue will focus mainly on children on the move who fall under UNHCR’s mandate, the concept of children on the move<sup>5</sup> is inclusive of all those traditional categories of children moving across (and within) borders.

- Whilst different normative regimes of protection exist for different categories of children, **all children on the move need responses for their protection and support that are child-focused, coherent, holistic, and coordinated both within and between countries.**

#### Reasons, patterns and consequences of children’s movement

For many children, leaving their home communities promises the chance of a better life, an escape from poverty, abuse, violence or conflict and a better opportunity to access education, jobs, and resources to secure food, fulfil other needs and access basic services. Regardless of the reasons for moving, once children move, in the absence of services, protection and support, they can become highly vulnerable to violence, abuse, exploitation and discrimination during their journey, or once they reach a destination. Risks for children often differ depending in particular on their gender and age.

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<sup>2</sup> UNICEF report September 2016, Uprooted: The growing crisis for refugee and migrant children

<sup>3</sup> Background paper of the High Commissioner’s Dialogue on Protection Challenges: Children on the Move, UNHCR, 28 November 2016, Dialogue, p. 3 paragraph 8.

<sup>4</sup> UNHCR Global trends, forced displacement in 2014: World at War: <http://www.unhcr.org/556725e69.pdf>

<sup>5</sup> Children on the Move are defined as: **“Children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement, while it may open up opportunities, might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence”**. Although not exhaustive, this definition brings together a) children who have been trafficked; b) children seeking asylum and refugee children; c) IDP children; d) children who migrate (e.g. to pursue better life opportunities, look for work or education or to escape exploitative or abusive situations at home); and e) children displaced by conflict or natural disasters or by environmental degradation.

Girls can face specific difficulties and greater risks of rape or sexual violence, gender-based violence, and human trafficking.

### **Drivers and outcomes of human mobility**

Drivers differ in various contexts, locations and over time, flows become increasingly complex and mixed in nature. As a consequence, the distinction between refugee children, children asylum-seekers, children migrating for economic, social and other reasons, including vulnerable groups<sup>6</sup> are often not clear cut. Mixed migration poses new challenges to the international community and the protection and support offered through existing mechanisms, institutions and frameworks, are increasingly showing clear gaps.

### **Violence during the displacement cycle**

For too many children, violence characterises the experience of displacement from the beginning to the end, wherever that might be. For many, violence is perpetrated within their communities and families. As such, their displacement becomes ‘forced’ and their return to the countries of origins potentially fatal. Situations like these may constitute sufficient basis for an asylum application. During the journey across borders and countries, children witness and experience severe neglect, injuries and death, abuse, maltreatment, the sudden death of peers and family members, forced labour, and sexual exploitation. Some fall into the nets of traffickers; others, often girls, are already part of a trafficking arrangement from their community. Depending on local regulations, they may experience detention in inappropriate facilities, with additional risks to their integrity. Verbal violence from border police and public officials is also a traumatic experience reported by children and adolescents who arrive after physically strenuous journeys via sea or desert. Children who are forced to return to their countries of origin often face the same conditions which led them to leave: at this point, however, depleted resources, feelings of failure and shame may make them easier preys to new cycles of violence.

In all of its forms, violence generates trauma and stress: its impact on a child or adolescent’s mental health, development and adult’s life depends on prompt psycho-social and medical support at all stages of the displacement cycle, in addition to specialized and gender-sensitive services to treat specific violence forms such as sexual abuse. The costs of violence during displacement can be heavy both for children and countries: prevention, using some of the solutions explored in later parts of this note, remains the most effective and cost-efficient approach.

## **OVERARCHING MESSAGE**

**Children on the move should be considered children first and foremost, independently of migration status considerations.**<sup>7</sup> Children on the move, whether they cross an international border or not, are routinely denied rights accorded to other children. Though their rights are guaranteed by the UN Convention on the Rights of the Child (UNCRC), in practice their human dignity and their access to non-discriminatory protection are regularly violated. This means:

- a. Children on the move should benefit from the most protective legal and policy frameworks available. States should adopt, implement and monitor a coherent and child focused framework that harmonises asylum, migration, anti-trafficking legislations and policies.

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<sup>6</sup> Such as victims of trafficking, smuggled or stranded migrants, victims of violence (including gender-based violence), children who were subject to psychological distress and trauma during displacement, and other vulnerable children such as those for environmental reasons.

<sup>7</sup> The UNCRC is the most widely ratified human rights treaty and provides, in Article 2, that: ‘1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or 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. ; 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.’

- b. Priority should be given to the principle of the best interests of the child<sup>8</sup> and the protection of children rights over immigration and other administrative considerations.
- c. States should adopt comprehensive human rights-based national, regional and international legislation, policy and practice to ensure that all Children on the move enjoy full protection independently of their migration or documentation status or that of their parents. States should sign, ratify and comply with all relevant international conventions and protocols, including the UNCRC, the Refugee Convention, the Convention on the Rights of Migrant workers and their Families, the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the UN Conventions on Statelessness.<sup>9</sup>
- d. All stakeholders should use *the Recommended Principles to Guide Actions Concerning Children on the Move and Other Children Affected by Migration*.<sup>10</sup> In June 2016, a group of agencies collaboratively drafted a common set of principles in order to influence stakeholders responsible for implementing measures that affect the rights and needs of these children. These “Principles”, by being coherent, clear and widely known, are intended to improve the quality of protection afforded to all children on the move and other children affected by migration, and to enhance programming, accountability, advocacy and communication. Many of the “Principles” are binding obligations already widely ratified by States. Nevertheless, because they are without exception poorly and incompletely implemented, their re-statement in concise form provides a workable tool for action.

## 2. Operationalizing children’s rights

### The right to be protected<sup>11</sup>

From the time they leave their country of origin, and during their travels and again at destination, children on the move lack timely, appropriate child-sensitive and coordinated responses, preventing them from accessing protection, care and essential services, and putting them at risk of re-victimization and long-term psychological distress.

The increasing number of unaccompanied and separated children on the move is of great concern as these children are particularly vulnerable. Some of the major challenges for them include:

- Inadequate process of identification of unaccompanied children and vulnerable groups of children, such as victims of abuse or exploitation and those with special needs due to lack of capacity and interest among frontline workers.
- Instances of discrimination in the process of identification and referrals, including in age assessment, registration of children as adults, and nationality-based profiling in decisions on asylum.
- Obstacles in conducting Best Interests Determinations for children still on the move, unaccompanied and separated children in particular where the best interests of the child is used to justify the decision to let them proceed on their irregular journey to Europe. Often those mandated to conduct Best Interests Determination lack resources, capacity and the will to adequately protect children.

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<sup>8</sup> In line with the UNCRC, all actions concerning children should be guided by the principle of the best interests of the child, irrespective of their migration status. When in contact with children, relevant actors face situations where decisions for individual children need to be taken and should be guided by the best interests’ principle. Such decisions may involve assessing the protection needs of a child at risk, identifying alternative care for an unaccompanied or separated child or identifying a durable solution for a separated child. These decisions have long term impact for each child. Formal procedures for the determination of the best interests of children are therefore crucial to ensure decisions made are in line with this principle.

<sup>9</sup> The legal framework applicable to the rights of children in the context of international migration includes instruments of international human rights law, labor law, refugee law and criminal law.

<sup>10</sup> The Recommended Principles to Guide Actions Concerning Children on the Move and Other Children Affected by Migration can be found: <http://principlesforcom.jimdo.com/>

<sup>11</sup> As per Articles 19 and 22 UNCRC, that requires protection from all forms of violence.

- Guardianship procedures exist in all of the countries of the migration route but are often implemented only on paper.
- Children face risks of abuse, neglect, exploitation and violence (including by their peers) and risks from smuggling/trafficking, and there have been many cases of children being involved in smuggling activities.
- Inadequate or insufficient reception capacities for unaccompanied children that adhere to child protection standards.

#### Key recommendations:

1. **Prioritisation of and commitment to efforts aimed at saving lives**, including investment in search-and-rescue efforts such as interventions designed to save lives at sea. Responding to the immediate humanitarian needs of children and their families, including: access to appropriate reception, child protection, education, health, nutrition, shelter, water and sanitation, food security and livelihoods, and social protection measures. The specific vulnerabilities of children on the move should be integrated into response and recovery plans; and appropriate reception and support systems that respect human rights and human dignity should be established and/or strengthened.
2. **States should abide by their legal, political and moral obligations** to offer refuge to people in need of international protection, including through the establishment of **new cooperation frameworks of responsibility-sharing at the global, regional and bilateral level**. Such frameworks should be based on human- and child-rights principles and allow for a predictable, equitable, flexible and adequate response to major movements of children and families across borders, adherence to the **principle of non-refoulement**<sup>12</sup>, and include accountability mechanisms.
3. **A new model of transnational coordination and cooperation between countries of origin, transit and destination for the protection of children on the move should be established and promoted**. Such mechanisms should involve state and non-state actors to ensure children are provided with immediate and lasting protection, care, support and timely access to essential services including protection, shelter, health and education at each stage of the journey.

#### Protection from sexual and gender-based violence:

It is essential that measures to **prevent and respond to sexual and gender based violence (SGBV)** are comprehensive and are sensitive to the needs of adolescent girls as distinct from adult women. Measures to protect women and girls and mitigate risks of gender-based violence should be implemented in all accommodation centres. Procedures should also be put in place to identify and support survivors and provide psychosocial support for those who have experienced SGBV.

Young women and girls in situations of forced displacement are at heightened risk of gender-based and sexual violence, sexually transmitted infections, unintended pregnancy and maternal morbidity and death. At this time of heightened risk, displaced women and girls often lose access to critical sexual and reproductive health services. It is essential to **ensure the full and swift implementation of the Minimum Initial Service Package** in camps, reception and detention centres, including awareness raising and access to sexual and reproductive health and rights services and information, and the earliest transition to full services and supplies.

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<sup>12</sup> The principle of non-refoulement is often referred to as the cornerstone of international protection. This principle, as enshrined in Article 33 (1) of the 1951 Convention relating to the Status of Refugees, has also been incorporated in other international treaties adopted at the universal and regional levels (e.g., Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). Based on a consistent practice combined with a recognition on the part of States that the principle has a normative character, this principle has acquired the status of customary international law, meaning that it has become binding on all States, regardless of whether or not they are signatories to the 1951 Refugee Convention.

**Provision of sexual and reproductive health and rights services and information must reach the most vulnerable:** young adolescents (10-14), pregnant adolescent girls, excluded adolescents including those living with HIV and disabilities, who are at higher risk and require targeted interventions.

### **The right to liberty<sup>13</sup>**

Too often, children on the move are perceived as criminals due to the irregular migration status of themselves or members of their families. This results in a number of serious child rights violations including family separation, arrest, detention, denial of access to services, and the threat of deportation or forced return. Children should **never be criminalized or subject to punitive measures** on the basis of their or their parents' migration status.

The issue of child immigration detention is of particular concern as many States continue to detain children in clear violation of their rights to liberty and family. The UN Committee on the Rights of the Child (CRC), in their Report of the 2012 Day of General Discussion on 'the Rights of All Children in the Context of International Migration' affirmed unequivocally 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."*<sup>14</sup>

Detention can never be justified on the basis of a child being unaccompanied or separated, on the basis of seeking asylum, or on their migratory or residence status, or lack thereof. There is compelling evidence that immigration detention has serious negative effects on children's physical and mental health and lifelong development.<sup>15</sup>

Furthermore, children should never be subject to immigration detention on the basis of maintaining family unity. When the child's best interests require keeping the family together, the imperative requirement not to deprive the child of liberty extends to the entire family, rather than detaining children or separating families. In line with the position of the CRC and the Global Campaign to End Child Immigration Detention<sup>16</sup>, **we believe that children and families should be accommodated together in non-custodial, community-based contexts while their immigration status is being resolved.**<sup>17</sup> States must take steps to ensure that rights-based alternatives to detention – based on an ethic of care, not enforcement – are both enshrined in legislation and are implemented in practice.

### **The right to be heard<sup>18</sup>**

All children, including children on the move, have the right to express their views freely in all matters affecting them and to have their views taken into account in accordance with their age and maturity. This is particularly important in the context of decisions which personally concern them, whether taken by state officials or other organizations providing care.

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<sup>13</sup> Article 2, UNCRC – principle of non-discrimination requires that you cannot be detained solely on the grounds of the migratory status of parents. See Committee on the Rights of the Child discussion on migrant children 2012.

<sup>14</sup> Committee on the Rights of the Child, *Report of the 2012 Day of General Discussion: The Rights of All Children in the Context of International Migration*, para. 78, available at:

<http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf>.

<sup>15</sup> See: David Corlett, Grant Mitchell, Jeroen Van Hove, Lucy Bowring and Katherine Wright, *Captured Childhood*, (Melbourne: International Detention Coalition, 2012), available at: <http://idcoalition.org/wp-content/uploads/2012/03/Captured-Childhood-FINAL-June-2012.pdf>.

<sup>16</sup> See: [www.endchilddetention.org](http://www.endchilddetention.org)

<sup>17</sup> See: Sampson, R., Chew, V., Mitchell, G., and Bowring, L. *There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised)*, (Melbourne: International Detention Coalition, 2015), available at: <http://idcoalition.org/publication/there-are-alternatives-revised-edition/>.

<sup>18</sup> As per Article 12 UNCRC and also Articles 13 and 17 UNCRC, in which his Convention encourages adults to listen to the opinions of children and involve them in decision-making.

To ensure that children's views are understood, quality interpretation must be available to children who do not speak the decision maker's language. States shall ensure that children affected by migration, whether or not in their State of origin, have effective access at all stages of migration to quality information and free of charge legal representation, translation, and, if they are unaccompanied or separated, to guardianship. States should also solicit and consider the views and experiences of all children affected by migration when drafting policies on migration. CRC article 12 requires States and other actors to recognize and support the agency of children. Children must also have access to administrative and judicial remedies against decisions on their own situation or the ones concerning their parents to guarantee that all decisions are taken in their best interests.

### **The right to a legal identity<sup>19</sup>**

In some contexts, displacement can increase the incidence of child and informal marriages, which can result in children born of those unions facing obstacles in accessing their father's nationality. **Ensuring women's ability to confer nationality is critical to ensuring that children born in displacement contexts can secure their right to a nationality, as well as other fundamental rights and protections.**

- Birth registration for children on the move may be restricted by regulations of the host country; limited access to registration authorities and services; discriminatory practices of local authorities and costly or lengthy application procedures. Lack of birth registration and identity documents increases children's vulnerability and can inhibit freedom of movement – including their ability to flee conflict and seek asylum as well as their ability to return to their family's homeland once conflict is over.
- Children denied a nationality because of factors such as gender discrimination in nationality laws are often more vulnerable to a number of protection risks, including trafficking.
- The combination of displacement and gender discriminatory nationality laws means that a greater number of children are at risk of statelessness, particularly when separated from the father and unable to access their mother's nationality.

### **3. Solutions for children on the move**

#### **Access to safe and legal routes**

**Increased access to safe and legal routes for cross-border migration should be provided**, including, for example, more **flexible family reunification policies**; humanitarian visas and protection for those children and families who do not fall under the 1951 Refugee Convention; visa options for work especially in informal sector and semi/low skilled jobs, and education; increased intake of refugees for resettlement, in line with principles of responsibility-sharing.

#### **Strengthening National Child Protection Systems**

**National Child Protection Systems** should be accessible and responsive to the *specific* needs of boys and girls of different ages and ability who are on the move, regardless of their nationality or migration or documentation status and whether they are accompanied or not. Specific protection and support should be in place for unaccompanied and separated children, focused on the identification of durable solutions.

National protection systems should include:

- Appropriate reception and identification of children, particularly of those in vulnerable situations, assistance and referral of children on the move;
- **A functional and effective guardianship system** with qualified and trained independent legal guardians who have the know-how, expertise and capacity to support each child they are

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<sup>19</sup> As per Article 8 UNCRC, which stipulates that children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties.

appointed to. A guardian should be appointed immediately after the child's arrival and assist and represent them at all hearings, ensure their best interests are met and exercise legal capacity where necessary;

- **Child friendly and child sensitive asylum and migration systems** and appropriate training of relevant authorities on child right and child sensitive approaches. Appropriate **age assessment procedures** based on the best interests of the child should be undertaken as a measure of last resort, where a) there are grounds for serious doubt and b) other approaches (such as attempts to gather documentary evidence) have failed to establish the individual's age. The procedure should adopt a multi-disciplinary approach, never be forced or culturally inappropriate. The least invasive options should be selected and should be gender appropriate<sup>20</sup>;
- **Appropriate procedures to implement durable solutions.** This includes procedures to determine the Best Interests of the Child in order to achieve durable solutions for boys and girls who are unaccompanied or separated.

Beyond the formal protection systems, the informal dimension of child protection is now becoming an integral part of child protection systems in many countries. For example, there are several national initiatives in Sub-Saharan Africa aimed at strengthening informal child protection systems within the community. Community mechanisms and practices, including locally-developed child protection practices can play an important role in protecting children on the move and mitigating the risks they face on the journey. These local structures should be supported and strengthened. The improvement of accessibility and quality of child protection services will encourage a greater demand on behalf of children and their families, and as a result, better traceability and better protection of the children on the move. Moreover, there is a growing common acknowledgement within West Africa, that the protection of children on the move should start from the child as an actor in his or her own protection and that of his/ her peers, and that the best interests of the child should prevail at any time, therefore excluding standard responses of identification- return- reintegration to be applied automatically.

#### **Best interests assessments and determinations**

**National, regional and international legislation, policy and practice should systematically include and accord priority to the principle of the best interests of the child over immigration and other administrative considerations.** The best interests of the child should be the primary consideration in procedures on identification, age assessment, reception, identification of durable solutions, including in considerations on return, family reunification and alternative care solutions. Additionally, best interests assessments and formal determination procedures should be conducted at all stages or decisions of any migration or asylum processes affecting children.

Best Interests Determinations (BID) are a critical tool for ensuring the protection of unaccompanied and separated children and for identifying durable solutions for them. This is especially true in the context of rapidly and significantly growing resettlement programs and increasing calls to expand resettlement opportunities for children-at-risk, many of whom must have a BID in order to be referred for resettlement. Yet the collective capacity to conduct BIDs remains far short of the actual need for them, undermining efforts to protect children-at-risk and leaving many of them without access to a durable solution. In some resettlement efforts, unaccompanied and separated children may be deprioritized due to a lack of capacity to conduct BIDs; and some may eventually “age out” entirely, remaining on hold until after reaching 18 years of age, simply due to a lack of capacity to consider them sooner.

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<sup>20</sup> Save the Children's position on Age Assessment follows the Separated Children in Europe Programme (SCEP) Position Paper on Age Assessment in the Context of Separated Children in Europe, 2012, available at: <http://www.refworld.org/docid/4ff535f52.html>

**Additional resources should be allocated to developing and maintaining functioning BID systems throughout UNHCR’s operations**, including a robust cadre of qualified child protection specialists and well-functioning BID panels to provide timely review and approval of decisions that bear such significant impact on the protection of children at-risk.

#### **Access to quality education and learning<sup>21</sup>**

Without an education, children do not have a future. One of the key marginalized groups with the worst education outcomes is forcibly displaced children. There are over 3.7 million refugee children around the world out of school. Only half of refugee children enrolled in primary school and less than 1 in 4 refugee youth enrolled in secondary school. The average length of time as a refugee is now 20 years, meaning millions of children miss out on some – if not all – of their education. Refugee children are five times less likely to attend school than other children in the countries in which they are displaced. Where refugees do have access to education the quality is often lacking.<sup>22</sup>

Education sets children up for success. Quality education plays a critical protective and transformative role for children, young people and their communities during displacement. It provides refugee children with hope for the future in the places they are currently living, and means they are less likely to undertake risky journeys. An education also ensures refugee children are better protected from child marriage, child labour and exploitation.

The 2030 Agenda’s ambitious plan of action includes a firm commitment from all States to “leave no one behind” by ensuring that those furthest behind will be reached first. Equity is at the heart of SDGs 4’s call on States to “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”. Moreover, it is central to target 4.1 call that “by 2030, all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes”. To achieve this goal and target, key discriminatory and financial barriers that stop children from going to school and learning must be removed.

A concerted effort is needed to provide the full education cycle to children and young people to ensure that all refugee children, regardless of age, can exercise their right to education. Education should no longer be an optional activity but an essential component of the services, protection and durable solutions to which children on the move are entitled to.

- **Ensure that national education systems prioritize equity and learning when implementing SDG4 so that every last child, whatever their status, is in school and learning and that disadvantaged groups do not continue to be left behind.**

#### **Funding education in emergencies**

A persistent lack of funding for education in emergency contexts is a central challenge that must be addressed. There are currently 74 million children in countries affected by emergencies and protracted crises who urgently need education support, while only 2% of humanitarian funding goes to education.<sup>23</sup> The launch of the global fund for education in emergencies – Education Cannot Wait (ECW) – at the World Humanitarian Summit in May 2016 partly has answered the call for more and better funding, more and better support as well as more and better collaboration and commitment for education in emergencies. To date, however, the fund has only received 50% of the funding it called for in its first year in 2016.

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<sup>21</sup> As per Article 28 UNCRC that stipulates that all children have the right to a free primary education.

<sup>22</sup> UNHCR report: Missing Out, Refugee Education in Crisis, September 2016, available at: <http://www.unhcr.org/news/press/2016/9/57d7d6f34/unhcr-reports-crisis-refugee-education.html>

<sup>23</sup> See: <http://www.educationcannotwait.org/>

- Education Cannot Wait will require significantly more funding if is to tackle the issue of providing good quality education in emergencies.

### **Racism, xenophobia and discrimination**

**Racism, xenophobia and discrimination should be opposed**<sup>24</sup> to challenge the negative perception of migrant and refugee children and their families. Their integration should rather be facilitated through public education in host countries, ensuring access to working and learning opportunities. Empowering them to make a positive contribution to host societies and supporting host communities can ensure adequate and equitable distribution of resources between local communities and new arrivals and prevent local social conflict. Through signing the New York Declaration on 19 September 2016, Member States welcomed the global campaign proposed by the Secretary-General to counter xenophobia and committed to implement it in cooperation with the United Nations and all relevant stakeholders (art. 14). As it could help make a difference in terms of the discrimination faced by children on the move, this campaign should be urgently developed, launched and resourced.

### **Addressing the drivers of unsafe migration**

**The drivers of unsafe cross-border migration should be addressed** while recognising the economic and social benefits of human mobility. This would include:

- a. The provision of adequate political and financial support to countries of origin and transit to prevent and protect children from violence, abuse and exploitation;
- b. Recognising the role played by children's agency in the decision to migrate and their migratory experience and the targeted provision of adequate support for boys and girls of different ages, including relevant information for adolescents;
- c. Supporting families to protect children and ensure access to quality and relevant education, healthcare, and shelter and other resources;
- d. Strengthening resilience through improving livelihoods opportunities for caregivers and youth and access to social protection measures; and
- e. Ensuring appropriate reintegration, protection and support for boys and girls who return to their countries of origin.

### **4. Recommendations on the outcomes of the High Commissioner's Dialogue**

- As referred to in the Dialogue's background note, it is essential that the outcomes of the discussion, the recommendations and concrete proposals that emerge from the Dialogue are fully integrated into the development of the comprehensive refugee response framework and the Global Compact on Refugees to be adopted in 2018. The protection of children on the move needs to be at the heart of the Global Compact on Refugees and, bridging to the protection of children in the Global Compact on Safe, Regular and Orderly Migration. Mapping CRRF elements linked to children on the move and how the 2016 Dialogue can contribute to the CRRF implementation should be an outcome of this Dialogue.
- To achieve change for these children, the international community needs to strengthen the operational response for children on the move, by prioritizing support and give all necessary resources to fully address the needs and rights of children on the move.
- The Dialogue could also usefully result in a compilation of good practices, identified gaps, and proposed corrective actions to be addressed through a multi-stakeholder roadmap.

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<sup>24</sup> As per Article 2 UNCRF that sets forth the principle of non-discrimination against children.