

# Statement to Dubai International Humanitarian Aid and Development Conference

High Level Panel: “How To Better Address The Often-Time Irreparable Damage Caused To Children In Conflict Situations...”

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Excellencies,*

Ladies and Gentlemen,

Thank you for the opportunity to address you on the critical issue of child protection in emergencies today. The impact of conflict and violence around the world is perhaps most profoundly felt by children and youth, as I have witnessed so many times both here in the Middle East and elsewhere when interacting with Syrians who have been displaced. I have just returned from Mexico where I also had the chance to talk with children fleeing violence in the Northern Triangle of Central America. Their accounts resonated deeply with me, and I admired their incredible strength, resilience, and maturity – developed no doubt as a result of experiences that most adults never have to face.

More than half of the world’s refugees are children. In the process of displacement, whether in their host countries or on the move, children and youth face many risks. The abuses they face are often interlinked with the loss of parents or close family members, severe poverty, food insecurity, or lack of livelihoods. Many are born into or live in situations of exile – often with minimal access to education and necessary support. They may be orphaned or separated from family members as a consequence of violence or flight. Many are compelled to forego school and work in the informal sector to help support their families. Without access to proper documentation, some may become stateless and consequently more vulnerable to displacement and at heightened risk of such harms.

Given their often precarious circumstances, some children and youth move onward to other countries in the hopes of joining their family members, finding safety, or having a future. In many instances, it is a question of their survival, including their families’, and indeed is a vital coping strategy. In the process, they may fall prey to smugglers and traffickers or be recruited into gangs or armed groups. They can be subjected to sexual and gender-based violence or other forms of abuse. They may be exploited or forced into early marriage. They may even be subjected to police harassment or detained in often inhumane conditions, which can have a severe impact on their psychological, emotional, and physical development.<sup>[1]</sup> In environments where xenophobia and racism persist, finding meaningful protection can be elusive.

These heightened risks pose a formidable challenge to those responsible for their protection. However, such problems are not insurmountable. With concerted and joined-up efforts, guided by the recognition of fundamental child protection principles, it is possible to address and mitigate against these risks. In recognitions of this, last year’s High Commissioner’s Dialogue on Protection Challenges was dedicated to this issue, focusing on ways to narrow the gaps between the obligations and commitments made by States to child protection and the daily realities of children who are displaced within and across international borders. It is essential that children are placed at the centre of our efforts, and I would like to share with you today some thoughts on what this means for us in practice.

**First, we need to approach children with a deep ethic of responsibility and care.**

Regardless of the reasons why they are on the move, all children share two basic characteristics: They are children, and should always be treated as such. And – as children, they are entitled to special protection and assistance under the Convention on the Rights of the Child. Their best interests are a primary consideration in any decision affecting their

lives. Laws, policies, services, and all decisions taken in relation to children, whether displaced or not, must be guided by these principles.

Specifically, for refugee children, this requires that we move away from an immigration enforcement approach to ensure that children can be better protected over the longer-term. Enforcement must not undermine the imperative to protect children as children first and foremost. In particular, States need to end the harmful practice of detention of children for migration purposes. Children should not be detained for immigration-related reasons, irrespective of their legal/migratory status or that of their parents. Detention can never be in their best interests in this context. Seeking asylum is a right – it is not an unlawful act.

Asylum-seekers, including asylum-seeking and refugee children and children in families, should never be penalised for exercising this right. There are workable alternatives to detention, such as foster care arrangements or early family reunion, which also meet the important personal safety concerns of children.

**Second, we need to strengthen child protection systems** both within host countries, but also regionally and across borders, to ensure children continue to be protected wherever they are located. There has been a proliferation of international, regional, and national child protection standards and guidance. Within UNHCR, the *Framework for the Protection of Children* is underpinned by our global strategies on education, ending detention of children for migration-related purposes, preventing and responding to sexual and gender-based violence, and ending statelessness.<sup>[2]</sup> This Framework aims to ensure that children are safe where they live, learn, and play; and that children are properly consulted and can participate in matters that affect them. However, many children on the move have not benefitted from the implementation of such standards and guidance.

It is key for States to establish child protection systems in accordance with their international obligations, notably the Convention on the Rights of the Child, which incidentally refers to refugee children specifically in Article 22. In supporting States to carry out these responsibilities, we have seen time and again that refugee children are best served when they have access to national child protection systems, education, and other basic services without discrimination. All children need to have access to these systems, regardless of their nationality – this is also what the Sustainable Development Agenda envisages.

At the same time, services need to be adapted to refugee children's specific needs. They need to be resourced adequately, and policies and procedures put in place to achieve this.

Unaccompanied children, for example – particularly those moving across multiple international boundaries – have unique needs that require urgent attention. They require appropriate care arrangements that take into account their needs and wishes in accordance with their age, gender, and experience. This is an area where partners can also play a significant role in addressing barriers faced by refugee children in accessing such services. Part of an effective child protection system for displaced children also includes an asylum system adapted to their needs. UNHCR and its Executive Committee have called on States to develop asylum procedures that are adapted to children, including, for example, through appropriate evidentiary requirements and an age and gender-sensitive application of the 1951 Convention. Children on the move need to be able to exercise their 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. Most importantly, they need to be protected from forced return to situations where they are at risk of harm.

Children who are unaccompanied or separated, in particular, should be prioritised for asylum processing, provided with free legal or other representation, and appointed with qualified guardians. As they may not always apply for asylum out of fear of detention or deportation, it is also crucial to develop systems to identify them and their specific needs apart from the asylum system. In this regard, good practices include protection-sensitive entry systems based upon close cooperation between law enforcement personnel at the borders – who are often the first to encounter children at risk – and child protection actors. This cooperation can ensure prompt identification, registration, and documentation of children, which are the first steps to ensuring their protection.

Long experience has taught us that families and community networks also play a critical protective role for children. Most children displaced internally or externally in this region are moving with their families – whether with their parents or extended family members.

When adult family members are not able to access legal documentation and renew their residency, they can face restrictions in movement and limitations on their livelihoods. Such restrictions have serious implications for the safety of children. They can lead some families to rely upon financial support that can be provided through their children – for example through child labour or early marriage. Supporting families' access to residency or other documentation through available, accessible, and affordable procedures is therefore crucial to effective child protection. Likewise, supporting family members' access to decent work is essential in protecting children from exploitation and abuse.

When children become separated from their families during or after displacement, we also need to find ways to trace family members and reunite them, including with close family members who may be located across borders in other countries. We further need to bolster support for the generous communities and individuals who step in where family members may be separated or missing to support unaccompanied or separated children living in their midst.

The effective protection of refugee children also requires providing pathways for them to access solutions in a timely manner, which ensure they can acquire, or reacquire, the full protection of a State. Many of today's refugee parents were once refugee children. Parents end up passing their refugee status on to their children because the kinds of solutions that would offer them other options for status are simply not available. This is not the legacy any parent wishes to pass to the next generation. Nor is it the goal that any State has for the children under its protection.

In this respect, childhood statelessness is a common phenomenon. It can be both a cause and a consequence of displacement. The denial of nationality can have a severe impact on the ability of children to enjoy their basic rights, including access to education and healthcare. The Global Action Plan of the *#IBelong Campaign to End Statelessness* articulates a number of key actions that States can take, with the support of UNHCR and other actors, to ensure that childhood statelessness becomes history once and for all.<sup>[3]</sup> Most notably, UNHCR encourages governments to prioritise the provision of birth registration to children, irrespective of immigration status. Registration not only helps to prevent statelessness, but also serves as a foundation for a child's right to family unity and reunification and ability to return should conditions allow.

Realising solutions for displaced children can be achieved through efforts to support them in a safe and empowered transition to adulthood. Education, in particular, is not only protective in childhood, but also core to facilitating solutions in adulthood. Education is a basic human right, enshrined in the Convention on the Rights of the Child and the 1951 Refugee Convention. Educational opportunities contribute to decreasing risks for refugee children and youth and can provide protective networks of peers and mentors. Quality education also plays transformative role, and can bring hope to children, youth, and their families in displacement. It contributes to solutions – providing children and youth with portable knowledge and skills to pursue productive lives and help rebuild their communities. It can provide the competencies required to participate fully in society.

However, less than half of refugee children around the world attend primary school, less than one-fourth attend secondary school, and less than one per cent go on to university. Many have had their education interrupted by displacement and go for many years without access to school. They report difficulties in continuing education in their host countries when their educational credentials from their home countries are not recognised or when they encounter language barriers, prohibitive costs, or threats to their safety. In light of such urgent needs – particularly in the case of Syrian children in this region – your continued support for education initiatives such as *No Lost Generation* is vital. Children in displacement need to have access to quality education within a few months of their arrival.

Supporting children in the transition to becoming adults also requires the thoughtful targeting of assistance as young adults progressively achieve self-reliance. Reaching the age of majority at 18 years of age should not mean that targeted assistance for children in displacement ceases from one day to the next. Youth often tell us of the challenges associated with the abrupt transition that takes place when they turn 18 [or “age out”]. At age 18, they are often no longer entitled to the range of specific protections accorded to them as children, such as certain social, economic, and educational rights, official representation/guardians, and other services that they may still require on their way to being able to support themselves.

**Third, achieving protection and solutions requires a joined-up approach.** The recent adoption of the New York Declaration on Refugees and Migrants provides a critical opportunity for us to forge new ways of working together to ensure child protection in situations of displacement.[4] We can build upon current good practices and develop new strategies for addressing gaps in child protection through comprehensive refugee responses in specific situations, as set out in the New York Declaration. We can also secure commitments to implement best practices as part of the envisaged Global Compact on Refugees in 2018. As recognised by States in the New York Declaration, as well as in previous UNHCR Executive Committee Conclusions,[5] finding ways to tackle collectively the challenge of protecting refugee children needs to be based on strong data and sound analysis. Improved data is essential for informing better policy development and more effective and comprehensive responses. Better coordinated approaches require a solid evidence base from which to craft child protection policy and interventions. Good data also helps to promote accountability to children on the move. In this regard, UNHCR, States, and other actors need to improve the quality of data available on children on the move. There is an urgent need for better comparative age and sex-disaggregated data, including on the characteristics, capacities, and needs of children on the move as well as on their success in securing durable solutions.

States need strengthened cross-border coordination and cooperation, including with civil society organisations, international organisations, the private sector, and other stakeholders. This cooperation would focus on providing immediate and longer-term protection and support to refugee and displaced children and addressing the serious risks that arise or are exacerbated during displacement. This requires sustained, multi-year financial commitments to strengthen the capacity of State and non-governmental actors to protect and provide services for children in displacement. As most refugee and displaced children remain within the region from where they originate, particularly girls and younger children, support for child protection efforts in countries within the region need to be prioritised.

This is critical to ensure that services are complementary, aligned, and in line with children’s best interests, especially in the case of large-scale movements where national capacities need additional support. When countries of transit or destination engage in contingency planning, and are supported by sufficient international assistance, they are often better prepared to ensure protection of children arriving as part of a mass influx. A first step towards preparedness would be mapping child protection systems for both national and non-national children in advance to identify and address areas for further action.

The New York Declaration also encourages solutions through resettlement, humanitarian admission, or other pathways to third countries from the outset of an emergency. These can be viable alternatives to taking dangerous journeys at the mercy of smugglers. For the vast majority of children and their families who remain in their first countries of asylum, access to the labour market is key to adult refugees achieving self-reliance and being able to support their families, so that their children do not have to sacrifice school for work. Access to the labour market enables refugees to become productive members of society and to contribute to economies and communities that host them. Also, community-based protection programmes and strengthened national service provision systems that can benefit refugees and host community alike are critical – not only to saving costs, but also to building more cohesive and inclusive societies.

**In conclusion**, it is possible to create a world where we are better prepared to protect children – both in emergencies and in protracted displacement. The New York Declaration provides an important impetus for more comprehensive action in this direction. The achievement of protection and solutions depends in large measure on resolute and sustained international cooperation and support – with children, adolescents, and young people at the centre of our endeavours to secure a better future for all. If we do not act together for refugee, displaced, and stateless children now, we will have failed not only this generation but also the next. It is the duty of us all to ensure that children and youth can live in safety, security, and with a sense of opportunity. True intergenerational justice demands nothing less.

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[1] UNHCR, Beyond Detention. A Global Strategy to support governments to end the detention of asylum-seekers and refugees 2014 – 2019, 2014, p. 5; Report of the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Juan E. Méndez, A/HRC/28/68, 5 March 2015, paras. 16 and 59 – 62.

[2] UNHCR, A Framework for the Protection of Children, 26 June 2012; UNHCR, Action against Sexual and Gender-Based Violence: An Updated Strategy, June 2011; UNHCR, Education Strategy, 2012-2016, 28 February 2012; UNHCR, Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees 2014 – 2019, 2014; Global Action Plan to End Statelessness, 4 November 2014.

[3] See <http://www.unhcr.org/ibelong-campaign-to-end-statelessness.html>; and <http://www.unhcr.org/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html>.

[4] New York Declaration for Refugees and Migrants, UN Doc. A/71/L.1.

[5] UNHCR Executive Committee Conclusion 107 (LVIII) 2007; 113 (LXVII) 2016.