

# A NEW DEAL FOR EVERY FORCIBLY DISPLACED CHILD



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Front cover: Aimee\* 13 was forced to flee Burundi with her family after they started receiving death threats from an armed group following the civil unrest in 2015. They are now in a refugee camp in Rwanda. (photo: Mark Kaye/Save the Children)

\* *Name changed to protect identity*

# Introduction

Nearly 250 million children live in regions affected by conflict.<sup>1</sup> In all parts of the world the number of refugees, internally displaced people and asylum seekers are on the rise as a result of violence and persecution,<sup>2</sup> and the total number is now higher than at any time since the end of the Second World War. More than half of the world's 60 million displaced people are under the age of 18.<sup>3</sup>

Once they have been displaced for six months, a refugee is likely to remain displaced for at least three years, with the average length of displacement now estimated at 17 years – almost an entire childhood.<sup>4</sup> Far too many displaced children face formidable barriers to accessing even the most basic services, including education, protection and healthcare, and in meeting their day-to-day food or shelter needs. Inequalities based on gender, sexual orientation, disability and ethnicity further exacerbate these barriers. Education is critical for all children, but it is especially urgent for the millions of girls and boys forced to flee their homes in humanitarian crises. For the majority of displaced children, their right to education is a largely unfulfilled promise.

In addition, a third of the 10 million stateless people worldwide are children who are unable to claim rights, protection, education, social protection and healthcare.<sup>5</sup> Displacement thus not only creates immediate threats to children's protection and wellbeing, but also often does irreparable damage to their future life chances. The immediate and long-term consequences for these children – and for their communities – can be devastating.

Addressing forced displacement will be a central theme at the World Humanitarian Summit taking place in Istanbul in May 2016 and in subsequent high-level events throughout the year.<sup>6</sup> As the prospectus paper for the World Humanitarian Summit makes clear, “forced displacement is neither a short-term challenge nor primarily a humanitarian one: it is a persistent and complex political and development challenge”.<sup>7</sup> It is also a largely resolvable challenge, and its persistence represents a huge systemic failure. Unless we tackle the issues that forcibly displaced children face in countries of origin, transit and destination, we will not achieve the Sustainable Development Goals (SDGs<sup>8</sup>), much less stay true to the global pledge to “leave no one behind” set out in the 2030 Agenda for Sustainable Development (2030 Agenda).<sup>9</sup> The World Humanitarian Summit must be the moment when the world sets out a concrete plan to end this failure so as to realise the rights of every child who has been forced from his or her home.

## The challenge

The challenge of displacement is larger and more visible than at any time in most of our lives, but it is not new. While the refugee crisis in Europe is grabbing headlines and a place on the agendas of many world leaders, the stories of most of the world's displaced children, such as those in Myanmar, Nigeria, South Sudan, Chad and Yemen, remain untold. Many countries have hosted large populations for years, long before the borders of Europe and North

America were significantly impacted by large flows of refugees. Over half of the world's displacement originates in just five countries.<sup>10</sup> Just four countries host more than half the world's internally displaced people (IDPs)<sup>11</sup> and seven countries host the majority of the world's refugees.<sup>12</sup> Fulfilling the moral and legal obligation of hosting displaced populations is thus very unevenly spread and most of the world's states are doing far too little to share the responsibility for protecting these people. The system as it stands is not responding to these needs either in scale or quality of response. Displacement cuts across all of the humanitarian issues that will be discussed at the World Humanitarian Summit; the Summit, therefore, presents a significant opportunity to address this systemic failure.

Displacement takes many forms. It can be driven by conflict, persecution, disaster, environmental degradation or poverty, or, indeed a combination of these. In this briefing we focus on measures that can be taken on behalf of those children who have been forcibly displaced by conflict, but this is by no means the only reason why children are uprooted. It is also increasingly an urban and dispersed phenomenon, with camps – the traditional site of humanitarian interventions – becoming the exception, rather than the rule.<sup>13</sup> This complicates the challenge of meeting the needs and fulfilling the rights of displaced children, but it also creates opportunities for more innovative approaches than the camp setting as there will be more opportunities for displaced people to contribute and play an active role in the broader community.

Displacement significantly disrupts social and household protection mechanisms and gender norms. This can be a significant risk factor for displaced populations; it can also provide an opportunity to address inequalities in accessing services and rights. Efforts to address gender and other forms of inequality in a holistic way, tackling the root causes, continue to be poorly understood and resourced. Furthermore, affected populations tend to be disempowered and excluded from addressing inequality issues. Without concerted effort to translate policy and political commitments into practice, those most vulnerable will continue to face significant protection concerns and rights violations. Girls are most often the losers, facing double discrimination on the basis of sex and age.

Support for displaced people is overwhelmingly stuck in the 'humanitarian' box, meaning that fulfilling the rights of refugees and other displaced populations such as IDPs are only rarely integrated into national development plans. The inappropriateness of relying on short-term humanitarian financing to support populations in protracted crises has been well documented; reliance on short-term humanitarian aid for these populations undermines their resilience, denies them long-term development opportunities and ultimately increases the likelihood of long-term dependence on humanitarian aid.

Commitments in Istanbul should build on those made at the Supporting Syria and the Region conference held in London in February 2016, making global the commitments that were made in support of Syrian refugees so that all forcibly displaced children, not just those closest to Europe, can be protected, have their wellbeing looked after, and hold hope for their futures.

**In this briefing we present four areas of commitment for forcibly displaced children which Save the Children is calling for at the World Humanitarian Summit and beyond:**

- **Guarantee an education for every displaced child**
- **Ensure protection for all displaced children**
- **Offer long-term solutions to protracted displacement**
- **Uphold existing rules and standards**

Throughout this briefing we indicate how the recommendations in these four areas link with the proposed Core Commitments laid out by the World Humanitarian Summit Secretariat for the High Level Leaders' Roundtable named *Leaving No One Behind: A Commitment to Address Forced Displacement* (hereinafter "Core Commitments").<sup>14</sup> Save the Children will outline its own institutional commitments in a separate document and through the highest level of representation at the Summit.

Business as usual is clearly failing most of the world's displaced children. The World Humanitarian Summit represents a once-in-a-generation opportunity to inspire bold and firm commitments that will offer a vision for a future in which the rights and needs of all humanity, including children who have been forced from their homes, are respected and protected. The recommendations laid out in this briefing for a **new deal for every forcibly displaced child** are aligned with the principles under Core Commitment 1 which call for a new approach to address forced displacement that not only meets immediate humanitarian needs but also reduces vulnerability and improves the resilience and self-reliance of refugees and IDPs. As further referenced in this Core Commitment, this must be done through political, policy, legal and financial steps. The recommendations in this briefing refer to these necessary steps.

# Four areas for commitment at the World Humanitarian Summit

## 1 GUARANTEE AN EDUCATION FOR EVERY DISPLACED CHILD

At the end of 2014 there were 20 million displaced children of school age (aged 5-17), 12 million of whom were out-of-school.<sup>15</sup> Currently there are 11 million refugee and asylum seeker children who will spend the rest of their school years in low- or middle-income countries;<sup>16</sup> these are countries with education systems that already struggle to meet the needs of the most marginalised. Children with disabilities globally are disproportionately represented in the group of out-of-school children, so displaced children with disabilities are exceptionally at risk of missing out on an education. In addition, girls are disproportionately affected, as four of the five countries with the largest gender gaps in education are those facing war or insurgency.<sup>17</sup> Girls living in countries affected by conflict are more than twice as likely to be out of school and 90% more likely to be out of secondary school than girls living in countries not affected by conflict.<sup>18</sup> This is exacerbated by high rates of child marriage among displaced girls.<sup>19</sup> For many refugees education provision can be extremely limited; in Dadaab refugee camp in Kenya, which has existed since 1992, the primary enrolment rate is 42% and the secondary enrolment rate is only 5%.<sup>20</sup> For IDPs, access to education is often severely disrupted; in Syria, for example, the enrolment rate for IDPs is only 17%, compared to 50% for those who have not been displaced.<sup>21</sup> Ensuring children get back to school as soon as possible after displacement is critical and the importance of access to quality education is included under Core Commitment 1. **As part of a new commitment to the education of displaced children Save the Children believes that no child should be out of school for more than a month.**

Where children do have access to education they face serious barriers to continuing their learning; classrooms are overcrowded and under-resourced, the curriculum and language of instruction are often unfamiliar, with teachers who may be inexperienced, under-qualified, and stressed. Furthermore, a lack of gender-sensitive analysis of the needs and barriers facing boys and girls means that issues such as gendered expectations and protection concerns are not systematically addressed. There is an urgent need to ensure that educational provision is inclusive and conflict-sensitive, supports students' psychosocial needs, is relevant to their evolving needs, and leads to genuine learning outcomes recognised through certification.

Countries which host refugee children have a moral and legal obligation to ensure children and young people can access their right to an education while displaced. Children's right to education is guaranteed under the Convention on the Rights of the Child and in the case of refugees specifically under article 22 of the Convention relating to the Status of Refugees.

SDG 4 on ensuring inclusive and equitable quality education applies to all children, including displaced children, as reflected in other legal rules and commitments. These commitments must be recognised and affirmed at the World Humanitarian Summit alongside the broader focus on existing rules and standards for displaced children.

Parents and children in crises identify access to quality education as one of their highest-priority concerns.<sup>22</sup> Education can provide children affected by humanitarian crises with skills and knowledge and can support them in accessing future learning opportunities. Education also has other benefits; when children have safe spaces to learn and play they are less vulnerable to the increased risks they face during displacement, including violence, sexual exploitation and abuse, child marriage, recruitment into armed groups and child labour. Schools can also provide children with the space they need to access psychological support and regain a sense of normality as well as heal from traumatic events. There is compelling evidence that putting education at the centre of humanitarian response can have a catalytic effect on strengthening humanitarian effectiveness, reducing children's vulnerabilities and managing risks to their protection and development during crises as well as ensuring their learning is disrupted as little as possible.

The costs of not providing education are huge. In Syria the loss of human capital through lost education due to the ongoing crisis is estimated at US\$10.7 billion, the equivalent of almost 18% of Syria's GDP in 2010.<sup>23</sup> Quality education also plays a critical role in peacebuilding and conflict resolution.<sup>24</sup>

## **Closing the funding gap for education for children affected by crisis and displacement**

Funding and prioritisation are key reasons why education provision is currently so limited. Overall less than 2% of all humanitarian funding goes to education.<sup>25</sup> As an example, in the Democratic Republic of the Congo only 1.1% of humanitarian funding since 2000 has gone to education, with only 17% of requests for funding met.<sup>26</sup> At the same time development funding does not make up for this shortfall, with national education sector plans rarely including specific provision for the education of refugees.

**The Education in Crisis Platform, to be launched at the 2016 World Humanitarian Summit, will form part of the solution to meeting the funding gap and bridging the divide between humanitarian and development funding.** This new Platform seeks to fulfil the right to quality education for the most vulnerable children in the world by mobilising political will, increasing funding, improving planning and strengthening learning, accountability and capacity. This proposal has the potential to be the game-changer that is needed to tackle the chronic problem of under-resourcing of education in emergencies and protracted crises. This mechanism would help get millions of children into school and learning, including millions of refugees, and would also fast-track reaching the education SDG.

However, there are further reasons why adequate quality education is not available for refugees or other displaced children. Often there is a lack of political will that can obstruct the education of certain groups. Of the 25 UN High Commissioner for Refugees (UNHCR) priority countries only 16 (64%) allow refugees full access to their education systems at primary and secondary level, the rest placing limits on their access.<sup>27</sup> Thailand, which is not a signatory to the Convention relating to the Status of Refugees, permits refugee camps within its borders, however restricts access to quality education by not permitting the construction of permanent school buildings or the expansion of school sites.<sup>28</sup>

At the same time, some countries are simply not able to meet the demands of refugee crises. Lebanon, for example, hosts more than 400,000 Syrian child refugees who should be in school and without international support will not be able to provide adequate education for all of them. When the public system cannot accommodate the needs of refugees and displaced populations, it is vital that donors and member states support the expansion of national provision. But it is also vital that host countries, donors and humanitarian agencies work together to provide alternatives including quality non formal educational provision that is accredited or leads into an accredited system. This is an important step to ensuring that the most marginalised children can continue to learn and have that learning recognised.

Member States, donors and humanitarian and development actors must all work together to ensure that humanitarian crises no longer interrupt children's learning. Providing education to displaced people is often more costly and complicated than in traditional or humanitarian contexts; the infrastructure is weakened and the needs of students are complex; however, the cost of inaction is far greater as we continue to jeopardise children's childhoods and their futures. Getting this right will have a profound impact on the lives of millions of girls and boys as individuals, while also having a transformational impact on crisis-affected countries' progress towards, and achievement of, the SDGs and future stability overall.

## **2 ENSURE PROTECTION FOR ALL FORCIBLY DISPLACED CHILDREN**

At a time when displacement and other mass movement of people are dramatically increasing, the protection of vulnerable children needs to take immediate priority. Girls and boys who are forcibly displaced are at greater risk of abuse, neglect, violence, exploitation, trafficking or military recruitment. They are also at risk of becoming separated from their families or other caregivers and may have witnessed or experienced violent acts. Displaced children experience physical, emotional, and psychological distress that disrupts normal developmental processes, resulting in long-term physical health, mental health, and learning problems that can significantly affect their future ability to have healthy relationships and contribute to a positive role in society. Investing in early care and education can mediate these effects.



Displaced girls and boys should be regarded, first and foremost, as children. An extensive body of international law, standards and agreements obligates states to protect displaced children.<sup>29</sup> However, these norms are frequently flouted or unevenly implemented, and the best interests of children, which should always be paramount, are not always met. In many contexts, lack of coherence in policy and practice is compounded by a lack of coordination among national protection, education and health systems, as well as across borders. Moreover, in order to ensure that children on the move are protected, national child protection systems need to be accessible and responsive to the *specific* needs of boys and girls of different ages and ability regardless of their gender, nationality, their migration or documentation status, or whether or not they are accompanied. Yet, within the context of the global migrant and refugee crisis many countries of transit and destination are prioritising border controls instead of the protection of vulnerable people and are imposing policies that contravene international refugee and human rights laws, increasing restrictions on legal avenues for migration, restricting the right to seek asylum, employing harsh detention and deportation policies and denying access to services.

As an example, only two out ten Association of Southeast Asian Nations member states (Cambodia and the Philippines) have ratified the 1951 Refugee Convention and most countries in Southeast Asia have not yet adopted legal and policy frameworks governing the rights of asylum seekers and refugees, including children. As a consequence, during the Andaman Sea Crisis (May 2015), some of the children who arrived in Malaysia and Thailand after a traumatic journey at sea were labelled illegal migrants and detained in immigration detention centres. Children and young people who end up in these centres may stay there for long periods. In Malaysia, UN agencies and NGOs do not have access to immigration detention centres and in Thailand such access is very restricted. Children who were identified as victims of trafficking, however, were placed in government protection centres, where they were given protection and support.

**At the World Humanitarian Summit, governments, the UN and regional actors should commit to developing new models of transnational coordination and cooperation between countries of origin, transit and destination for the protection of forcibly displaced children and other children on the move.**<sup>30</sup> These mechanisms should ensure that public and private actors work together transnationally to address the situation of children who are moving across countries of origin, transit and destination. Core Commitment 4 calls for adequate, safe, and dignified reception conditions and robust registration that will ensure refugee legal rights to a secure stay in host countries. Normative, institutional and procedural solutions need to be set up to build effective national and transnational coordination frameworks to protect children on the move. For example, Save the Children has facilitated the establishment of a mechanism of cross border cooperation in Southern Africa where cross border working groups have been established between South Africa and Zimbabwe and between South Africa and Mozambique. These working groups bring together key agencies from both sides of the borders, including social services, border authorities, NGOs and international agencies. The groups have facilitated the establishment of Standard Operating Procedures between the two countries on issues affecting unaccompanied children crossing the border, including facilitating family tracing,

assessment and reunification or transfer of custodial arrangements. This system has also allowed a better understanding of the standards, policies and procedures between relevant authorities in these countries, allowing better cooperation and ultimately better protection of the children involved. The importance of family reunification is outlined specifically under Core Commitment 4.

**Commitments made by governments and other stakeholders at the Summit should reaffirm the expectation that search-and-rescue operations with adequate capability and appropriate mandates should be put in place whenever large numbers of asylum seekers are making dangerous journeys across treacherous seas.** A clear norm needs to be established that there are indications that those on board intend to apply for asylum, passengers should have the opportunity to apply for asylum on the territory of the intercepting state or in a place of safety.

**The Summit is also a moment for governments and other humanitarian stakeholders to make specific commitments to protect unaccompanied or separated children on the move.** When such children cross national borders, states have the responsibility to put in place responses to address their general and specific protection needs, according to the best interests of the child. In contexts of increasing and protracted displacement, it is crucial that child protection systems are systematically in place and that such systems are able to respond to these particular needs. Policies and procedures need to be in place to ensure, for example, that an initial assessment be carried out to identify the child as separated or unaccompanied, taking into account gender, age and psychological maturity, and that the registration of the child and the provision of personal identity documentation happen as soon as possible. A legal guardian should be appointed to represent the child's interests and tracing of family members should also start as early as possible.<sup>31</sup> Unaccompanied or separated children should be entitled to special protection and assistance provided by the relevant state. Because these children have no adult who is their official caregiver, the state should ensure they have access to family-based alternative care as well as full access to education, an adequate standard of living and healthcare, and be protected from exploitation, abuse and violence.

Trafficking and smuggling thrive when other routes to safety are closed to people fleeing war, persecution and destitution. The risks are particularly acute for children, many of whom have already suffered violence, abuse and exploitation before they reach their destination, only to be vulnerable to more when they get there. Ensuring that safe and legal routes are in place is a key step to achieving the SDG 10.7 target on "facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies".

**Governments at the Summit must deliver ambitious commitments to increase resettlement and other safe and legal routes such as family reunification, humanitarian visas, student visas, work permits and private sponsorship.** In this context the recent EU-Turkey deal, which is now being implemented, with its implicit rejection of the principle of responsibility-sharing between states, is unacceptable. The deal

actively selects Syrians as the only nationality to be considered for resettlement in Europe and all other individuals are not eligible for resettlement. UNHCR has also expressed concerns over this deal as there are currently limited to no safeguards for individuals and children who are sent back to Turkey.<sup>32</sup>

### 3 OFFER LONG-TERM SOLUTIONS TO PROTRACTED DISPLACEMENT

With the average length of displacement due to war and persecution now close to two decades it is increasingly obviously inappropriate to try to support these populations using humanitarian mechanisms that are intended only to ensure short-term relief. National development plans and humanitarian strategies and appeals too often do not take the other into account, resulting in negative impacts on refugees and IDPs.<sup>33</sup> Short-term funding, focusing on life-saving needs, takes place in protracted situations at the expense of more sustainable approaches that uphold the rights of displaced people and host communities and that invest in increasing their capacity to support themselves. The High-Level Panel on Humanitarian Financing recommends that countries hosting refugees integrate displacement into development plans and, in return, obtain predictable and adequate international support.<sup>34</sup> Further, Core Commitment 1 also recommends this integration into development plans and calls for commitment to work across institutional divides and mandates. **Globally, development funding streams should proactively and explicitly address the needs of displaced populations, including children.** For middle-income countries that host large numbers of refugees, this may require a revision of the rules governing the World Bank's International Development Association financing and other sources of multilateral development funding so that such concessional resources are made available to countries hosting large refugee populations. Governments in high income countries should prioritise sufficient funding to meet the needs and fulfil the rights of children entering their country as asylum seekers or refugees. These costs, however, must be covered by budgets other than overseas development aid, which should be allocated to meeting commitments to advance the Sustainable Development Goals.

As situations of displacement have become increasingly protracted, welcome attention is being paid to the economic consequences of displacement for refugees and IDPs, as well as to the countries through which and to which they flee. Long-term displacement pushes people further into poverty. Families fleeing their homes leave behind assets and economic livelihoods and have little by which to survive. While they may find safety from conflict they often end up in refugee camps or in host communities where they lack access to services and face spiraling costs for basic needs such as food, warmth, safe sanitation and clean water. In many countries, asylum seekers and refugees are also not entitled to work. Even when there is access to free education, the immediate opportunity costs often keep children out of school and in work that is often harmful or exploitive. **Child- and gender-sensitive social protection programmes that can be accessed by both displaced and non-displaced populations can play a powerful role in mitigating these impacts.**

Humanitarian actors are increasingly providing cash transfers in various forms to enable caregivers and children to meet their basic needs in a dignified and flexible way that also supports local markets and services and reduces tensions with the host community. However, **the humanitarian sector needs to further scale up this type of response, ensure its adequacy and consistency in meeting children's needs, promote access to existing national social protection programmes wherever feasible, improve coordination and create linkages to long-term development.**<sup>35</sup> Evidence-based solutions are needed to address issues of inequality which affect the nutritional and educational outcomes for boys and girls within the same families. Both long-term and short-term social protection systems also need to be designed so as to ensure that the undocumented status of many forcibly displaced children, various forms of discrimination or language barriers do not significantly impact their ability to access these mechanisms.

Refugees are also often described as a burden for the countries hosting them. They are perceived as a drain on state budgets, a weight on the economy and an unfair competitor for national workers, bringing down wages. However, research looking at the long-term effects of refugees around the world has proved that this view is in many cases wrong. While a large influx of refugees is likely to have a significant socio-economic impact in the short term, if given the opportunity, refugees, including young people, tend to make substantial contributions to their new country – expanding consumer markets for local goods, bringing in new skills, generating employment and filling labour market niches.<sup>36</sup> Core Commitment 3 reinforces that there must be acknowledgement of the global public good provided by countries and communities which are hosting large numbers of refugees, and calls for commitment to provide host countries and communities increased financial, political, and policy support with refugees and/or IDPs.

In addition to child- and gender-sensitive social protection, **creating or enhancing programmes that provide caregivers and young people access to language and skills training, decent (legal) work and livelihoods and entrepreneurial opportunities will help ensure faster recovery and resilience for the entire population.**<sup>37</sup> Host countries need to ensure that these opportunities are equitably available to host communities and displaced people, and managed in such a way so as to not exacerbate tensions, but **it is essential that the expectation that refugees have a legal right to work in countries of asylum be affirmed at the World Humanitarian Summit.** While the challenges of protracted displacement are many, with a comprehensive development approach, these challenges can become opportunities for inclusive and more dynamic growth for host countries. These principles are referenced under Core Commitment 1 in relation to integration into national social safety nets, education programmes, labour markets, and development plans as well as under Core Commitment 2, specifically on prioritising solutions that will improve the self-reliance and resilience of IDPs and host communities.

As a *quid pro quo* for expecting more of countries hosting refugees in terms of mainstreaming displacement into development plans, integrating displaced populations into

national economies and doing more to ensure displaced children are educated and protected, **donor and other governments need to do more to share the responsibility.** The former High Commissioner for Refugees, Antonio Guterres, called for a “new deal”. Partly this is about funding – i.e. guaranteeing predictable multi-year funding to allow host states to manage situations of protracted displacement. It is also about doing more to recognize the generosity of so many host countries, for example through the ‘generosity tracker’ envisaged by the High-Level Panel on Humanitarian Financing. And it is about countries accepting larger numbers of refugees themselves through resettlement and other routes.

The ‘Jordan compact’ agreed at the Supporting Syria and the Region Conference offers a good example of how such a new deal might look, with international donors offering increased aid and investments, more preferable financing conditions and increased access to international markets in exchange for commitments to ensure that all refugee children have access to education by the end of next year and facilitation of access to livelihoods for Syrian adults, including by granting work permits.

## 4 REFOCUS ON AND UPHOLD EXISTING INTERNATIONAL STANDARDS AND RULES

The World Humanitarian Summit is a significant opportunity to raise attention and agree solutions that will make a difference for all displaced children and their communities. However, a breadth of existing legal instruments and normative frameworks already exist to support and protect displaced children, so first and foremost these should be upheld.

**The World Humanitarian Summit should therefore also see new commitments on ratification, compliance and monitoring of these existing rules and standards.**

At a time when states are responding to an unprecedented flow of migrants and refugees, it is more important than ever to consolidate relevant principles and practices under existing refugee, humanitarian and human rights law, including for asylum, resettlement, and humanitarian admission. Core Commitment 5 links directly with these recommendations, and outlines the importance of strengthening and implementing national, regional, and international laws and policy frameworks that strengthen the protection of refugees and IDPs as well as upholding the principle of *non-refoulement* (a principle of international law which forbids the rendering of a victim of persecution to his or her persecutor).

The Secretary General’s report calls for accession with urgency to the core international humanitarian law and human rights conventions, and to commit to doing so at the World Humanitarian Summit.<sup>38</sup> These include:

- The 1951 Convention relating to Refugees and its 1967 Protocol
- The Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict

- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)
- The Guiding Principles on Internal Displacement
- The 1954 Convention relating to the Status of Stateless Persons
- The 1961 Convention on the Reduction of Statelessness

**The 1951 Refugee Convention**, which has 145 States Parties, and the **1967 Protocol (Relating to the Status of Refugees)**, which has 146 States Parties,<sup>39</sup> set standards that apply to children in the same way as to adults:

- a child who has a "well-founded fear of being persecuted" for one of the stated reasons is a "refugee"
- a child who holds refugee status cannot be forced to return to the country of origin
- no distinction is made between children and adults in social welfare and legal rights.

**The Convention on the Rights of the Child**, to which every country except the United States of America is party, establishes legal obligations for States Parties to ensure the best interests of the child be a "primary consideration" and addresses the rights of all children falling within the jurisdiction of a state, regardless of their nationality or immigration status. It consolidates provisions in other international treaties insofar as they are relevant to children.<sup>40</sup>

Article 22 in the Convention sets standards which are of special importance to children: refugees must receive the "same treatment" as nationals in primary education, and treatment at least as favorable as that given to non-refugee children in secondary education.

**The Kampala Convention** addresses internal displacement caused by armed conflict, natural disasters and large-scale development projects in Africa.<sup>41</sup> This instrument could be applied to other regions and countries in order to better respond to, and protect, internally displaced people.

**The Guiding Principles on Internal Displacement** address the specific needs of internally displaced persons worldwide and identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.<sup>42</sup>

**The 1954 Convention relating to the Status of Stateless Persons** establishes the legal definition of a stateless person as someone who is "not recognised as a national by any state under the operation of its law". The Convention established minimum standards of treatment for stateless people in respect to a number of rights including, but not limited to, the right to education, employment and housing. The Convention also guarantees stateless people a right to identity, travel documents, and administrative assistance.<sup>43</sup>

**The 1961 Convention on the Reduction of Statelessness** establishes an international framework to ensure the right of every person to a nationality and requires that states establish safeguards in their national laws to prevent statelessness at birth and later in life.<sup>44</sup>

**The SDGs of the 2030 Agenda** are directly relevant to our calls – failure to respond to the needs of forcibly displaced children will translate into failure to successfully implement the SDGs and their accompanying targets for everyone. **As each of the SDGs apply to those forcibly displaced, accountability to deliver the commitments set out in the 2030 Agenda should drive progress on all humanitarian issues, including those discussed in this briefing.**

# Recommendations

What follows are a set of recommendations that, if acted on, could be transformative for the world's displaced children. To make these commitments a reality, there must be much greater sharing of responsibility across the globe. The Core Commitments for the High-Level Leaders' Roundtable on this issue call for a new approach to addressing forced displacement and also collective work towards a strengthened international framework for predictable and equitable responsibility sharing in response to large-scale movements of refugees. The following recommendations, taken together, offer a new deal for every forcibly displaced child and would make a significant contribution to the realization of these proposed Core Commitments.

## GUARANTEE AN EDUCATION FOR EVERY DISPLACED CHILD

- Countries with internally displaced populations or that host refugee children must commit to fulfilling their moral and legal obligation to ensure both girls and boys can access their right to an education while displaced by:
  - guaranteeing that no displaced child go without an education for more than a month
  - increasing the capacity of the formal education system to accommodate refugee and displaced children
  - enacting policies that are inclusive and flexible, which facilitate children's enrolment
  - enacting targeted policies that certify non-formal learning opportunities and meet quality standards for out-of-school children, in order to reach the most marginalised
  - identifying and addressing gender gaps and barriers in policies and practices working with displaced communities and host governments to address these concerns.
- Education must be inclusive, especially for refugee and displaced children with disabilities who experience disproportionate exclusion from education. There must also be a focus on girls who are more than twice as likely to be out of school if they live in countries affected by conflict, and may also face considerable barriers to attend school in their displaced contexts as a result of discrimination.
- Linking to commitments under SDG 4, donors must provide increased support for host-country governments to expand educational provision to displaced populations for example by providing flexible multiyear funding.
- Member states should support the establishment of the new Education in Crisis Platform, including by making a commitment to become a founding funder at the World Humanitarian Summit.
- Education quality must be put at the heart of the debate. This should involve promoting inclusive classroom practices, improved teacher training and support, relevant and conflict- and gender-sensitive curricula, and increased psychosocial support for students. Specific initiatives (particularly relating to curriculum and



accreditation) are needed to ensure the education needs of refugee children are met and the educational attainment level they achieve while they are on the move is recognised (both in their place of origin and place of temporary resettlement).

- Humanitarian actors must give greater prioritisation and funding to education provision to ensure that children's learning is not interrupted by displacement.

## **ENSURE PROTECTION FOR ALL FORCIBLY DISPLACED CHILDREN**

- States and national and international agencies must commit to establishing regional models for national and cross-border coordination and cooperation in a way that provides immediate and long-term protection, care and support for children involved in mixed migration flows (that is, flows of people who are on the move for different reasons but who share the same routes and modes of travel) and that ensures their timely access to essential services including protection, shelter, health and education at places of origin, transit and destination.
- States should commit to offering more flexible family reunification policies as part of a strategy to address the broader issues of smuggling and trafficking of people.
- States should commit to establishing and strengthening emergency and long-term reception and support systems that respect human rights and human dignity, including appropriate measures for unaccompanied or separated children, and all stakeholders should commit to work together for their protection and care, mandating adequate coordination on family tracing and reintegration in particular. In all stages of preparedness, emergency and post-emergency response, national and local actors should build on existing child protection systems and address the different needs, barriers, and protection risks children face based on their gender, disability, and sexual orientation.
- Search and Rescue operations need to be put in place and capability and mandates should respond to the need. When there are indications that those on board intend to apply for asylum, passengers should have the opportunity to apply on the territory of the intercepting state or in a place of safety.

## **OFFER LONG-TERM SOLUTIONS TO PROTRACTED DISPLACEMENT**

- New funding mechanisms should be developed so that resources are made available to countries hosting large refugee populations, including middle-income countries. This may require a revision of the rules governing sources of multilateral development funding so that new multilateral sources of financing are developed, ensuring that this does not result in a direct reallocation of funds from low-income countries to middle-income countries.

- Donors at the WHS should send a clear signal that development funding streams should proactively and explicitly address the needs of displaced populations, including children.
- The under-counted contributions of refugee-hosting countries to humanitarian finance globally should be formally recognized (for example through an international 'generosity tracker') that is supported by all stakeholders at the World Humanitarian Summit.
- Donors, including international financial institutions and the private sector, should fund training and livelihood programmes that create the enabling environments for legal work and entrepreneurship, including youth-oriented skills development.
- Refugee-hosting countries must enable refugees to enter their labour markets so that they can be net contributors, not a drain on resources.
- States and supporting partners should address the long-term needs and vulnerabilities of forcibly displaced children and those in situations of protracted displacement. For this to be effective, the voices of displaced children and their caregivers must be taken into account. Impact monitoring and feedback mechanisms should be introduced with the aim of maximising positive impacts on children while minimising any adverse impacts and of analysing the impacts of social protection on girls and boys of different ages and ability.
- Cash-based humanitarian responses should be coordinated, monitored and child- and gender-sensitive. Cash transfers should either go to young people directly when without care or to adults caring for children. Measures should be taken so that children are not harmed or exploited during this process and cash transfers do not exacerbate inequality within the household or affected populations, including through monitoring of the impacts of these cash-based responses and by taking child safeguarding protocols into account.
- Children and caregivers must be given the required documentation to comply with social protection eligibility and access requirements; and information about benefits and mechanisms should be made available and services provided in their mother tongue.
- Wealthy states should make stronger commitments to honour the principle of responsibility-sharing by offering increased, longer-term and more flexible funding in support of the main refugee-hosting countries and by increasing global refugee resettlement and the provision of other safe and legal routes.

## **REFOCUS ON AND UPHOLD EXISTING INTERNATIONAL STANDARDS AND RULES**

- Echoing the Secretary General's call for all states to accede to the core international humanitarian law and human rights conventions, states attending the World Humanitarian Summit should commit to full compliance with existing commitments under the major conventions relating to the protection of displaced children and to

ensure national frameworks are brought into line with these standards. Universal adoption and adherence to the following standards must be prioritised:

- The 1951 Convention relating to Refugees and its 1967 Protocol
  - The Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict
  - The Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa (either through broader treaty membership or development of national policies in line with the Convention's obligations)
  - The Guiding Principles on internal displacement
  - The 1954 Convention relating to the Status of Stateless Persons
  - The 1961 Convention on the Reduction of Statelessness.
- States and agencies should commit to ensuring that the accountability structures being developed to oversee implementation and monitoring of the SDG agenda explicitly address their application among displaced populations, including refugees.

## Endnotes

<sup>1</sup> UNICEF. (January 2016). *Humanitarian Action for Children 2016, Overview*

[http://www.unicef.org/publications/files/HAC\\_2016\\_Overview\\_ENG.pdf](http://www.unicef.org/publications/files/HAC_2016_Overview_ENG.pdf) accessed 26 March 2016

<sup>2</sup> UNHCR. (18 June 2015). *Worldwide displacement hits all-time high as war and persecution increase* <http://www.unhcr.org/558193896.html> accessed 25 March 2016

<sup>3</sup> United Nations Secretary General. (October 2015). *Restoring Humanity: Global Voices calling for Action. Synthesis of the Consultation Process for the World Humanitarian Summit* (Executive Summary),

[https://interagencystandingcommittee.org/system/files/whs\\_synthesis\\_report\\_executive\\_summary\\_final.pdf](https://interagencystandingcommittee.org/system/files/whs_synthesis_report_executive_summary_final.pdf) accessed 26 March 2016, p 1

<sup>4</sup> United Nations Secretary General. (2 February 2016). *One humanity: shared responsibility*. Report of the Secretary-General for the World Humanitarian Summit, <http://sgreport.worldhumanitariansummit.org/> accessed 26 March 2016, p 20, sec 73

<sup>5</sup> Ibid, p 22, sec 76

<sup>6</sup> Including the High-Level meeting of the General Assembly on large-scale refugee and migratory movements on 19 September 2016 and the US-hosted Summit on refugees on 20 September 2016

<sup>7</sup> World Humanitarian Summit Secretariat. (March 2016). *Leaving no one Behind: A Commitment to Address Forced Displacement*.

<https://www.worldhumanitariansummit.org/bitcache/3b90d8b3131ad70ba8f08df7b0f3aa4ba7276ab1?vid=571407&disposition=inline&op=viw> accessed 26 March 2016

<sup>8</sup> See <http://www.un.org/sustainabledevelopment/sustainable-development-goals/> accessed 31 March 2016

<sup>9</sup> UN. (2015). *Transforming our World: The 2030 Agenda for Sustainable Development*

<sup>10</sup> Crawford, N., Cosgrave, J., Haysom, S., and Walicki, N. (September 2015). *Protracted displacement: uncertain paths to self-reliance in exile*.

Humanitarian Policy Group <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9851.pdf> accessed 26 March 2016,

p 1. The five countries, as referenced in Figure 3 (page 10) are Syria (19.4%), Colombia (10.8%), Israel (8.7%), Sudan (6.4%) and Iraq (6.3%).

<sup>11</sup> Ibid. The four countries are Syria, Colombia, Iraq, and Sudan.

<sup>12</sup> Ibid. The seven countries are Syria, Iran, Pakistan, Lebanon, Turkey, Palestine, and Jordan.

<sup>13</sup> Crawford, N., Cosgrave, J., Haysom, S., and Walicki, N. (September 2015). *Protracted displacement: uncertain paths to self-reliance in exile*.

Humanitarian Policy Group <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9851.pdf> accessed 26 March 2016,

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<sup>14</sup> World Humanitarian Summit Secretariat. (March 2016). *Leaving no one Behind: A Commitment to Address Forced Displacement*.

<https://www.worldhumanitariansummit.org/bitcache/abbed52b72a39e8470a8e0e95fc4f3d4875305b9?vid=575817&disposition=inline&op=viw> accessed 11 April 2016

- <sup>15</sup> Author's calculations based on UNHCR's *Statistical Yearbook 2014*
- <sup>16</sup> 86% of refugees/asylum seekers are in low- or middle-income countries, 51% of displaced people are under 18. UNCHR. (2015). *UNHCR Mid-Year Trends 2015*. <http://www.unhcr.org/56701b969.html> accessed March 2016.
- <sup>17</sup> Nicolai, S., Hine, S., and Wales, J. (2015). *Education in Emergencies and Protracted Crises: Toward a strengthened response* Overseas Development Institute, p 9 <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9714.pdf> accessed 11 April 2016
- <sup>18</sup> The Malala Fund, referenced on this page <https://www.malala.org/12years> accessed 11 April 2016
- <sup>19</sup> For example, in 2013, the percentage of the total registered Syrian marriages which involved a girl rose to as high as 25% (and to just under 32% in the first quarter of 2014). <http://insights.careinternational.org.uk/development-blog/humanitarian-emergencies/it-s-time-to-focus-on-child-marriage-in-emergencies>
- <sup>20</sup> MacKinnon, H. (2014). *Education in Emergencies: The Case of the Dadaab Refugee Camps*. The Centre for International Governance Innovation
- <sup>21</sup> Save the Children. (2015). *Education Under Attack in Syria* [https://www.savethechildren.nl/Uploaded\\_files/Publicaties/educationunderattacksept2015\\_e79f64.pdf](https://www.savethechildren.nl/Uploaded_files/Publicaties/educationunderattacksept2015_e79f64.pdf) accessed 31 March 2016
- <sup>22</sup> Save the Children. (2015). *What do children want in times of emergency and crisis? They want an education* Check – you put 2014 but the document says 2015 – is this the same one? [http://www.savethechildren.org.uk/sites/default/files/images/What\\_Do\\_Children\\_Want1.pdf](http://www.savethechildren.org.uk/sites/default/files/images/What_Do_Children_Want1.pdf)
- <sup>23</sup> UNICEF. (2016). *Economic Loss from School Dropout due to the Syria Crisis: A Cost-Benefit Analysis of the Impact of the Syria Crisis on the Education Sector*
- <sup>24</sup> Bush, K. D., and Saltarelli, D. (2000). *The Two Faces of Education in Ethnic Conflict: Towards a Peacebuilding Education for Children* UNICEF Innocenti Research Centre
- <sup>25</sup> UNESCO. (2015). *Humanitarian Aid for Education: Why It Matters and Why More is Needed*. Education for All Global Monitoring Report: Policy Paper 21
- <sup>26</sup> Nicolai, S. and Hine, S. (2015). *Investment for education in emergencies: A review of evidence*. Overseas Development Institute
- <sup>27</sup> Nicolai, S. and Hine, S. (2015). *Investment for education in emergencies: A review of evidence*. Overseas Development Institute
- <sup>28</sup> Oh, S.-A. (2010). *Education in refugee camps in Thailand: policy, practice and paucity*. UNESCO Education for All Global Monitoring Report
- <sup>29</sup> See previous section on existing rules and standards
- <sup>30</sup> Save the Children defines children on the move as: "Those 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 inadequate care, economic or sexual exploitation, abuse, neglect and violence."
- <sup>31</sup> Committee on the Rights of the Child. (2005). *General Comment No 6: Treatment of unaccompanied and separated children outside their countries of origin* <http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf> accessed 26 March 2016
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- <sup>33</sup> Office for the Coordination of Humanitarian Affairs, United Nations Development Programme, UNHCR, UNICEF, WFP, and the World Bank. (December 2015). *Addressing Protracted Displacement: A Framework for Development-Humanitarian Cooperation*. Center on International Cooperation [http://cic.nyu.edu/sites/default/files/addressing\\_protracted\\_displacement\\_a\\_think\\_piece\\_dec\\_2015.pdf](http://cic.nyu.edu/sites/default/files/addressing_protracted_displacement_a_think_piece_dec_2015.pdf) pg 3
- <sup>34</sup> High-Level Panel on Humanitarian Financing Report to the Secretary General. (January 2016). *Too important to fail – addressing the humanitarian financing gap* <http://reliefweb.int/sites/reliefweb.int/files/resources/%5BHLF%20Report%5D%20to%20important%20to%20fail%20E2%80%94addressing%20the%20humanitarian%20financing%20gap.pdf> accessed 26 March 2016, Executive summary p V
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- <sup>38</sup> United Nations Secretary General. (2 February 2016). *One humanity: shared responsibility*. Report of the Secretary-General for the World Humanitarian Summit <http://sgreport.worldhumanitarianissummit.org/> accessed 26 March 2016, p 18/19, sec 69
- <sup>39</sup> Note: Total number of States Parties to the 1951 Convention: 145. Total number of States Parties to the 1967 Protocol: 146. States Parties to both the Convention and Protocol: 142. States Parties to one or both of these instruments: 148 <http://www.unhcr.org/3b73b0d63.html>
- <sup>40</sup> United Nations. (1989). *The United Nations Convention on the Rights of the Child* [http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC\\_PRESS200910web.pdf](http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf) accessed 26 March 2016
- <sup>41</sup> The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) <http://www.unhcr.org/4ae9bede9.html>
- <sup>42</sup> Language taken from International Committee of the Red Cross here <https://www.icrc.org/eng/resources/documents/misc/57jvgl.htm> accessed 4 April 2016
- <sup>43</sup> Language taken from UNHCR here <http://www.unhcr.org/pages/4a2535c3d.html> accessed 4 April 2016
- <sup>44</sup> Ibid